

EUROPEAN COMMUNITY
LAW OF STATE AID

EUROPEAN COMMUNITY LAW OF STATE AID

KELYN BACON

Barrister, Brick Court Chambers

OXFORD
UNIVERSITY PRESS

OXFORD

UNIVERSITY PRESS

Great Clarendon Street, Oxford ox2 6DP

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
and education by publishing worldwide in

Oxford New York

Auckland Cape Town Dar es Salaam Hong Kong Karachi
Kuala Lumpur Madrid Melbourne Mexico City Nairobi
New Delhi Shanghai Taipei Toronto

With offices in

Argentina Austria Brazil Chile Czech Republic France Greece
Guatemala Hungary Italy Japan Poland Portugal Singapore
South Korea Switzerland Thailand Turkey Ukraine Vietnam

Oxford is a registered trade mark of Oxford University Press
in the UK and in certain other countries

Published in the United States
by Oxford University Press Inc., New York

© The Editor and Contributors, 2009

The moral rights of the authors have been asserted
Crown copyright material is reproduced under Class Licence
Number C01P0000148 with the permission of OPSI
and the Queen's Printer for Scotland

Database right Oxford University Press (maker)

First published 2009

All rights reserved. No part of this publication may be reproduced,
stored in a retrieval system, or transmitted, in any form or by any means,
without the prior permission in writing of Oxford University Press,
or as expressly permitted by law, or under terms agreed with the appropriate
reprographics rights organization. Enquiries concerning reproduction
outside the scope of the above should be sent to the Rights Department,
Oxford University Press, at the address above

You must not circulate this book in any other binding or cover
and you must impose the same condition on any acquirer

British Library Cataloguing in Publication Data
Data available

Library of Congress Cataloguing in Publication Data
Data available

Typeset by Cepha Imaging Private Ltd, Bangalore, India
Printed by the MPG
Books Group in the UK

ISBN 978-0-19-954301-4

1 3 5 7 9 10 8 6 4 2

THE AUTHORS

Kelyn Bacon (author and general editor) is a barrister at Brick Court Chambers, where she specializes in EU and competition law. She has appeared in a number of high profile competition and State aid cases in the English and European courts, and has lectured and published widely in the fields of State aid and competition law. She is a co-author and the general editor of the State aid section in the *Law of the European Union* looseleaf encyclopaedia (OUP).

Rachel Bickler is a solicitor and managing associate at the Brussels office of Nabarro LLP. She has experience in a wide range of European law matters, including competition law, procurement, State aid, consumer and trade law. She was a contributing author of *Local Government Contracts and Procurement* (Butterworths, 2002) and *Energy Law and Regulation of the European Union* looseleaf (Sweet & Maxwell). She also sits on, and is the former chair of, the Law Society's EU Committee.

Michael Cardwell is Professor of Agricultural Law at the University of Leeds, and was previously a solicitor at Burges Salmon, Bristol. His research interests focus on the Common Agricultural Policy and agriculture in world trade, and his publications include *The European Model of Agriculture* (OUP, 2004).

Lesley Davey is a solicitor in the competition group at Reed Smith (which merged with Richards Butler LLP in 2007). She advises on all aspects of EU and UK competition law, including State aid and public procurement legislation. She is also co-editor of *A Practical Guide to National Competition Rules Across Europe* (Kluwer, 2007).

James Flynn QC is a barrister at Brick Court Chambers from where he practises principally in EU and competition law. As well as advising and appearing in leading State aid cases in the English and European courts, he has published several articles and co-edited *The Law of State Aid in the European Union* (OUP, 2004). Before returning to the Bar in 1996, he practised for several years as a solicitor at Linklaters in London and Brussels, and spent three years as a Legal Secretary at the European Court of Justice in Luxembourg.

Katherine Holmes is a solicitor in the competition group and a partner of Reed Smith, having previously been a senior in-house competition counsel. She advises clients in all areas of UK and EU competition law, including State aids, and on competition related litigation/arbitration. She is a past chairman of the Joint Working Party on Competition Law of the Bars and Law Societies of the UK.

Fred Houwen is a solicitor in the competition group at Reed Smith. He advises on all aspects of EU and UK competition and regulatory law including distribution and licensing arrangements, mergers, joint ventures, State aids, and competition-related litigation. He previously worked as a legal adviser at the Office of Fair Trading dealing with competition law enforcement, market investigations, appeals, and mergers.

Damir Kaufman is a Director at the Ministry of Finance in Zagreb, Croatia. He drafted both the first and the current State Aid Acts and Regulations in Croatia, and is a member of the State aid Committee responsible for publishing EC State aid rules in Croatian. Prior to taking up his current position he did a Masters degree at University College London, and predoctoral research in subsidies at Fordham University.

Cyrus Mehta is a partner in Nabarro LLP, where he heads the EU/competition group. He is a specialist in competition law, related areas of regulation, and public law, and also has extensive experience in acting for central government, local authorities and other public bodies in the area of competition law, State aid and procurement law. His practice includes cases before the UK and EU competition authorities as well as the English and European courts. He is a past chairman of the Law Society's European Group.

Alison Oldale is a director at LECG, an economic consulting firm. She has provided economic advice on a wide range of competition cases in the EU, including various State aid matters, and covering a wide range of industries. She has a PhD in Industrial Organization from the London School of Economics.

Henri Piffaut is a director at LECG, an economic consulting firm, and heads its Brussels office. He specializes in providing economic advice on EU competition cases and, in particular, State aid issues. Before joining LECG in 2006 he spent 12 years at DG Competition of the European Commission dealing with a wide range of cases, and previously worked in corporate finance in Paris and London.

Ilan Sherr is a solicitor and associate in Nabarro LLP in London. He is a specialist in UK and EU competition law, having advised on a range of competition enquiries and investigations, notably in the newspaper publishing, healthcare, sports broadcasting and groceries sectors, as well as competition litigation in the High Court.

Richard Waite is a solicitor in the competition group at Reed Smith. He advises on all aspects of competition and regulatory issues under both UK and EU law, including investigations into alleged anti-competitive behaviour, handling multi-jurisdictional mergers, and advising on State aids.

Noel Watson-Doig is a solicitor at the BBC specializing in EU, competition and public procurement law. He previously worked as a research fellow at the British Institute of International and Comparative Law and as a stagiaire at the Court of First Instance in Luxembourg.

Fiona Wishlade is Associate Director of the European Policies Research Centre at the University of Strathclyde in Glasgow. She has led a number of projects in the field of regional development policies and State aid control for the European Commission, the OECD, most EU15 governments and other organizations. She has also advised on State aid in many of the new Member States, and is the author of *Regional State Aid and Competition Policy* (Kluwer, 2003) as well as a number of articles and book chapters.

FOREWORD

There has never been a better time to produce a practitioner's textbook on State aid. The current global financial debacle and government rescues of threatened banking institutions, followed by recession in a good many European countries, brings the EU State aid regime into focus more than ever before. Not only do the recent banking bail-outs themselves raise State aid questions, but we are entering a period, which may be prolonged, during which the governments of Member States will be faced with many calls to extend aid to industries hit by the downturn and the credit famine.

'Cometh the hour, cometh the man'—or in this case the woman. I can think of no-one better qualified for the task of producing the definitive practitioner's handbook on this complex subject than Kelyn Bacon. Not only has she already written articles and lectured regularly on aspects of State aid, but she has also been instructed as counsel in many of the most important aid cases both in national courts and in the European Court of Justice in Luxembourg.

Until the seminal case of *R v Attorney General ex p ICI* the general perception was that the State aid regime amounted to little more than a debate between Member States and the EC Commission, with the possibility of infraction proceedings in the Court of Justice as a last resort. *ICI* demonstrated for the first time, at least in the United Kingdom, that Articles 87 and 88 of the EC Treaty have real teeth. Competitors of a company which is the recipient of aid can go to a national court to stop the grant of that aid unless and until it has been notified to, and approved by, the Commission. Any aid unlawfully paid must be repaid and if the government granting it is held to have flouted the rules, then damages may be claimed by disadvantaged businesses in accordance with the principles in Case C-48/93 *R v Secretary of State for Transport ex p Factortame Ltd*. With enhanced awareness of the significance of the 'standstill' requirement in the last sentence of Article 88(3) the number of challenges based on it mushroomed in the English courts. (See for example *R v Commrs of Customs & Excise ex p Lunn Poly*, *R v Secretary of State for Trade and Industry ex p BT3G*, *R v Commrs of Inland Revenue ex p Professional Contractors' Group* and *R (British Aggregates Association) v HM Treasury*, in most of which Kelyn Bacon appeared as counsel.) Even so, compared with the detailed treatment afforded to the other competition provisions of the EC Treaty, State aid has tended to be regarded by textbook editors and commentators as something of a Cinderella subject. So a text of this quality, written by Kelyn Bacon and other acknowledged specialists, is particularly welcome.

The book's structure and layout are designed to satisfy both the practitioner's need to find the answer to a particular question quickly and the more relaxed reader's desire for a comprehensive account of the subject. After an introductory chapter outlining the political and economic bases for the rules, the following three chapters describe in detail the concept of aid, the general principles governing the compatibility of aid with Community law, and relevant international agreements. Each of the next eleven chapters covers a specific type of aid, identifying and analysing relevant secondary legislation, Commission decisions and guidelines, and Court of Justice case-law. The last three chapters are concerned with procedures, dealing in detail with the Commission's supervisory role and with the enforcement of State aid rules at both European Court and national court levels. Each chapter is helpfully split into individually titled paragraphs, making the book both easy to find one's way around and visually attractive. Most important of all, it is written in a clear, economical and thoroughly readable style, which is a credit to the general editor and the distinguished group of co-authors assembled by her.

In short, *European Community Law of State Aid* is a thoroughly researched, well-presented, bang up-to-date and user-friendly treatise on a difficult subject. Quite simply, it contains everything one needs to know about the law and practice relating to State aid. No practitioner advising in this area and no-one else who is interested in the subject-matter can afford not to have a copy.

Sir Gerald Barling
President of the Competition Appeal Tribunal
November 2008

PREFACE

During the decade in which this book has been in contemplation, the Community law of State aid has changed beyond recognition. From being, in the early 1990s, a very under-developed subject, the last ten years have seen a surge in State aid policy-making, with the most recent legislative reform initiatives being set out in the 2005 State Aid Action Plan. This has led among other things to the adoption of the General Block Exemption Regulation this summer, consolidating a number of separate earlier block exemptions and bringing together the assessment of horizontal and regional aid, for the first time, under a single set of common provisions. Reflecting the increasing importance of State aid enforcement in the priorities of the Commission and the Member States, the European Court has had to deal with a large number of State aid cases in recent years, many of which have raised complex issues of law and policy. In addition, as in other fields of competition law, the Commission has increasingly emphasized the important role of national courts, thereby encouraging the enforcement of State aid law through private litigation as a complement to regulatory intervention.

In the wake of these far-reaching changes, the aim of this book is to provide a comprehensive description of both the jurisprudence of the European Court on State aid and the Commission's decisional practice, as well as the legislation and guidelines that have been adopted in this area. The size of this task is demonstrated by the fact that, in the course of writing this book, the number of authors has grown from two to 15. Without the considerable expertise, time and effort of my co-authors this book would not have been possible. It goes without saying that the views expressed in all of the chapters are purely personal, and should not be taken as representing the views of any organisation or institution to which the authors belong; nor should anything in this book be taken as constituting legal advice.

Several other individuals deserve particular mention. Professor Claus-Dieter Ehlermann introduced me to the subject of State aid in 1996 at the European University Institute in Florence, and encouraged me in my first academic forays into this field. Subsequently, since arriving at Brick Court, I have been fortunate to be involved in a number of domestic and European State aid cases, most often with Sir Gerald Barling who has been my colleague and friend for the last ten years. The arguments developed in those cases formed the basis of much of the structure and content of Chapter 2. Carsten Zatschler contributed substantial

material to early drafts of Chapters 3 and 17, and has provided valuable insights into numerous aspects of substantive State aid law and European Court procedure; Urs Haegler assisted with the research for Chapter 1; and Luca Rubini provided many helpful comments on Chapter 4. I am also extremely grateful to my successive research assistants Thomas Karalis, Paul Stuart, Katy Everett and Rowena Moffatt, whose enthusiasm and diligence enabled this book to be completed far faster than it would otherwise have been. Finally, Luke Adams and his team at OUP have given us tremendous support through all stages of the writing and production process.

We have generally attempted to describe the law as it stood at 1 September 2008, although we have been able to take account of a number of developments since that date. In particular, we have endeavoured to incorporate in Chapter 7 the main changes in the Commission's policy on rescue and restructuring aid for (in particular) financial institutions, precipitated by the 2008 'credit crisis', as well as some of the recent cases approving aid on the new basis. Chapter 7 also refers briefly to the Commission's 'Temporary framework for State aid measures to support access to finance in the current financial and economic crisis' adopted on 17 December 2008, although this came too late for us to include any significant discussion of the Framework's contents.

In addition to these very recent developments, a large number of consultations on other State aid guidelines and policy documents are ongoing at the time of writing and are expected to conclude by the time this book is published (or shortly thereafter). As regards *substantive* policy, these include consultations on new guidelines on training aid, aid to disadvantaged and disabled workers and regional aid to large investment projects; and revised rules for State funding of public service broadcasting. In terms of *procedure*, the Commission is consulting on a new Commission notice on State aid enforcement by national courts (to replace the 1995 notice on cooperation between national courts and the Commission in the State aid field), and a 'Best Practice Code' which is intended to provide guidance on the day-to-day conduct of the Commission's State aid proceedings. These all highlight the fact that the field of State aid law is currently one of the most dynamic and fast-moving in the area of Community law, presenting a constant challenge for both practitioners and the authors of State aid textbooks.

Kelyn Bacon
December 2008

NOTE ON CITATION

This text uses the post-Amsterdam Treaty numbering of articles of the EC Treaty. As is by now conventional, when the text includes a direct quotation from a judgment that precedes the Amsterdam renumbering, the new article number is substituted, in square brackets, for the original number.

Most judgments of the European Court referred to in the text have been reported in the official European Court Reports (ECR), and for these the relevant ECR reference is given. An increasing number of judgments and orders of the European Court are not, however, reported in the ECR series; and in some cases the judgment is too recent to have been reported there. In those cases the date of the judgment is given instead of an ECR reference.

Commission decisions taken following a formal investigation procedure are published in full in the Official Journal (OJ), as are the authentic language versions of decisions to initiate the formal investigation procedure (together with a 'meaningful summary' in the language of the OJ in question). In those cases the OJ reference is given where available. If the decision has not yet been published the case number and date of the decision are given. Where the Commission closes a case following a preliminary examination of the notification or complaint, only a summary of the decision is published in the OJ, with the full text in the authentic language (now, increasingly, accompanied by an English or French translation) available on the Commission's website. In such cases the case number and date of the decision are given rather than the OJ reference.

For State aids that are covered by a block exemption and are therefore non-notifiable, no decision arises, but Member States are still required to provide summaries of the aids that have been granted. These summaries are published in the OJ as well as the Commission's website; in the few instances where the text cites such aids, the OJ reference is given.

CONTENTS—SUMMARY

<i>The Authors</i>	v
<i>Foreword</i>	ix
<i>Preface</i>	xi
<i>Note on Citation</i>	xiii
<i>Table of Cases and Decisions</i>	xxvii
<i>Tables of Treaties and Legislation</i>	lxxv

PART I GENERAL RULES

1. Introduction to State aid law and policy	3
<i>Alison Oldale and Henri Piffaut</i>	
2. The definition of State aid	23
<i>Kelyn Bacon</i>	
3. Compatibility of aid—general principles	103
<i>Kelyn Bacon</i>	
4. International agreements	147
<i>Damir Kaufman</i>	

PART II SPECIFIC TYPES OF AID

5. Environmental aid	169
<i>Rachel Bickler</i>	
6. Employment and training aid	197
<i>Ilan Sherr</i>	
7. Rescue and restructuring aid	209
<i>Cyrus Mehta</i>	
8. Research, development and innovation	229
<i>Rachel Bickler</i>	
9. Risk capital	253
<i>Cyrus Mehta</i>	
10. Small and medium-sized enterprises	269
<i>Ilan Sherr</i>	

11. Agriculture and fisheries	281
<i>Michael Cardwell</i>	
12. Transport	317
<i>Lesley Davey and Richard Waite</i>	
13. Media and communications	353
<i>Katherine Holmes, Fred Houwen and Richard Waite</i>	
14. Energy, coal and steel	391
<i>Noel Watson-Doig</i>	
15. Regional aid	409
<i>Fiona Wisblade</i>	
PART III ENFORCEMENT AND REMEDIES	
16. Supervision by the Commission	443
<i>Kelyn Bacon</i>	
17. Enforcement in the European Court	499
<i>Kelyn Bacon</i>	
18. Enforcement in the national courts	539
<i>Kelyn Bacon and James Flynn QC</i>	
<i>Index</i>	557

CONTENTS

<i>The Authors</i>	v
<i>Foreword</i>	ix
<i>Preface</i>	xi
<i>Note on Citation</i>	xiii
<i>Table of Cases and Decisions</i>	xxvii
<i>Tables of Treaties and Legislation</i>	lxxv

PART I GENERAL RULES

1. Introduction to State aid law and policy	
A. Overview	1.01
B. Why governments grant State aid	1.07
1. Government and markets	1.07
2. The pattern of spending on State aid	1.09
C. The aims of Community State aid control	1.13
1. Role of Community oversight of State aid	1.13
2. The Article 87(1) prohibition	1.17
3. The derogations in Article 87(2) and (3)	1.23
D. Implementing State aid policy	1.27
1. Guiding the aid policies of Member States	1.28
2. Rules versus discretion	1.30
3. Effects-based versus form-based analysis	1.34
4. A more refined economic approach?	1.36
2. The definition of State aid	
A. Introduction	2.01
B. Benefit or advantage	2.08
1. General principles	2.09
2. The beneficiary of aid	2.22
3. Private investor and private creditor tests	2.33
(a) Private investor test (or ‘MEIP’)	2.35
(b) Applications of the private investor test	2.41

(c) Private creditor test	2.45
(d) Applications of the private creditor test	2.48
4. Land sales	2.50
5. Provision of assets or services	2.56
6. Purchase of commercial goods and services	2.60
7. Payments for public services	2.63
8. Parafiscal charges	2.76
9. Differential taxation	2.82
C. State resources and imputability	2.89
1. The State resources debate	2.90
2. Type of fund constituting a ‘State resource’	2.95
3. Type of measure constituting a grant through State resources	2.100
4. The imputability criterion	2.104
D. Favouring certain undertakings (selectivity)	2.109
1. Selective measures	2.111
2. General measures	2.121
3. Measures justified by the nature or scheme of the system	2.127
E. Distortion of competition and effect on trade	2.133
1. General principles	2.133
2. Distortion of competition	2.138
3. Effect on inter-State trade	2.142
4. <i>De minimis</i> aids	2.146
3. Compatibility of aid—general principles	
A. Introduction	3.01
B. Article 87(2)—automatic compatibility	3.06
1. Article 87(2)(a)—social aids	3.07
2. Article 87(2)(b)—disaster aids	3.12
3. Article 87(2)(c)—cold war aids to Germany	3.20
C. Article 87(3)—discretionary compatibility	3.25
1. General principles	3.27
2. Block exemptions	3.33
3. Guidelines	3.42
4. Article 87(3)(a)—cohesion aid	3.47
5. Article 87(3)(b)—aids to important projects and to remedy serious disturbances	3.50
6. Article 87(3)(c)—aid to promote the development of certain economic activities or of certain economic areas	3.55
7. Article 87(3)(d)—aid to promote culture and heritage conservation	3.60

D. Article 86(2) and services of general economic interest	3.67
1. Introduction	3.67
2. Article 86(2) Decision	3.72
3. Article 86(2) cases falling outside the Decision	3.78
E. Authorization of State aid by the Council	3.93
1. Council action on a proposal from the Commission	3.96
2. Council action on application of a Member State	3.101
F. Other exceptions	3.107
4. International agreements	
A. Introduction	4.01
B. EEA Agreement	4.04
C. Accession to the European Union	4.09
1. General framework and the Europe Agreements	4.09
2. Stabilization and Association Process	4.13
3. Croatia	4.16
4. Turkey	4.21
D. World Trade Organization	4.23
1. Background to GATT/WTO Subsidies Framework	4.23
2. General Framework of the SCM Agreement	4.27
3. WTO subsidies and the EC State aid rules	4.36
4. The WTO and Community law	4.38

PART II SPECIFIC TYPES OF AID

5. Environmental aid	
A. Introduction	5.01
B. Existence of aid	5.10
C. General Block Exemption Regulation ('GBER')	5.15
1. Common and procedural provisions	5.16
2. Specific environmental aid exemptions	5.27
D. Authorization under Article 87(3)	5.36
1. General	5.36
2. Compatible aid under Article 87(3)(c)	5.41
3. Compatible aid under Article 87(3)(b)	5.55
4. Reduction of or exemption from environmental taxes	5.57
5. Detailed assessment	5.60

6. Employment and training aid	
A. Introduction	6.01
B. Existence of aid	6.07
C. General Block Exemption Regulation ('GBER')	6.10
1. Common and procedural provisions	6.11
2. Training aid	6.14
3. Aid for disadvantaged workers	6.17
4. Aid for disabled workers	6.21
D. Authorization under Article 87(2) and (3)	6.24
7. Rescue and restructuring aid	
A. Introduction	7.01
B. 2004 Guidelines	7.08
1. Basic concepts	7.08
2. Rescue aid	7.17
3. Restructuring aid	7.24
4. Aid for SMEs	7.33
5. Procedural issues	7.36
8. Research, development and innovation	
A. Introduction	8.01
B. Existence of aid	8.08
C. General Block Exemption Regulation ('GBER')	8.18
1. Common and procedural provisions	8.19
2. Specific R&D&I exemptions	8.22
D. Authorization under Article 87(3)	8.31
1. General principles	8.31
2. Compatibility under Article 87(3)(b)	8.39
3. Presumption of compatibility under Article 87(3)(c)	8.40
4. Detailed assessment procedure	8.51
5. Cumulation and reporting	8.54
9. Risk capital	
A. Introduction	9.01
B. Existence of aid	9.07
C. General Block Exemption Regulation ('GBER')	9.13

1. Common and procedural provisions	9.14
2. Specific risk capital exemption	9.16
D. Authorization under Article 87(3)	9.19
1. General principles	9.19
2. Standard assessment	9.22
3. Detailed assessment	9.25
10. Small and medium-sized enterprises	
A. Introduction	10.01
B. Existence of aid	10.08
C. General Block Exemption Regulation ('GBER')	10.11
1. Common and procedural provisions	10.13
2. Specific SME exemptions	10.16
D. Authorization under Article 87(2) and (3)	10.25
11. Agriculture and fisheries	
A. Introduction	11.01
B. Application of State aid rules in the agriculture sector	11.10
C. <i>De minimis</i> exemption	11.18
D. Agriculture Block Exemption Regulation	11.21
E. Agriculture Guidelines	11.41
1. Rural development measures	11.44
2. Risk and crisis management	11.51
3. Other types of aid	11.58
4. Forestry sector	11.59
F. Fisheries	11.60
12. Transport	
A. Introduction	12.01
B. Inland transport—rail, road and inland waterways	12.09
1. Common legislative framework	12.09
2. Rail	12.14
3. Road	12.24
4. Inland waterways	12.28
5. Intermodal transport	12.30
C. Air transport	12.33

D. Maritime transport	12.43
E. Shipbuilding	12.54
1. Background	12.54
2. Community State aid rules	12.58
13. Media and communications	
A. Introduction	13.01
B. Broadcasting	13.04
1. Policy and legislation	13.05
2. Existence of aid	13.09
3. Authorization under Article 86(2)	13.16
4. Authorization under Article 87(2) and (3)	13.22
C. Broadband	13.25
1. Policy	13.25
2. Existence of aid	13.30
3. Authorization under Article 87(3)	13.38
D. Postal services	13.44
1. Policy and legislation	13.44
2. Existence of aid	13.49
3. Authorization under Article 86(2)	13.55
E. Film and audiovisual sector	13.59
1. Policy	13.59
2. Existence of aid	13.62
3. Authorization under Article 87(3)	13.67
14. Energy, coal and steel	
A. Introduction	14.01
B. Non-nuclear energy	14.06
1. Existence of aid	14.07
2. Authorization of aid for renewable energy	14.13
3. Stranded costs	14.21
C. Nuclear energy	14.26
D. Coal	14.33
E. Steel	14.40

15. Regional aid	
A. Introduction	15.01
B. 2000–2006 Guidelines and 2002 Multisectoral Framework	15.10
1. 2000–2006 Guidelines	15.10
2. 2002 Multisectoral Framework	15.17
C. Demarcation of regions under 2007–2013 Guidelines	15.25
1. Article 87(3)(a) areas	15.27
2. Article 87(3)(c) areas	15.32
3. Regional aid maps	15.38
D. General Block Exemption Regulation (‘GBER’)	15.42
1. Common and procedural provisions	15.44
2. Regional investment and employment aid	15.47
3. Aid for newly created small enterprises	15.57
E. Authorization under Article 87(3)	15.60
1. Regional investment aid	15.62
2. Large investment projects	15.68
3. Operating aid	15.74
4. Aid for newly created small enterprises	15.80

PART III ENFORCEMENT AND REMEDIES

16. Supervision by the Commission	
A. Overview of Commission procedure	16.01
B. Notification of new aid	16.09
1. Types of aid that must be notified	16.09
2. Distinction between new and existing aids	16.13
3. Notification procedure	16.20
C. Preliminary review procedure	16.29
D. Formal investigation procedure	16.42
1. Opening the procedure	16.42
2. The Commission’s investigation	16.48
3. The final decision	16.56
4. Revocation and annulment	16.65
E. Unlawful and misused aids	16.69
1. The investigation of unlawful or misused aids	16.71
2. Interim measures	16.77

3. Decisions in respect of unlawful or misused aids	16.81
4. Recovery of aid	16.84
(a) Powers and duties of the Commission	16.85
(b) Role of Member States	16.90
(c) Calculation of repayment	16.94
(d) Who should repay	16.98
5. Defences (and non-defences) to recovery	16.103
(a) Unlawfulness of decision	16.104
(b) Impossibility	16.106
(c) Legitimate expectations	16.110
(d) Legal certainty	16.115
(e) Limitation period	16.118
F. Existing aid	16.120
G. Monitoring and compliance	16.127
17. Enforcement in the European Court	
A. Introduction	17.01
B. Actions against Member States	17.04
1. Distinction between Articles 226 and 88(2)	17.05
2. The enforcement procedure in the ECJ	17.10
3. Actions by Member States against other Member States	17.19
C. Actions for annulment of decisions	17.21
1. Competent Court	17.24
2. Challengeable acts	17.26
3. Standing	17.31
(a) Privileged applicants	17.31
(b) Non-privileged applicants: overview	17.32
(c) Grantors and beneficiaries of State aid	17.36
(d) Competitors and complainants	17.40
(e) Representative bodies	17.46
4. Timing of actions for annulment	17.50
5. Grounds of review	17.53
(a) Overview	17.53
(b) Infringement of procedural rights	17.57
(c) Manifest error of assessment	17.60
(d) Reasoning	17.65
(e) Misuse of powers	17.73
6. Consequences of annulment	17.74
D. Action for failure to act	17.76

E. Action for damages	17.80
F. Appeals to the ECJ	17.86
G. Overarching procedural matters	17.89
1. Interim measures	17.90
2. Intervention	17.98
18. Enforcement in the national courts	
A. Introduction	18.01
B. Remedies for breach of Article 88(3)	18.06
1. Interpretation of Article 88(3)	18.06
2. Invalidity of national measures	18.11
3. Recovery of aid	18.14
4. Reimbursement of charges	18.18
5. Damages	18.21
6. Procedure in the national courts	18.26
C. Enforcement of Commission decisions	18.29
D. Application of block exemptions	18.34
<i>Index</i>	557

TABLE OF CASES AND DECISIONS

Alphabetical Table of European Court Cases	xxvii
Numerical Table of European Court of Justice Cases	xxxix
Numerical Table of Court of First Instance Cases	xlvii
Alphabetical Table of Commission State Aid Decisions	li
Numerical Table of Commission State Aid Decisions	lxiii
Table of National Cases	lxxiv

ALPHABETICAL TABLE OF EUROPEAN COURT CASES

AceaElectrabel v Commission (Case T-303/05) (pending)	16.59
ADBHU (Case 240/83) [1985] ECR 531	2.60, 2.70
Administración del Estado v Juntas Generales de Guipúzcoa (Cases C-400–402/97) [2000] ECR I-1073	2.124
Administración del Estado v Xunta de Galicia (Case C-71/04) [2005] ECR I-7419	2.146
Adria-Wien Pipeline (Case C-143/99) [2001] ECR I-8365	2.02, 2.05, 2.13, 2.86, 2.111, 2.113, 2.121, 2.127, 2.129, 2.130, 5.13, 14.12, 16.02, 18.02
AEM v Autorità per l'energia elettrica e per gas (Case C-128–129/03) [2005] ECR I-2861	2.80
Agrana Zucker und Stärke v Commission (Case T-187/99) [2001] ECR II-1587	3.28, 3.31, 3.44, 3.45
Ahmed Saeed Flugreisen and Silver Line Reisebüro (Case 66/86) [1989] ECR 803	3.69, 3.84
Air Bourbon v Commission (Case T-321/04) [2005] ECR II-3469	17.51
Air France v Commission (Case T-358/94) [1996] ECR II-2109	2.02, 2.04, 2.33, 2.35, 2.98, 2.104, 2.106
Air Liquide Industries Belgium (Cases C-393/04 and C-41/05) [2006] ECR I-5293	2.80, 2.87, 2.118, 2.134, 2.143, 18.20
Air One v Commission (Case T-395/04) [2006] ECR II-1343	16.74, 16.75, 17.41, 17.42, 17.77, 17.79
AITEC v Commission (Cases T-447–449/93) [1995] ECR II-1971	2.136, 2.137, 2.144, 3.54
Albako Margarinefabrik Maria von der Linde (Case 249/85) [1987] ECR 2345	16.90
Albany (Case C-67/96) [1999] ECR I-5751	3.70, 3.84, 3.87
Alitalia v Commission ('Alitalia I') (Case T-296/97) [2000] ECR II-3871	2.33, 2.35, 2.36, 2.37, 2.39, 17.51, 17.62, 17.63, 17.72
Alitalia v Commission ('Alitalia II') (Case T-301/01) (judgment of 9 July 2008)	2.39, 7.02, 7.08, 12.38, 16.68, 17.33, 17.38, 17.63, 17.72, 17.74
Almelo (Case C-393/92) [1994] ECR I-1477	3.69, 3.84, 3.86

Table of Cases and Decisions

Alois Lageder v Amministrazione delle Finanze dello Stato
(Cases C-31–44/91) [1993] ECR I-1761 3.46

Altmark (Case C-280/00) [2003] ECR I-7747 2.06, 2.10, 2.67, 2.70,
2.72, 2.73, 2.94, 2.143, 3.69, 3.70, 3.82, 12.02, 12.03, 12.11, 12.25,
12.31, 13.11, 13.33, 13.51, 18.03

Antillean Rice Mills v Commission (Cases T-480 and 483/93) [1995] ECR II-2305 17.33

Apesco v Commission (Case 207/86) [1988] ECR 2151 17.34

Apple and Pear Development Council v Lewis (Case 222/82) [1983] ECR 4083 11.58

ARAP v Commission (Case C-321/99 P) [2002] ECR I-4287 3.31, 16.121

Ariete (Case 811/79) [1980] ECR I-2545 2.14

Asjes (Cases 209–213/84) [1986] ECR 1425 12.01

Asklepios Kliniken v Commission (Case T-167/04) [2007] ECR II-2379 16.71, 16.74,
16.75, 17.41, 17.77, 17.78

Asociación de Estaciones de Servicio v Commission (Case T-95/03)
[2006] ECR II-4739 16.32, 16.40, 16.41, 16.74–6, 17.41,
17.42, 17.46, 17.49, 17.58, 17.59, 17.64, 17.66

Asteris v Greece (Cases 106–120/87) [1988] ECR 5515 2.14, 18.25

Athinaïki Techniki v Commission (Case C-521/06 P)
(judgment of 17 July 2008) 16.32, 16.40, 17.26, 17.29, 17.88, 17.89

Atlanta Fruchthandelsgesellschaft (Case C-465/93) [1995] ECR I-3761 18.32

Atzeni v Regione autonoma della Sardegna (Cases C-346 and 529/03)
[2006] ECR I-1875 2.135, 3.12, 3.14, 16.19, 16.111, 18.30

Austria v Commission (Case C-99/98) [2001] ECR I-1101 16.25, 16.35, 16.38

BAE and Rover v Commission (Case C-294/90) [1992] ECR I-493 16.60, 16.85, 18.33

Banco Exterior de España (Case C-387/92)
[1994] ECR I-877 2.05, 2.06, 2.100, 2.134, 16.122

Banks v Coal Authority (Case C-390/98) [2001] ECR I-6117 2.10, 2.21, 2.32,
2.78, 2.84, 16.99, 16.106, 18.14, 18.20, 18.22

Belgium and Forum 187 v Commission (Cases C-182 and 217/03) [2006]
ECR I-5479 2.06, 2.12, 2.17, 2.101, 2.104, 2.109, 2.118, 2.120, 2.129, 2.138,
2.143, 16.18, 16.55, 16.126, 17.30, 17.49, 17.91, 17.93, 17.98

Belgium v Commission (Case 234/84) [1986] ECR 2263 2.34, 16.50, 17.55

Belgium v Commission (Case 40/85) [1986] ECR 2321 16.50

Belgium v Commission (‘Tubemeuse’) (Case C-142/87) [1990] ECR I-959 2.06, 2.34,
2.35, 2.144, 2.146, 7.04, 16.85, 17.59, 18.06, 18.22, 18.25, 18.29

Belgium v Commission (Cases C-356/90 and C-180/91) [1993]
ECR I-2323 3.99, 17.07

Belgium v Commission (Case C-56/93) [1996] ECR I-723 2.03, 2.06, 2.55, 17.68

Belgium v Commission (‘Maribel bis/ter’) (Case C-75/97) [1999]
ECR I-3671 2.03, 2.113, 2.127, 2.143, 3.31, 6.09, 6.30, 16.55,
16.77, 16.85–7, 16.106, 16.115

Belgium v Commission (Case C-197/99 P) [2003] ECR I-8461 17.55

Belgium v Commission (‘Verlipack’) (Case C-457/00) [2003] ECR I-6931 2.06, 2.14,
2.31, 2.35, 2.41, 16.67, 16.101

Belgium v Commission (‘Cockerill Sambre’) (Case C-5/01) [2002]
ECR I-11991 2.03, 2.27

Belgium v Spain (Case C-388/95) [2000] ECR I-3123 17.20

Bertelsmann and Sony v Impala (Case C-413/06 P) (judgment of 10 July 2008) 1.30

BFM and EFIM v Commission (Cases T-126–127/96) [1998] ECR II-3437 2.36

Blackspur DIY v Council and Commission (Case C-362/95 P)
[1997] ECR I-4775 17.83

Birra Wührer v Council and Commission (Cases 256/80 etc) [1982] ECR 85 17.83

Bonino v Parliament and Council (Case T-40/04) [2005] ECR II-2685 17.52

Table of Cases and Decisions

Bout (Case 21/81) [1982] ECR 381	3.39, 3.45
Bouygues v Commission (Case T-475/04) [2007] ECR II-2097	2.11
BP Chemicals v Commission (Case T-11/95) [1998] ECR II-3235	2.35, 2.38, 2.39, 17.42
Bretagne Angleterre Ireland (BAI) v Commission (Case T-230/95) [1999] ECR II-123	17.83
Bretagne Angleterre Irlande (BAI) v Commission (Case T-14/96) [1999] ECR II-139	2.06, 2.60, 2.62, 2.138, 16.68, 16.112
British Aggregates v Commission (Case T-210/02) [2006] ECR II-2789	2.85, 2.86, 2.111, 2.127, 2.128, 2.131, 5.13
British Airways and British Midland Airways v Commission (Cases T-371 and 394/94) [1998] ECR II-2405	16.49, 16.54
BRT and SABAM (Case 127/73) [1974] ECR 313	3.80
BUPA v Commission (Case T-289/03) (judgment of 12 February 2008)	2.68, 2.69, 2.70, 2.71, 2.74, 3.30, 3.89, 3.70, 3.78, 3.79, 3.81–4, 3.86–9, 3.92, 13.11, 16.21, 17.71, 17.100, 17.102
Camar v Commission and Council (Case C-43/98 P(R)) [1998] ECR I-1815	17.94
Capolongo v Maya (Case 77/72) [1973] ECR 611	18.01
CdF Chimie v Commission (Case C-169/84) [1990] ECR I-3083	2.120
CELF (Case C-199/06) (judgment of 12 February 2008)	16.112, 16.113, 17.74, 18.08, 18.16, 18.17, 18.23
CETM v Commission (Case T-55/99) [2000] ECR II-3207	2.06, 2.111, 2.113, 2.115, 2.117, 2.127, 2.129, 2.130, 2.137, 2.140, 2.143, 2.146, 4.36, 5.13, 12.25, 16.110, 16.115, 17.46, 17.49, 17.68
Chavane de Dalmassy v Commission (Case T-64/92) [1994] ECR-SC II-723	17.28
Chevalley v Commission (Case 15/70) [1970] ECR 975	17.77
Chronopost v Ufex (Cases C-83, 93 and 94/01 P) [2003] ECR I-6993	2.58, 13.50, 17.88, 17.89
Chronopost v Ufex (Cases C-341–342/06 P) (judgment of 1 July 2008)	2.04, 2.06, 2.55, 2.57, 2.58, 13.50, 17.54, 17.55, 17.66, 17.68, 17.70, 17.88, 17.89
CILFIT (Case 77/83) [1984] ECR 1257	11.01
CIRFS v Commission (Case C-313/90) [1993] ECR I-1125	3.46, 16.15, 17.46, 17.47
Cityflyer Express v Commission (Case T-16/96) [1998] ECR II-757	2.35, 2.41, 17.56, 17.70
Cofaz v Commission (Case 169/84) [1986] ECR 391	17.42
Comité d'entreprise de la Société française de production v Commission (Case C-106/98 P) [2000] ECR I-3659	17.35, 17.43
Commission v Akzo and Akros (Case C-7/04 P(R)) [2004] ECR I-8739	17.91
Commission v AMI Semiconductor Belgium (Case C-294/02) [2005] ECR I-2175	17.81
Commission v ARE (Case C-78/03 P) [2005] ECR I-10737	17.35, 17.40–2
Commission v Atlantic Container Line (Case C-149/95 P(R)) [1995] ECR 2165	17.91
Commission v Belgium (Case 156/77) [1978] ECR 1881	3.102, 12.03, 17.13, 17.14
Commission v Belgium (Case 52/84) [1986] ECR 89	16.106, 16.109
Commission v Belgium (Case C-378/98) [2001] ECR I-5107	17.11
Commission v Camar and Tico (Case C-312/00 P) [2002] ECR I-11355	17.82
Commission v Council (Case 45/86) [1987] ECR 1493	17.31
Commission v Council (Case C-122/94) [1996] ECR I-881	3.102, 17.22
Commission v Council (Case C-309/95) [1998] ECR I-655	17.22
Commission v Council (Case C-110/02) [2004] ECR I-6333	3.102, 3.103, 3.104, 17.30
Commission v Council (Case C-399/03) [2006] ECR I-5629	3.102–04

