



Competition Law
Droit de la concurrence

Droit européen des aides d'État

2^e édition

Michael Karpenschil

Préface de **Marc Jaeger**



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Droit Europ En Aides Micha L Karpenschif

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Droit Europ En Aides Micha L Karpenschif:

The EU Treaties and Charter of Fundamental Rights: A Commentary, 2024-08-17 The second edition of *The EU Treaties and the Charter of Fundamental Rights A Commentary* provides an article by article summary of the TEU the TFEU and the Charter of Fundamental Rights to reflect the latest developments in the law since publication of the first edition in 2019 It offers a quick reference to the provisions of the treaties how they are interpreted and applied in practice and to the most important legal instruments enacted on their basis The fully updated Commentary considers key developments in all areas of EU law including the debates and requirements around the Rule of Law legal decisions in relation to the Covid 19 pandemic climate change measures such as the European Green Deal as well as recent changes to the Common Agricultural Policy It also includes significant court rulings on freedom security and justice migration and asylum as well as issues relating to freedom of movement and Brexit The new edition outlines the Digital Markets Act a major piece of legislation adopted in 2022 and contains significant updates on EU competition law in the light of new Regulations and Guidelines Written by a team of contributors drawn from the Legal Service of the European Commission and from academia the Commentary offers expert guidance to practitioners and academics seeking fast access to the Treaties secondary law 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 followed by a structured commentary on the Article The editors and contributors combine experience in practice with a strong academic background and have published widely on a variety of EU law subjects

Selectivity in State Aid Law and the Methods for the Allocation of the Corporate Tax Base Jérôme Monsenego, 2018-06-05 High profile cases before the European Commission and the EU courts have intensified scrutiny of the link between State aid law and the taxation of multinational enterprises Certain decisions have raised questions about fiscal sovereignty and the interpretation of the rules on State aid in particular the notion of selectivity which have not been addressed in detail by existing research The combination of the evolution of the notion of selectivity in State aid law on the one hand and the need to adapt the rules for the taxation of the profits of multinational enterprises to the modern economy on the other hand makes it necessary to assess whether existing as well as alternative rules for the allocation of the corporate tax base might entail a selective treatment This book responds to the need of research in the area of State aid law applied to the taxation of the income of multinational enterprises focusing on the crucial concept of selectivity The analysis proceeds with a detailed investigation of the theoretical issues that arise when applying the selectivity test in State aid law to three methods for the allocation of the corporate tax base between the members of multinational enterprises the arm s length principle transfer pricing safe harbours and systems of formula apportionment This research project is conducted at a theoretical level without considering national provisions or particular tax treaties The author suggests an analytical framework on the application of the selectivity test to the three allocation methods It is concluded that these methods are

likely to have certain selective features with varying possibilities to be justified by the inner logic of a corporate income tax system. It is also demonstrated that selectivity occurs for different reasons due to the different rationales of the three allocation methods. This book is intended at contributing to the academic literature on the impact of State aid law on the principles for the taxation of the income of multinational enterprises. The outcome of this research project is also relevant for lawmakers who need to reconcile the imperatives of State aid law with the design of rules that match their tax policies as well as for judges or lawyers who apply the rules on State aid to tax provisions.

