

DATA PROVIDER: ARAD COUNTY

NAME OF THE ECONOMIC OPERATOR: ARAD AIRPORT (Private Company Limited by Shares)

TAX ID NUMBER: 5752187

ADDRESS: ARAD County, Arad Municipality, Calea Aeroportului No 4

CAEN CODE: 5223 – Service activities incidental to air transportation

FORM OF LEGAL OWNERSHIP: PRIVATE COMPANY LIMITED BY SHARES

SHAREHOLDER STRUCTURE:

The company's share capital amounts to 14 167 820 (fourteen million one hundred sixty-seven thousand and eight hundred twenty) Romanian Lei. A total of 1 416 782 (one million four hundred sixteen thousand and seven hundred eighty-two) shares each having a nominal value of 10 (ten) Romanian Lei were issued and belong to the following shareholders:

| | | |
|---------------------------|------------|------------------|
| - Arad County Council | 99.9193 % | 1 415 639 shares |
| - Curtici Local Council | 0.0168 % | 238 shares |
| - Carpat Air | 0.0106 % | 150 shares |
| - Various natural persons | 0.0533 % | 755 shares |
| Total | 100.0000 % | 1 416 782 shares |

Please specify the category of the SGEI: **3) AIRPORTS**

The contents of the services entrusted as SGEIs:

The following activities performed by Arad Airport Ltd. have been defined as SGEIs:

(a) construction of airport infrastructure and equipment (runways, terminals, aprons, control towers) or facilities that directly support them: fire-fighting facilities and security or safety equipment;

(b) operation of the infrastructure as well as of the equipment and installations that directly support it – including the maintenance, repair, modernisation and management of airport infrastructure;

(c) provision of airport services ancillary to air transport;

(d) maintenance and management of the passenger flow in the airport's terminals;

(e) ground handling services provided to state-owned aircraft, including the provision of specific equipment required by the respective service;

(f) protection of airport infrastructure;

(g) search and rescue operations on the airport's premises;

(h) watch and security functions in case of emergency as well as fire prevention and control;

(i) provision of the necessary areas, car parks, facilities and infrastructure required by various authorities (such as the Customs Administration, the Border Police, the Air Transport Police, the Ministry of Internal Affairs and the Romanian Intelligence Service) in order to perform their specific activities;

(j) allowing the use of the airport – free of charge – by flights of state-owned airlines, flights made by military personnel belonging to the Ministry of National Defence, the Ministry of Internal Affairs and the Romanian Intelligence Service, as well as by flights made in case of emergencies and under other legally regulated circumstances.

Forms of entrustment: direct award.

The service of general economic interest was entrusted to Arad Airport Ltd. pursuant to the following resolutions adopted by the Arad County Council:

- Resolution No 214 of 11 August 2011 on the entrustment of the service of general economic interest to Arad Airport Ltd.;
- Resolution No 14 of 30 January 2014 on the entrustment of a service of general economic interest to Arad Airport Ltd.

Duration of the entrustment

Performing the required activities 24 hours a day, while observing the applicable safety and security standards, represents an obligation of public service for Arad Airport Ltd. The obligation to render a public service of general economic interest will last until 1 January of the year following the year when the average annual passenger volume for two consecutive financial years – without considering the year when the airport was entrusted with the service of general economic interest – will exceed 200 000 (two hundred thousand). Otherwise, the entrustment shall be valid until 31 December 2016.

After that date, Arad Airport Ltd.'s obligation to perform the SGEI shall be reviewed and the European Union will be notified in order to allow the latter to examine the influence of the entrustment on competition and trade between Member States and, if necessary, its compatibility.

Exclusive or special rights/privileges: The airport enjoys no such rights/privileges.

Compensation mechanism: cost allocation.

The amount of compensation cannot exceed what is necessary to cover the costs incurred in the discharge of public service obligations, taking into account the revenues generated and a reasonable profit for discharging those obligations.

Arrangements for avoiding overcompensation

The amount of compensation for discharging public service obligations shall be established on a yearly basis, while approving the revenues and expenses budget of the airport. However, at the end of each financial year, the actual revenues shall be compared to the costs incurred in the discharge of public service obligations, in order to avoid overcompensation. The aid shall be granted on the basis of a justification regarding the level of expenses which are necessary for the proper performance of the service of general economic interest.

The amount of aid granted for 2012 and 2013, respectively:

In 2012, the State aid amounted to 2 143 270 (two million one hundred forty-three thousand and two hundred seventy) Romanian Lei, of which:

- 2 100 000 (two million one hundred thousand) Romanian Lei represent the compensation granted for discharging obligations to render a public service of general economic interest (800 000 [eight hundred thousand] Romanian Lei for the construction of airport infrastructure and equipment; 825 890 [eight hundred twenty-five thousand and eight hundred ninety] Romanian Lei for the operation of the infrastructure as well as of the equipment and installations that directly support it, and finally 474 110 [four hundred seventy-four thousand and one hundred ten] Romanian Lei for the provision of airport services ancillary to air transport);
- 43 270 [forty-three thousand and two hundred seventy] Romanian Lei represent State aid in the form of a guarantee offered for a loan contracted by Arad Airport Ltd. for completing the investment 'Approach lighting system of Arad Airport – Category II ICAO; modifying the approach lighting system by shifting the threshold on runway 27 to 180 metres'.

In 2013, the State aid amounted to 3 583 310 (three million five hundred eighty-three thousand and three hundred ten) Romanian Lei, of which:

- 2 000 000 (two million) Romanian Lei represent the compensation granted for discharging obligations to render a public service of general economic interest (1 260 000 [one million two hundred sixty thousand] Romanian Lei for the operation of the infrastructure as well as of the equipment and installations that directly support it and 740 000 [seven hundred forty thousand] Romanian Lei for the provision of airport services ancillary to air transport);
- 1 583 310 (one million five hundred eighty-three thousand and three hundred ten) Romanian Lei represent State aid in the form of a guarantee offered for drafts issued by Arad Airport Ltd. in connection with the completion of the investment 'Transforming the Cargo Terminal into a Passenger Terminal'.

DATA PROVIDER: MARAMUREȘ COUNTY COUNCIL

NAME OF THE ECONOMIC OPERATOR: BAIJA MARE INTERNATIONAL AIRPORT

TAX ID NUMBER: RO 2944544 (J24 / 554 / 1992)

ADDRESS: Settlement: Tăuți Măgheraș, Road 66, No 22

CAEN CODE: 5223 – Service activities incidental to air transportation

**PLEASE SPECIFY THE CATEGORY OF THE SGEI:
AIRPORTS**

| Clear and comprehensive description of the manner of organising the specified service in the Member State | |
|---|---|
| Explanation of what kind of services, in the respective sector, have been defined as SGEIs in your Member State. Please list the contents of the services entrusted as SGEIs as clearly as possible. | <p>The following activities performed by Baia Mare Autonomous International Airport Operation [Regia Autonomă Aeroportul Internațional Baia Mare] have been defined as SGEIs:</p> <ul style="list-style-type: none"> a) the continuous maintenance, repair and modernisation of tarmacadam surfaces administered by the operation and required for the movement of aircraft (i.e., runways, taxiways, aprons) as well as of the pertaining infrastructure and equipment; b) organising and managing the passenger flow in the airport's terminals as well as securing the technical equipment necessary for managing the passenger flow; c) provision – pursuant to law – of the necessary areas and infrastructure required by public authorities performing specific checks on the airport's premises; d) processing of flights made by state-owned aircraft, which are exempted from the payment of airport fees, including the passengers thereof; e) procurement and maintenance of specific equipment necessary for the ground handling of state-owned aircraft; f) protection of airport infrastructure. |
| Explanation of the (typical) forms of entrustment. If standardized templates for entrustments are used for a certain sector, please attach them. | The service of general economic interest was entrusted to Baia Mare International Airport through <i>Maramureș County Council Resolution No 95, adopted on 30 August 2011</i> , in accordance with the provisions of <i>Government Emergency Order No 61/2011 on adopting certain measures for the financing of autonomous airport operations of local importance, having particular purposes</i> . |
| Explanation of the (typical) duration of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are longer than 10 (ten) years. | The obligation to render the public service of general economic interest will last until 1 January of the year following the year when the annual passenger volume will exceed 500 000 (five hundred thousand). Otherwise, the entrustment shall be valid until 31 December 2016. |
| Explanation whether (typically) exclusive or special rights/privileges are assigned to the undertakings. | No such rights/privileges are assigned. |
| Explanation of the (typical) compensation mechanism as regards the respective services, including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used. | <p>The amount of compensation includes all sums granted from public funds to which the Baia Mare Autonomous International Airport Operation [Regia Autonomă Aeroportul Internațional Baia Mare] is entitled, including the local budget and – in the case of investments – the funding received through the <i>Sectoral Operational Programme Transport</i> and/or other financing programmes operated by the European Union.</p> <p>The costs taken into account when establishing the amount of compensation include all fixed and variable costs, operating expenses and capital expenditures, incurred with the performance</p> |

| | |
|--|--|
| | <p>of activities pertaining to the service of general economic interest as well as the part of the general expenses of the autonomous operation incurred with these activities. Investment expenditures are taken into account only if these are strictly related to the activities pertaining to the service of general economic interest. The revenues taken into account when establishing the amount of compensation include both the revenues generated by activities pertaining to the service of general economic interest and any other revenues generated by further activities performed by the autonomous operation, which are not related to the service of general economic interest.</p> |
| Explanation of the (typical) arrangements for avoiding and/or repaying any overcompensation. | <p>On a yearly basis, while elaborating the draft budget and, if necessary, when applying for compensation, the Baia Mare Autonomous International Airport Operation [Regia Autonomă Aeroportul Internațional Baia Mare] must justify the amount of compensation requested and submit the <i>Justification note and basis for transfers requested from the local budget</i>.</p> <p>Taking into account the yearly financial reports submitted by the Baia Mare Autonomous International Airport Operation [Regia Autonomă Aeroportul Internațional Baia Mare], the county council must:</p> <ul style="list-style-type: none"> a) perform checks in order to ensure that the autonomous operation did not receive compensation exceeding the established amount; b) carry out inspections to verify the manner of discharging the obligations to render services of general economic interest by the autonomous operation. <p>Taking into account the facts ascertained during these checks and inspections, the county council must request the operation to reimburse overcompensations or, if this is the case, to review the activities pertaining to the service of general economic interest.</p> |
| AMOUNT OF AID GRANTED | (ROMANIAN LEI) |
| Total amount of aid granted for 2012 and 2013, respectively. | <p>2012: - 4 030 000 (four million thirty thousand) Romanian Lei – for operational expenditures</p> <p>- 942 000 (nine hundred forty-two thousand) Romanian Lei – for airport development</p> <p>2013: - 4 000 000 (four million) Romanian Lei – for operational expenditures</p> <p>- 100 000 (one hundred thousand) Romanian Lei – for airport development</p> |
| Other quantitative information | - |

1. Difficulties with the application of the SGEI Decision or SGEI Framework

- No difficulties have been encountered.

2. Complaints filed by third parties

- No complaints.

3. Miscellaneous information

- Not applicable.

