

**Regional State Aid and
Competition Policy in the
European Union**

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EUROPEAN MONOGRAPHS

Fiona G. Wishlade

Regional State Aid And Competition Policy In The European Union European Monographs 43

René Barents



Regional State Aid And Competition Policy In The European Union European Monographs 43:

Regional State Aid and Competition Policy Fiona Wishlade, 2003-01-01 The increasing importance attached to the economic and social cohesion of the European Union since the 1980s and the role of competition policy in achieving this objective has special significance for the control of regional aids given the general ban on State aid Regional aids are considered to have the potential to contribute to economic and social cohesion and to undermine its attainment The notion of competition policy as an instrument of economic and social cohesion has become a standard part of Commission rhetoric in defence of its actions This book is concerned with the influence of EU competition policy on the regional policies of the Member States It focuses on how the European Commission has interpreted the derogations from the State aid ban to enable the conduct of regional aid policies The book takes both a historical perspective tracing the evolution of policy and a thematic one examining in particular the relationship between EU competition and cohesion policies and the treatment of aid to very large projects The author clearly demonstrates that in reality the competition policy control of regional aids is of much longer standing than the community's explicit regional aid policy and in many respects of arguably greater influence She shows how competition policy has for almost thirty years shaped the design scope and implementation of national regional aid policies in no EU country has regional policy been unaffected by Commission intervention in the name of competition policy Moreover the policy principles developed for the EU now apply extraterritorially to members of the European Economic Area and to the current applicant countries The study's overall perspective is policy oriented It considers both the impact of Commission intervention in the past and the implications of policy for the future especially in the context of enlargement and a wider Europe It will be an invaluable resource for all policymakers and practitioners active in the fields of economic development regional policy and State aid law at European national and subnational levels **Handbook on Cohesion Policy in the EU**

Simona Piattoni, Laura Polverari, 2016-08-26 This Handbook covers all major aspects of EU Cohesion policy one of the most significant areas of intervention of the European Union Over five parts It discusses this policy's history and governing principles the theoretical approaches from which it can be assessed the inter-institutional and multi-level dynamics that it tends to elicit its practical implementation and impact on EU member states its interactions with other EU policies and strategies and the cognitive maps and narratives with which it can be associated An absolute must for all students of the EU

Subsidiarity and Economic Reform in Europe George Gelauff, Isabel Grilo, Arjan Lejour, 2008-04-03 Subsidiarity in the European Union as the guiding principle of decision making close to the people is often motivated and discussed from a predominantly political perspective In this book experts draw the demarcation between national and European policies from an economic viewpoint Insights from economic theory and empirical research are used both to analyse the assignment of policies between the EU and its member states and to identify appropriate levels of decision making External Relations Law of the European Community Rasmussen Holdgaard, 2008-03-05 External Relations Law of the European Community begins by

noting two common characteristics of legal analyses in the field of EU external relations First most legal analyses assume that EC external relations law cannot be studied or applied without a constant awareness of the underlying political dynamics Yet the same analyses fail to explain how these dynamics are to be understood assessed and systematically applied Second most legal analyses tend to focus only on narrow segments of the ECJ's case law often taking as their points of departure individual cases or a group of topically related cases This commentary approach disregards the general inter connectedness of legal structures and the recurring meaning configurations in the field Against this backdrop the author sets out to strengthen the legal language both theoretically and practically in the field of EC external relations The first two parts of the book provide with extensive references an in depth legal analysis of a wide range of topics pertaining to the distribution between the EC and the Member States of norm setting authority in their external relations i e the rules that determine what the EC and the Member States can do individually or together in international relations and the reception and application of rules of international law within the Community area including the way in which international law enters Community law In these parts of the book the aim is to reconstruct the core areas of the Community's external relations law in a coherent and systematic manner In the third part of the book the author develops and applies a theoretical and methodological framework inspired by discourse analysis This novel approach is used to identify and describe some of the most significant legal discourses in EC external relations

