



MINISTRY OF PUBLIC FINANCE

APPLICANT'S GUIDE

**elaborated on the basis of
Government Decision no. 332/2014
*establishing a State aid scheme to support investments promoting regional development
through the creation of jobs,***

- Revision 4, August 2020 -

This document is a guide for obtaining the Financing Agreement by the applicant enterprises within the State aid scheme in support of investments promoting regional development through the creation of jobs, as established through G.D. no. 332/2014, published in the Official Gazette, Part I, no. 336/May 8, 2014, as subsequently amended and supplemented.

Information about the way of filling in the supporting documents to be submitted with the Application for financing agreement pursuant to this State aid scheme, as well as all the requirements that must be fulfilled in order to obtain the Financing Agreement are found in this document and on the website of the Ministry of Public Finance at <http://www.mfinante.gov.ro/>.

It is necessary the prior analysis of the provisions in G.D. no. 332/2014 *establishing a State aid scheme to support investments promoting regional development through the creation of jobs*, as subsequently amended and supplemented, of all information included in this Guide, as well as of the other data made available on the website of the Ministry of Public Finance.

Throughout the period of validity of the State aid scheme, the Ministry of Public Finance makes available to the applicants at <https://www.mfinante.gov.ro/pagina.html?categoriebunuri=formular-intrebari&pagina=domenii&menu=Ajutorstat>, a dedicated platform through which can be addressed questions, notices, and requests for clarifications, which shall be resolved with urgency, if not already treated in this material and on the website of the Ministry of Public Finance.

The screenshot displays the website of the Ministry of Public Finance (Ministerul Finanțelor Publice). The main navigation menu includes 'Acasă', 'Domenii', 'Afaceri Europene', 'Buletin MFP', and 'Presă'. The 'Domenii' (Domains) menu is expanded, showing various categories such as 'Bugetul de stat', 'Noutati legislative', 'Resurse umane', 'Trezorerie și datorie publică', 'Treasury and Public Debt', 'Relația cu instituțiile financiare internaționale', 'Impozite și taxe', 'Domenii reglementate specific', 'Reglementări contabile', 'Ajutor de stat', 'Domeniul activelor statului', 'Guvernanta corporativă a întreprinderilor publice', 'Nomenclatoare geografice', 'Politici publice', 'Stabilitate financiară', 'Audit public intern - MFP', and 'Unitatea Centrală de Armonizare pentru Auditul Public Intern'. The 'Ajutor de stat' (State Aid) category is selected, leading to a page titled 'Formular intrebare' (Questionnaire). The page contains a form for 'FORMULAR PENTRU ASISTENȚĂ Ajutor de stat' (Questionnaire for State Aid Assistance). The form includes fields for 'Data: 11.08.2017', 'Alege schema de ajutor de stat*' (Select state aid scheme*), 'Tip societate*' (Company type*), 'Cod de identificare fiscală (CUI)*' (Tax identification code), 'cod CAEN*', 'Denumire societate*' (Company name), 'Adresa sediu social: Județ*' (Social office address: County*), 'Telefon de contact*' (Contact phone), 'E-mail*', 'Nume și prenume persoana de contact*' (Name and surname of contact person), and 'Funcția*' (Position). A text area for 'Introduceți întrebarea * (max. 3500 caractere):' (Enter the question * (max. 3500 characters)) is also present. On the right side, there is a sidebar with 'Ajutor de stat' (State Aid) and a list of links: 'Scheme de ajutor de stat', 'H.G. nr. 807/2014', 'H.G. nr. 932/2014', 'H.G. nr. 548/2018', 'Formular întrebări', 'Întrebări frecvente', 'Solicitare soluționare tehnică', 'Scheme închise', and 'Mecanism de recuperare'.

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CHAPTER I - GENERAL INFORMATION

1. What is the objective of this State aid scheme?

The purpose of the State aid scheme is **regional development** through the **performance of initial investments** which lead to **the creation of at least 100 jobs**, no matter the size of the beneficiaries and the value of the investment.

The State aid scheme was established on the basis of the provisions in the Regulation (EU) no. 651/2014 of the Commission of 17 of June 2014 declaring certain categories of aid compatible with the internal market in application of art. 107 and 108 of the Treaty, valid between July 1, 2014 and December 31, 2020, as subsequently amended and supplemented, of the Decision of the European Commission C (2014) 2240 final authorizing the map of regional State aid for the period of 2014-2020 and of the Commission Communication C(2020) 4355 final of July 2, 2020 amending the Guidelines on regional State aid for the period 2014-2020 (which formed the basis of issuance of the Decision of the European Commission C(2014) 2240 final approving the Map of regional aid for 2014-2020) and extended the period of implementation thereof.

2. What is the budget of the State aid scheme?

The 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 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 2014-2023;
- b) budget appropriations for payment of State aid approved on the basis of the issued financing agreements for the period of 2015-2028.

The average annual budget of the scheme is of **Lei 450 million**, respectively the equivalent of approximately **EUR 100 million**, as it shall be established through the annual budget laws.

3. What is the validity term of the State aid scheme?

Financing agreements can be issued on the basis of the scheme by **December 31, 2023**, under observance of the legislation in the field of State aid and of the regional map authorized by the European Commission, within the limit of the annual budget allocated to the scheme through the annual budget laws.

The State aid shall be paid between **2015 and 2028**, on the basis of the financing agreements that were issued and within the limit of the annual budget allocated to the scheme through the annual budget laws.

4. Who can apply for financing within the State aid scheme?

The enterprises that can apply for State aid on the basis of this scheme are **newly incorporated or operating enterprises, SMEs or large enterprises** with legal personality, incorporated in accordance with the **Companies Law no. 31/1990**, as republished, as

subsequently amended and supplemented, or with **Law no. 1/2005 on the organization and operation of cooperatives**, as republished.

DEFINITIONS

Newly incorporated enterprise is 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.

The operating enterprise is the enterprise which performs economic activity and has annual financial statements approved for the last concluded financial year.

The subsidiaries are companies with legal personality, with the judicial regime of the form of company they were established as, in accordance with art. 42 in the Companies Law no. 31/1990, republished, as subsequently amended and supplemented.

The branches are dismemberments without legal personality of companies and are registered before they start their activity with the trade register of the county where they shall operate, in accordance with art. 43 para. (1) in the Companies Law no. 31/1990, republished, as subsequently amended and supplemented.

Working units (secondary seats) are dismemberments without legal personality of companies and are mentioned only when the company is registered with the trade register of the main seat, in accordance with art. 43 para. (3) in the Companies Law no. 31/1990, republished, as subsequently amended and supplemented.

5. What are the eligible activity sectors?

Shall be eligible the investments which create jobs **in all activity sectors, except for** those provided under art. 13 in G.D. no. 332/2014, as subsequently amended and supplemented, and those mentioned in the "*List of activity sectors not eligible for State aid*" provided in Annex 1 to this Guide, in accordance with the legal provisions in force.

WARNING!

If the enterprise operates in an activity sector considered ineligible, but requests financing for the performance of an initial investment in an eligible activity sector, which is mentioned in the Ascertain Certificate issued by the Trade Register, the initial investment can be eligible for financing with State aid under observance of all the other requirements provided by the scheme.

6. What are the eligible expenses?

Shall be considered eligible expenses **the salary costs registered for 2 consecutive years** as a result of the creation of jobs.

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 submission of the application for financing agreement and after the start of the investment, but not later than 3 years as of the investment's completion date.

DEFINITIONS

The salary cost is 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.

Eligible salary cost - the salary cost comprising the gross salary, as well as the related mandatory employer's contributions, as per the legal provisions in force.

Gross salary is the amount of revenues obtained by the employee in the enterprise before the mandatory employer's contributions are withheld and before taxation.

Job creation date - the date of first occupation of the position created within the plan of creation of jobs.

Jobs created directly by an investment project are 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.

Occupied job - the job for which the enterprise concluded a full-time individual employment agreement which is in force for an undetermined period and for which a gross monthly salary is paid.

7. What are the eligibility criteria for the enterprise?

Enterprises must cumulatively fulfill the following **requirements**:

General	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 cooperatives, republished;
	b) they make an initial investment in Romania, in one of the eligible fields of activity;
	c) they do not fall into the category of " <i>enterprises in distress</i> ";
	d) they are not undergoing the procedure of forced execution, insolvency, bankruptcy, judicial reorganization, dissolution, operational closing, liquidation, or temporary activity suspension;
	e) 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;
	f) 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;
	g) 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;
Supplementary for operating enterprises	h) they have positive own capitals in the last concluded financial year;
Supplementary for newly incorporated enterprises	i) they have a share capital subscribed and paid up of minimum Lei 30,000; j) they do not belong to shareholders who hold or have held in the last two years prior to the date of registration of the application for financing agreement another enterprise registered in accordance with the Companies 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.
<u>Supplementary, as provided by Recommendation (EU) 2020/1039 of the Commission of July 14, 2020¹, both for operating enterprises and for newly incorporated enterprises</u>	k) they are not residents for fiscal purposes in non-cooperating enterprises or they are not subject to the fiscal legislation of non-cooperating jurisdictions; l) they are not controlled, either directly or indirectly, by shareholders from the jurisdictions which are registered on the EU list of non-cooperating jurisdictions, up to the effective beneficiary, as defined by art. 3 point 6 in Directive 2015/849; m) they do not control, either directly or indirectly, own subsidiaries or permanent seats in the jurisdictions which are registered on the EU list of non-cooperating jurisdictions; n) they do not hold shares in the enterprises from the jurisdictions registered on the EU list of non-cooperating jurisdictions; o) the enterprises or their shareholders have not been subject to a conviction through definitive judgment for any of the crimes provided by article 57 paragraph (1) in Directive 2014/24/EU of the European Parliament and of the Council; p) they have not received a definitive court judgment or a definitive administrative decision establishing that the enterprise or the shareholders thereof have committed a violation of its obligations of payment of taxes or social insurance contributions in accordance with the applicable legislation.

WARNING!

The EU list of non-cooperating jurisdictions, Directive 2015/849 and Directive 2014/24/EU of the European Parliament and of the Council are published on the website of the Ministry of Public Finance.

¹ Directive (EU) no. 849/2015 of the European Parliament and of the Council on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC.

WARNING!

At the same time, the Commission's Recommendation (EU) of July 14, 2020 offers the Member States the possibility of ignoring the existence of certain connections of the beneficiary enterprises with those from the non-cooperating jurisdictions, in two cases:

1. if the level of the fiscal liabilities from the Member State which grants the support for a certain period of time (for example, the last three years) is considered adequate compared to the total turnover or the level of activity of the beneficiary enterprise, at individual and group level, within the same period;
2. if the enterprise undertakes legal commitments of eliminating within a short time interval the connections with the jurisdictions which are registered on the list of the European Union of non-cooperating jurisdictions, subject to adequate monitoring and corresponding sanctioning in case of failure to observe these commitments.

8. Which are the eligibility criteria for the investments?

Investments must fulfill the following **requirements**:

- a) they should be considered initial investments, respectively initial investments in favor of a new economic activity, in the case of large enterprises from the development region Bucharest-Ilfov;
- b) they must lead to the creation of at least 100 jobs;
- c) they should be viable and should determine the enterprise's economic efficiency, according to the business plan;
- d) the tangible and intangible assets that correspond to the investment must be new.

9. How is the State aid calculated?

State aid shall be granted to the enterprises under observance of the provisions in:

- G.D. no. 332/2014, as subsequently amended and supplemented,
- Regulation (EU) no. 651/2014, as subsequently amended and supplemented,
- the Decision of the European Commission C(2014) 2240 final authorizing the map of Regional State aid for the period 2014-2020,
- the Commission Communication C(2020) 4355 final of July 2, 2020 amending the Guidelines on regional State aid for the period 2014-2020 (which formed the basis of issuance of the Decision of the European Commission C(2014) 2240 final approving the Map of regional State aid for the period 2014-2020) and extended the period of implementation thereof,

through allocations from the State budget, from the budget of the Ministry of Public Finance - General Actions, **under the form of non-reimbursable amounts corresponding to the eligible expenses, within the limit of the maximum admissible limit and of the maximum level of State aid an enterprise may benefit of, as follows:**

Region	Component counties	Period	Maximum intensity	Maximum level of State aid an
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				enterprise may benefit of - million EUR -
North-East	Bacău, Botoșani, Iași, Neamț, Suceava, Vaslui	2014-2020	50%	37.5
South-East	Brăila, Buzău, Constanța, Galați, Vrancea, Tulcea	2014-2020	50%	37.5
South Muntenia	Argeș, Călărași, Dâmbovița, Giurgiu, Ialomița, Prahova, Teleorman	2014-2020	50%	37.5
South-West Oltenia	Dolj, Gorj, Mehedinți, Olt, Vâlcea	2014-2020	50%	37.5
North-West	Bihor, Bistrița-Năsăud, Cluj, Maramureș, Satu-Mare, Sălaj	2014-2020	50%	37.5
Center	Alba, Brașov, Covasna, Harghita, Mureș, Sibiu	2014-2020	50%	37.5
West	Arad, Caraș-Severin, Hunedoara, Timiș	2014-2020	35%	26.25
Ilfov	Ilfov	2014-2020	35%	26.25
Bucharest	Bucharest	2018-2020	10%	7.5

DEFINITIONS

The intensity of State aid is the ratio between the value of the aid and the value of the eligible costs.

