



FORMAL OPINION

on the draft of *de minimis* aid scheme “*De minimis aid for supporting START-UPs and innovative SPIN-OFFs*”, related to the Operational Program “Competitiveness”, priority axis 1 – “Research, Technological Development and Innovation (RDI) in support of economic competitiveness and business development”, action 1.2.1 “Undertakings’ demand stimulation for innovation through RDI projects conducted by individual undertakings or in partnership with R&D institutes and universities, for innovation of processes and products in the economic sectors which have potential for growth”, project type “Projects for innovative undertakings of type START-UPs and SPIN-OFFs”

By analysing

The draft of *de minimis* aid scheme “De minimis aid for supporting START-UPs and innovative SPIN-OFFs”, related to the Operational Program “Competitiveness” (OPC), priority axis 1 – “Research, Technological Development and Innovation (RDI) in support of economic competitiveness and business development”, action 1.2.1 “Undertakings’ demand stimulation for innovation through RDI projects conducted by individual undertakings or in partnership with R&D institutes and universities, for innovation of processes and products in the economic sectors which have potential for growth”, project type “Projects for innovative undertakings of type START-UPs and SPIN-OFFs”

Submitted by Ministry of Education and Scientific Research – General Directorate Intermediate Body for Research, by address no 6200/18.02.2015, registered at Competition Council with no. RG/1684/20.02.2015, 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 aid*¹;
2. The *de minimis* aid scheme is part of the financing instrument OPC. On 19 December 2014 the European Commission issued Decision no. 10233 for the implementation of certain elements of the Operational Program "Competitiveness" for the support from the European Regional Development Fund (ERDF) under the objective of investment for growth and jobs in Romania;
3. The scheme complies with *GEO no 77 of 3 December 2014 on national procedures for state aid and amending and supplementing Law no. 21/1996*, with the following observations:
 - *De minimis* scheme complies with Article 3(4) of GEO no 77/2014 due to the fact that the scheme is a component of the financing instrument OPC, approved on 19 December 2014 by the European Commission Decision no. 10233;
 - Because it is financed from European funds, state aid scheme applies Article 7(4) of GEO no 77/2014;
4. The objective of *de minimis* scheme – supporting the creation of innovative SPIN-OFFs and START-UPS developing based on the transfer of R&D results obtained in universities or institutes, in order to obtain new products and services or significantly improved;
5. The scheme is valid until 31 December 2020, within the limits of budget. Payments shall be made by 2023;
6. Financial support under this scheme shall be granted to beneficiaries in the form of non-refundable direct grants;
7. The estimated number of beneficiaries is 200;
8. The estimated total value of *de minimis* aid that will be granted under this scheme, throughout the entire period of implementation of the scheme (2015-2020) is € 20,000,000 (equivalent in lei),

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

COMPETITION COUNCIL

Based on Article 7 point (5) 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 *de minimis* aid scheme “De minimis aid for supporting START-UPS and innovative SPIN-OFFs”, related to the Operational Program "Competitiveness", priority axis 1 – “Research, Technological Development and Innovation (RDI) in support of economic competitiveness and business development”, action 1.2.1 “Undertakings’ demand stimulation for innovation through RDI projects conducted by individual undertakings or in partnership with R&D institutes and universities, for innovation of processes and products in the economic sectors which have potential for growth”, project type " Projects for innovative undertakings of type START-UPS and SPIN-OFFs”, pursuant to 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* aid.