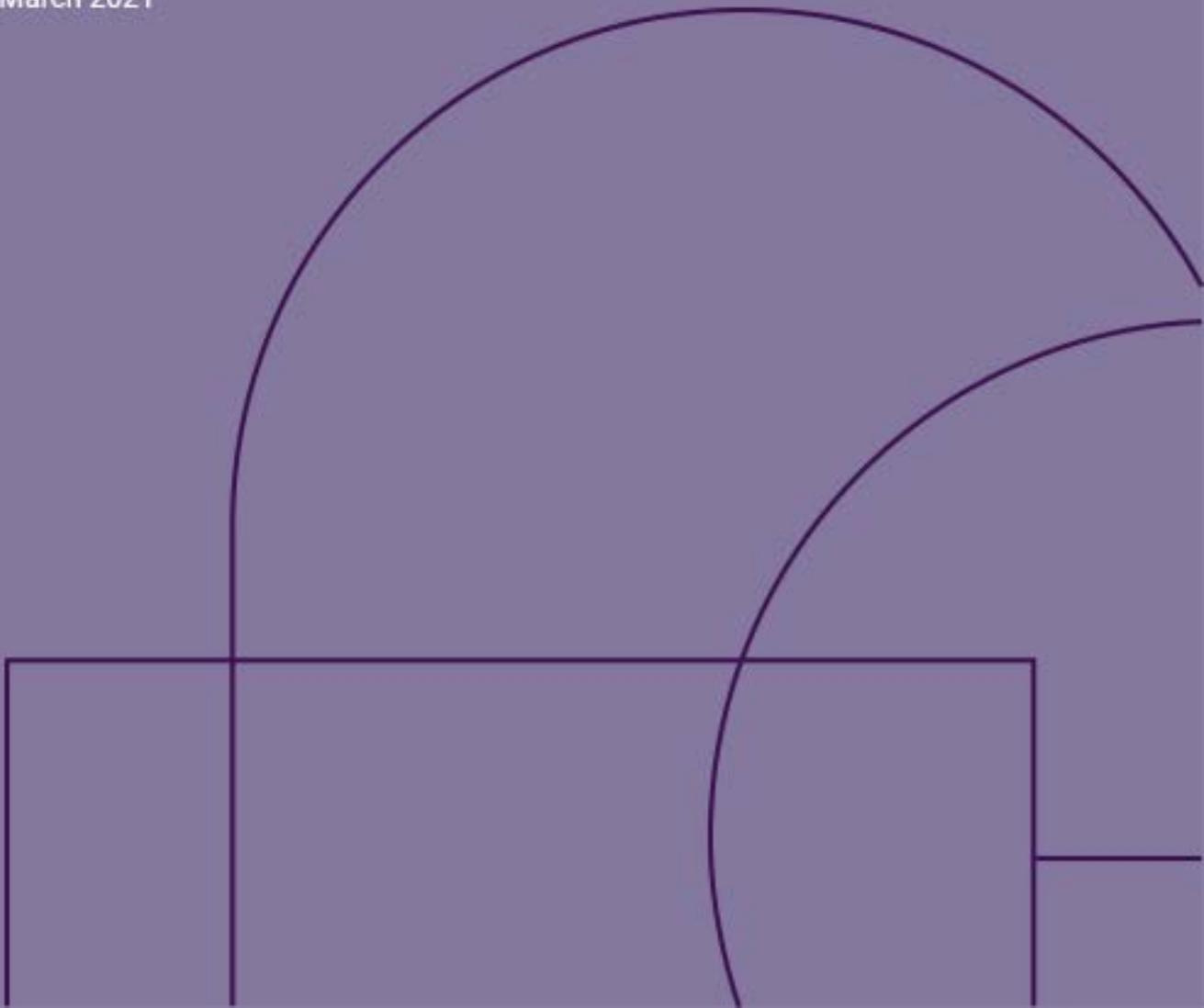


Department for Business, Energy and Industrial Strategy (BEIS)

Consultation: Subsidy control: Designing a new approach for the UK

Submission by: National Centre for
Universities and Business (NCUB)

Date: 31st March 2021



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Background on the National Centre for Universities and Business

The National Centre for Universities and Business (NCUB) is a strategic leadership network that provides a collective voice on the future of collaboration between universities and business. Driven by data, shaped by ideas – NCUB seeks to inform, influence and shape the future of collaboration. Our members share a commitment to working together to tackle some of the UK's biggest challenges. From adapting our education and training systems to developing the talent needed in the future, to transforming lives and opportunities through research, development and innovation.

