



SPECIAL REPORT

The European Union 2014-2019: "Backstage"

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d+i LLORENTE & CUENCA

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AUTHORS

LLORENTE & CUENCA

1. INTRODUCTION

Much has been written about the results of the recent elections for European Parliament, held between 22 and 25 May throughout the 28 countries that comprise the European Union (EU). However, not so much has been written about the "backstage" balancing acts that are, at present, being negotiated¹ between and within different European political families to see who is responsible for what, in what capacity, and especially in exchange for what.

Results are determined not only by "musical chairs" at a foreign level, for example Presidencies, Vice Presidencies, Coordinators, etc. of the commissions and sub parliamentary committees, but also at a local level within each party, as the sharing of power corresponding to each function of the representation obtained is to be divided between national formations that comprise the European political group.

This year some big institutional changes will be taking place, such as the refurbishment of the European Commission, as well as some not so inconvenient replacements in the Presidency of the European

¹ The formation of European political groups is being concluded and new European political groups may occur, provided at least 25 MEPs from seven Member States are collected. In this context, it is likely that the leader of the French party Front National, Marine Le Pen, will present a new Eurosceptic political group. On June 26 all the presidents of the European political groups will be revealed. At the moment, we know those of the PPE: on June 4, its new President, the German Manfred Weber was announced, first time Spanish Vice President Esteban Gonzalez Pons. At the European Council of June 26-27, is expected that President, Herman Van Rompuy, will present a possible agenda for the next European Commission and it is possible that the Heads of State and/or Government appoint a candidate as President of the European Commission, but it is not definitive. The constitutive plenary session will take place from July 1-3, in which the new President and Vice-Presidents of the European Parliament

² The Lisbon Treaty formally recognizes the European Council as an EU institution, responsible for giving "the Union with the necessary impetus for its development" and define "their general political directions and priorities". The European Council does not exercise legislative functions but should improve the continuity and consistency of work. The President also takes responsibility for the external representation of the Union, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy. Herman Van Rompuy first permanent President of the European Council took up his post with the entry into force of the Lisbon Treaty on 1 December 2009. His first term ended on May 31, 2012. On March 1, 2012, he was reelected to a second term that began on June 1, 2012 and ends on November 30, 2014. the Lisbon Treaty does not allow more terms.

“That the European Parliament does not legislate alone as does the national parliament, but does so in close collaboration with the Council, and always as proposed by the European Commission”

Council² as well as the "full-time" Presidency at Eurogroup³ and the High Representative of the Union for Foreign Affairs and Security Policy⁴, a responsibility which is integrated with the Vice President in the European Commission.

This is a "*tout confondu*" (total confusion) that, between today's date and November 1, will be summarized in a harmonization that will reflect European, national, regional and, do not forget, personal interests in the political game.

We must not focus on issues of time and more or less theoretical procedures but rather try to throw around some ideas on what's behind all of this and how it would be beneficial to be attentive to what is happening in this "internal pressure-cooker" that little by little, is shaping European institutions' important players in the decision-making process. Over the next five

years, these players will be making decisions for us regarding many aspects of our daily lives.

We should not forget that the European Parliament does not legislate alone as does the national parliament, but does so in close collaboration with the Council, and always as proposed by the European Commission. Therefore, it is essential to settle which of the "seats" are most relevant, depending on their strategic importance and knowing how to combine the different angles of play according to the institutions concerned (European Parliament, European Commission and EU Council).

2. EUROPEAN PARLIAMENT

Some facts

As an overall result⁵, the European People's Party (PPE) was again the most voted

³ The Eurogroup is the "engine room" to control the Eurozone. It is an informal body which brings together finance ministers of the countries that use the euro as currency. The Vice European Commission responsible for Economic and Monetary Affairs and the President of the European Central Bank will also participate. Its main function is to ensure the coordination of economic policies and to promote financial stability. The 18 members of the Eurogroup elect their president for a period of two and a half years by a simple majority. From January 21, 2013, the President is the Minister of Finance of the Netherlands, Jeroen Dijsselbloem. Until now, the position went hand in hand with national responsibility. However, according to agreements reached at the Summits held between France, Germany and Italy it has been advocated to turn this charge into "full time". The current Spanish Minister of Economy and Competitiveness, Luis de Guindos, appears to be a likely candidate.

