



# State Aid for Transport Services and Infrastructure

Intensive Training

18-19 September 2017 | Brussels

## Academic Director & Chair

### **Phedon Nicolaides**

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

## Speakers

### **France Jeanty**

Case Handler, State Aids: Industrial Restructuring, DG COMP, European Commission, Brussels

### **Lorena Ionita**

Case Handler, State Aids: Industrial Restructuring, DG COMP, European Commission, Brussels

### **Feodora Petit**

Case Handler, State Aid Transport, DG COMP, European Commission, Brussels

### **Udo Woll**

Head of State Aid Law Unit, Deutsche Bahn AG, Berlin

### **Gatis Kristaps**

Member of Board, Finance and Law, Ardenis-Consult, Riga

### **Melvin Könings**

Associate Senior Consultant, Lysias Consulting Group, Amersfoort

### **Philipp Melcher**

Consultant, Morais Leitão, Galvão Teles, Soares da Silva & Associados, Lisbon

## DAY 1

- State aid rules applicable to transport sector
- Application of the concept of MEIP to transport
- Guidelines concerning Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road
- Case study & workshop

## DAY 2

- GBER rules on ports and airports
- State aid for ports- the Commission's decisions making practice
- Case Study: National experience in economics of ports' financing
- Guidelines on State aid to airports and airlines
- Problem solving session.

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### General Information

#### Overview

On all levels of public administration concerned with the transport investment and subsidising of public transportation services these questions arise:

- Is State aid involved?
- Is the compatibility of the public measures with European law ensured?

Avoiding unlawful State aid is crucial for the successful and sustainable provision of transport services to all European citizens.

With a special focus on best practice and case studies, this course will provide you with a solid understanding of State aid rules applicable to the transport sector – illustrated by practical examples of transport funding.

#### Methodology

The participants will be actively involved in the training. 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 us your cases and questions in advance!** We will forward them to our speakers, who will answer them during the training. All information concerning such problems and cases will be treated confidentially.

#### Participants will receive extensive materials

- ✓ All presentations shown during the training (inclusive online access to all presentations after the training)
- ✓ Confirmations of Participation
- ✓ Selection of corresponding journals published by Lexxion

#### Who should participate?

- Experts from the State Aid Monitoring Offices
- Public officials involved in funding and financing of transport services and infrastructure from:
  - Ministries for Transport and Infrastructure
  - National agencies for Transport, Railways, Roads and other transport sectors
  - Regional governments
  - Communal and City council
- State aid experts from:
  - Railways undertakings
  - Airport operators
  - Airlines
  - Ports & other private companies involved transport services
- Lawyers and consultants specialised in transport and public affairs

#### Your Benefit

- ✓ Get a detailed overview of the most important State aid rules for the transport sector
- ✓ Stay up to date with the newest developments in the application of the Regulation 1370/07 on public services for land transport
- ✓ Discuss the State aid rules for airports and airlines
- ✓ Make sure that your funding for transport infrastructure complies with the State aid rules and learn how to avoid overcompensation for the transport services
- ✓ Participate in interactive sessions and exercises on MEIP and calculation of compensation
- ✓ Analyse your problems and discuss your questions with acknowledged experts

# State Aid for Transport Services and Infrastructure

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### Programme Day 1

09:00 Welcome Note & Introduction of Participants

*Phedon Nicolaidis, College of Europe  
Bruges, Maastricht University, and lexion  
training Academic Director*

#### General Rules and Concepts

09:15 **Public Funding in the Transport Sector and the Application of the Concept of State Aid**

- Economic activity & prerogatives of the State
- Transfer of State resources, advantage & affectation of trade
- Application of Articles 107, 106 and 93 TFEU
- Funding of transport infrastructure after Leipzig-Halle judgement
- SGEI and Altmark criteria in the transport sector

*Phedon Nicolaidis*

10:45 Coffee Break & Networking

11:15 **Special Topic I:  
Application of the Concept of Market Economy Investor Principle to Transport**

