

## National Recovery and Resilience Plan – Pillar I. Green Transition Component C6. Energy

### Investment measure - Investment I.1 - New renewable electricity production capacities

Supporting investment in new capacity to produce electricity from renewable wind and solar energy sources, with or without integrated storage facilities, under the notified State aid scheme

- Version February 2022, advisory guide -

**The main objective** is the increased production of energy from renewable wind and solar sources through the installation of new renewable energy capacity with or without integrated storage facilities.

The implementation of projects financed under this aid scheme **aims to increase by approximately 500 MW** the installed capacity to produce electricity from wind and solar energy sources, with or without integrated storage facilities, as follows:

- 300 MW installed capacity for solar electricity generation;
- 200 MW installed capacity for the production of electricity from wind power source.

#### 1. *Eligible applicants*

**The applicants eligible** under this call for proposals are SMEs and **large** old and newly established enterprises, established under Law No 31/1990 on companies, republished, as amended and supplemented, or constituted in accordance with the specific legislation of the Member State of their nationality, **which have as their activity**, inter alia, the production of electricity (for the purpose of marketing or own consumption within the company or group of companies) corresponding to **CAEN 3511 – Production of electricity**.

#### 2. *Amount of non-reimbursable financing*

**The maximum amount of state aid** (non-reimbursable public financing) **per enterprise, per investment project** is the equivalent in lei of the amount of **30,000,000 euros**, at the Inforeuro exchange rate in the month prior to the opening of the competitive bidding procedure.



The **State aid** intensity is **50%** of the eligible costs within the following maximum ceilings:

- 650,000 Euro/MW for wind energy
- 425,000 Euro/MW for solar energy.

The aid shall be granted in the form of reimbursement of expenditure incurred.

For the same beneficiary and eligible expenditure, the State aid granted may not be cumulated with any other State aid granted, including de minimis.

The total **budget allocated** to the competitive tendering procedure shall be as follows:

Action	Budget (euro)
Realization of new capacities for the production of electricity from renewable wind and solar energy sources, with or without integrated storage facilities, of which:	245.000.000
Of which:	
Wind energy	130.000.000
Solar energy	115.000.000

\* 2022: EUR 100,000,000, 2023: EUR 100,000,000, 2024: EUR 45,000,000. Unused amounts in one year will be carried over to next year. If the projects submitted allow the amounts of subsequent years to be used, the budget shall be used in advance.

If the budget allocated to a given technology is not fully used, the remaining funds shall be used to finance projects related to the other technology.

### 3. Eligibility conditions

#### 3.1 Financeable actions and activities

It will be possible to finance projects aimed at implementing one of **the actions**

Following:

1. **Realization** of new capacities for the production of **electricity from wind sources**, with or without integrated storage facilities as a secondary activity, storage having a maximum of 20% of the State aid value.
2. **Achieving** new capacities for the production of **electricity from solar sources**, with or without integrated storage facilities as a secondary activity, storage having a maximum of 20% of the State aid value.

**They are allowed both for the supply of energy in the transmission and distribution network and for**

**own consumption**, each project comprising a single technology (solar or wind), **and projects comprising both technologies are not eligible.**

**! Projects offering only storage capacity are not eligible.**

**The construction** of new electricity generation capacities is aimed at creating new generation facilities, with or without integrated storage facilities, where they have not existed to date.

Projects that are proposed to replace older wind/solar power generation capacities are not eligible, nor are projects aimed at the extension of electricity generation units eligible.

The following **activities** foreseen in the project are eligible:

- **Purchase of installations/equipment** for the construction of **new capacities** for the production of electricity from renewable wind and solar energy sources, **with or without storage**;
- Constructions covered by the project of producing electricity from renewable wind and solar energy sources, with or without storage.

**General activities :**

- Preparation of the project (elaboration of the feasibility study, technical design, documentation of attribution, obtaining approvals, authorizations, environmental agreement, etc.);
- Project management;
- Financial audit (mandatory);
- Information and publicity (mandatory).

**The project activities will not be started before the Transmission by the Ministry of Energy of the notification of selection** of the offer for financing to the beneficiary), except for obtaining the land and preparatory works, such as obtaining the approvals and authorizations and carrying out the feasibility studies (and technical studies established by standards and norms for the preparation of the project), which are not considered as the start of works.

