

ANNEX XV

STATE AID

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List provided for in Article 63

INTRODUCTION

When the acts referred to in this Annex contain notions or refer to procedures which are specific to the Community legal order, such as

- preambles;
- the addressees of the Community acts;
- references to territories or languages of the EC;
- references to rights and obligations of EC Member States, their public entities, undertakings or individuals in relation to each other; and
- references to information and notification procedures;

Protocol 1 on horizontal adaptations shall apply, unless otherwise provided for in this Annex.

SECTORAL ADAPTATIONS^{1}

The arrangements regarding the existing aid schemes set out in Chapter 3 (Competition policy) of Annex IV to the Act of Accession of 16 April 2003 shall apply between the Contracting Parties.

^{2}The arrangements regarding the existing aid schemes set out in Chapter 2 (Competition policy) of Annex V to the Act of Accession of 25 April 2005 shall apply between the Contracting Parties.

^{1} Heading and text added by the 2004 EEA Enlargement Agreement (OJ L 130, 29.4.2004, p. 3 and EEA Supplement No 23, 29.4.2004, p. 1), e.i.f. 1.5.2004.

^{2} Text added by the 2007 EEA Enlargement Agreement (OJ L 221, 25.8.2007 and EEA Supplement No 39, 26.7.2008), provisionally applicable as of 1.8.2007, e.i.f. 9.11.2011, the words “or, as the case may be, to the Protocol of Accession of 25 April 2005” subsequently deleted by the 2014 EEA Enlargement Agreement (OJ L 170, 11.6.2014, p. 5 and EEA Supplement No 58, 9.10.2014, p. 1), provisionally applicable as of 12.4.2014, e.i.f. pending.

{3}The arrangements regarding the existing aid schemes set out in Chapter 2 (Competition policy) of Annex IV to the Act of Accession of 9 December 2011 shall apply between the Contracting Parties.

TRANSITION PERIOD{4}

The transitional arrangements set out in the Annexes to the Act of Accession of 25 April 2005 for Romania (Annex VII, Chapter 4), shall apply.

ACTS REFERRED TO

Public undertakings

1.{5} []

1a.{6} **32006 L 0111**: Commission Directive 2006/111/EC of 16 November 2006 on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings (OJ L 318, 17.11.2006, p.17).

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

- (a) The term "Commission" shall read "competent surveillance authority as defined in Article 62 of the EEA Agreement".
- (b) The term "trade between Member States" shall read "trade between Contracting Parties".

Aid to the steel industry{7}

1aa. [] {8}

Aid to shipbuilding{9}

{3} Sentence added by the 2014 EEA Enlargement Agreement (OJ L 170, 11.6.2014, p. 5 and EEA Supplement No 58, 9.10.2014, p. 1), provisionally applicable as of 12.4.2014, e.i.f. pending.

{4} Heading and text inserted by the 2007 EEA Enlargement Agreement (OJ L 221, 25.8.2007 and EEA Supplement No 39, 26.7.2008), provisionally applicable as of 1.8.2007, e.i.f. 9.11.2011, the words "or, as the case may be, to the Protocol of Accession of 25 April 2005" subsequently deleted by the 2014 EEA Enlargement Agreement (OJ L 170, 11.6.2014, p. 5 and EEA Supplement No 58, 9.10.2014, p. 1), provisionally applicable as of 12.4.2014, e.i.f. pending.

{5} Text of point 1 (Commission Directive 80/723/EEC) deleted by Decision No 55/2007 (OJ L 266, 11.10.2007, p. 15 and EEA Supplement No 48, 11.10.2007, p. 12), e.i.f. 9.6.2007.

{6} Point inserted by Decision No 55/2007 (OJ L 266, 11.10.2007, p. 15 and EEA Supplement No 48, 11.10.2007, p. 12), e.i.f. 9.6.2007.

{7} Heading and point inserted by Decision No 7/94 (OJ L 160, 28.6.1994, p. 1 and EEA Supplement No 17, 28.6.1994, p. 1), e.i.f. 1.7.1994.

{8} Point (Commission Decision No 2496/96/ECSC) introduced by Decision No 20/98 (OJ L 272, 8.10.1998, p. 35 and EEA Supplement No 42, 8.10.1998, p. 252), e.i.f. 7.3.1998, and subsequently renumbered 1aa by Decision No 55/2007 (OJ L 266, 11.10.2007, p. 15 and EEA Supplement No 48, 11.10.2007, p. 12), e.i.f. 9.6.2007 and subsequently deleted by Decision No 206/2013 (OJ L 92, 27.03.2014, p. 32 and EEA Supplement No 19, 27.03.2014, p. 35), e.i.f. 9.11.2013.

