



## EU Law and Policy

Today the world operates within a complex political and regulatory environment. The way in which businesses and governments interpret and influence the developments within this environment is crucial to their ongoing commercial success.

Effective management of this environment is key to the way in which you are perceived by the markets and by political, regulatory, media and consumer audiences.

Our objective is to help our clients, whether business or government to navigate their way through the complex network of regulation, legislation and standards that govern global policy making; to understand policy creation and decision making processes across the EU and beyond; and to ensure their opinion is heard and heeded in Brussels, Geneva, London and other global capitals.

DLA Piper has assembled a dedicated team to lead this work, who enjoy the support of the largest legal services provider in the world. We understand Government and Policy Making and we recognise that it is founded on the Law.

Unlike any other firms, our team is drawn from skilled professionals with long-standing experience, including at the most senior levels, in EU and national regulatory authorities and international organisations. We have a significant presence in EU Law and Policy in London, Brussels, and the rest of the firm's global network. We work closely with the Federal Law and Policy group in Washington.

### CAPABILITES

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#### Government affairs and diplomatic support

DLA Piper's dedicated team provides the full range government affairs and diplomatic support services which we are able to tailor to the needs of the respective diplomatic mission.

DLA Piper regularly advises foreign governments and as such has a number of highly specialised experts and senior advisors. In addition, we build on an excellent network of contacts throughout the European Institutions (European Commission, European Parliament and European Council/Member States) and beyond including the European External

#### RELATED SERVICES

- Litigation, Arbitration and Investigations
- US Law and Policy
- Finance
- Intellectual Property and Technology
- Tax
  
- Financial Services
- Insurance
- Life Sciences
- Technology

Action Service (EEAS).

For our activities we provide key experts from within our firm but also external experts from within our international network. On behalf of our clients – including diplomatic missions in Brussels – we have engaged experts from the European Commission (from Commissioner level down to specialists within the various Directorates-General), the European Parliament – a wide range of Members of the European Parliament are included as part of our professional engagements and have assisted in diplomatic training programmes and bilateral meetings. The same is true for the ambassadors and permanent representatives, in particular those engaged in the EU's Common Foreign and Security Policy and External Relations.

We also engage leading academics and journalists and correspondents in our programmes.

Our services include:

- Stakeholder mapping
- Monitoring, analysis and reporting
- Policy briefings
- Meeting programmes and background briefings
- Agenda setting
- Strategic advice
- Public diplomacy
- Media and communications
- Legal and EU regulatory advice

## Public policy

We represent clients on a range of issues relating to highly regulated sectors including financial services, insurance, life sciences, food and beverage and manufacturing. We have enabled our clients to attain not only 'ahead of time' information concerning forthcoming proposals, and have positioned them as the first point of call for legislators seeking to discuss the industry position and perspective with those operating on the ground.

We are in frequent direct contact with those formulating the legislative agenda for the forthcoming term, and the Directorate charged with steering proposals under the new European Commissioner. We regularly discuss up-coming initiatives with the Commission.

Our clients come from a range of backgrounds and standpoints, and not only originate from inside the European Union. We specialise in representing multinational and transatlantic clients doing business within the European Union.

By having specialist EU Law and Policy experts, we are able to identify pieces of forthcoming legislation which may additionally impact upon our clients. By building long term relationships, we fully understand their needs and objectives, to ensure no crucial developments are missed.

Our services include:

- Early warning and intelligence gathering on regulatory developments
- Influencing and shaping the forthcoming law and policy
- Developing compliance programs and assessing the commercial impact of changes
- Dealing with contentious and non-contentious legislative developments

- Contact building, briefing and platform building using our networks
- Positioning clients as key stakeholders to decision makers
- Long term agenda setting
- Government relations training
- Pan European alliance building
- Crisis management and media monitoring

## EU internal market

Many international companies fail to get the most out of the markets that they operate in. To maximise the use of these markets, we regularly assist our clients to exploit existing regulatory instruments, lobby decision-makers for market access improvements, and influence regulatory approvals.

## Capacity building

As well as providing direct technical and strategic advice, DLA Piper's EU Law and Policy team has developed a comprehensive suite of training courses to help build the longer term capacity of public officials, diplomats and business people equipping them with the skills and knowledge needed to become an effective negotiator or operator across the US, EU and its Member States and beyond.

