

ATTENTION

The English version of H. G. No . 807/2014 establishing certain State aid schemes with the object of stimulating investments that have a major impact on the economy, as amended and supplemented is an unauthorized translation.

Romanian version of H. G. No . 807/2014, prevails over the present English version.

OFFICIAL GAZETTE OF ROMANIA, PART I, No. 714/September 30, 2014 DECISIONS OF THE GOVERNMENT OF ROMANIA

DECISION no. 807 of September 30, 2014 on establishing certain State aid schemes with the object of stimulating investments that have a major impact on the economy

Baseline act

#B: *Government Decision no. 807/2014*

Amending acts

#M1: *Government Decision no. 357/2016*

*The amendments and supplementations brought through the amending act are written in Italics. In front of each amendment or supplementation there is an indication of the legislative act that brought that amendment or supplementation, in the form of **#M1**.*

Considering the provisions of the Regulations (EU) no. 651/2014 of the Commission of June 17, 2014 declaring certain categories of aid compatible with the internal market in application of articles 107 and 108 of the Treaty and of the Decision of the European Commission C (2014) 2240 final,

Pursuant to art. 108 in the Constitution of Romania, republished, and of art. 3 para. (3) in the Government Emergency Ordinance no. 117/2006 on the national procedures in the field of State aid, approved as amended and supplemented through the Law no. 137/2007,

The Government of Romania hereby adopts the decision here in below.

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CHAPTER I

General Provisions

Art. 1. – The purpose of this decision is to establish a State aid scheme with a major impact on the economy, hereinafter referred to as the *scheme*, with the object of regional development through the performance of investments in all sectors, with the exception of those provided by art. 15 and by the List of activity sectors which are not granted State aid pursuant to this scheme, as mentioned in appendix no. 1.

Art. 2. – (1) The State aid for the stimulation of investments with a major impact on the economy is granted through this scheme under observance of the provisions related to regional State aid of the Regulations (EU) no. 651/2014 of the Commission of June 17, 2014 declaring certain categories of aid compatible with the internal market in application of article 107 and 108 of the Treaty, published in the Official Gazette of the European Union series L, no. 187 of June 26, 2014, hereinafter referred to as the *Regulations*, and is exempt from the obligation of notification to the European Commission.

(2) The European Commission will be informed within 20 business days as of the date of entry into force of this decision, according to the provisions of the Regulations.

CHAPTER II

Duration, budget and estimated number of beneficiaries of the scheme

Art. 3. – (1) Financing agreements can be issued pursuant to this scheme until December 31, 2020, under observance of the legislation in the field of State aid, within the limit of the annual budget allocated to the scheme.

(2) The State aid is to be paid between 2015 and 2023, pursuant to the financing agreements issued and within the limit of the annual budget allocated to the scheme.

Art. 4. – (1) This scheme is included in the Program “State aid for financing of investment projects” in the budget of the Ministry of Public Finance – General Actions. The issuance of the financing agreements and the payment of the State aid approved pursuant to the provisions of this scheme are to be made under observance of the commitment and budgetary appropriations approved on an annual basis through the law of the State budget for this program.

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(2) *The maximum budget of the scheme is of 4,070 million Lei, i.e. the equivalent of approximately 925 million EUR, as follows:*

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- a) commitment appropriations for the issuance of financing agreements for the period of 2014 – 2020;
- b) budgetary appropriations for the payment of State aid for the period of 2015-2023.

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(3) The maximum annual budget of the scheme is of 638 million Lei, i.e. the equivalent of approximately 145 million EUR.

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Art. 5. – The total estimated number of enterprises that will benefit from State aid pursuant to this scheme is of 150.

CHAPTER III

Eligible expenditure

Art. 6. – (1) Eligible expenditure are considered the costs exclusive of VAT corresponding to the performance or procurement, as applicable, of tangible and intangible assets, as these are defined under art. 1 letters a) and b) in the Procedure on granting State aid, provided in appendix no. 2, as well as the expenditure related to the renting of constructions corresponding to the initial investment.

(2) The tangible and intangible assets must cumulatively fulfill the following conditions of eligibility: a) they must be exploited exclusively by the enterprise which benefits from State aid in order to reach the objectives of the investment for which the financing was requested; b) they must be included among the assets of the enterprise which benefits from State aid and must remain associated with the investment for which the financing was granted for a term of at least 5 years as of the investment's completion;

c) they must be purchased under market conditions.

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(3) Intangible assets must cumulatively fulfill the eligibility requirements provided by para. (2) and they must be purchased from third parties that have no connection with the purchaser.

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(4) The maximum value of the expenditure that can be considered eligible and correspond to the performance of the constructions cannot exceed the cost standard defined by art. 1 letter jj) in the Procedure on granting State aid provided in appendix no. 2.

(5) In the case of renting the constructions corresponding to the initial investment, the lease agreement must be valid for at least 5 years as of the date of completion of the investment and the maximum eligible value of the rent cannot exceed Lei 22/sq. m./month, i.e. the equivalent of approximately EUR5/sq. m./month.

(6) In order to be deemed eligible, the costs corresponding to the intangible assets cannot exceed 50% of the total eligible costs of the investment.

Art. 7. – The beneficiary of the State aid must ensure a financial contribution of at least 25% of the eligible costs, either from own resources, or through external financing, in a form not subject to any other public aid.

Art. 8. – The State aid is to be granted to enterprises, under observance of the provisions of this decision and of the Regulations, through allocations from the State budget through the budget of the Ministry of Public Finance – General Actions, in the form of non-reimbursable amounts corresponding to the eligible expenditure and within the limit of the maximum admissible intensity.

CHAPTER IV

Intensity and cumulation of the State aid

Art. 9. – (1) The maximum level of the State aid an enterprise can benefit of within the scheme and corresponding to the eligible expenditure and under observance of the provisions of art. 11 is the following:

Region	Maximum level of State aid	
	2014-2017	2018-2020
Bucharest Region (NUTS3 RO 321)	the equivalent in Lei of EUR 11.25 million	the equivalent in Lei of EUR 7.5 million
Vest Region (NUTS RO 42) and Ilfov Region (NUTS3 RO 322)	the equivalent in Lei of EUR 26.25 million	
Regions Nord-Vest, Centru, Nord-Est, Sud-Est, Sud-Muntenia, Sud-Vest Oltenia	the equivalent in Lei of EUR 37.5 million	

(2) In order to verify the observance of the maximum level of State aid expressed in EUR, the Ministry of Public Finance uses the exchange rate set by the National Bank of Romania and valid on the date of elaboration of the financing agreement.

Art. 10. – (1) The gross intensity of the regional State aid relative to the eligible expenditure cannot exceed the following percentages:

Region	Maximum level of State aid	
	2014-2017	2018-2020
Bucharest Region (NUTS3 RO 321)	15%	10%
Vest Region (NUTS RO 42) and Ilfov Region (NUTS3 RO 322)	35%	
Regions Nord-Vest, Centru, Nord-Est, Sud-Est, Sud-Muntenia, Sud-Vest Oltenia	50%	

(2) In the case of large investment projects, the aid cannot exceed the maximum value provided for each development region under art. 9 para. (1) and shall be calculated in accordance with the formula provided under art. 2 para. (20) in the Regulations.

(3) A single investment project cannot be divided into several subprojects in order to benefit from State aid of a higher value than the maximum value provided for large investment projects.

