

**NEWSLETTER**  
**February 2011**

**Programul pentru stimularea infiintarii si dezvoltarii microintreprinderilor de catre intreprinzatorii tineri**

Guvernul Romaniei a adoptat Ordonanta de urgenta nr. 6 pentru stimularea infiintarii si dezvoltarii microintreprinderilor de catre intreprinzatorii tineri (denumita in continuare „Ordonanta”), publicata in Monitorul Oficial, Partea I nr. 103 din 09.02.2011, precum si Norma metodologica de aplicare a Ordonantei de urgenta nr. 6/2011, publicata in Monitorul Oficial, Partea I nr. 108 din 10.02.2011.

Dispozitiile Ordonantei se aplica microintreprinderilor nou-infiintate si conduse de intreprinzatori tineri, care intentioneaza sa desfasoare pentru prima data activitate economica, prin intermediul unei societati cu raspundere limitata (denumita in continuare „S.R.L. – D.”), in cadrul Programului pentru stimularea infiintarii si dezvoltarii microintreprinderilor de catre intreprinzatorii tineri (denumit in continuare „Programul”).:

**1) Conditii necesar a fi indeplinite pentru accesarea fondurilor:**

Intreprinzatorul tanar care poate beneficia de Program, denumit in continuare intreprinzator debutant, este persoana fizica majora care indeplineste cumulativ urmatoarele conditii:

- a) are capacitate juridica deplina de exercitiu;
- b) are varsta de pana la 35 de ani;
- c) anterior datei inmatricularii societatii in Registrul Comertului nu a mai detinut si nu detine calitatea de actionar, asociat sau membru al organelor de conducere din cadrul unei intreprinderi constituite in spatiul economic european;
- d) infiinteaza pentru prima data o societate comerciala cu raspundere

**The program for stimulating the setting-up and development of micro enterprises by young entrepreneurs**

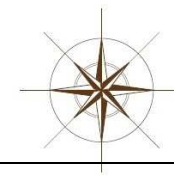
The Romanian Government adopted the Emergency Ordinance no. 6 on stimulating the setting-up and development of micro enterprises by young entrepreneurs (hereinafter referred to as the “Ordinance”), published within the Official Gazette, Part I no. 103 dates 09.02.2011, as well as the Methodological Norm on applying the Emergency Ordinance no. 6/2011, published within the Official Gazette, Part I no. 108 dated 10.02.2011.

The provisions of the Ordinance shall apply to the new-created micro enterprises directed by young entrepreneurs, who intend to carry on for the first time an economic activity by means of a limited liability company (hereinafter referred to as “S.R.L. – D.”), under the Program for stimulating the creation and development of micro enterprises by young entrepreneurs (hereinafter referred to as the “Program”).

**1) Necessary conditions required for accessing the funds:**

The young entrepreneur who can benefit of the Program, hereinafter referred to as debutant entrepreneur, is the major individual who cumulatively meets the following conditions:

- a) has full legal capacity;
- b) is less than 35 years old;
- c) before the date of registering the company with the Trade Registry he was not nor he is in capacity as shareholder or member of the governing bodies of a company created within the European economic area;
- d) creates for the first time a limited liability company;



limitata;

- e) declara pe propria raspundere, sub sanctiunea legii penale pentru declaratii mincinoase, ca indeplineste conditiile prevazute la litera c), pe care o depune la Registrul Comertului odata cu cererea de inmatriculare a societatii.

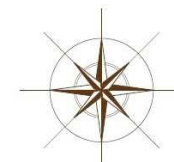
**2) Facilitati acordate in cadrul Programului:**

- a) scutirea de la plata taxelor către Registrul Comertului pentru infiintare S.R.L. –D.;
- b) A.I.P.P.I.M.M. acorda o alocație financiara nerambursabila reprezentând cel mult 50%, dar nu mai mult de 10.000 euro sau echivalentul în lei, din valoarea proiectului aferent planului de afaceri, pentru care face dovada surselor de cofinanțare (astfel, restul fondurilor de 50% vor trebuie fie luate prin creditare de la banci comerciale, in baza garantiei acordate conform pct. c) de mai jos, fie din surse proprii/aport propriu)
- c) garanții acordate de Fondul Național de Garantare al Creditelor pentru Întreprinderi Mici și Mijlocii S.A. – I.F.N. (F.N.G.C.I.M.M.) pentru eventualele credite contractate de beneficiari în vederea realizării planurilor de afaceri acceptate de A.I.P.P.I.M.M. , până la cel mult 80% din valoarea creditului solicitat, în limita sumei de 80.000 euro sau echivalentul în lei;
- d) scutirea de la plata contribuțiilor de asigurări sociale datorate de angajatori, potrivit legii, pentru veniturile aferente timpului lucrat de cel mult 4 (patru) salariați, angajați pe perioadă nedeterminată. Pentru fiecare salariat, scutirea nu se acordă pentru veniturile salariale lunare care depășesc cuantumul salariului mediu brut pe economie din anul anterior;
- e) consiliere, instruire și sprijin din partea Oficiului Teritorial pentru I.M.M. și Cooperație (O.T.I.M.M.C.), al Agenției pentru Implementarea Proiectelor și Programelor pentru I.M.M. (A.I.P.P.I.M.M.) în a cărei rază de competență își are sediul.

