

EU STATE AID POLICY IN TRANSPORT INFRASTRUCTURES AND INSTITUTIONAL PERSPECTIVES ON LARGE INFRASTRUCTURE PROJECTS AND ON THE FUTURE AND THE IMPACT OF THE ONE BELT ONE ROAD (OBOR) CHINESE INVESTMENT PLAN IN EUROPE*

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ABSTRACT

Among the main aims of the European Union, the protection of competition and free movement of goods, people, funds and services in the internal market have always played an important role. At the same time, the development of strategic transport infrastructures seems equally strategic in achieving these objectives. Nevertheless, compliance with EU regulatory framework on state aid must be ensured by each Member State, even if the need to promote growth and regional development through public financing requires a better balance to be sought.

As regards the context of European infrastructure projects, it should be noted that since the adoption of the Treaty on the Functioning of the European Union (TFEU) the conditions have been set for the creation of one of the most ambitious projects in Europe, namely the Trans-European transport network (TEN-T). This project, originating from the European Union initiative, may perhaps be considered and compared with the recent Chinese investment in infrastructure projects, even if, when examined in greater detail, there are many differences.

Notwithstanding the fact that according to the TFEU the subject of transport can be considered one of the so-called «shared competences» between the Member States and the European Union, the responsibility for the development, financing and construction of transport infrastructure lies primarily with the Member States. Starting from a general analysis of the European state aid regime, the paper examines the evolution that has influenced decisions, policies and legislation regarding the financing of transport infrastructures in order to collect and develop tools with which to study and outline the possible impact of other large infrastructure projects, like the ambitious OBOR project within the context of the EU.

Keywords: State aid, competition, large infrastructure projects, public financing, EU seaports, EU perspective, compatibility with Art. 107 TFUE, OBOR.

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