DECISION OF THE EEA JOINT COMMITTEE

No 123/2005

of 30 September 2005

amending Annex XV (State aid) and Protocol 26 (on the powers and functions of the EFTA Surveillance Authority in the field of State aid) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

(1) Annex XV to the Agreement was amended by Decision of the EEA Joint Committee No 131/2004 of 24 September 2004 ([1]).

(2) Protocol 26 to the Agreement was amended by the Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area signed on 14 October 2003 in Luxemburg ([2]).

(3) Commission Regulation (EC) No 794/2004 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 ([3]), as corrected by OJ L 25, 28.1.2005, p. 74 and OJ L 131, 25.5.2005, p. 45, is to be incorporated into the Agreement.

(4) The incorporation into the Agreement of Regulation 794/2004 makes obsolete some points which are incorporated into the Agreement in Annex XV, and are consequently to be deleted from the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XV to the Agreement shall be amended as specified in Annex I to this Decision.

Article 2

Protocol 26 to the Agreement shall be amended as specified in Annex II to this Decision.

([1]) OJ L 64, 10.3.2005, p. 67.

([2]) OJ L 130, 29.4.2004, p. 3.

([3]) OJ L 140, 30.4.2004, p. 1.

Article 3

The text of Regulation (EC) No 794/2004, as corrected by OJ L 25, 28. 1.2005, p. 74 and OJ L 131, 25.5.2005, p. 45, in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 4

This Decision shall enter into force on 1 October 2005, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 5

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

Done at Brussels, 30 September 2005.

For the EEA Joint Committee

The President

HSH Prinz Nikolaus von LIECHTENSTEIN

(*) No constitutional requirements indicated.

ANNEX I

Annex XV to the Agreement shall be amended as follows:

The text of points 2 (C/252/80/p. 2: The notification of State aids to the Commission pursuant to Article 93 (3) of the EEC Treaty), 3 (Letter from the Commission to the Member States SG(81) 12740 of 2 October 1981), 4 (Letter from the Commission to the Member States SG(89) D/5521 of 27 April 1989), 5 (Letter from the Commission to the Member States SG(87) D/5540 of 30 April 1989), 6 (Letter from the Commission to the Member States SG(90) D/28091 of 11 October 1990), 7 (Letter from the Commission to the Member States SG(91) D/4577 of 4 March 1991), 8 (C/40/90/p. 2: Notification of an aid scheme of minor importance), 10 (C/318/83/p. 3: Commission Communication on aids granted illegally), 34 (C/3/85/p. 2: Commission communication on the cumulation of aids for different purposes) shall be deleted.

ANNEX II

Protocol 26 to the Agreement shall be amended as follows:

1. in Article 2, the words 'the following act' shall be replaced by 'the following acts';

2. Council Regulation (EC) No 659/1999 shall be numbered as point 1;

3. the following point shall be inserted after point 1 (Council Regulation (EC) No 659/1999):

   '2. **32004 R 0794**: Commission Regulation (EC) No 794/2004 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 (OJ L 140, 30.4.2004, p. 1), as corrected by OJ L 25, 28.1.2005, p. 74 and OJ L 131, 25.5.2005, p. 45.'