

## ATTENTION

The English version of H. G. No . 332/2014 establishing a State aid scheme to support investments that promote regional development by creating jobs, as amended and supplemented, is **an unauthorized translation**.

**Romanian version** of H. G. No . 332/2014 , as amended and supplemented, **prevails over the present English version**.

DECISION no. 332 of April 23, 2014  
establishing a State aid scheme to support investments promoting regional  
development through the creation of jobs

*Text in force as of April 19, 2016*

*ELABORATED BY: COMPANIA DE INFORMATICA NEAMŢ*

*Text updated through the LEX EXPERT legislative information product based on  
the amending legislative acts published in the Official Gazette of Romania, Part I, up  
until April 19, 2016.*

### **Baseline act**

**#B:** *Government Decision no. 332/2014*

### **Amending acts**

**#M1:** *Government Decision no. 784/2014*

**#M2:** *Government Decision no. 234/2016*

*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, #M2**.*

### **#M1**

*Pursuant to art. 108 in the Constitution of Romania, as republished, to the  
Decision of the European Commission C(2014) 2240 final and to the provisions 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,*

*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 the application of art. 107 and art. 108 of the Treaty,*

*The Government of Romania hereby adopts this decision.*

**#B**

## CHAPTER I

### General Provisions

#### ART. 1

The purpose of this decision is to establish a State aid scheme, hereinafter referred to as the scheme, with the objective of regional development through the performance of investments which generate the creation of jobs in all the sectors, with the exception of those provided by art. 13 and by the List of activity sectors which do not benefit from State aid, provided in appendix no. 1.

**#M1**

#### ART. 2

*(1) The regional State aid for investments provided by the scheme is to be granted under observance of the provisions regarding regional State aid from 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 art. 107 and art. 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 excepted from the obligation of notification to the European Commission.*

**#B**

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

## CHAPTER II

### Term, budget of the scheme and estimated number of beneficiaries

#### ART. 3

(1) Financing agreements can be issued based on this scheme by December 31, 2020, under observance of the legislation in the field of State aid.

(2) The State aid is to be paid between 2015 and 2025, based on the financing agreements issued beforehand, 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” from the budget of the Ministry of Public Finance – General Actions. The State aid included in the scheme is to be granted under observance of the commitment appropriations and budget appropriations approved on an annual basis through the law of the State budget for this program.

(2) The maximum budget of the scheme is of Lei 2,700 million, i.e. the equivalent of approximately EUR 600 million, with possibility of supplementation, as follows:

a) commitment appropriations for the issuance of financing agreements for the

period 2014-2020;

b) budget appropriations for the payment of the State aid for the period of 2015-2025.

(3) The maximum annual budget of the scheme is of Lei 450 million, i.e. the equivalent of approximately EUR 100 million.

### **#M1**

#### **ART. 5**

*The total estimated number of enterprises which will benefit from State aid based on the scheme is of 1,700.*

### **#B**

#### **CHAPTER III**

#### **Eligible Expenditure**

#### **ART. 6**

(1) Eligible expenditure is considered salary costs, as defined by art. 1 letter d) in the Procedure on granting State aid, provided in appendix no. 2, registered for a term of 2 consecutive years, following the creation of jobs.

(2) The State aid corresponding to the eligible expenditure is granted if the following conditions are fulfilled:

a) the jobs are created directly by an investment project;

b) the jobs are created after the date of receipt of the financing agreement, but not later than 3 years as of the date of completion of the investment.

(3) New jobs are taken into account if there is no labor relationship between the employees and the employer or partner enterprises thereof in the last 12 months prior to the date of registration of the application for financing.

### **#M2**

*(4) Every job created as a result of the investment shall be kept for a term of at least 5 years, or 3 years in the case of SME, as of the date when it was occupied for the first time.*

### **#B**

#### **ART. 7**

The State aid is to be granted to the 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, relative to the eligible expenditure and within the limit of the maximum limit admissible.

#### **CHAPTER IV**

#### **Intensity and cumulation of State aid**

#### **ART. 8**

(1) The maximum level of State aid which can be granted to an enterprise within the scheme relative to the eligible expenditure and under observance of the provisions of art. 10 is the following:

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Region	Maximum level of State aid	
	2014 - 2017	2018 - 2020
Bucharest Region	equivalent in lei of 11.25 million EUR	of the equivalent in Lei of 7.5 million EUR
Vest and Ilfov Regions	the equivalent in Lei of 26.25 million EUR	
Nord-Vest, Centru, Nord-Est, Sud-Est, Sud-Muntenia, Sud-Vest Oltenia Regions	the equivalent in Lei of 37.5 million EUR	

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

### ART. 9

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

Region	Maximum intensity of the State aid	
	2014 - 2017	2018 - 2020
Bucharest Region	15%	10%
Vest and Ilfov Region	35%	
Nord-Vest, Centru, Nord-Est, Sud-Est, Sud-Muntenia, Sud-Vest Oltenia Region	50%	

### #M1

(2) *In the case of large investment projects, the aid cannot exceed the maximum value provided for each development region under art. 8 para. (1) and it will be calculated according to the formula provided by art. 2 point 20 in the Regulations.*

### #B

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

### ART. 10

(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. 8 para. (1) and of art. 9 para. (1) and (2), respectively, the total value of the State aid granted for the activity, project or enterprise that benefits from State aid will be considered.

(2) State aid granted pursuant to the 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 expenditure, but only if the cumulation in question does not cause the exceeding of the maximum limits provided by art. 8 para. (1) and art. 9 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 a certain intensity and a level of the aid which exceeds the limits provided by art. 9 para. (1) and (2).

## CHAPTER V

### The Stimulative Effect

#### ART. 11

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

(2) It shall be deemed that aid has a stimulative effect if the following requirements are cumulatively met:

a) the enterprise addresses to the Ministry of Public Finance a written application for granting of aid, according to the model provided in appendix no. 1 to the Procedure of granting State aid, before starting the investment;

#### #M1

b) \*\*\* *Repealed.*

#### #B

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

#### ART. 12

If the applicant enterprise requests that the investment should be started before the receipt of the financing agreement, the entire investment will not be eligible.

## CAPITOLUL VI

### Criteria for granting of State aid

#### ART. 13

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:

#### #M1

a) *aid granted in the sector of fishing and aquaculture, as they are 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 field 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 agricultural production;*

#### #B

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 by their partial or full transfer to the primary producers;

d) aid to facilitate the closing of uncompetitive coal mines, such as they are regulated by Decision no. 2010/787 of the Council of December 10, 2010 on State aid to facilitate the closing of uncompetitive coal mines;

#### #M1

*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.*

#### #B

##### ART. 14

Enterprises cannot benefit from the following types of State aid:

a) 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;

b) aid conditioned upon the preferential use of national products instead of imported products;

c) operational aid.

##### ART. 15

(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:

#### #M2

*a) are registered in accordance with the Companies Law no. 31/1990, as republished, as subsequently amended and supplemented, or Law no. 1/2005 on the organization and operation of the co-operative, as republished;*

#### #B

b) they make an initial investment in Romania, in any sector, with the exception of those provided by art. 13 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 budgets that make up the general consolidated budget;

#### #M1

*d) they do not fall into the category of “enterprises in difficulty”, according to the provisions of art. 2 point 18 in the Regulations;*

#### #B

e) they are not subject to forced execution, insolvency, bankruptcy, judicial reorganization, dissolution, operational closing, liquidation, or temporary suspension of activity;

f) they are not subject to certain decisions of recovery of State aid or, if such decisions were issued, they were executed, according to the legal provisions in force;

g) they have not benefited from other regional State aid for eligible costs of the

type of tangible and intangible assets within the same single investment projects;

h) they have not closed the same or a similar activity in the European Economic Area in the two 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 two 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 or equal to 1% in the last concluded financial year;

b) their own capitals are positive in the last concluded financial year.

