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⁽¹⁾ Besedilo velja za EGP.

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(Informacije)

KOMISIJA

Menjalni tečaji eura ⁽¹⁾

25. oktobra 2006

(2006/C 258/01)

1 euro =

Valuta	Menjalni tečaj	Valuta	Menjalni tečaj		
USD	ameriški dolar	1,2580	SIT	slovenski tolar	239,6
JPY	japonski jen	149,93	SKK	slovaška krona	36,576
DKK	danska krona	7,4551	TRY	turška lira	1,8475
GBP	funt šterling	0,6702	AUD	avstralski dolar	1,6561
SEK	švedska krona	9,2125	CAD	kanadski dolar	1,4191
CHF	švicarski frank	1,5916	HKD	hongkonški dolar	9,7905
ISK	islandska krona	85,71	NZD	novozelandski dolar	1,9038
NOK	norveška krona	8,338	SGD	singapurski dolar	1,9784
BGN	lev	1,9558	KRW	južnokorejski won	1 202,46
CYP	ciprski funt	0,5766	ZAR	južnoafriški rand	9,6349
CZK	češka krona	28,383	CNY	kitajski juan	9,9407
EEK	estonska krona	15,6466	HRK	hrvaška kuna	7,385
HUF	madžarski forint	262,87	IDR	indonezijska rupija	11 485,54
LTL	litovski litas	3,4528	MYR	malezijski ringit	4,625
LVL	latvijski lats	0,6961	PHP	filipinski peso	62,837
MTL	malteška lira	0,4293	RUB	ruski rubelj	33,83
PLN	poljski zlot	3,8855	THB	tajski bat	46,691
RON	romunski leu	3,5179			

⁽¹⁾ Vir: referenčni menjalni tečaj, ki ga objavlja ECB.

Povzetek podatkov, ki ga predložijo države članice o državni pomoči, dodeljeni na podlagi Uredbe Komisije (ES) št. 1/2004 z dne 23. decembra 2003 o uporabi členov 87 in 88 Pogodbe o ustanovitvi ES za državno pomoč malim in srednje velikim podjetjem, ki se ukvarjajo s proizvodnjo, predelavo in trženjem kmetijskih proizvodov

(2006/C 258/02)

Št. pomoči: XA 42/06

Država članica: Španija

Regija: Navarra

Naziv sheme pomoči ali naziv podjetja, ki prejme individualno pomoč: Pomoč za leto 2006 za sledljivost v kmetijsko-prehrabeni industriji Navarre

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

Načrtovani letni izdatki po shemi ali skupni znesek individualne pomoči, dodeljene podjetju: 1 800 000 EUR za proračunsko leto 2006, odvedenih iz ustrezne postavke proračuna za izdatke za leto 2007

Največja intenzivnost pomoči: 50 % stroškov za tehnično pomoč za razvoj in za izvajanje sistemov sledljivosti, z največ 6 000 EUR na upravičenca.

35 % stroškov naložb v računalniške sisteme in sisteme avtomatizacije za zapis in prenos podatkov, z največ 15 000 EUR na upravičenca

Datum začetka izvajanja: Avgust 2006

Trajanje sheme pomoči ali dodelitve individualne pomoči: Pomoč se lahko dodeli do vključno novembra 2006

Cilj pomoči: Spodbujanje uvedbe sistemov sledljivosti v kmetijsko-prehrabeni industriji v Navarri

A. Člen 13. Pomoč za spodbujanje proizvodnje in trženja kakovostnih kmetijskih proizvodov. Stroški dejavnosti, ki so povezani s tehnično pomočjo za razvoj in izvajanje sistemov sledljivosti. To vključuje pogodbeno zunanje svetovanje za programsko oblikovanje, usposabljanje osebja, namestitve programske opreme in nastavitve za prejemniške posebne potrebe.

B. Člen 7. Naložbe v predelavo in trženje. Naložbe v računalniške sisteme in sisteme avtomatizacije za zapis in prenos podatkov. To vključuje pridobitev ali razvoj posebnih programov IT, ki so oblikovani za uvedbo ali izboljšavo sistemov sledljivosti, pridobitev in namestitve nove opreme za samodejno pridobivanje, preverjanje, opazovanje, zapis

in prenos podatkov (tiskalniki črtnih kod, laserski čitalci črtnih kod, sistemi za prenos podatkov preko radijskih valov ter druga računalniška oprema). Za takšno pomoč bodo splošni stroški, kot so pristojbine, študije in dovoženja, upravičeni do 12 % stroškov naložb za opremo in sisteme

Zadevni gospodarski sektorji: Sektor za predelavo in trženje. Zadevni podsektorji so lahko v okviru omenjenih sektorjev, če so zadevni kmetijski proizvodi na seznamu iz Priloge I k Pogodbi, razen proizvodnje in trženja proizvodov, ki so ponaredek ali nadomestek za mleko in mlečne proizvode in predelave ter trženja v sektorju sladkorja.

Naziv in naslov organa, ki dodeli pomoč:

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

Spletna stran: www.navarra.es

Drugi podatki: V Pamploni, 24. maja 2006

Številka XA: XA 44/06

Država članica: Nizozemska

Regija: Provinca Frizija

Naziv sheme pomoči ali ime podjetja, ki prejme individualno pomoč: (Družina) Diever

Pravna podlaga: Algemene wet bestuursrecht, titel 4.2

Algemene Subsidieverordening Provincie Friesland 1998

Provinciewet artikel 145

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

Načrtovani letni izdatki po shemi ali skupni znesek individualne pomoči, dodeljene podjetju: Najvišji znesek bo znašal 45 000 EUR. Predvidoma bo 80 %, tj. 36 000 EUR, izplačanih leta 2006, obračun pa izveden predvidoma leta 2007, najpozneje leta 2008

Največja intenzivnost pomoči: Največja intenzivnost pomoči bo znašala 40 % upravičenih stroškov. Najvišji znesek pomoči znaša 45 000 EUR

Datum začetka izvajanja: Odločba o dodelitvi pomoči bo izdana v štirih tednih potem, ko bo EU potrdila prejem tega sporočila

Trajanje sheme ali individualne pomoči: Rok za obračun bo najpozneje 30 mesecev po sprejetju odločbe, tj. najpozneje konec leta 2008. Projekt bo predvidoma zaključen že leta 2007

Cilj pomoči: Cilj projekta je ohranjanje zgodovinskih kmetijskih gospodarstev na podeželju po prilagoditvi zgodovinskega kmetijskega gospodarstva, da bodo ti spet uporabni za moderno kmetovanje

Uporablja se člen 5(3) Uredbe 1/2004

Zadevni gospodarski sektorji: Mlečna živinoreja

Naziv in naslov organa, ki dodeli pomoč:

Provincie Friesland
Postbus 20120
8900 HM Leeuwarden
Nederland

Spletna stran: www.fryslan.nl

Številka pomoči: XA 47/06

Država članica: Francija

Naziv sheme pomoči: Pomoč, namenjena tehnični podpori za pridelavo v rastlinjakih v sektorju sadja, zelenjave in v vrtnarstvu

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

Načrtovani letni izdatki po shemi: Ukrepi so načrtovani za skupen proračun pomoči v višini 1 milijon EUR

Največja intenzivnost pomoči: Do 50 % upravičenih stroškov

V treh letih pomoč ne sme preseči 100 000 EUR na upravičenca ali 50 % upravičenih stroškov, pri čemer se upošteva vrednost, ki je najvišja

Datum začetka izvajanja: Shema pomoči se začne izvajati od datuma potrdila o prejemu, na katerem je številka ukrepa, pod pogojem, da se mobilizirajo ustrezna sredstva in izvede objava na spletni strani službe VINIFLHOR

Trajanje sheme pomoči: Eno leto, z možnostjo podaljšanja, v okviru predvidenega proračuna

Cilj pomoči: Shema pomoči spada v okvir člena 14 Uredbe Komisije (ES) št. 1/2004 z dne 23. decembra 2003.

Je del načrta strukturnega prilagajanja pridelave v rastlinjakih, katerega namen je odgovoriti na potrebe gospodarstev, ki pridelujejo v rastlinjakih in se pri tem srečujejo z visokimi energetskimi stroški ter potrebujejo podporo pri njihovih prizadevanjih za prilagoditev.

Namen predvidenih ukrepov tehnične pomoči je spodbujati gospodarstva, da se prilagodijo na vse dražjo energijo in jih po analizi njihovega položaja usmeriti k boljšim tehničnim rešitvam in upravljanju.

Projekt bo omogočil financiranje stroškov tehnične podpore in svetovanja pri takšnih tehnično-ekonomskih in energetskih analizah položaja gospodarstev, in sicer do 50 % stroškov:

- tehnično-ekonomske analize postavk stroškov gospodarstev, zlasti postavk v zvezi z energijo in oblikovanjem predlogov za izboljšanje (zgornja meja ustreznih pomoči bo največ 50 % stroškov analize in ne več kot 300 EUR na gospodarstvo),
- energetski pregled in po potrebi ocena potrebnih naložb (zgornja meja teh pomoči bo največ 50 % stroškov pregleda in ne več kot 0,3 EUR na m² ogrevane površine (največ 3,5 Ha))

Zadevni gospodarski sektorji: Pridelava sadja, zelenjave in okrasnih rastlin v rastlinjakih

Naziv in naslov organa, ki dodeli pomoč:

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

Naslov spletne strani: www.oniflhor.fr

Številka pomoči: XA 48/06

Država članica: Francija

Regija: Limousin

Naziv sheme pomoči: Podpora za ohranitev certificiranja „ekološko kmetijstvo“ (nadaljevanje pomoči, zabeležene pod številko XA/54/05)

Pravna podlaga:

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

Načrtovani letni izdatki po shemi: 85 000 EUR

Največja intenzivnost pomoči: Regionalni svet prevzame del stroškov certificiranja, in sicer podporo v višini 80 % stroškov certificiranja brez DDV, ki za leto 2006 znaša med 200 EUR in 800 EUR

Datum začetka izvajanja: Po prejemu potrdila o prejemu s strani Evropske komisije

Trajanje sheme: Do 31. decembra 2006

Cilj pomoči: Uredba Sveta (EGS) št. 2092/91 vse proizvajalce s področja ekološkega kmetijstva obvezuje k nadzoru in certificiranju s strani certifikacijskih organov, ki jih v skladu s standardom (EN 45011) odobri kmetijsko ministrstvo. Namen te pomoči je podpora razvoju ekološkega kmetijstva s prevzemom stroškov certificiranja kmetijskih gospodarstev

Zadevni gospodarski sektorji: Vsi kmetovalci, ki uporabljajo postopke ekološke pridelave, katerih sedež je v regiji Limousin in ki so v letu 2006 uradno prijavili dejavnost „ekološkega kmetijstva“ ali „preusmeritve“, pa na dan 1. julija 2005 niso bili upravičenci pomoči za preusmeritev (CTE-CAB1 ali CAD2-CAB) oziroma za katere skupni znesek pomoči CTE ali CAD/CAB (v petih letih) in zaprosene pomoči za certificiranje ni presegel 15 000 EUR. Prijava ekološkega kmetijstva se opravi pri agenciji za ekološko kmetijstvo (Agence Bio) in je obvezna. Znesek pomoči bo preverjen na podlagi kopije pogodbe CTE/CAD/CAB

Naziv in naslov organa, ki dodeli pomoč:

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

Naslov spletne strani:

<http://www.cr-limousin.fr> rubriקה „guide des aides“

Številka XA: XA 52/06

Država članica: Združeno kraljestvo

Regija: Anglija

Naziv sheme pomoči ali ime podjetja, ki prejme individualno pomoč: Program agencije EBLEX za povečanje donosa v govedoreji (EBLEX Beef Better Returns Programme)

Pravna podlaga: Section 1 of the Agriculture Act 1967

Letni izdatki, načrtovani po shemi, ali skupni znesek individualnih pomoči, dodeljenih podjetju: 0,402 milijonov GBP letno

Najvišja intenzivnost pomoči: 100 %

Datum izvajanja: 6. julij 2006

Trajanje sheme ali individualne pomoči: Shema se zaključuje 30. junija 2009. Vendar bo morda treba spremeniti pravila sheme pred tem datumom, da bi se upoštevale morebitne spremembe evropskih pravil za državne pomoči

Cilj pomoči: Splošni cilj sheme je usmerjenost na izobraževanje in usposabljanje rejcev govedi, da bi se lahko prilagodili razvijanju trga. Dogovorjeni ukrepi bodo vključevali programe usposabljanja, seminarje in informacije z interneta. To je v skladu s členom 14: Zagotavljanje tehnične podpore v kmetijskem sektorju

Zadevni gospodarski sektorji: Govedoreja

Naziv in naslov organa, ki dodeli pomoč:

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

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

Drugi podatki: Ponudnike tehnične podpore bo izbrala in plačala Komisija za meso in živino (Meat and Livestock Commission) prek izvršne agencije (EBLEX) za živinorejski sektor v skladu s tržnimi načeli in nediskriminatorno. Nobena pomoč ne bo plačana neposredno upravičencem. Razpisni postopek bo potekal v skladu z zakonodajo Skupnosti.

