

Den Europæiske Unions Tidende

C 258

49. årgang

Dansk udgave

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26. oktober 2006

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⁽¹⁾ EØS-relevant tekst

I

(Meddelelser)

KOMMISSIONEN

Euroens vekselkurs ⁽¹⁾

25. oktober 2006

(2006/C 258/01)

1 euro =

Valuta	Kurs	Valuta	Kurs		
USD	amerikanske dollar	1,2580	SIT	slovenske tolar	239,6
JPY	japanske yen	149,93	SKK	slovakiske koruna	36,576
DKK	danske kroner	7,4551	TRY	tyrkiske lira	1,8475
GBP	pund sterling	0,6702	AUD	australske dollar	1,6561
SEK	svenske kroner	9,2125	CAD	canadiske dollar	1,4191
CHF	schweiziske franc	1,5916	HKD	hongkongske dollar	9,7905
ISK	islandske kroner	85,71	NZD	newzealandske dollar	1,9038
NOK	norske kroner	8,338	SGD	singaporeanske dollar	1,9784
BGN	bulgarske lev	1,9558	KRW	sydkoreanske won	1 202,46
CYP	cypriotiske pund	0,5766	ZAR	sydafrikanske rand	9,6349
CZK	tjekkiske koruna	28,383	CNY	kinesiske renminbi yuan	9,9407
EEK	estiske kroon	15,6466	HRK	kroatiske kuna	7,385
HUF	ungarske forint	262,87	IDR	indonesiske rupiah	11 485,54
LTL	litauiske litas	3,4528	MYR	malaysiske ringgit	4,625
LVL	lettiske lats	0,6961	PHP	filippinske pesos	62,837
MTL	maltesiske lira	0,4293	RUB	russiske rubler	33,83
PLN	polske zloty	3,8855	THB	thailandske bath	46,691
RON	rumænske lei	3,5179			

⁽¹⁾ Kilde: Referencekurs offentliggjort af Den Europæiske Centralbank.

Kortfattede oplysninger fra medlemsstaterne om statsstøtte, der er ydet ifølge forordning (EF) nr. 1/2004 af 23. december 2003 om anvendelse af EF-traktatens artikel 87 og 88 på statsstøtte til små og mellemstore virksomheder, der beskæftiger sig med produktion, forarbejdning og afsætning af landbrugsprodukter

(2006/C 258/02)

Sag nr.: XA 42/06

Medlemsstat: Spanien

Region: Navarra

Støtteordningens benævnelse eller navnet på den virksomhed, der modtager individuel støtte: Støtte til forøgelse af sporbarheden i landbrugsfødevarerindustrien i Navarra for 2006

Retsgrundlag: Orden foral del Consejero de agricultura, ganadería y alimentación, por la que se establecen las bases reguladoras que regirán la concesión de ayudas a la trazabilidad en la industria agroalimentaria de Navarra y se aprueba la convocatoria de ayudas para el año 2006

Forventede årlige udgifter til ordningen eller det samlede individuelle støttebeløb, der ydes til virksomheden: 1 800 000 EUR for regnskabsåret 2006 og en tilsvarende del på budgettet for 2007

Maksimal støtteintensitet: 50 % af omkostningerne til teknisk bistand til udvikling og iværksættelse af sporbarhedssystemer med et maksimumsbeløb på 6 000 EUR pr. støttemodtager.

35 % af investeringsomkostningerne til indførelse af edb og automatisering af dataregistrering og -transmission med et maksimumsbeløb på 15 000 EUR pr. støttemodtager

Gennemførelsesdato: August 2006

Ordningens eller den individuelle støttes varighed: Der kan ydes støtte indtil november 2006

Støttens formål: Denne støtteordning har til formål at fremme indførelse af sporbarhedssystemer i små og mellemstore industrivirksomheder i landbrugsfødevarerindustrien i Navarra.

A) Artikel 13. Støtte til fremme af produktion og afsætning af kvalitetslandbrugsprodukter. Tekniske omkostninger til udvikling og iværksættelse af sporbarhedssystemer, herunder kontrakter med eksterne konsulenter, iværksættelse af personaleuddannelse, installering af software og tilpasning af støttemodtagerens særlige behov.

B) Artikel 7. Støtte til investering i forarbejdning og afsætning. Investeringsomkostninger til indførelse af edb og automatisering af dataregistrering og -transmission. De omfatter indkøb og udvikling af edb-programmer til indførelse eller forbedring af sporbarhedssystemer og indkøb og installering af nyt udstyr til læsning, kontrol, opfølgning, registrering

og automatisk datatransmission (stregkodeskrivere, laser stregkodelæsere, datatransmissionssystemer via radiofrekvenser, hardware m.m.). Generalomkostninger som honorarer, undersøgelser og licenser vil i denne støtteordning kun kunne opnå dækning af op til 12 % af investeringsomkostningerne til udstyr og systemer

Berørt(e) sektor(er): Forarbejdning og afsætning. Berørte undersektorer kan henhøre under alle de nævnte sektorer, der vedrører de i traktatens bilag I nævnte landbrugsprodukter, undtagen fremstilling og afsætning af produkter, der imiterer eller erstatter mælk og mejeriprodukter, og undtagen forarbejdning og afsætning af sukker

Navn og adresse på den støttetildelende myndighed:

Gobierno de Navarra. Departamento de Agricultura, Ganadería y Alimentación.
c/ Tudela 20
E-31003 Pamplona

Websted: www.navarra.es

Andre oplysninger: Pamplona, den 24. maj 2006

Støttenummer: XA 44/06

Medlemsstat: Nederlandene

Region: Provinsen Fryslân

Støtteordningens benævnelse eller navnet på den virksomhed, der modtager individuel støtte: (Familien) Diever

Retsgrundlag: Algemene wet bestuursrecht, titel 4.2

Algemene Subsidieverordening Provincie Friesland 1998

Provinciewet artikel 145

Verordening met betrekking tot het verlenen van subsidies ten behoeve van het plattelandsbeleid voor de jaren 2005-2008

Forventede årlige udgifter til ordningen eller det samlede individuelle støttebeløb, der ydes til virksomheden: Det maksimale bidrag beløber sig til 45 000 EUR. Det forventes, at 80 % eller 36 000 EUR udbetales i 2006, mens den endelige afregning forventes at finde sted i 2007 og senest i 2008

Maksimal støtteintensitet: Den maksimale støtteintensitet er på 40 % af de støtteberettigede omkostninger. Det maksimale støttebeløb er på 45 000 EUR

Iværksættelsestidspunkt: Støttetilodelingsbeslutningen udsendes senest fire uger efter EU's bekræftelse af denne meddelelses modtagelse

Ordningens eller den individuelle støttes varighed: Det seneste afregningstidspunkt er 30 måneder efter beslutningens udstedelse, dvs. allersenset i slutningen af 2008. Projektet forventes at være færdigt allerede i 2007

Støttens formål: Projektets formål er at bevare den historiske bondegård i landskabet og indrette den, så den kan bruges til moderne landbrugsdrift.

Der gøres brug af artikel 5, stk. 3, i forordning 1/2004

Berørt(e) sektor(er): Malkekvægbrug

Den støttetiladelende myndigheds navn og adresse:

Provincie Friesland
Postbus 20120
8900 HM Leeuwarden
Nederland

Internetadresse: www.fryslan.nl

Sag nr.: XA 47/06

Medlemsstat: Frankrig

Støtteordning: Støtte til teknisk rådgivning i forbindelse med planteavl i væksthuse (frugt, grøntsager og blomsterdyrkning)

Retsgrundlag: Le décret n° 83-246 du 18 mars 1983 portant création d'un Office National Interprofessionnel des fruits, des légumes et de l'horticulture et les textes subséquents repris notamment dans la partie réglementaire du code rural (livre 6 »productions et marchés« — articles R 621-120, R 621-134, R 621-140 et R 621-161 à R 621-174)

Forventede årlige udgifter til ordningen: Det samlede budget for de planlagte støtteforanstaltninger er på 1 mio. EUR

Maksimal støtteintensitet: Op til 50 % af de støtteberettigede omkostninger.

Det samlede beløb for den offentlige støtte må over en treårig periode ikke overstige 100 000 EUR pr. støttemodtager eller 50 % af de støtteberettigede udgifter, alt efter hvilket af disse beløb der er det højeste

Gennemførelsesdato: Støtteordningen vil blive iværksat fra datoen for kvitteringen for modtagelsen med foranstaltningens identifikationsnummer, såfremt de tilsvarende bevillinger tilvejebringes og foranstaltningen offentliggøres på VINIFLHOR's internetsted

Ordningens eller den individuelle støttes varighed: Et år — der kan fornyes inden for rammerne af det afsatte budget

Formål: Denne støtteordning falder ind under artikel 14 i Kommissionens forordning (EF) nr. 1/2004 af 23. december 2003.

Den er et led i en plan, der tager sigte på at foretage strukturtilpasninger af planteavl i væksthuse. Målet er at dække behovene for landbrugsbedrifter, der beskæftiger sig med planteavl i væksthuse og har stigende udgifter til energiforsyning og brug for støtte til deres tilpasningsindsats.

De planlagte foranstaltninger sigter på at fremme landbrugsbedrifternes tilpasning til de voksende udgifter til energiforsyning ved, efter en analyse af bedriftens særlige situation, at rådgive dem om de bedste valg af tekniske løsninger og forvaltningsmetoder.

Ordningen gør det muligt at finansiere op til 50 % af udgifterne til teknisk, økonomisk og energimæssig rådgivning, herunder:

- tekniske og økonomiske analyser af bedrifternes udgiftsposter, navnlig til energiforsyning og udarbejdelse af forslag til forbedringer (støtten er begrænset til 50 % af udgifterne til analyser, dog højst 300 EUR pr. bedrift).
- revision af bedrifternes energiforbrug, og, hvis relevant, vurdering af de nødvendige investeringer (støtten er begrænset til 50 % af udgifterne til revision, dog højst 0,3 EUR pr. m² opvarmet overflade og højst for 3,5 ha)

Berørte sektorer: planteavl i væksthuse (frugt, grøntsager og blomsterdyrkning)

Den støttetiladelende myndigheds navn og adresse:

Office National Interprofessionnel des Fruits, des Légumes, des Vins et de l'Horticulture
164, rue de Javel
F-75739 Paris Cedex 15

Netadresse: www.oniflhor.fr

Sag nr.: XA 48/06

Medlemsstat: Frankrig

Region: Limousin

Støtteordning: Støtte til fortsat certificering som »økologisk landbrug« (fortsættelse af støtten registreret under sag nr. XA/54/05)

Retsgrundlag:

- Article 13 du règlement (CE) n° 1/2004 du 23 décembre 2003 de la Commission;
- Articles L. 1511-1 et L. 1511-2 du code général des collectivités territoriales;
- Décision du Conseil régional du Limousin du 10 mai 2006

Forventede årlige udgifter til ordningen: 85 000 EUR

Maksimal støtteintensitet: Conseil régional betaler en del af udgifterne til certificeringen, idet det yder en støtte på 80 % af enhedsprisen (eksklusiv skat) pr. certificering, som i 2006 er mellem 200 EUR og 800 EUR

Gennemførelsesdato: Straks efter Europa-Kommissionens registrering og kvittering for modtagelsen

Ordningens eller den individuelle støttes varighed: Indtil den 31. december 2006

Formål: I henhold til Rådets forordning (EØF) nr. 2092/91 skal alle erhvervsdrivende, der er beskæftiget med økologisk landbrugsvirksomhed, kontrolleres og certificeres af kontrolorganer, der er anerkendt af landbrugsministeriet og opfylder kravene i standard EN 45011. Formålet med denne støtte er at fremme udviklingen af økologisk landbrug ved at finansiere udgifterne til certificering af bedrifterne

Berørt(e) sektor(er): Alle landbrugere med hovedsæde i Limousin, der anvender økologiske produktionsmetoder, og som i 2006 har anmeldt deres aktiviteter som »økologisk landbrug« eller »omstilling til økologisk landbrug«, og som pr. 1. juli 2005 ikke modtager støtte til omstilling (CTE-CAB1 eller CAD2-CAB), eller hvor støtten via CTE eller CAD/CAB (over en 5-årig periode) og den støtte, de har anmodet om til certificering, sammenlagt ikke overstiger 15 000 EUR. Anmeldelse af økologisk drift er obligatorisk og indgives til »Agence Bio«. Støttebeløbet vil blive kontrolleret på grundlag af en kopi af CTE/CAD/CAB-kontrakten

Den støttetildelende myndigheds navn og adresse:

Monsieur le Président du Conseil Régional du Limousin
27 boulevard de la Corderie
F-87031 Limoges Cedex

Netadresse:

<http://www.cr-limousin.fr> rubrique »guide des aides«

Sag nr.: XA 52/2006

Medlemsstat: Det Forenede Kongerige

Region: England

Støtteordningens betegnelse eller navnet på den virksomhed, der modtager individuel støtte: EBLEX Beef Better Returns Programme

Retsgrundlag: Section 1 of the Agriculture Act 1967

Forventede årlige udgifter til ordningen eller det samlede individuelle støttebeløb til virksomheden: 0,402 mio. GBP om året

Maksimal støtteintensitet: 100 %

Gennemførelsesdato: 6. juli 2006

Støtteordningens eller den individuelle støttes varighed: Ordningen løber indtil den 30. juni 2009. Det kan dog blive nødvendigt at tilpasse bestemmelserne i ordningen inden dette tidspunkt som følge af ændringer i EU-reglerne for statsstøtte

Målet med støtten: Ordningens generelle mål er at fokusere på uddannelse og undervisning af oksekødsproducenter for at sætte dem i stand til at tilpasse sig udviklingen på markederne. Med henblik herpå vil der blive afholdt uddannelseskurser, seminarer og tilvejebragt informationer via internettet. Dette er i overensstemmelse med artikel 14 om teknisk bistand i landbrugssektoren

Berørt(e) sektor(er): Kvægproduktion

Navn og adresse på den støttetildelende myndighed:

Meat and Livestock Commission
PO Box 44
Winterhill House
Snowdon Drive
Milton Keynes MK6 1AX
United Kingdom

Websted: <http://www.eblex.org.uk/betterReturns/beef>

Andre oplysninger: Yderne af teknisk bistand vil blive udvalgt og aflønnet af Meat and Livestock Commission via dennes beef sector Executive Committee (EBLEX), på markedsvilkår og på ikke-diskriminerende grundlag. Der vil ikke blive udbetalt støtte direkte til modtagerne. Der vil blive anvendt udbudsprocedurer i overensstemmelse med EU-reglerne.

Underskrevet og dateret på vegne af Department for Environment, Food and Rural Affairs (den ansvarlige myndighed i Det Forenede Kongerige):

Neil Marr
Agricultural State Aid Advisor
Defra
8B 9 Millbank
c/o 17 Smith Square
London SW1P 3JR
United Kingdom

Støttenummer: XA 54/06

Medlemsstat: Nederlandene

Støtteordningens benævnelse eller navnet på den virksomhed, der modtager individuel støtte: Ordning for fremme af økologiske produktionsmetoder

Retsgrundlag: Artiklen 2 en 4 van de Kaderwet LNV-subsidies

Forventede årlige udgifter til ordningen eller det samlede individuelle støttebeløb, der ydes til virksomheden: Udgifterne er knyttet til de udgifter, bedrifterne pådrager sig ved at tilslutte sig kontrolordningen i artikel 8, stk. 1, i forordning 2092/91 om økologisk produktionsmetode for landbrugsprodukter og om angivelse heraf på landbrugsprodukter og levnedsmidler. Denne kontrolordning går på grundlag af forordningens artikel 9 ud på at føre tilsyn med, at forordningens forskrifter efterleves. Udgifterne kan være forskellige fra det ene år til det andet. I 2006 er støtten pr. bedrift på 650 EUR (basisbidrag) og 150 EUR (tilslutningsbidrag). Dette beløb kan i støtteperioden blive højere, efterhånden som taksterne for tilslutning til kontrolordningen stiger. Hvis der som udgangspunkt benyttes en gennemsnitsudgift på ca. 800 EUR pr. bedrift om året i løbet af fem år, bliver støtten på ca. 24 800 EUR om året i fem år

Maksimal støtteintensitet: Tilskuddet til tilslutningsomkostningerne kan højst være på 3 000 EUR om året pr. bedrift

Iværksættelsestidspunkt: Fra den 1. januar 2006

Ordningens eller den individuelle støttes varighed: Hver bedrift vil i fem år få et tilskud til de udgifter, bedriften pådrager sig ved at tilslutte sig kontrolordningen

Støttens formål: Støtte til små og mellemstore virksomheder og fremme af produktion og afsætning af kvalitetslandbrugsprodukter, således som omtalt i artikel 13 i rammebestemmelserne for statsstøtte i landbrugssektoren. Produkter, der fremstilles i overensstemmelse med forskrifterne i forordning 2092/91, må anses for kvalitetsprodukter. Godtgørelse af de udgifter, bedrifterne pådrager sig ved at tilslutte sig kontrolordningen. Deltagelse i kontrolordningen i artikel 9 i forordning 2092/91 kan for bedrifter, der producerer i overensstemmelse med forordningens forskrifter, betyde en tilskyndelse til at fortsætte med denne produktionsmetode

Berørt(e) sektor(er): Producenter af landbrugsprodukter, som ikke er bestemt til konsum. Det drejer sig bl.a. om producenter, der fremstiller økologiske træer, planter, blomster og blomsterløg

Den støttetildelende myndigheds navn og adresse:

Ministerie van Landbouw, Natuur en Voedselkwaliteit, Dienst Regeling
Postbus 20401
2500 ER Den Haag
Nederland

Internetadresse: www.wetten.nl of www.overheid.nl > officiële publicaties > selecteren departementale regelgeving Staatscourant > invoeren titel regeling: Subsidieregeling voortzetting biologische productiemethode

Andre oplysninger: Under ordningen for fremme af økologiske produktionsmetoder gives der støtte til alle økologiske landbrugere. Støtten til økologiske landmænd, der fremstiller produkter til menneskelig konsum, ydes som regel på grundlag afsnit II, kapitel 6a, i Rådets forordning 1257/1999 af 17. maj 1999 om støtte til udvikling af landdistrikterne fra Den Euro-

pæiske Udviklings- og Garantifond for Landbruget (EUGFL) og om ændring og ophævelse af visse forordninger (EFT L 160). I slutningen af 2005 indgav Kongeriget Nederlandenes regering på dette grundlag en anmodning om ændring af Nederlandenes udviklingsplan for landdistrikterne i 2005. Da det på grund af denne anmodning ikke er muligt at yde støtte til landmænd, der fremstiller økologiske produkter, som ikke er beregnet til konsum, drejer denne støtteanmeldelse sig om støtte til disse landmænd

Sag nr.: XA 58/06

Medlemsstat: Frankrig

Region: Département d'Indre-et-Loire

Støtteordningens benævnelse: Støtte til betaling af forsikringer mod haglskader på følsomme afgrøder

Retsgrundlag:

- Article 11 du règlement (CE) n° 1/2004 de la Commission
- Loi 64.706 du 10 juillet 1964
- Article L 361-8 du livre III (nouveau) du code rural
- Article L 122.7 du code des assurances
- Décret n° 2006-370 fixant les modalités d'application de l'article L.361-8 du livre II (nouveau) du code rural en vue de favoriser le développement de l'assurance contre certains risques agricoles et notamment son article 7

Forventede årlige udgifter til ordningen: 80 000 EUR

Maksimal støtteintensitet: 10 % af udgifterne i 2006 til præmier eller bidrag til forsikring af frugtavl fra træer og buske, frugtgrøntsagsavl og bladgrøntsagsavl og 4 % af udgifterne i 2006 til præmier eller bidrag til forsikring af andre følsomme afgrøder, f.eks. vinstokke og blomster

Gennemførelsesdato: 2006

Ordningens eller den individuelle støttes varighed: Et år

Støttens formål: Opmuntre landbrugere, der af økonomiske årsager ikke kan forsikre sig mod flere klimatiske risici, til i det mindste at forsikre sig mod haglskader ved at lade staten dække en del af forsikringspræmien

Berørt(e) sektor(er): Frugtavl fra træer og buske, frugtgrøntsagsavl, bladgrøntsagsavl, vinstokke og blomster

Den støttetildelende myndigheds navn og adresse:

Conseil Général d'Indre-et-Loire
Place de la Préfecture
F-37927 Tours Cedex 9

Websted: www.cg37.fr

Støtte nr.: XA 59/06

Medlemsstat: Nederlandene

Region: Provinsen Noord-Brabant

Støtteordningens benævnelse: Administrative regler for støttetildeling på grundlag af aftalen om Stuurgroep Landbouw Innovatie Noord-Brabant (styringsgruppen for landbrugsinnovation i Noord-Brabant — forkortet styringsgruppen)

Retsgrundlag: Algemeene subsidieverordening Provincie Noord-Brabant.

Ansøgninger, der opfylder betingelserne i forordningen (EF) 1/2004, kan komme i betragtning med henblik på støtte

Forventede årlige udgifter til ordningen: Inden for rammerne af aftalen om styringsgruppen stiller provinsen Noord-Brabant hvert år i alt 481 460,81 EUR til rådighed for fremme af landbruget. Heraf afsættes 113 445,05 EUR direkte til økologisk landbrug

Maksimal støtteintensitet: Den maksimale støtteintensitet med offentlige midler (i procent af den støtteberettigede investering) er på 40 %. For investeringer, der medfører miljøbeskyttelse eller miljøforbedring, kan denne procentdel forhøjes med 10 % eller 20 %.

Der bliver ikke ydet over 35 000 EUR om året i støtte pr. støtteansøgning

Iværksættelsestidspunkt: 1. september 2006

Ordningens varighed: Indtil den 1. januar 2008. Foranstaltningerne tilpasses efter ændring af forordning 1/2004 om nødvendigt til de relevante bestemmelser. Der vil blive sendt en meddelelse til Kommissionen herom

Støttens formål: Støtteforanstaltningen skal bidrage til gennemførelse af integreret projektstyret innovation i land- og gartnerbruget med henblik på at forbedre miljø- og vandkvaliteten og den fysiske og økonomiske struktur i provinsen Noord-Brabant. Støtten gavner især små virksomheder, der producerer, forarbejder og afsætter landbrugsprodukter. I praksis betyder det støtte til små innovationsprojekter, hvori landbrugets og gartnerbrugets økonomiske, økologiske og samfundskulturelle aspekter så vidt muligt underbygges hinanden.

Blandt de aktiviteter, som styringsgruppen kan støtte økonomisk, er:

- Markedsundersøgelser og udvikling af kvalitetsprodukter med henblik på at fremme produktion og afsætning af dem (artikel 13 i forordning 1/2004).
- Støtte til udvikling og overførsel af viden blandt landmænd og landbrugsmedhjælpere ved hjælp af producentmøder, ansættelse af konsulenter, udarbejdelse og udbredelse af oplysningsmateriale (artikler, brochurer, internet) af tidsbegrænset varighed (artikel 14 i forordning 1/2004).
- Investeringer i fast ejendom, materiel og ansættelse af konsulenter og i (gennemførligheds)undersøgelser og fælles

foretagender med henblik på at sænke produktionsomkostningerne, forbedre og omlægge produktionen, forbedre produktkvaliteten og forbedre dyrevelfærden til gavn for miljøet (artikel 4 i forordning 1/2004).

- Investeringer i fast ejendom, materiel og ansættelse af konsulenter og i (gennemførligheds)undersøgelser med henblik på at forbedre forarbejdning og afsætning og forbedre miljøpræstationerne, fødevarer sikkerheden og dyrevelfærden (artikel 7 i forordning 1/2004)

Berørt(e) sektor(er): Det drejer sig i princippet om alle produktionssektorer i land- og gartnerbruget (animalsk og vegetabilsk produktion). De dertil knyttede led i fødevarerekæden (leverandører, aftagere og detailsalg) inddrages kun i projekterne, når dette styrker den primære sektor

Den støttetildelende myndigheds navn og adresse:

Gedeputeerde Staten van Noord-Brabant
Brabantlaan 1
Postbus 90151
5200 MC 's-Hertogenbosch
Nederland

Internetadresse:

<http://www.brabant.nl/Werken/Landbouw.aspx>

Støtte nr.: XA 60/06

Medlemsstat: Det Forenede Kongerige

Region: De traditionelle småbrugsdistrikter i Skotland, således som de fremgår af paragraf 61 i Crofters (Scotland) Act 1993

Støtteordningens benævnelse: Crofting Counties Agricultural Grants Scheme (tilskudsordning for småbrugsdistrikterne)

Retsgrundlag: Titel: Crofters (Scotland) Act 1993 (sections 42(1), (2) and (3). Also 46 (4)

Denne lov har til formål at bistå og udvikle landbrugsproduktionen på husmandsbrug, og ministeren kan efter at have rådspurgt Kommissionen med finansministeriets godkendelse udarbejde ordninger for tilskud og lån til husmænd.

