



Regulatory affairs

The European institutions play an increasingly important role in business. More than 60% of national law affecting the business environment is based on measures decided by EU institutions.

EU law has a major impact on every aspect of doing business, imposing requirements and additional costs at every stage, from conditions of employment to consumer and environmental protection requirements. EU regulation now touches products and services ranging from household chemicals to mobile communications. An understanding of the process by which these requirements are developed is essential to the success of a business.

Mere understanding is not always enough, however: businesses need not and should not play an entirely passive role. Regulatory impact assessments of proposed EU law are currently relatively unsophisticated, largely due to a lack of understanding of business realities on the part of the EU legislators. Against this, legislators are generally willing to listen to the views of those most affected by their proposals, provided that they are offered constructively and appropriately. In many cases, the EU institutions rely on the responses to formal consultations on proposed legislation.

National legislators also increasingly consult on proposed legislation. Like the EU institutions, national legislators often attach significant weight to the views of those with practical experience in a particular sector. National governments shape not only the formulation but also the implementation of EU law.

Effective representation of the views of businesses therefore requires not only a thorough understanding of the way in which the institutions operate, but also a feel for the arguments that are likely to influence them most effectively and how, when and where to present them.

Taylor Wessing LLP's Regulatory Affairs team advises businesses and other organisations on the impact of existing and proposed EU and national legislation, and of ensuring that its clients' views are presented with the maximum effect. We maintain close contacts with the EU and national institutions, enabling us to provide an early warning of significant legislative proposals and other important measures

and developments. We can help businesses not only to adapt to change, but also to minimise its effect. We advise on how to put a halt to ill thought-out proposals and over-burdensome regulation. We provide focused, commercial and cost-effective advice that can make a significant difference to the bottom line.

The Taylor Wessing Regulatory Affairs team is based in the Brussels office, at the centre of the European decision-making process. We work closely with the relevant national offices, particularly those in Berlin, London and Paris. We advise not only businesses but also trade associations, non-profit-making organisations, NGOs and government bodies. We also assist the new Member States in relation to the implementation of European legislation in their national legal systems.

Our services

Perception-building

By the time a legislative proposal is published, many of the battle lines will have been drawn, and opinions formed. Before that happens, we can assist businesses and other organisations to develop and maintain a background dialogue with governments and EU institutions. This ensures that legislators understand the relevant industry sector and its issues before they even contemplate regulating it, and reduces the risk of their rushing blindly into new legislation.

Monitoring

We monitor, on a daily basis, national, EU and WTO developments likely to be of interest to our clients. We report clearly and accessibly, highlighting the practical impact of proposed legislation. We tailor our service to the requirements of individual clients for more or less detail and as to the frequency and format of reports.

Analysis

We carry out detailed analysis of the impact of proposed and pending legislation. We advise on the way in which it will be implemented nationally, and advise on the extent to which it will cover our clients' activities. We prepare briefings for a range of constituencies, ranging from senior management to stakeholders.

Strategy advice

We assist our clients to develop strategies to influence the legislative process. This typically involves building a broad base of support. We advise on establishing trade associations and other representative bodies, enlisting the support of existing organisations, and identifying key

messages for legislators and other opinion-formers. Where necessary, we can advise on challenging the action or inaction of legislators and other public bodies before the national and European courts.

Effective representation of interests

We have considerable experience of co-ordinating successful campaigns to influence the regulatory process, marshalling a range of supporting views and deploying legal and economic arguments to the institutions, as well as arguments targeted at a wider audience. Where appropriate, we provide detailed written submissions analysing proposals, assessing their impact and suggesting amendments. We ensure consistency of argument, and focus on the long-term objectives. We help our clients to express their views clearly in public hearings and meetings with teams of legislators. We offer training in presenting the key messages. Members of our team are themselves trained in media relations, and are accustomed to putting across their messages clearly and concisely in the press and broadcast media.

Our experience in our areas of practice is underlined by the fact that government and EU bodies frequently consult us in our own right. Many of our suggestions have been taken into account in the drafting of new rules.

Unrivalled contacts

Members of our team have first-hand experience of the legislative process. Taylor Wessing has historically had strong links with the field of politics, in France, the UK and Germany. Members of the team have worked in government departments, regulators and other institutions. They maintain contacts with EU and national officials at a range of levels in order to facilitate the process of putting clients' views across.