DATA PROVIDER: DOLJ COUNTY COUNCIL

NAME OF THE ECONOMIC OPERATOR: CRAIOVA AUTONOMOUS INTERNATIONAL AIRPORT OPERATION

TAX ID NUMBER: RO10300854

ADDRESS: Calea București, No 325A; CRAIOVA, DOLJ COUNTY

CAEN CODE: 5223 – Service activities incidental to air transportation

FORM OF LEGAL OWNERSHIP: AUTONOMOUS OPERATION

SHAREHOLDER STRUCTURE: SOLE SHAREHOLDER: DOLJ COUNTY COUNCIL

Please specify the category of the SGEI:

- | | |
|---|-------------------------------------|
| 1) Air links | <input type="checkbox"/> |
| 2) Maritime links to islands or isolated regions etc. | <input type="checkbox"/> |
| 3) Airports | <input checked="" type="checkbox"/> |
| 4) Ports | <input type="checkbox"/> |
| 5) Television and radio broadcasting | <input type="checkbox"/> |
| 6) Social services | <input type="checkbox"/> |
| a) Health and long-term care | <input type="checkbox"/> |
| b) Childcare | <input type="checkbox"/> |
| c) Access to and reintegration into the labour market | <input type="checkbox"/> |
| d) Social housing | <input type="checkbox"/> |
| e) Care and social inclusion of vulnerable groups | <input type="checkbox"/> |
| 7) Drinking water supply, sewage removal and waste water treatment | |
| 8) Other compensations for SGEIs not exceeding the 15 million EUR threshold | |
| a) ... (please specify the respective sector) | |
| b) ... | |
| etc. | |

Clear and comprehensive description of the manner of organising the specified service in the Member State

Explanation of what kind of services, in the respective sector, have been defined as SGEIs in your Member State. Please list the contents of the services entrusted as SGEIs as clearly as possible.

Pursuant to Article 2 of the Annex to County Council Resolution No 56/2014,

the following activities pertain to the field of the Services of General Economic Interest:

1. Construction and modernisation of airport infrastructure (runways, taxiways, aprons, terminals, control towers);

2. Procurement and modernisation of equipment and installations that directly support the airport infrastructure:

- equipment and installations for runway lighting and beacon systems;
- fire-fighting facilities and security or safety equipment;

3. The continuous maintenance, repair and management of tarmac surfaces required for the movement of aircraft (i.e., runways, taxiways, aprons) as well as of the terminals, control towers and the pertaining infrastructure and equipment together with the maintenance and management of the plots of land located within the airport's perimeter and administered by the airport;

4. Organising and managing the passenger flow in the airport's terminals as well as securing the

| | |
|--|---|
| | <p>technical equipment necessary for managing the passenger flow;</p> <p>5. Provision – pursuant to law – of the necessary areas and infrastructure required by public authorities performing specific inspections as well as passenger and luggage security and safety activities on the airport's premises (i.e., the Border Police, the Customs Administration, the Romanian Intelligence Service and the Air Transport Police);</p> <p>6. Allowing the use of the airport – free of charge – by flights of state-owned airlines; flights made by military personnel belonging to the Ministry of National Defence, the Ministry of Internal Affairs and the Romanian Intelligence Service; as well as by flights made in case of emergencies and humanitarian crises or under other circumstances stipulated in applicable statutory regulations;</p> <p>7. Provision of specific equipment (equipment and installations for runway lighting and beacon systems; protective gear for the operating personnel) required by the ground handling of state-owned aircraft, of aircraft belonging to the military structures of the Ministry of National Defence, the Ministry of Internal Affairs or the Romanian Intelligence Service; as well as of aircraft performing flights in case of emergencies and humanitarian crises or under other</p> |
|--|---|

| | |
|--|---|
| | <p>circumstances stipulated in applicable statutory regulations;</p> <p>8. Protection and watch of airport infrastructure as well as of all goods located within the airport's perimeter, including the purchase of a special airport liability insurance policy;</p> <p>9. Provision of airport services ancillary to air transport and of ground handling services (including de-icing and anti-icing of aircraft, cabin cleaning, water cartage, lavatory drainage etc.);</p> <p>10. Fire prevention and control; emergency, security and safety services as well as medical services provided by the doctor's office operated by the airport.</p> <p>11. Search and rescue operations within the airport's perimeter.</p> |
| Explanation of the (typical) forms of entrustment. If standardized templates for entrustments are used for a certain sector, please attach them. | Direct award through County Council Resolution No 253/2011. |
| Explanation of the (typical) duration of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are longer than 10 (ten) years. | Pursuant to Article 4(2) of County Council Resolution No 253/2011, the duration of the entrustment is 5 (years). Thus, the entrustment shall be valid until 31 December 2016. |
| Explanation whether (typically) exclusive or special rights/privileges are assigned to the undertakings. | Pursuant to County Council Resolution No 253/2011, the airport has been granted exclusive rights for the duration of the entrustment to perform activities pertaining to |

| | |
|---|---|
| | the field of the SGEIs. (Annex 1, Art. 3) |
| Explanation of the (typical) compensation mechanism as regards the respective services, including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used. | <p>Compensations shall be awarded on the basis of monthly requests for allocations to perform activities pertaining to the field of SGEIs.</p> <p>However, at the end of each financial year, the actual revenues shall be compared to the costs in accordance with Article 5(9) of Commission Decision 2012/21/EU.</p> <p>The aid instrument is the direct subsidy, while the methodology for establishing the amount of compensations is based on cost allocation. The costs incurred with and the revenues generated by performing the SGEI are taken into account, separately from the ones generated by (other) economic activities.</p> |
| Explanation of the (typical) arrangements for avoiding and/or repaying any overcompensation. | <p>Article 7(3) of County Council Resolution No 56/2014 stipulates that if it was ascertained that the amount of compensation received was in excess of the sum computed on the basis of calculation parameters, a decision shall be made on reimbursing overcompensations, while the calculation parameters used for establishing the compensation shall be adjusted for future use.</p> <p>The reimbursement of overcompensations shall be performed within 90 (ninety) days from the closure of the previous financial year.</p> |

| | |
|--|--|
| | <p>If the amount of overcompensation is less than 10 % of the average annual amount of compensation, the overcompensation may be transferred as compensation for the next year. In this case, the transferred overcompensation shall be subtracted from the amount of compensation granted for the period in question.</p> |
| Amount of Aid Granted (Romanian Lei) | |
| Total amount of aid granted for 2012 and 2013, respectively. | <p>2012: 18 954 000 (eighteen million nine hundred forty-five thousand) Romanian Lei</p> <p>2013: 10 231 000 (ten million two hundred thirty-one thousand) Romanian Lei</p> |
| Other quantitative information | <p>The average annual amount of compensation for these two years (2012 and 2013) was 14 592 000 (fourteen million five hundred ninety-two thousand) Romanian Lei (granted as direct subsidy).</p> <p>The Craiova International Airport is an autonomous operation.</p> |

1. DIFFICULTIES WITH THE APPLICATION OF THE SGEI DECISION OR SGEI FRAMEWORK

Please be as specific as possible and include, if applicable, the sector for which the difficulties are relevant.

NO DIFFICULTIES HAVE BEEN ENCOUNTERED.

2. COMPLAINTS FILED BY THIRD PARTIES

Please be as specific as possible and include the sector for which you have received the complaints, the contents of the complaints and the possible follow-up by your authorities.

NO COMPLAINTS.

3. MISCELLANEOUS INFORMATION

A. (non-compulsory) NOT APPLICABLE.

If your County has **not** granted State aid for the provision of SGEIs in certain sectors, information regarding other instruments to ensure the provision of those services (direct aid to users, compensation complying with all four Altmark criteria, *de minimis* aid...) could be useful. Please feel free to provide a brief description of these instruments and the areas in which they are used.

B. (non-compulsory) NOT APPLICABLE.

Please describe in what respect the SGEI (2012/21/EU) Decision and the SGEI (2012/C8/03) Framework are easier to apply or more appropriate than the 2005 SGEI Decision and 2005 SGEI Framework.

C. (non-compulsory) NOT APPLICABLE.

If you have any other comments on the application of the SGEI Decision and the SGEI Framework on issues other than the ones covered in the previous questions please feel free to provide them within your report.

DATA PROVIDER:

NAME OF THE ECONOMIC OPERATOR: ORADEA AUTONOMOUS AIRPORT OPERATION

TAX ID NUMBER: RO 73452

ADDRESS: CALEA ARADULUI, NO 80; ORADEA, BIHOR COUNTY

CAEN CODE: 5223 – Service activities incidental to air transportation

FORM OF LEGAL OWNERSHIP: AUTONOMOUS OPERATION

SHAREHOLDER STRUCTURE:

Please specify the category of the SGEI:

- | | |
|--|-------------------------------------|
| 9) Air links | <input type="checkbox"/> |
| 10) Maritime links to islands or isolated regions etc. | <input type="checkbox"/> |
| 11) Airports | <input checked="" type="checkbox"/> |
| 12) Ports | <input type="checkbox"/> |
| 13) Television and radio broadcasting | <input type="checkbox"/> |
| 14) Social services | <input type="checkbox"/> |
| a) Health and long-term care | <input type="checkbox"/> |
| b) Childcare | <input type="checkbox"/> |
| c) Access to and reintegration into the labour market | <input type="checkbox"/> |
| d) Social housing | <input type="checkbox"/> |
| e) Care and social inclusion of vulnerable groups | <input type="checkbox"/> |
| 15) Drinking water supply, sewage removal and waste water treatment | |
| 16) Other compensations for SGEIs not exceeding the 15 million EUR threshold | |
| a) ... (please specify the respective sector) | |
| b) ... | |
| etc. | |

For each of the items outlined above please provide information in the form of the following table:

Clear and comprehensive description of how the respective services are organized in your Member State¹

¹ If in a certain sector only a small number of individual SGEIs exist in your Member State, we appreciate a detailed description of those services. If a large number of services are entrusted in a specific sector in your Member State (for example because the competence lies with regional or local authorities), individual details of the entrustments would be disproportionate, but a clear and concise general description of the way the sector is organised including the common features of the individual entrustments remains crucial. Since cases falling under the SGEI Framework will be limited in number, the Commission expects a detailed description of each concrete measure.

DATA PROVIDER:

NAME OF THE ECONOMIC OPERATOR: SATU MARE AUTONOMOUS AIRPORT OPERATION

TAX ID NUMBER: RO 642787

ADDRESS: Satu Mare – Zalău Road, km 9.5

CAEN CODE: 5223

FORM OF LEGAL OWNERSHIP: FULLY OWNED BY THE STATE

SHAREHOLDER STRUCTURE:

Please specify the category of the SGEI:

17) Air links ☐

18) Maritime links to islands or isolated regions etc. ☐

19) Airports ☒

20) Ports ☐

21) Television and radio broadcasting ☐

22) Social services ☐

a) Health and long-term care ☐

b) Childcare ☐

c) Access to and reintegration into the labour market ☐

d) Social housing ☐

e) Care and social inclusion of vulnerable groups ☐

23) Drinking water supply, sewage removal and waste water treatment

24) Other compensations for SGEIs not exceeding the 15 million EUR threshold

a) ... (please specify the respective sector)

b) ...

etc.