Manuel de droit européen des aides d'État Michaël Karpenschif, 2021-10-14. Le droit des aides d'État a longtemps été le parent pauvre du droit de la concurrence qui s'est surtout focalisé sur des matières connues dans les États membres : le contrôle des ententes, des abus de positions dominantes et le droit des concentrations. Si le contrôle des comportements anticoncurrentiels des entreprises est finalement chose aisée, il n'en va pas de même pour celui des abus commis par la puissance publique, un tel contrôle ne pouvant s'effectuer que dans un cadre supranational. Institués par le Traité CECA, le versement d'aides d'État est passé d'un principe absolu d'interdiction en 1951 à un examen encadré de compatibilité à partir de 1957. Depuis lors, la pratique décisionnelle de la Commission, la jurisprudence constructive des juges européens, conjuguées à l'augmentation exponentielle du nombre de cas traités, ont conduit à l'apparition de crises multiples, puis durables de l'économie européenne, ont conduit à donner des contours précis à la notion d'aide d'État, à forger des règles de procédure, cet examen de compatibilité impliquant les autorités nationales dans la discipline des aides d'État, à inventer des sanctions spécifiques en cas d'allocation d'aides illégales et incompatibles avec le traité. Ce manuel entend définir les principaux concepts : Qu'est-ce qu'une aide d'État ? Qu'est-ce qu'une compensation d'obligation de service public ? Qu'est-ce qu'une aide de minimis ? Comment tailler les règles en vigueur ? Qu'est-ce qu'une aide existante ? Qu'est-ce qu'une aide nouvelle ? Qu'est-ce qu'une aide illégale et/ou incompatible ? Restituer le rôle de chacun des acteurs de cette matière. Quels pouvoirs, devoirs pour la Commission, les juges européens, les autorités et les juges nationaux et exposer les enjeux propres à cette matière : quoi sert le droit des aides d'État ? Celui-ci est-il instrumentalisé à d'autres fins que l'établissement d'une concurrence pure et parfaite ? Jour des dernières réformes législatives : RGEF 2017, modification de procédure 2015, législation Covid et des jurisprudences de la Cour de justice, tous les arrêts de février 1961 à juin 2021, comme des juridictions nationales, ce manuel interressera les avocats spécialisés en droit public et en droit de la concurrence, les magistrats administratifs, les juristes des collectivités locales et des administrations centrales, ainsi que les universitaires.

Nye Publikationer Om Den Europæiske Union Modtaget Af Biblioteket European Commission. Library, 1996.

Green Growth Stéphanie Bory, Muriel Cassel-Piccot, 2014-07-03. This book examines the theme of globalisation, the environment and the challenges of technology and elucidates problems raised by these issues, providing a forum for critical reflection in the two domains of theory and practice on the one hand and action and power on the other. With the continuing globalisation of technology, the debate on certain environmental issues has become pervasive, shaping thought and action in all sectors of the economy and levels of society. From films such as Al Gore's

An Inconvenient Truth 2006 or Yann Arthus Bertrand's Home 2009 to shifts in the political landscape as seen in the increasing number of seats won by Green Parties in European regional and local elections or the Copenhagen and Durban Climate Change Conferences summits 2009 2010 2011 and the Earth Summits in Stockholm and Rio 1972 1992 2012 or even more controversial events like the East Anglia University scandal and Claude Allègre's writings questions of environmental policy have moved to the forefront of every public forum Green Growth from Theory to Action from Practice to Power following an international conference in Lyon bringing together academics socio-economic actors and politicians in order to facilitate exchange and reflection on both ecology as a field of study and environmentalism as a movement offers a pluralistic approach addressing cultural social legal economic and political issues on a common platform Bibliographie nationale française, 1997 National Remedies Before the Court of Justice Michael Dougan, 2004-12-31 The Court of Justice has delivered an extensive body of caselaw concerning the obligation of domestic courts to provide effective judicial protection to claimants relying upon Community law rights including such landmark judgments as Factortame and Francovich This book offers a critical analysis of the Court's fast changing approach to national procedural autonomy and explores the difficult conceptual framework underpinning the caselaw The author demonstrates how Community intervention in the domestic systems of judicial protection cannot remain unaffected by wider debates about the evolving European integration project in particular the tension between uniformity and differentiation as competing values influencing the exercise of Community regulatory competence Because of its emphasis on an ideal of uniformity which has become increasingly untenable within the contemporary Community legal order much of the existing academic discourse about national remedies and procedural rules now seems ripe for reconsideration It is argued that the Court's jurisprudence on the decentralised enforcement of Treaty norms needs to be interpreted afresh having regard to the recent growth of regulatory differentiation within the Community system National Remedies Before the Court of Justice provides a challenging account of this crucial field of EU legal studies It includes detailed discussion of issues such as Member State liability in damages Community control over national limitation periods and the principles governing state aid and competition law enforcement This book is of value to academics and practitioners alike **Europarecht**, 2002 **L'actualité juridique**, 2004

