

**Law no. 143/1999 on State Aid**  
-Consolidated Version-

Chapter I  
**GENERAL PROVISIONS**

**Scope of the law**

**Art. 1.**

The purpose of the present Law is to define State Aid, and the modalities of authorizing, granting, controlling, inventorying, monitoring and reporting State Aid, with the view of creating and maintaining a normal competitive environment.

**Definition, forms and modalities to grant State aid**

**Art. 2.**

(1) In the meaning of the present Law, “State Aid” represents any measure of support from the State or from the local administrative authorities, or from the resources of the State or of the local administrative authorities, regardless of its form, that distorts or threatens to distort competition, through favouring certain undertakings, the production of certain goods or the provision of certain services or affects the trade between Romania and the Member States of the European Union is considered incompatible with a normal competition environment.

(2) The following aids are compatible with a normal competitive environment and are not subject to notification obligation, the advisory opinion of the Competition Council being sufficient:

- a) Aid having a social character or granted to individual consumers, provided that such aid is granted without discrimination related to the origin of the products or services concerned;
- b) Aid to eliminate effects caused by natural disasters or exceptional occurrences.

(3) Only aids stipulated at article 14 that fulfill the conditions for authorization stipulated in the Competition Council Regulations and Guidelines, can be considered compatible State aids.

(4) The State Aid is materialized either in a public funds transfer to a certain undertaking, or in revenues foregone – whether actual or contingent – which ensure to a certain undertaking an economic or financial benefit, that it would not have been obtained in the absence of these measures. The resulting benefits shall be considered a State Aid if they confer an advantage to certain regions, certain undertakings or to the production of certain goods or the providing of certain services.

(5) The State Aid may take the form of an aid scheme or individual aid.

(6) The State Aid scheme is a system on the basis of which, specific individual allocation may be granted to undertakings defined in a general and abstract manner or any system on the basis of which the aid that is not linked to a specific project may be granted to one or several undertakings for an indefinite period of time or for an indefinite amount.

(7) An individual aid is any form of State Aid that is not granted on the basis of an aid scheme.

(8) The modalities of granting state aid can be, without limiting to these: subsidies; debts write-offs or losses taking over; exemptions, reductions or deferrals of fee and tax payments; foregoing of normal returns on public funds, including granting of loans with preferential interest rates; guarantees given by the State or public central or local authorities on preferential terms; equity injections by the State, county, town, commune or other public bodies if the rate of return on such investments is less than the return normally expected by a prudent private investor; reductions in the price of goods supplied and services provided by public central and local authorities or other bodies administering State or local resources, including sales, below market price, of lands owned by the private property of State, county, town, commune.”

### **Definition of Existing Aid**

#### **Art. 3.**

(1) "Existing Aid" is an individual aid or an aid scheme which satisfies one of the following conditions:

- a. existed prior to the entry into force of this Law; or
- b. has been authorized by the Competition Council; or
- c. the Competition Council did not take a decision as provided in the law within the time provided by the Law; or
- d. any aid for which the prescription deadline as defined at article 28 has expired.

(2) Specific allocations of aid granted as part of an Existing Aid scheme shall be deemed to be an Existing Aid, unless the Competition Council has expressly required in its decision on the aid scheme the notification of such specific allocations of aid.

### **Definition of Illegal Aid**

#### **Art. 4**

For the purposes of this Law, the illegal aid is a State aid, other than an existing one or an aid that is exempted from the notification obligation in accordance with the present Law, but granted without being authorized by the Competition Council or granted after notification, but before the Competition Council issued a decision within the legal time limits.

## **Definition of Prohibited Aid**

### **Art. 5**

For the purposes of this Law, the prohibited aid is the aid that was granted, though the Competition Council issued a prohibition decision.

## **Interested Persons**

### **Art. 6**

The interested persons are considered to be the State Aid initiator, grantor or beneficiary and any other person, undertaking or association of undertakings, including trade associations and professional associations, affected by the granting of the state aid.