Der vil desuden blive udarbejdet en ny bekendtgørelse om bemyndigelse til at anvende ordningens bestemmelser

Forventede årlige udgifter til ordningen: 2006-2007: 3,16 mio. GBP

2007-2008: 2,40 mio. GBP

I alt: 5,56 mio. GBP

Maksimal støtteintensitet: 50 % i ugunstigt stillede områder (USO)

40 % i alle andre områder (ikke USO)

Iværksættelsestidspunkt: 21. juli 2006

Ordningens varighed: Ordningen vil blive iværksat den 21. juli 2006 og varer indtil den 31. marts 2009. Det kan dog blive nødvendigt at foretage ændringer af ordningens bestemmelser inden da af hensyn til eventuelle ændringer af de europæiske statsstøtteregler

Støttens formål: Husmandsbrugets overlevelse er vigtig for at fastholde befolkningen i disse vidtstrakte og afsidesliggende egne af Skotland, da husmandsfamilierne ofte udgør en væsentlig del af de eksisterende lokalsamfund. Husmandsjorden er husmændenes fælles bindeled, og opmuntring til nyttig anvendelse af denne jord til landbrugsformål medvirker til at fastholde befolkningen. Husmændene står over for ulemper, som ikke rammer andre producenter i EU, det gælder således klima, afsondrethed og ringe jordkvalitet. Ordningen søger at hjælpe husmændene med at udvikle deres bedrifter og forbedre bæredygtigheden på længere sigt. Dette er i overensstemmelse med artikel 4, når det gælder investering i landbrugsbedrifter, da der er tale om investering i et husmandsbrug, som er en landbrugsbedrift

Berørt(e) sektor(er): Landbruget

Den støttetildelende myndigheds navn og adresse:

Scottish Executive Environment and Rural Affairs Department
Rural Communities Division
Area 1D
Pentland House
47 Robbs Loan
Edinburgh EH14 1TY
United Kingdom

Netadresse: http://www.crofterscommission.org.uk/documents/060508CCAGS_GUIDANCE_NOTES.pdf

Andre oplysninger: Yderligere, mere detaljerede oplysninger om støtteberettigelse og om ordningens bestemmelser findes på ovenstående netadresse.

Underskrevet og dateret på vegne af Ministeriet for Miljø, Fødevarer og Landbrug (Det Forenede Kongeriges kompetente myndighed)

Neil Marr
Agricultural State Aid Advisor
Defra
8E 9 Millbank
c/o 17 Smith Square
London SW1P 3JR
United Kingdom

Støttenummer: XA 61/06

Medlemsstat: Spanien

Region: País Vasco

Støtteordningens benævnelse eller navnet på den virksomhed, der modtager en individuel støtte: Støtteordning for sammenslutninger af landmænd, der producerer spise- og læggekartofler, som adskiller sig fra kartofler til stivelsesindustrien

Retsgrundlag: Orden del Consejero de Agricultura, Pesca y Alimentación, pendiente de publicación, por la que se procede a la convocatoria de ayudas a las Agrupaciones de Productores Agrarios de Patata de consumo y de siembra, prevista en el Decreto 13/2004, de 20 de enero

Forventede årlige udgifter til ordningen eller det samlede individuelle støttebeløb, der ydes til virksomheden: De budgetterede offentlige udgifter til samtlige støttemodtagere beløber sig til i alt 150 000 EUR i 2006

Maksimal støtteintensitet: Den maksimale støtte bliver på 100 % af de støtteberettigede omkostninger i det første år, den er midlertidig og degressiv, og det samlede støttebeløb til en producentsammenslutning kan under ingen omstændigheder være over 100 000 EUR, således som fastsat i artikel 10 i forordning 1/2004

Iværksættelsestidspunkt: Fra dagen efter datoen for offentliggørelse af indkaldelsen af støtteansøgninger i País Vasco's officielle tidende

Ordningens eller den individuelle støttes varighed: Indtil den 31. december 2006

Støttens formål:

- Denne støtte bygger hovedsagelig på artikel 10 i Kommissionens forordning (EF) nr. 1/2004 af 23. december 2004 om anvendelse af EF-traktatens artikel 87 og 88 på statsstøtte til små og mellemstore virksomheder, der beskæftiger sig med produktion, forarbejdning og afsætning af landbrugsprodukter (offentliggjort i Den Europæiske Unions Tidende af 3. januar 2004). Inden for rammerne af denne artikel omfatter støtten de støtteberettigede udgifter i stk. 3.
- Hovedformål: Støtte til producentsammenslutninger, hvis medlemmer beskæftiger sig med produktion af disse produkter og afsætter dem efter interne regler, som er udarbejdet for sammenslutningen til dette formål.
- Støtteberettigede udgifter: Leje til markedspris af egnede lokaler, anskaffelse af kontorudstyr, udgifter til administrativt personale, generalomkostninger, advokatsalærer og administrationsgebyrer

Berørt(e) sektor(er): Landbruget (producentsammenslutninger)

Den støttetildelende myndigheds navn og adresse:

Dirección de Agricultura y Ganadería
Departamento de Agricultura, Pesca y Alimentación del Gobierno Vasco
c/ Donostia — San Sebastian, 1
E-01010 Vitoria-Gasteiz

Internetadresse: <http://www.euskadi.net/bopv>

Kortfattede oplysninger fra medlemsstaterne om statsstøtte, der er ydet efter Kommissionens forordning (EF) nr. 1/2004 af 23. december 2003 om anvendelse af EF-traktatens artikel 87 og 88 på statsstøtte til små og mellemstore virksomheder, der beskæftiger sig med produktion, forarbejdning og afsætning af landbrugsprodukter

(2006/C 258/03)

Støttenummer: XA 53/06 (b)

Medlemsstat: Nederlandene

Region: Provinsen Limburg

Støtteordningens benævnelse eller navnet på den virksomhed, der modtager individuel støtte: Kwekerij Litjens (støtte til dækning af uforholdsmæssigt store omkostninger i forbindelse med en arkæologisk undersøgelse og udgravning i Horst/Meterik)

Retsgrundlag: Artikel 4:23, stk. 3, litra d), i Algemene wet bestuursrecht (almindelig lov om forvaltningsret). Afgørelse fra Gedeputeerde Staten (regionalforsamlingen) af 16. maj 2006

Forventede årlige udgifter til ordningen eller det samlede individuelle støttebeløb, der ydes til virksomheden: 80 000 EUR

Maksimal støtteintensitet: 80 000 EUR

Iværksættelsestidspunkt: Den 16. maj 2006. I forbindelse med udbetalingen tages der hensyn til ankemulighederne i Algemene wet bestuursrecht og tidspunktet for offentliggørelse af bekendtgørelsen i *Den Europæiske Unions Tidende*

Ordningens eller den individuelle støttes varighed: Der ydes et forskud på 50 % af støtten. De resterende 50 % udbetales efter projektafslutningen

Målet med støtten: I forbindelse med forundersøgelserne inden for rammerne af en forespørgsel i henhold til artikel 19 i Wet op de Ruimtelijke Ordening (loven om fysisk planlægning) — i overensstemmelse med kravene på nationalt niveau og provinsniveau — med henblik på udvidelse af en gruppe væksthuse i Horst-Meterik er man stødt på et arkæologisk fund af en så ekstraordinær karakter, at det må udgraves. Omkostningerne ved udgravningen er uforholdsmæssigt store i forhold til investeringsomkostningerne og den skønnede avance ved dette specifikke initiativ.

En nærmere undersøgelse har vist, at planeringen og funderingen af byggeriet medfører så store huller i jordlagene, at den tilbageværende information bliver usammenhængende og dermed ikke længere har nogen videre arkæologisk betydning. Selve fundpladsen er ret enestående for Limbourg og må udgraves på familien Litjens vegne. Ud fra den synsvinkel — og det faktum, at bevaring in situ ikke er en gangbar løsning (se nedenfor) — er det valgt at foretage en udgravning.

Udgravningsomkostningerne skønnes for øjeblikket til 160 000 EUR (uden moms). Dette er normalt set ikke en uoverkommelig sum for en bygherre eller en kommune, idet omkostningerne kan indregnes i jord- og huslejepriser. Men i dette tilfælde drejer det sig om en privatperson eller en lille virksomhed (paprikaavler), hvis avance ikke er af en sådan art,

at den kan betale for udgravningerne (mistet fortjeneste som følge af den arkæologiske udgravning). Ud fra den synsvinkel og det faktum, at fundet er ret enestående for Limbourg, besluttede provinsen Limburg og kommunen Horst aan de Maas at bidrage til finansieringen af udgravningen. Omkostningerne fordeles således:

— Provinsen Limburg:	80 000 EUR
— Kommunen Horst aan de Maas:	40 000 EUR
— Familien Litjens:	40 000 EUR
	<hr/>
	160 000 EUR

Den støttetildelende myndigheds navn og adresse:

Provincie Limburg
Postbus 5700
6202 MA Maastricht
Nederland

Websted: [http://www.limburg.nl/nl/html/socrates/PSINFO/Openbare %20besluitenlijsten %20GS2006/060323-0235.doc](http://www.limburg.nl/nl/html/socrates/PSINFO/Openbare%20besluitenlijsten%20GS2006/060323-0235.doc)

Sag nr.: XA 73/06

Medlemsstat: Den Tjekkiske Republik

Region: Vysočina

Støtteordningens betegnelse eller navnet på den virksomhed, der modtager en individuel støtte: »Podpora poskytování technické podpory v odvětví zemědělství« (»Teknisk støtte til landbrugssektoren«)

En landbrugsiværksætter, dvs. en fysisk eller juridisk person, hvis indkomst stammer fra landbrugsproduktion, der udføres som en løbende, uafhængig aktivitet i eget navn eller under eget ansvar for at opnå en fortjeneste.

Juridiske enheder, der er oprettet til ikke-forretningsmæssige formål, dvs. borgerforeninger, almennyttige selskaber eller interessegrupper bestående af juridiske personer

Retsgrundlag:

1. Zákon č. 129/ 2000 Sb., o krajích (krajské zřízení), ve znění pozdějších předpisů
2. Zákon č. 250/2000 Sb., o rozpočtových pravidlech územních rozpočtů, ve znění pozdějších předpisů
3. Zákon č. 252/ 1997 Sb., o zemědělství, ve znění pozdějších předpisů
4. Program rozvoje kraje Vysočina

Forventede årlige udgifter til ordningen eller det samlede individuelle støttebeløb, der ydes til virksomheden:

Maksimal årlig støtte: 200 000 CZK

Maksimal støtteintensitet: Maks. 100 % af de støtteberettigede udgifter.

De støtteberettigede udgifter, der kan nyde godt af et finansielt tilskud, er på 5 000-200 000 CZK pr. individuelt projekt.

Maksimumsbeløbet for den finansielle støtte er på 200 000 CZK pr. modtager/projektansvarlig.

Det samlede finansielle bidrag under denne foranstaltning kan højst være på 100 000 EUR pr. modtager over en periode på tre år

Gennemførelsesdato: Fra 1. september 2006**Ordningens eller den individuelle støttes varighed:** Indtil 31. december 2006**Støttens formål:** Støtten skal øge den faglige kompetence hos erhvervsdrivende, der er aktive i landbrugssektoren, med henblik på at øge arbejds effektiviteten og -produktiviteten.

Støtten er i overensstemmelse med den almindelige lovgivning i Den Tjekkiske Republik såvel som målsætningerne og prioriteterne i udviklingsprogrammet for Vysočina-regionen. Støtten reguleres gennem Kommissionens forordning (EF) nr. 1/2004 af 23. december 2003 om anvendelse af EF-traktatens artikel 87 og 88 på statsstøtte til små og mellemstore virksomheder, der beskæftiger sig med produktion, forarbejdning og afsætning af landbrugsprodukter (artikel 14 — Teknisk bistand i landbrugssektoren).

Følgende betragtes som støtteberettigede udgifter: udgifter til tilrettelæggelse af konkurrencer og udstillinger vedrørende landbrugssektoren, herunder støtte til udgifter vedrørende udstilleres deltagelse i sådanne begivenheder, udgifter til uddannelsesarrangementer vedrørende landbrugssektoren i form af kurser,

seminarer eller workshops samt udgifter til teknologisk og økonomisk rådgivning til landbrugsiværksættere

Berørt sektor: Landbrug**Den støttetildelende myndigheds navn og adresse:**

Krajský úřad kraje Vysočina

Žižkova 57

CZ-587 33 Jihlava

Websted: <http://www.kr-vysocina.cz/>**Andre oplysninger:** Den regionale myndighed i Vysočina-regionen erklærer, at betingelserne i Kommissionens forordning (EF) nr. 1/2004 vil blive opfyldt, dvs. støtten vil blive koncentreret om små og mellemstore virksomheder, og at den finansielle ramme i nævnte forordning vil blive overholdt**Sag nr.:** XA 74/2006**Medlemsstat:** Frankrig**Region:** Département de Saône-et-Loire**Støtteordningens betegnelse:** Udvikling af en miljøvenlig og holdbar politik**Retsgrundlag:**

— Art. L 3231-2 et subséquents du Code général des collectivités territoriales permettant aux collectivités territoriales d'accorder des aides pour favoriser le développement économique

— Art. L. 1511-2 du Code général des collectivités territoriales

— Délibération du Conseil général du 15.12.2006

Forventede årlige udgifter til ordningen: Årlige udgifter på maksimalt 100 000 EUR**Maksimal støtteintensitet:**

Aktivitet	Arten af støtteberettigede udgifter	Maksimal støtteberettigede udgifter i EUR (ekskl. afgifter)	Ordningens generelle støttesats
Kompostering på landbrugsbedrifter	Komposteringsanlæg og kompostlagre med opsamling af spildevand	20 000	20 %
Udvikling og anvendelse af biobrændstoffer	Presse — udstyr og anlæg til udnyttelse af olieåger — tilpasning af landbrugsmaskiner til udnyttelse af biobrændstoffer	10 000	30 %
Opsamling og udnyttelse af regnvand	Nyt lagerudstyr med pumpe (kun selve pumpen er udelukket)	5 000	20 %

Gennemførelsesdato: Straks efter modtagelse af Europa-Kommissionens kvittering for modtagelsen i 2006

Ordningens eller den individuelle støttes varighed: Syv år, dog afhængigt af eventuelle ændringer af EU-lovgivningen og budgetbevillinger

Støttens formål: At bidrage til at forbedre praksis på landbrugsbedrifterne og dermed opnå en bedre beskyttelse af miljøet ved:

- at fremme kompostering på bedrifterne og dermed udnytte gæringsdygtigt affald fra bedriften og grønt affald fra landbrugsområder
- at fremme fremstillingen og brugen af biobrændstoffer på landbrugsbedrifter
- at tilskynde landbrugere til at foretage besparelser gennem indsamling og udnyttelse af regnvand ved at indføre støtte til anlæg og udstyr til indsamling og opbevaring af regnvand og til pumper (med henblik på at begrænse forbruget af vand på landbrugsbedrifterne, navnlig forbruget af vand til rengøring af maskiner mv.).

Berørt(e) sektor(er): Alle landbrugsproduktionssektorer i departementet

Den støttetildelende myndigheds navn og adresse:

MONSIEUR LE PRÉSIDENT DU CONSEIL GÉNÉRAL DE SAÔNE-ET-LOIRE
 Direction de l'Équipement rural et de l'agriculture
 Service des Affaires Agricoles
 Espace Duhesme — 18, rue de Flacé
 F-71026 Macon Cedex 9

Websted: <http://www.cg71.com>

Sag nr.: XA 75/06

Medlemsstat: Frankrig

Region: Département de Saône-et-Loire

Støtteordningens betegnelse: Fællesindkøb af udstyr

Retsgrundlag:

- Art. L 3231-2 et subséquents du Code général des collectivités territoriales permettant aux collectivités territoriales d'accorder des aides pour favoriser le développement économique
- Art. L. 1511-2 du Code général des collectivités territoriales
- Délibération du Conseil général du 15.12.2006

Forventede årlige udgifter til ordningen: Årlig støtte på maksimalt 60 000 EUR

Maksimal støtteintensitet: Støtteberettigede udgifter: Nyt udstyr.

Kompostspredere — maksimal støtteberettiget udgift: 22 500 EUR

Kompostvendere — maksimal støtteberettiget udgift: 36 800 EUR

Græsslåmaskiner til vinmarker — maksimal støtteberettiget udgift: 22 500 EUR

Hækkeklippere — maksimal støtteberettiget udgift: 22 500 EUR

Mobile flishuggere eller shreddere — maksimal støtteberettiget udgift: 22 500 EUR

Traktorer med stor frihøjde — maksimal støtteberettiget udgift: 80 000 EUR

Ikke-støtteberettigede udgifter: Udstyr, der blot skal erstatte eksisterende udstyr.

Støttesats: 20 %, dog ikke for traktorer med stor frihøjde (støttesats på 15 %). Samlet loft på 40 %, inkl. andre finansieringskilder).

Forhøjelse på 5 %, hvis investeringen ledsages af en investeringsplan for en periode på mindst tre år

Gennemførelsesdato: Straks efter modtagelse af Europa-Kommissionens kvittering for modtagelsen i 2006

Ordningens eller den individuelle støttes varighed: Syv år, dog afhængigt af eventuelle ændringer af EU-lovgivningen og budgetbevillinger

Støttens formål: Kollektivt landbrug har under de seneste kriser vist, at det er effektivt, og derfor ønsker departementet at hjælpe maskinstationerne ved at yde støtte til deres maskinindkøb som supplement til den støtte, de modtager på regionalt niveau, dog kun op til et bestemt loft. Det udstyr, der kan ydes støtte til, tjener at forbedre de **miljøvenlige** dyrkningsforhold på bedrifterne.

Der kan på departementsniveau ydes støtte til udgifter til følgende maskiner i overensstemmelse med artikel 4 i Kommissionens forordning (EF) nr. 1/2004 af 23. december 2003: kompostspredere, kompostvendere, græsslåmaskiner til vinmarker, hækkeklippere, mobile flishuggere eller shreddere og traktorer med stor frihøjde

Berørt(e) sektor(er): Alle landbrugsproduktionssektorer i departementet.

Den støttetildelende myndigheds navn og adresse:

MONSIEUR LE PRÉSIDENT DU CONSEIL GÉNÉRAL DE SAÔNE-ET-LOIRE
 Direction de l'Équipement rural et de l'agriculture
 Service des Affaires Agricoles
 Espace Duhesme — 18, rue de Flacé
 F-71026 Macon Cedex 9

websted: <http://www.cg71.com>

XA nummer: XA 76/06

Medlemsstat: Den Slovakiske Republik

Region: Mellemslovakiet

Støtteordningens benævnelse eller navnet på den virksomhed, der modtager individuel støtte: Landbrugskollektivet Belá — Dulice,

SK-038 11 Belá — Dulice 1, IČO: 00196452

Retsgrundlag:

— Ustanovenie § 240 ods. 3 v spojení s ustanovením § 277a zákona č. 461/2003 Z. z. o sociálnom poistení v znení zákona č. 721/2004 Z. z.

— Ustanovenie § 5 ods. 2 písm. b) zákona 231/1999 Z. z. o štátnej pomoci

— Metodické usmernenie Sociálnej poisťovne č. 30/2005

— Kommissionens forordning (EF) nr. 1/2004, artikel 4, stk. 3, litra c)

Forventede årlige udgifter til ordningen eller det samlede individuelle støttebeløb, der ydes til virksomheden: 393 226 SKK svarende til 10 324,144 EUR (valutakurs pr. 3.8.2006)

Maksimal støtteintensitet: 13,85 %

Iværksættelsestidspunkt: 2006

Støtteordningens eller den individuelle støttes varighed: August 2006

Støttens formål: SMV — landbrugssektoren

Berørt(e) sektor(er): Landbrugssektoren

Den støttetildelende myndigheds navn og adresse:

Sociálna poisťovňa, pobočka Martin
Nám. SNP 4, SK-036 25 Martin

Netadresse: www.socpoist.sk

XA nummer: XA 77/06

Medlemsstat: Den Slovakiske Republik

Region: Mellemslovakiet

Støtteordningens benævnelse eller navnet på den virksomhed, der modtager individuel støtte: AFG, s.r.o., Džiny 122/40

SK-039 18 Turčianske Teplice, IČO: 36383422

Retsgrundlag:

— Ustanovenie § 240 ods. 3 v spojení s ustanovením § 277a zákona č. 461/2003 Z. z. o sociálnom poistení v znení zákona č. 721/2004 Z. z.

— Ustanovenie § 5 ods. 2 písm. b) zákona 231/1999 Z. z. o štátnej pomoci

— Metodické usmernenie Sociálnej poisťovne č. 30/2005

— Kommissionens forordning (EF) nr. 1/2004, artikel 4, stk. 3, litra c)

Forventede årlige udgifter til ordningen eller det samlede individuelle støttebeløb, der ydes til virksomheden: 955 843 SKK svarende til 25 095,646 EUR (valutakurs pr. 3.8.2006)

Maksimal støtteintensitet: 35,5 %

Iværksættelsestidspunkt: 2006

Ordningens eller den individuelle støttes varighed: August 2006

Støttens formål: SMV — landbrugssektoren

Berørt(e) sektor(er): Landbrugssektoren

Den støttetildelende myndigheds navn og adresse:

Sociálna poisťovňa, pobočka Martin
Nám. SNP 4, SK-036 25 Martin

Internetadresse: www.socpoist.sk

Støttenummer: XA 78/06

Medlemsstat: Polen

Støtteordningens benævnelse eller navnet på den virksomhed, der modtager individuel støtte: Støtte til ejere af heste af engelsk fuldblodsrace eller racerene fuldblodsaraberheste for at hestene kan deltage i væddeløb, der arrangeres af hensyn til avlskontrollen, så de ved umiddelbar sammenligning på væddeløbsbanen kan klassificeres efter hurtighed og ydeevne

Retsgrundlag:

1) Ustawa z dnia 30 maja 2005 r. o finansach publicznych (Dz.U. z 2005 r., nr 249, poz. 2104, z późn. zm.)

2) Rozporządzenie Ministra Rolnictwa i Rozwoju Wsi z dnia 30 maja 2006 r. w sprawie stawek dotacji przedmiotowych dla różnych podmiotów wykonujących zadania na rzecz rolnictwa (Dz.U. z 2006 r., nr 98, poz. 683, z późn. zm.)

Forventede årlige udgifter til ordningen eller det samlede individuelle støttebeløb, der ydes til virksomheden: De forventede udgifter til støtteordningen anslås til 2 000 000 PLN

Maksimal støtteintensitet (pr. støtteberettiget enhed): 820 PLN

Iværksættelsestidspunkt: Efter modtagelse af en bekræftelse fra Europa-Kommissionen med støtteordningens identifikationsnummer på dens modtagelse af disse kortfattede oplysninger

Ordningens eller den individuelle støttes varighed: Fra den 3. uge i august 2006 til december 2006

Støttens formål: I overensstemmelse med artikel 14, stk. 2, litra d), nr. i), i Kommissionens forordning (EF) nr. 1/2004 af 23. december 2003 om anvendelse af EF-traktatens artikel 87 og 88 på statsstøtte til små og mellemstore virksomheder, der beskæftiger sig med produktion, forarbejdning og afsætning af landbrugsprodukter består støtten i et tilskud til gebyret for at tilmelde hestene til et af løbene i 2006, så deltagelse af et tilstrækkeligt antal dyr sikres, og avlskontrollen kan finde sted. Da det i årets løb ikke var muligt at finde en arrangør til væddeløbsbanen i Szuzewiec i Warszawa, som havde ret til at afholde totalisatorspil, var avlskontrollen for rundt regnet 970 heste i fare. Denne avlskontrol, som gennemføres for heste i en bestemt aldersklasse, er vigtig for at bedømme deres avlsværdi og for at afgøre, om de egner sig til videre avlsbrug. Heste, der ikke har været underkastet en sådan bedømmelse af deres avlsværdi, er praktisk talt tabt for avlsarbejde. For at forhindre en sådan situation blev der taget initiativ til at arrangere et løb på væddeløbsbanen Szuzewiec udelukkende med henblik på avlskontrol, således at tilskuerne ikke betaler entré, og der ikke bliver afholdt totalisatorspil. Under disse omstændigheder består den fremtidige arrangørs indtægter hovedsagelig af gebyrerne for hestenes tilmeldelse til løbene. Det påvirker imidlertid i høj grad tilmeldelsesgebyrernes størrelse, og det kan blive umuligt for hesteejere, der ønsker at tilmelde deres heste til avlskontrol i 2006, at betale dem.

