

**ORDINANCE
OF THE MINISTER OF ECONOMY¹⁾**

of 8 May 2009

**on granting financial aid for investments of high importance to the economy under Operational
Programme Innovative Economy 2007-2013**

(Dz. U. of 20 May 2009)

Pursuant to Article 21 (3) of the Act of 6 December 2006 on the principles of the development policy making (Dz.U. No 227, item 1658, of 2007 No 140, item 984, of 2008 No 216, item 1370 and of 2009 No 19, item 100) it is hereby ordained:

Article 1. The Ordinance specifies the detailed purpose, conditions and mode of granting public aid under Operational Programme Innovative Economy, 2007-2013 for the support of investments of high importance to the economy (Measure 4.5), including:

- 1) support for investments in the production sector (Sub-measure 4.5.1),
 - 2) support for investments in the modern services sector (Sub-measure 4.5.2)
- hereinafter referred to as "aid".

Article 2. 1. Aid referred to in Article 1 may be granted for:

- 1) investment;
- 2) specific training;
- 3) consultancy services provided by outside consultants;
- 4) covering the amount of the end-use security for the grant funding agreement and covering costs in relation to opening and operating a separate bank account or sub-account on the bank account intended to handle the project or advance payments, including payments for financial transactions.

2. Aid referred to in paragraph 1 (2) and (3) may be granted only to an entrepreneur investing in a research and development centre, referred to in Article 8 (2) (2) (c), and cannot exceed PLN 1 million in relation to training aid and PLN 600,000 in relation to aid for consultancy.

Article 3. Wherever it is referred to:

- 1) micro, small or medium-sized entrepreneur – it shall mean micro, small or medium-sized entrepreneur respectively within the meaning of Annex I of the Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block exemption Regulation) (OJ L 214 of 9.8.2008, p. 3), hereinafter referred to as "Commission Regulation (EC) No 800/2008";
- 2) investment – it shall mean an investment in capital or intangible assets related to setting-up of a new enterprise, extension of an existing enterprise, diversification of the output of an enterprise into new additional products or a fundamental change in the production process of an existing enterprise; it does not mean the sole acquisition of the shares of an undertaking;
- 3) large investment project – it shall mean an investment undertaken within three years by one or more entrepreneurs, with capital assets combined in an economically indivisible way and the eligible costs exceeding the amount of EUR 50 million;
- 4) creating new jobs – it shall mean net increase in the number of workers in the enterprise in direct relation to the investment compared to the average employment rate over 12 months preceding the day of submitting the application for the aid; number of workers means workers employed full time in one year and part-time and seasonal workers FTE; the number of new jobs does not include workers transferred due to enterprises' fusion, sale, division or transformation;
- 5) start of the investment process – it shall mean the day of start of construction work or the date of the

first obligation to order goods and services related to the investment, with the exemption of operations under the preparatory measures, in particular feasibility studies, consultancy services related to preparing the investment including preparatory analyses (technical, financial and economic), and preparing documentation in relation to the contractor's choice;

- 6) specific training – it shall mean trainings based on knowledge directly and principally applicable to the employee's present and future position in the company and providing qualifications which are not or only to a limited extent transferable to other companies or fields of work;
- 7) aid intensity – it means the ratio between the aid value in gross subsidies equivalent and eligible costs;
- 8) consultancy services provided by outside consultants – it shall mean non-recurrent counselling services that are not related to the entrepreneur's operating costs such as tax advisory, legal services or advertising;
- 9) agricultural product – it shall mean agricultural product referred to in Article 2 (22) of the Commission Regulation (EC) No 800/2008;
- 10) processing of agricultural product – it shall mean processing referred to in Article 2 (23) of the Commission Regulation (EC) No 800/2008;
- 11) marketing of agricultural products – it shall mean marketing referred to in Article 2 (24) of the Commission Regulation (EC) No 800/2008;
- 12) day of granting aid – it shall mean the day of concluding the grant funding agreement;
- 13) entity providing the aid – it shall mean the implementing authority as regards to Measure 4.5 of the Operational Programme Innovative Economy, 2007-2013.

Article 4. 1. The amounts expressed in euro defined in the Ordinance shall be converted into the Polish currency in accordance with the National Bank of Poland average exchange rate as of the day of granting aid.

2. The eligible costs incurred in foreign currency shall be converted into the Polish currency in accordance with the principles defined in the Act of 29 September 1994 on accounting (Dz. U. of 2009 No 152, item 1223, No 157, item 1241 and No 165, item 1316).

