

CHALLENGES IN THE OPERATION OF THE EU STATE AID REGIME AND ITS IMPACT ON THE UK'S WITHDRAWAL*

Ildikó Bartha¹

Introduction

Prohibition of State aid having a distortive effect on the operation of the internal market is among the fundamental rules of European integration. As regards the procedural dimension of such rules, a strict control mechanism has been established in the European Union in order to filter unlawful State aid. The first part of the present paper seeks to highlight the weaknesses and challenges of the current EU State aid system, in particular its enforcement regime.

The regulation of public subsidies became one of the most controversial areas of the UK's future relationship with the EU after Brexit. Our analysis also seeks to answer the question of why the shortcomings of the EU state aid system may be seen as a decisive factor in the process of the UK's withdrawal. Finally, the paper discusses what alternatives can be provided by the new subsidy control regime introduced by the EU-UK Trade and Cooperation Agreement (TCA) on 1 January 2021.

1. State Aid Control in the European Union

Prohibition of State aid having a distortive effect on the operation of the internal market is among the fundamental rules of European integration. As a main rule, Article 107(1) of the Treaty on Functioning of the European Union provides that “any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the internal market”.

In the European Union, a strict control mechanism has been established in order to filter State aids falling under the prohibition of Article 107 TFEU. In accordance with Article 108 TFEU, all new aid measures must be notified to the Commission, i. e. the main authority being responsible for reviewing the legality of State aids in advance² and Member States must wait for the Commission's decision before they put the measure into effect. There are, however, certain exceptions to mandatory notification. If the Commission considers the State aid measure incompatible with the internal market, it will require the Member State to recover the aid from the beneficiary. The decisions of the Commission may be challenged before the courts of the European Union (the Court of Justice and the General Court). If the state concerned does not comply with the

* DOI 10.21868/PGnG.2021.1.3.

¹ *Ildikó Bartha*, Associate Professor of Law and Political Sciences, University of Debrecen. The paper has been prepared in the framework of Project no. 134499 titled ‘Increasing government intervention in market regulation’ has been implemented with the support from the National Research, Development and Innovation Fund of Hungary, financed under the K_20 „OTKA” funding scheme.

² Otherwise they are declared as ‘unlawful aid’ if the Commission receives information on such aid granted without its prior authorisation.

Commission's decision within the prescribed time, the Commission or any other interested state may initiate an infringement procedure against this state. Article 107 TFEU or Commission decisions may also be subject to preliminary ruling procedure under Article 267 TFEU. Article 107 TFEU may be directly invoked before the judicial forums of the Member States and national courts also play an essential role with respect to recovery of unlawful aids.

The effective enforcement of EU state aid rules very much depends on the scope of those measures which are notified to the European Commission. As a main rule, all new aids must be notified before putting them into effect. There are, however, exceptions to mandatory notification. The Altmark judgment largely reduced the monitoring and decision-making competence of the Commission over national measures granting compensation for public services since aids meeting the Altmark criteria became exempted from the notification obligation. The Commission's legislative activity, although it was not its declared aim, definitely followed that line raising several concerns for Member States' compliance.

2. Shortcomings and Weaknesses of the EU State Aid Regime

Although it may not be justified by economic statistics, policy papers and legal analyses identified several reasons for supporting the idea of moving away from the EU State aid rules.³

1) The Commission and the CJEU have tended to interpret the scope of the State aid rules too broadly. As a result, these rules also extend to measures that are not capable of distorting competition in the internal market (Peretz–Bacon 2016). Focusing, for example, on the meaning of „distorting competition or affecting trade between Member States” in Article 107(1) TFEU, Webber argues that the CJEU applies a wholly theoretical test. He brings the example of the Eventech case in 2015, which concerned restricting London bus lanes to buses and black cabs while excluding minicabs. The competent transport authority (Transport for London, TfL) argued that there was no effect on competition or trade between Member States and therefore the contested measure was not amounted to State aid to black cabs. The CJEU dismissed this argument and held that, for the anticompetitive effect on inter-state trade, it was sufficient that the bus lane rules strengthened their competitive position in their home market and hence made it more difficult for undertakings from other Member States to enter the London minicab market. No separate analysis of the competitive effects of the bus lane restriction was needed to draw this conclusion (Webber 2020).

