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Annual Review  
2015-2016

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## Innovation

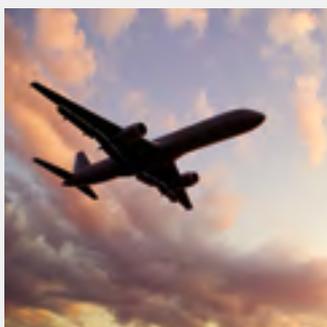
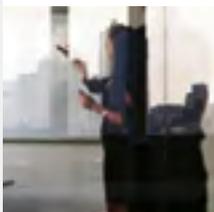
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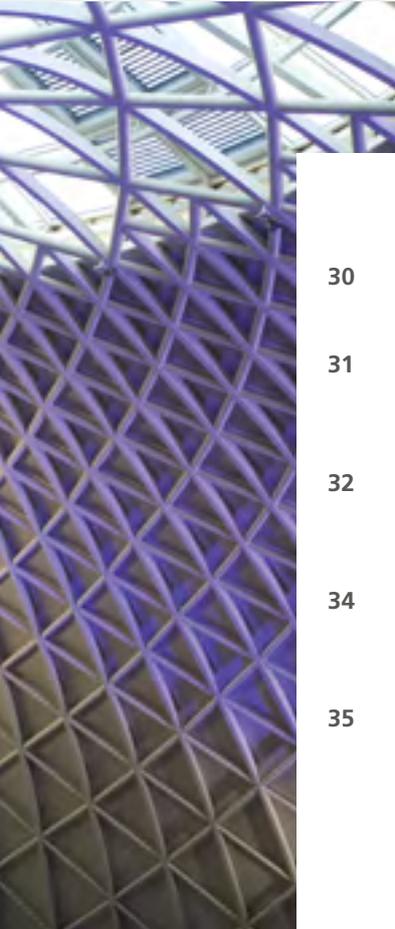
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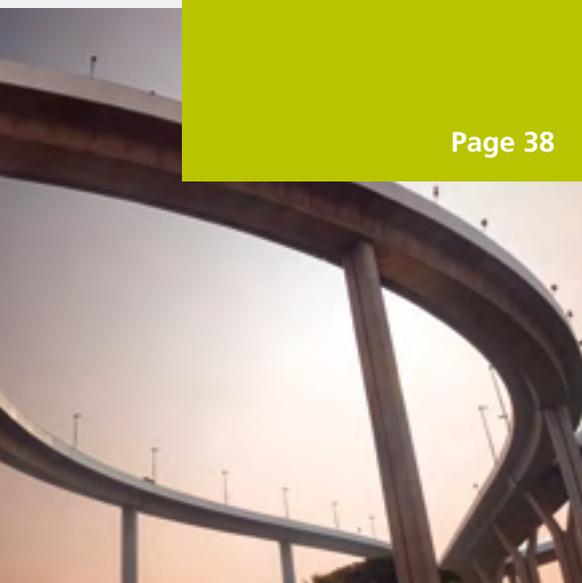
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# Welcome to the CMS Annual Review

In my conversations with colleagues, peers and experts around the world, one topic consistently comes up – the rapid pace at which our business world is changing. Political shifts like the opening up of countries such as Iran and Cuba, as well as the increasing sophistication and use of technology, are just some of the developments that are driving this change.

At CMS, we closely follow such trends in order to provide relevant, high quality advice to clients. For example, at our CMS event in Davos in January 2016, the increased digitisation of our society, affecting all sectors, was the hotly debated topic. Travis Kalanick, co-founder and CEO of Uber, and Taavet Hinrikus, co-founder and CEO of TransferWise, discussed how they are disrupting industries with their innovative, technology-driven business models. One of the takeaways from the discussion is that traditional companies need to continually evaluate their business strategies and models to remain successful.

On the one hand, this situation presents challenges for businesses in dealing with the unknown. On the other, it offers opportunities for organisations to positively transform themselves and help shape the future.

For us as lawyers this means that the services and legal advice we deliver to our clients must support their transformation. Throughout this Annual Review you will find examples of the work we are doing and the services we have developed that are helping clients to anticipate and react to change, innovate to gain business benefits and grow to remain competitive in crowded markets. For example, as a result of CMS advising Allianz Russia in a claim for reinsurance indemnity, the subsequent court case led to a new legal precedent being set for the enforceability of Russian civil legal judgments in Switzerland. In France, CMS worked on the tax structuring of an agreement between Airbus and Safran to develop launchers for space vehicles and satellites. Working with Investment Funds for Health in Africa (IFHA), CMS advised on the establishment of IFHA II, which was one of the first funds of this type to launch under the new AIFMD regime. In the Netherlands, CMS launched a free, online contract drafting service, and CMS Germany introduced a software product that helps ensure external personnel compliance.

Through discussions with clients, we know that geographic expansion is often a part of their growth strategy. So we move into regions where we expect that there will be future opportunities for them.



In support of this strategy, Duncan Weston was appointed CMS Executive Partner for Global Development in May of this year. In his new role, Duncan will investigate on behalf of CMS selected countries and regions where we do not yet have a presence, building relationships to ensure the ability of CMS to support clients worldwide.

On 1 February 2016, CMS became the first major international law firm to open a dedicated office in the Iranian capital of Tehran. We are also continually expanding our presence in growth markets such as China where our CMS teams in Beijing and Shanghai serve multinational and Chinese clients. This strong growth is evidence that clients are happy with the local and global support that they receive, and with the quality advice that we provide.

Looking ahead, we will continue working collaboratively with our clients, providing the legal expertise they need to make their business a success.

My colleagues in the CMS Leadership team and I are always happy to hear from you if you have any comments or questions.

**Cornelius Brandi**  
Executive Chairman

“Throughout this Annual Review you will find examples of the work we are doing and the services we have developed that are helping clients to anticipate and react to change, innovate to gain business benefits and grow to remain competitive in crowded markets.”

**Cornelius Brandi, Executive Chairman**



# Innovation



# Space race hots up with Airbus and Safran JV

With an agreement between Airbus and German operator Safran to develop launchers for space vehicles and satellites, Europe has taken a major step towards consolidation of its space industry.

Investors believe that the 50-50 joint venture will create an integrated and profitable business through the combination of Airbus's launch technology with Safran's propulsion systems.

The race by private companies to develop low cost launcher technology has been a major development in the sector in recent years, with Russian and Chinese companies competing with US rivals led by Elon Musk's SpaceX business.

The Airbus and Safran joint venture has been hailed by industry watchers as a key development – one that allows the European space industry to become more competitive and relevant against a backdrop of intense global competition and highly sophisticated customer demands.

CMS Paris partner Edouard Milhac led the tax structuring on the deal. He said, "The big challenge here was to achieve a tax neutral deal between France and Germany

"This is a fascinating area to be involved in and we expect many novel tax issues to arise as the leading launcher companies become more profitable through a combination of innovation and efficiency."

**CMS Paris partner Edouard Milhac**

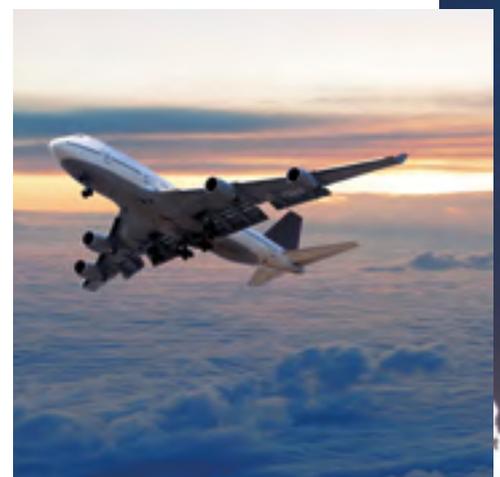
in order to reflect the 50-50 ownership of Airbus and Safran respectively. This is not easy when you are dealing with companies that are unequal in size.

"We also had to deal with some governmental constraints in both countries that apply when doing deals in the space sector. This is a fascinating area to be involved in and we expect many novel tax issues to arise as the leading launcher companies become more profitable through a combination of innovation and efficiency."

CMS tax lawyers in France and Germany worked together on the deal.

The joint venture company has been quick to continue consolidation of the industry and has since acquired Europe's premier rocket-launch company, Arianespace, in a move designed to gain further efficiencies in the building and design of major rockets.

This deal, however, is subject to a probe by European antitrust investigators amid concerns it could dampen innovation and hike up prices in the satellite and launch services sector.





**Roxana Popel**  
Director,  
CMS Bucharest  
Tax

### **What will be the most important trends in the tax sector affecting your clients over the next 12 months?**

The economic and legal environment is changing rapidly due to recent initiatives from the OECD, G20 and European Union. Local legislation follows the global trends and is becoming more prescriptive. There has been a particular focus on VAT avoidance schemes, transfer pricing and voluntary compliance.

### **How has the role of a tax professional changed since you started your career?**

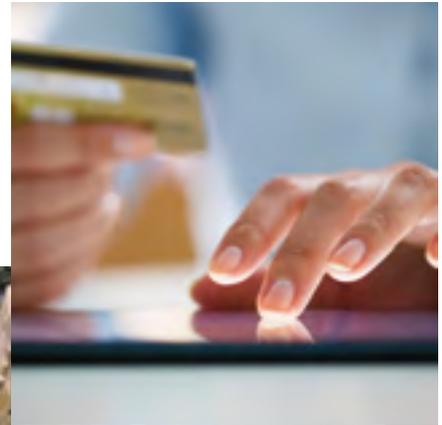
There is increasing demand for international know-how from tax professionals nowadays. Projects are becoming increasingly complex as our clients' tax requirements demand sophisticated, cutting-edge solutions. It is essential to understand our clients' industries and the commercial aspects of their business. This is also helpful when liaising with the tax authorities here in Romania as they appreciate us helping them better understand our clients' business operations.

### **What has been your most memorable day as a tax professional?**

I recently successfully represented a leading global energy group in challenging a multi-million euro tax liability decision. The project required reviewing thousands of pages of evidence within a very limited timeframe as well as drafting a number of challenges, preparing extensive supporting documentation and conducting explanatory meetings with representatives from the tax authority. It was a complex project with slim chances of success and we were very happy to achieve a positive outcome for our client.

Innovation





**Stefan Segger**  
Partner,  
CMS Cologne  
Insurance

**What will be the most important market trend affecting your clients' sector over the next 12 months?**

The implementation of the new regulation for insurers, Solvency II, will have a huge impact on the whole insurance industry. All insurance and reinsurance companies are struggling with

the challenges that come along with the new regime. Furthermore, the market will call for old-school business models to adapt to new digital and smart business processes.

**What has been your most memorable day as a lawyer?**

I remember the day on which we reached a very important settlement after a long and rather unusual reinsurance dispute. The settlement was economically advantageous for our client yet we could only reach it by managing to meet the interests

of the opponent as well. In the end, we achieved a real win-win solution and this was a big success.