Catalogue des thèses reproduites, 2001 *Bibliografía jurídica de la integración europea*, 1995 **Manuel de droit européen des aides d'État** Michaël Karpenschif, 2020 Le droit des aides d'État a longtemps été le parent pauvre du droit de la concurrence qui s'est surtout focalisé sur des matières connues dans les États membres le contrôle des ententes des abus de positions dominantes et le droit des concentrations Si le contrôle des comportements anticoncurrentiels des entreprises est finalement chose aisée il n'en va pas de même pour celui des aides d'État commis par la puissance publique un tel contrôle ne pouvant s'effectuer que dans un cadre supranational Institués le Traité CECA le versement d'aides d'État est passé d'un principe absolu d'interdiction en 1951 à un examen encadré de compatibilité à partir de 1957 Depuis lors la pratique décisionnelle de la

Commission la jurisprudence constructive des juges européens conjugués à l'augmentation exponentielle du nombre de cas traités consécutivement à l'apparition de crises multiples puis durables de l'économie européenne ont conduit donner des contours précis la notion d'aide d'État forger des règles de procédure cet examen de compatibilité impliquer les autorités nationales dans la discipline des aides d'État inventer des sanctions spécifiques en cas d'allocation d'aides illégales et incompatibles avec le traité Ce manuel entend d'finish les principaux concepts Qu'est-ce qu'une aide d'État Qu'est-ce qu'une compensation d'obligation de service public Qu'est-ce qu'une aide de minimis d'finir les règles en vigueur Qu'est-ce qu'une aide existante une aide nouvelle Qu'est-ce qu'une aide illégale et ou incompatible restituer le rôle de chacun des acteurs de cette matière Quels pouvoirs devoirs pour la Commission les juges européens les autorités et les juges nationaux et exposer les enjeux propres cette matière quoi sert le droit des aides d'État Celui-ci est-il instrumentalisé d'autres fins que l'établissement d'une concurrence pure et parfaite jour des dernières formes législatives RGEC 2017 modifier règlement de procédure 2015 législation Covid et des jurisprudences de la Cour de justice tous les arrêts de février 1961 juin 2021 comme des juridictions nationales ce manuel intéressera les avocats spécialisés en droit public et en droit de la concurrence les magistrats administratifs les juristes des collectivités locales et des administrations centrales ainsi que les universitaires

Manuel de droit européen des aides d'État Michaël Karpenschif, 2019-12-11 *Droit européen des aides d'État* Michaël Karpenschif, 2015-09-08

Le droit des aides d'État a longtemps été le parent pauvre du droit de la concurrence qui s'est surtout focalisé sur des matières connues dans les États membres le contrôle des ententes des abus de positions dominantes et le droit des concentrations Si le contrôle des comportements anticoncurrentiels des entreprises est finalement chose aisée il n'en va pas de même l'égard de ceux commis par la puissance publique un tel contrôle ne pouvant s'effectuer que dans un cadre supranational Institués le Traité CECA le versement d'aides d'État est passé d'un principe absolu d'interdiction en 1951 un examen encadré de compatibilité partir de 1957 Depuis lors la pratique décisionnelle de la Commission la jurisprudence constructive des juges européens conjugués à l'augmentation exponentielle du nombre de cas traités consécutivement à l'apparition de crises multiples puis durables de l'économie européenne ont conduit donner des contours précis la notion d'aide d'État forger des règles de procédure cet examen de compatibilité impliquer les autorités nationales dans la discipline des aides d'État inventer des sanctions spécifiques en cas d'allocation d'aides illégales et incompatibles avec le traité Cet ouvrage entend d'finish les principaux concepts Qu'est-ce qu'une aide d'État Qu'est-ce qu'une compensation d'obligation de service public Qu'est-ce qu'une aide de minimis d'finir les règles en vigueur Qu'est-ce qu'une aide existante une aide nouvelle Qu'est-ce qu'une aide illégale et ou incompatible restituer le rôle de chacun des acteurs de cette matière Quels pouvoirs devoirs pour la Commission les juges européens les autorités et les juges nationaux et exposer les enjeux propres cette matière A quoi sert le droit des aides d'État Celui-ci est-il instrumentalisé d'autres fins que l'établissement d'une concurrence pure et parfaite Il intéressera les avocats spécialisés en droit public et en droit de la concurrence les magistrats administratifs les juristes des

