

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 September 16, 2014

ELABORATED BY: COMPANIA DE INFORMATICĂ 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 September 16, 2014.*

Baseline act

#B: Government Decision no. 332/2014

Amending acts

#M1: Government Decision no. 784/2014

*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**.*

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*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.

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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.

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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.

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(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.

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ART. 5

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

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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.

(4) The new jobs are to be kept for a term of at least 5 years for large enterprises and of 3 years for the small and medium enterprises.

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:

Region	Maximum level of State aid	
	2014 - 2017	2018 - 2020

Bucharest Region	equivalent in lei 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%	

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(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.*

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(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;

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b) *** *Repealed.*

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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:

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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;

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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;

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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.

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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:

a) they are registered according to the Companies Law no. 31/1990, republished, as subsequently amended and supplemented;

b) they make an initial investment in Romania, in any sector, with the exception of those provided by art. 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;

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d) they do not fall into the category of “enterprises in difficulty”, according to the

provisions of art. 2 point 18 in the Regulations;

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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;

b) they do not belong to shareholders who own or owned in the last two years prior to the date of registration of the application for financing another enterprise registered according to the Companies Law no. 31/1990, republished, as subsequently amended and supplemented, which carries out or has carried out the activity for which financing is applied for.

ART. 16

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

a) they should be considered initial investments, as these are defined by art. 1 letter k) in the Procedure on granting State aid provided in appendix no. 2, and initial investments in favor of a new economic activity, respectively, in the case of large enterprises in the Bucharest Region, as these are defined by art. 1 letter 1) in the Procedure on granting State aid provided in appendix no. 2;

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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;

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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.

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ART. 16¹

The tangible and intangible assets corresponding to the initial investments must be new, with the exception of those purchased by SMEs.

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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.

(2) The documents issued by the applicant enterprise in original counterparts must be dated, stamped and signed by the person authorized by law to represent the enterprise. The documents presented in copies shall bear on each page the mention “*True to the original*”, the stamp of the enterprise and the signature of the person authorized by law to represent the enterprise.

ART. 20

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

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APPENDIX 1

LIST
of activity sectors to which State aid cannot be granted

No.	NACE	Code	NACE code Name
SECTION A - AGRICULTURE, FORESTRY AND FISHING			
1	01		Agriculture, hunting and related service activities
2	02		Forestry, logging and related service activities
3	03		Fishing and aquaculture
SECTION B - EXTRACTIVE INDUSTRY			
4	05		Mining of superior and inferior coal
5	06		Extraction of crude petroleum and natural gas
6	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
SECTION C - PROCESSING INDUSTRY			

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

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|_____|_____|_____

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| SECTION N - ADMINISTRATIVE AND SUPPORT SERVICE ACTIVITIES

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| 48 | 77 | Rental and leasing activities

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|_____|_____|_____

|_____|

| 49 | 78 | Employment activities

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| SECTION O - PUBLIC ADMINISTRATION AND DEFENSE; COMPULSORY SOCIAL SECURITY

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| 50 | 84 | Public administration and defense; compulsory social security

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| SECTION R - ARTS, ENTERTAINMENT AND RECREATION

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| 51 | 92 | Gambling and betting activities

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|_____|_____|_____

|_____|

| 52 | 93 | Sports activities and amusement and recreation activities

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|_____|_____|_____

|_____|

| SECTION S - OTHER SERVICE ACTIVITIES

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|_____|

|_____|

| 53 | 94 | Activities of membership organizations

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|_____|_____|_____

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| SECTION T - ACTIVITIES OF PRIVATE HOUSEHOLDS AS EMPLOYER OF DOMESTIC PERSONNEL; ACTIVITIES OF PRIVATE HOUSEHOLDS OF PRODUCTION OF GOODS AND SERVICES FOR OWN CONSUMPTION

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| 54 | 97 | Activities of households as employers of domestic personnel

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|_____|_____|_____

|_____|

| 55 | 98 | Undifferentiated goods- and services-producing activities of private households for own use

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|_____|_____|_____

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| SECTION U - ACTIVITIES OF EXTRATERRITORIAL ORGANISATIONS AND BODIES |