Article 5. 1. Aid shall be granted in form of non-repayable financial support to cover the part of eligible costs.

2. An entrepreneur shall submit the application for the aid to the entity providing the aid.

3. The following documentation is annexed to the application:

- 1) information about the granted public aid or information about not receiving aid in relation to the same eligible costs;
- 2) *de minimis* aid certificates in relation to the same eligible costs;
- 3) the entrepreneur's statement of not being in a difficult financial situation referred to in Article 6 (2) (1) or (2);
- 4) in the case of entrepreneur other than micro, small or medium-sized entrepreneur applying for the aid for consultancy services provided by outside consultants – all *de minimis* aid certificates in relation to the aid granted over the last 3 calendar years or a statement on the amount of *de minimis* aid received in this period.

4. In the application for the aid an entrepreneur other than micro, small or medium-sized entrepreneur must demonstrate that at least one of the following requirements is met:

- 1) significant increase in the size of the project due to the aid;
- 2) significant increase in the scope of the project due to the aid;
- 3) significant increase in the total amount spent by the entrepreneur on the project due to the aid;
- 4) increase in the speed of completion of the project due to the aid;
- 5) if the aid had not been granted the project would not have been carried out in the area.

5. In the case referred to in paragraph 4, prior to granting aid, the entity providing the aid shall verify, on the basis of the reasons for the application for grant funding, whether at least one of the abovementioned requirements was met.

6. Aid may be granted to the entrepreneur who, no later than on 31 December 2013, concludes the grant funding agreement with the entity providing the aid.

7. Application of the conditions for granting aid defined in the Ordinance shall exempt from

notification to the European Commission of the aid project, subject to Article 7, Article 14 (7) and Article 15 (7).

8. While granting State aid to an entrepreneur, the entity providing the aid shall inform the entrepreneur about each aid scheme reference number issued by the European Commission.

Article 6. 1. The provisions of the Ordinance shall not apply to the aid:

- 1) in the fisheries and aquaculture sectors covered by the Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products (OJ EU L 17 of 21.01.2000, p. 22, as amended; OJ EU Polish special edition, Chapter 4, Volume 4, p. 198, as amended);
- 2) related to primary production of agricultural products;
- 3) related to processing and marketing of agricultural products in the following cases:
 - a) when the amount of the aid is determined on the basis of the price or quantity of such products purchased from producers of raw materials or marketed by aided undertakings, or
 - b) when granting the aid depends on passing it in part or entirely to primary producers;
- 4) in the coal sector within the meaning of the Council Regulation (EC) No 1407/2002 of 23 July 2002 on State Aid to the Coal Industry (OJ EU L 205 of 02.08.2002, p. 1, as amended; OJ EU Polish special edition, Chapter 8, Volume 2, p. 170, as amended);
- 5) in the steel sector;
- 6) in the shipbuilding sector;
- 7) in the synthetic fibres sector;
- 8) contingent upon the use of domestic over imported goods;.
- 9) to export-related activities, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current costs linked to the export;

2. Aid may not be:

- 1) granted to a micro, small or medium-sized entrepreneur considered to be in difficulty within the meaning of Article 1 (7) of the Commission Regulation (EC) No 800/2008;
- 2) granted to an entrepreneur other than a micro, small or medium-sized entrepreneur that fulfils the conditions of an enterprise in difficulty or receives rescue aid or is in the period of restructuring supported by State aid within the meaning of the Community guidelines on State aid for rescuing and restructuring firms in difficulty²⁾;
- 3) granted or paid to an entrepreneur subject to an outstanding recovery order following a Commission decision declaring the aid illegal and incompatible with the common market within the meaning of Article 87 of the Treaty establishing the European Community.

Article 7. Aid for large investment projects shall be notified to the European Commission if the total amount of the proposed aid from all sources exceeds:

- 1) EUR 22.5 million – if the investment is implemented in a voivodeship of maximum aid intensity of 30%;
- 2) EUR 30 million – if the investment is implemented in a voivodeship of maximum aid intensity of 40%;
- 3) EUR 37.5 million – if the investment is implemented in a voivodeship of maximum aid intensity of 50%.

Article 8. 1. Aid may be granted to the entrepreneurs who implement investments of high importance to the economy.

