

Case No: 95794
Document No: 1603867
Decision No: 090/26/COL

EFTA SURVEILLANCE AUTHORITY DECISION

of 3 June 2026

amending the substantive rules in the field of State aid by introducing the new Middle East Crisis Temporary State Aid Framework

The EFTA Surveillance Authority ('ESA'),

HAVING regard to:

the Agreement on the European Economic Area ('the EEA Agreement'), in particular to Articles 61 to 63 and Protocol 26,

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 24 and Article 5(2)(b),

WHEREAS:

Under Article 24 of the Surveillance and Court Agreement, ESA shall give effect to the provisions of the EEA Agreement concerning State aid.

Under Article 5(2)(b) of the Surveillance and Court Agreement, ESA shall issue notices or guidelines on matters dealt with in the EEA Agreement, if that Agreement or the Surveillance and Court Agreement expressly so provides or if ESA considers it necessary.

On 29 April 2026, the European Commission ('the Commission') adopted the Middle East Crisis Temporary State Aid Framework ('the METSAF') ⁽¹⁾.

The METSAF includes measures to support the sectors most exposed to the current, extraordinary energy and fertiliser price spikes, as well as temporary amendments to Section 4.5 of the Framework for State aid measures to support the Clean Industrial Deal ('the Commission's CISAF') ⁽²⁾, to support in particular undertakings that are especially affected by high energy costs. ESA adopted a framework corresponding to the Commission's CISAF by Decision 121/25/COL of 9 July 2025 ⁽³⁾ ('ESA's CISAF').

⁽¹⁾ Communication from the Commission on the Middle East Crisis Temporary State Aid Framework (OJ C/2026/2593, 5.5.2026).

⁽²⁾ Communication from the Commission on the Framework for State Aid measures to support the Clean Industrial Deal (Clean Industrial Deal State Aid Framework) (OJ C/2025/3602, 4.7.2025).

⁽³⁾ EFTA Surveillance Authority Decision No 121/25/COL of 9 July 2025 amending the substantive rules in the field of State aid by introducing the new Framework for State Aid measures to support the Clean Industrial Deal (Clean Industrial Deal State Aid Framework) (OJ L, 2025/2525, 11.12.2025, and EEA Supplement No 77, 11.12.2025).

The METSAF is also of relevance for the European Economic Area ('the EEA').

Uniform application of the EEA State aid rules is to be ensured throughout the EEA in line with the objective of homogeneity established in Article 1 of the EEA Agreement.

According to paragraph II under the heading 'GENERAL' of Annex XV to the EEA Agreement, ESA, after consultation with the Commission, is to adopt acts corresponding to those adopted by the Commission.

The METSAF as adopted by the Commission may also apply to the assessment of the compatibility of aid measures supporting economic activities pertaining to certain products and/or sectors that fall outside the scope of the EEA Agreement. ESA will only apply the METSAF to assess the compatibility of aid measures supporting economic activities pertaining to products and/or sectors that fall within the scope of the EEA Agreement.

Furthermore, the METSAF may refer to certain European Union policy instruments and to certain European Union legal acts that have not been incorporated into the EEA Agreement. Where the METSAF refers to such policies or legal acts that have not been incorporated into the EEA Agreement, ESA will, with a view to ensuring uniform application of State aid provisions and equal conditions of competition throughout the EEA, generally apply the same points of reference as the Commission when assessing the compatibility of aid measures with the functioning of the EEA Agreement.

HAVING consulted the Commission,

HAVING consulted the EFTA States ⁽⁴⁾,

HAS ADOPTED THIS DECISION:

Article 1

- (1) The substantive rules in the field of State aid shall be amended by introducing the new METSAF which is annexed to this Decision and forms an integral part of it.
- (2) ESA applies the METSAF to notified aid on which it is called upon to take a decision from 3 June 2026, even where the aid was notified prior to that date. ESA will apply the METSAF until 31 December 2026.
- (3) In accordance with ESA's guidelines on the applicable rules for the assessment of unlawful State aid ⁽⁵⁾, ESA will apply the METSAF to non-notified aid if the aid was granted between 1 March 2026 and 31 December 2026.

Article 2

As part of the temporary amendments introduced by the METSAF, ESA applies points (120) and (125) of ESA's CISAF with the derogations set out in point (74) of the METSAF.

Article 3

⁴ Article 1(b) of the Surveillance and Court Agreement states that 'the term "EFTA States" means the Republic of Iceland and the Kingdom of Norway and, under the conditions laid down by Article 1(2) of the Protocol Adjusting the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, the Principality of Liechtenstein'.

⁵ OJ L 73, 19.3.2009, p. 23–29.

ESA applies the METSAF with the following adaptations where applicable, including but not limited to:

- (a) If there is a reference to 'Member State(s)', ESA reads it as a reference to 'EFTA State(s)' or, where appropriate, 'EEA State(s)';
- (b) if there is a reference to the 'European Commission', ESA reads it, where appropriate, as a reference to the 'EFTA Surveillance Authority';
- (c) if there is a reference to 'the Treaty' or 'TFEU', ESA reads it, where appropriate, as a reference to 'the EEA Agreement';
- (d) if there is a reference to Article 93 TFEU, ESA reads it as a reference to Article 49 of the EEA Agreement;
- (e) if there is a reference to Article 107 TFEU or sections of that Article, ESA reads it as a reference to Article 61 of the EEA Agreement and the corresponding sections of that Article;
- (f) if there is a reference to Article 108 TFEU or sections of that Article, ESA reads it as a reference to Article 1 of Part I of Protocol 3 and the corresponding sections of that Article;
- (g) if there is a reference to the wording '(in-)compatible with the internal market', ESA reads it as '(in-)compatible with the functioning of the EEA Agreement';
- (h) if there is a reference to 'Union law' or 'EU law', ESA reads it as a reference to 'EEA law';
- (i) if there is a reference to 'intra-EU short sea shipping', ESA reads it as a reference to 'intra-EEA short sea shipping';
- (j) if there is a reference to 'European Union citizens and businesses', ESA reads it as a reference to 'EEA citizens and businesses';
- (k) if there is a reference to 'European Union regions', ESA reads it as a reference to 'EEA regions';
- (l) if there is a reference to 'European Union airlines', ESA reads it as a reference to 'EEA airlines';
- (m) if there is a reference to 'Union undertakings and households', ESA reads it as a reference to 'EEA undertakings and households';
- (n) if there is a reference to Commission Communications, Notices or Guidelines, ESA reads it as a reference to the corresponding ESA Guidelines.

Only the English language version of this decision is authentic.

Done in Brussels,

For the EFTA Surveillance Authority

Arne Røksund
President
Responsible College Member

Árni Páll Árnason
College Member

Nuscha Wieczorek
College Member

Mel-po-Menie Joséphidès
Countersigning as Director,
Legal and Executive Affairs

This document has been electronically authenticated by Arne Roeksund, Mel-po-Menie Josephides.

ANNEX: Communication from the European Commission on the Middle East Crisis
Temporary State Aid Framework, C/2026/2593 (Document No 1604989)