## EXPERIENCE

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- Designed and delivered a four-part revolving training programme for diplomats and senior officials on the EU institutions and decision making processes with intensive practical content focussed on how to approach the EU and ensure effective influencing.
- Advised a non-European airline which had been placed on the EU's list of banned carriers to manage its relations with the European Commission, develop a corrective action plan and secure its removal from the list.
- Worked and continues to work with major companies in the air passenger and cargo sectors to monitor, engage in and influence EU and national rulemaking covering areas such as passenger rights and security.
- Organisation of high-level briefing sessions for clients with drafting team in both the Commission and European Parliament on the Solvency II Directive.
- Representing a major insurer EU & UK regulatory affairs focused on a wide range of policy developments including insurance, data protection and EU/ US regulatory dialogue.
- Representing a trade association from a Managing Director and Secretariat perspective in relation to all interactions across the EU and legislative policy issues.
- Advising a major financial services organisation in relation to their UK stakeholders engagement.

## INSIGHTS

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### Publications

#### **Why anti-suit injunctions may be on the rise after Brexit**

27 October 2021

The departure of the UK from the EU is expected to lead to a rise in the number of anti-suit injunctions sought in the English courts. In this article we consider the four main reasons why that is likely to be the case.

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#### **Five issues to watch for at COP26 in Glasgow**

12 October 2021

Hopes had already been high for COP26 even before the pandemic paused it. The pent-up potential has only heightened those expectations.

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### Export controls: the EU's new dual-use regime

27 September 2021

#### [DLA PIPER TRADE TRUTHS](#)

The EU has amended numerous aspects of the export control regime by implementing the Recast Dual Use Regulation which governs EU exports of dual-use items. We summarise the key changes and what you'll need to know about dual-use items.

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### The global landscape of data privacy: Important points about new laws in three key jurisdictions

21 September 2021

#### [PRACTICAL COMPLIANCE](#)

New data privacy requirements in three important jurisdictions – the European Union, China, and Brazil – with an emphasis on action steps for compliance officers.

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### Further postponement of post-Brexit border checks in Great Britain

16 September 2021

#### [DLA PIPER TRADE TRUTHS](#)

On 14 September 2021, Lord David Frost, the Brexit Minister, announced an additional delay to the introduction of stage 2 and 3 of the post-Brexit Border Operating Model. This article outlines the details of that delay and what it means for businesses.

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### Competition and sustainability: the need for further guidance on legitimate cooperation

7 September 2021

#### [ANTITRUST MATTERS](#)

Climate change is one of the most important priorities facing the international community. The increased focus on environmental concerns has incentivized companies to pursue sustainability initiatives. In many instances, cross-industry collaboration is important for such initiatives to succeed.

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### Learning the lessons on excessive pricing from Aspen

7 September 2021

#### [ANTITRUST MATTERS](#)

Back in April 2017, The *Times* ran a story detailing how a drug giant had a “secret plan” to destroy a cancer medicine unless large price rises were agreed to by national purchasing authorities. A month later, the European Commission opened an investigation into Aspen.

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### European Commission unveils its 'Fit for 55' package

16 July 2021

On Wednesday 14 July 2021, the European Commission took a major step to accomplish its ambitious goal of making Europe the first climate neutral continent by 2050, by adopting a package of proposals for the EU's climate, energy, land use, transport and taxation policies to reduce net greenhouse gas emissions by at least 55% by 2030.

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### **EDPB's final Recommendations on Supplementary Measures confirm a subjective approach to assessing personal data transfer risks**

2 July 2021

The Recommendations' detailed guidance will be useful to businesses and privacy practitioners as they conduct or update their transfer assessments, but the scope and detail of those assessments will require a sustained effort.

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### **When will Washington regulate artificial intelligence?**

June 2021

Seeking to ensure a leading global role for the US in AI development and implementation is a prime motivator for American policymakers.

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### **European Commission's standard contractual clauses: extensive new requirements coming for US businesses receiving EU personal data subject to GDPR**

8 June 2021

Adopting and complying with the New SCCs may require considerable effort for importers, particularly those that are not otherwise directly subject to GDPR.

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### **The European Commission's new approach to ESG due diligence and corporate accountability**

25 March 2021

This article sets out where the European Parliament stands on the proposed ESG Due Diligence law, key features of current proposals and a number of novel legal and commercial issues that businesses should consider engaging policy-makers on.

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### **Postponement of post-Brexit border checks in Great Britain**

23 March 2021

#### **[DLA PIPER TRADE TRUTHS](#)**

The UK Government introduced a Border Operating Model for a phased introduction of full customs and regulatory checks on imports from the EU into Great Britain. It gives supply-chain managers six months more to ensure affected EU imports are ready for the new SPS checks which will be put in place from October.

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### **New interplay between State Aid Rules and Bank Resolution in the EU: the *Tercas* case**

18 March 2021

On 2 March 2021, the Court of Justice of the European Union (CJEU) issued its decision in the *Tercas* case (*Tercas* ruling) upholding the General Court's decision and rejecting the Commission's arguments.