**If you weren't a lawyer, how would you earn your living?**

I would have become a musician, most probably.

# New precedent set in Allianz cross-border reinsurance action

Following an accident at Sayano-Shushenskaya Hydro Power Plant in Russia in August 2009, the direct property insurer Allianz Russia began an investigation to assess the loss.

The subsequent court case has led to a new legal precedent being set for the enforceability of Russian civil legal judgments in Switzerland. The decision is particularly important as it is the first ever published decision on Swiss courts recognising and enforcing a Russian civil judgment. It is also equally precedential for countries without a recognition and enforcement treaty in Switzerland.

Allianz paid the original insured in full while continuing discussions with the reinsurers, including Zurich-based Infrassure. Infrassure refused to pay its share of the loss and Allianz Russia filed a claim for reinsurance indemnity, advised by a joint CMS team in Russia and Switzerland.

Leonid Zubarev, senior partner at CMS Russia, said, "The dispute involved difficult political, legal and procedural elements. We also had to defend our client from some outrageous allegations as the case developed. It was an extremely complex piece of litigation."

The dispute centred on issues of jurisdiction, causation, quantum, direct and reinsurance policy construction as well as interpretation under Russian law, and it went through all stages of appeal in Russia.

After the Supreme Arbitration Court of the Russian Federation refused to review favourable decisions of the lower courts, CMS filed for recognition and enforcement of the Russian court decisions in Switzerland.

Switzerland and Russia are not bound by a bi- or multi-lateral treaty on recognition and enforcement of civil decisions, so CMS made the innovative move to file the request under the Swiss Private International Law Act. This had never been done successfully before on a Russian civil decision.

The Zurich District Court granted exequatur (i.e. allowed the right to be enforced) which was upheld by the Higher Court of Zurich and, in a precedent-setting decision, by the Swiss Federal Court.

Jodok Wicki, partner at CMS Zurich, said, "We devised a legal strategy that encompassed both the Russian and Swiss jurisdictions from the outset as we anticipated issues with enforcement even if our claim was successful in Russia. This was key to us being one step ahead, both procedurally and in relation to the complex legal interpretations the case hinged on. It also meant we had the confidence to devise a precedent-setting strategy for enforcement."

"We devised a legal strategy that encompassed both the Russian and Swiss jurisdictions from the outset as we anticipated issues with enforcement even if our claim was successful in Russia."

**CMS Zurich partner Jodok Wicki**

Innovation

# High-speed mobile rollout sparks telco consolidation

Rapidly increasing demand for mobile communication capacity and the race towards 5G data speeds are putting increasing pressure on operators to invest in both infrastructure and spectrum. This, combined with falling revenues, means operators are being forced to look for ways to reduce, rationalise or consolidate the costs involved in rolling out high-speed mobile networks.

As a consequence, the sector has seen a significant uptake in M&A and joint project activity as companies seek to share the investment burden by granting access to either the newly acquired spectrum or newly rolled-out infrastructure.

A good example of this is Viatel's recent sale of its non-Irish fibre network and enterprise business to Zayo Group, a global provider of bandwidth infrastructure and network-neutral colocation and connectivity services. This is one of the most significant networks ever constructed by an alternative operator and the deal provides strong evidence of the consolidation of infrastructure networks in the industry.

CMS advised Viatel on this transaction. Due to our detailed understanding of multijurisdictional telecommunication networks, we negotiated and concluded the transaction in a period of nine days.

Nonetheless, European regulators still seem strongly opposed to consolidation of mobile operators below a certain number of players as they fear this could lead to higher costs for consumers. It is therefore not surprising to find infrastructure and spectrum/access sharing deals are also on the rise. There will be tension between this tendency and economic demands of 5G and the Internet of Things.

The CMS Network Sharing Study gathered detailed information from CMS and 'best friends' lawyers across 22 countries, summarising the types of sharing deals, the networks affected, the network elements involved in the sharing and the types of vehicles or structures for coordination of the sharing. In addition, the study

documented major deals and developments within these countries, and highlights regulatory specifics which can have a major impact on these transactions.

CMS London partner Chris Watson, who heads the CMS Technology, Media & Communications (TMC) Group worldwide, said, "Spectrum sharing could provide significant financial savings and is almost a technical necessity for the effective use of certain frequency bands. However, we need far greater movement from the authorities to encourage cofinancing of infrastructure investment. This will be more challenging to achieve than the spectrum sharing solution because of the long-entrenched approach of favouring network-based competition.

"Very few national authorities have expressed views on network sharing and that's partly because, in some cases, they're still debating whether it's the role of the competition authority or the regulator. Collectively, Europe needs to wake up to the threat it will face from other jurisdictions if it does not take a more joined up approach to encouraging investment in its high-speed mobile and wireless networks."

Through our Network Sharing Study we have been engaged to speak at events by the European Commission, the European Competitive Telecommunications Association, Deloitte, ALIX Technologies, Omantel, Oman Broadband Company and, most recently, in Iran in January 2016.

Chris Watson added, "Operators in Iran are very interested in sharing networks and this, combined with the rapid rise of new 5G technology, makes it an extremely innovative time for telecoms work in Tehran."

All operators worldwide are now considering network sharing as an essential component of a balanced approach to the funding and structuring of the new networks and services.

“Collectively, Europe needs to wake up to the threat it will face from other jurisdictions if it does not take a more joined up approach to encouraging investment in its high-speed mobile and wireless networks.”

**CMS London partner Chris Watson**



Innovation



**Egon Engin-Deniz**  
Partner,  
CMS Vienna  
TMC

**What will be the most important market trend affecting your clients’ sector over the next 12 months?**

The clash of IP rights and competition law. Specifically, non-regulated products will encounter problems in maintaining selective distribution models. Another key development will be the vast number of new generic top level domains (gTLDs) colliding with the interest of brand protection.

Finally, the unitary patent will also be an important market trend as it will become a reality one day.

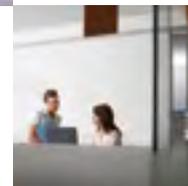
**What are the trends shaping the legal industry?**

As in-house legal departments are insourcing, we need to offer new attractive models of legal advice and not become a commodity.

**If you weren’t a lawyer, how would you earn your living?**

I like very new and very old things. So I would probably be an archaeologist.

# Health and education lead the way for major Scottish projects



Despite long-standing political wranglings over the future of Private Finance Initiative (PFI) in England, the closing of a number of headline infrastructure projects north of the border has demonstrated renewed government and investor buy-in to the model.

Scotland's version of PFI, called Non-Profit Distribution (NPD), allows sponsors to invest in the debt of a project, yet not put in any equity or receive any returns on their capital investment. This has helped alleviate widespread public criticism of the original PFI model, which many felt allowed sponsors to generate huge profits, often without restriction.

CMS teams in London and Scotland advised The European Investment Bank and Aviva Annuity UK as funders together with the Laing O'Rourke / Aberdeen Asset Management consortium and Security Trustee / Agent Bank on the GBP 275m Dumfries & Galloway Hospital NPD scheme.

We advised on, negotiated and drafted various project and finance documents. This includes security documentation governed by Scottish law. The team was also involved in advising on and negotiating project, services and construction agreements.

The team drew upon its extensive experience of hospital PFI projects south of the border, having very recently completed the financial close of the headline-grabbing Alder Hey Hospital PFI and, almost on the same day, the financial close of the GBP 200m Papworth Hospital PFI scheme.

CMS London partner Paul Smith said, "The NPD model is more politically acceptable in Scotland than PFI as there is a cap on the amount of profit able to be distributed to private sector shareholders.

"It has become a hugely successful model, particularly in the areas of health and education which are two of our key sectors for this type of project."

He added, "The skills and know-how we have developed closing landmark projects in England are equally relevant to the Scottish model and this was a memorable deal for the combined CMS firm on each side of the border to close."



**Jonathan Dames**  
Partner, CMS London  
Infrastructure & Projects

## What will be the most important market trend affecting your clients' sector over the next 12 months?

The three 'Rs': refinancing, rescheduling and restructuring.

## What are the trends shaping the legal industry?

Client service pressures continue to mount as everyone wants the same quality at a lower cost and with more added value services. Also, the demand for ever greater specialisation means that the competition to attract talent gets even more acute in any areas where there is still growth in the market. This is made more difficult by alternative business models and virtual law practices which can offer, for example, a flexible workplace and geographical mobility.

## What has been your most memorable day as a lawyer?

It was probably when we celebrated closing a deal by performing a full-on electric set at the legendary music venue, The 100 Club, through a professional PA system to the clients and lawyers on both sides of the deal that we had closed hours earlier. We were surrounded by photographs of world famous artists, whose songs we were now covering, all standing on the same stage that we were now standing on. It doesn't get much better than that. I'd cancel Christmas to live those 20 minutes again.

# PPP relaunches in Slovakia on critical infrastructure projects



With many Central and Eastern European countries in need of improved infrastructure, public private partnerships (PPP) are increasingly viewed as a key model for delivering investment.

The R1 Motorway PPP Project, awarded European Infrastructure Deal of the Year at the Project Finance International Awards 2009, put Slovakia firmly on the map for these types of projects.

Another headline project, the D4/R7 Road project, began in 2015. Under the terms of the project, the Slovakian government agreed to build two new sections of the D4 highway, forming parts of the Trans-European Transport Network and three additional sections of the R7 expressway.

This is designed to ease access to the Slovak capital Bratislava, improving an important road corridor. It will also help connections between the urban zones and industrial districts. The project is currently estimated to cost around EUR 1bn and construction is expected to complete in 2020.

CMS teams in Bratislava and London advised a consortium of Hochtief PPP Solutions, Iridium Concesiones de Infraestructuras and DIF on all

aspects of its tender for the project. This included obtaining committed funding for the consortium's solution and development of the construction arrangements. Moreover, our teams in Bratislava and Vienna are now advising the construction joint venture of the members of the winning consortium, Porr and Ferrovial.

CMS Bratislava partner Jan Azud said, "Advising the government on the R1 project, the first ever road PPP successfully implemented in Slovakia, demonstrated our ability to handle novel projects such as D4/R7, which was only the second road PPP to close in Slovak history.

"Many of the legal concepts were developed in the UK during the PPP boom there, so we were able to provide both the local knowledge and the experience of being at the forefront of this type of work globally."

Slovakia's Ministry of Health is also using the PPP model to develop a new university hospital in Bratislava. CMS teams in Bratislava and London are currently advising the government on this landmark healthcare project, shifting the risk of demand for clinical services onto the private sector.

"Many of the legal concepts were developed in the UK during the PPP boom there, so we were able to provide both the local knowledge and the experience of being at the forefront of this type of work globally."

