

DECISION OF THE EEA JOINT COMMITTEE**No 244/2017****of 15 December 2017****amending Annex XV (State Aid) to the EEA Agreement [2019/1650]**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Bulletin EC 9-1984 on the application of Articles 92 and 93 of the EEC Treaty to public authorities' holdings has been included in the EFTA Surveillance Authority's guidelines on public authorities' holdings ⁽¹⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (2) Letter from the Commission to the Member States SG(89) D/4328 of 5 April 1989 has been replaced by the Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees ⁽²⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (3) Letter from the Commission to the Member States SG(89) D/12772 of 12 October 1989 has been replaced by the Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees ⁽³⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (4) Commission communication to the Member States on the Community framework on aid to the textile industry (SEC(71) 363 Final — July 1971) has been replaced by the Multisectoral framework on regional aid for large investment projects ⁽⁴⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (5) 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317, 25.1.1977): Examination of the present situation with regard to aids to the textile and clothing industries has been replaced by the Multisectoral framework on regional aid for large investment projects ⁽⁵⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (6) Commission communication on aid to the EEC synthetic fibres industries ⁽⁶⁾ and subsequent extensions were replaced by the Code on aid to the synthetic fibres industry ⁽⁷⁾, which was replaced by Commission Communication — Multisectoral Framework on regional aid for large investment projects ⁽⁸⁾ and consequently the reference thereto should be deleted from the EEA Agreement.

⁽¹⁾ OJ L 231, 3.9.1994, p. 1.

⁽²⁾ OJ C 71, 11.3.2000, p. 14.

⁽³⁾ OJ C 71, 11.3.2000, p. 14.

⁽⁴⁾ OJ C 107, 7.4.1998, p. 7.

⁽⁵⁾ OJ C 107, 7.4.1998, p. 7.

⁽⁶⁾ OJ C 173, 8.7.1989, p. 5.

⁽⁷⁾ OJ C 94, 30.3.1996, p. 11.

⁽⁸⁾ OJ C 70, 19.3.2002, p. 8.

- (7) Community framework on State aid to the motor-vehicle industry ⁽⁹⁾ has been replaced by Commission communication — Multisectoral Framework on regional aid for large investment projects ⁽¹⁰⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (8) Community framework on State aid to the motor-vehicle industry ⁽¹¹⁾ has been replaced by Commission communication — Multisectoral Framework on regional aid for large investment projects ⁽¹²⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (9) Council Resolution of 20 October 1971 on general systems of regional aid ⁽¹³⁾ has been replaced by Guidelines on national regional aid ⁽¹⁴⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (10) Commission communication on Council Resolution of 20 October 1971 on general systems of regional aid ⁽¹⁵⁾ has been replaced by Guidelines on national regional aid ⁽¹⁶⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (11) Commission communication to the Council on general regional aid systems has been replaced by Guidelines on national regional aid ⁽¹⁷⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (12) Commission communication of 21 December 1978 on regional aid systems ⁽¹⁸⁾ has been replaced by Guidelines on national regional aid ⁽¹⁹⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (13) Commission communication on the method for the application of Article 92(3)(a) and (c) to regional aid ⁽²⁰⁾ has been replaced by Guidelines on national regional aid ⁽²¹⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (14) Commission communication on the revision of the Communication of 21 December 1978 ⁽²²⁾ has been replaced by Guidelines on national regional aid ⁽²³⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (15) Commission communication on the method of application of Article 92(3)(c) to regional aid ⁽²⁴⁾ has been replaced by Guidelines on national regional aid ⁽²⁵⁾ and consequently the reference thereto should be deleted from the EEA Agreement.

⁽⁹⁾ OJ C 123, 18.5.1989, p. 3.

⁽¹⁰⁾ OJ C 70, 19.3.2002, p. 8.

⁽¹¹⁾ OJ C 81, 26.3.1991, p. 4.

