EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

EFTA SURVEILLANCE AUTHORITY DECISION

No 198/03/COL

of 5 November 2003

amending for the 40th time the Procedural and Substantive Rules in the Field of State Aid by deleting the chapters on small and medium-sized enterprises, *de minimis* aid, training aid and employment aid

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area ([1]), in particular to Articles 61 to 63 and Protocol 26 thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice ([2]), in particular to Articles 24, 5(2)(b) and 1 in Part I of Protocol 3 thereof,

Whereas under Article 24 of the Surveillance and Court Agreement, the EFTA Surveillance Authority shall give effect to the provisions of the EEA Agreement concerning State aid.

Whereas under Article 5(2)(b) of the Surveillance and Court Agreement the EFTA Surveillance Authority shall issue notices or guidelines on matters dealt with in the EEA Agreement, if that Agreement or the Surveillance and Court Agreement expressly so provides or if the EFTA Surveillance Authority considers it necessary.

Recalling the Procedural and Substantive Rules in the Field of State Aid ([3]) adopted on 19 January 1994 by the EFTA Surveillance Authority ([4]).

Whereas, on 12 January 2001, the European Commission adopted Regulation (EC) No 68/2001 ([5]) on the application of Articles 87 and 88 of the EC Treaty to State aid to training aid.

Whereas, on 12 January 2001, the European Commission adopted Regulation (EC) No 69/2001 ([6]) on the application of Articles 87 and 88 of the EC Treaty to State aid *de minimis* aid.

Whereas, on 12 January 2001, the European Commission adopted Regulation (EC) No 70/2001 ([7]) on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises.

([1]) Hereinafter referred to as the EEA Agreement.
([2]) Hereinafter referred to as the Surveillance and Court Agreement.
([3]) Hereinafter referred to as the State Aid Guidelines.
([4]) Initially published in OJ L 231, 3.9.1994, and in the EEA Supplement thereto No 32 on the same date, last amended by College Decision No 197/03/COL of 5 November 2003 (not yet published).
([5]) OJ L 10, 13.1.2001, p. 20. Regulation as last amended by Regulation (EC) No 363/2004 (OJ L 63, 28.2.2004, p. 20).
([6]) OJ L 10, 13.1.2001, p. 30.
([7]) OJ L 10, 13.1.2001, p. 33. Regulation as last amended by Regulation (EC) No 363/2004.

Whereas, on 12 December 2002, the European Commission adopted Regulation (EC) No 2204/2002 ([1]) on the application of Articles 87 and 88 of the EC Treaty to State aid for employment.

Whereas these Regulations are also of relevance for the European Economic Area, and have now been incorporated into Annex XV to the EEA Agreement by Joint Committee Decisions ([2]).

Whereas recital 4 of the Regulations on training aid, aid to small and medium-sized enterprises and aid for employment, explicitly stipulate that the existing guidelines and frameworks in the fields now covered by the Regulations cease to apply from the entry into force of the Regulations.

Whereas in light of this, the corresponding Chapters 10 on small and medium-sized enterprises, 18 on employment aid and 18 A on training aid in the State Aid Guidelines are no longer of relevance and should be deleted.

Whereas, despite the lack of an explicit statement in Regulation (EC) No 69/2001 on *de minimis* aid, the same applies to Chapter 12 of the State Aid Guidelines as the Regulation comprehensively covers all rules for *de minimis* aid.

Whereas a uniform application of the EEA State aid rules is to be ensured throughout the European Economic Area.

Having consulted the European Commission.

Recalling that the EFTA Surveillance Authority has consulted the EFTA States in a multilateral meeting on 20 June 2003 on the subject,

HAS ADOPTED THIS DECISION:

1. The State Aid Guidelines shall be amended by deleting the following chapters thereof:

   — Chapter 10 on aid to small and medium-size companies,

   — Chapter 12 on the *de minimis* rule and its application,

   — Chapter 18 on employment aid,

   — Chapter 18 A on training aid.

2. The EFTA States shall be informed by means of a letter, including a copy of this Decision.

3. The European Commission shall be informed, in accordance with point (d) of Protocol 27 of the EEA Agreement, by means of a copy of this Decision.

([1]) OJ L 337, 13.12.2002, p. 3.

([2]) Regulation (EC) No 68/2001 on training aid has been incorporated as point 1d of Annex XV, Regulation (EC) No 69/2001 on *de minimis* aid has been incorporated as point 1e of Annex XV, Regulation (EC) No 70/2001 on aid to small and medium-sized enterprises has been incorporated as point 1f, all by Joint Committee Decision No 88/2002 (OJ L 266, 3.10.2002, p. 56 and EEA Supplement No 49, 3.10.2002, p. 42). Regulation (EC) No 2204/2002 on employment aid has been incorporated as point 1g of Annex XV by Joint Committee Decision No 83/2003 (OJ L 257, 9.10.2003, p. 39).

4. The Decision shall be published in the EEA Section of and in the EEA Supplement to the *Official Journal of the European Union*.

5. The Decision shall be authentic in the English language.

Done at Brussels, 5 November 2003.

For the EFTA Surveillance Authority

The President	*College Member*
Einar M. BULL	Hannes HAFSTEIN