### **3.2 Eligibility of the applicant**

**Applicants** must cumulatively meet the following institutional, legal and financial conditions:



Nr. certificat : 5922  
ISO 9001:2022



Nr. certificat : 3438  
ISO 14001:2022



Nr. certificat : 2188  
ISO 45001:2022

- a. The applicant has legal personality** (small, medium or large enterprise), is legally constituted in accordance with the specific law of the Member State of which he is a <sup>national</sup><sup>1</sup>;  
*Branches, agencies, representative offices of companies or other dismemberments without legal personality shall not be eligible.*  
*The CAEN code of the activity for which the applicant intends to access non-reimbursable funds within the PNRR will be taken into account.*  
*For companies that also operate through subsidiaries / branches / work point, which together meet the eligibility conditions, the parent company will be eligible for financing for all coordinated structures.*
- b.** The applicant carries out his **activity in the electricity production** sector;  
*All undertakings must have as their activity listed in the Company's Statute, the main or, inter alia, the activity related to the production of electricity (corresponding to NACE 3511 – Electricity production); this will be proved by the certificate of ascertainment from the Trade Register.*
- c.** The applicant falls into one of the categories: **small enterprise / medium enterprise / large enterprise**, including start-ups;
- d.** The applicant does **not** fall into one of the following situations :
1. is in default / in a state of insolvency according to the provisions of Law no. ANRE President's Order no. 85/2014 on insolvency prevention and insolvency procedures, with subsequent amendments , as the case may be;
  2. is bankrupt, liquidated, has affairs run by a judicial administrator or its business activities are suspended or are the subject of an arrangement with creditors or is in a situation similar to the previous ones, regulated by law, or is the subject of a legal procedure for its declaration of bankruptcy, liquidation, business management by a judicial administrator;
  3. has not fulfilled its obligations to pay taxes, fees and social security contributions to the component budgets of the general consolidated budget, in accordance with the legal provisions in force in Romania;
  4. is declared in a serious situation of violation of the provisions of the legislation on public procurement and/or of the obligations assumed through a contract/agreement for financing from public funds;
  5. *The applicant/legal representative of the Applicant* has suffered final convictions due to a professional conduct directed against the law, a decision formulated by a court authority that has the force of res judicata;

<sup>1</sup> In case of project selection, the beneficiary registered in another Member State will prove that he is registered in Romania at the time of making the first payment under the financing



6. *The applicant/legal representative of the Applicant* has been the subject of a res judicata judgment for fraud, corruption, involvement in criminal organizations or other illegal activities, to the detriment of the financial interests of the European Community;
  7. is the subject of an unexecuted recovery decision of the Competition Council, of the European Commission, of a state aid provider/administrator or of the court, by which a State aid was declared legal and incompatible with the internal market ;
  8. is an undertaking in difficulty, in accordance with the provisions of Article 2, point 14 of Section 2.1 of the Guidelines on State aid for climate, environmental protection and energy for 2022.
- e. The legal representative of the applicant, including the members of the Project Implementation Unit (PIU)/project team , **is not in a situation of conflict of interest** as defined in the national legislation;
  - f. The applicant shall demonstrate **project management capacity** through information on piU/project team ;
  - g. The applicant demonstrates **technical capacity** to support the project activities;
  - h. The applicant demonstrates **financial capacity** to support the implementation of the project; ***The ratio of Total Liabilities to Equity must be < 7.5 in the last financial year.***  
*If the applicant does not meet this criterion or does not have a completed financial year, he must submit at the submission a **binding comfort letter** issued by a banking institution regarding the insurance of a loan covering all the amount necessary for the co-financing of the project and the ineligible expenses of the project.*
  - i. The applicant **justifies the need to finance the project through State aid.**

### 3.3 Project eligibility

In order for a project to be declared eligible for funding, it must comply with the following conditions:

- a) The project **falls into the categories of financeable actions** and demonstrates the contribution to the results of the NRPS;
- b) The project **comprises eligible actions**;
- c) **The installed capacity** proposed for realization through the project is:
  - ✓ more than 25 MW - for the production of electricity from wind sources;
  - ✓ more than 40 MW - for the production of electricity from solar sources.
- d) **The amount of State aid requested per MW installed** is a maximum of:
  - 650,000 Euro/MW for wind energy;
  - 425,000 Euro/MW for solar energy.
- e) The project is **implemented on the territory of Romania**;



