

**Regulation
on the notification form, examining procedure and
decision making on state aid**

This Regulation transposes the Annex I of the Treaty on Preventul Regulament transpune Anexa I din Tratatul privind funcționarea Uniunii Europene; the definition „aid intensity” art.2 of Regulation (EC) No 800/2008 of Commission of 6 August 2008 on declaring certain categories of aid compatible with the common market in application of articles 87 and 88 of the Treaty (General block exemption Regulation), published in Official Journal of European Union L 379 of 28 December 2006, and transposes partially Regulation (EC) No 794/2004 of Commission of 21 April 2004 on application of the Regulation (EC) No 659/1999 of laying down detailed rules for the application of Article 93 of the EC Treaty, published in Official Journal L140 of 30 April 2004; Regulation (EC) No659/1999 of Council of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty, as well as the Common economical principles of state aid compatibility, laid down in art.87 Para (3) of the Treaty EC.

Section 1 General provisions

- 1.This Regulation stipulates rules on notification forms, deadline and the examination of the notification, the procedure for investigation and appreciation of the amount of state aid and assessment of the compatibility of state aid with the normal competitive environment, monitoring, verification and recovery of illegal state aid or state aid misused, decision-making in the field of state aid
- 2.This Regulation establishes a system of simplified notification for certain alterations to existing state aids.
- 3.This regulation applies to state aid granted in all sectors of the national economy, excluding agriculture. Agricultural products to which are not applied state aid rules established by Law No. 139 of 15 June 2012 on state aid, correspond to Annex I to the Treaty on establishing the European Community and are presented in Annex 1 to this Regulation.
- 4.No state aid, except de minimis aid and state aid provided for in Article 4 of Law No. 139 of 15 June 2012 on State aid cannot be granted without the authorization of the Competition Council.
- 5.The Competition Council can prohibit state aid, which unduly distorts normal competitive environment, and / or affect the proper implementation of international treaties to which Moldova is a party.
- 6.Public administration authorities, administrative-territorial units or any person directly or indirectly that manages state resources of the state or of the administrative-territorial units has an obligation, as a provider and / or initiator of aid, to notify the Competition Council of any intention to grant new aid or modify an existing one.
7. Beneficiaries of state aid cannot directly address to the Competition Council the notification in order to obtain state aid.

Section 2. Exemptions

- 8.Are exempted from the notification obligation

a) aids, which have an equivalent value below 2,000,000 lei per beneficiary, granted to the same beneficiary within a maximum period of three years, regardless of its form and the purpose, on condition that is not related to export activities;

b) state aid with social character granted to individual consumers, on condition that such aid is granted without discrimination related to the origin of goods or services;

c) state aids aimed to remedy the damage caused by natural disasters or other emergencies.

9. If the aid scheme has already been approved by the Competition Council, specific allocations of aid under the scheme will be considered as authorized, to the extent that they meet the authorized scheme, except for the Competition Council imposed the notification obligation by the decision issued by the for state aid scheme.

Section 3. Definitions

10. In the meaning of this Regulation the definitions will have the following meaning:

eligible costs - consumptions and expenditures identified in the regulations of the Competition Council as consumptions and expenditures that meet the criteria to be selected and covered by state aid.

aid intensity - the amount of the aid as a percentage of the present value of the eligible costs settled in accordance with regulations adopted by the Competition Council.

modification of an existing aid - any change other than change purely formal or administrative, can not affect the assessment of the compatibility of aid measures. Increasing the initial budget of an existing aid scheme by up to 20% are not considered a modification of existing aid.

Section 4. The notification elements

11. State aid notification is done through general filling in General forms for notification and when it is appropriate and Special forms for notification of aid categories.

12. General notification form set out in Annex 2 to this Regulation and shall include information on :

- Identification of the aid provider / initiator;
- identification of state aid;
- the form under which the state aid is granted;
- legal basis;
- the state aid beneficiary;
- the amount of state aid;
- alte informații relevante. Other relevant information

13. Special forms for notification of aid categories are part of the piece of legislation adopted by the Plenum of the Competition Council in accordance with article 5 of the Law on State Aid No 139 of June 15, 2012.

14. General forms for notification and special forms for notifications send to the Competition Council must be filled with data and accurate, correct and complete information to enable the Competition Council to assess the compatibility of State aid for which authorization is requested.

15. General forms for notification and special forms for notification are signed by the legal representatives of the aid provider and / or initiator and will include attached documents listed in its text.

16. To fill the forms for notification provider and/or initiator of aid can collaborate with the aid beneficiary.

17. If the same provider and /or initiator of aid grants more than one state aids, for every one of it he will fill and submit a distinct notification .

Secțiunea 5. Notification submission

18. The state aid notification is submitted to the Competition Council by the aid provider and/or initiator with enough time before the date, aimed to be the date of aid grant, taking into the consideration the legal period during which the Competition Council is obliged to adopt this decision.

19. The state aid provider and/or initiator submites notification accompanied by the supporting documents in electronically and on paper.

20. Notification submission can be made by the following ways:

- a) personally, by an authorized person against signature of receipt (stamp, registration number)
- b) by mail, return receipt requested,
- c) by email.

21. Additional information can be submitted also by fax. In this case it is considered that the information was received by the Competition Council on the day they were sent / received.

Section 6. The Notification of an ilegal state aid

22. The ilegal state aid provider and/or initiator Furnizorul și/sau inițiatorul unui ajutor de stat ilegal and on which the Competition Council has not initiated a procedure of illegal aid or misused aid provided for in Article 13 of Law no. 139 of 15 June 2012 on State aid can notify him to be authorized.

Section 7. The simplified procedure for the certain modification of the existed aids

23. Certain modifications of existing aid may be submitted by completing the simplified notification form set out in Annex 3 of this Regulation .

24. May be submitted by completing the following simplified notification of changes to existing aid :

- a) increases in the budget of an existing aid scheme authorized exceeding 20 %
- b) prolongation of an existing approved aid scheme by up to 6 (six) months , with or without a budget increase;
- c) adoption of more stringent criteria for implementing a scheme approved reduction of aid intensity or reduce the eligible costs.

25. If notification through a simplified notification Form the Competition Council will take a decision in this regard within one month.

26. Simplified notification procedure is not used for notification of changes to schemes for aid for which providers have not submitted annual reports unless the reports for State aid are presented at the same time as the notification.