Table of Cases and Decisions

Commission v Council (Case C-27/04) [2004] ECR I-6649	17.26
Commission v France (Case 52/83) [1983] ECR 3707	17.13, 18.25
Commission v France ('Poor farmers') (Case 290/83) [1985] ECR 439	2.07, 2.91, 2.105, 17.07, 17.09
Commission v France (Case 169/87) [1988] ECR 40931	17.17
Commission v France (Case C-159/94) [1997] ECR I-5815	3.79, 3.86, 3.88
Commission v France (Case C-52/95) [1995] ECR I-4443	16.106
Commission v France (Case C-261/99) [2001] ECR I-2537	16.100, 16.104, 16.105, 17.13
Commission v France (Case C-304/02) [2005] ECR I-6263	17.18
Commission v France (Case C-177/04) [2006] ECR I-2461	17.18
Commission v France (Case C-232/05) (judgment of 5 October 2006)	17.12, 18.29
Commission v France (Case C-441/06) [2007] ECR I-8887	16.90, 16.94
Commission v Fresh Marine (Case C-472/00 P) [2003] ECR I-7541	17.82
Commission v Germany (Case 70/72) [1973] ECR 813	16.62, 16.85, 16.116, 17.16
Commission v Germany (Case 84/82) [1984] ECR 1451	16.40, 16.41, 17.60, 17.31
Commission v Germany (Case C-5/89) [1990] ECR I-3437	16.108, 16.110, 16.111, 16.115
Commission v Germany (Case C-209/00) [2002] ECR I-11695	16.92
Commission v Germany (Case C-325/00) [2002] ECR I-9977	11.58
Commission v Greece (Case C-63/87) [1988] ECR 2875	16.104, 16.106, 17.90
Commission v Greece (Case C-35/88) [1990] ECR I-3125	17.09
Commission v Greece (Case C-61/90) [1992] ECR I-2407	17.09
Commission v Greece (Case C-183/91) [1993] ECR I-3131	16.85, 16.109, 16.110, 17.13
Commission v Greece (Case C-387/97) [2000] ECR I-5047	17.17
Commission v Greece (Case C-415/03) [2005] ECR I-3875	2.06, 16.109, 17.18
Commission v Greece ('Olympic Airways') (Case C-419/06) (judgment of 14 February 2008)	16.94, 16.104
Commission v Greece ('Olympic Airways') (Case C-369/07) (pending)	17.18
Commission v Ireland ('Buy Irish') (Case 249/81) [1982] ECR 4005	2.121, 11.58
Commission v Ireland (Case C-459/03) [2006] ECR I-4635	17.20
Commission v Italy (Case 72/79) [1980] ECR 1411	17.09
Commission v Italy (Case 73/79) [1980] ECR 1533	3.30, 13.69
Commission v Italy (Case 78/82) [1983] ECR 1955	3.92
Commission v Italy (Case 169/82) [1984] ECR 1603	17.09
Commission v Italy (Case 203/82) [1983] ECR 2525	6.09, 2.114
Commission v Italy (Case 277/83) [1985] ECR 2049	17.09
Commission v Italy (Case 118/85) [1987] ECR 2599	2.03, 2.06, 2.12, 2.22, 2.96, 2.97, 2.127, 2.143
Commission v Italy (Case C-348/93) [1995] ECR I-673	17.15
Commission v Italy (Case C-280/95) [1998] ECR I-259	16.106
Commission v Italy (Case C-35/96) [1998] ECR I-3851	2.22
Commission v Italy (Case C-99/02) [2004] ECR I-3353	16.106, 16.109, 16.110, 17.11
Commission v Italy (Case C-119/04) [2006] ECR I-6885	17.18
Commission v Italy (Case C-207/05) (judgment of 1 June 2006)	16.105, 16.106, 16.109, 17.11, 17.13, 17.15
Commission v Luxembourg (Case C-69/05) (judgment of 12 January 2006)	16.127
Commission v Netherlands (Case 213/85) [1988] ECR 281	16.106, 17.14
Commission v Netherlands (Case C-157/94) [1997] ECR I-5699	3.80, 3.92
Commission v Netherlands (Case C-279/08 P) (pending)	2.122, 2.131, 17.30, 17.31
Commission v Portugal (Case C-404/97) [2000] ECR I-4897	2.06, 2.100, 16.85, 16.104–06, 16.109, 17.13

Table of Cases and Decisions

Commission v Salzgitter (Case C-408/04 P) (judgment of 22 April 2008)	2.06, 2.12, 2.30, 2.116, 17.89
Commission v Spain (Case C-499/99) [2002] ECR I-6031	16.106
Commission v Spain (Case C-404/00) [2003] ECR I-6695	16.92, 16.104, 16.105, 16.109
Commission v Spain (Case C-278/01) [2003] ECR I-14141	17.18
Commission v Spain (Cases C-485–490/03) [2006] ECR I-11887	16.104, 16.106, 16.108, 17.11
Commission v Sytraval and Brink's France (Case C-367/95 P) [1998] ECR I-1719	16.29, 16.32, 16.40, 16.48, 16.49, 17.29, 17.41, 17.55, 17.67, 17.70, 17.72
Compagnia Generale delle Acque (Case T-264/00) (pending)	3.62, 3.66
Compagnie Commerciale de l'Ouest (Cases C-78–83/90) [1992] ECR I-1847	2.78
Componenta v Commission (Case T-455/05) [2006] ECR II-38	17.93, 17.95
Confédération nationale du Crédit Mutuel ('Livret bleu') (Case T-93/02) [2005] ECR II-143	2.26, 2.94, 2.142, 3.11, 7.02
Cook v Commission (Case C-198/91) [1993] ECR I-2487	16.41, 17.35, 17.41
Cooperativa Mare Azzurro (Case T-218/00)	3.62, 3.66
Corbeau (Case C-320/91) [1993] ECR I-2533	3.69, 3.84, 3.85, 13.56
Corsica Ferries France (Case C-266/96) [1998] ECR I-3949	3.84
Corsica Ferries France v Commission (Case T-349/03) [2005] ECR II-2197	3.43, 3.46, 3.56, 7.02, 7.12
Danske Busvognmænd v Commission (Case T-157/01) [2004] ECR II-917	2.12, 2.27, 2.69, 2.71, 3.85, 3.88, 12.03, 16.71
DEFI v Commission (Case 282/85) [1986] ECR 2469	17.46
Demesa v Commission (Cases C-183 and 187/02 P) [2004] ECR I-10609	16.111, 17.87
Demoor Gilbert (Cases C-144–145/91) [1992] ECR I-6613	2.78
Denkavit (Case 61/79) [1980] ECR 1205	2.14
Denkavit (Case C-507/99) [2002] ECR I-169	3.58
Denmark v Commission (Cases C-289, 293 and 299/96) [1999] ECR I-1541	11.58
Département du Loiret v Commission (Case T-369/00) [2003] ECR II-1789	16.95, 16.119, 17.68, 17.69
Deufl v Commission (Case 310/85) [1987] ECR 901	2.03, 3.25, 3.44, 3.46
Deutsche Bahn v Commission (Case T-351/02) [2006] ECR II-1047	2.02, 2.108, 16.03, 16.81, 17.29
Deutsche Milchkontor v Germany (Cases 205–215/82) [1983] ECR 2633	3.46
Deutsche Post (Cases C-147–148/97) [2000] ECR I-825	3.88
Deutsche Post v Commission (Case T-266/02) (judgment of 1 July 2008)	2.67, 13.51, 16.48, 17.54, 17.62, 17.102
Deutsche Telekom v Commission (Case T-271/03) [2006] ECR II-1747	17.102
Diego Calí [1997] (Case C-343/95) ECR I-1547	2.22
Diputación Foral de Álava v Commission (Cases T-127, 129 and 148/99) [2002] ECR II-1275	2.02, 2.04, 2.06, 2.17, 2.32, 2.33, 2.54, 2.115, 2.120, 2.127, 2.128, 2.129, 2.132, 3.10, 16.114
Diputación Foral de Alava v Commission (Cases T-346–348/99) [2002] ECR II-4259	2.03, 2.04, 2.06, 2.118, 2.127, 16.18
Diputación Foral de Guipúzcoa v Commission (Case T-269, 271 and 272/99) [2002] ECR II-4217	2.03, 2.06, 2.115, 2.127, 16.18
Distribution Casino France (Case C-266/04) [2005] ECR I-9481	2.23, 2.76, 2.79, 2.87, 18.11, 18.20
DMT (Case C-256/97) [1999] ECR I-3913	2.02, 2.06, 2.09, 2.34, 2.36, 2.45, 2.46, 2.48, 2.119, 2.143, 18.03
DSG v Commission (Case T-234/95) [2000] ECR II-2603	2.35, 2.36, 2.41, 17.73
Du Pont de Nemours (Case C-21/88) [1990] ECR I-889	2.15

Table of Cases and Decisions

Ecotrade (Case C-200/97) [1998] ECR I-7907	2.02, 2.06, 2.11, 2.15, 2.16, 2.103, 2.109, 2.115, 2.119, 2.126, 2.132
EISA v Commission (Case T-239/94) [1997] ECR II-1839	17.34
EKW (Case C-437/97) [2000] ECR I-1157	18.19
Enirisorse v Ministero delle Finanze (Cases C-34-38/01) [2003] ECR I-14243	2.06, 2.25, 2.68, 2.71, 2.76, 2.78, 2.79
Enirisorse v Sotacarbo (Case C-237/04) [2006] ECR I-2843	2.02, 2.05, 2.20, 2.22, 2.25
EPAC v Commission (Cases T-204 and 270/97) [2000] ECR II-2267	2.03, 2.06, 2.100, 2.102, 2.143, 3.86, 16.111, 17.68, 17.70, 17.71
Epifanio Viscido (Cases C-52-54/97) [1998] ECR I-2629	2.15, 2.90, 2.92, 2.100
Eridania v Commission (Cases 10/68 and 18/68) [1969] ECR 459	17.43
ERT (Case C-260/89) [1991] ECR I-2925	3.69
Esedra v Commission (Case T-169/00) [2000] ECR II-2951	17.94
ESF Elbe-Stahlwerke v Commission (Case T-6/99) [2001] ECR II-1523	16.110, 16.114
EURL Le Levant 001 v Commission (Case T-34/02) [2006] ECR II-267	2.02, 2.30, 2.134, 2.137, 2.145, 3.98, 16.46, 16.49, 16.58
European Parliament v Council (Cases C-164-165/97) [1999] ECR I-1139	11.59
Exécutif Régional Wallon v Commission (Cases 62 and 72/87) [1988] ECR 1573	2.138, 3.52
Fabricants de papiers peints v Commission (Case 73/74) [1975] ECR 1491	17.69
Fachvereinigung Mineralfaserindustrie v Commission (Case T-254/05) (judgment of 20 September 2007)	17.42
Falck and Acciaierie di Bolzano v Commission (Cases C-74-75/00 P) [2002] ECR I-7869	3.39, 3.45, 16.49
Federmineria v Commission (Case C-6/92) [1993] ECR I-6397	17.46
Fediol v Commission (Case 187/85) [1988] ECR 4155	2.83, 17.60
Fediol v Commission (Case 70/87) [1989] ECR 1781	4.39
Ferriere Nord v Commission (Case C-49/05) (judgment of 8 May 2008)	16.35, 16.44, 16.51, 16.53, 16.121
Ferriere Nord v Commission (Case T-176/01) [2004] ECR II-3931	3.45, 3.46, 16.35, 16.44, 16.51, 16.121
Ferring v ACOSS (Case C-53/00) [2001] ECR I-9067	2.06, 2.64, 2.66, 2.70, 2.84, 2.128, 2.143, 3.69, 3.70, 13.51, 18.03, 18.20
FFSA v Commission (Case T-106/95) [1997] ECR II-229	2.65, 16.49
FFSA v Commission (Case C-174/97 P) [1998] ECR I-1303	2.65
Finsider v Commission (Cases C-363-364/88) [1992] ECR I-359	17.83
Flemmer (Cases C-80-82/99) [2001] ECR I-7211	3.46
Fleuren Compost v Commission (Case T-109/01) [2004] ECR II-127	2.03, 16.46, 16.49, 16.51, 16.110, 16.111, 16.117
FNCEPA v France (Case C-354/90) [1991] ECR I-5505	16.02, 16.89, 18.06, 18.08, 18.11
Forges de Clabecq v High Authority (Case 14/63) [1963] ECR 357	17.33
Foto Frost (Case 314/85) [1987] ECR 4599	18.32
France and France Télécom v Commission (Cases T-425 and 444/04)	2.06, 2.37, 2.44, 2.102, 7.09
France v Commission (Case 47/69) [1970] ECR 487	2.76, 2.78
France v Commission (Case 259/85) [1987] ECR 4393	2.77, 2.78, 16.50
France v Commission (Case 102/87) [1988] ECR 4067	2.06, 2.143
France v Commission ('Boussac') (Case C-301/87) [1990] ECR I-307	2.34, 2.135, 3.02, 3.27, 3.29, 7.04, 7.09, 16.72, 16.89, 18.06
France v Commission (Case C-202/88) [1991] ECR I-1223	3.70
France v Commission ('Kimberly Clark') (Case C-241/94) [1996] ECR I-4551	2.06, 2.27, 2.119, 6.07, 6.09, 7.30, 17.55

Table of Cases and Decisions

France v Commission (Case C-251/97) [1999] ECR I-6639 2.06, 2.68, 2.72, 2.127
France v Commission ('CELF') (Case C-332/98) [2000] ECR I-4833 3.68, 16.10
France v Commission (Case C-17/99) [2001] ECR I-2481 17.66
France v Commission ('Stardust Marine') (Case C-482/99) [2002]
ECR I-4397 2.02, 2.35, 2.96, 2.104, 2.105, 2.107
France v Commission (Case C-456/00) [2002] ECR I-11949 3.30, 3.32, 3.58
France v Ladbroke Racing and Commission (Case C-83/98 P) [2000]
ECR I-3271 2.03, 2.96, 2.98, 2.129, 2.128, 2.136
France v United Kingdom (Case 141/78) [1979] ECR 2923 17.20
France, Italy and UK v Commission (Cases 188–190/80) [1982] ECR 14.27
Freistaat Sachsen v Commission (Case T-357/02) [2007]
ECR II-1261 3.39, 3.45, 16.25, 16.35, 16.36
Freistaat Sachsen v Commission (Cases C-57 and 61/00 P) [2003] ECR I-9975 3.21
Freistaat Thüringen v Commission (Case T-318/00) [2005] ECR II-4179 2.42, 2.49,
16.16, 16.100, 16.101
Freskot v Elliniko Dimosio (Case C-355/00) [2003] ECR I-5263 11.34
Front national v Parliament (Case C-486/01 P) [2004] ECR I-6289 17.35
Fruchthandelsgesellschaft Chemnitz v Commission (Case T-254/97) [1999]
ECR II-2743 4.39
GAEC de la Ségaude v Council and Commission (Case 253/84) [1987] ECR 123 17.85
GB-Inno-BM (Case C-18/88) [1991] ECR I-5941 3.84
GEMO (Case C-126/01) [2003] ECR I-13769 2.13, 2.56, 2.63, 2.67, 2.94, 2.107,
2.113, 2.120, 2.145, 5.11, 5.13, 11.38, 18.20
Gencor v Commission (Case T-102/96) [1999] ECR II-753 17.33
Germany v Commission (Case 248/84) [1987] ECR 4013 2.04, 2.116, 2.137,
3.05, 3.31, 15.04, 15.27, 15.32, 17.70, 17.72
Germany v Commission (Case C-400/92) [1994] ECR I-4701 3.97
Germany v Commission (Cases C-329/93 and C-62–63/95)
[1996] ECR I-5151 2.39, 2.42, 16.111
Germany v Commission (Case C-288/96) [2000] ECR I-8237 17.59, 17.60
Germany v Commission (Case C-301/96) [2003] ECR I-9919 3.14, 3.23, 3.24,
3.54, 17.54, 17.68
Germany v Commission (Case C-156/98) [2000] ECR I-6857 2.06, 2.30, 2.43,
2.116, 2.122, 2.149, 3.02, 3.14, 3.21,
3.23, 3.44, 3.97, 17.68
Germany v Commission (Case C-334/99) [2003] ECR I-1139 3.21, 3.23, 3.24
Germany v Commission (Case C-242/00) [2002] ECR I-5603 15.38, 17.31
Germany v Commission (Case C-277/00) [2004] ECR I-3925 2.32, 3.05,
3.24, 16.86, 16.98, 16.99, 16.100
Germany v Council (Case C-280/93) [1994] ECR I-4973 3.58, 11.03
Germany v Council (Case C-122/95) [1998] ECR I-973 17.51
Gestevisión Telecinco v Commission (Case T-95/96) [1998]
ECR II-3407 16.25, 16.71, 16.73, 16.75, 17.41, 17.45, 17.78
Gibraltar v Commission (Cases T-195 and 207/01) [2001] ECR II-3915 16.17, 16.31,
16.42, 16.43, 17.92, 17.93
Gibraltar v Commission (Cases T-211 and 215/04)
(judgment of 18 December 2008) 2.125
GIL Insurance v Commsrs of Customs & Excise (Case C-308/01) [2004]
ECR I-4777 2.21, 2.86, 2.111, 2.131, 18.03, 18.20
Glencore Grain v Commission (Case C-404/96) [1998] ECR I-2435 17.35
González y Díez v Commission (Case T-25/04) [2007] ECR II-3121 16.66, 16.67, 17.30
Grad v Finanzamt Traunstein (Case 9/70) [1970] ECR 825 2.83
Graphischer Maschinenbau v Commission (Case T-126/99) [2002]
ECR II-2427 3.31

Table of Cases and Decisions

Greece v Commission (Case 57/86) [1988] ECR 2855	2.03, 2.06, 2.13, 2.91, 2.118, 2.146
Greece v Commission (Case 63/87) [1988] ECR 2875	2.06
Greece v Commission (Case C-278/00) [2004] ECR I-3997	2.96, 2.149, 3.12, 3.14, 3.31, 16.38, 16.55, 16.106, 16.109, 17.93
GruSa Fleisch (Case C-34/92) [1993] ECR I-4147	3.39, 3.45
GT-Link (Case C-242/95) [1997] ECR I-4449	3.80, 3.85
Heineken Brouwerijen (Cases 91 and 177/83) [1984] ECR 3435	16.17, 16.27, 18.06
Heiser (Case C-172/03) [2005] ECR I-1627	2.02, 2.03, 2.06, 2.12, 2.13, 2.19, 2.22, 2.94, 2.100, 2.109, 2.111, 2.113, 2.128, 2.129, 2.134, 2.144, 2.146, 2.149, 3.68, 16.10
Hierl v Hauptzollamt Regensburg (Case C-311/90) [1992] ECR I-2061	11.03
Hijos de Andrés Molina v Commission (Case T-152/99) [2002] ECR II-3049	2.03, 2.34, 2.36, 2.45, 2.47, 2.111
Hilti v Commission (Case T-30/89) [1990] ECR II-163	17.102
Höfner and Elser (Case C-41/90) [1991] ECR I-1979	2.22
Holcim (Deutschland) v Commission (Case C-282/05 P) [2007] ECR I-2941	17.83
Humbel (Case 263/86) [1988] ECR 5365	2.22
Iannelli & Volpi (Case 74/76) [1977] ECR 557	3.96
IBM v Commission (Case 60/81) [1981] ECR 2639	17.27
Idéal Tourisme (Case C-36/99) [2000] ECR I-6049	18.19
IJssel-Vliet Combinatie v Minister van Economische Zaken (Case C-311/94) [1996] ECR I-5023	3.46, 3.97, 16.125
Impala v Commission (Case T-464/04) [2006] ECR II-2289	1.30
Intermills v Commission (Case 323/82) [1984] ECR 3809	2.06, 7.04, 16.46, 16.47, 17.41
International Fruit Company v Commission (Cases 41/70–44/70) [1971] ECR 411	17.35
International Fruit Company v Produktschap voor Groenten en Fruit (Cases 21–24/72) [1972] ECR 1219	4.39
Ireland v Commission (Cases T-50/06 etc) (judgment of 12 December 2007)	16.18, 17.66, 17.69, 17.71, 17.72, 17.74, 17.68
Irish Cement v Commission (Cases 166 and 220/86) [1988] ECR 6473	17.28
Italy and Brandt v Commission (Cases T-239 and 323/04) [2006] ECR II-3265	2.118, 16.30, 16.34, 17.37
Italy and Sardegna Lines v Commission (Cases C-15/98 and 105/99) [2000] ECR I-8855	2.06, 2.137, 2.141, 2.145, 3.31, 12.14, 12.43, 16.16, 16.53, 17.37, 17.39
Italy and SIM 2 Multimedia v Commission (Cases C-328/99 and C-399/00) [2003] ECR I-4035	2.32, 2.35, 2.96, 16.99
Italy and Wam v Commission (Cases T-304 and 316/04) (judgment of 6 September 2006)	2.135, 2.137, 2.144
Italy v Commission (Case 1/69) [1969] ECR 277	12.04
Italy v Commission ('Alfa Romeo') (Case C-305/89) [1991] ECR I-1603	2.06, 2.34, 2.35, 2.36, 2.105, 2.143, 7.04, 7.09, 16.86, 16.99
Italy v Commission (Case 173/73) [1974] ECR 709	16.63, 16.126, 17.09
Italy v Commission (Case C-303/88) [1991] ECR I-1433	2.06, 2.33, 2.35, 2.36, 2.104, 2.143, 3.46, 7.09, 16.98, 17.68
Italy v Commission (Case C-86/89) [1990] ECR I-3891	3.29
Italy v Commission (Case C-261/89) [1991] ECR I-4437	2.33, 3.27, 16.51
Italy v Commission (Case C-364/90) [1993] ECR I-2097	3.05, 16.88
Italy v Commission ('Italgrani') (Case C-47/91) [1994] ECR I-4635	3.31, 16.120, 16.121
Italy v Commission (Case C-6/97) [1999] ECR I-2981	2.06, 2.12, 2.128, 16.106
Italy v Commission (Case C-372/97) [2004] ECR I-3679	2.02, 2.134, 2.135, 2.149

Table of Cases and Decisions

Italy v Commission (Case C-107/99 R) [1999] ECR I-4011	17.91
Italy v Commission (Case C-310/99) [2002] ECR I-2289.	2.143, 2.146, 16.55, 16.85, 16.86, 16.102, 16.110, 17.54, 17.66, 17.68, 17.73
Italy v Commission ('Tirrenia') (Case C-400/99) [2005] ECR I-3657	16.03, 16.29, 16.31, 16.37, 16.43, 17.30
Italy v Commission (Case C-298/00 P) [2004] ECR I-4087	2.135, 2.140, 16.106, 16.117, 16.122, 17.37
Italy v Commission (Case C-66/02) [2005] ECR I-10901.	2.113, 2.143, 17.25
Kahn Scheepvaart v Commission (Case T-398/94) [1996] ECR II-477	17.47
Keller and Keller Meccanica SpA v Commission (Case T-35/99) [2002] ECR II-261	3.46, 16.16, 16.95
Kirsammer-Hack (Case C-189/91) [1993] ECR I-6185	2.90, 2.91, 2.111, 6.08
Kneissl Dachstein Sportartikel v Commission (Case T-110/97) [1999] ECR II-2881	2.49
Kronoply v Commission (Case T-130/02) [2003] ECR II-4857	16.67
Kühne & Heitz (Case C-453/00) [2004] ECR I-837.	3.103
Kuwait Petroleum v Commission (Case T-354/99) [2006] ECR II-1475.	2.31, 2.149, 16.46, 16.55, 18.30
Laboratoires Boiron v ACOSS (Case C-526/04) [2006] ECR I-7529	2.67, 2.73, 2.76, 2.83, 2.84, 2.88
Ladbroke Racing v Commission (Case T-67/94) [1998] ECR II-1.	2.03, 16.113
Ladbroke Racing Deutschland v Commission (Case T-74/92) [1995] ECR II-115	17.79
Lenzing (Case T-36/99) [2004] ECR II-3597	2.06, 2.27, 2.28, 2.45, 2.48, 2.119, 2.120
Linde v Commission (Case T-98/00) [2002] ECR II-3961	2.03, 2.09, 2.14, 2.60
Lorenz (Case 120/73) [1973] ECR 1471.	16.38, 18.01, 18.26
Lornoy (Case C-17/91) [1992] ECR I-6523	2.78
Masterfoods v HB Ice-Cream (Case C-344/98) [2000] ECR I-11369	18.33
Matra v Commission (Case C-225/91) [1993] ECR I-3203	2.28, 3.25, 16.41, 17.41
Maurissen and Union Syndicale v Court of Auditors (Cases 193 and 194/87) [1989] ECR 1045	17.28
Mauro Alzetta v Commission (Case T-298/97) [2000] ECR II-2319.	2.55, 2.133, 2.134, 2.135, 2.137, 2.140, 2.143, 2.144, 2.145, 2.149, 15.40, 16.18, 16.111, 17.54, 17.71
McCarren (Case 177/78) [1979] ECR 2161	3.58
Melli Bank v Council of the European Union (Case T-246/08 R) (27 August 2008)	17.94
Meng (Case C-2/91) [1993] ECR I-5751	2.07
Merci convenzionali porto di Genova (Case C-179/90) [1991] ECR I-5889	3.85
Metro v Commission (Case 26/76) [1977] ECR 1875	17.28
Ministero dell'Economia e delle Finanze v Cassa di Risparmio di Firenze (Case C-222/04) [2006] ECR I-289	2.22, 2.23, 2.117, 2.128, 2.139, 2.143, 8.08
Mireco (Case 826/79) [1980] ECR 2559	2.14
MMT v Commission (Case T-392/05) (order of 11 December 2006)	17.50
MTU Friedrichshafen v Commission (Case T-196/02) [2007] ECR II-2889.	16.72, 16.88
Nakajima All Precision Co v Council (Case C-69/89) [1991] ECR I-2069	4.39
Namur-Les Assurances v OND (Case C-44/93) [1994] ECR I-3829.	2.09, 2.134, 16.16, 16.122, 18.02
NBV and NVB v Commission (Case T-138/89)[1992] ECR II-2181	17.33
Netherlands and Leeuwarder Papierwarenfabriek v Commission (Cases 296 and 318/82) [1985] ECR 809	2.06, 2.137, 7.04
Netherlands v Commission (Case C-147/96) [2000] ECR I-4723.	17.27
Netherlands v Commission (Case C-382/99) [2002] ECR I-5153	2.31, 2.149, 3.44, 3.46, 12.14
Netherlands v Commission (Case C-159/01) [2004] ECR I-4461	2.95, 2.127, 2.128, 3.66

Table of Cases and Decisions

Netherlands v Commission (Case T-233/04) (judgment of 10 April 2008)	2.101, 2.103, 2.111, 2.122, 2.129, 2.131, 5.12, 5.13, 17.30, 17.31
Netherlands v Commission (Case T-231/06) (pending).	3.82, 3.90
Netherlands v Council (Case C-110/97 R) [1997] ECR I-1795	17.91
Neue Erba Lautex v Commission (Case T-181/02 R) [2002] ECR II-5081	17.93
Norddeutsches Vieh-und Fleischkontor (Cases 213–215/81) [1982] ECR 3583	2.91, 2.99
Nungesser (Case 258/78) [1982] ECR 2015	3.88
Nuove Industrie Molisane v Commission (Case T-212/00) [2002] ECR II-347	17.33
Olsen v Commission (Case T-17/02) [2005] ECR II-2031	3.78, 3.82, 3.86, 3.88
Olsen v Commission (Case C-320/05 P) (order of 4 October 2007)	3.82, 3.88, 17.86, 17.87
Olympiaki Aeroporia Ypiresies v Commission ('Olympic Airways') (Case T-268/06) (judgment of 25 June 2008)	3.06, 3.12, 3.14, 3.17, 3.44, 12.41
Openbaar Ministerie of the Kingdom of the Netherlands v van Tiggele (Case 82/77) [1978] ECR 25	2.90, 2.100
P&O European Ferries (Vizcaya) v Commission (Cases T-116 and 118/01) [2003] ECR II-2957	2.61, 2.62, 16.20, 16.21, 16.68, 16.112
P&O European Ferries (Vizcaya) v Commission (Cases C-442 and 471/03 P) [2006] ECR I-4845	2.06, 2.62, 2.63, 3.10, 16.20, 16.21, 16.112, 17.86
Pape v Minister van Landbouw (Case C-175/02) [2005] ECR I-127	2.80, 2.81
Pavlov (Cases C-180–184/98) [2000] ECR I-6451	2.22
Pearle (Case C-345/02) [2004] ECR I-7139	2.02, 2.77, 2.97, 2.107
Pharos v Commission (Case T-105/96) [1998] ECR II-285	17.79
Philip Morris v Commission (Case 730/79) [1980] ECR 2671	2.138, 2.143, 3.02, 3.05, 3.27, 3.31, 17.37
Pigs and Bacon Commission v McCarren (Case 177/78) [1979] ECR 2161	11.12, 11.19, 16.16
Plaumann v Commission (Case 25/62) [1963] ECR 95	17.35
Portugal v Commission (Case C-204/97) [2001] ECR I-3175	16.29, 16.40, 17.72
Portugal v Commission (Case C-249/02) [2004] ECR I-10717	17.26
Portugal v Commission ('Azores') (Case C-88/03) [2006] ECR I-7115	2.04, 2.111, 2.123, 2.124, 2.125, 2.128, 2.129
Portugal v Council (Case C-149/96) [1998] ECR I-7379	4.39
Poucet and Pistre (Cases C-159–160/91) [1993] ECR I-637	2.22, 2.23
Prayon Rupel v Commission (Case T-73/98) [2001] ECR II-867	3.46, 16.41
Preussag Stahl v Commission (Case T-129/96) [1998] ECR II-609	16.114
PreussenElektra v Schleswig (Case C-379/98) [2001] ECR I-2099	2.02, 2.07, 2.89, 2.90, 2.91, 2.92, 2.93, 2.100, 5.12, 14.10, 18.03
R v Minister of Agriculture, Fisheries and Food, ex p Compassion in World Farming (Case C-1/96) [1998] ECR I-1251	3.58
Racke (Case 98/78) [1979] ECR 69	3.45
Région wallonne v Commission (Case C-95/97) [1997] ECR I-1787	17.36
Regione autonoma della Sardegna v Commission (Case T-171/02) [2005] ECR II-2123	3.02, 3.12, 3.31, 3.46, 16.45, 16.53
Regione Friuli Venezia Giulia v Commission (Case T-288/97) [2001] ECR II-1169	2.133
Regione Siciliana v Commission (Case T-190/00) [2003] ECR II-5015	3.45, 16.53, 16.121, 17.51
Regione Toscana v Commission (Case C-180/97) [1997] ECR I-5245	17.36
Rinaldo Piaggio (Case C-295/97) [1999] ECR I-3735	2.06, 2.15, 2.109, 2.115, 2.119, 16.14
Roquette Frères v Council (Case 138/79) [1980] ECR 3333	3.102
Ryanair v Commission ('Aer Lingus') (Case T-140/95) [1998] ECR II-3327	16.61

Table of Cases and Decisions

S v Commission (Case C-206/89 R) [1989] ECR 2841	17.33
Sacchi (Case 155/73) [1974] ECR 409	3.84
Salomon v Commission (Case T-123/97) [1999] ECR II-2925	2.49
Salt Union v Commission (Case T-330/94) [1996] ECR II-1475	18.31
Salumi (Cases 212–217/80) [1981] ECR 2735	3.39, 3.45
Salvat père & fils v Commission (Case T-136/05) [2007] ECR II-4063	2.96, 17.38
Salzgitter v Commission (Case T-308/00) [2004] ECR II-1933	2.06, 2.12, 2.30, 2.116
SAT Fluggesellschaft v Eurocontrol (Case C-364/92) [1994] ECR I-43	2.22
Saxonia Edelmetalle and ZEMAG v Commission (Cases T-111 and 133/01) [2005] ECR II-1579	17.55, 17.56
Schmitz-Gorha v Commission (Case T-17/03) [2006] ECR II-1139	7.07, 7.27
SCK and FNK v Commission (Case C-268/96 P(R)) [1996] ECR I-4971	17.91
Scott v Commission (Case T-366/00) [2003] ECR II-1763	16.03, 16.118, 16.119
Scott v Commission (Case C-276/03 P) [2005] ECR I-8437	16.03, 16.120
Scott v Commission (Case T-366/00) [2007] ECR II-797	2.50, 2.54, 16.48, 16.49, 16.72, 16.86, 16.87, 16.94, 17.55, 17.62
Sea-Land Service and Nedlloyd Lijnen (Cases C-430–431/99) [2002] ECR I-5235	18.20
Selex Sistemi Integrati v Commission (Case T-155/04) [2006] ECR II-4797	8.08
Servizi Ausiliari Dottori Commercialisti (Case C-451/03) [2006] ECR I-2941	2.70, 16.02
SFEI v La Poste (Case C-39/94) [1996] ECR I-3547	2.06, 2.09, 16.02, 16.89, 16.111, 16.117, 17.55, 18.03, 18.04, 18.07, 18.10, 18.11, 18.14, 18.15, 18.22, 18.23, 18.31
SIC v Commission (Case T-46/97) [2000] ECR II-2125	2.06, 2.09, 2.45, 2.47, 2.48, 2.65, 16.25, 16.40, 16.41, 17.29
SIC v Commission (Cases T-297–298/01) [2004] ECR II-743	17.78
SIC v Commission (Case T-442/03) (judgment of 26 June 2008)	2.104, 2.107, 3.90, 13.12, 13.20, 13.21, 16.52
Sicilcassa (Case C-297/01) [2003] ECR I-7840	3.32, 18.03
SIDE v Commission (Case T-49/93) [1995] ECR II-2501	3.65, 16.41
SIDE v Commission (Case T-348/04) (judgment of 15 April 2008)	3.29, 3.32, 3.39, 3.60, 3.82
Siemens v Commission (Case T-459/93) [1995] ECR II-1675	2.138, 16.97, 17.68
Siemens v Commission (Case C-278/95 P) [1997] ECR I-2507	16.120, 16.121, 17.68
Simmenthal v Commission (Case 92/78) [1979] ECR 777	17.35
Skibsværftsforeningen v Commission (Case T-266/94) [1996] ECR II-1399	16.32
Sloman Neptun (Cases C-72–73/91) [1993] ECR I-88	2.90, 2.91, 2.92, 2.103, 2.107, 2.111, 2.122, 2.126, 2.138, 6.08, 12.47
Sniace v Commission (Case T-141/03) [2005] ECR II-1197	17.33, 17.38, 18.03
Sniace v Commission (Case C-260/05 P) [2007] ECR I-10005	17.42, 17.86
Société des Produits Bertrand v Commission (Case 40/75) [1976] ECR I	17.83
Socurte v Commission (Cases T-432–434/93) [1995] ECR II-503	17.51
Sodima v Commission (Case C-44/00 P) [2000] ECR I-11231	17.79
Sofrimport v Commission (Case C-152/88) [1990] ECR I-2477	17.35
Spain v Commission (Case C-278/92) [1994] ECR I-4103	2.40, 16.85
Spain v Commission (Case C-135/93) [1995] ECR I-1651	16.122
Spain v Commission (Case C-169/95) [1997] ECR I-135	3.49, 16.85, 16.110–12
Spain v Commission (“Tubacex”) (Case C-342/96) [1999] ECR I-2459	2.34, 2.48
Spain v Commission (Case C-415/96) [1998] ECR I-6993	2.136, 16.68
Spain v Commission (“Spanish trucks”) (Case C-351/98) [2002] ECR I-8031	2.115, 2.127, 2.136, 2.140, 2.143, 2.149, 3.31, 3.32, 4.36, 17.66, 17.67, 17.72

Table of Cases and Decisions

Spain v Commission ('Magefesa') (Case C-480/98) [2000] ECR I-8717	2.06, 2.46, 2.119, 2.122, 2.126, 16.94, 16.95, 18.29
Spain v Commission (Case C-36/00) [2002] ECR I-3243	3.99
Spain v Commission ('Extremadura') (Case C-113/00) [2002] ECR I-7601	2.06, 2.143, 2.145, 2.149, 3.30, 3.45, 3.47, 3.49, 11.19, 15.27, 15.32
Spain v Commission (Case C-398/00) [2002] ECR I-5643	16.38, 16.39
Spain v Commission ('Spanish trucks II') (Case C-409/00) [2003] ECR I-1487	2.111, 2.113, 2.115, 2.121, 2.127, 2.129, 2.145, 2.149, 3.46, 4.36, 12.25, 17.72
Spain v Commission (Case C-276/02) [2004] ECR I-8091	2.34, 2.45, 2.46, 2.47
Spain v Commission (Case C-525/04 P) [2007] ECR I-9947	17.43, 17.61, 17.86, 18.12, 18.19, 18.26
Spain v Commission (Case C-42/93) [1994] ECR I-4175	2.36, 16.100
Spain v Commission (Case C-73/03) (judgment of 11 November 2004)	3.14
Stadtwerke Schwäbisch Hall v Commission (Case T-92/02) (judgment of 26 January 2006)	2.122
Steenkolenmijnen v High Authority (Case 30/59) [1961] ECR I	2.05, 2.27
Steinike und Weinlig v Commission (Case 78/76) [1977] ECR 595	2.76, 2.77, 2.96, 2.97, 2.140, 3.01, 16.02, 18.02
Streekgewest (Case C-174/02) [2005] ECR I-85	2.21, 2.80, 2.87, 18.06, 18.08, 18.12, 18.27
Sveriges Betodlares and Henrikson v Commission (Case C-409/96 P) [1997] ECR I-7531	17.42
Sydhavnens Sten & Grus (Case C-209/98) [2000] ECR I-3743	3.84
T. Port (Case C-68/95) [1996] ECR I-6065	17.77
Technische Glaswerke Ilmenau v Commission (Case T-198/01) [2004] ECR II-2717	2.48, 2.55, 3.46, 16.49, 16.50
Technische Glaswerke Ilmenau v Commission (Case T-378/02 R) [2003] ECR II-2921	17.59, 17.92
Telecom Italia Media v Commission (Case T-96/07) (pending)	13.10, 13.24
Ter Lembeek v Commission (Case T-217/02) [2006] ECR II-4483	2.138, 17.55, 17.70
Territorio Histórico de Álava v Commission (Cases T-92 and 103/00) [2002] ECR II-1385	2.115, 2.118, 2.120, 2.129, 2.132
Textilwerke Deggendorf v Commission (Cases T-244 and 486/93) [1995] ECR II-2265	7.38, 16.59
TF1 v Commission (Case T-17/96) [1999] ECR II-1757	17.78
TF1 v Commission (Case T-144/04) (order of 19 May 2008)	13.10, 13.11, 13.13, 13.18, 13.21
Thermenhotel Stoiser Franz v Commission (Case T-158/99) [2004] ECR II-1	2.06
Tiercé Ladbroke v Commission (Case C-353/95) [1997] ECR I-7007	2.111, 2.128
TNT Traco v Poste Italiane (Case C-340/99) [2001] ECR I-4109	3.89
TRAMASA v Commission (Case C-12/95 P) [1995] ECR I-467	17.94
Transalpine Ölleitung (Case C-368/04) [2006] ECR I-9957	16.03, 18.01–03, 18.08, 18.11, 18.16, 18.20, 18.21, 18.26
Tubemeuse (Case C-142/97) [1990] ECR I-959	2.136
TV Danmark and Kanal 5 Denmark v Commission (Case T-336/04) [2007] ECR II-491	17.102
TV Danmark and Kanal 5 Denmark v Commission (Case T-12/05) (pending)	13.11, 13.21
TV2/Danmark v Commission (Cases T-309/04 etc) (judgment of 22 October 2008)	13.12, 13.17, 13.18, 13.21, 17.102
TWD Textilwerke Deggendorf (Case C-188/92) [1994] ECR I-833	16.104, 17.13, 18.30
Ufex v Commission (Case T-613/97) [2006] ECR II-1531	2.06, 2.55, 2.58