For each of the items outlined above please provide information in the form of the following table:

| Clear and comprehensive description of how the respective services are organized in your Member State ² | |
|---|--|
| Explanation of what kind of services, in the respective sector, have been defined as SGEIs in your Member State. Please list the contents of the services entrusted as SGEIs as clearly as possible. | <ul style="list-style-type: none"> - overall management of the airport: the continuous maintenance, repair and modernisation of tarmacadam surfaces administered by the autonomous operation and required for the movement of aircraft (i.e., runways, taxiways, aprons) as well as of the control tower and the pertaining infrastructure and equipment; - organising, maintaining and managing the passenger flow in the airport's terminals as well as securing the technical equipment necessary for managing the passenger flow; - ground handling services provided to aircraft, including the provision of specific equipment required by these services; - protection of airport infrastructure; - search and rescue operations within the airport's perimeter; - watch and security functions in case of emergency as well as fire prevention and control; - provision – pursuant to law – of the necessary areas and infrastructure required by public authorities performing specific checks on the airport's premises; - processing of flights made by aircraft, including the passengers thereof. |
| Explanation of the (typical) forms of entrustment . If standardized templates for entrustments are used for a certain sector, please attach them. | |
| Explanation of the (typical) duration of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are longer than 10 (ten) years. | <ul style="list-style-type: none"> - The obligation to render the public service of general economic interest will last until 1 January of the year following the year when the annual passenger volume will exceed 1,000,000 (one million). Otherwise, the entrustment shall be valid until 31 December 2016. |

² If in a certain sector only a small number of individual SGEIs exist in your Member State, we appreciate a detailed description of those services. If a large number of services are entrusted in a specific sector in your Member State (for example because the competence lies with regional or local authorities), individual details of the entrustments would be disproportionate, but a clear and concise general description of the way the sector is organised including the common features of the individual entrustments remains crucial. Since cases falling under the SGEI Framework will be limited in number, the Commission expects a detailed description of each concrete measure.

| | |
|--|---|
| Explanation whether (typically) exclusive or special rights/privileges are assigned to the undertakings. | <ul style="list-style-type: none"> - The airport enjoys no such rights/privileges. |
| Explanation of the (typical) compensation mechanism as regards the respective services, including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used. | <ul style="list-style-type: none"> - the amount of compensation cannot exceed what is necessary to cover the costs incurred in the discharge of public service obligations; - the compensation shall include all sums granted from public funds to which the Satu Mare Autonomous Airport Operation [Regia Autonomă Aeroportul Satu Mare] is entitled, including allocations from the local budget and – in the case of investments - the funding received through the <i>Sectoral Operational Programme Transport</i> and/or other financing programmes operated by the European Union; - the costs taken into account when establishing the amount of compensation include all fixed and variable costs, operating expenses and capital expenditures, incurred with the performance of activities pertaining to the service of general economic interest as well as the part of the general expenses of the autonomous operation incurred with these activities; - investment expenditures shall be taken into account only if these are strictly related to the activities pertaining to the service of general economic interest; - the revenues taken into account when establishing the amount of compensation shall include both the revenues generated by activities pertaining to the field of SGEIs and any other revenues generated by further activities performed by the autonomous operation, which are not related to the service of general economic interest. |
| Explanation of the (typical) arrangements for avoiding and/or repaying any overcompensation. | <ul style="list-style-type: none"> - the amount of compensation shall be established while elaborating the revenues and expenses budget of the Satu Mare Autonomous Airport Operation [Regia Autonomă Aeroportul Satu Mare]; more precisely, the revenues generated by the activities pertaining to the field of SGEIs shall be listed separately, together with the costs incurred with these activities; - in order to avoid any overcompensation, the amount of the compensation granted shall not exceed the difference between the costs incurred with and the revenues generated by the activities pertaining to the field of SGEIs. |
| AMOUNT OF AID GRANTED (Romanian Lei) | |

| | |
|---|--|
| Total amount of aid granted for 2012 and 2013, respectively. <u>This includes all aid paid in your territory, including aid paid by regional and local authorities.</u> | 2012: 3 559 000 (three million five hundred fifty-nine thousand) Romanian Lei 2013: 3 528 000 (three million five hundred twenty-eight thousand) Romanian Lei |
| Other quantitative information³ | |

4. DIFFICULTIES WITH THE APPLICATION OF THE SGEI DECISION OR SGEI FRAMEWORK

(Please be as specific as possible and include, if applicable, the sector for which the difficulties are relevant.)

5. COMPLAINTS FILED BY THIRD PARTIES

(Please be as specific as possible and include the sector for which you have received the complaints, the contents of the complaints and the possible follow-up by your authorities.)

....
....

6. MISCELLANEOUS INFORMATION

A. (non-compulsory)

If your County has **not** granted State aid for the provision of SGEIs in certain sectors, information regarding other instruments to ensure the provision of those services (direct aid to users, compensation complying with all four Altmark criteria, *de minimis* aid...) could be useful. Please feel free to provide a brief description of these instruments and the areas in which they are used.

B. (non-compulsory)

Please describe in what respect the SGEI (2012/21/EU) Decision and the SGEI (2012/C8/03) Framework are easier to apply or more appropriate than the 2005 SGEI Decision and 2005 SGEI Framework.

³ The Commission would welcome data that you might have on aid granted under the SGEI Decision and the SGEI Framework, for example number of beneficiaries per sector, average amount of aid, amount per aid instrument (direct subsidy, guarantee, etc.), size of the undertakings, etc. Should such other quantitative information data not be readily available in a Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

C. (non-compulsory)

If you have any other comments on the application of the SGEI Decision and the SGEI Framework on issues other than the ones covered in the previous questions please feel free to provide them within your report.

DATA PROVIDER: SIBIU COUNTY COUNCIL

NAME OF THE ECONOMIC OPERATOR: SIBIU AUTONOMOUS INTERNATIONAL AIRPORT OPERATION

TAX ID NUMBER: 2577146

ADDRESS: Șos. ALBA IULIA, NO 73, SIBIU County, SIBIU, code 550052

CAEN CODE: 5223 – Service activities incidental to air transportation

FORM OF LEGAL OWNERSHIP: autonomous operation

SHAREHOLDER STRUCTURE: state-owned

Please specify the category of the SGEI:

- | | |
|--|-------------------------------------|
| 25) Air links | <input type="checkbox"/> |
| 26) Maritime links to islands or isolated regions etc. | <input type="checkbox"/> |
| 27) Airports | <input checked="" type="checkbox"/> |
| 28) Ports | <input type="checkbox"/> |
| 29) Television and radio broadcasting | <input type="checkbox"/> |
| 30) Social services | <input type="checkbox"/> |
| a) Health and long-term care | <input type="checkbox"/> |
| b) Childcare | <input type="checkbox"/> |
| c) Access to and reintegration into the labour market | <input type="checkbox"/> |
| d) Social housing | <input type="checkbox"/> |
| e) Care and social inclusion of vulnerable groups | <input type="checkbox"/> |
| 31) Drinking water supply, sewage removal and waste water treatment | |
| 32) Other compensations for SGEIs not exceeding the 15 million EUR threshold | |
| a) ... (please specify the respective sector) | |
| b) ... | |
| etc. | |

For each of the items outlined above please provide information in the form of the following table:

| Clear and comprehensive description of the manner of organising the specified service in the Member State ⁴ | |
|---|---|
| Explanation of what kind of services, in the respective sector, have been defined as SGEIs in your Member State. Please list the contents of the services entrusted as SGEIs as clearly as possible. | <ul style="list-style-type: none"> - overall management of the airport: the continuous maintenance, repair and modernisation of tarmacadam surfaces required for the movement of aircraft (i.e., runways, taxiways, aprons) as well as of the terminals and the control tower administered by the autonomous operation together with the pertaining infrastructure and equipment; - organising and managing the passenger flow in the airport's terminals as well as securing the technical equipment necessary for managing the passenger flow; - procurement and maintenance of specific equipment necessary for the ground handling of state-owned aircraft; - provision of airport services ancillary to air transport to state-owned and other categories of aircraft, which are exempted from the payment of airport fees, including the passengers thereof; - protection of airport infrastructure; - search and rescue operations within the airport's perimeter; - ground handling services as well as firefighting, emergency and safety services; - provision – pursuant to law – of the necessary areas, car parks, facilities and infrastructure required by various public authorities performing specific watch and inspection activities on the airport's premises. - ground handling services, fire-extinguishing services, emergency services and security services. |

4

| | |
|--|--|
| Explanation of the (typical) forms of entrustment . If standardized templates for entrustments are used for a certain sector, please attach them. | Sibiu County Council Resolution No 133, adopted on 25 August 2011, on the entrustment of the service of general economic interest to the Sibiu Autonomous International Airport Operation [Regia Autonomă Aeroportul Internațional Sibiu] and Government Emergency Order No 61, issued on 29 June 2011, on adopting certain measures for the financing of autonomous airport operations of local importance, having particular purposes. |
| Explanation of the (typical) duration of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are longer than 10 (ten) years. | The entrustment will last until 1 January of the year following the year when the annual passenger volume will exceed 1 000 000 (one million). |
| Explanation whether (typically) exclusive or special rights/privileges are assigned to the undertakings. | - |
| Explanation of the (typical) compensation mechanism as regards the respective services, including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used. | The compensation mechanism consists of granting direct subsidies in order to cover the costs incurred with the activities pertaining to the field of SGEIs, which have been entrusted to the autonomous airport operation. |
| Explanation of the (typical) arrangements for avoiding and/or repaying any overcompensation . | Overcompensation shall be avoided through the allocation of subsidies matching the difference between the costs, which have to be covered, and the own funding sources of the autonomous operation. The revenues generated by and the costs incurred with the activities pertaining to the field of SGEIs shall be listed separately. |
| AMOUNT OF AID GRANTED (Romanian Lei) | |

| | |
|--|---|
| <p>Total amount of aid granted for 2012 and 2013, respectively. <u>This includes all aid paid in your territory, including aid paid by regional and local authorities.</u></p> | <p>2012: 3 374 750 (three million three hundred seventy-four thousand and seven hundred fifty) Romanian Lei – for the construction of airport infrastructure and equipment</p> <p>2013: 6 527 000 (six million five hundred twenty-seven thousand) Romanian Lei – of which: 1 961 030 (one million nine hundred sixty-one thousand and thirty) Romanian Lei – for the construction of airport infrastructure and equipment</p> <p>4 565 970 (four million five hundred sixty-five thousand and nine hundred seventy) Romanian Lei – compensation granted in order to cover the costs incurred with the activities pertaining to the field of SGEIs, which have been entrusted to the autonomous airport operation.</p> |
| <p>Other quantitative information⁵</p> | |

7. DIFFICULTIES WITH THE APPLICATION OF THE SGEI DECISION OR SGEI FRAMEWORK

We have encountered no difficulties in what regards the implementation of the SGEI Decision at Sibiu Autonomous International Airport Operation.

8. COMPLAINTS FILED BY THIRD PARTIES

No complaints have been filed by third parties regarding the provision of the service of general economic interest by SIBIU AUTONOMOUS INTERNATIONAL AIRPORT OPERATION.

⁵

DATA PROVIDER: SUCEAVA COUNTY COUNCIL

ȘTEFAN CEL MARE AUTONOMOUS AIRPORT OPERATION SUCEAVA

TAX ID NUMBER: RO 713454

ADDRESS: Settlement: SALCEA, SUCEAVA County

CAEN CODE: 5223

FORM OF LEGAL OWNERSHIP: AUTONOMOUS OPERATION

SHAREHOLDER STRUCTURE:

.....