For at få tilmeldt et tilstrækkeligt antal heste til avlskontrol og for at tilskynde hesteejerne til at tilmelde deres dyr til løbene finder den polske minister for landbrug og udvikling af landdistrikterne det derfor hensigtsmæssigt at fremme hestenes deltagelse i avlskontrollen ved hjælp af en støtte, som består af et tilskud til tilmeldelsesgebyret for deltagelse i løbene

Berørt(e) sektor(er): Støttemodtagerne udøver landbrugsvirksomhed inden for husdyrsektoren

Den støttetildelende myndigheds navn og adresse:

Minister Rolnictwa i Rozwoju Wsi
ul. Wspólna 30, PL-00-930 Warszawa

Internetadresse: Forordningen fra det polske ministerium for landbrug og udvikling af landdistrikterne, som indeholder principperne for tildeling af denne støtte, findes på følgende adresse:

<http://isip.sejm.gov.pl/prawo/indez.html>

Andre oplysninger:

- Gebyret for at tilmelde en hest til deltagelse i et løb med henblik på avlskontrol er på 870 PLN.
- Støttens bruttobeløb (bruttostøtteintensiteten) er blevet beregnet efter definitionen i artikel 2, stk. 5, i Kommissionens forordning (EF) nr. 1/2004 af 23. december 2003 om anvendelse af EF-traktatens artikel 87 og 88 på statsstøtte til små og mellemstore virksomheder, der beskæftiger sig med produktion, forarbejdning og afsætning af landbrugsprodukter. Det drejer sig således om forholdet mellem bruttostøttebeløbet og anmeldelsesgebyret pr. hest, dvs. $850 \text{ PLN} / 870 \text{ PLN} = 94,25 \%$.
- Bevillingen til denne støtteordning bygger på den antagelse, at der ydes et tilskud på 820 PLN/hest til tilmeldelsesgebyret for højst 2 420 væddeløbstilmeldelser

Offentliggørelse af en registreringsansøgning i medfør af artikel 6, stk. 2, i Rådets forordning (EF) nr. 510/2006 om beskyttelse af geografiske betegnelser og oprindelsesbetegnelser for landbrugsprodukter og fødevarer

(2006/C 258/04)

Denne offentliggørelse giver mulighed for at gøre indsigelse mod registreringen i medfør af artikel 7 i Rådets forordning (EF) nr. 510/2006. Indsigelserne skal være Kommissionen i hænde inden seks måneder fra datoen for nærværende offentliggørelse.

SAMMENFATNING

RÅDETS FORORDNING (EF) Nr. 510/2006

Registreringsansøgning i henhold til artikel 5 og artikel 17, stk. 2

»ARANCIA DEL GARGANO«

EF-nr.: IT/PGI/005/0296/10.6.2003

BOB () BGB (X)

Dette datablad er et sammendrag udelukkende til informativt brug. Interesserede kan få yderligere oplysninger i den fuldstændige varespecifikation hos de italienske myndigheder i pkt. 1 eller hos Europa-Kommissionen (¹).

1. *Ansvarlig myndighed i medlemsstaten*

Navn: Ministero delle Politiche Agricole e Forestali
Adresse: Via XX Settembre, 20
I-00187 Roma
Tlf. 06 481 99 68
Fax 06 42 01 31 26
e-mail: qtc3@politicheagricole.it

2. *Ansøgende sammenslutning*

Navn: Consorzio di tutela e valorizzazione «Gargano Agrumi»
Adresse: Via Salita della Bella
I-71018 Vico del Gargano (FG)
Tlf. 0884-96 62 29
Fax 0884-96 63 99
e-mail: —
Sammensætning: Producenter/forarbejdningsevirkomheder () andet (X)

3. *Produktets art*

Kategori 1.6 — Frugt og grøntsager og korn; ubehandlet eller forarbejdet

4. *Varespecifikation (sammenfatning af betingelserne i artikel 4, stk. 2)*

4.1 Navn: »Arancia del Gargano«

4.2 Beskrivelse: friske frugter bestående af økotypen »biondo comune del Gargano« og den lokale økotype »duretta del Gargano«, lokalt benævnt *arancia tosta*.

*Arancia del Gargano*s væsentligste egenskaber er følgende:

(¹) Europa-Kommissionen, Generaldirektoratet for Landbrug og Udvikling af Landdistrikter, Kvalitetspolitik for landbrugsprodukter, B-1049 Bruxelles

Biondo Comune del Gargano:

- rund eller pæreformet
- skallen er skorpet, ret tynd og glat og kraftig gyldengul
- diameteren er på mindst 60 mm
- saftudbyttet 35 % (håndpresset).

Det hvide af skallen er blødt og hænger lidt ved; midteraksen er uregelmæssig, middelstor og delvis udfyldt; frugtkødet og saften er orangegul med et sukkerindhold på mindst 9 %, syrlighed på under 1,2 % og med et sukkerindhold målt i Brix-grader på mindst 10 og et modenhedsforhold Brix/citronsyre på mindst 6.

Arancia duretta:

- formen er rund eller oval, lokalt benævnt henholdsvis *duretta tonda* eller *a viso lungo*
- farven er mere eller mindre lys orange, og skallen er meget glat og med fine papiller
- frugtkødet har en fin struktur med små blærer, ravgult, typisk sprødt, med ingen eller ganske få sten og surhedsgrad på under 1,2 %
- har gennemsnitlig en diameter på 55-60 mm
- saftudbytte 35 % (håndpresset).
- sukkerindhold på mindst 10 %
- sukkerindholdet målt i Brix-grader er på mindst 11 og modenhedsforholdet Brix/citronsyre på mindst 6,2.

Det drejer sig i begge tilfælde om tunge frugter, der mindst vejer 100 g, har ensfarvet skal og en kraftig grøn plet, hvor stænglen sad.

»*Arancia Femminello del Gargano*« markedsføres i lukket og ubøjelig emballage af organisk materiale såsom træ eller pap, der kan rumme mindst 1 kg og højest 25 kg; emballagen skal skåne mindst 80 % af frugterne, med eller uden papir, og bære logoet I.G.P. »*Arancia del Gargano*«. Hvis frugten sælges i løs vægt, skal den bære ovennævnte logo.

- 4.3 Geografisk område: Det geografiske område for produktion og emballering ligger i Foggia-provinsen (regionen Puglia) og omfatter kommunerne Vico del Gargano, Ischitella og Rodi Garganico og netop den sydlige kyststrækning — og kystnære områder på Gargano-halvøen, der ligger mellem Vico del Gargano og Rodi Garganico og helt til Ischitella.
- 4.4 Bevis for oprindelse: Hver fase i produktionsforløbet overvåges konstant derved, at producenter og emballeringsvirksomheder opføres i relevante fortegnelser, der administreres af kontrolinstansen; herved garanteres produktets sporbarhed og oprindelse.

Produktets sporbarhed og oprindelse garanteres desuden derved, at hver appelsinlund er opført i en hertil oprettet fortegnelse, der føres og ajourføres af kontrolinstansen med optegnelse af appelsinlundens beliggenhed og meddelelse til kontrolinstansen af de producerede mængder. Alle fysiske og juridiske personer, der er opført i de pågældende registre, underkastes kontrol fra kontrolinstansens side, i overensstemmelse med bestemmelserne i varespecifikationen og den pågældende kontrolplan.

- 4.5 Fremstillingsmetode: Varespecifikationen fastsætter bla., hvordan appelsinlundene anvender produktionsområdets karakteristiske jordbund og skråninger: på skråningerne anrettes terrasser ved hjælp af mure og jordvolde. Den traditionelt benyttede grundstamme er »*melangolo*« (*citrus mearda*), der er attesteret som sådan i de gældende bestemmelser.

Appelsintræet holdes i den traditionelle halvsfæriske facon, der lokalt kaldes *cupola*, hvis struktur består af to hovedgrene og to sidegrene, således at toppen udvikler sig i en cirkel indskrevet i et kvadrat: denne form, der er hul indeni, fremmer udluftningen og plukningen.

Planteafstanden er den traditionsbundne, dvs. der er mellem 250 og 400 træer pr. ha.

Der kunstvandes mellem maj og oktober.

Produktionen af appelsiner må ikke overstige 30 tons pr. ha for sorten »*Biondo comune del Gargano*« og 25 tons pr. ha for sorten »*Duretta del Gargano*«.

I betragtning af »*Arancia del Gargano*«'s naturlige og forskudte modning er plukningen fastsat til: fra den 15. april til slutningen af august for »*Biondo comune del Gargano*«; fra den 1. december til den 30. april for »*Duretta del Gargano*«.

Plukningen foretages manuelt med en saks. Kunstig modning af frugterne er forbudt.

Emballering af »*Arancia del Gargano*« BGB må udelukkende ske i produktionsområdet, som angivet under pkt. 4.3., for at garantere produktets sporbarhed.

- 4.6 Tilknytning: Ansøgningen om BGB-registrering er baseret på denne frugts ubestridelige omdømme. Klimaforholdene i det område, hvor citrusfrugterne dyrkes, giver dem en særlig god kvalitet: da klimaet især ikke er ekstremt varmt, udvikles der færre sygdomme i både i frugter og planter. Et andet aspekt tilknyttet klimaforholdene er, at modningsperioden giver Gargano-citrusfrugter deres særlige egenskaber: den ligger ikke i januar-marts, men i slutningen af april-maj og helt til august — adskillige måneder efter modningsperioderne i alle andre italienske citrusfrugtområder. Et sidste og ikke mindre vigtigt aspekt er *Arancia del Garganos* gode holdbarhed, der gjorde det muligt at transportere frugterne i 30-40 dage og således nå uskadede frem til Chicago og New York. Vigtigt for denne citrusfrugts udbredelse og omdømme er, udover *Arancia del Garganos* umiskendelige organoleptiske kvalitet og dens specielle størrelse, blandingen af klima og jordbund i produktionsområdet (røde kalkholdige jorder med rigt indhold af jern og mangan, sædvanligvis på skrånninger i dalen og udsat for kølige vinde, der giver pludselige temperaturfald), og menneskets vedvarende arbejde, der i tidens løb har udviklet sig til en betydelig agronomisk arv.

Allerede fra oldtiden havde *Arancia del Garganos* omdømme overskredet de regionale grænser og blev nævnt i forskellige forfatters værker, herunder Gabriele d'Annunzio. Siden 1700 har citrusfrugter fra Gargano spillet hovedrollen i en omfattende procession, der stadig i dag finder sted hvert år i februar til ære for San Valentin, der er citrusfrugternes skytshelgen; under festlighederne velsignes både appelsin- og citronplanter og -frugter. Der findes talrige fortegnelser, fotografier, plakater, omløbssedler, der bevidner det internationale omdømme af disse exceptionelle og umiskendelige Gargano-citrusfrugter.

De første historiske henvisninger til citrusfrugtdyrkning på Gargano-halvøen går tilbage til 1003, takket være Melo, prins af Bari, der de lokale »pomi citrini« (bitre appelsiner) til Normandiet for at vise normannerne Gargano-områdets rige produktion. I 1600-tallet udviklede kommunerne Vico del Gargano og Rodi Garganico en betydelig citrusfrugthandel med venezianerne. Denne intensive handel fortsatte også i 1800-tallet, og *Arancia del Garganos* berømmelse nåede de andre europæiske lande og USA.

4.7 Kontrolinstans:

Navn: C.C.I.A.A. di Foggia

Adresse: via Dante, 27
I-71100 Foggia

Tlf. 0881 79 71 11

Fax 0881 72 60 46

e-mail: —

Kontrolinstansen er en offentlig myndighed.

4.8 Mærkning: Emballagen skal være forsynet med følgende angivelser:

»*Arancia del Gargano*« eventuelt efterfulgt af den pågældende sort *biondo comune* eller *duretta*, logoet, forkortelsen I.G.P. (BGB) også skrevet helt ud, angivelserne vedrørende producent, emballeringsvirksomhed, forhandler og nettovægten ved emballering.

De produkter, hvortil der er blevet anvendt BGB »*Arancia del Gargano*«, også efter forarbejdning, kan markedsføres i emballage, der er påført henvisning til den pågældende betegnelse, uden at EF-logoet anføres, hvis:

- produktet med beskyttet betegnelse, certificeret som sådan, er den eneste varekategori, der indgår i produktet;
- de, der anvender produktet med BGB, har fået tilladelse af indehaverne af den registrerede intellektuelle ejendomsret til betegnelsen BGB forsamlet i en sammenslutning under Ministero delle Politiche Agricole (Landbrugsministeriet). Denne sammenslutning står også for optegnelsen i de rette registre og kontrollerer, at den beskyttede betegnelse anvendes korrekt. Findes der ikke en sådan sammenslutning, udføres de ovenfor nævnte funktioner af MIPAF, der er den nationale myndighed med ansvar for anvendelse af forordning (EØF) nr. 2081/92.

Logoet består af en stiliseret tegning af to appelsiner med stilk og blad omgivet af en epilipseformet krone: på kronen står skrevet »*Arancia del Gargano*« og nedenunder midt for nævnte indskrift står der *Indicazione Geografica Protetta*.

De afbildede appelsiner er orangefarvede, navnet »*Arancia del Gargano*« er skrevet i hvidt på orange baggrund, stilk og blad er grønne, angivelsen *Indicazione Geografica Protetta* skrevet i nedadvendt bue med skygger.

4.9 Nationale bestemmelser: —

Medlemsstaternes oplysninger om statsstøtte ydet i henhold til Kommissionens forordning (EF) nr. 70/2001 af 12. januar 2001 om anvendelse af EF-traktatens artikel 87 og 88 på statsstøtte til små og mellemstore virksomheder

(2006/C 258/05)

(EØS-relevant tekst)

Sag nr.	XS 14/06		
Medlemsstat	Tyskland		
Region	Freistaat Sachsen		
Støtteordningens navn eller navnet på den støttemodtagende virksomhed	ESF-mikrolån		
Retsgrundlag	<p>Richtlinie des Sächsischen Staatsministeriums für Wirtschaft und Arbeit zur Förderung von Existenzgründern durch Gewährung von Mikrodarlehen (Richtlinie ESF-Mikrodarlehen) vom 14. Dezember 2005 (SächsABl Heft 52/2005 vom 29.12.2005, S. 1280);</p> <p>§§ 23, 44 der Sächsischen Haushaltsordnung;</p> <p>Operationelles Programm zur Strukturfondsförderung des Freistaates Sachsen 2000–2006;</p> <p>Verordnung (EG) Nr. 1784/1999</p> <p>Verordnung (EG) Nr. 1260/1999</p>		
De planlagte årlige udgifter i henhold til ordningen eller den samlede støtte til virksomheden	Støtteordning	Samlet årlig støtte	
		Garanterede lån	Fonden tildeles et engangsbeløb på 25 mio. EUR
Maksimal støtteintensitet	I overensstemmelse med forordningens artikel 4, stk. 2-6, og artikel 5		Ja
Gennemførelsestidspunkt	Fra 1.1.2006		
Støtteordningens varighed eller støtteprojektets varighed	Mikrolånene ydes af mikrolånefonden, der er oprettet i SAB. Fondens har en løbetid fra 19.12.2005 til 31.12.2013. Lånene ydes derimod kun indtil 31.12.2008 (strukturfondsstøtteperioden). Derefter afvikles de resterende låneaf-taler af fonden.		
Støttens formål	Støtte til SMV	Ja	
Berørte sektorer	Alle sektorer berettiget til støtte til SMV		Nej
	Begrænset til særlige sektorer		Ja
	— Kulminedrift		
	— Alle former for fremstillingsvirksomhed		Nej
	eller		
	stålindustri		Nej
	skibsbygning		Nej
	syntetiske fibre		Nej
	motorkøretøjer		Nej
	anden fremstillingsvirksomhed		Ja
	— Alle tjenester		Nej
	eller		
	transporttjenester		Nej
finansielle tjenester		Nej	
andre tjenester		Ja	

Navn og adresse på den myndighed, der yder støtten	Sächsische Aufbaubank — Förderbank		
	Pirnaische Straße 9 D-01069 Dresden		
Store individuelle støtteforanstaltninger	I overensstemmelse med forordningens artikel 6	Ja	
Med hensyn til lån ydet efter den 31.12.2006 forsikrer de tyske myndigheder, at betingelserne i den på det pågældende tidspunkt gældende SMV-fritagelsesforordning overholdes. Direktivet (ESD-mikrolån) tilpasses den SMV-fritagelsesforordning, der træder i kraft den 1.1.2007.			
Sag nr.	XS 20/06		
Medlemsstat	Italien		
Region	Campania		
Støtteordningens navn eller navnet på den støttemodtagende virksomhed	Ny støtteordning for ikke-industrielle foretagender — 2. meddelelse		
Retsgrundlag:	POR Campania 2000-2006 approvato dalla Commissione Europea con decisione C(2000) 2347 dell'8 agosto 2000 e s.m.i. Complemento di Programmazione, misura 4.2 b) Deliberazione di Giunta Regionale N. 786 del 10.4.2004.		
De planlagte årlige udgifter i henhold til ordningen eller den samlede støtte til virksomheden	Støtteordning	Samlet årlig støtte	15 mio. EUR
		Garanterede lån	
	Individuel støtte	Samlet støtte	
		Garanterede lån	
Maksimal støtteintensitet	I overensstemmelse med forordningens artikel 4, stk. 2-6, og artikel 5	Ja	
Gennemførelsestidspunkt	30.1.2006		
Støtteordningens varighed eller støtteprojektets varighed	Indtil 31.12.2006		
Støttens formål	Støtte til ikke-industrielle foretagender, der opfylder kriterierne for mikrovirksomheder og små og mellemstore virksomheder som fastsat i Kommissionens henstilling 2003/361/EF af 6. maj 2003 om definition af mikrovirksomheder og små og mellemstore virksomheder	Ja	
Berørte sektorer	Alle sektorer berettiget til støtte til SMV	Ja	
Navn og adresse på den myndighed, der yder støtten	Regione Campania Assessorato Attività Produttive Area Generale di Coordinamento n. 12 «Sviluppo Attività Settore Secondario» Dirigente del Settore Artigianato Dr.ssa Vittoria Capriglione «Sviluppo e Promozione Attività Artigiane e della Cooperazione».		
	Centro Direzionale I-Isola A6 Telefono 081.7966724, 081.7966725; fax 081.7966718 e-mail: v.capriglione@regione.campania.it		
Store individuelle støtteforanstaltninger	I overensstemmelse med forordningens artikel 6	Ja	

Sag nr.	XS 24/06		
Medlemsstat	Det Forenede Kongerige		
Region	West Wales & The Valleys — mål 1 område		
Støtteordningens navn eller navnet på den støttemodtagende virksomhed	Energy Tech Ltd		
Retsgrundlag	Rådets forordning (EF) nr. 1260/99		
	The Structural Funds (National Assembly for Wales) Regulations 2000 (No/906/2000) The Structural Funds (National Assembly for Wales) Designation2000		
De planlagte årlige udgifter i henhold til ordningen eller den samlede støtte til virksomheden	Støtteordning	Samlet årlig støtte	
		Garanterede lån	
	Individuel støtte	Samlet støtte	300 300 GBP
		Garanterede lån	
Maksimal støtteintensitet	I overensstemmelse med forordningens artikel 4, stk. 2-6, og artikel 5	Ja	
Gennemførelsestidspunkt	Fra 17.1.2006		
Støtteordningens varighed eller støtteprojektets varighed	Indtil 31.12.2006. NB: Som anført ovenfor kan der disponeres over tilskuddet indtil den 31. december 2006. Udbetalinger kan dog eventuelt (i overensstemmelse med N+2) fortsætte indtil den 30. juni 2008		
Støttens formål	Støtte til SMV	Ja	
Berørte sektorer	Begrænset til særlige sektorer	Ja	
	Andre tjenester (vedvarende energi)	Ja	
Navn og adresse på den myndighed, der yder støtten	National Assembly for Wales		
	C/o Welsh European Funding Office Cwm Cynon Business Park Mountain Ash CF45 4ER United Kingdom		
Store individuelle støtteforanstaltninger	I overensstemmelse med forordningens artikel 6	Ja	

Sag nr.	XS 48/06		
Medlemsstat	Det Forenede Kongerige		
Region	West Wales & The Valleys; mål 1-område		
Støtteordningens navn eller navnet på den støttemodtagende virksomhed	Trac Môn Ltd		
Retsgrundlag	Rådets forordning (EF) nr. 1260/99		
	The Structural Funds (National Assembly for Wales) Regulations 2000 (No 906/2000) Local Government Act 2000		
De planlagte årlige udgifter i henhold til ordningen eller den samlede støtte til virksomheden	Støtteordning	Samlet årlig støtte	
		Garanterede lån	
	Individuel støtte	Samlet støtte	1 369 647 GBP
		Garanterede lån	

Maksimal støtteintensitet	I overensstemmelse med forordningens artikel 4, stk. 2-6, og artikel 5		Ja
Gennemførelsestidspunkt	Fra 16. marts 2006		
Støtteordningens varighed eller støtteprojektets varighed	Indtil 31. december 2006 NB. Som ovenfor anført kan der disponeres over tilskuddet indtil 31. december 2006. Udbetalinger kan dog eventuelt (i overensstemmelse med N+2) fortsætte indtil den 31. december 2007.		
Støttens formål	Støtte til SMV	Ja	
Berørte sektorer	Begrænset til særlige sektorer	Ja	
	Andre tjenester (motorsport)	Ja	
Navn og adresse på den myndighed, der yder støtten	National Assembly for Wales		
	C/o Welsh European Funding Office Cwm Cynon Business Park Mountain Ash CF45 4ER United Kingdom		
Store individuelle støtteforanstaltninger	I overensstemmelse med forordningens artikel 6		Ja
Sag nr.	XS 85/06		
Medlemsstat	Malta		
Støtteordningens navn eller navnet på den støttemodtagende virksomhed	Eureka Programme Scheme		
Retsgrundlag	Malta Enterprise Corporation Act (CAP 463)		
De planlagte årlige udgifter i henhold til ordningen eller den samlede støtte til virksomheden	Støtteordning	Samlet årlig støtte	0,2 mio. EUR
		Garanterede lån	
	Individuel støtte	Samlet støtte	
		Garanterede lån	
Maksimal støtteintensitet	I overensstemmelse med forordningens artikel 4, stk. 2-6, og artikel 5		Ja
Gennemførelsestidspunkt	Fra 8.6.2006		
Støtteordningens varighed eller støtteprojektets varighed	Indtil 30.6.2007		
Støttens formål	Støtte til SMV	Ja	
Berørte sektorer	Alle sektorer berettiget til støtte til SMV	Ja	
Navn og adresse på den myndighed, der yder støtten	Malta Enterprise Corporation		
	Malta Enterprise Enterprise Centre, Industrial Estate, MT-San Gwann SGN 09		
Store individuelle støtteforanstaltninger	I overensstemmelse med forordningens artikel 6		-

Medlemsstaternes oplysninger om statsstøtte ydet i henhold til Kommissionens forordning (EF) nr. 2204/2002 af 12. december 2002 om anvendelse af EF-traktatens artikel 87 og 88 på statsstøtte til beskæftigelse

(2006/C 258/06)

(EØS-relevant tekst)

Sag nr.	XE 12/06	
Medlemsstat	Frankrig	
Region	Limousin	
Støtteordningens navn eller navnet på den støttemodtagende virksomhed	Støtte til ansættelse af en driftsassistent	
Retsgrundlag	<ul style="list-style-type: none"> — Kommissionens forordning (EF) nr. 2204/2002 af 5. december 2002 om anvendelse af EF-traktatens artikel 87 og 88 på statsstøtte til beskæftigelse — Rådets forordning (EF) nr. 1257/1999 af 17. maj 1999 om støtte til udvikling af landdistrikterne fra Den Europæiske Udviklings- og Garantifond for Landbruget (EUGFL) — Code rural — Art. R.113-13 à R. 113-17 relatifs à la délimitation des zones agricoles défavorisées [l'ensemble du territoire Limousin est en zone défavorisée, à l'exception de la commune de Limoges] 	
De planlagte årlige udgifter i henhold til ordningen eller den samlede støtte til virksomheden	Samlet årlig støtte	0,5 mio. EUR
	Garanterede lån	
Maksimal støtteintensitet	I overensstemmelse med forordningens artikel 4, stk. 2-5, artikel 5 og artikel 6 — 50 % af bruttoløn og arbejdsgiverbidrag i 24 mdr. for Limoges kommune, hvor den maksimale sats nedsættes til 15 %	Ja
Gennemførelsestidspunkt	24.9.2004	
Støtteordningens varighed eller støtteprojektets varighed	Indtil 31.12.2010	
Støttens formål	Artikel 4: Jobskabelse	Ja
	Artikel 5: Ansættelse af dårligt stillede og handicappede arbejdstagere	Nej
	Artikel 6: Beskæftigelse af handicappede arbejdstagere	Nej
Berørte sektorer	— Alle EU-sektorer berettiget til beskæftigelsesstøtte ⁽¹⁾	Nej
	— Alle former for fremstillingsvirksomhed ⁽¹⁾	Nej
	— Alle tjenester ⁽¹⁾	Nej
	— Andre: hele landbrugssektoren (aktiviteter i forbindelse med produktion, forarbejdning og salg af de i bilaget anførte produkter I) idet der tages hensyn til, at der allerede er gennemført samme type støtte som led i den 4. plankontrakt mellem stat og region 2000-2006 for de andre aktivitetssektorer på basis af ordning nr. 2/99 FRAC.	Ja

Navn og adresse på den myndighed, der yder støtten	Conseil Régional du Limousin	
	27, Boulevard de la Corderie F-87031 Limoges Cedex	
Andre oplysninger	Hvis støtteordningen samfinansieres med EU-midler tilføjes: Støtteordningen samfinansieres med EU-midler under Den Europæiske Socialfond som led i regionen Limousins EPD — delforanstaltning 2.3.3. »støtte til etablering og uddannelse inden for landbrug og skovbrug«	
Støtte, der skal anmeldes til Kommissionen på forhånd	I overensstemmelse med forordningens artikel 9	Ja

(¹) Bortset fra skibsbygningssektoren og andre sektorer, der er omfattet af særlige regler i forordninger og direktiver vedrørende al statsstøtte inden for sektoren.

