

State aid schemes to support investments

May 2017

The opening of a new filing session for Financing Requests under G.D. 332/2014

The Ministry of Public Finance announced that between 12.06.2017–23.06.2017 there will be a new session for registering Financing Requests based on the provisions of Government Decision 332/2014 (as subsequently modified by Government Decision 784/2014) for the implementation of a state aid scheme to support investments creating a minimum of 10 jobs, out of which three positions must be created for disadvantaged workers.

The state aid will be granted as non-reimbursable funds covering eligible expenditure resulting from salary costs (including social contributions) recorded for a period of two consecutive years, within the limit of the average national gross salary. The state aid scheme shall be available until December 31, 2020

and shall have a total budget of approx. €600 million.

Payment of state aid shall be made during 2015 – 2025. Financing Requests, together with supporting documentation, can be submitted between 12.06.2017 – 23.06.2017. The budget for this session is 106,293 thousand lei. More details

Dentons and Finexpert – a one-stop shop for legal and tax advice

Obtaining state aid financing is a complex process that requires legal and tax advice. Dentons and Finexpert have gained significant experience in the process of accessing non-reimbursable funds granted under the state aid schemes approved in Romania.

How we can help?

We assist companies throughout the entire process of obtaining the financing and implementing the project. This includes preparing required documentation (technical-economic and feasibility studies, business plans, contracts, commitments and corporate documents, etc.) and providing support in dealing with authorities during the approval period, in case of amendments to the project, requests for funds reimbursement or during the monitoring and project evaluation stage.

Details regarding the State Aid Scheme approved by Government Decision 332/2014

SCHEME VALIDITY	July 1st, 2014 – December 31st, 2020 <i>Payment of the aid will be made during the period 2015-2025</i>
SCHEME BUDGET	RON 2,700 million (the equivalent of approximately <i>EUR 600 million</i>) with the possibility of supplementing the budget

PROJECT ELIGIBILITY	<p>Initial investment* that would generate within maximum 3 years from the completion of the investment the creation of minimum 10 new jobs (out of which at least 3 for disadvantaged workers) by:</p> <ul style="list-style-type: none"> • setting up a new unit • extending the capacity of the existing unit • diversifying unit production • making fundamental changes in the general process of production within the existing unit <p>*only initial investment in favour of a new economic activity, for large companies in the Bucharest region.</p> <p>There is no threshold for the amount of the investment</p>
ELIGIBLE ACTIVITIES	<p>Activities in all sectors of the economy are eligible, EXCEPT** for the activities in:</p> <ul style="list-style-type: none"> • the sector of fisheries and aquaculture; • the sector of primary production of agricultural products; • the sector of processing and sale of agricultural products when the amount of the aids is determined based on the price or quantity purchased from primary producers; • the category of activities that facilitate the closing of non-competitive coal mines; • the sector of siderurgy, coal, shipbuilding, synthetic fibers, transport and energy; • the category of activities related to third countries or other member states; • the category of operation activities (aid for operation). <p>**The full list of sectors of activity for which no aid will be granted by the state is presented at the end of this information.</p>
ELIGIBILITY CRITERIA	<p>The scheme is addressed to all the companies which:</p> <ul style="list-style-type: none"> • are registered in accordance with Law no. 31/1990 • have no outstanding debts to the budgets composing the general consolidated budget • do not fall into the category of “companies in a difficult situation” • are not in the procedure of forced execution, insolvency, bankruptcy, judicial reorganization, dissolution, operational closure, winding-up or temporary suspension of activity • decisions for recovery of a state aid were not issued against them or, in the event such decisions were issued, they have been executed • have not benefited from other regional state aids for eligible costs of the nature of tangible and intangible assets within the same single investment project • have not closed an identical or similar activity in the European Economic Area in the two years preceding the submission of the application for aid and, at the time of submission of the application, have no concrete plans to close down such an activity within a period of two years after completing the initial investment, in the region in question

	<h3>Operating Business</h3> <ul style="list-style-type: none">• that have registered a return on turnover ≥ 1% in the last financial year;• that have a positive equity in the last financial year. <h3>Newly Set-Up Business</h3> <ul style="list-style-type: none">• that have a called-up and paid share capital amounting to at least RON 30,000;• that do not belong to shareholders holding or having held in the past two years prior to the date of registration of the financing application another business registered in accordance with Law no. 31/1990 that carries out or has carried out the business for which financing is requested;		
MAXIMUM VALUE OF THE FINANCING	The maximum level of state aid from which a company may benefit is referenced to the eligible expenditure, as follows:		
	Region	Intensity and maximum level of state aid	
		2014 - 2017	2018-2020
	Bucharest region	15%, but no more than EUR 11.25 million (equivalent in lei)	10%, but no more than EUR 7.5 million (equivalent in lei)
	West and Ilfov regions	35%, but no more than EUR 26.25 million (equivalent in lei)	
	North-West, Center, North-East, South-East, South-Muntenia, South-West Oltenia regions	50%, but no more than EUR 37.5 million (equivalent in lei)	
ELIGIBLE EXPENDITURE	<p>To be eligible, the applicant must carry out an investment project which would lead to the creation of at least 10 new jobs with the obligation to maintain them for a period of at least 5 years for large companies and 3 years for small and medium enterprises.</p> <p>The state aid will be granted for eligible expenditure resulting from salary costs recorded for a period of 2 consecutive years, within the limit of the average national gross salary, approved by the annual social state insurances budget law, available for the year of the Financing Request submission.</p>		

