The Law Of State Aid In The European Union | 69ce538d3097ce00d81ce319c47f43ae


The Law of the European Union is a complete reference work on all aspects of the law of the European Union, including the institutional framework, the Internal Market, Economic and Monetary Union and external policy and action. Completely revised and updated, with many newly written chapters, this fifth edition of the most thorough resource in its field provides the most comprehensive and systematic account available of the law of the European Union (EU). Written by a new team of experts in their respective areas of European law, its coverage incorporates and embraces many current, controversial, and emerging issues and provides detailed attention to the organisation, operation, and legal frame of the Union. It is designed to provide practitioners and Commission officials with an authoritative statement of the law and practice across the many fields of Community law. This new edition of Conor Quigley's book (originally 'EC State Aid Law and Policy'), offers the most comprehensive and detailed examination of this fast developing area of law. With 18 new chapters, guest contributions by a variety of experts, and almost 1000 pages, it is aimed at practitioners and academics alike. It places the law of state aid in its institutional context, and provides both the context and critical analysis of all aspects of state aid, from its fund-raising through implementation to enforcement. Under criteria of State aid and subsidy regulation. In turn, State aid and subsidies law is linked to the economic, constitutional, administrative law of the EU and the Member States. It examines the legality of both national and EU law; the rules governing the procedure before the Commission; the litigation before the Court of Justice of the European Union; and analysis of the other trade defence instruments, including WTO subsidy law and EU anti-subsidy law. This book scrutinizes legislative novelties and case law in the area of EU competition and state aid rules, focusing on the interaction between public and private economic interests and the implications for the EU market; the rules governing the procedure before the Commission; the litigation before the Court of Justice of the European Union; and analysis of the other trade defence instruments, including WTO subsidy law and EU anti-subsidy law. The authors give guidance on the European Community law and practice on state aids. They guide readers through various aspects of state aid law and practice, and provide a selection of primary law materials. Information on procedures, means of recovery, and availability of judicial protection are included.

This book scrutinizes legislative novelties and case law in the area of EU competition and state aid rules, focusing on the interaction between public and private economic interests and the implications for the EU market; the rules governing the procedure before the Commission; the litigation before the Court of Justice of the European Union; and analysis of the other trade defence instruments, including WTO subsidy law and EU anti-subsidy law. The authors give guidance on the European Community law and practice on state aids. They guide readers through various aspects of state aid law and practice, and provide a selection of primary law materials. Information on procedures, means of recovery, and availability of judicial protection are included.

This book scrutinizes legislative novelties and case law in the area of EU competition and state aid rules, focusing on the interaction between public and private economic interests and the implications for the EU market; the rules governing the procedure before the Commission; the litigation before the Court of Justice of the European Union; and analysis of the other trade defence instruments, including WTO subsidy law and EU anti-subsidy law. The authors give guidance on the European Community law and practice on state aids. They guide readers through various aspects of state aid law and practice, and provide a selection of primary law materials. Information on procedures, means of recovery, and availability of judicial protection are included.

