



DET KONGELIGE
FINANSDEPARTEMENT

Royal Ministry of Finance

EFTA Surveillance Authority
Rue Belliard 35
1040 Brussels , Belgium

Your ref

Our ref
01/1943 SL AEL/KR

Date
4 .07.2006

Recovery of electricity tax according to the Authority's decision 148/04/COL regarding environmental tax measures

Reference is made to the Ministry of Finance's letter dated 7 March 2006, where the Ministry responded to the Competition and State Aid Directorate's (CSA) letter dated 20 January 2006. Reference is also made to the Minister of Finance' letter dated 27 March, and to the meeting held in Oslo between Mr. Grydeland and the Minister of Finance Kristin Halvorsen 7 April 2006.

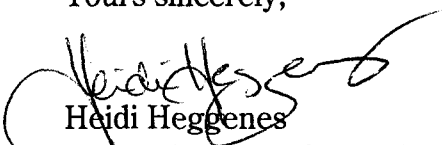
As recalled the Ministry of Finance is of the opinion the Authority should use its discretion in this case in order to give the industry in Norway the same treatment as the Commission in the EU has given the Swedish industry in the parallel case. The Authority, on the other hand, is of the opinion that such a discretionary power does not exist in this case, and that the situation in Sweden in any event is not sufficiently parallel.


Even though the Norwegian Government regret the Authority's stand, the Ministry of Finance can inform the Authority that decision 148/04/COL will be implemented in line with the Authority's view; i.e. that electricity that in the pertinent period was used as an "ingredient" will not be exempted from the calculation of the amount to be recovered.

The Ministry is currently dealing with some practical issues regarding the implementation, in particular the use of de minimis in order to reduce the number of recipients to contact.

The decision will be implemented as soon as possible.

Yours sincerely,


Heidi Heggnes
Deputy Director General


Atle E Lunder
Senior Adviser