

DECISION No. 807/2014 of September 17, 2014
on the establishment of certain State aid schemes to support investments with major impact on the economy

Text in force as of January 10, 2019

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 January 10, 2019.

Basic document

#B: *Government Decision no. 807/2014, published in the Official Gazette of Romania, Part I, no. 714 of September 30, 2014*

Amending acts

#M4: *Government Decision no. 1046/2018*

#M3: *Government Decision no. 880/2018*

#M2: *Government Decision no. 476/2018*

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

*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.*

#B

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 [articles 107](#) and [108](#) in the Treaty and of the Decision of the European Commission C(2014) 2240 final, pursuant to [art. 108](#) in the Constitution of Romania, republished, and 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](#),

*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**) [Government Emergency Ordinance no. 117/2006](#) was repealed.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 in all sectors, with the exception of those provided under [art. 15](#) and in the List of activity sectors for which State aid is not granted, as provided in [annex no. 1](#).

#M2

ART. 2

(1) The State aid to support investments with major impact on the economy 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](#), as subsequently amended and supplemented, 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, within the limit of the annual budget allocated to the scheme.

(2) The State aid shall be paid between 2015 and 2023, 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 issuance of the financing agreement and the payment of the State aid approved on the basis of the provisions of this scheme shall be made within the limit of the commitment and budget appropriations approved yearly through the law of the State budget for this program.

#M1

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

#B

- 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 2015-2023.

#M2

(3) The average annual budget of the scheme is of Lei 638 million, respectively the equivalent of approximately EUR 145 million.

(4) The maximum annual budget of the scheme that can be committed comprises, apart from the budget provided under para. (3) the amounts established with the purpose, but not used in the previous years, within the limit of the commitment and budget appropriations approved through the annual budget laws.

#M2

ART. 5

The total estimated number of enterprises that shall benefit of State aid on the basis of the scheme is of 300.

#B

CHAPTER III

Eligible expenses

ART. 6

(1) Shall be considered eligible expenses the costs exclusive of V.A.T. corresponding to the performance, respectively to the purchase, as applicable, of tangible and intangible assets, as they are defined by [art. 1](#) letters a) and b) in the Procedure on the award of State aid, as provided in [annex no. 2](#), as well as the expenses related to the leasing of constructions corresponding to the initial investment.

(2) The tangible and intangible assets must cumulatively fulfill the following eligibility requirements:

a) they must be exclusively used by the enterprise benefiting of State aid to reach the objectives of the investment for which financing was requested;

b) they must be included in the assets of the enterprise benefiting of State aid and must remain associated to the investment for which financing was awarded for a term of at least 5 years as of completion of the investment;

c) they must be purchased under market conditions.

#M1

(3) Intangible assets must cumulatively fulfill the eligibility requirements provided under para. (2), and they must be purchased from third parties that are not related to the purchaser.

#B

(4) The maximum value of expenses that can be considered eligible and are related to the execution of the constructions cannot exceed the cost standard defined under [art. 1](#) letter jj) in the Procedure on the award of State aid, as provided in [annex no. 2](#).

(5) In case of lease of the constructions that correspond to the initial investment, the lease agreement must be valid for at least 5 years as of the date of completion of the investment, and the maximum eligible value of the rent may not exceed Lei 22/sq.m./month, respectively the equivalent of approximately EUR 5/sq.m./month.

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

ART. 7

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

ART. 8

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. 9

(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. 11](#), is the following:

Region	Maximum level of State aid	
	2014 - 2017	2018 - 2020
Bucharest Region (NUTS3 RO 321)	equivalent in Lei of 11.25 million EUR	equivalent in Lei of 7.5 million EUR
West Region (NUTS2 RO 42) and Ilfov Region (NUTS3 RO 322)	equivalent in Lei of 26.25 million EUR	
Regions North-West, Center North-East, South-East, South-Muntenia, South-West Oltenia	equivalent in Lei of 37.5 million EUR	

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

ART. 10

(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 (NUTS3 RO 321)	15%	10%
West Region (NUTS2 RO 42) and Ilfov Region (NUTS3 RO 322)	35%	
Regions North-West, Center, North-East, South-East, South-Muntenia, South-West Oltenia	50%	

(2) In the case of large investment projects, the aid may not exceed the maximum level provided for every development region under [art. 9](#) para. (1) and shall be calculated in accordance with the formula provided under [art. 2](#) para. (20) in the Regulation.

(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.

(4) If a single investment project is a large investment project, the total cumulated value of the aid for the single investment project may not exceed the value of the maximum aid for large investment projects calculated in accordance with para. (2).

ART. 11

(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. 9](#) para. (1), respectively [art. 10](#) para. (1) and (2), shall be taken into account the total value of the State aid granted for the activity, project, investment, or enterprise benefiting of State aid.

(2) State aid granted on the basis of this 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. 9](#) para. (1), respectively [art. 10](#) para. (1) and (2).

(3) State aid granted on the basis of this 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. 10](#) para. (1) and (2).

ART. 12

The requested State aid may not exceed the total value of the contributions to regional development corresponding to the investment for which financing is requested, as defined under [art. 1](#) letter h) in the Procedure on the award of State aid, as provided in [annex no. 2](#).

CHAPTER V

Incentive effect

ART. 13

(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 State 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;

b) the documentation attached to the request proves that the investment would not be profitable for the enterprise in the region in question or it would not have been made in that region, in the absence of the State aid.

