

K&L GATES



The U.S. – EU Digital Agenda

A Trans-Atlantic Business Council and K&L Gates
Symposium

December 10, 2018
K&L Gates, 1601 K Street, NW Washington, DC

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The U.S. – EU Digital Agenda

Time/Session:

Topic/Speakers

1:00 p.m. - 1:05 p.m.

Welcome

Welcome Address

Speaker

Bart Gordon, Partner, K&L Gates, Washington, D.C. & Trans-Atlantic Business Council – Director, United States

1:05 p.m. - 1:30 p.m.

Keynote

EU Ambassador to the United States, David O' Sullivan

David O'Sullivan was appointed Ambassador and Head of the European Union Delegation to the United States in Washington, D.C. from November 2014. As Ambassador, Mr. O'Sullivan oversees the EU's bilateral relationship with the U.S. including political, economic and commercial affairs.

A long-time and distinguished EU official, he has served in a number of senior official posts in the European public service. Prior to his appointment as Ambassador, he was head of and established the EU's new diplomatic service, the 'European External Action Service'. Other notable and senior positions within the European Commission include Director General for Trade (2005-2010); Secretary General of the European Commission (2000-2005); and Head of Commission President Prodi's Cabinet (1999-2000). Before joining the Commission, he started his career with the Irish Department of Foreign Affairs and Trade (1977-1979).

He is a graduate of Trinity College, Dublin and the College of Europe (Bruges), and holds Honorary Doctorates from the Dublin Institute of Technology and Trinity College Dublin. He was awarded the EU Transatlantic Business Award by the American Chamber of Commerce in 2014.

1:30 p.m. - 2:00 p.m.

A Discussion with General Counsel of the U.S. Department of Commerce, Peter Davidson

Peter Davidson is the Department of Commerce's Chief Legal Officer and has

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a lead role with respect to the Privacy Shield. Previously, he served as a Senior Vice President at Verizon Communications, and General Counsel to the United States Trade Representative. He also has served as a Vice President at USWEST and Qwest and was General Counsel and Policy Director to the Majority Leader of the House of Representatives.

Moderator

Bruce J. Heiman, *Partner, K&L Gates, Washington, D.C.*

2:00 p.m. - 2:50 p.m.
Panel Discussion

Data Privacy

Moderator

Ignasi Guardans, *Partner, K&L Gates, Brussels*

Panelists

Claude-Étienne Armingaud, *Partner, K&L Gates, Paris, and a Certified Information Privacy Professional in Europe*

Melika Carroll, *Senior Vice President of Global Government Affairs at the Internet Association*

João Rodrigues, *Legal Adviser, European Parliament Liaison Office in Washington, D.C.*

2:50 p.m. - 3:30 p.m.
Panel Discussion

Taxation of Digital Companies

The panel will consider the current status of proposals to tax digital services in the European Union.

Moderator

Mary Burke Baker, *Government Affairs Counselor, K&L Gates, Washington, D.C.*

Panelists

Tomas Baert, *Head of Trade and Agriculture of the Delegation of the European Union to the United States*

Lafayette G. (“Chip”) Harter, *Deputy Assistant Secretary (International Tax Affairs), Office of the International Tax Counsel, United States Department of the Treasury*

Grace Perez-Navarro, *Deputy Director, Center for Tax Policy and Administration, The Organization for Economic Co-operation and Development*

Pierre-Olivier Pollet, *Tax Attaché for North America, Embassy of France to the United States*

The U.S. – EU Digital Agenda

Time/Session:

Topic/Speakers

3:30 p.m. - 4:00 p.m.
Panel Discussion

Regulation of Digital Companies

Moderator

Bruce J. Heiman, *Partner, K&L Gates, Washington, D.C.*

Panelists

Robert D. Atkinson, *President, Information Technology and Innovation Foundation*

Ignasi Guardans, *Partner, K&L Gates, Brussels*

Maneesha Mithal, *Associate Director, Division of Privacy and Identity Protection, United States Federal Trade Commission*

Speaker Bios

In alphabetical order



Claude-Étienne Armingaud, CIPP/E

Partner
K&L Gates, Paris

Claude-Etienne Armingaud is a partner in the firm's Paris office and a member of the Commercial Technology & Sourcing practice group. His practice relies on extensive experience in understanding technological and structural processes, which allows for innovative approaches to solidify his client's business models and protect their intangible assets.

He advises clients active in the digital industries, with a particular interest in innovative services and notably Fintech and blockchain-based services, connected cars and automotive sector, data optimization and valuation, notably in the IoT sector.