⁴ The European Council appoints the High Representative of the Union for Foreign Affairs and Security Policy, by qualified majority and with the approval of the President of the Commission. The High Representative is responsible for foreign policy and security of the Union (CFSP) and has the power to submit proposals. In addition to chairing the Foreign Affairs Council, the High Representative is also Vice-Chairman and has the support of the European External Action Service, comprising officials from the Council and Commission as well as staff from national diplomatic services. Responsible to date is the British Catherine Ashton.

⁵ Results verified June 24, 2014, failing the final configuration of each European group, from the official website of the European Parliament: <http://electionsnight2014.eu/>

party, gaining 221 seats out of 751, followed by the Social Democratic Group (S&D) with 191 seats, and thirdly the Group of the Alliance of Liberals and Democrats (ALDE) with 67 seats.

In the case of Spain, where 54 out of 751 MEPs making up the new European Parliament have been chosen, the People's Party (PP) won the most votes, obtaining 16 seats, followed by the Spanish Socialist Workers Party (PSOE) with 14.

In short, the seats won by European political groups are divided as follows:

- European People's Party (PPE): 221 seats.
- Social Democratic Group (S&D): 191 seats.
- Group of the Alliance of Liberals and Democrats (ALDE): 67.
- Greens (Greens/EFA): 50.
- European Conservatives and Reformists (ECR): 70.
- Group of the United Left (GUE / NGL): 52 seats.
- Non-attached (NI): 43 seats.
- European Freedom and Democracy (EFD): 48.
- "Other"⁶: 9 seats.

In Spain, the 54 seats that correspond to our country are divided as follows:

- Partido Popular (PP): 16 seats (integrated in the PPE).
- Partido Socialista Obrero Español (PSOE): 14 seats (integrated into the S&D).



Edificio del Parlamento Europeo en Estrasburgo.

⁶ MEPs listed as "non-attached" are those who do not belong to any European political group. The category "Other" are those MEPs who have not yet been included in the existing European political group or category of non-attached.

“The VIII Legislature which is just starting up will not be a five-year term, in which the three major European parliamentary forces would be committing a grave error by doing and undoing at will”

- Izquierda Unida (IU): 6 seats (of which 5 are integrated in the European United Left and 1 into the Greens).
- Podemos: 5 seats (currently listed as "Other").
- Unión, Progreso y Democracia (UPyD): 4 seats (integrated into the ALDE group).
- Coalición por Europa (CDC + UDC + EAJ-PNV + CCAPNC + CxG): 3 seats (PPE with 1 and ALDE with 2).
- Ciudadanos: 2 seats (currently listed as "Other").
- Coalición EPDD ((ERC + Necat + Ind + et al): 2 seats (integrated into the Greens).
- Coalición Los Pueblos Deciden (BNG + EH BILDU): 1 seat (integrated into the Greens).
- Coalición Primavera Europa (Compromis, Equo, Chunta Aragonista): 1 seat (integrated the Greens).

Key points

From the constitutive European Parliament session of July 1, the 54 Spanish MEPs elected last May 25, will be mainly (but not exclusively) the best positioned in this institution to defend our interests in this 28 State Europe, where everything is negotiated and everything is exchanged in a system of shared decision-making (normal legislative procedure) in which it is very important to be

well positioned as well as to be familiar with the situation and its implications so as to be able to defend it.

Undoubtedly, the VIII Legislature which is just starting up will not be a five-year term, in which the three major European parliamentary (popular, socialist and liberal) forces would be committing a grave error by doing and undoing at will in the exercise of their legitimacy and the representativeness obtained.

