

REGULATION ON THE PROCEDURES FOR REPORTING AND MONITORING OF STATE AID

According to art. 26¹ from the Law no 143/1999 regarding State aid, with subsequent amendments and completions, the Competition Council adopts the present regulation.

Chapter I

Procedure for reporting State aids to Competition Council in order to work out and update the inventory of State aids

Definition of the State aid inventory:

Art.1 – According to the Law no. 143/1999 on State aid, with subsequent amendments and completions, further called the Law, the Competition Council works out an inventory of State aids, which consists of all existing State aid schemes and individual aids. The State aid inventory is updated annually.

Art.2 – For the purpose of this regulation, the inventory of granted State aids consists of:

- a) The list of legal or administrative acts, which contain State aid schemes and/or individual aids that have been created or granted or have had effects during the reporting year;
- b) The list of specific allocations within a State aid scheme, which contains the value of the State aids granted to each recipient and also information concerning the legal basis of granting aids, the objectives, nature and origin of State aid, conditions for allocating aids, other relevant information;
- c) The list of individual State aids, which contains the value of State aids granted to each nominated recipient, and also information about the legal basis on granting State aids, objectives, nature and origin of State aids, the conditions of allocating aids, other relevant information;
- d) The synoptic table of State aids, which contains under a synoptic format the value of State aids granted through State aid schemes and individual State aid, quantified and classified according to their nature, origin and coded objectives, as specified in the present regulation.

Assessment of State aids amount function of their nature

Art.3 – (1) The amount of State aid is assessed according to provisions of the legal acts which establish a State aid scheme or grant an individual State aid.

(2) – If procedures to quantify State aids are not specified in the legal or administrative acts which establish a State aid scheme or grant an individual State aid, the assessment of the State aids amount shall be made according to calculation methods taken into consideration during the authorization of the aid by the Competition Council or established by regulations and instructions of the Competition Council.

(3) – If a calculation method is not explicitly provided, the identification and quantification of State aid shall be made according to the nature of the aid, as stipulated in the present regulation.

(4) – The amounts granted or for whom the state renounced in the favour of state aid recipients, irrespective of whether specific allocations within a State aid scheme or individual aid is granted, shall be assessed function on the nature of aid.

(5) – In the case of direct State aid – aids such as budgetary expenses or revenues whom the state has renounced for, other than those of fiscal nature, the amount of State aid is computed as follows:

a) In the case of subsidies, allocations, bonuses and any other non-reimbursable amounts - the amount of State aid value is given by the value of the granted amount;

b) In the case the State or other bodies administering funds on behalf of the State participate with capital, in order to directly finance investments and activities from public funds, if the foreseen rate of the profit is lower than the normal one, than the amount of State aid is equal to the equivalent value of the capital invested from public funds;

c) In the case of the sale of lands, buildings and other assets belonging to the private property of the state, below the market price, the amount of State aid is set according to Competition Council's instructions on sale of lands and/or building by the public authorities, published in the Official Gazette , Part I, No 541 on July 28, 2003;

d) In the case of price reductions for goods supplied and services performed by public authorities or other bodies administering the state resources, the amount of State aid is equal to the difference between the market price/tariff of those goods/services and the reduced price/tariff at which they are supplied, the difference applicable on quantities of goods/services with lower price/tariff from which the economic agents benefit;

e) In the case of debts write-off or reduction, the amount of State aid value is equal to the amount of the debt owed to the state, of which the recipient of State aid is exempted;

f) In the case of soft loans, the amount of State aid is equal to the difference between the active interest, calculated as an average of interests applied on the banking market and the interest actually paid by the State aid recipient.

g) For guaranties granted by the state or by other public authorities in preferential conditions for internal or external credits – the value of aid is calculated according with the instructions of the Competition Council on state aid granted as grants, published in Official Journal of Romania, Part I, no 541 on 28 July 2003;

