

THE
EUROPEAN STATE AID LAW
INSTITUTE

14th Experts' Forum on New Developments in European State Aid Law 2016

Conference: 9 June 2016 | Workshop: 10 June 2016
Brussels

Discuss the latest
developments in
European State Aid Law!

EXPERT PANEL



Gert-Jan KOOPMAN
DG Competition, European
Commission, Brussels



Aindrias Ó CAOIMH
Former Judge, Court of
Justice of the European Union,
Luxembourg



Nicola PESARESI
State Aid Strategy,
DG Competition, European
Commission, Brussels



Andreas BARTOSCH
Lutz | Abel, Brussels
EStALI



Sven KAISER
Federal Ministry for Economic
Affairs and Energy, Berlin



Christian KOENIG
Center for European Integration
Studies, University of Bonn

CONFERENCE: 9 June 2016

- General Block Exemption Regulation – Interplay with State Aid Guidelines
- Overview of the Jurisprudence of the EU Courts in State Aid Matters 2015/2016
- State Liability & Recovery
- The Rights and Duties of State Aid Beneficiaries
- Material Selectivity in the Fiscal and Non-fiscal Area
- EU Law vs. National Court Proceedings: The Role of *Res Judicata*

WORKSHOP: 10 June 2016

- Tax Rulings Under State Aid Scrutiny
- State Aid and Risk Finance

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Royal Flemish Academy of Belgium
for Sciences and Arts



Sponsor:
PricewaterhouseCoopers
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Conference

Thursday, 9 June 2016

8:15 Registration & Welcome Coffee

9:00 Welcome

9:15 Keynote Speech and Q&A



Gert-Jan KOOPMAN, *Deputy Director General State Aid, DG Competition, European Commission, Brussels*

10:00 Coffee Break & Networking

10:30 Session I: General Block Exemption Regulation (GBER) – Interplay with State Aid Guidelines

- First results of application of GBER in practice in different sectors
- Draft provisions to extend GBER for ports and airports
- Pitfalls and unclear issues
- Issues still not tackled
- Member State practitioner's perspective – room for improvement?



Chair:
Christian KOENIG, *Professor of Law, Center for European Integration Studies, University of Bonn*



Speakers:
Nicola PESARESI, *Head of Unit, State Aid Strategy, DG Competition, European Commission, Brussels*



Sven KAISER, *Head of Unit State Aid Control Policy, Federal Ministry for Economic Affairs and Energy, Berlin*



Jan Philipp OTTER, *Local Partner, PricewaterhouseCoopers Legal AG, Hamburg*

12:00 Lunch Break

13:00 Session II: Recent Jurisprudence & Important Questions on EU State Aid Matters



Chair:
Andreas BARTOSCH, *Lutz | Abel, Brussels; European State Aid Law Institute, Brussels*

13:00 Overview of the Jurisprudence of the EU Courts in State aid Matters 2015/2016



Speaker:
Aindrias Ó CAOIMH, *Former Judge, Court of Justice of the European Union, Luxembourg*

13:30 State Liability & Recovery – State Aid & Arbitration



Speaker:
Leigh HANCHER, *Tilburg University, Allen & Overy, Amsterdam; Editorial Board of European State Aid Law Quarterly*

14:00 The Rights and Duties of State Aid Beneficiaries



Speaker:
Monika HOCHREITER, *Director, Division of Fundamental EU Issues and State Aid, Bavarian Ministry of Economic Affairs and Media, Energy and Technology, Munich*

14:30 Coffee Break & Networking

15:00 Session III: Material Selectivity in the Fiscal and Non-fiscal Area

- Is there a difference in evaluating material selectivity between fiscal and non-fiscal cases – what did the Court mean to say in the MOL case?
- Spanish corporate tax cases versus Advocate General Kokott in Finanzamt Linz
- Black Cabs, Airport charges, etc. – material selectivity everywhere?



Chair:
Andreas BARTOSCH, *Lutz | Abel, Brussels; European State Aid Law Institute, Brussels*

Speakers:
Pierpaolo ROSSI, *Senior Legal Expert, Legal Service, European Commission, Brussels (tbc)*



Edurne Navarro VARONA, *Partner, Uría & Menéndez, Brussels*

16:30 Refreshment Break

16:45 Session IV: Whom the Bell Tolls – EU Law vs. National Court Proceedings: The Role of *Res Judicata*

- The role of *res judicata* in national proceedings involving State aid matters – the jurisprudence from Lucchini to Klausner Holz;
- The practical implications for national judgments – will they ever become final?
- Conclusions drawn from national judges



Chair:
Aindrias Ó CAOIMH, *Former Judge, Court of Justice of the European Union, Luxembourg*



Speakers:
Arjen MEIJ, *Former Judge of the General Court of the European Union, The Hague*



François-Charles LAPRÉVOTE, *Partner, Cleary Gottlieb Steen & Hamilton LLP, Brussels*



9:30 Registration & Welcome Coffee

10:00 **Welcome & Introduction**

10:15 **Morning Session: Tax Rulings Under State Aid Scrutiny**

- The Commission's investigations in unfair taxation
- The concept of selectivity and its application to tax measures
- Recent case law

13:00 Lunch & Networking

14:00 **Afternoon Session: State Aid and Risk Finance**

- New guidelines on State aid for risk finance
- What are the new rules to finance innovative and growth-oriented SMEs and midcaps?
- Challenges resulted from on State aid to promoted risk finance investments
- Compatibility criteria and GBER rules
- How to apply State aid rules to financial instruments?