⁽¹²⁾ OJ C 70, 19.3.2002, p. 8.

⁽¹³⁾ OJ C 111, 4.11.1971, p. 1.

⁽¹⁴⁾ OJ C 74, 10.3.1998, p. 9.

⁽¹⁵⁾ OJ C 111, 4.11.1971, p. 7.

⁽¹⁶⁾ OJ C 74, 10.3.1998, p. 9.

⁽¹⁷⁾ OJ C 74, 10.3.1998, p. 9.

⁽¹⁸⁾ OJ C 31, 3.2.1979, p. 9.

⁽¹⁹⁾ OJ C 74, 10.3.1998, p. 9.

⁽²⁰⁾ OJ C 212, 12.8.1988, p. 2.

⁽²¹⁾ OJ C 74, 10.3.1998, p. 9.

⁽²²⁾ OJ C 10, 16.1.1990, p. 8.

⁽²³⁾ OJ C 74, 10.3.1998, p. 9.

⁽²⁴⁾ OJ C 163, 4.7.1990, p. 5.

⁽²⁵⁾ OJ C 74, 10.3.1998, p. 9.

- (16) Commission communication on the method of application of Article 92(3)(a) to regional aid ⁽²⁶⁾ has been replaced by Guidelines on national regional aid ⁽²⁷⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (17) Letter from the Commission to the Member States S/74/30.807 of 7 November 1974 has been replaced by the Guidelines on State aid for environmental protection ⁽²⁸⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (18) Letter from the Commission to the Member States SG(80) D/8287 of 7 July 1980 has been replaced by the Guidelines on State aid for environmental protection ⁽²⁹⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (19) Commission communication to the Member States (Annex to the letter of 7 July 1980) has been replaced by the Guidelines on State aid for environmental protection ⁽³⁰⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (20) Letter from the Commission to the Member States SG(87) D/3795 of 29 March 1987 has been replaced by the Guidelines on State aid for environmental protection ⁽³¹⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (21) Community framework for State aids for research and development ⁽³²⁾ was revised by the Community Framework for State aid for research and development ⁽³³⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (22) Letter from the Commission to the Member States SG(90) D/01620 of 5 February 1990 was revised by the Community Framework for State aid for research and development ⁽³⁴⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (23) Letter from the Commission to the Member States SG(79) D/10478 of 14 September 1979 was reproduced under the General Investment Aid Schemes of the Procedural and Substantive Rules in the Field of State Aid ('the State Aid Guidelines') ⁽³⁵⁾ and subsequently deleted by the 63rd amendment of the State Aid Guidelines ⁽³⁶⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (24) Control of aid for rescue and restructuring (Eighth Report on Competition Policy, point 228) was replaced by Community guidelines on State aid for rescuing and restructuring firms in difficulty ⁽³⁷⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (25) Sixteenth Report on Competition Policy, point 253 was reproduced under the State Aid Guidelines ⁽³⁸⁾ which were subsequently replaced by the Guidelines on aid to employment ⁽³⁹⁾ and consequently the reference thereto should be deleted from the EEA Agreement.

⁽²⁶⁾ OJ C 163, 4.7.1990, p. 6.

⁽²⁷⁾ OJ C 74, 10.3.1998, p. 9.

⁽²⁸⁾ OJ C 72, 10.3.1994, p. 3.

⁽²⁹⁾ OJ C 72, 10.3.1994, p. 3.

⁽³⁰⁾ OJ C 72, 10.3.1994, p. 3.

⁽³¹⁾ OJ C 72, 10.3.1994, p. 3.

⁽³²⁾ OJ C 83, 11.4.1986, p. 2.

⁽³³⁾ OJ C 45, 17.2.1996, p. 5.

⁽³⁴⁾ OJ C 45, 17.2.1996, p. 5.

⁽³⁵⁾ OJ L 231, 3.9.1994, p. 1.

⁽³⁶⁾ OJ L 73, 19.3.2009, p. 23.

