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**31999 R 0659**

**DECISION OF THE EEA JOINT COMMITTEE**  
**No 164/2001**

**of 11 December 2001**

**amending Protocol 26 to the EEA Agreement,  
on the powers and functions of the EFTA Surveillance Authority in the field of State aid**

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) Protocol 26 to the Agreement has not previously been amended.
- (2) Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty<sup>1</sup> should be included in Protocol 26 to the Agreement.
- (3) Protocol 26 to the Agreement needs to be adjusted for that purpose,

HAS DECIDED AS FOLLOWS:

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<sup>1</sup> OJ L 83, 27.3.1999, p. 1.

### *Article 1*

The text of Protocol 26 to the Agreement shall be replaced by the following:

#### *'Article 1*

The EFTA Surveillance Authority shall, in an agreement between the EFTA States, be entrusted with equivalent powers and similar functions to those of the EC Commission, at the time of the signature of the Agreement, for the application of the competition rules applicable to State aid of the Treaty establishing the European Economic Community, enabling the EFTA Surveillance Authority to give effect to the principles expressed in Articles 1(2)(e), 49 and 61 to 63 of the Agreement. The EFTA Surveillance Authority shall also have such powers to give effect to the competition rules applicable to State aid relating to products falling under the Treaty establishing the European Coal and Steel Community as referred to in Protocol 14.

#### *Article 2*

In addition to the acts listed in Annex XV, the following act reflects the powers and functions of the EC Commission for the application of the competition rules applicable to State aid of the Treaty establishing the European Economic Community:

**399 R 0659:** Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 83, 27.3.1999, p. 1).'

#### *Article 2*

The texts of Regulation (EC) No 659/1999 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 12 December 2001, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee\* .

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\* Constitutional requirements indicated.

*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*.

Done at Brussels, 11 December 2001.

*For the EEA Joint Committee  
The President*

*B. Grydeland*

*The Secretaries  
to the EEA Joint Committee*

*P.K. Mannes*

*M. Brinkmann*