

Uradni list

Evropske unije

C 146

Zvezek 51

Slovenska izdaja

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12. junij 2008

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Obvestilo

⁽¹⁾ Besedilo velja za EGP

IV

(Informacije)

INFORMACIJE INSTITUCIJ IN ORGANOV EVROPSKE UNIJE

KOMISIJA

Menjalni tečaji eura ⁽¹⁾**11. junija 2008**

(2008/C 146/01)

1 euro =

Valuta	Menjalni tečaj	Valuta	Menjalni tečaj
USD ameriški dolar	1,5515	TRY turška lira	1,9464
JPY japonski jen	166,37	AUD avstralski dolar	1,6376
DKK danska krona	7,4591	CAD kanadski dolar	1,5777
GBP funt šterling	0,79145	HKD hongkonški dolar	12,1169
SEK švedska krona	9,3571	NZD novozelandski dolar	2,0518
CHF švicarski frank	1,6117	SGD singapurski dolar	2,1297
ISK islandska krona	120,50	KRW južnokorejski won	1 598,43
NOK norveška krona	7,9900	ZAR južnoafriški rand	12,3864
BGN lev	1,9558	CNY kitajski juan	10,7339
CZK češka krona	24,400	HRK hrvaška kuna	7,2492
EEK estonska krona	15,6466	IDR indonezijska rupija	14 436,71
HUF madžarski forint	247,01	MYR malezijski ringit	5,0765
LTL litovski litas	3,4528	PHP filipinski peso	68,941
LVL latvijski lats	0,7022	RUB ruski rubelj	36,7412
PLN poljski zlot	3,3740	THB tajski bat	51,359
RON romunski leu	3,6636	BRL brazilski real	2,5435
SKK slovaška krona	30,305	MXN mehiški peso	16,1581

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

INFORMACIJE V ZVEZI Z EVROPSKIM GOSPODARSKIM PROSTOROM

NADZORNI ORGAN EFTE

Poziv k predložitvi pripomb o državni pomoči v zvezi z oprostitvijo norveškega davka na CO₂ za zemeljski plin in utekočinjeni naftni plin za uporabo plina za druge namene, kot je ogrevanje zgradb, na podlagi člena 1(2) dela I Protokola 3 k Sporazumu o nadzornem organu in sodišču

(2008/C 146/02)

Z Odločbo št. 597/07/COL z dne 23. novembra 2007 v verodostojnem jeziku na straneh, ki sledijo temu povzetku, je Nadzorni organ Efte začel postopek v skladu s členom 1(2) dela I Protokola 3 k Sporazumu med državami Efte o ustanovitvi nadzornega organa in sodišča (Sporazum o nadzornem organu in sodišču). Norveški organi so bili obveščeni na podlagi izvoda odločbe.

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

EFTA Surveillance Authority
Registry
Rue Belliard 35
B-1040 Brussels

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

POVZETEK

POSTOPEK

Norveški organi so z dopisom z dne 9. marca 2007 Nadzorni organ uradno obvestili o načrtovani spremembi davka na CO₂ za mineralne izdelke v skladu s členom 1(3) dela I Protokola 3 k Sporazumu o nadzornem organu in sodišču. Norveški organi nameravajo davek na CO₂ spremeniti na način, da se obdavčita zemeljski plin in utekočinjeni naftni plin (v nadaljnjem besedilu „LPG“), za katera se davek na CO₂ trenutno ne zaračunava.

Po korespondenci z norveškimi organi se je Nadzorni organ odločil, da sproži formalni postopek preiskave glede oprostitve davka za uporabo plina za druge namene, kot je ogrevanje zgradb.

OCENA UKREPA

Norveška trenutno zaračunava davek na CO₂ le za mineralno olje in bencin. V predlogu proračuna za leto 2007 je norveška vlada predlagala uvedbo davka na CO₂ za zemeljski plin in LPG, ta predlog je Parlament sprejel, naknadno pa je bil spremenjen z dokumentom St. prp. št. 69 (2006–2007).

Z novo določbo je uvedena oprostitve za zemeljski plin, ki se uporablja za vse druge namene, kot je ogrevanje hiš in poslovnih zgradb, ter za pridelavo v rastlinjaku. Cilj ukrepa je preprečiti, da bi imel zemeljski plin prednost pred drugimi okoljsko ugodnejšimi možnostmi ogrevanja, namreč pred energijo biomase.

Norveški organi navajajo, da se 94 % zemeljskega plina porabi na druge namene, kot je ogrevanje zgradb. Zemeljski plin se na Norveškem v glavnem uporablja za industrijske namene, pri čemer prevladuje proizvodni sektor. Norveški organi trdijo, da je v praksi uveden le zelo omejen davek na ogrevanje zgradb. Zaradi tehničnih razlogov, povezanih z nacionalnim pravom, je bil davek na CO₂ za zemeljski plin in LPG uradno sprejet kot splošni davek.

Po predhodnem mnenju Nadzornega organa na podlagi informacij, ki so jih predložili norveški organi, Nadzorni organ ne more izključiti možnosti, da oprostitev davka na CO₂ za zemeljski plin pomeni pomoč v smislu člena 61(1) Sporazuma EGP.

Norveški organi menijo, da je omejitev davka za namene ogrevanja zgradb splošni ukrep, ki je na voljo vsem podjetjem in sektorjem. Vendar lahko ukrep v skladu s predhodnim mnenjem Nadzornega organa *de facto* daje prednost določenim podjetjem. Razlog za to je dejstvo, da bodo davek na CO₂ za celotno porabo zemeljskega plina plačali tisti industrijski sektorji, ki nimajo proizvodnje, vendar v glavnem izvajajo dela v zgradbah, tj. zlasti storitveni sektor. Podjetja, ki uporabljajo zemeljski plin v proizvodnji, ne bodo zavezana plačilu davka za zemeljski plin, ki ga uporabljajo za druge namene, kot je ogrevanje zgradb. Nadzorni organ predhodno meni, da se za začetek obdavčijo vrste uporabe plina v skladu z norveško zakonodajo. Poleg tega Nadzorni organ meni, da sklicevanje na posebno uporabo in ne na določene sektorje oprostitve ne spremeni samodejno v splošni ukrep in da njegovo stališče potrjujejo primeri Sodišča Evropskih skupnosti, pri čemer za ukrepe, ki so v bistvu dajali prednost skupini podjetij, kljub temu da so formalno na voljo vsem operaterjem, velja, da so selektivni. Vendar bo Nadzorni organ med formalnim postopkom preiskave tudi upošteval, da smernice Nadzornega organa o uporabi pravil o državni pomoči za neposredno obdavčitev ustvarjenega dohodka določajo, da dejstvo, da imajo določena podjetja več koristi od ukrepa kot ostala, ne pomeni nujno selektivne prednosti. V zvezi s tem Nadzorni organ upošteva Odločbo Evropske komisije o danskem davčnem sistemu (N 416/99), na podlagi katere obdavčitev porabe za podjetja, podobne porabi v gospodinjstvu, ni pomenila državne pomoči, četudi je davek v glavnem plačal storitveni sektor.

Po mnenju Nadzornega organa logika oprostitve davka za druge namene, kot je ogrevanje, ni v skladu s cilji obdavčenja CO₂ na Norveškem. Nadzorni organ meni, da namen zmanjšanja emisij CO₂, spodbujanje preklopa na energijo biomase ali obdavčitev porabe, povezane z gospodinjstvom, niso ustrezni razlogi za razlikovanje med sektorji.

Nadzorni organ dvomi, da se lahko ti ukrepi štejejo za združljive s členom 61(3)(c) Sporazuma EGP v povezavi z zahtevami iz poglavja o pomoči za varstvo okolja Smernic Nadzornega organa o državni pomoči. V tem primeru se za zemeljski plin, ki se uporablja za druge namene, kot je ogrevanje zgradb, davek ne plača. Taka popolna oprostitve davka bi bila mogoča le, če bi prejemniki pomoči sklenili okoljske sporazume z Norveško, vendar v tem primeru ni tako. Kljub temu bi delno zmanjšanje davka pomenilo plačilo znatnega dela davka. Oprostitev davka zato ne more biti utemeljena v skladu z okoljskimi smernicami.

SKLEPNA UGOTOVITEV

Glede na zgornje navedbe se je Nadzorni organ odločil, da sproži formalni postopek preiskave na podlagi člena 1(2) Sporazuma EGP. Zainteresirane stranke lahko predložijo svoje pripombe v enem mesecu od datuma objave te odločbe v *Uradnem listu Evropske unije*.

EFTA SURVEILLANCE AUTHORITY DECISION

No 597/07/COL

of 23 November 2007

to initiate the procedure provided for in Article 1(2) of Part I of Protocol 3 to the Surveillance and Court Agreement with regard to the tax exemption from the Norwegian CO₂ tax on gas and LPG for the use of gas for purposes other than heating of buildings

(Norway)

THE EFTA SURVEILLANCE AUTHORITY ⁽¹⁾,

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

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

Having regard to Article 1(2) of Part I and Articles 4(4) and 6 of Part II of Protocol 3 to the Surveillance and Court Agreement,

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

Whereas:

I. FACTS

1. Procedure

By letter of 9 March 2007 from the Norwegian Ministry of Government Administration and Reform forwarding a letter from the Ministry of Finance dated 8 March 2007, both received and registered by the Authority on 9 March 2007 (Event No 412984), the Norwegian authorities notified a planned amendment to the CO₂ tax on mineral products, pursuant to Article 1(3) of Part I of Protocol 3 to the Surveillance and Court Agreement. The Norwegian authorities intended to amend the CO₂ tax in such a manner as to include taxation on natural gas and liquefied petroleum gas (hereafter LPG), on which no CO₂ tax is currently levied.

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

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

A further request for information was sent by the Authority on 11 July 2007 (Event No 425632). The Norwegian authorities

replied to that request by letter from the Ministry of Government Administration and Reform dated 25 September 2007, forwarding a letter from the Ministry of Finance dated 24 September 2007. The letters were received and registered by the Authority on 25 September (Event No 443658).

2. Description of the proposed measures

In their notification the Norwegian authorities inform the Authority of a proposed amendment of the CO₂ tax on mineral products to include taxation of natural gas and LPG. In the following, the tax will be called 'the CO₂ tax on gas', which is however to be understood as covering taxation of both natural gas and LPG.

2.1. CO₂ taxation in Norway

Currently, CO₂ taxes in Norway are only levied on mineral oil and petrol. The Norwegian tax on CO₂ is understood by the Norwegian authorities to be a tax on the consumption and emission of CO₂ ⁽⁵⁾, which is levied on the use of the products mentioned in the tax chapter. Both imported and domestic products are subject to the tax.

The CO₂ tax is contained in a budgetary chapter concerning the environmental taxes levied on mineral products, with the title 'Om miljøavgifter på mineralske produkter mv'. Heading A of this chapter deals with the CO₂ tax on mineral products CO₂ (avgift på mineralske produkter). Section A1 stipulates the levy of the tax on mineral oil and petrol. It reads as follows:

'Fra 1. januar 2007 skal det i henhold til lov 19 mai 1933 nr. 11 om særavgifter betales CO₂-avgift til statskassen på følgende mineralske produkter etter følgende satser: ...

a) Mineralolje: kr. 0,47 per liter (...).

b) Bensin: kr 0,80 per liter',

that is:

'From 1 January 2007, according to Act of 19 May 1933 No 11 regarding special duties, CO₂ tax shall be paid to the Exchequer on the following mineral products at the following rates ...

(a) Mineral oil: NOK 0,47 per litre.

(b) Petrol: NOK 0,80 per litre' ⁽⁶⁾.

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

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

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

⁽⁴⁾ Guidelines on the application and interpretation of Articles 61 and 62 of the EEA Agreement and Article 1 of Protocol 3 to the Surveillance and Court Agreement, adopted and issued by the EFTA Surveillance Authority on 19 January 1994, published in OJ L 231, 3.9.1994, EEA Supplement No 32, 3 September 1994. The Guidelines were last amended on 31 May 2007. Hereinafter referred to as 'the State Aid Guidelines'.

⁽⁵⁾ Letter of 31 January 2002 from the Norwegian authorities in Case SAM070.001 — Environmental taxes.

⁽⁶⁾ This and other translations of Norwegian legislation found in the text have been done by the Authority.

