



ROMÂNIA

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FORMAL OPINION

On the Draft of Decision of the Inter-ministries Committee for Financing, Guarantees and Insurances for the approval of the Norm on setting up a State aid scheme aimed to facilitate the access to finance in the present economic and financial crisis, consisting in state guarantees granted to SMEs and large enterprises in 2011

By analysing the following:

The Draft *Decision of the Financing, Guarantees and Insurances Inter-ministries Committee (hereby named CIFGA) on the ammendment of the Norm on setting up a State aid scheme designated for facilitating the access to finance in the present economic and financial crisis, consisting in state guarantees granted to SMEs and large enterprises in 2011*

and

The standard notification Form for the *Norm on setting up a State aid scheme designated for facilitating the access to finance in the present economic and financial crisis, consisting in state guarantees granted to SMEs and large enterprises in 2011*, submitted by the Romanian Export - Import Bank EximBank SA (EximBank) by the address no. 31/13.01.2011, registered at the Competition Council with no. RG 265/14.01.2011, in order to receive a formal opinion, and

ascertaining that:

1. By the Draft of CIFGA Decision it is approved the set up of a State aid scheme aiming to facilitate the access to financing sources within the present financial and economic crisis;
2. In 2009, EximBank has initiated the *Norm on setting up a State aid scheme designated for facilitating the access to finance in the present economic and financial crisis, consisting in state guarantees granted to SMEs and large enterprises*, which was authorised by the European Commission on June, 2009 (C (2009)4501). The subsequent ammendment of the scheme was also authorised by the European Commission (c(2010) 5418). The above-mentioned State aid scheme ended on 31.12.2010.
3. On 01.01.2011 entered into force the new provisions of the *Communication of the Commission — Temporary Union framework for State aid measures to support access to finance in the current financial and economic crisis* (hereby named the Temporary Framework), which ends it effects on 31.12.2011. In this context, EximBank, as the State aid grantor, considered appropriated to initiate the guarantee scheme submitted to receive a Formal opinion, set up in accordance with the provisions of the Temporary Framework. This taking into account the last evolutions at macroeconomic

level and at the level of the relevant financial-banking market and the ongoing existence of certain difficulties in re-launching the activity in certain economic sectors.

4. By implementing the present scheme it is aimed to un-block the undertakings' access to the financing and to ensure the continuity in performing their activity.
5. The State aid to be granted within the scheme consists in guarantees, of maximum 80% from the value of the new credits granted by a commercial bank. For the SMEs it can be guarantees both investment credits and the working capital credits. For large enterprises, the guarantee is granted only for investments.
6. For the SMEs, it shall be granted a reduction of 15% compared to the safe-harbour premiums, for a period of maximum 2 years from the date when the guarantee was granted. For large enterprises, the safe-harbour premiums shall be applied.
7. For the working capital credits, the maximum amount of the credit subject of the guarantee shall not exceed the company's total costs with wages (including the costs with social security and the cost with the sub-contractors) for 2010. For the undertakings set up on or after 01.01.2010, the maximum value of the credit shall not exceed the estimated value of the annual costs with wages, for the first two years of activity. As far as the investment credits are concerned, the maximum amount of the credit to receive a guarantee shall be determined based on the annual average wage costs at the level of EU – 27.
8. The beneficiaries are SMEs and large enterprises which are not in difficulty. They can activate in all activity sectors, except from the production of armament, gambling, production of alcohol and tobacco, and real estate transactions (construction/acquirement of real estate in the view of their sale/rental).
9. The maximum estimated number of beneficiaries within the scheme is 50.
10. The State aid scheme is financed from funds from the state budget, administrated by EximBank. The fund for the guarantees granted in accordance with the scheme amounts 200 million RON until the end of 2011..
11. The notification is completed in accordance with the standard forms enclosed in Annex I to the Regulation (EC) no. 794/2004 implementing Council Regulation (EC) no. 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty, with the subsequent modifications and completions.

COMPETITION COUNCIL

Based on the *Competition Law no. 21/1996, republished* and on art. 8 recital (1) of the *Government Emergency Ordinance no. 117/2006 on the national procedures in the State aid field, approved with modifications and completions by the Law no. 137/2007,*

ISSUES FORMAL OPINION

On the Draft Decision of the *Financing, Guarantees and Insurances Inter-ministries Committee* deciding the approval of the *Norm on setting up a State aid scheme designated for facilitating the access to finance in the present economic and financial crisis, consisting in state guarantees granted to SMEs and large enterprises, in 2011.*