Overview

The government's reaffirmed commitment to an ambitious target for UK R&D spending to reach the equivalent of 2.4% of GDP by 2027, a Plan for Growth that puts research, development and innovation firmly at the centre of the nation's economic recovery, a Net Zero ambition and a commitment to create levelling up opportunities for people and businesses across the country, requires bold and creative thinking about the future.

A bespoke UK subsidy control regime that reflects our strategic interests and particular national circumstances should speed up the delivery of productivity-enhancing projects. It should also deepen research collaboration between industry and universities.

Indeed, the objectives of the new regime reaffirm the government's intentions behind a new subsidy control system and these are welcomed by NCUB:

- Facilitating interventions to deliver on the UK's strategic interests
- Maintaining a competitive and dynamic market economy
- Protecting the UK internal market
- Acting as a responsible trade partner

NCUB particularly welcomes the commitment for new rules to be tailored to better support start-ups, small businesses and new industries, which is an important foundation to a more innovative economy.

With increased flexibility and independence however, caution needs to be taken that this does not come at the price of reduced legal certainty for recipients or that with a system for up front approval of a subsidy, granting authorities and beneficiaries are

left to assess themselves whether their subsidy is lawful. Securing clarity and simplicity will be what is needed most from Government as it sets out its desired outcomes.

The UK-EU Trade and Cooperation Agreement (TCA) signed at the end of last year gives the UK considerable freedom to design new rules and NCUB supports the Government's commitment to consult with interested parties to ensure it is well designed.

We therefore welcome the Department for Business, Energy and Industrial Strategy (BEIS)'s invitation to consult on a new Subsidy Control regime for the UK and we believe this is an important opportunity to address how the UK's state subsidy control system can encourage research, development and innovation to support the UK's ambition to become world-leading in science and technology.

Due to the wide ranging nature of the consultation, we have provided answers only to the questions within our remit.

Consultation questions

Question 1: What type of subsidies are beneficial to the UK economy?

State subsidy schemes are typically approved because their positive effects are considered to outweigh their cost. NCUB strongly agrees with the consultation document that subsidies can, for instance, encourage businesses to undertake research and development that increases economic productivity and wider prosperity, and to increase the development and uptake of the low carbon technology critical to delivering the Net Zero target.

Establishing a Research Development and Innovation (RD&I) Framework: There is significant evidence that RD&I has a positive impact on growth and productivity and estimated that private and spillover R&D benefits to the UK economy are estimated at £9.8 billion annually¹. Governments increasingly recognise the benefits of supporting private RD&I investment, but with constrained public spending the available funds have to be targeted effectively.

R&D is a high-risk activity for firms - it entails significant investment, uncertain outcomes and knowledge spillover to other firms and organisations. Since firms will not be able to capture all the benefits of their own investment, they will perform less

¹ <https://esrc.ukri.org/news-events-and-publications/evidence-briefings/public-support-for-business-r-d/>

R&D than what would be socially optimal - justifying government incentives for private R&D.

NCUB therefore strongly welcomes the recognition in the consultation document that the state subsidy control regime could encourage private RD&I spend that bring wider benefits to society. Taking this further, a comprehensive Research Development and Innovation framework within the new subsidy regime will be of significant benefit.

In November last year, NCUB formed a Taskforce made up of senior leaders from both industry and academia to consider the opportunities and challenges set out in the Government's R&D Roadmap and provide UKRI with advice on how these ambitions for R&D could be met through greater partnerships and collaborations. State subsidy was viewed by the Taskforce as a potentially important mechanism for encouraging private R&D investment and supporting the transition from research, to development, to innovation.

The consultation document highlights the potential of the subsidy control system to help deliver strategic priorities. NCUB's Taskforce recommended that the UK needs to identify specific commercial opportunities that it can focus support and resource around to nurture new technologies and encourage research translation and become world leading in targeted domains. If the UK spreads itself too thinly across a range of areas with innovation potential based on its existing breadth of research strengths alone, it risks developing ideas but not converting them into something of commercial and societal value to the UK.