(4) If a single investment project is a large investment project, the total cumulated value of the aid for the single investment project cannot exceed the value of the maximum aid for large investment projects calculated according to para. (2).

Art. 11. – (1) In order to determine whether the level and intensity of the State aid that an enterprise benefits of observe the maximum limits provided by art. 9 para. (1) and of art. 10 para. (1) and (2), respectively, the total value of the State aid granted for the activity, investment or enterprise that benefits from State aid will be considered.

(2) State aid granted pursuant to this scheme can be cumulated as follows:

a) with any other State aid corresponding to different eligible costs; b) with any other State aid related to the same eligible costs, but only if the cumulation in question does not cause the exceeding of the maximum limits provided by art. 9 para. (1) and art. 10 para. (1) and (2), respectively.

(3) State aid granted pursuant to this scheme will not be cumulated with the *de minimis* aid relative to the same eligible costs, if such a cumulation would lead to an intensity and a level of the aid which exceeds the limits provided by art. 10 para. (1) and (2).

Art. 12. – The requested State aid cannot exceed the total value of the contributions to regional development corresponding to the investment for which the financing is requested, as these are defined under art. 1 letter h) in the Procedure on granting State aid provided in appendix no. 2.

CHAPTER V

The stimulative effect

Art. 13. – (1) This decision applies only to aid that has a stimulative effect.

(2) It is considered that aid has a stimulative effect if the following conditions are cumulatively fulfilled: a) the enterprise addresses to the Ministry of Public Finance a written application for the granting of State aid, according to the model provided in appendix no. 1 to the Procedure on granting State aid, before starting the investment; b) the documentation attached to the application proves that the investment would not be profitable for the enterprise in the region in question or that it could not have been made in that region in the absence of the State aid;

c) the investment does not start before the receipt of the financing agreement.

Art. 14. – If the applicant enterprise starts the investment prior to receiving the financing agreement, the entire investment is not eligible.

CHAPTER VI

Criteria for granting the State aid

Art. 15. – This decision applies to aid from all economic sectors, with the exception of the following aid provided by art. 1 para. (3) in the Regulations:

- a) Aid granted in the sector of fishing and aquaculture, as regulated by the Regulations (EU) no. 1.379/2013 of the European Parliament and of the Council of December 11, 2013 on the common organization of markets in the sector of fishing products and aquaculture, amending the Regulations (EC) no. 1.184/2006 and (EC) no. 1.224/2009 of the Council and repealing the Regulations (EC) no. 104/2000 of the Council;
- b) Aid granted in the sector of primary production;
- c) Aid granted in the sector of processing and marketing of agricultural products, in the following cases:
 - (i) when the value of the aid is set based on the price or quantity of such products purchased from primary producers or marketed by the enterprises in question, or
 - (ii) when the granting of the aid is conditioned on their partial or total transfer to primary producers;
- d) aid for the facilitation of closing of uncompetitive coal mines, as they are regulated through the Decision no. 2010/787 of the Council;
- e) aid which favors activities in the ironworks sector, the coal sector, the shipbuilding sector, the synthetic fibers sector, the transportation and related infrastructure sector, the sector of production and distribution of energy and related infrastructure.

Art. 16. – The enterprises cannot benefit from the following types of State aid: aid dedicated to activities related to export to third countries or other Member States, and direct aid related to the exported quantities, to the establishment and operation of a distribution network or other current costs related to the export activity; aid conditioned upon the preferential use of national products instead of imported products; operational aid.

Art. 17. – (1) The beneficiaries of State aid pursuant to the scheme can be enterprises which cumulatively fulfill the following eligibility criteria on the date of registration of the application for a financing agreement:

- a) they are registered according to the Companies Law no. 31/1990, republished, as subsequently amended and supplemented;
- b) they make an initial investment in Romania, in any sector, with the exception of those provided by art. 15 and by the List of activity sectors for which State aid is not granted provided in the appendix no. 1 to this decision;
- c) they do not have outstanding debts to the State's general consolidated budget;
- d) they do not fall into the category of "enterprises in difficulty", according to the provisions of art. 2 point 18 in the Regulations;
- e) they are not undergoing the procedure of forced execution, insolvency, bankruptcy, judicial reorganization, dissolution, operational closing, liquidation or temporary suspension of activity;
- f) they are not subject to decisions of recovery of State aid or if such decisions were issued they were enforced according to the legal provisions in force;
- g) they have not benefited from other regional State aid for eligible costs of the type of salary costs for the same single investment project;
- h) they have not closed the same or a similar activity in the European Economic Area in the 2 years prior to the registration of the application for financing and, at the time of registration of the application, they have no concrete plans to conclude such an activity within a term of 2 years after the completion of the initial investment in the region in question.

(2) The operating enterprises may benefit from State aid pursuant to the scheme if they cumulatively fulfill the criteria under para. (1) and the following eligibility criteria on the date of registration of their application for financing:

- a) their return turnover is higher than 0 in the last concluded financial year; b) their own capitals are positive in the last concluded financial year.

(3) Newly set up enterprises may benefit from State aid pursuant to the scheme if they cumulatively fulfill the criteria provided under para. (1) and the following eligibility criteria on the date of registration of their application for financing:

- a) their share capital subscribed and paid up according to legal provisions is of at least Lei 100,000;
- b) they do not belong to shareholders who own or owned in the last 2 years prior to the date of registration of the application for financing another enterprise registered according to the Companies

Law no. 31/1990, republished, as subsequently amended and supplemented, which carries out or has carried out the activity for which financing is applied for.

Art. 18. – The investments made by enterprises within the scheme must cumulatively fulfill the following eligibility criteria:

- a) they should be considered initial investments, as these are defined by art. 1 letter o) in the Procedure on granting State aid provided in appendix no. 2, and initial investments in favor of a new economic activity, as these are defined under art. 1 letter p) in the Procedure on granting State aid provided in appendix no. 2, respectively, in the case of large enterprises in the Bucharest-Ilfov Region;
- b) they should have a total value, exclusive of V.A.T., of at least Lei 44 million, or the equivalent of approximately EUR 10 million;
- c) they should prove their economic efficiency and viability during the period of implementation of the investment and 5 years as of its completion, according to the business plan defined under art. 1 letter y) in the Procedure provided in appendix no. 2;
- d) they should prove the fulfillment of the requirements provided by art. 13 regarding the stimulative effect of the State aid;
- e) they should reach the quantitative and qualitative indicators provided in appendix no. 3 to the Procedure on granting State aid;
- f) they should generate contributions to regional development, through the payment of taxes and duties to the State's consolidated budget and the local budgets, for the period of implementation of the investment and 5 years as of its completion;
- g) they should generate a quantifiable multiplier effect in the economy through driving other related investments and developing the local providers of products and services.

CHAPTER VII

Final Provisions

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Art. 19. – (1) The Ministry of Public Finance is required to publish on its website the entire text of this scheme, the period of the sessions when applications for financing can be registered, the result of the process of selection of the applications for financing, the list of beneficiaries, the annual budget allocated to the State aid scheme, the session's budget, the date of exhaustion of the annual budget and of the total budget allocated to the scheme, in accordance with the provisions of the annual budget laws.

Art. 19 para. (2) repealed.

(3) If the analysis of the applications for financing that were registered reveals that the budget allocated to the session is not entirely used or the annual budget of the scheme is supplemented in accordance with the provisions of the annual budget laws, the Ministry of Public Finance shall publish on its website the budget left unused from the annual budget allocated to the scheme and the date of opening of a new session of registration of applications for financing.

