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DECISION OF THE EEA JOINT COMMITTEE
No 120/2008

of 7 November 2008

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 55/2007 of 8 June 2007¹.
- (2) Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block exemption Regulation)² is to be incorporated into the Agreement.
- (3) Regulation (EC) No 800/2008 repeals Commission Regulation (EC) No 1628/2006³ which is incorporated into the Agreement and which is consequently to be repealed under the Agreement.
- (4) Commission Regulations (EC) Nos 68/2001⁴, 70/2001⁵, 2204/2002⁶, which are incorporated into the Agreement, have expired and are therefore to be deleted under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XV to the Agreement shall be amended as follows:

1. The texts of points 1d (Commission Regulation (EC) No 68/2001), 1f (Commission Regulation (EC) No 70/2001), 1g (Commission Regulation (EC) No 2204/2002) and

¹ OJ L 266, 11.10.2007, p. 15.

² OJ L 214, 9.8.2008, p. 3.

³ OJ L 302, 1.11.2006, p. 29.

⁴ OJ L 10, 13.1.2001, p. 20.

⁵ OJ L 10, 13.1.2001, p. 33.

⁶ OJ L 337, 13.12.2002, p. 3.

1i (Commission Regulation (EC) No 1628/2006), including the related headings, shall be deleted with effect from 1 January 2009.

2. The following shall be inserted after point 1i (Commission Regulation (EC) No 1628/2006):

‘Aid to small and medium-sized enterprises, research, development, innovation, environmental protection, regional investments, female entrepreneurship, employment and training

1j. **32008 R 0800**: Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block exemption Regulation) (OJ L 214, 9.8.2008, p. 3).

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

- (a) The term “Article 87(1) of the Treaty” shall read “Article 61(1) of the EEA Agreement”;
- (b) The term “Articles 87 and 88 of the Treaty” shall read “Articles 61 and 62 of the EEA Agreement”;
- (c) The term “Article 87(3) of the Treaty” shall read “Article 61(3) of the EEA Agreement”;
- (d) The term “Article 87(3)(a) of the Treaty” shall read “Article 61(3)(a) of the EEA Agreement”;
- (e) The term “Article 87(3)(c) of the Treaty” shall read “Article 61(3)(c) of the EEA Agreement”;
- (f) As regards the EFTA States, the term “Article 88(3) of the Treaty” shall read “Article 1(3) of Part I of Protocol 3 to the Surveillance and Court Agreement”;
- (g) The term “compatible with the common market” shall read “compatible with the functioning of the EEA Agreement”;
- (h) The term “Commission” shall read “competent surveillance authority as defined in Article 62 of the EEA Agreement”;
- (i) The term “Community registers” shall read “registers in the territory covered by the EEA Agreement”;
- (j) The term “Annex I to the Treaty” shall read “listed in the Appendix to this Annex and covered by the scope of the EEA Agreement”;
- (k) The term “Community funding” shall read “Community or EEA funding”;

- (l) References to Community legislation do not imply that the EFTA States are obliged to comply with the Community legislation when such legislation has not been incorporated into the Agreement.’

3. In the heading to the Appendix, the words “1f(g)” shall be replaced by “1j(j)”.

Article 2

The texts of Regulation (EC) No 800/2008 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 8 November 2008, 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 Union*.

Done at Brussels, 7 November 2008.

*For the EEA Joint Committee
The President*

H. S. H. Prinz Nikolaus von Liechtenstein

*The Secretaries
to the EEA Joint Committee*

Bergdis Ellertsdóttir Matthias Brinkmann

* No constitutional requirements indicated.