



European Academy
for Taxes, Economics & Law

State Aid 2010 - The Financial and Economic Crisis

How State Aid Control is a Solution to the Crisis?
Applicable Rules and Measures

European Seminar
22nd February 2010, Berlin, Germany

With key-presentations from:

The European Commission
The European Central Bank
The Federal Ministry of Economics and Technology, Germany
HM Treasury, United Kingdom
Lovells LLP

Brochure

EUROPEAN SEMINAR

State Aid 2010 - The Financial and Economic Crisis

BACKGROUND

In reaction to the financial and economic crisis, the European Commission has taken different actions regarding the Member States' urgent response in support of the financial sector and other sectors of the economy. The Commission has published four communications in order to clarify the application of State aid rules to financial institutions and has also provided guidance on State aid measures to support access to finance in the current financial and economic crisis. The opportunity to benefit from these new rules is limited in time. Over 31 national State aid schemes were approved by the Commission and over 87 individual decisions were adopted since October 2008. Further to the first rescue phase of the financial sector, the Commission has since April-May 2009 been applying the rules to avoid undue distortion of competition and to ensure the restoration of long term viability of these undertakings. The Commission is therefore requiring all banks having benefited from State aid to demonstrate their viability and certain of them to adopt restructuring plans and measures to limit distortions of competition. These restructuring plans may demand the adoption and implementation of new business models. Furthermore, the conditions for restructuring plans to be approved by the Commission are decided on a case by case basis, thus raising a debate as to the applicable principles. In the worst case scenario, if the Commission's requirements are not complied with, recovery of State aid can be ordered. Although the new restructuring aid rules have been in force for a few months, there are still many issues relating to their application in practice.

SEMINAR CONTENTS

How do the changes impact on the State aid practice regarding private companies, the financial sector and public authorities? What implications will recent developments have for the future application of State aid rules? Where do we stand in the context of the crisis? These will be the key questions of this practical seminar. The experts will provide you with the current knowledge on State aid regulations both in the financial sector and in the real economy. Experiences with temporary measures will be discussed. Important Commission decisions will be analysed so that participants obtain a deeper understanding of the relevant issues.

This unique European platform and training will enable a better understanding of the requirements of recent State aid rules and opportunities to benefit from the new temporary measures.

TEACHING METHODS

- Lectures and case studies
- Discussions and Q & A- sessions
- Best practice reports
- Rich course material and handouts

TARGET GROUP

This seminar is of particular interest to companies applying for, or having received State aid as well as to decision makers implementing State aid decisions and schemes, especially:

- Private and public companies wanting to benefit or having benefited from State aid
- Competitors of companies having benefited from aid
- Banks – Heads of units and managers from Risk Management, Capital Management, and Corporate Finance Departments, etc.
- Ministries and national authorities dealing with State aid issues; especially from the:
 - Ministries of Economy
 - Ministries of Finance
 - Ministries of Regional Development
 - European Affairs
 - Ministries of Transport
- Regional and local authorities responsible for finance and economy
- Lawyers & Consultancy Firms

YOUR BENEFIT

- You will receive a proper understanding of the new approach and measures adopted by the European Commission
- You will get an overview on recent developments in State aid rules and State aid cases
- You will develop your knowledge on the application of the principles of restructuring aid and how to structure your restructuring plan
- You will acquire knowledge on best practices and on how to avoid worst case scenarios and damages
- You will learn to understand case law concerning the concept of recovery of State aid and how to avoid the risk of state aid recovery
- You will be trained on how to increase the efficiency of state support
- You will exchange knowledge and experience with employees of organisations from other Member States

PROGRAMME

State Aid 2010 - The Financial and Economic Crisis

22nd February 2010

8.30-9.00

Registration and Hand-out of Seminar Documents

9.00-9.05

Opening Remarks from the European Academy for Taxes, Economics & Law

9.05-9.10

Welcome Note from the Chair
Jacques Derenne, Lovells LLP, Brussels, Belgium

Session I

New State Aid Legal Framework adopted by the Commission during the Financial and Economic Crisis - Challenges for Companies, the Financial and Public Sector

9.10-9.25

Measures Taken in the Financial Sector - Commission's Flexible Approach and Recent Developments

Alix Müller-Rappard, Lovells LLP, Brussels, Belgium

9.25-9.40

Temporary Framework for State Aid Measures to Support Access to Finance in the Current Financial and Economic Crisis ("real economy")

Dr Marc Schweda, Lovells LLP, Hamburg, Germany

9.40-9.55

Simplification Package to Accelerate the Adoption of State Aid Decisions

Jacques Derenne, Lovells LLP, Brussels, Belgium

9.55-10.15

Coffee Break

Session II

National Aid Schemes for the Financial and Economic Sectors - Contrasted Examples

