



Cooperation with the European Commission

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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.

Legal grounds

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- 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

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- 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 decision-making 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 months

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

Statistics



European
Commission

COMPETITION

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

European Commission
Directorate-General for Competition
COMP Amicus State Aid
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Telephone: 0032 2 29 76271

Fax: 0032 2 29 53584

Email: COMP-AMICUS-STATE-AID@ec.europa.eu

Thank you for your attention!



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