Section 8. Terms of examination of the notification

27. After the receipt of notification the Competition Council will review the information provided
28. If the information provided is complete, the Competition Council will inform the provider and / or originator of state aid within 15 working days, that the notification is complete and the date of receipt of a complete notification .
29. Date of receipt of a complete notification is the date from which time starts to run, the time, during which the Competition Council must issue a decision under Article 10 Para (2) of Law no. 139 of 15 June 2012 on State aid.
30. If it is found that the information in the notification are inaccurate and / or incomplete , the Competition Council shall inform the provider and / or initiator of State aid in writing within 15 working days of receiving of notification of the need to correct and / or complement information.
31. Provider and / or initiator of state aid within 20 working days of receipt of the request the Competition Council, corrects and / or supplements the information contained in the notification.
32. The term, during which the provider and / or initiator shall complete and / or correct notification Form, shall begin upon receipt of the request.
33. At the reasoned request of the provider and / or the initiator of state aid, this period may be extended but may not exceed 20 days.
34. Any request for extension of time is justified and communicated in writing to the Competition Council, at least two working days before the expiry of the initial period provided.
35. If the requested information is not submitted within the period referred to in point 31 of this Regulation, the notice shall be deemed to withdrawn, unless it has been requested to extend it.
36. After receiving the required information, the Competition Council within 15 working days, reviews the information provided.
37. If the information provided is complete, the Competition Council will inform the provider and / or initiator of state aid that the notification is complete and the date of receipt of a complete notification.
38. If after review, within 15 days, it is found that the information provided is not complete and / or accurate, it will start the procedure stipulated in points 30-31 of this Regulation
39. In examining the notification, the Competition Council is entitled to request information from potential beneficiaries of aid or other persons in order to adopt a reasoned decision

Section 9. The notification withdrawal

40. Notification shall be deemed withdrawn if the provider and / or initiator have submitted the information required before deadline.
41. Provider and / or initiator may withdraw the notification submitted, if it gives up state aid.
42. Withdrawal may occur at any time but not later than the time the Competition Council adopts one of the decisions referred to in Article 10 of Law No. 139 of 15 June 2012 on State aid.

43. In the cases, referred to in point 41 of this Regulation, the Competition Council will take note of the manifestation of the will of the provider and / or initiator and will close the case, even if the investigation was initiated under article 11 of Law No. 139 of June 15, 2012 on State aid.

Section 10. Identification and appreciation of the state aid amount

44. The Competition Council will critically analyze the state support measures for beneficiaries, in order to clarify that:

- a) comes from resources managed by the state or administrative-territorial units;
- b) confers an economic advantage which the beneficiary would have been obtained under normal market conditions ;
- c) is given selectively;
- d) distorts or threatens to distort competition.

45. State aid may be granted by the provider from managed resources in any form prescribed by article 6 of Law no. 139 of 15 June 2012 on State aid.

46. The amount of state aid is the element that represents the ultimate financial benefit contained in nominal value transferred to the beneficiary .

47. Appreciation of the value depends on the form of state aid it was offered. Thus, for each form of aid provided for in Article 6 Para (2) of Law No 139 of 15 June 2012 on State aid, State aid element will be:

- grants and / or subsidies - the aid element is equal to the amount of resources transferred;
grants and / or subsidies - the aid element is equal to the amount of resources transferred;
- *cancellation or debt assumption* - state aid element is equal to the lost or the amount of debt taken.
- *exemptions or reductions in the payment of taxes* - state aid element is calculated as the difference between the fee / tax calculated according to the general rules and the actual amount charged from the beneficiary.
- *postponements and rescheduling of the payment of taxes* - state aid element is the sum of the penalties and interest that would have been calculated and paid by the beneficiary to the state for the flow for the entire period is granted postponement of payment .
- *providing loans with preferential interest* - aid element is the difference between market interest and the interest actually paid. Market interest is the interest calculated based on the average interest rate on new loans of the banking system for new credits in the month in which loan was provided, according to the duration of the loan.
- *providing guarantees on preferential terms* - aid element will be determined taking into account the aggregate amount of annual differences between the first that should be paid on market conditions and the first expected to be actually paid that are updated on the guarantee , and the difference between the market interest which the beneficiary would have borne without the guarantee interest rate obtained under the guarantee .

- *investments provider* - these interventions constitute aid when a private investor in normal market conditions would not have undertaken such an investment. This method is based on calculating the benefit achieved after the intervention.
- *discounts on goods and services provided, including the sale of movable and immovable property below market price* - state aid element is the difference between the market price and the ex-ante evaluated effectively charged to the provision of goods and services. The sale of movable and immovable property as a result of an open and unconditional bidding procedure, which has been sufficiently advertised, in accepting the best or only bid is by definition at market price, and therefore does not constitute state aid.

48. The aid amount is estimated by cumulation of aid granted to all enterprises belonging to the same group of enterprises, with the exception of undertakings in difficulty.

49. Financial support provided through public-private partnership, constitutes state aid covered by Law No. 139 of 15 June 2012 on state aid if the following conditions are met :

- a) the public authority has not chosen private partner competition, made through a rigorous advertising so as to be made aware of potential investors the main criteria that must be met.
- b) private and public contributions are not proportionate with the profit (income) obtained by the parties, and project risks are not distributed in proportion to their respective share of public- private parties.
- c) public resources are allocated before the private ones.
- d) encouraging the private partner during subsequent selection by modifying clauses of public-private partnership, including extension of the period of time etc.

50. In order to calculate the aid intensity, all figures used are the ones to which any deduction of tax or other taxes were not applied. Where aid is granted in a form other than the subsidy, the aid amount is equivalent to the of the aid subsidy. Aid, which can be granted in several installments, shall be discounted to its value at the date of aid grant. The interest rate to be applied to update the basic average interbank interest applicable on the date of aid grant.

51. Where aid is granted in foreign currency, its value will be determined at the exchange rate of the National Bank on the date of aid grant.

52. Where aid is granted in the form of exemptions or reductions on future taxes, subject to a certain aid intensity defined in gross grant equivalent, discounting of aid tranches takes place on the basis of average interest rates of the interbank market applying various times the tax advantages become effective.

Section 11. The assessment of the compatibility of state aid with the normal competitive environment

53. Assessment of the compatibility of state aid with the normal competitive environment will be made based on the documents adopted by the Plenum of the Competition Council for each category of state aid provided for in Article 5 Para (1) of Law No. 139 of 15 June 2012 on State aid (hereinafter - the piece of legislation on state aid categories).

54. State aid granted under the piece of legislation on state aid categories is compatible with a normal competitive environment if they comply with the assessment criteria provided (intensity aid eligibility, aid amount, etc.).

55. If the provider and / or state aid initiator intends to grant state aid, which does not meet or exceeds the assessment criteria provided (higher intensity value greater than the limits set etc .) in the piece of legislation on state aid categories or in the case where such criteria are lacking, assessment of

compatibility with a normal competitive environment is made through *benchmarking*.

56. Assessment of the compatibility of state aid by comparative analysis of the negative effects on competition and the positive effects of state aid is based on its contribution to the achievement of defined goals public . When comparing these effects is taken account the impact of aid on welfare. For this purpose, it is necessary to answer the following questions:

1) Is the aid measure aimed at a objective of a well-defined public interest ?

