



FORMAL OPINION
on the draft of the procedure for implementing the transparent de minimis aid scheme
provided by the Programme for development of entrepreneurial skills among young people
and facilitating access to finance - START

By analyzing

The draft of the procedure for implementing the transparent de minimis aid scheme provided by the Programme for development of entrepreneurial skills among young people and facilitating access to finance - START

Submitted by the Ministry of Energy, Small and Medium Enterprises and Business Environment, by the address no 120293/22.04.2015, registered at the Competition Council with no. RG 4356/24.04.2015, in order to receive a formal opinion,

And ascertaining that:

1. The Scheme was set up based on the Regulation (EC) no 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid¹;
2. The main objective of the program is to stimulate the creation of new SMEs;
3. Ministry of Energy, Small and Medium Enterprises and Business Environment, through Entrepreneurial Policies and Programme Implementation for SMEs Directorate, is managing the de minimis scheme and simultaneously is the supplier of the de minimis aid;
4. De minimis aid scheme complies with Government Emergency Ordinance no. 77 of 3 December 2014 regarding national procedures in the state aid field and the amendment and completion of the Competition Law no. 21/1996², with the following specifications:
 - this de minimis aid scheme complies with art. 3(4) of the GEO no. 77/2014 – an opportunity analysis was drawn (attached);
 - art. 7 (1) of the GEO no. 77/2014, approved by Law no. 20/2015, does not apply to this scheme, since the entry into force of the article is June 7, 2015; however, it was done and approved a memorandum for framing de minimis aid measure to the economic, budgetary and financial policies of the Romanian state (reply address of the General Secretariat of the Government no. 616 / GLG / 19.02.2015).

¹ Published in the Official Journal of the European Union no L 352/24.12.2013, final paper.

² Published in the Official Gazette of Romania, part I, no. 893/9.12.2014.

5. De minimis scheme aims to achieve the following objectives:

- stimulating the creation of new small and medium enterprises;
- improving the economic performance of existing ones;
- increasing the potential for access to funding;
- developing the entrepreneurial skills of entrepreneurs in order to improve their involvement in private economic structures.

6. The scheme is valid until 31 December 2015;

7. The scheme is applying throughout Romania, in all 8 development regions;

8. The aid is granted as non-reimbursable financial allowances - maximum 90% of the eligible costs of the project, but no more than 120,000 lei / beneficiary;

9. The estimated number of beneficiaries is 150;

10. The overall budget of the scheme is 20.000.000 lei, as follows:

- 18.000.000 lei for granting non-reimbursable financial allowances;
- 2,000,000 lei to the Ministry of Energy, SMEs and Business Environment spending on services for drafting development programs of small and medium enterprises, leading service programs and their complementary, monitoring, performance and control under par. 4, art. 26 of Law no. 346/2004 regarding the establishment and development of small and medium enterprises, with the subsequent amendments and completions.

COMPETITION COUNCIL

Based on art. 7 par. (6) of the Government Emergency Ordinance no. 77 of 3 December 2014 regarding national procedures in the state aid field and the amendment and completion of the Competition Law no. 21/1996,

ISSUES FORMAL OPINION

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