

Representative Legal Matters

Nina Niejahr

- Advising clients on compliance with reporting obligations for foreign financial contributions under the suspensory notification regimes for certain large EU transactions and large public procurement procedures under the new EU Foreign Subsidies Regulation.
- Advising companies on their applications for State aid support in the context of ongoing Important Projects of Common European Interest (IPCEIs), e.g., the Hydrogen IPCEI, and for aid to large investment projects including under the 2022 EU Chips Act package and the Guidelines on State aid for climate, environmental protection and energy.
- Providing ongoing regular assistance to an EU Member State's national development bank and a Member State's development agency with the State aid compliant design of funding schemes including the involvement of financial institutions and other intermediaries for the delivery of State aid to beneficiaries.
- Assessing proposed amendments to a Member State's Environmental Charges Act under EU State aid rules, including under the General Block Exemption Regulation, the Guidelines for Environmental and Energy State Aid and Article 107(3)(c) TFEU and proposing appropriate amendments to ensure compliance.
- Obtaining state aid approval by the EU Commission for three large projects in Sweden relating to innovative second-generation biofuels technology worth around EUR 485 million in total, and requiring detailed assessment under the Commission's Framework for R&D&I aid.
- Obtained approval for investment state aid of EUR 54.5 million for Dell's PC manufacturing plant in Poland, the total eligible costs of which is EUR 189.58 million — the first case under the 2009 Commission guidance on in-depth assessment of regional aid.
- Successfully represented Hungary-based oil and gas company MOL in its appeal to the General Court of a Commission decision ordering Hungary to recover over EUR 100 million in alleged state aid (cases T-499/10 and, on appeal, C-15/14 P).

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- Successfully representing two casino operators and one shareholder in their appeals in the General Court of a Commission Decision ordering Greece to recover over EUR 190 million alleged State aid from the casinos (cases T-635/11, T-14/12 and T-36/12) as well as in defending alongside the Commission against a challenge to the resulting no-aid decision (T-757/18).
- Representing Rio Tinto, BBA Aviation and Willis Towers Watson before the EU Courts in their challenge of the Commission's Decision in the UK Foreign Controlled Company (CFC) Rules State aid investigation. The Decision ordered the UK to recover significant amounts of alleged tax aid from companies that made use of the CFC Rules, including these clients. Our London tax colleagues advise on the UK tax law and litigation aspects of the case (ongoing Cases T-755/19, T-761/19, T-762/19 and T-786/19).
- Ongoing advice to clients on the structure, introduction and development of their EU distribution systems, including multi-tiered selective distribution systems, and related compliance training.
- Successfully challenged the fine imposed by the EU Commission on Wabco and former American Standard group companies in a bathroom fittings and fixtures cartel case, achieving a reduction of the EUR 203 million fine imposed by the General Court.
- Represented Acer in the EU Commission's investigation of Intel for abuse of dominance on the global market for x86 microprocessors.
- Successfully representing FGSZ, the Hungarian gas TSO, in challenging a decision obliging FGSZ to build an gas interconnection project connecting Austria and Hungary.
- The General Court invalidated Chapter V of Regulation 2017/459 establishing the Network Code on capacity allocation mechanisms in gas transmission systems (the CAM Network Code) on which ACER's decision was based (T-704/19).
- Successfully challenged, on behalf of a Chinese exporter, Council Regulation (EC) No 926/2009 in the General Court, which imposed anti-dumping duties against imports of certain seamless pipes and tubes of iron or steel originating in the People's Republic of China.
- Successfully challenged Council Regulation (EC) No 1355/2008 in the General Court, which imposed anti-dumping duties on imports of certain prepared or preserved citrus fruits originating in the People's Republic of China, on behalf of a Chinese exporter and its related company.