

DECISION No. 332/2014 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 Tuesday, November 06, 2018*

*DRAFTED BY: COMPANIA DE INFORMATICA NEAMȚ*

*Text updated through the legislative software product LEX EXPERT on the basis of the amending  
legislative acts published in the Official Gazette of Romania, Part I, until Tuesday, November 06,  
2018.*

### **Basic document**

**#B:** *Government Decision no. 332/2014, published in the Official Gazette of Romania, Part I, no. 336  
of May 8, 2014*

### **Amending acts**

**#M3:** *Government Decision no. 860/2018*

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

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

*The amendments and supplementations brought through the legislative acts listed above are written  
in Italics. Before every amendment or supplementation is indicated the legislative act which brought  
the amendment or supplementation in question, in the form of **#M1**, **#M2** etc.*

### **#M1**

*Pursuant to [art. 108](#) in the Constitution of Romania, republished, in the Decision of the European  
Commission C (2014) 2240 final and to the provisions of [art. 3](#) para. (3) in Government Emergency  
Ordinance no. 117/2006\*) on the national procedures in the field of State aid, approved as amended  
and supplemented through [Law no. 137/2007](#),*

*Considering the provisions of [Regulation \(EU\) 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  
[108](#) in the Treaty,*

*The **Government of Romania** hereby adopts this decision.*

### **#CIN**

*\*) [Government Emergency Ordinance no. 117/2006](#) was repealed. See [Government Emergency  
Ordinance no. 77/2014](#).*

### **#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 determine the creation of jobs in all sectors, with the exception of those provided under [art. 13](#) and in the List of activity sectors for which State aid is not granted, as provided in [annex no. 1](#).

### #M1

## ART. 2

*(1) The regional State aid for investments shall be awarded within the scheme under observance of the provisions related to regional State aid of the [Regulation \(EU\) 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 108 in the Treaty](#), published in the Official Journal of the European Union series L, no. 187 of June 26, 2014, hereinafter referred to as the Regulation, and shall be exempt from the obligation of notification to the European Commission.*

### #B

(2) The European Commission is informed within 20 business days as of the date of entry into force of this decision, in accordance with the provisions of the [Regulation](#).

## CHAPTER II

### **Duration, budget of the scheme and estimated number of beneficiaries**

## ART. 3

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

(2) The State aid shall be paid between 2015 and 2025, on the basis of the financing agreements issued and within the limit of the annual budget allocated to the scheme.

## ART. 4

(1) This State aid scheme is included in the Program of “State aid for financing of investment projects” of the Ministry of Public Finance’s budget - General Actions. The State aid established through the scheme shall be awarded within the limit of the commitment and budget appropriations approved yearly through the law of the State budget for this program.

(2) The maximum budget of the scheme is of Lei 2,700 million, respectively 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 State aid for the period 2015-2025.

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

### #M1

## ART. 5

*The total estimated number of enterprises that shall benefit of State aid on the basis of the scheme is of 1,700.*

## #B

### CHAPTER III

#### Eligible expenses

##### ART. 6

(1) Shall be considered eligible expenses the salary costs, as defined under [art. 1](#) letter d) in the Procedure on the award of State aid, as provided in [annex no. 2](#), registered throughout a period of 2 consecutive years, as a result of the creation of jobs.

(2) The State aid corresponding to the eligible expenses shall be granted under fulfillment of the following requirements:

- 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 investment's completion date.

(3) Shall be considered the newly created jobs if there are no work relations between the employees and the employer or enterprises associated thereto in the last 12 months prior to the date of registration of the application for financing agreement.

##### #M2

*(4) Every job created as a result of the investment shall be maintained for a minimum period of 5 years, respectively 3 years in the case of SMEs, as of the date when it was first occupied.*

## #B

### ART. 7

The State aid shall be awarded to enterprises under observance of the provisions of this decision and of the [Regulation](#), through allocations from the State budget, from the budget of the Ministry of Public Finance - General Actions, under the form of non-reimbursable amounts, in relation to the eligible expenses and within the limit of the maximum admissible intensity.

### CHAPTER IV

#### Intensity and cumulation of State aid

##### ART. 8

(1) The maximum level of State aid an enterprise may benefit of within the scheme, in relation to the eligible expenses 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 of 11.25 million EUR	of equivalent in Lei of 7.5 million EUR
West and Ilfov Regions	equivalent in Lei of 26.25 million EUR	

North-West Regions	equivalent in Lei of 37.5 million EUR
Center, North- East,	
South-East, South-Muntenia,	
South-West Oltenia	

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

### **ART. 9**

(1) The gross intensity of the regional State aid, in relation to the eligible expenses, cannot exceed the following percentages:

Region	Maximum intensity of State aid	
	2014 - 2017	2018 - 2020
Bucharest Region	15%	10%
West and Ilfov Regions		35%
North-West Regions, Center, North- East, South-East, South-Muntenia, South-West Oltenia		50%

### **#M1**

(2) In the case of large investment projects, the aid may not exceed the maximum level provided for every development region under [art. 8](#) para. (1) and shall be calculated in accordance with the formula provided under [art. 2](#) point 20 in the Regulation.

### **#B**

(3) A single investment project may not be divided into several sub-projects for the purpose of benefiting of State aid of a bigger value than the maximum value provided for large investment projects.

### ART. 10

(1) In order to determine if the level and intensity of the State aid of which one enterprise benefits observe the maximum limits provided under [art. 8](#) para. (1), respectively [art. 9](#) para. (1) and (2), shall be taken into account the total value of the State aid granted for the activity, project, or enterprise benefiting of State aid.

(2) State aid granted on the basis of the scheme can be cumulated as follows:

a) with any other State aid corresponding to different eligible costs;

b) with any State aid in connection with the same eligible costs, but only if the cumulation in question does not cause the exceeding of the maximum limits provided under [art. 8](#) para. (1), respectively [art. 9](#) para. (1) and (2).

(3) State aid granted on the basis of the scheme shall not be cumulated with the de minimis aid in relation to the same eligible costs, if such a cumulation would lead to an intensity and a level of aid in excess of the limits provided under [art. 9](#) para. (1) and (2).

## CHAPTER V

### Incentive effect

#### ART. 11

(1) This decision applies only to aid with incentive effect.

(2) Shall be considered that aid has an incentive effect if the following requirements are cumulatively fulfilled:

a) the enterprise addresses to the Ministry of Public Finance a written request for award of the aid, in accordance with the model provided in [annex no. 1](#) to the Procedure on the award of State aid, before the start of 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 starts the investment prior to the receipt of the financing agreement, the entire investment shall be ineligible.

## CHAPTER VI

### Criteria of award of the State aid

#### ART. 13

This decision applies to the aid from all economic sectors, with the exception of the following aid provided under [art. 1](#) para. (3) in the Regulation:

#### #M1

a) aid granted in the field of fishing and aquaculture, as regulated by the Regulation (EU) no. 1.379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organization of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and [\(EC\) no. 1.224/2009](#) of the Council and repealing Regulation (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 trading in agricultural products, in the following cases:

(i) when the aid value is set on the basis of the price or quantity of such products purchased from primary producers or traded by the enterprises in question; or

(ii) when the award of the aid is conditioned on their partial or full transfer to primary producers;

d) aid for facilitation of the closing of non-competitive coal mines, as they are regulated by Decision no. 2010/787 of the Council of December 10, 2010 on State aid for facilitation of the closing of non-competitive coal mines;

#### **#M1**

*e) aid favoring the activities from the steel industry, the coal industry, the naval construction sector, the synthetic fibers sector, the transportation and related infrastructure sector, the sector of energy production and distribution and the infrastructure for it.*

#### **#B**

##### ART. 14

Enterprises may not benefit of the following types of State aid:

a) aid dedicated to activities related to export to third countries or to other Member States, respectively aid directly related to the exported quantities, to the incorporation and operation of a distribution network or other current costs related to the export activity;

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

c) operating aid.