Podpisano in datirano v imenu službe za okolje, prehrano in podeželje (Department for Environment, Food and Rural Affairs – pristojni organ Združenega kraljestva)

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

Številka pomoči: XA 54/06

Država članica: Nizozemska

Naziv sheme pomoči ali ime podjetja, ki prejme individualno pomoč: Uredba o pospeševanju ekološke proizvodnje

Pravna podlaga: Artikelen 2 en 4 van de Kaderwet LNV-subsidies

Načrtovani letni izdatki po shemi ali skupni znesek individualne pomoči, dodeljene podjetju: Izdatki so povezani s stroški, ki podjetjem nastanejo s prijavo pri nadzornem organu, kot je opredeljeno v členu 8(1) Uredbe 2091/91 o ekološki pridelavi kmetijskih proizvodov in označevanju tovrstno pridelanih kmetijskih proizvodov in živil. V skladu s členom 9 navedene uredbe ta nadzorni organ nadzoruje izpolnjevanje zahtev iz uredbe. Ti stroški se lahko vsako leto razlikujejo. Leta 2006 je pomoč na podjetje znašala 650 EUR (osnovni prispevek) in 150 EUR (prispevek za prijavo). Ta znesek se lahko med časom prejemanja pomoči poveša sorazmerno s pristojbinami za prijavo pri nadzornem organu. Pri povprečnih stroških v obdobju petih letih v višini 800 EUR na podjetje letno bo znašala pomoč v obdobju petih let približno 24 800 EUR letno

Največja intenzivnost pomoči: Pomoč za stroške v zvezi s prijavo bo znašala največ 3 000 EUR na podjetje letno

Datum začetka izvajanja: Od 1. januarja 2006

Trajanje sheme ali individualne pomoči: Posamezno podjetje bo v obdobju petih let prejelo pomoč za stroške, ki nastanejo podjetjem v zvezi s prijavo pri nadzornem organu

Cilj pomoči: Pomoč za mala in srednje velika podjetja ter pospeševanje proizvodnje in prodaje kmetijskih proizvodov visoke kakovosti, kakor je opredeljeno v členu 13 Smernic za državno pomoč v kmetijskem sektorju. Proizvodi, ki so bili proizvedeni v skladu s predpisi Uredbe 2092/91, se štejejo za proizvode visoke kakovosti. Nadomestilo za stroške, ki podjetjem nastanejo s prijavo pri nadzornem organu, tj. zaradi udeležbe pri nadzornem sistemu iz člena 9 Uredbe 2092/91, lahko podjetja, ki proizvajajo v skladu s predpisi iz Uredbe, spodbuja pri nadaljnji uporabi te proizvodne metode

Zadevni gospodarski sektorji: Proizvajalci kmetijskih proizvodov, ki niso namenjeni prehrani ljudi. To so tudi ekološki proizvodi ekoloških dreves, rastlin, cvetic in čebulic

Naziv in naslov organa, ki dodeli pomoč:

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

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

Drugi podatki: Za spodbujanje ekološke proizvodne metode se dodeli pomoč vsem ekološkim kmetovalcem. Pomoč, ki se dodeli ekološkim kmetovalcem, ki proizvajajo proizvode, namenjene prehrani ljudi, se dodeli na podlagi poglavja VI naslova II Uredbe Sveta št. 1257/1999 z dne 17. maja 1999 o podpori za razvoj podeželja iz Evropskega kmetijskega usmerjevalnega in jamstvenega sklada (EKUJS) ter o spremembi in

razveljavitvi določenih uredb (UL L 160). Konec leta 2005 je vlada Kraljevine Nizozemske v zvezi s tem predložila predlog spremembe Načrta za razvoj podeželja na Nizozemskem za leto 2005. Ker zaradi zgoraj navedenega predloga spremembe kmetovalci, ki proizvajajo ekološke proizvode, ki niso namenjeni prehrani ljudi, ne morejo prejeti pomoči, je ta pomoč namenjena tem kmetovalcem

Številka XA: XA 58/06

Država članica: Francija

Regija: Departma Indre-et-Loire

Naziv sheme pomoči: Pomoč za plačilo zavarovalnih premij za zavarovanje občutljivih kulturnih rastlin proti toči

Pravna podlaga:

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

Načrtovani letni izdatki po shemi: 80 000 EUR

Največja intenzivnost pomoči: 10 % zneska zavarovalne premije ali prispevka, plačanega v letu 2006, je namenjena za zavarovanje sadja z dreves in grmovnic, plodovk in listne zelenjave, 4 % zneska zavarovalne premije ali prispevka, plačanega v letu 2006, pa za zavarovanje ostalih občutljivih kulturnih rastlin (vinske trte in cvetja)

Datum začetka izvajanja: 2006

Trajanje sheme ali individualne pomoči: Eno leto

Cilj pomoči: Spodbuditi kmete, ki iz finančnih razlogov ne morejo skleniti zavarovanja proti številnim podnebnim naravnim nesrečam, da sklenejo vsaj zavarovanje proti toči, saj v tem primeru del zavarovalne premije krije država

Zadevni sektor(-ji): Pridelava sadja z dreves in grmovnic, plodovk, listne zelenjave, vinske trte in cvetja

Naziv in naslov pristojnega organa:

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

Naslov spletne strani: www.cg37.fr

Številka XA: XA 59/06

Država članica: Nizozemska

Regij: Provincija *Noord-Brabant*

Naziv sheme pomoči: Pravila politike o dodelitvi pomoči v okviru Sporazuma Stuurgroep Landbouw Innovatie Noord-Brabant - „Stuurgroep LIB“

Pravna podlaga: Algemene subsidieverordening Provincie Noord-Brabant.

Do pomoči so upravičene vloge, ki izpolnjujejo pogoje iz Uredbe (ES) št. 1/2004

Načrtovani letni izdatki po shemi: V okviru Sporazuma Stuurgroep LIB da provinca *Noord-Brabant* vsako leto na voljo skupaj 481 460,81 EUR za spodbujanje kmetijske dejavnosti. Od tega je 113 445,05 EUR namenjenih izključno biološkemu kmetijstvu

Največja intenzivnost pomoči: Največja intenzivnost pomoči z državnimi sredstvi (odstotek naložbe, upravičen do pomoči) znaša 40 %. Pri naložbah, ki spodbujajo zaščito in izboljšanje okolja, se lahko ta odstotek poveča na 10 % ali 20 %

Na vlogo za dodelitev pomoči se letno ne odobri več kot 35 000 EUR pomoči

Datum začetka izvajanja: 1. september 2006

Trajanje sheme ali individualne pomoči: Do 1. januarja 2008. Ukrep bo po potrebi prilagojen po pregledu Uredbe št. 1/2004. Komisija bo obveščena o vseh podrobnostih

Cilj pomoči: Cilj ukrepa je prispevati k izvajanju celostnih projektnih naložb v kmetijstvu in vrtnarstvu, ki spodbujajo izboljšanje kakovosti okolja in vode ter prostorske in gospodarske strukture v provinci *Noord-Brabant*. Ta pomoč je namenjena predvsem malim podjetjem, ki se ukvarjajo s proizvodnjo, predelavo in trženjem kmetijskih proizvodov. To pomeni, da podpira male projektne naložbe, pri katerih se gospodarski, ekološki in družbeno-kulturni vidiki kmetijstva in vrtnarstva dopolnjujejo v čim večji meri

Dejavnosti, ki jih lahko sofinancira „Stuurgroep LIB“, so:

- Tržne raziskave in razvoj kakovostnih proizvodov za spodbujanje proizvodnje in njihovega trženja (člen 13 Uredbe št. 1/2004).
- Spodbujanje razvoja znanja in izkušenj ter njihovo posredovanje kmetom in delavcem na kmetijskem gospodarstvu z začasnimi srečanji rejcev, svetovalnimi storitvami, razvojem in širjenjem informacijskega materiala (članki, brošure, internet) (člen 14 Uredbe št. 1/2004).
- Naložbe v nepremičnine, opremo, svetovalne storitve, študije izvedljivosti in združne zveze za zmanjšanje proizvodnih stroškov, izboljšanje in preusmeritev proizvodnje,

izboljšanje kakovosti, boljše počutje živali in izboljšanje okolja (člen 4 Uredbe št. 1/2004).

- Naložbe v nepremičnine, opremo, svetovalne storitve in študije izvedljivosti za izboljšanje predelave in trženja ter izboljšanje okolja, kakovost proizvodov in dobrega počutja živali (člen 7 Uredbe št. 1/2004)

Zadevni gospodarski sektorji: Načeloma zadeva vse proizvodne kmetijske in vrtnarske sektorje (proizvodnja živali in rastlinska pridelava). Povezave v kmetijsko-prehrabnih verigah (dobavitelji, kupci in maloprodaja) bodo v projekte vključene le, če bodo ti krepili primarni sektor

Naziv in naslov organa, ki dodeli pomoč:

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

Spletna stran:

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

Številka XA: XA 60/06

Država članica: Združeno kraljestvo

Regija: Tradicionalni okraji na Škotskem z majhnimi posestvi v zakupu kot so navedeni v oddelku 61 Zakona o (škotskih) zakupnikih majhnih posestev iz leta 1993

Naziv programa pomoči: Shema pomoči v kmetijstvu za okraje z majhnimi posestvi v zakupu

Pravna podlaga: Naziv: Crofters (Scotland) Act 1993 (sections 42(1), (2) and (3). Also 46 (4)

„Zaradi dajanja pomoči in razvoja kmetijske proizvodnje na majhnih posestvih v zakupu lahko državni sekretar po zakonu po posvetovanju s Komisijo in dovoljenjem državne blagajne, pripravi programe za pomoč in posojila zakupnikom majhnih posestev.“

Poleg tega bo zaradi zagotovitve uporabe določil iz programa obravnavan tudi novi podzakonski akt

Načrtovani letni izdatki po shemi: 2006–2007: 3,16 mio GBP

2007–2008: 2,40 mio GBP

Skupaj: 5,56 mio GBP

Največja intenzivnost pomoči: 50 % v območjih z omejenimi dejavniki (LFA – *Less Favoured Areas*)

40 % v vseh drugih območjih (ki niso LFA)

Datum začetka izvajanja: 21. julij 2006

Trajanje sheme: Shema se začne uporabljati 21. julija 2006 in se bo uporabljala do 31. marca 2009. Da se bodo potrebne spremembe odražale v pravilih evropske državne pomoči, je treba opraviti potrebne spremembe pravil v zvezi s shemo pred tem rokom

Cilj pomoči: Ker družine na majhnih posestvih v zakupu pogosto predstavljajo večinski del obstoječih lokalnih skupnosti je v teh zelo prostranih in oddaljenih območjih Škotske preživetje majhnih posestev v zakupu pomembno. Zemlja majhnih posestev v zakupu je skupna vez med zakupniki majhnih posestev v zakupu, koristna raba zemlje za kmetijske namene pa prispeva k zadrževanju prebivalstva na zemlji. Zakupniki majhnih posestev se soočajo s slabostmi, kot so podnebje, oddaljenost in slaba kakovost zemlje, s katerimi se drugi proizvajalci v EU ne soočajo. Ta shema naj bi pomagala zakupnikom majhnih zemljišč razviti svoja gospodarstva in izboljšati dolgoročno trajnost kmetovanja. To je v skladu s členom 4 glede upoštevanja naložb v kmetijska gospodarstva, če gre za naložbo v majhno posestvo v zakupu, ki je kmetijsko gospodarstvo

Zadevni gospodarski sektorji: Kmetijstvo

Naziv in naslov organa, ki dodeli pomoč:

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

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

Druge informacije: Nadaljnje in podrobnejše informacije glede upravičenosti in pravil za shemo najdete na zgoraj navedeni spletni povezavi.