2) Is the aid well structured , so as to contribute to the achievement of public interest , therefore, proposed aid targeting market failure or other objective ?

a) Ajutorul este un instrument de politică adecvat pentru îndeplinirea obiectivului de politică avut în vedere? Aid is an appropriate policy instrument for achieving the policy objective?

b) Is there an incentive effect, i.e. as a result of state aid received, the beneficiary changes its behavior ?

c) Is the aid measure proportional to the mentioned problem, i.e., it can be obtained the same change in behavior with less aid?

3) Are the distortions of competition are limited , so that the overall balance is positive?

57. State aid may be approved by the Competition Council if it contributes to an objective or multiple objectives of public interest. Contribution of aid to achieve an objective of public interest can be assessed either in terms of its contribution to the efficiency, either in terms of equity.

58. State aid helps to increase market efficiency when it is directed at overcoming a market failure such as insufficient and asymmetric information, coordination problems, external effects, public goods, etc.

59. Market economy selects winners and losers and, in the process, the market may give rise to inequity or it can consolidate. Providers and / or initiators may find unacceptable these inequities and decide to intervene and to transfer benefits between the parties, in order to reduce social and regional inequalities.

60. The decision to use state aid is justified solely by the adequacy of that specific instrument of state intervention in the objective that needs to be achieved, and applies when objectives cannot be achieved by using another policy instrument (ex , regulatory, direct provision of goods and services by state or fiscal instruments aimed at redistribution of surplus value)

61. State aid must change the behavior of the beneficiary undertaking so as to carry out an activity that helps to achieve an objective of public interest and which would not have worked in the absence of aid, or would have been done in a restricted or different manner. Granted aids have incentive effect if before starting the project or activity, the beneficiary shall submit a request for aid to provider..

62. Aid is considered to be proportional only if the same result could not be obtained with less aid and less distortion. The amount and intensity of the aid must be limited to the minimum necessary for receiving aid work to take place.

63. Distortion of competition caused by the aid may be manifested by :

a) dynamic effects on long-term on stimulus to invest and compete ;

b) affect product market competition and challenge different reactions from competitors (reduced sales and investment plans, withdrawal from the market);

c) affecting competition in input markets and in particular in the place of investment.

64. To assess the distortion of competition, the Competition Council will consider first of all the effect it has on behavior change of beneficiary towards competitors, suppliers of inputs and effects on consumers.

65. In order to identify and assess the effects of state aid, the Competition Council will individualize competitors, suppliers and customers who may be affected by the change in behavior of the aid beneficiary.

66. To assess the effects of state aid, suppliers and / or initiators should provide information that would enable the Competition Council :

a) să identifice produsele în cauză (de exemplu produsele afectate de schimbarea de comportament a beneficiarului ajutorului), identify the goods in question (i.e. the products affected by the change in behavior of the aid beneficiary)

b) identify affected competitors, suppliers and customers

c) identify relevant market affected by state aid .

67. To compare the positive and negative effects, first it is necessary to evaluate and measure the effects in terms of quality and where possible in quantitative terms, and then to carry out an overall assessment of the impact on producers and consumers in each market concerned, and social welfare in general. In case it is impossible to accurately quantify effects of state aid measures, identify the size of the effects in question.

68. In assessing the compatibility of state aid with the normal competitive environment, the following operational indicators can have a positive impact on the position of the Competition:

- positive effects are almost certain (eg support structure) and negative are less likely probable;

- aid is necessary to generate significant positive effects (especially in excess of the amount of aid), from which will benefit many enterprises;

- aid is well targeted and benefits are found in underdeveloped or disadvantaged social groups, and the Competition Council considers that the aid is limited to the net additional costs in order to counterbalance social or regional disadvantages;

- aid produces significant positive spillover effects for the markets of goods other than those of the products in question, so that competitors and consumers in these markets may also benefit from these effects ;

- aid does not distort the proper functioning of the market and does not produce significant differences between enterprises and / or the places of inputs;

- aid is granted for the alignment to favorable conditions from which benefit an undertaking from another state, which activates on the same relevant market of the Republic of Moldova;

- aid produces clear positive effect for citizens, including for long-term but adverse effects are limited and do not significantly distort competition.

69. Can be considered as operational indicators with a negative impact on the position of the Competition Council following indicators:

- distortion of competition is almost certain and state aid is mainly for the benefit of the aid beneficiary;
- aid is operating aid, mainly supporting the production or prices;
- the amount of aid is very large and very small positive effects compared to the cost of the aid;
- aid leads to more significant social and / or regional disparities and / or generate negative environmental effects or pollution;
- aid generates significant and sustained distortion of competition and the aid beneficiary is an undertaking holding a dominant position, and whose market position will be strengthened accordingly.

Section 12. Adoption of decisions

70. After examination of the notification, the requested information and assessment of compatibility with a normal competitive environment, the Competition Council, no later than 45 working days from receipt of a complete notification, adopt one of the following decisions in accordance with Art. 10 of Law no. 139 of 15 June 2012 on State aid :

- a) decision, which declares that the notified measure is not state aid;
- b) decision of state aid approval;
- c) decision of the investment procedure initiation.

71. Investigation procedure will be conducted in accordance with the provisions of the Competition Law no.183 of 11 July, 2012

72. After completion of the investigation the Plenum of the Competition Council adopts one of the decisions referred to in Article 11 Para (2) of Law no. 139 of 15 June 2012 on State aid:

- a) decision, which declares that the notification measure is not state aid;
- b) decision of authorization of the state aid;
- c) decision of authorization of state aid, with imposed conditions and obligations;
- d) Decision of unauthorized state aid (negative decision)

73. The decision referred to point 72) c) of this Regulation, if the compatibility assessment shows that the negative effects outweigh the benefits, the Plenum of the Competition Council will impose conditions or obligations, either in the structure of state aid or the disadvantages for competition.

74. In the structure of state aid , the Plenum of the Competition Council may impose the following conditions and obligations :

- 1) reducing the amount of aid, the aid intensity or scope / purpose of the aid (activities or covered markets) to ensure the proportionality of the measure ;
- 2) reducing selectivity measure, by using a selection procedure open to the aid beneficiary or by choosing a general system and avoiding favoring a beneficiary with some market power;

3) limiting the possibility of cross-subsidization by increasing transparency and separation of accounts, or the activities separation of different enterprises;

4) ensuring a proper corporate governance structures of the beneficiary.