The Law Of State Aid In The European Union | 69ce538d3097ce00d81ce319c47f43ae


The Law of the European Union is a complete reference work on all aspects of the law of the European Union, including the institutional framework, the Internal Market, Economic and Monetary Union and external policy and action. Completely revised and updated, with many newly written chapters, this fifth edition of the most thorough resource in its field provides the most comprehensive and systematic account available of the law of the European Union (EU). Written by a new team of experts in their respective areas of European law, its coverage incorporates and embraces many current, controversial, and emerging issues and provides detailed attention to the organisation, operation, and legal frame of the Union. It is designed to provide practitioners and Commission officials with an authoritative statement of the law and practice across the many fields of Community law. This new edition of Conor Quigley's book (originally 'EC State Aid Law and Policy'), offers the most comprehensive and detailed examination of this fast developing area of law. With 18 new chapters, guest contributions by a variety of experts, and almost 1000 pages, it is aimed at practitioners and academics alike. It places the law of state aid in its institutional context, and provides both the context and critical analysis of all aspects of state aid, from its fund-raising through implementation to enforcement. Under criteria of State aid and subsidy regulation. In turn, State aid and subsidies law is linked to the economic, constitutional, administrative law of the EU and the Member States. It examines the legality of both national and EU law; the rules governing the procedure before the Commission; the litigation before the Court of Justice of the European Union; and analysis of the other trade defence instruments, including WTO subsidy law and EU anti-subsidy law. This book scrutinizes legislative novelties and case law in the area of EU competition and state aid rules, focusing on the interaction between public and private economic interests and the implications for the EU market; the rules governing the procedure before the Commission; the litigation before the Court of Justice of the European Union; and analysis of the other trade defence instruments, including WTO subsidy law and EU anti-subsidy law. The authors give guidance on the European Community law and practice on state aids. They guide readers through various aspects of state aid law and practice, and provide a selection of primary law materials. Information on procedures, means of recovery, and availability of judicial protection are included.

This book scrutinizes legislative novelties and case law in the area of EU competition and state aid rules, focusing on the interaction between public and private economic interests and the implications for the EU market; the rules governing the procedure before the Commission; the litigation before the Court of Justice of the European Union; and analysis of the other trade defence instruments, including WTO subsidy law and EU anti-subsidy law. The authors give guidance on the European Community law and practice on state aids. They guide readers through various aspects of state aid law and practice, and provide a selection of primary law materials. Information on procedures, means of recovery, and availability of judicial protection are included.

This book scrutinizes legislative novelties and case law in the area of EU competition and state aid rules, focusing on the interaction between public and private economic interests and the implications for the EU market; the rules governing the procedure before the Commission; the litigation before the Court of Justice of the European Union; and analysis of the other trade defence instruments, including WTO subsidy law and EU anti-subsidy law. The authors give guidance on the European Community law and practice on state aids. They guide readers through various aspects of state aid law and practice, and provide a selection of primary law materials. Information on procedures, means of recovery, and availability of judicial protection are included.

This book scrutinizes legislative novelties and case law in the area of EU competition and state aid rules, focusing on the interaction between public and private economic interests and the implications for the EU market; the rules governing the procedure before the Commission; the litigation before the Court of Justice of the European Union; and analysis of the other trade defence instruments, including WTO subsidy law and EU anti-subsidy law. The authors give guidance on the European Community law and practice on state aids. They guide readers through various aspects of state aid law and practice, and provide a selection of primary law materials. Information on procedures, means of recovery, and availability of judicial protection are included.
decisions of the preceding year. The book compiles articles originally published on a weekly basis on Lexxion’s StateAidHub.eu. The compilation is conveniently grouped into chapters covering issues such as “Non-Economic Activities,” “Selectivity,” “Infrastructure,” or “Recovery of Incompatible State Aid.” Each article presents the main points of a court ruling or Commission decision, places them in the context of similar case law or practice, assesses the underlying reasoning, and identifies any inconsistencies or contradictions. The reader will benefit from a fairly comprehensive and easily accessible compilation of the main developments in State aid law and practice and will gain an insight into how State aid principles can be applied in practice.

The Routledge Handbook of Energy Law provides a definitive global survey of the discipline of Energy Law, capturing the essential and relevant issues in Energy today. Each chapter is written by a leading expert, and provides a contemporary overview of a significant area within the field. The book is divided into six geographical regions based on continents, with a separate section on Russia, an energy powerhouse that straddles both Europe and Asia. Each section contains highly topical chapters from authors who address a number of core themes in Energy Law and Regulation: • Energy security and the role of markets • Regulating the growth of renewable energy • Regulating shifts in traditional forms of energy • Instruments in regulating disputes in energy • Impact of energy on the environment • Key issues in the future of energy and regulation. Offering an analysis of the full spectrum of core energy law, the Routledge Handbook of Energy Law is an essential resource for advanced students, researchers, academics, legal practitioners and industry experts.