Meddelelse fra Kommissionen i forbindelse med gennemførelsen af Rådets direktiv 88/378/EØF af 3. maj 1988 om indbyrdes tilnærmelse af medlemsstaternes lovgivning om sikkerhedskrav til legetøj

(2006/C 258/07)

(EØS-relevant tekst)

(Offentliggørelse af titler og referencer for harmoniserede standarder i henhold til direktivet)

ESO (¹)	Den harmoniserede standards reference og titel (og referencedokument)	Reference for erstattet standard	Formodning om overensstemmelse med den erstattede standard ophører den (dato) Anmærkning 1
CEN	EN 71-1:1998 (²) (³) Legetøj — Sikkerhedskrav — Del 1: Mekaniske og fysiske egenskaber	EN 71-1:1998	Udløbsdato (31.1.2001)
	EN 71-1:1998/A5:2000	Anmærkning 3	Udløbsdato (31.5.2001)
	EN 71-1:1998/A1:2001	Anmærkning 3	Udløbsdato (31.7.2001)
	EN 71-1:1998/A2:2002	Anmærkning 3	Udløbsdato (31.8.2002)
	EN 71-1:1998/A6:2002	Anmærkning 3	Udløbsdato (30.9.2002)
	EN 71-1:1998/A7:2002	Anmærkning 3	Udløbsdato (30.11.2002)
	EN 71-1:1998/A8:2003 (⁴)	Anmærkning 3	Udløbsdato (31.3.2004)
	EN 71-1:1998/A4:2004	Anmærkning 3	Udløbsdato (31.12.2005)
	EN 71-1:1998/A10:2004	Anmærkning 3	Udløbsdato (31.12.2005)
	EN 71-1:1998/A11:2004	Anmærkning 3	Udløbsdato (31.12.2005)
CEN	EN 71-2:2006 Legetøj — Sikkerhedskrav — Brændbarhed	EN 71-2:2003	Udløbsdato (31.7.2006)
	EN 71-2:2006/AC:2006		
CEN	EN 71-3:1994 Legetøj — Sikkerhedskrav — Del 3: Migration af særlige stoffer	EN 71-3:1988	Udløbsdato (30.6.1995)
	EN 71-3:1994/A1:2000	Anmærkning 3	Udløbsdato (31.10.2000)
	EN 71-3:1994/A1:2000/AC:2000		
	EN 71-3:1994/AC:2002		
CEN	EN 71-4:1990 Legetøj — Sikkerhedskrav — Del 4: Sæt til kemiske og lignende forsøg — (Kemiset m.m.)	—	
	EN 71-4:1990/A1:1998	Anmærkning 3	Udløbsdato (31.10.1998)
	EN 71-4:1990/A2:2003	Anmærkning 3	Udløbsdato (31.1.2004)

ESO (¹)	Den harmoniserede standards reference og titel (og referencedokument)	Reference for erstattet standard	Formodning om overensstemmelse med den erstattede standard ophører den (dato) Anmærkning 1
CEN	EN 71-5:1993 Legetøj — Sikkerhedskrav — Del 5: Andet kemisk legetøj (sæt) end sæt til kemiske forsøg	—	
	EN 71-5:1993/A1:2006	Anmærkning 3	Udløbsdato (31.7.2006)
CEN	EN 71-6:1994 Legetøj — Sikkerhedskrav — Del 6: Grafisk advarselssymbol vedrørende alder	—	
CEN	EN 71-7:2002 Legetøj — Sikkerhedskrav — Del 7: Fingermaling — Krav og prøvningsmetoder	—	
CEN	EN 71-8:2003 Legetøj — Sikkerhedskrav — Del 8: Gynger, rutschebaner og lignende legetøj til inden- og udendørsbrug i private hjem	—	
	EN 71-8:2003/A1:2006	Anmærkning 3	(30.11.2006)

(¹) ESO: Europæisk standardiseringsorgan:

— CEN: rue de Stassart 36, B-1050 Bruxelles, tlf. (32-2) 550 08 11, fax (32-2) 550 08 19 (<http://www.cenorm.be>)

— CENELEC: rue de Stassart 35, B-1050 Bruxelles, tlf. (32-2) 519 68 71, fax (32-2) 519 69 19 (<http://www.cenelec.org>)

— ETSI: 650, route des Lucioles, F-06921 Sophia Antipolis, tlf. (33) 492 94 42 00, fax (33) 493 65 47 16 (<http://www.etsi.org>).

(²) I overensstemmelse med Kommissionens beslutning af 30. juli 2001 (EFT L 205 af 31.7.2001, s. 39), tillader punkt 4.20, litra d), i EN 71-1:1998 vedrørende spidsværdier af det C-vægtede lydtrykniveau, der frembringes af legetøj med knaldhætter, først en formodning om overensstemmelse fra den 1. august 2001.

(³) I overensstemmelse med Kommissionens beslutning af 9. marts 2005 (EUT L 63 af 10.3.2005, s. 27) dækker punkt 4.6 og 8.14 i standard EN 71-1:1998, med hensyn til den periode på 24 timer, i hvilken legetøjet skal nedsænkes i en beholder, ikke alle de risici, der kan være forbundet med legetøj og legetøjskomponenter, der er fremstillet af materialer, der kan udvide sig. Standarden giver i denne henseende ikke nogen formodning om overensstemmelse.

(⁴) Standarden EN 71-1:1998/A8:2003 vedrører kun risici forårsaget af »små bolde« (defineret i standarden som en sfærisk, æggeformet eller ellipseformet genstand), der er udformet eller beregnet til at kaste med, sparke til, lade rulle, lade falde eller lade hoppe. Legetøj, der indeholder små bolde, som ikke er omfattet af standarden, kræver EF-typeafprøvningsattest før markedsføring.

Anmærkning 1 Formodning om overensstemmelse vil normalt ophøre på den tilbagetrækningsdato, der fastsættes af det europæiske standardiseringsorgan, men brugerne af disse standarder gøres opmærksomme på, at den i særlige tilfælde kan ophøre på et andet tidspunkt.

Anmærkning 3 I tilfælde af tillæg til standarder er standardens reference EN CCCC:YYYY, inkl. eventuelle tidligere tillæg, og det nye anførte tillæg. Den erstattede standard (kolonne 3) består derfor af EN CCCC:YYYY og dens eventuelle tidligere tillæg, men ikke det nye anførte tillæg. Fra og med den anførte dato vil den erstattede standard ikke længere give formodning om overensstemmelse med direktivets væsentlige krav.

Anm.:

— Oplysninger om, hvorvidt standarder er disponible, kan fås enten hos de europæiske standardiseringsorganer eller hos de nationale standardiseringsorganer. En liste over disse er vedlagt som bilag til Europa-Parlamentets og Rådets direktiv 98/34/EF (¹) (ændret ved Europa-Parlamentets og Rådets direktiv 98/48/EF) (²).

— Offentliggørelsen af referencerne i *Den Europæiske Unions Tidende* betyder ikke, at standarderne findes på alle fællesskabssprog.

Yderligere oplysninger om harmoniserede standarder kan findes på internetadressen
<http://europa.eu.int/comm/enterprise/newapproach/standardization/harmstds/>

(¹) EFT L 204 af 21.7.1998, s. 37.

(²) EFT L 217 af 5.8.1998, s. 18.

Anmeldelse af en planlagt fusion**(Sag COMP/M.4314 — Johnson & Johnson/Pfizer Consumer Healthcare)**

(2006/C 258/08)

(EØS-relevant tekst)

1. Den 19. oktober 2006 modtog Kommissionen i overensstemmelse med artikel 4 i Rådets forordning (EF) nr. 139/2004 ⁽¹⁾ anmeldelse af en planlagt fusion, hvorved Johnson & Johnson («J&J», USA) gennem opkøb af aktier og aktiver erhverver kontrol som omhandlet i forordningens artikel 3, stk. 1, litra b), over en del af Pfizer Inc. («Pfizer», USA), nemlig hele Pfizers afdeling for plejeprodukter, Pfizer Consumer Health Care («PCH», USA).

2. De deltagende virksomheder er aktive på følgende områder:

— Johnson & Johnson: plejeprodukter, lægemidler, medicinsk udstyr og diagnosticeringsudstyr

— Pfizer Consumer Healthcare: produkter til personlig pleje og håndkøbsmedicin.

3. Efter en foreløbig gennemgang af sagen finder Kommissionen, at den anmeldte fusion muligvis falder ind under forordning (EF) nr. 139/2004. Den har dog endnu ikke taget endelig stilling hertil.

4. Kommissionen opfordrer hermed alle interesserede til at fremsætte deres eventuelle bemærkninger til den planlagte fusion.

Bemærkningerne skal være Kommissionen i hænde senest ti dage efter offentliggørelsen af denne meddelelse og kan med angivelse af sag COMP/M.4314 — Johnson & Johnson/Pfizer Consumer Healthcare — sendes til Kommissionen pr. fax ((32-2) 296 43 01 eller 296 72 44) eller med post til følgende adresse:

Europa-Kommissionen
Generaldirektoratet for Konkurrence
Registreringskontoret for Fusioner
J-70
B-1049 Bruxelles

(1) EUT L 24 af 29.1.2004, s. 1.

Ingen indsigelse mod en anmeldt fusion
(Sag COMP/M.4405 — Walter Frey Holding/Mitsubishi Motors Europe)

(2006/C 258/09)

(EØS-relevant tekst)

Den 17. oktober 2006 besluttede Kommissionen ikke at rejse indsigelse mod ovennævnte anmeldte fusion og at erklære den forenelig med fællesmarkedet. Denne beslutning er truffet efter artikel 6, stk. 1, litra b), i Rådets forordning (EF) nr. 139/2004. Beslutningens fulde ordlyd foreligger kun på tysk og vil blive offentliggjort, efter at eventuelle forretningshemmeligheder er udeladt. Den kan fås:

- på Kommissionens websted for konkurrence (<http://ec.europa.eu/comm/competition/mergers/cases/>). Dette websted giver forskellige muligheder for at finde de konkrete fusionsbeslutninger, idet de er opstillet efter bl.a. virksomhedens navn, sagsnummer, dato og sektor
- i elektronisk form på webstedet EUR-Lex under dokumentnummer 32006M4405. EUR-Lex giver online adgang til EU-retten. (<http://ec.europa.eu/eur-lex/lex>).

Ingen indsigelse mod en anmeldt fusion
(Sag COMP/M.4294 — Arcelor/SNCFL/CFL Cargo)

(2006/C 258/10)

(EØS-relevant tekst)

Den 9. oktober 2006 besluttede Kommissionen ikke at rejse indsigelse mod ovennævnte anmeldte fusion og at erklære den forenelig med fællesmarkedet. Denne beslutning er truffet efter artikel 6, stk. 1, litra b), i Rådets forordning (EF) nr. 139/2004. Beslutningens fulde ordlyd foreligger kun på fransk og vil blive offentliggjort, efter at eventuelle forretningshemmeligheder er udeladt. Den kan fås:

- på Kommissionens websted for konkurrence (<http://ec.europa.eu/comm/competition/mergers/cases/>). Dette websted giver forskellige muligheder for at finde de konkrete fusionsbeslutninger, idet de er opstillet efter bl.a. virksomhedens navn, sagsnummer, dato og sektor
 - i elektronisk form på webstedet EUR-Lex under dokumentnummer 32006M4294. EUR-Lex giver online adgang til EU-retten. (<http://ec.europa.eu/eur-lex/lex>).
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DET EUROPÆISKE ØKONOMISKE SAMARBEJDSOMRÅDE

EFTA-DOMSTOLEN

**Sag anlagt den 31. juli 2006 af EFTA-Tilsynsmyndigheden mod Kongeriget Norge
(Sag E-2/06)**

(2006/C 258/11)

Den 31. juli 2006 anlagde EFTA-Tilsynsmyndigheden, repræsenteret af Niels Fenger, som partsrepræsentant for EFTA-Tilsynsmyndigheden, Rue Belliard 35, B-1040 Bruxelles, sag mod Kongeriget Norge ved EFTA-Domstolen.

Sagsøgeren nedlægger påstand om, at Domstolen:

1. Erklærer, at Kongeriget Norge har overtrådt EØS-aftalens artikel 31 og 40, idet landet har opretholdt foranstaltninger, der er fastsat i *lov nr. 16 af 14. december 1917*, som giver en tidsbegrænset koncession til køb af vandfald til energiproduktion til privatpersoner og virksomheder fra de andre kontraherende parter i EØS-aftalen og forpligter dem til at overdrage samtlige installationer til den norske stat uden erstatning ved koncessionens udløb, hvilket imidlertid ikke gælder offentlige norske virksomheder, der har fordel af koncessionerne uden tidsbegrænsning.

og

2. Pålægger Kongeriget Norge at betale sagsomkostningerne.

Juridiske og faktiske omstændigheder samt søgsmålsgrunde:

- Sagen vedrører overdragelse af ejendomsretten til vandkraftværker til den norske stat uden erstatning, når en koncession udløber. Denne overdragelse findes i norsk lovgivning under betegnelsen »tilbageførsel« (»hjemfall«), selv hvis staten ikke tidligere har haft ejendomsret til vandfaldet eller varmekraftværket.
- Ifølge *lov nr. 16 af 14. december 1917* (»Lov om erhvervstilladelser«), er en koncession om brug af vandfald og vandkraftinstallationer tidsbegrænset for virksomheder, der for mindst to tredjedele vedkommende ejes af den norske stat, amter eller kommuner, men tidsbegrænset for alle andre, herunder alle virksomheder, hvor ejere fra andre EØS-lande, alene eller sammen med private ejere fra Norge besidder mere end en tredjedel af aktiekapitalen.
- Følgelig gælder reglen om tilbageførsel kun for sidstnævnte kategori.
- EFTA-Tilsynsmyndigheden finder, at de nuværende regler for tilbageførsel er diskriminerende over for ejere fra andre EØS-lande, hvilket er en overtrædelse af EØS-aftalens artikel 31 og 40.
- EFTA-Tilsynsmyndigheden nedlægger påstand om, at denne forskelsbehandling ikke er objektivt begrundet, og at den ikke er omfattet af EØS-aftalens artikel 125.

EFTA-TILSYNSMYNDIGHEDEN

Opfordring til at fremsætte bemærkninger i henhold til artikel 1, stk. 2, i del I i protokol 3 til tilsyns- og domstolsaftalen om en nylig foreslået ordning i Norge om at yde finansiel støtte til ulønnet arbejdskraft i forsknings- og udviklingsaktiviteter, den såkaldte »ordning for ulønnet arbejdskraft inden for F&U«

(2006/C 258/12)

Ved beslutning nr. 59/06/KOL af 8. marts 2006, der er gengivet på det autentiske sprog efter dette resumé, indledte EFTA-Tilsynsmyndigheden proceduren efter artikel 1, stk. 2, i del I i protokol 3 til aftalen om oprettelse af en tilsynsmyndighed og en domstol (tilsyns- og domstolsaftalen). De norske myndigheder er blevet underrettet med en kopi af beslutningen.

EFTA-Tilsynsmyndigheden opfordrer herved EFTA-staterne, EU's medlemsstater og interesserede parter til at fremsætte deres bemærkninger til den pågældende foranstaltning senest en måned efter offentliggørelsen af denne meddelelse. Bemærkningerne bedes sendt til:

EFTA-Tilsynsmyndigheden
Rue Belliard 35,
B-1040 Bruxelles
Fax (32-2) 286 18 00

Disse bemærkninger vil blive videresendt til de norske myndigheder. Interesserede parter, der fremsætter bemærkninger til sagen, kan skriftligt anmode om at få deres navne hemmeligholdt. Anmodningen skal være begrundet.

RESUMÉ

Tilsynsmyndigheden har besluttet at indlede den formelle undersøgelsesprocedure over for en af de norske myndigheder nylig foreslået ordning om at yde tilskud til at støtte ulønnet arbejdskraft inden for forsknings- og udviklingsaktiviteter (»ordningen for ulønnet arbejdskraft inden for F&U«) med den underliggende målsætning at stimulere til øgede investeringer inden for forsknings- og udviklingsaktiviteter i små virksomheder, såsom iværksætter- og enkeltmandsvirksomheder.

Ordningen for ulønnet arbejdskraft inden for F&U blev foreslået, fordi de norske myndigheder fandt, at lønnet arbejdskraft inden for forsknings- og udviklingsaktiviteter ikke kunne støttes i henhold til den eksisterende »Skattefunn-ordning« (som blev godkendt af Tilsynsmyndigheden i dennes beslutning 171/02/KOL af 25. september 2002 og beslutning nr. 16/03/KOL af 5. februar 2003). I henhold til Skattefunn-ordningen ydes støtten i form af et skattnedslag. De norske myndigheder fandt det imidlertid uforeneligt med den almindelige skattelovgivning i Norge at fradrage et beløb i det skattepligtige beløb, som er baseret på omkostninger, som virksomheden i virkeligheden ikke har pådraget sig eller udbetalt.

Tilsynsmyndigheden har vurderet ordningen for ulønnet arbejdskraft inden for F&U i henhold til retningslinjerne for statsstøtte til forskning og udvikling. Tilsynsmyndigheden har anlagt det foreløbige synspunkt, at den støtte, der tildeles i henhold til ordningen, ikke er et oplagt incitament til at gennemføre forsknings- og udviklingsaktiviteter. I den sammenhæng er det Tilsynsmyndighedens opfattelse, at de ulønnede forsknings- og udviklingsaktiviteter også ville blive gennemført uden støtten, fordi de personer, der står for det ulønnede arbejde, tilsyneladende var indstillet på at påtage sig det relevante arbejde uden betaling under alle omstændigheder. Støtten forekommer derfor ikke at være nødvendig for at nå målet om at få gennemført de relevante forsknings- og udviklingsaktiviteter. Desuden er det Tilsynsmyndighedens opfattelse, at omkostningerne ved den ulønnede arbejdskraft ikke kan betragtes som støtteberettigede omkostninger i den betydning, begrebet er anvendt i statsstøtteretningslinjerne for forskning og udvikling.

De norske myndigheder har desuden forklaret, at mange virksomheder har ledet projekter, som var godkendt i henhold til Skattefunn-ordningen, men at nogle af disse virksomheder efterfølgende blev forhindret i at modtage skattnedslaget (eller måtte betale et beløb svarende til det allerede modtagne skattnedslag) på grund af den omstændighed, at der var tale om ulønnet arbejdskraft. De norske myndigheder indførte derfor en ordning med det formål at kompensere virksomhederne for finansielle tab i forbindelse med deres forsknings- og udviklingsprojekter i årene mellem 2002 og 2004, fordi ulønnet arbejdskraft ikke kunne omfattes af Skattefunn-ordningen.

Den kompensation, der skal betales til ovennævnte formål, vil blive udbetalt som de minimis-støtte, og hvis det samlede beløb af de minimis-støtten til ansøgeren overstiger 100 000 EUR over en periode på tre år, vil kompensationen blive reduceret. Desuden skal ansøgerne forelægge en samlet oversigt over al den de minimis-støtte, som ansøgeren har modtaget pr. 1. januar 2003. Myndigheden har derfor anlagt den foreløbige betragtning, at kompensationsordningen holder sig under de minimis-tærsklen i »de minimis-forordningen«⁽¹⁾.

⁽¹⁾ Kommissionens forordning (EF) nr. 69/2001 af 12. januar 2001 om anvendelse af EF-traktatens artikel 87 og 88 på de minimis-støtte (EFT L 10 af 13.1.2001, s. 30), som blev inkorporeret i bilag XV i afsnit 1, litra e) i EØS-aftalen ved afgørelse truffet af Det Blandede EØS-udvalg nr. 88/2002 (EFT L 266 af 3.10.2002, s. 56, og EØS-tillæg nr. 49 af 3.10.2002, s. 42).

EFTA SURVEILLANCE AUTHORITY DECISION**No 59/06/COL****of 8 March 2006****to initiate the procedure provided for in Article 1(2) in Part I of Protocol 3 to the Surveillance and Court Agreement with regard to financial support to unpaid labour in research and development activities****(NORWAY)**

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

Having regard to the Authority's Guidelines ⁽³⁾ on the application and interpretation of Articles 61 and 62 of the EEA Agreement, and in particular Chapter 14 thereof on aid for research and development,

Whereas:

I. FACTS

1. Procedure

By letter dated 14 October 2005 from the Norwegian Mission to the European Union, forwarding a letter from the Norwegian Ministry of Trade and Industry, dated 5 October 2005, both received and registered by the Authority on 17 October 2005 (Event no: 346675), the Norwegian authorities notified, pursuant to Article 1(3) in Part I of Protocol 3 to the Surveillance and Court Agreement, a proposal for a new scheme for State aid to support unpaid labour in research and development activities. The newly proposed scheme is referred to in the following as the 'Unpaid R&D Labour Scheme'.

By letter dated 27 October 2005 (Event no: 348209), the Authority acknowledged receipt of the notification.

By letter dated 13 December 2005 the Authority requested additional information according to Article 5(1) in Part II of Protocol 3 to the Surveillance and Court Agreement (Event no: 348961). The Norwegian authorities responded by letter dated 10 January 2006, enclosed in a letter from the Norwegian Mission to the European Union, dated 13 January 2006, both received and registered by the Authority on 16 January 2006 (Event no: 358121).

2. Description of the proposed measures**2.1. The objective, legal basis and function of the Unpaid R&D Labour Scheme****Objective**

It appears from legislative preparatory works that the overall objective of the Unpaid R&D Labour Scheme is to stimulate increased investments in research and development activities, particularly by small companies, such as entrepreneur and one-man enterprises ⁽⁴⁾. More specifically, the objective of the new scheme is to stimulate efforts by individuals in research and development oriented companies which, in the start-up phase, often are dependent on work resources that cannot be paid for. Research and development oriented companies are considered by the Norwegian authorities to be important for purposes of value creation derived from research as well as for innovation.

⁽¹⁾ Hereinafter referred to as the 'EEA Agreement'.

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

⁽³⁾ Procedural and Substantive Rules in the Field of State Aid — Guidelines on the application and interpretation of Articles 61 and 62 of the EEA Agreement and Article 1 of Protocol 3 to the Surveillance and Court Agreement, adopted and issued by the EFTA Surveillance Authority on 19 January 1994, published in OJ L 231, 3.9.1994, p. 1, EEA Supplement No 32, 3.9.94, p.1, last amended by the Authority's Decision No 329/05/COL of 20 December 2005 on financing of airports and start up aid to airlines (hereinafter referred to as the 'State Aid Guidelines').

⁽⁴⁾ Section 3.9 of St. prp. No 65 (2004-2005).

On a more detailed level, the Norwegian authorities have explained that the introduction of the Unpaid R&D Labour Scheme was motivated by the fact that under the existing 'Skattefunn Scheme' ⁽⁵⁾, it is not possible to support unpaid labour in research and development activities undertaken by entrepreneur and one-man enterprises due to the fact that the Skattefunn Scheme is a tax deduction scheme ⁽⁶⁾. In this respect the authorities have explained that under the Skattefunn Scheme aid is granted to research and development activities in the form of a tax deduction (or tax credit) whereby an amount, corresponding to a percentage of the eligible costs, is deducted from the amount due in tax by the company. However, the Norwegian authorities considered that it would not be in compliance with general tax legislation to deduct, in the amount to be paid in tax, an amount which is not based on *actual* eligible costs but rather on unpaid labour 'costs' which have not been incurred in reality. On this basis it was considered that unpaid labour costs could not qualify as eligible costs under the Skattefunn Scheme.

It is against this background that the Norwegian authorities proposed the establishment of a new Unpaid R&D Labour Scheme under which financial support is to be awarded to unpaid labour in research and development activities in the form of grants which are exempt from tax. As such the Norwegian authorities consider the Unpaid R&D Labour Scheme as a mere correction or supplement to the existing Skattefunn Scheme.