75. On the level of the disadvantages of competition, the Plenum of the Competition Council may impose the following conditions and obligations:

1) reducing the production capacity of the state aid beneficiary;

2) The transfer of assets ;

3) behavioral commitments from aid beneficiary to avoid bottlenecks , if you can ensure proper monitoring (ex. guaranteed access to networks or other essential structures) ;

4) commitment from the initiator and / or provider to open markets such as market liberalization measures , reducing technical and administrative entry barriers on the market;

5) open licensing rights / intellectual property standards

76. The dispositional part of the decision of the Plenum of the Competition Council shall be published on the homepage of the Competition Council. Decisions publication are made taking into account the legitimate interest of the beneficiary in protecting information constituting state or commercial secrets

77. The Competition Council has the obligation to monitor and check the support provided from state resources or resources of administrative units in any form.

78. The Competition Council may initiate investigations on complaint or on its own as a result of the obligation to monitor the existing ongoing state aids.

Section 13. State aid granting

79. După adoptarea de Plenul Consiliului Concurenței a deciziei de autorizare a ajutorului de stat furnizorul/inițiatorul pot iniția procedura de emiterea actului juridic prin care se acordă ajutorul de stat. After the adoption by the Plenum of the Competition Council decision of authorization of state aid, provider / initiator may start the procedure for issuing legal document on which the state aid will be granted.

80. State aid may take the form of a aid scheme or individual aid.

81. State aid scheme should contain information on:

a) the objective of the state aid granting ;

b) the definition of specific allocations benefiting from State aid scheme ;

c) the eligibility of beneficiaries, namely the establishment of conditions that companies must meet to be eligible for aid under the state scheme ;

d) the total number specific allocation estimated of beneficiaries under the state aid ;

e) the estimated total value of state aid will be granted each year and breakdowns for each year;;

f) the form of State aid granted according to the Art. 6 Para (2) of Law no. 139 of 15.06.2012 on State aid;

g) the state aid maximum intensity , defined as a percentage of the eligible costs incurred by each individual beneficiary;

h) the application of state aid scheme , ie the date on which the aid will be granted and the last date up to which will be granted.

82. The duration of application of state aid schemes cannot be more than 5 years

Section 14. The content of the monitoring of state aid

83. Competition Council monitors existed ongoing state aid to check compliance with legal provisions under which they were granted, as well as authorization decisions that it has issued.

84. Monitoring of existing ongoing state aid includes:

a) verification of the a decision existence issued by the Competition Council under the law provisions;

b) the conditions imposed by the laws or administrative act that establishes / grant aids and / or authorization decision issued by the Competition Council or administrative provisions adopted by it;

c) verification of compliance by providers and beneficiaries of state aid rules on cumulation of aid ;

d) verification whether state aid is framed in the thresholds of maximum allowable intensity set by the legislation;

e) verification of compliance with the threshold value for de minimis aid;

f) verification of measures undertaken on the requests made by the Competition Council if the existing state aid incompatible , according to provisions of the Article 12 of Law No. 139 of 15 June 2012 on State aid;

g) verification of application of the decision of recovery illegal state aid ;

h) verification of compliance programs established by beneficiary of state aid (economic recovery program , rescue and / or restructuring , development, attracting labor, environmental or any other program of this type) and way of their progress;

i) reviewing the standstill clause, under which state aid may be granted new and existing state aid cannot be changed even when the Plenum of the Competition Council adopted a decision of authorization or until the aid cannot be considered authorized;

j) monitoring the changing market conditions and possible significant impairment in new conditions, the competitive environment;

k) monitoring the consistency of the desired effect of state aid and actually obtained in practice.

85. Authorized personnel of the Competition Council has the right to request state aid providers and aid beneficiaries, as appropriate, the information and documents which are necessary, noting the legal basis, purpose of the request and within 15 days of presentation information request.

86. Monitoring activities ends with a monitoring report, which includes findings, conclusions and proposals for action to be used by the Competition Council under powers provided by law.

87. Investigating cases on state aid made by the Competition Council referral or on their own (following monitoring actions undertaken) , based on the material in its possession relating to breach laws and regulations in force.

88. If after the monitoring of existing aid, the Competition Council found that existing aid is not compatible, it requires the provider and / or initiator of state aid to take steps to eliminate its incompatibility with the law .

89. În cazul în care dispune de informații referitoare la acordarea unui ajutor ilegal sau la un ajutor utilizat abuziv (fie în urma unei sesizări fie ca urmare a activității de monitorizare întreprinse), Consiliul Concurenței va iniția procedura de investigare și va solicita furnizorului și/sau inițiatorului ajutorului de stat să prezinte informația necesară în vederea luării unei decizii în privința ajutorului în cauză. If it has information on unlawful aid or misused aid (or following a complaint or following monitoring activity undertaken), the Competition Council will initiate the investigation and will require the provider and / or initiator of the state aid to provide information necessary for a decision on aid.

Section 15. State aid verification

90. The Competition Council makes the verification of state aid at aid providers and beneficiaries of state aid pursuant to the authority granted by the Competition Law no.183 of 11 July, 2012.

91. Any person who considers that the interests are affected by state aid allegedly illegal or improper can submit a complaint to the Competition Council.

92. Complaint form is provided in Annex No 4 to this Regulation.

93. Angajații împuterniciți a Consiliului Concurenței verifică la furnizorii de ajutor de stat: Competition Council authorized staff verifies aid providers :

a) the legal act and the economic-financial argumentation of granting state aid scheme contents;

b) compliance with the terms and conditions of the proposed programs to achieve the objectives set and their correlation with the actual under way of aid scheme or individual aid and the existence of periodic reports on the implementation of these programs, as it is appropriate;

c) the correlation between effort and actual preliminary state , i.e. the estimated impact of government programs and the actually achieved one;

d) compliance with legal procedure in terms of beneficiary eligibility , terms and conditions of the specific allocations ;

e) the existence of state aid records so that can be identified value, shape, manner of granting, origin, duration, methods of calculation, etc. , as defined by the legal act of adoption, by the decision of authorization or pieces of legislations adopted by the Plenum of the Competition Council;

f) record of amounts granted annually per beneficiary, on objective based on the reports submitted in accordance with the Competition Council.

94. Aid providers are obliged to provide the Competition Council authorized personnel records on each beneficiary of state aid amounts granted specific allocations within each state aid schemes that have the administration of the installments provided for aid individual state, and any other data and information necessary for the performance monitoring of state aid within maximum 15 days from the request.

95. The verification actions at aid beneficiaries will be made according to the rules laid down by Law No. 131 of 08.06.2012 on state control over business activity.

96. Competition Council authorized staff verifies the existence of State aid beneficiaries of state aid records so it is possible to identify the amount, form, method of award (nature) , source, duration, methods of calculation , etc. , as defined by the legal act of adoption, the decision of authorization or by regulations adopted by the Plenum of the Competition Council.

97. State aid beneficiaries will keep track of state aid in accordance with the Law on Accounting No 113 -XVI of 27.04.2007 Official Gazette of the Republic of Moldova No 90-93 of 29.06.2007.