On the contrary, they must take heed of the wake-up call that European voters have sent with their votes (and abstentions) and, moreover, the two polar opposite but ultimately similar messages that are being sent:

- Europe as it currently operates, does not work;
- The result is independent of the traditional vote of punishment that takes place at a national level.

In this sense, the question to clear up is what the attitude of these three groups will be (including that of parties such as the Greens) in the institutional allocation of seats to all MEPs, whether they be eurosceptics, far right, far left or xenophobes, all of whom add up to more than one hundred deputies.

All this because the 751 MEPs will be distributed throughout various parliamentary committees during the VIII legislature. These Commissions, where it is important

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to be President, Vice President and above all, Coordinator, but are not obligated to coincide with those already existing ⁷ but will, to a greater or lesser extent, appear to be similar enough.

Some of the committees which have a primary interest in this legislative activity as well as the unfinished business of the previous term, are:

- ECON [Economic and Monetary Affairs](#)
 - » European Economic Governance in the time frame of European Semester and review of the Europe 2020 strategy.
 - » Commissioning and implementation of the Union of Banks.
 - » Long-term financing of the European economy, with particular emphasis on access to finance.
 - » Payment service in the internal market.
- ENVI [Environment, Public Health and Food Safety](#)
 - » Energy and Climate Package 2030 - possible revision of the European system of emissions allowances.
 - » Reduction of pollutant emissions from road vehicles.
 - » Air Quality.
- ITRE [Industry, Research and Energy](#)
 - » Industry Policy Strategy - review of the Europe 2020 strategy
 - » Energy and climate package 2030, namely the preparation of negotiations on a new international agreement in Paris in 2015.
 - » Single telecommunications market.
 - » Information and communication network security (cyber-security).
- IMCO [Internal Market and Consumer Protection](#)
 - » Surveillance and security in the market including

⁷ AFET [Asuntos Exteriores](#); DROI [Derechos Humanos](#); SEDE [Seguridad y Defensa](#); DEVE [Desarrollo](#); INTA [Comercio Internacional](#); BUDG [Presupuestos](#); CONT [Control Presupuestario](#); ECON [Asuntos Económicos y Monetarios](#); EMPL [Empleo y Asuntos Sociales](#); ENVI [Medio Ambiente, Salud Pública y Seguridad Alimentaria](#); ITRE [Industria, Investigación y Energía](#); IMCO [Mercado Interior y Protección del Consumidor](#); TRAN [Transportes y Turismo](#); REGI [Desarrollo Regional](#); AGRI [Agricultura y Desarrollo Rural](#); PECH [Pesca](#); CULT [Cultura y Educación](#); JURI [Asuntos Jurídicos](#); LIBE [Libertades Civiles, Justicia y Asuntos de Interior](#); AFCO [Asuntos Constitucionales](#); FEMM [Derechos de la Mujer e Igualdad de Género](#); PETI [Peticiones](#)

“After Commissions, we move on to distribute the Interparliamentary Assemblies, joint parliamentary committees and bilateral interparliamentary delegations”

- the obligation of origin labeling ("made in").
 - » Governance of the internal market, including the reduction of administrative burdens associated with the implementation and enforcement of EU legislation at a national level.
 - » Review of European trademark law.
 - TRAN [Transport and Tourism](#)
 - » Liberalization of Air (SES) and rail (fourth rail package) transportation.
 - » Dimensions of heavy vehicles.
 - » Strengthening European tourism policy.
 - JURI [Legal Affairs](#)
 - » Improving the exercise of shareholder rights.
 - » New legal form of enterprise: sole proprietorship limited liability.
 - » Insolvency proceedings and corporate bankruptcy.
 - » Gender balance on administrative boards.
 - INTA [International Trade](#)
 - » Negotiations under way for trade agreements, highlighting the Trade and Investment Agreement with the United States (TTIP).
 - » Access to international procurement markets.
 - » Trade defense instruments.
 - AFET [Foreign Affairs](#) (issues such as the agreement with Mercosur or topical issues such as the conflict in Ukraine)
 - AGRI [Agriculture and Rural Development](#) (Common Agricultural Policy-CAP)
 - BUDG [Budgets](#) (responsible for the annual breakdown of the 2014-2020 financial perspective)
 - PETI [Petitions](#) (with little legislative power but with great media power to collect and resolve complaints of citizens)
- After Commissions, we move on to distribute the Interparliamentary Assemblies, joint parliamentary committees and bilateral interparliamentary delegations⁸.
- These parliamentary bodies are responsible for maintaining