EU Law of the Overseas Dimitry Kochenov, 2011-01-01 Millions of British Dutch French Danish Spanish and Portuguese nationals permanently reside in the overseas parts of their Member States These people like the companies registered in such territories often find it virtually impossible to determine what law applies when legal decisions are required Although Article 52 1 of the EU Treaty clearly states that EU law applies in the territory of all the Member States most Member State territories lying outside of Europe provide examples of legal arrangements deviating from this rule This book for the first time in English gathers these deviations into a complex system of rules that the editor calls the EU law of the Overseas Member States territories lying far away from the European continent either do not fall within the scope of EU law entirely or are subject to EU law with serious derogations A huge gap thus exists between the application of EU law in Europe and in the overseas parts of the Member States which has not been explored in the English language literature until now This collection of essays sets out to correct this by examining the principles of Union law applicable to such territories placing them in the general context of the development of European integration Among the key legal issues discussed are the following internal market outside of Europe the protection of minority cultures EU citizenship in the overseas countries and territories of the EU Article 349 TFEU as a source of derogations The implications of Part IV TFEU for the overseas *acquis* participatory methods of reappraisal of the relationship between the EU and the overseas implications for the formation of strategic alliances voting in European elections what matters may be referred by courts and tribunals in overseas countries and territories application of the *acquis* to the parts of the Member States not controlled by

the government or excluded from *ratione loci* of EU law interplay of the Treaty provisions and secondary legislation in the overseas customs union wholly internal situations free movement of capital and direct investments in companies the euro area outside of Europe duty of loyal cooperation in the domain of EU external action territorial application of EU criminal law and territorial application of human rights treaties Twenty two leading experts bring their well informed perspectives to this under researched but important subject in which although rules abound and every opportunity to introduce clarity into the picture seems to be present the situation is far from clear The book will be welcomed by serious scholars of European Union law and by public international lawyers as well as by policy makers and legal practitioners

Directory of EU Case Law on the Preliminary Ruling Procedure René Barents, 2009-01-01 Article 234 EC ensures that a divergent application of the EC Treaty or of the statutes and acts of its institutions is not allowed in any Member State Unsurprisingly its pivotal importance has given rise to a huge number of ECJ judgments and orders about 700 by the beginning of 2009 Very often a practitioner needs to establish whether the preliminary ruling procedure called for by Article 234 EC is required in a particular case being pursued in a national court and any relevant ECJ ruling or order must be located Herein lies the great value of this book Dr Barents very useful volume sorts paragraphs of the 700 judgments and orders by subject making it easy to establish the relevance of a particular Community court ruling to a particular national court proceeding In this book paragraphs of the judgments and orders are presented in the form of extracts sorted by subject The subject headings are arranged according to a hierarchical system descending from such overarching concepts as scope and participation to such precise categories as the following situations outside the scope of community law bodies not considered to be courts or tribunals arbitration third persons rights of participants formulation of preliminary questions presumption of relevance of a preliminary reference violation of the obligation to refer requirement of a pending dispute interim measures modification of preliminary questions questions rejected by the submitting court new elements presented during the preliminary procedure questions lacking precision retroactive effects of judgments Paragraphs of judgments relating to more than one subject are included under each relevant heading where necessary accompanied by cross references to other headings Under each 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 new method of citation pursuant to the renumbering of the articles of that treaty brought about by the Treaty of Amsterdam There is no doubt that the book s technique of presenting case law in the form of separate extracts and summaries arranged by topic and sub topic improves the accessibility of the material This very practical time saving feature will be greatly appreciated by practitioners throughout Europe This is a reference every European lawyer will want to have on hand

Anti-dumping in the WTO, the EU, and China Dr. Yan Luo, 2010-01-01 Country Driving illuminates the vast shifting landscape of a traditionally rural nation that having once built walls against outsiders is building the roads and factory towns that will shape the twenty first century Book Jacket

Multilingual Interpretation of European Union Law

Mattias Derlén, 2009-01-01 At head of title Kluwer Law International *EU Enlargement and the Failure of Conditionality*

