



EUROPEAN PUBLIC POLICY AND MARKET ACCESS PRACTICE: PROMOTING YOUR BUSINESS OBJECTIVES

As part of the firm’s Global Government Solutions® (GGS) platform, our European public policy group advises clients on how to better understand and shape regulatory and legislative actions affecting their businesses. In this brochure, we outline our approach to European public policy and market access issues.

K&L Gates: Your Policy Partner in Europe

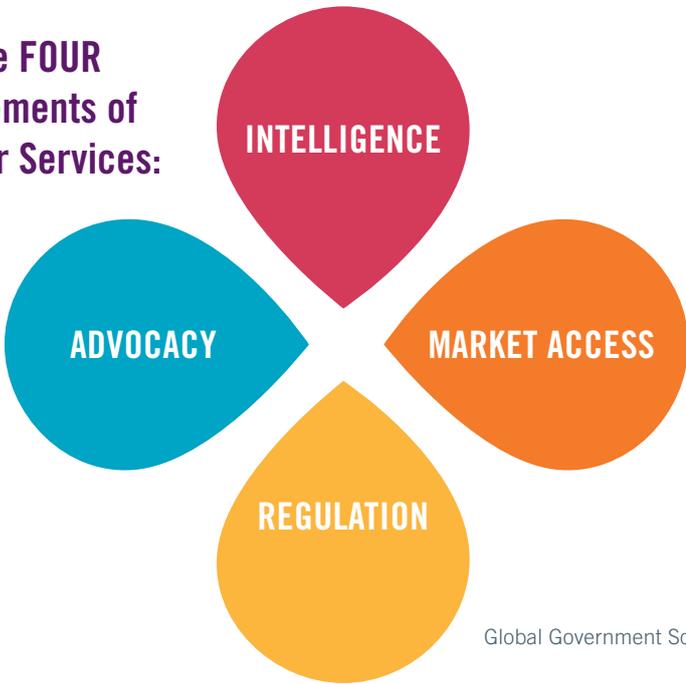
No international company or organisation can ignore the impact of European Union (EU) law on its business. The EU has grown to become a regulatory giant that produces countless regulations directly applicable to citizens and businesses. Between 70 and 80 percent of all legislation at a national level is wholly or partially dictated by EU law. This percentage is even higher when considering business-relevant legislation.

The EU machine should not be solely seen as a source of constraints and burdensome obligations for an industry. The EU is a modern organisation at the forefront of the principles of transparency and proportionality coupled with a consultation culture (in particular, industry consultation). It is precisely this culture, mixing bureaucracy and transparency, which has created EU institutions that will embrace technical, economic, and legal arguments presented by industry partners. Come with convincing and credible arguments, and Brussels will listen to you.

Most of our Brussels lawyers have previously worked in one or more of the EU institutions, and have firsthand experience with the regulatory and policy procedures of the EU. Our experience and network enables us to facilitate access to decision-makers, not only in Brussels, but equally in European capitals. To support your company and progress your commercial objectives, we provide four key services: intelligence gathering, advocacy, regulatory advice (EU and national), and market access strategies.

Our philosophy is to develop a deep understanding of your business, allowing us to act as a partner who focuses on your business goals—whether in targeted interventions, strategic projects, or long-term representation. In addition, K&L Gates’ global reach of fully-integrated offices across Europe, North America, the Middle East, Asia, Australia, and South America, including 13 world capitals, allows us to develop and execute coordinated strategies in multiple locations.

The FOUR Elements of Our Services:

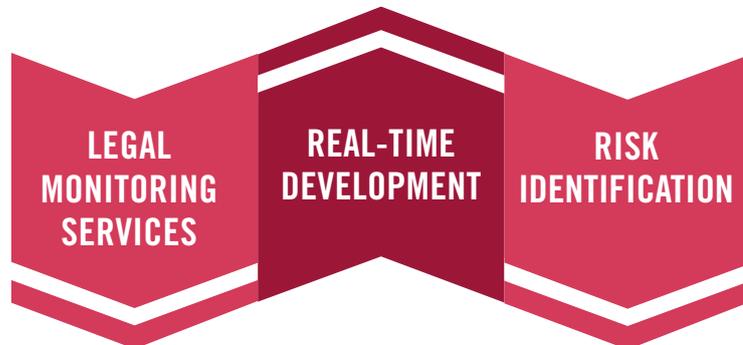


INTELLIGENCE

Intelligence Gathering: Awareness on Your Behalf

Our intelligence gathering service provides legal monitoring services in the EU by delivering tailor-made reporting covering key areas of interest to our clients. Through this service, you receive a steady flow of timely and concise information on priority issues, highlighting developments in real-time. This enables you to identify potential regulatory or compliance developments that present risk or opportunities to your business. If necessary, we are able to then help you with the advocacy and relationship-building activities needed to forward your interests (see next section). We offer this intelligence service at varying levels of intensity, ranging from basic reporting to detailed analysis and insight.

