

**Annex 13
to Decision No 7/94
of the EEA Joint Committee**

ANNEX XV (STATE AID) to the EEA Agreement shall be amended as specified below:

- (a) Public undertakings:
- (a) The following indent shall be added in point 1 (Commission Directive 80/723/EEC) before the adaptations:
- "— 393 L 0084: Commission Directive 93/84/EEC of 30 September 1993 (OJ No L 254, 12.10.1993, p. 16)."
- (b) The following adaptation shall be added in point 1 (Commission Directive 80/723/EEC):
- "(c) In Article 5a(3), second subparagraph, the phrase "in the Member States" shall read "in the EC Member States or EFTA States"."
- (b) The following new heading and new point shall be added after point 1 (Commission Directive 80/723/EEC):
- "Aid to the steel industry
- 1a. 391 S 3855: Commission Decision No 3855/91/ECSC of 27 November 1991 establishing Community rules for aid to the steel industry (OJ No L 362, 31.12.1991, p. 57).
- The provisions of the Decision shall, for the purposes of the present 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";
- (c) the term "compatible with the common market" shall read "compatible with the functioning of the EEA Agreement";
- (d) in Article 4(1), second indent, the following shall be added: "or, in the case of an EFTA State, the aid relative to the payments does not exceed what may be granted to an EC steel undertaking in a similar situation";
- (e) in Article 6(1), "under the EEC Treaty" shall read "under the EEC Treaty or the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice";
- (f) in Article 6(4), "Article 88 of the Treaty" shall read "Article 88 of the Treaty and the corresponding procedure set out in the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice".

(c) ACTS OF WHICH THE EC COMMISSION AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT

The following shall be added after point 37 (C/320/88/p. 3) as a new section:

"GENERAL

- I. The above acts were adopted by the EC Commission up to 31 July 1991. Upon entry into force of the Agreement, corresponding acts are to be adopted by the EFTA Surveillance Authority under Articles 5(2)(b) and 24 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice. They are to be published in accordance with the exchange of letters on publication of EEA relevant information.
 - 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 Community 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. Both surveillance authorities shall take due account of these acts in cases where they are competent under the Agreement."
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