

FREE DOWNLOAD A BRIEF GUIDE TO EUROPEAN STATE AID LAW EUROPEAN BUSINESS LAW AND PRACTICE SERIES

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A Brief Guide To European State Aid Law European Business Law And Practice Series Introduction

A Brief Guide to European State Aid Law

Despite severe criticism, the EU rules on state aid have been adopted in the EEA Agreement, stipulated in the association agreements between the European Union (EU) and the countries of Central and Eastern Europe, and incorporated into the WTO Agreement on subsidies and equalization measures. As a result, international law practitioners must have a firm grasp on matters of state aid. This book surveys the rules and regulations relating to state aid in the EU and their role in the EU's overall competition policy. It examines the provisions and implications of Articles 92 and 93 and covers both the substantive law and the procedural questions. This comprehensive guide is a particularly useful introduction for practitioners and academics who may have limited experience in dealing with matters of state aid.

Research Handbook on European State Aid Law

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.

State Aid Law of the European Union

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 criteria of State aid and subsidy regulation. In turn, State aid and subsidies law is 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.

State Aid Policy in the European Community

Following directly on from the completion of the European Commission's State Aid Action Plan, this thorough guide provides a concise review of the current State aid policy of the European Community. Certain kinds of State aid are no longer allowed, some other kinds are now possible, while certain types and amounts of aid are now subject to more detailed and rigorous assessment. Increasingly, Member States tend to shift emphasis from supporting individual companies or sectors, towards pursuing horizontal policy objectives. The book not only explains the principles on which European State aid policy is based and how it is applied in practice, but also highlights recent legislation adopted with the ultimate aim of directing Member States towards meeting the Lisbon objectives and responding to successive European Council calls for 'less and better targeted aid'. The authors identify the most recent sources of EC law on State aid, and analyse the latest landmark European Commission decisions and judgments of EU Courts. They also offer useful guidance on how to design State aid measures. Among the many specific topics covered are the following: - the balancing test for compatibility with the common market; - exceptions for transport and 'services of general economic interest'; - the Commission's supervisory control; and - State aid monitoring procedures. Numerous revealing case studies are presented, and useful appendices offer legislative texts and insights into defined areas of practice such as de minimis aid, the SME definition, risk capital for SMEs, aid for research and development and innovation, aid for rescue and restructuring, regional aid, or finally aid for agricultural, environmental or transport purposes. The guide has developed from seminars on EC State aid law and policy organised during the past decade by the European Institute of Public Administration (EIPA). In line with those seminars, this book will be of great practical value for policymakers and practitioners managing State aid in the public administrations of the EC Member States and its partner countries

EU State Aid Control of Infrastructure Funding

The elements of infrastructure – roads, transportation, electricity, water, communications, schools, hospitals – are so ingrained in the fabric of daily life that few people give a second thought to who provides them, and how. Yet, they are controlled by an extensive and complex regulatory system. Moreover, the EU's State aid modernization plan has made infrastructure a crucial aspect of competition law. How did EU State aid law turn into regulation on whether a city can build a new airport, or how it may operate a school? And what do the rules actually mean for infrastructure funding? These are the questions this book, the first comprehensive guide to EU State aid law in this key sector and a major contribution to the debate on the topic, seeks to answer. In its thorough review of the legal literature as well as relevant legislation and case law, this book covers such aspects of the infrastructure-State aid nexus as the following: – role of infrastructure in competition law; – infrastructure funding as aid and its compatibility with the internal market; – impact on land development and other ongoing activities; – sector-specific impact of State aid regulation on the design of infrastructure projects; – risk management; and – newer infrastructure sectors such as sports and cultural and healthcare projects. At many points in the presentation, the case-by-case analysis provides individual appraisals. In addition to focusing on the complex rules and how they have been interpreted in the decisional practice of the Commission and in the EU case law, this book provides deeply informed proposals for reform. This is a key work in a field of EU law that has developed and changed dramatically in recent years. It is sure to be of immeasurable value to practitioners and jurists in State aid law, competition law, and public procurement, as well as market actors (aid beneficiaries and competitors), policymakers, government officials, and business persons in these fields.