New Perspectives on Fiscal State Aid Legitimacy and Effectiveness of Fiscal State Aid Control Edited by Carla De Pietro Based on a project co-founded by the European Commission, this book focuses on fiscal state aid – an increasingly important topic – with a number of high-profile cases ongoing and with serious implications for sustainable growth and the future of the internal market. The project, conducted by four universities, consisted in seminars, workshops and a final conference aimed at training national tax judges from the four different countries involved (Austria, Belgium, Italy and the Netherlands), with discussion and reflection by international academics and other tax professionals who participated as speakers and/or chairs in the EU. This book presents an in-depth analysis of the topics presented, taking a giant step towards defining the connection between effective state aid control, its legitimacy and a desirable functioning of the internal market for the twenty-first century. The core elements of this fundamental analysis include the following: selectivity as applied in the case law of the Court of Justice; whether and to what extent state aid law limits European Union (EU) Member States in designing anti-tax avoidance measures; protection of legitimate expectations; to what extent national judges are required to apply state aid rules ex officio; powers of national judges in connection with the national obligation of guaranteeing an immediate and effective recovery on the basis of an order issued by the European Commission; and connection between legitimacy of state aid law and effectiveness of state aid control. The book includes a thorough investigation of the notion of fiscal state aid, also by focusing on the most recent decisions of the European Commission concerning mismatches. Representing, as it does, an important and concrete contribution to the intense debate about the interpretation of the notion of fiscal state aid, with different normative views about the goals and functions of control, this book will stimulate solutions in terms of legitimacy of fiscal state aid control that also take into consideration the most desirable functioning of the internal market. It will be welcomed not only by academics in taxation and EU law but also by national tax judges, tax authorities and practitioners.

Private Enforcement of European Competition and State Aid Law Current Challenges and the Way Forward Edited by: Ferdinand Wollensläger, Wolfgang Wummest & Thomas M.J. Millers The overlapping European Union (EU) regimes of competition law and State aid law both provide mechanisms allowing private plaintiffs to claim for losses they believe that the value to provide, as this book does, analysis and guidance on achieving the enforcement of such claims, written by renowned authorities in the two fields. The book examines the two areas of law both from an EU perspective and from the perspective of private enforcement in France, Germany, Italy, the Netherlands, Spain and the United Kingdom. In country reports for these major jurisdictions, as well as in more general and comparative chapters, the authors focus on such issues as the following: impediments to private enforcement; which entity is liable for damages; hindrances of competition and regulation; limitations of action; formal ground rules for obtaining damages; remedies and information deficiencies; and cooperation and coordination between national courts and the European Commission; transposition of the so-called Damages Directive (Directive 2014/104/EU) by the EU Member States; extent to which the strengthening of private enforcement of competition law has a spillover effect on state aid law; and prospects for harmonisation of State aid law. A concluding section identifies enforcement deficiencies and proposes ways to improve the existing legal framework. As an in-depth assessment of key obstacles and best practices in private enforcement actions, this highly informative and practical volume facilitates choice of the best forum for competition and State aid law cases. Academics and practitioners engaged in and around EU competition law will appreciate the authors’ awareness of the economic need and legal particularities which could generate an effective European system of private enforcement of legitimate claims under EU competition and State aid law.

This important new work offers a comprehensive and compelling account of State aid law and policy and its application to the energy sector. Clearly structured and offering meticulous detail and robust analysis, it is required reading for all practitioners in the field. The volume explores general questions from the definition of State aid to its application in Member States by national courts. It also examines questions of procedure, questions of compatibility, and State aid and the EEA. It is an invaluable tool for lawyers, policymakers and tax professionals specialising in State aid law and energy law, written by a team of leading practitioners and academics in the field.