#M2

c) *** Repealed

#M2

ART. 14

If the applicant enterprise starts the investment prior to the submission of the application for financing agreement, the entire investment shall be ineligible.

#B

CHAPTER VI

Criteria of award of the State aid

ART. 15

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:

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 production;

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 to facilitate the closure of unproductive coal mines, as regulated by Decision no. 2010/787 of the Council;

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, and the sector of energy and energy infrastructure.

ART. 16

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. 17

(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:

a) are registered in accordance with the Companies Law no. 31/1990, republished, as subsequently amended and supplemented;

b) they make an initial investment in Romania, in any sector, except for those provided under art. 15 and in the List of activity sectors for which State aid is not granted on the basis of this scheme, as provided in annex no. 1;

#M2

c) *** *Repealed*

#B

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

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 salary costs within the same single investment project;

#M2

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 zero 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 100,000;
- 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, which performs or has performed the activity for which financing is requested.*

ART. 18

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

- a) it must be considered initial investment, as defined under [art. 1](#) letter o) in the Procedure on the award of State aid provided in [annex no. 2](#), respectively initial investments in favor of a new economic activity, as defined under [art. 1](#) letter p) in the Procedure on the award of State aid provided in [annex no. 2](#), in the case of large enterprises which make investments in the Bucharest-Ilfov Region;

#M3

- b) *they must be of a total value, exclusive of VAT, of at least 4.5 million Lei, respectively the equivalent of approximately 1 million EUR;*

#B

- c) they must prove their economic efficiency and viability throughout the implementation of the investment and 5 years as of the date of completion thereof in accordance with the business plan defined under [art. 1](#) letter y) in the Procedure provided in [annex no. 2](#);

- d) they must prove the fulfillment of the requirements provided under [art. 13](#) regarding the incentive effect of State aid;

- e) they must fulfill the quantitative and qualitative indicators provided in [annex no. 3](#) to the Procedure of the award of State aid;

- f) they must generate contributions to regional development, through the payment of taxes and charges to the consolidated budget of the State and to the local budgets, throughout the period of implementation of the investment and 5 years as of completion thereof;

- g) they must generate a quantifiable multiplier effect in the economy by driving other related investments and the development of local suppliers of products and services.

CHAPTER VII

Final provisions

#M2

ART. 19

(1) The Ministry of Public Finance is required to publish on its website the entire text of the scheme, the date as of when applications for financing agreements can be registered, and the annual budget allocated to the scheme, the date of depletion of the annual budget and of the total budget allocated to the scheme, in accordance with the provisions of annual budget laws.

#M4

*(1[^]1) *** Repealed*

#M1

*(2) *** Repealed*

#M2

(3) If, following the analysis of the applications for financing agreement registered by the date of depletion of the budget it is found that the annual budget allocated to the scheme has not been fully used or if it is supplemented in accordance with the provisions of the annual budget laws, the Ministry of Public Finance shall publish on its website the remaining budget from the annual budget allocated to the scheme or the supplemented budget and the date when the procedure of registration of the applications for financing agreement is resumed.

#B

(4) The information provided in [annex III](#) to the Regulation on every individual aid in excess of EUR 500,000 shall be published by the Ministry of Public Finance on its own website.

ART. 20

(1) The Ministry of Public Finance must keep detailed records regarding the aid granted for all the investments 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 enterprise benefiting of State aid 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 this scheme, as per the [Regulation](#) of the Competition Council on the monitoring procedures of State aid implemented through the [Order](#) of the president of the Competition Council no. 175/2007.

#M2

*ART. 21 *** Repealed*

#B

ART. 22

[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. 357/2016 ([#M1](#)).

[#M1](#)

"ART. II

(1) The applications for financing agreement and 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 before the entry into force of this decision.

(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 7 and 27 in this decision."

[#CIN](#)

2. We reproduce hereinbelow the provisions of [art. II - IV](#) in Government Decision no. 476/2018 ([#M2](#)).

[#M2](#)

"ART. II

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 before the entry into force of this decision, with the exception of the provisions of [art. I](#) points 28 - 30."

[#M2](#)

"ART. III

Any other State aid scheme whose objective is regional development that shall be initiated by other providers of State aid must ensure observance of the principle of complementarity relative to this State aid scheme."

[#M2](#)

"ART. IV

(1) Within 15 calendar days as of the entry into force of this decision, the Ministry of Public Finance shall issue Guidelines of enforcement of [Government Decision no. 807/2014](#) on the establishment of State aid scheme to support investments with major impact in the economy, as subsequently amended and supplemented, approved through order of the minister of public finance*).

(2) Within 6 months as of the entry into force of this decision, the Ministry of Public Finance may approve through minister order the methodology of submission in electronic form of the electronic forms and documents signed with electronic signature."

[#CIN](#)

*) See the [Order](#) of the minister of public finance no. 3741/2018 approving the Applicant's Guide elaborated on the basis of [Government Decision no. 807/2014](#) on the establishment of State aid schemes to support investments with major impact in the economy and of the Payment Guide elaborated on the basis of [Government Decision no. 807/2014](#) on the establishment of State aid schemes to support investments with major impact on the economy.

[#CIN](#)

3. We reproduce hereinbelow the provisions of art. II in Government Decision no. 880/2018 (#M3).

#M3

"ART. II

(1) The provisions of this decision, with the exception of the provisions of art. I point 4, shall apply inclusively to the applications for financing agreement submitted and not settled in 2018 until the date of depletion of the allocated budget.

