

# WHAT'S

# HOT

**AVRIO** ADVOCATI  
Managing legal risks in Europe and beyond.



WELCOME TO OUR  
FIRST EDITION OF  
"WHAT'S HOT"  
FOR 2020.



## LATEST NEWS FROM AVRIO

FIRST EDITION 2020



## Introduction from the Chairman

Welcome to our first edition of "What's Hot" for 2020.

Thanks to you, once again we have some quite interesting reading in "What's Hot". Apart from the very welcome contributions from our members recounting about their businesses and the latest legal developments in their jurisdictions, this present issue of "What's Hot" will deal with the issue of GDPR implementation a bit more than 18 months after the regulation took effect throughout EU countries where Avrio Advocati is represented. In addition to that, as of this edition of What's Hot we are starting to launch a series of interviews with our esteemed members – it is my pleasure to tell you that our very first up-close-and-personal interview will be with our dear colleague and one of the founding members of our network - Mr. Bjarne Winther. Thank you Bjarne for sharing your views and experience with us.

We very much enjoyed two exceptional conferences in 2019 thanks to our hosts Mr. Stephan Reimer (Dr. Bonn Und Kollegen, Frankfurt) and Mr. Christian Sarailis (Sarailis Avocats, Quebec City). With a great deal of certainty, I can promise you more of excellent conferences: Mr. Kresimir Planinic (Planinc, Soljic and Partners, Zagreb) is finalizing preparations for our Spring 2020 conference in Zagreb. As for the Autumn 2020, Mr. Guy Rulkin (Redsky Legal, Brussels) is doing an amazing job to organize something in Brussels that might easily swipe us off our feet.

It is our intention to continue with the good practice of Managing Partners' Forum which means that our Zagreb conference will start Thursday afternoon. Please take this into account when planning your trip.

I would like to thank all of you who provided us with your contribution for this issue of "What's Hot". Again, allow me to use this opportunity and kindly ask you not to forget that "What's Hot" is aimed to be "our" publication, presenting both the work that we do as Avrio Advocati and as individual law firms. But for this, we need your constant contribution in order to keep our publication useful and up-to-date. The same goes for our website and our social networks. So please, keep providing us stories that you wish to see published in "What's Hot", our social media outlets or on our website by sending them to Marina at info@avrioadvocati.com.

I wish to thank you all for all your continued contributions in 2019. Let's continue to support each other in 2020 as well.

I look forward to seeing many of you in Zagreb in May!

Regards  
Philip

## AUTUMN CONFERENCE 2019, QUEBEC CITY, CANADA



A cordial "thank you" to Christian and everyone involved at SARAILIS AVOCATS for hosting the autumn 2019 Conference and organizing such a commendable agenda.

The formal program of the conference started on Thursday evening with the MANAGING PARTNERS' FORUM, where "guiding minds" of our member firms had participated actively in vivid discussions and shared their experiences in managing law firms. Courtesy of our host, we had the privilege of having the MANAGING PARTNERS' FORUM at Garrison Club – a sole members' club with more than 135 years of very rich history. The Forum was followed by formal dinner at the same impressive venue for all conference attendees.

On Friday, our special guest and conference's key speaker was Mr. Norman Bacal. All of us enjoyed very much Mr. Bacal's refreshing frankness and we learned a lot from his extremely inspirational presentation. Allow us to remind you that Mr. Bacal was a managing partner of Henan Blaikie's – the firm that was a leading brand among Canadian law firms, that suddenly collapsed in February 2014. His book – "Breakdown" is an



inside story about the rise and fall of the biggest law firm at the time and it was our gift to each of the conference attendees. After the formal agenda for the day was finished, we had the opportunity to enjoy in the true Canadian way – we spent an amazing evening at the LA BUCHE sugar shack and indulged ourselves in tempting maple syrup.

The first part of Saturday morning was mainly dedicated to Avrio Advocati internal matters. After that we had a very interesting panel discussion on how to take an advantage of CEFTA & UMSCA through Canada and for the end we divided into LEGAL SECTOR FOCUS GROUPS – as a result, we have some rather impressive group debriefs that you may read in this issue of What's Hot. On the social part, we all had an amazing experience at the Chute Montmorency, where those of us with a bit more adventurous spirit had a chance to try zip-lining and experience flight over the Montmorency waterfalls!

Thank you once again to the entire SARAILIS AVOCATS crew for being such excellent hosts!

**SAVE THE DATES:** We are pleased to confirm that the dates have been set for our 2020 conferences:

### SPRING CONFERENCE 2020:

**Date:** 28th -31st May 2020  
**Location:** Zagreb, Croatia  
**Venue:** Academia Hotel,  
88 Tkalciceva Street,  
Zagreb, Croatia



### AUTUMN CONFERENCE 2020:

**Date:** 1st – 4th October 2020  
**Location:** Brussels, Belgium  
**Venue:** Sofitel Brussels Europe,  
Place Jourdan 1,  
1040 Etterbeek, Brussels



## SPRING CONFERENCE 2019, Frankfurt, Germany

Stephan Reimer of Dr. Bonn Und Kollegen and his gorgeous wife Ms Sylvia Borroni were hosts of the Avrio Advocati Spring 2019 conference that took place in the cosmopolitan city of Frankfurt, Germany - a global hub for commerce and a major European financial centre.