HOW TO OBTAIN APPROVAL FOR FINANCING	<p>The process of approval of the application for financing will be carried out in two stages:</p> <p>1. Registration of the applications for financing agreement: the applicant shall submit to the Ministry of Public Finance documents such as: application for financing agreement, statement that the company belongs to the category of small and medium enterprises, confirmation of company details, approved annual financial statements, plan for the creation of jobs, fiscal certificate, power of attorney signed and stamped by the legal representative.</p> <p>Session Opened starting 12.06.2017 UNTIL 23.06.2017</p> <p>2. Final selection: based on the response from the Ministry of Public Finance, the company selected in the first evaluation stage will submit to the Registration office the second part of the documentation of the investment project which includes the business plan accompanied by supporting documents. The Ministry of Public Finance will review the documentation and, if there are no requests for additional information, it will send:</p> <ul style="list-style-type: none"> a) the Financing Agreement b) the Rejection of the investment project
COLLECTION OF STATE AID	<p>The payment of the state aid will be carried out after bearing the eligible expenditure in full or in part, provided that the first reimbursement of the expenditure is carried out after the creation of minimum 10 new jobs (out of which at least 3 for disadvantaged workers).</p>
MAINTAINING AND MONITORING THE INVESTMENT	<p>The company has the obligation to maintain for minimum 5 years for large companies and 3 years for small and medium enterprises:</p> <ul style="list-style-type: none"> • the Initial investment in operating status • each new job created (from the date on which it was first filled in)



**** Full list of sectors of activity for which no state aid will be granted**

No.	NACE Code	NACE code name
SECTION A - AGRICULTURE, FORESTRY AND FISHERIES		
1	01	Crop and animal production, hunting and related service activities
2	02	Forestry and logging
3	03	Fishing and aquaculture
SECTION B - MINING AND QUARRYING		
4	05	Mining of coal and lignite
5	06	Extraction of crude petroleum and natural gas
6	071	Mining of iron ores
7	0892	Extraction of peat
8	091	Support activities for petroleum and natural gas extraction
9	099	Support activities for other mining and quarrying
SECTION C - MANUFACTURING		
10	102	Processing and preserving of fish, crustaceans and molluscs
11	1101	Distilling, rectifying and blending of spirits
12	1102	Manufacture of wine from grape
13	1103	Manufacture of cider and other fruit wines
14	1104	Manufacture of other non-distilled fermented beverages
15	1105	Manufacture of beer
16	1106	Manufacture of malt
17	12	Manufacture of tobacco products
18	131	Preparation and spinning of textile fibres
19	19	Manufacture of coke and refined petroleum products
20	2014	Manufacture of other organic basic chemicals
21	2051	Manufacture of explosives
22	206	Manufacture of man-made fibres
23	24	Manufacture of basic metals
24	254	Manufacture of weapons and ammunition
25	2591	Manufacture of steel drums and similar containers
26	301	Building of ships and boats
27	304	Manufacture of military fighting vehicles
28	33	Repair and installation of machinery and equipment

SECTION D - ELECTRICITY, GAS, STEAM AND AIR CONDITIONING SUPPLY		
29	35	Electricity, gas, steam and air conditioning supply and production
SECTION F - CONSTRUCTION		
30	41	Building construction
31	42	Civil engineering
32	4399	Other specialized construction activities n.e.c.
SECTION G - WHOLESALE AND RETAIL TRADE; REPAIR OF MOTOR VEHICLES AND MOTORCYCLES		
33	45	Wholesale and retail trade and repair of motor vehicles and motorcycles
34	46	Wholesale trade, except of motor vehicles and motorcycles
35	47	Retail trade, except of motor vehicles and motorcycles
SECTION H - TRANSPORTATION AND STORAGE		
36	49	Land transport and transport via pipelines
37	50	Water transport
38	51	Air transport
39	522	Support activities for transportation
SECTION I - ACCOMMODATION AND FOOD SERVICE ACTIVITIES		
40	55	Hotels and similar accommodation
41	56	Food and beverage service activities
SECTION J - INFORMATION AND COMMUNICATION		
42	60	Programming and broadcasting activities
43	61	Telecommunications
SECTION K - FINANCIAL AND INSURANCE ACTIVITIES		
44	64	Financial service activities, except insurance and pension funding
45	65	Insurance, reinsurance and pension funding, except compulsory social security
46	66	Activities auxiliary to financial services and insurance activities
SECTION L - REAL ESTATE ACTIVITIES		
47	68	Real estate activities
SECTION N - ADMINISTRATIVE AND SUPPORT SERVICE ACTIVITIES		
48	77	Rental and leasing activities
49	78	Employment activities
SECTION O - PUBLIC ADMINISTRATION AND DEFENCE; COMPULSORY SOCIAL SECURITY		
50	84	Public administration and defence; compulsory social security
SECTION R - ARTS, ENTERTAINMENT AND RECREATION		
51	92	Gambling and betting activities
52	93	Sports activities

SECTION S - OTHER SERVICE ACTIVITIES		
53	94	Activities of membership organisations
SECTION T - ACTIVITIES OF HOUSEHOLDS AS EMPLOYERS; UNDIFFERENTIATED GOODS- AND SERVICES-PRODUCING ACTIVITIES OF HOUSEHOLDS FOR OWN USE		
54	97	Activities of households as employers of domestic personnel
55	98	Undifferentiated goods- and services-producing activities of private households for own use
SECTION U - ACTIVITIES OF EXTRATERRITORIAL ORGANISATIONS AND BODIES		
56	99	Activities of extraterritorial organisations and bodies