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APPENDIX 2

**PROCEDURE
for granting the State aid**

**CHAPTER I
Definitions**

ART. 1

For purposes of this decision, the terms and expressions below will have the following meanings:

a) the same or a similar activity – activity which is part of the same class, namely a number code of 4 figures, as per the Order of the Chairman of the National Institute of Statistics no. 337/2007 on the update of the Classification of Activities in the National Economy – NACE;

b) operating aid – the aid for the reduction of current expenditure of an enterprise, not related to an initial investment. This expenditure includes categories of costs like expenditure for personnel, materials, contracted services, communications, energy, maintenance, rent, administration and others alike, but does not include the amortization costs and the financing costs if these were included in the eligible costs when the aid for investments was granted;

c) employer – the enterprise which applies for State aid for the new jobs created based on this scheme;

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c^1) marketing of agricultural products – means holding or display with a view to sale, offering for sale, delivery or any other manner of placing on the market, except the first sale by a primary producer to resellers or processors and any activity preparing a product for such first sale; a sale by a primary producer to final consumers shall be considered to be marketing if it takes place in separate premises reserved for that purpose;

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d) salary account – the total value which must be actually paid by the beneficiary of the aid for that job, which comprises, for an established period of time, the gross salary and the mandatory contributions of the employer corresponding to the gross salary, according to the legal regulations in force;

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;

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

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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;

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l) initial investment in favor of a new economic activity – investment into tangible and intangible assets related to the setting up of a new establishment;

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;

o) newly incorporated enterprise – the enterprise incorporated in the year of registration of the application for financing or the enterprise which has not carried out economic activity, but no more than 3 consecutive fiscal years before the date of registration of the application;

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 of 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;

s) location of performance of the investment – the registered office or one of the secondary offices of the enterprise, registered with the trade register where the investment is made;

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;

v) number of employees – the number of annual work units, hereinafter referred to as AWU, namely the number of persons employed full time in one year; the persons who carry out their activity part-time and the persons with seasonal jobs are calculated as fractions of the AWU;

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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;*

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x) plan of creation of jobs – document which comprises the calendar for the creation and maintenance of the jobs corresponding to the investment, as well as the organizational structure;

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;

z) single investment project – any initial investment started by the same beneficiary or partner enterprises within a term of 3 years as of the date of initiation of the works for another investment which benefits from aid within the same NUTS 3 region;

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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;*

aa¹) *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;*

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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;

cc) gross salary – the sum of the income obtained by the employee within the enterprise before taxation, up to the limit of the gross medium salary at national level approved through the annual law of the social insurance budget, valid for the year of registration of the application for financing;

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.

(2) The registration of the applications for financing is to be made in sessions of 20 business days, with possibility of extension. The period of registration of the applications will be communicated by the Ministry of Public Finance on its website, according to art. 17 in the decision.

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

ART. 3

(1) During the registration session, the applicant enterprise sends to the General Registrar's Office of the Ministry of Public Finance, through registered letter with confirmation of receipt, the following documents necessary for the first stage of assessment:

- 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

(1) The enterprise selected in the first stage of assessment sends to the General Registrar's Office of the Ministry of Public Finance, by post through a registered letter with confirmation of receipt, within at most 30 business days as of the date of receipt of the informative letter, the following documents necessary for the second stage of assessment:

- a) the business plan proving the viability of the investment project and the economic efficiency of the enterprise;
- 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;

#M1

(ii) the eligibility criteria provided by art. 16 and the requirement provided by art. 16^1 in the decision are not met;

#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.*

#B

ART. 12

(1) For the purpose of paying the State aid, the enterprise will send to the General Registrar's Office of the Ministry of Public Finance, by post with confirmation of receipt, at least the following documents:

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;

d) the stage of maintenance of the initial investment, according to the form provided in appendix no. 11, as applicable;

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.

(2) An enterprise is allowed to send at most 4 requests for payment of State aid within one calendar year.

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.

ART. 16

(1) The enterprises that received a financing agreement are bound to start the investment according to the business plan and inform the Ministry of Public Finance in this respect.

(2) The enterprises which received a financing agreement and do not perform the investment are bound to inform the Ministry of Public Finance within the shortest time possible, without exceeding 10 business days as of the estimate date of starting the investment provided in the application for financing.

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.

(2) The enterprise is bound to maintain the initial investment operational for a term of at least 5 years as of the completion thereof or of 3 years in the case of SME.