This book analyses the modernisation of EU State aid law from various perspectives, and considers both substantive and procedural aspects. It also discusses the reasons for, and the goals and future implications of the modernisation programme, including the evolution of the concept of State aid. The ambitious reform programme was launched in 2012 and has now been almost fully implemented by virtue of the adoption of new rules of procedure in July 2013, and exemption in June 2014. The book highlights the main aspects of this sector reform, which include the Commission’s change of attitude towards so-called positive aid, i.e., those able to promote economic growth, and the intention to focus on matters of greater systematic extent. These objectives also imply a third aspect: increasing the intensity of the control powers conferred on the Commission with regard to that aid that prove to be harmful to competition and the internal market. The book also examines the greater responsibility given to States for self-assessment of their economic policy measures, and explores the resulting impact on, and challenges posed to the administration in the context of the public administration. The book’s second part is devoted to the application State aid rules in the area of services of general economic interest, the field of private enforcement in France, Germany, Italy, the Netherlands, Spain and the United Kingdom. In country reports for these major jurisdictions, as well as in more general and comparative chapters, the authors focus on such issues as the following: impediments to private enforcement; which entity is liable for damages; hindrances of competition and regulation; limitations of action; formal ground rules for obtaining damages; remedies and information deficiencies; and cooperation and coordination between national courts and the European Commission; transposition of the so-called Damages Directive (Directive 2014/104/EU) by the EU Member States; extent to which the strengthening of private enforcement of competition law has a spillover effect on state aid law; and prospects for harmonisation of State aid law. A concluding section identifies enforcement deficiencies and proposes ways to improve the existing legal framework. As an in-depth assessment of key obstacles and best practices in private enforcement actions, this highly informative and practical volume facilitates choice of the best forum for competition and State aid law cases. Academics and practitioners engaged in and around EU competition law will appreciate the authors’ awareness of the economic need and legal particularities which could generate an effective European system of private enforcement of legitimate claims under EU competition and State aid law.

The Law of State Aid in the European Union: Decision-Making in the Internal Market written by Peter Rahn. This book allows us to look to many of the basic issues of state aid law. It identifies the most desirable functioning of the internal market for the twenty-first century. The core elements of this fundamental analysis include the following: selectivity as applied in the case law of the Court of Justice; whether and to what extent state aid law limits European Union (EU) Member States in designing anti-tax avoidance measures; protection of legitimate expectations; to what extent national judges are required to apply state aid rules ex officio; powers of national judges in connection with the national obligation of guaranteeing an immediate and effective recovery on the basis of an order issued by the European Commission; and connection between legitimacy of state aid law and effectiveness of state aid control. The book includes a thorough investigation of the notion of fiscal state aid, also by focusing on the most recent decisions of the European Commission concerning mismatches. Representing, as it does, an important and concrete contribution to the intense debate about the interpretation of the notion of fiscal state aid, with different normative views about the goals and functions of control, this book will stimulate solutions in terms of legitimacy of fiscal state aid control that also take into consideration the most desirable functioning of the internal market. It will be welcomed not only by academics in taxation and EU law but also by national tax judges, tax authorities and practitioners.
aid in the fiscal crisis and recession, the role of the private market investor test, regional aid, environmental aid and the review of the Altmark ruling. Perspectives on State aid law and policy from the disciplines of economics and political science are also explored in detail. Research Handbook on European State Aid Law will appeal to academics, regulators, national and EU government officials, practitioners and postgraduate students who are involved in State aid law.

Rules controlling State aid and subsidies on the EU and the WTO level can have a decisive influence on both regulatory and distributive decision-making. This field of law has grown exponentially in importance and complexity over the past decades. Rules on State aid and subsidies control are one of the key instruments to ensure that public spending and regulatory measures do not lead to discriminatory distortions of competition. As a consequence, hardly any part of national law is free from review under the State aid and subsidies regulation. In turn, State aid and subsidies are linked to economic, constitutional, administrative law of the EU and the Member States as well as to public international law. This book brings together leading experts from academia, the judiciary, civil servants from the European Commission, and practicing lawyers to provide expert opinion and commentary on the diverse dimensions of the complex and vital area of law. Critically analysing and explaining developments and current approaches in State aid law and subsidies, the chapters take into account not only the legal dimensions but also the economic and political implications. They address the EU law applicable to State aid in the aftermath of the recent State Modernization reform, and coverage includes: an in-depth analysis of the notion of State aid as interpreted by the Court’s cases-law and the Commission’s practice; the rules on compatibility of State aid with the internal market; the rules governing the procedure before the Commission; the litigation before the Court of Justice of the European Union; and analysis of the other trade defense instruments, including WTO subsidy law and EU anti-subsidy law.

