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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2022/1206

of 12 July 2022

concerning the accession of the European Union to the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(2), point (a), and Article 218(6), second subparagraph, point (a)(v), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters ('the Convention') was concluded under the auspices of the Hague Conference on Private International Law on 2 July 2019.
- (2) The Convention seeks to promote access to justice globally through enhanced international judicial cooperation. In particular, the Convention seeks to reduce risks and costs associated with cross-border litigation and dispute resolution and, as a result, to facilitate international trade, investment and mobility.
- (3) The Union participated actively in the negotiations leading up to the adoption of the Convention and shares its goals.
- (4) Currently, Union citizens and businesses seeking to have a judgment given in the Union recognised and enforced in a non-Union country face a scattered legal landscape due to the absence of a comprehensive international framework for the recognition and enforcement of foreign judgments in civil and commercial matters. The growth in international trade and investment flows has increased the legal risks for Union citizens and businesses.
- (5) This situation should therefore be addressed by establishing a predictable system of cross-border recognition and enforcement of judgments in civil or commercial matters. Those objectives can only be achieved by adhering to a system of mutual recognition and enforcement of judgments among States, such as the one adopted in the Convention. At the same time, the Convention would allow for the recognition and enforcement of third-country judgments in the Union only where fundamental principles of Union law are respected.
- (6) Pursuant to Article 26 of the Convention, regional economic integration organisations which have competence over some or all of the matters governed by the Convention, such as the Union, may sign, accept, approve or accede to the Convention.

⁽¹⁾ Consent of 23 June 2022 (not yet published in the Official Journal).

- (7) Pursuant to Article 3(2) of the Treaty on the Functioning of the European Union (TFEU), the Union has exclusive competence for the conclusion of an international agreement in so far as its conclusion may affect common rules or alter their scope. The Convention affects Union legislation, in particular Regulation (EU) No 1215/2012 of the European Parliament and of the Council ⁽²⁾. Therefore, the Union has exclusive competence in all matters governed by the Convention.
- (8) Pursuant to Article 24(3) and Article 28 of the Convention, accession to the Convention can occur before its entry into force.
- (9) The Union should therefore accede to the Convention.
- (10) When acceding to the Convention, the Union should declare, in accordance with Article 27 of the Convention, that it exercises competence over all the matters governed by the Convention. Consequently, the Member States would be bound by the Convention by virtue of the accession of the Union.
- (11) In cases involving non-residential leases (tenancies), Regulation (EU) No 1215/2012 affords exclusive jurisdiction to courts in a Member State where the immovable property is located. The Convention does not include such exclusive jurisdictional rules for non-residential tenancies. Therefore, when acceding to the Convention, the Union should declare, in accordance with Article 18 of the Convention, that it will not apply the Convention to non-residential leases (tenancies) of immovable property situated in the Union.
- (12) Ireland is bound by Regulation (EU) No 1215/2012 and is therefore taking part in the adoption of this Decision.
- (13) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The accession of the European Union to the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters is hereby approved on behalf of the Union ⁽³⁾.

Article 2

The President of the Council shall designate the person(s) empowered to deposit, on behalf of the Union, the instrument of accession referred to in Article 24(4) of the Convention (the 'instrument').

Article 3

When depositing the instrument, the Union shall make the following declaration in accordance with Article 27(1) of the Convention:

'The European Union declares, in accordance with Article 27(1) of the Convention, that it exercises competence over all the matters governed by this Convention. Its Member States will not sign, ratify, accept or approve the Convention, but shall be bound by the Convention by virtue of the accession of the European Union.

⁽²⁾ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

⁽³⁾ See page 4 of this Official Journal.

For the purposes of this declaration, the term 'European Union' does not include the Kingdom of Denmark by virtue of Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union.'.

Article 4

When depositing the instrument, the Union shall make the following declaration, in accordance with Article 18 of the Convention, concerning non-residential leases (tenancies) of immovable property:

'The European Union declares, in accordance with Article 18 of the Convention, that it will not apply the Convention to non-residential leases (tenancies) of immovable property situated in the European Union.'.

Article 5

This Decision shall enter into force on the date of its adoption ⁽⁴⁾.

Done at Brussels, 12 July 2022.

For the Council
The President
Z. STANJURA

⁽⁴⁾ The date of entry into force of the Convention will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS IN CIVIL OR COMMERCIAL MATTERS

The Contracting Parties to the present Convention,

Desiring to promote effective access to justice for all and to facilitate rule-based multilateral trade and investment, and mobility, through judicial co-operation,

Believing that such co-operation can be enhanced through the creation of a uniform set of core rules on recognition and enforcement of foreign judgments in civil or commercial matters, to facilitate the effective recognition and enforcement of such judgments,

Convinced that such enhanced judicial co-operation requires, in particular, an international legal regime that provides greater predictability and certainty in relation to the global circulation of foreign judgments, and that is complementary to the *Convention of 30 June 2005 on Choice of Court Agreements*,

Have resolved to conclude this Convention to this effect and have agreed upon the following provisions –

CHAPTER I

SCOPE AND DEFINITIONS

Article 1

Scope

1. This Convention shall apply to the recognition and enforcement of judgments in civil or commercial matters. It shall not extend in particular to revenue, customs or administrative matters.
2. This Convention shall apply to the recognition and enforcement in one Contracting State of a judgment given by a court of another Contracting State.

Article 2

Exclusions from scope

1. This Convention shall not apply to the following matters –
 - (a) the status and legal capacity of natural persons;
 - (b) maintenance obligations;
 - (c) other family law matters, including matrimonial property regimes and other rights or obligations arising out of marriage or similar relationships;
 - (d) wills and succession;
 - (e) insolvency, composition, resolution of financial institutions, and analogous matters;
 - (f) the carriage of passengers and goods;
 - (g) transboundary marine pollution, marine pollution in areas beyond national jurisdiction, ship-source marine pollution, limitation of liability for maritime claims, and general average;
 - (h) liability for nuclear damage;
 - (i) the validity, nullity, or dissolution of legal persons or associations of natural or legal persons, and the validity of decisions of their organs;
 - (j) the validity of entries in public registers;
 - (k) defamation;
 - (l) privacy;
 - (m) intellectual property;

- (n) activities of armed forces, including the activities of their personnel in the exercise of their official duties;
 - (o) law enforcement activities, including the activities of law enforcement personnel in the exercise of their official duties;
 - (p) anti-trust (competition) matters, except where the judgment is based on conduct that constitutes an anti-competitive agreement or concerted practice among actual or potential competitors to fix prices, make rigged bids, establish output restrictions or quotas, or divide markets by allocating customers, suppliers, territories or lines of commerce, and where such conduct and its effect both occurred in the State of origin;
 - (q) sovereign debt restructuring through unilateral State measures.
2. A judgment is not excluded from the scope of this Convention where a matter to which this Convention does not apply arose merely as a preliminary question in the proceedings in which the judgment was given, and not as an object of the proceedings. In particular, the mere fact that such a matter arose by way of defence does not exclude a judgment from the Convention, if that matter was not an object of the proceedings.
3. This Convention shall not apply to arbitration and related proceedings.
4. A judgment is not excluded from the scope of this Convention by the mere fact that a State, including a government, a governmental agency or any person acting for a State, was a party to the proceedings.
5. Nothing in this Convention shall affect privileges and immunities of States or of international organisations, in respect of themselves and of their property.

Article 3

Definitions

1. In this Convention –
- (a) “defendant” means a person against whom the claim or counterclaim was brought in the State of origin;
 - (b) “judgment” means any decision on the merits given by a court, whatever that decision may be called, including a decree or order, and a determination of costs or expenses of the proceedings by the court (including an officer of the court), provided that the determination relates to a decision on the merits which may be recognised or enforced under this Convention. An interim measure of protection is not a judgment.
2. An entity or person other than a natural person shall be considered to be habitually resident in the State –
- (a) where it has its statutory seat;
 - (b) under the law of which it was incorporated or formed;
 - (c) where it has its central administration; or
 - (d) where it has its principal place of business.

CHAPTER II

RECOGNITION AND ENFORCEMENT

Article 4

General provisions

1. A judgment given by a court of a Contracting State (State of origin) shall be recognised and enforced in another Contracting State (requested State) in accordance with the provisions of this Chapter. Recognition or enforcement may be refused only on the grounds specified in this Convention.

2. There shall be no review of the merits of the judgment in the requested State. There may only be such consideration as is necessary for the application of this Convention.
3. A judgment shall be recognised only if it has effect in the State of origin, and shall be enforced only if it is enforceable in the State of origin.
4. Recognition or enforcement may be postponed or refused if the judgment referred to under paragraph 3 is the subject of review in the State of origin or if the time limit for seeking ordinary review has not expired. A refusal does not prevent a subsequent application for recognition or enforcement of the judgment.

Article 5

Bases for recognition and enforcement

1. A judgment is eligible for recognition and enforcement if one of the following requirements is met –
 - (a) the person against whom recognition or enforcement is sought was habitually resident in the State of origin at the time that person became a party to the proceedings in the court of origin;
 - (b) the natural person against whom recognition or enforcement is sought had their principal place of business in the State of origin at the time that person became a party to the proceedings in the court of origin and the claim on which the judgment is based arose out of the activities of that business;
 - (c) the person against whom recognition or enforcement is sought is the person that brought the claim, other than a counterclaim, on which the judgment is based;
 - (d) the defendant maintained a branch, agency, or other establishment without separate legal personality in the State of origin at the time that person became a party to the proceedings in the court of origin, and the claim on which the judgment is based arose out of the activities of that branch, agency, or establishment;
 - (e) the defendant expressly consented to the jurisdiction of the court of origin in the course of the proceedings in which the judgment was given;
 - (f) the defendant argued on the merits before the court of origin without contesting jurisdiction within the timeframe provided in the law of the State of origin, unless it is evident that an objection to jurisdiction or to the exercise of jurisdiction would not have succeeded under that law;
 - (g) the judgment ruled on a contractual obligation and it was given by a court of the State in which performance of that obligation took place, or should have taken place, in accordance with
 - (i) the agreement of the parties, or
 - (ii) the law applicable to the contract, in the absence of an agreed place of performance,unless the activities of the defendant in relation to the transaction clearly did not constitute a purposeful and substantial connection to that State;
 - (h) the judgment ruled on a lease of immovable property (tenancy) and it was given by a court of the State in which the property is situated;
 - (i) the judgment ruled against the defendant on a contractual obligation secured by a right in rem in immovable property located in the State of origin, if the contractual claim was brought together with a claim against the same defendant relating to that right in rem;
 - (j) the judgment ruled on a non-contractual obligation arising from death, physical injury, damage to or loss of tangible property, and the act or omission directly causing such harm occurred in the State of origin, irrespective of where that harm occurred;

- (k) the judgment concerns the validity, construction, effects, administration or variation of a trust created voluntarily and evidenced in writing, and –
 - (i) at the time the proceedings were instituted, the State of origin was designated in the trust instrument as a State in the courts of which disputes about such matters are to be determined; or
 - (ii) at the time the proceedings were instituted, the State of origin was expressly or impliedly designated in the trust instrument as the State in which the principal place of administration of the trust is situated.
- This sub-paragraph only applies to judgments regarding internal aspects of a trust between persons who are or were within the trust relationship;
- (l) the judgment ruled on a counterclaim –
 - (i) to the extent that it was in favour of the counterclaimant, provided that the counterclaim arose out of the same transaction or occurrence as the claim; or
 - (ii) to the extent that it was against the counterclaimant, unless the law of the State of origin required the counterclaim to be filed in order to avoid preclusion;
- (m) the judgment was given by a court designated in an agreement concluded or documented in writing or by any other means of communication which renders information accessible so as to be usable for subsequent reference, other than an exclusive choice of court agreement.

For the purposes of this sub-paragraph, an “exclusive choice of court agreement” means an agreement concluded by two or more parties that designates, for the purpose of deciding disputes which have arisen or may arise in connection with a particular legal relationship, the courts of one State or one or more specific courts of one State to the exclusion of the jurisdiction of any other courts.

2. If recognition or enforcement is sought against a natural person acting primarily for personal, family or household purposes (a consumer) in matters relating to a consumer contract, or against an employee in matters relating to the employee’s contract of employment –

- (a) paragraph 1(e) applies only if the consent was addressed to the court, orally or in writing;
- (b) paragraph 1(f), (g) and (m) do not apply.

3. Paragraph 1 does not apply to a judgment that ruled on a residential lease of immovable property (tenancy) or ruled on the registration of immovable property. Such a judgment is eligible for recognition and enforcement only if it was given by a court of the State where the property is situated.

Article 6

Exclusive basis for recognition and enforcement

Notwithstanding Article 5, a judgment that ruled on rights in rem in immovable property shall be recognised and enforced if and only if the property is situated in the State of origin.

Article 7

Refusal of recognition and enforcement

- 1. Recognition or enforcement may be refused if –
 - (a) the document which instituted the proceedings or an equivalent document, including a statement of the essential elements of the claim –
 - (i) was not notified to the defendant in sufficient time and in such a way as to enable them to arrange for their defence, unless the defendant entered an appearance and presented their case without contesting notification in the court of origin, provided that the law of the State of origin permitted notification to be contested; or

- (ii) was notified to the defendant in the requested State in a manner that is incompatible with fundamental principles of the requested State concerning service of documents;
 - (b) the judgment was obtained by fraud;
 - (c) recognition or enforcement would be manifestly incompatible with the public policy of the requested State, including situations where the specific proceedings leading to the judgment were incompatible with fundamental principles of procedural fairness of that State and situations involving infringements of security or sovereignty of that State;
 - (d) the proceedings in the court of origin were contrary to an agreement, or a designation in a trust instrument, under which the dispute in question was to be determined in a court of a State other than the State of origin;
 - (e) the judgment is inconsistent with a judgment given by a court of the requested State in a dispute between the same parties; or
 - (f) the judgment is inconsistent with an earlier judgment given by a court of another State between the same parties on the same subject matter, provided that the earlier judgment fulfils the conditions necessary for its recognition in the requested State.
2. Recognition or enforcement may be postponed or refused if proceedings between the same parties on the same subject matter are pending before a court of the requested State, where –
- (a) the court of the requested State was seised before the court of origin; and
 - (b) there is a close connection between the dispute and the requested State.

A refusal under this paragraph does not prevent a subsequent application for recognition or enforcement of the judgment.

Article 8

Preliminary questions

1. A ruling on a preliminary question shall not be recognised or enforced under this Convention if the ruling is on a matter to which this Convention does not apply or on a matter referred to in Article 6 on which a court of a State other than the State referred to in that Article ruled.
2. Recognition or enforcement of a judgment may be refused if, and to the extent that, the judgment was based on a ruling on a matter to which this Convention does not apply, or on a matter referred to in Article 6 on which a court of a State other than the State referred to in that Article ruled.

