

State aid

State aid law remains one of the most complex areas of European competition law. The Treaty on the Functioning of the European Union provides a general prohibition of aid granted to businesses directly or indirectly through State resources, unless it has been notified to and approved by the European Commission under its exclusive jurisdiction.

Extensive experience

Bird & Bird's EU & Competition Group has extensive experience in the field of State aid. Members of the Group have represented all possible participants within a State aid procedure before the European Commission, from public/governmental granting authorities and aid beneficiaries to complainants.

We also have experience in litigation before the European Courts which is second-to-none.

Insight

Members of the Group have even been appointed by the Legal Service of the European Commission to represent it before the European Courts in Luxembourg in more than 50 cases, including State aid cases.

The team includes a former director level official of the European Commission, Serge Durande, who joined Bird & Bird after more than 25 years of experience in the Directorate General for Competition of the European Commission. His career in the European Commission included being Head of Unit for State Aids, where he was responsible for the landmark French TGV and German ICE decisions, as well as Head of Unit for Transports and Transport Infrastructure. For the six years prior to joining Bird & Bird, Serge was the Hearing Officer for competition matters, reporting directly to Commissioner Monti and Commissioner Kroes.

This makes us part of a select group of lawyers who have an inside view of the thinking of the European Commission in these cases.



Case study: Irish Bank

In the context of the financial crisis, we represented a major European bank in a complaint before the European Commission against the exclusion of non-Irish banks from the Irish State guarantee scheme. As a result of our intervention the major European bank became eligible to benefit from the guarantee scheme and was able to stem weekly deposit outflows of several billion Euros.

Case study: State aid clearance of EUR 24 million after a Phase II investigation

Members of our team represented the Finnish paper group UPM-Kymmene in a Phase II State aid investigation regarding aid for the conversion of a newsprint plant in North Wales (Shotton) into a plant using 100% recycled material. After initiation of the formal proceedings and following advocacy of our clients interests, we obtained State aid clearance for a grant of approximately EUR 24 million. This case involved breaking new ground in the application of the Commission's guidelines for environmental aid and the "polluter pays" principle as well as the unusual step of an on-site inspection by DG Competition.

"Beyond the legal expertise, it was the precision of understanding the clients overall position and drivers, within a complex political environment, that was the major contribution factor to successfully obtaining State aid Clearance" said Martin Gale, Managing Director of UPM-Kymmene (UK) Ltd.

The firm's work in the state aid area deserves particular mention

EMEA Legal 500, 2009

Contact details

Brussels - José Rivas jose.rivas@twobirds.com DD: +32 2 282 60 93 M: +32 495 578 552
Central Europe - Martin Maxa martin.maxa@twobirds.com DD: +421 232 332 814 M: +421 905 716 711
Finland - Katia Duncker katia.duncker@twobirds.com DD: +358 9 622 667 49 M: +358 505 604 070
France - Michel Roseau michel.roseau@twobirds.com DD: +33 142 68 63 50 M: +33 686 669 513
Germany - Jörg Witting joerg.witting@twobirds.com DD: +49 211 2005 6168 M: +49 151 14827 108
Italy - Eutimio Monaco eutimio.monaco@twobirds.com DD: +39 06 6966 7001 M: +39 3473745815
The Netherlands - Pauline Kuipers pauline.kuipers@twobirds.com DD: +31 70 353 8810 M: +31 651 517 600
Spain - Antonio Creus antonio.creus@twobirds.com DD: +34 91 790 6040 M: +34 639 345 339
Sweden - Henrik Nilsson henrik.nilsson@twobirds.com DD: +46 8 506 320 33 M: +46 734 242 033
UK - Richard Eccles richard.eccles@twobirds.com DD: +44 20 7905 6261 M: +44 7711 014 341

BIRD & BIRD

www.twobirds.com

Bird & Bird is an international legal practice comprising Bird & Bird LLP and its affiliated and associated businesses.

Bird & Bird LLP is a limited liability partnership, registered in England and Wales with registered number OC340318 and is regulated by the Solicitors Regulation Authority. Its registered office and principal place of business is at 15 Fetter Lane, London EC4A 1JP. A list of members of Bird & Bird LLP and of any non-members who are designated as partners, and of their respective professional qualifications, is open to inspection at that address.