



**Styre:** Fakultetsstyret ved Det juridiske fakultet  
**Styresak:** 11/22  
**Møtedato:** 13.12.2022  
**Journalnummer:** 2022/1550

---

## **NEDLEGGING AV JUS291-2-A EU AND EEA STATE AID LAW OG OPPRETNING AV JUS2302/JUS3502 EU AND EEA STATE AID LAW**

---

### **Bakgrunn**

I sak 76/22 til fakultetsstyret 27.9.2022 vedtok fakultetsstyret ny modell for engelskspråklege emne ved fakultetet der dei engelskspråklege emna som hovudregel skal finnast i to variantar med ulike emnkodar: Den eine versjonen av emnet skal ha læringsutbyteskildring i samsvar med bachelornivået i nasjonalt kvalifikasjonsrammeverk, og den andre versjonen av emnet skal ha læringsutbyteskildring i samsvar med masternivå i nasjonalt kvalifikasjonsrammeverk.

Som oppfølging av dette vedtaket har dei emneansvarlege for engelskspråklege spesialemne blitt bedne om å utarbeida nye emneskildringar. Emneansvarleg Malgorzata Cyndecka har utarbeidd dei to emneskildringane som ligg ved.

I tillegg til emneskildringane, følgjer også saka slik ho vart presentert for studieutvalet som vedlegg. Denne inkluderer også ei oppsummering av skilnadene på bacheloremnet og masteremnet.

### **Handsaming i studieutvalet**

Studieutvalet handsama saka i sitt møte den 01.12.2022 og oversendte saka til fakultetsstyret med følgjande uttale:

«Studieutvalet oppfordrar fakultetsstyret til å leggja ned emnet JUS291-2-A EU and EEA State Aid Law etter studieåret 2022/2023 og i staden oppretta JUS2302/JUS3502 EU and EEA State Aid Law som skal undervisast første gong vårsemesteret 2024, og til å vedta overgangsordningar og tal på vurderingsforsøk som skildra.»

### **Dekan og fakultetsdirektørs merknader**

Forslaget som ligg føre inneber ei omlegging av dei engelskspråklege emna i samsvar med den nye modellen som styret vedtok i sak 76/22. Dekan og fakultetsdirektør stiller seg bak dette framlegget og fremmer saka med følgjande

#### **forslag til vedtak:**

1. Emnet JUS291-2-A EU and EEA State Aid Law blir lagt ned etter studieåret 2022/2023.
2. Emna JUS2302 EU and EEA State Aid Law og JUS3502 EU and EEA State Aid Law blir oppretta og skal undervisast første gong vårsemesteret 2024

1. Overgangsordning for studentar som treng å gjennomføra vurdering i gamalt emne JUS291-2-A EU and EEA State Aid Law etter studieåret 2022/2023: Studentane avlegg i staden eksamen i nytt emne JUS3502 EU and EEA State Aid Law.
2. Studentar har tre vurderingsforsøk samla både for det gamle emnet JUS291-2-A EU and EEA State Aid Law i kombinasjon med eitt av dei to nye emna, og samla for dei to nye emna i kombinasjon.

Karl Harald Søvig  
dekan

Øystein L. Iversen  
fakultetsdirektør

05.12.2022  
INTØ

Vedlegg:

3. Sak 74//22-8 til Studieutvalet
4. Emneskildring JUS2302 EU and EEA State Aid Law
5. Emneskildring JUS3502 EU and EEA State Aid Law

## Nedlegging av JUS291-2-A EU and EEA State Aid Law og oppretting av JUS2302/JUS3502 EU and EEA State Aid Law

I sak 76/22 til fakultetsstyret 27.9.2022 vedtok fakultetsstyret ny modell for engelskspråklege emne ved fakultetet der dei engelskspråklege emna som hovudregel skal finnast i to variantar med ulike emnkodar: Den eine versjonen av emnet skal ha læringsutbyteskildring i samsvar med bachelornivået i nasjonalt kvalifikasjonsrammeverk, og den andre versjonen av emnet skal ha læringsutbyteskildring i samsvar med masternivå i nasjonalt kvalifikasjonsrammeverk.

