



FORMAL OPINION
on the draft of the procedure for implementing the transparent de minimis aid scheme provided by the *Program for the development and modernization of the activities to trade products and market services*

By analyzing

The draft of the procedure for implementing the transparent de minimis aid scheme provided by the *Program for the development and modernization of the activities to trade products and market services*

Submitted by the Ministry of Energy, Small and Medium Enterprises and Business Environment, by the address no 120294/22.04.2015, registered at the Competition Council with no. RG 4357/24.04.2015, 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 scheme is to support enterprises by facilitating access to finance in order to improve economic and technological performance aiming to adapt to the requirements of the EU economy by increasing competitiveness, creating and maintaining jobs, enhance consumer protection and food security;
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.

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 micro-enterprises;
- strengthening the capacity of operators to promote products and market services;
- development and modernization activities of traders and market service providers.

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 135,000 lei / beneficiary;

9. The estimated number of beneficiaries is 200;

10. The overall budget of the scheme is 30.000.000 lei, as follows:

- 27.000.000 lei for granting non-reimbursable financial allowances;
- 3,000,000 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

On the Draft of the procedure for implementing the transparent de minimis aid scheme provided by the *Program for the development and modernization of the activities to trade products and market services*.

.