(3) Newly financed enterprises can 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 the application for financing:

a) their share capital subscribed and paid up according to legal provisions is of at least Lei 30,000;

**#M2**

*b) do not belong to shareholders owning or who have owned in the last 2 years prior to the registration of the application for financing another enterprise registered in accordance with the Law no. 31/1990, as republished, as subsequently amended and supplemented, or Law no. 1/2005, as republished, which carries out or has carried out the activity for which financing is requested.*

**#B**

## **ART. 16**

The investments made by the enterprises within the scheme must cumulatively fulfill the following eligibility criteria:

**#M2**

*a) to be considered initial investments, such as they are defined under art. 1 letter k) in the Proceeding on the award of State aid provided in appendix no. 2, or initial investments in favor of a new economic activity, in the case of large enterprises from the development region Bucharest-Ilfov, which groups the Bucharest Municipality and Ilfov County, as they are defined under art. 1 letter l) in the Proceeding on the award of State aid provided in appendix no. 2.*

**#M1**

*b) to lead to the creation, for each location of performance of the investment, at least 10 jobs, out of which at least 3 for disadvantaged workers;*

**#B**

c) they should be viable and generate economic efficiency for the enterprise, according to the business plan defined under art. 1 letter w) in the Procedure provided in appendix no. 2 to this decision.

**#M1**

## **ART. 16<sup>1</sup>**

*The tangible and intangible assets corresponding to the initial investments must be*

*new, with the exception of those purchased by SMEs.*

## **#B**

### CHAPTER VII Final Provisions

#### ART. 17

The Ministry of Public Finance is bound to publish on its website the complete text of this scheme, the period during which applications for financing agreements can be filed, the annual budget allocated to the State aid scheme, the budget of the session, the date of exhaustion of the annual budget and of the total budget allocated for the scheme, the results of the assessment stages and the list of beneficiaries.

#### ART. 18

(1) The Ministry of Public Finance must keep detailed records on the aid granted for all the investment projects within the scheme. These records containing all the information necessary to establish whether the criteria in the Regulations are observed or not must be kept for 10 years as of the granting date of the last aid within the scheme.

(2) The employer must keep all the documents related to the State aid received through the scheme for a term of 10 years as of the date of receipt of the financing agreement.

(3) The Ministry of Public Finance, acting as provider of State aid, shall send to the Competition Council annual reports on the regional State aid granted pursuant to this scheme, according to the Regulation of the Competition Council on the monitoring procedures for State aid, which was implemented through Order of the Chairman of the Competition Council no. 175/2007.

#### ART. 19

(1) All the documents sent to the Ministry of Public Finance by the enterprise must be submitted in Romanian language. For the documents submitted in a foreign language, the enterprise must submit translations thereof into Romanian certified by sworn translators.

## **#M2**

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

## **#B**

#### ART. 20

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

## **#CIN**

**NOTE:** We reproduce below art. II from Government Decision no. 234/2016 (**#M2**)

**”Art. II. – (1) The settlement of the applications for financing and of the payment requests of State aid, in process of analysis on the date of entry into force of this decision, remains subject to the legislation in force on the date of its initiation.**  
**(2) The financing agreements issued before the entry into force of this decision remain subject to the legislation in force on date of conclusion thereof, with the exception of the provisions of art. I point 5, 14-27 and 33-36 of this decision.”**

**#M1 APPENDIX 1**

**LIST**

**of activity sectors to which State aid cannot be granted**

No.	NACE Code	NACE code Name
<b>SECTION A – AGRICULTURE, FORESTRY AND FISHING</b>		
1   01		Agriculture, hunting and related service activities
2   02		Forestry, logging and related service activities
3   03		Fishing and aquaculture
<b>SECTION B – EXTRACTIVE INDUSTRY</b>		
4   05		Mining of superior and inferior coal
5   06		Extraction of crude petroleum and natural gas
6   071		Mining of iron ores
7   0892		Extraction of peat
8   091		Activities associated with the extraction of crude petroleum and natural gas/
9   099		Mining support service activities
<b>SECTION C – PROCESSING INDUSTRY</b>		
10   102		Processing and preserving of fish, crustaceans and mollusks
11   1101		Distilling, rectifying and blending of spirits
12   1102		Manufacture of wine from grape
13   1103		Manufacture of cider and other fruit wines
14   1104		Manufacture of other non-distilled fermented beverages
15   1105		Manufacture of beer

16   1106   Manufacture of malt		
17   12   Manufacture of tobacco products		
18   131   Preparation and spinning of textile fibers		
19   19   Manufacture of coke oven products		
20   2014   Manufacture of other organic basic chemicals		
21   2051   Manufacture of explosives		
22   206   Manufacture of man-made fibers		
23   24   Manufacture of basic metals		
24   254   Manufacture of weapons and ammunition		
25   2591   Manufacture of steel drums and similar containers		
26   301   Building of ships and boats		
27   304   Manufacture of military fighting vehicles		
28   33   Repair and installation of machinery and equipment		
SECTION D – ELECTRICITY, GAS, STEAM AND AIR CONDITIONING SUPPLY		
29   35   Electricity, gas, steam and air conditioning supply		
SECTION F - CONSTRUCTION		
30   41   Construction of buildings		
31   42   Civil engineering		
32   4399   Other specialized construction activities n.e.c.		
SECTION G – WHOLESALE AND RETAIL TRADE; REPAIR OF MOTOR VEHICLES AND MOTORCYCLES		
33   45   Wholesale and retail trade and repair of motor vehicles and motorcycles		
34   46   Wholesale trade, except of motor vehicles and motorcycles		
35   47   Retail trade, except of motor vehicles and motorcycles		
SECTION H – TRANSPORTATION AND STORAGE		
36   49   Land transport and transport via pipelines		
37   50   Water transport		
38   51   Air transport		

| 39 | 522 | *Support activities for transportation* |  
|\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_|  
| SECTION I – HOTELS AND RESTAURANTS |  
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
40	55	*Hotels and similar accommodation*
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
41	56	*Food and beverage service activities*
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
SECTION J – INFORMATION AND COMMUNICATION		
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
42	60	*Programming and broadcasting activities*
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
43	61	*Telecommunications*
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
SECTION K – FINANCIAL AND INSURANCE ACTIVITIES		
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
44	64	*Financial service activities, except insurance and pension funding*
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
45	65	*Insurance, reinsurance and pension funding, except compulsory social security*
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
46	66	*Activities auxiliary to financial services and insurance activities*
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
SECTION L – REAL ESTATE ACTIVITIES		
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
47	68	*Real estate activities*
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
SECTION N – ADMINISTRATIVE AND SUPPORT SERVICE ACTIVITIES		
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
48	77	*Rental and leasing activities*
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
49	78	*Employment activities*
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
SECTION O – PUBLIC ADMINISTRATION AND DEFENSE; COMPULSORY SOCIAL SECURITY		
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
50	84	*Public administration and defense; compulsory social security*
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
SECTION R – ARTS, ENTERTAINMENT AND RECREATION		
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
51	92	*Gambling and betting activities*
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
52	93	*Sports activities and amusement and recreation activities*
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
SECTION S – OTHER SERVICE ACTIVITIES		
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
53	94	*Activities of membership organizations*
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
SECTION T – ACTIVITIES OF PRIVATE HOUSEHOLDS AS EMPLOYER OF DOMESTIC PERSONNEL;		
ACTIVITIES OF PRIVATE HOUSEHOLDS OF PRODUCTION OF GOODS AND SERVICES FOR OWN		
CONSUMPTION		
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
54	97	*Activities of households as employers of domestic personnel*
\_\_\_\_\_	\_\_\_\_\_	\_\_\_\_\_
55	98	*Undifferentiated goods- and services-producing activities of private households for own use*



