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EFTA SURVEILLANCE
AUTHORITY

Ministry of Trade, Industry and Fisheries
PO Box 8090 Dep
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Norway

Subject: Pre-notification for legal certainty – certain measures inherent in the Gjøa Agreement and its supplementary agreement
- Conclusion of pre-notification contacts

Reference is made to the pre-notification information provided by the letter from the Norwegian authorities dated 3 November 2017. Having assessed this information, the Competition and State Aid Directorate of the EFTA Surveillance Authority (CSA) has come to the preliminary conclusion that the measures do not involve state resources within the meaning of Article 61(1) of the EEA Agreement, and therefore do not constitute state aid.

CSA has come to this conclusion based on the finding that although one of the participants to the agreements in question¹ is a public authority, the pre-notified financial transfers do not amount to state resources. It appears that the financial obligations were assumed by a commercial undertaking in the context of settling a pending dispute with numerous appellants challenging a decision of the Norwegian Water Resources and Energy Directorate of 21 December 2007, granting a licence to construct a sea cable for power supply from Mongstad to the Gjøa field. The public authority was simply one of the appellants, and the financial transfers are made on the condition that all the appeals are withdrawn. These circumstances do not suggest that the transfers could be imputable to any public entity, including the Sogn og Fjordane County Authority. CSA is therefore of the preliminary view that the financial transfers in question do not amount to state resources within the meaning of Article 61(1) of the EEA Agreement.

This is a letter concluding the pre-notification contacts in the case at hand in accordance with paragraph 16 of the Authority's Guidelines on Best Practice for the conduct of state aid control procedures. It represents CSA's informal preliminary assessment, and it is as such not binding on the Authority.

Yours faithfully,

Gjermund Mathisen
Director
Competition and State Aid Directorate

This document has been electronically authenticated by Gjermund Mathisen.

¹ The measures concern an agreement between the Sogn og Fjordane County Authority and StatoilHydro ASA of 15.7.2008, and the Supplemental Agreement of 12.9.2012 between GDF SUEZ (currently Engie E&P Norge AS), Statoil Petroleum AS and the Sogn og Fjordane County Authority.