



Study on the enforcement of State aid rules and decisions by national courts

Annex 1 - Technical details



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Introduction

This annex forms part of the Final Study for the 'Study on the enforcement of State aid rules and decisions by national courts (COMP/2018/001)' (also referred to as: the 'Study') and provides the technical details of the Study.

The Study was carried out for DG Competition of the European Commission (also referred to as: the 'Commission'), by Spark Legal Network (also referred to as: the 'Data Collection Team'), the European University Institute (also referred to as: the 'State Aid Team'; the European University Institute and Spark Legal Network are together also referred to as: the 'Study Team'), Ecorys (also referred to as: the 'Cooperation Tools Team') and Caselex (also referred to as: the 'Editorial Team') (together also referred to as: 'the Consortium'). The Consortium was supported by a team of national legal experts who were responsible for legal data collection and analysis on the enforcement of State aid rules by national courts.

This document includes a description of the detailed methodology for each task that was carried out as part of the Study. Additionally, it provides relevant supporting materials, such as research protocols and templates, interview and survey questionnaires, and any other sources and materials that the Consortium relied on and / or produced while conducting the Study. The document is divided into four parts:

- **Part A:** Task 1 - Identify, classify and summarise the most relevant rulings rendered by national courts on State aid matters;
- **Part B:** Task 2 - Summary of the main findings at EU level;
- **Part C:** Task 3 - Identification of best practices;
- **Part D:** Task 4 - Use of the cooperation tools by the Commission and the national courts.

Each part is divided into two sections (A and B): the first section includes the methodology applied and the second section provides the supporting materials.

Part A: Task 1 - Identify, classify and summarise the most relevant rulings rendered by national courts on State aid matters

A.1. Methodology

During Task 1, the Study Team in cooperation with the national legal experts assembled a list of relevant rulings¹ adopted by national courts on the enforcement of State aid rules in the Member States of the European Union (also referred to as: 'Member States') between 1 January 2007 and 31 December 2017, and including important rulings decided in 2018 (also referred to as: the 'Study Period'). Subsequently, and on the basis of the list of relevant rulings, the Study Team together with the national legal experts selected a sample of rulings (also referred to as: the 'selected rulings').² Thereafter, the national legal experts drafted case summaries of the selected rulings and created country reports. Additionally, during this task, the Editorial Team developed a Case Database that captured the case summaries produced under the Study. The execution of Task 1 formed the basis of Task 2 ('Summary of the main findings at EU level') and 3 ('Identification of best practices').

Task 1A: Identifying and assembling the list of rulings adopted by national courts in the 28 Member States since 2007

Drafting Guidance Document Part A for the national legal experts

The first step that the Study Team undertook under Task 1A was drafting Guidance Document Part A: a comprehensive guide for the national legal experts to perform the data collection for the Study. Guidance Document Part A focusses on the identification of relevant rulings, while Guidance Document Part B concerns the selection of sample rulings and provides instructions for the creation of the case summaries and country reports.

More specifically, the document includes:

- A short overview of the Study as a whole, including its objectives and the legal context. This includes information on (types of) rulings that are outside of the scope of the Study (e.g. rulings that concern discriminatory taxes where the plaintiff asks for the extension of the tax benefit, rather than the recovery of aid);
- A clear timeframe and deadlines;
- An introduction to the help desk manned by the Data Collection Team;
- Clear definitions and parameters, and detailed guidelines on how to identify the relevant rulings and on how to complete the spreadsheet based on this research;
- A spreadsheet to be completed by the national legal experts with the relevant rulings;
- A completed spreadsheet which served as an example of how to complete it.

¹ Relevant rulings are defined in the Tender Specifications of this Study as: "those rulings which bring about a significant development of State aid rules and enforcement of those rules either in the Member State or at Union level."

² A sample of rulings was selected per Member State from the list of relevant rulings, on the basis of their legal relevance and novelty within each Member State and at EU level. Legal relevance is described in the Tender Specifications of this Study as: "those rulings which decide on main legal issues of State aid enforcement, mere repetition of settled case law is to be excluded."

Roll-out and coordination in the Member States (including help desk and monitoring)

After the Commission reviewed Guidance Document Part A, the Study Team finalised it and sent out to all national legal experts. The Data Collection Team then organised a follow-up call with each national legal expert. In preparation for the call, the Data Collection Team asked each national legal expert to provide a short description of their identification approach (i.e. the manner in which they were planning on identifying the relevant rulings). This description had to clearly set out: which national courts fell under the approach and scope of the Study, which national databases were available to them, and the search words and database options they were planning to use to identify the relevant rulings. For this purpose, the national legal experts were instructed to use the official national case law database(s) (where possible). Moreover, although the functionality and options of the case law databases varied across the Member States, several search words and options were suggested to them. The national legal experts were also asked to conduct an initial search using the proposed databases in order to have an idea of the total number of rulings that would be identified through the database on the basis of the search terms and, where possible, of the number of rulings that could be expected to satisfy the selection criteria.

During the follow-up call, the Data Collection Team walked the national legal experts through Guidance Document Part A to ensure that it had been received and understood properly. Additionally, the team addressed any preliminary questions and clarified any doubts that the national legal experts had. Moreover, the Data Collection Team and the national legal experts discussed the initial research that was carried out on the basis of the description of the identification approach, and the Data Collection Team provided feedback on these approaches. Lastly, should the national legal expert have indicated in their description that the approach yielded a relatively large amount of results in the database (e.g. more than five hundred cases), or that there was reason to assume that there were very many rulings satisfying the definition, this was discussed as well. The Data Collection Team, in that case, provided guidance on how to proceed, ensuring that the approaches remained harmonised across the Member States to the greatest extent possible.

Help desk and monitoring progress

The help desk remained operational throughout the performance of Task 1. This ensured that there was frequent contact between the Data Collection Team and the network of national legal experts, so that any problems were resolved smoothly, and the data collection process was not hampered. Furthermore, Data Collection Team closely monitored the progress of the desk research at national level. This also included the answering of any questions that the national legal experts had throughout their activities regarding, for example, timing, next steps or scope.

Identifying and assembling the most relevant rulings in the Member States

Once their identification approaches were approved by the Study Team, the national legal experts were asked to apply them and to start working on identifying and assembling the relevant rulings for their respective Member States, and completing the spreadsheet provided to them with the requisite information on these rulings. The identification approach was also included in the spreadsheet for each Member State, to allow the reader to have a clear picture of how the relevant rulings were identified.

As laid down in Guidance Document Part A, the relevant rulings to be identified by the national legal experts were "rulings from 1 January 2007 to 31 December 2017 from the last two instance competent courts of the Member State in which a party to the

proceedings raised an argument based on State aid, this argument was (to some extent) expanded upon by the national court, and the rulings can be categorised as falling under public or private enforcement of State aid”.³

Under this description, the second to last instance courts were the courts whose rulings can be confirmed or overturned only by the last instance courts. The last instance courts were the highest courts whose rulings are final and cannot be appealed further. Moreover, in case there was both an administrative and civil path for State aid cases, the rulings from the last two instance competent courts from both paths were included. Finally, in case a Member State had granted jurisdiction to hear State aid cases to a specialised court, the judgments of the latter court also had to be identified as relevant rulings.

Although rulings of lower courts did not fall within the scope of the database search, the national legal experts were instructed to include in the spreadsheets any rulings from lower courts concerning State aid rules that were considered to be of particular relevance (especially those that could potentially also constitute a selected ruling), but may not have been appealed (in which case they would probably have been included already). Where this was the situation, rulings from lower courts were part of the identification approach.

Similarly, the national legal experts were also instructed to include rulings which were delivered after 31 December 2017 but considered to be of particular relevance, if the judicial proceedings were completed and thus a final ruling was delivered in the course of 2018.

Hence, although adherence to the identification approach was of importance in ensuring a full list and overview of relevant national rulings was produced, equally important under Task 1A was the reliance on the expertise of the national legal experts in the field of State aid. Their expertise was required to confirm the thoroughness of the identification approach and the completeness of the lists of relevant rulings. In particular, they made sure that those national rulings that are of importance with regard to the enforcement of State aid rules, were added to the list of relevant rulings. Therefore, the national legal experts were asked to employ their expertise and awareness of the discussions in the national legal community, as well as to consider all relevant secondary sources and journals from 2007 onwards, in order to identify rulings which were known at national, international or European Union (also referred to as: ‘EU’) level.

The relevant rulings identified were included in a spreadsheet consisting of both free text fields (where the national legal experts could freely insert information) and semi-controlled fields (where they could select from drop-down menus). A template of the spreadsheet, including the columns to be completed for each ruling as set out below, was provided to them.

³ See footnote 1 for the definition of relevant rulings.

Table 1: Columns to be completed in the template spreadsheet (relevant rulings)

Member State	
Subject	Instruction to the national legal expert
Court which adopted the ruling (national language)	The full and official name of the court in the national language.
Court which adopted the ruling (English)	The full and official translation of the name of the court in English.
Instance court which adopted the ruling	Select the relevant option, according to the definitions provided in the Guidance Document.
Hyperlink to ruling	Copy the hyperlink to the case in the national (official) case law database. If this is not a publicly accessible database, please indicate this by stating "not publicly accessible".
Case reference	Where possible, note the ECLI number. Should there be no ECLI number available, insert the exact national reference (normally a number, often combined with letters) of the ruling.
Delivery date of the ruling	Select the delivery date (i.e. not the publication date) in the format day/month/year.
Type of action	Select whether the ruling concerns public or private enforcement according to the Guidance Document.
Remedy(ies) granted – including assessment of public enforcement issues	Identify the remedy or remedies granted (i.e. not requested) in relation to public and private enforcement of State aid rules, and in case of public enforcement, also indicate whether the national court assessed any of the issues as provided in the Guidance Document. In order to do so, please copy the relevant remedy(ies) / issue(s) provided in the Guidance Document.
Reasons for granting the remedy(ies)	Note the reasoning by the court for the granting of the remedy(ies) as indicated above.
Comments on the relevance of the ruling	Include here comments on the relevance of the ruling.
Any other comments	Include here any other comments. Moreover, should the ruling come from a lower court or be from after 31 December 2017 – include "ruling from a lower court" or "ruling after 31 December 2017".
Short statement on reasoning for selecting the ruling	To be included for the selected rulings.

Collecting, reviewing and finalising the lists of rulings

After the collection of all the completed spreadsheets identifying the relevant rulings for the purposes of the Study for each Member State, the spreadsheets were reviewed by the Study Team in order to ensure that the information included in them was complete and consistent with the guidance provided, and suitable for the analysis to be carried out under Tasks 2 and 3. On the basis of this review, the Study Team provided each national legal expert with both general instructions and specific feedback regarding their Member State, relating to the following elements:

- Confirmation that the information provided in the lists was complete and the layout was harmonised across the Member States.
- In some Member States, courts could not be categorised as a civil court or an administrative court, but rather were courts of general jurisdiction. Therefore,

this option was included in the “instance court which adopted the ruling” column in the spreadsheet.

- In order to complement the information on the categories of remedies, the national legal experts were asked to also provide one of the following options in case no State aid remedy was granted:
 - None - Claim rejected;
 - Case sent back to the lower court for re-assessment;
 - Other remedy imposed.

The national legal experts were also asked to update the spreadsheets with (further information on) cases which were sent back to a lower court for re-assessment. In addition to clarifying if the case was sent back to a lower court, they were asked to also indicate in the “remedy(ies) granted” column what the final remedy granted in the case (even if this was done by a lower court) was. In case the relevant ruling from a lower court could be identified, the reference and link to the relevant ruling (i.e. in which a remedy was granted) were also included in the spreadsheet.

Task 1B: Selecting the sample of judgments and drafting case summaries and country reports

Drafting Guidance Document Part B for the national legal experts

In order to provide timely and focussed instructions to the national legal experts, the Study Team separated Guidance Document Part B into two parts (i.e. Guidance Document Part B1 and Guidance Document Part B2). Guidance Document Part B1 focusses on the selection of sample rulings (and completion of the spreadsheet accordingly) and includes instructions on the elements which should be considered when selecting the sample of rulings. Guidance Document Part B2, on the other hand, provides instructions regarding the case summaries and country reports. Both documents include an introduction, a reiteration of the existence of the help desk, a clear timeline, and a description of the relevant tasks.

Guidance Document Part B2 includes templates for the case summaries (to be completed for each selected ruling) and the country report (to be completed for each Member State). These templates provided the main instructions on how to complete them. Lastly, a completed spreadsheet (for Guidance Document Part B1) and a completed case summary and country report (for Guidance Document Part B2) were created to serve as guidance and examples for the national legal experts.

Selecting a sample of judgments

After approval by the Study Team of the lists of relevant rulings, Guidance Document Part B1, the Study Team shared it with the national legal experts, who subsequently commenced their task of selecting the samples of rulings from the lists of relevant rulings.

In identifying the selected rulings, at least the following minimum number of rulings had to be selected for each Member State, as required by the Tender Specifications of this Study⁴:

- France, Germany, Italy, Spain and United Kingdom: 10 rulings;
- Belgium, the Netherlands and Poland: 7 rulings;
- Austria, Czech Republic, Denmark, Finland, Greece, Portugal, Sweden: 5 rulings;

⁴ Available at: <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=3191> (accessed on 18.6.2019).

