Concurrences

REVUE DES DROITS DE LA CONCURRENCE | COMPETITION LAW REVIEW

Admissibility of appeals lodged by competitors after the *Montessori* judgment – *La possibilité d'une île*

Legal practices | Concurrences N° 4-2019 | pp. 222-230

Aymeric de Moncuit
aymeric.de-moncuit@curia.europa.eu
Référendaire
General Court of the European Union, Luxembourg

Valérie Noël
valerie.noel@curia.europa.eu
Référendaire
General Court of the European Union, Luxembourg

INSTITUT de droit de la concurrence

Aymeric de Moncuit*
aymeric.de-moncuit@curia.europa.eu
Référendaire
General Court of the European Union, Luxembourg

Valérie Noël*
valerie.noel@curia.europa.eu
Référendaire
General Court of the European Union, Luxembourg

Admissibility of appeals lodged by competitors after the *Montessori* judgment – *La possibilité d'une île*

ABSTRACT

Any person who wishes to challenge a Commission decision authorising the granting of aid to a competitor must be directly and individually concerned by such aid, in accordance with Article 263(4) TFEU. According to the case law, this is particularly the case if the market position of this person is "substantially affected" by the aid in question, which, judging by the success rate for this type of action, is similar to a *probatio diabolica*. At the same time, access to the EU courts for competitors of aid scheme beneficiaries seems to have been greatly facilitated, especially since the *Montessori* judgment. Following an analysis of the admissibility rules applicable to appeals lodged by competitors, depending on whether they contest a decision on an individual aid or on an aid scheme, this article reflects on the existing gap between these two admissibility regimes, its legitimacy and the possibility of a form of convergence in the future, in order to achieve a more effective judicial protection of the European litigant.

Une personne qui souhaite attaquer une décision de la Commission autorisant l'octroi d'une aide à un concurrent doit être directement et individuellement concernée par cette aide, conformément à l'article 263, quatrième alinéa, TFUE. Selon la jurisprudence, c'est notamment le cas si la position concurrentielle de cette personne est « substantiellement affectée » par l'aide en question, ce qui s'apparente à une probatio diabolica à en juger par le taux de succès de ce type de recours. En revanche, l'accès au prétoire européen des concurrents de bénéficiaires d'un régime d'aides semble grandement facilité, en particulier depuis l'arrêt Montessori. Après une analyse des règles de recevabilité applicables aux recours introduits par les concurrents selon qu'ils contestent une décision portant sur une aide individuelle ou sur un régime d'aides, le présent article propose une réflexion sur l'écart existant entre ces deux régimes de recevabilité, sa légitimité et la possibilité d'une forme de convergence dans le futur, pour une protection juridictionnelle plus effective du justiciable européen.

* The opinions expressed in this contribution are purely personal. The authors would like to thank Pauline Sabouret for her precious contribution in reviewing this article and their spouses and children for their continued support and patience at the time of writing this article.

A French version of this article is available in Concurrences' online supplement.

1. The possibility of challenging the legality of acts of a public authority is one of the essential attributes of the rule of law. It reflects the submission of such an authority to the rule of law.[1] The concept of the rule of law includes the principle of effective judicial protection, which enables litigants to assert the rights that they derive from the legal order.[2] This principle has been reaffirmed in Article 47 of the Charter of Fundamental Rights of the European Union with regard to the rights guaranteed by EU law.

2. The action for annulment instituted by Article 263 of the Treaty on the Functioning of the European Union (TFEU) is at the heart of the European legal order, allowing direct control of the legality of the acts of the Union before the Court of Justice of the European Union (hereinafter "the Court").[3] It is the most effective way of ensuring the respect of EU law by its institutions.[4]

3. The purpose of the action for annulment, as conceived in the founding treaties of the Union, is not, however, to allow any person to contest, in the public interest, the legality of EU acts.[5] Individuals who intend to challenge the lawfulness of an EU act must indeed meet a number of conditions relating to standing, which explains why they are commonly referred to as "unprivileged applicants" before the EU judicature.

4. The admissibility of an action for annulment brought by individuals depends on the intensity with which they are affected by the contested act. In that sense, the rules on the admissibility of actions for annulment introduce a certain

1 J. Van Meerbeeck and A. Van Waeyenberge, Les conditions de recevabilité des recours introduits par les particuliers : au cœur du dédale européen, in *Les innovations du Traité de Lisbonne : incidences pour le praticien*, N. Sadeleer, H. Dumont, P. Jadoul and S. Van Drooghenbroeck (eds.), Brussels, Bruylant, 2011, p. 167.

2 On the link between the value of the rule of law and the right to effective judicial protection in the European Union, *see* judgment of 28 March 2017, *Rosneft*, C-72/15, EU:C:2017:236, para. 73.

3 K. Lenaerts, I. Maselis and K. Gutman, *EU Procedural Law*, Oxford University Press, 2014, p. 254.

4 *See*, on the appropriateness of the action for annulment in deciding questions of validity of a Union act, the Opinion of Advocate General F. G. Jacobs in *Unión de Pequeños Agricultores v. Council*, C-50/00 P, EU:C:2002:197, para. 36–49.

5 R. Barents and H. E. Breese, *Remedies and Procedures before the EU Courts*, Kluwer, 2016, p. 218.

"*hierarchy* (…) *of damaged interests*" by preventing litigants "*who would only be affected in an* (…) *indirect way, to challenge retroactively situations accepted by those directly affected.*"[6]

5. Before the entry into force of the Lisbon Treaty, the action for annulment was open only to the addressees of the contested measure or to persons who, although not addressees, were directly and individually concerned by that act[7]. The Court interpreted the concept of "individual concern" narrowly[8] in its judgment of 15 July 1963, *Plaumann*,[9] as requiring the contested act to affect those persons "*by reason of certain attributes which are peculiar to them or by reason of circumstances in which they are differentiated from all other persons and by virtue of these factors* [to] *distinguish them individually just as in the case of the person addressed.*"[10]

6. This case law has been applied in all types of litigation, including state aid. As a result, access to the courtroom has been limited for undertakings challenging the lawfulness of Commission decisions authorizing the granting of individual aid to a competitor (I.).

7. Since the entry into force of the Lisbon Treaty, individuals may also bring an action for annulment as regards any regulatory act which concerns them directly and does not contain implementing measures. This is the third situation referred to in Article 263(4) TFEU[11] and the one that was effectively declared to be applicable to competitors of beneficiaries of an aid scheme by the Court in its judgment of 6 November 2018, *Montessori*[12] (II.).

8. There is thus a questionable gap as regards access to the EU courts by competitors of beneficiaries of state aid, depending on whether they contest a decision concerning an individual aid or an aid scheme. This gap, together with other elements, may, however, create a favourable environment for some form of convergence in the future (III.).