Som oppfølging av dette vedtaket har dei emneansvarlege for engelskspråklege spesialemne blitt bedne om å utarbeida nye emneskildringar.

Emneansvarleg Malgorzata Cyndecka har utarbeidd dei to emneskildringane som ligg ved. Mål og innhald er likelydande for dei to emna, medan det forventa læringsutbytet frå emna (kunnskap, ferdigheter og generell kompetanse) er ulikt formulert og tilpassa høvesvis studentar på 3. studieår (bachelornivå) og studentar på 5. studieår (masternivå).

Hovudlitteraturen for bachelorvarianten av emnet er på totalt 473 sider, medan hovudlitteraturen for mastervarianten av emnet er på totalt 540 sider.<sup>1</sup>

Bacheloremnet har ingen obligatoriske arbeidskrav, medan det på masteremnet er obligatorisk oppmøte på to masterseminar, inkludert å halda ein presentasjon på det eine.

Vurderingsforma i begge emna er fire timar skriftleg skuleeksamen.

### Overgangsordning og tal på eksamensforsøk

§3-2-4 i Forskrift om opptak, studier, vurdering og grader ved Universitetet i Bergen (UiB-forskrifta) seier: «Ved nedlegging av studieprogram, studieretninger og emner skal vedtaksorganet fastsette overgangstid for undervisning og vurdering. Studenter som er tatt opp til studieprogram som vedtas nedlagt, har rett til å fullføre dette i samsvar med vedtak om overgangstid. Ved nedlegging av emner skal det normalt avholdes vurdering i emnet i ett eller to påfølgende semestre etter siste undervisningssemester.»

I dette tilfellet er emna på masternivå så like at studentar som treng å gjennomføra vurdering i gamalt emne JUS291-2-A etter vårsemesteret 2023, i staden vil bli viste til å avlegga eksamen i nytt emne JUS3502 EU and EEA State Aid Law.

§ 6-8-1 i UiB-forskrifta seier følgjande om antall vurderingsforsøk: «Ved Universitetet i Bergen gjelder det ordinært en øvre grense på tre vurderingsforsøk for det enkelte emne. Begrensningen i antallet

---

<sup>1</sup> SU vedtok i sak 54/16 at for det integrerte masterprogram i rettsvitenskap ved Det juridiske fakultet gjeld følgjande sidetalsnorm: Hovudlitteraturen skal ha eit omfang på mellom 30 og 60 tekstsider pr. studiepoeng. I same sak uttalte også SU at «Det skal vidare tas hensyn til hvor i studiet emnet er plassert, sånn at hovedlitteraturen i emner som er plassert mot slutten av studiet normalt vil være mer omfattende enn emner tidlig i studiet.» Ut frå dette reknar studiedekanan at eit spesialemne på 5. studieår bør ha opp mot 60 sider hovudlitteratur per studiepoeng, og at eit valemne på 3. studieår bør ha kring 45 sider hovudlitteratur per studiepoeng.

vurderingsforsøk gjelder også dersom emnet har skiftet emnekode, inngår med ulik kode i flere studieprogrammer eller inngår i ny form i et studieprogram i tilknytning til en overgangsordning.

I medhald av dette gjeld at studentar har tre vurderingsforsøk samla både for det gamle emnet JUS291-2-A og kvart av dei to nye emna, og samla for dei to nye emna i kombinasjon. Ein student som tidlegare har nytta alle vurderingsforsøka i emnet på 3. studieår, kan ikkje få nye høve til å greia emnet ved å i staden melda seg til den andre utgåva av emnet på 5. studieår.