- MEIP/MEOT concept
- Criteria for its application
- Cases

*Phedon Nicolaidis*

12:00 **Special topic II:  
The Concept of Services of General Economic Interest and Recent Case Law on the Definition of Public Service Obligations**

- The concept of SGEI in the transport sector
- Application of the SGEI package to the transport services
- The scope out imposition of PSO

*Phedon Nicolaidis*

13:00 Lunch

#### Rail & Road Transport Services

14:00 **Railway & Roads: Developments in the application of the Regulation 1370/2007 and the new Guidance**

- Objective and scope of Regulation 1370/2007
- Definition of public service obligation
- Commission practice in Land Transport
- Guidance on the Application of Regulation 1370/2007

*Philipp Melcher, Consultant, Morais Leitão,  
Galvão Teles, Soares da Silva & Associados,  
Lisbon*

15:30 Coffee Break

15:45 **Case Study: Public Service Compensation - The issues of concern to an operator**

- Regulation 1370/2007 - Case studies on compensation
- Railway Guidelines – Relevant Commission practice

*Udo Woll, Head of State Aid Unit, Deutsche Bahn*

16:30 Coffee Break

16:45 **Workshop: How to determine Public Service Obligations**

- PSO in rail services
- Direct award of PSO contracts
- Competitive tendering of PSO contracts

*Melvin Könings, Associate Senior Consultant,  
Lysias Consulting Group, Amersfoort*

17:45 Q&A and Summary of Day 1

**Just send 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 workshop. All information concerning your questions and cases will be treated confidentially. As the number of participants is limited, participants will benefit from a maximum of exchange and discussion of their individual questions.

# State Aid for Transport Services and Infrastructure

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### Programme Day 2

#### Funding for Ports

09:00

##### GBER Rules on Ports and Airports

- State aid and infrastructure funding
- Building blocks for State aid assessment
- Analytical grids for infrastructures
- Non-economic activity/public remit
- Calculation of the funding gap

*France Jeanty & Lorena Ionita, Case Handler, State aids: Industrial Restructuring, DG COMP – Directorate-General for Competition, European Commission, Brussels*

09:45

##### State Aid for Ports – The Commission's Decision Making Practice

- Cruise Ship Terminal Porto de Leixões (SA.43250)
- New exemption for maritime ports
- Common provisions(ports): funding gap

*France Jeanty, Case Handler, State aids: Industrial Restructuring, DG COMP – Directorate-General for Competition, European Commission, Brussels*

10:30

Coffee Break

11:00

##### Case Study: EU Member States' National Experience in Economics of Ports' Financing

- Legal framework
- State aid in ports
- Notion of undertaking, economic vs. Non-economic activity
- Aid proportionality: Infrastructure owners

*Gatis Kristaps, Member of Board, Finance and Law, Ardenis-Consult, Riga*

12:15

Q&amp;A and Discussion

12:30

Lunch

#### Funding for Airlines & Airports

13:30

##### Guidelines on State Aid to Airports and Airlines

- Key novelties of the guidelines
- Investment and operating aid
- Start-up to airlines
- Social aid and SGEI

*Feodora Petit, Case Handler, State Aid Transport, DG COMP – Directorate-General for Competition, European Commission, Brussels*

14:00

##### Overview of Important EC Decisions for Airports and Airlines

- Public policy remit and notion of economic activity
- Application of the Market Economy Operator Principle
- Calculation of the funding gap for investment and operating aid
- Methodology and practical exercises

*Feodora Petit, Case Handler, State Aid Transport, DG COMP – Directorate-General for Competition, European Commission, Brussels*

15:00

Coffee Break

#### Problem Solving Session

15:30

##### Problem Solving Session

The second day will conclude with a problem solving session where you will be invited to share your experience in managing State aid for transport services and infrastructure and in cooperating with private partners in this field.

