



EUROPEAN DREDGING ASSOCIATION

2015
EUDA ANNUAL GENERAL MEETING
CONFERENCE PROGRAMME

TUESDAY, 17 NOVEMBER 2015, from 10.00 to 12.00
STANHOPE HOTEL BRUSSELS

“STATE AID AND TIED AID”
DIFFERENT APPROACHES TO GLOBAL COMPETITION

SPEAKERS

MODERATION

FILIP TUYTSCHAEVER
CONTRAST – EUROPEAN & BUSINESS LAW
Conference Moderator

SPEAKERS

HENRIK MORCH
EUROPEAN COMMISSION – DG COMP
HEAD OF UNIT FOR STATE AIDS TO TRANSPORT
ACTING DIRECTOR FOR TRANSPORT, POST AND OTHER SERVICES
Overview of the State Aid Guidelines to Maritime Transport

ULRICH PAETZOLD
EUROPEAN CONSTRUCTION INDUSTRY FEDERATION
SECRETARY GENERAL
Examples of threats in Europe and around the world.

PARIS SANSOGLOU
EUROPEAN DREDGING ASSOCIATION
What's next for European Dredgers?

OPEN DISCUSSION



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“STATE AID AND TIED AID” DIFFERENT APPROACHES TO GLOBAL COMPETITION

Governments’ interventions in competitive markets impact on the functioning of these markets: they set the general rules of “*unhindered and fair competition*” and in some cases bend these rules to favour the one or the other national champion. Financial support provided by governments to companies is distorting competition and can take many forms. The conference will focus on two such approaches with opposite objectives and effects on the global dredging markets.

The competitive advantages developed by the European dredging companies to allow them to compete on the global markets and remain leaders in their trade include high added value specialised services, high productivity and high environmental friendliness when delivering resilient waterborne infrastructures. As far as large complex infrastructure projects are concerned, the other worldwide competitors cannot match the level of the European Dredgers’ services in quality and in price. In unbiased and open markets, Europeans have demonstrated their strong dominance with over 80% of the open world markets.

When some non-EU countries decide to bend the rules, they take measures that keep foreign competition off their domestic market and, additionally, they can also provide unfair advantages to their national companies competing outside their domestic market. One of the most commonly used schemes on non-domestic markets is **Tied Aid**, whereby large amounts of development aid are granted to a targeted country (usually a resource-rich developing country, non-signatory of the WTO Government Procurement Agreement) with the explicit condition of using exclusively the donor’s national contractors for the development works. The consequences are severe distortions in these markets or even temporary closure to any foreign competition (for as long as the donor’s aid lasts).

However, *unfair competition practices are like coastal erosion: markets are eroded and lost at a steady pace. Left untackled in the long term, these practices can wear out even the most resilient of companies.* This is why Europe has developed counter-schemes aiming at reducing competition distortions on global markets and reinforcing level playing field. One of the financial instruments used by Europeans to reduce distortions on some global markets is the *State Aid Guidelines to Maritime Transport*, which stopped the deflagging of European vessels and avoided the complete relocation of the maritime industries outside Europe.

Opening with an overview of the European State Aid Guidelines to Maritime Transport, the Conference will present Tied Aid cases in and outside Europe, and conclude on the possible ways forward for the European Dredgers.



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CONFERENCE MODERATOR

Contrast - European & Business Law



Mr Filip Tuytschaever

Founding partner

Professor, EU Competition Law, University of Brussels (VUB)

Filip Tuytschaever is a partner of contrast and professor of EU competition law at the Law Faculty of the University of Brussels (VUB).

He specialises in EU and competition law and assists companies and public authorities in proceedings before the EU and national authorities and courts. He has represented the EU Commission, the European Banking Authority and the Kingdom of Belgium before the EU Courts, including in State aid cases.

He graduated from the University of Ghent, obtained Masters' degrees in International and European Law (VUB) and in business management (VLEKHO). He was awarded a Ph.D. in law by the Law Department of the European University Institute in Florence (Italy). He was a national expert in the Secretariat-General of the EU Commission and an intern in the Legal Service of the EU Commission.

