

# The Effect of Different State Aid Measures on Intra-Community Compe

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# Effect Of Different State Aid Measures On Intracommunity Competition

**IM Harris**



## **Effect Of Different State Aid Measures On Intracommunity Competition:**

*The Effect of Different State Aid Measures on Intra-community Competition* Krish N. Bhaskar, Commission of the European Communities, 1990

- 1 State aid introduction and history of state aid in Europe
- 2 An update of state aid within the European motor industry
- 3 Problems facing the industry
- 4 The present situation and implications of the new framework
- 5 Industry scenarios with and without state aid
- 6 Theoretical analysis of state aid
- 7 The regional aid question
- 8 Conclusions and recommendations

*Competing for Capital* Kenneth P. Thomas, 2000-10-19

As corporations search for new production sites governments compete furiously using location subsidies and tax incentives to lure them. Yet underwriting big business can have its costs: reduction in economic efficiency, shifting of tax burdens, worsening of economic inequalities or environmental degradation. *Competing for Capital* is one of the first books to analyze competition for investment in order to suggest ways of controlling the effects of capital mobility. Comparing the European Union's strict regulation of state aid to business with the virtually unregulated investment competition in the United States and Canada, Kenneth P. Thomas documents Europe's relative success in controlling and decreasing subsidies to business even while they rise in the United States. Thomas provides an extensive history of the powers granted to the EU's governing European Commission for controlling subsidies and draws on data to show that those efforts are paying off. In reviewing trends in North America he offers the first comprehensive estimate of U.S. subsidies to business at all levels to show that the United States is a much higher subsidizer than it portrays itself as being. Thomas then suggests what we might learn from the European experience to control the effects of capital mobility not only within or between states but also globally within NAFTA and the World Trade Organization as well. He concludes with policy recommendations to help promote international cooperation and cross fertilization of ways to control competition for investment.

*Weaponizing EU State Aid Law to Impact the Future of EU Investment Policy in the Global Context* Pamela Finckenberg-Broman, 2022-09-28

This book provides a comprehensive analysis of how EU state aid law is shaping the future of EU investment policy in a global context. It examines in detail how EU state aid policy and practice interact with the EU investment regime on the internal market and affect the external trade relations of the Member States and the EU alike. The debate this book engages in concerns competence, i.e. which body delineates the scope of state aid law and policy now and in the future when and where it intersects and collides with another distinct legal field: investment protection. Pursuing a doctrinal approach to the topic in the light of EU law and international law, the book analyses the interaction of the EU's trade, state aid and investment policy. This is done by posing the following research question: How is EU state aid law shaping the future of EU investment policy in a global context? Further, the book puts forward three corresponding arguments. First, this influence can be seen in the EU's incorporation of clauses promoting fair competition and state aid policy in international trade agreements. Second, EU state aid law and policy contributed to recent internal developments which led the Member States to terminate their bilateral agreements with each other intra EU.

BITs by the end of 2019 Third the EU has been working to replace the BITs between its Member States and third countries extra EU BITs with its own trade agreements which are aligned with EU legislation This combined analysis of EU law and international law yields a number of interesting conclusions The book addresses a highly topical and rapidly evolving area of EU law and international investment law It is also the first book to provide a comprehensive approach to the interplay of state aid rules and EU investment policy internally and externally i e within the EU and on a global scale As such it closes an important gap in the extant literature on international and EU law

*The European Automobile Industry* William A. Maloney, Andrew McLaughlin, 2005-07-08 This book presents an analysis of some of the changes that have transformed the automobile industry in the last thirty years illustrating some of the most significant consequences of globalization Focusing on the response of Europe s policy makers it analyzes government industry relations at both national and transnational levels demonstrating how national policy instruments have been eroded by regional political and economic integration There has been a significant and irreversible shift in the locus of decision making power from nation states to the regional level in the automobile sect

