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Judgment in Case E-2/02 *Technologien Bau- und Wirtschaftsberatung GmbH and Bellona Foundation v EFTA Surveillance Authority*

The EFTA Court ruled today on an application against a decision of the EFTA Surveillance Authority (ESA) in the field of State aid law from 31 May 2002. The application was found to be inadmissible, because the decision, which was addressed to Norway, was not of direct and individual concern to the Applicants as required under Article 36(2) of the ESA/Court Agreement when a case is brought before the Court by someone other than the addressee of a decision. The Applicants therefore lacked *locus standi*.

The *Bellona Foundation*, a Norwegian environmental foundation, which lodged the original complaint with ESA, and *TBW*, a German environmental consulting firm, jointly brought an action against the EFTA Surveillance Authority before the EFTA Court seeking annulment of said decision by ESA. In the contested decision, the Authority found that it would not raise objections to new Norwegian tax legislation setting favorable depreciation rates for certain geographically defined natural gas exploitation projects, or to its application to a particular project (Snøhvit), as being incompatible with EEA law on State aid. The Kingdom of Norway intervened in support of the EFTA Surveillance Authority.

The Court's decision is *inter alia* based on the fact that the applicants did not prove that ESA's contested State aid decision could adversely affect their legitimate economic interests and thus provide *locus standi*. The Court also held that Norwegian environmental foundation could not institute proceedings before the Court either in a representative capacity on behalf of members or on the grounds of its involvement in the administrative procedure before ESA. The EFTA Court did not address the substantive issues raised in the application.

The full text of the judgment may be found on the Internet at: www.efta.int.

The EFTA Court is composed of Judges Carl Baudenbacher (President), Per Tresselt and Thorgeir Örlygsson.

This press release is not an official document. Please note that the Court may not comment on the case.