Filip Tuytschaever has an extensive publication record on competition law, the internal market and EU constitutional and institutional law, including two books with Oxford University Press: *'Vertical Agreements in EU Competition Law'* (2nd edition, 2011, with F. Wijckmans) and *'Horizontal Agreements and Cartels in EU Competition Law'* (2015, with F. Wijckmans (eds.)).



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“STATE AID AND TIED AID”

DIFFERENT APPROACHES TO GLOBAL COMPETITION

OVERVIEW OF THE STATE AID GUIDELINES TO MARITIME TRANSPORT

European Commission – DG Competition



Mr Henrik Morch

**Head of Unit for State Aids to Transport
Acting Director for Transport, Post and other Services**

Henrik Morch is currently Head of Unit for State Aids to Transport and Acting Director for Transport, Post and other Services in DG Competition.

He is a fully qualified Danish lawyer.

He joined the European Commission in 1992, where he worked in DG Competition until 2001. Then he joined the Cabinet of Commissioner Poul Nielson in charge of Development and Humanitarian Aid from 2001 to 2004. After he became Member of Cabinet of Marian Fischer Boel in charge of Agriculture from 2004 to 2005.

He joined in DG Internal Market and services where he was successively Head of Unit for Legal Affairs from 2005-2011 and Head of Unit for Single Market policy 2011-2015.

He came back to DG Competition in 2015 in the Directorate for Transport, Post and other Services where he is acting Director and Head of Unit for State Aids to Transport.

His expertise and long experience cover all EU-issues of intra-EU and extra-EU competition, touching a broad spectrum of sectors ranging from agriculture, services and transport, including maritime transport.



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“STATE AID AND TIED AID”

DIFFERENT APPROACHES TO GLOBAL COMPETITION

EXAMPLES OF THREATS IN EUROPE AND AROUND THE WORLD.

European Construction Industry Federation



Mr Ulrich Paetzold
Secretary General

Ulrich Paetzold is a fully qualified German lawyer (2 State Examinations) and has been a Barrister/ Solicitor (Rechtsanwalt) since 1985.

He joined construction industry federations in 1986 as Deputy Director of the international department of the German "Hauptverband der Deutschen Bauindustrie" and of EIC (European International Contractors).

He joined FIEC ("*Fédération de l'Industrie Européenne de la Construction*") in 1989 as Director and was charged with setting up the Brussels office. He has been FIEC's Director General since 1994. His active participation in European matters includes membership of the European Commission's "Advisory Committee for the Opening-up of Public Procurement", DG MARKT (April 2000 – September 2011), and involvement as a Delegate, in the European Economic and Social Committee's "CCMI" (Feb. 2007 – to date).

His expertise and experience cover all EU-issues of importance for the construction industry, in particular public procurement, construction contracts, anti-corruption policy and "competitiveness".



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“STATE AID AND TIED AID”

DIFFERENT APPROACHES TO GLOBAL COMPETITION

WHAT’S NEXT FOR EUROPEAN DREDGERS?

European Dredging Association



Mr Paris Sansoglou
Secretary General

Paris Sansoglou holds a degree of Commercial Engineer from the Solvay Business School in Brussels that he has complemented with degrees in Environmental Studies (ULB), Business Informatics (VUB) and Financial Analysis (CIAF) (member of the European and the Belgian Associations of Financial Analysts ABAF-BVFA).

His professional experience is varied and includes research (on sustainable development), statistics (Business Statistics), knowledge management, economic, environmental & financial consulting activities (at Ernst & Young). He has spent most of his career on the ‘European’ scene working in the Commission (Eurostat) then in trade associations (representing the European manufacturers of synthetic fibres, the European shipbuilders and now the European dredgers).

Mr Sansoglou developed a strong kinship with the sea and maritime affairs when he worked for the Community of European Shipyards’ Associations (CESA), where he was managing for the ship- builders and repairers a portfolio of strategic activities including research, technical & environmental issues, as well as statistical, trade and market issues. He ran the secretariat of the European Technology Platform WATERBORNE from 2005 to 2009.

Mr Sansoglou joined the European Dredging Association (EuDA) in April 2009 as Secretary General. Teaming up with Marc Stordiau, Chairman of EuDA, they represent the interests of the European dredging companies in the European Institutions. He was part of the team that obtained the repeal of the Indian countervailing duties on dredgers.