- f) **The project implementation** period falls within the period of eligibility of expenses, respectively between the date on which the ME sends the notification to the applicant on the selection of the offer for financing and the expected date of completion, but no longer late 30.06.2024. Certain project-related activities (Feasibility study, land acquisition, etc.) can be made before the start date of eligibility, i.e. the date on which the Ministry of Energy sent the applicant the address declaring the eligibility of the project, but they will not be eligible for reimbursement from European funds;
- g) **The project complies with the principle of "incentive effect"** as set out in the Guidelines on State aid for climate, environmental protection and energy for 2022;
- h) **The duration of the project implementation** does not exceed **30 June 2024**;
- i) The information in the Offer and the annexes of the Offer are correlated with the information from the feasibility study elaborated on the basis of gd no. 907/2016.
- j) The amount of State aid requested does not exceed **EUR 30 million per company, per investment project** (equivalent in LEI at the Inforeuro exchange rate in the month preceding the opening of the competitive bidding process);
- k) The project was approved by the applicant under the conditions of the applicable legislation;
- l) **The economic activity identified by the NACE code for which financing is requested is eligible**, and the project does not support in any way the activities excluded according to the section 4.1.2 of the *Guidelines on State aid for climate, environmental protection and energy for 2022*.
- m) The project complies with national and Community regulations on the eligibility of expenditure, promotion of equal opportunities and non-discriminatory policy, sustainable development, information technology, public procurement, information and publicity, state aid such as and any other legal provisions applicable to European funds;
- n) **The investment(s) has/have not benefited from public funding**, except for preliminary studies - pre-feasibility study, geotopographic analysis, feasibility study, technical design, execution details and conditional on the fact that they are not requested for financing under this competitive tendering procedure;
- o) The budget of the project complies with the guidelines regarding the classification in the categories of expenses.

When signing the financing contract, the applicant will prove the ownership / concession / administration / superficies for the buildings (land and / or buildings) that are the object of the project for which the offer has been submitted documents provided by law for the initiation of the process of obtaining these rights.

The property/administration/concession/superficie contract is allowed, valid for at least another 5 years at the forecasted date of the last payment within the project.

**Real estate (land and/or buildings) will be free of** any encumbrances, are not the subject of disputes pending before the courts regarding the legal situation, are not subject to claims



according to special laws in the field or common law.

In the case of projects comprising several wind turbines, the applicant must demonstrate the unitary character of the project.

The **project** that cumulatively meets the following conditions is considered **unitary**:

- It has a single, clearly defined overall objective;
- Its equipment and component installations are technically and functionally interdependent and work together to achieve the project objective;
- The uniform functioning of the components is economically justified.

In order to cumulatively meet the above-mentioned conditions, **the beneficiary will submit only one project per location.**

The unitary project cannot be divided into subprojects without affecting the predetermined objective.

Objectives with a high degree of generality (e.g. energy production from the RES) are not accepted, but objectives of a concrete nature.

After the conclusion of the financing contract, the beneficiary will no longer be able to receive funding from other public sources for the same eligible expenses of the project, under the sanction of terminating the Financing Contract and returning the reimbursed amounts. It also did not receive any further public support for the proposed project.

In terms of biodiversity and ecosystems, the applicant will ensure that the **project will not be implemented on the following types of land:**

- arable land and cultivated land with moderate to high levels of soil fertility and biodiversity below land, as mentioned in the EU LUCAS study;
- green land with a recognised high biodiversity value and land serving as habitat for endangered species (flora and fauna) listed on the European Red List or the IUCN Red List;
- forest land (whether or not covered by trees), other wooded land or land that is partially or fully covered or intended to be covered by trees, even if such trees have not yet reached the size and cover to be classified as forests or other wooded land as defined in accordance with the FAO definition of forests.

**The investments will be completed**, respectively installed and connected to the network, including commissioning, by the **end of the second quarter of 2024** at the latest.