Intensity (%) = (maximum value of State aid/total value of eligible expenses) x 100

Large investment project is 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.

In the case of large investment projects, the aid may not exceed the maximum value provided for every development region and shall be calculated in accordance with the formula:

Maximum aid value = $R \times (A + 0.50 \times B + 0 \times C)$,

R is the maximum aid intensity applicable in the region in question;

A is the initial eligible costs of EUR 50 million;

B is the part of the eligible costs comprised between 50 million EUR and 100 million EUR;

C is the part of the eligible costs over 100 million EUR.

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.

WARNING!

The gross intensity of State aid an enterprise may benefit of within the scheme between 2021 and 2023 relative to the eligible expenses shall be established through the regional maps approved by

the European Commission for this period. The maximum level of State aid relative to the eligible expenses and under observance of the maximum level of State aid that an enterprise may benefit of shall be established as a correspondent of the maximum approved intensity.

Example:

For an enterprise which creates 100 jobs with a gross monthly salary of 5,000 Lei in Iași, a locality situated on the regional map in the North-East region, whose maximum intensity is of 50%, **the State aid shall be determined as follows:**

Indicator	Calculation formula	Calculation
Total annual gross salary expenses	Gross monthly salary x no. of newly created jobs x no. of months	5.000 Lei x 100 x 12 = 6,000,000 Lei
Total annual employer's contributions	Total annual gross salary expenses x 2.25%	6,000,000 Lei x 2.25% = 135,000 Lei
Total annual value of salary costs	Total annual gross salary expenses + Total employer's contributions	6,000,000 Lei + 135,000 Lei = 6,135,000 Lei
Maximum annual State aid value	Total annual value of salary costs x Maximum intensity	6,135,000 Lei x 50% = 3,067,500 Lei
Maximum total State aid value	Maximum annual State aid value x 2 consecutive years	3,067,500 Lei x 2 = 6,135,000 Lei

CHAPTER II - MANNER OF AWARD OF THE STATE AID

The mechanism of submission, analysis, and settlement of the Applications for financing agreement

The Ministry of Public Finance shall publish on its website the date as of which can be registered applications for financing agreement and the annual budget allocated to the scheme.

The registration of the applications for financing agreement shall be made in continuous session.

Interested enterprises shall send the applications for financing agreement accompanied by supporting documents to the Ministry of Public Finance.

The analysis of the Applications for financing agreement shall be finalized after the documentation is considered completed, with:

- Financing Agreement;
- or
- Letter of rejection.

The financing agreements shall be issued within the limit of the annual budget allocated to the scheme through the annual budget laws.

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 or the annual budget allocated to the scheme was exhausted.

The Ministry of Public Finance shall publish on its website the date when the annual budget allocated to the scheme through the annual budget laws was exhausted.

The applications for financing agreement registered by the date of exhaustion of the annual budget allocated to the scheme through the annual budget laws which are not included in this budget and which were not settled with Financing Agreement or Letter of rejection shall continue to be assessed by the Ministry of Public Finance, which shall send to the enterprise, as applicable:

- a request of information and/or documents to supplement the Application for financing agreement;
- or
- a Letter of rejection.

If the annual budget allocated to the scheme was exhausted, but there are applications which fulfill the eligibility requirements and criteria, the Ministry of Public Finance shall issue a draft financing agreement.

The draft financing agreements shall be approved by order of issuance, after the annual budget allocated to the scheme for the current year is supplemented or within the limit of the budget allocated in the following year, in accordance with the annual budget laws.

WARNING:

The budget shall be exhausted when the amount left available in the annual budget allocated to the scheme after issuance of the last financing agreement does not cover the State aid requested by the following enterprise which submitted and registered an application for financing agreement with the ministry's registrar's office.

1. How is the registration and assessment of the applications for financing agreement performed?

1.1. Registration of the Application for financing agreement

The applications for financing agreement shall be registered on the basis of an announcement published on the website of the Ministry of Public Finance in the section www.mfinante.ro – *Economic agents – State aid*, which comprises the date as of which shall be submitted the applications for financing agreement, as well as the budget allocated in accordance with the annual budget law.

WARNING!

Shall be considered only the applications for financing agreement registered with the Ministry of Public Finance as of the date communicated on the website.

For the purpose of obtaining the financing agreement, **the applicant enterprise shall send to:**

- **the General Registrar's Office of the Ministry of Public Finance on 16 Libertatii Avenue, district 5, Bucharest, an application for financing agreement accompanied by the supporting documents** necessary for the assessment, in one printed counterpart and in electronic form of memory stick type.

The documentation can be sent by post or courier service. Also, it is allowed **personal submission** of the documentation at the General Registrar of the Ministry of Public Finance.

On the envelope it shall be mentioned "Implementation unit of the State aid scheme established through G.D. No. 332/2014".

or

- **On-line, an application for financing agreement accompanied by the supporting documents necessary for the assessment, in electronic form.**

WARNING!

The applications for financing agreement submitted to another address than the one indicated above shall be returned to the enterprises.

Shall not be taken into account the applications, documents, written materials sent by e-mail, fax, or at another address than the one specified above, as well as documents sent by the applicant enterprise under any form, at its own initiative, in order to supplement the application for financing agreement.

The form of the Application for financing agreement is found in Annex 2.1 of this Guide.

WARNING!

The filling in and **on-line** submission of the Applications for financing agreement and of the supporting documents to the **Ministry of Public Finance** shall be made in accordance with the *User's Guide for on-line submission*, published on the website of the Ministry of Public Finance in the section www.mfinante.ro – *Economic agents – State aid – G.D. no. 332/2014 - On-line submission*.

The form of Application for financing agreement is found in the section www.mfinante.ro – *Economic agents – State aid – G.D. no. 807/2014 – On-line submission*.

1.2. Verifying the existence and compliance of the Application for Financing Agreement and of the documentation attached thereto

a) the application for financing agreement

In order to fulfill the compliance requirements, the application:

- observes the model of form in Annex 2.1 to this Guide
- has all the sections filled in with the requested data,

- is dated and signed in the original counterpart, or electronically in case of on-line submission, by the person authorized to legally represent the enterprise,
- contains information correlated with the information from the ascertaining certificate, the financial statements, the investment plan, the business plan, the identity document of the person authorized to legally represent the enterprise and the power of attorney, if applicable.

WARNING!

If the legal representative of the enterprise, as per the Ascertaining Certificate, is unable to sign the necessary documentation in order to access the State aid, it is allowed to appoint another person to legally represent the enterprise in relation to the Ministry of Public Finance, the application for financing agreement being accompanied by a power of attorney in this respect, as presented at letter h).

WARNING!

The model of the Application for Financing Agreement is found on the website of the Ministry of Public Finance www.mfinante.gov.ro – Economic agents - State Aid - G.D. no. 332/2014 – Application for Financing Agreement - Forms - Application for financing agreement.

The manner of filling in the Application for Financing Agreement is presented in Annex 2.2 to this Guide - *Instructions for filling in the application for financing agreement*.

b) **ascertaining certificate** issued at most 10 business days before the date of registration of the application for financing agreement, either in the original counterpart issued by the trade register office attached to the tribunal where the enterprise has its seat, or electronically, with information obtained from the services portal of the National Trade Register Office - RECOM Online, mentioning 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.

In order to fulfill the compliance requirements, the ascertaining certificate:

- is attached in its original counterpart, if issued by the Trade Register Office with the tribunal where the enterprise is seated, or in electronic form,
- is updated with data valid on the date of registration of the application for financing agreement,
- contains 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.

c) **approved annual financial statements** corresponding to the last concluded financial year. The obligation of submitting financial statements **does not** apply to newly incorporated enterprises which have not carried out activity.

WARNING!

The approved annual financial statements must contain:

- The status of assets, debts, and own capitals - Form 10;
- The profit and loss account - Form 20;
- Informative details - Form 30;

- The situation of fixed assets - Form 40;
- The proof of submission thereof to the National Agency for Fiscal Administration.

For the purpose of fulfillment of the compliance requirements, the financial statements, approved and submitted in accordance with the legal provisions in force, shall be attached in copies or pdf format in the case of on-line submission.

d) **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, presentation of the investment project, 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 substantiates: the classification of the investment in the category of initial investment, the manner of fulfillment of the quantitative and qualitative indicators provided in annex no. 4 to the Government Decision. 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.

WARNING!

The indicative structure of the business plan, as well as the basic elements thereof, can be found in Annex 3 to this Guide. It can be supplemented in accordance with the object of activity, the characteristics of the investment project, etc.

The business plan is dated and signed in the original counterpart, or electronically in case of on-line submission, by the person authorized to legally represent the enterprise,

WARNING!

The following recommendations shall be considered when elaborating the business plan:

- it should be concise, complete, it should contain basic information about the enterprise's activity,
- it should present an objective analysis, based on realistic proposals,
- it should contain the investment plan; the document in electronic format shall be taken from the website of the Ministry of Public Finance www.mfinante.gov.ro – Economic agents - State aid - G.D. no. 332/2014 – Application for financing agreement - Forms - Investment plan;
- it should contain the financial projections
 - on paper or in pdf format in case of on-line submission,
 - and
 - in Microsoft Excel format, with all formulas, both in case of submission to the General Registrar's Office of the Ministry of Public Finance and in case of on-line submission,
- it should be structured in accordance with the model presented in annex 3 to this Guide,
- it should include the Index of transmitted documents.

The document shall not exceed 40 pages, excluding the annexes.

In order to fulfill the compliance requirements, the business plan:

- comprises all the information,
- is dated and signed in the original counterpart, or electronically in case of on-line submission, by the person authorized to legally represent the enterprise,

- contains information correlated with the information from the Application for financing agreement, the Ascertaining certificate, the Plan of creation of jobs and the supporting documents for substantiation of the business plan,
- is also sent in Microsoft Word form.

e) supporting documents for substantiation of the business plan

In order to support the information presented in the business plan shall be submitted supporting documents, like:

- agreements, pre-agreements, letters of intent from potential clients, in support of the forecasted turnover corresponding to the investment project.

WARNING!

The documents transmitted to support the forecasted turnover must comprise the information that formed the basis of elaboration of the financial projections, namely quantity, price, period.

The documents shall be accompanied by a summary table with the following elements: customer denomination, no. and date of the letter of intent/agreement/pre-agreement, product type, quantity, unit price, and value

For the purpose of fulfillment of the compliance requirements, the supporting documents for substantiation of the business plan shall be attached in copies or pdf format in the case of on-line submission.

f) plan of creation of jobs - the document comprising the schedule of creation and maintenance of the jobs corresponding to the investment and the values of eligible salary costs and of the corresponding State aid.

DEFINITION!

Schedule of creation of jobs - the period of implementation of the plan of creation of jobs as of the date of creation of the first job and until December 31 of the year when the last job is created.

WARNING!

The indicative structure of the plan of creation of jobs, as well as the basic elements thereof, can be found in Annex 4 to this Guide. The plan of creation of jobs shall be presented both on paper and in pdf format in case of on-line submission, and in electronic format, i.e. Microsoft Excel.

The document in electronic format shall be taken from the website of the Ministry of Public Finance www.mfinante.gov.ro – **Economic agents - State aid - G.D. no. 332/2014 – Application for financing agreement Forms - Plan of creation of jobs.**

WARNING!

The Excel application made available on the website of the ministry is an example and must be adapted to the plan of creation of jobs, with regard to the number of years during which jobs are

created, the award of bonuses, salary indexations, etc. Shall be observed the formulas in the model presented on the website of the ministry, and if more rows are necessary, the table must be filled in with the corresponding formulas.

The Ministry of Public Finance shall verify the accuracy of the added formulas.

The Excel application comprises **5 sheets**:

- **sheet 1 - mandatory contributions** - shall be verified and adapted, as applicable
- **sheet 2 - PC-AN1** - comprises the data corresponding to the jobs created in the first year
- **sheet 3 - PC-AN2** - comprises the data corresponding to the jobs created in the second year
- **sheet 4 - PC-AN3** - comprises the data corresponding to the jobs created in the third year
- **sheet 5 - summary table** - centralizes the data from sheets 2, 3, and 4 and includes information that must be taken over in the application for labor financing agreement

Sheets 2-4 - PC-AN...comprise the plans of creation of jobs by years, respectively Tables no.

1 - Value of eligible expenses, structured as follows:

✓ **3 sections:**

- Calculation period of the eligible salary cost
- Eligible monthly salary cost
- Eligible salary cost on 2 consecutive years

WARNING!

Eligible salary cost - the salary cost comprising the gross salary, as well as the related mandatory employer's contributions, as per the legal provisions in force.

Job creation date - the date of first occupation of the position created within the plan of creation of jobs.

Occupied job - the job for which the enterprise concluded a full-time individual employment agreement which is in force for a non-determined period and for which a gross monthly salary is paid.