##### **ART. 15**

(1) The enterprises which cumulatively fulfill the following eligibility criteria on the date of registration of the application for financing agreement may benefit of State aid on the basis of the scheme:

#### **#M2**

*a) they are registered in accordance with the Companies [Law no. 31/1990](#), republished, as subsequently amended and supplemented, or [Law no. 1/2005](#) on the organization and operation of cooperations, republished;*

#### **#B**

b) they make an initial investment in Romania, in any sector, except for those provided under [art. 13](#) and in the List of activity sectors for which State aid is not granted, as provided in [annex no. 1](#);

c) they do not have outstanding debt to the budgets that make up the general consolidated budget;

#### **#M1**

*d) they do not fall into the category of “enterprises in distress”, as defined in accordance with [art. 2](#) point 18 in the Regulation;*

#### **#B**

e) they are not undergoing the procedure of forced execution, insolvency, bankruptcy, judicial reorganization, dissolution, operational closing, liquidation, or temporary activity suspension,

f) they are not subject to decisions of recovery of State aid or if such decisions have been issued they have been enforced, in accordance with the legal provisions in force;

G) they have not benefited of other regional State aid for eligible costs of the type of tangible and intangible assets within the same single investment project;

#### **#M3**

*h) they have not made a relocation to the unit where the initial investment for which the aid is requested shall be made in the last 2 years prior to the registration of the application for financing agreement and, at the time of registration of the application, they offer a commitment that they shall not do this for a period of up to 2 years after completion of the initial investment for which the aid is requested.*

#### **#B**

(2) The operating enterprises which cumulatively fulfill the criteria provided by para. (1), as well as the following eligibility criteria, on the date of registration of the application for financing agreement, may benefit of State aid on the basis of the scheme:

- a) their turnover return is bigger than or equal to 1% in the last concluded financial year;
- b) they have positive own capitals in the last concluded financial year;

(3) Newly incorporated enterprises which cumulatively fulfill the criteria provided by para. (1), as well as the following eligibility criteria, on the date of registration of the application for financing agreement, may benefit of State aid on the basis of the scheme:

- a) they have a share capital subscribed and paid up in accordance with the law of at least Lei 30,000;

#### **#M2**

*b) they do not belong to shareholders who hold or have held in the last 2 years prior to the date of registration of the application for financing agreement another enterprise registered in accordance with [Law no. 31/1990](#), republished, as subsequently amended and supplemented, or [Law no. 1/2005](#), republished, which performs or has performed the activity for which financing is requested.*

#### **#B**

##### **ART. 16**

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

#### **#M2**

*a) they must be considered initial investments, as defined by [art. 1](#) letter k) in the Procedure of award of State aid provided in [annex no. 2](#), respectively 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 defined under [art. 1](#) letter l) in the Procedure on the award of State aid provided in [annex no. 2](#);*

#### **#M1**

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

#### **#B**

*c) they should be viable and should determine the enterprise's economic efficiency, in accordance with the business plan defined under [art. 1](#) letter w) in the procedure provided in [annex no. 2](#).*

#### **#M1**

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

*The tangible and intangible assets corresponding to the initial investments must be new, except for those purchased by SMEs.*

## **#B**

### CHAPTER VII

#### **Final provisions**

##### ART. 17

The Ministry of Public Finance is required to publish on its website the entire text of the scheme, the period when applications for financing agreements can be registered, the annual budget allocated to the State aid scheme, the session's budget, the date of depletion of the annual budget and of the total budget allocated to 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 regarding the aid granted for all investment projects within the scheme. These records, which contain all the information necessary to establish whether the criteria provided by the [Regulation](#) are observed, must be kept for a term of 10 years as of the date of award of the last amount of aid within the scheme.

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

(3) The Ministry of Public Finance, acting as provider of State aid, sends to the Competition Council annual reports on the regional State aid awarded in accordance with the scheme, as per the [Regulation](#) on the monitoring procedures of State aid implemented through the [Order](#) of the president 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. In the case of documents elaborated in a foreign language, the enterprise shall submit them accompanied by translations into Romanian thereof certified by authorized translators.

##### #M2

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

## **#B**

##### ART. 20

[Annexes no. 1](#) and [2](#) are an integral part of this decision.

## **#CIN**

### **NOTE:**

*1. We reproduce hereinbelow the provisions of [art. II](#) in Government Decision no. 234/2016 ([#M2](#)).*

##### #M2

##### *"ART. II*

*(1) The settlement of applications for financing agreement and of payment requests of State aid, which are in process of analysis on the date of entry into force of this decision, remains subject to the legislation in force on the starting date thereof.*

*(2) The financing agreements issued prior to the entry into force of this decision remain subject to the legislation in force on the date of conclusion thereof, with the exception of the provisions of [art. I](#) point 5, 14 - 27, and 33 - 36 in this decision."*

**#CIN**

2. We reproduce hereinbelow the provisions of art. II in Government Decision no. 860/2018 (**#M3**).

**#M3**

"ART. II

(1) The provisions of this decision also apply to the applications for financing agreement in process of analysis on the date of entry into force hereof.

(2) The requests for payment of State aid in process of analysis on the date of entry into force of this decision shall be subject until settlement to the provisions applicable on the date of registration thereof."

**#M1**

ANNEX 1

**LIST**

**activity sectors for which State aid is not granted**

No.	NACE	NACE code denomination
	Code	
<b>SECTION A - AGRICULTURE, FORESTRY, AND FISHING</b>		
1	01	Agriculture, hunting, and related services
2	02	Forestry and forest exploitation
3	03	Fishing and aquaculture
<b>SECTION B - EXTRACTIVE INDUSTRY</b>		
4	05	Mining of superior and inferior coal
5	06	Extraction of crude oil and natural gas
6	071	Extraction of ferrous ores
7	0892	Peat extraction and agglomeration
8	091	Activities of related services to crude oil and natural gas extraction
9	099	Activities of related services for the mining of ores

		<i>SECTION C - PROCESSING INDUSTRY</i>	
10	102	<i>Processing and preserving of fish, crustaceans and mollusks</i>	
11	1101	<i>Distilling, rectifying and blending of spirits</i>	
12	1102	<i>Manufacture of wine from grape</i>	
13	1103	<i>Manufacture of cider and other fruit wines</i>	
14	1104	<i>Manufacture of other non-distilled fermented beverages</i>	
15	1105	<i>Manufacture of beer</i>	
16	1106	<i>Manufacture of malt</i>	
17	12	<i>Manufacture of tobacco products</i>	
18	131	<i>Preparation and spinning of textile fibers</i>	
19	19	<i>Manufacture of coke and refined</i>	
		<i>petroleum products</i>	
20	2014	<i>Manufacture of other organic basic chemicals</i>	
21	2051	<i>Manufacture of explosives</i>	
22	206	<i>Manufacture of artificial and synthetic fibers</i>	
23	24	<i>Metallurgic industry</i>	
24	254	<i>Manufacture of weapons and ammunition</i>	
25	2591	<i>Manufacture of recipients, containers, and other similar</i>	
		<i>steel products</i>	
26	301	<i>Construction of ships and boats</i>	
27	304	<i>Manufacture of military fighting vehicles</i>	
28	33	<i>Repair, maintenance and installation of machines and equipment</i>	