2) Other concerns centred around the policy of the Commission in deciding whether to approve aid notified to it. It is argued that the Commission's approach is sometimes too “political”, partly as a result of lack of transparency or lack of economic rigour in its procedures (Peretz–Bacon 2016). As regards concerns related to enforcement issues, the most crucial ones are as follows.

3) “State aid” is an EU law concept and, during the negotiations leading the EU–EU Free Trade Agreement (hereinafter FTA) a dispute resolution system was insisted on by the EU where EU legal concepts would not have been interpreted by a neutral dispute

³ See in particular Peretz–Bacon 2016; Webber 2020.

resolution body, but by the courts of one of the parties, i. e. the Court of Justice of the European Union (hereinafter CJEU) (Webber 2020). The first draft of the Withdrawal Agreement⁴ included a simple reference of any disputes to the exclusive jurisdiction of the CJEU and this solution remained in Article 174 of the Withdrawal Agreement (Webber 2020).

4) The speed of State aid control procedures also serves as a reason for several concerns (Peretz & Bacon 2016; Webber 2020). Notified aids usually take over two years to complete the administrative process by the Commission, although much less time may cause a lot of anxiety.⁵ However, if the CJEU also becomes involved, the time needed to complete the case might be much longer. Webber mentions some extreme cases like the Øresundlink saga (the bridge connecting Copenhagen to Malmo which has been opened in 2000 but the State aid review procedure associated with its financing was completed only in 2018 by the General Court) or an urgent case related to the Eurozone banking crisis (where it took almost five and half years for the General Court to decide that the complainants do not have standing to bring the complaint) (Webber 2020).

5) Procedural rights of the parties and other participants in legal disputes before the CJEU are very limited (Peretz & Bacon 2016; Webber 2020). Access to the Courts in an annulment procedure is also difficult. For example, the Court denied Air France standing to appeal State aid to Ryanair at Marseille Provence airport, even if these two companies were the largest users of the airport (Webber 2020).

3. Subsidy Control in the EU–UK Trade and Cooperation Agreement

State aid became one of the most controversial areas during the negotiations over the UK's future relationship with the EU and one of the last issues to be resolved (Jozepa 2021, 27). The UK and EU came to an agreement regarding subsidy control only at the final stage of the negotiations in December 2020 (Jozepa 2021, 27). During the negotiations, the UK sought to protect its regulatory autonomy and avoid provisions in this area that would go further than the level of cooperation in a free trade agreement. The EU insisted on the incorporation of State aid rules in the TCA as essential to prevent UK subsidies to industries from threatening to undercut EU businesses in the future (Ares et al. 2021, 17). We will see that the TCA lays down a solution which is “something of a halfway house” between these competing priorities” (Forwood et al. 2021).

Rules regarding ongoing State aid cases and aid transferred before 31 December 2020 are included in the Withdrawal Agreement. Under the Agreement, the Commission will continue to be responsible for monitoring and enforcement of ongoing State aid procedures initiated before the end of the transition period. The Commission also has power, by the end of a period of four years after the end of the transition period,

⁴ Draft Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, 19 October 2019, Article 162 (Settlement of Disputes).

⁵ In the Leave campaign, it was also referred to attempts by the government to help the troubled UK steel industry in 2015, which were hindered by a “50-day” wait for state aid approval from the European Commission (Financial Times 2019).

i.e. after 31 December 2024, to initiate new procedures regarding UK aid which was granted before the end of the transition period, and is alleged to be illegal State aid, and to follow up on these procedures even after the end of the four-year period.⁶

From 1 January 2021 EU State aid rules no longer apply to the UK, except for provisions relating to trade between Northern Ireland and the EU, included in the Withdrawal Agreement Protocol on Ireland/ Northern Ireland (Jozepa 2021, 27).