✓ **12 columns:**

- **column 1** - Initial date - shall be filled in the date (month and year) of creation of the jobs from the year corresponding to the sheet
- **column 2** - End date - shall be displayed automatically the date until which the salary costs are considered eligible expenses, namely 2 years as of the date of creation of the jobs
- **column 3** - Position category - shall be filled in with the name of the position category
- **column 4** - Number of jobs - shall be filled in with the number of positions which fall into the position category
- **column 5** - Annual gross salary/position category - shall be filled in with the value in Lei of the gross salary given monthly for the position category

WARNING!

In case of award of two different salaries within the same position category, it is necessary to fill in two rows.

- **column 6** - Monthly employer's contributions - shall be displayed automatically the value of the contributions corresponding to the gross monthly salary

- **column 7** - Gross salary for year I - shall be displayed automatically the value in Lei of the gross salary calculated as of the date of creation of the jobs (initial date) until the end of year I
- **column 8** - Employer's contributions for year I - shall be displayed automatically the value in Lei of the employer's contributions relative to the gross salary for year I
- **column 9** - Gross salary for year II - shall be displayed automatically the value in Lei of the gross salary calculated for the entire year II
- column 10** - Employer's contributions for year II - shall be displayed automatically the value in Lei of the employer's contributions relative to the gross salary for year II
- **column 11** - Gross salary for year III - shall be displayed automatically the value in Lei of the gross salary from the beginning of year III until the date when the salary costs are considered eligible expenses (end date)
- **column 12** - Employer's contributions for year III - shall be displayed automatically the value in Lei of the employer's contributions relative to the gross salary for year III

WARNING!

The plan of creation of jobs by year is conceived so that it is necessary to fill in data only in the columns colored in blue.

WARNING!

If it is necessary to create more rows, the table must be filled in with the corresponding formulas. The Ministry of Public Finance shall verify the accuracy of the added formulas.

Salary expenses corresponding to the jobs - table no. 4 attached to the Plan of creation of jobs for year..., where it is automatically displayed the total value of salary expenses for the entire period of maintenance of the newly created jobs.

State aid value - table no. 2 attached to the Plan of creation of jobs for year..., where it is automatically displayed the total value of the eligible expenses multiplied by the intensity of the State aid corresponding to the region where the investment is made.

Period of maintenance of the jobs - table no. 3 attached to the Plan of creation of jobs for year..., where it is displayed automatically the date until which the jobs must be maintained.

WARNING!

Number of PC-AN sheets...varies according to the number of years when the enterprise creates new jobs.

The following tables, in PC-AN sheets 2-4..., shall be presented both on paper, or in pdf format in case of on-line submission, and in electronic form, in Microsoft Excel format:

- Table no. 1 - Value of eligible expenses,
- Table no. 2 - Value of State aid,
- Table no. 3 - Period of maintenance of jobs.

Table no. 4 - The salary expenses corresponding to the jobs shall be presented only in electronic form.

Sheet 5 - summary table, comprises the plan of creation of jobs for the period..., with emphasis on the annual value of the eligible expenses, of the State aid, and of salary expenses.

All the values shall be displayed automatically, the data being imported in the PC-AN sheets...

WARNING!

The following tables, in sheet 5 - summary table, shall be presented both on paper or in pdf format in case of on-line submission, and in electronic form, in Microsoft Excel format:

- Table no. 1 - Value of eligible expenses,
- Table no. 2 - Value of State aid.

Table no. 4 - The salary expenses corresponding to the jobs shall be presented only in electronic form.

WARNING!

If the enterprise creates the jobs within a number of years which is different than the one from the model application, it is necessary to adapt it by completing it with the corresponding formulas.

WARNING!

The value of eligible expenses and requested aid shall be taken over into the Application for financing agreement and shall be substantiated in the Business Plan.

WARNING!

When taking over the values of State aid in the application for financing agreement, it must be considered the intensity of State aid corresponding to the region where the enterprise makes the investment.

WARNING!

If the investment is made in several locations, the enterprise must elaborate a plan of creation of jobs for every location.

The cumulated values of the eligible expenses and corresponding State aid, in accordance with the elaborated plans of creation of jobs, shall be taken over in the application for financing agreement.

If the locations are in counties with different intensities, in the application for financing agreement shall be taken over the values for every intensity and the cumulated values of the eligible expenses and of the corresponding State aid.

In order to fulfill the compliance requirements, the plan of creation of jobs:

- observes the model in this guide,
- is dated and signed in the original counterpart, or electronically in case of on-line submission, by the person authorized to legally represent the enterprise,
- is sent including in Microsoft Excel format.

g) **power of attorney** - shall be elaborated if another person than the legal representative of the enterprise signs the application for financing agreement.

In order to fulfill the compliance requirements, the power-of-attorney:

- is attached in its original counterpart or electronically, in case of on-line submission.

h) **identity document** of the person authorized to legally represent the enterprise.

In order to fulfill the compliance requirements, the identity document of the person authorized to legally represent the enterprise is attached in copy or pdf format, in case of on-line submission.

i) **index** of the transmitted documents

In order to fulfill the compliance requirements, the index shall mention the denomination of every document and the page where it is filed.

WARNING!

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 thereof into Romanian certified by authorized translators.

The documents issued by the applicant enterprise in original counterparts shall be dated and signed by the person authorized to legally represent the enterprise.

The compliance of the documents presented in copies is certified by the legal representative of the enterprise through the statement on one's own responsibility from the application for financing agreement.

The aforementioned applications shall be also valid if submitted on-line with the mention that the person authorized to legally represent the enterprise shall sign electronically.

All the documents shall be filed, numbered on every page and indexed in the order provided in the compliance requirements for the documents sent for assessment of the Application for financing agreement.

Shall not be considered the documents transmitted by the enterprise on its own initiative, for the purpose of completing the application for financing agreement.

Compliance requirements	
The application for financing agreement	- has all the rubrics filled in with the requested data, observes the form in Annex 2.1 and is dated and signed in the original counterpart or electronically, in case of on-line submission, 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.
Ascertaining Certificate	is issued at most 10 business days before the date of registration of the application for financing agreement, either in its original counterpart, issued by the Trade Register Office with the tribunal where the enterprise is seated, or electronically, with information obtained from the services portal of the National Trade Register Office - RECOM Online, is updated

	with data which are valid on the date of registration of the application for financing agreement and contains all the 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 Business plan	<ul style="list-style-type: none"> - includes all necessary information in accordance with the definitions and instructions in Annex 3 and is dated and signed in the original counterpart or electronically, in case of on-line submission, by the person authorized to legally represent the enterprise; - contains information correlated with the information from the Application for financing agreement; - is also sent in electronic form.
The plan of creation of jobs	<ul style="list-style-type: none"> - observes the model in Annex no. 4; - is dated and signed in the original counterpart, or electronically in case of on-line submission, by the person authorized to legally represent the enterprise. - is also sent in Microsoft Excel format.
Supporting documents for substantiation of the business plan	- documents are submitted to support the turnover
The power of attorney signed by the legal representative of the applicant enterprise,	if another person than him/her signs the application for financing agreement, it is attached in its original counterpart or electronically, in case of on-line submission;
The identity document of the person authorized to legally represent the enterprise	is attached in copy or pdf format, in case of on-line submission.
The index	mentions the denomination of every document and the page where it is filed.

1.3. Assessment of the Application for financing agreement and of the documents attached thereto for fulfillment of the eligibility requirements and criteria

a) The application for financing agreement

It shall be analyzed if **the eligibility requirements** are fulfilled:

- makes an initial investment in Romania which leads to the creation of at least 100 new jobs;
- does not fall into the category of “enterprises in distress” in accordance with the provisions of art. 2 para. (18) 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 art. 107 and 108 in the Treaty;
- it 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;
- does 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, in the case of newly incorporated enterprises;
- it is not resident in fiscal terms in the jurisdictions registered on the list of the European Union of non-cooperating jurisdictions or it is not subject to the fiscal legislation thereof;
- it is not controlled, either directly or indirectly, by the shareholders from the jurisdictions which are registered on the list of the European Union of non-cooperating jurisdictions, the analysis going through to the level of the real beneficiary, as it is defined by article 3 point 6 in Directive 849/2015;
- it does not control, either directly or indirectly, own subsidiaries or permanent seats in the non-cooperating jurisdictions which are registered on the list of the European Union;
- it does not exercise the right of joint ownership with the enterprises from the jurisdictions which are registered on the list of the European Union of non-cooperating jurisdictions;
- the enterprises or its shareholders have not been subject to a conviction through definitive judgment for any of the crimes provided by article 57 paragraph (1) in Directive 2014/24/EU of the European Parliament and of the Council;
- it has not been issued a definitive court judgment or a definitive administrative decision establishing that the enterprise or the shareholders thereof have committed a violation of its obligations of payment of taxes or social insurance contributions in accordance with the applicable legislation;
- it shall purchase new assets.

b) the Ascertainig Certificate

In order to fulfill the **eligibility criteria, it shall be verified if the enterprise:**

- is registered in accordance with the Companies Law no. 31/1990, republished, as subsequently amended and supplemented, or Law no. 1/2005, republished;
- has a subscribed and paid-up share capital of at least Lei 30,000, in the case of newly incorporated enterprises,
- makes an initial investment in Romania, in one of the eligible fields of activity, and the activity for which financing is requested is declared to the Trade Register Office,
- is not undergoing the procedure of insolvency, bankruptcy, judicial reorganization, dissolution, operational closing, liquidation, or temporary activity suspension.

c) the Financial statements

In order to fulfill the **eligibility criteria, it shall be verified if the enterprise:**

- has positive own capitals in the last concluded financial year, in case of operating enterprises (shall be taken from the Financial Statements - Form 10),

- has a subscribed and paid-up share capital of minimum 30,000 Lei, in the case of newly incorporated enterprises (shall be taken from the Financial Statements - Form 10, if applicable, or from the Ascertaining Certificate issued by the Trade Register Office).

d) the Business plan

The eligibility criteria that must be fulfilled by the enterprise and the investment are detailed in the Business Plan - Annex 3 to this Guide.

e) The plan of creation of jobs

For **the purpose of fulfillment of the eligibility criteria, it shall be verified if the enterprise creates at least 100 new jobs.**

2. How is the Application for financing agreement assessed?

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**,
- b) **request of information and/or documents to supplement the application for financing agreement**,
- c) **letter of rejection of the application for financing agreement**.

WARNING!

The Ministry of Public Finance shall verify and assess in terms of:

- existence and compliance
- the eligibility requirements and criteria.

The application for financing agreement and the documents attached thereto shall be assessed within 30 business days as of the date of registration thereof with the Ministry of Public Finance.

3. Under what circumstances is the Financing Agreement issued?

In order to obtain the financing agreement, the applicant enterprise must present all the documents mentioned in the assessment of the Application for financing agreement and must fulfill the eligibility requirements and criteria provided by the State aid scheme.

WARNING!

The Ministry of Public Finance shall issue the Application for financing within at most 30 business days as of the date when the entire documentation is considered complete for verification and approval.

4. Under what circumstances is the filling in of the Application for Financing Agreement requested?

If:

- the documents do not observe the compliance requirements,
 - there are inconsistencies in the provided information,
 - it is found that it is necessary to provide additional documents in order to settle the application,
- The implementation unit shall send a request of information and/or documents to supplement the application for financing agreement.

WARNING!

The applicant enterprise shall send the supplements to the documentation within at most 15 business days as of receipt of the request for information and/or documents to supplement the application for financing agreement;

If the documents transmitted for supplementation of the Application for financing agreement require additional information, the term of analysis of the Application for financing agreement is of 30 business days as of the date of filling in thereof. The circuit of analysis of the application shall be resumed until the date when the application is considered completed.

The Ministry of Public Finance shall complete the assessment process of the application for financing agreement within at most 30 business days as of the date when the entire documentation is considered complete within the meaning of the provisions of G.D. No. 332/2014, as subsequently amended and supplemented.

WARNING!

Shall not be considered the documents transmitted by the enterprise on its own initiative, for the purpose of completing the documentation corresponding to the application for financing agreement.

5. Under what circumstances is issued the Letter of rejection of the Application for Financing Agreement?

The letter of rejection of the application for financing agreement shall be issued in the following situations:

- **The application for financing agreement is not accompanied by the following documents:**

a) ascertaining certificate issued at most 10 business days before the date of registration of the application for financing agreement, either in the original counterpart issued by the trade register office attached to the tribunal where the enterprise has its seat, or electronically, with information

obtained from the services portal of the National Trade Register Office - RECOM Online, mentioning 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, as applicable;

c) the plan of creation of jobs;

d) the business plan revealing the viability of the initial investment and the economic efficiency of the enterprises, in the original counterpart or pdf format, in case of on-line submission, and in Microsoft Word format;

e) supporting documents for substantiation of the business plan;

f) power of attorney signed by the legal representative of the applicant enterprise, if another person than the legal representative signs the application for financing agreement, in the original counterpart or pdf format in case of on-line submission;

g) identity document of the person authorized to legally represent the enterprise, attached in copy or pdf format in case of on-line submission;

h) index of the transmitted documents.

• **The eligibility criteria of the investment are not fulfilled:**

a) they should be considered initial investments, respectively initial investments in favor of a new economic activity, in the case of large enterprises from the development region Bucharest-Ilfov

b) they must lead to the creation of at least 100 jobs;

c) they should be viable and should determine the enterprise's economic efficiency, according to the business plan;

d) the tangible and intangible assets that correspond to the investment must be new.

