

DECISION No. 807/2014 of September 17<sup>th</sup>, 2014  
for the establishment of state aid schemes aimed at stimulating investments with a major  
impact on the economy

*Text in force since August 22<sup>nd</sup>, 2022*

*DIRECTOR: COMPUTER COMPANY OF NEAMŢ*

*Text updated by the legislative IT product LEX EXPERT based on the amending normative acts, published in the Official Gazette of Romania, Part I, until August 22<sup>nd</sup>, 2022.*

**Basic act**

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

**Amending acts**

**# M10**: *Government Decision no. 1042/2022*

**# M9**: *Government Decision no. 530/2022*

**# M8**: *Government Decision no. 149/2022*

**# M7**: *Government Decision no. 760/2021*

**# M6**: *Government Decision no. 628/2020*

**# M5**: *Government Decision no. 268/2020*

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

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

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

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

*The amendments and supplements made by the normative acts listed above are written in italics. In front of each modification or completion, the normative act that made the respective modification or completion is indicated, in the form **# M1**, **# M2** etc.*

**#CIN**

**NOTE:**

See also:

- [Order no. 1169/2021 of the Minister of Finance](#) approving the Payment Guide elaborated based on the [Government Decision no. 807/2014](#) for the establishment of state aid schemes aimed at stimulating investments with a major impact on the economy - Revision 6.

- [Order no. 256/2021 of the Minister of Finance](#) approving the Applicant's Guide elaborated based on the [Government Decision no. 807/2014](#) for the establishment of state aid schemes aimed at stimulating investments with major impact on the economy - Revision 6;

**#B**

Having regard to the provisions [of Regulation \(EU\) no. Commission Regulation \(EC\) No 651/2014](#) of 17 June 2014 declaring certain categories of aid compatible with the internal market pursuant to [Articles 107](#) and [108](#) of the Treaty and European Commission Decision C (2014) 2240 final,

pursuant to [art. 108](#) of the Romanian Constitution, republished, and of [art. 3](#) para. (3) of the Government Emergency Ordinance no. 117/2006 \*) regarding the national procedures in the field of state aid, approved with amendments and supplements by [Law no. 137/2007](#),

**The Romanian Government** adopts this decision.

## **#CIN**

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

## **#B**

### CHAPTER I

#### **General provisions**

## **#M9**

### **ART. 1**

*The purpose of this decision is to establish a state aid scheme with major impact on the economy, hereinafter referred to as the scheme, with the objective of regional development by making investments in all sectors, provided in annex no. 1.*

## **#M2**

### **ART. 2**

*(1) The granting of state aid to stimulate investments with a major impact on the economy under this scheme is made in compliance with the provisions on regional state aid in Regulation (EU) no. 651/2014 of the Commission dated 17 June 2014 declaring certain categories of aid compatible with the internal market pursuant to Articles 107 and 108 of the Treaty, with subsequent amendments and supplements, hereinafter referred to as the Regulation, and exempted from notification to the European Commission.*

## **#B**

*(2) The European Commission shall be informed within 20 working days from the date of entry into force of this Decision, in accordance with the provisions of the Regulation.*

### CHAPTER II

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

## **#M6**

### **ART. 3**

*(1) Financing agreements may be issued under this scheme until 31 December 2023, in accordance with State aid legislation and the regional map authorized by the European Commission, within the annual budget allocated to the scheme.*

*(2) The payment of the state aid is made in the period 2015 - 2028, based on the financing agreements issued, within the limit of the annual budget allocated to the scheme.*

## **#B**

### **ART. 4**

*(1) This scheme is included in the Program "State aid for financing investment projects" within the budget of the Ministry of Public Finance - General actions. The issuance of agreements for financing and payment of state aid approved on the basis of the provisions of this scheme is done with the commitment appropriations and budget appropriations approved annually by the state budget law for this program.*

## **#M10**

*(2) The maximum budget of the scheme is 7,379.95 million lei, respectively the equivalent of approximately 1,499.99 million euros, as follows:*

a) commitment appropriations for the issuance of financing agreements for the period 2014 - 2023;

b) budget credits for the payment of state aid for the period 2015 - 2028.

(3) The average annual budget of the scheme is 737.995 million lei, respectively the equivalent of approximately 149.999 million euros.

#### #M2

(4) The maximum annual budget of the scheme that can be committed includes in addition to the budget provided in par. (3) the amounts established for this purpose, but not used in previous years, within the limits of the commitment and budgetary appropriations approved by the annual budgetary laws.

#### # M2

#### ART. 5

The total estimated number of enterprises to benefit from State aid under the scheme is 300.

#### #B

### CHAPTER III

#### Eligible expenses

#### ART. 6

(1) The expenses without VAT related to the realization, respectively to the acquisition, as the case may be, of tangible and intangible assets, as defined in [art. 1](#) let. a) and b) of the Procedure regarding the granting of state aids, provided in [annex no. 2](#), as well as the expenses related to renting the constructions related to the initial investment.

(2) Tangible and intangible assets must cumulatively meet the following eligibility conditions:

a) be operated exclusively by the State aid recipient undertaking in order to achieve the investment objectives for which the financing was requested;

b) to be included in the assets of the enterprise receiving state aid and must remain associated with the investment for which the financing was granted for a period of at least 5 years from the completion of the investment;

c) to be purchased under market conditions.

#### # M1

(3) The intangible assets must cumulatively meet the eligibility conditions provided in par. (2), as well as to be purchased from third parties that are not related to the buyer.

#### # M6

(4) \*\*\* Repealed

#### #B

(5) In case of renting the constructions related to the initial investment, the lease contract must have a validity of at least 5 years from the date of completion of the investment and the maximum eligible rent value may not exceed 22 lei/sqm/month, respectively the equivalent of approximately 5 euro/sqm/month.

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

## ART. 7

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

## ART. 8

State aid is granted to enterprises, in compliance with the provisions of this decision and the [Regulation](#), by allocations from the state budget, from the budget of the Ministry of Public Finance - General actions, in the form of non-reimbursable amounts, in relation to eligible expenses and maximum allowable intensity.

## CHAPTER IV

### Intensity and cumulation of state aid

## ART. 9

(1) The maximum level of state aid from which an enterprise may benefit, within the scheme, in relation to the eligible expenses and in compliance with the provisions of [art. 11](#), is as follows:

Region	Maximum level of state aid	
	2014 - 2017	2018 - 2020
Bucharest Region (NUTS3 RO 321)	the equivalent in lei of 11.25 million euros	the equivalent in lei of 7,5 million euros
Western Region (NUTS2 RO 42) and Ilfov Region (NUTS3 RO 322)	the RON equivalent of 26.25 million euros	
Northwest Regions, Center, Northeast, Southeast, South Muntenia, Southwest Oltenia	the RON equivalent of 37.5 million euros	

(2) In order to verify the compliance with the maximum level of state aid expressed in euro, the Ministry of Public Finance uses the exchange rate established by the National Bank of Romania, valid on the date of elaboration of the financing agreement.