10.15-10.45

State Aid Measures in Germany - Focus on Real Economy Measures

Loans and Guarantees under the Economics Funds in Germany

Kristina Haverkamp, Head of Unit, State Aid Control Policy, Federal Ministry of Economics and Technology, Germany

10.45-11.15

State Aid Measures in the UK - Focus on the Financial Sector

Mr Gareth Evans, Assistant Treasury Solicitor, HM Treasury, United Kingdom

11.15-11.45

State Aid Measures in France

French Ministry of Finance (invited)

11.45-12.15

Q&A Session

Session III

Renumeration of Instruments

12.15-12.45

Adequate Remuneration of Instruments by the Beneficiary Guarantees, Recapitalisation, Relief of Impaired Assets

Ana Petrovic and Ralf Tutsch, European Central Bank, Frankfurt am Main, Germany

12.45-13.15

Q&A Session



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13.15-14.15

Lunch Break

Session IV

Applicable Principles and Issues raised by the new State Aid Rules

14.15-14.45

Restoration of Long Term Viability and Restructuring Plans

Jacques Derenne, Lovells LLP, Brussels, Belgium

14.45-15.15

Corporate Finance and Capital Markets Tools for Restructuring Plans

Dr Tim Brandt & Dr Karsten Müller-Eising, Lovells LLP, Frankfurt, Germany

15.15-15.35

Q&A Session

15.35-15.45

Refreshment Break

15.45-16.15

Compensatory Measures – The Commission's Recent Experience

Dr Max Lienemeyer, Deputy Head of Unit, DG COMP, European Commission

16.15-16.30

Q&A Session

16.30-17.00

Coffee Break

Session V

Procedural Issues

17.00-17.30

Recovery of Unlawful Aid - The Specific Case of Insolvency Proceedings

Alix Müller-Rappard, Lovells LLP, Brussels, Belgium

17.30-17.45

Q&A Session

Panel Discussion – Toward the End of the Financial Crisis?

17.45-18.30

Interactive Panel

- Review and prolongation of aid schemes?
- Assessment of ad hoc aid measures in particular outside the financial sector?
- Impact of the financial crisis on the future application of State aid rules?

Representatives from DG COMP, ECB, German, UK and French authorities

18.30

End of Seminar and Hand-out of Certificates

SPEAKERS

State Aid 2010 - The Financial and Economic Crisis

JACQUES DERENNE

PARTNER, LOVELLS LLP, BRUSSELS, BELGIUM

Jacques Derenne is the managing partner of the Brussels office of Lovells LLP. Since 1988, he has advised on all aspects of competition law (cartels, abuse of dominance, mergers and State aid) and EU law, specialising in State aid. He heads the Lovells' State aid practice. He regularly appears before the Court of First Instance of the European Communities and the European Court of Justice as well as before Belgian and French courts and regulatory bodies.

Jacques Derenne co-directed and co-authored a seminal study published by the European Commission on the private enforcement of State aid rules at national level in 2006, which led to the Commission Recovery (2007) and Enforcement Notices (2009). He has directed the update of this study in 2009, presented with Commissioner Kroes in Brussels on 19 October 2009. He co-edited Economic Analysis of State aid rules - contribution and limits (Lexxion, 2006) and is the author of numerous publications, in particular State aid quarterly in Concurrences since 2004. He features as a leading State aid practitioner in Chambers Europe, Legal 500 and plcWhich Lawyer?

Jacques Derenne graduated from the University of Liège (1987) and from the College of Europe (1988) and is a member of the Brussels and Paris Bars. He is a professor of State aid law at the University of Liège since 2006 and was a professor of competition law at the Brussels Bar between 2002 and 2008. He is a founding member and member of the executive committee of the Global Competition Law Centre (College of Europe).

ALIX MÜLLER-RAPPARD

COUNSEL, LOVELLS LLP, BRUSSELS, BELGIUM

Alix Müller-Rappard is Counsel in Lovells' Competition and EU Law practice, based in Brussels, since 2001. She advises on all aspects of EU law, in particular competition law (Article 81 EC, 82 EC and mergers). She has specialised in State aid issues, advising beneficiaries, Member States or competitors in various sectors on legal issues relating inter alia to rescue and restructuring, privatisation, cross subsidies, PPP and national litigation in different Member States. Alix contributed to the Study published by the European Commission on the private enforcement of State aid rules at national level in 2006, and has worked on updating the study for the Commission in 2009. She regularly speaks at conferences on State aid. Alix is a member of the Paris and Brussels Bars; she graduated in political science in Strasbourg and in law in London (L.L.M. in European law) and Berlin (L.L.M. in German private law).