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(4) The information provided in appendix III to the Regulations on each individual aid which exceeds the equivalent in Lei of EUR 500,000 will be published by the Ministry of Public Finance on its own website.

Art. 20. – (1) The Ministry of Public Finance must keep detailed records of the aid granted for all the investments within the scheme. These records which contain all the information necessary to established if the criteria in the Regulations are observed must be kept for a term of 10 years as of the date when the last aid is granted within the scheme.

(2) The beneficiary of State aid must keep for 10 years as of the date of receipt of the financing agreement all the documents regarding the State aid received within the scheme.

(3) The Ministry of Public Finance, acting as provider of State aid, sends to the Competition Council annual reports on the regional State aid granted in accordance with this scheme, according to the Regulations of the Competition Council on the monitoring procedures for State aid implemented through the Order of the Chairman of the Competition Council no. 175/2007.

Art. 21. – Within 30 days as of the entry into force of this decision, the Ministry of Public Finance will issue an Applicant's Guide in application of this decision.

Art. 22. – Appendices no. 1 and 2 are an integral part of this decision.

PRIME-MINISTER
VICTOR-VIOREL PONTA

Countersigned by:

Deputy Prime-minister, Minister of Regional Development and Public Administration

Nicolae-Liviu Dragnea,

Minister of Public Finance,

Ioana-Maria Petrescu

Minister Delegated for the Budget,

Darius-Bogdan Valcov

Minister of Economy,

Constantin Nita

Minister delegated for Small and Medium Enterprises, Business Environment and Tourism,

Florin Nicolae Jianu

Minister of Foreign Affairs,

Titus Corlatean

Bucharest, September 17, 2014.

No. 807

List of activity sectors for which State aid is not granted

No.	NACE Code	NACE Code name
0	1	
SECTION A – AGRICULTURE, FORESTRY AND FISHING		
1	01	Agriculture, hunting and related service activities
2	02	Forestry and logging
3	03	Fishing and aquaculture
SECTION B – EXTRACTIVE INDUSTRY		
4	05	Mining of superior and inferior coal
5	06	Extraction of crude petroleum and natural gas
6	0892	Extraction of peat
7	091	Support activities for petroleum and natural gas extraction
SECTION C- PROCESSING INDUSTRY		
8	102	Processing and preserving of fish, crustaceans and mollusks
9	1101	Distilling, rectifying and blending of spirits
10	1102	Manufacture of wine from grape
11	1103	Manufacture of cider and other fruit wines
12	1104	Manufacture of other non-distilled fermented beverages
13	1105	Manufacture of beer
14	1106	Manufacture of malt
15	12	Manufacture of tobacco products
16	131	Preparation and spinning of textile fibers
17	19	Manufacture of coke and refined petroleum products
18	2014	Manufacture of other organic basic chemicals
19	2051	Manufacture of explosives
20	206	Manufacture of man-made fibers
21	24	Manufacture of basic metals
22	254	Manufacture of weapons and ammunition
23	2591	Manufacture of steel drums and similar containers
24	301	Building of ships and boats
25	304	Manufacture of military fighting vehicles
26	33	Repair and installation of machinery and equipment
SECTION D- PRODUCTION AND SUPPLY OF ELECTRICITY AND HEAT, GAS, HOT WATER AND AIR CONDITIONING		
27	35	Electricity, gas, steam and air conditioning supply
SECTION F - CONSTRUCTIONS		

28	41	Construction of buildings
29	42	Civil engineering
30	4399	Other specialized construction activities n.e.c.
SECTION G – WHOLESALE AND RETAIL TRADE; REPAIR OF MOTOR VEHICLES AND MOTORCYCLES		
31	45	Wholesale and retail trade and repair of motor vehicles and motorcycles
32	46	Wholesale trade, except of motor vehicles and motorcycles
33	47	Retail trade, except of motor vehicles and motorcycles
SECTION H – TRANSPORT AND STORAGE		
34	49	Land transport and transport via pipelines
35	50	Water transport
36	51	Air transport
37	522	Support activities for transportation
SECTION J – INFORMATION AND COMMUNICATION		
38	60	Programming and broadcasting activities
39	61	Telecommunications
SECTION K – FINANCIAL BROKERAGE AND INSURANCES		
40	64	Financial service activities, except insurance and pension funding
41	65	Insurance, reinsurance and pension funding (with the exception of those from the public social insurance system)
42	66	Activities auxiliary to financial services and insurance activities
SECTION L – REAL ESTATE TRANSACTIONS		
43	68	Real estate activities
SECTION N – ADMINISTRATIVE AND SUPPORT SERVICE ACTIVITIES		
44	77	Rental and leasing activities
45	78	Employment activities
SECTION O – PUBLIC ADMINISTRATION AND DEFENSE; PUBLIC SOCIAL INSURANCE		
46	84	Public administration and defense; compulsory social security
SECTION R – ARTS, ENTERTAINMENT AND RECREATION		
47	92	Gambling and betting activities
48	93	Sports activities and amusement and recreation activities
SECTION S – OTHER SERVICE ACTIVITIES		
49	94	Activities of membership organizations
SECTION T – ACTIVITIES OF PRIVATE HOUSEHOLDS AS EMPLOYERS OF DOMESTIC PERSONNEL; ACTIVITIES OF PRIVATE HOUSEHOLDS OF PRODUCTION OF GOODS AND SERVICES FOR OWN CONSUMPTION		
50	97	Activities of households as employers of domestic personnel
51	98	Undifferentiated goods- and services-producing activities of private households for own use
SECTION U – ACTIVITIES OF EXTRATERRITORIAL ORGANISATIONS AND BODIES		
52	99	Activities of extraterritorial organizations and bodies

PROCEDURE
on granting the State aid

CHAPTER I

Definitions

Art. 1. – For the purposes of this procedure, the terms and expressions below have the following meanings:

- a) *tangible assets* – the assets associated to the initial investment and represented by:
 - (i) constructions of any kind, and the expenditure for the execution of constructions, respectively;
 - (ii) new technical installations, machines and equipment classified according to the Government Decision no. 2.139/2004 approving the Catalogue on the classification and normal terms of operation of fixed assets, as subsequently amended, with the minimum entry value of fixed assets established according to the legal provisions in force;
- b) *intangible assets* – amortizable assets associated to the initial investment that do not have a physical or financial embodiment such as patents, licenses, know-how or other intellectual property;
- c) *the same or a similar activity* – activity which is part of the same class (number code of 4 figures), as per the Order of the Chairman of the National Institute of Statistics no. 337/2007 on the update of the Classification of Activities in the National Economy – NACE;
- d) *procurement of assets under market conditions* – manner of procurement of assets which is based on the following principles: nondiscrimination, equal treatment, mutual recognition, transparency, proportionality and efficient use of funds;
- e) *operating aid* – the aid for the reduction of current expenditure of an enterprise, not related to an initial investment. This expenditure includes categories of costs like expenditure for personnel, materials, contracted services, communications, energy, maintenance, rent, administration and others alike, but does not include the amortization costs and the financing costs if these were included in the eligible costs when the aid for investments was granted;
- f) *spread area* – the sum of the areas of all the construction levels, according to STAS 4908-85 “Civil, industrial and agro-zootechnical buildings. Conventional areas and volumes”;

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- f¹) *schedule of performance of the investment* – the period of performance of the investment plan as of the starting date of the investment and until December 31 of the year when the investment is completed.