## ART. 10

1. The gross intensity of regional State aid in relation to eligible expenditure may not exceed the following percentages:

Region	Maximum State aid intensity	
	2014 - 2017	2018 - 2020
Bucharest Region (NUTS3 RO 321)	15%	10%
Western Region (NUTS2 RO 42) and Ilfov Region (NUTS3 RO 322)	35%	
Northwest Regions, Center, Nord-Est, Sud-Est, Sud-Muntenia, Southwest Oltenia	50%	

## M9

(1<sup>^</sup>1) The gross State aid intensity which an enterprise may benefit from under the scheme in the period 2021 to 2023 in relation to the eligible expenditure shall be determined

by the regional maps approved by the European Commission for that period and is provided in [annex no. 3](#).

## **#B**

(2) In the case of large investment projects, the aid may not exceed the maximum value provided for each development region in [art. 9](#) para. (1) and is calculated according to the formula provided in [art. 2](#) para. (20) of the Regulation.

(3) A single investment project may not be divided into several sub - projects in order to benefit from State aid in excess of the maximum amount provided for large investment projects.

(4) If a single investment project is a large investment project, the total cumulative value of the aid for the single investment project may not exceed the value of the maximum aid for large investment projects calculated according to par. (2).

## ART. 11

(1) In order to establish whether the level and intensity of the state aid, from which an enterprise benefits, falls within the maximum limits provided in [art. 9](#) para. (1), respectively [art. 10](#) para. (1) and (2) shall take into account the total amount of State aid granted for the State aid activity, investment or enterprise.

(2) State aid granted under this scheme may be cumulated as follows:

- a) with any other state aid related to different eligible costs;
- b) with any other state aid, in connection with the same eligible costs, but only if the respective cumulation does not result in exceeding the maximum limits provided in [art. 9](#) para. (1), respectively to [art. 10](#) para. (1) and (2).

(3) State aid granted under this scheme shall not be cumulated with de minimis aid in relation to the same eligible costs, if such cumulation would lead to an aid intensity and level exceeding the limits provided in [art. 10](#) para. (1) and (2).

## ART. 12

The requested state aid may not exceed the total value of the regional development contributions related to the investment for which the financing is requested, as defined in [art. 1](#) lit. h) of the Procedure regarding the granting of state aids, provided in [annex no. 2](#).

## CHAPTER V

### **The stimulating effect**

#### **ART. 13**

1. This Decision shall apply only to aid which has an incentive effect.

#### **#M6**

(2) *The aid is considered to have an incentive effect if the company submits a written request for state aid to the Ministry of Public Finance before starting the investment.*

#### **#M2**

#### **ART. 14**

*If the applicant company starts the investment prior to the application for the financing agreement, the entire investment is not eligible.*

## **#B**

### CHAPTER VI

#### Criteria for granting state aid

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

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

a) aid granted in the fisheries and aquaculture sector, as regulated by Regulation (EU) no. 1.379 / 2013 of the European Parliament and of the Council dated 11 December 2013 on the common organization of the markets in fishery and aquaculture products, amending Regulation (EC) No 1.184 / 2006 and [\(EC\) no. 1.224 / 2009](#) of the Council and repealing Regulation (EC) No. 104/2000 of the Council;

##### **# M6**

b) *aid granted in the primary agricultural production sector;*

##### **#B**

c) aid granted in the field of processing and marketing of agricultural products, in the following cases:

(i) where the amount of aid is determined on the basis of the price or quantity of such products purchased from primary producers or marketed by the undertakings concerned, or

(ii) where the granting of aid is conditional on its partial or full transfer to primary producers;

d) aid to facilitate the closure of non-competitive coal mines, as regulated by Decision no. 2010/787 of the Council;

e) aid favoring the activities of the steel sector, the coal sector, the shipbuilding sector, the synthetic fibers sector, the transport and related infrastructure sector, and the energy and infrastructure sector.

##### ART. 16

Undertakings cannot benefit from the following types of state aid:

a) aid for export - related activities to third countries or other Member States, respectively direct aid related to the quantities exported, the establishment and operation of a distribution network or other current costs related to the export activity;

b) aid conditional on the preferential use of domestic products over imported products;

c) operating aid.

##### **ART. 17**

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

a) are registered according to the Companies [Law no. 31/1990](#), republished, as further amended and supplemented;

##### **# M9**

b) *makes an initial investment in Romania, in one of the sectors provided in [annex no.](#)*

*1;*

##### **# M2**

c) *\*\*\* Repealed*

##### **#B**

d) does not fall into the category of “enterprises in distress” defined according to [art. 2](#) para. (18) of the Regulation;

e) is not in the procedure of forced execution, insolvency, bankruptcy, judicial reorganization, dissolution, operational closure, liquidation or temporary suspension of the activity;

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

g) have not benefited of other regional State aid for eligible costs of the type of salary costs within the same single investment project;

#### **# M2**

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

#### **#B**

(2) The operating enterprises can benefit from state aid based on the scheme if they cumulatively meet, at the date of registration of the application for financing agreement, the criteria provided in par. (1), as well as the following eligibility criteria:

#### **# M6**

a) *they have a turnover of more than zero in one of the last three financial years ended;*

#### **#B**

b) *they have positive own capitals in the last concluded financial year.*

(3) The newly established enterprises may benefit from state aid based on the scheme, if they cumulatively meet, at the date of registration of the application for financing agreement, the criteria provided in par. (1), as well as the following eligibility criteria:

a) *they have subscribed share capital paid up under the law in the amount of at least Lei 100,000;*

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

#### **# M6**

*(4) The implementation of the State aid scheme is in compliance with Commission Recommendation (EU) 2020 / 1.039 of 14 July 2020 on the conditionality of granting State financial support to Union undertakings in the absence of links with non-cooperating jurisdictions. Ensuring compliance with the conditions set out in the European Commission's recommendation is based on the instructions provided in the Applicant's Guide.*

#### **#B**

### **ART. 18**

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

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

### # M3

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

### #B

c) to demonstrate its economic efficiency and viability during the implementation of the investment and 5 years from the date of its completion according to the business plan defined in [art. 1](#) letter y) of the Procedure provided in [annex no. 2](#);

d) to demonstrate the fulfillment of the conditions provided in [art. 13](#) on the incentive effect of State aid;

e) to meet the quantitative and qualitative indicators provided in [annex no. 3](#) to the Procedure for granting state aid;

f) to generate contributions to the regional development, by paying taxes to the consolidated state budget and to the local budgets, for the period of implementation of the investment and 5 years from the date of its completion;

g) to generate a quantifiable multiplier effect in the economy through the involvement of other related investments and the development of local suppliers of products and services.

## CHAPTER VII

### **Final provisions**

### # M8

#### ART. 19

*(1) The Ministry of Finance has the obligation to publish on its website the full text of this scheme, the period of sessions in which applications for financing may be registered, the annual budget allocated to the state aid scheme, the session budget, the date of exhaustion of the annual budget, of the total budget allocated to the scheme and of the budget allocated to each session, in accordance with the provisions of the annual budget laws.*

### #M9

*(2) The registration of applications for financing agreements shall be suspended on the date of expiry of the session in which applications for financing agreements may be registered.*

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

### #M8

*(4) The information provided in [Annex III](#) to the Regulation regarding each individual aid that exceeds the RON equivalent of 500,000 euros shall be published by the Ministry of Finance on its website.*

### #B

#### ART. 20

(1) The Ministry of Public Finance must keep detailed records of the aid granted for all investments under the scheme. These records, which contain all the information necessary to determine whether the criteria in the [Regulation](#) are met, must be kept for 10 years from the date on which the last aid under the scheme was granted.

