

Case No: 47875 (former SAM 030.03001)
Event No: 286108
Dec. No.: 167/04/COL

EFTA SURVEILLANCE AUTHORITY DECISION
of 7 July 2004

regarding a proposed aid scheme to utilise energy from final waste treatment plants

THE EFTA SURVEILLANCE AUTHORITY,

HAVING REGARD TO the Agreement on the European Economic Area¹, 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 Justice², in particular to Article 24, as well as Article 1 (2) in Part I and Article 8 in Part II of Protocol 3 thereof,

WHEREAS by letter from the Norwegian Mission to the European Union dated 29 January 2003, forwarding a letter from the Ministry of Trade and Industry and from the Ministry of Environment, both dated 24 January 2003, received and registered by the EFTA Surveillance Authority³ on 31 January 2003 (Doc. No 03-654-A), the Norwegian Government notified, pursuant to Article 1 (3) of Protocol 3 to the Surveillance and Court Agreement, a proposal for an aid scheme to utilise energy from final waste treatment plants.

WHEREAS on 11 December 2003 the Authority initiated the formal investigation procedure referred to in Article 1 (2) in Part I of Protocol 3 to the Surveillance and Court Agreement in respect of the above aid measure,

WHEREAS the Decision was transmitted to Norway by letter of 11 December 2003 (Doc. No 03-8622-D),

WHEREAS the Decision was published in the EEA Section of the Official Journal to the European Union and the EEA Supplement thereto on 1 April 2004⁴ to give other EFTA States, EU Member States and interested parties notice to submit their comments,

¹ Hereinafter referred to as the EEA Agreement.

² Hereinafter referred to as the Surveillance and Court Agreement.

³ Hereinafter referred to as the Authority.

⁴ OJ C 82, 1.4.2004, p. 6, as well as in EEA Supplements to the Official Journal of the European Union No 16 of 1.4.2004, p.1

WHEREAS such comments were received and transmitted by the Authority to Norway,

WHEREAS according to Article 8 (1) in Part II of Protocol 3 to the Surveillance and Court Agreement, the EFTA State concerned may withdraw the notification in due time before the Authority has taken a decision on the aid measure,

WHEREAS by letter from the Ministry of Trade and Industry dated 28 June 2004, received and registered by the Authority on the same date (Event No 285978) Norway withdrew the notification of the aid measure and further specified by letter dated 1 July 2004 that the aid scheme would not be implemented (Event No 286368),

WHEREAS the proposed aid scheme has not been implemented by the Norwegian authorities and the Authority has not yet taken a final decision on the aid scheme,

WHEREAS according to Article 8 (2) in Part II of Protocol 3 to the Surveillance and Court Agreement, in cases where the Authority has initiated the formal investigation procedure, the Authority shall close that procedure upon withdrawal of the notification,

HAS ADOPTED THIS DECISION:

- 1. The formal investigation procedure initiated under Article 1 (2) in Part I of Protocol 3 to the Surveillance and Court Agreement, concerning a proposed aid scheme to utilise energy from final waste treatment plants (Case No 47875 (former SAM 030.03001) is hereby closed.**
- 2. The Decision is addressed to Norway.**
- 3. The Decision is authentic in the English language.**

Done at Brussels, 7 July 2004

For the EFTA Surveillance Authority

Hannes Hafstein
President

Einar M. Bull
College Member