

THE EUROPEAN STATE AID LAW INSTITUTE

9th EXPERTS' FORUM ON NEW DEVELOPMENTS IN EUROPEAN STATE AID LAW

Keynote Speaker: Joaquín Almunia
Commissioner for Competition

Workshop: 25 May 2011
Conference: 26 & 27 May 2011

Brussels

BENEFITS OF ATTENDING THE 9th ESTALI EXPERTS' FORUM

- The forum is the leading platform to present and discuss the latest developments in European State aid control.
- Experts from the European institutions, private legal practitioners, academics and industry representatives have the opportunity to exchange their views on the rules that will guide European State aid control for the coming years.
- De Warande, a private members club located next to the political and business centre of Brussels, serves as an excellent venue to get in touch with the decision makers of tomorrow's State aid law.
- We expect delegates from all of the European Union's 27 Member States – and beyond.

DIRECTIONS



9th EXPERTS' FORUM ON NEW DEVELOPMENTS IN EUROPEAN STATE AID LAW

25 May 2011, Workshop, Hotel Le Châtelain, Brussels
26 & 27 May 2011, Conference, De Warande Club, Brussels

REGISTRATION FORM

Please fax to Lexxion Publisher by 11 May 2011 · Fax: +49-30-81 45 06-22

CONFERENCE VENUE

De Warande vzw · Zimmerstraat 1 · 1000 Brussels
Phone: +32-2-514 30 00 · Fax: +32-2-514 25 73
www.dewarande.be

WORKSHOP VENUE

Hotel Le Châtelain · Rue du Châtelain 17 · 1000 Brussels
Phone: +32-2-646 00 55 · Fax: +32-2-646 00 88
www.le-chatelain.com

REGISTRATION

Registration is possible until 11 May 2011. The number of conference and workshop places is limited, so please register as soon as possible with

- YES, I will take part in the **conference** on 26 & 27 May 2011
 - at the regular fee: € 785,-*
 - at the reduced fee for ESTAL-subscribers: € 665,-*
 - at the reduced fee for full-time academics: € 495,-*
- YES, I will take part in the **workshop** on 25 May 2011
 - at the regular fee: € 1.500,-*
 - at the reduced fee for ESTAL-subscribers: € 1.400,-*

- YES, I will take part in **workshop and conference**
 - at the regular fee: € 2.095,-*
 - at the reduced fee for ESTAL-subscribers: € 1.890,-*

- YES, I will attend the **Dinner** on 26 May 2011 (welcome drink, 3-course meal, wine, water and coffee for € 71,-*)
- Please send me information about European State aid law issues for free. I may unsubscribe from this service any time.

Lexxion Publisher by
Post: Güntzelstr. 63 · 10717 Berlin · Germany
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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 May 2011. 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 organiser. 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.

Name	_____
Institution	_____
Address	_____
Postal Code/Country	_____
Telephone	_____
Fax	_____
E-mail	_____
VAT Reg. No. / No. TVA / BTW-Nr.	_____
Date, Signature	_____

* The participation fees include conference and/or workshop material, coffee, tea and cold drinks during the breaks as well as lunch. Student rates available on request. Belgian VAT will be added if applicable.

WORKSHOP

Hotel Le Châtelain, Brussels

CONFERENCE

De Warande, Brussels

WEDNESDAY, 25 MAY 2011

- 9:30 – 10:00 Registration & Welcome Coffee
- 10:00 – 13:00 Introduction, Presentations and Q&As, In-Depth Work on Topics (either within the whole group or in study groups)
- 13:00 – 14:00 Lunch
- 14:00 – 17:00 Continuing In-Depth Work and Discussion

WORKSHOP PROGRAMME

The workshop will deal with two topical issues:

- Recovery of Unlawful State Aid and
- Public Procurement and State Aid.

According to the Courts, recovery is the “logical consequence” of the fact that an aid is unlawful and incompatible with the internal market. Yet, in practice, many difficulties arise when a State has to recover State aid from a recipient. The inherent conflict of interest on the side of the State – budgetary vs. economic policy considerations – may slow down the recovery process, and the recipients are likely to further delay the repayment.

The second topic aims at clarifying the grey areas between public procurement and State aid trying to find a solution for questions such as

- To what extent can a public tender process help to exclude the granting of State aid? What are the requirements?
- What violations of the tender process will lead to an assumption of State aid?
- Can a State conceal the granting of State aid by following public procurement rules?