#### 4. Eligible costs

In order to be eligible, all expenditure must comply with the provisions of the regulations, correspond to the objectives of the PNRR, be indispensable to the achievement of the objectives of the project, be included in the approved tender and broken down in the budget presented in the tender.

**The eligible costs** shall be the costs necessary to realise new electricity generation capacity from renewable wind and solar energy sources with or without electricity storage facilities .

**!** *Costs which are not directly linked to the achievement of a higher level of environmental protection shall not be eligible.*

#### Categories of eligible expenditure

- Audit expenditure purchased by the beneficiary for the project
- Information and publicity costs for the project, resulting from the beneficiary's obligations
- Salary expenses with the project management team
- Expenditure on project management services
- Expenditure on land development
- Expenditure on development for the protection of the environment and the bringing to the original state
- Expenditure to ensure the utilities necessary for the purpose
- Field studies
- Expenditure on obtaining approvals, agreements, authorisations
- Design and engineering
- Expenditure relating to the organisation of procurement procedures
- Expenditure related to consultancy in the development of market studies/evaluation
- Expenditure related to consultancy in the field of execution management
- Expenditure related to technical assistance from the designer during the implementation period
- Expenditure on the payment of site managers
- Expenditure on construction and installations
- Expenses related to endowments (machinery, equipment with and without assembly, endowments)
- Expenditure on intangible assets
- Expenditure relating to construction works and installations relating to the organisation of the site
- Expenditure related to the organisation of the construction site
- Miscellaneous and unforeseen expenses
- Expenditure on the training of operating staff
- Expenditure on technology samples and tests



The costs of information, publicity and financial audit shall be compulsory.

The expenditure on **information and publicity activities of the project will not exceed 2%** of the



Nr. certificat : 5922  
ISO 9001:2022



Nr. certificat : 3438  
ISO 14001:2022



Nr. certificat : 2188  
ISO 45001:2022

the eligible value of the project.

**Project management expenses will not exceed 5%** of the eligible value of the project, but not more than 20,000 euros (at the InforEuro exchange rate in the month prior to the submission of the bid).

**! Investment aid shall be granted only to new installations.**

It is necessary for the applicant to classify the investment costs in the category of eligible expenses to be made in close correlation with the general estimate drawn up in accordance with the provisions of GD no. 907/2016.

The aid shall not be granted or repaid after the installation has started operations.

**The ineligible expenditure in this operation shall be as follows:**

- ✓ expenditure relating to the contribution in kind;
- ✓ depreciation charges ;
- ✓ expenditure on land acquisition;
- ✓ expenses related to the acquisition in the form of leasing;
- ✓ expenditure on the purchase of buildings already built;
- ✓ rental expenses other than those provided for in general administrative expenses;
- ✓ expenditure on the purchase of means of transport;
- ✓ general administrative expenses;
- ✓ value added tax;
- ✓ interest payable except for grants in the form of a grant for acquisition or for guarantee fees;
- ✓ expenses for commissions, quotas, fees;
- ✓ other fees related to loans;
- ✓ acquisition of second-hand equipment;
- ✓ fines, penalties, court costs;
- ✓ the costs of operating the investment objectives;
- ✓ expenditure incurred in respect of investment objectives executed on its own account;
- ✓ **expenditure on preparatory work, such as obtaining permits and permits, carrying out feasibility studies (and technical studies established by standards and regulations for project preparation), carried out before the date of communication of the project eligibility by the Ministry of Energy.**



## **5. Period during which projects can be submitted**

The competitive bidding procedure for the selection of projects is launched through the electronic platform dedicated to PNRR.

For this guide, the competitive bidding procedure is implemented, correlated with pnrr objectives and within the allocated budget.

**Start date and time for submitting projects: 31.03.2022, 10.00 Hours**

**Closing date and time for the submission of projects: 30.04.2022,  
17.00**

The Ministry of Energy may extend the deadline for submission depending on the requests received, the contracting rate of projects, decisions to reallocate funds or other considerations.