Please specify the category of the SGEI:

33) Air links ☐

34) Maritime links to islands or isolated regions etc. ☐

35) Airports ☒

36) Ports ☐

37) Television and radio broadcasting ☐

38) Social services ☐

a) Health and long-term care ☐

b) Childcare ☐

c) Access to and reintegration into the labour market ☐

d) Social housing ☐

e) Care and social inclusion of vulnerable groups ☐

39) Drinking water supply, sewage removal and waste water treatment

40) Other compensations for SGEIs not exceeding the 15 million EUR threshold

a) ... (please specify the respective sector)

b) ...

etc.

For each of the items outlined above please provide information in the form of the following table:

| Clear and comprehensive description of how the respective services are organized in your Member State⁶ | |
|---|--|
| Explanation of what kind of services, in the respective sector, have been defined as SGEIs in your Member State. Please list the contents of the services entrusted as SGEIs as clearly as possible. | <ul style="list-style-type: none"> a) overall management of the airport: the continuous maintenance, repair and modernisation of tarmacadam surfaces administered by the company and required for the movement of aircraft (i.e., runways, taxiways, aprons) as well as of the control tower and the pertaining infrastructure and equipment; b) organising and managing the passenger flow in the airport's terminals as well as securing the technical equipment necessary for managing the passenger flow; c) provision – pursuant to law – of the necessary areas and infrastructure required by public authorities performing specific checks on the airport's premises; d) processing of flights made by state-owned aircraft, which are exempted from the payment of airport fees, including the passengers thereof; e) procurement and maintenance of specific equipment necessary for the ground handling of state-owned aircraft; f) protection of airport infrastructure. |
| Explanation of the (typical) forms of entrustment . If standardized templates for entrustments are used for a certain sector, please attach them. | Suceava County Council Resolution No 95, adopted on 19 July 2011, on the entrustment of a service of general economic interest to the Ștefan cel Mare Autonomous Airport Operation – Suceava [Regia Autonomă Aeroportul Ștefan cel Mare Suceava]. |
| Explanation of the (typical) duration of the entrustment and the range of durations of the entrustments. Please also | The obligation to render the public service of general economic interest will last until 1 January of the year |

⁶ If in a certain sector only a small number of individual SGEIs exist in your Member State, we appreciate a detailed description of those services. If a large number of services are entrusted in a specific sector in your Member State (for example because the competence lies with regional or local authorities), individual details of the entrustments would be disproportionate, but a clear and concise general description of the way the sector is organised including the common features of the individual entrustments remains crucial. Since cases falling under the SGEI Framework will be limited in number, the Commission expects a detailed description of each concrete measure.

| | |
|--|---|
| specify the proportion of entrustments that are longer than 10 (ten) years. | following the year when the annual passenger volume will exceed 500 000 (five hundred thousand). Otherwise, the entrustment shall be valid until 31 December 2016. |
| Explanation whether (typically) exclusive or special rights/privileges are assigned to the undertakings. | .. |
| Explanation of the (typical) compensation mechanism as regards the respective services, including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used. | <p>Ștefan cel Mare Autonomous Airport Operation – Suceava [Regia Autonomă Aeroportul Ștefan cel Mare Suceava] receives compensation for rendering the public service of general economic interest.</p> <p>The amount of compensation cannot exceed what is necessary to cover the costs incurred in the discharge of public service obligations.</p> <p>The compensation shall include all sums granted from public funds to which the autonomous operation is entitled, including allocations from the local budget and – in the case of investments – funding received through the <i>Sectoral Operational Programme Transport</i>.</p> <p>The costs taken into account when establishing the amount of compensation include all fixed and variable costs, operating expenses and capital expenditures, incurred with the performance of activities pertaining to the service of general economic interest as well as the part of the general expenses of the autonomous operation incurred with these activities. Investment expenditures shall be taken into account only if these are strictly related to the activities pertaining to the service of general economic interest.</p> <p>The revenues taken into account when establishing the amount of compensation shall include both the revenues generated by activities pertaining to the service of general economic interest and any other revenues generated by further activities performed by the autonomous operation, which are not related to the service of general economic interest.</p> |
| Explanation of the (typical) arrangements for avoiding and/or repaying any overcompensation. | Keeping of separate books for the activities pertaining to the field of SGEIs. |
| AMOUNT OF AID GRANTED (Romanian Lei) | 2013 Total amount of State aid granted = 6 750 000 (six million seven hundred fifty thousand) Romanian Lei 2012 Total amount of State aid granted = 3 510 000 (three million five hundred ten thousand) Romanian Lei |
| Total amount of aid granted for 2012 and 2013, respectively. <u>This includes all aid paid in your territory, including aid paid by regional and local authorities.</u> | <p>The State aid granted in 2013 by Suceava County Council to Ștefan cel Mare Autonomous Airport Operation – Suceava [Regia Autonomă Aeroportul Ștefan cel Mare Suceava] in order to cover the operating expenses incurred with the service of general economic interest – that is, the costs of operating the infrastructure and the equipment or facilities that directly support it, including the maintenance, repair, modernisation and management of airport infrastructure – amounted to 3 430 000 (three million four hundred thirty thousand) Romanian Lei.</p> <p>The State aid granted in 2012 by Suceava County Council to Ștefan cel Mare Autonomous Airport Operation – Suceava [Regia Autonomă Aeroportul Ștefan cel Mare</p> |

| | |
|--|--|
| | <p>Suceava] in order to cover the operating expenses incurred with the service of general economic interest – that is, the costs of operating the infrastructure and the equipment or facilities that directly support it, including the maintenance, repair, modernisation and management of airport infrastructure – amounted to 2 105 000 (two million one hundred five thousand) Romanian Lei. This sum was established in the Report form filled out in 2012 (for the year 2011). No deductions for overcompensations have been made until 31 December 2013.</p> <p>The State aid granted in 2013 by Suceava County Council to Ștefan cel Mare Autonomous Airport Operation – Suceava [Regia Autonomă Aeroportul Ștefan cel Mare Suceava] in order to cover the capital expenditure incurred with the service of general economic interest – that is, the construction of airport infrastructure and equipment (runways, terminals, aprons, control towers) or facilities that directly support them – amounted to 3 320 000 (three million three hundred twenty thousand) Romanian Lei.</p> <p>The State aid granted in 2012 by Suceava County Council to Ștefan cel Mare Autonomous Airport Operation – Suceava [Regia Autonomă Aeroportul Ștefan cel Mare Suceava] in order to cover the capital expenditure incurred with the service of general economic interest – that is, the construction of airport infrastructure and equipment (runways, terminals, aprons, control towers) or facilities that directly support them: fire-fighting facilities and security or safety equipment – amounted to 1 405 000 (one million four hundred five thousand) Romanian Lei. This sum was established in the Report form filled out in 2012 (for the year 2011). No deductions for overcompensations have been made until 31 December 2013.</p> |
| | ... |

9. DIFFICULTIES WITH THE APPLICATION OF THE SGEI DECISION OR SGEI FRAMEWORK
(Please be as specific as possible and include, if applicable, the sector for which the difficulties are relevant.)

....

10. COMPLAINTS FILED BY THIRD PARTIES *(Please be as specific as possible and include the sector for which you have received the complaints, the contents of the complaints and the possible follow-up by your authorities.)*

....

....

11. MISCELLANEOUS INFORMATION

A. If your County has **not** granted State aid for the provision of SGEIs in certain sectors, information regarding other instruments to ensure the provision of those services (direct aid to users, compensation complying with all four Altmark criteria, *de minimis* aid...) could be useful. Please feel free to provide a brief description of these instruments and the areas in which they are used.

B. Please describe in what respect the SGEI Decision 21/2012 (2012/C8/03) and the SGEI Framework are easier to apply or more appropriate than the 2005 SGEI Decision and 2005 SGEI Framework.

C. If you have any other comments on the application of the SGEI Decision and the SGEI Framework on issues other than the ones covered in the previous questions please feel free to provide them within your report.

DATA PROVIDER: MUREŞ COUNTY COUNCIL (MUREŞ COUNTY)

NAME OF THE ECONOMIC OPERATOR: TRANSILVANIA AUTONOMOUS AIRPORT OPERATION – TÂRGU MUREŞ

TAX ID NUMBER: 4276000

ADDRESS: Settlement: Vidrasău, Mureş County

CAEN CODE: 5223

FORM OF LEGAL OWNERSHIP: autonomous operation

SHAREHOLDER STRUCTURE: not applicable

Please specify the category of the SGEI:

- | | |
|--|-------------------------------------|
| 41) Air links | <input type="checkbox"/> |
| 42) Maritime links to islands or isolated regions etc. | <input type="checkbox"/> |
| 43) Airports | <input checked="" type="checkbox"/> |
| 44) Ports | <input type="checkbox"/> |
| 45) Television and radio broadcasting | <input type="checkbox"/> |
| 46) Social services | <input type="checkbox"/> |
| a) Health and long-term care | <input type="checkbox"/> |
| b) Childcare | <input type="checkbox"/> |
| c) Access to and reintegration into the labour market | <input type="checkbox"/> |
| d) Social housing | <input type="checkbox"/> |
| e) Care and social inclusion of vulnerable groups | <input type="checkbox"/> |
| 47) Drinking water supply, sewage removal and waste water treatment | |
| 48) Other compensations for SGEIs not exceeding the 15 million EUR threshold | |
| a) ... (please specify the respective sector) | |
| b) ... | |
| etc. | |

For each of the items outlined above please provide information in the form of the following table:

| Clear and comprehensive description of how the respective services are organized in your Member State ⁷ | |
|---|---|
| Explanation of what kind of services, in the respective sector, have been defined as SGEIs in your Member State. Please list the contents of the services entrusted as SGEIs as clearly as possible. | <p>When the service of general economic interest was entrusted to the airport, national level regulations existed concerning the following activities, which may be regarded as services of general economic interest and are performed by autonomous airport operations of local importance, having particular purposes:</p> <ul style="list-style-type: none"> - construction of airport infrastructure and equipment (runways, terminals, aprons, control towers) or facilities that directly support them: fire-fighting facilities and security or safety equipment; - operation of the infrastructure as well as of the equipment and installations that directly support it – including the maintenance, repair, modernisation and management of airport infrastructure; - provision of airport services ancillary to air transport; except for ground handling services as well as firefighting, emergency and safety services. <p>Emergency Government Order No 107/2013 on establishing certain budgetary measures abrogated the Annex to Emergency Government Order No 61/2011 on adopting certain measures for the financing of autonomous airport operations of local importance, having particular purposes – which defined the above activities – and allowed State aid providers to define themselves the airport activities pertaining to the field of SGEIs that may be financed by local authorities, provided that such definitions are in accordance with applicable European Union regulations.</p> <p>Presently, the service of general economic interest entrusted by Mureş County Council to the Transilvania Autonomous Airport Operation – Târgu Mureş [Regia Autonomă Aeroport Transilvania Târgu Mureş] includes the following activities:</p> <ul style="list-style-type: none"> a) construction of airport infrastructure and equipment (runways, terminals, aprons, control |