## **#M2**

*d<sup>1</sup>) eligible salary cost – the salary cost comprising the gross salary up to the limit of the medium gross salary at national level, approved through the annual law on the social insurance budget and valid for the year of registration of the application for financing, as well as the related mandatory contributions of the employer, in accordance with the legal provisions in force.*

## **#B**

e) creation of jobs – net increase of the number of jobs directly created by the beneficiary of the State aid relative to the average of the 12 months prior to the month when the application for financing is registered, after deducting from the apparent number of jobs created the jobs cancelled relative to the average;

f) 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;

g) carries out economic activity – obtains income from the activity it carries out;

h) concluded financial year – the financial year for which the enterprise has its financial statements submitted and approved according to the legal provisions in force;

## **#M2**

*h<sup>1</sup>) – group – mother company and all its subsidiaries;*

## **#B**

i) tangible assets – assets consisting of land, buildings and plant, machinery and equipment;

## **#M1**

*j) intangible assets – assets that do not have a physical or financial embodiment such as patents, licenses, know-how or other intellectual property;*

*k) initial investment – the investment in tangible and intangible assets related to the setting up of a new establishment, the extension of the capacity of an existing unit, the diversification of the production of an existing unit or a fundamental change in the general production process of an existing unit, as follows:*

*(i) the setting up of a new establishment – creation of a new site for the performance of the activity for which the financing is sought, which is independent from a technological perspective from other existing units;*

*(ii) extension of the capacity of an existing unit – increasing the production capacity in the existing site;*

*(iii) diversification of the production of an existing unit – obtaining products which were not previously made by that unit;*

*(iv) fundamental change in the general production process – introduction of new production technologies in the existing site or bringing new equipment or highly technological installations, whose value must exceed the amortization of the assets related to the activity for which the financing is sought during the 3 financial years prior to the year of submission of the application for financing;*

## **#M2**

*l) initial investment in favor of a new economic activity – the investment in tangible and intangible assets related to the incorporation of a new unit or the diversification of the activity of a unit, provided the new activity is not identical or similar to the activity previously carried out in the unit concerned;*

## **#B**

m) enterprise – any entity with legal personality which is incorporated in order to obtain income from the performance of an economic activity;

n) operating enterprises – enterprises which carry out economic activity and has approved annual financial statements corresponding to the last concluded financial year;

## **#M2**

*o) newly incorporated enterprise – the enterprise incorporated in the year prior to the registration of the application for financing which has no annual financial statements approved for the last financial year concluded; the enterprise incorporated in the year of registration of the application for financing or the enterprise which has not carried out economic activity, but not more than 3 consecutive fiscal years before the date of registration of the application;*

## **#B**

p) small and medium enterprises – those enterprises that have less than 250 employees and either have a net annual turnover which does not exceed the equivalent in Lei of EUR 50 million, or they have total assets which do not exceed the equivalent in Lei of EUR 43 million and which are classified in accordance with the provisions of the Law no. 346/2004 on stimulating the incorporation and development of small and medium enterprises, as subsequently amended and supplemented, as follows:

(i) the medium enterprises, from the category of SME, is the enterprise which has between 50 and 249 employees and obtains a net annual turnover of up to EUR 50 million in Lei equivalent, or has total assets which do not exceed the equivalent in Lei of EUR 43 million;

(ii) the small enterprise, from the category of SME, is the enterprise which has between 10 and 49 employees and obtains a net annual turnover or has total assets of up to EUR 10 million in Lei equivalent;

(iii) the microenterprise, from the category of SME, is the enterprise which has up to 9 employees and obtains a net annual turnover or has total assets of up to EUR 2 million in Lei equivalent;

q) large enterprise – undertakings not fulfilling the criteria necessary in order to be classified in the category of SME;

r) partner enterprise – the enterprise which holds alone, based on an agreement with other shareholders of the other enterprises, the majority of voting rights of the shareholders of the enterprise in question;

## **#M2**

*s) location of performance of the investment – the registered office or one of the work units of the enterprise where the investment is made, as registered with the trade register, in accordance with the legal provisions in force;*

## **#B**

t) employment directly created by an investment project - means employment concerning the activity to which the investment relates, including employment created following an increase in the utilization rate of the capacity created by the investment, occupied by people employed pursuant to a full time employment agreement for undetermined period of time;

u) disadvantaged worker – any person who is in one of the following situations:

(i) has not had a paid job in the last 6 months;

(ii) is between 15 and 24 years of age;

(iii) is over the age of 50 years;

(iv) has not attained an upper secondary educational or vocational qualification (ISCED 3) or is within two years after completing full-time education and who has not previously obtained his or her first regular paid employment;

(v) lives as a single adult with one or more dependents;

(vi) is a member of an ethnic minority and who requires development of his or her linguistic, vocational training or work experience profile to enhance prospects of gaining access to stable employment;

(vii) is recognized as worker with disabilities under national law;

## **#M2**

v) *average number of employees – the average number of employees in the last 12 months prior to the date of registration of the application for financing, based on the effective number of employees declared on a monthly basis in the Statement on payment obligations representing social contributions, the corporate income tax and the nominal record of insured – Statement 112;*

## **#M1**

w) *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, substantiation of the plan of creation of jobs, 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 manner of achievement of the quantitative and qualitative indicators provided in the model of business plan from appendix no. 7. 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 getting the last job, respectively 3 years in the case of SME;*

## **#M2**

x) *plan of creation of jobs – document which comprises the schedule of creation and maintenance of the jobs that correspond to the investment, the organizational structure, the values of the eligible salary costs and the related State aid;*

## **#B**

y) large investment project – an initial investment with eligible costs that exceed EUR 50 million; the value is calculated at the exchange rate established by the National Bank of Romania valid on the date of elaboration of the financing

agreement;

**#M2**

*z) single investment project – any initial investment is considered to be part of a single investment project if started by the same beneficiary at group level within a term of 3 years as of the starting date of the works for another investment which benefits of aid in the same NUTS 3 region;*

**#M1**

*aa) primary agricultural production – the production of products of the soil and of animal breeding, listed in appendix I to the Treaty, without performing any other operation that changes the nature of those products;*

*aa^1) agricultural products – the products listed in appendix I to the Treaty, with the exception of the products obtained from fishing and aquaculture listed in appendix I to the Regulations (UE) no. 1.379/2013 of the European Parliament and of the Council of December 11, 2013;*

**#B**

*bb) 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;*

**#M2**

*cc) gross salary – the amount of revenues obtained by the employee in the enterprise before the withholding of the mandatory employer's contributions and before taxation.*

**#B**

*dd) financing source – the financial resources of the enterprise dedicated to the achievement of the investment plan, obtained from own sources, or from the increase of the subscribed and paid up share capital, from reinvested profit, intra-group loan or bank credit.*

## 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.

**#M2**

*(2) The registration of the applications for financing shall be made in sessions of 10 business days. The period of registration of the applications is communicated by the Ministry of Public Finance on its website, in accordance with the provisions of art. 17 in the decision, at least 30 days before the date of opening thereof.*

**#B**

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

#### **ART. 3**

**#M2**

*(1) During the registration session, the applicant enterprise sends to the General Registrar of the Ministry of Public Finance the following documents necessary for the first stage of assessment:*

**#B**

- a) the application for financing, according to the form provided in appendix no. 1;
- b) declaration regarding the enterprise's classification into the category of small and medium enterprises, according to the form provided in appendix no. 2, as applicable;
- c) 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 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 in the register and the object thereof;
- d) copies of the annual financial statements approved correspondingly, for the last concluded financial year, as applicable;
- e) the plan of creation of jobs;
- f) tax ascertaining certificate regarding the fulfillment of the payment liabilities to the State budget, with no outstanding debts, in either an original counterpart or a legalized copy;
- g) tax ascertaining certificate regarding the fulfillment of the payment liabilities to the local budget, including for the secondary offices, with no outstanding debts, in either an original counterpart or a legalized copy;
- h) a power of attorney signed and stamped by the legal representative of the applicant enterprise, if a different person, not the legal representative, signs the application for financing;
- i) a copy of the identity document of the person authorized to legally represent the enterprise;
- j) an index of the documents sent in the first stage of assessment.