Subsidy control provisions are included in Articles 363–375 TCA. In many aspects of subsidy regulation the TCA rather serves as a framework rule, while in the details and those issues not covered by the TCA the UK remains free to regulate by domestic legislation. The Subsidy Control Bill which sets out the government's legislative proposal for such a domestic law was introduced to Parliament on 30 June 2021.⁷

3.1. Definition

Subsidies (and related concepts) are defined in the TCA (Article 363) as follows:

„1. For the purposes of this Chapter [Chapter 3 Subsidy control], the following definitions apply:

(a) "economic actor" means an entity or a group of entities constituting a single economic entity, regardless of its legal status, that is engaged in an economic activity by offering goods or services on a market;

(b) "subsidy" means financial assistance which:

(i) arises from the resources of the Parties, including:

(A) a direct or contingent transfer of funds such as direct grants, loans or loan guarantees;

(B) the forgoing of revenue that is otherwise due; or

(C) the provision of goods or services, or the purchase of goods or services;

(ii) confers an economic advantage on one or more economic actors;

(iii) is specific insofar as it benefits, as a matter of law or fact, certain economic actors over others in relation to the production of certain goods or services; and

(iv) has, or could have, an effect on trade or investment between the Parties.”

As we can see, despite of changing the EU term „state aid” to “subsidy” in the TCA's wording, the definition of a "Subsidy" in Article 363 broadly replicates all the key features associated with State aid (Forwood et al. 2021), thus EU law concepts have only formally been avoided (Colomo 2020b). In addition, the chapter on subsidies is considerably longer and more detailed 66than the relevant text of the CETA (or the EU-Japan agreement) (Colomo 2020b).

Although the meaning of the terms is similar, the approaches to State aid and subsidy are quite different. While within the EU, State aids are generally *prohibited* if they comply with the definition in Article 107(1) TFEU, unless they fall under the scope of any exception rule, in the EU–UK relationship, subsidies, as a main rule, are *permitted* if they comply with the subsidy control principles laid down in Article 366 TCA, unless they fall under the scope of any prohibition or restriction. These principles are as follows:

⁶ Articles 92, 93 and 95 of the Withdrawal Agreement, Jozepa 2021, 23)

⁷ The status of the Bill can be followed here: <https://bills.parliament.uk/bills/3015/publications>

(a) subsidies pursue a specific public policy objective to remedy an identified market failure or to address an equity rationale such as social difficulties or distributional concerns ("the objective");

(b) subsidies are proportionate and limited to what is necessary to achieve the objective;

(c) subsidies are designed to bring about a change of economic behaviour of the beneficiary that is conducive to achieving the objective and that would not be achieved in the absence of subsidies being provided;

(d) subsidies should not normally compensate for the costs the beneficiary would have funded in the absence of any subsidy;

(e) subsidies are an appropriate policy instrument to achieve a public policy objective and that objective cannot be achieved through other less distortive means;

(f) subsidies' positive contributions to achieving the objective outweigh any negative effects, in particular the negative effects on trade or investment between the Parties.

3.2. Enforcement

While the substantive content of the UK subsidy control regime is largely similar to that of the EU State aid rules, the enforcement system for reviewing the legality of UK public grants have (and will be) significantly changed.⁸

The TCA requires each party to „establish or maintain an operationally independent authority or body with an appropriate role in its subsidy control regime.” (Article 371 TCA) The question remains, what „appropriate role” will be assigned to the UK’s authority and how it relates to the functions of the Commission.