European State Aid Law and Policy

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 field of Community law. The book is designed to provide practitioners and Commission officials with a definitive statement of the law and practice

across the many sectors where issues of State aid come into play. At the same time, placing State aid law and policy in its commercial and industrial context, the book fully explores the concept of State aid and its function as a tool of Community law and economic development. All of this is achieved by means of the most thorough available examination of the jurisprudence of the European Courts and the decisions of the Commission in declaring certain aid compatible with the common market. The Commission's supervisory powers as well as the means of enforcing State aid law in the courts are also fully explained. From reviews of the earlier work: 'The chapters summarize and synthesize a large and complex body of case-law readably, clearly, interestingly, thoroughly and concisely...practical and comprehensive in approach...The book is well produced and very good value. The book satisfactorily passed the key test: it told us what we needed to know in certain current State aid cases more clearly than in other books consulted.' Asger Petersen, *J Temple Lang, Common Market Law Review* 'The practitioner will find the chapters dealing with particular types of state aid extremely helpful. The book has an excellent index that makes any legal textbook much more user friendly, particularly to someone who is not an expert in the field. Speaking from personal experience I can say that the book is invaluable; in recent months it has spent as much time on my desk as on my bookshelves. I am sure others will find it equally useful' Christopher Vajda QC, *International Company & Commercial Law Review*

The Concept of State Aid Under EU Law

An analysis of the evolution of the legal concept of State aid in the EU, this book examines the main formulas 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.

EU State Aids

An invaluable resource to all those involved in advising or litigating matters of state aid, from lawmakers to regulators, lawyers, economists and courts. This fully revised 4th edition presents detailed practical guidance to the law and practice in the European Union as it stands today, together with the relevant primary law materials

EU State Aid 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 analyzes 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.

State Aid and the European Economic Constitution

Recent years have seen the rise of EU State aid law as a crucial component of the European economic constitution. To date, however, the literature has neglected the contribution of this area of EU law to the internal market. This book seeks to fill this gap in our understanding of the economic constitution by exploring the significance of State aid law in addressing questions that go to the core of the internal market project. It does so by examining the case law relating to three different activities that Member States engage in: market participation, market regulation, and funding for Services of General Economic Interest. Each of these areas offers insights into fundamental questions surrounding the economic constitution, such as the separation between the State and the market, the scope for Member States to engage in regulatory competition, and the tension between market and nonmarket concerns.

State Aid Policy in the European Community

As full market integration in the EC comes into clearer perspective, the danger of distortions of competition become more evident. Although state aid may be provided to undertakings for a variety of reasons that may be considered to be beneficial to the economy, effective liberalisation may be undermined by state interventions, which weaken competition and prevent the achievement of market integration. State aid is thus considered to be in principle incompatible with the common market, although the well-known qualifications in Article 87 EC imply that certain exceptions are possible. This guide, which has grown out of seminars conducted by the European Institute of Public Administration in Maastricht, provides a concise overview of the state aid policy of the European Community. It explains the principles on which this policy is based, and how it is applied in practice. It also identifies the primary and secondary sources of EC law on state aid and makes references to landmark Commission decisions and Court cases, both of which sources it cites extensively. Among the many important issues the book addresses in depth are the following: what constitutes effective competition; effect on trade of aid incompatible with the common market; evaluating necessity, proportionality, and other criteria for providing aid; agriculture, transport, and other exceptions; services of general economic interest (SGIE); new aid versus existing aid; formal investigation procedure; and recovery of unnotified aid. The presentation focuses on those issues that are of practical relevance to policymakers and practitioners managing state aid in the public administrations of the EC Member States and its partner countries. It offers the quickest and most reliable guide to applying Commission decisions and Court rulings on state aid, as well as to practice in the various Member States.

European State Aid Law

The regulation of State Aid belongs to the core areas of European Union law. Without the general prohibition of state subsidies to undertakings, competitiveness would be distorted and the benefits of the internal market would be put in jeopardy. This book deals systematically article-by-article with the basic principles, the proceedings, and the implementation of State Aid law as laid down in Articles 107 to 109 TFEU, as well as the general block exemptions regulation (Regulation No 800/2008) and the Council Regulation ((EC) No 659/1999) laying down detailed rules for the application of Article 93 TEC. Further, this commentary deals in detail with the rules regulating State Aid in specific sectors such as telecommunication, postal services, broadcast and television, energy/coal, banking, railroads, road transport, shipping, air traffic/airports, automotive industry, shipbuilding, steel, housing, agriculture, fishery, culture/tourism/sport and health.