Above all, there is a need for far greater specificity in the missions identified to send clear signals to industry and academia as to what the priorities are. This could include grand challenges such as achieving net zero carbon emissions; and supporting healthy ageing. But it should also include specific, commercially-focused opportunities (or "commercial missions") that identify and build on existing UK strengths in new areas of technology such as clinical research, biotechnology or functional genomics and aspects of Artificial Intelligence, Quantum Technologies and Robotics and identifying opportunities for business pull through.

The UK and many other countries have adopted mission-orientated approaches to focus resource on tackling Global Challenges. NCUB recommends the development of "commercial missions", which are carefully chosen, specific commercial opportunities of broad societal benefit that the UK is focussing on to nurture and pull through new technologies from initial research stage to commercial development. In this way, the UK can target more public support in areas where the UK has the potential

to achieve a dominant market position. These areas must be able to bridge from cutting edge research through to commercially viable products and services with both local and international market potential.

We believe there is value in exploring how a new state subsidy regime could help the UK build a globally competitive offer to attract investment in areas of national priority and commercial opportunity.

Our view is that the UK needs to build an Innovation Economy that will help all parts of the UK thrive and the new State subsidy regime can contribute to that.

The case for subsidies that address national emergencies: The impact of Covid-19 has had an unprecedented effect on our lives, on our economy and on our future wellbeing. Supporting the economy's recovery from Covid-19 should be central to the government's focus to setting up a new subsidy regime. Subsidies in the form of financial aid that remedy serious economic disturbances (provided the disturbance is narrowly and strictly defined) should not only be permitted but encouraged in the new regime. These could include subsidies to pursue domestic or social policies, for example supporting industries that help create new jobs in new and emerging technology, startups, training opportunities, as well as subsidies that address industries or sectors hardest hit or incentives for different types of businesses (SMEs or larger businesses) to pursue new innovations or strategic priorities.

Question 2: What type of subsidies are potentially most harmful and distortive?

While state aid can represent a huge benefit for countries and can play a crucial role in stimulating private investment and economic growth, they can also create distortions and inefficiencies. For example, subsidies that support loss-making companies or those that target a single firm and are not applied to a general sector or industry can be considered anti-competitive and may even breach the UK's obligations under the WTO rules.

Additionally, if subsidies are leveraged to support delivery of national strategic priorities, the question of how those strategic priorities are set becomes of increased importance. For many universities and businesses the most important consideration is how prioritisation occurs and is followed through. Competitive advantages will not remain forever. The UK must identify opportunities of comparative advantage and move quickly to exploit them. Universities and businesses themselves have a

fundamental role to play in identifying the opportunities that should shape priority setting.

Question 3: Do you agree with the Government's objectives for a future subsidy control regime? Are there any other objectives that the Government should consider?

NCUB agrees with the objectives set out. Specifically, we strongly endorse the following:

- a. **Facilitating interventions to deliver on the UK's strategic interests-** For decades, governments have justified state subsidies for R&D because the rates of return for public funding generally outweigh the original funding amount. The implementation of new ideas and new inventions can spillover to other companies and raise productivity in the country as a whole. It also follows that a key priority of this Government is to help those regions that have been left behind and level up prosperity across the UK. Subsidies, alongside other forms of intervention, will be important tools in helping address regional imbalances and NCUB agrees that strategic interests should form a key objective for targeted subsidies.

- b. **Maintaining a competitive and dynamic market economy-** NCUB agrees with the government principle that subsidies should not be designed to prevent unsustainable businesses or declining industries. Instead, subsidies should be designed to bring about a change that would not have otherwise occurred and therefore to deliver social benefits and impacts beyond what would have happened in the absence of a subsidy.

In times of national emergency however, such as that brought on by the Covid-19 pandemic, the UK's strategic interest may include financial support to help industries and sectors that would otherwise have survived if not for the pandemic. Experts warn that economic, biological and natural disasters may become more commonplace; therefore, defining the UK's subsidy regime to include exemptions in times of national emergency is necessary.

- c. **Protecting the UK internal market-** NCUB agrees with the risk that "businesses looking to establish or relocate an operation may attempt to use the subsidy offers from different public authorities to create a bidding war between them".

Protecting the internal market is a valuable objective to guide the new regime. However, the principles stating how it will discourage giving one business operating in one region a competitive advantage over another needs more guidance.