He has notably been involved in the connected car ecosystem, on R&D projects relating to experimentation of autonomous cars, partnership agreements for the development of in-car connected services and the assistance of value-added service startups for the negotiation of the CNIL/French Data Protection Authority's compliance package for the connected car. He is a regular speaker about the legal aspects pertaining to the connected car, notably at the Connected Car Conference in Paris and the Connected Mobility Conference in Lille.

He also assists clients with their General Data Protection Regulation ("GDPR") compliance process, including risk analysis and contractual implementation of data processing services.



Robert Atkinson

President
Information Technology & Innovation Foundation

As founder and president of the Information Technology and Innovation Foundation (ITIF), recognized as the world's top think tank for science and technology policy, Robert D. Atkinson leads a prolific team of policy analysts and fellows that is successfully shaping the debate and setting the agenda on a host of critical issues at the intersection of technological innovation and public policy.

He is an internationally recognized scholar and a widely published author whom The New Republic has named one of the "three most important thinkers about innovation," Washingtonian Magazine has called a "tech titan," Government Technology Magazine has judged to be one of the 25 top "doers, dreamers and drivers of information technology," and the Wharton Business School has awarded him the "Wharton Infosys Business Transformation Award."

A sought-after speaker and valued adviser to policymakers around the world, Atkinson's books include *Big is Beautiful: Debunking the Mythology of Small Business* (MIT Press, 2018); *Innovation Economics: The Race for Global Advantage* (Yale, 2012), and *The Past And Future Of America's Economy: Long Waves Of Innovation That Power Cycles Of Growth* (Edward Elgar, 2005). He also has conducted groundbreaking research projects and authored hundreds of articles and reports on technology and innovation-related topics ranging from tax policy to advanced manufacturing, productivity, and global competitiveness.

President Clinton appointed Atkinson to the Commission on Workers, Communities, and Economic Change in the New Economy; the Bush administration appointed him chair of the congressionally created National Surface Transportation Infrastructure Financing Commission; and the Obama administration appointed him to the National Innovation and Competitiveness Strategy Advisory Board. He also has served as co-chair of the White House Office of Science and Technology Policy's China-U.S. Innovation Policy Experts Group; as a member of the U.S. Department of Commerce's National Advisory Council on Innovation and Entrepreneurship; and on the U.S. State Department's Advisory Committee on International Communications and Information.

Atkinson holds a Ph.D. in city and regional planning from the University of North Carolina, Chapel Hill, where he was awarded the prestigious Joseph E. Pogue Fellowship. He earned his master's degree in urban and regional planning from the University of Oregon, which named him a distinguished alumnus in 2014.



Tomas Baert

Head of Trade and Agriculture
Delegation of the European Union to the United States

Tomas Baert is the head of the Trade and Agriculture section at the Delegation of the European Union to the United States, based in Washington, DC.

Between 2016 and 2018, Tomas was the Head of Unit for Trade Strategy at the European Commission's Directorate-General for Trade (DG Trade) in Brussels. He led the team responsible for the development and implementation of the 2015 *Trade for All* strategy and the 2017 Communication on *A balanced and progressive trade policy to harness globalisation*. In this capacity, he also coordinated DG Trade's work on questions relating to the withdrawal of the UK from the EU, including the preparatory discussions on the future EU-UK trade relationship.

Prior to becoming a Head of Unit, from 2014 to 2016, Tomas was an assistant to Director-General for Trade Jean-Luc Demarty, advising on a number of trade priorities such as the Transatlantic Trade and Investment Partnership (TTIP) and World Trade Organisation (WTO) negotiations in the run-up to the tenth Ministerial Conference in Nairobi, Kenya.

Between 2010 and 2014, Tomas was based in Geneva where he acted as a first secretary and spokesperson at the Permanent Mission of the EU to the WTO, handling multilateral negotiations on intellectual property rights, rules and competition policy. He was also the EU's coordinator in Geneva for the ninth WTO Ministerial Conference in Bali, Indonesia.

Tomas joined the European Commission in 2005 as a trade negotiator on services trade and investment, responsible for EU-China and EU-US trade files, including the setting-up of the EU-US

investment dialogue under the Transatlantic Economic Council. From 2007 to 2010, he was responsible for the new EU investment policy, as exclusive competence was obtained in 2009.

Before joining the European Commission, from 2002-2005, Tomas worked as a government affairs representative for US multinational DuPont on EU policy and regulatory questions relating to chemicals, biotechnology and trade. In 2001, he researched the emergence of regulatory barriers to trade at the International Trade Policy Unit of the London School of Economics.