(6) In the case of indirect State aid – aids granted indirectly through the fiscal or social security sistem, the value of state aid is computed as follows:

a) In the case of custom duties exception allowances and/or exemption – the amount of State aid consists of the value of the custom duties excepted from the obligation of payment, respectively the value of the reduction and/or the exemption from the payment of custom duties that were granted, to which the influences resulted from other taxes and fees function of the basis of calculation are also added;

b) In the case of tax and other budgetary obligations allowances and/or exemptions, the amount of State aid is given by the value of the reduction and/or exemptions.

c) In the case of tax and other obligations postponement and/or deferrals, the amount of State aid is given by interest on the payment delay or related to postponed deferred amounts;

d) In the case of allowances and/or exemptions from the payment of supplementary charge for payment delay of budgetary obligations, the amount of State aid is given by the amount of the reduction and/or exemption.

(7) For the amounts paid by the guarantor for the guarantee and for the exemption from the payment of legal penalties, distinct forms shall be filled (as mentioned in Annex no. 1A or 1B, by case), different from the ones filed for the directly granted aid as state guarantee.

(8) Enumerations from the par. (5) and (6) are not exhaustive. Should special situations arise, when the method of calculation can not be identified in accordance with the par. (5) and (6), the Competition Council will give special assistance in order to set the calculation formula and the amount of the State aid.

Objectives for granting State aid

Art.4. – (1) Depending on the aim pursued at the granting of the State aid, the objectives of granting state aids are classified in main objectives and secondary objectives, and depending on the destination, they are classified in horizontal, sectorial or regional objectives.

(2) The main objective has in view the reason of adopting the legal act by way of which the aid scheme has been initiated and that, usually, represents a priority objective of the economic policy at micro- or macro-economic level, depending on the authority that is granting the aid. If an aid has a regional destination, it shall be specified as the main objective.

(3) The secondary objective is referring to the specification of other criteria than that considered for the definition of the main objective and that, subsidiary, has lead to the aid scheme issue.

(4) The main objective can be included in the category of horizontal, sectorial or regional one, and the secondary objective can be included in the category of the horizontal or sectorial objectives, as follows:

(5) The horizontal objectives are referring to the State aid granted to a recipient, irrespective of its area of activity, for the achievement in good conditions of certain activities such as research and development, environmental protection, supporting and promoting the small and medium sized enterprises (SMEs), fighting unemployment, professional training or with other horizontal destinations.

(6) The sectorial objective are concerned with State aids strictly targeted to a specific sector, their classification on groups emphasizing the sensitive competitive sectors, meaning those with structural problems of over-capacity (on the European level: steel, ship building, coal etc.).

(7) The regional objectives have in view the State aids targeted to the developing of the less favored regions, by supporting investment and job creation, by promoting the expansion, modernization and diversification of activities of undertakings located in those regions and by promoting the establishment of new undertakings in the region.

(8) Regional aids consist of State aid granted to:

- areas for which national programs for regional development have been drafted, respectively for those areas where aids are granted for the development of certain economic activities, where such aid does not adversely affect the competition environment.
- less-favored regions, i.e. regions called “less favored” by legal acts as a result of the fact they meet criteria set out in the Government Emergency Ordinance no.24/1998 on the regime of less favoured regions, re-published with further amendments.

(9) The State aid granted for agriculture and fishery will be report by the Ministry of Agriculture, Forests and Rural Development.

(10) The objectives of State aid, which are classified and coded in accordance with art. 14 of the Law and with the existing EU regulations, are specified in Annex no 2.

Organization of records, transmission of information and control of the granted State aid

(A.) The working out of the inventory of the granted State aid

Art.5. – (1) In order for the Competition Council to work out the inventory of the granted State aids, the responsible authorities shall fill in the forms contained in the Annex no. 1A (State aid scheme), Annex no. 1B (individual aid) and Annex 1C (synoptic table) which are parts from the present regulation, by specifying the nature, objectives and the classification code of State aids.

(2) Data concerning State aids granted as state aid schemes shall be centralized function of the sector of activity, according to Annex 1C (respective to each State aid scheme).The forms which will be filled out according to the instructions and will be sent to Competition Council.

