



Competition and State Aid: An Analysis of the EU Practice (International Competition Law)

Alberto Santa Maria

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Since the appearance of this masterful book's first edition in 2007 it has established itself as the preeminent resource for practitioners who must interpret, on a case-by-case basis, the relation of State aid to EU inter-state competition. This second edition updated and revised by lawyers of the Santa Maria group, the most prominent law firm handling State aid cases before EU and Member State tribunals brilliantly captures the current state of this vexed relationship. Detailing numerous additional case profiles from the years since the first edition, the book combines deep familiarity with the relevant features of European Union law and the expertise that the firm has built in its everyday practice.

Among the considerations connected with the State aid phenomenon and the cases arising from it, the twelve expert authors explore and clarify such issues and topics as the following:

- the Commission's increasing policymaker role;
- the new procedural framework stemming from State Aid Modernisation;
- State aid and the financial crisis;
- rights of defence of undertakings involved in State aid proceedings;
- the principles of legitimate expectations, legal certainty, and proportionality as the discriminating elements of recovery orders;
- the importance of focusing on the actual elements that demonstrate the distortion (or the potential distortion) of competition and the existence of real prejudice to trade;
- State aid and insolvency proceedings;
- the relevance of internal tax procedures;
- the locus standi of private parties (aid recipients and their competitors) before the EU Courts;
- cooperation and conflict between the Commission and national courts on State aid matters;
- State aid to particular sectors (e.g., sport, agriculture, transports, environment and energy, broadband); and
- potential disadvantages likely to arise from different structural rules among Member States.

As in the first edition, the approach throughout is eminently practical, with detailed attention to procedure before the Commission, EU courts, and national courts. Because of the authors' specialist know-how in handling a wide variety of relevant situations from many different points of view, the book's authority can hardly be doubted. It is sure to be of great value to practitioners in all EU Member States, as well as to economists, policymakers, and jurists dealing with European law at all levels.

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