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- g) *marketing of agricultural products* – holding or display with a view to sale, offering for sale, delivery or any other manner of placing on the market, except the first sale by a primary

producer to resellers or processors and any activity preparing a product for such first sale; a sale by a primary producer to final consumers shall be considered to be marketing if it takes place in separate premises reserved for that purpose;

- h) *contribution to regional development* – value of the contributions to regional development of the type of taxes and duties to the State’s general consolidated budget corresponding to the initial investment and to the jobs created by it, effectively paid by the beneficiary of the State aid throughout the implementation and 5 years as of the completion thereof;
- i) *date when the documentation is deemed complete* – date on which the enterprise submits the entire documentation, including the documentation subsequently requested by the Ministry of Public Finance;
- j) *start of the investment* - either the start of the construction works corresponding to the investment, or the first commitment of mandatory judicial nature of ordering of equipment or any contract through which the investment becomes irreversible, whichever occurs first, exclusive of preparatory works; the purchase of land and the preparatory works, like obtaining authorizations and performing feasibility studies, are not deemed to represent the start of the works;
- k) *carries out economic activity* – obtains income from the activity it carries out;
- l) *diversification of the production of an existing unit* – obtaining products which were not previously made by that unit; the eligible costs must exceed by at least 200% of the accounting value of reused assets, as they were registered in the financial year prior to the start of the works;
- m) *concluded financial year* – the financial year for which the enterprise has its financial statements submitted and approved according to the legal provisions in force;
- n) *extension of the capacity of an existing unit* – increasing the production capacity in the existing site due to an unfulfilled request;

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n¹) *group – mother-company and all the subsidiaries thereof;*

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- o) *initial investment* – the investment in tangible and intangible assets within the same perimeter, related to the start of a new activity, the extension of an existing activity, the diversification of the production of a unit through products that were not previously produced by that unit or a fundamental change of the general production process of an existing unit;
- p) *initial investment in favor of a new economic activity* – investment in tangible and intangible assets within the same perimeter, related to the start of a new establishment or the diversification of the activity of an establishment, provided the new activity is not the same or similar to the activity previously carried out by that establishment;
- q) *setting up of a new establishment* - creation of a new site for the performance of the activity for which the financing is requested, which is independent from a technological perspective from other existing establishments;
- r) *enterprise* – any entity with legal personality, set up for the purpose of obtaining income from the performance of an economic activity;

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s) **Art.1 Letter s) repealed.**

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- t) *large enterprise* – the enterprise which is not defined as SME according to appendix I of the Regulations (EU) no. 651/2014 of the Commission of June 17, 2014 declaring certain categories of aid compatible with the internal market in application of articles 107 and 108 of the Treaty, hereinafter referred to as the *Regulations*;
- u) *operating enterprise* – the enterprise which has been carrying out economic activity for more than 3 consecutive fiscal years as of the date of registration of the application for financing and which has relevant approved annual financial statements for the last concluded financial year;
- v) *newly set up enterprise* – the enterprise set up in the year of registration of the application for financing or the enterprise which has not carried out economic activity, but not for more than 3 consecutive fiscal years prior to the date of registration of the application;
- w) *perimeter* – the same cadastral plot or neighboring cadastral plots;
- x) *authorized person* – the legal representative of the enterprise or the person authorized by the legal representative to represent the enterprise;
- y) *business plan* - a document which proves the economic efficiency of the enterprise and the viability of the investment project, referring at least to the following aspects: description of the business, location of performance of the investment, presentation of the investment, substantiation of the investment plan, analysis of the relevant market where the enterprise requests the financing, substantiation of the turnover, the current financial situation and financial projections. The documents substantiates: the classification of the investment in the category of initial investments, the stimulative effect of the State aid, the manner of achieving the quantitative and qualitative indicators provided in appendix no. 3. The business plan is attached supporting documents necessary for the substantiation thereof. The business plan is elaborated for the period of implementation of the investment and 5 years as of the date of completion thereof;
- z) *investment plan* – a synthetic document presented in table form, which comprises all the eligible and ineligible expenditure corresponding to the initial investment, with determination of the total value of the investment, according to the provisions of art. 6 in this decision, as well as to the schedule of performance of the investment;
- aa) *relevant market* – the products and/or services the consumer considers interchangeable or substitutable due to their characteristics, prices and use thereof, as well as to the geographical area where they are marketed;
- bb) *large investment project* – an initial investment with eligible costs that exceed EUR 50 million; the value is calculated at the exchange rate set by the National Bank of Romania, valid on the date of elaboration of the financing agreement;

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cc) *single investment project* – any initial investment started by the same beneficiary, at group level, within a term of 3 years as of the starting date of the works at another investment which

benefits of aid in the same region of level 3 from the Common Nomenclature of Statistical Territorial Units (NUTS 3), respectively county;

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- dd) *primary agricultural production* - the production of products of the soil and of animal breeding, listed in appendix I to the Treaty on the functioning of the European Union, without performing any other operation that changes the nature of those products;
- ee) *agricultural products* – the products listed in appendix I to the Treaty, with the exception of products obtained from fishing and aquaculture listed in appendix I to the Regulations (EU) no. 1.379/2013 of the European Parliament and of the Council of December 11, 2013 on the common organization of markets in the sector of fishing products and aquaculture, amending the Regulations (EC) no. 1.184/2006 and (EC) no. 1.124/2009 of the Council and repealing the Regulations (EC) no. 104/2000 of the Council;
- ff) *processing of agricultural products* - any operation performed on an agricultural product which results in a product which is also an agricultural product, with the exception of activities carried out in agricultural exploitations necessary in order to prepare a product of animal or vegetal origin for first sale;
- gg) *request for payment of the approved State aid* – a payment request settled by the Ministry of Public Finance with full or partial payment of the requested State aid;
- hh) *fundamental change in the general production process* – the purchase of assets whose accounting value exceeds the amortization calculated for the three previous financial years for similar assets related to the activity for which financing is requested. The mere replacement of the existing assets is not deemed to be a fundamental change in the general production process;
- ii) *European Economic Area* – includes the Member States of the European Union and the Member States of the European Free Trade Association;
- jj) *Cost standard* – the maximum value considered eligible for the tangible assets of the type of constructions, which cannot exceed Lei 1,650/sq. m. of spread area, or the equivalent of approximately EUR 375/sq. m. of spread area, respectively;
- kk) *financing source* – the financial resources of the enterprise, dedicated to the initial investment, obtained from own sources, or from the increase of the subscribed and paid up share capital, from reinvested profit, intragroup loan or bank loan;

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kk¹) third parties not related to the purchaser – private individuals or legal entities who are not found in at least one of the following situations:

- (i) private individuals who act as spouse or relative up to and including the 3rd degree of the staff or management of the purchaser;*
- (ii) private individuals who are employees of the purchaser;*
- (iii) private individuals or legal entities that act as seller and do not have any influence on the structure, the votes or the decisions of the management bodies of the purchaser;*
- (iv) private individuals or legal entities who act as sellers and with regard to which the purchaser does not have any influence on the structure, votes or decisions of their management bodies.*

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- ll) *physical wear* – the process of deterioration in time of the quality characteristics of an asset, due to the action of external factors;
- mm) *moral wear* – the phenomenon due to the subsequent evolution of the assets with the same use because of technical progress;
- nn) *total investment value* – the value of the eligible expenditure, according to art. 6 para. (1) in this decision, and the value of all the ineligible tangible and intangible assets, exclusive of VAT.