Podpisal in datiral organ „Department of Environment, Food and Rural Affairs“ (pristojni organ Združenega kraljestva)

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

Št. pomoči: XA 61/06

Država članica: Španija

Regija: País Vasco

Naziv sheme pomoči ali ime podjetja, ki prejme individualno pomoč: Shema pomoči za podporo skupin proizvajalcev jedilnega in semenskega krompirja, razen tistega, ki je namenjen za proizvodnjo škroba

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

Načrtovani letni izdatki po shemi ali skupni znesek individualne pomoči, dodeljene podjetju: Načrtovani javni izdatki, ki se dodelijo upravičencem, v celoti znašajo 150 000 EUR za leto 2006

Največja intenzivnost pomoči: Največja intenzivnost pomoči bo 100 % upravičenih stroškov v prvem letu, pomoč bo začasna in se bo postopno zmanjševala; v nobenem primeru skupni znesek pomoči dodeljene skupinam ne bo presegal 100 000 EUR, kot je določeno v skladu s členom 10 Uredbe št. 1/2004

Datum začetka izvajanja: Na dan od datuma objave sheme pomoči v *Boletín Oficial del País Vasco*

Trajanje sheme pomoči ali dodelitve individualne pomoči: Do 31. decembra 2006

Cilj pomoči:

- Podlaga za pomoč je zajeta v členu 10 Uredbe Komisije (ES) št. 1/2004 z dne 23. decembra 2003 o uporabi členov 87 in 88 Pogodbe o ustanovitvi ES za državno pomoč malim in srednje velikim podjetjem, ki se ukvarjajo s proizvodnjo, predelavo in trženjem kmetijskih proizvodov (objavljene v „Uradnem listu Evropske unije“ z dne 3. januarja 2004). V skladu z navedenim členom mora pomoč pokriti upravičene stroške iz odstavka 3.
- Primarni cilj: Spodbujanje skupin proizvajalcev proizvodov, katere člani tržijo proizvode v skladu z notranjimi predpisi, določenimi za skupino.
- Upravičeni izdatki: najem ustreznih prostorov po tržni ceni, nakup pisarniške opreme, stroški upravnega osebja ter splošni, pravni in upravni stroški

Zadevni gospodarski sektorji: Kmetijstvo (skupine proizvajalcev)

Naziv in naslov organa, ki dodeli pomoč:

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

Spletna stran: <http://www.euskadi.net/bopv>

Podatki, ki so jih predložile države članice o državni pomoči, dodeljeni na podlagi Uredbe Komisije (ES) št. 1/2004 z dne 23. decembra 2003 o uporabi členov 87 in 88 Pogodbe o ustanovitvi ES za državno pomoč malim in srednje velikim podjetjem, ki se ukvarjajo s proizvodnjo, predelavo in trženjem kmetijskih proizvodov

(2006/C 258/03)

Št. pomoči: XA 53/06 (b)

občina Horst aan de Maas sklenili, da bosta odobrili denarni znesek za izkopavanje. Razdelitev stroškov je naslednja

Država članica: Nizozemska

– Provinca Limburg: 80 000 EUR

Regija: Provinca Limburg

– Občina Horst aan de Maas: 40 000 EUR

Naziv sheme pomoči ali ime podjetja, ki prejme individualno pomoč: Kwekerij Litjens (pomoč za dodatne stroške za arheološke raziskave in izkopavanje v Horst/Meterik)

– Družina Litjens: 40 000 EUR

160 000 EUR

Pravna podlaga: Artikel 4:23 lid 3 onderdeel d Algemene wet bestuursrecht. Besluit van Gedeputeerde Staten d.d. 16 mei 2006

Naziv in naslov organa, ki dodeli pomoč:

Provincie Limburg
Postbus 5700
6202 MA Maastricht
Nederland

Načrtovani letni izdatki po shemi ali skupni znesek individualne pomoči, dodeljene podjetju: 80 000 EUR

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

Največja intenzivnost pomoči: 80 000 EUR

Datum začetka izvajanja: 16. maj 2006. Izplačilo poteka ob upoštevanju možnosti pritožbe na podlagi „Algemene wet bestuursrecht“ in datuma, ko Evropska komisija objavi sporočilo v Uradnem listu

Trajanje sheme ali individualne pomoči: Za pomoč se odobri predujem v višini 50 %. Ko bo projekt končan, se izplača še preostalih 50 %

Št. pomoči: XA 73/06

Država članica: Češka

Regija: Vysočina

Cilj pomoči: Pri predhodnih raziskavah v skladu s členom 19 zakona Wet op de Ruimtelijke Ordening („Zakon o prostorski ureditvi“), ki se izvajajo na podlagi zahtevka za širitiev rastlinjaka v kraju Horst-Meterik, ki izpolnjuje nacionalne in provincialne zahteve, je bilo odkrito arheološko nahajališče, ki je tako izrednega pomena, da ga je treba izkopati. Stroški izkopavanja niso odvisni od stroškov naložb in predvidenim dobičkom te posebne pobude

Naziv sheme pomoči ali ime podjetja, ki prejme individualno pomoč: „Pomoč za tehnično podporo v kmetijskem sektorju“ („Podpora poskytování technické podpory v odvětví zemědělství“)

Kmetijski podjetnik, t. j. fizična ali pravna oseba, katere prihodek izhaja iz kmetijske proizvodnje, ki se izvaja z namenom ustvarjanja dobička v njenem imenu in z njeno odgovornostjo kot neprekinjena in neodvisna dejavnost

Pri natančnejšem pregledu je bilo ugotovljeno, da bodo z izravnavo in gradnjo temeljev v talnem arhivu nastale take luknje, da bodo preostali podatki nepovezani in bodo imeli zato malo arheološke vrednosti. Nahajališče je za Limburg enkratno in ga mora izkopati družina Litjens. Iz tega vidika in ker ohranitev na tem mestu ni mogoča (glej spodaj), je bilo izbrano za izkopavanje

Pravne osebe, ustanovljene v neposlovne namene, t. j. združenja občanov, javno koristne organizacije ali interesne skupine pravnih oseb

Pravna podlaga:

Stroški izkopavanja bodo znašali predvidoma 160 000,00 EUR (brez DDV). Običajno to za razvijalca projekta ali občino ne predstavlja težav, saj lahko stroške prikažejo v zemlji in nagradah. V tem primeru pa gre za zasebnika ali malega podjetnika (gojilce paprike), pri katerih dobiček ni tako velik, da bi lahko pokril izkopavanja (izpad donosa kot posledica arheološkega izkopavanja). Zato in zaradi dejstva, da je arheološko nahajališče za Limburg enkratno, sta provinca Limburg in

1. Zákon č. 129/ 2000 Sb., o krajích (krajské zřízení), ve znění pozdějších předpisů

2. Zákon č. 250/2000 Sb., o rozpočtových pravidlech územních rozpočtů, ve znění pozdějších předpisů

3. Zákon č. 252/ 1997 Sb., o zemědělství, ve znění pozdějších předpisů

4. Program rozvoje kraje Vysočina

Načrtovani letni izdatki po shemi ali skupni znesek individualne pomoči, dodeljene podjetju: Najvišji letni izdatki: 200 000 CZK

Najvišja intenzivnost pomoči: Znesek pomoči: do 100 % upravičenih stroškov

Upravičeni stroški, katerim se lahko dodeli finančni prispevek od 5 000 CZK do 200 000 CZK za posamezni projekt

Najvišji znesek finančnega prispevka na upravičenca oz. nosilca projekta znaša 200 000 CZK

Skupni znesek finančnega prispevka, dodeljenega v okviru tega ukrepa, v 3-letnem obdobju ne sme presegati 100 000 EUR na upravičenca

Datum začetka izvajanja: Od 1. septembra 2006

Trajanje sheme ali individualne pomoči: Do 31. decembra 2006

Cilj pomoči: Pomoč je namenjena povečanju poklicne usposobljenosti izvajalcev, dejavnih v kmetijskem sektorju, zaradi povečanja učinkovitosti in donosnosti njihovega dela.

Ta pomoč je združljiva s splošno uporabno zakonodajo na Češkem ter s cilji in prednostnimi nalogami razvojnega programa za regijo Vysočina. Pomoč ureja Uredba Komisije (ES) št. 1/2004 z dne 23. decembra 2003 o uporabi členov 87 in 88 Pogodbe ES za državno pomoč malim in srednje velikim podjetjem, ki se ukvarjajo s proizvodnjo, predelavo in trženjem kmetijskih proizvodov (Člen 14 – Zagotavljanje tehnične podpore v kmetijskem sektorju)

Upravičeni so naslednji stroški: izdatki za organiziranje tekmovanj in razstav v kmetijskem sektorju, vključno s pomočjo za stroške povezane s prisotnostjo razstavljalcev na takih prireditvah, izdatki za organiziranje usposabljanj v kmetijskem sektorju v obliki tečajev, seminarjev ali delavnic ter stroški tehnološkega in gospodarskega svetovanja za kmetijske podjetnike

Zadevni gospodarski sektor: Kmetijski

Naziv in naslov organa, ki dodeli pomoč:

Krajský úřad kraje Vysočina
Žižkova 57
CZ-587 33 Jihlava

Spletni naslov: <http://www.kr-vysocina.cz/>

Drugi podatki: Regionalni organ regije Vysočina izjavlja, da bodo pogoji iz Uredbe Komisije (ES) št. 1/2004 izpolnjeni, t. j. da bo pomoč usmerjena v mala in srednje velika podjetja in da bo upoštevana tudi finančna omejitev iz navedene uredbe

Št. pomoči: XA 74/06

Država članica: Francija

Regija: Département de Saône-et-Loire

Naziv sheme pomoči: Développement d'une politique environnementale et durable. (Razvoj okolju prijazne in trajnostne politike)

Pravna podlaga:

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

Načrtovani letni izdatki po shemi: Letni izdatki znašajo največ 100 000 EUR

Največja intenzivnost pomoči:

Naziv dejavnosti	Vrsta upravičenih izdatkov	Najvišji znesek upravičenih izdatkov v EUR (brez davka)	Splošna stopnja za pomoč pri splošni shemi
Kompostiranje na kmetijskem gospodarstvu	Naprava za kompostiranje in skladiščenje komposta z zbiralnikom za izteklo tekočino	20 000	20 %
Razvitost uporabe biogoriv	Stiskalnice – oprema in naprave za izkoriščanje oljnih pogač – prilaganje kmetijskih strojev na uporabo biogoriv	10 000	30 %
Pridobivanje in izkoriščanje deževnice	Dela in nova skladiščna oprema s črpalko (ne velja samo za nakup črpalke)	5 000	20 %

Datum začetka izvajanja: Po prejemu potrditve prejema Evropske Komisije leta 2006

Trajanje sheme ali individualne pomoči: Sedem let glede na spremembe evropskih predpisov in razpoložljivostjo proračunskih sredstev

Cilj pomoči: Prispevati k izboljšanju praks na kmetijskih gospodarstvih zaradi izboljšanja varstvo okolja s:

- pospeševanjem kompostiranja na rastlinskih kmetijskih gospodarstvih, ki omogoča izkoriščanje odpadkov, proizvedenih na kmetijah ter odpadkov, ustvarjenih na podeželju in predelanih s fermentacijo;
- razvijanjem in uporabo biogoriv, proizvedenih in porabljenih na kmetijah;
- Pomoč je namenjena financiranju zbiralnikov deževnice in razdelilnikov črpalk (da bo lahko kmetijsko gospodarstvo s tem sistemom krilo porabo vode, zlasti za čiščenje opreme)

Zadevni gospodarski sektorji: Vsi sektorji v oddelku, ki se ukvarjajo s kmetijsko proizvodnjo