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

2.2. Introduction of CO₂ taxation on gas and LPG

No CO₂ tax has so far been levied on gas. In the budget proposal for 2007, the Norwegian Government proposed an amendment to the relevant chapter of the budget, which was accepted by Parliament. The proposal contained in St. prp. nr. 1 (2006-2007), II A and B reads:

'A.

Fra 1 juli 2007 gjøres følgende endringer:

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

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

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

B.

§2 første ledd ny nr. 4 skal lyde:

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

that is:

'A.

As of 1 July 2007 the following amendments shall apply:

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

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

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

B.

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

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

By adding the letters (c) and (d) to Section 1, as referred to under A, a CO₂ tax on gas is introduced. The new provision referred to under B introduces an exemption for gas used for all purposes other than heating of houses and commercial buildings.

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

The amended Section 2.4 now reads as follows:

'§2 nr. 4 skal lyde:

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

4. *Gass til*

c) *Annen bruk enn oppvarming av bygg.*

d) *Vektsthusnæringen.'*

that is:

'Section 2 nr. 4 shall read:

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

4. Gas for

(c) any use other than heating of buildings;

(d) greenhouse industry.'

In their notification, the Norwegian authorities describe the planned amendment as an 'amendment of the CO₂ tax to include gas used as heating from 1 July 2007'. In the opinion of the Norwegian authorities this amendment does not concern an exemption from a general CO₂ tax on gas, but merely the introduction of a very limited tax on the heating of buildings which does not constitute State aid within the meaning of Article 61(1) of the EEA Agreement. The notification is therefore to be understood as a notification for legal certainty only.

The Norwegian authorities state it is only for a technical reason that the CO₂ tax on gas is adopted as a general tax; the control possibilities of the Customs and Excise Directorate are increased when working with a general tax. Only if a measure is adopted as a general tax, are all producers of taxable goods obliged to register with the authorities as being liable for the tax and keep accounts of their sales. Had the tax been adopted as a more limited tax on heating, no registration and no keeping of accounts would have been necessary for traders which sell the gas for purposes other than heating.

2.3. The objective of the measure

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

'Domestic use of gas is not subject to CO₂ tax. From 2005 gas used in some industries is subject to the climate quota system concerning CO₂. Other gas usages are not subject to means which incentivise the reduction of CO₂, i.e. gas used in dwellings, industrial houses and mobile sources. In the Soria Moria statement it is announced that the Government will examine the CO₂ tax to prevent that gas as heating is preferred to more environmental favourable alternatives'.

2.4. National legal basis for the measure

The CO₂ tax on gas was passed by Stortinget (the Parliament). The Government's proposal was put forward in St. prp. nr. 1 (2006-2007) *Skatte-, avgifts- og tollvedtak* and was adopted by the Parliament 28 November 2006.

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

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

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

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

Section 3-6-5 of the Regulation deals with the exemption from the CO₂ tax for gas used for purposes other than heating. Section 3-6-5(1) states that gas which is used for other purposes than the heating of buildings, commercial buildings and other dwellings is tax exempted. The exemption does not cover any direct or indirect heating ⁽²⁾.

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

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

2.5. Beneficiaries of the tax exemption

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

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

Norwegian consumption of natural gas and liquefied gas in 2006

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

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

Net domestic consumption of natural gas, 2006 Mill. Sm³

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

⁽¹⁾ See above, Section I-2.2 of this Decision.

⁽²⁾ As explained by the Norwegian authorities, that last sentence should be understood in the meaning of 'heating of buildings'.

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

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

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

2.6. Budget and duration

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

II. ASSESSMENT

1. Scope of the Decision

The Decision applies to the exemption from the CO₂ tax on gas for uses of gas for purposes other than heating of buildings. In contrast, it does not apply to the similar exemption for the greenhouse growing industry given that this industry concerns goods falling outside the scope of products to which the provisions of the EEA Agreement apply, including those related to State aid (cf. Article 8(3) of the EEA Agreement). With regard to mining, the EEA Agreement applies to trade in coal and steel products, except where the bilateral Free Trade Agreement (¹) contains specific provisions which have not been set aside by Protocol 14 to the EEA Agreement. Consequently, this Decision applies to the mining industry, without prejudice to the products which are still governed by the bilateral Free Trade Agreement and to which this decision does not apply (²).

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

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

2. The presence of State aid

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

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

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

2.1. Presence of State resources

The aid measure must be granted by the State or through State resources. The Norwegian authorities plan to introduce a new tax for gas and an exemption from that tax for all purposes other than the heating of buildings. The granting of a tax exemption or reduction involves a loss of tax revenues which is equivalent to consumption of State resources in the form of fiscal (tax) expenditure, see point 3(3) of the Authority's State Aid Guidelines in relation to Business Taxation. In the case at hand, the exemption from the CO₂ tax on gas for uses other than heating of buildings leads to a loss of revenue for the State.

2.2. Favouring certain undertakings or the production of certain goods

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

As underlined by the Norwegian authorities, the Norwegian tax law does not create any explicit distinction between sectors. However, the existence of State aid is to be analysed according to the effects of a measure. The Authority is therefore of the opinion that it must also verify that the exemption in the Norwegian legislation will not have the effect of indirectly favouring certain sectors to the detriment of others. The above statistics (³) demonstrate that the consumption of gas in Norway is mainly for industrial purposes, notably manufacturing and mining, while the transport and the services sector play by comparison a lesser role in the consumption of gas. Hence, the existence of *de facto* sectoral aid must be investigated. Should this examination lead to the conclusion that the measure indeed concerns only certain undertakings or the production of certain goods, the exemption from the CO₂ tax relieves the undertakings benefiting from it of charges which they would normally have to bear from their ordinary budget. The consequence could be that these undertakings receive an advantage within the meaning of Article 61(1) of the EEA Agreement.

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

The CO₂ tax will not be paid on gas used in production processes. Therefore those who do not engage in production processes, but mainly carry out their work in buildings, i.e. typically the service sector, and private households, will pay the tax on the whole of their consumption of gas whereas undertakings using gas in the production process will not be liable to taxation for a substantial part of their gas consumption. In the Authority's preliminary view this may constitute a measure which *de facto* favours certain undertakings, namely undertakings in the manufacturing sector as well as in the transport sector, to the detriment of the service sector.

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

2.2.1. Introduction of a limited tax on the heating of buildings instead of a tax exemption from the CO₂ tax

Norway considers the notified measure not an exemption from a CO₂ tax on gas for certain sectors, but rather the introduction of a limited tax on the use of gas for the heating of buildings, i.e. the tax (on heating of buildings) is a burden for those on whom the tax is levied rather than an exemption and advantage for the many who consume gas in a way which is not subject to the tax. The Norwegian authorities underline that 94 % of the gas used in Norway is used for purposes other than heating, in other words only 6 % of the gas consumed will be taxed. According to the Norwegian authorities, the reality therefore is that natural gas is not subject to a CO₂ tax.

The Authority has doubts as to whether it can agree to that argumentation. Firstly, the Norwegian authorities have not provided for a separate Section in the budget which introduced a new tax for the heating of buildings. On the contrary, gas is simply integrated as a new product in Section 1 of the budgetary chapter which contains a general CO₂ tax on mineral products. The Norwegian authorities themselves stated in the original notification that the CO₂ tax on gas is technically adopted as a *general* tax on gas.

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

Lastly, the choice of the Norwegian legislator was a deliberate one. As the Norwegian authorities have argued, the tax was adopted as a general tax on gas in order to give the tax authorities greater control possibilities. According to Section 5-1 of the

Regulation on Excise Duties, producers of taxable goods are obliged to register with the Norwegian Customs and Excise Authorities as being liable for the tax and the registered companies are obliged to keep accounts. The Norwegian authorities argue that if the tax had been constructed as a limited tax on the heating of buildings, no registration and no keeping of accounts would be necessary for the traders selling gas for purposes other than heating of buildings and the control possibilities of the Customs and Excise Directorate would be reduced. This argumentation demonstrates that the adoption of a general tax on CO₂ rather than a limited tax on the heating of buildings was deliberate.

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

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

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

The Authority notes as a starting point that *all* uses of gas are liable to the CO₂ tax, which is a general tax on gas. However, as stated above, the existence of State aid must be analysed according to its effects, not the form a measure takes. Thus, given the explanation of the Norwegian authorities as to the increased control by the Customs and Excise Directorate in cases of general taxation, the Authority finds it appropriate, as noted above, to verify whether the apparent tax exemption is, in fact, a measure which applies generally to all undertakings using gas for the purposes of heating a building.

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

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

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

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

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

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

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

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

In this regard it should also be noted that the Danish system was subsequently considered to constitute State aid, as certain

VAT registered companies which would receive a tax refund were favoured over certain other companies which likewise had a business-like consumption and therefore should have profited from the tax relief in the same way, i.e. the 'household consumption' logic was not followed in all cases ⁽⁶⁾.

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

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

2.2.3. Nature and scheme of the Norwegian tax system

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

Against this background, the Authority will examine below whether the logic underlying the tax exemption could justify a differentiation between sectors. As the exemption concerns a derogation from the CO₂ tax, the Authority will try to establish the objective of this taxation which it considers to be the general system against which the logic of a derogation must be measured. In other words, the Authority will examine whether the logic of the tax exemption for purposes other than heating is in line with the objectives of the CO₂ tax itself.

Purpose of reducing CO₂ emissions

The CO₂ tax on mineral products is to be found in a budgetary chapter bearing the heading 'Environmental taxes'. This seems to suggest that the CO₂ tax follows an environmental objective. Such an objective would be to create incentives, via taxation, to reduce CO₂ emissions ⁽⁸⁾.

⁽¹⁾ Case C-126/01, *Ministre de l'économie, des finances et de l'industrie and Gemo SA* [2003] ECR I-13769.

⁽²⁾ Joined Cases 6 and 11-69, *Commission v France* [1969] ECR p. 523.

⁽³⁾ Commission Decision of 3 April 2002 on the dual-use exemption which the United Kingdom is planning to implement under the Climate Change Levy and the extended exemption for certain competing processes (OJ L 229, 27.8.2002, p. 15).

⁽⁴⁾ State aid N 416/99.

⁽⁵⁾ The case was not assessed as a 'general v selective' measure, but was justified by reference to point 16 of the Commission's Notice on Business taxation with a special reference to the logic of the Danish tax system.

⁽⁶⁾ State aid NN 75/04.

⁽⁷⁾ As can be seen from the EFTA Court's judgment in Joined Cases E-5/04, E-6/04 and E-7/04, *Fesil and Finnsjord, the Kingdom of Norway, PIL and others v the EFTA Surveillance Authority* [2005] EFTA Court Reports p. 117, the argument relating to the nature and scheme of the tax system is normally dealt with under the aspect of selectivity. See in this regard also Case C-143/99 *Adria Wien*, cited above at footnote 15, paragraph 42, which explicitly clarifies this point.

⁽⁸⁾ In the above mentioned letter of the Norwegian authorities of 31 January 2002 the CO₂ tax is described as designed to produce environmental effects.

The Norwegian authorities indeed confirm that intention of the current CO₂ tax on *mineral oil* is to put a price on the environmental damages caused by the use of taxed products and to encourage the use of other more environmental products. Given the fact that, as shown above, the CO₂ tax on gas is integrated into the general taxation chapter on mineral products, one would assume that this new taxation follows the same logic, namely to serve an environmental purpose by creating incentives to reduce CO₂ emissions. And yet, it is not obvious to the Authority how one can reconcile that environmental logic with a system that excludes certain sectors from taxation despite the fact that also these sectors should be able to reduce CO₂ emissions by either curtailing the use of gas or switching to more environmentally friendly products.

The budgetary proposal for the introduction of the CO₂ tax on gas as described above ⁽¹⁾ demonstrates that certain industries — outside the service sector — indeed have incentives and the possibility to reduce CO₂ emissions by being subject to the climate quota system concerning CO₂. The climate quota system also covers parts of the manufacturing sector. Given that such a motivation of reducing CO₂ emissions for the manufacturing sector is thereby acknowledged, it seems to be hardly compatible with the nature and scheme of the Norwegian tax system to relieve the production of goods from the CO₂ taxation of gas. Moreover, in the Authority's opinion, the transport sector also has an incentive and possibility to reduce CO₂ emissions.