## **Definition of undertaking**

### **Art. 7**

For the purposes of this Law, undertaking means any natural or legal person, regardless of its organization form, that carries out, totally or partially, lucrative activities.

## **Definition of public undertaking**

### **Art. 8**

For the purposes of this Law, public undertaking means any undertaking over which the public authorities may exercise, directly or indirectly, a dominant influence by virtue of their ownership, their financial participation or the rules that govern its activity.

## **Definition of State Aid initiator**

### **Art. 9**

For the purposes of this Law, the State Aid initiator is that authority empowered to initiate normative or administrative draft acts that involve State Aid granting. Within this scope, the legislative initiatives according to the provisions of the Romanian Constitution are also included.

## **Definition of public undertaking operating in the manufacturing sector**

### **Art. 10**

For the purposes of the present Law, public undertaking operating in the manufacturing sector means any public undertaking whose main area of activity, of at least 50% of its annual turnover, is in the field of manufacturing industry. The activities included in the

manufacturing sector are the ones from the National Economy Classification of Activities (CAEN), section D – Products of the manufacturing industry, subsections DA up to and including subsection DN;

### **Definition of service of general economic interest**

#### **Art. 11**

For the purposes of this Law, service of general economic interest means that service performed under market conditions, for which there are obligations imposed by public authorities regarding the non-discriminatory access of consumers and/or other imposed obligations.

### **Definition of exclusive and special rights**

#### **Art. 12**

For the purposes of this Law:

- a) Exclusive rights are defined as those rights granted by a public authority to one undertaking, through any legislative, regulatory or administrative instrument, reserving it the right to provide a service or to carry out an activity within a given geographical area;
- b) Special rights are defined as those rights granted by a public authority to a limited number of undertakings, through any legislative, regulatory or administrative instrument, which, within a given geographical area:
  - Limits to two or more the number of the undertakings that are authorized to provide a service or carry out an activity;
  - Designates several competing undertakings, authorized to provide a service or undertake an activity;
  - Confers advantages to one or more undertakings, which substantially affect the ability of any other undertaking to provide the same service or to carry out the same activity in the same geographical area under substantially equivalent conditions.”

### **Measures and State Aids falling outside the scope of the Law**

#### **Art. 13.**

The granting of State aids for agriculture or fishery is carried out according to specific regulations.

## Chapter 2 **PROCEDURAL RULES**

### **Authorization of the State Aid**

#### **Art. 14.**

(1) Any State Aid, in any form whatsoever and regardless of its recipient, must be authorized by the Competition Council from the point of view of its effects on competition, save as otherwise provided by this Law.

(2) The State aids in the form of schemes or individual aids, stipulated by administrative or normative draft acts – laws, ordinances, emergency ordinances, governmental decisions etc. – are notified to the Competition Council and are granted only after their authorization by the Competition Council.

### **Notification of State Aid**

#### **Art. 15.**

(1) Save as otherwise provided by this Law or by the regulations and guidelines pursuant to this Law, any intention to grant new State aid or to alter an existing aid will be notified by the grantor and by the initiator of the aid to the Competition Council.

(2) The notification of a State aid must contain all the exact and complete information requested by the Competition Council in order to assess the compatibility of the State aid with the present Law and with the regulations and guidelines pursuant to this Law.

(3) The notification shall become effective when the information provided in it is exact and complete.

(4) If the Competition Council believes that the information provided in the notification is inexact or incomplete, it shall request the correction and completion of this information within 20 days following receipt of the notification.

### **Standstill Clause**

#### **Art. 16.**

New State Aid or changes to Existing Aid may not be put into effect until the Competition Council has made a decision to authorize the State Aid or until the aid is deemed to be authorized.

## **Examination of the notification and initiation of proceedings**

### **Art. 17.**

- (1) The Competition Council shall examine the notification as soon as it is received.
- (2) Where the Competition Council finds that the notified measure does not constitute State Aid, it shall record that finding by means of a decision.
- (3) Where the Competition Council finds that the notified measure does not raise doubts as to its compatibility with this Law, it shall issue a decision to authorize the State Aid.
- (4) Where the Competition Council finds that the measure raises doubts with regard to its compatibility with this Law, it shall decide to initiate an investigation.