European State Aid Law

This handbook of practical guidance in European state aid cases is a completely revised and updated version of the *Handbuch des Europäischen Beihilferechts*, first published in German in 2003. The book is not specifically concerned with German law or legal practice, and it will be of general interest to competition lawyers. European state aid law has gained considerably in importance over the last decade. The number of proceedings before the Commission has escalated and the European Courts are increasingly involved with disputes concerning state aid. It fully incorporates the EU Commission State Aid Action Plan ("Less and better targeted state aid: a roadmap for state aid reform 2005-2009"), published mid-2008, and the new version of the General Block Exemption Regulation. The main topics covered include: basic principles elements of state aid compatibility of state aid with the Common Market according to Art. 87 Sec.2 and Sec.3 ECT block exemption regulations public enterprises Commission proceedings according to Council Reg. (EC) No. 659/ 1999 and proceedings before the European courts. To meet the needs of practitioners in Europe and beyond, the handbook also covers state aid concerning venture capital, agriculture, and steel. The contributors are well-known practitioners active in the field of European state aid and competition law.

European State Aid Law

Sixty Years of EU State Aid Law and Policy: Analysis and Assessment' provides a critical review of State

aid, from its evolution to the practical implementation of current rules. 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 can be understood and applied to specific situations.

Sixty Years of EU State Aid Law and Policy

Directory of EU Case Law on State Aids' is a quick source of reference for practitioners working with EU State aid matters. This new edition follows the same proven format as its predecessors, updates its analysis of case law with hundreds of new decisions by the courts of the European Union (EU). Following a highly organized sequence of subject headings, it presents extracts from all judgments and orders of both the Court of Justice and the General Court of the EU on the Treaty on the Functioning of the European Union (TFEU) rules on State aids. All the relevant case law of both courts until the end of 2018 is covered. There is a new chapter on legal protection and additional material on the concept of State aid, advantages for undertakings, selectivity, forms of State aid, procedures and unlawful aids.

Directory of EU Case Law on State Aids

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.

European Union Law of State Aid

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.

European Union Law of State Aid

This book analyses the voluminous and meandering case law on gambling of the Court of Justice from an empirical perspective. It offers a comprehensive overview of the legal situation of gambling services in the EU Single Market. Additionally, the book presents the current state of research on gambling addiction. It then seeks to answer the central research question as to what extent the views of the Court of Justice on

gambling find support in empirical evidence. The Court of Justice granted exceptionally wide discretion to the Member States due to a so-called 'peculiar nature' of games of chance. With the margin of appreciation having played a key role, the book inquires whether the Court of Justice followed the principles and criteria that normally steer the use of this doctrine. Noting the Court's special approach, the book elaborates on its causes and consequences. Throughout the book, the approach of the Court of Justice is contrasted with that of its sister court, the EFTA Court. Finally, the potential role of the precautionary principle and of EU fundamental rights in the area of gambling law is examined. Situated at the intersection of law and science, this book seeks to bridge the legal and scientific perspectives and the unique vocabularies common to each. It illustrates the direct relevance of science and empirical research for court cases and policy making. And it contrasts science-informed policy making with the on-going morality discourse on gambling.

Empirical Views on European Gambling Law and Addiction

The "European Yearbook" promotes the scientific study of nineteen European supranational organisations and the Organisation for Economic Co-operation and Development (OECD). Each volume contains a detailed survey of the history, structure and yearly activities of each organisation and an up-to-date chart providing a clear overview of the member states of each organisation. In addition, a number of articles on topics of general interest are included in each volume. A general index by subject and name, and a cumulative index of all the articles which have appeared in the "Yearbook," are included in every volume and provide direct access to the "Yearbook"'s subject matter. Each volume contains a comprehensive bibliography covering the year's relevant publications. This is an indispensable work of reference for anyone dealing with the European institutions.

Annuaire Europeen 1998 / European Yearbook 1998

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.

European State Aid and Tax Rulings

Recoge: 1. From Paris to Lisbon, via Rome, Maastricht, Amsterdam and Nice. 2. Fundamental values of The European Union. 3. The "Constitution" of The European Union. 4. The legal order of The EU. 5. The position of Union law in relation to the legal order as a whole.

The ABC of European Union Law

This Research Handbook offers a comprehensive study of existing and emerging general principles of EU law by scholars from a wide range of expertise in EU law, international law, legal theory and different areas of substantive law. It explores the theory, content, role and function of general principles in EU law to better understand general principles as a mechanism for the substantive openness of the EU legal order as well as for cross-fertilization and coherence of legal orders. Their potential as a tool to manage the interaction of legal regimes and orders is a particular focal point and will make this Handbook a must-read for scholars of EU Law.

