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[1] Test b'rilevanza għaż-ŻEE

IV

(Informazzjoni)

INFORMAZZJONI MINN ISTITUZZJONIJIET U KORPI TA' L-UNJONI EWROPEA

KUMMISSJONI

Rata tal-kambju ta' l-euro [1]

Il-11 ta' Ġunju 2008

(2008/C 146/01)

1 euro =

	Munita	Rata tal-kambju		Munita	Rata tal-kambju
USD	Dollaru Amerikan	1,5515	TRY	Lira Turka	1,9464
JPY	Yen Ġappuniż	166,37	AUD	Dollaru Awstraljan	1,6376
DKK	Krona Daniża	7,4591	CAD	Dollaru Kanadiż	1,5777
GBP	Lira Sterlina	0,79145	HKD	Dollaru ta' Hong Kong	12,1169
SEK	Krona Żvediża	9,3571	NZD	Dollaru tan-New Zealand	2,0518
CHF	Frank Żvizzeru	1,6117	SGD	Dollaru tas-Singapor	2,1297
ISK	Krona Iżlandiża	120,50	KRW	Won tal-Korea t'Isfel	1 598,43
NOK	Krona Norveġiża	7,9900	ZAR	Rand ta' l-Afrika t'Isfel	12,3864
BGN	Lev Bulgaru	1,9558	CNY	Yuan ren-min-bi Ċiniż	10,7339
CZK	Krona Ċeka	24,400	HRK	Kuna Kroata	7,2492
EEK	Krona Estona	15,6466	IDR	Rupiah Indoneżjan	14 436,71
HUF	Forint Ungeriż	247,01	MYR	Ringgit Malażjan	5,0765
LTL	Litas Litwan	3,4528	PHP	Peso Filippin	68,941
LVL	Lats Latvjan	0,7022	RUB	Rouble Russu	36,7412
PLN	Zloty Pollakk	3,3740	THB	Baht Tajlandiż	51,359
RON	Leu Rumen	3,6636	BRL	Real Brażiljan	2,5435
SKK	Krona Slovakka	30,305	MXN	Peso Messikan	16,1581

[1] *Sors:* rata tal-kambju ta' referenza ppubblikata mill-Bank Ċentrali Ewropew.

INFORMAZZJONI DWAR L-ISPAZJU EKONOMIKU EWROPEW

AWTORITÀ TA' SORVELJANZA EFTA

Stedina sabiex jitressqu kummenti taħt l-Artikolu 1(2) fil-Parti I tal-Protokoll 3 għall-Ftehim dwar is-Sorveljanza u l-Qorti dwar l-għajnuna mill-Istat fir-rigward ta' l-eżenzjoni mit-taxxa Norveġiża tas-CO_2 fuq il-gass u l-LPG għall-użu għal skopijiet oħra minbarra t-tisħin tal-bini

(2008/C 146/02)

Permezz tad-Deċiżjoni Nru 597/07/COL tat-23 ta' Novembru 2007, riprodotta fil-lingwa awtentika fil-paġni li jiġu wara din it-taqsira, l-Awtorità tas-Sorveljanza ta' l-EFTA bdiet proċedimenti skond l-Artikolu 1(2) fil-Parti I tal-Protokoll 3 tal-Ftehim bejn l-Istati ta' l-EFTA dwar it-twaqqif ta' Awtorità tas-Sorveljanza u ta' Qorti tal-Ġustizzja (Ftehim dwar is-Sorveljanza u l-Qorti). L-awtoritajiet Norveġiżi ġew infurmati permezz ta' kopja tad-deċiżjoni.

L-Awtorità tas-Sorveljanza ta' l-EFTA b'dan tavża lill-Istati ta' l-EFTA, lill-Istati Membri ta' l-UE u lill-partijiet interessati biex iressqu l-kummenti tagħhom dwar il-miżuri in kwistjoni fi żmien xahar mill-pubblikazzjoni ta' dan l-avviż lil:

L-Awtorità tas-Sorveljanza ta' l-EFTA
Registry
35, Rue Belliard
B-1040 Brussels

Il-kummenti se jkunu kkomunikati lill-awtoritajiet Norveġiżi. Il-parti interessata li tissottometti l-kummenti tista' titlob bil-miktub biex l-identità tagħha tingħata trattament kunfidenzjali, filwaqt li jingħataw ir-raġunijiet għat-talba.

TAQSIRA

PROĊEDURA

Permezz ta' ittra bid-data tad-9 ta' Marzu 2007, l-awtoritajiet Norveġiżi nnotifikaw lill-Awtorità dwar emenda ppjanata għat-taxxa fuq is-CO_2 fuq prodotti minerali, skond l-Artikolu 1(3) ta' Parti I tal-Protokoll 3 tal-Ftehim dwar is-Sorveljanza u l-Qorti. L-awtoritajiet Norveġiżi kellhom l-għan li jemendaw it-taxxa tas-CO_2 b'tali mod li jinkludu t-taxxa fuq il-gass naturali u l-gass illikwifikat taż-żejt (minn hawn 'il quddiem l-LPG), li fuqhom attwalment ma tinġabarx it-taxxa tas-CO_2.

Wara korrispondenza ma' l-awtoritajiet Norveġiżi, l-Awtorità ddeċidiet li tiftaħ proċedura formali ta' investigazzjoni fir-rigward ta' l-eżenzjoni mit-taxxa għall-użu tal-gass għal skopijiet oħra minbarra t-tisħin tal-bini.

EVALWAZZJONI TAL-MIŻURA

Fin-Norveġja, attwalment tinġabar taxxa tas-CO_2 biss fuq iż-żejt minerali u l-petrol. Fil-proposta tal-baġit għall-2007, il-Gvern Norveġiż ippropona li jintroduċi taxxa tas-CO_2 fuq il-gass u l-LPG, u din il-proposta ġiet aċċettata mill-Parlament, u ġiet emendata ulterjorment mill-St.prp. nru 69 (2006–2007).

Id-dispożizzjoni l-ġdida tintroduċi eżenzjoni għall-gass użat għall-iskopijiet kollha minbarra t-tisħin tad-djar u tal-bini kummerċjali, u kif ukoll għall-industrija tas-serer. L-għan tal-miżura huwa li ma tħallix li l-gass għat-tisħin jiġi ppreferut fuq alternattivi aktar favorevoli għall-ambjent, jiġifieri l-bijoenerġija.

L-awtoritajiet Norveġiżi jiddikjaraw li 94 % tal-konsum tal-gass naturali jirrigwarda skopijiet oħra għajr it-tisħin tal-bini. Il-konsum prinċipali tal-gass fin-Norveġja huwa għal użi industrijali, li s-settur tal-manifattura jikkostitwixxi parti dominanti minnhom. L-awtoritajiet Norveġiżi jgħidu li fil-prattika hija introdotta biss taxxa limitata ħafna fuq it-tisħin tal-bini. Għal raġunijiet tekniċi relatati mal-liġi nazzjonali, it-taxxa tas-CO_2 fuq il-gass u l-LPG ġiet adottata formalment bħala taxxa ġenerali.

Fil-fehma preliminari ta' l-Awtorità abbażi ta' l-informazzjoni mressqa mill-awtoritajiet Norveġiżi, l-Awtorità ma tistax teskludi li l-eżenzjoni mit-taxxa tas-CO_2 fuq il-gass tikkostitwixxi għajnuna fit-tifsira ta' l-Artikolu 61(1) tal-Ftehim taż-ŻEE.

L-awtoritajiet Norveġiżi jgħidu li l-limitazzjoni tat-taxxa għall-iskop tat-tisħin tal-bini hija miżura ġenerali li hija miftuħa għall-impriżi u s-setturi kollha. Madankollu, fil-fehma preliminari ta' l-Awtorità, il-miżura tista' *de facto* tiffavorixxi lil ċerti impriżi. Dan huwa dovut għall-fatt li t-taxxa tas-CO_2 se titħallas fuq il-konsum totali tal-gass minn dawk l-industriji li m'humiex involuti fi proċessi ta' produzzjoni, iżda prinċipalment iwettqu x-xogħol tagħhom fil-bini, jiġifieri tipikament fis-settur tas-servizzi. Impriżi li jużaw il-gass fil-proċess tal-produzzjoni mhux se jkunu responsabbli għat-tassazzjoni fuq il-gass użat għal skopijiet oħra għajr it-tisħin tal-bini. L-Awtorità adottat il-fehma preliminari li bħala punt tat-tluq l-użi kollha tal-gass huma ntaxxati taħt il-leġiżlazzjoni Norveġiża. L-Awtorità wkoll ma tikkunsidrax li r-referenza għal użu partikolari minflok għal ċerti setturi awtomatikament tibdel l-eżenzjoni f'miżura ġenerali u ssib appoġġ għall-fehma tagħha f'każijiet mill-Qorti Ewropea tal-Ġustizzja, fejn miżuri li essenzjalment kienu jiffavorixxu grupp ta' impriżi għalkemm formalment miftuħa għall-operaturi kollha tqiesu bħala selettivi. Madankollu, matul il-proċedura formali ta' investigazzjoni, l-Awtorità se tieħu f'kunsiderazzjoni li l-Linji Gwida ta' l-Awtorità dwar l-applikazzjoni tar-regoli ta' l-għajnuna mill-istat għat-tassazzjoni diretta ta' l-impriżi jistipulaw li l-fatt li miżura tkun ta' benefiċċju għal ċerti impriżi aktar milli għal oħrajn mhux neċessarjament jindika li hemm vantaġġ selettiv. F'dan ir-rigward, l-Awtorità tieħu nota tad-Deċiżjoni tal-Kummissjoni Ewropea fir-rigward ta' l-iskema Daniża tat-taxxa (N 416/99) li biha t-tassazzjoni ta' konsum simili għal tad-djar għall-impriżi tqies li ma kienx għajnuna mill-Istat, anki jekk it-taxxa kienet l-aktar titħallas mis-settur tas-servizzi.

Fil-fehma ta' l-Awtorità, il-loġika ta' eżenzjoni mit-taxxa għal skopijiet oħra għajr it-tisħin m'hix konsistenti ma' l-għanijiet tat-tassazzjoni tas-CO_2 fin-Norveġja. L-Awtorità ma tqisx li l-għan li jitnaqqsu l-emissjonijiet tas-CO_2, l-inkoraġġiment tal-bidla għall-bijoenerġija, jew it-tassazzjoni tal-konsum relatat mad-djar huma raġunijiet adegwati sabiex isir differenzjament bejn is-setturi.

L-Awtorità għandha d-dubji dwar jekk dawn il-miżuri jistgħux jitqiesu bħala konformi ma' l-Artikolu 61(3)(c) tal-Ftehim taż-ŻEE, f'kombinazzjoni ma' l-obbligi stabbiliti fil-Kapitolu dwar l-għajnuna għall-protezzjoni ambjentali tal-Linji Gwida ta' l-Awtorità dwar l-Ġħajnuna mill-Istat. Fil-każ preżenti, ma titħallas l-ebda taxxa fuq il-gass użat għal skopijiet għajr it-tisħin tal-bini. Eżenzjoni totali bħal din mit-taxxa tkun possibbli biss kieku l-benefiċjarji ta' l-għajnuna kienu kkonkludew ftehimiet ambjentali man-Norveġja, li m'hux il-każ. Tnaqqis parzjali tat-taxxa jkun jinvolvi li titħallas parti sinifikanti mit-taxxa. L-eżenzjoni mit-taxxa għalhekk ma tistax tiġi ġġustifikata taħt il-Linji Gwida Ambjentali.

KONKLUŻJONI

Fid-dawl tal-kunsiderazzjonijiet imsemmija, l-Awtorità ddeċidiet li tiftaħ proċedura ta' investigazzjoni formali skond l-Artikolu 1(2) tal-Ftehim taż-ŻEE. Il-partijiet interessati huma mistiedna sabiex iressqu l-kummenti tagħhom fi żmien xahar mill-pubblikazzjoni ta' din id-deċiżjoni fil-*Ġurnal Uffiċjali ta' l-Unjoni Ewropea*.

EFTA SURVEILLANCE AUTHORITY DECISION

No 597/07/COL

of 23 November 2007

to initiate the procedure provided for in Article 1(2) of Part I of Protocol 3 to the Surveillance and Court Agreement with regard to the tax exemption from the Norwegian CO_2 tax on gas and LPG for the use of gas for purposes other than heating of buildings

(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) of Part I and Articles 4(4) and 6 of Part II of Protocol 3 to the Surveillance and Court Agreement,

Having regard to the Authority's Guidelines ([4]) on the application and interpretation of Articles 61 and 62 of the EEA Agreement, and in particular the Chapter on Aid for Environmental Protection as well as the Chapter on the Application of the State Aid Rules to Measures relating to Direct Business Taxation,

Whereas:

I. FACTS

1. Procedure

By letter of 9 March 2007 from the Norwegian Ministry of Government Administration and Reform forwarding a letter from the Ministry of Finance dated 8 March 2007, both received and registered by the Authority on 9 March 2007 (Event No 412984), the Norwegian authorities notified a planned amendment to the CO_2 tax on mineral products, pursuant to Article 1(3) of Part I of Protocol 3 to the Surveillance and Court Agreement. The Norwegian authorities intended to amend the CO_2 tax in such a manner as to include taxation on natural gas and liquefied petroleum gas (hereafter LPG), on which no CO_2 tax is currently levied.

By letter dated 26 April 2007 (Event No 418662), the Authority requested additional information.

By e-mail dated 30 May 2007, the Norwegian Mission to the European Union forwarded a letter dated 25 May 2007 from the Norwegian Ministry of Government Administration and Reform, enclosing a letter from the Ministry of Finance replying to the information request. The letters were received and registered by the Authority on 30 May 2007 (Event No 426435).

A further request for information was sent by the Authority on 11 July 2007 (Event No 425632). The Norwegian authorities replied to that request by letter from the Ministry of Government Administration and Reform dated 25 September 2007, forwarding a letter from the Ministry of Finance dated 24 September 2007. The letters were received and registered by the Authority on 25 September (Event No 443658).

2. Description of the proposed measures

In their notification the Norwegian authorities inform the Authority of a proposed amendment of the CO_2 tax on mineral products to include taxation of natural gas and LPG. In the following, the tax will be called 'the CO_2 tax on gas', which is however to be understood as covering taxation of both natural gas and LPG.

2.1. *CO_2 taxation in Norway*

Currently, CO_2 taxes in Norway are only levied on mineral oil and petrol. The Norwegian tax on CO_2 is understood by the Norwegian authorities to be a tax on the consumption and emission of CO_2 ([5]), which is levied on the use of the products mentioned in the tax chapter. Both imported and domestic products are subject to the tax.

The CO_2 tax is contained in a budgetary chapter concerning the environmental taxes levied on mineral products, with the title '*Om miljøavgifter på mineralske produkter mv*'. Heading A of this chapter deals with the CO_2 tax on mineral products CO_2 (*avgift på mineralske produkter*). Section A1 stipulates the levy of the tax on mineral oil and petrol. It reads as follows:

> *'Fra 1. januar 2007 skal det i henhold til lov 19 mai 1933 nr. 11 om særavgifter betales CO_2-avgift til statskassen på følgende mineralske produkter etter følgende satser: …*
>
> *a) Mineralolje: kr. 0,47 per liter (…).*
>
> *b) Bensin: kr 0,80 per liter',*

that is:

> 'From 1 January 2007, according to Act of 19 May 1933 No 11 regarding special duties, CO_2 tax shall be paid to the Exchequer on the following mineral products at the following rates …
>
> (a) Mineral oil: NOK 0,47 per litre.
>
> (b) Petrol: NOK 0,80 per litre' ([6]).

([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]) 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, EEA Supplement No 32, 3 September 1994. The Guidelines were last amended on 31 May 2007. Hereinafter referred to as 'the State Aid Guidelines'.
([5]) Letter of 31 January 2002 from the Norwegian authorities in Case SAM070.001 — Environmental taxes.
([6]) This and other translations of Norwegian legislation found in the text have been done by the Authority.

Section A2 contains several exemptions from the tax, depending on the use of the product. Section A2.1 contains general exemptions for various activities, in particular the use of the mineral oil product as a raw material in the production process (Section A2 lit.1.c). Section A2.2 and Section A2.3 contain further exemptions relating to the use of mineral oil and petroleum respectively.

2.2. *Introduction of CO_2 taxation on gas and LPG*

No CO_2 tax has so far been levied on gas. In the budget proposal for 2007, the Norwegian Government proposed an amendment to the relevant chapter of the budget, which was accepted by Parliament. The proposal contained in St. prp. nr. 1 (2006-2007), II A and B reads:

'A.

Fra 1 juli 2007 gjøres følgende endringer:

§ 1 første ledd nye bokstaver c og d skal lyde:

c) Naturgass: kr. 0,47 pr. standardkubikkmeter.

d) LPG: kr. 0,60 pr. kg.