- Bulgaria, Croatia, Cyprus, Estonia, Hungary, Ireland, Luxembourg, Lithuania, Latvia, Malta, Romania, Slovenia and Slovakia: 3 rulings.

In view of the requirements of 'selected rulings' in the Tender Specifications,⁵ and in accordance with the instructions in Guidance Document Part B1, the national legal experts took into account the following considerations while selecting the sample rulings:

- The rulings selected contained important considerations regarding State aid enforcement and State aid rules were part of the main aspects of the proceedings, rather than ancillary arguments put forward by the parties;
- The rulings could not be mere repetition of settled case law;
- Rulings in which the court referred only to an administrative matter or issue could not be considered to constitute a selected ruling;
- For cases in relation to which there have been multiple rulings, only the most relevant ruling (i.e. the most representative case of the 'legal saga') was selected.

Additionally, in selecting the sample of rulings, the following aspects were important:

- The expertise of the national legal experts
In the selection of rulings, the Study Team relied on the knowledge and expertise of national legal experts in each Member State in the field of State aid, in order to select those rulings that were well-known and important in their respective countries from a State aid enforcement perspective.
- Representative sample, ensuring temporal spread, scope and remedies granted
The national legal experts were instructed to take into account the fact that the selected sample represented a spread across the ten years which were covered by the Study and that both public and private enforcement cases were included. For the Member States in which only a small number of State aid remedies were imposed by national courts, all rulings where the court imposed a remedy were selected for the sample of rulings.
- Noteworthy rulings to be covered
There were several elements which, should they appear in a ruling, made it more likely for a ruling to be qualified as a selected ruling (e.g. if the court referred in the judgment to any difficulties regarding the enforcement of State aid rules; if the court made reference to the Court of Justice of the European Union (also referred to as: 'CJEU') case law / national case law, or to other relevant aspects of the EU acquis; cases in which the national court asked for information / an opinion from the Commission or the latter submitted an *amicus curia*).

Taking into account the considerations and approach set out above, the national legal experts, for each ruling selected, added a short statement in the spreadsheet containing the relevant rulings, on the reason for selecting that ruling for the sample, and highlighted the ruling so that it could be easily distinguished.

⁵ As noted under footnote 1, a sample of rulings was selected per Member State from the list of relevant rulings, on the basis of their legal relevance and novelty within each Member State and at EU level. Legal relevance is described in the Tender Specifications of this Study (available at: <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=3191>, last accessed on 18.6.2019) as: "those rulings which decide on main legal issues of State aid enforcement, mere repetition of settled case law is to be excluded."

Required numbers of selected rulings

For three Member States, the Study Team established that it seemed impossible to select the minimum number of relevant rulings, as required by the Tender Specifications for this Study. This was the case in Malta, Croatia and Cyprus. For Malta and Croatia, only one out of the three required relevant rulings could be identified while for Cyprus only two out of the three required rulings were found. Moreover, in one Member State (Luxembourg) no relevant ruling could be identified. To ensure that no relevant rulings could have been missed, the Study Team in cooperation with the national legal experts for the respective countries, expanded the identification scope and additional verification checks were carried out in these countries. The national legal experts expanded their search in the relevant (online) databases, to include all national courts. Throughout the search, the broadest possible search terms were used. Additionally, all issues of the European State Aid Law Quarterly within the relevant time-frame were searched again for national rulings of courts in these Member States. In case there were other publications relating to the field of State aid, the national legal experts reviewed these as well. Furthermore, the national legal experts for these Member States approached other experts in the field in order to verify the (low) number of relevant rulings identified. However, despite applying these verification methods, no additional cases were identified.

Nevertheless, in order to ensure that the total minimum number of 145 sample rulings that was required under the Tender Specifications of this Study, were selected and analysed under Task 2, the Study Team proposed to select and summarise additional sample rulings for Member States in which a relatively high number of relevant rulings were identified. The Commission's services agreed to this approach, under the condition that it was demonstrated that these additional rulings covered topics that were not already covered by other rulings in the representative sample and that there were not any similar or repetitive rulings in the total sample.

On the basis of the above, the national legal experts for Austria, Belgium, France, Germany, Italy, the Netherlands and Spain included additional rulings in the selection of sample rulings for their respective countries.

Testing the appropriateness of the sample in six Member States

The Study Team reviewed a selection of the sample of rulings and carried out an assessment of the appropriateness of the sample of rulings, by conducting a preliminary analysis of three rulings in six Member States. This assessment considered three selected rulings in two Member States from group 1, and one Member State for group 2, 3 and 4 each (as stated in the Tender Specifications) to ensure proper coverage and spread of the assessment. Initially, only one Member State from group 1, and two Member States from group 4 were covered. Therefore, an assessment was added for another country from group 1, thus bringing the total number of assessments to six.

Preparing case summaries

Following review by the Commission of Guidance Document Part B2, the sample of selected rulings and the appropriateness assessment of the sample in six Member States, the national legal experts started their task of drafting case summaries for each of the selected rulings, by completing a template (see under Section A.2). The template was made up of free text fields, as well as selection / drop-down menus. For the free text fields, guidance was provided within the text boxes. In the selection / drop down menus, the national legal experts selected the relevant option or options.

The case summaries contain the following information per ruling:

Case identifiers

- Member State
- Court which adopted the ruling (national language)
- Court which adopted the ruling (English)
- Instance court which adopted the ruling
- Official language of the court
- Hyperlink to ruling
- Case reference
- Procedural context of the case
- Type of action (i.e. public or private enforcement)
- Date of the Commission decision (only applicable for public enforcement)
- Delivery date of the ruling
- Language
- Headnote

Parties

- Names of the parties to the action
- The relationship of the plaintiff to the measure
- The relationship of the defendant to the measure
- Sector relating to the State aid argument
- The type of State aid measure challenged in the court proceedings

Substance of the case

- Facts and the parties' main arguments in the case
- Remedy(ies) sought

Outcome of the case

- Conclusions adopted by the national court
- Remedy(ies) granted – including assessment public enforcement issues
- Difficulties referred to by the national court in deciding the case (optional)

Other

- References by the court to any CJEU / national case law
- References by the court to other relevant aspects of the EU *acquis*
- Cooperation with the EU institutions
- Preliminary ruling request follow-up
- Any other comments (optional)

In addition to the case summaries, the national legal experts also provided PDF files containing the full text of the selected rulings so that these could be uploaded to the Case Database. In some Member States, the national official databases provided the option of downloading the ruling in this format. Where this was not possible, there were often tools available which allowed the conversion of the ruling into a PDF file. The national legal experts were instructed to check whether the rulings collected and saved in PDF were not subject to any pre-existing intellectual property rights. In the majority of Member States, the rulings were free of such rights. However, rulings in some Member States were only accessible *via* a private database (i.e. subject to copyright). In such cases, the rulings are not available to be uploaded to the Case Database.

Drafting 28 country reports

The national legal experts also prepared a country report for each Member State, using a template that was shared with them in advance (see under Section A.2). The template contains general questions regarding the relevant courts and procedures, complemented by questions which could be answered mainly on the basis of the case summaries of the selected sample of rulings (as well as to some extent on the broader research, including on the list of relevant rulings, carried out by the national legal expert).

More specifically, the national legal experts were asked to provide the following information:

- A description of the competent courts in cases concerning the public enforcement of State aid rules (from first to last instance);
- A description of the procedural framework applicable to public enforcement of State aid rules;
- A description of the competent courts in cases concerning the private enforcement of State aid rules (from first to last instance);
- A description of the procedural framework applicable in private enforcement of State aid rules;
- Main findings based on the case summaries;
- Qualitative assessment of the average time of court proceedings;
- Qualitative assessment of the remedies awarded by national courts;
- Qualitative assessment of the application of the State aid *acquis*; preliminary references;
- Qualitative assessment of any other relevant trends in State aid enforcement;
- Qualitative assessment of whether the notion of State aid was conducted well or not;
- Challenges;
- Any other relevant comments or findings.

Collecting, reviewing and finalising the case summaries and country reports

The Study Team reviewed the case summaries and country reports, covering both content and editorial quality. The national legal experts addressed any comments and finalised the documents ahead of the submission of the (Draft) Final Study. Ahead of publication, the final documents were proofread by a native speaker - a lawyer with knowledge in the area of State aid rules.

Developing the project website

The Editorial Team created a publicly accessible project website for this Study, for which a link is made available as part of the Final Study. A link to the project website is included on the relevant webpage of the Commission website. The project website is publicly available and contains the results presented in the Final Study, as well as a Case Database, and will be kept accessible for at least two years after publication of the Study.⁶

More specifically, it will contain the following pages:

⁶ <https://www.caselex.eu/> (last accessed on 18.6.2019).

Home page

This page constitutes the home page of the project website. It contains general information on the project, a disclaimer, and the logos of the Consortium. From this page, the user can navigate to the Final Study page and the Case Database and *vice versa*.

Final Study page

On the Final Study page, users are able to navigate the Final Study (and access its annexes) and the results of the analysis carried out, supported by interactive tools. They are able, for example, to click on the different titles of the Final Study in order to read the relevant data and information. The Final Study and its annexes can also be downloaded on this website, allowing users to further elaborate on the raw data as much as possible. The country reports are made available through clicking on the relevant Member State on a virtual map of the EU. The country reports are made available through clicking on the relevant Member State on a virtual map of the EU. Lastly, the profiles of the members of the Consortium can be found on this page.

Case Database

The case summaries (a total of 145) are hosted in the Case Database. The functionality and lay-out of this Database are consistent with that of the Caselex website. Visitors have a broad range of search options to find, and read, the summarised court cases in a user-friendly way.

The Case Database will consist of the following pages:

- Search page
There are two search options, both based on the text included in the English case summaries – one free text search, and one advanced search which will allow the user to click on four types of metadata to narrow down the search immediately (i.e. Member State(s), courts, specific delivery date range, and type of action). All search terms and options (i.e. the metadata and text search) can be combined (mixed-and-matched). In line with this, when carrying out a text search without selecting a metadata field (e.g. not selecting a Member State), results comprising all possible values of the metadata will be yielded (e.g. all Member States will be searched). The i-button on the search page will explain how the search works, and which options are available.
- List of results
This page will provide an overview of all the cases resulting from the search. The results will be sorted by Member State in alphabetical order, with the most recent ruling for each Member State appearing at the top. The user will be able to sort the results chronologically (newest or oldest). Moreover, the left column on this page will show the distribution of the hits over the various metadata fields (i.e. Member State(s), courts, year, and type of action).
- Case summary
This page will contain the case summary selected, with all the elements as included in the case summary template. A link to the ruling and the text of the judgment in PDF format will be provided (if publicly available). Moreover, should the case constitute a follow-up case from a preliminary ruling, or entail a request for a Commission opinion or information, or *amicus curiae* observations, a link to the CJEU ruling or to the Commission's (DG COMP) overview page will be included.

A.2. Supporting materials

Please find below the case summary and country report templates used for Task 1 of this Study.

Case summary template

Name national legal expert

Please provide your full name and title.

Date

Select the date

Case identifiers

Member State

Select the relevant Member State

Court which adopted the ruling (national language)

Provide the full and official name of the court in the national language.

Court which adopted the ruling (English)

Provide the full and official translation of the name of the court in English.

Instance court which adopted the ruling

Select the instance of the court which adopted the ruling

Official language of the court

Select the official language of the court

Hyperlink to ruling

Copy the hyperlink to the ruling in the national (official) case law database.

Additionally, please tick the relevant box below and expand here should there be an issue regarding the accessibility of the ruling.

Case reference

Where possible, provide the ECLI number. Should there be no ECLI number available, insert the exact national reference (normally a number, often combined with letters) of the ruling.

Procedural context of the case

If applicable, include the case reference and description to the ruling of the lower and higher national courts on the case, and specify whether this ruling precedes or follows the ruling discussed in this summary.

Where possible, provide the ECLI number. Should there be no ECLI number available, insert the exact national reference (normally a number, often combined with letters) of the ruling.

Reference to the case decided by the lower court is compulsory in case the last instance court refers the case back to the court of appeal to decide on the remedies.

Should any of these courts have referred a request for a preliminary ruling to the CJEU, this information can be added here as well.

Type of action

Select whether the ruling concerns public or private enforcement

Date of the Commission decision (only applicable for public enforcement)

Click or tap to enter a date.

Delivery date of the ruling

Click or tap to enter a date.

Language

Select the language of the ruling

Headnote

Please complete the following 1-line statement with the core State aid aspect of the ruling. This line will serve as the headnote for this ruling in the Case Database.

In this ruling, the Court held / discussed / considered that ...

Parties

Names of the parties to the action

Please provide the plaintiff in the case.

The plaintiff will always be the party that brought this particular case to court at this instance. Always copy the exact names of the parties (not translated), as laid down in the text of the case.

Versus

Please provide the defendant in the case.

Always copy the exact names of the parties (not translated), as laid down in the text of the case.

The relationship of the plaintiff to the measure

Select whether this party is a beneficiary, competitor, third party, public authority, consumers' association, or other.

Select the relationship of the plaintiff to the measure

If selecting 'other' – please specify.

The relationship of the defendant to the measure -----

Select whether this party is a beneficiary, competitor, third party, public authority, consumers' association, or other.