Research Handbook on General Principles in EU Law

The past fifteen years witnessed the emergence globally of a plethora of legislative measures aimed at countering money laundering. These developments have been inextricably linked with the growing international focus on newly perceived and/or prioritised global security threats such as organised crime and terrorism ' with money laundering counter-measures deemed essential to counter these threats. Taking these

developments into account, this book examines in detail the evolution and content of money laundering counter-measures in the European Union. These measures constitute a new paradigm of security governance, achieved through three principal methods: criminalisation, consisting in the emergence of new criminal offences; responsabilisation, consisting in the mobilisation of the private sector to co-operate with the authorities in the fight against money laundering; and the emphasis on the administration of knowledge, through the establishment of new institutions, the financial intelligence units, with extensive powers to administer a wide range of information provided by the private sector. This paradigm may pose significant challenges to fundamental legal principles and to well-established social structures and the book attempts to address this balance. This up-to-date analysis includes the provisions of the new EU money laundering Directive which was formally adopted in December 2001.

Money Laundering Counter-measures in the European Union

This cutting-edge book critically reviews the field of attempted legal control and regulation of delinquent conduct by business actors in the form of exploitative, collusive and corrupt behaviour. It explores key topics including victimhood, accountability, theories of trading, and shared responsibility.

Bad Business Practice

Focusing on the rules safeguarding procedural due process in the administrative procedures of the Commission, this fully updated edition of a widely used handbook covers the four principal fields that entail enforcement of substantive competition rules: antitrust, merger, anti-dumping/antisubsidies, and State aid. Among the many practical issues raised are the following: the right of directly involved parties to bring an action before the European Courts in merger, anti-dumping/anti-subsidies, and State-aid cases; the rights of complainants in antitrust cases; the rights and obligations of beneficiaries in State-aid cases; the extent to which the right to confidential communication between lawyer and client in these cases is recognised by the European Commission and the European Courts; the right to silence to avoid self-incrimination in antitrust cases; the right to respect for confidentiality and the right to be heard during the preliminary factfinding procedure of the Commission; the obligations of an undertaking during the fact-finding procedure of the Commission; the right of access to the Commission's file; the right to a fair hearing of all the parties concerned by the Commission proceedings; and the applicability of Article 6 of the European Convention of Human Rights (ECHR) to EU antitrust procedures. Three tables consolidate briefly and comparatively the rights and the obligations of the private parties in the four proceedings, as well as their right to bring an action before the European Courts. These tables give the reader the opportunity to easily check out what is the situation in the four proceedings regarding a specific right or obligation. The author's analysis draws on all the relevant judgments of the European Courts, and the book comes with a wealth of reference material, including detailed footnotes, lists of legislation and cases in both chronological and alphabetical order, and an extensive bibliography.

Safeguarding Companies' Rights in Competition and Anti-dumping/anti-subsidies Proceedings

This insightful and timely book provides a comparative assessment of selected legal issues emerging from the EU legal context which impact profoundly on the national legal systems. It argues that judicial interaction can answer complex legal questions relating to the implementation of the EU Charter.

The Practice of Judicial Interaction in the Field of Fundamental Rights

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 Santaolalla, 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 { ecotaxes; A { privatization; 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

European Access

A new book on merger control, edited by Van Bael & Bellis partners Jean-Francois Bellis and Porter Elliott, was published on 14 September 2011. The 820-page book, which is part of the European Lawyer Reference Series, provides an overview of the jurisdictional, procedural and substantive merger control rules in over 40 major jurisdictions worldwide. Leading firms from across the globe contributed to this book, which is among the most comprehensive of its kind on the market.