I. Admissibility of appeals lodged by competitors of beneficiaries of individual aid: A courtroom still closed

9. The admissibility of actions for annulment brought against individual aid decisions has been subject to considerable criticism by both academics[13] and advocates general.[14]

10. "Individual aid" is defined in Article 1(e) of Regulation (EU) 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union[15] (hereinafter "the Rules of Procedure") as "*aid that is not awarded on the basis of an aid scheme and notifiable awards of aid on the basis of an aid scheme.*"

11. Two types of actions may be brought by competitors against individual aid: first, an action based on the infringement of procedural rights, against the Commission decision not to initiate the formal investigation procedure under Article 108(2) TFEU and, secondly, an action to challenge, on the substance, the legality of the Commission decision taken at the end of the preliminary examination phase (decision finding no state aid or decision not to raise objections) or of the formal investigation procedure (positive decision or negative decision).

12. Despite significant progress towards easing the conditions for the admissibility of actions based on infringement of procedural rights brought by competitors of beneficiaries of individual aids (1.), the approach of the EU courts remains restrictive (2.).

6 This expression (free translation) is from the Government Commissioner M. Théry, used in relation to the action for misuse of powers brought before the administrative court in France (Opinion in CE, Section, 28 May 1971, *Damasio*, No. 78951, p. 391).

7 Article 230(4) of the Treaty establishing the European Community.

8 Opinion of Advocate General F. G. Jacobs in *Unión de Pequeños Agricultores v. Council*, cited in para. 2 above, para. 2.

9 Judgment of 15 July 1963, *Plaumann v. Commission*, 25/62, EU:C:1963:17 (hereinafter "the *Plaumann* judgment" or "the *Plaumann* case law").

10 Ibid., p. 223.

11 Hereinafter "the last limb of Article 263(4) TFEU."

12 Judgment of 6 November 2018, *Scuola Elementare Maria Montessori v. Commission*, joined cases C-622/16 P to C-624/16 P, EU:C:2018:873 (hereinafter "the *Montessori* judgment" or "*Montessori*").

13 Critics are countless, *see* F. Mariatte, Développements récents sur les questions de recevabilité des recours dans le contentieux des aides d'État, in *Contentieux de l'Union européenne – Questions choisies*, S. Mahieu (ed.), Larcier, 2014, p. 259.

14 *See*, in particular, Opinions of Advocate General F. G. Jacobs in *Commission v. Aktionsgemeinschaft Recht und Eigentum*, C-78/03 P, EU:C:2005:106, para. 101– 102 and 138–141; of Advocate General Y. Bot in *Germany and Others v. Kronofrance*, joined cases C-75/05 P and C-80/05 P, EU:C:2008:140, para. 68– 76; and of Advocate General P. Mengozzi in *British Aggregates v. Commission*, C-487/06 P, EU:C:2008:419, para. 54-88.

15 OJ L 248, 24.09.2015, p. 9.

1. Standing to bring proceedings against a Commission decision adopted at the end of the preliminary examination phase: Still a strict interpretation as to the qualification of the subject-matter of the action

13. While it may be difficult, in practice, for competitors of beneficiaries to challenge the substance of the decisions adopted by the Commission without opening the formal investigation procedure, since this examination phase is most often confidential and does not provide for any third parties' intervention,[16] the Court, in its judgments of 19 May 1993, *Cook*,[17] and of 15 June 1993, *Matra*,[18] created an alternative remedy by allowing the competing undertakings of the beneficiary of an aid to claim the infringement of their procedural rights and, in particular, of their right to be heard under Article 108(2) TFEU.

14. As repeated since then in other judgments, the Court, having recalled that it was necessary to distinguish, on the one hand, the preliminary examination phase set up by Article 108(3) TFEU, which is only intended to shape the Commission's initial opinion on the partial or total compatibility of an aid, and, on the other hand, the examination phase of Article 108(2) TFEU, which authorizes interested parties to "*submit their comments*," held that "[w]*here, without initiating the procedure of Article* [108(2) TFEU]*, the Commission finds, on the basis of* [Article 108(3) TFEU]*, that an aid is compatible with the* [internal] *market, the persons intended to benefit from those procedural guarantees* [i.e., the right to submit observations] *may secure compliance therewith only if they are able to challenge that decision by the Commission* [not to open the formal investigation procedure] *before the Court*."[19]

15. Thus, it was on the basis of the protection of their procedural rights (since the undertakings were not able to submit observations before the final decision) that the undertakings were entitled, in *Cook* and *Matra*, to challenge the decision of the Commission not to open the formal investigation procedure. Where the appeal seeks to safeguard the procedural rights that the applicant derives from Article 108(2) TFEU, the status of "interested party," defined very broadly in Article 1(h) of the Rules of Procedure and explicitly including competing undertakings, is sufficient to individualize any applicant who challenges a decision not to open the formal investigation procedure under Article 263(4) TFEU.[20] The applicants enjoy a "*procedural privilege*"[21] because they do not have to show that they are individually concerned by the decision of the Commission within the meaning of the *Plaumann* judgment.

16. If the EU judicature seems to have initially taken a strict approach insofar as identifying the subject-matter of the action in the application is concerned, by requiring the applicant to expressly indicate[22] that the Commission has infringed the obligation to open the formal investigation procedure, the Court has eventually relaxed its conditions of admissibility by waiving the requirement that the application formally indicates, for the purposes of admissibility, that it seeks the annulment of a "*decision not to open the formal investigation procedure*."[23]

17. The relaxation of the conditions of admissibility for actions for annulment brought by an "interested party" goes hand in hand with the increased vigilance of the EU judicature as to whether the Commission should have opened the formal investigation procedure in the light of the existence of "serious difficulties." Indeed, in several recent judgments, the General Court of the European Union (hereinafter "the General Court") has censured the Commission for not having opened the formal investigation procedure in the presence of such difficulties. In the judgment of 13 December 2018, *Scandlines Denmark*,[24] it did not hesitate to check the method of calculation of the internal rate of return (IRR) in order to conclude that those "serious difficulties" existed. Similarly, in the judgment of 15 November 2018, *Tempus Energy*,[25] delivered in an extended chamber, the General Court stated that, in order to be able to carry out a sufficient examination under state aid rules, the Commission "[was] *not obliged to limit its analysis to the information contained in the notification of the measure at issue*," thus placing a sizeable burden on the investigations of the Commission.[26]

18. While this case law further opens the courtroom to competitors of aid beneficiaries, the approach nevertheless remains rather formalistic insofar as access to the EU judicature is conditioned upon the formal invocation of a plea alleging infringement of the applicant's procedural

16 M. Karpenschif, *Droit européen des aides d'État*, Brussels, Bruylant, 2017, p. 288.

17 Judgment of 19 May 1993, *Cook v. Commission*, C-198/91, EU:C:1993:197.

18 Judgment of 15 June 1993, *Matra v. Commission*, C-225/91, EU:C:1993:239.

19 *Cook v. Commission*, para. 23 and *Matra v. Commission*, para. 17, both cited in para. 13 above. *See*, on this development, A. de Moncuit and I. Signes de Mesa, *Droit processuel des aides d'État*, Bruylant (forthcoming).