**SU uttalar:**

Studieutvalet oppfordrar fakultetsstyret til å leggja ned emnet JUS291-2-A EU and EEA State Aid Law etter studieåret 2022/2023 og i staden oppretta JUS2302/JUS3502 EU and EEA State Aid Law som skal undervisast første gong haustsemesteret 2023, og til å vedta overgangsordningar og tal på vurderingsforsøk som skildra.

*Vedlegg: Emneskildringar*

## Emneskildring for EU and EEA State Aid Law – valemne på 3. studieår

<b>Emnenavn (bokmål)</b>	EU and EEA State Aid Law
<b>Emnenavn (nynorsk)</b>	EU and EEA State Aid Law
<b>Emnenavn (kortversjon)</b>	EU/EEA State Aid Law
<b>Emnenavn (engelsk)</b>	EU and EEA State Aid Law
<b>Antall studiepoeng</b>	10
<b>Om studienivå, læringsmål og utbyttebeskrivelser</b>	Nivået gjenfinnes i emnets læringsmål, og må henge sammen med forkunnskapskravene. Et emne på masternivå kan inngå i en bachelorgrad, men ikke omvendt – emner på masternivå stiller store krav til fordypning.
<b>Studienivå</b>	- BA (bachelornivå)
<b>Type emne</b>	- Valgemne 3. studieår
<b>Studierett</b>	<p>The course is available for the following students:</p> <ul style="list-style-type: none"><li>• Admitted to the five-year master programme in law</li><li>• Granted admission to elective courses at the Faculty of Law</li><li>• Exchange students at the Faculty of Law</li></ul> <p>The pre-requirements may still limit certain students' access to the course</p>
<b>Forkunnskapskrav</b>	Two years of law studies.
<b>Anbefalte forkunnskaper</b>	Good level of English language. Basic knowledge of EU/EEA law.
<b>Faglig overlapp*</b>	Combined with JUS291-2-A EU and EEA State Aid Law or JUS23XX EU and EEA State Aid Law, this course will generate no new credits.
<b>Emnet er særlig godt egnet i kombinasjon med*</b>	JUS2301/3501 Free movement under EU and EEA market law JUS23XX/35XX Competition Law JUS23XX/35XX EU and EEA Public Procurement Law
<b>Emneansvarlig(e)</b>	Malgorzata Agnieszka Cyndecka
<b>Undervisere</b>	Malgorzata Agnieszka Cyndecka

## Emnets mål og innhold

This course aims to provide students with a comprehensive overview of the EU/EEA State aid rules and their application to state interventions that amount to aid within the meaning of Articles 107(1) TFEU and 61(1) EEA, respectively. A company that receives government support gains an advantage over its competitors. Therefore, the EU Treaty and the EEA Agreement generally prohibit providing State aid unless it is justified by reasons of general economic development. To ensure that this prohibition is respected, and exemptions are applied equally across the EU/EEA, the European Commission and the EFTA Surveillance Authority (ESA) are in charge of ensuring that the EU/EEA Member States comply with State aid rules. Their decisions are subject to judicial review by the EU Courts and the EFTA Court, respectively.

EU/EEA State aid rules are an essential component of EU/EEA competition law. State aid control has considerably gained in importance since the 1980s. The practical importance of State aid rules was well demonstrated in the wake of the financial crisis in 2008/2009. The ongoing COVID-19 crisis and energy crisis caused by the war in Ukraine have one more time confirmed the importance of ensuring that the Member States may support companies in a way that does not undermine the internal market. At the end of 2021, EU Member States granted around €940 billion to companies in the context of the COVID-19 crisis, representing about 3.39% of total EU27 GDP on an annual basis.

Indeed, contrary perhaps to popular belief, State aid law is not only about preventing EU/EEA Member States from granting aid that is incompatible with the internal market - it is first and foremost about granting aid that is compatible with the internal market. Such aid is justified when it corrects market failures and/or targets sustainable growth-enhancing policies without adversely affecting trading conditions to an extent contrary to the common interest. Typical examples of "good aid" are aid to energy and environmental protection, regional development, combating unemployment, promoting innovation, research and development, allowing small and medium undertakings (SMEs) to apply for bank loans on preferential terms, and, certainly, aid to companies suffering from the consequences of the COVID-19 outbreak or the Russian aggression in Ukraine.