*Phedon Nicolaidis*

16:00

##### End of the Training

Distribution of Certificates

\*Programme may be subject to change

## State Aid for Transport Services and Infrastructure 18-19 September 2017 | Brussels

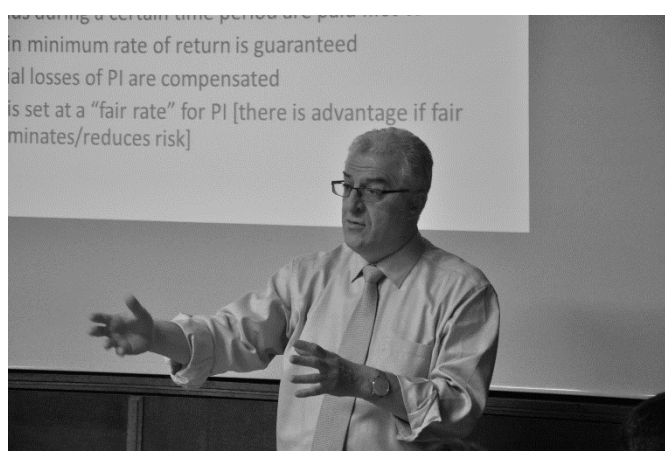
### Experts

#### Chair

##### **Phedon Nicolaides**

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

Dr. Nicolaides 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.



#### Speakers

##### **Gatis Kristaps**

Member of Board, Finance and Law, Ardenis-Consult, Riga

Gatis Kristaps holds a MSc in Economics. In the role of business consultant he has 15 years of practical experience in transport infrastructure projects for multiple funding organizations including the European Commission, the European Investment Bank, the European Bank for Reconstruction and Development and others. The special areas include sea ports, airports, railways and public transport. The expert has 6 years on the ground experience in State aid including elaboration of individual notifications and consultations on State aid related issues.

##### **Feodora Petit**

Case Handler, State Aid Transport, Directorate General for Competition, European Commission

Feodora Petit is currently a case handler at the European Commission, in the field of transport state aid. She started her career in 2005 lobbying for trade associations mainly on energy and environmental topics. In 2010 she took up a post at the European Commission's Smart Cities & Sustainable ICT Unit (DG Connect) before joining the British energy regulator Ofgem in 2013, where she stayed until returning to the European Commission in 2015. She holds a Master in European Political and Administrative Studies from the College of Europe in Bruges and also studied at the IEP de Paris, in Heidelberg and in Potsdam.

##### **France Jeanty**

Case Handler, State Aids: Industrial Restructuring, Directorate General for Competition, European Commission

France Jeanty has been working at DG Competition since 2016 specializing in industrial restructuring through state aid. France provides legal and economic analysis of public support measures provided by member states and determines whether such interventions qualify as state aid and if they fulfil the proper criteria for authorization. Before taking on her current role at the European Commission, France Jeanty worked for 6 years at BNP Paribas as an investment manager for private equity. She attained her Masters in Business Engineering at the Louvain School of Management in Belgium graduating Suma Cum Laude.

## State Aid for Transport Services and Infrastructure 18-19 September 2017 | Brussels

### Experts

#### Udo Woll

Head of unit for Public Commercial Law, State Aid Law and Public Transport Contract Law, Legal Department, Deutsche Bahn AG, Berlin

Dr. Udo Woll heads the unit for Public Commercial Law, State Aid Law and Public Transport Contract Law within the legal department of Deutsche Bahn AG. His career has started in the Brussels Office of a law firm, where he has been employed from 2003 to 2005. State Aid was his main consulting area, but he also dealt with antitrust matters. After a two-year experience as a specialized prosecutor in the field of financial crimes, in 2007 he joined the Legal Department of Deutsche Bahn AG, where he previous to today's position headed the State Aid Unit. He regularly publishes and contributes in conferences on State Aid Law.