(3) If it is ascertained within the term provided by para. (2) that the assets corresponding to the initial investment are physically or morally used, it is allowed to replace them in order to ensure continuity for the financed activity.

ART. 19

During the monitoring period, on a yearly basis until June 30, the enterprise must send to the General Registrar's Office of the Ministry of Public Finance, based on the approved annual financial statements corresponding to the last concluded financial year, information regarding the maintenance of the initial investment and of the jobs, according to the forms provided in appendix no. 11 and 12.

ART. 20

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

a) has not started the investment according to the business plan and has not

informed the Ministry of Public Finance in this respect;

b) does not maintain the minimum number of jobs provided by art. 16 letter b) in the decision;

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);

b) the enterprise does not observe the requirement regarding the maintenance of the initial investment provided by art. 18 para. (2).

(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. _

APPENDIX 1

to the procedure

Registration date
Registration number

APPLICATION FOR FINANCING

We, the undersigned,, having the identification details mentioned under point I, duly represented by Mr./Mrs....., in the capacity of, hereby apply for financing according to the requirements of the State aid scheme for support of investments which promote regional development through the creation of jobs, approved through the Government Decision no. 332/2014.

I. Presentation of the enterprise

Name of the enterprise:

Date of registration of the enterprise:

Registration no. with the trade register office:

Tax identification code:

Address:, zip code:

Phone:, fax:

Email:

Legal form:

Share capital: lei, held by:

- private individuals:%;
- SME*1):%
- large companies*2):%.

Main object of activity:

NACE code:

Secondary object of activity*3):

NACE code:

II. Presentation of the current situation of the enterprise

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

- average number of employees:
- turnover: lei;
- value of total assets *4): lei.

b) Average number of employees during the last 12 months prior to the date of registration of the application for financing.

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

- objective of the project:

- classification of the investment in the category of initial investment:

setting up of a new establishment;

extension of the establishment's capacity;

diversification of the establishment's production;

or

fundamental change of the general production process of the establishment;

- project value: Lei/Euro;

- location of performance of the investment:

- starting date of the investment (estimated):

Also, I hereby declare on my own liability that the enterprise:

_____ has not benefited and will not benefit from State aid for the same single investment project from other providers of aid;

_____ has benefited or will benefit from the following State aid for the same single investment project from other providers of aid:

No.	Name of the project	Location of performance of the investment	Provider of the aid	Legislative act	Amount of aid
Year					
		- Euro*8)-			
	(county)				
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Name:
Position:
Authorized signature and stamp of the applicant *9):
.....
Signing date:

#B

*1) SME are defined as companies with an average registered number of employees of up to 249 (inclusive) relative to the previous year, which obtain a net annual turnover of up to 50 million EUR in Lei equivalent, or which own total assets which do not exceed the equivalent in Lei of 43 million EUR, according to the last approved annual financial statements.

*2) A large company is a company which has the average registered number of employees higher than 250 employees (inclusive) and a net annual turnover over 50 million EUR in Lei equivalent, or total assets which exceed the equivalent in Lei of EUR 43 million, according to the last approved annual financial statements.

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

*4) "Total assets" means immovable assets plus current assets plus advance expenditure.

*5) The jobs must be created within at most 3 years as of the date of completion of the investment.

*6) Instead of "Year I, Year II..." the calendar years when the eligible expenditure is made should be filled in, according to the plan of creation of jobs and the calendar years when the State aid is requested, according to the eligible expenditure made.

#M1

- *7) last 3 years are: the current fiscal year and 2 previous years.
- *8) The EUR equivalent will be taken from the judicial act or it will be determined at the current exchange rate valid on the date when the aid is granted in accordance with the judicial act.
- *9) The application will be signed by the person authorized under the law to represent the enterprise.

#B

APPENDIX 2
to the procedure

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.

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

Financial year of reference*3)

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

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 Lei/ thousand Euro)
1. Data*1) of the applicant enterprise or from the consolidated annual financial statements (to introduce the data from table B1 in section B*2))			
2. The cumulated data*1) on a proportional base of all the partner enterprises, if applicable (to introduce the data in section 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			
<u>section B)</u>			
TOTAL			

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 (thousand Lei/thousand Euro)	Total assets (thousand Lei/thousand Euro)
TOTAL:		

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. of employees	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. of directors, de	Net annual turnover (thousand euro)	Total assets (thousand euro)	First and last name of the chairman of the board
1.				
2.				
3.				
4.				
5.				