Naziv in naslov organa, ki dodeli pomoč:

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

Spletni naslov: <http://www.cg71.com>

Št. pomoči: XA 75/06

Država članica: Francija

Regija: Département de Saône-et-Loire

Naziv sheme pomoči: Acquisition of shared equipment (Nakup naprav za skupno uporabo)

Pravna podlaga:

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

Načrtovani letni izdatki po shemi: Letna pomoč znaša največ 60 000 EUR

Največja intenzivnost pomoči: Upravičeni izdatki: nove naprave

Trosilniki komposta – najvišji znesek upravičenih izdatkov: 22 500 EUR

Obračalniki komposta – najvišji znesek upravičenih izdatkov: 36 800 EUR

Kosilnice trave za vinograde – najvišji znesek upravičenih izdatkov: 22 500 EUR

Naprave za obrezovanje žive meje – najvišji znesek upravičenih izdatkov: 22 500 EUR

Mobilni sekalniki ali drobilci lesa – najvišji znesek upravičenih izdatkov: 22 500 EUR

Traktorji z visoko prehodnostjo – najvišji znesek upravičenih izdatkov: 80 000 EUR

Izdatki, ki niso upravičeni: naprave, ki bi zgolj nadomestile obstoječe naprave

Stopnja dotacije: 20 %, razen za traktorje z visoko prehodnostjo (stopnja donacije je 15 % – zgornja meja celotnega financiranja vključno z drugimi viri financiranja je 40 %)

Pomoč se poveča za 5 %, če je naložbi priložen 3-letni investicijski program

Datum začetka izvajanja: Po prejemu potrditve prejema Evropske Komisije leta 2006

Trajanje sheme ali individualne pomoči: Sedem let glede na spremembe evropskih predpisov in razpoložljivostjo proračunskih sredstev

Cilj pomoči: Ker se je v nedavnih krizah izkazalo, da je skupna uporaba kmetijskih naprav učinkovita, želi departma podpreti kooperativna združenja (CUMA) z uvedbo pomoči za naprave, ki v okviru omejitev najvišje stopnje financiranja dopolnjuje pomoč na regionalni ravni. Te naprave se bodo uporabljale za izboljšanje pogojev okolju prijazne pridelave na kmetijah

V skladu s členom 4 Uredbe Komisije (ES) št. 1/2004 z dne 23. decembra 2003 so na ravni departmaja Saone-et-Loire za pomoč upravičeni izdatki za: trosilnike komposta, obračalnike komposta, kosilnice trave v vinogradih, naprave za obrezovanje žive meje, mobilne sekalnike ali drobilce lesa ter traktorje z visoko prehodnostjo

Zadevni gospodarski sektorji: Vsi sektorji v departmaju Saone-et-Loire, ki se ukvarjajo s kmetijsko proizvodnjo

Naziv in naslov organa, ki dodeli pomoč:

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

Spletni naslov: <http://www.cg71.com>

Št. pomoči: XA 76/06

Država članica: Slovaška

Regija: Stredné Slovensko

Naziv sheme pomoči ali ime podjetja, ki prejme individualno pomoč: Poľnohospodárske družstvo Belá – Dulice

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

Pravna podlaga:

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

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

— Metodické usmernenie Sociálnej poisťovne č. 30/2005

— Člen 4(3)(c) Uredbe Komisije (ES) št. 1/2002

Načrtovani letni izdatki po shemi ali skupni znesek individualne pomoči, dodeljene podjetju: 393 226 SKK t.j. 10 324,144 EUR (menjalni tečaj na dan 3.8.2006)

Največja intenzivnost pomoči: 13,85 %

Datum začetka izvajanja: 2006

Trajanje sheme ali individualne pomoči: Avgust 2006

Cilj pomoči: MSP – kmetijstvo

Zadevni gospodarski sektor: Kmetijski

Naziv in naslov organa, ki dodeli pomoč:

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

Spletni naslov: www.socpoist.sk

Št. pomoči: XA 77/06

Država članica: Slovaška

Regija: Stredné Slovensko

Naziv sheme pomoči ali ime podjetja, ki prejme individualno pomoč: AFG, s.r.o., Dĺžiny 122/40

SK-039 18 Turčianske Teplice; IČO: 36383422

Pravna podlaga:

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

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

— Metodické usmernenie Sociálnej poisťovne č. 30/2005

— Člen 4(3)(c) Uredbe Komisije (ES) št. 1/2002

Načrtovani letni izdatki po shemi ali skupni znesek individualne pomoči, dodeljene podjetju: 955 843 SKK t.j. 25 095,646 EUR (menjalni tečaj na dan 3.8.2006)

Največja intenzivnost pomoči: 35,5 %

Datum začetka izvajanja: 2006

Trajanje sheme ali individualne pomoči: Avgust 2006

Cilj pomoči: MSP – kmetijstvo

Zadevni gospodarski sektor: Kmetijski

Naziv in naslov organa, ki dodeli pomoč:

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

Spletni naslov: www.socpoist.sk

Št. pomoči: XA 78/06

Država članica: Poljska

Naziv sheme pomoči ali ime podjetja, ki prejme individualno pomoč: Pomoč za lastnike konj pasme polnokrvni angleški in arabski konj za udeležbo njihovih konj na konjskih dirkah, ki so namenjene razvrstitvi konj glede na njihovo hitrost in tekmovalnost, na podlagi neposredne primerjave med tekmovanjem na progi

Pravna podlaga:

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

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

Načrtovani letni izdatki po shemi ali skupni znesek individualne pomoči, dodeljene podjetju: Načrtovani izdatki po shemi znašajo 2 000 000 PLN

Najvišji znesek pomoči (glede na upravičen položaj): 820 PLN

Datum začetka izvajanja: Po prejemu uradnega obvestila v obliki potrdila in identifikacijske številke z navedbo, da je Evropska komisija prejela ta povzetek podatkov o dodelitvi pomoči po shemi

Trajanje sheme ali individualne pomoči: Od tretje deкаде avgusta 2006 do decembra 2006

Cilj pomoči: V skladu s členom 14(2)(d)(i) Uredbe Komisije št. 1/2004 z dne 23. decembra 2004 o uporabi členov 87 in 88 Pogodbe o ustanovitvi ES za državno pomoč malim in srednje velikim podjetjem, ki se ukvarjajo s proizvodnjo, predelavo in trženjem kmetijskih proizvodov, se pomoč dodeli za kritje pristojbine za udeležbo v letu 2006, da se zagotovi ustrezno število konj za testiranje. V tekočem letu so bila zaradi pomanjkanja možnosti izbire organizatorja konjskih dirk na hipodromu Służewice v Varšavi, ki bi bil pooblaščen za organiziranje loterijskih stav, ogrožena testiranja vzrejnih konj za približno 970 konjev. Ta testiranja, ki so del ocenjevanja genetske vrednosti konjev, so organizirana za konje glede na določeno starostno skupino in so osnova za njihovo sposobnost nadaljnje vzreje. Konji brez tega dela ocene genetske vrednosti ne bi bili primerni za vzrejo. Za preprečitev tega je bila prevzeta pobuda, da bi konjske dirke na hipodromu Służewice organizirali samo kot testiranja vzrejnih konj, tj. brez vstopnin za gledalce in stav. V tem primeru bi bila prijavnina konja na testiranja glavni prihodek za prihodnjega organizatorja. To bo zelo vplivalo na višino prijavnin in lahko se zgodi, da bodo za lastnike konj, ki so svoje konje prijavili na testiranje leta 2006, previsoke

Za zagotovitev zadostnega števila konj za testiranje in spodbuditev lastnikov konj za prijavo na testiranja se je ministrstvo za kmetijstvo in razvoj podeželja odločilo dodeliti pomoč za udeležbo konj na testiranjih v obliki subvencioniranja stroškov prijave

Zadevni gospodarski sektorji: Pomoč se dodeli tistim upravičencem, ki opravljajo kmetijske dejavnosti v sektorju vzreje živali

Naziv in naslov organa, ki dodeli pomoč:

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

Spletni naslov: Odlok ministrstva za kmetijstvo in razvoj podeželja z navedbo načel te pomoči

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

Drugi podatki:

- Stroški prijave konja na testiranje vzrejnih konj znaša 870 PLN.
- Bruto znesek pomoči (bruto intenzivnost pomoči) je bil izračunan v skladu z opredelitvijo iz člena 2(5) Uredbe Komisije (ES) št. 1/2004 z dne 23. decembra 2003 o uporabi členov 87 in 88 Pogodbe o ustanovitvi ES za državno pomoč malim in srednje velikim podjetjem, ki se ukvarjajo s proizvodnjo, predelavo in trženjem kmetijskih proizvodov. Gre za razmerje bruto pomoči in zneska prijavnine, tj. $820 \text{ PLN} / 870 \text{ PLN} = 94,25 \%$
- Proračun sheme pomoči je izračunan na podlagi predpostavke, da do nje ne bo upravičenih več kot 2 420 prijavnin

Objava vloge na podlagi člena 6(2) Uredbe Sveta (ES) št. 510/2006 o zaščiti geografskih označb in označb porekla za kmetijske proizvode in živila

(2006/C 258/04)

Ta objava daje pravico do ugovora zoper vlogo na podlagi člena 7 Uredbe Sveta (ES) št. 510/2006. Izjavo o ugovoru mora Komisija prejeti v šestih mesecih po dnevu te objave.

POVZETEK

UREDBA SVETA (ES) št. 510/2006

Vloga za registracijo po členu 5 in členu 17(2)

„ARANCIA DEL GARGANO“

ES št.: IT/PGI/005/0296/10.6.2003

ZOP () ZGO (X)

Ta povzetek je zgolj informativne narave. Vsi zainteresirani se lahko s celotno specifikacijo seznanijo pri nacionalnih organih, navedenih v oddelku 1, ali pri Evropski komisiji (¹).

1. *Pristojna služba v državi članici:*

Naziv: Ministero delle Politiche Agricole e Forestali
Naslov: Via XX Settembre, 20
I-00187 Roma
Telefon: 06 481 99 68
Telefaks: 06 42 01 31 26
E-naslov: qtc3@politicheagricole.it

2. *Vlagatelj:*

Naziv: Consorzio di tutela e valorizzazione «Gargano Agrumi»
Naslov: Via Salita della Bella
I-71018 Vico del Gargano (FG)
Telefon: 0884-96 62 29
Telefaks: 0884-96 63 99
E-naslov: —
Sestava: proizvajalci/predelovalci () drugo (X)

3. *Vrsta proizvoda:*

Skupina 1.6. – Sveže ali predelano sadje, zelenjava in žito

4. *Specifikacija (povzetek zahtev iz člena 4(2))*

4.1 Ime: „Arancia del Gargano“

4.2 Opis: Presni sadeži ekotipa „biondo comune del Gargano“ in krajevnega ekotipa „duretta del Gargano“, ki se ji krajevno pravi „arancia tosta“.

Glavne značilnosti pomaranče „Arancia del Gargano“ so:

⁽¹⁾ Evropska komisija, Generalni direktorat za kmetijstvo in razvoj podeželja, Enota za kakovost kmetijskih proizvodov, B-1049 Bruselj.

Biondo Comune del Gargano:

- okrogla ali hruškasta oblika;
- bolj ali manj tanka, žilava lupina dokaj drobne zrnatosti in intenzivne zlatorumene barve;
- najmanjši premer v sredini je 60 mm;
- najmanjši izkoristek soka pri ročnem stiskanju je 35 %.

Bela podlupina je mehka in srednje močno pritrjena; os plodnega lista je nepravilna, povprečna, napol polna; meso in sok sta oranžnorumene barve, sladkorna vsebnost je najmanj 9 %, kislost je manjša od 1,2 %, sladkorna stopnja v stopinjah Brix je najmanj 10, razmerje zrelosti med vrednostjo Brix in brezvodno citronsko kislino je najmanj 6.