#### Philipp Melcher

Consultant, Morais Leitão, Galvão Teles, Soares da Silva & Associados, Lisbon

Philipp advises domestic and international clients on competition law (antitrust, state aid), trade law (antidumping, antisubsidy) and general EU law and represents them in proceedings before national and European Union authorities and courts. Before joining MLGTS in 2015, he worked at Gleiss Lutz (2008-2014), one of Germany's leading law firms. He was Associated Partner of the firm and based at its Brussels and Frankfurt offices. During his legal clerkship (2005-2007) and alongside his postgraduate studies at King's College London (2007/2008), Philipp worked, inter alia, at the EU Commission (in the unit responsible for the enforcement of state aid rules in the area of transport and energy) and in the legal department of a major US internet company.

#### Lorena Ionita

Case Handler, State Aids: Industrial Restructuring, DG COMP, European Commission, Brussels

Lorena Ionita is working at the Directorate General "Competition" since September 2015. She deals with state aid in transport, in particular in the aviation sector. She joined the European Commission in 2006 as economic analyst at the Directorate General "Economic and Financial Affairs". She was a policy coordinator in the area of EU services markets, public procurement and single market governance at the Directorate-General "Internal Market, Industry, Entrepreneurship and SMEs", from 2009 to 2015. Before joining the European Commission, she worked for the Social Affairs Department of BUSINESSSEUROPE in Brussels, representing employers' organisations at EU level and in the European social dialogue. She holds a Master of Arts degree in Economics at College of Europe Natolin (Poland) and a Master in International Business and Economics at the Academy of Economic Sciences in Bucharest (Romania).

#### Melvin Könings

Associate, Lysias Consulting Group, Amersfoort

Melvin Könings is managing consultant on EU State aid affairs for the Lysias Consulting Group in The Netherlands. He studied Public Administration and has a wide practical experience local, national and international civil service. From 2001 to 2005 he was detached on behalf of the Dutch Ministry of Economic Affairs at the European Commission, in DG Competition. He was member of the State aid team on the Accession of the 10 new Member States in 2004. In 2005 Melvin Könings started working for the Lysias Consulting Group, a medium sized Dutch firm, specialised in consultancy projects in the public sector on administration, policy changes and democracy. From 2006 to 2009 Melvin Könings was also Alderman in the Dutch municipality Geldermalsen. From his in deep State aid assessments, Melvin Könings knows a wide variety of policy instruments in great detail. Not only from a legal perspective, but also from an economic and political perspective. On a yearly basis, he is involved in more than 100 State aid cases (projects, programs and schemes). In 2013, he successfully coordinated the Dutch State aid notification of the JESSICA funds of the cities of The Hague and Rotterdam. Melvin has a lot of experience in providing State aid training. He regularly provides presentations for both civil service and industry.



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### Registration

#### Venue

Management Centre Europe  
Rue de l'Aqueduc 118  
1050 Brussels  
Belgium  
Website: <https://mceconferencecentre.eu/contact-us/>

#### Participation fee

- YES, I would like to participate for the reduced fee for public authorities **EUR 1090,00** (excl. VAT).
- YES, I would like to participate for the regular fee of **EUR 1590,00** (excl. VAT).
- YES, I am European State Aid Law Quarterly - EStAL-subscriber (10% discount if applicable).

*The Belgian VAT of 21% will be added where applicable.*

*The participation fees include the workshop material, drinks and snacks during the breaks and lunch.*

#### Newsletter subscription

- Please send me information about State Aid 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 04 September 2017 (included illness or impediment which prevents her or him from fulfilling her or his duties). 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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### Upcoming events

#### Essentials of State Aid Law and Procedures | 9-10 October 2017 | Berlin

The training covers all topics that you need for the start in the State aid field. Our experts will give you a overview on: Structure of the system of State aid control and obligations of all parties involved; Concept of State aid and its application in the practice; *De minimis* aid and State aid exemptions and many more topics.

#### State Aid for Tax Measures | 20-21 November 2017 | Brussels

Our two-day intensive training on State aid in the form of tax measures combines the presentation of rules and principles applying to direct taxation with an assessment of the compatibility of fiscal aid with the internal market, and with an in-depth analysis of most significant cases and Commission decisions.