It was this conference where we had started the practice of having the Managing Partners' Forum – this forum is seen as the place where managing partners of Avrio Advocati member firms would gather, share their experiences in managing law firm and discuss various issues concerning law firm management (ranging from day-to-day to strategical aspects of management). It was an excellent experience and we decided to continue with this good practice and at the forthcoming conferences.

As mentioned earlier, Frankfurt is the European financial centre. The European Central Bank is headquartered there. Thanks to the very impressive work of our host, Mr. Stephan Reimer, on Friday morning we took the full advantage of this fact and had the guided tour through ECB, followed by a presentation from ECB officials. Upon our return from the ECB visit, we had a packed program with high calibre speakers. Needless to say – we were mostly impressed.



In line with our practice, on Saturday, we dedicated the program exclusively to Avrio Advocati internal matters. We felt our Spring 2019 conference is just the right time to start with something new – as of the Frankfurt Spring 2019 Conference we set up Legal Sector Focus Group Meetings. The agenda of this group meetings was informal – participants were explaining to the rest of the group the work they do; what are the most interesting legal and commercial developments in their jurisdictions etc.

The direct objective of setting this Legal Sector Focus Group Meeting practice was to improve attendees' knowledge of what the other members are doing in their area of practice. Another novelty first time applied on Saturday was also part of getting-to-know-your-fellow-member-better process – also as of Frankfurt Spring 2019 Conference 3 member firms are presenting themselves and the work they do in 5-10 minutes time slots.

## NEWS UP-CLOSE AND PERSONAL

### Interview with Avrio Advocati member, Mr. Bjarne Winther of DENLAW



**1. When did you decide to become a lawyer, namely what were the key factors that facilitated that decision of yours? Was it family, surroundings, an iconic figure maybe?**

By accident – my goal was to work in international business – but I got an offer to become an attorney and I have never regretted that.

**2. How easy or even possible it is to be a lawyer and at the same time achieve have a healthy life/work balance? How do you achieve that (now and how were you achieving that as a young law professional trying to set a law firm into solid ground)?**

I became a partner at an early age in a major firm. Having achieved that I realized that working 70 hours per week would make a miserable life for me, so I left and founded a firm where I decided

what to do and when. In a big firm you will of course have to work as much as the others (the ambition seems to be to earn a lot of money so that they can retire at the age of 50 so that life can begin) I know that in the biggest firms here, the female attorneys have insisted on shorter days, and I think that this is becoming the trend in the entire industry.

**3. How would you describe your firm in terms of market position and strategic goals in a nutshell?**

We are a total of 10 attorneys and we cannot handle the huge M&A transactions, but many smaller ones. In general our clients know the attorneys in person, which they value.

**4. DENLAW is an office partnership between independent law firms established back in 1977. Throughout the past decades, have you and your office partners considered some higher degree of integration (merger)? In relation to that, what are, in your view, the biggest benefits of your firm's present organizational structure? How it benefits the firm and you personally?**

I believe that we transfer more cases between the attorneys in the 9 firms than they do in the huge firms.

That is the reason why we do not intent to merge. The freedom to decide yourself on how much you want to work and to earn is important for us.

It is my estimation that I earn 50% less than the best paid partners in the big firms (but my golf handicap is probably 50% less than theirs) for obvious reasons.

**NEWS** UP-CLOSE AND PERSONAL

**5. What practices do you anticipate to grow in Denmark over the next three years' time and how DENLAW intends to benefit from such a growth? Is there a potential for cross-border collaboration within the Avrio Advocati network in these emerging practices?**

As I am the attorney of some of the major embassies in Denmark, I can see that cross border work is growing and it goes fast. My estimation is that the cross border work has doubled in the last 5 years.

**6. Partly complementary with the previous question, what are the steps you and your partners take towards future-proofing your business?**

Get to know your clients and see them often. I remember a sentence from the Islandic sagas 1000 years ago "If you have a friend and want to keep him as a friend, go often to his farm"

**7. It is relatively safe to say you have been in legal business for a while now, so you might be the right person to share with our readers your impression on how technology changed the way you interact with your clients.**

Physical meetings in the office are rare and so are phone calls and instead we have meetings by phone/Skype and by email. This means that you do not have to be sitting in your office, but can answer the mails from your armchair at home. The clients expect us to be available at any time and if you do not answer an email within an hour, they think that you are dead. Some like this way of working – I do – but others in the office do not.

