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**Status:** This is the original version (as it was originally adopted).

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## ANNEXES

## ANNEX XV

## STATE AID

**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.

## ACTS REFERRED TO

**Public undertakings**

1. **380 L 0723:** Commission Directive 80/723/EEC of 25 June 1980 on the transparency of financial relations between Member States and public undertakings ([OJ No L 195, 29.7.1980, p. 35](#)), as amended by:
  - **385 L 0413:** Commission Directive 85/413/EEC of 24 July 1985 amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings ([OJ No L 229, 28.8.1985, p. 20](#)).

The provisions of this Directive 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’.

## 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:

**Scrutiny by the Commission***Prior notification of State aid plans and other procedural rules*

2. **C/252/80/p. 2:** The notification of State aids to the Commission pursuant to Article 93(3) of the EEC Treaty; the failure of Member States to respect their obligations ([OJ No C 252, 30.9.1980, p. 2](#)).
3. Letter from the Commission to the Member States SG(81) 12740 of 2 October 1981.
4. Letter from the Commission to the Member States SG(89) D/5521 of 27 April 1989.
5. Letter from the Commission to the Member States SG(87) D/5540 of 30 April 1989: Procedure under Article 93(2) of the EEC Treaty - time limits.

6. Letter from the Commission to the Member States SG(90) D/28091 of 11 October 1990: State aid -informing Member States about aid cases not objected by the Commission.
7. Letter from the Commission to the Member States SG(91) D/4577 of 4 March 1991: Communication to the Member States concerning the procedure for the notification of aid plans and procedures applicable when aid is provided in breach of the rules of Article 93(3) of the EEC Treaty.

*Evaluation of aid of minor importance*

8. **C/40/90/p. 2:** Notification of an aid scheme of minor importance (OJ No C 40, 20.2.1990, p. 2).

*Public authorities' holdings*

9. Application of Articles 92 and 93 of the EEC Treaty to public authorities' holdings (Bulletin EC 9-1984).

*Aid granted illegally*

10. **C/318/83/p. 3:** Commission communication on aids granted illegally (OJ No C 318, 24.11.1983, p. 3).

*State guarantees*

11. Letter from the Commission to the Member States SG(89) D/4328 of 5 April 1989.
12. Letter from the Commission to the Member States SG(89) D/12772 of 12 October 1989.

**Frameworks on sectoral aid schemes**

*Textile and clothing industry*

13. Commission communication to the Member States on the Community framework on aid to the textile industry (SEC(71) 363 final - July 1971).
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): Examination of the present situation with regard to aids to the textile and clothing industries.

*Synthetic fibres industry*

15. **C/173/89/p. 5:** Commission communication on aid to the EEC synthetic fibres industries (OJ No C 173, 8.7.1989, p. 5).

*Motor-vehicle industry*

16. **C/123/89/p. 3:** Community framework on State aid to the motor-vehicle industry (OJ No C 123, 18.5.1989, p. 3).
17. **C/81/91/p. 4:** Community framework on State aid to the motor-vehicle Industry (OJ No C 81, 26.3.1991, p. 4).

**Frameworks on general systems of regional aid**

18. **471 Y 1104:** Council Resolution of 20 October 1971 on general systems of regional aid (OJ No C 111, 4.11.1971, p. 1).
19. **C/111/71/p.7:** Commission communication on Council Resolution of 20 October 1971 on general systems of regional aid (OJ No C 111, 4.11.1971, p. 7).
20. Commission communication to the Council on general regional aid systems (COM(75) 77, final).

21. **C/31/79/p. 9:** Commission communication of 21 December 1978 on regional aid systems (OJ No C 31, 3.2.1979, p. 9).
22. **C/212/88/p. 2:** Commission communication on the method for the application of Article 92(3)(a) and (c) to regional aid (OJ No C 212, 12.8.1988, p. 2).
23. **C/10/90/p. 8:** Commission communication on the revision of the Communication of 21 December 1978 (OJ No C 10, 16.1.1990, p. 8).
24. **C/163/90/p. 5:** Commission communication on the method of application of Article 92(3)(c) to regional aid (OJ No C 163, 4.7.1990, p. 5).
25. **C/163/90/p. 6:** Commission communication on the method of application of Article 92(3)(a) to regional aid (OJ No C 163, 4.7.1990, p. 6).

**Horizontal frameworks***Community framework on State aid in environmental matters*

26. Letter from the Commission to the Member States S/74/30.807 of 7 November 1974.
27. Letter from the Commission to the Member States SG(80) D/8287 of 7 July 1980.
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 of 29 March 1987.

*Community framework on State aid to research and development*

30. **C/83/86/p. 2:** Community framework for State aids for research and development (OJ No C 83, 11.4.1986, p. 2).
31. Letter from the Commission to the Member States SG(90) D/01620 of 5 February 1990.

**Rules applicable to general aid schemes**

32. Letter from the Commission to the Member States SG(79) D/10478 of 14 September 1979.
33. Control of aid for rescue and restructuring (Eighth Report on Competition Policy, point 228).

**Rules applicable to cases of cumulation of aid for different purposes**

34. **C/3/85/p. 2:** Commission communication on the cumulation of aids for different purposes (OJ No C 3, 5.1.1985, p. 2).

**Aid to employment**

35. Sixteenth Report on Competition Policy, point 253.
36. Twentieth Report on Competition Policy, point 280.

**Control of aid to the steel industry**

37. **C/320/88/p. 3:** Framework for certain steel sectors not covered by the ECSC Treaty (OJ No C 320, 13.12.1988, p. 3).