Article 9

Severability

Recognition or enforcement of a severable part of a judgment shall be granted where recognition or enforcement of that part is applied for, or only part of the judgment is capable of being recognised or enforced under this Convention.

Article 10

Damages

1. Recognition or enforcement of a judgment may be refused if, and to the extent that, the judgment awards damages, including exemplary or punitive damages, that do not compensate a party for actual loss or harm suffered.

2. The court addressed shall take into account whether and to what extent the damages awarded by the court of origin serve to cover costs and expenses relating to the proceedings.

Article 11

Judicial settlements (transactions judiciaires)

Judicial settlements (*transactions judiciaires*) which a court of a Contracting State has approved, or which have been concluded in the course of proceedings before a court of a Contracting State, and which are enforceable in the same manner as a judgment in the State of origin, shall be enforced under this Convention in the same manner as a judgment.

Article 12

Documents to be produced

1. The party seeking recognition or applying for enforcement shall produce –
 - (a) a complete and certified copy of the judgment;
 - (b) if the judgment was given by default, the original or a certified copy of a document establishing that the document which instituted the proceedings or an equivalent document was notified to the defaulting party;
 - (c) any documents necessary to establish that the judgment has effect or, where applicable, is enforceable in the State of origin;
 - (d) in the case referred to in Article 11, a certificate of a court (including an officer of the court) of the State of origin stating that the judicial settlement or a part of it is enforceable in the same manner as a judgment in the State of origin.
2. If the terms of the judgment do not permit the court addressed to verify whether the conditions of this Chapter have been complied with, that court may require any necessary documents.
3. An application for recognition or enforcement may be accompanied by a document relating to the judgment, issued by a court (including an officer of the court) of the State of origin, in the form recommended and published by the Hague Conference on Private International Law.
4. If the documents referred to in this Article are not in an official language of the requested State, they shall be accompanied by a certified translation into an official language, unless the law of the requested State provides otherwise.

Article 13

Procedure

1. The procedure for recognition, declaration of enforceability or registration for enforcement, and the enforcement of the judgment, are governed by the law of the requested State unless this Convention provides otherwise. The court of the requested State shall act expeditiously.
2. The court of the requested State shall not refuse the recognition or enforcement of a judgment under this Convention on the ground that recognition or enforcement should be sought in another State.

Article 14

Costs of proceedings

1. No security, bond or deposit, however described, shall be required from a party who in one Contracting State applies for enforcement of a judgment given by a court of another Contracting State on the sole ground that such party is a foreign national or is not domiciled or resident in the State in which enforcement is sought.

2. An order for payment of costs or expenses of proceedings, made in a Contracting State against any person exempt from requirements as to security, bond, or deposit by virtue of paragraph 1 or of the law of the State where proceedings have been instituted, shall, on the application of the person entitled to the benefit of the order, be rendered enforceable in any other Contracting State.

3. A State may declare that it shall not apply paragraph 1 or designate by a declaration which of its courts shall not apply paragraph 1.

Article 15

Recognition and enforcement under national law

Subject to Article 6, this Convention does not prevent the recognition or enforcement of judgments under national law.

CHAPTER III

GENERAL CLAUSES

Article 16

Transitional provision

This Convention shall apply to the recognition and enforcement of judgments if, at the time the proceedings were instituted in the State of origin, the Convention had effect between that State and the requested State.

Article 17

Declarations limiting recognition and enforcement

A State may declare that its courts may refuse to recognise or enforce a judgment given by a court of another Contracting State if the parties were resident in the requested State, and the relationship of the parties and all other elements relevant to the dispute, other than the location of the court of origin, were connected only with the requested State.

Article 18

Declarations with respect to specific matters

1. Where a State has a strong interest in not applying this Convention to a specific matter, that State may declare that it will not apply the Convention to that matter. The State making such a declaration shall ensure that the declaration is no broader than necessary and that the specific matter excluded is clearly and precisely defined.

2. With regard to that matter, the Convention shall not apply –

- (a) in the Contracting State that made the declaration;
- (b) in other Contracting States, where recognition or enforcement of a judgment given by a court of a Contracting State that made the declaration is sought.

Article 19

Declarations with respect to judgments pertaining to a State

1. A State may declare that it shall not apply this Convention to judgments arising from proceedings to which any of the following is a party –

- (a) that State, or a natural person acting for that State; or
- (b) a government agency of that State, or a natural person acting for such a government agency.

The State making such a declaration shall ensure that the declaration is no broader than necessary and that the exclusion from scope is clearly and precisely defined. The declaration shall not distinguish between judgments where the State, a government agency of that State or a natural person acting for either of them is a defendant or claimant in the proceedings before the court of origin.

2. Recognition or enforcement of a judgment given by a court of a State that made a declaration pursuant to paragraph 1 may be refused if the judgment arose from proceedings to which either the State that made the declaration or the requested State, one of their government agencies or a natural person acting for either of them is a party, to the same extent as specified in the declaration.

Article 20

Uniform interpretation

In the interpretation of this Convention, regard shall be had to its international character and to the need to promote uniformity in its application.

Article 21

Review of operation of the Convention

The Secretary General of the Hague Conference on Private International Law shall at regular intervals make arrangements for review of the operation of this Convention, including any declarations, and shall report to the Council on General Affairs and Policy.

Article 22

Non-unified legal systems

1. In relation to a Contracting State in which two or more systems of law apply in different territorial units with regard to any matter dealt with in this Convention –

- (a) any reference to the law or procedure of a State shall be construed as referring, where appropriate, to the law or procedure in force in the relevant territorial unit;
- (b) any reference to the court or courts of a State shall be construed as referring, where appropriate, to the court or courts in the relevant territorial unit;
- (c) any reference to a connection with a State shall be construed as referring, where appropriate, to a connection with the relevant territorial unit;
- (d) any reference to a connecting factor in relation to a State shall be construed as referring, where appropriate, to that connecting factor in relation to the relevant territorial unit.

2. Notwithstanding paragraph 1, a Contracting State with two or more territorial units in which different systems of law apply shall not be bound to apply this Convention to situations which involve solely such different territorial units.

3. A court in a territorial unit of a Contracting State with two or more territorial units in which different systems of law apply shall not be bound to recognise or enforce a judgment from another Contracting State solely because the judgment has been recognised or enforced in another territorial unit of the same Contracting State under this Convention.

4. This Article shall not apply to Regional Economic Integration Organisations.

Article 23

Relationship with other international instruments

1. This Convention shall be interpreted so far as possible to be compatible with other treaties in force for Contracting States, whether concluded before or after this Convention.

2. This Convention shall not affect the application by a Contracting State of a treaty that was concluded before this Convention.
3. This Convention shall not affect the application by a Contracting State of a treaty concluded after this Convention as concerns the recognition or enforcement of a judgment given by a court of a Contracting State that is also a Party to that treaty. Nothing in the other treaty shall affect the obligations under Article 6 towards Contracting States that are not Parties to that treaty.
4. This Convention shall not affect the application of the rules of a Regional Economic Integration Organisation that is a Party to this Convention as concerns the recognition or enforcement of a judgment given by a court of a Contracting State that is also a Member State of the Regional Economic Integration Organisation where –
 - (a) the rules were adopted before this Convention was concluded; or
 - (b) the rules were adopted after this Convention was concluded, to the extent that they do not affect the obligations under Article 6 towards Contracting States that are not Member States of the Regional Economic Integration Organisation.

CHAPTER IV

FINAL CLAUSES

Article 24

Signature, ratification, acceptance, approval or accession

1. This Convention shall be open for signature by all States.
2. This Convention is subject to ratification, acceptance or approval by the signatory States.
3. This Convention shall be open for accession by all States.
4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, depositary of the Convention.

Article 25

Declarations with respect to non-unified legal systems

1. If a State has two or more territorial units in which different systems of law apply in relation to matters dealt with in this Convention, it may declare that the Convention shall extend to all its territorial units or only to one or more of them. Such a declaration shall state expressly the territorial units to which the Convention applies.
2. If a State makes no declaration under this Article, the Convention shall extend to all territorial units of that State.
3. This Article shall not apply to Regional Economic Integration Organisations.

Article 26

Regional Economic Integration Organisations

1. A Regional Economic Integration Organisation which is constituted solely by sovereign States and has competence over some or all of the matters governed by this Convention may sign, accept, approve or accede to this Convention. The Regional Economic Integration Organisation shall in that case have the rights and obligations of a Contracting State, to the extent that the Organisation has competence over matters governed by this Convention.

2. The Regional Economic Integration Organisation shall, at the time of signature, acceptance, approval or accession, notify the depositary in writing of the matters governed by this Convention in respect of which competence has been transferred to that Organisation by its Member States. The Organisation shall promptly notify the depositary in writing of any changes to its competence as specified in the most recent notice given under this paragraph.
3. For the purposes of the entry into force of this Convention, any instrument deposited by a Regional Economic Integration Organisation shall not be counted unless the Regional Economic Integration Organisation declares in accordance with Article 27(1) that its Member States will not be Parties to this Convention.
4. Any reference to a "Contracting State" or "State" in this Convention shall apply equally, where appropriate, to a Regional Economic Integration Organisation.

Article 27

Regional Economic Integration Organisation as a Contracting Party without its Member States

1. At the time of signature, acceptance, approval or accession, a Regional Economic Integration Organisation may declare that it exercises competence over all the matters governed by this Convention and that its Member States will not be Parties to this Convention but shall be bound by virtue of the signature, acceptance, approval or accession of the Organisation.
2. In the event that a declaration is made by a Regional Economic Integration Organisation in accordance with paragraph 1, any reference to a "Contracting State" or "State" in this Convention shall apply equally, where appropriate, to the Member States of the Organisation.

Article 28

Entry into force

1. This Convention shall enter into force on the first day of the month following the expiration of the period during which a notification may be made in accordance with Article 29(2) with respect to the second State that has deposited its instrument of ratification, acceptance, approval or accession referred to in Article 24.
2. Thereafter this Convention shall enter into force –
 - (a) for each State subsequently ratifying, accepting, approving or acceding to it, on the first day of the month following the expiration of the period during which notifications may be made in accordance with Article 29(2) with respect to that State;
 - (b) for a territorial unit to which this Convention has been extended in accordance with Article 25 after the Convention has entered into force for the State making the declaration, on the first day of the month following the expiration of three months after the notification of the declaration referred to in that Article.

Article 29

Establishment of relations pursuant to the Convention

1. This Convention shall have effect between two Contracting States only if neither of them has notified the depositary regarding the other in accordance with paragraph 2 or 3. In the absence of such a notification, the Convention has effect between two Contracting States from the first day of the month following the expiration of the period during which notifications may be made.
2. A Contracting State may notify the depositary, within 12 months after the date of the notification by the depositary referred to in Article 32(a), that the ratification, acceptance, approval or accession of another State shall not have the effect of establishing relations between the two States pursuant to this Convention.

3. A State may notify the depositary, upon the deposit of its instrument pursuant to Article 24(4), that its ratification, acceptance, approval or accession shall not have the effect of establishing relations with a Contracting State pursuant to this Convention.

4. A Contracting State may at any time withdraw a notification that it has made under paragraph 2 or 3. Such a withdrawal shall take effect on the first day of the month following the expiration of three months following the date of notification.

Article 30

Declarations

1. Declarations referred to in Articles 14, 17, 18, 19 and 25 may be made upon signature, ratification, acceptance, approval or accession or at any time thereafter, and may be modified or withdrawn at any time.

2. Declarations, modifications and withdrawals shall be notified to the depositary.

3. A declaration made at the time of signature, ratification, acceptance, approval or accession shall take effect simultaneously with the entry into force of this Convention for the State concerned.

4. A declaration made at a subsequent time, and any modification or withdrawal of a declaration, shall take effect on the first day of the month following the expiration of three months following the date on which the notification is received by the depositary.

5. A declaration made at a subsequent time, and any modification or withdrawal of a declaration, shall not apply to judgments resulting from proceedings that have already been instituted before the court of origin when the declaration takes effect.

Article 31

Denunciation

1. A Contracting State to this Convention may denounce it by a notification in writing addressed to the depositary. The denunciation may be limited to certain territorial units of a non-unified legal system to which this Convention applies.

2. The denunciation shall take effect on the first day of the month following the expiration of 12 months after the date on which the notification is received by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation shall take effect upon the expiration of such longer period after the date on which the notification is received by the depositary.

Article 32

Notifications by the depositary

The depositary shall notify the Members of the Hague Conference on Private International Law, and other States and Regional Economic Integration Organisations which have signed, ratified, accepted, approved or acceded to this Convention in accordance with Articles 24, 26 and 27 of the following –

- (a) the signatures, ratifications, acceptances, approvals and accessions referred to in Articles 24, 26 and 27;
- (b) the date on which this Convention enters into force in accordance with Article 28;
- (c) the notifications, declarations, modifications and withdrawals referred to in Articles 26, 27, 29 and 30; and
- (d) the denunciations referred to in Article 31.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at The Hague, on the 2nd day of July 2019, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the Members of the Hague Conference on Private International Law at the time of its Twenty-Second Session and to each of the other States which have participated in that Session.

REGULATIONS

COUNCIL REGULATION (EU) 2022/1207

of 12 July 2022

amending Regulation (EC) No 974/98 as regards the introduction of the euro in Croatia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 140(3) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Central Bank ⁽¹⁾,

Whereas:

- (1) Council Regulation (EC) No 974/98 ⁽²⁾ provides for the substitution of the euro for the currencies of the Member States which fulfilled the necessary conditions for the adoption of the euro at the time when the Community entered the third stage of economic and monetary union.
- (2) According to Article 5 of the 2012 Act of Accession, Croatia is a Member State with a derogation, as defined in Article 139(1) of the Treaty.
- (3) Pursuant to Council Decision (EU) 2022/1211 ⁽³⁾, Croatia fulfils the necessary conditions for the adoption of the euro and the derogation regarding Croatia is to be abrogated with effect from 1 January 2023.
- (4) The introduction of the euro in Croatia requires the extension to Croatia of the existing provisions on the introduction of the euro that are set out in Regulation (EC) No 974/98.
- (5) Croatia's National Euro Changeover Plan specifies that euro banknotes and coins should become legal tender in that Member State on the day of the introduction of the euro as its currency. Consequently, the euro adoption date and the cash changeover date should be 1 January 2023. No 'phasing-out' period should apply.
- (6) Regulation (EC) No 974/98 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 974/98, the following entry is inserted between the entry for France and the entry for Ireland:

'Croatia	1 January 2023	1 January 2023	No'
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⁽¹⁾ Opinion of 4 July 2022 (not yet published in the Official Journal).