The Norwegian authorities have further explained that many companies have been in charge of projects that were approved under the Skattefunn Scheme but that some of these companies were subsequently prevented from receiving the tax deduction (or had to pay an amount corresponding to an already received tax deduction) due to the fact that unpaid labour was involved. As a result the profitability of entrepreneurs and one-man enterprises has been affected negatively. It is against this background that the Norwegian authorities adopted a decision to introduce a compensation scheme (the 'Compensation Scheme') for purposes of compensating companies for financial losses caused to their research and development projects during the years between 2002-2004 as a result of the fact that unpaid labour could not be covered by the Skattefunn Scheme ⁽⁷⁾. However, the Norwegian authorities consider that the Compensation Scheme does not form part of the notification in the present case as it falls under the *de minimis* threshold in the '*de minimis* Regulation' ⁽⁸⁾.

Legal basis

In a proposition on the fiscal budget from the Norwegian Government to the Norwegian Parliament ⁽⁹⁾, which was followed up by a Recommendation from a Parliamentary Committee to the Parliament ⁽¹⁰⁾, the Government proposed to grant a budget of a total amount of NOK 70 million for the establishment of the Unpaid R&D Labour Scheme as well as the Compensation Scheme. The budget was approved by the Parliament on 17 June 2005.

In parallel, the Government presented a proposal to the Parliament in order to amend the Norwegian Act on Taxation of wealth and income for purposes of introducing provisions on tax treatment and ceilings in respect of the grants to be awarded under the Unpaid R&D Labour Scheme (hereinafter referred to as the 'Tax law on the Unpaid R&D Labour Scheme') ⁽¹¹⁾. The proposal was furthered in a Recommendation from the Finance Committee in the Parliament ⁽¹²⁾. On 17 June 2005 the Norwegian Parliament adopted the Tax law on the Unpaid R&D Labour Scheme ⁽¹³⁾.

Aside from the adoption of the budget and the Tax law on the Unpaid R&D Labour Scheme, the measure intended to govern the new scheme in practice consists of draft guidelines on the implementation of the Unpaid R&D Labour Scheme (hereinafter referred to as the 'Guidelines on the Unpaid R&D Labour Scheme').

⁽⁵⁾ The Skattefunn Scheme was approved by the Authority in its Decision No 171/02/COL of 25 September 2002 and amendments to the Skattefunn Scheme were approved by the Authority in its Decision No 16/03/COL of 5 February 2003.

⁽⁶⁾ The terms used by the Norwegian authorities for the mentioned company forms are '*gründerselskaper*' and '*enkeltpersonforetak*'.

⁽⁷⁾ The Compensation Scheme is described in section 3.9 of St. prp. No 65 (2004-2005).

⁽⁸⁾ Commission Regulation (EC) No 69/2001 on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid (OJ L 10, 13.1.2001, p. 30), incorporated into Annex XV in Section 1(e) to the EEA Agreement by means of Joint Committee Decision No 88/2002 (OJ L 266, 3.10.2002, p. 56 and EEA Supplement No 49, 3.10.2002, p. 42).

⁽⁹⁾ Section 3.9 of St. prp. No 65 (2004-2005): Chapter 928, item 71 concerns the Unpaid R&D Labour Scheme and Chapter 1500, item 73 concerns the Compensation Scheme.

⁽¹⁰⁾ Innst. S. No 240 (2004-2005): Section 10.1.1.2, Chapter 928, item 71 concerns the Unpaid R&D Labour Scheme; and Section 16.2.4, Chapter 1500, item 73 concerns the Compensation Scheme.

⁽¹¹⁾ Section 14.1 of Ot. prp. No 92 (2004-2005) which also refers to the original budget proposition in St. prp. No 65 (2004-2005).

⁽¹²⁾ Section 15.1 of Innst. O. No 125 (2004-2005).

⁽¹³⁾ 'Lov 2005-06-17 nr 74: Lov om endringer i lov 26. mars 1999 No 14 om skatt av formue og inntekt (skatteloven).'

Finally, as regards the Compensation Scheme, the Norwegian authorities have proposed a Royal Decree on the implementation of the Compensation Scheme as well as the authorities' plan to prepare and issue draft Guidelines on the functioning of the Compensation Scheme ⁽¹⁴⁾.

Function of the Unpaid R&D Labour Scheme — eligible projects

It appears from the Guidelines on the Unpaid R&D Labour Scheme that eligible projects must involve research and development activities performed by individuals who are not receiving any pay or other compensation for their labour. Individuals who receive payment by means of other public sources are not covered ⁽¹⁵⁾.

As regards the type of the projects covered by the scheme, it appears moreover from the Guidelines on the Unpaid R&D Labour Scheme that eligible projects must be aimed (but also limited to) providing new information, knowledge or experience that is presumed to be of use to the enterprise in connection with the development of new or better products, services or production methods. Moreover, activities where results from industrial research are transferred into a plan, a project or a design for new enhanced products, services or production processes, and the development of a first prototype or pilot project that cannot be commercially exploited are also eligible activities under the Unpaid R&D Labour Scheme ⁽¹⁶⁾. The Norwegian authorities have stated that this definition of eligible research and development projects is identical to the definition of eligible research and development projects under the existing Skattefunn Scheme. In fact, in practice the Norwegian authorities refer to eligible projects under the Unpaid R&D Labour Scheme as projects which meet the 'Skattefunn criteria' or have been approved under the Skattefunn Scheme ⁽¹⁷⁾.

The Unpaid R&D Labour Scheme is administered and implemented by 'Norges forskningsråd'. The latter body is also the secretariat and the administering body, assessing whether projects are eligible under the Skattefunn scheme ⁽¹⁸⁾. The Norwegian authorities have explained that the fact that the definition of eligible research and development activities are defined in the same manner under both the Skattefunn Scheme and the Unpaid R&D Labour Scheme, and that the administering body, assessing whether the projects qualify as eligible, is the same under both schemes, means that for purposes of implementation the two schemes are also closely coordinated. In this regard applicants applying for support to eligible research and development activities must complete one single application form only in which the applicant has had the option to tick off whether support is sought for paid or unpaid labour in the relevant research and development activities ⁽¹⁹⁾. Moreover, financial support to be granted under the Unpaid R&D Labour Scheme will be taken into account when applicants also request support under the Skattefunn Scheme and is also limited by the maximum limit for support under the latter scheme ⁽²⁰⁾. In fact, according to the Norwegian authorities the only difference between the two schemes is the type of eligible costs (i.e., paid as opposed to unpaid labour) and the form in which support is granted (i.e., a tax deduction as opposed to a grant).

2.2. Recipients

The Norwegian authorities have explained that the Unpaid R&D Labour Scheme is open to all tax payers with tax liability in Norway, including all enterprises, irrespectively of their size and sector ⁽²¹⁾. Recipients may include undertakings jointly participating in a co-operation project ⁽²²⁾.

⁽¹⁴⁾ 'Forskrift om kompensasjon for ulønnet arbeidsinnsats i Skattefunn-godkjente forsknings- og utviklingsprosjekter for inntektsårene 2002, 2003 og 2004'. The draft Guidelines is intended to be based on 'Høringsnotat om utkast til forskrift om kompensasjon for ulønnet arbeidsinnsats i Skattefunn-godkjente forsknings- og utviklingsprosjekt for inntektsårene 2002, 2003 og 2004.' (in the following referred to as 'Høringsnotat').

⁽¹⁵⁾ Section 6 of Part III.6.A in the Standard Notification Form and Section 3 of the Guidelines on the Unpaid R&D Labour Scheme.

⁽¹⁶⁾ Section 6 of Part I in the Standard Notification Form and Section 3 of the Guidelines on the Unpaid R&D Labour Scheme. However, ordinary business oriented product development without having the character of research are not encompassed, such as projects that have a continuing character or include modification of methods without requiring the development of new knowledge or the use of existing knowledge in new ways, are of an organisational character, or consist of inquires, etc.

⁽¹⁷⁾ Section 3 of the Guidelines on the Unpaid R&D Labour Scheme; and Section IX of the Tax law on the Unpaid R&D Labour Scheme.

⁽¹⁸⁾ Section 3.9 of St. prp. No 65 (2004-2005), Section 14.1 of Ot. prp. No 92 (2004-2005) and the introduction to the Guidelines on the Unpaid R&D Labour Scheme.

⁽¹⁹⁾ Section 7 of the Guidelines on the Unpaid R&D Labour Scheme.

⁽²⁰⁾ See further Section 2.3 herein below on 'Eligible costs and aid intensity'.

⁽²¹⁾ See also Section 3.9 of St. prp. No 65 (2004-2005) where it is stated that the Unpaid R&D Labour Scheme is addressed to one-man enterprises, limited companies and other types of companies.

⁽²²⁾ In this case the cost frame of the project is allocated to the participants in proportion to their share of participation.

The Norwegian authorities have explained that the reason that the Unpaid R&D Labour Scheme includes medium-sized and large companies is to keep it in conformity with the conditions of the Skattefunn Scheme (which is open to all enterprises regardless of size) ⁽²³⁾. However, the Norwegian authorities have also made it clear that, in practice, the Unpaid R&D Labour Scheme is intended to target only entrepreneur firms and one-man enterprises: *'Even if the scheme includes enterprises of all sizes, the very nature of the scheme (support for unpaid labour) implies that the incentive effect will be most significant for entrepreneur-firms and one-man enterprises.'* ⁽²⁴⁾ In the same vein the authorities have stated that the Unpaid R&D Labour Scheme is *'...primarily targeting newly established technology-based companies with no ability to pay salaries to the individuals performing the R&D activity.'* and *'As the Unpaid R&D Labour Scheme shall give support to unpaid labour performed by R&D personnel not receiving salary or other compensation for the labour, the scheme will not be relevant for ordinary medium-sized and large companies.'* ⁽²⁵⁾

On this basis the Norwegian authorities have stated that *'Companies with an annual turnover or an annual balance sheet total corresponding to the ESA definition of medium-sized companies will in practise not receive support for unpaid labour.'* The reason for this is that, according to the Norwegian authorities, *'Larger companies generally use employed and paid R&D personnel to perform the actual R&D activity in a Skattefunn-project.'* and *'The costs of paying these employees will be eligible for tax-refund in the Skattefunn Scheme, and such companies will therefore neither have need nor basis for applying for subsidy from the Unpaid R&D Labour Scheme.'* ⁽²⁶⁾

Finally, the Norwegian authorities point out that the maximum limit for support to an eligible project is the same both in case support is granted exclusively in the form of a tax deduction under the Skattefunn Scheme or by a combination of a tax deduction and a grant under the Unpaid R&D Labour Scheme. There is therefore no incentive for large companies to obtain support from both schemes. By contrast, research and development activities performed by companies which only rely on unpaid labour will not be eligible for support under the Skattefunn Scheme.

2.3. Eligible costs and aid intensity

Eligible costs

Under the Unpaid R&D Labour Scheme, eligible expenditure consists of the unpaid labour costs in an eligible project ⁽²⁷⁾. In terms of identifying the appropriate wage rate(s) for the unpaid labour, the Norwegian authorities have explained that as formal qualifications of an individual are not always reflected in the ability to carry out research and development projects, it was difficult to identify separate wage rates which correspond to relevant education, experience and field of work. It was therefore decided to use one common rate for the calculation of support under the Unpaid R&D Labour Scheme.

The hourly rate is based on 1,6 % of the nominal annual industrial worker salary which for the year of 2005 results in an hourly rate of NOK 550. However, as a mark-up for social and overhead/administrative costs for purposes of unpaid labour costs was considered exaggerated, it was decided to use one common hourly rate of NOK 500 for unpaid labour performed in 2005 ⁽²⁸⁾. The hourly rate of NOK 500 may be subject to adjustment by the Ministry of Trade and Industry on the basis of general wage developments.

As regards a ceiling on the eligible costs, it appears from the Guidelines on the Unpaid R&D Labour Scheme that the unpaid labour costs eligible for financial support is subject to a fixed ceiling of NOK 2 million annually per undertaking ⁽²⁹⁾.

Finally, as regards control measures, the unpaid labour and the rest of the project costs must be certified by an accountant ⁽³⁰⁾. The Norwegian authorities have explained that as there is no evidence of reported hours in unpaid labour, companies are required to record the date, tasks, number of hours spent and the name of the relevant individual. In projects with more than one individual, the records must be signed both by the individual having carried out the unpaid labour and the individual responsible for the project. The reported number of hours may be reduced if it is deemed to be out of proportion of what may be considered as *'normal'* in comparable projects.

⁽²³⁾ The Norwegian authorities have in this context stated that *This is also why there is no formal discrimination against larger companies in the Unpaid R&D Labour Scheme's definition of beneficiaries.* (emphasis added).

⁽²⁴⁾ Section 8.1 in Part III.6.A of the Standard Notification form.

⁽²⁵⁾ Letter, dated 10 January 2006, from the Norwegian Ministry of Trade and Industry.

⁽²⁶⁾ Letter dated 10 January 2006, from the Norwegian Ministry of Trade and Industry.

⁽²⁷⁾ Section 6 of Part III.6.A of the Standard Notification form.

⁽²⁸⁾ A similar method is applied in the context of the Skattefunn Scheme where the basis for the calculation of support to personnel and indirect costs per hour is 1,6% of the nominal salary. However, under the Skattefunn Scheme the nominal salary also includes social and overhead/administrative costs.

⁽²⁹⁾ Section 3 of the draft Guidelines on Unpaid R&D Labour Scheme. It appears from Section 3.9 of St. prp. No 65 (2004-2005) that the ceiling is a result of the fact that only up to 50 % of the maximum limit for support to projects (carried out by the undertaking itself) under the Skattefunn scheme (of NOK 4 million) may constitute the value of unpaid labour in the project.

⁽³⁰⁾ Section 4 of the Guidelines on the Unpaid R&D Labour Scheme.

Aid intensity

The Guidelines on the Unpaid R&D Labour Scheme provide that grants awarded under the Unpaid R&D Labour Scheme are subject to the thresholds set out in Section 16-40 of the Norwegian Act on Taxation of wealth and income⁽³¹⁾. The latter provision is the basis for the Skattefunn Scheme and provides that eligible projects may be supported with aid intensities of up to 18 % or alternatively 20 % in the case of small and medium-sized enterprises 'SMEs' (that is, the support may amount to 18 % or 20 % of eligible costs).

The Norwegian authorities first stated that this means that the net aid intensities under the Unpaid R&D Labour Scheme are 18 % and 20 % (for SMEs) which correspond to gross aid intensities of respectively 25 % and 27,8 % (for SMEs)⁽³²⁾. However, the authorities have subsequently explained and confirmed that since the support under the Unpaid R&D Labour Scheme is paid in the form of a grant, 18 % and 20 % (for SMEs) constitute gross aid intensities⁽³³⁾. The grants are exempt from corporate tax, the rate of which is currently 28 %. Finally, the Norwegian authorities have confirmed that in view of the fact that the ceiling for eligible unpaid labour costs is NOK 2 million, and that the aid intensities are 18 % and 20 % (for SMEs), the aid ceilings in absolute figures are NOK 360 000 and NOK 400 000 (for SMEs) on an annual basis⁽³⁴⁾.

The grants awarded under the Unpaid R&D Labour Scheme are considered in conjunction with aid received under the Skattefunn Scheme. In this respect it appears from the proposed and adopted Tax law on the Unpaid R&D Labour Scheme⁽³⁵⁾ that if, in an eligible project, it can be concluded that the total amount of the tax deduction (under the Skattefunn Scheme) and the grant (under the R&D Labour Scheme) exceeds the limits set forth in the Skattefunn scheme, the tax deduction will be diminished. The Norwegian authorities have explained that under the Skattefunn Scheme the total amount of support may not exceed 18 % or 20 % (for SMEs) of eligible costs, and the eligible costs may not be in excess of NOK 4 million. The Norwegian authorities have also clarified that these limits are, however, without prejudice to the fact that the costs of unpaid labour must still be within the abovementioned ceiling of NOK 2 million. Finally the authorities have explained that in case grants under the Unpaid R&D Labour Scheme and public support from sources, other than the Skattefunn Scheme, are the cause of exceeding the limit for total support, a reduction in the support granted under the Unpaid R&D Labour Scheme will be made.

2.4. *De minimis*

As stated above, the Norwegian authorities consider that the Compensation Scheme does not form part of the notification as it falls under the *de minimis* threshold under the '*de minimis* Regulation'⁽³⁶⁾.

Section 6 of the Royal Decree on the Compensation Scheme provides that the compensation will be calculated on the basis of an hourly rate of NOK 500 and that it must constitute 18 % or 20 % (for SMEs) of the costs for unpaid labour in eligible projects. The total amount of eligible costs may not exceed NOK 4 million in the relevant financial year where research and development is carried out by the undertaking itself or NOK 8 million in case of research and development activities carried out by research institutions⁽³⁷⁾.

The Norwegian authorities have stated that Article 3(1) of the *de minimis* Regulation has been complied with by virtue of a reference to the *de minimis* character of the compensation in Section 8 of the Royal Decree on the Compensation Scheme. The latter provision provides that compensation will be paid out as *de minimis* aid in accordance with the '*de minimis* Regulation'; and that if the total amount of *de minimis* aid to the applicant exceeds Euro 100 000 during a period of three years, the compensation will be reduced. Applicants which cannot receive *de minimis* aid cannot claim to be entitled to receive compensation under the Royal Decree on the Compensation Scheme⁽³⁸⁾.

⁽³¹⁾ Section 3 of the Guidelines on the Unpaid R&D Labour Scheme.

⁽³²⁾ Section 7 of Part III.6.A of the Standard Notification form.

⁽³³⁾ This should be compared to the situation under the Skattefunn Scheme where the Authority considered in its Decision No 171/02/COL of 25 September 2002 (approving the Skattefunn Scheme) that as the aid is granted in the form of a tax deduction, the 18 % is a net grant which corresponds to a gross aid intensity of 25 % (taking into account a tax rate of 28 %).

⁽³⁴⁾ Section 3 of the Guidelines on the Unpaid R&D Labour Scheme and Section 6 of Part I in the Standard Notification form.

⁽³⁵⁾ Section 14.2.1 of Ot. prp. No 92 (2004-2005) and Section IX of the Tax law on the Unpaid R&D Labour Scheme.

⁽³⁶⁾ Article 2(1) of the *de minimis* Regulation, see reference in footnote 8 above.

⁽³⁷⁾ Section 7 of the Royal Decree on the Compensation Scheme.

⁽³⁸⁾ It appears from the '*Høringsnotat*' that this statement refers to Article 1 of the *de minimis* Regulation which lists sectors and activities excluded from receiving *de minimis* aid.

Applicants requesting compensation must submit an overview of the total amount of all tax deductions received under the Skattefunn Scheme during the years for which compensation is sought as well as a complete overview of all *de minimis* aid received by the applicant as of 1 January 2003⁽³⁹⁾. Applicants must request compensation within six weeks of the publication of the Royal Decree on the Compensation Scheme⁽⁴⁰⁾. The compensation will be paid out in the form of lump sums during 2006.

2.5. Budget and duration

It appears from legislative preparatory works on the fiscal budget that out of a total amount of NOK 70 million, financed by the Ministry of Trade and Industry for 2005, NOK 60 million is the budget for the Unpaid R&D Labour Scheme (of which NOK 5 million is for administration costs) while NOK 10 million is the budget for the Compensation Scheme⁽⁴¹⁾.

The Unpaid R&D Labour Scheme is not limited in time. In this respect the Norwegian authorities have stated that as the objective of the Unpaid R&D Labour Scheme is to stimulate unpaid research and development activities to the same extent as paid research and development activities are stimulated under the Skattefunn Scheme, the time frame for the Unpaid R&D Labour Scheme must be the same as that for the Skattefunn Scheme. In this respect it appears from the Authority's approval of amendments to the Skattefunn Scheme that the Skattefunn Scheme is not limited in time⁽⁴²⁾. However, just as under the Skattefunn Scheme, the continuation of the Unpaid R&D Labour Scheme is dependent on the approval of an annual budget each year⁽⁴³⁾.

II. APPRECIATION

1. Procedural requirements

Pursuant to Article 1(3) in Part I of Protocol 3 to the Surveillance and Court Agreement, 'the EFTA Surveillance Authority shall be informed, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid. [...] The State concerned shall not put its proposed measures into effect until the procedure has resulted in a final decision'.

By means of a letter dated 5 October 2005, the Norwegian authorities have submitted a notification for purposes of introducing the Unpaid R&D Labour Scheme under which financial support may be granted to unpaid labour in research and development activities.

As regards the entry into force of the Unpaid R&D Labour Scheme, it appears from legislative preparatory works (on the budget) that entry into force of the scheme is dependent on what would be determined in the context of adopting the Tax law on the Unpaid R&D Labour Scheme⁽⁴⁴⁾. The Norwegian authorities therefore consider the Tax law on the Unpaid R&D Labour Scheme as the legal measure determining when the Unpaid R&D Labour Scheme enters into force. It appears from the adopted Tax law on the Unpaid R&D Labour Scheme that the Ministry of Finance decides when the law enters into force. It appears, moreover, from the relevant preparatory legislative works that this provision is based on the prerequisite that the Unpaid R&D Labour Scheme must be notified to, and approved by, the Authority before entering into force⁽⁴⁵⁾. Subject to approval by the Authority the original objective was to have the scheme enter into force during the autumn of 2005⁽⁴⁶⁾.

In these circumstances — where the power of the Ministry of Finance to command the entry into force of the Unpaid R&D Labour Scheme is subject to the condition of obtaining a prior approval by the Authority — the Authority considers that the Norwegian authorities have respected its notification requirement pursuant to Article 1(3) in Part I of Protocol 3 to the Surveillance and Court Agreement.

⁽³⁹⁾ Section 9(h) and (i) of the Royal Decree on the Compensation Scheme.

⁽⁴⁰⁾ See Section 3 of the Royal Decree on the Compensation Scheme and the second paragraph in the 'Høringsnotat'.

⁽⁴¹⁾ Section 3.9 of St. prp. No 65 (2004-2005) and Section 5 in Part I of the Standard Notification form.

⁽⁴²⁾ Decision No 16/03/COL adopted by the Authority on 5 February 2003. The Skattefunn Scheme is currently the subject of an evaluation (to be terminated in 2007) for purposes of determining whether the scheme should be continued in its present form, be altered or terminated.

⁽⁴³⁾ Section 5 in Part I of the Standard Notification form.

⁽⁴⁴⁾ Section 3.9 of St. prp. No 65 (2004-2005).

⁽⁴⁵⁾ Section 14.3 of Ot. prp. No 92 (2004-2005) which refers to Section 3.9 of St. prp. No 65 (2004-2005).

⁽⁴⁶⁾ See Section 7.2 in Part I of the Standard Notification form.

2. The presence of State aid

2.1. State aid within the meaning of Article 61(1) of the EEA Agreement

Article 61(1) of the EEA Agreement reads as follows:

'Save as otherwise provided in this Agreement, any aid granted by EC Member States, EFTA States or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Contracting Parties, be incompatible with the functioning of this Agreement.'

To be termed aid, within the meaning of Article 61(1) of the EEA Agreement a measure must meet the following four cumulative criteria: The measure must (i) confer on recipients an economic advantage which is not received in the normal course of business; (ii) the advantage must be granted by the State or through State resources and must (iii) be selective by favouring certain undertakings or the production of certain goods; and (iv) distort competition and affect trade between Contracting Parties. In the following it is examined whether the four cumulative criteria are met in the present case.

2.2. Economic advantage

The measure must confer on recipients an economic advantage which is not received in the normal course of business.

Under the Unpaid R&D Labour Scheme the Norwegian authorities will award financial grants to tax payers, including all enterprises. The recipients of such grants therefore receive an economic advantage, i.e., a grant, which they would not have received in their normal course of business.

Moreover, recipients of grants are exempted from paying corporate tax on the grants. The tax exemption relieves recipients from a charge that is normally borne out of their budgets and they therefore receive one further economic advantage in addition to the grant.

2.3. Presence of State resources

The measure must be granted by the State or through State resources.

The grants awarded under the Unpaid R&D Labour Scheme are financed by the Ministry of Trade and Industry and are therefore financed by the State.

Moreover, with respect to the exemption of grants from corporate tax, a tax exemption means that the State foregoes tax revenue and a loss of tax revenue is equivalent to consumption of State resources in the form of fiscal expenditure⁽⁴⁷⁾.

2.4. Favouring certain undertakings or the production of certain goods

The measure must be selective in that it favours *'certain undertakings or the production of certain goods'*.

In its decision (16/03/COL) of 5 February 2003 in which the Authority assessed a notified amendment to the Skattefunn Scheme for purposes of extending the scheme to be open to all undertakings, irrespective of their size and sector, the Authority considered that the bodies administering and implementing the Skattefunn Scheme (i.e., 'Statens nærings- og distriktsutviklingsfond' and 'Norges forskningsråd'), enjoyed discretionary powers for purposes of assessing the research character of the projects and the incentive effect of the support measure.