**CMS Bratislava partner Jan Azud**

Innovation



**Virginie Dor**  
Partner,  
CMS Brussels  
Public Procurement

**What will be the most important market trend affecting your clients' sector over the next 12 months?**

The implementation of the 2014 European Directive on Public Procurement in EU member states. This includes new procurement procedures, the involvement of

new sectors in some jurisdictions and the application of procurement rules for concessions.

**What has been your most memorable day as a lawyer?**

The day I pleaded before a jury in a case relating to the genocide in Rwanda. Most of my 13 years of professional experience relates to my specialism in procurement law. In this case, however, I had the opportunity to participate in a criminal trial against an accused perpetrator involved in the

Rwandese genocide. I had to plead with all my heart and soul (as well as my head!) before a jury, which was a totally different, memorable and unique experience for me.

**If you weren't a lawyer, how would you earn your living?**

I would be an interior designer. Even though I can't draw, I am passionate about vintage and Scandinavian design.

# Creating great chemistry in the CMS Lab

The delivery of legal services is undergoing radical transformation around the globe. It has never been more important for us to demonstrate new ways of helping solve our clients' business challenges. That is why we started the CMS Lab – a space where everyone at CMS, whether a lawyer or a staff member, can be creative and innovative.

The CMS Lab was initially trialled in our Amsterdam office in 2009 and 2010 as an online platform where ideas to innovate our services could be posted and shared. Everyone then got the chance to vote and comment on them.

The Lab was so successful that we rolled it out internationally across CMS to the more than 5,800 CMS staff, with backing from the executive management. The Lab is open to everyone at CMS to ensure that we tap into the creativity of all within our organisation.

Jeroen Douwes, CMS Business Development Director, said, "The Lab allows us to experiment with new initiatives and create novel solutions for our clients. It is a platform where we can share ideas, but also challenge and support each other to think and act differently."

One of the initiatives to emerge from the programme so far is CMS Innovation Advocates. This group supports start-ups and social enterprises with targeted legal advice and mentors young entrepreneurs as they navigate their way around business decisions, allowing them to remain focused on their product. Companies supported by Innovation Advocates include Fairphone, the ethical phone manufacturer. We also advised foldable container company, Holland Container Innovations.

One of this year's winning ideas is 'External secondments as a CMS product'. With CMS experts embedded in client teams, we aim to maintain and improve client relationships while creating a better understanding of their needs.

Jeroen Douwes added, "The initiatives that have come out of the CMS Lab demonstrate that we are listening to our clients and their evolving market needs."

**"The initiatives that have come out of the CMS Lab demonstrate that we are listening to our clients and their evolving market needs."**

**CMS Business Development Director  
Jeroen Douwes**



# Sharing knowledge with clients

## **Law-Now: Legal updates via email subscription service for clients**

[www.cms-lawnow.com](http://www.cms-lawnow.com)

*"The Law-Now service is very good, it is relevant, it is well researched and it is available when you want it."*  
In-house lawyer

Law-Now was launched in response to direct feedback from our clients who told us that keeping up with regulatory and legal know-how was one of their biggest challenges.

The award-winning platform provides business-critical updates across the areas of law and sectors that are relevant to our clients, directly to their email inbox. Law-Now provides short articles summarising the latest news or legal development, explains why it is important, and how each development applies to our clients' business on over 82 areas of law across 31 countries. Close to 1,000 articles were sent to around 30,000 subscribers last year. Law-Now allows us to inform our clients quickly, allowing them to keep pace with the regulatory and legislative overload and get in touch with us if they need more help. Over 400,000 visits last year on the Law-Now website show that subscribers appreciate the site and read more than just the email alerts.

Clients interested in Financial Institutions Regulation are also automatically registered to RegZone, a website focused on the financial services sector. RegZone won three independent awards for excellent online client service last year.

More information: [law-now@cmslegal.com](mailto:law-now@cmslegal.com)

## **Contract Composer launches unique document drafting service**

Routine work is increasingly being outsourced to legal service providers, with clients expecting a more efficient, value-driven service as a result.

It is against this backdrop that CMS has become the first top ten law firm to launch a free, bespoke contract drafting service. Contract Composer, a software tool that allows you to draft and amend your own

agreements, was launched in the Netherlands in 2015. Types of contracts available on the site include confidentiality agreements, powers of attorney and privacy policies.

The documents are not saved by CMS and the platform does not constitute legal advice. For more complex business and legal questions, visitors can contact one of our lawyers directly.

Jammie Dikkers, Knowledge Manager at CMS Netherlands, said, "While standard form document providers are not new, the ability for users to amend and tailor contracts to their own specific needs makes Contract Composer a unique service in the law firm knowledge market."

Following its successful launch, we are now offering existing clients a Contract Composer Plus service which allows them to create more complex documentation within a private client portal.

More information: [www.cms-dsb.com/onlineservices/contractcomposer](http://www.cms-dsb.com/onlineservices/contractcomposer)

## **Innovative CMS software product helps ensure external personnel compliance**

German companies are coming under increased governmental scrutiny over their use of unlawful employment contract structures. Businesses that are found to have concealed temporary employment arrangements are liable for missing taxes and social security contributions, and could also face criminal investigation.

Firms that use temporary staff must put measures in place to ensure they are compliant with employment legislation. Yet legal and human resources departments often do not have sufficient knowledge of the day-to-day situation on the ground to keep track of staffing changes and, thus, the extent of their liability.

To close this gap, CMS has developed the innovative and leading IT product 'Deployment of External Staff' to allow our clients to reliably assess their contractual

liability. The facts are established at the operational level and evaluated immediately using a flow chart system.

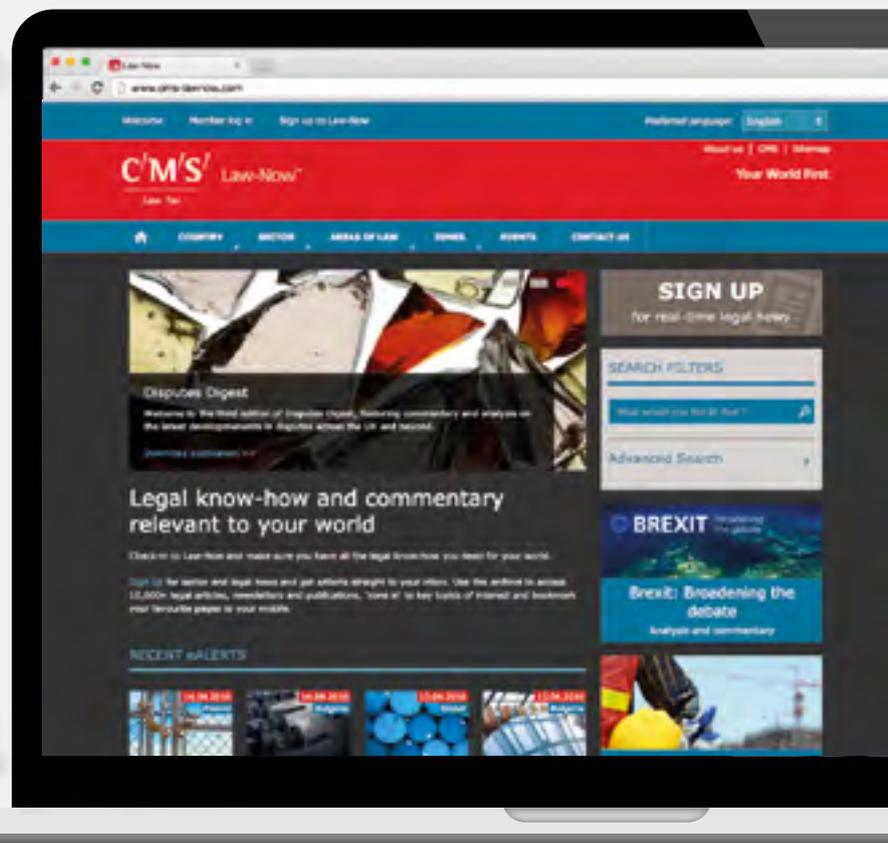
The software is hosted on our own servers and so ensures extensive protection of our clients' employment data. It is also subject to our own legal professional privilege, meaning that it is treated as confidential, not disclosed in evidence and enjoys special protection against seizure.

Our clients are seeing substantial cost and time savings compared to manual or external assessment. It also helps them avoid unwanted publicity for inadvertent breaches of the rules on external staff deployment.

More information: [www.cms-hs.com/onlineservices/fremdpersonaleinsatz](http://www.cms-hs.com/onlineservices/fremdpersonaleinsatz)

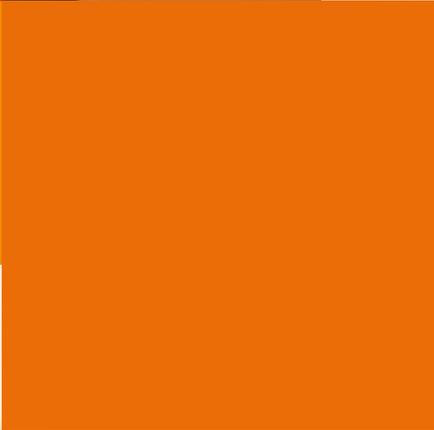
“The Law-Now service is very good, it is relevant, it is well researched and it is available when you want it.”

**In-house lawyer**





# Anticipation



# Aurelius carves crafts business out of Coates



Private equity interest in the booming crafts sector continued apace this year, as the success of baking and haberdashery TV shows reignites public interest in traditional crafts.

The crafts industry is valued at GBP 3.4bn in the UK alone according to the Crafts Council, while the US market is estimated to be worth billions of dollars.

In early 2015, Munich-based Aurelius Group spotted an opportunity to acquire the underperforming European Crafts business of UK company Coates plc, the world's leading manufacturer of sewing threads, craft yarns and craft accessories. Coates had undergone a major restructuring and decided to sell its crafts division.

A number of private equity and trade buyers were interested in buying Coates's European business. In early 2015, Aurelius became the preferred bidder after a highly competitive auction process.

CMS Stuttgart partner Maximilian Grub led a multijurisdictional team advising Aurelius on the transaction. A total of twelve CMS offices were involved: Bratislava, Bucharest, Budapest, Istanbul, Lisbon, London, Madrid, Milan, Prague, Sofia, Stuttgart and Zurich.

Maximilian Grub said, "There were a lot of obstacles in the way of our client when it decided to bid for Coates, and we needed to anticipate all the likely scenarios to get ahead of the other highly competitive bidders. The crafts unit needed to be separated legally from the rest of Coates and we had to operate in a data room that was missing some key documentation.

"Once the bid had been accepted, all the subsidiaries of Coates had to be transferred to Aurelius within a very tight timeframe and our client made it clear that closing this deal was a big priority for them. With around 60 lawyers working across borders, our transactional management skills were tested to the full."

