

**DECISION OF THE EEA JOINT COMMITTEE**  
**No 66/2012**  
**of 30 March 2012**  
**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 120/2008 of 7 November 2008 <sup>(1)</sup>.
- (2) 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 <sup>(2)</sup> is to be incorporated into the Agreement.
- (3) Decision 2012/21/EU repeals Commission Decision 2005/842/EC <sup>(3)</sup> which is incorporated in the Agreement and is therefore to be repealed under the Agreement,

HAS ADOPTED THIS DECISION:

*Article 1*

The text of point 1h (Commission Decision 2005/842/EC) of Annex XV to the Agreement shall be replaced by the following:

**'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 Article 1 and Article 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".

*Article 2*

The text of Decision 2012/21/EU 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 31 March 2012, 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, 30 March 2012.

*For the EEA Joint Committee*

*The Acting President*

Gianluca GRIPPA

<sup>(1)</sup> OJ L 339, 18.12.2008, p. 111.

<sup>(2)</sup> OJ L 7, 11.1.2012, p. 3.

<sup>(3)</sup> OJ L 312, 29.11.2005, p. 67.

<sup>(\*)</sup> No constitutional requirements indicated.