

Pursuant to Article 9, paragraph (3) of the Law on State Aid Control ("Official Gazette of the Republic of Macedonia" no. 145/10), the Government, the meeting held on 28.09.2011, passed

Regulation on the conditions and procedure for granting aid of minor importance (de minimis) (*)

Article 1

Subject

This Regulation regulates the conditions and procedure for granting aid of minor importance-de minimis (hereinafter: aid).

Article 2

Usage

- (1) This Regulation applies only to aid where in advance, ex ante precisely calculate the gross grant equivalent of aid without having to undertake risk assessment (transparent aid).
- (2) The aid is considered granted when undertaking user (beneficiary) has been granted the right to receive the aid.

Article 3

Conditions for granting aid

Aid can only be granted if:

- Enterprise-user is not in difficulty. Company in difficulty is a company that is unable to meet its obligations from its own resources or with funds that can obtain from its owner / shareholders or creditors, to stop losses which, without outside intervention of providers of aid, will certainly lead to short-term and long-term cessation of operations of the enterprise;
- Enterprise-user is not engaged in coal production;
- Is not intended for export activities of the company, and especially can not help directly related to the quantity of exported products, with establishment and operation of a distribution network or to other current costs of the company related to export activities;
- The granting of aid is not influenced by favoring domestic versus imported products and

- Aid is not intended for procurement of freight transport vehicles by undertakings performing freight transport by road for hire or compensation.

Article 4

Maximum permissible amounts of aid

- (1) The total aid granted certain undertaking shall not exceed the total amount of 200 000 euros for a period of three fiscal years.
- (2) The total aid granted certain undertaking active in the road transport sector shall not exceed EUR 100 000 over a period of three fiscal years.
- (3) The amounts referred to in paragraph (1) and (2) of this Article shall apply regardless of the form of grant aid, and regardless of the purpose which is planned to be accomplished.
- (4) Where the total amount of aid granted exceeds the amount of 200,000 and 100,000 euros respectively to the measure that such aid is granted with, the provisions of this regulation shall not apply, for the part that does not exceed that amount, so for the time grant aid, or at any subsequent time.

Article 5

Calculate the amount of aid

- (1) the maximum amounts specified in Article 4, paragraph (1) and (2) of this Regulation shall be expressed as a cash grant (subsidy). All amounts should be expressed in gross value, ie before any calculation of taxes or other charges. Where aid is awarded in a form other than a grant, the aid amount is defined as gross grant equivalent of the aid.
- (2) The aid that is paid in installments is reduced (discounted) to the value in the time of their granting (assignment).
- (3) The interest rate used to calculate the reduction (discount) of paragraph (2) of this Article and to calculate the gross grant equivalent of paragraph (1) of this article is the reference interest rate valid at the time of granting aid.
- (4) The reference interest rate consists of two components: a basic interest rate risk and a reference margin. The basic interest rate is the interbank interest rate on the deposit market in the Republic of Macedonia (SKIBOR) with a maturity of three months.

Article 6

Rules for assessing transparent aid

When evaluating the existence of transparent aid referred to in Article 2 paragraph (1) of this Regulation, in particular the following rules apply:

- 1) Aid comprised in loans is treated as transparent aid when the gross grant equivalent has been calculated on the basis of market interest rates prevailing at the time of granting the loan.
- 2) Aid comprised in capital injections are not considered as transparent aid, unless the total amount of the contract (capital) injection does not exceed the amount of 200 000 euros and 100 000 euros respectively.
- 3) aid comprised in risk capital measures shall not be considered as transparent aid (DE MINIMIS) unless the respective risk capital scheme provides capital only up to the amount of 200 000 euros and 100 000 euros respectively for each enterprise user. Risk (Venture) capital funding in the context of this regulation means enterprises in their start-up and development stages including the participation of state capital in these enterprises.
- 4) Individual aid is provided under the guarantee scheme of enterprises that are not enterprises in difficulty, and is treated as transparent aid when the guaranteed part of the underlying loan provided under such scheme does not exceed EUR 1.5 million per enterprise.
- 5) Individual assistance that is provided under the guarantee scheme in favor of companies that are active in the road transport sector, which are not enterprises in difficulty, are treated as transparent aid when the guaranteed part of the underlying loan provided under such a scheme does not exceed EUR 750 000 per enterprise. If the guaranteed part of the underlying loan only applies to a certain percentage of these amounts (1.5 million euros, or 750, 000 respectively), it is considered that the gross grant equivalent guarantee corresponding to the same percentage of the amounts specified in Article 4, paragraph (1) and (2) of this Regulation, ie 200, 000 or 100, 000 respectively. The guarantee shall not exceed 80% of the underlying loan.

