



Republic of Moldova

PARLIAMENT

LAW No. 139
of 15-06-2012

on State aid

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MODIFIED

LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24

Parliament adopts this organic law.

This law transposes Articles 107-109 of the Treaty on the Functioning of the European Union as of 25 March 1957, partially transposes the provisions of Council Regulation (EU) 2015/1589 as of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union, published in the Official Journal of the European Union L 248 as of 24 September 2015, and Commission Regulation (EC) No. 1407/2013 as of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid, published in Official Journal of the European Union L 352 as of 24 December 2013, transposes the provisions of Article 4 of Commission Regulation (EC) No 794/2004 as of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty, published in Official Journal of the European Union L 140 as of 30 April 2004.

[Harmonization clause introduced by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

Chapter I

GENERAL PROVISIONS

Article 1. Subject matter and scope of the law

(1) This Law establishes the legal framework on the modalities of authorisation, monitoring and reporting of State aid granted to beneficiaries in all sectors of the national economy, in order to maintain a normal competitive environment.

[Art.1 para. (1) amended by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(1¹) The provisions of this Law shall not apply to agricultural products listed in Annex No. 1 to the Agreement on Agriculture, ratified by Law No. 218/2001 on the accession of the Republic of Moldova to the World Trade Organisation.

[Art.1 para. (1¹) introduced by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(2) If international treaties governing the field of state aid to which the Republic of Moldova is a party lay down provisions and provisions other than those of this Law, the dispositions and provisions of the international treaty shall apply.

(3) The monetary and foreign exchange policy activities of the National Bank of Moldova shall be exempted from the scope of application of this Law.

Article 2. Competent authority and its tasks

The authority responsible for the authorisation, monitoring and reporting of State aid is the Competition Council.

Article 3. Main concepts

(1) For the purposes of this Act, the following terms shall have the following meanings:

State aid - any support measure fulfilling all of the following conditions:

a) is granted by the supplier from state resources or from the resources of administrative-territorial units in any form;

(b) it confers an economic advantage on the beneficiary which would not have been obtained under normal market conditions;

c) is granted selectively;

(d) distorts or risks distorting competition;

existing aid - State aid, i.e. State aid scheme or individual aid, which meets one of the following conditions:

(a) existed before the entry into force of this Law;

b) has been authorised by the Competition Council;

c) the Competition Council has not adopted one of the decisions provided for in this Law with respect to it within the time limit set by this Law;

(d) at the time of implementation, the measure did not constitute aid and became aid subsequently, due to market developments and without having been modified;

e) the limitation period for it has expired;

de minimis aid - aid whose total amount granted, regardless of its form and the objective pursued, does not exceed the de minimis threshold of 5000000 MDL per beneficiary over a maximum period of 3 years. The total amount of de minimis aid granted to an undertaking providing services of general economic interest does not exceed 10000000 MDL over a maximum period of 3 years, regardless of its form. The total amount of de minimis aid granted to an undertaking carrying out transport of goods on behalf of third parties or against payment does not exceed 2700000 MDL for a period of 3 years;

unlawful aid - any State aid, other than existing aid or aid exempted from notification under this Act, which has been granted without the authorisation of the Competition Council or has been granted in circumstances where the Competition Council has been notified but has not adopted a decision on it within the legal deadline;

misused aid - State aid used by the beneficiary in violation of the Competition Council decision;

individual aid - State aid which is not granted under a State aid scheme or is granted under a scheme which has to be notified individually;

State aid scheme - any act on the basis of which State aid may be granted to beneficiaries defined in the act in a general and abstract manner without further implementing measures being required, or any act on the basis of which aid which is not linked to a specific project may be granted to one or more beneficiaries for an indefinite period of time and/or in an indefinite amount;

new aid - any State aid, i.e. any State aid scheme or individual aid, which is not existing aid, including modifications to existing aid;

State aid supplier - any authority of the central government or of an administrative-territorial unit or any legal person which directly or indirectly administers the resources of the State or of administrative-territorial units;