⁸ See full list at: http://www.europarl.europa.eu/delegations/es/home.html?sort=byDelegation#current_zone

“Parliament’s work and its smooth functioning is increasingly dependent on the quality of EU legislation, which should later be implemented in our country”

and developing the European Parliament’s international contacts. Their activities focus on deepening contacts with the parliaments of States that are traditionally partners of the EU and to contributing to the promotion of the values on which the EU is founded in third world countries, for example, the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law.

Naturally, Latin America is of great importance for Spanish as well as Mediterranean interests, and for this reason, the respective parliamentary assemblies are priorities.

Behind them, delegations in the countries of Mercosur and the Andean Community are craved as the next major subregions. The Andean Community requires the monitoring of the trade agreement with Peru and Colombia, the possible inclusion of Ecuador, the waiving of visas for its citizens, and political developments in Ecuador and Bolivia, countries surrounded by conflict regarding legal security of investments and also of great importance for Spanish investment.

As well, the joint parliamentary committees of Chile and Mexico shall focus on the revision and

updating of their economic partnership agreements, successful and effective with these two countries, although the review "per se" will fall back on the relevant committees (AFET / INTA). Finally, and notwithstanding any last minute changes, there will be a new bilateral delegation with Brazil as a strategic partner of the EU.

In conclusion, Parliament’s work and its smooth functioning is increasingly dependent on the quality of EU legislation, which should later be implemented in our country, considering the possible impact it can have on citizens and businesses.

3. THE EUROPEAN COMMISSION

Some facts

In view of the outcome of the election, the President of the European Council consults with the European Parliament regarding potential candidates to head the European Commission. Based on this consultation, the President suggests a potential candidate to the European Council, who must then vote on it. The decision will be made based on a qualified majority . If this potential candidate receives a majority of 376 votes of the 751, they will then be elected. If

⁹ According to the "Glossary" of European legislation, voting by qualified majority in the Council of the European Union is based on the principle of weighting of votes. Under the current weighting, the most populated states have between 27 and 29 votes (Spain 27), medium-sized, between 7 and 14 and the 'smallest', between 3 and 4. To be adopted, any decision must absolutely have at least 255 votes of 345.

“In agreement with the President-elect of the Commission, the Council adopts the list of the other 27 members of the Commission”

they do not obtain the required majority⁹, the European Council will have one month to propose a new candidate who shall be elected by the European Parliament following the same procedure.

In agreement with the President-elect of the Commission, the Council adopts the list of the other 27 members of the Commission who shall be selected from proposals submitted by the Member States. This way, they are also assigned a responsibility.

Members of the European Commission for the period of 2010- 2014 (aside from the President):

1. High Representative of the Union for Foreign Affairs and Security Policy. Vice President
2. Justice, Fundamental Rights and Citizenship. Vice President
3. Competition. Vice President (Until now the Spanish Commissioner)
4. Transport. Vice President.
5. Digital Agenda. Vice President
6. Industry and Entrepreneurship. Vice President
7. Institutional Relations and Administration. Vice President
8. Economic and Monetary Affairs and the Euro. Vice President
9. Environment
10. Development
11. Internal Market and Services
12. Education, Culture, Multilingualism and Youth
13. Taxation, Customs, Statistics, Audit and Anti-Fraud
14. Trade
15. Research, Innovation and Science
16. Financial Programming and Budget
17. Maritime Affairs and Fisheries
18. International Cooperation, Humanitarian Aid and Crisis Response
19. Energy
20. Regional Policy
21. Climate Action
22. Enlargement and European Neighbourhood Policy
23. Employment, Social Affairs and Inclusion
24. Affairs
25. Agriculture and Rural Development
26. Health
27. Consumer Policy