The Norwegian authorities seem to accept that the manufacturing sector not only has possibilities to reduce CO₂ emissions, but that incentives created to that end — e.g. via the emission trading system — can lead to a behavioural change. For Statoil, the largest consumer of gas in the manufacturing sector, the Norwegian authorities have explicitly acknowledged that the company has an incentive to reduce emissions from gas via the emission trading system ⁽²⁾. In addition, and contrary to the proposed CO₂ tax on gas, the manufacturing sector is currently subject to the CO₂ tax on mineral oil and petrol ⁽³⁾. The only exemption in this regard is when the mineral oil is used as a raw material in the production process, see Section A2d) of the budgetary chapter. Where mineral oil is used for other purposes (e.g. fuel) in the production process, it is subject to the CO₂ tax. It is not easy to see the logic behind a taxation system on mineral products which exempts certain sectors from the taxation of one mineral product, namely gas, but not another, namely mineral oil. Both products are covered by the same legal provision establishing a general taxation on mineral products for environmental purposes. The same argument can be made for the transport sector, which in general is submitted

to the mineral oil tax with the exception of certain situations like the use of mineral oil in domestic sea freight. Again, there does not seem to be any environmental reason why the transport sector should be subject to the CO₂ tax on mineral oil, but not to a CO₂ tax on gas.

Switchover to bio-energy

The Norwegian authorities however argue that the logic behind the CO₂ tax on gas is to be distinguished from the CO₂ tax on mineral oil and petrol. The latter puts a price on the environmental damage caused by the use of the taxed products and encourages the use of other, more environmentally friendly, products. The tax is broad and general and the exemptions in the budgetary chapter, Section A2, are drafted very narrowly.

The Norwegian authorities argue that the CO₂ tax on gas however follows another, more narrow purpose, namely to prevent that gas is preferred to more environmentally favourable alternatives such as bio-energy, which is not taxed. By putting a tax on the use of gas, the intention is to stimulate a switch to bio-energy. Consequently, the exemption is drafted in broad terms ⁽⁴⁾.

The Authority has doubts as to whether this argumentation justifies a differentiation between sectors. Firstly, it should be noted that the CO₂ tax both on mineral oil and on gas is contained in the same budgetary chapter establishing a general CO₂ tax. On this basis, it is hard to see why the CO₂ tax on gas would follow a completely different logic.

Secondly, and more importantly, it should be noted that a reduction of CO₂ emissions can be achieved either by reducing the use of the environmentally damaging product or by turning to more environmentally friendly alternatives. As cited above, with regard to the tax on mineral oil, the use of environmentally friendly alternatives is mentioned. Consequently to argue that the CO₂ tax on gas is special and different from the CO₂ tax on mineral oil in this respect seems difficult.

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

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

⁽²⁾ The question of the relation, if any, between the emission trading system and the CO₂ taxation in general and whether the existence of an emission trading system could justify an exemption from the CO₂ tax in order to avoid double payment for environmental pollution is the subject of another investigation (Case No 63030 — CO₂ tax exemption as a consequence of emission trading).

The above argument only examines whether incentives to reduce CO₂ emissions also exist for sectors which use gas in the production process, but which are not covered by the newly introduced CO₂ tax on gas. The fact that the manufacturing sector is subject to the climate change quota system indicates that such incentives do exist.

⁽³⁾ In one of their earlier submissions, the Norwegian authorities claimed that despite a different drafting of the exemptions, the CO₂ tax on mineral oil and on gas are in practice the same, namely both limited to heating of buildings. The Authority would agree that the taxes follow the same environmental purpose, but notes that the exemptions are indeed quite different. In particular, as shown above, the exemption structure leads to a different taxation for the production of goods.

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

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

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

⁽⁴⁾ Letter dated 25 September 2007.

2.4. Conclusion

As all the criteria under Article 61(1) of the EEA Agreement seem to be fulfilled, the Authority has come to the preliminary conclusion that the exemption from the CO₂ tax for all purposes other than the heating of buildings constitutes State aid within the meaning of Article 61(1) of the EEA Agreement.

3. Procedural requirements

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

By submitting the notification of the tax exemption from the CO₂ taxation on gas by letter dated 9 March 2007 from the Norwegian Ministry of Government Administration and Reform, the Norwegian authorities have complied with the notification requirement. The Norwegian authorities confirmed that the tax and the tax exemptions are not implemented yet. In the interim, i.e. before the Authority's decision, a general tax exemption is in place, i.e. nobody, regardless of sector or use is paying the tax.

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

4. Compatibility of the aid

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

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

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

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

According to Section D.3.2 of the Environmental Guidelines, EFTA States might deem it necessary to make provisions for temporary exemptions from environmental taxes notably because of the absence of harmonisation at European level or because of the temporary risks of a loss of international competitiveness. However, as can be seen from point 42 of the Envi-

ronmental Guidelines, these exemptions constitute operating aid, which have to fulfil the requirements set out in the Guidelines.

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

- (a) when these exemptions are either conditional on the conclusion of agreements between the EFTA State concerned and the recipient firms whereby the firms undertake to achieve environmental protection objectives; or
- (b) when the amount paid by the firms after the tax reduction remains higher than the Community minimum (where a Community tax exists — first indent) or constitutes a significant proportion of the national tax (where the tax does not correspond to a harmonised Community tax — second indent).

The Norwegian CO₂ tax exceeds the Community minimum, as the taxation on the Community level is 0 for LPG and EUR 0,15 per gigajoule calorific value for natural gas. Under the Norwegian tax the respective levels are NOK 0,60 (around EUR 0,08) per kilogram for LPG and NOK 0,47 per standard cubic metre (around EUR 0,06). The theoretical energy content in natural gas is 39,9 GJ/1 000 Sm³ ⁽¹⁾. The tax rate of NOK 0,47 per Sm³ is equivalent to a tax rate of NOK 11,78 per gigajoule of theoretical energy content (around EUR 1,43).

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

5. Conclusion

Based on the information submitted by the Norwegian authorities, the Authority cannot exclude the possibility that the exemption from the CO₂ tax on gas constitutes aid within the meaning of Article 61(1) of the EEA Agreement. Furthermore, the Authority has doubts that these measures can be regarded as complying with Article 61(3)(c) of the EEA Agreement, in combination with the requirements laid down in the Chapter on aid for environmental protection of the Authority's State Aid Guidelines. The Authority thus doubts that the above measures are compatible with the functioning of the EEA Agreement.

Consequently, and in accordance with Article 4(4) of Part II of Protocol 3 to the Surveillance and Court Agreement, the Authority is obliged to open the procedure provided for in Article 1 (2) of Part I of Protocol 3 to that Agreement. The decision to open proceedings is without prejudice to the final decision of the Authority, which may conclude that the measures in question do not amount to State aid or are compatible with the functioning of the EEA Agreement.

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

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

In light of the foregoing considerations, the Authority requires that, within **one month** of receipt of this decision, the Norwegian authorities provide all documents, information and data needed for assessment of the compatibility of the exemption from the CO₂ tax on gas,

HAS ADOPTED THIS DECISION:

Article 1

The EFTA Surveillance Authority has decided to open the formal investigation procedure provided for in Article 1(2) of Part I of Protocol 3 to the Surveillance and Court Agreement against Norway regarding the tax exemption from the Norwegian CO₂ tax on gas for gas and LPG used for purposes other than the heating of buildings.

Article 2

The Norwegian authorities are requested, pursuant to Article 6(1) of Part II of Protocol 3 to the Surveillance and Court Agreement, to submit their comments on the opening of the formal investigation procedure within one month from the notification of this Decision.

Article 3

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

Article 4

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

Article 5

Other EFTA States, EC Member States, and interested parties shall be informed by the publishing of this Decision in its authentic language version, accompanied by a meaningful summary in languages other than the authentic language version, in the EEA Section of the *Official Journal of the European Union* and the EEA Supplement thereto, inviting them to submit comments within one month from the date of publication.

Article 6

This Decision is addressed to the Kingdom of Norway.

Article 7

Only the English version is authentic.

Done at Brussels, 23 November 2007.

For the EFTA Surveillance Authority

Per SANDERUD
President

Kristján Andri STEFÁNSSON
College Member

Zdravila – Seznam dovoljenj za promet, ki so jih izdale države EGP-Efta za drugo polovico leta 2007

(2008/C 146/03)

Pododbor I – O prostem pretoku blaga**V seznanih Skupnemu odboru EGP**

S sklicem na Sklep Skupnega odbora EGP št. 74/1999 z dne 28. maja 1999 je Skupni odbor EGP pozvan, da se na zasedanju dne 14. marca 2008 seznani z naslednjimi seznamami dovoljenj za promet z zdravili, izdanih od 1. julija do 31. decembra 2007:

<i>Priloga I</i>	Seznam novih dovoljenj za promet
<i>Priloga II</i>	Seznam obnovljenih dovoljenj za promet
<i>Priloga III</i>	Seznam podaljšanih dovoljenj za promet
<i>Priloga IV</i>	Seznam preklicanih dovoljenj za promet
<i>Priloga V</i>	Seznam začasno odvzetih dovoljenj za promet

PRILOGA I

Seznam novih dovoljenj za promet

V obdobju od **1. julija do 31. decembra 2007** so bila v državah EGP-Efta izdana naslednja dovoljenja za promet:

Številka EU	Izdelek	Država	Datum dovoljenja
EU/1/06/361/001	Luminality	Lihtenštajn	31.12.2007
EU/1/07/387/001-008	Advagraf	Lihtenštajn	31.12.2007
EU/1/07/391/001/NO-004/NO	Revlimid	Norveška	13.7.2007
EU/1/07/391/001-004/IS	Revlimid	Islandija	11.7.2007
EU/1/07/392/001	Circadin	Lihtenštajn	31.8.2007
EU/1/07/392/001/IS	Circadin	Islandija	8.8.2007
EU/1/07/392/001/NO	Circadin	Norveška	15.8.2007
EU/1/07/393/001/IS	Soliris	Islandija	19.7.2007
EU/1/07/393/001/NO	Soliris	Norveška	19.7.2007
EU/1/07/394/001/NO-006/NO	Optaflu	Norveška	20.8.2007
EU/1/07/395/001/NO-064/NO	Invega	Norveška	17.7.2007
EU/1/07/395/001-064	Invega	Lihtenštajn	31.8.2007
EU/1/07/395/001-064/IS	Invega	Islandija	20.7.2007
EU/1/07/396/001/NO-003/NO	Pergoveris	Norveška	3.7.2007
EU/1/07/396/001-003	Pergoveris	Lihtenštajn	31.8.2007
EU/1/07/396/001-003/IS	Pergoveris	Islandija	20.7.2007
EU/1/07/397/001	Siklos	Lihtenštajn	31.8.2007
EU/1/07/397/001/IS	Siklos	Islandija	19.7.2007
EU/1/07/397/001/NO	Siklos	Norveška	22.8.2007
EU/1/07/398/001/NO-014/NO	Optimark	Norveška	20.8.2007
EU/1/07/398/001-014	OptiMark	Lihtenštajn	31.8.2007
EU/1/07/398/001-014/IS	OptiMark	Islandija	20.8.2007
EU/1/07/399/001/NO-006/NO	Aerinaze	Norveška	22.8.2007
EU/1/07/399/001-006	Aerinaze	Lihtenštajn	31.8.2007
EU/1/07/399/001-006/IS	Aerinaze	Islandija	30.8.2007
EU/1/07/400/001/NO-016/NO	Mircera	Norveška	3.9.2007
EU/1/07/400/001-016/IS	Mircera	Islandija	17.8.2007
EU/1/07/401/001/NO-006/NO	Orlistat GSK	Norveška	20.8.2007
EU/1/07/401/001-006	Orlistat GSK	Lihtenštajn	31.8.2007
EU/1/07/401/001-006/IS	Orlistat GSK	Islandija	21.8.2007