2. Investments of high importance to the economy are as follows:

- 1) under the Sub-measure 4.5.1 – innovative investments in the production sector that fulfil the following conditions:
 - a) the eligible costs referred to in Article 10 (1) (1) exceed PLN 160 million,
 - b) number of new jobs created in relation to implementing the investment is not smaller than 150,
 - c) the technological solution purchased or implemented under the new investment has been applied worldwide for no longer than 3 years, or the value of worldwide sales of the products or services manufactured on the basis of this technology does not exceed 15% of the value of worldwide sales in the branch represented by these products or services, which is specified according to the three-digit codes included in the provisions concerning the classification of activity.
- 2) under the Sub-measure 4.5.2 - investments in the sector of modern services, such as:

- a) shared services centre – internal or external company unit to take over certain part of the entities' tasks or processes related to finances, accounting, human resources, administration, logistics, banking back-office and insurance, market research and information and communication technology support in order to contribute to cost optimisation (reduction) and improvement of the quality of certain services provided by these entities,
- b) IT centre – responsible for software development, application testing and management, database management, network design and implementation, product optimisation and support of innovative activities;
- implementation of which will contribute to creating not less than 100 new jobs,
- c) research and development centre – an organisational unit or an organisationally separated unit establishing or developing activity aimed mainly at conducting scientific research and development activities in separated and suitable rooms on technical infrastructure and with qualified workers if, due to the investment, there are at least 10 new jobs created for workers involved in the research and development (R&D), and the eligible investment costs, referred to in Article 10 (1) (1), exceed PLN 2 million.

3. Jobs created due to the investment shall mean jobs that are the direct result of the investment implementation, that are related to the investment activity and were created during its implementation or within three years from the day of its completion, including jobs created due to increase in the rate of utilisation of capacity created by the investment.

Article 9. 1. Aid for investment shall be granted in accordance with the Commission Regulation (EC) No 800/2008, in particular with Chapter I Section 1 Article 13, subject to Article 11.

2. Aid may be granted if the application for the aid had been submitted before the start of the investment process.

Article 10. 1. Aid for investments may be calculated on the basis of:

- 1) costs of investment in capital assets and intangible assets related to the life of the investment, or
- 2) costs of creating jobs.

2. Costs incurred after the day of submitting the application for the aid until the day specified in the grant funding agreement shall be considered eligible. The eligible investment costs, referred to in paragraph 1 (1), are:

- 1) property rights cost or the cost of perpetual usufruct of land up to 10% of the total amount of eligible investment costs, as long as:
 - a) the land is necessary for the project implementation,
 - b) an entrepreneur presents the property expert's opinion confirming the price of purchase does not exceed the market value of land as of the day of purchase,
 - c) in the period of 7 years preceding the date of land purchase, it has not been co-financed either by Community or national State aid or *de minimis* aid measures;
- 2) property rights cost or the cost of perpetual usufruct of developed property, as long as:
 - a) the property is necessary for the project implementation,
 - b) entrepreneur presents the property expert's opinion confirming the price of purchase does not exceed the market value of property as of the day of purchase,
 - c) entrepreneur presents the construction expert's opinion confirming the possibility to use the property for a given purpose concordant with the purposes of the aided project, or specifying the scope of necessary modifications and facilitations,
 - d) in the period of 7 years preceding the date of land purchase, it has not been co-financed either by Community or national State aid or *de minimis* aid measures,
 - e) the property shall be used solely in accordance with the purposes of the aided project;
- 3) cost of leasing the property closely related to the investment;
- 4) cost of purchase or production of capital assets, including:
 - a) structures and buildings provided that their purchase is directly linked to the objectives of the aided investment project,
 - b) machinery and devices,
 - c) tools, instruments and equipment,
 - d) technical equipment and infrastructure for office works,
 - e) technical infrastructure related to investment; construction of technical infrastructure installations

shall mean arrangement or renovation, development or reconstruction of a road, and installation of underground, ground and above-ground water supply, sewage, heating, electrical, gas and telecommunication lines and appliances;

- 5) cost of purchase and installation of intangible assets related to such forms of technology transfer as patents, licences, know-how or unpatented technical knowledge, if they fulfil the following conditions:
 - a) they shall be used only in relation to the undertaking's activity that the aid was granted for,
 - b) they shall be subject to depreciation pursuant to the provisions of the Act of 29 September 1994 on accounting (Dz. U. of 2002 No 76, item 694, as amended³⁾),
 - c) they shall be purchased from third parties under market conditions, without the buyer being in a position to exercise control, within the meaning of Article 3 of the Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ EU L 24 of 29.01.2004, p.1, OJ EU Polish special edition, Chapter 8, Volume 3, p. 40) on the seller, vice versa,
 - d) they shall be included in the assets of the undertaking, in relation to its aided activity, for at least five years, and in the case of SMEs, at least three years, from the day of completion of the investment project;
- 6) cost of capital assets' installation and activation;
- 7) cost of building materials or construction works provided that they are directly linked to the objectives of the aided investment project.