Dimitry Kochenov, 2008-01-01 Among the criteria for accession to the European Union are democracy and the Rule of Law In the insightful analysis offered by the author of this book these concepts while admirable and even necessary criteria in principle are almost impossible to measure and any judgement grounded in them will always be difficult to justify In his words by including analysis of democracy and the Rule of Law within the field of the EU enlargement law the Union entered an unstable terrain of vague causal connections and blurred definitions Dr Kochenov addresses this problem by proceeding as follows 1 Outlining EU enlargement law in general including the principle of conditionality and the role played by the analysis of democracy and the Rule of Law in enlargement preparation 2 Focusing on the role actually played by the monitoring of democracy and the Rule of Law in ten candidate countries scrutinizing the way the EU used the legal tools and competences outlined in its enlargement law The book adopts the EU s own understanding of democracy and the Rule of Law as derived directly from the substance of the numerous legal and political instruments issued by the Community Institutions and especially the Commission in the course of the pre accession process In this way it demonstrates the actual as opposed to the officially announced role played by the assessment of democracy and the Rule of Law in the candidate countries in the regulation of enlargement Many formidable inconsistencies in the application of the conditionality principle are thus laid bare This leads the author to a series of recommendations on policy and procedure that he demonstrates could be profitably applied to the regulation of current and future accessions using the Commission s own structure of monitoring pre accession reforms in the three areas of the legislature executive and judiciary in candidate countries The probity and soundness of these recommendations firmly grounded as they are in the actual pre accession monitoring and its consequences for the pre accession progress of ten Eastern European countries admitted to the EU in 2004 and 2007 will greatly interest policymakers and scholars concerned with the future of European integration

EU Law and Obesity Prevention Amandine Garde, 2010-01-01 Since the 1980s there has been an alarming increase in the prevalence of obesity in virtually every country in the world As obesity is known to lead to both chronic and severe medical problems it imposes a cost not only on affected individuals and their families but also on society as a whole In Europe the Obesity Prevention White Paper of May 2007 followed by the adoption of an EU School Fruit Scheme the acknowledgement that food advertising to children should be limited and proposed legislation to make nutrition labeling compulsory has firmly placed obesity on the EU agenda by laying down a multi sectoral strategy and a basis for future action In accordance with this growing sense of urgency this is the first book to offer an in depth legal analysis of obesity prevention with particular reference to Europe It describes what the EU has done and could do to support Member States in fighting the obesity epidemic and clearly shows the way to locating advocacy strategies within the framework of EU law The thorough analysis includes a discussion of the following issues the need to address nutrition and physical activity as important health determinants the emphasis traditionally placed at EU level

on food safety rather than food quality the need for the development of databases on nutrition and physical activity comparable common indicators and risk assessment mechanisms mainstreaming public health into all EU policies the scope of EU powers in the case law of the Court of Justice the role of information in the EU's obesity prevention strategy the Commission's proposed Mandatory Nutrition Declaration the Food Claims Regulation the regulation of food marketing to children and in particular the role of the Audiovisual Media Services Directive the Unfair Commercial Practices Directive and industry self regulation food reformulation the use of economic instruments in the EU's obesity prevention strategy with an emphasis on the Common Agricultural Policy and the EU's taxation policy and EU action in the fields of sport occupational health and safety and transport policy The author convincingly shows that conflicts of interest inherent in market forces demand a strong EU intervention preferably through legislation than self regulation She also demonstrates the urgent need to reach an agreement on the basis of reliable data about what is effective in practice to improve lifestyles The study acknowledges that the law is not a panacea but nonetheless has an influential role to play in making the healthy choice an easier choice and must move decisively towards ensuring that the societal costs associated with obesity are sustainable and that the ultimate goal of a healthy population is achievable The book is essential reading for everyone involved or interested in the development of the EU's obesity prevention policy

