

ESSENTIAL EU COMPETITION LAW

Seminar for Irish and Maltese Judges

- Articles 101 and 102 TFEU
- Private enforcement of EU competition law
- State Aid Law

Valletta, 7 – 8 April 2022

**UP
GRADE**
YOUR LEGAL
EXPERTISE

Competition Law -
Public Procurement
- State Aid Law

Speakers

Sylvann Aquilina Zahra, Consultant, Ganado Advocates, Valletta

Leonardo Armati, Case Handler, Unit H/4 State Aid Enforcement and Monitoring, Directorate General for Competition, European Commission, Brussels

Daniel Gravino, Lecturer, Department of Economics of the University of Malta, Valletta

Fabio Filpo, Legal secretary, Court of Justice of the European Union, Luxembourg

Alan McCarthy, Partner, A&L Goodbody LLP, Dublin

Clement Mifsud-Bonnici, Senior Associate, Ganado Advocates, Valletta

Simonetta Vezzoso, Tenured Professor of Competition policy and Intellectual property, Department of Economics and Management, University of Trento

Alexandra von Westernhagen, Partner, Keystone Law, London



III Comhairle na mBreithiúna
The Judicial Council

Key topics

- Overview of Articles 101 and 102 TFEU
- The Damages Directive and its transposition in Maltese and Irish law
- The role of the national judge in the enforcement of EU State aid rules
- Hands-on training on online databases

Language
English

Event number
222DV42f

Venue
The Embassy Valletta Hotel
173, Strait Street,
Valletta, VLT1435,
Malta

Organiser
ERA in cooperation with the Judicial Studies Committee of Malta and the Judicial Studies Committee (Judicial Council) of Ireland on behalf of the European Commission

ESSENTIAL EU COMPETITION LAW

SEMINAR FOR IRISH AND MALTESE JUDGES

Thursday, 7 April 2022

09:00 Arrival and registration of participants

09:20 **Welcome words**
Ivana Jarošová

I. INTRODUCTION TO EU COMPETITION LAW

09:30 **Competition policy objectives. Overview of Articles 101-102 TFEU**
Daniel Gravino

10:00 **Market definition and market power**
Daniel Gravino

10:45 Q&A and discussion

11:00 Coffee break

11:15 **Agreements, decisions and concerted practices**

- Main elements of art. 101 TFEU
- Horizontal and vertical agreements
- Exemptions

Alexandra von Westernhagen

12:30 Q&A and discussion

12:45 Lunch

13:45 **Using the search tools of the online databases**

- EUR-Lex
- CURIA
- DG COMP Case Search

Alexandra von Westernhagen

14:15 Q&A and discussion

14:30 **Abuse of dominance under Art. 102 TFEU**
Simonetta Vezzoso

15:45 Q&A and discussion

16:00 Coffee break

WORKSHOP ON ART. 101 AND ART. 102 TFEU

Part 1: Introduction and explaining the task
Part 2: Working in groups
Part 3: Discussion in the plenary
Simonetta Vezzoso

17:45 End of first day

20:00 Seminar dinner

Objective

Since the entry into force of Regulation No 1/2003 national courts have been empowered to apply Articles 101 and 102 TFEU in full. Directive 2014/104/EU, with a period of transposition until 27 December 2016, is intended to fine-tune the interplay between private damages actions and public enforcement of the EU antitrust rules.

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 also require good knowledge of State aid rules by the judiciary.

This seminar will provide national judges with an overview of the application of Articles 101 and 102 TFEU and the relevant secondary legislation, as well as the national legislation transposing the Damages Directive into Maltese and Irish law, and will equip them with the necessary tools to deal with State aid cases.

Who should attend?

Irish and Maltese judges, prosecutors, assistant judges and prosecutors, apprentice national judges and court staff.

Participants from other EU member states will also be admitted if there are sufficient places left.

More information can be found at :

<https://competition.judicialtraining.eu>

Friday, 8 April 2022

09:00 Arrival and registration of participants

II. PRIVATE ENFORCEMENT OF EU ANTITRUST LAW

09:15 **EU framework**

- Case law of the CJEU on the right to claim damages for antitrust infringements
 - Damages Directive
- Fabio Filpo*

10:00 **National legislation transposing the Damages Directive (parallel sessions on Irish and Maltese legislation)**

- Disclosure of evidence
- Effect of national infringement decisions
- Limitation periods

Alan McCarthy
Sylvann Aquilina Zahra, Clement Mifsud-Bonnici

11:00 Q&A and discussion

11:15 Coffee break

11:30 **National legislation transposing the Damages Directive (cont) (parallel sessions on Irish and Maltese legislation)**

- Joint and several liability
- Quantification of harm
- Passing on of overcharges

Alan McCarthy
Sylvann Aquilina Zahra, Clement Mifsud-Bonnici

12:30 Q&A and discussion

12:45 Lunch

III. APPLICATION OF EU STATE AID RULES BY THE NATIONAL JUDGE

14:00 **Introduction to EU State aid law**

- Overview of EU State aid rules
- The notion of aid
- Exemption regulations

Leonardo Armati

15:15 Q&A and discussion

15:30 Coffee break

15:45 **The role of national courts in the enforcement of State aid rules and decisions. Cooperation with the European Commission**

Leonardo Armati

16:45 **CASE STUDY ON STATE AID**

Part 1: Introduction and explaining the task
Part 2: Working in groups
Part 3: Discussion in the plenary

Leonardo Armati

18:00 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. It consists of 26 training programmes addressed to 26 different Member States, taking place over a period of 4 years

<https://competition.judicialtraining.eu>

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Conditions of participation

1. The seminar is addressed to Maltese and Irish judges, prosecutors, apprentice judges and court staff dealing with private enforcement of antitrust rules or State aid-related cases at first or intermediate instance. Participants from other EU member states will also be admitted if there are sufficient places left.
Deadline for applications: 20th March 2022
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. Participants are responsible for making their own travel arrangements. **Applicants should not to book any tickets before receiving the organisers' confirmation.**
5. Travel costs will be reimbursed only to participants based outside Valletta. Travel costs for participants travelling by plane will be reimbursed up to a maximum amount of € 400 and travel costs of participants travelling by train or car will be reimbursed up to a maximum of € 200 subject to submission of the originals of travel receipts to be sent no later than one month after the respective training seminar.
6. **In the context of the Covid-19 Pandemic, the participants are advised to book travel and accommodation with flexible cancellation conditions or to take out travel cancellation insurance. ERA will inform registered participants one month before the event whether it will take place in face-to-face format. ERA nevertheless reserves the right according to its General Terms and Conditions to cancel an event until two weeks beforehand.**

ERA will not reimburse the costs of travel and/or accommodation booked earlier than one month before the event. The cost of travel cancellation insurance can be reimbursed.
7. Accommodation for participants based outside Valletta is arranged by ERA in The Embassy Valletta Hotel (www.embassyvallettahotel.com).
8. Lunch on both seminar days, dinner on 7 April, beverages consumed during the event and seminar documentation are offered by ERA.
9. Certificates of attendance will be issued after the training seminar.
10. Participation in the whole seminar programme is required. Participants must not make travel arrangements that require them to leave the seminar before its end. 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 or to reimbursement of travel costs.
11. Please note that in the event of cancellation after the respective deadlines and without a legitimate reason ERA will charge for the costs arising as a result thereof, e.g. for any hotel and/or travel arrangements made.
12. 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.

Seminar venue and accommodation:

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