collectivités locales et des administrations centrales ainsi que les universitaires **Livres hebdo**, 2007 *Recueil Le Dalloz*, 2004 Les grands arrêts de la jurisprudence de l'Union européenne Michaël Karpenschif, Cyril Nourissat, 2010 **Les grands arrêts de la jurisprudence de l'Union européenne**, 2014-11-12 Droit de l'Union européenne Richard Ghevontian, 2010 Cet ouvrage synthétique et très structuré est la fois un manuel de base et un outil de référence efficace. Il est consacré à l'étude de l'histoire et du devenir de l'Union européenne des institutions de l'Union européenne des sources du droit de l'Union européenne des recours. Profondément remanié par le Traité de Lisbonne et illustré par une jurisprudence abondante, cet ouvrage permet de mieux comprendre l'Union européenne. À l'aide de nombreux tableaux et schémas, il traite de manière actualisée l'essentiel des problèmes politiques institutionnels et juridiques qui se posent aujourd'hui dans l'Union. En passant le strict cadre juridique, ce livre aborde les défis de l'Union européenne et les perspectives qui s'ouvrent. Elle est cet aide-mémoire s'adresse en priorité ceux qui doivent assimiler rapidement les connaissances essentielles pour préparer un examen ou un concours étudiants en droit particulièrement en licence étudiants des Instituts d'études politiques candidats préparant le CRFPA ou les concours administratifs de catégorie A ou B. Il est également destiné à tous ceux qui veulent connaître les grands principes et les grandes règles du droit de l'Union européenne. Richard Ghevontian est professeur à l'Université Paul Cézanne Aix-Marseille III Faculté de droit et de science politique d'Aix-Marseille et IEP d'Aix-en-Provence. Il est Vice-président de l'Université Paul Cézanne.

Droit matériel des aides d'État Olivier Peiffert, Sébastien Thomas, 2020-01-08 Dans cet ouvrage de la série Grands arrêts, textes et documents commentés de la collection Competition Law Droit de la concurrence, les auteurs présentent et commentent minutieusement l'ensemble des textes consacrés aux aspects matériels des aides d'État en droit de l'Union européenne en s'attachant aux fondements législatifs, la pratique décisionnelle et aux apports des juridictions de l'Union, notamment quant à l'interprétation et quant à la sanction des notions en cause. Dans un contexte de contentieux et de conflits politiques, l'ouvrage fournit des repères précieux dans l'analyse du droit substantiel des aides d'État, passant par la notion d'aide, la notion de compatibilité de l'aide avec le marché intérieur. Par le biais d'une approche didactique abordant les principes directeurs, l'évolution et la pratique du droit des aides d'État, ce recueil de textes commentés a pour vocation de dépeindre l'état actuel de cette branche du droit de l'Union telle qu'elle est interprétée et pratiquée par ses institutions. Les textes cités recouvrent les règlements et directives de l'Union, les actes administratifs des autorités compétentes tels que les lignes directrices et communications de la Commission, ainsi que la jurisprudence des juridictions de l'Union européenne. Accompagnés des explications et commentaires des auteurs enseignants et praticiens spécialisés en la matière, les extraits cités permettront au lecteur d'appréhender les problématiques liées à ce thème et les réponses formulées tant par le législateur que par le juge. L'ouvrage sera particulièrement utile aux praticiens spécialisés en droit de la concurrence. Il répondra avec certitude leurs questions posées dans cette matière complexe et évolutive qu'est le droit des aides d'État.

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