## **Time limits for initiating proceedings and for decisions**

### **Art. 18.**

- (1) The Competition Council shall make one of the decisions mentioned in article 17, paragraphs (2) – (4), within 60 days from the date the notification became effective, the initiator/grantor of the State Aid being informed about this date.
- (2) If the Competition Council decides to start an investigation, it will have to make a final decision within not more than four months after the date the investigation started.
- (3) If the Competition Council fails to make the decisions within the time limits mentioned, the aid can be legally put into effect after giving prior notice to the Competition Council and shall then become "Existing Aid".
- (4) These time limits do not apply if the State Aid is not notified or if the notification is not effective.

## **Revocation of a decision**

### **Art. 19.**

The Competition Council may revoke a decision previously taken, after the State Aid grantor and initiator presents their argumentations, when the decision was based on incorrect information received during the procedure and this information had a major influence in the decision-making process.

## **Investigation powers**

### **Art. 20.**

For the implementation of this Law, the Competition Council shall have the investigation powers provided by the Competition Law no. 21/1996, with the subsequent modification.

## **Chapter 3**

## **DECISIONS OF THE COMPETITION COUNCIL**

### **Decisions on a new aid or alteration of an Existing Aid**

#### **Art. 21.**

(1) In the case of new State Aid or the alteration of an existing aid, the Competition Council shall assess the notified measure in accordance with the provisions of this Law and of the regulations and guidelines pursuant to the Law. In the case of the State Aid provided by the article 2 align. (2) letter a), the Competition Council shall assess if these are granted to the individual consumers without any discrimination concerning the origin of the involved products or services. In the case of the State Aid provided by the article 2 align. (2) letter b), the Competition Council shall assess if these State Aid are leading to the removal of the effects caused by the natural disasters or exceptional events.

(2) After such review, the Competition Council may:

- a. find that the notified measure does not constitute State Aid;
- b. authorize the State Aid;
- c. authorize the State Aid, imposing through its decision conditions and obligations intended to ensure that the State Aid does not significantly distort the normal competitive environment and does not affect the proper application of the international agreements to which Romania is a party;
- d. prohibit the State Aid if it significantly distorts the normal competitive environment and affects the proper application of the international agreements to which Romania is a party;

(3) When the Competition Council makes a decision to prohibit a State Aid and if the aid has nonetheless been granted, such aid must be annulled and recouped by the granter of the aid or repaid by the end user.

### **Decisions regarding Existing Aid**

#### **Art. 22.**

(1) If, following the monitoring activity of the existing State aids stipulated in Article 38 of the present Law, an existing aid is considered to substantially distort the normal competitive

environment or to affect trade between Romania and the European Union Member States, the Competition Council requests to the grantor of the aid to take the appropriate measures in order to eliminate its incompatibility. The Competition Council's request may include a recommendation to annul or to alter the existing aid.

(2) If the grantor of the aid has not taken the appropriate measures within the period of time indicated in the request, the Competition Council may decide to stop the existing State aid or may impose conditions and obligations intended to ensure the compatibility of the aid with the provisions of this Law. The decision shall not have a retroactive effect and it must allow the grantor of the aid a reasonable period of time in which to comply with the decision.

(3) The procedure stipulated in paragraphs (1) and (2) shall also apply in case where the beneficiary does not abide the authorization decision of the Competition Council.

### **Aid which may be authorized or prohibited**

#### **Art. 23.**

(1) The Competition Council can authorize measures that are State aids, according to the specific regulations and guidelines, such as:

- a) Aid for research and development;
- b) Aid for small and medium-sized enterprises;
- c) Aid for environmental protection;
- d) Aid for the training of employees and for the creation of new jobs;
- e) Aid for rescue and restructuring firms in difficulty; the aid to maintain jobs shall be considered as restructuring aid;
- f) Aid for regional development;
- g) General aid for promoting exports, through actions such as: national weeks, international fairs, presentation shops, etc., provided that all interested undertakings may benefit of them;
- h) Aid for promotion of culture and for the conservation of cultural heritage;
- i) Aid for large investment projects;
- j) Any other aid granted in accordance with the regulations and guidelines on State aid that will be issued by the Competition Council, respecting the legislation in force.

