

## Email exchange with law firms:

### **Hogan Lovells**

Email LobbyControl, 22 April 2016

Dear Mr. Levitt,

I work for a German NGO called LobbyControl, which is a research and campaign organisation working towards transparency in lobbying in Germany and the EU: <https://www.lobbycontrol.de/>  
I would like to ask you a question regarding your absence from the EU Transparency Register. Your answer will be of great help for our work towards real lobbying transparency in Europe.

I have seen that you currently do not hold an entry in the EU Transparency Register but advertise the services of your company on your website with the following words: "Working at the intersection of business and government, we offer a unique approach to identifying emerging policy risks and opportunities. And to shaping legislation, policy, and government decisions to your advantage." Giving insight into past experiences, you list "Lobbying the European Commission, European Parliament, and the EU Member States on behalf of a major U.S. trade association on EU REACH-related issues" as one of your company's successes.

I would like to hear why you are not registered in the EU Transparency Register, even though your advertised activities (e.g. shaping legislation, policy, and government decisions to the client's advantage and lobbying EU-Institutions/legislators) are clearly covered by the Register. Thank you for your time, please answer by Friday, 29 April.

Yours sincerely,  
Nina Katzemich

Email Hogan Lovells, 22 April 2016

Dear Nina

In line with the views of the Law Society of England & Wales and our professional obligations in the various jurisdictions where we practice, we have taken some time to consider our position and whether we are able to register in compliance with those obligations. We have now decided that we can register, and are taking steps to do so.

Kind regards  
Matthew

Email LobbyControl, 25 April 2016

Dear Matthew,  
thank you for the quick answer - that's good news! When do you reckon can we expect your entry?

Kind regards  
Nina

Email Hogan Lovells, 26 April 2016

Hi Nina

I can't give you an exact date but we are actively working on the application.

Kind regards  
Matthew

## **Bird & Bird**

Email LobbyControl, 22 April 2016

Dear Mrs. Federle,

I work for a German NGO called LobbyControl, which is a research and campaign organisation working towards transparency in lobbying in Germany and the EU: <https://www.lobbycontrol.de/>  
I would like to ask you a question regarding your absence from the EU Transparency Register. Your answer will be of great help for our work towards real lobbying transparency in Europe.

I have seen that you are no longer in the EU Transparency Register, although you used to be. With a lobby turnover of 10,000,000 and up to 30 lobbyists you were one of the law firms with the biggest lobbying turnover. Visiting your website, I saw that you still advertise your lobbying activities as part of your company's services.

I would like to ask you why you dropped out of the register although still offering lobbying services?

Thank you for your time, please answer by Friday, 29 April.

Yours sincerely,  
Nina Katzemich

[Bird & Bird did not react](#)

## **Keller & Heckman**

Email LobbyControl, 22 April 2016

Dear Mr. Savigny,

I work for a German NGO called LobbyControl, which is a research and campaign organisation working towards transparency in lobbying in Germany and the EU: <https://www.lobbycontrol.de/>  
I would like to ask you a question regarding your absence from the EU Transparency Register. Your answer will be of great help for our work towards real lobbying transparency in Europe.

I have seen that you currently do not hold an entry in the EU Transparency Register. On your company's website you claim: "Our Brussels Team enjoys a close working relationship with the EU institutions, through daily contacts with officials in the European Commission, the European Parliament, the Council, and specialized agencies." You furthermore list several examples where you successfully lobbied for or influenced amendments in the frame of the REACH Directive.

I would like to ask you why you choose to absent from the register when on your website you are advertising your lobbying activities. Moreover I would like to know what constitutes "a close working relationship" and whether that includes lobbying activities.

Thank you for your time, please answer by Friday 29 April.

Yours sincerely,  
Nina Katzemich

[Keller & Heckman did not react](#)

## **Sidley Austin**

Email LobbyControl, 22 April 2016

Dear Mr. Spinks,

I work for a German NGO called LobbyControl, which is a research and campaign organisation working towards transparency in lobbying in Germany and the EU: <https://www.lobbycontrol.de/>  
I would like to ask you a question regarding your absence from the EU Transparency Register. Your answer will be of great help for our work towards real lobbying transparency in Europe.

I have seen that you currently do not hold an entry in the EU Transparency Register, but advertise your company on your website with the following words: "Established in 2003 and now home to 24 professionals, Sidley's Brussels office is a leader in helping companies, industry associations and governments navigate and shape EU rules."

I would like to ask you why you are currently not registered in the EU Transparency Register, although "shaping EU rules" clearly is an activity covered by it?

Thank you for your time, please answer by Friday, 29 April.