**8. You are one of the founding members of our legal network. Can you provide us with a practical example of how Avrio Advocati added value to your firm and your clients' businesses? What would be the main argument you would use to convince a law firm currently considering to become an Avrio Advocati member?**

I would never have had the clients I have without Avrio. The possibility we have to refer to a colleague that we know and that we know will do their best to help and work fast, is very important. And we are sure that they will do their very best because we will see them at the next Avrio meeting.

**9. For the end, we would appreciate a piece of advice for our existing members**

The life as an attorney is exiting but try to have other interests than that too.

I have always tried to do something different and someone asked me how it was possible also to run an attorney's office.

I have heard that before and my normal answer is that this is not a problem because as an attorney, I only do what I am good at and that this is the reason, why I do not have anything to do.

**GDPR 18+ MONTHS ON: WHERE DO WE STAND NOW?**

The long prepared and impatiently anticipated General Data Protection Regulation (GDPR) took effect on 25th May (the very first day of our Brighton Conference, so beautifully hosted by our member Irwin Mitchell!). While GDPR, without any doubt, has set unprecedentedly high data privacy standards, it imposed at the same time some considerable challenges to the businesses (regardless of their size, all the businesses dealing with personal information had to adjust to the new regulation).

The overall impression is that organizations are facing increased level of pressure to understand every aspect of data processing, because under GDPR passing responsibility to another entity is not an option – especially due to the fact that currently individuals have the power to ask any organization what personal information they hold on them, also including the power to ask for such information to be removed from their database.

In the following text, you may read about the current state of play in some of the European jurisdictions where Avrio Advocati is present, a bit more than 18 months after GDPR came into force. In the next issue(s) of What's Hot we will try to cover and some additional EU jurisdictions in regards to the GDPR implementation.

**AUSTRIA****Implementation of the GDPR in Austria: Recent developments regarding administrative fines**

The GDPR entered into force approximately one and a half years ago. Initially the Austrian data protection authority hardly imposed any fines. This changed recently. A fine of EUR 18 million was imposed on the Austrian post (Österreichische Post Aktiengesellschaft) – this in connection with the Austrian post's alleged processing of personal data concerning political opinions (affinities to political parties). The decision is not final. At the same time a court awarded an individual who considered himself to be injured by the Austrian post's data processing EUR 800 in immaterial damages (decision not final). It appears likely that other affected individuals will raise claims of their own against the Austrian post.

Prior to this decision the highest fine imposed by the Austrian data protection authority under the GDPR amounted to EUR 50,000. From what is publicly available, it appears that other fines imposed in Austria under the GDPR were comparatively low (EUR 300 and EUR 2,200). While even the fine in the case against the Austrian post does not compare to penalties imposed by data protection authorities in other EU-jurisdictions (e.g. app. EUR 210 million against British Airways), it remains to be seen whether the Austrian data protection authority has up until now - unofficially – instituted a 'period of grace' which has now come to an end rendering GDPR-compliance even more essential than before.

**Margareta Mroczkowska,**

Senior Associate

B|L|S ATTORNEYS AT LAW

BLS Rechtsanwältin Boller Langhammer Schubert GmbH

**CROATIA**

In Croatia harmonization with GDPR started in 2016., but was in full swing at the beginning of 2018. Persons that are subject of GDPR have generally taken their obligations seriously and formally aligned themselves in such a way that they have adopted all the prescribed acts. It is questionable whether they have really changed their mindset regarding the protection of personal information, but awareness of the need for protection is in an upward trajectory, as is the practice.

Numerous workshops and seminars have been held (and this practice is ongoing) on the protection of personal data, the handling and adjustment of business, and the adoption of documentation to comply with GDPR.

Competent authority, the Personal Data Protection Agency has not yet publicly released information related to the implementation of GDPR in business, nor practice, and there is no public information that penalties have been imposed so far.

**Ms Ivana Semov Šiljeg, Attorney at Law**  
 International Relations Manager  
 Planinić, Šoljić & Partners, Croatia

**BULGARIA****Was GDPR needed?**

In the whole European Union, and basically all the entities with interest in the EU market, the date 25th May 2018 was a significant one. It was marked by the enactment of the new personal data processing rules, introduced by GDPR.

Although there were a lot of enlightenment campaigns, there were more .... and more questions. One of the big questions was:

Will the Bulgarian Law for Data Protection introduce even higher standards or expand the areas of protection?

In general, it introduced more cases in which data protection officer should be designated, more sanctions and some criteria for the media.

How much will it cost?

Foreign researches estimated the expected investments of the companies in order to introduce the higher standards. In USA we saw predicted investments in millions. In Bulgaria there were no national researches, or at least there weren't any significant ones, revealing to the business the numbers.