(2) The applications for financing agreement submitted and not settled in 2018 until the date of entry into force of this decision shall be subject to the provisions of art. I point 1 until December 31, 2018."

#B

ANNEX 1

List of activity sectors for which State aid is not granted

No.	NACE Code	NACE code denomination
0	1	2
SECTION A - AGRICULTURE, FORESTRY, AND FISHING		
1	01	Agriculture, hunting, and related services
2	02	Forestry and forest exploitation
3	03	Fishing and aquaculture
SECTION B - EXTRACTIVE INDUSTRY		
4	05	Mining of superior and inferior coal
5	06	Extraction of crude oil and natural gas
6	0892	Peat extraction and agglomeration
7	091	Activities of related services to crude oil and natural gas extraction
SECTION C - PROCESSING INDUSTRY		

8	102	Processing and preserving of fish, crustaceans and mollusks	
9	1101	Distilling, rectifying and blending of spirits	
10	1102	Manufacture of wine from grape	
11	1103	Manufacture of cider and other fruit wines	
12	1104	Manufacture of other non-distilled fermented beverages	
13	1105	Manufacture of beer	
14	1106	Manufacture of malt	
15	12	Manufacture of tobacco products	
16	131	Preparation and spinning of textile fibers	
17	19	Manufacture of coke and refined petroleum products	
18	2014	Manufacture of other organic basic chemicals	
19	2051	Manufacture of explosives	
20	206	Manufacture of artificial and synthetic fibers	
21	24	Metallurgic industry	
22	254	Manufacture of weapons and ammunition	
23	2591	Manufacture of recipients, containers, and other similar steel products	
24	301	Construction of ships and boats	
25	304	Manufacture of military fighting vehicles	
26	33	Repair, maintenance and installation of machines and equipment	
SECTION D - PRODUCTION AND SUPPLY OF ELECTRICITY AND HEAT, GAS, HOT WATER AND AIR CONDITIONING			

27	35	Production and supply of electricity and heat, gas, hot water and air conditioning
----	----	--

SECTION F - CONSTRUCTIONS		
---------------------------	--	--

28	41	Construction of buildings
----	----	---------------------------

29	42	Civil engineering
----	----	-------------------

30	4399	Other specialty construction works n.e.c.
----	------	---

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

31	45	Wholesale and retail trade, maintenance and repair of motor vehicles and motorcycles
----	----	--

32	46	Wholesale trade, except of motor vehicles and motorcycles
----	----	---

33	47	Retail trade, except of motor vehicles and motorcycles
----	----	--

SECTION H - TRANSPORT AND STORAGE		
-----------------------------------	--	--

34	49	Land transport and transport via pipelines
----	----	--

35	50	Water transport
----	----	-----------------

36	51	Air transport
----	----	---------------

37	522	Support activities for transportation
----	-----	---------------------------------------

SECTION J - INFORMATION AND COMMUNICATIONS		
--	--	--

38	60	Programming and broadcasting activities
----	----	---

39	61	Telecommunications
----	----	--------------------

SECTION K - FINANCIAL INTERMEDIATION AND INSURANCE		
--	--	--

40 | 64 | Financial intermediation, with the exception of insurance activities |
| | and pension funds |

41 | 65 | Insurance, reinsurance and pension fund activities |
| | (except for those from the public social insurance system) |

42 | 66 | Activities auxiliary to financial intermediation, |
| | insurance and pension funds |

SECTION L - REAL ESTATE TRANSACTIONS

43 | 68 | Real estate transactions |

SECTION N - ADMINISTRATIVE AND
SUPPORT SERVICE ACTIVITIES

44 | 77 | Rental and leasing activities |

45 | 78 | Service activities regarding labor force |

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

46 | 84 | Public administration and defense; social insurance from |
| | the public system |

SECTION R - SHOWS, CULTURAL AND LEISURE ACTIVITIES

47 | 92 | Gambling and betting activities |

48 | 93 | Sports, recreational and leisure activities |

SECTION S - OTHER SERVICE ACTIVITIES

49 | 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

50 | 97 | Activities of households as employers of |

		domestic personnel	
51	98	Goods- and services-producing activities	
		of private households for own use	
SECTION U - ACTIVITIES OF EXTRATERRITORIAL ORGANIZATIONS AND BODIES			
52	99	Activities of extraterritorial organizations and bodies	

ANNEX 2

PROCEDURE of award of State aid

CHAPTER I Definitions

ART. 1

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

a) tangible assets - assets associated to the initial investment, represented by:

(i) constructions of any type, respectively the expenses incurred for the execution of constructions;

(ii) technical installations, machines and new equipment classified in accordance with [Government Decision no. 2.139/2004](#) approving the Catalog on the classification and normal operating terms of fixed assets, as subsequently amended, with the minimum entry value of fixed assets established in accordance with the legal provisions in force;

j) intangible assets - depreciable assets associated to the initial investment that do not have a physical or financial form, like patents, licenses, know-how or other intellectual property rights;

c) identical or similar activity - activity part of the same class (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;

d) purchase of assets under market conditions - manner of purchase of assets which is based on the following principles: nondiscrimination, equal treatment, mutual recognition, transparency, proportionality, and efficiency in the use of funds;

#M2

e) *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

f) unfolded area - the sum of the areas of all levels of the construction, in accordance with STAS 4908-85 "Civil, industrial, and agrozootechnical buildings. Conventional areas and volumes";