- d. Acting as a responsible trade partner-** The UK has existing obligations under the WTO Agreement on Subsidising and Countervailing Measures and indeed, the Trade and Cooperation Agreement (TCA) with the EU includes the same obligations and goes further than other FTAs on subsidies in a number of areas. Therefore, a new subsidy regime will need to maintain and respect the general principals contained within existing agreements and build on them.

The Government must not only set the ambition and commit public funding, but must also create the necessary enabling conditions that span the remits of multiple Departments. To achieve the step up in scale, the alignment with broader social and economic priorities and successful delivery will require more than just vision and collaboration. It will require leadership, ownership and accountability at senior levels of government. In this way, it is important that the Government is clear in its subsidy proposals about how it will use subsidies to meet the four areas identified in the consultation (facilitating, maintaining, protecting, acting). Subsidies are not always necessary but they can be helpful to stimulate and incentivise business productivity and growth. With a clearly articulated long term strategy in areas the Government identifies as strategic for targeted state subsidies, businesses will respond if the Government sends clear and consistent signals on the longer term direction of travel.

Question 4: We invite respondents' thoughts on further sources of evidence that would help to strengthen our analysis of policy impacts. In particular:

- Additional datasets (other than the European Commission's Transparency Award Module) on local or regional subsidy awards (e.g. by value, sector or category)
- Research and evaluation projects that have been conducted on the impacts of different types of subsidy

awards on domestic competition and trade (e.g. by value, sector or category)

NCUB generates analytics on research, development and innovation which may prove helpful in, (1) identifying the downstream value of grant funding for research, development and innovation, and (2) contextual information on research, development and innovation capabilities in different parts of the UK.

Downstream value of grant funding for research and innovation

- NCUB has created a working proof of concept that can provide insights into the downstream value attributable to grant funding of businesses by Innovate UK. Specifically, the data and analysis explores value creation arising from grant investment based on corporate financial indicators and registration of intellectual property (particularly patents), set alongside details of project type, sector, subject matter and quantum of funding. Data on up to 10,000 businesses funded by Innovate UK from 2012 to date will be included as the model expands.

Mapping research capabilities in places

- The UK is developing an R&D Places strategy that explores how research, development and innovation capabilities and opportunities can be levelled up across the UK. NCUB has created a working proof of concept that can identify and visualise mapping of capabilities across universities, experts and businesses in the UK in relation to industrial challenges and/or in specific localities.

Question 5: We invite respondents' views on whether our proposed subsidy control regime, including the way it functions, may have any potential impact on people who share a protected characteristic (age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (gender) or sexual orientation), in different ways from people who don't share them. Please provide any evidence that may be useful to assist with our analysis of policy impacts.

n/a

Question 6: Do you agree with the four key characteristics used to describe a support measure that would be considered a subsidy? If not, why?

Yes, we agree with the characteristics proposed within the consultation document.

Question 7: Should there be a designated list of bodies that are subject to the new subsidy control regime. If so, how could that list be constructed to ensure that it covers all financial assistance originating from public resources?

The new regime will undoubtedly require businesses and other organisations a period of time to understand the implications. A list of financial assistance included in the definition of subsidies would be of benefit to all parties. Specific guidance for different sectors in receipt of public funding (e.g. Universities, charities, Innovate UK grant recipients) would also be of benefit, allowing those sectors to generate their own specific lists of financial assistance.

Question 8: Do you think agricultural subsidies in scope of the AoA and fisheries subsidies should be subject to the proposed domestic arrangements? If so, what obligations should apply?

n/a

Question 9: Do you think audio-visual subsidies should be subject to the domestic regime? Please provide a rationale for your answer.

n/a

Question 10: Do you agree with the inclusion of an additional principle focused on protecting the UK internal market by minimising the distortive effects on competition?

Yes, broadly speaking. However, the burden on public bodies to meet each of the principles should be commensurate with the award itself. Therefore, careful consideration needs to be given to exemptions and minimum thresholds where the risk to distort the UK internal market is low.

Question 11: Do you think there should be any additional principles?

NCUB recommends the following additional principle:

- a. Subsidy measures are time bound and lapse after five years- Provided there is evidence that the measures are no longer needed, the responsible body should conduct a review to ensure the objectives of a stated subsidy are still relevant.

Question 12: What level of guidance or information would be helpful for public authorities to assist with their compliance with the principles?

