

**DECISION OF THE COMPETITION COUNCIL**  
**No43 as of 24.02.2006**  
**ON THE STATE AID TO BE GRANTED TO**  
**SC PARC INDUSTRIAL CRAIOVA SA**

**THE COMPETITION COUNCIL,**

Taking into consideration the provisions of the European Agreement establishing an association between Romania, on one hand, and the European Communities and their Member States, on the other hand, ratified by Law no. 20/1993, published in the Romanian Official Gazette no. 73, Part I, of 12.04.1993,

Taking into consideration the provisions of Competition Law no. 21/1996, republished in the Official Gazette, Part I, no. 742 of 16.08.2005,

Taking into consideration the provisions of State Aid Law no. 143/1999, republished in the Official Gazette, Part I, no. 744 of 16.08.2005,

Taking into consideration the provisions of the Regulation regarding the regional state aid, enforced by Order of the President of the Competition Council no. 55/2004, published in the Official Gazette Part I, no. 340 of 19.04.2004, modified and completed by Order of the President of the Competition Council no. 221/2004, published in the Official Gazette, Part I no. 847 of 16.09.2004,

Taking into consideration the provisions of the Regulation regarding the form, the content and other details of a state aid notification, published in the Official Gazette, Part I no. 82 of 25.01.2005;

Taking into consideration the provisions of the Regulation regarding the state aid for small and medium size enterprises, published in the Official Gazette, Part I no. 340 of 19.04.2004;

Taking into consideration the provisions of Decree no. 57/2004 on the appointment of the Competition Council's members.

**Based on the following reasons,**

**1. THE NOTIFICATION PROCEDURE**

(1) By address no. 1248/MNT/24.01.2006, registered at the Competition Council with no. RS-AS 13/25.01.2006, the Ministry of Administration and Internal Affairs has notified, based on art. 15 of Law no. 143/1999 on state aid, republished, the individual state aid to be granted to SC PARC INDUSTRIAL CRAIOVA SA as part of the state aid scheme within GO no. 65/2001 on the establishment and functioning of the industrial parks, approved with further modifications by Law no. 490/2002 and by article 24(13), article 250(1) point 9 and

article 257(1) letter a) of Law 571/2003 on the Fiscal Code, with further modifications and completions.

(2) By the addresses no. DAAS/175/03.02.2006 and DAAS/236/10.02.2006 additional information was requested from the Ministry of Administration and Internal Affairs in view of completion of the notification form. The state aid grantor and beneficiary have submitted to the Competition Council the requested information, by the addresses no. 223563/09.02.2006 and no. 223.563/10.02.2006, registered at the Competition Council with no. RG 1392/09.02.2006 and DAAS/242/13.02.2006. The notification became effective on **13.02.2006**.

## **2. OBJECTIVE OF THE FINANCIAL SUPPORT**

(3) The purpose of setting up Craiova Industrial Park is to stimulate local and economic development of the region vicinity to the Craiova town, at present in crisis. This economic relaunch shall be achieved by stimulating the SMEs' activity which will, at its turn, create the necessary jobs. This is necessary due to the decrease in the gigantic enterprises' activity, and therefore, the decrease in the number of jobs created during the controlled economy period. The importance of such an industrial park nearby Craiova is highlighten by the fact that the town has a decisive role for the whole Oltenia development region, being its residence. The Dolj County's industrial activity (which has an unemployment rate of 11.2%) is concentrated in Craiova, which, at present, has to modify its existing industrial structure, which was based on the large enterprises now in difficulty, in restructuring and which offer less and less jobs. To all this we can add the fact that after 1990 those enterprises had as employees approx. 70% of the County's active population. The state support is necessary and vital taking into account the need to use the high qualified employees within the area, as well as the need to create the necessary conditions to deal with the surplus of population from the deprived rural areas nearby Craiova town. It is estimated that the support to be granted will lead to the economic regeneration of this region, as well as to the creation of new jobs for the local community.<sup>1</sup>

(4) The establishment of this new industrial park aims to accomplish the following objectives:

- Creating jobs for the young university graduates;
- attracting supplementary foreign investors, especially to attract a high percentage of the foreign investments directed towards the Eastern Europe;
- establishing and developing high technology industries, to serve the domestic, as well as the external market;
- improving the products' quality and competitiveness;
- stimulating and supporting the capitalization of the local and regional competences;
- creating new jobs and stopping the working force's emigration;
- improving the employees' skills;
- promoting an equilibrated regional development.