Droit Des Aides D'etat Dans la CE

This book was originally published by Claeys and Casteels, now formally part of Edward Elgar Publishing. With the adoption of its 2005 Action Plan, the European Commission has launched a major reform of its State Aid policy. New Rules on research and development and innovation, risk capital, regional policy and services of general economic interest have recently been adopted. This book explains in detail the substance and procedure established by the EU Treaty rules on State Aid, as well as covering these major changes. It also provides an exhaustive guide to the major upheaval of the Commission's State Aid policy that has taken place in recent years. This second edition of the State aid volumes constitutes a state of the art description and analysis of all aspects of the State aid discipline. Above all, it sets out all the novelties of the State Aid Modernisation programme which was launched in 2012 and completed in summer 2014. The new 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 transparency. It gives a detailed account of the new rules on research, development and innovation, 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 modernisation programme 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, 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 Union Courts and the Commission's decisional practice, thereby addressing issues frequently faced by practitioners and public authorities. Above all, the new edition builds on the hands-on expertise of many authors who have been dealing with State aid cases in the recent past.

Merger Control

This text has been updated to include all the major developments since the first edition, it includes commentary on specific sectors such as energy and transport. The work includes narrative on issues relating to state aids in the EU.

EU Competition Law

The "Europeanization" of European private law has recently received much scrutiny and attention. Harmonizing European systems of law represents one of the greatest challenges of the 21st century. In effect, it is the adaptation of national laws into a new supra-national law, a process that signifies the beginning of a new age in Europe. This volume seeks to frame the creation of a new European Common Law in the context of recent events in European integration. Engaged in timely and cutting edge research, the authors cast into fine relief the building of a European Common Law. The work is envisioned as a guide and written in a research friendly style that includes text inserts and an extensive bibliography. In particular, this book seeks to orient lawmakers, as well as those individuals interested in EU law, in the intricacies of consumer protection, contractual law, timesharing, and other important aspects in the harmonization of domestic and EU law books. The detailed analysis and research this volume accomplishes is invaluable to those scholars and lawmakers who are the next generation of European leaders.

E.C. State Aids

From evaluating policy delivery on wind farms in Texas in the US, to developing nuclear power in the Middle East, this book presents fresh thinking on key concepts and ideas on energy law and policy delivery. The contributors write from a range of perspectives, including the sciences, law, politics, economics and engineering.

The Harmonization of Civil and Commercial Law in Europe

In times of rapid change and unpredictability the European Union's role in the world is sorely tested. How successfully the EU meets challenges such as war, terrorism and climate change, and how effectively the Union taps into opportunities like mobility and technological progress depends to a great extent on the ability of the EU's institutions and member states to adopt and implement a comprehensive and integrated approach to external action. This Research Handbook examines the law, policy and practice of the EU's Common Foreign and Security Policy, including the Common Security and Defence, and gauges its interactions with the other external policies of the Union (including trade, development, energy), as well as the evolving political and economic challenges that face the European Union.

Delivering Energy Law and Policy in the EU and the US

Europe's energy State aid guidelines no longer reflect the market reality and need to be carefully revised. This study looks at the existing rules and provides recommendations for the revised guidelines to effectively contribute to accelerating the decarbonisation of Europe's economy. It calls on the European Commission to pursue a combined approach that looks at reinforcing both common objectives and specific State aid measures. Since the approval of the latest Guidelines for State Aid for Energy and Environmental Protection (EEAG) in 2014, the EU institutions have agreed to accelerate the decarbonisation process to reach a climate-neutral economy by 2050. This strong impetus heavily influences the energy market where we see new economic models and types of actors emerging, and where there has been significant technological progress over the past years. The energy and environmental protection State aid guidelines no longer reflect the market's reality and need to be revised carefully. As Brussels is about to kick off the revision of the EEAG, this report provides recommendations for new rules that effectively contribute to fast-tracking the transition towards low carbon energy systems in a cost-efficient way. Above all, Brussels should align the new rules