We believed that only the "sensitive" organisations, such as hospitals, banks, hopefully the national authorities, will refurbish their systems and smaller companies will only simulate the implementation of the new standards, eventually with upgrading their general terms of use and

informing the consumers how important is the personal data protection. What was also predicted, and what actually came out true, is that the national controlling authority will only have the capacity to operate in case of signals and not have capacity for mass controlling. For now.

Ironically, the outcome of GDPR was more important for the business than the individuals, for whom protection was sought. Partially because of the big financial sanctions for not complying with the rules. Even before GDPR in Bulgaria there was a Commission for Personal Data Protection, there was a law and there were obligations for protection. Of course, with GDPR new standards were introduced and a higher level of protection. For the general consumer, however, even after all the informative campaigns these standards remained misunderstood. If you want to read an online article, if you want to buy something online, for example, you will have to accept the cookies, to accept the general terms of use and to give your consent. And you do it, you click "agree" everywhere you have to, but did you read the terms of use?

Currently as a consumer you don't have the choice. You have the right to erasure, but were your data really erased after you asked to? You will hardly ask the national regulatory authority just to check.

No actual guarantees and no choice.

Even bigger irony is that the year 2019 in Bulgaria was marked with one of the biggest cases of leak of personal data in the recent history. The financial sanctions were higher than they would have been before GDPR, but the outcome for the individuals is the same. Or maybe not? Because the leak is from a public authority and the sanction will be paid from the state budget.

The actual outcome of GDPR is supposed to be visible in the long term. For now, there are still a lot of unknowns and the question "was GDPR needed?" remains unanswered. What certainly happened is that the Regulation gave to individuals confidence and courage to search protection of their rights and on the other side – made the administrators of personal data more attentive to their obligations.

**Svetla Maneva**  
 Manev and Partners Ltd.



## AVRIO ADVOCATI AUTUMN 2019 CONFERENCE QUEBEC CITY, CANADA

### LEGAL SECTOR FOCUS GROUPS REPORTS

As all of our members would know by now, it became a regular feature of the Saturday morning session of our Conferences that we split into informal sectoral working groups for a short period, tentatively 30 minutes or so. The objective is that we get to know what we each do professionally with a view to leveraging the relationships that already exist between us, for both business referrals and for our general edification.

**At the Quebec City Conference, we split our delegates into 4 different Legal Sector Focus Groups depending of their area of expertise, as follows:**

- I Family Law (Karen O'Leary, Dr Hermann Heuschmid, Stephan Reimer and Vesna Gorjup);*
- II Corporate Law (Alison Marshall, Anton Baturin, Bruce Bowden, Bryan Bletso, Kim Larkin, Ivana Semov, Matthias Arens Ozgur Demirdoven)*
- III Commercial Contracts: (Thomas Barnard, Guy Rulkin, Benoit Morzier, Christian Sarailis)*
- IV Commercial Property: (Michael Dewar, Christian Sarailis, Julian Fortier)*

The mission of each working group was to spend approximately 25 minutes to discuss:

- What international work have their law firms done in the last year?
- Are there areas of learning or cooperation that group members can teach each other? If so, how?
- Producing a webinar?
- Visiting each other?
- Doing a joint marketing visit to a third party?
- Making a client referral?
- Doing a case study at a future conference to this group?
- Any other ideas?

**Below you may find the brief outline of the Legal Sector Focus Group discussions that was presented at the Conference by each of the groups' moderators:**

### I CORPORATE LAW FOCUS GROUP

#### 1. International work

Anton, Wilsons: Advised on and implemented the migration of a single family office to Luxembourg. Involved in the restructure of a multinational industrial group with companies in several jurisdictions.

Alison, WJM: General corporate work. Effect of Brexit - companies re-domicile to Cyprus. Referrals to Cypriot peers.

Bruce, Leech Tishman:	Usual M&A, tariffs and trade work. Acted for a Portuguese soccer team
Ozgur, IAPA:	Introduced corporate finance and legal groups in their network. Member firms do case studies. Corporate finance work involving UK, US, Holland and Hong-Kong. Represented football players and film actors (tax advice).
Bryan, Irwin Mitchell:	Brexit will eventually affect the corporate work, but there is still an interest from the US to set up in the UK. Acted for an Indian manufacturer with a holding and distribution company in the UK. M&A transactions, joint ventures. Acted for a South African family office (financial investments).
Kim, Charltons:	Cross border investments in China, crypto-currencies, listing of businesses producing bitcoin mining machines.
Ivana, Planinic:	M&A in electric energy, due diligence for a gas company on a cross border transaction between Slovenia and Croatia.
Matthias, Eimer:	Acted in a transaction involving an Austrian company with German subsidiaries (due diligence work), M&A, property sale to a Finnish investor, shareholders dispute with German and a UK company as shareholders (Bryan of IM is involved in the case). Represents a basketball payer's agent in a matter about VAT on agent's fees. Is acting for the client of Wilson Associates in a matter of the enforcement in Germany of a Luxembourg court of appeal decision.

