

## III

*(Other acts)*

## EUROPEAN ECONOMIC AREA

## EFTA SURVEILLANCE AUTHORITY DECISION

No 438/12/COL

of 28 November 2012

**amending for the eighty-sixth 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, <sup>(1)</sup> 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, <sup>(2)</sup> in particular its Articles 5(2)(b) and 24,

Whereas:

The Chapter in the EFTA Surveillance Authority's State Aid Guidelines on state aid for rescuing and restructuring firms in difficulty <sup>(3)</sup> is due to expire on 30 November 2012, <sup>(4)</sup>

That Chapter corresponds to the Community Guidelines on State aid for Rescuing and Restructuring Firms in Difficulty, <sup>(5)</sup> which expired on 9 October 2012, <sup>(6)</sup>

On 28 September 2012 the European Commission adopted a Communication concerning the Prolongation of the application of the Community Guidelines on State Aid for Rescuing and Restructuring Firms in Difficulty of 1 October 2004, until they are replaced by new rules. <sup>(7)</sup>

The current Chapter on state aid for rescuing and restructuring firms in difficulty which will expire on 30 November 2012

must therefore be prolonged in order to ensure the uniform application of state aid rules throughout the European Economic Area,

The European Commission and the EFTA States have been consulted,

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 it is replaced by new rules.

*Article 2*

Only the English version is authentic.

Done at Brussels, 28 November 2012.

*For the EFTA Surveillance Authority*

Oda Helen SLETNES  
*President*

Sverrir Haukur GUNNLAUGSSON  
*College Member*

<sup>(1)</sup> The "EEA Agreement".

<sup>(2)</sup> The "Surveillance and Court Agreement".

<sup>(3)</sup> OJ L 97, 15.4.2005, p. 41, EEA Supplement No 18, 15.4.2005, p. 1.

<sup>(4)</sup> See paragraph 90, as extended by EFTA Surveillance Authority Decision No. 433/09/COL of 30.10.2009 amending for the seventy-third time the procedural and substantive rules in the field of state aid. OJ L 48, 25.2.2010, p. 27, EEA Supplement No. 9, 25.2.2010, p. 12.

<sup>(5)</sup> OJ C 244, 1.10.2004, p. 2-17.

<sup>(6)</sup> See paragraph 102, as extended by European Commission Communication concerning the prolongation of the Community Guidelines on State aid for Rescuing and Restructuring Firms in Difficulty, OJ C 156, 9.7.2009, p. 3.

<sup>(7)</sup> OJ C 296, 2.10.2012, p. 3.