For both topics, speakers will share their experience from the perspectives of the Commission, a national administration, and private practice and allow an open and lively discussion.

WORKSHOP FACULTY

Chair: Michael SCHÜTTE
Schuette Law Sprl, Brussels

Panelists:

- Roxana LAIU, “Enforcement and Procedural Reform” Unit, DG Competition, European Commission, Brussels
- Péter STAVICZKY, *Attaché for State Aid, Hungarian Permanent Representation, Brussels*
- Tim MAXIAN RUSCHE, *Legal Service, European Commission, Brussels*
- Olaf OTTING, *Gleiss Lutz Rechtsanwälte, Frankfurt*

THURSDAY, 26 MAY 2011

- 9:00 – 9:45 Registration
- 9:45 – 10:00 **Address of Welcome**
Wolfgang ANDREAE
European State Aid Law Institute, Berlin
- Introduction**
Andreas BARTOSCH
European State Aid Law Institute, Brussels
Kemmler Rapp Böhлке & Crosby, Brussels
- 10:00 – 10:45 **Keynote Address**
Speaker: Joaquín ALMUNIA
Vice-President of the European Commission
European Commissioner for Competition
- 10:45 – 11:00 **Q & A**
- 11:00 – 11:30 Coffee Break
- 11:30 – 12:15 **Overview of the Jurisprudence in State Aid Cases: Substance and Procedure – an Update**
Speaker: Kevin O’HIGGINS
Judge, General Court of the European Union, Luxembourg
- 12:15 – 13:30 Lunch
- 13:30 – 15:30 **Session I: The New Rules on SGEI**
Chair: Rose D’SÁ
European Economic and Social Committee, Brussels
- Panelists:*
 - Niilo JÄÄSKINEN
Advocate General, Court of Justice of the European Union, Luxemburg
 - Adinda SINNAEVE
Deputy Head of “State Aids Policy and Scrutiny”, DG Competition, European Commission, Brussels
 - Sheena BROWN
Head of State Aid Unit, The Scottish Government, Glasgow

- 15:30 – 16:00 Coffee Break
- 16:00 – 18:00 **Session II: The New Rules for Rescue & Restructuring – The Revision of the Restructuring Guidelines for Banks and the Overhaul of the General Framework**
Chair: Andreas BARTOSCH
European State Aid Law Institute, Brussels
Kemmler Rapp Böhлке & Crosby, Brussels
- Panelists:*
 - Nicola PESARESI
Head of “State Aids Policy and Scrutiny”, DG Competition, European Commission, Brussels
 - Michael SCHÜTTE
Schuette Law Sprl, Brussels
 - Hans Arno PETZOLD
Ministry of Science, Economic Affairs, and Transport of the State of Schleswig-Holstein, Kiel

FRIDAY, 27 MAY 2011

- 9:00 – 10:45 **Session III: Jurisprudence (Selectivity) – The Case of Dutch NOx**
Chair: Christian KOENIG
Professor of Law, Rheinische Friedrich-Wilhelms-Universität, Bonn
- Panelists:*
 - Carlos URRACA CAVIEDES
Legal Service, European Commission, Brussels
 - Leigh HANCHER
Professor, University of Tilburg
Allen & Overy LLP, Amsterdam
 - Piet Jan SLOT
University of Leiden
- 10:45 – 11:15 Coffee Break

- 11:15 – 13:00 **Session IV: The Private Enforcement of State Aid Rules before National Courts – The Recent Rulings of the German Bundesgerichtshof**
Chair: Arjen MEIJ
Former Judge at the General Court of the European Union, The Hague
- Panelists:*
 - Barbara BRANDTNER
Head of “Enforcement and Procedural Reform”, DG Competition, European Commission, Brussels
 - Andrés MARTIN-EHLERS
Orrick Hölters & Elsing, Frankfurt/Main
 - Martin KÖHLER
Judge, Austrian Administrative Appeals Court, Vienna
- 13:00 – 13:30 **Concluding Remarks**
- 13:30 – 14:00 Light Lunch

Continuing Professional Development (CPD)

We have been approved by the Solicitors Regulation Authority (SRA) of England and Wales as an external CPD provider. This conference carries 9,75 hours SRA CPD credit and you will receive a confirmation by the organiser.