The recent State Aid Modernization has decentralized the enforcement of State aid law. In particular, under the General Block Exemption Regulation a number of aid schemes do not require the preventive “check” by the European Commission, while national courts play a growing role in private enforcement of State aid law. This insightful book analyses the enforcement of State aid law in the aftermath of the State Aid Modernization, identifying a number of emerging trends at the national and EU level.

The Research Handbook on State Aid in the Banking Sector brings together experts in state aid and in financial regulation, drawn from legal academia, legal practice, economics, and from the EU and EEA institutions to shed light on this relationship. The editors and expert contributors do this by elucidating key concepts that underpin the application of state aid law to banks, and by considering specific aspects of the interface between state aid and financial regulation. The Handbook’s analysis is complemented by a number of key country-based case studies, and by a concluding section which takes stock of the Banking Union’s package of legislative/regulatory reforms and reflects on the possible future role of state aid in this sector.

This book investigates whether the European Commission (EC) has the mandate to legislate on direct taxation in sovereign states and ultimately questions whether the EC’s enforcement action in recent tax ruling cases, in the area of state aid, respects the rule of law.

Ever since newspaper companies first turned to their governments for support in the 1950s, print media has been supported by state aid in many parts of the world. Today, the principles and practicalities of these subsidies have been called into question, endangering the secure funding of expensive high-quality press output. This book offers an in-depth analysis of today’s global challenges in the media field. The book’s aim is to present current practices concerning government subsidies to newspapers for political, economic, and socio-cultural purposes against the background of declining readership and revenues, increased inter-media competition, austerity budgets imposed on national economies and shifting audience tastes. Using the insights of theoretical debates in the fields of media economics, media governance, and modern management theory, the book analyses these issues by investigating the power of government subsidies to shape and control newspaper markets. It brings together experts in these fields to combine theory with industry practices, aiming to help all parties involved to understand the complexity of issues and requirements necessary to preserve the social benefits of print media.

Since its formation the European Union has expanded beyond all expectations, and this expansion seems to continue as more countries seek accession and the scope of EU law expands, touching more and more aspects of its citizens’ lives. The EU has never been stronger and yet it now appears to be reaching a crisis point, beset on all sides by State aid and challenges to its legitimacy. Economic and financial crises of 2008–2014, and the Eurozone crisis have cast a shadow over the future of the EU, and the effects of austerity policies have been felt at the local level. The EU is a source of conflict and challenges to its legitimacy. Nationalist sentiment is on the rise and the Eurozone crisis has taken a deep and lasting impact. EU law, always controversial, continues to perplex, not least because it remains difficult to analyse. What is the EU? An international organization, or a federation? Should its legal concepts be measured against national standards or another norm? The Oxford Handbook of European Union Law illuminates the richness and complexity of the debates surrounding the law and policies of the EU. Comprising eight sections, it examines how we are to conceptualize EU law; the architecture of EU law; making and administering EU law; the economic constitution and the citizen; regulation of the market place; economic, monetary, and fiscal union; the Area of Freedom, Security, and Justice; and what lies beyond the regulatory state. Each chapter summarizes, analyses, and reflects on the state of play in a given area, and suggests how it is likely to develop in the foreseeable future. Written by an international team of leading commentators, this Oxford Handbook creates a vivid and provocative tapestry of the key issues shaping the laws of the European Union.