• **The eligibility criteria of the enterprise are not fulfilled:**

General	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 cooperatives, republished;
	b) they make an initial investment in Romania, in one of the eligible fields of activity;
	c) they do not fall into the category of " <i>enterprises in distress</i> ";
	d) they are not undergoing the procedure of forced execution, insolvency, bankruptcy, judicial reorganization, dissolution, operational closing, liquidation, or temporary activity suspension;
	e) 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;

	<p>f) 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;</p> <p>g) 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;</p>
Supplementary for operating enterprises	<p>h) they have positive own capitals in the last concluded financial year;</p>
Supplementary for newly incorporated enterprises	<p>i) they have a share capital subscribed and paid up of minimum Lei 30,000;</p> <p>j) they do not belong to shareholders who hold or have held in the last two years prior to the date of registration of the application for financing agreement another enterprise registered in accordance with the Companies 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.</p>
<p><u>Supplementary, provided by Recommendation (EU) 2020/1039 of the Commission of July 1, 2020², both for operating enterprises and for newly incorporated enterprises</u></p>	<p>k) they are not residents in fiscal terms in the jurisdictions registered on the list of the European Union of non-cooperating jurisdictions or they are not subject to the fiscal legislation thereof;</p>
	<p>l) they are not controlled, either directly or indirectly, by shareholders from the jurisdictions which are registered on the list of the European Union of non-cooperating jurisdictions, the analysis going through to the level of the real beneficiary, as it is defined by article 3 point 6 in Directive 849/2015;</p>
	<p>m) they do not control, either directly or indirectly, own subsidiaries or permanent seats in the non-cooperating jurisdictions which are registered on the list of the European Union;</p>
	<p>n) they do not exercise the right of joint ownership with the enterprises from the jurisdictions which are registered on the list of the European Union of non-cooperating jurisdictions;</p>
	<p>o) the enterprises or their shareholders have not been subject to a conviction through definitive judgment for any of the crimes provided by article 57 paragraph (1) in Directive 2014/24/EU of the European Parliament and of the Council;</p>
	<p>p) they have not been issued a definitive court judgment or a definitive administrative decision establishing that the enterprise or the shareholders thereof have committed a violation of its obligations of payment of taxes or social insurance contributions in accordance with the applicable legislation.</p>

² Directive (EU) no. 849/2015 of the European Parliament and of the Council on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC.

- **The enterprise does not observe the deadline of maximum 15 business days as of receipt of the request for information and/or documents to supplement the application for financing agreement.**

6. Under what circumstances is the draft Financing Agreement issued?

If the annual budget allocated to the scheme is exhausted, but the applicant enterprise submits the documents mentioned in the assessment of the Application for financing agreement and fulfills the compliance requirements and the eligibility criteria provided by the State aid scheme, the Ministry of Public Finance shall issue the draft financing agreement and shall send a communication in this respect to the enterprise.

WARNING!

The draft financing agreements shall be approved by order of issuance, after the annual budget allocated to the scheme for the current year is supplemented or within the limit of the budget allocated in the following year, in accordance with the annual budget laws.

The draft financing agreements issued in the last year of validity of the scheme shall be approved by order of issuance, after supplementation of the annual budget allocated to the scheme in the current year, in accordance with the annual budget law.

WARNING!

All the documents issued by the Implementation Unit of the State aid scheme (financing agreement, request for information and/or documents to supplement the application for financing agreement, letter of rejection of the application for financing agreement, communication regarding the draft financing agreement) shall be sent by post with confirmation of receipt and/or by electronic means.

CHAPTER III – START OF THE INVESTMENT

DEFINITION:

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 other commitment through which the investment becomes irreversible, depending on which one occurs first.

The purchase of land plots and the preparatory works, like obtaining permits and performing feasibility studies, shall not be considered start of the works.

The start of the construction works represents the conclusion of the agreement, firm orders of execution of construction works.

WARNING!

Enterprises are required to start the investment for which they requested financing within maximum 6 months as of the date of issuance of the financing agreement.

The enterprise may start the investment after the registration at the General Registrar's Office of the Ministry of Public Finance or on-line of the Application for financing agreement, but shall do this on its own risk. The start of the investment after registration of the Application for financing agreement does not require the Ministry of Public Finance to issue a Financing Agreement.

The enterprise shall be required to send to the Ministry of Public Finance data and information about the start of the investment and to attach legalized copies of the first agreement or firm order of execution of the construction works or of purchase of equipment.

WARNING!

The Ministry of Public Finance shall be entitled to continuously verify the fulfillment of the enterprise's eligibility requirements, and those of the investment project throughout the entire period of implementation of the investment plan and of the plan of creation of jobs.

WARNING!

The Ministry of Public Finance may request on a half-yearly basis information on the status of implementation of the plan of creation of jobs for which the financing agreement was issued.

Enterprises are required to respond to the request of the Ministry of Public Finance within 30 business days as of the date of receipt of the request.

CHAPTER IV – EXTENSION OF THE SCHEDULE OF CREATION OF JOBS AND OF THE FINANCING AGREEMENT

The enterprises that received a financing agreement are required to create the total number of jobs they undertook to create through the plan of creation of jobs which formed the basis of issuance of the financing agreement, in accordance with the schedule.

If, during the implementation of the investment and the creation of the jobs, the schedule of creation of jobs is extended, the enterprise shall be required to request to the Ministry of Public Finance to extend the schedule of creation of the jobs corresponding to the investment under observance of the requirement of creation of jobs after the start of the investment, but not later than 3 years as of the date of completion thereof.

DEFINITION

Schedule of creation of jobs - the period of implementation of the plan of creation of jobs as of the date of creation of the first job and until December 31 of the year when the last job is created.

WARNING!

The extension of the schedule of creation of jobs may not refer to the increase of the total value of eligible expenses, respectively of the State aid corresponding thereto.

In case of extension of the schedule of creation and maintenance of jobs corresponding to the investment, the enterprise must send the following documents to the General Registrar Office of the Ministry of Public Finance or on-line:

- a notification with mentioning of the period of performance of the investment;

WARNING!

The period of performance of the investment can be the same as that mentioned in the documentation sent for the purpose of obtaining the Financing Agreement or it can be amended in order to correlate it with the new schedule of creation and maintenance of jobs.

- the revised plan of creation of jobs, including in Microsoft Excel format;

WARNING!

The revised plan of creation of jobs shall be presented both on paper or in pdf format in case of on-line submission, and in electronic format, i.e. Microsoft Excel.

The document in electronic format shall be taken from the website of the Ministry of Public Finance **www.mfinante.gov.ro – Economic agents - State aid - G.D. no. 332/2014 – Application for financing agreement Forms - Plan of creation of jobs.**

WARNING!

The following tables, in PC-AN sheets 2-4..., corresponding to the revised Plan of creation of jobs, shall be presented both on paper or pdf format, in case of on-line submission, and in electronic form, in Microsoft Excel format:

- Table no. 1 - Value of eligible expenses,
- Table no. 2 - Value of State aid,
- Table no. 3 - Period of maintenance of jobs.

Table no. 4 - The salary expenses corresponding to the jobs shall be presented only in electronic form.

WARNING!

The following tables, in PC-AN sheet 5 - summary table, corresponding to the revised Plan of creation of jobs, shall be presented both on paper or pdf format, in case of on-line submission, and in electronic form, in Microsoft Excel format:

- Table no. 1 - Value of eligible expenses,
- Table no. 2 - Value of State aid.

Table no. 4 - The salary expenses corresponding to the jobs shall be presented only in electronic form.

- section IV *Presentation of the eligible costs and of the requested financing*, from the revised application for financing.

WARNING!

When establishing the new schedule of creation and maintenance of jobs, the enterprise must take into account that the jobs cannot be created later than 3 years as of the date of completion of the investment.

- the simplified business plan, inclusive in electronic format.

DEFINITION:

Simplified business plan - document which presents at least the following aspects: the substantiation of the plan of creation of jobs, the substantiation of the turnover, the current financial situation, financial projections, the substantiation of the manner of fulfillment of the quantitative indicators. The business plan in simplified form is elaborated for the period of implementation of the investment and 5 years as of the date of occupation of the last job.

If:

- there are inconsistencies in the provided information,
 - it is found that it is necessary to provide additional documents in order to settle the request,
- The Ministry of Public Finance shall send a request for information and/or documents to supplement the request for amendment of the investment plan.

WARNING!

The enterprise shall send the supplementation of the documentation within maximum 10 business days as of receipt of the request for information.

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 in the scheme, proceeding as follows:

- it shall approve the amended financing agreement, if it is found that the requirements provided by the State aid scheme continue to be fulfilled;

WARNING!

The amended financing agreement can be approved only under observance of the annual budgets of the scheme.

If it is found that the annual budgets of the scheme are not observed, the Ministry of Public Finance shall request the revision of the schedule of creation and maintenance of jobs.

- it shall reject the amendment of the plan of creation of jobs, if it is found that the requirements provided by this scheme are no longer fulfilled.

CHAPTER V – RELOCATION OF THE PLACE OF IMPLEMENTATION OF THE INVESTMENT

Throughout the implementation of the investment and the creation of jobs and for a period of 5 years as of the date when the positions were occupied for the first time, any change of address within the same region of the location where the investment is implemented shall be notified to the Ministry of Public Finance through a letter.

The letter shall be 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.

WARNING!

Moving the location to another region, different from the one where the enterprise benefited of State aid, leads to the revocation of the financing agreement and the recovery of the awarded State aid.

CHAPTER VI – MAINTENANCE OF THE INVESTMENT AND OF THE JOBS

The enterprise is required to maintain the initial investment made for a term of at least 5 years as of the date of completion thereof.

DEFINITION!

Investment monitoring period - the period of 5 years following the year of completion of the investment.

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.

DEFINITION!

Job monitoring period - the period of 3 years following the 2 consecutive years as of the date of occupation of every job.

WARNING!

If a job was not occupied for a period longer than 6 consecutive months it shall be considered that the job in question was not maintained.

Starting with 2021 and continuing throughout the period of monitoring of the investment and/or of the jobs, the enterprise shall send to the Ministry of Public Finance on a yearly basis, by June 30th, information about the maintenance of the jobs and of the investment on the basis of the approved annual financial statements corresponding to the last concluded financial year.

The Ministry of Public Finance shall analyze the transmitted documents and shall verify the fulfillment of the requirements related to the maintenance of the investments and of the jobs.

WARNING!

The Ministry of Public Finance, in its capacity of 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.

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 the decision.

CHAPTER VII - REVOCATION OF THE FINANCING AGREEMENT

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

- a) fails to inform the Ministry of Public Finance on the start of the investment within at most 6 months as of the date of issuance of the financing agreement;
- b) fails to make an initial investment for the financed activity;
- c) fails to create the total number of jobs it undertook to create through the plan of creation of jobs which formed the basis of issuance of the financing agreement, in accordance with the schedule;

- d) fails to observe the requirement of requesting to the Ministry of Public Finance to extend the schedule of creation of jobs corresponding to the investment if the schedule is extended throughout the implementation of the investment and the creation of jobs;
- e) enters the bankruptcy procedure or suspends its activity;
- f) fails to observe the obligation of allowing access to the control team, under the law, to the assets corresponding to the initial investment and to all the documents in their original counterparts, which attest the fulfillment of the requirements imposed by the State aid scheme;
- g) has 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 it has not observed the commitment of not doing this for a period of up to 2 years after completion of the initial investment for which the aid was requested;
- h) moves the location of performance of the investment to another region which is different from the region where the enterprise benefited of State aid;
- i) fails to maintain the investment for a period of 5 years as of the date of completion thereof;
- j) fails to maintain the minimum number of 100 newly created jobs;
- k) informs the Ministry of Public Finance that it finds it impossible to implement the plan of creation of jobs or it requests to the Ministry of Public Finance to revoke the financing agreement.
- l) does not prove the existence of the financing source within 6 months as of issuance of the financing agreement;

WARNING!

The supporting documents sent within 6 months as of issuance of the financing agreement in order to prove the existence of the certain financing source must be correlated with the information presented in the business plan which formed the basis of issuance of the financing agreement.

No supporting documents are accepted that correspond to another type of financing source than the one mentioned in the business plan which formed the basis of issuance of the financing agreement.

- m) fails to prove the existence of a right in rem over the location of performance of the investment within 6 months as of issuance of the financing agreement.

WARNING!

The supporting documents sent within 6 months as of issuance of the financing agreement in order to prove the existence of a right in rem (ownership, lease, concession/assignment, etc.) over the location of performance of the investment must be correlated with the information presented in the application for financing agreement and the business plan.

No supporting documents are accepted that correspond to another location than the one mentioned in the application for financing agreement and in the business plan which formed the

basis of issuance of the financing agreement.

In the situations listed above, the Ministry of Public Finance shall send to the enterprise a letter of revocation of the financing agreement.

WARNING!