98. State Aid beneficiaries are required to provide the authorized employees of the Competition Council, information on the total amount of state aid received, broken down by year , the providers , the objectives, the manner of granting , and information on the nature of aid received State (State aid schemes and / or individual aid) and the legal basis under which they were granted.

99. The authorized staff of the Competition Council checks to beneficiaries of aid investment, job creation and / or any other data required for the assessment of state aid, determining its intensity and the use of state aid, according to the form and objectives of state aid granted.

Section 16. The procedure of state aid recuperation

100. If after investigation the Plenum of the Competition Council adopts a negative decision, the provider and / or state aid initiator has the obligation to take the measures set out in the decision.

101. The Plenum of the Competition Council establishes the following measures:

1) amend or repeal the legal document under which the unlawful aid was granted or misused;

2) recovery or repayment of state aid is already granted , including interest on its amount.

102. Decision of Competition Council under point 101 of this Regulation shall be communicated to the provider within 10 calendar days of the date of adoption by letter with recommended acknowledgment.

103. State aid providers have the obligation to take all measures to ensure the recovery or repayment of state aid, including related interest in the period mentioned in the decisions of the Competition Council.

104. State aid providers are obliged to inform the Competition Council about the measures taken to implement the decisions made within the time prescribed.

105. În cazul în care furnizorul și/sau inițiatorul nu respectă decizia prin care a fost dispusă recuperarea ajutorului de stat și a dobânzii aferente, Consiliul Concurenței are dreptul de a se adresa cu o acțiune în instanța de judecată în vederea obligării furnizorului de a executa decizia Plenului Consiliului Concurenței. If the provider and / or the initiator does not comply with the decision that was ordered for recovery of the aid and related interest, the Competition Council has the right to sue the provider in order to compel him to execute the decision of the Plenum Competition Council.

Section 17. Methodology for interest establishment and interest rate calculation

106. The interest rate applicable to the recovery of unlawful state aid or state aid misused is base rate (rounded up to the next whole share) determined by the National Bank of Moldova in November of the previous management year, applied to monetary policy operations the elapsed time, plus 5 points.

107. Interest under point 101 of this Regulation shall be applied from the day the unlawful aid or state aid has been misused to the beneficiary and the time until full recovery of the aid.

108. În cazul în care ajutorul de stat a fost acordat pe parcursul mai multor ani, rata dobânzei se va calcula pentru fiecare an separat, conform prevederilor pct. 106-107 din prezentul Regulament, dar nu mai mult de o perioadă de 6 ani. If the aid was granted several years, the interest rate will be calculated for each year separately, according to points 106-107 of this Regulation, but not more than 6 years.

Annex 1

to the Regulation on the notification form, the examination procedure and decisions adoption on state aid

The list of agricultural products to which are not applied the state aid rules introduced by Law No. 139 of 15 June 2012 on State aid

Nomenclature Code of Goods of the Republic of Moldova (approved by Government)	Product name
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Decision No. 1525 of 29.12.2007)	
Chapter 1	Live animals
Chapter 2	Meat and edible offal
Chapter 3	Fish , crustaceans , mollusks and other aquatic invertebrates
Chapter 4	Milk and milk products, eggs, poultry , honey , edible products of animal origin , not elsewhere specified or included
Chapter 5 0504 00 000 0511	Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof, fresh , refrigerated or frozen, salted , in brine, dried or smoked Products of animal origin, not specified or included elsewhere; dead animals of Chapter 1 or 3, unfit for human consumption
Chapter 6	Live trees and other plants , bulbs, roots and the like; plants, cut flowers and ornamental foliage
Chapter 7	Edible vegetables and certain roots and tubers
Chapter 8	Fruit and nuts , peel of citrus fruit or melons
Chapter 9	Coffee, tea and spices, excluding maté (no. 0903 00 000)
Chapter 10	
Chapter 11	Products of the milling industry , malt , starches , inulin , wheat gluten
Chapter 12	Oilseeds , grains and fruit , medicinal plants , straw and fodder
Chapter 13 ex 1302	Pectină
Chapter 15 1501 00 1502 00 1503 00 1504 1507 1516 1517 1522 00	Pig fat (including lard) and poultry fat , other than those of heading 0209 or 1503 Fats of bovine animals , sheep or goats , other than those of heading 1503 Lard stearin , lard oil , oleostearin , oleo- oil and tallow , not emulsified or mixed or otherwise prepared Fats and oils and their fractions, of fish or marine mammals, whether or not refined , but not chemically Soybean oil and its fractions , refined but not chemically modified Animal or vegetable fats and oils and their fractions, hydrogenated or partially esterifies , re-esterifies or not refined , but not further prepared Margarine , edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter , other than edible fats or oils or their fractions than of heading 1516 Skim debris from the treatment of fatty substances or animal or vegetable waxes
Chapter 16	Meat , fish, crustaceans, mollusks or other aquatic invertebrates
Chapter 17 1701 1702	Cane or beet sugar and pure sucrose chemically solid Other sugars , including lactose , maltose , glucose and fructose (laevulose) , chemically pure solid ; sugar syrups not containing added flavoring or coloring matter , artificial honey, whether or not

1703	mixed with natural honey caramel Molasses resulting from the extraction or refining of sugar
Chapter 18 1801 00 000 1802 00 000	Cocoa beans, whole or broken, raw or roasted Cocoa husks, skins and other cocoa waste
Chapter 20	Preparations of vegetables, fruit, nuts or other parts of plants
Chapter 22 2204 30 100 2204 2206 00 2207 2209 00	Partially fermented grape must with fermentation cease otherwise than by the addition of alcohol Wine of fresh grapes , including fortified wines , grape must other than that of heading 2009 Other fermented beverages (for example, obtained from fresh pears , cider , mead) , mixtures of fermented beverages and mixtures of fermented beverages non-alcoholic beverages , not elsewhere specified or included Indetured ethyl alcohol of an alcoholic strength of 80 % vol or higher , ethyl alcohol and other spirits , denatured, of any strength Vinegar and substitutes for vinegar obtained from acetic acid
Chapter 23	Residues and waste from the food industry , animal fodder
Chapter 24 2401	Raw or unprocessed tobacco , tobacco refuse
Chapter 45 4501	Natural cork, raw or simply prepared ; waste cork , crushed, granulated or ground
Chapter 53 5301 5302	În brut sau prelucrat, dar nefilat; cîlți și deșeuri din in (inclusiv deșeuri din fire și destrămătură) In raw or processed but not spun ; Oakum and waste (including yarn waste and scribbled) Hemp (Cannabis sativa L.), raw or processed but not spun hemp Oakum or waste (including yarn waste and scribbled)

to the Regulation on the notification form, the examination procedure and decisions adoption on state aid

**GENERAL FORM FOR NOTIFICATION
OF A STATE AID**

Chapter I

General Data and Information

1. The identification data of the state aid provider/initiator

- name.....
- adress.....
- contact:
 - Name and surname.....
 - Function.....
 - Phone.....
 - Fax.....
 - E-mail.....