Vehicle of Influence Roland Francis Stephen, 2009-12-21 This study examines a crucial period in European integration ending in the early 1990s when significant progress was made towards the dream of a unified European market It shows how European automakers were part of these changes and how their influence within the institutions of the European Union EU yielded a wide range of policy compromises governing a single European car market The book begins by reviewing the history of the EU and the logic of regional free trade and goes on to develop a political explanation for the kinds of changes that actually occurred The author argues that European automakers enjoyed a privileged place in the political arena albeit one much transformed by the new institutions of the EU Therefore these firms often significantly influenced regional policy outcomes The argument is applied to policymaking in the important areas of environmental regulation trade subsidies and anti trust regulation This work lies at the intersection of business economics and political science and is of interest to both experts and non specialists with an interest in the tremendous economic and political changes brought about by the creation of a united Europe and more generally by the worldwide process of regional economic integration Academics professionals businessmen and leaders in government all have something to learn from the way in which firms and governments combined to build the largest car market in the world Roland Stephen is Assistant Professor in the Department of Political Science North Carolina State University

*The Concept of State Aid Under EU Law* Juan Jorge Piernas López, 2015-08-06 How has the evolution and transformation of the Common Market affected the legal concept of State aid How has State aid adapted to the development of the European Union These questions and more are answered in Juan Jorge Piernas López s examination of the historical political constitutional and economical events that have affected the development of State aid in the EU Examining three key interwoven arguments this book provides a richer understanding of current formulas which depict the concept of aid through the prism of policy and enforcement

considerations First the book demonstrates that the concept of aid is a living instrument that has been applied in accordance with the main policy priorities of the European Commission Second contrary to what has been affirmed in other literature the evolution of this concept has been influenced by the broader advancement of the case law of the Court of Justice in different periods of the integration process Third the author contends that the study of the evolution of the concept of aid in light of policy and case law provides a holistic outlook valuable to the decision making process of difficult cases In this regard the book provides criteria to interpret and discuss cases including *Slooman*, *Neptun*, *Philip Morris* and *Azores* beyond the analysis traditionally adopted in this field

**The EC State Aid Regime** Michael Sánchez Rydelski, 2006 The EC State Aid Regime will enable readers without any knowledge in the area an easy access to the notion of state aid the key concepts of the state aid procedure and the legal remedies At the same time it provides state aid experts with specific and in depth analysis of subjects such as infrastructure funding the market investor test rescue and restructuring aid state aid and risk capital regional aid aid for environmental protection state aid and emission trading state aid to the aviation and shipbuilding sectors state aid in the fields of agriculture and fisheries state aid to culture and sports and the international dimension of state aid The important area of state aid to services of general economic interest receives special attention in a separate chapter The growing importance of economic analysis in the area of state aid and the ongoing discussion of the state aid reform have also been addressed in two separate chapters in the book The team of contributors is composed of practitioners scientists economists and civil servants of different administrative bodies and the European Commission The EC State Aid Regime will be a great resource for legal practitioners national judges civil servants academic and students who want to acquire or enhance their knowledge in this expanding field of law

**Droit Des Aides D'etat Dans la CE** Francisco Santaolalla Gadea, 2008-01-01 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

**State Aid and the European Economic Constitution** Francesco de Cecco, 2012-12-14 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

**Bargaining with Multinationals** H. Loewendahl, 2001-07-19 In *Bargaining with Multinationals* Loewendahl scrutinises the relationship between multinational companies regional development and governments using an international political economy framework of bargaining between government and multinationals He critically analyses the role of foreign investment in economic development and examines how governments can link inward investment to regional economic development Based on extensive use of data interviews and case studies of Siemens and Nissan s UK investment the book shows why MNCs have invested in the UK in the past how they bargained with the government and what the impact was on the national and regional economies In particular through linking the strategy of multinationals to the location advantages of the UK it is argued that labour flexibility and incentives were crucial to investment decisions Loewendahl recommends a framework to integrate endogenous and exogenous approaches to developments and proposes a greater role for the region and the EU to control incentives and monitor multinationals

**Industrial Subsidies and Friction in World Trade** Rambod Behboodi, 1994-10-06 National industrial subsidies are a major irritant in international trading relations There have been many attempts to curb the damaging effects of subsidies on the international trading order most have met with stiff opposition and mixed success Today the combination of industrial subsidies and the countervailing duties intended to combat them p

*EU State Aids* Leigh Hancher, Tom Ottervanger, Pieter J. Slot, 2012 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

*The Modernisation of State Aid for Economic and Social Development* Bruno Nascimbene, Alessia Di Pascale, 2018-11-28 This book analyses the recent 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 administrations of the Member States The book's second part is devoted to the application of State aid rules in the area of services of general economic interest with a special focus on aid in the field of social health and infrastructure