⁷ If in a certain sector only a small number of individual SGEIs exist in your Member State, we appreciate a detailed description of those services. If a large number of services are entrusted in a specific sector in your Member State (for example because the competence lies with regional or local authorities), individual details of the entrustments would be disproportionate, but a clear and concise general description of the way the sector is organised including the common features of the individual entrustments remains crucial. Since cases falling under the SGEI Framework will be limited in number, the Commission expects a detailed description of each concrete measure.

| | |
|--|--|
| | <p>towers) or facilities that directly support them: fire-fighting facilities and security or safety equipment;</p> <p>b) operation of the infrastructure as well as of the equipment and installations that directly support it – including the maintenance, repair, modernisation and management of airport infrastructure;</p> <p>c) provision of airport services ancillary to air transport;</p> <p>d) air traffic control services as well as firefighting, emergency and safety services;</p> <p>e) provision – pursuant to law – of the necessary areas and infrastructure required by public authorities performing specific checks on the airport's premises</p> <p>f) processing of flights made by state-owned aircraft, which are exempted from the payment of airport fees, including the passengers thereof;</p> <p>g) procurement and maintenance of specific equipment necessary for the ground handling of aircraft, which are exempted from the payment of airport fees, pursuant to law;</p> <p>h) protection of airport infrastructure.</p> |
| Explanation of the (typical) forms of entrustment . If standardized templates for entrustments are used for a certain sector, please attach them. | The service of general economic interest has been entrusted to the Transilvania Autonomous Airport Operation – Târgu Mureş [Regia Autonomă Aeroport Transilvania Târgu Mureş] through Mureş County Council Resolution No 107/2011, as amended by Mureş County Council Resolution No 76/2013. |
| Explanation of the (typical) duration of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are longer than 10 (ten) years. | The entrustment of the service of general economic interest to the Transilvania Autonomous Airport Operation – Târgu Mureş [Regia Autonomă Aeroport Transilvania Târgu Mureş] commenced on 18 August 2011 and will last until 31 December 2016, the latest. Hence, the entrustment is shorter than 10 (ten) years. |
| Explanation whether (typically) exclusive or special rights/privileges are assigned to the undertakings. | - |
| Explanation of the (typical) compensation mechanism as regards the respective services, including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used. | <p>The aid instrument used in the case of the Transilvania Autonomous Airport Operation – Târgu Mureş [Regia Autonomă Aeroport Transilvania Târgu Mureş] is the compensation for discharging public service obligations.</p> <p>In order to establish the amount of compensation, while elaborating the revenues and expenses budget of the Transilvania Autonomous Airport Operation – Târgu Mureş [Regia Autonomă Aeroport Transilvania Târgu Mureş] the revenues generated by the activities pertaining to the field of SGEIs shall be listed separately, together with the costs incurred with these activities. The costs taken into account when establishing the amount of compensation include all</p> |

| | |
|--|--|
| | <p>fixed and variable costs, operating expenses and capital expenditures, incurred with the performance of activities pertaining to the service of general economic interest as well as the part of the general expenses of the autonomous operation incurred with these activities. Investment expenditures shall be taken into account only if these are strictly related to the activities pertaining to the service of general economic interest. The revenues taken into account when establishing the amount of compensation include both the revenues generated by activities pertaining to the service of general economic interest and any other revenues generated by further activities performed by the autonomous operation, which are not related to the service of general economic interest. In order to avoid any overcompensation, the amount of the compensation granted shall not exceed the difference between the aforementioned costs and revenues.</p> |
| <p>Explanation of the (typical) arrangements for avoiding and/or repaying any overcompensation.</p> | <p>During the period in which the Transilvania Autonomous Airport Operation – Târgu Mureș [Regia Autonomă Aeroport Transilvania Târgu Mureș] receives compensation for discharging its obligations of public service, the said autonomous airport operation shall keep separate books for the purposes of activities pertaining to the service of general economic interest.</p> <p>Furthermore, the Transilvania Autonomous Airport Operation – Târgu Mureș [Regia Autonomă Aeroport Transilvania Târgu Mureș] shall elaborate its revenues and expenses budget by listing the costs incurred with and the revenues generated by the activities pertaining to the field of SGEIs separately from the ones generated by further economic activities, which are not related to the service entrusted through the above mentioned County Council Resolutions.</p> <p>On a yearly basis, while elaborating the draft local budget and, if necessary, each month when applying for compensation, the Transilvania Autonomous Airport Operation – Târgu Mureș [Regia Autonomă Aeroport Transilvania Târgu Mureș] shall justify the amount of requested compensation and submit the <i>Justification note and basis for compensations received from the local budget</i>.</p> <p>Taking into account the yearly financial reports submitted by the Transilvania Autonomous Airport Operation – Târgu Mureș [Regia Autonomă Aeroport Transilvania Târgu Mureș], the Economic Affairs Directorate of Mureș County Council shall:</p> <ul style="list-style-type: none"> a) perform checks in order to make sure that the autonomous operation did not receive compensation exceeding the amount established in accordance with Article 4 of Mureș County Council Resolution No 107/2011; b) carry out inspections to verify the manner of discharging the obligations to render services of general economic interest by the autonomous operation. |

| | |
|--|--|
| | The Economic Affairs Directorate of Mureş County Council may, at any time during the year, perform various inspections and checks and also propose measures of reimbursing any overcompensation. |
| AMOUNT OF AID GRANTED (Romanian Lei) | |
| Total amount of aid granted for 2012 and 2013, respectively. <u>This includes all aid paid in your territory, including aid paid by regional and local authorities.</u> | 2012: 5 755 000 (five million seven hundred fifty-five thousand) Romanian Lei 2013: 8 555 000 (eight million five hundred fifty-five thousand) Romanian Lei |
| Other quantitative information⁸ | |

12. DIFFICULTIES WITH THE APPLICATION OF THE SGEI DECISION OR SGEI FRAMEWORK

No difficulties have been encountered.

13. COMPLAINTS FILED BY THIRD PARTIES

1. SA 33769 – Complaint filed in 2011 with the European Commission regarding a supposed State aid granted by the Târgu Mureş Airport to the Wizz Air airline. Mureş County Council sent to the Romanian Competition Council the information requested by the European Commission in order to analyse the complaint.
2. Mureş County Council Resolution No 107/2011 on the entrustment of the service of general economic interest to the Transilvania Autonomous Airport Operation – Târgu Mureş [Regia Autonomă Aeroport Transilvania Târgu Mureş]. Court case No 1639/117/2012 – object: annulment of the resolution; plaintiff: The Independent Trade Union of Cluj-Napoca Airport. Initially, the case should have been tried by Cluj County Court of Law, but as a result of granting the defendant's request for transfer submitted to the High Court of Justice and Cassation (Court case No 2841/1/2012), the case was transferred to Neamţ County Court of Law. In the end, the Bacău Appellate Court tried the appeal against the ruling made by Neamţ County Court of Law and pronounced an irrevocable ruling in the sense of dismissing the plea.
3. Mureş County Council Resolution No 83/2012 approving certain operational measures on the Transilvania Autonomous Airport Operation – Târgu Mureş [Regia Autonomă Aeroport Transilvania Târgu Mureş]. Court case No 14722/117/2012 – object: suspension of the resolution's implementation; plaintiff: Cluj County. The Autonomous Airport Operation Cluj intervened in the plaintiff's interest, while the Transilvania Autonomous

⁸ The Commission would welcome data that you might have on aid granted under the SGEI Decision and the SGEI Framework, for example number of beneficiaries per sector, average amount of aid, amount per aid instrument (direct subsidy, guarantee, etc.), size of the undertakings, etc. Should such other quantitative information data not be readily available in a Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

Airport Operation – Târgu Mureş [Regia Autonomă Aeroport Transilvania Târgu Mureş] intervened in the defendant's interest. Initially, the case should have been tried by Cluj County Court of Law (Court case No 14722/117/2012), but as a result of granting the defendant's request for transfer submitted to the High Court of Justice and Cassation (Court case No 7074/1/2012), the case was transferred to Vâlcea County Court of Law (Court case No 2419/90/2013). In the end, the Piteşti Appellate Court tried the appeal against the ruling made by Vâlcea County Court of Law and pronounced an irrevocable ruling in the sense of dismissing the plea.

4. Mureş County Council Resolution No 83/2012 approving certain operational measures on the Transilvania Autonomous Airport Operation – Târgu Mureş [Regia Autonomă Aeroport Transilvania Târgu Mureş]. Court case No 6046/117/2013 – Cluj County Court of Law. Object: nullification of the resolution; plaintiff: Cluj County. The litigation ended because the plaintiff decided to forego the lawsuit.
5. Complaint filed in 2013 with the European Commission regarding a supposed State aid granted by the Târgu Mureş Airport to the Ryanair airline. Mureş County Council sent to the Romanian Competition Council the information requested by the European Commission in order to analyse the complaint.
6. Mureş County Council Resolution No 107/2011 on the entrustment of the service of general economic interest to the Transilvania Autonomous Airport Operation – Târgu Mureş [Regia Autonomă Aeroport Transilvania Târgu Mureş]. Court case No 8989/117/2013 – Cluj County Court of Law. Object: partial nullification of the resolution, more precisely, the nullification of points 'f' and 'g' of Article 1(2); plaintiff: the Autonomous Airport Operation Cluj. The case will be tried on 7 July 2014. Upon request by the plaintiff, the Transilvania Autonomous Airport Operation – Târgu Mureş [Regia Autonomă Aeroport Transilvania Târgu Mureş] was also made party to the lawsuit as the beneficiary of the administrative act.
7. Mureş County Council Resolution No 131/2011 amending the budget of Mureş County Council for the year 2011. Court case No 2466/117/2013 – object: nullification of the resolution; plaintiff: the Cluj-Napoca Autonomous Airport Operation. Initially, the case should have been tried by Cluj County Court of Law, but as a result of granting the defendant's request for transfer submitted to the High Court of Justice and Cassation (Court case No 1393/1/2013), the case was transferred to Bacău County Court of Law. The case will be tried on 5 June 2014.
8. Mureş County Council Resolution No 44/2013 approving the revenues and expenses budget of the Transilvania Autonomous Airport Operation – Târgu Mureş [Regia Autonomă Aeroport Transilvania Târgu Mureş] for the year 2013. Court case No 8592/117/2013 – Cluj County Court of Law. Object: nullification of the resolution; plaintiff: the Cluj-Napoca Autonomous Airport Operation. The case will be tried on 23 May 2014.

14. MISCELLANEOUS INFORMATION

A. (non-compulsory)

If your County has **not** granted State aid for the provision of SGEIs in certain sectors, information regarding other instruments to ensure the provision of those services (direct aid to users, compensation complying with all four Altmark criteria, *de minimis* aid...) could be useful. Please feel free to provide a brief description of these instruments and the areas in which they are used.

B. (non-compulsory)

Please describe in what respect the SGEI Decision 21/2012 (2012/C8/03) and the SGEI Framework are easier to apply or more appropriate than the 2005 SGEI Decision and 2005 SGEI Framework.

C. (non-compulsory)

If you have any other comments on the application of the SGEI Decision and the SGEI Framework on issues other than the ones covered in the previous questions please feel free to provide them within your report.