(2) The State aid undertaking must keep for 10 years from the date of receipt of the financing agreement all documents relating to the State aid received under the scheme.

(3) The Ministry of Public Finance, as a state aid provider, submits to the Competition Council annual reports on regional state aid granted under this scheme, according to the



Regulation of the Competition Council on state aid monitoring procedures, implemented by Order no. 175/2007 of the President of the Competition Council.

# M2

ART. 21 \*\*\* Repealed

#M9

ART. 22

Annexes no. 1 - 3 are an integral part of this decision.

#CIN

**NOTE:**

1. We reproduce below the provisions of art. II of the Government Decision no. 628/2020 (#M6).

# M6

"ART. II

(1) The applications for financing agreement under consideration on the date of entry into force of this decision shall be subject to the provisions applicable before the entry into force of this decision, except for the provisions of art. I points 10, 15, 16, 23 - 26 and 28.

(2) Requests for payment of State aid under consideration at the date of entry into force of this Decision shall be subject to the provisions applicable before the entry into force of this Decision."

#CIN

2. We reproduce below the provisions of art. III of the Government Decision no. 149/2022 (#M8).

# M8

"ART. III

On the date of entry into force of this Decision, the procedure for the continuous submission of applications for financing agreements shall cease. "

#CIN

3. We reproduce below the provisions of art. II of the Government Decision no. 530/2022 (#M9).

#M9

"ART. II

(1) The applications for financing agreements under consideration at the date of entry into force of this Decision shall be settled in accordance with the provisions in force on the date of their submission.

(2) Financing agreements issued prior to the entry into force of this Decision shall remain subject to the legislation in force on the date of their issuance.

(3) The provisions of art. I pt. 17 shall also apply to applications for payment of State aid under consideration at the date of entry into force of this Decision."

## APPENDIX 1

### **LIST**

*of sectors of activity for which no state aid is granted*

No.	NACE Code	NACE Code Denomination
<i>SECTION C - MANUFACTURING INDUSTRY</i>		
1	1011	<i>Processing and preserving of meat</i>
2	1012	<i>Processing and preserving of poultry meat</i>
3	1013	<i>Production of meat and poultry meat products</i>
4	1020	<i>Processing and preserving of fish, crustaceans and molluscs</i>
5	1031	<i>Processing and preserving of potatoes</i>
6	1032	<i>Manufacture of fruit and vegetable juice</i>
7	1039	<i>Other processing and preserving of fruit and vegetables</i>
8	1041	<i>Manufacture of oils and fats</i>
9	1042	<i>Manufacture of margarine and similar edible fats</i>
10	1051	<i>Operation of dairies and cheese making</i>
11	1052	<i>Manufacture of ice cream</i>
12	1061	<i>Manufacture of grain mill products</i>
13	1062	<i>Manufacture of starches and starch products</i>
14	1071	<i>Manufacture of bread; manufacture of fresh pastry goods and cakes</i>
15	1072	<i>Manufacture of rusks and biscuits; manufacture of preserved pastry goods and cakes</i>
16	1073	<i>Manufacture of macaroni, noodles, couscous and similar farinaceous products</i>
17	1081	<i>Manufacture of sugar</i>
18	1082	<i>Manufacture of cocoa, chocolate and sugar confectionery</i>
19	1083	<i>Processing of tea and coffee</i>
20	1084	<i>Manufacture of condiments and seasonings</i>
21	1085	<i>Manufacture of prepared meals and dishes</i>
22	1086	<i>Manufacture of homogenised food preparations and dietetic food</i>
23	1089	<i>Manufacture of other food products n.e.c.</i>
24	1091	<i>Manufacture of prepared feeds for farm animals</i>
25	1102	<i>Manufacture of wine from grape</i>

26	1107	Manufacture of soft drinks; production of mineral waters and other bottled waters
27	132	Weaving of textiles
28	1395	Manufacture of non-wovens and articles made from non-wovens, except apparel
29	1712	Manufacture of paper and paperboard
30	1721	Manufacture of corrugated paper and paperboard and of containers of paper and paperboard
31	1729	Manufacture of other articles of paper and paperboard
32	2015	Manufacture of fertilisers and nitrogen compounds
33	2016	Manufacture of plastics in primary forms
34	2017	Manufacture of synthetic rubber in primary forms
35	2020	Manufacture of pesticides and other agrochemical products
36	211	Manufacture of basic pharmaceutical products
37	212	Manufacture of pharmaceutical preparations
38	221	Manufacture of rubber products
39	222	Manufacture of plastics products
40	231	Manufacture of glass and glass products
41	236	Manufacture of articles of concrete, cement and plaster
42	237	Cutting, shaping and finishing of stone
43	239	Manufacture of abrasive products and non-metallic mineral products n.e.c.
44	251	Manufacture of structural metal products
45	252	Manufacture of tanks, reservoirs and containers of metal
46	253	Manufacture of steam generators, except central heating hot water boilers
47	255	Forging, pressing, stamping and roll-forming of metal; powder metallurgy
48	261	Manufacture of electronic components and boards
49	262	Manufacture of computers and peripheral equipment
50	263	Manufacture of communication equipment
51	264	Manufacture of consumer electronics
52	265	Manufacture of instruments and appliances for measuring, testing and navigation; watches and clocks

53	266	Manufacture of irradiation, electromedical and electrotherapeutic equipment
54	267	Manufacture of optical instruments and photographic equipment
55	268	Manufacture of magnetic and optical media
56	271	Manufacture of electric motors, generators, transformers and electricity distribution and control apparatus
57	272	Manufacture of batteries and accumulators
58	273	Manufacture of wiring and wiring devices
59	274	Manufacture of electric lighting equipment
60	275	Manufacture of domestic appliances
61	279	Manufacture of other electrical equipment
62	281	Manufacture of general-purpose machinery
63	282	Manufacture of other general-purpose machinery
64	283	Manufacture of agricultural and forestry machinery
65	284	Manufacture of metal forming machinery and machine tools
66	289	Manufacture of other special-purpose machinery
67	291	Manufacture of motor vehicles
68	292	Manufacture of bodies (coachwork) for motor vehicles; manufacture of trailers and semi-trailers
69	293	Manufacture of parts and accessories for motor vehicles
70	302	Manufacture of railway locomotives and rolling stock
71	303	Manufacture of air and spacecraft and related machinery
72	309	Manufacture of transport equipment n.e.c.
73	310	Manufacture of furniture
74	325	Manufacture of medical and dental instruments and supplies
<i>SECTION E - WATER DISTRIBUTION; SANITATION, WASTE MANAGEMENT, DECONTAMINATION ACTIVITIES</i>		
75	382	Waste treatment and disposal
<i>SECTION F - CONSTRUCTIONS</i>		