Select the relationship of the defendant to the measure

If selecting 'other' – please specify.

Sector relating to the State aid argument -----

Select the relevant sector relating to the State aid argument in the case, and provide the specific sector as mentioned in the case.

Select the sector relating to the State aid argument in the case

Provide the specific sector relating to the State aid argument in the case.

The type of State aid measure challenged in the court proceedings -----

Select the type of State aid measure challenged

If selecting 'other' – please specify.

Substance of the case**Facts and parties' main arguments in the case** -----

Please draft a summary of the arguments put forward by the plaintiff and the defendant during the proceedings based on State aid rules, including an explanation of the relevant State measure.

Remedy(ies) sought -----

Select the remedy(ies) sought by the plaintiff in relation to public and private enforcement of State aid rules. Please note that multiple choices are possible.

Public enforcement remedy:

Recovery order of the unlawful/incompatible aid

Private enforcement remedy(ies):

Recovery order in relation to unlawful aid

Interim measures to suspend the implementation of an unlawful aid

Recovery of interest

Damages awards to third parties / State liability

Reimbursement of the taxes paid for financing an unlawful aid

Other remedy sought

If selecting 'other' – please specify.

Outcome of the case

Conclusions adopted by the national court -----

Please draft a summary of how the argument which the party to the proceedings has raised based on State aid rules was expanded upon or concluded by the national court, including how the relevant State measure was characterised as State aid.

Remedy(ies) granted – including assessment public enforcement issues -----

Select the remedy(ies) granted (if any) in relation to public and private enforcement of State aid rules, and in case of public enforcement, also indicate whether the national court assessed any of the issues provided under public enforcement. Please note that multiple choices are possible.

Public enforcement remedy(ies):

- Recovery order of the unlawful/incompatible aid

Issues assessed by national courts:

- Quantification of the aid to be recovered
 Identification of the aid beneficiary
 Requests of aid recovery suspension
 Indirect challenges against a Commission decision *via* CJEU preliminary ruling
 Liquidation of the aid beneficiary – i.e. aid recovery in the context of insolvency proceedings
 Avoiding the aid recovery due to impossibility of recovery

Private enforcement remedy(ies):

- Recovery order in relation to unlawful aid
 Interim measures to suspend the implementation of an unlawful aid
 Recovery of interest
 Damages awards to third parties / State liability
 Reimbursement of the taxes paid for financing an unlawful aid

No remedy (applicable both to public and private enforcement proceedings):

- None - Claim rejected
 Case sent back to lower court for re-assessment
 Other remedy imposed

In case another type of remedy is imposed by the court, please provide the final remedy imposed in the case.

In case the case was sent back to the lower court for re-assessment, please provide the final remedy granted in the case and include a reference to the ruling of the lower instance court (i.e. name of the court, date of the ruling, case number).

Difficulties referred to by the national court in deciding the case (optional) -----

Indicate whether the national court in its ruling refers to any difficulties regarding the enforcement of State aid rules and describe what these difficulties are.

- No referenced difficulties

Other

References by the court to any CJEU / national case law -----

Include any references made by the court in the ruling to CJEU / national case law which is relevant with regard to the topic of State aid in this case, including where possible the case number, parties to the case, date, and ECLI number.

Example CJEU case law:

Case C-188/92, TWD Textilwerke Deggendorf GmbH v Bundesrepublik Deutschland (1994)
ECLI:EU:C:1994:90.

Example national case law:

ABRvS 23 februari 2011, ECLI:NL:RVS:2011:BP5454 (Agis Zorgverzekeringen NV).

Additionally, indicate whether the cited CJEU case law refers to: the public enforcement of State aid rules; on the definition of aid under Article 107(1) TFEU and private enforcement of State aid rules; or on 'equivalence' or 'effectiveness'.

- CJEU case law on public enforcement of State aid rules
- CJEU case law on 'effectiveness' (effet utile)
- CJEU case law on 'equivalence'
- CJEU case law on definition of aid under Article 107(1) TFEU
- CJEU case law on Article 108 TFEU and private enforcement of State aid rules

- No reference

References by the court to other relevant aspect of the EU *acquis* -----

Select whether any reference made by the court in the ruling to other relevant aspects of the EU *acquis*, such as the General Block Exemption Regulation, *de minimis* Regulation or Commission Guidelines/Notices.

Select the reference made by the court

Should the court refer to the relevant EU *acquis* not included in the drop-down menu, please refer to the relevant document in the free text field.

- No reference

Cooperation with the EU institutions -----

Select whether the national court – in the course of the proceedings – sent a request for information or for opinion to the Commission, or whether the Commission provided the national court with *amicus curiae* observations.

- The national court sent a request for information to the Commission
- The national court sent a request for opinion to the Commission
- The Commission provided the national court with an *amicus curiae* observations

- No cooperation

Preliminary ruling request follow-up -----

Select whether the relevant case represents the follow-up of a request for a preliminary ruling to the CJEU.

- Yes
- No

If selecting 'yes', indicate the reference to the CJEU preliminary ruling.

Any other comments (optional) -----

Include any other comments you might have regarding this ruling.

Country report template

Name national legal expert

Please provide your full name and title.

Date

Select the date

Please answer the following questions, referring (where possible) to information from your sample case summaries and / or cases from the long lists of rulings (or any other relevant sources such as leading legal literature) to substantiate your comments and answers. Please provide short and succinct answers.

A description of the competent courts in cases concerning the public enforcement of State aid rules (from first to last instance)

Please also indicate here whether there is a specialised court with jurisdiction to hear these types of cases, or a court that *de facto* hears a considerable amount / majority of cases involving the public enforcement of State aid rules.

A description of the procedural framework applicable in public enforcement of State aid rules

Please provide a short overview of the State institutions involved in the implementation of recovery decisions by the Commission, as well as the process of recovery. Additionally, please provide details regarding the applicable procedural rules; in particular, whether the recovery is implemented on the basis of *ad hoc* legislation, or under general procedural rules, and what these procedural rules are.

A description of the competent courts in cases concerning the private enforcement of State aid rules (from first to last instance)

Please also indicate here whether there is a specialised court with jurisdiction to hear these types of cases, or a court that *de facto* hears a considerable amount / majority of cases involving the private enforcement of State aid rules.

A description of the procedural framework applicable in private enforcement of State aid rules

Please provide details on the applicable procedural rules; in particular, whether the private enforcement of State aid rules is regulated by *ad hoc* legislation, or under general procedural rules, and what these procedural rules are.

Main findings based on the case summaries

Please describe any general trends or findings – as well as the (potential) reasons for these - based on the case summaries, including any patterns on the (occurrence of) the following relating to State aid cases since 2007:

a) Type of action (public versus private enforcement; remedies requested);

- b) Sectors; and
- c) Main actors.

Qualitative assessment of the average time of court proceedings

Please provide information on the average time of court proceedings regarding both the private and public enforcement of State aid rules. Please consider and refer to any publicly available relevant documentation. In particular, please include information on the question if the average time of State aid proceedings is 'longer' or 'shorter' in comparison to other court proceedings in the country. Additionally, please provide any reasons as to why this is the case, referring as much as possible to leading sources of information (e.g. statistics, judicial or governmental reports).

Qualitative assessment of the remedies awarded by national courts

Please provide your opinion on the remedies awarded by national courts on State aid matters. In particular, explain the possible reasons for the low number of remedies awarded by national courts in comparison with the overall number of cases decided on by national courts (e.g. claims generally not well-founded, reluctance by national courts to enforce State aid rules, procedural issues, such as the lack of jurisdiction of the national court).

Qualitative assessment of the application of the State aid *acquis*; preliminary references

Please assess and describe whether and to what extent the national courts have generally properly applied the EU State aid *acquis* (e.g. the Commission Guidelines, General Block Exemption Regulation, *de minimis* Regulation, CJEU case law). On the basis of your knowledge and expertise, would you be able to draw any conclusions with regard to the frequency or content of requests for preliminary rulings in your Member States by national court?

Qualitative assessment of any other relevant trends in State aid enforcement

Please identify and (if possible) explain any other relevant trends concerning the enforcement of State aid rules in the Member State (e.g. whether and to what extent national courts have become more familiar with State aid rules, and whether the quality of national rulings has thus improved, over the period 2007-2017).

Qualitative assessment of whether the notion of State aid was conducted well or not; challenges

Please expand on whether generally, the notion of State aid was conducted well by the national courts. Additionally, please identify any challenges with regard to the enforcement of State aid rules by the national courts, and possible ways of addressing them.

Any other relevant comments or findings

If applicable, include any other comments or findings relating to the enforcement of State aid rules at national level.

Part B: Task 2 - Summary of the main findings at EU level

B.1. Methodology

Introduction

The State Aid Team, with the support of the Data Collection Team, subsequently proceeded to analyse the findings in order to identify a number of trends in State aid enforcement. Chapter 2 of the present Study presents the identified trends.

While doing so, the State Aid Team relied on the data collected under Task 1, in particular the lists of 766 relevant rulings, the 145 case summaries and 28 country reports included in Annex 2 and 3 of the present Study. In particular, while the country reports aimed at identifying trends in each Member State, the analysis carried out under Task 2 aimed at aggregating the findings at EU level. The analysis under Task 2 covered the Study Period, and it covered both public and private enforcement of State aid rules. The State Aid Team relied upon data collected under Task 1 for Task 2 both to elaborate a number of statistics (i.e. quantitative trends), as well as to point out a number of qualitative trends from the case summaries and country reports. Finally, the Study drew a comparison with the main findings of the Study on the enforcement of State aid rules at national level, carried out on behalf of the Commission in 2006 (also referred to as: the '2006 State Aid Study').⁷

Quantitative trends

The State Aid Team, in cooperation with the Data Collection Team, elaborated a number of statistics from the lists of relevant rulings included in Annex 2. In particular, the following statistics have been added and commented on in Chapter 2:

- Number of public/private enforcement cases divided per year;
- Categories of courts that hear public/private enforcement cases;
- Categories of remedies awarded by the national courts in public/private enforcement cases.

In addition, the State Aid Team elaborated a number of statistics from the data collected in the case summaries:

- Categories of plaintiffs in public/private enforcement cases;
- Categories of defendants in public/private enforcement cases;
- Economic sectors in public/private enforcement cases;
- Categories of aid measures challenged in public/private enforcement cases;
- Requests for CJEU preliminary rulings in public/private enforcement cases.

The statistics mentioned above are presented in Chapter 2 *via* two types of graphics:

- Histograms that present the data collected in all Member States;
- Pie charts that present the averages at EU level of the variables taken in consideration.

⁷ T. Ottervanger, T. Jestaedt, T. Derenne (2006), *Study on the enforcement of State aid law at national level*. Study carried out on behalf of the Commission (DG Competition). <https://publications.europa.eu/en/publication-detail/-/publication/801bf70b-c64b-4fa8-bef6-2ec17204b1f1> (last accessed on 29.1.2019).

Qualitative trends

Besides presenting a number of statistics at EU level, Chapter 2 identifies a number of qualitative trends both in public and in private enforcement of State aid rules. In particular, under Task 2, the State Aid Team has analysed the case summaries and the country reports elaborated under Task 1, in order to point out a number of trends visible in a number of Member States in the Study Period. In other words, the State Aid Team has carried out a comparative legal analysis under Task 2 on the basis of the data collected under Task 1.

The main qualitative trends in public enforcement of State aid rules analysed under Task 2 were:

- Evolution of the degree of enforcement of the State aid rules by national courts;⁸
- Interim measures and recovery decisions enforced by national courts – comparison with the 2009 Enforcement Notice;
- The role of CJEU preliminary rulings in public enforcement cases;
- Main difficulties faced by national courts in public enforcement cases - examples drawn from collected data.⁹

The main qualitative trends in private enforcement of State aid rules that were analysed under Task 2:

- Evolution of the degree of enforcement the EU State aid *acquis*¹⁰ by national courts;¹¹
- Remedies awarded by national courts - comparison with the 2009 Enforcement Notice;
- The role of CJEU preliminary rulings in private enforcement cases.
- Main difficulties faced by national courts in private enforcement cases - examples drawn from collected data.¹²

Comparison with the 2006 State Aid Study

The State Aid Team completed the qualitative assessment carried out under Task 2 by a comparison between the main findings of the present Study and the 2006 State Aid Study. The latter document was published by the Commission in 2006, and later updated in 2009.¹³ The Consortium believes that the 2006 State Aid Study represents the most comprehensive overview (until the present Study) on the enforcement of State

⁸ In order to identify trends in the degree of public enforcement of the EU State aid *acquis*, the State Aid Team analysed the number of cases ruled by national courts, as well as the categories of courts/plaintiffs/defendants both at the EU level as well as in the individual Member States.

⁹ Examples of potential difficulties faced by national courts: difficulties relating to the identification of the aid beneficiary; difficulties in the identification of the authority in charge of the aid recovery (i.e. aid grantor or other entity); lack of clarity in other aspects of the recovery decision.

¹⁰ With the expression "EU State aid *acquis* in private enforcement of State aid rules" we refer in particular to the notion of State aid under Article 107(1) of the Treaty on the Functioning of the European Union, as well as the General Block Exemption Regulation, *de minimis* Regulation, CJEU case law.