The Subsidy Control Act establishes the Subsidy Advice Unit (located within the UK Competition and Markets Authority, CMA) to perform the function of an independent authority in accordance with the TCA’s provisions. It also enables interested parties to challenge subsidy decisions on judicial review grounds in the Competition Appeal Tribunal.⁹

As mentioned above, State aids as a main rule are subject to a notification process which means that State aid cannot legally be granted until it is formally approved by the Commission. This requirement has not been incorporated in the TCA, thus the UK remained free to design a regime that does not require prior notification for a subsidy to be granted (Forwood et al. 2021). In doing so, the Subsidy Control Bill does not require an ex-ante control of subsidies by the CMA in the manner of the Commission (Pimlott 2021). Another important difference is that the CMA, in contrast to the Commission, has purely advisory functions, it cannot take enforcement action or launch an own-initiative investigation. The CMA is required to produce reports that will be non-binding and limited to evaluating the authority’s assessment of a subsidy’s compliance with the rules and taking into account any effects on competition or investment within the UK. The

⁸ In our view, the procedure for notifying state aids to the European Commission is also a part of the enforcement regime as the notification procedure is also designed to filter the illegal state aids, and Commission decisions taken as a result of such ex-ante review can be challenged before the EU courts.

⁹ <https://www.gov.uk/government/publications/subsidy-control-bill-2021-bill-documents>

reports may also include advice on how the subsidy could be modified to ensure compliance. The CMA must report on mandatory referrals but can decide to prepare a report on subsidies voluntarily referred to it (Eddon–Giles 2021).

As regards the role of national courts, the TCA (Article 372) provides that each party's courts or tribunals should be competent to review subsidy decisions taken by granting authorities or the independent body; hear claims from interested parties, and impose effective remedies, in accordance with either party's domestic law (Ares et al. 2021, 23). Each party can intervene in the other's domestic court proceedings (with the permission of the court where required).

At the same time, the scope of the domestic court's competence is weakened by Article 5 TCA which obviously excludes any possible direct effect to be given to the provisions of the TCA by saying that „nothing in this Agreement or any supplementing agreement shall be construed as conferring rights or imposing obligations on persons other than those created between the Parties under public international law, *nor as permitting this Agreement or any supplementing agreement to be directly invoked in the domestic legal systems of the Parties.*” Article 4(2) and 4(3) TCA also provides that „[...] neither this Agreement nor any supplementing agreement establishes an obligation to interpret their provisions in accordance with the domestic law of either Party.” and „[...] an interpretation of this Agreement or any supplementing agreement given by the courts of either Party shall not be binding on the courts of the other Party.”

The TCA requires both parties to put in place an effective mechanism for recovery of subsidies which have been successfully challenged before a court (Ares et al. 2021, 24). The TCA includes a complex set of provisions on dispute settlement and remedy measures. Under the consultation procedure, either party may request to the other party to provide an explanation of how the subsidy principles have been respected in an individual case if a subsidy has been granted or to be granted has or could have a negative effect on trade or investment between the Parties. In more concerning cases, if a party considers that the other's subsidy presents a serious risk of causing “a significant negative effect on trade or investment between the parties,” it can request information and consultations under the Remedial measures procedure (Article 374 TCA). If there is evidence to that serious risk, a party can “unilaterally take appropriate remedial measures” that have to be limited to what is strictly necessary and proportionate.

The other party can challenge such remedial measures if it considers them excessive, and request a ruling of an arbitration tribunal in accordance with the TCA's provisions (Part sixth) on dispute settlement. A so called horizontal dispute settlement procedure is also available for the parties under the TCA (Title 1, Part Six) if the other more generally fails to comply with the subsidy commitments. The parties can also take “rebalancing measures” where significant divergence between the UK and the EU on subsidy control gives rise to “material impacts on trade and investment between the parties”. With regard to trade in goods, anti-dumping and countervailing measures can be used to remedy the effects of harmful subsidies of the other party (Article 32 TCA) (Ares et al. 2021, 26).

A result which is said to be as one of the main successes reached in the negotiations is that the CJEU has no jurisdiction over subsidies granted or challenged under the provisions of the TCA. However, the legality of EU State aid decisions in both ongoing

and new cases covered by the Withdrawal Agreement's provisions, will be reviewed exclusively by the CJEU.

