



Enforcement of State aid rules by the national courts

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The views expressed are purely those of the speaker and do not necessarily reflect the views of the European Commission.



The essential role of national courts



Commission



National courts



Notion of aid
107 (1) TFEU

Unlawful aid
108 (3) TFEU

Implementation, recovery decision
Article 16 (3) of the Procedural Regulation

Incompatible aid
107 (2) + (3) TFEU



Background

1995

Notice on cooperation between national courts and the Commission in the State aid field

1999

First Procedural Regulation 659/1999

2006

Study on the enforcement of State aid law at national level

2009

Notice on the enforcement of State aid law by national courts

2015

New Procedural Regulation 2015/1589

2019

New Study on the Enforcement of State aid rules by the national courts



Departing situation for the Study

The current Notice has contributed to the increased awareness of the role of national courts in State aid enforcement

National courts are becoming more active with regards to private enforcement of State aid, especially as concerns the direct effect of the standstill clause and actions for damages

COMP's trainings and State aid advocacy may have also made national courts and concerned parties more aware of the remedies available before national courts

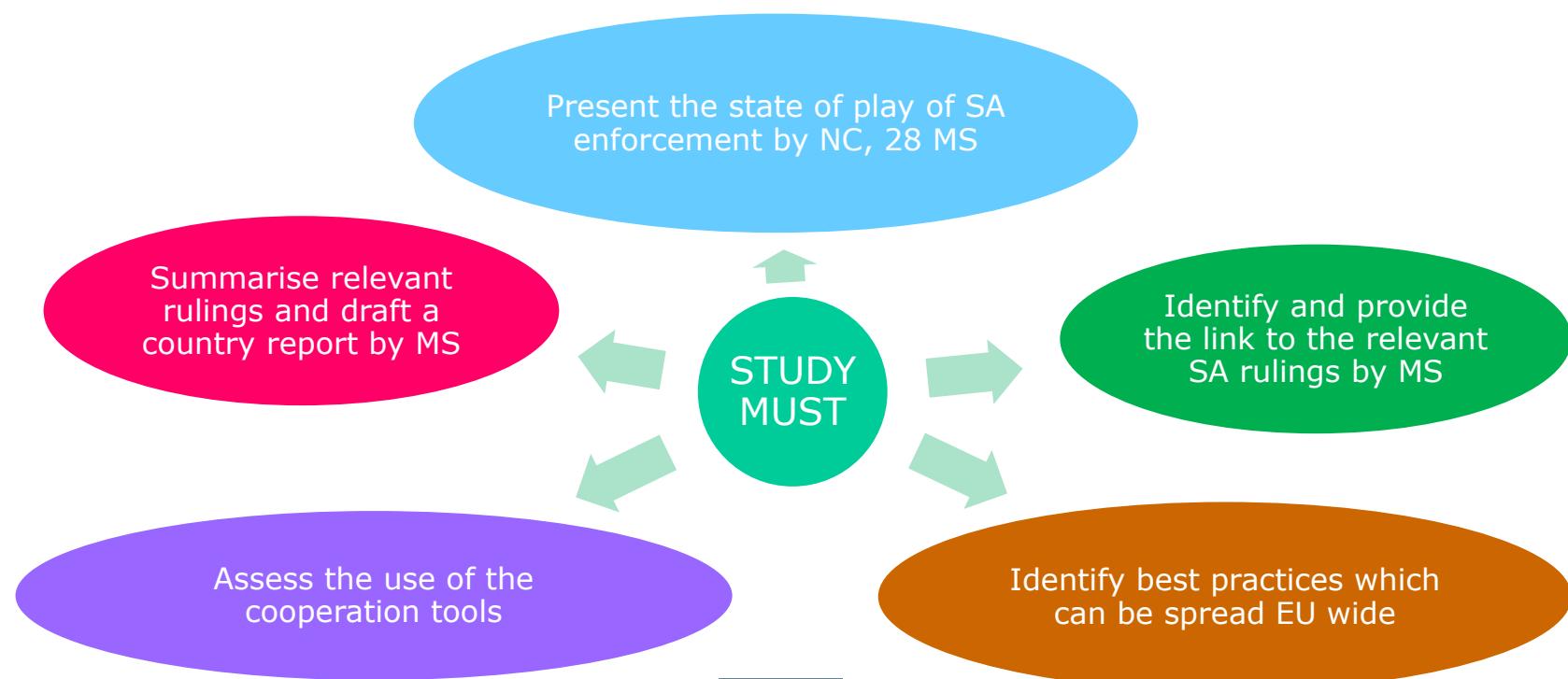
Cooperation tools have been used to a limited extent

Is State aid enforcement a reality?
Can we do more = **STUDY**



What has DG COMP done?

- Launched a public tender and award a contract to a consortium: Spark Legal Network, the European University Institute (EUI), Ecorys and Caselex (July 2018)