CHAPTER II

Manner of granting of the State aid

Art. 2. – (1) In order to benefit from State aid, the applicant enterprise must obtain a financing agreement from the Ministry of Public Finance.

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(2) The registration of the applications for financing shall be made in sessions of 30 business days. The period of registration of the applications shall be communicated by the Ministry of Public Finance on its website, in accordance with art. 19 para. (1) in the decision, at least 45 days before the date of opening thereof.

(3) The applications for financing registered outside the sessions shall be returned to the enterprises.

Art. 3. – (1) *During the registration session, the applicant enterprise shall send to the General Registrar of the Ministry of Public Finance an application for financing, in accordance with the form provided in appendix no. 1, accompanied by the following supporting documents:*

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- a) the original counterpart of an ascertaining certificate issued by the Trade Register Office attached to the tribunal where the enterprise is seated, which should mention at least the following information: the identification details, the sole registration code, the shareholders and the legal representatives of the enterprise, the main field of activity and all the secondary fields of activity, the secondary offices of the enterprise and the date of the last mention registered with the trade register and the object thereof;
- b) copies of the approved annual financial statements corresponding to the last concluded financial year, as applicable;
- c) tax ascertaining certificate regarding the fulfilment of the payment liabilities to the State budget, with no outstanding debts, either the original counterpart or a legalized copy;
- d) tax ascertaining certificate regarding the fulfillment of the payment liabilities to the local budget, including for the secondary offices, with no outstanding debts, either the original counterpart or a legalized copy;

- e) the investment plan corresponding to the initial investment for which the financing is requested;
- f) the business plan revealing the viability of the initial investment and the enterprise's economic efficiency;

#M1

- g) *power of attorney signed by the legal representative of the applicant enterprise, if another person than him/her signs the application for financing.*

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- h) copy of the identity document of the person authorized to legally represent the enterprise;
 - i) index of the documents that are submitted.
- (2) The documents mentioned under letters e) and f) are to be sent in electronic form as well.

#M1

Art. 3¹. – (1) The Ministry of Public Finance shall calculate a score, in accordance with the provisions in appendix no. 3¹, based on the information included in appendix no. 1 for the enterprises which send applications for financing during the registration session.

(2) The enterprises shall be selected in descending order of their score, based on the State aid they requested through the applications for financing, without exceeding the total budget allocated to the session.

Art. 3². – The Ministry of Public Finance shall finalize the selection process of the applications for financing within at most 5 business days as of the date of conclusion of the session of submission, and:

- a) shall publish on its website the results obtained;*
- b) shall return to the enterprises, by post with confirmation of receipt, the applications for financing that were not selected within the limit of the budget allocated to the session.*

Art. 4. – (1) The Ministry of Public Finance shall verify for the selected enterprises the compliance of the documents they sent as provided in appendix no. 2 and shall analyze the viability of the investment and the economic efficiency of the enterprise, as provided by appendix no. 3.

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(2) Following the process of assessment of the application for financing, the Ministry of Public Finance sends to the applicant enterprise, as applicable:

- a) the financing agreement, if all the conditions and eligibility criteria provided by this decision are cumulatively fulfilled;
- b) a request for information and/or documents to supplement the application for financing, if:
 - (i) there are inconsistencies in the information supplied;
 - (ii) the documents do not observe the conformity requirements provided by appendix no. 2;

(iii) it is ascertained that certain additional documents are necessary for the settlement of the application;

c) the letter of rejection of the application for financing, if:

(i) the application for financing is not accompanied by the documents provided by art. 3;

(ii) all the conditions and eligibility criteria provided by this decision are not cumulatively fulfilled;

(iii) the enterprise does not observe the maximum term of 15 business days as of the receipt of the request for information and/or documents to supplement the application for financing.

#M1

(iv) the information included in appendix no. 1 which formed the basis of calculation of the score in accordance with art. 3¹ para. (1) is not confirmed after the verification made in accordance with art. 4 para. (1).

Art. 5. – (1)The Ministry of Public Finance requests information and/or documents to supplement the application for financing, in accordance with the provisions of art. 4 para. (2) letter b), within at most 45 business days as of the date of publication on the website of the Ministry of Public Finance of the results of the selection process in accordance with art. 3².

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(2) The documents sent by the applicant enterprise on its own initiative to supplement the application for financing will not be considered in the process of assessment of the application for financing.

Art. 6. – The Ministry of Public Finance completes the process of assessment of the application for financing within at most 45 business days as of the date when the entire documentation is considered complete within the meaning of the provisions of this scheme.

Art. 7. – (1) All the documents sent to the Ministry of Public Finance by the enterprise must be presented in Romanian language. In the case of documents submitted in a foreign language, the enterprise will submit them accompanied by translations into Romanian certified by sworn translators.

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(2) The documents issued by the applicant enterprise in the original counterpart must be dated and signed by the person authorized to legally represent the enterprise.

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CHAPTER III

Payment of the State aid

Art. 8. – The enterprises are bound to start the investment for which they requested financing within at most 4 months as of the date of issuance of the financing agreement, subject to the sanction provided by art. 17.

Art. 9. – The State aid is to be paid to the enterprises that received a financing agreement, after the total or partial performance of the eligible expenditure, according to the financing agreement, within the limit of the approved annual budgetary appropriations.

Art. 10. – (1) In view of the payment of the State aid, the enterprise will send to the General Registrar's Office of the Ministry of Public Finance at least the following documents:

- a) a State aid payment request accompanied by the supporting documents, according to the form provided in appendix no. 4a;
- b) the settlement form, according to the form provided in appendix no. 4b;
- c) copies of the approved annual financial statements corresponding to the last concluded financial year, as applicable;
- d) an original counterpart or a legalized copy of the tax ascertaining certificate regarding the fulfillment of the payment liabilities to the State budget, with no outstanding debts;
- e) an original counterpart or a legalized copy of the tax ascertaining certificate regarding the fulfillment of the payment liabilities to the local budget, with no outstanding debts;
- f) a copy of the confirmation from the National Agency for Fiscal Administration – the Activity of Treasury and Public Accounting where the enterprise has its fiscal domicile, regarding the opening of the account for the IBAN code 50.70 "Available funds from subsidies and transfers";
- g) an index of the documents sent for the purpose of payment of the State aid.

(2) The enterprises are entitled to at most two payment requests for the approved State aid within one calendar year.

Art. 11. – (1) The Ministry of Public Finance verifies the conformity of the documents sent and the fulfillment of the requirements provided by this scheme for the purpose of payment performance.

(2) If it is ascertained that certain documents are missing or there are inconsistencies among the data and information sent, the Ministry of Public Finance returns to the enterprise the payment request for State aid, in order to be supplemented.

Art. 12. – (1) The Ministry of Public Finance settles the application of the enterprise regarding the payment of the State aid, after it verifies on the spot the truthfulness and conformity of the declarations and documents corresponding to the expenditure made by the enterprise according to this scheme.

(2) Throughout the performance of the verification on the spot, the enterprise is bound to allow access to the control team, according to law, to the assets corresponding to the initial investment and to all the original documents that certify the fulfillment of the requirements imposed by this decision.

