

World Bank Group
Technical Assistance on Assessing the Effects of State Aid on Market Outcomes

Capacity Building: Services of General Economic Interest (“SGEI”) and Design of State aid to minimize the distortions of competition and effect on trade (*De minimis* and compatibility rules for guarantees and counter-guarantees).

Date: May 28-29, 2019

Location: World Bank Office, Vasile Lascar 31, 9th floor, UTI Building, Bucharest

Agenda

May 28, 2019

08:30 – 9:00	Participants registrations
9:00 – 9:15	Opening remarks <i>Georgiana Pop, Senior Economist and Task Team Leader, World Bank (Washington D.C.)</i>
9:15 – 9:45	Description and compatibility rules: SGEI <i>Massimo Merola, Bonelli Errede Pappalardo (Brussels)</i> <ul style="list-style-type: none"> • Notion of SGEI • Prohibition of State aid under Article 107.1 TFEU • Compatibility rules: Article 106 TFEU and the SGEI package • Introduction to the <i>Altmark</i> judgment: Background of the case and the four criteria
9:45 – 11:00	Altmark judgment: Conditions I & II <i>Nicolae Bara, European Commission (Brussels)</i> <ul style="list-style-type: none"> • Definition of public service obligations. Entrustment act/s • Parameters for calculating the compensation for the provision of public service. The Principles of transparency and objectivity • Case law and practice by the European Commission
11:00– 11:15	Coffee break
11:15- 12:30	Altmark judgment: Conditions III & IV <i>Natura Gracia and Ina Lunneryd, Linklaters (London and Brussels)</i> <ul style="list-style-type: none"> • Compensation equal to costs incurred in the discharge of the public service plus a reasonable profit • Public procurement procedure or, in its absence, determination of level of compensation on the basis of the cost of a typical well-run company • Case law and practice by the European Commission
12:30-13:30	Lunch break

13:30 – 14:30	Compatibility rules <i>Massimo Merola, Leonardo Armati, Bonelli Erede Pappalardo (Brussels)</i> <ul style="list-style-type: none">• Article 106 TFEU• SGEI package: The Commission Decision and the Commission Framework<ul style="list-style-type: none">- Conditions for eligibility and thresholds
14:30- 14:45	Coffee break
14:45 – 16: 45	Simulation on the application of <i>Altmark</i> criteria based on a case study <i>Philipp Melcher, Managing Associate, Morais Leitão (Lisbon)</i> <i>Nicolae Bara, European Commission (Brussels)</i>
16:45 – 17:00	Q&A

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9:00– 10:30	<p>Minimizing the distortion of competition and effect on trade <i>Maria Segura, Partner at Clayton & Segura (Brussels)</i></p> <ul style="list-style-type: none"> • Broad interpretation of elements of distortion of competition and effect on trade • European Commission practice: <i>De minimis</i> rule • Conflict between case law and the Commission’s practice? • Regulation no. 1047/2013 on <i>de minimis</i> aid: <ul style="list-style-type: none"> - Conditions and thresholds - The notion of ‘single undertaking’ - Rules on cumulation and monitoring
10:30-11:00	<p><i>De minimis</i> rules in the context of public compensation for the provision of SGEI <i>Philipp Melcher, Morais Leitão (Lisbon)</i></p> <ul style="list-style-type: none"> • Article 107.1 TFEU element of distortion of competition and effect on trade • Special rules for SGEI on <i>de minimis</i>
11:30- 12:00	Coffee break
12:00 – 13:00	<p>Application of <i>de minimis</i> rules <i>Jacques Derenne, Sheppard Mullin (Brussels)</i> <i>Harald Weiss, Gleiss Lutz (Brussels)</i></p> <ul style="list-style-type: none"> • European Commission’s practice and case law • Case study
13:00 – 13:45	Lunch break
13:45 – 15:15	<p>Compatibility rules on guarantees and counter-guarantees <i>Mr. Stefan Pieters, European Commission (Brussels)</i></p> <ul style="list-style-type: none"> • Guidance by the European Commission: Notice on the application of Article 107 TFEU to State aid in the form of guarantees • Case study
15:15 – 15:30	<p>Concluding remarks <i>Georgiana Pop, Senior Economist and Task Team Leader, World Bank (Washington D.C.)</i></p>