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# *EFTA SURVEILLANCE AUTHORITY*

Doc. No. 99-3924-I  
Dec. No. 124/99/COL  
Ref. No. SAM030.98013

## EFTA SURVEILLANCE AUTHORITY DECISION

of 9 June 1999

on possible aid in support of a floating dock in the *Hafnarfjörður* harbour  
(Iceland)

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area<sup>1</sup>, in particular to Articles 61 to 63 of the Agreement,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice<sup>2</sup>, in particular to Article 24 and Article 1 of Protocol 3 thereof,

WHEREAS:

### **I. FACTS**

By letter of 20 August 1998 (Doc. No. 98-5621-A), the EFTA Surveillance Authority received a complaint against possible aid for the construction of a floating dock in the harbour of Hafnarfjörður, Iceland.

By letter of 12 October 1998 (Doc. No. 98-8699-D), the Authority requested the Icelandic authorities to provide certain information on the subject. The Icelandic authorities responded to this request by letter from the Icelandic Mission to the EC of 12 February 1999 (Doc. No. 99-1113-A).

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<sup>1</sup> Hereinafter referred to as the EEA Agreement.

<sup>2</sup> Hereinafter referred to as the Surveillance and Court Agreement.

## II. APPRECIATION

According to the Icelandic authorities, the Port of Hafnarfjörður has informed that the owner of the floating dock has not received aid in any form from the Town of Hafnarfjörður, the port's owner.

The Ministry of Transport has verified that no aid has been granted from the State Treasury for the project on the basis of the Harbour Act and that no decision has been taken in the Icelandic Parliament to grant aid to the floating dock.

Furthermore, the Ministry of Transport has confirmed that it has decided to agree with the appropriate measures proposed by the EFTA Surveillance Authority's Decision No. 51/97/COL of 19 March 1997, that the Icelandic Government undertakes not to apply the provisions of the Harbour Act on the state's financing contributions to docking constructions for ships, without prior notification to and approval by the EFTA Surveillance Authority, pursuant to Article 1(3) of Protocol 3 to the Surveillance and Court Agreement. This implies that should it occur that any aid was to be provided for the project, it would have to be separately notified to and approved by the EFTA Surveillance Authority.

With reference to the above considerations, it is concluded that the Authority has no grounds for further pursuing this case.

### **HAS ADOPTED THIS DECISION:**

1. The case concerning possible aid in support of a floating dock in the *Hafnarfjörður* harbour, initiated by a complaint dated 20 August 1999 (Doc. No. 98-5621-A), is hereby closed.
2. The Icelandic authorities shall be informed by means of a copy of the decision.
3. The complainant shall be informed by means of a copy of the decision.

Done at Brussels, 9 June 1999

For the EFTA Surveillance Authority

Knut Almestad  
President

Bernd Hammermann  
College Member