Table of Cases and Decisions

UGT-Rioja (Cases C-428–434/06) (judgment of 11 September 2008)	2.125
Unicredito Italiano (Case C-148/04) [2005] ECR I-11137	2.02, 2.109, 2.113, 2.134, 2.138, 2.143, 3.32, 3.52, 16.85, 16.86, 16.111, 17.25, 18.03
Unión de Televisiones Comerciales Asociadas (UTECA) (Case C-222/07) (opinion of 4 September 2008)	13.65
United Kingdom v Commission (Case C-180/96 R) [1996] ECR I-3903	17.98
UPS Europe v Commission (Case T-127/98)[1999] ECR II-2633	17.79
Valmont v Commission (Case T-274/01) [2004] ECR II-3145	2.06, 2.50, 2.54, 16.72
Van Calster (Cases C-261–262/01) [2003] ECR I-12249	2.78, 2.79, 3.68, 16.10, 16.89, 18.03, 18.08, 18.09, 18.12, 18.19
Van der Kooy v Commission (Cases 67, 68 and 70/85) [1988] ECR 219	2.06, 2.33, 2.55, 2.91, 2.104, 2.105, 2.107, 2.134, 17.39, 17.47
Vereniging Werkgroep Commerciële Jachthavens Zuidelijke Randmeren v Commission (Case T-117/04) [2006] ECR II-3861	17.44, 17.46, 17.48
Viasat Broadcasting UK v Commission (Case T-16/05) (pending)	13.11, 13.21
Vischim v Commission (Case T-420/05 R) (order of 4 April 2006)	17.94
Vlaamse Gewest v Commission (Case T-214/95) [1998] ECR II-717	2.06, 2.138, 2.139, 2.140, 2.146, 3.30, 3.43, 3.45, 3.46, 17.36, 17.68
Volkswagen and Volkswagen Sachsen v Commission (Case T-143/96) (order of 3 July 1998)	17.102
Wam v Commission (Case T-316/04 R) [2004] ECR II-3917	17.93–5
Waterleiding Maatschappij ‘Noord-West Brabant’ v Commission (Case T-188/95) [1998] ECR II-3713	16.47, 17.28
Westdeutsche Landesbank v Commission (Cases T-228 and 233/99) [2003] ECR II-435	2.02, 2.25, 2.26, 2.35, 2.36, 2.39, 2.95, 7.09, 16.48, 16.49
Wirtschaftsvereinigung Stahl v Commission (Case C-441/97 P) [2000] ECR I-10293	3.109
Wouters (Case C-309/99) [2002] ECR I-3851	2.22, 3.92
Züchner (Case 172/80) [1981] ECR 2021	3.85
Zuckerfabrik (Cases C-143/88 and C-92/89) [1991] ECR I-415	18.32
Zunis Holding v Commission (Case C-480/93 P) [1996] ECR I-1	17.28

NUMERICAL TABLE OF EUROPEAN COURT OF JUSTICE CASES

30/59 Steenkolenmijnen v High Authority [1961] ECR 1	2.05, 2.27
25/62 Plaumann v Commission [1963] ECR 95	17.35
14/63 Forges de Clabecq v High Authority [1963] ECR 357	17.33
10/68 and 18/68 Eridania v Commission [1969] ECR 459	17.43
1/69 Italy v Commission [1969] ECR 277	12.04
6 and 11/69 Commission v France [1969] ECR 523	2.12, 2.118
47/69 France v Commission [1970] ECR 487	2.76, 2.78
9/70 Grad v Finanzamt Traunstein [1970] ECR 825	2.83
15/70 Chevalley v Commission [1970] ECR 975	17.77
41/70 to 44/70 International Fruit Company v Commission [1971] ECR 411	17.35
21–24/72 International Fruit Co v Produktschap voor Groenten en Fruit [1972] ECR 1219	4.39
70/72 Commission v Germany [1973] ECR 813	16.62, 16.85, 16.116, 17.16
77/72 Capolongo v Maya [1973] 611	18.01
120/73 Lorenz [1973] ECR 1471	16.38, 18.02, 18.26
127/73 BRT and SABAM [1974] ECR 313	3.80
155/73 Sacchi [1974] ECR 409	3.84
173/73 Italy v Commission [1974] ECR 709	16.63, 16.126, 17.09
73/74 Fabricants de papiers peints v Commission [1975] ECR 1491	17.69
40/75 Société des Produits Bertrand v Commission [1976] ECR 1	17.83

Table of Cases and Decisions

26/76 Metro v Commission [1977] ECR 1875	17.28
74/76 Iannelli & Volpi [1977] ECR 557	3.96
78/76 Steinike und Weinlig v Commission [1977] ECR 595	2.76, 2.77, 2.96, 2.97, 2.140, 3.01, 16.02, 18.02
82/77 Openbaar Ministerie of the Kingdom of the Netherlands v van Tiggele [1978] ECR 25	2.90, 2.100
156/77 Commission v Belgium [1978] ECR 1881	3.102, 12.03, 17.13, 17.14
92/78 Simmenthal v Commission [1979] ECR 777	17.35
98/78 Racke [1979] ECR 69	3.45
141/78 France v United Kingdom [1979] ECR 2923	17.20
177/78 Pigs and Bacon Commission v McCarren [1979] ECR 2161	3.58, 11.12, 11.19, 16.16
258/78 Nungesser [1982] ECR 2015	3.88
61/79 Denkavit [1980] ECR 1205	2.14
72/79 Commission v Italy [1980] ECR 1411	17.09
73/79 Commission v Italy [1980] ECR 1533	3.30, 13.69
138/79 Roquette Frères v Council [1980] ECR 3333	3.102
730/79 Philip Morris v Commission [1980] ECR 2671	2.138, 2.143, 3.02, 3.05, 3.27, 3.31, 17.37
811/79 Ariete [1980] ECR I-2545	2.14
826/79 Mireco [1980] ECR 2559	2.14
172/80 Züchner [1981] ECR 2021	3.85
188–190/80 France, Italy and UK v Commission [1982] ECR	14.27
212–217/80 Salumi [1981] ECR 2735	3.39, 3.45
256/80 etc Birra Wührer v Council and Commission [1982] ECR 85	17.83
21/81 Bout [1982] ECR 381	3.39, 3.45
60/81 IBM v Commission [1981] ECR 2639	17.27
213–215/81 Norddeutsches Vieh-und Fleischkontor [1982] ECR 3583	2.91, 2.99
249/81 Commission v Ireland ('Buy Irish') [1982] ECR 4005	2.121, 11.58
78/82 Commission v Italy [1983] ECR 1955	3.92
84/82 Commission v Germany [1984] ECR 1451	16.40, 16.41, 17.60, 17.31
169/82 Commission v Italy [1984] ECR 1603	17.09
203/82 Commission v Italy [1983] ECR 2525	6.09, 2.114
205–215/82 Deutsche Milchkontor v Germany [1983] ECR 2633	3.46
222/82 Apple and Pear Development Council v Lewis [1983] ECR 4083	11.58
296 and 318/82 Netherlands and Leeuwarder Papierwarenfabriek v Commission [1985] ECR 809	2.137
318/82 Netherlands and Leeuwarder Papierfabriek v Commission [1985] ECR 809	2.06, 7.04
323/82 Intermills v Commission [1984] ECR 3809	2.06, 7.04, 16.46, 16.47, 17.41
52/83 Commission v France [1983] ECR 3707	17.13, 18.25
77/83 CILFIT [1984] ECR 1257	11.01
91 and 177/83 Heineken Brouwerijen [1984] ECR 3435	16.17, 16.27, 18.06
240/83 ADBHU [1985] ECR 531	2.60, 2.70
277/83 Commission v Italy [1985] ECR 2049	17.09
290/83 Commission v France ('Poor farmers') [1985] ECR 439	2.07, 2.91, 2.105, 17.07, 17.09
52/84 Commission v Belgium [1986] ECR 89	16.106, 16.109
169/84 Cofaz v Commission [1986] ECR 391	17.42
C-169/84 CdF Chimie v Commission [1990] ECR I-3083	2.120
234/84 Belgium v Commission [1986] ECR 2263	2.34, 16.50, 17.55
248/84 Germany v Commission [1987] ECR 4013	2.04, 2.116, 2.137, 3.05, 3.31, 15.04, 15.27, 15.32, 17.70, 17.72
253/84 GAEC de la Ségaude v Council and Commission [1987] ECR 123	17.85

Table of Cases and Decisions

40/85 Belgium v Commission [1986] ECR 2321	16.50
67, 68 and 70/85 Van der Kooy v Commission [1988] ECR 219	2.06, 2.33, 2.55, 2.91, 2.104, 2.105, 2.107, 2.134, 17.39, 17.47
118/85 Commission v Italy [1987] ECR 2599	2.03, 2.06, 2.12, 2.22, 2.96, 2.97, 2.127, 2.143
187/85 Fediol v Commission [1988] ECR 4155	2.83, 17.60
213/85 Commission v Netherlands [1988] ECR 281	16.106, 17.14
249/85 Albako Margarinefabrik Maria von der Linde [1987] ECR 2345	16.90
259/85 France v Commission [1987] ECR 4393	2.77, 2.78, 16.50
282/85 DEFI v Commission [1986] ECR 2469	17.46
310/85 Deufl v Commission [1987] ECR 901	2.03, 3.25, 3.44, 3.46
314/85 Foto Frost [1987] ECR 4599	18.32
333/85 Mannesmann-Röhrenwerke v Council [1987] ECR 1381	17.35
45/86 Commission v Council [1987] ECR 1493	17.31
57/86 Greece v Commission [1988] ECR 2855	2.03, 2.06, 2.13, 2.91, 2.118, 2.146
66/86 Ahmed Saeed Flugreisen and Silver Line Reisebüro [1989] ECR 803	3.69, 3.84
166 and 220/86 Irish Cement v Commission [1988] ECR 6473	17.28
207/86 Apesco v Commission [1988] ECR 2151	17.34
263/86 Humbel [1988] ECR 5365	2.22
62 and 72/87 Exécutif Régional Wallon v Commission [1988] ECR 1573	2.138, 3.52
63/87 Greece v Commission [1988] ECR 2875	2.06, 16.104, 16.106, 17.90
70/87 Fediol v Commission [1989] ECR 1781	4.39
102/87 France v Commission [1988] ECR 4067	2.06, 2.143
106–120/87 Asteris v Greece [1988] ECR 5515	2.14, 18.25
C-142/87 Belgium v Commission (‘Tubemeuse’) [1990] ECR I-959	2.06, 2.34, 2.35, 2.144, 2.146, 7.04, 16.85, 17.59, 18.06, 18.22, 18.25, 18.29
169/87 Commission v France [1988] ECR 40931	17.17
193 and 194/87 Maurissen and Union Syndicale v Court of Auditors [1989] ECR 1045	17.28
C-301/87 France v Commission (‘Boussac’) [1990] ECR I-307	2.34, 2.135, 3.02, 3.27, 3.29, 7.04, 7.09, 16.72, 16.89, 18.06
C-18/88 GB-Inno-BM [1991] ECR I-5941	3.84
C-21/88 Du Pont de Nemours [1990] ECR I-889	2.15
C-35/88 Commission v Greece [1990] ECR I-3125	17.09
C-143/88 and C-92/89 Zuckerfabrik [1991] ECR I-415	18.32
C-152/88 Sofrimport v Commission [1990] ECR I-2477	17.35
C-202/88 France v Commission [1991] ECR I-1223	3.70
C-303/88 Italy v Commission (‘ENI-Lanerossi’) [1991] ECR I-1433	2.06, 2.33, 2.35, 2.36, 2.104, 2.143, 3.46, 7.09, 16.98, 17.68
C-363–364/88 Finsider v Commission [1992] ECR I-359	17.83
C-5/89 Commission v Germany [1990] ECR I-3437	16.108, 16.110, 16.111, 16.115
C-69/89 Nakajima All Precision Co v Council [1991] ECR I-2069	4.39
C-86/89 Italy v Commission [1990] ECR I-3891	3.29
C-206/89 R S v Commission [1989] ECR 2841	17.33
C-260/89 ERT [1991] ECR I-2925	3.69
C-261/89 Italy v Commission [1991] ECR I-4437	2.33, 3.27, 16.51
C-305/89 Italy v Commission (‘Alfa Romeo’) [1991] ECR I-1603	2.06, 2.34, 2.35, 2.36, 2.105, 2.143, 7.04, 7.09, 16.86, 16.99
C-41/90 Höfner and Elser [1991] ECR I-1979	2.22
C-61/90 Commission v Greece [1992] ECR I-2407	17.09
C-78–83/90 Compagnie Commerciale de l’Ouest [1992] ECR I-1847	2.78
C-179/90 Merci convenzionali porto di Genova [1991] ECR I-5889	3.85

Table of Cases and Decisions

C-294/90 BAe and Rover v Commission [1992] ECR I-493	16.60, 16.85, 18.33
C-311/90 Hierl v Hauptzollamt Regensburg [1992] ECR I-2061	11.03
C-313/90 CIRFS v Commission [1993] ECR I-1125	3.46, 16.15, 17.46, 17.47
C-354/90 FNCEPA v France [1991] ECR I-5505	16.02, 16.89, 18.06, 18.08, 18.11
C-356/90 and C-180/91 Belgium v Commission [1993] ECR I-2323	3.99, 17.07
C-364/90 Italy v Commission [1993] ECR I-2097	3.05, 16.88
C-2/91 Meng [1993] ECR I-5751	2.07
C-17/91 Lornoy [1992] ECR I-6523	2.78
C-31–44/91 Alois Lageder v Amministrazione delle Finanze dello Stato [1993] ECR I-1761	3.46
C-47/91 Italy v Commission ('Italgrani') [1994] ECR I-4635	3.31, 16.120, 16.121
C-72–73/91 Sloman Neptun [1993] ECR I-88	2.90, 2.91, 2.92, 2.103, 2.107, 2.111, 2.122, 2.126, 2.138, 6.08, 12.47
C-144–145/91 Demoor Gilbert [1992] ECR I-6613	2.78
C-159–160/91 Poucet and Pistre [1993] ECR I-637	2.22, 2.23
C-183/91 Commission v Greece [1993] ECR I-3131	16.85, 16.109, 16.110, 17.13
C-189/91 Kirsammer-Hack [1993] ECR I-6185	2.90, 2.91, 2.111, 6.08
C-198/91 William Cook v Commission [1993] ECR I-2487	16.41, 17.35, 17.41
C-225/91 Matra v Commission [1993] ECR I-3203	2.28, 3.25, 16.41, 17.41
C-320/91 Corbeau [1993] ECR I-2533	3.69, 3.84, 3.85, 13.56
C-6/92 Federmineraria v Commission [1993] ECR I-6397	17.46
C-34/92 GruSa Fleisch [1993] ECR I-4147	3.39, 3.45
C-188/92 TWD Textilwerke Deggendorf [1994] ECR I-833	16.104, 17.13, 18.30
C-278/92 Spain v Commission [1994] ECR I-4103	2.40
C-364/92 SAT Fluggesellschaft v Eurocontrol [1994] ECR I-43	2.22
C-387/92 Banco Exterior de España [1994] ECR I-877	2.05, 2.06, 2.100, 2.134, 16.122
C-393/92 Almelo [1994] ECR I-1477	3.69, 3.84, 3.86
C-400/92 Germany v Commission [1994] ECR I-4701	3.97
C-42/93 Spain v Commission [1994] ECR I-4175	2.36, 16.100
C-44/93 Namur-Les Assurances v OND [1994] ECR I-3829	2.09, 2.134, 16.16, 16.122, 18.02
C-56/93 Belgium v Commission [1996] ECR I-723	2.03, 2.06, 2.55, 17.68
C-135/93 Spain v Commission [1995] ECR I-1651	16.122
C-280/93 Germany v Council [1994] ECR I-4973	3.58, 11.03
C-329/93 and C-62–63/95 Germany v Commission [1996] ECR I-5151	2.39, 2.42, 16.111
C-348/93 Commission v Italy [1995] ECR I-673	17.15
C-465/93 Atlanta Fruchthandelsgesellschaft [1995] ECR I-3761	18.32
C-480/93 P Zunis Holding v Commission [1996] ECR I-1	17.28
C-39/94 SFEI v La Poste [1996] ECR I-3547	2.06, 2.09, 16.02, 16.89, 16.111, 16.117, 17.55, 18.03, 18.04, 18.07, 18.10, 18.11, 18.14, 18.15, 18.22, 18.23, 18.31
C-122/94 Commission v Council [1996] ECR I-881	3.102, 17.22
C-157/94 Commission v Netherlands [1997] ECR I-5699	3.80, 3.92
C-159/94 Commission v France [1997] ECR I-5815	3.79, 3.86, 3.88
C-241/94 France v Commission ('Kimberly Clark') [1996] ECR I-4551	2.06, 2.27, 2.119, 6.07, 6.09, 7.30, 17.55
C-311/94 IJssel-Vliet Combinatie v Minister van Economische Zaken [1996] ECR I-5023	3.46, 3.97, 16.125
C-358/94 Air France v Commission [1996] ECR II-2109	2.33
C-12/95 P TRAMASA v Commission [1995] ECR I-467	17.94
C-52/95 Commission v France [1995] ECR I-4443	16.106
C-68/95 T. Port [1996] ECR I-6065	17.77

Table of Cases and Decisions

C-122/95 Germany v Council [1998] ECR I-973	17.51
C-149/95 P(R) Commission v Atlantic Container Line [1995] ECR 2165	17.91
C-169/95 Spain v Commission [1997] ECR I-135	3.49, 16.85, 16.110–12
C-242/95 GT-Link [1997] ECR I-4449	3.80, 3.85
C-278/95 P Siemens v Commission [1997] ECR I-2507	16.120, 16.121, 17.68
C-280/95 Commission v Italy [1998] ECR I-259	16.106
C-309/95 Commission v Council [1998] ECR I-655	17.22
C-343/95 Diego Calí [1997] ECR I-1547	2.22
C-353/95 Tiercé Ladbroke v Commission [1997] ECR I-7007	2.111, 2.128
C-362/95 P Blackspur DIY v Council and Commission [1997] ECR I-4775	17.83
C-367/95 P Commission v Sytraval and Brink's France ('Sytraval') [1998] ECR I-1719	16.29, 16.32, 16.40, 16.48, 16.49, 17.29, 17.41, 17.55, 17.67, 17.70, 17.72
C-388/95 Belgium v Spain [2000] ECR I-3123	17.20
C-1/96 R v Minister of Agriculture, Fisheries and Food, ex p Compassion in World Farming [1998] ECR I-1251	3.58
C-35/96 Commission v Italy [1998] ECR I-3851	2.22
C-67/96 Albany [1999] ECR I-5751	3.70, 3.84, 3.87
C-147/96 Netherlands v Commission [2000] ECR I-4723	17.27
C-149/96 Portugal v Council [1998] ECR I-7379	4.39
C-180/96 R United Kingdom v Commission [1996] ECR I-3903	17.98
C-266/96 Corsica Ferries France [1998] ECR I-3949	3.84
C-268/96 P(R) SCK and FNK v Commission [1996] ECR I-4971	17.91
C-288/96 Germany v Commission [2000] ECR I-8237	17.59, 17.60
C-289, 293 and 299/96 Denmark v Commission [1999] ECR I-1541	11.58
C-301/96 Germany v Commission [2003] ECR I-9919	3.14, 3.23, 3.24, 3.54, 17.54, 17.68
C-342/96 Spain v Commission ('Tubacex') [1999] ECR I-2459	2.34, 2.48
C-404/96 Glencore Grain v Commission [1998] ECR I-2435	17.35
C-409/96 P Sveriges Betodlares and Henrikson v Commission [1997] ECR I-7531	17.42
C-415/96 Spain v Commission [1998] ECR I-6993	2.136, 16.68
C-6/97 Italy v Commission [1999] ECR I-2981	2.06, 2.12, 2.128, 16.106
C-52–54/97 Epifanio Viscido [1998] ECR I-2629	2.15, 2.90, 2.92, 2.100
C-75/97 Belgium v Commission ('Maribel bis/ter') [1999] ECR I-3671	2.03, 2.113, 2.127, 2.143, 3.31, 6.09, 6.30, 16.55, 16.77, 16.85–7, 16.106, 16.115
C-95/97 Région wallonne v Commission [1997] ECR I-1787	17.36
C-110/97 R Netherlands v Council [1997] ECR I-1795	17.91
C-142/97 Tubemeuse [1990] ECR I-959	2.136
C-147–148/97 Deutsche Post [2000] ECR I-825	3.88
C-164–165/97 European Parliament v Council [1999] ECR I-1139	11.59
C-174/97 P FFSA v Commission [1998] ECR I-1303	2.65
C-180/97 Regione Toscana v Commission [1997] ECR I-5245	17.36
C-200/97 Ecotrade [1998] ECR I-7907	2.02, 2.06, 2.11, 2.15, 2.16, 2.103, 2.109, 2.115, 2.119, 2.126, 2.132
C-204/97 Portugal v Commission [2001] ECR I-3175	16.29, 16.40, 17.72
C-204 and 270/97 EPAC v Commission [2000] ECR II-2267	16.111
C-251/97 France v Commission [1999] ECR I-6639	2.06, 2.68, 2.72, 2.127
C-256/97 DMT [1999] ECR I-3913	2.02, 2.06, 2.09, 2.34, 2.36, 2.45, 2.46, 2.48, 2.119, 2.143, 18.03
C-295/97 Rinaldo Piaggio [1999] ECR I-3735	2.06, 2.15, 2.109, 2.115, 2.119, 16.14
C-372/97 Italy v Commission [2004] ECR I-3679	2.02, 2.134, 2.135, 2.149

Table of Cases and Decisions

C-387/97 Commission v Greece [2000] ECR I-5047	17.17
C-400–402/97 Administración del Estado v Juntas Generales de Guipúzcoa [2000] ECR I-1073	2.124
C-404/97 Commission v Portugal [2000] ECR I-4897	2.06, 2.100, 16.85, 16.104–06, 16.109, 17.13
C-437/97 EKW [2000] ECR I-1157	18.19
C-441/97 P Wirtschaftsvereinigung Stahl v Commission [2000] ECR I-10293	3.109
C-15/98 and 105/99 Italy and Sardegna Lines v Commission [2000] ECR I-8855	2.06, 2.137, 2.141, 2.145, 3.31, 12.14, 12.43, 16.16, 16.53, 17.37, 17.39
C-43/98 P(R) Camar v Commission and Council [1998] ECR I-1815	17.94
C-83/98 P France v Ladbroke Racing and Commission [2000] ECR I-3271	2.03, 2.96, 2.98, 2.128, 2.129, 2.136
C-99/98 Austria v Commission [2001] ECR I-1101	16.25, 16.35, 16.38
C-106/98 P Comité d'entreprise de la Société française de production v Commission [2000] ECR I-3659	17.35, 17.43
C-156/98 Germany v Commission [2000] ECR I-6857	2.06, 2.30, 2.43, 2.116, 2.122, 2.149, 3.02, 3.14, 3.21, 3.23, 3.44, 3.97, 17.68
C-180–184/98 Pavlov [2000] ECR I-6451	2.22
C-209/98 Sydhavnens Sten & Grus [2000] ECR I-3743	3.84
C-332/98 France v Commission ("CELF") [2000] ECR I-4833	3.68, 16.10
C-344/98 Masterfoods v HB Ice-Cream [2000] ECR I-11369	18.33
C-351/98 Spain v Commission ("Spanish trucks") [2002] ECR I-8031	2.115, 2.127, 2.136, 2.140, 2.143, 2.149, 3.31, 3.32, 4.36, 17.66, 17.67, 17.72
C-378/98 Commission v Belgium [2001] ECR I-5107	17.11
C-379/98 PreussenElektra v Schleswag [2001] ECR I-2099	2.02, 2.07, 2.89, 2.90, 2.91, 2.92, 2.93, 2.100, 5.12, 14.10, 18.03
C-390/98 Banks v Coal Authority [2001] ECR I-6117	2.10, 2.21, 2.32, 2.78, 2.84, 16.99, 16.106, 18.14, 18.20, 18.22
C-480/98 Spain v Commission ("Magefesa") [2000] ECR I-8717	2.06, 2.46, 2.119, 2.122, 2.126, 16.94, 16.95, 18.29
C-17/99 France v Commission [2001] ECR I-2481	17.66
C-36/99 Idéal Tourisme [2000] ECR I-6049	18.19
C-80–82/99 Flemmer [2001] ECR I-7211	3.46
C-107/99 R Italy v Commission [1999] ECR I-4011	17.91
C-143/99 Adria-Wien Pipeline [2001] ECR I-8365	2.02, 2.05, 2.13, 2.86, 2.111, 2.113, 2.121, 2.127, 2.129, 2.130, 5.13, 14.12, 16.02, 18.02
C-197/99 P Belgium v Commission [2003] ECR I-8461	17.55
C-261/99 Commission v France [2001] ECR I-2537	16.100, 16.104, 16.105, 17.13
C-309/99 Wouters [2002] ECR I-3851	2.22, 3.92
C-310/99 Italy v Commission [2002] ECR I-2289	2.143, 2.146, 16.55, 16.85, 16.86, 16.102, 16.110, 17.54, 17.66, 17.68, 17.73
C-321/99 P ARAP v Commission [2002] ECR I-4287	3.31, 16.121
C-328/99 and C-399/00 Italy and SIM 2 Multimedia v Commission [2003] ECR I-4035	2.32, 2.35, 2.96, 16.99
C-334/99 Germany v Commission [2003] ECR I-1139	3.21, 3.23, 3.24
C-340/99 TNT Traco v Poste Italiane [2001] ECR I-4109	3.89
C-382/99 Netherlands v Commission [2002] ECR I-5153	2.31, 2.149, 3.44, 3.46, 12.14
C-400/99 Italy v Commission ("Tirrenia") [2005] ECR I-3657	16.03, 16.29, 16.31, 16.37, 16.43, 17.30
C-430–431/99 Sea-Land Service and Nedlloyd Lijnen [2002] ECR I-5235	18.20
C-482/99 France v Commission ("Stardust Marine") [2002] ECR I-4397	2.02, 2.35, 2.96, 2.104, 2.105, 2.107

Table of Cases and Decisions

C-499/99 Commission v Spain [2002] ECR I-6031	16.106
C-507/99 Denkavit [2002] ECR I-169	3.58
C-36/00 Spain v Commission [2002] ECR I-3243	3.99
C-44/00 P Sodima v Commission [2000] ECR I-11231	17.79
C-53/00 Ferring v ACOSS [2001] ECR I-9067	2.06, 2.64, 2.66, 2.70, 2.84, 2.128, 2.143, 3.69, 3.70, 13.51, 18.03, 18.20
C-57 and 61/00 P Freistaat Sachsen v Commission [2003] ECR I-9975	3.21
C-74–75/00 P Falck and Acciaierie di Bolzano v Commission [2002] ECR I-7869	3.39, 3.45, 16.49
C-113/00 Spain v Commission (‘Extremadura’) [2002] ECR I-7601	2.06, 2.143, 2.145, 2.149, 3.30, 3.45, 3.47, 3.49, 11.19, 15.27, 15.32
C-209/00 Commission v Germany [2002] ECR I-11695	16.92
C-242/00 Germany v Commission [2002] ECR I-5603	15.38, 17.31
C-277/00 Germany v Commission [2004] ECR I-3925	2.32, 3.05, 3.24, 16.86, 16.98, 16.99, 16.100
C-278/00 Greece v Commission [2004] ECR I-3997	2.96, 2.149, 3.12, 3.14, 3.31, 16.38, 16.55, 16.106, 16.109, 17.93
C-280/00 Altmark [2003] ECR I-7747	2.06, 2.10, 2.67, 2.70, 2.72, 2.73, 2.94, 2.143, 3.69, 3.70, 3.82, 12.02, 12.03, 12.11, 12.25, 12.31, 13.11, 13.33, 13.51, 18.03
C-298/00 P Italy v Commission [2004] ECR I-4087	2.135, 2.140, 16.106, 16.117, 16.122, 17.37
C-312/00 P Commission v Camar and Tico [2002] ECR I-11355	17.82
C-325/00 Commission v Germany [2002] ECR I-9977	11.58
C-355/00 Freskot v Elliniko Dimosio [2003] ECR I-5263	11.34
C-398/00 Spain v Commission [2002] ECR I-5643	16.38, 16.39
C-404/00 Commission v Spain [2003] ECR I-6695	16.92, 16.104, 16.105, 16.109
C-409/00 Spain v Commission (‘Spanish trucks II’) [2003] ECR I-1487	2.111, 2.113, 2.115, 2.121, 2.127, 2.129, 2.145, 2.149, 3.46, 4.36, 12.25, 17.72
C-453/00 Kühne & Heitz [2004] ECR I-837	3.103
C-456/00 France v Commission [2002] ECR I-11949	3.30, 3.32, 3.58
C-457/00 Belgium v Commission (‘Verlipack’) [2003] ECR I-6931	2.06, 2.14, 2.31, 2.35, 2.41, 16.67, 16.101
C-472/00 P Commission v Fresh Marine [2003] ECR I-7541	17.82
C-5/01 Belgium v Commission (‘Cockerill Sambre’) [2002] ECR I-11991	2.03, 2.27
C-34–38/01 Enirisorse v Ministero delle Finanze [2003] ECR I-14243	2.06, 2.25, 2.68, 2.71, 2.76, 2.78, 2.79
C-83, 93 and 94/01 P Chronopost v Ufex [2003] ECR I-6993	2.58, 13.50, 17.88, 17.89
C-126/01 GEMO [2003] ECR I-13769	2.13, 2.56, 2.63, 2.67, 2.94, 2.107, 2.113, 2.120, 2.145, 5.11, 5.13, 11.38, 18.20
C-159/01 Netherlands v Commission [2004] ECR I-4461	2.95, 2.127, 2.128, 3.66
C-261–262/01 Van Calster [2003] ECR I-12249	2.78, 2.79, 3.68, 16.10, 16.89, 18.03, 18.08, 18.09, 18.12, 18.19
C-278/01 Commission v Spain [2003] ECR I-14141	17.18
C-297/01 Sicilcassa [2003] ECR I-7840	3.32, 18.03
C-308/01 GIL Insurance v Commrs of Customs & Excise [2004] ECR I-4777	2.21, 2.86, 2.111, 2.131, 18.03, 18.20
C-486/01 P Front national v Parliament [2004] ECR I-6289	17.35
C-66/02 Italy v Commission [2005] ECR I-10901	2.113, 2.143, 17.25
C-99/02 Commission v Italy [2004] ECR I-3353	16.106, 16.109, 16.110, 17.11
C-110/02 Commission v Council [2004] ECR I-6333	3.102, 3.103, 3.104, 17.30
C-174/02 Streekgewest [2005] ECR I-85	2.21, 2.80, 2.87, 18.06, 18.08, 18.12, 18.27

Table of Cases and Decisions

C-175/02 Pape v Minister van Landbouw [2005] ECR I-127	2.80, 2.81
C-183 and 187/02 P Demesa v Commission [2004] ECR I-10609	16.111, 17.87
C-249/02 Portugal v Commission [2004] ECR I-10717	17.26
C-276/02 Spain v Commission [2004] ECR I-8091	2.34, 2.45, 2.46, 2.47
C-294/02 Commission v AMI Semiconductor Belgium [2005] ECR I-2175	17.81
C-304/02 Commission v France [2005] ECR I-6263	17.18
C-345/02 Pearle [2004] ECR I-7139	2.02, 2.77, 2.97, 2.107
C-73/03 Spain v Commission (judgment of 11 November 2004)	3.14
C-78/03 P Commission v ARE [2005] ECR I-10737	17.35, 17.40–2
C-88/03 Portugal v Commission (‘Azores’) [2006] ECR I-7115	2.04, 2.111, 2.123, 2.124, 2.125, 2.128, 2.129
C-128–129/03 AEM v Autorità per l’energia elettrica e per gas [2005] ECR I-2861	2.80
C-276/03 P Scott v Commission [2005] ECR I-8437	16.03, 16.120
C-172/03 Heiser [2005] ECR I-1627	2.02, 2.03, 2.06, 2.12, 2.13, 2.19, 2.22, 2.94, 2.100, 2.109, 2.111, 2.113, 2.128, 2.129, 2.134, 2.144, 2.146, 2.149, 3.68, 16.10
C-182 and 217/03 R Belgium and Forum 187 v Commission [2003] ECR I-6887	2.06, 2.12, 2.17, 2.101, 2.104, 2.109, 2.118, 2.120, 2.129, 2.138, 2.143, 16.18, 16.55, 16.126, 17.30, 17.49, 17.91, 17.93, 17.98
C-346 and 529/03 Atzeni v Regione autonoma della Sardegna [2006] ECR I-1875	2.135, 3.12, 3.14, 16.19, 16.111, 18.30
C-399/03 Commission v Council [2006] ECR I-5629	3.102–04
C-415/03 Commission v Greece [2005] ECR I-3875	2.06, 16.109, 17.18
C-442 and 471/03 P P&O European Ferries (Vizcaya) v Commission [2006] ECR I-4845	2.06, 2.62, 2.63, 3.10, 16.20, 16.21, 16.112, 17.86
C-451/03 Servizi Ausiliari Dottori Commercialisti [2006] ECR I-2941	2.70, 16.02
C-459/03 Commission v Ireland [2006] ECR I-4635	17.20
C-485–490/03 Commission v Spain [2006] ECR I-11887	16.104, 16.106, 16.108, 17.11
C-7/04 P(R) Commission v Akzo and Akcros [2004] ECR I-8739	17.91
C-27/04 Commission v Council [2004] ECR I-6649	17.26
C-71/04 Administración del Estado v Xunta de Galicia [2005] ECR I-7419	2.146
C-119/04 Commission v Italy [2006] ECR I-6885	17.18
C-148/04 Unicredito Italiano [2005] ECR I-11137	2.02, 2.109, 2.113, 2.134, 2.138, 2.143, 3.32, 3.52, 16.85, 16.86, 16.111, 17.25, 18.03
C-177/04 Commission v France [2006] ECR I-2461	17.18
C-222/04 Ministero dell’Economia e delle Finanze v Cassa di Risparmio di Firenze [2006] ECR I-289	2.22, 2.23, 2.117, 2.128, 2.139, 2.143, 8.08
C-237/04 Enirisorse v Sotacarbo [2006] ECR I-2843	2.02, 2.05, 2.20, 2.22, 2.25
C-266/04 Distribution Casino France [2005] ECR I-9481	2.23, 2.76, 2.79, 2.87, 18.11, 18.20
C-368/04 Transalpine Ölleitung [2006] ECR I-9957	16.03, 18.01–03, 18.08, 18.11, 18.16, 18.20, 18.21, 18.26
C-393/04 and C-41/05 Air Liquide Industries Belgium [2006] ECR I-5293	2.80, 2.87, 2.118, 2.134, 2.143, 18.20
C-408/04 P Commission v Salzgitter (judgment of 22 April 2008)	2.06, 2.12, 2.30, 2.116, 17.89
C-525/04 P Spain v Commission [2007] ECR I-9947	17.43, 17.61, 17.86
C-526/04 Laboratoires Boiron v ACOSS [2006] ECR I-7529	2.67, 2.73, 2.76, 2.83, 2.84, 2.88, 18.12, 18.19, 18.26
C-49/05 Ferriere Nord v Commission (judgment of 8 May 2008)	16.35, 16.44, 16.51, 16.53, 16.121
C-69/05 Commission v Luxembourg (judgment of 12 January 2006)	16.127

Table of Cases and Decisions

C-207/05 Commission v Italy (judgment of 1 June 2006)	16.105, 16.106, 16.109, 17.11, 17.13, 17.15
C-232/05 Commission v France (judgment of 5 October 2006)	17.12, 18.29
C-260/05 P Sniace v Commission [2007] ECR I-10005	17.42, 17.86
C-282/05 P Holcim (Deutschland) v Commission [2007] ECR I-2941	17.83
C-320/05 P Olsen v Commission (order of 4 October 2007).	3.82, 3.88, 17.86, 17.87
C-176/06 P Stadtwerke Schwäbisch Hall v Commission (judgment of 29 November 2007)	2.122, 17.35, 17.42, 17.43, 17.88, 17.89
C-199/06 CELF (judgment of 12 February 2008).	16.112, 16.113, 17.74, 18.08, 18.16, 18.17, 18.23
C-341–342/06 P Chronopost v Ufex (judgment of 1 July 2008)	2.04, 2.06, 2.55, 2.57, 2.58, 13.50, 17.54, 17.55, 17.66, 17.68, 17.70, 17.88, 17.89
C-413/06 P Bertelsmann and Sony v Impala (judgment of 10 July 2008)	1.30
C-419/06 Commission v Greece ('Olympic Airways') (judgment of 14 February 2008)	16.94, 16.104
C-428–434/06 UGT-Rioja (judgment of 11 September 2008)	2.125
C-441/06 Commission v France [2007] ECR I-8887	16.90, 16.94
C-521/06 P Athinaïki Techniki v Commission (judgment of 17 July 2008)	16.32, 16.40, 17.26, 17.29, 17.88, 17.89
C-222/07 Unión de Televisiones Comerciales Asociadas (UTECA) (opinion of 4 September 2008)	13.65
C-369/07 Commission v Greece ('Olympic Airways') (pending)	17.18
C-279/08 P Commission v Netherlands (pending)	2.122, 2.131, 17.30, 17.31

NUMERICAL TABLE OF COURT OF FIRST INSTANCE CASES

T-30/89 Hilti v Commission [1990] ECR II-163	17.102
T-49/93 SIDE v Commission [1995] ECR II-2501	3.65, 16.41
T-138/89 NBV and NVB v Commission [1992] ECR II-2181	17.33
T-64/92 Chavane de Dalmassy v Commission [1994] ECR-SC II-723	17.28
T-74/92 Ladbroke Racing Deutschland v Commission [1995] ECR II-115.	17.79
T-244 and 486/93 Textilwerke Deggendorf v Commission [1995] ECR II-2265	7.38, 16.59
T-432–434/93 Scourte v Commission [1995] ECR II-503	17.51
T-447–449/93 AITEC v Commission [1995] ECR II-1971	2.136, 2.137, 2.144, 3.54
T-459/93 Siemens v Commission [1995] ECR II-1675.	2.138, 16.97, 17.68
T-480/93 and T-483/93 Antillean Rice Mills v Commission [1995] ECR II-2305.	17.33
T-67/94 Ladbroke Racing v Commission [1998] ECR II-1	2.03, 16.113
T-239/94 EISA v Commission [1997] ECR II-1839.	17.34
T-266/94 Skibsvaerftsforeningen v Commission [1996] ECR II-1399	16.32
T-330/94 Salt Union v Commission [1996] ECR II-1475.	18.31
T-358/94 Air France v Commission [1996] ECR II-2109	2.02, 2.04, 2.35, 2.98, 2.104, 2.106
T-371 and 394/94 British Airways and British Midland Airways v Commission [1998] ECR II-2405.	16.49, 16.54
T-398/94 Kahn Scheepvaart v Commission [1996] ECR II-477	17.47
T-11/95 BP Chemicals v Commission [1998] ECR II-3235	2.35, 2.38, 2.39, 17.42
T-106/95 FFSA v Commission [1997] ECR II-229	2.65, 16.49
T-140/95 Ryanair v Commission ('Aer Lingus') [1998] ECR II-3327	16.61
T-188/95 Waterleiding Maatschappij 'Noord-West Brabant' v Commission [1998] ECR II-3713	16.47, 17.28
T-214/95 Vlaamse Gewest v Commission [1998] ECR II-717	2.06, 2.138, 2.139, 2.140, 2.146, 3.30, 3.43, 3.45, 3.46, 17.36, 17.68
T-230/95 Bretagne Angleterre Irlande (BAI) v Commission [1999] ECR II-123	17.83

