

Legal Issues of Services of General Interest

Financing Services of General Economic Interest

Reform and Modernization

Erika Szyszczak Johan Willem van de Gronden Editors



Aleksandar Marković, Slađana Barjaktarović Rakočević

Financing Services of General Economic Interest Erika Szyszczak, Johan Willem van de Gronden, 2014-07-08 This book examines the legacy of the 2003 ruling of the Court of Justice of the European Union in Altmark This case changed the direction of how Services of General and Economic Interest SGEI should be funded in the EU against a background of liberalisation and the need for efficiency and global competitiveness The book examines the European Commission s response to the Altmark ruling in the measures known as the Altmark Monti Kroes Package and charts the review of this package from 2009 culminating in a new package of measures known as the Almunia Package The seemingly technocratic idea of a review of the Altmark Monti Kroes Package could not have anticipated the demanding and changed economic and constitutional context of the EU in 2009 It is in this light that the authors in this book explore in great detail the different components of the new Almunia Package of measures introduced in 2011 2012 offering a critical review and highlighting where the future direction of the regulation of SGEI may lead as the EU struggles in an economic climate of austerity to balance a new constitutional dimension of a highly competitive social market economy with a modernisation agenda for the The Law of State Aid in the European Union Andrea Biondi, Piet Eeckhout, James Flynn, 2004 This volume single market analyses the concept of aid and examines fundamental questions concerning the scope of state aid law It also draws a comparison with WTO provisions on subsidies and looks at EEA and applicant states state aid regimes It then focuses upon selected areas of state aid law and policy The Modernisation of State Aid for Economic and Social Development Bruno Nascimbene, Alessia Di Pascale, 2018-11-28 This book analyses the recent modernisation of EU State aid law from various perspectives and considers both substantive and procedural aspects It also discusses the reasons for and the goals and future implications of the modernisation programme including the evolution of the concept of State aid The ambitious reform programme was launched in 2012 and has now been almost fully implemented by virtue of the adoption of new rules of procedure in July 2013 and exemption in June 2014 The book highlights the main aspects of this sector reform which include the Commission's change of attitude towards so called positive aid i e those able to promote economic growth and the intention to focus on matters of greater systematic extent These objectives also imply a third aspect increasing the intensity of the control powers conferred on the Commission with regard to that aid that prove to be harmful to competition and the internal market The book also examines the greater responsibility given to States for self assessment of their economic policy measures and explores the resulting impact on and challenges posed to the administrations of the Member States The book s second part is devoted to the application State aid rules in the area of services of general economic interest with a special focus on aid in the field of social health and infrastructure The EU Treaties and the Charter of Fundamental Rights Manuel Kellerbauer, Marcus Klamert, Jonathan Tomkin, 2019 This Commentary provides an article by article summary of the TEU the TFEU and the Charter of Fundamental Rights offering a guick reference to the provisions of the Treaties and how

they are interpreted and applied in practice Written by a team of contributors drawn from the Legal Service of the European Commission and academia the Commentary offers expert guidance to practitioners and academics seeking fast access to the Treaties and current practice The Commentary follows a set structure offering a short overview of the Article the Article text itself a key references list including essential case law and legislation and a structured commentary on the Article itself The editors and contributors combine experience in practice with a strong academic background and have published widely on a The EEA Agreement in a Revised EU Framework for Welfare Services Karin variety of EU law subjects Fløistad, 2018-10-02 This book addresses some of the most debated topics preceding the UK referendum on membership of the EU namely welfare services and free movement of citizens The work improves understanding of the implications of the European Economic Area EEA Agreement which is the most integrated form of association agreement with the EU for non member states The author considers the impact of EEA law on both European Free Trade Association EFTA states and on EU Member States and looks at case law A broad range of welfare services are analysed including public healthcare and educational services various social services and public utilities such as transport and public broadcasting Free movement of students of patients and public financing of welfare services are among the issues explored. The focus here is particularly on legal aspects and the demonstrated development of the EEA Agreement into the welfare sphere This work enables a sophisticated analysis about the nature of the principles of homogeneity and dynamism The book is essential reading for scholars who seek to understand the EU s legal framework the EEA Agreement and its implications The topics covered are also relevant to UK EU discussions on future relations both for intermediate and long term arrangements Competition Law in the EU Johan W. van de Gronden, 2021-02-26 This incisive textbook enhances understanding of EU competition law exploring significant substantive and enforcement issues relating to antitrust merger control and state aid law Providing an examination of well established doctrines landmark judgements and the impact of recent developments this textbook also emphasises the importance of the interplay between domestic and European competition law by discussing national competition rules and frameworks Regulating Competition in the EU Pernille Wegener Jessen, Bent Ole Gram Mortensen, 2016-04-20 Competition law in the EU includes a wide range of topics and has developed into a very comprehensive area of regulation This book covers the broader perspective of competition law giving an overview of a very complex domain of EU law Through all relevant sources of primary and secondary EU law the book presents the intricacies of the present competition framework for businesses and public entities It draws the lines between the different areas and between competition law and the internal market project The book covers all aspects of traditional EU competition law as well as issues not formally regulated in the TFEU section on competition rules the competition issues of the liberalised sectors and public procurement Among the matters covered are the following the substantive rules on Articles 101 and 102 TFEU the enforcement rules of these provisions merger control the liberalised sectors with focus on energy transport postal