20 Judgment of 12 May 2016, *Hamr – Sport v. Commission*, T-693/14, not published, EU:T:2016:292, para. 36; *see also*, to that effect and by analogy, judgment of 24 May 2011, *Commission v. Kronoply and Kronotex*, C-83/09 P, EU:C:2011:341, para. 48.

21 F. Mariatte, cited in para. 9 above, pp. 268–269.

22 Judgment of 13 December 2005, *Commission v. Aktionsgemeinschaft Recht und Eigentum*, C-78/03 P, EU:C:2005:761, para. 65.

23 *Commission v. Kronoply and Kronotex*, cited in para. 15 above, para. 51–59. On this development, *see* A. de Moncuit and I. Signes de Mesa, cited in para. 14.

24 Judgment of 13 December 2018, *Scandlines Danmark and Scandlines Deutschland v. Commission*, T-630/15, not published, EU:T:2018:942, para. 195–220.

25 Judgment of 15 November 2018, *Tempus Energy and Tempus Energy Technology v. Commission*, T-793/14, EU:T:2018:790.

26 Ibid., para. 69.

rights. If the "magic formula"[27] of the violation of procedural rights is not invoked, an interested party may have its appeal declared inadmissible unless it could demonstrate that it is individually concerned by the contested decision within the meaning of the *Plaumann* case law.[28]

2. Standing to bring proceedings against a Commission decision adopted at the end of the formal investigation procedure: The tightening of the conditions for admissibility

19. When applicants question the validity of a Commission decision as such, they must show that they have a special status within the meaning of the *Plaumann* case law, i.e., that the decision "*affects them because of certain qualities which are particular to them or because of a factual situation which characterizes them in relation to any other person*,"[29] the mere status of "interested party" not being sufficient to open the courtroom. Similarly, the mere participation of an applicant in the preliminary investigation phase, regardless of whether the latter lodged a complaint with confidence after notification of the aid[30] or was the author of the complaint initiating the procedure,[31] does not make it possible to consider that it is, in its sole capacity as the author of the complaint, individually concerned by the decision adopted at the end of that procedure. The applicant must demonstrate that its market position is "substantially affected" by the aid that is the subject of the Commission's decision. However, the demonstration of this "substantial affectation," when looking at the success rate of appeals lodged by competitors of aid recipients, is often similar to a *probatio diabolica*.

20. At the outset, however, it seems that the Court did not wish to stress the criterion relating to the substantial affectation of the applicant's position on the market. On the contrary, the emphasis was put on the applicant's involvement in the procedure leading to the Commission's decision authorizing the granting of the aid. The judgment of 28 January 1986, *Cofaz*,[32] made it a condition for the admissibility of the appeal that the applicant "*was at the origin of the complaint which led to the opening of the investigation procedure,* (…) *that its views were heard during that procedure and* (…) *that the conduct of the procedure was largely determined by its observations* (…)[if] *however,* [its] *position on the market is substantially affected by the aid which is the subject of the contested decision*." The criterion based on substantial affectation therefore appeared to be a negative criterion likely to prevent admissibility, which was established, in the first place, on the basis of the intensity of participation in the examination procedure.

21. However, the lack of substantial affectation of the applicant (which was likely to prevent admissibility) gradually turned into a positive criterion, to become the primary criterion in the examination of admissibility.[33] This could suggest a narrowing of the conditions for admissibility, since the evidence of a substantial affectation of the market position is more difficult to establish than the condition of significant participation in the proceedings.

22. However, the evolution of the case law between 1985 and 2004 shows that, at first, no narrowing of the conditions for admissibility occurred. On the contrary, the condition relating to individual affectation was frequently validated at that time[34] on the basis of three criteria: the existence of direct competition between the beneficiary of the aid and the applicant, a high degree of market concentration and the existence of overcapacity on the market.[35] As an experienced commentator on litigation before the EU courts put it at that time "[t]*he opening of the appeal against a Commission decision to authorise aid appeared to be very broad*."[36]

23. The tightening of the case law on admissibility came about in 2004, following the *Deutsche Post*[37] order, in a context marked, on the one hand, by the *Jégo-Quéré*[38] judgment in which the Court censured the General Court for trying to broaden the concept of individual

---

27 S. Thomas, Le rôle des concurrents dans les procédures judiciaires concernant des régimes d'aides d'État ou des aides individuelles. Montessori : le début d'une révolution ?, in *Revue des affaires européennes*, M. Merola (ed.), 2019 (forthcoming).

28 *See*, for example, order of 11 April 2018, *Abes v. Commission*, T-813/16, not published, EU:T:2018:189. *See also* judgment of 15 January 2013, *Aiscat v. Commission*, T-182/10, EU:T:2013:9, para. 44–47 and the case law cited.

29 *See* para. 5 above.

30 Judgment of 10 July 2012, *Smurfit Kappa Group v. Commission*, T-304/08, EU:T:2012:351, para. 56.

31 Judgment of 9 July 2009, *3F v. Commission*, C-319/07 P, EU:C:2009:435, para. 95.

32 Judgment of 28 January 1986, *Cofaz and Others v. Commission*, 169/84, EU:C:1986:42, para. 24–25.

33 *See* the judgments of 27 April 1995, *ASPEC and Others v. Commission*, T-435/93, EU:T:1995:79, para. 65–71 and of 27 April 1995, *AAC and Others v. Commission*, T-442/93, EU:T:1995:80, para. 47–51, where the Court accepted that the applicants could demonstrate an individual affectation by circumstances other than the participation in the proceedings and, in this case, by showing a substantial affectation of their position by the decision authorizing the aid.

34 To our knowledge, the first judgments declaring actions inadmissible date back to 1998 (order of 18 February 1998, *Comité d'entreprise de la Société française de production and Others v. Commission*, T-189/97, EU:T:1998:38, judgment of 15 September 1998, *BP Chemicals v. Commission*, T-11/95, EU:T:1998:199). However, the General Court's finding of inadmissibility against the applicants seems to be in line with the criteria laid down in the previous case law.

