



## Regulatory and public affairs



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## Our EU practice

The effective identification and management of regulatory risk and opportunities is an important element in maximising business potential. Focusing on the interface between law, politics and business, our EU regulatory and public affairs practice helps clients to proactively manage their regulatory environment.

We offer clients strategic policy advice and help to shape EU legislation and administrative decisions. The specialised practice is an integral part of our Brussels office, providing clients with the highest possible standard of legal advice and support. Its close co-operation with the firm's legal teams across the network gives the practice unrivalled access to legal and sector-specific industry expertise, allowing it to develop a quick understanding of the clients' business and markets.

A large part of our work relates to shaping draft EU legislative measures. We analyse the potential effect of draft legislation on our clients' business activities and, in co-operation with our clients, define threats, opportunities and strategic goals. We then devise and implement detailed campaigns, encompassing both legal and public affairs advice. Our legal expertise, extensive experience with EU legislative procedures and in-depth understanding of how the EU institutions operate enable us to influence legislative processes to ensure that our clients' interests are represented.

We advise clients on strategic policy issues arising in the framework of competition and trade proceedings, in particular on sensitive legal transactions and in-depth merger investigations. We assess the political environment surrounding proceedings and the attitudes of key decision-makers and help our clients to define positions and approaches. We also develop and implement detailed strategies whereby we inform decision-makers about the nature of and background to legal transactions and help to secure a positive outcome for our clients.

We regularly develop and implement EU outreach programmes and profile-raising strategies for clients seeking to build or improve relationships with officials in the EU institutions. Our insight into the work of the EU institutions and our network of contacts with key decision-makers allow us to build relationships and raise clients' profiles with the EU institutions and other stakeholders.

Our EU regulatory and public affairs team advises in a broad range of areas, including consumer products and retail, transport, energy, environment, financial services, telecoms, media and technology.

## Our EU practice experience

Our EU regulatory and public affairs practice has extensive experience of working with clients in different policy areas and dealing with very varied issues.

### Influencing draft EU legislation

On behalf of our clients, we track EU legislative initiatives from the initial European Commission preparation through their passage in the EU Council and the European Parliament until adoption. We flag key issues at the earliest possible stage and design and implement public affairs campaigns to help shape legislation in the most constructive and timely way. We participate in the legislative process by inputting to draft legislation and engaging in constructive dialogue with the European institutions and member state governments, as well as through influential trade associations and think tanks. Our recent experience includes:

- engaging with the European Parliament and the European Commission on behalf of a global industry leader and introducing amendments to EU climate change legislation during several parliamentary readings;
- implementing a comprehensive campaign for a major EU aviation company on the revision of EU legislation on aviation safety and security, including analysing the decision-making process, identifying key decision-makers and preparing the necessary documentation;
- advising a significant EU technology company on the proposed revision of the regulation of the industry sector and successfully introducing several amendments to the Commission legislative proposal through the EU Council;
- devising a regulatory and public affairs strategy for a multinational consumer goods company on the revision of the EU toy safety directive;
- analysing for a large US consumer goods company the legislative preparation of the new EU food labelling regulation and working with the client through its European trade association to influence the final shape of the regulation;
- advising several clients in the framework of the new EU financial supervisory architecture across different financial sectors; and
- providing public affairs support to clients in the context of the current overhaul of financial markets for securities, bonds and derivatives in Europe, MiFiD and markets infrastructure.

### **Strategic policy advice in the framework of competition, trade and other proceedings**

We provide clients with strategic policy advice and support in the framework of merger transactions, cartel investigations, State aid cases, EU infringement proceedings and on a variety of international trade policy issues. Some recent examples of our experience in these areas include:

- providing public affairs advice in the context of several competition investigations in the transport, energy and financial services sectors, including advice on communication with the European Commission;
- managing a complaint to the European Commission regarding national legislation which infringes EU legislation in the transport sector;
- advising clients on European Commission decisions on State aid granted to different industry sectors;
- developing EU public affairs campaigns in the context of anti-dumping investigations against imports into the EU (electronics sector) as well as duties imposed against EU exports (steel sector); and
- helping to ensure that a client's interest in the financial services sector is reflected in EU international trade priorities (WTO, bilateral free trade agreements, Transatlantic Economic Council).