6.					
7.					
8.					
TOTAL					

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 (thousand Lei/thousand Euro)	Total assets (thousand Lei/thousand Euro)
TOTAL:		

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 name	Address	Sole registration code (denomination/identification details)	First and last name of the chairman
	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 number of employees	Annual average turnover	Net annual (thousand Lei/thousand Euro)	Total assets (thousand Lei/thousand Euro)
1. *)			
2. *)			
3. *)			
4. *)			
5. *)			
TOTAL			

*) 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).

*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.

SHEET

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 number of employees*3)	Net annual turnover (thousand Lei/thousand Euro)	Total assets (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.

APPENDIX 3
 to the procedure

Conformity requirements - documents sent in the first stage of assessment

The application for financing:

- has all the rubrics filled in with the required data, observes the form in appendix no. 1 and 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 ascertaining certificate, the financial statements, the plan of creation of jobs, the identity document, the power of attorney, if applicable.
-

Statement regarding the enterprise's classification in the category of small and medium enterprises, as applicable:

- has all the rubrics filled in with the required data, observes the form in appendix no. 2 and 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 financial

statements. |

|
|
| The ascertaining certificate is attached in the original counterpart, it is updated with valid data on the date of registration of the application for financing and contains all the necessary information.
|

|
| The financial statements corresponding to the last concluded financial year, submitted and approved in accordance with the legal provisions in force, as applicable, attached in copies, stamped and signed by the person authorized to legally represent the enterprise and contain the mention "true to the original". |

|
| The plan of creation of jobs observes the model in the Applicant's Guide, it is dated, stamped and signed by the person authorized to legally represent the enterprise. |

|
| The tax ascertaining certificate regarding the fulfillment of the payment liabilities to the State budget is valid on the date of registration of the application for financing and it is attached in the original counterpart or a legalized copy. |

|
| The tax ascertaining certificates regarding the fulfillment of the payment liabilities to the local budget, including for the secondary offices, are valid on the date of registration of the application for financing and they are attached in the original counterparts or legalized copies. |

|
| The power of attorney signed and stamped by the legal representative of the applicant enterprise, if somebody else signs the application for financing, is attached in the 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 each document and the page where it is filed. |

#M1

APPENDIX 4

To the procedure

|
| Eligibility criteria - enterprise | Relevant documents |
|

| Is registered according to the Law on Trading Companies no. 31/1990, as
| republished, as subsequently amended and supplemented. | Ascertainig
certificate

| Makes an initial investment in Romania, in | Application for financing
| one of the eligible fields of activity. | |
| | Ascertainig certificate
|
|_____

| Does not have outstanding debts to the budgets | Tax certificate
| that form the general consolidated budget. |
|
|_____

| Does not fall into the category of "enterprises in| Application for |
| difficulty". | financing - Statement
on |
| | one's own liability
|
|_____

| Is not undergoing the procedure of forced execution,| Application for |
| insolvency, bankruptcy, judicial reorganization, | financing -
Statement on |
| dissolution, operational closing, liquidation or | one's own liability
| temporary suspension of activity. | Ascertainig
certificate |
|_____

| Is not subject to decisions of recovery of State aid or, if|
Application for financing
| if such decisions were issued, they were enforced. | Statement on one's
own liability |
| | |
|_____

| Has not benefited from regional State aid | Application for financing |
| for eligible costs of the type of tangible | Statement on one's
own|
| and intangible assets within the same | liability |
| single investment project. |
|
|_____