Številka EU	Izdelek	Država	Datum dovoljenja
EU/1/07/402/001	Increlex	Lihtenštajn	31.8.2007
EU/1/07/402/001/IS	Increlex	Islandija	31.8.2007
EU/1/07/403/001	Atriance	Lihtenštajn	31.10.2007
EU/1/07/403/001/IS	Atriance	Islandija	20.9.2007
EU/1/07/403/001/NO	Atriance	Norveška	4.9.2007
EU/1/07/404/001/NO-005/NO	Flebogammadif	Norveška	13.9.2007
EU/1/07/404/001-005	Flebogammadif	Lihtenštajn	31.10.2007
EU/1/07/404/001-005/IS	Flebogammadif	Islandija	13.9.2007
EU/1/07/405/001/NO-020/NO	Rasilez	Norveška	14.9.2007
EU/1/07/405/001-020	Rasilez	Lihtenštajn	31.10.2007
EU/1/07/405/001-020/IS	Rasilez	Islandija	6.9.2007
EU/1/07/406/001/NO-020/NO	Enviage	Norveška	14.9.2007
EU/1/07/406/001-020	Enviage	Lihtenštajn	31.10.2007
EU/1/07/406/001-020/IS	Enviage	Islandija	11.9.2007
EU/1/07/407/001/NO-020/NO	Sprimeo	Norveška	14.9.2007
EU/1/07/407/001-020	Sprimeo	Lihtenštajn	31.10.2007
EU/1/07/407/001-020/IS	Sprimeo	Islandija	11.9.2007
EU/1/07/408/001/NO-020/NO	Tekturna	Norveška	14.9.2007
EU/1/07/408/001-020	Tekturna	Lihtenštajn	31.10.2007
EU/1/07/408/001-020/IS	Tekturna	Islandija	6.9.2007
EU/1/07/409/001/NO-020/NO	Riprazo	Norveška	14.9.2007
EU/1/07/409/001-020	Riprazo	Lihtenštajn	31.10.2007
EU/1/07/409/001-020/IS	Riprazo	Islandija	11.9.2007
EU/1/07/410/001/NO-016/NO	Binocrit	Norveška	13.9.2007
EU/1/07/410/001-016	Binocrit	Lihtenštajn	31.10.2007
EU/1/07/410/001-016/IS	Binocrit	Islandija	18.9.2007
EU/1/07/411/001/NO-016/NO	Epoetin alfa Hexal	Norveška	13.9.2007
EU/1/07/411/001-016	Epoetin alfa Hexal	Lihtenštajn	31.10.2007
EU/1/07/411/001-016/IS	Epoetin alfa Hexal	Islandija	19.9.2007
EU/1/07/412/001/NO-016/NO	Abseamed	Norveška	12.9.2007
EU/1/07/412/001-016	Abseamed	Lihtenštajn	31.10.2007
EU/1/07/412/001-016/IS	Abseamed	Islandija	19.9.2007

Številka EU	Izdelek	Država	Datum dovoljenja
EU/1/07/413/001/NO-003/NO	Gliolan	Norveška	28.9.2007
EU/1/07/413/001-003	Gliolan	Lihtenštajn	31.10.2007
EU/1/07/413/001-003/IS	Gliolan	Islandija	21.9.2007
EU/1/07/414/001/NO-017/NO	Galvus	Norveška	8.10.2007
EU/1/07/414/001-017	Galvus	Lihtenštajn	31.10.2007
EU/1/07/414/001-017/IS	Galvus	Islandija	18.10.2007
EU/1/07/415/001/NO-056/NO	Zalasta	Norveška	16.10.2007
EU/1/07/415/001-056/IS	Zalasta	Islandija	26.10.2007
EU/1/07/415/001-056	Zalasta	Lihtenštajn	31.10.2007
EU/1/07/416/001	Ecalta	Lihtenštajn	31.10.2007
EU/1/07/416/001/IS	Ecalta	Islandija	13.10.2007
EU/1/07/416/001/NO	Ecalta	Norveška	28.9.2007
EU/1/07/417/001/NO-002/NO	Yondelis	Norveška	23.10.2007
EU/1/07/417/001-002	Yondelis	Lihtenštajn	31.10.2007
EU/1/07/417/001-002/IS	Yondelis	Islandija	15.10.2007
EU/1/07/418/001/NO-010/NO	Celsentri	Norveška	25.9.2007
EU/1/07/418/001-010	Celsentri	Lihtenštajn	31.10.2007
EU/1/07/418/001-010/IS	Celsentri	Islandija	13.10.2007
EU/1/07/419/001/NO-009/NO	Cervarix	Norveška	25.9.2007
EU/1/07/419/001-009	Cervarix	Lihtenštajn	31.10.2007
EU/1/07/419/001-009/IS	Cervarix	Islandija	12.10.2007
EU/1/07/420/001	Cyanokit	Lihtenštajn	31.12.2007
EU/1/07/420/001/IS	Cyanokit	Islandija	17.12.2007
EU/1/07/420/001/NO	Cyanokit	Norveška	19.12.2007
EU/1/07/421/001/NO-009/NO	Pioglitazon/metformin Takeda	Norveška	19.12.2007
EU/1/07/421/001-009	Pioglitazone/Metformin Hydrochloride Takeda	Lihtenštajn	31.12.2007
EU/1/07/422/001-004/IS	Tasigna	Islandija	14.12.2007
EU/1/07/424/001	Torisel	Lihtenštajn	31.12.2007
EU/1/07/424/001/IS	Torisel	Islandija	10.12.2007
EU/1/07/424/001/NO	Torisel	Norveška	3.12.2007
EU/1/07/425/001/NO-018/NO	Eucreas	Norveška	5.12.2007
EU/1/07/425/001-018	Eucreas	Lihtenštajn	31.12.2007

Številka EU	Izdelek	Država	Datum dovoljenja
EU/1/07/425/001-018/IS	Eucreas	Islandija	6.12.2007
EU/1/07/426/001/NO-011/NO	Olanzapine Neopharma	Norveška	19.12.2007
EU/1/07/426/001-011/IS	Olanzapine Neopharma	Islandija	7.12.2007
EU/1/07/426/001-011	Olanzapine Neopharma	Lihtenštajn	31.12.2007
EU/1/07/433/001	Nevanac	Lihtenštajn	31.12.2007
EU/1/07/433/001/NO	Nevanac	Norveška	18.12.2007
EU/107/427/001-037	Olanzapine Teva	Lihtenštajn	31.12.2007
EU/2/06/067/001-002	Medicinal Oxygen Air Liquide Santé	Lihtenštajn	31.12.2007
EU/2/06/070/001-003/IS	Meloxidyl	Islandija	17.8.2007
EU/2/07/072/001/NO-002/NO	Suprelorin	Norveška	24.10.2007
EU/2/07/072/001-002	Suprelorin	Lihtenštajn	31.8.2007
EU/2/07/072/001-002/IS	Suprelorin	Islandija	10.8.2007
EU/2/07/074/001/NO-006/NO	Prilactone	Norveška	20.12.2007
EU/2/07/074/001-006/IS	Prilactone	Islandija	19.7.2007
EU/2/07/075/001/NO-004/NO	Circovac	Norveška	20.12.2007
EU/2/07/075/001-004	Circovac	Lihtenštajn	31.8.2007
EU/2/07/075/001-004/IS	Circovac	Islandija	12.7.2007
EU/2/07/077/001-005	Meloxivet	Lihtenštajn	31.12.2007

PRILOGA II

Seznam obnovljenih dovoljenj za promet

V obdobju od **1. julija do 31. decembra 2007** so bila v državah EGP-Efta obnovljena naslednja dovoljenja za promet:

Številka EU	Izdelek	Država	Datum dovoljenja
EU/1/02/209/001/NO-008/NO	Dynastat	Norveška	14.9.2007
EU/1/02/216/001/NO-002/NO	Invanz	Norveška	4.7.2007
EU/1/02/218/001/NO-011/NO	Axura	Norveška	16.7.2007
EU/1/02/218/001-011/IS	Axura	Islandija	11.7.2007
EU/1/02/219/001/NO-015/NO	Ebixa	Norveška	11.7.2007
EU/1/02/219/001-015/IS	Ebixa	Islandija	6.7.2007
EU/1/02/220/001/NO-005/NO	Tracleer	Norveška	13.8.2007
EU/1/02/221/001/NO-010/NO	Pegasys	Norveška	18.7.2007
EU/1/02/221/001-010/IS	Pegasys	Islandija	13.7.2007
EU/1/02/221/001-010	Pegasys	Lihtenštajn	31.8.2007
EU/1/02/222/001/NO-002/NO	Tamiflu	Norveška	31.7.2007
EU/1/02/222/001-002	Tamiflu	Lihtenštajn	31.8.2007
EU/1/02/222/001-004/IS	Tamiflu	Islandija	13.7.2007
EU/1/02/223/001/NO-003/NO	Evra	Norveška	17.9.2007
EU/1/02/223/001-003	Evra	Lihtenštajn	31.10.2007
EU/1/02/223/001-003/IS	Evra	Islandija	1.10.2007
EU/1/02/224/001/NO-005/NO	Ambirix	Norveška	25.9.2007
EU/1/02/224/001-005	Ambirix	Lihtenštajn	31.10.2007
EU/1/02/224/001-005/IS	Ambirix	Islandija	1.10.2007
EU/1/02/225/001/NO-002/NO	Xigris	Norveška	27.8.2007
EU/1/02/225/001-002	Xigris	Lihtenštajn	31.8.2007
EU/1/02/225/001-002/IS	Xigris	Islandija	16.8.2007
EU/1/02/226/001	InductOs	Lihtenštajn	31.10.2007
EU/1/02/226/001/IS	InductOs	Islandija	17.9.2007
EU/1/02/226/001/NO	InductOs	Norveška	10.9.2007
EU/1/02/227/001/NO-003/NO	Neulasta	Norveška	27.8.2007
EU/1/02/227/001-003	Neulasta	Lihtenštajn	31.8.2007
EU/1/02/227/001-003/IS	Neulasta	Islandija	16.8.2007
EU/1/02/228/001-003/IS	Neupopeg	Islandija	15.8.2007
EU/1/02/228/001/NO-003/NO	Neupopeg	Norveška	27.8.2007
EU/1/02/228/001-003	Neupopeg	Lihtenštajn	31.8.2007

Številka EU	Izdelek	Država	Datum dovoljenja
EU/1/02/229/001/NO-037/NO	Actraphane	Norveška	9.10.2007
EU/1/02/229/001-037	Actraphane	Lihtenštajn	31.10.2007
EU/1/02/229/001-037/IS	Actraphane	Islandija	15.10.2007
EU/1/02/230/001/NO-017/NO	Actrapid	Norveška	9.10.2007
EU/1/02/230/001-017	Actrapid	Lihtenštajn	31.10.2007
EU/1/02/230/001-017/IS	Actrapid	Islandija	15.10.2007
EU/1/02/231/001/NO-037/NO	Mixtard	Norveška	9.10.2007
EU/1/02/231/001-037	Mixtard	Lihtenštajn	31.10.2007
EU/1/02/231/001-037/IS	Mixtard	Islandija	16.10.2007
EU/1/02/232/001/NO-003/NO	Velosulin	Norveška	9.10.2007
EU/1/02/232/001-003	Velosulin	Lihtenštajn	31.10.2007
EU/1/02/232/001-003/IS	Velosulin	Islandija	15.10.2007
EU/1/02/233/001/NO-017/NO	Insulatard	Norveška	9.10.2007
EU/1/02/233/001-017	Insulatard	Lihtenštajn	31.10.2007
EU/1/02/233/001-017/IS	Insulatard	Islandija	16.10.2007
EU/1/02/234/001/NO-017/NO	Protaphane	Norveška	9.10.2007
EU/1/02/234/001-017	Protaphane	Lihtenštajn	31.10.2007
EU/1/02/234/001-017/IS	Protaphane	Islandija	15.10.2007
EU/1/02/237/001/NO-008/NO	Cialis	Norveška	15.10.2007
EU/1/02/237/001-008	Cialis	Lihtenštajn	31.10.2007
EU/1/02/237/001-008/IS	Cialis	Islandija	15.10.2007
EU/1/02/238/001	Zavesca	Lihtenštajn	31.10.2007
EU/1/02/238/001/IS	Zavesca	Islandija	1.10.2007
EU/1/02/238/001/NO	Zavesca	Norveška	17.9.2007
EU/1/02/240/001/NO-004/NO	Somavert	Norveška	26.9.2007
EU/1/02/240/001-004	Somavert	Lihtenštajn	31.10.2007
EU/1/02/240/001-004/IS	Somavert	Islandija	19.10.2007
EU/1/97/031/001/NO-003/NO, 019/NO-046/NO	Neorecormon	Norveška	17.7.2007
EU/1/97/031/001-003, 019-046	NeoRecormon	Lihtenštajn	31.8.2007
EU/1/97/031/001-013, 019-024, 027-046/IS	NeoRecormon	Islandija	11.7.2007
EU/1/97/032/001/NO	LeukoScan	Norveška	4.7.2007
EU/1/97/037/001/IS	Vistide	Islandija	6.7.2007
EU/1/97/037/001/NO	Vistide	Norveška	13.9.2007
EU/1/97/039/001/NO-004/NO	Cystagon	Norveška	31.7.2007
EU/1/97/039/001-004	Cystagon	Lihtenštajn	31.8.2007