76	42	Civil engineering
SECTION I - HOTELS AND RESTAURANTS		
77	551	Hotels and similar accommodation
SECTION J - INFORMATION AND COMMUNICATIONS		
78	591	Motion picture, video and television programme activities
79	620	Computer programming, consultancy and related activities
80	631	Data processing, hosting and related activities; web portals
81	639	Other information service activities
SECTION M - PROFESSIONAL, SCIENTIFIC AND TECHNICAL ACTIVITIES		
82	7112	Engineering activities and related technical consultancy
83	712	Technical testing and analysis
84	721	Research and experimental development on natural sciences and engineering
85	741	Specialised design activities
SECTION Q - HEALTH AND SOCIAL ASSISTANCE		
86	861	Hospital activities
87	862	Medical and dental practice activities
88	869	Other human health activities
89	871	Residential nursing care activities
90	872	Residential care activities for mental retardation, mental health and substance abuse
91	873	Residential care activities for the elderly and disabled
92	879	Other residential care activities

**#B**

**ANNEX 2**

**PROCEDURE  
on the granting of state aid**

**CHAPTER I  
Definitions**

## ART. 1

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

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

(i) construction of any kind, including construction expenses;

(ii) new technical installations, machines and equipment classified according to Government Decision no. 2.139 / 2004 approving the Catalog regarding the classification and the normal operation durations of the fixed assets, with the subsequent amendments, with the minimum value of entry of the fixed assets established according to the legal provisions in force;

b) intangible assets - depreciable assets associated with the initial investment that do not have a physical or financial concretion such as patents, licenses, know-how or other intellectual property rights;

c) identical or similar activity - the activity that is part of the same class (four-digit numerical code), according to the Order of the President of the National Institute of Statistics no. 337/2007 regarding the updating of the Classification of activities in the national economy - NACE;

d) the acquisition of assets under market conditions - the way of acquiring assets based on the following principles: non-discrimination, equal treatment, mutual recognition, transparency, proportionality and efficient use of funds;

### # M2

*e) operating aid - aid to reduce the running costs of an enterprise. These costs include categories of costs such as personnel, materials, contracted services, communications, energy, maintenance, rent and administration costs, but exclude amortization costs and financing costs if they have been included in the costs eligible for investment aid;*

### #M9

*f) \*\*\* Repealed*

### #M1

*f<sup>1</sup>) the calendar of the achievement of the investment - the period of achievement of the investment plan from the date of starting the investment until the December 31<sup>st</sup>, of the year in which the investment is completed*

### #B

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

### # M6

*h) contribution to regional development - the amount of contributions to regional development in the nature of taxes and duties to the general consolidated state budget related to the initial investment and jobs created directly by it, actually paid by the state aid company during implementation and 5 years from the date of its completion, with the possibility of extension up to 2 years, according to art. 14 para. (1<sup>1</sup>);*

### #B

i) the date of the documentation considered complete - the date from which the enterprise submits all the documentation, including the documentation subsequently requested by the Ministry of Public Finance;

j) the start of the investment - either the start of the construction works within the investment, or the first legally binding commitment to order equipment or any other commitment by which the investment becomes irreversible, depending on which the first takes place; the purchase of land and preparatory work, such as obtaining permits and carrying out feasibility studies, are not considered to start work;

k) carries out economic activity - obtains income from the activity performed;

l) diversification of the production of an existing unit - obtaining products or services that were not previously made in the respective unit; the eligible costs must exceed by at least 200% the carrying amount of the reused assets, as recorded in the financial year preceding the commencement of the works;

m) financial year ended - the financial year for which the enterprise has financial statements submitted and approved according to the legal provisions in force;

n) extension of the capacity of an existing unit - increase of the production capacity in the existing location due to the existence of an unfulfilled demand;

#### **# M1**

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

#### **# M7**

*o) initial investment - investment in tangible and intangible assets related to starting a new unit, expanding the capacity of an existing unit, diversifying the production of a unit through products that were not previously manufactured in the unit or a fundamental change in the overall production process of a unit. existing units, located in the same perimeter, except for investments made in the sectors of activity included in section F - Constructions, according to the Classification of activities in the national economy - NACE, approved by Order of the President of the National Institute of Statistics no. 337/2007 regarding the updating of the Classification of activities in the national economy - NACE;*

*p) the initial investment in favor of a new economic activity - the investment in tangible and intangible assets, related to starting a new unit or diversifying the activity of a unit, provided that the new activity is not identical or similar to the previous activity in that unit; the investment must be in the same perimeter, except for the investments made in the sectors of activity included in section F - Constructions, according to the Classification of activities in the national economy - CANE, approved by Order of the President of the National Institute of Statistics no. 337/2007;*

#### **#B**

q) the establishment of a new unit - the creation of a new location for carrying out the activity for which the financing is requested, technologically independent from other existing units;

r) enterprise - any entity with legal personality, established in order to generate income from carrying out an economic activity;

#### **# M1**

s) \*\*\* Repealed

#### **#B**

t) large enterprise - the enterprise that does not fall within the definition of SMEs according to Annex I of Regulation (EU) No. 651/2014 of the Commission dated 17 June 2014 declaring certain categories of aid compatible with the internal market pursuant to Articles 107 and 108 of the Treaty, hereinafter referred to as the Regulation;

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

**# M2**

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

**#B**

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

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

**# M2**

y) *business plan - a document that shows the economic efficiency of the company and the viability of the investment, covering at least the following aspects: business description, location of the investment, presentation of the investment, investment plan and its substantiation, analysis of the relevant market on which the company requests financing, substantiation of turnover, current financial situation and financial projections. The document is based on: the classification of the investment in the category of the initial investment, the incentive effect of the state aid, the way of fulfilling the quantitative and qualitative indicators provided in [annex no. 3](#). The business plan is accompanied by supporting documents necessary to substantiate it. The business plan is elaborated for the period of implementation of the investment and 5 years from the date of its completion;*

z) *the investment plan - synthetic document, presented in tabular format, which includes the eligible and ineligible expenses related to the initial investment with the determination of the total value of the investment, according to the provisions of [art. 6](#) of the decision, as well as the timing of the investment;*

**#B**

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

bb) large investment project - an initial investment with eligible costs exceeding 50 million euros, value calculated at the exchange rate established by the National Bank of Romania, valid at the date of elaboration of the financing agreement;

**# M1**

cc) *single investment project - any initial investment started by the same beneficiary, at group level, within a period of 3 years from the start of work on another investment benefiting from aid in the same level 3 region of the Common Nomenclature of territorial units of statistics (NUTS 3), respectively county;*

**#B**

dd) primary agricultural production - the production of soil and livestock products, listed in [Annex I](#) to the Treaty on the functioning of the European Union, without further operation to change the nature of the products concerned;

ee) agricultural products - the products listed in [Annex I](#) to the Treaty, with the exception of fishery and aquaculture products listed in Annex I to Regulation (EU) No 182/2011. Regulation (EC) No 1.379 / 2013 of the European Parliament and of the Council of 11 December 2013 on the common organization of the markets in fishery and aquaculture



products, amending Regulation (EC) No 1.184 / 2006 and (EC) No. 1.124 / 2009 of the Council and repealing Regulation (EC) No. 104/2000 of the Council;

ff) processing of agricultural products - any operation carried out on an agricultural product, which results in a product which is also an agricultural product, with the exception of activities carried out on agricultural holdings, necessary for the preparation of a product of animal or vegetable origin for first sale;

**# M2**

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

**#B**

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

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

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

**# M6**

*jj) \*\*\* Repealed*

**# M2**

*kk) source of financing - the resources of strictly financial nature of the enterprise destined to realize the initial investment, obtained from own sources, respectively increase of subscribed and paid capital, reinvested profit, intragroup loan or bank credit;*

