

## Form for Notification of State aids

### CHAPTER I

#### General data and information

##### 1. Identification of the aid grantor

- name;
- address;
- contact person: - name;
  - responsibility;
  - telephone;
  - fax;
  - e-mail.

##### 2. Identification of the aid

- name of the company beneficiary (in case of individual aid)
- brief description of the objective of the aid (primary objective and, if applicable, secondary objective)

\*\*\* A secondary objective is, for example, the case of an aid scheme whose primary objective is research and development, which may have as a secondary objective small and medium-sized enterprises.

##### 3. Form of the aid

###### 3.1. state aid scheme;

If the notification is based on a state aid scheme, does this scheme modify an existing scheme?

☐Yes

☐No

If yes, was the existing scheme, which is being modified, notified to the Competition Council?

☐Yes

☐No

If yes, state:

- the number of the decision to approve the modifying scheme,
- the date of the decision,
- the duration of the scheme,
- the conditions which are being modified or amended, and their justification.

###### 3.2. individual aid

If the aid is an individual aid or an aid related to a scheme and it must notified in the form of specific allocation.

☐Yes

☐No

If yes, make reference to the authorised scheme:

- the scheme's title.....
- The number of the Competition Council's decision authorizing the scheme.

#### **4. Legal Basis**

4.1. Specify the legal basis for granting the aid, especially mentioning the provisions to be applied, attaching a copy of it.....  
(Government Decision, Government Emergency Ordinance, Government Ordinance, order etc);

4.2. Indicate the documents enclosed with the notification:

- copies of the normative acts;
- copies of the draft normative acts.

#### **5. Beneficiaries of the aid**

5.1. location of the beneficiary(ies)

5.2. sector of the beneficiary(ies)

5.3. in case of individual aid:

- name of the beneficiary;
- type of beneficiaries:
  - ☐ small and medium-sized enterprises
    - number of employees;
    - turnover;
    - meeting the independence criteria;
    - the annual balance sheet;
  - ☐ large enterprises;
  - ☐ firms in difficulty;

5.4. in case of state aid schemes, indicate the type of aid beneficiaries:

- ☐ all types of undertakings (both small and medium-sized enterprises and large enterprises);
- ☐ only large enterprises;
- ☐ only small and medium-sized enterprises;
  - ☐ small enterprises;
  - ☐ medium-sized enterprises;
  - ☐ micro- enterprises;
- ☐ estimated number of beneficiaries:
  - ☐ under 10
  - ☐ from 11 to 50
  - ☐ from 51 to 100
  - ☐ from 101 to 500
  - ☐ from 501 to 1000
  - ☐ over 1000.

#### **6. Amount of aid**

In case of individual aid, state the overall amount of each measure in part:.....

In case of schemes, indicate the annual amount of the state budget planned:.....

For tax measures, indicate the estimated annual and overall revenue losses, annual and total, due to tax concessions:.....

If the notification concerns changes to an existing scheme, give the budgetary effects of the notified changes to the scheme:.....

## **7. Modalities of granting the state aid**

- ☐ subsidy – indicate the amount, the period of granting and the financing source;
- ☐ export subsidy – indicate the amount, the period of granting and the financing source;
- ☐ debt write-off (form of debt, the period the debt incurred, and the amount);
- ☐ debt take-over (amount and period when incurred);
- ☐ fee and tax exemptions – indicate each fee and/or tax, the period of exemption, and the estimated annual amount and for the entire period;
- ☐ fee and tax deferrals – indicate each fee and/or tax, the period of granting the deferral and the estimated annual amount and for the entire period;
- ☐ foregoing on normal returns on public funds incomes on preferential management terms – indicate: the amount of used funds; nature of incomes; the value of the normal income which would be obtained annually and for the entire period; the foregone difference in income, annual and for the entire period;
- ☐ preferential interest rate loans: value of granted loan and granting duration; the normal income which would be obtained from the interest rate (%) of ... charged on the market, annually and for the entire period; the income which will be obtained from the preferential interest rate in (%) ... annually and for the entire period; foregone income (difference in interest rate) annual and for the entire period;
- ☐ equity injections in investments under preferential terms: justification of the investment; invested capital; rate of return under normal conditions obtained by a private prudent investor; rate of return from the investment; difference between rates of return; the foregone amount of return, annual and for the entire period;
- ☐ guarantees of the state or of other public authorities (advantages thus obtained);
- ☐ price discounts for the goods or services supplies – specify the product supplier, and the service provider; indicate the market value of the products, and the tariff value of the service; the value for the effective prices, and tariffs, for which they were delivered/provided; the difference between the two values, mainly the foregone income, annual and for the entire period;
- ☐ incomes which are foregone from the sales below the market price of lands from the private domain of the state – indicate the land to be sold: surface, location, lay-out, access roads, etc; market value; difference between the two values, mainly the foregone income.