DR. MARC SCHWEDA

PARTNER, LOVELLS LLP, HAMBURG, GERMANY

Marc Schweda has been working for Lovells since 2001, first in Dusseldorf office and as of 2005 in Hamburg office. He was appointed as partner in 2009. Marc has specialised in competition law, public procurement law and EU State aid law. He regularly advises clients on all areas of competition law, including the competition law compliant set-up of agreements (such as cooperation, distribution and licence agreements), acting for clients in competition law-based litigation and in proceedings concerning the alleged abuse of a dominant position and advising clients on cases of administrative fines for alleged violations of competition law and merger control notifications. Mr. Schweda has special expertise in the area of energy related competition law and on EU State aid law matters. In addition with respect to public procurement law, he regularly acts both for contractors and bidders in numerous public tenders and court proceedings concerning public construction, supply and service contracts and concessions.

KRISTINA HAVERKAMP

HEAD OF UNIT, STATE AID CONTROL POLICY, FEDERAL MINISTER OF ECONOMICS AND TECHNOLOGY, GERMANY

Kristina Luise Haverkamp is in charge of the unit „State Aid Control Policy“ at the Federal Ministry for Economics and Technology in Germany. Ms. Haverkamp studied law at the Universities of Munich, Geneva, Bonn and Athens (Georgia, USA) and started her career at the Bundeskartellamt in 1993. She has dealt with State aid issues at the Federal Ministry for Economics and Technology (2000) the Federal Ministry of Finance (2001 - 2003) and the Permanent Representation of the Federal Republic of Germany to the European Union in Brussels (2003 - 2007).

MR GARETH EVANS

ASSISTANT TREASURY SOLICITOR, HM TREASURY, UNITED KINGDOM

Gareth Evans graduated from the University of Birmingham in law and political science and joined the Civil Service of the United Kingdom in 1993 after qualifying in private practice specialising in local authority and social housing advisory work. In his time in the Civil Service he has worked in the Department for Culture, Media and Sport (1993 - 1997), the Department for Transport (1997 -2002) and HM Treasury (2002 - date) He currently heads the General Team in Treasury Legal Advisers, which advises the Treasury on all aspects of its functions as a finance ministry and European law, including public expenditure and taxation policy (including related state aids). He also organises a programme for seminars on the law relating to the government's finances for the National School of Government - „Money In: Money Out - How the Government Financial Machine Works“.

SPEAKERS

State Aid 2010 - The Financial and Economic Crisis



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ANA PETROVIC

EUROPEAN CENTRAL BANK, FRANKFURT AM MAIN, GERMANY

Ana Petrovic has been employed in the European Central Bank's Directorate General Legal Services, in Frankfurt am Main, since April 2009. She is a UK national law expert and a lawyer-linguist. She was previously employed in the Brussels and Washington D.C. offices of Freshfields Bruckhaus Deringer where she primarily advised on competition law issues and at Weil Gotshal and Manges. Ana co-wrote the ECB legal working paper on national rescue measures in response to the current financial crisis. Ana is an English Solicitor and a member of the California and Washington D.C. Bars; she has a Bachelor of Arts in arts administration (Chicago), a Juris Doctorate in law (San Francisco) and a Diplôme d'études supérieures spécialisé in international commercial law (Paris).

RALF TUTSCH

EUROPEAN CENTRAL BANK, FRANKFURT AM MAIN, GERMANY

Ralf Tutsch is a Lawyer-Linguist and a National Law Expert for questions relating to Germany in the European Central Bank's Directorate General Legal Services since 2008. He was previously employed as a lawyer, specialising in state aid, for a German law firm; after that, he worked for the German Federal Financial Supervisory Authority (BaFin), in a unit dealing with the coordination of fundamental issues relating to banking supervision. Ralf co-wrote the ECB legal working paper on national rescue measures in response to the current financial crisis. He graduated in law in Trier in 2002 and in Bruges (LL.M. in EC law) in 2003.

DR. TIM OLIVER BRANDI

PARTNER, LOVELLS LLP, FRANKFURT, GERMANY

Tim Oliver Brandi joined Lovells as a partner in 2003 and is located in the firm's Frankfurt office. He specialises in mergers & acquisitions and general corporate advice. He has extensive experience in the financial institutions, IT, industrial, retail, consumer and real estate sector. Tim is particularly experienced in advising foreign investors on inbound acquisitions in Germany. Tim has often been recommended as leading expert in the field of corporate law and mergers and acquisitions, such as by JUVÉ Handbuch Wirtschaftskanzleien, by Chambers Europe, Chambers Global, Legal 500, Best Lawyers and PLC - Mergers and Acquisitions.