In 2013, Coates's European division generated sales of USD 150.8m and employed around 900 people. The acquisition spanned companies and assets in 19 jurisdictions, including the German headquarters and warehouse facilities as well as the Hungarian production site.

Aurelius will use its experience of complex carve-out situations and of running businesses that need operational improvement to make the changes needed to boost performance and long-term development.



**Helen Rodwell**  
Partner,  
CMS Prague  
Corporate/M&A

### What will be the most important market trend affecting your clients' sector over the next 12 months?

The entry of more investors from Asia into the Czech Republic and further afield in Central and Eastern Europe (CEE).

### What has been your most memorable day as a lawyer?

Being recommended for admission to the bar in Victoria, Australia, by my big sister and role model, Marion.

### If you weren't a lawyer, how would you earn your living?

Writing (not illustrating!) children's books.

# Structuring employee participation across Europe



Anticipation

In 2014, Germany-based MIPA, a producer of varnishes and paints, decided to change its legal form from a German corporation to a European company structure known as a *societas Europaea* (SE).

Since being introduced in 2004, SEs have grown in popularity especially among family-owned businesses. By setting up as a European company, a business can restructure to take the best possible advantage of trading opportunities offered by the internal European market while still retaining its company structure.

For the MIPA holding, which consists of around 30 companies in more than 50 locations, the harmonised pan-European legal form signals its international focus and allows it to flexibly respond to the changing needs of its business, including expansion into new markets.

An important step towards the new legal form was the structuring of employee participation in the SE across Austria, Czech Republic, Germany, Hungary, the Netherlands, Slovakia, Slovenia and the UK. An international CMS team, with representatives from each of the markets relevant to MIPA, advised on the agreement that had to be negotiated between the management of the companies establishing the European company and the representatives of these companies' employees.

The management and employee representatives must decide on the level of employee involvement before a European company can be registered. A special negotiating body (SNB), which represents the employees of the companies concerned, needs to be created for the purpose of these negotiations.

CMS Duesseldorf partner Rainer Kienast said, "These negotiations are complex, especially when several EU states are involved. Representatives are elected to the SNB according to national law and these can differ considerably. Also, EU member states differ in the degree of employee involvement in corporate management and this can often make negotiations tough."

The SNB was set up in summer 2014 and MIPA converted to its new legal form in January 2015.

Rainer Kienast added, "Working as a joined up team across eight jurisdictions, CMS experts from across Europe provided MIPA with their in-depth knowledge of local law on employee involvement. This was crucial for the successful negotiations and for reaching an agreement within half a year."



**Jeanette Yu**  
Counsel,  
CMS Shanghai  
Employment  
& Pensions

## What will be the most important market trend affecting your clients' sector over the next 12 months?

The Chinese government is considering amending labour laws to make employment more flexible. Furthermore, a number

of industry sectors are suffering from overcapacity and are looking into laying off staff. We expect that both developments will lead to an increased demand for legal advice on labour law matters.

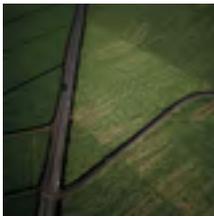
## What are the trends shaping the legal industry?

Information on standard issues, such as the conclusion of an employment contract, can now be easily obtained from the Internet. As a result of this trend, clients expect relatively low fees for standard work. This means we

need to focus increasingly on providing specialised advice in highly complex labour issues.

## If you weren't a lawyer, how would you earn your living?

I would probably be a business manager. This was my first job before I became a lawyer. At that time, I successfully helped a Chinese company to import a production line of rubber products from Germany.



**Diego Crespo**  
Partner,  
CMS Madrid  
Consumer  
Products

**What will be the most important market trend affecting your clients' sector over the next 12 months?**

There is a huge debate in Spain on the buying power of retailers, joint purchasing alliances and unfair trading practices. The Spanish Competition Authority and the Food Supply Chain Regulator have to adopt a clear position on

this in 2016. In the mid-term, the biggest challenge for manufacturers and retailers will be to adapt to the online world.

**What are the trends shaping the legal industry?**

The Internet is rapidly changing all aspects of our life. We do not read, learn, buy, travel or eat as we did just a few years ago. All professions will have to adapt. The collaborative economy, social networks and the open source paradigm will also have a deep influence on the way we interact with clients and competitors.

**If you weren't a lawyer, how would you earn your living?**

I worked for an international NGO in Central America some years ago during a sabbatical. If I hadn't returned to my position as a lawyer, I would have stayed there, helping to design and execute training as well as working on microfinance or handicraft sales programmes.

# Bitter times for sugar cartels as damages actions spike

When three of Germany's largest sugar companies were hit with a EUR 240m fine by competition regulators for market sharing and coordinated exports to reduce volume in 2014, the starting pistol was effectively fired on a wave of big-ticket civil litigation against the trio.

Over 30 damages claims, amounting to hundreds of millions of euros, have since been filed by customers of the sugar companies Pfeifer & Langen, Südzucker and Nordzucker. The customers, including household names such as Nestlé and Lindt & Sprüngli, claim to have lost significant amounts of money when buying sugar as a result of the price collusion.

The claims are indicative of a boom in this type of litigation in Germany. The rail industry has also been hit with major damages actions after Deutsche Bahn started targeting cartel-style behaviour against it several years ago.

CMS is advising a number of large consumer products clients on significant damages claims against the sugar cartel companies in Germany.

"As advisers, we need to have the best legal knowledge but also be very strong tactically so that we can better predict how the other side will run their case."

**CMS Hamburg partner Tim Reher**

CMS Hamburg partner Tim Reher commented, "Due to the highly regulated nature of the sugar market in Europe the quantification of damages will be a main issue in the court proceedings. Courts do have a wide discretion at their disposal to estimate damages.

"As advisers, we need to have the best legal knowledge but also be very strong tactically so that we can better predict how the other side will run their case."

He added, "By advising on both sides of cartel actions for many years, and being fully immersed as a firm in the consumer products sector, we feel we have a real strategic edge when running this type of claim."

Anticipation



# Handling European product liability claims effectively

The European Commission has recently started trilogue negotiations to revise the Medical Devices and Diagnostics Directives. The new revisions would potentially mean that manufacturers not only have to have their product file and quality system tested, but must have a physical sample tested as well. In many cases, this will create more work than is currently required by the so-called 'interim measures' already imposed. The risk environment is increasingly friendly to the consumer, so manufacturers must focus on compliance and development and agree on contractual indemnities.

Although Europe is trying hard to harmonise legislation, courts in several jurisdictions are struggling with the interpretation of the applicable European Directives. This leads to inconsistent approaches and results across jurisdictions. For example, in the Poly Implant Prothèse (PIP) case, patients started proceedings against the notified body across Europe. PIP was a French company that supplied thousands of women with defective breast implants. In Germany, it was found that the notified body did not violate its duty of care, whereas in France it was found that it did. In appeal, the judgment of the French court was reversed. However, the scope of the liability principle according to the Medical Devices Directive still remains vague and unclear. The European Court of Justice (ECJ) will soon provide further guidance as the German Supreme Court has referred a question to the ECJ regarding the scope of the notified body's responsibilities in the PIP case.

PIP patients in the Netherlands employed a different strategy, issuing a summons to the hospital for implanting defective breast implants. In 2014, the Dutch Court of Appeal in 's-Hertogenbosch's preliminary ruling assumed that the breast implants were defective and awarded the claim by attributing the manufacturer's negligence to the hospital.

However, in a PIP case where health insurers had summoned various hospitals, the Dutch Court of Amsterdam came to an opposite judgment in 2016. These two judgments show that even in the same jurisdiction, European Directives can be applied differently. Another striking point is that the Amsterdam Court explicitly took into consideration the judgment of the French Court of Appeal, which ruled in 2015.

Another example is the Boston Scientific case. The ECJ found a pacemaker by the medical device maker to have an increased failure rate which was nearly 20 times higher than the normal rate. However, the claimants were unable to prove that the pacemaker in question was defective as the device had been disposed of. The ECJ applied a broad definition of a defect, requiring the claimants to prove that the product was part of a series or group which is subject to a potential defect. They also stretched the definition of damages to include costs relating to the replacement of a defective product, under the condition that such an operation is necessary to overcome the defect.

CMS Utrecht partner Eva Schothorst-Gransier said, "While from a consumer perspective the Boston Scientific judgment may sound fair, it potentially imposes a higher level of risk on the whole medical devices sector. Manufacturers could now be confronted with risk liability claims for defective products and also for potentially defective products. Care should be taken to ensure this line of argumentation is not easily applied to other kinds of medical products."



**David Butts**  
Partner, CMS Sofia  
Lifesciences

**What are the trends shaping the legal industry?**

An increasing demand to deliver value for money as a service provider. This will require flexibility in how certain 'commoditised' services are offered while competing for 'big ticket' work to balance margins and profitability.

With procurement departments taking a more active role, lawyers will not only have to promise value but also provide clear evidence of how they will deliver on their value proposition.

**What has been your most memorable day as a lawyer?**

While the birth of our daughter in 2000 had nothing to do with my legal skills (other than perhaps enabling me to stay up all night in the birthing room, listening to Billie Holiday and Dave Brubeck), it has shaped everything I have done since.

**If you weren't a lawyer, how would you earn your living?**

If I was born ten years earlier, a coal miner, a fisherman or a priest. Given that I was a Director of Hospital Pharmacy, I could have stuck with that. However, if I went with my heart and not my head (or wallet), I would have been an actor. Who knows, maybe random strangers would have been stopping Will Ferrell on the street to ask him if he was David Butts?

# Davos: embarking on a digital journey

At our high profile event with more than 200 guests in Davos, leading industry experts discussed how disruptive technologies are revolutionising business.

As the world's political and business leaders descended on Davos at the World Economic Forum, CMS hosted its keenly anticipated event for the second year in conjunction with Germany's leading weekly newspaper *Die Zeit*.

In a series of expert discussions, Travis Kalanick, co-founder and CEO of taxi company Uber Technologies Inc., talked about his success strategy, while Taavet Hinrikus, co-founder and CEO of money transfer company TransferWise, gave his insight into how fintech is changing the financial services industry.

## Pushing buttons

Kalanick is revolutionising passenger transport with Uber, despite resistance from the taxi industry and regulators in many countries.

He said in Davos, "When you are fighting for things that are about change and go against conventional wisdom, then it can be controversial." Kalanick sums up his success strategy as, "Fight for it. Don't be a jerk."

Commenting on the criticism of Uber in some countries, he said, "It is hard to say that pushing a button and getting a ride at half the price of a taxi is a bad thing."

According to Kalanick, Uber is creating jobs, reducing environmental pollution and incidents of drunk driving as well as traffic and parking problems.

He summed up, "There are two reasons why Uber works well: flexible supply and flexible pricing."