(2) When assessing the effects of State Aid, the Competition Council shall take into account the cumulative effects of all types of aid granted to a single recipient.

(3) There are prohibited measures, which constitute state aid, such as:

- a) Export aid or any aid contingent, in law or fact, upon export performance in so far as such aid may affect the proper application of international agreements to which Romania is a party;
- b) Aid to compensate for operating losses of undertakings, either directly or through the foregoing of payments due to the state;



- c) Aid measures applied so that they discriminate in favour of domestically produced goods against similar goods produced in countries that participate in international agreements to which Romania is a party, and in which such discrimination is prohibited.

#### Chapter 4

### **RECOVERY, REPAYMENT OR SUSPENSION OF ILLEGAL AID AND OF PROHIBITED AID**

#### **Recovery, Reimbursing or Suspension of Illegal Aid**

##### **Art. 24.**

(1) The Competition Council may request to the Court of Appeal, having jurisdiction in the area where the grantor of the State Aid or the beneficiary has its principal offices, to annul the administrative act granting the aid and, therefore, to order the recovery, repayment or suspension of payment of any illegal aid.

(2) The Court of Appeal may dispose, through presidential ordinance, to suspend the granting of the illegal aid provided by the administrative act. The ordinance may be appealed to the High Court of Cassation and Justice.

(3) If the Competition Council ascertains that a State Aid was instituted through a normative act, having the judicial force of a law, by infringing the provisions of Articles 5 and 6 of the present Law, it informs the issuing authority.

(4) At the same time, the Competition Council informs the state aid grantor and the state aid beneficiary with regard to the information transmitted to the issuing authority.

(5) Within 10 days from the information date stipulated at paragraph (3), the issuing authority is obliged to make a decision with regard to the suspension of the normative act through which the State aid was granted.

(6) Within 30 days from the information date stipulated in paragraph (3), the grantor and the initiator are obliged to notify to the Competition Council according to the provisions of Articles 5 and 6 of the present Law. The issuing authority, taking into account the Competition Council decision, shall make a decision with regard to the amendment of the normative act through which the State aid was granted, and with regard to the recovery or repayment of the State aids already granted.

#### **Recovery, repayment or suspension of the prohibited aid**

##### **Art. 25.**

(1) If the Competition Council issues a prohibition decision, the prohibited State aid cannot represent the object of any administrative act.

(2) If the prohibited state aid is still granted, through an administrative act, after a prohibition decision was issued, the Competition Council shall request to the Court of Appeal, having jurisdiction in the area where the grantor of the State Aid or the beneficiary has its principal offices, to annul the administrative act granting the aid, and, therefore, to order the recovery or the repayment by the beneficiary of this aid.

(3) The Competition Council may also request to the Court of Appeal to dispose the recovery or the repayment of the state aid granted through an administrative act if the conditions or obligations stipulated in the authorization decision were not observed.

(4) If the prohibited state aid is still granted, through a normative act, having the judicial force of a law, after a prohibition decision was issued, the Competition Council shall inform the issuing authority which, within 30 days, taking into account the Competition Council decision, shall make a decision with regard to the amendment of the normative act through which the State aid was granted, respectively with regard to the recovery or repayment of the State Aids already granted.

### **Recovery of interest and of damages caused by an Unlawful Aid or Prohibited Aid**

#### **Art. 26.**

(1) In the case of an illegal aid or a prohibited aid, the Competition Council may also request to the Court of Appeal to order the recovery, by the grantor of the aid, or the repayment, by the beneficiary of the aid, of the accrued interest on the State aid at a rate proposed by the Competition Council. Such interest may be imposed:

- a) From the date the aid was at the beneficiary's disposal until its recovery, in case of prohibited aid;
- b) From the date when the aid was at the beneficiary's disposal until its recovery, in case of illegal aid, subsequently unauthorized by the Competition Council.

