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DECISION OF THE EEA JOINT COMMITTEE
No 88/2002

of 25 June 2002

amending Annex XV (State aid) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XV to the Agreement was amended by Decision of the EEA Joint Committee No 6/2001 of 31 January 2001¹.
- (2) Commission Regulation (EC) No 68/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to training aid² is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 69/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid³ is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises⁴ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

¹ OJ L 66, 8.3.2001, p. 48.

² OJ L 10, 13.1.2001, p. 20.

³ OJ L 10, 13.1.2001, p. 30.

⁴ OJ L 10, 13.1.2001, p. 33.

Article 1

Annex XV to the Agreement shall be amended as follows:

1. The following shall be inserted after point 1c (Council Regulation (EC) No 3094/95):

‘Training aid

- 1d. **32001 R 0068:** Commission Regulation (EC) No 68/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to training aid (OJ L 10, 13.1.2001, p. 20).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

- (a) The term “Articles 87 and 88 of the EC Treaty” shall read “Articles 61 and 62 of the EEA Agreement”;
- (b) The term “Member State” shall read “EC Member State or EFTA State”. The term “Member States” shall read “EC Member States or EFTA States”;
- (c) Article 1 shall read: “This Regulation applies to aid in all sectors covered by Articles 61 to 64 of the EEA Agreement.”;
- (d) In Article 2(a), the term “87(1) of the Treaty” shall read “Article 61(1) of the EEA Agreement”;
- (e) In Article 2(e), the words “or the Community” shall not apply;
- (f) In Article 3, the term “compatible with the common market” shall read “compatible with the functioning of the EEA Agreement”;
- (g) In Article 3, the term “Article 87(3) of the Treaty” shall read “Article 61(3) of the EEA Agreement”. The term “Article 88(3) Treaty” shall read “Article 1(3) of Protocol 3 to the Surveillance and Court Agreement”;
- (h) In Article 4(2) and 4(3), the terms “Article 87(3)(c) of the Treaty” and “Article 87(3)(a) of the Treaty”, shall read “Article 61(3)(c) of the EEA Agreement” and “Article 61(3)(a) of the EEA Agreement”, respectively;
- (i) In Article 4(6)(b), the term “Community registers” shall read “registers in the territory covered by the EEA Agreement”;
- (j) In Article 6(2), the words “State aid within the meaning of Article 87(1) of the Treaty” shall read “State aid within the meaning of Article 61(1) of the EEA Agreement”.

De minimis aid

- 1e. **32001 R 0069:** Commission Regulation (EC) No 69/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid (OJ L 10, 13.1.2001, p. 30).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

- (a) The term “Articles 87 and 88 of the EC Treaty” shall read “Articles 61 and 62 of the EEA Agreement”;
- (b) The term “Member State” shall read “EC Member State or EFTA State”. The term “Member States” shall read “EC Member States or EFTA States”;
- (c) In Article 1, first paragraph, the words “all sectors” shall read: “all sectors covered by Articles 61 to 64 of the EEA Agreement”;
- (d) Article 1(a) shall be replaced by the following:

“the transport sector and the activities linked to the production, processing or marketing of products listed in the Appendix to this Annex and covered by the scope of the Agreement.”
- (e) In Article 2(1), the terms “Article 87(1) of the Treaty” and “Article 88(3) of the Treaty” shall read “Article 61(1) of the EEA Agreement” and “Article 1(3) of Protocol 3 to the Surveillance and Court Agreement”, respectively.

Aid to small and medium-sized enterprises

- 1f. **32001 R 0070:** Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises (OJ L 10, 13.1.2001, p. 33).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

- (a) The term “Articles 87 and 88 of the EC Treaty” shall read “Articles 61 and 62 of the EEA Agreement”;
- (b) The term “Member State” shall read “EC Member State or EFTA State”. The term “Member States” shall read “EC Member States or EFTA States”;
- (c) The term “Commission” shall read “competent surveillance authority as defined in Article 62 of the EEA Agreement”;
- (d) The term “Article 87(1) of the Treaty” shall read “Article 61(1) of the EEA Agreement”;
- (e) The term “Article 88(3) of the Treaty” shall read “Article 1(3) of Protocol 3 to the Surveillance and Court Agreement”;
- (f) In Article 1(1), the words “Community Regulations or Directives under the EC Treaty” shall read “rules under the EEA Agreement”. The words “all sectors” shall read: “all sectors covered by Articles 61 to 64 of the EEA Agreement”;

(g) Article 1(2)(a) shall be replaced by the following:

“to activities linked to the production, processing or marketing of products listed in the Appendix to this Annex and covered by the scope of the Agreement.”