¹¹ In order to identify trends in the degree of private enforcement of the EU State aid *acquis*, we analysed the number of cases ruled by national courts, as well as the categories of courts/plaintiffs/defendants both at the EU level as well as in the individual Member States.

¹² Examples of potential difficulties faced by national courts: difficulties faced by national courts relating to the assessment of the conditions under Article 107(1) of the Treaty on the Functioning of the European Union in the absence of a Commission decision; effectiveness of the remedy awarded (i.e. recovery vs reimbursement).

¹³ *Supra*, 2006 State Aid Study.

The comparison against the 2006 State Aid Study was not requested by the Commission in the Tender Specifications for this Study (available at: <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=3191>, last accessed on 18.6.2019).

aid rules by national courts of the Member States, and thus the State Aid Team has decided to rely on the 2006 State Aid Study as a benchmark to assess the findings of the present Study. In Section 2.3, the State Aid Team has briefly summarised the main findings of the 2006 State Aid Study and drawn a comparison with the main quantitative and qualitative trends identified in the present Study.

Lithuania																	0
Luxembourg																	0
Malta																	0
Netherlands	1					1				1	1						4
Poland								1	1								2
Portugal						3	1			2	2	1					9
Romania		1	1	2			1				3	1	1				10
Slovakia			1			1	1			2		1					6
Slovenia								1		1							2
Spain		1	1			2	1	3	3	2	1	6	3				23
Sweden																	0
UK												1	1				2
EU	7	4	5	13	13	19	17	11	24	24	26	9	172				

Table 3: Categories of courts hearing cases of public enforcement of State aid rules (data extracted from the lists of relevant rulings in Annex 2)

The table was used to create Figure 2 (categories of courts hearing cases of public enforcement of State aid rules - percentage at EU-level) and Figure 3 (categories of courts hearing cases of public enforcement of State aid rules)

Member State	Constitutional court	Last instance court (administrative)	Last instance court (civil/commercial)	Lower court (administrative)	Lower court (civil/commercial)	Second to last instance court (administrative)	Second to last instance court (civil/commercial)	Specialised court	Last instance court (general jurisdiction)	Lower court (general jurisdiction)	Second to last instance court (general jurisdiction)	Second to last instance court (criminal)	Last instance court (finance)	Lower court (finance)	Last instance court (social)	TOTAL
Austria		2	1				1									4
Belgium	1	2			1	2		1								7
Bulgaria		4														4
Croatia		1														1

Cyprus						2										2
Czech Republic		2														2
Denmark																0
Estonia		1				2										3
Finland		1														1
France		9	4			18	1									32
Germany		1	4	1		1							1	1		9
Greece		1		2												3
Hungary																0
Ireland																0
Italy		15	24	5	1		1									46
Latvia																0
Lithuania																0
Luxembourg																0
Malta																0
Netherlands		3			1											4
Poland			2													2
Portugal		7	1				1									9
Romania		4		1		5										10
Slovakia							3		3							6
Slovenia						2										2
Spain		12	2			8		1								23
Sweden																0
UK							2									2
EU	1	65	38	9	3	40	9	2	3	0	0	0	1	1	0	172

Table 4: Categories of aid measures in cases of public enforcement of State aid rules (data extracted from the case summaries in Annex 3)

The table was used to create Figure 4 (categories of aid measures challenged in cases of public enforcement of State aid rules - EU average) and Figure 5 (categories of aid measures challenged in cases of public enforcement of State aid rules)

Member State	Grant / subsidy	Tax break/rebate	Loan at more favourable terms than market conditions	Guarantee at more favourable terms than market conditions	Concession/privatisation of State-owned land/property at more favourable terms than market conditions	Other	TOTAL
Austria	1						1
Belgium		1			1	1	3
Bulgaria		3					3
Croatia						1	1
Cyprus	2						2
Czech Republic						1	1
Denmark							0
Estonia	3						3
Finland			1				1
France	1	4			1	1	7
Germany		1	1			2	4
Greece		1		1		2	4
Hungary							0
Ireland							0
Italy	5	1				1	7
Latvia							0
Lithuania							0
Luxembourg							0
Malta							0

Netherlands	1																						1	2	
Poland																								1	1
Portugal			1																					1	2
Romania	1		1																						2
Slovakia																								1	1
Slovenia	1																								1
Spain			3		3																				6
Sweden																									
UK			2																						2
EU	15		18		5				1															13	54

Table 5: Economic sectors in cases of public enforcement of State aid rules (data extracted from the case summaries in Annex 3)

The table was used to create Figure 6 (economic sectors in cases of public enforcement of State aid rules)

Member State	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	TOTAL	
Austria										1													1
Belgium			1					1					1										3
Bulgaria	1			1				1															3
Croatia			1																				1
Cyprus			1										1										2
Czech Republic																				1			1
Denmark																							
Estonia			2					1															3
Finland			1																				1
France			2				1	1			2												6

Germany			1	1							1				1							3
Greece						1	1															2
Hungary																						
Ireland																						
Italy				1				3	2	1												7
Latvia																						
Lithuania																						
Luxembourg																						
Malta																						
Netherlands	1																1					2
Poland				1																		1
Portugal								1			1											2
Romania			1				1	1					1									4
Slovakia																				1		1
Slovenia				1																		1
Spain						1												2	3			6
Sweden																						
UK		1	1																			2
EU	2	1	11	5	0	2	3	9	2	2	4	0	3	0	1	0	1	2	5	0	0	52

Table 6: Categories of plaintiffs in cases of public enforcement of State aid rules (data extracted from the case summaries in Annex 3)

The table was used to create Figure 7 (categories of plaintiffs in cases of public enforcement of State aid rules, percentage at the EU-level) and Figure 8 (categories of plaintiffs in cases of public enforcement of State aid rules)

Member State	Beneficiary	Competitor	Third party	Public authority	Consumers' association	Other	TOTAL
Austria	1						1
Belgium	2					1	3
Bulgaria	1			2			3
Croatia	1						1
Cyprus	1					1	2
Czech Republic				1			1
Denmark							
Estonia	3						3
Finland	1						1
France	4			3			7
Germany	2			2			4
Greece	1			1			2
Hungary							
Ireland							
Italy	5			2			7
Latvia							
Lithuania							
Luxembourg							
Malta							
Netherlands	2						2

Poland	1						1
Portugal	1			1			2
Romania	1			1			2
Slovakia						1	1
Slovenia	1						1
Spain	5			1		1	7
Sweden							
UK				2			2
EU	33	0	0	16	0	4	53

Table 7: Categories of defendants in cases of public enforcement of State aid rules (data extracted from the case summaries in Annex 3)

The table was used to create Figure 9 (categories of defendants in cases of public enforcement of State aid rules, percentage at EU-level) and Figure 10 (categories of defendants in cases of public enforcement of State aid rules)

Member State	Beneficiary	Competitor	Third party	Public authority	Consumers' association	Other	TOTAL
Austria				1			1
Belgium	1		1	3			5
Bulgaria	2			1			3
Croatia				1			1
Cyprus				2			2
Czech Republic				1			1
Denmark							
Estonia				3			3
Finland				1			1
France	1	1		3		1	6
Germany			1	2		1	4

Greece	1			1			2
Hungary							
Ireland							
Italy	1			6			7
Latvia							
Lithuania							
Luxembourg							
Malta							
Netherlands				2			2
Poland				1			1
Portugal		1		1			2
Romania	1			1			2
Slovakia				1			1
Slovenia				1			1
Spain	1			5			6
Sweden							
UK	1					1	2
EU	9	2	2	37	0	3	53

Table 8: Remedies awarded by national courts in cases of public enforcement of State aid rules (data extracted from the lists of relevant rulings in Annex 2)

The table was used to create Figure 11 (remedies awarded by national courts in cases of public enforcement of State aid rules - percentage at EU-level) and Figure 12 (remedies awarded by courts in cases of public enforcement of State aid rules)

Member State	None - Claim rejected	Case sent back to the lower court for re-assessment	Recovery order of the unlawful/ incompatible aid	Avoiding the aid recovery due to impossibility of recovery	Indirect challenge against Commission decision <i>via</i> CJEU preliminary ruling	Liquidation of the aid beneficiary - i.e. aid recovery in the context of insolvency proceedings	Identification of the aid beneficiary	Quantification of the aid to be recovered	Requests of aid recovery suspension	Other remedy imposed	TOTAL
Austria	2		1							1	4
Belgium	6				1						7
Bulgaria	3		1								4
Croatia	1										1
Cyprus	2										2
Czech Republic	1									1	2
Denmark											0
Estonia	2	1									3
Finland			1								1
France	5	3	21	6	4	5	2	9	1	1	57
Germany	5	1	3							1	10
Greece	2	1									3
Hungary											0
Ireland											0
Italy	11	10	18				1	2	3	6	51
Latvia											0
Lithuania											0
Luxembourg											0

Malta											0
Netherlands	3									1	4
Poland	1	1									2
Portugal	5		2							3	10
Romania	2		7							1	10
Slovakia	6	3								1	10
Slovenia			2						1		3
Spain	13		3			2	1	2		7	28
Sweden											0
UK			1				1	1		1	4
EU	70	20	60	6	5	7	5	14	5	24	216

Table 9: Requests of CJEU preliminary rulings in cases of public enforcement of State aid rules (data extracted from the case summaries in Annex 3)

The table was used to create Figure 13 (requests of CJEU preliminary rulings in cases of public enforcement of State aid rules, percentage at EU-level) and Figure 14 (requests of CJEU preliminary rulings in cases of public enforcement of State aid rules)

Member State	Number cases of public enforcement	Number CJEU preliminary rulings	Percentage of CJEU preliminary rulings in comparison to the total number of public enforcement cases
Austria	1	0	0%
Belgium	3	0	0%
Bulgaria	0	0	0%
Croatia	1	0	0%
Cyprus	2	0	0%
Czech Republic	1	0	0%
Denmark	0	0	0%
Estonia	3	1	33%

Finland	1	0	0%
France	6	2	33%
Germany	4	0	0%
Greece	0	0	0%
Hungary	0	0	0%
Ireland	0	0	0%
Italy	7	1	14%
Latvia	0	0	0%
Lithuania	0	0	0%
Luxembourg	0	0	0%
Malta	0	0	0%
Netherlands	2	0	0%
Poland	1	0	0%
Portugal	2	1	50%
Romania	2	0	0%
Slovakia	1	0	0%
Slovenia	1	0	0%
Spain	6	0	0%
Sweden	0	0	0%
UK	2	0	0%
EU	49	5	10%

Table 10: Number of cases of private enforcement of State aid rules, 2007-2018 (data extracted from the lists of relevant rulings in Annex 2)

The table was used to create Figure 15 (number of cases of private enforcement of State aid rules at EU-level) and Table 3 (number of cases of private enforcement of State aid rules divided per Member State)

Member State	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	TOTAL
Austria		8	7	1	8	1	6						
Belgium	12	6	2		1	4		1					
Bulgaria													
Croatia													
Cyprus (*publication date)						2							
Czech Republic	1	4	2			2							
Denmark									1	2	5		
Estonia		3				4							
Finland		22				4							
France		53	7	1		34	9						
Germany		5	13	9	6	11	10						7
Greece (*publication date)		7	4				1						
Hungary		4			1								
Ireland									1		3		
Italy	1	22	16	2									
Latvia	2	2	2		1								
Lithuania		6	4			7	10						
Luxembourg													
Malta							1						
Netherlands		50	5		6	17	11						

Poland		37	4			3	1							
Portugal		7												
Romania			1				1							
Slovakia					1		2							
Slovenia	1		1			3	1							
Spain		27	1	1		8								
Sweden		3	1			12	1							
UK						8	4	1					1	
EU	17	266	70	14	24	120	58	2	2	2	8	1	7	

Table 11: Categories of courts hearing cases of private enforcement of State aid rules (data extracted from the lists of relevant rulings in Annex 2)

The table was used to create Figure 16 (categories of courts hearing cases of private enforcement of State aid rules, percentage at EU-level) and Figure 17 (categories of courts hearing cases of private enforcement of State aid rules)

Member State	Constitutional court	Last instance court (administrative)	Last instance court (civil/commercial)	Lower court (administrative)	Lower court (civil/commercial)	Second to last instance court (administrative)	Second to last instance court (civil/commercial)	Specialised court	Last instance court (general jurisdiction)	Lower court (general jurisdiction)	Second to last instance court (general jurisdiction)	Second to last instance court (criminal)	Last instance court (finance)	Lower court (finance)	Last instance court (social)	TOTAL
Austria		8	7	1	8	1	6							1		32
Belgium	12	6	2		1	4		1								26
Bulgaria																0
Croatia																0
Cyprus						2										2
Czech Republic	1	4	2			2										9
Denmark									1	2	5					8
Estonia		3				4										7
Finland		22				4										26

France		53	7	1		34	9									104
Germany		5	13	9	6	11	10						7	1	1	63
Greece		7	4				1									12
Hungary		4			1											5
Ireland									1		3					4
Italy	1	22	16	2												41
Latvia	2	2	2		1											7
Lithuania		6	4			7	10									27
Luxembourg																0
Malta							1									1
Netherlands		50	5		6	17	11									89
Poland		37	4			3	1									45
Portugal		7														7
Romania			1				1									2
Slovakia					1		2									3
Slovenia	1		1			3	1									6
Spain		27	1	1		8										37
Sweden		3	1			12	1									17
UK						8	4	1				1				14
EU	17	266	70	14	24	120	58	2	2	2	8	1	7	2	1	594

