

Cooperation with the European Commission

Webinar for Lithuanian Judiciary, 19 May 2021

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The views expressed in this presentation are those of the speaker only and can in no way be taken to reflect the official position of the European Commission.

Competition

Legal grounds



Legal grounds

- Treaty on the Functioning of the European Union
 - Part 3 of Article 4
- Procedural Regulation (EU) No 2015/1589
 - Article 29
- Commission Notice on the enforcement of State aid law by national courts



Ways of cooperation



Ways of cooperation

- Transmission of information to national courts
- Opinions on issues related to the application of state aid rules
- Submission of amicus curiae briefs



Request for information

- Obligation of the Commission to provide available information
- Information on the process or facts
- Refusal where the information relates to the Commission's internal decisionmaking process or where the national court does not provide a guarantee for the protection of confidential information and business secrets
- The Commission shall endeavour to provide the information within 1 month



Request for an opinion from the Commission

- Opinions may relate to any economic, factual or legal matter:
 - Notification of aid, exemption from notification, recovery of aid, etc.
 - Conditions for bringing an action for damages under the European Union law; issues related to the calculation of the damages incurred
- The Commission's opinions are not binding on national courts
- The Commission shall not hear the parties concerned
- The Commission shall endeavor to provide the information within 4 month



Amicus curiae notes

- The Commission may act on its own initiative, at the request of a national court or tribunal
- Before formally commenting on such an intention, the Commission shall inform the Member State concerned
- In cases where it is important to ensure the consistent application of Article 107 (1) or Article 108 TFEU
- Written or oral observations (court permission)
- Duty to provide the Commission with the necessary judicial documents to prepare its observations







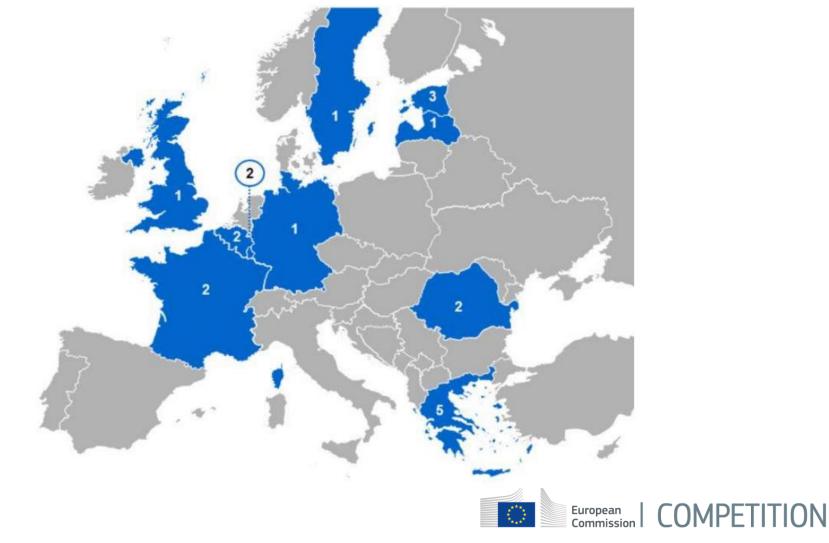
Number of requests for opinions in each Member State (2009-2018)



https://ec.europa.eu/competition/court/requests_opinions.html



Number of amicus curiae notes in each Member State (2014-2018)



Practical information



Submission of requests

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Thank you for your attention!



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