Arancia duretta:

- okrogla ali jajčasta oblika, ki se jima lokalno pravi „*duretta tonda*“ oziroma „*a viso lungo*“;
- zelo gladka in drobno brbončasta lupina svetlooranžne barve različne intenzivnosti;
- jantarno, značilno hrustljivo meso drobne teksture z majhnimi mehurčki, brez pečk ali z majhnim številom pečk in s kislostjo največ 1,2 %;
- najmanjši premer v sredini je 55–60 mm;
- najmanjši izkoristek soka pri ročnem stiskanju je 35 %;
- vsebnost sladkorja je najmanj 10 %;
- sladkorna stopnja v stopinjah Brix je najmanj 11 in razmerje zrelosti med vrednostjo Brix in brezvodno citronsko kislino je najmanj 6,2.

Sadeži obeh tipov morajo biti težki, vsekakor najmanj 100-gramski, z enakomerno obarvano lupino in spodnjim delom peclja živozelene barve.

„*Arancia del Gargano*“ se da v promet v zaprtem trdem pakiranju iz rastlinskih snovi, kot sta les in lepenka, in sicer za najmanj 1 kg in največ 25 kg; s pakiranjem se zagotovi, da vsaj 80 % ovitih ali neovitih sadežev nosi znak „*I.G.P. Arancia del Gargano*“. Če se sadje trži v razsutem stanju, mora nositi navedeni znak.

4.3 Geografsko območje: Geografsko območje proizvodnje in pakiranja leži v pokrajini Foggia (dežela Apulija) in zajema občine Vico del Gargano, Ischitella in Rodi Garganico, natančneje obalni predel in zaledje na severnem delu polotoka Gargano med občinama Vico del Gargano in Rodi Garganico do občine Ischitella.

4.4 Dokazilo o poreklu: Vsaka stopnja postopka se stalno spremlja z vpisom proizvajalcev in pakirnic v ustrezne registre, ki jih upravlja nadzorni organ, s čimer se zagotovi sledljivost proizvoda.

Poleg tega se sledljivost proizvoda in dokazilo o poreklu zagotovita z vpisom vsakega pomarančnega nasada v ustrezen register, ki ga odpre, hrani in vodi nadzorni organ in kamor se vpisujejo zaznamki o prepoznavnih lastnostih pomarančnega nasada, pa tudi s prijavo proizvedenih količin nadzornemu organu. Nadzorni organ preverja vse fizične in pravne osebe, ki so vpisane v ustrezne registre, v skladu s proizvodno specifikacijo in zadevnim načrtom spremljanja.

4.5 Metoda pridobivanja: Specifikacija med drugim določa, da nasad pomaranč upošteva orografske in talne razmere, ki zaznamujejo pridelovalno območje: vzpeta zemljišča se terasirajo s suhimi zidovi in nasipi. Tradicionalna podlaga za cepljenje je „*melangolo*“ (*citrus mearda*), ki se potrdi v skladu z veljavnimi predpisi.

Pomarančevci imajo za navedeno območje značilno polkrožno obliko s krajevnim imenom „*kupola*“, ki jo sestavljajo dve glavni in dve stranski veji, tako da se krošnja razvije v obliki kroga znotraj pravokotnika: taka oblika, ki je znotraj votla, olajšuje zračenje in obiranje.

Nasadi so tradicionalno posajeni s šahovsko razporeditvijo dreves, z gostoto med 250 in 400 drevesi na hektar.

Namakanje poteka med majem in oktobrom.

Pridelek pomaranč ne sme presežati 30 ton na hektar za tip „*Biondo comune del Gargano*“ in 25 ton na hektar za tip „*Duretta del Gargano*“.

Čas obiranja se zaradi naravne in poudarjene postopnosti dozorevanja pomaranče „*Arancia del Gargano*“ določi, kot sledi: od 15. aprila do konca avgusta za „*Biondo comune del Gargano*“; od 1. decembra do 30. aprila za „*Duretta del Gargano*“.

Obira se ročno s škarjami. Umetno zorenje sadja je prepovedano.

Proizvod ZGO „*Arancia del Gargano*“ se lahko pakira samo na pridelovalnem območju, kot je določeno v točki 4.3, da se lahko zagotovi njegova sledljivost.

- 4.6 Povezava: Vloga za registracijo ZGO temelji na nedvomnem slovesu tega citrusa. Podnebne razmere na območju namreč omogočajo občutne prednosti za kakovost: predvsem neprevročje podnebje ni ugodno za hude bolezni plodov in rastlin. Drugi vidik v zvezi s podnebnimi razmerami je čas zorenja, ki je prava posebnost agrumov z Gargana; ne zorijo januarja, februarja ali marca, ampak celo konec aprila in maja, pa tudi avgusta, se pravi več mesecev po času zorenja na vseh drugih italijanskih območjih pridelave agrumov. Še zadnja, ampak pomembna lastnost je tudi izrazita ohranljivost pomaranče „*Arancia del Gargano*“, ki je v preteklosti omogočala, da so se te pomaranče brez kvarjenja prevažale 30 in včasih 40 dni do Čikaga ali New Yorka. Poleg nezamenljivih organoleptičnih lastnosti pomaranče „*Arancia del Gargano*“, njene posebne velikosti in oblike, ki so izraz podnebnih in talnih razmer pridelovalnega območja (rdečih kraških zemljišč, bogatih z železom in manganom, večinoma vzpetih, na bregovih dolin in krajših predelih na dnu dolin, izpostavljenost mrzlim vetrovom, ki povzročajo nenadne ohladitve), je k večjemu slovesu tega citrusa prispevalo nenehno človeško delo, ki je skozi čas oblikovalo pomemben zaklad kmetijskih spoznanj.

Že od antičnih časov je sloves pomaranče „*Arancia del Gargano*“ prekoračil deželne meje, omenjajo jo dela raznih avtorjev, med drugim tudi samega Gabriela d'Annunzia. Od 18. stoletja so agrumi z Gargana del pomembne procesije, ki še danes poteka vsakega februarja v čast Sv. Valentina, zavetnika nasadov z agrumi, med katero se blagoslovijo drevesa in sadeži pomaranč in limon. Hranijo se številni registri, fotografije, lepaki in letaki, ki dokazujejo izredni, včasih tudi mednarodni sloves teh izvrstnih in nezamenljivih agrumov z Gargana.

Prve zgodovinske omembe agrumov na območju segajo v leto 1003, ko je Melo, knez mesta Bari, hotel Normanom pokazati bogate pridelovalne možnosti garganske zemlje in je v Normandijo poslal nekaj sadežev z Gargana, imenovanih „*pomi citrini*“, tj. današnji „*melangolo*“ (grenka pomaranča). V 17. stoletju se je razvila precejšnja trgovina z agrumi med občinama Vico del Gargano in Rodi Garganico ter Benečani. Trgovinske izmenjave so se nadaljevale tudi v 19. stoletju, ko je sloves pomaranče „*Arancia del Gargano*“ segel celo v druge evropske in ameriške države.

4.7 Nadzorni organ:

Naziv: C.C.I.A.A. di Foggia

Naslov: via Dante, 27
I-71100 Foggia

Telefon: 0881 79 71 11

Telefaks: 0881 72 60 46

E-naslov: —

Nadzorni organ je imenovan javni organ.

4.8 Označevanje: Na embalaži so naslednje navedbe:

„*Arancia del Gargano*“, ki ji sledi ime ekotipa „*biondo comune*“ ali „*duretta*“, znak, napis ZGO, v kratlici ali izpisan, navedbe o proizvajalcu, pakirnici, trgovcu in čisti teži ob pakiranju.

Proizvodi, pripravljene z ZGO „*Arancia del Gargano*“, tudi s postopki obdelave in predelave, se lahko dajo v promet v embalažah, ki navajajo to označbo brez znaka Skupnosti, pod pogojem, da:

- je proizvod z zaščiteno geografsko označbo, ki je bil kot tak potrjen, izključna sestavina zadevne skupine proizvodov;
- uporabniki zaščitene označbe proizvoda pridobijo dovoljenje imetnikov pravice intelektualne lastnine, ki izhaja iz registracije ZGO, združenih v konzorciju za zaščito po pooblastilu Ministrstva za kmetijstvo; odgovorni konzorcij jih tudi vpiše v ustrezne registre in nadzoruje pravilno uporabo zaščitene označbe; če ni konzorcija za zaščito, te naloge opravlja Ministrstvo za kmetijstvo in gozdarstvo kot nacionalni organ, odgovoren za izvajanje Uredbe (EGS) št. 2081/92.

Znak je sestavljen iz stilizirane podobe dveh pomaranč z listnato vejico znotraj elipsastega venca: na vencu je napis „*Arancia del Gargano*“, pod sredino napisa pa je še navedba zaščitene geografske označbe „*Indicazione Geografica Protetta*“.

Upodobljeni pomaranči sta oranžne barve, napis „*Arancia del Gargano*“ je bel na oranžnem ozadju, vejica in listje sta zelena, napis „*Indicazione Geografica Protetta*“ je senčen in izpisan v obločnem slogu s perspektive od spodaj.

4.9 Nacionalne zahteve: —

Podatki, ki jih predložijo države članice o državni pomoči, dodeljeni na podlagi Uredbe Komisije (ES) št. 70/2001 z dne 12. januarja 2001 o uporabi členov 87 in 88 Pogodbe ES pri pomoči za majhna in srednje velika podjetja

(2006/C 258/05)

(Besedilo velja za EGP)

Št. pomoči	XS 14/06		
Država članica	Zvezna republika Nemčija		
Regija	Svobodna država Sachsen		
Naziv sheme pomoči	Mikroposojila ESS		
Pravna podlaga	<p>Richtlinie des Sächsischen Staatsministeriums für Wirtschaft und Arbeit zur Förderung von Existenzgründern durch Gewährung von Mikrodarlehen (Richtlinie ESF-Mikrodarlehen) vom 14. Dezember 2005 (SächsABl Heft 52/2005 vom 29.12.2005, S. 1280);</p> <p>§§ 23, 44 der Sächsischen Haushaltsordnung;</p> <p>Operationelles Programm zur Strukturfondsförderung des Freistaates Sachsen 2000–2006;</p> <p>Verordnung (EG) Nr. 1784/1999</p> <p>Verordnung (EG) Nr. 1260/1999</p>		
Načrtovani letni izdatki po shemi	Shema pomoči	Skupni letni znesek	
		Zavarovana posojila	Skladu bo v enkratnem znesku dodeljeno 25 mio EUR
Največja intenzivnost pomoči	V skladu s členom 4(2)-(6) in členom 5 Uredbe		Da
Začetek veljavnosti	1. januar 2006		
Trajanje sheme ali individualne pomoči	Mikroposojila odobri Sklad ESS za mikroposojila, ki ga ustanovi ESF. Sklad traja od 19. decembra 2005 do 31. decembra 2013. Posojila pa se dodeljujejo le do 31. decembra 2008 (obdobje pospeševanja strukturnih skladov). Za tem datumom vse obstoječe pogodbe o posojilih ureja Sklad		
Cilj pomoči	Pomoč za MSP	Da	
Zadevni gospodarski sektorji	Vsi gospodarski sektorji, ki so upravičeni do pomoči za mala in srednje velika podjetja	Ne	
	Pomoč, omejena na posebne sektorje	Da	
	– Premogovništvo		
	– Celotna predelovalna industrija	Ne	
	ali		
	– Jeklarstvo	Ne	
	– Ladjedelništvo	Ne	
	– Industrija sintetičnih vlaken	Ne	
	– Industrija motornih vozil	Ne	
	– Drugi sektorji predelovalne industrije	Da	
	– Vse storitve	Ne	
	ali		
	– Prevozne storitve	Ne	
– Finančne storitve	Ne		
– Druge storitve	Da		