| Has not closed an identical or similar activity in| Application for
financing
| the European Economic Area in the last 2 years | Statement on |
| prior to the registration of the application for | one's own liability
| 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, |
 | within that region, of the initial investment. |
 | | |
 | _____ | _____
 | _____ |
 | It creates for each location of performance | Application for financing
 | of the investment at least 10 jobs, out of which | Plan of creation
 | at least 3 jobs are for disadvantaged workers. | of jobs |
 | _____ | _____
 | _____ |
 | Has a return of the turnover $\geq 1\%$ in the last | Financial statements
 | concluded financial year, in the case of operating enterprises.
 | |
 | _____ | _____
 | _____ |
 | Has positive own capitals in the last concluded | Financial statements
 | financial year, in the case of operating enterprises. |
 | _____ | _____
 | _____ |
 | Has a subscribed and paid up share capital of | Ascertaining certificate
 | at least 30,000 Lei, in the case of newly set up enterprises.
 | _____ | _____
 | _____ |
 | Does not belong to shareholders who own or have owned | Application for |
 | in the last 2 years prior to the date of registration |
 financing - Statement on one's own |
 | of the application another enterprise registered | liability
 | in accordance with the Law no. 31/1990, |
 | as republished, as subsequently amended and supplemented, which carried
 out or has carried out the activity |
 | for which the financing is sought, in the case of the newly set up
 enterprises. |
 | _____ | _____
 | _____ |

#M1

APPENDIX 5
to the procedure

CRITERIA

based on which the score of the enterprises that apply for State aid is calculated

Assessment criteria	Manner of establishment	Score
---------------------	-------------------------	-------

Number of newly created jobs	Number of newly created jobs/Minimum number of jobs provided by the plan*)	The result is transformed into a score.
Period of creation of at least 10 jobs.	Term of creation as of receipt of the financing agreement	Period <= 1 and 10 pct.
Location of performance of the investment average -	The investment is made in a county where unemployment is over the country average	Unemployment rate > country average 10 pct.
Return of the turnover in the last concluded financial year, in the case of operating enterprises	$Rca = (Net\ profit / Turnover) \times 100$	$Rca > 2\% - 10\ pct.$
Value of the subscribed and paid up share capital, in the case of newly set up enterprises	Share capital > 35.000 lei	> 10 pct.

*) The plan provides at least 10 new jobs.

#B
APPENDIX 6
to the procedure

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.

#M1

APPENDIX 7 to the procedure

Business plan

<i>Requirement</i>	<i>Reference</i>
<i>Description of the business</i>	<i>Short history of the enterprise, current activity, products/ services offered</i>
	<i>Presentation of the activity for which financing is sought</i>
<i>Presentation of the investment project</i>	<i>Investment in tangible and</i>

/ and classification of the investment in/ intangible assets related to:
 / the category of initial investment, | -
 / or in the category of new initial | |_-| the setting up of a new
 establishment |
 / investment in favor of a new economic | -
 / activity, in the case of large | |_-| extension of the capacity
 / enterprises in the Bucharest | of an existing establishment
 / region | -
 / | |_-| diversification of the
 production | |
 / | of an existing establishment
 / | -
 / | |_-| fundamental change in
 / the general production |
 / process of an existing
 establishment |
 / _____|_____

/ The investment plan comprising the list/ Indication of the name of the
 asset, |
 / of amortizable tangible and intangible | the quantity, the unit price
 and |
 / assets, exclusive of lands, | the total value, as well as |
 / and the substantiation of the need | the schedule of
 performance |
 / of purchasing thereof in correlation with | of the related expenditure
 / the newly created jobs | |
 / _____|_____

/ Substantiation of the plan of creation/ Plan of creation of jobs |
 / of jobs according to the |
 / enterprise's needs | |
 / _____|_____

/ Value of the eligible costs and of the | Application for financing
 / requested financing
 / _____|
 / | Plan of creation of jobs |
 / _____|_____

/ Analysis of the relevant market | Presentation of the relevant market/
 / where the enterprise requests financing/ supported by data and
 information |
 / | from official sources
 / _____|_____

/ Current financial situation and | Operating enterprises |
 / financial projections for the period/ make the projections considering/

of implementation of the investment | the financial statements of
project, of the creation of jobs and | the last concluded |
for the following 5 years as of | financial year.
the creation of the last jobs,
_____|
or 3 years for SME. | The newly set up enterprises make the |
| | projections by considering|
| | the established objectives.
_____|

Substantiation of the turnover | Agreements, pre-agreements, letters
| | of intent from possible clients
_____|

Quantitative indicators		Limits of the indicators
-------------------------	--	--------------------------

Return of the turnover | Rca >= 2.5% |
Rca = 100 x (Net profit/Turnover |
|
General solvency rate | Rsg > 1.66 |
Rsg = Total assets/Total debts |
_____|

Immediate liquidity | (Rlr) >= 0,65
Rlr = (Current assets - Stocks)/ |
Current liabilities |
_____|