*SECTION D - PRODUCTION AND SUPPLY OF ELECTRICITY AND HEAT, GAS, HOT WATER AND AIR CONDITIONING*

*29 | 35 | Production and supply of electricity and heat, gas, hot water and air conditioning*

*SECTION F - CONSTRUCTIONS*

*30 | 41 | Construction of buildings*

*31 | 42 | Civil engineering*

*32 | 4399 | Other specialty construction works n.e.c.*

*SECTION G - WHOLESALE AND RETAIL TRADE; REPAIR OF MOTOR VEHICLES AND MOTORCYCLES*

*33 | 45 | Wholesale and retail trade, maintenance 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 - TRANSPORT 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 other accommodation facilities*

*41 | 56 | Restaurants and other similar food service operations*

SECTION J - INFORMATION AND COMMUNICATIONS

42 | 60 | Programming and broadcasting activities

43 | 61 | Telecommunications

SECTION K - FINANCIAL INTERMEDIATION AND INSURANCE

44 | 64 | Financial intermediation, with the exception of insurance activities  
and pension funds

45 | 65 | Insurance, reinsurance and pension fund activities  
(except for those from the public social insurance system)

46 | 66 | Activities auxiliary to financial intermediation,  
insurance and pension funds

SECTION L - REAL ESTATE TRANSACTIONS

47 | 68 | Real estate transactions

SECTION N - ADMINISTRATIVE AND  
SUPPORT SERVICE ACTIVITIES

48 | 77 | Rental and leasing activities

49 | 78 | Service activities regarding labor force

SECTION O - PUBLIC ADMINISTRATION AND DEFENSE; SOCIAL INSURANCE FROM  
THE PUBLIC SYSTEM

50 | 84 | Public administration and defense; social insurance from  
the public system

SECTION R - SHOWS, CULTURAL AND LEISURE ACTIVITIES

51 | 92 | Gambling and betting activities

52 | 93 | Sports, recreational and leisure activities

SECTION S - OTHER SERVICE ACTIVITIES

53	94	Miscellaneous associative activities
SECTION T - ACTIVITIES OF HOUSEHOLDS AS EMPLOYERS OF DOMESTIC PERSONNEL; GOODS- AND SERVICES-PRODUCING ACTIVITIES OF PRIVATE HOUSEHOLDS FOR OWN USE		
54	97	Activities of households as employers of domestic personnel
55	98	Goods- and services-producing activities of private households for own use
SECTION U - ACTIVITIES OF EXTRATERRITORIAL ORGANIZATIONS AND BODIES		
56	99	Activities of extraterritorial organizations and bodies

## #B

### ANNEX 2

## PROCEDURE of award of State aid

### CHAPTER I Definitions

#### ART. 1

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

a) identical or similar activity represents the activity which is part of the same class, respectively four-digit numeric code, in accordance with the Order of the president of the National Institute of Statistics no. 337/2007 on the update of the Classification of activities in the national economy - NACE;

#### #M3

b) *operating aid - aid for reduction of current expenses of an enterprise. These expenses include cost categories, like personnel costs, costs for materials, contracted services, communications, energy, maintenance, rent and administration, but they exclude depreciation costs and financing costs if they were not included in the eligible costs on the award of the investment aid;*

#### #B

c) employer - the enterprise requesting State aid for the jobs newly created on the basis of this scheme;

#### #M1

*c<sup>1</sup>) trading of agricultural products - holding or exposing an agricultural product for sale purposes, for placing on sale, delivery or any other form of introduction on the market, with the exception of the first sale by a primary producer to resellers or processors and of any other activity of preparation of the product for this first sale; a sale made by a primary producer to end consumers is considered trading if made in separate locations, reserved for this activity;*

**#B**

d) salary cost - the total value that must be effectively paid by the aid beneficiary for the job in question, comprising for a defined period of time the gross salary and the mandatory contributions of the employer which correspond to the gross salary, in accordance with the legal regulations in force.

**#M2**

*d<sup>1</sup>) eligible salary cost - the salary cost comprising the gross salary up to the limit of the average gross salary in the economy approved through the annual law of the social insurance budget and valid for the year of registration of the application for financing agreement, as well as the corresponding mandatory contributions of the employer, in accordance with the legal provisions in force;*

**#B**

e) creation of jobs - the net increase of the number of jobs created directly by the enterprise benefiting of State aid relative to the average of the 12 months prior to the month when the application for financing agreement is registered, after deducting from the apparent number of created jobs the jobs canceled 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 legal nature of order of equipment or any contract through which the investment becomes irreversible, whichever is made first, excluding preparatory works; the purchase of land and preparatory works, like obtaining authorizations and making feasibility studies, are not considered to mark the start of the works;

g) performs economic activity - obtains income from the activity performed;

h) concluded financial year - the financial year for which the enterprise has its financial statements submitted and approved in accordance with the legal provisions in force.

**#M2**

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

**#B**

i) tangible assets - assets consisting of land, buildings, and installations, machines and equipment;

**#M1**

*j) intangible assets - assets that do not have a physical or financial form, like patents, licenses, know-how or other intellectual property rights;*

*k) initial investment - the investment in tangible and intangible assets related to the incorporation of a new unit, 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) incorporation of a new unit - the creation of a new location for performance of the activity for which financing is requested, technologically independent from other existing units;*

*(ii) extending the capacity of an existing unit - the increase of the production capacity in the existing location;*

*(iii) diversifying the production of an existing unit - obtaining products that were not previously made in that unit;*

*(iv) fundamental change in the general production process - introducing new production technologies in the existing location or adding high technology equipment or installations whose value must exceed the depreciation of the assets related to the activity for which financing is requested during the 3 financial years prior to the year of submission of the application for financing agreement;*

#### **#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 a unit's activity, provided the new activity is not identical or similar to the activity previously performed in that unit;*

#### **#B**

m) enterprise - any entity with legal personality incorporated for the purpose of obtaining income from the performance of an economic activity;

n) operating enterprise - the enterprise which performs economic activity and has annual financial statements approved for the last concluded financial year;

#### **#M2**

*o) newly incorporated enterprise - the enterprise incorporated in the year prior to that of registration of the application for financing agreement which does not have any annual financial statements approved for the last concluded financial year; the enterprise incorporated in the year of registration of the application for financing agreement or the enterprise which has not performed 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 which have less than 250 employees and have either a net annual turnover which does not exceed the equivalent of EUR 50 million, or their total assets do not exceed the equivalent of EUR 43 million, and which are classified in accordance with the provisions of [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 enterprise, from the category of SME, is the enterprise which has between 50 and 249 employees and a net annual turnover of up to EUR 50 million, in Lei equivalent, or whose total assets 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 a net annual turnover or total assets of up to 10 million EUR in Lei equivalent;

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

q) the large enterprise - is the enterprise which does not fulfill the criteria for being classified as a SME;

r) associated enterprise - the enterprise that holds on its own, on the basis of an agreement with other shareholders of the other enterprise, the majority voting rights of the shareholders of that enterprise;

**#M2**

s) *the location of performance of the investment - the registered office or one of the working units of the enterprise where the investment is made, as registered with the Trade Register Office, in accordance with the legal provisions in force.*

**#B**

t) jobs created directly by an investment project - the jobs related to the activity which forms the object of investment, including the jobs created as a result of an increase of the usage rate of the capacity created by the investment, occupied by people employed full-time on the basis of an employment contract for undetermined term;

u) disadvantaged worker - any person who finds himself/herself 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 old;

(iii) is over 50 years old;

(iv) has not graduated a form of high school education or does not have a professional qualification (ISCED 3) or is in the first two years from graduating a cycle of education with frequency and has not had any paid job yet;