B.

§2 første ledd ny nr. 4 skal lyde:

4. Gass til annen bruk en oppvarming mv. i boliger og næringsbygg'.

that is:

'A.

As of 1 July 2007 the following amendments shall apply:

In Section 1, first paragraph, new letters c and d shall read:

(c) Gas: NOK 0,47 per standard cubic metre.

(d) LPG: NOK 0,60 per kilogram.

B.

Section 2, first paragraph, new number 4 shall read:

Gas used for purposes other than heating of houses and commercial buildings'.

By adding the letters (c) and (d) to Section 1, as referred to under A, a CO_2 tax on gas is introduced. The new provision referred to under B introduces an exemption for gas used for all purposes other than heating of houses and commercial buildings.

The above exemption was later further amended by St. prp. nr. 69 (2006-2007). By these amendments, the Norwegian authorities intended to exempt the greenhouse industry. They consider this exemption to fall outside the scope of the EEA Agreement. In addition the newly formulated (c) should make the tax duty more precise by not limiting it to gas used for dwellings and commercial buildings, but extending it to cover all buildings.

The amended Section 2.4 now reads as follows:

'§2 nr. 4 skal lyde:

Det gis fritak, refusjon eller ytes tilskudd for avgift på produkter til følgende anvendelsesområder:

4. Gass til

c) Annen bruk enn oppvarming av bygg.

d) Vektsthusnæringen.'

that is:

'Section 2 nr. 4 shall read:

The following products are exempted from the tax, entitled to a refund or a grant for the tax in relation to the following fields of application:

4. Gas for

(c) any use other than heating of buildings;

(d) greenhouse industry.'

In their notification, the Norwegian authorities describe the planned amendment as an '*amendment of the CO_2 tax to include gas used as heating from 1 July 2007*'. In the opinion of the Norwegian authorities this amendment does not concern an exemption from a general CO_2 tax on gas, but merely the introduction of a very limited tax on the heating of buildings which does not constitute State aid within the meaning of Article 61(1) of the EEA Agreement. The notification is therefore to be understood as a notification for legal certainty only.

The Norwegian authorities state it is only for a technical reason that the CO_2 tax on gas is adopted as a general tax; the control possibilities of the Customs and Excise Directorate are increased when working with a general tax. Only if a measure is adopted as a general tax, are all producers of taxable goods obliged to register with the authorities as being liable for the tax and keep accounts of their sales. Had the tax been adopted as a more limited tax on heating, no registration and no keeping of accounts would have been necessary for traders which sell the gas for purposes other than heating.

2.3. *The objective of the measure*

The objective of the new tax on gas is described in the budget proposal for 2007, which refers to the so-called Soria Moria Statement ([1]):

'Domestic use of gas is not subject to CO_2 tax. From 2005 gas used in some industries is subject to the climate quota system concerning CO_2. Other gas usages are not subject to means which incentivise the reduction of CO_2, i.e. gas used in dwellings, industrial houses and mobile sources. In the Soria Moria statement it is announced that the Government will examine the CO_2 tax to prevent that gas as heating is preferred to more environmental favourable alternatives'.

2.4. *National legal basis for the measure*

The CO_2 tax on gas was passed by *Stortinget* (the Parliament). The Government's proposal was put forward in St. prp. nr. 1 (2006-2007) *Skatte-, avgifts- og tollvedtak* and was adopted by the Parliament 28 November 2006.

([1]) The Soria Moria Statement is a policy statement drawn up by the three political parties forming the Norwegian Government.

As explained above, Parliament's decision was then altered in connection with the Revised National Budget 2007 ([1]). This amendment concerned an exemption from the tax in favour of the greenhouse growing industry. In addition, the Government proposed to lay down in the Parliament's decision that gas for heating of all buildings are liable to tax, not only gas for residential houses and commercial buildings. The Government's proposal in St. prp. nr. 69 (2006-2007) was adopted by the Parliament on 15 June 2007.

In addition to the general decision by Parliament, there will be an amendment of the Regulation on Excise Duties (*Forskrift om endring av Forskrift om særavgifter*).

The new Section 3-6-4 of the Regulation, which deals with an exemption from the tax for mineral oil which is exported, will now also explicitly exempt LPG. The exemption now reads that for petrol and LPG the threshold beyond which no tax will be levied is 400 litres or 150 kg. As natural gas is always exported in bulk, natural gas is not mentioned and no minimum threshold is applied here, i.e. it is always tax exempted.

Section 3-6-5 of the Regulation deals with the exemption from the CO_2 tax for gas used for purposes other than heating. Section 3-6-5(1) states that gas which is used for other purposes than the heating of buildings, commercial buildings and other dwellings is tax exempted. The exemption does not cover any direct or indirect heating ([2]).

Gas which is used in units lower than 20 kg is exempted from the tax, see Section 3-6-5(2) of the Regulation.

Section 3-6-5(3) stipulates that registered companies may deliver gas without duty if the gas is to be used for a purpose which is exempted from duty. It is a condition for the exemption of duties that the buyer gives a statement about the use of the gas. If the gas is to be used for both tax liable and tax free purposes, a proportional distribution must be made according to the estimated use. The statement is valid for a period up to one year and must be retained as a record for 10 years. The person issuing the statement is responsible for the information being correct and complete. The tax is to be paid to the Customs and Excise Service ('*Toll- og Avgiftsetaten*'). If gas bought tax free is used for a tax liable purpose, the tax has to be paid.

2.5. *Beneficiaries of the tax exemption*

The Norwegian authorities state that 94 % of the consumption of natural gas concerns purposes other than heating of buildings. The Norwegian authorities explicitly state that only a small percentage of domestic consumption is related to the heating of buildings because the main consumption of natural gas is for industrial purposes, of which the manufacturing sector forms a dominant part.

According to Statistics Norway, approximately 80 % of the net domestic consumption of gas is related to manufacturing, mining and quarrying. The Norwegian authorities present the following consumption tables for 2006:

([1]) See above, Section I-2.2 of this Decision.
([2]) As explained by the Norwegian authorities, that last sentence should be understood in the meaning of 'heating of buildings'.

Norwegian consumption of natural gas and liquefied gas in 2006

	Natural gas Mill. Sm³	Liquefied gas 100 t
Net domestic consumption	293	188
Manufacturing, mining and quarrying	245	151
Energy intensive industry	187	70
Manufacture of paper and paper products	10	3
Mining, quarrying and other industries	48	77
Transport	13	2
Other sectors	35 ([1])	35

([1]) As can be concluded from the table below, this figure must include also the fishing and agricultural sector and the private households.

Net domestic consumption of natural gas, 2006 Mill. Sm³

	Total
Total	293
Fishing and agriculture	18
Manufacturing, mining and quarrying	244 ([1])
Mining and quarrying	7
Manufacture of food products	29
Textile	1
Manufacture of pulp, paper and paper products	10
Manufacture of wood and products of wood	0
Manufacture of chemicals	135
Non metallic mineral products	2
Manufacture of basic metals	52
Other manufacturing industries	9
Construction	0
Services	26
Hotels and restaurants	0
Commodity trade	1
Land transport	3
Sea transport	9

	Total
Supporting and auxiliary transport, travel agencies	1
Business like services and property management	1
Public administration	1
Education	1
Health and social works	8
Cultural and personal services	1
Households	4

(1) Figure given by the Norwegian authorities, should however, read 245.

The Norwegian authorities further state that half of the consumption of gas in the manufacturing sector concerns Statoil's methanol production plant Tjeldbergodden. Another large consumer is Hydro Aluminium for the manufacture of aluminium.

2.6. *Budget and duration*

The Norwegian authorities have not indicated a duration or a budget for the tax exemption.

II. ASSESSMENT

1. Scope of the Decision

The Decision applies to the exemption from the CO_2 tax on gas for uses of gas for purposes other than heating of buildings. In contrast, it does not apply to the similar exemption for the greenhouse growing industry given that this industry concerns goods falling outside the scope of products to which the provisions of the EEA Agreement apply, including those related to State aid (cf. Article 8(3) of the EEA Agreement). With regard to mining, the EEA Agreement applies to trade in coal and steel products, except where the bilateral Free Trade Agreement (1) contains specific provisions which have not been set aside by Protocol 14 to the EEA Agreement. Consequently, this Decision applies to the mining industry, without prejudice to the products which are still governed by the bilateral Free Trade Agreement and to which this decision does not apply (2).

(1) Agreement between the Member States of the European Coal and Steel Community, of the one part, and the Kingdom of Norway, of the other part (OJ L 348, 27.12.1974, p. 17). This bilateral Free Trade Agreement remains in force after the expiry of the ECSC Treaty. The rights and obligations of this Agreement were transferred from the ECSC to the European Community as a result of the decision of the Conference of the Representatives of the Governments of the EC Member States from 19 July 2002. With the expiry of the ECSC Treaty in July 2002, the treatment in the Community of State aid to the ECSC steel sector was integrated into the general legal framework of the EC Treaty.

(2) With regard to the steel sector, see Protocol 26 to the EEA Agreement in conjunction with Article 5 of Protocol 14 to the EEA Agreement. With regard to the other products, see Articles 1 and 2(1) of Protocol 14 to the EEA Agreement, as well as Article 1 and its Annex, which lists the products referred to in Article 1, of the bilateral Free Trade Agreement.

2. The presence of State aid

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'.*

2.1. *Presence of State resources*

The aid measure must be granted by the State or through State resources. The Norwegian authorities plan to introduce a new tax for gas and an exemption from that tax for all purposes other than the heating of buildings. The granting of a tax exemption or reduction involves a loss of tax revenues which is equivalent to consumption of State resources in the form of fiscal (tax) expenditure, see point 3(3) of the Authority's State Aid Guidelines in relation to Business Taxation. In the case at hand, the exemption from the CO_2 tax on gas for uses other than heating of buildings leads to a loss of revenue for the State.

2.2. *Favouring certain undertakings or the production of certain goods*

The aid measure must be selective in that it favours, i.e. confers an advantage on, *certain undertakings or the production of certain goods*. The Norwegian authorities argue that the limitation of the tax to the heating of buildings is a general measure which is open to all undertakings and sectors. All sectors and undertakings using the gas to heat buildings are liable to the tax for this use, whereas sectors and undertakings which (also) use gas in the production process or for any other purpose than heating of buildings are not liable to taxation on the gas used for those other purposes. A manufacturer who also uses gas for the heating of e.g. administrative buildings would pay — as laid down in the Regulation on Excise Duties — the tax for that use in the same way as any other undertaking, whereas he would not be subject to any taxation for the gas used in the production process.

As underlined by the Norwegian authorities, the Norwegian tax law does not create any explicit distinction between sectors. However, the existence of State aid is to be analysed according to the effects of a measure. The Authority is therefore of the opinion that it must also verify that the exemption in the Norwegian legislation will not have the effect of indirectly favouring certain sectors to the detriment of others. The above statistics (3) demonstrate that the consumption of gas in Norway is mainly for industrial purposes, notably manufacturing and mining, while the transport and the services sector play by comparison a lesser role in the consumption of gas. Hence, the existence of *de facto* sectoral aid must be investigated. Should this examination lead to the conclusion that the measure indeed concerns only certain undertakings or the production of certain goods, the exemption from the CO_2 tax relieves the undertakings benefiting from it of charges which they would normally have to bear from their ordinary budget. The consequence could be that these undertaking receive an advantage within the meaning of Article 61(1) of the EEA Agreement.

(3) See Section I-2.5 of this Decision.

The CO_2 tax will not be paid on gas used in production processes. Therefore those who do not engage in production processes, but mainly carry out their work in buildings, i.e. typically the service sector, and private households, will pay the tax on the whole of their consumption of gas whereas undertakings using gas in the production process will not be liable to taxation for a substantial part of their gas consumption. In the Authority's preliminary view this may constitute a measure which *de facto* favours certain undertakings, namely undertakings in the manufacturing sector as well as in the transport sector, to the detriment of the service sector.

The arguments for whether the measure under examination is or is not selective are dealt with below.

2.2.1. Introduction of a limited tax on the heating of buildings instead of a tax exemption from the CO_2 tax

Norway considers the notified measure not an exemption from a CO_2 tax on gas for certain sectors, but rather the introduction of a limited tax on the use of gas for the heating of buildings, i.e. the tax (on heating of buildings) is a burden for those on whom the tax is levied rather than an exemption and advantage for the many who consume gas in a way which is not subject to the tax. The Norwegian authorities underline that 94 % of the gas used in Norway is used for purposes other than heating, in other words only 6 % of the gas consumed will be taxed. According to the Norwegian authorities, the reality therefore is that natural gas is not subject to a CO_2 tax.

The Authority has doubts as to whether it can agree to that argumentation. Firstly, the Norwegian authorities have not provided for a separate Section in the budget which introduced a new tax for the heating of buildings. On the contrary, gas is simply integrated as a new product in Section 1 of the budgetary chapter which contains a general CO_2 tax on mineral products. The Norwegian authorities themselves stated in the original notification that the CO_2 tax on gas is technically adopted as a *general* tax on gas.

Secondly, the relief from taxation for uses other than heating is put into the Section of the budgetary chapter which deals with exemptions from the taxation stipulated in Section A1, namely Section A2 of the budgetary chapter. Section A2 starts with the following wording '*Det gis fritak, refusjon eller ytes tilskudd for avgift på produkter til følgende anvendelsesområder …*', i.e. 'the following products should be exempted from the tax, receive a refund or a grant for the following fields of application …'. All the products and fields of application contained therein are to be understood as exemptions from the general tax contained in Section 1 of the budgetary chapter. The Authority has until now not been presented with compelling reasons for why the same classification as a tax exemption should not apply to the newly introduced Section A2.4, which deals with exempting certain uses of gas from taxation. The wording used in the newly introduced Section A2.4 is clear in that all uses other than heating of buildings are tax exempted or entitled to a refund or grant.

Lastly, the choice of the Norwegian legislator was a deliberate one. As the Norwegian authorities have argued, the tax was adopted as a general tax on gas in order to give the tax authorities greater control possibilities. According to Section 5-1 of the Regulation on Excise Duties, producers of taxable goods are obliged to register with the Norwegian Customs and Excise Authorities as being liable for the tax and the registered companies are obliged to keep accounts. The Norwegian authorities argue that if the tax had been constructed as a limited tax on the heating of buildings, no registration and no keeping of accounts would be necessary for the traders selling gas for purposes other than heating of buildings and the control possibilities of the Customs and Excise Directorate would be reduced. This argumentation demonstrates that the adoption of a general tax on CO_2 rather than a limited tax on the heating of buildings was deliberate.

That being said, the existence of State aid must be analysed according to its effects not the form a measure takes. It therefore seems appropriate to investigate further the claim of the Norwegian authorities.

2.2.2. Exemption for purposes other than heating is a general measure open to all

The Norwegian authorities consider the tax exemption to be a general measure as all undertakings using gas for heating purposes will pay the tax, but all undertakings using gas in the production process or for any other purpose will not be liable to tax on the gas used for those other purposes.

The Authority notes as a starting point that *all* uses of gas are liable to the CO_2 tax, which is a general tax on gas. However, as stated above, the existence of State aid must be analysed according to its effects, not the form a measure takes. Thus, given the explanation of the Norwegian authorities as to the increased control by the Customs and Excise Directorate in cases of general taxation, the Authority finds it appropriate, as noted above, to verify whether the apparent tax exemption is, in fact, a measure which applies generally to all undertakings using gas for the purposes of heating a building.

Nevertheless, even if this were the case, the Authority questions whether a measure which targets the 'use' of a product as being tax exempted may automatically be removed from the ambit of the State aid rules, as certain uses of energy will often be linked — as here the use of gas for production purposes — to certain sectors of industry. The Authority has doubts as to whether the fact that the commercial activity of one sector (the manufacturing sector) employs the product in a manner other than the described 'use' and is therefore exempted from the tax, whereas the commercial activity of another sector needs the product in question only for uses which are tax liable (due to the fact that the production process of this sector just consists in the use of heated office space) is a legitimate way to set the limits of a general measure.

The case law in this regard is not settled. Contrary to the situation leading to the judgment in *Adria-Wien* ([1]), the Norwegian legislation does not make an explicit distinction between types of undertaking or goods. In an older case concerning Italy, the Court of Justice considered that a bigger reduction of certain compulsory sickness insurance contributions for female than for male employees constituted an aid to sectors which employed more female workers ([2]). Similarly, in *Gemo SA*, a premium for the disposal of animal

([1]) Case C-143/99, *Adria-Wien Pipeline GmbH, Wietersdorfer & Peggauer Zementwerke GmbH and Finanzlandesdirektion für Kärnten* [2001] ECR I-8365.