⁽³⁷⁾ OJ C 368, 23.12.1994, p. 12.

⁽³⁸⁾ OJ L 231, 3.9.1994, p. 1.

⁽³⁹⁾ OJ C 334, 12.12.1995, p. 4.

- (26) Twentieth Report on Competition Policy, point 280 was reproduced under the State Aid Guidelines⁽⁴⁰⁾ which were subsequently replaced by the Guidelines on aid to employment⁽⁴¹⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (27) Framework for certain steel sectors not covered by the ECSC Treaty⁽⁴²⁾ was replaced by Commission Communication — Multisectoral Framework on regional aid for large investment projects⁽⁴³⁾ and consequently the reference thereto should be deleted from the EEA Agreement.
- (28) Annex XV to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex XV to the EEA Agreement shall be amended as follows:

1. The following footnote is added after the text '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:' under the heading '*ACTS OF WHICH THE EC COMMISSION AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT*':

'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.'

2. The texts of points 9 (Application of Articles 92 and 93 of the EEC Treaty to public authorities' holdings), 11 (Letter from the Commission to the Member States SG(89) D/4328), 12 (Letter from the Commission to the Member States SG(89) D/12772), 13 (Commission communication to the Member States on the Community framework on aid to the textile industry), 14 (Letter from the Commission to the Member States SG(77) D/1190 and Annex (DOC.SEC(77) 317, 25.1.1977)), 15 (Commission communication on aid to the EEC synthetic fibres industries), 16 (Community framework on State aid to the motor-vehicle industry), 17 (Community framework on State aid to the motor-vehicle industry), 18 (Council Resolution of 20 October 1971 on general systems of regional aid), 19 (Commission communication on Council Resolution of 20 October 1971 on general systems of regional aid), 20 (Commission communication to the Council on general regional aid systems), 21 (Commission communication of 21 December 1978 on regional aid systems), 22 (Commission communication on the method for the application of Article 92(3)(a) and (c) to regional aid), 23 (Commission communication on the revision of the Communication of 21 December 1978), 24 (Commission communication on the method of application of Article 92(3)(c) to regional aid), 25 (Commission communication on the method of application of Article 92(3)(a) to regional aid), 26 (Letter from the Commission to the Member States S/74/30.807), 27 (Letter from the Commission to the Member States SG(80) D/8287), 28 (Commission communication to the Member States (Annex to the letter of 7 July 1980)), 29 (Letter from the Commission to the Member States SG(87) D/3795), 30 (Community framework for State aids for research and development), 31 (Letter from the Commission to the Member States SG(90) D/01620), 32 (Letter from the Commission to the Member States SG(79) D/10478), 33 (Control of aid for rescue and restructuring), 35 (Sixteenth Report on Competition Policy, point 253), 36 (Twentieth Report on Competition Policy, point 280) and 37 (Framework for certain steel sectors not covered by the ECSC Treaty) under the heading '*ACTS OF WHICH THE EC COMMISSION AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT*' are deleted.

⁽⁴⁰⁾ OJ L 231, 3.9.1994, p. 1.

⁽⁴¹⁾ OJ C 334, 12.12.1995, p. 4.

⁽⁴²⁾ OJ C 320, 13.12.1988, p. 3.

⁽⁴³⁾ OJ C 70, 19.3.2002, p. 8.

3. The text contained in Paragraph I under the heading 'GENERAL' under the heading 'ACTS OF WHICH THE EC COMMISSION AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT' is deleted.
4. The last sentence of Paragraph II under the heading 'GENERAL' under the heading 'ACTS OF WHICH THE EC COMMISSION AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT' is replaced by the following sentence:

'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.'

Article 2

This Decision shall enter into force on 16 December 2017, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

Article 3

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, 15 December 2017.

For the EEA Joint Committee

The President

Sabine MONAUNI

(*) No constitutional requirements indicated.