#### 1. Area of learning and cooperation

Cross-referrals of clients. Raising awareness of clients about AVRIO. The group decided to prepare a case study on a typical corporate transaction with the description of the procedure in each of the jurisdictions of the focus group member firms, and the description of the fees and costs involved.

### II FAMILY LAW

#### Group debrief by Karen O'Leary

The Family Group of Vesna, Stefan and Karen looked at the international aspects of our family law practices, referral work and also areas in which we think may be of assistance to both family law practitioners and also private client practitioners across the Aviro network.

As indicated Vesna confirmed that her office did not undertake International work. Stefan was clear that most of his work is undertaken in accordance with German law, however there can be difficulties where there are international aspects due to property located beyond the German borders. There was some discussion with regard to Sharia law and implications in the practice of family law. Karen confirmed that at least 50% of her work has an international aspect to it.

It was felt by all that there may be merit in having a Webinar dealing with the new EU matrimonial property regime which deals specifically with couples property which has to be divided in cases of divorce, death to facilitate the application of EU rules on cross boarder divorces and succession. This came into effect on the 29th January 2019, there are currently 18 members who are signatory to this EU regulation, which it is hoped will facilitate dealing with cross boarder property / investments in the cases of family break down and also death.

We also discussed the differing rules between member states in relation to what constitutes capacity vs incapacity and its impact both on advising clients in relation to preparing and advising on a power of attorney and also inheritance implications with assets located in different jurisdictions.

In addition we felt that there was a lot of cross over for private law clients; where there were family business to look at perhaps a case study on the next occasion dealing with both succession / inheritance/ capacity and also looking at protection of shareholders within that context and looking at prenuptials and anti-nuptials and shareholder's agreements.

### III COMMERCIAL CONTRACTS

#### Brief by Thomas Barnard

The points we discussed in our "Commercial / Contract Focus Group" and which we identified as appropriate for future discussion were as follows:

- The recognition and enforcement of judgments overseas. All participants in the focus group have acted on various cross-border matters, many of them contentious. An area that we agreed to be worth future discussion is the regime for recognising and enforcing overseas judgments in each member's jurisdiction. It is a common source of work, and potential area in which Avrio members can make and receive referrals.

We agreed that we should look to produce a short guide summarising the regime in each jurisdiction. I have given this a bit of thought and, rather than prepare the "questionnaire" we discussed in Quebec, I wonder if we should in fact get each member firm to prepare a one page flow chart (and summary) explaining the process at a high level. The flow-charts could explain the process for registering a judgment and the steps and options available to a creditor to enforce that judgment. I think this would be really useful for the members.

- There was a lot of discussion about acting for clients in the gaming industry. It was agreed that this could be a future area for discussion.

Please let me know if you would like any more detail. I would be happy to provide it. And I am also happy to how co-ordinate the flowcharts referred to above.

Thomas Barnard

### COMMERCIAL PROPERTY DEBRIEF

#### Michael Dewar

The action points from our discussions were:

1. We wanted to broaden the group from narrow remit of real estate group to a land and buildings group, so as to discuss property issues more widely including planning/zoning, environment, climate change impact etc.
2. Whilst each property law jurisdiction is highly segregated, there are many investment opportunities for properties in each of our countries. We thought an idea may be to put up onto the Avrio website a small section to showcase a country's investment and business opportunities for land and buildings. The focus should be on inward property or business investment opportunities. I'll email a list of questions to be included in a questionnaire for sending to members. By showcasing a country's opportunities we may be able (a) to attract interest in a given area and (b) perhaps as a joint venture with another Avrio member pitch to a client in another jurisdiction. I'm giving some thought to what these questions should be but will get these to you in the next few days.
3. We thought it useful if a chatroom functionality could be added to the Avrio website, so that discussions starting at the conference could then continue between sessions. One specific proposal is to consider using a moodle website ([www.moodle.com](http://www.moodle.com)). This is both cheap, regularly kept up to date and contains everything a distance networking group would need (chatrooms, training modules etc).

## LAW OFFICE GORJUP, SLOVENIA THE REASONS TO INVEST IN SLOVENIA

Most foreign investors are attracted by Slovenia's strategic position at the heart of Europe, its excellent transport, information and communications technology, its value chains and industry clusters. Moreover, Slovenia benefits from a strategic location in Europe, being a member state of the European Union (EU). Investors keen on locating their operations at the heart of the EU market with 500 million consumers will find Slovenia's international commercial contacts and the land-sea-air transport system ideal.

A corporate culture of transparency and accountability, observance of international technical standards, personal integrity and company loyalty make a foreign manager's job easy ever since the first big international companies established their operations in Slovenia. Investor confidence thrives on legal and institutional reforms designed to facilitate investment. Starting a company is straightforward and easy through single-access points to register a limited liability company, obtain a construction permit and carry out any other administrative procedures.