([2]) Case C-203/82, *Italy* v *Commission* [1983] ECR 2525.

carcasses, which was formally applicable to all economic operators but which essentially benefited only a certain group of undertakings, was analysed as State aid ([1]). Regarding a preferential rate for exports, the Court found the measure to constitute State aid, despite the fact that it was open to all operators wishing to export ([2]). On the other hand, the Authority notes that in the Commission Decision relating to the British Climate Change Levy, only the exemptions to the general tax on non-domestic use of energy products for fuel purposes were notified. Indeed, '*the introduction of environmental taxes on the consumption of electricity, coal and other solid fuel, gas and liquefied petroleum gas are not as such caught by Article 87 of the EC Treaty […] in so far as they are general measures which do not favour particular firms or sectors of industry*' ([3]).

Moreover, the Authority's Guidelines on the application of the State aid rules to measures relating to direct business taxation stipulate (at point 3.1.) that tax measures which are open to all economic operators are in principle general measures, unless they are de facto reduced in scope. The Guidelines stipulate that measures pursuing general economic policy objectives through a reduction of the tax burden related to certain production costs will constitute general measures, i.e. measures designed to reduce the taxation of labour for all firms have a relatively greater effect on labour intensive industries than on capital intensive industries, without necessarily constituting State aid. The Authority finds it necessary to further investigate whether the Norwegian tax exemption is comparable to these situations.

Finally, the Authority notes the Commission's Decision regarding the Danish electricity reform ([4]), which was based on the principle that the full tax is paid on household consumption and on comparable consumption by companies. This meant that e.g. liberal professions, which typically have a electricity consumption comparable to that of households, would pay the tax. The levying of the tax was implemented using VAT criteria (companies with a VAT number would get a tax refund, typically the manufacturing sector). Certain companies, while having a VAT number, would still pay the tax, because their consumption was found to be more like that of private households. An annex to the Electricity Tax Act would list these companies. The Commission found this procedure to be in line with the Danish electricity tax logic ([5]).

The Norwegian authorities have not based themselves on that Danish decision nor reasoned the tax or the tax exemption in that manner. Instead of arguing the parallel with household consumption, the tax exemption is justified, according to the Norwegian authorities, by a desire to stimulate a switch to bio-energy. The Norwegian system does not attempt to create a system which ensures that the consumption of gas other than for industrial purposes is compared with ordinary household consumption and taxed in the same manner.

In this regard it should also be noted that the Danish system was subsequently considered to constitute State aid, as certain VAT registered companies which would receive a tax refund were favoured over certain other companies which likewise had a business-like consumption and therefore should have profited from the tax relief in the same way, i.e. the 'household consumption' logic was not followed in all cases ([6]).

The Authority does not exclude that the Norwegian system by stating that all purposes other than heating should not be tax liable, might be simpler and more coherent than the Danish system. However, the Authority will have to investigate further and the Norwegian authorities need to demonstrate that also the service sector can profit from the tax relief for that part of its commercial activity which does not consist in the heating of buildings. Likewise it would have to be ensured that the manufacturing sector would also include for the payment of the tax those buildings in which the production process takes place (administrative buildings are, according to the Norwegian authorities, in any event covered by the tax).

Based on the information available at this stage, the Authority cannot exclude that the tax exemption is a selective measure which would constitute State aid within the meaning of Article 61(1) of the EEA Agreement.

2.2.3. Nature and scheme of the Norwegian tax system

As the Norwegian authorities are of the opinion that the tax is not materially selective, they do not put forward an explicit argumentation that the tax exemption for purposes other than the heating of buildings is within the nature and scheme of the Norwegian tax system. Nevertheless, according to Section 3.4 of the Authority's Guidelines on business taxation, certain differential measures whose economic rationale makes them necessary to the smooth functioning and effectiveness of the tax system might not constitute State aid. In such cases, the measure would no longer be considered selective ([7]).

Against this background, the Authority will examine below whether the logic underlying the tax exemption could justify a differentiation between sectors. As the exemption concerns a derogation from the CO_2 tax, the Authority will try to establish the objective of this taxation which it considers to be the general system against which the logic of a derogation must be measured. In other words, the Authority will examine whether the logic of the tax exemption for purposes other than heating is in line with the objectives of the CO_2 tax itself.

Purpose of reducing CO_2 emissions

The CO_2 tax on mineral products is to be found in a budgetary chapter bearing the heading 'Environmental taxes'. This seems to suggest that the CO_2 tax follows an environmental objective. Such an objective would be to create incentives, via taxation, to reduce CO_2 emissions ([8]).

([1]) Case C-126/01, *Ministre de l'économie, des finances et de l'industrie* and *Gemo SA* [2003] ECR I-13769.
([2]) Joined Cases 6 and 11-69, *Commission* v *France* [1969] ECR p. 523.
([3]) Commission Decision of 3 April 2002 on the dual-use exemption which the United Kingdom is planning to implement under the Climate Change Levy and the extended exemption for certain competing processes (OJ L 229, 27.8.2002, p. 15).
([4]) State aid N 416/99.
([5]) The case was not assessed as a 'general v selective' measure, but was justified by reference to point 16 of the Commission's Notice on Business taxation with a special reference to the logic of the Danish tax system.
([6]) State aid NN 75/04.
([7]) As can be seen from the EFTA Court's judgment in Joined Cases E-5/04, E-6/04 and E-7/04, *Fesil and Finnfjord, the Kingdom of Norway, PIL and others* v *the EFTA Surveillance Authority* [2005] EFTA Court Reports p. 117, the argument relating to the nature and scheme of the tax system is normally dealt with under the aspect of selectivity. See in this regard also Case C-143/99 *Adria Wien*, cited above at footnote 15, paragraph 42, which explicitly clarifies this point.
([8]) In the above mentioned letter of the Norwegian authorities of 31 January 2002 the CO_2 tax is described as designed to produce environmental effects.

The Norwegian authorities indeed confirm that intention of the current CO_2 tax on *mineral oil* is to put a price on the environmental damages caused by the use of taxed products and to encourage the use of other more environmental products. Given the fact that, as shown above, the CO_2 tax on gas is integrated into the general taxation chapter on mineral products, one would assume that this new taxation follows the same logic, namely to serve an environmental purpose by creating incentives to reduce CO_2 emissions. And yet, it is not obvious to the Authority how one can reconcile that environmental logic with a system that excludes certain sectors from taxation despite the fact that also these sectors should be able to reduce CO_2 emissions by either curtailing the use of gas or switching to more environmentally friendly products.

The budgetary proposal for the introduction of the CO_2 tax on gas as described above ([1]) demonstrates that certain industries — outside the service sector — indeed have incentives and the possibility to reduce CO_2 emissions by being subject to the climate quota system concerning CO_2. The climate quota system also covers parts of the manufacturing sector. Given that such a motivation of reducing CO_2 emissions for the manufacturing sector is thereby acknowledged, it seems to be hardly compatible with the nature and scheme of the Norwegian tax system to relieve the production of goods from the CO_2 taxation of gas. Moreover, in the Authority's opinion, the transport sector also has an incentive and possibility to reduce CO_2 emissions.

The Norwegian authorities seem to accept that the manufacturing sector not only has possibilities to reduce CO_2 emissions, but that incentives created to that end — e.g. via the emission trading system — can lead to a behavioural change. For Statoil, the largest consumer of gas in the manufacturing sector, the Norwegian authorities have explicitly acknowledged that the company has an incentive to reduce emissions from gas via the emission trading system ([2]). In addition, and contrary to the proposed CO_2 tax on gas, the manufacturing sector is currently subject to the CO_2 tax on mineral oil and petrol ([3]). The only exemption in this regard is when the mineral oil is used as a raw material in the production process, see Section A2d) of the budgetary chapter. Where mineral oil is used for other purposes (e.g. fuel) in the production process, it is subject to the CO_2 tax. It is not easy to see the logic behind a taxation system on mineral products which exempts certain sectors from the taxation of one mineral product, namely gas, but not another, namely mineral oil. Both products are covered by the same legal provision establishing a general taxation on mineral products for environmental purposes. The same argument can be made for the transport sector, which in general is submitted to the mineral oil tax with the exception of certain situations like the use of mineral oil in domestic sea freight. Again, there does not seem to be any environmental reason why the transport sector should be subject to the CO_2 tax on mineral oil, but not to a CO_2 tax on gas.

Switchover to bio-energy

The Norwegian authorities however argue that the logic behind the CO_2 tax on gas is to be distinguished from the CO_2 tax on mineral oil and petrol. The latter puts a price on the environmental damage caused by the use of the taxed products and encourages the use of other, more environmentally friendly, products. The tax is broad and general and the exemptions in the budgetary chapter, Section A2, are drafted very narrowly.

The Norwegian authorities argue that the CO_2 tax on gas however follows another, more narrow purpose, namely to prevent that gas is preferred to more environmentally favourable alternatives such as bio-energy, which is not taxed. By putting a tax on the use of gas, the intention is to stimulate a switch to bio-energy. Consequently, the exemption is drafted in broad terms ([4]).

The Authority has doubts as to whether this argumentation justifies a differentiation between sectors. Firstly, it should be noted that the CO_2 tax both on mineral oil and on gas is contained in the same budgetary chapter establishing a general CO_2 tax. On this basis, it is hard to see why the CO_2 tax on gas would follow a completely different logic.

Secondly, and more importantly, it should be noted that a reduction of CO_2 emissions can be achieved either by reducing the use of the environmentally damaging product or by turning to more environmentally friendly alternatives. As cited above, with regard to the tax on mineral oil, the use of environmentally friendly alternatives is mentioned. Consequently to argue that the CO_2 tax on gas is special and different from the CO_2 tax on mineral oil in this respect seems difficult.

Lastly, the Authority is not convinced by the argument put forward by the Norwegian authorities that, in relation to gas for industrial purposes, a switchover possibility does not exist. The Norwegian authorities argue that in the production processes energy is used at high temperatures, whereas bio-energy is best used at low to medium temperatures. However, the Norwegian tax system does not draw a distinction along those lines. At least for the transport sector, the use of bio-energy seems possible as well as for parts of the manufacturing sector.

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

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

The saved tax amounts strengthen the aid recipients' financial position compared with their competitors. As the undertakings are active on a large number of markets in which there is trade within the EEA, the tax exemption must also be considered to affect trade between the Contracting Parties.

([1]) See Section I-2.3 of this Decision.

([2]) The question of the relation, if any, between the emission trading system and the CO_2 taxation in general and whether the existence of an emission trading system could justify an exemption from the CO_2 tax in order to avoid double payment for environmental pollution is the subject of another investigation (Case No 63030 — CO_2 *tax exemption as a consequence of emission trading*.
The above argument only examines whether incentives to reduce CO_2 emissions also exist for sectors which use gas in the production process, but which are not covered by the newly introduced CO_2 tax on gas. The fact that the manufacturing sector is subject to the climate change quota system indicates that such incentives do exist.

([3]) In one of their earlier submissions, the Norwegian authorities claimed that despite a different drafting of the exemptions, the CO_2 tax on mineral oil and on gas are in practice the same, namely both limited to heating of buildings. The Authority would agree that the taxes follow the same environmental purpose, but notes that the exemptions are indeed quite different. In particular, as shown above, the exemption structure leads to a different taxation for the production of goods.

([4]) Letter dated 25 September 2007.

2.4. *Conclusion*

As all the criteria under Article 61(1) of the EEA Agreement seem to be fulfilled, the Authority has come to the preliminary conclusion that the exemption from the CO_2 tax for all purposes other than the heating of buildings constitutes State aid within the meaning of Article 61(1) of the EEA Agreement.

3. **Procedural requirements**

Pursuant to Article 1(3) of 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 submitting the notification of the tax exemption from the CO_2 taxation on gas by letter dated 9 March 2007 from the Norwegian Ministry of Government Administration and Reform, the Norwegian authorities have complied with the notification requirement. The Norwegian authorities confirmed that the tax and the tax exemptions are not implemented yet. In the interim, i.e. before the Authority's decision, a general tax exemption is in place, i.e. nobody, regardless of sector or use is paying the tax.

The Authority can therefore conclude that the Norwegian authorities have respected their obligations pursuant to Article 1(3) of Part I of Protocol 3 to the Surveillance and Court Agreement.

4. **Compatibility of the aid**

Support measures caught by Article 61(1) of the EEA Agreement are generally incompatible with the functioning of the EEA Agreement, unless they qualify for a derogation in Article 61(2) or (3) of the EEA Agreement.

The derogation laid down in Article 61(2) is not applicable to the aid in question, which is not designed to achieve any of the aims listed in this provision.

The aid can also not be justified under Article 61(3)(a) of the EEA Agreement, which provides for regional support. As the aid is not given to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of Norway, Article 61(3)(b) of the EEA Agreement does not apply either.

The aid in question is not linked to any investment. It simply reduces the costs which companies would normally have to bear in the course of pursuing their day-to-day business activities and is consequently to be classified as operating aid. Operating aid is normally not considered suitable to facilitate the development of certain economic activities or of certain regions as provided for in Article 61(3)(c) of the EEA Agreement. However, operating aid can be allowed under the Authority's Environmental Guidelines if certain conditions are fulfilled.

According to Section D.3.2 of the Environmental Guidelines, EFTA States might deem it necessary to make provisions for temporary exemptions from environmental taxes notably because of the absence of harmonisation at European level or because of the temporary risks of a loss of international competitiveness. However, as can be seen from point 42 of the Environmental Guidelines, these exemptions constitute operating aid, which have to fulfil the requirements set out in the Guidelines.

Point 46.1 of the Environmental Guidelines provides that when an EFTA State, for environmental reasons, introduces a new tax in a sector of activity or on products in respect of which no corresponding European Community tax harmonisation exists or the tax exceeds that provided for in Community legislation, exemption decisions covering a ten year period may be justified:

(a) when these exemptions are either conditional on the conclusion of agreements between the EFTA State concerned and the recipient firms whereby the firms undertake to achieve environmental protection objectives; or

(b) when the amount paid by the firms after the tax reduction remains higher than the Community minimum (where a Community tax exists — first indent) or constitutes a significant proportion of the national tax (where the tax does not correspond to a harmonised Community tax — second indent).

The Norwegian CO_2 tax exceeds the Community minimum, as the taxation on the Community level is 0 for LPG and EUR 0,15 per gigajoule calorific value for natural gas. Under the Norwegian tax the respective levels are NOK 0,60 (around EUR 0,08) per kilogram for LPG and NOK 0,47 per standard cubic metre (around EUR 0,06). The theoretical energy content in natural gas is 39,9 GJ/1 000 Sm^3 [1]. The tax rate of NOK 0,47 per Sm^3 is equivalent to a tax rate of NOK 11,78 per gigajoule of theoretical energy content (around EUR 1,43).

However, in the present case no tax is paid for purposes other than heating of buildings (i.e. no Community minimum). As can be seen from the above, such a total tax exemption would only be possible if the aid recipients had concluded environmental agreements with Norway, which is not the case. A partial reduction of the tax would require that the Community minimum is paid. The tax exemption therefore cannot be justified under the Environmental Guidelines.

5. **Conclusion**

Based on the information submitted by the Norwegian authorities, the Authority cannot exclude the possibility that the exemption from the CO_2 tax on gas constitutes aid within the meaning of Article 61(1) of the EEA Agreement. Furthermore, the Authority has doubts that these measures can be regarded as complying with Article 61(3)(c) of the EEA Agreement, in combination with the requirements laid down in the Chapter on aid for environmental protection of the Authority's State Aid Guidelines. The Authority thus doubts that the above measures are compatible with the functioning of the EEA Agreement.

Consequently, and in accordance with Article 4(4) of 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) of Part I of Protocol 3 to that Agreement. The decision to open proceedings is without prejudice to the final decision of the Authority, which may conclude that the measures in question do not amount to State aid or are compatible with the functioning of the EEA Agreement.

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[1] Information by the Norwegian authorities, source: Statistics Norway http://www.ssb.no/english/subjects/01/03/10/energiregn_en

In light of the foregoing considerations, the Authority, acting under the procedure laid down in Article 1(2) of Part I of Protocol 3 to the Surveillance and Court Agreement, requests the Norwegian authorities to submit their comments within one month of the date of receipt of this Decision.

In light of the foregoing considerations, the Authority requires that, within **one month** of receipt of this decision, the Norwegian authorities provide all documents, information and data needed for assessment of the compatibility of the exemption from the CO_2 tax on gas,

HAS ADOPTED THIS DECISION:

Article 1

The EFTA Surveillance Authority has decided to open the formal investigation procedure provided for in Article 1(2) of Part I of Protocol 3 to the Surveillance and Court Agreement against Norway regarding the tax exemption from the Norwegian CO_2 tax on gas for gas and LPG used for purposes other than the heating of buildings.

