

III

(Other acts)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY DECISION No 4/19/COL

of 6 February 2019

amending, for the one hundred and fourth time, the procedural and substantive rules in the field of state aid [2019/1008]

THE EFTA SURVEILLANCE AUTHORITY (‘the Authority’),

Having regard to:

the Agreement on the European Economic Area (‘the EEA Agreement’), in particular to Articles 61 to 63 and Protocol 26,

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

Whereas:

Under Article 24 of the Surveillance and Court Agreement, the Authority shall give effect to the provisions of the EEA Agreement concerning state aid.

Under Article 5(2)(b) of the Surveillance and Court Agreement, the 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 Authority considers it necessary.

The Chapter in the EFTA Surveillance Authority’s State Aid Guidelines on short-term export-credit insurance ⁽¹⁾ expired on 31 December 2018.

That Chapter corresponded to the Communication from the European Commission (‘the Commission’) to the Member States on the application of Article 107 and 108 of the Treaty on the Functioning of the European Union to short-term export-credit insurance ⁽²⁾, which would also have expired on 31 December 2018.

On 19 December 2018, the Commission published a Communication to the Member States concerning the prolongation of the Communication on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to short-term export-credit insurance until 31 December 2020 ⁽³⁾.

The prolongation was adopted by the Commission in light of the need for continuity and legal certainty in the treatment of state aid in the field of short-term export-credit insurance. The prolongation also aligned the expiration date of these guidelines with those of the majority of state aid guidelines adopted pursuant to the state aid modernisation programme. Moreover, due to the lack of insurance or reinsurance capacity to cover exports to Greece, the Commission decided to prolong the temporary removal of Greece from the list of marketable risk countries until 31 December 2019.

⁽¹⁾ OJ L 343, 19.12.2013, p. 54 and EEA Supplement No 71, 19.12.2013, p. 1, paragraph 40.

⁽²⁾ OJ C 392, 19.12.2012, p. 1, paragraph 40.

⁽³⁾ OJ C 457, 19.12.2018, p. 9.

Uniform application of the EEA state aid rules is to be ensured throughout the European Economic Area in line with the objective of homogeneity established in Article 1 of the EEA Agreement. In order to ensure a consistent approach across all state aid instruments, having regard to the need for continuity and legal certainty in the treatment of state aid in the field of short-term export-credit insurance, and to ensure the uniform application of state aid rules throughout the European Economic Area, the Chapter of the Authority's State Aid Guidelines on short-term export-credit insurance should be readopted.

Having consulted the European Commission,

Having consulted the EFTA States,

HAS ADOPTED THIS DECISION:

Article 1

The Chapter of the Authority's State Aid Guidelines on short-term export-credit insurance is readopted with effect of 1 January 2019 with the following amendments:

— The first sentence of paragraph 40 of the Chapter in the EFTA Surveillance Authority's State Aid Guidelines on short-term export-credit insurance shall read as follows:

(40) The Authority will apply the principles in these Guidelines until 31 December 2020.

— Greece will be temporarily removed from the list of marketable risk countries in the Annex of the Chapter in the EFTA Surveillance Authority's State Aid Guidelines on short-term export-credit insurance until 31 December 2019.

Article 2

Only the English language version of this decision is authentic.

Decision made in Brussels, on 6 February 2019.

For the EFTA Surveillance Authority

Bente ANGELL-HANSEN
President
Responsible College Member

Frank J. BÜCHEL
College Member

Högni KRISTJÁNSSON
College Member

Carsten ZATSCHLER
Countersigning as Director,
Legal and Executive Affairs