Not only is Slovenia ideally situated for cooperating and forming business partnerships throughout entire Europe, it also has people with exceptional personal and business links in the Western Balkans. It is the right place to forge partnerships for conquests of emerging markets and developing markets with rising internal demand. Goods are moved quickly, clearance procedures are efficient and once goods enter Slovenia via road, rail, air or sea, they are at the doorstep of the EU market with 500 million consumers and many more in Europe's east and southeast.

Strategic partnerships between foreign investors and Slovenian companies with a strong foothold in central and east Europe would serve to boost productivity in target countries by implementing policies to spur innovation in order to move up the value chain. Slovenia as a potential host country has balanced class forces. Its workforce has a high reputation for flair for technology and innovation thanks to a successful combination of a long industrial tradition and quality formal schooling as an important contributor to the skills of an individual and to human capital.

Slovenia boasts natural diversity of the landscape and has facilities to meet different lifestyles. It is perfect for those who are enjoying the thrills of energetic pursuits and those preferring thermal spas, wellness treatments or simply relaxing on a day off or on holiday. Slovenia has high level of personal security, low crime rate and improved sense of well-being. The country nestling between the Alps and the Adriatic Sea provides the ideal environment for tourism. Stunning locations are easily reached by road, air, rail and sea. It offers fine food and excellent local wines. The climate is perfect for outdoor enjoyment and year-round recreation. Therefore, Slovenia has many amateur and professional sports venues and events.

To conclude, investors have numerous business opportunities in several industries, such as manufacturing, financial services or retail, tourism and many more. Our team of lawyers from the Law office Gorjup (<http://www.gorjup.net>), located in Maribor – Slovenia, can offer an in-depth presentation on the legal system applicable to the above-mentioned industries, as well as on the regulations available for the incorporation of a business on this tempting market.

(URL source: <https://www.investslovenia.org/>)

## LEECH TISHMAN

LEECH TISHMAN FUSCALDO & LAMPL

### 2019 Firm Report

Avrio Advocati member Leech Tishman is a law firm based in Pittsburgh, PA, with offices in Pasadena, CA; LAX/EI Segundo, CA; New York, NY; Chicago, IL; Wilmington, Delaware; and Florida.

#### Noteworthy Representations

##### Corporate

- Represented Swedish global technology company in various corporate and real estate matters including drafting contract for office demolition of New Jersey manufacturing facility; commercial lease review of California property; and material transfer agreement review
- Defended Danish gas installation company in fraudulent lawsuit filed by Trustee
- Represented global construction company in analysis of reverse merger securities issues
- Represented Spanish oil and gas company in purchase of residential property and severance of mineral interests
- Represented North American technology company in permanent labor certification and visa extension for potential employee

##### Mergers & Acquisitions

- Represented Turkish cosmetics company in acquisition of 40% LLC membership interest along with trademark license agreement
- Represented national staffing company in potential acquisition of another staffing company
- Represented construction engineering company in acquisition transaction
- Represented strategic private equity real estate investment firm in negotiation of joint venture for acquisition of limited partnership & real estate interests for multifamily/REIT divisions as well as real estate closings
- Represented construction company in acquisition of contracting entity
- Represented electrical connector/cable assembly corporate in cancellation claim under Federal Acquisition Regulation (FAR) part 49
- Represented environmental services company in a variety of corporate matters including acquisition of pipeline easements, acquisition due diligence and review of lease amendment matter
- Represented investment company in acquisition of commercial property

##### Intellectual Property

- Represented Chinese optoelectronic company in patent application
- Represented global cosmetic and personal supply packaging company in patent application
- Represented Chinese network technology company in complaint filed with Amazon
- Represented web-based hotel management company in provisional patent application
- Represented environmental management company in trademark infringement matter
- Represented structural explosive material system provider in various patent applications
- Represented illumination technology company in general IP matters
- Represented Texas-based vehicle video technology system company in a number of patent applications

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## Recent Articles, Events, and Recognitions