Tomas holds an MSc from the London School of Economics (LSE) and an MA from the Catholic University of Leuven (KUL), Belgium. He spent a term at the Graduate Institute of International and Development Studies in Geneva, Switzerland and completed the Mastering Trade Policy program at the John F. Kennedy School of Government at Harvard University.



Mary Burke Baker

Government Affairs Counselor
K&L Gates, Washington, D.C.

Mary Burke Baker is a government affairs counselor in the Washington, D.C. office where she leads the tax policy practice. Mary focuses on federal tax matters affecting businesses, including domestic and multinational corporations and all types of pass-through entities, and individuals. Her practice covers tax policy, tax reform, regulatory and other guidance, tax administration, and technical tax issues, with particular emphasis on corporate and pass-through issues, accounting methods, information reporting, Reports of Foreign Bank and Financial Accounts (FBAR) compliance, and emerging cryptocurrency issues. Since enactment of the Tax Cuts and Jobs Act (TCJA) in December, 2017, Mary has particularly focused on the Opportunity Zone program and is a frequent speaker on the topic throughout the United States.

Mary advocates on behalf of clients and consults with and advises Congressional, U.S. Treasury, and Internal Revenue Service (IRS) staff on numerous domestic and international tax and tax policy issues, including the new Opportunity Zone program, implementation of business and individual provisions in the TCJA, and emerging cryptocurrency tax compliance concerns. She stays abreast of current tax policy developments on Capitol Hill and around the world and keeps clients informed with timely, relevant, and informative updates, including political insights and analysis regarding the significance of these developments. She helps clients identify and assess risks and opportunities in the ever-changing legislative and regulatory environment and develops and executes strategies to achieve desired legislative and administrative outcomes. She offers technical analysis and drafts comment letters in response to regulatory projects, working groups, and other tax policy initiatives. During the multi-year tax reform debate, Mary led the Cash to Accrual Coalition and the Like-kind Exchange Coalition. She serves on the steering committee of the LIFO Coalition. She assists individual taxpayers who are participating in the IRS Offshore Voluntary Compliance Program to comply with FBAR and Foreign Account Tax Compliance Act (FATCA) filing requirements.

Mary serves on the Board of Directors of the Real Tax Policy Group, which features biweekly sessions with top Administration and Congressional tax officials. She also serves on the Board of Directors of Time of Grace, an international media ministry.



Melika Carroll

Senior Vice President, Global Government Affairs
Internet Association

Melika Carroll is Senior Vice President of Global Government Affairs at Internet Association. Carroll leads the advocacy team that is responsible for the association's domestic and international political strategy and outreach to government officials.

Throughout her career in government and the private sector, Carroll has developed an in-depth expertise in domestic and international technology policy. Before joining IA, she was Policy Advisor for U.S. Senator Schatz (D-HI), the Ranking Member of the Senate Commerce Committee's Subcommittee on Communications, Technology, Innovation and the Internet. Prior to the Senate, Carroll was a member of and led global government affairs teams including at Intel, Micron, HP, and Salesforce while based in either Washington, DC or Brussels. Carroll began her career in politics in Canada, working for the Prime Minister of Canada as well as Members of the Canadian Parliament and began working on technology policy in Brussels. Carroll graduated from the University of Ottawa in Canada and holds a Master in European Affairs from the College of Europe in Bruges, Belgium.

Carroll is an Adjunct Professor at Georgetown University and the co-founder and former chairwoman of the Global Women's Innovation Network, GlobalWIN.org. She is a Star Trek and Star Wars fan who regularly quotes both the Borg and Chewbacca.



Peter Davidson

General Counsel
U.S. Department of Commerce

As the General Counsel for the Department of Commerce, Peter B. Davidson is the legal advisor to the Secretary of Commerce and the Department's Chief Legal Officer. Mr. Davidson recently served as a Senior Vice President at Verizon Communications, and prior to that, as General Counsel to the United States Trade Representative. He also has served as a Vice President at USWEST and Qwest, General Counsel and Policy Director to the Majority Leader of the House of Representatives, Attorney-Advisor in the Office of Legal Counsel of the Department of Justice, a director at the United States Information Agency, and law clerk on the United States Court of Appeals for the Tenth Circuit. Mr. Davidson graduated from Carleton College and the University of Virginia School of Law, where he served as Notes Editor on the Law Review.



Bart Gordon

Partner
K&L Gates – Washington, D.C.