(h) In Articles 3 and 5, the words “compatible with the common market” shall read “compatible with the functioning of the EEA Agreement”;

(i) In Article 4(3), the term “Article 87(3)(c)” shall read “Article 61(3)(c) of the EEA Agreement”. The term “Article 87(3)(a)” shall read “Article 61(3)(a) of the EEA Agreement”.

2. The following shall be added at the end of Annex XV:

‘APPENDIX

List of products referred to in points 1e (d) and 1f (g) of Annex XV

Number in the Brussels nomenclature	Description of products
Chapter 1	Live animals
Chapter 2	Meat and edible meat offal
Chapter 3	Fish, crustaceans and molluscs
Chapter 4	Dairy produce; birds' eggs; natural honey
Chapter 5	
05.04	Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof
05.15	Animal products not elsewhere specified or included; dead animals of Chapter 1 or Chapter 3, unfit for human consumption
Chapter 6	Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage
Chapter 7	Edible vegetables and certain roots and tubers
Chapter 8	Edible fruit and nuts; peel of melons or citrus fruit
Chapter 9	Coffee, tea and spices, excluding maté (heading No 09.03)
Chapter 10	Cereals
Chapter 11	Products of the milling industry; malt and starches; gluten; inulin
Chapter 12	Oil seeds and oleaginous fruit; miscellaneous grains, seeds and fruit; industrial and medical plants; straw and fodder
Chapter 13	
ex 13.03	Pectin

Number in the Brussels nomenclature	Description of products
Chapter 15	
15.01	Lard and other rendered pig fat; rendered poultry fat
15.02	Unrendered fats of bovine cattle, sheep or goats; tallow (including 'premier jus') produced from those fats
15.03	Lard stearin, oleostearin and tallow stearin; lard oil, oleo-oil and tallow oil, not emulsified or mixed or prepared in any way
15.04	Fats and oil, of fish and marine mammals, whether or not refined
15.07	Fixed vegetable oils, fluid or solid, crude, refined or purified
15.12	Animal or vegetable fats and oils, hydrogenated, whether or not refined, but not further prepared
15.13	Margarine, imitation lard and other prepared edible fats
15.17	Residues resulting from the treatment of fatty substances or animal or vegetable waxes
Chapter 16	Preparations of meat, of fish, of crustaceans or molluscs
Chapter 17	
17.01	Beet sugar and cane sugar, solid
17.02	Other sugars; sugar syrups; artificial honey (whether or not mixed with natural honey); caramel
17.03	Molasses, whether or not decolourised
17.05	Flavoured or coloured sugars, syrups and molasses, but not including fruit juices containing added sugar in any proportion
Chapter 18	
18.01	Cocoa beans, whole or broken, raw or roasted
18.02	Cocoa shells, husks, skins and waste
Chapter 20	Preparations of vegetables, fruit or other parts of plants
Chapter 22	
22.04	Grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol

Number in the Brussels nomenclature	Description of products
22.07	Other fermented beverages (for example, cider, perry and mead)
ex 22.08 ex 22.09	Ethyl alcohol or neutral spirits, whether or not denatured, of any strength, obtained from agricultural products listed in this Annex, excluding liqueurs and other spirituous beverages and compound alcoholic preparations (known as 'concentrated extracts') for the manufacture of beverages
22.10	Vinegar and substitutes for vinegar
Chapter 23	Residues and waste from the food industries; prepared animal fodder
Chapter 24	
24.01	Unmanufactured tobacco, tobacco refuse
Chapter 45	
45.01	Natural cork, unworked, crushed, granulated or ground; waste cork
Chapter 54	
54.01	Flax, raw or processed but not spun; flax tow and waste (including pulled or garnetted rags)
Chapter 57	
57.01	True hemp (<i>Cannabis sativa</i>), raw or processed but not spun; tow and waste of true hemp (including pulled or garnetted rags or ropes)

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Article 2

The texts of Regulations (EC) Nos 68/2001, 69/2001 and 70/2001 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Communities*, shall be authentic.

Article 3

This Decision shall enter into force on 26 June 2002, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee*.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

* Constitutional requirements indicated.

Done at Brussels, 25 June 2002.

*For the EEA Joint Committee
The President*

P. Westerlund

*The Secretaries
to the EEA Joint Committee*

P.K. Mannes

M. Brinkmann