

Brussels, 16 December 2020  
Case No: 83156  
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Decision No: 156/20/COL

## **EFTA SURVEILLANCE AUTHORITY DECISION**

of 16 December 2020

adopting Guidelines on certain State aid measures in the context of the system for greenhouse gas emission allowance trading post 2021

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.

ESA’s guidelines on state aid measures in the context of the greenhouse gas emission allowance trading scheme post-2012 are applicable until 31 December 2020.<sup>1</sup>

On 21 September 2020, the European Commission (“the Commission”) adopted the Guidelines on certain State aid measures in the context of the system for greenhouse gas emission allowance trading post 2021 (“the Guidelines”).<sup>2</sup> The Guidelines set out the conditions under which specific aid measures provided for in Articles 10a(6) and 10b of the Directive 2003/87/EC<sup>3</sup> can be declared compatible.

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<sup>1</sup> OJ L 296, 7.11.2013, p. 25.

<sup>2</sup> OJ C 317, 25.9.2020, p. 5.

<sup>3</sup> Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32). The Directive has been incorporated into the EEA Agreement in point 21(a)(i) of Annex XX by the EEA Joint Committee Decision No 146/2007 (OJ L 100, 10.4.2008, p. 92 and EEA Supplement No. 19, 10.4.2008, p. 90).

The Guidelines are 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.

It is appropriate to replace ESA’s currently applicable guidelines with new guidelines on certain State aid measures in the context of the system for greenhouse gas emission allowance trading post 2021 corresponding to those of the Commission.<sup>4</sup>

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 European Commission.

HAVING consulted the Commission,

HAVING consulted the EFTA States,

HAS ADOPTED THIS DECISION:

*Article 1*

ESA introduces new “Guidelines on certain State aid measures in the context of the system for greenhouse gas emission allowance trading post 2021”. The new Guidelines are annexed to this Decision and form an integral part of it.

*Article 2*

Only the English language version of this Decision is authentic.

Decision made in Brussels, on 16 December 2020

For the EFTA Surveillance Authority

Bente Angell-Hansen  
President  
Responsible College Member

Frank J. Büchel  
College Member

Högni Kristjánsson  
College Member

Carsten Zatschler  
Countersigning as Director,  
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*This document has been electronically authenticated by Bente Angell-Hansen, Carsten Zatschler.*

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<sup>4</sup> Document No: 1166905.