(2) The document mentioned under para. (1) letter e) shall be also sent in electronic form.

**ART. 4**

(1) The Ministry of Public Finance verifies the fulfillment of the conformity requirements and of the eligibility criteria provided in appendices no. 3 and no. 4.

(2) For the enterprises which fulfill the requirements mentioned under para. (1), the Ministry of Public Finance calculates a score, according to the criteria provided in appendix no. 5.

(3) In order to observe the budget allocated to the scheme, the enterprises will be selected in descending order of their score.

**ART. 5**

Following the process of assessment of the applications for financing, the Ministry of Public Finance:

- a) publishes on its website the results;
- b) informs by post through a registered letter with confirmation of receipt about the results of the first stage of assessment, mentioning the score obtained by the

enterprises which fulfill the conformity conditions and the eligibility criteria, as provided in appendices no. 3 and 4, and the documentation necessary for the second stage of assessment, for the enterprises which observe the allocated budget.

#### ART. 6

The Ministry of Public Finance completes the first stage of assessment of the financing criteria within at most 30 business days as of the end of the session.

#### ART. 7

##### #M2

*(1) Within at most 30 business days as of the date of receipt of the notification provided by art. 5, the enterprise selected in the first stage of assessment sends to the General Registrar of the Ministry of Public Finance the following documents necessary for the second stage of assessment:*

*a) business plan;*

##### #B

*b) supporting documents for the substantiation of the business plan;*

*c) an index with the documents sent in the second stage of assessment.*

*(2) The document mentioned under para. (1) letter a) will be also sent in electronic form.*

#### ART. 8

*(1) The Ministry of Public Finance verifies the conformity of the documents it is sent and the viability of the investment project, as well as the economic efficiency of the enterprise, considering the provisions of the appendices no. 6 and 7.*

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

*a) the financing agreement, if the requirements and eligibility criteria are met in accordance with the provisions of this scheme;*

*b) the request for information and/or documents to supplement the application for financing, if:*

*(i) there are inconsistencies with regard to the information supplied;*

*(ii) it is found that certain additional documents are necessary for the settlement of the application. In this case, the term of assessment of the application for financing provided under art. 9 runs as of the date when the application is considered complete as per the provisions of this scheme. The applicant enterprise sends the supplementation of the documentation within at most 10 business days as of the receipt of the request for information and/or documents for the supplementation of the application for financing;*

*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. 7;*

##### #M2

*(ii) the eligibility criteria provided under art. 16 and the requirements provided under art. 11 para. (2) letter c) and art. 16<sup>1</sup> in the decision are not fulfilled;*

##### #B

*(iii) the enterprise does not observe the deadline of at most 30 business days as of receipt of the informative letter for transmission of the documents necessary for the*

second stage of assessment;

(iv) the enterprise does not observe the term of at most 10 business days as of receipt of the request for information and/or documents to supplement the application for financing.

#### ART. 9

The Ministry of Public Finance will complete the second stage of assessment within at most 30 business days as of the date when the entire documentation is considered complete within the meaning of this scheme.

#### ART. 10

The documents sent by the applicant enterprise on its own initiative in order to supplement the application for financing shall not be taken into account.

### CHAPTER III

#### Payment of the State aid

#### ART. 11

(1) The State aid will be paid to the enterprises that received a financing agreement, after they partially or fully perform the eligible expenditure, according to the financing agreement and within the limit of the approved annual budgetary appropriations.

#### #M1

(2) *The first payment of State aid is conditioned upon the creation of at least 10 jobs for the same location of performance of the investment, out of which at least 3 jobs for disadvantaged workers.*

#### ART. 12

#### #M2

(1) *For the payment of the State aid, the enterprise shall send to the General Registrar of the Ministry of Public Finance at least the following documents:*

#### #B

- a) the request for payment of the State aid accompanied by the supporting documents, according to the form provided in appendix no. 8;
- b) the stage of creation and maintenance of the jobs, according to the form provided in appendix no. 9;
- c) the statement on one's own liability regarding the performance of the investment, according to the form provided in appendix no. 10;

#### #M2

*d) \*\*\* Repealed.*

*d<sup>1</sup>) the ascertaining certificate, in its original counterpart, as issued by the trade register office attached to the tribunal where the enterprise has its seat, mentioning at least the following information: the identification details, the sole registration code, the shareholders and legal representatives of the enterprise, the main field of activity and all the secondary fields of activity, the work units of the enterprise and the date of the last mention registered in the register and the object thereof;*

#### #B

- e) copies of the approved annual financial statements, corresponding to the last

concluded financial year, as applicable;

f) a tax ascertaining certificate regarding the fulfillment of the payment liabilities to the State budget, with no debts, either in an original counterpart or a legalized copy;

g) a tax ascertaining certificate regarding the fulfillment of the payment liabilities to the local budget, including for the secondary offices, with no debts, in either an original counterpart or a legalized copy;

h) a copy of the confirmation from the National Agency for Fiscal Administration – Treasury and Public Accounting Activity where the enterprise has its fiscal domicile that the account for the IBAN code 50.70 “Available funds from subsidies and transfers” was opened;

i) an index of the documents sent for the payment of the State aid.

### #M2

*(2) In one calendar year the enterprise may send at most two State aid payment requests.*

### #B

#### ART. 13

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

(2) If it is ascertained that certain documents are missing or that there are inconsistencies between the data and information sent, the Ministry of Public Finance sends a request for supplementation of the request for payment of the State aid.

#### ART. 14

(1) The Ministry of Public Finance, acting as provider of State aid, reserves the right to verify at any point in time on the spot, based on a prior notification, during the implementation and monitoring of the investment and of the newly created jobs, the truthfulness and conformity of the documents regarding the performance of the investment and the performance of the eligible expenditure corresponding to the newly created jobs.

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

#### ART. 15

(1) The State aid cannot be subject to compensatory payments.

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

### #M2

#### Art. 15<sup>1</sup>

*On a yearly basis, within at most 45 business days as of the end of the calendar year, the enterprises which were given a financing agreement are required to send to the*

*General Registrar of the Ministry of Public Finance a report on the degree of realization of the plan of creation of jobs for which the financing agreement was issued, accompanied by the Statement on payment obligations representing social contributions, the corporate income tax and the nominal record of insured – Statement 112 for the month of December of the concluded year.*

**#M2**

**ART. 16** – (1) *The enterprises which received a financing agreement are required to inform the Ministry of Public Finance on the start of the investment, within at most 6 months as of the date of issuance of the financing agreement.*

(2) *The term provided under para. (1) shall be communicated to the enterprise which benefits of the State aid once the financing agreement is sent thereto.*

**#M2**

**Art. 16<sup>1</sup>** – (1) *The enterprises which received a financing agreement are required to create the number of jobs in total and by years, in accordance with the approved financing agreement.*