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## **Announced, proposed and implemented: Developments in Digital Services Tax in key European jurisdictions**

9 February 2021

While the OECD and G20 work toward a global agreement on digital services taxes, some European countries have forged ahead on their own.

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## **Announced, proposed and implemented: Key features of France's DST**

9 February 2021

The French definition of "taxable service" under the DST differs from the definition of "taxable services" as used for VAT purposes.

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## **Announced, proposed and implemented: Key features of Italy's DST**

9 February 2021

The Italian DST applies only to revenues deriving from the provision of tax-relevant digital services linked to Italian-located users.

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## **Announced, proposed and implemented: Key features of Spain's DST**

9 February 2021

The annual worldwide revenue threshold is not limited to revenues generated by the provision of digital services, meaning that non-tech businesses may also need to comply.

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## **Announced, proposed and implemented: Key features of the United Kingdom's DST**

9 February 2021

The UK's DST is intended to be an interim measure pending a long-term global solution to the tax challenges arising from digitalization.

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## **China's Blocking Rules: New trade-compliance dilemmas for third-country companies**

25 January 2021

The Blocking Rules respond to the increased use of "secondary" economic sanctions and export controls by the US.

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## **Supply of Consumer Goods in the UK and/or EU from 2021**

15 January 2021

The impact of Brexit - things to consider, plan and address

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## **The UK-EU Trade and Cooperation Agreement: Implications for technology services**

11 January 2021

The TCA includes a chapter relating to digital services which provides some key details relevant to both providers and customers of technology-related services.

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## What happens when trade goes wrong? Understanding trade remedies and what they mean for you

7 January 2021

### [DLA PIPER TRADE TRUTHS](#)

Trade remedies have previously been assessed and implemented by the EU on behalf of the UK under the multilateral WTO framework. From 1 January 2021, the UK has implemented an independent trade remedies framework; the aim being to defend UK business interests from potentially injurious market distortion.

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## EU digital reform: Brussels seeks to regulate Big Tech and other digital services

16 December 2020

Europe's legal framework for digital services has been unchanged since the adoption of the e-Commerce Directive<sup>1</sup> in 2000. Subsequent advances in technology, and the accompanying evolution of digital services, have resulted in more and more calls for updated regulations from market participants, governments and regulators.

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## Brexit: Choice of Law, Jurisdiction, Enforcement, and Service

27 November 2020

This article looks at the impact of reaching the end of the Brexit transition period (at 11pm on 31 December 2020) on governing law, jurisdiction, enforcement, and service in contracts between UK entities and EU member state entities.

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## Continuity or Change? Procurement Rules after Brexit

12 November 2020

### [DLA PIPER TRADE TRUTHS](#)

This weeks edition of DLA Piper Trade Truths, we look at how the UK's accession to the WTO's plurilateral procurement agreement is likely to change the UK's procurement regime at the end of the Transition Period.

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## Independent Review of Administrative Law - Call for Evidence

9 November 2020

The DLA Piper Public Law Team was recently invited to contribute to the Independent Review of Administrative Law (IRAL) by providing evidence to the IRAL Panel which has been appointed to consider options for reform to judicial review.

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## A "Global Britain" – the UK's changing role at the World Trade Organisation

29 October 2020

### [DLA PIPER TRADE TRUTHS](#)

This edition of Trade Truths looks at how Brexit will change the UK's relationship with the WTO and sheds light on the election of the new WTO Director-General, and what this means for the UK's post-Brexit future.

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## State aid: Levelling the playing field or moving the goalposts?

21 October 2020

## [DLA PIPER TRADE TRUTHS](#)

The European Commission unveiled plans on 17 June 2020 to take a tougher line on subsidised foreign companies in the EU market. Under this proposal, the Commission seeks to “safeguard critical EU companies” in strategic industries such as pharma and agri-food so that they do not fall victim to “hostile takeovers conducted by large dominant player”.

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### **Trading on WTO terms – what does it actually mean for your business?**

24 September 2020

## [DLA PIPER TRADE TRUTHS](#)

It is now more important than ever to prepare your business for trading on WTO terms. In the third Trade Truths article, we outline the key principles of the WTO, what trading on WTO terms means for the goods and services sectors, and how you can best prepare your business for the end of the transition period.

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### **The Northern Ireland Protocol and the UK Internal Market Bill**

15 September 2020

## [DLA PIPER TRADE TRUTHS](#)

The second article in the DLA Piper Trade Truths series explains why the Internal Market Bill has attracted such controversy, and what it could mean in terms of preparing your business for trade between Great Britain and Northern Ireland from next year.

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### **DLA Piper launches Trade Truths**

8 September 2020

## [DLA PIPER TRADE TRUTHS](#)

In our first article we discuss how trade policy is developed and implemented in the UK and EU.