(3) The responsible authorities, respectively the suppliers of State aid, any other bodies administering state or local sources shall keep a specific record on granted State aid, and also on their total amounts, so that the information can be sent in the requested format according to the present regulation.

(4) In order to work out the inventory of State aid schemes and individual aids for the last reporting year and for the two years prior to the reporting year, the annexes filled in according with the present regulation, on the basis of existing records, shall be sent to the Competition Council until July 31th of the year subsequent to the reporting year.

(5) The information submitted shall refer to:

a) the nature of the granted State aid – the information shall be structured and classified according to art. 3 and 4 of the present regulation;

b) the conditions imposed for the granting of State aid, according to the case – shall refer to both the conditions set forth by the initiator and those imposed during the authorization process by the Competiton Concil or those imposed on the grounds of the art. 13 of the Law.The conditions are associated with the objectives of the State aid, as defined by the art. 4 of the present regulation;

- c) the origin of State aid – specifications have to be made if aid is granted from state budgetary sources or on its behalf, from the state social-insurance budgetary sources or on behalf of this, from the local budgetary sources (county, locality) or on behalf of these, as well as from other state sources;
- d) the amount of granted State aid for each recipient – the amounts foreseen to be granted for the entire period of application of the State aid scheme or the amounts foreseen as individual aids shall be specified, according to the case, by mentioning their distribution over each year, and on installments, respectively;
- e) the duration of the State aid – it is provided for in the legal act by way of which the State aid is promoted, or by the permit decision of the Competition Council, the State aid scheme or the individual State aid respectively.

(6) The information submitted shall also contain remarks on the context of granting the aids, respectively on the existence of some rescue/restructuring, regional development, privatization and other governmental programs, by underlying the specific granting conditions, including the reference that aids were granted one time only, at a given moment (ad-hoc aids). Any supplementary information requested by the Competition Council shall be transmitted in max. 15 days from the receipt of the request.

(7) The information submitted is referring to all State aids, including those exempted from the notification obligation, under the conditions set forth by the Competition Council's regulations, respectively those under the minimum ceiling as provided by art.20 of the Law, or those considered as authorized according to art. 21 of the Law.

(B.) The annual updating of the State aid inventory

Art.6 – (1) In order to annually update the inventory of granted State aid, suppliers of State aid and also any other bodies administering state or local sources are required to send to the Competition Council information on State aids granted as state aid schemes and individual aids, including aids exempted from the notification obligation and that have effects in the year previous to the reporting year. The annual updating starts from the reporting year for the two years previous to the reporting year.

(2) The information shall be sent according to the provisions of art. 5 from the present regulation.

(3) The information from par. (1) and (2) shall also refer to:

- a) the operating State aid schemes, as well as the specific allocation within the given schemes, considered as existing State aid under provisions of art. 3

of the law. In this category are included: the operating schemes prior to the reporting year, which continue after the reporting year, the new schemes adopted during the reporting year or those whose application stops during the reporting year;

b) the individual State aids, considered as existing aids under art.3 of the Law. In this category are included individual State aids considered as ad-hoc aids, as well as the installments effectively allocated during the reporting year, whenever the individual aid is foreseen to be allocated in installments;

c) State aids exempted from the notification obligation under art. 20 and 21 of the Law.

(C) Common orders

Art.7 State aid suppliers can be: ministries, governmental agencies, local public administration authorities, specialised bodies of the local and central public administration, other bodies that adminstrates state sources and are entitled to grant State aid, such as banks, and financial and banking institutions. The authorities that set up the State aid schemes can also be suppliers of State aid.

Art.8 (1) Suppliers of State aid shall create a record for amounts granted as State aids, so that to be able to supply information according to provisions of art.6 par. (2) si (3), as well as to quantify in a centralized format the level of granted State aids:

a) annually, for each State aid scheme or individually administered aid;

b) annually, for each recipient of individual aid or of specific allocations within a State aid scheme.