State aid initiator - authority empowered to initiate draft legal acts involving the granting of State aid;

beneficiary of State aid - any independent natural or legal person engaged in an economic activity consisting of offering goods or services on a market and receiving State aid;

notification - a request by the supplier and/or the State aid initiator to the Competition Council to authorise the granting of State aid;

interested party - the supplier, the initiator, the beneficiary of State aid and any other person whose interests may be affected by the granting of State aid;

state resources or resources of administrative-territorial units - the totality of the assets, including in the form of financial means, belonging to the state, administrative-territorial units, including the autonomous territorial unit Gagauzia;

eligible costs - consumption and expenditure established by the Competition Council regulations as consumption and expenditure meeting the criteria for selection and coverage by State aid;

[Art.3 para. (1) notion introduced by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

aid intensity - present value of the aid expressed as a percentage of the present value of the eligible costs as determined by the regulations adopted by the Competition Council;

[Art.3 para. (1) notion introduced by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

date of granting of State aid - date on which the legal right to receive aid is conferred on the beneficiary;

[Art.3 para. (1) notion introduced by LP341 of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

date of payment of the State aid - date on which the beneficiary actually receives the aid.

[Art.3 para. (1) notion introduced by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(2) Other terms used in this Law are defined for the purposes of the Competition Law No. 183 as of 11 July 2012.

Article 4. Compatible State aid

The following categories of state aid are considered to be compatible with the normal competitive environment and are exempted from the obligation to notify the Competition Council:

(a) aid having a social character granted to individual consumers, provided that such aid is granted without discrimination related to the origin of the products or services;

(b) aid to remedy damage caused by natural disasters or other exceptional circumstances.

Article 5. State aid that may be compatible

(1) The following categories of State aid may be considered compatible with the normal competitive environment:

(a) aid to remedy a serious disturbance in the economy;

b) aid for training employees and for creating new jobs;

- (c) aid granted to small and medium-sized enterprises;
- d) aid for research, development and innovation;
- (e) aid for environmental protection;
- (f) aid granted to beneficiaries providing services of general economic interest;
- (g) aid to rescue beneficiaries in difficulty;
- (h) aid for establishment of businesses by women entrepreneurs;
- (i) sectorial aid according to the sectors of activity of the national economy;
- (j) regional development aid.

(2) The assessment of the compatibility with the normal competitive environment of each category of State aid referred to in paragraph (1) shall be made on the basis of the regulations of the Competition Council, drawn up in compliance with the provisions of Law No. 235-XVI as of 20 July 2006 on the basic principles of regulation of entrepreneurial activity, and shall cover:

- (a) the purpose and scope of the aid;
- (b) the conditions for granting the aid;
- (c) the categories of aid beneficiaries;
- (d) thresholds expressed either as aid intensities in relation to total eligible costs or as maximum aid amounts;
- (e) the conditions governing the cumulation of aid;
- (f) the conditions for monitoring the aid.

(3) The granting of State aid, except for the derogations set out in Article 4 and in this Article, shall be deemed incompatible with the normal competitive environment.

Article 5¹. De minimis aid

(1) The procedure for granting de minimis aid, the prohibitions for granting de minimis aid, the mandatory elements of de minimis aid schemes, the way de minimis aid is qualified, the cumulation and the record keeping of de minimis aid granted are laid down in the Regulation on de minimis aid, approved by decision of the Plenum of the Competition Council.

(2) The supplier of de minimis aid shall, by the date on which the de minimis aid is granted, inform the beneficiaries in writing of the intention to grant de minimis aid and verify compliance with the de minimis threshold of the aid granted in 3 consecutive years.

[Art.5¹ introduced by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

Article 6. Form of State aid

(1) State aid is expressed by the transfer of public goods, including in the form of financial means, to a beneficiary or by the supplier renouncing to certain definite or possible future revenues that it would obtain from a beneficiary.