(2) *If amendments of the plan of creation of jobs are registered during the performance of the investment and the creation of jobs, the enterprise may request to the Ministry of Public Finance:*

a) *either to amend the schedule of creation and maintenance of the jobs that correspond to the investment, under observance of the provisions of art. 6 para. (2) letter b) in the decision, by sending a notification with the mention of the period of performance of the investment accompanied by the plan of creation of jobs, including in electronic form, section IV “Presentation of the eligible costs and of the requested financing” from the application for financing, as revised;*

b) *or to reduce by at most 20% the total number of newly created jobs, under observance of the provisions of art. 16 letter b) in the decision, by sending a notification accompanied by the plan of creation of jobs, including in electronic form, section IV “Presentation of the eligible costs and of the requested financing” from the application for financing, as revised.*

(3) *The amendments provided by para. (2) may not refer to the increase of the total value of eligible expenses or of the State aid related thereto.*

(4) *In the case provided under para. (2) letter a), the Ministry of Public Finance shall analyze the documentation received and shall approve the amended financing agreement, under observance of the annual budget of the scheme, within at most 30 business days as of the date when the entire documentation is considered complete within the meaning of the provisions of this scheme.*

(5) *In the case provided under para. (2) letter b), the Ministry of Public Finance shall complete the analysis of the documentation received within at most 30 business days as of the date when the entire documentation is considered complete within the meaning of this scheme, proceeding as follows:*

a) *if it is found that the requirements provided by this scheme are still fulfilled and the annual budgets of the scheme are observed, the amended financing agreement shall be approved;*

b) *if it is found that the requirements provided by this scheme are no longer fulfilled, the enterprise shall be notified on the rejection of the amendment.*

*(6) The beneficiary enterprise may request at most one amendment of every type provided under para. (2) throughout the performance of the investment and the creation of the jobs, under observance of the provisions of art. 3 para. (2) in the decision.*

**#B**

**ART. 17**

(1) During the performance of the investment and the creation of the jobs and for a term of 5 years as of the date when the positions are occupied for the first time, or 3 years in the case of SME, any change of address of the location where the investment is made shall be notified to the Ministry of Public Finance through a letter accompanied by the ascertaining certificate issued by the trade register office, mentioning the new location, the NACE code corresponding to the activity for which the new location obtained financing, the document that certifies the type of ownership over the property, as well as the validity thereof.

(2) The relocation to a region where the maximum intensity of the State aid is lower than the one corresponding to the region where the enterprise benefited from State aid leads to the revocation of the financing agreement and the recovery of the State aid that was granted.

#### CHAPTER IV

#### **Maintenance of the investment and of the jobs and recovery of the State aid**

##### ART. 18

(1) The enterprise is bound to maintain each new job for a term of at least 5 years as of the date it was occupied for the first time, and for 3 years for SME, respectively.

**#M2**

(2) \*\*\* *Repealed.*

(3) \*\*\* *Repealed.*

**#M2**

##### ART. 19

*During the monitoring period, on a yearly basis until June 30, the enterprise shall send to the General Registrar of the Ministry of Public Finance information about the maintenance of the jobs, on the basis of the approved annual financial statements of the last financial year concluded, in accordance with the form provided in appendix no. 12 to this proceeding.*

**#B**

##### ART. 20

(1) The Ministry of Public Finance applies the measure related to the revocation of the financing agreement if the enterprise:

**#M2**

a) does not inform the Ministry of Public Finance on the start of the investment in accordance with art. 16 para. (1);

a<sup>1</sup>) does not make an initial investment for the financed activity;

b) does not observe the obligation provided by art. 16<sup>1</sup> para. (1) and (2);

b<sup>1</sup>) does not observe the obligation provided by art. 15<sup>1</sup>”;

**#B**

- c) enters bankruptcy or suspends its activity;
- d) does not observe the obligation provided by art. 14 para. (2);
- e) moves the location of performance of the investment to a region where the maximum intensity of the State aid is lower than the one corresponding to the region where it benefited from State aid.

(2) In the situations provided under 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) letters b) – e) determines the application of the measures necessary for a complete recovery of the State aid that was paid.

(4) The State aid paid is to be recovered pro rata to the degree of failure in the following cases:

- a) the enterprise does not observe the requirement regarding the maintenance of the jobs provided by art. 18 para. (1);

**#M2**

*b) \*\*\* Repealed.*

**#B**

(5) The State aid will be recovered in accordance with the provisions of 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.

(6) The State aid that 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 the one established in accordance with the Regulations (EC) no. 659/1999 of the Council of March 22, 1999 establishing the norms of enforcement of article 93 in the EC Treaty, published in the Official Gazette of the European Union series L, no. 83 of March 27, 1999, as subsequently amended.

ART. 21

Appendices no. 1 – 12 are an integral part of this procedure. \_

\*#CIN Government Emergency Ordinance no. 117/2006 it was repealed. To be seen Government Emergency Ordinance no. 77/2014.

#M2 Appendix no. 1 to the proceeding

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

**REQUEST FOR FINANCING**

*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 State aid scheme to support investments that promote regional development through the creation of jobs, approved through Government Decision no. 332/2014.*

**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: .....%;  
     - SME: .....%;  
     - Large companies: .....%;  
 Main object of activity: .....  
 NACE Code: .....  
 Secondary object of activity<sup>1</sup>: .....  
 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
  - Value of total assets<sup>2</sup>: ..... Lei
- b) Average number of employees:

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

- Objective of the project: .....
- Brief description of the project: .....
- .....
- .....
- .....
- 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;
  - fundamental change in the general production process of the unit
 or
  - Inclusion of the investment in the category of initial investment in favor of a new economic activity:
    - incorporation of a new unit;
    - diversification of the unit's activity;
    - value of the project: ..... Lei/EUR;
    - location of performance of the investment: .....
    - estimated starting date of the investment (year): .....
    - estimated completion date of the investment (year): .....
    - number of newly created jobs: .....
    - period of creation of the jobs (year)<sup>3</sup>: .....

**IV. Presentation of the eligible costs and of the requested financing**

	Value of eligible expenses -lei-	Maximum intensity of the	Value of requested State aid -lei-
--	-------------------------------------	-----------------------------	---------------------------------------

1 To be filled in if the financing is requested for the secondary object of activity.  
 2 Total assets means the fixed assets plus the current assets plus advance expenses.  
 3 The jobs must be created within at most 3 years as of the date of completion of the investment.

					aid in the region			
	Year 1 <sup>4</sup>	Year 2	Year 3	Total	Year 1	Year 2	Year 3	Total
Salary costs for the jobs that correspond to the investment calculated for a term of 2 years								

**V. 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 the Regulation;
- 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 tangible or intangible assets 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, or with the Law no. 1/2005, as republished, which carries out or has carried out the activity for which it requests financing, in the case of newly incorporated enterprises;
- will purchase new assets, in the case of large enterprises.

I hereby declare on my honor that in the last 3 years<sup>5</sup>, 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	Year of award of the aid	Supplier of the aid	Legislative act	Amount of aid - EUR <sup>6</sup> -

4

Instead of “Year 1, Year 2....” shall be filled in with the calendar years when the eligible expenses shall be made, in accordance with the plan of creation of jobs and the calendar years where the payment of State aid corresponding to the eligible expenses made is requested.

5

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

6

		<i>investment (county)</i>				

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:

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-

Name: .....

Position: .....

Signature<sup>7</sup>: .....

Signature date: .....

**#B**

Appendix no. 2 to the proceeding

Form A

**STATEMENT**  
**regarding the enterprise's classification in the category of small and medium enterprises \*1)**

**I. Identification details of the enterprise**

Name of the enterprise: .....

Address of the registered office: .....

Sole registration code: .....

Name and position:

.....

(chairman of the board of directors, general director or equivalent)

**II. Type of enterprise**

Indicate, as applicable, the type of the enterprise:

Autonomous enterprise

In this case, the data in the table below are taken only from the economic and financial situation of the applicant enterprise. Only the statement will be filled in, without the B form.