{9} Heading and point inserted by Decision No 21/95 (OJ L 158, 8.7.1995, p. 43 and EEA Supplement No 25, 8.7.1995, p.10), e.i.f. 1.5.1995.

1b. [] {¹⁰}

1c.{¹¹} **395 R 3094**: Council Regulation (EC) No 3094/95 of 22 December 1995 on aid to shipbuilding (OJ No L 332, 30.12.1995, p.1), as amended by:

- **396 R 1904**: Council Regulation (EC) No 1904/96 of 27 September 1996 amending Regulation (EC) No 3094/95 on aid to shipbuilding (OJ No L 251, 3.10.1996, p. 5).

-{¹²} **397 R 2600**: Council Regulation 97/2600/EC of 19 December 1997 (OJ No L 351, 23.12.1997).

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

(a) "Article 92 of the Treaty" shall read "Article 61 of the EEA Agreement",

(b) "Article 93 of the Treaty" shall read "Article 62 of the EEA Agreement";

(c) In Article 7(1) and 7(2) the term "compatible with the common market" shall read "compatible with the functioning of this Agreement";

(d) In Article 7(1) the second sentence shall not apply;

(e) In Article 7(2) the second sentence shall not apply;

(f) Article 7(3) shall not apply.

1ca. [] {¹³}

1d. [] {¹⁴}

De minimis aid

1e. [] {¹⁵}

1ea.{¹⁶} **32013 R 1407**: Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid (OJ L 352, 24.12.2013, p. 1).

{¹⁰} This point (Council Regulation (EC) No 1540/98), introduced by Decision No 12/1999 (OJ L 35, 10.2.2000, p. 43, and EEA Supplement No 7, 10.2.2000, p. 112), e.i.f. 30.1.1999, replaces former point 1b and subsequently deleted by Decision No 206/2013 (OJ L 92, 27.03.2014, p. 32 and EEA Supplement No 19, 27.03.2014, p. 35), e.i.f. 9.11.2013.

{¹¹} Point inserted by Decision No 85/97 (OJ L 160, 4.6.1998, p. 44 and EEA Supplement No 22, 4.6.1998, p. 32), e.i.f. 13.11.1997.

{¹²} Indent added by Decision No 19/98 (OJ L 272, 8.10.1998, p. 33 and EEA Supplement No 42, 8.10.1998, p. 250), e.i.f. 7.3.1998.

{¹³} Point (Council Regulation (EC) 1177/2002) inserted by Decision No 170/2002 (OJ L 38, 13.2.2003, p. 34 and EEA Supplement No 9, 13.2.2003, p. 23), e.i.f. 7.12.2002 and subsequently deleted by Decision No 206/2013 (OJ L 92, 27.03.2014, p. 32 and EEA Supplement No 19, 27.03.2014, p. 35), e.i.f. 9.11.2013.

{¹⁴} Point 1d (Commission Regulation (EC) No 68/2001) and Heading "Training aid" above inserted by Decision No 88/2002 (OJ L 266, 3.10.2002, p. 37 and EEA Supplement No 49, 3.10.2002, p. 13), e.i.f. 1.2.2003, deleted with effect from 1.1.2009 by Decision No 120/2008 (OJ L 339, 18.12.2008, p. 111 and EEA Supplement No 79, 18.12.2008, p.20), e.i.f. 8.11.2008.

{¹⁵} Point 1e (Commission Regulation (EC) No 69/2001) and Heading "De minimis aid" above inserted by Decision No 88/2002 (OJ L 266, 3.10.2002, p. 56 and EEA Supplement No 49, 3.10.2002, p. 42), e.i.f. 1.2.2003, only text of point 1e deleted by Decision No 225/2012 (OJ L 81, 21.3.2013, p. 27 and EEA Supplement No 18, 21.3.2013, p. 32), e.i.f. 8.12.2012.

{¹⁶} Point 1ea (Commission Regulation (EC) No 1407/2013) inserted by Decision No 29/2007 (OJ L 209, 9.8.2007, p. 52 and EEA Supplement No 38, 9.8.2007, p. 34), e.i.f. 28.4.2007, and subsequently replaced by Decision No 98/2014 (OJ L 310, 30.10.2014, p. 65 and EEA Supplement No 63, 30.10.2014, p. 56), e.i.f. 17.5.2014.

