

• **Spring Course: Concept & Principles of State Aid**
Intensive 3-day Course
27-29 March 2019 | Nice, France

Experts



Phedon Nicolaidis

Professor at the University of Maastricht, and Visiting Professor at the College of Europe, Academic Director at lexxion training



Péter Staviczky

Attaché for State Aid, Hungarian Permanent Representation, Brussels



Anita Gyürkés

Acting Head of Department, State Aid Monitoring Office, Budapest



George Peretz QC

Monckton Chambers, UK

This 3-day Course will focus on the following topics:

- Become familiar with the concept and principles of State aid
- Learn how to determine whether a measure contains State aid
- Learn how to assess the existence of State aid and its compatibility with the internal market
- Receive a detailed insight into the most important State aid exemptions (GBER and de minimis) and learn how to apply them
- Become acquainted with the State procedures concerning the notification procedure and recovery of unlawful aid
- Learn how to apply the Commission's SGEI Package and what are the critical issues in designing Altmark-compliant measures
- Analyse your problems and discuss your questions with experts from public and private practice
- Exchange with State aid experts from many different Member States and enjoy networking in a social evening event



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General Information

Overview

Our Spring Course will give you a comprehensive overview of the essential State aid regulations and provide you with a practical "toolbox" for assessment of State aid and design of public measures compatible with the Internal Market. Each day, the experts' presentations will be enriched by working group exercises, best practices examples and interactive case studies.

Target Group

Public officials from:

- Ministries and other national authorities
- National Competition Authorities
- State Aid Monitoring Offices
- Courts of Auditors
- Regional governments
- Communal and City councils
- National and Regional Development Agencies

involved in granting State aid in sectors such as:

- Transport and infrastructure
- Finance
- Environment and Energy
- Telecommunication and Broadband
- Social services and health
- Agriculture
- Research, Development & Innovation

ESI funds experts from:

- Institutions coordinating the national strategies for Structural Funds
- Managing, Certifying and Audit Authorities, Intermediate bodies
- Bodies implementing EU funded projects
- Lawyers and consultants
- Experts from Public and private banks
- Academics

Methodology

The three-day spring course offers the possibility to meet and exchange with experts from EU institutions, Member States as well as the private sector. The different perspectives of our experienced trainers will support to apply the complex rules to real cases. A mix of learning methods will be applied in the course to achieve the best results.

The Lexxion Training Method combines the three stages of learning to ensure that the participants obtain the best possible understanding of EU rules:

- 1) Identification of the main points or principles;
- 2) Appreciation of the complexities and limitation of the principles, and
- 3) Application of the principles.

The participants will be actively involved in the course. The sessions will combine presentations, case studies and discussion on practical problems. You will have ample opportunities to present your own problematic issues and discuss them with the speakers and participants from other Member States.

Just send to us your cases and questions in advance! We will forward them to our speakers, who will include your issues in the programme and answer them during the training. All information concerning such problems and cases will be treated confidentially.



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Programme Day 1: Wednesday, 27 March 2019

Day 1: Concept of State Aid & Principles of Compatibility

08:45 Registration & Welcome Coffee

09:00 Welcome Note & Introduction Round

Chair: **Phedon Nicolaides**

Professor at the University of Maastricht, and Visiting Professor at the College of Europe, Academic Director at lexzion training

09:30 **Concept and Principles of State Aid**
(including Coffee Break)

- System and structure of State aid
- The requirements of Art. 107 TFEU
- How to identify State aid
- Notion of economic activity and undertaking
- The meaning of State resources
- Selective advantage
- Effect on competition and inter-State trade

Phedon Nicolaides

12:00 Lunch Break

13:00 **Working Groups Exercise:**
How to Assess if State Aid is Present in your Scheme and/or Project

Phedon Nicolaides

14:30 Coffee Break

15:00 **Principles and Assessment of State Aid Compatibility**

- Necessity and justification of State aid
- Policy objective of common interest
- Existence of a market gap
- Appropriateness of State aid
- Incentive effect and proportionality