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

CHAPTER VIII – RECOVERY OF THE STATE AID

The State aid paid shall be recovered proportionally with the degree of non-achievement at the end of the period of maintenance of the jobs in the following cases:

- the enterprise does not make the contribution to regional development in an amount at least equal to the State aid paid;
- the enterprise does not fulfill other requirements provided by the financing agreement.

WARNING!

The paid State aid shall be recovered in proportion with the degree of non-achievement if the enterprise fails to make the contribution to regional development in an amount at least equal to the paid State aid.

The contribution to regional development is equal to the value paid to the consolidated budget of taxes and charges throughout the period of implementation of the investment and 5 years as of the creation of the last job, from which shall be deducted the value of the paid State aid.

WARNING!

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 or to the value of paid State aid, 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.

In case of failure to observe the requirement of maintenance of every newly created job for a period of at least 5 years as of the date when it was occupied for the first time, the Ministry of Public Finance shall recover the paid State aid that corresponds to the job which was not maintained.

WARNING!

If a job was not occupied for a period longer than 6 consecutive months it shall be considered that the job in question was not maintained.

The paid State aid shall be recovered in full if the enterprise:

- a) fails to make an initial investment for the financed activity;
- b) fails to create the total number of jobs it undertook to create through the plan of creation of jobs which formed the basis of issuance of the financing agreement, in accordance with the schedule;
- c) fails to observe the requirement of requesting to the Ministry of Public Finance to extend the schedule of creation of jobs corresponding to the investment if the schedule is extended throughout the implementation of the investment and the creation of jobs;
- d) enters the bankruptcy procedure or suspends its activity;
- e) fails to observe the obligation of allowing access to the control team, under the law, to the assets corresponding to the initial investment and to all the documents in their original counterparts, which attest the fulfillment of the requirements imposed by the State aid scheme;
- f) has 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 it has not observed the commitment of not doing this for a period of up to 2 years after completion of the initial investment for which the aid was requested;
- g) moves the location of performance of the investment to another region which is different from the region where the enterprise benefited of State aid;
- h) fails to maintain the investment for a period of 5 years as of the date of completion thereof;
- i) fails to maintain the minimum number of 100 newly created jobs;
- k) informs the Ministry of Public Finance that it finds it impossible to implement the plan of creation of jobs or it requests to the Ministry of Public Finance to revoke the financing agreement.
- l) does not prove the existence of the financing source within 6 months as of issuance of the financing agreement;

m) fails to prove the existence of a right in rem over the location of performance of the investment within 6 months as of issuance of the financing agreement.

WARNING!

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.

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) 2015/1589 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 (EU) no. 2015/1589 of the Council establishing the norms of application of article 108 in the Treaty on the functioning of the European Union, as subsequently amended.

CHAPTER IX - RETURN OF UNDULY COLLECTED AMOUNTS

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".

WARNING!

If any undue amount is found, the enterprises shall be required to inform the Ministry of Public Finance at once for the amount's return.

The amounts unduly collected shall be returned into the budget expense accounts from which they were collected, if the amounts are returned in the year when they were collected, respectively into the account provided under art. 8 para. (1) in Government Emergency Ordinance no. 37/2008 on the regulation of certain financial measures in the budgetary field, approved as amended through Law no. 275/2008, as subsequently amended and supplemented, if the amounts are returned in the years following the year they were collected in.

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 the provisions of art. 174 and 176 in Law no. 207/2015 on the Code of Fiscal Procedure, as subsequently amended and supplemented.

**Annex 1 - List of activity sectors for which State aid
is not granted**

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

No.	NACE Code	NACE code denomination
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	071	Mining of metal 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
SECTION C - PROCESSING INDUSTRY		
10	102	Processing and preserving of fish, crustaceans and mollusks
11	1101	Distilling, rectifying and blending of spirits
12	1102	Manufacture of wine from grape
13	1103	Manufacture of cider and other fruit wines
14	1104	Manufacture of other non-distilled fermented beverages
15	1105	Manufacture of beer
16	1106	Manufacture of malt
17	12	Manufacture of tobacco products
18	131	Preparation and spinning of textile fibers
19	16	Processing of wood, manufacture of wood and cork products; manufacture of items from straw and other woven plant materials
20	17	Manufacture of paper and paper products
21	19	Manufacture of coke and refined petroleum products
22	2014	Manufacture of other organic basic chemicals
23	2051	Manufacture of explosives
24	206	Manufacture artificial and synthetic fibers
25	24	Metallurgical industry
26	254	Manufacture of weapons and ammunition
27	2591	Manufacture of recipients, containers, and other similar steel products
28	301	Construction of ships and boats
29	304	Manufacture of military fighting vehicles
30	33	Repair, maintenance and installation of machines and equipment
SECTION D - PRODUCTION AND SUPPLY OF ELECTRICITY AND HEAT, GAS, HOT WATER AND AIR CONDITIONING		
31	35	Production and supply of electricity and heat, gas, hot water and air conditioning

SECTION F - CONSTRUCTIONS		
32	41	Constructions and buildings
33	42	Civil engineering
34	4399	Other specialty construction works n.e.c.
SECTION G - WHOLESALE AND RETAIL TRADE; REPAIR OF MOTOR VEHICLES AND MOTORCYCLES		
35	45	Wholesale and retail trade, maintenance and repair of motor vehicles and motorcycles
36	46	Wholesale trade, except of motor vehicles and motorcycles
37	47	Retail trade, except of motor vehicles and motorcycles
SECTION H - TRANSPORT AND STORAGE		
38	49	Land transport and transport via pipelines
39	50	Water transport
40	51	Air transport
41	52	Storage and support activities for transportation
42	53	Post and courier activities
SECTION J - INFORMATION AND COMMUNICATIONS		
43	60	Programming and broadcasting activities
SECTION K - FINANCIAL INTERMEDIATION AND INSURANCE		
44	64	Financial intermediation, except for 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 M - PROFESSIONAL, SCIENTIFIC AND TECHNICAL ACTIVITIES		
48	69	Judicial and accounting activities
49	70	Activities of directorates (centrals), centralized administrative offices; management and management consultancy activities
50	73	Publicity and market study activities
SECTION N - ADMINISTRATIVE AND SUPPORT SERVICE ACTIVITIES		
51	77	Rental and leasing activities
52	78	Service activities regarding labor force
53	80	Investigation and protection activities
54	81	Landscaping and building service activities
SECTION O - PUBLIC ADMINISTRATION AND DEFENSE; SOCIAL INSURANCE FROM THE PUBLIC SYSTEM		
55	84	Public administration and defense; social insurance from the public system
SECTION R - SHOWS, CULTURAL AND LEISURE ACTIVITIES		
56	90	Artistic creation and performance activities
57	92	Gambling and betting activities
58	93	Sports, recreational and leisure activities
SECTION S - OTHER SERVICE ACTIVITIES		
59	94	Miscellaneous associative activities
60	96	Other service activities

SECTION T - ACTIVITIES OF HOUSEHOLDS AS EMPLOYERS OF DOMESTIC PERSONNEL; GOODS- AND SERVICES-PRODUCING ACTIVITIES OF PRIVATE HOUSEHOLDS FOR OWN USE		
61	97	Activities of households as employers of domestic personnel
62	98	Goods- and services-producing activities of private households for own use
SECTION U - ACTIVITIES OF EXTRATERRITORIAL ORGANIZATIONS AND BODIES		
63	99	Activities of extraterritorial organizations and bodies

Annex 2.1 – Form of the Application for financing agreement

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.

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: _____ %;

- SME³: _____ %;

- large enterprises⁴: _____ %.

Main object of activity: _____

NACE Code: _____

Secondary object of activity⁵: _____

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 value⁶: _____ Lei

b) Average number of employees: _____

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

³ The enterprise which observes the definition provided in annex no. 1 to the Regulation

⁴ The enterprise which does not observe the definition of SMEs, in accordance with the provisions of annex no. 1 to the Regulation

⁵ Shall be filled in if the financing is requested for the secondary object of activity.

⁶ Total assets means fixed assets plus current assets plus advance expenses.

- objective of the project: _____;

- brief description of the project:

_____;

- 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;

- project value: _____ Lei;

- location/locations of performance of the investment:

_____;

- estimated start date of the investment (year): _____;

- estimated end date of the investment (year): _____;

- number of newly created jobs: _____;

- period of creation of the jobs (year)⁷: _____.

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

	Value of eligible expenses - lei -				Maximum intensity of aid in the region	Value of requested State aid - lei -			
	Year I ⁸	Year II	Year ...	Total		Year I	Year II	Year ...	Total
Salary costs for jobs corresponding to the investment calculated for a period of 2 years									

V. 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 _____, apt. _____ district/county _____, in my capacity as legal representative of the enterprise _____, hereby declare on my own responsibility that

⁷ The jobs must be created within at most 3 years as of the date of completion of the investment.

⁸ 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.

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 compliant with 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 classified into the category of large enterprises;
- is classified into the category of small and medium enterprises;
- has not started the investment project for which it requests financing;
- does not fall into the category of “enterprises in distress” in accordance with the provisions of art. 2 para. (18) 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 art. 107 and 108 in the Treaty;
- 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;
- does 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, in the case of newly incorporated enterprises;
- it is not resident in fiscal terms in the jurisdictions registered on the list of the European Union of non-cooperating jurisdictions or it is not subject to the fiscal legislation thereof;
- it is not controlled, either directly or indirectly, by the shareholders from the jurisdictions which are registered on the list of the European Union of non-cooperating jurisdictions, the analysis going through to the level of the real beneficiary, as it is defined by article 3 point 6 in Directive 849/2015;
- it does not control, either directly or indirectly, own subsidiaries or permanent seats in the non-cooperating jurisdictions which are registered on the list of the European Union;
- it does not exercise the right of joint ownership with the enterprises from the jurisdictions which are registered on the list of the European Union of non-cooperating jurisdictions;
- the enterprises or its shareholders have not been subject to a conviction through definitive judgment for any of the crimes provided by article 57 paragraph (1) in Directive 2014/24/EU of the European Parliament and of the Council;
- it has not been issued a definitive court judgment or a definitive administrative decision establishing that the enterprise or the shareholders thereof have committed a violation of its obligations of payment of taxes or social insurance contributions in accordance with the applicable legislation.
- it shall purchase new assets.

I hereby declare on my own responsibility that in the last 3 years⁹, 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.	Investment project denomination	Location of performance of the investment (county)	Year of award of the aid	Provider of the aid	Legislative act	Amount of aid -EUR ¹⁰ -

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 aid providers:

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

Name:
 Position:
 Signature¹¹:
 Signing date:

⁹ Shall be considered the last 3 years: the current fiscal year and 2 previous years.

¹⁰ 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.

¹¹ The application shall be signed by the person authorized to legally represent the enterprise

Annex 2.2
INSTRUCTIONS FOR FILLING IN
THE APPLICATION FOR FINANCING AGREEMENT

Registration number _____ (*shall be mentioned the registration number from the enterprise's correspondence register*)

Registration date _____ (*shall be mentioned the registration date in the enterprise's correspondence register*)

APPLICATION FOR FINANCING AGREEMENT

We, the undersigned _____ (*enterprise name*), having the identification details mentioned at point I, legally represented by Mr./Mrs. _____ (*first and last name of the legal representative of the enterprise*), in the capacity as _____ (*administrator, attorney-in-fact*), hereby request financing under the conditions of the State aid scheme in support of investments promoting regional development through the creation of jobs, as approved through Government Decision no. 332/2014, as subsequently amended and supplemented.

II. Presentation of the enterprise

Enterprise name: _____

Date of registration of the enterprise: _____

Registration no. with the trade register office: J_____/_____/_____

Tax identification code: _____

Address: _____ (*county, locality, district, street, number, building, entrance, floor, apartment*)

Zip code: _____

Telephone: _____, Fax: _____

Email: _____

Legal form: _____

Share capital: _____ Lei, held by:

- private individuals: _____ %;

- SME¹²: _____ %;

- large enterprises¹³: _____ %.

¹² The enterprise which observes the definition provided in annex no. 1 to the Regulation

¹³ The enterprise which does not observe the definition of SMEs, in accordance with the provisions of annex no. 1 to the Regulation

Main object of activity: _____ (*denomination of the main activity, according to 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, Rev. 2*)

NACE Code: __ (4 letter code, in accordance with Order no. 337/2007, NACE Rev. 2)

Secondary object of activity¹⁴: _____ (*shall be filled in if the financing is requested for a secondary object of activity*)

NACE Code: _____ (4 letter code, in accordance with Order no. 337/2007, NACE Rev. 2)

WARNING!

Financing can be requested for only one economic activity, namely one NACE code. The activity for which financing is requested can be main or secondary.

All information in section I shall be taken from the Ascertaining Certificate, updated with all data valid on the date of registration of the application for financing agreement.

III. 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: _____ (*shall be taken from the Financial Statements - Form 30*)
- turnover: _____ Lei (*shall be taken from the Financial Statements – Form 20*)
- total assets value¹⁵: _____ Lei (*= intangible assets + current assets + advance expenses - shall be taken from the Financial Statements - Form 10*)

WARNING!

All the information in section II a) shall be taken from the last approved annual Financial Statements submitted to the fiscal administrations from the territory where the enterprise has its fiscal domicile.