Qualitative indicators		Reference
------------------------	--	-----------

Ensuring the financial resources | Relevant documents attesting
| necessary to perform the investment | the existence of financing
sources |
_____|

Position on the market and experience| Possible situations:
| in the field for which financing | _
| is requested | |_-| the enterprise has carried out
| | until the present the
activity for which|
| | the financing is requested

/
 /
 / | -
 / | | - | the shareholders or managers
 / | of the enterprise have been
 involved |
 / | in the implementation of
 similar |
 / | projects (supporting
 documents) |
 / _____ | _____

/
 | Contribution of the investment to | Information/Documents regarding:
 / improving the environmental | -
 / protection standards | | - | observance of the
 legislation in the field of environmental protection
 /
 / | -
 / | | - | positive impact of
 environment | | the project on the
 / _____ | _____

/
 | Contribution of the enterprise | Payment of taxes and duties to the
 | to economic growth and regional development | general consolidated |
 budget during the implementation of the investment and for 5 years |
 jobs, | | as of the creation of the last
 / | or for 3 years for SME, |
 / | out of which the value of the
 State aid will be deducted |
 / _____ | _____

/
 | Involvement of the enterprise in different | Social activities |
 | social projects with a positive impact | possible:
 / |
 / on the community in the region where | -
 / the investment is made | | - | activities in educational,
 medical, sports units, etc., at local level
 /
 / | -
 / | | - | collaborations with the
 County Employment Agency in order to recruit unemployed persons and
 organize professional training courses
 /
 / _____ | _____

/
 | Judicial situation of the location | Proved through the following
 documents: |
 | of performance of the investment | -
 /
 / | | - | land registry excerpt/sale-

Tax identification code:
 Address:
 Telephone: Fax: E-mail:
 IBAN code:, opened with the Treasury

II. Settlement form

Month	Payment liabilities					Payment*)	
of payment employer account nr./ date	Salary cost Document - lei - applicant **)	Value of the payment made - lei -	Excerpt of payment - lei -	State aid of payment	Contributions payment	Total brute no./date	Object of - lei -
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						
	expenditure***)						
Month	Salary cost						
.....	per						

	enterprise						
	Salary cost						
	for the newly						
	created						
	jobs						
	Eligible						
	expenditure***)						
...							
Total	Salary cost						
	per enterprise						
	Salary cost						
	for the newly						
	created						
	jobs						
	Eligible						
	expenditure***)						

*) Comprises the total payments corresponding to the salary costs per enterprise.
 **) It is calculated by applying the percentage of intensity to the eligible expenditure.
 ***) To be filled in if the gross salary granted is higher than the average gross salary at national level approved through the annual law on the social insurance budget, valid for the year of registration of the application for financing.

III. Statement on one's own liability

I, the undersigned,, identified with the identity document series no., issued by on, domiciled in, street, building, entrance, apt., district/county, as legal

representative of the enterprise....., hereby declare on my own liability that all the information provided and registered in this application is correct and complete.

I understand that any omission or inaccuracy in presenting the information which has the purpose of obtaining financial advantages is published according to law.

I hereby declare on my own liability that the enterprise:

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

|_ | is not subject to decisions for recovery of State aid or, if such decisions were issued, they were enforced in accordance with the legal provisions in force;

|_ | has not benefited and will not benefit from regional State aid for eligible costs of the type of tangible and intangible assets within the same single investment project;

|_ | has not closed an identical or similar activity in the European Economic Area after the registration of the application for financing and, at the time of registration of the application for financing, has no concrete plans of closing such an activity within a term of 2 years after completion of the initial investment in the region in question;

|_ | has not employed persons with whom it or enterprises related to it have had labor relationships in the last 12 months prior to the date of registration of the application for financing.

Name:

Position:

Authorized signature and stamp of the applicant*1):

Date of signing:

NOTE:

The request for payment of the State aid is accompanied by copies of the following documents *2):

- payroll per enterprise, signed by the legal representative of the enterprise;
- payroll for the newly created jobs corresponding to the initial investment, signed by the legal representative of the enterprise;
- bank payment instruments of the mandatory social insurance contributions, of the salary tax and of the net salaries, including withholdings;
- account statements which certify the performance of the payments, bearing the stamp of the issuing bank;
- statements regarding the payment liabilities of social contributions, the personal income tax, submitted to the authorized bodies;
- account sheets where the salary expenditure is registered;
- the general register of employees, which indicates the positions corresponding to the employees who occupy the newly created jobs – excerpt;
- documents which prove that the employees are part of the category of disadvantaged workers;

- other relevant documents (for example: mandatory environmental authorizations for the performance of the financed activity).