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

- (a) The following shall be added in Article 1(1): “The Regulation shall not apply to sectors not covered by Articles 61 to 64 of the EEA Agreement.”;
- (b) The words “Article 107(1) of the Treaty” shall read “Article 61(1) of the EEA Agreement”;
- (c) The words “Article 108(3) of the EC Treaty” shall read “Article 1(3) of Protocol 3 to the Surveillance and Court Agreement”.

1f.^{17} []

1g.^{18} []

{19} Services of general economic interest

1h.^{20} **32012 D 0021:** Commission Decision 2012/21/EU of 20 December 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest (OJ L 7, 11.1.2012, p. 3).

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

- (a) The term “Commission” shall read “competent surveillance authority as defined in Article 62 of the EEA Agreement”;
- (b) The words “compatible with the internal market” shall read “compatible with the functioning of the EEA Agreement”;
- (c) The term “Member State” shall read “EU Member State or EFTA State”. The term “Member States” shall read “EU Member States or EFTA States”;
- (d) In Articles 1 and 2(3), the term “Article 108(3) of the Treaty” shall read “Article 1(3) of Protocol 3 to the Surveillance and Court Agreement”;
- (e) In Article 2, the term “Article 106(2) of the Treaty” shall read “Article 59(2) of the EEA Agreement”;
- (f) In Article 3, the term “Article 108(3) of the Treaty” shall read “Article 1(3) of Protocol 3 to the Surveillance and Court Agreement”;
- (g) In Article 5, the term “Article 107 of the Treaty” shall read “Article 61 of the EEA Agreement”.

1ha.^{21} **32012 R 0360:** Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest (OJ L 114, 26.4.2012, p. 8).

^{17} Point 1f (Commission Regulation (EC) No 70/2001) and heading above inserted by Decision No 88/2002 (OJ L 266, 3.10.2002, p. 56 and EEA Supplement No 49, 3.10.2002, p. 42), e.i.f. 1.2.2003, deleted with effect from 1.1.2009 by Decision No 120/2008 (OJ L 339, 18.12.2008, p. 111 and EEA Supplement No 79, 18.12.2008, p.20), e.i.f. 8.11.2008.

^{18} Point 1g (Commission Regulation (EC) No 2204/2002) and heading inserted by Decision No 83/2003 (OJ L 257, 9.10.2003 and EEA Supplement No 51, p. 25), e.i.f. 21.6.2003, deleted with effect from 1.1.2009 by Decision No 120/2008 (OJ L 339, 18.12.2008, p. 111 and EEA Supplement No 79, 18.12.2008, p.20), e.i.f. 8.11.2008.

^{19} Heading and point 1h inserted by Decision No 91/2006 (OJ L 289, 19.10.2006, p. 31 and EEA Supplement No 52, 19.10.2006, p. 24), e.i.f. 8.7.2006.

^{20} Text of point 1h (Commission Decision 2005/842/EC) replaced by Decision No 66/2012 (OJ L 207, 2.8.2012, p. 46 and EEA Supplement No 43, 2.8.2012, p. 56), e.i.f. 31.3.2012.

^{21} Point and adaptation text inserted by Decision No 225/2012 (OJ L 81, 21.3.2013, p. 27 and EEA Supplement No 18, 21.3.2013, p. 32), e.i.f. 8.12.2012.

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

- (a) In Article 1(1), the words “Article 106(2) of the Treaty” shall read “Article 59(2) of the EEA Agreement”.
- (b) The following shall be added in Article 1(2):
 “The Regulation applies only to sectors covered by Articles 61 to 64 of the EEA Agreement.”
- (c) In Article 2(1), the words “Article 107(1) of the Treaty” shall read “Article 61(1) of the EEA Agreement”.
- (d) In Article 2(1), the words “Article 108(3) of the Treaty” shall read “Article 1(3) of Protocol 3 to the Surveillance and Court Agreement”.

li.{22} []

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

lj.{24} **32014 R 0651:** Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1), as amended by:

-{25} **32017 R 1084:** Commission Regulation (EU) 2017/1084 of 14 June 2017 (OJ L 156, 20.6.2017, p. 1), as corrected by OJ L 26, 31.1.2018, p. 53.