Newly incorporated enterprises shall not fill in the data related to the average number of employees, turnover, and total assets value.

b) Average number of employees _____ (*simple arithmetic mean of the number of employees of the enterprise, registered in the last 12 months prior to the date of registration of the application for financing agreement, according to the Statements 112 submitted to the competent fiscal bodies*)

DEFINITION

The average number of employees is 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).

WARNING!

It is not allowed to present in the business plan another average number of employees than the one presented in the application for financing agreement.

¹⁴Shall be filled in if the financing is requested for the secondary object of activity.

¹⁵Total assets means fixed assets plus current assets plus advance expenses.

The average number of employees in the application for financing agreement must be correlated with the average presented in the business plan, in accordance with Annex no. 1 and Annex no. 1.1 of Statements 112 corresponding to the last 12 months prior to the date of registration of the application for financing agreement..

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

- objective of the project: _____ (shall be presented the fundamental objective of the project that shall be detailed in the Business Plan);

- brief description of the project: _____ (shall be briefly presented the project that shall be detailed in the Business Plan, mentioning at least the following elements: what the project consists of, what types of assets can be purchased, what products/services shall be obtained after the implementation of the investment);

- classification of the investment in the category of initial investment: (shall be ticked off the version/versions which shall be substantiated in the Business Plan)

- 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: (shall be ticked off the version/versions that shall be substantiated in the Business Plan)

- incorporation of a new unit,
- diversification of the unit's activity;

DEFINITIONS

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.

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.

Location = the place where an installation or a construction is placed.

Technologically independent = which does not depend on another technological flow, which operates autonomously.

Extending the capacity of an existing unit = the increase of the production capacity in the existing location.

Diversifying the production of an existing unit = obtaining products that were not previously made in that unit.

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.

The 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.

The diversification of a unit's activity = obtaining products or services as a result of a new activity, which is not identical or similar to the activity previously carried out in that unit (a new four figure NACE code).

WARNING!

According to the specificity of the activity for which financing is requested, the enterprise must make an investment in new tangible and intangible assets.

In case of a fundamental change in the general production process, the enterprise must present in the business plan the value of the depreciation of the assets related to the activity for which financing is requested, calculated during the 3 financial years prior to the year of submission of the application for financing agreement.

In the case of large enterprises which make initial investments in the Development region Bucharest-Ilfov, are eligible only the investments related to the incorporation of a new unit or the diversification of the unit's activity.

If the initial investment made can be classified under several types of investments, the enterprise shall tick off the corresponding option.

- project value: _____ Lei (*the value of the investment project shall be the same as the total value of the assets mentioned in the investment plan*);

- location/locations of performance of the investment: _____ (*registered office or one of the working units of the enterprise where the investment is made, as it was registered or shall be registered with the Trade Register Office*);

DEFINITION

The location of performance of the investment is 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.

WARNING!

The supporting documents sent within 6 months as of issuance of the financing agreement in order to prove the existence of a right in rem (ownership, lease, concession/assignment, etc.) over the location of performance of the investment must be correlated with the information presented in the application for financing agreement and the business plan which formed the basis of issuance of the financing agreement.

No supporting documents are accepted that correspond to another location than the one mentioned in the application for financing agreement and in the business plan which formed the basis of issuance of the financing agreement.

WARNING!

The location of performance of the investment and the authorization of the activity for which financing is requested must be registered with the Trade Register Office at the time of submission of the first payment request for State aid.

It is allowed to make the investment in several locations.

- estimated start date of the investment (year): _____ (*estimated year when it is considered that the investment project shall start*);

DEFINITION

The start of the investment represents 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.

- estimated end date of the investment (year): _____ (*estimated year for commissioning of the last assets that shall be purchased in accordance with the investment plan*);

- number of newly created jobs: _____ (*number of jobs corresponding to the investment project, created after the start of the investment*);

DEFINITION

The creation of jobs represents 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.

- period of creation of the jobs (year)¹⁶: _____ (*start year and end year of the process of creation of jobs*).

WARNING!

The jobs must be created after the start date of the investment, but not later than 3 years as of the investment's completion date.

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

WARNING!

The values of the eligible expenses and of the requested State aid shall be taken from the plan of creation of jobs.

If the investment is made in several locations, shall be mentioned the cumulated values of the eligible expenses and of the corresponding State aid, according to the plans of creation of jobs elaborated for the locations. If the locations are in counties with different intensities, shall be presented the values for every intensity and the total values of the eligible expenses and of the corresponding State aid.

¹⁶ The jobs must be created within at most 3 years as of the date of completion of the investment.

Salary costs for jobs corresponding to the investment calculated for a period of 2 years	Value of eligible expenses - lei -				Maximum intensity of aid in the region	Value of requested State aid - lei -			
	Year I ¹⁷	Year II	Year ...	Total		Year I	Year II	Year ..	Total

WARNING!

The table related to the presentation of eligible costs and of the requested financing shall be filled in by considering the following:

Value of eligible expenses in one year = value of gross salaries + related mandatory employer's contributions, in accordance with the legal provisions in force, from that calendar year.

Value of State aid requested in one year = value of eligible expenses estimated to be incurred by the date of submission of the last payment request of State aid of that year x maximum intensity of State aid %

Instead of Year I, Year II, Year ... shall be mentioned the calendar years when the eligible expense is made, respectively the years when the financing is requested.

VI. Statement on one's own responsibility

I, the undersigned, _____ (*first and last name of the legal representative of the enterprise*), identified with identity document series _____ no. _____, issued by _____ on _____, domiciled in the locality of _____, _____ street building _____, entrance _____, apt. _____, district/county _____, in my capacity as legal representative of the enterprise _____ (*enterprise name*), hereby declare on my own responsibility that all the information provided and registered in this application is correct and complete and that all the documents that accompany the application are compliant with their original counterparts.

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: (*shall be ticked off the situations that correspond to the enterprise*)

- is classified into the category of large enterprises;
- is classified into the category of small and medium enterprises;

¹⁷ 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.

DEFINITIONS:

Small and medium enterprises are those enterprises which have less than 250 employees and have either a net annual turnover not in excess of the equivalent in Lei of EUR 50 million, or their total assets do not exceed the equivalent in Lei 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;

The large enterprise is the enterprise which does not fulfill the criteria for being classified as a SME.

- has not started the investment project for which it requests financing;

WARNING!

The investment project shall be started only after the application for financing agreement is submitted. Otherwise, the entire project will no longer be eligible.

- does not fall into the category of “enterprises in distress” in accordance with the provisions of art. 2 para. (18) 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 art. 107 and 108 in the Treaty, as subsequently amended and supplemented;

DEFINITION

According to the Regulation (EU) no. 651/2014 of the Commission declaring certain categories of aid compatible with the internal market in application of art. 107 and 108 of the Treaty, as subsequently amended and supplemented, an enterprise is in distress in the following situations:

(a) In the case of a limited liability company (other than a SME existing for at least three years or, within the meaning of eligibility for risk financing aid, a SME which made its first commercial sale 7 years before and qualifies for risk financing investments following a diligence process performed by a selected financial agent), when more than half its subscribed share capital has disappeared due to accumulated loss. This situation occurs when the deduction of accumulated loss from the reserves (and from all the other elements generally considered to be part of the company’s own funds) leads to a negative result which exceeds half of the subscribed share capital. Within the meaning of this provision, “limited liability companies” refers especially to the types of companies mentioned in annex I to Directive 2013/34/EU (1), and “share capital” includes, if applicable, any additional capital.

b) In the case of a limited liability company where at least some of the shareholders have unlimited liability for the company’s debt (other than a SME existing for at least three years or, within the meaning of eligibility for risk financing aid, a SME which made its first commercial sale 7 years before and qualifies for risk financing investments following a diligence process performed by a selected financial agent), when more than half its own capital as results from the company’s

accounting records has disappeared due to accumulated loss. Within the meaning of this provision, “a trading company where at least some of the shareholders have unlimited liability for the company’s debt” refers especially to those types of companies mentioned in annex II to Directive 2013/34/EU.

c) When the enterprise which forms the object of a collective insolvency procedure or fulfills the criteria provided by internal law for a collective insolvency procedure to be opened at its creditors’ request.

(d) When the enterprise has received rescue aid and has not yet returned the loan or the guarantee has not ended or it has received restructuring aid and still forms the object of a restructuring plan.

(e) In the case of an enterprise which is not a SME, when, in the last two years:

1. the debt/own capital ratio of the enterprise is bigger than 7.5, and
2. the interest coverage capacity calculated on EBITDS base is under 1.0.

WARNING!

In order to verify the situation at **letter a)**:

- from the balance shall be added the reported loss, the loss of the financial year and other elements considered to be part of own funds in accordance with the balance (profit distribution, own shares, losses related to own capital instruments); the resulting amount represents the total loss;

- the total loss shall be deducted from the total obtained by adding up the capital premiums with the reevaluation reserves, with reserves and other elements considered to be part of own funds according to the balance (the profit of the financial year, the profit carried forward, the earnings related to own capital instruments);

- if the result is negative, it shall be deducted from the value of the paid-up subscribed capital;

- if the result is lower than half the value of the paid-up subscribed capital, **the company is in distress**.

In order to verify the situation at **letter b)**:

- from the balance shall be compared the value of total own capitals from the last financial year with the value of the same indicator from the previous financial year;

- if own capitals have decreased by more than half compared to the previous financial year, **the company is in distress**.

In order to verify the situation at **letter e)**:

point 1:

- from the balance shall be added the total debt that must be paid within a period of up to 1 year to the total debt that must be paid within a period longer than 1 year;

- the result shall be divided by the value corresponding to own capitals;

- shall be verified if the resulting value is bigger than 7.5.

point 2:

- from the profit and loss account the sum of the net profit, expenses for taxes and charges, interest expenses and expenses for depreciation shall be referred to the interest expenses;

- shall be verified if the result is under the value of 1.0.

If both requirements are cumulatively met for the last two financial years, **the company is in distress**.

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

WARNING!

The certification of the data regarding the company's state is made on the basis of the information from the Ascertaining Certificate issued by the Trade Register Office attached to the Tribunal where the enterprise has its seat, updated with all the data valid on the date of registration of the application for financing agreement.

- 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;

DEFINITIONS

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 three years as of the start date of the works at another investment which benefits of aid in the same NUTS 3 region (county).

Group represents the mother company and all its subsidiaries.

- has not made a relocation to the unit where the 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;

DEFINITION

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.

The 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.

WARNING!

The legal representative is required to verify that the shareholders of the enterprise or company within the group of which the enterprise requesting State aid is part of have not made a relocation to the unit where the investment is to take place 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 have no concrete plans of closing such an activity within a period of 2 years after completion in the region in question of the initial investment and to issue a declaration in this respect.

- does 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, in the case of newly incorporated enterprises;

WARNING!

This situation shall be ticked only by newly incorporated enterprises.
The statement considers the direct shareholders of the enterprise that applies for State aid.

- it is not resident in fiscal terms in the jurisdictions registered on the list of the European Union of non-cooperating jurisdictions or they are not subject to the fiscal legislation thereof;
- it is not controlled, either directly or indirectly, by the shareholders from the jurisdictions which are registered on the list of the European Union of non-cooperating jurisdictions, the analysis going through to the level of the real beneficiary, as it is defined by article 3 point 6 in Directive 849/2015;
- it does not control, either directly or indirectly, own subsidiaries or permanent seats in the non-cooperating jurisdictions which are registered on the list of the European Union;
- it does not exercise the right of joint ownership with the enterprises from the jurisdictions which are registered on the list of the European Union of non-cooperating jurisdictions;
- the enterprises or its shareholders have not been subject to a conviction through definitive judgment for any of the crimes provided by article 57 paragraph (1) in Directive 2014/24/EU of the European Parliament and of the Council;
- it has not received a definitive court judgment or a definitive administrative decision establishing that the enterprise or the shareholders thereof have committed a violation of its obligations of payment of taxes or social insurance contributions in accordance with the applicable legislation.
- it shall purchase new assets.

I hereby declare on my own responsibility that in the last 3 years¹⁸ (*the current fiscal year and 2 previous years*), the enterprise: (*shall be ticked off one of the two options*)

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

No	Investment project denomination	Location of performance of the investment (county)	Year of award of the aid	Provider of the aid	Legislative act	Amount of aid -EUR ¹⁹ -

¹⁸ Shall be considered the last 3 years: the current fiscal year and 2 previous years.

¹⁹ 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.

WARNING!

The amount of aid represents the value of the aid as it was awarded through the legal document, namely financing agreement, financing contract, etc.

The EUR equivalent shall be taken from the legal document in question, if mentioned, or shall be determined at the currency exchange rate set by the N.B.R. and valid on the date of award of the aid, in accordance with the legal document in question.

WARNING!

If, between the time of registration of the Application for financing agreement and the time of receipt of the Financing Agreement, the applicant enterprise obtains another de minimis or State aid, it shall be required to send to the Ministry of Public Finance a notification mentioning:

- the provider of the de minimis or State aid;
- the legislative act on the basis of which the aid was awarded,
- the legal document that makes possible the award of the aid, respectively financing agreement, financing contract, etc.,
- the date of award,
- the value in EUR of the awarded 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 aid providers:

No.	Investment project denomination	Location of performance of the investment (county)	Year of award of the aid	Provider of the aid	Legislative act	Amount of aid -EUR ¹⁷ -

Name: _____ (*first and last name of the legal representative of the enterprise*)

Position: _____ (*administrator, attorney-in-fact*)

Signature: _____

Signing date: _____

WARNING!

