



ELISA

European Law Institute for State Aid
Institut für Europäisches Beihilfenrecht

Press Release

Towards a “legal helpdesk” for Europe’s Businesses: Small-scaled legal workshops on the European State Aid Rules and the International rules on Subsidies: The European Law Institute for State Aid in Dortmund takes up work

Dortmund, 21 July 2010 – Today, Birgit M. Schurgers, Dr. Roman J. Brauner and Dr. Bernd Uhlenhut, attorneys-at-law, announce the formation of the first European Law Institute for State Aid in the European Union. Founded in July, with its seat in Dortmund/Germany, the Institute aims to improve legal consistency in Europe by providing practical advice to the Europe’s Industry and to further develop EU State Aid and Subsidy law at bilateral and international level. It is an independent non-profit organization, providing judicial co-operation and judicial workshop services. ELISA attracts the Europe’s Industry, in particular State-owned enterprises and the utilities sector. The Institute will make an important contribution to the EU’s wider goal of building a European area of law and justice.

The European Law Institute for State Aid will act as an European legal point-of single contact for legal information and knowledge to help build a better state aid discipline and more creativeness in settling bilateral disputes; litigation is not always the solution for solving every problem. More compliance with law and a better “managed” compliance in the context of bilateral trade agreements in particular on high-profile cases, would generate legal certainty and it is of vital importance in preventing or reducing the risk of subsequent litigation.

Interdisciplinarity approach

ELISA aims at an enhanced re-contextualization of the European State Aid law among its neighboring disciplines. From a genuinely legal perspective, it seeks to initiate new forms of workshops and dialogue and to create discursive structures between the European State Aid law, European Trade defense and Public Procurement law, Anti-dumping and anti-subsidy, Trade defense instruments legislation subsidy rules. This will confront the law and legal scholarship with other disciplines’ concept(s) and perception(s) of law. It builds upon the work and expertise of a group of state aid experts and scholars sharing a joint interest in contextual and contextualized legal knowledge.

Compliance with EU State Aid rules has become a standard concern for European companies that receive public money. The legal departments of companies which may be exposed to such controls are generally well aware of the requirements contained in the EU rules and of the risks that non-compliance would generate. In comparison, the level of awareness of the potential impact of the international rules on subsidies is much lower. A large number of state-owned enterprises continued to receive State support through direct and indirect subsidies and guarantees. EU companies generally consider that the probability of being drawn into a trade defense procedure is negligible on the global scale of legal risks. The new generation of EU-FTA, partially containing (enforceable) state aid provisions, the

modernization of the public procurement and the enlargement procedure, in which state aid discipline plays an important role, show, that EU businesses, acting under these regimes, have the need to set up a higher level of legal knowledge to exercise their rights.

ELISA will support also international judicial co-operation in the development of 'knowledge brokerage' mechanisms in the field of EU State Aid and Subsidies legislation. 'Knowledge brokerage' mechanisms are intended to strengthen the links between legal research & development, policy and practice. Their main role is to make the results of legal research understandable and accessible in order to produce coherent arrangements in which infringement actions, informal problem solving mechanisms and private enforcement form a seamless web of remedies against breaches of EU law and to bring legal awareness of a well-balanced use of legal instruments to the attention of the European Industry.

Legal small-scaled Workshops

ELISA organizes small-scaled and sector-specific workshops for a representative group selected (20 delegates). Workshops are chaired by Dr. Roman J. Brauner, Birgit M. Schurgers or Dr. Bernd Uhlenhut (ELISA). Workshops run from 12.00 h until 17.00.

Speakers from the European Commission, the OECD, the WTO or the European court of Justice open the floor and introduce the documents and the objectives of the workshops (30 min.).

In order to animate the debates (3 hrs.) that took place after each panel and to receive input for future work, the working document raises questions regarding views on possible legal conflicts or general problems and their possible avoidance.

In **February 2013** ELISA will organize an **International Law Conference** "Legal Transition of State Aid Policy" in Brussels.

For further information

A Contact Point has been put in place in order to provide the European Industry with the ELISA's services. The Contact Point is available to provide further information support at:

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