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

*2) All the copies bear on each page the mention “True to the original”, the stamp of the enterprise and the signature of the person authorized to legally represent the enterprise.

APPENDIX 9
 to the procedure

FORM
regarding the stage of creation and maintenance of the jobs

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

APPENDIX 10

to the procedure

STATEMENT
on one's own liability regarding the performance of the investment

I, the undersigned,, identified with the identity document series no., issued by on, domiciled in, street, building, entrance, apt., district/county, as legal representative of the enterprise....., hereby declare on my own liability that all the information provided and registered is correct and complete.

I understand that any omission or inaccuracy in presenting the information which has the purpose of obtaining financial advantages is published according to law.

I hereby declare on my own liability that:

- the enterprise has started the initial investment on, according to the Financial Agreement no.;
- the investment made until the date hereof comprises the following assets:

No.	Name of asset according to the investment plan	Name of asset according to the registration in accounting	No. according to the - lei -	Inventory value registered in accounting without VAT	Invoice registered in	Document no./date	Account statement
1	2	3	4	5	6	7	
8							

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

NOTE:
The statement on one's own liability regarding the performance of the investment is accompanied by copies of the following documents*2):

- The register of fixed assets, updated on the date of registration of the payment request – excerpt;
- The trial balance concluded on the date of registration of the payment request.

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

*2) All the copies bear on each page the mention “True to the original”, the stamp of the enterprise and the signature of the person authorized to legally represent the enterprise.

APPENDIX 11
 to the procedure

FORM
on the maintenance of the investment

Enterprise:

No. about according to the registration in corresponding investment	Name of the asset according to the registration in accounting	Inventory no. in accounting	Value registered without VAT - lei -	Information the replacement of the assets to the plan
1	2	3	4	5

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

NOTE:
 The form on the maintenance of the investment is accompanied by copies of the following documents *2):
 - the annual inventory of the enterprise’s patrimony (fixed assets);
 - supporting documents for the replacement of the assets corresponding to the

investment plan, as applicable.

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

*2) All the copies bear on each page the mention "True to the original", the stamp of the enterprise and the signature of the person authorized to legally represent the enterprise.

APPENDIX 12
to the procedure

FORM
on the maintenance of the jobs

Enterprise:

Month	No. of employees	Payment liabilities			Payment*)		
	per						
	enterprise/	Salary	Gross	Contributions of	Total	Object	
Document	Value	Account		the employer	- lei -	of	
	Nr. of jobs	cost	salaries	made	- lei -		
payment	of payment	of payment	statement				
	newly created-						
no./date	- lei -	no./date					
		- lei -					
1	2	3	4	5	6=4+5	7	
8	9	10					
Month		Salary cost					
.....		per					
		enterprise					
		Salary cost					
		for the newly					
		created					
		jobs					

Month		Salary cost				
.....		per				
		enterprise				
		Salary cost				
		for the newly				
		created				
		jobs				
...						
Total		Salary cost				
		per				
		enterprise				
		Salary cost				
		for the newly created				
		jobs				

*) 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:
 The form regarding the maintenance of the jobs is accompanied by copies of the following documents *2):
 - payroll per enterprise, signed by the legal representative of the enterprise;
 - payroll for the newly created jobs corresponding to the initial investment, signed

by the legal representative of the enterprise;

- bank payment instruments for the mandatory social insurance contributions, the salary tax and the net salaries, including withholdings;

- account statements which certify the performance of the payments, bearing the stamp of the issuing bank;

- statements regarding the payment of the social contributions, the personal income tax, submitted to the authorized bodies;

- sheets of the accounts where the salary expenditure is registered;

- the general register of employees, indicating the positions corresponding to the employees who occupy the newly created jobs – excerpt.

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

*2) All the copies bear on each page the mention “True to the original”, the stamp of the enterprise and the signature of the person authorized to legally represent the enterprise.