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

- (a) The term “Article 107(1) of the Treaty” shall read “Article 61(1) of the EEA Agreement”;
- (b) The term “Articles 107 and 108 of the Treaty” shall read “Article 61 and 62 of the EEA Agreement”;
- (c) The term “Article 107(3) of the Treaty” shall read “Article 61(3) of the EEA Agreement”;
- (d) The term “Article 107(3)(a) of the Treaty” shall read “Article 61(3)(a) of the EEA Agreement”;
- (e) The term “Article 107(3)(c) of the Treaty” shall read “Article 61(3)(c) of the EEA Agreement”;
- (f) As regards the EFTA States, the term “Article 108(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 internal market” shall read “compatible with the functioning of the EEA Agreement”;

{22} Heading and point li (Commission Regulation (EC) No 1628/2006) inserted by Decision No 157/2006 (OJ L 89, 29.3.2007, p. 33 and EEA Supplement No 15, 29.3.2007, p. 26), e.i.f. 9.12.2006, deleted with effect from 1.1.2009 by Decision No 120/2008 (OJ L 339, 18.12.2008, p. 111 and EEA Supplement No 79, 18.12.2008, p.20), e.i.f. 8.11.2008.

{23} Heading and point lj inserted by Decision No 120/2008 (OJ L 339, 18.12.2008, p. 111 and EEA Supplement No 79, 18.12.2008, p.20), e.i.f. 8.11.2008.

{24} Point lj inserted by Decision No 120/2008 (OJ L 339, 18.12.2008, p. 111 and EEA Supplement No 79, 18.12.2008, p.20), e.i.f. 8.11.2008, and subsequently replaced with effect from 1 July 2014 by Decision No 152/2014 (OJ L 342, 27.11.2014, p. 63 and EEA Supplement No 71, 27.11.2014, p. 61), e.i.f. 28.6.2014.

{25} Indent and words”, as amended by:” added by Decision No 185/2017 (OJ L 174, 27.6.2019, p. 56 and EEA Supplement No 52, 27.6.2019, p. 67), e.i.f. 23.9.2017. Corrigendum to the EU act subsequently taken note of by the EEA Joint Committee on 6.7.2018.

- (h) The term “Member State” shall read “EU Member State or EFTA State”. The term “Member States” shall read “EU Member States or EFTA States”;
- (i) The term “Commission” shall read “competent surveillance authority as defined in Article 62 of 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 “Union registers” shall read “registers in the territories covered by the EEA Agreement”;
- (l) The term “Union funding” shall read “Union or EEA funding”;
- (m) The term “Union law” shall read “the EEA Agreement”;
- (n) References to Union legislation do not imply that the EFTA States are obliged to comply with the Union legislation when such legislation has not been incorporated into the Agreement.

***ACTS OF WHICH THE EC COMMISSION AND THE EFTA SURVEILLANCE AUTHORITY
SHALL TAKE DUE ACCOUNT***

In the application of Articles 61 to 63 of the Agreement and the provisions referred to in this Annex, the EC Commission and the EFTA Surveillance Authority shall take due account of the principles and rules contained in the following acts:

{²⁶} In accordance with Section General Paragraph II, corresponding Acts to the Acts adopted by the EC Commission after 31 July 1991 to complement or replace the Acts adopted before 31 July 1991 that were initially listed under this heading are adopted by the EFTA Surveillance Authority in order to maintain equal conditions of competition but are not included in this Annex.

Scrutiny by the Commission

Prior notification of State aid plans and other procedural rules

2. [] {²⁷}

3. [] {²⁸}

4. [] {²⁹}

5. [] {³⁰}

{²⁶} Footnote added by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{²⁷} Point 2 (C/252/80/p. 2) deleted by Decision No 123/2005 (OJ L 339, 22.12.2005, p. 33 and EEA Supplement No 66, 22.12.2005, p. 18), e.i.f. 1.10.2005.

{²⁸} Point 3 (Letter from the Commission to the Member States SG(81) 12740 of 2 October 1981) deleted by Decision No 123/2005 (OJ L 339, 22.12.2005, p. 33 and EEA Supplement No 66, 22.12.2005, p. 18), e.i.f. 1.10.2005.

{²⁹} Point 4 (Letter from the Commission to the Member States SG(89) D/5521 of 27 April 1989) deleted by Decision No 123/2005 (OJ L 339, 22.12.2005, p. 33 and EEA Supplement No 66, 22.12.2005, p. 18), e.i.f. 1.10.2005.