[Sidley Austin did not react](#)

## **Gibson, Dunn & Crutcher**

Email LobbyControl, 25 April 2016

Dear Mr. Alexiadis,

I work for a German NGO called LobbyControl, which is a research and campaign organisation working towards transparency in lobbying in Germany and the EU: <https://www.lobbycontrol.de/>  
I would like to ask you a question regarding your absence from the EU Transparency Register. Your answer will be of great help for our work towards real lobbying transparency in Europe.

I have seen that you currently do not hold an entry in the EU Transparency Register. On the website, Gibson Dunn states: "Our team is well-known for its insight, technical skills and knowledge of the complex Brussels decision-making process and legal environment." It's unclear to me if this implies lobbying or not.

I would like to hear if Gibson Dunn is indeed not lobbying the EU on behalf of clients or for themselves?

Thank you for your time, please answer by Monday, Mai 2.

Sincerely,  
Nina Katzemich

Email Gibson Dunn & Crutcher, 2 May 2016

Dear Ms. Katzemich:

I am an attorney who represents private sector clients in contentious proceedings relating to the enforcement of competition rules and, to a lesser extent, the prosecution of Member States for their failure to enforce EU regulatory rules, or the enforcement of trade law rules on behalf of private clients. It is commonly understood that these activities do not extend to any "lobbying" activities which require my registration under the Transparency Register. Moreover, I am regulated with respect to the performance of these legal services by the UK Bar and the Brussels Bar respectively.

To the extent that my clients are involved in lobbying activities, they are either represented by registered lobbyists or are registered in their own right.

As regards the passage quoted in my firm's promotional materials, it would be rather odd if EU-based lawyers asserted on their website that they knew little or nothing of the EU process in relation to which they were advising clients. I am at a loss to understand how the statement quoted can lead to any conclusions about the performance of lobbying activities.

Finally, I am a Visiting Professor at Kings College. In my capacity as an academic, I write numerous papers over the course of any academic year on various controversial subjects. Insofar as I express an opinion on any legal subject, do you consider me to be a lobbyist? I would suggest that all legal academics be on the Transparency Register if that is the case.

Yours sincerely,

Peter Alexiadis

Email LobbyControl, 05 May 2016

Dear Mr. Alexiadis,

thank you for your answer. I did not draw any conclusions from your website, I just asked. In the US, Gibson Dunn clearly announces to offer lobbying services:

<http://www.gibsondunn.com/practices/pages/PPY.aspx>, so I was wondering if the office in Brussel might do the same. Lobbying according to the EU definition of lobbying does not only mean meeting with commission and parliament representatives, but also indirect lobbying activities like drafting amendments or letters, or providing advocacy material intended to influence the EU institutions. If you can assure me that nobody at Gibson Dunn in Brussels does this, or other indirect lobbying activities described in the Interinstitutional Agreement underlying the EU-Lobbyregister <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014Q0919%2801%29&from=de> (scope of the register), then I agree your law firm is not lobbying.

Moreover, Gibson Dunn in January 2015 had a meeting with employees of DG Fisma to discuss Iceland's Capital Control. Maybe this was in a legal case or procedure, but if not, the Interinstitutional Agreement would also classify this as lobbying.

I am looking forward to your answer by thursday, 12 Mai.

Sincerely  
Nina Katzemich

Email Gibson Dunn & Crutcher, 11 May 2016

Dear Ms Katzemich:

I think the story varies with each individual partner, depending on the nature of their business. For example, you know more about the DG Fisma meeting than I do - it must be one of my other colleagues. As regards our Washington DC office, I think there is no doubt that a handful of my Partners do perform lobbying activities in DC and are acknowledged as doing so under their own jurisdictional requirements; again, however, this is something that is very individual to the particular partners in question, as the vast majority of my partners would not envisage taking on such activities.

Quite a few years ago, I used to perform a larger regulatory function, one aspect of which was the drafting of responses to Public consultations, etc. The European Commission even asked me to run their Sectoral Inquiry debates on telecoms issues. I imagine that this sort of work, or at least certain aspects of it, might fall within the scope of activities which you describe. However, that is no longer a part of my practice, and is performed by an economic consultant who is indeed registered on the Transparency Register. I have for some years focused on advisory work or litigation work which is concerned with the defence or prosecution of my client's interests, with the potential lobbying work discussed above having preceded the advent of the Transparency Register. The only meetings I have had with the Commission, for example,

over the past few years are: (1) participation in Oral Hearings in representation of my clients; (2) participation in "State-of-Play" meetings with DG officials in the context of their investigations; (3) mere attendance at Commission consultations on aspects of telecommunications regulation.

Yours truly,

Peter Alexiadis

Email LobbyControl, 12 May 2016

Dear Mr. Alexiadis,

thank you very much for your open answer. I see that you answered the question for yourself. My initial question (if Gibson Dunn is lobbying in accordance with the EU definition of lobbying) concerned the work of Gibson Dunn Brussels in general, not (only) you personally. If GD wishes to add any further information about lobbying in Brussels and its absence from the lobby register, please send them to me by Thursday May 19th.

