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Post Danmark II: Per se unlawfulness of retroactive rebates granted by dominant undertakings 43

Discusses the CJEU ruling in *Post Danmark A/S v Konkurrencerådet* (C-23/14) on the lawfulness of rebates under art.102 TFEU. Argues that retroactive rebates granted by dominant undertakings are, in fact, per se unlawful, i.e. retroactivity in itself renders the rebates unlawful without the need to inquire into the actual effects or consider any counteracting economic justification.

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For competition authorities, rewarding subsequent leniency applicants can be an effective tool to obtain more information at reduced costs. However, the system also has a risk of reducing the incentives to be the first-in applicant. This article attempts to find a way for the EU's system to resolve the tension.

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The first examples of designing the national renewable energy support schemes under the Revised EU State Aid Guidelines 77

The Commission Guidelines on State aid for environmental protection and energy for 2014 to 2020 have been in force over a year, during which time several Member States have notified their reformed renewable support mechanisms to the Commission. This article focuses on the Commission's decisions on renewable energy support and examines the regulatory approaches to renewable energy support in the form of operating aid adopted by the Member States following publication of the Guidelines.

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