- (2) State aid may be granted in any form, including by:
- a) subventions and/or subsidies;
 - b) budgetary allocations;
 - c) cancellation or assumption of debts;
 - d) taking over of losses;
 - e) exemptions and/or reductions in the payment of taxes, duties and other compulsory payments;
 - f) deferrals, instalments of taxes, duties and other compulsory payments;
 - g) waiver of revenues from state resources or resources of administrative-territorial units granted preferentially;
 - h) granting loans on preferential terms;

(i) investments of the supplier, if the rate of return on such investments is lower than the normal rate of return expected by a prudent private investor;

j) state guarantees, guarantees granted by public authorities/institutions and persons assimilated to public authorities, state/municipal enterprises and by companies with full or majority public capital;

k) price reductions on provided goods and services, including the sale of movable and immovable property below market price.

(3) State aid may take the form of a State aid scheme or individual aid.

(4) The drafting of legal acts granting State aid and de minimis aid schemes shall be preceded by research studies to substantiate their necessity. The legal acts by which it is intended to grant State aid and de minimis aid schemes shall provide for at least the following elements:

a) objective;

b) legal basis;

(c) form of granting aid;

d) beneficiaries;

(e) period of application;

(f) the total amount of aid allocated for this purpose by the supplier;

(g) the mechanism for monitoring the granted aid.

[Art.6 para. (4) introduced by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

Article 7. Support measures not constituting State aid

(1) General support measures do not constitute State aid. General measures are those which apply to all sectors of the national economy without distinction.

(2) The release of funds by the National Bank of Moldova to a beneficiary does not constitute State aid if the following conditions are cumulatively met:

(a) the beneficiary is solvent at the time when liquidity is provided;

(b) the facility is fully assured by a guarantee to which a safety margin is applied according to its quality;

c) the National Bank of Moldova shall charge the beneficiary interest equal to or higher than the base rate;

d) the measure is taken at the initiative of the National Bank of Moldova and is not supported by a state guarantee.

Chapter II PROCEDURAL RULES

Article 8. Notification and authorisation of State aid

(1) Any intention to grant State aid or to modify existing aid on the basis of a draft legal act must be notified to the Competition Council by the supplier and/or the initiator of the State aid, with the exception of de minimis aid and State aid referred to in Article 4.

(2) Notification of State aid must contain accurate and complete information to assess the compatibility of the State aid with this Law and with the act adopted by the Competition Council which will establish the form of notification, the procedures for examining and adopting decisions on state aid.

(3) The Competition Council informs the supplier and/or the State aid initiator of the date of receipt of the complete notification.

(4) If the information contained in the notification is found to be inaccurate and/or incomplete, the Competition Council shall, within 15 working days of receipt of the notification, inform the supplier and/or the State aid initiator in writing of the need to correct and/or supplement the submitted information.

(5) The supplier and/or the initiator of the State aid shall, within 20 working days from the date of receipt of the request from the Competition Council referred to in paragraph (4), corrects or supplements the information submitted in the notification. At the reasoned request of the supplier and/or the State aid initiator, this period may be extended.

(6) The notification is deemed to be withdrawn if the requested information is not provided within the set deadline.

(7) A new State aid may not be granted as long as the Competition Council does not take an authorisation decision or as long as the aid is not considered to be authorised under the terms of this law.

Article 8¹. Simplified notification

(1) The simplified notification form, approved by the Competition Council by decision, shall notify the following changes of existing aid:

(a) increases in the total maximum amount of the authorised State aid scheme exceeding 20%;

(b) extension of an existing authorised aid scheme for up to 6 years, with or without an increase in the total maximum amount of the State aid scheme;

(c) adopting stricter criteria for applying an authorised aid scheme, reducing aid intensity or reducing eligible costs.

(2) After examination of the simplified notification, the Competition Council shall adopt a decision in accordance with the provisions of Article 10 para. (2) within one month from the date of receipt of the complete notification.

(3) The simplified notification procedure shall not apply in the case of notification of changes to aid schemes for which State aid suppliers have not submitted information in accordance with Article 19 para. (3), unless the information was submitted at the same time as the notification.