Importantly, State aid is subject to approval by the Commission (EU Member States) or ESA (Norway, Iceland and Liechtenstein). Aid that is granted in breach of State aid rules must, as a rule, be repaid by the beneficiary. In the worst case, this may lead to bankruptcy of the beneficiary in question.

This course is designed to provide students with a thorough analysis of the most relevant aspects of State aid law, including but not limited to the following aspects:

- Definition of State aid and objectives of State aid control;
- The notion of the «private investor test» - the state acting as entrepreneur, and issues of cross-subsidization;
- Primary and secondary EU and EEA law on state aid, the relevant case-law of the EU Courts and the EFTA Court;
- State aid control at national level in the EEA Member States;
- Certain relevant aspects of the interplay and boundaries between State aid and Public Procurement law;
- Compatibility assessment and Services of General Economic Interest (SGEIs);
- Procedures before the Commission and the EFTA Surveillance Authority (ESA);
- The scope of judicial review;
- Measures concerning the recovery of aid that was declared incompatible with the internal market.

## Læringsutbytte

### Kunnskaper

By the end of the course, students:

- have general knowledge of material and procedural rules in the field of State aid as well as the relevant theories, principles and notions

- have general knowledge of the rules governing the competences and obligations of national authorities and national courts in the field of State aid
- are familiar with the ongoing academic discussions in the field and the modernisation of State aid rules that are being adjusted in order to respond to amongst others climate change and crises resulting from the Covid-19 outbreak and the war in Ukraine
- can update the acquired knowledge by using different resources
- have knowledge of the reasoning behind the State aid law regime and its significance.

### Ferdigheter

By the end of the course, students:

- can identify the relevant rules that are applicable to a given case and apply them correctly while explaining and justifying their choice by referring to the relevant case law and legal literature
- can identify potential and existing weaknesses of the current regulations.

### Generell kompetanse

The student:

- can complete the assignments alone or as part of a group and present the findings both orally and in writing
- can discuss relevant topics in the field
- is familiar with the role of State aid rules in the context of the EU's policies and ambitions concerning amongst others fighting climate change

### Beskriv sammenhengen mellom læringsutbyttet, undervisningen og prøvingen.

Teaching consists of 10 lectures. During the lectures students are presented with both the theory and its application to examples of State interventions that may amount to State aid. In this respect, students are given small assignments to be solved either alone or in a group. The exam will test both the theory and its application. The students will be given one theoretical and one practical question - case.

### Litteratur

#### Hovedlitteratur

Selected chapters of: Leigh Hancher, Tom Ottervanger, Piet Jan Slot (eds), "EU State Aids", Sweet & Maxwell 2021:

2. Phedon Nicolaidis, "The economics of State aid and the fundamental state aid trilemma", pp. 23-42.
3. Leigh Hancher, "The general framework", pp. 43-130.
4. Leigh Hancher, Francesco Maria Salerno, "Article 107(2) and Article 107(3)", pp. 131-182.
6. Koen van de Castele, "De minimis aid», pp. 205-216.
7. Koen Van de Castele, «General Block Exemption Regulation", pp. 217-251.
8. Thomas Jaeger, "Services of General Economic Interest", pp. 255-306.
12. Wolfgang Schön, "State aid in the area of taxation", pp. 431-490.
25. Paul-John Loewenthal, Clemes Ziegler, "Administrative procedure", pp. 1033-1087.
26. Maartne Aalbers, Paul Adriaanse, "Recovery of unlawful aid", pp. 1089-1116.
27. Leo Flynn, Hans Gilliams, "Judicial protection", pp. 1117-1197.