#M1

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

#B

g) 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;

h) contribution to regional development - value of the contributions to regional development of the type of taxes and charges to the general consolidated budget of the State corresponding to the initial investment and the jobs created directly by the investment, effectively paid by the enterprise benefiting of State aid throughout the implementation and 5 years as of the date of completion thereof;

i) date when the documentation is considered complete - date on which the enterprise submits the entire documentation, including the documentation subsequently requested by the Ministry of Public Finance;

j) start of the investment - either the start of the construction works within 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; the purchase of land and the preparatory works, like obtaining authorizations and making feasibility studies, are not considered to mark the start of the works;

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

l) diversifying the production of an existing unit - obtaining products or services that were not previously made in that unit; the eligible costs must exceed by at least 200% the accounting value of the reused assets, as they were registered in the financial year prior to the start of the works;

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

n) extending the capacity of an existing unit - the increase of the production capacity in the existing location due to the existence of not honored demand;

#M1

n¹) group - the mother company and all its subsidiaries;

#B

o) initial investment - the investment in tangible and intangible assets within the same perimeter, connected to the start of a new unit, the extension of the capacity of an existing unit, the diversification of the production of a unit through products that have not been previously manufactured within the unit or a fundamental change in the general production process of an existing unit;

p) initial investment in favor of a new economic activity - the investment in tangible and intangible assets within the same perimeter, 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;

q) 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;

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

#M1

s) *** *Repealed*

#B

t) large enterprise - the enterprise that does not observe the definition of SMEs in accordance with [annex I](#) in the Regulation (EU) no. 651/2014 of the Commission of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of [articles 107](#) and [108](#) of the treaty, hereinafter referred to as the Regulation;

u) operating enterprise - the enterprise that performs economic activity for more than 3 consecutive fiscal years as of the date of registration of the application for financing agreement and has approved annual financial statements corresponding to the last concluded financial year;

#M2

v) *newly incorporated enterprise - the enterprise incorporated in the year of registration of the application for financing agreement or the enterprise that has carried out/has not carried out economic activity, but not more than 3 consecutive fiscal years before the date of registration of the application;*

#B

w) perimeter - the same cadaster plots or neighboring cadaster plots;

x) authorized person - the legal representative of the enterprise or the person authorized by the legal representative to represent the enterprise;

#M2

y) *business plan - document revealing the economic efficiency of the enterprise and the viability of the investment, referring at least to the following aspects: description of the business, location of performance of the investment, presentation of the investment, the investment plan and the substantiation thereof, analysis of the relevant market on which the enterprise requests financing, substantiation of the turnover, current financial situation and financial projections. The document substantiates: the classification of the investment in the category of initial investment, the incentive effect of the State aid, the manner of fulfillment of the quantitative and qualitative indicators provided in [annex no. 3](#). 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 completion thereof;*

z) *the investment plan - synthetic document presented in table form, which comprises the eligible and ineligible expenses corresponding to the initial investment with determination of the total value of the investment, in accordance with the provisions of [art. 6](#) in the decision, as well as of the schedule of performance of the investment;*

#B

aa) relevant market - the products and/or services the consumer considers interchangeable or substitutable, due to the characteristics, prices and use they are intended for, as well as the geographical area where they are traded;

bb) 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;

#M1

cc) single investment project - any initial investment started by the same beneficiary, at group level, within a time interval of 3 years as of the starting date of the works at another investment that benefits of aid in the same region of level 3 in the Common nomenclature of territorial statistical units (NUTS 3), respectively county;

#B

dd) primary agricultural production - production of soil products and animal breeding, listed in [annex I](#) to the Treaty on the functioning of the European Union, without the performance of another operation that changes the nature of those products;

ee) agricultural products - the products listed in [annex I](#) to the Treaty, with the exception of fishery and aquaculture products listed in annex I to 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. 1.124/2009 of the Council and repealing Regulation (EC) no. 104/2000 of the Council;

ff) 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;

#M2

ff¹) 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 EEA, the initial unit, to the unit of another contracting party of the Agreement on the EEA 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 EEA.

#B

gg) payment request of approved State aid - a payment request settled by the Ministry of Public Finance with total or partial payment of the requested State aid;

hh) fundamental change in the general production process - purchase of assets whose accounting value exceeds the depreciation, calculated during the three previous financial years, of the similar assets related to the activity for which financing is requested. The mere replacement of existing assets is not considered a fundamental change in the general production process;

ii) European Economic Area - includes the Member States of the European Union and the Member States of the European Free Trade Association;

jj) cost standard - the maximum value considered eligible in the case of tangible assets of the type of constructions which cannot exceed Lei 1,650/sq.m. of unfolded area, respectively the equivalent of approximately EUR 375/sq.m. of unfolded area;

#M2

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

#M1

kk¹) third parties unrelated to the purchaser - natural or legal persons that are not found in at least one of the following situations:

(i) natural persons who are spouses or relatives up to the 3rd degree, inclusive, of the personnel or management of the purchaser;

(ii) natural persons who are employees of the purchaser;

#M2

(iii) natural or legal persons who are sellers and have an influence on the structure, votes or decisions of the purchaser's management bodies;

(iv) natural or legal persons who are sellers and on which the purchaser has an influence on the structure, votes or decisions of their management bodies;

#B

ll) physical wear - the process of deterioration in time of the quality characteristics of an asset, as a result of the action of external factors;

mm) moral wear - the phenomenon due to the subsequent evolution of the assets with the same intended use, as a result of technical progress;

nn) total investment value - the value of eligible expenses, in accordance with [art. 6](#) para. (1) in this decision, and the value of all ineligible tangible and intangible assets, exclusive of V.A.T.