(2) The record will be organized so as to allow the identification and quantification of State aids granted during the last three consecutive years.

Art.9 The State aid suppliers shall send annual information, according to annexes no 1A and 1 B, filling in the synoptic table for each State aid scheme, by the case, according to annex 1C, until July 31th of reporting year, on the basis of data included in the personal records of the compartments organised according to art. 25 par. (1) of the Law.

Art. 10 The reporting year is the year prior to the current year. The information concerns both the State aids granted in the reporting year and

those granted in the two years prior to the reporting year. The annual updating is made for the years prior to the reporting year.

Art. 11 (1) Together with the current information, data shall be sent, if the case, on the legal corrections (recoveries, repayments under the Law that were not reported in the previous year/years) of the amounts previously reported as amounts of granted State aid. This information shall be included in the State aid inventory, depending on the explanation given by the supplier.

(2) The Competition Council reserves the right to pursue subsequent verification of the certainty of information received according to the procedure on state aid monitoring included in the present regulation.

Art. 12 The Competition Council may request additional information from the suppliers of State aid, whenever necessary, and they shall send them within maximum 15 days from the receipt of request.

Art. 13 In all situations, the information shall be sent on both paper and electronic support, with confirmation of receipt and registration number, or by mail, with confirmation of receipt. The transmission on electronic support shall be made so as to allow the use and processing of the data by the Competition Council.

Art. 14 (1) Whenever necessary, the Competition Council shall verify, through persons entitled, the suppliers of State aid on the correctness of their establishing the amount of State aid, the accuracy of information used for the necessary calculations, and also any other necessary information.

(2) The state aid suppliers shall offer to persons entitled by the Competition Council all necessary data for the calculation of the amount and intensity of the State aid, which are defined in the official regulations, irrespective of the nature and objectives of the aid.

(3) The intensity of State aid is defined as the share of the aid in the total cost of the project.

The State aid report

Art. 15 (1) According to art. 27 from the Law, the inventorying activity is to be completed by an annual report, edited by the Competition Council until

December 15th of the year subsequent to the reporting year. The state aid summary situation will be included in the report.

(2) The report shall be submitted to the Government for approval, and is published in Official Journal of Romania Part I, under art.27 of the Law and is sent to the European Commission in order to assure the full transparency in this field and for the achievement by Romania of the obligations carried out by international agreements to which it is a part.

Chapter II

Procedure for State aid monitoring

The content of State aid monitoring

Art.16. – (1). According to provisions of art.26 par.(3) of the Law, for the fulfillment of its attributions, the Competition Council monitors granted State aids, not only those subject to notification and authorization obligation, but also those exempted from this obligation, according to art.20 and 21 of the law, by:

a) supervision of compliance by the State aid recipients with provisions of the normative or administrative acts that provide for State aid;

b) supervision of the effective application of authorization decisions issued by the Competition Council;
cumulul de ajutoare;

c) monitoring of fulfillment by the State aid grantors and recipients of the rules regarding aid accumulation;

d) verification of the compliance of State aids with the maximum intensity thresholds foreseen by the legislation in the field;

e) supervision of changes concerning market conditions and of significant distortions, under the new conditions, of the competition field;

f) monitoring of the compliance between the foreseen effects of the authorised State aids and those actually achieved in practice.

(2) All existing, on going State aids, defined as provided by art.2 and 3 of the law are subject to monitoring.

(3) For the purpose of fulfilling the duties provided in art.26 from the law, appointed staff of the Competition Council may ask for informations and necessary documents to the state aid suppliers, to the authorities that administrate state resources or those of local community, as well as to the state

aid beneficiaries, stipulating the legal basis and the purpose of asking, also having the possibility to establish deadline for the transmission of these information and documents;

(4) The personnel empowered by the Competition Council take monitoring actions to respecting the obligations according with the law in the financial relations between public authorities and public undertakings, as well as ensuring the transparency in certain undertakings.

(5) For actions mentioned at para.(4) it have to consider the provisions of the Regulation on the transparency of financial relations between public authorities and public undertakings, and on financial transparency within certain undertakings.

