# Template for decisions on the establishment of new subjects at the Faculty of Law: EU and EEA State aid law

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| **Subject** | |
| **Course title** | |
| Code | |
| Course title – bokmål* | EU and EEA State aid law |
| Course title – nynorsk* | EU and EEA State aid law |
| Course title – english* | EU and EEA State aid law |
| Number of credits* | 10 |
| Level (BA or MA) | MA |
| Course leader* | Christian Franklin/Malgorzata Agnieszka Cyndecka |
| Subject lecturer(s)* | Christian Franklin/Malgorzata Agnieszka Cyndecka |
| Contact person in the Administration (can be changed by the Admin. without a new decision) | Elective.courses@jurfa.uib.no |
| **Combines successfully with** | Competition Law (JUS258-2-B); EU and EEA Procurement Law (JUS285-2-A); EU and EEA Commercial Law (JUS287-2-A); Kommunal rett (JUS253-2-A); Norsk konkurranserett (JUS258-2-A); Energy Law (JUS 271-2-A) |
| **For courses in the law programme:** | |
| - Course content** | 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. For this purpose, this course focuses on both theoretical and practical aspects of rules governing the system of State aid control.<br><br>EU/EEA State aid rules are an essential component of EU/EEA competition law. State aid control has considerably gained in importance since the 1980's, and the ongoing State Aid Modernisation reform launched in 2012 is one of the most ambitious and comprehensive reform programmes introduced by the Commission in recent history.<br><br>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 as it corrects market failures and targets sustainable growth-enhancing policies, whilst encouraging budgetary consolidation and limiting distortions of competition.<br><br>The practical importance of State aid rules was well demonstrated in the wake of the financial crisis in 2008. National support to the financial sector between October 2008 and 31 December 2011 amounted to €1.6 trillion (13 % of EU GDP). Other non-crisis and sectoral aid measures came to €67.2 billion (0.52% of EU GDP) in 2013 alone<br><br>State aid is subject to approval by the Commission (EU) or ESA (EEA). As regards aid that is declared incompatible, the Commission and ESA have the power to issue a recovery order. In the worst case, this may lead to a bankruptcy of the beneficiary in question. |

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| | 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:<br><br>• Definition of State aid and objectives of State aid control;<br>• The notion of the «private investor test» - the state acting as entrepreneur, and issues of cross-subsidisation;<br>• Primary and secondary EU and EEA law on state aid, the relevant case-law of the EU Courts and the EFTA Court;<br>• State aid control at national level in the EEA Member States;<br>• Certain relevant aspects of the interplay and boundaries between State aid and Public Procurement law;<br>• Compatibility assessment and Services of General Economic Interest (SGEIs);<br>• Procedures before the Commission and the EFTA Surveillance Authority, (ESA);<br>• The scope of judicial review;<br>• Measures concerning the recovery of aid declared incompatible with the internal market. |
| - Learning outcome** | By the end of the course, the students will have acquired a thorough knowledge of material EU/EEA State aid law and case-law.<br><br>In particular, the students will be able to:<br><br>• clarify the objectives and relevance of State aid control;<br>• explain the key concepts of State aid law;<br>• explain the rules governing the compatibility assessment;<br>• provide an account of different types of aid, their objectives and rules governing the compatibility assessment;<br>• explain the role of SGEIs and their relation to State aid rules;<br>• describe the role of the Commission, ESA, EU Courts and the EFTA Court in safeguarding the proper functioning of the system of State aid control;<br>• identify potential and actual State aid problems in daily practice from the perspective of the grantor (the state), the beneficiary undertaking and its competitors.<br><br>The students will also become familiar with some of the most relevant EU and EEA case law on State aid. |
| - Literature** | Required reading materials:<br>Selected chapters in Kelyn Bacon, European Union Law of State Aid, 2nd edition, 2013.<br><br>Suggested readings materials: Selected articles on State aid issues. |
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| **Teaching:** | |
| - teaching semester (autumn/spring)* | Spring |
| - teaching methods* | Lectures and seminars |
| - teaching language* | English |
| - compulsory elements* | None |
| **Admission/admittance regulation:** | |
| - general admittance requirements* | MAJUR, MAJUR2, JUSVALG, INTL-JUS |
| - course admission* | |
| - capacity of course participant | No restrictions |

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| - private candidate admittance* | |
| **Exam:** | |
| - examination semester (Autumn/Spring)* | Spring. For students that have failed the school exam but passed the home exam (paper), a re-sit exam will be provided in June. |
| - type of examination *<br>o semester with teaching<br>o semester without teaching | Home exam (paper), constituting 25% of the final grade<br>4 hour school exam, constituting 75% of the final grade |
| - duration of exam* | 4 hour school exam |
| - examination language*<br>- the exam question<br>- the answer | <br>English<br>English |
| - grade system* | Graded scale with 5 levels from A to E for passes and F for fail, see Section 3-1 no. 2, first sentence of *Studieplanen for masterstudiet I rettsvitenskap ved UiB*. |
| Remedies permitted in addition to § 3-6 | |
| **Basic admission requirements** (including language requirements): | Good level of English language |
| - compulsory* | 3 years of university studies |
| - recommended* | 3 years of law studies |
| **Academic overlap with other courses*** | No overlapping with other courses |
| **Evaluation*** | According to Law Faculty routines |
| **Contact information*** - Department/Institute/ Faculty | Contact person in the Administration: **Elective.courses@jurfa.uib.no**<br>Department: **The Faculty of Law**<br>Visiting address: Magnus Lagabøtes plass 1<br>Office hours: 09.00 – 14.00.<br>Postal address: Postboks 7806<br>Post number and city: 5020 BERGEN<br>Phone: + 47 55 58 95 00<br>Fax: + 47 55 58 95 10<br>E-mail: elective.courses@jurfa.uib.no<br>Web: http://www.uib.no/jur |
| **Target group(s)** | Students interested in EU/EEA law, especially EU/EEA Competition, Commercial and Public Procurement law, both exchange students and students on the Master's programme at the Faculty of Law in Bergen. |
| **The need for adjustment with regard to the target groups** | None |
| **Financing of the course** | In addition to the ordinary internal financial framework for elective subjects, provision should be made to allow for 4 hours of lectures to provide students with a basic introduction to EU and EEA law. This would be essential for all exchange students taking part on the course who will presumably have limited knowledge of the EEA legal system, and to which most of the academic literature is written in Norwegian, Icelandic and German, |
| **Resources** | |
| - course leader | Internal |
| - teaching resources | Internal |
| - administrative resources | Internal |
| **Relevance of the course** | |