As the government is proposing that there is a legal obligation placed on public authorities to meet the terms of these principles, a simplified, clear process will need to follow. The Government is already reviewing bureaucracy in the R&D process in the UK for both researchers and businesses accessing R&D incentives, therefore, those same principles should be applied when setting out the guidance for public authorities to assess their compliance. If the new regime requires public bodies to take a more flexible approach, it needs to set out how public bodies can document a UK-compliant assessment of a subsidy, including concrete templates and examples, in a way that carries the least administrative burden.

Question 13: Should the threshold for the exemption for small amounts of financial assistance to a single recipient replicate the threshold in the UK-EU Trade and Cooperation Agreement at 325,000 Special Drawing Rights over a three-year period? If not, what lower threshold would you suggest and why?

Yes, NCUB agrees with the general principle to reduce the administrative burden for 'low-risk' or 'low value' subsidies.

Question 14: If you consider the small amounts of financial assistance threshold should replicate the UK-EU Trade and Cooperation Agreement, should it be fixed at an amount of pound sterling (GBP)?

n/a

Question 15: Do you agree that subsidies under the proposed small amounts of financial assistance threshold be exempt from all obligations under the domestic regime, except for the WTO prohibitions? If not, why?

Yes

Question 16: Should relief for exceptional occurrences be exempted from obligations regarding principles, prohibitions and conditions in the subsidy control regime?

Yes, NCUB strongly supports the idea that there are exceptional occurrences whereby exemptions from the controls should be granted- as described in question 1.

Question 17: Should subsidies granted temporarily to address a national or global economic emergency be exempted from the rules on prohibited subsidies and any additional rules set out below?

As described in our response to question one, NCUB supports the principle that, where there is an urgent need for public authorities to rapidly respond and disburse subsidy awards, that these are targeted, temporary subsidies that address the effects of a national or global economic emergency, such as a financial crisis, for the protection of depositors or investors or to maintain the stability of the UK's financial system.

There is evidence that the UK's European competitors abide by similar principles. In Germany, for example, the Government proposed to introduce specific types of

exemption to ensure that the lowest risk and most time-critical subsidies can proceed without having to ensure that they comply with the subsidy control principles. The proposed exemptions currently include small amounts of financial assistance (generally measures below 325,000 Special Drawing Rights, or approximately £340,000 at the time of publication), relief to compensate for “exceptional occurrences” (such as natural disasters or other exceptional non-economic occurrences such as compensating businesses for the immediate economic impact of the pandemic), subsidies granted to address a national or global economic emergency, and other services of public economic interest (for example, social housing or rural public transport services). In order to reduce the burden placed on public authorities by the new regime, the Government is also consulting on whether any additional measures could be introduced to help ensure that lower risk subsidies are able to proceed with maximum legal certainty and minimum bureaucracy (for example, by setting out specific categories of subsidy that are deemed to be in compliance).²

Additionally, NCUB proposes that the new regime should identify “safe harbours”, similar to the EU agreement where subsidies are allowed unchallenged in defined areas – for example, to meet social and environmental policy goals. This would allow the vast majority of public funding to be awarded rapidly and with legal certainty, as achieved by “block exemptions” in the EU state-aid regime.

Question 18: Should the threshold for the exemptions for Services of Public Economic Interest replicate the relevant thresholds in the UK-EU Trade and Cooperation Agreement at 750,000 Special Drawing Rights over a three-year period, and for transparency obligations at 15 million Special Drawing Rights per task? If not, what lower threshold would you suggest and why?

n/a

Question 19: If you consider the SPEI thresholds should replicate the UK-EU Trade and Cooperation Agreement,

² German ‘Umbrella scheme’ -https://ec.europa.eu/commission/presscorner/detail/en/IP_20_774

should they be fixed at an amount of pound sterling (GBP)?

n/a

Question 20: Do you agree with the Government's approach to prohibitions and conditions? Should any types of subsidy be added to either category? If so, why?

Broadly speaking, NCUB agrees with the proposed approach to prohibitions and conditions. However, NCUB research has found that startups or SMEs more likely to innovate and invest in R&D are also more likely to carry debt or have limited turnover in their first few years of operation. A new approach to UK equity banking needs to take a less risk-averse approach whereby the criteria applied to assess company risk or liability is broad enough to understand different types of businesses at different stages in their development. A subsidy prohibition therefore, should not be based on absolute risk but a risk versus reward equation that takes account of not only the financial portfolio of an ailing company but also the potential growth and wider benefits of a state subsidy.