(v) comes from a single parent family, and has one or several dependents;

(vi) is the member of an ethnic minority and needs to develop his/her linguistic knowledge, his/her professional training or work experience, in order to increase his/her chances of obtaining a stable job;

(vii) is recognized as a disabled individual in accordance with the national legislation;

**#M2**

v) *average number of employees - the average of the number of employees of the last 12 months prior to the date of registration of the application for financing agreement, based on the actual number of employees declared on a monthly basis in the Statement on payment obligations of social contributions, of personal income tax and nominal records of insured - Statement 112.*

**#M1**

w) *business plan - document revealing 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, investment plan, substantiation of the plan of creation of jobs, analysis of the relevant market on which the enterprise requests financing, substantiation of the turnover, current financial situation and financial projections. The document shall substantiate: the classification of the investment into the category of initial investment, the manner of fulfillment of the quantitative and qualitative indicators provided in the business plan model in [annex no. 7](#). The business plan comes with attachments of supporting documents necessary for its substantiation. The business plan is elaborated for the period of implementation of the investment and 5 years as of the date of occupation of the last job, respectively 3 years in case of SMEs;*

**#M2**

x) *plan of creation of jobs - the document comprising the schedule of creation and maintenance of the jobs corresponding to the investment, the organizational structure, and the values of eligible salary costs and of the corresponding State aid;*

**#B**

y) *large investment project - an initial investment with eligible costs of more than 50 million EUR, value calculated at the exchange rate set 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 time interval of 3 years as of the start date of the works at another investment which benefits of aid in the same NUTS 3 region;*

**#M1**

aa) *primary agricultural production - production of soil products and animal breeding, listed in [annex I](#) to the treaty, without the performance of another operation that changes the nature of those products;*

aa<sup>1</sup>) *agricultural products - the products listed in [annex I](#) to the treaty, with the exception of the products obtained from fishing and aquaculture listed in annex I to the Regulation (EU) no. 1.379/2013 of the European Parliament and of the Council of 11 December 2013;*

**#B**

bb) *processing of agricultural products - any operation performed on an agricultural product whose result is a product that is also an agricultural product, except for the activities performed in agricultural holdings necessary to prepare a product of animal or vegetable origin for its first sale;*

**#M3**

bb<sup>1</sup>) *relocation - transfer of an identical or similar activity or of part thereof from one unit of one of the contracting parties of the Agreement on the European Economic Area, the initial unit, to the unit of another contracting party of the Agreement on the European Economic Area where the investment benefiting of State aid takes place, the unit benefiting of aid. There is a transfer if the product or service from the initial unit and the unit benefiting of aid have at least partially the same purposes, fulfill the requirements or necessities of the same type of clients and jobs are lost from identical or similar activities in one of the initial units of the beneficiary from the European Economic Area.*

**#M2**

cc) *gross salary - the amount of revenues obtained by the employee in the enterprise before the mandatory employer's contributions are withheld and before taxation;*

**#B**

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

## CHAPTER II

### **Manner of award of the State aid**

## ART. 2

(1) In order to benefit of 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 agreement is made in sessions of 10 business days. The period of registration of the applications shall be 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 agreement registered outside of the sessions shall be returned to the enterprises.

### #M2

## ART. 3

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

### #B

- a) application for financing agreement, in accordance with the form provided in [annex no. 1](#);
  - b) statement of classification of the enterprise into the category of small and medium enterprises, according to the form provided in [annex no. 2](#), as applicable;
  - c) original counterpart of the ascertaining certificate issued by the trade register office attached to the tribunal where the enterprise has its seat, containing at least the following information: identification details, sole registration code, shareholders and legal representatives of the enterprise, main field of activity and all secondary fields of activity, working units of the enterprise and date of the latest mention registered and the object thereof;
  - d) copies of the approved annual financial statements corresponding to the last concluded financial year, as applicable;
  - e) plan of creation of jobs;
  - f) tax certificate on the fulfillment of the payment obligations to the State budget, without outstanding debt, in the original counterpart or a legalized copy;
  - g) tax certificate on the fulfillment of the payment obligations to the local budget, including for the working units, without outstanding debt, in the original counterpart or a legalized copy;
  - h) power of attorney signed and stamped by the legal representative of the applicant enterprise, if another person that the legal representative signs the application for financing agreement;
  - i) copy of the identity document of the person authorized to legally represent the enterprise;
  - j) schedule of the documents sent in the first assessment stage
- (2) The document mentioned under para. (1) letter e) shall be also transmitted electronically.

## ART. 4

(1) The Ministry of Public Finance verifies the fulfillment of the compliance conditions and of the eligibility criteria provided in [annexes no. 3](#) and [4](#).

(2) For the enterprises which fulfill the requirements mentioned under para. (1), the Ministry of Public Finance calculates a score, in accordance with the criteria provided in [annex no. 5](#).

(3) In order to observe the budget allocated to the scheme, the enterprises shall be selected by descending order of the obtained score.

#### ART. 5

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

- a) publishes the results obtained on its website;
- b) sends by post with confirmation of receipt an informative letter on the results of the first assessment stage, the score obtained, for the enterprises which fulfill the compliance requirements and the eligibility criteria provided in [annexes no. 3](#) and [4](#), and the documentation necessary in the second assessment stage, in the case of the enterprises which observe the allocated budget.

#### ART. 6

The Ministry of Public Finance completes the first assessment stage of the applications for financing agreement within at most 30 business days as of the date of conclusion of the session.

#### **#M2**

#### ART. 7

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

*a) business plan;*

#### **#B**

- b) supporting documents for substantiation of the business plan;
- c) schedule of the documents sent in the second assessment stage.

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

#### ART. 8

(1) The Ministry of Public Finance shall verify the compliance of the transmitted documents and shall analyze the viability of the investment project and the economic efficiency of the enterprise, considering the provisions in [annexes no. 6](#) and [7](#).

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

- a) financing agreement, if the eligibility requirements and criteria are fulfilled in accordance with the provisions of this scheme;
- b) request of information and/or documents to supplement the application for financing agreement, if:
  - (i) there are inconsistencies in the provided information;
  - (ii) it is found that it is necessary to provide additional documents in order to settle the application.

In this case, the assessment term of the application for financing agreement, as provided by [art. 9](#), runs from the date when the application is considered complete within the meaning of this scheme's provisions. The applicant enterprise shall send the supplements to the documentation within at most 10 business days as of receipt of the request for information and/or documents to supplement the application for financing agreement;

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

(i) the application for financing agreement is not accompanied by the documents provided under [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 maximum 30 business days as of the date of receipt of the informative letter for transmission of the documents necessary in the second assessment stage;

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

ART. 9

The Ministry of Public Finance shall complete the second assessment stage 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.

ART. 10

The documents sent by the applicant enterprise at its own initiative for supplementation of the application for financing agreement shall not be taken into account.

## CHAPTER III

### Payment of the State aid

#### ART. 11

(1) The State aid shall be paid to the enterprises that have received a financing agreement, after partial or total performance of the eligible expenses, in accordance with the financing agreement, within the limit of the approved annual budget appropriations.

**#M1**

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

**#M2**

#### ART. 12

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

**#B**

a) the request for payment of State aid accompanied by supporting documents, in accordance with the form provided in [annex no. 8](#);

b) the status of creation and maintenance of jobs, in accordance with the form provided in [annex no. 9](#);

c) the statement on one's own responsibility regarding the performance of the investment, in accordance with the form provided in [annex no. 10](#);

**#M2**

d) \*\*\* Repealed

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

**#B**

e) copies of the approved annual financial statements corresponding to the last concluded financial year, as applicable;

f) tax certificate on the fulfillment of the payment obligations to the State budget, without outstanding debt, in the original counterpart or a legalized copy;

g) tax certificate on the fulfillment of the payment obligations to the local budget, including for the working units, without outstanding debt, in the original counterpart or a legalized copy;

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

i) schedule of the documents sent for the payment of State aid.