Table of Cases and Decisions

T-234/95 DSG v Commission [2000] ECR II-2603	2.35, 2.36, 2.41, 17.73
T-14/96 Bretagne Angleterre Irlande (BAI) v Commission [1999] ECR II-139	2.06, 2.60, 2.62, 2.138, 16.68, 16.112
T-16/96 Cityflyer Express v Commission [1998] ECR II-757	2.35, 2.41, 17.56, 17.70
T-17/96 TF1 v Commission [1999] ECR II-1757	17.78
T-95/96 Gestevisión Telecinco v Commission [1998] ECR II-3407	16.25, 16.71, 16.73, 16.75, 17.41, 17.45, 17.78
T-102/96 Gencor v Commission [1999] ECR II-753	17.33
T-105/96 Pharos v Commission [1998] ECR II-285	17.79
T-126-127/96 BFM and EFIM v Commission [1998] ECR II-3437	2.36
T-129/96 Preussag Stahl v Commission [1998] ECR II-609	16.114
T-143/96 Volkswagen and Volkswagen Sachsen v Commission (order of 3 July 1998)	17.102
T-46/97 SIC v Commission [2000] ECR II-2125	2.06, 2.09, 2.45, 2.47, 2.48, 2.65, 16.25, 16.40, 16.41, 17.29
T-110/97 Kneissl Dachstein Sportartikel v Commission [1999] ECR II-2881	2.49
T-123/97 Salomon v Commission [1999] ECR II-2925	2.49
T-204 and 270/97 EPAC v Commission [2000] ECR II-2267	2.03, 2.06, 2.100, 2.102, 2.143, 3.86, 17.68, 17.70, 17.71
T-254/97 Fruchthandelsgesellschaft Chemnitz v Commission [1999] ECR II-2743	4.39
T-288/97 Regione Friuli Venezia Giulia v Commission [2001] ECR II-1169	2.133
T-296/97 Alitalia v Commission ('Alitalia I') [2000] ECR II-3871	2.33, 2.35, 2.36, 2.37, 2.39, 17.51, 17.62, 17.63, 17.72
T-298/97 Mauro Alzetta v Commission [2000] ECR II-2319	2.55, 2.133, 2.134, 2.135, 2.137, 2.140, 2.143, 2.144, 2.145, 2.149, 15.40, 16.18, 16.111, 17.54, 17.71
T-613/97 Ufex v Commission [2006] ECR II-1531	2.06, 2.55, 2.58
T-73/98 Prayon Rupel v Commission [2001] ECR II-867	3.46, 16.41
T-127/98 UPS Europe v Commission [1999] ECR II-2633	17.79
T-6/99 ESF Elbe-Stahlwerke v Commission [2001] ECR II-1523	16.110, 16.114
T-35/99 Keller and Keller Meccanica v Commission [2002] ECR II-261	3.46, 16.16, 16.95
T-36/99 Lenzing [2004] ECR II-3597	2.06, 2.27, 2.28, 2.45, 2.48, 2.119, 2.120
T-55/99 CETM v Commission [2000] ECR II-3207	2.06, 12.25, 2.111, 2.113, 2.115, 2.117, 2.127, 2.129, 2.130, 2.137, 2.140, 2.143, 2.146, 4.36, 5.13, 16.110, 16.115, 17.46, 17.49, 17.68
T-126/99 Graphischer Maschinenbau v Commission [2002] ECR II-2427	3.31
T-127, 129 and 148/99 Diputación Foral de Álava v Commission [2002] ECR II-1275	2.02, 2.04, 2.06, 2.17, 2.32, 2.33, 2.54, 2.115, 2.120, 2.127, 2.128, 2.129, 2.132, 3.10, 16.114
T-152/99 Hijos de Andrés Molina v Commission [2002] ECR II-3049	2.03, 2.34, 2.36, 2.45, 2.47, 2.111
T-158/99 Thermenhotel Stoiser Franz v Commission [2004] ECR II-1	2.06
T-187/99 Agrana Zucker und Stärke v Commission [2001] ECR II-1587	3.28, 3.31, 3.44, 3.45
T-228 and 233/99 Westdeutsche Landesbank v Commission [2003] ECR II-435	2.02, 2.25, 2.26, 2.35, 2.36, 2.39, 2.95, 7.09, 16.48, 16.49
T-269, 271 and 272/99 Diputación Foral de Guipúzcoa v Commission [2002] ECR II-4217	2.03, 2.06, 2.115, 2.127, 16.18
T-346-348/99 Diputación Foral de Alava v Commission [2002] ECR II-4259	2.03, 2.04, 2.06, 2.118, 2.127, 16.18
T-354/99 Kuwait Petroleum v Commission [2006] ECR II-1475	2.31, 2.149, 16.46, 16.55, 18.30

Table of Cases and Decisions

T-92 and 103/00 Territorio Histórico de Álava v Commission [2002]	
ECR II-1385	2.115, 2.118, 2.120, 2.129, 2.132
T-98/00 Linde v Commission [2002] ECR II-3961	2.03, 2.09, 2.14, 2.60
T-169/00 R Esedra v Commission [2000] ECR II-2951	17.94
T-190/00 Regione Siciliana v Commission [2003] ECR II-5015	3.45, 16.53, 16.121, 17.51
T-212/00 Nuove Industrie Molisane v Commission [2002] ECR II-347	17.33
T-218/00 Cooperativa Mare Azzurro (pending)	3.62, 3.66
T-264/00 Compagnia Generale delle Acque (pending)	3.62, 3.66
T-308/00 Salzgitter v Commission [2004] ECR II-1933	2.06, 2.12, 2.30, 2.116
T-318/00 Freistaat Thüringen v Commission [2005] ECR II-4179	2.42, 2.49, 16.16, 16.100, 16.101
T-366/00 Scott v Commission [2003] ECR II-1763	16.03, 16.118, 16.119
T-366/00 Scott v Commission [2007] ECR II-797	2.50, 2.54, 16.48, 16.49, 16.72, 16.86, 16.87, 16.94, 17.55, 17.62
T-109/01 Fleuren Compost v Commission [2004] ECR II-127	2.03, 16.46, 16.49, 16.51, 16.110, 16.111, 16.117
T-369/00 Département du Loiret (France) v Commission [2007]	
ECR II-851	16.95, 16.119, 17.68, 17.69
T-111 and 133/01 Saxonia Edelmetalle and ZEMAG v Commission [2005]	
ECR II-1579	17.55, 17.56
T-116 and 118/01 P&O European Ferries (Vizcaya) v Commission [2003]	
ECR II-2957	2.61, 2.62, 16.20, 16.21, 16.68, 16.112
T-233/04 Netherlands v Commission, (judgment of 10 April 2008)	1.22
T-157/01 Danske Busvognmænd v Commission [2004] ECR II-917	2.12, 2.27, 2.69, 2.71, 3.85, 3.88, 12.03, 16.71
T-176/01 Ferriere Nord v Commission [2004] ECR II-3931	3.45, 3.46, 16.35, 16.44, 16.51, 16.121
T-195 and 201/01 Government of Gibraltar v Commission [2002]	
ECR II-2309	16.31, 16.42, 16.43, 16.17
T-195 and 207/01 Gibraltar v Commission [2001] ECR II-3915	17.92, 17.93
T-198/01 Technische Glaswerke Ilmenau v Commission [2004] ECR II-2717	2.48, 2.55, 3.46, 16.49, 16.50
T-274/01 Valmont v Commission [2004] ECR II-3145	2.06, 2.50, 2.54, 16.72
T-297 and 298/01 SIC v Commission [2004] ECR II-743	17.78
T-301/01 Alitalia v Commission ('Alitalia II') (judgment of 9 July 2008)	2.39, 7.02, 7.08, 12.38, 16.68, 17.33, 17.38, 17.63, 17.72, 17.74
T-17/02 Olsen v Commission [2005] ECR II-2031	3.78, 3.82, 3.86, 3.88
T-34/02 EURL Le Levant 001 v Commission [2006] ECR II-267	2.02, 2.30, 2.134, 2.137, 2.145, 3.98, 16.46, 16.49, 16.58
T-93/02 Confédération nationale du Crédit Mutuel ('Livret bleu') [2005]	
ECR II-143	2.26, 2.94, 2.142, 3.11, 7.02
T-130/02 Kronoply v Commission [2003] ECR II-4857	16.67
T-171/02 Regione autonoma della Sardegna v Commission [2005]	
ECR II-2123	3.02, 3.12, 3.31, 3.46, 16.45, 16.53
T-181/02 R Neue Erba Lautex v Commission [2002] ECR II-5081	17.93
T-196/02 MTU Friedrichshafen v Commission [2007] ECR II-2889	16.72, 16.88
T-210/02 British Aggregates v Commission [2006] ECR II-2789	2.85, 2.86, 2.111, 2.127, 2.128, 2.131, 5.13
T-217/02 Ter Lembeek v Commission [2006] ECR II-4483	2.138, 17.55, 17.70
T-266/02 Deutsche Post v Commission (judgment of 1 July 2008)	2.67, 13.51, 16.48, 17.54, 17.62, 17.102
T-92/02 Stadtwerke Schwäbisch Hall v Commission (judgment of 26 January 2006)	2.122

Table of Cases and Decisions

T-351/02 Deutsche Bahn v Commission [2006] ECR II-1047	2.02, 2.108, 16.03, 16.81, 17.29
T-357/02 Freistaat Sachsen v Commission [2007] ECR II-1261	3.39, 3.45, 16.25, 16.35, 16.36
T-378/02 R Technische Glaswerke Ilmenau v Commission [2003] ECR II-2921	17.59, 17.92
T-17/03 Schmitz-Götha v Commission [2006] ECR II-1139	7.07, 7.27
T-95/03 Asociación de Estaciones de Servicio v Commission [2006] ECR II-4739	16.32, 16.40, 16.41, 16.74–6, 17.41, 17.42, 17.46, 17.49, 17.58, 17.59, 17.64, 17.66
T-141/03 Sniace v Commission [2005] ECR II-1197	17.33, 17.38, 18.03
T-271/03 Deutsche Telekom v Commission [2006] ECR II-1747	17.102
T-289/03 BUPA v Commission (judgment of 12 February 2008)	2.68, 2.69, 2.70, 2.71, 2.74, 3.30, 3.70, 3.78, 3.79, 3.81–4, 3.86–9, 3.92, 13.11, 16.21, 17.71, 17.100, 17.102
T-349/03 Corsica Ferries France v Commission [2005] ECR II-2197	3.43, 3.46, 3.56, 7.02, 7.12
T-442/03 SIC v Commission (judgment of 26 June 2008)	2.104, 2.107, 3.90, 13.12, 13.20, 13.21, 16.52
T-25/04 González y Díez v Commission [2007] ECR II-3121	16.66, 16.67, 17.30
T-40/04 Bonino v Parliament and Council [2005] ECR II-2685	17.52
T-117/04 Vereniging Werkgroep Commerciële Jachthavens Zuidelijke Randmeren v Commission [2006] ECR II-3861	17.44, 17.46, 17.48
T-144/04 TF1 v Commission (order of 19 May 2008)	13.10, 13.11, 13.13, 13.18, 13.21
T-155/04 Selex Sistemi Integrati v Commission [2006] ECR II-4797	8.08
T-167/04 Asklepios Kliniken v Commission [2007] ECR II-2379	16.71, 16.74, 16.75, 17.41, 17.77, 17.78
T-211 and 215/04 Gibraltar v Commission (judgment of 18 December 2008)	2.125
T-233/04 Netherlands v Commission (judgment of 10 April 2008)	2.101, 2.103, 2.111, 2.122, 2.129, 2.131, 5.12, 5.13, 17.30, 17.31
T-239 and 323/04 Italy and Brandt v Commission [2006] ECR II-3265	2.118, 16.30, 16.34, 17.37
T-304 and 316/04 Italy and Wam v Commission (judgment of 6 September 2006)	2.135, 2.137, 2.144
T-309/04 etc TV2 Danmark v Commission (judgment of 22 October 2008)	13.12, 13.17, 13.18, 13.21
T-309/04 TV 2/Danmark v Commission (order of 1 March 2007)	17.102
T-316/04 R Wam v Commission [2004] ECR II-3917	17.93–5
T-321/04 Air Bourbon v Commission [2005] ECR II-3469	17.51
T-336/04 TV Danmark and Kanal 5 Denmark v Commission [2007] ECR II-491	17.102
T-348/04 SIDE v Commission (judgment of 15 April 2008)	3.29, 3.32, 3.39, 3.60, 3.82
T-395/04 Air One v Commission [2006] ECR II-1343	16.74, 16.75, 17.41, 17.42, 17.77, 17.79
T-425 and 444/04 France and France Télécom v Commission (pending)	2.06, 2.37, 2.44, 2.102, 7.09
T-475/04 Bouygues v Commission [2007] ECR II-2097	2.11
T-16/05 Viasat Broadcasting UK v Commission (pending)	13.11, 13.21
T-12/05 TV Danmark and Kanal 5 Denmark v Commission (pending)	13.11, 13.21
T-136/05 Salvat père & fils v Commission [2007] ECR II-4063	2.96, 17.38
T-254/05 Fachvereinigung Mineralfaserindustrie v Commission (judgment of 20 September 2007)	17.42

Table of Cases and Decisions

T-303/05 AceaElectrabel v Commission (pending)	16.59
T-392/05 MMT v Commission (order of 11 December 2006)	17.50
T-420/05 R Vischim v Commission (order of 4 April 2006)	17.94
T-455/05 R Componenta v Commission [2006] ECR II-38	17.93, 17.95
T-50/06 etc Ireland v Commission (judgment of 12 December 2007)	16.18, 17.66, 17.69, 17.71, 17.72, 17.74, 17.68
T-231/06 Netherlands v Commission (pending)	3.82, 3.90
T-268/06 Olympiaki Aeroporia Ypiresies v Commission ('Olympic Airways') (judgment of 25 June 2008)	3.06, 3.12, 3.14, 3.17, 3.44, 12.41
T-96/07 Telecom Italia Media v Commission (pending)	13.10, 13.24
T-246/08 R Melli Bank v Council of the European Union (27 August 2008)	17.94

ALPHABETICAL TABLE OF COMMISSION STATE AID DECISIONS

1929 holding companies (2006/940/EC) [2006] OJ L366/47	2.31, 2.118, 16.126
Ad hoc financing of Dutch public service broadcasters (2008/136/EC) [2008] OJ L49/1	13.12, 13.21
Addinol Mineralöl (1999/647/EC) [1999] OJ L260/19	7.27
AEM Torino (2006/941/EC) [2006] OJ L366/62	14.25, 16.59
AER I to IV (Case N 826/2001) (15 January 2002)	14.20
Aer Rianta (Case NN 86/2001) (5 October 2001)	2.22, 16.18
Aid for purchase of crane for Born rail terminal (Case N 598/1998) (9 December 1998)	12.51
Aid for railway infrastructure in Saxony-Anhalt (Case N 95/2007) (30 July 2007)	12.17
Aid for SME manure transport companies (2001/806/EC) [2001] OJ L305/22	10.21
Aid for the creation and production of films in Spain (Case N 562/2007) (2 April 2008)	13.75
Aid for the setting up of rolling-motorway services in Friulia-Venezia-Giulia (Case N 335/2003) (3 March 2004)	12.11
Aid for the use of renewable energies (Case N 94/2007) (22 March 2007)	14.09
Aid for theatre, dance, music and audiovisual activities in the Basque country (Case N 340/2007) (18 July 2007)	3.61
Aid for transshipment systems in intermodal transport (Case N 196/2006) (13 September 2006)	12.32
Aid in favour of Akzo Nobel to stop chlorine transport (Case N 304/2003) (16 June 2004)	5.13
Aid in support of combined transport (Case N 64/2003) (1 October 2003)	12.11
Aid to ALEF Film & Media Group—Slovakia (Case N 623/2006) (24 October 2006)	13.69
Aid to biofuels (Case N 223/2005) (5 July 2005)	14.19
Aid to biofuels/tax benefit (Case N 582/2004) (21 June 2005)	14.19
Aid to bus operators in Malta (Case NN 53/2006) (21 March 2007)	12.26
Aid to energy intensive companies (Case NN 75/2002) (1 August 2002)	14.12
Aid to Indonesia—shipbuilding (Case N 262/2006) (7 June 2006)	12.63
Aid to Ryanair for the air service between Toulon and London (Case N 563/2005) (22 June 2006)	12.39
Aid to SEN FILM—Slovakia (Case N 624/2006) (24 October 2006)	13.69
Aid to shipbuilding companies/grant (Case N 423/2004) (16 March 2005)	12.60, 12.65
Aid to stock farmers hit by the BSE crisis (Case NN 46/2001) (25 July 2001)	3.16
Aid to the Sardinian shipping sector (2008/92/EC) [2008] OJ L29/24	2.145, 16.53
Aid to Vietnam (Case N 185/2005) (20 July 2005)	12.63
Aid to waste managers moving for environmental reasons (Case N 601/2006) (28 March 2007)	5.54

Table of Cases and Decisions

Air route development scheme for Malta (Case N 640/2006) (22 November 2006)	12.39
Alitalia (2006/176/EC) [2006] OJ L69/1	1.12
Alstom (2005/418/EC) [2005] OJ L150/24	1.12, 7.01, 7.20, 7.25, 7.28, 7.29, 7.37
Alto Adige, Italy (Case N 250/08) (3 July 2008) IP/08/1095	13.40
AMD (Case N 810/2006) (18 July 2007)	15.24
Amendment of N 131/2005 FibreSpeed broadband project Wales (Case N 692/2007) (10 January 2008)	13.28
Amendment of the BGB decision (Case N 49/2006) (26 April 2006)	1.12
Amendment to differentiated energy taxes scheme (Case N 892/2006) (28 February 2007)	14.12
Amsterdam Citynet (2008/729/EC) [2008] OJ L247/27	13.28, 13.32
Argentinian soya meal (85/239/EEC) [1985] OJ L108/28	2.83, 4.36
Atlas broadband infrastructure scheme (Case N 213/2003) (20 July 2004)	8.13, 13.28, 13.32, 13.34
Audio visual industry sector development project (Case XS 171/2005) [2006] OJ C177/14	13.67
Audiovisual support scheme (Case N 742/2007) (13 February 2008)	13.72, 13.75
Austria (Case N 121/99) (8 July 1999)	12.54
Austria (Case N 492/2006) [2007] OJ C34/5	15.38
Austria (Case NN 153/2001) (20 December 2001)	12.40
Austrian fund for digitalization (Case N 622/2003) (16 March 2005)	3.07, 13.23
AVR (2006/237/EC) [2006] OJ L84/37	2.73, 3.89, 3.91
AZ and AZ Vastgoed (2006/743/EC) [2006] OJ L307/194	16.64
Banco di Sicilia (2000/600/EC) [2000] OJ L256/21	7.29
Bankgesellschaft Berlin (2005/345/EC) [2005] OJ L116/1	7.28, 7.29
BAWAG-PSK (2008/263/EC) [2008] OJ L83/7	7.15
BBC Digital Curriculum (Case N 37/2003) (1 October 2003)	13.11, 13.13, 13.15, 13.17
BBC licence fee (Case N 631/2001) (22 May 2002)	13.12
BBC News 24 (Case NN 88/98) (14 December 1999)	13.18, 13.23
Belgian tax on collective investment undertakings (Case NN 20/2006) (26 April 2006)	2.118
Belgian TGV (Case N 800/1996) (18 December 1996)	3.53
Belgium (2005/417/EC) [2005] OJ L150/1	12.46
Belgium (Case N 745/2006) [2007] OJ C73/15	15.38
Belgium (Case NN 141/2001) (11 December 2001)	12.40
Berlin-Brandenburg DTT (2006/513/EC) [2006] OJ L200/14	2.97, 3.62, 2.105, 13.17, 13.23
BES (Case N 287/2007) (23 August 2007)	9.09, 9.10, 9.29
Bradford & Bingley (Case NN 41/2008) (1 October 2008)	7.15
Britanny Ferries (2002/15/EC) [2002] OJ L12/33	12.53
British Energy (2005/407/EC) [2005] OJ L142/26	1.12, 2.46, 2.47, 2.107, 7.01, 7.26, 7.28, 14.27
British Energy (Case NN 101/2002) (27 November 2002)	7.12, 7.19, 14.06
Broadband for rural Tuscany (Case N 264/2006) (13 September 2006)	13.35, 13.36, 13.37
Broadband for SMEs in Lincolnshire (Case N 126/2004) (14 December 2004)	13.28, 13.31, 13.35, 13.37, 13.38, 13.43
Broadband in Lazdijai and Alytus, Lithuania (Case N 497/2008) (17 August 2008)	13.40
Broadband in rural areas of Germany (Case N 115/2008) (2 July 2008)	13.38
Broadband in Scotland—extending broadband reach (Case N 14/2008) (30 April 2008)	13.43

Table of Cases and Decisions

Broadband in Scotland (Case N 307/2004) (16 November 2004)	13.43
Broadband infrastructure in Appingedam (2007/175/EC) [2007] OJ L86/1	13.33, 13.38, 13.41
Bulgaria (Case N 1/2007) [2007] OJ C73/17	15.29, 15.38
Bull (2003/599/EC) [2003] OJ L209/1	7.01
Bull (2005/941/EC) [2005] OJ L342/81	1.12, 7.01, 7.13, 7.27, 7.38
Business, technology and incubator centres (2005/782/EC) [2005] OJ L295/44	8.14
Carsid (2005/137/EC) [2005] OJ L47/28	14.40
CASIMIR Programme (Case N 295/2005) (28 October 2005)	8.10
CBW Chemie (2000/393/EC) [2000] OJ L150/38	7.27
CELF (1999/133/EC) [1999] OJ L44/37	3.65
CENIT Programme (Case N 410/2005) (28 October 2005)	8.10
CETENA and INSEAN (Case N 43/2006) (4 July 2006)	12.65
Channel Tunnel Rail Link (Case N 687/2002) (30 April 2003)	12.17
Channel tunnel rail link (Case N 706/2001) (24 April 2002)	3.53
Charleroi airport—Ryanair (2004/393/EC) [2004] OJ L137/1	12.36, 12.39
CIRR ship financing (Case N 20/2004) (14 July 2004)	12.62
City of Derry airport (Case NN 21/2006) (16 May 2006)	12.41
Ciudad de la Luz studios (Case C 8/2008) (13 February 2008)	13.64, 13.76, 13.77
Cluster incubator scheme (Case N 525/2001) (30 January 2002)	8.14, 8.50
Clusterfunds (Case N 521/2007) (21 February 2008)	9.09, 9.10
CO2 reduction plan (Case N 304/2000) (7 August 2000)	14.18
Coalfields Enterprise Fund (Case N 722/2000) (20 December 2001)	9.10
Commercial vehicles—environmental protection (Case N 463/2007) (15 January 2008)	12.27
Community Development Venture Fund (Case N 606/2001) (9 April 2002)	9.10
Company holding regime (Case N 354/2004) (22 November 2004)	2.132
Company Neutral Revenue Scheme (CNRS) (Case N 464/2003) (16 December 2003)	12.11
Compensation of stranded costs (Case N 34/1999) (25 July 2001)	14.25
Competition transition costs (Case NN 49/1999) (25 July 2001)	14.25
Competitive transition charge (Case N 661/1999) (27 February 2002)	14.25
Computer Manufacturing Services (Case N 91/2005) (7 June 2005)	7.20
Consultancy aid for software development (Case XS 182/2006) [2007] OJ C174/21	10.22
Coràs Iompair Eireann (Case N 478/2004) (7 June 2006)	2.23, 12.14
Cornwall film fund for SMEs (Case XS 67/2002) [2003] OJ C154/16	13.67
Creation of the energy, environment and water research centre (Case N 543/2006) (25 May 2007)	8.09
Crédit Foncier (2001/89/EC) [2001] OJ L34/36	2.42
Crédit Lyonnais (98/490/EC) [1998] OJ L221/28	3.54, 7.13, 7.14, 7.28, 7.29
Cuneo fiscal (Case N 184/2007) (12 September 2007)	2.122, 2.132
Cypriot farmers (2006/39/EC) [2006] OJ L23/78	3.106, 3.107
Cyprus (Case N 814/2006) [2007] OJ C68/28	15.38
Czech Republic (Case N 510/2006) [2006] OJ C280/7	15.38
Czech Republic scheme for inland waterway transport (Case N 358/2007) (20 May 2008)	12.29
Dampfkesselbau Hohenturm (2001/826/EC) [2001] OJ L308/28	7.32
Danish Centre for Management (Case NN 87/2002) (25 May 2003)	8.13
Danish support scheme for banks (Case NN 51/2008) (10 October 2008)	7.16
Danish training aid for foreign workers (Case N 383/2007) (10 September 2007)	6.28
Decontamination of the site Neue Maxhütte Stahlwerke (Case N 117/2007) (3 September 2007)	5.52

Table of Cases and Decisions

Danish Tonnage Tax (Case N 563/2001) (12 March 2002) [2002] OJ C146/9	12.46
Denmark (Case N 693/2006) [2007] OJ C141/6	15.38
Denmark (Cases NN 146/2001 and NN 161/2001) (20 December 2001)	12.40
Development aid to Ghana—tugboats (Case N 450/2004) (2 February 2005)	12.63
Development of Cyprus handicraft (Case N 536/2006) (21 February 2007)	3.66
Development of rural broadband (Case N 118/2006) (7 June 2006)	13.28
Development tax benefit for broadband (Case N 398/2005) (16 May 2006)	13.28
DHL Leipzig (Case C 18/2007) (2 July 2008)	13.48
Digital decoder subsidy (Case N 270/2006) (24 January 2007)	13.10
Digital decoders—Italy (2007/374/EC) [2007] OJ L147/1	2.29, 3.07, 13.10, 13.24
Digital Display Devices (Case NN 17/2008) (16 April 2008)	15.09
Digital divide in Sardinia (Case N 222/2006) (22 November 2006)	13.28, 13.31, 13.43
Digital replacement licences (Case NN 64/2005) (25 January 2006)	13.10
Digital terrestrial television in Sweden (2007/258/EC) [2007] OJ L112/77	13.10
Digital university (Case NN 152/2001) (15 January 2002)	8.08, 8.13
Dispersed oil in produced water trading scheme (Case N 47/2006) (19 July 2006)	5.54
Dutch health insurance RES (Case N 541 and 542/2004) (3 May 2005)	2.73, 2.75, 3.70, 3.90
Dutch public broadcasters (2008/136/EC) [2008] OJ L49/1	2.82, 3.70, 3.82, 3.90
Dutch shipyards (2005/122/EC) [2005] OJ L39/48	2.140, 12.62
East Midlands media investment (Case N 73/2005) (23 January 2006)	9.22, 13.64, 13.67
ECSC Dual-use exemption in UK Climate Change Levy (2002/676/EC) [2002] OJ L229/15	2.132
Editorial Andaluza Holding (Case N 458/2004) (14 December 2004)	3.62
Electric and hybrid vehicles (Case N 203/2002) (18 September 2002)	12.27
Electric and hybrid vehicles (Case N 212/2007) (15 June 2007)	12.27
Electricity market—stranded costs (Case N 597/1998) (25 July 2001)	14.25
Energy savings and efficiency programme in Catalonia (Case N 728/2006) (4 April 2007)	5.45
English woodlands grants scheme (Case N 204/2007) (27 July 2007)	11.59
ENVC (2006/946/EC) [2006] OJ L383/16	12.58
Equity guarantees (Case N 160/2007) (18 October 2007)	9.09, 9.18
Equity injection to An Post (Case N 650/01) (12 March 2002)	13.48
Estonia (Case N 466/2006) [2006] OJ C286/6	15.38
Eurovize (Case N 40/2007) (29 June 2007)	13.69
Excise duty exemption for biofuels (Case N 187/2004) (1 June 2005)	14.19
Excise reduction for biofuels (Case N 334/2005) (23 December 2005)	14.19
Excise tax reduction on biofuels (Case N 44/2005) (27 July 2005)	14.19
Exonération des charges sociales patronales (Case N 542/2006) (23 October 2007)	15.77
Extension of export financing scheme—Spanish shipbuilding (Case N 760/2006) (8 March 2007)	12.62
Fairchild Dornier (Case N 267/2002) (19 June 2002)	7.13
Federal renewable energy scheme (Case N 14/2002) (2 August 2002)	14.11
Ferries Golfo de Vizcaya (2001/247/EC) [2001] OJ L89/28	2.62
FibreSpeed broadband project in Wales (Case N 131/2005) (22 February 2006)	13.28
Financial incentives for the audiovisual industry regulations (Case N 605/2007) (28 November 2007)	13.72, 13.74, 13.75
Financing for public service broadcasters in Germany (Case E 3/2005) (24 April 2007)	13.10, 13.13, 13.15, 13.21

Table of Cases and Decisions

Financing of workforce reduction measures of RTVE (Case NN 8/2007) (7 March 2007)	3.88, 3.90
Finland (Case N 195/2002) (16 October 2002)	12.46
Finland (Case N 359/2006) [2007] OJ C34/2	15.38
Finnish regional transport subsidy (Case N 886/2006) (10 May 2007)	15.78
Fiscal aid for job creation in assisted areas (Case N 198/2005) (7 December 2005)	6.25, 6.30
Ford Genk (2006/938/EC) [2006] OJ L366/32	6.02, 6.07, 6.25, 6.26
France—licence fee (Case E 10/2005) (20 April 2005)	13.15
France—Sicoval (Case N 890/2006) (10 July 2007)	13.28
France—support for cinema production (Case N 3/1998) (29 July 1998)	13.68
France—takeover of firms in difficulty (2004/343/EC) [2004] OJ L108/38	7.35
France (Case N 343/2006) [2007] OJ C94/34	15.38
France (Case N 737/2002) (13 May 2003)	12.46
France (Case NN 157/2001) (20 December 2001)	12.40
France 2 and France 3 (2004/838/EC) [2004] OJ L361/21	13.10, 13.11, 13.13, 13.18, 13.21
France Télécom (2006/621/EC) [2006] OJ L257/11	2.37, 2.44, 2.06, 2.102, 7.09, 7.18, 16.103, 16.107, 16.115, 16.94
France Télévisions (Case N 279/2008) (16 July 2008)	13.21
Freight facilities grant (Case N 649/2001) (20 December 2001)	12.51
French aid scheme to promote combined transport (Case N 159/2008) (17 June 2008)	12.32
French digital television (Case N 546/2006) (6 December 2006)	2.29, 3.07, 13.23
French scheme to boost inland water transport (Case N 651/2007) (2 July 2008)	12.29
French short sea shipping (2002/610/EC) [2002] OJ L196/31	12.54
Friuli-Venezia Giulia—measures to develop intermodality (Case N 436/2004) (22 March 2006)	12.32
GAN group (98/204/EC) [1998] OJ L78/1	7.13
General Motors Antwerp (2007/612/EC) [2007] OJ L243/71	6.28
GENESIS programme (Case N 603/2007) (4 June 2008)	8.33
German aid for rail infrastructure (Case N 308/2002) (18 September 2002)	12.17
German airlines (96/369/EC) [1996] OJ L146/42	3.51
German feed-in laws for renewable electricity (Case NN 27/2000) (22 May 2002)	14.11
German Film Fund (Case N 695/2006) (20 December 2006)	13.66, 13.71, 13.72, 13.74
Germany (Case N 396/1998) (25 November 1998)	12.46
Germany (Case N 459/2006) [2006] OJ C295/6	15.38
Germany (Case NN 162/2001) (20 December 2001)	12.40
Germany (Case NN 19/2004) (22 September 2004)	12.47
Germany (Case NN 94/2002) (30 December 2002)	12.47
Government support to Post Office (Case N 784/2002) (27 May 2003)	13.48, 13.51
Grant for collaborative R&D (Case N 319/2005) (22 December 2005)	8.10
Graphischer Maschinenbau (1999/690/EC) [1999] OJ L272/16	7.26
Greece (Case N 408/2006) [2006] OJ C286/5	15.38
Greek fruit and vegetable growers (2001/259/EC) [2001] OJ L93/48	3.12, 3.16
Greek pension reform (Case N 597/2006) (10 October 2007)	2.12
Greek privatization aid (Case NN 11/91) (31 July 1991)	3.54
Green certificate mechanism (Case N 415a/2001) (28 November 2001)	14.11, 14.20
Green electricity certificates (Case N 550/2000) (25 July 2001)	2.103, 14.11, 14.20
Guarantee scheme for banks in Ireland (Case NN 48/2008) (13 October 2008)	7.16
Guarantee scheme for shipbuilding—France (Case N 35/2006) (16 May 2006)	12.66
Guarantee scheme for shipbuilding—Netherlands (Case N 253/2005) (20 July 2005)	12.66

Table of Cases and Decisions

Guidelines for promotion of young innovative enterprises (Case N 512/2006) (29 May 2007)	8.46
Haven van Zeebrugge—estuarine navigation (Cases N 53/2006) (12 October 2006)	12.29
Heracles (2000/199/EC) [2000] OJ L66/1	3.54, 16.68
Herlitz (2005/878/EC) [2005] OJ L324/64	7.19
Highlands and Islands aid scheme (Case N 606/2000) (14 June 2001)	10.19
Hijos de Andrés Molina ('Hamsa') (99/485/EC) [1999] OJ L193/1	7.32
Historic Environment Regeneration Scheme (Case N 356/2006) (19 October 2006)	3.66
Hoffmann-La Roche (98/251/EC) [1998] OJ L103/28	8.35
Hungary (Case N 487/2006) [2006] OJ C256/7	15.38
Huta Cynku Miasteczko Śląskie (Case N 274/2005) (13 September 2005)	7.09
Huta Cz stochowa (2006/937/EC) [2006] OJ L366/1	14.44
IBIDEN Hungary (2008/830/EC) [2008] OJ L295/34	15.23, 15.24
Incentive scheme for railway freight transport (Case N 810/2002) (10 December 2003)	12.11
Increase in the capital of La Poste (Case N 763/2002) (23 July 2003)	13.47
Ingenieur- und Gewerbebau (2002/897/EC) [2002] OJ L314/72	16.106
Initial investment costs in the UK coal industry (Case N 814/2002) (24 June 2003)	14.39
Innovation advisory and support (Case N 613/2007) (23 January 2008)	8.48
Innovation aid scheme for shipbuilding (Case N 719/2006) (1 February 2007)	12.60
Innovation aid scheme to shipbuilding in Italy (Case N 752/2006) (30 April 2007)	12.60
Innovation clusters (Case N 336/2007) (24 September 2007)	8.50
Intel Ireland—MSF (Case N 256/2004) (2002) (2 March 2005)	8.35, 15.23
Intermodal transport on the River Danube (Case N 219/2001) (20 June 2001)	12.11
Investment aid for energy efficiency (Case N 524/2004) (16 March 2005)	5.46
Investment aid for energy efficiency (Case N 312/2006) (26 June 2006)	5.46
Investment aid for Rolandwerft (2007/255/EC) [2007] OJ L112/32	12.64
Investment aid for Volkswerft Stralsund (2007/402/EC) [2007] OJ L151/33	12.64
Investment aid to Peene-Werft (Case N 35/2007) (27 June 2007)	12.64
Ireland (Case N 374/2006) [2006] OJ C292/11	15.38
Ireland (Case N 504/2002) (11 December 2002)	12.46
Ireland: National Broadband Scheme (Case N 475/2007) (25 November 2007)	13.40
Irish electricity generated out of peat (Case N 6a/2001) (30 October 2001)	2.103
Irish health insurance RES (Case N 46/2003) (13 May 2003)	2.74
Irish livestock farmers (2000/760/EC) [2000] OJ L305/11	3.14
Irish risk equalization scheme (N 46/2003) (13 May 2003)	16.20
Italia (Case N 399/1999) (3 September 1999)	12.37
Italian agricultural credit operations (2002/597/EC) [2002] OJ L194/37	3.19
Italian aid to milk producers (2003/530/EC) [2003] OJ L184/15	3.106, 3.107
Italian single hull tankers (2002/868/EC) [2002] OJ L307/49	12.48
Italian sugar beet (2000/257/EC) [2000] OJ L79/38	7.35
Italian training aid for Fiat Auto (Case N 541/2006) (13 June 2007)	6.28
Italian training institutions (2006/225/EC) [2006] OJ L81/25	2.22, 2.23
Italy—maritime cabotage (Case N 519/2002) (6 September 2002)	12.47
Italy—maritime cabotage (Case N 599/2003) (3 February 2004)	12.47
Italy (Case N 324/2007) [2008] OJ C90/4	15.38
Italy (Case N 350/1997) (13 May 1998)	12.47
Italy (Case N 396/1999) (18 March 1999)	12.47
Italy (Case N 114/2004) (20 October 2004)	12.46
Iveco (2001/780/EC) [2001] OJ L292/58	8.39
Iveco (2001/780/EC) [2001] OJ L292/58	3.51
Jakubisko Film Slovakia (Case N 393/2006) (19 July 2006)	13.69
Kali und Salz (C 74/97) [1998] OJ C197/7	7.04

Table of Cases and Decisions

Kronoply (2006/262/EC) [2006] OJ L94/50	16.67
Latvia (Case N 447/2006) [2006] OJ C287/26.	15.38
Latvian support scheme (Case N 233/2008) (16 July 2008).	13.74, 13.76
Law on the protection of electricity generated from CHP (Case NN 68/2000) (22 May 2002)	14.11
Leuna-Werke (96/545/EC) [1996] OJ L239/1	7.04
Limousin telecommunications network (Case N 382/2004) (3 May 2005)	13.33
Línea Industria audiovisual (Case XS 301/2007) [2008] OJ C11/13	13.67
Lithography methods for nanoelectronic components (Case N 116/2003) (29 October 2003)	8.39
Lithuania (Case N 330/2005) (19 July 2006)	12.46
Lithuania (Case N 641/2006) [2006] OJ C286/6	15.38
Loan guarantee for railway rolling stock (Case N 770/2006) (10 May 2007)	12.18
Local entrepreneurship (Trento) (Case N 42/2000) (28 April 2000)	5.54
Lombardia—installation of particulate filters on diesel buses (Case N 400/2006) (6 December 2006)	12.27
Lorries—environmental protection (Case N 573/2005) (21 December 2006).	12.27
Low Carbon Car Grant Programme (Case N 142/2005) (26 April 2006).	2.26, 2.29, 2.114, 5.11, 5.13
Lower Austria economic and tourism fund for supporting R&D&I (Case N 100/2007) (15 November 2007)	8.47
Luxembourg (Case N 523/2006) [2006] OJ C280/8.	15.38
Luxembourg (Case NN 140/2001) (28 November 2001)	12.40
Malta (Case N 631/2006) [2006] OJ C275/35	15.38
Manchester Airport (Case NN 109/1998) (14 June 1999).	12.41
Maribel bis/ter (97/239/EC) [1997] OJ L95/25	6.30
Maritime innovation (Case N 225/2006) (24 April 2007).	12.48
Maritime transport—Friuli Venezia Giulia (Case N 62/2005) (21 February 2007)	12.52
Measure to encourage combined road-sea transport of freight in Sicily (Case N 551/2003) (6 October 2004)	12.32
Measures in favour of Royal Mail and Post Office Limited (Case NN 83/2006) (21 February 2007).	13.55
Medea plus (Case N 837/2000) (13 February 2001)	8.39
Medea plus (A 302) (Case N 207/2002) (30 October 2002)	8.39
Medea plus (T 206) (Case N 62/2003) (17 September 2003)	8.39
Medea plus (T 207) (Case N 478/2003) (19 May 2004)	8.39
MEDIA 2007 (1718/2006/EC) [2006] OJ L327/12.	13.60
Metronet rescue aid (Case NN 47/2007) (28 November 2007)	7.12, 7.20, 12.20
Metropolitan Area Network Broadband Program (Case N 284/2005) (8 March 2006)	13.32, 13.33, 13.34, 13.36, 13.42
Mines de potasse d'Alsace (2006/238/EC) [2006] OJ L86/20	16.64
'MINimage' programme (Case N 435/2007) (30 January 2008)	1.42
Mittelstandsfonds Schleswig-Holstein (Case N 836/2006) (11 January 2008).	8.48
MobilCom (2005/346/EC) [2005] OJ L116/55	7.28
Mobility passport (Case NN 25/2005) (20 April 2005).	2.28, 3.07, 12.37
Modification of aid scheme and N 708/98: ZEC—Audiovisual activities (Case N 94/203) (12 August 2003).	13.77
Modifications energy tax 2001 (Case N 168a/2001) (28 November 2001)	14.18
National broadband project (Case N 201/2006) (4 July 2006)	13.41
National solidarity fund for natural disasters (Case NN 54a/2004) (7 June 2005)	3.15
NEOTEC risk capital fund (Case N 344/2005) (28 October 2005)	9.11
NESTA (Case NN 81/2005) (20 October 2005)	9.26, 9.31
NESTA YIE (Case N 15/2008) (20 May 2008).	8.46
Netherlands—commercial cruising vessels (Case N 447/2005) (21 March 2007)	12.47