Article 2

The Norwegian authorities are requested, pursuant to Article 6(1) of 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.

Article 3

The Norwegian authorities are required to provide within one month from notification of this Decision, all documents, information and data needed for assessment of the compatibility of the aid measure.

Article 4

The EC Commission shall be informed, in accordance with Protocol 27(d) of the EEA Agreement, by means of a copy of this Decision.

Article 5

Other EFTA States, EC Member States, and interested parties shall be informed by the publishing 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.

Article 6

This Decision is addressed to the Kingdom of Norway.

Article 7

Only the English version is authentic.

Done at Brussels, 23 November 2007.

For the EFTA Surveillance Authority

Per SANDERUD	Kristján Andri STEFÁNSSON
President	*College Member*

Prodotti mediċinali — Lista ta' awtorizzazzjonijiet ta' kummerċjalizzazzjoni mogħtija mill-Istati Efta taż-Żee għat-tieni parti tas-sena 2007

(2008/C 146/03)

Sottokumitat I — Dwar il-moviment liberu tal-merkanzija

Għall-attenzjoni tal-Kumitat Konġunt taż-ŻEE

B'referenza għad-Deċiżjoni tal-Kumitat Konġunt taż-ŻEE Nru 74/1999 tat-28 ta' Mejju 1999, il-Kumitat Konġunt taż-ŻEE huwa mistieden li jinnota l-listi li ġejjin rigward awtorizzazzjonijiet għat-tqegħid fis-suq għal prodotti mediċinali għall-perjodu l-1 ta' Lulju — 31 ta' Diċembru 2007, f'laqgħa tagħhom ta' l-14 ta' Marzu 2008:

Anness I	Lista ta' awtorizzazzjonijiet għat-tqegħid fis-suq ġodda
Anness II	Lista ta' awtorizzazzjonijiet għat-tqegħid fis-suq imġedda
Anness III	Lista ta' awtorizzazzjonijiet għat-tqegħid fis-suq estiżi
Anness IV	Lista ta' awtorizzazzjonijiet għat-tqegħid fis-suq irtirati
Anness V	Lista ta' awtorizzazzjonijiet ta' kummerċjalizzazzjoni sospiżi

ANNESS I

Lista ta' awtorizzazzjonijiet għat-tqegħid fis-suq ġodda

L-awtorizzazzjonijiet ta' kummerċjalizzazzjoni li ġejjin ingħataw fl-Istati EFTA taż-ŻEE matul il-perjodu bejn **l-1 ta' Lulju u l-31 ta' Diċembru 2007**:

Numru ta' l-UE	Prodott	Pajjiż	Data ta' l-awtorizzazzjoni
EU/1/06/361/001	Luminity	Liechtenstein	31.12.2007
EU/1/07/387/001-008	Advagraf	Liechtenstein	31.12.2007
EU/1/07/391/001/NO-004/NO	Revlimid	In-Norveġja	13.7.2007
EU/1/07/391/001-004/IS	Revlimid	L-Iżlanda	11.7.2007
EU/1/07/392/001	Circadin	Liechtenstein	31.8.2007
EU/1/07/392/001/IS	Circadin	L-Iżlanda	8.8.2007
EU/1/07/392/001/NO	Circadin	In-Norveġja	15.8.2007
EU/1/07/393/001/IS	Soliris	L-Iżlanda	19.7.2007
EU/1/07/393/001/NO	Soliris	In-Norveġja	19.7.2007
EU/1/07/394/001/NO-006/NO	Optaflu	In-Norveġja	20.8.2007
EU/1/07/395/001/NO-064/NO	Invega	In-Norveġja	17.7.2007
EU/1/07/395/001-064	Invega	Liechtenstein	31.8.2007
EU/1/07/395/001-064/IS	Invega	L-Iżlanda	20.7.2007
EU/1/07/396/001/NO-003/NO	Pergoveris	In-Norveġja	3.7.2007
EU/1/07/396/001-003	Pergoveris	Liechtenstein	31.8.2007
EU/1/07/396/001-003/IS	Pergoveris	L-Iżlanda	20.7.2007
EU/1/07/397/001	Siklos	Liechtenstein	31.8.2007
EU/1/07/397/001/IS	Siklos	L-Iżlanda	19.7.2007
EU/1/07/397/001/NO	Siklos	In-Norveġja	22.8.2007
EU/1/07/398/001/NO-014/NO	Optimark	In-Norveġja	20.8.2007
EU/1/07/398/001-014	OptiMark	Liechtenstein	31.8.2007
EU/1/07/398/001-014/IS	OptiMark	L-Iżlanda	20.8.2007
EU/1/07/399/001/NO-006/NO	Aerinaze	In-Norveġja	22.8.2007
EU/1/07/399/001-006	Aerinaze	Liechtenstein	31.8.2007
EU/1/07/399/001-006/IS	Aerinaze	L-Iżlanda	30.8.2007
EU/1/07/400/001/NO-016/NO	Mircera	In-Norveġja	3.9.2007
EU/1/07/400/001-016/IS	Mircera	L-Iżlanda	17.8.2007
EU/1/07/401/001/NO-006/NO	Orlistat GSK	In-Norveġja	20.8.2007
EU/1/07/401/001-006	Orlistat GSK	Liechtenstein	31.8.2007
EU/1/07/401/001-006/IS	Orlistat GSK	L-Iżlanda	21.8.2007

Numru ta' l-UE	Prodott	Pajjiż	Data ta' l-awtorizzazzjoni
EU/1/07/402/001	Increlex	Liechtenstein	31.8.2007
EU/1/07/402/001/IS	Increlex	L-Iżlanda	31.8.2007
EU/1/07/403/001	Atriance	Liechtenstein	31.10.2007
EU/1/07/403/001/IS	Atriance	L-Iżlanda	20.9.2007
EU/1/07/403/001/NO	Atriance	In-Norveġja	4.9.2007
EU/1/07/404/001/NO-005/NO	Flebogammadif	In-Norveġja	13.9.2007
EU/1/07/404/001-005	Flebogammadif	Liechtenstein	31.10.2007
EU/1/07/404/001-005/IS	Flebogammadif	L-Iżlanda	13.9.2007
EU/1/07/405/001/NO-020/NO	Rasilez	In-Norveġja	14.9.2007
EU/1/07/405/001-020	Rasilez	Liechtenstein	31.10.2007
EU/1/07/405/001-020/IS	Rasilez	L-Iżlanda	6.9.2007
EU/1/07/406/001/NO-020/NO	Enviage	In-Norveġja	14.9.2007
EU/1/07/406/001-020	Enviage	Liechtenstein	31.10.2007
EU/1/07/406/001-020/IS	Enviage	L-Iżlanda	11.9.2007
EU/1/07/407/001/NO-020/NO	Sprimeo	In-Norveġja	14.9.2007
EU/1/07/407/001-020	Sprimeo	Liechtenstein	31.10.2007
EU/1/07/407/001-020/IS	Sprimeo	L-Iżlanda	11.9.2007
EU/1/07/408/001/NO-020/NO	Tekturna	In-Norveġja	14.9.2007
EU/1/07/408/001-020	Tekturna	Liechtenstein	31.10.2007
EU/1/07/408/001-020/IS	Tekturna	L-Iżlanda	6.9.2007
EU/1/07/409/001/NO-020/NO	Riprazo	In-Norveġja	14.9.2007
EU/1/07/409/001-020	Riprazo	Liechtenstein	31.10.2007
EU/1/07/409/001-020/IS	Riprazo	L-Iżlanda	11.9.2007
EU/1/07/410/001/NO-016/NO	Binocrit	In-Norveġja	13.9.2007
EU/1/07/410/001-016	Binocrit	Liechtenstein	31.10.2007
EU/1/07/410/001-016/IS	Binocrit	L-Iżlanda	18.9.2007
EU/1/07/411/001/NO-016/NO	Epoetin alfa Hexal	In-Norveġja	13.9.2007
EU/1/07/411/001-016	Epoetin alfa Hexal	Liechtenstein	31.10.2007
EU/1/07/411/001-016/IS	Epoetin alfa Hexal	L-Iżlanda	19.9.2007
EU/1/07/412/001/NO-016/NO	Abseamed	In-Norveġja	12.9.2007
EU/1/07/412/001-016	Abseamed	Liechtenstein	31.10.2007
EU/1/07/412/001-016/IS	Abseamed	L-Iżlanda	19.9.2007

Numru ta' l-UE	Prodott	Pajjiż	Data ta' l-awtorizzazzjoni
EU/1/07/413/001/NO-003/NO	Gliolan	In-Norveġja	28.9.2007
EU/1/07/413/001-003	Gliolan	Liechtenstein	31.10.2007
EU/1/07/413/001-003/IS	Gliolan	L-Iżlanda	21.9.2007
EU/1/07/414/001/NO-017/NO	Galvus	In-Norveġja	8.10.2007
EU/1/07/414/001-017	Galvus	Liechtenstein	31.10.2007
EU/1/07/414/001-017/IS	Galvus	L-Iżlanda	18.10.2007
EU/1/07/415/001/NO-056/NO	Zalasta	In-Norveġja	16.10.2007
EU/1/07/415/001-056/IS	Zalasta	L-Iżlanda	26.10.2007
EU/1/07/415/001-056	Zalasta	Liechtenstein	31.10.2007
EU/1/07/416/001	Ecalta	Liechtenstein	31.10.2007
EU/1/07/416/001/IS	Ecalta	L-Iżlanda	13.10.2007
EU/1/07/416/001/NO	Ecalta	In-Norveġja	28.9.2007
EU/1/07/417/001/NO-002/NO	Yondelis	In-Norveġja	23.10.2007
EU/1/07/417/001-002	Yondelis	Liechtenstein	31.10.2007
EU/1/07/417/001-002/IS	Yondelis	L-Iżlanda	15.10.2007
EU/1/07/418/001/NO-010/NO	Celsentri	In-Norveġja	25.9.2007
EU/1/07/418/001-010	Celsentri	Liechtenstein	31.10.2007
EU/1/07/418/001-010/IS	Celsentri	L-Iżlanda	13.10.2007
EU/1/07/419/001/NO-009/NO	Cervarix	In-Norveġja	25.9.2007
EU/1/07/419/001-009	Cervarix	Liechtenstein	31.10.2007
EU/1/07/419/001-009/IS	Cervarix	L-Iżlanda	12.10.2007
EU/1/07/420/001	Cyanokit	Liechtenstein	31.12.2007
EU/1/07/420/001/IS	Cyanokit	L-Iżlanda	17.12.2007
EU/1/07/420/001/NO	Cyanokit	In-Norveġja	19.12.2007
EU/1/07/421/001/NO-009/NO	Pioglitazon/metformin Takeda	In-Norveġja	19.12.2007
EU/1/07/421/001-009	Pioglitazone/Metformin Hydrochloride Takeda	Liechtenstein	31.12.2007
EU/1/07/422/001-004/IS	Tasigna	L-Iżlanda	14.12.2007
EU/1/07/424/001	Torisel	Liechtenstein	31.12.2007
EU/1/07/424/001/IS	Torisel	L-Iżlanda	10.12.2007
EU/1/07/424/001/NO	Torisel	In-Norveġja	3.12.2007
EU/1/07/425/001/NO-018/NO	Eucreas	In-Norveġja	5.12.2007
EU/1/07/425/001-018	Eucreas	Liechtenstein	31.12.2007

Numru ta' l-UE	Prodott	Pajjiż	Data ta' l-awtorizzazzjoni
EU/1/07/425/001-018/IS	Eucreas	L-Iżlanda	6.12.2007
EU/1/07/426/001/NO-011/NO	Olanzapine Neopharma	In-Norveġja	19.12.2007
EU/1/07/426/001-011/IS	Olanzapine Neopharma	L-Iżlanda	7.12.2007
EU/1/07/426/001-011	Olanzapine Neopharma	Liechtenstein	31.12.2007
EU/1/07/433/001	Nevanac	Liechtenstein	31.12.2007
EU/1/07/433/001/NO	Nevanac	In-Norveġja	18.12.2007
EU/107/427/001-037	Olanzapine Teva	Liechtenstein	31.12.2007
EU/2/06/067/001-002	Medicinal Oxygen Air Liquide Santé	Liechtenstein	31.12.2007
EU/2/06/070/001-003/IS	Meloxidyl	L-Iżlanda	17.8.2007
EU/2/07/072/001/NO-002/NO	Suprelorin	In-Norveġja	24.10.2007
EU/2/07/072/001-002	Suprelorin	Liechtenstein	31.8.2007
EU/2/07/072/001-002/IS	Suprelorin	L-Iżlanda	10.8.2007
EU/2/07/074/001/NO-006/NO	Prilactone	In-Norveġja	20.12.2007
EU/2/07/074/001-006/IS	Prilactone	L-Iżlanda	19.7.2007
EU/2/07/075/001/NO-004/NO	Circovac	In-Norveġja	20.12.2007
EU/2/07/075/001-004	Circovac	Liechtenstein	31.8.2007
EU/2/07/075/001-004/IS	Circovac	L-Iżlanda	12.7.2007
EU/2/07/077/001-005	Meloxivet	Liechtenstein	31.12.2007

ANNESS II

Lista ta' awtorizzazzjonijiet għat-tqegħid fis-suq imġedda

L-awtorizzazzjonijiet ta' kummerċjalizzazzjoni li ġejjin ingħataw fl-Istati EFTA taż-ŻEE matul il-perjodu bejn **l-1 ta' Lulju u l-31 ta' Diċembru 2007**:

Numru ta' l-UE	Prodott	Pajjiż	Data ta' l-awtorizzazzjoni
EU/1/02/209/001/NO-008/NO	Dynastat	In-Norveġja	14.9.2007
EU/1/02/216/001/NO-002/NO	Invanz	In-Norveġja	4.7.2007
EU/1/02/218/001/NO-011/NO	Axura	In-Norveġja	16.7.2007
EU/1/02/218/001-011/IS	Axura	L-Iżlanda	11.7.2007
EU/1/02/219/001/NO-015/NO	Ebixa	In-Norveġja	11.7.2007
EU/1/02/219/001-015/IS	Ebixa	L-Iżlanda	6.7.2007
EU/1/02/220/001/NO-005/NO	Tracleer	In-Norveġja	13.8.2007
EU/1/02/221/001/NO-010/NO	Pegasys	In-Norveġja	18.7.2007
EU/1/02/221/001-010/IS	Pegasys	L-Iżlanda	13.7.2007
EU/1/02/221/001-010	Pegasys	Liechtenstein	31.8.2007
EU/1/02/222/001/NO-002/NO	Tamiflu	In-Norveġja	31.7.2007
EU/1/02/222/001-002	Tamiflu	Liechtenstein	31.8.2007
EU/1/02/222/001-004/IS	Tamiflu	L-Iżlanda	13.7.2007
EU/1/02/223/001/NO-003/NO	Evra	In-Norveġja	17.9.2007
EU/1/02/223/001-003	Evra	Liechtenstein	31.10.2007
EU/1/02/223/001-003/IS	Evra	L-Iżlanda	1.10.2007
EU/1/02/224/001/NO-005/NO	Ambirix	In-Norveġja	25.9.2007
EU/1/02/224/001-005	Ambirix	Liechtenstein	31.10.2007
EU/1/02/224/001-005/IS	Ambirix	L-Iżlanda	1.10.2007
EU/1/02/225/001/NO-002/NO	Xigris	In-Norveġja	27.8.2007
EU/1/02/225/001-002	Xigris	Liechtenstein	31.8.2007
EU/1/02/225/001-002/IS	Xigris	L-Iżlanda	16.8.2007
EU/1/02/226/001	InductOs	Liechtenstein	31.10.2007
EU/1/02/226/001/IS	InductOs	L-Iżlanda	17.9.2007
EU/1/02/226/001/NO	InductOs	In-Norveġja	10.9.2007
EU/1/02/227/001/NO-003/NO	Neulasta	In-Norveġja	27.8.2007
EU/1/02/227/001-003	Neulasta	Liechtenstein	31.8.2007
EU/1/02/227/001-003/IS	Neulasta	L-Iżlanda	16.8.2007
EU/1/02/228/001-003/IS	Neupopeg	L-Iżlanda	15.8.2007
EU/1/02/228/001/NO-003/NO	Neupopeg	In-Norveġja	27.8.2007
EU/1/02/228/001-003	Neupopeg	Liechtenstein	31.8.2007