[Art.8¹ introduced by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

Article 9. Specialised assistance in drawing up of State aid schemes

At the request of the supplier and/or the State aid initiator, the Competition Council provides specialised technical assistance in the preparation or modification of a State aid scheme.

Article 10. Examination of the notification

(1) The Competition Council shall start examining the notification as from the date of its receipt.

(2) After examining the notification, the Competition Council:

[Art.10 para. (2) introductory part amended by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(a) take a decision finding that the notified measure does not constitute State aid;

[Art.10 para. (2), letter a) amended by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(b) take the decision authorising the State aid if it is found that the notified measure does not raise doubts as to its compatibility with the normal competitive environment;

[Art.10 para. (2) letter (b) amended by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(c) order the initiation of an investigation if the proposed support measure raises doubts as to its compatibility with the normal competitive environment.

[Art.10 para. (2) letter (c) in wording of LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(3) The Competition Council shall take one of the decisions referred to in paragraph (2) not later than 45 working days from the day following receipt of the complete notification.

[Art.10 para. (3) amended by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(4) The decision on the authorization of State aid granted by the National Bank of Moldova and/or by the Government for the rehabilitation of banks in difficulty will be taken within 72 hours after receiving the notification, and in cases of extreme urgency - within 24 hours. In such cases, the supplier will submit to the Competition Council, within 6 months of the granting of the aid, a restructuring or liquidation plan.

(5) If the Competition Council has not taken a decision within 45 working days, the State aid shall be deemed to be authorised.

(6) In exceptional circumstances, at the request of the supplier and/or the initiator of the State aid, the Competition Council may suspend, once and for a specified period of time, the procedure for examining the notification in order to introduce amendments to it or to ensure that the project submitted complies with the State aid rules.

(7) The supplier and/or the initiator of the State aid may withdraw the notification in due time before a decision is taken by the Competition Council. After withdrawing the notification, the Competition Council shall complete the procedure of examination of the notification by informing the supplier and/or the State aid initiator by letter.

[Art.10 para. (7) introduced by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

Article 11. Investigation procedure

[Art.11 name in wording of LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(1) The procedure for the investigation of alleged infringements of State aid law is carried out in accordance with the Competition Act No. 183/2012 and may not last more than 18 months from the date of initiation.

[Art.11 para. (1) in wording of LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(2) Once the investigation has been carried out, the Competition Council:

[Art.11 para. (2) introductory part in the wording of LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(a) take a decision finding that the notified measure does not constitute State aid;

[Art.11 para. (2) letter (a) amended by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(b) take the decision on the authorization of State aid if it is found that the notified measure does not raise doubts as to its compatibility with this Act;

[Art.11 para. (2) letter (b) amended by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(c) take the decision on the authorization of State aid, imposing conditions or obligations designed to ensure that such aid will not significantly distort the normal competitive environment and will not affect the proper application of international agreements to which the Republic of Moldova is a party;

[Art.11 para. (2) letter (c) amended by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(d) take a decision finding that the aid is incompatible with the normal competitive environment and affects the proper implementation of international agreements to which the Republic of Moldova is a party;

[Art.11 para. (2) letter (d) in wording of LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(e) take the decision to cease the investigation.

[Art.11 para. (2) letter (e) introduced by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(3) The supplier and/or the initiator of the State aid may withdraw the notification in due time before a decision is taken pursuant to paragraph (2) letters (a) to (d). After withdrawal of the notification, the Competition Council shall terminate the investigation procedure by decision.

[Art.11 para. (3) in wording of LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(4) In exceptional circumstances, at the request of the supplier and/or the initiator of the State aid, the Competition Council may suspend the investigation procedure once, with justification, in order to ensure the compliance of the project submitted with the State aid rules or in the event of the existence of a court action, the outcome of which could influence the assessment of the case.

[Art.11 para. (4) amended by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

Article 12. Measures regarding existing State aid

If the Competition Council, following its monitoring of an existing state aid, finds that the existing aid is no longer compatible with this Law, it shall require the supplier and/or the initiator of the State aid to take the necessary measures to eliminate the incompatibility.