Analysing the evolution of the legal concept of State aid in the EU, this book examines the main equations established by the Court of Justice of the EU since the early 1950s, underpinning the legal boundaries of State aid in relation to the historical, political, economic, and legal evolution of its field of application: the internal market.

This revised and updated Research Handbook on European State Aid Law brings together established academics and practitioners to provide a wide-ranging coverage of the field. Incorporating political science, economics and the law in its analysis, it provides a strong overview of the salient issues in State aid law and policy.

This volume analyses the concept of aid and examines fundamental questions concerning the scope of state aid law. It also draws a comparison with WTO provisions on subsidies and looks at EEA and applicant states’ state aid regimes. It then focuses upon selected areas of state aid law and policy.

This book scrutinizes legislative novelties and case law in the area of EU competition and state aid rules, focusing on the interaction between public and private enforcement of those rules. It is intended for scholars, stakeholders and anyone involved in the process of law enforcement – judges, attorneys at law, corporate lawyers and market participants. The book features contributions by prominent competition law scholars offering an academic analysis of the topics covered, and by several EU General Court judges, including its President, Mr. Marc Jaeger, providing first-hand information on the application of the EU competition rules in the General Court.

If an EU industrial policy can be said to exist, its contours may be found in the complex and evolving concept of State aid. Because approaching any State aid issue can be fraught with multiple and sometimes conflicting interpretations, an in-depth analysis of the rationales, initiatives, and regulations that constitute the State aid system is much needed. In response to this need, this book provides a fine-grained clarifying context through which recent reforms, policy shifts, and judicial decisions concerning State aid and challenges to its legitimacy can be understood and the impacts of landmark cases and policy developments leading up to a deeply informed critique of the current State Aid Modernisation Programme, the authors cover such issues and topics as the following: – linkages to other established and evolving EU common policies and common strategies; – effect of EU state aid rules in the expanding geopolitical regions of EU influence; – interaction with the WTO Subsidies and Countervailing Measures Agreement; – the problem of a ‘subsidies culture’; – how the European Commission's notion of 'bad' State aid has evolved; – effect of EU policy imperatives (e.g., environmental protection) on EU aid for increased subsidisation; – nexus with EU tax harmonisation; – competition among undertakings versus competition among Member State policies; and – nature of the quasi-devolution of regulatory responsibilities to EU Member States. This book is a crucially important source of both theoretical enlightenment and practical wisdom that will greatly enhance confident progress through any legal matter involving EU State aid rules. It will prove of immeasurable value to practitioners, in-house counsel, policymakers, and academics for many years to come.

This volume constitutes a state-of-the-art description and analysis of all aspects of the State Aid discipline in EU competition law. Above all, it sets out all the novelties of the State Aid Modernization program which was launched in 2012 and completed in the summer of 2014. The second edition reviews all major guidelines, frameworks, and legislation, including the Procedural Regulation, the Enabling Regulation, the General block exemption Regulation, and the de minimis Regulation. The book explains the Commission’s overall approach to compatibility of State aid, describes the new common principles for assessment, and discusses the new requirements for evaluation and enforcement. It gives a detailed account of the new rules on research and development, energy and environment (including the ETS), risk capital and risk finance, regional development, and rescue and restructuring of firms in difficulty. The book also explains the first rules ever adopted by the Commission on important projects of common European interest. It discusses the relationship between State aid and the Structural Funds, in particular in light of the new use of those funds via financial instruments. All the main economic sectors affected by the modernization program are discussed, including broadband, cinema, public service broadcasting, aviation, maritime and land transport, agriculture, and fisheries. A special section is dedicated to services of general economic interest (SGEI), introducing the new SGEI package and explaining how it has been applied. The section on banking provides a full account of how the rules and enforcement practice have evolved.
since the start of the financial crisis and discusses the issues which arise with the introduction of the new regulatory framework for a European Banking Union. The notion of aid section takes account of the most recent jurisprudence of the EU courts and the Commission’s decisional practice, thereby addressing issues frequently faced by practitioners and public authorities. (Series: EU Competition Law - Vol. 4) [Subject: EU Law, Competition Law]

