



2026/162

22.1.2026

EFTA SURVEILLANCE AUTHORITY DECISION No 173/25/COL

of 15 October 2025

**amending the substantive rules in the field of State aid by extending the period of application
provided for in the Guidelines on State aid for rescuing and restructuring non-financial undertakings
in difficulty [2026/162]**

The EFTA Surveillance Authority ('ESA'),

HAVING regard to:

the Agreement on the European Economic Area ('the EEA Agreement'), in particular to Articles 61 to 63 and Protocol 26,

the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice ('the Surveillance and Court Agreement'), in particular to Article 24 and Article 5(2)(b),

Protocol 3 to the Surveillance and Court Agreement ('Protocol 3'), in particular to Article 1(1) of Part I,

WHEREAS:

Under Article 24 of the Surveillance and Court Agreement, ESA shall give effect to the provisions of the EEA Agreement concerning State aid.

Under Article 5(2)(b) of the Surveillance and Court Agreement, ESA shall issue notices or guidelines on matters dealt with in the EEA Agreement, if that Agreement or the Surveillance and Court Agreement expressly so provides or if ESA considers it necessary.

Under Article 1(1) of Part I of Protocol 3, ESA shall keep under constant review all systems of aid existing in the EFTA States ⁽¹⁾ and propose any appropriate measures required by the progressive development or by the functioning of the EEA Agreement.

In 2014, the European Commission ('the Commission') adopted the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty, amended in 2020 and 2023 ('the R&R Guidelines') ⁽²⁾.

ESA adopted corresponding Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty ⁽³⁾ in 2014, subsequently amended in 2020 ⁽⁴⁾ and 2023 ⁽⁵⁾ ('ESA's R&R Guidelines').

⁽¹⁾ Article 1(b) of the Surveillance and Court Agreement states that 'the term "EFTA States" means the Republic of Iceland and the Kingdom of Norway and, under the conditions laid down by Article 1(2) of the Protocol Adjusting the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, the Principality of Liechtenstein'.

⁽²⁾ Communication from the Commission – Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (OJ C 249, 31.7.2014, p. 1). Amended by the Communication from the Commission concerning the prolongation and the amendments of the [...] Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty [...] (OJ C 224, 8.7.2020, p. 2), and by the Communication from the Commission amending the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty, as regards the period of application (OJ C, C/2023/1212, 29.11.2023).

⁽³⁾ ESA Decision No 321/14/COL of 10 September 2014 amending for the one-hundredth time the procedural and substantive rules in the field of State aid by adopting new Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (OJ L 271, 16.10.2015, p. 35), and EEA Supplement No 62, 15.10.2015, p. 1 (IS and NO).

⁽⁴⁾ ESA Decision No 90/20/COL of 15 July 2020 amending, for the one hundred and seventh time, the procedural and substantive rules in the field of State aid, by amending and prolonging certain State aid guidelines (OJ L 359, 29.10.2020, p. 16), and EEA Supplement No 68, 29.10.2020, p. 4 (IS and NO).

⁽⁵⁾ ESA Decision No 184/23/COL of 13 December 2023 amending the substantive rules in the field of State aid by extending the period of application provided for in the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty.

On 10 October 2025, the Commission adopted a Communication extending the period of application provided for in the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty ('the Commission's 2025 Amendment') ⁽⁶⁾. Under the Commission's 2025 Amendment, the period of application of the R&R Guidelines was prolonged until 31 December 2026.

The Commission's 2025 Amendment is also of relevance for the European Economic Area ('EEA').

Uniform application of the EEA State aid rules is to be ensured throughout the EEA in line with the objective of homogeneity established in Article 1 of the EEA Agreement.

According to paragraph II under the heading 'GENERAL' of Annex XV to the EEA Agreement, ESA, after consultation with the Commission, is to adopt acts corresponding to those adopted by the Commission.

HAVING consulted the Commission,

HAVING consulted the EFTA States,

HAS ADOPTED THIS DECISION:

Article 1

Point 135 of ESA's R&R Guidelines is amended as follows:

'The Authority will apply these guidelines with effect from 10 September 2014 until 31 December 2026.'

Only the English language version of this decision is authentic.

Done at Brussels, 15 October 2025.

For the EFTA Surveillance Authority

For Arne RØKSUND
President
Responsible College Member

Stefan BARRIGA
College Member

Árni Páll ARNASON
College Member

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

⁽⁶⁾ Communication from the Commission – amending the Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty, as regards the period of application (OJ C, C/2025/5428, 13.10.2025).