35 *See* judgments of 2 February 1988, *Kwekerij van der Kooy and Others v. Commission*, joined cases 67/85, 68/85 and 70/85, EU:C:1988:38; *ASPEC and Others v. Commission*, cited in para. 21 above; *AAC and Others v. Commission*, cited in para. 21 above; of 6 July 1995, *AITEC and Others v. Commission*, T-447/93 to T-449/93, EU:T:1995:130; of 22 October 1996, *Skibsværftsforeningen and Others v. Commission*, T-266/94, EU:T:1996:153; and of 5 November 1997, *Ducros v. Commission*, T-149/95, EU:T:1997:165.

36 J.-M. Belorgey, La sécurité juridique des décisions d'octroi d'aides publiques au regard du droit communautaire, *AJDA*, Paris, a.56n.5 (Mai 2000), pp. 369–468 (free translation).

37 Order of 27 May 2004, *Deutsche Post and DHL v. Commission*, T-358/02, EU:T:2004:159 (hereinafter "the *Deutsche Post* order").

38 Judgment of 1 April 2004, *Commission v. Jégo-Quéré*, C-263/02 P, EU:C:2004:210.

affectation and, on the other hand, by the accession of ten new Member States and, consequently, an increase in the volume of cases that could be handled by the EU courts without a proportional increase of staff.

24. In the *Deutsche Post* order, delivered in an extended chamber, the General Court made a "return" to a strict interpretation of the *Plaumann* judgment and considered that the applicants had not adduced any evidence to show the "*particularity of* [their] *competitive situation on the Italian postal market*."[39] In that case, one of the applicants claimed that it was a member of one of the three main competing companies of the Italian postal operator and that its market share had decreased from 8% to 6.6% while, during the same period, that of the Italian postal operator had increased from 14% to 21%.

25. Since then, it has become apparent that, with a few exceptions,[40] the EU courts have almost systematically ruled that appeals challenging the legality of decisions adopted in the field of state aids are inadmissible, in the absence of evidence that the position of the competitor appealing the decision is particularly affected.[41]

26. The fact that the applicant has lodged a complaint, that it has participated in the administrative procedure or that the conduct of that procedure has been largely determined by its observations, far from being considered as necessary or sufficient conditions for the purpose of demonstrating the applicant's individual affectation, are in fact no longer even taken into account as relevant elements.[42]

27. This trend was recently confirmed in the *Whirlpool* judgment of 22 June 2016,[43] where the Court held, in accordance with existing case law (and in particular with the *Deutsche Post* order), that there was no evidence that the applicant "*would have been more capable than an average competitor of capturing the demand resulting from the disappearance of FagorBrandt*."

28. The same strictness can be observed in the very recent judgments of 11 July 2019, *Air France*,[44] and of 12 April 2019, *Deutsche Lufthansa*,[45] both delivered in extended chambers. In the first of those judgments, the General Court considered, on the basis of *Whirlpool* inter alia,[46] that, even if the applicant (Air France) and the alleged beneficiary of the aid (Ryanair) were the main users of Marseille Provence Airport, Air France had not provided any evidence making it possible to conclude that its competitive position was substantially affected on that market by the aid in question.[47]

29. Such a line of case law goes in the opposite direction of the one that seems to have been initiated by the *Montessori* judgment.

II. Admissibility of appeals lodged by competitors of aid scheme beneficiaries: The opening of the courtroom by the *Montessori* judgment

30. The Lisbon Treaty has relaxed the conditions of admissibility concerning actions for annulment, by providing individuals a new direct route of access to the EU judicature. The extension of the right to bring an action was made through an amendment to Article 263(4) TFEU, which since then provides that, in addition to the addressees and the persons directly and individually concerned by a Union act, those who are directly concerned by a regulatory act which does not entail implementing measures are entitled to bring an action for annulment.

31. In the *Montessori* judgment, the Court recognized that competitors of aid scheme beneficiaries may take this new route in order to challenge a Commission decision relating to an aid scheme.

32. *Montessori* leads to the relaxation of the conditions of admissibility for actions against decisions on aid schemes because the Court has favoured a flexible interpretation of each of the three conditions laid down in the final limb of Article 263(4) TFEU: the "regulatory" nature of the contested act (1.); the absence of "implementing measures" (2.); and, the existence of "direct concern" (3.). In so doing, the Court has significantly opened access to the courts to competitors of aid schemes beneficiaries.

39 *Deutsche Post* order, para. 38, 41 and 43.

40 Judgments of 21 October 2004, *Lenzing v. Commission*, T-36/99, EU:T:2004:312; of 13 September 2006, *British Aggregates v. Commission*, T-210/02, EU:T:2006:253; of 12 December 2006, *Asociación de Estaciones de Servicio de Madrid and Federación Catalana de Estaciones de Servicio v. Commission*, T-95/03, EU:T:2006:385; *Aiscat v. Commission*, cited in para. 18 above; and of 3 December 2014, *Castelnou Energía v. Commission*, T-57/11, EU:T:2014:1021.

41 *See* F. Pastor-Merchante, *The Role of Competitors in the Enforcement of State Aid Law*, Hart Publishing, 2017, pp. 166–167.

42 *See*, inter alia, judgments of 5 November 2014, *Vtesse Networks v. Commission*, T-362/10, EU:T:2014:928, para. 53 and 54; of 12 November 2015, *HSH Investment Holdings Coinvest-C and HSH Investment Holdings FSO v. Commission*, T-499/12, EU:T:2015:840, para. 45; of 22 June 2016, *Whirlpool Europe v. Commission*, T-118/13, EU:T:2016:365, para. 55; of 12 April 2019, *Deutsche Lufthansa v. Commission*, T-492/15, EU:T:2019:252, para. 143; and of 11 July 2019, *Air France v. Commission*, T-894/16, EU:T:2019:508, para. 71–72.

43 *Whirlpool Europe v. Commission*, cited in para. 26 above, para. 52.

44 *Air France v. Commission*, cited in para. 26 above.

45 *Deutsche Lufthansa v. Commission*, cited in para 26 above.

46 In the *Whirlpool* judgment cited in para. 26 above, the contested decision also acknowledged that Whirlpool was one of FagorBrandt's main competitors (*see* para. 30).

47 *Air France v. Commission*, cited in para. 26 above, para. 57.

1. Qualification of Commission decisions on aid scheme as "regulatory acts"

33. In the judgment of 3 October 2013, *Inuit Tapiriit Kanatami*,[48] the Court had already indicated that the notion of "regulatory act" within the meaning of the last limb of Article 263(4) TFEU should be understood as referring to acts of general application other than legislative acts.[49]

34. In *Montessori*, the Court held that, since a Commission decision on an aid scheme is of general application, it falls within the definition of a "regulatory act" and thus fulfils the first condition set out in the last limb of Article 263(4) TFEU.[50]

35. In reaching this conclusion, the Court relied on its case law on the second limb of Article 263(4) TFEU, according to which Commission decisions authorizing or prohibiting an aid scheme are of general application, because such decisions apply to objectively determined situations and produce legal effects with respect to a category of persons defined in a general and abstract manner.[51]

36. The qualification of decisions on aid schemes as "regulatory acts," enshrined in *Montessori*, allows competitors of aid scheme beneficiaries to take the new route to the EU judicature provided for in the final limb of Article 263(4) TFEU. In this sense, it gives them a key to open the door of the courtroom, from which competitors of individual aid beneficiaries are excluded.

