



European Conference

The New EU Concessions Directive

Tuesday, 25 March 2014 | Brussels

Get prepared for the
new regulatory framework
for Concessions in the EU!

Expert Panel

(among others):



Chair:

Christopher BOVIS
University of Hull
European Commission



Olivier GIRARD
European Commission



Joanna SZYCHOWSKA
European Commission



Steven VAN GARRSE
PPP Infocenter of the
Flemish Government



Christian KOENIG
Center for European
Integration Studies



**Rainier
D'HAUSSONVILLE**
Veolia



**Friedrich Ludwig
HAUSMANN**
K&L Gates

The New Concessions Directive

- Previous Case Law & Codification
- Award & Judicial Control of Concessions
- Risk Categorisation, Risk Assessment & Risk Transfer in Concessions
- Payment Mechanisms

Concessions in Practice

- Excluded Sectors and “Missed Opportunities”
- Practical Case: Legal and Policy Approach in Member States
- Industry Experiences on Procurement, Financing, Contracting and Delivery of a Concession
- Panel Discussion with Perspectives from EU, Member States & Industry

STRUCTURE & PARTICIPANTS

BACKGROUND

Concessions are partnerships between the public sector and mostly private companies, which operate, maintain and carry out the **construction of infrastructure** (e.g. ports, water distribution) or **provide services of general economic interest** (e.g. energy, water). As such, concessions are the most common form of Public Private Partnerships (PPP).

As part of the reforms of EU public procurement law, the **new rules for EU Concessions** shall establish a clear regulatory framework for the **selection, awarding and contracting of works and services concessions** in both the 'classic' and 'utilities' sector. The new Concession Directive codifies existing case-law and practice and establishes **harmonised rules** in a vastly diverse regulatory landscape.

Contracting authorities and suppliers need to **prepare on how to implement and apply the forthcoming rules** in their national context. The European Conference will provide a comprehensive insight in the new regulatory framework and provides experiences and expert guidance on how to interpret and implement the new rules.

BENEFITS OF ATTENDING

- ✓ Receive an in-depth insight into the new regulatory framework of EU Concessions
- ✓ Get expert guidance on how to implement the new rules into national law
- ✓ Discuss payment mechanisms and risk management in Concessions
- ✓ Receive insights into the legal and practical experiences of a major operator
- ✓ Meet and discuss with leading experts from the European Commission, Member States' authorities, industry and private legal practice

WHO SHOULD PARTICIPATE?

- Legal practitioners in national and international law firms
- Representatives from public authorities on national, regional and local level
- Consultancies
- Public and private banks
- Academics
- Private sector service providers and in-house counsels in the following sectors, among others:
 - ◆ Energy
 - ◆ Water
 - ◆ Transportation
 - ◆ Construction
 - ◆ Waste
 - ◆ Health Care



PROGRAMME

8:30 **Registration & Welcome Coffee**

9:00 **Welcome Addresses**

Christopher BOVIS

Chair in Law and Professor of European Business Law, University of Hull & Managing Editor of the European Procurement & Public Private Partnership Law Review (EPPPL)

Wolfgang ANDREAE

Publisher, Lexxion Publisher, Berlin & Brussels

9:10 **Keynote Address**

Olivier GIRARD

Member of Cabinet, Directorate General Internal Market and Services, European Commission, Brussels

Morning Session: The New EU Concessions Directive



Chair:

Christopher BOVIS

Chair in Law and Professor of European Business Law, University of Hull

9:40 **Session I:
The New Framework
Regulating Concessions**

First-hand information from
the European Commission

- Previous case law and codification: What will change?
- The reasoning and rationale behind concessions and their procurement regulation
- Principles, processes and practicalities
- Award and judicial control of concessions
- Implementation of the Concession Directive in Member States



Speaker:

Joanna SZYCHOWSKA

Head of Unit, Public Procurement Legislation I, Directorate General Internal Market and Services, European Commission, Brussels

11:00 **Coffee Break & Networking**

11:30 **Session II: Risk Transfer and Payment Mechanisms in Concessions**

- Risk categorisation, risk assessment and risk transfer in concessions
- Implications of risk transfer and comparison with public contracts
- How do concessions determine payment (third party payments, shadow payments)?
- Implications of payment mechanism and risk
- Legal issues with exclusivity of concession exploitation



Speakers:

Friedrich Ludwig HAUSMANN

Partner, K&L Gates, Berlin

Deividas SOLOVEICIKAS

Partner, MAQS Law, Vilnius

Discussant:

Christian KOENIG

Professor of Law, Center for European Integration Studies, University of Bonn



13:00 **Lunch Break**

Afternoon Session: Concessions in Practice



Chair:

Christopher BOVIS

Chair in Law and Professor of European Business Law, University of Hull

14:00 **Session III: Excluded Sectors and “Missed Opportunities”**

- Reasoning and rationale for the exclusions from the Concessions Directive: The case of water and lottery concessions
- The Concessions Directive as an instrument of regulating the delivery of public services in EU
- Practical case: Legal and policy approach of Member States in relation to the exclusions of the Concessions Directive

Speakers:

Valentina GUIDI

Presidency of the Council of Ministers, Department for European Policies, Rome

Jörg REHBERG

Head of Unit Water/Waste Water, German Association of Energy and Water Industries (BDEW), Berlin

Discussant:

Steven VAN GARSSE

Director of the PPP Infocenter of the Flemish Government and Academic Director at the Antwerp Management School



15:30 **Coffee Break & Networking**

Practical experiences
and panel discussion

16:00 **Session IV: Concessions in Practice: Industry Experiences & Panel Discussion with Perspectives from EU, Member States & Industry**

- Experiences of a major economic operator in the award and operation of concessions
- Application and implementation of the Concessions Directive
- Assessment of excluded sectors
- State aid, competition, judicial review and links with Public Private Partnerships (PPPs)

Speaker:

Rainier D’HAUSSONVILLE

Director for European Affairs, Veolia, Paris

Discussants:

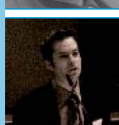
Representative of Directorate General Internal Market and Services, European Commission, Brussels (invited)

Christian KOENIG

Professor of Law, Center for European Integration Studies, University of Bonn

Steven VAN GARSSE

Director of the PPP Infocenter of the Flemish Government and Academic Director at the Antwerp Management School



17:30 **Closing Remarks**

17:45 **End of Conference**

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The European Procurement and Public Private Partnership Law Review is a reviewed academic journal, which offers a dynamic high-level forum of reference for practitioners, academics, researchers and policy-makers in these legal and policy fields. Each issue contains topical and reviewed articles, country reports from an EU & EFTA wide network of experts, comments on the latest EU and national jurisprudence and other useful material such as conference recaps or book reviews.

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REGISTRATION FORM

European Conference: The New EU Concessions Directive

25 March 2014 | Brussels

VENUE

Club of the University Foundation
 Rue d'Egmont 11 | 1000 Brussels
 Registration is possible until 11 March 2014. As the number of places is limited, please register as soon as possible.

PARTICIPATION FEES

- Regular: 785 EUR
- Reduced fee for public authorities: 585 EUR
- I am subscriber of the EPPPL journal and receive a 10% discount.

The participation fees include the conference material, drinks and snacks during the breaks and lunch. VAT will be added if applicable. Special rates for students on request.

CANCELLATION POLICY

Cancellations should be made in writing per post or fax. Please note that the full fee will be charged for cancellations received after 11 March 2014. 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 conference by the organisers. 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 organisers.

Please register with:



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