



State Aid for Transport Services and Infrastructure

Intensive Training

18-19 September 2018 | 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

Hanna Standtke

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

Philipp Melcher

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

Péter Staviczky

State Aid Attaché, Permanent Representation of Hungary to the EU, Brussels

Benjamin Linke

Lawyer, Legal department, Deutsche Bahn AG, Frankfurt am Main

Erik Gadman

Managing Associate, Hannes Snellman attorneys

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

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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: How to determine Public Service Obligations and Public Service Compensation**

- PSO in rail services
- Direct award of PSO contracts
- Competitive tendering of PSO contracts
- How to determine compensation

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

16:30 Coffee Break

16:45 **Workshop: Complying with PSO: The of concern to an operator**

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

*Benjamin Linke, Lawyer, Legal department,
Deutsche Bahn AG, Frankfurt am Main*

17:45 Q&A and Summary of Day 1

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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

Erik Gadman, Managing Associate, Hannes Snellman attorneys

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

Péter Staviczky, State Aid Attaché, Permanent Permanent Representation of Hungary to the EU, Brussels

12:15

Q&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

Hanna Standtke, 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

Hanna Standtke, 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

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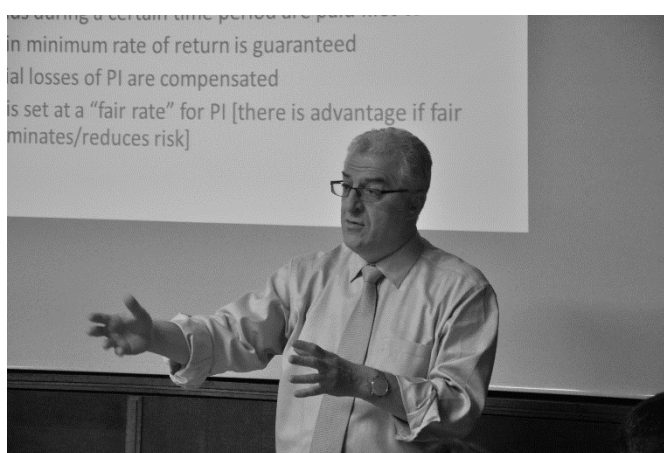
Experts

Chair

Phedon Nicolaides

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

Hanna Standtke

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

CV will follow shortly

France Jeanty

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

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 Summa Cum Laude.

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Experts

Péter Staviczky

State Aid Attaché, Permanent Representation of Hungary to the EU, 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.

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.

Benjamin Linke

Lawyer, Legal department, Deutsche Bahn AG, Frankfurt am Main

Dr. Benjamin Linke works as a lawyer in the legal department of Deutsche Bahn AG in Frankfurt am Main. He is part of the unit for Public Commercial Law, State Aid Law and Public Transport Contract Law. Dr Linke is consulting public passenger transport undertakings and competent authorities since 2011 when he started working in an international law firm in Hamburg. He specialises in Public Procurement Law, State Aid Law and Public Commercial Law and he regularly publishes in the aforementioned fields. Dr Linke acquired law degrees from the Universities of Tübingen (Germany) and Edinburgh (UK). He wrote his Ph.D. thesis about the Regulation (EC) No 1370/2007 and State aid law in the public transport sector.

Erik Gadman

Managing Associate, Hannes Snellman attorneys

Erik Gadman is a managing associate in the top-ranked Competition & Public Procurement practice group of Hannes Snellman attorneys in Stockholm where he advises clients on all aspects of state aid, competition, and public procurement law.

Erik has extensive experience of state aid advice to clients in the infrastructure sector and has advised granting authorities, aid recipients, and competitors on a wide range of complex state aid issues. He has also represented clients in administrative litigations concerning alleged illegal state aids and on the definition of public service obligations. Erik holds a juris kandidat degree from Uppsala University and an LL.M. degree from UCLA School of Law. Legal 500 has ranked him as a Next Generation Lawyer in the field of public procurement.

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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 1190,00** (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 2018 (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 2018 | Barcelona

The training covers all topics that you need for the start in the State aid field. Our experts will give you an 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 | 6-7 November 2018 | 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.