Mr. Gordon joined K&L Gates as partner in the Washington, D.C. office after 26 years representing the state of Tennessee in the United States House of Representatives. Mr. Gordon served as Chairman of the House Committee on Science and Technology from 2007 to 2010. Mr. Gordon was also a senior member of the House Committee on Energy and Commerce, and served on the House Committee on Financial

Services and the House Committee on Rules, Transatlantic Parliamentary Dialogue, and NATO Parliamentary Assembly.

Mr. Gordon is a member of the Tennessee bar and the District of Columbia bar. He also serves as the United States Director of the Trans-Atlantic Business Council.



Ignasi Guardans

Partner

K&L Gates - Brussels

Ignasi Guardans, PhD, is a Partner in the firm's Brussels office, and is registered as a lawyer at the Barcelona Bar. After some years of academic activity in Spain he joined later a large Spanish law firm, dealing with foreign investment and international contracts, in particular in the field of IP law. In 1996 he started a career in public service taking him to assume different elected responsibilities, in Spain and at the European Union (Spanish Parliament, European Parliament and Spanish Government). His experience combined a deep involvement in international relations and international trade with an intense involvement in legislation drafting and policy practice related to Technology, Media & Telecom.

Since 2014 he advises clients in EU policy and regulatory matters; and when applicable he collaborates with other Partners of the firm in matters involving Spanish law or Spanish clients.



Lafayette G. ("Chip") Harter

Deputy Assistant Secretary (International Tax Affairs)

Office of the International Tax Counsel, United States Department of the Treasury

Chip Harter is the Deputy Assistant Secretary for International Tax Affairs in the Office of Tax Policy at the US Department of the Treasury. In this capacity, he is responsible, on behalf of the Assistant Secretary, for the conduct of legal and economic aspects of tax policy relative to the representation of the United States in bilateral and multilateral relations with other countries, as well as advising the legal and economic staffs within the Office of Tax Policy, other offices of the Treasury Department and other government agencies as to policy analysis and interpretation for domestic legislation and administrative guidance in all matters involving cross border taxation. Mr. Harter serves as the U.S. delegate to the Committee on Fiscal Affairs (CFA) in the Organization for Economic Cooperation and Development (the OECD). In addition, Mr. Harter oversees the Office of Tax Policy's participation in the various working bodies of the CFA and sits on the CFA Bureau (the CFA's governing body). Mr. Harter also serves as the U.S. delegate to the Global Forum on Transparency.

Prior to joining Treasury, Mr. Harter was a principal in the Washington National Tax Practice of PricewaterhouseCoopers LLP. During his 18 years with PwC, he engaged in a broad international tax practice advising a numerous clients on a range of issues, including structuring both inbound and outbound ventures, the establishment of efficient international structures, the formation of joint ventures and private equity funds and international mergers and acquisitions. He served as a national technical resource of PwC on tax issues relating to international financial transactions. During the 18 years prior to his joining PwC, Mr. Harter was first an associate and then a partner with the law firm of Baker &

McKenzie, practicing first in its Chicago and then in its Washington D.C. office. His practice with Baker & McKenzie included both tax litigation and a broad international transactional practice.

He is a member of the American Bar Association Tax Section, the District of Columbia Bar Association Tax Section, and the International Fiscal Association. Mr. Harter has published numerous articles on international tax topics and has regularly spoken on panels on international tax issues at leading tax conferences. He graduated from Harvard College in 1977 and the University of Chicago Law School in 1980, where he was comments and articles editor on the managing board of The University of Chicago Law Review. After graduating, he clerked for the Honorable Thomas McMillen of the United States District Court for the Northern District of Illinois.



Bruce J. Heiman

Partner

K&L Gates –Washington, D.C.

For over 20 years, Mr. Heiman has engaged in a wide-ranging federal counseling and lobbying practice on behalf of leading clients in the information technology industry. He also assists a range of companies understand the laws and policies applying to their Internet and e-commerce activities. He is one of two Practice Area Leaders of K&L Gates' Policy and Regulatory Practice. He is nationally ranked as a top government relations lawyer by both Chambers USA and The Legal 500.

Mr. Heiman is a recognized authority on cyber security and privacy policy issues. He was counsel to the private sector coalition that led the fight to liberalize export controls on American encryption products. He has worked with a leading trade association to ensure that efforts to promote cyber security and protect critical information infrastructure are market-driven and industry-led.

He has been actively involved in formulating practicable privacy policies, helping companies prevent and respond to data breaches, protecting intellectual property rights, improving the delivery of government services while preventing unfair competition with the private sector and opposing governmental regulation of the Internet.

