

REGULATION
on state aid for the creation of enterprises by
women entrepreneurs

The present regulation transposes the provisions of the Section 3 of the Regulation (EC) no. 800/2008 of the Commission as of 6 August 2008 on declaring certain categories of aid compatible with the regular market in application of articles 87 and 88 from the Treaty (General regulation of aid block exemption), published in the Official Journal of the European Union (OJ) no. L 214 as of 09.08.2008, p.0003 – 0047, related to the aid for entrepreneurial activity of women.

Section 1

Common provisions

- 1.** This Regulation shall apply to the state aid for the establishment of enterprise by women entrepreneurs.
- 2.** In the meaning of this Regulation, enterprise newly created by female entrepreneurs means a small enterprise fulfilling the following conditions:
 - 1) one or more women own at least 51 % of the capital of the small enterprise concerned or are the registered owners of the small enterprise concerned; and
 - 2) a woman is in charge of the management of the small enterprise.
- 3.** Aid schemes for newly created enterprises by female entrepreneurs shall be compatible with the regular competition environment in the meaning of art.5 para.(1) let.h) from the Law no.139 as of 15 June 2012 on state aid where the conditions provided in this Regulation are fulfilled.
- 4.** This regulation shall not allow for granting state aid for the establishment of enterprises by women entrepreneurs in the following cases:
 - 1) the beneficiary is an undertaking in difficulty. ;
 - 2) the aid granted is intended for export related activities, i.e. are directly linked to the exported quantities, to the establishment and operation of distribution network or other current expenditures related to the export activity;
 - 3) aid granted are conditioned by the preferential use of domestic over imported products;
 - 4) aid granted favor the activities in the domain of processing and commercializing agricultural products in the following cases:

- a) when the amount of the aid is fixed on the basis of the price or quantity of such products purchased from primary producers or put on the market by the undertakings concerned; or
 - b) when the aid is conditional on being partly or entirely passed on to primary producers;
5. This Regulation shall not allow for the granting of aid for creation of enterprises by women entrepreneurs to the benefit of the subjects which make the object of a decision of the Plenum of the Competition Council for the recovery of an illegal or abusively used state aid, granted previously and not reimbursed by the beneficiary until the moment of effective granting of the new aid.
6. Shall not be deemed state aid the support means intended for the creation of enterprises by women entrepreneurs with a general character, which are applicable to all economic sectors and to all undertakings, as well the facilities granted directly to persons.
7. Beneficiaries are the newly created enterprises by female entrepreneurs.

Section 2

Intensity of the state aid

8. the value of the aid shall not exceed 3 billion MDL for each enterprise.
9. The annual values of the aid for each enterprise shall not exceed 33% of the values of aid provided for at p.8 of this Regulation.
10. The intensity of the aid shall not exceed 15% of the eligible costs incurred in the first five years from the creation of the enterprise.
11. In order to determine whether the maximum intensities of the aid are observed, account is taken of the total value of aid granted for the aided activity or project regardless of whether that support is financed from state or external sources.
12. The aid granted under this Regulation may be cumulated with any other aid granted under other enactments adopted by the Plenum of the Competition Council, to the extent this aid are related to different identifiable eligible costs.
13. The aid granted by this Regulation shall not be cumulated with any other aid granted by other enactments adopted by the Plenum of the Competition Council or with de minimis aid fulfilling the conditions laid down in the Regulation on de minimis aid, or with any other funding in relation to the same — partly or fully overlapping — eligible costs if such cumulation would result in exceeding the highest aid intensity or aid amount applicable to this aid under this Regulation.

Section 3

Eligible costs

14. The eligible costs shall be legal, advisory, consultancy and administrative costs directly related to the creation of the small enterprise, as well as the following costs, insofar as they are actually incurred within the first five years after the creation of the undertaking:

- 1) interest on external finance and a dividend on own capital employed not exceeding the reference rate set up by the National Bank of Moldova;
- 2) fees for renting production facilities/equipment;
- 3) energy, water, heating, taxes (other than VAT and corporate taxes on business income) and administrative charges;
- 4) depreciation, fees for leasing production facilities/equipment as well as wage costs, provided that the underlying investments or job creation and recruitment measures have not benefited from other aid;
- 5) the cost for the child and parents care, and, if appropriate, the costs related to parental leave.

15. Small enterprises controlled by shareholders of undertakings that have closed down in the previous 12 months cannot benefit from aid under this Regulation if the enterprise concerned is active in the same relevant market or in adjacent markets.

Section 4

Final provisions

16. The notification of state aid for creation of enterprises by women entrepreneurs shall be done observing the provisions of the Regulation on the form of notification, examination procedure and decision making related to the state aid.

17. The record and the inventory of state aid granted in compliance with the provisions of this Regulation shall be carried out in compliance with the provisions of the Regulation on State Aid Registry.

18. The providers of the state aid shall be required to report to the Competition Council all the granted state aids, by fulfilling the Form of reporting the state aid granted, annex 1 to the Regulation on State Aid Registry.