6. [] {31}

7. [] {32}

Evaluation of aid of minor importance

8. [] {33}

Public authorities' holdings

9. [] {34}

Aid granted illegally

10. [] {35}

State guarantees

11. [] {36}

12. [] {37}

Frameworks on sectoral aid schemes

Textile and clothing industry

13. [] {38}

14. [] {39}

{30} Point 5 (Letter from the Commission to the Member States SG(87) D/5540 of 30 April 1989) deleted by Decision No 123/2005 (OJ L 339, 22.12.2005, p. 33 and EEA Supplement No 66, 22.12.2005, p. 18), e.i.f. 1.10.2005.

{31} Point 6 (Letter from the Commission to the Member States SG(90) D/28091 of 11 October 1990) deleted by Decision No 123/2005 (OJ L 339, 22.12.2005, p. 33 and EEA Supplement No 66, 22.12.2005, p. 18), e.i.f. 1.10.2005.

{32} Point 7 (Letter from the Commission to the Member States SG(91) D/4577 of 4 March 1991) deleted by Decision No 123/2005 (OJ L 339, 22.12.2005, p. 33 and EEA Supplement No 66, 22.12.2005, p. 18), e.i.f. 1.10.2005.

{33} Point 8 (C/40/90/p. 2) deleted by Decision No 123/2005 (OJ L 339, 22.12.2005, p. 33 and EEA Supplement No 66, 22.12.2005, p. 18), e.i.f. 1.10.2005.

{34} Point 9 (Application of Articles 92 and 93 of the EEC Treaty to public authorities' holdings) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{35} Point 10 (C/318/83/p. 3) deleted by Decision No 123/2005 (OJ L 339, 22.12.2005, p. 33 and EEA Supplement No 66, 22.12.2005, p. 18), e.i.f. 1.10.2005.

{36} Point 11 (Letter from the Commission to the Member States SG(89) D/4328) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{37} Point 12 (Letter from the Commission to the Member States SG(89) D/12772) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{38} Point 13 (Commission communication to the Member States on the Community framework on aid to the textile industry) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{39} Point 14 (Letter from the Commission to the Member States SG(77) D/1190 of 4 February 1977 and Annex (Doc. SEC(77) 317, 25.1.1977)) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

Synthetic fibres industry

15. [] {⁴⁰}

Motor vehicle industry

16. [] {⁴¹}

17. [] {⁴²}

Frameworks on general systems of regional aid

18. [] {⁴³}

19. [] {⁴⁴}

20. [] {⁴⁵}

21. [] {⁴⁶}

22. [] {⁴⁷}

23. [] {⁴⁸}

24. [] {⁴⁹}

25. [] {⁵⁰}

{⁴⁰} Point 15 (Commission communication on aid to the EEC synthetic fibres industries) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{⁴¹} Point 16 (Community framework on State aid to the motor-vehicle industry) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{⁴²} Point 17 (Community framework on State aid to the motor-vehicle industry) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{⁴³} Point 18 (Council Resolution of 20 October 1971 on general systems of regional aid) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{⁴⁴} Point 19 (Commission communication on Council Resolution of 20 October 1971 on general systems of regional aid) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{⁴⁵} Point 20 (Commission communication to the Council on general regional aid systems) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{⁴⁶} Point 21 (Commission communication of 21 December 1978 on regional aid systems) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{⁴⁷} Point 22 (Commission communication on the method for the application of Article 92(3)(a) and (c) to regional aid) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{⁴⁸} Point 23 (Commission communication on the revision of the Communication of 21 December 1978) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{⁴⁹} Point 24 (Commission communication on the method of application of Article 92(3)(c) to regional aid) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{⁵⁰} Point 25 (Commission communication on the method of application of Article 92(3)(a) to regional aid) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