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<sup>1</sup> Within the industrial park are already 6 undertakings which rented some lots and created 400 jobs. It is estimated that the investment will create approx. 1,250 jobs after aprox. 2 years;

### **3. DESCRIPTION OF THE STATE AID MEASURES**

#### **3.1. The legal basis for granting the aid**

- GO no. 65/2001 on the establishment and functioning of industrial parks, approved by Law no. 490/2002<sup>2</sup>;
- Law no. 571/2003 on the Fiscal Code, with further modifications and completions;
- Order of the Minister of Development and Prognosis no. 264/2002 on the approval of the Guidelines on the granting and annulment of the industrial park status, published in the Of.M. of Romania Ist Part, no. 684/17.09.2002;
- The Project of the Minister of Administration and Internal Affairs on the granting of the industrial park status to SC PARC INDUSTRIAL CRAIOVA SA Craiova.

#### **3.2. The measures of financial support for SC PARC INDUSTRIAL CRAIOVA SA**

(5) The financial measures i.e. RON 1,071,067, notified by the Ministry of Administration and Internal Affairs are to be granted to SC PARC INDUSTRIAL CRAIOVA SA in view of providing with the infrastructure required for the appropriate functioning of the industrial park. To this end, SC PARC INDUSTRIAL CRAIOVA SA shall benefit from the following fiscal facilities:

- exemption from the payment of the tax on the buildings or constructions within the industrial park, amounting to RON 125,695;
- deduction from the tax on land, amounting RON 36,120;
- deduction from the tax for taking off the land from the agricultural register/modifying the land's purpose, amounting RON 906,375;
- deduction from the taxable profit, amounting to 20% of the investments value (constructions investments or investments in the rehabilitation of constructions, internal infrastructure and connection infrastructure to the public utilities network) achieved by the 31<sup>st</sup> of December 2006, amounting to RON 2,877.

(6) As far as the deduction from the taxable profit is concerned, in accordance with art. 24(13) of the Fiscal Code, for the investments made within the industrial parks until 31.12.2006, it is granted a deduction from the taxable profit representing 20% from the amount of the investments in buildings, building rehabilitations, internal infrastructure and infrastructure made in order to get connected to the public utilities' network. In accordance with the information received from the grantor, the value of the investments estimated to be made by SC PARC INDUSTRIAL CRAIOVA SA until 31.12.2006 amounts 89,900 RON. Based on this it was calculated the deduction, as follows:  $89,900 \times 20\% = 17,980$  RON. Therefore, the deduction from the tax on profit (16% from the deduction from the taxable

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<sup>2</sup> Order of the Minister of Development and Prognosis no. 264/2002 on the approval of the Guidelines on the granting and annulment of the industrial park status; Law no. 571/2003 on the Fiscal Code, with further modifications and completions; the Project of the Minister of Administration and Interior on the granting of the industrial park status to SC TETAROM SA, for the Bumbesti- Jiu Industrial Park.

profit) amounts **RON 2,877**. At the date when the investment will be put into function (31.12.2006), this deduction will be calculated only from the taxable point of view, by registering that sum in the annual tax declaration. In 2006, the company will benefit of a deduction corresponding to the profit of that year. If the profit's value is not high enough to cover the value of the deduction, as it was calculated *ex - ante*, the difference is to be recovered from the taxable profit obtained in the next 5 consecutive years.