Article 7 Cumulation

Aid may not be cumulated with State aid in respect of the same eligible costs if such cumulation would result in aid intensity, exceeding intensity determined according to the specific circumstances of each individual case and in accordance with the respective valid law or under certain decision of the Commission for Protection of competition.

Article 8
Keeping records of the aid (Inventory)

- (1) Providers of aid shall keep accurate records in connection with any awarded aid, especially for the amount, recipient, time, purpose and manner of granting aid and should be kept 10 years from the date when it was granted last time.
- (2) Aid users should keep accurate records for each aid received, especially for the amount, grantor, time, the purpose and manner of granting aid and should be kept 10 years from the date of last receiving.
- (3) Each grantor should help the Commission for Protection of Competition and submit data for which is keeping the records referred to in paragraph (1) of this article of the form given in the annex which is an integral part of this Regulation.
- (4) The form referred to in paragraph (3) of this Article shall be submitted to the Commission for Protection of Competition before granting of aid, and if not possible, than as soon as possible.

Article 9
Notification of the enterprise use (beneficiary)

- (1) The aid shall notify the company in written that intends to give aid and thereby indicate the potential amount of aid (expressed as gross grant equivalent) and its character, in accordance with the provisions of the Law on State Aid Control and this regulation.
- (2) When granting aid to a different companies on the basis of an aid scheme, where those undertakings are given different amounts of individual aid under the scheme, the aid provider may choose to fulfill the obligation referred to in paragraph (1) of this article by informing companies that it plans to grant determined fixed amount corresponding to the maximum amount of aid that would be granted under the scheme. In such case, this amount will be used to determine whether the maximum allowable amount of aid provided in Article 4, paragraph (1) and (2) of this Regulation is reached.
- (3) Before granting the aid, the potential donor must collect a statement from potential user of the aid - undertaking concerned, in written or electronic form, for any other aid that the undertaking has received during the previous two fiscal years and the current fiscal year in which aid is granted.

- (4) The provider grants the new aid only after determining that it will not raise the total amount of aid received by the undertaking-aid user in the period that includes the current fiscal year and previous two fiscal years to a level which exceeds the maximum allowable amount of aid provided in Article 4, paragraph (1) and (2) of this Regulation.

Article 10
Enter into force

This Regulation shall enter into force on the eighth day of its publication in the "Official Gazette of the Republic of Macedonia".

APPENDIX

Data relevant for granting De minimis aid¹

1. Data for the aid provider

Title	
Address	
Contact person / manager	
Signature	
Date	

Please state the name, address of the provider, name and signature of the manager / provider of official aid and date of submitting the form.

2. Details of the measure of aid that is granted as individual aid or aid scheme

Title	
brief description	
Does it is awarded as individual aid or aid scheme	
purpose	
duration (from - to)	

Please state the The title of the measure of aid that is awarded by indicating whether it is an individual aid or aid scheme, short description whether the aid is granted as individual aid or scheme and purpose of the measure. The duration of the measure is determined by the start and end in format: XX.YY.ZZZZ - XX.YY.ZZZZ where XX is the day, YY is the month and ZZZZ is the year of the duration of the measure.

¹ Filled the form for each individual measure separately

3. Aid Beneficiary / beneficiaries

1.	Title	
	address	
2.	Title	
	address	
3	Title	
	address	

Please state the name and address of the beneficiary. If there are multiple users, then please state the name and address for each one

4. Does the aid recipients are active in the road transport

YES	
NO	

Mark the appropriate box with X

5. Please confirm:

Aid is not granted to the company active in the field of coal production	
Aid is granted to the user who is in difficulty	
Aid is not related to export activities	
Aid is not conditioned by favoring domestic products versus imported	
Aid is not used for the procurement of freight transport vehicles by undertakings performing road transport freight for hire or compensation	

Filled with YES..

6. Total amount of cash grant (subsidy) or gross grant equivalent for the period of three fiscal years

total amount	
Method of calculating applied interest rates	

Please state the total amount of cash grant (subsidy) or gross grant equivalent period of three fiscal years in euro. When it comes to gross grant equivalent for a period of three fiscal years, the same is appointed in a note in parentheses after the amount. The amount cited with Arabic numerals and letters, where letters should be indicated in brackets after the figures. Please state the method of calculation and the interest rate applied during granting of a cash grant (subsidy) or gross grant equivalent.

7. Other relevant information

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Please state other information that the state aid of minor importance deems relevant.