Article 13. Procedures regarding unlawful aid and misused aid

(1) Where the Competition Council has information that aid has been granted unlawfully or has been misused, it shall initiate the State aid investigation procedure and shall request the supplier and/or the initiator of the State aid to submit the information necessary to reach a decision on the aid in question.

[Art.13 para. (1) amended by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(2) The Competition Council may, within 30 working days, adopt a prescription requesting the supplier and/or the initiator of the State aid to suspend the granting of the aid in question until a decision on its compatibility with this Law is taken.

(3) If the Competition Council issues a negative decision, the supplier and/or the initiator shall, within the time limit set by the Competition Council in the issued decision, take the necessary measures to amend/cancel the act on the basis of which the State aid was granted, respectively to recover or reimburse the aid already granted, including the interest on the amount of the aid.

[Art.13 para. (3) in wording of LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

Article 14. Recovery of unlawful or misused aid

(1) The supplier and/or the initiator of the State aid, following the decision of the Competition Council, shall amend/revoke the legal act on the basis of which the unlawful State aid or the misused aid was granted and, respectively, shall decide to recover the State aid already granted, as well as the related interest, and the beneficiary is obliged to return the State aid received.

(2) If the supplier and/or the initiator does not comply with the decision ordering the recovery of State aid and related interest, the Competition Council has the right to apply to the court.

Article 15. Recovery of interest in case of unlawful aid or misused aid

(1) The State aid to be recovered pursuant to a recovery decision shall include interest calculated on the basis of the reference rate set by decision of the Plenum of the Competition Council in accordance with the methodology approved by the Plenum of the Competition Council and based on the CHIBOR reference rate published by the National Bank of Moldova.

[Art.15 para. (1) in wording of LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(2) Interest shall be paid from the account of the beneficiary of the unlawful aid or misused aid and shall be calculated from the day on which the aid in question was put at the disposal of the beneficiary until the day of its full recovery.

(3) The recovered State aid, as well as the related interest, shall be paid to the State budget, to the budgets of the administrative-territorial units or to other budgets of the national public budget depending on the supplier's affiliation.

Article 16. Limitation period

(1) The right of the Competition Council to take action to recover unlawful or misused aid is subject to a limitation period of 10 years.

(2) The limitation period shall start to run from the day on which the unlawful aid or misused aid has been put entirely at the disposal of the beneficiary and may be interrupted by any decision of the Competition Council with regard to the aid in question. After each interruption, a new limitation period shall begin to run.

(3) The limitation period shall be suspended for the period during which the decision of the Competition Council is the subject of an action before the court.

Article 17. Appeals against decisions of the Competition Council

(1) Decisions of the Competition Council adopted pursuant to this Law may be appealed by the concerned person in court in accordance with the provisions of the Administrative Code, without prior procedure.

(2) An appeal against the decision of the Competition Council shall not suspend the obligation to enforce the decision, unless the court decides otherwise.

Article 18. Rights of interested persons

(1) The Competition Council shall publish on its official website information on complete notifications and provisions for the initiation of investigations and shall make the requested information available to interested persons.

[Art.18 para. (1) in wording of LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(2) Any interested person may express his opinion on the support measure in respect of which the examination procedure has been initiated.

(3) Any interested person may inform the Competition Council of alleged unlawful State aid or alleged misuse of State aid. If the Competition Council considers that there are insufficient grounds for taking a decision on the case on the basis of the information available to it, it shall inform the persons concerned accordingly.

(4) The person who has expressed an opinion or informed the Competition Council about an alleged unlawful or allegedly misused State aid may request that his identity be kept secret.

(5) Any interested person may obtain, upon request, a copy of any of the decisions issued by the Competition Council in compliance with the legislation on state secrecy and trade secrets.

Article 19. Recording/inventory of State aid

(1) The Competition Council shall establish and maintain a State Aid Register.

(2) The State Aid Register shall be kept in accordance with the provisions of the Law No. 71-XVI as of 22 March 2007 on registers and the normative act adopted by the Competition Council on the State aid register.