Numru ta' l-UE	Prodott	Pajjiż	Data ta' l-awtorizzazzjoni
EU/1/02/229/001/NO-037/NO	Actraphane	In-Norveġja	9.10.2007
EU/1/02/229/001-037	Actraphane	Liechtenstein	31.10.2007
EU/1/02/229/001-037/IS	Actraphane	L-Iżlanda	15.10.2007
EU/1/02/230/001/NO-017/NO	Actrapid	In-Norveġja	9.10.2007
EU/1/02/230/001-017	Actrapid	Liechtenstein	31.10.2007
EU/1/02/230/001-017/IS	Actrapid	L-Iżlanda	15.10.2007
EU/1/02/231/001/NO-037/NO	Mixtard	In-Norveġja	9.10.2007
EU/1/02/231/001-037	Mixtard	Liechtenstein	31.10.2007
EU/1/02/231/001-037/IS	Mixtard	L-Iżlanda	16.10.2007
EU/1/02/232/001/NO-003/NO	Velosulin	In-Norveġja	9.10.2007
EU/1/02/232/001-003	Velosulin	Liechtenstein	31.10.2007
EU/1/02/232/001-003/IS	Velosulin	L-Iżlanda	15.10.2007
EU/1/02/233/001/NO-017/NO	Insulatard	In-Norveġja	9.10.2007
EU/1/02/233/001-017	Insulatard	Liechtenstein	31.10.2007
EU/1/02/233/001-017/IS	Insulatard	L-Iżlanda	16.10.2007
EU/1/02/234/001/NO-017/NO	Protaphane	In-Norveġja	9.10.2007
EU/1/02/234/001-017	Protaphane	Liechtenstein	31.10.2007
EU/1/02/234/001-017/IS	Protaphane	L-Iżlanda	15.10.2007
EU/1/02/237/001/NO-008/NO	Cialis	In-Norveġja	15.10.2007
EU/1/02/237/001-008	Cialis	Liechtenstein	31.10.2007
EU/1/02/237/001-008/IS	Cialis	L-Iżlanda	15.10.2007
EU/1/02/238/001	Zavesca	Liechtenstein	31.10.2007
EU/1/02/238/001/IS	Zavesca	L-Iżlanda	1.10.2007
EU/1/02/238/001/NO	Zavesca	In-Norveġja	17.9.2007
EU/1/02/240/001/NO-004/NO	Somavert	In-Norveġja	26.9.2007
EU/1/02/240/001-004	Somavert	Liechtenstein	31.10.2007
EU/1/02/240/001-004/IS	Somavert	L-Iżlanda	19.10.2007
EU/1/97/031/001/NO-003/NO, 019/NO-046/NO	Neorecormon	In-Norveġja	17.7.2007
EU/1/97/031/001-003, 019-046	NeoRecormon	Liechtenstein	31.8.2007
EU/1/97/031/001-013, 019-024, 027-046/IS	NeoRecormon	L-Iżlanda	11.7.2007
EU/1/97/032/001/NO	LeukoScan	In-Norveġja	4.7.2007
EU/1/97/037/001/IS	Vistide	L-Iżlanda	6.7.2007
EU/1/97/037/001/NO	Vistide	In-Norveġja	13.9.2007
EU/1/97/039/001/NO-004/NO	Cystagon	In-Norveġja	31.7.2007
EU/1/97/039/001-004	Cystagon	Liechtenstein	31.8.2007

Numru ta' l-UE	Prodott	Pajjiż	Data ta' l-awtorizzazzjoni
EU/1/97/039/001-004/IS	Cystagon	L-Iżlanda	11.7.2007
EU/1/97/040/001/NO-002/NO	Teslascan	In-Norveġja	20.8.2007
EU/1/97/043/001/NO-003/NO	Revasc	In-Norveġja	16.7.2007
EU/1/97/043/001-003	Revasc	Liechtenstein	31.8.2007
EU/1/97/043/001-003/IS	Revasc	L-Iżlanda	11.7.2007
EU/1/97/046/001/NO-039/NO	Aprovel	In-Norveġja	19.9.2007
EU/1/97/046/001-033	Aprovel	Liechtenstein	31.10.2007
EU/1/97/046/001-039/IS	Aprovel	L-Iżlanda	18.9.2007
EU/1/97/047/001/NO-007/NO	BeneFIX	In-Norveġja	11.9.2007
EU/1/97/047/001-007	Benefix	Liechtenstein	31.10.2007
EU/1/97/047/001-007/IS	BeneFix	L-Iżlanda	31.8.2007
EU/1/97/049/001/NO-039/NO	Karvea	In-Norveġja	20.9.2007
EU/1/97/049/001-033	Karvea	Liechtenstein	31.10.2007
EU/1/97/049/001-039/IS	Karvea	L-Iżlanda	17.9.2007
EU/1/97/050/001/NO-006/NO, 009/NO-012/NO	Sifrol	In-Norveġja	16.10.2007
EU/1/97/050/001-006, 009-012	Sifrol	Liechtenstein	31.10.2007
EU/1/97/050/001-006, 009-012/IS	Sifrol	L-Iżlanda	15.10.2007
EU/1/97/051/001/NO-006/NO, 009/NO-012/NO	Mirapexin	In-Norveġja	15.10.2007
EU/1/97/051/001-006, 009-012	Mirapexin	Liechtenstein	31.10.2007
EU/1/97/051/001-006, 009-012/IS	Mirapexin	L-Iżlanda	15.10.2007
EU/1/97/053/001/NO-005/NO	Cerezyme	In-Norveġja	9.10.2007
EU/1/97/053/001-005	Cerezyme	Liechtenstein	31.10.2007
EU/1/97/053/001-005/IS	Cerezyme	L-Iżlanda	15.10.2007
EU/1/97/057/001	Quadramet	Liechtenstein	31.12.2007
EU/2/02/032/001/IS	Vaxxitek HVT + IBD	L-Iżlanda	10.7.2007
EU/2/02/033/001/IS	Dexdomitor	L-Iżlanda	17.8.2007
EU/2/02/034/001/IS	Nobivac Bb cat	L-Iżlanda	19.10.2007
EU/2/02/035/001-007	SevoFlo	Liechtenstein	31.12.2007
EU/2/02/035/001-007/IS	SevoFlo	L-Iżlanda	6.12.2007
EU/2/033/001	Dexdomitor	Liechtenstein	31.10.2007
EU/2/034/001	Nobivac Bb	Liechtenstein	31.10.2007
EU/2/97/001-009/IS	Quadrisol	L-Iżlanda	10.12.2007
EU/2/97/004/001, EU/2/97/004/003-028	Metacam	Liechtenstein	31.12.2007
EU/2/97/004/001/NO, 003/NO-030/NO	Metacam	In-Norveġja	17.12.2007
EU/2/97/005/001-009	Quadrisol	Liechtenstein	31.12.2007
EU/2/98/010/004-014, 017-018, 021-024/IS	Econor	L-Iżlanda	8.11.2007

ANNESS III

Lista ta' awtorizzazzjonijiet għat-tqegħid fis-suq estiżi

L-awtorizzazzjonijiet ta' kummerċjalizzazzjoni li ġejjin ġew estiżi fl-Istati EFTA taż-ŻEE matul il-perjodu bejn **l-1 ta' Lulju u l-31 ta' Diċembru 2007**:

Numru ta' l-UE	Prodott	Pajjiż	Data ta' l-estensjoni
EU/1/00/151/023-024	Glustin	Liechtenstein	31.10.2007
EU/1/01/197/003/NO-005/NO	Foscan	In-Norveġja	8.11.2007
EU/1/01/197/003-005	Foscan	Liechtenstein	31.10.2007
EU/1/01/197/003-005/IS	Foscan	L-Iżlanda	12.11.2007
EU/1/02/222/003/NO-004/NO	Tamiflu	In-Norveġja	27.9.2007
EU/1/02/222/003-004	Tamiflu	Liechtenstein	31.10.2007
EU/1/02/222/003-004/IS	Tamiflu	L-Iżlanda	15.10.2007
EU/1/02/237/006/NO-008/NO	Cialis	In-Norveġja	3.7.2007
EU/1/02/237/006-008	Cialis	Liechtenstein	31.8.2007
EU/1/03/254/002	Busilvex	Liechtenstein	31.12.2007
EU/1/03/260/016-018	Stalevo	Liechtenstein	31.10.2007
EU/1/04/290/002	Alimta	Liechtenstein	31.12.2007
EU/1/04/290/002/IS	Alimta	L-Iżlanda	15.11.2007
EU/1/04/296/009	Cymbalta	Liechtenstein	31.10.2007
EU/1/05/310/006/NO-009/NO	Fosavance	In-Norveġja	8.11.2007
EU/1/05/310/006-009	Fosavance	Liechtenstein	31.12.2007
EU/1/05/310/006-009/IS	Fosavance	L-Iżlanda	19.10.2007
EU/1/05/325/002	Macugen	Liechtenstein	31.12.2007
EU/1/06/332/004/NO-006/NO	Omnitrope	In-Norveġja	10.9.2007
EU/1/06/332/007/NO-009/NO	Omnitrope	In-Norveġja	8.11.2007
EU/1/06/332/007-009	Omnitrope	Liechtenstein	31.10.2007
EU/1/06/332/007-009/IS	Omnitrope	L-Iżlanda	17.10.2007
EU/1/06/344/010-011	Acomplia	Liechtenstein	31.10.2007
EU/1/06/345/010-011	Zimulti	Liechtenstein	31.10.2007
EU/1/06/347/004-006	Sutent	Liechtenstein	31.12.2007
EU/1/06/361/002	Luminity	Liechtenstein	31.12.2007
EU/1/06/364/006/NO-009/NO	Adrovance	In-Norveġja	14.11.2007
EU/1/06/364/006-009	Adrovance	Liechtenstein	31.10.2007
EU/1/06/364/006-009/IS	Adrovance	L-Iżlanda	19.10.2007
EU/1/06/366/005-016	Tandemact	Liechtenstein	31.12.2007

Numru ta' l-UE	Prodott	Pajjiż	Data ta' l-estensjoni
EU/1/95/003/005-006	Betaferon	Liechtenstein	31.10.2007
EU/1/96/022/023-034	Zyprexa	Liechtenstein	31.8.2007
EU/1/97/033/004	Avonex	Liechtenstein	31.8.2007
EU/1/97/046/034-039	Aprovel	Liechtenstein	31.10.2007
EU/1/97/047/004/NO-007/NO	BeneFIX	In-Norveġja	4.9.2007
EU/1/97/047/004-007	BenFix	Liechtenstein	31.8.2007
EU/1/97/047/007/IS	Benefix	L-Iżlanda	31.8.2007
EU/1/97/049/034-039	Karvea	Liechtenstein	31.10.2007
EU/1/98/066/019/NO-026/NO	Exelon	In-Norveġja	10.10.2007
EU/1/98/066/019-026	Exelon	Liechtenstein	31.10.2007
EU/1/98/066/019-026/IS	Exelon	L-Iżlanda	17.10.2007
EU/1/98/069/007a, 007b	Plavix	Liechtenstein	31.8.2007
EU/1/98/070/007a, 007b	Iscover	Liechtenstein	31.8.2007
EU/1/98/085/029-034	Karvezide	Liechtenstein	31.10.2007
EU/1/98/086/029-034	CoAprovel	Liechtenstein	31.10.2007
EU/1/98/092/019/NO-026/NO	Prometax	In-Norveġja	10.10.2007
EU/1/98/092/019-026	Prometax	Liechtenstein	31.10.2007
EU/1/98/092/019-026/IS	Prometax	L-Iżlanda	18.10.2007
EU/1/99/108/002-003	Ferriprox	Liechtenstein	31.12.2007
EU/1/99/108/002/NO-003/NO	Ferriprox	In-Norveġja	5.12.2007
EU/1/99/108/002-003/IS	Ferriprox	L-Iżlanda	10.12.2007
EU/2/039/019-030	Advocate	Liechtenstein	31.8.2007
EU/2/97/004/029-030	Metacam	Liechtenstein	31.12.2007

ANNESS IV

Lista ta' awtorizzazzjonijiet għat-tqegħid fis-suq irtirati

L-awtorizzazzjonijiet ta' kummerċjalizzazzjoni li ġejjin ġew irtirati fl-Istati EFTA taż-ŻEE matul il-perjodu bejn **l-1 ta' Lulju u l-31 ta' Diċembru 2007**:

Numru ta' l-UE	Prodott	Pajjiż	Id-data ta' rtirar
EU/1/01/92/001-005	Levviax	Liechtenstein	31.12.2007
EU/1/03/257/001/NO-010/NO	Trudexa	In-Norveġja	29.8.2007
EU/1/03/257/001-010	Trudexa	Liechtenstein	31.8.2007
EU/1/03/257/001-010/IS	Trudexa	L-Iżlanda	9.8.2007

ANNESS V

Lista ta' awtorizzazzjonijiet ta' kummerċjalizzazzjoni sospiżi

L-awtorizzazzjonijiet ta' kummerċjalizzazzjoni li ġejjin ġew sospiżi fl-Istati EFTA taż-ŻEE matul il-perjodu bejn **l-1 ta' Lulju u l-31 ta' Diċembru 2007**:

Numru ta' l-UE	Prodott	Pajjiż	Dta tas-sospensjoni
EU/1/97/054/001, 003-005	Viracept	Liechtenstein	31.8.2007 (*)
EU/1/97/054/001-005/IS	Viracept	L-Iżlanda	7.8.2007 (**)
EU/1/97/054/001/NO, 003/NO-005/NO	Viracept	In-Norveġja	27.8.2007 (***)

(*) Irtirar tas-sospensjoni 31.10.2007 — Viracept EU/1/97/054/001, 003-005
(**) Irtirar tas-sospensjoni 14.11.2007 — Viracept EU/1/97/054/001, 004-005/IS
(***) Irtirar tas-sospensjoni 29.10.2007 — Viracept EU/1/97/054/001/NO, 003/NO-005/NO

V

(Avviżi)

PROĊEDURI AMMINISTRATTIVI

KUMMISSJONI

Sejħa għal proposti — Parteċipazzjoni elettronika 2008/1

(2008/C 146/04)

1. L-għanijiet u d-deskrizzjoni

Il-Parteċipazzjoni elettronika hija Azzjoni ta' Tħejjija li timmira li tħaddem il-benefiċċji ta' l-użu tat-Teknoloġiji ta' l-Informazzjoni u tal-Komunikazzjoni (l-ICTs) sabiex jittejbu l-proċessi leġiżlattivi u tat-teħid ta' deċiżjonijiet u sabiex titqawwa l-parteċipazzjoni pubblika f'dawn il-proċessi, f'kull livell tat-teħid ta' deċiżjonijiet governattivi.

Wara l-Programm ta' Ħidma dwar il-Parteċipazzjoni Elettronika ta' l-2008, il-Kummissjoni qiegħda hawnhekk tistieden lill-konsorzji biex iressqu l-proposti.

2. L-eliġibbiltà tal-konsorzji

Is-sejħa għall-proposti hija miftuħa għal entitajiet ġuridiċi mis-27 Stat Membru ta' l-UE.

L-għadd minimu ta' parteċipanti fi proposta huwa ta' tliet entitajiet ġuridiċi indipendenti, minn tliet Stati Membri differenti.

3. L-evalwazzjoni u l-għażla

Il-proposti mressqin se jiġu evalwati mill-Kummissjoni bl-għajnuna ta' esperti indipendenti. Il-kriterji użati għall-evalwazzjoni huma ddefiniti fil-Programm ta' Ħidma dwar il-Parteċipazzjoni Elettronika. Il-proposti li jgħaddu mill-evalwazzjoni se jiġu kklasifikati f'ordni skond il-kwalità.

Il-proċess tal-evalwazzjoni ta' l-applikazzjonijiet għall-għoti ta' fondi mill-Kummissjoni huwa stipulat fir-Regolament Finanzjarju applikabbli għall-Baġit Ġenerali tal-Komunitajiet Ewropej ([1]).

4. L-appoġġ Komunitarju

Il-fondi Komunitarji mhumiex ser jaqbżu l-75 % ta' l-ispiża eliġibbli ta' kull sieħeb.

F'kull każ, il-finanzjament tal-Komunità m'għandux ikollu l-effett li joħloq qligħ għal min jirċevih.

5. Il-baġit għas-sejħa

Il-baġit totali għal din is-sejħa għall-proposti huwa ta' EUR 4,7 miljun.

([1]) Ir-Regolament tal-Kunsill (KE, Euratom) Nru 1605/2002 (ĠU L 248, 16.9.2002, p. 1), kif emendat l-aħħar bir-Regolament (KE) Nru 1525/2007 (ĠU L 343, 27.12.2007, p. 9).

6. **Id-data ta' l-għeluq u l-indirizz għat-tressiq tal-proposti**

Id-data ta' l-għeluq għall-**wasla** tal-proposti għand il-Kummissjoni hija d-**29 ta' Awwissu fil-17:00 (ħin lokali ta' Brussell).**

Il-proposti mressqin wara din id-data ta' l-għeluq mhux se jiġu aċċettati għall-evalwazzjoni.

