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Effect Of Different State Aid Measures On Intracommunity Competition

David Kirk



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.

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.

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 *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 [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

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

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 *Sloman Neptun*

Philip Morris and Azores beyond the analysis traditionally adopted in this field *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 *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 *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

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 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

Towards a New Map of Automobile Manufacturing in Europe? Ray Hudson, Eike W. Schamp, 2012-12-06 This book is the product of four years of collaborative work within the framework of the European Science Foundation's Regional and Urban Restructuring in Europe RURE programme With one exception all of the chapters have been prepared by participants in RURE the exception being that commissioned from Conti and Enrietti on Fiat and Italy to provide a fuller coverage of changes in the main automobile producing companies and countries of Europe A perhaps the central theme around which the RURE programme was conceived is that the restructuring of the production system lies at the heart of the changing map of Europe Equally it continues to be the case that the automobile industry lies at the cutting edge of the search for viable new models of production Some eighty years ago the automobile industry occupied a pivotal position in the transition from craft to mass production indeed Fordism came to denote not just a particular micro economic model of production organisation in the factory but a macro scale model of economic development characterized by a particular pattern of relations between mass production mass consumption and national state regulation From the late 1960s however it became increasingly clear that Fordism as a macro scale model of advanced capitalist development was reaching its limits

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 European Community Law and the Automobile Industry Christoforus Swaak,1999-01-21 The question whether the European Community should intervene in the economic process and if so to what extent has been the subject of public debate for many years This study describes and gives an analysis of the manner and extent to which the European Community intervenes in the automobile industry through legal measures The focus is on those provisions of the EC Treaty and the multiple Community legal measures that constitute the Community legal framework within which the automobile industry must operate This study gives an introduction to the automobile industry and the EC Treaty and examines a selection of the multiple Community measures that have significant implications for the automobile industry Important examples of such measures are the rules on type approval registration of automobiles roadworthiness tests internal taxation environment the common rules on imports and exports distribution and servicing state aid measures concentrations and cooperation the various Community measures aimed at strengthening the competitiveness of the Community s automobile industry This study shows that the Community and the Commission in particular is increasingly making use of the various competences provided by the EC Treaty to intervene in the automobile industry This development is further stimulated by the gradual internationalisation or even globalisation of the world economy In addition this study indicates that there is a need for a much more unambiguous coherent and transparent legal framework within which the automobile industry must operate

Assessment and Recovery of Tax Incentives in the EC and the WTO Raymond H. C. Luja,2003 This book enables readers with a tax background to place taxation in the perspective of trade subsidy regulation For experts in the field of EC state aid regulation and or the WTO Subsidies Agreement it provides insight in certain tax aspects of both regimes *A Review of Forty Years of Community Law* Alison McDonnell,2005-01-01 In this important book eighteen of Europe s most respected jurists and legal scholars look at long term developments in Community and Union law with a view to shedding light on the current situation and pointing out lessons for the future They consider major Community law themes as they have developed over the past four decades in institutional and substantive contexts as well as in such newer areas of development as external relations economic and monetary union and the Third Pillar Starting from the absolute centrality of the Common Market to the European Community enterprise the authors provide many reminders of how the current situation evolved Their detailed root analyses of past experiences explore origins patterns and implications from the initial concept of market access through laws relating to individual rights to such complexities as the bottom up emergence of constitutional principles They show that whether we will in fact soon see a European constitution or not there is little doubt today that EC law is undergoing what may be best understood as a process of constitutionalization Seventeen insightful

essays give deeper meaning to many events principles and issues which have had far reaching implications for European integration including the following the crucial principles made clear by the ECJ in Van Gend andamp Loos in 1963 the place of fundamental rights in a supranational legal order tensions to be resolved through political and legal means exclusive shared and supporting competences the gradual rise of principles such as subsidiarity and proportionality the precautionary principle the legitimacy and authority of the ECJ the extent to which fundamental freedoms have become fundamental rights the procedural rules of European competition policy enforcement state aid under EC Treaty Article 87 1 the case for harmonization of private law social policy and equal treatment institutional balance the EU as global actor the evolution of the EU Charter of Fundamental Rights and the Constitutional Treaty The European Union is a dynamic legal order and continues to face myriad challenges and dilemmas as it expands its membership and considers a European constitution This concentrated summary of the most important issues in forty years of legal developments reveals both the lasting triumphs along the way and the gaps that require urgent attention if the legitimacy of the Union is not to be impaired Participants in European law and government from citizens and students to the highest levels of policy making will find here an invaluable resource for the future and much food for thought These articles were first presented at a conference held at the end of 2003 to mark the 40th anniversary of the Common Market Law Review and were originally published in a special issue of the Review

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

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

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