## **8. International agreements to which Romania is a part and which are relevant for the field for which the state aid is granted.**

## **9. Modalities of monitoring and control through which the supplier ensures the observance of the determined conditions and objectives.**

## **CHAPTER II**

### **Data and information on the individual State aid**

## **10. Identification of the company beneficiary of individual state aid**

- name.....
- address.....
- contact person; name; responsibility.....
- telephone.....
- fax.....
- e-mail.....

- structure of ownership/share in the capital – indicate the significant shareholders.  
.....

#### **11. Economical and financial results based on the last three years balance sheet**

- annual turnover.....
- turnover on the Romanian market.....
- profit/losses on the Romanian market. ....

Attach a copy of the beneficiary's last year balance sheet. If the last year' balance is not finalized, the December 31 balance sheet will be attached.

#### **12. Activity and information on the market:**

- brief description of the main activity.....
- brief description of secondary activities (auxillary) .....  
.....
- indicate the manufactured products/performed services.....  
.....
- indicate the geographic area where the products' services are traded/performed.....  
.....
- the aid beneficiary's main competitors.....  
.....
- the market share of the aid beneficiary.....  
.....
- any other information relevant for the product and geographic market definition. ....  
.....

#### **13. State aid received during the last 3 years:**

Indicate the modalities of granting the past state aids, following the model under par. 5, and the annual and total aid received.

#### **14. Scope of the individual aid and justification:**

- state aid for research and development
- state aid for small and medium-sized enterprises
- state aid for environment protection
- state aid for training employees and job creation
- state aid for sectors with overcapacity, for rationalisation of the branch structure, pursuant to Art. 14 par. (1) lett. e of Law 143/1999 regarding State aid, with subsequent modifications and completions;
- state aid for regional development, pursuant to Art. 14 par. (1) lett. f of Law 143/1999 regarding State aid, with subsequent modifications and completions
- state aid for export promotion pursuant to Art. 14 par. (1) lett. g of Law 143/1999 regarding State aid, with subsequent modifications and completions;
- state aid for promotion of culture and heritage conservation
- state aid for promotion of health and education;
- combinations of the above;

For the above state aids, the notification form for state aids shall be filled in with the specific information provided in the annexes.

**15. Indicate if the state aid, in any of the cases under par. 13, is granted to an undertaking in the process of privatization by an international or Romanian strategic investor. Describe, on short, the operation.**

**16. For the state aid granted to an undertaking with the aim and justification under par. 14:**

- a) briefly present the way in which the undertaking's activity and of the group to which it belongs are organized.....
- b) indicate if the beneficiary is or is not in a difficult situation; provide details.....
- c) If the aid supplier relates the aid to an existing plan of redress/restructuring provided for the sectors with overcapacity, give a description of it; the plan must, mainly, refer to:
  - 1) restructuring measures, duration of implementation and total cost;
  - 2) implementation graph table for the restructuring actions and rescheduling of related costs;
  - 3) the draft plan for the profit-and-loss account for each year, from the beginning until the end of the restructuring;
  - 4) the draft plan for payments and revenues (cash-flow) for each year, from the beginning until the end of the restructuring;
  - 5) data concerning the undertaking's maximum production capacity before and after achieving the investment program of restructuring – indicate the number of modifications;
  - 6) total number of persons planned to be laid off rescheduling of redundancies and accompanying social measures, the legal basis for these measures and the modalities of incurring the costs;
  - 7) environment protection measures, rescheduling of their achievement, related costs and means of incurring the costs;
- d) if the state aid will also lead to the creation of permanent or temporary jobs, indicate their number and the period for which they will be created. Explain;
- e) if the state aid will have as an effect the maintaining of existing permanent jobs, indicate their number and the period for which they will be maintained. Explain;
- f) if the aid grantor makes the state aid granting conditional on any other elements, please indicate them;

### **CHAPTER III**

#### **Assessment of the individual state aid**

**17. Indicate the date concerning the modalities provided under par. 6, in cases of state aid granted in several *tranches*, and the total value of state aid granted for the entire period, with its annual rescheduling.**

**18. Detailed description of the rules and conditions to apply for each modalities. The description shall also include the aid intensity (expressed as cost percentage), the taxation regime for the particular aid, and information on automatic/non-automatic granting of the aid provided certain criteria are met. Explain;**

**19. For each modality of granting aid, specify the costs based on which state aids are calculated (lands, buildings, personnel, professional training, consultancy expenses etc).**

**20.** State if the funds necessary to grant the aid are ensured, and in what percentage, from an external financing agreement (including the name of the agreement, date of signing, the financing body).

**21.** In case of an existing aid notification:

- date of notification of the existing aid to the Competition Council (if lodged after January 1, 2000);
- date of approval by the Competition Council (if lodged after January 1, 2000);
- conditions which were modified and the reasons that triggered the modification.

