

Table of Contents

Introduction	10
Chapter 1: Non-Economic Activities	12
1.1 Compulsory Health Insurance	12
1.2. Electronic Procurement	18
Chapter 2: State Resources	21
2.1. State Control	21
2.2. Regulatory Activities	23
Chapter 3: Advantage.	27
3.1. Passing of the Advantage to Consumers	27
3.2. Relief from Pension Contributions and Reduction of Taxes . . .	35
3.3. Corporate Taxation	37
3.4. Reduction of Excise Duties	38
3.5. Public Pronouncements and Advantage	40
3.6. Special Tax Treatment to Alleviate Structural Disadvantages . . .	45
3.7. Compensation for Damage	51
3.8. Land Development	53
3.9. Market Economy Investor Principle	68
3.10. Restructuring and the Market Economy Investor Principle . . .	70
3.11. How Injection of Public Capital Can Be Free of State Aid.	77
3.12. Application of the MEIP to Transactions between Parent and Subsidiary Companies	83

3.13. Avoidance of Losses	88
3.14. The Pari Passu and Valuation Approaches	92
3.15. A Market Operator Does not Have to Treat all Customers Equally	96
3.16. State Guarantees	104
3.17. The State Acting as a Private Creditor	112
3.18. Privatisation of State Assets	115
Chapter 4: Selectivity	120
4.1. Levying of Charges to Maintain Equal Treatment	120
4.2. Compulsory Measures	124
4.3. Sub-National Measures	129
4.4. Taxes	136
4.5. Taxation of Nuclear Power	141
4.6. VAT Exemption	143
4.7. The Use of Tax Measures by Member States	144
Chapter 5: Effect on Trade	150
5.1. Conditions for Non-Affectation of Trade	150
Chapter 6: Public Service Obligations and Altmark	161
6.1. Security of Supply	161
6.2. Difference between Sectoral Regulation and Altmark	164
6.3. Altmark and the 2014 Aviation Guidelines	169
6.4. Calculation of Public Service Compensation	174
6.5. The Relation between Altmark and Article 106(2) TFEU	183
6.6. Calculation of Compensation for the Extra Costs of Public Service Obligations Taking into Account Efficiency Gains	191

Chapter 7: Infrastructure	196
7.1. Economic v Non-Economic Infrastructure	196
7.2. Public Funding of Infrastructure without State Aid.	203
7.3. Airport Infrastructure and Market Economy Operator	208
Chapter 8: De Minimis Aid	221
8.1. Public Loans	221
8.2. Using Loans and Guarantees to Grant De Minimis Aid and GBER Compatible Aid	226
Chapter 9: Important Projects of Common European Interest	231
9.1. The Necessity and Proportionality of Aid	231
Chapter 10: Restructuring Aid	237
10.1. Sufficient Compensatory Measures	237
Chapter 11: Regional Aid	240
11.1. Establishing a Credible Counterfactual	240
Chapter 12: Energy Aid	250
12.1. Energy-Intensive Users	250
Chapter 13: New v Existing Aid	260
13.1. A Very Old Aid Measure	260
Chapter 14: Ex Post Monitoring of State Aid	262
14.1. More Scrutiny by the Commission	262

Chapter 15: Recovery of Incompatible State Aid	270
15.1. Who is Liable to Pay Back the Aid	270
15.2. Economic Continuity and Recovery of Incompatible State Aid	279
15.3. Rights and Obligations of Aid Beneficiaries and Competitors .	284
15.4. The Duty of National Courts to Protect Competitors from Illegal State Aid	286
 Chapter 16: Ex Ante State Aid Conditionality	 289
 Chapter 17: Ex Post Evaluation of State Aid Measures.	 294