Naziv in naslov organa, ki dodeli pomoč	Sächsische Aufbaubank — Förderbank		
	Pirnaische Straße 9 D-01069 Dresden		
Individualne pomoči v visokih zneskih	V skladu s členom 6 Uredbe		Da
Glede dodelitev posojil po 31. decembru 2006 nemške oblasti zagotavljajo, da bodo izpolnjeni pogoji trenutno veljavne Uredbe o skupinskih izjemah MSP. Smernice (Mikroposojila ESS) se bodo tako prilagodile Uredbi o izjemah MSP, ki začne veljati 1. januarja 2007.			
Št. pomoči	XS 20/06		
Država članica	Italija		
Regija	Campania		
Naziv sheme pomoči ali ime podjetja, ki prejme individualno pomoč	„Nova shema pomoči za obrtna podjetja: drugo obvestilo“		
Pravna podlaga	POR Campania 2000-2006 approvato dalla Commissione Europea con decisione C(2000) 2347 dell'8 agosto 2000 e s.m.i. Complemento di Programmazione, misura 4.2 b) Deliberazione di Giunta Regionale N. 786 del 10.4.2004.		
Načrtovani letni izdatki po shemi ali skupni znesek individualne pomoči, dodeljene podjetju	Shema pomoči	Skupni letni znesek	15 mio EUR
		Zavarovana posojila	
	Individualna pomoč	Skupni znesek pomoči	
		Zavarovana posojila	
Največja intenzivnost pomoči	V skladu s členoma 4(2)–(6) in 5 Uredbe		Da
Datum izvajanja	30.1.2006		
Trajanje sheme ali individualne pomoči	Do 31.12.2006		
Cilj pomoči	Pomoč za obrtna podjetja, ki izpolnjujejo merila glede velikosti za mikro podjetja in MSP, določena v Priporočilu Komisije 2003/361/ES z dne 6. maja 2003 o opredelitvi mikro, malih in srednjih podjetij		Da
Zadevni gospodarski sektorji	Vsi sektorji, upravičeni do pomoči za MSP		Da
Naziv in naslov organa, ki dodeli pomoč	Regione Campania Assessorato Attività Produttive Area Generale di Coordinamento n. 12 «Sviluppo Attività Settore Secondario» Dirigente del Settore Artigianato Dr.ssa Vittoria Capriglione «Sviluppo e Promozione Attività Artigiane e della Cooperazione».		
	Centro Direzionale I-Isola A6 Telefono 081.7966724, 081.7966725; fax 081.7966718 e-mail: v.capriglione@regione.campania.it		
Individualne pomoči v visokih zneskih	V skladu s členom 6 Uredbe		Da

Št. pomoči	XS 24/06		
Država članica	Združeno kraljestvo		
Regija	West Wales & The Valleys (regija iz cilja 1)		
Naziv sheme pomoči ali ime podjetja, ki prejme individualno pomoč	Energy Tech Ltd		
Pravna podlaga	Uredba sveta (ES) št. 1260/99		
	The Structural Funds (National Assembly for Wales) Regulations 2000 (No/906/2000)		
	The Structural Funds (National Assembly for Wales) Designation2000		
Načrtovani letni izdatki po shemi ali skupni znesek individualne pomoči, dodeljene podjetju	Shema pomoči	Skupni letni znesek	
		Zavarovana posojila	
	Individualna pomoč	Skupni znesek pomoči	300 300 GBP
		Zavarovana posojila	
Največja intenzivnost pomoči	V skladu s členoma 4(2)-(6) in 5 Uredbe		Da
Datum začetka izvajanja	Od 17. januarja 2006		
Trajanje sheme ali individualne pomoči	Do 31. decembra 2006 Opomba: Kot je navedeno zgoraj, je bila pomoč dodeljena pred 31. decembrom 2006. Plačila po tej obveznosti se lahko (v skladu z N+2) nadaljujejo do 30. aprila 2008		
Cilj pomoči	Pomoč za MSP		Da
Zadevni gospodarski sektorji	Pomoč, omejena na posebne sektorje		Da
	Druge storitve (obnovljivi viri energije)		Da
Naziv in naslov organa, ki dodeli pomoč	National Assembly for Wales		
	C/o Welsh European Funding Office Cwm Cynon Business Park Mountain Ash CF45 4ER United Kingdom		
Individualne pomoči v visokih zneskih	V skladu s členom 6 Uredbe		Da

Št. pomoči	XS 48/06		
Država članica	Združeno kraljestvo		
Regija	West Wales & The Valleys (regija cilja 1)		
Naziv sheme pomoči ali ime podjetja, ki prejme individualno pomoč	Trac Môn Ltd		
Pravna podlaga	Uredba sveta (ES) št. 1260/99		
	The Structural Funds (National Assembly for Wales) Regulations 2000 (No 906/2000)		
	Local Government Act 2000		
Načrtovani letni izdatki po shemi ali skupni znesek individualne pomoči, dodeljene podjetju	Shema pomoči	Skupni letni znesek	
		Zavarovana posojila	
	Individualna pomoč	Skupni znesek pomoči	1 369 647 GBP
		Zavarovana posojila	

Največja intenzivnost pomoči	V skladu s členoma 4(2)–(6) in 5 Uredbe		Da
Datum začetka izvajanja	Od 16. marca 2006		
Trajanje sheme ali individualne pomoči	Do 31. decembra 2006 Opomba: Kot je navedeno zgoraj, je bila pomoč dodeljena pred 31. decembrom 2006. Plačila po tej obveznosti se lahko (v skladu z N+2) nadaljujejo do 31. decembra 2007		
Cilj pomoči	Pomoč za MSP	Da	
Zadevni gospodarski sektorji	Pomoč, omejena na posebne sektorje	Da	
	Ostale storitve (motorni športi)	Da	
Naziv in naslov organa, ki dodeli pomoč	National Assembly for Wales		
	C/o Welsh European Funding Office Cwm Cynon Business Park Mountain Ash CF45 4ER United Kingdom		
Individualne pomoči v visokih zneskih	V skladu s členom 6 Uredbe		Da
Št. pomoči	XS 85/06		
Država članica	Malta		
Naziv sheme pomoči ali ime podjetja, ki prejme individualno pomoč	Eureka Programme Scheme		
Pravna podlaga	Malta Enterprise Corporation Act (CAP 463)		
Načrtovani letni izdatki po shemi ali skupni znesek individualne pomoči, dodeljene podjetju	Shema pomoči	Skupni letni znesek	0,2 mio EUR
		Zavarovana posojila	
	Individualna pomoč	Skupni znesek pomoči	
		Zavarovana posojila	
Največja intenzivnost pomoči	V skladu s členoma 4(2)–(6) in 5 Uredbe		Da
Datum začetka izvajanja	8. junij 2006		
Trajanje sheme ali individualne pomoči	Do 31. junija 2007		
Cilj pomoči	Pomoč za MSP	Da	
Zadevni gospodarski sektorji	Vsi sektorji, upravičeni do pomoči za MSP	Da	
Naziv in naslov organa, ki dodeli pomoč	Malta Enterprise Corporation		
	Malta Enterprise Enterprise Centre, Industrial Estate, MT-San Gwann SGN 09		
Individualne pomoči v visokih zneskih	V skladu s členom 6 Uredbe		-

Podatki, ki jih predložijo države članice o državni pomoči, dodeljeni na podlagi Uredbe Komisije (ES) št. 2204/2002 z dne 12. decembra 2002 o uporabi členov 87 in 88 Pogodbe ES za državne pomoči na področju zaposlovanja

(2006/C 258/06)

(Besedilo velja za EGP)

Številka pomoči	XE 12/06	
Država članica	Francija	
Regija	Limousin	
Naziv sheme pomoči	Pomoč pri zaposlitvi pomočnika za gospodarsko izkoriščanje	
Pravna podlaga	<ul style="list-style-type: none"> — Uredba Komisije (ES) št. 2204/2002 z dne 5. decembra 2002 o uporabi členov 87 in 88 Pogodbe o ES za državne pomoči na področju zaposlovanja — Uredba Sveta (ES) št. 1257/1999 z dne 17. maja 1999 o podpori za razvoj podeželja iz Evropskega kmetijskega usmerjevalnega in jamstvenega sklada (EKUJS) — Code rural – Art. R.113-13 do R. 113-17, ki zadeva razmejitev kmetijskih območij z omejenimi možnostmi [celotno ozemlje Limousina spada med območja z omejenimi možnostmi, z izjemo občine Limoges] 	
Načrtovani letni izdatki po shemi pomoči	Skupni letni znesek	0,5 milijonov EUR
	Zavarovana posojila	
Največja intenzivnost pomoči	V skladu s členom 4(2)–(5), členom 5 in členom 6 Uredbe: — 50 % bruto plač in prispevkov delodajalcev za socialno varnost v 24 mesecih, razen za občino Limoges, kjer najnižja stopnja znaša 15 %	Da
Datum začetka izvajanja	24.9.2004	
Trajanje sheme pomoči	Do 30. decembra 2010	
Cilj pomoči	Člen 4: Ustvarjanje delovnih mest	Da
	Člen 5: Zaposlovanje prikrajšanih delavcev in invalidov	Ne
	Člen 6: Dodatni stroški zaposlovanja invalidnih delavcev	Ne
Zadevni gospodarski sektor(-ji)	– Vsi sektorji Skupnosti (!), upravičeni do pomoči za zaposlovanje	Ne
	– Celotna predelovalna industrija (!)	Ne
	– Vse storitve (!)	Ne
	– Drugo: celotni kmetijski sektor (dejavnosti, povezane s proizvodnjo, predelavo in trženjem proizvodov, naštetih v prilogi 1), ob upoštevanju, da se pomoči enake narave že izvajajo v okviru 4. okvirne pogodbe med državo in regijo v letih 2000 do 2006 za druge sektorje dejavnosti na podlagi regulativnega sistema št. 2/99 FRAC	Da

Naziv in naslov organa, ki dodeli pomoč	Conseil Régional du Limousin 27, Boulevard de la Corderie F-87031 Limoges Cedex	
Drugi podatki	Če se shema pomoči sofinancira s sredstvi Skupnosti, prosimo, dodajte: Shema pomoči se sofinancira s sredstvi Skupnosti iz naslova Evropskega socialnega sklada v okviru EPD za regijo Limousin – podukrep 2.3.3. „Pomoč za vzpostavitev in strokovno usposobljenost v kmetijskem in gozdarskem sektorju“	
Priglasitev pomoči Komisiji	V skladu s členom 9 Uredbe	Da

⁽¹⁾ Z izjemo sektorja ladjedelništva in drugih sektorjev, za katere veljajo posebna pravila iz uredbe in direktiv, ki urejajo vse zadevne državne pomoči.

Sporočilo Komisije v okviru izvajanja Direktive Sveta 88/378/EGS z dne 3. maja 1988 o približevanju zakonodaje držav članic v zvezi z varnostjo igrač

(2006/C 258/07)

(Besedilo velja za EGP)

(Objava naslovov in sklicevanj na usklajene standarde v skladu z Direktivo)

ESO (¹)	Sklicevanje in naslov usklajenega standarda (in referenčni dokument)	Sklicevanje na nadomestni standard	Datum, ko preneha veljati domneva o skladnosti nado- mestnega standarda Opomba 1
CEN	EN 71-1:1998 (²) (³) Varnost igrač – Prvi del: Mehanske in fizikalne lastnosti	EN 71-1:1998	Prenehanje veljavnosti (31.1.2001)
	EN 71-1:1998/A5:2000	Opomba 3	Prenehanje veljavnosti (31.5.2001)
	EN 71-1:1998/A1:2001	Opomba 3	Prenehanje veljavnosti (31.7.2001)
	EN 71-1:1998/A2:2002	Opomba 3	Prenehanje veljavnosti (31.8.2002)
	EN 71-1:1998/A6:2002	Opomba 3	Prenehanje veljavnosti (30.9.2002)
	EN 71-1:1998/A7:2002	Opomba 3	Prenehanje veljavnosti (30.11.2002)
	EN 71-1:1998/A8:2003 (⁴)	Opomba 3	Prenehanje veljavnosti (31.3.2004)
	EN 71-1:1998/A4:2004	Opomba 3	Prenehanje veljavnosti (31.12.2005)
	EN 71-1:1998/A10:2004	Opomba 3	Prenehanje veljavnosti (31.12.2005)
	EN 71-1:1998/A11:2004	Opomba 3	Prenehanje veljavnosti (31.12.2005)
CEN	EN 71-2:2006 Varnost igrač – Vnetljivost	EN 71-2:2003	Prenehanje veljavnosti (31.7.2006)
	EN 71-2:2006/AC:2006		
CEN	EN 71-3:1994 Varnost igrač – Tretji del: Migracija določenih elementov	EN 71-3:1988	Prenehanje veljavnosti (30.6.1995)
	EN 71-3:1994/A1:2000	Opomba 3	Prenehanje veljavnosti (31.10.2000)
	EN 71-3:1994/A1:2000/AC:2000		
	EN 71-3:1994/AC:2002		
CEN	EN 71-4:1990 Varnost igrač – Četrty del: Kompleti za kemijske poskuse in druge poskuse, pri katerih se uporabljajo kemikalije	–	
	EN 71-4:1990/A1:1998	Opomba 3	Prenehanje veljavnosti (31.10.1998)
	EN 71-4:1990/A2:2003	Opomba 3	Prenehanje veljavnosti (31.1.2004)