### **EU outreach programmes and profile raising**

On behalf of our clients, we build and maintain communication channels and relationships. We complement direct contact with active participation in the most influential trade associations, chambers of commerce and think tanks. Some recent examples of such outreach programmes include:

- implementing an ongoing outreach programme for a leading global insurance and reinsurance company to develop its relationships with EU officials, in particular Members of the European Parliament;
- developing an outreach programme for a non-EU trade association from the information technology sector that had not previously been present in the EU policy-making arena, and identifying issues that required a more active public affairs campaign; and
- advising a European energy company on cultivating constructive relationships with EU policy-makers and on raising its profile with EU regulators.

## **Our German practice**

The effective identification and management of regulatory risk and opportunities is an important element in maximising business potential. Focusing on the interface between law, politics and business, our Berlin public affairs practice helps clients to proactively manage their regulatory environment at both the EU and Member State levels. For many years our Berlin and Brussels teams have worked closely together utilising their experience, contacts and legal expertise to assist a wide variety of clients across a broad range of sectors.

We offer strategic and communication advice for political and, in particular, administrative and legislative decisions to its clients by combining legal, political and PR related knowledge. The team monitors and influences political developments on behalf of our clients and assists with regulatory measures in industry sectors. All members of the team maintain regular and direct contact with public authorities, trade associations, politicians and lobbyists.

Our Berlin public affairs practice and our regulatory team in Germany have extensive experience of matters where managing the concerns of state and federal decision makers are significant factors in achieving a successful outcome. We have assisted clients on many contentious and complicated projects where significant care, skill and effort in handling state and federal public opinion and intense media coverage were essential.

We understand that many projects give rise to high profile and highly sensitive issues on different regulatory levels. Recognising and managing these issues effectively is often central to a project's success. Our experience allows us to identify such issues at the outset to produce a coherent strategy for liaising with federal and state government, the media, community groups and other stakeholders, and to supervise and co-ordinate the implementation of this strategy.

## **Our German practice experience**

- Advising a large US alcoholic beverages manufacturer on its German alcohol and health strategy.
- Advising a leading US aviation company on lobbying decision makers at the German federal and state level in order to gain the approval for its purchase of a publically owned airport.
- Advising a big German remediation company on its political and communications strategy concerning a tragic accident on a former open-cast coal mine that had been converted into a lake.
- Advising an international software company on their relations with German political decision makers by organizing a series of events at our Berlin office.
- Advising a leading cable operator to engage with German state and federal political decision makers.
- Advising a major pharmaceutical company on their efforts to address regulatory issues concerning health insurance policies.

## Our team

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### Dr Andreas von Bonin

Andreas is a partner in the antitrust, competition and trade (ACT) group, based in the Brussels office. He joined the firm in 1999 as a trainee in Berlin and relocated to Brussels in 2000.

Andreas' practice focuses on European and German competition and regulatory law. He has extensive experience of merger control and joint venture cases, European State aid procedures and antitrust compliance and investigations, as well as competition litigation before the EU courts. His specialisms include EU regulatory law advice with particular experience in the transport and logistics, finance and telecoms and media sectors. Andreas also regularly advises industry associations and individual companies on their dealings with the EU institutions and on the EU legislative process.

Andreas obtained his law degree and doctoral degree in law (Dr., jur.) from the University of Freiburg (Germany) and an LL.M. degree from Columbia University Law School (New York, US). He was admitted to the Cologne and Brussels (E-list) bars in 2001. Andreas works in German, English and French.

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Alex joined the firm's antitrust, competition and trade (ACT) group as of counsel in February 2007, based in the Brussels office. His practice focuses on strategic advice covering a wide range of European law and policy issues across a number of practice areas and geographies, both within the EU and internationally. He has particular expertise in competition and trade law, financial services and internal market issues. He also has a unique insight into globalisation and the economic relationships between the EU, the US, China, India and Japan.