Partner enterprise

The table below will be filled in based on the results of the calculations made in accordance with form B, as well as with the additional sheets that will be attached to the statement.

Related enterprise

The table below will be filled in based on the results of the calculations made in accordance with form B, as well as with the additional sheets that will be attached to the statement.

---

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.

7

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

**III. Data used to establish the category of the enterprise\*2)**

Financial year of reference*3)		
Annual average number of employees	Net annual turnover (thousand Lei/thousand Euros*4)	Total assets (thousand Lei/thousand Euros)

Important: mention if, compared to the previous financial year, the financial data were amended and these amendments cause the enterprise to fall into another category (like microenterprise, small, medium or large enterprise).

No

Yes (in this case, a statement regarding the previous financial year will be filled in and attached).

Signature

.....  
(name and position of the signatory authorized to represent the enterprise)

I hereby declare on my own liability that this statement and the statements made in the appendices are true.

Date of elaboration .....

Signature .....

-----  
\*1) An enterprise falls into the category of SME if it observes the ceilings provided by the Law no. 346/2004 on stimulating the setting up and development of small and medium enterprises, as subsequently amended and supplemented, for two consecutive concluded financial years.

\*2) The data are calculated in accordance with the provisions of the Law no. 346/2004, as subsequently amended and supplemented.

\*3) The data regarding the annual average number of employees, the net annual turnover and the total assets are those made within the last financial year and reported through the approved annual financial statements by the shareholders. In the case of newly set up enterprises, the data regarding the annual average number of employees, the net annual turnover and the total assets will be determined and declare on one's own liability.

\*4) The value in EUR will be calculated at the exchange rate communicated by the National Bank of Romania valid on the date of conclusion of the financial year.

Form B

**CALCULATION  
for partner or related enterprises**

The sections which must be included, as applicable:

- [section A](#), if the applicant enterprise has at least one partner enterprise (as well as any additional sheets);
- [section B](#), if the applicant enterprise is related to at least one enterprise (as well as any additional sheets).

The calculation for the types of partner or related enterprises

Reference period		
Annual average number of employees	Net annual turnover (thousand Lei/ thousand Euro)	Total assets (thousand Euro)

1. Data*1) of the applicant enterprise									
or from the consolidated annual financial statements									
(to introduce the data from table B1									
in <a href="#">section B*2)</a> )									
2. The cumulated data*1) on a proportional base									
of all the partner enterprises,									
if applicable (to introduce the data in)									
<a href="#">section A)</a>									
3. The cumulated data of all the related									
enterprises*1) (if any)									
- if not already included through the consolidation									
under point 1									
in this table (to introduce									
the data in table B2 in									
<a href="#">section B)</a>									
<b>TOTAL</b>									

The data included in the “Total” section of the table must be introduced in the table “Data used to establish the category of the enterprise” in form A.

-----  
\*1) The data regarding the annual average number of employees, the net annual turnover and the total assets are those made in the last financial year and reported through the approved annual financial statements by the shareholders. In the case of newly set up enterprises, the data regarding the annual average number of employees, the net annual turnover and the total assets will be determined and declare on one’s own liability.

\*2) The data of the enterprise, including the average annual number of employees, are to be determined based on the annual financial statements and of the data of the enterprise or, when applicable, based on the consolidated annual financial statements or of the consolidated annual financial statements where the enterprise is included.

### PARTNERSHIP SHEET

#### 1. Identification details of the enterprise

Name of the enterprise .....

Address of the registered office .....

Sole registration code .....

Last name, first name and position

.....

(chairman of the board of directors, general director or equivalent)

#### 2. Data regarding the partner enterprise

Reference period									
Annual average no. of employees*3)	Net annual turnover	Total assets							
(thousand Lei/thousand Euro)	(thousand Lei/thousand Euro)								
<b>TOTAL:</b>									

#### NOTE:

These data result from the consolidated accounts or other data of the partner enterprise, if any. These are added up to 100% the data of the enterprises which are related to this partner enterprise, if the data in the consolidated

accounts of the related enterprises have already been included through consolidation into the accounts of the partner enterprise. If necessary, the sheet of the related enterprise will be added for the enterprises that have not been included yet through consolidation.

3. Proportional calculation

a) Mention exactly the proportion owned \*4) by the applicant enterprise (or by the related enterprise through which the partnership relationship is made) in the partner enterprise to which this sheet refers.

.....  
 .....

Also mention the proportion owned by the partner enterprise to which this sheet refers in the share capital of the applicant enterprise (or the related enterprise).

.....  
 .....

b) Introduce into the table below the result of the proportional calculation obtained through the application of the highest of the percentages referred to under letter a) on the data introduced in in the table under point 1.

Partnership table - A.2

Percentage of employees	Annual average no. (thousand Lei/thousand Euro)	Net annual turnover (mii lei/mii euro)	Total assets*5)
Resulting value following the application of the highest percentage to the data introduced in the table under point 1			

These data will be introduced in table A.1.

SECTION A

**Partner enterprises**

For each enterprise for which the partnership sheet was filled in (one sheet per partner enterprise of the applicant enterprise and per any partner enterprise of any related enterprise whose data were not included yet in consolidated annual financial statements of that related enterprise), the data in this partnership sheet must be introduced in the table below.

1. Identification details and preliminary financial data

Table A.1

Partner enterprise – Identification Details	Annual average no.	Net annual turnover	Total assets
Name or denomination of the enterprise	Address of the registered office	Sole registration code of the board of directors, de	First and last name of the chairman or equivalent
	social	of the board	(thousand lei/thousand euro)
1.			
2.			
3.			
4.			

5.							
6.							
7.							
8.							
<b>TOTAL</b>							

**NOTE:**

These data are the result of a proportional calculation made based on the partnership sheet for each enterprise which is a direct or indirect partner of the applicant enterprise.

The data introduced into the section “Total” will be introduced under point 2 in the table “Calculation for the types of partner or related enterprises” (regarding partner enterprises).

These data result from the consolidated annual financial statements and from other data of the partner enterprise, if any, to which are added at 100% the data of the enterprises that are related to the partner enterprises, if they were not already included in the consolidated annual financial statements of the partner enterprise. If necessary, add sheets regarding the relationship between the enterprises for the enterprises that were not already included in the consolidated annual financial statements.

**SECTION B**

**Related enterprises**

1. Establishment of the situation applicable to the enterprise which requests the classification in the category of small and medium enterprises

Case 1: The applicant enterprise keeps consolidated annual financial statements or is included in the consolidated annual financial statements of another enterprise (table B1).

Case 2: The applicant enterprise or one or several related enterprises does not/do not draft or is not/are not included in the consolidated annual financial statements (table B2).

**NOTE:**

The data of the related enterprises of the applicant enterprise derive from the annual financial statements and from other data thereof, consolidated, if applicable. These are added in a proportional manner the data of any possible partner enterprise of that related enterprise, located immediately downstream and upstream, if not already included through consolidation\*6).

2. Calculation methods for each case

Case 1: The consolidated annual financial statements represent the calculation base. Table B1 below will be filled in.

Table B1

Annual average no. of employees*7	Net annual turnover	Total assets	
	(thousand Lei/thousand Euro)	(thousand Lei/thousand Euro)	
<b>TOTAL:</b>			

The data introduced in the “Total” section in the table above will be introduced under point 1 in the table “Calculation for the types of partner or related enterprises”.

Identification of the enterprise included through consolidation
Related enterprise   Address   Sole registration code   First and last name   (denomination/identification

	social	of the chairman	of the board of directors, or	of the general director or	equivalent
A.					
B.					
C.					
D.					
E.					