(7) The exemption from the payment of the tax on the buildings or land within the industrial park is granted during 2006-2011, in annual tranches and has a total discounted value of RON 161,815. In accordance with the information submitted by the state aid beneficiary, the amount of the exemptions from the payment of the tax on buildings was calculated based on the tax on buildings progressively increased with 10% (progressive percentage starting with 2008 which took into consideration the forecasted economic increase), as follows:

**Table no.1 Discounting the value of the state aid under the form of exemption from the payment of the tax on land and buildings**

|                                                    | Discounted value of the state aid<br>(RON) |        |        |        |        |        | Total          |
|----------------------------------------------------|--------------------------------------------|--------|--------|--------|--------|--------|----------------|
|                                                    | 2006                                       | 2007   | 2008   | 2009   | 2010   | 2011   |                |
| The tax value on land <sup>3</sup>                 | 6,020                                      | 6,020  | 6,020  | 6,020  | 6,020  | 6,020  | <b>36,120</b>  |
| The discounted tax value on buildings <sup>4</sup> | 17,691                                     | 17,691 | 19,460 | 21,406 | 23,546 | 25,901 | <b>125,695</b> |

*Source: Supplementary Informations*

(8) In addition to the above - mentioned facilities, SC PARC INDUSTRIAL CRAIOVA SA also benefits in 2006 by the exemption from the payment of the tax for taking off the land from the agricultural register/modifying the land's purpose, amounting RON 906,375.

(9) Therefore, the total value of the state aid for SC PARC INDUSTRIAL CRAIOVA SA during **2006- 2011** amounts **RON 1,071,067**.

#### **4. THE BENEFICIARY OF THE SUPPORT MEASURES (SC PARC INDUSTRIAL CRAIOVA SA)**

(10) The Beneficiary of the financial measures granted by the state is SC PARC INDUSTRIAL CRAIOVA SA, as the managing company of Craiova Industrial Park. The Dolj County Council has associated with the Local Council of Ghercesti Village, Pielesti Local Council, Carcea Local Council and Cosoveni Local Council, in order to receive the title of industrial park, by establishing the managing company SC PARC INDUSTRIAL CRAIOVA SA<sup>5</sup>. The company is registered at the Trade Register with no. J16/1510/2004,

<sup>3</sup> The tax on land shall not be discounted.

<sup>4</sup> The value of the tax on buildings is discounted with 10% starting with 2008, as a result of the forecasted economic increase.

<sup>5</sup> SC "PARC INDUSTRIAL CRAIOVA" SA shareholders' structure is at follows:

CUI R 16689999, has an equity of RON 1,347,700 and the office headquarters in Ghercesti Village, no. 10 Aviatorilor str., Dolj County.

(11) The Competition Council considers that the services provided by SC PARC INDUSTRIAL CRAIOVA SA, namely the management of the industrial park, can be considered as falling within public service concession. SC PARC INDUSTRIAL CRAIOVA SA's incomes result mainly from the collection of rental income from occupiers of the units, as well as management costs. The guidelines on the public service concession do not apply in case the above-mentioned services are provided "in-house"<sup>6</sup>. As set out in paragraph (6) of the decision, the majority of the company's shares are held by Dolj County Council, which appoints and exercises influence over the management team. Based on the information submitted by the grantor, SC PARC INDUSTRIAL CRAIOVA SA does not exercise a high degree of independence from the local authorities. Therefore, the local authorities exercise the same influence over SC PARC INDUSTRIAL CRAIOVA SA as they do over any other subordinated Department.

(12) At the end of 2005, SC "PARC INDUSTRIAL CRAIOVA" SA had 16 employees and an estimated turnover of RON 365,673.

(13) According to point 8 of art. 2 of the Regulation on state aid for SMEs, modified by the Regulation of 01.02.2005 on the modification and completion of the Regulation on state aid for SMEs, an enterprise is not considered a SME if at least 25% of its share capital or voting rights are directly or indirectly controlled by one or more bodies or public entities, excepting the cases mentioned at point 6 of art. 2 of the Regulation, respectively autonomous local authorities having an annual budget lower than the RON equivalent of EUR 10 million and less than 5,000 inhabitants. The company's equity is entirely public, the sole shareholder being the Craiova County Council, a local authority having an annual budget higher than the RON equivalent of EUR 10 million and more than 5,000 inhabitants. Thus, SC PARC INDUSTRIAL CRAIOVA SA is a large enterprise.