- e) registers a sworn affidavit, under the sanction of criminal law for false statements, that he meets the conditions stipulated at point c), which he files with the Trade Registry together with the request for registration of the company.

**2) Facilities granted under the Program:**

- a) the exemption from fee payment to the Trade Registry for the setting-up of the S.R.L. – D.;
- b) A.I.P.P.S.M.E. grants a financial not reimbursable allocation representing at most 50%, but not more than 10.000 Euro or the equivalent in Lei, of the value of the project as per the business plan, for which he makes the proof of co-financing sources (therefore, the other 50% funds shall be taken through credit from commercial banks, on the basis of the guarantee granted according to point c) below, or from own sources/contributions);
- c) guarantees granted by the National Credit Guarantee Fund for SMEs S.A. – I.F.N. (N.C.G.F.S.M.E.) for the eventual credits contracted by the beneficiaries in order to accomplish the business plans accepted by A.I.P.P.S.M.E., of at most 80% of the solicited credit's value, to the limit of 80.000 Euro or the equivalent in Lei;
- d) the exemption from payment of the social security contributions owed by the employers, according to the law, for the income related to the work time of at most 4 (four) employees, employed for an undetermined period. For each employee, the exemption is not granted for the monthly wage income which exceeds the amount of the average gross salary per economy for the previous year;
- e) counseling, training and support from the Territorial Office for S.M.E. and Cooperation (T.O.S.M.E.C.) of the Agency for Implementation of Projects and Programs for S.M.E. (A.I.P.P.S.M.E.) in whose jurisdiction are located its headquarters.



<p><b>3) <u>Obligatii specifice ale intreprinzatorului debutant:</u></b></p> <p>Cu exceptia obligatiilor stabilite de legislatia in vigoare, aplicabile oricarui operator economic, microintreprinderea apartinand intreprinzatorului debutant mai are si urmatoarele obligatii specifice:</p> <ul style="list-style-type: none"><li>a) Sa notifice in scris cu privire la infiintare, Oficiul Teritorial pentru I.M.M. si Cooperatie (O.T.I.M.M.C.) al Agentiei pentru Implementarea Proiectelor si Programelor pentru I.M.M. (A.I.P.P.I.M.M.) in a carui raza de competenta isi are sediul, in termen de cel mult 10 zile lucratoare de la inregistrare, in vederea luarii in evidenta;</li><li>b) Sa angajeze, cu contract de munca pe durata nedeterminata, si sa mentina in activitate cel putin 2 salariati de la momentul obtinerii facilitatilor acordate prin Program pana la pierderea calitatii de S.R.L. – D.;</li><li>c) Sa reinvesteasca, anual, cel putin 50% din profitul realizat in anul fiscal precedent;</li><li>d) Sa depuna la A.I.P.P.I.M.M. situatiile financiare semestriale si anuale, dovada inregistrarii acestora la autoritatile competente, precum si un raport semestrial de progres.</li></ul>	<p><b>3) <u>Specific obligations of the debutant entrepreneur:</u></b></p> <p>Excepting the obligations provided by the legal provisions in force, applicable to any economic operator, the micro enterprise belonging to the debutant entrepreneur has also the following specific obligations:</p> <ul style="list-style-type: none"><li>a) to notify in written form about the creation, the Territorial Office for S.M.E. and Cooperation (T.O.S.M.E.C.) of the Agency for Implementation of Projects and Programs for S.M.E. (A.I.P.P.S.M.E.) in whose jurisdiction are located its headquarters, no later than 10 working days as from the registration, in order to be taken into evidence;</li><li>b) to employ, with labor contract for an undetermined period, and to maintain in activity at least 2 employees as from the moment of receiving the facilities granted under the Program until the loss of S.R.L. – D. quality;</li><li>c) to reinvest each year at least 50% of the income realized in the previous fiscal year;</li><li>d) to register with the A.I.P.P.S.M.E. the half-yearly and annual financial statements, the proof of their registration with the competent authorities and a half-yearly progress report.</li></ul>
<p><b>4) <u>Pierderea calitatii de microintreprindere apartinand intreprinzatorului debutant:</u></b></p> <p>Calitatea de microintreprindere apartinand intreprinzatorului debutant se pierde, printre altele, in urmatoarele situatii:</p> <ul style="list-style-type: none"><li>a) La data la care oricare dintre autoritatile competente constata ca societatea nu mai indeplineste conditiile pentru incadrarea in Program;</li><li>b) La impinirea a 45 de zile lucratoare de la data scadentei unei obligatii fiscale neindeplinite;</li><li>c) La data depunerii situatiei financiare semestriale sau anuale, daca cifra de afaceri pe anul in curs a atins echivalentul in lei al sumei de 500.000 euro.</li></ul>	<p><b>4) <u>The loss of the quality of micro enterprise belonging to the debutant entrepreneur:</u></b></p> <p>The quality of micro enterprise belonging to the debutant entrepreneur will be lost, among others, in the following situations:</p> <ul style="list-style-type: none"><li>a) at the date on which any of the competent authorities establishes that the company does no longer meet the conditions to fit the Program;</li><li>b) after 45 working days as of the date a not executed fiscal obligation became due;</li><li>c) at the date of the submission of the half-yearly or annual financial situations, if the turnover of the present year has reached the equivalent in Lei of the amount of 500.000 euro.</li></ul>

Yours sincerely,  
Almaj & Albu, attorneys at law