Številka EU	Izdelek	Država	Datum dovoljenja
EU/1/97/039/001-004/IS	Cystagon	Islandija	11.7.2007
EU/1/97/040/001/NO-002/NO	Teslascan	Norveška	20.8.2007
EU/1/97/043/001/NO-003/NO	Revasc	Norveška	16.7.2007
EU/1/97/043/001-003	Revasc	Lihtenštajn	31.8.2007
EU/1/97/043/001-003/IS	Revasc	Islandija	11.7.2007
EU/1/97/046/001/NO-039/NO	Aprovel	Norveška	19.9.2007
EU/1/97/046/001-033	Aprovel	Lihtenštajn	31.10.2007
EU/1/97/046/001-039/IS	Aprovel	Islandija	18.9.2007
EU/1/97/047/001/NO-007/NO	BeneFIX	Norveška	11.9.2007
EU/1/97/047/001-007	Benefix	Lihtenštajn	31.10.2007
EU/1/97/047/001-007/IS	BeneFix	Islandija	31.8.2007
EU/1/97/049/001/NO-039/NO	Karvea	Norveška	20.9.2007
EU/1/97/049/001-033	Karvea	Lihtenštajn	31.10.2007
EU/1/97/049/001-039/IS	Karvea	Islandija	17.9.2007
EU/1/97/050/001/NO-006/NO, 009/NO-012/NO	Sifrol	Norveška	16.10.2007
EU/1/97/050/001-006, 009-012	Sifrol	Lihtenštajn	31.10.2007
EU/1/97/050/001-006, 009-012/IS	Sifrol	Islandija	15.10.2007
EU/1/97/051/001/NO-006/NO, 009/NO-012/NO	Mirapexin	Norveška	15.10.2007
EU/1/97/051/001-006, 009-012	Mirapexin	Lihtenštajn	31.10.2007
EU/1/97/051/001-006, 009-012/IS	Mirapexin	Islandija	15.10.2007
EU/1/97/053/001/NO-005/NO	Cerezyme	Norveška	9.10.2007
EU/1/97/053/001-005	Cerezyme	Lihtenštajn	31.10.2007
EU/1/97/053/001-005/IS	Cerezyme	Islandija	15.10.2007
EU/1/97/057/001	Quadramet	Lihtenštajn	31.12.2007
EU/2/02/032/001/IS	Vaxxitek HVT + IBD	Islandija	10.7.2007
EU/2/02/033/001/IS	Dexdomitor	Islandija	17.8.2007
EU/2/02/034/001/IS	Nobivac Bb cat	Islandija	19.10.2007
EU/2/02/035/001-007	SevoFlo	Lihtenštajn	31.12.2007
EU/2/02/035/001-007/IS	SevoFlo	Islandija	6.12.2007
EU/2/033/001	Dexdomitor	Lihtenštajn	31.10.2007
EU/2/034/001	Nobivac Bb	Lihtenštajn	31.10.2007
EU/2/97/001-009/IS	Quadrisol	Islandija	10.12.2007
EU/2/97/004/001, EU/2/97/004/003-028	Metacam	Lihtenštajn	31.12.2007
EU/2/97/004/001/NO, 003/NO-030/NO	Metacam	Norveška	17.12.2007
EU/2/97/005/001-009	Quadrisol	Lihtenštajn	31.12.2007
EU/2/98/010/004-014, 017-018, 021-024/IS	Econor	Islandija	8.11.2007

PRILOGA III

Seznam podaljšanih dovoljenj za promet

V obdobju od **1. julija do 31. decembra 2007** so bila v državah EGP-Efta podaljšana naslednja dovoljenja za promet:

Številka EU	Izdelek	Država	Datum podaljšanja
EU/1/00/151/023-024	Glustin	Lihtenštajn	31.10.2007
EU/1/01/197/003/NO-005/NO	Foscan	Norveška	8.11.2007
EU/1/01/197/003-005	Foscan	Lihtenštajn	31.10.2007
EU/1/01/197/003-005/IS	Foscan	Islandija	12.11.2007
EU/1/02/222/003/NO-004/NO	Tamiflu	Norveška	27.9.2007
EU/1/02/222/003-004	Tamiflu	Lihtenštajn	31.10.2007
EU/1/02/222/003-004/IS	Tamiflu	Islandija	15.10.2007
EU/1/02/237/006/NO-008/NO	Cialis	Norveška	3.7.2007
EU/1/02/237/006-008	Cialis	Lihtenštajn	31.8.2007
EU/1/03/254/002	Busilvex	Lihtenštajn	31.12.2007
EU/1/03/260/016-018	Stalevo	Lihtenštajn	31.10.2007
EU/1/04/290/002	Alimta	Lihtenštajn	31.12.2007
EU/1/04/290/002/IS	Alimta	Islandija	15.11.2007
EU/1/04/296/009	Cymbalta	Lihtenštajn	31.10.2007
EU/1/05/310/006/NO-009/NO	Fosavance	Norveška	8.11.2007
EU/1/05/310/006-009	Fosavance	Lihtenštajn	31.12.2007
EU/1/05/310/006-009/IS	Fosavance	Islandija	19.10.2007
EU/1/05/325/002	Macugen	Lihtenštajn	31.12.2007
EU/1/06/332/004/NO-006/NO	Omnitrope	Norveška	10.9.2007
EU/1/06/332/007/NO-009/NO	Omnitrope	Norveška	8.11.2007
EU/1/06/332/007-009	Omnitrope	Lihtenštajn	31.10.2007
EU/1/06/332/007-009/IS	Omnitrope	Islandija	17.10.2007
EU/1/06/344/010-011	Acomplia	Lihtenštajn	31.10.2007
EU/1/06/345/010-011	Zimulti	Lihtenštajn	31.10.2007
EU/1/06/347/004-006	Sutent	Lihtenštajn	31.12.2007
EU/1/06/361/002	Luminity	Lihtenštajn	31.12.2007
EU/1/06/364/006/NO-009/NO	Adrovanace	Norveška	14.11.2007
EU/1/06/364/006-009	Adrovanace	Lihtenštajn	31.10.2007
EU/1/06/364/006-009/IS	Adrovanace	Islandija	19.10.2007
EU/1/06/366/005-016	Tandemact	Lihtenštajn	31.12.2007

Številka EU	Izdelek	Država	Datum podaljšanja
EU/1/95/003/005-006	Betaferon	Lihtenštajn	31.10.2007
EU/1/96/022/023-034	Zyprexa	Lihtenštajn	31.8.2007
EU/1/97/033/004	Avonex	Lihtenštajn	31.8.2007
EU/1/97/046/034-039	Aprovel	Lihtenštajn	31.10.2007
EU/1/97/047/004/NO-007/NO	BeneFIX	Norveška	4.9.2007
EU/1/97/047/004-007	BenFix	Lihtenštajn	31.8.2007
EU/1/97/047/007/IS	Benefix	Islandija	31.8.2007
EU/1/97/049/034-039	Karvea	Lihtenštajn	31.10.2007
EU/1/98/066/019/NO-026/NO	Exelon	Norveška	10.10.2007
EU/1/98/066/019-026	Exelon	Lihtenštajn	31.10.2007
EU/1/98/066/019-026/IS	Exelon	Islandija	17.10.2007
EU/1/98/069/007a, 007b	Plavix	Lihtenštajn	31.8.2007
EU/1/98/070/007a, 007b	Iscover	Lihtenštajn	31.8.2007
EU/1/98/085/029-034	Karvezide	Lihtenštajn	31.10.2007
EU/1/98/086/029-034	CoAprovel	Lihtenštajn	31.10.2007
EU/1/98/092/019/NO-026/NO	Prometax	Norveška	10.10.2007
EU/1/98/092/019-026	Prometax	Lihtenštajn	31.10.2007
EU/1/98/092/019-026/IS	Prometax	Islandija	18.10.2007
EU/1/99/108/002-003	Ferriprox	Lihtenštajn	31.12.2007
EU/1/99/108/002/NO-003/NO	Ferriprox	Norveška	5.12.2007
EU/1/99/108/002-003/IS	Ferriprox	Islandija	10.12.2007
EU/2/039/019-030	Advocate	Lihtenštajn	31.8.2007
EU/2/97/004/029-030	Metacam	Lihtenštajn	31.12.2007

PRILOGA IV

Seznam preklicanih dovoljenj za promet

V obdobju od **1. julija do 31. decembra 2007** so bila v državah EGP-Efta preklicana naslednja dovoljenja za promet:

Številka EU	Izdelek	Država	Datum preklica
EU/1/01/92/001-005	Levviac	Lihtenštajn	31.12.2007
EU/1/03/257/001/NO-010/NO	Trudexa	Norveška	29.8.2007
EU/1/03/257/001-010	Trudexa	Lihtenštajn	31.8.2007
EU/1/03/257/001-010/IS	Trudexa	Islandija	9.8.2007

PRILOGA V

Seznam začasno odvzetih dovoljenj za promet

V obdobju od **1. julija do 31. decembra 2007** so bila v državah EGP-Efta začasno odvzeta naslednja dovoljenja za promet:

Številka EU	Izdelek	Država	Datum začasnega odvzema
EU/1/97/054/001, 003-005	Viracept	Lihtenštajn	31.8.2007 (*)
EU/1/97/054/001-005/IS	Viracept	Islandija	7.8.2007 (**)
EU/1/97/054/001/NO, 003/NO-005/NO	Viracept	Norveška	27.8.2007 (***)

(*) Začasni odvzem odpravljen 31. oktobra 2007 – Viracept EU/1/97/054/001, 003-005.

(**) Začasni odvzem odpravljen 14. novembra 2007 – Viracept EU/1/97/054/001, 004-005/IS.

(***) Začasni odvzem odpravljen 29. oktobra 2007 – Viracept EU/1/97/054/001/NO, 003/NO-005/NO.

V

(Objave)

UPRAVNI POSTOPKI

KOMISIJA

Razpis za zbiranje predlogov – e-Udeležba 2008/1

(2008/C 146/04)

1. Cilji in opis

e-Udeležba je pripravljali ukrep, katerega cilj je izkoristiti prednosti uporabe informacijskih in komunikacijskih tehnologij, da bi izboljšali zakonodajne postopke in postopke odločanja ter spodbujali udeležbo javnosti v takih postopkih na vseh ravneh vladnega odločanja.

V skladu z delovnim programom e-Udeležba za leto 2008 Komisija poziva konzorcije, da predložijo predloge.

2. Upravičenost konzorcijev

Predloge lahko predložijo pravne osebe iz 27 držav članic EU.

Pri predlogu morajo sodelovati vsaj tri neodvisne pravne osebe iz treh različnih držav članic.

3. Ocenjevanje in izbira

Komisija bo prejete predloge ocenila s pomočjo neodvisnih strokovnjakov. Merila za ocenjevanje so opredeljena v delovnem programu e-Udeležba. Pozitivno ocenjeni predlogi bodo razvrščeni po kakovosti.

Postopek ocenjevanja vlog za donacije Komisije je določen v finančni uredbi, ki se uporablja za splošni proračun Evropskih skupnosti ⁽¹⁾.

4. Podpora Skupnosti

Financiranje Skupnosti ne presega 75 % upravičenih stroškov, ki jih ima vsak partner.

Prejemnik ne sme zaradi financiranja Skupnosti v nobenem primeru imeti dobička.

5. Sredstva razpisa

Skupna višina sredstev razpisa je 4,7 milijona EUR.

⁽¹⁾ Uredba Sveta (ES, Euratom) št. 1605/2002 (UL L 248, 16.9.2002, str. 1), kakor je bila nazadnje spremenjena z Uredbo (ES) št. 1525/2006 (UL L 343, 27.12.2007, str. 9).

6. Rok in naslov za predložitev predlogov

Komisija bo obravnavala vse predloge, ki bodo **prispeli** na njen naslov do **29. avgusta 2008 do 17.00 ure (po bruseljskem lokalnem času)**.

Predlogi, predloženi po tem roku, se pri ocenjevanju ne bodo upoštevali.

V primeru večkratne predložitve istega predloga bo Komisija proučila zadnjo različico, prejeto pred iztekom roka.

