

Programme

Chair of the Seminar:

Leo Flynn, Legal Adviser, Legal Service, European Commission, Brussels

Day 1: Thursday, 20 April

8:30 - ca. 22:30 (incl. Coffee Breaks, Lunch & Evening Excursion)

Morning Session

Public Authorities between Economic and Non-Economic Activities

- Defining economic activity, undertaking and market: Commission Notice on the Notion of aid
- Relevant case law from Luxembourg pertaining to economic activities
- Where is the boundary between economic and non-economic activity?
- What are the relevant elements in deciding if a public authority is engaged in an economic activity?

Speakers:

Leo Flynn, Legal Adviser, Legal Service, European Commission, Brussels

Koen van de Castele, Head of Unit, State aid Policy and Case support, DG Competition, European Commission, Brussels

Afternoon Session

Practical Challenges of Proximity to the State: In-house Separation, State Guarantees and Recovery

- Economic advantage by proximity to the State
- Incorporation into the State administration
- In-house separation and separation of accounts: How to comply with State aid rules?
- Implicit State guarantees: Does the 'commercial leg' of a public authority benefit from de facto guarantees?
- Recovery of unlawful aid: How to recover State aid from public authorities engaged in economic activities?
- Privatisation of 'State aid infected' assets: How can the sale be free of State aid?
- How to deal with spare capacities of public undertakings that may be used on the market?

Speakers:

Koen van de Castele, Head of Unit, State aid Policy and Case support, DG Competition, European Commission, Brussels

Michael Honoré, Partner, Bech-Bruun Law Firm, Copenhagen

18:00 Evening Event:

Beer Tasting & Dinner at Monastery Andechs with speakers and participants

Day 2: Friday, 21 April

9:00 - 17:30 (incl. Coffee Breaks & Lunch)

Morning Session

How to Apply the Market Economy Operator Test?

- Latest case law on MEOP
- Why and when does the MEO test have to be applied?
- Assessment of existence of aid and how to quantify it
- Which variant of the MEO is to be used? - The State as investor or creditor or lender, etc.
- How to apply the MEO test?
- Which factors are relevant/irrelevant when applying the appropriate test
- Practical considerations in establishing conformity with the MEO principle

Speaker:

Vincent Verouden, Director at the Brussels office of E.CA Economics, Brussels

Afternoon Session

Sectors Close to the Boundary: Utilities, Infrastructure, Health, Social Security, Sport and Culture

- Where to draw the line between economic and non-economic activities?
- Public utilities and infrastructure: State aid considerations
- Infrastructure funding: Where to draw the line between economic and non-economic activities?
Owner – operator – user
- The 20% rule on infrastructure projects: Practicalities and challenges; compliance with the claw-back requirement; the principle of ancillarity; bundling and unbundling upstream and downstream
- Natural and legal monopoly of infrastructure
- Funding Services of General Economic Interest (SGEI) to finance infrastructure, health and social sector
- Limitation between economic services and SGEI in municipalities: How to make the distinction?
- How to qualify sport and cultural activities as commercial and non-commercial?

Speaker:

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

Day 3: Saturday, 22 April

9:00 - 14:00 (incl. Coffee Break & Lunch)

Morning Session

Practical Case Study & Final Discussion Round

- General wrap-up of the two days' debates
- Discussion of remaining questions
- Interactive group work based on cases (brought by participants and/or speakers)
- Analysing your cases and discussion of your individual questions

Speaker:

Leo Flynn, Legal Adviser, Legal Service, European Commission, Brussels

Common Lunch & End of Seminar

Participants

<i>Andreae, Wolfgang</i>	Lexxion Publisher, Berlin & Brussels
<i>Berkolde, Dace</i>	Ministry of Finance of the Republic of Latvia, Riga
<i>Coleman, Alan</i>	The Scottish Government, Glasgow
<i>Eriksson, Mee Eline</i>	The Ministry of Trade, Oslo
<i>Flynn, Leo</i>	European Commission, Brussels
<i>Godsk Fallesen, Asbjørn</i>	Bech-Bruun Law Firm, Copenhagen
<i>Hansen, Claus Peter</i>	Law Firm Poul Schmith, Copenhagen
<i>Honoré, Michael</i>	Bech-Bruun Law Firm, Copenhagen
<i>Hoornaert, Lieve</i>	European Parliament, Brussels
<i>Järvinen, Tarja</i>	Ministry of Finance, Helsinki
<i>Jensen, Torbjørn Trane</i>	Nordland County Council, Bodø
<i>Jordal, Christian</i>	EFTA Surveillance Authority, Brussels
<i>Kristensen Balshøj, Dorthe</i>	Aarhus University, Aarhus
<i>Kristiansen, Stine Bredahl</i>	Ministry of Industry, Business and Financial Affairs, Copenhagen
<i>Lødrup, Hans Peter</i>	Ministry of Finance, Oslo
<i>Petrova, Vesela</i>	Ministry of Finance of the Republic of Bulgaria, Sofia
<i>Sirvydis, Viktoras</i>	Public Institution Central Project Management Agency, Vilnius
<i>Soikkeli, Linda Maria</i>	Ministry of Social Affairs and Health Finland, Helsinki
<i>Staviczky, Péter</i>	Permanent Representation of Hungary, Brussels
<i>Talonen, Kirsi</i>	Ministry of Social Affairs and Health, Helsinki
<i>Tchuda, José Antonio</i>	IDasbl-Initiative de l'Economie Sociale, Brussels
<i>Tihámer, Tóth</i>	Pázmány Péter Catholic University, Budapest
<i>Van de Casteele, Koen</i>	European Commission, Brussels
<i>Veit, Juliana</i>	Lexxion Publisher, Berlin & Brussels
<i>Verouden, Vincent</i>	E.CA Economics, Brussels