Fil-każ ta' aktar minn preżentazzjoni waħda ta' l-istess proposta, il-Kummissjoni għandha teżamina l-aħħar verżjoni li tkun waslet qabel id-data ta' l-għeluq.

Il-proposti għandhom jintbagħtu lil:

Għall-attenzjoni ta'
Is-Sur Thanassis Chrissafis
Il-Kummissjoni Ewropea
DĠ INFSO — H2
BU31, 2/33
B-1049 Brussell

7. **L-iskeda**

Il-Kummissjoni beħsiebha tinforma lill-applikanti bir-riżultat ta' l-evalwazzjoni u tal-proċess ta' l-għażla fi żmien tliet xhur mid-data ta' l-għeluq għat-tressiq tal-proposti u beħsiebha tiffinalizza n-negozjati mal-proponenti magħżulin fi żmien erba' xhur mid-data ta' l-għeluq għat-tressiq tal-proposti. Il-proġetti għandhom jibdew jitwettqu wara li jiġu ffinalizzati n-negozjati.

8. **Aktar tagħrif**

Il-Gwida dwar il-Parteċipazzjoni elettronika għall-Applikanti għas-sena 2008 tagħti tagħrif iddettaljat dwar kif għandhom jitħejjew u jitressqu l-proposti. Dan id-dokument, flimkien mal-Programm ta' Ħidma dwar il-Parteċipazzjoni elettronika għas-sena 2008 u kull tagħrif ieħor li għandu x'jaqsam ma' din is-sejħa u mal-proċess ta' evalwazzjoni jistgħu jitniżżlu mis-sit elettroniku msemmi ta' hawn taħt.

http://ec.europa.eu/eparticipation

Kull korrispondenza relatata ma' din is-sejħa għandha tikkwota l-identifikazzjoni tas-sejħa "**Participation 2008/1**".

Kull proposta milqugħa se tiġi ttrattata bl-ikbar kunfidenzjalità.

Sejħa għal proposti — ENT/ERA/08/311 — Erasmus għal imprendituri żgħażagħ

(2008/C 146/05)

1. Għanijiet u deskrizzjoni

L-għan ta' din is-sejħa hi li tipprovdi għotjiet għal proġetti li jippermettu lil imprendituri żgħażagħ ġodda li jitgħallmu f'kumpanija ta' l-imprendituri b'esperjenza fi Stat Membru ta' l-UE ieħor bl-għan li jitħaffef l-iskambju ta' esperjenzi u netwerking. L-għan ta' l-azzjoni hu li tikkontribwixxi għat-titjib ta' l-imprenditorjat, l-internazzjonalizzazzjoni u l-kompetittività ta' impriżi stabbiliti mikro, żgħar u ta' daqs medju u ta' imprendituri potenzjali ġodda li għadhom kemm bdew fl-UE. L-attività timmira lin-nies li beħsiebhom iwaqqfu negozju u, b'inqas prominenza, lil imprendituri li għadhom kemm waqfu negozju mhux ilu.

Is-sejħa fiha żewġ gruppi b'żewġ tipi ta' attività differenti:

Grupp 1: Shubiji Ewropej li jtejbu l-mobbiltà ta' imprendituri ġodda.

Grupp 2: Koordinazzjoni, appoġġ u netwerking fuq livell Ewropew marbut ma' l-azzjoni msemmija fil-Grupp 1.

2. L-applikanti eliġibbli

Kwalunkwe entità pubblika jew korp privat jista' jieħu sehem f'din is-sejħa għal proposti. Dan jista' jinkludi entitajiet jew korpi attivi fil-qasam tal-promozzjoni ta' l-imprenditorjat jew fil-qasam tas-servizzi ta' tqegħid transnazzjonali, b'mod partikolari:

— kmamar tal-kummerċ u l-industrija, kmamar ta' l-artiġjanat u korpi simili,

— organizzazzjonijiet għall-appoġġ tan-negozji u ċentri li jgħinu għall-bidu tan-negozji,

— assoċjazzjonijiet tan-negozji u netwerks għall-appoġġ tan-negozji,

— entitajiet pubbliċi li joffru servizzi ta' appoġġ għan-negozji,

— provdituri ta' l-edukazzjoni u t-taħriġ (pubbliċi, privati, settorjali eċċ) attivi fil-qasam ta' l-appoġġ għan-negozji,

— organizzazzjonijiet għal tqegħid fit-taħriġ.

L-applikanti jridu jkunu ċittadini ta' Stat Membru ta' l-UE.

3. Baġit u tul tal-proġett

Il-baġit totali allokat għall-kofinanzjament tal-proġetti jilħaq is-somma ta' EUR 2 850 000. L-għajnuna finanzjarja mill-Kummissjoni ma tistax tkun aktar minn 90 % ta' l-ispejjeż totali eliġibbli.

Grupp 1: L-ebda għotja ma hi se tkun aktar minn EUR 140 000. It-tul massimu tal-proġetti huwa ta' 18-il xahar.

Grupp 2: L-għotja massima se tkun ta' EUR 200 000. It-tul massimu tal-proġetti huwa ta' 22 xahar.

L-attivitajiet ta' Grupp 1 u Grupp 2 għandhom jibdew qabel il-31 ta' Diċembru 2008.

4. Data ta' l-għeluq

L-applikazzjonijiet iridu jintbagħtu lill-Kummissjoni sa mhux aktar tard mill-20 ta' Awissu 2008.

5. Għal aktar tagħrif

It-test sħiħ tas-sejħa għal proposti u l-formoli ta' applikazzjoni huma disponibbli fil-websajt li ġej:

http://ec.europa.eu/enterprise/funding/index.htm

L-applikazzjonijiet għandhom ikunu konformi mar-rekwiżiti stipulati fit-test sħiħ u għandhom jitressqu fil-formola pprovduta.

PROĊEDURI GĦALL-IMPLIMENTAZZJONI TAL-POLITIKA KUMMERĊJALI KOMUNI

KUMMISSJONI

Avviż tat-tnedija ta' reviżjoni interim parzjali tal-miżuri kontra l-iddampjar applikabbli fuq l-importazzjonijiet ta' ċerti briks tal-manjeżja li joriġinaw mir-Repubblika tal-Poplu taċ-Ċina

(2008/C 146/06)

Il-Kummissjoni rċeviet talba għal reviżjoni interim parzjali skond l-Artikolu 11(3) tar-Regolament tal-Kunsill (KE) Nru 384/96 dwar il-ħarsien kontra l-importazzjonijiet li huma l-oġġett ta' dumping minn pajjiżi mhux membri tal-Komunità Ewropea ("ir-Regolament bażiku") ([1]).

1. Talba għal reviżjoni

It-talba tressqet minn Bayuquan Refractories Company Limited ('l-applikant'), esportatur mir-Repubblika tal-Poplu taċ-Ċina.

L-ambitu tat-talba huwa limitat għal eżami ta' l-iddampjar fejn għandu x'jaqsam l-applikant.

2. Il-prodott

Il-prodott tar-reviżjoni huwa briks tal-manjeżja magħquda kimikament u mhux ittrattati bin-nar li l-komponent tagħhom tal-manjeżja fih mill-inqas 80 % MgO, kemm jekk fihom il-manjeżite u kemm jekk le, li joriġinaw mir-Repubblika tal-Poplu taċ-Ċina ("il-prodott ikkonċernat"), u bħalissa jinsab klassifikabbli fil-kodiċijiet tan-NM ex 6815 91 00, ex 6815 99 10 u ex 6815 99 90. Dawn il-kodiċijiet tan-NM qed jingħataw biss għat-tagħrif.

3. Il-miżuri eżistenti

Il-miżuri li bħalissa huma fis-seħħ huma dazju definittiv kontra l-iddampjar impost mir-Regolament tal-Kunsill (KE) Nru 1659/2005 ([2]) fuq l-importazzjonijiet ta' ċerti briks tal-manjeżja li joriġinaw mir-Repubblika tal-Poplu taċ-Ċina.

4. Raġunijiet għar-reviżjoni

It-talba skond l-Artikolu 11(3) hi bbażata fuq evidenza *prima facie*, ipprovduta mill-applikant, li ċ-ċirkostanzi li fuqhom ġew stabbiliti l-miżuri nbidlu u li dawn il-bidliet huma ta' natura permanenti.

L-applikant ipprovda biżżejjed evidenza *prima facie* li ma għadx hemm il-bżonn li l-miżura tiġi applikata fil-livell attwali tagħha biex ikun ikkumpensat l-iddampjar. B'mod partikolari, l-applikant ipprovda evidenza *prima facie* li turi li ssodisfa l-kriterji għat-trattament ta' l-ekonomija tas-suq. Barra minn hekk, paragun tal-prezzijiet domestiċi tiegħu u l-ispejjeż tal-produzzjoni u ta' l-esportazzjoni lill-Komunità, jindika li l-marġni ta' ddampjar jidher li huwa sostanzjalment aktar baxx mil-livell attwali tal-miżura.

5. Proċedura għad-determinazzjoni ta' l-iddampjar

Wara li ġie ddeterminat, b'konsultazzjoni mal-Kumitat Konsultattiv, li teżisti evidenza suffiċjenti biex tiġġustifika t-tnedija ta' reviżjoni interim parzjali, il-Kummissjoni b'dan qed tibda reviżjoni skond l-Artikolu 11(3) tar-Regolament bażiku bil-ħsieb li tiddetermina jekk il-kumpanija toperax taħt kundizzjonijiet ta' ekonomija tas-suq kif definit fl-Artikolu 2(7)(c) tar-Regolament bażiku u, jekk jirriżulta dan, li tiddetermina l-marġni individwali ta' dumping tal-kumpanija bbażat fuq l-ispejjeż tagħha/il-prezzijiet domestiċi, u jekk jirriżulta li jkun hemm iddampjar, tiddetermina l-livell ta' dazju li għandhom ikollhom l-importazzjonijiet tagħha fil-Komunità tal-prodott ikkonċernat.

L-investigazzjoni se tivvaluta l-bżonn għall-issuktar, it-tneħħija jew l-emendar tal-miżuri eżistenti fir-rigward ta' l-applikant.

Jekk jinstab li l-miżuri għandhom jitneħħew jew jiġu emendati għall-applikant, jista' jkun meħtieġ li tiġi emendata r-rata tad-dazju attwalment applikabbli għall-importazzjonijiet tal-prodott ikkonċernat minn kumpaniji li ma jissemmewx fl-Artikolu 1 tar-Regolament (KE) Nru 1659/2005.

(a) *Kwestjonarji*

Sabiex tikseb l-informazzjoni li tqis meħtieġa għall-investigazzjoni tagħha, il-Kummissjoni se tibgħat kwestjonarji lill-applikant u lill-awtoritajiet tal-pajjiż esportatur ikkonċernat. Dan it-tagħrif u din l-evidenza ta' sostenn għandhom jaslu għand il-Kummissjoni fil-limitu taż-żmien stabbilit fil-punt 6 (a)(i).

([1]) ĠU L 56, 6.3.1996, p. 1. Ir-Regolament kif emendat l-aħħar mir-Regolament tal-Kunsill (KE) Nru 2117/2005 (ĠU L 340, 23.12.2005, p. 17)
([2]) ĠU L 267, 12.10.2005, p. 1.

(b) *Ġbir ta' tagħrif u seduti ta' smigħ*

Il-partijiet kollha interessati qegħdin b'dan jiġu mistiedna jippreżentaw il-fehmiet tagħhom, jibagħtu tagħrif barra mit-tweġibiet għall-kwestjonarju u jipprovdu evidenza ta' sostenn. Dan it-tagħrif u din l-evidenza ta' sostenn għandhom jaslu għand il-Kummissjoni fil-limitu taż-żmien stabbilit fil-punt 6(a)(i).

Barra minn hekk, il-Kummissjoni tista' tisma' lill-partijiet interessati, sakemm dawn jagħmlu talba fejn juru li hemm raġunijiet partikolari għaliex għandhom jinstemgħu. Din it-talba għandha ssir fiż-żmien stipulat fil-punt 6(b)(ii).

(c) *Stat ta' ekonomija tas-suq*

Fl-eventwalità li l-kumpanija tipprovdi biżżejjed evidenza li turi li hija topera taħt kundizzjonijiet ta' ekonomija tas-suq, jiġifieri li tissodisfa l-kriterji stipulati fl-Artikolu 2(7)(c) tar-Regolament bażiku, il-valur normali jkun iddeterminat skond l-Artikolu 2(7)(b) tar-Regolament bażiku. Għal dan l-għan, għandha tintbagħat klejm issostanzjata kif jixraq fil-limitu taż-żmien speċifiku stabbilit fil-punt 6(b) ta' dan l-avviż. Il-Kummissjoni se tibgħat formola tal-klejm lill-kumpanija kif ukoll lill-awtoritajiet tar-Repubblika tal-Poplu taċ-Ċina.

Fl-eventwalità li l-kumpanija tiġi mogħtija trattament ta' ekonomija tas-suq, il-Kummissjoni tista', jekk ikun meħtieġ, tuża sejbiet li jikkonċernaw il-valur normali stabbilit f'pajjiż adatt b'ekonomija tas-suq, eż. bl-għan li jinbidlu l-elementi ta' spiża u prezz li mhumiex affidabbli fir-Repubblika tal-Poplu taċ-Ċina li huma meħtieġa biex jiġi stabbilit il-valur normali, jekk ma tkunx disponibbli d-data meħtieġa kredibbli fir-Repubblika tal-Poplu taċ-Ċina. Il-Kummissjoni bi ħsiebha tuża lill-Istati Uniti ta' l-Amerika għal dan il-għan.

6. **Il-limiti ta' żmien**

(a) *Limiti ġenerali ta' żmien*

— Biex il-partijiet jippreżentaw ruħhom, biex jibagħtu t-tweġibiet tal-kwestjonarju u kwalunkwe informazzjoni oħra

Il-partijiet interessati kollha, biex ir-rappreżentazzjonijiet tagħhom jitqiesu matul l-investigazzjoni, għandhom jiddikjaraw ruħhom billi jikkuntattjaw lill-Kummissjoni, jippreżentaw il-fehmiet tagħhom u jibagħtu t-tweġibiet għall-kwestjonarju jew kwalunkwe tagħrif ieħor fi żmien 40 jum mid-data tal-pubblikazzjoni ta' dan l-avviż fil-*Ġurnal Uffiċjali ta' l-Unjoni Ewropea*, sakemm ma jkunx speċifikat mod ieħor. Ta' min jinnota li l-eżerċizzju tal-biċċa l-kbira mid-drittijiet proċedurali stipulati fir-Regolament bażiku jiddependi fuq li l-parti tippreżenta ruħha matul il-perjodu msemmi qabel.

— Seduti

Il-partijiet interessati kollha jistgħu wkoll japplikaw biex jinstemgħu mill-Kummissjoni fl-istess limitu ta' żmien ta' 40 jum.

(b) *Limitu ta' żmien speċifiku għas-sottomissjoni ta' klejms għal trattament ta' ekonomija tas-suq*

Il-klejm tal-kumpanija ssostanzjata kif xieraq għal trattament ta' ekonomija tas-suq, kif imsemmi fil-punt 5(c) ta' dan l-avviż, għandha tasal għand il-Kummissjoni fi żmien 21 jum mid-data tal-pubblikazzjoni ta' dan l-avviż fil-*Ġurnal Uffiċjali ta' l-Unjoni Ewropea*.

7. **Sottomissjonijiet bil-miktub, tweġibiet għall-kwestjonarju u korrispondenza**

Is-sottomissjonijiet u t-talbiet kollha mill-partijiet interessati għandhom isiru bil-miktub (mhux b'format elettroniku, sakemm ma jkunx speċifikat mod ieħor) u għandhom jindikaw l-isem, l-indirizz, l-indirizz elettroniku, in-numri tat-telefown u tal-fax tal-parti interessata. Kull preżentazzjoni bil-miktub, inkluż it-tagħrif mitlub f'dan l-avviż, it-tweġibiet tal-kwestjonarju u l-korrispondenza mogħtija mill-partijiet interessati fuq bażi kunfidenzjali għandha tkun immarkata bħala "*Limitata*" [1] u, skond l-Artikolu 19(2) tar-Regolament bażiku, għandha tkun akkumpanjata minn verżjoni mhux kunfidenzjali, li għandha tkun immarkata "GĦALL-ISPEZZJONI MILL-PARTIJIET INTERESSATI".

L-indirizz tal-Kummissjoni għall-korrispondenza:

European Commission
Directorate General for Trade
Directorate H
Office: J-79 4/23
B-1049 Brussels
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8. **Nuqqas ta' kooperazzjoni**

F'każijiet fejn parti interessata tirrifjuta l-aċċess għall-informazzjoni meħtieġa jew ma tipprovdihiex fil-limiti ta' żmien jew tfixkel l-investigazzjoni b'mod sinifikanti, is-sejbiet, pożittivi jew negattivi, jistgħu jsiru skond l-Artikolu 18 tar-Regolament bażiku, fuq il-bażi tal-fatti disponibbli.

