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**To:** [COMP STATE AID GREEFE](#)  
**Subject:** HT.5261\_Reply\_from\_an\_organisation  
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Dear Madame/Sir

I am writing to you on behalf of the Joint Secretariat for Interreg V-A Romania-Hungary Programme, in order to bring to your attention a particular aspect encountered in the context of our cross-border cooperation program.

At Programme level, following consultation with relevant structures in both Member States, (i.e. Romania and Hungary), the Managing Authority, namely the Romanian Ministry of Regional Development and Public Administration, elaborated and adopted a de minimis aid scheme (approved through Minister Order no. 6509/17/10/2017) and a transparent scheme, under Reg 651/2014, relevant art. 53 and 56, (approved through Minister Order no 6510/17.10.2017 - notified under the no. SA.49598/2017).

Based on the 2 schemes, the MA awards de minimis/state aid to beneficiaries implementing activities both in Romania **and in Hungary** (for Hungarian beneficiaries, only the ERDF related) contribution.

When trying to regulate the recovery of aid awarded to beneficiaries established in Hungary and implementing the supported activities on the Hungarian territory, the problem of recovering an aid based on a recovery decision issued by the EU COM arisen, as the Decision would be against the aid provider, i.e. the Managing Authority which is located in Romania, while the aid beneficiary could be established in Hungary. In such a case, the recovery order issued by MA can not be enforced (due to the principle of territoriality of normative acts) on the other MS territory.

**In the revised version of the** Commission notice on effective implementation of Commission decisions ordering Member States to recover unlawful and incompatible State aid, point 113, it is stipulated that the 2 MS may regulate, through an agreement (and the ROHU programme has such a document entitled Memorandum of Implementation) the authority entitled to issue the recovery order, as well as the competent court for possible litigation.

In order to avoid unnecessary complications, we consider that the authority responsible for issuing a recovery order based on a COM recovery decision, should be the MS on whose territory the aid beneficiary is located, even if the aid grantor is located in another MS.

Thank you for your support!

Cristina Vesa