Sincerely  
Nina Katzemich

Gibson Dunn & Crutcher did not send any further information.

## **Clifford Chance**

Email LobbyControl, 22 April 2016

Dear Mr. De Maeyer,

I work for a German NGO called LobbyControl, which is a research and campaign organisation working towards transparency in lobbying in Germany and the EU: <https://www.lobbycontrol.de/>  
I would like to ask you a question regarding your absence from the EU Transparency Register. Your answer will be of great help for our work towards real lobbying transparency in Europe.

I have seen that you currently do not hold an entry in the EU Transparency Register. On your website you advertise your company with the following words: "Our practice groups that specialise in antitrust, state-aid and regulatory matters are well known for their high-profile work. They have long-standing working relationships with key EU institutions, know the technicalities and practicalities of the relevant EU laws, and keep in close contact with international colleagues."

Can you either confirm that this does not include lobbying activities or let us know why Clifford Chance has chosen to absent from the register?

Thank you for your time, please answer by 29 April.

Yours sincerely,  
Nina Katzemich

Email Clifford Chance, 24 April 2016

Our legal work does not include lobbying activities.

Kind regards,  
Bert De Maeyer

Email LobbyControl, 24 April 2016

Dear Mr. DeMaeyer,

thank you very much for your quick answer. But would you agree that CliffordChance's work

used to also include lobbying, when of Counsel lawyer Michel Petite was able to set out his views on some legal issues of tobacco legislation as a lawyer for Philip Morris International (Clifford Chance Client at that time), in 2011 and 2012 vis-à-vis the Commission's legal service? Has CliffordChance since then stopped doing lobbying activities?

Sorry for taking your time for this.

Sincerely,  
Nina Katzemich

[Clifford Chance did not react any further](#)

## **Van Bael & Bellis**

Email LobbyControl, 22 April 2016

Dear Sir or Madam,

I work for a German NGO called LobbyControl, which is a research and campaign organisation working towards transparency in lobbying in Germany and the EU: <https://www.lobbycontrol.de/>  
I would like to ask you a question regarding your absence from the EU Transparency Register. Your answer will be of great help for our work towards real lobbying transparency in Europe.

I have seen that you currently do not hold an entry in the EU Transparency Register, but advertise your company on your website with the following words: "We actively intervene on behalf of our clients in EU decision-making processes through the presentation of position papers and other lobbying activities, and we assist our clients in obtaining access to EU and national decision-makers."

I would like to hear why you are not registered in the EU Transparency Register, although your advertised activities are clearly covered by the Register.

Thank you for your time, please answer by Friday, 29 April.

Yours sincerely,  
Nina Katzemich

[Van Bael & Bellis did not react.](#)

## **White & Case**

Email LobbyControl, 22 April 2016:

Dear Mr. Powell,

I work for a German NGO called LobbyControl, which is a research and campaign organisation working towards transparency in lobbying in Germany and the EU: <https://www.lobbycontrol.de/>  
I would like to ask you some questions regarding your absence from the EU Transparency Register. Your answer will be of great help for our work towards real lobbying transparency in Europe.

I have seen that you currently do not hold an entry in the EU Transparency Register, but advertise your company on your website with the following words: "We are particularly experienced in anticipating, monitoring and analysing developments regarding specific regulations that can affect our clients. We do not just apply the law, we help to shape it."

I would like to know why you are not registered in the EU Transparency Register, although your advertised activities are clearly covered by the Register.

Thank you for your time, please answer by Friday, 29 April.

Yours sincerely,

Nina Katzemich

[White & Case did not react](#)

## **K&L Gates**

Email LobbyControl, 02 May 2016

Dear Mrs Coventry,

I work for a German NGO called LobbyControl, which is a research and campaign organisation working towards transparency in lobbying in Germany and the EU: <https://www.lobbycontrol.de/>  
I would like to ask you some questions regarding your absence from the EU Transparency Register. Your answer will be of great help for our work towards real lobbying transparency in Europe.

I have seen that you currently do not hold an entry in the EU Transparency Register, but advertise your company on your website with the following words: "Those who can shape decisions have a competitive edge. To achieve their goals, companies and other organizations need timely and relevant information and the ability to identify and access the right government officials about issues and proposed legislation or regulations that affect them."  
Later you go on to say, that your company provides a global reach with "fully integrated offices in the primary political, commercial, and financial centers of North America, Europe, the Middle East, Asia, Australia, and South America, including 13 world capitals."

Does your global reach include the political centre Brussels and the European Institutions based there? Do you follow the described activities within these institutions? If so, I would like to know why you are not registered in the EU Transparency Register, although your advertised activities are clearly covered by the Register.

Thank you for your time, please answer by Monday, 9 May.

Yours sincerely,  
Mareike Biesel

[K&L Gates did not react](#)