#### Undervisningssted

- Faculty of Law, University of Bergen

#### Undervisningssemester

- Spring

#### Undervisningsspråk

English

#### Undervisningsformer og -metoder

Discussion-based lectures.

During the lectures, students will be presented with the theory (the relevant regulations, principles and theories in the field) and its application by discussing examples of State aid cases.

In addition, students will have access to dedicated modules for self-study via the online learning support system Mitt UiB. The modules in Mitt UiB will address selected topics in the field.

**Emnet har obligatorisk oppgave** - Nei

#### **Vurdering**

Vurderingsformen(e) må henge sammen med undervisningen og det generelle læringsutbyttet.

**Vurderingssemester** - Spring

4-hour digital school exam.

#### **Vurderingsform(er)**

Information about digital examination can be found here:

<http://www.uib.no/en/education/87471/digital-examination#>

#### **Begrunnelse for vurderingsform**

The exam verifies the knowledge of both the theory, that is the relevant legislation in the field, principles, notions and theories, and its application, that is identification and application of the relevant regulations.

**Språk eksamensoppgave** English

**Språk eksamensbesvarelse** English

**Karakterskala** A-E for passed, F for fail

#### **Hjelpemidler til eksamen**

##### **Support materials allowed during school exam**

See section 3-5 of the Supplementary Regulations for Studies at the Faculty of Law at the University of Bergen.

##### **Special regulations about dictionaries**

- According to the Regulations for Studies, one dictionary is permitted support material during the examination. Bilingual dictionaries containing for example both Norwegian-English and English-Norwegian are considered as one dictionary.
- Bilingual dictionaries to/from the same two languages - for example Norwegian-English/English-Norwegian - in two different volumes are also considered as one dictionary (irrespective of publisher or edition).
- Dictionaries as described above cannot be combined with any other types of dictionaries.
- Any kind of combination which makes up more than two physical volumes is forbidden.
- In case a student has a special need for any other combination than the above mentioned, such combination has to be clarified with/approved by the course coordinator minimum two weeks before the exam. Students who have not been granted permission to have a special combination minimum two weeks before the exam will be subject to the usual regulations (Section 3-5) about examination support materials.

**Programansvarlig** Studietvalget har programansvaret for fakultetets studietilbud. Studietvalget er delegert det koordinerende og overordnede



ansvaret for fakultetets studietilbud. (Reglement for Det juridiske fakultet, § 9 pkt. 1.)

<b>Evaluering av emnet</b>	According to the administrative arrangements for course evaluation at the Faculty of Law
<b>Emnebeskrivelsen er utarbeidet av</b>	Malgorzata Agnieszka Cyndecka
<b>E-post</b>	<a href="mailto:malgorzata.cyndecka@uib.no">malgorzata.cyndecka@uib.no</a>

## Emneskildring for EU and EEA State Aid Law – spesialemne på 5. studieår

<b>Emnenavn (bokmål)</b>	EU and EEA State Aid Law
<b>Emnenavn (nynorsk)</b>	EU and EEA State Aid Law
<b>Emnenavn (kortversjon)</b>	EU/EEA State aid
<b>Emnenavn (engelsk)</b>	EU and EEA State Aid Law
<b>Antall studiepoeng</b>	10
<b>Om studienivå, læringsmål og utbyttebeskrivelser</b>	
<b>Studienivå</b>	- MA (masternivå)
<b>Type emne</b>	- Spesialemne 5. studieår
<b>Studierett</b>	<p>The course is available for the following students:</p> <ul style="list-style-type: none"><li>• Admitted to the five-year programme in law</li><li>• Admitted to the two-year master programme in law</li><li>• Admitted to the Master of Laws (LLM) in EU and EEA Law</li><li>• Granted admission to elective courses at the Faculty of Law</li><li>• Granted additional right to study following completed master in law degree at UiB</li><li>• Exchange students at the Faculty of Law</li></ul> <p>The pre-requirements may still limit certain students' access to the course</p>
<b>Forkunnskapskrav</b>	Two years of law studies.
<b>Anbefalte forkunnskaper</b>	Good level of English language. Basic knowledge of EU/EEA law.
<b>Faglig overlapp*</b>	Combined with JUS291-2-A EU and EEA State Aid Law or JUS23XX EU and EEA State Aid Law, this course will generate no new credits.
<b>Emnet er særlig godt egnet i kombinasjon med*</b>	JUS2301/3501 Free movement under EU and EEA market law JUS23XX/35XX Competition Law JUS23XX/35XX EU and EEA Public Procurement Law
<b>Emneansvarlig(e)</b>	Malgorzata Agnieszka Cyndecka