In view of the above and the fact that the criteria for determining the eligibility of projects under the Skattefunn Scheme and the Unpaid R&D Labour Scheme are the same and are assessed by the same administering body, i.e., Norges forskningsråd, the Authority takes the view that the latter enjoys discretionary powers also for purposes of implementing the Unpaid R&D Labour Scheme. This means that the Unpaid R&D Labour Scheme is, de facto, selective. In this regard the Authority recalls that the European Court of Justice has held that discretionary powers enjoyed by the public authorities, administering a financial support scheme, means that the scheme is, de facto, selective⁽⁴⁸⁾.

⁽⁴⁷⁾ See point 3 of Chapter 17.B.3 of the State Aid Guidelines.

⁽⁴⁸⁾ See Case 241/94 *France v Commission* [1998] ECR I-7907, paragraphs 23 and 24; Case C-295/97 *Industrie Aeronautiche e Meccaniche Rinaldo Piaggio SpA v International Factors Italia SpA (Ifitalia), Dornier Luftfahrt GmbH and Ministero della Difesa* [1999] ECR I-3735, paragraph 39; Case 200/97 *Ecotrade Srl v Altiforni e Ferriere di Servola SpA (AFS)* [1998] ECR I-7907, paragraph 40.

In addition hereto, it is recalled that the Norwegian authorities state that the Unpaid R&D Labour Scheme will, in practice, only favour one-man enterprises and entrepreneur firms. To the extent that this means that Norges forskningsråd will also implement the R&D Labour Scheme in this manner (i.e., by turning down applications for support from medium-sized or large companies), the Authority considers that this is a mere confirmation of the fact that Norges forskningsråd enjoys discretionary powers and that the scheme is, de facto, selective (in favour of one-man enterprises and entrepreneur firms). Indeed the statement of the Norwegian authorities that ‘...there is no *formal discrimination against larger companies in the Unpaid R&D Labour Scheme’s definition of beneficiaries.*’ (emphasis added) could be an indication that the scheme is to be implemented in the above-stated manner.

Finally, the assessment set out above is equally valid for the exemption from corporate tax enjoyed by recipients of grants under the Unpaid R&D Labour Scheme.

2.5. *Distortion of competition and effect on trade between Contracting Parties*

The measure must distort competition and affect trade between the Contracting Parties.

The Unpaid R&D Labour Scheme covers all sectors of the economy established in Norway. In view of the fact that for the year of 2006 exports to the EU will represent about 70 % out of total exports from Norway, whereas imports from the EU will represent approximately 68 % out of total imports to Norway, there is extensive trade between Norway and the EU ⁽⁴⁹⁾.

In such circumstances, the Authority considers that the grant of support and the connected tax exemption in favour of undertakings under the Unpaid R&D Labour Scheme will strengthen the relative position of recipients compared to other undertakings located in other EEA countries and competing in similar sectors or businesses. Furthermore, in case the administering body of the Unpaid R&D Labour Scheme may indeed preclude larger companies from receiving support, the position of one-man enterprises and entrepreneur companies, receiving support under the scheme will be reinforced compared to any larger companies which would be denied support. The Unpaid R&D Labour Scheme is therefore to be regarded as affecting trade and distorting or threatening to distort competition.

2.6. *Conclusion*

In light of the above, the preliminary conclusion of the Authority is that the grant of support, including the tax exemption under the Unpaid R&D Labour Scheme, satisfies the test of Article 61(1) of the EEA Agreement and hence involves State aid.

3. **Compatibility of the aid and *de minimis* aid**

As the preliminary conclusion of the Authority is that the Unpaid R&D Labour Scheme satisfies the test of Article 61(1) of the EEA Agreement and hence involves State aid, it has to be examined whether the Unpaid R&D Labour Scheme may be considered compatible with the functioning of the EEA Agreement under Article 61(2) or (3) of the EEA Agreement.

3.1. *Compatibility with Article 61(2) of the EEA Agreement*

It appears that none of the exceptions under Article 61(2) apply in this case as the Unpaid R&D Labour Scheme is not aimed at the objectives listed in those provisions.

3.2. *Compatibility with Article 61(3) of the EEA Agreement*

A State aid measure is considered compatible with the functioning of the EEA Agreement under Article 61(3)(a) when it is designed to promote the economic development where the standard of living is abnormally low or where there is serious underemployment. However, as no such areas are defined by the Norwegian regional aid map, this provision does not apply ⁽⁵⁰⁾.

⁽⁴⁹⁾ The relevant statistics have been issued by ‘Statistisk Sentralbyrå’ and are entitled ‘Samhandelen med land og landområder. Januar. 2005 og 2006.’ (Table 3). The statistics are available at: <http://www.ssb.no/emner/09/05/muh/tab-2006-02-15-03.html>

⁽⁵⁰⁾ The Authority’s Decision No 110/98/COL of 28 April 1998 on the map of assisted areas (Norway).

Moreover, the exception in Article 61(3)(b) of the EEA Agreement does not apply since the State aid granted under the Unpaid R&D Labour Scheme is not intended to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of Norway.

However, the exception laid down in Article 61(3)(c) of the EEA Agreement which provides that State aid may be considered compatible with the common market where it facilitates the development of certain economic activities or of certain economic areas and does not adversely affect trading conditions to an extent contrary to the common interest, may be applicable.

In the following the Authority considers the compatibility of the Unpaid R&D Labour Scheme with the functioning of the EEA Agreement under Article 61(3)(c) by virtue of Chapter 14 in the State Aid Guidelines on aid for research and development.

Aid for research and development in Chapter 14 of the State Aid Guidelines

(i) Eligible research and development projects and aid intensities

In Chapter 14 of the State Aid Guidelines aid granted to firms for research and development may be regarded as compatible with the functioning of the EEA Agreement on the basis of Article 61(3)(c) of the EEA Agreement. Chapter 14 sets out indicative definitions of different types of research and development, such as *'fundamental research'*, *'industrial research'* and *'precompetitive development activity'* and the aid intensities which apply.

It appears from paragraph 2 of Chapter 14.2.1 that by *'precompetitive development activity'* is meant *'the shaping of the results of industrial research into a plan, arrangement or design for new, altered or improved products, processes or services, whether they are intended to be sold or used, including the creation of an initial prototype which could not be used commercially. This may also include the conceptual formulation and design of other products, processes or services and initial demonstration projects or pilot projects, provided that such projects cannot be converted or used for industrial applications or commercial exploitation. It does not include the routine or periodic changes made to products, production lines, manufacturing processes, existing services and other operations in progress, even if such changes may represent improvements.'*

The Authority considers that the description of eligible projects under the Unpaid R&D Labour Scheme, set out above in Section 2.1 of Part I hereof, seems to be in line with the description given of *'pre-competitive development activity'* in paragraph 2 of Chapter 14.2.1 of the State Aid Guidelines.

According to paragraph five of Chapter 14.5.1 of the State Aid Guidelines, the permissible gross aid intensity for pre-competitive development activities is fixed at 25 % of eligible costs. Moreover, according to paragraph one of Chapter 14.5.3 of the State Aid Guidelines, an extra 10 percentage points may be granted where the aid is given to SMEs (as defined in the Annex to the block exemption on aid to SMEs), bringing the aid intensity up to 35 % of eligible costs in the case of pre-competitive activities by SMEs ⁽⁵¹⁾.

Since the support granted under the Unpaid R&D Labour Scheme is paid in the form of a grant, 18 % and 20 % (for SMEs) constitute gross aid intensities. However, the fact that the grant is tax exempt is a further aid element, the value of which corresponds to the current tax rate of 28 %. In the present case the total gross aid intensity corresponds, therefore, to the combined maximum value of the grant and the tax exemption which is 23,04 % and 25,6 % (for SMEs) ⁽⁵²⁾. The Authority therefore considers that the maximum aid intensities of the Unpaid R&D Labour Scheme are currently on an acceptable level by reference to Chapter 14 of the State Aid Guidelines. However, if the corporate tax rate should be increased, the total gross aid intensity may become higher. Therefore, in the absence of any general aid intensity ceilings which ensure that individual aid awards under the Unpaid R&D Labour Scheme do not exceed the aid intensities set out in Chapter 14.5.1 of the State Aid Guidelines, the Authority cannot be reassured that the aid intensities, which may result from the application of the Unpaid R&D Labour Scheme, will be on an acceptable level by reference to Chapter 14 of the State Aid Guidelines also in the future. On this basis the Authority has doubts that the aid intensities resulting from the application of the Unpaid R&D Aid Scheme may be considered as compatible on the basis of Chapter 14 of the State Aid Guidelines.

⁽⁵¹⁾ Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises (OJ L 10, 13.1.2001, p. 33), as amended by Commission Regulation (EC) No 364/2004 of 25 February 2004 (OJ L 63, 28.2.2004, p. 22). Both Regulations have been incorporated into Section 1(f) in Annex XV to the EEA Agreement by Joint Committee Decision No 88/2002 (OJ L 266, 3.10.2002, p. 56 and EEA Suppl. No 49, 3.10.2002, p. 42) and Joint Committee Decision No 131/2004 (OJ L 64, 10.3.2005, p. 67 and EEA Supplement No 12, 10.3.2005, p. 49).

⁽⁵²⁾ 18 % and 5,04 % (corresponding to 28 % of 18 %) is in total 23,04 %. For SMEs 20 % and 5,6 % (corresponding to 28 % of 20 %) is in total 25,6 %.

(ii) Eligible costs and incentive effect

Section 14.6 of the State Aid Guidelines sets out a list of costs which are to be regarded as eligible for purposes of calculating the aid intensity set out in Chapter 14. One of such cost items is personnel costs which cover the costs of researchers, technicians and other supporting staff employed solely for the research activity.

While section 14.6 of the State Aid Guidelines does not elaborate on whether personnel costs may cover costs of unpaid labour, the Authority considers that when the word 'costs' has been used without any further explanation it means that the intention was only to cover the situation where costs have actually been incurred and paid. Moreover, for purposes of interpreting Chapter 14 of the State Aid Guidelines, which are based on the research and development guidelines established by the European Commission, ⁽⁵³⁾ the Authority considers it relevant that under the Community Research Framework Programmes, financial support from the Community for unpaid labour costs cannot be obtained ⁽⁵⁴⁾. In this context the European Commission has adopted the view that if the value of the labour costs cannot be identified and registered in the books of the company it cannot be charged to the Framework Programme either ⁽⁵⁵⁾.

As regards the incentive effect, it appears from section 14.7 of the State Aid Guidelines that aid for research and development should serve as an incentive for firms to undertake research and development activities in addition to their normal day-to-day operations or it may encourage firms not carrying out research and development to undertake such activities. Where the incentive effect is not evident the Authority may consider such aid less favourably than it usually does.

In the present case the Authority considers that it is doubtful whether the aid awarded under the Unpaid R&D Labour Scheme may be considered as an evident incentive to carry out research and development activities in line with section 14.7 of the State Aid Guidelines. In this respect the Authority takes the preliminary view that unpaid research and development activities would be carried out in any event, i.e., even without the aid, since the individuals carrying out unpaid labour were apparently prepared to undertake the relevant work without pay in any event. In other words, the Authority considers that the aid appears not to be necessary in order to achieve the aim of having the relevant research and development activities carried out.

Moreover, to the extent that the Unpaid R&D Labour Scheme would also apply to larger companies, it is clear that such companies could (over time) (re-)organise their research and development activities into basing themselves on using unpaid labour instead of paid labour due to knowledge of the fact that support for unpaid labour may be obtained. In such circumstances it is certain that the support under the Unpaid R&D Labour Scheme is not the incentive for undertaking the relevant research and development activity. In this context the Authority considers that the fact that the company may — for the same project — obtain a tax deduction under the Skattefunn Scheme (by using paid labour) is irrelevant because the reason for using unpaid labour in these cases would precisely be that it is financially more attractive to obtain support for paying the labour than a tax deduction in respect of already paid labour.

On this basis the Authority takes the preliminary view that it is doubtful whether the unpaid labour costs qualify as eligible costs and whether there is any incentive effect under the Unpaid R&D Labour Scheme. In light of the comments set out above, the Norwegian authorities are invited to submit reasons as to why it may be considered that the Unpaid R&D Labour Scheme does create an incentive to carry out research and development activities and on what basis unpaid labour costs should qualify as eligible costs.

3.3. Conclusions

In view of the fact that the Unpaid R&D Labour Scheme appears not to qualify for any of the exceptions provided for in the EEA Agreement, the Authority doubts that the Unpaid R&D Labour Scheme may be considered compatible with the functioning of the EEA Agreement.

⁽⁵³⁾ Community framework for State aid for research and development (OJ C 45, 17.2.1996, p. 5) as amended.

⁽⁵⁴⁾ The EU's research Framework Programme is the EU's main instrument for research funding in Europe. In Part B.II.22.3 of Annex II to the general model contract used for purposes of granting support under Framework Programme 6, it appears that 'Physical persons may not charge any labour cost in relation to their personal involvement in the project.' and in Part B.II.19.1(a) it appears that eligible costs 'must be actual, economic and necessary for the implementation for the project.'

⁽⁵⁵⁾ E.g., the Framework Programme 6.

3.4. *De minimis aid: The Compensation Scheme*

The grant of State aid may qualify as *de minimis* under the '*de minimis* Regulation' where the total aid granted to any one enterprise does not exceed Euro 100 000 over any three-year period with the consequence that there is no obligation to notify⁽⁵⁶⁾. It appears from Article 3(1) of the *de minimis* Regulation that the national authorities can only grant *de minimis* aid after first having verified that the total amount of *de minimis* aid received by the company is not raised beyond the ceiling by virtue of other *de minimis* aid having been received during the previous three years. One way of verifying the *de minimis* threshold is by obtaining full information from the recipient on this matter.

In the present case compensation under the Compensation Scheme will be paid out as *de minimis* aid and if the total amount of *de minimis* aid to an applicant exceeds Euro 100 000 during a period of three years, the compensation will be reduced. Moreover, the Norwegian authorities will obtain from the applicants, via their applications requesting compensation, an overview of the total amount of all tax deductions received by the applicant under the Skattefunn Scheme during the years for which compensation is sought, as well as a complete overview of all *de minimis* aid the applicant has received as of 1 January 2003.

On the basis of the above and on the assumption that the Norwegian authorities will not grant *de minimis* aid under the Compensation Scheme where it is clear that the *de minimis* threshold has been or will, as a result of the new grant, be exceeded, the Authority considers that the Compensation Scheme is in compliance with the *de minimis* Regulation, including the requirement of verifying that the potential recipient has not received other *de minimis* aid in excess of the relevant ceiling.

On the basis of the information available, the Authority therefore takes the preliminary view that the aid granted to undertakings under the Compensation Scheme will qualify as *de minimis* aid.

III. CONCLUSION

Based on the information submitted by the Norwegian authorities, the Authority cannot exclude that the Unpaid R&D Labour Scheme constitutes aid within the meaning of Article 61(1) of the EEA Agreement. Furthermore, the Authority has doubts that the Unpaid R&D Labour Scheme can be regarded as complying with Article 61(3)(c) of the EEA Agreement, in combination with the requirements laid down in Chapter 14 of the Authority's State Aid Guidelines. Consequently, the Authority has doubts that the Unpaid R&D Labour Scheme is compatible with the functioning of the EEA Agreement.

Consequently, and in accordance Article 4(4) in Part II of Protocol 3 to the Surveillance and Court Agreement, the Authority is obliged to open the procedure provided for in Article 1(2) in Part I of Protocol 3 of the Surveillance and Court Agreement. The decision to open proceedings is without prejudice to the final decision of the Authority, which may conclude that the Unpaid R&D Labour Scheme is compatible with the functioning of the EEA Agreement.

In light of the foregoing considerations, the Authority, acting under the procedure laid down in Article 1(2) in Part I of Protocol 3 to the Surveillance and Court Agreement, requests the Norwegian authorities to submit its comments and to provide all such information which may help to assess the Unpaid R&D Labour Scheme, within one month of the date of receipt of this decision.

HAS ADOPTED THIS DECISION:

1. The Authority has decided to open the formal investigation procedure provided for in Article 1(2) in Part I of Protocol 3 to the Surveillance and Court Agreement against Norway with regard to the 'Unpaid R&D Labour Scheme'.
2. The Norwegian authorities are requested, pursuant to Article 6(1) in Part II of Protocol 3 to the Surveillance and Court Agreement, to submit their comments on the opening of the formal investigation procedure within one month from the notification of this decision and to provide all such information which may help to assess the Unpaid R&D Labour Scheme.

⁽⁵⁶⁾ Article 2 of the *de minimis* Regulation, see reference in footnote 8.

3. Other EFTA States, EC Member States, and interested parties shall be informed by means of publication of this decision in its authentic language version, accompanied by a meaningful summary in languages other than the authentic language version, in the EEA Section of the *Official Journal of the European Union* and the EEA Supplement thereto, inviting them to submit comments within one month from the date of publication.
4. This decision is authentic in the English language.
5. This decision is addressed to the Kingdom of Norway.

Done at Brussels, 8 March 2006

For the EFTA Surveillance Authority

Bjørn T. GRYDELAND
President

Kurt JAEGER
College Member

Opfordring til at fremsætte bemærkninger i henhold til artikel 1, stk. 2, i del I i protokol 3 til tilsyns- og domstolsaftalen om statsstøtte ydet af Norges Forskningsråd i forbindelse med softwareprogrammet Turborouter

(2006/C 258/13)

Ved beslutning nr. 60/06/KOL af 8. marts 2006, der er gengivet på det autentiske sprog efter dette resumé, indledte EFTA-Tilsynsmyndigheden proceduren efter artikel 1, stk. 2, i del I i protokol 3 til aftalen om oprettelse af en tilsynsmyndighed og en domstol (tilsyns- og domstolsaftalen). De norske myndigheder er blevet underrettet med en kopi af beslutningen.

EFTA-Tilsynsmyndigheden opfordrer herved EFTA-staterne, EU's medlemsstater og interesserede parter til at fremsætte deres bemærkninger til den pågældende foranstaltning senest en måned efter offentliggørelsen af denne meddelelse. Bemærkningerne bedes sendt til:

EFTA-Tilsynsmyndigheden
Registreringskontoret
Rue Belliard 35,
B-1040 Bruxelles
Fax (32-2) 286 18 00

Disse bemærkninger vil blive videresendt til de norske myndigheder. Interesserede parter, der fremsætter bemærkninger til sagen, kan skriftligt anmode om at få deres navne hemmeligholdt. Anmodningen skal være begrundet.

RESUMÉ

Ved brev af 5. marts 2002 (dok. nr. 02-1733-A) modtog Tilsynsmyndigheden en klage om, at Norge havde ydet statsstøtte via Norsk Forskningsråd (i det følgende »NF«) til forskellige projekter i forbindelse med udvikling af softwareprogrammet Turborouter.

Den 8. marts 2006 besluttede Tilsynsmyndigheden efter en større korrespondanceudveksling mellem Tilsynsmyndigheden og de norske myndigheder og med klageren at indlede den formelle undersøgelsesprocedurer over for de projekter, der henvises til i klagen.

NF havde ydet støtte til fire projekter, der drejede sig om udvikling af softwareprogrammet Turborouter inden for rammerne af støtteordningen industrielt F&U-program. Tilsynsmyndigheden havde vurderet dette program sammen med andre bestående støtteordninger og i december 1994 vedtaget beslutning nr. 217/94/KOL, hvori Norge fik foreslået egnede foranstaltninger. De norske myndigheder accepterede de egnede foranstaltninger. Følgelig skulle alle tildelinger af støtte i henhold til denne ordning efterfølgende ske i overensstemmelse med statsstøtteretningslinjerne for F&U, som blev vedtaget af Tilsynsmyndigheden i 1994.

På grundlag af de foreliggende oplysninger er Tilsynsmyndigheden i tvivl om, hvorvidt ydelse af støtte til det pågældende forskningsprojekt var i overensstemmelse med bestemmelserne i F&U-retningslinjerne. Det er tvivlsomt, om projekterne blev klassificeret korrekt. Dette gælder især for de tre projekter, som blev betragtet som forskningsprojekter på prækonkurrencestadiet, og som kunne være for tæt på markedet til at kunne være støtteberettigede.

Tilsynsmyndigheden nærer også tvivl med hensyn til finansieringen af projektet. Det er ikke klart, om de virksomheder, der deltager i projekterne, reelt bidrog til projekternes forskningsomkostninger, eller om de almindelige driftsomkostninger blev betragtet som en del af forskningsprojekterne. Skulle dette være tilfældet, skal støtteintensiteterne revideres.

I denne forbindelse har Tilsynsmyndigheden sin tvivl med hensyn til, om støttemodtagerne misbrugte den af NF ydede støtte.

Hvis ydelse af støtte til de pågældende projekter ikke er omfattet af det industrielle F&U-program, skal hvert projekt vurderes individuelt på grundlag af bestemmelserne i de F&U-retningslinjer, der var gældende på det tidspunkt, tilskuddene blev givet, eller direkte på grundlag af EØS-aftalens regler.

EFTA SURVEILLANCE AUTHORITY DECISION**No 60/06/COL****of 8 March 2006****on R&D aid granted by the Research Council of Norway in connection
with the development of the software programme Turborouter****(NORWAY)**

THE EFTA SURVEILLANCE AUTHORITY ⁽¹⁾,

Having regard to the Agreement on the European Economic Area ⁽²⁾, 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 ⁽³⁾, in particular to Article 24 thereof,

Having regard to Article 1(2) and (3) in Part I and Articles 1, 4, 6, 10, 13, 14, 16 and 20 in Part II of Protocol 3 to the Surveillance and Court Agreement ⁽⁴⁾,

Having regard to the Authority's Guidelines ⁽⁵⁾ on the application and interpretation of Articles 61 and 62 of the EEA Agreement, and in particular Chapter 14 thereof, 'Aid for Research and Development',

Having regard to the Authority's Decision of 14 July 2004 on the implementing provisions referred to under Article 27 in Part II of Protocol 3 ⁽⁶⁾,

Having regard to the Authority's Decision No 217/94/COL of 1 December 1994 to propose appropriate measures to Norway on, amongst others, the aid scheme Industrial R&D Programmes,

Having regard to Norway's acceptance of the proposed appropriate measures by letter dated 19 December 1994,

Whereas:

I. FACTS**1. Procedure**

By letter dated 5 March 2002 (Doc. No 02-1733-A), the Authority received a complaint alleging that state aid had been granted by Norway through the Research Council of Norway (hereinafter: 'the RCN') to various research projects in connection with the development of the software programme Turborouter.

The Authority requested information from the Norwegian authorities by letter dated 26 April 2002 (Doc. No 02-2605-D). The Ministry of Trade and Industry replied by letter dated 3 June 2002 (Doc. No 02-4177-A), which included RCN's comments on the so-called Turborouter project.

In October 2002, a meeting between representatives from the Authority and the Norwegian authorities took place in Oslo in order to clarify some technical aspects.

On 28 February 2003, the Authority requested further clarification and documentation on certain aspects raised during the above-mentioned meeting (Doc. No 03-1159-D). The required information was supplied by the Norwegian authorities by letter dated 11 April 2003 (Doc. No 03-2338 A) and completed by letter of 20 June 2003 (Doc. No 03-4083-A).

⁽¹⁾ Hereinafter referred to as 'the Authority'.

⁽²⁾ Hereinafter referred to as 'the EEA Agreement'.

⁽³⁾ Hereinafter referred to as 'the Surveillance and Court Agreement'.

⁽⁴⁾ Hereinafter referred to as 'Protocol 3'.

⁽⁵⁾ Procedural and Substantive Rules in the Field of State Aid, Guidelines on the application and interpretation of Articles 61 and 62 of the EEA Agreement and Article 1 of Protocol 3 to the Surveillance and Court Agreement, adopted and issued by the EFTA Surveillance Authority on 19 January 1994, published in OJ 1994 L 231, EEA Supplements 3.9.94 No 32, last amended on 14 December 2005, hereinafter referred to as 'the Guidelines'.

⁽⁶⁾ Not yet published in the OJ or the EEA Supplement. Available at: <http://www.eftasurv.int/fieldsOfWork/fieldStateAid/legalTexts/ms2decision.DOC>. This Decision has been last amended by the Authority's Decision No 329/05/COL of 20.12.2005.

Representatives of the Authority and the Norwegian authorities discussed the case at a meeting in the framework of the package meeting which took place in Oslo on 23 September 2004. Some of the issues raised during this meeting were later addressed by the Authority in a letter dated 11 November 2004 (Event No 294194). The Norwegian authorities answered by letter of 31 January 2005 (Event No 307137).

The Authority lastly requested information in a letter dated 7 July 2005 (Event No 323594). The Authority furthermore stated that should the response from the Norwegian authorities not dispel the remaining doubts of the Authority, the formal investigation procedure would have to be opened with respect to the granting of R&D aid in connection with the development of the software programme Turborouter.

