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# FOREWORD

So much ground has been covered since the adoption of the first Notice on the cooperation with national courts<sup>1</sup> in 1995. As the present book reveals, the European Union has experienced a surge in State aid cases in national courts, and this trend is not likely to revert, in particular in view of the current public and business interest on State aid matters in the recent years.

The European Commission has been a strong advocate of private State aid litigation throughout this time. Joaquin Almunia, Vice President of the European Commission, recently declared<sup>2</sup> that the increase in State aid cases brought before national courts is “one of the most important recent developments in the field of State aid, and one which I wholeheartedly welcome”.

In April 2009, the European Commission adopted a new Notice on the enforcement of State aid law by national courts<sup>3</sup>, which had two key aims: to explain the role of national courts in the State aid field as defined by the European Courts, and to offer national courts practical and user-friendly support in individual cases. The Notice is the result of a comprehensive review of the Commission’s 1995 notice and takes into account recent legislative developments and case-law.

This has been accompanied by a series of advocacy actions including conferences, publications, and State aid training for national judges. Directorate General for Competition also launched dedicated pages on its website<sup>4</sup> containing relevant information on private enforcement, including a compilation of State aid judgments which are mentioned in this book.

I would like to commend the quality of the work of the 27 national rapporteurs under the direction of Hogan Lovells, who have produced a thorough, clear, and wide picture of private State aid-related litigation in the European Union. This book will therefore provide the reader not only with information about how State aid law is enforced ‘at home’, but also with useful comparisons and examples from other national jurisdictions.

In my view, it is also particularly significant that each national report includes a section on “trends, reforms and recommendations”. While, as the reader will soon discover, it is obvious that some difficulties and important issues remain which may stand in the way of the successful

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1 Notice on cooperation between national courts and the Commission in the State aid field, OJ (1995) C 312.

2 [Http://ec.europa.eu/competition/publications/state\\_aid/national\\_courts\\_booklet\\_en.pdf](http://ec.europa.eu/competition/publications/state_aid/national_courts_booklet_en.pdf).

3 Commission notice on the enforcement of State aid law by national courts, OJ (2009) C 85/1.

4 [Http://ec.europa.eu/competition/court/state\\_aid.html](http://ec.europa.eu/competition/court/state_aid.html).

protection of competitors against unlawful State aid, our common objective should be to look ahead, together with the legal community, in order to jointly promote the reinforcement of private State aids enforcement at national level in the future.

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<sup>5</sup> The views expressed are purely those of the writer and may not in any circumstances be regarded as stating an official position of the European Commission.