

Eligibility criteria for the Beneficiaries of funding granted under the Programme for the development of good and service marketing activities

The customers eligible for the selection of their projects by MMACA are trading companies that cumulatively meet the following eligibility criteria:

- *To be economic operators (micro-enterprises, small and medium-sized enterprises as defined according to the provisions of Law No 346/2004 regarding the stimulation of the creation and the development of small and medium-sized enterprises, as further amended and supplemented, that transposes in the Romanian law, the Commission Recommendation (EC) No 361 of 6 May 2003, published in the Official Journal of EU no L124 of 20 May 2003;*
- *To be registered according to the Law No 31/1990 on trading companies, republished, as further amended and supplemented, or under Law No 1/2005 on organization and functioning of cooperation, or under the Romanian Government Emergency Ordinance No 6/2011 on the stimulation of the establishment and development of micro-enterprises by young entrepreneurs and to range within the SME category, according to Law No 346/2004 regarding the stimulation of creation and development of small and medium-sized enterprises;*
- *To be legal persons (companies/cooperative companies), whose line of business is the trade of goods and services on the market, as stipulated in Annex 1 to the Implementation procedure for minimis aid scheme stipulated in the Programme for the development of good and service marketing activities (NACE codes according to the Order No 337/2007 of the President of the National Institute of Statistics, concerning the update of the classification of the national economy activities, as further amended and supplemented);*
- *To be independent, related, partner or single (group of related enterprises behaving as a single enterprise) enterprises;*
- *To have at least 1 calendar year of activity as of the date of establishment until the date of opening the electronic App for the investment plan subscription and to have the NACE code, for which they apply for funding, authorized, according to Article 15 of Law No 359/2004 for the simplification of the formalities of registration in the Trade Registry of natural persons, family associations and legal persons, their fiscal registration, as well as the authorization for functioning of legal persons, as further amended and supplemented, with at least 3 months prior to the date of opening the electronic App for the investment plan subscription;*
- *To have fully private registered capital;*
- *Not to benefit of non-reimbursable financial allocation under the Programme in the last 3 years. The associates or shareholders holding several companies may benefit of non-reimbursable financial allocation under this Programme only for a single company with regard of which the status of single company shall be checked;*
- *To have no debts to the general consolidated budget and local budgets, both related to the registered office and related to all work sites; the applicants having rescheduled debts shall not be eligible to access the Programme;*
- *To have a net annual turnover of up to EUR 50M in Lei equivalent or to held total assets of whose overall amount does not exceed EUR 43M in Lei equivalent at the end of the previous financial year (total assets mean non-current assets and current assets and accrued expenses);*
- *To have an annual average number of employees less than 250 in the previous financial year;*
- *To have the registered office, respectively the work sites/ secondary offices, registered with the Trade Register Office and to carry out their activities on the territory of Romania;*

- Not to be under winding-up, judicial reorganization, liquidation, forced execution, operational closure, insolvency, bankruptcy or temporary activity suspension procedure;
- Not to exceed the minimis ceiling of EUR 200 000.00 during three consecutive financial exercises for a single enterprise, as defined by the Commission Regulation (EU) 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 the minimis aid, respectively of EUR 100 000 during three financial exercises in case of Beneficiaries developing good transport activities on behalf of third parties or in exchange of a price. Ceilings shall apply regardless of whether aid is granted from State budget funds or from European funds.
 - 1) If the sum between the total amount of minimis aids granted to an enterprise during three consecutive financial years and the amount of the financial allocation granted according to the provisions of this scheme exceeds the above mentioned minimis ceilings, the applicant may not benefit of the scheme provisions even for the aid fraction not exceeding the relevant ceilings.
 - 2) All the specifications related to minimis aids stipulated by Article 3(2) letter (i) of the minimis scheme for the Programme shall be considered.
- To obtain a score of at least 50 points pursuant the online filing-in of the investment plan, according to the model and criteria established in Annex 3 to this procedure;
- Not to be subjected to a Decision of the European Commission / AIMMAIPE /Competition Council or another state aid/ state aid recovery minimis/minimis provider or, if subjected to such decision, to have such Decision already implemented and the receivables, fully recovered, along with the related interests and penalties;
- Not having received any unlawful aid;
- Not being rejected from funding under National Programmes run by the minimis aid provider due to procedure forgery reasons (as second hand procurements, conflict of interests, settlement of same equipment under several programmes, settlement of same equipment to several companies etc.) in the last 5 years;
- Not to have kinship between the applicant's corporate body members and the MMACA/AIMMAIPE personnel and spouse/ relatives by affinity or by consanguinity up to 2nd level, including;
- To have the technical report form submitted within the deadline established by the implementation procedures for the National Programmes implemented, of which they benefited in the last 3 years (only for applicants who benefited of funding under National Programmes in the last 3 years);
- To have a request for full/partial renouncement to funding submitted within the deadline established in the implementation procedures for the National Programmes implemented, under which they signed a Funding Agreement in the last 3 years (only for applicants who signed a Funding Agreement under National Programmes in the last 3 years and fully or partially renounced to funding).

The following **requirements for obtaining a funding consisting of a bank loan** shall also be satisfied, as follows:

- To range within the credit risk class A, B or C;
- To be registered with the CRC registers with a debt service of A or B type, for amounts of less than Lei 50 000 at the review time;
- Not to be recorded with CIP, in the last 12 months, under a ban of issuing cheques and/or major incidents; In case the customer is registered with CIP in the last 12 months under a ban of issuing cheques, it may be eligible if the incident had an accidental nature and it proves the settlement of the debt;
- Not to have, at the loan application time, a conflict with CEC BANK SA and/or other credit institution and/or public institution, related to the failure to fulfill any contractual obligations or other types of obligations, prior to the relevant application. If the

customer is under a litigation with other companies, it may be eligible if the disputed amounts do not exceed 5% of the overall amount of the debts to the third party;

- Not to have pledges set on own accounts;
- To range within an eligible money laundry risk class;
- To meet the requirements for accessing a loan, after the consultation of the List of bad debtors.