This edited volume celebrates the 15th anniversary of the European State Aid Law Quarterly. For this occasion, we offer an overview of the most cited State aid judgments and discuss their importance. When available, the original annotation (published in the European State Aid Law Quarterly) is provided as well as a current reflection. The re-annotations and articles focus on the meaning of the judgments, the evolution of the relevant topics and current practice.

Covering a period of more than two decades, this book offers an extensive overview of the most important State aid case law for practitioners, policy and academia. Particularly, it highlights the fascinating evolution in State aid practice during the period from 1995 until 2017. It is accessible for State aid aficionados from diverse disciplines and industries.
# Table of Contents

Foreword

**EStAL and the Sword in the Stone** ........................................... V  

Chapter 1 · BP Chemicals

*BP Chemicals: Lessons to Be Recalled in the Context of Applying the MEIP to Consecutive State Measures in the Financial Sector*  

Małgorzata Agnieszka Cyndecka

Chapter 2 · PreussenElektra

*PreussenElektra – Dead or Alive?*  

Kai Struckmann

Chapter 3 · Sardegna

*Every Family Is the Same, Every Family Is Different: State Aid and Free Movement*  

Andrea Biondi

Chapter 4 · Stardust Marine

*Notion d’Aide d’Etat Remarques sur l’Arrêt Stardust Marine du 16 Mai 2002*  

Alain Alexis

*The Stardust Marine Case (C-482/99)*  

Juan Jorge Piernas López

Chapter 5 · SMI

*The SMI-Judgment – a New Course for Recovery of Illegal State Aid?*  

Andreas Knaul

*The Principles for Recovery: SMI or the Importance of a Meticulous Assessment of State Interventions by the Granting Authorities and the Commission*  

Maria J. Segura, Marianne Clayton and Egill Olafson
Chapter 6 · Altmark
Bidding Procedures in EC State Aid Surveillance over Public Services after Altmark Trans. ................................. 90
Ulrich Schnelle

Altmark: The Mount Everest of State Aid*2017 ........................ 96
Phedon Nicolaides and Guido Paolini

Chapter 7 · Chronopost
Chronopost II: The Application of the Market Economy Investor Principle in Reserved Sectors. ................................. 114
Isabela Atanasiu

Chronopost I – Re-Annotated*2017 ........................................ 120
Andreas Bartosch

Chapter 8 · Pearle
“Pearle: So Much Unsaid!” .................................................. 128
Edoardo Gambaro, Alessandro Nucara, Luca Prete

Pearle Revisited – Or Does Our State Aided Vision Really Improve with Hindsight?*2017 .......................................................... 152
Leigh Hancher

Chapter 9 · BUPA
BUPA v. Commission .......................................................... 160
Andrea Biondi

Case T-289/03 BUPA: The Illusion of Flexibility That Strengthened Altmark*2017 .......................................................... 170
Alfonso Lamadrid de Pablo

Chapter 10 · Forum 187
Case Report Joined Cases C-182/03 (Belgium) and C-217/03 (Forum 187) v. Commission ...................................................... 180
Jayant Mehta

Tony Joris and Wout De Cock
Chapter 11 · Azores
   Review of the Judgment in Case C-88/03, Portugal v. Commission (Azores Tax Regime) ................... 214
   Carsten Zatschler
   Tales from an Outermost Region: How Does the Azores Judgment Look from a Distance?*2017 .................. 223
   Fiona Wishlade

Chapter 12 · Ryanair Charleroi
   CFI Judgment in the Charleroi Case T-196/04 .................. 234
   Dennis Oswell, George Metaxas and Esfandiar Vahida
   Nicole Robins and Hannes Geldof

Chapter 13 · Laboratoires Boiron
   Review of Judgment Laboratoires Boiron, Case C-526/04 ........ 264
   Holger Wissel and Dominik Becker
   Laboratoires Boiron SA v ACOSS: A Retrospective*2017 .......... 272
   Isabel Taylor

Chapter 14 · Athinaiki I & II
   Athinaiki Techniki II ............................................. 282
   Sébastien Thomas
   The Status of Complainants in State Aid Cases: A Look Back into the Athinaiki Techniki Saga*2017 .......... 300
   Fernando Pastor-Merchante

Chapter 15 · CELF I & II
   The CELF-Judgment: A Precarious Conception of the Standstill Obligation ................................. 314
   Thomas Jaeger
   Judgment of the Court of the European Union in Case C-1/09, CELF v SIDE ................................. 334
   Adrien Giraud
   The Powers and Obligations of National Courts with Regard to Unlawful State Aid: Lessons Learned from CELF I and CELF II*2017 ........................................ 342
   Jacques Derenne
Chapter 16 · British Aggregates
Selectivity and Taxation – Reflections in the Light of Case C-487/06 P, British Aggregates Association ............ 358
Michael Honoré
The British Aggregates Saga – Looking Back at an Earlier Stage of the Selectivity Discussion*2017 .................. 377
Clemens Ziegler