**#M2**

*(2) At most 2 payment requests of State aid can be sent by the enterprise in one calendar year.*

**#B**

ART. 13

(1) The Ministry of Public Finance shall verify the compliance of the transmitted documents and the fulfillment of the requirements provided by this scheme in order to make the payment.

(2) If it is found that certain documents are missing or there are inconsistencies between the transmitted data and information, the Ministry of Public Finance shall send a request to supplement the request for payment of State aid.

ART. 14

(1) The Ministry of Public Finance, in its capacity as provider of State aid, reserves the right to verify at any point in time on the spot, with prior notification, during the investment’s implementation and monitoring period, as well as during the period of implementation and monitoring of the newly created jobs, the truthfulness and compliance of the documents related to the performance of the investment and the performance of the eligible expenses corresponding to the newly created jobs.

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

ART. 15

(1) State aid payment may not be subject to compensatory payments.

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

**#M2**

**ART. 15<sup>1</sup>**

*Enterprises that have received a financing agreement are required to send to the General Registrar of the Ministry of Public Finance on a yearly basis, within at most 45 business days as of the end of the calendar year, a report on the degree of achievement of the plan of creation of jobs for which the financing agreement was issued, accompanied by the Statement regarding the payment obligations of social contributions, of personal income tax and the nominal record of the insured - Statement 112 corresponding to the month of December of the concluded year.*

**#M2**

#### **ART. 16**

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

*(2) The term provided under para. (1) shall be communicated to the enterprise benefiting of State aid at the same time as the transmission of the financing agreement.*

**#M2**

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

*(1) Enterprises which received a financing agreement are required to create the total and yearly number of jobs, in accordance with the approved financing agreement.*

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

*a) either the amendment of the schedule of creation and maintenance of jobs corresponding to the investment, under observance of the provisions of [art. 6](#) para. (2) letter b) in the decision, through the transmission of a notification with mentioning of the period of performance of the investment, accompanied by the plan of creation of jobs, inclusive in electronic form, and [section IV](#) "Presentation of the eligible costs and of the requested financing" in the application for financing agreement, as revised;*

*b) or the reduction by at most 20% of the total number of newly created jobs, under observance of the provisions of [art. 16](#) letter b) in the decision, through transmission of a notification accompanied by the plan of creation of jobs, inclusive in electronic form, [section IV](#) "Presentation of the eligible costs and of the requested financing" in the application for financing agreement and the business plan, inclusive in electronic form, as revised.*

*(3) The amendments provided under para. (2) may not refer to the increase of the total value of eligible expenses, respectively of the State aid corresponding 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 budgets 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 received documentation 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, proceeding as follows:*

a) if it is found that the requirements provided by this scheme continue to be 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 informed on the amendment's rejection.

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

**#B**

#### ART. 17

(1) Throughout the performance of the investment and the creation of jobs and for a term of 5 years as of the date when the positions are occupied for the first time, respectively of 3 years in case of SMEs, 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 financing was obtained in the new location, the document of holding of the location, as well as the validity thereof.

(2) Moving the location to a region where the maximum intensity of State aid is lower than the one corresponding to the region where the enterprise benefited of State aid leads to the revocation of the financing agreement and the recovery of the awarded State aid.

### CHAPTER IV

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

#### ART. 18

(1) The enterprise is required to maintain every newly created job for a period of at least 5 years as of the date when it was occupied for the first time, respectively 3 years in the case of SMEs.

**#M2**

(2) \*\*\* Repealed

(3) \*\*\* Repealed

**#M2**

#### ART. 19

During the monitoring period, on a yearly basis by June 30, the enterprise shall send to the General Registrar of the Ministry of Public Finance, based on the approved annual financial statements corresponding to the last concluded financial year, information about the maintenance of the jobs, according to the form provided in [annex no. 12](#) to this procedure.

**#B**

#### ART. 20

(1) The Ministry of Public Finance shall apply the measures of revocation of the financing agreement if the enterprise:

**#M2**

a) fails to inform the Ministry of Public Finance on starting the investment in accordance with the provisions of [art. 16](#) para. (1);

- a^1) fails to make an initial investment for the financed activity;*  
*b) fails to observe the obligations provided under [art. 16^1](#) para. (1) and (2);*  
*b^1) fails to observe the obligation provided under [art. 15^1](#);*

**#B**

- c) enters the bankruptcy procedure or suspends its activity;*  
*d) fails to observe the obligation provided under [art. 14](#) para. (2);*

**#M3**

- d^1) the enterprise does not observe the provisions of [art. 15](#) para. (1) letter h) in the decision;*

**#B**

*e) moves the location of performance of the investment to a region where the maximum intensity of State aid is lower than the one corresponding to the region where it benefited of State aid.*

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

(3) The revocation of the financing agreement in the situations provided under para. (1) letters b) - e) determines the application of the measures necessary for a full recovery of the paid State aid.

(4) The State aid paid shall be recovered proportionally with the degree of non-achievement in the following cases:

a) the enterprise does not observe the requirement regarding the maintenance of jobs provided under [art. 18](#) para. (1).

**#M2**

- b) \*\*\* Repealed*

**#B**

(5) The recovery of State aid is made in accordance with the provisions of [Government Ordinance no. 117/2006\\*](#)) on the national procedures in the field of State aid, approved as amended and supplemented through [Law no. 137/2007](#).

(6) The State aid that must be recovered also includes the related interest, owed as of the date of payment and until the date of recovery. The applicable interest rate is that established in accordance with the provisions of the [Regulation \(EC\) no. 659/1999](#) of the Council of 22 March 1999 laying down detailed rules for the application of [article 93](#) of the EC Treaty, published in the Official Journal of the European Union, series L, no. 83 of March 27, 1999, as subsequently amended.

**#CIN**

*\*) [Government Emergency Ordinance no. 117/2006](#) was repealed. See [Government Emergency Ordinance no. 77/2014](#).*

**#B**

ART. 21

[Annexes no. 1 - 12](#) are an integral part of this procedure.

**#M3**

[ANNEX 1](#)

to the [procedure](#)

Date of registration .....  
Registration number .....

## **APPLICATION FOR FINANCING AGREEMENT**

We, the undersigned, ....., having the identification details mentioned at point I, legally represented by Mr./Mrs. ...., in his/her capacity as ....., hereby request financing in accordance with the provisions of the State aid scheme in support of investments promoting regional development through the creation of jobs, approved through Government Decision no. 332/2014, as subsequently amended and supplemented.

### **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 enterprises: .....%.  
Main object of activity: .....  
NACE Code: .....  
Secondary object of activity\*1): .....  
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  
- total assets value\*2): ..... lei

b) Average number of employees: .....

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

- objective of the project: .....;  
- brief description of the project: .....

.....;





with the Companies Law no. 31/1990, republished, as subsequently amended and supplemented, or Law no. 1/2005 on the organization and operation of the cooperation, republished, as subsequently amended, which performs or has performed the activity for which financing is requested, in case of newly incorporated enterprises;

shall purchase new assets, in the case of large enterprises.

I hereby declare on my own responsibility that in the last 3 years \*5), 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 project	Location (county)	Year of performance of the investment	Provider of award of the aid	Legislative of the aid	Amount of aid

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

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

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

No.	Name of project	Location (county)	Year of performance of the investment	Provider of award of the aid	Legislative of the aid	Amount of aid

Name: .....