⁽²⁾ Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro (OJ L 139, 11.5.1998, p. 1).

⁽³⁾ Council Decision (EU) 2022/1211 of 12 July 2022 on the adoption by Croatia of the euro on 1 January 2023 (see page 31 of this Official Journal).

Article 2

This Regulation shall enter into force on 1 January 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 July 2022.

For the Council
The President
Z. STANJURA

COUNCIL REGULATION (EU) 2022/1208**of 12 July 2022****amending Regulation (EC) No 2866/98 as regards the conversion rate to the euro for Croatia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 140(3) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Central Bank ⁽¹⁾,

Whereas:

- (1) Council Regulation (EC) No 2866/98 ⁽²⁾ determines the conversion rates between the euro and the currencies of the Member States adopting the euro as from 1 January 1999.
- (2) According to Article 5 of the 2012 Act of Accession, Croatia is a Member State with a derogation within the meaning of Article 139(1) of the Treaty on the Functioning of the European Union.
- (3) Pursuant to Council Decision (EU) 2022/1211 ⁽³⁾ regarding the adoption on 1 January 2023 of the euro by Croatia, Croatia fulfils the necessary conditions for the adoption of the euro and the derogation of Croatia is abrogated with effect from 1 January 2023.
- (4) The introduction of the euro in Croatia requires the adoption of the conversion rate between the euro and the Croatian kuna. This conversion rate should be set at 7,53450 kuna per 1 euro, which corresponds to the current central rate of the kuna in the exchange rate mechanism (ERM II).
- (5) Regulation (EC) No 2866/98 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EC) No 2866/98, the following line is inserted between the conversion rates applicable to the French franc and the Irish pound:

‘= 7,53450 Croatian kuna’.

Article 2

This Regulation shall enter into force on 1 January 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 July 2022.

For the Council
The President
Z. STANJURA

⁽¹⁾ Opinion of 4 July 2022 (not yet published in the Official Journal).

⁽²⁾ Council Regulation (EC) No 2866/98 of 31 December 1998 on the conversion rates between the euro and the currencies of the Member States adopting the euro (OJ L 359, 31.12.1998, p. 1).

⁽³⁾ Council Decision (EU) 2022/1211 of 12 July 2022 on the adoption by Croatia of the euro on 1 January 2023 (see page 31 of this Official Journal).

COMMISSION DELEGATED REGULATION (EU) 2022/1209**of 5 May 2022****supplementing Regulation (EU) 2018/858 of the European Parliament and of the Council as regards the procedure for the imposition of administrative fines and the methods for their calculation and collection****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC ⁽¹⁾, and in particular Article 85(2) thereof,

Whereas:

- (1) The decision to impose an administrative fine upon an economic operator in support of corrective and restrictive measures in accordance with Article 85 of Regulation (EU) 2018/858 should be taken by the Commission as a result of the consultations of the Member States concerned and the relevant economic operator or operators under Article 53(6) of Regulation (EU) 2018/858 and should be reflected in the decision to impose corrective and restrictive measures.
- (2) It is necessary to lay down certain procedural steps when the Commission intends to impose administrative fines in support of corrective and restrictive measures, building on the procedure set out in Article 53(6) of Regulation (EU) 2018/858. It is notably important to guarantee the right to be heard and the right to have access to the file by granting the economic operator access to relevant information and the right to submit its observations along with the evidence necessary to support such observations in relation to the intended imposition of an administrative fine. In addition, it is necessary to set out rules to ensure appropriate protection of data which economic operators consider confidential.
- (3) It is necessary to lay down a method for the calculation of administrative fines according to the gravity of non-compliance. This method should be known in advance by the economic operators. Administrative fines should be dissuasive in deterring economic operators from infringing the requirements of Regulation (EU) 2018/858 and proportionate to the seriousness of the infringement. Since the administrative fines are to be imposed per non-compliant vehicle, system, component or separate technical unit, the criteria for calculating the fine should be considered accordingly. The calculation of administrative fines should take into consideration any undue economic advantage obtained through the sale or distribution of a non-compliant vehicle that might distort competition vis-à-vis other economic operators that abide by the rules. Any losses suffered by consumers, including the altering of the performance of the vehicle, that result from non-compliance should also be considered in assessing the seriousness of the infringement since such non-compliance may undermine the protection of health and safety of consumers sought by that Regulation. In addition, the amount of the administrative fines should be proportionate to the number of non-compliant vehicles registered in the Union, or the number of non-compliant systems, components or separate technical units made available on the Union market.
- (4) Due account should be taken of the seriousness and the effects of the infringement, as well as of any aggravating and mitigating factors, in the calculation of administrative fines, which should be perceived as deterring, proportionate and offsetting the benefits of non-compliance. Aggravating factors should include the impact on safety, health and the environment since ensuring a high level of safety, health and environmental protection are determined as an

⁽¹⁾ OJ L 151, 14.6.2018, p. 1.

objective of Regulation (EU) 2018/858. Setting a robust penalty scheme at Union level that acts as deterrent through sanctions to non-compliance that negatively affects the safety of the vehicle's occupants and other road users and the protection of human health and the environment should contribute towards achieving those objectives. The degree of cooperation of the economic operator including corrective actions taken by the economic operator are to be considered as mitigating elements when calculating the administrative fine.

- (5) In order to facilitate the payment of administrative fines, it is necessary to lay down a method for their collection. The collection of those fines should be done in accordance with the rules for the recovery of fines, other penalties or sanctions imposed by Union institutions, laid down in Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Procedure

1. Before imposing an administrative fine pursuant to Article 85(1) in conjunction with Article 53 of Regulation (EU) 2018/858 upon an economic operator, the Commission shall notify the economic operator and the Member States concerned in writing of its intention to impose an administrative fine, and state the reasons for intending to do so.
2. The economic operator and the Member States concerned shall be given a period of no less than 30 days following the notification pursuant to paragraph 1 to provide their observations to the Commission in writing. Without prejudice to paragraph 4, written observations received after the expiry of that period shall not be taken into account.
3. The economic operator and the Member States concerned may, in their written observations to the Commission, attach any evidence to support their observations.
4. Following the written observations by the economic operator and the Member States concerned, the Commission may by reasoned request require further information within a time limit to be set out in the request of no less than 15 days.
5. In exceptional cases, where the Commission requires further information, it may invite the economic operator and the Member States concerned to express their position orally in a meeting after the completion of the written part of procedure under paragraphs 1 to 4.

Article 2

Confidentiality

1. Economic operators who submit information in accordance with Article 1 shall identify any information submitted by them which they consider to be confidential, giving reasons, and, where necessary, provide a separate non-confidential version of the document containing that information by the date set by the Commission.
2. Where the economic operator has not identified any information as confidential, the Commission may assume that the information submitted does not contain confidential information.
3. Nothing in this Article shall prevent the Commission from using the information submitted to prove non-compliance.

⁽²⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

*Article 3***Method for calculating administrative fines**

1. For the purpose of calculating the amount of administrative fines the Commission shall estimate the following amounts:

- (a) the economic advantage or other advantage obtained by the economic operator as a result of the non-compliance;
- (b) where possible, the losses to consumers as a result of the non-compliance.

The advantages and losses thus assessed shall form the basis for the calculation of administrative fines. Where an advantage for the economic operator also constitutes a loss to consumers, it shall only be taken into account once.

On the basis of the amounts referred to in points (a) and (b), the administrative fines shall be calculated having regard to the number of non-compliant vehicles registered in the Union market or the number of relevant non-compliant systems, components or separate technical units made available on the Union market.

2. When calculating the amount of administrative fines, the Commission shall take into account any aggravating or mitigating factors and other factors.

3. The aggravating factors referred to in paragraph 2 shall include the following elements:

- (a) the impact on the health and safety of persons or the negative impact on the environment due to the lowering of performance requirements of a vehicle;
- (b) the degree of negligence or intent of the economic operator including any attempt by the economic operator to hide or conceal relevant information for the establishment of non-compliance;
- (c) any unjustified refusal by the economic operator to provide information or evidence requested by the Commission.

4. The mitigating factors referred to in paragraph 2 shall include the following elements:

- (a) the efforts and cooperation of the economic operator in the detection of non-compliance;
- (b) any self-initiated corrective actions taken by the economic operator including their promptness;
- (c) any other reasonable and relevant mitigating factor demonstrated with appropriate evidence by the economic operator.

5. The other factors referred to in paragraph 2 shall include the repetition, the frequency or the duration of the non-compliance, and other sanctions imposed at Union or national level for non-compliance with EU type-approval rules during the 10 years preceding the establishment of the non-compliance.

6. The final administrative fine expressed in EUR shall be set at a level that ensures its effectiveness, proportionality and dissuasiveness.

*Article 4***Methods for collecting administrative fines**

The administrative fines must be paid within 3 months from the date on which the debtor has been notified of the Commission decision, counting from the date of receipt of the notification letter. These fines are collected in accordance with Articles 107 and 108 of Regulation (EU, Euratom) 2018/1046. Additional time for payment can be granted in accordance with Article 104 of that Regulation.

*Article 5***Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 May 2022.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2022/1210**of 13 July 2022****laying down implementing technical standards for the application of Regulation (EU) No 596/2014 of the European Parliament and of the Council with regard to the format of insider lists and their updates****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation), amended by Regulation (EU) 2019/2115 as regards the promotion of the use of SME growth markets, and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC ⁽¹⁾, and in particular the sixth subparagraph of Article 18(6) and the third subparagraph of Article 18(9) thereof,

Whereas:

- (1) Pursuant to Article 18 of Regulation (EU) No 596/2014, issuers, emission allowance market participants, auction platforms, auctioneers and auction monitor, or any other persons acting on their behalf or on their account are required to draw up insider lists and keep them up to date in accordance with a precise format.
- (2) The establishment of a precise format, including the use of standard templates, should facilitate the uniform application of the requirement to draw up and update insider lists laid down in Regulation (EU) No 596/2014. It should also ensure that competent authorities are provided with the information necessary to fulfil the task of protecting the integrity of the financial markets and investigate possible market abuse.
- (3) Since a variety of inside information can exist within an entity at the same time, insider lists should precisely identify the specific inside information to which persons working for the entity have had access. Therefore, the insider lists should specify which is the specific inside information (which may include information relating to a deal, a project, an event – including corporate or financial ones –, a publication of financial statements or profit warnings). To that end, the insider lists should be divided into sections with separate sections for each piece of specific inside information. Each section should list all persons having access to the same specific inside information.
- (4) To avoid multiple entries in respect of the personal details of same individuals in different sections of the insider list, it should be possible to list those personal details in a separate section in the insider list, referred to as the permanent insiders section, which is not related to specific inside information. The permanent insiders section should only include those persons who, due to the nature of their function or position, have access to all inside information within the entity at all times.
- (5) Regulation (EU) No 596/2014 was amended by Regulation (EU) 2019/2115 of the European Parliament and of the Council ⁽²⁾, which introduces less stringent requirements for issuers whose financial instruments are admitted to trading on an SME growth market (SME growth market issuers), by limiting the persons listed to those who, due to the nature of their function or position within the issuer, have regular access to inside information.

⁽¹⁾ OJ L 173, 12.6.2014, p. 1.

⁽²⁾ Regulation (EU) 2019/2115 of the European Parliament and of the Council of 27 November 2019 amending Directive 2014/65/EU and Regulations (EU) No 596/2014 and (EU) No 2017/1129 as regards the promotion of the use of SME growth markets (OJ L 320, 11.12.2019, p. 1).

- (6) By way of derogation from that provision, Member States may require SME growth market issuers to include in their insider lists all persons referred to in Article 18(1)(a) of Regulation (EU) No 596/2014. Yet, considering the generally smaller human and financial resources of SME, it was considered proportionate for them to use a format which represents a lighter administrative burden compared to the format of the insider lists established pursuant to Article 18(1)(a) of Regulation (EU) No 596/2014, and to limit the content of the lists to what is strictly necessary for the identification of the relevant individuals. Not requiring issuers to keep in their lists personal contact details of their insiders should grant issuers a relief from collecting and updating data from insiders while not depriving national competent authorities of a tool to identify persons handling the inside information and reach them at their professional contact. Those issuers should also have the possibility to list the details of persons who, due to the nature of their function or position, have access to all inside information at all times in a permanent insiders section of the insider list instead of adding the personal details concerning such permanent insiders to each deal-specific or event-based list. The content of such permanent insider sections should also be limited to what is strictly necessary for the identification of the relevant individuals.
- (7) The insider list should contain the personal data that is necessary in order to identify the insiders. Any processing of personal data for the purposes of establishing and keeping insider listings referred to in Article 18 of Regulation (EU) No 596/2014 should comply Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽³⁾.
- (8) The insider lists should also contain data that may assist the competent authorities in the conduct of investigations, and help them to rapidly analyse the trading behaviour of insiders, to establish connections between insiders and persons involved in suspicious trading, and to identify contacts between them at critical times. In this respect, telephone numbers are essential as they permit the competent authority to act swiftly and to request data traffic records, if necessary. Moreover, such data should be provided at the outset, so that the integrity of the investigation is not compromised by the competent authority having to revert in the course of an investigation to the issuer, the emission allowance market participant, the auction platform, the auctioneer, the auction monitor or the insider with further requests for information.
- (9) To ensure that the insider lists can be made available to the competent authority as soon as possible upon request and that they can be updated at all times without delay, the insider list should be kept in an electronic form. The electronic form should ensure that the information included in the insider list is kept confidential. In order to avoid a disproportionate administrative burden on SME growth market issuers, they may keep the insider list in an electronic form but this requirement should, however, not apply to those issuers, provided that the completeness, confidentiality and integrity of the information is ensured.
- (10) In order to reduce the administrative burden for the submission of the insider lists, the specific electronic means for the transmission should be determined by the competent authorities themselves, on condition that those electronic means allow for the lists to be kept confidential.
- (11) For reasons of clarity, transparency and legal certainty, the formats of all insider lists referred to in Regulation (EU) No 596/2014 should be consolidated in one single legal act. Therefore, this Regulation should contain both the format for the insider lists referred to in Article 18(1)(a) of Regulation (EU) No 596/2014 and the insider lists referred to in Article 18(6) of that Regulation. As a result, Commission Implementing Regulation (EU) 2016/347 ⁽⁴⁾ should be repealed.

⁽³⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2016/347 of 10 March 2016 laying down implementing technical standards with regard to the precise format of insider lists and for updating insider lists in accordance with Regulation (EU) No 596/2014 of the European Parliament and of the Council (OJ L 65, 11.3.2016, p. 49).

