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## PROTOCOLS

### PROTOCOL 26

on the powers and functions of the EFTA Surveillance Authority in the field of State aid

#### <sup>[F1]</sup>Article 1

The EFTA Surveillance Authority shall, in an agreement between the EFTA States, be entrusted with equivalent powers and similar functions to those of the European Commission, at the time of the signature of the Agreement, for the application of the competition rules applicable to State aid of the Treaty establishing the European Economic Community, enabling the EFTA Surveillance Authority to give effect to the principles expressed in Articles 1(2)(e), 49 and 61 to 63 of the Agreement. The EFTA Surveillance Authority shall also have such powers to give effect to the competition rules applicable to State aid relating to products falling under the Treaty establishing the European Coal and Steel Community as referred to in Protocol 14.

#### Textual Amendments

- F1** Substituted by [Decision of the EEA Joint Committee No 164/2001 of 11 December 2001 amending Protocol 26 to the EEA Agreement, on the powers and functions of the EFTA Surveillance Authority in the field of State aid.](#)

#### Article 2

In addition to the acts listed in Annex XV, <sup>[F2]</sup>the following acts<sup>[F2]</sup>reflect] the powers and functions of the European Commission for the application of the competition rules applicable to State aid of the Treaty establishing the European Economic Community:

- 399 R 0659:** Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty ([OJ L 83, 27.3.1999, p. 1](#)) <sup>[F3]</sup>,<sup>[F4]</sup>as amended by:
  - Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003.]
  - <sup>[F5]</sup>**32006 R 1791:** Council Regulation (EC) No 1791/2006 of 20 November 2006 ([OJ L 363, 20.12.2006, p. 1](#))<sup>[F6]</sup>,]]
  - <sup>[F7]</sup>**32013 R 0517:** Council Regulation (EU) No 517/2013 of 13 May 2013 ([OJ L 158, 10.6.2013, p. 1](#)).]
- <sup>[F8]</sup>**32004 R 0794:** Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty ([OJ L 140, 30.4.2004, p. 1](#)), as corrected by [OJ L 25, 28.1.2005, p. 74](#) and [OJ L 131, 25.5.2005, p. 45](#)<sup>[F9]</sup>,<sup>[F10]</sup>as amended by:
  - **32008 R 0271:** Commission Regulation (EC) No 271/2008 of 30 January 2008 ([OJ L 82, 25.3.2008, p. 1](#))<sup>[F11]</sup>,]]
  - <sup>[F12]</sup>**32014 R 0372:** Commission Regulation (EU) No 372/2014 of 9 April 2014 ([OJ L 109, 12.4.2014, p. 14](#)).]]]

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### Textual Amendments

- F1** Substituted by [Decision of the EEA Joint Committee No 164/2001 of 11 December 2001 amending Protocol 26 to the EEA Agreement, on the powers and functions of the EFTA Surveillance Authority in the field of State aid.](#)
- F2** Substituted by [Decision of the EEA Joint Committee No 123/2005 of 30 September 2005 amending Annex XV \(State aid\) and Protocol 26 \(on the powers and functions of the EFTA Surveillance Authority in the field of State aid\) to the EEA Agreement.](#)
- F3** Substituted by [Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area.](#)
- F4** Inserted by [Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area.](#)
- F5** Inserted by [Decision of the EEA Joint Committee No 132/2007 of 26 October 2007 amending certain Annexes and Protocols to the EEA Agreement.](#)
- F6** Substituted by [Decision of the EEA Joint Committee No 159/2014 of 9 July 2014 amending certain Annexes and Protocols to the EEA Agreement \[2015/94\].](#)
- F7** Inserted by [Decision of the EEA Joint Committee No 159/2014 of 9 July 2014 amending certain Annexes and Protocols to the EEA Agreement \[2015/94\].](#)
- F8** Inserted by [Decision of the EEA Joint Committee No 123/2005 of 30 September 2005 amending Annex XV \(State aid\) and Protocol 26 \(on the powers and functions of the EFTA Surveillance Authority in the field of State aid\) to the EEA Agreement.](#)
- F9** Substituted by [Decision of the EEA Joint Committee No 119/2009 of 22 October 2009 amending Protocol 26 \(On the powers and functions of the EFTA Surveillance Authority in the field of State aid\) to the EEA Agreement.](#)
- F10** Inserted by [Decision of the EEA Joint Committee No 119/2009 of 22 October 2009 amending Protocol 26 \(On the powers and functions of the EFTA Surveillance Authority in the field of State aid\) to the EEA Agreement.](#)
- F11** Substituted by [Decision of the EEA Joint Committee No 201/2014 of 25 September 2014 amending Protocol 26 \(On the powers and functions of the EFTA Surveillance Authority in the field of State Aid\) to the EEA Agreement \[2015/1269\].](#)
- F12** Inserted by [Decision of the EEA Joint Committee No 201/2014 of 25 September 2014 amending Protocol 26 \(On the powers and functions of the EFTA Surveillance Authority in the field of State Aid\) to the EEA Agreement \[2015/1269\].](#)