3. In the case of entrepreneurs other than micro, small or medium-sized entrepreneurs, the costs specified in paragraph 2 (5) shall be taken into consideration in the amount not exceeding 50% of total eligible investment costs.

4. Cost incurred in relation to the purchase of capital assets under lease, other than real property, shall be taken into consideration only if the lease takes the form of financial leasing and contains an obligation to purchase the capital assets at the expiry of the term of the lease. For the lease of real property, the lease must continue for at least five years after the anticipated date of the completion of the investment project or three years in the case of micro, small or medium entrepreneurs.

5. As far as entrepreneurs conducting their economic activity in the transport sector are concerned, costs of purchasing transport means and equipment shall not be considered eligible.

6. Capital assets considered eligible costs and purchased by an entrepreneur other than micro, small or medium-sized entrepreneur must be new.

7. In the case of purchasing used capital assets, the following conditions should be fulfilled:

- 1) the cost of used capital assets shall not exceed their market value as of the day of purchase and shall be lower than the cost of similar new capital assets;
- 2) seller shall make a declaration determining the vendor of capital assets, place and date of the purchase;
- 3) in the period of 7 years preceding the date of capital asset purchase, it has not been co-financed by either Community or national State aid or *de minimis* aid measures.

8. The purchase price and cost of capital assets production as well as the value of intangible assets are established in accordance with the provisions of the Act of 29 September 1994 on accounting.

9. Costs referred to in paragraph 1 (1) shall be calculated net of VAT unless, according to separate regulations, entrepreneur is not entitled to its return or deduction.

10. The eligible costs referred to in paragraph 1 (2) are the two-year labour costs for the newly employed workers, including their gross wage costs, plus compulsory premiums, incurred by the entrepreneur since the day of employing these workers.

Article 11. 1. Maximum aid intensity for investment may not exceed:

- 1) in Sub-measure 4.5.1 – 30%;
- 2) in Sub-measure 4.5.2:
 - a) in the case of investments referred to in Article 8 (2) (2) (a) and (b) - 30 %,
 - b) in the case of investments referred to in Article 8 (2) (2) (c) – in accordance with Article 3 and 5 of the Ordinance of the Council of Ministers of 13 October 2006 on the establishment of the map of regional aid (Dz. U. No 190, item 1402),
 - c) in the case of projects covering two types of investment at the same time, referred to in Article 8 (2) (2) - 30 %.
2. Maximum value of aid granted to an entrepreneur for the implementation of a large investment

project is calculated in accordance with a formula defined in Article 4 (1) of the Ordinance of the Council of Ministers of 13 October 2006 on the establishment of the map of regional aid.

Article 12. 1. Aid for investment may be granted with support for creating new jobs financed from sources other than Measure 4.5 provided that the total amount of this aid and support does not exceed the maximum amount of aid specified in Article 3 and 5 or Article 4 of the Ordinance of the Council of Ministers of 13 October 2006 on the establishment of the map of regional aid, while the acceptable amount of aid is defined as a product of maximum aid intensity and the higher amount of eligible costs: investment costs or two-years labour costs for the newly employed workers.

2. Aid for investment, granted under the Ordinance, is summed with other aid (including *de minimis* aid) granted to an entrepreneur in relation to the same eligible costs and with aid for creating new jobs related to the investment, regardless of its form and source of financing (including EU funds), and may not exceed the maximum amount specified in Article 3 and 5 or Article 4 of the Ordinance of the Council of Ministers of 13 October 2006 on the establishment of the map of regional aid.

Article 13. 1. Aid for investment is granted if the entrepreneur undertakes to:

- 1) cover at least 25% of the eligible costs using own resources and external financing,
- 2) maintain the investment for at least five years (in the case of micro, small or medium-sized entrepreneurs for at least three years) after the day of its completion in the voivodeship it was implemented in (if the investment is implemented in the area of the capital city of Warsaw – the investment shall be maintained in this city);
- 3) maintain each new job for at least five years, and in the case of micro, small or medium-sized entrepreneurs for at least three years after the day of its creation.