After an initial period at the German Ministry of Economic Affairs, Alex worked for more than 30 years in a number of senior positions with the European Commission. He retired in June 2006 as Director General for Internal Market and Services. From 1995-2002 Alex served as Director General for Competition. Prior to that, he worked in the Cabinets of several European Commissioners, including as Head of Cabinet for External Relations and as Deputy Head of Cabinet to the Commission President.

Alex studied law and economics at the universities of Freiburg, Lausanne, Cologne and Bonn and spent a postgraduate year at the College of Europe in Bruges. He has published a book on the European Parliament and numerous articles on competition, trade, and economic and financial topics. Alex speaks German, English and French, as well as some Italian.

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### **Christiaan Smits**

Christiaan heads the daily operations of our EU regulatory and public affairs practice in Brussels. In the last ten years he has coordinated various public affairs campaigns, providing strategic advice on the EU institutions and policy-making processes and advocacy on a range of EU issues. He has worked on a broad range of projects across industry sectors including environment, financial services, transport and network industries.

Before joining the firm, Christiaan was Manager EU Affairs at American International Group, a financial conglomerate comprising companies in the areas of insurance, banking, investment and aircraft leasing. Prior to that he ran the Institutional Relations department at CEA, the EU federation for the insurance industry, where he guided EU advocacy through an industry network across Europe.

Christiaan graduated from the University of Twente, The Netherlands with an MA in Public Policy and Public Administration, specialising in political and legal aspects of EU legislation. Christiaan speaks English, Dutch and French.

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### **Lutz Reulecke**

Lutz heads the Berlin practice. He studied law at the University of Bonn and worked as a member of the parliamentary staff at the Lower House of the German Parliament with a special focus on media regulation. He was responsible for the Bundestag committee on 'new media – internet' and advised and supported the FDP spokesman for media politics, Hans-Joachim Otto, now chairman of the Bundestag committee for 'media and culture'. He has also advised MPs of the Bundestag Enquete-committee 'The future of the media in the economy and society – Germany's development into an information-society'. Lutz has spent traineeships at KirchGruppe, the US Congress and Microsoft Deutschland. He published the '*Handbuch des deutschen Lobbyisten*', which is now in its second edition.

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### **Claire Darmon**

Claire joined Freshfields as EU public affairs consultant in April 2009. Before joining the firm, Claire spent 18 months as a public affairs consultant at Weber Shandwick, a leading Brussels-based public affairs consulting firm. Prior to that, she worked for one year with Ernst & Young's EU department.

Claire's primary areas of experience are in environment, energy and internal market issues, including the Waste Framework Directive, EU electric and electronic waste legislation, the Toy Safety Directive and the Consumer Credit Directive. She has represented major international companies, non-governmental organisations and trade associations in front of the European institutions.

Claire holds a Master degree in European Affairs and a double law degree from King's College in London and the Sorbonne in Paris. She speaks French, English and Spanish.

**Our knowledge management team**

Our information management team in Brussels consists of professional support lawyers, information officers, paralegals and librarians. The team has broad experience in monitoring EU regulatory, competition and trade law developments. It is supported by the latest technologies to keep the public affairs team up-to-date with all relevant EU developments.

**Our product regulation unit**

Through an established network of local lawyers in over 120 countries, our product regulation unit in London monitors and advises on the challenges faced by multinational businesses in managing risks created by disparate regulatory regimes. The unit provides a means of understanding and managing these risks across a vast range of policy areas and jurisdictions worldwide.

## Freshfields Bruckhaus Deringer

Freshfields Bruckhaus Deringer is a truly international business law firm. With more than 2,400 lawyers and a total of 27 offices in 15 countries, we can provide our clients with a full range of business legal services in the world's major economies. In each country in which we have established an office, we seek to be recognised as a premier local law firm with global capabilities. We believe that our collaborative culture and our insistence on quality enable us to co-ordinate advice on the laws of the major financial jurisdictions and to do so pragmatically, efficiently and economically.



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