This book explores the tools that the European Court of State aid place in the hands of competitors when it comes to fighting subsidies and other state measures of financial assistance to firms. In order to do so, the book scrutinises the means of redress available to competitors before national courts (private enforcement), as well as the opportunities that they have to make their voice heard in the course of the European Commission’s enforcement procedures (public enforcement). The insights provided by the book lead to a better understanding of the rights of private parties under the rules and practices that govern the enforcement of State aid law.

State intervention in air transport is omnipresent. Airlines, in particular, are major beneficiaries of State aid. This book provides a comprehensive analysis of the law regulating State aids to airlines, which includes sections on Articles 107 TFEU and 108 TFEU as well as an overview of legal issues raised by air transport and competition in the EU, in particular deregulation and its consequences. EU Law on State Aid to Airlines follows a multi-disciplinary approach by relying on the fundamental concepts of economics and policy analysis. This approach allows grasping the wider implications of this sector’s issues for the field of State Aid, in particular in the light of the ‘more economic approach’ and the ‘balancing test’. Furthermore, additional perspective is given on State aid law in the air transport sector through comparative analyses of regulations in the United States and Switzerland and outlooks on international relations. Finally, the book presents a number of recent Commission decisions which underline the dramatic importance of the air transport sector for the EU. This book combines an overview of formal investigation procedures regarding alleged State aid to low-cost airlines operating from regional airports all over Europe, Magnus Schmaasch is Legal Secretary at the EFTA Court in the Chambers of judge Pall Hreinsson. Previous experience includes four years as a lawyer at the Court of Justice of the European Union. He has published a large number of articles on State aid and other fields of EU law and teaches on EU law and fundamental rights at the University of Lund, Sweden.

This book provides a comprehensive practitioner guide to the EU law of State aid, covering all relevant legislation, case law, and the dominant themes shaping EU State aid policy. It discusses the concept of State aid and its development in the European Union, as well as practical aspects such as procedures for notification to the European Commission, and enforcement in the European Court and national courts. It offers extensive coverage of specific sectors, including transport and shipbuilding, media and communications, energy and environmental protection, culture and heritage, and agriculture. The third edition is fully updated to cover the extensive legislative changes in this area, including the new General Block Exemption Regulation and De Minimis Regulation, horizontal aid guidelines, and sectoral guidelines for aviation, cinemas, agriculture, and fisheries; as well as State aid cases in the national courts, particularly the UK, and recent European Court jurisprudence. Accessible to competition lawyers and non-specialists, the book’s clarity and concision make it an invaluable reference to this area of law.

For upwards of thirty years EU and EFTA courts have been using a test for applying the Market Economy Investor Principle (MEIP) to determine whether a state intervention amounts 10 granting of an economic advantage 10 a recipient undertaking. If the state wishes 10 set as a commercial operator, it must comply with the MEIP. Unsurprisingly, the test remains a difficult and controversial legal instrument, and its very existence and credibility have been questioned. This book unravels the nation of the MEIP, analysing its applicability in order 10 clarify doubts and misinterpretations. Such understanding is crucial because of the negative consequences of its application, and reflects the ongoing reforms in markets for more competition blurs the distinction between the public and private sectors. The analysis addresses such questions as the following: - What characterizes a ‘prudent’ investor? - When is it justified to consider a given public investor ‘rational’ or ‘reasonable’? - How should the ‘economic’ or ‘commercial soundness’ of state interventions be understood? - What rate of return is required under the MEIP and how is it calculated? - When should the profitability analysis be undertaken and why? The author examines both the theory behind the principle and its practical application, with detailed attention to case law and the Commission’s guidelines explaining the test’s mechanism. Soo considers the various critiques of the test and concludes with proposals for change. Practitioners, policymakers, and academics will appreciate the great clarification offered of too MEIP - the character of an economic advantage under the MEIP and in aid scenarios, how to determine whether the MEIP is applicable 10 a given state measure, and how to apply the test according 10 its various subtypes and to atypical or complex interventions. They will find that too book’s systematic analysis goes a long way to ensuring a credible and reliable assessment of the applicability of state aid under Article 107(1) TFEU.

