

EFTA SURVEILLANCE AUTHORITY DECISION**No 433/09/COL****of 30 October 2009****amending for the seventy-third time the procedural and substantive rules in the field of State aid**

THE EFTA SURVEILLANCE AUTHORITY,

HAVING REGARD to the Agreement on the European Economic Area ⁽¹⁾, in particular to Articles 61 to 63 and Protocol 26 thereof,

HAVING REGARD to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice ⁽²⁾, in particular to Article 24 and Article 5(2)(b) thereof,

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

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

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

Whereas the Chapter in the EFTA Surveillance Authority's State Aid Guidelines on State aid for rescuing and restructuring firms in difficulty ⁽⁵⁾ will expire on 30 November 2009 ⁽⁶⁾,

Whereas that Chapter corresponds to the European Community Guidelines on State aid for Rescuing and Restructuring Firms in Difficulty ⁽⁷⁾, which are due to expire on 9 October 2009 ⁽⁸⁾,

Whereas on 9 July 2009 the European Commission adopted a Communication concerning the prolongation, until 9 October 2012, of the Community Guidelines on State aid for Rescuing and Restructuring Firms in Difficulty, which was published in the *Official Journal of the European Union* on 9 July 2009,

Whereas the European Commission Communication concerning the prolongation of the Community Guidelines on State aid for Rescuing and Restructuring Firms in Difficulty is also of relevance for the European Economic Area,

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

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

Whereas the current Chapter on State aid for rescuing and restructuring firms in difficulty will expire on 30 November 2009, there is, therefore, a need to prolong that Chapter,

Having consulted the European Commission,

Having consulted the EFTA States,

HAS ADOPTED THIS DECISION:

Article 1

The validity of the Chapter in the EFTA Surveillance Authority's State Aid Guidelines on State aid for rescuing and restructuring firms in difficulty is prolonged until 30 November 2012.

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

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

⁽³⁾ Hereinafter referred to as the 'State Aid Guidelines'.

⁽⁴⁾ Initially published in OJ L 231, 3.9.1994, p. 1, and in the EEA Supplement No 32, 3.9.1994, p. 1.

⁽⁵⁾ EFTA Surveillance Authority Decision No 305/04/COL, published in OJ L 107, 28.4.2005, p. 28, EEA Supplement No 21, 28.4.2005, p. 1.

⁽⁶⁾ Paragraph 89 of Decision No 305/04/COL, see reference in footnote 5.

⁽⁷⁾ OJ C 244, 1.10.2004, p. 2.

⁽⁸⁾ Paragraph 102 in document referred to in footnote 7.

Article 2

Only the English text is authentic.

Done at Brussels, 30 October 2009.

For the EFTA Surveillance Authority

Per SANDERUD
President

Kristján Andri STEFÁNSSON
College Member