SECTOR EXPERIENCE



EU PERSPECTIVE

ADVOCACY

Advocacy and Relationship Building: Your Voice and Counsel in Times of Regulatory Change

EU regulations, directives, and policy decisions are not created in a laboratory. They are the result of a necessary balance between economic and societal aspirations defined by politicians, sometimes motivated by ideology, and the different public and private interests at stake. In times of greater transparency in public institutions, decision-makers are more than ever interested in listening to those voices that can deliver a clear, efficient, credible, and substantiated message. In the field of

policy and regulation, it is the solidity and depth of your arguments that will make a real difference. K&L Gates' policy lawyers understand both the political processes and the need for politically sensitive advocacy, but we also provide guidance on the decision-making rules and we are able to assess the consequences of proposed regulatory changes compared to the current legal framework.

K&L GATES CAN:

Represent or assist you in formulating advocacy around the main issues you are concerned about in front of decision makers; e.g; the European Commission, the European Parliament and other stakeholders in Brussels or in European capitals.

1

Draft and deliver your opinion in written or oral form, having developed strong policy messages supported by credible legal and technical arguments.

2

Set up a global strategy, bringing our deep knowledge of the decision-making process and complicated regulatory framework together with your experience on the needs and challenges of your industry.

3

REGULATION

EU and National Regulatory Advice: Your Support in The Interpretation of EU Legislation and Its Implementation at a National Level

More than 70 percent of the legislation applied in EU Member States has a direct or indirect origin in the EU legal system, even when enforced by national or regional authorities. However, the European

Commission and EU agencies also play their own role in the implementation and enforcement of laws and administrative decisions. This can impact EU and national markets, as well as individual companies directly.

Our aim is to help your company navigate the regulatory maze by identifying risks and opportunities in order to facilitate your commercial operations. We work with you on any issue related to the interpretation, implementation, and enforcement of a regulation or a decision related to EU law—whether this happens at EU or national levels. Although examples can be as diverse as economic and industrial reality, our services include:

- legal analysis and advice on the regulatory framework involving your industry;

- representation and advocacy before EU institutions and/or national bodies on the application of any regulation or administrative decision based on EU law;
- administrative litigation and judicial review of EU-law related decisions and regulations.

70%

or more of legislation applied in EU member states has a direct or indirect origin in the EU legal system.

MARKET ACCESS

Fair Market Access: A Profit-Generating Service for Your Company

We assist our clients in strategic issues involving securing market access and protecting free trade for investments into the EU and from the EU to third countries. To do so, we use a combination of EU and domestic laws, international agreements, and public policy instruments. This innovative service was specifically created to deal with strategic projects (often commercial) that depend on or could benefit from government intervention.

Examples of strategic market access actions include:

- convincing the EU to be your champion in opening a market or protecting your market position in a third country;

- getting another country's government (for example the U.S.) to support your fair access to the EU market;
- exploiting free trade rules in the EU (competition, internal market, rules liberalising specific sectors) to claim your legitimate access to the market;
- exploiting international trade agreements (WTO, GATS, OECD, UN agreements, bilateral agreements, and others) to support your case for market access and for others to credibly intervene on your behalf;
- taking advantage of the political agenda—exploiting any opportunity (relevant meetings or negotiations between governments at various level) to raise your issues and promote your right to fair market access;
- working with your elected representatives (MEPs, national MPs, congressmen, or other representatives) to raise the problems that prevent fair market access in a specific country or region of the world.

GLOBAL GOVERNMENT SOLUTIONS® provide a uniquely effective set of capabilities in dealing with governments around the world. The depth and breadth of our practice positions us to advance our client interests efficiently and effectively and to develop and execute coordinated strategies in multiple locations across our global platform.

Global Government Solutions®

Learn more about our European Public Policy and Market Access practice at klgates.com

Contacts:

Brussels

Mélanie Bruneau
Partner
+ 32.(0)2.535.7932
melanie.bruneau@klgates.com

Ignasi Guardans
Partner
+32.(0)2.336.1949
ignasi.guardans@klgates.com

Philip Torbøl
Partner
+32.(0)2.535.7853
philip.torbol@klgates.com

K&L GATES

Anchorage Austin Beijing Berlin Boston Brisbane Brussels Charleston Charlotte Chicago Dallas Doha Dubai
Fort Worth Frankfurt Harrisburg Hong Kong Houston London Los Angeles Melbourne Miami Milan Moscow Newark New York
Orange County Palo Alto Paris Perth Pittsburgh Portland Raleigh Research Triangle Park San Francisco São Paulo Seattle
Seoul Shanghai Singapore Spokane Sydney Taipei Tokyo Warsaw Washington, D.C. Wilmington

K&L Gates comprises more than 2,000 lawyers globally who practice in fully integrated offices located on five continents. The firm represents leading multinational corporations, growth and middle-market companies, capital markets participants and entrepreneurs in every major industry group as well as public sector entities, educational institutions, philanthropic organizations and individuals. For more information about K&L Gates or its locations, practices and registrations, visit klgates.com.

This publication is for informational purposes and does not contain or convey legal advice. The information herein should not be used or relied upon in regard to any particular facts or circumstances without first consulting a lawyer.

©2014 K&L Gates LLP. All Rights Reserved.