**NOTE:**

The partner enterprises of a related enterprise which have not been included yet in the consolidated annual financial statements, are considered direct partners of the applicant enterprise. The data thereof and a partnership sheet must be added to section A.

Case 2: For each related enterprise (including through other related enterprises) a sheet will be filled in regarding the relationship between the enterprises and the data in the annual financial statements of all the related enterprises will be added, by filling in table B2 below.

**Table B2**

Enterprise	Annual average number of employees	Net annual turnover (thousand Lei/thousand Euro)	Total assets (thousand Lei/thousand Euro)
1.*)			
2.*)			
3.*)			
4.*)			
5.*)			
<b>TOTAL</b>			

\*) Attach one sheet regarding the relationship between the enterprises for each enterprise.

**NOTE:**

The data resulting from the "Total" section in the table above will be introduced under point 3 in the table "Calculation for the types of partner or related enterprises" (regarding the related enterprises).

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 \*3) If the consolidated annual financial statements have no data regarding the staff numbers, the calculation will be made through cumulation of the data from the related enterprises.

\*4) Percentage of the share capital or of the voting rights held, either of which is higher. These must be added the proportion held by each related enterprise in the same partner enterprise.

\*5) Total assets represent immovable assets + current assets + advance expenditure.

\*6) The definition of the related enterprise from the Law no. 346/2004, as subsequently amended and supplemented.

\*7) If the consolidated annual financial statements contain no data regarding staff numbers, the calculation will be made by cumulating the data from the related enterprises.

**regarding the relationship between enterprises no. .... in table B2, section B**

(only for the related enterprises which are not included in the consolidated annual financial statements)

1. Identification details of the enterprise

Name of the enterprise .....  
 Address of the registered office .....  
 Sole registration code .....  
 First name, last name and position  
 .....  
 (chairman of the board of directors, general director or equivalent)

2. Data regarding the enterprise

Reference period				
Annual average	Net annual	Total assets		
number of	turnover	(thousand Lei/thousand Euro)		
employees*3)	(thousand Lei/thousand Euro)			
Total				

The data must be introduced in table B2 in section B.

-----  
 \*8) If the consolidated annual financial statements do not contain data regarding the annual average number of employees, the calculation will be made through cumulation of the data from the related enterprises.

NOTE:

The data of the enterprises related with the applicant enterprise are extracted from the annual financial statements and from other data corresponding thereto, consolidated if applicable. These are added in a proportional manner the data of any possible partner enterprise of that related enterprise, located immediately downstream and upstream, if not already included in the consolidated annual financial statements.

This type of partner enterprises are considered to be direct partner enterprises with the applicant enterprise. The data related thereto and the partnership sheet thereof must be introduced in section A.

**#M2 Appendix no. 3 to the proceeding**

<b><i>Compliance requirements – documents sent in the first stage of assessment</i></b>
<i>The application for financing:</i> <ul style="list-style-type: none"> <li>- 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;</li> <li>- contains information correlated with the information from the ascertaining certificate, the financial statements, the plan of creation of jobs, the identity document, the power of attorney, if applicable.</li> </ul>
<i>The statement of the enterprise falling into the category of small and medium enterprises, as applicable:</i> <ul style="list-style-type: none"> <li>- has all the rubrics filled in with the requested data, observes the form in appendix no. 2 and is dated and signed in the original counterpart by the person authorized to legally represent the enterprise;</li> <li>- contains information correlated with the information from the financial statements.</li> </ul>
<i>The ascertaining certificate 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.</i>
<i>Copies are attached of the financial statements that correspond to the last financial year concluded, submitted and approved in accordance with the legal provisions in force.</i>
<i>The plan of creation of jobs:</i> <ul style="list-style-type: none"> <li>- observes the model from the Applicant’s Guide;</li> </ul>

<ul style="list-style-type: none"> <li>- is dated and signed in the original counterpart by the person authorized to legally represent the enterprise;</li> <li>- is sent also in electronic form.</li> </ul>
The tax certificate on the fulfillment of the payment obligations to the State budget 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.
The tax certificates on the fulfillment of the payment obligations to the local budget, including for the work units, are valid on the date of registration of the application for financing and are attached in the original counterpart or a legalized copy.
If a different person than the representative signs the application for financing, the power of attorney signed by the legal representative of the applicant enterprise is attached in its original counterpart.
A copy of the identity document of the person authorized to legally represent the enterprise is attached.
The index mentions the name of every document and the page where it is filed.

**#M2 Appendix no. 4 to the proceeding**

<b>Eligibility criteria - enterprise</b>	<b>Relevant documents</b>
It is registered in accordance with the Companies Law no. 31/1990, as republished, as subsequently amended and supplemented, or with the Law no. 1/2005 on the organization and operation of the co-operative, as republished.	Ascertaining certificate
Makes an initial investment in Romania, in one of the eligible fields of activity.	Application for financing Ascertaining certificate
Does not have outstanding debts to the budgets that form the general consolidated budget.	Tax certificates
Does not fall into the category of "enterprises in distress"	Application for financing – declaration on honor Financial statements
Is not undergoing the proceeding of forced execution, insolvency, bankruptcy, judicial reorganization, dissolution, operational closing, liquidation or temporary suspension of activity.	Application for financing – declaration on honor Ascertaining certificate
Is not subject to decisions of recovery of State aid or, if such decisions have been issued, they have been executed.	Application for financing – declaration on honor
Has not benefited of regional State aid for eligible costs of the type of tangible and intangible assets within the same single investment project.	Application for financing – declaration on honor
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	Application for financing – declaration on honor
Creates for every location of performance of the investment at least 10 jobs, of which at least 3 for disadvantaged workers.	Application for financing Plan of creation of jobs
Determines correctly the value of the eligible costs and of the financing requested on the basis of the model from the Applicant's guide.	Plan of creation of jobs
Has the return turnover $\geq 1\%$ in the last financial year concluded, in the case of active enterprises	Financial statements
Has positive own capitals in the last financial year concluded, in the case of active enterprises	Financial statements
Has a subscribed and paid up share capital of at least Lei 30,000, in the case of newly incorporated enterprises.	Ascertaining certificate
Does not belong to shareholders who own or have owned in the last 2 years prior to the date of registration of the application another enterprise registered in accordance with the Law no. 31/1990, as republished, as subsequently amended and supplemented, or with the Law no. 1/2005, as republished, which carries out or has carried out the activity for which financing is requested, in the case of newly	Application for financing – declaration on honor

incorporated enterprises.	
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**#M2** *Appendix no. 5 to the proceeding*

**CRITERIA**  
*for calculation of the score of the enterprise which requests State aid*

<i>Assessment criteria</i>	<i>Manner of establishment</i>	<i>Score</i>
<i>Number of newly created jobs</i>	<i>Number of newly created jobs/Minimum number of new jobs provided by the scheme*</i>	<i>The result obtained is transformed into number of points</i>
<i>Location of performance of the investment</i>	<i>The investment is made in a county where the unemployment rate is over the national average communicated by the NIS in the last monthly statistical bulletin</i>	<i>Unemploymentr &gt; Average national Unemploymentr – 10 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 &gt; 2% - 10 points</i>
<i>The value of the subscribed and paid up share capital, in the case of newly incorporated enterprises</i>		<i>Share capital &gt; 35,000 Lei – 10 points</i>

*\*the scheme provides at least 10 new jobs.*

**#B**

*Appendix no. 6 to the proceeding*

**Conformity requirements – documents sent in the second stage of assessment**

Business plan:

- comprises all the information necessary according to the definition, the model in appendix no. 7 and the instructions in the Applicant's Guide, it is dated, stamped and signed in the original counterpart by the person authorized to legally represent the enterprise;

- contains information correlated with the information in the application for financing.