Art. 13. – (1) The payment of the State aid cannot be subject to compensatory payments.

(2) The actual payment of the State aid is to be made to the Ministry of Public Finance within at most 45 business days as of the date when the payment request for the State aid is considered completed within the meaning of the provisions of this scheme, into the account 50.70 “Available funds from subsidies and transfers”, opened with the unit of the State Treasury where the enterprise that benefits from the State aid has its fiscal domicile.

CHAPTER IV

Maintenance of the investment and recovery of the State aid

Art. 14. – (1) The enterprise is bound to maintain operational the initial investment it makes for a term of at least 5 years as of the date of its completion.

(2) If it is ascertained during the term provided under para. (1) that the assets corresponding to the initial investment are physically or morally worn, it is allowed to replace them in order to ensure continuity for the financed activity, subject to the Ministry of Public Finance being informed.

Art. 15. – By July 1 of the year following that of completion of the investment, respectively of the performance of the last part of the approved State aid, as applicable, the enterprise will present to the Ministry of Public Finance a report audited by an authorized enterprise that is not an affiliated person of the enterprise that benefits from State aid, which will certify the fact that the investment was made within the proposed parameters and the economic and financial results undertaken through the application for financing and the documentation attached thereto have been obtained.

Art. 16. – (1) The applicant enterprises are bound to complete the investment for which they requested financing within the terms provided in the investment plan which formed the basis for the issuance of the financing agreement.

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(2) If the schedule of performance of the investment suffers amendments, the enterprise is required to request to the Ministry of Public Finance the approval of this amendment, within 30 business days as of the date when it becomes aware of that amendment, and attach a substantiation in this respect, but not more than twice during the implementation of the initial investment.

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(3) The Ministry of Public Finance will analyze the documentation it received, based on the following procedure:

a) if it is found that the investment continues to fulfill all the requirements imposed by this scheme, including the observance of the annual budgets of the scheme, the financing agreement will be correspondingly amended;

b) if it is ascertained that the investment no longer fulfills the requirements provided by this scheme, the financing agreement will be revoked.

(4) If technical changes occur with regard to the investment plan, the enterprise may proceed as follows:

a) it either sends a notification to the Ministry of Public Finance regarding the tangible and intangible assets it added or replaced following these changes and which thus become ineligible;

b) or it follows the procedure provided by para. (2) and continues to implement the investment only after it implements the procedure provided by para. (3).

(5) The Ministry of Public Finance may approve changes of the financing agreements at any point in time during the period provided by art. 3 para. (2) of this decision, under observance of the provisions of this article.

Art. 17. – (1) The financing agreement is revoked in the following situations:

the enterprise has not started the investment within the term provided by art. 8;

the enterprise does not observe the requirement related to the maintenance of the initial investment provided by art. 14 para. (1);

the enterprise does not observe the provisions of art. 15;

the enterprise does not observe the provisions of art. 16 para. (1), (2) and (4);

the enterprise is in the situation provided by art. 16 para. (4) and the total value of the investment does not observe the provisions of art. 18 letter b) of this decision.

(2) In the situations provided by para. (1), the Ministry of Public Finance sends to the enterprise a letter of revocation of the financing agreement.

(3) The revocation of the financing agreement in the situations provided by para. (1) determines the enforcement of the measures necessary to recover the entire State aid that was paid.

(4) The State aid that was paid will be recovered proportionally to the degree of non-realization in the following cases:

a) the enterprise does not realize the contribution to regional development as defined by art. 1 letter h) in the amount provided in the documentation attached to the application for financing;

b) the enterprise does not fulfill other requirements provided by the financing agreement.

(5) The State aid will be recovered in accordance with the recovery procedures provided by the Government Emergency Ordinance no. 117/2006 on the national procedures in the field of State aid, approved as amended and supplemented through the Law no. 137/2007, as well as of the Order of the Minister of Economy and Finance no. 117/2006 on the national procedures in the field of State aid, approved as amended and supplemented through the Law no. 137/2007.

(6) The State aid which must be recovered includes the related interest owed as of the date of payment and until the date of recovery. The applicable interest rate is that established in accordance with the provisions of the Regulations (EC) no. 659/1999 of the Council of March 2, 1999 establishing the norms of enforcement of article 108 of the Treaty on the functioning of the European Union, published in the Official Journal of the European Union series L no. 83 of March 27, 1999, as subsequently amended.

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Art. 18. – Appendices no. 1 – 3, 3¹, 4a and 4b, are an integral part of this proceeding.

Registration date.....

Registration number.....

REQUEST FOR FINANCING AGREEMENT

We, the undersigned,, having the identification details mentioned under point I, duly represented by Mr./Mrs., acting as....., hereby request financing in accordance with the provisions of the scheme whose object is to stimulate investments with a major impact on the economy, approved through Government Decision no. 807/2014.

I. Presentation of the enterprise

Enterprise name:.....

Date of registration of the enterprise:.....

Registration no. with the trade register office:.....

Tax identification code:.....

Address:....., Zip code:.....

Telephone:.....Fax:.....

Email:.....

Legal form:.....

Share capital:.....Lei, held by:

Private individuals:.....%;

SME¹:.....%;

Large companies²:.....%;

Main object of activity:.....

NACE Code:.....

Secondary object of activity³:.....

NACE Code:.....

II. Presentation of the current state of the enterprise

a) Data from the approved annual financial statements of the last financial year concluded, as applicable:

-Average number of employees:.....

-Turnover:.....Lei

1 The enterprise which observes the definition provided in appendix no. 1 to the Regulation.

2 The enterprise which does not observe the definition of SME, according to the provisions of appendix no. 1 to the Regulation.

3 To be filled in if the financing is requested for the secondary object of activity.

-Value of total assets⁴:.....Lei

-Return turnover⁵:.....Lei;

-Own capitals⁶:.....Lei;

III. Brief presentation of the investment project made within the scheme, including the following information:

-objective of the investment:.....

-inclusion of the investment into the category of initial investment:

- incorporation of a new unit;
- extension of the unit's capacity;
- diversification of the unit's production;

or

- fundamental change in the general production process of the unit

- value of the investment:Lei;

- location of performance of the investment:.....;

- the estimated starting date of the investment in accordance with the investment plan:.....;

- the estimated end date of the investment in accordance with the investment plan:.....

IV. The incentive effect

The State aid awarded on the basis of this scheme has an incentive effect, because:

- the investment would not be profitable for the enterprise in that region in the absence of the aid;

or

- the investment would not be made in the region concerned in the absence of the aid.

4 Total assets means the fixed assets plus the current assets plus advance expenses.

5 The return turnover = 100 x (Net profit/Turnover).

6 The "Own capitals" element from the balance.

V. Presentation of the eligible costs and of the requested financing

Activity name	Type of eligible expense for which financing is requested		Value of eligible expenses*)				Maximum intensity of the aid in the region	Value of the requested State aid -lei-			
			Year I**)	Year II	Year...	Total		Year I	Year II	Year...	Total
Performance of investments in tangible and intangible assets	<input type="checkbox"/>	a) eligible costs for the performance of investments in tangible assets									
	<input type="checkbox"/>	a1) Performance of constructions									
	<input type="checkbox"/>	a2)Lease of constructions									
	<input type="checkbox"/>	a3) Technical installations, machines and equipment									
	<input type="checkbox"/>	b)Eligible costs for the performance of investments in intangible assets									
	<input type="checkbox"/>	b1)Costs for patents, licenses, know-how or other intellectual property rights									
TOTAL											

*)Value of the eligible expenses exclusive of V.A.T.