**# M1**

*kk^1) third parties not related to the buyer - natural or legal persons who are not found in at least one of the following cases:*

*(i) natural persons who have the status of spouse or relatives up to and including the third degree of the buyer's staff or management;*

*(ii) natural persons who are employees of the buyer;*

**# M2**

*(iii) natural or legal persons who have the status of seller and have influence over the structure, votes or decisions of the management bodies of the buyer;*

*(iv) natural or legal persons who have the status of seller and over whom the buyer has influence over the structure, votes or decisions of its governing bodies;*

**#B**

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

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

nn) the total value of the investment - the value of the eligible expenses, according to [art. 6](#) para. (1) of this decision, and the value of all ineligible tangible and intangible assets, excluding VAT

## CHAPTER II

### How to grant the state aid

#### # M8

##### ART. 2

*(1) In order to benefit from State aid, the applicant company must obtain an agreement for financing from the Ministry of Finance.*

#### #M9

*(2) The registration of the agreements applications for financing is done in the 30-day sessions. The registration period of the applications is communicated by the Ministry of Finance on its website, according to [art. 19](#) para. (1) of the decision, at least 30 working days before the opening date of the sessions.*

*(3) Requests for financing agreements registered outside the sessions or after the date on which it is established that the financing requested through the submitted financing agreement applications reach the level of the annual budget allocated to the scheme or the level of the budget allocated to the session shall be reimbursed to enterprises.*

#### # M6

##### ART. 3

*1. The applicant enterprise shall submit to the Ministry of Public Finance a request for financing agreement together with the following supporting documents:*

*a) a certificate issued no later than 10 working days before the date of registration of the request for agreement, either in original, issued by the trade register office attached to the court where the company has its headquarters, or electronically, with information obtained from the service portal of the National Trade Registry Office - RECOM Online, stating at least the following: identification data, unique registration code, associations and legal representatives of the enterprise, main field of activity, all secondary fields of activity and working points of the enterprise;*

*b) approved annual financial statements corresponding to the last financial year ended, in copy, as the case may be;*

*c) the business plan showing the viability of the initial investment and the economic efficiency of the enterprise, including in electronic format;*

*d) power of attorney signed by the legal representative of the requesting enterprise, in case another person than him signs the application for financing agreement;*

*e) identity document of the person authorized to legally represent the enterprise, in copy;*

*f) list of the transmitted documents.*

*(2) The application form for financing and the manner of transmission and registration of the supporting documents provided in par. (1) are provided in the Applicant's Guide.*

#### #M9

*(3) The Ministry of Finance calculates, according to the provisions of [annex no. 5](#) to the procedure, a score for the companies that submit applications for financing agreement during the registration session and draws up the List of applicant companies in descending order based on the score obtained, mentioning the state aid requested in each application for financing agreement.*

(4) Within a maximum of 10 working days from the date of concluding the session for submitting the applications for financing agreement, the Ministry of Finance publishes on its website the list provided in par. (3).

(5) As of the date of publication on the website of the list mentioned in par. (3), the requests for agreement for financing that fall within the budget allocated to the session shall be analyzed in the order of the score obtained.

## # M2

ART. 3 ^ 1 \*\*\* Repealed

ART. 3 ^ 2 \*\*\* Repealed

## #M9

### ART. 4

(1) The Ministry of Finance verifies, for the applications for financing agreement provided in art. 3 para. (5), the conformity of the transmitted documents, provided in art. 3 para. (1), according to the provisions of annex no. 2 to the procedure and analyzes the viability of the investment and the economic efficiency of the enterprise according to the provisions of annex no. 3 to the procedure.

## #B

(2) Following the assessment process of the application for financing agreement, the Ministry of Public Finance shall send to the requesting enterprises, as the case may be:

- a) agreement for financing, if all the conditions and eligibility criteria provided by this decision are cumulatively fulfilled;
- b) request for information and/or documents to complete the application for financing agreement, in case:
  - (i) there are inconsistencies in the information provided;
  - (ii) the documents do not comply with the conditions of conformity set out in annex no. 2 ;
  - (iii) there is a need for additional documents in order to resolve the request;
- c) letter rejecting the application for financing agreement, if:
  - (i) the application for financing agreement is not accompanied by the documents provided for in art. 3;
  - (ii) all the conditions and eligibility criteria set out in this Decision are not cumulatively met;
  - (iii) the undertaking does not comply with the maximum period of 15 working days from the date of receipt of the request for information and / or documents to complete the application for financing agreement.

## # M2

(iv) \*\*\* Repealed

## #M9

(v) the information that formed the basis for calculating the score according to art. 3 para. (3) is not confirmed following the verification performed according to art. 4 para. (1).  
(2^1) If there is a budget available as a result of the issuance of rejection letters, the analysis continues, in the order of the score obtained, with the requests for funding agreements that were not initially included in the budget allocated to the session.

(2^2) If the budget allocated to the session is exhausted, the analysis of the applications for financing agreement continues, in the order of the score obtained, within the limit of the total budget allocated to the scheme, until its exhaustion.

(2^3) In the event that there is a budget available as a result of the issuance of rejection letters, the analysis continues, in the order of the score obtained, with the

applications for financing agreement that were not initially included in the total budget allocated to the scheme.

(3) Following the process of evaluating the applications for financing agreement provided in par. (2<sup>2</sup>) and (2<sup>3</sup>), the Ministry of Finance issues, as the case may be:

a) draft agreement for financing, if all the conditions and eligibility criteria provided by this decision are cumulatively fulfilled, within the limit of the total budget allocated to the scheme according to art. 4 para. (2) of the decision;

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

(i) there are inconsistencies in the information provided;

(ii) the documents do not comply with the conditions of conformity set out in [Annex no. 2](#) to the procedure;

(iii) there is a need for additional documents in order to resolve the request;

c) letter rejecting the application for financing agreement, if:

(i) the application for financing agreement is not accompanied by the documents provided for in [art. 3](#);

(ii) all the conditions and eligibility criteria set out in this Decision are not cumulatively met;

(iii) the undertaking does not comply with the maximum period of 15 working days from the date of receipt of the request for information and/or documents to complete the application for financing agreement.

iv) the information that was the basis for calculating the score according to [art. 3](#) para. (3) is not confirmed following the verification performed according to [art. 4](#) para. (1).

(4) The draft financing agreements shall be approved in the order in which they were issued, after supplementing the annual budget allocated to the scheme in the current year or within the budget allocated for the following year, in accordance with the annual budget laws, without exceeding the total budget allocated to the scheme provided in [art. 4](#) para. (2) of the decision.

(5) Requests for financing agreements that do not fall within the total budget of the scheme provided in [art. 4](#) para. (2) of the decision shall be returned to the enterprises.

**# M6**

#### **ART. 5**

(1) \*\*\* Repealed

**#B**

(2). Documents submitted by the applicant undertaking on its own initiative in order to complete the application for financing agreement shall not be taken into account in the process of evaluating the application for financing agreement.

**# M9**

#### **ART. 6**

(1) The Ministry of Finance verifies and evaluates, according to [art. 4](#), the application for financing agreement accompanied by the supporting documents provided in [art. 3](#) par. (1) within 60 working days from the date of entry into consideration of each application for financing agreement.