The European Union Legal Order After Lisbon Patrick Birkinshaw, Mike Varney, 2010-01-01 In June 2009 the Institute of European Public Law of the University of Hull assembled a range of experts in relevant fields to offer papers and reach some consensus on what has been achieved in the EU legal order and what the future holds for that order given local tensions and global uncertainty *OECD Territorial Reviews: Norway 2007* OECD, 2008-01-14 Examines whether the Norwegian model is sustainable under conditions of rapid population ageing and reduction of petroleum reserves and suggests how competitiveness and innovation could be further developed **EU**

Law and the Harmonization of Takeovers in the Internal Market Thomas Papadopoulos, 2010-01-01 Although some provisions of the Directive are obligatory for all Member States two key provisions have been made optional the non frustration rule which requires the board to obtain the prior authorization of the general meeting of shareholders before taking any action that could result in the frustration of the bid and the breakthrough rule restricting significant transfer and voting rights during the time allowed for acceptance of the bid Other relevant legal issues covered in the course of the analysis include the following A the right of establishment as a right of legal persons A vertical vs **EU Higher Education Law** Sacha Garben, 2011-01-01 In March 2010 the European Higher Education Area was officially launched proclaiming the culmination of a ten year timeframe projected at Bologna in 1999 when the education ministers of 29 European states signed a declaration that would fundamentally influence the future of their higher education systems Forty seven countries including all EU Member States and other countries as far afield as Kazakhstan now take part in the so called Bologna Process Remarkably this vast enterprise which has led to rapid and sweeping changes in almost all higher education systems

in Europe has taken place outside the framework of the European Union and the Council of Europe. In fact, as this important legal analysis shows, it appears that with the Bologna Process the Member States have tried to sidestep the EU's growing influence on higher education. Although the Bologna Process has generated an impressive literature addressing what it might mean where it suddenly came from and how it has become so powerful, until now the legal implications of the process and its tense relationship with EU law have been left almost entirely unexamined. This work fills that gap. Among the often controversial issues raised are the following: avoidance of the democratically legitimate procedures of the EU's institutional framework for cultural reasons; connected with state sovereignty, the scope of EU legal competence for various kinds of activities in the educational sector; specific areas of overlap between EU law and the Bologna Process and their implications; voluntary intergovernmental cooperation as a paradigmatic global shift of internationalization policies in education; the idea that the university is being redefined from a social institution to an industry; the increasingly influential role in the process by means of funding and coordination of the European Commission; financial support programmes and devices to enhance credit and degree recognition; students as recipients of services and teachers and the free movement of workers. The author describes how the scope of the Bologna Process was significantly broadened during a series of meetings during the decade, analyses the relevance of the case law of the European Court of Justice and provides a detailed description of the adoption of the process into the national laws of France, Germany and the United Kingdom. A concluding normative assessment scrutinizes the process on the basis of democracy, transparency and accountability. As the first study of the legitimacy of Bologna from a European law perspective and by extension of the Europeanization of higher education, including the role of the EU, EU law and law in general, this is a critically important contribution to a contentious debate that clearly holds great significance for the future of law and society. Educators and education policymakers are sure to read and study it with interest.

Impact Assessment in EU Lawmaking Anne C. M. Meuwese, 2008-01-01

Recent constitutional thinking has directed its attention to the profound impact of soft norms on the way legislation is made. This book identifies the European Union's impact assessment regime as a source of these norms. In 2002 the European Commission, later followed by the European Parliament and the Council of Ministers, committed to performing rigorous assessment of the economic, social and environmental impacts of policy options before adopting legislative proposals. Applying a constitutional lens to this regulatory topic, Anne Meuwese examines both the details and the framework of IA in EU lawmaking to date, drawing attention to its strengths, its contradictions and its power to enhance the deliberative quality of legislative debates. Integrating the perspectives of political scientists and economists with the concerns of legal scholars and practitioners, Dr Meuwese describes and interrelates such aspects of the subject as the following: the potential role of impact assessment as a catalyst of legal principles by emphasising or overriding norms that govern both the procedural and the substantive aspects of the EU legislative process; the constitutional tasks of impact assessment as applied to European legislative proposals, especially