**Emnets mål og innhold**

This course aims to provide students with a comprehensive overview of the EU/EEA State aid rules and their application to state interventions that amount to aid within the meaning of Articles 107(1) TFEU and 61(1) EEA, respectively. A company that receives government support gains an advantage over its competitors. Therefore, the EU Treaty and the EEA Agreement generally prohibit providing State aid unless it is justified by reasons of general economic development. To ensure that this prohibition is respected and exemptions are applied equally across the EU/EEA, the European Commission and the EFTA Surveillance Authority (ESA) are in charge of ensuring that the EU/EEA Member States comply with State aid rules. Their decisions are subject to judicial review by the EU Courts and the EFTA Court, respectively.

EU/EEA State aid rules are an essential component of EU/EEA competition law. State aid control has considerably gained in importance since the 1980s. The practical importance of State aid rules was well demonstrated in the wake of the financial crisis in 2008/2009. The ongoing COVID-19 crisis and energy crisis caused by the war in Ukraine have one more time confirmed the importance of ensuring that the Member States may support companies in a way that does not undermine the internal market. At the end of 2021, EU Member States granted around €940 billion to companies in the context of the COVID-19 crisis, representing about 3.39% of total EU27 GDP on an annual basis.

Indeed, contrary perhaps to popular belief, State aid law is not only about preventing EU/EEA Member States from granting aid that is incompatible with the internal market - it is first and foremost about granting aid that is compatible with the internal market. Such aid is justified when it corrects market failures and/or targets sustainable growth-enhancing policies without adversely affecting trading conditions to an extent contrary to the common interest. Typical examples of "good aid" are aid to energy and environmental protection, regional development, combating unemployment, promoting innovation, research and development, allowing small and medium undertakings (SMEs) to apply for bank loans on preferential terms, and, certainly, aid to companies suffering from the consequences of the COVID-19 outbreak or the Russian aggression in Ukraine.

Importantly, State aid is subject to approval by the Commission (EU Member States) or ESA (Norway, Iceland and Liechtenstein). Aid that is granted in breach of State aid rules must, as a rule, be repaid by the beneficiary. In the worst case, this may lead to bankruptcy of the beneficiary in question.

This course is designed to provide students with a thorough analysis of the most relevant aspects of State aid law, including but not limited to the following aspects:

- Definition of State aid and objectives of State aid control;
- The notion of the «private investor test» - the state acting as entrepreneur, and issues of cross-subsidization;
- Primary and secondary EU and EEA law on state aid, the relevant case-law of the EU Courts and the EFTA Court;
- State aid control at national level in the EEA Member States;
- Certain relevant aspects of the interplay and boundaries between State aid and Public Procurement law;
- Compatibility assessment and Services of General Economic Interest (SGEIs);
- Procedures before the Commission and the EFTA Surveillance Authority (ESA);
- The scope of judicial review;
- Measures concerning the recovery of aid that was declared incompatible with the internal market.