Uber's new vision is the development of a driverless car. Kalanick described why Uber is working on such ideas, saying, "Do we want to be part of the future

or do we want to resist it, like the taxi industry? How do we optimistically lead through that? We have to find solutions to challenges."

## The fintech challenge

The future of the financial services industry, and the impact of technology on it, was also a major talking point in Davos.

Chris Watson, partner and Head of the CMS Technology, Media and Communications Group, said, "The regulation of data privacy and security is a very complex topic. There is effectively a transatlantic trade war around this subject, and even within the EU there are significantly different views and a broad spectrum of regulations."

According to Hinrikus at TransferWise, "In future, banks will need to reinvent themselves very quickly and must embark on a digital journey." He expects that within the next ten years, 40% of all financial services will be handled by fintech companies.

Cornelius Brandi, Executive Chairman of CMS, summing up the digital disruption debate, said, "Increased digitisation is impacting all industries, from consumer products and energy to financial services and lifesciences. Companies will need to innovate to deal with the challenges and benefit from the opportunities. It is equally important that lawmakers review and update existing legislation."

"The technology, communications and media experts at CMS work closely with our clients to find the right solutions to help them successfully manage this development."



“Increased digitisation is impacting all industries, from consumer products and energy to financial services and lifesciences. Companies will need to innovate to deal with the challenges and benefit from the opportunities.”

**Executive Chairman of CMS Cornelius Brandt**



# Supporting growth



# VTG on track with market-moving EUR 1.2bn refinancing



In one of the most closely watched bank consortium deals of 2015, publicly listed wagon leasing and logistics company VTG concluded new arrangements for around two-thirds of its total financial liabilities. The consortium consisted of a 12-strong group of banks led by Unicredit and KfW IPEX-Bank.

The security and intercreditor arrangements spanned several cross-border issues in multiple jurisdictions.

VTG also undertook a corporate and organisational restructuring of its business in several countries following its recent acquisition of AAE Group.

A pan-European CMS team crossing seven jurisdictions – France, Germany, Luxembourg, the Netherlands, Spain, Switzerland and the UK – advised the consortium.

CMS Hamburg partner Marc Riede said, “We put in place the securities structure for all noteholders and creditors under one umbrella for all jurisdictions which was a highly innovative piece of work.

“Our ability to field one team across each relevant jurisdiction was said by the financial parties and VTG to have contributed greatly to the successful closing of the transaction.”

The highly complex deal involved the refinancing of asset-backed securities, existing debt financings of numerous levels in the VTG Group, as well as integrating multiple private placement bondholders. We had advised the bondholders previously on setting up a US placement.

The new arrangements included a EUR 500m seven-year credit line and an additional credit line of EUR 400m for up to five years. VTG expect the refinancing will make annual savings of EUR 10m.

In acting for the security agent, we advised 30 creditors, including noteholders and hedging counterparties. 150 agreements had to be negotiated and signed in total.

“Our ability to field one team across each relevant jurisdiction was said by the financial parties and VTG to have contributed greatly to the successful closing of the transaction.”

**CMS Hamburg partner Marc Riede**



**Ana Radnev**  
Partner, CMS Prague  
Banking & Finance

## What are the trends shaping the legal industry?

The increased globalisation of businesses, as well as industry consolidation across various client sectors and the more streamlined procurement of legal services.

## What has been your most memorable day as a lawyer?

So far there have been many (with hopefully many more to come), which makes what we do so interesting and fun. As a transactional lawyer, I love the elation and excitement of closings, how everyone works together towards a common goal and ending with a heartfelt thank you from the client.

## If you weren't a lawyer, how would you earn your living?

I would probably be working in an art gallery or as a theatre or TV producer.

# Making know-how count on major African healthcare fund launch



Supporting growth

Faced with a fast-moving and highly complex regulatory climate, fund managers are increasingly reliant on their legal advisers for more than just execution work.

To help clients stay ahead of regulatory developments, our pan-European Funds Group began publishing guides to the new rules governing the funds industry. This followed implementation of the Alternative Investment Fund Managers Directive in 2013, which revolutionised the private placement regulatory regime across Europe.

On the back of our *2014 Guide to Passporting* – which summarises the rules affecting the marketing of alternative investment funds in Europe – CMS was approached by the manager of Investment Funds for Health in Africa (IFHA).

CMS advised them on the establishment of IFHA II, their second investment fund, and the USD 137m first and second closings of the fund.

IFHA II is a private equity fund dedicated to small- and medium-sized equity investments in private healthcare companies in sub-Saharan Africa. IFHA II focuses on hospitals and other healthcare providers and companies active in health insurance and in the manufacturing, wholesale and distribution of healthcare products.

These sectors in Africa are characterised by fragmented and underdeveloped markets, resulting in low availability and accessibility as well as poor quality of services. IFHA's investments will build liquidity and business capacity, enhancing access to healthcare.

The nine IFHA II investors represent a diverse range of public and private organisations, including multinational companies, pension funds and development finance institutions.

CMS Amsterdam partner Reinout Slot said, "We handled simultaneous negotiations with all nine investors which is a demanding process, both logistically and technically. This was one of the first funds of this type to launch under the new AIFMD regime. We had to ensure the documentation reflected what was allowed under the new AIFMD rules and also ensure the internal compliance demands of each investor were met."

The private health sector has historically outperformed general economic growth and the outlook for the industry remains positive globally.

CMS Amsterdam partner Clair Wermers said, "Africa is a growth market for new fund launches and the trend is increasingly towards ethical investment. Managing the different interests of each type of investor makes it intensive but rewarding work."



**Jérôme Sutour**  
Partner, CMS Paris  
Funds

## What will be the most important market trend affecting your clients' sector over the next 12 months?

The prohibition on inducements in the context of independent investment advice and portfolio

management as a result of MiFID II. This is likely to significantly affect the fund and portfolio management industry.

## What are the trends shaping the legal industry?

The globalisation of our activities, driven by that of our clients, as well as the harmonisation of the legal regimes in the EU, are two trends. There is also increased pressure to deliver added value, in particular through the improvement of IT systems.

## What has been your most memorable day as a lawyer?

The day we won against the French financial market authority in an insider dealing case. We were right from a legal perspective, and we also presented an email from the regulator as evidence of a breach of due process. The email maintained that the rights awarded by law to my client in an investigation by that regulator were theoretical and only for information purposes.

# CVC powers up with EUR 477m purchase of PKP energy unit

In what is one of the biggest private equity deals in Polish history, CVC Capital Partners acquired PKP Energetyka, the energy unit of state-owned Polish National Railways.

The deal saw CVC outbid the state-run utility Energa – the strong favourite to acquire the business – in what became a highly political transaction process.

PKP Energetyka was established in Poland in 2001 and is a cross-country electricity distributor to the Polish railway network and other customers. It also provides nationwide maintenance and emergency response services to the railway network, operates fuel stations for diesel locomotives and is active in electricity and gas reselling.

Poland's then main opposition party, Law and Justice, wanted to block the sale ahead of a national election in late 2015, on the grounds that it was a threat to Polish security. (It subsequently won the election and is now Poland's ruling party.) However, the European Commission had already approved the transaction and the parties had already completed the sale.

CMS was mandated on the deal in late 2014 and advised CVC throughout the auction process when it began in early 2015. More than 50 lawyers from the CMS Warsaw office were involved in the deal.

“This was a unique asset with a monopoly position and CVC was very committed to winning this bid despite extremely strong competition from state-owned Polish entities. ”

**CMS Warsaw partner Dariusz Greszta**

CMS Warsaw partner Dariusz Greszta said, “This was a unique asset with a monopoly position and CVC was very committed to winning this bid despite extremely strong competition from state-owned Polish entities.

“We were able to ensure CVC was kept up to speed with the latest sector knowledge relating to the Polish energy market at all times. This, combined with our record for closing big ticket utilities deals, gave us an edge over other bidders as the deal progressed.”

We also advised on the post-completion work relating to the syndication of the investment and the equity incentive scheme put in place by CVC to incentivise management. CMS London partner Anela Musat led the team advising on these aspects of the transaction.

CVC is one of the world's leading private equity and investment advisory firms, operating throughout Europe, Asia and the US. The company has a track record of successfully investing in a variety of industries (including regulated ones) and major strategic assets across Europe.





Supporting growth



**Maximilian Grub**  
Partner,  
CMS Stuttgart  
Private Equity

**What will be the most important market trend affecting your clients' sector over the next 12 months?**

I work mainly in the energy and automotive sectors which are both undergoing substantial changes as a result of technical innovations. In the automotive sector, cars are being developed

that are connected and can drive by themselves. This presents both a challenge and an opportunity for the automotive industry. In the energy sector, the trend is towards renewable energy and decentralised energy production.

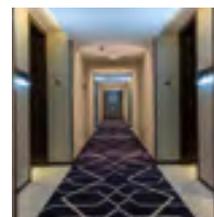
**What has been your most memorable day as a lawyer?**

Last year, a client flew us to a contract negotiation in his own plane. We had to fly over the Alps and were not far from the highest mountains there. It was very impressive and I will never forget that day.

**If you weren't a lawyer, how would you earn your living?**

My dream would be to have my own vineyard in the South of France and cultivate excellent red wine.

# Vincent Hotel Group changes hands as PE funds realise profits



Private equity funds have long been fans of hotel acquisitions, tempted by the opportunity to own real estate assets, install their own management and increase profits through targeted investment.

The Vincent Hotel Group (TVHG) is a hotel company that has benefitted from private equity investment, becoming a leading operator of internationally branded, select service hotels in the Netherlands since it was established in 2007. It operates 11 hotels under the Holiday Inn Express, Holiday Inn and Hampton by Hilton brands.

TVHG has grown at an impressive rate and has converted many unlet office buildings into hotels. The Netherlands has historically had one of the largest rates of vacant office space in Europe, enabling TVHG to spot opportunities to launch new hotels in appealing locations.

Following their successful investments into TVHG in 2012, private equity houses Metric Capital Partners and Hutton Collins decided they wished to sell their respective stakes to a consortium of trade and financial investors last year.

CMS Amsterdam partner Roman Tarlavski, who led the transaction for Metric and Hutton Collins, said, "There were a number of stakeholders in TVHG, including many with minority interests. This led to a pretty tough negotiation process due to competing interests. The hotels were effectively leased by the owners to TVHG who operated them at a profit.

"The deal required significant experience of doing private equity deals in the hotels sector and a multi-disciplinary team that could handle complex real estate, finance and corporate issues."

This type of transaction is expected to become more common as funds look to exit their hotel investments while valuations remain high.



**Andreas Otto**  
Partner,  
CMS Berlin  
Hotels & Leisure

## What will be the most important market trend affecting your clients' sector over the next 12 months?

I am optimistic about the further development of the German real estate sector. However, digital innovation is changing economies and markets in all industries across the globe and it is one of the main challenges facing the real estate industry. At the recent German CMS Real Estate Investors' Conference, we discussed the likelihood that 2016 will be a year of non-traditional business disruptions.