Fejn jinstab li xi parti interessata tkun tat tagħrif falz jew qarrieqi, it-tagħrif għandu jitwarrab u jistgħu jintużaw il-fatti disponibbli, skond l-Artikolu 18 tar-Regolament bażiku. Jekk parti interessata ma tikkooperax jew tikkoopera biss b'mod parzjali, u jsir użu mill-fatti disponibbli, ir-riżultat jista' jkun inqas favorevoli għal dik il-parti milli kieku kkooperat.

[1] Dan ifisser li d-dokument ikun għal użu intern biss. Huwa protett skond l-Artikolu 4 tar-Regolament (KE) Nru 1049/2001 tal-Parlament Ewropew u tal-Kunsill rigward l-aċċess pubbliku għal dokumenti tal-Parlament Ewropew, tal-Kunsill u tal-Kummissjoni (ĠU L 145, 31.5.2001, p. 43). Huwa dokument kunfidenzjali skond l-Artikolu 19 tar-Regolament bażiku u l-Artikolu 6 tal-Ftehim tad-WTO dwar l-Implimentazzjoni ta' l-Artikolu VI tal-GATT 1994 (Ftehim kontra l-iddampjar).

9. **L-iskeda ta' l-investigazzjoni**

L-investigazzjoni għandha tiġi konkluża, skond l-Artikolu 6(9) tar-Regolament bażiku, fi żmien 15-il xahar mid-data tal-pubblikazzjoni ta' dan l-avviż fil-*Ġurnal Uffiċjali ta' l-Unjoni Ewropea*.

10. **Ipproċessar ta' data personali**

Ta' min jinnota li kull tagħrif personali miġbur f'din l-investigazzjoni se jkun ittrattat skond ir-Regolament (KE) Nru 45/2001 tal-Parlament Ewropew u tal-Kunsill dwar il-protezzjoni ta' l-individwi fir-rigward ta' l-ipproċessar ta' data personali mill-istituzzjonijiet u l-korpi tal-Komunità u dwar il-movement liberu ta' din id-data ([1]).

11. **Uffiċjal għas-smigħ**

Ta' min jinnota wkoll li jekk il-partijiet interessati jqisu li qegħdin jiltaqgħu ma' diffikultajiet biex jeżerċitaw id-drittijiet ta' difiża tagħhom, dawn ikunu jistgħu jitolbu l-intervent ta' l-Uffiċjal għas-Smigħ tad-Direttorat Ġenerali tal-Kummerċ. Dan iservi ta' medjatur bejn il-partijiet interessati u s-servizzi tal-Kummissjoni, u joffri, fejn ikun hemm bżonn, medjazzjoni dwar kwistjonijiet proċedurali li jaffettwaw il-ħarsien ta' l-interessi tagħhom f'dan il-proċediment, b'mod partikolari, fir-rigward ta' kwistjonijiet li jikkonċernaw l-aċċess għall-fajl, il-kunfidenzjalità, l-estensjoni tal-limiti taż-żmien u t-trattament ta' preżentazzjonijiet talfehmiet bil-fomm u/jew bil-miktub. Għal aktar tagħrif u dettalji tal-kuntatti, il-partijiet interessati jistgħu jikkonsultaw il-paġni fuq l-internet ta' l-Uffiċjal għas-Smigħ fuq il-websajt tad-Direttorat Ġenerali tal-Kummerċ (http://ec.europa.eu/trade).

([1]) ĠU L 8, 12.1.2001, p. 1.

Avviż tat-tnedija ta' reviżjoni interim parzjali tal-miżuri kontra l-iddampjar applikabbli fuq l-importazzjonijiet ta' ċerti briks tal-manjeżja li joriġinaw mir-Repubblika tal-Poplu taċ-Ċina

(2008/C 146/07)

Il-Kummissjoni rċeviet talba għal reviżjoni *interim* parzjali skond l-Artikolu 11(3) tar-Regolament tal-Kunsill (KE) Nru 384/96 dwar il-ħarsien kontra l-importazzjonijiet li huma l-oġġett ta' dumping minn pajjiżi mhux membri tal-Komunità Ewropea ("ir-Regolament bażiku") [1].

1. Talba għal reviżjoni

It-talba tressqet minn Dashiqiao Sanqiang Refractory Materials Co. Limited ("l-applikant"), esportatur mir-Repubblika tal-Poplu taċ-Ċina.

L-ambitu tat-talba huwa limitat għal eżami ta' l-iddampjar fejn għandu x'jaqsam l-applikant.

2. Il-prodott

Il-prodott tar-reviżjoni huwa briks tal-manjeżja magħquda kimikament u mhux ittrattati bin-nar, li l-komponent tagħhom tal-manjeżja fih mill-inqas 80 % MgO, kemm jekk fihom il-manjeżite u kemm jekk le, li joriġinaw fir-Repubblika tal-Poplu taċ-Ċina ("il-prodott ikkonċernat"), u bħalissa jinsab klassifikabbli fil-kodiċijiet tan-NM ex 6815 91 00, ex 6815 99 10 u ex 6815 99 90. Dawn il-kodiċijiet tan-NM qed jingħataw biss għat-tagħrif.

3. Il-miżuri eżistenti

Il-miżuri li bħalissa huma fis-seħħ huma dazju definittiv kontra l-iddampjar impost mir-Regolament tal-Kunsill (KE) Nru 1659/2005 [2] fuq l-importazzjonijiet ta' ċerti briks tal-manjeżja li joriġinaw mir-Repubblika tal-Poplu taċ-Ċina.

4. Raġunijiet għar-reviżjoni

It-talba skond l-Artikolu 11(3) hi bbażata fuq evidenza *prima facie*, ipprovduta mill-applikant, li ċ-ċirkostanzi li fuqhom ġew stabbiliti l-miżuri nbidlu u li dawn il-bidliet huma ta' natura permanenti.

L-applikant ipprovda biżżejjed evidenza *prima facie* li ma għadx hemm il-bżonn li l-miżura tiġi applikata fil-livell attwali tagħha biex ikun ikkumpensat l-iddampjar. B'mod partikolari, l-applikant ipprovda evidenza *prima facie* li turi li ssodisfa l-kriterji għat-trattament ta' l-ekonomija tas-suq. Barra minn hekk, tqabbil tal-prezzijiet domestiċi tiegħu u l-ispejjeż tal-produzzjoni u ta' l-esportazzjoni lill-Komunità, jindika li l-marġni ta' ddampjar jidher li huwa sostanzjalment aktar baxx mil-livell attwali tal-miżura.

5. Proċedura għad-determinazzjoni ta' l-iddampjar

Wara li ġie ddeterminat, b'konsultazzjoni mal-Kumitat Konsultattiv, li teżisti evidenza suffiċjenti biex tiġġustifika t-tnedija ta' reviżjoni *interim* parzjali, il-Kummissjoni b'dan qed tibda reviżjoni skond l-Artikolu 11(3) tar-Regolament bażiku bil-ħsieb li tiddetermina jekk il-kumpanija toperax taħt kundizzjonijiet ta' ekonomija tas-suq kif definit fl-Artikolu 2(7)(c) tar-Regolament bażiku u, jekk jirriżulta dan, li tiddetermina l-marġni individwali ta' dumping tal-kumpanija bbażat fuq l-ispejjeż tagħha/il-prezzijiet domestiċi, u jekk jirriżulta li jkun hemm iddampjar, tiddetermina l-livell ta' dazju li għandhom ikollhom l-importazzjonijiet tagħha fil-Komunità tal-prodott ikkonċernat.

L-investigazzjoni se tivvaluta l-bżonn għall-issuktar, it-tneħħija jew l-emendar tal-miżuri eżistenti fir-rigward ta' l-applikant.

Jekk jinstab li l-miżuri għandhom jitneħħew jew jiġu emendati għall-applikant, jista' jkun meħtieġ li tiġi emendata r-rata taddazju attwalment applikabbli għall-importazzjonijiet tal-prodott ikkonċernat minn kumpaniji li ma jissemmewx fl-Artikolu 1 tar-Regolament (KE) Nru 1659/2005.

(a) *Kwestjonarji*

Sabiex tikseb l-informazzjoni li tqis meħtieġa għall-investigazzjoni tagħha, il-Kummissjoni se tibgħat kwestjonarji lill-applikant u lill-awtoritajiet tal-pajjiż esportatur ikkonċernat. Dan it-tagħrif u din l-evidenza ta' sostenn għandhom jaslu għand il-Kummissjoni fil-limitu taż-żmien stabbilit fil-punt 6 (a)(i).

(b) *Ġbir ta' tagħrif u seduti ta' smigħ*

Il-partijiet kollha interessati qegħdin b'dan jiġu mistiedna jippreżentaw il-fehmiet tagħhom, jibagħtu tagħrif barra mit-tweġibiet għall-kwestjonarju u jipprovdu evidenza ta' sostenn. Dan it-tagħrif u din l-evidenza ta' sostenn għandhom jaslu għand il-Kummissjoni fil-limitu taż-żmien stabbilit fil-punt 6(a)(i).

[1] ĠU L 56, 6.3.1996, p. 1. Ir-Regolament kif emendat l-aħħar mir-Regolament tal-Kunsill (KE) Nru 2117/2005 (ĠU L 340, 23.12.2005, p. 17)
[2] ĠU L 267, 12.10.2005, p. 1.

Barra minn hekk, il-Kummissjoni tista' tisma' lill-partijiet interessati, sakemm dawn jagħmlu talba fejn juru li hemm raġunijiet partikolari għaliex għandhom jinstemgħu. Din it-talba għandha ssir fiż-żmien stipulat fil-punt 6(b)(ii).

(c) *Stat ta' ekonomija tas-suq*

Fl-eventwalità li l-kumpanija tipprovdi biżżejjed evidenza li turi li hija topera skond kundizzjonijiet ta' ekonomija tas-suq, jiġifieri li tissodisfa l-kriterji stipulati fl-Artikolu 2(7)(c) tar-Regolament bażiku, il-valur normali jkun iddeterminat skond l-Artikolu 2(7)(b) tar-Regolament bażiku. Għal dan l-għan, għandha tintbagħat klejm issostanzjata kif jixraq fil-limitu taż-żmien speċifiku stabbilit fil-punt 6(b) ta' dan l-avviż. Il-Kummissjoni se tibgħat formola tal-klejm lill-kumpanija kif ukoll lill-awtoritajiet tar-Repubblika tal-Poplu taċ-Ċina.

Fl-eventwalità li l-kumpanija tiġi mogħtija trattament ta' ekonomija tas-suq, il-Kummissjoni tista', jekk ikun meħtieġ, tuża sejbiet li jikkonċernaw il-valur normali stabbilit f'pajjiż adatt b'ekonomija tas-suq, eż. bl-għan li jinbidlu l-elementi ta' spiża u prezz li mhumiex affidabbli fir-Repubblika tal-Poplu taċ-Ċina li huma meħtieġa biex jiġi stabbilit il-valur normali, jekk ma tkunx disponibbli d-data meħtieġa kredibbli fir-Repubblika tal-Poplu taċ-Ċina. Il-Kummissjoni bi ħsiebha tuża lill-Istati Uniti ta' l-Amerika għal dan il-għan.

6. **Il-limiti ta' żmien**

(a) *Limiti ġenerali ta' żmien*

— Biex il-partijiet jippreżentaw ruħhom, biex jibagħtu t-tweġibiet tal-kwestjonarju u kwalunkwe informazzjoni oħra

Il-partijiet interessati kollha, biex ir-rappreżentazzjonijiet tagħhom jitqiesu matul l-investigazzjoni, għandhom jiddikjaraw ruħhom billi jikkuntattjaw lill-Kummissjoni, jippreżentaw il-fehmiet tagħhom u jibagħtu t-tweġibiet għall-kwestjonarju jew kwalunkwe tagħrif ieħor fi żmien 40 jum mid-data tal-pubblikazzjoni ta' dan l-avviż fil-*Ġurnal Uffiċjali ta' l-Unjoni Ewropea*, sakemm ma jkunx speċifikat mod ieħor. Ta' min jinnota li l-eżerċizzju tal-biċċa l-kbira mid-drittijiet proċedurali stipulati fir-Regolament bażiku jiddependi fuq li l-parti tippreżenta ruħha matul il-perjodu msemmi qabel.

— Seduti

Il-partijiet interessati kollha jistgħu wkoll japplikaw biex jinstemgħu mill-Kummissjoni fl-istess limitu ta' żmien ta' 40 jum.

(b) *Limitu ta' żmien speċifiku għas-sottomissjoni ta' klejms għal trattament ta' ekonomija tas-suq*

Il-klejm tal-kumpanija ssostanzjata kif xieraq għal trattament ta' ekonomija tas-suq, kif imsemmi fil-punt 5(c) ta' dan l-avviż, għandha tasal għand il-Kummissjoni fi żmien 21 jum mid-data tal-pubblikazzjoni ta' dan l-avviż fil-*Ġurnal Uffiċjali ta' l-Unjoni Ewropea*.

7. **Sottomissjonijiet bil-miktub, tweġibiet għall-kwestjonarju u korrispondenza**

Is-sottomissjonijiet u t-talbiet kollha mill-partijiet interessati għandhom isiru bil-miktub (mhux b'format elettroniku, sakemm ma jkunx speċifikat mod ieħor) u għandhom jindikaw l-isem, l-indirizz, l-indirizz elettroniku, in-numri tat-telefon u tal-faks tal-parti interessata. Kull preżentazzjoni bil-miktub, inkluż it-tagħrif mitlub f'dan l-avviż, it-tweġibiet tal-kwestjonarju u l-korrispondenza mogħtija mill-partijiet interessati fuq bażi kunfidenzjali għandha tkun immarkata bħala "Limitata" [1] u, skond l-Artikolu 19(2) tar-Regolament bażiku, għandha tkun akkumpanjata minn verżjoni mhux kunfidenzjali, li għandha tkun immarkata "GĦAL SPEZZJONI MILL-PARTIJIET INTERESSATI".

L-indirizz tal-Kummissjoni għall-korrispondenza:

European Commission
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8. **Nuqqas ta' kooperazzjoni**

F'każijiet fejn parti interessata tirrifjuta l-aċċess għall-informazzjoni meħtieġa jew ma tipprovdihiex fil-limiti ta' żmien jew tfixkel l-investigazzjoni b'mod sinifikanti, is-sejbiet, pożittivi jew negattivi, jistgħu jsiru skond l-Artikolu 18 tar-Regolament bażiku, fuq il-bażi tal-fatti disponibbli.

Fejn jinstab li xi parti interessata tkun tat tagħrif falz jew qarrieqi, it-tagħrif għandu jitwarrab u jistgħu jintużaw il-fatti disponibbli, skond l-Artikolu 18 tar-Regolament bażiku. Jekk parti interessata ma tikkooperax jew tikkoopera biss b'mod parzjali, u jsir użu mill-fatti disponibbli, ir-riżultat jista' jkun inqas favorevoli għal dik il-parti milli kieku kkooperat.

[1] Dan ifisser li d-dokument ikun għal użu intern biss. Huwa protett skond l-Artikolu 4 tar-Regolament (KE) Nru 1049/2001 tal-Parlament Ewropew u tal-Kunsill rigward l-aċċess pubbliku għal dokumenti tal-Parlament Ewropew, tal-Kunsill u tal-Kummissjoni (ĠU L 145, 31.5.2001, p. 43). Huwa dokument kunfidenzjali skond l-Artikolu 19 tar-Regolament bażiku u l-Artikolu 6 tal-Ftehim tad-WTO dwar l-Implimentazzjoni ta' l-Artikolu VI tal-GATT 1994 (Ftehim kontra l-iddampjar).

9. **L-iskeda ta' l-investigazzjoni**

L-investigazzjoni għandha tiġi konkluża, skond l-Artikolu 6(9) tar-Regolament bażiku, fi żmien 15-il xahar mid-data tal-pubblikazzjoni ta' dan l-avviż fil-*Ġurnal Uffiċjali ta' l-Unjoni Ewropea*.

10. **Ipproċessar ta' data personali**

Ta' min jinnota li kull tagħrif personali miġbur f'din l-investigazzjoni se jkun ittrattat skond ir-Regolament (KE) Nru 45/2001 tal-Parlament Ewropew u tal-Kunsill dwar il-protezzjoni ta' l-individwi fir-rigward ta' l-ipproċessar ta' data personali mill-istituzzjonijiet u l-korpi tal-Komunità u dwar il-moviment liberu ta' din id-data ([1]).

