

Subject: Study on the enforcement of state aid rules and decisions by national courts in the EEA EFTA States

Objective and required content:

The objective of the study is to obtain a comprehensive overview of the enforcement of state aid rules by national courts of the EEA EFTA States from 1994 to 2018. The study must gather information regarding the most relevant rulings adopted by national courts on state aid matters at all levels of jurisdiction, from first to last instance courts. The information shall allow the experts carrying out the study and the Authority to draw conclusions both at national and EEA EFTA level.

The study must at least provide information on (required minimum content):

- A list of all relevant judgments, and a description, summarisation and assessment of judgments of most legal relevance.¹
- How the standstill obligation is enforced by national courts, i.e. which are the most frequent actions brought before national courts, who are the main actors (e.g. beneficiaries, competitors, tax payers) and which is the trend seen since 1994.
- How the effective enforcement of recovery decisions is ensured by national courts, for instance; (i) final judgments by national courts regarding actions against national recovery orders brought by applicants without *locus standi* to challenge the Authority's decisions before the EFTA court, (ii) award of interim measures etc.
- Difficulties encountered by national courts when applying state aid rules and how such difficulties have been overcome. This would include identifying specific provisions of national legislation that could impede effective private enforcement.
- Identification of best practices regarding state aid enforcement that can be shared EEA-wide.
- To what extent the Authority's [Guidelines on enforcement of state aid law by national courts](#) are being used and what could be done to render them more efficient if needed.
- State-specific and EEA EFTA States wide conclusions and recommendations.

The results of the study should be presented in a user friendly and accessible way. The study will be made publicly available online and the chosen experts will be expected to make presentations of the final study at conferences/workshops organized by the Authority in Brussels and/or the EEA EFTA States.

The study shall be as short and concise as possible, in English (the working language of the Authority), communicating in a clear and straightforward way the main insights. The Authority expects the Study to be finalised in May 2019.

Call for interest

The Authority is looking for experts in the field of state aid, which also have a solid knowledge of the legal system of the three EEA EFTA States, to carry out the study. The

¹ As regards identification, classification and summarising the most relevant rulings of national courts, please see pages 7 and 8 of [tender specifications](#) of a similar study procured by the European Commission concerning the EU28.

study can either be carried out by three different expert providers or through a consortium covering the three EEA EFTA States. If there are several independent providers, the Authority may appoint one of the experts as a coordinator.

Experts interested in carrying out the Study will have to include a short description of the methodology to be applied in gathering and delivering information on the above mentioned topics and expected tasks (*max 400 words*), taking into account the given timeframe and the likelihood to obtain the relevant information. They must also include a short description of their qualifications and previous experience in the field of state aid (*max 200 words*).

Finally, interested parties must submit an offer which includes the amount of hours expected for carrying out the study as well as their required fee in EUR (*without VAT*). The deadline to submit applications to participate in the study is **6 March 2019**.