37. Indeed, as they are not of general application, Commission decisions on individual aid cannot, in principle, qualify as "regulatory acts."[52] Those decisions are therefore a priori excluded from the legal remedy provided by the Lisbon Treaty.

38. However, in the order of 26 April 2016, *EGBA and RGA v. Commission*, the General Court indicated that a Commission decision relating to the compatibility of an individual aid financed by a parafiscal levy collected on all online horse-race betting stakes is a "regulatory act."[53]

48 Judgment of 3 October 2013, *Inuit Tapiriit Kanatami and Others v. Parliament and Council*, C-583/11 P, EU:C:2013:625, para. 60.

49 According to Advocate General F. G. Jacobs, the reason why legislative acts are excluded from the notion of "regulatory acts," appearing from the legislative history of the Draft Treaty establishing a Constitution for Europe, may be found in the idea that those acts are adopted by more democratically legitimate procedures than the other acts of general application (Opinion in case *Unión de Pequeños Agricultores v. Council*, cited in para. 2 above, para. 90).

50 The Court thus confirmed the analysis made by the General Court in first instance (judgments of 15 September 2016, *Ferracci v. Commission*, T-219/13, EU:T:2016:485, para. 55 and *Scuola Elementare Maria Montessori v. Commission*, T-220/13, EU:T:2016:484, para. 52).

51 *Montessori*, para. 31.

52 Judgments of 19 June 2019, *NeXovation v. Commission*, T-353/15, EU:T:2019:434, para. 47 and *Ja zum Nürburgring v. Commission*, T-373/15, EU:T:2019:432, para. 44.

53 Order of 26 April 2016, *EGBA and RGA v. Commission*, T-238/14, not published, EU:T:2016:259, para. 27–36.

2. Relaxation of the notion of "implementing measures"

39. In its case law, the Court gave a restrictive[54] interpretation as to what a regulatory act "*not entailing implementing measures*" is and, in doing so, it relied on the genesis of the last limb of Article 263(4) TFEU. The idea behind the creation of this part of the provision was to prevent individuals from being forced to infringe the law in order to have access to the court. Indeed, where a regulatory act directly affects the legal situation of a natural or legal person without requiring implementing measures, the latter could be denied effective judicial protection if it has no direct legal remedy before the EU judicature for the purposes of challenging the legality of that regulatory act. From this, the Court deduced that, on the contrary, where a regulatory act entails implementing measures, judicial review of compliance with the EU legal order is ensured irrespective of whether those measures were adopted by the EU or the Member States.[55]

40. The Court subsequently continued to develop a restrictive interpretation of the notion of "implementing measures," refusing to limit it to measures adopted on the immediate basis of the contested act. Currently, it is sufficient, in order to dismiss an action brought against an act, that some implementing measures have been taken "following"[56] this act, whatever they may be, in order for it to produce legal effects with respect to the applicant.

41. In the orders of 21 April 2016, *Dansk Automat Brancheforening v. Commission* and *Royal Scandinavian Casino Århus v. Commission*, the EU judicature held, in the context of state aid proceedings brought by competitors of aid beneficiaries, that some implementing measures existed and that the action should therefore be declared inadmissible.[57] In this case, the contested aid scheme consisted in the application of a lower gambling tax for offline gambling operators. Noting that the national law, which provided for this tax, had entered into force after having been postponed by the national authorities until the Commission had taken its final decision, the Court held that this national legislative measure and the tax notice that would be adopted on its basis for each of the taxpayers, including the applicant, constituted "implementing measures."[58]

42. In *EGBA and RGA v. Commission*, the Commission had assessed the compatibility with the internal market of an aid proposed by France to certain horse-race companies,

54 Opinion of Advocate General M. Wathelet in *European Union Copper Task Force v. Commission*, C-384/16 P, EU:C:2017:634, para. 48 *et seq*.

55 Judgment of 19 December 2013, *Telefónica v. Commission*, C-274/12 P, EU:C:2013:852, para. 27–28.

56 This word was used by the Advocate General M. Wathelet in his Opinion in *European Union Copper Task Force v. Commission*, cited in para. 39 above, para. 58.

57 Orders of 21 April 2016, *Dansk Automat Brancheforening v. Commission*, C-563/14 P, not published, EU:C:2016:303 and *Royal Scandinavian Casino Århus v. Commission*, C-541/14 P, not published, EU:C:2016:302.

58 *Order Dansk Automat Brancheforening v. Commission*, para. 59 and *Royal Scandinavian Casino Århus v. Commission*, para. 46, both cited in para. 41 above.

which would be financed by a parafiscal levy collected on online horse-race betting. The Court deduced the existence of "implementing measures" from the fact that, in order to implement the aid which was declared compatible by the Commission, France had adopted legislative measures in order to establish the levy financing the aid, as well as decrees to fix the annual rate of the tariff.[59] The same strict approach was adopted in the judgment of 19 April 2018, *Allergopharma*.[60]

43. In this context, *Montessori* marks a turning point because, for the first time, the Court recognizes that a Commission decision adopted in the field of state aid does not include "implementing measures" within the meaning of Article 263(4) TFEU.

44. In this judgment, the Court held that the first part of the decision at issue, by which the Commission had declared that the exemption from the Municipal Tax on Real Property (ICI) was incompatible with the internal market but that Italy should not recover the aid granted on the basis of the scheme in question, did not need any "implementing measures" which could be the subject of judicial review before the EU judicature or the national courts.[61]

45. As regards the second and third parts of the contested decision, in which the Commission had considered that Article 149(4) of the Single Text of Taxes on Income (TUIR) and the exemption under the Single Municipal Tax (IMU, which had replaced the ICI from 2012 on) did not constitute state aid, the Court also held that such acts did not entail "implementing measures." On this point, the Court regarded itself as being in line with its case law, distinguishing between the actions at issue in *Montessori* and those brought by the beneficiaries of aid schemes. The Court said that, in the latter cases, it had considered the national provisions establishing these schemes and the acts implementing them, such as tax notices, as "implementing measures."[62] However, according to the Court, this case law could not be transposed to the situation of competitors of beneficiaries of a national measure that had been considered not to constitute an aid scheme, in so far as the latter did not fulfil the conditions laid down by the national measure in question to be eligible for the benefit of the latter. In those circumstances, it would be "artificial," according to the Court, to oblige these competitors to ask the national authorities to grant them this benefit and to challenge the act refusing to grant this request before a national court in order to bring a case to the EU courts on the validity of the Commission decision.[63]

46. Despite the stance taken by the Court, *Montessori* has significantly relaxed the interpretation given hitherto to the notion of "implementing measures." Indeed, *Montessori* makes it possible to consider more optimistically the admissibility issues of appeals lodged by competitors of aid scheme beneficiaries, whose situation has been distinguished from that of said beneficiaries,[64] but potentially also, more generally, all cases where requesting an "implementing measure" of the contested act would be "artificial" for the applicant.[65]

3. Some light shed on the condition of "direct concern"

47. In *Montessori*, the Court also assessed the condition of "direct concern" in the framework of the last limb of Article 263(4) TFEU.