Position: .....

Signature\*7): .....

Signing date: .....

- 
- \*1) Shall be filled in if the financing is requested for the secondary object of activity.
  - \*2) Total assets means fixed assets plus 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.
  - \*4) Instead of "Year I, Year II ..." shall be filled in the calendar years when the eligible expense is made, in accordance with the plan of creation of jobs and the calendar years when payment of State aid corresponding to the eligible expenses made is requested.
  - \*5) Shall be considered the last 3 years: the current fiscal year and 2 previous years.
  - \*6) The EUR equivalent shall be taken from the legal document, or shall be determined at the currency exchange rate valid on the date of award of the aid, in accordance with the legal document.
  - \*7) The application shall be signed by the person authorized to legally represent the enterprise.

**#B**

ANNEX 2  
to the [procedure](#)

Form A

**STATEMENT**

**on the classification of the enterprise into the category of small and medium enterprises\*1)**

**I. Identification details of the enterprise**

Enterprise name: .....  
 Address of the registered office: .....  
 Sole registration code: .....  
 Name and position:

.....  
 (President of the board of directors, general director, or equivalent)

**II. Enterprise type**

Mention, as applicable, the type of enterprise:

Autonomous enterprise

In this case, the data from the table below shall be taken only from the economic and financial report of the applicant enterprise. Shall be filled in only the statement, without form B.

Partner enterprise

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

Connected enterprise

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

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

Financial year of reference*3)		
Average annual number of employees	Net annual turnover (thousand Lei/thousand EUR*4)	Total assets (thousand Lei/thousand EUR)

Important: Mention if, compared to the previous financial year, the financial data registered amendments that determine the classification of the enterprise into another category (namely micro-enterprise, small, medium, or large enterprise).

No

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

Signature

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

I hereby declare on my own responsibility that the data in this statement and in the annexes are true to reality.

Date of elaboration .....  
Signature .....

-----  
\*1) An enterprise is classified into the category of SMEs if it observes the ceilings provided by [Law no. 346/2004](#) on encouraging the incorporation and development of small and medium enterprises, as subsequently amended and supplemented, during two consecutive concluded financial years.

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

\*3) The data regarding the annual average number of employees, the annual net turnover and the total assets shall be those obtained in the last financial year and reported in the annual financial statements approved by the shareholders. In the case of newly incorporated enterprises, the data regarding the average annual number of employees, the annual net turnover and the total assets shall be determined and declared on one's own responsibility.

\*4) The value in EUR shall be calculated at the currency 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 connected enterprises

The sections that 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 connected to at least one enterprise (as well as any additional sheets).

Calculation for the types of partner or connected enterprises

Reference period	Annual average number of employees	Annual net turnover (thousand Lei/ thousand EUR)	Total assets (thousand Lei/ thousand EUR)
1. The data*1) of the applicant enterprise or from the consolidated annual financial statements (shall be introduced the data from table B1 in <a href="#">section B*2)</a> )			
2. Cumulated data*1) in a proportional manner of all the partner enterprises, if applicable (shall be introduced the data from <a href="#">section A</a> )			
3. The cumulated data of all			

connected enterprises*1) (if any) - if not already included through consolidation at point 1 in this table (shall be introduced the data from table B2 in <a href="#">section B)</a>				
<b>TOTAL</b>				

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

-----

\*1) The data regarding the annual average number of employees, the annual net turnover and the total assets shall be those obtained in the last financial year and reported in the annual financial statements approved by the shareholders. In the case of newly incorporated enterprises, the data regarding the average annual number of employees, the annual net turnover and the total assets shall be determined and declared on one’s own responsibility.

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

### PARTNERSHIP SHEET

#### 1. Identification details of the enterprise

Enterprise name .....

Address of the registered office .....

Sole registration code .....

First, last name and position

.....

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

#### 2. Data regarding the connected enterprise

Reference period			
Average annual number of employees*3)	Net annual turnover (thousand Lei/thousand EUR)	Total assets (thousand Lei/thousand EUR)	

<b>TOTAL:</b>				
---------------	--	--	--	--

**NOTE:**

These data result from the accounts or other consolidated data of the partner enterprise, if any. To this shall be added 100% of the data of the enterprises that are connected to this partner enterprise, if the data from the consolidated accounts of the connected enterprises have already been included through consolidation into the accounts of the partner enterprise. If necessary, shall be added the sheet of the connected enterprise for the enterprises that have not been yet included through consolidation.

**3. Proportional calculation**

a) Indicate exactly the proportion held\*4) by the applicant enterprise (or by the connected enterprise through which the partnership connection is made) in the partner enterprise this sheet refers to.

.....  
 .....

Indicate as well the proportion held by the partner enterprise to which this sheet refers in the share capital of the applicant enterprise (or in the connected enterprise).

.....  
 .....

b) Introduce in the table below the result of the proportional calculation obtained by applying the biggest of the percentages referred to under letter a) on the data introduced in the table under point 1.

**Partnership table - A.2**

Percentage of employees*3)	Average number (thousand Lei/thousand EUR)	Annual (thousand Lei/thousand EUR)	Total assets*5)
Value resulting from the application of the biggest percentage to the data introduced into the table under point 1			

These data shall be introduced into table A.1.

**SECTION A**

**Partner enterprises**

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

1. Identification details and preliminary financial data

Table A.1

Partner enterprise - Identification details	Average	Net	Total	Number	assets	Name or		Address		Sole		Last name and		annual number of		annual		(thousand		
						denomination	of the registered	of the president	Registration Code	first name	employees	turnover	Lei/	(thousand	Lei/	thousand	EUR)	EUR)	thousand	EUR)
1.																				
2.																				
3.																				
4.																				
5.																				
6.																				
7.																				
8.																				
<b>TOTAL</b>																				

NOTE:

These data are the result of a proportional calculation made on the basis of the partnership sheet for every enterprise the applicant enterprise is directly or indirectly partner with.

The data introduced into the section “Total” shall be introduced at point 2 in the table “Calculation for the types of partner or connected enterprises” (referring to the partner enterprises).

These data result from the consolidated annual financial statements and other data of the partner enterprise, if any, to which 100% of the data of the enterprises connected to this enterprise shall be added, if they were not already included in the consolidated annual financial statements of the partner enterprise. If necessary, add sheets on the connection between the enterprises for the enterprises that have not been already included in the consolidated annual financial statements.

## SECTION B

### Connected enterprises

1. Denomination of the situation applicable to the enterprise requesting classification into 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 connected enterprises does not elaborate/do not elaborate or is not/are not included in the consolidated annual financial statements (table B2).

#### NOTE:

The data of the enterprises connected with the applicant enterprise derive from the annual financial statements and other data thereof, consolidated, if applicable. To this shall be proportionally added the data of any possible partner enterprise of that connected enterprise, situated immediately upstream or downstream, if not already included through consolidation\*6).

2. Calculation methods for every case

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

Table B1

	Average annual number of employees*7)	Net annual turnover (thousand Lei/thousand EUR)	Total assets
<b>TOTAL:</b>			

The data introduced into the section “Total” in the table above shall be introduced at point 1 in table “Calculation for the types of partner or connected enterprises”.

Identification of the enterprises included through consolidation

Connected enterprise (denomination/identification details)	Address of office	Sole Registration the registered of directors, general director or equivalent	Code	Last and first name president of the board
A.				
B.				
C.				
D.				
E.				