Conclusions: Challenges in the Operation of the TCA Subsidy Control Regime

There is a consensus among experts of State aid law that the UK has done well in the negotiations in achieving independence from EU State aid rules and the jurisdiction of the CJEU, the TCA provisions constitute a new model of managing divergence, unprecedented in any other free trade agreement (Ares et al. 2021, 26–27). At the same time, the TCA provisions are also seen as being not as thin as the UK sought in terms of the WTO Agreement (Ares et al. 2021, 26). It is argued that „[I]n providing that subsidies should be granted only when they are consistent with the Subsidy Principles, the TCA imports an approach which is aligned with the assessment which the European Commission itself carries out in determining State aid compatibility with the internal market under EU law.” (Kotsonis 2021, 574).

As mentioned above, the interpretation of the provisions of the TCA in light of the domestic law of the other party or following an interpretation given by the courts of the other party is mutually excluded by the agreement. However, such a „desire” incorporated in the TCA seems to be somewhat unrealistic, given the fact that the concept elements of subsidy are quite similar to those of the State aid under Article 107(1) TFEU and there is a large coverage of the reasons for making limitation to the prohibition of State aids/subsidies. In these circumstances, expecting courts not to draw inspiration from the case-law of another judicial forum which has a settled jurisprudence in State aid issues is against the 'nature of things', in particular in the so called 'hard cases'. The CJEU, for example, regularly made (and makes) references on the judgments of the European Court of Human Rights (ECHR) in cases concerning fundamental rights, even at the early stage of the European Integration when there was no mention of protecting fundamental rights, human rights conventions or ECHR in the EU Treaties.

Dispute settlement and remedy measures introduced by the TCA are quite different from the enforcement regime of the EU State aid rules and bring closer the operation of the TCA subsidy control system to that of the WTO. The parties are in a certain degree „forced” to use these new instruments since the parties do not have legal standing to bring cases before the courts of the other party (in contrast to the initial proposal of the EU tried to be incorporated in the TCA during the negotiations), they only can intervene in such cases (Ares et al. 2021, 24).

The UK and EU regimes are still bound together by agreed principles and procedural mechanisms which, in practice, may limit the UK's absolute discretion on subsidy matters (Eddon & Giles 2021). Experts have argued that co-existence of the two subsidy regimes in the UK may cause confusion and uncertainty for UK public authorities and companies (Ares et al. 2021, 30).

Covid response measures can serve as an example for such a confusion. UK Covid-19 schemes that were approved under the EU State aid rules before 1 January 2021 can continue as they are already compliant with the UK's new commitments under the Trade and Cooperation Agreement with the EU. Government guidance on the UK's international subsidy control commitments (section 4) notes that public authorities in

the UK are no longer bound to follow the limits set out in the EU State aid rules (Jozepa 2021, 26). The guidelines provide that „When public authorities implement new [Covid-19 related] schemes and subsidies, *or amend an existing scheme*, which could not be done under the terms of EU State aid rules, then an assessment will need to be made against the principles set out in Article 366. This is so that the public authority can satisfy itself of TCA compliance.”¹⁰ It means that aid measures belonging to the same State aid scheme may be applied under different conditions or may be interpreted differently depending on the question whether they are implemented (or intended to be implemented) before or after the entry into force of the TCA.

There are arguments saying that looser State aid review may led to negative economic impact on the long term due to the distortive effect of the less controlled aid measures on both the internal market and the UK market. Such negative side-effects may also be visible on the examples of Covid-19-related measures authorized by the European Commission. Alfonso Lamadrid de Pablo and José Luis Buendía argue that the ‘full flexibility’ recognised by the Temporary Framework applies only in theory to all Member States, in practice, however, it mostly benefits “deeper-pocketed Member States” that can spend the greatest resources. Massive capital injections by only certain Member States might lead to massive distortions of competition and competitive asymmetries. Companies and sectors from wealthy Member States may enjoy much more support, regardless of where the ongoing crisis hits harder de Pablo – Buendía 2020).