2. State aid identification

- name of the beneficiary of state aid (is filled on in case of complete only individual state aids)
.....
- a brief description of the objective for which the aid is granted (the primary and, if applicable, secondary)

(objectives are completed in accordance with the provisions of Article 5 Para (1) of the Law on State Aid. The secondary objective: for example, if a State aid scheme that has a primary objective research and development may have as secondary objective small and medium-sized enterprises.).....

3. Forma sub care se acordă ajutorul de stat (presupune: schemă de ajutor de stat sau ajutor de stat individual. În cazul schemei de ajutor de stat se va completa pct.3.1.; în cazul ajutorului de stat individual se va completa pct.3.2.).

3. Form in which the aid is granted (assume: aid scheme or individual aid. If aid scheme must be completed, point 3.1.; in case of individual state aid will be filled point 3.2.).

3.1. State aid scheme

Notification relates to a State aid scheme that modifies the existing scheme? (select)

YES

NO

If yes, the existed sheme was modified by the Competition Council? (please tick)

YES

NO

If yes, specify :

- the number of decision, which authorised the sheme that is being modified

- decision date.....

-scheme duration.....

- conditions, which are modified towards the initial scheme condițiile care sunt modificate față de schema inițială și motivația acestora

3.2. Individual state aid

Is this aid was granted on the basis of a sheme and should be notified as a special alocation? (please tick)

YES

NO

If yes, complete the data on the authorised/existed sheme:

o Name of the measure of support in accordance with the relevant legal act through which it was granted

o Number and date of the decision of the Plenum of Competition Council with which sheme was approved (to be completed if the Competition Council issued a decision of authorization).....

4. Legal basis

4.1. Specify the legal basis for the state aid granting, with a specific mention of the provisions which are applied, attaching a copy of this legal basis

4.2. Specify the documents attached to the notification:

- Copies of legal acts;
- Copies of a draft legal acts.

5. State aid beneficiaries

5.1. Beneficiary residence.....

5.2. Sector in which the state aid beneficiary (in accordance with the code CAEM - Classification of Economic Activities of Moldova)

5.3. In case of individual state aid:

Type of beneficiary: (please tick)

- Small and medium-sized enterprises (the number of employees, turnover, the annual financial situation);
- Large enterprises;
- Undertakings in difficulty.

5.4. În cazul schemelor de ajutor de stat indicați: In case of indicated scheme of state aid:

Type of state aid beneficiary: (please tick)

- All types of enterprises;
- Only large enterprises;
- Small and medium-sized enterprises;
- Microenterprises.

Estimarea numărului beneficiarilor: (se bifează) The estimation of number of beneficiaries: (please tick)

- under 10;
- from 11 to 50;
- from 51 to 100;
- from 101 to 500;
- from 501 to 1000;

over 1000.

6. The state aid amount

6.1. For individual aid shall specify the amount of aid for each measure:.....

6.2. If case of the state aid scheme, shall indicate the annual amount planned to allocate from state resources or resources of administrative-territorial units:..... **6.3.** As regards to fiscal measures, indicate the expected annual and total lost revenue due to tax incentives granted:.....

6.4. If the notification relates to modification an existing aid scheme, specify what are the budgetary effects of scheme modification:

6.5. If the notification relates to a sheme modification of authorised state aid by the Competition Council, please specify the budgetary effects of the scheme modification:

7. The forms of aid

(select and tick , where it is appropriate one or more than one forms according to the legal act, in which is stipulated the measure)

Subsidy with specified amount, the period of the providing and the funding source.

Subsidy for export with specified amount, the period of the providing and the funding source.

Debt cancelation (concrete form of the debt, period during which was recorded its amount)

Loses taking over (sum and period when it was recorded)

Exemptions from payment of taxes , specifying each tax and / or each tax exemption period and the amount estimated for each year and the total period.

postponements, rescheduling the payment of taxes , specifying each tax and / or tax each , the duration and period for granting the postponement , rescheduling , and the amount estimated for each year and the total period.

Giving up the revenue from public funds governed preferentially, specify the amount of funds used, the nature of income, the amount of income that would normally be performed annually and the entire period , distinguishing - income gived up - annually and entire period .

Provision of loans with preferential interest: amount of loan granted and the duration for which it is granted.

Participation in investment with capital on favorable terms : justify investment to which is part to ; invested capital rate of return that would be obtained from a normal investment by a prudent private investor , the rate of return from investment to which is part to; difference between the rates of profit.

State guarantees for other public authorities or state-controlled enterprises (benefits obtained on this way) .

Discounts of prices for goods supplied and / or provided services: the specification of products supplied and / or services; accurate provider of products, services, respectively , indicating the market price value of the products that tariff for services.

Gived up revenues from selling below the market price of immovable property belonging to the private domain of the State: the description of the property subject to sale, the value of market price , the difference between the two values, gived up income .

Other forms : provide a description of the form of state aid.

8. International agreements to which Moldova is a party and which are relevant to the state aid granting. (fill in case such international agreement exists).....

9. Monitoring and control methods through which the provider shall ensure that State aid will comply with the conditions and objectives. (brief description with mentioning the basics, within the powers and duties of each provider and / or initiator, provided by the legislation)
.....

Note: In case of an individual aid, complete Chapter II, III. If grant state aid scheme, complete Chapter IV-V.

Chapter II

Data and information on individual state aid

10. Indification data of individual state aid beneficiary:

- Name.....
- Adress.....
- Contact.....
- Phone:.....
- Fax:.....
- E-mail:.....
- The structure of the ownership/holder of the social part with the indication of the significant shareholders.....

11. Economico-financial results based on the data from annual financial situation for the last 3 years:

- Total turnover.....
- Turnover on the market of the Republic of Moldova.....
- /losses Profitul/pierderi recorded on the market of the Republic of Moldova.....

Note: To attache the copies of the Financial Reports of the beneficiary

12. Activity and information on the market for the last 3 years:

- a) Describe briefly the basic work done (complete activity from which is obtain most of the turnover)
- b) Describe briefly the secondary activities.....
- c) Provide products manufactured / services rendered.....
- d) Specify the geographical area in which they are sold / provided products / services.....
- e) The main competitors of the aid beneficiary: (Indicate competitors in all areas of activity : primary and secondary
- f) The market share of the beneficiary of aid: (Please indicate the market shares for each area of activity).....
- g) Any other information that could help define the product market and geographic market.....

13. State aid received in last 3 years:

It will specify the concrete state aid that benefited from those set out in point 7, specifying the amount of state aid received annually and the total amount of state aid.

