

## *De Minimis* Aid Under EU Law

Ricardo Pedro

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*To Marília, Afonso and João  
“The Man Who Killed Don Quixote” is  
finished!*

# Foreword

As the old Roman saying goes, “*De minimis non curat praetor*”. This book is all about whether, why and to what extent, in the field of State aid, *de minimis* matters.

This concise book has several cardinal virtues: it is concise, it is clear, it is simple, it is complete and it is useful. In addition, it is well-founded and documented in the legislation, the case-law of the Court of Justice and the legal literature. Moreover, not only does it propose a fresh view on an area of EU State aid law that (I hope not to be unfair) has been considerably neglected by the doctrine, but it also offers some creative insights that provide pleasant reading and should be particularly welcomed by practitioners.

The book by Ricardo Pedro helps the reader to understand why a general legal framework such as Regulation (EU) No 1407/2013 on the application of Articles 107 and 108 TFEU to *de minimis* aid may be of a particular practical relevance, provided that it strikes the right balance between the requirements of a sound and effective enforcement by the regulators at the EU and national levels and the overriding need of legal certainty for the undertakings.

In the entirety of its, it also provides a comprehensive overview of the existing *de minimis* schemes and the scope of the *de minimis* regulation, while making interesting contributions to the analysis of relevant legal concepts such as “single undertaking”, “firm in difficulty”, “quantitative ceilings” and “aid cumulation”.

Monitoring *de minimis* schemes, its problems and difficulties have also attracted the author’s attention as a crucial step for law enforcement in this field, in the intersection of the Commission’s powers and obligations and the Member States’ duty of sincere cooperation.

I recommend this book to all those who want to better understand the primary secrets of the old Roman wisdom applied to the modern State aid discipline in an increasingly complex and competitive economic environment.

In particular, those who have to advise their clients on the benefits and risks of applying for and accepting certain aid schemes will find useful guidance here on how to proceed in order to gain the comfort of being on the safe side.

Lisbon, Portugal  
May 2022

José Luís da Cruz Vilaça  
Professor of EU Law and Lawyer  
Former Judge and Advocate General of the Court of  
Justice of the European Union  
Former President of the Court of First Instance of the  
European Communities (now the General Court of the  
European Union)

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## About the Author

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# Abbreviations

CAP	Common Agricultural Policy
CF	Cohesion Fund
CFP	Common Fisheries Policy
CJEU	Court of Justice of the European Union
EAFRD	European Agricultural Fund for Rural Development
ECtHR	European Court of Human Rights
EMFF	European Maritime and Fisheries Fund
ERDF	European Regional Development Fund
ESF	European Social Fund
ESIF	European Structural and Investment Funds
GBER	General Block Exemption Regulation
GC	General Court
MS	Member State or Member States
OJ	Official Journal
SGEI	Services of General Economic Interest
SMEs	Small- and Medium-sized Enterprises
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union