48. One of the questions that arose in this context was the following. Since it was established that the national measures at issue were not applicable to the applicants (they were not eligible for the scheme), could the contested decision relating to those measures have an impact on the applicants' legal situation and thereby fulfil one of the two conditions required by the case law for them to be directly concerned by this decision?[66]

49. In this respect, the Court noted that the objective of the rules on state aid was to preserve competition. According to the Court, the fact that a Commission decision left intact all the effects of the national measures, which the applicant, in its complaint, had claimed were not compatible with the objective of preserving competition and placed it in an unfavourable competitive position, led to the conclusion that the decision directly affected the applicant's legal position and, in particular, its right under the provisions of state aid not to be subject to competition distorted by the national measures in question.[67]

50. In practice, for the condition of "direct concern" to be fulfilled, the applicant must show, with supporting evidence, that it is active on the same product or service market and on the same geographical market as the beneficiary of the contested aid scheme.[68]

---

59 Order *EGBA and RGA v. Commission*, cited in para. 38 above, para. 40–41.

60 Order of 19 April 2018, *Allergopharma v. Commission*, T-354/15, not published, EU:T:2018:201, para. 71.

61 *Montessori*, para. 62.

62 *Montessori*, para. 63. The Court there referred to *Telefónica v. Commission*, cited in para. 39 above, para. 35–36; judgments of 27 February 2014, *Stichting Woonpunt and Others v. Commission*, C-132/12 P, EU:C:2014:100, para. 52 and 53; and of 27 February 2014, *Stichting Woonlinie and Others v. Commission*, C-133/12 P, EU:C:2014:105, para. 39 and 40.

63 *Montessori*, para. 64–66.

64 If the Court does not indicate how its solution in *Montessori* is consistent with its previous case law on the admissibility of appeals lodged by competitors of aid scheme beneficiaries (orders *Dansk Automat Brancheforening v. Commission* and *Royal Scandinavian Casino Århus v. Commission*, both cited in para. 41 above), some authors state that this case law was reversed by *Montessori* (*see* K. Kecsmar, L'affrontement des courants pédagogiques débouchant sur la précision des conditions de recevabilité des recours en annulation à l'encontre d'actes règlementaires et de la notion d'activité économique en matière d'enseignement public/privé, *Revue des affaires européennes*, No. 4, 2018, pp. 752–753).

65 *See* in this regard the judgments of 14 January 2016, *Tilly-Sabco v. Commission*, EU:T:2016:8, para. 43 and *Doux v. Commission*, T-434/13, not published, EU:T:2016:7, para. 44.

66 According to settled case law, "direct concern" requires two cumulative criteria to be met, namely (i) that the impugned EU measure directly affects the applicant's legal situation and (ii) that it leaves no discretion to the addressees entrusted with the task of implementing it, such implementation being purely automatic and resulting from EU rules without the application of other intermediate rules (judgment of 13 October 2011, *Deutsche Post and Germany v. Commission*, joined cases C-463/10 P and C-475/10 P, EU:C:2011:656, para. 66).

67 *Montessori*, para. 43.

68 In the light of the terms used by the Court in para. 43 of *Montessori*, the question arises whether the applicant must necessarily have lodged a complaint and/or participated in the formal investigation procedure if such a procedure has taken place.

51. It is, however, insufficient to only point out that the products or services offered by the applicant are similar to those offered by the beneficiaries of the aid scheme in question and that, consequently, the former could maintain a competitive relationship with the latter.[69] Moreover, in the judgment of 12 April 2019, *Deutsche Lufthansa v. Commission*, the General Court held that the condition of "direct concern" was also lacking where it was not established that the company of which the applicant claimed to be the competitor had actually benefited from the scheme covered by the contested decision.[70]

III. *Montessori* as a signal?

52. Much has been written on the *Montessori* judgment as regards the conditions governing the admissibility for contesting aid schemes; less about its potential systemic impact on the conditions for admissibility for individual aid and, more broadly, other fields of EU law. However, it is not impossible to see a signal in this judgment.

53. On the one hand, the duality of the admissibility requirements (for aid schemes and for individual aids) is currently difficult to understand from an economic point of view. Indeed, while, in principle, the restrictive effect of individual aid is stronger than the one of aid schemes, given the selective (discriminatory) nature of such aid—it must be borne in mind that this type of aid is specifically intended to favour one or several specific undertakings, which are often identified by their name[71]—individual aid is, however, more difficult to contest than aid schemes because of the difficulty to prove a substantial effect.

54. On the other hand, the conformity of the current system with regard to the admissibility of appeals lodged by competitors against Commission decisions on individual aid raises questions with respect to the principle of effective judicial protection and to the *Montessori* judgment, where the Court stated that competitors of aid beneficiaries enjoy a "*right not to suffer distorted competition*" by aid measures.[72]

55. Admittedly, an interpretation of the conditions of admissibility in light of the principle of effective judicial protection cannot lead to the condition of individual concern being set aside,[73] but neither can such a condition lead to the obligation for applicants to submit evidence exceeding what the parties can reasonably provide.[74]

56. In this regard, it should be recalled that it is now difficult for an applicant to usefully invoke the principle of effective judicial protection in state aid matters, since it has been held that an individual who is not directly and individually concerned by a Commission decision on state aid and who, therefore, according to the case law, "*is not affected in his interests*"[75] by the measure covered by that decision cannot invoke the right to judicial protection with regard to such a decision. In short, under this case law, a competitor is not "affected in its interests" by an aid unless it can demonstrate that it is "substantially affected" by that aid.[76]

57. An approach that is more in line with what one might consider as a step forward by *Montessori* would be to return to the origins of the case law before 2004 and, in particular, to *Cofaz*,[77] where the substantial affectation of the competitive position of the applicant was only one element amongst others in order to assess "individual concern" (see paragraph 20 above). The suppletive nature of that affectation was marked by using the term "in particular."[78]

58. The landmark judgment in *British Aggregates v. Commission*[79] could serve as a source of inspiration with regard to the concept of "individual concern," in so far as it shows that "*the fact that an undefined number of other competitors may, in appropriate circumstances, allege that they have suffered similar harm does not constitute an obstacle to the admissibility of the action brought by the appellant undertaking*." The stance taken in this judgment contrasts with the current approach whereby the applicant has to demonstrate an "exceptional"[80] or at least "above average"[81] concern. The judgment of the General Court in the same case[82] was also instructive on the concept of "substantial affectation" in that it held that "*the activity of those companies on the aggregates market* [was] *more*

69 *Montessori*, para. 44–47.