Horizontal frameworks

Community framework on State aid in environmental matters

26. [] {⁵¹}
27. [] {⁵²}
28. [] {⁵³}
29. [] {⁵⁴}

Community framework on State aid to research and development

30. [] {⁵⁵}
31. [] {⁵⁶}

Rules applicable to general aid schemes

32. [] {⁵⁷}
33. [] {⁵⁸}

Rules applicable to cases of cumulation of aid for different purposes

34. [] {⁵⁹}

Aid to employment

-
- {⁵¹} Point 26 (Letter from the Commission to the Member States S/74/30.807 of 7 November 1974) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.
- {⁵²} Point 27 (Letter from the Commission to the Member States SG(80) D/8287 of 7 July 1980.) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.
- {⁵³} Point 28 (Commission communication to the Member States (Annex to the letter of 7 July 1980)) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.
- {⁵⁴} Point 29 (Letter from the Commission to the Member States SG(87) D/3795) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.
- {⁵⁵} Point 30 (Community framework for State aids for research and development) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.
- {⁵⁶} Point 31 (Letter from the Commission to the Member States SG(90) D/01620) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.
- {⁵⁷} Point 32 (Letter from the Commission to the Member States SG(79) D/10478) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.
- {⁵⁸} Point 33 (Control of aid for rescue and restructuring (Eighth Report on Competition Policy, point 228)) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.
- {⁵⁹} Point 34 (C/3/85/p. 2) deleted by Decision No 123/2005 (OJ L 339, 22.12.2005, p. 33 and EEA Supplement No 66, 22.12.2005, p. 18), e.i.f. 1.10.2005.

35. [] {⁶⁰}

36. [] {⁶¹}

Control of aid to the steel industry

37. [] {⁶²}

GENERAL{⁶³}

I. [] {⁶⁴}

II. As regards EEA relevant acts adopted by the EC Commission after 31 July 1991, the EFTA Surveillance Authority, in accordance with the powers vested in it under the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, is to adopt, after consultation with the EC Commission, corresponding acts in order to maintain equal conditions of competition. The acts adopted by the Commission will not be integrated into this Annex. In their publication in the *Official Journal of the European Communities* indication will be given as to their relevance for the EEA and a reference to this publication will be made in the EEA Supplement to the Official Journal. The corresponding acts adopted by the EFTA Surveillance Authority are to be published in the EEA Supplement to, and the EEA Section, of, the Official Journal. In the application of Articles 61 to 63 of the Agreement and the provisions referred to in this Annex, the EC Commission and the EFTA Surveillance Authority shall take account of the principles and rules contained in these acts. {⁶⁵}

{⁶⁶} APPENDIX

List of products referred to in points 1e (d) and 1j (j) of Annex XV{⁶⁷}

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

{⁶⁰} Point 35 (Sixteenth Report on Competition Policy, point 253) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{⁶¹} Point 36 (Twentieth Report on Competition Policy, point 280) deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{⁶²} Point 37 (Framework for certain steel sectors not covered by the ECSC Treaty deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{⁶³} Section added by Decision No 7/94 (OJ L 160, 28.6.1994, p. 1 and EEA Supplement No 17, 28.6.1994, p. 1), e.i.f. 1.7.1994.

{⁶⁴} Text contained in paragraph I under heading 'GENERAL' deleted by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{⁶⁵} The last sentence in paragraph II under heading 'GENERAL' replaced by Decision No 244/2017 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 16.12.2017.

{⁶⁶} Appendix added by Decision No 88/2002 (OJ L 266, 3.10.2002, p. 56 and EEA Supplement No 49, 3.10.2002, p. 42), e.i.f. 1.2.2003.

{⁶⁷} Appendix heading changed from 1f(g) to 1j(j) by Decision No 120/2008 (OJ L 339, 18.12.2008, p. 111 and EEA Supplement No 79, 18.12.2008, p.20), e.i.f. 8.11.2008.

Number in the Brussels nomenclature	Description of products
Chapter 4	Dairy produce; birds' eggs; natural honey
Chapter 5 05.04 05.15	Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof 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
Chapter 15 15.01 15.02 15.03 15.04 15.07 15.12 15.13	Lard and other rendered pig fat; rendered poultry fat Unrendered fats of bovine cattle, sheep or goats; tallow (including 'premier jus') produced from those fats Lard stearin, oleostearin and tallow stearin; lard oil, oleo-oil and tallow oil, not emulsified or mixed or prepared in any way Fats and oil, of fish and marine mammals, whether or not refined Fixed vegetable oils, fluid or solid, crude, refined or purified Animal or vegetable fats and oils, hydrogenated, whether or not refined, but not further prepared 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
22.07	Other fermented beverages (for example, cider, perry and mead)
ex 22.08	Ethyl alcohol or neutral spirits, whether or not denatured, of any strength, obtained from agricultural products listed in this Annex, excluding liqueurs and other
ex 22.09	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)