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### **EU's highest court invalidates the EU-US Privacy Shield; European Standard Contractual Clauses remain valid, but subject to conditions**

16 July 2020

The CJEU declared invalid the EU-US Privacy Shield framework for the transfer of personal data from the EU to the US.

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### **Procurement Law Reform - Let's start a discussion**

9 July 2020

DLA Piper's panel discussion webinar held on 1 July 2020 had a lively debate on the merits of potential options for reform and which changes might produce a better model for procurement regulation in the UK post Brexit. This is the first of a series of bitesize summary reports providing feedback from the debate.

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### **The legal challenges facing the vaping industry in the EU/UK and the US: An overview and a look ahead**



7 July 2020

Notes as the industry matures.

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## Clinical trials during the COVID-19 pandemic: A global guide

2 July 2020

The consequences of the COVID-19 pandemic continue to develop dynamically. Some countries are beginning to ease lockdown measures, whilst others retain or even impose new restrictions. The situation continues to impact the ability to conduct clinical trials on a global scale. Pharmaceutical companies need to address even more challenges to ensure the continuity of trials on human medicines.

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## Boardroom Brexit - 15 June 2020

15 June 2020

### [BOARDROOM BREXIT](#)

Boardroom Brexit - Britain rules out extension (15 June 2020).

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## European Commission announces the revamped European Commission Work Programme in response to COVID-19

28 May 2020

The spread of the coronavirus has paralysed all of Europe and forced the EU institutions to shift their focus. Fighting the pandemic and its immediate consequences has also led to a far-reaching re-thinking of the European Commission's ambitious agenda for this mandate.

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## Publication of the UK global tariff

22 May 2020

On 19 May 2020, the UK Government published the details of its new UK Global Tariff (UKGT), which will replace the EU's Common External Tariff following the end of the Brexit Transition Period (currently scheduled to last until 31 December 2020).

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## COVID-19 and investment claims under NAFTA

15 May 2020

An examination of whether measures taken by States in response to the pandemic could provide a basis for claims under the North American Free Trade Agreement and more.

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## The end of Intra-EU BITs. Now what? (Part 1)

15 May 2020

In this first of a series of four articles, we analyse the key aspects of the decision of the majority of EU Member States to terminate the bilateral investment treaties between them.

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## Israel Group News May 2020

4 May 2020

## ISRAEL GROUP NEWS

Providing access to valuable business resources in real time.

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### COVID-19: ¿Una base legítima para reclamos de inversión?

21 April 2020

Si las medidas tomadas por diferentes estados en respuesta a COVID-19 podrían representar una base legítima para potenciales reclamos en virtud de los tratados bilaterales de inversión.

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### COVID-19 – a legitimate basis for investment claims?

16 April 2020

This article considers whether measures taken by States in response to the COVID-19 pandemic could provide a legitimate basis for claims under bilateral investment treaties (BITs) or other investment protection instruments, and identifies some of the defences that may be available to States.

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### Cost-cutting considerations in the time of COVID-19 (Part 3 – employment issues outside the US)

7 April 2020

A deeper dive into various cost-saving measures and their viability for employers outside the US.

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### Coronavirus: Competition and regulatory measures in Ireland

25 March 2020

#### ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD

An unprecedented challenge calls for unprecedented measures. The competition and regulatory world has reacted rapidly to the challenge of COVID-19 with bold legal solutions. We discuss how EU and Irish regulators are responding with support for business, exploring the relaxation of competition laws and adopting temporary measures for merger review.

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### Europe initiates regulations on artificial intelligence; industry presented with opportunity to provide inputs

5 March 2020

#### AI OUTLOOK

The White Paper on AI initiates a process that could potentially establish the world's first far-reaching regulatory framework for AI.

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### Israel Group News February 2020

10 February 2020

#### ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, coming events and more.

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## **Iran nuclear deal: the launch of the ‘Dispute Resolution Mechanism’ and the ‘potential snapback’ of UN and EU sanctions**

17 January 2020

This week, France, Germany and Britain have triggered the Dispute Resolution Mechanism against Iran under the Joint Comprehensive Plan of Action (JCPOA). Will this process lead to the re-imposition of UN and EU sanctions on Iran?

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## **Brexit and MiFID II implementation in the UK – impacts on foreign markets**

14 SEP 2016

Brexit prompts legal uncertainty regarding the implementation of pending EU financial regulations.

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## **European Commission tackles financing risks linked to virtual currencies**

13 SEP 2016

The proposal seeks to bring greater transparency to the virtual currency market in the European Union by imposing customer due diligence requirements on certain market participants, now considered “obligated entities.”

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