

Case No: 93690
Document No: 1529388
Decision No 121/25/COL

EFTA SURVEILLANCE AUTHORITY DECISION

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)

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),

Protocol 3 to the Surveillance and Court Agreement ('Protocol 3'), in particular to Article 1(1) of Part I,

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.

Under Article 1(1) of Part I of Protocol 3, ESA shall keep under constant review all systems of aid existing in the EFTA States ⁽¹⁾ and propose any appropriate measures required by the progressive development or by the functioning of the EEA Agreement.

On 25 June 2025, the European Commission ('the Commission') adopted the Clean Industrial Deal State Aid Framework ('CISAF') ⁽²⁾.

The compatibility conditions outlined in CISAF are based on the case practice and relevant experience gathered by the Commission, including from the application of the Temporary

⁽¹⁾ 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'.

⁽²⁾ C(2025) 7600 final, not yet published in the Official Journal of the European Union.

Crisis and Transition Framework ('TCTF') ⁽³⁾, which is a temporary framework replaced by CISAF.

CISAF is also of relevance for the European Economic Area.

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

According to point II under the heading "GENERAL" on page 11 of Annex XV to the EEA Agreement, ESA, after consultation with the Commission, is to adopt acts corresponding to those adopted by the Commission.

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

HAVING consulted the Commission,

HAVING consulted the EFTA States,

HAS ADOPTED THIS DECISION:

Article 1

- (1) The substantive rules in the field of State aid are amended by introducing the new Framework for State Aid measures to support the Clean Industrial Deal. CISAF is annexed to this Decision and forms an integral part of it.
- (2) ESA applies CISAF to all measures notified as of 9 July 2025, as well as to measures notified prior to that date, including under the TCTF. ESA will apply CISAF until 31 December 2030.
- (3) In accordance with ESA's guidelines on the applicable rules for the assessment of unlawful State aid ⁽⁴⁾, ESA will apply CISAF to non-notified aid if the aid was granted on or after 9 July 2025, whereas ESA will apply the rules in force at the time when the aid was granted in all other cases.

⁽³⁾ Communication from the Commission on the Temporary Crisis and Transition Framework for State Aid measures to support the economy following the aggression against Ukraine by Russia (OJ C 101, 17.3.2023, p. 3), as amended by Commission Communications C(2023)8045 (OJ C1188, 21.11.2023, ELI: <http://data.europa.eu/eli/C/2023/1188/oj>) and C(2024)3123 (OJ C3113, 2.5.2024, ELI: <http://data.europa.eu/eli/C/2024/3113/oj>). This Temporary Crisis and Transition Framework replaced the Temporary Crisis Framework adopted on 28 October 2022 (OJ C 426, 9.11.2022, p. 1), ('Temporary Crisis Framework'), which had already replaced the previous Temporary Crisis Framework adopted on 23 March 2022 (OJ C 1311, 24.3.2022, p. 1), as amended on 20 July 2022 (OJ C 280, 21.7.2022, p. 1). The Commission withdrew the Temporary Crisis Framework with effect from 9 March 2023.

⁽⁴⁾ OJ L 73, 19.3.2009, p. 23–29.

Article 2

ESA applies CISAF 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 as a reference to 'the EEA Agreement';
- (d) if there is a reference to 'Union's rules on State aid', ESA reads it as a reference to 'the EEA rules on State aid';
- (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 Commission Regulation (EU) No 794/2004 ⁽⁵⁾, ESA reads it as a reference to EFTA Surveillance Authority Decision 195/04/COL;
- (h) 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';
- (i) if there is a reference to the wording 'within (or outside) the Union', ESA reads it as 'within (or outside) the EEA';
- (j) if there is a reference to 'Union law' or "EU law", ESA reads it as a reference to 'EEA law';
- (k) if there is a reference to the term 'Union standards', ESA reads it as a reference to 'EEA standards';
- (l) 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.

Decision made in Brussels.

⁽⁵⁾ Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ 140, 30.4.2004, p.1).

For the EFTA Surveillance Authority

Arne Roeksund
President
Responsible College Member

Stefan Barriga
College Member

Árni Páll Arnason
College Member

Melpo-Menie Joséphidès
Countersigning as Director,
Legal and Executive Affairs

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

ANNEX: Communication of the European Commission C(2025) 7600 final Framework for State Aid measures to support the Clean Industrial Deal and its Annexes I, II and III (Document No 1547161)