**# M6**

(2) The term provided in par. (1) shall also apply for the verification and evaluation of the information and supporting documents requested by the Ministry of Public Finance according to [art. 4](#) para. (2) let. b) or para. (3) let. a), calculated from the date of their registration with the Ministry of Public Finance.

## **# M8**

**ART. 6 ^ 1** \*\*\* Repealed

## **#B**

**ART. 7**

(1) All documents submitted to the Ministry of Public Finance by the enterprise must be submitted into Romanian. In the case of documents submitted in a foreign language, the company submits these documents accompanied by translations into Romanian certified by authorized translators.

## **# M1**

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

## **#B**

### CHAPTER III

#### **Payment of the state aid**

## **# M6**

**ART. 8**

*The enterprises have the obligation to start the investment for which they have requested financing within 6 months from the date of issuing the financing agreement, respecting the calendar assumed in the documentation attached to the application, under the sanction provided in [art. 17](#).*

## **# M6**

**ART. 9**

*State aid may be paid by 2028 to enterprises which have received an agreement for financing, after the partial or total execution of the eligible expenditure incurred under the financing agreement, within the limits of the approved annual budget appropriations.*

## **# M6**

**ART. 10**

*In order to pay the state aid, the company submits to the Ministry of Public Finance the request for payment of the state aid and the statement form, accompanied by supporting documents, according to the Payment Guide prepared in application of this decision, approved by order of the Minister of Public Finance.*

## **#B**

**ART. 11**

(1) The Ministry of Public Finance verifies the conformity of the transmitted documents and the fulfillment of the conditions provided by this scheme in order to make the payment.

## **# M6**

(2) *In case there is a lack of documents or inconsistencies between the data and information transmitted, the Ministry of Public Finance may request additional documents and information, which will be sent by the company to the Ministry of Public Finance within 30 working days from the date of receipt of the application.*

(3) *In the situation where the enterprise does not confirm the receipt of the request sent by the Ministry of Public Finance or does not respect the term provided in par. (2), the Ministry of Public Finance returns to the enterprise the request for payment of the state aid, within 15 working days, in order to complete it.*

## **# M2**

## ART. 12 \*)

(1) *The Ministry of Public Finance solves the request for payment of state aid:*

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

b) *after verifying on the spot the existence of the assets and the conformity of the declarations / documents related to the expenses made by the enterprise.*

### # M9

(1<sup>^</sup>1) *The Ministry of Public Finance verifies and analyzes the request for payment of state aid accompanied by the supporting documents submitted in the Payment Guide within 60 working days from the date of its registration with the Ministry of Public Finance.*

### # M6

(1<sup>^</sup>2) *The term provided in par. (1<sup>^</sup>1) is also applied for the verification and analysis of the information and supporting documents requested by the Ministry of Public Finance according to [art. 11](#) para. (2), calculated from the date of their registration with the Ministry of Public Finance.*

### #B

(2) *During the on-site verification, the company has the obligation to allow the access of the control team, in accordance with the law, to the assets related to the initial investment and to all original documents, attesting the fulfillment of the conditions imposed by this decision.*

### #CIN

*\*) [Art. 12, para. \(1<sup>^</sup>1\)](#) is reproduced according to the amendment made by [art. I](#) point 17 of the Government Decision no. 530/2022 ([#M9](#)). According to [art. II](#) para. (3) of the Government Decision no. 530/2022 ([#M9](#)), the provisions of [art. I](#) point 17 of the Government Decision no. 530/2022 ([#M9](#)) also applies to requests for payment of state aid, which are under analysis on April 21<sup>st</sup>, 2022 [date of entry into force of Government Decision no. 530/2022 ([#M9](#))].*

### #B

## ART. 13\*)

(1) *The payment of state aid may not be the subject of compensatory payments.*

### #M6

(1<sup>^</sup>1) *The Ministry of Public Finance does not pay the state aid in case the enterprise registers outstanding debts to the component budgets of the general consolidated budget.*

(2) *The effective transfer of the state aid is made by the Ministry of Public Finance in account 50.70 "Available from subsidies and transfers", opened at the unit of the State Treasury in whose radius the fiscal aid enterprise has its fiscal domicile, within 15 working days from the date on which the application for payment of the State aid is considered complete within the meaning of the provisions of this scheme and the on-the-spot check has been carried out.*

### # M2

(3) *The enterprises have the obligation to verify the value of the state aid transferred by the Ministry of Public Finance in account 50.70 "Available from subsidies and transfers". In the event that an undue amount is found, the companies have the obligation to immediately inform the Ministry of Public Finance in order to return it.*

### # M6

(4) *The refund of the amounts improperly collected shall be made in the accounts of budgetary expenses from which they were collected, if the amounts are refunded in the year*

in which they were collected, respectively in the account provided in [art. 8](#) para. (1) of the Government Emergency Ordinance no. 37/2008 regarding the regulation of some financial measures in the budgetary field, approved with modifications by [Law no. 275/2008](#), with subsequent amendments and completions, if the amounts are refunded in the years following the year in which they were collected.

#### **# M2**

(5) For the undue amounts collected by the enterprises, the Ministry of Public Finance charges interest and related penalties, due from the date of collection until the date of restitution, according to [Law no. 207/2015](#), with subsequent amendments and completions.

#### **#CIN**

\*) According to [art. II](#) of the Government Decision no. 760/2021 ([#M7](#)), by derogation from the provisions of [art. 13](#) para. (2) of the [annex no. 2](#) to the Government Decision no. 807/2014, the verification on the spot of the existence of the assets and of the conformity of the declarations / documents related to the expenses made by the enterprise is not carried out starting with July 15, 2021 [date of entry into force of the [Government Decision no. 760/2021](#) ([#M7](#))] and until December 31, 2021, inclusive.

According to [art. III](#) of the Government Decision no. 760/2021 ([#M7](#)), the provisions of [art. II](#) of the Government Decision no. 760/2021 ([#M7](#)) also applies to payment requests being settled on July 15, 2021 [date of entry into force of [Government Decision no. 760/2021](#) ([#M7](#))].

#### **#B**

### CHAPTER IV

#### **Maintaining investment and recovering state aid**

#### **ART. 14**

(1) The enterprise has the obligation to maintain in operation the initial investment made, for a period of at least 5 years from the date of its completion.

#### **# M6**

(1<sup>1</sup>) Upon request of the enterprise, the minimum mandatory maintenance period provided in par. (1) up to 2 years, established after the analysis and approval by the Ministry of Public Finance of the recovery plan of the gap caused exclusively by the pandemic caused by the new coronavirus, transmitted by the enterprise.

(1<sup>2</sup>) The request provided in par. (1<sup>1</sup>) can be sent to the Ministry of Public Finance until December 31<sup>st</sup>, 2021.

(2) If, within the terms provided in par. (1) and (1<sup>1</sup>), there is physical or moral wear and tear of the assets related to the initial investment made, it is allowed to replace them, in order to ensure the continuity of the financed activity, with the information of the Ministry of Public Finance.