- (12) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽⁵⁾ and delivered an opinion on 7 June 2021.
- (13) This Regulation is based on the draft implementing technical standards submitted to the Commission by the European Securities and Markets Authority.
- (14) The European Securities and Markets Authority has conducted open public consultations on the draft implementing technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the advice of the Securities Markets Stakeholder Group established by Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Insider lists required by Article 18(1) of Regulation (EU) No 596/2014

1. The insider lists required by Article 18(1) of Regulation (EU) No 596/2014 shall contain a section specific to each piece of inside information and shall be drawn up using the format set out in Template 1 in Annex I to this Regulation.
2. The personal details of persons who, due to the nature of their function or position, have access to all inside information at all times may be listed separately in a permanent insiders section of the insiders list. That section shall be drawn up using the format set out in Template 2 in Annex I to this Regulation. Where the permanent insiders list section is drawn, the personal details of the permanent insiders shall not be included in the specific sections of the insider list referred to in paragraph 1.
3. The insider lists shall be kept in an electronic form that, at all times, ensures that:
 - (a) access to the insider lists is restricted to clearly identified persons that need that access due to the nature of their function or position;
 - (b) the information included is accurate;
 - (c) previous versions of the insider list are accessible.
4. The competent authority shall specify on its website the electronic means by which the insider lists are to be transmitted to the competent authority. Those electronic means shall ensure that the completeness, integrity and confidentiality of the information are maintained during the transmission.

Article 2

Insider lists referred to in Article 18(6) of Regulation (EU) No 596/2014

1. The insider list referred to in the first subparagraph of Article 18(6) of Regulation (EU) No 596/2014 may include only the personal details of persons having regular access to inside information. That list shall be drawn up using the format set out in Annex II.

⁽⁵⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

⁽⁶⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

2. Insider lists required by the Member States pursuant to the second subparagraph of Article 18(6) of Regulation (EU) No 596/2014 shall contain a section specific to each piece of inside information, and shall be drawn up using the format set out in Template 1 in Annex III to this Regulation.

The details of persons who, due to the nature of their function or position, have access to all inside information at all times may be listed separately in a permanent insiders section of the insiders list. That permanent insiders section shall be drawn up using the format set out in Template 2 in Annex III to this Regulation. Where the permanent insiders list section is drawn, the personal data of the permanent insiders shall not be included in each section of the insider list corresponding to each inside information referred to in the first subparagraph of this paragraph.

3. The insider lists referred to in paragraphs 1 and 2 shall be kept in any form that ensures that the completeness, integrity and confidentiality of the information included in those lists are maintained at all times during the transmission to the competent authority.

Article 3

Repeal

Implementing Regulation (EU) 2016/347 is repealed. References to the repealed Regulation shall be construed as references to this Regulation.

Article 4

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13 July 2022.

For the Commission
The President
Ursula VON DER LEYEN

Format for the insider lists referred to in Article 1(1)

Description of the source of the specific inside information [:

Date and time of creation of this section (i.e. when the specific inside information was identified): [yyyy-mm-dd; hh:mm UTC (*Coordinated Universal Time*)]

Date and time (last update): [yyyy-mm-dd, hh:mm UTC (*Coordinated Universal Time*)]

Date of transmission to the competent authority: [yyyy-mm-dd]

First name(s) of the insider	Surname(s) of the insider	Surname(s) of the insider at birth (if different)	Professional telephone number(s) (work direct telephone line and work mobile numbers)	Company name and address	Function and reason for being insider	Obtained (the date and time at which the insider obtained access to the inside information)	Ceased (the date and time at which the insider ceased to have access to the inside information)	National Identification- Number (if applicable)	Date of birth	Personal tele- phone numbers (home and personal mobile telephone numbers)	Personal full home address: street name; street number; city; post/zip code; country)
[Text]	[Text]	[Text]	[Numbers (no space)]	[Address of issuer/emission allowance market participant/ auction plat- form/ auctioneer/ auction monitor or, of the person acting on their behalf or on their account	[Text describing role, function and reason for being on this list]	[yyyy- mm-dd, hh:mm UTC]	[yyyy- mm-dd, hh:mm UTC]	[Number and/or text]	[yyyy-mm- dd]	[Numbers (no space)]	[Text]

Format for the permanent insiders section of insider lists referred to in Article 1(2)

Date and time of creation of this section: [yyyy-mm-dd, hh:mm UTC (Coordinated Universal Time)]

Date and time (last update): [yyyy-mm-dd, hh:mm UTC (Coordinated Universal Time)]

Date of transmission to the competent authority: [yyyy-mm-dd]

First name(s) of the insider	Surname(s) of the insider	Surname(s) of the insider at birth (if different)	Professional telephone number(s) (work direct telephone line and work mobile numbers)	Company name and address	Function and reason for being insider	Included (the date and time at which the insider was included in the permanent insider section)	National Identification Number (if applicable)	Date of Birth	Personal full home address (street name; street number; city; post/zip code; country) (If available at the time of the request by the competent authority)	Personal telephone numbers (home and personal mobile telephone numbers)
[Text]	[Text]	[Text]	[Numbers (no space)]	[Address of issuer or of the person acting on their behalf or on their account]	[Text describing role, function and reason for being on this list]	[yyyy-mm-dd, hh:mm UTC]	[Number and/or text]	yyyy- mm-dd for the date of birth]	[Text]	[Numbers (no space)]

Format for the list of the personal data of persons having regular access to inside information referred to in Article 2(1)

Date and time of creation of this insider list: [yyyy-mm-dd, hh:mm UTC (Coordinated Universal Time)]

Date and time (last update): [yyyy-mm-dd, hh:mm UTC (Coordinated Universal Time)]

Date of transmission to the competent authority: [yyyy-mm-dd]

First name(s) of the insider	Surname(s) of the insider	Surname(s) of the insider at birth (if different)	Professional telephone number(s) (work direct telephone line and work mobile numbers)	Company name and address	Function and reason for being insider	Obtained (the date and time at which the insider obtained regular access to the inside information)	Ceased (the date and time at which the insider ceased to have regular access to the inside information)	National Identification Number (if applicable) or otherwise Date of Birth	Personal full home address (street name; street number; city; post/zip code; country) (If available at the time of the request by the competent authority)	Personal telephone numbers (home and personal mobile telephone numbers) (If available at the time of the request by the competent authority)
[Text]	[Text]	[Text]	[Numbers (no space)]	[Address of issuer]	[Text describing role, function and reason for being on this insider list/]	[yyyy-mm-dd, hh:mm UTC]	[yyyy-mm-dd, hh:mm UTC]	[Number and/or text or yyyy- mm-dd for the date of birth]	[Text]	[Numbers (no space)]

Format for the insider lists referred to in Article 2(2), first subparagraph**Description of the source of the specific inside information:****Date and time of creation of this section** (i.e. when the specific inside information was identified): [yyyy-mm-dd, hh:mm UTC (Coordinated Universal Time)]**Date and time (last update):** [yyyy-mm-dd, hh:mm UTC (Coordinated Universal Time)]**Date of transmission to the competent authority:** [yyyy-mm-dd]

First name(s) of the insider	Surname(s) of the insider		Professional telephone number(s) (work direct telephone line and work mobile numbers)	Function or reason for being insider	Obtained (the date and time at which the insider obtained access to the inside information)	Ceased (the date and time at which the insider ceased to have access to the inside information)	National Identification Number (if applicable) Or otherwise Date of Birth
[Text]	[Text]		[Numbers (no space)]	[Text describing role, function and/or reason for being on this list]	[yyyy-mm-dd, hh:mm UTC]	[yyyy-mm-dd, hh:mm UTC]	[Number and/or text or yyyy-mm-dd for the date of birth]

Format for the permanent insiders section of insider lists referred to in Article 2(2), second subparagraph**Date and time of creation of this section:** [yyyy-mm-dd, hh:mm UTC (Coordinated Universal Time)]**Date and time (last update):** [yyyy-mm-dd, hh:mm UTC (Coordinated Universal Time)]**Date of transmission to the competent authority:** [yyyy-mm-dd]

First name(s) of the insider	Surname(s) of the insider	Professional telephone number(s) (work direct telephone line and work mobile numbers)	Company name and address	Function and reason for being insider	Included (the date and time at which the insider was included in the permanent insider section)	National Identification Number (if applicable) Or otherwise Date of Birth
[Text]	[Text]	[Numbers (no space)]	[Address of issuer or of the person acting on their behalf or on their account]	[Text describing role, function and reason for being on this list]	[yyyy-mm-dd, hh:mm UTC]	[Number and/or yyyy-mm-dd for the date of birth]

DECISIONS

COUNCIL DECISION (EU) 2022/1211

of 12 July 2022

on the adoption by Croatia of the euro on 1 January 2023

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 140(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the report from the European Commission ⁽¹⁾,

Having regard to the report from the European Central Bank ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the discussion in the European Council,

Having regard to the recommendation of the members of the Council representing Member States whose currency is the euro ⁽⁴⁾,

Whereas:

- (1) The third stage of economic and monetary union ('EMU') started on 1 January 1999. The Council, meeting in Brussels on 3 May 1998 in the composition of Heads of State or Government, decided that Belgium, Germany, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal and Finland fulfilled the necessary conditions for adopting the euro on 1 January 1999 ⁽⁵⁾.
- (2) By Decision 2000/427/EC ⁽⁶⁾, the Council decided that Greece fulfilled the necessary conditions for adopting the euro on 1 January 2001. By Decision 2006/495/EC ⁽⁷⁾, the Council decided that Slovenia fulfilled the necessary conditions for adopting the euro on 1 January 2007. By Decisions 2007/503/EC ⁽⁸⁾ and 2007/504/EC ⁽⁹⁾, the Council decided that Cyprus and Malta fulfilled the necessary conditions for adopting the euro on 1 January 2008. By decision 2008/608/EC ⁽¹⁰⁾, the Council decided that Slovakia fulfilled the necessary conditions for adopting the euro. By decision 2010/416/EU ⁽¹¹⁾ the Council decided that Estonia fulfilled the necessary conditions for adopting

⁽¹⁾ Report of 1 June 2022 (not yet published in the Official Journal).

⁽²⁾ Report of 1 June 2022 (not yet published in the Official Journal).

⁽³⁾ Opinion of 5 July 2022 (not yet published in the Official Journal).

⁽⁴⁾ OJ C 238, 21.6.2022, p. 1.

⁽⁵⁾ Council Decision 98/317/EC of 3 May 1998 in accordance with Article 109j(4) of the Treaty (OJ L 139, 11.5.1998, p. 30).

⁽⁶⁾ Council Decision 2000/427/EC of 19 June 2000 in accordance with Article 122(2) of the Treaty on the adoption by Greece of the single currency on 1 January 2001 (OJ L 167, 7.7.2000, p. 19).

⁽⁷⁾ Council Decision 2006/495/EC of 11 July 2006 in accordance with Article 122(2) of the Treaty on the adoption by Slovenia of the single currency on 1 January 2007 (OJ L 195, 15.7.2006, p. 25).

⁽⁸⁾ Council Decision 2007/503/EC of 10 July 2007 in accordance with Article 122(2) of the Treaty on the adoption by Cyprus of the single currency on 1 January 2008 (OJ L 186, 18.7.2007, p. 29).

⁽⁹⁾ Council Decision 2007/504/EC of 10 July 2007 in accordance with Article 122(2) of the Treaty on the adoption by Malta of the single currency on 1 January 2008 (OJ L 186, 18.7.2007, p. 32).

⁽¹⁰⁾ Council Decision 2008/608/EC of 8 July 2008 in accordance with Article 122(2) of the Treaty on the adoption by Slovakia of the single currency on 1 January 2009 (OJ L 195, 24.7.2008, p. 24).

⁽¹¹⁾ Council Decision 2010/416/EU of 13 July 2010 in accordance with Article 140(2) of the Treaty on the adoption by Estonia of the euro on 1 January 2011 (OJ L 196, 28.7.2010, p. 24).

the euro. By decision 2013/387/EU ⁽¹²⁾ the Council decided that Latvia fulfilled the necessary conditions for adopting the euro. By decision 2014/509/EU ⁽¹³⁾ the Council decided that Lithuania fulfilled the necessary conditions for adopting the euro.

- (3) In accordance with point 1 of Protocol No 16 on certain provisions relating to Denmark annexed to the Treaty establishing the European Community and with the Decision taken by the Heads of State or Government in Edinburgh in December 1992, Denmark has notified the Council that it will not participate in the third stage of EMU. Denmark has not requested that the procedure referred to in Article 140(2) of the Treaty on the Functioning of the European Union (TFEU) be initiated.
- (4) By virtue of Decision 98/317/EC, Sweden is a Member State with a derogation within the meaning of Article 139(1) TFEU. In accordance with Article 4 of the 2003 Act of Accession ⁽¹⁴⁾, the Czech Republic, Hungary and Poland are each Member States with a derogation within the meaning of Article 139(1) TFEU. In accordance with Article 5 of the 2005 Act of Accession ⁽¹⁵⁾, Bulgaria and Romania are each Member States with a derogation within the meaning of Article 139(1) TFEU. In accordance with Article 5 of the 2012 Act of Accession ⁽¹⁶⁾, Croatia is a Member State with a derogation within the meaning of Article 139(1) TFEU.
- (5) The European Central Bank ('ECB') was established on 1 July 1998. The European Monetary System has been replaced by an exchange rate mechanism, the setting-up of which was agreed by the Resolution of the European Council on the establishment of an exchange-rate mechanism in the third stage of economic and monetary union of 16 June 1997 ⁽¹⁷⁾. The procedures for an exchange-rate mechanism in stage three of economic and monetary union (ERM II) were laid down in the Agreement of 16 March 2006 between the European Central Bank and the national central banks of the Member States outside the euro area laying down the operating procedures for an exchange rate mechanism in stage three of economic and monetary union ⁽¹⁸⁾.
- (6) Article 140(2) TFEU lays down the procedures for abrogating the derogations of the Member States concerned. At least once every two years, or at the request of a Member State with a derogation, the Commission and the ECB are to report to the Council in accordance with the procedure laid down in Article 140(1) TFEU.
- (7) National legislation in the Member States, including the statutes of national central banks, is to be adapted as necessary with a view to ensuring compatibility with Articles 130 and 131 TFEU and with the Statute of the European System of Central Banks and of the European Central Bank ('Statute of the ESCB and of the ECB'). The reports of the Commission and the ECB provide a detailed assessment of the compatibility of the legislation of Croatia with Articles 130 and 131 of the Treaty and with the Statute of the ESCB and of the ECB.
- (8) In accordance with Article 1 of Protocol No 13 on the convergence criteria annexed to the TFEU, the criterion on price stability referred to in the first indent of Article 140(1) TFEU means that a Member State has a price performance that is sustainable and an average rate of inflation, observed over a period of one year before the examination, that does not exceed by more than one and a half percentage points that of, at most, the three best performing Member States in terms of price stability. For the purpose of the criterion on price stability, inflation is measured by the harmonised indices of consumer prices (HICPs) defined in Regulation (EU) 2016/792 of the European Parliament and of the Council ⁽¹⁹⁾. To assess the price stability criterion, a Member State's inflation is measured by the percentage change in the arithmetic average of 12 monthly indices, relative to the arithmetic average of 12 monthly indices from the previous period. A reference value calculated as the simple arithmetic

⁽¹²⁾ Council Decision 2013/387/EU of 9 July 2013 on the adoption by Latvia of the euro on 1 January 2014 (OJ L 195, 18.7.2013, p. 24).