By filling in this statement shall be assumed all provided information, in awareness of the fact that false statements is punished in accordance with art. 326 in the Criminal Code.

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

TITLE PAGE

Enterprise name:

Investment project denomination:

Name: _____ (*first and last name of the legal representative of the enterprise*)

Position: _____ (*administrator, attorney-in-fact*)

Authorized signature of the legal representative of the enterprise: _____

Signing date: _____

1. BUSINESS DESCRIPTION

1.1. Presentation of the enterprise

Enterprise name: _____

Date of registration of the enterprise: _____

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

Tax identification code: _____

Address: _____ (*county, locality, district, street, number, building, entrance, floor, apartment*)

Telephone: _____, Fax: _____

Email: _____

Legal form: _____

Share capital: _____ Lei, held by:

- private individuals: _____ %
- SME: _____ %
- large enterprises: _____ %.

Main object of activity: _____ (*denomination of the main activity, according to 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, Rev. 2*)

NACE Code: ___ (*4 letter code, in accordance with Order no. 337/2007, NACE Rev. 2*)

Secondary object of activity: _____ (*shall be filled in if the financing is requested for a secondary object of activity*)

NACE Code: ___ (*4 letter code, in accordance with Order no. 337/2007, NACE Rev. 2*)

Working unit: _____ (*county, locality, district, street, no.*)

WARNING!

If the applicant enterprise is part of a group shall be mentioned the enterprises within the group.

DEFINITION

Group represents the mother company and all its subsidiaries.

WARNING!

All information in section 1.1 shall be taken from the Ascertaining Certificate, updated with all data valid on the date of registration of the application for financing agreement.

1.2. Objectives of the enterprise

Shall be briefly presented the economic objectives which synthesize and quantify the purposes considered on the long term and which refer to the evolution of the turnover, of the profit, of the quality of products and services offered, as well as the social objectives with brief references to salaries and working conditions of the employees, client satisfaction through the quality and price of the products or services offered.

1.3. Presentation of the current activity

Shall be briefly presented the activity the enterprise is currently performing, the products or services offered, clients and providers, the evolution of the number of employees.

1.4. Presentation of the activity for which financing is requested

Shall be briefly presented:

- the activity corresponding to the NACE code for which financing is requested, as it was mentioned in the Application for financing agreement,
- the need to implement the investment project,
- the estimated start date of the investment, but without exceeding 6 months as of the date of issuance of the financing agreement,
- the estimated end date of the investment,
- the products obtained or services offered,
- the relevant market,
- the number of newly created jobs,
- the experience in the field,
- the location of performance of the investment and judicial status thereof.

WARNING!

Throughout the implementation of the investment and the creation of jobs and for a period of 5 years as of the date when the positions were occupied for the first time, any change of address within the same region of the location where the investment is implemented shall be notified to the Ministry of Public Finance through a letter.

The letter shall be 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.

WARNING!

Moving the location to another region, different from the one where the enterprise benefited of State aid, leads to the revocation of the financing agreement and the recovery of the awarded State aid.

2. PRESENTATION OF THE INVESTMENT PROJECT

2.1. Classification of the investment in the category of initial investment

Shall be substantiated the version selected in chapter III of the application for financing agreement, by considering the definitions below.

DEFINITIONS

The initial investment represents 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.

The incorporation of a new unit represents the creation of a new location for performance of the activity for which financing is requested, such unit being technologically independent from other existing units.

Extending the capacity of an existing unit represents the increase of the production capacity in the existing location.

Diversifying the production of an existing unit means obtaining products that were not previously made in that unit.

The fundamental change in the general production process consists of the introduction of 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.

The initial investment in favor of a new economic activity represents 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.

The diversification of a unit's activity represents the obtaining of products or services as a result of a new activity, which is not identical or similar to the activity previously carried out in that unit (a new four figure NACE code).

In the case of extension of the capacity of an existing unit, the enterprise must prove that:

- the current production capacity is used at maximum,
- there is uncovered demand of products/services on the market.

In the case of diversification of the production of an existing unit, the enterprise must:

a) prove that the products/services that correspond to the investment project are not obtained in the company's current activity, 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, as follows:

- present the list of products/services it performs in its current activity,
- present the list of products/services it shall perform through the investment project.

b) declare the accounting value of the reused assets related to the new activity, as follows:

- should identify every asset that shall be reused by denomination, inventory number in the Register of Fixed Assets and accounting value, as they were registered in the financial year preceding the start of the works.

The value of the new assets that correspond to the investment project must exceed by at least 200% the accounting value of reused assets.

In case of a fundamental change in the general production process, the enterprise must declare the value of depreciation of the assets related to the activity that must be modernized, calculated for the three prior financial years. The information shall be presented in table format.

The value of the new assets that correspond to the investment project must exceed the value of the depreciation calculated during the three previous financial years, of the similar assets connected to the activity for which financing is requested. The enterprise shall fill in the table below.

- lei -

Assets that exist in the enterprise on the date of submission of the Application for financing agreement				New assets that correspond to the investment project	
Depreciation value			Total depreciation value	Value	
YEAR -3	YEAR -2	YEAR -1			

2.2. Estimate investment plan

It shall be presented in table format and shall include the depreciable tangible assets and, if applicable, intangible assets, excluding land, with indication of the type of expense (technological equipment, buildings, means of transport, etc.), asset name, quantity, unit price, and total value, as well as the schedule of performance of the related expenses, according to the model below:

No	Cost category	Value in Lei, exclusive of VAT			Total
		Year 1	Year 2	Year ...	
1	Investments in tangible assets				
1.1	Execution of constructions				
1.2	Technical installations, machines, and equipment				
2	Investments in intangible assets				
2.1	Patents, licenses, know-how or other intellectual property rights				
3	Grand total				

WARNING!

The tangible and intangible assets that correspond to the initial investment must be new
Can be considered part of the initial investment including the assets purchased on the basis of a financial leasing agreement.
It is not necessary to attach the offers for the assets included in the investment plan.

Shall be substantiated the need to purchase the assets presented in the investment plan, relative to the object of activity, the objectives of the investment project, the plan of creation of jobs, etc.

2.3. Substantiation of the plan of creation of jobs according to the needs of the enterprise;
value of the eligible costs and of the requested financing

In the plan of creation of jobs shall be mentioned the newly created jobs, the need for their creation and the schedule of creation of jobs.

WARNING!

In order to justify the need for creating the jobs shall be considered, without limitation to the following:

- the description of the technological flow,
- the determination of the production capacity generated by the investment project and the degree of use thereof,
- the number of newly created jobs corresponding to the technological flow, with detailing on categories of positions, structure, and number of shifts, etc.

In order to prove that the jobs are created directly by an investment project shall be presented the role of every category of jobs in the activity for which financing is requested.

DEFINITIONS

Jobs created directly by an investment project are the jobs related to the activity which forms the object of the 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.

The creation of jobs represents 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.

Schedule of creation of jobs - the period of implementation of the plan of creation of jobs as of the date of creation of the first job and until December 31 of the year when the last job is created.

In order to determine the net increase of the number of jobs created directly by the enterprise benefiting of State aid shall be calculated the average of existing jobs in the 12 months prior to the month when the application for financing agreement is registered.

Month	Statement 112	Number of employees

WARNING!

The average number of jobs existing in the 12 months prior to the month when the application for financing agreement is registered must be identical to that declared in the application for financing agreement.

In order to establish the average number of jobs existing in the 12 months prior to the submission of the application for financing agreement, it is necessary to send Annex no. 1 and Annex no. 1.1 of Statements 112 corresponding to this period, in copies compliant with the original.

In order to calculate the State aid it is necessary to present the gross salary of the newly employed, the value of the contributions to the State budget, the value of eligible costs.

These values shall be correlated with the values presented in the plan of creation of jobs and in the application for financing agreement.

2.4. Demonstrating the viability of the investment project and the economic efficiency of the enterprise following the implementation of the investment project and the creation of jobs

2.4.1 Analysis of the relevant market where the enterprise shall perform activity as a result of the manufacturing of products/provision of services resulting from the implementation of the investment project

DEFINITIONS

The relevant market comprises a product or group of products and the geographical area where they are manufactured and/or sold.

The relevant market therefore has two components: the product market and the geographical market.

The relevant product market comprises all the products which are considered by the purchasers as interchangeable or substitutable, due to the characteristics, price, and use thereof. These products must be sufficiently alike, so that the consumers or beneficiaries should take them into account when making their purchase decisions.

The identification of the relevant market of the product presupposes the performance of an analysis establishing the products which are part of the market in question, considering decisive factors, like sustainability, prices, the elasticity of demand for the product according to the prices of other products, etc.

The relevant geographical market comprises the area where the economic agents involved in the delivery of the products/services included in the product's market are located, the area where the competition conditions are sufficiently homogeneous and which can be differentiated into neighboring geographical areas, due especially to substantially different competition conditions.

The factors that must be considered when defining the relevant geographical market include the type and characteristics of the products involved, the existence of entrance barriers, the preferences of consumers, the differences between the market shares of the economic operators in neighboring geographical areas, the substantial differences between the prices of the products at suppliers, as well as the share of transport expenses in the total costs.

According to the factors taken into account shall be defined the geographical area where the competing producers are located. In order to be considered on the same relevant geographical market, it is not necessary that the products should be manufactured in the same locality or in neighboring localities. It is important that all these products should be accessible to the same purchasers, so that each of them should be a real economic alternative for the others. For certain products or services, the relevant geographical market can be part of a locality, a locality, a county, a region or area from Romania, and for others, it can be the entire country or areas from outside the country.

(see:

- COMMISSION COMMUNICATION on defining the relevant market within the meaning of Community competition law (97/C 372/03) and
- ORDER of the president of the Competition Council no. 388 of August 5, 2010 on the implementation of the Instructions regarding the definition of the relevant market)

WARNING!

The presentation of the relevant market shall be supported with statistical data and information from official, credible, and verifiable sources.

In the description of the relevant market, the enterprise must present and justify the market share currently held, in the case of operating enterprises, as well as the market share it shall hold as a result of implementing the investment project.

The analysis of the relevant market must reveal a surplus of demand still not covered by the existing offers on the market.

2.4.2. The economic and financial analysis of the investment project

In the case of **newly incorporated enterprises**, shall be elaborated financial projections per project with State aid.

In the case of **operating enterprises**, shall be elaborated, apart from financial projections corresponding to the project with State aid, financial projections corresponding to the current activity of the enterprise, as well as financial projections corresponding to the enterprise's consolidated activity (current activity + project), with State aid.

WARNING!

The **operating enterprises** shall make the projects starting from the Financial statements approved and submitted in accordance with legal provisions, corresponding to the last concluded financial year.

Newly incorporated enterprises shall make the projections by considering the established objectives.

WARNING!

Shall be presented projections of the Profit and loss account, the Balance and Cash flow, for the period of implementation of the investment and of creation of jobs and for the following 5 years as of the creation of the last jobs.

It is necessary to substantiate the revenues and expenses, respectively every component of the financial projections, in order to prove the reality of the used data.

WARNING!

The elaboration of the financial projections shall be made in accordance with the model presented in Microsoft Excel format, which shall be downloaded from the website of the Ministry of Public Finance.

The data and information from the Plan of creation of jobs presented in Table no. 4 - Salary expenses corresponding to the jobs from the PC-AN sheets..., shall be taken over in the Projections of the financial statements, respectively in the sheets of Forecast of expenses and the Profit and loss account.

All the financial projections shall be made for the period of implementation of the investment project, of creation of the jobs, and for the following 5 years from the creation of the last jobs. Instead of Year I, Year II, Year...shall be mentioned the calendar years.

In the financial projections per project and per total enterprise, if it is operating, shall be correlated the estimated values as follows:

- in the **Forecast of operating revenues**, the revenues correspond to the relationship between quantity x price and the sales correspond to what is presented in the documents which support the turnover;
- in the **Forecast of operating expenses**, the personnel expenses should correspond to those from the Plan of creation of jobs.
- in the **Profit and Loss Account**:
 - the part of revenues should correspond to that from the Forecast of operating revenues;
 - the part of expenses corresponds to that from the Forecast of operating expenses;
 - if for the financing sources are taken into account credits/loans, the interest must coincide with the reimbursement schedule.
- in the **Balance**:
 - the part of tangible or intangible assets should correspond to the value of the investment project;
 - the part of expenses corresponds to that from the Forecast of operating expenses;
 - if for the financing sources are taken into account credits/loans from affiliated entities, the values from the amounts owed to credit institutions/ the affiliated entities must coincide with the reimbursement schedule;
 - if for the financing sources are taken into account the increase of the share capital, this must be emphasized at the share capital.
- in the **Cash flows**:
 - the paid corporate income tax must correspond to the corporate income tax from the Profit and Loss Account;
 - the part of Payments for procurement of assets must correspond to the tangible and intangible assets from the Balance and the value of the investment project;
 - if for the financing sources are taken into account bank credits/loans from affiliated entities, the values from the interest paid must correspond to the reimbursement schedule and the amounts owed to the credit institutions/the affiliated entities from the Profit and Loss Account;
 - if for the financing sources are taken into account loans, the values under collections from the loans must coincide with the reimbursement schedule;
 - the cash funds from the beginning of the period must correspond to those at the end of the previous period;
 - the cash funds at the end of the period must be positive.