This immensely useful book is a quick source of reference for practitioners working with EC State aid matters. Following a highly organized sequence of subject headings, it presents extracts from all relevant judgments and orders of both the European Court of Justice and the Court of First Instance on the EC Treaty rules on State aid (Articles 87-89). Each subject heading starts with extracts having a more general meaning, followed by extracts relating to specific points or situations. Under each such extract or summary, the judgments and orders are referred to by case number in ascending order. The articles of the EC Treaty are cited according to the method of citation pursuant to the remembrance of the articles of that treaty brought about by the Treaty of Amsterdam. The book covers all the case law of both courts until March 2008. With this book practitioners will quickly find relevant paragraphs and full citations regarding all issues raised by Articles 87-89 EC, including the following and much more: - territorial scope of State aids; - Article 87(1) EC and WTO agreements; - conditions for categorizing a national measure as State aid; - free movement of goods; - common agricultural policy; - powers and discretion of the Commission; - undertakings; - private versus public investment; - justification of selective measures; - aid liable to affect trade and to distort competition; - the Altmark conditions for public service aid; - restructuring aids; - administrative procedure; - locus standi of trade associations; and - scope, nature, and limits to the Council’s power under Article 88(2) EC. In many areas, the extracts in this book relate to points of the judgments which are not or only partially treated in official summaries. For accessibility of this case law, this book has no peers. Practitioners in the field of EC State aid law will find it indispensable.

A uniquely important contribution to the debate on EC State aid, this book captures the direct knowledge and experience of twenty-six current and former Commission State aid litigators, offering detailed ‘insider’ analysis of EC State aid court cases, as well as related internal legal issues, between 1994 and 2008. The book brings together both legal and economic analysis, with detailed reflections on aspects of both substantive legal rules and procedural law. It also offers, over and above the specific interest of the contributions it contains, invaluable insights into the working methods of the Commission Legal Service. This collaborative work was conceived and realized by its authors as a mark of recognition, and a gesture of respect and friendship, for Francisco Santosolalla, on the occasion of his retirement from the Commission after fourteen years’ service as Director of the State aid team. Among the many legal and economic forces affecting State aid litigation, the authors focus on such factors as the following: A [exports]; A [private investment]; A [role of economic analysis]; A [economies]; A [privateization]; A [remedies]; A [existing aid]; A [third parties]; A [actions against State aid decisions]; A [national court decisions]; A [fiscal discipline]; and A [WTO subsidies law]. In illuminating the underlying issues, and describing how they are handled by the Commission Legal Service, the authors shed light on the likely future development of State aid law. The book will be of particular interest to antitrust practitioners as well as academics.

This book presents a conceptual analysis of the definitions of state aid and subsidy in EC and WTO law. It provides a comparative analysis of the regulation of subsidy in both systems, examining the coherence of the conceptual understanding of subsidy and the grounds for legitimate state intervention.

This book is a compilation of contributions exploring the impact of the European Treaty provisions regarding state aid on Member States’ legislation and administrative practice in the area of business taxation. Starting from a detailed analysis of the European Courts’ jurisprudence on Art.107 TFEU the authors lay out fundamental
issues – e.g. on legal concepts like “advantage”, “selectivity” and “discrimination” – and explore current problems – in particular policy and practice regarding “harmful” tax competition within the European Union. This includes the Member States’ Code of Conduct on business taxation, the limits to anti-avoidance legislation and the options for legislation on patent boxes. The European Commission’s recent findings on preferential “rulings” are discussed as well as the general relationship between international tax law, transfer pricing standards and the European prohibition on selective fiscal aids.