⁽¹³⁾ Council Decision 2014/509/EU of 23 July 2014 on the adoption by Lithuania of the euro on 1 January 2015 (OJ L 228, 31.7.2014, p. 29).

⁽¹⁴⁾ OJ L 236, 23.9.2003, p. 33.

⁽¹⁵⁾ OJ L 157, 21.6.2005, p. 203.

⁽¹⁶⁾ OJ L 112, 24.4.2012, p. 21.

⁽¹⁷⁾ OJ C 236, 2.8.1997, p. 5.

⁽¹⁸⁾ OJ C 73, 25.3.2006, p. 21.

⁽¹⁹⁾ Regulation (EU) 2016/792 of the European Parliament and of the Council of 11 May 2016 on harmonised indices of consumer prices and the house price index, and repealing Council Regulation (EC) No 2494/95 (OJ L 135, 24.5.2016, p. 11).

average of the inflation rates of the three best-performing Member States in terms of price stability, plus 1,5 percentage points, was used in the reports of the Commission and the ECB. In the one-year period ending in April 2022, the inflation reference value was calculated to be 4,9 %, with France, Finland and Greece as the three best-performing Member States in terms of price stability, with inflation rates of 3,2 %, 3,3 % and 3,6 %, respectively. It is warranted to exclude from the best performers countries the inflation rates of which cannot be seen as a meaningful benchmark for other Member States. Such outliers were in the past identified in 2004, 2010, 2013, 2014 and 2016. Currently, it is warranted to exclude Malta and Portugal from the best performers – in April 2022, the 12-month average inflation rates of Malta and Portugal were respectively 2,1 % and 2,6 % and that of the euro area 4,4 %. For the calculation of the reference value, Malta and Portugal are replaced by Finland and Greece, the Member States with the next-lowest average inflation rates.

- (9) In accordance with Article 2 of Protocol No 13, the criterion on the government budgetary position referred to in the second indent of Article 140(1) TFEU requires that, at the time of the examination, the Member State not be the subject of a Council decision under Article 126(6) TFEU that an excessive deficit exists.
- (10) In accordance with Article 3 of Protocol No 13, the criterion on participation in the exchange-rate mechanism of the European Monetary System referred to in the third indent of Article 140(1) TFEU requires a Member State to have respected the normal fluctuation margins provided for by the exchange-rate mechanism (ERM) of the European Monetary System, without severe tensions, for at least the last two years before the examination. In particular, the Member State must not have devalued its currency's bilateral central rate against the euro on its own initiative for the same period. Since 1 January 1999, the ERM II provides the framework for assessing the fulfilment of the exchange rate criterion. In assessing the fulfilment of this criterion in their reports, the Commission and the ECB have examined the two-year period ending on 18 May 2022.
- (11) In accordance with Article 4 of Protocol No 13, the criterion on the convergence of interest rates referred to in the fourth indent of Article 140(1) TFEU means that, observed over a period of one year before the examination, a Member State have had an average nominal long-term interest rate that does not exceed by more than two percentage points that of, at most, the three best performing Member States in terms of price stability. The criterion used to assess the convergence of interest rates was comparable interest rates on ten-year benchmark government bonds. To assess the fulfilment of the interest-rate criterion, a reference value calculated as the simple arithmetic average of the nominal long-term interest rates of the three best performing Member States in terms of price stability, plus two percentage points, was considered in the reports of the Commission and the ECB. The reference value is based on the long-term interest rates in France (0,3 %), Finland (0,2 %) and Greece (1,4 %) and in the one-year period ending in April 2022 it was 2,6 %.
- (12) In accordance with Article 5 of Protocol No 13, the data used in assessing the fulfilment of the convergence criteria was provided by the Commission. Budgetary data were provided by the Commission after reporting by the Member States before 1 April 2022, in accordance with Council Regulation (EC) No 479/2009 ⁽²⁰⁾.
- (13) On the basis of reports presented by the Commission and the ECB on the progress made by Croatia in fulfilling its obligations regarding the achievement of economic and monetary union, it is concluded that in Croatia, national legislation, including the Statute of the national central bank, is compatible with Articles 130 and 131 of the Treaty and with the Statute of the ESCB and of the ECB.
- (14) On the basis of reports presented by the Commission and the ECB on the progress made by Croatia in fulfilling its obligations regarding the achievement of economic and monetary union, it is concluded that, regarding the fulfilment by Croatia of the convergence criteria mentioned in the four indents of Article 140(1) TFEU: the average inflation rate in Croatia in the year ending in April 2022 stood at 4,7 %, which is below the reference value, and it is likely to remain below the reference value in the months ahead; Croatia is not the subject of a Council decision on

⁽²⁰⁾ Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community (OJ L 145, 10.6.2009, p. 1).

the existence of an excessive deficit; Croatia has been a member of ERM II since 10 July 2020 and during the two years preceding the assessment, the kuna (HRK) exchange rate has not been subject to severe tensions and Croatia has not devalued the HRK bilateral central rate against the euro on its own initiative; and in the year ending April 2022, the long-term interest rate in Croatia was, on average, 0,8 %, which is well below the reference value.

- (15) In the light of the assessment on legal compatibility and on the fulfilment of the convergence criteria as well as the additional factors, Croatia fulfils the necessary conditions for the adoption of the euro,

HAS ADOPTED THIS DECISION:

Article 1

Croatia fulfils the necessary conditions for the adoption of the euro. The derogation referred to in Article 5 of the 2012 Act of Accession is abrogated with effect from 1 January 2023.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 July 2022.

For the Council
The President
Z. STANJURA

COUNCIL DECISION (EU) 2022/1212**of 12 July 2022****amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Banco de Portugal**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Protocol No 4 on the Statute of the European System of Central Banks and of the European Central Bank, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and in particular Article 27.1 thereof,

Having regard to the Recommendation of the European Central Bank of 17 May 2022 to the Council of the European Union on the external auditors of the Banco de Portugal (ECB/2022/24) ⁽¹⁾,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and of the national central banks of the Member States whose currency is the euro are to be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council of the European Union.
- (2) The mandate of the Banco de Portugal's current external auditors, Deloitte & Associados – Sociedade de Revisores Oficiais de Contas S.A., ended following the audit for the financial year 2021. It is therefore necessary to appoint external auditors for the financial years 2022 to 2026.
- (3) The Banco de Portugal has selected PriceWaterhouseCoopers & Associados – Sociedade de Revisores Oficiais de Contas Lda as its external auditors for the financial years 2022 to 2026.
- (4) The Governing Council of the ECB recommended that PriceWaterhouseCoopers & Associados – Sociedade de Revisores Oficiais de Contas Lda be appointed as the external auditors of the Banco de Portugal for the financial years 2022 to 2026.
- (5) Following the recommendation of the Governing Council of the ECB, Council Decision 1999/70/EC ⁽²⁾ should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Article 1 of Decision 1999/70/EC, paragraph 10 is replaced by the following:

‘10. PriceWaterhouseCoopers & Associados – Sociedade de Revisores Oficiais de Contas Lda are hereby approved as the external auditors of the Banco de Portugal for the financial years 2022 to 2026.’.

Article 2

This Decision shall take effect on the date of its notification.

Article 3

This Decision is addressed to the European Central Bank.

⁽¹⁾ OJ C 210, 25.5.2022, p. 1.

⁽²⁾ Council Decision 1999/70/EC of 25 January 1999 concerning the external auditors of the national central banks (OJ L 22, 29.1.1999, p. 69).

Done at Brussels, 12 July 2022.

For the Council
The President
Z. STANJURA

III

(Other acts)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY DECISION No 276/21/COL

of 8 December 2021

on the Norwegian regional aid map 2022–2027 (Norway) [2022/1213]

1 SUMMARY

- (1) The EFTA Surveillance Authority ('ESA') wishes to inform the Norwegian authorities that, having assessed the Norwegian regional aid map 2022–2027, ESA finds it compatible with the principles set out in the Guidelines on regional State aid ('the RAG') ⁽¹⁾.
- (2) This decision represents ESA's assessment of the regional aid map under paragraph 190 of the RAG. The approved map constitutes an integral part of the RAG ⁽²⁾. The regional aid map itself does not involve any State aid and does not constitute an authorisation to grant such aid.
- (3) ESA has based its decision on the following considerations.

2 PROCEDURE

- (4) On 1 December 2021, ESA adopted its new RAG by Decision No 269/21/COL. The RAG set out conditions under which notifiable regional aid may be considered compatible with the functioning of the EEA Agreement ⁽³⁾. They also set out criteria for identifying the areas that fulfil the conditions for compatibility under Article 61(3)(a) and Article 61(3)(c) of the EEA Agreement ⁽⁴⁾.
- (5) According to paragraph 150 of the RAG, the areas which EEA EFTA States wish to designate as 'a' or 'c' areas must be identified in a regional aid map. Pursuant to paragraph 189 of the RAG, each EEA EFTA State should notify to ESA a single regional aid map applicable from 1 January 2022 to 31 December 2027. In keeping with this, the Norwegian authorities notified the Norwegian regional aid map 2022–2027 by letter dated 2 December 2021 ⁽⁵⁾.

3 ELIGIBLE AREAS DESIGNATED BY THE NORWEGIAN AUTHORITIES

3.1 Background

- (6) The regional aid coverage available for 2022–2027 is set out for each EEA EFTA State in Annex I to the RAG. Norway's allocation consists of predefined and non-predefined 'c' areas.
- (7) The Norwegian authorities can use this allocation to designate predefined and non-predefined 'c' areas. The principles governing such designation are found in respectively paragraphs 168 and 169, and paragraph 175, of the RAG.

⁽¹⁾ The Guidelines on regional State aid were adopted on 1 December 2021 by ESA Decision No 269/21/COL, not yet published.

⁽²⁾ The RAG, paragraph 190.

⁽³⁾ The RAG, paragraph 2.

⁽⁴⁾ *Ibid.*

⁽⁵⁾ Document Nos 1252726, 1252724, 1252722, 1252736, 1252734, 1252728, 12527 and 1252732.

3.2 Predefined 'c' areas

3.2.1 Introduction

- (8) According to paragraph 168 of the RAG, EEA EFTA States may designate as 'c' areas the predefined 'c' areas referred to in paragraph 166. These areas are identified in Annex I to the RAG.
- (9) Paragraph 169 allows for a flexible approach whereby sparsely and very sparsely populated areas other than those predefined as eligible, can be designated on certain conditions.
- (10) In the Norwegian regional aid map 2014–2020, the Norwegian authorities designated sparsely populated areas. The very sparsely populated areas were not identified ⁽⁶⁾. Instead, the Norwegian authorities designated very sparsely populated areas in the context of an operating aid scheme which was contingent upon being limited to such areas ⁽⁷⁾.
- (11) Footnote 65 of the RAG contains a new specification that sparsely populated and very sparsely populated areas should be identified on the regional aid map. On this basis, the Norwegian authorities have in their notification included an identification of the designated very sparsely populated areas equivalent to that previously made in the context of an operating aid scheme.
- (12) Accordingly, ESA will first assess the Norwegian authorities' designation of sparsely populated areas. Thereafter, ESA will assess the Norwegian authorities' designation of very sparsely populated areas within these areas. As required by the last sentence of paragraph 169 of the RAG, ESA will take account of the population in both the very sparsely and sparsely populated areas when assessing compliance with the population coverage ceiling.
- (13) It follows from the definition in paragraph 19(30) of the RAG that all areas designated on the basis of paragraph 169 are sparsely populated. Accordingly, ESA will only count the population in those areas that are both sparsely and very sparsely populated once when assessing compliance with the population coverage ceiling.

3.2.2 Sparsely populated areas

3.2.2.1 Two counties included in their entirety

- (14) The first and second sentence of paragraph 169 of the RAG stipulates that, '[f]or sparsely populated areas, EEA EFTA States should in principle designate statistical regions at level 2 with fewer than 8 inhabitants per km² or statistical regions at level 3 with fewer than 12,5 inhabitants per km². However, EEA EFTA States may designate parts of statistical regions at level 3 with fewer than 12,5 inhabitants per km² or other contiguous areas adjacent to those statistical regions at level 3, provided that these areas have fewer than 12,5 inhabitants per km².'
- (15) In Norway, statistical regions at level 3 consist of counties, whereas statistical regions at level 2 amount to larger regions ⁽⁸⁾.
- (16) The counties of Troms og Finnmark and Nordland are included in their entirety. Based on figures from 1 January 2020 ⁽⁹⁾, the population densities in these counties are respectively 3,4 and 6,7 inhabitants per km² ⁽¹⁰⁾. Based on the same population data, the population in these areas amounts to 484 546 inhabitants ⁽¹¹⁾.

⁽⁶⁾ ESA Decision No 91/14/COL of 26 February 2014 on the Norwegian regional aid map 2014–2020 (OJ L 172, 12.6.2014, p. 52, and EEA Supplement No 34, 12.6.2014, p. 18).

⁽⁷⁾ See paragraphs 79–81 of ESA Decision No 225/14/COL of 18 June 2014 on regionally differentiated social security contributions 2014–2020 (OJ C 344, 2.10.2014, p. 14, and EEA Supplement No 55, 2.10.2014, p. 4).

⁽⁸⁾ PDF maps of the statistical regions of Norway are available on Eurostat's webpages: <https://ec.europa.eu/eurostat/web/nuts/nuts-maps>

⁽⁹⁾ For the purpose of the notification of the regional aid map, the Norwegian authorities have used population figures from 1 January 2020. These figures have been procured from Statistics Norway (SSB). With respect to the land area figures, these are also from 1 January 2020, and have been collected from SSB (*Statistikkbanken*). In certain instances, however, data have been collected from earlier years to obtain data for former municipalities which have been split or amalgamated. This pertains in particular to land area data.

⁽¹⁰⁾ Notification, p. 3.

⁽¹¹⁾ Table 4 on p. 5 of the notification.

