6. The obligations of Member States under the EU competition rules

This chapter examines the obligations of Member States in relation to EU competition law. Specifically, it considers the obligations that Article 4(3) TEU and Articles 37 and 106 TFEU place upon Member States. Article 4(3) requires all Member States to take all appropriate measures to ensure fulfilment of the obligations arising out of the Treaties, and to avoid any measure which could jeopardise the attainment of the EU’s objectives. Article 106 particularly obligates Member States to refrain from enacting or maintaining measures contrary to the rules provided in Article 18 and Articles 101 to 109 of the TFEU. Article 37 is concerned with the procurement of goods.
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