

8th International PhD Students' Conference on Competition Law Białystok, 10 October 2018

The 8th International PhD Students' Conference on Competition Law took place on 10 October 2018 in Białystok, Poland. The conference focused on EU State aid law. It was organized by the Department of Public Economic Law at the Law Faculty of the University of Białystok. The international character of the conference provided an excellent opportunity for PhD students to exchange opinions on issues related to EU State aid law.

Professor Anna Piszcz (University of Białystok) opened the conference and welcomed a number of guests including: Dr. Mónika Papp (Hungarian Academy of Sciences & ELTE Eotvos Lorana University), Professor Pieter Van Cleyenbreugel (University of Liege) and Dr. Łukasz Grzejdziak (University of Łódź). Professor Piszcz presented subsequently the assumptions and scope of the conference.

The first session was chaired by Professor Piszcz. Dr. Mónika Papp took the floor first with a presentation entitled 'State Aid Modernisation: An Opportunity or a Straitjacket'. She started her speech by describing the State aid law as an instrument to support national industrial and social policy. Consequently, the speaker discussed the goals of the policy, that is, its derogatory, competition and political integration function. The second part of the presentation was devoted to a historical perspective of State aid policy. Dr. Mónika Papp presented statistics, reports, examples of success and examples of failures of this policy. Furthermore, she discussed the most recent guidelines relating to granting State aid funds.

Professor Pieter Van Cleyenbreugel spoke next presenting a paper entitled 'Tax rulings and the limits of EU State aid law'. In the first part of his presentation, the speaker discussed the general overview of tax rulings in Member States. In particular, he highlighted tailored application of national tax provisions. Moreover, the author deliberated over aims and consequences on national tax law. The second part of the presentation was devoted to tax rulings from the point of view of the EU internal market. In the last part of the speech, Professor Pieter Van Cleyenbreugel presented the limits of EU State aid law resulting from primarily law and the jurisdiction of the Court of Justice of the European Union.

Dr. Łukasz Grzejdziak presented the last paper of the first session entitled 'Polish tax on the retail system: Should selectivity be placed before the bracket'. His speech centred on the decision of the EU Commission dated 30 June 2017 (SA.44351) concerning Polish tax on the retail sector with progressive rates. The

speaker deliberated over the background of the Act on retail sales tax adopted by the Polish Parliament on 6 July 2016. Afterwards, Dr. Łukasz Grzejdziak explained the statement of the European Commission why progressive tax rates based on turnover give companies with low turnover an advantage over their competitors.

The first session ended with a panel discussion where the participants of the conference discussed legislative proposals and the role of national competition authorities. The discussion was followed by PhD students' session. The second part of the conference was moderated by Professor Pieter Van Cleynbreugel.

Evelin Pärn-Lee (Tallinn Technical University) gave the first presentation entitled 'EU State Aid rules and innovation: A two edged sword?' She discussed economic principles on research and development investments (hereinafter; R&D&I). The author presented typical R&D&I and public funding situations. The speaker raised the issue of the incentive effect (Article 6) rule in Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (hereinafter; GBER). Afterwards, she also presented the Estonian experience with GBER incentive effect.

Maarten Aalbers (Leiden Law School) discussed State aid rules in the sports sector in a presentation entitled 'State aid law applied to the sports sector: Back to the level playing field?' Firstly, he focused on the EU constitutional framework on sports. The speaker described the application of substantive State aid rules in the sports sector. He pointed out the 'social return' of sports in the context of the EC's enforcement policies.

The last presentation entitled 'No more 'Galacticos' aid in sport?' was delivered by Radosław Niwiński (University of Białystok). The speaker presented EU policy towards football clubs. The speaker outlined and analysed the main concerns related to the Dutch and Spanish football club cases connected with State aid. The author pointed out that financing of any privileges for professional sport entities could be classified as illegal State aid. Because of the abovementioned material risk, the speaker recommends clubs and public authorities to review their contractual relationships to ensure transparency in relation with State aid funds.

The second session of the conference concluded with a debate and comments regarding the presentations delivered by PhD students. The conference allowed for the exchange and analysis of international experiences on State aid practices. The conference is one of many to come in a series of international conferences on competition law organised by the Department of Public Economic Law at the Law Faculty of the University of Białystok. The next meeting is announced to take place in October 2019.

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