3.2.2.2 Partially included regions

- (17) The second sentence of paragraph 169 opens up for designating parts of statistical regions at level 3 with fewer than 12,5 inhabitants per km², or other contiguous areas adjacent to those statistical regions at level 3, provided that these areas have fewer than 12,5 inhabitants per km². The possibility to include contiguous areas (swap in) is thus mirrored by the possibility to exclude (swap out) areas within the statistical regions at level 3 with fewer than 12,5 inhabitants per km².
- (18) Accordingly, parts of the level 3 regions Innlandet and Trøndelag are swapped out of the regional aid map, whereas areas in other level 3 regions are swapped in ⁽¹²⁾.

3.2.2.3 Smaller areas that are swapped out

- (19) Table 1 below lists the areas in the level 3 regions of Innlandet and Trøndelag that are swapped out ⁽¹³⁾:

Table 1

Smaller areas that are swapped out

Level 3 region	Areas (municipalities)	Population density
Innlandet	Hamar, Lillehammer, Gjøvik, Ringsaker, Løten, Stange, Elverum, Gran, and Østre Toten	34,5
Trøndelag	Trondheim, the part of Orkland that was formerly Orkdal municipality, Melhus, Skaun, Malvik, Stjørdal, and Levanger	83,3

- (20) Based on the population data from 1 January 2020, these swapped out areas have a total population of 504 560 ⁽¹⁴⁾.

3.2.2.4 Smaller areas that are swapped in

- (21) Table 2 below provides an overview of the smaller areas with lower population densities than 12,5 inhabitants per km² that have been swapped in ⁽¹⁵⁾:

Table 2

Smaller areas that are swapped in

Level 3 region	Areas (municipalities)	Population density
Viken	Aremark, Marker, Aurskog-Høland, Flå, Nesbyen, Gol, Hemsedal, Ål, Hol, Sigdal, Krødsherad, Flesberg, Rollag, and Nore og Uvdal	4,8
Vestfold og Telemark	Notodden, Bamble, Kragerø, Drangedal, Nome, Midt-Telemark, Tinn, Hjartdal, Seljord, Kviteseid, Nissedal, Fyresdal, Tokke, and Vinje	6,2
Agder	The part of Lindsnes that was former Marnardal, the part of Lyngdal that was formerly Audnedal municipality, Risør, Farsund, Flekkefjord, Gjerstad, Vegårshei, Tvedestrand, Åmli, Iveland, Evje og Hornnes, Bygland, Valle, Bykle, Åseral, Hægebostad, Kvinesdal, and Sirdal	5,4

⁽¹²⁾ Notification, pp. 3 and 4.

⁽¹³⁾ The table is based on Table 2 on p. 4 of the notification.

⁽¹⁴⁾ Table 1 on p. 3 of the notification.

⁽¹⁵⁾ The table is based on Table 3 on p. 4 of the notification.

Rogaland	Sokndal, Lund, Bjerkreim, Hjelmeland, Suldal and Sauda	4,8
Vestland	Kinn, Etne, Bømlo, Fitjar, Tysnes, Kvinnherad, Ullensvang, Eidfjord, Ulvik, Voss, Kvam, Samnanger, Vaksdal, Modalen, Austrheim, Fedje, Masfjorden, Gulen, Solund, Hyllestad, Høyanger, Vik, Sogndal, Aurland, Lærdal, Årdal, Luster, Askvoll, Fjaler, Sunnfjord, Bremanger, Stad, Gloppen, and Stryn	6,6
Møre og Romsdal	The parts of Molde that were formerly Nesset and Midsund municipalities, the parts of Ålesund that were formerly Haram and Sandøy municipalities, Vanylven, Sande, Hareid, Ørsta, Stranda, Sykkylven, Vestnes, Rauma, Averøy, Gjemnes, Tingvoll, Sunndal, Surnadal, Smøla, Aure, Volda, Fjord, and Hustadvika	9,5

- (22) Based on the figures from 1 January 2020, these swapped in areas have a total population of 528 360 ⁽¹⁶⁾.

3.2.2.5 Assessment of the flexible approach

- (23) Paragraph 169 of the RAG sets out three requirements, which must be met, in order to swap in smaller areas from a statistical region at level 3 where this region as a whole has a population density above 12,5 inhabitants per km².
- (24) First, these smaller areas must have fewer than 12,5 inhabitants per km².
- (25) In previous practice, both ESA ⁽¹⁷⁾ and the Commission ⁽¹⁸⁾ have assessed the population densities for swapped in sparsely populated areas per level 3 region (statistical regions at level 3 / NUTS 3 regions). There is nothing new in the wording of paragraph 169 to require a different interpretation. Consequently, ESA will follow the same approach under the new RAG.
- (26) It follows from the data presented in Table 2 above, that the population densities in the swapped in areas are below 12,5 inhabitants per km², when assessed together at the level of their statistical region at level 3. The population density requirement is therefore met for the swapped in areas.
- (27) Second, the swapped in smaller areas must be contiguous areas adjacent to the statistical regions at level 3 with a population density of less than 12,5 inhabitants per km². On the basis of the borders of the concerned areas, as illustrated by the graphic map attached as Annex III(a) to this decision, ESA concludes that this requirement is met.
- (28) Third, the swapping exercise must not result in the specific allocation of 'c' coverage referred to in paragraph 167 of the RAG being exceeded. According to the final sentence of paragraph 169 of the RAG, the population of the sparsely and very sparsely populated areas must be taken together for the purposes of this assessment. However, as clarified in paragraph (13), the population in those areas that are both sparsely and very sparsely populated, will only be counted once when assessing compliance with the population coverage ceiling.
- (29) According to Annex I to the RAG, the specific allocation of 'c' coverage for Norway is 25,14 % of the national population. Both ESA ⁽¹⁹⁾ and the Commission ⁽²⁰⁾ have in previous practice accepted the use of recent national population data when assessing compliance with the population coverage ceiling. There is nothing new in the wording of paragraph 169 of the RAG which would entail that this approach is not equally compatible with the new RAG. Accordingly, ESA considers the Norwegian authorities' use of population data from 1 January 2020 acceptable.

⁽¹⁶⁾ Table 1 on p. 3 of the notification.

⁽¹⁷⁾ See the Decision on the Norwegian regional aid map 2014–2020, referenced in footnote 6 above, paragraph 18.

⁽¹⁸⁾ See paragraphs 7 and 15 of the Commission decision of 27 March 2014 on the Swedish regional aid map 2014–2020, SA37985 (2014/N), (OJ C 210, 4.7.2014, p. 20).

⁽¹⁹⁾ See paragraph 9 of ESA Decision No 170/14/COL of 24 April 2014 on the Icelandic regional aid map 2014–2020 (OJ L 201, 10.7.2014, p. 33).

⁽²⁰⁾ See the Commission decision on the Swedish regional aid map 2014–2020, referenced in footnote 18 above, in footnote 2, paragraph 10, and paragraphs 13–15.

- (30) Based on the figures from 1 January 2020, the population of Norway is 5 368 283 ⁽²¹⁾. The designated very sparsely and sparsely populated areas can therefore, calculated based on these figures, cover no more than 1 349 586 inhabitants.
- (31) The population within the designated sparsely populated areas amounts to 1 348 649 inhabitants ⁽²²⁾. This is below the specific allocation of ‘c’ coverage for Norway.

3.2.3 Very sparsely populated areas

3.2.3.1 Many of the sparsely populated areas qualify as very sparsely populated

- (32) In this section, ESA will assess the Norwegian authorities' designation of very sparsely populated areas. Due to the geography and population pattern of Norway, many of the sparsely populated areas qualify, and are designated by the Norwegian authorities, as very sparsely populated.

3.2.3.2 The region of Northern Norway is included in its entirety

- (33) The third sentence of paragraph 169 of the RAG stipulates that, '[f]or very sparsely populated areas, EEA EFTA States may designate statistical regions at level 2 with fewer than 8 inhabitants per km² or other smaller contiguous areas adjacent to those statistical regions at level 2, provided that these areas have fewer than 8 inhabitants per km² and that the population of the very sparsely populated areas taken together with the sparsely populated areas does not exceed the specific allocation of “c” coverage referred to in paragraph 167.'
- (34) Two statistical regions at level 2 in Norway satisfy the population density criterion of 8 inhabitants per km². These are Northern Norway ⁽²³⁾ and Innlandet ⁽²⁴⁾. The level 2 region of Northern Norway has a population density of 4,5 inhabitants per km² ⁽²⁵⁾, whereas the level 2 region of Innlandet has a population density of 7,5 inhabitants per km² ⁽²⁶⁾.
- (35) The Norwegian authorities have designated the level 2 region Northern Norway as eligible in its entirety. Thus, all areas in Northern Norway are to be regarded as very sparsely populated for the purposes of the RAG.
- (36) As mentioned in paragraph (16) above, based on figures from 1 January 2020, the population in these areas amounts to 484 546 inhabitants.

3.2.3.3 The region of Innlandet is partially included

- (37) The wording of the third sentence of paragraph 169 of the RAG allows for designating smaller contiguous areas adjacent to those statistical regions at level 2 with fewer than 8 inhabitants per km². While this is not stated explicitly, the possibility to include such contiguous areas must logically be mirrored by the possibility to exclude areas within the statistical regions at level 2 with fewer than 8 inhabitants per km². This interpretation is also in line with previous practice ⁽²⁷⁾.
- (38) In accordance with this, the level 2 region of Innlandet is only partially designated as very sparsely populated. Table 3 below presents the included areas in Innlandet, and the population density in this area ⁽²⁸⁾:

Table 3

Included areas in Innlandet

Level 2 region	Areas (municipalities)	Population density
Innlandet	Kongsvinger, Nord-Odal, Sør-Odal, Eidskog, Grue, Åsnes, Våler, Trysil, Åmot, Stor-Elvdal, Rendalen, Engerdal, Tolga, Tynset, Alvdal, Folldal, Os,	3,4

⁽²¹⁾ Notification, p. 3.

⁽²²⁾ Notification, p. 3.

⁽²³⁾ This region comprises the following statistical regions at level 3: Troms og Finnmark and Nordland.

⁽²⁴⁾ Innlandet is also a statistical region at level 3.

⁽²⁵⁾ Table 7a on p. 8 of the notification.

⁽²⁶⁾ Notification, p. 8.

⁽²⁷⁾ See the Decision on regionally differentiated social security contributions 2014–2020, referenced in footnote 7, paragraphs 79 to 81.

⁽²⁸⁾ The table is based on Tables 7b and 8b on pp. 8 and 9 of the notification.

	Dovre, Lesja, Skjåk, Lom, Vågå, Nord-Fron, Sel, Sør-Fron, Ringeby, Søndre Land, Nordre Land, Sør-Aurdal, Etnedal, Nord-Aurdal, Vestre Slidre, Øystre Slidre, and Vang	
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(39) Based on population figures from 1 January 2020, the population in these areas is 143 115 inhabitants ⁽²⁹⁾.

3.2.3.4 Parts of Trøndelag are included as smaller contiguous areas to Northern Norway

(40) The adjacent areas to Northern Norway are all located in the level 3 region of Trøndelag.

(41) Table 4 below presents the included areas in Trøndelag and the population density in this area ⁽³⁰⁾:

Table 4

Included contiguous areas to Northern Norway

Level 3 region	Areas (municipalities)	Population density
Trøndelag	The part of Steinkjer that was formerly Verran, Namsos, Osen, Snåase-Snåsa, Lierne, Raarvihke-Røyrvik, Namsskogan, Grong, Høylandet, Overhalla, Flatanger, Leka, Inderøy, Indre Fosen, Ørland, Åfjord, and Nærøysund	4,1

(42) The population in these areas is 73 683 inhabitants when calculated on the basis of the population figures from 1 January 2020 ⁽³¹⁾.

3.2.3.5 Smaller contiguous areas to Innlandet in several counties are included

(43) The adjacent areas to Innlandet are located in the level 3 regions of Trøndelag, Møre og Romsdal, Vestland, Rogaland, Agder, Vestfold og Telemark, and Viken. These areas are presented in the below Table 5 ⁽³²⁾.

Table 5

Included contiguous areas to Innlandet

Level 3 region	Areas (municipalities)	Population density
Trøndelag	Hitra, Frøya, Oppdal, Rennebu, Røros, Holtålen, Tydal, Meråker, Heim, Rindal, and the parts of Orkland that were formerly Agdenes, Meldal, and parts of Snillfjord municipality	3,6
Møre og Romsdal	Vanylven, Sande, Stranda, Sykkylven, Vestnes, Rauma, Tingvoll, Sunndal, Surnadal, Smøla, Aure, Fjord, the part of Volda that was formerly Hornindal municipality, the parts of Molde that were formerly Nesset and Midsund municipalities, and the part of Ålesund that was formerly Sandøy municipality	6,3

⁽²⁹⁾ Table 7b on p. 8 of the notification.

⁽³⁰⁾ The table is based on Tables 7a and 8a on pp. 8 and 9 of the notification.

⁽³¹⁾ Table 7a on p. 8 of the notification.

⁽³²⁾ The table is based on Tables 7b and 8b on pp. 8 and 9 of the notification.

Vestland	Tysnes, Kvinnherad, Ullensvang, Eidfjord, Ulvik, Modalen, Fedje, Masfjorden, Gulen, Solund, Hyllestad, Høyanger, Vik, Aurland, Lærdal, Årdal, Luster, Askvoll, Fjaler, Bremanger, Stad, Gloppen, Stryn, the part of Voss that was formerly Granvin municipality, the part of Kinn that was formerly Vågsøy municipality, the parts of Sogndal that were formerly Leikanger and Balestrand municipalities, and the parts of Sunnfjord that were formerly Gaular, Jølster and Naustdal municipalities	4,7
Rogaland	Hjelmeland, Suldal and Sauda	3,6
Agder	Risør, Gjerstad, Åmli, Evje og Hornnes, Bygland, Valle, Bykle, and Åseral	2,9
Vestfold og Telemark	Drangedal, Nome, Tinn, Hjartdal, Seljord, Kviteseid, Nissedal, Fyresdal, Tokke, and Vinje	2,9
Viken	Flå, Nesbyen, Gol, Hemsedal, Ål, Hol, Rollag, and Nore og Uvdal	3,0

- (44) The population in these areas is 301 848 inhabitants when calculated on the basis of the population figures from 1 January 2020 ⁽³³⁾.