relating to subsidiarity proportionality and the precautionary principle the formal and informal extension of the scope of impact assessment beyond the co decision procedure the question whether impact assessment crosses the line between informing the legislator and fettering legislative discretion In the course of her analysis Dr Meuwese develops models for possible usages of IA in EU lawmaking analyses the implementation of impact assessment processes in the European Commission the European Parliament and the Council as well as the roles of relevant co actors and offers results of empirical research in the forms of a survey of EU legislative practice and in depth case studies of four EU legislative dossiers *The Eclipse of the Legality Principle in the European Union* Leonard F. M. Besselink, Frans Pennings, Sacha Prechal, 2011-01-01

Legality is a traditional normative concept to regulate the relationship between those in power and those subjected to that power The principle of legality protects the citizen against the arbitrary use of power or more precisely it demands a legal basis which itself must be of a certain standard to legitimize State action Is legality under siege in Europe The authors contributing to this provocative and important book answer this question in the affirmative Twenty one outstanding European legal scholars expose a spectrum of ways in which the traditional legality principle is under pressure because of the creation of new legal orders including that of the EU and the interaction between these new orders and that of the State combined with such factors as expertise driven governance difficulties of international organizations to meet their objectives due to a lack of adequate powers and lack of parliamentary control The question of whether the main functions of legality legitimating attributing and regulating the exercise of public authority are still fulfilled in the context of the overlapping interacting and mutually dependent legal orders of the EU the ECHR and the Member States is at the background of all the essays in this volume Recognizing that legality if it is to survive demands rigorous reconsideration of its scope and application the authors interrogate not only such fundamental democratic issues as who has legitimate power to perform legislative acts and through these to exercise of public power over citizens but also such urgent European problems as the following the use of the precautionary principle in EU decision making the scope of the principle that the exercise of public authority must rest on an act of Parliament the extent to which the EU can provide a legal basis for action of Member State authorities in the absence of such a basis within Member State legal orders the constitutional position of independent regulators the requirements that ECJ and ECHR case law impose on the exercise of public authority whether legislative results are coherent in the sensitive area of equal treatment transparency legal certainty enforceability and implementation of EC Directives in the field of workers involvement new instruments as the Open Method of Coordination and the involvement of social partners in decision making the de facto harmonization of national criminal justice systems and the prominent role of the EU in the field of data protection There can be little doubt that the issue of legality and to whom it applies in a world in which the role of the modern State is changing profoundly is a crucial one It is highly important in the context of the ongoing discussion on the meaning of democracy and citizenship This volume with its clear message that reconsidering legality demands taking serious

issue with the uncertainty engendered by the processes of globalization will resonate profoundly among practitioners and policymakers in this time of momentous change

General Principles of EC Law in a Process of Development Ulf Bernitz,Joakim Nergelius,Cecilia Cardner,Xavier Groussot,2008-01-01 What are the basic principles underlying European Community Law Although no one seeks a purely descriptive answer to this question the discussion it gives rise to is of immense significance both for theoretical legal studies and for legal practice Over the years scholars have convened from time to time to re examine the question in the light of new developments This important volume offers insights and findings of the latest such conference held at Stockholm in March 2007 and sponsored by the Swedish Network for European Legal Studies The nineteen essays here printed are all final author edited versions of papers first presented at that conference Far from merely an updating of the First Edition which marked a 1999 conference held under the same auspices at Malm this book is entirely new It underscores the importance of discovering the emergence of new general principles linked indeed to such fundamental continuing concerns as democracy accountability transparency direct effect good administration and European citizenship as they develop in such increasingly important areas as the following core aspects of competition and financial integration law the ongoing process of European constitutionalization the application of general principles in the new Member States the growth of European private law the successive creation of a *jus commune europaeum* and the instrumental function of the EC Court There is also special consideration attached to such overriding issues as the gap filling function of the principles within the Community legal system and the implications of the use of a comparative methodology The authors include both eminent well known experts many of whom took part in the 1999 Conference and representatives of a new generation of younger scholars in the field For the myriad parties involved in the evolution of the European project from a legal perspective this book serves as a watershed a thorough inspection of the foundations as they are perceived and understood at the present moment It is sure to be consulted and cited often in the years to come