Activity of surveying State aids

Art.17 The supervising of the way the normative or administrative act's provisions that establish state aids and the authorization decisions issued by the Competition Council are met, is realized by checking:

a) the existence of a Competition Council's decision made under the provision of art.8 and 12 from the law;

b) the framing of the state aid in the categories excepted in condition established by the Competition Council's regulation under art.20 and 21 of the law;

c) the observance of the condition imposed by the legal act of granting aids, by authorizing decision issued by the Competition Council or regulations and instructions implemented by order of the Competition Council's President;

d) the existence of the state aid record to the grantors, at any other local bodies that administrate state resources or local collectivity resources, as well as to the state aid beneficiaries, in such way that it shall be possible to identify their form, nature, origin, duration in time, calculation method etc., as they were defined by the adopting normative act, by the authorization decision issued by the Competition Council or by the regulations and guidelines enforced by Competition Council's President;

e) measure taken and recommendations formulated by the Competition Council during the carrying on of the state aids schemes or individual aid in accordance with art.13 of the law;

f) the application of standstill clause under which a new aid can not be granted and an existent aid can not be altered until the Competition Council

has made an authorizing decision or is deemed to have taken a decision authorizing the aid;

g) the applying of the decisions of revocation the state aids authorized or of return or recovery of prohibited or unlawful aids, as well as of those of suspension remained irrevocable, in the condition of the law;

h) the carrying out of the objective contained in the Governmental programs by the carrying on of the state aid schemes or individual aid, initiate on their bases;

i) respecting of extant programmes by the recipients of state aid (economic straightening plan, rescue and/or restructuring plan, developing, absorption of the labor force, environmental protection or any other programs of this kind) and the way of their operating;

j) the existence and observance of the way of periodical reporting to the responsible authorities of the achievement of their objectives comprised in the own programs by the state aid recipients.

Control undertaken by the Competition Council

ART.18 – (1) The Competition Council carries out controls to the state aid grantors, to the bodies that administrate state local collectivitie's resources as well as to the state aid beneficiaries, including to the objectives where there were implemented the supporting measures.

(2) At the state aid grantors and any other bodies that administrate state or local collectivities' resources, the personnel empowered by the Competition Council shall verify the following:

a) the observance of the terms and conditions included in their own programs of achievement of the proposed objectives and their full compliance with the effective way of operating of the state aid scheme or individual aid, as well as the existence of the periodic reports concerning the achievement of this programs, as the case may be;

b) the concordance between the state's preliniated effort and the effective one, respectively between the impact estimated through the governmental programs and the effective achieved one;

c) the observance of the legal procedure as regards the eligibility of the recipient, terms and conditions of granting some specific awards;

d) the recording of the amount granted on each recipient and on objectives, etc.

(3) The grantors of state aid and any other bodies that administrate the resources of the state or of the local collectivity, shall make available, for the personnel empowered by the Competition Council, the records (for each

state aid beneficiary) of the values for the specific allocations granted within every state aid scheme they administrate, of the installments granted for individual state aids, as well as any other data and information necessary for carrying out the state aid monitoring attributions.

(4) The state aid beneficiary shall keep a specific record, to at least clearly show the total sum of the received state aids, set for each year, grantor, objectives, as well as information regarding the form of the received state aids (state aid schemes and/or individual state aids) and the legal basis they were granted on (normative or administrative acts, Competition Council's decisions).

(5) The state aid beneficiaries shall make available for the personnel empowered by the Competition Council the data and information requested at the spot as well as in writing, for them to carry out their legal mission.

(6) At the state aid beneficiaries, the personnel empowered by the Competition Council verifies the necessary data for the assessment of the state aid, as well as for establishing its intensity, no matter the state aid's form or objectives.

Final dispositions

Art. 19-(1) The monitoring actions are ended by elaborating a monitoring report for each action. The report shall enclose observations, conclusions and proposals of measures to be taken by the Competition Council according to its attributions provisioned by the law.

