

Foreword by AEA

The AEA Comité de Concertation is composed of lawyers from all Member States of the European Union. The committee members identify and carry out research into topical legal issues which affect all Member States.

Members of the committee have been asked by the European Commission to conduct research into the application of EC State aid law by the courts of Member States. The background of the study is the Commission notice on co-operation between national courts and the Commission in the State aid field (OJ 1995 C 312/8) where the Commission points out that in certain cases national courts may be better placed to ensure that breaches of EC State aid law are dealt with and remedied. The purpose of the study is to determine, based on the review of all decisions handed down by Member State courts so far in the State aid field, whether these courts are well equipped to carry out this task, and in which areas there might be problems. In addition, the study should serve as resource for lawyers and courts in all cases involving State aid issues in which a national remedy should be considered.

The study is divided into four sections: The first section outlines the cases that could occur before a national court, based on the Commission notice on co-operation between national courts and the Commission in the State aid field and on the case law of the European Court of Justice and the European Court of First Instance. Sections 2 and 3 contain, for each Member State, an outline of the availability of relief traditionally available under that Member State's legal system, as well as a list and summaries of the relevant cases. Finally Section 4 contains an analysis of the materials in sections 2 and 3 for each Member State.

The drafters of the report have included all cases that have been reported on or are otherwise available in their respective jurisdiction as of 30 June 1998 (sometimes cases of a later date are included). Research has been conducted using all available data bases and researching all relevant legal periodicals and other materials in the individual Member States.

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