Phedon Nicolaides

16:00 **The Market Economy Investor Principle (MEIP)**

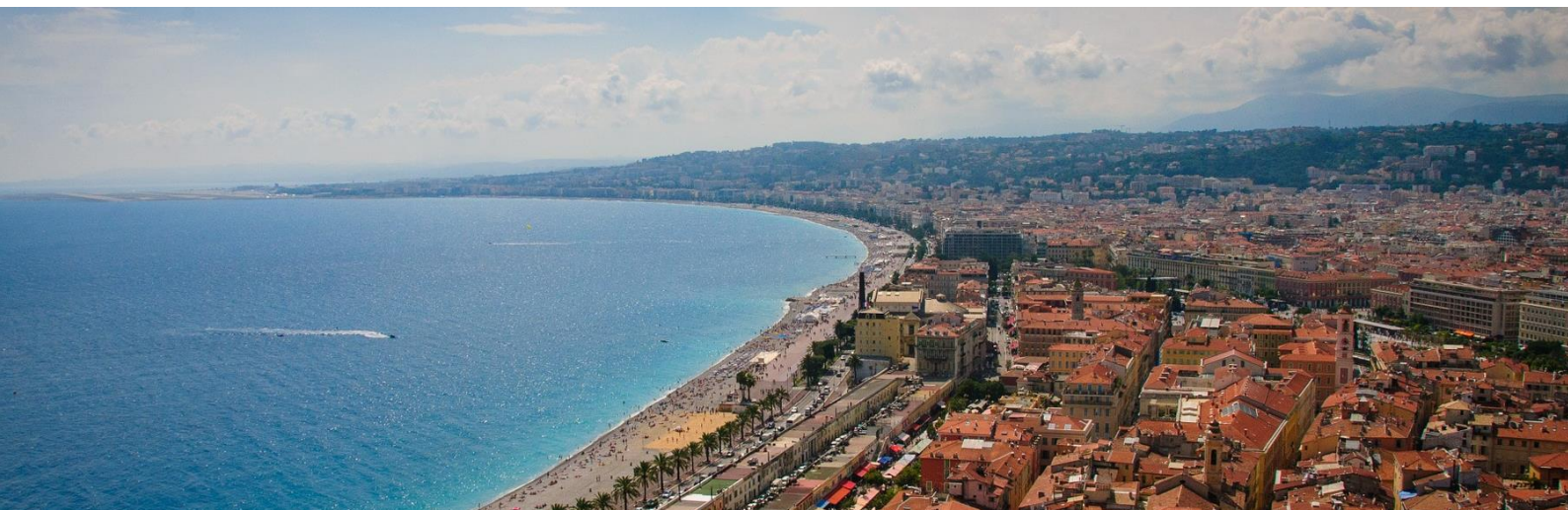
- Purpose of MEIP
- Use of “public” resources for investment purposes
- The aims and time horizon of private investor
- MEIP in practice – how to apply it
- Practical cases

Phedon Nicolaides

17:00 **Summary and Lessons Learnt of Day 1**

17:15 End of Day 1

18:00 *Evening Event & Common Dinner*



Please contact: Ms Gaël Langosch



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• **Spring Course: Concept & Principles of State Aid**
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Programme Day 2: Thursday, 28 March 2019

Day 2: State Aid Exemptions, Main Horizontal Guidelines & State Aid Procedures

Chair: **Péter Staviczky**, Attaché for State Aid,
Hungarian Permanent Representation, Brussels

09:00 **De minimis Regulation**

- Legal basis: Regulation 1407/2013
- Thresholds and cumulation
- Exercise on application of de minimis regulation

Péter Staviczky

09:30 **General Block Exemption Regulation (GBER)**

- Common and specific provisions
- Scope and categories of exempted aid
- Thresholds, incentive effect, cumulation rules
- Publication, reporting and monitoring

Péter Staviczky

10:30 Coffee Break

11:00 **Regional Aid – Rules and Practical Application**

- Guidelines on Regional State aid 2014-2020 vs GBER
- Compatibility measures
- Relocation, process innovation and incentive effect