NOTE:

The partner enterprises of a connected enterprise which have not been already included in the consolidated annual financial statements, are considered direct partners of the applicant enterprise. The data corresponding thereto and a partnership sheet must be added to [Section A](#).

Case 2: For every connected enterprise (including through other connected enterprises) shall be filled in a sheet regarding the connection between the enterprises and shall be added the data from the annual financial statements of all connected enterprises, by filling in table B2 below.

Table B2

Enterprise number	Average annual number of employees	Annual net turnover (thousand Lei/thousand EUR)	Total assets (thousand Lei/thousand EUR)
1.*)			
2.*)			
3.*)			
4.*)			
5.*)			

TOTAL				
-------	--	--	--	--

\*) Attach a sheet regarding the connection between the enterprises for every enterprise.

NOTE:

The data resulting from the section “Total” in the table above shall be introduced at point 3 in table “Calculation for the types of partner or connected enterprises” (regarding the connected enterprises).

-----  
 \*3) If in the consolidated annual financial statements there are no data regarding the number of personnel, the calculation shall be made by cumulating the data from the connected enterprises.

\*4) Percentage of the share capital or of the voting rights held, either of which is bigger. To this must be cumulated the proportion held by every connected enterprise in the same partner enterprise.

\*5) Total assets represent fixed assets + current assets + advance expenses.

\*6) The definition of the connected enterprise in [Law no. 346/2004](#), as subsequently amended and supplemented.

\*7) If in the consolidated annual financial statements there are no data regarding the number of personnel, the calculation shall be made by cumulating the data from the connected enterprises.

**SHEET**

**regarding the connection between enterprises no. .... in table B2, [section B](#)**

(Only for the connected enterprises which are not included in the consolidated annual financial statements)

1. Identification details of the enterprise

Enterprise name .....

Address of the registered office .....

Sole registration code .....

First, last name and position

.....

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

2. Data regarding the enterprise

Reference period		
Average annual number	Net annual turnover	Total assets
of	(thousand Lei/thousand EUR)	
employees*3)	(thousand Lei/thousand EUR)	
Total		

The data must be introduced into table B2 of [section B](#).

-----  
\*8) If in the consolidated annual financial statements there are no data regarding the average number of employees, the calculation shall be made by cumulating the data from the connected enterprises.

NOTE:

The data of the enterprises connected with the applicant enterprise are extracted from the annual financial statements and other data corresponding thereto, consolidated, if applicable. To this shall be proportionally added the data of any possible partner enterprise of the connected enterprise, situated immediately upstream or downstream, if not already included in the consolidated annual financial statements.

This type of partner enterprises are considered direct partner enterprises of the applicant enterprise. The data corresponding thereto and the partnership sheet must be introduced into [Section A](#).

**#M2**

[ANNEX 3](#)

to the [procedure](#)

***Compliance requirements - documents transmitted in the first assessment stage***

*The application for financing agreement:*

*- has all the rubrics filled in with the requested data, observes the form in [annex no. 1](#) and is dated and signed in its original counterpart by the person authorized to legally represent the enterprise;*

*- 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.*

*The statement on the classification of the enterprise into the category of small and medium enterprises, as applicable:*

*- has all the rubrics filled in with the requested data, observes the form in [annex no. 2](#) and is dated and signed in its original counterpart by the person authorized to legally represent the enterprise;*

*- contains information correlated with the information from the financial statements.*

*The original counterpart of the ascertaining certificate is attached, updated with data valid on the date of registration of the application for financing agreement, 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, are attached in copies.*

*The plan of creation of jobs:*

- observes the model in the Applicant's Guide;*
- is dated and signed in the original counterpart by the person authorized to legally represent the enterprise;*
- is sent including in electronic form.*

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

*The tax ascertaining certificates on the fulfillment of the payment liabilities to the local budget, including for the working units, are valid on the date of registration of the application for financing agreement and are attached in their original counterpart or a legalized copy.*

*The power of attorney signed by the legal representative of the applicant enterprise, if another person than the representative signs the application for financing agreement, is attached in its original counterpart.*

*The identity document of the person authorized to legally represent the enterprise is attached in copy.*

*The schedule mentions the denomination of every document and the page where it is filed.*

### **#M3**

#### **ANNEX 4**

*to the procedure*

*Eligibility criteria - enterprise | Relevant documents |*

*Is registered in accordance with the Companies Law no. 31/1990, republished, as subsequently amended | Ascertaining certificate |*

and supplemented, or [Law no. 1/2005](#) on the organization and operation of the cooperation, republished, as subsequently amended.

Makes an initial investment in Romania, in one of the eligible fields of activity.

Application for financing agreement  
Ascertaining Certificate

Does not have outstanding debt to the budgets which make up the general consolidated budget.

Tax certificates

Does not fall into the category of "enterprises in distress".

Application for financing agreement - statement on one's own responsibility  
Financial statements

Is not undergoing the procedure of forced execution, insolvency, bankruptcy, judicial reorganization, dissolution, operational closing, liquidation or temporary activity suspension.

Application for financing agreement - statement on one's own responsibility  
Ascertaining Certificate

Is not subject to decisions of recovery of State aid or, if such decisions have been issued, they have been enforced.

Application for financing agreement - statement on one's own responsibility

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 agreement - statement on one's own responsibility

Has not made a relocation to the unit where the initial investment shall take place for which aid is requested in the last 2 years prior to the registration of the application for financing agreement, and, at the time of registration of the application, it offers a commitment that it shall not do this for a period of up to 2 years after completion of the initial investment for which the aid is requested.

Application for financing agreement - statement on one's own responsibility

Creates for every location of performance of the investment at least 10 jobs, of

Application for financing agreement Plan of

<i>which at least 3 jobs for disadvantaged workers.</i>	<i>creation of jobs</i>
<i>Determines correctly the value of the eligible expenses and of the requested financing on the basis of the model in the Applicant's Guide.</i>	<i>Plan of creation of jobs</i>
<i>Has a turnover return <math>\geq 1\%</math> in the last concluded financial year, in the case of operating enterprises.</i>	<i>Financial statements</i>
<i>Has positive own capitals in the last concluded financial year, in the case of operating enterprises.</i>	<i>Financial statements</i>
<i>Has a subscribed and paid-up share capital of at least Lei 30,000, in the case of newly incorporated enterprises.</i>	<i>Ascertaining Certificate</i>
<i>Does not belong to shareholders that hold or have held in the last 2 years prior to the date of registration of the application another enterprise registered in accordance with <a href="#">Law no. 31/1990</a>, republished, as subsequently amended and supplemented, or <a href="#">Law no. 1/2005</a>, republished, as subsequently amended, which performs or has performed the activity for which it requests financing, in the case of newly incorporated enterprises.</i>	<i>Application for financing agreement - statement on one's own responsibility</i>

## #M2

### ANNEX 5

to the procedure

#### **CRITERIA**

*on the basis of which is calculated the score of the enterprises requesting State aid*

<i>Assessment criteria</i>	<i>Manner of determination</i>	<i>Score</i>
<i>Number of newly created jobs</i>	<i>Number of newly created jobs/Minimum number of</i>	<i>The result obtained is transformed into the number of</i>

	<i>new jobs provided by the scheme*)</i>	<i>points</i>	
<i>Location of performance of the investment</i>	<i>The investment is made in a county where the rate of unemployment is over the country average communicated by the NIS in the last monthly statistics bulletin</i>	<i>UnemploymentR&gt; average UnemploymentR</i>	<i>country - 10 points</i>
<i>The turnover return in the last concluded financial year; in the case of operating enterprises</i>	<i>Tr= (Net profit/ Turnover) x 100</i>	<i>Tr&gt; 2%</i>	<i>10 points</i>
<i>Value of the subscribed and paid-up share capital, in the case of of newly incorporated enterprises</i>		<i>Share capital &gt; 35,000 Lei</i>	<i>10 points</i>

\*) The scheme provides at least 10 new jobs.