ESO (¹)	Sklicevanje in naslov usklajenega standarda (in referenčni dokument)	Sklicevanje na nadomestni standard	Datum, ko preneha veljati domneva o skladnosti nado- mestnega standarda Opomba 1
CEN	EN 71-5:1993 Varnost igrač – Peti del: Kemijske igrače (kompleti), ki niso kompleti za kemijske poskuse	–	
	EN 71-5:1993/A1:2006	Opomba 3	Prenehanje veljavnosti (31.7.2006)
CEN	EN 71-6:1994 Varnost igrač – Šesti del: Slikovna oznaka, ki opozarja na neustreznost igrače za navedeno starostno skupino otrok	–	
CEN	EN 71-7:2002 Varnost igrač – Sedmi del: Prstne barve – Zahteve in preskusne metode	–	
CEN	EN 71-8:2003 Varnost igrač – Osmi del: Gugalnice, tobogani in podobne igrače za notranje in zunanje aktivnosti za prosti čas na domu	–	
	EN 71-8:2003/A1:2006	Opomba 3	(30.11.2006)

(¹) ESO: Evropska organizacija za standardizacijo:

— CEN: rue de Stassart 36, B-1050 Bruselj, tel. (32-2) 550 08 11; telefaks (32-2) 550 08 19 (<http://www.cenorm.be>)

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

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

(²) Opozorilo: V skladu z Odločbo Komisije z dne 30. julija 2001 (UL L 205, 31.7.2001, str.39), klavzula 4.20(d) standarda EN 71-1:1998 v zvezi s C-ovrednoteno največjo ravnjo emisije zvočnega tlaka, ki jo povzročajo igrače z vžigalnimi kapicami, ustvarja domnevo o skladnosti šele od 1. avgusta 2001 dalje.

(³) Opozorilo: V skladu z Odločbo Komisije z dne 9. marca 2005 (UL L 63, 10.3.2005, str.27) klavzula 4.6 standarda EN 71-1:1998 in klavzula 8.14 Odločbe, če se nanašata na 24-urno obdobje, med katerim mora biti igrača potopljena v posodi, ne pokrivate vseh tveganj, ki jih predstavljajo igrače in sestavni deli igrač, narejeni iz nabreklih materialov. Standard glede tega ne predstavlja domneve o skladnosti.

(⁴) Opozorilo: Standard EN 71-1:1998/A8:2003 se nanaša samo na tveganja, ki jih povzroči uporaba „žogic“ (v standardu opredeljenih kot predmeti „kroglaste, jajčaste ali elipsoidne oblike“), načrtovanih ali namenjenih za metanje, udarjanje, brcanje, kotaljenje, padanje ali odbijanje. Igrače, ki vsebujejo male žoge, ki niso v skladu s standardom, morajo pred dajanjem na trg pridobiti certifikat o ES-pregledu tipa.

Opomba 1 Običajno bo datum, ko preneha veljati domneva o skladnosti, datum preklica („dow“), ki ga določi Evropska organizacija za standardizacijo, vendar je treba uporabnike teh standardov opozoriti, da je v nekaterih izjemnih primerih postopek lahko drugačen.

Opomba 3 V primeru sprememb je referenčni standard EN CCCC:YYYY, njegove morebitne prejšnje spremembe in nova citirana sprememba. Nadomestni standard (stolpec 3) zato sestoji iz EN CCCC:YYYY in njegovih morebitnih prejšnjih sprememb, vendar brez nove citirane spremembe. Na določen datum za nadomestni standard preneha veljati domneva o skladnosti z bistvenimi zahtevami iz Direktive.

Opomba:

— Vse informacije v zvezi z razpoložljivostjo standardov so na voljo pri evropskih organizacijah za standardizacijo ali pri nacionalnih organih za standardizacijo, katerih seznam je priložen k Direktivi 98/34/ES (¹) Evropskega parlamenta in Sveta, spremenjeni z Direktivo 98/48/ES (²).

— Objava sklicevanj v *Uradnem listu Evropske unije* ne pomeni, da so standardi na voljo v vseh jezikih Skupnosti.

Več informacij o usklajenih standardih najdete na spletni strani:

<http://europa.eu.int/comm/enterprise/newapproach/standardization/harmstds/>

(¹) UL L 204, 21.7.1998, str. 37.

(²) UL L 217, 5.8.1998, str. 18.

Predhodna priglasitev koncentracije**(Zadeva št. COMP/M.4314 — Johnson & Johnson/Pfizer Consumer Healthcare)**

(2006/C 258/08)

(Besedilo velja za EGP)

1. Komisija je 19. oktobra 2006 prejela priglasitev predlagane koncentracije v skladu s členom 4 Uredbe Sveta (ES) št. 139/2004 ⁽¹⁾, s katero podjetje Johnson & Johnson („J&J“, ZDA) z nakupom delnic in sredstev pridobi nadzor nad delom podjetja Pfizer Inc. („Pfizer“, ZDA), in sicer celotnim Pfizerjevim oddelkom za zdravstveno nego za široko porabo Pfizer Consumer Health Care („PCH“, ZDA) v smislu člena 3(1)(b) Uredbe Sveta.

2. Poslovne dejavnosti zadevnih podjetij so:

— za Johnson & Johnson: proizvodi za nego za široko porabo, zdravila, medicinski pripomočki in diagnostika;

— za Pfizer Consumer Healthcare: proizvodi za osebno nego in zdravila v prosti prodaji.

3. Po predhodnem pregledu Komisija ugotavlja, da bi priglašena transakcija lahko spadala v področje uporabe Uredbe (ES) št. 139/2004. Vendar končna odločitev o tej točki še ni sprejeta.

4. Komisija zainteresirane tretje stranke poziva, da ji predložijo svoje morebitne pripombe glede predlagane transakcije.

Komisija mora prejeti pripombe najpozneje v 10 dneh po datumu te objave. Pripombe lahko Komisiji pošljete po telefaksu (št. telefaksa: (32-2) 296 43 01 ali 296 72 44) ali po pošti z navedbo sklicne številke COMP/M.4314 — Johnson & Johnson/Pfizer Consumer Healthcare na naslov:

European Commission
Directorate-General for Competition
Merger Registry
J-70
B-1049 Bruxelles/Brussel

⁽¹⁾ UL L 24, 29.1.2004, str. 1.

Nenasprotovanje priglašeni koncentraciji**(Št. primera COMP/M.4405 — Walter Frey Holding/Mitsubishi Motors Europe)**

(2006/C 258/09)

(Besedilo velja za EGP)

Dne 17. oktobra 2006 je Komisija odločila, da ne bo nasprotovala navedeni priglašeni koncentraciji, in jo razglašala za združljivo s skupnim trgom. Ta odločba je sprejeta v skladu s členom 6(1)(b) Uredbe Sveta (ES) št. 139/2004. Celotno besedilo te odločbe je na razpolago le v nemščini in bo objavljeno potem, ko bo očiščeno morebitnih poslovnih skrivnosti. Dostopno bo:

- na spletni strani Konkurenca portala Europa (<http://ec.europa.eu/comm/competition/mergers/cases/>). Spletna stran vsebuje različne pripomočke za iskanje posameznih odločb o združitvah, vključno z indeksi podjetij, opravičnih števil primerov, datumov odločb ter področij,
- v elektronski obliki na spletni strani EUR-Lex pod dokumentno številko 32006M4405. EUR-Lex je spletni portal za evropsko pravo. (<http://ec.europa.eu/eur-lex/lex>)

Nenasprotovanje priglašeni koncentraciji**(Št. primera COMP/M.4294 — Arcelor/SNCFL/CFL Cargo)**

(2006/C 258/10)

(Besedilo velja za EGP)

Dne 9. oktobra 2006 je Komisija odločila, da ne bo nasprotovala navedeni priglašeni koncentraciji, in jo razglašala za združljivo s skupnim trgom. Ta odločba je sprejeta v skladu s členom 6(1)(b) Uredbe Sveta (ES) št. 139/2004. Celotno besedilo te odločbe je na razpolago le v francoščini in bo objavljeno potem, ko bo očiščeno morebitnih poslovnih skrivnosti. Dostopno bo:

- na spletni strani Konkurenca portala Europa (<http://ec.europa.eu/comm/competition/mergers/cases/>). Spletna stran vsebuje različne pripomočke za iskanje posameznih odločb o združitvah, vključno z indeksi podjetij, opravičnih števil primerov, datumov odločb ter področij,
- v elektronski obliki na spletni strani EUR-Lex pod dokumentno številko 32006M4294. EUR-Lex je spletni portal za evropsko pravo. (<http://ec.europa.eu/eur-lex/lex>)

EVROPSKI GOSPODARSKI PROSTOR

SODIŠČE EFTA

Tožba Nadzornega organa Efte proti Kraljevini Norveški, vložena dne 31. julija 2006

(Zadeva E-2/06)

(2006/C 258/11)

Nadzorni organ EFTA, ki ga zastopa Niels Fenger, zastopnik za Nadzorni organ EFTA, 35, Rue Belliard, B-1040 Bruselj, je 31. julija 2006 vložil tožbo proti Kraljevini Norveški.

Vlagatelj zahteva, da Sodišče:

1. Razglasi, da Kraljevina Norveška, z ohranjanjem veljavnosti ukrepov, kot jih določa *Zakon 16 z dne 14. decembra 1917*, ki podeljuje časovno omejeno koncesijo za pridobitev slapov za proizvodnjo energije za zasebna in vsa druga podjetja iz drugih pogodbenic Sporazuma EGP in določa, da ob izteku koncesije vse naprave prepustijo norveški državi brez nadomestila, pri čemer izključuje norveška javna podjetja, ki lahko pridobijo koncesijo za neomejeno obdobje, krši člena 31 in 40 Sporazuma EGP.

ter

2. Kraljevini Norveški naloži plačilo stroškov postopka.

Pravno in dejansko ozadje ter tožbeni razlogi, navedeni v podporo:

- Zadeva se nanaša na prenos lastninskih pravic do hidroelektrarn na norveško državo brez nadomestila po izteku koncesijskega obdobja. Ta prenos je v norveški zakonodaji opredeljen kot „vračanje“ („hjemfall“ v norveškem jeziku), četudi država nikoli v preteklosti ni imela lastninskih pravic do slapu ali infrastrukture hidroelektrarn.
 - Po določbah *Zakona št. 16 z dne 14. decembra 1917* („Zakon o industrijskih licencah“) je trajanje koncesije za uporabo slapov in infrastrukture hidroelektrarn neomejeno za družbe, ki so vsaj v dvotretjinski lasti norveške države, ter za okrožja in občine, za vse druge pa je omejeno, vključno za vse družbe, v katerih imajo lastniki iz drugih držav EGP, sami ali skupaj z norveškimi zasebnimi lastniki, več kot enotretjinski kapitalski delež.
 - Zato vračanje velja le za slednjo skupino.
 - To po mnenju Nadzornega organa EFTA pomeni, da vračanje, kot deluje sedaj, pomeni diskriminacijo lastnikov iz drugih držav EGP, kar je kršitev členov 31 in 40 Sporazuma EGP.
 - Nadzorni organ EFTA zagovarja stališče, da takšno različno obravnavanje ni objektivno utemeljeno niti ne spada v področje člena 125 Sporazuma EGP.
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NADZORNI ORGAN EFTA

Poziv k predložitvi pripomb v skladu s členom 1(2) dela I Protokola 3 k Sporazumu o Nadzornem organu in Sodišču o novo predlagani shemi na Norveškem o finančni pomoči za neplačano delo v dejavnostih raziskav in razvoja, „Shema za neplačano delo za R-R“

(2006/C 258/12)

Z Odločbo št. 59/06/COL z dne 8. marca 2006 v verodostojnem jeziku na straneh, ki sledijo temu povzetku, je Nadzorni organ EFTA začel postopek v skladu s členom 1(2) dela I Protokola 3 Sporazuma med državami EFTA o ustanovitvi Nadzornega organa in Sodišča (Sporazum o Nadzornem organu in Sodišču). Norveška vlada je bila obveščena na podlagi izvoda odločbe.