2. Own resources and external financing shall mean funds that were not acquired by an entrepreneur under public support, particularly in form of soft loans, aid for interest payments on soft loans or guarantees on terms more favourable than those on the market.

3. The condition specified in paragraph 1 (2) shall not prevent the replacement of plant or equipment which has become out-dated within the period referred to in that point due to rapid technological change, provided the economic activity is retained in this voivodeship for the minimum period.

4. To a reasoned request, the entity providing the aid may give the approval for the transfer of investment to a different poviats in the area of the same voivodeship.

5. Transferring the investment to a poviats of the same or higher maximum aid intensity does not increase the aid intensity.

6. Transferring the investment to a poviats of lower maximum aid intensity would be possible only if the project received the appropriate number of points to be covered by aid in the poviats the investment is transferred to.

7. In the case of transferring the investment to a poviats of lower maximum aid intensity, the entrepreneur shall return to the entity providing the aid the aid amount established pursuant to the following formula:

$$I = [(X-Y) \times Z] \times (P : Q)$$

where:

- I - stands for aid amount that is returned by an entrepreneur to the entity providing the aid,
- X - stands for the received nominal aid amount,
- Y - stands for the nominal aid amount the entrepreneur would receive for the investment implementation in a poviats the investment is transferred to, calculated in accordance with intensities specified in Article 11,
- Z - stands for the discount rate specified by the European Commission and published in the Official Journal of the European Union, in effect at the day of issuing the approval for transferring the investment,
- P - stands for the period, expressed in years, of the investment not being maintained in a poviats of higher maximum aid intensity,
- Q - stands for the applicable period of maintaining the investment in a poviats of higher maximum aid intensity.

8. Transferring the investment to a poviats of lower maximum aid intensity under the conditions

specified in the Ordinance is possible only in the period of maintaining the investment.

Article 14. 1. Aid for specific training shall be granted in accordance with the Commission Regulation (EC) No 800/2008, in particular with Chapter I Section 8 Articles 38-39.

2. The eligible costs referred to in paragraph 1 include costs incurred after the day of submitting the application for the aid until the day specified in the grant funding agreement:

- 1) employment costs for trainers;
- 2) travel expenses for trainers and trainees;
- 3) accommodation costs for trainers and trainees;
- 4) other costs, including costs of materials and supplies related to the training;
- 5) depreciation of tools and equipment as far as they are used solely for the purpose of the training;
- 6) costs of guidance and counselling services with regard to training.

3. Employment costs incurred by an employer during employee's participation in training, excluding costs incurred in the period when the employee produced goods or provided services – up to the amount of total costs specified in paragraph 2 – shall be also considered eligible.

4. Aid intensity may not exceed:

- 1) 45% - in the case of micro or small entrepreneur;
- 2) 35% - in the case of medium-sized entrepreneur;
- 3) 25% - in the case of other entrepreneur.

5. Aid intensity, referred to in paragraph 4, is increased by 10 percentage points in the case of trainings for disadvantaged or disabled workers, within the meaning of Article 2 (18) and (20) of the Commission Regulation (EC) No 800/2008.

6. Aid referred to in paragraph 1 is summed with other aid (including *de minimis* aid) granted to an entrepreneur in relation to the same eligible costs related to the project, regardless of its form and source of financing (including EU funds), and may not exceed maximum intensities specified in paragraphs 4 and 5.

7. If the aid amount for one training project, summed in accordance with paragraph 6, exceeds the amount of EUR 2 million, the aid shall be subject to individual notification.

Article 15. 1. Aid for consultancy services provided by outside consultants shall be granted to:

- 1) a micro, small or medium-sized entrepreneur – in accordance with the provisions of the Commission Regulation (EC) No 800/2008, Chapter I Section 5 Article 26 in particular;
- 2) an entrepreneur other than specified in point 1 – in accordance with the provisions of the Commission Regulation (EC) No 1998/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to *de minimis* aid (OJ EU L 379 of 28.12.2006, p. 5).

2. *De minimis* aid, referred to in paragraph 1 (2), may be granted to an entrepreneur provided that, including other *de minimis* aid received from various sources and in various forms in the same calendar year and over two preceding calendar years, it will not exceed the amount of EUR 200,000, in the case of entrepreneur active in the road transport sector – EUR 100,000.

