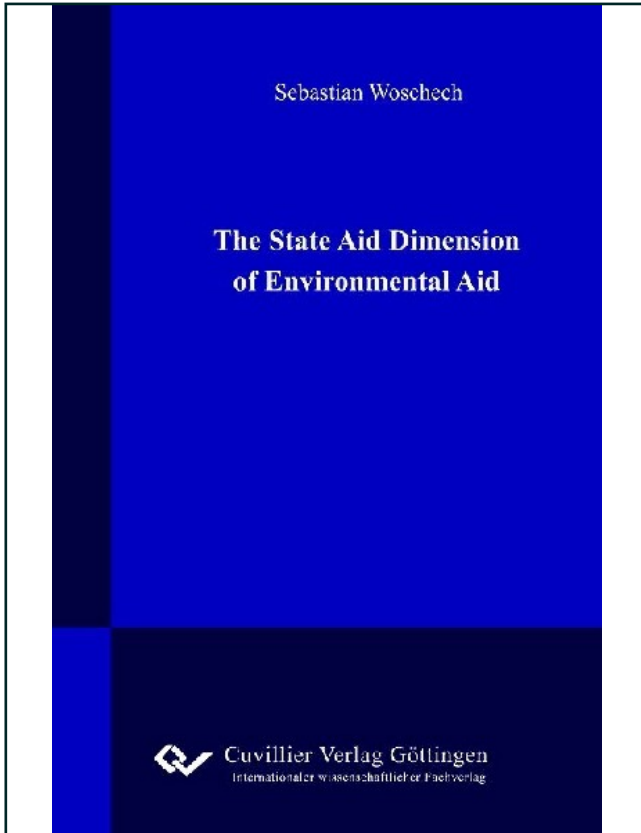




Sebastian Woschek (Autor)
The State Aid Dimension of Environmental Aid



<https://cuvillier.de/de/shop/publications/1210>

Copyright:

Cuvillier Verlag, Inhaberin Annette Jentsch-Cuvillier, Nonnenstieg 8, 37075 Göttingen, Germany

Telefon: +49 (0)551 54724-0, E-Mail: info@cuvillier.de, Website: <https://cuvillier.de>

Table of Contents

A. Introduction	01
B. European Environmental Policy Placed into (the State Aid) context..	02
I. International Measures	02
II. European Measures	04
1. The Evolution of Environmental Legislation and Regulation	04
a) Environment in the EC-Treaty	04
b) A changing regulatory approach	05
2. Specific Environmental Legislation	07
III. Where does State Aid Control come into play?	09
C. The Concept of (environmental) State Aid	11
I. The Definition of State Aid	11
1. Advantage	12
2. Granted by a Member State or through State Resources	12
3. Selectivity	13
4. Distortion of Competition and inter-state Trade	14
II. The Justifications for environmental State Aid	15
1. The Legal Base for environmental State Aid	15
2. The History of the Environmental guidelines – 1974 to 2008	16
3. The 2008 Environmental Guidelines	17
4. The General Block Exemption Regulation	19
5. An appraisal of the current approach to environmental Aid	20
III. Interim Conclusion	21

D. Aid for renewable energy sources	23
I. An Assessment of feed-in Tariffs under the State Aid Regime - A critical Analysis of <i>PreussenElektra</i>	24
II. An Assessment of Green Certificates Schemes under the State Aid Regime - and the German approach to legal reasoning	27
1. Advantage	28
2. Selectivity	29
3. Distortion of competition and effect on inter-state trade	29
4. By the state or through State resources	29
III. Aid calculated on the basis of external costs	31
1. The Concept	31
2. Is “Aid” calculated on the basis of external costs State Aid at all? – The unknown consequences of Altmark	32
 E. The State Aid Dimension of Environmental Taxation	 35
I. State Aid elements in environmental taxation – Aiding the environment?	35
II. A legal appraisal of eco-tax exemptions under Art. 87 EC	36
1. Advantage	36
2. Granted by a Member State or through State Resources	37
3. Distortion of Competition and inter-state trade	37
4. Selectivity and the “nature of the system”	38
III. Justification and some thoughts on the State Aid approach to eco-taxation	40

F. An Assessment of the EU ETS under the State Aid Regime	42
I. An Introduction to the EU-ETS	42
1. The functioning of tradable permit schemes	42
2. The EU-ETS	43
II. An analysis of the EU ETS under Art. 87: State Aid?	45
1. The State Aid quality of NAPs “within” the Directive	46
<i>a) Advantage</i>	<i>46</i>
<i>b) By the Member State or through State Resources</i>	<i>48</i>
<i>c) Selectivity</i>	<i>52</i>
<i>d) Distortion of competition and effects on inter-state trade</i>	<i>53</i>
2. State Aid quality of NAPs “outside” the directive – Past Experiences of the first two trading periods	54
III. A look ahead – The review process of the EU-ETS	57
 G. Conclusion	 59
 H. Bibliography.....	 62