Predloge je treba poslati na naslednji naslov:

Naslovnik:

Mr Thanassis Chrissafis
European Commission
DGINFSO – H2
BU31, 2/33
B-1049 Brussels

7. Časovni razpored

O izidu ocenjevanja in izbiri bo Komisija vlagatelje obvestila v treh mesecih po izteku roka za predložitev, pogajanja z izbranimi predlagatelji pa bo končala v štirih mesecih po tem datumu. Projekti se bodo začeli izvajati po končanih pogajanjih.

8. Dodatne informacije

Podrobne informacije glede priprave in predložitve vlog najdete v priročniku za vlagatelje v okviru razpisa za e-Udeležbo za leto 2008. Ta dokument, delovni program e-Udeležba 2008 ter druge informacije v zvezi s tem razpisom in postopkom ocenjevanja lahko prenesete z naslednje spletne strani:

<http://ec.europa.eu/eparticipation>

V celotni korespondenci v zvezi s tem razpisom navedite identifikacijsko oznako razpisa e-Udeležbe (**e-Participation 2008/1**).

Vsi prejeti predlogi bodo obravnavani strogo zaupno.

Razpis za zbiranje predlogov – ENT/ERA/08/311 – Erasmus za mlade podjetnike

(2008/C 146/05)

1. Cilji in opis

Namen tega razpisa je, da se zagotovijo sredstva za projekte, ki bodo mladim podjetnikom EU omogočali izobraževanje v izkušenem podjetju v drugi državi članici, z namenom, da se olajšata izmenjava izkušenj in povezovanje v mrežo. Cilj tega ukrepa je prispevati k razmahu podjetništva, internacionalizaciji in konkurenčnosti novoustanovljenih mikro-, malih in srednjih podjetij ter potencialnih novih podjetnikov v EU. Dejavnost je namenjena ljudem, ki nameravajo ustanoviti podjetje, v manjši meri pa tudi podjetnikom, ki so šele nedavno začeli poslovati.

Razpis obsega dva sklopa z dvema različnima vrstama dejavnosti:

Sklop 1: Evropsko partnerstvo, ki povečuje mobilnost mladih podjetnikov.

Sklop 2: Usklajevanje, podpora in povezovanje v mrežo na evropski ravni v povezavi z dejavnostjo iz sklopa 1.

2. Upravičenci

V razpisu za zbiranje predlogov lahko sodelujejo javne ustanove ali zasebni subjekti. Sem se lahko prištevajo ustanove ali subjekti, ki so dejavni na področju spodbujanja podjetništva in na področju nadnacionalnih storitev za posredovanje zaposlitev, in zlasti:

- trgovinske in industrijske zbornice, obrtne zbornice ali podobna telesa,
- organizacije za podporo podjetjem in centri, ki pomagajo podjetjem pri zagonu,
- poslovna združenja in podporne mreže za podjetja,
- javne ustanove, ki ponujajo storitve za podporo pri poslovanju,
- ponudniki storitev za izobraževanje in usposabljanje (javni, zasebni, sektorski, idr.), ki so dejavni na področju podpore pri poslovanju,
- organizacije za posredovanje usposabljanj na delovnem mestu.

Kandidati morajo biti državljani ene izmed držav članic EU.

3. Sredstva in trajanje projekta

Skupni proračun za sofinanciranje projektov je 2 850 000 EUR. Finančna pomoč Komisije ne sme preseči 90 % skupnih upravičenih stroškov.

Sklop 1: Dotacija ne bo presegala več kot 140 000 EUR. Projekti lahko trajajo največ 18 mesecev.

Sklop 2: Največja dotacija bo 200 000 EUR. Projekti lahko trajajo največ 22 mesecev.

Dejavnosti iz sklopa 1 in 2 se morajo začeti pred 31. decembrom 2008.

4. Rok

Vloge je treba Komisiji poslati najpozneje do 20. avgusta 2008.

5. Drugi podatki

Celotno besedilo razpisa in prijavitni obrazci so na voljo na spletni strani:

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

Vloge se oddajo na priloženem obrazcu in morajo biti v skladu z zahtevami razpisa.

POSTOPKI V ZVEZI Z IZVAJANJEM SKUPNE TRGOVINSKE POLITIKE

KOMISIJA

Obvestilo o začetku delnega vmesnega pregleda protidampinških ukrepov, ki se uporabljajo pri uvozu določenih vrst magnezitne opeke s poreklom iz Ljudske republike Kitajske

(2008/C 146/06)

Komisija je prejela zahtevek za delni vmesni pregled v skladu s členom 11(3) Uredbe Sveta (ES) št. 384/96 o zaščiti proti dampinškemu uvozu iz držav, ki niso članice Evropske skupnosti („osnovna uredba“) ⁽¹⁾.

1. Zahtevek za pregled

Zahtevek je vložila družba Bayuquan Refractories Company Limited („vložnik“), izvoznik iz Ljudske republike Kitajske.

Zahtevek je po obsegu omejen na preiskavo dampinga glede vložnika.

2. Izdelek

Izdelek, ki se pregleduje, so kemijsko vezane, nežgane magnezitne opeke, katerih magnezijeva sestavina vsebuje vsaj 80 % MgO, ki vsebujejo magnezit ali ne, s poreklom iz Ljudske republike Kitajske („zadevni izdelek“), trenutno uvrščene pod oznake KN ex 6815 91 00, ex 6815 99 10 in ex 6815 99 90. Te oznake KN so zgolj informativne.

3. Obstoječi ukrepi

Trenutno veljavni ukrep je dokončna protidampinška dajatev, uvedena z Uredbo Sveta (ES) št. 1659/2006 ⁽²⁾ o uvozu določenih vrst magnezitne opeke s poreklom iz Ljudske republike Kitajske.

4. Razlogi za pregled

Zahtevek v skladu s členom 11(3) temelji na *prima facie* dokazih, ki jih je predložil vložnik, in sicer, da so se okoliščine, na podlagi katerih so bili ukrepi uvedeni, spremenile, in da so te spremembe trajne.

Vložnik je predložil *prima facie* dokaze, da nadaljevanje ukrepov na sedanjí ravni ni več potrebno za preprečevanje dampinga. Vložnik je zlasti predložil *prima facie* dokaze, da izpolnjuje merila za tržnogospodarsko obravnavo. Poleg tega primerjava njegovih domačih cen in stroškov proizvodnje z izvoznimi cenami v Skupnost kaže, da je stopnja dampinga bistveno nižja kot trenutna raven ukrepa.

5. Postopek za ugotavljanje dampinga

Po posvetovanju s svetovalnim odborom je Komisija ugotovila, da obstajajo zadostni dokazi, ki upravičujejo začetek delnega vmesnega pregleda, zato začena pregled v skladu s členom 11(3) osnovne uredbe, da bi ugotovila, ali vložnik deluje pod pogoji tržnega gospodarstva iz člena 2(7)(c) osnovne uredbe in, v tem primeru, določila individualno stopnjo dampinga družbe, ki temelji na njenih lastnih stroških/domačih cenah, in če bi bil ugotovljen damping, določila stopnjo dajatve za uvoz zadevnega izdelka v Skupnost.

S preiskavo bo ocenjena potreba po nadaljevanju, odpravi ali spremembi obstoječih ukrepov v zvezi z vložnikom.

Če se ugotovi, da je treba ukrepe za vložnika odpraviti ali spremeniti, bo verjetno treba spremeniti stopnjo dajatve, ki se trenutno uporablja za uvoz zadevnega izdelka od družb, ki niso navedene v členu 1 Uredbe (ES) št. 1659/2005.

(a) Vprašalniki

Da bi Komisija pridobila informacije, za katere meni, da so potrebne za njeno preiskavo, bo vložniku in organom zadevne države izvoznice poslala vprašalnike. Komisija mora te informacije in dokazila prejeti v roku iz točke 6(a)(i).

⁽¹⁾ UL L 56, 6.3.1996, str. 1. Uredba, kakor je bila nazadnje spremenjena z Uredbo (ES) št. 2117/2005 (UL L 340, 23.12.2005, str. 17).

⁽²⁾ UL L 267, 12.10.2005, str. 1.

(b) Zbiranje informacij in izvedba zaslišanj

Vse zainteresirane stranke so vabljeni, da izrazijo svoja stališča, predložijo poleg izpolnjenih vprašalnikov še druge informacije in zagotovijo ustrezna dokazila. Komisija mora te informacije in dokazila prejeti v roku iz točke 6(a)(i).

Poleg tega lahko Komisija zasliši zainteresirane stranke, če te vložijo zahtevek in v njem navedejo posebne razloge, zaradi katerih bi morale biti zaslišane. Ta zahtevek mora biti vložen v roku iz točke 6(b)(ii).

(c) Status tržnega gospodarstva

Če vložnik predloži zadostne dokaze, ki kažejo, da deluje pod pogoji tržnega gospodarstva, tj. da izpolnjuje pogoje iz člena 2(7)(c) osnovne uredbe, bo normalna vrednost določena v skladu s členom 2(7)(b) osnovne uredbe. V ta namen mora predložiti ustrezno utemeljen zahtevek v posebnem roku iz točke 6(b) tega obvestila. Komisija bo družbi in organom Ljudske republike Kitajske poslala obrazec zahtevka.

Če je družbi priznan status tržnega gospodarstva, lahko Komisija v namen določitve normalne vrednosti, če je potrebno, uporabi tudi ugotovitve glede normalne vrednosti, določene v primerni državi s tržnim gospodarstvom, tj. za zamenjavo nezanesljivih stroškovnih ali cenovnih elementov v Ljudski republiki Kitajski, ki so potrebni za določitev normalne vrednosti, če v Ljudski republiki Kitajski ni na razpolago zanesljivih podatkov. Komisija namerava v ta namen uporabiti Združene države Amerike.

6. Roki

(a) Splošni roki

— Rok, v katerem se stranke lahko javijo, predložijo izpolnjene vprašalnike in kakršne koli druge informacije

Če zainteresirane stranke želijo, da se med preiskavo upoštevajo njihova stališča, se morajo javiti Komisiji, izraziti svoja stališča in predložiti izpolnjene vprašalnike ali kakršne koli druge informacije v 40 dneh po objavi tega obvestila v *Uradnem listu Evropske unije*, če ni določeno drugače. Opozoriti je treba, da je uveljavljanje večine pravic v postopku, določenih v osnovni uredbi, odvisno od tega, ali se stranka javi v navedenem roku.

— Zaslišanja

Vse zainteresirane stranke lahko pri Komisiji zaprosijo tudi za zaslišanje v istem 40-dnevem roku.

(b) Posebni rok za predložitev zahtevka za dodelitev statusa tržnega gospodarstva

Vložnikov ustrezno utemeljen zahtevek za status tržnega gospodarstva iz točke 5(c) tega obvestila mora prispeti na Komisijo v 21 dneh po objavi tega obvestila v *Uradnem listu Evropske unije*.

7. Pisna stališča, izpolnjeni vprašalniki in korespondenca

Vsa stališča in zahtevki zainteresiranih strank morajo biti predloženi v pisni obliki (ne v elektronski obliki, razen če ni določeno drugače) in v njih morajo biti navedeni ime, naslov, elektronski naslov, telefonska številka ter številka telefaksa zainteresirane stranke. Vsa pisna stališča, vključno z informacijami, zahtevanimi v tem obvestilu, izpolnjenimi vprašalniki in korespondenco, ki jih zainteresirane stranke predložijo na zaupni osnovi, se opremijo z oznako „*Interno*“⁽¹⁾ ter se jim v skladu s členom 19(2) osnovne uredbe priloži nezaupna različica, ki je opremljena z oznako „V PREGLED ZAINTERESIRANIM STRANKAM“.

Naslov Komisije za korespondenco:

European Commission
Directorate General for Trade
Directorate H
Office: J-79 4/23
B-1049 Bruselj
Telefaks: (32-2) 295 65 05

8. Nesodelovanje

V primerih, ko katera koli zainteresirana stranka zavrne dostop do potrebnih informacij, jih ne zagotovi v določenih rokih ali znatno ovira preiskavo, se lahko v skladu s členom 18 osnovne uredbe na podlagi razpoložljivih dejstev sprejmejo pozitivne ali negativne ugotovitve.

Če se ugotovi, da je katera koli zainteresirana stranka predložila napačne ali zavajajoče informacije, se te ne upoštevajo, v skladu s členom 18 osnovne uredbe pa se lahko uporabijo razpoložljiva dejstva. Če zainteresirana stranka ne sodeluje ali pa sodeluje le delno in se zato uporabijo razpoložljiva dejstva, je lahko izid za to stranko manj ugoden, kot bi bil, če bi sodelovala.