DATA PROVIDER: **TULCEA COUNTY – TULCEA COUNTY COUNCIL**

NAME OF THE ECONOMIC OPERATOR: **DELTA DUNĂRII AUTONOMOUS
AIRPORT OPERATION – TULCEA**

TAX ID NUMBER: **2647128**

ADDRESS: **Tulcea County, Tulcea – Constanța Road, km 15**

CAEN CODE: **5223**

FORM OF LEGAL OWNERSHIP: **Autonomous Operation**

SHAREHOLDER STRUCTURE: **Tulcea County Council – 100 %**

Please specify the category of the SGEI:

- g) Air links ☐
 - h) Maritime links to islands or isolated regions etc. ☐
 - i) Airports ☒
 - j) Ports ☐
 - k) Television and radio broadcasting ☐
 - l) Social services ☐
 - Health and long-term care ☐
 - Childcare ☐
 - Access to and reintegration into the labour market ☐
 - Social housing ☐
 - Care and social inclusion of vulnerable groups ☐
 - m) Drinking water supply, sewage removal and waste water treatment
 - n) Other compensations for SGEIs not exceeding the 15 million EUR threshold
 - ... (please specify the respective sector)
 - ...
- etc.

For each of the items outlined above please provide information in the form of the following table:

| | |
|---|---|
| Explanation of what kind of services in the respective sector have been defined as SGEI in your Member State. Please list the contents of the services entrusted as SGEI as clearly as possible. | a) construction of airport infrastructure and equipment (runways, terminals, aprons, control towers) or facilities that directly support them: fire-fighting facilities and security or safety equipment; b) operation of the infrastructure as well as of the equipment and installations that directly support it – including the maintenance, repair, modernisation and management of airport infrastructure; c) provision of airport services ancillary to air transport. |
| Explanation of the (typical) forms of entrustment . If standardized templates for entrustments are used for a certain sector, please attach them. | Form of entrustment: award through a resolution adopted by Tulcea County Council. |
| Explanation of the (typical) duration of the entrustment and the range of durations of the entrustments. Please also specify the proportion of entrustments that are longer than 10 years. | The entrustment of the public service of general economic interest will last until 1 January of the year following the year when the annual passenger volume will exceed 200 000 (two hundred thousand). Otherwise, the entrustment shall be valid until 31 December 2024. No proportion of entrustments that are longer than 10 (ten) years is mentioned. |
| Explanation whether (typically) exclusive or special rights are assigned to the undertakings. | The Delta Dunării Autonomous Airport Operation [Regia Autonomă Aeroportul Delta Dunării] enjoys no such rights/privileges. |

| | |
|--|--|
| Explanation of the (typical) compensation mechanism as regards the respective services, including the aid instrument (direct subsidy, guarantee, etc.) used and whether a methodology based on cost allocation or the net avoided cost methodology is used. | The airport receives direct subsidies. The necessary amount of expenses is justified and approved through a resolution made by Tulcea County Council and represents the financing of activities pertaining to the field of SGEIs. |
| Explanation of the (typical) arrangements for avoiding and repaying any overcompensation. | Separate bookkeeping for the expenses incurred with the activities pertaining to the field of SGEIs and annual reporting of the sums spent. |
| AMOUNT OF AID GRANTED (Romanian Lei) | |

| | |
|--|--|
| <p>Total amount of aid granted for 2012 and 2013, respectively. <u>This includes all aid paid in your territory, including aid paid by regional and local authorities.</u></p> | <p>2012: 2 945 000 (two million nine-hundred forty-five thousand) Romanian Lei</p> <p>2013: 4 035 000 (four million thirty-five thousand) Romanian Lei</p> |
| <p>Other quantitative information⁹</p> | <p>The beneficiary is the Delta Dunării Autonomous Airport Operation [Regia Autonomă Aeroportul Delta Dunării].</p> |

¹ If in a certain sector only a small number of individual SGEIs exist in your County, we appreciate a detailed description of those services. If a large number of services are entrusted in a specific sector in your County (for example because the competence lies with regional or local authorities), individual details of the entrustments would be disproportionate, but a clear and concise general description of the way the sector is organised including the common features of the individual entrustments remains crucial. Since cases falling under the SGEI Framework will be limited in number, the Commission expects a detailed description of each concrete measure.

⁹ The Commission would welcome data that you might have on aid granted under the SGEI Decision and the SGEI Framework, for example number of beneficiaries per sector, average amount of aid, amount per aid instrument (direct subsidy, guarantee, etc.), size of the undertakings, etc. Should such other quantitative information data not be readily available in a Member State, they can of course be presented in a more aggregated and/or estimated way. In that case please indicate that estimations have been used as well as the type of aggregation made.

1. DIFFICULTIES WITH THE APPLICATION OF THE SGEI DECISION OR SGEI FRAMEWORK

No difficulties have been encountered.

(Please be as specific as possible and include, if applicable, the sector for which the difficulties are relevant.)

2. COMPLAINTS FILED BY THIRD PARTIES

No complaints.

(Please be as specific as possible and include the sector for which you have received the complaints, the contents of the complaints and the possible follow-up by your authorities.)

3. MISCELLANEOUS INFORMATION

A. (non-compulsory)

If your Member State has **not** granted State aid for the provision of SGEIs in certain sectors, information regarding other instruments to ensure the provision of those services (direct aid to users, compensation complying with all four Altmark criteria, *de minimis* aid...) could be useful. Please feel free to provide a brief description of these instruments and the areas in which they are used.

Not applicable.

B. (non-compulsory)

Please describe in what respect the SGEI Decision and the SGEI Framework are easier to apply or more appropriate than the 2005 SGEI Decision and 2005 SGEI Framework.

Not applicable.

C. (non-compulsory)

If you have any other comments on the application of the SGEI Decision and the SGEI Framework on issues other than the ones covered in the previous questions please feel free to provide them within your report.

We consider that the passenger volume of 200 000 (two hundred thousand) for which airports are presently entrusted with SGEI, is too low for immediate self-financing.

We propose to raise the threshold from 200 000 (two hundred thousand) to 1 000 000 (one million) passengers. We consider that below the 1 000 000 (one million) passengers threshold, all activities related to air transport are SGEIs.

RESOLUTION No 717 issued on 2 July 2008 adopting the Framework procedure of organising, awarding and performing management delegation contracts on public services, the Framework regarding the selection criteria concerning offers of public services provision and the Framework agreement on management delegation of local public services

Synthetic form: 18 June 2014. This act was created with the SintAct®-Synthetic Acts technology. SintAct® and the Synthetic Acts technology are trademarks of Wolters Kluwer.

Pursuant to Article 108 of the republished Romanian Constitution and to Article II(1) of Government Emergency Order No [13/2008](#) amending Law No 51/2006 on local public services and Law No 241/2006 on drinking water supply and sewage removal, the Romanian Government hereby adopts the present resolution.

Article 1

(1) The *Framework procedure of organising, awarding and performing management delegation contracts on public services*, presented in Annex No 1, is hereby approved.

(2) The *Framework regarding the selection criteria concerning offers of public services provision in the case of drinking water supply and sewage removal*, presented in Annex No 2a), as well as the *Framework regarding the selection criteria concerning offers of public services provision in the case of thermal energy supply*, presented in Annex No 2b), is hereby approved.

(3) The *Framework agreement on management delegation of local public services*, presented in Annex No 3, is hereby approved.

Article 2

Annexes No 1, 2a), 2b) and 3 to the present Resolution are integral parts thereof.

PRIME-MINISTER
CĂLIN POPESCU-TĂRICEANU

Signed on behalf of the:

Minister for internal affairs and administrative reform by:

Liviu Radu,

Secretary of state

Signed by:

The Minister of environment and sustainable development

Attila Korodi

The President of the National Authority for the Regulation of Local Public Services

Marian Cristinel Bîgiu

ANNEX No 1:

FRAMEWORK PROCEDURE of organising, awarding and performing management delegation contracts on public services

ANNEX No 2^a: FRAMEWORK REGARDING THE SELECTION CRITERIA concerning offers of public services provision in the case of drinking water supply and sewage removal

| Identifier | Criterion | Number of points awarded |
|-------------|--|--------------------------|
| A. | THE ECONOMIC AND FINANCIAL CRITERION | |
| A.1. | The share capital. If the value of the share capital is expressed in euros (EUR), the equivalent in Romanian Lei (RON) shall be computed using the exchange rate published by the Romanian National Bank on the first day of the month preceding the deadline for submitting the offers. | 10 |
| A.2. | The turnover at the end of the last financial year | 10 |
| A.3. | Investments from own resources | 10 |
| A.4. | Investments from other sources | 10 |
| | TOTAL: | 40 |
| B. | THE LEVEL OF PRICES/FEEES | |
| B.1. | The price of drinking water* | 50 |
| B.2. | The fee charged for sewage removal* | 50 |
| | TOTAL: | 100 |
| C. | PERFORMANCE INDICATORS (Established by the principal in accordance with the indicators featuring in the development strategy and the regulations concerning the service) | |
| C.1. + C.n. | | |
| | TOTAL: | 40 |
| D. | PROFESSIONAL GUARANTEES | |
| D.1. | The population equivalent (the number of equivalent inhabitants) to which the service is rendered | 20 |
| D.2. | The ratio of the number of employees to the kilometres of installed pipeline | 10 |
| D.3. | The losses in the drinking water supply systems to which the service is rendered (expressed as percentages) | 10 |
| | TOTAL: | 40 |
| E. | TECHNICAL CRITERIA | |
| E.1. | The technical and economic indicators of equipment and installations regarded as a means of attaining the performance indicators listed in Section C and included in the technical and economic solution submitted as part of the offer. | 70 |
| E.2. | The deadlines for attaining the performance indicators listed in Section C. | 30 |
| | TOTAL: | 100 |
| F. | CRITERIA REGARDING ENVIRONMENTAL PROTECTION | |
| F.1. | Shortening of the time intervals, which are necessary for attaining the required quality levels of drinking water* | 20 |
| F.2. | Shortening of the time intervals, which are necessary for attaining the required quality levels of treated wastewater* | 20 |
| | TOTAL: | 40 |
| G. | LEGAL CRITERIA | |
| G.1. | The amount of compensations paid for damages suffered by users | 20 |
| | TOTAL: | 20 |
| H. | OTHER CRITERIA (Established by the principal) | |
| ... | ... | |
| | TOTAL: | 20 |

*If both services will be delegated to the same entity, the scores for the 2 indicators shall be cumulated.

FORMULAE AND METHODS FOR COMPUTING THE SCORES

In the case of criteria A.1-A.4, the score shall be computed as follows:

$$\frac{V_n}{V_{\max}} \times 10$$

Where:

V_n – is the value proven by the offer;

V_{\max} – is the highest of all proven values specified by bidders.

In the case of criterion B, the score shall be computed as follows:

$$\frac{V_{\min}}{V_x} \times 100 \text{ (50, după caz)}$$

Where:

V_x – is the value proposed by the bidder;

V_{\min} – is the lowest of all values proposed by bidders.

In the case of criterion C, the score shall be computed as follows:

For meeting each of the criteria, the maximum number of points shall be awarded.

In the case of criterion D.1, the score shall be computed as follows:

$$\frac{N}{N_{\max}} \times 20$$

Where:

N – is the population equivalent (the number of equivalent inhabitants);

N_{\max} – is the highest number of equivalent inhabitants potentially benefiting from the service;

In the case of criterion D.2, the score shall be computed as follows:

$$\frac{R_{\min}}{R} \times 10$$

Where:

R – is the ratio of the number of employees – working at the respective company during the year preceding the submission of the offer – to the kilometres of installed pipeline, as declared on her/his own responsibility by the bidder's manager;

R_{\min} – is the lowest ratio of number of employees to kilometres of installed pipeline.