70 *Deutsche Lufthansa v. Commission*, cited in para. 26 above, para. 197–208.

71 *See*, in particular, judgments of 26 October 2016, *Orange v. Commission*, C-211/15 P, EU:C:2016:798, para. 53–54; and of 4 June 2015, *Commission v. MOL*, C-15/14 P, EU:C:2015:362, para. 60.

72 Para. 43. It should also be noted that the same trend can be observed with regard to appeals lodged against decisions not to open the formal investigation procedure, for which the General Court has recently extended the concept of competitor in the judgment of 15 October 2018, *Vereniging Gelijkberechtiging Grondbezitters and Others v. Commission*, T-79/16, EU:T:2018:680.

73 *See*, to that effect, judgments of 25 July 2002, *Unión de Pequeños Agricultores v. Council*, C-50/00 P, EU:C:2002:462, para. 44 and *Commission v. Jégo-Quéré*, cited in para. 23 above, para. 36.

74 *See*, to that effect, *ASPEC and Others v. Commission*, cited in para. 21 above, para. 67.

75 Judgments of 22 November 2007, *Sniace v. Commission*, C-260/05 P, EU:C:2007:700, para. 64 and 65; and *Air France v. Commission*, cited in para. 26 above, para. 80.

76 S. Thomas, cited in para. 18 above.

77 Cited in para. 20 above.

78 *See*, in particular, *Commission v. Aktionsgemeinschaft Recht und Eigentum*, cited in para. 16 above, para. 37; and judgment of 22 December 2008, *British Aggregates v. Commission*, C-487/06 P, EU:C:2008:757, para. 30, where it was stated that the applicant "*must* (…) *demonstrate that it* [has] *a particular status within the meaning of the* Plaumann v. Commission" case law and that "[t]*hat* (…) *appl*[ies] *in particular where the applicant's market position is substantially affected by the aid to which the decision at issue relates.*"

79 *British Aggregates v. Commission*, cited in para. 57 above, para. 56.

80 *Royal Scandinavian Casino Århus v. Commission*, cited in para. 41 above, para. 40.

81 *Castelnou Energía v. Commission*, cited in para. 25 above, para. 35.

82 *British Aggregates v. Commission*, cited in para. 25 above, para. 62. The judgment was annulled by the Court but not on this regard.

than merely insignificant" and that "*the commercial exploitation of by-products* (…) *represent*[ed] *a relatively important part of the activity of those companies*."

59. This case law seems to be in line with the premise that a competitor will unlikely engage in challenging an aid, unless it is significantly affected by that aid. One might therefore ask whether, for the sake of consistency with *Montessori*, competitors' actions on the merits against decisions on individual aids could not be admissible in principle when the applicants played an active role in the administrative procedure, while inadmissibility would actually sanction a misuse of procedure.

60. As an extension of this flexible approach to admissibility, it may be possible, in order to fully ensure effective judicial protection for competitors who, as interested parties, wish to challenge a decision adopted by the Commission at the end of the preliminary examination phase, to automatically grant them standing, considering that they are in fact seeking to safeguard the procedural rights that they enjoy under Article 108(2) TFEU, as the Court has been able to do in certain cases.[83]

IV. Conclusion

61. *Montessori* undoubtedly opens a new chapter, both in terms of the admissibility of appeals lodged by competitors against individual aids and, more generally, in terms of litigation before the EU judicature.

62. The ramifications of the judgment are broad and will depend in particular on the interpretation of the concept of "direct concern" given by the EU courts and the interpretation of the "right to undistorted competition" provided by the Court in this judgment, which seems to justify, in itself, the existence of a "direct concern," as soon as an undertaking or body relies on a distortion of competition.

63. On the basis of the right to "undistorted competition," any act adopted pursuant to Title VII of the TFEU and, in particular, in tax matters, could be subject to review. The same would apply to acts adopted in the context of anti-dumping measures. The shock wave generated by *Montessori* could also extend to restrictive measures of general application, to the regulatory competence of local authorities and to the right to data protection.

64. In the end, such an evolution would be in line with the reform[84] that has given the General Court the means to get closer to litigants and to limit the potentially harmful effects of the strictness of the conditions for admissibility inherited from the founding treaties.[85] Indeed, the coherence of the legal remedies established in the Treaty and the limitation of the access to the EU courts to individuals challenging acts which concerned them directly and individually themselves corresponded not only with the desire not to create an *actio popularis* but also with the limited processing capacities of the EU courts.

65. Thus, "*il existe peut-être, au milieu du temps, la possibilité d'une île*"…[86] ■

83 *See*, to that effect, *Hamr – Sport v. Commission*, cited in para. 15 above, para. 37. *See also* judgment of 11 October 2016, *Søndagsavisen v. Commission*, T-167/14, not published, EU:T:2016:603, para. 15–16 (in this case, the General Court recognized the admissibility of the action even though it was only at the hearing that the applicant confirmed that its action was aimed at defending its procedural rights and, therefore, was not intended to challenge the validity of the contested decision, *see* S. Thomas, cited in para. 18 above).

84 As the former president of the Tribunal pointed out in a 2009 speech entitled "Is it time for reform?", the condition of being directly and individually concerned and the distribution of roles between the EU judicature and the national judge which follows are "*all the more necessary since the Court of First Instance is, ultimately, a small court in terms of number of personnel. Comprising 27 judges, the Court of First Instance functions with the help of fewer than 300 officials and other staff.*" *See* https://curia.europa.eu/jcms/jcms/P_52392/en.

85 Regulation (EU, Euratom) 2015/2422 of the European Parliament and of the Council of 16 December 2015 amending Protocol No. 3 on the Statute of the Court of Justice of the European Union (OJ L 341, 24.12.2015, p. 14). On the reform, *see* A. Alemanno and L. Pech, Thinking Justice Outside the Docket: A Critical Assessment of the Reform of the EU's Court System, *Common Market Law Review*, No. 54, 2017, pp. 129–175.