The supporting documents for the substantiation of the business plan are attached in copy, stamped and signed by the person authorized to legally represent the enterprise and contain the mention "true to the original".

The index mentions the name of each document and the page where it is filed.

**#M2** *Appendix no. 7 to the proceeding*

**Business plan**

<i>Requirement</i>	<i>Reference</i>
<i>Description of the business</i>	<i>Brief history of the enterprise, current activity, products/services offered</i> <i>Presentation of the activity for which financing is requested</i>
<i>Presentation of the investment project and classification of the investment in the category of initial investment, or in the category of initial investment in favor of a new economic activity, in the case of large enterprises from the development region</i>	<i>Investment in tangible and intangible assets related to:</i> <input type="checkbox"/> <i>the incorporation of a new unit</i> <input type="checkbox"/> <i>the extension of the capacity of an existing unit</i> <input type="checkbox"/> <i>the diversification of the production of an existing</i>

Bucharest-Ilfov which groups the municipality of Bucharest and Ilfov county	unit <input type="checkbox"/> the fundamental change in the general production process within an existing unit <input type="checkbox"/> the diversification of the activity of an existing unit
The estimated investment plan, comprising the list of amortizable tangible and intangible assets, excluding land, and the substantiation of the need to purchase them in correlation with the newly created jobs	Mention of the name of the asset, the quantity, the unit price and the total value thereof, as well as of the schedule of performance of the related expenses
Substantiation of the plan of creation of jobs according to the needs of the enterprise	Plan of creation of jobs
Value of the eligible costs and of the requested financing	The application for financing Plan of creation of jobs
Analysis of the relevant market on which the enterprise requests financing	Presentation of the relevant market, supported by data and information from official sources.
The current financial situation and financial projections on the period of implementation of the investment project, of creation of the jobs and on the following 5 years as of the creation of the last jobs, namely 3 years in case of SME	The active enterprises make the projections by considering the financial statements that correspond to the last financial year concluded The newly incorporated enterprises make the projections by considering the objectives set
Substantiation of the turnover	Agreements, pre-agreements, expressions of interest from possible customers
<i>Quantitative indicators</i>	<i>Limits of the indicators</i>
Return turnover $R_t = 100 \times (\text{Net profit} / \text{Turnover})$	$R_t \geq 2.5\%$
General solvency rate, $G_{sr} = \text{Total assets} / \text{total debts}$	$G_{sr} > 1.66$
Immediate liquidity $I_{lr} = (\text{Current assets} - \text{Stocks}) / \text{Current liabilities}$	$(I_{lr}) \geq 0.65$
<i>Qualitative indicators</i>	<i>Reference</i>
Assurance of the financial resources necessary for the performance of the investment	Relevant documents which certify the existence of the financing sources
Position on the market and experience in the field for which financing is requested	Possible situations: <input type="checkbox"/> the enterprise has carried out until the present the activity for which it requests financing <input type="checkbox"/> the shareholders or managers of the enterprise have been involved in the implementation of similar projects (supporting documents)
Contribution of the investment to the improvement of the environmental protection standards	Information/documents about: <input type="checkbox"/> the observance of the legislation in the field of environmental protection <input type="checkbox"/> the positive impact of the project on the environment
The contribution of the enterprise to economic growth and regional development, determined by the implementation of the investment project	Payment of taxes and charges to the general consolidated budget throughout the implementation of the investment and 5 years as of the creation of the last jobs, or 3 years in the case of SME, of which the value of State aid shall be subtracted
<i>Qualitative indicators</i>	<i>Reference</i>
Involvement of the enterprise in different social projects with positive impact on the community from the region where the investment is made	Possible social activities: <input type="checkbox"/> activities in educational, medical, sports institutions, etc. at local level <input type="checkbox"/> collaborations with AJOFM (County Employment Agency) for the recruitment of unemployed and organization of professional training courses
Judicial status of the location of performance of the investment	Evidenced by the following documents: <input type="checkbox"/> land book excerpt/sale agreement/inheritance certificate, etc. <input type="checkbox"/> lease agreement <input type="checkbox"/> concession/assignment agreement

	<input type="checkbox"/> other documents
Presentation of the investment's potential of attracting other related investments, the effect thereof on the development of the activity of other enterprises in the region	Contribution to regional development on the horizontal axis and generation of new jobs for the suppliers of related products and services

**#M2** Appendix no. 8 to the proceeding

Registration date.....

Registration number.....

**REQUEST FOR PAYMENT OF 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 State aid amounting to....., on the basis of Financing Agreement no....., of.....and under the requirements provided by the scheme of support of investments that promote regional development through creation of jobs, as approved by Government Decision no. 332/2014.

**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.....

**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 tangible or intangible assets 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 has not hired persons with whom it or enterprises associated to it have had work relationships in the last 12 months prior to the date of registration of the application for financing.

**III. Deduction form**

Month	Payment obligations	Payment*)	Requested State aid**)

									-Lei-
	Salary cost	Gross salaries realized -lei-	Employer's contributions -lei-	Total -lei-	Payment object	Payment document no./date	Payment value -lei-	Account statement no./date	
1	2	3	4	5=3+4	6	7	8	9	10
Month .....	Salary cost per enterprise								
...	Salary cost for the newly created jobs								
	Eligible expenses								
Month .....	Salary cost per enterprise								
..	Salary cost for the newly created jobs								
	Eligible expenses								
...									
Total	Salary cost per enterprise								
	Salary cost for the newly created jobs								
	Eligible expenses								

\*) Includes the total payments that correspond to the salary costs per enterprise.

\*\*\*) Is calculated by applying the percentage of intensity of the eligible expenses.

Name: .....

Position: .....

Signature<sup>8</sup>: .....

Signing date: .....

**NOTE:**

The payment request of State aid is accompanied by a copy of the financial and accounting documents necessary to justify the salary expenses

**#B**

Appendix no. 9 to the proceeding

**FORM**  
**regarding the stage of creation and maintenance of the jobs**

\_\_\_\_\_

| Average no. [Total no.] No. of jobs existing on the date|  
of employees on	of jobs	of registration of the request for payment	
the last 12 months	provided in the	\_\_\_\_\_	
prior to the date of registration		Total	out of which newly created corresponding
of the application for	plan of creation		to the investment

financing	of jobs			
1	2	3	4	

Name: .....  
 Authorized signature and stamp of the applicant\*1): .....  
 Position: .....  
 Date of signing: .....

\*1) The form will be signed by the person authorized to legally represent the enterprise.

**#M2** *Appendix no. 10 to the proceeding*

**Declaration on honor on the performance of the investment**

*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 has started the initial investment on....., according to Financing Agreement no.....;*
- *the investment made until the date hereof includes the following assets:*

No.	Name of the asset according to the investment plan	Name of the asset according to the registration in accounting	Inventory no.	Value registered in accounting -lei-	Invoice no./date
1	2	3	4	5	6

Name: .....  
 Position: .....  
 Signature<sup>9</sup>: .....  
 Signing date: .....

**NOTE:**

*The declaration on honor on the performance of the investment is accompanied by copies of the following documents:*

- *the invoices that correspond to the purchased assets;*
  - *the Register of fixed assets, updated on the date of registration of the payment request – excerpt;*
- the analytical trial balance for the month prior to the registration of the payment request.*



\_\_\_\_\_

\*) Comprises the total payments corresponding to the salary costs per enterprise.

Name: .....

Authorized signature and stamp of the applicant\*1): .....

Position: .....

Date of signing: .....

NOTE:

**#M2**

*The Form of maintenance of jobs is accompanied by a copy of the financial-accounting documents necessary for the justification of the maintenance of jobs.*

**#B**

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\*1) The form will be signed by the person authorized to legally represent the enterprise.