

## EFTA SURVEILLANCE AUTHORITY DECISION

of 4 July 2017

amending the EFTA Surveillance Authority Decision No 195/04/COL of 14 July 2004 on the implementing provisions referred to under Article 27 in Part II of Protocol 3 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice

(EEA/Third countries)

The EFTA Surveillance Authority (“the Authority”),

Having regard to:

The Agreement on the European Economic Area (“the EEA Agreement”), in particular to Articles 61 and 62,

Protocol 26 to the EEA Agreement,

The Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice (“the Surveillance and Court Agreement”), in particular to Article 5(2)(a) and Article 24 thereof and Article 27 in Part II of Protocol 3 to the Surveillance and Court Agreement,<sup>1</sup>

Whereas:

- (1) On 14 July 2004, the Authority adopted Decision No 195/04/COL on the implementing provisions referred to under Article 27 in Part II of Protocol 3 to the Surveillance and Court Agreement.
- (2) In its communication on state aid modernisation (“SAM”),<sup>2</sup> the European Commission (“the Commission”) announced three objectives to be pursued through the modernisation of state aid control:
  - a. fostering sustainable, smart and inclusive growth in a competitive internal market;

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<sup>1</sup> Protocol 3 to the Surveillance and Court Agreement as amended by the EFTA States on 10 December 2001. The amendments entered into force on 28 August 2003.

<sup>2</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions, “EU State Aid Modernisation (SAM)”, COM(2012) 209 final, 8.5.2012.

- b. focusing *ex ante* scrutiny on cases with the biggest impact on the internal market while strengthening the cooperation with Member States in state aid enforcement; and
  - c. streamlining the rules and providing for faster decisions.
- (3) In particular, the Commission called for a common approach in the revision of the different guidelines and frameworks based on strengthening the internal market, promoting more effectiveness in public spending through a better contribution by state aid to objectives of common interest, and exercising greater scrutiny on the incentive effect, on limiting the aid to the minimum, and on the potential negative effects of the aid on competition and trade. The Authority supports the Commission's modernisation initiative.
- (4) Following SAM, the Authority adopted the following new state aid guidelines:
- Guidelines on state aid for rescuing and restructuring non-financial undertakings in difficulty,<sup>3</sup>
  - Guidelines on regional state aid for 2014–2020,<sup>4</sup>
  - Guidelines on state aid for research and development and innovation,<sup>5</sup>
  - Guidelines on state aid for films and other audiovisual works,<sup>6</sup>
  - Guidelines for the application of state aid rules in relation to rapid deployment of broadband networks,<sup>7</sup>
  - Guidelines on state aid for environmental protection and energy 2014–2020,<sup>8</sup>
  - Guidelines on state aid to promote risk finance investments,<sup>9</sup>
  - Guidelines on state aid to airports and airlines,<sup>10</sup> and
  - Guidelines on state aid to maritime transport.<sup>11</sup>
- (5) According to Article 2 of Decision No 195/04/COL, the Authority shall adapt the corresponding information sheets in Part III of Annex I to that Decision whenever

<sup>3</sup> The Authority's Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty, as adopted by Decision No 321/14/COL, published in OJ L 271, 16.10.2015 p. 35 and in EEA Supplement No 62, 15.10.2015.

<sup>4</sup> The Authority's Guidelines on regional State aid for 2014–2020, as adopted by Decision No 407/13/COL, published in OJ L 166, 5.6.2014, p. 44 and EEA Supplement No 33 on the same date.

<sup>5</sup> The Authority's Guidelines on State aid for research and development and innovation, as adopted by Decision No 271/14/COL, published in OJ L 209, 6.8.2015, p. 17 and in the EEA Agreement Supplement No 44 on the same date.

<sup>6</sup> The Authority's Guidelines on State aid for films and other audiovisual works, as adopted by Decision No 134/14/COL, published in OJ L 276, 18.9.2014, p. 53 and EEA Supplement No 52 on the same date.

<sup>7</sup> The Authority's Guidelines for the Application of State aid rules in relation to rapid deployment of broadband networks, as adopted by Decision No 73/13/COL, published in OJ L 135, 8.5.2014, p. 49 and EEA supplement No 27 on the same date.

<sup>8</sup> The Authority's Guidelines on State aid for environmental protection and energy 2014–2020, as adopted by Decision No 301/14/COL, published in OJ L 131, 28.5.2015, p. 1 and EEA Supplement No 30 on the same date.

<sup>9</sup> The Authority's Guidelines on State aid to promote risk finance investments, as adopted by Decision No 117/14/COL, published in OJ L 354, 11.12.2014, p. 62 and EEA Supplement No 74 on the same date.

<sup>10</sup> The Authority's Guidelines on State aid to airports and airlines as adopted by Decision No 216/14/COL, published in OJ L 318, 24.11.2016, p. 17 and EEA Supplement No 66 on the same date.

<sup>11</sup> The Authority's Guidelines on State aid to maritime transport, as adopted by Decision No 62/04/COL, published in OJ L 240, 13.9.2007, p. 9 and EEA Supplement No 43 on the same date.

relevant guidelines are modified or replaced. Therefore, the Authority has adapted the corresponding information sheets to the new guidelines and replaced the old information sheets in Part III of Annex I to Decision No 195/04/COL.

- (6) The Authority used this opportunity and adapted the notification forms to replace the old notification forms set out in Part I of Annex I to Decision No 195/04/COL, in order to ensure consistency with the changes made to Part III of Annex I to Decision No 195/04/COL.

Has adopted this decision:

*Article 1*

The annex to this Decision contains the new notification forms and new supplementary information sheets replacing respectively Part I and Part III of Annex I to the Authority's Decision No 195/04/COL on the implementing provisions referred to under Article 27 in Part II of Protocol 3 to the Surveillance and Court Agreement.

*Article 2*

This Decision is addressed to the Republic of Iceland, the Principality of Liechtenstein and the Kingdom of Norway.

*Article 3*

This Decision shall enter into force on the day following that of its adoption by the Authority.

*Article 4*

This Decision is authentic in the English language.

Done in Brussels, on 4 July 2017

*For the EFTA Surveillance Authority,*

For Sven Erik Svedman  
President

For Helga Jónsdóttir  
College member

*This document has been electronically signed by Helga Jonsdottir, Frank J. Buechel.*