(2) Apart from paragraph (1) provisions, any interested person has the right to seek compensation for the damage caused by the grant of State aid in violation of the obligation not to grant such aid until it is authorized by the Competition Council.

### **The Procedure in Court**

#### **Art. 27.**

Actions stipulated by this chapter are appealed following the contentious administrative procedures.

## **The Prescription Deadline**

### **Art. 28.**

(1) The powers of the Competition Council to request the recovery of the aid shall be subject to a prescription deadline of 10 years.

(2) The prescription deadline shall begin on the day on which the illegal/prohibited aid is granted to the beneficiary, either as individual aid or as specific allocation under an aid scheme.

(3) Any action taken by the Competition Council with regard to the illegal/prohibited aid shall interrupt the prescription deadline. Each interruption shall start a new prescription deadline. The prescription deadline shall be suspended for as long as the decision of the Competition Council is the subject of proceedings pending before the Court of Appeal or, if the case arises, before the High Court of Cassation and Justice.

## **Chapter 5**

### **EXEMPTED CATEGORIES**

#### **De minimis threshold**

### **Art. 29.**

Aid granted to an undertaking, over a 3 (three) year period, amounting 4 billion ROL, is deemed to be authorized and is not subject to the notification obligations, according to the conditions established through the Competition Council Regulation.

#### **Implementing regulations and guidelines**

### **Art. 30.**

(1) The Competition Council may also adopt and implement such regulations and guidelines others than those referred to under Articles 29 to define the substantive criteria to be met for the authorization of State aid, in particular those regarding certain economic sectors or particular objectives of the State Aid.

(2) The regulations, guidelines and their modifications require the advisory opinion of the Legislative Council, in order to be adopted by the Competition Council's plenum and published in the Official Gazette, Part I, through Order of the President of the Competition Council.

(3) The Competition Council's regulations and guidelines pursuant to this Law may be appealed through the contentious administrative procedures in the Court of Appeal within the area of the plaintiff's domicile or headquarters.

Chapter 6  
**INVENTORYING, MONITORING AND REPORTING STATE AIDS**

**Inventory of State Aids**

**Art. 31.**

The Competition Council will draw up the inventory of State aids, which will include all existing State aid schemes and individual aids.

**Annual updating of the State Aid inventory**

**Art. 32.**

(1) The inventory of State aids will be annually updated by the Competition Council, taking into account the following elements:

- a) The new State aid schemes and the new individual aids authorized by the Competition Council during the reporting year;
- b) The new State aid schemes and the new individual aids excepted from the notification obligation to the Competition Council.

(2) For drawing up the inventory and updating it, the State aid grantors, as well as other institutions which administrate resources of the State or of the local communities are obliged to transmit to the Competition Council information regarding:

- a) The nature of the granted State aid;
- b) The conditions imposed when granting State aids, in each particular case;
- c) The origin of the State aid;
- d) The share of State aid granted, divided per each beneficiary;
- e) Granting State Aid period.

(3) The Competition Council will supervise the financial relations between the public institutions and the public undertakings, it will also insure the transparency within undertakings with special or exclusive rights entrusted with the carrying out of some services of general economic interest.

(4) The grantors of State aid, any other institution that administrates resources of the State or of the local communities, as well as the beneficiary of State aid will keep specific evidence regarding the granted/received State aids.

**Obligations of public authorities**

**Art. 33**

At the request of the Competition Council, public authorities have the obligation to supply the

information regarding their financial relations with public undertakings.

### **Obligations of public undertakings**

#### **Art. 34**

Public undertakings have the following obligations:

- a) To store for a period of 5 years the information regarding their financial relations with the public authorities;
- b) To provide, at the request of the Competition Council, the information regarding their financial relations with public authorities;
- c) To inform the Competition Council, within 60 days from the closure of the financial year, the fulfillment of the conditions set out in the Competition Council Regulation to be considered as public undertakings.