DR. KARSTEN MÜLLER-EISING

PARTNER, LOVELLS LLP, FRANKFURT, GERMANY

Karsten Müller-Eising has been a partner with the firm since 2007. He heads the equity capital markets team within our corporate finance practice group in Germany. The team specialises in the placement of shares and other equity capital transactions. Mr. Müller-Eising advises issuers and underwriters on IPOs, capital increases, secondary placements and other equity related transactions. He also has considerable experience with convertible bonds, refinancing, public takeovers and acquisitions. He studied law at the universities of Würzburg, Hull (UK) and Bonn.

DR. MAX LIENEMEYER

DEPUTY HEAD OF UNIT, FINANCIAL CRISIS TASK FORCE, DG COMPETITION, EUROPEAN COMMISSION

Max Lienemeyer completed his law degree in Germany and in the UK in 1993, obtained his LL.M from the Free University of Brussels in international legal cooperation in 1996 and then returned to Germany for further specialisation, obtaining his doctorate in European law from the University of Frankfurt in 2000. Starting off as a lawyer with Wessing and Ashurst, he decided to leave private practice and joined the institutional staff in 2003 as a case handler in State aid control for DG Competition.

ORGANISATIONAL MATTERS

State Aid 2010 - The Financial and Economic Crisis

BOOKING

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For online booking please visit
our internet site under:

www.euroacad.eu

BOOKING NUMBER

S-180

DATE OF EVENT

22nd February 2010

EVENT PRICE

Early booking contingent until the 18th of December 2009:

949,- Euro, excl. German VAT (19%)

Normal price from the 19th of December 2009:

989,- Euro, excl. German VAT (19%)

The above price covers the following:

- Hand-out documents
- Soft drinks and coffee/tea
- Lunch

EVENT LANGUAGE

The event language will be English.

EVENT LOCATION

Courtyard by Marriott Berlin Mitte

Axel-Springer-Str. 55

10117 Berlin, Germany

Phone: +49 (0)30800928-6300

Fax: +49 (0)30800928-1000

E-mail: reservations.berlin@marriott-hotels.com

Internet: www.marriott.de

Please contact the hotel directly and refer to the "European Academy for Taxes, Economics & Law" in order to benefit from a limited room contingent at a special price. Please book as soon as possible. Of course you can always look for an alternative hotel accommodation.

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(Program is subject to alterations)

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2. Registration / Confirmation of Application

A registration can be made via internet, mail, fax, or email. The registration is considered granted and legally binding if not rejected by the European Academy for Taxes, Economics & Law in writing within seven (7) days after receipt of registration. The registration will be supplemented by a booking confirmation via email. Partial bookings are only valid for seminars designed in modules.

3. Service

The course fee covers the fee per participant and course in € net, subject to current German VAT. It includes training course documents as per course description, a lunch meal/snack and refreshments during breaks, as well as, a participation certificate.

The European Academy for Taxes, Economics & Law has the right to change speakers/instructors and to modify the course program if and where necessary while maintaining the overall nature of the course. All registered participants will be notified in case of a course cancellation due to force majeure, due to speakers' preventions, due to troubles at the chosen location or due to a low registration rate. Course cancellation notification due to a low registration rate is issued no later than two (2) weeks before the course date. Course fees are reimbursed in the cases listed above; however, reimbursement for travel expenses or work absenteeism is only granted in cases of intention or gross negligence by the European Academy for Taxes, Economics & Law. Any reimbursement of travel expenses are to be considered as an exceptional goodwill gesture and form no future general obligation. In case of disturbances and/or interruptions, the European Academy for Taxes, Economics & Law commits itself to solve or limit any problems that might occur in order to maintain and continue the course as planned.

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- non-attendance or cancellation less than two (2) weeks prior to commencement of the course: 100% of course fee net, subject to current Germany VAT, payable immediately

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8. Applicable Law, Place of Jurisdiction, Place of Performance

All cases shall be governed and construed in accordance with German law to the exclusion of the UN Sales Convention. As far as legally admissible, place of performance and place of exclusive jurisdiction shall be Berlin, Germany.

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NOTE

Please note, you can register as many delegates as you wish (except, the seminar is fully booked). You only need to copy this formular for as many persons you wish.



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BOOKING

BOOKING NUMBER: S-180(PR)

DATE: 22nd FEBRUARY 2010

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Delegate 1
 Mr. Ms.

First name _____ Last name _____ Phone _____
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 Mr. Ms.

First name _____ Last name _____ Phone _____
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 Job position _____ E-mail _____
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 Street _____
 Postcode / City _____
 Country _____

Delegate 3
 Mr. Ms.

First name _____ Last name _____ Phone _____
 Department _____ Fax _____
 Job position _____ E-mail _____
 Your organisation _____
 Street _____
 Postcode / City _____
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Invoice organisation

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In case of registration of more than one delegate - do you prefer: single invoice? collective invoice?

With my signature I confirm my registration and accept the General Terms and Conditions as legally binding.

Place, Date

Authorised Signature / Stamp