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 starts on the date communicated by the Ministry of Public Finance on its website, in accordance with [art. 19](#) para. (1) in the decision.

(3) The applications for financing agreement registered after the depletion of the annual budget allocated to the scheme shall be returned to the enterprises.

#M2

ART. 3

The applicant enterprise sends to the General Registrar of the Ministry of Public Finance an application for financing agreement, in accordance with the form provided in [annex no. 1](#), accompanied by the following supporting documents:

- a) 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, all secondary fields of activity, and the working units of the enterprise;
- b) copies of the approved annual financial statements corresponding to the last concluded financial year, certified for compliance with the original counterpart, as applicable;
- c) the business plan revealing the viability of the initial investment and the economic efficiency of the enterprise, including in electronic form;
- d) power of attorney signed by the legal representative of the applicant enterprise, if another person that the legal representative signs the application for financing agreement;
- e) copy of the identity document of the person authorized to legally represent the enterprise;
- f) schedule of the transmitted documents.

#M2

ART. 3^1 *** Repealed

ART. 3^2 *** Repealed

#M2

ART. 4

(1) The Ministry of Public Finance shall verify the compliance of the transmitted documents provided under [art. 3](#), in accordance with the provisions of [annex no. 2](#) and shall analyze the viability of the investment and the economic efficiency of the enterprise in accordance with the provisions in [annex no. 3](#).

#B

(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 all the eligibility requirements and criteria are cumulatively fulfilled as provided by this decision;
- b) request of information and/or documents to supplement the application for financing agreement, if:
 - (i) there are inconsistencies in the provided information;
 - (ii) the documents do not observe the compliance requirements provided in [annex no. 2](#);
 - (iii) it is found that it is necessary to provide additional documents in order to settle the application;
- 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. 3](#);
 - (ii) not all the eligibility requirements and criteria are cumulatively fulfilled as provided by this decision;

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

#M2

(iv) *** Repealed

#M3

(3) Following the assessment process of the applications for financing agreement registered and not settled in accordance with para. (2) letters a) and c) until the date of depletion of the annual budget allocated to the scheme, the Ministry of Public Finance sends to the applicant enterprises, as applicable:

a) request of information and/or documents to supplement the application for financing agreement, if:

(i) there are inconsistencies in the provided information;

(ii) the documents do not observe the compliance requirements provided in [annex no. 2](#);

(iii) it is found that it is necessary to provide additional documents in order to settle the application;

b) 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. 3](#);

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

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

#M2

ART. 5

(1) The Ministry of Public Finance requests information and/or documents to supplement the application for financing agreement, in accordance with the provisions of [art. 4](#) para. (2) letter b), within at most 15 calendar days as of the date of registration of the application for financing agreement.

#B

(2) 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 in the process of assessment of the application for financing agreement.

#M2

ART. 6

The Ministry of Public Finance shall complete the assessment process of the application for financing agreement within at most 30 calendar days as of the date when the entire documentation is considered complete within the meaning of the provisions of this scheme.

#M3

ART. 6^1

(1) If the annual budget allocated to the scheme has been depleted, but there are applications for financing agreement that have not been included in the allocated budget, but which cumulatively fulfill the eligibility requirements and criteria provided by this decision, the Ministry of Public Finance shall issue the draft financing agreement.

#M4

(1[^]1) The registration of the applications for financing agreement shall also continue if the annual budget allocated to the scheme was not approved through the annual law of the State budget. If the registered applications for financing agreement cumulatively fulfill the eligibility requirements and criteria provided by this decision, the Ministry of Public Finance shall issue the draft financing agreement.

(2) The draft financing agreements provided by para. (1) and (1[^]1) shall be approved by order of issuance, after the approval or supplementation of the annual budget allocated to the scheme, in accordance with the provisions of the annual budget laws.

#B

ART. 7

(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 submitted in a foreign language, the enterprise shall submit them accompanied by translations into Romanian thereof certified by authorized translators.

#M1

(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

CHAPTER III

Payment of the State aid

#M2

ART. 8

Enterprises are required to start the investment for which they requested financing within at most 4 months as of the date of issuance of the financing agreement, under observance of the schedule undertaken in the documentation attached to the application, subject to the sanction provided under [art. 17](#).

#B

ART. 9

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.

ART. 10

(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:

- a) the request for payment of State aid accompanied by supporting documents, in accordance with the form provided in [annex no. 4a](#);
- b) the settlement form, according to the form provided in [annex no. 4b](#);
- c) copies of the approved annual financial statements corresponding to the last concluded financial year, as applicable;

#M2

- d) *** Repealed
- e) *** Repealed
- f) *** Repealed

#B

- g) schedule of the documents sent for the payment of State aid.

#M2

(1[^]1) Within 10 days as of registration of the payment request sent by the enterprise the Ministry of Public Finance shall request to the central and local fiscal bodies to issue the tax ascertaining certificate in accordance with [art. 158](#) or [159](#) in Law no. 207/2015 on the Tax Procedure Code, as subsequently amended and supplemented, as applicable. The Ministry of Public Finance shall make the payment if the tax certificates do not provide outstanding debt.