#### **# M6**

#### **ART. 15**

Until July 1<sup>st</sup> of the year following the completion of the investment, respectively the last payment of the approved state aid, as the case may be, starting with 2021, the company shall submit to the Ministry of Public Finance a report audited by an authorized company that does not have the quality of affiliate with the state aid company, which will certify that following the implementation of the investment, the company carries out the activity that was financed by the project.

#### **#B**

## ART. 16

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

### #M2

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

### #B

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

a) in the event that the investment continues to meet all the conditions set out in this scheme, including compliance with the annual budgets of the scheme, the financing agreement shall be amended accordingly;

b) in case it is found that the investment no longer meets the conditions provided by this scheme, the financing agreement is revoked.

### #M6

*(3<sup>1</sup>) The Ministry of Public Finance may request additional information from the enterprise in order to resolve the requests regarding the amendment provided in par. (2). The company sends the completion of the documentation within 10 working days from the receipt of the request.*

### #M2

(4) \*\*\* Repealed

### #B

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

## ART. 17

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

- a) the enterprise has not started the investment within the term provided in [art. 8](#);
- b) the enterprise does not comply with the condition regarding the maintenance of the initial investment provided in [art. 14](#) para. (1);
- c) the enterprise does not comply with the provisions of [art. 15](#);

### #M2

- d) *the enterprise does not comply with the provisions of [art. 16](#) para. (1) and (2);*
- e) *the total value of the investment does not comply with the provisions of [art. 18](#) let. b) of the decision;*
- f) *the enterprise does not comply with the provisions of [art. 17](#) para. (1) let. h) of the decision;*

### #M3

g) *non-fulfillment of the conditions provided in the financing agreement, for which its revocation is specified;*

### #M6

h) *the enterprise informs the Ministry of Public Finance that it is unable to make the investment or requests the revocation of the financing agreement;*

i) *The Ministry of Public Finance finds, after the issuance of the financing agreement, that the investment started prior to the submission of the financing agreement application;*



j) *the enterprise does not prove the existence of the financing source, within 6 months from the issuance of the financing agreement;*

k) *the enterprise does not prove the existence of a real right over the location of the investment, within 6 months from the issuance of the financing agreement.*

### **#B**

(2) In the situations provided in par. (1), the Ministry of Public Finance sends to the enterprise a letter of revocation of the financing agreement.

(3) The revocation of the financing agreement in the situations provided in par. (1) determines the application of the necessary measures for the full recovery of the State aid paid.

(4) The State aid paid shall be recovered in proportion to the degree of non-compliance in the following situations:

### **#M6**

a) *the enterprise does not make the contribution to the regional development, as defined in [art. 1](#) let. h), in an amount equivalent to the state aid paid in total;*

b) *the enterprise does not fulfill other conditions provided under the heading of special mentions in the financing agreement.*

### **#M2**

(4<sup>1</sup>) *Where more than one condition is laid down in the financing agreement, the amount of State aid paid to be recovered shall be calculated according to the following mechanism:*

a) *the degree of fulfillment of each condition is calculated by relating the value of the indicator achieved to the value of the indicator mentioned in the financing agreement or in the business plan, as the case may be;*

b) *the arithmetic mean of the degrees of fulfillment of all the conditions is calculated;*

c) *the percentage calculated according to letter b) applies to the amount of State aid paid;*

d) *the difference between the amount of state aid paid and the value calculated according to letter c) represents the value of the state aid to be recovered.*

(4<sup>2</sup>) *Provided that, following the issuance of the financing agreement, there are amendments to the general legislation governing the organization and operation of the companies, at the end of the investment maintenance period, the amount of the regional development contribution provided in the documentation attached financing agreement is recalculated in relation to these changes.*

(5) *The recovery of the paid state aid is carried out according to the recovery procedures provided by the [Government Emergency Ordinance no. 77/2014](#) on national procedures in the field of state aid, as well as for amending and supplementing the Competition [Law no. 21/1996](#), approved with amendments and supplements by [Law no. 20/2015](#), with subsequent amendments, as well as by the [Order](#) of the Minister of Public Finance no. 324/2016 approving the Methodological Norms for the application by the Ministry of Public Finance of the procedures regarding the stopping/recovery of the state or de minimis aid, with the subsequent amendments.*

(6) *The paid State aid to be recovered shall also include interest thereon, due from the date of payment until the date of recovery. The applicable interest rate is that established according to the provisions of Regulation (EU) no. 1.589/2015 of the Council dated 13 July 2015 laying down detailed rules for the application of [Article 108](#) of the Treaty on the Functioning of the European Union and [Regulation \(EC\) No. 794/2004](#) of the Commission*

dated 21 April 2004 implementing [Regulation \(EC\) No. 659/1999](#) of the Council laying down detailed rules for the application of [Article 93](#) of the EC Treaty.

**# M9**

**ARTICLE 18**

[Annexes no. 1 – 5](#) are an integral part of this procedure.

**# M6**

[ANNEX 1](#) [to the [procedure](#)] \*\*\* Repealed

**# M6**

**ANNEX 2**

to the [procedure](#)

<b>Compliance requirements</b>	
Application for financing agreement	<ul style="list-style-type: none"><li>- has all the fields filled in with the required data, complies with the form in the Applicant's Guide and is dated and signed in original by the person authorized to legally represent the company</li><li>- contains information related to the information in the ascertaining certificate, the financial statements, the investment plan, the identity document of the authorized person or the power of attorney, if applicable.</li></ul>
Confirmation of company details	<ul style="list-style-type: none"><li>- is attached either in original, issued by the trade register office of the court where the company is based, either electronically, with information obtained from the services portal of the National Trade Registry Office - RECOM Online, is updated with data valid at the date of registration of the application agrees for financing and contains all the necessary information according to the provisions of <a href="#">art. 3 para. (1) let. a)</a> of the Procedure for granting state aid</li></ul>
Financial statements for the last financial year	<ul style="list-style-type: none"><li>- are submitted and approved according to the legal provisions in force, as the case may be, are attached in copy.</li></ul>

*Business plan*

- contains all the necessary information according to the definition and instructions in the Applicant's Guide, is dated and signed in original by the person authorized to legally represent the company;
- contains information in connection with the information in the application for financing agreement;
- submits the financial projections during the implementation of the investment and 5 years from its completion (profit and loss account, balance sheet and cash flow) in accordance with the legal provisions in force and with the models presented in the Applicant's Guide;
- contains information related to the information in the Application for Financing Agreement.