⁽¹⁾ To pomeni, da je dokument samo za notranjo rabo. Zaščiteno je v skladu s členom 4 Uredbe Evropskega parlamenta in Sveta (ES) št. 1049/2001 o dostopu javnosti do dokumentov Evropskega parlamenta, Sveta in Komisije (UL L 145, 31.5.2001, str. 43). Je zaupen dokument v skladu s členom 19 osnovne uredbe in členom 6 Sporazuma STO o izvajanju člena VI GATT 1994 (Protidampinški sporazum).

9. Časovni okvir preiskave

Preiskava se v skladu s členom 6(9) osnovne uredbe zaključi v 15 mesecih po objavi tega obvestila v *Uradnem listu Evropske unije*.

10. Obdelava osebnih podatkov

Vsi osebni podatki, zbrani v tej preiskavi, bodo obdelani v skladu z Uredbo (ES) št. 45/2001 Evropskega parlamenta in Sveta o varstvu posameznikov pri obdelavi osebnih podatkov v institucijah in organih Skupnosti in o prostem pretoku takih podatkov ⁽¹⁾.

11. Pooblaščenec za zaslišanje

Opozoriti je treba tudi, da lahko zainteresirane stranke v primeru, ko menijo, da imajo težave pri uveljavljanju pravic do obrambe, zahtevajo posredovanje pooblaščenca za zaslišanje GD za trgovino. Pooblaščenec deluje kot posrednik med zainteresiranimi strankami in službami Komisije, tako da po potrebi posreduje pri proceduralnih zadevah, ki vplivajo na zaščito njihovih interesov v določenem postopku, zlasti glede zadev v zvezi z dostopom do dokumentacije, zaupnostjo podatkov, podaljšanjem rokov in predložitvijo pisnih in/ali ustnih stališč. Dodatne informacije in kontaktni podatki so zainteresiranim strankam na voljo na spletnih straneh pooblaščenca za zaslišanje na spletišču GD Trade (<http://ec.europa.eu/trade>).

⁽¹⁾ ULL 8, 12.1.2001, str. 1.

Obvestilo o začetku delnega vmesnega pregleda protidampinških ukrepov, ki se uporabljajo pri uvozu določenih vrst magnezitne opeke s poreklom iz Ljudske republike Kitajske

(2008/C 146/07)

Komisija je prejela zahtevek za delni vmesni pregled v skladu s členom 11(3) Uredbe Sveta (ES) št. 384/96 o zaščiti proti dampinškemu uvozu iz držav, ki niso članice Evropske skupnosti („osnovna uredba“) ⁽¹⁾.

merila za tržnogospodarsko obravnavo. Poleg tega primerjava njegovih domačih cen in stroškov proizvodnje z izvoznimi cenami v Skupnost kaže, da je stopnja dampinga bistveno nižja kot trenutna raven ukrepa.

1. Zahtevek za pregled

Zahtevek je vložila družba Dashiqiao Sanqiang Refractory Materials Co. Limited („vložnik“), izvoznik iz Ljudske republike Kitajske.

Zahtevek je po obsegu omejen na preiskavo dampinga glede vložnika.

2. Izdelek

Izdelek, ki se pregleduje, so kemijsko vezane, nežgane magnezitne opeke, katerih magnezijeva sestavina vsebuje vsaj 80 % MgO, ki vsebujejo magnezit ali ne, s poreklom iz Ljudske republike Kitajske („zadevni izdelek“), trenutno uvrščene pod oznake KN ex 6815 91 00, ex 6815 99 10 in ex 6815 99 90. Te oznake KN so zgolj informativne narave.

3. Obstoječi ukrepi

Trenutno veljavni ukrep je dokončna protidampinška dajatev, uvedena z Uredbo Sveta (ES) št. 1659/2005 ⁽²⁾ o uvozu določenih vrst magnezitne opeke s poreklom iz Ljudske republike Kitajske.

4. Razlogi za pregled

Zahtevek v skladu s členom 11(3) temelji na *prima facie* dokazih, ki jih je predložil vložnik, da so se okoliščine, na podlagi katerih so bili ukrepi uvedeni, spremenile, in da so te spremembe trajne.

Vložnik je predložil *prima facie* dokaze, da nadaljevanje ukrepov na sedanji ravni ni več potrebno za preprečevanje dampinga. Vložnik je zlasti predložil *prima facie* dokaze, da izpolnjuje

5. Postopek za ugotavljanje dampinga

Po posvetovanju s svetovalnim odborom je Komisija ugotovila, da obstajajo zadostni dokazi, ki upravičujejo začetek delnega vmesnega pregleda, zato začena pregled v skladu s členom 11(3) osnovne uredbe, da bi ugotovila, ali vložnik deluje pod pogoji tržnega gospodarstva iz člena 2(7)(c) osnovne uredbe in, v tem primeru, določila individualno stopnjo dampinga družbe, ki temelji na njenih lastnih stroških/domačih cenah, in če bi bil ugotovljen damping, določila stopnjo dajatve za uvoz zadevnega izdelka v Skupnost.

S preiskavo bo ocenjena potreba po nadaljevanju, odpravi ali spremembi obstoječih ukrepov v zvezi z vložnikom.

Če se ugotovi, da je treba ukrepe za vložnika odpraviti ali spremeniti, bo verjetno treba spremeniti stopnjo dajatve, ki se trenutno uporablja za uvoz zadevnega izdelka od družb, ki niso navedene v členu 1 Uredbe (ES) št. 1659/2005.

(a) Vprašalniki

Da bi Komisija pridobila informacije, za katere meni, da so potrebne za njeno preiskavo, bo vložniku in organom zadevne države izvoznice poslala vprašalnike. Komisija mora te informacije in dokazila prejeti v roku iz točke 6(a)(i).

(b) Zbiranje informacij in zaslišanja

Vse zainteresirane stranke so vabljene, da izrazijo svoja stališča, predložijo poleg izpolnjenih vprašalnikov še druge informacije in zagotovijo ustrezna dokazila. Komisija mora te informacije in dokazila prejeti v roku iz točke 6(a)(i).

⁽¹⁾ UL L 56, 6.3.1996, str. 1. Uredba, kakor je bila nazadnje spremenjena z Uredbo (ES) št. 2117/2005 (UL L 340, 23.12.2005, str. 17).

⁽²⁾ UL L 267, 12.10.2005, str. 1.

Poleg tega lahko Komisija zasliši zainteresirane stranke, če te vložijo zahtevek in v njem navedejo posebne razloge, zaradi katerih bi morale biti zaslišane. Ta zahtevek mora biti vložen v roku iz točke 6(b)(ii).

(c) Status tržnega gospodarstva

Če vložnik predloži zadostne dokaze, ki kažejo, da deluje pod pogoji tržnega gospodarstva, tj. da izpolnjuje pogoje iz člena 2(7)(c) osnovne uredbe, bo normalna vrednost določena v skladu s členom 2(7)(b) osnovne uredbe. V ta namen mora predložiti ustrezno utemeljen zahtevek v posebnem roku iz točke 6(b) tega obvestila. Komisija bo družbi in organom Ljudske republike Kitajske poslala obrazec zahtevka.

Če je družbi priznan status tržnega gospodarstva, lahko Komisija v namen določitve normalne vrednosti, če je potrebno, uporabi tudi ugotovitve glede normalne vrednosti, določene v primerni državi s tržnim gospodarstvom, tj. za zamenjavo nezanesljivih stroškovnih ali cenovnih elementov v Ljudski republiki Kitajski, ki so potrebni za določitev normalne vrednosti, če v Ljudski republiki Kitajski ni na razpolago zanesljivih podatkov. Komisija namerava v ta namen uporabiti Združene države Amerike.

6. Roki

(a) Splošni roki

— Rok, v katerem se stranke lahko javijo, predložijo izpolnjene vprašalnike in kakršne koli druge informacije

Če zainteresirane stranke želijo, da se med preiskavo upoštevajo njihova stališča, se morajo javiti Komisiji, izraziti svoja stališča in predložiti izpolnjene vprašalnike ali kakršne koli druge informacije v 40 dneh po objavi tega obvestila v *Uradnem listu Evropske unije*, če ni določeno drugače. Opozoriti je treba, da je uveljavljanje večine pravic v postopku, določenih v osnovni uredbi, odvisno od tega, ali se stranka javi v navedenem roku.

— Zaslišanja

Vse zainteresirane stranke lahko pri Komisiji zaprosijo tudi za zaslišanje v istem 40-dnevnem roku.

(b) Posebni rok za predložitev zahtevka za dodelitev statusa tržnega gospodarstva

Vložnikov ustrezno utemeljen zahtevek za status tržnega gospodarstva iz točke 5(c) tega obvestila mora prispeti na Komisijo v 21 dneh po objavi tega obvestila v *Uradnem listu Evropske unije*.

7. Pisna stališča, izpolnjeni vprašalniki in korespondenca

Vsa stališča in zahtevki zainteresiranih strank morajo biti predloženi v pisni obliki (ne v elektronski obliki, razen če ni določeno drugače) in v njih morajo biti navedeni ime, naslov, elektronski naslov, telefonska številka ter številka telefaksa zainteresirane stranke. Vsa pisna stališča, vključno z informacijami, zahtevanimi v tem obvestilu, izpolnjenimi vprašalniki in korespondenco, ki jih zainteresirane stranke predložijo na zaupni osnovi, se opremijo z oznako „*Interno*“⁽¹⁾ ter se jim v skladu s členom 19(2) osnovne uredbe priloži nezaupna različica, ki je opremljena z oznako „V PREGLED ZAINTERESIRANIM STRANKAM“.

Naslov Komisije za korespondenco:

European Commission
Directorate General for Trade
Directorate H
Office: J-79 4/23
B-1049 Bruselj
Telefaks: (32-2) 295 65 05

8. Nesodelovanje

V primerih, ko katera koli zainteresirana stranka zavrne dostop do potrebnih informacij, jih ne zagotovi v določenih rokih ali znatno ovira preiskavo, se lahko v skladu s členom 18 osnovne uredbe na podlagi razpoložljivih dejstev sprejmejo pozitivne ali negativne ugotovitve.

Če se ugotovi, da je katera koli zainteresirana stranka predložila napačne ali zavajajoče informacije, se te ne upoštevajo, v skladu s členom 18 osnovne uredbe pa se lahko uporabijo razpoložljiva dejstva. Če zainteresirana stranka ne sodeluje ali pa sodeluje le delno in se zato uporabijo razpoložljiva dejstva, je lahko izid za to stranko manj ugoden, kot bi bil, če bi sodelovala.

⁽¹⁾ To pomeni, da je dokument samo za notranjo rabo. Zaščiteno je v skladu s členom 4 Uredbe (ES) št. 1049/2001 Evropskega parlamenta in Sveta o dostopu javnosti do dokumentov Evropskega parlamenta, Sveta in Komisije (UL L 145, 31.5.2001, str. 43). Je zaupen dokument v skladu s členom 19 osnovne uredbe in členom 6 Sporazuma STO o izvajanju člena VI GATT 1994 (Protidampinški sporazum).

9. Časovni okvir preiskave

Preiskava se v skladu s členom 6(9) osnovne uredbe zaključi v 15 mesecih po objavi tega obvestila v *Uradnem listu Evropske unije*.

10. Obdelava osebnih podatkov

Vsi osebni podatki, zbrani v tej preiskavi, bodo obdelani v skladu z Uredbo (ES) št. 45/2001 Evropskega parlamenta in Sveta o varstvu posameznikov pri obdelavi osebnih podatkov v institucijah in organih Skupnosti in o prostem pretoku takih podatkov ⁽¹⁾.

11. Pooblaščenec za zaslišanje

Opozoriti je treba tudi, da lahko zainteresirane stranke v primeru, ko menijo, da imajo težave pri uveljavljanju pravic do obrambe, zahtevajo posredovanje pooblaščenca za zaslišanje GD za trgovino. Pooblaščenec deluje kot posrednik med zainteresiranimi strankami in službami Komisije, tako da po potrebi posreduje pri proceduralnih zadevah, ki vplivajo na zaščito njihovih interesov v določenem postopku, zlasti glede zadev v zvezi z dostopom do dokumentacije, zaupnostjo podatkov, podaljšanjem rokov in predložitvijo pisnih in/ali ustnih stališč. Dodatne informacije in kontaktni podatki so zainteresiranim strankam na voljo na spletnih straneh pooblaščenca za zaslišanje na spletišču GD Trade (<http://ec.europa.eu/trade>).