(14) The core business of SC "PARC INDUSTRIAL CRAIOVA" SA is represented by „activities of economic and patronal organizations" (CAEN code 9111). The company carries out activities specific to the management of an industrial park, as follows:

- Offers to the undertakings established within the park access to the infrastructure (roads and utilities) and plots of land with industrial destination and certain legal situation;
- Ensures the services necessary to carry on the activity within the park: services for maintaining the production equipments, clearing the area of waists, etc;
- Offers consultancy and other related services to the undertakings within the park;
- Ensures the connection between the undertakings and the utilities' suppliers.

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- Dolj County Council owns 99.8736% of the equity;
  - Ghercesti Local Council owns 0.00742% of the equity;
  - Pielesti Local Council owns 0.00742% of the equity;
  - Carcea Local Council owns 0.03710% of the equity;
  - Cosoveni Local Council owns 0.07420% of the equity.

<sup>6</sup> See ECJ Decision C-458/03 (13/10/05) Parking Brixen GmbH.

(15) As secondary activities, SC “PARC INDUSTRIAL CRAIOVA” SA also carries on other activities, such as: retail trade with auto parts and accessories, with fuel for auto vehicles, wholesale trade with non- food, wholesale trade with waists and disposals, etc.

(16) The Craiova Industrial Park is located in the locality Ghercesti, on a 10.03 ha land. 8.03 ha of the land (the main premises) is in the property of Dolj County and it is given for management to the beneficiary, namely SC “PARC INDUSTRIAL CRAIOVA” SA, and the rest of 2 ha was bought by the Dolj County and brought as contribution, in nature, to the company’s equity, being at present in the park’s property. The land corresponding to the industrial park has access (is situated at a distance of 600 m) to DN 65 Craiova- Pitesti.

(17) The Craiova Industrial Park has as specialisation area the processing industry, mainly the processing and/or re-establishing the use value of certain goods, with the possibility of focusing on top industries.

(18) The Craiova Industrial Park is located in the South- West Oltenia Development Region. The Ministry of Administration and Internal Affairs stated that in this region there is only the Craiova industrial park, namely at 130 km from Craiova, but none in the Dolj County.

## **5. THE STATE AID CHARACTER OF THE FINANCIAL SUPPORT MEASURES TO BE GRANTED TO THE COMPANY**

(19) The financial support measures to be granted to SC “PARC INDUSTRIAL CRAIOVA” SA may provide the company with an advantage against its competitors and thus might distort the competition. The financial measures are eligible to constitute state aid within the meaning of art. 2 of Law no. 143/1999 on state aid, republished, and the Competition Council must therefore assess their compatibility with a normal competitive environment.

(20) In the process of assessment of the financial support measures, the Competition Council noted that there is no doubt these are financed from state resources and have a selective character, providing an advantage to SC “PARC INDUSTRIAL CRAIOVA” SA. Neither is there any doubt that these measures are also to affect trade with the Member States of the European Union.

(21) In conclusion, the financial support measures to be granted are considered state aid and fall under the provisions of Law no. 143/1999 on state aid, republished.

## **6. ASSESSMENT OF THE STATE AID MEASURES TO BE GRANTED TO SC PARC INDUSTRIAL CRAIOVA SA**

(22) The state aid subject to the present decision is to be granted in order to realise the appropriate Craiova Industrial Park infrastructure, leading to the economic regeneration of the region, by means of attracting local undertakings.