The Norwegian authorities replied in a letter dated 22 August 2005 (Event No 331615).

The complainant contacted the Authority on various occasions during the preliminary investigation and submitted additional information.

2. The complaint

In March 2002, the Authority received a complaint alleging that the RCN had granted R&D aid to *'projects in the maritime sector that violate the EEA rules. The projects that have received state aid are commercial software programs that are marketed and sold in the international markets. We refer specifically to the software program called TURBOROUTER'*.

According to the complainant, the Turborouter programme is distorting the competition with other European or international companies which develop software programmes for the maritime industry. The complainant, who has software products in the same sector, has stated to have invested important sums of money in developing mathematical algorithms, which seem to be similar to the ones used in Turborouter.

The complaint concerns not only the projects that led to the development of a commercial software programme called Turborouter but also its development in several sub-projects. Although the complainant identified Project 136171 Algopt and Project 144214 Optimisation routines, it explicitly stated that the complaint is not limited to these projects but concerns *'all of these projects that have been targeting the development of a commercial software program called Turborouter'*.

The complainant mainly argued that (1) the projects that received aid were too close to the market to be eligible for R&D aid and had been marketed for sale to third companies in Norway and abroad; (2) the research results had not been disseminated but the research institute Marintek, which developed the software programme Turborouter, had received the property rights to sell the programme; (3) the maximum aid intensities had not been respected due to the fact that the own capital contribution from the concerned companies was in reality lower than stated in the application form. The complainant brought forward the following arguments to support the complaint:

- 1) *'The RCN has given aid to projects which are very close to the market. Turborouter has for more than two years been actively marketed for sale both domestically in Norway and abroad. This marketing has been done partly by the research institute Marintek and partly by Shipnet, a privately owned commercial vendor of software systems for the maritime industry with which, according to the information submitted by the complainant, Marintek has an agreement. The Turborouter projects cannot be classified into "fundamental research" nor "industrial research" according to the definitions laid down by the EEA. In view of the complainant, the projects are even far beyond pre-competitive development activity. "Turborouter projects are aimed at developing software programs that are developed in close co-operation with a limited number of users, and in parallel is actively marketed towards any maritime company in need of such program".'*
- 2) *'As the Turborouter projects have received public aid and where in the R&D programs it has been stated that reports will be made available for any party interested, it is a breach of the regulations to give Marintek the proprietary rights to sell and market the program. In view of the complainant this confirms the argument that Turborouter is a commercial product far beyond any R&D stage.'*
- 3) *'In calculating the aid intensities, the RCN has used the pro forma funding assumed in the R&D application to be given by the aid receiving firm.'* The complainant claimed neither to have seen any documentation that the firms actually contributed with their own resources to the alleged funds, nor any audited reports where such contribution is proven. *'For many projects in the maritime sectors the aid receivers are supposed to chip in their own contribution, but quite often there is in actual fact very little man time hours or any other costs that the receivers chip in.'*

3. The four projects related to the software programme Turborouter supported with RCN funds

a) Description of the projects

- 1) Project 40049 — Strategic activities within maritime transport and logistics (The first version of the software programme Turborouter)

Together with the Centre for International Economy and Shipping (SIØS), which is an integral part of the Norwegian School of Economics and Business Administration, Marintek applied to the RCN for support for the project 'Strategic activities within maritime transport and logistics' under the 'Strategic Institute Programme' (SIP) in 1995. SIP was a programme for long term research, characterised by a large proportion of fundamental research, but strategic in its orientation to serve future needs of industry. Under SIP, research projects could receive public financing up to 100 %.

According to the information provided by the Norwegian authorities, due to limited funds available under this programme, the RCN re-classified the project as a 'three-year strategic competence development project' under the sub-programme 'Short Sea Shipping' (1995-1998) within the Industrial R&D Programme. The whole project was re-classified as industrial research although some activities constituted fundamental research.

Project 40049 'Strategic activities within maritime transport and logistics' was broad in concept and covered several sub-projects. The first version of the pilot software Turborouter was developed in the first year of research of one of the sub-projects called 'Methods and analytical tools for design and operation of integrated transport and logistics chains'.

Nowadays, Turborouter is a tool (?) for optimising vessel fleet scheduling, *i.e.* to decide which vessels to assign different cargoes to. The design philosophy has been to combine the knowledge and experience of the planners with the calculating capabilities of the computer. Optimisation software implemented on a computer can calculate millions of alternatives in only a few seconds but tend to have restricted ability to handle all practical constraints that occur in real life. Turborouter is based on electronic sea charts where scheduling information can be displayed. Other key elements of Turborouter include a database for vessels, ports, cargoes, etc; automatic calculation of port-to-port distances; vessel position reports and automatic update of estimated time of arrival; sophisticated optimisation routines for fleet scheduling; schedule visualisation or schedule calculator for manual planning.

According to the information provided by the Norwegian authorities, out of the total NOK 10,5 million budget for Project 40049, the RCN contributed NOK 4,6 million, the Norwegian Ship-owners' Association (NSA) NOK 1,4 million and Marintek NOK 4,5 million.

The table below recapitulates the costs of the project and its financing of the project in NOK (8):

Costs		Financing	
Personal and indirect costs	8 700 000	Own financing	4 500 000
Purchase of R&D	600 000	RCN	6 000 000
Equipment	450 000	Total	10 500 000
Other operating costs	750 000		
Total	10 500 000		

According to the information provided by the Norwegian authorities, the project costs for the sub-project 'Methods and analytical tools for design and operation of integrated transport and logistics chains' amounted to NOK 5,1 million. The state support for it amounted to NOK 2,24 million.

(7) The following information has been obtained from the brochure TurboRouter Vessel schedule optimizing software, available at the website of Marintek: <http://www.marintek.no>

(8) These figures have been obtained from the form submitted to the RCN for the application for a grant.

Further development of the software programme Turborouter

According to the information provided by the Norwegian authorities, the RCN selected several projects related to the development of the software package Turborouter for R&D support. According to the RCN, even though they had elements of industrial research, these projects were classified as 'pre-competitive development activity'. The RCN considered that the results from each of these projects were company specific prototype demonstrators which would need considerable further in-house development to become day-to-day tools in the companies' operations.

2) Project 138811 — AlgOpt

The aim of this project ⁽⁹⁾ was to develop and carry out practical tests of algorithms to calculate the optimal utilisation of a fleet of ships, given the obligations to load cargoes for several customers, the requirements as to when cargoes must be loaded and discharged in the destination port, the possibility of carrying joint cargoes of a limited number of bulk goods on each voyage as well as limitations that mean that not all the vessels involved are suitable for serving all customers or all ports.

The overarching objective of AlgOpt was that the algorithms should be integrated into a software concept that would offer users full control and the possibility of overriding the suggestions made by the algorithms. The software should help decision-makers to combine their own experience with the ability of the numerical processes to test a number of possibilities rapidly and in a manner that offers the best possible basis for making decisions.

The principal activities of the Project AlgOpt were the definition of user dialogues and criteria for good capacity utilisation; the development of algorithms for working out optimal voyage combinations; the testing of algorithms and the follow-up and documentation of benefits.

According to the information submitted by the Norwegian authorities, the Project AlgOpt was only a pre-study defining the user requirements and investigation of the feasibility of using Turborouter for the contract partner, the company Beltship Management AS. Total costs amounted to NOK 925 000. The project was classified as pre-competitive research. The financing was split between the RCN (NOK 300 000) and private funds from participating companies (NOK 625 000). The table below recapitulates the costs of the project as well as its financing ⁽¹⁰⁾:

Costs		Financing	
Personal and indirect costs	545 000	Own financing	625 000
Purchase of R&D	380 000	RCN	300 000
Other operating costs		Total	925 000
Total	925 000		

3) Project 144265 — Shiplog II

The Shiplog project mainly dealt with transport at sea. This project ⁽¹¹⁾ should use the results of a previous project called Shiplog (which did not involve the use of Turborouter) to focus on the requirements for door-to-door delivery of goods, when transport at sea is a key element. The objectives of the project were:

- to support interaction between parties involved in door-to-door transport. This objective was shared by the EU proposal 'D2D', which aimed at demonstrating an integrated management and communication system for door-to-door intermodal freight transport operation,
- to demonstrate the communication of information between software systems by using XML ⁽¹²⁾ messages,
- to demonstrate how TurboRouter could be integrated in a door-to-door transport service.

The project should utilise the results obtained in other projects such as Intermodal Portal, Themis, D2D, INTRA, INFRATRANS, TRANSDATA or INFOLOG.

⁽⁹⁾ Information obtained from Marintek's website: <http://www.marintek.no>

⁽¹⁰⁾ These figures have been obtained from the form submitted to the RCN for the application for a grant.

⁽¹¹⁾ Information obtained from Marintek's website.

⁽¹²⁾ XML (Extensible Mark-up Language) is a flexible way to create common information formats and share both the format and the data on the World Wide Web, intranets, and elsewhere. XML is a formal recommendation from the World Wide Web Consortium (W3C) similar to the language of today's Web pages, the Hypertext Mark-up Language (HTML).

The activities of the project included:

1. Methodology for modelling business processes which concerned the evaluation of business processes required in door-to-door transport.
2. The use of XML messages in system communication, which should specify the requirements for system communication and will implement XML messages supporting the exchange of information.
3. Development of demonstrator of door-to-door transport, which should implement an Internet application demonstrating a door-to-door transport operation.
4. Integrating Transport Chain Management System (TCMS) and TurboRouter, which should specify the interface and demonstrate the exchange of information between TurboRouter and the TCMS demonstrator.

According to the information provided by the Norwegian authorities, this project failed to achieve its objective because TCMS and TurboRouter could not be satisfactorily integrated.

The RCN classified this project as pre-competitive development and awarded it state aid for an amount of NOK 2,15 million out of the NOK 6,2 million of the total project costs. The project received funds from the NSA for an amount of NOK 750 000 which were channelled through the RCN. The remainder was financed by the contract partner of this project, the company United European Car Carriers AS (UECC), and other participating companies. The table below recapitulates both the costs and the financing of the project ⁽¹³⁾:

Costs		Financing	
Personal and indirect costs	800 000	Own financing	800 000
Purchase of R&D	2 150 000	Other private means	3 250 000
Equipment	100 000	RCN	2 150 000
Other operating costs	3 150 000	Total	6 200 000
Total	6 200 000		

4) Project 144214 — Library of optimisation routines for scheduling in shipping

The pre-competitive research project 'Library of optimisation routines for scheduling in shipping' aimed at developing algorithms for advanced optimisation and scheduling of very complex shipping operations. The Norwegian authorities have explained that the library of algorithms is very trade and company specific and must thus be company-owned and not part of the standard TurboRouter 'tool kit'. Nevertheless, it may give rise to development of additional TurboRouter functionalities demanded by the applications development.

The overall project costs amounted to NOK 7 million, of which NOK 1,5 million were covered by the RCN, NOK 805 000 by the NSA and the remaining amount of NOK 4,7 million by private funds. The company Beltship Management AS was the contract partner of this project.

The table below recapitulates the costs and the financing of the project ⁽¹⁴⁾:

Costs		Financing	
Personal and indirect costs	4 100 000	Own financing	1 950 000
Purchase of R&D	2 900 000	Other private means	2 750 000
Equipment		RCN	2 300 000
Other operating costs		Total	7 000 000
Total	7 000 000		

⁽¹³⁾ These figures have been obtained from the form submitted to the RCN for the application for a grant.

⁽¹⁴⁾ These figures have been obtained from the form submitted to the RCN for the application for a grant.

b) *The beneficiaries*

The projects addressed in the current Decision have been developed in cooperation between the research institute Marintek and several private companies. Two of the private companies were the contract partners of the concerned projects and are therefore addressed in the following. In this context the other companies involved in the said projects could also be considered as potential beneficiaries for the purposes of this Decision.

1) Marintek

Marintek is a research institution, 56 % owned by the SINTEF group, a private research foundation, 26 % by the Norwegian Shipowners' Association, 9 % by Det Norske Veritas, an independent foundation, and the rest by several shareholders in the maritime community.

Marintek delivers marine technology research and development services. Together with the Department of Marine Technology at the Norwegian University of Science and Technology (NTNU), it constitutes the Marine Technology Centre in Trondheim. The Norwegian Marine Technology Research Institute does research, development and technical consulting in the maritime sector for industry and the public sector. The Institute develops and verifies technological solutions for the shipping and maritime equipment industries and for offshore petroleum production. Marintek's business areas include shipping, shipbuilding, offshore marine industry and marine industry⁽¹⁵⁾.

According to the information provided by the Norwegian authorities, Marintek has developed several software packages. Most of them are only for 'internal use' but others are made available as commercial products through marketing alliances.

2) United European Car Carriers (UECC)

UECC⁽¹⁶⁾ is a provider of logistics and sea transportation services for the vehicle manufacturing industry in Europe with an extensive route network to transport all sorts of rolling cargo to most destinations in Europe.

According to current figures, UECC is a short sea operator which transports approximately 1,8 million new vehicles a year on behalf of the global automotive industry. As a major logistics provider, UECC is able to offer total management solutions, which encompass the full transport chain, from the manufacturing plant through to the final retail destination. In addition to a fleet of over 20 specially-designed vessels, UECC also operate the own vehicle handling centres and provide full tracking information at unit level using the latest IT-systems.

UECC is owned in equal shares by Nippon Yusen Kabushiki Kaisha (NYK) of Tokyo, one of the world's largest shipping companies, and by Wallenius Lines of Stockholm, a Swedish shipping enterprise.

3) Beltship Management AS

Beltship Management is a company which operates a highly specialised fleet of so-called self-unloading bulk carriers. Beltship Management was established in 1997 as a 50/50 partnership between Jebsens Shipping Company and Heidelberger Zement Group of Germany. The company is located in Bergen, Norway. Beltships has 9 vessels at their disposal, mainly with independently operated belt self-unloaders. Most of the vessels operate in the North Sea basin and in the Mediterranean. Beltship Management has been involved in the development of TurboRouter since 1999, and has used the tool for optimizing fleet scheduling in the North Sea basin since then⁽¹⁷⁾.

4. Description of the relationship between the four grants of aid and the Norwegian aid scheme for industrial R&D programmes

According to the information provided by the Norwegian authorities, the four grants of aid covered by the present Decision received aid within the framework of the aid scheme 'Industrial R&D Programmes' (*brukerstyrte forskningsprogrammer*).

⁽¹⁵⁾ Information issued from Marintek's website: http://www.sintef.no/Content/page2___690.aspx.

⁽¹⁶⁾ Information issued from UECC's website: www.uecc.com.

⁽¹⁷⁾ Information issued from 'TurboRouter, Vessel schedule optimizing software', a publication from Marintek.

a) *The aid scheme Industrial R&D Programmes*

Prior to the entry into force of the EEA Agreement, the Norwegian authorities established an aid scheme called 'Industrial R&D Programmes' (*brugerstyrte forskningsprogrammer*) which was administered by the RCN. According to the information provided by the Norwegian authorities, this scheme covered awards of aid in the form of direct grants to research programmes of 3-5 years duration, either thematic or sector-oriented, implemented through a variable number of projects.

In December 1994, the Authority adopted a Decision on several aid schemes for research and development existing in Norway prior to the entry into force of the EEA Agreement, amongst others, the aid scheme Industrial R&D Programme (*brugerstyrte forskningsprogrammer*, case no 93-183). In this Decision, the Authority proposed appropriate measures to bring the scheme in line with the state aid rules of the EEA Agreement ⁽¹⁸⁾. In this Decision, the Authority noted that:

'Clear guidelines or specific provisions of a binding nature have not been developed for the scheme. Awards of aid are granted at the discretion of the responsible authorities within the framework of the Research Council's society rules.'

In order to bring the scheme in line with the state aid rules, the Authority proposed to Norway, in particular, the introduction of detailed provisions which would ensure that awards of aid were granted in accordance with the principles laid down in Chapter 14 of the State Aid Guidelines.

The Decision reads as follows:

'1(i) The Norwegian authorities shall introduce detailed provisions for the schemes listed in Annex I to this decision which ensure that awards of aid are granted in accordance with the principles laid down in Chapter 14 of the State Aid Guidelines. This means that the provisions must

- distinguish between the different types of R&D activities by providing definitions for basic industrial research as well as for applied research and development in line with the provisions of paragraph 14.1(2) of the State Aid Guidelines,*
- define the aid intensities in such a way that as a general rule aid for basic industrial research does not exceed 50 % and that aid for applied research and development does not exceed 25 % of the eligible costs. These intensities can, if so desired, be adjusted according to the principles laid down in the State Aid Guidelines and*
- define the eligibility costs for the purpose of calculating the aid intensity in compliance with the definitions in paragraph 14.5(1) of the State Aid Guidelines.'*

Norway accepted the appropriate measures proposed by the Authority by letter dated 19 December 1994. The acceptance of appropriate measures implied that the award of aid under the Industrial R&D Programme would be done in accordance with the provisions of the Authority's R&D Guidelines as they were drafted in 1994. Following the wording of the Authority's Decision No 217/94/COL, this is in particular the case when it concerns the definition of the different types of R&D activities, the aid intensities and the eligible costs.

In the framework of the current preliminary investigation, the Norwegian authorities have stated that, as a follow-up of the acceptance of the appropriate measures, the RCN developed provisions to ensure that aid was awarded in compliance with Chapter 14 of the State Aid Guidelines on R&D aid. This set of rules is called DOKSY, '*Aid intensities in accordance with EEA rules*'. According to the information provided by the Norwegian authorities, Doksy is a set of provisions adopted by the RCN which correspond mainly to the R&D Guidelines of the Authority. It serves as the basis guidelines for the granting of R&D aid by the RCN.

It is regrettable that the Norwegian authorities did not provide the amended version of the scheme Industrial R&D Programmes to the Authority for its review ⁽¹⁹⁾. Notwithstanding this, it is the understanding of the Authority that the Norwegian authorities amended the set of rules called Doksy in accordance with the amendments of Chapter 14 of the Authority's State Aid Guidelines.

⁽¹⁸⁾ Decision of the EFTA Surveillance Authority No 217/94/COL of 1.12.1994. The schemes covered by this decision were: Industrial R&D Contracts (case 93-147) and Public R&D Contracts (case 93-182) granted by the SND and Industrial R&D Projects (case 93-181) and Industrial R&D Programs (case 93-183) granted by the RCN.

⁽¹⁹⁾ According to the Decision, 'The Norwegian authorities must inform the EFTA Surveillance Authority on the adoption of such provisions [the appropriate measures], insofar as these involve state aid, before they are put into effect'.

b) *The Research Council of Norway*

The aid granted to the undertakings for the four projects was granted by the RCN, which is the responsible body in charge of the aid scheme Industrial R&D Programmes.

According to its own statement⁽²⁰⁾, the RCN is a national strategic body and funding agency for research and innovation activities. The RCN covers all fields of research and innovation and works together with research institutions as well as the private and public sectors to reach the national financial goals and quality targets set in this area.

The RCN plays a vital role in developing and implementing the country's national research strategy. It acts as:

- a government adviser, identifying present and future needs for knowledge and research, and recommending national priorities;
- a funding agency for research programmes and independent projects, strategic programmes at research institutions, and Norwegian participation in international research activities. The RCN has an annual budget of some NOK 4,5 billion and utilises specifically-targeted funding schemes to help translate national research policy goals into action;
- a co-ordinator, initiating networks and promoting co-operation between research institutions, ministries, business and industry, public agencies and enterprises, other sources of funding, and users of research.

II. APPRECIATION

1. Introduction: the applicable legal framework

According to the information submitted by the Norwegian authorities, the four projects which are assessed in this Decision were granted R&D aid in the framework of the Industrial R&D Programme (*brukerstyrt forskningsprogrammer*, case no 93-183). As mentioned above, the Industrial R&D Programme was already in place before 1994. Following the entry into force of the EEA Agreement in Norway, the Authority assessed the Industrial R&D Programme together with other existing aid schemes and adopted Decision No 217/94/COL in December 1994. In this Decision, the Authority proposed appropriate measures with respect to the Industrial R&D Programme to mainly require that awards of aid would be granted in accordance with the principles laid down in Chapter 14 of the State Aid Guidelines.

The Norwegian authorities accepted the proposed appropriate measures. Thus, thereafter, any grant of aid under the Industrial R&D Programme had to be done in accordance with the R&D rules applicable when the Authority adopted Decision No 217/94/COL.

The R&D rules applicable when the Authority adopted Decision No 217/94/COL were Chapter 14 of the State Aid Guidelines as adopted in 1994 (hereinafter referred to as the R&D Guidelines of 1994⁽²¹⁾).

Hence, by definition, any aid granted under the scheme Industrial R&D Programmes which does not comply with the provisions of the version of the R&D Guidelines applicable in 1994, when the Authority proposed the appropriate measures which Norway accepted, falls outside the scope of application of the scheme. Accordingly, such a measure would constitute new individual aid and would as such need to be notified to the Authority individually.

In this context it is important to note that the present decision only concerns the application of the scheme Industrial R&D Programmes to the four concrete projects identified as relating to the development of the software programme Turborouter on which a complaint was lodged in 2002.

Should the granting of aid to the four questioned projects not be covered by the scheme Industrial R&D Programmes as explained above, each of the projects would need to be assessed individually. In this assessment, the Authority would have to determine whether state aid was granted in each of the projects and whether this aid could have been considered compatible aid on the basis of the provisions of the R&D Guidelines applicable at the time where the grants were given or directly on the basis of the rules of the EEA Agreement.

⁽²⁰⁾ Information taken from the website of the RCN at <http://www.forskningsradet.no/english/>

⁽²¹⁾ In January 1994, the Authority had taken Decision No 4/94/COL on the adoption and issuing of the Procedural and Substantive Rules in the Field of State Aid (Guidelines on the application and interpretation of Articles 61 and 62 of the EEA Agreement and Article 1 of Protocol 3). Chapter 14 thereof deals with Aid for research and development, which mainly corresponded to the Community framework for state aid for research and development. This Decision was published on the Official Journal L 231 of 3.9.1994, pages 1 to 84.

As far as Project 40049 'Strategic activities within maritime transport and logistics', which led to the development of the first software programme Turborouter, is concerned, the aid was granted by a decision of the RCN of December 1995. The applicable rules governing the granting of R&D aid were Chapter 14 of the Authority's State Aid Guidelines as originally adopted in Decision No 4/94/COL. In other words, the provisions of the scheme Industrial R&D Programmes as amended following the appropriate measures of the Authority should correspond to the provisions of the generally applicable R&D Guidelines in 1995, when aid was granted to Project 40049. Thus, should the granting of aid to this project not have been done in compliance with these rules, the aid will have to be considered incompatible aid, unless its compatibility can be established on the basis of the state aid provisions in Article 61(3) (a), (b) or (c) of the EEA Agreement directly.

As far as the other three projects assessed in this Decision are concerned, they received aid on the basis of decisions taken by the RCN in 2000. Prior to that date, the Authority had amended Chapter 14 of the Guidelines with Decision No 53/96/COL adopted on 15.5.1996 to incorporate the amended Community Framework for state aid for research and development ⁽²²⁾. Thus, an individual assessment of the granting of aid to Projects 138811 'AlgOpt', 144265 'Shiplog II' and 144214 'Library of optimisation routines for scheduling in shipping' as individual aid should be done in accordance with the provisions of the version of Chapter 14 of the Guidelines existing since May 1996 or directly on the basis of the state aid rules in Article 61(3) (a), (b) or (c) of the EEA Agreement.

2. State aid assessment of the projects

Article 61(1) of the EEA Agreement states that:

'Save as otherwise provided in this Agreement, any aid granted by EC Member States, EFTA States or through state resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Contracting Parties, be incompatible with the functioning of this Agreement.'

Thus, in order for a measure to be considered state aid, it must constitute a selective advantage in favour of certain undertakings, be granted through state resources, distort competition and affect trade between the Contracting Parties to the EEA Agreement.

Firstly, the measure must confer on certain undertakings an advantage that reduces the costs they normally bear in the course of business and relieves them of charges that are normally borne from their budgets. By paying grants to support certain R&D projects, the RCN confers an economic advantage only on the promoters of the selected R&D projects.

Secondly, the advantage must be granted by the State or through state resources. The RCN develops and implements the country's national research strategy and specially acts as a funding agency for research. In particular, for the development of the Maritime research programme, the RCN managed funds received from the Ministries of Trade and Industry and of Finance. Thus, the public funds channelled through the RCN and which were obtained from the above-mentioned ministries constitute state resources within the meaning of Article 61(1) of the EEA Agreement.

Thirdly, the measure must distort competition. Since there are other Norwegian undertakings which compete with the promoters of the selected R&D projects that may not receive support from the RCN to carry out their R&D projects, the granting of aid has the effect of distorting competition.