Anita Gyürkés

Acting Head of Department, State Aid Monitoring Office, Budapest

12:00 **State Aid for R&D&I – Rules and Practical Application**

- Framework for R&D&I and for Risk Finance vs GBER rules
- Non-economic research vs economic research
- Collaboration between research organisations and undertakings

Vanessa Bruynooghe

DG Competition, Unit H2 - R&D&I, IPCEI and Environment, Brussels

13:00 Lunch Break

14:00 **Energy & Environmental Aid – Rules and Practical Application**

- Guidelines for energy and environment projects vs GBER
- Notifiable energy and environmental aid
- Specific State aid provisions for energy efficiency and renewable energy
- Practical case

Péter Staviczky

15:30 Coffee Break

16:00 **Best practice for Application of GBER and Guidelines in Member States: Discuss your cases and questions!**

During this working group we will discuss your individual cases and problems/challenges as well as real-life cases.

Péter Staviczky

17:00 **State Aid Procedures: Notification & Recovery**

- Notification procedure: Regulation 2015/1589
- Procedural rules, GBER & Notion of Aid – When to notify?
- Non-compliance and recovery of unlawful aid

George Peretz

QC, Monckton Chambers, UK

17:45 Summary and Lessons Learnt of Day 2

18:00 End of Day 2



• **Spring Course: Concept & Principles of State Aid**
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Programme Day 3: Friday, 29 March 2019

Day 3: Services of General Economic Interest & Infrastructure Funding

09:00 **Services of General Economic Interest (SGEI)**

- Concept of SGEI
- Recent judgements and Commission decisions
- SGEI Package (2012) and Altmark criteria
- SGEI *de minimis* Regulation
- How to avoid errors in defining SGEI?
- How to define a market gap?
- How to calculate compensation?
- How to notify SGEI aid?

Péter Staviczky

Attaché for State Aid, Hungarian Permanent Representation, Brussels

10:30 Coffee Break

11:00 **Application of SGEI in Different Sectors incl. Case Studies**

- *Public transport*
- *Social services and health*
- *Social security*

Péter Staviczky

Attaché for State Aid, Hungarian Permanent Representation, Brussels

12:30 Lunch Break

13:30 **Infrastructure Funding in Compliance with State Aid & Practical Exercises**

- Funding infrastructure after Leipzig/Halle:
- How to be compliant with State aid requirements?
- MEIP and its application to infrastructure funding
- Compatibility principles of infrastructure funding
- The 20% rule of infrastructure funding

Anita Gyürkés

Acting Head of Department, State Aid Monitoring Office, Budapest

15:00 Coffee Break

15:15 **Brexit & State Aid**

- Impact of Brexit on the Application of State Aid Rules and EU-UK trade
- UK State Aid Regime after Brexit

George Peretz QC

Monckton Chambers, UK

Phedon Nicolaides

Professor at the College of Europe in Bruges and at the Maastricht University, Academic Director at lexion training

16:00 **Problem-Solving Session and Final Discussion**

Discuss your individual cases questions in full confidentiality

16:45 Summary and Lessons Learnt of Day 3

17:00 End of Day 3



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Experts

Phedon Nicolaidis

Professor at the University of Maastricht, and Visiting Professor at the College of Europe, Academic Director at lexxon training

Dr. Nicolaidis has been educated in the United States, the Netherlands and the United Kingdom and has a PhD in economics and a PhD in law. He has acted as consultant to a number of public authorities in various EU Member States and to international institutions and organisations such as the European Commission, the European Investment Fund, the European Economic and Social Committee, the OECD and the UN. He has published extensively on competition policy, State aid, and policy implementation. During the past 15 years, he has carried out training activities on State aid in most EU Member States.