(23) As provided by art. 23 (1) (f) of Law no. 143/1999 on state aid, republished, the Competition Council can authorize measures which constitute state aid in accordance with the Regulation on regional state aid (hereafter called Regulation) . Within the meaning of this

regulation, the state aid can be granted for *initial investment* (Chapter II) or *for the creation of jobs* (Chapter III). In exceptional cases, operating state aid can be granted (Chapter IV).

### 6.1. Aid for initial investment

(24) In the present case, the state aid is designed for initial investment, within the meaning of the provisions of Chapter II of the Regulation.

(25) Within the meaning of art. 5 of the Regulation, an initial investment is represented by the capital investment in connection with the creation of a new entity, the extension of an existing one or the launch of an activity implying a fundamental change in the product or the manufacturing process of an existing entity, by means of rationalization, diversification or modernization.

(26) In the analyzed case, the state aid intended to be granted is designed to complete the infrastructure works in Craiova Industrial Park, leading to the creation of new investments which have as finality the creation of some production facilities. The total estimated cost of the project according to criteria set in advance amounts to RON **4,060,467** divided as follows:

| Table no. 2 |                                                                           | Estimated cost        | - RON - |
|-------------|---------------------------------------------------------------------------|-----------------------|---------|
| No. crt.    | Item description                                                          | Amount (VAT excluded) |         |
|             | <b>ELIGIBLE COSTS</b>                                                     |                       |         |
| 1           | <b>Costs for preparing the land, total</b>                                | <b>17,402</b>         |         |
|             | From which:                                                               |                       |         |
|             | - preparing the land                                                      | 17,402                |         |
| 2           | <b>Costs for environmental protection, total</b>                          | <b>19,034</b>         |         |
|             | From which:                                                               |                       |         |
|             | - planting trees/ exterior road skirts                                    | 18,128                |         |
|             | - fitting out the grass plot/ remaking the landscape on the pipes' range  | 906                   |         |
| 3           | <b>Costs for ensuring the utilities necessary to the objective, total</b> | <b>9,608</b>          |         |
|             | From which:                                                               |                       |         |
|             | - roads for the yard                                                      | 544                   |         |
|             | - supply with electricity                                                 | 725                   |         |
|             | - supply with water                                                       | 363                   |         |
|             | - supply with gas                                                         | 544                   |         |
|             | - telephon networks                                                       | 181                   |         |
|             | - connecting the suppliers                                                | 7,251                 |         |
| 4           | <b>Costs for the basic investment, total</b>                              | <b>2,180,287</b>      |         |
|             | From which:                                                               |                       |         |
|             | - buildings and installations                                             | 2,078,164             |         |
|             | - equipments, functional and technological equipments with their assembly | 7,251                 |         |
|             | - endowments                                                              | 94,872                |         |
| 5           | <b>Costs for obtaining the land</b>                                       | <b>1,268,925</b>      |         |
| A           | <b>TOTAL ELIGIBLE COSTS</b>                                               | <b>3,495,256</b>      |         |

|   |                                                                                                                                                                                                                                                                                                                                                                         |                                                                           |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
|   | <b>NEELIGIBLE COSTS</b>                                                                                                                                                                                                                                                                                                                                                 |                                                                           |
| 6 | <b>Costs with the designing and technical assistance, total</b><br>From which: <ul style="list-style-type: none"> <li>- land study</li> <li>- obtaining approvals, agreements and authorizations</li> <li>- technical project and engineering</li> <li>- organizing the public acquisition procedures</li> <li>- consultancy</li> <li>- technical assistance</li> </ul> | <b>112,626</b><br><br>236<br>7,251<br>68,885<br>3,626<br>18,128<br>14,502 |
| 7 | <b>Other costs, total</b><br>From which: <ul style="list-style-type: none"> <li>- organizing the yard</li> <li>- commissions, taxes, legal fees, financing costs</li> <li>- different and unpredictable costs</li> <li>- marketing and promoting the project</li> <li>- the project's management</li> </ul>                                                             | <b>452,585</b><br><br>127,452<br>21,647<br>180,394<br>36,079<br>87,012    |
| B | <b>TOTAL NEELIGIBLE COSTS</b>                                                                                                                                                                                                                                                                                                                                           | <b>565,211</b>                                                            |
|   | <b>TOTAL GENERAL (A+B)</b>                                                                                                                                                                                                                                                                                                                                              | <b>4,060,467</b>                                                          |

Source: Supplementary information MAI

(27) The state aid is designed for new investments having as finality the creation of some production facilities (respectively infrastructure) which meet the characteristics provided by art. 5 of the Regulation on regional aid in order to be considered aid for initial investment.