**) Indicate the calendar years.

VI. Declaration on honor

I, the undersigned....., identified with identity document series.....no....., issued by.....on....., domiciled in....., Street, building....., entrance....., apt....., district/county....., acting as legal representative of the enterprise....., hereby declare on my honor that all the information supplied and registered in this application is correct and complete and all the copies of documents that accompany the application are true to the originals.

I understand that any omissions or inaccuracy in presenting the information made to obtain financial advantages is punished according to law.

I hereby declare on my honor that the enterprise:

- fall into the category of large enterprises;
- falls into the category of small and medium enterprises;
- has not started the investment project for which it requests financing;
- does not fall into the category of “enterprises in distress”, as defined by the provisions of art. 2 para. (18) in the (EU) Regulation no. 651/2014 of the Commission of June 17, 2014 declaring certain categories of aid compatible with the internal market in application of articles 107 and 108 of the Treaty;
- is not undergoing the proceeding of forced execution, bankruptcy, judicial reorganization, dissolution, operational closing, liquidation or temporary suspension of activity;

- is not subject to decisions of recovery of State aid or, if such decisions have been issued, they have been executed, in accordance with the legal provisions in force;*
- it has not benefited and will not benefit of regional State aid for eligible costs of the type of salary costs within the same single investment project;*
- it has not closed an identical or similar activity in the European Economic Area in the last 2 years prior to the registration of the application for financing and, at the time of registration of the application, it has no concrete plans of closing such an activity within a term of 2 years after the completion of the initial investment in the region concerned;*
- it will not hire persons with whom it or enterprises associated to it have had work relationships in the last 12 months;*
- it does not belong to shareholders who own or have owned in the last 2 years prior to the date of registration of the application for financing another enterprise registered in accordance with the Law no. 31/1990, as republished, as subsequently amended and supplemented, which carries out or has carried out the activity for which it requests financing, in the case of newly incorporated enterprises;*

I hereby declare on my honor that in the last 3 years⁷, the enterprise:

- has not benefited of de minimis aid and other State aid;*
- has benefited of the following de minimis aid and State aid:*

No.	Name of the investment project	Location of performance of the investment (county)	Year of award of the aid	Supplier of the aid	Legislative act	Amount of aid - EUR ⁸ -

⁷ The last 3 years shall be considered: the current fiscal year and 2 previous years.

⁸ The equivalent in EUR shall be taken from the judicial act or shall be determined at the exchange rate valid on the date of award of the aid in accordance with the judicial act.

I also declare on my honor that the enterprise:

- has not benefited and will not benefit of State aid for the same single investment project from other aid suppliers;*
- has benefited or will benefit of the following State aid for the same single investment project from other aid suppliers:*

<i>No.</i>	<i>Name of the investment project</i>	<i>Location of performance of the investment (county)</i>	<i>Year of award of the aid</i>	<i>Supplier of the aid</i>	<i>Legislative act</i>	<i>Amount of aid - EUR⁹-</i>

Name:.....

Position:.....

Signature¹⁰:.....

Signature date:.....

9 The equivalent in EUR shall be taken from the judicial act or shall be determined at the exchange rate valid on the date of award of the aid in accordance with the judicial act.

10 The application will be signed by the person authorized to duly represent the enterprise.

APPENDIX No. 2
to the procedure

Compliance requirements	
<i>The application for financing:</i>	<ul style="list-style-type: none"> • <i>has all the rubrics filled in with the requested data, observes the form in appendix no. 1 and is dated and signed in the original counterpart by the person authorized to legally represent the enterprise;</i> • <i>contains information correlated with the information from the ascertaining certificate, the financial statements, the investment plan, the identity document of the authorized person or the power of attorney, if applicable.</i>
<i>The ascertaining certificate</i>	<ul style="list-style-type: none"> • <i>is attached in its original counterpart, it is updated with data which are valid on the date of registration of the application for financing and contains all the information necessary, in accordance with the provisions of art. 3 letter a) in the Proceeding on the award of State aid.</i>
<i>The financial statements that correspond to the last financial year concluded</i>	<ul style="list-style-type: none"> • <i>copies thereof are submitted and approved in accordance with the legal provisions in force, and are attached.</i>
<i>The investment plan</i>	<ul style="list-style-type: none"> • <i>includes all the information necessary, in accordance with the definition and instructions from the Applicant's Guide, it is dated and signed in the original counterpart by the person authorized to legally represent the enterprise;</i> • <i>it contains information correlated with the information from the application for financing.</i>

<p><i>The business plan</i></p>	<ul style="list-style-type: none"> • <i>includes all the information necessary, in accordance with the definition and the instructions from the Applicant's Guide, it is dated and signed in the original counterpart by the person authorized to legally represent the enterprise;</i> • <i>it presents the financial projections throughout the period of implementation of the investment and 5 years as of completion thereof (profit and loss account, balance and cash flow), in accordance with the legal provisions in force and the models presented in the Applicant's Guide;</i> • <i>it contains information correlated with the information from the application for financing.</i>
<p><i>The supporting documents for the business plan</i></p>	<ul style="list-style-type: none"> • <i>copies thereof are attached.</i>
<p><i>The tax certificate on the fulfillment of the payment obligations to the State budget</i></p>	<ul style="list-style-type: none"> • <i>is valid on the date of registration of the application for financing and it is attached either in its original counterpart or in a legalized copy.</i>
<p><i>The tax certificates on the fulfillment of the payment obligations to the local budget, including for the work units</i></p>	<ul style="list-style-type: none"> • <i>are valid on the date of registration of the application for financing and are attached in the original counterpart or a legalized copy.</i>
<p><i>The power of attorney signed by the legal representative of the applicant enterprise</i></p>	<ul style="list-style-type: none"> • <i>if a different person than the representative signs the application for financing; it is attached in its original counterpart.</i>
<p><i>The identity document of the person authorized to legally represent the enterprise</i></p>	<ul style="list-style-type: none"> • <i>a copy thereof shall be attached.</i>
<p><i>The index</i></p>	<ul style="list-style-type: none"> • <i>mentions the name of every document and the page where it is filed.</i>

#B

APPENDIX No. 3

to the procedure

Requirements which prove the economic efficiency and viability of the investment	
Observance of the definition of initial investment	
Presenting the investment and proving that it falls into the category of initial investments, or in the category of initial investments in favor of a new economic activity for the large enterprises that perform investments in the Bucharest Region	
Justification of the need to perform the investment	
- Presentation of the relevant market of products/services obtained as a result of the investment's implementation with regard to the demand, offer and price, as well as the geographical area where they are marketed	
- quantification and justification of the production capacity and of the degree of use thereof corresponding to the existing activity (for the operating enterprises), that related to the investment, as well as the substantiation of the increase in the existing production capacity through the implementation of the investment	
Analysis and substantiation of the financial projections for the period of implementation of the investment and 5 years after its completion	
Substantiation of the turnover through presentation of supporting documents which should prove that there is an assurance of sale of the products/services obtained from the investment	
Proving the stimulative effect of the State aid through a presentation and substantiation of one of the situations provided by art. 13 para. (2) letter b) in this decision	
Calculation and explanation of the quantitative indicators	
Quantitative indicators	Calculation and substantiation of the observance of the limits of the indicators during the term of implementation of the investment and 5 years as of its completion, based on the financial projections made in accordance with the legal provisions in force and with the instructions in the Applicant's Guide
General solvency rate $R_{gs} = \text{Total assets} / \text{Total debts}$	$R_{gs} > 1.66$
Turnover return $R_{ca} = 100 \times (\text{Net profit} / \text{Turnover})$	$R_{ca} \geq 2.5\%$