services and telecommunication state aid public undertakings and public procurement With its enhanced view of EU competition policy regulation and enforcement and its emphasis on specific industry sectors this book offers an unusually thorough view of aspects of competition law which play an essential role in regulating the conduct of undertakings and public authorities in the market It will be of special value to any lawyer policymaker or scholar active in European competition law

A Critical Account of Article 106(2) TFEU Jarleth Burke, 2018-03-22 A Critical Account of Article 106 2 TFEU Government Failure in Public Service Provision offers a sceptical perspective on how EU law applies to public services Article 106 2 provides that other Treaty rules may be disapplied in order to sustain a Service of General Economic Interest SGEI The rhetorical presentation of Article 106 2 is as a strict exception As a result Article 106 2 is often presented as a threat to Europe s public service tradition This book challenges those shibboleths by using the concept of government failure It is concerned with instances of government intervention that are unnecessary generate avoidable inefficiencies or that can be bettered so as to realise general interest goals more efficaciously As an element of the government failure critique a market feasibility test incorporating the concept of market failure is used to expose laxity in the review of general interests under Article 106 2 Complementing that the process of disapplying other Treaty rules under Article 106 2 is shown to have evolved from being strict to being highly indulgent of SGEI providers with a relatively recent but only partial correction post Altmark Overall the strict exception label for Article 106 2 does not hold Moreover it is contingent and presents no legitimate general interest related threat to the organisation and delivery of public services A comprehensive re orientation of Article 106 2 on issues of proof is required as is greater reliance on market counterfactuals and much more careful separation of objectives and means in SGEI operation and design Through these measures the toleration of government failure can be stemmed and Article 106 2 s contingency reduced Coherence in EU Competition Law Wolf Sauter, 2016-05-26 EU competition law plays a central role in the process of European integration both as a multifaceted tool for creating and policing the internal market as well as in organising national markets Yet as a consequence of this role it is also subject to increasingly complex demands a proliferation of sectoral regimes and multiple objectives at both an EU and national level This profligacy entails risks of fragmentation and divergence which could jeopardise the proper functioning of the internal market In this examination of EU competition law Wolf Sauter discusses three main issues i what degree of coherence exists in EU competition law ii how this coherence can be explained particularly in the broader context of integration by EU law and iii how it contributes to the legitimacy and effectiveness of EU competition law Specific focus is placed on antitrust while mergers state aid control as well as the sectoral regimes for energy and electronic communications are also examined In addition the book also charts the history and framework of these competition regimes that jointly constitute EU competition law defining both its objectives and limitations Social Welfare and EU Law Michael Dougan, Eleanor Spaventa, 2005-07-11 The assumption that Member States of the European Union enjoyed exclusive competence over social provision has been shaken by the realisation that

they are now semi sovereign welfare states whose policy choices are subject to increasing scrutiny under Community law This book seeks to take stock of how Community membership is reshaping the legal environment of welfare provision across Europe Topics covered include the evolving economic and governance debates about Community intervention in social rights the relationship between public services and Community competition and state aids law the crucial developments which have taken place in the sphere of health care and recent judgments on free movement and equal treatment for Union citizens as regards national education and social assistance policies Social Welfare and EU Law provides a valuable collection of essays overall exploring the emergence of new models of social solidarity within the European Union Consumer Law 2007 Geraint Howells, Annette Nordhausen, Deborah Parry, 2007 The Yearbook of Consumer Law provides a valuable outlet for high quality scholarly work which tracks developments in the consumer law field with a domestic regional and international dimension The Regulation of the State in Competitive Markets in the EU Erika Szyszczak, 2007-08-31 This book looks at the changing role and nature of the regulation of State intervention in the liberalised and privatised markets of the European Union It examines how the traditional role of the State is now challenged by European Union law and the implications for traditional public services provided by the State For the first time in an academic work the book brings together the interaction of the Internal Market and the Competition rules of the European Union when they are applied to State economic activity Individual chapters examine specific rules which address squarely the permissible role of State activity in competitive markets for example an examination of the State aid rules the rules in Article 86 EC regulating State monopolies and the controversial application of Articles 81 and 82 EC to the State Other chapters examine the processes of privatisation and liberalisation with case studies on the postal sector utilities and telecommunications