**Læringsutbytte****Kunnskaper**

By the end of the course, students:

– have advanced knowledge of material and procedural rules in the field of State aid as well as the relevant theories, principles and notions

-have advanced knowledge of the rules governing the competences and obligations of national authorities and national courts in the field of State aid

– have good knowledge of the ongoing academic discussions in the field and can present their own opinions when discussing the most debated topics such as State aid and taxation (tax rulings), the use of Temporary Frameworks or supporting the European Green Deal

-have good knowledge of the ongoing modernisation of State aid rules that are being adjusted in order to respond to amongst others climate change and crises resulting from the Covid-19 outbreak and the war in Ukraine

– can update the acquired knowledge by using different resources

– have knowledge of the reasoning behind the State aid law regime and its significance in the legal framework of the internal market as well as its relation to competition law, public procurement law and the rules of the four freedoms.

### **Ferdigheter**

By the end of the course, students:

-can identify the relevant rules that are applicable to a given case and apply them correctly while explaining and justifying their choice of regulations and the conclusions both orally and in writing

-can identify potential and existing weaknesses of the current regulations and discuss potential solutions

- can provide a thorough analysis of a given topic by referring to relevant regulations, case-law and legal literature.

### **Generell kompetanse**

By the end of the course, students:

-can complete the proposed assignments alone or as part of a group, present and discuss the results orally and in writing

-can communicate the relevant issues in the field and discuss them by using State aid law terminology and theories

- can discuss and assess the role of State aid rules in the context of the EU's policies and ambitions concerning amongst others fighting climate change, economic and energy crises.

### **Beskriv sammenhengen mellom læringsutbyttet, undervisningen og prøvingen.**

Teaching consists of 10 lectures and 2 master classes. During the lectures students are presented with both the theory and its application to examples of State interventions that may amount to State aid. In this respect, students are given small assignments to be solved either alone or in a group. During master classes, students discuss and solve examples of complex State aid cases and participate in a moot court exercise. In this way, students acquire knowledge of the relevant rules and learn how to apply them. The exam consists of an obligatory essay (home exam) and a school exam. The essay requires students to elaborate on a given topic, which tests the student's knowledge of the relevant rules, case law as well as referring to relevant legal literature. The school exam consists of two parts: a case and a theoretical question. The case tests the student's ability to first identify the relevant rules and then apply them correctly while providing arguments for the chosen solution. The case always leaves some room for raising more problematic issues, which gives students a possibility to demonstrate their knowledge of State aid law in a broader context.

### **Litteratur**

#### **Hovedlitteratur**

Selected chapters of: Leigh Hancher, Tom Ottervanger, Piet Jan Slot (eds), "EU State Aids", Sweet & Maxwell 2021:

2. Phedon Nicolaidis, "The economics of State aid and the fundamental state aid trilemma", pp. 23-42.

3. Leigh Hancher, "The general framework", pp. 43-130.

4. Leigh Hancher, Francesco Maria Salerno, "Article 107(2) and Article 107(3)", pp. 131-182.

6. Koen van de Castele, "De minimis aid», pp. 205-216.

7. Koen Van de Castele, «General Block Exemption Regulation", pp. 217-251.

8. Thomas Jaeger, "Services of General Economic Interest", pp. 255-306.

12. Wolfgang Schön, "State aid in the area of taxation", pp. 431-490.

25. Paul-John Loewenthal, Clemes Ziegler, "Administrative procedure", pp. 1033-1087.

26. Maartne Aalbers, Paul Adriaanse, "Recovery of unlawful aid", pp. 1089-1116.  
 27. Leo Flynn, Hans Gilliams, "Judicial protection", pp. 1117-1197.

