

EUROPEAN STATE AID 2010

How State aid is applied and interpreted

Friday 7 May 2010, The Radisson Blu Portman Hotel, London W1

Chairman: Katherine Holmes

Consultant, Reed Smith LLP
Member, Competition Commission

Special discounts for in-house lawyers, enforcement agencies and early bookings!

Speakers from the European Commission, the Competition Commission and the Department for Business, Innovation & Skills, as well as leading lawyers and economists, include:

Kelyn Bacon
Brick Court Chambers

Christian Ahlborn
Partner, Linklaters LLP

Barbara Brandtner
Head of Unit, DG Competition
European Commission

James Robinson
Partner, Eversheds LLP

Edith Templeton
State Aid Branch
Department for Business, Innovation and Skills (BIS)

Luis Correia da Silva
Managing Director, Oxera

Christopher Vajda QC
Monckton Chambers

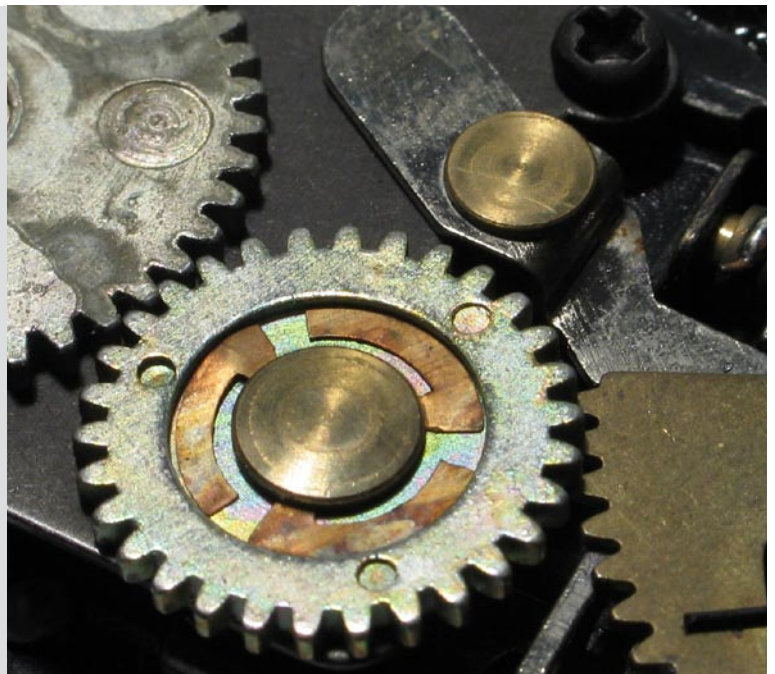
Cyrus Mehta
Partner, Nabarro

Antonio Bavasso
Partner, Allen & Overy LLP

Andrea Coscelli
Director of Economic Analysis
Competition Group, Ofcom

Marjorie Holmes
Partner, ReedSmith LLP

Vincent Power
Partner, A & L Goodbody Solicitors



Practical advice and expert comment on:

- When is State finance not aid? Definition of State aid, services of general economic interest (SGEIs), the market economy investor principle (MEIP)
- Criteria for approval of State aid and an overview of the block exemption regime
- The European Commission's current practice and policy – experience of the past year
- The UK's current practice and policy – the Temporary Framework – pros and cons
- Restructuring aid – should aid be granted to firms in difficulty?
- Remedies
- Closing the funding gap – State aid in public-private projects
- Focus on special sectors
 - Communications and broadcasting
 - State aid in transport – what the transport sector needs to know and what other sectors can learn



PUBLIC PROCUREMENT

An overview of regulation

Contributing editor:

Hans-Joachim Prieß

Freshfields Bruckhaus Deringer

Public Procurement 2010 addresses the most important issues facing private enterprise competing for government contracts. In the format adopted throughout the series, the same key questions are answered by leading practitioners in each of the jurisdictions featured.



STATE AID

NON-COMPLIANCE WITH STATE AID RULES AND THE FINANCIAL RISK FOR BUSINESS

As the last two years have shown, governments – central, regional and local – have a key role in supporting business across all sectors as countries emerge from the financial crisis.

Where public sector support granted within the EU involves a benefit, direct or indirect, for business, it is critically important to ensure that that support complies with the EU's state aid rules. That applies whatever the kind of support – capital injections, reduced interest charges, soft loans, subsidies, grants, guarantees, tax relief, exemption from certain obligations, funding to provide specific services, provision of goods or services at an undervalue, etc.

Failure to comply with the state aid rules might result in significant financial risk for businesses, and complex legal proceedings, as well as action against the Member State. Grants of aid, or proposals to grant aid, are often challenged by competitors.

GCR has brought together a highly experienced and talented team to guide you through what you need to know about the EU's state aid rules - whether your role is in government, in a business seeking or receiving governmental support, or a competitor of a recipient of government support.

