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Insight

With Howard Liebman, Chair of AmCham Belgium's Legal & Taxation Committee and Partner at Jones Day

Interview by Nick Klenske, Editor, AmCham Connect

With 34 years experience as a practicing lawyer, 32 of them in Brussels and as an active AmCham Belgium member, Legal & Taxation Committee Chair Howard Liebman has insights on the Belgian legal sector. AmCham Connect editor Nick Klenske sits down to talk law.

I have to ask, how does an American attorney end up in Brussels?

On a plane! (Laughter.)

Fair enough! But what's your story, pre-Belgium?

I was born in L.A. but grew up in New York. After graduating from Colgate University, I attended Harvard Law School.

For me, law school was a sort of compromise. As an undergraduate I studied international relations and economics, as I originally planned to get into diplomacy and maybe join the Foreign Service. But as I discovered that I'm not the best at math or languages, I needed a Plan B - so I combined my interests and applied to law school.

And from Harvard to Belgium?

It's the typical story of Belgium picking me. At the time there were only five US firms here in Brussels, and I was lucky enough to get two offers. So I got on that aforementioned plane and started my career with a focus on corporate law, joint ventures and setting up companies - particularly in Eastern Europe.

You've been involved with AmCham Belgium for quite some time. Can you share a bit of history with us, particularly as to the development of the Legal & Taxation Committee that you chair today?

When I started, believe it or not, there was a legitimate fear that Western Europe would be invaded by the Communists to the east. As a result, many Belgians were interested in investing in the US - particularly in real estate - in order to have a bolt hole. Thus, I started out in the now defunct Investment & Trade Committee, which was very heavily focused on Belgian-U.S. relations. Of course as the Cold War ended, this focus began to waver, especially as the single European market made Europe -- and Belgium -- a good place to invest. As a result, AmCham had to adjust too.

Whereas my prior Committee was often very individual- and SME-focused, today's Legal & Taxation Committee is more focused on larger corporates. And as Belgium grew in status as a place for foreign investment, AmCham Belgium saw a need for a grounded, Belgian-centric lobbying presence coming from its multi-national members. The answer was to slowly steer the Legal & Taxation Committee towards its current lobbying function.

A lot of SMEs would see the word 'lobbying' and think, 'who cares'. Should they care?

Our lobbying initiatives affect companies of all sizes. For example, if you own property in the US, then our work on reinvigorating the efforts to sign a bilateral Estate Tax Treaty will be of interest to you. Granted, not everything we do is relevant to small companies, but anything involving taxes impacts any company, regardless of size. The impact might be bigger for the multi-nationals, but that's not to say these issues aren't important for business in general.

But is it all lobbying?



Not at all. The Committee has always been a sort of institution. When I first became involved, it was similar to the Tax Clubs found in New York, D.C. and London – a place where tax professionals get together to chat, share information, network, etc. AmCham's Legal & Taxation Committee had a similar concept, emphasizing networking and education.

This started to change in the mid-80s as lobbying grew in importance, but even today we use the same 'Tax Club' format. Each of our meetings is held in a relaxing, business lunch setting. And we always start off with a report on our lobbying activities before welcoming our guest speaker – thereby fulfilling our education function.

Has this shift in focus produced results?

Certainly. I'm not going to cover every success – as both this newsletter and our Policy Flashes do a great job at that, but overall we have been at the forefront of several initiatives.

For example, as I mentioned already, we've been working on getting an Estate Tax Treaty in place between Belgium and the US. The problem here is that the current US law is in transition, and the US can't easily negotiate a treaty without a clear and fixed law

One of our most significant initiatives was the US-Belgian Income Tax Treaty. Although we were working on this for years, it was with a bit of luck that we got it through. As Belgium isn't the biggest of countries, our push for a treaty was not on the US Treasury's radar at the time. However, during a foreign trade mission to the US, Marcel Claes was on a plane with Prime Minister Verhofstadt and mentioned the lack of a treaty. When the Prime Minister met with President Bush, he brought the treaty up, Bush essentially said, 'ok, let's do it', and suddenly it became a priority. Most people don't realize that this treaty is a direct result of AmCham Belgium's lobbying efforts.

Ok, so we've talked a lot about lobbying, and Brussels makes sense as a lobby capital. But is it one of the world's legal capitals?

Granted, Brussels isn't a New York, a Paris or a London. Essentially, it's a second-tier city that punches above its weight because the European Union is located here. Otherwise we'd be looking at another Lyon or Lille. In this sense, it's a legal hub like D.C.

Because of the EU, Brussels is an international city. And because it's an international city, it's become the home of many international headquarters. As a result, the law firms have followed. Unlike the real hubs of New York or London, however, Brussels is a regulatory city, as opposed to a transactional one. Here the main focus tends to be on anti-trust, trade law and related fields.

Finally, as Brussels seems to be very regulatory and thus EU-centric – why AmCham Belgium?

Even in this EU city, AmCham Belgium still plays an essential role. Many American companies are based here, *in Belgium*. What happens in and with the Belgian Government has a direct impact on these companies and they want information and a voice.

It is AmCham – and the Legal & Taxation Committee's job -- to provide them with these essential tools to doing business in Belgium.



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