#M3

(2) The payment requests of State aid shall be submitted by September 30 of every year. If the requests are submitted after September 30 of every year, they shall be returned to the company.

(3) Enterprises which do not submit the payment requests by September 30 are required to submit a notification within 10 calendar days as of this date for the reallocation of the unused amounts by the end of the current year.

#B

ART. 11

(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.

#M2

(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 may request documents and information that shall be transmitted to the General Registrar of the Ministry of Public Finance within 15 calendar days as of the date of receipt of the request.

(3) If the enterprise does not confirm the receipt of the request sent by the Ministry of Public Finance or does not observe the term provided under para. (2), the Ministry of Public Finance shall return to the enterprise the application for payment of State aid, within 15 days, in order for it to be supplemented.

#M2

ART. 12

(1) The Ministry of Public Finance shall settle the request for payment of State aid:

- a) *after analyzing at the seat of the ministry the supporting documents attached to the payment request and the eligibility of the assets for which the payment of State aid is requested; and*

b) after verifying on the spot the existence of the assets and the compliance of the statements/documents corresponding to the expenses made by the enterprise.

#B

(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. 13

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

#M2

(2) The effective transfer of the State aid shall be made by the Ministry of Public Finance into the account 50.70 "Available funds from subsidies and transfers", opened with the State Treasury unit in whose jurisdiction the enterprise benefiting of State aid has its tax domicile, within at most 15 calendar days as of the date when the payment request of State aid is considered complete within the meaning of the provisions of this scheme and was made the verification on the spot.

(3) Enterprises are required to verify the value of the State aid transferred by the Ministry of Public Finance into account 50.70 "Available funds from subsidies and transfers". If any undue amount is found therein, the enterprises shall be required to inform the Ministry of Public Finance at once for the amount's return.

(4) The amounts unduly collected shall be returned in the accounts opened for this purpose with the State Treasury, if the amounts are returned in the year when they were collected, respectively if the amounts are returned in the years following the year when they were collected.

(5) For the undue amounts collected by the enterprises, the Ministry of Public Finance shall charge related interest and penalties owed as of the date of collection and until the date of return, in accordance with [Law no. 207/2015](#), as subsequently amended and supplemented.

#B

CHAPTER IV

Maintenance of the investment and recovery of the State aid

ART. 14

(1) The enterprise is required to maintain the initial investment in operation for a term of at least 5 years as of the date of completion thereof.

(2) If it is found, within the term provided under para. (1), the physical or moral wear of the assets that correspond to the initial investment made, it is allowed to replace them in order to ensure continuity for the financed activity, subject to informing the Ministry of Public Finance.

ART. 15

By July 1 of the year following the completion of the investment, respectively of performance of the last payment of approved State aid, as applicable, the enterprise shall submit to the Ministry of Public Finance a report audited by the authorized enterprise which is not affiliated to the enterprise benefiting of State aid, which shall certify the fact that the investment was made within the proposed parameters and the economic and financial results undertaken through the application for financing agreement and the documentation attached thereto have been obtained.

ART. 16

(1) Applicant enterprises are required to complete the investment for which they have requested financing within the deadlines provided in the investment plan that formed the basis of issuance of the financing agreement.

#M2

(2) If the schedule of performance of the investment is amended, the enterprise shall be required to request to the Ministry of Public Finance to approve those amendments throughout the implementation of the initial investment, within 30 days as of the date when it becomes aware of that amendment, and to attach a substantiation in this respect.

#B

(3) The Ministry of Public Finance analyzes the documentation it received, proceeding as follows:

a) if it is found that all the requirements provided by this scheme continue to be fulfilled by the investment and the annual budgets of the scheme are observed, the financing agreement shall be correspondingly amended;

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

#M2

*(4) *** Repealed*

#B

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

ART. 17

(1) The financing agreement shall be revoked in the following situations:

a) the enterprise has not started the investment within the term provided under [art. 8](#);

b) the enterprise does not observe the requirement regarding the maintenance of the initial investment provided under [art. 14](#) para. (1);

c) the enterprise does not observe the provisions of [art. 15](#);

#M2

d) the enterprise does not observe the provisions of [art. 16](#) para. (1) and (2);

e) the total value of the investment does not observe the provisions of [art. 18](#) letter b) in the decision;

f) the enterprise does not observe the provisions of [art. 17](#) para. (1) letter h) in the decision;

#M3

g) the failure to fulfill the requirements provided in the financing agreement, for which the revocation thereof is specified.

#B

(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) 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 make the contribution to regional development, as defined under [art. 1](#) letter h) in the amount provided in the documentation attached to the application for financing agreement;
- b) the enterprise does not fulfill other requirements provided by the financing agreement.

#M2

(4¹) If several requirements are provided in the financing agreement, the value of the State aid paid which shall be recovered shall be calculated in accordance with the following mechanism:

a) shall be calculated the degree of fulfillment of every requirement by referencing the value of the achieved indicator to the value of the indicator mentioned in the financing agreement or in the business plan, as applicable;

b) shall be calculated the arithmetic mean of the degree of fulfillment of all requirements;

c) the percentage calculated in accordance with letter b) shall be applied on the value of paid State aid;

d) the difference between the value of paid State aid and the value calculated in accordance with letter c) represents the value of State aid to recover.

(4²) If amendments are made to the general legislation regulating the framework of organization and operation of companies after the issuance of the financing agreement, at the end of the period of maintenance of the investment the value of the contribution to regional development provided in the documentation attached to the application for financing agreement shall be recalculated by reference to these amendments.