⁽¹⁾ ULL 8, 12.1.2001, str. 1.

Obvestilo o bližnjem izteku nekaterih protidampinških ukrepov

(2008/C 146/08)

1. Komisija obvešča, da se bodo spodaj navedeni protidampinški ukrepi, razen če bo uveden pregled v skladu z naslednjim postopkom, iztekli na dan, naveden v spodnji preglednici, kot je predvideno v členu 2 Uredbe Sveta (ES) št. 2074/2004 z dne 29. novembra 2004 o uvedbi dokončne protidampinške dajatve na uvoz določenih obročastih mehanizmov za mape s poreklom iz Ljudske republike Kitajske ⁽¹⁾.

2. Postopek

Proizvajalci Skupnosti lahko vložijo pisni zahtevek za pregled. Zahtevek mora vsebovati zadostne dokaze, da bi se zaradi izteka veljavnosti teh ukrepov damping in škoda verjetno nadaljevala ali ponovila.

Če se Komisija odloči za pregled zadevnih ukrepov, bodo uvozniki, izvozniki, zastopniki države izvoznice in proizvajalci Skupnosti dobili priložnost, da razširijo, izpodbijajo ali dajo pripombe v zvezi z zadevami iz zahtevka za pregled.

3. Rok

Proizvajalci Skupnosti lahko na podlagi zgoraj navedenega predložijo pisni zahtevek za pregled Evropski komisiji, Generalni direktorat za trgovino (enota H-1), J-79 4/23, B-1049 v Bruslju ⁽²⁾, kadar koli po datumu objave tega obvestila, vendar najpozneje tri mesece pred datumom iz spodnje preglednice.

4. To obvestilo je objavljeno v skladu s členom 11(2) Uredbe Sveta (ES) št. 384/96 ⁽³⁾.

Izdelek	Država(-e) porekla ali izvoza	Ukrepi	Sklic	Datum poteka veljavnosti
Obročasti mehanizmi za mape	Ljudska republika Kitajska	Protidampinška dajatev	Uredba Sveta (ES) št. 2074/2004 (UL L 359, 4.12.2004, str. 11), razširjena na uvoz, poslan iz Vietnama, z Uredbo Sveta (ES) št. 1208/2004 (UL L 232, 1.7.2004, str. 1) in na uvoz, poslan iz Ljudske demokratične republike Laos, z Uredbo Sveta (ES) št. 33/2006 (UL L 7, 12.1.2006, str. 1)	5.12.2008

⁽¹⁾ UL L 359, 4.12.2004, str. 11.

⁽²⁾ Telefaks: (32-2) 295 65 05.

⁽³⁾ UL L 56, 6.3.1996, str. 1. Uredba, kakor je bila nazadnje spremenjena z Uredbo (ES) št. 2117/2005 (UL L 340, 23.12.2005, str. 17).

POSTOPKI V ZVEZI Z IZVAJANJEM KONKURENČNE POLITIKE

KOMISIJA

Obvestilo, objavljeno v skladu s členom 27(4) Uredbe Sveta (ES) št. 1/2003 v zadevah št. COMP/B-1/39.388 – Nemški veleprodajni trg električne energije in št. COMP/B-1/39.389 – Nemški izravnalni trg električne energije

(Besedilo velja za EGP)

(2008/C 146/09)

1. UVOD

1. Kadar namerava Komisija sprejeti odločbo, v kateri zahteva odpravo kršitve, in kadar zadevne stranke ponudijo zaveze, da bodo upoštevale pomisleke, ki jih je v predhodni oceni izrazila Komisija, lahko Komisija v skladu s členom 9 Uredbe Sveta (ES) št. 1/2003 z dne 16. decembra 2002 o izvajanju pravil konkurence iz členov 81 in 82 Pogodbe ES ⁽¹⁾ odloči, da te zaveze postanejo za podjetja zavezujoče. Taka odločba se lahko sprejme za določeno obdobje z ugotovitvijo, da ni več razlogov za ukrepanje s strani Komisije. Komisija v skladu s členom 27(4) navedene uredbe objavi kratek povzetek zadeve in glavno vsebino zavez. Zainteresirane stranke lahko predložijo svoje pripombe v roku, ki ga določi Komisija.

2. POVZETEK ZADEVE

2. Komisija je 7. maja 2008 sprejela predhodno oceno glede domnevnih kršitev podjetja E.ON AG, Düsseldorf („E.ON“) in njegovih hčerinskih podjetij na nemškem veleprodajnem in izravnalnem trgu električne energije. Ta dokument je predhodna ocena v smislu člena 9(1) Uredbe (ES) št. 1/2003.
3. V skladu s predhodno oceno ima podjetje E.ON skupaj s podjetjema RWE in Vattenfall skupni prevladujoč položaj na nemškem veleprodajnem trgu električne energije. Komisija je v predhodni oceni izrazila pomislek, da je podjetje E.ON izrabilo svoj prevladujoči položaj v smislu člena 82 Pogodbe ES, in sicer tako, da ni dalo na razpolago razpoložljivih zmogljivosti (namerno ni ponudilo proizvodnje določenih razpoložljivih in ekonomičnih elektrarn) z namenom zviševanja cen električne energije v škodo potrošnikov, ter z odvrčanjem tretjih oseb od novih vlaganj v proizvodnjo električne energije.
4. V skladu s predhodno oceno ima podjetje E.ON prevladujoč položaj na trgu sekundarne izravnalne energije na območju omrežja podjetja E.ON, kjer sistemski operater prenosnega omrežja deluje kot monopsonist. V predhodni oceni je izražen pomislek, da je podjetje E.ON izrabilo svoj prevladujoči položaj na omrežju tako, da je povečalo lastne stroške z namenom dajanja prednosti svojemu hčerinskemu proizvodnemu podjetju in prenosa stroškov na končnega potrošnika, ter tako, da je proizvajalcem električne energije iz drugih držav članic preprečevalo prodajo izravnalne energije na izravnalne trge podjetja E.ON.

3. GLAVNA VSEBINA PONUJENIH ZAVEZ

5. Stranke, udeležene v postopku, se ne strinjajo s predhodno oceno Komisije. Kljub temu so v skladu s členom 9 Uredbe (ES) št. 1/2003 ponudile zaveze, da bodo upoštevale pomisleke Komisije glede konkurence. Glavne značilnosti teh zavez so:

⁽¹⁾ UL L 1, 4.1.2003, str. 1.

6. Podjetje E.ON bo odprodalo oziroma dalo na razpolago naslednje proizvodne zmogljivosti v Nemčiji:
- podjetje E.ON bo v celoti odprodalo svoje deleže v pretočnih elektrarnah ÖKB/Inn (182,5 MW), Weser (42 MW), Inn (Nußdorf, Eggfing, Ering; skupaj 102,2 MW) in Jansen (Tausnitz, Tanzmühle; skupaj 5,1 MW),
 - podjetje E.ON bo dalo na razpolago del proizvedene energije v jedrskih elektrarnah Gundremmingen B, C (643 MW), Krümmel (673 MW) in Unterweser (184 MW) za njihovo celotno preostalo življenjsko dobo (vključno z morebitnimi podaljšanji),
 - podjetje E.ON bo v celoti odprodalo svoje deleže v termoelektarnah na lignit Lippendorf (445,5 MW),
 - podjetje E.ON bo dalo na razpolago 159 MW električne energije v termoelektrarni na lignit Buschhaus za njeno celotno preostalo življenjsko dobo (vključno s pripadajočo pravico sodelovanja v kateri koli novogradnji),
 - podjetje E.ON bo v celoti odprodalo svoje deleže v naslednjih termoelektarnah na črni premog: Rostock (256 MW), Zolling (449 MW), Farge (350 MW), Mehrum (345 MW) ter Veltheim 2/3 (265,3 MW) in Bexbach (79,3 MW),
 - podjetje E.ON bo v celoti odprodalo svoje deleže v plinski elektrarni Robert Frank (491 MW),
 - podjetje E.ON bo v celoti odprodalo svoje deleže v črpalnih hidroelektarnah Erzhausen (220 MW) in Jansen (Kainzmühlsperre, Reisachhochspeicher; skupaj 127 MW).
7. Podjetje E.ON bo odprodalo tudi svoje podjetje Transmission System Business, ki obsega omrežje napetosti 380/220 kV, sistemsko obratovanje kontrolnega območja E.ON in povezane dejavnosti.
8. Zaveze so v celoti objavljene v angleškem jeziku na spletni strani Generalnega direktorata za konkurenco na naslednjem naslovu:
http://ec.europa.eu/comm/competition/index_en.html

4. POZIV K PREDLOŽITVI PRIPOMB

9. Komisija namerava na podlagi preverjanja trga sprejeti odločbo v skladu s členom 9(1) Uredbe (ES) št. 1/2003, s katero bodo zgoraj povzete zaveze, objavljene na spletni strani Generalnega direktorata za konkurenco, postale zavezujoče.
10. V skladu s členom 27(4) Uredbe (ES) št. 1/2003 Komisija poziva zainteresirane tretje osebe, da predložijo svoje pripombe na predlagane zaveze. Komisija mora te pripombe prejeti najkasneje v enem mesecu od objave tega obvestila. Komisija naproša zainteresirane tretje osebe, da predložijo nezaupno različico svojih pripomb, v kateri naj izbrišejo poslovne skrivnosti in druga zaupna mesta ter jih nadomestijo z nezaupnim povzetkom ali oznako „poslovne skrivnosti“ oziroma „zaupno“. Upravičene zahteve bodo upoštevane.
11. Pripombe z navedbo sklicnih števil št. COMP/B-1/39.388 – Nemški veleprodajni trg električne energije in št. COMP/B-1/39.389 – Nemški izravnalni trg električne energije lahko pošljete Komisiji po elektronski pošti (COMP-GREFFE-ANTITRUST@ec.europa.eu), po telefaksu (št. telefaksa: (32-2) 295 01 28) ali po pošti na naslednji naslov:

Evropska komisija
Generalni direktorat za konkurenco
Antitrust Registry
B-1049 Bruxelles/Brussel

POPRAVKI**Popravek odobritve državne pomoči v okviru določb členov 87 in 88 Pogodbe ES – Primeri, v katerih Komisija ne vloži ugovora**

(Uradni list Evropske unije C 143 z dne 10. junija 2008)

(2008/C 146/10)

V kazalu vsebine na naslovni strani ovitka ter v naslovu na strani 7:

besedilo: „Odobritev državne pomoči v okviru določb členov 87 in 88 Pogodbe ES – Primeri, v katerih Komisija ne vloži ugovora“

se glasi: „Državna pomoč – Sklepi o predlogu ustreznih ukrepov v skladu s členom 88(1) Pogodbe ES, če je zadevna država članica sprejela navedene ukrepe“.

OBVESTILO

Dne 12. junija 2008 bo v *Uradnem listu Evropske unije* C 146 A izšel „Skupni katalog sort poljščin – peti dodatek k 26. dopolnjeni izdaji“.

Naročniki Uradnega lista lahko brezplačno prejmete toliko kopij in jezikovnih različic tega uradnega lista, do kolikor izvodov ste kot naročnik upravičeni. Naprošamo vas, da natančno izpolnite spodnjo naročilnico in jo pošljete skupaj z vašo naročniško številko (koda, ki se nahaja na levi strani vsake nalepke in se začne z O/...). Brezplačni izvod tega Uradnega lista je na voljo še eno leto po dnevu izdaje.

Če niste naročnik, lahko ta Uradni list proti plačilu naročite pri eni od naših prodajnih služb (glej: http://publications.europa.eu/others/agents/index_sl.htm).

Ta Uradni list – kot tudi vse druge serije Uradnega lista (L, C, CA, CE) – lahko brezplačno najdete na spletišču: <http://eur-lex.europa.eu>

NAROČILNICA

Urad za uradne publikacije Evropskih skupnosti

Naročniška služba

2, rue Mercier

L-2985 Luxembourg

Faks (352) 29 29-42752

Moja naročniška številka: O/.....

Prosim, pošljite mi ... brezplačen(-nih) izvod(-ov) **Uradnega lista C 146 A/2008** do katerega(-ih) sem kot naročnik upravičen.

Ime:

Naslov:

.....

Datum: Podpis: