

# LIVE STREAM



## THE ROLE OF THE NATIONAL JUDGE IN THE ENFORCEMENT OF EU STATE AID RULES

WEBINAR FOR ITALIAN JUDICIARY  
26 – 28 May 2021  
(afternoons)

**UP  
GRADE**  
YOUR LEGAL  
EXPERTISE



### Speakers

**Marco Botta**

Part-time professor, European University Institute, Florence

**Fabio Filpo**

Référéndaire, Court of Justice of the European Union, Luxembourg

**Alessandra Franchi**

Case handler, Unit A3: State aid case Support and Policy, DG Competition, European Commission, Brussels

**Antonio Pietro Lamorgese**

Counselor, Court of Cassation, Rome

**Emanuele Manzo**

State Attorney, Office of the Attorney General of the State, Rome

**Francesco Maria Salerno**

Partner, Gianni & Origoni, Brussels

### Key topics

- The Notion of State Aid
- Unlawful and incompatible aid
- The standstill obligation
- Complementary roles of the European Commission and the national courts
- Hands-on training on online databases

Languages  
Italian and English (with simultaneous interpretation)

Event number  
221DV129e

Organiser  
ERA with the cooperation of Scuola Superiore della Magistratura and Consiglio di Stato on behalf of the European Commission



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# THE ROLE OF THE NATIONAL JUDGE IN THE ENFORCEMENT OF EU STATE AID RULES

## Wednesday, 26 May 2021

13:30 Connecting time

13:45 **Welcome words**  
*Ivana Jarošová, ERA*  
*Gianluca Grasso, SSM*  
*Maria Laura Maddalena, Consiglio di Stato*

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### I. INTRODUCTION INTO EU STATE AID LAW

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14:00 **Main objectives of EU State aid control. Overview of Articles 107-109 TFEU**  
*Fabio Filpo*

14:30 **Main elements of the notion of Aid**

- Undertaking and Economic activity
- State resources and Imputability to the State

*Fabio Filpo*

15:30 Q&A and discussion

15:45 Break

16:00 **Main elements of the notion of Aid**

- Advantage
- Selectivity
- Effect on trade and competition

*Emanuele Manzo*

17:00 Q&A and discussion

17:15 **Using the search tools of the online databases**  
*Emanuele Manzo*

17:45 End of first session

## Thursday, 27 May 2021

13:30 Connecting time

13:45 **De Minimis and Block Exemption Regulations: what is their role for the national court's assessment?**  
*Francesco Maria Salerno*

14:30 Q&A and discussion

14:45 **Workshop exercise**  
*Francesco Maria Salerno*

15:45 Break

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### II. APPLICATION OF EU STATE AID RULES BY THE NATIONAL JUDGE

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16:00 **The role of the national judge in the enforcement of EU state aid rules**

- The direct effect of Article 108 (3) TFEU.
- The powers of the Commission and of national courts
- Claims for damages and interim measures.

*Antonio Pietro Lamorgese*

17:00 Q&A and discussion

17:15 End of second day

## Objective

The direct effect of the notification requirement and the standstill obligation under EU State aid rules (Art. 108 (3) TFEU), the role of national courts in the recovery of illegally awarded State aid and the possibility of bringing before them private damages actions caused by unlawful State aid require good knowledge of State aid rules by the judiciary.

This seminar will provide national judges with an overview of the application of Articles 107 - 109 TFEU and the relevant secondary legislation and will equip them with the necessary tools to deal with State aid cases.

## Who should attend?

Italian judges and prosecutors, apprentice national judges and prosecutors, and the staff of judges' offices or of national courts.

**More information about the event at:**

<https://competition.judicialtraining.eu>

## Friday, 28 May 2021

- 13:30 Connecting time
- 13:45 **Recovery of unlawful and incompatible aid**
- Principles and purpose of the recovery
  - Procedural framework
  - Role of the national courts
- Marco Botta*
- 14:45 Q&A and discussion
- 15:00 **Cooperation with the European Commission**
- Request for information
  - Request for opinion
  - Amicus curiae observations
- Alessandra Franchi*
- 15:30 Q&A and discussion
- 15:45 Break
- 16:00 **Workshop exercise**
- Alessandra Franchi*
- 17:15 Q&A and discussion
- 17:30 End of the training

## About the project

The seminar is part of a large-scale project to provide training to national judges on EU competition law, organised on behalf of the European Commission.

<https://competition.judicialtraining.eu>

## Your contact persons



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For programme updates:  
<https://competition.judicialtraining.eu>  
Programme may be subject to amendment.

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## Conditions of participation

1. The seminar is addressed to national judges, apprentice judges and court staff dealing State aid-related cases at first or intermediate instance.  
**Deadline for applications: 16 May 2020**
2. Only a limited number of places is available for the training seminars. A response will be given to every applicant shortly after the deadline for application. Participation is confirmed only upon receiving a written response from the organisers. A reserve list of unsuccessful applicants will be drawn up. In the event of cancellations, applicants on the reserve list will be offered a place.
3. **Participation is free of charge.**
4. Certificates of attendance will be issued after the training seminar.
5. Participation in the whole seminar programme is required. Filling in the seminar evaluation form is also mandatory. Failure to attend the entire course and/or to fill out the evaluation form will automatically mean that the participant is not entitled to a certificate of attendance.
6. A list of participants including each participant's address will be made available to all participants unless ERA receives written objection from the participant no later than one week prior to the beginning of the event.