(5) The paid State aid shall be recovered in accordance with the recovery procedures provided by [Government Emergency Ordinance no. 77/2014](#) on the national procedures in the field of State aid, as well as amending and supplementing the [Competition Law](#) no. 21/1996, approved as amended and supplemented through [Law no. 20/2015](#), as subsequently amended, as well as by the [Order](#) of the minister of public finance no. 324/2016 approving the Methodological norms of enforcement by the Ministry of Public Finance of the procedures of stopping/recovering the State aid or de minimis aid, as subsequently amended.

(6) The paid 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 the one set in accordance with the provisions of the Regulation (EU) no. 1.589/2015 of the Council of 13 July 2015 establishing the norms of application of [article 108](#) in the Treaty on the functioning of the European Union and in [Regulation \(EC\) no. 794/2004](#) of the Commission of 21 April 2004 of application of the [Regulation \(EC\) no. 659/1999](#) of the Council establishing the norms of application of [article 93](#) in the EC Treaty.

#M1

ART. 18

[Annexes no. 1 - 3](#), [3¹](#), [4a](#) and [4b](#) are an integral part of this procedure.

#M2

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 scheme to support investments with major impact on the economy, approved through Government Decision no. 807/2014, 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*1):%
- large enterprises*2):%.
Main object of activity:
NACE Code:
Secondary object of activity*3):
NACE Code:

*1) The enterprise which observes the definition provided in annex no. 1 to the regulation.

*2) The enterprise which does not observe the definition of SME, in accordance with the provisions of annex no. 1 to the regulation.

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

II. Presentation of the current situation of the enterprise

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*4): lei

- turnover return*5): lei
- own capitals*6): lei

.....

-
- *4) Total assets means fixed assets plus current assets plus advance expenses.
 - *5) Turnover return = 100 x (Net profit/Turnover).
 - *6) The “Own capitals” element in the balance.

III. Brief presentation of the investment made within the scheme:

- investment objective:

.....

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

incorporation of a new unit

extension of the unit's capacity

diversification of the unit's production

fundamental change in the general production process of the unit

or

- classification of the investment in the category of initial investment in favor of a new economic activity:

incorporation of a new unit

diversification of the unit's activity

- investment value: lei

- location of performance of the investment:

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

.....

- estimated completion date of the investment in accordance with the investment plan:

.....

IV. Incentive effect

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

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

or

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

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

Denomination of of the activity for which financing is requested	Type of eligible expense expenses*) - lei - in the region	Value of eligible aid aid in the region	Maximum intensity of aid requested - lei -	Value of the State			
				Year	Year	Year	Total
				I	II	...	Total
				I	II	...	Total
				**)			
Performance of investments in tangible and intangible Assets	(a) Eligible costs for performance of investments in tangible assets						
	(a1) Performance of constructions						
	(a2) Lease of constructions						
	(a3) Technical installations, machines and equipment						
	(b) Eligible						

	project (county)								

**9) 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.*

Name:
 Position:
 Signature*10):
 Signing date:

**10) The application shall be signed by the person authorized to legally represent the enterprise.*

#M2
ANNEX 2
 to the procedure

Compliance requirements	
<i>The application for financing agreement</i>	<i>- has all the rubrics filled in with the requested data, observes the form in <u>annex no. 1</u> is dated and signed in its original counterpart by the person authorized to legally represent the enterprise;</i>
	<i>- contains information correlated with the information from the ascertaining certificate, the financial statements, the investment plan, the identity document of the authorized person or the power of attorney, if applicable.</i>
<i>The Ascertaining certificate</i>	<i>- is attached in its original counterpart, is updated with data valid on the date of registration of the application for financing agreement and contains all the information necessary in accordance with the provisions of <u>art. 3</u> letter a) in the Procedure on the award of State aid.</i>
<i>The financial statements</i>	<i>- are submitted and approved in accordance with the legal provisions in force, as applicable, are attached in copies.</i>

year

The investment plan - comprises all necessary information in accordance with the definition and instructions in the Applicant's Guide, is dated 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 business plan - comprises all necessary information in accordance with the definition and instructions in the Applicant's Guide, is dated and signed in the original counterpart by the person authorized to legally represent the enterprise;
- presents the financial projections for the period of implementation of the investment and 5 years as of completion thereof (profit and loss account, balance and cash flow) in accordance with the legal provisions in force and with the models presented in the Applicant's Guide;
- contains information correlated with the information from the Application for financing agreement.

The supporting documents - are attached in copies for substantiation of the business plan

Power of attorney signed by - if another person that him/her the legal representative of the applicant signs the application for financing agreement, is attached in the original counterpart.
enterprise

The identity document of the person authorized to legally represent the enterprise - shall be attached in copy.