(28) The state aid does not have the purpose of replacing an existing investment designed to preserve the production potential or to financially restructure an enterprise in difficulty. Therefore, the provisions of art. 5 (2) (a) of the Regulation, on replacement investment for preserving production potential and of art. 5 (2) (b) on aid measures for the financial restructuring of a firm in difficulty are met.

(29) From the estimated data presented above it results that the annual average profit for the period 2006- 2011 amounts RON 86,105 at an annual costs' average of RON 512,081, and the internal economic recovery rate is 5.4 %. From the assessment of these indicators it can be observed the economic- financial development of the Craiova Industrial Park, and therefore, of the area it is located in.

(30) Given the above it can be concluded that the finalization of the investments works in the industrial park will substantially contribute to the local development, both of the Craiova city, as well as of the adjacent area, by the significant economic and business concentration. The concentration of economic activities in a certain area, valuing the local human and material resources does not disturb the competitive environment, but on the contrary contributes to its fostering.

## 6.2. Eligible costs



(31) In this case the rules regarding eligible costs for investments in tangible assets are applied.

(32) According to art. 6 (1) of the Regulation, the aid for initial investment is calculated as a percentage of the investment value. According to art. 6 (2) this value is set based on a set of expenses corresponding to the investment elements, respectively land, buildings and equipments forming the standard base provided in annex no. 2 to the Regulation<sup>7</sup>.

(33) As presented in paragraph 26, table no. 2, out of the total value of the investment project the following costs are considered eligible: land settlement, utilities and costs related to buildings and installations afferent to the basic investment.

(31) In the case of the infrastructure project in the Craiova Industrial Park, the total value of eligible costs is RON 3,495,256 and represents investments in tangible assets required to complete infrastructure works of the industrial park (buildings, equipment, technological outfit, installations forming the standard base) meeting in this way the conditions imposed by art. 6 of the Regulation.

### **6.3. The contribution of the beneficiary**

(34) In order to guarantee a viable and efficient level of the initial investments benefiting from aid, the contribution of the beneficiary to their financing must be of at least 25% (art. 8 (1) of the Regulation on regional state aid). This minimum contribution of 25% can not be subject of a state aid (art. 8 (2) of the Regulation).

(35) According to information provided by MAI the beneficiary of the state aid will contribute to the initial investment with RON 2,424,190 RON, representing 69.36 % from the total eligible costs (RON 3,495,256). This value is higher than the upper limit of 25% imposed through art. 8 of the Regulation on regional state aid.

### **6.4. State aid intensity**

(36) According to art. 9 of the Regulation, the gross intensity of the regional aid must not be higher than 50% of the net grant equivalent.

(37) The value of the notified state aid is RON 1,071,067 and the eligible costs of the project are RON 3,495,256. The calculation shows an intensity of 30.64%, observing the criteria of art. 9 of the Regulation providing that the gross intensity of the regional aid can not be higher than 50% for large enterprises.

### **6.5. Maintenance of the investment**

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<sup>7</sup> In the case of an acquisition, only the costs of the three asset categories from the standard base must be taken into consideration, with the condition the transaction takes place in market conditions. The value of the assets whose acquisition benefited already of an aid before their purchase will be deducted. In the case where the acquisition is accompanied by another initial investment, the expenses related to the latter are to be added to the acquisition costs.

(38) According to art. 11 of the Regulation, the aid for initial investment must be conditioned, through the allocation method or through obtaining conditions, by the maintenance of the investment for a minimum period of five years.