3. The amount of aid for consultancy services provided by outside consultants may not exceed 50% of the services' costs incurred after the day of submitting the application for the aid.

4. Aid for consultancy services provided by outside consultants may be granted provided that the consultancy services are related to the investment.

5. Aid, referred to in paragraph 1 (1), shall be summed with other aid (including *de minimis* aid) granted to the entrepreneur in relation to the same eligible costs related to the project, regardless of its form and source of financing (including EU funds), and may not exceed the maximum aid intensity.

6. *De minimis* aid, referred to in paragraph 1 (2), shall not be granted if, including other aid granted in relation to the same eligible costs, it exceeds the maximum aid intensity.

7. If the aid amount, referred to in paragraph 1 (1), summed in accordance with paragraph 5, exceeds the amount of EUR 2 million, the aid shall be subject to individual notification.

8. In the case referred to in paragraph 1 (2) the entity providing the aid shall issue a *de minimis* aid certificate to the entrepreneur.

Article 15a. 1. Aid for covering the amount of the end-use security for the grant funding agreement and covering costs incurred in relation to opening and operating a separate bank account or sub-account

on the bank account intended to handle the project or advance payments, including payments for financial transactions shall be granted to an entrepreneur in accordance with the provisions of the Commission Regulation (EC) No 1998/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to *de minimis* aid (OJ EU L 379 of 28.12.2006, p. 5).

2. The eligible costs, referred to in paragraph 1, include costs incurred after the day of submitting the application for the aid until the day specified in the grant funding agreement:

- 1) costs of establishing and maintaining the end-use security for the grant funding agreement;
- 2) costs incurred by an entrepreneur in relation to opening and operating a separate bank account or sub-account on the bank account intended to handle the project or advance payments, including payments for financial transactions.

3. *De minimis* aid, referred to in paragraph 1, may be granted to an entrepreneur provided that, including other *de minimis* aid received from various sources and in various forms in the same calendar year and over two preceding calendar years, it will not exceed the amount of EUR 200,000, and in the case of entrepreneur active in the road transport sector – EUR 100,000.

4. The amount of aid for covering the amount of the end-use security for the grant funding agreement and covering costs incurred in relation to opening and operating a separate bank account or sub-account on the bank account intended to handle the project or advance payments, including payments for financial transactions, may not exceed 100% of the costs, referred to in paragraph 2, incurred after the day of submitting the application for the aid.

5. *De minimis* aid, referred to in paragraph 1, shall not be granted if, including other aid granted in relation to the same eligible costs, exceeds the maximum aid intensity.

6. In the case referred to in paragraph 1 the entity providing the aid shall issue a *de minimis* aid certificate to the entrepreneur.

Article 16. The aid may be granted until 31 December 2013.

Article 17. The provisions of this Ordinance shall apply to applications for aid submitted before the day of entry into force of this Ordinance.

Article 18. The Ordinance of the Minister of Economy of 2 April 2008 on granting financial aid for investments of high importance to the economy under Operational Programme Innovative Economy, 2007-2013 (Dz. U. No 61, item 379) is repealed.

Article 19. The Ordinance shall enter into force on the day of its publication.

¹⁾ The Minister of Economy is in charge of economy as a sector of government administration, pursuant to Article 1 (2) of the Ordinance of the President of the Council of Ministers of 16 November 2007 on the detailed scope of activity of the Minister of Economy (Dz. U. No 216, item 1593).

²⁾ The criteria are specified in points 9-11 of the Community guidelines on State aid for rescuing and restructuring firms in difficulty (OJ EU C 244, 1.10.2004, p. 2).

³⁾ Amendments to the consolidated text of the Act were published in Dz. U. of 2003 No 60, item 535, No 124, item 1152, No 139, item 1324 and No 229, item 2276, Dz. U. of 2004 No 96, item 959, No 145, item 1535, No 146, item 1546 and No 213, item 2155, Dz. U. of 2005 No 10, item 66, No 184, item 1539 and No 267, item 2252, Dz. U. of 2006 No 157, item 1119 and No 208, item 1540, Dz. U. of 2008 No 63, item 393, No 144, item 900, No 171, item 1056, No 214, item 1343 and No 223, item 1466, and Dz. U. of 2009 No 42, item 341.