References

- Ares, E. et al. (2021). The UK-EU Trade and Cooperation Agreement: Level Playing Field. Commons Library Briefing, 20 May 2021. <https://researchbriefings.files.parliament.uk/documents/CBP-9190/CBP-9190.pdf> [accessed July 31, 2021]
- Bönker, F. et al. (2016). Remunicipalisation Revisited: Long-Term Trends in the Provision of Local Public Services in Germany. In I. Kopríc, G. Marcou, and H. Wollmann (Eds.), *Public and Social Services in Europe: From Public and Municipal to Private Sector Provision*. Basingstoke: Palgrave Macmillan, 71–85.
- Colomo, P. I. (2020a). State aid as the single most important obstacle to an EU-UK agreement: making sense of the EU’s position. *Chillin' Competition*, 25 August 2020. <https://chillingcompetition.com/2020/08/25/state-aid-as-the-single-most-important-obstacle-to-an-eu-uk-agreement-making-sense-of-the-eus-position/> [accessed July 31, 2021]
- Colomo, P. I. (2020b). Subsidies in the EU-UK Trade Agreement: a codification of the EU *acquis* on State aid. How will the UK system work? *Chillin' Competition*, 28 December 2020. <https://chillingcompetition.com/>

¹⁰ <https://www.gov.uk/government/publications/complying-with-the-uks-international-obligations-on-subsidy-control-guidance-for-public-authorities/technical-guidance-on-the-uks-international-subsidy-control-commitments#section-4> [accessed July 31, 2021]

- [2020/12/28/subsidies-in-the-eu-uk-trade-agreement-a-codification-of-the-eu-acquis-on-state-aid-how-will-the-uk-system-work/](https://doi.org/10.1093/jeclap/lpaa017) [accessed July 31, 2021]
- de Pablo, A. L. & Buendía, J. L. (2020). A Moment of Truth for the EU: A Proposal for a State Aid Solidarity Fund. *Journal of European Competition Law & Practice* 11(1–2): 1–2. DOI: <https://doi.org/10.1093/jeclap/lpaa017>
 - Eddon, K. & Giles, M. (2021). UK Subsidy Control Bill – “considerable unknowns” remain. *Engage*, 4 August 2021. <https://www.engage.hoganlovells.com/knowledgeservices/viewContent.action?key=Ec8teaJ9Vaqd2hhSre1BSsxgHJMklFEppVpbbVX%2B3OXcP3PYxlq7sZUjdbSm5FIetvAtgf1eVU8%3D&nav=FRbANEucS95NMLRN47z%2BeeOgEFc8EGQ0qFfoEM4UR4%3D&emailtofriendview=true&freeviewlink=true> [accessed July 31, 2021]
 - Financial Times (2019). Boris Johnson backs looser state aid rules after Brexit. November 29, 2019. <https://www.ft.com/content/e46f977e-12b5-11ea-a7e6-62bf4f9e548a> [accessed July 31, 2021]
 - Forwood, G. & Israel, M. & Kelliher, K. (2021). State aid and the Brexit Trade Agreement: what's new, what's not, and what's next. *White & Case*, 4 February 2021. <https://www.whitecase.com/publications/alert/state-aid-and-brex-it-trade-agreement-whats-new-whats-not-and-whats-next> [accessed July 31, 2021]
 - Full text of Jeremy Corbyn’s speech on Labour’s Brexit policy. February 26, 2018. <https://brexitcentral.com/full-text-jeremy-corbyns-speech-labours-brex-it-policy/> [accessed August 5, 2021]
 - Horváth, T. M. (2016). From Municipalisation to Centralism: Changes in the Hungarian Local Public Service Delivery. In I. Kopríc, G. Marcou, and H. Wollmann (Eds.), *Public and Social Services in Europe: From Public and Municipal to Private Sector Provision*. Basingstoke: Palgrave Macmillan, pp. 185–199.
 - Horváth, T. M. & Bartha, I. (2018). EU-Compatible State Measures and Member States Interests in Public Services: Lessons from the Case of Hungary. *Central European Public Administration Review* 16(1): 137–159.
 - Inman, P. (2021). State aid is key to Tory vow to level up Britain’s towns and cities. *The Guardian*, 30 June 2021. <https://www.theguardian.com/business/2021/jun/30/state-aid-is-key-to-tory-vow-to-level-up-britains-towns-and-cities> [accessed July 31, 2021]
 - Jozepa, I. (2021). EU State Aid Rules and WTO Subsidies Agreement. *Commons Library Research Briefing*, 4 August 2021. <https://researchbriefings.files.parliament.uk/documents/SN06775/SN06775.pdf> [accessed July 31, 2021]
 - Kotsonis, T. (2021). The Squaring of the Circle: Subsidy Control Under the UK-EU Trade and Cooperation Agreement. *European State Aid Law Quarterly* 20(1): 15–29.
 - Krajewski, M. (2011). *Grundstrukturen des Rechtsöffentlicher Dienstleistungen* [Fundamental principles of the law of public services]. Heidelberg: Springer.