“The European Commission, making an analogy with the distribution of powers of Montesquieu, would be the executive branch, (the Government)”

Each candidate for Commissioner, including the Spanish one which is appointed¹⁰, is assessed by the Commission of the European Parliament in relation to the portfolio to which they aspire. To do so, they must respond in writing to questions from MEPs and undergo a hearing before the members of the Parliamentary Committee. After that, an assessment report is produced and submitted to a vote in a plenary session held by the European Parliament.

Finally, in view of the results of the hearings, the President of the Commission must present their political priorities to the College of Commissioners in a plenary session. After discussion, MEPs decide whether they will support the new Commission for a term of five years by a majority of votes cast.

Key points

The European Commission, making an analogy with the distribution of powers of Montesquieu, would be the executive branch, (the Government). Continuing with the analogy, it has a Prime Minister, (the President of the European Commission), and 27 Ministers, (the 27 Commissioners). This gives the Commissioner's College a total of 28 members which coincide with the member countries of the EU.

With this, we once again see a new exercise of "European tightrope walking". With the adoption of the Nice¹¹ Treaty, we saw that such a large institution was not functional. Henceforth, the protocol on the expansion specifying that when the EU was to be comprised of 27 Member States (remember that when Treaty of Nice came into force there were 15 countries), the number of members of the Commission would be less than the number of states.

On July 1, 2013, the 28th country joined: Croatia; thus and in accordance with the Lisbon Treaty to the European Commission appointed on November 1, 2014, the rule¹² of "a number of members corresponding to two

¹⁰ Everything seems to point to be Miguel Arias Cañete, head of list by the Popular Party and former Minister of Agriculture.

¹¹ In force between February 1, 2003 and November 30, 2009.

¹² Article 17.5 of the Lisbon Treaty (Treaty on European Union-TEU)



“The act of increasing the number of Commissioners has led to the need for the division of portfolios leaving some with a quasi testimonial role”

thirds the number of member states” was applied. But it does not work like this as the same article detailing this rule states that this is so “unless the European Council decides unanimously to alter this number”. A decision made in May 2013¹³, states that the European Commission will continue to have a national member per Member State, at least until the next Commission when there are 30 member countries.

The opinion remains that the problems of “overcrowding” and somewhat “ungovernable nature” of the executive branch have not been resolved. This is because we had to placate the country with the most problems when entering into the Lisbon Treaty: Ireland.

As mentioned, each Commissioner will have a liability (a “portfolio” in EU jargon) that may correspond to a Directorate General of the European Commission (including solely administrative). However, the act of increasing the number of Commissioners has led to the need for the division of portfolios leaving some with a quasi testimonial role. However, as befits any politician, it is very unlikely for a member of the European Commission to decide to forego their moment of glory and spend five years in office without putting a proposal on the table. Hence, at times, some of them fail to respond to the need to solve a problem, valued, in turn, with respect to the application of the principles of subsidiarity and proportionality.

All issues previously detailed as priorities between the Parliamentary Committees, have come out of a proposal from the European Commission, which is the institution that monopolizes legislative initiative. Therefore, and as it so happens in the European Parliament, there are portfolios of great weight, especially those of greater economic content, such as:

- Economic and Monetary Affairs and the Euro
- Internal Market and Services
- Environment
- Trade
- Energy
- Transport
- Competition
- Digital Agenda
- Industry and Entrepreneurship
- Research, Innovation and Science
- Employment, Social Affairs and Inclusion

We have seen how with the aim of strengthening democratic legitimacy, the President of the European Commission is elected and appointed taking into account the results of the elections to the European Parliament. Therefore, the next

¹³ European Council Decision (2013/272 / EU) of 22 May 2013.

http://eur-lex.europa.eu/legal-content/ES/TXT/?uri=uriserv:OJ.L_.2013.165.01.0098.01.SPA

“Today a key issue is to get back the public enthusiasm for Europe”

president should be proposed by the PPE.

