

**Law no. 137 of 17 May 2007 for the approval of the Emergency Decree of the
Government no. 117/2006 regarding the national procedures in the State Aid field**

The Romanian Parliament adopts the present law.

Unique Article

The Emergency Decree of the Government no. 117/2006 regarding the national procedures in the State Aid field, published in the Romanian Official Monitor, Ist Part, no. 1.042 of 28 December 2006, is being approved with the subsequent amendments and completions:

1. At article 3, after the recital (2) is introduced a new recital, recital (3), with the following content:

"(3) Granting the State aid measure coerces the public authorities to elaborate a State Aid scheme or individual State Aids, which must enclose at least the following elements: the objective, form of the amount of the funds allocated for this purpose from the budget of the central or local public authority, in accordance with the specific legislation."

2. At article 7, after the recital (3) is introduced a new recital, recital (3), with the following content:

"(3) The Competition Council presents, every six months to the Government, a report on its activity in the State Aid field."

3. At article 8, recital (1) shall have the following content:

"Article 8

(1) The notifications of the State Aid measures, hereby named notifications, and the informations on State Aid measures falling under the application area of the exemptions from the obligation to notify, hereby named informations, are being submitted to the Competition Council, who issues an opinion on the conformity, propriety and the compliance with the obligations provisioned by the *communautaire* legislation regarding the establishment of the State Aid schemes."

4. At article 13, recital (3) shall have the following content:

"(3) The Competition Council along with the authorities, at its request, represents Romania within the Consultative Committee in the State Aid field and in the relations with other Community institutions and bodies having attributions in this area."

5. At article 18, recital (1) shall have the following content:

"Article 18

(1) The State Aid grantors are compeled to monitor the manner in which the granted State Aids are being used, to order measures and to submit to the Competition Council, in the form requested by it, all data and information necessary to monitor the State Aids at national level

including to elaborate the reports and informations necessary for the fulfillment of Romania's obligations as a Member State of the European Union."

6. At article 18, after recital (2) are introduced two new recitals, recital (3) and (4), with the following content:

"(3) in order to apply the provisions from recital (1), the grantors will issue decisions ordering the phase out or recovery of the granted State Aids. The decisions of the State Aid grantors have an executory title.

(4) in order to meet the obligations provisioned at recital (3), the grantors shall issue their own methodology."

7. At article 22 is introduced a new recital, recital (2), with the following content: "(2) if there are serious doubts in relation to the submitted data, the Competition Council can request supplementary data and information and, if necessary, it can verify on site."

8. At article 23, recital (1) shall have the following content:

"Article 23

(1) The Competition Council elaborates the annual report on the State Aids granted in Romania, which is submitted for information, to the Government. In order to ensure the transparency in the field, the report is published in the Official Monitor of Romania, 1st Part, and submitted to the European Commission."

9. After article 23 is introduced a new article, article 23¹, with the following content:

"Article 23¹

(1) The Competition Council supervises the financial relations between the public authorities and public undertakings as well as the transparency of the financial relations within the undertakings benefiting from special rights or the undertakings which were entrusted with the performance of services of general economic interest, based on reports, information and data submitted by the public authorities.

(2) The public authorities have the obligation to organise a bookkeeping of the financial relations between them and the public undertakings stipulated at recital (1) and to submit, at the Competition Council's request, information related to those relations.

(3) the public undertakings, including those activating in the manufacturing field, the undertakings performing a service of general economic interest, as well as those benefiting of special or exclusive rights, receiving any type of compensation for their performances and, at the same time, also performing other activities, for the purpose of ensuring financial transparency."

10. At article 33, the introduction to recital (1) shall have the following content:

"Article 33

(1) The following actions of the State Aid beneficiaries represent contraventions if, according to the penal law, there are not considered offences, and are to be sanctioned with a fine between 5,000 RON and 40,000 RON:"

11. At article 33, the introduction to recital (2) shall have the following content:

"(2) The following actions of the State Aid grantors represent contraventions if, according to the penal law, there are not considered offences, and are to be sanctioned with a fine between 5,000 RON and 40,000 RON:"

12. At article 33, recitals (3) and (5) shall have the following content:

"(3) The contraventions stipulated at recital (1) are ascertained and sanctioned by the Competition Council, in accordance with the conditions provisioned for at art. 25 recital (3), or by the grantors public authorities, through their representatives.

.....
(5) The personnel performing the control in accordance with the conditions provisioned for at art. 25 recital (3), at their request, benefit from protection from the responsible bodies of the State."

13. At article 35, recital (1) is abolished.

14. At article 35, recital (2) shall have the following content:

"(2) The provisions regarding the privileged communication are not applicable to the submission of reports, information or documents requested for the inforcement of the national and Community procedures in the State Aid field and for the publication of reports, synthesis and other documents elaborated in accordance with the present emergency decree."

This law was adopted by the Romanian Parliament, with the fulfillment of the provisions of art. 75 and art. 76 recital (2) from the Romanian Constitution, republished.

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