Table 12: Categories of aid measures challenged in cases of private enforcement of State aid rules (data extracted from the case summaries in Annex 3)

The table was used to create Figure 18 (categories of aid challenged in cases of private enforcement of State aid rules, percentage at EU-level) and Figure 19 (categories of aid challenged in cases of private enforcement of State aid rules)

Member State	Grant / subsidy	Tax break/rebate	Loan at more favourable terms than market conditions	Guarantee at more favourable terms than market conditions	Concession/privatisation of State-owned land/property at more favourable terms than market conditions	Other	TOTAL
Austria				1	1	3	5
Belgium	3	3		1	1	1	9
Bulgaria							
Croatia							
Cyprus	0						0
Czech Republic	3					1	4
Denmark		1		1	2	1	5
Estonia							0
Finland		1		1	1	1	4
France	3					3	6
Germany	3					4	7
Greece	2					1	3
Hungary		1				2	3
Ireland		1				2	3
Italy		3				1	4
Latvia						3	3
Lithuania		1				2	3
Luxembourg							
Malta						1	1

Netherlands	2			2		2	6
Poland		1				5	6
Portugal	1					2	3
Romania		1					1
Slovakia		1			1		2
Slovenia						2	2
Spain	2	3					5
Sweden	1				2	2	5
UK	3	1	1			3	8
EU	23	18	1	6	8	42	98

Table 13: Economic sectors in cases of private enforcement of State aid rules (data extracted from the case summaries in Annex 3)

The table was used to create Figure 20 (economic sectors in cases of private enforcement of State aid rules)

Member State	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	TOTAL	
Austria						1					3				1								5
Belgium							1		1	1		1	1										5
Bulgaria																							
Croatia																							
Cyprus																							0
Czech Republic				1				1									1	1					4
Denmark				1				1		3													5
Estonia																							0
Finland			1							1		1					1						4
France	1			1			1	2		1													6

Table 14: Categories of plaintiffs in cases of private enforcement of State aid rules (data extracted from the case summaries in Annex 3)

The table was used to create Figure 21 (categories of plaintiffs in cases of private enforcement of State aid rules, percentage at the EU-level) and Figure 22 (categories of plaintiffs in cases of private enforcement of State aid rules)

Member State	Beneficiary	Competitor	Third party	Public authority	Consumers' association	Other	TOTAL
Austria		3		2			5
Belgium	1	3		1			5
Bulgaria							
Croatia							
Cyprus							0
Czech Republic		3				1	4
Denmark	1	3				1	5
Estonia							0
Finland		1	1			1	3
France		2		1	1	2	6
Germany	1	5				2	8
Greece	1	1	1				1
Hungary			1			2	3
Ireland		1				2	3
Italy				3		1	4
Latvia	2					1	3
Lithuania			1	1		1	3
Luxembourg							
Malta		1					1
Netherlands	2	2		2	1		7

Poland	2			3		1	6
Portugal		1				2	2
Romania						1	1
Slovakia				2			2
Slovenia						2	2
Spain		4		1			5
Sweden		1	3	1			5
UK	3	3	2				8
EU	13	34	9	17	2	20	92

Table 15: Categories of defendants in cases of private enforcement of State aid rules (data extracted from the case summaries in Annex 3)

The table was used to create Figure 23 (categories of defendants in cases of private enforcement of State aid rules, percentage at the EU-level) and Figure 24 (categories of defendants in cases of private enforcement of State aid rules)

Member State	Beneficiary	Competitor	Third party	Public authority	Consumers' association	Other	TOTAL
Austria	3			1		3	7
Belgium	2			3		2	7
Bulgaria							0
Croatia							0
Cyprus							0
Czech Republic				4		1	5
Denmark				5			5
Estonia							0
Finland		1		4			5
France	1	1		4			6

Germany	1		1	5		2	9
Greece	2	1					3
Hungary				3			3
Ireland				3			3
Italy	2			1		1	4
Latvia				2		1	3
Lithuania	2					1	3
Luxembourg							0
Malta				1			1
Netherlands	1		1	4			6
Poland	2	1		3			6
Portugal	2			1		1	4
Romania	1						1
Slovakia	2						2
Slovenia	1			1			2
Spain				5		1	6
Sweden		1		4			5
UK				8			8
EU	22	5	2	62	0	13	104

Table 16: Remedies awarded by national courts in cases of private enforcement of State aid rules (data extracted from the list of relevant rulings in Annex 2)

The table was used to create Figure 25 (remedies awarded by national courts in cases of private enforcement of State aid rules, percentage at EU-level) and Figure 26 (remedies awarded by national courts in cases of private enforcement of State aid rules)

Member State	None - Claim rejected	Case sent back to the lower court for re-assessment	Recovery order in relation to unlawful aid	Interim measures to suspend the implementation of an unlawful aid	Recovery of interest rate	Damages awards to third parties / State liability	Reimbursement of the taxes paid for financing an unlawful aid	Other remedy imposed	TOTAL
Austria	21	3	1					8	33
Belgium	20			1			1	4	26
Bulgaria									0
Croatia									0
Cyprus	2								2
Czech Republic	7	1						1	9
Denmark	7							1	8
Estonia	7								7
Finland	10	1	14	1				1	27
France	75	6	21		4	5		9	120
Germany	46	8	1					12	67
Greece	10	1						1	12
Hungary	4							1	5
Ireland	3	1							4
Italy	30	3	2					6	41
Latvia	3	3						2	8
Lithuania	21	3	1					2	27

Luxembourg									0
Malta	1								1
Netherlands	63	2	1	1				23	90
Poland	32	11	1	1				8	53
Portugal	4	3							7
Romania	1	1	1			1			4
Slovakia	2							1	3
Slovenia	2		1					3	6
Spain	25	2						10	37
Sweden	10	2		6				1	19
UK	13							1	14
EU	419	51	44	10	4	6	1	95	630

Table 17: Requests for CJEU preliminary ruling in cases of private enforcement of State aid rules (data extracted from the case summaries in Annex 3)

The table was used to create Figures 27 (Requests of CJEU preliminary ruling in cases of private enforcement of State aid rules, percentage at the EU-level) and Figure 28 (requests of CJEU preliminary rulings in cases of private enforcement of State aid rules)

Member State	Number cases of private enforcement	Number CJEU preliminary rulings	Percentage of CJEU preliminary rulings in comparison to the total number of private enforcement cases
Austria	5	1	20%
Belgium	5	1	20%
Bulgaria	3	0	0%
Croatia	0	0	0%
Cyprus	0	0	0%
Czech Republic	4	0	0%
Denmark	5	0	0%
Estonia	0	0	0%

Finland	4	1	25%
France	6	1	16%
Germany	7	2	28%
Greece	3	0	0%
Hungary	3	1	33%
Ireland	3	1	33%
Italy	4	1	25%
Latvia	3	0	0%
Lithuania	3	0	0%
Luxembourg	0	0	0%
Malta	1	0	0%
Netherlands	6	1	16%
Poland	6	1	16%
Portugal	3	0	0%
Romania	1	0	0%
Slovakia	2	0	0%
Slovenia	2	1	50%
Spain	5	1	20%
Sweden	5	0	0%
UK	8	0	0%
EU	97	13	13%

Part C: Task 3 - Identification of best practices

C.1. Methodology

Internal Online Workshops

The objective of Task 3 was to identify a number of best practices in relation to the enforcement of State aid rules by the national courts of the Member States.

As a preliminary step, the Data Collection and State Aid Teams organised an Internal Online Workshop, which took place in person and *via* a conference call (for members of the Study Team unable to attend in person). The meeting represented an opportunity for the Data Collection Team to present to the State Aid Team the data collected under Task 1, and to have a preliminary discussion on possible best practices.

After the review of the case summaries and country reports by the State Aid Team, a second Internal Online Workshop was organised, both the Data Collection Team and the State Aid Team members attended. This meeting represented an opportunity for a further discussion on the best practices to be analysed under Task 3.

Following the first Internal Online Workshop, the Data Collection Team developed and shared with the State Aid Team a structure for the best practices, representing the result of the cooperative work that flowed from the first workshop. In particular, the document was discussed during the second conference call.

Structure of the best practices

The first step to identifying examples of best practices is to define what is meant by 'best practices'. In the context of the present Study, 'best practices' are those practices that ensure an effective resolution of the issue at hand and which get closest achieving the aims of public enforcement (i.e. recovering unlawful aid and restoring competition) and private enforcement (i.e. safeguarding the rights of the claimant while also contributing to the removal of unlawful aid, thus restoring competition in the market) of State aid rules.

An initial and important point is that good practices emerge from a combination of judicial wisdom and procedural structure. Accordingly, the Study identifies best practices in both the legal framework and the judgments.

In Chapter 3, the Study identifies a set of indicators to assess how a given jurisdiction performs:

- The speed with which cases are likely to be resolved as a result of the practice;
- The quality of coordination with parallel Commission's procedures;
- The degree to which the remedies provide for adequate compensation (private enforcement) /restoration of the status quo ante (public enforcement);
- The tools used for judicial dialogue.

In the assessment, the State Aid Team looks not only at the practice, but also at the context in which it takes place (i.e. the relevant national judicial framework). In fact, the degree of proven effectiveness of the practice can vary depending on the context where the latter occurs. Giving due consideration to the context is thus helpful in avoiding biases deriving from exogenous factors.

C.2. Supporting materials

Introduction

This document sets out the approach for the identification of best practices on the enforcement of State aid rules analysed in Chapter 3. This document should be seen as complementary to the methodology described in Chapter 1.

Concept of 'best practices'

For the purpose of this Study, best practices are those practices that ensure an effective resolution of the issue at hand and which get closest to achieving the aims of State aid rules public enforcement (i.e. recovering unlawful aid and restoring competition) and private enforcement (i.e. safeguarding the rights of the claimant and also contributing to removing unlawful aid, thus restoring competition in the market).

In the present Study, best practices are drawn both from the court practice of certain Member States, as well as from relevant legislative development. A best practice can be both a way to enhance the enforcement of State aid rules, as well as an efficient way to solve an existing problem. On the contrary, the Study does not consider as a best practice any conduct that is 'expected' because a national court or a Member State simply applies what is provided for by the relevant framework – for example respecting the primacy of Union law or cooperating with the Commission.

Indicators of the best practices

The Study has relied on a number of indicators to identify a set of best practices among the national experiences discussed in the case summaries and country reports included in Annex 3:

- Speeding-up the aid recovery proceedings;
- Improving legal certainty and the parties' rights;
- Ensuring adequate remedies (private enforcement) and restoration of the *status quo ante* (public enforcement);
- Improving the coordination between national courts and the Commission in case of parallel proceedings.

Once identified, each best practice was assessed on the basis of four criteria:

- 'Identification of the challenge': on the basis of the data collected from the country reports and case summaries, the Study identifies a number of challenges faced by national courts in State aid enforcement; each best practice identified in the Study represents a solution adopted at national level to tackle one of the identified problems.
- 'Likely impact': based on the available data and information, the Study provides indications of the likely impact of the best practices on the indicators mentioned above.
- 'National experiences': the Study compares national experiences in relation to the application of such practice. In particular, Chapter 3 compares both court

practices and legislative initiatives as described in the case summaries and country reports included in Annex 3.

- ‘Replicability’ of the best practice: for each practice identified, the Study discusses its potential replicability in other Member States. In other words, the Study discusses whether and to what extent the practice could be ‘exported’ to other Member States, for example *via* amendment to the national framework or the adoption of the practice by national courts. In particular, the Study discusses the replicability of best practices in terms of a costs-benefit analysis, and in the light of the procedural autonomy of the Member States in designing the national regime of State aid enforcement.

The following table summarises the steps followed in the identification of the first best practice discussed in Section 3.3.1 (‘Introduction of specific legal framework governing the aid recovery in a number of Member States’).

Table 18: Steps followed in the identification of the first best practice in Chapter 3

Identification of the challenge	Likely impact	National experience	Replicability
Enforcement of recovery decisions is often delayed due to the presence of an unclear legal framework at the national level.	The introduction of a specific legal framework governing the aid recovery could increase legal certainty. In addition, it is likely to reduce litigation in national courts, and thus to decrease the average time of aid recovery. It may also ensure that the procedural rights of the parties involved are protected.	<ul style="list-style-type: none"> ▪ Comprehensive legislation on aid recovery (i.e. NL, ES, FI, ET); ▪ <i>Ad hoc</i> legislation on aid recovery (i.e. BE); ▪ Indications provided by national courts (i.e. FR, ES) 	<ul style="list-style-type: none"> ▪ Exchange of best practice within the European Association of Administrative Judges; ▪ Limits of replicability caused by the principle of procedural autonomy

The Study Team relied on the same indicators to identify and develop the other best practices discussed in Chapter 3.

In particular, on the basis of these indicators, Chapter 3 has identified the following categories of best practices:

- Best practices related to recovery: specific legislation; recovery instruction in State aid instruments; penalties for delays of recovery;
- Best practices that embed State aid rules *ex-ante* when measures are planned and *ex-post* when there are risks of infringing State aid rules;
- Best institutional practices: specialised courts and judicial procedures to aid parties.