86 M. Houellebecq, *La possibilité d'une île*, Fayard, 2005.

Concurrences

Concurrences est une revue trimestrielle couvrant l'ensemble des questions de droits de l'Union européenne et interne de la concurrence. Les analyses de fond sont effectuées sous forme d'articles doctrinaux, de notes de synthèse ou de tableaux jurisprudentiels. L'actualité jurisprudentielle et législative est couverte par onze chroniques thématiques.

Editoriaux

Jacques Attali, Elie Cohen, Claus-Dieter Ehlermann, Jean Pisani Ferry, Ian Forrester, Eleanor Fox, Douglas H. Ginsburg, Laurence Idot, Frédéric Jenny, Arnaud Montebourg, Mario Monti, Gilbert Parleani, Jacques Steenbergen, Margrethe Vestager, Bo Vesterdorf, Denis Waelbroeck, Marc van der Woude...

Interviews

Sir Christopher Bellamy, Lord David Currie, Thierry Dahan, Jean-Louis Debré, Isabelle de Silva, François Fillon, John Fingleton, Renata B. Hesse, François Hollande, William Kovacic, Neelie Kroes, Christine Lagarde, Johannes Laitenberger, Emmanuel Macron, Robert Mahnke, Ségolène Royal, Nicolas Sarkozy, Marie-Laure Sauty de Chalon, Tommaso Valletti, Christine Varney...

Dossiers

Jacques Barrot, Jean-François Bellis, David Bosco, Murielle Chagny, John Connor, Damien Géradin, Assimakis Komninos, Christophe Lemaire, Ioannis Lianos, Pierre Moscovici, Jorge Padilla, Emil Paulis, Robert Saint-Esteben, Jacques Steenbergen, Florian Wagner-von Papp, Richard Whish...

Articles

Guy Canivet, Emmanuelle Claudel, Emmanuel Combe, Thierry Dahan, Luc Gyselen, Daniel Fasquelle, Barry Hawk, Nathalie Homobono, Laurence Idot, Frédéric Jenny, Bruno Lasserre, Luc Peeperkorn, Anne Perrot, Nicolas Petit, Catherine Prieto, Patrick Rey, Joseph Vogel, Wouter Wils...

Pratiques

Tableaux jurisprudentiels : Actualité des enquêtes de concurrence, Contentieux indemnitaire des pratiques anticoncurrencielles, Bilan de la pratique des engagements, Droit pénal et concurrence, Legal privilege, Cartel Profiles in the EU...

International

Belgium, Brésil, Canada, China, Germany, Hong-Kong, India, Japan, Luxembourg, Switzerland, Sweden, USA...

Droit & économie

Emmanuel Combe, Philippe Choné, Laurent Flochel, Frédéric Jenny, Gildas de Muizon, Jorge Padilla, Penelope Papandropoulos, Anne Perrot, Nicolas Petit, Etienne Pfister, Francesco Rosati, David Sevy, David Spector...

Chroniques

Ententes

Ludovic Bernardeau, Anne-Sophie Choné Grimaldi, Michel Debroux, Etienne Thomas

Pratiques unilatérales

Laurent Binet, Frédéric Marty, Anne Wachsmann

Pratiques commerciales déloyales

Frédéric Buy, Valérie Durand, Jean-Louis Fourgoux, Rodolphe Mesa, Marie-Claude Mitchell

Distribution

Nicolas Ereseo, Dominique Ferré, Didier Ferrier, Anne-Cécile Martin

Concentrations

Jean-François Bellis, Olivier Billard, Jean-Mathieu Cot, Ianis Girgenson, Sergio Sorinas, David Tayar

Aides d'État

Jacques Derenne, Bruno Stromsky, Raphaël Vuitton

Procédures

Pascal Cardonnel, Alexandre Lacresse, Christophe Lemaire

Régulations

Orion Berg, Hubert Delzangles, Emmanuel Guillaume

Mise en concurrence

Bertrand du Marais, Arnaud Sée

Actions publiques

Jean-Philippe Kovar, Francesco Martucci, Stéphane Rodrigues

Droits européens et étrangers

Walid Chaiehloudj, Sophie-Anne Descoubes, Marianne Faessel, Pierre Kobel, Silvia Pietrini, Jean-Christophe Roda, François Souty, Stéphanie Yon-Courtin

Livres

Sous la direction de Stéphane Rodrigues

Revues

Christelle Adjémian, Mathilde Brabant, Emmanuel Frot, Alain Ronzano, Bastien Thomas

Tarifs 2019

Abonnement Concurrences +

Devis sur demande
Quote upon request

Revue et Bulletin : Versions imprimée (Revue) et électroniques (Revue et Bulletin) (avec accès multipostes pendant 1 an aux archives)
Review and Bulletin: Print (Review) and electronic versions (Review and Bulletin)
(unlimited users access for 1 year to archives)

Conférences : Accès aux documents et supports (Concurrences et universités partenaires)
Conferences: Access to all documents and recording (Concurrences and partner universities)

Livres : Accès à tous les e-Books
Books: Access to all e-Books

Abonnements Basic

	HT Without tax	TTC Tax included
e-Bulletin e-Competitions | **e-Bulletin** e-Competitions		
☐ Version électronique (accès monoposte au dernier N° en ligne pendant 1 an, pas d'accès aux archives) *Electronic version (single user access to the latest online issue for 1 year, no access to archives)*	805,00 €	822,00 €
Revue Concurrences | **Review** Concurrences		
☐ Version électronique (accès monoposte au dernier N° en ligne pendant 1 an, pas d'accès aux archives) *Electronic version (single user access to the latest online issue for 1 year, no access to archives)*	595,00 €	607,50 €
☐ Version imprimée (4 N° pendant un an, pas d'accès aux archives) *Print version (4 issues for 1 year, no access to archives)*	635,00 €	648 €

Renseignements | Subscriber details

Prénom - Nom | *First name - Name* . . . . . .
Courriel | *e-mail* . . . . . .
Institution | *Institution* . . . . . .
Rue | *Street* . . . . . .
Ville | *City* . . . . . .
Code postal | *Zip Code* . . . . . Pays | *Country* . . . . . .
N° TVA intracommunautaire | *VAT number (EU)* . . . . . .

Formulaire à retourner à | Send your order to:

Institut de droit de la concurrence
19 avenue Jean Aicard - 75011 Paris - France | webmaster@concurrences.com

Conditions générales (extrait) | *Subscription information*
Les commandes sont fermes. L'envoi de la Revue et/ou du Bulletin ont lieu dès réception du paiement complet. Consultez les conditions d'utilisation du site sur www.concurrences.com ("Notice légale").

Orders are firm and payments are not refundable. Reception of the Review and on-line access to the Review and/or the Bulletin require full prepayment. For "Terms of use", see www.concurrences.com.

Frais d'expédition Revue hors France 30 € | *30 € extra charge for shipping Review outside France*