14. Categories of individual state aid and argumentation of opportunity its granting: (select category of state aid from those indicated below and justified its granting opportunity)

- a) State aid intended to remedy a serious disturbance in the economy ;
- b) State aid for training employees and creating jobs ;
- c) State aid to small and medium-sized enterprises ;
- d) State aid for research, development and innovation;
- e) State aid for environmental protection ;
- f) State aid beneficiaries for services of general economic interest;
- g) State aid for rescuing beneficiaries in difficulty;
- h) State aid for the creation of enterprises by female entrepreneurs;
- i) State aid for regional development ;
- j) Sectoral state aid , depending on the sectors of the national economy.
- k) a combination of the above.

15. For all categories of State aid provided for in point 14, shall be completed general form for notification of state aid and special forms for notification of categories of State aid provided in the regulations adopted by the plenum of the Competition Council .

16. Specify whether State aid in any of the cases referred to in point 14 shall be granted to a beneficiary in an action of privatization with a strategic investor foreign or domestic. (briefly describe operation).....

17. For aid granted to the beneficiary for the purpose and justification provided for in point 14:

a) Schematically present the way of the beneficiary's activity is organised and of the bussiness group to which it belongs

b) Specify whether the beneficiary is a difficult situation (if yes, please describe difficulty of the situation as it is defined in the Regulation on State aid for rescuing beneficiaries in difficulty).....

c) If the provider link state aid granting with the existence of a recovery plan / restructuring plan, is presented the plan which must be related primarily to:

- Restructuring measures during performance and total cost ;
- The implementation schedule and timing of restructuring actions related costs;
- Estimation of profit and loss each year from the beginning and until the end of the restructuring;
- Data on maximum production capacity of the company before and after the restructuring;
- Draft statement of receipts and payments each year, from the beginning until the end of the restructuring;
- Data on maximum production capacity of the company before and after the investment program restructuring , stating the number of exchanges ;
- Total number of people scheduled to be laid off, staggering layoffs and accompanying social measures , the legal basis of these measures and how to meet the costs

d) If the receiving state aid will lead to the creation of the beneficiary of permanent or temporary jobs, their number and indicate the period for which they are created.

e) If the receiving state aid will have the effect of keeping the number of permanent jobs available, indicate their number and the period for which they are kept.

f) If the provider of aid conditional state aid from any other elements present them .

Chapter III

The assessment of individual state aid

18. Provide data on concrete methods of point 7. When granting state aid in several installments, show the total amount of state aid granted over the period, with their scheduling .

19. Provide data on concrete methods of section 7 . When granting state aid in several installments, show the total amount of state aid granted over the period, with their scheduling .

20. For each concrete way of State aid must be specified costs used to calculate state aid (land, buildings , equipment , etc.) .

21. Indicate whether the funds necessary for the support of the state are covered and to what extent, based on external financing agreement.

22. When modifying an existing individual aid, please submit:

- Legal act through which was granted state aid;
- The conditions have changed and the reasons that caused the change.

State aid notification must be accompanied by the latest assessment on the implementation of existing aid. (the assessment on the application of State aid includes a description of the way the existing state aid was used until the time of notification and the effects of its implementation) .

Chapter IV

Data and information on the state aid scheme

23. The duration of the state aid scheme. If a scheme of indefinite duration, it will be estimated of the duration of state aid scheme.

24. Categories of individual state aid and argumentation of opportunity its granting: (select category of state aid from those indicated below and justified its granting opportunity)

- a) State aid intended to remedy a serious disturbance in the economy ;
- b) State aid for training employees and creating jobs;
- c) State aid to small and medium-sized enterprises;
- d) State aid for research, development and innovation;
- e) State aid for environmental protection;
- f) State aid beneficiaries for services of general economic interest;
- g) State aid for rescuing beneficiaries in difficulty;
- h) State aid for the creation of enterprises by female entrepreneurs;
- i) State aid for regional development;
- j) sectoral aid , depending on the sectors of the national economy.
- k) combinations of the above .

25. For the categories set out in point 24 is applied aid scheme, please present the following information:

a) description of the undertakings under the scheme specific allocation of state aid (indicate types of enterprises , field / industry, etc. .)

b) the criteria for qualifying businesses to be included in the state aid scheme (indicate the specific criteria imposed by the legal act).....

c) the definition and specification of the goods or services of their qualification criteria for inclusion in the scheme of state (complete as appropriate);
.....

d) accurate definition of the geographical and qualification criteria for inclusion in the State aid scheme (complete as appropriate).....

26. Indicate whether the funds necessary for the application of State aid scheme are provided and in what proportion , based on external financing agreement . It will specify the name of the agreement, its conclusion and donor entity

Chapter V

The assessment of state aid in a form of state aid scheme

27. Estimated total amount of state aid that will be given in the form of state aid scheme for the entire period of application, the breakdown by year (indicate the total budget and the budget for each year).

28. Estimated total number of beneficiaries under the state scheme (indicate the maximum number of beneficiaries)
29. Estimate the average amount planned to be granted annually to a beneficiary under the state scheme.

30. Estimate markets that are affected by the granting by diagram and present, if there are any studies, analyzes and market strategy.
31. When modifying an existing state aid scheme, please submit:
- Legal act through which was granted state aid;
 - The conditions have changed and the reasons that caused the change.

Chapter VI

The state aid duration

32. *The state aid duration* (is fulfilled as it appropriate)

32.1. For individual state aid:

- a) specify the date on which the aid will come into force
- b) to specify the duration of the measure for which the state aid is granted.....

32.2. For state aid scheme:

- a) indicate date when the state aid will be granted
- b) indicate the last date until which the state aid will be granted.....
- c) if the period is less than six years , it must be shown that a long time is essential for achieving the state scheme .

33. *The cumulation of different types of state aids*

a) State aid may be cumulated with other state aid granted by local, regional, national or state aid schemes that cover the same eligible costs ? (please tick)

YES

NO

b) If such cumulation exists should be described mechanisms to ensure compliance with the rules of cumulation. (ex for aid will be considered the total amount of state aid or de minimis aid granted for the activity or project support , whether State aid is financed from resources of the territorial administrative units , state or external)

34. Confidentiality - if the notification contains confidential data, indicate the aspects that should not be known to third parties .

35. The compatibility of state aid

Se vor indica actele normative ce se aplică în cazul ajutorului de stat notificat și toate informațiile și documentele necesare analizei. Indicate the pieces of legislation, which are applied to notified state aid notified and all necessary information and documents necessary analysis.

Chapter VII

Final provisions

36. Final notes, including the effects and benefits expected to be obtained from granting state aid.

37. Any other relevant information necessary to take a reasoned decision by the Competition Council.

38. Additional Information

- attach any documents, information required notification;

- present other information considered by the provider and / or the initiator relevant for analyses of notification by the Competition Council.

39. Declaration

Se va certifica de către persoana care a întocmit formularul de notificare, că atât informațiile cât și documentele atașate notificării sunt complete și corecte.