Nr. certificat : 5922  
ISO 9001:2022



Nr. certificat : 3438  
ISO 14001:2022



Nr. certificat : 2188  
ISO 45001:2022

## ANNEX 1 Minimum technical requirements

Applicants for funding must also ensure the following minimum requirements for equipment, depending on the specificity of the project:

### 1. Photovoltaic panels:

- a. The efficiency of the panels must be:
  - > 19% for silicon monocrystalline panels;
  - > 18% for polycrystalline panels made of silicon;
  - > 12% for thin or semitransparent panels.
- b. Standard Test Conditions (CTS):
  - Solar radiation 1000 W/m<sup>2</sup>;
  - air mass AM 1,5;
  - cell temperature 25 °C.

### 2. Inverters:

- a) in accordance with the provisions of ANRE Orders no. 228/2018 and no. 132/2020;
- b) European efficiency: > 97%.

### 3. Storage systems :

- No lead-based technologies , NiCd or NiMH

### 4. Wind turbines:

- Comply with IEC/SR EN 61400
- Wind classification to match the historical wind data in the installation area

**NOTE:** If the connection technical approval (ATR) for the place of generation (if the project involves the connection to the electricity network of public interest) was not submitted together with the bid, its submission is mandatory at the conclusion of the contract financing.



## Annex 2 Technical and economic evaluation grid of tenders

The grid of technical-economic evaluation of the offer	Maximum	Minimum
<p><b>1. Amount of State aid requested for the project from eligible expenditure/ MW installed by production</b></p> <p>The best possible proportion shall be sought so that the applicant, taking into account the decrease in technology costs, covers a large source of the investment from own funds, so that the public subsidy offered per MW installed is the lowest and overcompensation is avoided. The amount of State aid is report on the installed generation capacity (Euro/MW installed):</p>		
<p>Awarding the score:</p> <ul style="list-style-type: none"> <li>➤ Lowest amount of State aid requested (Euro/MW) - 75 pts</li> <li>➤ Highest amount of State aid requested (Euro/MW) - 0 point</li> <li>➤ The intermediate amounts of state aid requested (Euro/MW) shall be calculated accordingly, <i>(differences from the lowest proportion of Euro/MW produced are deducts from the maximum score of 75 pts.)</i></li> </ul>	75	0
<b>Total score criterion 1</b>	<b>75</b>	<b>0</b>
<p><b>2. Storage capacities assumed in the project</b></p> <p>In view of the uncontrollable intermittent nature of res (PV and wind) production, storage capacities ensure that the maximum intermittent RES capacity can be integrated into the system increases and the security of supply Electricity.</p> <p><i>Example: for a RES generation capacity of 60 MW, 10 points are obtained for a storage capacity of at least 20 MWh (representing the storage of the energy produced at the nominal power of the plant for 20 minutes), respectively 5 points for a storage capacity of at least 10 MWh (representing the storage of the energy produced at the nominal power of the plant for 10 minutes).</i></p>		
<ul style="list-style-type: none"> <li>➤ Storage capacity allowing the storage of the energy produced (at the nominal power of the RES plant) for a period of at least 20 minutes</li> </ul>	10	0
<ul style="list-style-type: none"> <li>➤ Storage capacity allowing the storage of the energy produced (at the nominal power of the RES plant) for a period of at least 10 Minutes</li> </ul>	5	0
<b>Total score criterion 2</b>	<b>10</b>	<b>0</b>

<p><b>3. Use by the beneficiary, for his own consumption, of at least 50% of the electricity volume generated within the project</b></p> <p><i>Taking into account the need to encourage industrial operators to produce renewable energy, it is an advantage to use at least 50% of the energy produced for the beneficiary's own consumption.</i></p> <p><i>It is proved by:</i></p> <ul style="list-style-type: none"> <li>✓ <i>Declaration on own responsibility, when submitting the financing application, according to which at least 50% of the electricity volume generated within the project will be used for own consumption;</i></li> <li>✓ <i>Immediately after the commissioning of the project, through relevant documents attesting the energy produced and the proportion used for own consumption.</i></li> <li>✓ <i>The own consumption of at least 50% will be demonstrated, during the monitoring period, by the annual presentation by the beneficiary of the energy production curve, of the consumption curve and, where appropriate, of the energy storage curve</i></li> </ul>		
<b>Total score criterion 3</b>	<b>15</b>	<b>0</b>
<b>TOTAL score (criteria 1 to 3)</b>	<b>100</b>	<b>0</b>