Part D: Task 4 – Use of the cooperation tools by the Commission and the national courts

D.1. Methodology

The objective of Task 4 was to undertake research among national courts to gather knowledge on their use of and views on the cooperation tools provided for in Article 29 of the State aid Procedural Regulation.¹⁴ In order to collect the relevant information to assess the actual use of and views on the cooperation tools, the Cooperation Tools Team used several different data collection methods. More concretely, the Cooperation Tools Team undertook the following steps: (i) desk research, mainly using data available within the Commission, (ii) interviews with Commission staff, (iii) an online questionnaire available for (national judges at) national courts and (iv) interviews with national judges. This annex describes each of the methods and their results.

Desk research

The aim of the desk research was twofold. First, the Cooperation Tools Team used the desk research to obtain an overview of how often each of the three cooperation tools were used. Second, the Cooperation Tools Team used the desk research to gain insights in the geographical distribution of courts using the tools. In order to establish the overview, the Cooperation Tools Team used three different sources, namely:

- A Commission list providing an overview of the number of requests for opinion and *amicus curiae* observations provided;
- Information from the website of DG COMP;¹⁵
- The annual reports of DG COMP (2009 – 2017).

Where relevant, the Cooperation Tools Team supplemented the information collected using the above-mentioned tools, with information received from the judges interviewed. Several of these judges stated that they recently used one of the tools (e.g. end of 2018). Section 4.2 of the main Study presents the results of this methodological step.

Interviews with Commission staff

The aims of the interviews with Commission staff were (1) to collect factual information (i.e. how often the cooperation tools are used; which courts are involved; the possibility of using available contact details for the survey) and (2) to obtain a better understanding of how Commission staff perceive the use of the cooperation tools. The Cooperation Tools Team prepared a list of questions in advance. This list can be found under Section D.2 of this chapter.

Data collection among (national judges at) national courts

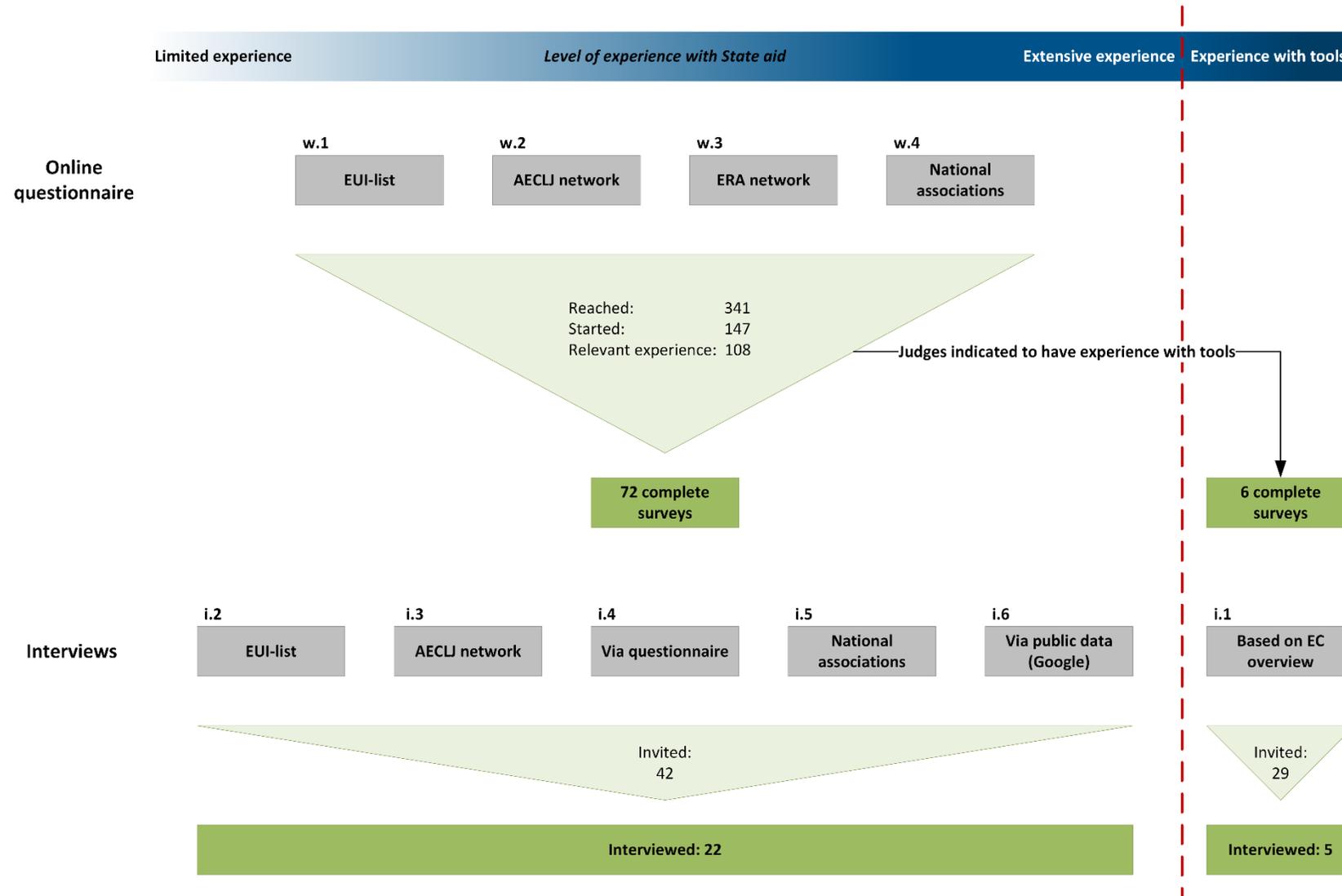
The Cooperation Tools Team undertook several actions to engage the relevant judges at national courts as much as possible. Under the sections on the 'Online questionnaire' and 'Interviews with judges', the actions taken are listed.

¹⁴ Council Regulation (EU) No 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union, OJ L 248, 24.9.2015, p. 9.

¹⁵ http://ec.europa.eu/competition/court/state_aid.html (last accessed on 18.6.2019).

The figure below provides an overview of the actions taken and their respective results. It is important to note that the level of experience regarding State aid rules in general and the cooperation tools in particular differs substantially between judges.

Figure 1: Actions taken and their respective results



Online questionnaire

The Cooperation Tools Team distributed the online questionnaire *via* several channels. The Cooperation Tools Team used the following channels:

- Judges who had participated in training courses organised by the European University Institute in the context of European Networking and Training for National Competition Enforcers (also referred to as: 'ENTraNCE') – the so-called 'EUI-list' (w.1);
- Judges who were members of the Association of European Competition Law Judges (also referred to as: 'AECLJ') (w.2);
- Judges who participated in training courses organised by the Academy of European Law (also referred to as: 'ERA') (w.3);
- National judicial associations (w.4).

The description below outlines, for each of the channels, the specific method of sharing the online questionnaire, the actions taken to increase the response rate and the results of those actions.

w.1 - Judges who participated in training courses organised by the European University Institute – the so-called 'EUI-list'

The EUI-list contains the contact details of 250 judges from 24 Member States. Member States, for which contact details are missing, include Austria, Denmark, Luxembourg and the United Kingdom. Each judge on the list received a personalised invitation to participate in the online questionnaire on 30 October 2018. The Cooperation Tools Team kindly reminded the judges to participate on 14 November 2018 (first reminder) and on 28 November 2018 (second reminder). In addition, the Cooperation Tools Team kindly asked judges who started the questionnaire, but for some reason did not complete all the questions, to complete their contribution.

Out of the 250 judges that were contacted, 52 (21% of the total group) participated in the questionnaire. Out of these 52 judges, 37 indicated that they had experience with State aid cases. The remaining 14 judges indicated that they did not deal with State aid cases. Out of the 37 judges with State aid experience, 35 completed the questionnaire.

w.2 – Judges who were members of the AECLJ

Membership of the AECLJ is open to judges or persons acting in a judicial capacity who are concerned with the application of competition law.¹⁶ As a result, the network has a EU-wide coverage. For the Cooperation Tools Team it is not possible to indicate whether judges from all countries have participated, as some judges completed the questionnaire anonymously. AECLJ agreed to share an open online link among their members (judges). AECLJ received the open online link together with an introductory e-mail on 30 October 2018. AECJ distributed both the e-mail and the open online link on that same day among their members. As the judges received an open online link, it was not possible for the Cooperation Tools Team to directly send them a reminder in the event that they did not respond. In order to bring the questionnaire to the judges' attention

¹⁶ There are currently over 200 individual judges from across the European Union in the AECLJ membership database. Members include judges from all levels of the judiciary including first instance judges specialising in competition or commercial cases, administrative law judges as well as judges of supreme or appellate civil courts, see: <https://www.aeclj.com/about/membership> (last accessed on 18.6.2019).

once more, AECLJ included a brief invitation, written by the Cooperation Tools Team, in its newsletter. AECLJ distributed this newsletter by the end of November 2018.

As an open link was shared with the judges participating in this network, it is not possible to indicate how many of the judges participating in the questionnaire are member of the AECLJ. For an integrated overview of judges participating *via* the open link, please refer to Table 20.

w.3 – Judges who participated in training courses organised by the ERA

The ERA also agreed to distribute an open link together with an introductory e-mail among judges who participated in one of their training courses. The Cooperation Tools Team shared the open link and the introductory mail with the Commission on 30 October 2018. The Commission shared these with the ERA. Similar to the AECLJ network, the training courses of the ERA are open to judges of all Member States. Whether judges from all Member States participated and therefore were included in the invitation is unknown, as ERA distributed the questionnaire *via* an open link.

Whether judges on the contact list of the Academy were reminded, cannot be said, as no direct contact existed between the Cooperation Tools Team and ERA.

As an open link was shared with the judges on ERA's contact list, it is not possible to indicate how many of the judges participating in the questionnaire were actually reached. For an integrated overview of judges participating *via* the open link, please refer to Table 20.

w.4 - National judicial associations

As the response rate to the online questionnaire remained low, the Cooperation Tools Team decided to identify and contact national judicial associations. In the first week of December 2018, the Cooperation Tools Team contacted the first group of judicial associations. The Cooperation Tools Team reminded these associations in mid-December. In the meantime, the Cooperation Tools Team identified and contacted additional associations. Responses of these associations differed. Several associations responded positively and forwarded the open link to their member judges, while other associations indicated that permission would be required. For a full overview of the associations contacted, please refer to Table 19. Next to the official names of the associations, the table presents their translated names in *italics*.

Table 19: Overview of national associations contacted

Member State	Contacted associations
EU-28	
	International Association of Judges (IAJ) / European Association of Judges (EAJ)
	European Judicial Training Network (EJTN)
	European Network of Councils for the judiciary (ENCJ)
	Association of European Administrative Judges (AEAJ)
Austria	Vereinigung der Oesterreichischen Richterinnen und Richter <i>Association of Austrian judges</i>
Belgium	Internationale Unie van Magistraten-Belgische Afdeling <i>International Association of Judges – Belgian Section</i>
Bulgaria	АСОЦИАЦИЯ НА БЪЛГАРСКИТЕ СЪДИИ <i>Bulgarian Judges Association</i>
Croatia	Udruga Hrvatskih Sudaca

Member State	Contacted associations
	<i>Association of Croatian Judges</i>
Cyprus	Énosi Dikastón Kýprou <i>Cyprus Judges Association</i>
Czech Republic	Soudcovská Unie České Republiky <i>Judicial Union of the Czech Republic</i>
Denmark	Den Danske Dommerforening <i>The Danish Judicial Association</i>
Estonia	Eesti Kohtunike Ühing <i>Estonian Association of Judges</i>
Finland	Suomen tuomariliitto <i>The Finnish Judicial Union</i>
France	Union Syndicale des Magistrats <i>Union of Magistrates</i>
Germany	Deutscher Richterbund - Vereinigung der Handelsrichter <i>Association of Commercial Judges</i>
Greece	Énosi Dikastón kai Eisangeleon <i>Association of Judges and Prosecutors</i>
Hungary	Magyar Biroi Egyesület <i>Hungarian Court's Association</i>
Ireland	The Judges Association of Ireland Courts service Ireland Irish Centre for European law
Italy	Associazione Nazionale Magistrati <i>Italian Administrative Judiciary</i>
Latvia	Latvijas Tiesnesu Biedriba <i>Latvian Association of Judges</i>
Lithuania	Lietuvos teismų administracija <i>Lithuanian National Courts Administration</i>
Luxembourg	Groupement des Magistrats Luxembourgeois <i>Group of Luxembourg' Magistrates</i>
Malta	Assocjazzjoni ta' l-Imhallfin u tal-Magistrati ta' Malta <i>Association of Judges and the Magistrates Malta</i>
Netherland	Nederlandse Vereniging voor Rechtspraak <i>The Dutch Association for the Judiciary</i>
Poland	Iustitia <i>Justice</i>
Portugal	Associação Sindical dos Magistrados Judiciais Portugueses <i>Trade Union Association of Portuguese Judicial Magistrates</i>
Romania	Uniunea națională a judecătorilor din România <i>The National Union of Judges in Romania</i>
Slovakia	Združenie sudcov Slovenska <i>Association of Judges of Slovakia</i>
Slovenia	Slovensko Sodnisko Drustvo <i>Slovenian Judicial Society</i>
Spain	Asociación Profesional de la Magistratura <i>Professional Association of Magistrates</i>
Sweden	Sveriges Domareförbund <i>Swedish Judges Association</i> Sveriges Domstolar <i>Swedish courts</i>
United Kingdom	UK State Aid Law Association (UKSALA) <i>United Kingdom Association of Women Judges</i> Chancery Judges Listing

Once again, judges could participate *via* the open link. The specific number of judges who were reached *via* this channel cannot be indicated, as they participated using the open link. For an integrated overview of judges participating *via* the open link, please refer to Table 20.