with its 2030 climate and energy transition targets. “The EEAG reform should combine approaches that look both at common objectives and specific aid measures. This requires a significant evolution of the current regime whilst ensuring smooth continuity. Defining clear criteria to assess the contribution of a specific State aid measure to the ‘common interest’ is of utmost importance. The revised EEAG should strengthen these assessment criteria, including for specific aid measures. They must promote technology neutrality and consider the energy system’s resilience. Among the assessment criteria, the application of the proportionality test should be improved.” - Catherine Banet, author of the report *The Guidelines are part of a bigger ecosystem of rules*. The EEAG work in close interaction with the general block exemption Regulation (GBER) which allows the Commission to exempt prior State aid notification – and approval – in specific cases. This has proven to be efficient and should be maintained. If, during the review, a different approach is chosen, it may impact the entire architecture of the hard and soft law ecosystem of the EU state aid regime. The Clean Energy Package for All Europeans is a driver of the reflection behind the revision of the Guidelines. The scope of application of the EEAG should reflect and build upon the provisions laid down in this package. At the same time, the new Guidelines have the challenging task of anticipating the impacts of moving climate targets from the European Green Deal and the upcoming rules to achieve them, such as the revised renewable energy directive, the revised alternative fuels infrastructure directive, the implementation of the sector integration strategy and the Hydrogen strategy. Finally, enforcing the rules is just as important as setting the right rules. The report notes that, on several occasions in its recent case law, the Court of Justice of the EU has reversed some of the European Commission’s approval decisions, with major impacts on markets. The revised Guidelines should be set and applied so as to eliminate the risk of reversals of the Commission’s decisions as much as possible. “The COVID-19 crisis is just one example of the deep uncertainties and changes our society is going through. Europe should be prepared for more disruption. We need to build a more resilient energy system that can cope with such unexpected external shocks. The energy state aid Guidelines should be an integral part of a long term sustainable recovery roadmap.” - Catherine Banet, author of the report.

Research Handbook on the EU’s Common Foreign and Security Policy

This publication examines the rules in force in Europe governing prisons and the treatment of prisoners, including the use of force, the selection of prison staff and the protection of prisoners' human rights, based on Recommendation Rec (2006) 2 on the European Prison Rules (which was adopted by the Committee of Ministers of the Council of Europe in January 2006). It contains the text of the recommendation with a detailed commentary on it, together with a report which considers recent developments and analyses the effectiveness of these rules and of imprisonment as a form of punishment.

Aanwinsten van de Centrale Bibliotheek (Queteletfonds)

This book provides a comprehensive examination of the interaction between Services of General Economic Interest (SGEI) and EU competition law, covering in particular Article 106 of the Treaty on the Functioning of the European Union (TFEU) and state aid rules. It also takes the telecommunications, postal service and transport sectors as case studies, taking into account the technological, economic and political backgrounds to these sectors. The area of SGEI has undergone fundamental developments over the past three decades and the most recent changes in the Lisbon Treaty, recognizing SGEI as a shared value and granting explicit competence to the EU, mark its constitutional significance. The key issue is how to balance economic values underlying competitive markets and non-economic public service values such as universal access to essential services. The essence of the question is the relationship between the market and the state. This controversial issue is addressed through a critical analysis of a number of landmark EU Court judgments and Commission decisions over the decades. Offering a clear appreciation of the evolution of the EU regulatory framework on SGEI that lays out the limits and boundaries within which the Member States define, organize and fund SGEI, the book is particularly aimed at academics with a research interest in the interaction between public services and EU competition law, but as it also demonstrates clearly how the application of EU competition law has transformed the public utilities sectors, it will be of interest to law makers, legal professionals and

policy makers as well. Dr. Lei Zhu is a Research Associate at the Institute of International Law at Wuhan University in Wuhan, China. He studied at the Institute for Competition & Procurement Studies of the Bangor University Law School in Wales, United Kingdom, where he obtained his PhD in law in 2015.

State aid guidelines for environmental protection and energy (EEAG)

The inside story of the European Fund for Strategic Investments from 2015 to 2020 told through interviews with the Managing Director, Deputy Managing Director, members of the Investment Committee and final beneficiaries across Europe. The architects of this €500 billion-plus programme, the head of the EU bank and the president of the European Commission, describe the genesis of this financial pillar of the Investment Plan for Europe. Then the people who ran one of the biggest economic stimulus programmes in history detail how they did it—and what the lessons are for policymakers responding to new crises, including the economic shock caused by the COVID-19 pandemic. The European Fund for Strategic Investments has been one of the good news stories to emerge in a decade of economic uncertainty. It has gone well beyond its highly ambitious target of €500 billion in mobilised investments. The Juncker Plan has made a strong contribution to the 14 million jobs created in the EU between 2015 and 2020. It has become a success in co-financing projects that otherwise might not have been carried through. It has also charted the path towards new ways of financing. This is not only the case in relatively conventional areas, such as infrastructure, but also in sectors like research and innovation or the contribution to climate change mitigation. This is exactly what makes EFSI so ground-breaking: responding to the needs of the market through continuous financial innovation. The principle of the European Fund for Strategic Investments is here to stay. It has paved the way for its successor, the InvestEU programme, which is to be deployed under the 2021-2027 multiannual financial framework. This publication details why the programme was such a success.

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