



Our Brussels correspondent **JEREMY FLEMING** reports on developments within the European capital, covering law firms and policy changes that affect the work of lawyers in Europe. Send news, suggestions and comments for inclusion to jffleming@europeanlawyer.co.uk

Legal lobbying

When Washington-based lobbying group Cassidy & Associates opened in Brussels two years ago – by hiring former Ernst & Young lawyer Andreas Geiger and former European Court of Justice advocate-general Siegbert Alber – the move was seen as a portent of further US lobbying outfits arriving in the European capital. But as of the beginning of April this year, Cassidy's Brussels office has reverted back to a European-based law firm – Alber & Geiger – cutting its links with Cassidy. Mr Geiger describes the move as 'entirely amicable', and says it is unlikely to impact on decisions by other American operators to enter the market. Cassidy is well known in the US; for many

years the top-billing lobbying outfit in Washington, it was bought in 1998 by US-based company IPG, which owns a number of other public relations outfits, including Weber Shandwick – the international group which also has a Brussels presence. But it seems that Alber & Geiger wanted a more clearly defined role within the consultancy business than that which affiliated them with more generalist and public relations-orientated players such as Weber.

This is not the only recent example of legal consultancies setting up to distinguish themselves from more mainstream lobbying firms. In autumn last year Sarah Biontino – the former head of public affairs with Allen & Overy's office in the European capital – split away from Blueprint Partners, a large Brussels outfit offering a broad range of lobbying advice where she was working as a consultant, to set up a more competition-focused firm called Avisa & Partners. With several lawyers now in its team, Avisa is set for a formal launch this summer.

The differences between the approaches to lobbying adopted by these firms highlight the challenge faced by EU Commission vice-president Siim Kallas in his current quest to set up a voluntary register from spring next year for all types of interest groups involved in lobbying or regulatory affairs. He wants organisations which sign up to adopt a code of conduct and to disclose the sources of their

funding. Consultancies and law firms would have to declare the turnover linked to their lobbying of EU institutions, and to include the relative distribution among their clients of this turnover.

Last month the European Public Affairs Consultancies Association, which represents many of the larger consultancies including Blueprint and Weber Shandwick, wrote to Mr Kallas complaining that the requirement to disclose income streams from clients would be impractical and leave them exposed to unfair competition from firms which refuse to subscribe to voluntary disclosure. Without the support of the mainstream consultancies the chances that law firms carrying out lobbying or regulatory work will join the voluntary register when it starts up next year are virtually zero, since for lawyers the disclosure of such details brings about potential conflict with their professional confidentiality obligations.

Yet the number of law firms offering regulatory-style advice – of the type that Commissioner Kallas wants registered – continues to grow. An example is Field Fisher Waterhouse, which in May became the latest law firm to establish a Brussels branch. New equity partners Eric Cusas, Emmanuel Roger France and Pierre Frühling, along with nine other lawyers, joined Field Fisher from the firm's former Belgian alliance partner, Verhaegen Walravens. Mr Cusas, the new office's managing partner, described

as 'amicable' the divorce from Walravens, and confirmed that the branch would focus on corporate, IP, IT and white-collar fraud work – in addition to EU competition and regulatory advice.

So long as lobbying contains such a range of different players, from single-purpose concerns, through PR outfits, to specialist competition firms and legal practices offering regulatory advice as an adjunct to law, Mr Kallas will have his work cut out for him. None of these different interest groups will volunteer for his register unless they sense that not doing so will leave them out in the cold, and none of them seems prepared to be the first to stick their necks out.

Microsoft in slow motion

The European Court of First Instance seems to be having serious trouble deciding the verdict in the *Microsoft* case. The original timeframe for a decision anticipated a judgment in the early part of the year. The Court breaks up for summer in August, and two of the judges hearing the case – including the chamber's president Bo Vesterdorf – are retiring at the end of that month. Sources in Brussels are murmuring about disagreement among the judges. Whatever the reasons for the delay, the Court could be placed in an embarrassing situation if judges hearing the case have to stay on to resolve the issue after their tenure is up. ■