He also has been working on issues of whether and how the government should regulate the development of Artificial Intelligence, as well as advising companies on the application of AI to their industry. He also has been examining legal issues involving the use of blockchain.

Mr. Heiman writes and speaks frequently on current industry political and legal developments.

Previously, he served as Legislative Director and Trade Counsel to U.S. Senator Daniel Patrick Moynihan of New York from 1984 to 1987.

He first joined the firm in 1980 after graduating with degrees in law and public policy from Harvard Law School and Harvard's Kennedy School of Government.

Mr. Heiman is a member of and previously served on the Board of the Capitol Historical Society.



Maneesha Mithal

Associate Director, Division of Privacy and Identity Protection
United States Federal Trade Commission

Maneesha Mithal is the Associate Director of the Federal Trade Commission's Division of Privacy and Identity Protection, which focuses on consumer privacy, data security, and credit reporting issues. In this capacity, she has managed significant initiatives, including reports on consumer privacy, facial recognition, and mobile privacy disclosures, and workshops on the Internet of Things and mobile device tracking. She has testified before Congress on data security, facial recognition, and identity theft. She has also supervised Commission investigations that resulted in consent orders, including against companies such as Google, Facebook, Twitter, Lifelock, Equifax, and HTC.

Ms. Mithal has held numerous positions at the Commission, including Chief of Staff of the Bureau of Consumer Protection, and Assistant Director of the International Division of Consumer Protection. Prior to joining the Commission 1999, Ms. Mithal was an attorney at the Washington law firm of Covington & Burling. Ms. Mithal earned her law degree from the Georgetown University Law Center and her undergraduate degree from Georgetown University.



David O'Sullivan

Ambassador to the United States
EU Delegation

David O'Sullivan was appointed Ambassador and Head of the European Union Delegation to the United States in Washington, D.C. from November 2014. As Ambassador, Mr. O'Sullivan oversees the EU's bilateral relationship with the U.S. including political, economic and commercial affairs.

A long-time and distinguished EU official, he has served in a number of senior official posts in the European public service. Prior to his appointment as Ambassador, he was head of and established the EU's new diplomatic service, the 'European External Action Service'. Other notable and senior positions within the European Commission include Director General for Trade (2005-2010); Secretary General of the European Commission (2000-2005); and Head of Commission President Prodi's Cabinet (1999-2000). Before joining the Commission, he started his career with the Irish Department of Foreign Affairs and Trade (1977-1979).

He is a graduate of Trinity College, Dublin and the College of Europe (Bruges), and holds Honorary Doctorates from the Dublin Institute of Technology and Trinity College Dublin. He was awarded the EU Transatlantic Business Award by the American Chamber of Commerce in 2014.



Grace Perez-Navarro

Deputy Director
OECD Centre for Tax Policy and Administration

Grace Perez-Navarro is the Deputy Director of the OECD's Centre for Tax Policy and Administration. As such, she plays a key role in the Base Erosion and Profit Shifting (BEPS) Project, improving international tax cooperation, tackling illicit financial flows, promoting better tax policies and engaging developing countries in OECD tax work.

Since joining the OECD in 1997, she has held several key positions, including having led the OECD's work on bank secrecy, tax and e-commerce, harmful tax practices, money laundering and tax crimes, the tax aspects of countering bribery of foreign officials, and strengthening all forms of administrative cooperation between tax authorities.

Prior to joining the OECD, Ms. Perez-Navarro was a Special Counsel at the IRS Office of the Associate Chief Counsel (International) where she was responsible for coordinating guidance provided to field offices on international tax issues, overseeing litigation of international tax issues, negotiating TIEAs, overseeing the drafting of regulations, rulings and other policy advice and participating in treaty negotiations. In 1993, she was seconded by the IRS to the OECD to launch the revision of the OECD's Transfer Pricing Guidelines.



Pierre-Olivier Pollet

Tax Attaché for North America
Embassy of France to the United States

Mr. Pollet, currently the Tax Attaché for North America at the French Embassy in Washington DC since the summer of 2017, has worked in various capacities in the French tax administration for over 20 years, forging his expertise in French employee-related policies, international tax laws, and public tax management.

As a senior officer at the French Tax Policy Directorate, Mr. Pollet was in charge of the tax policy on wages, pensions, stock options, and employee savings plans and started to collaborate on specific issues with the international department of this Directorate. Later, Mr. Pollet joined this department and was in charge of the international tax policy for the OECD countries. He was also directly involved in the design of the FATCA Model A of intergovernmental agreement and in the signature of the FATCA agreement between France and the US. In addition, as an officer at the tax administration, he had already worked in the large international businesses tax auditing sector for several years.