In the case of criterion D.3, the score shall be computed as follows:

$$\frac{P_{\min}}{P} \times 10$$

Where:

P – is the proven ratio of the total amount of supplied water to the total amount of water delivered to the systems connected to the bidder's facilities (expressed as a percentage)

P_{\min} – is the lowest of all these ratios (expressed as a percentage).

In the case of criterion E.1, the score shall be computed as follows:

$$\frac{\Pi \varepsilon_i^o}{\Pi_{MAX}} \times 70$$

Where:

ε_i^o - is the technical efficiency characterising the equipment or installation presented in the offer (expressed as a percentage);

Π_{MAX} - is the highest product of technical efficiencies featuring in one of the analysed offers (expressed as a percentage)

In the case of criterion E.2, the score shall be computed as follows:

$$\frac{T_{MIN}^o}{T^o} \times 30$$

Where:

T_{min}^o - is the shortest offered term (expressed in months);

T^o - is the term offered by the bid in question (expressed in months).

In the case of criterion F, the score shall be computed as follows:

$$\frac{\text{reducerea ofertată}}{\text{reducerea maximă a ofertei}} \times 20$$

Where:

- 'reducerea ofertată' represents the time interval for attaining the required level(s), as proposed by the bid in question;

- 'reducerea maximă ofertată' represents the shortest time interval for attaining the required level(s), as proposed by one of the bids.

In the case of criterion G1, the score shall be computed as follows:

$$\frac{S_{min}}{S} \times 20$$

Where:

S_{min} - the smallest total sum paid as compensation to users;

S - the amount of the proposed compensations.

ANNEX No 2^b: FRAMEWORK REGARDING THE SELECTION CRITERIA concerning offers of public services provision in the case of thermal energy supply

| Identifier | Criterion | Number of points awarded |
|------------|--|--------------------------|
| A. | THE ECONOMIC AND FINANCIAL CRITERION | |
| A.1. | The share capital. If the value of the share capital is expressed in euros (EUR), the equivalent in Romanian Lei (RON) shall be computed using the exchange rate published by the Romanian National Bank on the first day of the month preceding the deadline for submitting the offers. | 10 |
| A.2. | The turnover at the end of the last financial year | 10 |
| A.3. | Investments from own resources | 10 |
| A.4. | Investments from other sources | 10 |
| | TOTAL: | 40 |
| B. | THE LEVEL OF PRICES/FEES | |
| B.1. | The price/fee charged for thermal energy | 100 |
| | TOTAL: | 100 |

| | | |
|-----------|--|------------|
| C. | PERFORMANCE INDICATORS (Established by the principal in accordance with the indicators featuring in the development strategy and the regulations concerning the service) | |
| C.1.+C.n. | | |
| | TOTAL: | 40 |
| D. | PROFESSIONAL GUARANTEES | |
| D.1. | The total thermal power installed in the settlements connected to the system | 10 |
| D.2. | The ratio of the number of employees to the quantity of thermal energy produced yearly (measured in MWh) | 10 |
| D.3. | The losses in the thermal energy supply systems to which the service is rendered (expressed as percentages) | 20 |
| | TOTAL: | 40 |
| E. | TECHNICAL CRITERIA | |
| E.1. | The technical and economic indicators of equipment and installations regarded as a means of attaining the performance indicators listed in Section C and included in the technical and economic solution submitted as part of the offer. | 70 |
| E.2. | The deadlines for attaining the performance indicators listed in Section C. | 30 |
| | TOTAL: | 100 |
| F. | CRITERIA REGARDING ENVIRONMENTAL PROTECTION | |
| F.1 | Shortening of the time intervals necessary for meeting environmental requirements | 20 |
| F.2 | The expenditures incurred with environmental protection works (in million euros) | 20 |
| | TOTAL: | 40 |
| G. | LEGAL CRITERIA | |
| G.1. | The amount of compensations paid for damages suffered by users | 20 |
| | TOTAL: | 20 |
| H. | OTHER CRITERIA (Established by the principal) | |
| ... | ... | |
| | TOTAL: | 20 |

FORMULAE AND METHODS FOR COMPUTING THE SCORES

In the case of criteria A.1-A.4, the score shall be computed as follows:

$$\frac{V_n}{V_{\max}} \times 10$$

Where:

V_n – is the value proven by the offer;

V_{max} – is the highest of all proven values specified by bidders.

In the case of criterion B, the score shall be computed as follows:

$$\frac{V_{\min}}{V_x} \times 100 \text{ (50, după caz)}$$

Where:

V_x – is the value proposed by the bidder;

V_{min} – is the lowest of all values proposed by bidders.

In the case of criterion C, the score shall be computed as follows:

For meeting each of the criteria, the maximum number of points shall be awarded.

In the case of criterion D.1, the score shall be computed as follows:

$$\frac{P_{inst}}{P_{max\ inst}} \times 15$$

Where:

P_{inst} – is the proven thermal power installed in the settlements connected to the system operated by the bidder in question;

$P_{max\ inst}$ – is the highest of all proven thermal powers installed in the settlements connected to the systems operated by the bidders.

In the case of criterion D.2, the score shall be computed as follows:

$$\frac{R_{min}}{R} \times 10$$

Where:

R – is the ratio of the number of employees to the quantity of thermal energy produced yearly (measured in MWh), as declared on her/his own responsibility by the bidder's manager;

R_{min} – is the lowest ratio of number of employees to quantity of thermal energy produced yearly (measured in MWh).

In the case of criterion D.3, the score shall be computed as follows:

$$\frac{P_{min}}{P} \times 10$$

Where:

P – is the proven ratio of the total amount of supplied thermal energy to the total amount of thermal energy delivered to the systems connected to the bidder's facilities (expressed as a percentage)

P_{min} – is the lowest of all these ratios (expressed as a percentage).

In the case of criterion E.1, the score shall be computed as follows:

$$\frac{\Pi \varepsilon_i^o}{\Pi_{MAX}} \times 70$$

Where:

ε_i^o – is the energy efficiency of the equipment, installations and networks featuring in the offer (expressed as a percentage);

Π_{MAX} – is the highest product of energy efficiencies featuring in one of the analysed offers (expressed as a percentage)

In the case of criterion E.2, the score shall be computed as follows:

$$\frac{T_{MIN}^o}{T^o} \times 20$$

Where:

T_{min}^o – is the shortest offered term (expressed in months);

T^o – is the term offered by the bid in question (expressed in months).

In the case of criterion F.1, the score shall be computed as follows:

$$\frac{\text{reducerea ofertată}}{\text{reducerea maximă a ofertei}} \times 20$$

Where:

- 'reducerea ofertată' represents the time interval for meeting environmental requirements, as proposed by the bid in question;
- 'reducerea maximă ofertată' represents the shortest time interval for meeting environmental requirements, as proposed by one of the bids.

In the case of criterion F.2, the score shall be computed as follows:

$$\frac{\text{cheltuieli ofertate}}{\text{cheltuieli maxime}} \times 20$$

Where:

- 'cheltuieli ofertate' represents the expenditures proposed by the bidder in question for environmental protection works;
- 'cheltuieli maxime' represents the highest expenditures proposed by one of the bidders for environmental protection works.

In the case of criterion G1, the score shall be computed as follows:

$$\frac{S_{\min}}{S} \times 20$$

Where:

S_{min} – the smallest total sum paid as compensation to users;

S – the amount of the proposed compensations.



ANNEX No 3:

FRAMEWORK AGREEMENT on management delegation of local public services

Published in the *Official Journal of Romania* No 546 issued on 18 July 2008.

Synthetic form: 18 June 2014. This act was created with the SintAct®-Synthetic Acts technology. SintAct® and the Synthetic Acts technology are trademarks of Wolters Kluwer.

FRAMEWORK AGREEMENT, adopted on 2 July 2008, on the delegation of the management of local public services

Synthetic form: 25 June 2014. This act was created with the SintAct®-Synthetic Acts technology. SintAct® and the Synthetic Acts technology are trademarks of Wolters Kluwer.

▶(the present act was ratified with [Government Order No 717/2008 on 18 July 2008](#))

- (template) -

CHAPTER I: The Contracting Parties

The local or regional administrative division / Inter-community development association, having its office in, str. nr., bl., sc., et., ap., County/District....., represented by....., as....., on the one hand, as the principal,
and

The economic operator, with Tax ID number, having its main office in....., str. nr., bl., sc., et., ap., County/District....., represented by....., as....., on the other hand, as the delegate, have concluded the present agreement on the delegation of the management of local public services.

CHAPTER II: The object of the management delegation agreement

Article 1

The object of the management delegation agreement is the right and obligation to provide/perform the service/activity/activities (please, choose the appropriate terms) of, including the right and obligation to operate and manage the technical and urban infrastructure pertaining to the service/activity/activities located in the respective local area/region.

Article 2

The objectives of the principal are:

- a)** improvement of the living conditions of users by raising the quality and efficiency of the respective services;
- b)** the sustainable development of the respective services;
- c)** environmental protection.

Article 3

The categories of goods to be used by the economic operator while performing the contract are the following:

a) 'returnable goods', pursuant to Annex No 1, are publicly owned goods transferred free of charge to the management of the delegate, including goods created during the performance of the management delegation agreement for the purpose of fulfilling the objectives of the delegation, which should be returned by right – upon termination of the contract – free of charge, in good condition, in an operational state and not subject to mortgage to the principal. In case of early termination of the agreement, the principal is entitled to receive the non-amortised value of the goods that were financed from its funds;

b) 'transferable goods' are goods, which may be transferred to the principal – upon termination of the delegation agreement – inasmuch as the principal expresses its

intent to obtain the respective goods in exchange for a consideration, pursuant to law;

c) 'own goods' are goods, which will remain in the possession of the delegate – upon termination of the contract.

CHAPTER III: General provisions

Article 4

The following Annexes to the management delegation agreement are mandatory:

a) the technical description regarding the provision/rendering of the service;

b) the specific regulations concerning the service;

c) the inventory of movable and immovable property pertaining to the service and publicly or privately owned by local/regional administrative divisions;

d) the protocol of technical delivery of the goods referred to in paragraph c).

CHAPTER IV: Duration of the agreement

Article 5

The duration of the present management delegation agreement is years. (When agreeing on the duration, the parties shall take into account the time interval, which is necessary for the amortisation of the investments to be made by the operator / regional operator.)

Article 6

The management delegation contract may be prolonged only once, for a maximum duration equalling the half of the initial one. However, the total duration shall not exceed 49 (forty-nine) years.

CHAPTER V: The royalty fee

Article 7

The royalty fee is Romanian Lei per annum/trimester/month.

Article 8

Within 90 (ninety) days from the date when the agreement was signed, the delegate shall deposit as guarantee a specified sum representing a certain part of the amount to be paid as royalty fee during the first year of operation.