Table of Cases and Decisions

Netherlands (Case N 249/2007) [2007] OJ C176/10	15.38
Netherlands (Case NN 738/1995) (20 March 1996)	12.46
Netherlands ‘Growth Facility’ guarantee scheme (Case N 131/2006) (12 October 2006)	2.42
Netherlands Film Fund (Case N 291/2007) (10 July 2007)	13.66, 13.72, 13.74, 13.75
Netherlands renewable energy scheme (Case N 478/2007) (21 December 2007)	14.18
New electricity generation capacity (Case N 475/2003) (16 December 2003)	2.73, 14.09
Newly created enterprises in Murcia (Case N 203/2007) (10 July 2007)	15.80
North Rhine-Westphalia DTT (Case C 34/2006) (23 October 2007)	2.69, 2.72, 3.28, 3.52, 3.56, 3.62, 13.10, 13.13
North Yorkshire NYNET Project (Case N 746/2006) (21 February 2007)	3.59, 13.31, 13.35, 13.38, 13.41, 13.43
Northern Ireland film production fund (Case N 353/2003) (10 December 2003)	13.61
Northern Ireland film production fund (Case N 504/2006) (1 September 2006)	13.61
Northern Ireland Screen Fund (Case N 593/2006) (21 February 2007)	13.61
Northern Ireland spin-outs (Case N 652/2007) (6 May 2008)	9.09
Northern Rock (Case NN 70/2007) (5 December 2007)	3.54, 7.01, 7.09, 7.14, 7.15, 7.18, 7.20
Nuclear Decommissioning Authority (2006/643/EC) [2006] OJ L268/37	14.32
ÖAW, IMBA/IMP, Boehringer (Case N 128/2000) (26 July 2000)	8.50
Olympic Airways (99/332/EC) [1999] OJ L128/1	7.28
Omnibus decentralised (Case N 726b/2007) (22 April 2008)	9.10
OTE voluntary retirement scheme (2008/722/EC) [2008] OJ L243/7	2.12, 2.40, 3.56
Panneaux photovoltaïques (Case N 254/2006) (24 October 2006)	14.11
Peak District National Park Authority, Environmental Quality Mark (Case N 295/2007) (25 July 2007)	3.59
Pickman (Case C 20/2007) [2007] OJ C239/12	1.16
Poland—port infrastructure (Case N 510/2005) (10 July 2007)	12.53
Poland (Case N 531/2006) [2006] OJ C256/7	15.38
Polish scheme for firms employing persons held in detention (Case N 519/2007) (11 March 2008)	6.30
Port de Bruxelles—navigation intérieure (Case N 720/2006) (18 July 2007)	12.29
Portugal (Case N 727/2006) [2007] OJ C68/26	15.38
Portugal (Case NN 144/2001) (28 November 2001)	12.40
Portuguese telecommunications markets (92/317/EEC) [1992] OJ L171/54	18.25
Portuguese telecommunications markets (97/310/EC) [1997] OJ L133/19	3.88
Post Office debt payment funding (Case N 822/2006) (7 March 2007)	2.73, 3.84, 3.86, 3.90, 13.46, 13.48, 13.51, 13.56, 13.57
Post Office Limited transformation programme (Case N 388/2007) (28 November 2007)	13.46, 13.47, 13.50, 13.56, 13.57, 13.58
Poste Italiane (2002/782/EC) [2002] OJ L282/29	13.47, 13.50, 13.53
Poste Italiane (Case NN 24/2008) (30 April 2008)	13.51, 13.56, 13.58
PPARC Industry programme support scheme (Case N 473/2005) (17 November 2005)	8.49
Prague municipal wireless network (Case NN 24/2007) (30 May 2007)	2.61, 13.28, 13.31, 13.34, 13.40
Prerov Logistics College (Case NN 54/2006) (8 November 2006)	6.07, 8.08
Private railway sidings (Case N 170/2004) (6 October 2004)	12.17
Programme for employment of innovation assistants in Berlin (Case N 501/2003) (23 March 2004)	8.49
Programme for support of utilization of waste (Case N 196e/2005) (21 December 2005)	5.51
Programme to assure survival of agricultural undertakings (Case N 170/2001) (25 July 2001)	3.16

Table of Cases and Decisions

Projet Bernin 2010 (Case N 887/2006) (10 July 2007)	1.42
Prolongation of certain State aid decisions (2008/484/EC) [2008] OJ L164/43.	6.04
Prolongation of shipbuilding guarantee scheme (Case N 325/2006) (25 August 2006)	12.66
Promotion of district heating—Lombardy (Case N 455/2006) (8 May 2007)	5.51
Promotion of movies and DVDs in Basque (Case N 481/2007) (13 November 2007)	13.77
Promotion of patent protection for small enterprises (Case N 278/2007) (23 August 2007)	8.45
Promotion of technology centres in Saxony-Anhalt (Case N 318/2003) (21 January 2004).	8.13
Protection social complémentaire des agents de l'État (Case N 911/2006) (30 May 2007)	3.07
Public bus services in Wittenberg (Case N 604/2005) (16 May 2006)	12.25, 12.26
Public grants to professional sports clubs (Case N 118/2000) (25 April 2001)	3.63
Pyrénées-Atlantiques telecommunications network (Case N 381/2004) (16 November 2004)	13.33
Qimonda (Case N 872/2006) (30 January 2008)	15.24
Quimigal (C 25/89) [1990] OJ C188/3	7.04
R&D aid in the aeronautic sector (Case N 101/2008) (1 July 2008)	8.43
R&D for the preservation of natural resources and ecosystems (Case N 79/2007) (31 August 2007)	8.09
R&D NeoVal (Case N 674/2006) (21 February 2007)	8.35
R&D tax credits for SMEs (Case N 33/2007) (30 May 2008)	8.43
R&D tax credits for SMEs (Case N 816/2006) (30 May 2008)	8.43
R&D&I scheme for enterprises in Sachsen-Anhalt (Case N 267/2007) (11 September 2007)	8.10
RAI (Case E 9/2005) (20 April 2005)	13.15
RAI (2004/339/EC) [2004] OJ L119/1	13.11, 13.13, 13.15, 13.17, 13.18, 13.20
Recapitalization of TV2/Danmark (Case N 313/2004) (6 October 2004)	13.11, 13.21
Reconstruction loan to make good the damage caused by the 2006 flood (Case N 463a/2006) (11 December 2006)	3.12
Reduced excise duty for locally produced beer in Madeira (Case N 293/2007) (10 October 2007)	15.77
Reduction in solidarity tax on wealth (Case N 596a/2007) (11 March 2008)	9.25
Reduction of greenhouse gas emissions (Lazio) (2006/598/EC) [2006] OJ L244/8	16.59
Reform of the motorway concession system in France (Case N 540/2000) (4 October 2000)	12.05, 12.26
Refund of shipowners' social security contributions (1999/651/EC) [1999] OJ L257/15.	12.47
Regional aid to shipyard Komárno (2007/529/EC) [2007] OJ L195/36	12.64
Regional airports capital expenditure grant scheme (Case N 353/2006) (26 September 2006)	12.41
Regional innovative broadband support in Wales (Case N 57/2005) (1 June 2005)	13.28
Rehabilitation of polluted industrial sites (Case N 85/2005) (27 July 2005)	5.52
Reinvention of the urban Post Office Network (Case N 252/2002) (18 September 2002)	13.51, 13.53
Relocation of car dismantling company Steenbergen (Case N 575/2005) (20 December 2006)	2.122, 5.13, 5.54
Remission of debt to socially vulnerable groups (Case N 314/2006) (6 December 2006)	6.07
Renewable energy sources (Case N 553/2001) (15 January 2002)	14.20
Renewables obligation and technologies (Case N 504/2000) (28 November 2001)	14.18
Remove II (2001/605/EC) [2001] OJ L212/34	2.145, 12.25

Table of Cases and Decisions

Reserves for nuclear power station waste management and decommissioning (Case NN 137/2001) (11 December 2001)	2.122
Restructuring aid to Compel Rail (Case N 472/2007) (2 April 2008)	2.49, 7.02
Restructuring aid to constructions mécaniques de Normandie (Case N 561/2006) (10 July 2007)	12.65
Réunion social aid scheme (Case N 656/2006) (4 December 2006)	2.28, 3.07, 12.37
Risk capital aid scheme (Case N 625/2007) (5 May 2008)	9.21
Risk capital funds in favour of innovative SMEs located in Mezzogiorno (Case N 9/2006) (19 July 2006)	9.26
Romania (Case N 2/2007) [2007] OJ C73/17	15.29, 15.38
Roskilde Bank (Case NN 36/2008) (31 July 2008)	7.15
Rover (Case NN 42/2005) (7 June 2005)	7.01, 7.12, 7.19
RTE and TG4 (Case E 4/2005) (27 February 2008)	13.15
RTE and TG4 (Case E 4/2005) (27 February 2008)	13.19
RTP compensation payment (Case E 14/2005) (22 March 2006)	13.15, 13.21
RTVE workforce reduction measures (Case NN 8/2007) (7 March 2007)	2.32, 2.73, 13.21
Rural network support (Case N 166/2005) (22 February 2006)	13.46, 13.52, 13.56, 13.57
Sabena (2001/698/EC) [2001] OJ L249/21	6.07, 6.28
Saint-Gobain (91/390/EEC) [1991] OJ L215/11, 12	2.28
Saxony SMEs (2003/226/EC) [2003] OJ L91/13	10.23
Saxony—Anhalt scheme for future technologies (Case N 519/2003) (13 May 2004)	8.50
Scheme for promoting SMEs' use of IT and e-business (Case N 214/2005) (15 July 2005)	13.36, 13.38
Scheme of aid to cinema production and film related activities (Case N 142/02) (9 April 2002)	13.74
Scheme on innovation aid to shipbuilding (Case N 452/2004) (16 February 2005)	12.60
Schmitz-Gotha (2003/19/EC) [2003] OJ L77/41	7.27
Screen East Content Investment Fund (Case N 194/2006) (7 June 2006)	13.64, 13.67
Sea transport of Irish livestock (2000/625/EC) [2000] OJ L263/17	2.31, 3.13, 3.18
Seafarers' skills (Case N 376/2004) (16 November 2004)	12.50
Second circuit water (Case N 443/2003) (2 June 2004)	5.40
Second German Social Security Code (Case N 594/2007) (18 March 2008)	6.09
Shipbuilding—development aid to Bangladesh (Case N 517/2004) (16 March 2005)	12.63
Sicilian regional aid scheme (2007/493/EC) [2007] OJ L183/41	1.16
SKET Maschinen- und Anlagenbau (2000/7/EC) [2000] OJ L30/25	7.26
Slovak Republic (Case N 469/2006) [2006] OJ C256/6	15.38
Slovenia (Case N 434/2006) [2006] OJ C256/6	15.38
Slovenian green electricity scheme (2007/580/EC) [2007] OJ L219/9	2.70, 2.73, 2.97, 14.09, 14.11
SME aid for innovation advisory and support services (Case N 308/2007) (4 December 2007)	8.48
SME Venture Capital Fund (Case N 620/2002) (4 February 2003)	9.10
SNCM (2004/167/EC) [2004] OJ L61/13	7.28
Société de Banque Occidentale (1999/262/EC) [1999] OJ L103/19	7.25
Sony/BMG (2005/188/EC) [2005] OJ L62/30	1.30
South Yorkshire digital region broadband project (Case N 157/2006) (22 November 2006)	2.99, 13.31, 13.36, 13.43
Southern Moravian bus companies (Case C 3/2008) [2008] OJ C43/19	12.26
Spain—Biscay (Case N 572/2002) (5 February 2003)	12.46
Spain (Case N 626/2006) [2007] OJ C35/4	15.38
Spain (Case N 736/2001) (27 February 2002)	12.46

Table of Cases and Decisions

Spain (Case NN 143/2001) (20 December 2001)	12.40
Spindelfabrik Hartha (1999/380/EC) [1999] OJ L145/32	7.32
Standardised record books for cattle and sheep farmers (Case N 599/1999) (14 December 1999)	2.59, 2.147
Start-up aid for the creation of small enterprises (Case N 384/2007) (3 October 2007)	15.80
State aid for producing first or second films by new directors (Case N 268/2006) (20 September 2006)	13.71
State aid for the production of short films (Case N 415/06) (26 July 2006)	13.74
State aid for the promotion of biofuels (Case N 206/2004) (30 June 2004)	14.19
State aid granted by France to EDF (2005/145/EC) [2005] OJ L49/9	12.21
State aid to Hellenic Shipyards (2005/246/EC) [2005] OJ L75/44	12.59
State aid to the French coal industry (Case N 321/2004) (19 January 2005)	14.39
Stimulating renewable energy (Case N 707/2002) (19 March 2003)	14.18
Stimuleringsregeling Gecombineerd Goederenvervoer (Case N 79/97) (20 October 1997)	12.31
Stranded costs (Case N 133/2001) (16 October 2002)	14.25
Stranded costs (Case N 161/2004) (22 September 2004)	14.25
Subsidies for DTT decoders/installation in Sora (Case N 103/2007) (25 September 2007)	13.10
Subsidy for rail terminals in the port of Rotterdam (Case N 577/1999) (4 October 2000)	12.31
Subsidy to Aereiba (Case N 638/1998) (30 March 1999)	12.41
Support following price decreases in the beef sector (Case N 164/2001) (25 July 2001)	3.16
Support for cinema in Sardinia (Case N 60/2008) (16 July 2008)	13.72, 13.75, 13.76
Support for construction of special housing for elderly people (Case N 798/2006) (7 March 2007)	3.59
Support for land remediation (Case N 385/2002) (11 June 2003)	5.52, 5.54
Support for maritime training (SMarT) scheme (Case N 499/2001) (2 October 2001)	12.50
Support for voluntary feed tests and liquidity aid for cattle farms (Case N 193/2001) (25 July 2001)	3.16
Support measures in the cinema and audiovisual sectors (Case NN 84/2004 and N 95/2004) (22 March 2006)	13.65, 13.67, 13.75, 13.77
Support to establishments of professional activity for seriously disabled people (Case N 558/2005) (27 June 2007)	2.22, 2.23, 2.24
Sweden (Case N 431/2006) [2007] OJ C34/4	15.38
Sweden (Case N 749/2006) (27 June 2007)	12.47
Sweden (Case NN 139/2001) (11 December 2001)	12.40
Swedish employment aid scheme (Case N 581/2007) (11 December 2007)	6.26, 6.30
Swedish regional transport subsidy (Case N 152/2007) (23 October 2007)	15.78
Tax deductions for professional fishermen (Sweden) (2006/269/EC) [2006] OJ L99/21	2.140
Tax exempt reserve fund (2008/723/EC) [2008] OJ L244/11	16.77
Tax exemption for biofuels (Case N 314/2005) (27 July 2005)	14.19
Tax exemption for biofuels (Case N 427/2004) (16 March 2005)	14.19
Tax exemption for biofuels (Case N 599/2004) (2 March 2005)	14.19
Tax exemption for biofuels (Case NN 43/2004) (5 October 2005)	14.19
Tax exemption for certain energy intensive processes (Case N 820/2006) (7 February 2007)	2.132, 14.12
Tax exemption: certain renewables in heat generation (Case N 866/2006) (22 June 2007)	5.57
Tax measures to encourage the production of audiovisual works (Case N 121/2007) (16 July 2007)	13.61
Tax reduction biodiesel (Case N 326/07) (11 March 2008)	14.19

Table of Cases and Decisions

Tax reduction biofuel (Case N 570/2005) (22 December 2005)	14.19
Tax relief for investment in film (Case N 387/2004) (1 December 2004)	13.63
Tax relief for investment in films (Case N 151/2006) (16 May 2006)	13.61
Tax relief for supply of surplus heating (Case N 271/2006) (20 December 2006)	2.122
Technische Glaswerke Ilmenau (2003/383/EC) [2003] OJ L140/30	7.27
Technology fund TGFS, Saxony (Case N 263/2007) (31 January 2008)	9.10
Technology transfer in Saxony (Case N 558/2001) (30 April 2002)	8.48
Technology Transfer Institutes (Case NN 76/2002) (19 February 2003)	2.22
Temporary defensive mechanism to shipbuilding (2007/581/EC) [2007] OJ L219/25	12.56
Thuringia loan programme (2003/626/EC) [2003] OJ L223/32	7.35
Thuringia Working Capital Programme (2003/469/EC) [2003] OJ L157/55	10.15
Transfer of nature protection areas in the new German Länder (Case N 277/2003) (26 April 2006)	2.22, 2.23
Třinecké železářny (2007/319/EC) [2007] OJ L119/37	14.43
TSE testing of fallen cattle aged over 24 months (Case N 283/2003) (20 August 2003)	11.55
TV2/Danmark (2005/217/EC) [2006] OJ L85/1	13.11, 13.12, 13.17, 13.18, 13.21
TV2/Danmark (Case N 287/2008) (4 August 2008)	7.02, 13.22
TVO guarantee (2008/281/EC) [2008] OJ L89/15	1.16, 2.42
UK (Case N 790/1999) (12 July 2000)	12.46
UK (Case NN 90/2001) (23 October 2001)	12.40
UK Coal Selby Complex (Case N 20/2003) (27 May 2003)	14.39
UK film development and production funds (Case NN 6/2006) (11 December 2007)	13.72, 13.75
UK film tax incentive (Case N 461/2005) (22 November 2006)	13.61, 13.72, 13.74
UK support scheme for financial institutions (Case N 507/2008) (13 October 2008)	7.16
UK WFG (Case N 206/2003) (20 April 2004)	12.51
United Kingdom (Case N 673/2006) [2007] OJ C55/2	15.38
Universal banking services (Case N 514/2001) (13 February 2002)	2.98, 13.48, 13.52
Unlimited State guarantee to Poczta Polska (Case E 12/2005) (24 April 2007)	13.47, 13.53, 13.55
Vaccine research relief (Case N 34/2007) (30 May 2008)	8.43
Vauxhall Motors (C 23/2007) (16 April 2008)	1.16
Venice and Chioggia (2000/394/EC) [2000] OJ L150/50	3.62, 3.66
Verlipack (2001/856/EC) [2001] OJ L320/28	16.67
VHD Programme (C 51/2007) IP/07/1679	1.16
Volkswerft Stralsund (2007/402/EC) [2006] OJ L151/33	1.12
VRT (Case E 8/2006) (27 February 2008)	13.19
Waste disposal system for car wrecks (2002/204/EC) [2002] OJ L68/18	5.11
Waste tax for dredging sludge (Case N 574/2004) (2 February 2005)	5.13
Welsh public sector network scheme (Case N 46/2007) (30 May 2007)	2.22, 2.61, 13.28, 13.31
Welsh red meat (Case N 653/2007) (28 May 2008)	11.58
WestLB risk shield (Case NN 25/2008) (30 April 2008)	7.14
WRAP environmental grant funding (2004/317/EC) [2004] OJ L102/59	5.11, 5.51
ZEC (Case N 376/2006) (20 December 2006)	15.75
Zero rate for green electricity (Case NN 30b/2000) (28 November 2001)	14.20
Zero rate for green electricity (Cases NN 30b/2000 and N 678/2001) (28 November 2001)	2.132
Zona Franca da Madeira (Case N 421/2006) (27 June 2007)	15.75

NUMERICAL TABLE OF COMMISSION STATE AID DECISIONS

By decision number

1985/239/EEC Argentinian soya meal [1985] OJ L108/28	2.83, 4.36
1991/390/EEC Saint-Gobain [1991] OJ L215/11, 12	2.28
1992/317/EEC Portuguese telecommunications markets [1992] OJ L171/54	18.25
1996/369/EC German airlines [1996] OJ L146/42	3.51
1996/545/EC Leuna-Werke [1996] OJ L239/1	7.04
1997/239/EC Maribel bis/ter [1997] OJ L95/25	6.30
1997/310/EC Portuguese telecommunications markets [1997] OJ L133/19	3.88
1998/204/EC GAN group [1998] OJ L78/1	7.13
1998/251/EC Hoffmann-La Roche [1998] OJ L103/28	8.35
1998/490/EC Crédit Lyonnais [1998] OJ L221/28	3.54, 7.13, 7.14, 7.28, 7.29
1999/133/EC CELF [1999] OJ L44/37	3.65
1999/262/EC Société de Banque Occidentale [1999] OJ L103/19	7.25
1999/380/EC Spindelfabrik Hartha [1999] OJ L145/32	7.32
1999/485/EC Hijos de Andrés Molina ('Hamsa') [1999] OJ L193/1	7.32
1999/647/EC Addinol Mineralöl [1999] OJ L260/19	7.27
1999/651/EC Refund of shipowners' social security contributions [1999] OJ L257/15	12.47
1999/690/EC Graphischer Maschinenbau [1999] OJ L272/16	7.26
2000/7/EC SKET Maschinen- und Anlagenbau [2000] OJ L30/25	7.26
2000/199/EC Heraclès [2000] OJ L66/1	3.54, 16.68
2000/257/EC Italian sugar beet [2000] OJ L79/38	7.35
2000/393/EC CBW Chemie [2000] OJ L150/38	7.27
2000/394/EC Venice and Chioggia [2000] OJ L150/50	3.62, 3.66
2000/600/EC Banco di Sicilia [2000] OJ L256/21	7.29
2000/625/EC Sea transport of Irish livestock [2000] OJ L263/17	2.31, 3.13, 3.18
2000/760/EC Irish livestock farmers [2000] OJ L305/11	3.14
2001/89/EC Crédit Foncier [2001] OJ L34/36	2.42
2001/247/EC Ferries Golfo de Vizcaya [2001] OJ L89/28	2.62
2001/259/EC Greek fruit and vegetable growers [2001] OJ L93/48	3.12, 3.16
2001/605/EC Renove II [2001] OJ L212/34	2.145, 12.25
2001/698/EC Sabena [2001] OJ L249/21	6.07, 6.28
2001/780/EC Iveco [2001] OJ L292/58	3.51, 8.39
2001/806/EC Aid for SME manure transport companies [2001] OJ L305/22	10.21
2001/826/EC Dampfkesselbau Hohenturm [2001] OJ L308/28	7.32
2001/856/EC Verlipack [2001] OJ L320/28	16.67
2002/15/EC Brittany Ferries [2002] OJ L12/33	12.53
2002/204/EC Waste disposal system for car wrecks [2002] OJ L68/18	5.11
2002/597/EC Italian agricultural credit operations [2002] OJ L194/37	3.19
2002/610/EC French short sea shipping [2002] OJ L196/31	12.54
2002/676/EC ECSC Dual-use exemption in UK Climate Change Levy [2002] OJ L229/15	2.132
2002/782/EC Poste Italiane [2002] OJ L282/29	13.47, 13.50, 13.53
2002/868/EC Italian single hull tankers [2002] OJ L307/49	12.48
2002/897/EC Ingenieur- und Gewerbebau [2002] OJ L314/72	16.106
2003/19/EC Schmitz-Gotha [2003] OJ L77/41	7.27
2003/226/EC Saxony SMEs [2003] OJ L91/13	10.23
2003/383/EC Technische Glaswerke Ilmenau [2003] OJ L140/30	7.27
2003/469/EC Thuringia Working Capital Programme [2003] OJ L157/55	10.15
2003/530/EC Italian aid to milk producers [2003] OJ L184/15	3.106, 3.107
2003/599/EC Bull [2003] OJ L209/1	7.01
2003/626/EC Thuringia loan programme [2003] OJ L223/32	7.35

Table of Cases and Decisions

2004/167/EC SNCM [2004] OJ L61/13	7.28
2004/317/EC WRAP environmental grant funding [2004] OJ L102/59	5.11, 5.51
2004/339/EC RAI [2004] OJ L119/1	13.11, 13.13, 13.15, 13.17, 13.18, 13.20
2004/343/EC France—takeover of firms in difficulty [2004] OJ L108/38	7.35
2004/393/EC Charleroi airport—Ryanair [2004] OJ L137/1	12.36, 12.39
2004/838/EC France 2 and France 3 [2004] OJ L361/21	13.10, 13.11, 13.13, 13.18, 13.21
2005/122/EC Dutch shipyards [2005] OJ L39/48	2.140, 12.62
2005/137/EC Carsid [2005] OJ L47/28	14.40
2005/145/EC State aid granted by France to EDF [2005] OJ L49/9	12.21
2005/217/EC TV2/Danmark [2006] OJ L85/1	13.11, 13.12, 13.17, 13.18, 13.21
2005/246/EC State aid to Hellenic Shipyards [2005] OJ L75/44	12.59
2005/345/EC Bankgesellschaft Berlin [2005] OJ L116/1	7.28, 7.29
2005/346/EC MobilCom [2005] OJ L116/55	7.28
2005/407/EC British Energy [2005] OJ L142/26	1.12, 2.46, 2.47, 2.107, 7.01, 7.26, 7.28, 14.27
2005/417/EC Belgium [2005] OJ L150/1	12.46
2005/418/EC Alstom [2005] OJ L150/24	1.12, 7.01, 7.20, 7.25, 7.28, 7.29, 7.37
2005/782/EC Business, technology and incubator centres [2005] OJ L295/44	8.14
2005/878/EC Herlitz [2005] OJ L324/64	7.19
2005/941/EC Bull [2005] OJ L342/81	1.12, 7.01, 7.13, 7.27, 7.38
2006/39/EC Cypriot farmers [2006] OJ L23/78	3.106, 3.107
2006/176/EC Alitalia [2006] OJ L69/1	1.12
2006/225/EC Italian training institutions [2006] OJ L81/25	2.22, 2.23
2006/237/EC AVR [2006] OJ L84/37	2.73, 3.89, 3.91
2006/238/EC Mines de potasse d’Alsace [2006] OJ L86/20	16.64
2006/262/EC Kronoply [2006] OJ L94/50	16.67
2006/269/EC Tax deductions for professional fishermen (Sweden) [2006] OJ L99/21	2.140
2006/513/EC Berlin-Brandenburg DTT [2006] OJ L200/14	2.97, 2.105, 3.62, 13.17, 13.23
2006/598/EC Reduction of greenhouse gas emissions (Lazio) [2006] OJ L244/8	16.59
2006/621/EC France Télécom [2006] OJ L257/11	2.06, 2.37, 2.44, 2.102, 7.09, 7.18, 16.94, 16.103, 16.107, 16.115
2006/643/EC Nuclear Decommissioning Authority [2006] OJ L268/37	14.32
2006/743/EC AZ and AZ Vastgoed [2006] OJ L307/194	16.64
2006/937/EC Huta Cz stochowa [2006] OJ L366/1	14.44
2006/938/EC Ford Genk [2006] OJ L366/32	6.02, 6.07, 6.25, 6.26
2006/940/EC 1929 holding companies [2006] OJ L366/47	2.31, 2.118, 16.126
2006/941/EC AEM Torino [2006] OJ L366/62	14.25, 16.59
2006/946/EC ENVC [2006] OJ L383/16	12.58
1718/2006/EC MEDIA 2007 [2006] OJ L327/12	13.60
2007/175/EC Broadband infrastructure in Appingedam [2007] OJ L86/1	13.33, 13.38, 13.41
2007/255/EC Investment aid for Rolandwerft [2007] OJ L112/32	12.64
2007/258/EC Digital terrestrial television in Sweden [2007] OJ L112/77	13.10
2007/319/EC Tžinecké železárny [2007] OJ L119/37	14.43
2007/374/EC Digital decoders—Italy [2007] OJ L147/1	2.29, 3.07, 13.10, 13.24
2007/402/EC Investment aid for Volkswerft Stralsund [2007] OJ L151/33	1.16, 12.64
2007/493/EC Sicilian regional aid scheme [2007] OJ L183/41	1.16
2007/529/EC Regional aid to shipyard Komárno [2007] OJ L195/36	12.64
2007/580/EC Slovenian green electricity scheme [2007] OJ L219/9	2.70, 2.73, 2.97, 14.09, 14.11
2007/581/EC Temporary defensive mechanism to shipbuilding [2007] OJ L219/25	12.56
2007/612/EC General Motors Antwerp [2007] OJ L243/71	6.28

Table of Cases and Decisions

2008/136/EC Ad hoc financing of Dutch public service broadcasters [2008] OJ L49/1	2.82, 3.70, 3.82, 3.90, 13.12, 13.21
2008/263/EC BAWAG-PSK [2008] OJ L83/7	7.15
2008/281/EC TVO guarantee [2008] OJ L89/15	1.16, 2.42
2008/484/EC Prolongation of certain State aid decisions [2008] OJ L164/43	6.04
2008/722/EC OTE voluntary retirement scheme [2008] OJ L243/7	2.12, 2.40, 3.56
2008/723/EC Tax exempt reserve fund [2008] OJ L244/11	16.77
2008/729/EC Amsterdam Citynet [2008] OJ L247/27	13.28, 13.32
2008/830/EC IBIDEN Hungary [2008] OJ L295/34	15.23, 15.24
2008/92/EC Aid to the Sardinian shipping sector [2008] OJ L29/24	2.145, 16.53

By case number

N 800/1996 Belgian TGV (18 December 1996)	3.53
N 79/97 Stimuleringsregeling Gecombineerd Goederenvervoer (20 October 1997)	12.31
N 350/1997 Italy (13 May 1998)	12.47
N 3/1998 France—support for cinema production (29 July 1998)	13.68
N 396/1998 Germany (25 November 1998)	12.46
N 597/1998 Electricity market—stranded costs (25 July 2001)	14.25
N 598/1998 Aid for purchase of crane for Born rail terminal (9 December 1998)	12.51
N 638/1998 Subsidy to Aerelba (30 March 1999)	12.41
N 34/1999 Compensation of stranded costs (25 July 2001)	14.25
N 121/99 Austria (8 July 1999)	12.54
N 396/1999 Italy (18 March 1999)	12.47
N 399/1999 Italia (3 September 1999)	12.37
N 577/1999 Subsidy for rail terminals in the port of Rotterdam (4 October 2000)	12.31
N 599/1999 Standardised record books for cattle and sheep farmers (14 December 1999)	2.59, 2.147
N 661/1999 Competitive transition charge (27 February 2002)	14.25
N 790/1999 UK (12 July 2000)	12.46
N 42/2000 Local entrepreneurship (Trento) (28 April 2000)	5.54
N 118/2000 Public grants to professional sports clubs (25 April 2001)	3.63
N 128/2000 ÖAW, IMBA/IMP, Boehringer (26 July 2000)	8.50
N 304/2000 CO2 reduction plan (7 August 2000)	14.18
N 504/2000 Renewables obligation and technologies (28 November 2001)	14.18
N 540/2000 Reform of the motorway concession system in France (4 October 2000)	12.05, 12.26
N 550/2000 Green electricity certificates (25 July 2001)	2.103, 14.11, 14.20
N 606/2000 Highlands and Islands aid scheme (14 June 2001)	10.19
N 722/2000 Coalfields Enterprise Fund (20 December 2001)	9.10
N 837/2000 Medea plus (13 February 2001)	8.39
N 6a/2001 Irish electricity generated out of peat (30 October 2001)	2.103
N 133/2001 Stranded costs (16 October 2002)	14.25
N 164/2001 Support following price decreases in the beef sector (25 July 2001)	3.16
N 168a/2001 Modifications energy tax 2001 (28 November 2001)	14.18
N 170/2001 Programme to assure survival of agricultural undertakings (25 July 2001)	3.16
N 193/2001 Support for voluntary feed tests and liquidity aid for cattle farms (25 July 2001)	3.16
N 219/2001 Intermodal transport on the River Danube (20 June 2001)	12.11
N 415a/2001 Green certificate mechanism (28 November 2001)	14.11, 14.20
N 499/2001 Support for maritime training (SMarT) scheme (2 October 2001)	12.50
N 514/2001 Universal banking services (13 February 2002)	2.98, 13.48, 13.52
N 525/2001 Cluster incubator scheme (30 January 2002)	8.14, 8.50
N 553/2001 Renewable energy sources (15 January 2002)	14.20

Table of Cases and Decisions

N 558/2001 Technology transfer in Saxony (30 April 2002)	8.48
N 563/2001 Denmark (12 March 2002).	12.46
N 606/2001 Community Development Venture Fund (9 April 2002).	9.10
N 631/2001 BBC licence fee (22 May 2002)	13.12
N 649/2001 Freight facilities grant (20 December 2001)	12.51
N 650/01 Equity injection to An Post (12 March 2002)	13.48
N 706/2001 Channel tunnel rail link (24 April 2002).	3.53
N 736/2001 Spain (27 February 2002)	12.46
N 826/2001 AER I to IV (15 January 2002)	14.20
N 142/02 Scheme of aid to cinema production and film related activities (9 April 2002).	13.74
N 195/2002 Finland (16 October 2002).	12.46
N 203/2002 Electric and hybrid vehicles (18 September 2002)	12.27
N 207/2002 Medea plus (A 302) (30 October 2002).	8.39
N 252/2002 Reinvention of the urban Post Office Network (18 September 2002)	13.51, 13.53
N 267/2002 Fairchild Dornier (19 June 2002)	7.13
N 308/2002 German aid for rail infrastructure (18 September 2002)	12.17
N 385/2002 Support for land remediation (11 June 2003)	5.52, 5.54
N 504/2002 Ireland (11 December 2002).	12.46
N 519/2002 Italy—maritime cabotage (6 September 2002)	12.47
N 572/2002 Spain—Biscay (5 February 2003)	12.46
N 620/2002 SME Venture Capital Fund (4 February 2003)	9.10
N 687/2002 Channel Tunnel Rail Link (30 April 2003)	12.17
N 707/2002 Stimulating renewable energy (19 March 2003)	14.18
N 737/2002 France (13 May 2003)	12.46
N 763/2002 Increase in the capital of La Poste (23 July 2003)	13.47
N 784/2002 Government support to Post Office (27 May 2003).	13.48, 13.51
N 810/2002 Incentive scheme for railway freight transport (10 December 2003)	12.11
N 814/2002 Initial investment costs in the UK coal industry (24 June 2003).	14.39
N 20/2003 UK Coal Selby Complex (27 May 2003).	14.39
N 37/2003 BBC Digital Curriculum (1 October 2003)	13.11, 13.13, 13.15, 13.17
N 46/2003 Irish health insurance RES (13 May 2003)	2.74, 16.20
N 62/2003 Medea plus (T 206) (17 September 2003).	8.39
N 64/2003 Aid in support of combined transport (1 October 2003)	12.11
N 94/2003 Modification of aid scheme and N 708/98: ZEC—Audiovisual activities (12 August 2003)	13.77
N 116/2003 Lithography methods for nanoelectronic components (29 October 2003)	8.39
N 206/2003 UK WFG (20 April 2004)	12.51
N 213/2003 Atlas broadband infrastructure scheme (20 July 2004).	8.13, 13.28, 13.32, 13.34
N 277/2003 Transfer of nature protection areas in the new German Länder (26 April 2006).	2.22, 2.23
N 283/2003 TSE testing of fallen cattle aged over 24 months (20 August 2003)	11.55
N 304/2003 Aid in favour of Akzo Nobel to stop chlorine transport (16 June 2004)	5.13
N 318/2003 Promotion of technology centres in Saxony-Anhalt (21 January 2004)	8.13
N 335/2003 Aid for the setting up of rolling-motorway services in Friulia-Venezia-Giulia (3 March 2004)	12.11
N 353/2003 Northern Ireland film production fund (10 December 2003)	13.61
N 443/2003 Second circuit water (2 June 2004)	5.40
N 464/2003 Company Neutral Revenue Scheme (CNRS) (16 December 2003).	12.11
N 475/2003 New electricity generation capacity (16 December 2003).	2.73, 14.09
N 478/2003 Medea plus (T 207) (19 May 2004)	8.39

Table of Cases and Decisions

N 501/2003 Programme for employment of innovation assistants in Berlin (23 March 2004)	8.49
N 519/2003 Saxony-Anhalt scheme for future technologies (13 May 2004)	8.50
N 551/2003 Measure to encourage combined road-sea transport of freight in Sicily (6 October 2004)	12.32
N 599/2003 Italy—maritime cabotage (3 February 2004)	12.47
N 622/2003 Austrian fund for digitalization (16 March 2005)	3.07, 13.23
N 20/2004 CIRR ship financing (14 July 2004)	12.62
N 114/2004 Italy (20 October 2004)	12.46
N 126/2004 Broadband for SMEs in Lincolnshire (14 December 2004)	13.28, 13.31, 13.35, 13.37, 13.38, 13.43
N 161/2004 Stranded costs (22 September 2004)	14.25
N 170/2004 Private railway sidings (6 October 2004)	12.17
N 187/2004 Excise duty exemption for biofuels (1 June 2005)	14.19
N 206/2004 State aid for the promotion of biofuels (30 June 2004)	14.19
N 256/2004 Intel Ireland – MSF (2002) (2 March 2005)	8.35, 15.23
N 307/2004 Broadband in Scotland (16 November 2004)	13.43
N 313/2004 Recapitalization of TV2/Danmark (6 October 2004)	13.11, 13.21
N 321/2004 State aid to the French coal industry (19 January 2005)	14.39
N 354/2004 Company holding regime (22 November 2004)	2.132
N 376/2004 Seafarers’ skills (16 November 2004)	12.50
N 381/2004 Pyrénées-Atlantiques telecommunications network (16 November 2004)	13.33
N 382/2004 Limousin telecommunications network (3 May 2005)	13.33
N 387/2004 Tax relief for investment in film (1 December 2004)	13.63
N 423/2004 Aid to shipbuilding companies/grant (16 March 2005)	12.60, 12.65
N 427/2004 Tax exemption for biofuels (16 March 2005)	14.19
N 436/2004 Friuli-Venezia Giulia—measures to develop intermodality (22 March 2006)	12.32
N 450/2004 Development aid to Ghana—tugboats (2 February 2005)	12.63
N 452/2004 Scheme on innovation aid to shipbuilding (16 February 2005)	12.60
N 458/2004 Editorial Andaluza Holding (14 December 2004)	3.62
N 478/2004 Coràs Iompair Eireann (7 June 2006)	2.23, 12.14
N 517/2004 Shipbuilding—development aid to Bangladesh (16 March 2005)	12.63
N 524/2004 Investment aid for energy efficiency (16 March 2005)	5.46
N 541 and 542/2004 Dutch health insurance RES (3 May 2005)	2.73, 2.75, 3.70, 3.90
N 574/2004 Waste tax for dredging sludge (2 February 2005)	5.13
N 582/2004 Aid to biofuels/tax benefit (21 June 2005)	14.19
N 599/2004 Tax exemption for biofuels (2 March 2005)	14.19
N 44/2005 Excise tax reduction on biofuels (27 July 2005)	14.19
N 57/2005 Regional innovative broadband support in Wales (1 June 2005)	13.28
N 62/2005 Maritime transport—Friuli Venezia Giulia (21 February 2007)	12.52
N 73/2005 East Midlands media investment (23 January 2006)	9.22, 13.64, 13.67
N 85/2005 Rehabilitation of polluted industrial sites (27 July 2005)	5.52
N 91/2005 Computer Manufacturing Services (7 June 2005)	7.20
N 131/2005 FibreSpeed broadband project in Wales (22 February 2006)	13.28
N 142/2005 Low Carbon Car Grant Programme (26 April 2006)	2.26, 2.29, 2.114, 5.11, 5.13
N 166/2005 Rural network support (22 February 2006)	13.46, 13.52, 13.56, 13.57
N 185/2005 Aid to Vietnam (20 July 2005)	12.63
N 196e/2005 Programme for support of utilization of waste (21 December 2005)	5.51
N 198/2005 Fiscal aid for job creation in assisted areas (7 December 2005)	6.25, 6.30
N 214/2005 Scheme for promoting SMEs’ use of IT and e-business (15 July 2005)	13.36, 13.38

Table of Cases and Decisions

N 223/2005 Aid to biofuels (5 July 2005)	14.19
N 253/2005 Guarantee scheme for shipbuilding—Netherlands (20 July 2005)	12.66
N 274/2005 Huta Cynku Miasteczko Śląskie(13 September 2005)	7.09
N 284/2005 Metropolitan Area Network Broadband Program (8 March 2006)	13.32, 13.33, 13.34, 13.36, 13.42
N 295/2005 CASIMIR Programme (28 October 2005)	8.10
N 314/2005 Tax exemption for biofuels (27 July 2005)	14.19
N 319/2005 Grant for collaborative R&D (22 December 2005)	8.10
N 330/2005 Lithuania (19 July 2006)	12.46
N 334/2005 Excise reduction for biofuels (23 December 2005)	14.19
N 344/2005 NEOTEC risk capital fund (28 October 2005)	9.11
N 398/2005 Development tax benefit for broadband (16 May 2006)	13.28
N 410/2005 CENIT Programme (28 October 2005)	8.10
N 447/2005 Netherlands—commercial cruising vessels (21 March 2007)	12.47
N 461/2005 UK film tax incentive (22 November 2006)	13.61, 13.72, 13.74
N 473/2005 PPARC Industry programme support scheme (17 November 2005)	8.49
N 510/2005 Poland—port infrastructure (10 July 2007)	12.53
N 558/2005 Support to establishments of professional activity for seriously disabled people (27 June 2007)	2.22, 2.23, 2.24
N 563/2005 Aid to Ryanair for the air service between Toulon and London (22 June 2006)	12.39
N 570/2005 Tax reduction biofuel (22 December 2005)	14.19
N 573/2005 Lorries—environmental protection (21 December 2006)	12.27
N 575/2005 Relocation of car dismantling company Steenbergen (20 December 2006)	2.122, 5.13, 5.54
N 604/2005 Public bus services in Wittenberg (16 May 2006)	12.25, 12.26
N 9/2006 Risk capital funds in favour of innovative SMEs located in Mezzogiorno (19 July 2006)	9.26
N 35/2006 Guarantee scheme for shipbuilding—France (16 May 2006)	12.66
N 43/2006 CETENA and INSEAN (4 July 2006)	12.65
N 47/2006 Dispersed oil in produced water trading scheme (19 July 2006)	5.54
N 49/2006 Amendment of the BGB decision	1.12
N 53/2006 Haven van Zeebrugge—estuarine navigation (12 October 2006)	12.29
N 118/2006 Development of rural broadband (7 June 2006)	13.28
N 131/2006 Netherlands ‘Growth Facility’ guarantee scheme (12 October 2006)	2.42
N 151/2006 Tax relief for investment in films (16 May 2006)	13.61
N 157/2006 South Yorkshire digital region broadband project (22 November 2006)	2.99, 13.31, 13.36, 13.43
N 194/2006 Screen East Content Investment Fund (7 June 2006)	13.64, 13.67
N 196/2006 Aid for transshipment systems in intermodal transport (13 September 2006)	12.32
N 201/2006 National broadband project (4 July 2006)	13.41
N 222/2006 Digital divide in Sardinia (22 November 2006)	13.28, 13.31, 13.43
N 225/2006 Maritime innovation (24 April 2007)	12.48
N 254/2006 Panneaux photovoltaïques (24 October 2006)	14.11
N 262/2006 Aid to Indonesia—shipbuilding (7 June 2006)	12.63
N 264/2006 Broadband for rural Tuscany (13 September 2006)	13.35, 13.36, 13.37
N 268/2006 State aid for producing first or second films by new directors (20 September 2006)	13.71
N 270/2006 Digital decoder subsidy (24 January 2007)	13.10
N 271/2006 Tax relief for supply of surplus heating (20 December 2006)	2.122
N 374/2006 Ireland [2006] OJ C292/11	15.38
N 312/2006 Investment aid for energy efficiency (26 June 2006)	5.46
N 314/2006 Remission of debt to socially vulnerable groups (6 December 2006)	6.07