(3) The State aid supplier shall keep a strict record of the granted State aid, including any aid exempted from notification. The State aid supplier shall submit to the Competition Council all information necessary for the State aid Register in accordance with the act adopted by the Competition Council concerning that Register.

Article 20. Monitoring and verification of State aid

(1) The Competition Council has the obligation to monitor existing state aid in progress in order to verify compliance with the provisions of the legal acts on the basis of which it was granted, as well as with the authorisation decisions it has issued. The monitoring activities shall be concluded by drawing up a monitoring report.

(2) Cases of infringement of State aid legislation shall be examined by the Competition Council upon referral or ex officio, on the basis of the material available to it relating to the infringement of the laws and regulations in force.

(3) In order to verify compliance with State aid legislation, the employees of the Competition Council will act in accordance with the provisions of the Competition Act No. 183 as of 11 July 2012.

Article 21. Transparency in the granting of State aid

(1) The operative part of the decisions of the Competition Council adopted under this Law shall be published in the Official Monitor of the Republic of Moldova, taking into account the interest of the parties and ensuring the protection of information constituting state secrets or trade secrets.

(2) The Competition Council, State aid suppliers, their employees, other public officials and independent experts appointed by the Competition Council shall be under an obligation not to disclose information constituting a state secret, trade secret or information of a confidential nature which has come to their knowledge in the course of the implementation of this Law.

(2¹) Publication by the Competition Council on its official website of the full content of decisions adopted under this Law is of major public interest. Requests for confidential treatment may be accepted only in cases where the need to protect trade secrets or other confidential information requiring similar protection is justified. Examination of requests for confidential treatment of information shall be carried out in accordance with the provisions of the Competition Act No. 183/2012.

[Art.21 para. (2¹) introduced by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(2²) For the purposes of this Law, the following information may not be treated as confidential information:

(a) publicly available information, including information available only for a fee through specialised information services, or information which represents the common knowledge of specialists in a particular field.

b) historical information, in particular information older than 5 years;

c) statistical information;

(d) the name of the beneficiaries of the aid, the sector of activity, the purpose and the amount of the aid.

[Art.21 para. (2^e) introduced by LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(3) The Competition Council shall, by 31 December, draw up and submit to the Parliament and the Government an annual report on State aid granted for the previous year.

[Art.21 para. (3) in wording of LP341 as of 24.11.23, MO474-476/13.12.23 art.830; in force 13.01.24]

(4) The annual report on granted State aid shall be published in the Official Monitor of the Republic of Moldova.

(5) Decisions of the Competition Council on notifications of the National Bank of Moldova shall be made public within the time limit and in the manner coordinated with the National Bank of Moldova.

Article 22. Liability for infringements of the provisions of this Law

(1) Infringement of the provisions of this law and of the normative acts governing the field of state aid shall give rise to liability in accordance with the legislation in force.

(2) The examination of contraventions and the application of contravention penalties for non-compliance with this Law and the regulations governing the field of State aid shall be carried out in accordance with the procedures and powers laid down in the Contravention Code.

Article 23. Final and transitional provisions

(1) This Law shall enter into force 12 months after its publication.

(2) State aid suppliers shall, within 12 months of the entry into force of this Law, communicate to the Competition Council information on granted State aid before the entry into force of this Law.

(3) Beneficiaries of state aid may, within 12 months of the entry into force of this Law, inform the Competition Council about state aid received before the entry into force of this Law.

(4) If State aid has not been reported within the time limit indicated in paragraph (2), such State aid shall be deemed to be unlawful aid.

(5) The Competition Council, within 12 months from the date of publication of this Law:

a) submit proposals for bringing the legislation in force in accordance with this law legislation in force in conformity with this law;

b) will bring its normative acts in accordance with this law;

c) shall draw up and approve the normative acts necessary for the implementation of this Law;

d) create the necessary structures for the implementation of this law.

(6) State aid suppliers, without increasing the number of staff, shall ensure the implementation of the provisions of this Law.

PRESIDENT OF THE PARLIAMENT

Marian LUPU

No. 139. Chisinau, 15 June 2012.