### **Obligations of undertakings benefiting of special or exclusive rights or providing services of general economic interest**

#### **Art. 35**

The undertakings benefiting of special or exclusive rights or providing services of general economic interest have the following obligations:

- a) to provide, at the request of the Competition Council, the information regarding the costs and the revenues obtained from different activities, complete details concerning the methods for ear-marking the costs and revenues to different activities;
- b) to store for a period of 5 year the information regarding their financial relations with public authorities;
- c) to communicate to the Competition Council, in 60 days since closing the financial exercise, the fulfillment of the conditions of qualification established by Regulation of the Competition Council.

### **Obligations of the undertakings operating in the manufacturing sector**

#### **Art. 36**

Undertakings operating in the manufacturing sector have the following obligations:

- a) To store for a period of 5 years the information regarding their financial relations with public authorities;
- b) To provide, at the request of the Competition Council, the information regarding their financial relations with public authorities;
- c) To inform the Competition Council, within 60 days from the closure of the financial year, the fulfillment of the conditions set out in the Competition Council Regulation to be considered as undertakings operating in the manufacturing sector;

- d) To submit, at the request of the Competition Council, a report including:
- Annual financial situation;
  - Decisions and official reports of the shareholders' general meetings and of the board of directors meetings;
  - Information concerning share contributions to the social capital, specifying the modality of its realization;
  - Information concerning the destination of the dividends paid and of the profits retained;
  - Information concerning grants and non-refundable subsidies, and the circumstances in which they have been received and used;
  - Information concerning the award of loans, specifying the terms, the interest rates and its security;
  - Information concerning the guarantees granted by public authorities in respect of loan finance;
  - Information concerning the belonging to a group of undertakings;
  - Information concerning debt write-offs by the state;
  - Information concerning the amounts and the use of donations or sponsorships.

### **Technical assistance on State Aid schemes under preparation**

#### **Art. 37.**

(1) The State Aid granting authorities will set up specialized compartments in the field of State aid, with attributions in applying this Law and the regulations and guidelines pursuant to this Law.

(2) In the case of drawing up a new State Aid scheme, as well as extending or modifying an existing scheme, the authorities involved may require technical consultancy from the Competition Council.

### **Monitoring of Existing Aids**

#### **Art. 38.**

(1) In the meaning of this Law, monitoring is the activity of surveillance and control of the operating existing State Aids, instituted by administrative or normative acts, in order to verify the fulfillment of the provisions of the respective acts and the provisions of the authorizing decisions issued by the Competition Council.

(2) Applying the regulations, guidelines and decisions issued by the Competition Council according to this Law, the monitoring actions are finalized by drawing up a monitoring report.

(3) The monitoring obligation will be entrusted to the Competition Council.

(4) In order to achieve the State aid monitoring, the Competition Council will have the

following tasks:

- a) Supervises the fulfillment of the provisions of the normative or administrative act that institutes State aids by the grantors and the beneficiaries of State aids;
- b) Supervises the effective application of the authorization decisions issued;
- c) Verifies the fulfillment of the rules regarding the total amount of the State aids by the grantors and beneficiaries of State aids;
- d) Verifies if the granted State aids are included within the maximum intensity thresholds admitted by the legislation in this field.

### **Procedures on reporting, inventorying and monitoring State Aids**

#### **Art. 39**

The procedures regarding the reporting, inventorying and monitoring of State aids, those regarding the observations of financial relations stipulated at art. 32, paragraph (3) are settled through Competition Council Regulations.

### **Investigative powers of the empowered personnel of the Competition Council**

#### **Art. 40**

**(1)** In order to carry out the attributions foreseen by the existing law, the empowered personnel of the Competition Council has the following investigating powers:

- a) To request the necessary information and documents to State aid grantors, bodies which administrate State or local communities resources, as well as to State aid beneficiaries, mentioning both the legal base and the aim of the solicitation, and may establish time limits until these information and documents are provided;
- b) To have the access, either in the presence of the legal advisor of the State aid beneficiary or in the presence of any other designated person, in any place where the State aid beneficiary performs its activity;
- c) To request explanations and statements from representatives of the State aid grantors, from bodies which administrate State or local communities resources and from State aid beneficiaries, depending on the case;
- d) To have access to registers, documents and book-keeping during the period of control and to obtain copies of these documents.