Trend of the net result $T_m = 100 \times (\text{Net result corresponding to the current period} - \text{Net result corresponding to the similar period of the previous year}) / \text{Net result corresponding to the similar period of the previous year in absolute value}$	$T_m \geq 0\%$
Rate of current liquidity $R_{LC} = (\text{Current assets} / \text{Current debts})$	$(R_{LC}) \geq 1.00$
Indicator of the indebtedness degree* $I_{gi} = (\text{Borrowed capital} / \text{Committed capital}) \times 100$	$(R_{ig}) \leq 60\%$
Rate of economic return $R_e = (\text{Gross profit} / \text{Total assets}) \times 100$	Higher than the inflation rate
Rate of financial return $R_f = (\text{Net profit} / \text{Own capitals of the enterprise}) \times 100$	Higher than the average rate of the market interest
Proving and substantiating the qualitative indicators	
Ensuring the financial resources necessary for the performance of the investment in accordance with the provisions of art. 1 letter kk) in the Procedure on granting State aid and the instructions in the Applicant's Guide	
Market position and experience in the field for which the financing is requested, according to the instructions in the Applicant's Guide	
Impact of granting the State aid on the competitive environment, according to the instructions in the Applicant's Guide	
Contribution of the enterprise to economic growth and regional development, according to the provisions of art. 1 letter h) in the Procedure on granting State aid and the instructions in the Applicant's Guide	
Involvement of the enterprise in different social projects with a positive impact on the community from the region where the investment is made, according to the instructions in the Applicant's Guide	
The multiplying effect of the performance of the investment, quantifiable in the economy through the driving of other related investments and development of the local suppliers of products and services in the region, according to the instructions in the Applicant's Guide	
The judicial situation of the location of performance of the investment, respectively proving a real right on the location where the investment is to be performed, according to the instructions in the Applicant's Guide	

*) Borrowed capital = loans over one year

Committed capital = borrowed capital + own capital

CRITERIA
on the basis of which the score of the applicant enterprises is calculated

<i>Assessment criteria</i>	<i>Manner of establishment</i>	<i>Score</i>
<i>Investment value</i>	<i>(the investment value in lei/44,000,000 Lei) x 10</i>	<i>The result obtained is transformed in number of points</i>
<i>The initial investment</i>	<ul style="list-style-type: none"> • <i>incorporation of a new unit by a newly incorporated enterprise;</i> 	<i>25 points</i>
	<ul style="list-style-type: none"> • <i>fundamental change of the general production process of an existing unit;</i> 	<i>20 points</i>
	<ul style="list-style-type: none"> • <i>diversification of the activity of an existing unit;</i> 	<i>15 points</i>
	<ul style="list-style-type: none"> • <i>incorporation of a new unit by an active enterprise;</i> 	<i>10 points</i>
	<ul style="list-style-type: none"> • <i>extension of the capacity of an existing unit;</i> 	<i>10 points</i>
<i>Location of performance of the investment</i>	<i>The investment shall be made in a county where the value of the GDP/capita is lower than the country average*)</i>	<i>GDP/capita – GDP/capita country average 20 points</i>
<i>The return turnover in the last financial year concluded, in the case of active enterprises</i>	<i>Rt = (net profit/turnover) x 100</i>	<i>Rt > 1% 5 points</i>
<i>Value of the subscribed and paid-up share capital, in the case of newly incorporated enterprises</i>		<i>Share capital > 500,000 Lei 5 points</i>

**Based on the information communicated by the National Institute of Statistics, in accordance with the instructions from the Applicant's Guide.*

APPENDIX no. 4a
to the procedure

Registration date.....
Registration number.....

REQUEST FOR PAYMENT
of the State aid

We, the undersigned....., having the identification details mentioned under point I, duly represented by Mr./Mrs., acting as....., identified with identity document series.....no....., issued by.....on....., domiciled in....., street, building....., entrance....., apt....., district/county....., zip code....., hereby request the payment of the non-reimbursable amount (installment no.....) that corresponds to the eligible expenses, exclusive of V.A.T. provided in the attached deduction form, on the basis of Financing Agreement no....., of.....and under the provisions of the scheme of State aid whose objective is to stimulate investments with a major impact on the economy, as approved by Government Decision no. 807/2014.

I. Identification details of the enterprise:

Enterprise name:.....

Date of registration of the enterprise:.....

Registration no. with the trade register office:.....

Tax identification code:.....

Address:.....,

Telephone:.....Fax:....., email:.....

IBAN code:....., opened with the Treasury of.....

I attach hereto the deduction form, in accordance with the model provided in appendix no. 4b.

II. Declaration on honor

I, the undersigned....., identified with identity document series.....no....., issued by.....on....., domiciled in.....,Street, building....., entrance....., apt....., district/county....., acting as legal representative of the enterprise....., hereby declare on my honor that all the information supplied and registered in this application is correct and complete and all the copies of documents that accompany the application are true to the originals.

I understand that any omissions or inaccuracy in presenting the information made to obtain financial advantages is punished according to law.

I hereby declare on my honor that the enterprise:

is not undergoing the proceeding of forced execution, bankruptcy, judicial reorganization, dissolution, operational closing, liquidation or temporary suspension of activity;

- is not subject to decisions of recovery of State aid or, if such decisions have been issued, they have been executed, in accordance with the legal provisions in force;*
- it has not benefited and will not benefit of regional State aid for eligible costs of the type of salary costs within the same single investment project;*
- it has not closed an identical or similar activity in the European Economic Area in the last 2 years prior to the registration of the application for financing and, at the time of registration of the application, it has no concrete plans of closing such an activity within a term of 2 years after the completion of the initial investment in the region concerned;*

Name:.....

Position:.....

Signature¹¹:.....

Signing date:.....

NOTE:

The request for payment of the State aid is accompanied by the following copies of the documents related to the eligible expenses:

- *the documents which prove the procurement under market conditions;*
- *procurement agreements and/or orders to the suppliers appointed following the procurement process;*
- *invoices that correspond to the eligible expenses for which financing with State aid is requested;*
- *payment orders and/or external payment orders;*
- *account statements which certify the performance of the payments, validated by the issuing bank;*
- *declaration about the payment obligation of the corporate income tax, submitted to the authorized bodies;*
- *accounting notes on the registration of the purchased assets, signed by the legal representative of the enterprise. For the assets purchased in a different currency shall be mentioned the reference exchange rate at which they were registered, which corresponds to the accounting regulations in force;*
- *other relevant documents.*

¹¹ The request will be signed by the person authorized to legally represent the enterprise.

Value of eligible expenditure for which settlement is requested, out of which:	Foreign currency without VAT (col. 19)	Lei without VAT (col. 20)
Constructions, out of which:		
- realized		
- rents		
Technical installations and machines		
Intangible assets		
TOTAL		

Name:

Authorized signature and stamp of the applicant¹

¹The settlement form will be signed by the person authorized to legally represent the enterprise.