Mr. Pollet developed extensive experience in the internal control area as well, as an internal auditor and as a risk manager within the tax administration. His experience and expertise led to his participation in several missions for international cooperation (Palestine, Lebanon, and Cameroon). These experiences have given him a comprehensive understanding of diverse domestic and international tax matters, from the perspective of both a tax lawyer and a manager of a public organization.

Mr. Pollet studied Law at the University of Lille (France). He earned a master's degree in Law and completed advanced studies in Contract Law. He received the Barrister diploma in 1996 as well and studied tax law in the tax law school of the French tax administration in 1998.



João Rodrigues

Legal Advisor
European Parliament Liaison Office in Washington, D.C.

João Rodrigues is, since January 2018, the legal adviser of the European Parliament Liaison Office in Washington D.C.

He studied at the Law School of the University of Lisbon (Portugal), where he got

his law degree. He also holds a diploma on European Studies from the University of Paris I Panthéon-Sorbonne and a Master of European Legal Studies from the University of Nancy (France).

João joined the Legal Service of the European Parliament in 2004, where he provided legal advice to the parliamentary committees responsible for energy, environment, public health, food safety, and telecommunications. He also defended the European Parliament in litigation before the European Court of Justice in over 30 cases.

In 2015-2016 he was the coordinator for digital issues in the Legal Service.

In 2016-2017 he was the EU Visiting Fellow at Yale University, with a research project on the precautionary principle, in particular in the field of food safety and chemicals.

João has participated in several conferences and been invited to present different subjects of EU institutional law, including ethics and transparency, at the European Institute of Public Administration (EIPA), the Academy of European Law, the American University (Washington, D.C.), and Yale University.

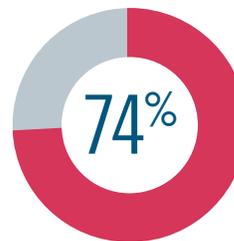
Since taking up his functions in D.C., he has been invited to talk in several events about data protection and online privacy (Capitol Hill, Privacy+Security Forum, etc).

Public Policy and Law

The K&L Gates Public Policy and Law group has the right legal and policy team to assist clients in an evolving, rapidly changing political environment, partnering with them to maximize opportunities while managing risks and challenges.



Fates, futures, and bottom lines are directly impacted by changing policies and regulations, such as those brought about by the Trump Administration, and issues such as trade wars, tax, privacy and Brexit. The need for the **INSIGHT, ANALYSIS, ADVICE, AND ASSISTANCE** we provide has never been stronger.



of chief legal officers and general counsel say **REGULATORY OR GOVERNMENTAL CHANGES ARE THEIR MAIN CONCERN.**

Source: Association of Corporate Counsel's Chief Legal Officers Survey, 2018.

CORE VALUES

SERVICE
INTEGRITY
TEAMWORK



Our federal policy group has successfully helped businesses through



9 ADMINISTRATIONS
and 23 CONGRESSES.



With nearly 60 lawyers and government affairs professionals, we are the **LARGEST POLICY PRACTICE OF ANY GLOBALLY INTEGRATED LAW FIRM.** In addition to **WASHINGTON, D.C.**, we have state policy practices in **TEXAS, PENNSYLVANIA, NEW JERSEY, MASSACHUSETTS** and on the **WEST COAST.** Our policy team in **BRUSSELS** works with others in **EUROPEAN CAPITALS** to bring the benefits of an integrated approach to our clients, while lawyers throughout **ASIA** and **AUSTRALIA** further augment our **GLOBAL GOVERNMENT SOLUTIONS®** practice.

THREATS

- ✓ Legislation
- ✓ Regulation
- ✓ Taxation
- ✓ Competition
- ✓ Investigation
- ✓ Prosecution

OPPORTUNITIES

- ✓ Legislation
- ✓ Regulation
- ✓ Taxation
- ✓ Licensing
- ✓ Procurement
- ✓ Funding

The group is consistently recognized by a variety of publications for our deep **SUBSTANTIVE KNOWLEDGE AND BIPARTISANSHIP**.



Ranked by Chambers USA since 2011. Most recently the 2018 guide stated:

“They are very knowledgeable in terms of the substance of laws and regulations, and are also very good at helping to develop strategies on complex issues.”



Since 2010, the *U.S. News-Best Lawyers*® “**BEST LAW FIRMS**” survey has acknowledged us as a **TOP-RANKED FIRM** for government relations.