3.2.3.6 Assessment of the flexible approach

- (45) Paragraph 169 of the RAG sets out three requirements, which must be met, in order to swap in areas from statistical regions at level 2 with a population density above 8 inhabitants per km².
- (46) First, these areas must have fewer than 8 inhabitants per km².
- (47) As established in paragraph (27) above, both ESA ⁽³⁴⁾ and the Commission ⁽³⁵⁾ have previously assessed the population densities for swapped in sparsely populated areas together, per their respective level 3 region (statistical regions at level 3 / NUTS 3 regions). For very sparsely populated areas designated in the context of an operating aid scheme, ESA did not assess the population densities in the concerned areas at a smaller unit level than level 3 ⁽³⁶⁾.
- (48) There is nothing new in the wording of paragraph 169 of the RAG to require a departure from this established practice. Accordingly, ESA will follow the same approach under the new RAG.
- (49) It follows from the data presented in Tables 4 and 5 above that the population densities in the swapped in areas are below 8 inhabitants per km² when the areas located in the same statistical region at level 3 are assessed together. As the statistical regions at level 3 are part of the larger regions at level 2, this entails that the population densities in the swapped in areas are also below the threshold of 8 inhabitants per km² if assessed at the level of the included areas in each region at level 2.
- (50) The population density requirement is therefore met for the swapped in areas. As established by Table 3, the population density requirement is also met for the designated areas in Innlandet assessed together.

⁽³³⁾ Table 7b on p. 8 of the notification.

⁽³⁴⁾ See the Decision on the Norwegian regional aid map 2014–2020, referenced in footnote 6 above, paragraph 18.

⁽³⁵⁾ See the Decision on the Swedish regional aid map 2014–2020, referenced in footnote 18 above, paragraphs 7 and 15.

⁽³⁶⁾ See paragraphs 79–81 of the Decision on regionally differentiated social security contributions 2014–2020, referenced in footnote 7 above.

- (51) Second, the swapped in areas must be contiguous areas adjacent to the statistical regions at level 2 with a population density of less than 8 inhabitants per km². On the basis of the borders between the concerned areas, as illustrated by the graphic map attached as Annex III(b) to this decision, ESA concludes that this requirement is met.
- (52) Third, the swapping exercise must not result in the specific allocation of 'c' coverage referred to in paragraph 167 of the RAG being exceeded. According to the final sentence of paragraph 169 of the RAG, the population of the very sparsely populated areas must, for the purposes of this assessment, be taken together with that of the areas which are only sparsely populated.
- (53) The population within the designated very sparsely populated areas amounts to 1 003 192 inhabitants ⁽³⁷⁾. This population was included when assessing the compliance of the designation of sparsely populated areas with the population coverage ceiling in paragraph (31) above. On this basis, ESA concludes that the population coverage of the Norwegian regional aid map does not exceed the specific allocation of 'c' coverage referred to in paragraph 167 of the RAG.

3.2.4 Concluding remarks on the designation of predefined 'c' areas

- (54) In the regional aid map 2022–2027, the Norwegian authorities have designated sparsely and very sparsely populated areas eligible for regional aid. On the basis of the above assessment, ESA considers that this designation has been made in accordance with the RAG.

3.3 Non-predefined 'c' areas

3.3.1 Introduction

- (55) According to Annex I to the RAG, the allocation of non-predefined 'c' coverage for Norway is 6,87 % of the national population. Norway can use this coverage to designate non-predefined 'c' areas in accordance with the conditions in paragraph 175 of the RAG.

3.3.2 Included areas

- (56) The areas designated by the Norwegian authorities as non-predefined 'c' areas, are presented in the below Table 6 ⁽³⁸⁾.

Table 6

Non-predefined 'c' areas

Level 3 region	Municipalities	Population 1 January 2020
Rogaland	Utsira and Kvitsøy	715
Møre og Romsdal	Aukra	3 509

- (57) On the basis of the most recent population figures from 1 January 2020, the population in the areas designated as non-predefined 'c' areas is therefore 4 224 inhabitants.

3.3.3 Assessment

- (58) According to paragraph 175(3)(iii) of the RAG, EEA EFTA States may designate as non-predefined 'c' areas islands that have fewer than 5 000 inhabitants.
- (59) As follows from the figures presented in Table 6 above, the population on each of the islands of Utsira, Kvitsøy and Aukra is less than 5 000 inhabitants. The condition in paragraph 175(3)(iii) of the RAG is therefore met.

⁽³⁷⁾ Notification, p. 10.

⁽³⁸⁾ The table is based on Table 9 on p. 11 of the notification.

- (60) Based on the population data in Table 6 above, the population within these designated areas furthermore amounts to 0,08 % of the total population. This is well below the allocation of non-predefined 'c' coverage for Norway of 6,87 % in Annex I to the RAG.
- (61) On this basis, ESA concludes that the designation of non-predefined 'c' areas in the Norwegian regional aid map 2022–2027 is in accordance with the RAG.

3.4 Overview of the areas covered by the regional aid map

- (62) A list of the areas included in the regional aid map, including their status as very sparsely populated, sparsely populated, or non-predefined 'c' areas, is included as Annex I to this decision. Annex II contains more detailed information on the statistical units in those municipalities that have been split when designating eligible areas.

4 AID INTENSITIES

- (63) It follows from paragraph 151 of the RAG that the regional aid map must also specify maximum aid intensities applicable in the eligible areas during the period of validity of the approved map.
- (64) The maximum aid intensities in the map apply to regional investment aid. The maximum intensities allowed for such aid under the RAG, are set out in its Section 7.4.
- (65) As specified in Table 7 below, the Norwegian authorities have notified maximum aid intensities for large enterprises of 20 % and 10 % in respectively predefined 'c' areas and non-predefined 'c' areas. These maximum intensities are increased by 20 percentage points for small enterprises and 10 percentage points for medium-sized enterprises ⁽³⁹⁾.

Table 7

Maximum aid intensities

Type of area	Maximum aid intensities for large enterprises	Increase for medium-sized enterprises	Increase for small enterprises
Predefined 'c'	20 %	10 %	20 %
Non-predefined 'c'	10 %	10 %	20 %

- (66) With respect to the maximum aid intensities in predefined 'c' areas, paragraph 182(1) of the RAG stipulates that the aid intensity for large enterprises must not exceed 20 % in sparsely populated areas. As all of the areas designated under the quota for predefined 'c' areas are sparsely populated, the maximum aid intensity stipulated by the Norwegian authorities for these areas is in accordance with the RAG.
- (67) The increases allowed for medium-sized and small enterprises in predefined 'c' areas are also in accordance with the RAG. It follows from paragraph 186 of the RAG that the aid intensities may be increased by up to 20 percentage points for small enterprises or up to 10 percentage points for medium-sized enterprises.
- (68) As regards the maximum aid intensities in non-predefined 'c' areas, paragraph 182(3) of the RAG stipulates that the aid intensity for large enterprises must not exceed 10 % in non-predefined 'c' areas that have a GDP per capita above 100 % of the EEA average and an unemployment rate below 100 % of the EEA average. Since the designated non-predefined 'c' areas fall within this category, the Norwegian authorities have set the maximum aid intensity to 10 %.

⁽³⁹⁾ The table is based on Table 10 on p. 11 of the notification.

- (69) The scope under paragraph 186 of the RAG for increasing the aid intensities for small and medium-sized enterprises, however, apply also for non-predefined 'c' areas. The increases of the maximum aid intensity in these areas, as presented in Table 7 above, are therefore also in accordance with the RAG.

5 DURATION AND REVIEW

- (70) In accordance with paragraph 189 of the RAG, the Norwegian authorities have notified a single regional aid map applicable for the period 1 January 2022 to 31 December 2027.
- (71) It follows from paragraph 194 of the RAG that a mid-term review of the regional aid maps will be carried out in 2023. ESA will communicate the details on the mid-term review by June 2023.

6 CONCLUSION

- (72) On the basis of the foregoing assessment, ESA finds that the Norwegian regional aid map 2022–2027 is compatible with the principles set out in the RAG. The approved map constitutes an integral part of the RAG.
- (73) Annexes I, II, and III(a) and (b), form an integral part of this decision.

For the EFTA Surveillance Authority,

Bente ANGELL-HANSEN
President
Responsible College Member

Högni S. KRISTJÁNSSON
College Member

Stefan BARRIGA
College Member

Melpo-Menie JOSÉPHIDÈS
Countersigning as Director,
Legal and Executive Affairs

ANNEX I

Overview of the areas covered by the regional aid map**1 PREDEFINED 'C' AREAS****1.1 Very sparsely populated areas**

Level 3 region	Municipalities
Troms og Finnmark	Tromsø, Harstad-Hársttåk, Alta, Vardø, Vadsø, Hammerfest, Kvæfjord, Tjeldsund, Ibestad, Gratangen, Loabák-Lavangen, Bardu, Salangen, Målselv, Sørreisa, Dyrøy, Senja, Balsfjord, Karlsøy, Lyngen, Storfjord-Omasvuotna-Omasvuono, Gáivuotna-Kåfjord-Kaivuono, Skjervøy, Nordreisa, Kvænangen, Guovdageaidnu-Kautokeino, Loppa, Hasvik, Måsøy, Nordkapp, Porsanger-Porsáŋgu-Porsanki, Kárášjohka-Karasjok, Lebesby, Gamvik, Berlevåg, Deatnu-Tana, Unjárga-Nesseby, Båtsfjord, and Sør-Varanger
Nordland	Bodø, Narvik, Bindal, Sømna, Brønnøy, Vega, Vevelstad, Herøy, Alstahaug, Leirfjord, Vefsn, Grane, Hattfjelldal, Dønna, Nesna, Hemnes, Rana, Lurøy, Træna, Rødøy, Meløy, Gildeskål, Beiarn, Saltdal, Fauske-Fuosso, Sørfold, Steigen, Lødingen, Evenes, Røst, Værøy, Flakstad, Vestvågøy, Vågan, Hadsel, Bø, Øksnes, Sortland, Andøy, Moskenes, and Hamarøy-Hábmer
Trøndelag	The part of Steinkjer that was formerly Verran, Namsos, Osen, Snåase-Snåsa, Lierne, Raarvihke-Røyrvik, Namsskogan, Grong, Høylandet, Overhalla, Flatanger, Leka, Inderøy, Indre Fosen, Ørland, Åfjord, Nærøysund, Hitra, Frøya, Oppdal, Rennebu, Røros, Holtålen, Tydal, Meråker, Heim, Rindal, and the parts of Orkland that were formerly Agdenes, Meldal and parts of Snillfjord municipality
Møre og Romsdal	Vanylven, Sande, Stranda, Sykkylven, Vestnes, Rauma, Tingvoll, Sunndal, Surnadal, Smøla, Aure, Fjord, the part of Volda that was formerly Hornindal, the parts of Molde that were formerly Nesset and Midsund, and the part of Ålesund that was formerly Sandøy
Vestland	Tysnes, Kvinnherad, Ullensvang, Eidfjord, Ulvik, Modalen, Fedje, Masfjorden, Gulen, Solund, Hyllestad, Høyanger, Vik, Aurland, Lærdal, Årdal, Luster, Askvoll, Fjaler, Bremanger, Stad, Gloppen, Stryn, the part of Voss that was formerly Granvin, the part of Kinn that was formerly Vågsøy, the parts of Sogndal that were formerly Leikanger and Balestrand, and the parts of Sunnfjord that were formerly Gaular, Jølster and Naustdal
Rogaland	Hjelmeland, Suldal and Sauda
Agder	Risør, Gjerstad, Åmli, Evje og Hornnes, Bygland, Valle, Bykle, and Åseral
Vestfold og Telemark	Drangedal, Nome, Tinn, Hjartrdal, Seljord, Kviteseid, Nissedal, Fyresdal, Tokke, and Vinje
Innlandet	Kongsvinger, Nord-Odal, Sør-Odal, Eidskog, Grue, Åsnes, Våler, Trysil, Åmot, Stor-Elvdal, Rendalen, Engerdal, Tolga, Tynset, Alvdal, Folldal, Os, Dovre, Lesja, Skjåk, Lom, Vågå, Nord-Fron, Sel, Sør-Fron, Ringebu, Søndre Land, Nordre Land, Sør-Aurdal, Etnedal, Nord-Aurdal, Vestre Slidre, Øystre Slidre, and Vang
Viken	Flå, Nesbyen, Gol, Hemsedal, Ål, Hol, Rollag, and Nore og Uvdal

1.2 Sparsely populated areas

Level 3 region	Municipalities
Trøndelag	The part of Steinkjer that was formerly Steinkjer (i.e. the part that was not Verran), Midtre Gauldal, Selbu, Frosta, and Verdal
Møre og Romsdal	The part of Ålesund that was formerly Haram, Hareid, the part of Volda that was formerly Volda (i.e. the part that was not Hornindal), Ørsta, Averøy, Gjemnes, and Hustadvika
Vestland	The part of Voss that was formerly Voss (i.e. the part that was not Granvin), the part of Kinn that was formerly Flora, the part of Sogndal that was formerly Sogndal (i.e. the part that was not Balestrand and Leikanger), the part of Sunnfjord that was formerly Førde, Etne, Bømlo, Fitjar, Kvam, Samnanger, Vaksdal, and Austrheim
Rogaland	Sokndal, Lund, and Bjerkreim
Agder	The part of Lindesnes that was formerly Marnardal, the part of Lyngdal that was formerly Audnedal, Farsund, Flekkefjord, Vegårshei, Tvedestrand, Iveland, Hægebostad, Kvinesdal, and Sirdal
Vestfold og Telemark	Notodden, Bamble, Kragerø, and Midt-Telemark
Innlandet	Øyer, Gausdal, and Vestre Toten
Viken	Aremark, Marker, Aurskog-Høland, Sigdal, Krødsherad, and Flesberg

2 NON-PREDEFINED 'C' AREAS

Level 3 region	Municipalities
Rogaland	Utsira and Kvitsøy
Møre og Romsdal	Aukra

ANNEX II

Eligible Basic Statistical Units (BSUs) in split municipalities

Municipality (LAU) Code	Municipality name	Former municipality	BSU Code	BSU Name
4205	Lindesnes	Marnardal	42051001	Øyslebø
			42051002	Skjævesland
			42051003	Birkeland
			42051004	Støa
			42051005	Gangså
			42051006	Finnsdal
			42051007	Tjomsland - Lindland
			42051008	Laudal Nedre
			42051009	Laudal Øvre
			42051010	Tisland
			42051011	Åkset
			42051012	Bruskeland
			42051013	Rydlende
			42051014	Trygsland
			42051015	Stedjan
			42051016	Koland
4225	Lyngdal	Audnedal	42250401	Brastad
			42250402	Viblemo
			42250403	Konsmo
			42250404	Audnedal
			42250405	Ågedalstø
			42250406	Øydna
			42250407	Byremo
			42250408	Håland - Sveindal
4621	Voss	1234 Granvin	46211001	Lussand - Kvandal
			46211002	Folkedal
			46211003	Hamre
			46211004	Eide
			46211005	Selland - Kjerland
			46211006	Kyrkjestrundi
			46211007	Seim - Nesheim
			46211008	Spildo
			46211009	Tjøflot
			46211010	Djønno