(2) The monitoring activity carried out by the Competition Council during a year shall be enclosed in the Competition Council's yearly activity report.

Art.20 -Annexes 1A,1B and 1C and 2 are part of the present regulation.

Annex No. 1A

To the Reporting procedure

State aid supplier:

.....

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Address.....

.....

City.....
County.....
.....
Telephone.:
.....Fax:.....
Fiscal
cod.....
Contact person.....

F o r m

On state aids granted on the basis of, in the year

1. Title of the scheme:
2. Legal basis:
3. Objectives of the state aid granting:
 - main
 - secondary.....
4. Nature of the state aid:
5. Origin of the aid:
6. Terms of granting:
7. Recipients and value of the specific awards within the state aid scheme:

No crt .	Recipients			Value of state aids – in thousand lei, out of which:	
	Denomin ation	City/ County	Sector of activity	In reportin g year	In the previous years of the reporting year

			(CAEN code)	In the year... ...	In the year..... .
0	1	2	3	4	5	6
1.						
2.						
3.						
TOTAL:						

8. Data on the way of determining of the state aid value:

9. Observations:

Instructions to fill in the form – annex no 1A

For each state aid scheme will be filled in a form by mentioning in the title, the legal act by way of which the concerned scheme has been initiated and the reporting year.

For the reporting year (the previous year of current year), shall be filled in form concerning the specific awards granted in the last three consecutive years (for exemple in 2004 it will be sent data concerning the year 2003 – reporting year – as well as data concerninig 2002 and 2001).When by a legal act more schemes are promoted a form will be filled in for each scheme.When by the legal act that promote the state aid scheme different kind of aids are foreseen a form for each nature of the aid will be filled in.

Point 1 – The title of the scheme will contain the synthetic description of this.

Point 2 – The legal basis will contain both the legal act by way of which the scheme has been initiated, and the legal acts by way of which this has been renewed, prolonged or altered, as well as the legal acts by way of which specific awards has been granted within the scheme, as the case may be.Also the number of the authorizing decision given by the Competition Council will be register.

Point 3 – In order to establish and codify the objective will be taken into account the provisions of art. 4 from the present regulation.Both as concern

the main objective and the secondary objectives, shall compulsory be mentioned their objectives code too.

Point 4 – Shall be mentioned the nature of the state aid, under the art. 4 (from the present regulation).

Point 5 – Shall be mentioned the origin of the state aid, respectively the award of the aid from the state budget, state social insurance budget, local budgets (county, city, town, village) or from other state sources.

Point 6 – Shall be mentioned the conditions (criteria, limits etc) for granting specific awards to the state aid recipient enterprises, as they are foreseen, both on the legal basis of the aid scheme, and on the Competition Council decision, whenever it is the case.

Point 7 – (col. 1, 2 and 3) All recipients of specific awards will be specified. For each recipient shall be specified its sector of activity (through the CAEN code). If the aid is granted for another adjacent activity, will be specified the activity for which the aid was granted.

- (col. 4 5 and 6) The amounts received as aid for each year from the head of the table (budgetary expenses or amounts the state has renounced in undertakings favor) will be determined according to the state aid nature under art. 3 from the present regulation.

Point 8 – Shall be mentioned the information used to determinate the state aid value, such as: reference prices, reference interests rate in the case of the soft loans, the regime of awarding the state guarantees, the level of penalties in the case of tax exemption etc., as well as when necessary, the calculation formula.

Point 9 – Shall be presented commentary as concern the scheme's carrying on and shall be mentioned if the Competition Council's authorizing decision is observed or if the aids granted are under the minimum threshold for exception or they are included in the category of aids excepted from the notification obligation to the Competition Council according to art. 20 and 21 from the Law. Any other observations referring to the state aid schemes will be presented.