Overall results

Table 20 presents the number of respondents to the online questionnaire. The table makes a distinction between the responses received from judges who were included in the EUI-list on the one hand and the number of responses received from judges who were contacted *via* one of the other channels. In addition, the last column presents the total results.

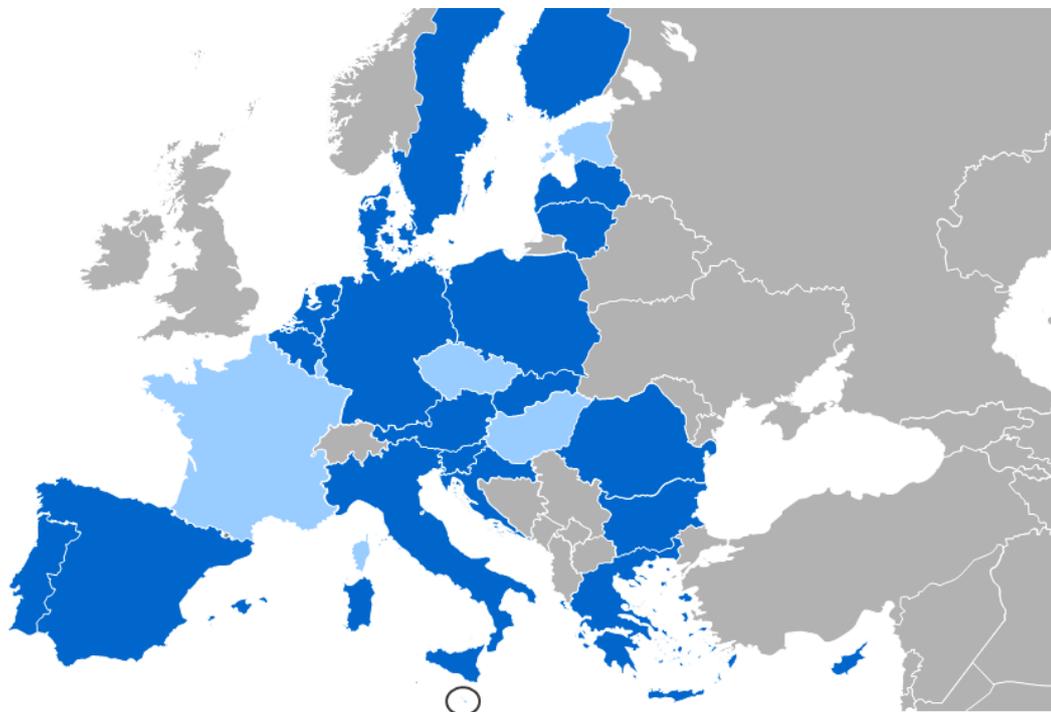
Table 20: Statistics of the number of respondents to the online questionnaire

Result	EUI-list	Open link	Total
Invited	250	n.a.	n.a.
Number of judges who read the introductory page	149	192	341
Number of judges who at least answered the first question (in which country they work)	52	95	147
Number of judges working on State aid cases (answered "yes" to question 2)	37	71	108
Number of respondents that completed the entire questionnaire	35	43	78

For the online questionnaire, the Cooperation Tools Team actively approached judges from all Member States. As the figure below shows, the replies originate from 26 Member States. The dark blue Member States are those where the Cooperation Tools Team received complete survey responses, while the light blue countries are those where The Cooperation Tools Team received only partial responses.¹⁷ Only judges originating from Ireland and the United Kingdom did not participate in the online questionnaire at all, as none of the respondents indicated that they work in one of the two Member States. The reason as to why judges working in those Member States did not participate in the Study is unknown to the Cooperation Tools Team.

¹⁷ Countries for which no complete questionnaire was received were: Czech Republic, Estonia, France, Luxembourg and Hungary. In total 78 respondents completed in the entire questionnaire, others stopped during the questionnaire.

Figure 2: Geographical coverage of submitted questionnaires (dark blue: complete response received; light blue: partial response received)¹⁸



Interviews with judges

The Cooperation Tools Team undertook the following actions to invite judges for an interview:

- Inviting judges who used one/several cooperation tools based on the list provided by the Commission (i.1);
- Inviting a selection of judges *via* the European University Institute (i.2);
- Inviting judges *via* the AECLJ (i.3);
- Inviting judges *via* the online questionnaire (i.4);
- Inviting judges *via* national judicial associations (i.5);
- Identifying judges *via* Google and LinkedIn (i.6).

i.1 - Inviting judges who used one/several cooperation tools based on the list provided by the Commission

The Commission shared with the Cooperation Tools Team a list of cases in which the cooperation tools had been used. These concerned either a request for opinion or *amicus curiae* observations. The Commission could not share information on the requests for information received; as such, cases often include sensitive information. Sharing information could therefore harm the ongoing case in the national court. For some cases, contact details were included. The Cooperation Tools Team approached those courts directly, inviting the relevant judges for an interview. Only a limited number of judges responded to the invitation. Of this group, four judges agreed to participate in an interview.

The list shared by the Commission did not contain contact information for all courts. Therefore, the Cooperation Tools Team asked the Data Collection Team and the national

¹⁸ The circle on the map indicates the location of Malta.

legal experts to assist with the identification of relevant contact details. The national legal experts collected contact details for several courts. The Cooperation Tools Team followed up with these contacts, inviting relevant judges for an interview. While the majority of judges were willing to participate, the Cooperation Tools Team subsequently interviewed only one judge. The reasons for not participating were a lack of time on the judges' part, or the fact that the judges who had been involved in a relevant case had retired.

Overall, from this group, the Cooperation Tools Team invited 29 judges for an interview. The Cooperation Tools Team interviewed five of them. All of these five judges had used the request for opinion. Two of these judges had also sent in a request for information.

i.2 - Inviting a selection of judges via the European University Institute

The Cooperation Tools Team invited a selection of judges who participated in training courses organised by the European University Institute in the context of 'ENTraNCE'. An important aspect of the selection was to ensure a balanced geographical distribution. The Cooperation Tools Team invited twenty judges, of which ten participated in an interview. Many of the others indicated that they did not consider themselves as State aid experts and therefore did not feel comfortable enough to participate. In addition, some judges indicated that they were too busy to participate.

i.3 - Inviting judges via the AECLJ

The AECLJ approached several of its members and invited them, on behalf of the Cooperation Tools Team, to participate in an interview. In the first round, AECLJ itself approached several judges. However, the exact number of judges who were approached is unknown to the Cooperation Tools Team. As a second step, the Cooperation Tools Team promoted the Study in the November newsletter of the AECLJ, inviting judges to come forward in case they were willing to participate in an interview. In January 2019, the AECLJ once again promoted the Study to its members. Besides a reminder to selected judges, AECLJ also placed invitations on dedicated websites. Despite the multiple efforts of the Association, the participation of judges remained low. The Cooperation Tools Team interviewed two judges, both of whom are members of this Association.

i.4 - Inviting judges via the online questionnaire

The Cooperation Tools Team invited judges who participated in the online questionnaire for an interview. Judges had the opportunity to leave their contact details in the last question of the online questionnaire. Out of the 78 judges who completed the survey, twelve indicated a willingness to do an interview (15% of the participating judges). The Cooperation Tools Team contacted all these judges. The Cooperation Tools Team kindly reminded judges who did not reply. None of the judges responded to a first reminder. Consequently, a second reminder was sent to the judges. Six of the twelve judges did not respond to the second reminder. The Cooperation Tools Team shared their contact details with the national legal experts, who sent these judges a reminder e-mail in their national languages. Three judges responded to this reminder. Two Lithuanian judges indicated that they were not experts in the area of State aid and therefore were not willing to participate in an interview. The third judge was willing to participate in an interview. The Cooperation Tools Team interviewed that judge. The other three judges did not respond.

In addition, the Cooperation Tools Team interviewed the six judges who responded to the first reminder. Overall, the Cooperation Tools Team interviewed ten judges *via* this route.

i.5 - Inviting judges via national judicial associations

Besides bringing the online questionnaire to the attention of the national judicial associations, the Cooperation Tools Team asked the national judicial associations to also share the request for interviews. As indicated in Table 19, several associations distributed the request amongst their members. The number of responses to this request was limited. Only two judges responded and the Cooperation Tools Team interviewed them both. One of them provided the Cooperation Tools Team with the contact details of an additional judge. The other indicated that he/she was not aware of any fellow judges who might be able to help.

i.6 - Identifying judges via Google and LinkedIn

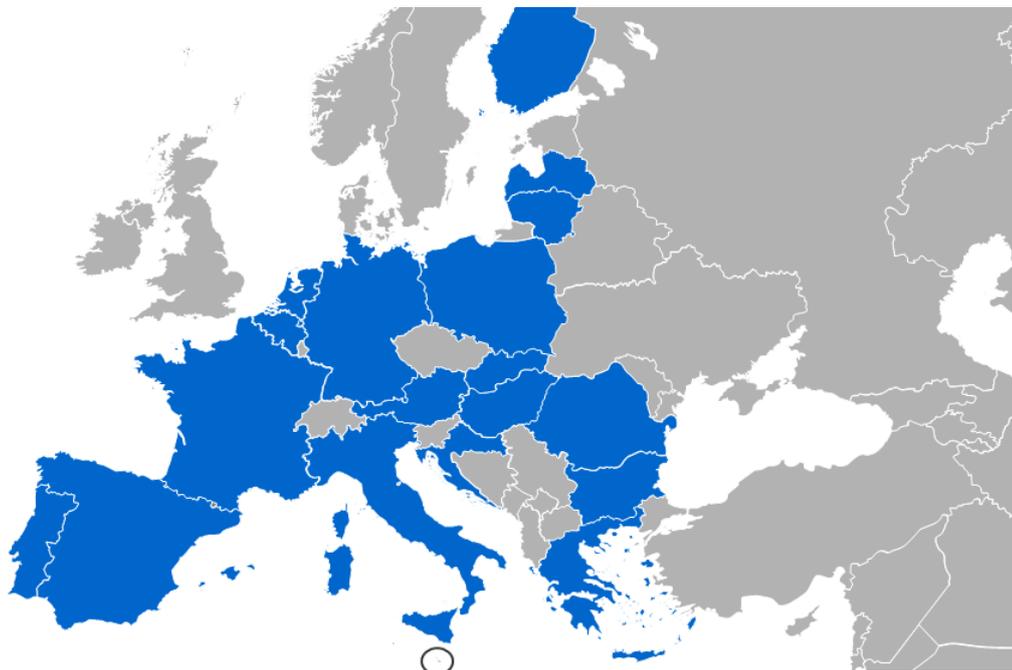
As a last step, the Cooperation Tools Team tried to identify individual judges *via* Google and LinkedIn. Nevertheless, this action did not yield any concrete results, as the Cooperation Tools Team was not able to identify relevant judges.

Overall results

While the Cooperation Tools Team actively approached judges in all Member States, the Team was not able to interview judges from all Member States. As Figure 3 shows, the Cooperation Tools Team interviewed judges from 19 Member States. In addition, the Cooperation Tools Team was in contact with other judges, but many of them were not willing to participate. Judges gave the following reasons for not being able or willing to participate in an interview:

- Lack of expertise in State aid rules, due to the fact that only one or two cases per year might contain State aid elements;
- Lack of familiarity with the cooperation tools, as most cases with State aid elements are relatively simple and answers can be found in national jurisprudence;
- Limited time available to participate.

Figure 3: Geographical coverage in the interviews (dark blue: interviews held)¹⁹



D.2. Supporting materials

This section contains the following supporting materials:

1. Topic list for Commission's interviews;
2. Topic list for interviews with national courts;
3. Online questionnaire.

Topic list for interviews with the Commission

During the interviews with the Commission, the Cooperation Tools Team used the following topic list.

Topic list (interviews)

Besides the topics listed below we have one very specific question (if applicable): do you have specific suggestions for the following type of contacts:

- Persons / courts who requested information or opinions
- Persons / courts who asked general questions regarding the cooperation tools, but who never sent in a formal request for information or opinion
- Persons / courts that have been approached for *amicus curiae* observations
- Judges participating in the Commission's training courses for judges

I. General introduction questions

- Could you please elaborate on your position within the Commission? What are your experiences with the use of cooperation tools?

¹⁹ The circle on the map indicates the location of Malta.

- Could you elaborate on the general organisational set-up and positioning within the Commission of the unit responsible for the cooperation tools?
- Can you briefly share your views on and key experiences with the cooperation tools in the context of this Study?

II. Request for information

Factual information (if available)

- How many requests for information has the Commission received since 2007?
 - Could you please specify per year, Member State and type of request?
- What costs are attached to responding to requests of information? Average costs per request, how are costs covered, etc.? This can also be based on available capacity (e.g. available full-time employees).