17:00 Final Discussion & Concluding Remarks

EXPERT PANEL



Chair:

Michael SCHÜTTE, *Schuette Law SPRL, Brussels & Geneva*

Panelists:



Paolo CESARINI, *Head of Unit H/2 R&D, Innovation and Risk Capital, DG Competition, European Commission, Brussels*



Max LIENEMEYER, *Head of Sector, Task Force Tax Planning Practices, DG Competition, European Commission, Brussels*



Péter STAVICZKY, *Attaché for State Aid, Hungarian Permanent Representation, Brussels*

Natalia RADICHEVSKAIA, *Financial Counsellor, Co-ordination, Economic and Financial Affairs Council, Permanent Representation of Luxembourg to the EU (invited)*



Jacques DERENNE, *Head of the EU Competition & Regulatory practice, Sheppard Mullin, Brussels*

BENEFITS OF ATTENDING

- ✓ Receive detailed and comprehensive information on currently debated State aid issues and recent cases
- ✓ Participate in small group exercises, various case studies and discussion rounds
- ✓ Discuss your own cases with renowned experts from the European Commission, the Member States and leading law firms
- ✓ Network and exchange with colleagues from all over Europe

WHO SHOULD PARTICIPATE?

- Private legal practitioners
- Representatives from public authorities on national, regional and local level
- Representatives from public and private banks
- Industry representatives and in-house counsels dealing with State aid law
- Economists
- Academics

WHY SHOULD YOU PARTICIPATE?

- Get updated on the latest developments and upcoming challenges in State aid & recent case law
- Receive first-hand information and guidance from leading experts from the CJEU, the European Commission and Member States
- Enjoy the great exchange and networking opportunities with State aid experts from all over Europe

OPINIONS FROM RECENT ESTALI EVENTS

"The best European State aid know-how in one place. A real brain storming!"

"Journey into the future of State aid rules and implications to both regulators & beneficiaries."

"... the best workshop since I attended them. Participants were active and the discussions were very interesting."

"Point of Reference" regarding European State Aid Law and Practice.

Structure & Registration

OVERVIEW

The Experts' Forum on New Developments in European State Aid Law is the leading platform to discuss and exchange current developments at the judiciary as well as the administrative level. It brings together professionals and practitioners dealing with European State aid control – in both the fields of law and economics – and is regularly being attended by high-level representatives from EU Institutions, EU Member States, EU judiciary as well as by private legal practitioners, industry and academics.

Conference

At the conference on day 1 you can update your State aid knowledge thanks to a number of highly topical presentations from our renowned experts, which is drawn from EU judiciary, the EU Commission, academia and private legal practice, allowing an insight into the topics from different angles. Q&A sessions leave time for exchange and discussion with colleagues from different EU Member States – use the great networking opportunity!



Workshop

The intensive workshop on the second day will give participants a profound insight into currently debated State aid issues. The focus will be done on two specific topics, which will be explored and discussed in a small group, thus giving sufficient room for interaction, lively debates and your individual questions.



REGISTRATION FORM

Experts' Forum on New Developments in European State Aid Law 2016

Conference: 9 June 2016 Workshop: 10 June 2016

VENUE:

Royal Flemish Academy of Belgium for Science and the Arts
Academy Palace | Hertogsstraat 1 | 1000 Brussel | Belgium

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 26 May 2016. 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.

- YES, I will take part in the Conference on 9 June 2016
 - at the regular fee: € 745,-*
 - at the reduced fee for full-time academics: € 545,-*
- YES, I will take part in the Workshop on 10 June 2016
 - at the regular fee: € 1.500,-*
- YES, I will take part in the Conference & Workshop
 - at the regular fee: € 2.050,-*
 - at the reduced fee for full-time academics: € 1.850,-*
- I am a EStAL subscriber and save 10% on the participants fee.
- Please send me information about European State aid law issues for free. I may unsubscribe from this service any time.

* The participation fees include the conference and/or workshop material, drinks and snacks during the breaks and lunch. Special rates for students on request.

PLEASE REGISTER BY:



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Registration is possible until 26 May 2016. As the number of conference and workshop places is limited, please register as soon as possible.

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Press date: 8 April 2016.

Subject to alterations. For further information or online registration please visit www.lexxion.eu/events.