It is also necessary to consider the impact of not offering a subsidy in the form of a loan would have on an ailing company. If, for example, a company is a large employer, invests in significant R&D with spillover effects into a wide economic and geographic area, the impact of a blanket prohibition that prevents rescue could have a wider and distortive impact on the growth of a region or market. The public interest test and restructuring subsidies are both welcome approaches to addressing these situations.

Question 21: Would more detailed definitions of any of the terms set out in this section, including the definition of "ailing or insolvent enterprises" be useful to ensure a consistent and proportionate? approach to compliance? If so, what should these be?

Yes, as above, clarity is always welcome and the definition of an 'ailing' business needs to be sufficiently wide enough to allow a more risk-based approach to be applied to high-growth, high-potential companies.

Question 22: Should the Government consider any additional ways to protect the UK internal market, over and above the inclusion of a specific principle to minimise negative impacts? If so, what?

Yes, NCUB proposes that the UK look to other countries to understand how they approach inter-state or inter-provincial market issues, including the US, Canada, Australia and Switzerland. These are well-documented within the proposal.

Question 23: Would an additional process for subsidies considered at high-risk of causing harmful distortion to the UK internal market add value to the proposed principles? If so, how should it be designed and what criteria should be used to determine if the subsidy is at high-risk of causing distortion?

NCUB understands the intentions behind introducing an additional process that would address subsidies that could be considered to be at high-risk of causing harmful distortion to the UK internal market. However, the Government already intends to introduce a requirement for public authorities to demonstrate compliance with these principles, by filling out a template to record how the terms of the principles have been met when designing the subsidy. This additional process would introduce an additional requirement and could, in effect, delay initiatives or public funding intended to bolster and accelerate targeted industries or those of strategic interest to the UK. It could also deter businesses if processes and policies become too complex.

The Government's [review](#)³ to reduce bureaucratic burden in research, R&D and higher education expressly stated that this must be a "collective effort to reform and simplify processes and providers must play their part by reducing their own internal bureaucracy". Further, the lessons must be learned from the many funding streams that were able to be rapidly deployed in response to the coronavirus pandemic. NCUB is encouraging BEIS to reconsider whether an additional competition impact review process is necessary to achieve the aims stated within the review.

³ <https://www.gov.uk/government/publications/reducing-bureaucratic-burdens-higher-education/reducing-bureaucratic-burdens-on-research-innovation-and-higher-education>

Question 24: Should public authorities be obliged to make competition impact reviews public? If not, why?

n/a

Question 25: Should public authorities be permitted to override competition impact review e.g. in the case of emergencies? If so, why?

Yes, as above, there are lessons to be learned from the Covid-19 pandemic whereby, funding and policymakers were able to respond rapidly, cutting the need for a number of administrative processes that are typically present in normal times.

A [report](#) on the Effects of the Covid-19 Pandemic on the ability of universities to contribute to Innovation⁴ explored university perceptions of the effects of selected UK Government schemes and UKRI funding programmes on their ability to initiate, support and deliver innovation-focused activities and projects through the Lockdown period and into the early stages of the economic recovery.

Around three-quarters of universities claimed the UK rapid response calls for COVID-19 research had had a positive effect, and 61% cited positive effects from the UKRI grant extension allocations. Importantly, universities called for more efforts to reduce bureaucracy around grant administration and contracting, simplifying access to funding, greater consideration of the amount of time required to assemble strong bids in response to major challenge-driven calls, and simplification of innovation-focused funding for SMEs.

Question 26: Should there be additional measures to prevent subsidies that encourage uneconomic migration of jobs between the four nations?

n/a

Question 27: Could additional measures help ensure that lower risk subsidies are able to proceed with maximum legal certainty and minimum bureaucracy?

⁴ <https://www.ncub.co.uk/reports/innovating-during-a-crisis-the-effects-of-the-covid-19-pandemic-on-how-universities-contribute-to-innovation>

What should be included within the definition of 'low-risk' subsidies?

NCUB welcomes the government's recommendation to set out categories of subsidy that are considered to be compliant with our legal obligations and principles and which could be relied on by public authorities. These would need to be simple and clear with the aim to provide public authorities with a clear route to design subsidies that are within the established rules.