Table of Cases and Decisions

N 325/2006 Prolongation of shipbuilding guarantee scheme (25 August 2006)	12.66
N 343/2006 France [2007] OJ C94/34	15.38
N 353/2006 Regional airports capital expenditure grant scheme (26 September 2006)	12.41
N 356/2006 Historic Environment Regeneration Scheme (19 October 2006)	3.66
N 359/2006 Finland [2007] OJ C34/2	15.38
N 376/2006 ZEC (20 December 2006)	15.75
N 393/2006 Jakubisko Film Slovakia (19 July 2006)	13.69
N 400/2006 Lombardia—installation of particulate filters on diesel buses (6 December 2006)	12.27
N 408/2006 Greece [2006] OJ C286/5	15.38
N 415/06 State Aid for the production of short films (26 July 2006)	13.74
N 421/2006 Zona Franca da Madeira (27 June 2007)	15.75
N 431/2006 Sweden [2007] OJ C34/4	15.38
N 434/2006 Slovenia [2006] OJ C256/6	15.38
N 447/2006 Latvia [2006] OJ C287/26	15.38
N 455/2006 Promotion of district heating—Lombardy (8 May 2007)	5.51
N 459/2006 Germany [2006] OJ C295/6	15.38
N 463a/2006 Reconstruction loan to make good the damage caused by the 2006 flood (11 December 2006)	3.12
N 466/2006 Estonia [2006] OJ C286/6	15.38
N 469/2006 Slovak Republic [2006] OJ C256/6	15.38
N 487/2006 Hungary [2006] OJ C256/7	15.38
N 492/2006 Austria [2007] OJ C34/5	15.38
N 504/2006 Northern Ireland film production fund (1 September 2006)	13.61
N 510/2006 Czech Republic [2006] OJ C280/7	15.38
N 512/2006 Guidelines for promotion of young innovative enterprises (29 May 2007)	8.46
N 523/2006 Luxembourg [2006] OJ C280/8	15.38
N 531/2006 Poland [2006] OJ C256/7	15.38
N 536/2006 Development of Cyprus handicraft (21 February 2007)	3.66
N 541/2006 Italian training aid for Fiat Auto (13 June 2007)	6.28
N 542/2006 Exonération des charges sociales patronales (23 October 2007)	15.77
N 543/2006 Creation of the energy, environment and water research centre (25 May 2007)	8.09
N 546/2006 French digital television (6 December 2006)	2.29, 3.07, 13.23
N 561/2006 Restructuring aid to constructions mécaniques de Normandie (10 July 2007)	12.65
N 593/2006 Northern Ireland Screen Fund (21 February 2007)	13.61
N 597/2006 Greek pension reform (10 October 2007)	2.12
N 601/2006 Aid to waste managers moving for environmental reasons (28 March 2007)	5.54
N 623/2006 Aid to ALEF Film & Media Group—Slovakia (24 October 2006)	13.69
N 626/2006 Spain [2007] OJ C35/4	15.38
N 631/2006 Malta [2006] OJ C275/35	15.38
N 640/2006 Air route development scheme for Malta (22 November 2006)	12.39
N 641/2006 Lithuania [2006] OJ C286/6	15.38
N 656/2006 Réunion social aid scheme (4 December 2006)	2.28, 3.07, 12.37
N 673/2006 United Kingdom [2007] OJ C55/2	15.38
N 674/2006 R&D NeoVal (21 February 2007)	8.35
N 693/2006 Denmark [2007] OJ C141/6	15.38
N 695/2006 German Film Fund (20 December 2006)	13.66, 13.71, 13.72, 13.74
N 719/2006 Innovation aid scheme for shipbuilding (1 February 2007)	12.60
N 720/2006 Port de Bruxelles—navigation intérieure (18 July 2007)	12.29

Table of Cases and Decisions

N 727/2006 Portugal [2007] OJ C68/26	15.38
N 728/2006 Energy savings and efficiency programme in Catalonia (4 April 2007)	5.45
N 745/2006 Belgium [2007] OJ C73/15	15.38
N 746/2006 North Yorkshire NYNET Project (21 February 2007)	3.59, 13.31, 13.35, 13.38, 13.41, 13.43
N 749/2006 Sweden (27 June 2007)	12.47
N 752/2006 Innovation aid scheme to shipbuilding in Italy (30 April 2007)	12.60
N 760/2006 Extension of export financing scheme—Spanish shipbuilding (8 March 2007)	12.62
N 770/2006 Loan guarantee for railway rolling stock (10 May 2007)	12.18
N 798/2006 Support for construction of special housing for elderly people (7 March 2007)	3.59
N 810/2006 AMD (18 July 2007)	15.24
N 814/2006 Cyprus [2007] OJ C68/28	15.38
N 816/2006 R&D tax credits for SMEs (30 May 2008)	8.43
N 820/2006 Tax exemption for certain energy intensive processes (7 February 2007)	2.132, 14.12
N 822/2006 Post Office debt payment funding (7 March 2007)	2.73, 3.84, 3.86, 3.90, 13.46, 13.48, 13.51, 13.56, 13.57
N 836/2006 Mittelstandsfonds Schleswig-Holstein (11 January 2008)	8.48
N 866/2006 Tax exemption: certain renewables in heat generation (22 June 2007)	5.57
N 854/2006 TVMSL programme (10 May 2007)	1.42
N 872/2006 Qimonda (30 January 2008)	15.24
N 886/2006 Finnish regional transport subsidy (10 May 2007)	15.78
N 887/2006 Projet Bernin 2010 (10 July 2007)	1.42
N 890/2006 France—Sicoval (10 July 2007)	13.28
N 892/2006 Amendment to differentiated energy taxes scheme (28 February 2007)	14.12
N 911/2006 Protection social complémentaire des agents de l'État (30 May 2007)	3.07
N 1/2007 Bulgaria [2007] OJ C73/17	15.29, 15.38
N 2/2007 Romania [2007] OJ C73/17	15.29, 15.38
N 33/2007 R&D tax credits for SMEs (30 May 2008)	8.43
N 34/2007 Vaccine research relief (30 May 2008)	8.43
N 35/2007 Investment aid to Peene-Werft (27 June 2007)	12.64
N 40/2007 Eurovize (29 June 2007)	13.69
N 46/2007 Welsh public sector network scheme (30 May 2007)	2.22, 2.61, 13.28, 13.31
N 79/2007 R&D for the preservation of natural resources and ecosystems (31 August 2007)	8.09
N 94/2007 Aid for the use of renewable energies (22 March 2007)	14.09
N 95/2007 Aid for railway infrastructure in Saxony-Anhalt (30 July 2007)	12.17
N 100/2007 Lower Austria economic and tourism fund for supporting R&D&I (15 November 2007)	8.47
N 103/2007 Subsidies for DTT decoders/installation in Sora (25 September 2007)	13.10
N 117/2007 Decontamination of the site Neue Maxhütte Stahlwerke (3 September 2007)	5.52
N 121/2007 Tax measures to encourage the production of audiovisual works (16 July 2007)	13.61
N 152/2007 Swedish regional transport subsidy (23 October 2007)	15.78
N 160/2007 Equity guarantees (18 October 2007)	9.09, 9.18
N 184/2007 Cuneo fiscal (12 September 2007)	2.122, 2.132
N 195/2007 Rolls-Royce Deutschland (11 March 2008)	1.42
N 203/2007 Newly created enterprises in Murcia (10 July 2007)	15.80
N 204/2007 English woodlands grants scheme (27 July 2007)	11.59
N 212/2007 Electric and hybrid vehicles (15 June 2007)	12.27

Table of Cases and Decisions

N 340/2007 Aid for theatre, dance, music and audiovisual activities in the Basque country (18 July 2007)	3.61
N 249/2007 Netherlands [2007] OJ C176/10	15.38
N 263/2007 Technology fund TGFS, Saxony (31 January 2008)	9.10
N 267/2007 R&D&I scheme for enterprises in Sachsen-Anhalt (11 September 2007)	8.10
N 278/2007 Promotion of patent protection for small enterprises (23 August 2007).	8.45
N 287/2007 BES (23 August 2007)	9.09, 9.10, 9.29
N 291/2007 Netherlands Film Fund (10 July 2007)	13.66, 13.72, 13.74, 13.75
N 293/2007 Reduced excise duty for locally produced beer in Madeira (10 October 2007)	15.77
N 295/2007 Peak District National Park Authority, Environmental Quality Mark (25 July 2007).	3.59
N 308/2007 SME aid for innovation advisory and support services (4 December 2007)	8.48
N 324/2007 Italy [2008] OJ C90/4	15.38
N 326/07 Tax reduction biodiesel (11 March 2008)	14.19
N 336/2007 Innovation clusters (24 September 2007)	8.50
N 358/2007 Czech Republic scheme for inland waterway transport (20 May 2008)	12.29
N 383/2007 Danish training aid for foreign workers (10 September 2007)	6.28
N 384/2007 Start-up aid for the creation of small enterprises (3 October 2007).	15.80
N 388/2007 Post Office Limited transformation programme (28 November 2007)	13.46, 13.47, 13.50, 13.56, 13.57, 13.58
N 435/2007 ‘MINImage’ programme (30 January 2008)	1.42
N 463/2007 Commercial vehicles—environmental protection (15 January 2008).	12.27
N 472/2007 Restructuring aid to Compel Rail (2 April 2008).	2.49, 7.02
N 475/2007 Ireland: National Broadband Scheme (25 November 2007).	13.40
N 478/2007 Netherlands renewable energy scheme (21 December 2007)	14.18
N 481/2007 Promotion of movies and DVDs in Basque (13 November 2007)	13.77
N 519/2007 Polish scheme for firms employing persons held in detention (11 March 2008)	6.30
N 521/2007 Clusterfunds (21 February 2008)	9.09, 9.10
N 562/2007 Aid for the creation and production of films in Spain (2 April 2008)	13.75
N 581/2007 Swedish employment aid scheme (11 December 2007)	6.26, 6.30
N 594/2007 Second German Social Security Code (18 March 2008)	6.09
N 596a/2007 Reduction in solidarity tax on wealth (11 March 2008)	9.25
N 603/2007 GENESIS programme (4 June 2008)	8.33
N 605/2007 Financial incentives for the audiovisual industry regulations (28 November 2007)	13.72, 13.74, 13.75
N 613/2007 Innovation advisory and support (23 January 2008)	8.48
N 625/2007 Risk capital aid scheme (5 May 2008)	9.21
N 651/2007 French scheme to boost inland water transport (2 July 2008).	12.29
N 652/2007 Northern Ireland spin-outs (6 May 2008)	9.09
N 653/2007 Welsh red meat (28 May 2008)	11.58
N 692/2007 Amendment of N 131/2005 FibreSpeed broadband project Wales (10 January 2008).	13.28
N 726b/2007 Omnibus decentralised (22 April 2008)	9.10
N 742/2007 Audiovisual support scheme (13 February 2008).	13.72, 13.75
N 14/2008 Broadband in Scotland—extending broadband reach (30 April 2008).	13.43
N 15/2008 NESTA YIE (20 May 2008)	8.46
N 60/2008 Support for cinema in Sardinia (16 July 2008).	13.72, 13.75, 13.76
N 101/2008 R&D aid in the aeronautic sector (1 July 2008).	8.43
N 115/2008 Broadband in rural areas of Germany (2 July 2008)	13.38
N 159/2008 French aid scheme to promote combined transport (17 June 2008)	12.32
N 233/2008 Latvian support scheme (16 July 2008)	13.74, 13.76

Table of Cases and Decisions

N 250/08 Alto Adige, Italy (3 July 2008) IP/08/1095	13.40
N 279/2008 France Télévisions (16 July 2008)	13.21
N 287/2008 TV2/Danmark (4 August 2008)	7.02, 13.22
N 497/2008 Broadband in Lazdijai and Alytus, Lithuania (17 August 2008)	13.40
N 507/2008 UK support scheme for financial institutions (13 October 2008)	7.16
NN 11/1991 Greek privatization aid (31 July 1991)	3.54
NN 738/1995 Netherlands (20 March 1996)	12.46
NN 88/98 BBC News 24 (14 December 1999)	13.18, 13.23
NN 109/1998 Manchester Airport (14 June 1999)	12.41
NN 49/1999 Competition transition costs (25 July 2001)	14.25
NN 27/2000 German feed-in laws for renewable electricity (22 May 2002)	14.11
NN 30b/2000 and N 678/2001 Zero rate for green electricity (28 November 2001)	2.132, 14.20
NN 68/2000 Law on the protection of electricity generated from CHP (22 May 2002)	14.11
NN 46/2001 Aid to stock farmers hit by the BSE crisis (25 July 2001)	3.16
NN 86/2001 Aer Rianta (5 October 2001)	2.22, 16.18
NN 90/2001 UK (23 October 2001)	12.40
NN 137/2001 Reserves for nuclear power station waste management and decommissioning (11 December 2001)	2.122
NN 139/2001 Sweden (11 December 2001)	12.40
NN 140/2001 Luxembourg (28 November 2001)	12.40
NN 141/2001 Belgium (11 December 2001)	12.40
NN 143/2001 Spain (20 December 2001)	12.40
NN 144/2001 Portugal (28 November 2001)	12.40
NN 146/2001 and NN 161/2001 Denmark (20 December 2001)	12.40
NN 152/2001 Digital university (15 January 2002)	8.08, 8.13
NN 153/2001 Austria (20 December 2001)	12.40
NN 157/2001 France (20 December 2001)	12.40
NN 162/2001 Germany (20 December 2001)	12.40
NN 75/2002 Aid to energy intensive companies (1 August 2002)	14.12
NN 76/2002 Technology Transfer Institutes (19 February 2003)	2.22
NN 87/2002 Danish Centre for Management (25 May 2003)	8.13
NN 94/2002 Germany (30 December 2002)	12.47
NN 101/2002 British Energy (27 November 2002)	7.12, 7.19, 14.06
NN 19/2004 Germany (22 September 2004)	12.47
NN 43/2004 Tax exemption for biofuels (5 October 2005)	14.19
NN 54a/2004 National solidarity fund for natural disasters (7 June 2005)	3.15
NN 84/2004 and N 95/2004 Support measures in the cinema and audiovisual sectors (22 March 2006)	13.65, 13.67, 13.75, 13.77
NN 25/2005 Mobility passport (20 April 2005)	2.28, 3.07, 12.37
NN 42/2005 Rover (7 June 2005)	7.01, 7.12, 7.19
NN 64/2005 Digital replacement licences (25 January 2006)	13.10
NN 81/2005 NESTA (20 October 2005)	9.26, 9.31
NN 6/2006 UK film development and production funds (11 December 2007)	13.72, 13.75
NN 20/2006 Belgian tax on collective investment undertakings (26 April 2006)	2.118
NN 21/2006 City of Derry airport (16 May 2006)	12.41
NN 53/2006 Aid to bus operators in Malta (21 March 2007)	12.26
NN 54/2006 Prerov Logistics College (8 November 2006)	6.07, 8.08
NN 83/2006 Measures in favour of Royal Mail and Post Office Limited (21 February 2007)	13.55
NN 8/2007 RTVE workforce reduction measures (7 March 2007)	2.32, 2.73, 3.88, 3.90, 13.21

Table of Cases and Decisions

NN 24/2007 Prague municipal wireless network (30 May 2007)	2.61, 13.28, 13.31, 13.34, 13.40
NN 47/2007 Metronet rescue aid (28 November 2007)	7.12, 7.20, 12.20
NN 70/2007 Northern Rock (5 December 2007)	3.54, 7.01, 7.09, 7.14, 7.15, 7.18, 7.20
NN 17/2008 Digital Display Devices (16 April 2008)	15.09
NN 24/2008 Poste Italiane (30 April 2008)	13.51, 13.56, 13.58
NN 25/2008 WestLB risk shield (30 April 2008)	7.14
NN 36/2008 Roskilde Bank (31 July 2008)	7.15
NN 41/2008 Bradford & Bingley (1 October 2008)	7.15
NN 48/2008 Guarantee scheme for banks in Ireland (13 October 2008)	7.16
NN 51/2008 Danish support scheme for banks (10 October 2008)	7.16
C 25/89 Quimigal [1990] OJ C188/3	7.04
C 37/91 Bull [1992] OJ C244/2	8.01
C 74/97 Kali und Salz [1998] OJ C197/7	7.04
C 46/2000 Viridian Growth Fund [2001] OJ L144/23	9.10
C 31/2002 Transitional regime for the electricity market [2002] OJ C222/2	14.25
C 7/2003 SBS Incubation Fund [2003] OJ C104/2	8.15
C 17/2005 Restructuring aid for Gdynia shipyard (6 November 2008)	12.65
C 19/2005 Restructuring aid for Szczecin shipyard (6 November 2008)	12.65
C 41/2005 Hungarian stranded costs (4 June 2008)	14.25
C 43/2005 Polish stranded costs (25 September 2007)	14.25
C 34/2006 North Rhine-Westphalia DTT (23 October 2007)	2.69, 2.72, 3.28, 3.52, 3.56, 3.62, 13.10, 13.13
C 2/2007 Danish alternative marketplaces (24 January 2007)	9.32
C 5/2007 Danish tonnage tax modification [2007] OJ C135/6	12.46
C 9/2007 Large R&D aid to ITP—Trent 1000 [2007] OJ C108/18	8.35
C 18/2007 DHL Leipzig (2 July 2008)	13.48
C 20/2007 Pickman [2007] OJ C239/12	1.16
C 22/2007 Extension of the DIS regime to cable laying and dredging activities [2007] C213/22	12.47
C 23/2007 Vauxhall Motors (16 April 2008)	1.16
C 31/2007 Irish bus operators [2007] OJ C217/44	12.26
C 33/2007 IBG Risk capital fund Sachsen-Anhalt [2007] OJ C246/20	9.18, 9.30
C 34/2007 Polish tonnage tax scheme [2007] OJ C300/22	12.47
C 35/2007 Training aid to Volvo Cars in Gent (11 March 2008)	6.28
C 36/2007 Deutsche Post [2007] OJ C245/21	13.47
C 51/2007 VHD Programme IP/07/1679	1.16, 8.35
C 3/2008 Southern Moravian bus companies [2008] OJ C43/19	12.26
C 8/2008 Ciudad de la Luz studios (13 February 2008)	13.64, 13.76, 13.77
C 13/2008 Channel 4—digital switchover [2008] C137/16	13.19
C 14/2008 Northern Rock [2008] OJ C135/21	7.13
E 3/2005 Financing for public service broadcasters in Germany (24 April 2007)	13.10, 13.13, 13.15, 13.21
E 4/2005 RTE and TG4 (27 February 2008)	13.15, 13.19
E 9/2005 RAI (20 April 2005)	13.15
E 10/2005 France: licence fee (20 April 2005)	13.15
E 12/2005 Unlimited State guarantee to Poczta Polska (24 April 2007)	13.47, 13.53, 13.55
E 14/2005 RTP compensation payment (22 March 2006)	13.15, 13.21
E 8/2006 VRT (27 February 2008)	13.19

Table of Cases and Decisions

XS 67/2002 Cornwall film fund for SMEs [2003] OJ C154/16. 13.67
XS 171/2005 Audio visual industry sector development project [2006] OJ C177/14. 13.67
XS 182/2006 Consultancy aid for software development [2007] OJ C174/21 10.22
XS 301/2007 Línea Industria audiovisual [2008] OJ C11/13 13.67

TABLE OF NATIONAL CASES

United Kingdom

Belgium v Ryanair [2006] IEHC 213 18.33
Dept of Trade v British Aerospace [1991] 1 CMLR 165. 18.33
R (British Aggregates Association) v HM Treasury [2002] 2 CMLR 51 2.131
R v AG ex parte ICI [1985] 1 CMLR 588 (Div Ct), [1987] 1 CMLR 72 (CA). 18.11
R v Commissioners of Customs & Excise ex parte Lunn Poly [1998] EuLR 438
(Div Ct); [1999] EuLR 653, [1999] 1 CLMR 1357 (CA) 2.131, 18.11
R v Secretary of State for Trade and Industry ex parte BT3G [2001]
EWCA Civ 1448, [2001] 3 CMLR 61 2.11, 18.20

France

Lener Ignace v Dominique Beauvois [1994] 2 CMLR 419 18.25

United States

US v Topco Associates [1972] 405 US 596 1.31

TABLES OF TREATIES AND LEGISLATION

Table of EU/EC Treaties and Agreements	lxxv
Table of EC Regulations	lxxvii
Table of EC Directives	lxxxii
Table of ECSCC/EC/EFTA Decisions	lxxxiii
Table of Notices, Guidelines and Other Informal Texts	lxxxiii
Table of International Treaties, Conventions and Agreements	lxxxix
Table of National Legislation	xc

TABLE OF EU/EC TREATIES AND AGREEMENTS	
Accession Treaty of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic [2003] OJ L236/33	Treaty of Maastricht (Treaty of the European Union) (1992) Art 2. 6.01 Protocol on the System of Public Broadcasting in the Member States 13.07, 13.08, 13.23 Treaty of Paris (ECSC Treaty) (1951) 3.109, 14.04–05, 14.33, 14.40, 18.24 Treaty of Rome (EC Treaty) (1957) 1.03 Art 3. 8.01, 3.30, 5.01, 11.42 Art 6. 5.01, 11.42 Art 10. 2.07, 2.91, 16.90, 16.109, 17.15 Art 16. 13.05 Arts 32–38 11.02 Art 32. 11.01–02 Art 33. 11.03–04 Art 34. 11.07 Art 36. 3.58, 3.107, 11.02, 11.09–10, 11.61 Art 37. 3.107, 11.61 Art 39. 11.47 Art 40. 11.47 Arts 70–80 12.01 Art 73. 3.108, 12.01–06, 12.09, 12.11, 12.17, 12.22–6, 12.28, 12.31 Art 76. 3.108, 12.01–02, 12.04 Art 80. 12.01 Art 81. 2.07, 2.22, 4.17 Art 82. 1.31, 2.22, 4.17
OJ L236/33 14.43–4	
Act of Accession of Bulgaria and Romania [2005] OJ L157/203	
16.13	
Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic [2003] OJ L46/33	
14.44, 16.13	
Act of Accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden [1994] OJ C241	
16.13	
Treaty Establishing the European Atomic Energy Community (Euratom Treaty)	
14.04	
Treaty of Amsterdam (1999)	
5.01	

Tables of Treaties and Legislation

<p>Treaty of Rome (EC Treaty)(<i>Cont.</i>)</p> <p>Arts 86–88 12.01, 12.09</p> <p>Art 86. 3.108, 4.17, 12.03</p> <p>(1) 2.25</p> <p>(2) 2.01, 2.25, 2.63, 2.66, 2.68, 2.74–5, 2.118, 3.01, 3.03, 3.67–72, 3.78–81, 3.86–9, 3.90, 3.92, 7.02, 12.05, 12.26, 12.41–2, 12.45, 12.52, 13.03–04, 13.07, 13.11, 13.16–17, 13.21–2, 13.24, 13.34, 13.46, 13.48, 13.51, 13.55, 16.02, 16.10, 17.71, 17.78, 18.01</p> <p>Arts 87–89 2.21</p> <p>Art 87. 1.02, 2.07, 2.76, 2.78–9, 2.81–2, 2.84, 2.86–8, 2.96, 2.147, 3.34, 3.58, 3.107–08, 4.05, 4.10–11, 4.17, 4.37, 11.11, 11.14, 11.16, 11.61, 12.22, 12.28, 14.01, 14.04, 14.27, 14.43, 17.09, 17.54, 18.02</p> <p>(1) 1.02, 1.03, 1.05, 1.17, 1.18, 1.20, 1.22, 1.23, 2.01–09, 2.11, 2.14–15, 2.19, 2.22, 2.24–7, 2.31, 2.33, 2.43, 2.45, 2.50, 2.64–7, 2.70, 2.74–5, 2.78, 2.83–4, 2.89–91, 2.94, 2.99, 2.101, 2.103–04, 2.108, 2.110, 2.113, 2.115–16, 2.123, 2.126–8, 2.129, 2.131, 2.133–4, 2.146–9, 3.01–03, 3.06–07, 3.11–12, 3.20, 3.25, 3.34, 3.60, 3.68, 3.98–9, 4.28–9, 4.36, 5.10–11, 5.13–14, 6.06–09, 7.02, 8.08, 8.12, 8.17, 9.03, 9.08, 10.08–10, 11.09, 11.18, 12.02, 12.06, 12.14, 12.25–6, 12.38, 12.41, 12.47, 12.53, 13.09, 13.11, 13.34, 13.49, 13.51, 13.66, 14.06–10, 15.02, 16.09–10, 16.37, 16.57, 16.67, 16.78, 16.115, 17.07, 17.100, 18.02–04, 18.07, 18.12, 18.20</p> <p>(2) 1.02, 1.23, 2.01, 2.26, 2.128, 3.01–02, 3.05–06, 3.09, 3.11–12, 3.14, 3.16–19, 3.22–4, 3.78–80, 3.109, 6.06, 6.24–5, 7.14, 10.06, 10.25–6, 11.53–4, 12.06, 12.36–7, 12.40, 13.04, 13.22–4, 13.55, 16.02, 16.10, 16.51, 18.01</p> <p>(3) 1.02, 1.05, 1.22–8, 1.30, 1.32, 1.35–7, 2.01, 2.75, 2.128, 3.01–02, 3.04, 3.15–16,</p>	<p>3.25–9, 3.31–2, 3.42, 3.44, 3.47–9, 3.50, 3.53–61, 3.64–6, 3.78–80, 3.93, 3.95–101, 4.19, 5.38, 5.40–1, 5.51, 5.55–6, 5.58, 6.06, 6.24–5, 6.27–30, 7.07, 7.14, 7.16, 7.32, 8.31, 8.38–40, 8.50, 9.03, 10.03, 10.06, 10.19, 10.25–6, 11.22, 11.44, 11.46–9, 11.54–5, 11.57, 11.59, 11.66, 11.70, 12.17–18, 12.27–8, 12.31–2, 12.34, 12.41, 12.45, 12.51, 12.64, 13.03–04, 13.22–4, 13.38–9, 13.55, 13.67–9, 13.76–7, 14.21, 14.24–5, 14.30, 14.32, 14.41, 15.03–05, 15.11, 15.14, 15.16, 15.18, 15.25, 15.27–35, 15.37–8, 15.40–1, 15.55, 15.59, 16.02, 16.10, 16.51, 18.01</p> <p>Art 88. 1.02, 2.76, 2.79, 2.81–2, 2.87–8, 2.147, 3.34, 3.58, 3.107–08, 4.06–07, 4.37, 11.11, 11.14, 11.61, 12.22, 14.01, 14.04, 14.43, 15.19, 16.01, 16.03, 16.05–06, 16.111, 17.54, 18.06, 18.23</p> <p>(1) 3.46, 3.107, 11.10, 11.13–14, 15.04, 15.38, 16.122</p> <p>(2) 3.01, 3.04, 3.94–5, 3.101–03, 3.105–06, 7.25, 13.19, 14.31, 16.02, 16.05, 16.07, 16.31, 16.35, 16.39, 16.43, 16.46, 16.60–1, 16.67–8, 16.82, 16.112, 16.116, 16.121, 16.129, 17.01, 17.04, 17.06–08, 17.10–11, 17.14–15, 17.22, 17.29–30, 17.41, 17.47, 17.55, 17.78, 17.85, 18.01</p> <p>(3) 2.21, 2.79, 2.148–49, 3.06, 3.34, 3.68, 3.72, 3.107, 4.12, 5.18, 5.26, 11.10, 11.13, 11.16, 11.66, 12.11–12, 12.15, 12.42, 12.52, 13.14, 15.08, 15.38–39, 15.47, 16.02, 16.05, 16.09, 16.16–17, 16.20, 16.30, 16.40, 16.43, 16.69, 16.89, 17.09, 17.38, 17.78, 18.01, 18.02, 18.04, 18.06–12, 18.14, 18.16, 18.20, 18.22–3, 18.25–30</p> <p>Art 89. 3.34, 3.58, 3.100, 3.107, 11.11, 11.14, 11.16, 11.61, 16.03, 18.01</p> <p>Art 90. 3.30, 17.09</p> <p>Art 92. 2.143</p> <p>Art 93. 2.143</p>
--	---

Arts 96–97 2.21
 Art 133 4.38
 Art 152 3.30
 Art 153 3.30
 Arts 163–173 8.01
 Art 169 8.02
 Art 174 5.01, 14.32
 Art 205 3.96
 Art 225 17.81, 17.86
 Art 226 16.129, 17.01,
 17.04, 17.05, 17.07–11,
 17.13–15, 17.19–20
 Art 227 17.02, 17.13, 17.19–20
 Art 228 17.17–18
 Art 230 16.104, 17.01, 17.13,
 17.21, 17.25–7, 17.31–2,
 17.36, 17.50–3, 17.77, 17.84,
 17.91, 18.04
 Art 231 17.74
 Art 232 16.75, 17.02, 17.13,
 17.76–9, 17.91
 Art 233 16.68, 17.74
 Art 234 17.01, 18.03, 18.32, 18.34
 Art 235 17.81
 Art 242 16.92, 16.104, 17.90
 Art 243 16.104, 17.90
 Art 249 3.38, 16.42, 16.90, 17.26–7
 Art 250 3.96
 Art 253 17.65–7, 17.72
 Art 288 17.02, 17.59, 17.80, 17.83–5
 Art 295 7.29
 Art 299 15.30
 Art 300 4.38
 Art 305 14.27
 Annex I 8.27, 9.14, 11.10,
 11.19, 11.22, 11.41, 11.59,
 11.60, 15.60

TABLE OF EC REGULATIONS

Regulation (EEC) 1191/69 on action
 by Member States concerning
 the obligation inherent in the
 concept of a public service in
 transport by rail, road and
 inland waterway [1969] OJ
 L156/1 12.03, 12.05–06,
 12.09–12, 12.15, 12.26
 Regulation (EEC) 1192/69 on common
 rules for the normalisation of the
 accounts of railway undertakings
 [1969] OJ L156/8 12.15
 Regulation (EEC) 1107/70 on the
 granting of aids for transport

by rail, road and inland
 waterway [1970] OJ L130/1 12.03,
 12.05–06, 12.09, 12.11–12, 12.17,
 12.23, 12.26, 12.28, 12.31
 Regulation (EEC) 1658/82 supplementing
 by provisions on combined
 transport Regulation (EEC)
 No 1107/70 on the granting of
 aids for transport by rail, road
 and inland waterway [1982]
 OJ L184/1 12.31
 Regulation (EEC) 1898/87 on the
 protection of designations used in
 marketing of milk and milk
 products [1987] OJ L182/36 11.22
 Regulation (EEC) 3921/91 laying
 down the conditions under which
 non–resident carriers may transport
 goods or passengers by inland
 waterway within a Member
 State [1991] OJ L373/1 12.28
 Regulation (EEC) 881/92 on access to
 the market in the carriage of goods
 by road within the Community to or
 from the territory of a Member
 State or passing across the territory of
 one or more Member States [1992]
 OJ L95/1 12.24
 Regulation (EEC) 1766/92 on the
 common organization of the
 market in cereals [1992]
 OJ L181/21 11.11
 Regulation (EEC) 2408/92 on access
 for Community air carriers to
 intra–Community air
 routes [1992] OJ L240/8 3.74,
 12.01, 12.36, 12.43
 Regulation (EEC) 3577/92 applying the
 principle of freedom to provide services
 to maritime transport within Member
 States (maritime cabotage) [1992] OJ
 L364/7 3.74, 12.01, 12.52
 Regulation (EEC) 3578/92 [1992] OJ
 L364/11 amending Regulation
 (EEC) No 1107/70 on the granting
 of aids for transport by rail, road
 and inland waterway 12.31
 Regulation (EEC) 2019/93 introducing
 specific measures for the smaller
 Aegean islands concerning certain
 agricultural products [1993]
 OJ L184/1 11.24, 11.58
 Regulation (EEC) 3118/93 laying down the
 conditions under which non–resident

Tables of Treaties and Legislation

carriers may operate national road haulage services within a Member State [1993] OJ L279/1	12.24	Art 4	16.40
Regulation (EC) 3094/95 on aid to shipbuilding [1995]		(1)	16.29
OJ L332/1	3.100	(2)	16.37, 17.29
Regulation (EC) 1356/96 concerning common rules applicable to the inland carriage of goods or of persons by waterways between Member States, with a view to carrying out in this transport the freedom to provide services [1996]		(3)	16.37
OJ L175/7	12.28	(4)	16.37
Regulation (EC) 1904/96 amending Regulation (EC) No 3094/95 on aid to shipbuilding [1996]		(5)	16.30, 16.34, 16.36
OJ L251/5	3.100	(6)	16.38, 16.39
Regulation (EC) 543/97 amending Regulation (EEC) No 1107/70 on the granting of aids for transport by rail, road and inland waterway [1997]		Art 5	16.28, 16.33, 16.72
OJ L84/6	12.31	Art 6(1)	16.42, 16.46
Regulation (EC) 2026/97 on protection against subsidized imports from countries not members of the European Community [1997]		Art 7	16.82
OJ L228/1	4.40	(1)	16.56
Regulation (EC) 994/98 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid [1998] OJ L142/1	3.34, 3.38, 5.08, 6.04, 6.07, 8.05, 10.04, 15.42	(2)	16.57
Regulation (EC) 1540/98 establishing new rules on aid to shipbuilding [1998]		(3)	16.67
OJ 202/1	12.58	(4)	16.58
Regulation (EC) 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty [1999]		(5)	16.62
OJ L83/1	9.20, 16.03, 16.05–06, 16.15–17, 16.85, 16.101, 16.113	(7)	16.54
Art 1(a)	16.09	Art 8	16.28
(b)	16.13, 16.18, 16.38, 17.66, 17.72	Art 9	16.65–6
(c)	16.16	Art 10	16.71–2, 16.74
(d)	16.15	Art 11	16.73, 16.77–8
(f)	16.69	Art 12	16.80
(g)	16.69	Art 13	16.72, 16.74, 16.81, 16.83
(h)	16.47, 17.41	Art 14	16.112
Art 2(1)	16.20, 16.29	(1)	16.85, 16.103
(2)	16.25, 16.42, 16.72	(2)	16.95
Art 3	16.43, 18.06	(3)	16.92, 18.29
		Art 15	16.118–19
		Art 16	16.74, 16.77, 16.81, 16.112
		Arts 17–19	16.120
		Art 17	16.123
		Art 18	16.124, 16.127
		Art 19	16.125–26
		Art 20	16.32, 16.81
		Art 21	16.127
		Art 22	16.128
		Art 23	16.60, 16.128–29
		Art 25	16.37, 16.56, 17.29
		Art 26	17.51
		Art 27	16.04
		Regulation (EC) 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) [1999] OJ L160/80	11.08, 11.48
		Regulation (EC) 104/2000 on the common organisation of the markets in fishery and aquaculture products [2000]	
		OJ L17/22	11.22, 11.60–1
		Regulation (EC) 68/2001 on the application of Articles 87 and 88 of the EC Treaty to training aid [2001]	
		OJ L10/20	3.35, 3.63, 6.04

Tables of Treaties and Legislation

<p>Regulation (EC) 69/2001 on the application of Articles 87 and 88 of the EC Treaty to <i>de minimis</i> aid [2001] OJ L10/30 2.147</p> <p>Regulation (EC) 70/2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises [2001] OJ L10/33 3.35, 8.05, 10.04, 11.46</p> <p>Regulation (EC) 1177/2002 concerning a temporary defensive mechanism to shipbuilding [2002] OJ L172/1 3.100, 12.56</p> <p>Regulation (EC) 1407/2002 on State aid to the coal industry [2002] OJ L205/1 3.100, 14.33–9</p> <p>Regulation (EC) 2204/2002 on the application of Articles 87 and 88 of the EC Treaty to State aid for employment [2002] OJ L337/3 3.35, 6.05, 6.08</p> <p>Regulation (EC) 1382/2003 of the Parliament and Council on the granting of Community financial assistance to improve the environmental performance of freight transport system (Marco Polo Programme) [2003] OJ L196/1 12.51</p> <p>Regulation (EC) 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers [2003] OJ L270/1 11.07, 11.11, 11.39, 11.47</p> <p>Regulation (EC) 1/2004 on the application of Articles 87 and 88 of the EC Treaty to State aid to small- and medium-sized enterprises active in the production, processing and marketing of agricultural products [2004] OJ L1/1 11.21</p> <p>Regulation (EC) 364/2004 amending Regulation (EC) 70/2001 as regards the extension of its scope to include aid for research and development [2004] OJ L63/22 8.24</p> <p>Regulation (EC) 794/2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of</p>	<p>Article 93 of the EC Treaty [2004] OJ L140/1 8.55, 12.08, 16.04, 16.24</p> <p>Recital (4) 16.16</p> <p>Art 2 16.23</p> <p>Art 3 16.22, 16.33, 16.39</p> <p>Art 4 16.16, 16.23, 16.36</p> <p>Art 11 16.95–6</p> <p>Annex 1 8.55, 12.08</p> <p>Regulation (EC) 1595/2004 on the application of Articles 87 and 88 of the EC Treaty to State aid to small- and medium-sized enterprises active in the production, processing and marketing of fisheries products [2004] OJ L291/3 11.62</p> <p>Regulation (EC) 1860/2004 on the application of Articles 87 and 88 of the EC Treaty to <i>de minimis</i> aid in the agriculture and fisheries sectors [2004] OJ L325/4 11.18, 11.62</p> <p>Regulation (EC) 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) [2005] OJ L277/1 11.08, 11.28, 11.36, 11.45</p> <p>Art 7 11.08</p> <p>Art 11 11.08</p> <p>Art 16 11.16</p> <p>Art 20 11.36</p> <p>Art 22 11.29, 11.45, 11.50</p> <p>Art 23 11.30, 11.50</p> <p>Art 31 11.15, 11.49</p> <p>Art 32 11.37, 11.58</p> <p>Art 37 11.15, 11.48</p> <p>Art 38 11.47</p> <p>Art 39 11.15, 11.47</p> <p>Art 40 11.15, 11.47</p> <p>Arts 43–49 11.59</p> <p>Art 88 11.14–15, 11.48–9</p> <p>Art 89 11.16</p> <p>Art 93 11.24</p> <p>Art 94 11.48</p> <p>Annex 11.15, 11.29, 11.36, 11.47, 11.49, 11.59</p> <p>Regulation (EC) 318/2006 on the common organisation of the markets in the sugar sector [2006] OJ L58/1 11.11</p> <p>Regulation (EC) 509/2006 on agricultural products and foodstuffs</p>
---	---

Tables of Treaties and Legislation

as traditional specialities guaranteed	Art 15.	11.37, 11.59
[2006] OJ L93/1	Art 16.	11.38, 11.55
Regulation (EC) 510/2006 on the	Art 17.	11.39
protection of geographical	Art 19.	11.40
indications and designations of	Annex.	11.30
origin for agricultural products and	Regulation (EC) 1974/2006 laying down	
foodstuffs [2006]	detailed rules for the application of	
OJ L93/12	Council Regulation (EC)	
Regulation (EC) 1083/2006 laying down	1698/2005 [2006]	
general provisions on the European	OJ L368/15	11.08
Regional Development Fund, the	Regulation (EC) 1998/2006 on the	
European Social Fund and the	application of Articles 87 and 88 of	
Cohesion Fund [2006]	the Treaty to <i>de minimis</i> aid [2006]	
OJ L210/25	OJ L379/5	2.147, 2.148,
Regulation (EC) 1184/2006 applying	3.35, 9.12, 11.18	
certain rules of competition to the	Regulation (EC) 875/2007 on the	
production of, and trade in,	application of Articles 87 and 88	
agricultural products [2006]	of the EC Treaty to <i>de minimis</i> aid	
OJ L214/7	in the fisheries sector and amending	
Regulation (EC) 1198/2006 on the	Regulation (EC) 1860/2004 [2006]	
European Fisheries Fund [2006]	OJ L193/6	3.35, 9.12,
OJ L223/1	11.62–3, 11.65	
Regulation (EC) 1405/2006 laying down	Regulation (EC) 1182/2007 laying down	
specific measures for agriculture in	specific rules as regards the fruit and	
the small Aegean Islands [2006]	vegetable sector [2007]	
OJ L265/1	OJ L273/1	11.12
Regulation (EC) 1628/2006 on the	Regulation (EC) 1234/2007 establishing	
application of Articles 87 and 88 of	a common organization of	
the Treaty to national regional	agricultural markets and on specific	
investment aid [2006] OJ	provisions for certain agricultural	
L302/29	products [2007] OJ L299/1	11.06,
Regulation (EC) 1857/2006 on the	11.11–12, 11.39	
application of Articles 87 and 88 of	Regulation (EC) 1370/2007 of the	
the Treaty to State aid to small- and	European Parliament and of the	
medium-sized enterprises active in	Council on public passenger	
the production of agricultural	transport services by rail and by	
products [2006]	road and repealing Council	
OJ L358/3	Regulations (EEC) 1191/69 and	
11.21–3, 11.28,	1107/70 [2007] OJ L315/1	12.03,
11.32–3, 11.37, 11.39–41	12.09, 12.12, 12.16–17,	
Recital (26).	12.23, 12.52	
Art 1.	Regulation (EC) 1371/2007 of the	
Art 2.	European Parliament and of the	
Art 3.	Council on rail passengers' rights	
Art 4.	and obligations [2007]	
Art 5.	OJ L315/14	12.14
Art 6.	Regulation (EC) 1535/2007 on the	
Art 7.	application of Articles 87 and 88	
Art 8.	of the Treaty to <i>de minimis</i> aid in	
Art 9.	the sector of agricultural production	
Art 10.	[2007] OJ L337/35	8.02, 9.12,
Art 11.	11.18–20	
Art 12.	Regulation (EC) 271/2008 amending	
Art 13.	Regulation (EC) 794/2004	
Art 14.		