## #B

ANNEX 6  
to the [procedure](#)

<b>Compliance requirements - documents transmitted in the second assessment stage</b>
Business plan:
- comprises all the information necessary in accordance with the definition, the model in <a href="#">annex no. 7</a> and the instructions from the Applicant's Guide, is dated,
- stamped and signed in the original counterpart by the person authorized to legally represent the enterprise;
- contains information correlated with the information from the application for financing agreement.
The supporting documents for substantiation of the business plan are

attached in copies, stamped and signed by the person authorized to legally represent the enterprise, and contain the mention "true to the original".

The schedule mentions the denomination of every document and the page where it is filed.

## #M2

### ANNEX 7

to the procedure

#### **Business plan**

<i>Requirement</i>	<i>Reference</i>
<i>Description of the business activity, products/services offered</i>	<i>Short history of the enterprise, current</i>
<i>Presentation of the activity for which financing is requested</i>	
<i>Presentation of the investment project and classification into the category of initial investment, respectively into the category of initial investment 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</i>	<i>Investment in tangible and intangible assets related to:   <input type="checkbox"/> the incorporation of a new unit   <input type="checkbox"/> extension of the capacity of an existing unit   <input type="checkbox"/> diversification of the production of an existing unit   <input type="checkbox"/> fundamental change in the general production process within an existing unit   <input type="checkbox"/> diversification of an existing unit's activity</i>
<i>Estimate investment plan comprising the list</i>	<i>Indication of the asset's name, quantity, unit price and total value, as well as</i>

of depreciable tangible and intangible assets, excluding land, and substantiating the necessity to purchase them by correlation with the jobs newly created	the schedule of performance of the corresponding expenses
---	---

Substantiation of the plan of creation of jobs according to the needs of the enterprise	Plan of creation of jobs
---	--------------------------

Value of eligible costs and of the requested financing	Application for financing agreement
	Plan of creation of jobs

Analysis of the relevant market where the enterprise requests financing	Presentation of the relevant market supported with data and information from official sources
---	---

Current financial situation and financial projections for the period of implementation of the investment project, the creation of jobs and for the following 5 years as of the creation of the last jobs, respectively 3 years in the case of SMEs	Operating enterprises make the projections by considering the financial statements corresponding to the last concluded financial year
	newly incorporated enterprises make the projections considering the objectives set

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

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

Turnover return	$Tr \geq 2.5\%$
$Tr = 100 \times (\text{Net profit} / \text{Turnover})$	

General solvency	$Sr > 1.66$
------------------	-------------



positive impact on the community from the region where the investment is made
  activities in educational, medical, sports units, etc. at local level
  collaborations with AJOFM to recruit unemployed individuals and organize professional training courses

Legal situation of the location of performance of the investment
  Proven by the following documents:
  land book excerpt/ sale-purchase agreement/inheritance certificate, etc.
  lease agreement
  concession/assignment agreement
  other documents

Presentation of the potential of the investment of attracting other related investments, the effect thereof on the development of the activity of other enterprises from the region
 Contribution to the regional development on the horizontal line and generation of new jobs for the providers of related products and services

**#M3**  
**ANNEX 8**  
 to the procedure

Date of registration .....  
 Registration number .....

**PAYMENT REQUEST OF STATE AID**

We, the undersigned, ....., having the identification details mentioned at point I, legally represented by Mr./Mrs. ...., in his/her capacity of ....., identified with identity document series ..... no. ...., issued by ..... on ....., domiciled in the locality of ....., ..... street, building....., entrance....., apartment....., ....., district/county ....., zip code ....., hereby request payment of State aid, amounting to ....., on the basis of Financing Agreement no. .... of ..... and under the conditions of the scheme in

support of investments promoting regional development through creation of jobs, approved through Government Decision no. 332/2014, as subsequently amended and supplemented.

**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. Statement on one's own responsibility**

I, the undersigned, ....., identified with identity document series ..... no. ...., issued by ..... on ....., domiciled in the locality of ....., ..... street, building....., entrance....., apartment....., district/county....., in my capacity as legal representative of the enterprise ....., hereby declare on my own responsibility that all the information provided and registered in this application is correct and complete and that all the copies of documents that accompany the application are true to their originals.

I understand that any omission or inaccuracy in presenting the information for the purpose of obtaining monetary advantages is punished according to law.

I hereby declare on my own responsibility that the enterprise:

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

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

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

has not made a relocation to the unit where the initial investment for which the aid is requested shall be made in the last 2 years prior to the registration of the application for financing agreement and, at the time of registration of the application, it offers a commitment that it shall not do this for a period of up to 2 years after completion of the initial investment for which the aid is requested.

has not employed individuals with whom it or enterprises associated to it has/have had work relations within the last 12 months prior to the date of registration of the application for financing agreement.

**III. Settlement form**





of registration of the application	the plan of		the investment
for financing	creation		
agreement	of		
jobs			
1	2	3	4

Name: .....  
 Authorized signature and stamp of the applicant\*1): .....  
 Position: .....  
 Signing date: .....

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

**#M2**  
ANNEX 10  
 to the procedure

**Statement on one's own responsibility on the performance of the investment**

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

*I understand that any omission or inaccuracy in presenting the information for the purpose of obtaining monetary advantages is punished according to law.*

*I hereby declare on my own responsibility that:*

*- the enterprise has started the initial investment on....., according to the Financing Agreement no.....;*

*- the investment made until this date comprises the following assets:*

Inventory	Asset name	Asset name	Inventory no.	Value	Invoice
	according to	according to	registered	no./date	
	investment plan	registration in	in the accounting records		
	the accounting records		- lei -		
1	2	3	4	5	6


Name: .....  
Signature\*1): .....  
Position: .....  
Signing date: .....

**NOTE:**

The statement on one's own responsibility on the performance of the investment shall be accompanied by copies of the following documents:

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

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

**#M2**

ANNEX 11 [to the procedure] \*\*\* Repealed

**#B**

ANNEX 12  
to the procedure

**FORM**  
**on maintenance of jobs**

Enterprise: .....

Month	No. of employees	Payment liabilities			Payment*)				
	by								
	enterprise/	Salary	Gross	Contributions	Total	Object	Document	Value	Account
	No. of	cost	salaries	of the employer	- lei -	payment	of payment	payment	statement
	jobs		obtained	- Lei -			no./date	- Lei -	no./date
	newly created			- Lei -					

1	2	3	4	5	6=4+5	7	8	9	10	

Month	Salary									
.....	cost by									
	enterprise									
	Salary									
	cost for									
the										
	newly created									
	jobs									

Month	Salary									
.....	cost by									
	enterprise									
	Salary									
	cost for									
the										
	newly created									
	jobs									

...										
-----	--	--	--	--	--	--	--	--	--	--

Total	Salary									
	cost by									
	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: .....  
Signing date: .....

**#M2**

NOTE:

*The form regarding the maintenance of jobs is accompanied by copies of the financial and accounting documents necessary in order to justify the maintenance of the jobs\*).*

**#CIN**

*\*) Prior to the amendment brought through [art. I](#) point 36 in Government Decision no. 234/2016 (**#M2**), after the word “copy” was a reference to a note \*2) with the following content:*

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

*The amendment brought through [art. I](#) point 36 in Government Decision no. 234/2016 (**#M2**) does not make any mention with regard to note \*2) reproduced above.*

**#B**

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

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