

## EU STATE AID | POLAND

*Founded in 1920, Gide is a leading international law firm operating out of 12 offices worldwide. With 550 lawyers and legal consultants drawn from 35 different nationalities, the firm provides specialist quality legal services in the most complex areas of national and international finance and business law.*

### A Long-established Presence in Brussels and Warsaw

With its 12 offices worldwide, Gide can draw on the skills of its lawyers based in its offices in **Brussels** and **Warsaw**. Indeed, Gide was one of the first international law firms to open an office in Brussels, in 1967; and one of the first to open an office in Warsaw, in 1991. This long-established presence constitutes a valuable asset in handling competition-related matters such as State aid.

The two offices work together seamlessly to provide clients with a unique national and European expertise, notably in view of their in-depth knowledge of the workings and procedures of the European institutions.

### A Significant Practice in State Aid Matters

State aid rules are increasingly impacting several fields of law. The different forms of financing (subsidies, bail-outs, public loans, tax relief, etc.) that governments grant to companies may distort competition and should therefore, under certain circumstances, be referred to the European Commission for approval.

Gide has extensive experience advising governments and companies across a wide range of sectors in both formal and informal State aid investigations. Our lawyers have built up cutting-edge expertise in this area, notably in:

- checking the **legality** of State aid that our clients (or their competitors) may receive. For example, Gide advised a consortium in its negotiation with an Eastern Europe Member State in order to ensure compliance of a **large motorway project** with both EU State aid and concession rules. Gide also advised the French investments agency (APE) in the context of the privatisation process of two airports (Nice and Lyon) notably to ensure its compliance with State aid rules.
- preparing **notification** of aid measures to the European Commission. For example, Gide assisted **Kem One**, active in the vinyl sector, on the notification of a State aid for restructuring, granted by the French government, and obtained a positive decision.
- lodging a **complaint** before the European Commission. Gide is notably assisting **Westbahn** in the context of a complaint that it lodged against Austria for illegal State aid granted to a **railway operator** as part of a concession.
- representing clients in the context of **formal investigation procedures** opened by the European Commission. Gide recently advised an **electricity producer in the Baltic area** on all State issues concerning electricity and energy production and obtained a positive decision for this client.
- representing clients' interests **before the EU and national courts** when the legality of State aid is challenged. Gide has notably assisted **France Telecom (Orange)** in several annulment proceedings concerning decisions of the European Commission.
- assessing how to combine State aid with other funding, such as **EU Funds, EIB, and EBRD**. Gide is assisting several clients including IFIs in this regard.

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## Selected State Aid Expertise in Poland

- **PLL LOT** - Advising LOT in the formal investigation procedure opened by the EU Commission on restructuring State aid. A positive decision was adopted in 2014.
- **Polfa Tarchomin** - Advising on the principles of granting State aid during the privatisation process.
- **City of Warsaw/ERDF State aid and Concession** - Advising the City of Warsaw on a large project financed by ERDF in water treatment to ensure compliance with EU structural funds as well as Concession and State aid rules.
- **Polish State/Transport Infrastructure Finance** - Assisting the Polish government in setting up several State aid schemes in favour of the development of infrastructure in Poland for intermodal transport, air transport and intelligent transport systems, under the aegis of JASPERS (Joint Assistance to Support projects in European Regions), a cooperation body set up by the European Commission, the European Investment Bank (EIB), and the European Bank for Reconstruction and Development (EBRD).
- **Polish State/ERDF financing** - Advising the Polish government in its discussions with the European Commission on the principles of cofinancing investments from several Community financial instruments under Regulation 1083/2006.

### KEY CONTACTS

#### Brussels

**BENOÎT LE BRET**  
Partner  
lebret@gide.com

**STÉPHANE HAUTBOURG**  
Partner  
hautbourg@gide.com

**LAURENT GODFROID**  
Partner  
godfroid@gide.com

**SÉGOLÈNE PELSY**  
Partner  
pelsy@gide.com

**ROMAIN RARD**  
Counsel  
romain.rard@gide.com

**CORINNE RYDZYNSKI**  
Associate  
rydzynski@gide.com

#### Warsaw

**DARIUSZ TOKARCZUK**  
Partner  
tokarczuk@gide.com

**PAWEŁ GRZEŚKOWIAK**  
Partner  
grzeskowiak@gide.com

**SZYMON CHWALIŃSKI**  
Associate  
chwalinski@gide.com

*“French firm with a strong state aid and EU regulatory practice. Advises clients from the technology, transport and financial services industries, with recent mandates including obtaining merger clearance and behavioural matters, including abuse of dominance and cartel investigations. Works closely with the firm's highly regarded Paris office, with the two teams combining regularly on pan-European matters for French clients. Clients highlight the firm's 'reactivity, adaptability and solution-oriented focus.'”*

*The firm's international presence is appreciated by clients who underline the 'huge network – from one contact point you can access their network, which is very useful.' »*

**Chambers Europe 2018**

*“Gide Loyrette Nouel's 'commercial' team is 'always available to assist'. Dariusz Tokarczuk and associate Szymon Chwaliński, who provides 'consistently high-quality service', are advising Polski Fundusz Rozwoju on the competition aspects of its acquisition of a 33% stake in Bank Pekao from UniCredit. »*

**Legal 500 EMEA 2018 | Poland Competition/Antitrust**