<i>Supporting documents for substantiating the business plan</i>	- are attached in copy
<i>Power of attorney signed by the legal representative of the requesting company</i>	- if another person signs the application for funding agreement, it is attached in the original.
<i>Identity card of the person authorized to legally represent the enterprise</i>	- is attached in copy.
<i>List of documents</i>	- mentions the name of each document and the page on which it is filed

**# M6**

**ANNEX 3**

*to the procedure*

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**Requirements proving economic efficiency and viability of investment**

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**Observance of the definition of initial investment**

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Presentation of the investment and demonstration of the investment classification in the category of the initial investment, respectively in the category of investment in favor of a new economic activity, in the case of large companies investing in the region Bucharest - Ilfov

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**Justification of the need to make the investment**

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Presentation of the relevant product/service market as a result of the implementation of the investment in terms of demand, supply and price, as well as the geographical area in which they are marketed

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Quantification and justification of production capacity and degree of its use in connection with the existing activity (in the case of operating enterprises), the investment business, and substantiating the need to increase existing production capacity by implementing the investment

---

Analysis and substantiation of financial projections for the period implementation of the investment and 5 years from the date of its completion

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Substantiation of the turnover by submitting supporting documents showing that there is an assurance of the sale of the products / services obtained as a result of the investment

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**Calculation and explanation of quantitative indicators**

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Quantitative indicators Calculation and substantiation within the limits of the indicators for the period of the investment implementation and 5 years from its completion, based on the projections of the financial achievements according to the provisions in force and instructions in Applicant 's guide

---

Overall solvency ratio

Rsg > 1,66

$Rsg = \text{Total Assets} / \text{Total Liabilities}$

---

Profitability of turnover

Rca >= 2,5%

$Rca = 100 \times (\text{Net Profit} / \text{Turnover})$

---

Current liquidity rate

(Rlc) >= 1,00

$RLC = (\text{Current Assets} / \text{Current Liabilities})$

---

Indebtedness indicator \*)

(Rig) <= 65%

$Igi = (\text{Borrowed Capital} / \text{Employee Capital}) \times 100$

---

**Demonstration and substantiation of qualitative indicators**

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Providing the necessary financial resources to carry out the investment according to the provisions of [art. 1](#) let. kk) of the Procedure for granting aid and instructions in the Applicant 's Guide within 6 months since the issuance of the financing agreement

---

Experience in the field for which funding is sought according to instructions in the Applicant 's Guide

---

The company 's contribution to growth and regional development according to the provisions of [art. 1](#) let. h) of the Procedure for granting State aid and the instructions in the Applicant 's Guide

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Involvement of the company in various social projects with a positive impact on the community in the region where the investment is made according to instructions in the Applicant 's Guide

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The multiplier effect of making the investment quantifiable in the economy by involving other related investments and the development of local suppliers of products and services within the region according to the instructions in the Applicant's Guide

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Legal status of the location of the investment, respectively demonstration of a real right to the location to be make the investment

| according to the instructions in the Applicant 's  
| Guide, in within 6 months of the issuance of the financing agreement  
|

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\*) *Borrowed capital = loans over one year.*  
*Employee capital = borrowed capital + equity.*

### **#M6**

[ANNEX 3^1](#) [to the [procedure](#)] \*\*\* Repealed

[ANNEX 4a](#) [to the [procedure](#)] \*\*\* Repealed

[ANNEX 4b](#) [to the [procedure](#)] \*\*\* Repealed

### **#M9**

[ANNEX 5](#)  
to the [procedure](#)

### **CRITERIA**

*on the basis of which the score of the applicant companies is calculated*

Assessment criteria	Method of determination	Scores
Investment value	(The value of the investment / in lei 4.500.000 lei) x 10	The achieved result is transformed in number of point.
Initial investment	- the fundamental change of the general production process of an existing unit	20 point
	- expanding the capacity of an existing unit	
	- diversification of the activity of an existing unit	
	- the establishment of a new unit by a newly established enterprise	10 points
	- setting up a new business unit	
Location of the investment	- county with 60% intensity	40 points
	- county with 50% intensity	30 points
	- county with 45% intensity	10 points
	- county with 40% intensity	5 points
Profitability of turnover in the last financial year ended, in the case of active enterprises	$Rca = (\text{net profit} / \text{turnover}) \times 100$	$Rca > 1\%$ 5 points
The value of the subscribed and paid-in share capital, in the case of newly established enterprises		Share capital > 500.000 lei 5 points

## #M9

### ANNEX 3

#### Maximum intensities of regional state aid to large enterprises

Region	Component counties	Maximum intensity	Maximum level of the state aid that a company can benefit from
		%	

			- euro -
<i>Northwest</i>	<i>Bihor</i>	40%	30.000.000
	<i>Bistrița-Năsăud</i>	50%	37.500.000
	<i>Cluj</i>	40%	30.000.000
	<i>Maramureș</i>	50%	37.500.000
	<i>Satu Mare</i>	50%	37.500.000
	<i>Sălaj</i>	50%	37.500.000
<i>Center</i>	<i>Alba</i>	50%	37.500.000
	<i>Brașov</i>	40%	30.000.000
	<i>Covasna</i>	40%	30.000.000
	<i>Harghita</i>	40%	30.000.000
	<i>Mureș</i>	40%	30.000.000
	<i>Sibiu</i>	40%	30.000.000
<i>Northeast</i>	<i>Bacău</i>	60%	45.000.000
	<i>Botoșani</i>	60%	45.000.000
	<i>Iași</i>	50%	37.500.000
	<i>Neamț</i>	60%	45.000.000
	<i>Suceava</i>	60%	45.000.000
	<i>Vaslui</i>	60%	45.000.000
<i>Southeast</i>	<i>Brăila</i>	60%	45.000.000
	<i>Buzău</i>	60%	45.000.000
	<i>Constanța</i>	50%	37.500.000
	<i>Galați</i>	60%	45.000.000
	<i>Vrancea</i>	60%	45.000.000
	<i>Tulcea</i>	60%	45.000.000
<i>South-Muntenia</i>	<i>Argeș</i>	50%	37.500.000
	<i>Călărași</i>	60%	45.000.000
	<i>Dâmbovița</i>	50%	37.500.000
	<i>Giurgiu</i>	50%	37.500.000
	<i>Ialomița</i>	60%	45.000.000
	<i>Prahova</i>	60%	45.000.000



	<i>Teleorman</i>	<i>60%</i>	<i>45.000.000</i>
<i>Southwest Oltenia</i>	<i>Dolj</i>	<i>60%</i>	<i>45.000.000</i>
	<i>Gorj</i>	<i>60%</i>	<i>45.000.000</i>
	<i>Mehedinți</i>	<i>60%</i>	<i>45.000.000</i>
	<i>Olt</i>	<i>60%</i>	<i>45.000.000</i>
	<i>Vâlcea</i>	<i>60%</i>	<i>45.000.000</i>
<i>West</i>	<i>Arad</i>	<i>30%</i>	<i>22.500.000</i>
	<i>Caraș-Severin</i>	<i>40%</i>	<i>30.000.000</i>
	<i>Hunedoara</i>	<i>40%</i>	<i>30.000.000</i>
	<i>Timiș</i>	<i>30%</i>	<i>22.500.000</i>
<i>"C" areas that are not predefined</i>			
<i>Bucharest-Ilfov</i>	<i>Partly Ilfov :</i> <i>Ciorogârla, Domnești,</i> <i>Clinceni, Cornetu,</i> <i>Bragadiru, Dărăști-Ilfov,</i> <i>Jilava, 1 Decembrie,</i> <i>Copăceni, Vidra and</i> <i>Berceni</i>	<i>35%</i>	<i>26.250.000</i>
	<i>Partly Ilfov: Periș,</i> <i>Ciolpani, Snagov, Gruiu,</i> <i>Nuci, Grădiștea,</i> <i>Petrăchioaia, Dascălu,</i> <i>Moara Vlăsiei, Balotești,</i> <i>Corbeanca, Buftea,</i> <i>Chitila, Glina, Cernica,</i> <i>Dobroești and Pantelimon</i>	<i>45%</i>	<i>33.750.000</i>

**#B**

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