A low-risk subsidy could also include a lower threshold as these are unlikely to have a material impact on trade or significantly distort the UK single market.

Question 28: What guidance or information would be helpful for public authorities to assist on lower risk subsidies?

As above, a clear list of categories provided to public authorities would be helpful.

Question 29: Should the specific rules on energy and environment subsidies apply only in so far as they are necessary to comply with trade agreements? Or should they apply under the domestic regime more generally?

n/a

Question 30: Which sectors or particular categories of subsidy (such as for disadvantaged areas, R&D, transport, skills etc) would benefit from tailored provisions or specific guidance on subsidy control? If so, why, and what should the nature, extent and form of the provisions be?

Disadvantaged areas- The design of a new UK subsidy control regime offers up an opportunity for the UK to provide more support for projects in disadvantaged regions, or, concurrently, interpret what constitutes a disadvantaged region more broadly than the EU. Equally, NCUB would argue that the new regime also provides an opportunity

to raise opportunities and build upon strengths in all parts of the UK, not just remedying disadvantage. This could be noted as an additional category of subsidy.

The current EU regime provides certainty by pre-approving subsidies and by providing templates for subsidies that, if followed, guarantee their legality (these are known as exemptions). Most subsidies in the EU, and almost all offered by smaller public bodies, are approved by this route. The EU approval process was widely regarded as simple and clear. A similar process, with tailored guidance would help public bodies to allocate funding in a rapid and targeted manner.

R&D- As stated in response to question 1, we strongly advocate the development of a specific research, development and innovation category.

Question 31: Do you agree with the proposed rules on transparency? If not, why?

n/a

Question 32: Do you agree that the thresholds for the obligation on public authorities to submit information on the transparency database should replicate the thresholds set for small amounts of financial assistance given to a single enterprise over a three-year period and for transparency for SPEI?

n/a

Question 33: If not, should the threshold be lowered to £175,000 over a three-year period to cover all reporting obligations for Free Trade Agreements, enabling all of the UK's international subsidy transparency obligations to be met through one database?

n/a

Question 34: Should there be a minimum threshold of £50,000 below which no subsidies have to be reported?

Yes, NCUB welcomes the initiative to consider and introduce the least bureaucratic burden for smaller subsidies, particularly ones that are low risk. Without being prescriptive about a number or value, NCUB suggests applying the principle of low risk and the potential of the subsidy to distort the market, instead of a minimum threshold.

Question 35: Do you agree that the obligation should be to upload information within six months of the commitment to award a subsidy?

n/a

Question 36: What should the functions of the independent body be? Should it be responsible for any of the following:

- information and enquiries;
- review and evaluations;
- subsidy development advice;
- post-award review;
- and/or,
- enforcement.

n/a

Question 37: Should any review of a subsidy by the independent body consider all the principles, and the interaction between them, or only some principles, and if so which ones?

n/a

Question 38: What role, if any, should the independent body play in advising public authorities and reviewing subsidies before they have been awarded?

Under the proposed regime, UK public bodies will be accountable to how courts interpret their role in reviewing decisions and what standards they will apply to that

review. Any subsidy is vulnerable to a court finding it breaches the rules and must be repaid. That risk is likely to be small but nonetheless could lead to caution and to subsidies being cancelled or delayed until the legal position is clarified, which could delay projects. A business having to repay a subsidy that has already been spent because it is ruled illegal is a scenario that must be avoided.

A dedicated independent body that can advise on and offer review and guidance to public authorities *prior* to an award being issued is a welcome initiative, particularly in cases where public bodies may struggle to understand whether their unique case falls within the guidelines.

Question 39: If the independent body is responsible for post-award review, what types of complaints should it be able to receive and from whom?

n/a

Question 40: Which, if any, enforcement powers should the independent be given? In what circumstances could the body deploy them? What would be the routes of appeal and the interaction with judicial enforcement?

n/a

Question 41: How should the independent body be established in order to best guarantee its independence and impartiality when exercising its operational functions?

n/a

Question 42: In addition to the application of time limits, are there any other considerations for implementation of the recovery power?

n/a

Question 43: Should a specialist judicial forum such as the Competition Appeals Tribunal hear challenges to subsidy schemes and awards? If not, why?