## What are the trends shaping the legal industry?

Digitisation combined with cost efficiencies will have an increasing impact on our business. We are developing advanced IT solutions to make us more competitive in the legal sector. In Germany, we have just launched our so-called 'Hot Docs.' These are automated standard contracts providing a new level of efficiency.

## If you weren't a lawyer, how would you earn your living?

I would operate my own hotel in one of the many beautiful places in Spain.

# M&G Real Estate extends reach across Europe



Our partnership with M&G Real Estate, a key UK client, spans 16 years and was one of the key drivers behind the launch of our Bristol real estate operation a decade ago.

For the majority of our relationship, instructions have been restricted to real estate investment work in England and Wales. However, this year has seen our teams work on new mandates across Europe. These include the acquisition of a shopping centre in Scotland, the purchase of a retail park in Germany, the acquisition of a David Lloyd Centre in Belgium and the purchase of a portfolio of 12 supermarkets in Portugal.

Chris Brierley, Head of Legal at M&G Real Estate, said, "CMS is one of our trusted advisers. The team works extremely well with us but also alongside our other panel law firms. They do the commoditised work at the right price and level of expertise in Bristol but the hands-on partner level involvement or supervision is always there whenever we require it.

"As an in-house counsel it is important to feel that the level of external legal support you are receiving is of a consistently high quality and that is the case with CMS."

CMS Bristol partner Edward Benzecry, who heads the M&G relationship, said, "Our experience of working with M&G is that they are very supportive of firms that are supportive of them. Our value proposition for real estate work has evolved as a result of clients like M&G and it is a truly collaborative effort."

**"As an in-house counsel it is important to feel that the level of external legal support you are receiving is of a consistently high quality and that is the case with CMS."**

**Head of Legal at M&G Real Estate Chris Brierley**

Supporting growth



**Gregor Famira**  
Partner,  
CMS Ljubljana  
Real Estate &  
Construction

## **What will be the most important market trend affecting your clients' sector over the next 12 months?**

In relation to my Southeast European (SEE) property work, fresh money will be made available by institutional lenders. Lenders' margins are still much better in SEE and there is a thirst for debt financing in these markets. In relation to start-ups, it will be the ability to offer real products at attractive prices.

## **What are the trends shaping the legal industry?**

Our clients expect us to keep up, and not just technically. More services have become commoditised, and industry know-how has become a precondition to getting instructed.

## **If you weren't a lawyer, how would you earn your living?**

As a furniture designer, shaping and inventing things that are considered smart looking and good to use.

# China relationships pay dividends as growth sectors shine

Our CMS teams in Asia remain positive about client growth prospects following buoyant transactional pipelines in 2015. While clients in some manufacturing industries have reduced their growth forecasts for 2016, we are finding that the lifesciences and engineering sectors remain particularly active.

Our 14 years in Shanghai and long-standing commitment to the market have placed us at the forefront of international law firms in China and created strong relationships with European clients looking to invest in China.

In 2015, key transactions included advising major players in the machinery industry and one of the world's largest providers of optics equipment on their acquisitions in China.

Managing partner of CMS Shanghai Ulrike Glueck said, "We have worked hard to ensure we are doing commoditised work at the right price and seniority level for our clients. This allows us to focus on significant tax, corporate and employment matters and specialisms such as merger control which few Western firms in China offer."

In addition to our strong representation of European clients, we have a team that specialises in work for Chinese clients looking to make outbound investments. As local companies seek growth prospects outside of China due to the slowdown in their home market, we are well-prepared with our international team available to our clients in China and Europe.





## Beijing – the innovation hub



Beijing, our sector-focused office, has launched a Technology & Innovation Centre. This has been designed to provide specific scientific and technical assistance on patent analysis, freedom to operate and validity searches. The centre hosts academics and specialists with detailed expertise across a wide range of technical areas and allows us to provide a unique intellectual property service to international clients active in China.

The office, which focuses on work in the lifesciences, energy and technology, media & communications sectors, has also established a number of strategic relationships with leading universities, both domestic and international. These include internship programmes with Peking University, support on various healthcare initiatives with The George Institute for Global Health and research programmes on fintech, e-Health and clean coal and the development of antitrust and competition law in China.

We are also advising a number of UK academic institutions, including the universities of Coventry, Aberdeen, Glasgow and Dundee, on their China operations.

On the corporate front, we are working with a number of pharmaceutical clients on their Chinese compliance programmes and, like our Shanghai teams, have also seen a significant uptick in outbound work. This includes work for large conglomerates such as Zhongzhi Group in Beijing.

Managing partner of CMS Beijing Nick Beckett said, “The UK has been courting Chinese companies for some time and we expect this trend to continue. It’s important to be on the ground in Beijing to ensure our local clients are comfortable with what are often major investments into new markets.”

We have also used our Beijing office as a hub to grow our Lifesciences Asia-Pacific Network (LAN), a 1,300 lawyer, 19-office network covering Australia, China, India, Indonesia, Japan, Singapore, Thailand and Vietnam.

Nick Beckett added, “The LAN has developed quickly and is already more than just a referral club. We share resources, clients, know-how and secondees, all of which enable our clients to have a joined up Lifesciences service across all the key Asia-Pacific jurisdictions in which they operate.”



# Managing risk



# Energy disputes heat up as oil and commodities prices crash

Rising financial stress in the global energy sector has created an upswing in disputes as energy companies increasingly seek legal remedies to protect their interests following widespread price collapses.

Around 80% of CMS's energy disputes mandates are international, highlighting the global nature of the oil and commodities price shocks. These cover Afghanistan, Algeria, Angola, Brazil, Cameroon, Congo, Denmark, Egypt, Gabon, Germany, Iraq, Jordan, Kenya, Madagascar, Morocco, the Netherlands, Nigeria, Oman, Qatar, Tunisia, Turkey and Turkmenistan. (See box: 'Energy disputes: the global picture.')

CMS London partner Phillip Ashley said, "With oil and commodities prices going through the floor, energy market participants have been aggressively protecting their interests. This has created a major uptick in the number and size of energy disputes.

"Energy clients increasingly look for disputes lawyers who are immersed in the industry and are able to respond quickly to complex, high value disputes. Our teams sit within one Oil, Gas & Power Group covering all practices and the know-how this creates is considerable."

In a dispute described by Lloyd's List as, "the most spectacular shipping legal imbroglio so far this century", CMS teams in London were instructed by Rosneft Marine (UK) to intervene in an oil products case in the Court of Appeal.

The Court of Appeal affirmed the previous High Court decision that bunker supply contracts containing a retention of title clause in favour of the supplier, where the relevant supply contract provides that the goods can be used or consumed before payment becomes due, do not fall within the scope of the Sale of Goods Act 1979.

In an unprecedented move for an arbitration case, the Court of Appeal granted our client, which was the owner of the goods yet not party to the original proceedings, permission to make submissions as an interested party to seek to overturn the element of

the High Court decision directly impacting it. This case is likely to have broad implications for similar contracts.

Faina Weitsman, In-house Legal Counsel at Rosneft Marine (UK), said, "Phillip was our key contact in the matter. He definitely took the initiative, and knowingly and efficiently directed our intervention application into a desired outcome.

"Phillip's and his team's understanding of the industry and, what's more, the litigation part of it, allowed him to correctly assess the legal nuances of our business, identify core matters and avoid lengthy explanations and misunderstandings on our part."



**Ted Rhodes**  
Partner, CMS Rio de Janeiro  
Energy

## What will be the most important market trend affecting your clients' sector over the next 12 months?

The low oil price is changing the contractual dynamic between oil companies and with governments and suppliers. In the short term, this is prompting disputes and contract terminations. The industry needs to adapt quickly to this new reality, align its incentives and develop new ways of working.

## What are the trends shaping the legal industry?

Globalisation remains an important trend where the legal industry tends to lag behind its multinational clients. We must continue to develop the networks, systems and project management skills to coordinate our clients' increasingly complex cross-border legal demands.

## If you weren't a lawyer, how would you earn your living?

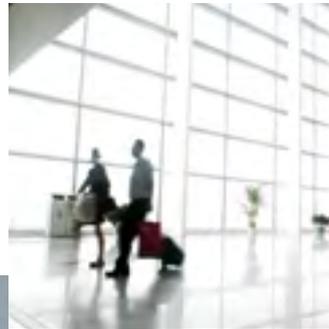
I worked on a farm during university holidays and enjoyed being outside and in nature. (During the British summer at least!) And I'm sure my border collie, Blue, would love working as a sheepdog.



Managing  
risk

## Energy disputes: the global picture

- Represented an international oil company in a USD 243m ICC arbitration seated in Geneva concerning a production sharing agreement under Algerian law – CMS also acted as advocates
- Represented an international oil company in a EUR 2bn ad hoc arbitration seated in Europe concerning rights of a long-term gas sales agreement – CMS also acted as advocates
- Represented an international oil company in two London Court of Arbitration arbitrations in excess of USD 50m concerning rights under joint operating agreements for assets in Angola – CMS also acted as advocates
- Represented Cyclotech, a subsidiary of oilfield services company Schlumberger, on a High Court engineering claim over the design, fabrication and assembly of five water treatment packages for a Floating Production Storage and Offloading as part of the multi-billion dollar redevelopment of oil fields in the North Sea
- Represented a subsidiary of an international oil company in the Commercial Court concerning the termination of key contracts for a GBP 700m development on the United Kingdom Continental Shelf, which could have rendered the client's entire project/ company valueless.



**Omar Qureshi**  
Partner, CMS London  
Dispute Resolution

**What will be the most important market trend affecting your clients' sector over the next 12 months?**

In the context of corporate crime, the strengthening of bribery laws and better resourcing of enforcement authorities around the world will lead to increased prosecution activity (including under the UK Bribery Act), and

also the risk of double or triple jeopardy on international bribery and fraud cases. Corporates and even individuals could face the risk of being prosecuted in multiple jurisdictions for the same wrongdoing.

**What has been your most memorable day as a lawyer?**

On my very first day at the firm as a trainee, I was instructed by my supervisor to go to the Old Bailey to take notes of a criminal hearing relating to a classic Nigerian safety deposit box scam. Our US client had been defrauded and was terrified of her involvement becoming public.

It turned out that the hearing was at Bow Street Magistrates Court, and it was the following week. So I spent a day running around London looking for a hearing to attend. Afterwards, I thought it might be an initiation ritual, but it was actually just a mistake.

**If you weren't a lawyer, how would you earn your living?**

I might have settled down as an horologist (watchmaker) in La Chaux-de-Fonds in Switzerland, living an idyllic life in the mountains creating machines to help other people worry about the time of day.