11. **Uffiċjal għas-smigħ.**

Ta' min jinnota wkoll li jekk il-partijiet interessati jqisu li qegħdin jiltaqgħu ma' diffikultajiet biex jeżerċitaw id-drittijiet ta' difiża tagħhom, dawn ikunu jistgħu jitolbu l-intervent ta' l-Uffiċjal għas-Smigħ tad-DĠ Trade. Dan iservi ta' medjatur bejn il-partijiet interessati u s-servizzi tal-Kummissjoni, u joffri, fejn ikun hemm bżonn, medjazzjoni dwar kwistjonijiet proċedurali li jaffettwaw il-ħarsien ta' l-interessi tagħhom f'dan il-proċediment, b'mod partikolari, fir-rigward ta' kwistjonijiet li jikkonċernaw l-aċċess għall-fajl, il-kunfidenzjalità, l-estensjoni tal-limiti taż-żmien u t-trattament ta' preżentazzjonijiet tal-fehmiet bil-fomm u/jew bil-miktub. Għal aktar tagħrif u dettalji tal-kuntatti, il-partijiet interessati jistgħu jikkonsultaw il-paġni fuq l-internet ta' l-Uffiċjal għas-Smigħ fuq il-websajt tad-DĠ Trade (http://ec.europa.eu/trade).

([1]) ĠU L 8, 12.1.2001, p. 1.

Avviż ta' skadenza imminenti ta' ċerti miżuri ta' anti-dumping

(2008/C 146/08)

1. Il-Kummissjoni qed tavża li, sakemm ma tingħatax bidu reviżjoni skond il-proċedura li ġejja, il-miżuri ta' anti-dumping imsemmija hawn taħt se jiskadu fid-data mniżżla fit-tabella t'hawn taħt, kif stipulat fl-Artikolu 2 tar-Regolament tal-Kunsill (KE) Nru 2074/2004 tad-29 ta' Novembru 2004 li jimponi dazju definittiv ta' anti-dumping fuq importazzjonijiet ta' ċerti mekkaniżmi tal-binders biċ-ċrieki li joriġinaw mir-Repubblika tal-Poplu taċ-Ċina ([1]).

2. **Il-Proċedura**

Produtturi Komunitarji jistgħu jagħmlu talba bil-miktub għal reviżjoni. Din it-talba jrid ikun fiha biżżejjed evidenza li l-iskadenza tal-miżuri tista' twassal għat-tkomplija jew is-seħħ mill-ġdid ta' dumping u ħsara.

Jekk il-Kummissjoni tiddeċiedi li tirrevedi l-miżuri kkonċernati, l-importaturi, l-esportaturi, ir-rappreżentanti tal-pajjiż esportatur u l-produtturi Komunitarji mbagħad jingħataw l-opportunità li jamplifikaw, jikkontestaw jew jikkummentaw dwar il-kwistjonijiet imfissra fit-talba għal reviżjoni.

3. **Limitu taż-żmien**

Produtturi Komunitarji jistgħu jressqu talba bil-miktub għal reviżjoni abbażi dak li ssemma hawn fuq, li għandha tasal għand il-Kummissjoni Ewropea, id-Direttorat Ġenerali għall-Kummerċ (l-Unità H-1), J-79 4/23, B-1049 Brussell ([2]) wara d-data tal-pubblikazzjoni ta' l-avviż preżenti iżda mhux aktar tard minn tliet xhur qabel id-data msemmija fit-tabella hawn taħt.

4. Dan l-avviż huwa pubblikat skond l-Artikolu 11(2) tar-Regolament tal-Kunsill (KE) Nru 384/96 ([3]).

Il-prodott	Pajjiż(i) ta' l-oriġini jew ta' l-esportazzjoni	Miżuri	Referenza	Data ta' skadenza
Mekkaniżmi tal-binders biċ-ċrieki	Ir-Repubblika tal-Poplu taċ-Ċina	Dazju ta'anti-dumping	Regolament tal-Kunsill (KE) Nru 2074/2004 (ĠU L 359, 4.12.2004, p. 11) estiż għal importazzjonijiet kunsinnjati mill-Vjetnam mir-Regolament tal-Kunsill (KE) Nru 1208/2004 (ĠU L 232, 1.7.2004, p. 1) u estiż għal importazzjonijiet kunsinnjati mir-Repubblika Demokratika tal-Poplu ta' Lao mir-Regolament tal-Kunsill (KE) Nru 33/2006 (ĠU L 7, 12.1.2006, p. 1)	5.12.2008

([1]) ĠU L 359, 4.12.2004, p. 11
([2]) Fax (32-2) 295 65 05.
([3]) ĠU L 56, 6.3.1996, p. 1. Ir-Regolament kif emendat l-aħħar mir-Regolament (KE) Nru 2117/2005 (ĠU L 340, 23.12.2005, p. 17)

PROĊEDURI GĦALL-IMPLIMENTAZZJONI TAL-POLITIKA TAL-KOMPETIZZJONI

KUMMISSJONI

Avviż ippubblikat skond l-Artikolu 27(4) tar-Regolament tal-Kunsill (KE) Nru 1/2003 fil-Każi COMP/B-1/39.388 — Swieq Germaniżi tal-Bejgħ bl-Ingrossa ta' l-Elettriku COMP/B-1/39.389 — Swieq Ġermaniżi tal-Bilanċ ta' l-Elettriku

(Test b'rilevanza għaż-ŻEE)

(2008/C 146/09)

1. DAĦLA

1. Skond l-Artikolu 9 tar-Regolament tal-Kunsill (KE) Nru 1/2003 tas-16 ta' Diċembru 2002 fuq l-implimentazzjoni tar-regoli tal-kompetizzjoni mniżżlin fl-Artikoli 81 u 82 tat-Trattat ([1]), il-Kummissjoni tista' tiddeċiedi — f'każijiet fejn ikun biħsiebha tadotta deċiżjoni li tirrikjedi li ksur jinġieb fit-temm u l-partijiet ikkonċernati joffru li jintrabtu biex jindirizzaw it-tħassib espress lilhom mill-Kummissjoni fil-valutazzjoni preliminari tagħha — li tagħmel dak l-irbit vinkolanti fuq l-impriżi. Deċiżjoni bħal din tista' tiġi adottata għal perjodu speċifiku u għandha tikkonkludi li ma hemmx aktar raġuni għal azzjoni mill-Kummissjoni. Skond l-Artikolu 27(4) ta' l-istess Regolament, il-Kummissjoni għandha tippubblika sommarju konċiż tal-każ u l-kontenut prinċipali ta' l-irbit. Il-partijiet interessati jistgħu jippreżentaw il-kummenti tagħhom fit-terminu stabbilit mill-Kummissjoni.

2. SOMMARJU TAL-KAŻ

2. Fis-7 ta' Mejju 2008 l-Kummissjoni adottat valutazzjoni preliminari dwar allegat ksur ta' E.ON AG, Düsseldorf u s-sussidjarji tagħha ("E.ON") fis-swieq Germaniżi tal-bejgħ bl-ingrossa ta' elettriku u dawk ta' bilanċ. Dan id-dokument jikkostitwixxi valutazzjoni preliminari fl-ambitu tat-tifsira ta' l-Artikolu 9 (1) tar-Regolament (KE) Nru 1/2003.

3. Skond il-valutazzjoni preliminari E.ON, flimkien ma' RWE u Vattenfall, hija dominanti b'mod kollettiv fis-swieq Ġermaniżi tal-bejgħ bl-ingrossa ta' l-elettriku. Il-valutazzjoni preliminari esprimiet it-tħassib li E.ON setgħet abbużat mill-pożizzjoni dominanti tagħha skond l-Artikolu 82 tat-Trattat tal-KE billi rtirat kapaċità li kienet disponibbli (deliberatament ma offrietx il-produzzjoni ta' ċerti impjanti li setgħu jintużaw u kienu ekonomikament vijabbli) bil-għan li tgħolli l-prezzijiet ta' l-elettriku għad-detriment tal-konsumaturi u billi skoraġġiet lil partijiet terzi milli jagħmlu investimenti ġodda fil-ġenerazzjoni ta' l-elettriku.

4. Skond il-valutazzjoni preliminari E.ON hija dominati fis-suq tal-bilanċ sekondarju ta' l-enerġija fit-territorju tan-netwerk ta' l-E.ON, fejn l-Operatur tas-Sistema ta' Trażmissjoni jaġixxi bħala xerrej uniku. Il-valutazzjoni preliminari esprimiet it-tħassib li E-ON setgħet abbużat mill-pożizzjoni dominanti tagħha fin-netwerk billi żiedet l-ispejjeż tagħha stess bil-għan li tiffavorixxi l-affiljata tagħha tal-produzzjoni u tgħaddi l-ispejjeż fuq il-konsumatur finali, u billi tostakola produtturi ta' l-enerġija minn Stati Membri oħra milli jbigħu enerġija ta' bilanċ fis-swieq ta' bilanċ ta' l-E.ON.

3. IL-KONTENUT PRINĊIPALI TA' L-IMPENJI OFFRUTI

5. Il-partijiet soġġetti għall-proċedimenti ma qablux mal-valutazzjoni preliminari tal-Kummissjoni. Madankollu huma offrew li jimpenjaw ruħhom b'konformità ma' l-artikolu 9 tar-Regolament (KE) Nru 1/2003, li jissodisfaw it-tħassib tal-Kummissjoni dwar il-kompetizzjoni. L-elementi prinċipali ta' l-impenji huma dawn li ġejjin:

([1]) ĠU L 1, 4.1.2003, p. 1.

6. E.ON se tbigħ il-kapaċità ta' produzzjoni li ġejja fil-Ġermanja:

— E.ON se tbigħ l-ishma kollha fl-impjanti li jużaw ix-xmajjar f'ÖKB/Inn (182,5 MW), Weser (42 MW), Inn (Nußdorf, Egglfing, Ering; flimkien 102,2 MW) u Jansen ((Trausnitz, Tanzmühle; flimkien 5,1 MW),

— E.ON se tagħti drittijiet ta' kreditu għall-bqija tat-tul ta' żmien ta' użu (inkluż għal kull estensjoni possibbli) fl-impjanti ta' enerġija nukleari fi Gundremmingen B, C (643 MW), Krümmel (673 MW) u Unterweser (184 MW),

— E.ON se tbigħ l-ishma kollha fl-impjanti ta' enerġija tal-*lignite* f'Lippendorf (445 MW),

— E.ON se tagħti drittijiet ta' kreditu ta' 159 MW għall-bqija tat-tul ta' żmien ta' użu (inkluż dritt korrispondenti għall-parteċipazzjoni fi kwalunkwe impjant ġdid) fl-impjant ta' l-eneġija tal-*lignite* ta' Buschhaus,

— E.ON se tbigħ l-ishma kollha fl-impjanti tal-faħam iebes li ġejjin: Rostock (256 MW), Zolling (449 MW), Farge (350 MW), Mehrum (345 MW) kif ukoll Veltheim 2/3 (265,3 MW) u Bexbach (79,3 MW),

— E.ON se tbigħ l-ishma kollha fl-impjanti ta' enerġija li jiffunzjonaw bil-gass Robert Frank (491 MW),

— E.ON se tbigħ l-ishma kollha fl-impjanti tal-ħżin tal-pompi f'Erzhausen (220 MW) u Jansen (Kainzmühlsperre, Reisachhochspeicher; flimkien 127 MW).

7. E.ON se tbigħ ukoll in-Negozju tas-Sistema ta' Trażmissjoni tagħha li tikkonsisti f'netwerk linja ta' 380/220 kV, is-sistema operattiva taż-żona ta' kontroll ta' l-E.ON u attivitajiet relatati.

8. Dawn l-impenji jinsabu ppubblikati bl-Ingliż fuq il-websajt tad-Direttorat-Ġenerali għall-Kompetizzjoni, fuq:

http://ec.europa.eu/comm/competition/index_en.html

4. STEDINA BIEX JITRESSQU KUMMENTI

9. Il-Kummissjoni biħsiebha, soġġetti għall-ittestjar tas-suq, tadotta deċiżjoni taħt l-Artikolu 9(1) tar-Regolament (KE) Nru 1/2003 li tiddikkjara l-impenji li jinsabu f'sommarju hawn fuq u ppubblikati fuq l-Internet, fuq il-websajt tad-Direttorat Ġenerali għall-Kompetizzjoni, bħala vinkolanti.

10. Skond l-Artikolu 27(4) tar-Regolament (KE) Nru 1/2003, il-Kummissjoni tistieden lill-partijiet terzi interessati biex jissottomettu l-osservazzjonijiet tagħhom dwar l-impenji proposti. Dawn l-osservazzjonijiet għandhom jaslu għand il-Kummissjoni mhux aktar tard minn xahar wara d-data ta' din il-pubblikazzjoni. Il-partijiet terzi interessati huma wkoll mitluba li jissottomettu verżjoni mhux kunfidenzjali tal-kummenti tagħhom, fejn għandhom jitħassru s-sigrieti kummerċjali u siltiet kunfidenzjali oħrajn u jiġu mibdulin kif mitlub b'sommarju mhux kunfidenzjali jew bil-kliem "sigrieti kummerċjali" jew "kunfidenzjali". Talbiet leġittimati ser ikunu rispettati.

11. L-osservazzjonijiet jistgħu jintbagħtu lill-Kummissjoni taħt in-numru ta' referenza COMP/B-1/39.388 — Swieq Germaniżi tal-Bejgħ bl-Ingrossa ta' l-Elettriku u COMP/B1/39389 — Swieq Ġermaniżi tal-Bilanċ ta' l-Elettriku, bl-email (COMP-GREFFE-ANTITRUST@ec.europa.eu), bil-faks ((32-2) 295 01 28) jew bil-posta, f'dan l-indirizz:

Il-Kummissjoni Ewropea
Direttorat-Ġenerali għall-Kompetizzjoni
Reġistru ta' l-Antitrust
B-1049 Bruxelles/Brussel

RETTIFIKAZZJONIJIET

Rettifika għall-Awtorizzazzjoni ta' l-għajnuna Statali fil-qafas tad-Dispożizzjonijiet ta' l-Artikoli 87 u 88 tat-Trattat tal-KE — Fir-rigward ta' dawn il-każijiet il-Kummissjoni ma tqajjimx oġġezzjonijiet

(Ġurnal Uffiċjali ta' l-Unjoni Ewropea C 143 ta' l-10 ta' Ġunju 2008)

(2008/C 146/10)

Fil-werrej fl-ewwel paġna tal-qoxra u fit-titolu f'paġna 7:

minflok: "Awtorizzazzjoni ta' l-għajnuna Statali fil-qafas tad-Dispożizzjonijiet ta' l-Artikoli 87 u 88 tat-Trattat tal-KE — Fir-rigward ta' dawn il-każijiet il-Kummissjoni ma tqajjimx oġġezzjonijiet",

aqra: "Għajnuniet mill-Istat — Deċiżjonijiet rigward proposti ta' miżuri utli konformi ma' l-Artikolu 88, paragrafu 1 tat-Trattat tal-KE fil-każ meta l-Istat Membru kkonċernat ikun aċċetta l-miżuri msemmija".

AVVIŻ

Fit-12 ta' Ġunju 2008, fil-*Ġurnal Uffiċjali ta' l-Unjoni Ewropea* C 146 A, se jiġi ppubblikat il-"Katalgu komuni ta' varjetajiet ta' speċi ta' pjanti agrikoli — Il-ħames suppliment għas-26 edizzjoni kompluta".

L-abbonati tal-Ġurnal Uffiċjali jistgħu jiksbu l-istess numru ta' kopji u verżjonijiet lingwistiċi ta' dan il-Ġurnal Uffiċjali bħal dawk li jiksbu mingħajr ħlas. L-abbonati huma mitluba jirritornaw il-formola mehmuża hawn-hekk, mimlija u bin-numru sħiħ ta' l-abbonament tagħhom (il-kodiċi jidher fuq ix-xellug ta' kull tikketta u jibda: O/…). Dan il-Ġurnal Uffiċjali se jibqa' disponibbli mingħajr ħlas għal sena mid-data ta' meta jiġi ppubblikat.

Non-abbonati jistgħu jordnaw dan il-Ġurnal Uffiċjali bi ħlas f'wieħed mill-uffiċini ta' bejgħ tagħna (ara http://publications.europa.eu/others/agents/index_mt.htm).

Dan il-Ġurnal Uffiċjali — bħall-Ġurnali Uffiċjali kollha (L, C, CA, CE) — jista' jiġi kkonsultat mingħajr ħlas online fuq http://eur-lex.europa.eu.

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In-numru tar-reġistrazzjoni tiegħi huwa: O/……

Jekk jogħġbok ibgħatli … kopji mingħajr ħlas tal-**Ġurnal Uffiċjali C 146 A/2008** li għalihom jiena intitolat skond l-abbonament tiegħi.

Isem: .....

Indirizz: .....

.....

Data: ..... Firma: .....