Article 9

The amount of money referred to in Article 7 shall be paid by cheque or payment order to account no, opened at

CHAPTER VI: The rights of the parties

Section 1: The rights of the delegate

Article 10

The delegate has the following rights:

a) to directly use/operate the goods/infrastructure, perform the activities and operate the services that are the object of the management delegation contract, at its own risk and on its own responsibility;

b) to receive consideration for the performed service/activities;

c) to initiate the amendment of the present agreement if the regulations and/or the technical and economic conditions forming the basis of its conclusion have changed;

d) to charge the price/fee, which was approved in accordance with applicable statutory regulations;

e) to enter into services provision contracts with all the users;

f) to propose the adjustment and modification of prices/fees.

▣Section 2: The rights of the principal

▣Article 11

The principal has the following rights:

- a)** to devise and approve – upon consultations with the delegate – the refurbishment, extension and modernisation programmes of extant infrastructure;
- b)** to correlate investment works with the economic and social development programmes of settlements as well as land planning programmes allowing, thus, the implementation of a unitary development concept;
- c)** to approve the feasibility studies on the refurbishment, extension and modernisation programmes of publicly owned infrastructure pertaining to the delegated services;
- d)** to invest in the technical and urban infrastructure pertaining to the delegated services, furthering in this manner the general interest;
- e)** to finance various works that are necessary for the operation of the delegated services;
- f)** to express its intent of obtaining the transferable goods and to ask the delegate to conclude a purchase and sale contract regarding these goods. The principal shall exercise its option of buying these goods within....., otherwise it will forfeit this right.
- g)** to check the goods as well as inspect the delegated activities and public services; verify the stage and the degree of completion of investments, the manner in which the public interest is met or served as well as the observance of obligations assumed by the delegate when signing the present agreement – upon previous notification of the delegate and in accordance with the conditions laid down in the technical description and the specific regulations concerning the service;
- h)** to approve the component parts of the fee as well as the fees proposed by the delegate, in accordance with applicable statutory regulations and the opinion formulated by the competent regulatory;
- i)** to terminate the contract, pursuant to law, if the delegate fails to observe the obligations assumed by signing the management delegation agreement.

▣CHAPTER VII: The obligations of the parties

▣Section 1: The obligations of the delegate

▣Article 12

The delegate's obligations are the following:

- a)** to obtain from the competent authorities the necessary opinions, approvals and permits for providing/performing the delegated service/activity;
- b)** to fulfil the commitments assumed by signing various management delegation agreements;
- c)** to observe the provisions of the technical description, of the specific regulations and of other special pieces of legislation concerning the delegated service;
- d)** to cater to all users in the local/regional administrative division where it provides/performs the delegated service/activity;
- e)** to observe the performance indicators listed in the Annex to the specific regulations concerning the delegated service;
- f)** to provide to the principal all information required by it and to allow access to all information necessary for verifying and evaluating the functioning as well as the

development of the delegated services – in accordance with the provisions of the delegation agreement and of applicable statutory regulations;

g) to apply efficient management methods, including competitive methods allowed by applicable statutory regulations, leading to the reduction of operational expenses;

h) to receive from the principal, on the basis of a protocol of technical delivery, the goods and the personnel pertaining to the delegated services;

i) to assure a high quality and efficiency of the delegated public service, rendering it in accordance with the provisions of the technical description and of the specific regulations concerning the service;

j) to justify the prices/fees to be charged for the delegated service/activity and to have them approved by the competent authority;

k) to refrain from subcontracting the delegated service – together with the pertaining infrastructure –, except for the situation specified in Article 21¹ paragraph (3) of Law No [241/2006](#) on drinking water supply and sewage removal, as amended later;

l) to pay the royalty fee by observing the value and the deadlines stipulated in the management delegation contract;

m) to take all necessary measures concerning the returnable goods in order to avoid – by the termination of the delegation agreement – any impairment to the principal's capacity of delivering the service in question;

n) to justify the yearly sums which will be spent on investments from own resources;

o) to propose to the principal the list of fixed assets belonging to the transferred infrastructure, which will be withdrawn from use, in accordance with applicable statutory regulations;

p) to transmit to the principal the changes in assets which occurred during the year as well as the inventory of publicly owned assets (listing both the quantities and the values of various items) on the date of 31 December every year, in order to be recorded in the principal's books;

r) to return the returnable goods to the full ownership of the principal, free of charge and mortgage, upon termination of the management delegation agreement;

s) if the agreement was terminated because of other reasons than expiry of duration or *vis maior* (*force majeure*), the delegate is bound to ensure the continuity of services provision in accordance with the terms of the agreement – until the transfer of services and infrastructure to the principal, for a maximum period of 90 (ninety) days;

ş) to inform the principal of the causes, which might lead to a shrinking in its activities, and of the measures to be taken in order to ensure the continuity of services;

t) to take all the required measures in terms of workplace hygiene as well as workplace and labour safety;

ţ) to hand over to the principal the entire technical and economic documentation of the service, upon termination of the agreement;

u) to make investments, in accordance with the written commitments annexed to the contract;

v) to respect the special status of publicly owned goods as well as of public activities and services (including: the protection of state secrets, the handling of

special materials, the various safety measures to be observed during operation, environmental protection, labour safety, various conditions of using and protecting national assets etc.);

x) if the delegate observes the presence or the imminence of a cause that might prevent it from performing/rendering the public activity/service, it shall immediately notify public authorities in order to facilitate the measures which are necessary for ensuring the continuity of the public activity/service;

y) to (hire and) keep a number of employees, in accordance with the policies regarding continuous employment, professional conversion as well as protection of workforce;

.....
.....

Section 2: The duties of the principal

Article 13

The principal's obligations are the following:

a) to transfer to the delegate – on the date when the delegation agreement enters into force, on the basis of a protocol of technical delivery and free of mortgage – all goods, installations, equipment and facilities together with the extant inventory;

b) to provide to interested parties, upon request, information on the conclusion of the present delegation agreement;

c) to help the delegate obtain the permits for carrying out works and making investments on publicly and privately owned property, in accordance with applicable statutory regulations;

d) to assume, throughout the duration of the delegation agreement, all obligations and responsibilities ensuing from the ownership of the operated infrastructure;

e) to take all the measures for replacing the installations and equipment, which will be withdrawn from use, in order to maintain the capacity of providing the delegated public service;

f) to refrain from disturbing the delegate in the exercise of its rights derived from the present delegation agreement;

g) to refrain from amending the delegation agreement unilaterally, excepting the cases expressly provided by law;

h) to inform the delegate on the occurrence of various circumstances, which might affect its rights;

i) to check or inspect periodically: the provided public services and their quality; the attainment of performance indicators (and impose penalties if the delegate failed to attain/observe them); the maintaining of the contractual balance, which ensued from the tender on awarding the respective service; the maintaining of an impartial and balanced relationship between the delegate and the users; the observance of provisions regarding the management, maintenance and transfer of publicly owned goods and of the social plan devised for countering the negative impact of mass terminations of employment.

☐CHAPTER VIII: The prices/fees charged and the procedure of setting, modifying and/or adjusting thereof

☐Article 14

The prices and fees shall be set, modified and/or adjusted in accordance with the specific procedure for setting, modifying and/or adjusting prices and fees in the case of the delegated service and in accordance with the provisions of applicable special laws.

☐Article 15

The prices/fees charged for the delegated service, on the date of signing the present agreement, are Romanian Lei.

☐Article 16

The consideration for the delegated public services shall be established on the basis of the prices/fees charged and the quantities established in accordance with the invoicing procedure.

☐CHAPTER IX: Termination of the management delegation contract

☐Article 17

The present management delegation contract shall be terminated under the circumstances listed below:

- a)** the duration stipulated in the delegation agreement expired and the parties did not agree, in writing, on the prolongation of the agreement – pursuant to law;
- b)** if the national or local interest imposes it, through unilateral denunciation by the principal; however, after the principal has previously paid an equitable sum as damages to the delegate;
- c)** upon breach of contractual obligations by one of the parties, by cancellation, combined with the obligation of the party at fault to pay damages to the other;
- d)** upon the disappearance of the technical system used for rendering the service as a result of a *vis maior* (*force majeure*) event; or if objective hindrances make it impossible for the delegate to operate the system in order to render the service, by withdrawal from the contract, with no obligation of the delegate to pay damages;
- e)** in case of judicial reorganisation or bankruptcy of the delegate;
- f)** if other termination clauses of the management delegation agreement that have been agreed by the parties – without prejudice to legal provisions in force – are applicable.

☐CHAPTER X: Special clauses on maintaining contractual balance

☐Article 18

.....

☐CHAPTER XI: Contractual clauses on sharing environmental responsibility between the parties

☐Article 19

.....

☐CHAPTER XII: Policies regarding the continuous employment, professional conversion as well as protection of workforce

☐Article 20

.....

☐ **CHAPTER XIII: *Vis maior (force majeure)***

☐ **Article 21**

None of the Parties shall be held responsible for its delayed or/and – partially or totally – inappropriate fulfilment of any of its obligations derived from the present management delegation agreement, if the failure to fulfil the obligation in question or the inappropriate fulfilment thereof was caused by a *vis maior (force majeure)* event.

The party referring to a *vis maior (force majeure)* event shall notify the other party within days from the occurrence of the respective event. The said party shall also take all possible measures in order to limit the consequences of the *vis maior (force majeure)* event and prove its occurrence as well.

Provided that the *vis maior (force majeure)* event did not cease to exist after from its occurrence, the Parties are entitled to mutually notify each other with regard to the cancellation by right of the present management delegation agreement. In such cases, neither party is entitled to claim damages.

☐ **CHAPTER XIV: Management of publicly and privately owned property**

☐ **Article 22**

.....

☐ **CHAPTER XV: Denunciation of the management delegation agreement**

☐ **Article 23**

.....

☐ **CHAPTER XVI: Contractual responsibility**

☐ **Article 24**

The proven breach of contractual obligations by any of the parties to the present management delegation agreement implies the contractual responsibility of the party at fault.

The party at fault shall compensate financially the other party by paying the amount of penalties stipulated in the technical description. If the penalties do not cover the incurred damages, the party at fault shall pay a supplementary indemnity.

The contracting parties shall explicitly stipulate the penalties for failing to observe each and every obligation assumed through the present agreement.

☐ **CHAPTER XVII: Disputes**

☐ **Article 25**

In the case of all disputes ensuing from the execution of the management delegation agreement, the parties submit, pursuant to law, to the jurisdiction of the competent judicial authority.

☐ **CHAPTER XVIII: Miscellaneous provisions**

(for instance: *commissoria lex* clauses, penal clauses)

☐ **Article 26**

.....

☐ **Article 27**

The present management delegation agreement shall be amended only by a written addendum signed by the contracting parties.

The present management delegation agreement was drafted in copies and shall enter into force on the date when it will be signed by both parties.

Principal,

Delegate,

.....

.....

- Articles 18, 19, 20, 22, 23 and 26 shall be drafted, pursuant to law, by the contracting parties – taking into account their own interests and the specific situation.

The provisions of the present framework-agreement shall apply accordingly, pursuant to law, to the cases when the delegate subcontracts the management of local public services.

The provisions of the present framework-agreement shall be applied accordingly, together with various provisions of the Civil Code, the Commercial Code and other statutory regulations applicable either to drinking water supply and sewage removal or to the supply of thermal energy in centralised systems.

Published in the *Official Journal of Romania* No 546 issued on 18 July 2008.

Synthetic form: 25 June 2014. This act was created with the SintAct®-Synthetic Acts technology. SintAct® and the Synthetic Acts technology are trademarks of Wolters Kluwer.