- Marcou, G. (2016). The Impact of EU Law on Local Public Service Provision: Competition and Public Service. In I. Kopric, G. Marcou, and H. Wollmann (Eds.), *Public and Social Services in Europe: From Public and Municipal to Private Sector Provision*. Basingstoke: Palgrave Macmillan, 13–26.
- Mięka, Ł. et al. (2016). The Evolution of Local Public Service Provision in Poland. In I. Kopric, G. Marcou, and H. Wollmann (Eds.), *Public and Social Services in Europe: From Public and Municipal to Private Sector Provision*. Basingstoke: Palgrave Macmillan, 169–183.
- Morris, M. & Kibasi, T. (2019). State Aid Rules and Brexit. *Institute for Public Policy Research*, 2019. https://www.ippr.org/files/2019-01/1548088552_brexit-state-aid-jan19.pdf [accessed July 31, 2021]
- Peretz, G. & Bacon, K. (2016). Paper on post-Brexit options for State aid. *UK State Aid Law Association*, November 16, 2016.
- Peretz, G. (2016a). A Star Is Torn: Brexit and State Aid. *European State Aid Law Quarterly* 15 (2): 334–337.
- Peretz, G. (2018). State Aid and Brexit: Reality Slowly Dawns. *European State Aid Law Quarterly* 17(1): 80–84. DOI: <https://doi.org/10.21552/estal/2018/1/9>
- Pimlott, N. (2021). It's coming home: the Subsidy Control Bill and the repatriation of State aid law, 19 July 2021. <https://www.fieldfisher.com/en/services/competition-and-consumer/competition-connect-blog/it-s-coming-home-the-subsidy-control-bill-and-the> [accessed July 31, 2021]
- Pope, T. & Stojanovic, A. (2020). Beyond state aid – The future of subsidy control in the UK. *Institute for Government* 2020. <https://www.instituteforgovernment.org.uk/sites/default/files/publications/beyond-state-aid.pdf> [accessed July 31, 2021]
- Rusche, T. M. (2013). The Almunia Package: Legal Constraints, Policy Procedures, and Political Choices. In E. Szyszczak and J. W. van de Gronden (Eds.), *Financing Services of General Economic Interest: Reform and Modernization*. The Hague: T.M.C. Asser Press, 99–124.
- UK Government, Department for Business, Energy & Industrial Strategy (2021). Complying with the UK's international obligations on subsidy control: guidance for public authorities, 24 June 2021. <https://www.gov.uk/government/publications/complying-with-the-uks-international-obligations-on-subsidy-control-guidance-for-public-authorities/technical-guidance-on-the-uks-international-subsidy-control-commitments> [accessed July 31, 2021]
- UK State Aid Law Association (UKSALA) (2017). Written evidence to House of Lords Select Committee, September 2017. <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/euinternal-market-subcommittee/brexit-competition/written/69979.html> [accessed July 31, 2021]
- Webber, J. (2020). All change? UK state aid after Brexit: What law? What courts? *Politeia*, February 2020. <https://www.politeia.co.uk/all-change-uk-state-aid-after-brexit-what-law-what-courts-byjames-webber/> [accessed July 31, 2021]
- White, J. & Gordon, A. (2017). The EU single market is incompatible with Labour's manifesto. *Morning Star*, August 6, 2017.