Tables of Treaties and Legislation

implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty [2008] OJ L82/1	12.08, 16.04, 16.23–4, 16.59, 16.70	Art 1(2)	5.17
Regulation (EC) 479/2008 on the common organisation of the market in wine [2008] OJ L148/1	9.12, 11.12	(3)	5.17, 6.11, 8.19, 9.14, 10.14, 11.21, 11.64, 12.49, 12.65, 14.40, 15.44
Regulation (EC) 736/2008 on the application of Articles 87 and 88 of the Treaty to State aid to small- and medium-sized enterprises active in the production, processing and marketing of fisheries products [2008] OJ 201/16	11.63, 11.65–8	(4)	15.44
Regulation (EC) 744/2008 instituting a temporary specific action aiming to promote the restructuring of the European Community fishing fleets affected by the economic crisis [2008] OJ L202/1	11.61	(5)	5.17
Regulation (EC) 800/2008 on the application of Articles 87 and 88 of the Treaty declaring certain categories of aid compatible with the common market (General Block Exemption Regulation) [2008] OJ L214/3	1.05, 3.25, 3.40, 5.03, 5.08–09, 5.15–16, 5.21–30, 5.61, 6.02, 6.05–06, 6.10–13, 6.16–18, 6.21–2, 6.24, 8.06–07, 9.05, 9.13–17, 10.02, 10.05–07, 10.11–18, 10.20–3, 10.26, 11.21, 11.41, 11.46, 12.06, 12.49, 14.06, 14.14–15, 14.40, 15.03, 15.08–09, 15.42–7, 15.62–3, 15.66, 15.81, 16.11	(6)	5.17, 7.07
Recital (15)	5.17, 7.07, 7.12	(7)	5.17, 7.07, 7.12
Recital (28)	5.24	Art 2(2)	6.19, 9.16, 15.47
Recital (44)	10.20	(10)	15.50
Recitals (54)–(58)	10.02	(11)	15.50
Recital (58)	10.24	(18)	6.17
Recital (47)	5.35	(19)	6.17
Recital (61)	6.02	(20)	6.21
Recital (62)	6.07	(21)	6.22
Chap I	5.15, 6.10, 8.18, 9.13, 10.11, 15.43	(23)	11.21
Chap II	5.15, 5.27, 6.10, 8.18, 9.13, 10.11, 15.43	(24)	11.21
Chap III	5.15	(28)	10.20
		Art 3	5.18
		Art 4	5.19–20, 8.20, 15.56–7
		Art 6	5.22, 6.12, 8.06, 8.20, 8.53, 10.14, 15.46
		Art 7	5.23
		Art 8	5.24–5, 6.13, 10.15
		Art 9	5.26, 12.13
		Art 10	5.26
		Art 11	5.26
		Art 12	15.49–50, 15.53
		Art 13	5.17, 6.10, 10.12, 15.47–8, 15.50, 15.54–5
		Art 14	10.17–18, 15.57–9
		Art 15	6.10, 10.17, 10.19, 15.55
		Art 16	10.17, 10.20
		Art 17	5.27, 5.31–2, 5.34
		Art 18	5.28–33, 5.34, 10.12, 10.21
		Art 19	5.29, 10.12, 12.13
		Art 20	5.30, 10.13, 10.17, 10.21
		Art 21	5.31, 5.34, 10.12
		Art 22	5.32, 10.12
		Art 23	5.34, 10.12, 14.14
		Art 24	5.34, 10.12
		Art 25	5.25, 5.35
		Art 26	8.30, 10.17, 10.22
		Art 27	10.17, 10.23
		Art 28	9.18
		Art 29	5.21, 9.15–16, 9.18, 10.12
		Art 30	8.23
		Art 31	6.20, 8.24, 8.27, 10.12, 10.24
		Art 32	8.26, 10.12, 10.24
		Art 33	8.26, 10.17, 10.24
		Art 34	8.28
		Arts 35–37	10.13
		Art 35	8.16, 8.28, 8.46, 10.17, 10.24

Regulation (EC) 800/2008 on the application of Articles 87 and 88 of the Treaty declaring certain categories of aid compatible with the common market (General Block Exemption Regulation) (<i>Cont.</i>)	
Art 36	8.16, 8.29, 8.48–9, 10.17, 10.24
Art 37	8.16, 8.30, 10.24
Arts 38–39	6.05
Art 38	6.14
Art 39	6.15–16, 10.12, 12.49
Arts 40–42	6.05
Art 40	5.09, 6.19
Art 41	6.22–3
Art 42	6.13, 6.22
Art 44	3.40, 6.05, 8.06, 10.05, 15.43
Art 45	3.38, 10.05
Annex I	10.16, 11.01, 11.22
TABLE OF EC DIRECTIVES	
Directive 79/409/EEC on the Conservation of Wilds Birds [1979] OJ L103/1	11.24
Directive 90/684/EEC on aid to shipbuilding [1990] OJ L380/27	3.100
Directive 91/440/EEC on the development of the Community's railways [1991] OJ L237/25	12.14, 12.16, 12.22
Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources [1991] OJ L375/1	11.44
Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora [1992] OJ L206/7	5.53, 11.24
Directive 96/61/EC concerning integrated pollution prevention and control [1996] OJ L257/26	5.27, 5.41
Directive 96/82/EC on the control of major accident hazards involving dangerous substances [1997] OJ L10/13	5.53
Directive 96/92/EC concerning common rules for the internal market in electricity [1997] OJ L27/20	14.21–3
Directive 97/67/EC on common rules for the development of the internal market of Community postal services and the improvement of quality of service [1998] OJ L15/14	3.82, 13.45
Directive 2000/60/EC establishing a framework for Community action in the field of water policy [2000] OJ L327/1 (Water Framework Directive)	11.24, 11.33, 11.47
Directive 2001/77/EC on the promotion of electricity produced from renewable energy sources in the internal electricity market [2001] OJ L283/33	14.13–14
Directive 2002/39/EC of amending Directive 97/67/EC with regard to the further opening to competition of Community postal services [2002] OJ L176/21	13.45
Directive 2003/54/EC concerning common rules for the internal market in electricity and repealing Directive 96/92/EC [2003] OJ L176/37	14.21
Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community [2003] OJ L275/32	5.54
Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity [2003] L283/51	5.35, 5.58, 11.68
Directive 2004/8/EC on the promotion of cogeneration based on a useful heat demand in the internal energy market [2004] OJ L52/50	5.32, 5.49, 11.24
Directive 2004/51/EC amending Council Directive 91/440/EEC on the development of the Community's railways [2004] OJ L164/164	12.14
Directive 2007/58/ EC amending Council Directive 91/440/EEC on the development of the Community's railways and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure [2007] OJ L315/44	12.14

<p>Directive 2007/59/EC on the certification of train drivers operating locomotives and trains on the railway system in the Community [2007] OJ L315/51 12.14</p> <p>Directive 2007/65/EC of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities [2007] OJ L332/27 13.59</p> <p>Directive 2008/6/EC amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services [2008] OJ L52/3 13.01, 13.44–6</p>	<p>Decision) [2005] OJ L312/67. 3.71, 3.72–7, 3.78, 3.87, 3.90, 3.92, 12.42, 12.52</p> <p>Decision 2007/74/EC establishing harmonised efficiency reference values for separate production of electricity and heat [2007] OJ L32/183 5.32, 5.49</p>
--	--

EFTA Surveillance Authority decisions

<p>Decision 195/04/COL on the implementing provisions referred to under Article 27 in Part II of Protocol 3 to the Surveillance and Court Agreement (14 July 2004) 4.07</p> <p>Decision 228/06/COL Regionally-differentiated social security contributions in Norway (19 July 2006) 15.77</p> <p>Decision 314/08/COL Leifur Eirfksson Air Terminal (4 June 2008) 2.101</p>
--

TABLE OF ECSCC/EC/EFTA DECISIONS

ECSC decisions

Decision 3855/91/ECSC Community rules for aid to the steel industry [1991] OJ L362/57	14.40
Decision 3632/93/ECSC Community rules for State aid to the coal industry [1993] OJ L329/12	3.100, 14.36, 14.38
Decision 2496/96/ECSC Community rules for aid to the steel industry [1996] OJ L338/42	14.41

EC decisions

Decision 1982/2006/EC of the Parliament and Council concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007–2013) [2006] OJ L412/1	8.02
Decision 2005/842/EC on the application of Article 86(2) of the EC Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest (Article 86(2)	

TABLE OF NOTICES, GUIDELINES AND OTHER INFORMAL TEXTS

EC Commission

Communication on the accelerated clearance of aid schemes for SMEs and of amendments of existing schemes [1992] OJ C213/10	16.36
Communication on the application of Article 228 of the EC Treaty SEC/2005/1658.	17.17
Communication on the application of State aid rules to measures taken in relation to financial institutions in the context of the current global financial crisis [2008] OJ C270/8.	7.15–16
Communication on the application of State aid rules to public service broadcasting [2001] OJ C320/5	3.61, 13.06, 13.08, 13.13, 13.16–20, 13.22–3
Communication on certain legal aspects relating to cinematographic and other audiovisual works [2002] OJ C43/6.	3.61, 13.61, 13.69, 13.70–5, 13.77
Communication concerning the extension of the Guidelines on State aid for rescuing and restructuring firms in difficulty [1999] OJ C67/11	7.05

Tables of Treaties and Legislation

<p>Communication concerning the extension of the validity of Community guidelines on State aid for environmental protection [2007] OJ C316/58 5.06</p> <p>Communication on the follow-up to the Commission communication on certain legal aspects relating to cinematographic and other audiovisual works [2004] OJ C123/1 13.70</p> <p>Communication concerning the guidelines on State aid for employment [2000] OJ C371/12 6.03</p> <p>Communication on the method for the application of Article 92(3)(a) and (c) to regional aid [1988] OJ C212/2 15.04</p> <p>Communication on Investing in research: an action plan for Europe COM (2003) 226 final 8.02</p> <p>Communication relating to the methodology for analysing State aid linked to stranded costs SG(2001) D/290869 14.23–4</p> <p>Communication on the modification of the Multisectoral Framework on regional aid for large investment projects (2002) with regard to the establishment of a list of sectors facing structural problems and on a proposal of appropriate measures pursuant to Article 88 paragraph 1 of the EC Treaty, concerning the motor vehicle and the synthetic fibres sector [2003] OJ C263/3 15.19</p> <p>Communication concerning the prolongation of the Community Framework for State Aid for Research and Development [2002] OJ C111/3 and [2005] OJ C310/10 8.04</p> <p>Communication concerning the prolongation of the Framework on State aid to shipbuilding [2008] OJ C173/3 12.58</p> <p>Communication concerning the prolongation of the application of the Communication on the follow-up to the Commission communication on certain legal aspects relating to cinematographic</p>	<p>and other audiovisual works [2007] OJ C134/5 13.70</p> <p>Communication pursuant to Article 93(1) of the EC Treaty applying Articles 92 and 93 of the Treaty to short-term export-credit insurance [1997] OJ C281/4 as amended [2005] OJ C325/22 2.13</p> <p>Communication on the recapitalization of financial institutions in the current financial crisis [2009] OJ C10/2 7.16</p> <p>Communication on the repercussions of the terrorist attacks in the United States on the air transport industry COM(2001) 574 3.19, 12.40</p> <p>Communication on Rescue and restructuring aid and closure aid for the steel sector [2002] OJ C70/21 14.41</p> <p>Communication from the Commission on the revision of the method for setting the reference and discount rates [2008] OJ C14/6 16.96</p> <p>Communication on Services of General Interest in Europe [2001] OJ C17/4 13.05</p> <p>Communication on Services of general interest, including social services of general interest: a new European commitment COM(2007) 724 final 3.67, 3.84</p> <p>Communication on simplification and better regulation for the common agricultural policy, COM(2005) 509 11.06</p> <p>Communication on State Aid to the Coal Industry COM(2007) 253 14.33</p> <p>Communication on State Aid and Risk Capital [2001] OJ C235/3 9.02–03, 13.67</p> <p>Communication on State aid elements in sales of land and buildings by public authorities [1997] OJ C209/3 2.06, 2.51–3</p> <p>Communication on a temporary framework for State aid measures to support access to finance in the current financial economic crisis, 17 December 2008, as amended 25 February 2009 7.16, 9.19</p> <p>Framework for State aid in the form of public service compensation (Article 86(2) framework) [2005]</p>
--	---

Tables of Treaties and Legislation

<p>OJ C297/4 3.71, 3.80, 3.82, 3.87, 3.90–1, 13.16, 13.67</p> <p>Framework for State aid for Research and Development [1986] OJ C83/2 8.04</p> <p>Framework for State aid for Research and Development [1996] OJ C45/5 8.04</p> <p>Framework for State aid for Research and Development [1998] OJ C48/2 8.04</p> <p>Framework for State aid for Research and Development and Innovation [2006] OJ C323/1 1.42, 3.42, 8.04, 8.06, 8.07, 8.16, 8.31, 14.40</p> <p>para 1.3.1 8.32</p> <p>para 1.3.2 8.33</p> <p>para 1.3.3 8.34</p> <p>para 1.3.4 8.35</p> <p>para 1.3.5 8.36</p> <p>para 1.4 8.38</p> <p>para 2.1 8.31</p> <p>para 3.1.1 8.09</p> <p>para 3.1.2 8.08</p> <p>para 3.2.1 8.11</p> <p>para 3.2.2 8.12</p> <p>para 4 8.38, 8.39</p> <p>para 5 8.38, 8.40</p> <p>para 5.1.2 8.41</p> <p>para 5.1.3 8.42</p> <p>para 5.1.4 8.42</p> <p>para 5.1.5 8.43</p> <p>para 5.1.6 8.43</p> <p>para 5.1.7 8.42</p> <p>para 5.2 8.44</p> <p>para 5.3 8.45</p> <p>para 5.4 8.46</p> <p>para 5.5 8.47</p> <p>para 5.6 8.16, 8.29, 8.48</p> <p>para 5.7 8.30, 8.49</p> <p>para 5.8 8.50</p> <p>para 6 8.35, 8.38, 8.53</p> <p>para 7 8.38, 8.53</p> <p>para 7.1 8.52, 8.53</p> <p>para 7.3.4 8.36</p> <p>para 7.4 8.37</p> <p>para 7.4.1 8.37</p> <p>para 7.4.2 8.37</p> <p>para 7.4.3 7.37</p> <p>para 8 8.54</p> <p>para 10.1.1 8.55</p> <p>para 10.1.3 8.55</p>	<p>Framework on State aid to shipbuilding [2003] OJ C317/11 3.100, 12.58, 12.65</p> <p>para 10(d) 12.59</p> <p>para 11 12.59</p> <p>para 12 12.65</p> <p>para 15(a) 12.60</p> <p>para 15(b) 12.60</p> <p>para 16 12.61</p> <p>para 21 12.61</p> <p>para 23 12.62</p> <p>para 24 12.63</p> <p>para 25 12.63</p> <p>para 26(b) 12.64</p> <p>para 26(c) 12.64</p> <p>Framework on training aid [1998] OJ C343/10 6.03, 6.07, 6.25</p> <p>Guidelines on aid to employment [1995] OJ C344/4 6.03, 6.08</p> <p>Guidelines on the Application of Articles 92 and 93 of the EC Treaty and Article 61 of the EEA agreement to State aids in the aviation sector [1994] OJ C350/5 7.08, 12.34, 12.35, 12.38</p> <p>para 10 12.34</p> <p>para 12 12.35</p> <p>paras 12–24 12.36</p> <p>para 24 3.10</p> <p>paras 38–41 12.38</p> <p>Guidelines on the assessment of horizontal mergers under the Council Regulation on the control of concentrations between undertakings [2004] OJ C31/5 1.22</p> <p>Guidelines for the calculation of the amount of subsidy in countervailing duty investigations [1998] OJ C394/6 4.40</p> <p>Guidelines on financing of airports and start-up aid to airlines departing from regional airports [2005] OJ C312/1 12.35, 12.39, 12.41</p> <p>Guidelines on Fisheries 2008 11.69</p> <p>Guidelines on National Regional Aid 2000–2006 [1998] OJ C74/9 15.05, 15.10, 15.29</p> <p>para 3.5(2) 15.12</p> <p>para 3.10 15.13</p> <p>para 4.2 15.16</p> <p>para 4.2(2) 15.14</p> <p>para 4.2(3) 15.15</p> <p>para 4.4 15.14, 15.15</p>
---	--

Tables of Treaties and Legislation

Guidelines on National Regional Aid	
2000–2006 [1998] (<i>Cont.</i>)	
para 4.5	15.15, 15.16
para 4.6	15.15, 15.16
para 4.8	15.16
para 4.9	15.16
para 4.10	15.15
para 4.14	15.15
para 4.11–4.14	15.14
para 4.13	15.16
para 4.15–17	15.14
para 4.20	15.16
Guidelines on National Regional Aid for	
2007–2013 [2006]	
OJ C54/13	7.08, 11.46, 12.64, 15.01, 15.07, 15.08, 15.18, 15.25, 15.31, 15.60, 15.73, 15.81, 16.08
para 1	15.25
para 2	15.10
para 8	15.60
para 9	15.60
para 10	15.60
para 12	15.26
paras 12–32	15.09
para 13	15.26
para 14	15.26
para 16	3.47
para 17	15.30
para 18	15.29, 15.31
para 19	15.31
para 25	15.34
para 26	15.34
para 27	15.34
para 30	15.35, 15.78
para 31	15.36
paras 33–59	15.66
paras 33–75	15.60
para 36	15.64, 15.66
para 37	15.63, 15.64
para 38	15.64, 15.65
para 42	15.40
paras 44–49	15.40
para 50	12.19
para 72	15.64
para 73	15.67
para 74	15.67
para 75	15.67
para 60	15.69
para 61	15.69
para 64	15.72
para 65	15.71
para 66	15.71
para 67	15.70
para 68	15.73
para 70	15.73
para 76	15.74
paras 76–83	15.60
para 77	15.74
para 78	15.74, 15.75
para 79	15.76
para 80	15.77
para 81	15.78
para 82	15.77
para 83	15.79
paras 84–91	15.60
para 95	15.37
para 96	15.39
para 97	15.38
para 98	15.39
para 104	15.40
para 105	15.18
para 106	15.64
Annex III	15.71
Annex IV	15.34
Annex V	15.25, 15.29, 15.31
Guidelines for State aid in the agriculture	
sector [2000] OJ C28/2	11.41
Guidelines for State aid in the agriculture	
and forestry sector 2007–2013	
[2006] OJ C319/1	11.41, 11.43, 11.50, 11.69
para 1	11.02
para 5	11.41
para 6	11.41
para 7	11.41
para 8	11.41
para 10	11.11
para 11	11.12, 11.42
para 12	11.42
para 17	11.41
para 19	11.41
para 22	11.42
para 27	11.44
para 29	11.44
para 30	11.44
para 31	11.44
para 32	11.44
para 33	11.44
para 34	11.44
para 35	11.44
para 41	11.45
para 42	11.46
para 43	11.46
para 45	11.46
para 49	11.46–7
para 54	11.47
para 58	11.47

Tables of Treaties and Legislation

para 60	11.47	section 1.3	5.37
para 62	11.47	section 2.1	5.36
para 70	11.48	section 3	5.38
para 73	11.48	section 3.1.1	5.41
para 77	11.49	section 3.1.4	5.45
para 78	11.49	section 3.1.5.2	5.46
para 79	11.49	section 3.1.6.1	5.47
para 80	11.49	section 3.1.7.1	5.49
para 84	11.49	section 3.1.8	5.51
para 87	11.59	section 3.1.9	5.51
para 90	11.50	section 3.1.10	5.52
para 96	11.50	section 3.1.11	5.53
para 98	11.50	section 3.1.12	5.54
para 99	11.50	section 4	5.57
para 103	11.51	section 5	5.38
para 112	11.51	section 6	5.39
para 113	11.51	para 16	5.37
para 114	11.51	para 48	14.15
para 119	11.52	para 55	5.54
para 121	3.12, 11.53	para 70	5.41, 5.49–50
para 122	3.16, 11.53	paras 102–106	14.16
para 123	11.53	para 107	14.17
para 125	3.15, 11.54	paras 108–111	14.17
para 126	11.54	para 139	5.54
para 130	11.54	para 147	5.55
para 132	3.16, 11.55	para 149	5.55
para 133	11.55	para 150	5.55
para 134	11.55	para 160	5.61
para 140	11.56	para 161	5.61
para 142	11.56	para 167	5.63, 14.17
para 144	11.57	para 168	5.63
para 147	11.58	para 169	5.64
para 148	11.58	para 170	5.64
para 152	11.58	paras 171–173	5.65
para 155	11.58	paras 175–177	5.67
para 156	11.58	para 178	5.68
para 157	11.58	para 179	5.68
paras 175–182	11.59	para 180	5.69
Guidelines on State aid for environmental protection [1994] OJ C72/3 as extended [2000] OJ C14/8 and [2000] OJ C184/25	5.05, 14.15	para 181	5.70
Guidelines on State aid for environmental protection [2001] OJ C37/3	3.45, 5.06, 5.08, 5.51, 5.54, 12.27, 14.11, 14.15, 14.19	para 182	5.70
Guidelines on State aid for environmental protection [2008] OJ C82/1	5.06, 5.08, 5.09, 5.28, 5.37, 5.39, 5.40, 5.44, 5.54, 5.55, 5.57, 5.60, 5.61, 14.15, 14.16, 14.17, 14.40	para 183	5.71
		paras 186–188	5.72
		Guidelines on State aid to maritime transport [1997] OJ C205/5	12.44
		Guidelines on State aid to maritime transport [2004] OJ C13/3	12.44–52
		Guidelines on state aid to promote risk capital investments in small- and medium-sized enterprises [2006] OJ C194/2	9.04, 9.05, 9.06, 9.08, 9.19, 9.20, 9.21, 9.22, 9.26, 14.40
		para 1.3.1	9.27

Guidelines on state aid to promote risk capital investments in small- and medium-sized enterprises [2006] (<i>Cont.</i>)	
para 1.3.2	9.28
para 1.3.3	9.29
para 1.3.4	9.30
para 1.3.5	9.31
para 2.1	9.04, 9.20
para 2.2(k)	9.01, 9.23
para 2.2(s)	9.07, 9.30
para 2.8(g)	9.18
para 3	9.08
para 3.2	9.12
para 4	9.25, 9.30
para 4.1	9.20
para 4.2	9.22
para 4.3.7	9.22
para 5	9.25
para 5.2.1	9.28
para 5.2.2	9.29
para 5.2.3	9.30
para 5.2.4	9.31
para 5.3.1	9.32
para 5.3.2	9.32
para 5.4	9.33
para 6	9.22
Guidelines on State aid for railway undertakings [2008]	
OJ C184/13	12.19–22
Guidelines on State aid for rescuing and restructuring firms in difficulty [1999] OJ C288/2	7.05, 7.26
Guidelines on State aid for rescuing and restructuring firms in difficulty [2004] OJ C244/2,	3.42, 5.17, 7.03, 7.05, 7.06, 7.09, 7.10, 7.12, 7.15, 7.16, 7.26, 7.33, 7.35, 7.38, 8.04, 12.20, 12.38, 12.50, 12.65, 13.22, 14.40
para 1.1	7.05
para 4	7.14
para 8	7.14
paras 9–13	7.12
para 11	7.12
para 14	7.12
para 15	7.10
para 16	7.11
para 18	7.08
para 19	7.14
para 20	7.14
para 21	7.08
para 24	7.21
para 25	7.17–18, 7.20–1
para 27	7.22
para 30	7.36
para 31	7.25
para 33	7.12, 7.24
paras 34–37	7.25, 7.34
paras 38–42	7.26
para 40	7.26
para 41	7.26
para 43	7.27
para 44	7.27
para 45	7.27
para 46	7.28
para 47	7.25
para 49	7.37
para 50	7.37
para 51	7.34
para 52	7.25
para 54	7.25
para 56	7.32
paras 57–59	7.34
paras 60–67	7.30
para 65	7.30
para 72	7.13
paras 72–77	7.17
para 73	7.13
para 75	7.13
para 76	7.14
paras 78–81	7.35
para 79	7.35
para 83	7.35
para 86	7.35
paras 87–98	7.31
Annex	7.21, 7.36
Guidelines on State aid for small- and medium-sized enterprises (SMEs) [1992] OJ C213/2	2.147, 10.03
Guidelines on State aid for small- and medium-sized enterprises (SMEs) [1992] OJ C213/4	10.03, 10.09
Guidelines for State aid concerning TSE tests, fallen stock and slaughterhouse waste [2002] OJ C324/2	11.41
Multisectoral framework on regional aid for large investment projects [1998] OJ C107/7	15.07
Multisectoral framework on regional aid for large investment projects [2002] OJ C70/8, as amended [2003] OJ C263/3	15.07, 15.17–23, 15.70
Notice on the application of Article 87 and 88 of the EC treaty to State aid in the form of guarantees [2000] OJ C71/14	12.21
Notice on the application of Articles 87 and 88 of the EC Treaty to State aid	

in the form of guarantees [2008] OJ C155/10, as corrected [2008] OJ C244/32	2.42–3	9th (1979)	2.28
Notice on the application of the competition rules to the postal sector and on the assessment of certain State measures relating to postal services [1998] OJ C39/2	13.46	23rd (1993)	6.29
Notice on the application of the State aid rules to measures relating to direct business taxation [1998] OJ C384/3	2.112, 2.117, 2.119, 2.128–9, 2.132	24th (1994)	2.28, 7.04, 7.29
Notice on cooperation between national courts and the Commission in the State aid field [1995] OJ C312/8	2.121, 2.147, 18.04, 18.28	25th (1995)	12.35
Notice on the de minimis rule for State aid [1996] OJ C68/9	2.147	29th (1999)	12.35
Notice on the monitoring of State aid and reduction of labour costs [1997] OJ C1/10	6.03	36th (2006)	12.47
Notice—Towards an effective implementation of Commission decisions ordering Member States to recover unlawful and incompatible State aid ('Recovery Notice') [2007] OJ C272/4	16.84, 18.29, 18.33	Study on the enforcement of State aid law at national level.	18.04, 18.22, 18.24–5, 18.28, 18.33
para 3	16.84		
para 32	16.98	<i>EFTA Surveillance Authority</i>	
para 35	16.102	State Aid Guidelines	4.08
para 38	16.94	<i>OECD</i>	
para 50	16.97	Guidelines for Officially Supported Export Credits TAD/PG(2007) 28/FINAL (21 December 2007)	12.62, 12.63
para 51	18.29	Sector Understanding on Export Credit for Ships TAD/PG(2007)27 (10 October 2007)	12.62, 12.63
para 52	18.29		
para 64	16.100	TABLE OF INTERNATIONAL TREATIES, CONVENTIONS AND AGREEMENTS	
para 65	16.100	Agreement on Agriculture [1994] OJ L336/22	4.26, 11.34
para 66	16.100	Agreement on Subsidies and Countervailing Measures (SCM Agreement) [1994] OJ L336/156	4.26, 4.28–9, 4.31–3, 4.35–7, 4.40
para 70	16.104	Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice (Surveillance and Court Agreement)	4.07
para 76	16.59	Agreement on the European Economic Area (EEA Agreement) (1992)	4.02, 4.04–07
para 77	16.59	Association Agreement between the European Union and Cyprus [1973] OJ L133/1	4.09, 4.11
Recommendation 2003/361/EC concerning the definition of micro, small- and medium-sized enterprises [2003] OJ L124/36	10.04	Protocol [1987] OJ L393/2, Art 27	4.11
Recommendation on film heritage and the competitiveness of related industrial activities [2005] OJ L323/57	13.59	Association Agreement between the European Union and Malta [1971] OJ L61	4.09, 4.11
Reports on Competition Policy 8th (1978)	7.04	Association Agreement between the European Union and Turkey 1963 (Ankara Agreement) OJ 1973 C113/1	4.21
		Europe Agreement establishing an Association between the European Communities and their Member	

Tables of Treaties and Legislation

<p>States, of the one part, and Bulgaria, of the other part [1994] OJ L358 4.09</p> <p>Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part [1994] OJ L360 4.09, 14.42</p> <p>Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part [1998] OJ L68 4.09</p> <p>Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and Hungary, of the other part [1993] OJ L347 4.09, 14.42</p> <p>Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Latvia, of the other part [1998] OJ L26 4.09</p> <p>Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part [1998] OJ L51 4.09</p> <p>Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Poland, of the other part [1993] OJ L348 4.09, 14.42</p> <p>Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, [1994] OJ L357 4.09</p> <p>Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the</p>	<p>Republic of Slovakia, of the other part [1994] OJ L359 4.09, 14.42</p> <p>Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Slovenia, of the other part [1999] OJ L51 4.09, 4.15, 4.18, 14.42</p> <p>General Agreement on Tariffs and Trade (1947) 4.23–6, 4.28</p> <p>General Agreement on Trade in Services [1994] OJ L336/191 4.26</p> <p>Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Croatia, of the other part—Final Act [2001] L330/3 4.16</p> <p>Kyoto Protocol on Climate Change (1997) 5.02, 5.06</p> <p>Marrakesh Agreement Establishing the World Trade Organization (WTO Agreement) 4.23</p> <p>Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part ('Croatian SAA') [2005] OJ L26/3 4.15–20</p> <p>UN Framework Convention on Climate (1992) 5.02</p> <p style="text-align: center;">TABLE OF NATIONAL LEGISLATION</p> <p><i>Croatia</i></p> <p>Act on State Aids, Official Gazette, no 47/2003 4.20</p> <p>Act on State Aids, Official Gazette, no 140/2005 4.20</p> <p>Competition Act, Official Gazette, no 48/1995 4.20</p> <p>Decision on the Regional Aid Map, Official Gazette, no 52/2008 4.19</p> <p>Regulation on State Aids, Official Gazette, no 121/2003 4.20</p> <p>Regulation on State Aids, Official Gazette, no 50/2006 4.20</p>
--	--

PART I

GENERAL RULES

1

INTRODUCTION TO STATE AID LAW AND POLICY

A. Overview	1.01	3. The derogations in Article 87(2) and (3)	1.23
B. Why governments grant State aid	1.07	D. Implementing State aid policy	1.27
1. Government and markets	1.07	1. Guiding the aid policies of Member States	1.28
2. The pattern of spending on State aid	1.09	2. Rules versus discretion	1.30
C. The aims of Community State aid control	1.13	3. Effects-based versus form-based analysis	1.34
1. Role of Community oversight of State aid	1.13	4. A more refined economic approach?	1.36
2. The Article 87(1) prohibition	1.17		

A. Overview

Introduction. The purpose of this book is to set out the detailed rules for the application of the European Community State aid rules (both substantive and procedural) by the Commission, European Court and national courts. These detailed rules are addressed in Chapters 2 to 18 below. Practitioners seeking an immediate answer to a practical problem should turn to those chapters. The aim of this chapter, by contrast, is to provide an introduction to the political and economic themes that have shaped the development of State aid law and practice within the Community over the last decades. **1.01**

The Treaty provision. The basic legal framework governing State aid control is set out in Articles 87 and 88 of the EC Treaty, of which the substantive rules are contained in Article 87. That provision is split into three parts. **1.02**

- (a) The first part, Article 87(1), sets out a general prohibition. It defines aid that is *prima facie* prohibited and unlawful, ie aid provided through State resources that ‘distorts, or threatens to distort, competition by favouring certain undertakings or the production of certain goods’.

- (b) The second part, Article 87(2), lists the type of aid deemed to be compatible with the common market: that is aids that have a social character granted to individual consumers, aids to make good the damage caused by national disasters or exceptional occurrences, and aid granted to certain areas of Germany affected by the division of that country.
- (c) The third part, Article 87(3), allows the Commission to permit a number of categories of aid for which any anti-competitive effects are outweighed by other benefits.

1.03 Comparison with other competition provisions. The structure of Article 87(1) described above means that, like other pillars of competition policy (merger control and the control of anti-competitive business practices), State aid control instructs the Commission to prohibit activities that could harm competition unless there are sufficiently good grounds to allow these activities to go ahead. Consistent with this, the European Court has insisted on ‘the broad unity of purpose between the competition provisions of the Treaty.’¹ Yet the practice of State aid control is rather different. In reality, little analysis has hitherto gone into screening out activities that have no real impact on competition when imposing the initial prohibition. The result is a largely formalistic notion of harm to competition, and consequently a prohibition that catches a wide range of measures.² Far more attention is paid to balancing any harm against the potential benefits of the aid, when assessing whether a State measure should benefit from a derogation from the prohibition (ie whether it is to be regarded as compatible with the common market). The range of benefits that the Commission can consider in this context is very broad, including not only improvements to economic efficiency, but also issues of equity such as social cohesion. In principle this gives the Commission a very wide discretion in deciding whether the benefits of an aid outweigh the harm to competition.

1.04 The role of secondary legislation and soft law. In practice the Commission has limited its discretion to approve State aid through a mixture of secondary legislation and soft law in the form of detailed guidelines. This reflects at least two factors. First, using soft law makes it easier for the Commission to resist political pressure in individual cases by committing itself to particular tests and standards. This strengthens the hand of the Commission in imposing its view of ‘good’ aid on Member States. Some have claimed that this gives the Commission a tool for directing the aid policies of Member States.³ Secondly, using soft law and secondary legislation

¹ Case 6/72 *Europemballage v Commission* [1973] ECR 215.

² See eg the list at para 2.06 below.

³ M Blauburger, ‘From Negative to Positive Integration? European State Aid Control through Soft and Hard Law’ *Max Planck Institute for the Study of Societies*, Discussion Paper 04/04 (2008).

allows the Commission to handle an increasing workload more effectively, and provides greater certainty to Member States when planning their actions.

State Aid Action Plan. In March 2000 members of the EU met at the Lisbon summit to discuss methods of encouraging growth and development in the EU. Their conclusions became known as the ‘Lisbon Strategy’. The Lisbon Strategy was re-launched in 2005, with an agenda to develop growth and jobs in the Community. This sparked a period of modernization and reform across all areas of the Community, including State aids. The proposed implementation of the State aid reforms was outlined by the Commission in June 2005 in a ‘State Aid Action Plan’.⁴ The Commission did not propose any limitation to the current wide scope of the prohibition in Article 87(1). Instead, it proposed wide-ranging changes to the secondary legislation and guidelines governing the analysis of whether an aid falls under the derogations in Article 87(3). This package of proposed measures had the objective of achieving less and better targeted State aid, a more refined economic approach, more effective and transparent procedures and a shared responsibility between the Commission and Member States.⁵ It is also noticeable that the State Aid Action Plan is very specific about the Commission’s priorities when granting a derogation: it will be more likely to approve aids that promote the objectives of the Lisbon Agenda for growth and jobs. Many of the reforms proposed in the State Aid Action Plan have now been implemented, with the most significant being the adoption in 2008 of the new General Block Exemption Regulation (‘GBER’) covering both horizontal and regional aid. **1.05**

Implications of the reforms. The reform of State aid is likely to have at least two effects. First, since its guidelines are increasingly grounded in firmer analytical foundations, in support of a more explicit agenda, the Commission’s ability to resist political pressure in individual cases may be enhanced. We can expect that notifying States will increasingly design aid to make sure that it falls within either one of the block exemptions, or failing that within the relevant guidelines. Secondly, it is clear that the new policy approach is based on wider and more rigorous economic and financial principles, and recent decisions show that Member States are supplying more economic and financial analysis to support their notifications. Nevertheless, the Commission is still hampered by weak investigative powers, and the quality of its analysis is often still well below that seen in other areas of competition policy. **1.06**

⁴ State Aid Action Plan: Less and better targeted state aid: a roadmap for state aid reform 2005–2009, COM(2005) 107 final.

⁵ *ibid*, para 18.

B. Why governments grant State aid

1. Government and markets

- 1.07 Markets and economic efficiency.** Modern European economies rely heavily on markets and private undertakings to decide what goods to make and sell, what capital projects to fund, what R&D to undertake, and where all these activities should take place. There are many reasons for this, from the belief that competitive markets are an important protector of liberty,⁶ to more economic concerns with efficiency. Economists are fond of quoting the first and second welfare theorems, which state that (under certain conditions) market allocations will achieve static efficiency: no one can be made better off without someone being worse off as a result.⁷ But perhaps more important in supporting the view of the current Competition Commissioner, Neelie Kroes, that markets and competition are a key source of benefit for European citizens⁸ is the impressive body of research and experience showing that competition between free undertakings spurs investment, productive efficiency, and innovation.⁹
- 1.08 Government and markets.** Modern European economies do not, however, rely on markets and private undertakings for everything, and do not leave markets and undertakings completely free from interference and regulation. This is not surprising. Markets, after all, do not *always* deliver efficient outcomes. In any case governments often pursue goals that have nothing to do with economic efficiency, and spend large amounts on a wide variety of policies. For example:
- (a) Governments are often directly involved in the provision of public services such as health services, education, social welfare, national defence, law and order and environmental protection.

⁶ Yergin and Stanislaw note that according to the ordoliberal view competition was the best way to prevent excessive private or public concentrations of power, and was the best guarantee of political liberty, as well as providing a superior economic mechanism: see D Yergin, and J Stanislaw, *Commanding Heights: The Battle for the World Economy* (Simon and Schuster 2002), pp 16–17.

⁷ HW Friederiszick, L-H Röller and V Verouden, 'European State Aid Control: An Economic Framework' in P Buccirosi (ed), *Handbook of Antitrust Economics*, (MIT Press, 2008), p 632.