It will be certified by the person, which fulfilled the notification form that both information and documentation attached to the notification is accurate and complete.

Date and signature

Annex 3

to Regulation on the notification form, examining procedure and decision making on state aid

SIMPLIFIED FORM FOR NOTIFICATION

This form may be used for the simplified notification under Points 23 -26 of the Regulation the notification form, examining procedure and decision making on state aid

Aid scheme authorized in advance:

When the scheme was notified to the Competition Council in several time, provide details on the latest complete notification, which has been authorized by the Plenum of the Competition Council

- 1.1. The number of decision, registered by the Competition Council
- 1.2. Title of scheme.....
- 1.3. The authorization date (decision of the Plenum of Competition Council No____ of_____)
.....
- 1.4. Publication in the Official Gazette of Republic of Moldova:
- 1.5. Main objective (specify one objective):.....
- 1.6. Legal basis:.....
- 1.7. Budget:.....
- 1.8. Duration:.....

2. Instrument subjected to notification:

New budget:
(specify the total budget and anual budget in lei)

New duration:
(specify the date on which the aid will be granted and the last date until which the aid is granted)

Strict criteria:
(specify if the modification provides a reduction of aid intensity and of eligible costs and provide details)

Attach a copy (or web page address) with a relevant extracts of text (texts), which are the legal basis.
Date and

signature.

Annex 4

to Regulation on the notification form, examining procedure and decision making on state aid

The Form of complaint on the assumptive unlawful state

Please fulfil the form carefully and provide as many information as possible information. Complete all mandatory fields marked with an asterisk (*).

1. Information about complainant

First name* :

Name* :

Address 1*:

Address 2:

Locality*:

District*:

Post code*:

Phone:

Mobile phone:

E-mail*:

Fax:

2. File a complaint on behalf of another person (natural or legal)

YES*

NO*

The name of a person natural/legal Numele persoanei fizice/juridice, who you present*:

Address 1*:

Address 2:

Locality*:

District*:

Post code*:

Phone 1:

Mobile phone 2:

E-mail*:

Fax:

Vă rugăm să anexați un act care ar certifica faptul că sunteți autorizat să reprezentați această persoană fizică/juridică.* Please attach an act that would certify that you are authorized to represent the natural person / legal entity. *

3. Select statement that matches *

- a) represent a professional organization representing the interests of competing
- b) represent a professional organization representing the interests of competing organization
- c) represent a non-governmental organization
- d) represent a union
- e) I am a citizen of the RM
- f) I have different status (please specify)

Please explain why and to what extent the assumptive unlawful state aid effects trading interests of the person / company you represent. Provide as many concrete evidence as possible.

4. Choose the appropriate

statement *

Yes, you can reveal my identity.

No, I cannot disclose the identity

Confidentiality: If you do not wish your identity or certain documents or information to be disclosed, please indicate this clearly, indicate those parts of the documents and motivate your choice. If that does not make any reference to the disclosure of your identity or certain documents or information supplied, they will be treated as non-confidential and may be consulted by provider, who is granting state aid concerned. Information in points 5 and 6 cannot be considered as confidential.

5. Information on the aid provider*:

Please note that the information in this section is considered to be non-confidential.

If you know, please specify the institution that granted the aid in question:

Central Public Authority:

Local public authority

other (please specify)

6. Information on assumptive unlawful state aid*

Please note that the information in this section are considered to be non-confidential.

Covered by Article 5 Para (3) of the State aid Law no. 139 of June 15th 2012 provider of the aid granted from a State resources or administrative- territorial resources in any form whatsoever which distorts or threatens to distort competition by favoring certain undertakings or the production of certain goods .

a) Describe the state aid in question and indicate in which form it was given (in accordance with Article 6 Para (2) of Law no. 139 of 15.06.2012 on State aid) .

b) If you know , please specify for what purpose aid was granted.

c) If you know, please specify which is the amount of aid. If you do not know the exact figure, indicate an estimate and bring as many evidence as possible.

d) Who is the beneficiary? Provide as many information and describe the main activities of the company / companies benefited.

e) As far as you know , when State Aid was granted?

f) Choose the appropriate statement *:

Based on the information they hold, the aid was not notified to the Competition Council.

Based on the information they hold, this aid was notified to the Competition Council, but before it was granted before, Competition Council communicated the decision. (if you know , please indicate the reference number of the notification or the date on which the aid was notified to the Competition Council)

Based on the information they hold, the aid was notified to the Competition Council and approved by it , but its implementation has not complied with the applicable requirements , which is a misuse of aid . (if you know , please indicate the reference number of the notification or the date on which the aid was notified to the Commission and the date it was approved by)

7. Grounds for complaint *

a) Specify the resources of the state involved.

b) Explain why , in your

opinion , the aid in question is selective (ie , favoring certain undertakings or the production of certain goods) .

c) Specify why, in your opinion , the aid in question provides some economic benefits to beneficiaries .

d) Indicate why, in your opinion , the aid in question distorts or threatens to distort competition . If possible, specify market / sector concerned .

8. Aid incompatibility

Specify the reasons why, in your opinion, the aid in question is compatible with a normal competitive environment .

9. Information on other assumptive violations of law or procedures set out by the Competition Council

a) Specify other provisions of national law which were , in your opinion , violated the state aid in question. This does not imply that these potential violations will be subject to state aid investigation

b) Have you already approached other bodies on this issue ? *

YES

NO

(If yes , please send us a copy of the correspondence)

c) Have you already approached the court on this issue ? *

YES

NO

(If yes, please indicate if already taken a decision or a decision is issued and send us a copy of it)

10. I agree with that, for a quicker resolution of the complaint, the information in points 5 and 6 are not confidential and can be sent to provider. *

Da

Nu

11. I hereby declare that all information provided pursuant to this form and submitted in the Annex is given in good faith. *

Da

Nu

12. Evidence

List documents or evidence in support of the complaint and , if necessary , add annexes.

- Dacă este posibil, anexați o copie a dispozițiilor legale care asigură temeiul legal pentru plata ajutorului în cauză . If possible, attach a copy of the laws that provide the legal basis for the payment of aid.
- Trimiteți eventualele documente doveditoare de care dispuneți care demonstrează că ajutorul de stat a fost acordat (ex. comunicat de presă, conturile publicate). Send any documentation that is available that demonstrates that the aid was granted (ex press release published accounts) .
- În cazul în care plîngerea este înaintată în numele unei alte persoane fizice sau juridice, anexați un act care dovedește că sunteți reprezentantul autorizat. If the complaint is submitted on behalf of another natural or legal persons, attach a document proving that you are the authorized representative.
- If necessary, add copies of correspondence addressed to any other authority or institution on this subject.
- If the case has already been considered by a court, possibly send us a copy of the decision.

Place, date and signature of the applicant