
STATE AID & SUBSIDIES

CLIENTS AND GENERAL OVERVIEW

Our clients include medium-sized companies, stock corporations and start-ups, as well as the public sector and public-private partnerships.

We provide comprehensive, solution-oriented and practical advice on all issues under State aid and subsidy law. We assist our clients with applications for aid and with the administrative proceedings before national authorities and the EU Commission.

WHAT SETS US APART

Our Brussels office has many years of experience and excellent know-how with respect to all measures under State aid law and with investigations by the European Commission. Consequently, we can often find amicable solutions with the European Institutions on behalf of our clients. In those rare cases where no solution can be found, we have particular expertise in handling litigation before the EU Courts. We can represent you at any time, as needed, from one source in proceedings before the General Court (EGC) or the Court of Justice (ECJ) of the EU on the legality of Commission decisions.

In addition, we review and identify the possible aid for specific projects and adapt those projects and the necessary agreements to ensure that they comply with the relevant aid rules. We are very familiar with the regulations of the European Union and those at Member State level. This allows us to assist our clients with the relevant application and approval procedures for planned investments.

Application procedures

- Providing assistance with EU notification procedures
- Providing support in application and notification procedures for aid in Germany and abroad
- Providing assistance with the application and verification procedures under anti-subsidy law, in particular with assessing the impact of subsidies granted in a non-EU country on imports into the EU

Compliance

- Assessing the possible recovery of State aid, subsidies or other grants
- Providing advice on group compliance with State aid law
- Defending against unlawful decisions for the recovery of aid at national or EU level
- Negotiating with EU and national authorities
- Submitting complaints to the EU Commission on the misuse of State aid or on unlawful aid and providing competitors with assistance in complaint procedures
- Advising on the best location for greenfield investments and optimising structures to fulfil the requirements for maximum possible aid
- Providing advice in the case of privatisation or remunicipalisation
- Handling cases with respect to competitors' claims of State aid law infringements
- Advising on new developments in international trade law

Brussels

We have worked extremely successfully in this area for more than 20 years: we provide support for investment projects and ensure that they remain eligible for the maximum possible aid. We also advocate the interests of our clients in the usual proceedings. Over this time, we have been involved in some of the most influential cases before the European Court of Justice in this field.

Our work with greenfield investments is of note. We evaluate the legal and political aspects of various geographical regions, recommend the most advantageous location for the project and tailor the project and the relevant agreements to guarantee eligibility for maximum aid.

We conduct procedures before the relevant European Courts and the EU Commission, for example for the recovery of aid, on the unlawful grant of aid or on the compatibility of subsidies with WTO rules.

LEGAL AREA STATE AID & SUBSIDIES

We have experience with a number of industries, including the energy, steel and automotive industries, with research and development companies, with the leisure industry and with agriculture.

We have particular expertise with the new rules adopted for banks and companies following the financial crisis.

AT A GLANCE:

- Assessing possible State aid, taking into account legal and political aspects
- Providing legal opinions on choice of location
- Tailoring project structures to make the project eligible for maximum aid
- Monitoring and tailoring projects to ensure continual funding
- Representation in all EU infringement and complaints procedures
- Representation in cases before all relevant European courts