Ranked by *Legal 500* since 2015, who have stated: “**CLIENTS CAN RELY ON A RAPID, PROFESSIONAL RESPONSE ACROSS THE PUBLIC POLICY SPECTRUM.**”

Members of the team have also been individually acknowledged as “**TOP LOBBYISTS**” by *The Hill* newspaper.

OUR TEAM INCLUDES

A former **U.S. SENATOR**; two former **U.S. HOUSE MEMBERS**; a former Secretary of the **U.S. ARMY** and member of the **U.S. HOUSE OF REPRESENTATIVES**; a former member of the **EUROPEAN AND SPANISH PARLIAMENTS**; a former **U.S. ATTORNEY GENERAL**; former general counsel of the **CENTRAL INTELLIGENCE AGENCY**; senior executive branch staff, senior Congressional staff, senior counsel and staff at various government agencies, senior state officials and gubernatorial aides, military officials; and individuals who were involved in the Trump campaign and the presidential transition.

Our team provides **ASSISTANCE TO SENIOR EXECUTIVES AND C-SUITE EXECUTIVES** of public and private organizations of all sizes and across a range of industries.





K&L GATES



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

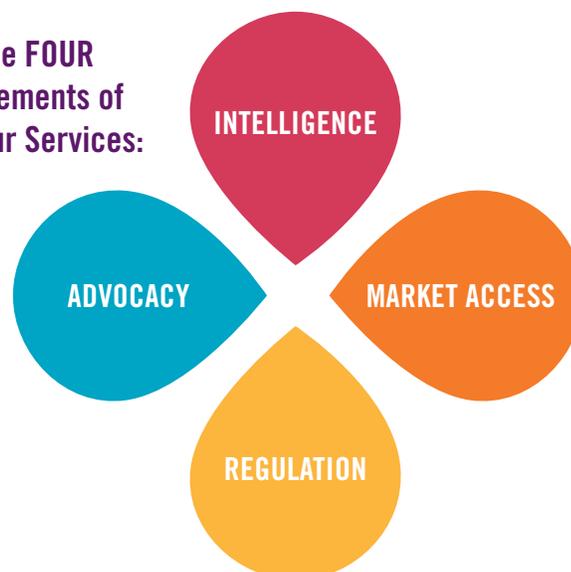
No international company or organisation can ignore the impact of European Union (EU) law on its business. The EU has grown to become a regulatory giant that produces countless regulations directly applicable to citizens and businesses. Between 70 and 80 percent of all legislation at a national level 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:

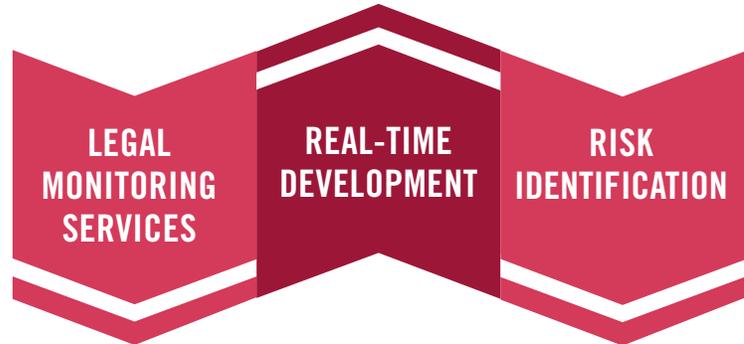


INTELLIGENCE

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

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TRANS-ATLANTIC BUSINESS COUNCIL

What We Do

The Trans-Atlantic Business Council (TABC) is a business association formed by the 2013 merger of the TransAtlantic Business Dialogue (TABD) and the European American Business Council (EABC). The TABC provides the transatlantic business community's input and views on key trade, financial, and commercial issues directly to senior members of government in the EU and U.S.

TABC provides the platform for development of common public policy positions and enables its members to provide business leadership on policy areas related to transatlantic trade and investment such as digital economy, energy, research and innovation, services and intellectual property protection. Additionally, TABC serves as the interlocutor between EU and U.S. government officials, legislators, the business community, and the broader public on these policy recommendations.

The transatlantic partnership faces increasing challenges, including the rise of political populism and economic nationalism, that threaten the liberal democratic principles, market integration, and international trading arrangements built under EU and U.S. leadership over the past 70 years. Sustained transatlantic leadership, including by the business community, is paramount to addressing these challenges and reinforcing common Western principles. Beginning in 2018, K&L Gates LLP has been tasked with providing administration and staffing for the TABC in Brussels and Washington, DC.