Municipality (LAU) Code	Municipality name	Former municipality	BSU Code	BSU Name
4602	Kinn	1439 Vågsøy	46020401	Silda
			46020402	Vedvik
			46020403	Halsør
			46020404	Røysa
			46020405	Raudeberg
			46020406	Kapellneset
			46020407	Refvik
			46020408	Kvalheim
			46020501	Ulvesund
			46020502	Degnepoll
			46020503	Kulen
			46020504	Blålid
			46020505	Skavøypoll
			46020506	Sørpoll
			46020507	Almenning
			46020601	Våge - Oppedal
			46020602	Holvik
			46020603	Sæternes
			46020604	Ellingskaret
			46020605	Skram Øvre
			46020606	Skram Nedre
			46020607	Midtgård Søndre
			46020608	Midtgård Nordre
			46020609	Gotteberg
			46020610	Øyane i Sør
4640	Sogndal	1419 Leikanger	46400501	Njøs
			46400502	Hermansverk
			46400503	Henjum
			46400504	Leitet
			46400505	Leikanger
			46400506	Hamre - Fosse
			46400507	Grinde
			46400508	Eitorn
4640	Sogndal	1418 Balestrand	46400604	Vetlefjord
			46400605	Sværefjorden
			46400606	Esefjorden

Municipality (LAU) Code	Municipality name	Former municipality	BSU Code	BSU Name
			46400607	Balestrand
			46400608	Thue
			46400609	Kvamsøy
4647	Sunnfjord	1430 Gaular	46470601	Øvrebotten
			46470602	Eldal - Mjell
			46470603	Viken
			46470604	Hestadgrend
			46470605	Skudal
			46470606	Senneseth
			46470607	Steien
			46470608	Sande
			46470609	Sygna
			46470610	Lunde
			46470611	Skilbrei - Hjelmeland
			46470612	Lien
			46470613	Kvamme
			46470614	Osen
			46470615	Birkeland
			46470616	Kårstad
			46470617	Hestad
4647	Sunnfjord	1431 Jølster	46470401	Eikås
			46470402	Langhaugane
			46470403	Hjellbrekke
			46470404	Vassenden Nord
			46470405	Vassenden Sør
			46470406	Sanddal
			46470407	Svidal
			46470408	Ålhus
			46470501	Myklebost
			46470502	Årdal
			46470503	Helgheim
			46470504	Fugle
			46470505	Skei
			46470506	Kjøsnesfjorden
			46470507	Førde
			46470508	Klakegg
			46470509	Veiteberg

Municipality (LAU) Code	Municipality name	Former municipality	BSU Code	BSU Name
			46470510	Åmot
4647	Sunnfjord	1433 Naustdal	46470701	Kvellestad
			46470702	Vevring
			46470703	Redal
			46470704	Helle
			46470705	Frammarsvik
			46470706	Naustdal Vest
			46470707	Naustdal Aust
			46470708	Åse
			46470709	Horstad Vest
			46470710	Horstad Aust
			46470711	Ullaland Nord
			46470712	Ullaland Sør
			46470713	Fimland
1577	Volda	1444 Hornindal	15770601	Haugen
			15770602	Kirkhorn
			15770603	Grodås
			15770605	Otterdal
			15770606	Lødemel
			15770607	Rygg
			15770608	Kjøs
1506	Molde	1543 Nesset	15060801	Ranvik
			15060802	Tjelle
			15060803	Rød
			15060804	Høvik
			15060805	Hammervoll
			15060806	Eidsvåg Sentrum
			15060807	Aasen
			15060808	Stubø
			15060809	Vorpenes
			15060810	Raudsand
			15060811	Bersås
			15060812	Eidsøra
			15060813	Meisalstranda
			15060814	Bugge
			15060901	Myklebostad

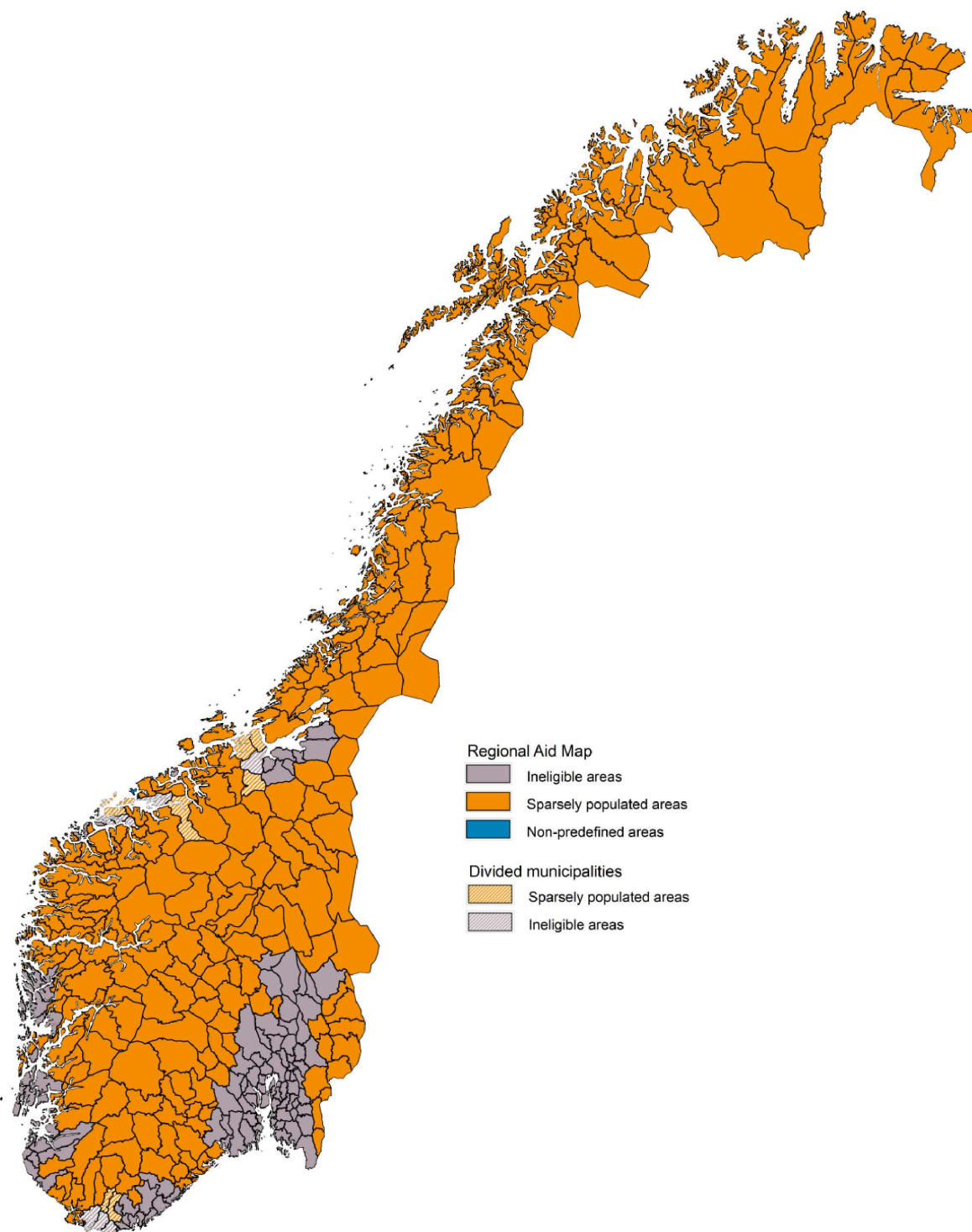
Municipality (LAU) Code	Municipality name	Former municipality	BSU Code	BSU Name
			15060902	Nerland
			15060903	Sira
			15060904	Slenes
			15060905	Eikesdal
			15060906	Aursjøen
		1545 Midsund	15061001	Søre Midøy
			15061002	Nordre Midøy
			15061003	Midsund Ytre
			15061004	Ugelvik
			15061005	Nerland
			15061006	Raknes
			15061007	Rakvåg
			15061008	Ræstad
			15061009	Nord - Heggdal - Tutra
			15061010	Sør - Heggdal
			15061011	Midsund Indre
1507	Ålesund	1534 Haram	15071101	Fjørtoft
			15071102	Otterlei
			15071103	Rogne
			15071104	Longva
			15071105	Flem
			15071106	Ulla
			15071107	Austnes
			15071108	Haram
			15071109	Kjerstad
			15071110	Farstad
			15071201	Hurla
			15071202	Alvestad
			15071203	Brattvåg
			15071204	Aksla - Håvik
			15071301	Samfjord
			15071302	Strand
			15071303	Slyngstad
			15071304	Tennfjord
			15071305	Vatne
			15071306	Ulvestad - Vatne
			15071307	Hellestranda

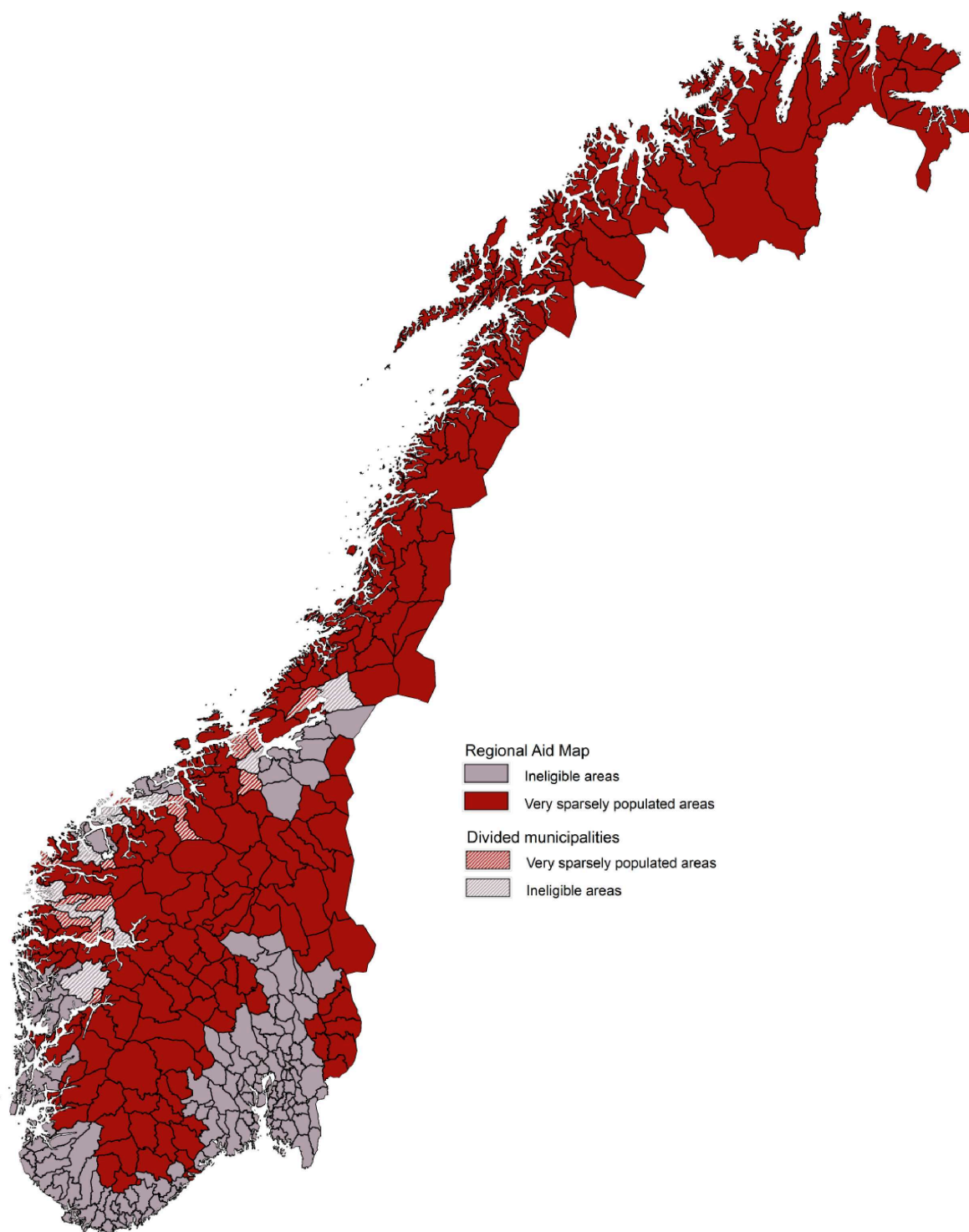
Municipality (LAU) Code	Municipality name	Former municipality	BSU Code	BSU Name
			15071308	Vestrefjord
			15071401	Bjørnøy - Kalvøy
			15071402	Søvik - Gamlem
			15071403	Grytastrand - Hamsund
		1546 Sandøy	15071701	Myklebost
			15071702	Røsok
			15071703	Bruvoll - Morsund
			15071704	Steinshamn - Harnes
			15071705	Huse
			15071706	Finnøy
			15071708	Sandøy
			15071709	Ona - Husøy
5006	Steinkjer	Verran	50060801	Vada
			50060802	Nordberg
			50060803	Kirkreit
			50060804	Bratreit
			50060805	Holdåsen
			50060806	Malmo
			50060807	Fossdalen
			50060808	Ressem
			50060809	Sundbygda
			50060810	Tverås
			50060811	Folladalen - Ystmark
			50060812	Holden - Langvatnet
			50060901	Sela
			50060902	Follafooss Østre
			50060903	Follafooss Vestre - Tua
			50060904	Skjelstad
			50060905	Verrastranda
5059	Orkland	5023 Meldal	50590501	Midtskog
			50590502	Løvby
			50590503	Løkken Vest
			50590504	Bjørnli
			50590505	Løkken Øst
			50590601	Laksøybygda
			50590602	Drogsetmoen
			50590603	Lo

Municipality (LAU) Code	Municipality name	Former municipality	BSU Code	BSU Name
			50590604	Storås Vest
			50590605	Fossen
			50590606	Syrstad
			50590607	Grefstad
			50590608	Grøta
			50590609	Hilstad
			50590610	Jerpstad
			50590611	Ree
			50590612	Grut
			50590613	Ilfjellet
			50590614	Resdalen
		5016 Agdenes	50590801	Selven
			50590802	Lysheim
			50590803	Sletvik
			50590804	Fjorden
			50590806	Leksa
			50590807	Ingdalen
			50590808	Hamna
			50590809	Singstad
			50590810	Serten
			50590811	Stranda
		Parts of 5012 Snillfjord	50590901	Aa
			50590902	Vuttudal - Skårild
			50590904	Tannvik
			50590905	Åstfjorden
			50590906	Heggstad
			50590911	Imsterfjorden Indre
			50590912	Moldtun

ANNEX III (a) and (b)

Graphic illustrations of the eligible areas





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