- Leech Tishman celebrated its 25th anniversary. Leech Tishman was started in 1994 by Anthony P. Leech (deceased) and Ted Tishman as a two-lawyer firm focusing on the legal needs of small businesses and their principals. Over the past 25 years, the firm has expanded into a full-service commercial law firm with over 85 attorneys in eight offices across the United States, including Chicago, Los Angeles, New York, Delaware, Florida and State College, PA.
- Leech Tishman Corporate partner A. Bruce Bowden co-hosted a four-part seminar series in 2019 with the Alliance for Mergers & Acquisitions (Western Pennsylvania chapter) covering topics including: Strategic Option Analysis, the M&A Selling Process, Value Optimization and Pre-Transition Planning Tactics, and Planning for Post-Transition/Transaction
- Leech Tishman Bankruptcy & Creditors' Rights attorneys Sandford L. Frey and Dennette A. Mulvaney, along with Employment Practice Group attorney Eric J. Wu presented a seminar to the Hong Kong Association of Southern California Seminar entitled, "Chapter 5 Bankruptcy from a Creditor's Perspective / New Developments in California Employment Law."
- Leech Tishman Intellectual Property Practice Group partner Alan Kindred presented a webinar for the International Law Section of the California Lawyers Association on the topic, "Singapore Convention on International Mediation Agreements."
- Leech Tishman attorneys A. Bruce Bowden, William F. Bresee and Steven D. Irwin sponsored the American Middle East Institute's 12th Annual Business Conference.
- Leech Tishman Corporate Partner Forrest T. Passerin presented about corporate due diligence in acquisition transactions, in a webinar hosted by the American Council of Engineering Companies (ACEC) titled, "Acquisitions – How and What to Look for During Due Diligence."
- Leech Tishman Government Relations Partner Steven D. Irwin represented the firm at the 33rd Annual International Conference of Mayor held in Tel Aviv, Israel in February 2019. Steve attended the event as a guest of the Consul General of Israel to the Mid-Atlantic Region, Yaron Sideman as well as the Mayor of Pittsburgh, Bill Peduto.
- Leech Tishman served as Corporate Banquet Chair at the Hong Kong Association of Southern California's ("HKASC") 27th Chinese New Year Gala.
- Leech Tishman was recognized by *U.S. News – Best Lawyers®* in its 2020 "Best Law Firms" ranking. The firm was recognized in 13 practice areas for three metropolitan areas, Pittsburgh, PA, Los Angeles, CA and Pasadena, CA and received a National Tier 3 ranking in the area of Litigation – Patent. 12 Leech Tishman attorneys were also chosen by their peers to be included in the 2020 edition of *The Best Lawyers in America*.
- Seven Leech Tishman attorneys were named 2019 Pennsylvania Super Lawyers by *Pennsylvania Super Lawyers Magazine*. Two attorneys were also chosen as 2019 Pennsylvania Rising Stars. Two attorneys were also chosen as California Super Lawyers by *Southern California Super Lawyers Magazine*.

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- [Recent Court Decision Triples Cost of Overtime Calculation For Pennsylvania Non-exempt, Salaried Employees](#)
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- [The New Public Charge Rule and Healthcare Proclamation](#)
- [New Thresholds for Overtime Pay Take Effect January 1, 2020](#)
- [AB 5 Passed! Law on Worker Classification is Changed Again](#)
- [Does Your Employee Handbook Violate Employee Rights?](#)
- [Does Your Business Have a Legal Obligation to Accept Customers with Emotional Support \(Comfort\) Animals?](#)
- [Elementary Elements of Employment Law: Everything You Need to Know, You Learned in Kindergarten](#)
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- [EEOC Pay Data Report Portal Now Open](#)
- [California Supreme Court to Determine Whether "Dynamex" Decision Applies Retroactively](#)
- [Pittsburgh Paid Sick Leave Given Green Light By Pennsylvania Supreme Court](#)
- [Non-Compliant Pay Stubs May Cost California Employers a Fortune](#)
- [Minimum Wage Increases July 1, 2019](#)

- **New Federal Overtime Rule:** A new federal overtime rule became effective January 1, 2020. The law provides that salaried workers making less than \$35,500 per year must be paid time-and-a-half for all hours worked in excess of 40 in one workweek.
- **Immigration continues to be a hot button issue-** recent Immigration changes will affect employers, employees, professional workers, and business owners. A new 'Public Charge Rule' took effect on October 15, 2019. The proposed new rule substantially changed the definition of who may be likely to be a "public charge" if they seek admission to the United States. In accordance with the rule, United States Citizenship and Immigration Services (USCIS) is requiring that new versions of certain forms, including Forms I-485, I-129, I-539, and I-864, be used starting on October 15. USCIS is also requiring a new form, I-944, Declaration of Self-Sufficiency, to be included in all applications requiring Form I-864. The ICE is also targeting businesses for I-9 Audits.
- **On September 18, 2019, California signed into law Assembly Bill 5,** which addresses the status of independent contractors in California. The court made it substantially more difficult for employers to legally classify their workers as independent contractors. The reach of the decision will extend beyond California's wage laws. Benefits will be impacted, including workers' compensation, paid sick leave, unemployment and other protections under the California Labor Code.

#### Business Opportunities in the United States in 2020

- **The cannabis industry continues to grow along with potential business opportunities.** As of January 2020, 11 states, as well as the District of Columbia, have legalized recreational marijuana. In addition, a total of 33 states allow for the use of medical marijuana. According to *Forbes*, spending on legal cannabis worldwide is expected to reach \$57 billion by 2027. Areas of opportunity include: investors and banks; doctors; ancillary service companies, such as advertising, packaging, and logistics; and real estate brokers, owners, or developers. Since each state determines the legality of medical marijuana, cannabis for recreational use, or both, we estimate that sound legal advice will become increasingly necessary for cannabis companies, as well as third-party businesses that work directly with cannabis companies or operate in the cannabis industry.