(39) The Ministry of the Administration and Internal Affairs specifies in the notification form that it imposed to the beneficiary the maintenance of the investment in the industrial park for a period of at least 5 years, the park's life time being of approx. 35 years. Thus, the condition provided by art. 11 of the Regulation on regional state aid to maintain the investment for a period of at least 5 years is met.

#### **6.6. Cumulation of state aids**

(40) According to art. 16 of the Regulation, the 50% threshold for the state aid's gross intensity applies to the whole state aid amount, if the beneficiary receives state aids, at the same time, from several regional schemes, regardless the funds come from local, regional, national or communitarian sources.

(41) The Ministry of the Administration and Internal Affairs shall monitor SC PARC INDUSTRIAL CRAIOVA SA's activity, taking care that the granted state aids, cumulated with the state aids granted for the same objective within other schemes, will not exceed the 50% maximum admitted intensity provisioned by the Regulation on regional state aid, as later amended and supplemented.

### **7. CONCLUSIONS**

(42) The information presented in the notification submitted to the Competition Council leads to the conclusion that the state aid intended to be granted to SC PARC INDUSTRIAL CRAIOVA SA to complete infrastructure works in Craiova Industrial Park is not affecting significantly the normal competitive environment and does not infringe on the application of international treaties Romania is a part of.

(43) Subsequent to the performed analysis it has been noted that the state aid in total amount of RON 1,071,067, consisting in the co-financing of infrastructure works in the Craiova Industrial Park, meets the granting criteria according to the Regulation on regional state aid, as later amended and supplemented.

### **DECIDES**

**Art. 1.** The measure notified by the Ministry of Administration and Internal Affairs, having as beneficiary SC PARC INDUSTRIAL CRAIOVA SA, constitutes state aid within the meaning of art. 2 of Law no. 143/1999 on state aid, republished.

**Art. 2.** Based on art. 21 (2) (c) coupled with art. 23 (1) (f) from Law no. 143/1999 on state aid, republished, the specific individual allocation of regional development state aid to be granted to SC PARC INDUSTRIAL CRAIOVA SA as a part of the state aid scheme provided by the GO no. 65/2001 and art.24 (13), art. 250 (1) (9) and art. 257 (1) (a) of the

Law 571/2003 on the Fiscal Code, with the subsequent amendments and completions, is authorized conditioned by the observance of art. 3 and art. 4 from the present Decision.

**Art. 3.** The company commits to the maintenance of the investment for a minimum of 5 years, if otherwise the state aid will be recovered, according to the law.

**Art. 4.** The Ministry of Administration and Internal Affairs will follow that the aid granted to SC PARC INDUSTRIAL CRAIOVA SA does not exceed the maximum aid intensity provided by the regulations in force and the criteria for the cumulation of state aids for the same objective and beneficiary.

**Art. 5.** The maximum value of the state aid of which SC PARC INDUSTRIAL CRAIOVA SA can benefit to finalize the infrastructure works in Craiova Industrial Park is of RON 1,071,067.

**Art. 6.** The present Decision becomes applicable at the date of its communication.

**Art. 7.** According to provisions of art. 32 from Law no.143/1999 on state aid, republished, the Ministry of Administration and Internal Affairs will submit annually to the Competition Council information regarding the state aid subject to the present Decision, in order to inventory the state aids.

**Art. 8.** According to provisions of art. 46 from Law no.143/1999 on state aid, republished, the present Decision can be appealed by interested parties to the Court of Appeals Bucuresti, the Administrative Litigation Section within 30 days from its communication.

**Art. 9.** The present Decision will be communicated by the Secretariat General of the Competition Council to:

- Ministry of Administration and Internal Affairs, Piata Victoriei nr. 1, sector 1, Bucharest;
- SC PARC INDUSTRIAL CRAIOVA SA, Ghercesti village, str. Aviatorilor nr. 10, Dolj County.

**PRESIDENT**

**MIHAI BERINDE**