**Sixty Years of EU State Aid Law and Policy** Eugene Stuart, Iana Roginska-Green, 2016-04-24 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 Focusing on 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 goals which implicitly argue 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

**Directory of EU Case Law on State Aids** René Barents, 2019-10-07 This new edition of an immensely useful book 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 and thus remains the quickest source of reference for practitioners working with EU State aid matters 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 With this

book practitioners will quickly find relevant paragraphs and full citations regarding all issues raised by Articles 107-109 TFEU including the following and much more: territorial scope of State aids; Article 107(1) EC and WTO Agreements conditions for categorizing a national measure as State aid; free movement of goods; undertakings private versus public; investment justification of selective measures; interstate trade and competition; tax measures; restructuring aids; procedural aspects and locus standi of trade associations. In many areas the extracts relate to points of the judgments which are not or only partially covered in official summaries. For accessibility of this case law this updated edition of the preeminent analysis of EU State aid case law has no peers. Practitioners in this key area of EU competition law will find this book indispensable. **The**

**Definition of Subsidy and State Aid** Luca Rubini, 2009-12-24 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.

*EU State Aid Law* Pier Luigi Parcu, Giorgio Monti, Marco Botta, 2020-02-28 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. *Renewable Energy Sources* Lise Bosman, 2013-01-06 In recent years African countries have taken great strides in their response to the demand for reliable contractual and institutional forms of doing business and for high quality dispute resolution mechanisms. Modern international arbitration has taken root with certain countries actively embracing modern harmonized arbitral practice and others in the process of change and development. This unprecedented volume assembles for the first time a country by country analysis both practical and insightful of how arbitration is conducted in 46 African countries providing essential information about legislative provisions, treaty adherence and arbitral procedure. Contributors include current and former judges, distinguished practitioners, academics and institution builders, all of whom are active in promoting the use of arbitration as a viable means of dispute resolution in Africa. Five sections representing the main regions of the continent each with a substantive introductory chapter covering the major trends within that region offer country overviews addressing issues such as the following: adherence to the key arbitration conventions; the modernity of a State's arbitration legislation and its compatibility with the UNCITRAL Model Law; particular features of arbitral practice in that jurisdiction; access to and where available statistics from local and regional arbitral institutions; significant arbitration related national case law and enforcement of foreign arbitral awards. A sixth section focuses on Africa based investor State arbitration providing an empirical analysis of the experience and record of African States with investment treaties and investor State arbitration. Useful tables of intra African bilateral investment treaties, a list of ICSID proceedings involving African States and other

tabular features round out the volume The book will be welcomed by arbitration practitioners and legal academics everywhere as the essential guiding light in what is rapidly becoming a crucially important area of international arbitration practice

WTO and Direct Taxation Michael Lang, Judith Herdin, Ines Hofbauer, 2005-01-01 WTO Law and Direct Taxation are linked in numerous ways The WTO Agreements thereof especially the GATT and GATS Agreements contain several explicit provisions on the subject of direct taxes or even on its delimitation from Tax Treaty Law To some extent the scope of application of WTO Law has been broadened by case law to comprise also direct taxes This entails overlappings particularly with regard to the law of subsidies prohibitions of discrimination and most favoured nation obligations This book highlights increasingly relevant interdependencies between WTO Law and Direct Taxation from the viewpoint of 21 States Special emphasis is placed on the conformity of national taxes on profits with WTO Law as well as on specifics of interpretation in several Member States 21 National Reports from nearly all EU countries as well as Colombia Israel New Zealand Norway and the USA dealt with this topic and were compiled and published in this volume Additionally a General Report prepared by Servatius van Thiel summarises the results of the National Reports Moreover experts in this field joining the Conference among them Reuven Avi Yonah Michael Lennard and Raymond Luja have volunteered contributions dealing with specific problems of WTO and Direct Taxation

Collection European Audiovisual Observatory, 2003-01-01 In the media law field we are all confronted more and more frequently with the term horizontal regulation What exactly is meant though by horizontal regulation Does it already exist in the audiovisual field particularly in EC law and if so how does it work What are its limitations This edition provides some answers to these questions In five articles it describes horizontal rules in five different subject areas and compares and analyzes them Publisher s description

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