

**UN TRADE and DEVELOPMENT**

**Judicial Training Session**

**Tirana, Albania**

**25-26 November 2024**

**STATE AID RULES' ENFORCEMENT**

**BY NATIONAL COURTS**

**- Complementary roles**

**Presentation**

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*Training session*

Tirana, 25-26 November 2024

## JUDICIAL ENFORCEMENT OF COMPETITION LAW (SUBSTANTIVE AND PROCEDURAL ASPECTS)

# STATE AID RULES' ENFORCEMENT BY NATIONAL COURTS - Complementary roles

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# State aid Enforcement by National Courts

## Guidance

### The 2021 Enforcement Notice

- Commission Communication 2021/C 305/01
- Replaces the 2009 Notice
- New impetus
- Study on the enforcement of State aid rules and Decisions by National Courts, carried out by

### DG Competition

- Dedicated web page:

[https://competition-policy.ec.europa.eu/state-aid/national-courts\\_en](https://competition-policy.ec.europa.eu/state-aid/national-courts_en)



# Action before National Courts

## Intervention scenarios

### Unnotified aid

- Competitors
- Article 108 (3) TFEU:  
Direct effect of standstill obligation



- Finding of illegality
- Repayment / Damages claims / Interim measures / Interest payments

### Commission Recovery Decisions

- Member State authorities
- Beneficiaries
- Competitors



- Full implementation of a Commission recovery decision
- Review the legality of repayment request issued by national authorities
- Compensation for damages from national authorities for failure to implement

### Block exempted Aid











- Competitors
- Direct effect of GBER
- (Commission Regulation 651/2014)



- Finding whether a aid meets requirements of GBER, so that no individual notification is necessary

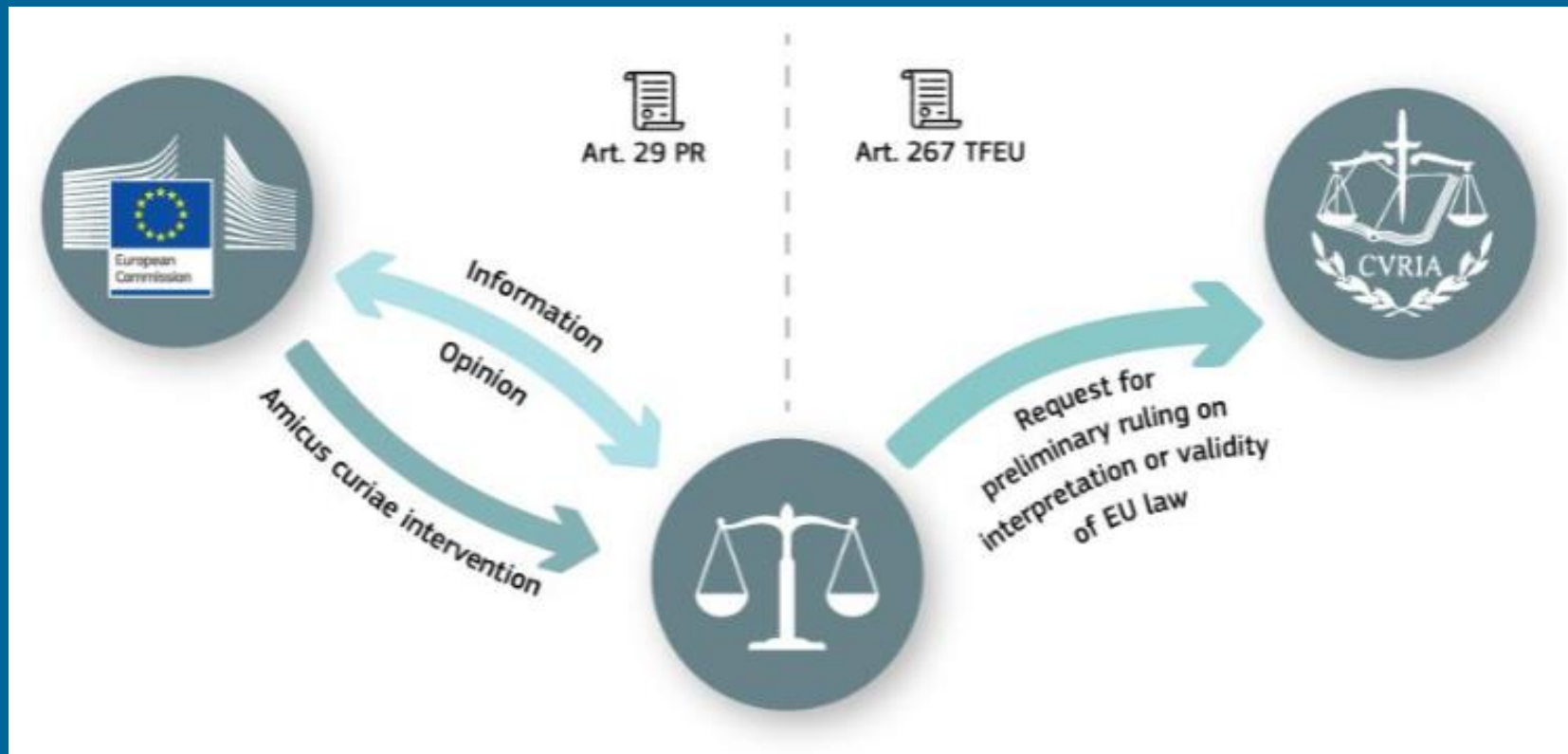
# Enforcement roles

## Separate but Complementary

ROLES	Commission	National Courts
<u>ASSESSMENT</u>		
Substantive		
▪ Aid qualification		○ 4 conditions 
▪ Aid Compatibility		
Procedural		
▪ Illegality check		○ Notification  ○ Block-exempted
<u>REMEDIES</u>		
		○ Suspension  ○ Recovery ○ Interests
<u>DAMAGES</u>		

# Relationship Commission / National Courts

Sincere cooperation



# Assistance to National Courts

By the Commission and the Court of Justice

C  
O  
M  
M  
I  
S  
S  
I  
O  
N

Info exchange

- Notified ?
- Notified and under assessment ?
- Under formal Investigation ?
- Final Decision ?

1 month

Opinion

- Aid within the meaning of Article 107 (1) TFEU
- Aid element ?
- Entitlement to Block Exemption ?

4 months

Amicus Curiae  
Intervention



*On its own initiative*

C  
V  
R  
I  
A

Reference  
Article 267 TFEU

- Interpretation of a Commission Decision
- Interpretation of State aid notion

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