2.4.3 Quantitative indicators

In order to prove the viability of the investment project and the economic efficiency of the enterprise, all enterprises shall consider the observance of the limits of the following quantitative indicators:

Quantitative indicators	Indicator limits
Turnover return $Rot = 100 \times (\text{Net profit} / \text{Turnover})$	$Rot \geq 2.5\%$
General solvency rate $Gsr = \text{Total assets} / \text{Total debt}$	$Gsr > 1.66$
Immediate liquidity $Rlr = (\text{Current assets} - \text{Stocks}) / \text{Current liabilities}$	$(Rlr) \geq 0.65$

WARNING!

The quantitative indicators shall be calculated for the period of implementation of the investment, of creation of the jobs and for the following 5 years as of creation of the last jobs, on the basis of the financial projections presented at sub-point 2.4.2. The manner of calculation thereof shall be detailed with explanation and substantiation of the obtained result.

In the case of operational enterprises they shall be calculated on the basis of the consolidated financial projections (current activity + investment project with State aid).

In the case of newly incorporated enterprises they shall be calculated on the basis of the financial projections corresponding to the investment project with State aid.

During the period of implementation of the investment shall be accepted the non-achievement of the quantitative indicators within the recommended limits, provided a substantiation is presented in this respect.

WARNING!

The quantitative indicators shall be calculated in accordance with the model presented in Microsoft Excel format, which shall be downloaded from the website of the Ministry of Public Finance.

2.4.4 Qualitative indicators

a) Ensuring the financial resources necessary for the performance of the investment

DEFINITION

Financing source - the financial resources of the enterprise dedicated to implementing the investment plan, obtained from own sources, respectively increase of the subscribed and paid-up share capital, with the exception of contributions in kind, reinvested profit, intra-group loan or bank credit.

At the time of submission of the application for financing agreement the company must mention the financing source used to implement the investment project and considered when elaborating the projections of the financial statements.

WARNING!

The supporting documents sent within 6 months as of issuance of the financing agreement in order to prove the existence of the certain financing source must be correlated with the information presented in the business plan.

Supporting documents necessary to prove the existence of a certain financing source which must be presented by the enterprise **within 6 months as of issuance of the financing agreement:**

Financing source	Documents
Increase of the subscribed and paid-up share capital, in the case of shareholders private individuals or legal entities	<ul style="list-style-type: none"> ▪ Decision of the G.M.S. on the assurance of the financing sources, with mentioning of the object of capital increase ▪ Ascertaining Certificate ▪ The trial balance that corresponds to the month prior to the date of presentation of the certain financing source.
Reinvested profit	<ul style="list-style-type: none"> ▪ Decision of the G.M.S. on the assurance of the financing sources, approving the reinvestment of the profit ▪ The trial balance that corresponds to the month prior to the date of presentation of the certain financing source ▪ Approved annual financial statements corresponding to the last concluded financial year
Loan from the shareholders legal entities or other associated enterprises	<ul style="list-style-type: none"> ▪ Decision of the G.M.S. on assuring the financing sources, which approves the conclusion of a loan agreement in favor of the enterprise that applies for State aid, with precise use for financing the investment project ▪ Loan agreement from the shareholder or associated enterprises with precise use for financing the investment project with mention of the value, etc.
Bank credit	<ul style="list-style-type: none"> ▪ Loan agreement

WARNING!

The supporting documents sent within 6 months as of issuance of the financing agreement in order to prove the existence of the certain financing source must be correlated with the information presented in the business plan.

b) Contribution of the enterprise to economic growth and regional development, determined by the implementation of the investment project

DEFINITION!

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 maintenance of the investment and of the jobs.

WARNING!

The contribution of the enterprise to economic growth and regional development, determined by the implementation of the investment project represents the payment of taxes and charges to the general consolidated budget throughout the period of implementation of the investment and 5 years as of the creation of the last job, from which shall be deducted the value of the State aid.

Shall be presented in table format the values of the contributions to the State budget corresponding to the employee and the employer calculated by applying the legal percentages in force on the salaries fund, as follows:

Contributions	Year I	Year II	Year...	Total
Gross salaries fund				
Employee's contributions:				
CAS (...%)				
CASS (...%)				
Tax (...%)				
Total employee's contributions				
Employer's contributions:				
Labor insurance contribution (...%)				
Total employer's contributions				
Total employer's and employee's contributions				

WARNING!

The table shall be presented in Microsoft Excel format, both on paper or in pdf format in case of on-line submission, as well as in Microsoft Excel format, with all formulas.

Shall be also presented a table with an estimation of all the contributions to the budgets that make up the general consolidated budget throughout the period of implementation of the investment and 5 years as of the creation of the last jobs, from which shall be deducted the value of the State aid.

Contribution:	Ye ar I	Ye ar II	Ye ar ...	Total Year I + Year II + Year...	Grand total of contributions	Value of requested State aid	Value of the contribution to regional development
1	2	3	4	5	6	7	8=6-7
Total employer's and employee's contributions							
Corporate income tax							
Local taxes.....							
Other types of taxes and charges which represent a revenue to the budget forming the general consolidated budget (exclusive of VAT)*							

*) Shall be quantified and concretely mentioned the taxes and/or charges arising from the economic activity that corresponds to the investment project

WARNING!

The values of the contributions mentioned in this table must be correlated with those estimated in the financial projections by project with State aid.
 Instead of Year I, Year II, Year... shall be mentioned the calendar years throughout the period of implementation of the investment project, of creation of the jobs and for the following 5 years.

The value of the contribution must be at least equal to the value of the requested aid.

c) The judicial situation of the location/locations of performance of the investment, respectively proving the existence of and a right in rem over the location where the investment shall be made

It is allowed to make the investment and create the jobs in several locations.

For the purpose of supporting the judicial status of the location/locations where the investment shall be performed the enterprise shall present **within 6 months as of issuance of the financing agreement** the following documents:

- the sale-purchase agreement/inheritance certificate, etc., and land book excerpt,
- lease agreement,
- concession/assignment agreement or any other legal document proving the existence and holding of the location,
- other supporting documents.

The supporting documents sent within 6 months as of issuance of the financing agreement in order to prove the existence of a right in rem (ownership, lease, concession/assignment, etc.) over the location/locations of performance of the investment must be correlated with the information presented in the application for financing agreement and the business plan which formed the basis of issuance of the financing agreement.

No supporting documents are accepted that correspond to another location/other locations than the one/those mentioned in the application for financing agreement and in the business plan which formed the basis of issuance of the financing agreement.

WARNING!

The documents submitted in support of the judicial status of the location where the investment shall be made must prove that the land on which the initial investment is made and the constructions where the initial investment is made are unencumbered, except for the case in which the encumbrances are legal obligations which result from the implementation of the investment project and the registration thereof is made after the application for financing agreement is submitted.

WARNING!

If the enterprise presents a land book excerpt showing encumbrances after the submission of the application for financing agreement and the object thereof is the performance of the investment for which financing is requested, a copy of the commitment/commitments for which those encumbrances are registered shall be presented as well.

WARNING!

When establishing the location of performance of the investment shall be considered that it should be valid at least for the period of implementation of the investment, of creation of the jobs and for the following 5 years as of creation of the last job.

WARNING!

Throughout the implementation of the investment and the creation of jobs and for a period of 5 years as of the date when the positions were occupied for the first time, any change of address within the same region of the location where the investment is implemented shall be notified to the Ministry of Public Finance through a letter.

The letter shall be accompanied by the Ascertainig 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.

WARNING!

Moving the location to another region, different from the one where the enterprise benefited of State aid, leads to the revocation of the financing agreement and the recovery of the awarded State aid.

2.5 Stimulative effect of the State aid

In order to prove the stimulative effect, the enterprise must consider the following:

- transmitting the Application for financing agreement,
- starting the investment after submitting the Application for financing agreement with the General Registrar's Office of the Ministry of Public Finance or on-line, but not later than 6 months as of the time when it obtains the financing agreement.

Plan of creation of jobs in year 2020
(Table no. 1 - Value of eligible expenses)

Calculation period of the eligible salary cost		Eligible monthly salary cost				Eligible salary cost on 2 consecutive years					
						2020		2021		2022**	
						Year I		Year II		Year III	
Initial date	End date	Position category	Number of positions	Gross monthly salary / position category	Monthly employer's contributions -Lei-	Gross annual salary -Lei-	Yearly employer's contributions -Lei-	Gross annual salary -Lei-	Yearly employer's contributions -Lei-	Gross annual salary -Lei-	Yearly employer's contributions -Lei-
1	2	3	4	5	6	7	8	9	10	11	12
	Dec-01*		0	0	0	0	0	0	0	0	0
	Dec-01		0	0	0	0	0	0	0	0	0
Total newly created jobs			0	0	0	0	0	0	0	0	0

*In the model application it is automatically displayed the month and year, the initial date of creation of the jobs,

** In the model application, it represents the year until which the salary costs are considered eligible expenses, namely 2 years as of the date of creation of the jobs

(Table no. 2 - Value of State aid)

Intensity of the State aid by regions	Total State aid on 2 consecutive years	2020		2021		2022	
		Gross salary -Lei-	Monthly contributions -Lei-	Gross salary -Lei-	Employer's contributions	Gross salary -Lei-	Monthly contributions -Lei-

	-Lei-				-Lei-		
50%	0	0	0	0	0	0	0
35%	0	0	0	0	0	0	0
10%	0	0	0	0	0	0	0

(Table no. 3 - Period of maintenance of jobs)

End date of maintenance	Nov-06 ***	Nov-06 ***
Total number of positions	0	0

*** In the model application it is automatically displayed the month and year, the date until which the jobs must be maintained

(Table no. 4 - Salary expenses corresponding to the jobs)

Calculation period of the salary cost	Monthly salary cost/position	Salary cost on 5 consecutive years as of creation of the last job					
		2020	2021	2022	2023	2024	2025
		Year I	Year II	Year III	Year IV	Year V	Year VI

Initial date	Total number of positions	Gross annual salary - lei -	Monthly employer's contributions -Lei-	Gross annual salary -Lei-	Yearly employer's contributions -Lei-	Gross annual salary -Lei-	Yearly employer's contributions -Lei-	Gross annual salary -Lei-	Yearly employer's contributions -Lei-	Gross annual salary -Lei-	Yearly employer's contributions -Lei-	Gross annual salary -Lei-	Yearly employer's contributions -Lei-	Gross annual salary -Lei-	Yearly employer's contributions -Lei-
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Jan-00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jan-00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total jobs newly created	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Centralizer - Plan of creation of jobs for the period

(Table no. 1 - Value of eligible expenses)

Year of creation of jobs	Total number of positions	Eligible expenses														
		2020			2021			2022			2023			2024		
		Gross annual salary -Lei-	Yearly employer's contributions -Lei-	Total	Gross annual salary -Lei-	Yearly employer's contributions -Lei-	Total	Gross annual salary -Lei-	Yearly employer's contributions -Lei-	Total	Gross annual salary -Lei-	Yearly employer's contributions -Lei-	Total	Gross annual salary -Lei-	Yearly employer's contributions -Lei-	Total
2020	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2021	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

(Table no. 2 - Value of State aid)

Intensity of the State aid by regions	State aid					Total State aid
	2020	2021	2022	2023	2024	
50%	0	0	0	0	0	0

35%	0	0	0	0	0	0
10%	0	0	0	0	0	0

Summary table of salary expenses for the period of.....

(Table no. 4 - Salary expenses corresponding to the jobs)

Year of creation of the jobs	Total number of positions	Salary expenses											
		2020			2021			2022			2023		
		Gross annual salary -Lei-	Yearly employer's contributions -Lei-	Total	Gross annual salary -Lei-	Yearly employer's contributions -Lei-	Total	Gross annual salary -Lei-	Yearly employer's contributions -Lei-	Total	Gross annual salary -Lei-	Yearly employer's contributions -Lei-	Total
2020	0	0	0	0	0	0	0	0	0	0	0	0	0
2021	0	0	0	0	0	0	0	0	0	0	0	0	0
2022	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0

Year of creation of jobs	Total number of positions	Salary expenses											
		2024			2025			2026			2027		
		Gross annual salary -Lei-	Yearly employee's contributions -Lei-	Total	Gross annual salary -Lei-	Yearly employee's contributions -Lei-	Total	Gross annual salary -Lei-	Yearly employee's contributions -Lei-	Total	Gross annual salary -Lei-	Yearly employee's contributions -Lei-	Total
2020	0	0	0	0	0	0	0	0	0	0	0	0	0
2021	0	0	0	0	0	0	0	0	0	0	0	0	0
2022	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0

Name: _____ (first and last name of the legal representative of the enterprise)

Position: _____ (administrator, attorney-in-fact)

Signature: _____

Signing date: _____