On March 7, the PPE nominated Jean Claude Juncker as a candidate, who until December 2013, was Prime Minister of Luxembourg. However, before being officially proposed, it is already being questioned by some of his fellow Prime Ministers, such as British Prime Minister, David Cameron, who was concerned that Juncker would overly devote himself to German interests, especially in regards to a greater harmonization of economic policy, an issue of excessive interventionism, as observed by the UK and other countries (mainly Nordic). In terms of Germany itself, this particular candidate seems generally disliked, although in this case it would be a question of national motives, measured against the framework that governs the country.

To summarize, the final outcome is most likely that Jean Claude Juncker will be appointed to chair the Committee and will likely be supported by the second major political force, the socialist party S&D. But it is clear that they will have to make concessions to one and all, and with that, the European Commission 2014-2019 could start out already determined.

4. CONCLUSIONS

To a greater or lesser extent, crisis, debates and differences have always existed in regards to the basic institutional structure

of the EU, and in particular on their governance.

Today a key issue is to get back the public enthusiasm for Europe and to restore the so-called virtuous triangle of the early years, citizen-EU-national governments, in which all participated together.

At present, it is not difficult to observe a mismatch between Member States and the EU, and two forms of understanding the European integration process are rapidly emerging. On the one hand, we find the countries, led by the UK, that understand that the EU is going beyond what should be a complementary role to the predominant action of the Member States. On the other hand, we find the countries, led by Germany, who believe that the Union must have a locomotor function and be capable of proposing new initiatives that will lead to higher levels of integration, especially in the political arena. For example, addressing the current imbalance between the EU's role in the Internal Market and as a political entity.

It is obvious from the election results, that we have reached a new crossroads in the European integration project which requires overcoming the crisis of confidence expressed in these elections. It is essential to overcome this crisis of confidence, so that it does not become institutional instability.

To this end, European political leaders must respond by sending a clear message about the European integration project, which will

“European political leaders must respond by sending a clear message about the European integration project”

take into account the impact of their decisions on the economic challenges derived from the devastating effects of the crisis that we face today. They must show broadmindedness and sufficient determination to undertake the necessary reforms that will lead us to achieve higher levels of growth, employment and social welfare.

An element of transcendence is needed in order address the need for a focus on an agreement with the pro-European majority to promote legislation in favor of a European construction, especially in view of the loss of seats, in absolute terms, that large political parties have experienced.

Authors



José Isaías Rodríguez Vice-President of European Affairs in LLORENTE & CUENCA. He is the Vice-President of the Employers' Group of the European Economic and Social Committee (EESC) and a member of the Advisory Council of the European Training Foundation (ETF). He is an outstanding professional with a profound knowledge of Europe and the relations of Spanish companies with the European administration. He began his career as Deputy Director of the Department of European Communities in the Spanish Confederation of Business Organizations (CEOE). For 25 years, since the entry of Spain into the European Union and, he has been the Director of the CEOE's Delegation in Brussels, where he represented the interests of Spanish companies in the European Institutions and in BUSINESSEUROPE (Confederation of European Business formed by 41 organizations from 36 European countries). Later, he was the Deputy Secretary-General of the CEOE for two years. He is a graduate in Economics and Business Studies in the University of Seville, Master's degree in European Studies in the Catholic University of Louvain and graduated in European Studies in the Diplomatic School, Spanish Ministry of Foreign Affairs.

jirodriguez@llorentecuenca.com

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Organisation

CORPORATE MANAGEMENT

José Antonio Llorente
Founding partner and Chairman
jalorente@llorenteycuenca.com

Enrique González
Partner and CFO
egonzalez@llorenteycuenca.com

Jorge Cachinero
Corporate Director for Innovation
jcachinero@llorenteycuenca.com

SPAIN AND PORTUGAL

Arturo Pinedo
Partner and Managing Director
apinedo@llorenteycuenca.com

Adolfo Corujo
Partner and Managing Director
acorujo@llorenteycuenca.com

Madrid

Joan Navarro
Partner and Vice-President of Public Affairs
jnavarro@llorenteycuenca.com