Annex No. 1B

To the Reporting procedure

<i>State aid supplier:</i> <i>Address</i> <i>City</i> <i>County</i> <i>Telephone.:</i> <i>Fax:</i> <i>Fiscal</i> <i>cod</i> <i>Contact person</i>

F o r m

On individual state aids granted in the year

1. Individual state aid recipient:

Name.....
Address.....
City.....County.....
Telephone.....Fax.....
Fiscal code.....
Sector of activity it will be specified CAEN code.....

2. Legal basis of granting the individual state aid

3. Objectives of granting state aid:

- main objective
- secondary objective

4. Nature of the individual state aid
5. Origin of the individual State aid
6. The value of the individual aid, cumulated for the last three years out of which:
 - in the reporting year.....in thousand lei;
 - in the previous year to the reporting year.....in thousand lei.
7. Information on the way of determining the value of the individual aid
8. Observations:

Instructions to fill in the form – annex no 1B

A form will be completed by the state aid supplier for each individual state aid granted in the reporting year (previous year of current year) and in the past consecutive two years of this one (thus in the year 2004 will be sent data for 2003 – reporting year – and for 2002 and 2001). When by a legal act a recipient is awarded more different individual aid, depending on their nature, a form will be completed for each of these aids.

Point 1 – Identification data will be shown for the recipient of individual aid.

Point 2 – The legal basis will contain both the legal act by way of which the individual aid has been initiated and the legal acts by way of which the act has been renewed, prolonged or modified, also the number of the authorizing decision from the Competition Council.

Pct. 3. - În stabilirea și codificarea obiectivului se vor avea în vedere prevederile art.4

Point 3 – In order to establish and codify the objectives will be taken into consideration the provision mentioned at art. 4 from the present regulation. Both as concern the main objective and the secondary ones, shall compulsory be mentioned their objective code too.

Point 4 – It will be mentioned the nature of the state aid under the art.3 from the present regulation.

Point 5 – It will be mentioned the origin of the state aid, respectively if it is granted from the state budget, social insurance state budget, local budgets (county, city, town, village) or from other state sources.

Point 6 – The amount received as individual aid (budgetary expenses or amounts that the state renounced in undertakings favor) will be determinated taking into account the nature of the individual state aid in accordance with art. 3 from the present regulation.

Point 7 – It will be mentioned the information used in order to determine the value of the individual state aid, such as: reference prices, reference interest rate in the case of soft loans, the regime of granting state guarantees, the level of penalties in tax exemptions cases etc as well as if it is necessary, the calculation formula.

Point 8 – It will be shown remarks as concern the carrying on of the individual aid problems that appear in the granting process, and it will be mentioned if the conditions from the Competition Council's decision are observed or the aids granted are included in the category of aids excepted from the notification obligation to the Competition Council according to art. 20 and 21 from the Law. Any other information referring to the individual aids will be presented.

Annex no 1C

To the Reporting procedure

Synoptic table

1. Title of the state aid scheme::

2. Legal basis:

3. Nature of the state aid:

4. Synoptic table

-thousand lei-

Sector of activity for each recipient according to NACE code	<i>Value of state aid Of which:</i>		
	<i>In reporting year</i>	<i>In the previous years of reporting year</i>	
	In year	In year
I.) AGRICULTURE Of which:			
a) crop sector			
b) zootechnical sector			
c) mechanizeing			
d) fisheries			
e) silviculture			
f) bettering landed			
g) other agricultural activities			
II.) Whole manufacturing industry: Of which:			
a) food industry			
b) chemistry			
of which:			
- synthetic fibres and threds			
c) paper and cardboard industry			
d) wood processing			

e) ferrous metallurgy (exclusive steel products)			
f) unferrous metallurgy (exclusive steel products)			
g) furniture industry			
h) machinery and equipment of which:			
- motor vehicle			
i) other manufacturing sectors			
III. Steel			
IV.) Publishing houses and publishing activities			
V.) Construction and construction activities Of which:			
a) the maintenance and exploitation of roads and bridges			
VI.) Whole sale and retail			
VII.) Whole electric energy: Of which:			
a) production			
b) distribution			
VIII.) Whole thermal energy: Of which:			
a) production			
b) distribution			
IX.) Mining and quarrying Of which:			
a) coal: aid to current production			
b) coal: other aid			
c) ferrous ores			
d) unferrous ores			
e) other extractive activities (exclusive oil)			
X.) Oil mining and preparation			
XI.) Production and distribution of natural gas			