Procedure / interaction with the national courts

- Can you please elaborate on the procedure which is followed? How does the Commission process requests and respond to requests received?
 - For example, timeline of the process, communication between Commission and court, steps taken, etc.
- Based on your experiences: how clearly are the requests for information formulated?
 - Is it easy to respond to requests, are clarifications often needed, ...?
- Do you think the number of requests received is a good representation of cases in which such requests could (or should) be made?

Forward-looking

- Based on your experience, what could be improved on the side of the courts to make more use of the request for information as a cooperation tool?
- Based on your experience, what could be improved on the side of the Commission to make more use of the request for information as a cooperation tool?

III. Request for opinion

See questions under 'request for information'

IV. Amicus curiae

Factual information (if available)

- How many *amicus curiae* observations has the Commission given since 2007?
 - Could you please specify per year, Member State and type of *amicus curiae*?
- What costs are attached to providing *amicus curiae* observations? Average costs per observation, how are costs covered, etc.? This can also be based on available capacity (e.g. available full-time employees).

Procedure / interaction with the national courts

- When can the Commission provide *amicus curiae* observation? What are the relevant criteria?
- How does the Commission become aware of a case for which they could provide an *amicus curiae* observation?

- How easy is it for the Commission to identify a relevant case?
- Do you think the number of *amicus curiae* is a good representation of cases in which such *amicus curiae* could be useful?
- Do national courts provide relevant information on time? Are there differences between types of courts and/or Member States?
- How does the Commission perceive the cooperation between the Institution and the national courts? Are there points for improvement?

Forward-looking

- Based on your experience, what improvements could be made to use the *amicus curiae* as a cooperation tool?

Topic list for interviews with national courts

During the interviews with judges from national courts, the Cooperation Tools Team used the following topic list. The Cooperation Tools Team developed one overall topic list for the interviews. As a result, the list contains both questions for judges with experience in using the tools and questions for judges with no such experience.

I. General questions

1. Could you please elaborate on your work experience as a judge in general and in relation to State aid rules in particular?
 - At what type of court are you currently working?
 - How often do you work on a case involving State aid elements?
2. Have you been in contact with the Commission regarding one of the cooperation tools, i.e. (1) the request for information, (2) the request for opinion or (3) the *amicus curiae*?

II. No direct experience with the cooperation tools (if applicable)

3. If you are confronted with a case which involves State aid issues and some uncertainty exists as to how this case should be dealt with, which action(s) do you consider to take?
 - For example: invest time and effort to solve it yourself, consult with fellow judges, refer a request for a preliminary ruling to the CJEU, contact the Commission, etc.
 - Can you explain / elaborate on your considerations in this respect?
4. Are you familiar with the cooperation tools, i.e. the request for information, the request for opinion and the *amicus curiae*? Have you ever considered using the request for information or request for opinion?
 - Can you explain / elaborate on your considerations in this respect?
 - Were there specific reasons for not using either one of the tools? Can you explain / elaborate on this?
5. Do you see room for improvement with regard to the use of the cooperation tools between national courts and the Commission?

III. Experience with the request for information and / or the request for opinion (if applicable)

6. Can you elaborate on your specific experience and describe the situation?
 - For example: context of the situation, type of question, internal preparation, etc.

- Did you see this as the main option for your question? Were there any other alternatives you considered? For example: invest time and effort to solve it yourself, consult with fellow-judges, refer a request for a preliminary ruling to the CJEU,
7. How did you experience the use / application of the tools request for information and / or request for opinion? For example, with regard to:
 - The reaction you received from the Commission (useful? concrete?)
 - The overall timeline of the process
 - The communication / information sharing between court and the Commission
 - Any obstacles experienced in the process
 8. Based on your experience, what could be improved on the side of the courts and / or the side of the Commission to make better use of the request for information or request for opinion as a cooperation tool? What type of support would help you to improve your work?

IV. Experience with the *amicus curiae* (if applicable)

9. Can you elaborate on your specific experience and describe the situation?
 - For example: context of the case, moment the Commission got involved in the procedure.
10. How did you experience the Commission involvement *via* the *amicus curiae*? For example, with regard to:
 - The concrete input/advice you received from the Commission (useful?)
 - The way of communication / information sharing between court and the Commission
 - The timing of the input / advice
 - Any obstacles experienced in the process
11. Overall: did you see the Commission's involvement as useful and effective? What are your key observations in this respect?
12. Based on your experience, what could be improved on the side of the courts and / or the side of the Commission to make more use of the *amicus curiae*?

V. Remaining questions

13. Are there any other judges we could contact for an interview?
14. Can you indicate whether and how knowledge sharing of State aid issues is arranged among judges in national courts in your country?

Online questionnaire for (national judges at) national courts

EU cooperation tools on State aid - inventory of views and experiences

Welcome to this survey. Your participation as practitioner in State aid rules is warmly welcomed. In order to strengthen the enforcement of State aid rules within the EU, codified tools were developed to facilitate cooperation between national courts and the Commission. Cooperation tools referred to are the request for information, the request for opinion and the *amicus curiae*.

In the current Study for the Commission on ‘the enforcement of EU rules on State aid rules and decisions by national courts’, specific attention is paid to the potential for further strengthening these cooperation tools. For more detailed information on the cooperation tools, please visit this webpage.

This questionnaire aims to gain insights into (i) the actual use of, and (ii) views on the cooperation tools by the national courts. Responding to the questionnaire will take approximately 8-10 minutes.

Some final remarks:

- Your answers to the questionnaire will be anonymous.
- Via the following link you can download the questionnaire as a pdf-file.
- If you have any questions, please contact us *via* XXX

* Please select the country in which you work

- Bălgariya
- België
- Česko
- Danmark
- Deutschland
- Eesti
- España
- France
- Hrvatska
- Ireland
- Italia
- Latvija
- Lietuva
- Luxembourg
- Magyarország
- Malta
- Nederland
- Österreich
- Polska
- Portugal
- România
- Slovenija
- Slovensko
- Suomi
- Sverige
- United Kingdom
- Ελλάδα (Elláda)
- Κύπρος (Kípros)
- Other, please specify

.....

* **Are you a practising judge or member of a court involved in cases which (partly) include State aid elements?**

- Yes
- No

* **Please indicate the number of years for which you have worked as a judge**

- Up to 5 years
- 5 to 10 years
- 10 to 20 years
- More than 20 years

* **At what type of court are you currently working?**

- Court of first instance
- Court of appeal
- Supreme court
- Other, please specify
.....

* **How often do you work on a case involving State aid elements?**

- Less than 1 case per year
- Between 1 and 5 cases per year
- Between 5 and 10 cases per year
- More than 10 cases per year

* **What was the subject matter of the State aid cases you dealt with? Please check the boxes that are applicable.**

- Existence of State aid / Qualification of a measure as State aid
- Compatibility of the State aid with the internal market
- Recovery of aid
- Quantification of State aid and/ or recovery interest
- I do not know
- Other, please specify
.....

- * If you are confronted with a case which involves State aid elements and there exists some uncertainty in how this case should be dealt with, which action(s) do you take? Please indicate the likeliness of taking the action, with 1 being the most likely, 5 being the least likely.

	Number between 1 and 5
Invest time and effort to solve the issue myself	<input type="text"/>
Consult with fellow-judges in my country (on an informal basis)	<input type="text"/>
Consult with fellow-judges in the EU (on an informal basis)	<input type="text"/>
Request for a preliminary ruling to the CJEU	<input type="text"/>
Approach the Commission, for example for an opinion	<input type="text"/>

- * Have you been in contact with the Commission regarding one of the cooperation tools, i.e. the request for information, the request for opinion and the *amicus curiae*?

Yes

No

- * You indicated you have been in contact with the Commission regarding one of the cooperation tools. Could you please indicate with which of the tools you are familiar? In case you filled in "yes", please indicate the number of times.

	1 Yes	2 No	Number of times (since 2007)
Request for information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Request for opinion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
<i>Amicus curiae</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>

* How did you experience the use / application of the tools request for information and/or request for opinion? Please respond to the following statements:

	1 I fully agree	2 I agree to some extent	3 I do not agree (at all)	4 I do not know
The procedure was easy and effective	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The procedure was quite burdensome	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It was clear to me which procedure needed to be followed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It was difficult for me to understand the procedure to follow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information on the website of the Commission was clear and sufficient	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The procedure required much time and effort (e.g. detailed follow-up questions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The procedure was expensive (translation, post fees, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I experienced a language barrier while communicating with the Commission	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* How did you experience the response of the Commission? Please respond to the following statements. The response provided by the Commission...

	1 I fully agree	2 I agree to some extent	3 I do not agree (at all)	4 I do not know
... was useful for my case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... was slightly useful for my case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... was not useful for my case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... was not directly what I asked for	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... was targeted to my need(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...was too late in light of the steps of the national proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... was good on time in light of the steps of the national proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- * **How did you experience the involvement of the Commission? The involvement of the Commission...**

	1 I fully agree	2 I agree to some extent	3 I do not agree (at all)	4 I do not know
... was useful for my case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... was slightly useful for my case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... was not useful for my case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...did not have any effect on the final ruling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... created some 'irritation' for me	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... created a lot of 'irritation' for me	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... had a positive impact on the quality of the final ruling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... had no impact on the quality of the final ruling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
... delayed the adoption of the ruling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- * **Are you familiar with the cooperation tools, i.e. the request for information, the request for opinion and the *amicus curiae*?**

- Yes, with all of them
 Yes, mainly with the request for information
 Yes, mainly with the request for opinion
 Yes, mainly with the *amicus curiae*
 No
 I do not know

- * **Have you ever considered using the request for information or request for opinion?**

- Yes
 No
 Not applicable

* **What were your reasons for not using either the request for information or the request for opinion? Please check the boxes of the statements that are applicable.**

- I was not aware of the existence of these tools
- The procedure for using the tools was not clear
- The procedure for using the tools was too time consuming
- Using the procedure was expensive (translation, post fees, etc.)
- It is difficult to find who to contact within the Commission
- The tool was not relevant for my case
- Using the tool is difficult under national procedural law
- I fear to lose my sovereignty using one of the tools
- I wanted to avoid delays in the national proceedings
- The case only included national elements, there were no elements relevant for Commission's involvement
- Other, please specify
.....

* **Of the reasons you marked as applicable, please indicate their importance, with 1 being the most important reason and 5 the least important one.**

	Importance (number between 1 and 5)
I was not aware of the existence of these tools.	<input type="text"/>
The procedure for using the tools was not clear	<input type="text"/>
The procedure for using the tools was too time consuming	<input type="text"/>
Using the procedure was expensive (translation, post fees, etc.)	<input type="text"/>
I do not know who to contact within the Commission	<input type="text"/>
The tool was not relevant for my case	<input type="text"/>
Using the tool is difficult under national procedural law	<input type="text"/>
There are no cases where a request for information/opinion could be submitted	<input type="text"/>
I fear to lose my sovereignty using one of the tools	<input type="text"/>
I wanted to avoid delays in the national proceedings	<input type="text"/>
The case only included national elements, there were no elements relevant for Commission involvement	<input type="text"/>
Other, please specify	<input type="text"/>

- * **We are interested to know to what extent knowledge sharing of State aid issues exists among judges in national courts in your country. Please indicate which statements are applicable.**

	1 Applicable	2 Sometimes applicable	3 Not applicable	4 I do not know
I actively share knowledge on State aid issues with my colleague judges (e.g. interesting national or EU decisions, academic publications, news articles, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I share knowledge on State aid issues with my colleague judges in important situations (e.g. fundamental case, important judgment, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am part of a formal national platform/network which shares knowledge on State aid issues (e.g. a forum of national judges, which regularly meets, discuss issues and shares information).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am part of an informal national network which shares knowledge on State aid issues (e.g. an online platform or informal group setting for news posting, interaction with colleagues, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am part of an (informal) EU platform/network which shares knowledge on State aid issues (e.g. an online platform or informal group setting for news posting, interaction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

with colleagues, etc.)				
In my country, workshops and knowledge sessions on State aid issues are organised on a regular basis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I attend workshops and knowledge sessions on State aid issues on a regular basis (national or EU level).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you are part of a network of fellow (State aid) judges, could you please describe the set-up of this network and (if applicable) share their contact details for follow-up contact?

* **How, in your opinion, could the use of the cooperation tools between national courts and the Commission be improved? Please respond to the following statements: It would help if...**

	1 I fully agree	2 I agree to some extent	3 I do not agree (at all)	4 I do not know
I would know (better) who to contact within the Commission	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would also have a contact point apart from the existing way of contacting the Commission	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The timeframe would be more clear to me	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The response time of the Commission would be shorter (an opinion may take 4 months)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would get more guidance how to formulate my question	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There is an online-portal where I could pose my question	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I have the guarantee that my sovereignty remains safeguarded	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I receive more information on the Commission's activities on State aid issues (e.g. newsletter, e-mail notification)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I receive more training and guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other, please specify	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* **Would you consider using one of the cooperation tools in the future?**

- Yes
- No
- Doubtful

What is your main motivation for this?

Would you be willing to participate in a follow-up interview of 20-30 minutes on your opinion and/or experiences? If yes, please fill in your email address, so we can contact you.

Your responses have been registered! Thank you very much for your contribution.