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**PLANINIĆ, ŠOLJIĆ & PARTNERS****INVESTMENT GUIDE CROATIA – PART 1****FOREIGN INVESTORS' STATUS**

According to the Company Act, domestic and foreign companies do business under equal conditions. A foreign investor may establish or participate in establishing a company and may acquire rights and/or commitments as any domestic investor. Foreign investors, headquartered or with residence in a non – WTO member country, need to meet the reciprocity condition.

The Constitution of the Republic of Croatia provides several guarantees for foreign investors. It is especially enacted that all rights acquired through the investment of capital cannot be restricted by law or any other legal act, and that foreign investors are guaranteed free transfer and repatriation of profit and invested capital.

Foreign citizens wishing to acquire real estate in Croatia may do so only if there is a reciprocal agreement with the country allowing Croatian citizens to do the same. The latter does not apply to citizens and legal entities coming from the EU. They can acquire ownership over real estate under the same assumptions that apply to Croatian citizens and legal entities headquartered in Croatia, with the exception of specific real estate i.e. agricultural land protected by a special law and protected nature reserves. A foreign investor can establish a company in Croatia that will be allowed to acquire real estate without limitations.

**Establishing a company**

Foreign investor, under the condition of reciprocity which is assumed, establishes or participates in the establishment of companies in the Republic of Croatia, acquires the rights in them and assumes the obligations under the same conditions and has the same position as a national of Croatia.

The condition of reciprocity does not apply to foreign investor with a headquarters or a permanent residence in the member state of the World Trade Organization, or if he is its national. Foreign company, which has its headquarters in a country which is not a Member State of the European Union nor the Contracting Party to the Agreement on the European Economic Area, and which is personally liable for the company's obligations, can be a member in the company with a registered headquarters in the Republic of Croatia only if there is at least one more member of the company beside it which has its registered headquarters in the Republic of Croatia, or a Member State of the European Union or a state that is a Contracting Party to the Agreement on the European Economic Area or if it is a natural person who is a citizen of the Republic of Croatia, or of the Member State of the European Union or of a State which is a Contracting Party to the Agreement on the European Economic Area and who is personally liable for those liabilities.

Foreign companies and sole traders, under the conditions prescribed by law, are considered to be domestic legal entities with all rights and obligations as applied to Croatian nationals. However, they cannot permanently perform activities on the Croatian territory until they have established a subsidiary in Croatia. The activities shall not be considered as permanent if they are occasional

or one-time performance of the activity, or a particular work (in accordance with the concept of freedom to provide services in accordance with the EU's *acquis communautaire*).

**• Setting up a company**

Foreign investors can acquire ownership and shares of joint stock companies. The lowest amount of initial capital for establishing a joint stock company is HRK 200,000 and the nominal value per share cannot be less than HRK 10 HRK. Minimum initial capital for establishing a limited liability company is HRK 20,000, while individual representation per investor cannot be less than HRK 200. The founder has to pay at least one fourth of initial share capital entered in money (i.e. minimum 5,000 HRK) before the company is entered into the Company Register. The total amount of all payments in money must be no less than one fourth of the initial share capital. The total amount of initial share capital in money has to be paid no later than one year after the company has been entered into the Company Register.

A company that has no more than five members and one Board member may be established through a simplified procedure as a simple limited liability company. The minimum initial amount for the establishment of such a company is HRK 10, while individual representation per investor cannot be less than HRK 1.

**• Setting up a Branch Office**

Foreign companies can establish a branch office in Croatia. The branch office is not a legal person. The branch office is set up by a special decision brought by the relevant body of the company in accordance with the statement about the establishment of the company which must be notarized. The branch office operates under its own company and should state its head office and the head office of the founder.

**• Opening a Representative Office**

Representative Office in the Republic of Croatia may be established by a foreign person performing an economic activity and by national or international economic organizations. A representative office can be set up for market research and for the representation of the founder. A representative office is not a legal entity and is considered to be part of the founder. It may not engage in activities of the founder or contract jobs for the founder, but performs tasks on behalf of the founder. Exceptionally, representative offices of foreign airlines may sell air tickets in accordance with the international agreements signed by the Republic of Croatia and international conventions. A representative office performs its activities under the founder's company with an indication that it is a representative office.

A representative office is registered in the Foreign Party Representative Registry in the Republic of Croatia kept by the Ministry of Economy, Entrepreneurship and Crafts. A representative office may start its activities only after registration.

After the Croatian accession to the EU, economic entities that come from other EU Member States, and since 2014 also from other European Economic Area states, no longer have the possibility to open representative offices in the Republic of Croatia, but only to register a branch office or to open a domestic company.

...to be continued...