Amalio Moratalla
Partner and Senior Director
amoratalla@llorenteycuenca.com

Juan Castellero
Financial Director
jcastillero@llorenteycuenca.com

Lagasca, 88 – planta 3
28001 Madrid (Spain)
Tel. +34 91 563 77 22

Barcelona

María Cura
Partner and Managing Director
mcura@llorenteycuenca.com

Muntaner, 240-242, 1º-1ª
08021 Barcelona (Spain)
Tel. +34 93 217 22 17

Lisbon

Madalena Martins
Founding Partner
mmartins@llorenteycuenca.com

Carlos Matos
Founding Partner
cmatos@llorenteycuenca.com

Rua do Fetal, 18
2714-504 S. Pedro de Sintra (Portugal)
Tel. + 351 21 923 97 00

LATIN AMERICA

Alejandro Romero
Partner and Latin American CEO
aromero@llorenteycuenca.com

José Luis Di Girolamo
Partner and Latin American CFO
jldgirolamo@llorenteycuenca.com

Antonio Lois
Regional Director of Human Resources
alois@llorenteycuenca.com

Bogota

María Esteve
Managing Director
mesteve@llorenteycuenca.com

Germán Jaramillo
Chief Executive
gjaramillo@llorenteycuenca.com

Carrera 14, # 94-44. Torre B – of. 501
Bogota (Colombia)
Tel. +57 1 7438000

Buenos Aires

Pablo Abiad
Partner and Managing Director
pabiad@llorenteycuenca.com

Enrique Morad
Chief Executive for the Southern Cone
emorad@llorenteycuenca.com

Av. Corrientes 222, piso 8. C1043AAP
Ciudad de Buenos Aires (Argentina)
Tel. +54 11 5556 0700

Lima

Luisa García
Partner and CEO of the Andean Region
lgarcia@llorenteycuenca.com

Cayetana Aljovín
General Manager
caljovin@llorenteycuenca.com

Av. Andrés Reyes 420, piso 7
San Isidro. Lima (Peru)
Tel. +51 1 2229491

Mexico

Juan Rivera
Partner and Managing Director
jrivera@llorenteycuenca.com

Bosque de Radiatas # 22 – PH7
05120 Bosques las Lomas (México D.F.)
Tel. +52 55 52571084

Panama

Javier Rosado
Partner and Managing Director
jrosado@llorenteycuenca.com

Avda. Samuel Lewis. Edificio Omega, piso 6
Panama City (Panama)
Tel. +507 206 5200

Quito

Catherine Buelvas
Managing Director
cbuelvas@llorenteycuenca.com

Av. 12 de Octubre 1830 y Cordero.
Edificio World Trade Center, Torre B, piso 11
Distrito Metropolitano de Quito (Ecuador)
Tel. +593 2 2565820

Rio de Janeiro

Yeray Carretero
Director
ycarretero@llorenteycuenca.com

Rua da Assembleia, 10 – sala 1801
Rio de Janeiro – RJ (Brazil)
Tel. +55 21 3797 6400

São Paulo

Juan Carlos Gozzer
Managing Director
jcgozzer@llorenteycuenca.com

Rua Oscar Freire, 379, CJ 111, Cerqueira César
CEP 01426-001 São Paulo SP (Brazil)
Tel. +55 11 3082 3390

Santiago de Chile

Claudio Ramírez
Partner and General Manager
cramirez@llorenteycuenca.com

Avenida Vitacura 2939 Piso 10. Las Condes
Santiago de Chile (Chile)
Tel. +56 2 24315441

Santo Domingo

Alejandra Pellerano
Managing Director
apellerano@llorenteycuenca.com

Avda. Abraham Lincoln
Torre Ejecutiva Sonora, planta 7
Santo Domingo (Dominican Republic)
Tel. +1 8096161975



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