Preface

We are very pleased to have been entrusted with the weighty task of putting together a second edition of this *Research Handbook*. For the first edition Erika Szyszczak had collected not only an excellent set of essays but also furnished the state aid community with a handbook that became staple reading for many courses on European state aid law. Almost a decade later we are continuing on this path – simultaneously offering a collection of thought-provoking essays by established experts as well as a range of coverage designed to introduce students into the fascinating subject matter that is EU state aid law. We are grateful that many of the first edition authors were prepared to come on board for the second edition. Several authors were also kind enough to give permission for their original texts to be updated by new contributors. In addition, we have included several new topics that have emerged as major issues of controversy in recent years.

The second edition maintains an interdisciplinary approach, with Chapter 1 examining **State aid control from a political science perspective** (Michelle Cini) and Chapter 2 analysing **the market economy operator principle** as an economic role model for assessing the legal criterion of economic advantage (Nicole Robins and Laura Puglisi).

In this second edition we are also very pleased to introduce two new themes and new authors – Chapter 9 on **EU State aid and arbitration** (Kai Struckmann, Genevra Forwood, Aqeel Kadri, and Irina Trichkovska), and Chapter 10 on **State aid and Brexit** (George Peretz). Both topics have been extensively discussed in recent literature and many questions as to how the application of the state aid rules might evolve remain open.

Several chapters are devoted to the increasingly complex issue of the relationship between taxation and state aid, providing different perspectives on the theme – Chapter 3 on **Taxation and State aid** (Julia Rapp) and Chapter 16 on **Tax rulings and State aid: musings on recovery** (Dimitrios Kyriazis). Chapter 8 examines **the related but equally controversial topic of selectivity outside the field of taxation** (Andreas Bartosch).

Given the evolution in both the case law and Commission decision practice, several sectors deserve special emphasis. This is the case for the energy sector – discussed in Chapter 4 (Leigh Hancher and Francesco Salerno) and the airlines and airport sector, analysed in Chapter 14 (Brian R. Byrne and Ella Adler). The chapter on **State aid and the financial sector: the crisis and beyond** (Małgorzata Agnieszka Cyndecka) offers a timely evaluation of how the regime adopted in the light of the financial crisis of 2008 has evolved. Although we have not been able to include a separate chapter on the package of measures adopted to deal with the Covid-19 crisis, the insights gained from 2008 are invaluable to addressing the current challenges, as Dr Cyndecka points out, the legal challenges related to the pandemic are also raised in a number of chapters in this volume.

The focus of this edition is also broadened to include **social services and State aid: new steps towards a more ‘Social Europe’?** in Chapter 11 (Delia Ferri). Controversies over the division of competences between the EU and Member states abound in this sensitive area.

A comprehensive analysis of EU state aid law also necessitates a careful examination of the interaction of the Treaty articles on **free movement** as well as **public procurement**. We are

delighted to include a first edition author – Andrea Biondi – on the former subject (Chapter 5), as well as to welcome a new author – Albert Sánchez-Graells – on the latter topic (Chapter 17).

Although the focus of this handbook is primarily on EU law, the international dimension of subsidy control is of increasing importance and this is examined in Chapter 6 **State aid and international trade law** (Luca Rubini), and in Chapter 15 **State aid law beyond the EU** (Juan Jorge Piernas López).

No analysis of State aid law would be complete without a focus on the procedural dimension. We have included two chapters which reflect both the current trends and challenges in this area. Chapter 12 focuses on **the private enforcement of State aid law** (Fernando Pastor-Merchante) and Chapter 13 provides a concise overview of **State aid procedures** (Elisabetta Righini and Flavia Tomat).

We would like to thank all the contributors for giving their valuable time to making sure this project went very smoothly. Finding time to write in addition to caring for families, pursuing professional careers and dealing with the normal pressures of life is always challenging. This book has largely been produced during the months of lockdown. We are especially grateful that our contributors and publishers have persevered to deliver this second edition in such difficult times. We would also like to express our gratitude to Kim Schuurman of Tilburg University for her formidable editing skills.

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