Regulating Content Michael Holoubek,Dragana Damjanovic,Matthias Tramer,2007-01-01 A complex network of regulatory systems has arisen around the provision of media in Europe In this connection regulating content is a focal point as content is not only of economic but of vital cultural importance At Community level a wide variety of measures have been taken to promote this branch of industry especially in fields in which new and innovative digital technologies are used to enhance the market potential of content and creative products and services This important book focuses on regulatory interventions in the content industry under Community law It offers an in depth perspective on the functioning of the European legal framework for the content industry its guiding principles and its explicit and sometimes more fluid interface with policy areas falling largely into Member States competences In this aspect the book can also be read as an analysis of the impact of the cooperation between European and Member State regulation when economic as well as social democratic and cultural policy goals are at stake Among the areas of content regulation covered are legal definitions related to the content industry

branches of the content industry broken down according to content category and distribution system the division of competences between the EC and the Member States in cultural affairs Community projects relevant to the content industry competition rules relating to distribution market entry and access regulation in the electronic communication markets specific regulation for such considerations as the protection of minors protection of health protection of consumers and protection of personal rights ensuring and safeguarding functioning market structures in the content markets and harmonization and coordination measures The basis of this book was a research project commissioned by the Austrian Federal Chancellery in preparation for a seminar supported by the European Commission in connection with Austria's Council Presidency in the first half of 2006 As a systematic overview and analysis of the legal bases of European content regulation this book will be of extraordinary value to practitioners policymakers officials and academics in the fields of media and communications law Beyond that the work sheds a clear and defining light on an area that has an important role to play in the future economic growth and the development of a competitive business environment in Europe

The Ne Bis in Idem Principle in EU Law Bas van Bockel, 2010-01-01 The legal principle of ne bis in idem restricts the possibility of a defendant being prosecuted repeatedly on the basis of the same offence act or facts This book describes obstacles that stand in the way of a single autonomous and uniformly applicable general ne bis in idem principle of EU law

Practical Regulation of the Mobility of Sportsmen in the EU Post Bosman Stefaan Van den Bogaert, 2005-01-01 Sport is recreational social educational healthful and cultural It has always been all of these things Perhaps also it has always been political In recent years however it has become something else besides economic Nowadays a lot of money is invested in sport and sporting competitions often generate enormous amounts of revenue This has entailed serious repercussions especially for the relations between individual sportsmen sportswomen and the sporting clubs and federations that act as brokers for their careers Into this protected area for decades a closed shop now come the European institutions especially the European Court of Justice and the European Commission with the declared intention of ensuring respect for the exigencies of Community law while at the same time protecting the specificity and the integrity of sport This important book presents an in depth analysis of the viability under Community law of traditional sports regulations such as transfer rules and nationality clauses both sets of rules seriously compromised by the Bosman case of 1995 The author asks in particular whether certain rules elaborated by sporting associations can withstand the test of compatibility with the free movement provisions of the EC Treaty In the light of Bosman he also rigorously investigates whether valuable arguments exist for keeping certain sporting rules and practices entirely outside the scope of the EC Treaty and whether the private nature of sporting clubs constitutes a stumbling block for the application of the relevant free movement rules Practical Regulation of the Mobility of Sportsmen in the EU Post Bosman comes at a moment when clarification of where this complex and contentious matter currently lies is essential if we are to gauge where it is going The topic is of special and increasing interest as official declarations on sport were attached to the

Treaties of both Amsterdam and Nice And if the draft Constitution for Europe actually enters into force sport will even become an official area of Union policy This trend confirms the value and significance of this ground breaking book for practitioners policymakers and regulators in the burgeoning field of sports law European Monographs 48

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