# Transcending borders: sharing global dispute resolution know-how

With cross-border transactions and investments now the norm for corporations, the amount and significance of disputes that transcend borders have increased.

CMS Cologne partner and Head of the CMS Dispute Resolution Practice Area Group Torsten Lörcher said, “Disputes happen. Whatever business you are in, resolving disputes is a fact of life. International disputes present specific challenges and getting advice early in the process is vital.”

Never has it been more important that our disputes teams work together globally for clients, and the past year has seen the launch of a number of international initiatives to make this happen.

## **Investment Arbitration Task Force**

International investment arbitration requires specialised advice on issues of both jurisdiction and merit. Our team across CMS has spent many years representing clients in investment arbitrations, sitting as arbitrators in these

cases as well as teaching and conducting research in the area. In response to market demands, we created a new focus group, the International Investment Arbitration Task Force. It is headed by CMS London partner Pieter Bekker and CMS London associate Csaba Kovacs and assists clients engaged in investor-state arbitration.

You can learn more about our international investment arbitration service here: [www.cmslegal.com/International-Investment-Arbitration-07-13-2015](http://www.cmslegal.com/International-Investment-Arbitration-07-13-2015)

## ***CMS Guide to Interim Measures***

When a party engaged in international commerce has to consider taking urgent legal steps, interim measures will often become necessary to protect its position across jurisdictions.

The *CMS Guide to Interim Measures* provides answers to the key questions that inevitably arise: what measures are available in which country? What are the procedural requirements to obtain an interim order? Are there *ex parte* measures available? How much time will it take until the court decides?

You can view the guide here: [www.cmslegal.com/CMS-Guide-to-Interim-Measures1](http://www.cmslegal.com/CMS-Guide-to-Interim-Measures1)

Managing  
risk



# All eyes on lawmakers as new EU antitrust damages rules take effect



According to EU law, businesses and citizens have the right to be fully compensated for any harm caused by an infringement of antitrust rules.

For those caught engaging in cartel behaviour, high fines have historically been imposed by the European Commission or national competition authorities in the EU member states. However, due to differing national rules and other obstacles, private damages actions are often difficult to bring and can be extremely costly for plaintiffs.

The EU has sought to remove these obstacles and to guarantee a level playing field for businesses and citizens in all EU member states.

Implementation of the EU Directive on Antitrust Damages Actions into national EU laws – which needs to be done by 27 December 2016 – will significantly increase the risk of antitrust damages claims. It obliges all EU member states to change their laws to facilitate effective redress for victims of cartels and other antitrust violations.

To ensure clients are prepared for this significant change in risk exposure, we are holding seminars throughout Europe in 2016. CMS antitrust experts will be joined by regulators, compliance professionals and corporate counsel to share the latest developments, analysis and know-how, in Austria, Bulgaria, Croatia, Czech Republic, France, Germany, Hungary, Poland, Portugal, Slovakia and Spain.

CMS Stuttgart partner Rolf Hempel says, “All eyes are on the legislatures of each EU country to assess the different ways they will implement the new directive into their own laws.”

CMS Hamburg partner Tim Reher says, “There will be significant differences between countries, with some being more lenient, industry-specific or cost-effective than others. We expect that this will lead to forum shopping where plaintiffs will litigate in the countries they perceive to provide better prospects of achieving redress.”

Complementary measures to the Directive include the European Commission’s recommendation on collective redress, which gives guidance on collective damages actions for EU member states and may be followed by legislative action in the future.

The European Commission has published guidance on quantifying antitrust harm in damages actions. This aims to help national courts and litigants with the complex task of assessing damages. Guidance on determining the passing-on of overcharges will also be given. It has also announced a funding scheme to allow extra training for national judges who hear EU competition disputes and to facilitate judicial co-operation between them.



**Annabelle Lepière**  
Partner,  
CMS Brussels  
Competition & EU

## What will be the most important market trend affecting your clients’ sector over the next 12 months?

I work for quite a few regional European airports. They need to strike the right balance between security constraints, their wish for growth and development, their financial needs and the airlines’ commercial appetite. The European Commission presented its new aviation strategy in December 2015, which has implications for many of my clients. Its objectives are ambitious but fall short on practical measures.

## What are the trends shaping the legal industry?

The complexity and rapid change of regulatory constraints have created a need for niche specialisation. Clients expect pragmatic and high quality advice that is to the point and at a fair price. Proactivity and an understanding of the clients’ sector are essential.

## If you weren’t a lawyer, how would you earn your living?

I wish I could give an artistic profession as an answer but I am completely talentless in that respect. Or an altruistic and useful one such as a doctor. I believe that if law was not a vocation at first, it became so.

# Setting the standard for IP asset structuring



Managing risk

Cooper Standard is a leading global supplier of systems and components for the automotive industry. As such, one of its key financial assets is its armoury of patents and other intellectual property (IP) that allow it to maintain a competitive edge in the sector.

In 2014, Cooper Standard made the strategic decision to take a more focused approach to its IP structuring and to embark upon a global audit of its assets. As an international company with operations across the US, Asia – particularly China – and Europe, this was a major undertaking.

Cooper Standard does not have a large in-house legal team and so relies heavily on external advice. As one of its established advisers, we were invited to pitch for the work and were subsequently chosen to lead the global IP audit.

At the time, Cooper Standard was using a significant number of law firms in Europe alone. However, it wanted to partner with a single global adviser on this major cross-border mandate.

CMS Stuttgart partner Matthias Eck, head of the CMS IP Group, said, “The client made it clear that it wanted to engage in a partnership with its chosen law firm and was looking for a business adviser, not a traditional client-lawyer dynamic.

“The in-house team puts a great deal of emphasis on trust, technical expertise, sophisticated knowledge of the automotive sector and an ability to handle both contentious and non-contentious work wherever they operate globally.”

CMS Warsaw partner Tomasz Koryzma, who heads the Cooper Standard relationship, said, “As an IP lawyer this is the kind of work that makes you enter the profession in the first place. It allows us to get right to the core of what makes Cooper Standard tick and assess how hard the IP is working to enable its commercial strategy.

“IP is a major corporate weapon that allows companies to stop rivals from stealing ideas or copying inventions.”

Cooper Standard is now litigating to protect its patents in numerous countries including France and Germany. CMS has been chosen to work with the client on both contentious and non-contentious matters in 12 jurisdictions globally as a result of the global pitch.



**Laurent Romano**  
Partner,  
CMS Lyon  
Intellectual Property

## What will be the most important market trend affecting your clients' sector over the next 12 months?

Financial constraints are making companies prioritise the safeguarding of their innovations through patent, design and trademark protection. Such constraints also encourage companies to exploit their intellectual property assets to the maximum.

## What has been your most memorable day as a lawyer?

I will always remember the day I drafted contracts for a physician and scientist who, a few years later, won the Nobel Prize in Medicine for discoveries concerning the activation of innate immunity.

## If you weren't a lawyer, how would you earn your living?

I would love to be a filmmaker, to share different life stories.

# Metal casting group drives up worldwide car sales

The automotive industry has been one of the key recipients of improved economic prosperity internationally in recent years. With the ongoing recovery from the global financial crisis and the combination of cheap fuel, easy credit and job growth, there has been a boom in global car sales.

Metal casting companies, which sell structural components to the automotive industry, have benefitted significantly as their customers expand globally to cater for increased consumer demand. Structural components have become more important in recent years as they allow the original equipment manufacturers (OEMs) – companies that make the cars – to comply with tougher fuel efficiency and CO<sub>2</sub> emission regulations as well as to reduce vehicle weight.

CMS teams in Germany, Russia and Hungary advised a major metal casting company on its European sales expansion. This involved contractual negotiations with several international OEMs on one side and suppliers, such as die cast machine manufacturers, on the other side.

CMS Stuttgart partner Dirk Loycke said, “Large car makers have been ramping up production due to increased demand and require significant amounts of new components. These are multi-million euro long-term contracts. The allocation of risk is crucial to metal casting companies as they invest heavily in expanding their capacities – sometimes through green-field projects – following their customers. They want to be protected to a certain degree if car sales fall and their customers reassess their component needs at a later date.

“Many of the terms are specific to the automotive industry and you need to be immersed in the sector to advise clients on these types of agreements.”

Our automotive clients continue to target growth in emerging markets, with China still viewed as particularly important despite its recent economic slowdown.

“Many of the terms are specific to the automotive industry and you need to be immersed in the sector to advise clients on these types of agreements.”

**CMS Stuttgart partner Dirk Loycke**



**Vincenzo Giangiacomo**  
Partner, CMS Rome Commercial

## What are the trends shaping the legal industry?

The backbone of the Italian economy is transitioning from a family-company model to a more modern structure, following the acquisition of traditional

Italian companies and brands by multinationals. This will result in an increase in demand for international-standard legal services, such as those we offer.

## What has been your most memorable day as a lawyer?

The time I discussed my first case at the Corte di Cassazione, the Italian Supreme Court. From the wonderful, ancient courtroom to the formality of the hearing – everything was very different from what usually happens in lower

courts. It was like finally being admitted to an exclusive club of lawyers.

## If you weren't a lawyer, how would you earn your living?

I would work in the software industry and create my own company. Information technology is my main interest (at least, after law...!). To make it my work and career would be a real challenge.



Managing risk



# Corporate Social Responsibility

Being a responsible corporate citizen and connecting to the wider world is important to us. Our people across the whole of CMS invest their time, energy and resources in supporting a variety of worthy causes with terrific enthusiasm. We are proud to share just some of the results.

## War Child

In what has been a record year of fundraising for the firm, CMS staff led by Penelope Warne and Duncan Weston have volunteered over 3,000 hours and raised over EUR 500k for their Charity of the Year, War Child. The impact has been significant, with an estimated 3,718 children across six countries helped by CMS. The funding has also paid for the entry of War Child into Yemen, child protection training for 25 teachers, life skills intervention for 100 families, the creation of two child-friendly spaces where children can learn and play in safety, and the provision of school uniforms, stationery and school fees for over 1,000 children, allowing for 19,000 people to be indirectly supported in communities.

## Supporting refugees

The staff and partners of CMS Austria provided humanitarian assistance to refugees. In addition to donations in kind made to the Train of Hope organisation and money donated to the Caritas Omni.Bus, CMS initiated a campaign in which it donated time by giving free legal advice to refugees directly on site. CMS Vienna partner Christoph Wolf and his bandmates also co-organised a charity concert that was held in November 2015 on behalf of PROSA, a project which gives young asylum seekers the chance to complete compulsory schooling.

## Joblinge

CMS Germany has been supporting Joblinge for five years. Joblinge is an initiative for young people in Germany who have had a difficult start in life. It aims to help them find their way into the working world. The attendees are intensively supported for six months by voluntary mentors. They learn how to behave and present themselves in a work environment as well as to believe in themselves and their skills and capabilities. The programme has a high success rate with more than 70% of young people finding employment after completion.



