



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

SEMINAR FOR THE DUTCH JUDICIARY*

Utrecht, 20 – 21 June, 2022

*open for participation of eligible judges from other EU Member States

**UP
GRADE**
YOUR LEGAL
EXPERTISE

Competition Law -
Public Procurement
- State Aid Law

Speakers

Diana Calciu

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

Cees Dekker

Partner, Nysingh, Utrecht; Chairperson, European State Aid Law Association

Pieter Kuypers

Partner, AKD, Brussels/Breda; Professor of European and National Procurement Law, Radboud University, Nijmegen

Doortje Ninck Blok

Senior Associate, Windt Le Grand Leeuwenburgh Advocaten, Rotterdam

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
Dutch and English (with simultaneous interpretation)

Event number
222DV40f

Venue
SSR Utrecht
Uniceflaan 1
3527 WX Utrecht

Organiser
ERA in cooperation with
Studiecentrum Rechtspleging on
behalf of the European Commission



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

Monday, 20 June 2022

09:00 Arrival and registration of participants

09:20 **Welcome words**
Ivana Jarošová, ERA

I. INTRODUCTION INTO EU STATE AID LAW

09:30 **Main objectives of EU State aid control. Overview of Articles 107-109 TFEU**
Pieter Kuypers

10:00 **Main elements of the notion of Aid**

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

Pieter Kuypers

11:00 Q&A and discussion

11:15 Coffee break

11:30 **Main elements of the notion of Aid**

- Advantage
- Selectivity
- Effect on trade and competition

Cees Dekker

12:45 Q&A and discussion

13:00 Lunch

14:00 **De Minimis and General Block Exemption Regulations**
Doortje Ninck Blok

15:00 **Workshop exercise**
Doortje Ninck Blok

16:15 Q&A and discussion

16:30 Pausa café

16:45 **Using the search tools of the online databases**
Doortje Ninck Blok

17:30 End of first day

19:30 Seminar dinner

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?

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

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

More information about the event at:

<https://competition.judicialtraining.eu>

About the project

Tuesday, 21 June 2022

| II. | APPLICATION OF EU STATE AID RULES BY THE NATIONAL JUDGE |
|-------|---|
| 09:00 | <p>The role of the national judge in the enforcement of EU state aid rules</p> <ul style="list-style-type: none"> • The direct effect of Article 108 (3) TFEU. • The role of the Commission and of national courts • Claims for damages and interim measures. <p><i>Cees Dekker</i></p> |
| 10:45 | Q&A and discussion |
| 11:00 | Coffee break |
| 11:15 | <p>Recovery of unlawful and incompatible aid</p> <p><i>Diana Calciu</i></p> |
| 12:15 | Q&A and discussion |
| 12:30 | Lunch |
| 13:30 | <p>Cooperation with the European Commission</p> <p><i>Diana Calciu</i></p> |
| 14:00 | Q&A and discussion |
| 14:15 | Coffee break |
| 14:30 | <p>Workshop exercise</p> <p><i>Diana Calciu</i></p> |
| 15:45 | Q&A and discussion |
| 16:00 | End of the training |

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 taking place over a period of four years in 26 different Member States.

<https://competition.judicialtraining.eu>

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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. Participants from other EU member states will also be admitted if there are sufficient places left.
Deadline for applications: 17 May 2022
2. Only a limited number of places is available for the training. 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 Utrecht. 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 Utrecht is arranged and paid by ERA in a hotel next to the conference venue.
8. Two lunches, a seminar dinner on 20 June, beverages consumed during the event and the seminar documentation are offered by ERA.
9. A certificate of attendance will be issued after the training.
10. Participation in the whole course 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 deadline set and without a legitimate reason ERA will charge for the costs arising as a result thereof, e.g. for any hotel 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.