The aid notification must be accompanied by the most recent assessment regarding the application of the existing aid.

## **CHAPTER IV**

### **Data and information regarding the aid scheme, as defined under Art. 2 par. 4 of Law.**

**22.** Duration of application of the state aid scheme. In case of a scheme with undefined duration, the duration of application of the state aid scheme shall be estimated. ....  
.....

**23.** The scope of the scheme and its justification:

- a) state aid for research and development
- b) state aid for small and medium-sized enterprises
- c) state aid for environment protection
- d) state aid for training employees and job creation
- e) state aid for sectors with overcapacity, for rationalisation of the branch structure, pursuant to Art. 14 par. (1) lett. e of Law 143/1999 regarding State aid, with subsequent modifications and completions;
- f) state aid for regional development, pursuant to Art. 14 par. (1) lett. f of Law 143/1999 regarding State aid, with subsequent modifications and completions
- g) state aid for export promotion pursuant to Art. 14 par. (1) lett. g of Law 143/1999 regarding State aid, with subsequent modifications and completions;
- h) state aid for promotion of culture and heritage conservation
- i) state aid for promotion of health and education;
- j) combinations of the above;

For the above state aids, the notification form for state aids shall be filled in with the specific information provided in the annexes.

**24.** For the field (fields) provided for under par. 22, where the scheme is applicable, the following shall be submitted:

- a) generic, abstract, name of the undertakings who benefit from specific allocations within the aid scheme.....
- b) criteria that the undertakings have to meet in order to be included in the state aid scheme.....

- c) define the goods or services and indicate the criteria they have to meet in order to be included in the state aid scheme.....
- d) define the region or regions and indicate the criteria to be met to be included in the state aid scheme. ....

**25.** State if the funds necessary to grant the aid are ensured, and in what percentage, from an external financing agreement. Indicate the name of the agreement, date of signing, the financing body.

## **CHAPTER V**

### **Assessment of the aid in the form of aid schemes**

**26.** The total estimated amount of aid which will be granted in the form of scheme for the entire period of application, with separate annual estimates. ....

**27.** The total estimated number of undertakings which benefit from specific allocations within the aid scheme. ....

**28.** Please estimate the average amount which will be granted annually to an undertaking and state whether there are studies, analyses or strategies concerning the markets. ....

**29.** Please estimate the markets affected by the aid in the form of scheme and indicate whether there are studies, analyses or strategies concerning the markets. ....

**30.** In case of modification of an existing aid scheme:  
 - the notification date of the existing aid before the Competition Council (if lodged after January 1, 2000) .....  
 - date of approval by the Competition Council (if lodged after January 1, 2000) .....  
 - conditions which were modified and the reasons which triggered the modification;  
 The notification shall be accompanied by the most recent assessment regarding the application of the existing aid.

## **CHAPTER VI**

### **31. Duration of state aid**

a) In the case of an individual aid : indicate the date when the aid will be put into effect (if the aid will be granted in *tranches*, indicate the date of each *tranche*) .....

b) Specify the duration of the measure for which the aid is granted.....

c) In the case of a scheme: indicate the date from which on the aid will be granted; indicate the last date until which aid may be granted.....

d) If the duration exceeds six years, demonstrate that a longer time period is indispensable to achieve the objectives of the state aid. ....  
.....

### **32. Cumulation of different types of aids**

a) Can the aid be cumulated with aid received from other local, regional, national or schemes to cover the same eligible costs? .....

b) If so, describe the mechanisms put in place in order to ensure that the cumulation rules are respected. ....  
.....

### **33. Confidentiality**

Does the notification contain confidential information which should not be disclosed to third parties? Please indicate.

### **34. Compatibility of the aid**

- Identify which of the regulations or guidelines applicable to the notified state aid and all the information and documents necessary for the analysis:

- Regulation regarding state aid for employment;
- Regulation regarding regional aid;
- Regulation regarding state aid for research and development;
- Regulation regarding state aid for environment protection;
- Regulation regarding state aid for shipbuilding;
- Regulation regarding state aid and risk capital;
- Etc.

- where there is no legal basis for the authorization of the aid, please provide a fully reasoned justification as to why the aid could be considered as compatible with a normal competition environment.

## **CHAPTER VII**

### **35. Final provisions**

**36.** The effects and benefits expected after the granting of the aid (in detail)

**37.** Any other relevant information, necessary for the Competition Council to make a reasoned decision.

### **38. Supplementary information**

- also indicate any other information that the grantor and/or initiator consider relevant to the assessment of the notification by the Competition Council.

- also attach all the documents and information necessary for the notification.



**39. Declaration**

- the person who drafted the notification form shall certify that the information and documents provided on the notification form, are accurate and complete.

Date and signature