⁸ 'The bitter experience of history has demonstrated that engineering the creation or protection of national "champions"—yielding to the temptation for governments to "pick winners"—is not the way to succeed in the global economy': Commissioner Neelie Kroes, 'Industrial Policy and Competition Law & Policy', Speech at the Fordham University School of Law, New York, 14 September 2006, press release SPEECH/06/499.

⁹ For example, empirical work on the European and US banking markets show that deregulation leads to cost efficiencies: J Gual and D Neven, 'Market Services and European Integration: issues and challenges', in *European Economy – Social Europe (Reports and Studies) No. 3* (European Commission 1993), 151–82; and J Jayaratne and P Strahan, 'Entry Restrictions, Industry Evolution, and Dynamic Efficiency: Evidence from Commercial Banking' (1993) *Journal of Law and Economics*, Vol 41(1), 239–73. Alesina et al also show that for OECD countries deregulation has tended to increase investment, especially in the utilities, transport and communications sectors: A Alesina et al, 'Regulation and Investment' (2005) *Journal of the European Economic Association*, Vol 3(4), 791–825.

- (b) Governments also play an active role in managing important sectors of the economy, often where the sector is dominated by a former state monopoly, such as in telecoms or energy.¹⁰
- (c) States are active in many aspects of consumer protection. In the UK for example the OFT has a mandate to conduct market studies to identify and address 'all aspects of market failure, from competition issues to consumer detriment and the effect of government regulations.'¹¹
- (d) Governments may also regulate markets for a variety of other reasons, such as the need to manage systemic risks in the financial sector.

State aid is thus just one of many channels through which governments have an impact on the functioning of markets and economies. It is, however (as will become apparent from the rest of this book), probably the channel that is most tightly regulated under Community law.

2. The pattern of spending on State aid

The magnitude of government spending on State aid. The value of total State aid in 2006 for the EU 25 was €66.7 billion,¹² which corresponds to an average of 0.58% of GDP for those countries. Comparing State aid to other forms of government spending confirms that, across the EU, State aid remains a minor aspect of government activity. EU-wide government spending in 2006 was €5,400 billion, implying that State aid accounted for 1.24% of total government spending. These figures, however, mask significant regional variations. Total UK State aid amounted to €4.2 billion in 2006, representing 0.22% of UK GDP or 0.6% of total UK central government spending during that period. On the other hand in Malta, which grants the highest percentage of State aid of any EU Member State, the figures for the same year were 1.77% of GDP and 4.00% of total government spending.¹³ 1.09

Horizontal versus sectoral aid. The Commission distinguishes between horizontal and sectoral State aid. Horizontal aid concerns schemes potentially benefiting all companies, regardless of their industry. Sectoral aid is targeted at specific industries or sectors (or companies within those sectors). In 1992 sectoral aid accounted for 48% of EU State aid, and by 2006 that figure had fallen to 15%.¹⁴ This trend is in line with the clear preference on the part of the Commission for 1.10

¹⁰ Where sectoral regulation provides specific rights to some undertakings, this may be equivalent to providing funding to them.

¹¹ Office of Fair Trading, 'Market Studies – Guidance on the OFT Approach', November 2004.

¹² Data obtained from the Commission website; figures exclude aid to railways.

¹³ Figures exclude aid for agriculture, fisheries and transport.

¹⁴ Figures exclude aid for agriculture, fisheries and transport.

horizontal aid, which is considered to distort markets less than sectoral aid does.¹⁵

- 1.11 The distribution of horizontal aid.** Horizontal aid tends to be focused on areas where it is believed that markets alone will not deliver outcomes that are socially or politically optimal. For example, companies may be reluctant to spend enough on basic R&D if they fear that their rivals stand to benefit from any results; SMEs may be unable to raise sufficient capital because they do not have a sufficiently long track record; and governments may wish to support depressed regions for reasons of social cohesion. In 2006, 85.2% of EU 25 State aid went to horizontal schemes, with varying aims such as the environment (31.2% of all horizontal State aid), regional aid (22.0%), R&D&I (16.4%), SMEs (12.8%), employment (7.9%), energy (2.9%), culture and heritage conservation (2.8%), training (1.7%), commerce, export and internationalisation aid (1.5%), and risk capital (0.7%). As for the UK, 89.8% of its State aid was granted for horizontal schemes, with a greater emphasis on environment and risk capital and less weight on employment.¹⁶
- 1.12 The distribution of sectoral aid.** The reasons why some sectors benefit from sectoral aid are varied and sometimes reflect historical accident. Broadcasting benefits from sectoral aid because it is felt that access to information is a basic requirement in a functioning democracy, and there are concerns that coverage in rural areas may not be provided by unregulated markets. Shipbuilding also gets special treatment because of perceived structural features that have led to cyclical over-capacity. More historically, coal has been an important focus of Community policy since the Communities' foundation, motivated in large part by a desire that Europe be self-sufficient in energy. In 2006, sector-specific State aid accounted for 14.8% (€7.1 billion) of EU 25 State aid, and for the UK this figure is 10.2% (€315 million).¹⁷

¹⁵ In 2005, Commissioner Neelie Kroes said: 'I welcome the shift in all Member States away from supporting individual companies or particular sectors towards tackling horizontal objectives such as R&D, the environment and cohesion': press release IP/05/457. See also Friederiszick, Röller and Verouden, 'European State Aid Control: An Economic Framework' in P Buccirossi (ed), *Handbook of Antitrust Economics* (MIT Press 2008) p 652.

¹⁶ Figures exclude aid for agriculture, fisheries and transport.

¹⁷ Figures exclude aid for agriculture, fisheries and transport. Recent high-profile cases of ad hoc rescue and restructuring aid include Bankgesellschaft Berlin in Germany (Case N 49/2006 *Amendment of the BGB decision* (26 April 2006)), Alstom and Bull in France (Decision 2005/418/EC *Alstom* [2005] OJ L150/24 and Decision 2005/941/EC *Bull* [2005] OJ L342/81), British Energy in the UK (Decision 2005/407/EC *British Energy* [2005] OJ L142/26), and Alitalia in Italy (Decision 2006/176/EC *Alitalia* [2006] OJ L69/1).

C. The aims of Community State aid control

1. Role of Community oversight of State aid

Justification for State aid control. State aid has the capacity to distort competition by interfering with the level playing field on which companies compete, with the potential consequence that less efficient companies can account for a larger share of output. State aid control gives the Commission a role in preventing such distortions, unless there is a good enough reason why the aid should be granted. This point is nicely captured in a speech by Lowri Evans, where she said: 1.13

There are strong reasons for State aid control in the EU. State aid is a tool that can be put to good and bad uses. State aid can be abused to protect national players, keeping inefficient firms afloat, distorting competition and artificially maintaining costly, fragmented markets. But State aid can also be used positively to embrace globalization by better targeting public funds towards growth and jobs in open and competitive markets—supporting economic reform to deliver long-term competitiveness. The Commission, in that context, is a referee making sure that when State aid is given, it is overall for the benefit of the Union, because the positive side in terms of growth, jobs, social cohesion, or the environment say, outweigh the negative side in terms of distortions to competition and trade.¹⁸

As the following paragraphs explain, such distortions may be both intended and unintended.

Preventing intended distortions. Perhaps the most important reason for imposing Community oversight on State aid is in order to prevent countries from deliberately using State aid to benefit their own enterprises at the expense, among others, of rivals located in other Member States. Governments can favour their own enterprises in many ways, for example by subsidizing their exports, paying for their R&D, imposing import tariffs, and offering attractive terms to overseas investors. This can create benefits for the national economy. A larger share of industry profits will be earned domestically, and other sectors of the economy may also benefit by supplying inputs, sharing the benefits of a more skilled workforce, and so on. Community control of this type of government activity can help avoid two inefficiencies. 1.14

- (a) First and most important, government aid to a ‘national champion’ can distort the international level playing field on which companies compete, and may mean that less efficient companies end up accounting for higher levels of output.
- (b) Second, Community control can limit wasteful spending on State aid by preventing a ‘prisoners’ dilemma’. Aid by one country could trigger retaliation

¹⁸ Lowri Evans (currently Deputy Director-General – Operations, DG COMP), ‘State Aid Reform: Where Do We Stand? Status of the State Aid Action Plan’, Speech at the IBC Global Conference, Brussels, 7 November 2006.

from another. These two acts may partially cancel each other out, thus limiting their impact on market outcomes. But the two governments will be worse off because they have both spent resources to no benefit. By limiting the discretion of national governments to grant aid, Community control can help avoid this waste.¹⁹

1.15 Preventing unintended distortions. Even if a government does not intend to favour its domestic enterprises at the expense of others, State aid may still distort the level playing field as an unintended side effect of a measure whose purpose is purely domestic.²⁰ It is well established that State aid is an objective concept and that aid is defined in relation to its effects rather than its purpose.²¹ Community oversight provides a mechanism by which these spillovers are taken into account.

1.16 Examples. Several recent cases involving formal investigations by the Commission illustrate the nature of Community oversight and the Commission's concerns.

- *Volkswerft Stralsund*.²² In August 2005, Germany notified to the Commission its intention to grant regional investment aid in favour of Volkswerft Stralsund, a shipbuilding company located in Mecklenburg Vorpommern. Concerned by the fact that this regional investment aid could not only be used to increase the productivity of the firm, as assessed by Germany, but also to increase its production capacity, the Commission decided to open a formal investigation procedure. It subsequently found that the aid was not aimed at helping this firm to increase its production capacity and that, according to the competitors, it would not distort competition in the EU. The Commission accordingly approved the aid.
- *French R&D aid to Peugeot-Citroën for hybrid diesel car*.²³ In November 2007 the Commission decided to open a formal investigation into a proposed €96 million State aid for Peugeot-Citroën and its partners, to support the development of a hybrid diesel car. Whilst the aid appeared to meet two horizontal objectives covered by Community guidelines (environment and R&D), the Commission questioned whether the aid really addressed a market failure, as Peugeot-Citroën's competitors had also started to develop such a car without similar

¹⁹ See eg Friederiszick, Röller and Verouden, 'European State Aid Control: An Economic Framework' in P Buccirosi (ed), *Handbook of Antitrust Economics* (MIT Press 2008), pp 638–9. However, some authors have noted that under certain circumstances competition between countries can enhance overall efficiency; see eg T Besley and P Seabright, 'The Effects and Policy Implications of State Aids to Industry: An Economic Analysis' (2001) *Economic Policy*, Vol 14(28) 13–53.

²⁰ Friederiszick, Röller and Verouden, 'European State Aid Control: An Economic Framework' in P Buccirosi (ed), *Handbook of Antitrust Economics* (MIT Press 2008), pp 638–9.

²¹ See para 2.03 below.

²² Decision 2007/402/EC *Volkswerft Stralsund* [2006] OJ L151/33.

²³ Decision in Case C 51/2007 *VHD programme* (13 November 2007) and press release IP/07/1679.

State support. The case was closed in January 2008 after the State aid proposal was withdrawn by France.

- *Vauxhall car training*.²⁴ In February 2007, the UK notified to the Commission a plan to provide aid to the Vauxhall plant at Ellesmere Port, which its owner General Motors had selected to produce its new compact car. In order to be able to produce this car, training for the employees was necessary. The proposed State subsidies were targeted at this training programme. In July 2007 the Commission decided to open a formal investigation into the necessity and specificity of the proposed aid. The aid was ultimately approved on the grounds that the costs of the usual training and the training specific for the introduction of this new car was not included in the proposed aid. Instead, the aid was targeted at a training programme that would enable the employees to acquire ‘skills which are transferable to other firms or industries’.
- *Pickman*.²⁵ The Commission decided to open a formal investigation into aid granted to the Spanish firm Pickman, which produces dishes and chinaware. Following a complaint by a competitor, the Commission found that Pickman had received support from the regional and national authorities in Spain in the form of loans and debt rearrangements. The Commission has raised concerns that this support is firm-specific and aimed at artificially keeping an inefficient firm in business,²⁶ resulting in a distortion of competition. This investigation is ongoing at the time of writing.
- *French State guarantee for Finnish nuclear power plant operator TVO*.²⁷ In September 2007, the Commission closed its formal investigation into a guarantee by the French government covering a loan granted to the Finnish electricity producer TVO. With this loan, TVO purchased part of a nuclear plant from the French company Areva. The investigation showed that TVO would have had sufficient access to the financial markets to finance the project without the French Government’s action, and that the guarantee premium paid by TVO to the French Government was not below the market price. The guarantee did not therefore confer an advantage on TVO, and hence did not constitute State aid.
- *Sicilian regional aid scheme*.²⁸ In 2005, Italy notified to the Commission a proposed regional aid scheme ‘designed to promote the setting up of new companies and to narrow the gap between companies in Sicily and companies located

²⁴ Decision in Case C 23/2007 *Vauxhall Motors* (16 April 2008).

²⁵ Decision in Case C 20/2007 *Pickman* [2007] OJ C239/12.

²⁶ According to Commissioner Neelie Kroes, ‘We must ensure that companies in difficulties do not benefit from illegal and repeated public support without undergoing the necessary restructuring to return to viability’: press release IP/07/897; and see further generally Chapter 7 below.

²⁷ Decision 2008/281/EC *TVO guarantee* [2008] OJ L89/15.

²⁸ Decision 2007/493/EC *Sicilian regional aid scheme* [2007] OJ L183/41.

in other regions of Italy.²⁹ The scheme provided for a reduction in the rate of the Italian regional tax on productive activity, for cooperatives and private security firms. The Commission considered that the aid would distort competition without promoting growth, with no demonstrated link between the design of the aid and the objectives that it purported to serve. The aid was therefore prohibited.³⁰

2. The Article 87(1) prohibition

- 1.17 The goal of preventing distortions to competition.** In the State Aid Action Plan the Commission sets out its current view about the role of State aid control. It starts by insisting on the importance of competition as a means of promoting consumer welfare and promoting the efficient allocation of resources: '[c]ompetition is furthermore essential to enhance the competitiveness of the European economy, by creating an environment in which efficient and innovative companies are rewarded properly'.³¹ The State Aid Action Plan goes on to describe the particular role of State aid control in protecting competition as being to maintain a level playing field. It sets out two reasons why this is important. First, it ensures that market forces reward the most competitive companies, to the benefit of European competitiveness. Second, it prevents companies accumulating market power, which could lead to higher prices and lower quality.³²
- 1.18 Absence of consumer welfare as a goal in approach to Article 87(1).** The statements in the State Aid Action Plan in support of a goal of consumer welfare, and expressing a concern about market power, are notable as rare references to the concepts in the practice of State aid control. Writing before the State Aid Action Plan was published, Martin and Strasse said that in practice State aid control has often placed relatively little weight on consumer welfare.³³ This is certainly true of Article 87(1), which contains no explicit or implicit requirement to show the creation of a harmful degree of market power, or harm to consumers in any other way.
- 1.19 The standard of proof for showing a distortion of competition.** Not only is there no requirement to show that State aid will lead to consumer harm, but there is not even, in practice, any need for extensive analysis showing a material distortion to the level playing field in the first place. The basic test for a distortion of competition is whether the recipient of the aid was strengthened (for example

²⁹ *ibid*, para 9.

³⁰ *ibid*, paras 18–31 and 46, and press release IP/07/159.

³¹ State Aid Action Plan: Less and better targeted state aid: a roadmap for State aid reform 2005–2009, COM(2005) 107 final, paras 5 and 6.

³² *ibid*, para 7.

³³ See eg S Martin and C Strasse, 'La Politique Communautaire des Aides d'État Est-elle une Politique de Concurrence?' *Concurrences*, 2005 Vol 3: 52–9.

because its costs were reduced) compared to others competing in intra-Community trade. However it is not necessary to define the relevant market, or confirm that there are competitors at all (a measure benefiting a whole sector can be aid); there is no need to show that the impact is substantial; and indeed the goods and services for which competition is distorted need not be the ones affected by the aid.³⁴

Selectivity and distortion of competition. On its face, there is another element of the definition of an aid in Article 87(1) that could screen out measures that are unlikely to have a material effect on competition. This is the criterion that an aid must ‘favour certain undertakings or the production of certain goods’, or in other words, an aid must be selective.³⁵ In practice, however, the selectivity test plays a limited role in screening out measures from further scrutiny. In one sense the test is rather strict: the fact that a measure benefits undertakings in just one Member State is irrelevant to an assessment of whether it is selective. What matters is a comparison between the undertakings affected by the measure and others *in the same Member State*. This can mean there is no causal link between the selective nature of an aid and any distortion of competition.³⁶ On the other hand the comparison between the affected undertaking and others in the same Member State brings a wide range of potential measures within the ambit of the prohibition. Almost all State measures affect different undertakings and sectors to different degrees, so that almost all measures are potentially caught by this condition. While there are some limits to the concept of selectivity, the principles underlying these are often ambiguous and hard to apply. **1.20**

The problem of ‘over-inclusiveness’. All of this has led some commentators to refer to a problem of ‘vast over-inclusion’³⁷ and to call for reforms that would require a more robust analysis of the potential for a State measure to distort competition in order to limit the scope of the prohibition.³⁸ **1.21**

Commission’s approach. The Commission’s package of State aid reforms ignores the calls to limit the application of Article 87(1) by strengthening the analysis of **1.22**

³⁴ See generally paras 2.134–2.140 below.

³⁵ See para 2.02 below and discussion of selectivity criterion at paras 2.109–2.132.

³⁶ C Ahlborn and C Berg, ‘Can State Aid Learn from Antitrust? The Need for a Greater Role for Competition Analysis under the State Aid Rules’ in Biondi, Eeckhout and Flynn (eds), *The Law of State Aid in the European Union* (OUP 2004) p 54, noting that in Case 203/82 *Commission v Italy* [1983] ECR 2525 the discrimination was between sectors in Italy employing many women, and others in Italy employing fewer. However the impact on competition occurred between the favoured Italian companies and their foreign counterparts.

³⁷ Ahlborn and Berg, *ibid*, p 51.

³⁸ Ahlborn and Berg, *ibid*, p 54; Papandropoulos et al, ‘Selectivity, Economic Advantage, Distortion of Competition and Effect on Trade’ in J Derenne and M Merola, *Economic Analysis of State Aid Rules-Contributions and Limits* (Berlin 2006), p 123; and Friederiszick, Röller and Verouden ‘European State Aid Control: An Economic Framework’ in P Buccirossi (ed), *Handbook of Antitrust Economics* (MIT Press 2008) pp 656–60.

distortion of competition, or through any other means. Instead, as noted at para 1.05 above, the Commission has concentrated on reforms to the assessment of compatibility under Article 87(3). There are a number of possible reasons why the Commission has not sought to limit the scope of Article 87(1).

- (a) The Commission bears the burden of proof for showing that a measure is aid, but lacks strong investigative powers. A high standard of proof of, for example, a distortion of competition might make it impossible for the Commission to sustain a prohibition decision in some cases.
- (b) The low threshold for a distortion of competition may reflect the fact that there is no need to show that an aid has had actual effects; it is enough to show that it is liable to distort competition. But this is not a very satisfactory explanation. Merger control also involves an *ex ante* analysis of the potential, rather than actual, effects of a change to the market. Yet the Commission must provide extensive factual analysis in order to support a finding that a proposed transaction would harm competition.³⁹
- (c) Some commentators point to the role of history and politics. On that view, the wide scope of the prohibition has arisen as the European Court has sought to empower the Commission against the resistance of Member States.⁴⁰ The Commission is now reluctant to limit the application of Article 87(1) because the status quo, combined with the discretion the Commission enjoys in applying the derogation in Article 87(3), gives it a unique role in harmonizing the goals that Member States pursue in their aid policies. It is suggested that the Commission is anxious to extend, rather than limit, this role.⁴¹

Whatever the Commission's reasoning, the result is a wide prohibition of aid, which has only been limited by the Court on a fairly piecemeal basis,⁴² without any coherent economic rationale.

3. The derogations in Article 87(2) and (3)

1.23 Distinction between Article 87(2) and (3). If a government measure is found to be a State aid under Article 87(1), it can still be approved if it satisfies the conditions

³⁹ See eg Guidelines on the assessment of horizontal mergers under the Council Regulation on the control of concentrations between undertakings [2004] OJ C31/5.

⁴⁰ M Blauberger, 'From Negative to Positive Integration? European State Aid Control through Soft and Hard Law', *Max Planck Institute for the Study of Societies*, Discussion Paper 04/04 (2008), p 8 and references therein.

⁴¹ *ibid.*

⁴² See eg the Court's attempts to demarcate non-aid elements of public service compensation in Case C-53/00 *Ferring v ACOSS* [2001] ECR I-9067 and Case C-280/00 *Altmark* [2003] ECR I-7747, the adherence to a formal State resources criterion in Case C-379/98 *PreussenElektra* [2001] ECR I-2099, and the finding of lack of selectivity in Case C-308/00 *GIL Insurance* [2004] ECR I-4777 and Case T-233/04 *Netherlands v Commission* (judgment of 10 April 2008).

of Article 87(2) or (3). The exemptions in Article 87(2) are mandatory— if the aid falls within one of the categories specified therein, the Commission is required to approve it and has no discretion. The purpose of these exemptions is to declare lawful three specific categories of aid: social aids to individual consumers, disaster aid and aid compensating for the cold war division of Germany. The vast majority of cases, however, are assessed not under Article 87(2) but under Article 87(3), for which the Commission has a wide discretion. While Article 87(3) specifies a number of categories of aid that may be approved, covering regional, horizontal and sectoral aids, the underlying principle is that measures falling under that provision should help achieve an objective of common interest.

The objectives of common interest. The range of potential objectives of a common interest is very broad. Sometimes they aim to support consumer welfare and the efficient allocation of resources (as when they are targeted at market failures). But the State Aid Action Plan also notes that they may also promote a wider set of social and political objectives such as ‘sustainable growth, competitiveness, social and regional cohesion and environmental protection’.⁴³ Thus one commentator has observed that ‘the common interest comprises both an economic efficiency dimension (efficient functioning of markets) and an equity dimension.’⁴⁴ The Commission’s role in deciding whether a State aid is justified by an objective of common interest gives the Commission a tool for what has been called ‘positive integration’: rather than merely preventing actions that harm competition, the discretion the Commission has in interpreting the derogation in Article 87(3) gives it the ability to influence the aid policy of Member States.⁴⁵ In the State Aid Action Plan the Commission announces its proposed intention to use this tool in order to further the goals of the re-launched Lisbon Strategy for growth and jobs. 1.24

The Commission’s priorities. The Commission is more likely to grant a derogation under Article 87(3) if it addresses a market failure, such as a suboptimal level of R&D&I, insufficient risk capital available or insufficient investment in human capital.⁴⁶ The Commission also places emphasis on the achievement of ‘social and economic cohesion and sustainable development’,⁴⁷ and its specific objectives in 1.25

⁴³ State Aid Action Plan: Less and better targeted state aid: a roadmap for state aid reform 2005–2009, COM(2005) 107 final, para 10.

⁴⁴ L Evans, ‘Delivering the State Aid Reform’ (2006) *Concurrences*, Vol 4, 7–9. Note that many economists would dispute the claim that social welfare has an equity dimension.

⁴⁵ M Blauburger, ‘From Negative to Positive Integration? European State Aid Control through Soft and Hard Law’ *Max Planck Institute for the Study of Societies*, Discussion Paper 04/04 (2008), p 7.

⁴⁶ State Aid Action Plan: Less and better targeted state aid: a roadmap for state aid reform 2005–2009, COM(2005) 107 final, paras 24–32.

⁴⁷ *ibid*, p 8.

this respect include the provision of high quality services of general economic interest, the reduction of disparities between the regions of Europe, environmental protection, and greater investment in modern transport, energy and information and communication technology infrastructures.⁴⁸

- 1.26 Shaping Community State aid policy.** It is apparent from the discussion above that it is Article 87(3), rather than any other provision in the Community State aid rules, that has been used by the Commission to shape the policy and direction of State aid control within the Community. The way in which this has been achieved in practice, in particular through secondary legislation and soft law, is discussed in the next section.

D. Implementing State aid policy

- 1.27 Implementing Article 87(3).** As well as the specific provisions in the Treaty, State aid control is subject to a significant body of secondary legislation and soft law comprising block exemptions and other regulations, guidelines, frameworks, communications, consultation documents and notices. Almost all relate to the practical application of Article 87(3). They embody three policy choices on the part of the Commission. First, their content encourages particular policy choices by Member States when directing their State aid spending. Secondly, the volume and detail of the soft law embodies a choice about the relative importance of rules versus discretion. Thirdly, the content of the soft law embodies choices about the extent to which exemptions will be based on effects as opposed to form. These points are discussed in turn in sections 1 to 3 below. Finally, section 4 discusses the more refined economic approach to State aid policy that has been adopted by the Commission in recent years.

1. Guiding the aid policies of Member States

- 1.28 Resisting political pressure.** One function of secondary legislation and soft law is to enable the Commission to resist political pressure from Member States. Absent the various block exemptions and guidelines, the wide discretion of the Commission in applying Article 87(3), and the controversies both within and without the Commission about what constitutes ‘good’ aid, could leave it exposed to lobbying by particular Member States based on their specific political situations. Of course, this is still bound to occur on occasion.⁴⁹ But by limiting its discretion through the

⁴⁸ *ibid*, paras 33–4 and 39–47.

⁴⁹ Particularly in the highly sensitive context of rescue and restructuring aid: see Chapter 7 below.

use of legislation and soft law, the Commission has effectively limited the scope for such pressure.⁵⁰

Guiding the aid policies of Member States. The Commission's success in using secondary legislation and soft law as a means of strengthening its position with respect to the Member States has allowed it to pursue an increasingly positive agenda for determining the aid policies of Member States. As noted above, this is sometimes referred to as 'positive integration'.⁵¹ This has been demonstrated, most clearly, in the new approach to State aid policy set out in, and pursued since, the State Aid Action Plan. **1.29**

2. Rules versus discretion

The debate about rules versus discretion. The most striking feature of the secondary legislation and soft law surrounding the application of Article 87(3) is just how much of it there is, and how much concrete detail it provides about when the Commission is likely to grant a derogation. This volume and detail embody a clear choice on the part of the Commission to favour rules over discretion when assessing compatibility. The degree of discretion that competition agencies and courts should have when balancing pro-competitive and anti-competitive effects is the subject of a long standing debate in the context of assessing unilateral conduct.⁵² But the arguments wielded on either side are relevant when assessing the proper legal framework for State aid control as well. **1.30**

In favour of discretion. On one side of the debate, there are those that consider that there is no reason why courts and competition regulators should not be 'free to ramble through the wilds of economic theory in order to administer a flexible approach'—using the language of *US v Topco*.⁵³ This view gives rise to the application of an unstructured rule of reason approach which involves the complex **1.31**

⁵⁰ M Blauberger, 'From Negative to Positive Integration? European State Aid Control through Soft and Hard Law' *Max Planck Institute for the Study of Societies*, Discussion Paper 04/04 (2008). See also N Pesaresi and M Van Hoof, 'State aid control: an introduction' in Mederer, Pesaresi and Van Hoof (eds), *EU Competition law* Vol IV, State Aid, (Claeys & Casteels 2008), para 1.34.

⁵¹ M Blauberger, 'From Negative to Positive Integration? European State Aid Control through Soft and Hard Law' *Max Planck Institute for the Study of Societies*, Discussion Paper 04/04 (2008).

⁵² See eg the *Sony/BMG* saga illustrating different approaches to the question of the Commission's discretion. In 2004 the Commission approved the merger of Sony and Bertelsman Music Group (BMG): Decision 2005/188/EC *Sony/BMG* [2005] OJ L62/30. Following a complaint from a third party, Impala, the CFI remitted the decision to the Commission on the grounds that it was vitiated by manifest errors of assessment and was inadequately reasoned: Case T-464/04 *Impala v Commission* [2006] ECR II-2289. Bertelsmann and Sony then appealed that judgment to the ECJ, which found that the CFI had committed a number of errors of law in its judgment, and acknowledged the Commission's discretion when carrying out complex economic assessments. The ECJ therefore, annulled the CFI's judgment: Case C-413/06 P *Bertelsmann and Sony v Impala* (judgment of 10 July 2008).

⁵³ *US v Topco Associates* [1972] 405 US 596.

balancing of effects that are either beneficial or detrimental to overall welfare. The report by the Economic Advisory Group on Competition Policy for DG Competition advocated this approach in the context of Article 82 reform.⁵⁴ The obvious benefit of this approach is that it is very flexible, allows all relevant factors to be taken into account, and does not prejudice the importance of those factors in any particular case.

- 1.32 In favour of rules.** On the other side of the debate, those that favour rules, or some type of structured rule of reason, over unfettered discretion⁵⁵ point to important costs associated with a rule of reason. Rules increase transparency. In the State aid context, this means that Member States are better able to predict whether or not their aid is likely to benefit from a derogation under Article 87(3). This in turn makes it easier for countries to give aid in such a way as to limit (or entirely eliminate, in cases falling within one of the block exemptions) the burden of a State aid investigation. The policy choice to limit discretion and provide extensive guidance about how the Commission will perform compatibility assessments perhaps reflects the view that the benefits to governments of speedy and certain confirmations of their own policy choices to award State aid outweigh the costs of the inevitable errors and inconsistencies.
- 1.33 The extent of errors and inconsistencies.** Needless to say the extent of the costs of errors and inconsistencies itself depends on the content of the secondary legislation and soft law, and an important aspect of this is the extent to which the rules set out therein reflect an effects-based analysis of State aid.

3. Effects-based versus form-based analysis

- 1.34 Form-based approach in State aid control.** The proliferation of block exemptions and guidelines has been criticized for leading to ‘analysis by pigeon-holing’, whereby the assessment of State aid comprises little more than fitting the aid into the right guideline ‘box’ based only on its form. Since each box is governed by its own idiosyncratic rules and thresholds, errors and inconsistencies are unavoidable.⁵⁶ The rigid way in which the guidelines have typically been applied has also come in for criticism as reflecting an approach which is too form based:

[T]he various ‘soft law’ provisions have typically been applied in a rather strict, formalistic way. There is little scope for approving State aid measures which do not

⁵⁴ See also Gaul et al, ‘An Economic Approach to Article 82’ (2005) Report for the European Commission.

⁵⁵ See C Ahlborn and J Padilla, ‘From Fairness To Welfare: Implications for the Assessment of Unilateral Conduct Under EC Competition Law’ in Claus-Dieter Ehlermann and Mel Marquis (eds), *European Competition Law Annual 2007: A Reformed Approach to Article 82 EC* (Hart Publishing, 2008).

⁵⁶ See C Ahlborn and C Berg, ‘Can State Aid Learn from Antitrust? The Need for a Greater Role for Competition Analysis under the State Aid Rules’ in Biondi, Eeckhout and Flynn (eds), *The Law of State Aid in the European Union* (Oxford University Press 2004), pp 47–8.

meet the conditions set out in the provisions but which would very likely be benign. Alternatively, disallowing State aid measures which meet the conditions, but which are likely to be ineffective or distort competition is not envisaged.⁵⁷

Potential compatibility of guidelines with an effects-based approach. However 1.35
the use of secondary legislation and guidelines does not in itself preclude a commitment to a largely effects-based analysis of whether an aid is compatible with the Treaty. What matters is whether the rules set out within the legislation and guidelines are based on an economic analysis of the probable effects of particular classes of aid on welfare and efficiency, or whether instead the rules reflect judgments that particular types of aid are undesirable for other reasons (for example because they limit the economic freedom of some market participants) or indeed reflect uninformed prejudice about what aids should be allowed. Reflecting a growing commitment to effects-based analysis, the Commission in its State Aid Action Plan announced its intention to adopt a more ‘refined economic approach’ to evaluating State aid,⁵⁸ which will focus on an *effects-based* analysis of both sides of the balance in Article 87(3): the costly distortions that State aid can generate on the one hand,⁵⁹ and the necessity for aid, and the reasons why markets are unable to deliver the desired benefit, on the other.⁶⁰ The Commission accepts that perhaps the proliferation of different guidelines, and the inevitable inconsistencies, has gone too far.⁶¹ However it remains committed to providing governments with extensive guidance about how Article 87(3) will be applied. The reformed approach is discussed in more detail in the next section.

4. A more refined economic approach?

Market failure as a reason for State aid. The more refined economic approach to assessing the compatibility of a State aid under Article 87(3) set out in the State Aid Action Plan puts market failures at the heart of its approach. According to this, a State aid can be compatible with the Treaty if it corrects a market failure ‘thereby improving the functioning of markets and enhancing European competitiveness.’ The only other justifications are for aids that are targeted at social and equity goals, rather than improved economic performance.⁶² The claim that government intervention in economic activities can be justified by the existence 1.36

⁵⁷ Friederiszick, Röller and Verouden, ‘European State Aid Control: An Economic Framework’ in P Buccirossi (ed), *Handbook of Antitrust Economics*, (MIT Press 2008) p 630.

⁵⁸ State Aid Action Plan: Less and better targeted State aid: a roadmap for State aid reform 2005–2009, COM(2005) 107 final, p 18.

⁵⁹ *ibid*, para 22.

⁶⁰ *ibid*, para 23.

⁶¹ *ibid*, para 17.

⁶² *ibid*, para 10.

of market failures is a common one.⁶³ The logic for this position is as follows. Good outcomes are the ones that properly functioning competitive markets deliver. However in practice markets can be subject to failures which mean that market outcomes are not efficient. In such circumstances, State intervention to correct the market failure is legitimate. For example companies may not invest enough in training because spillovers (or ‘externalities’) mean their rivals will get some of the benefits if staff often move employer. In this example government provision of, or support for, vocational training projects could help the economy achieve closer to optimal levels.

1.37 Cost-benefit analysis and the balancing test. The existence of a market failure is not itself a sufficient justification for providing State aid.⁶⁴ Governments have many policy tools at their disposal and aid may not be the most appropriate response. Moreover State aid is costly, involving public funds that could have been used elsewhere, and finally it may distort the market by disturbing the level playing field on which firms compete for funding and for customers.⁶⁵ These considerations are reflected in the Commission’s ‘balancing test’ in the evaluation of whether to approve aids, as now applied to all cases assessed under Article 87(3).⁶⁶ In a paper on the reform of State aid control originally written while still Chief Economist at DG Comp, Lars Hendrik Röller, together with his co-authors, claimed that the balancing test essentially uses cost-benefit analysis as a means of identifying which State aids fall under the derogation in 87(3).⁶⁷ Cost-benefit analysis is the standard tool for assessing whether public sector projects should be funded and is, for example, explicitly required by the EU Regulations for Structural Funds and the Cohesion Fund.⁶⁸

1.38 Theory versus practice. By stating that it wants to base the analysis of compatibility of an aid on a review of its costs and benefits, the Commission has taken

⁶³ See eg Friederiszick, Röller and Verouden, ‘European State Aid Control: An Economic Framework’ in P Buccirosi (ed), *Handbook of Antitrust Economics* (MIT Press 2008), pp 632–3; J Vickers ‘State aid and distortions of competition’, Speech to the UK Presidency seminar on State aid, 14 July 2005 where he states that subsidies are often defended with the claim that they correct a market failure; and JE Stiglitz, *Principles of Microeconomics* (WW Norton & Company 1997), p 153, where the author claims that government may be able to enhance efficiency in the economy by correcting an existing market failure.

⁶⁴ See also J Vickers, ‘State aid and distortions of competition’, Speech to the UK Presidency seminar on State aid, 14 July 2005, p 4.

⁶⁵ Friederiszick, Röller and Verouden, ‘European State Aid Control: An Economic Framework’ in P Buccirosi (ed), *Handbook of Antitrust Economics* (MIT Press 2008), p 637.

⁶⁶ See further paras 3.28 below.

⁶⁷ Friederiszick HW, L-H Röller and V Verouden, ‘European State Aid Control: An Economic Framework’ in P Buccirosi (ed), *Handbook of Antitrust Economics* (MIT Press 2008), p 648.

⁶⁸ Council Regulation (EC) 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund [2006] OJ L210/25, Article 40(e).

a clear step in the direction of an effects-based approach to State aid control. In practice the analysis is likely to fall short of this for a number of reasons. Some of the main difficulties are discussed in the following paragraphs.

Continued role for guidelines. The more refined economic approach is being implemented in particular through guidelines: since the adoption of the State Aid Action Plan, the Commission has issued several new regulatory frameworks and guidelines, and others are currently under review.⁶⁹ While these new guidelines may well take into account the more coherent effects-based approach of the balancing test, it is also likely that they will continue to embody a number of simplifications and presumptions. This is because the development of these guidelines will inevitably reflect some of the same pressures that have shaped the existing approach: a desire to resist political pressure through pre-commitment, a desire to provide certainty to notifying Member State and the reality that the Commission still lacks the investigative powers needed to conduct its own analysis, so that precise guidelines become a tool for eliciting relevant information from notifying states. **1.39**

Investigative powers. The Commission's ability to conduct sophisticated effects-based analysis continues to be limited by the fact that the Commission lacks the ability to gather the necessary data, a problem that is not addressed in the State Aid Action Plan. As noted in a recent paper by the current Chief Economist at DG Comp: **1.40**

[T]he implementation of a rigorous economic assessment is hampered by limited powers of investigation: obtaining much of the necessary information hinges on a sufficient level of cooperation by member States and the provision of information by third parties. It seems to us that further improvements in the investigative powers of the Commission are hard to dispense with.⁷⁰

Analysis of benefits. A further casualty of the translation of the more refined economic approach into practice is the analysis of the benefits of an aid. The Commission has opted to put clear guidance about the priorities States should pursue when designing aid ahead of a thorough analysis of the merits of individual schemes. The State Aid Action Plan highlights a number of general areas where market failures lead to underinvestment. It then raises a strong presumption that any aid that increases spending in this general area is beneficial. It is very likely that these presumptions will carry over into the guidelines. In the new R&D&I **1.41**

⁶⁹ The Commission aims at largely completing the process by 2009 (see European Commission, 'Vademecum Community Rules on State Aid', February 2007). An important example of guidelines still under revision are those that deal with rescue and restructuring aid.

⁷⁰ D Neven and V Verouden, 'Towards a more refined economic approach in State aid control' in Mederer, Pesaresi and Van Hoof (eds), *EU Competition law*, Vol IV, State Aid (Claeys & Casteels 2008), para 1.373.

framework, for example, the Commission states that the main evidence it will consider when assessing whether an aid confers a benefit is whether it leads to higher R&D spending. However analysing the sources of market failure in itself cannot identify which projects should be funded. It may be the case that market failures lead to under-investment in basic R&D, because companies know that their rivals are likely to learn of their results and get some of the benefits. Even so, that does not mean that every basic R&D project would or indeed should have been funded by markets in the absence of the market failure. The point that not all R&D spending is beneficial has been forcefully made by the Economic Advisory Group on Competition Policy.⁷¹

1.42 Analysis of effect of competition and trade. The analysis of aid for R&D also illustrates the area in which the Commission's assessment of the economic effects of a State aid remains the most disappointing, namely the assessment of the impact of an aid on competition and trade. The Commission's current R&D&I Framework, which came into force in January 2007,⁷² usefully lists a number of ways that an aid could be harmful: it could deter rivals from making their own investments; it could increase the market power of the recipient; and it could maintain an inefficient company. However there is no suggestion that the required analysis of these potential effects should draw on the experience and standards that have been developed in other areas of competition law. Notably, for example, there is no requirement to define the market within which the impact on competition is to be assessed, let alone a requirement to do so to the standard that is required for merger control. Not surprisingly the result is that the analysis of the harm to competition in recent decisions remains rather loose.⁷³

1.43 Conclusion. Even if, in practice, the Commission's more refined economic approach falls short of an entirely rigorous case-by-case cost-benefit analysis of proposed aids, it still has the potential to lead to decisions that are significantly more grounded in the economic and financial analysis of effects than before. There is now a clearly articulated conceptual framework that identifies a number of substantive points that need to be established, and where economic and financial analysis can provide the most credible evidence. This is an encouraging start, which will doubtless continue to be developed over the next years.

⁷¹ Commentary by the Economic Advisory Group on Competition Policy (EAGCP) on the draft Community Framework for State Aid for Research, Development and Innovation, July 2006.

⁷² Community Framework for State aid for Research and Development and Innovation [2006] OJ C323/1, discussed in detail in Chapter 8 below.

⁷³ See eg Decision in Case N 195/2007 *Rolls-Royce Deutschland* (11 March 2008), Decision in Case N 435/2007 *MINimage' programme* (30 January 2008), Decision in Case N 887/2006 *Projet Bernin 2010* (10 July 2007), Decision in Case N 854/2006 *TVMSL programme* (10 May 2007).