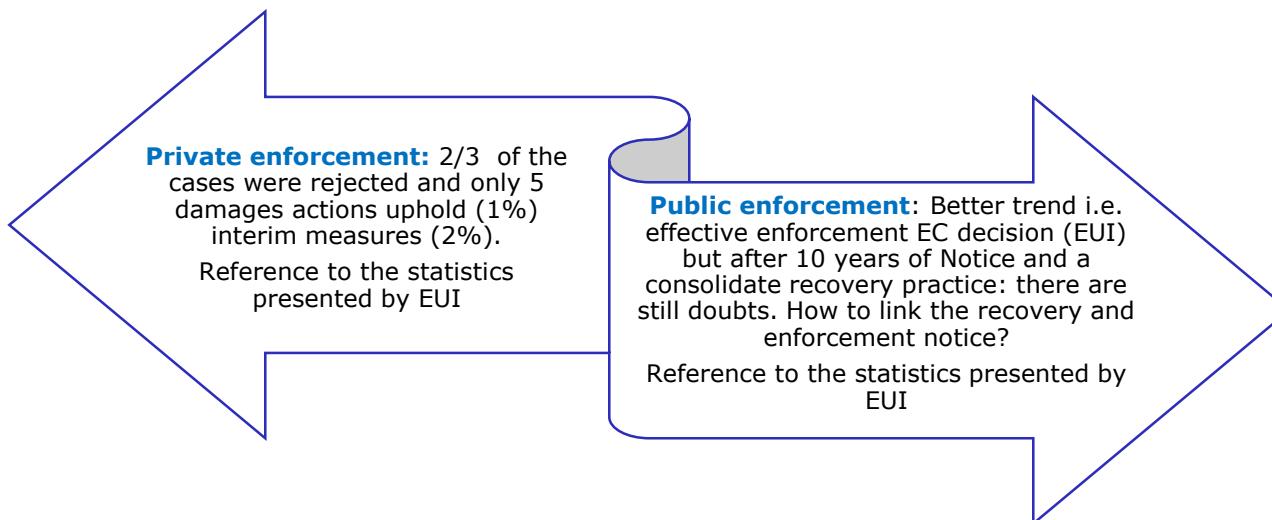
And Now? To reflect on the Notice





In concrete: Enforcement

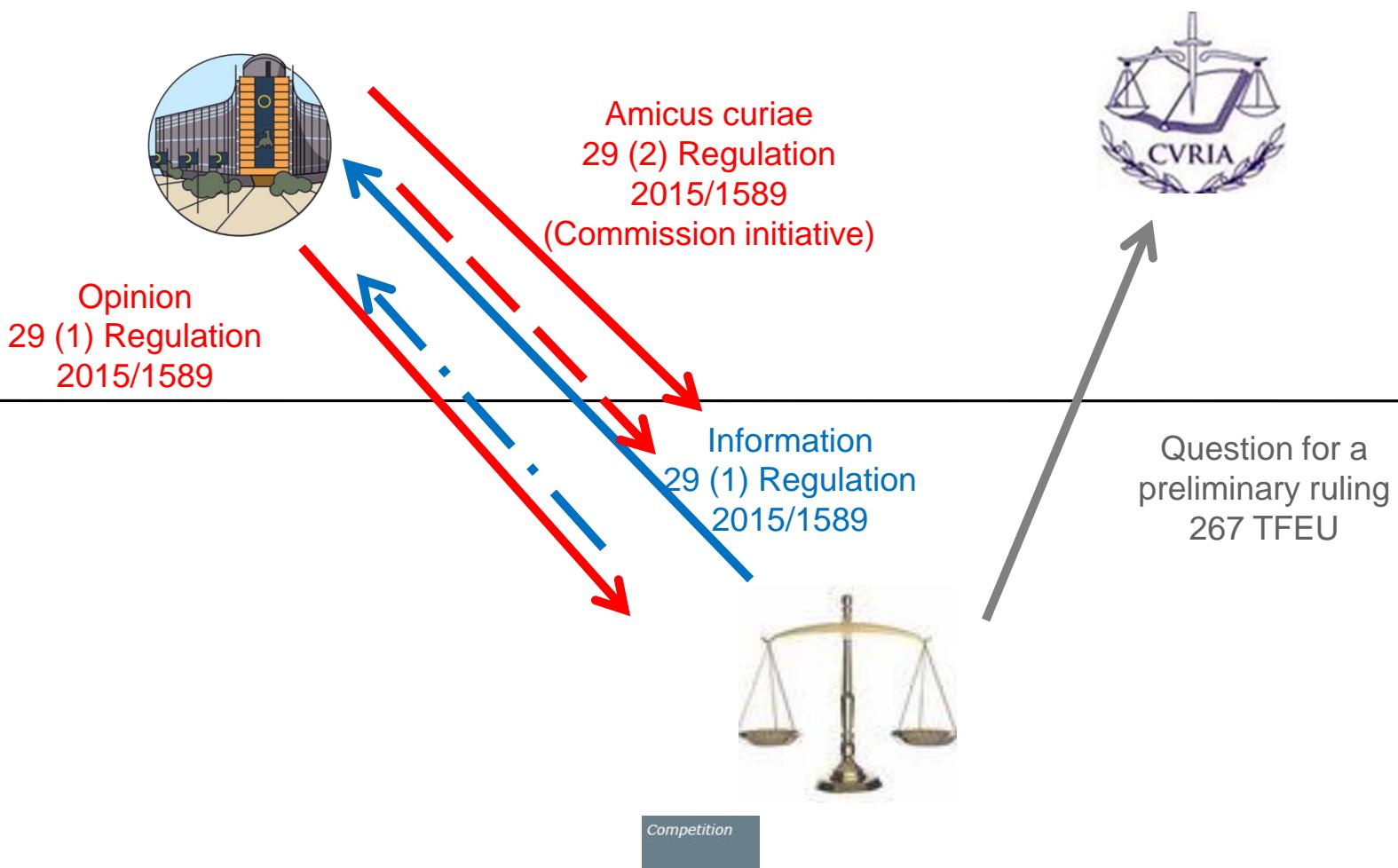
- More private than public enforcement **HOWEVER:**



- **Solution?**
 - more targeted training to competent courts?
 - review of the notice to clarify existing rules and provide further detail on the possible remedies?

Limited use of the cooperation tools:

Doubts on effectiveness, confused procedural steps, etc.





Thanks for your attention

Let us all work together to make of direct enforcement of State aid a reality