Benefits of TABC Membership

The Only Truly Transatlantic Platform: TABC provides a platform for EU and U.S. companies to develop common positions on policy issues impacting the transatlantic economic space. With representation in Brussels and Washington, TABC is uniquely positioned to fulfill this role.

Engagement with Government Officials: Through seminars, tailored meetings, official stakeholder fora, and submission of policy papers and public statements, TABC acts as a voice for its members by directly engaging the European Commission, the European Parliament, diplomatic representatives of EU and EFTA countries, as well as U.S. Executive Branch agencies (including the Office of the U.S. Trade Representative, and the Departments of Commerce, Energy, and State), the U.S. Congress, other business representatives, and the broader public in conversations that address relevant public policy issues.

Networking: TABC provides networking opportunities through direct engagement with government officials, legislators and staff, and other industry and NGO representatives via its formal events in Brussels and Washington.

Experts in Brussels and Washington: Our organization serves as an on-the-ground government relations team on transatlantic issues for member companies without representatives in Brussels or Washington, while adding value to the work of those companies with existing offices in Brussels and Washington.

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TABC 2018 EVENTS

WHEN	TOPIC	WHERE
14 February	Energy & Climate meeting with European Commission	EEAS Brussels
15 February	NAFTA update call and videoconference with K&L Gates Partner Stacy Ettinger	K&L Gates Brussels / Washington DC (VC)
08 March	Lunch with David O'Sullivan, EU Ambassador to the U.S.	Washington, DC
15 March	US and international tax update call with K&L Gates Partner Mary Burke Baker	K&L Gates DC / Call
21 March	Meeting with Gina Miller on Brexit	Kreab Brussels
22 March	Breakfast with Dan Crowley, K&L Gates Partner and Head of the Financial services Policy Practice	K&L Gates Brussels
05 April	Meeting/call with Alan Wolff, Deputy Director General of the WTO, on trade issues	K&L Gates Washington, DC / Call
10 April	Brexit meeting/call with Sebastian Remøy, Director of Public Affairs at Kreab, and Vasco Cal, Brexit adviser to Scottish First Minister Nicola Sturgeon	K&L Gates Brussels / Call
9 May	Meeting/call on the Committee on Foreign Investments in the United States (CFIUS) with K&L Gates Partners Stacy Ettinger and Steve Hill	K&L Gates Brussels / Call
19 June	Meeting with U.S. Mission to the EU (topics discussed include trade, digital, energy, and financial services)	K&L Gates Brussels / Call
27 June	Internal call with EU members regarding priorities and forthcoming activities	Call
12 July	Meeting with MEPs Jeppe Kofod and Marietje Schaake on EU-U.S. relations	European Parliament, Brussels
12 July	Meeting with Antoine Ripoll, Head of the European Parliament Liaison Office with the U.S. Congress, and Damien Levie, Minister Counselor of the Trade and Agriculture Section of the European Union (EU) Delegation	K&L Gates Washington, DC
16-19 July	TABC members invited to participate in the activities/attend events of the Transatlantic Week 2018	Washington, DC
30 July	Internal TABC call with all members on US/EU trade agreement talks	Call
11 September	Brexit call with Fabian Zuleeg, EPC Chief Executive and Chief Economist	Washington, DC
12 September	Meeting with David O'Sullivan, EU Ambassador to the U.S.	Washington, DC
14 September	Internal TABC call with all members regarding forthcoming activities and general discussion	Call
21 September	Lunch with Daniel Mulhall, Ambassador of Ireland to the United States of America	Washington, DC
27 September	Meeting with Assistant U.S. Trade Representative for Europe and the Middle East Dan Mullaney	Washington, DC
24 October	Trans-Atlantic IPR Working Group Stakeholder Meeting	Brussels
24 October	BusinessEurope - TABC: What to Expect from the US mid-term Elections?	Brussels
31 October	TABC Board Call	Call
1 November	Meeting with European Economic and Social Committee	Washington, DC
16 November	Discussion with Assistant Secretary for International Markets Heath Tarbert (U.S. Department of the Treasury)	Washington, DC
19 November	Dinner with U.S. Ambassador to the EU Gordon Sondland	Brussels
30 November	Call with Christian Burgsmüller, Member of Cabinet, Commissioner Cecilia Malmström	Call
10 December	TABC Conference on Digital Issues Facing Europe	Washington, DC

*Additional meetings and calls will be added later this year.

For more information, please visit www.klgates.com.

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K&L Gates is a fully integrated global law firm with lawyers located across 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 www.klgates.com.

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