Across Germany, we provide pro bono legal advice to Joblinge and support with cash and other donations. We also host free workshops for Joblinge on various legal topics.

#### **ALS Amsterdam City Swim**

A team from CMS Netherlands participated in the ALS Amsterdam City Swim in September 2015. They joined several thousand swimmers who completed the course through the Amsterdam canals in this well-known charity event in aid of the ALS Foundation. The ALS Foundation promotes awareness of the disease (ALS is the most common form of motor neurone disease) and raises funds for research.

#### **Conoce Tus Leyes programme**

CMS Spain lawyers lecture at the Centre for Participation and Integration (CEPI) in Madrid. This programme aims to equip new citizens with basic information about Spanish society, improving their knowledge of the legal system and supplying them with tools to promote their access to employment.

#### **Seed for Life**

CMS Belgium sponsors the non-profit, non-governmental organisation, Seed for Life (Grain de Vie). This is a Belgian and Luxembourgish organisation whose goal is to offset the ecological footprint of industrialised nations by planting trees in developing countries.

#### **Serve the City**

Serve the City is an international community of volunteer networks with no religious or political affiliations. The organisation mobilises volunteers to help the most vulnerable in society. CMS Portugal has been supporting the network financially and each year volunteers from the firm organise a community dinner for disadvantaged citizens and neighbourhoods. The dinners, which have taken place in Lisbon and Porto, have inspired similar events in other European cities.

#### **The Louvre**

CMS France is sponsoring scientific research by the Louvre into the origin of alabaster sculptures created in France between the 14th and 16th centuries. The geochemical analysis being carried out is significant because previously there were no tools to study the origin of gypseous alabaster. This research should make it possible to map the use of alabaster in France and determine the proportion of material imported from other countries such as England, Spain and Italy. In 2016-2017, the Louvre will analyse around 60 samples of alabaster taken from sculptures and quarries. The results of previous analyses will also be presented to the scientific community during a study day in June 2016. The proceeding of this symposium will be published in 2017.

#### **Diversity and Inclusion**

At CMS, we have a successful, dynamic and supportive culture embracing CSR and every aspect of diversity, inclusion, gender, ethnicity, sexuality and disability.

Our efforts in driving diversity in the sector have been recognised in a number of industry-wide rankings and initiatives. These include *The Times* naming CMS among the Top 50 Employers for Women in its 2016 report and *The Lawyer* identifying CMS as a Top 5 Diversity Champion. *The Lawyer* named CMS UK's Senior Partner, Penelope Warne, and Head of International Capital Markets and Diversity & Inclusion Partner, Daniel Winterfeldt, as the sector's leading Diversity Role Models for tackling the issues of diversity in the legal profession and taking a lead on inclusion.

Penelope Warne was also one of only 20 individuals to appear in the Law category of *The Sunday Times'* list of Britain's 500 Most Influential for the past two years. She has also been recognised as a leading innovation individual by the *Financial Times*. Daniel Winterfeldt, recognised as a top 50 LGBT Executive, is the founder of the fast-growing InterLaw Diversity Forum for LGBT Networks. CMS and The Forum have a close working relationship, with CMS supporting a number of ongoing projects, events and research publications.

# Facts and figures

Operating in  
60 offices across 34 countries



19

Practice area  
and sector  
groups working  
across offices

32 new  
partners



EUR 1.01 bn  
Turnover 2015



Top rankings in 2015 M&A  
League Tables (by deal count)  
**#1 Europe** (Bloomberg,  
Thomson Reuters)  
**#2 in Europe**  
(Mergermarket)  
**#3 Global** (Bloomberg up  
to USD 500m)

**2nd most  
global firm**  
2015 Am Law  
Global 100

**Top 5 most  
innovative firm**  
2015 FT Innovative  
Lawyers Awards

Continuing  
to win  
awards across  
industries

# CMS structure

## CMS Executive Committee

- César Albiñana Cilveti  
Madrid
- Francisco Xavier de Almeida  
Lisbon
- José Luís Arnaut  
Lisbon
- Giuseppe Ascoli  
Rome
- Cornelius Brandi  
Hamburg
- Damiano Brusa  
Zurich
- Pietro Cavasola  
Rome
- Vincent Dirckx  
Brussels
- Bernt Elsner  
Vienna
- Didier Gingembre  
Paris
- Tom Heremans  
Brussels
- Willem Hoorneman  
Utrecht
- Peter Huber  
Vienna
- Gérard Kling  
Paris
- Hubertus Kolster  
Berlin
- Matthias Lichtblau  
Frankfurt
- Stephen Millar  
London
- Carlos Peña Boada  
Madrid
- Dolf Segaar  
Utrecht
- Patrick Sommer  
Zurich
- Rafael Suárez de Lezo Cruz-Conde  
Madrid
- Penelope Warne  
London
- Duncan Weston  
London and Frankfurt

CMS Executive Committee

CMS Council

CMS Leadership team

Partners' annual meeting

Practice and sector groups

CMS firms



## CMS Council

- Max H. Albers-Schönberg  
Zurich
- Roberto Ascoli  
Rome
- Robert Bosman  
Brussels
- Jürgen Frodermann  
Duesseldorf
- Jürg Guggisberg  
Zurich
- Bernhard Hainz  
Vienna
- Carl Leermakers  
Brussels
- Thomas Meyding  
Stuttgart
- Rui Pena  
Lisbon
- Antonio Pino Sánchez  
Madrid
- Johannes Reich-Rohrwig  
Vienna
- Reinout Slot  
Amsterdam
- Pierre-Sébastien Thill  
Paris
- Penelope Warne  
London

## CMS Leadership team

- Cornelius Brandi  
**Executive Chairman**  
Hamburg
- Matthias Lichtblau  
**Executive Director**  
Frankfurt
- Duncan Weston  
**Executive Partner for Global Development**  
London and Frankfurt

# Where you can find us

## Africa

Algiers  
Casablanca

## The Americas

Mexico City  
Rio de Janeiro

## Asia-Pacific

Beijing  
Shanghai

## Europe

Aberdeen  
Amsterdam  
Antwerp  
Barcelona  
Belgrade  
Berlin  
Bratislava  
Bristol  
Brussels  
Bucharest  
Budapest  
Cologne  
Duesseldorf  
Edinburgh  
Frankfurt

Geneva  
Glasgow  
Hamburg  
Istanbul  
Kyiv  
Leipzig  
Lisbon  
Ljubljana  
London  
Luxembourg  
Lyon  
Madrid  
Milan  
Moscow  
Munich

Paris  
Podgorica  
Prague  
Rome  
Sarajevo  
Seville  
Sofia  
Strasbourg  
Stuttgart  
Tirana  
Utrecht  
Vienna  
Warsaw  
Zagreb  
Zurich

## Middle East

Dubai  
Muscat  
Tehran



New office  
opened in  
Tehran



**Shaghayegh Smousavi**  
Partner,  
CMS Tehran

### Why did CMS decide to open an office so soon after sanctions had been lifted?

CMS set up a task force to establish connections in Iran a few years ago, following the election of President Rohani and the start of negotiations with the West. Since then, we have regularly held discussions and meetings in Iran with business partners and decision makers. This meant that, in the event of sanctions being lifted, we would be well prepared to begin work as the

very first foreign international law firm with its own office.

### How will the Tehran office complement the firm's existing presence in the Middle East?

CMS has a track record of expanding to meet client needs, moving into countries such as Turkey, Dubai and Oman. Iran is a country with huge potential, a country not only with the largest gas reserves in the world, but with a dynamic and well-educated young population. Iran has ambitious plans for its future growth. The country is looking to boost exports, reduce unemployment and modernise the already well-developed industrial infrastructure. Awareness campaigns are being

launched and policies implemented to create a friendly environment for new business and to increase privatisation. Many companies and investors are therefore considering how best to access Iran as a viable option for expansion. With the office in Tehran, we are able to provide local support for our clients and investors.



**Jürgen Frodermann**  
Partner,  
CMS Tehran



**Munir Hassan**  
Partner, CMS London  
Energy

**Munir Hassan, partner in the CMS Energy Group, reports on his year in the offices of Rajah & Tann, a leading Singapore law firm.**

**Munir, what has been the most positive aspect of your year in Rajah & Tann's Singapore offices?**

The whole experience of working with Rajah & Tann has been amazing. The large number of projects where CMS and Rajah & Tann have worked together to deliver a top quality product for clients. Our complementary skills and geographies provide opportunities for exciting client work and we have achieved a lot over the past year working with both practice and sector groups. We have hosted many joint client events including seminars in

financial services, public private partnerships, construction, disputes and energy. Rajah & Tann has also made valuable contributions to initiatives such as the CMS Cyber Network and the *CMS Guide to Anti-Bribery and Corruption Laws*. On a personal level, I have been given an extremely warm and generous welcome by Rajah & Tann and it has been great to experience their enthusiasm for collaborating on initiatives with CMS.

**What will be the most important market trends shaping the Southeast Asia market over the next 12 months?**

The Association of Southeast Asian Nations (ASEAN) is pursuing an ASEAN Economic Community which could be the first step towards a single market similar to the European Union. This will create an even more dynamic Asian market and lots of opportunities for businesses. ASEAN comprises Singapore, Indonesia, Malaysia, Thailand, Vietnam, Cambodia, Laos, Myanmar, the Philippines and Brunei. At 600 million,

its population is larger than the EU. Supporting the continued urbanisation of the ASEAN region will require many trillions of euros of primarily infrastructure investment. Furthermore, the region has not had significant historic investment in traditional technologies, allowing it to move directly to what are sometimes called disruptive technologies, giving the region an edge in adopting the latest technological innovations.

**What has been your most memorable day during your time in Singapore?**

On 9 August 2015, Singapore celebrated 50 years of independence and celebrated its journey as a nation with a huge SG50 festival and events across the island. And, of course, fireworks. It was a wonderful celebration but also immensely moving because the recognised founding father of Singapore, Lee Kuan Yew, passed away during the SG50 year.



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### CMS locations:

Aberdeen, Algiers, Amsterdam, Antwerp, Barcelona, Beijing, Belgrade, Berlin, Bratislava, Bristol, Brussels, Bucharest, Budapest, Casablanca, Cologne, Dubai, Duesseldorf, Edinburgh, Frankfurt, Geneva, Glasgow, Hamburg, Istanbul, Kyiv, Leipzig, Lisbon, Ljubljana, London, Luxembourg, Lyon, Madrid, Mexico City, Milan, Moscow, Munich, Muscat, Paris, Podgorica, Prague, Rio de Janeiro, Rome, Sarajevo, Seville, Shanghai, Sofia, Strasbourg, Stuttgart, Tehran, Tirana, Utrecht, Vienna, Warsaw, Zagreb and Zurich.

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