Chapter 17 · Paint Graphos
The Preliminary Ruling of the Court of Justice on Preferential Taxation of Cooperatives and State Aid Rules ........... 386
Flavia Tomat
Finding Selectivity or the Art of Comparison*2017 .................... 410
José Luis Buendía Sierra

Chapter 18 · Dutch NOx
NOx Emission Trading Rights: A Government Gift or Value Created by Undertakings? .................. 424
Piet Jan Slot
The NOx Case – Still Trying to Fit in a System*2017 .............. 438
Philipp Werner

Chapter 19 · DHL Leipzig Halle
State Aid and Public Funding for Infrastructure*2017 ............. 454
Erika Szyszczak

Chapter 20 · Smurfit Kappa
Commission Guidelines and their Limits
T-304/08 Smurfit Kappa*2017 .................................................. 466
Vincent Verouden

Chapter 21 · Gibraltar
Gibraltar: Beyond the Pillars of Hercules of Selectivity .......... 480
Pierpaolo Rossi-Maccanico
Gibraltar: A Landmark Judgment Which Was Not Meant to Be*2017 .......................................................... 489
Pierpaolo Rossi-Maccanico
Chapter 22 · EDF
Tax Measures and the Private Investor Test: The Court of Justice
Endorses a Level Playing Field ........................................ 508
Niels Baeten and Liliane Gam
European Commission v Electricité de France –
a Distant Mirror*2017 .................................................. 517
Bernhard von Wendeland and Hanna Standtke

Chapter 23 · France Télécom
The Bouygues Case: A Never Ending Story ......................... 532
María Muñoz de Juan
Can Mere Declarations by a State Be Considered as an Advantage
Drawn from State Resources: An Economic Perspective*2017 ........ 552
Alejandro Requejo Tovar

Chapter 24 · TV2 Danmark
The Origin of State Resources: Awaiting the Court’s Ruling in Case
C-656/15 P European Commission v TV2/Danmark A/S*2017 .... 560
Mihalis Kekelekis

Chapter 25 · Ryanair v Commission
Appeal against Alitalia State Aid Decisions by Ryanair Dismissed .. 570
John Milligan and Luke Sales
Case C-287/12 P, Ryanair v. Commission:
a Tale of Lost Opportunity*2017 ....................................... 584
Elisabetta Righini

Chapter 26 · Deutsche Lufthansa
Binding Effect of Opening Decisions – Lufthansa AG v FFH ...... 604
Lucyne Ghazarian
The Obligations of National Courts after an Opening Decision*2017 616
Lucyne Ghazarian and Christian Koenig

Chapter 27 · Ciudad de la Luz
Public Investment in a Cinema Studio and State Aid Rules:
The Last Showing ...................................................... 624
Marianne Clayton, Maria J. Segura, Egill D. Ólafsson
Ciudad de la Luz Judgment – An In-Depth Review
of the Market Economy Investor Principle*2017 .................... 641
Adina Claici
Chapter 28 · ING
Testing the Soundness of the Commission’s Practice on State Aid to the Financial Sector .................................................. 652
Jose Manuel Panero Rivas
The ING Case*2017 ........................................ 666
Piet Jan Slot

Chapter 29 · Eventech
Eventech, the Selectivity of a Bus Lines Policy*2017 ................. 680
Laura Parret and Greetje van Heezik

Chapter 30 · Mediaset
It May Be Zero! CJEU Highlights National Courts’ Authority to Review and Determine Amounts of Aid to Be Recovered. ........ 694
Nina Niejahr
Mediaset III: The Recovery Revolution Deactivated*2017 .......... 703
Massimo Merola

Chapter 31 · Klausner Holz
State Aid as a Defence for Public Authorities? ...................... 718
Grith Skovgaard Ølykke
Annotation on the Judgment C-505/14
Klausner Holz Niedersachsen v Land Nordrhein-Westfalen*2017 .... 727
Péter Staviczky

Chapter 32 · World Duty Free Group
Bury Them Deep: The Court of Justice Annuls the Autogrill and Banco Santander Judgments of the General Court .............. 740
Adrien Giraud and Sylvain Petit
Joined Cases C-20/15 P and C-21/15 P,
European Commission v World Duty Free Group SA, Banco Santander SA and Santusa Holding SL*2017 ..................... 750
Conor Quigley QC

* Case revisited in 2017.