**(2)** The grantors, bodies which administrate State or local communities resources, as well as the State aid beneficiaries, depending on the case, have the obligation to ensure the exercising of the investigation powers granted by the existing Law to the personnel empowered by the Competition Council.

**(3)** The investigation procedures shall be established through Competition Council Regulation.

(4) When requested, the personnel empowered by the Competition Council benefits of protection from the qualified state bodies.

## **Penalties and infringements**

### **Art. 41**

(1) Shall be considered infringements and they will be penalized by the empowered personnel the unfulfilling of the obligations provided by the articles 34, 35 and 35, as well as the following activities performed by the State Aid's beneficiaries:

- a) Supplying of incorrect or incomplete information and documents, as well as non-supplying the information and documents requested according to the provisions of the present Law;
- b) The refusal to be the subject to a control action carried out according to the provisions of the present Law;
- c) The refusal to provide explanations and to supply the requested statements according to the provisions of the present Law;
- d) The non-fulfillment of the obligations set out by the present Law.

(2) The level of the penalties shall be established and updated through Government Decision.

(3) The provisions of Government Ordinance no. 2/2001 on the juridical regime of the infringements, approved through Law no. 180/2002 with the subsequent modifications and completions, shall apply to the infringements stipulated within paragraph (1).

## **Annual Reports**

### **Art. 42.**

The Competition Council will draw up an Annual Report regarding State aids granted in Romania and it will submit it to the Government in order to be approved. This Report will be transmitted to the European Commission and it will be published in the Romanian Official Gazette, Part I, for assuring transparency in this field.

## **Chapter 7 FINAL PROVISIONS**

## **Thresholds**

### **Art. 43.**

The thresholds, expressed in terms of percentage or absolute values, under Articles 23 and 29 may be updated through an order of the Competition Council's President.



## **The publication of the Competition Council's decisions**

### **Art. 44**

The Competition Council shall ensure the publication of the decisions taken pursuant to this Law through any means of information and taking into consideration the legitimate interests of the parties and ensuring the protection of the State and business secret.

## **The rights of interested parties**

### **Art. 45**

(1) The Competition Council shall publish through any means the information regarding the notifications received, as well as the decisions for initiating investigations pursuant to Article 17 (4) of this Law.

(2) Any interested party may submit its comments regarding the measure on the basis of which the investigation procedure was initiated pursuant to Article 17 (4) of this Law.

(3) Any interested party may inform the Competition Council of any alleged illegal aid or any alleged misuse of aid. Where the Competition Council considers that there are insufficient grounds for taking a view on the case, it shall inform the interested party thereof.

(4) At its request, any interested party shall obtain a copy of any decision issued by the Competition Council.

## **Appeals of the Competition Council's decisions**

### **Art. 46.**

The decisions of the Competition Council, issued pursuant to this Law, may be challenged by the interested parties within 30 days from publication or, depending on the case, from the date they were communicated by administrative proceedings before the Bucharest Court of Appeal. The verdict shall be without right of appeal, but may be challenged by recourse before the High Court of Cassation and Justice.

## **Confidentiality**

### **Art. 47.**

(1) The Competition Council, the State aid grantors, their staff, other public employees as well as any interested parties shall not to disclose information or documents acquired as a result of the application of this Law and which contain State or business secrets.

(2) Any person who uses or discloses documents or information having business secret character, received or acknowledged during work or work-related duties, for purposes other

than those stipulated in this Law, will be held liable according to the criminal law, and may be forced to remedy the damages caused.

(3) Information and documents may be forwarded to other competition authorities, in compliance with the international agreements to which Romania is a party, provided such competition authorities are bound by similar rules of confidentiality.

### **Entry into force**

#### **Art. 48**

(1) This law entry into force from January 1<sup>st</sup>, 2000.

(2) From the moment when this law entry into force any contrary provisions are void.