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

#B

ANNEX 3

to the [procedure](#)

Requirements proving the economic efficiency and viability of the investment
Observance of the definition of initial investment
Presentation of the investment and proving the classification of the investment in the category of initial investment, respectively in the category of initial investment in favor of a new economic activity, in the case of large enterprises which make investments in the Bucharest region
Justification of the need to make the investment
- Presentation of the relevant market of products/services obtained as a result of the implementation of the investment in terms of demand, offer and price, as well as of the geographical area where they are traded
- Quantification and justification of the production capacity and of the degree of use thereof corresponding to the extended activity (in the case of operating enterprises), that corresponding to the investment, as well as substantiation of the need to increase the existing production capacity through the implementation of the investment
Analysis and substantiation of the financial projections for the period of implementation of the investment and 5 years as of the date of completion thereof
Substantiation of the turnover through presentation of supporting documents revealing that there is assurance of sale of the products/services obtained as a result of the performance of the investment
Proving the incentive effect of State aid through presentation and substantiation of one of the situations provided under art. 13 para. (2) letter b) in this decision
calculation and explanation of the quantitative indicators
Quantitative indicators Calculation and substantiation of the observance of the limits of the indicators throughout the term of implementation of the investment

and 5 years as of completion thereof, on the basis of the financial projections made in accordance with the legal provisions in force and the instructions from the Applicant's Guide

General solvency rate | $Gsr > 1.66$

$Gsr = \text{Total assets} / \text{Total debt}$

Turnover return | $Tr \geq 2.5\%$

$Tr = 100 \times (\text{Net profit} / \text{Turnover})$

Trend of the net result | $T_m \geq 0\%$

$T_m = 100 \times (\text{Net result corresponding to the current period} - \text{Net result corresponding to the similar period of the previous year}) / \text{Net result corresponding to the similar period of the previous year in absolute value}$

Current liquidity rate | $(R_{lc}) \geq 1.00$

$R_{LC} = (\text{Current assets} / \text{Current debt})$

Indebtedness degree indicator*) | $(R_{ig}) \leq 60\%$

$I_{gi} = (\text{Borrowed capital} / \text{Committed capital}) \times 100$

Economic profitability rate | Higher than inflation rate

$R_e = (\text{Gross profit} / \text{Total assets}) \times 100$

Financial profitability rate | Higher than the average

$R_f = (\text{Net profit} / \text{Own capitals of the enterprise}) \times 100$ market interest rate

Demonstration and substantiation of the qualitative indicators

Ensuring the financial resources necessary for performing the investment, in accordance with the provisions of [art. 1](#) letter kk) in the Procedure on the award of State aid and the instructions from the Applicant's Guide

Market position and experience in the field for which financing is requested

in accordance with the instructions from the Applicant's Guide
Impact of the award of State aid on the competitive environment in accordance with the instructions from the Applicant's Guide
Contribution of the enterprise to economic growth and regional development in accordance with the provisions of art. 1 letter h) in the Procedure on the award of State aid and the instructions from the Applicant's Guide
Involvement of the enterprise in different social projects with positive impact on the community from the region where the investment is made in accordance with the instructions from the Applicant's Guide
Multiplier effect of the performance of the investment quantifiable in the economy through the driving of other related investments and the development of local suppliers or products and services from the region in accordance with the instructions from the Applicant's Guide
Judicial status of the location of performance of the investment, respectively proving a right in rem over the location where the investment is to be made in accordance with the instructions from the Applicant's Guide

*) Borrowed capital = credits over one year
 Committed capital = borrowed capital + own capital

#M1
ANNEX 3^1
 to the procedure

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

<i>Assessment criteria</i>	<i>Manner of determination</i>	<i>Score</i>
<i>Investment value</i>	<i>(Investment value in Lei/ 44,000,000 Lei) x 10</i>	<i>The result obtained shall be transformed into number of points.</i>
<i>Initial investment</i>	<i>- incorporation of a new unit by a newly incorporated enterprise;</i>	<i>25 points</i>
	<i>- fundamental change of</i>	<i>20 points</i>

	<i>the general production process of an existing unit;</i>		
	<i>- diversifying the activity of an existing unit;</i>	<i>15 points</i>	
	<i>- incorporation of a new unit by an operating enterprise;</i>	<i>10 points</i>	
	<i>- extending the capacity of an existing unit;</i>	<i>10 points</i>	
<i>Location of performance of the investment</i>	<i>The investment is made in a county where the value of the GDP/inhabitant is lower than the average at country level*)</i>	<i>GDP/inhabitant < GDP/inhabitant average at country level</i>	<i>20 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 > 1%</i>	<i>5 points</i>
<i>Value of the subscribed and paid up share capital, in the case of newly incorporated enterprises</i>		<i>Share capital > 500,000 Lei</i>	<i>5 points</i>

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

#M2
ANNEX 4a
to the procedure

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 State aid scheme to support investments with major impact on the economy, approved through Government Decision no. 807/2014, as subsequently amended and supplemented, observing the intensity of.....in accordance with the Financing Agreement.

I. Identification details of the enterprise:

Enterprise name:

Date of registration of the enterprise:

Registration no. with the trade register office:

Tax identification code:

Address:

Telephone: Fax: Email:

IBAN Code:, opened with the Treasury of

I attach hereto the settlement form, in accordance with the model provided in annex no. 4b to the procedure.

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 salary costs 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

<i>Value of eligible expenses for which settlement is requested, of which:</i>	<i>Foreign currency exclusive of VAT (col. 23)</i>	<i>Lei exclusive of VAT (col. 24)</i>	<i>Value of requested State aid, (col. 26) of which:</i>	<i>- lei -</i>
<i>Constructions, of which:</i>			<i>Constructions, of which:</i>	
<i>- performed</i>			<i>- performed</i>	
<i>- rent</i>			<i>- rent</i>	
<i>Technical installations and machines</i>			<i>Technical installations and machines</i>	
<i>Intangible assets</i>			<i>Intangible assets</i>	
TOTAL			TOTAL	

Name:
Position:
Signature*1):

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