Curricula Vitae of Speakers and Chair*

Leo Flynn (Chair)

Legal Advisor, Legal Service, European Commission, Brussels

Leo Flynn is a graduate of the National University of Ireland and of Cambridge University. Leo joined the Legal Service of the European Commission in 2002 where he is a Legal Adviser. Currently he works in the Eurozone team and between 2008 and 2016 he was a member of the State aid team. He had previously been a Legal Secretary at the Court of Justice for five years. From 1992 to 1997, he lectured at King's College, London, and is a visiting professor at its Centre for European Law.

Michael Honoré

Partner, Bech-Bruun Law Firm, Copenhagen

Michael Honore, LL.M. (Bruges), heads the State aid department in one of Denmark's leading law firms, Bech-Bruun, with more than 270 lawyers. Michael advises Danish and non-Danish corporations, organisations and public sector bodies, including public authorities. Michael is regularly involved in State aid cases before the European Commission and before the European Courts. In 2002-2005, Michael worked as legal secretary (referendaire) at the chambers of President Bo Vesterdorf, at the General Court of the European Union. For the past 10 years, Michael has been the co-author of several books on State aid and has published a wide range of State aid articles both in Danish and European law journals. From 2014 to 2015, Michael was managing editor of the European State Aid Law Quarterly (EStAL). Since 2008, Michael has been the Danish country reporter to EStAL. Michael is co-founder of the Danish State Aid Law Association in Denmark. He has lectured for many years in both competition law, EU-law and State aid law and is a frequent speaker at international conferences on State aid.

Péter Staviczky

Attaché for State Aid, Hungarian Permanent Representation, 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.

* the curricula vitae were provided by the speakers and chair themselves.

Koen van de Castele

Head of Unit, State aid Policy and Case support, DG Competition, European Commission, Brussels

Koen Van de Castele holds an LL.M. from the University of Michigan Law School (1995-1996), a diploma of advanced European Legal Studies from the College of Europe (1991-1992) and a law degree from K.U. Leuven, Belgium (1986-1991). He is head of unit at the European Commission's Directorate-General for Competition. Since September 2005, he has been working for DG COMP's State Aid Case Support Unit. He has followed in particular the temporary framework and themeasures adopted for the real economy, procedural issues and enlargement related questions. From December 2001 to September 2005, he worked in DG COMP's unit for State Aid Policy. In this capacity, he has in particular worked on the 2004 rescue and restructuring guidelines. Before that, he worked at the Commission's Directorate-General for Agriculture where he was involved in agricultural competition law. Prior to his work at the Commission, he was a senior associate in the Business and Finance Department of De Bandt, van Hecke & Lagae (now Linklaters De Bandt) in Brussels and London.

Vincent Verouden

Director at the Brussels office of E.CA Economics, Brussels

Vincent Verouden is a Director at E.CA Economics in Brussels/Berlin. His consulting activities span the fields of antitrust, merger control and state aid control. Until October 2014, he worked at DG Competition of the European Commission, most recently (2012-2014) as Deputy Chief Economist. Vincent started working for the Commission in January 2000, in the Commission's Merger Task Force (MTF). He was involved in the review of numerous mergers and acquisitions and also contributed to the development of the EU Horizontal Merger Guidelines published in 2004. Subsequently, he became a member of the Chief Economist Team (CET). At the CET, Vincent worked on individual cases as well as on the development of policy, in particular the Commission's 2005 State Aid Action Plan (SAAP) for the reform of state aid control in Europe, the Non-Horizontal Merger Guidelines (2008), and the sector inquiry into the pharmaceutical sector (2008-2009). He was further involved in DG Competition's scrutiny of the financial support given to banks during the early years of the crisis. From 2012 to 2014, he was heavily involved in the various reform proposals in the context of the recently completed Commission's State Aid Modernisation (SAM) programme. Vincent received a PhD in economics from Tilburg University in 2001 and is presently an extramural fellow at TILEC (Tilburg Law and Economics Center). Together with Philipp Werner, he is co-editor of the book publication "EU State Aid Control: Law and Economics" (Kluwer Law International, forthcoming 2016).