Péter Staviczky

Attaché for State Aid, Hungarian Permanent Representation, Brussels

Studied law at the Pázmány Péter Catholic University Faculty of Law (1996-2001) and Comparative Law at the International Faculty of the University Robert Schuman Strasbourg (1999-2002). He did a banking-lawyer postgraduate training (2000-2002) and took part in the common European specialist course of the Ministry of Foreign Affairs and the French École National d'Administration in spring 2002. He has been working at the State Aid Monitoring Office in Budapest since 2001. In 2007, he was appointed as head of the unit. He is a regular speaker at the seminars on State aid. Since January 2011 he is the attaché responsible for State aid at the Permanent Representation of Hungary to the EU in Brussels.

Anita Gyürkés

Acting Head of Department, State Aid Monitoring Office, Budapest

Anita Gyürkés currently holds the position of Head of Department of the State Aid Monitoring Office (SAMO) in Hungary. During her nine years at the SAMO, she was responsible for State aid cases in a variety of fields, including de minimis, SGEI, risk capital and fiscal measures. She was also involved in the multilateral negotiations and the national implementation of the 2008 and 2014 General Block Exemption Regulation. Anita Gyürkés contributes to the dissemination of knowledge on State aid by providing seminars in Croatia and Serbia and writing articles in the Hungarian State Aid Law Review.

George Peretz QC

Monckton Chambers, UK

George Peretz QC represents major private clients, regulators and Government departments over the range of competition law. Recently, he led, in the UK Court of Appeal, a major pharmaceutical company's successful defence against a claim under Article 102. He is currently acting for the European Commission in the appeal to the General Court against its high-profile Lundbeck and Servier "pay for delay" decisions, and acted for the Commission in the appeals to the General Court in Air Freight. In the State aid area, he has particular experience of advising clients on the interplay between State aid and tax. Recent highlights include advising the UK on the Flood Re scheme to secure affordable flood insurance for those in homes at flood risk, and representing the UK tax authorities in a major case involving State aid issues. He is Joint Convenor of the UK State Aid Law Association and UK national reporter for the European State Aid Law Quarterly. Chambers Bar Directory 2016 says he is "Extremely bright, very tenacious and someone who quickly grasps the commercial issues."



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Registration

Participation fee

YES, I would like to participate in the
Spring Course: Concept & Principles of State Aid

- Reduced fee for public authorities: € 2.650,- (excl. VAT)
- Regular fee: € 3.150,- (excl. VAT)

- Discount for EStAL subscribers: € 100,-

20% French VAT will be added.

Registrations will be accepted first come, first serve. The participation fees include the workshop material, drinks and snacks during the breaks and lunch.

Newsletter subscription

- Please send me information about Structural and Investment Funds issues for free. I may unsubscribe from this service any time.

Cancellations

Cancellations should be made in writing per post or fax. Please note that the full fee will be charged for cancellations received after 12 March 2019. Nomination of a substitute remains possible. A cancellation arising by reason of too small a number of participants is effected no later than two weeks prior to the seminar. In this case the participation fee will be refunded. A requirement for reimbursement of travel and accommodation expenses as well as loss of working hours is not possible, unless such costs result from wantonly negligent or deliberate behaviour on the part of the organiser. For more detailed information, scope and conduct of contract as well as cancellation policy, please check the Terms & Conditions on our website.

Please register with:



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Name

Position, Department

Company Name

Address

Address

Phone, Fax

E-Mail

VAT Reg.-No.

Date, Signature

Upcoming Events

EStAL Seminar: The Evolving Concept on the Notion of Aid 11.04-13.04. 2019 | Barcelona (Spain)

The EStAL Seminar 2019 provides an in-depth examination and discussion of the most important developments and recent judgments related to the notion of aid and the question of how to determine whether a measure constitutes State aid.

EStALI Interactive Forum on EU State Aid Law 06.06.2019 - 07.06.2019 | Vienna (Austria)

The Interactive Forum offers a platform to discuss and exchange on current developments in EU State aid law. Expert panels and fictitious case studies with leading practitioners invite participants to get actively involved in the debates, exchange experiences and receive guidance on particular questions and cases. A great networking opportunity!

For more information on any of our events please visit: www.lexxion.eu