Articles (available via UiB)

- Ranjana Andrea Achleitner, "The Interplay between the European Commission, National Authorities and National Courts in State Aid Law: An Attempt to Cut the Gordian Knot", *European State Aid Law Quarterly*, 2/2022, pp. 173-180.
- Antonis Metaxas, "EU State Aid Control in a Dynamic Global Environment: Time to Rethink the Interested Party Concept?", *European State Aid Law Quarterly*, 1/2022, pp. 43-53.
- Verena Rošic Feguš, "The Legitimacy of EU Soft Law: Still Nothing New or a Turn for The Worse in the Field of State Aid?", *European State Aid Law Quarterly*, 1/2022, pp. 54-64.
- Raymond Luja, "The Foreign Subsidies Regulation: Countering State Aid Beyond the European Union", *European State Aid Law Quarterly*, 2/2021, pp. 187-199.
- Leigh Hancher, Antonios Bouchagiar, "Hinkley Point C: Trimming the SAM, While Extending the Reach of Wider EU Law Infringements?", *European State Aid Law Quarterly*, 4/2021, pp. 529-545.
- Malgorzata Cyndecka, "'Reversed', 'Excessive' or Misconstrued? The Controversy About the Burden of Proof in MEOP Cases", *European State Aid Law Quarterly*, 2/2019, pp. 157-168.

**Undervisningssted** -Faculty of Law, University of Bergen

**Undervisningssemester** - Spring

**Undervisningsspråk** English

**Undervisningsformer og -metoder**

Discussion-based lectures and Master Classes.

During the lectures, students will be presented with the theory (the relevant regulations, principles, and theories in the field) and its application by discussing examples of State aid cases.

In addition, students will have access to dedicated modules for self-study via the online learning support system Mitt UiB. The modules in Mitt UiB will address selected topics in the field.

Master Classes look to go one step further than regular lectures – requiring more in-depth and specific preparation (i.e. reading of specific cases, articles, reports etc.), and charging students with responsibility for teaching and learning from each other through the use of flipped classrooms, group and/or individual presentations and debates.

**Emnet har obligatorisk oppgave** - Nei

**Andre obligatoriske undervisningsaktiviteter**

Participation in master classes, including a student presentation as part of the master classes.

**Vurdering**

Vurderingsformen(e) må henge sammen med undervisningen og det generelle læringsutbyttet.

**Vurderingssemester** - Spring

**Vurderingsform(er)** 4-hour digital school exam.

The students will have to answer two theoretical questions and provide an analysis of a case rising State aid issues. During the course students will learn how to approach such assignments.

Information about digital examination can be found here:

<http://www.uib.no/en/education/87471/digital-examination#>

### **Begrunnelse for vurderingsform**

The exam tests both theoretical and practical knowledge of State aid rules.

### **Språk eksamensoppgave**

English

### **Språk eksamensbesvarelse**

English

### **Karakterskala**

A-E for passed, F for failed

### **Hjelpemidler til eksamen**

#### **Support materials allowed during school exam**

See section 3-5 of the Supplementary Regulations for Studies at the Faculty of Law at the University of Bergen.

#### **Special regulations about dictionaries**

- According to the Regulations for Studies, one dictionary is permitted support material during the examination. Bilingual dictionaries containing for example both Norwegian-English and English-Norwegian are considered as one dictionary.
- Bilingual dictionaries to/from the same two languages - for example Norwegian-English/English-Norwegian - in two different volumes are also considered as one dictionary (irrespective of publisher or edition).
- Dictionaries as described above cannot be combined with any other types of dictionaries.
- Any kind of combination which makes up more than two physical volumes is forbidden.
- In case a student has a special need for any other combination than the above mentioned, such combination has to be clarified with/approved by the course coordinator minimum two weeks before the exam. Students who have not been granted permission to have a special combination minimum two weeks before the exam will be subject to the usual regulations (Section 3-5) about examination support materials.

### **Programansvarlig**

Studieutvalget har programansvaret for fakultetets studietilbud. Studieutvalget er delegert det koordinerende og overordnede ansvaret for fakultetets studietilbud. (Reglement for Det juridiske fakultet, § 9 pkt. 1.)

### **Evaluering av emnet**

According to the administrative arrangements for course evaluation at the Faculty of Law

### **Emnebeskrivelsen er utarbeidet av**

Malgorzata Agnieszka Cyndecka

### **E-post**

[malgorzata.cyndecka@uib.no](mailto:malgorzata.cyndecka@uib.no)