Regulating Services in the European Union Vassilis Hatzopoulos, 2012-04-12 This book offers the first overview of services regulation in the EU tracing its history from early sector specific interventions to the complex modern landscape of new governance techniques It sets the legal developments in their economic context and critiques the varied regulatory methods with which the EU has experimented Research Handbook on EEA Internal Market Law Graham Butler, 2025-02-12 This Research Handbook focuses on the internal market aspects of the European Free Trade Association EFTA pillar of the European Economic Area EEA Leading academics judges and practitioners examine the EEA internal market in a structured and systematic manner Throughout they provide an in depth analysis of the free movement and horizontal aspects of the EFTA pillar of the EEA New Frontiers in Banking Services Luisa Anderloni, Maria Debora Braga, Emanuele Maria Carluccio, 2007-03-21 This book is devoted to an issue that is the subject of growing interest amongst policy makers financial providers and academics That issue is the problem of unbanking or underbanking in developed countries The issue has arisen because faced with an ever more sophisticated and efficient financial system an increasing number of people have found themselves in danger of being excluded from it The goal of the papers that follow is to draw

attention both through a theoretical framework and through field study to the need for banks financial institutions public authorities and non profit associations to increase their efforts to understand the process of financial exclusion so that they can develop approaches to help people on low to moderate incomes to gain access to the whole range of financial services from payment to savings and from loans to investment Some farsighted banks and financial institutions have already developed strategies and introduced new products and services to promote financial inclusion in these untapped markets The research group is international and multi disciplinary The authors are grateful to the Italian Ministry for University Research MIUR for financial assistance provided under the PRIN 2003 programme The volume has been produced thanks to support from the University of Valle d Aosta Universit de la Vall e d Aoste Italy which has an leading reputation for encouraging research on financial innovation aimed at marginalised groups An Economic Analysis of Public Law George Dellis, 2021-03-26 This original and insightful book considers the ways in which public law which emphasises legality the Demos and economics a science oriented towards the markets the Agora intertwine Throughout George Dellis argues that the concepts of legality and efficiency should not be perceived separately **Microfinance and Financial Inclusion** Eugenia Macchiavello, 2017-07-20 Following the recent global financial crisis there is a growing interest in alternative finance and microfinance in particular as new instruments for providing financial services in a socially responsible way or as an alternative to traditional banking Nonetheless correspondingly there is also a lack of clarity about how to regulate alternative financial methods particularly in light of the financial crisis lessons on regulatory failure and shadow banking s risks This book considers microfinance from a legal and regulatory perspective Microfinance is the provision of a wide range of financial services particularly credit but also remittances savings to low income people or financially excluded people It combines a business structure with social inspiration often resorts to technological innovations to lower costs Fintech e q crowdfunding and mobile banking and merges with traditional local experiences e g financial cooperatives and Islamic finance this further complicating the regulatory picture The book describes some of the unique dimensions of microfinance and the difficulties that this can cause for regulators through a comparative analysis of selected European Union EU countries regimes The focus is in fact on the EU legal framework with some references to certain developing world experiences where relevant The book assesses the impact and validity of current financial regulation principles and rules in light of the most recent developments and trends in financial regulation in the wake of the financial crisis and compares microfinance with traditional banking The book puts forward policy recommendations for regulators and policy makers to help address the challenges and opportunities offered by microfinance Research Handbook on EU Health Law and Policy Tamara K. Hervey, Calum Alasdair Young, Louise E. Bishop, 2017-03-31 The steady expansion of the European Union s involvement in health over the past 20 years has been accelerated by recent events This handbook offers an up to date analytical overview of the most important topics in EU health law and policy It outlines as far as possible the direction of

travel for each topic and suggests research agenda s for the future Litigation and Arbitration in EU Competition Law Mel Marquis, Roberto Cisotta, 2015-02-27 With courts and arbitrators functioning daily as front line decision makers applying EU competition law this book reflects on a variety of issues related to the litigation and arbitration of cases in this field It provides expert analysis from perspe Proceedings of the XIV INTERNATIONAL SYMPOSIUM SYMORG 2014 Aleksandar Marković, Slađana Barjaktarović Rakočević, 2014-06-05

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