Recent experience

Our recent experience includes:

- Advising a French cable TV company on state aid and regulatory issues raised by a prominent telecommunications structure project
- Advising a German manufacturing company on the impact of the proposed EU Takeover Directive
- Initially in the context of a dispute concerning an alleged abuse of dominance, helping a client to promote amendments to the current legislation, which resulted in the adoption by the French Parliament of a new legislative proposal for the market concerned
- Advising a multi-national company on the impact of the proposed French Law implementing the EU Electronic Communications Directives
- Making representations to government departments and regulators in the context of a proposed amendment to the UK postal regime
- Advising a telecommunications company on the new UK communications regime, and securing an amendment to take certain of the company's services outside the scope of regulation
- Securing a change to the transitional provisions to the new UK communications regime, to prevent financing and other arrangements automatically terminating upon entry into force of the new rules
- Advising the government of the PRC on changes required to its trade, safeguard and origin legislation required upon joining the WTO
- Advising a manufacturer of consumer electronics on the impact of the EU Waste Electrical and Electronic Equipment (WEEE) Directive
- Advising a number of well-known professional associations and institutes on the impact of several EU Directives
- Advising companies in the hospitality, leisure and travel sector on the application of a range of proposed EU legislation

Regulatory affairs



Martin Baker

E-mail m.baker@taylorwessing.com

Martin specialises in competition, regulatory and trade law. He advises businesses in a wide range of industry sectors on the impact of UK, EU and WTO measures, and on ensuring that their views are taken into account in new rules. He also advises governments on the introduction of new legislation to reflect their international obligations.



Olivier de Chazeaux

E-mail o.dechazeaux@taylorwessing.com

Olivier advises on competition and regulatory issues in the media, telecoms and IT sectors. He is a former member of the French Parliament and former President of the French Parliament's Committee on e-business matters.



Andreas Haak

E-mail a.haak@taylorwessing.com

Andreas is a former legal adviser to the European Parliament, and in particular was responsible for drafting legislation in the field of corporate law. He advises on the impact of EU law on businesses, particularly in the field of public procurement, and is co-editor of a law journal and author of a book on German civil law.



Marco Hartmann-Rüppel

E-mail mhr@taylorwessing.com

Marco advises a range of businesses on the impact of European and national law. He has advised businesses in the IT and pharmaceutical sectors on presenting their views to national authorities, courts and the European Commission, in the context of both existing and proposed legislation.



Konstantin Graf Lambsdorff

E-mail k.lambsdorff@taylorwessing.com

Konstantin specialises in advising on the regulatory aspects of corporate structuring, M&A and tax. He comes from a family with a long history of political engagement. He has been actively involved in politics for many years and has developed professional and personal links with numerous members of the German political establishment.



Ted Mercer

E-mail t.mercer@taylorwessing.com

Ted started his career in local government and then became Secretary of the UK Cable Authority when it was founded in 1985. He has spent the last 14 years in private practice dealing with regulatory questions in the communications sector in the UK and the rest of Europe and as far afield as the Pacific Rim and Asia.



Markus Wirtz

E-mail m.wirtz@taylorwessing.com

Markus advises a range of organisations on their dealings with national and international authorities, particularly in the fields of competition, regulation and trade. He has particular experience of advising businesses on a strategic approach to the world-wide representation of their affairs before public authorities. He has worked for the German Monopolies Commission that advises the German Minister for the Economy.

Berlin
Ebertstraße 15
10117 Berlin
Tel +49 (0)30 88 56 36 0
Fax +49 (0)30 88 56 36 100

Brussels
Trône House
4 Rue du Trône
B-1000 Brussels
Tel +32 (0)2 289 6060
Fax +32 (0)2 289 6070

Cambridge
24 Hills Road
Cambridge CB2 1JW
Tel +44 (0)1223 446400
Fax +44 (0)1223 446401

Dubai
P.O. Box 33675
28th Floor Al Moosa Tower II
Sheikh Zayed Road
Dubai, United Arab Emirates
Tel +971 (0)4 332 3324
Fax +971 (0)4 332 3325

Düsseldorf
Königsallee 92a
D-40212 Düsseldorf
Tel +49 (0)211 83 87 0
Fax +49 (0)211 83 87 100

Frankfurt a. M.
Senckenberganlage 20-22
D-60325 Frankfurt a. M.
Tel +49 (0)69 971 30 0
Fax +49 (0)69 971 30 100

Hamburg
Hanseatic Trade Center
Am Sandtorkai 41
20457 Hamburg
Tel +49 (40) 3 68 03-0
Fax +49 (40) 3 68 03-280

London
Carmelite
50 Victoria Embankment
Blackfriars
London, EC4Y 0DX
Tel +44 (0)20 7300 7000
Fax +44 (0)20 7300 7100

Munich
Isartorplatz 8
D-80331 Munich
Tel +49 (0)89 2 10 38 0
Fax +49 (0)89 2 10 38 300

Paris
42 avenue Montaigne
75008 Paris
Tel +33 (0)1 72 74 03 33
Fax +33 (0)1 72 74 03 34

Representative offices:
Alicante
Paseo Explanada de España No. 1,
4-Izda E-03002 Alicante, Spain
Tel +34 (0)96 51 42 805
Fax +34 (0)96 52 00 248

Shanghai
15th Floor United Plaza
Unit 1509
No. 1468 Nanjing West Road
200040 Shanghai, China
Tel +86 (21)6247 7247
Fax +86 (21)6247 7248

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A legal force for Europe

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Taylor Wessing has an enviable track record in serving knowledge-based and technology-orientated businesses. A market leader in intellectual property, the firm also has a strong market presence in corporate, finance and real estate.

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For further information, please contact:

Andreas Haak in Brussels or Düsseldorf, any of the partners named in this brochure, or any of the partners with whom you usually deal.

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