Nadzorni organ EFTA uradno obvešča države EFTA, države članice EU in zainteresirane stranke, da predložijo svoje pripombe o zadevnem ukrepu v enem mesecu od datuma objave tega uradnega obvestila na:

EFTA Surveillance Authority
35, Rue Belliard
B-1040 Brussels
Telefaks: (32-2) 286 18 00

Pripombe se posredujejo norveškim organom. Zainteresirana stranka, ki predloži pripombe, lahko pisno zaprosi za zaupno obravnavo svoje identitete in navede razloge za to.

POVZETEK

Nadzorni organ se je odločil začeti s formalnim postopkom preiskave glede novo predlagane sheme norveške vlade o zagotavljanju finančne pomoči za podporo neplačanega dela v dejavnostih raziskav in razvoja, („Shema za neplačano delo za R-R“) s temeljnim ciljem spodbuditi večja vlaganja v dejavnosti raziskav in razvoja pri majhnih družbah, kot so podjetniki in enočlanska podjetja.

Shema za neplačano delo za R-R je bila predlagana, ker norveški organi menijo, da neplačanega dela v dejavnostih raziskav in razvoja ni mogoče izvajati v okviru obstoječe sheme „Skattefunn“ (ki jo je Nadzorni organ odobril s svojo Odločbo št. 171/02/COL z dne 25. septembra 2002 in Odločbo št. 16/03/COL z dne 5. februarja 2003). Po shemi Skattefunn se pomoč zagotavlja v obliki davčne olajšave. Vendar pa norveški organi menijo, da je nezdržljivo s splošno davčno zakonodajo na Norveškem, da se od obdavčljivega zneska odšteje znesek, ki temelji na neplačanih stroških dela, ki jih ni bilo, niti v resnici niso bili plačani.

Nadzorni organ je ocenil Shemo za neplačano delo za R-R po Smernicah o državni pomoči za raziskave in razvoj. Predhodno stališče Nadzornega organa je, da pomoč, dodeljena po shemi za neplačano delo za R-R, ni jasna spodbuda za izvajanje dejavnosti raziskav in razvoja. V zvezi s tem Nadzorni organ meni, da bi neplačane dejavnosti raziskav in razvoja potekale tudi brez pomoči, saj so posamezniki, ki opravljajo neplačano delo, tega verjetno pripravljene opravljati v vsakem primeru tudi brez plačila. Zato se zdi, da za doseg cilja izvajanja ustreznih dejavnosti raziskav in razvoja pomoč ni potrebna. Poleg tega Nadzorni organ meni, da se stroški neplačanega dela ne morejo opredeliti kot upravičeni stroški v smislu Smernic o državni pomoči za raziskave in razvoj.

Norveški organi so nadalje pojasnili, da so številne družbe vodile projekte, odobrene po shemi Skattefunn, vendar pa nekatere od njih niso mogle uveljavljati davčne olajšave (ali pa so morale plačati zneske, ki so ustrezali že odobrenim davčnim olajšavam) zaradi dejstva, da je bilo vključeno neplačano delo. Norveški organi so zato uvedli shemo za nadomestila družbam za finančne izgube, ki so jih te imele s svojimi projekti raziskav in razvoja med leti 2000 in 2004 ter so bile posledice dejstva, da shema Skattefunn ni vključevala neplačanega dela.

Nadomestilo za zgoraj naveden namen bo izplačano kot pomoč *de minimis* in če bo celotna vsota pomoči *de minimis* pri vlagatelju presegala 100 000 EUR za obdobje treh let, bo nadomestilo zmanjšano. Poleg tega morajo vlagatelji predložiti pregled celotne pomoči *de minimis*, ki jo je vlagatelj prejel od 1. januarja 2003. Zato je Nadzorni organ sprejel predhodno stališče, da shema nadomestil spada pod prag *de minimis* iz „uredbe *de minimis*“⁽¹⁾.

⁽¹⁾ Uredba Komisije (ES) št. 69/2001 o uporabi členov 87 in 88 Pogodbe ES pri *de minimis* pomoči (UL L 10, 13.1.2001, str. 30), ki je bila s Sklepom Skupnega odbora št. 88/2002 (UL L 266, 3.10.2002, str. 56 in Dopolnilo EGP št. 49, 3.10.2002, str. 42) vključena vključena v Prilogo XV v oddelku 1(e) Sporazuma EGP.

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

THE EFTA SURVEILLANCE AUTHORITY,

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

Having regard to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice ⁽²⁾, in particular to Article 24 thereof and Article 1(2) in Part I of Protocol 3 thereof,

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

Whereas:

I. FACTS

1. Procedure

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

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

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

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

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

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

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

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

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

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

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

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

Legal basis

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.2. Recipients

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

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

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

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

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

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

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

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

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

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

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

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

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

2.3. Eligible costs and aid intensity

Eligible costs

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

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

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

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

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

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

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

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

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

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

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

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

Aid intensity

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

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

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

2.4. *De minimis*

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

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

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

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

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

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

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

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

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

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

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

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

2.5. Budget and duration

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

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

II. APPRECIATION

1. Procedural requirements

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

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

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

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

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

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

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

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

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

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

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

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

2. The presence of State aid

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

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

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

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

2.2. Economic advantage

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

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

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

2.3. Presence of State resources

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

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

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

2.4. Favouring certain undertakings or the production of certain goods

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

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

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

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

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

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

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

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

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

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

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

2.6. *Conclusion*

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Eligible research and development projects and aid intensities

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

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

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

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

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

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

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

(ii) Eligible costs and incentive effect

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

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

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

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

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

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

3.3. Conclusions

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

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

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

⁽⁵⁵⁾ E.g., the Framework Programme 6.

3.4. *De minimis aid: The Compensation Scheme*

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

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

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

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

III. CONCLUSION

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

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

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

HAS ADOPTED THIS DECISION:

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

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

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

Done at Brussels, 8 March 2006

For the EFTA Surveillance Authority

Bjørn T. GRYDELAND
President

Kurt JAEGER
College Member

Poziv k predložitvi pripomb v skladu s členom 1(2) dela I Protokola 3 k Sporazumu o Nadzornem organu in Sodišču o državni pomoči, ki jo je dodelil norveški raziskovalni svet v zvezi s programsko opremo turborouter

(2006/C 258/13)

Z Odločbo št. 60/06/COL z dne 8. marca 2006 v verodostojnem jeziku na straneh, ki sledijo temu povzetku, je Nadzorni organ EFTA začel postopek v skladu s členom 1(2) dela I Protokola 3 Sporazuma med državami EFTA o ustanovitvi Nadzornega organa in Sodišča (Sporazum o Nadzornem organu in Sodišču). Norveški organi so bili obveščeni na podlagi izvoda odločbe.

Nadzorni organ EFTA poziva države EFTA, države članice EU in zainteresirane stranke, da predložijo svoje pripombe o zadevnem ukrepu v enem mesecu od datuma objave tega uradnega obvestila na:

EFTA Surveillance Authority
Registry
35, Rue Belliard
B-1040 Brussels
Telefaks: (32-2) 286 18 00

Pripombe se posredujejo norveškemu organom. Zainteresirana stranka, ki predloži pripombe, lahko pisno zaprosi za zaupno obravnavo svoje identitete in navede razloge za to.

POVZETEK

V dopisu z dne 5. marca 2002 (dok. št. 02-1733-A) je Nadzorni organ prejel pritožbo v kateri je bilo navedeno, da je Norveška preko norveškega raziskovalnega sveta (v nadaljevanju „NRS“) dodelila državno pomoč različnim raziskovalnim projektom, povezanim z razvojem programske opreme turborouter.

Po obširni korespondenci Nadzornega organa z norveškimi organi in s pritožnikom, se je Nadzorni organ 8. marca 2006 odločil začeti formalni postopek preiskave o projektih, navedenih v pritožbi.

NRS je v okviru sheme pomoči programa industrijskih raziskav in razvoja (R-R) dodelil pomoč štirim projektom, povezanim z razvojem programske opreme turborouter. Nadzorni organ je ta program ocenil skupaj z drugimi obstoječimi shemami pomoči in decembra 1994 sprejel Odločbo št. 217/94/COL, v kateri je Norveški predlagal ustrezne ukrepe. Norveški organi so sprejeli ustrezne ukrepe. Od takrat naprej mora vsaka odobritev pomoči po tej shemi biti opravljena v skladu s Smernicami o državni pomoči za raziskave in razvoj, ki jih je Nadzorni organ sprejel v letu 1994.

Na podlagi razpoložljivih informacij Nadzorni organ dvomi, da je dodelitev pomoči zadevnim raziskovalnim projektom potekala v skladu z določbami Smeric o R-R. Vprašljivo je, ali so bili projekti pravilno razvrščeni. Zlasti je to vidno pri treh projektih, obravnavanih kot predkonkurečne raziskave, ki pa so lahko preblizu tržni uporabnosti, da bi bili lahko upravičeni do pomoči.

Nadzorni organ prav tako dvomi o ustreznosti financiranja projekta. Ni jasno, ali so podjetja, ki sodelujejo v projektih, dejansko prispevala k stroškom raziskav projektov ali pa so kot del raziskovalnih projektov štela redne operativne stroške. V tem primeru bo treba ponovno pregledati intenzivnost pomoči.

V tem okviru ima Nadzorni organ pomisleke, ali ni pri prejemnikih pomoči prišlo do zlorabe pomoči, ki jo je podelil NRS.

Če dodeljevanje pomoči zadevnim projektom ni potekalo v okviru sheme programa industrijskih R-R, bo treba oceniti vsak projekt posebej na podlagi določb Smernic o R-R, ki so veljale v času dodelitve pomoči, ali pa neposredno na podlagi pravil Sporazuma EGP.

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

THE EFTA SURVEILLANCE AUTHORITY ⁽¹⁾,

Having regard to the Agreement on the European Economic Area ⁽²⁾, in particular to Articles 61 to 63 and Protocol 26 thereof,

Having regard to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice ⁽³⁾, in particular to Article 24 thereof,

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

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

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

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

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

Whereas:

I. FACTS**1. Procedure**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The complaint

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

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

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

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

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

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

a) Description of the projects

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

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

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

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

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

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

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

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

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

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

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

Further development of the software programme Turborouter

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

2) Project 138811 — AlgOpt

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

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

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

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

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

3) Project 144265 — Shiplog II

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

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

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

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

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

⁽¹¹⁾ Information obtained from Marintek's website.

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

The activities of the project included:

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

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

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

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

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

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

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

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

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

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

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

b) *The beneficiaries*

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

1) Marintek

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

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

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

2) United European Car Carriers (UECC)

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

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

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

3) Beltship Management AS

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

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

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

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

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

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

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

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

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

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

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

The Decision reads as follows:

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

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

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

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

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

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

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

b) *The Research Council of Norway*

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

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

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

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

II. APPRECIATION

1. Introduction: the applicable legal framework

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

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

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

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

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

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

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

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

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

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

2. State aid assessment of the projects

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a) *Project 138811 — AlgOpt*

— Doubts concerning the classification of the project

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b) *Project 144265 — Shiplog II*

— Doubts concerning the classification of the project

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

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

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

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

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

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

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

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

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

— Doubts concerning the classification of the project

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

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

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

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

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

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

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

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

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

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

The Authority welcomes any comment regarding this issue.

3) The necessity to open the formal investigation procedure

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

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

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

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

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

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

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

1) Introduction

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

2) Compatibility

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

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

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

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

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

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

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

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

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

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

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

3. Conclusion

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS DECISION:

Article 1

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

Article 2

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

Article 3

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

Article 4

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

Article 5

This Decision is addressed to the Kingdom of Norway.

Article 6

This Decision is authentic in the English language.

Done at Brussels, 8 March 2006.

For the EFTA Surveillance Authority

Bjørn T. GRYDELAND
President

Kurt JAEGER
College Member