XII.) Water collection, treatment and distribution			
XIII.) Hotels and restaurants			
XIV.) Whole transport: Of which:			
a) Commodities auto transport			
b) Passengers auto transport			
c) Air transport			
d) Commodities railway transport			
e) Passengers railway transport			
f) Inland waterway transport of which:			
- Channel Delta Dunării and Tulcea			
g) Sea transport			
h) enclosing activities of transport			
XV.) Post and telecommunications			
XVI.) Whole services: Of which:			
a) renting services			
b) informatics services			
c) consultation services			
d) advertising services			
e) other services			
XVII.) Education			
XVIII.) Financial activities			
XIX.) Public administration			
XX.) Health and social assistance			
XXI.) Media and culture			
XXII.) Sanitation services			
XXIII.) Tourism			
XXIV.) Other services and activities			

The signature and authorized stamp

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Instructions to fill in the form – annex no 1C

For the reporting year, the previous year of the current year, a synoptic table will be filled in by the supplier for each state aid scheme, starting with 2003 and including the last two consecutive years of the reporting year.

Point 1 – The title of the scheme will contain the syntetic decription of this.

Point 2 – The legal basis will contain both the legal act by way of which the scheme has been initiated, and the legal acts by way of which this has been renewed, prolonged or altered, as well as the legal acts by way of which specific award has been granted within the scheme, as the case may be.

Point 3 – In order to establish and codify the objective will be taken into account the provisins of art. 4 from the present regulation. Both as concern the main objective and the secondary objectives, will compulsory be mentioned their objetives clasification code too.

Point 4 – Will be mentioned the nature of state aid, under the art. 3.

For filling in the table, it will take into account the activities framing in the categories stipulated in CAEN, approved by Government Decision no 656/1997 with its further altering and completing.

Point I from the synoptic table, respectively AGRICULTURE contain the value of aids granted for undertakings who have activities in the sectors mentioned at the letters a) – g) from the table, the same it will work out for the rest of the activities written down on the table.

Point II from the synoptic table, respectively WHOLE MANUFACTURING INDUSTRY contain the value of aids granted for undertakings who have activities in the sectors mentioned at the letters a) – I) from the table.

At the MOTOR VEHICLE section from the point II h) it will be comprise state aids granted for undertakings who produce motor vehicles, motorlorries,tractores or component parts of those (i.e. engines for Dacia, pump of injection for tractores etc), the code for this activities beeing 2931 and 341 – 343 according to CAEN code.

For EDUCATION sector it will be written down state aids granted to education units with private finanaces, according to CAEN.

The FINANACIAL ACTIVITIES sector from the table refer to state aids granted for undertakings who have activities in the financial-banking and insurances field, according to NACE.

Classification and codification of the State aid objectives

Objectives

classification Objective
code

1.1 Agriculture

1.2. **Fisheries**

2.1.

Horizontal objectives

2.1.1. Research-development

2.1.2. Environment

2.1.3. Small and medium sized enterprises

2.1.4. Trade

2.1.5. Energy saving

2.1.6.

Rescue-restructuring

2.1.7. Unemployment combat

2.1.8. Professional training

2.1.9. Other objectives

2.2. Sectorial objectives (sensitive sectors)

2.2.1. Steel

2.2.2. Shipbuilding

2.2.3. Other manufacturing sectors

2.2.4.1. Coal: aids for current production

2.2.4.2. Coal: other aids

2.2.5. Transport, of which:

2.2.5.1. Railway

2.2.5.2. Air transport

2.2.5.2.

2.2.6. Tourism

2.2.7. Financial services

2.2.8. Media and culture

3. Regional objectives

3.1. Regions for which national development programs have been worked out, other than those less favored

3.2.	Less favored regions
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