Our distinguished team of speakers will offer practical advice and expert comment on:

- When is State finance not aid? Definition of State aid, services of special economic interest (SGEIs), the market economy investor principle (MEIP)
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2010 Antitrust Litigation

October 2010, London

GCR's 2010 Competition Law Review

In-depth analysis and debate on recent developments in competition law and policy • 16 & 17 November 2010, Brussels

For further details on any of these events please contact gcrconference@GlobalCompetitionReview.com

PROGRAMME

Chairman: **Katherine Holmes**

Consultant, Reed Smith LLP
Member, Competition Commission

08.30 Registration and coffee

09.00 Chairman's welcome

09.10 **When is State finance not aid?**

- Definition of State aid
- SGEIs
- Market economy investor principle
- General measures and measures justified by the system

Kelyn Bacon

Brick Court Chambers

Christian Ahlborn

Partner, Linklaters LLP

10.10 **Criteria for approval of state aid and an overview of the block exemption regime**

- When notification is not required – exemption or approved scheme
- Aid intensity requirements
- Other conditions – avoiding classic problems

James Robinson

Partner, Eversheds LLP

10.30 Coffee

10.50 **The EU Commission's Current Practice and Policy**

- Experience of the past year – review of recent case law
- Best practices code, simplified procedure
- Private enforcement and cooperation with national courts
- Future priorities

Barbara Brandtner

Head of Unit, DG Competition

European Commission

11.50 **The UK's Current Practice and Policy**

- The Temporary Framework – pros and cons
- What we might hope for in future state aid policy

Edith Templeton

State Aid Branch, Department for Business, Innovation and Skills (BIS)

12.20 **Restructuring aid – should aid be granted to firms in difficulty?**

- Private sector restructuring or liquidation as a counterfactual to State aid: what are the outcomes of distress in the absence of restructuring aid?
- Business evolution post-distress as a benchmark for restructuring plans: what happens to firms in difficulty?
- What are the implications for the targeting of aid in the future?

Luis Correia da Silva

Managing Director, Oxera

12.50 Lunch

14.00 **Remedies**

- The role of national courts after *CELF* and the Commission Notice
- The position of complainants in the EU courts
- *Destination Stockholm*
- *Athinaiki*

Christopher Vajda QC

Monckton Chambers

14.40 **Closing the funding gap – State aid in public-private projects**

- State funding of public infrastructure
- Public procurement and state aid
- The General Block Exemption Regulation (GBER)
- Temporary Framework – subsidised loans and guarantees

Cyrus Mehta

Partner, Nabarro

15.25 Tea

Focus on Special Sectors

15.40 **Communications and Broadcasting**

- State aid in the deployment of next generation broadband networks
- Role of a national regulatory agency – how to assess the trade-off between the additional fibre investment generated by public sector funding and the possible competitive distortions it creates
- State aid and Public Service Broadcasting in a changing media environment
- PSB in the case law and Commission's Guidelines
- The role of national authorities in shaping and monitoring State aid in broadcasting (Ofcom's example)

Antonio Bavasso

Partner, Allen & Overy LLP

Andrea Coscelli

Director of Economic Analysis

Competition Group, Ofcom

16.20 **State Aid in Transport: What the transport sector needs to know and what other sectors can learn**

- State aid in the transport sector – airlines, shipping, seaports, road, rail and inland waterways
- New changes in the European Commission's approach to State aid and transport
- What do banks and financiers need to know?
- Lessons for other sectors

Marjorie Holmes

Partner, ReedSmith LLP

Vincent Power

Partner, A&L Goodbody Solicitors

17.00 Q&A and close of conference

Conference fees

Standard £600 + 17.5% VAT = £705.00

In-house lawyers and government agencies £500 + 17.5% VAT = £587.50

Early bird fee (before 9 April 2010)

Standard £500 + 17.5% VAT = £587.50

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Administrative details

Date

Friday 7 May 2010

Venue

The Radisson Blu Portman Hotel

22 Portman Square

London W1H 7BG

Tel: +44(0) 20 7208 6150

(Nearest underground station: Marble Arch – Central line)

How to register

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Registration fee

The standard conference fee is £600 + 17.5% VAT. There is a special fee for in-house lawyers and government agencies of £500 + 17.5% VAT.

Early booking fee (before 9 April 2010)

Discount of £100 off the above rates.

The registration fee includes all refreshments, lunch and the conference documentation.

Cancellations

Cancellations must be received in writing. Cancellations received in writing up to two weeks before the conference will receive a refund less 10% + VAT. Cancellations received after this date will receive a refund less 50% + VAT.

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Programme changes

It may be necessary for reasons beyond the control of the organisers to change the agenda, timing or the speakers.

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