Moreover, the beneficiaries of the financing are active in sectors open to competition within the EEA. Therefore, the funds granted by the RCN for the development of R&D projects affect trade between the Contracting Parties to the EEA Agreement.

For these reasons, the grants given by the RCN to the projects related to the development of the software programme Turborouter constitute state aid within the meaning of Article 61(1) of the EEA Agreement.

Whether the four projects fall within the existing aid scheme will be assessed under a).

Under b), the Authority will assess whether the aid grants, if outside the existing aid scheme, nevertheless are in compliance with the state aid rules.

⁽²²⁾ Published in the OJ C 45 of 17.2.1996, pages 5 to 16.

a) *Assessment of the projects on the basis of the aid scheme Industrial R&D Programmes*

The RCN granted financing to the above-mentioned projects in the framework of the aid scheme Industrial R&D Programmes, which the Authority classified as state aid within the meaning of Article 61(1) of the EEA Agreement in its Decision No 217/94/COL of 1 December 1994.

As mentioned above, the Norwegian authorities accepted the appropriate measures proposed by the Authority to bring the aid scheme Industrial R&D Programmes in line with the rules of the EEA Agreement in a letter dated 19 December 1994. They accordingly committed to amend the aid scheme Industrial R&D Programmes in accordance with the R&D Guidelines of 1994.

In the following, the Authority will assess whether the granting of aid to the four projects in question falls within the provisions of the scheme Industrial R&D Programmes as amended in accordance with R&D Guidelines of 1994.

As a preliminary remark, the Authority would like to point out that, in general terms, according to the information available to the Authority at this stage, the RCN does not seem to control how the own contributions of the beneficiaries are distributed to various activities and whether they are effectively disbursed. This type of control seems crucial in the determination of whether the beneficiaries receive aid in the amount they are entitled to or whether, on the contrary, they are misusing the RCN's research grants.

1) *The development of the first version of the software programme Turborouter*

On the basis of the information provided by the Norwegian authorities, the RCN classified Project 40049 Strategic activities within maritime transport and logistics as industrial research. According to Point 14.1.(2) of the R&D Guidelines of 1994, basic industrial research is defined as *'original theoretical or experimental work whose objective is to achieve new or better understanding of the laws of science and engineering as they might apply to an industrial sector or the activities of a particular enterprise.'*

Although, according to the information submitted by the RCN, the project consisted of activities which were classified as fundamental research as well as other activities which were classified as industrial research, the project as a whole was considered as industrial research.

The development of the first software programme Turborouter, a tool useful for companies to optimise vessel fleet scheduling, was developed as the result of one of the sub-projects covered by Project 40049. Further, the project was exclusively carried out by the research institute Marintek.

Although Turborouter has become a software tool which seems to be appreciated on the market, the RCN funds allocated to Project 40049 devoted to the sub-project 'Methods and analytical tools for design and operation of integrated transport and logistics chains' only led to the development of the first software programme Turborouter, in the application of industrial research. Obviously since the first software was developed in the first phase of the sub-project back in early 1996, the software has been further improved and also marketed. However, it seems that the granting of aid to project 40049 which resulted, amongst others, in the development of the first software Turborouter, cannot by this fact be considered in relation to market proximity to be beyond the stage of industrial research as it was classified by the RCN.

As industrial research, Project 40049 was granted aid from the RCN for an amount corresponding to 43,8 % of the costs of the project. This intensity is below the maximum aid intensity allowed by the Guidelines which read *'the level of aid for basic industrial research should not be more than 50 % of the gross costs of the project or programme.'*

For the purpose of calculating the intensity of aid from R&D activities, Section 14.5.1 of R&D Guidelines of 1994 foresaw the following eligible costs:

- *'personnel costs (researchers, technicians, other supporting staff) calculated as a sum of the total amount needed to carry out the project;*
- *other running costs calculated in the same way (costs of materials, supplies, etc.);*
- *instruments and equipment, land and buildings;*
- *consultancy and equivalent services including bought-in research, technical knowledge, patents, etc;*
- *additional overhead costs incurred directly as a result of the R&D project or programme being promoted.'*

It seems that the costs of the projects, as they were taken into account in the determination of the granting of aid, are a priori covered by the definition of eligible costs provided in the R&D Guidelines of 1994.

Therefore, it appears that the RCN had classified Project 40049 as basic industrial research in accordance with the provisions of the R&D Guidelines of 1994.

It is the preliminary opinion of the Authority that the granting of aid to Project 40049 falls within the scheme Industrial R&D Programme as amended on the basis of Chapter 14 of the Authority's R&D Guidelines of 1994. This preliminary opinion is however without prejudice to the Authority's final conclusion.

The complainant has further claimed that the research results had not been disseminated but the research institute Marintek, which developed the software programme Turborouter, had received the property rights to sell the programme.

The Authority would like to point out that under the R&D Guidelines of 1994, and accordingly under the provisions of the aid scheme Industrial R&D Programmes, there was no written obligation to disseminate the results of research as is the case for fundamental research under the currently applicable R&D Guidelines.

2) The projects relating to the further use of the software programme Turborouter

In 2000, the RCN authorised the granting of R&D aid to three R&D projects which concerned the use and further development of the software programme Turborouter: Project 138811 'AlgOpt', Project 144265 'Shiplog II' and Project 144214 'Library of optimisation routines for scheduling in shipping'.

The Norwegian authorities have however indicated that there were other projects which involved the use and further development of the software programme Turborouter which did not receive any support from the RCN ⁽²³⁾.

The RCN classified all three projects as pre-competitive research.

The complainant has claimed that these projects were far beyond pre-competitive development activities. In his opinion, the so-called Turborouter projects were aimed at developing software programmes developed in close co-operation with a limited number of users while in parallel being marketed towards other maritime companies in need of such programmes.

What in later versions of the R&D Guidelines has been named pre-competitive research largely corresponds to the definition of applied research and development within the meaning of the R&D Guidelines of 1994.

Point 14.1.(2) of the R&D Guidelines of 1994 distinguished between three categories of research: fundamental, basic industrial and applied research and development. According to this provision, applied research 'covers investigation or experimental work based on the results of basic industrial research to acquire new knowledge to facilitate the attainment of specific practical objectives such as the creation of new products, production processes or services. It could normally be said to end with the creation of a first prototype.' Development is considered to cover 'work based on applied research aimed at establishing new or substantially improved products, production processes or services up to but not including industrial application and commercial exploitation.'

On the basis of the information available to it at this stage of the procedure, the Authority is not in the position of ascertaining whether these projects were correctly classified as applied or pre-competitive research as will be shown below. In the following, the Authority will use the term 'pre-competitive research' when referring to applied research and pre-competitive research.

The complainant also claimed that the maximum aid intensities had not been respected due to the fact that the own capital contributions from the concerned companies were in reality lower than stated in the application forms.

The Authority will address these allegations below for each of the projects concerned.

⁽²³⁾ See chart 'Projects involving development of Turborouter' handed over by the RCN during the meeting with representatives of the Authority held in Oslo in September 2004.

a) *Project 138811 — AlgOpt*

— Doubts concerning the classification of the project

The Norwegian authorities explained that the AlgOpt project was a pre-study defining the user requirements and investigation of the feasibility of using Turborouter for Beltship Management, the contract partner of the project. According to the information provided by the Norwegian authorities, this project was considered as a sort of 'pre-project' to Project 144214, Library of Optimisation routines for scheduling in shipping, which will be addressed below.

On the basis of the information available at Marintek's website, the aim of the project was to develop and carry out practical tests of algorithms to calculate the optimal utilisation of a fleet of ships.

It is questionable whether this project goes beyond the stage of applied or pre-competitive research to constitute a commercial product. This application has been developed on the basis of the software programme Turborouter incorporating algorithms to calculate the optimal utilisation of Beltship Management's fleet. It is not clear to the Authority what would make the difference between the pre-competitive phase of the product and the final commercial product. The Authority has doubts as to what is the borderline between a prototype and a commercial product in the case at hand. It is not clear from the information provided whether the result of the project financed with aid granted by the RCN was developed further before it could be used in the daily operation of the company.

— Doubts concerning the financing of the project and the aid intensities

The Authority would like to point out that there is a slight discrepancy between the figures provided by the Norwegian authorities in the written information submitted to the Authority concerning the financing of the AlgOpt project and the information presented in the application forms for grant to the RCN also forwarded by the Norwegian authorities as follows:

Table 1: *Information provided by the Norwegian authorities on their letter of 11.4.2003*

Costs		Financing	
Personal and indirect costs	545 000	Own financing	625 000
Purchase of R&D	380 000	Other private means	75 000
Other operating costs	100 000	RCN	325 000
Total	1 025 000	Total	1 025 000

Table 2: *Information provided by the Norwegian authorities in the annex to their letter of 11.4.2003*

Costs		Financing	
Personal and indirect costs	545 000	Own financing	625 000
Purchase of R&D	380 000	RCN	300 000
Other operating costs	-	Total	925 000
Total	925 000		

The Norwegian authorities are invited to comment on these figures. They are also invited to provide the correct information concerning the amount of money which the Norwegian Shipowners' Association invested in the AlgOpt project which is included in the amount granted through the RCN in the table above. This information is of the essence when it comes to assessing the aid intensity of the project.

Following the arguments of the complainant, there is a doubt as to whether the real research cost of the project corresponded to NOK 380 000 instead of the amount claimed by Beltship Management in its application for a grant from the RCN, i.e. NOK 925 000.

This doubt is substantiated by comparing the figures concerning the costs of the project and its financing. Beltship Management contributes with own means amounting to NOK 625 000 to the financing of the project. According to the information contained in the application form to the RCN, this sum is divided as NOK 80 000 in cash and NOK 545 000 as contribution in kind. The later corresponds exactly to the personnel and indirect costs of the project whereas the cash contribution together with the aid granted by the RCN (NOK 300 000) pays the purchase of R&D which costs NOK 380 000.

It seems that it is Marintek, the research institute that developed the first software programme Turborouter, which had the necessary know-how and technological competence to do the project. Therefore, it appears rational to assume that most of the work would have been carried out by its own staff. This would imply, in principle, that the participation of the staff of Beltship Management, which was the final user of the software, would have most probably been related to the definition of the users needs and/or to some degree of testing.

Although it seems questionable to what extent the staff of the company can carry out activities classified as research activities, the R&D Guidelines of 1994 did not require that staff be employed solely on the research activities for these costs to be eligible for aid.

Notwithstanding this, comparison of the costs of the project shows that the total contribution of Beltship Management's staff to the project which amounted to 545 000 NOK is more important and costly than the development of the R&D which was acquired from Marintek for a total of 380 000 NOK. It seems questionable to what extent the staff of the company has carried out research activities or whether these costs rather concerned normal operational activities of the company. The Authority would appreciate documentary evidence which can substantiate that the hours behind these research costs were actually used in the project.

To the extent that Beltship's contribution in kind may not have corresponded to research costs, the overall costs of the research project would be lower and the aid intensities accordingly higher.

b) *Project 144265 — Shiplog II*

— Doubts concerning the classification of the project

According to the information provided by the Norwegian authorities, the main objective of Shiplog II was to develop a pilot demonstrator of door-to-door logistics management in the shipping of chemicals and cars.

According to Point 14.1.(2) of the R&D Guidelines of 1994, applied research covers investigation or experimental work based on the results of basic industrial research which could normally be said to end with the creation of a first prototype. The Authority has doubts whether the definition of applied research covers cases such as this where the pilot demonstrator or prototype seems to be very close to what the final product would have been. According to the information submitted by the Norwegian authorities, the integration of the Transport Chain Management System (TCMS) and Turborouter, the main objective of this project, failed.

— Doubts concerning the financing of the project and the aid intensities

A comparison of the figures corresponding to the project costs and its financing shows that the amount granted by the RCN equals the sum necessary to purchase R&D. Further, the contribution of UECC's (own financing), the company in charge of the project, corresponds to the personnel and indirect costs. The rest of the gross costs of the project covers equipment and other operating costs and equals the financing brought by the other companies participating in the project.

The Norwegian authorities have contended in their letter dated 22 August 2005 that 'in order to promote cooperation [between private companies and public R&D institutions] we may in some cases call for proposals for industry-driven projects, state that the application will be evaluated favourably if the external purchases of R&D from research institutes (institutes or universities) are at least as high as the support given by the RCN.'⁽²⁴⁾

The Authority questions whether the figures for the total project costs have been inflated to seemingly obtain more financing. It is questionable whether this approach has led beneficiaries to include part of their normal operating costs in the R&D costs allocated to the research projects financed with support from the RCN.

⁽²⁴⁾ See page 1 in the letter from the Norwegian authorities dated 22.8.2005.

Should this be the case and should the R&D project in reality only correspond to the purchased R&D, the intensity of the aid granted would have to be revised. It would then be necessary to assess whether the revised aid intensity falls within the parameters of the Industrial R&D Programme.

c) *Project 144214 — Library of optimisation routines for scheduling in shipping*

— Doubts concerning the classification of the project

According to the information provided by the Norwegian authorities, in this specific project the requirements of Beltship Management and another company, Iver Ships, were used as an example to gain some more experience from this kind of scheduling software in shipping organisations. This could have been of great value to Marintek's further development of Turborouter. Even if the requirements of these two companies would not be the same as for other shipping companies, it would be possible to build on some main principles in the used algorithms.

The Authority has difficulties in understanding which are the determining features of this project in classifying it as applied research and not as a commercial project.

During the preliminary investigation, the Norwegian authorities have argued that the result of the activities in any of the projects classified as applied or pre-competitive research cannot be exploited commercially and sold to other users because they are company-specific applications. According to the information provided by the Norwegian authorities, Turborouter will never be an 'off-the-shelf' product but will always need, by definition, further adaptations.

The Norwegian authorities acknowledge the difficulty in distinguishing between a commercial and a pre-competitive product where the result of the activity is not a physical product but a new, altered or improved process, service or procedure to be used internally. In their opinion, the activity that has created these results may be classified as a pre-competitive development activity if it is not part of the day-to-day operation of the company and not part of routine or periodic changes or improvements.

The borderline between a pilot project, which could not be used commercially, and a commercial final product seems very diffuse in the case at hand because the software needs to be adapted anew for each new application specific to each final user. The Authority questions to what extent the further development of the software programme Turborouter for use in developing applications which serve concrete needs for the final users can be covered by the definition of applied research. It is not clear to the Authority what would be considered as a commercial product and what would fall under a prototype regarding the concrete application of the software programme Turborouter to the specific needs of a given company.

The Authority doubts whether, due to the specific characteristics of the software programme Turborouter, the development of each new application necessarily goes beyond the stage of pilot project to be a new commercial product or whether, on the contrary, it constitutes applied research.

Furthermore, although the project as such was considered pre-competitive research, the RCN classified certain activities within Project 144214 'Library of optimisation routines for scheduling of shipping' such as map chart status or the writing and publishing of articles as industrial research. The correctness of this classification seems doubtful.

— Doubts concerning the financing of the project and the aid intensities

As was the case of the previously mentioned projects, the comparison of the figures provided for as the cost and financing of the project raises doubts as to whether the project only concerns research activities or whether it covers part of the operational costs of the company, in this case of Beltship Management and Iver Ships.

From the information provided by the Norwegian authorities, it seems that the object of the project was to allow Marintek to use the two companies as an example to gain some more experience from this kind of scheduling software in shipping organisations. In principle, this would imply that the majority of the research work will be done by Marintek itself. It is the understanding of the Authority that this research done by Marintek is covered by the rubric 'Purchase of R&D' in the costs of the project and amounts to NOK 2 900 000. It follows logically that the work of the personnel has an auxiliary function, to provide the researchers with the experiences acquired 'on the job' while using the software tool Turborouter. In the understanding of the Authority, this information should serve as a basis for the research of Marintek and should be processed into new algorithms for advanced optimisation and scheduling of shipping operations. It does not seem that the aim of the project was the development of a given prototype or pilot demonstrator. In such a situation, it seems unusual that the costs of personnel and indirect costs are higher than the cost of purchasing R&D.

The Authority welcomes any comment regarding this issue.

3) The necessity to open the formal investigation procedure

On the basis of the information available at this stage of the procedure, the Authority is not in the position of ascertaining whether these projects were correctly classified as pre-competitive development activities or whether, on the contrary, they were already too close to the market to be eligible for state aid.

Furthermore, the Authority has doubts concerning the financing of the projects, in particular regarding the effective disbursement of the own contributions in kind of the beneficiaries of the projects.

In light of the above, the Authority has doubts both as to whether the above-mentioned projects have received aid in compliance with the R&D Guidelines of 1994 and as to whether the beneficiaries have used the aid in contravention of the accepted appropriate measures on the scheme Industrial R&D Programmes. On the basis of the definition in Article 1(g) in Part II of Protocol 3, aid used by the beneficiary in contravention of a decision taken pursuant to Article 4(3) or Article 7(3) or (4) constitutes misuse of aid. This definition covers, in the Authority's view, individual aid awards within a scheme approved by the Authority by means of appropriate measures.

According to Article 4(4) in Part II of Protocol 3, the Authority shall decide to initiate the formal investigation procedure where, after a preliminary investigation, it finds that doubts are raised as to the compatibility of a measure with the functioning of the EEA Agreement. Furthermore, according to Article 16 in Part II of Protocol 3, the Authority may in cases of misuse of aid open the formal investigation procedure pursuant to Article 4(4) in Part II of Protocol 3.

With regard to the correct classification of the projects and the respective aid intensities, should the Authority find out in the course of this formal investigation that the above-mentioned projects have received aid which was not awarded on the basis of the aid scheme Industrial R&D Programmes, it will consider these projects as individual aid awards which were not notified to the Authority in due time. Any aid which is put into effect in contravention of Article 1(3) in Part I of Protocol 3, i.e. that was not notified and authorised by the Authority prior to being put into effect, is considered unlawful aid by virtue of Article 1(f) in Part II of the same Protocol.

Both in the case of misuse of aid and of the granting of unlawful aid which is incompatible with the state aid rules of the EEA Agreement, the aid will have to be recovered from the beneficiaries.

b) *Assessment of the projects as individual aid grants*

1) Introduction

Should the granting of financial support by the RCN to the projects concerning the development of the software programme TurboRouter not be covered by the aid scheme Industrial R&D Programmes, as assessed above, these measures will constitute individual aid and should have been notified in accordance with Article 1(3) in Part I of Protocol 3 and will have to be assessed individually.

2) Compatibility

At this stage of the procedure, the Authority is not in the position of determining whether the granting of aid to the projects related to the further development of the software programme TurboRouter can be considered compatible on the basis of the provisions of the R&D Guidelines as amended by the Authority with Decision No 53/96/COL⁽²⁵⁾. For this reason, in the following, the Authority will only recall provisions which may seem relevant for a possible assessment of these grants in light of the R&D Guidelines.

On the basis of the provisions of Chapter 14 of the State Aid Guidelines 'Aid for research and development', aid granted to firms for R&D may be regarded as compatible with the functioning of the EEA Agreement by virtue of Article 61(3)(c) of the EEA Agreement which provides a derogation for aid that facilitates the development of certain economic activities as long as it does not adversely affect trading conditions to an extent contrary to the common interest.

⁽²⁵⁾ Should the granting of R&D aid to Project 40049 fall outside the scheme Industrial R&D Programmes, its compatibility as individual aid can only be established on the basis of the EEA Agreement directly (see page 12 of this Decision).

State aid for R&D should serve as an incentive for firms to undertake research activities in addition to their normal day-to-day operations ⁽²⁶⁾. In order to verify that the planned aid will induce firms to pursue research which they would not otherwise have pursued, the Authority takes particular account of quantifiable factors such as changes in R&D spending or in the number of people assigned to R&D activities, market failures, other additional costs connected with cross-border cooperation and other relevant factors.

When examining the compatibility of an aid for research and development, under the R&D Guidelines, the Authority pays special attention to the type of research carried out, the beneficiaries, the aid intensity or the accessibility to the results. The closer the aid is to the market, the more significant the distortive effect of the state aid may be.

In order to determine the proximity to the market of the aided R&D, the Authority makes a distinction between fundamental research, industrial research and pre-competitive development activity. By pre-competitive development activity is meant ⁽²⁷⁾ *'the shaping of the results of industrial research into a plan, arrangement or design for new, altered or improved products, processes or services, whether they are intended to be sold or used, including the creation of an initial prototype which could not be used commercially. It may include conceptual formulation and design of other products, processes or services and initial demonstration projects or pilot projects, provided that such projects cannot be converted or used for industrial applications or commercial exploitation'*. The permissible gross aid intensity for such activities is fixed at 25 % of the eligible costs.

According to Point 14.5.9 of the R&D Guidelines, in cases of R&D activity spanning industrial research and pre-competitive development activities, the permissible aid intensity will not normally exceed the weighted average of the permissible aid intensities applicable to the two types of research.

However, in the event of failure of the research concerned, the Authority, in line with past practice, may allow a higher level of aid intensity since the project's failure reduces the risk of competition and trade being distorted ⁽²⁸⁾.

Under Annex II to Chapter 14, the R&D Guidelines, the Authority revised the concept of eligible costs for the purpose of calculating the aid intensity to cover:

- personnel costs (researchers, technicians and other supporting staff employed solely on the research activity)
- cost of instruments, equipment, and land and premises used solely and on a continual basis (except where transferred commercially) for the research activity
- cost of consultancy and equivalent services used exclusively for the research activity, including the research, technical knowledge and patents, etc. bought from outside sources
- additional overheads incurred directly as a result of the research activity
- other operating expenses (e.g. cost of materials, supplies and similar products) incurred directly as a result of the research activity.

Should the granting of aid to any of these projects not be considered compatible on the basis of the R&D Guidelines of 1996 or on another state aid provision of the EEA Agreement, any illegally granted aid will have to be recovered from the beneficiaries, pursuant to Article 14 of Protocol 3.

3. Conclusion

In light of the above, the Authority has doubts as to whether all or any of the above-mentioned four projects have received aid in compliance with the R&D State Aid Guidelines.

In particular regarding the projects related to the further development of the software programme Turbo-router, on the basis of the information available to it at this stage of the procedure, the Authority is not in the position of ascertaining whether these projects were correctly classified as pre-competitive development activities or whether, on the contrary, they were already too close to the market to be eligible for state aid.

The Authority has doubts regarding the real research costs of the projects. Should the Authority, in the framework of the current investigation, find out that they were lower than alleged in the application for funding to the RCN, the aid intensities will have to be reviewed.

⁽²⁶⁾ See Section 14.7 Incentive effect of R&D aid in Chapter 14 of the State Aid Guidelines, R&D Guidelines, as amended in 1996.

⁽²⁷⁾ See Annex I to Chapter 14 of the State Aid Guidelines, R&D Guidelines, as amended in 1996.

⁽²⁸⁾ See Section 14.5.6 in Chapter 14 of the State Aid Guidelines, R&D Guidelines, as amended in 1996.

Furthermore, the Authority also has doubts regarding the effective disbursement of all contributions in kind from the beneficiaries.

The two concerns mentioned above with respect to the pre-competitive research projects may lead to the conclusion that aid could have been granted for an amount exceeding 25 % of the real costs of the project. As far as the industrial research project is concerned, this percentage can reach 50 %. Any amount exceeding this figure not covered by the state aid rules on R&D aid might need to be recovered.

The Authority also doubts whether the beneficiaries have used the aid in contravention of the accepted appropriate measures on the scheme Industrial R&D Programmes.

Therefore, in accordance with Articles 4(4), 10 and following and 16 in Part II of Protocol 3, the Authority is obliged to open the formal investigation procedure provided for in Article 1(2) in Part I of Protocol 3. The decision to open proceedings is without prejudice to the final decision of the Authority.

The Norwegian authorities should inform Marintek, Beltship Management, UECC and any other beneficiary of possible state aid by means of a copy of this Decision —

HAS ADOPTED THIS DECISION:

Article 1

The EFTA Surveillance Authority has decided to open the formal investigation procedure pursuant to Article 1(2) in Part I of Protocol 3 to the Surveillance and Court Agreement regarding the R&D aid granted by the Research Council of Norway in connection with the development of the software programme Turborouter.

Article 2

The Norwegian Government is invited, pursuant to Article 6(1) in Part II of Protocol 3 to the Surveillance and Court Agreement to submit its comments on the opening of the formal investigation procedure within one month from the notification of this decision.

Article 3

Other Contracting Parties to the EEA Agreement and interested parties shall be informed by the publishing of a meaningful summary and the full text of this Decision in the EEA Section of the Official Journal of the European Union and the EEA Supplement thereto, inviting them to submit comments within one month from the date of publication of this Decision.

Article 4

The Authority requests the Norwegian authorities to forward a copy of this letter to the recipients of the aid immediately.

Article 5

This Decision is addressed to the Kingdom of Norway.

Article 6

This Decision is authentic in the English language.

Done at Brussels, 8 March 2006.

For the EFTA Surveillance Authority

Bjørn T. GRYDELAND
President

Kurt JAEGER
College Member