

## EU LOBBYING NEWS | QUARTER 4, 2011

01 | Commission to regulate telephone and broadband networks

02 | EU enables access to public procurement market for third countries

03 | Commission to review the Directive on Misleading and Comparative Advertising

04 | EP demands smarter use of antibiotics

05 | EU to facilitate cross-border healthcare

06 | Commission signals moves towards a Digital Single Market

access to their infrastructure and services. In the second consultation, the Commission is determined to examine how the price-calculation for this wholesale access is regulated on the national level.

The new regulations should make it possible to ensure uniform Europe-wide standards for the telecom industry in order to make this market safer, more consistent and thus more attractive for extensive investments.

Alber & Geiger provides several experts in this sector and is prepared to assist you.

### II. EU enables access to public procurement market for third countries

A public consultation on the terms of access of third countries to the public procurement market of the EU was held recently to illuminate the current legal framework's impact on that matter. The EU's public authorities have always pushed for the openness of international public procurement markets, demonstrated by their affiliation with the WTO Government Procurement Agreement (GPA) and similar trade programs and bilateral agreements. Other third countries' markets, however, have stayed heavily regulated and thus have hindered European companies to offer their goods and services.

Legislation will be adopted at the end of the year that will support negotiations on access to other countries' government procurement markets. The new proposal is also expected to bring clarifications regarding the terms of provision to the European public authorities seeking to purchase international goods.

As procurement trade in the EU accounts for 17 percent of annual GDP, the legal framework is of great importance to European companies and will hopefully serve as precedent for other countries to further open their procurement markets as well.

Interested parties are encouraged to communicate their interests in the matter now.

### III. Commission to review the Directive on Misleading and Comparative Advertising

Five years after the adoption of the revised directive concerning misleading and comparative advertising, the European Commission is looking to publish a Communication in which the legislation and its implementation in the different Member States will be evaluated. A public consultation is taking place in order to determine if the directive needs to be further reviewed in the near future. Currently, comparative advertising is permitted under certain conditions, which ensure

### I. Commission to regulate telephone and broadband networks

As part of Europe's Digital Agenda 2020, the European Commission will be holding two public consultations aimed at improving Single Market conditions for telecom services and at coherently regulating telephone and broadband networks across the European Union. Currently, there is a wide variation in the way different national regulators assess, monitor and apply rules on misuse of dominant positions on the telecom market, as well as an imbalance in pricing regulations.

The EU executive, following the suggestions made by Member States regulators, has decided to take the next steps in the direction of a Single European Telecom Market. The first consultation covers how presiding dominant operators should provide smaller, alternative telecom operators with non-discriminatory



that it is rightfully informing and not misleading the consumer. If unlawful practices have been observed, the matter can be brought to court or before another competent administrative body. As the influence of advertising in the European Union exceeds Member State borders, it

is important to fully harmonise the rules and establish a coherent approach. Only by improving pan-European marketing behavior a veritable Single Market can be ensured.

Early involvement in the process of reviewing EU policies is determining for influential interest representation. Join the discussion and help amending the law.

## IV. EP demands smarter use of antibiotics

On 27 October 2011, the European Parliament passed a non-binding recommendation calling for tighter control on antimicrobials. The proposed resolutions are valid for both the agricultural and the healthcare sectors.

The Members of the European Parliament (MEPs) requested an improvement in the quantity and quality of information for the broad public in order to address the misconceptions that nearly half of the European citizens have about antibiotics as common medication. Additionally, they want to see pharmaceutical research incentives increased in order to



improve antibiotics, and to render them more targeted. Finally, the MEPs requested that the veterinary field should start abandoning the use of prophylactic antibiotics and that antibiotics for humans and animals should be kept as unrelated as possible. Human healthcare should be a priority over agricultural or veterinary use. A 5-year action plan will be proposed by the end of this year.

Alber & Geiger provides distinguished lobbying and political support services in this sector and is prepared to assist you in communicating and implementing your interests in Europe.



## V. EU to facilitate cross-boarder healthcare

The EU's public health policy ensures European citizens the right to seek medical attention in another Member State. However, the specifications of some areas still remain unclear. A Directive on Cross-border Healthcare published by the European Parliament at the beginning of this year requires the European Commission to accept measures to make the recognition of prescriptions stemming from another Member State simpler.

The measures would standardize prescriptions and thus allow health professionals to better comprehend and verify the ministrations. At the same time, the new rules would allow patients to understand instructions and ingredients of medications received in another country. Finally, medicinal products and healthcare would be able to be substituted across boarders without any concerns about safety or additional costs for both parties.

A public consultation is currently being held on the subject before the European Commission formally decides on the details of the directive on the 25 October 2012. Health care professionals have expressed concerns about the feasibility of implementation of the measures by the different Member States. The transposition period expires in October 2013.

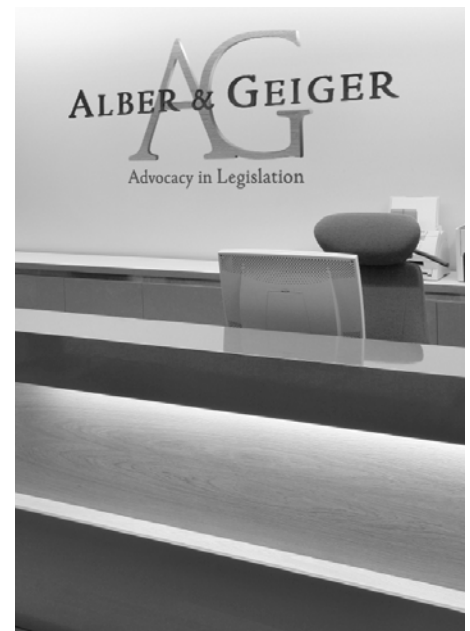
Alber & Geiger provides a wide range of expertise in this area and can help you safeguard your interests.

## VI. Commission signals moves towards a Digital Single Market

The European Commission recently launched a consultation with the aim of achieving a Digital Single Market. The consultation seeks to outline the steps necessary to modernise the approaches to licensing, and make audiovisual works available on a pan-European level through the Single Market. In addition, the consultation aims to determine the right holder's remuneration for the different online use of their works in particular, and the revision of Intellectual Property Rights (IPRs) in general. A Communications document has been sent out to the European Parliament, the Council and the Committee of Regions.

Europe's Digital Agenda aims at making the creation of and the investment in digital works more attractive in order to stimulate European growth and render the European Digital Single Market more competitive on a global scale. Facilitated Multi-Territory Licensing options and a revision of security concerns are a first step to ease consumers' reluctance to trade online and help maximize the industries' revenues.

Interested parties should address the political process now.



For more detailed information on what we can do for you please refer to our main website.

[www.albergeiger.com](http://www.albergeiger.com)