

EUROPEAN ECONOMIC AREA
EFTA SURVEILLANCE AUTHORITY

EFTA SURVEILLANCE AUTHORITY DECISION

No 39/04/COL

of 17 March 2004

amending for the 42nd time the Procedural and Substantive Rules in the Field of State Aid by introducing a new Chapter 25A: Review of the guidelines on national regional aid for the period after 1 January 2007

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 Article 24, Article 5(2)(b) and Article 1 in Part I of Protocol 3 thereof ⁽³⁾,

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 ⁽⁴⁾ adopted on 19 January 1994 by the EFTA Surveillance Authority ⁽⁵⁾,

WHEREAS, on 8 May 2003, the Commission of the European Communities (hereinafter the EC Commission) published a communication on the review of the guidelines on national regional aid for the period after 1 January 2007 ⁽⁶⁾,

WHEREAS this communication is also of relevance for the European Economic Area,

WHEREAS a uniform application of the EEA State Aid Rules is to be ensured throughout the European Economic Area,

⁽¹⁾ Hereinafter referred to as the EEA Agreement.

⁽²⁾ Hereinafter referred to as the Surveillance and Court Agreement.

⁽³⁾ Protocol 3 to the Surveillance and Court Agreement as amended by the EFTA States on 10 December 2001. The amendments entered into force on 28 August 2003.

⁽⁴⁾ Hereinafter referred to as the State Aid Guidelines.

⁽⁵⁾ Initially published in OJ L 231, 3.9.1994, p. 1, and in the EEA Supplement thereto No 32 on the same date, as last amended by College Decision No 15/04/COL of 18 February 2004 (not yet published).

⁽⁶⁾ Commission communication — Review of the guidelines on national regional aid for the period after 1 January 2007 (OJ C 110, 8.5.2003, p. 24).

WHEREAS, according to point II under the heading 'GENERAL' at the end of Annex XV to the EEA Agreement, the EFTA Surveillance Authority is to adopt, after consultation with the EC Commission, acts corresponding to those adopted by the EC Commission,

HAVING consulted the EC Commission,

RECALLING that the EFTA Surveillance Authority has consulted the EFTA States in a multilateral meeting on 3 February 2004 on the subject,

HAS ADOPTED THIS DECISION:

1. The State Aid Guidelines are amended by adding a new Chapter 25A 'Review of the guidelines on national regional aid for the period after 1 January 2007'. The new Chapter 25A can be found in the Annex to this Decision.
2. The EFTA States shall be informed by means of a letter, including a copy of this Decision and including the Annex.
3. The EC Commission shall be informed, in accordance with point (d) of Protocol 27 of the EEA Agreement, by means of a copy of this Decision, including the Annex.
4. The Decision, including the Annex, shall be published in the EEA Section of and in the EEA Supplement to the *Official Journal of the European Union*.
5. The Decision is authentic in the English language.

Done at Brussels, 17 March 2004.

For the EFTA Surveillance Authority

Hannes HAFSTEIN
President

Einar M. BULL
College Member

ANNEX

25A. REVIEW OF THE GUIDELINES ON NATIONAL REGIONAL AID FOR THE PERIOD AFTER 1 JANUARY 2007

1. The EFTA Surveillance Authority (hereinafter the Authority) published the guidelines on national regional aid in April 1999 ⁽¹⁾.
2. On the basis of the guidelines, the Authority approved the regional aid maps of the EFTA States for the period from 2000 to 2006 and several regional aid schemes expiring at the end of that period.
3. The guidelines were adopted for an unlimited period. However, it is stipulated that the Authority will review them within five years of their becoming applicable.
4. The Authority has carried out such a review and concluded that a revision of the guidelines does not appear to be necessary.
5. The Authority, however, has decided to carry out such revision in due course in order to give the EFTA States and the Authority time before the end of 2006 to draw up, notify and approve the regional maps for the period after 1 January 2007.

⁽¹⁾ College Decision No 316/98/COL of 4 November 1998 (OJ L 111, 29.4.1999, p. 46) and EEA Supplement No 18.
