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**SUBJECT: Procedure for U.S. Federal Lobbying Disclosure Reporting**

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**1.0 SCOPE**

This Procedure is global in scope and applies to Mylan Inc., all of its subsidiaries and affiliates around the world (collectively, the “Company”), and all employees, officers, directors, and agents acting on behalf of the Company (collectively, “Company Personnel”).

**2.0 PURPOSE**

To establish a Procedure for accurately reporting the Company’s U.S. federal lobbying activity in compliance with the U.S. Lobbying Disclosure Act of 1995 as amended by the Honest and Open Government Act of 2007.

**3.0 REFERENCE DOCUMENTS**

- Lobbying Disclosure Act of 1995;
- Honest and Open Government Act of 2007;
- Lobbying Disclosure Act Guidance (Office of the Clerk, U.S. House of Representatives, last revised December 15, 2011)
- Addendum A – Lobbying Disclosure Report Questionnaire
- Mylan Inc. Code of Business Conduct and Ethics
- Mylan Inc. Anti-Corruption Policy

**4.0 DEFINITIONS**

- 4.1 *Company:* Mylan Inc. and its Affiliates. Any corporation, partnership, company, joint venture, or other legal entity of which Mylan Inc. directly or indirectly owns more than fifty percent (50%) of its outstanding equity interests shall be considered an ‘Affiliate’ for purposes of this Policy.
- 4.2 *Company Personnel:* Any employee, officer, director, or solely for the purposes of this Policy, agent acting on behalf of the Company. Nothing contained in this Policy shall be deemed to create an employment relationship between the Company and any third party contractor or agent.
- 4.3 *Lobbyist:* An individual is considered a LOBBYIST if he or she makes more than one LOBBYING CONTACT and his or her LOBBYING ACTIVITIES constitute at least 20% of the individual’s working time over any three-month period.
- 4.4 *Lobbying Contact:* Any oral (by phone or in person) or written communication (including email) to a COVERED EXECUTIVE OR LEGISLATIVE BRANCH OFFICIAL that is made on behalf of Mylan for the purpose of influencing:
- The formulation, modification, or adoption of federal legislation (including legislative proposals);
  - The formulation, modification, or adoption of a federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;



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- The administration or execution of a federal program or policy (including the negotiation, award, or administration of a federal contract, grant, loan, permit, or license unless the communication is compelled by a federal contract, grant, loan, permit, or license); or
- The nomination or confirmation of a person for a position subject to confirmation by the Senate.

## Exceptions to the definition of a lobbying contact include:

- A communication made in a speech, article, publication or other material that is distributed and made available to the public through radio, television, cable television and/or other medium of mass communication.
- A communication that is a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a COVERED EXECUTIVE OR LEGISLATIVE BRANCH OFFICIAL.
- A communication made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act.
- Testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force.
- Information provided in writing in response to an oral or written request by a COVERED EXECUTIVE OR LEGISLATIVE BRANCH OFFICIAL for specific information.
- Information required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency, including any communication compelled by a federal contract, grant, loan, permit, or license.
- A communication made in response to a notice in the Federal Register or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications.
- Information not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law.
- A communication made to an official in an agency with regard to a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or with regard to a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis.
- A communication made in compliance with written agency procedures regarding an adjudication.
- Written comments in a public proceeding made on the record in a public proceeding.
- A written petition for agency action required to be a matter of public record.
- Grassroots efforts (contacting other parties outside of government and asking them to contact COVERED EXECUTIVE OR LEGISLATIVE BRANCH OFFICIALS).

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- 4.5 *Lobbying Activities:* LOBBYING CONTACTS and any efforts in support of LOBBYING CONTACTS by Mylan or others, including preparation or planning activities, research and other background work that is intended, at the time of its preparation, for use in contacts, and coordination with the lobbying activities of others.

The Lobbying Disclosure Act Guidance as provided by the Secretary of the Senate and Clerk of the House of Representatives clarifies that:

- “All expenses of lobbying activities are reportable. The Section 3(7) [of the Lobbying Disclosure Act (LDA)] definition of lobbying activities is not limited to lobbying contacts.”
- “To ensure complete reporting, the Secretary and Clerk have consistently interpreted Section 5(b)(4) [of the Lobbying Disclosure Act (LDA)] to require [organizations that employ in-house lobbyists] to report all of their expenses incurred in connection with lobbying activities, including all payments to retained lobby firms or outside entities, without considering whether any particular payee has a separate obligation to register and report under the LDA.”
- “All employee time spent in lobbying activities must be included in determining the organization’s lobbying expenses, even if the employee does not meet the statutory definition of a “lobbyist.”

- 4.6 *Covered Executive or Legislative Branch Officials:* The following officers/employees of the federal government are considered “covered executive branch or legislative branch officials”:

- Members of Congress;
- Elected officers of either House of Congress;
- Employees of a Member of Congress, a committee of either House of Congress, the leadership staff of either House of Congress, a joint committee of Congress, and a working group or caucus organized to provide legislative services or other assistance to Members of Congress;
- Any other legislative branch employees/officers who occupy a position for at least 60 days for which the pay is 120 percent or more of the lowest GS-15 level pay;
- The President;
- The Vice President;
- Officers and employees in the Executive Office of the President;
- Officers and employees serving in a position in Level I-V of the Executive Schedule (e.g., Cabinet Secretaries, Under Secretaries, Assistant Secretaries, Departmental General Counsel, Commissioners (e.g., SEC Commissioner), Board member (e.g., Federal Reserve Governor) and their equivalents);
- Members of the uniformed services whose pay grade is at or above O-7 (e.g., brigadier generals, rear admirals, and above); and
- “Schedule C” employees (e.g., political appointees such as “Special Assistants” or “Confidential Assistants” to a Cabinet Secretary).

- 4.7 *Designated Company signatory:* The Office of Global Policy (“OGP”) will designate an OGP personnel member as ‘designated Company signatory’ of the Lobbying Disclosure Quarterly Activity Report (LD-2). The designated Company signatory will be responsible for final review of the LD-2, and the name of the designated Company signatory will be used to sign the completed LD-2 prior to filing. Contact information for the designated



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Company signatory will also be used to populate Line 4 of the LD-2 (registrant contact name, number, and e-mail).

## 5.0 POLICY

It is Company policy to comply with all requirements of the U.S. Lobbying Disclosure Act of 1995 as amended by the Honest and Open Government Act of 2007 in preparing and filing federal lobbying disclosure reports.

OGP will prepare and file all federal lobbying disclosure reports. Lobbying Disclosure Quarterly Activity Reports (LD-2) are due on the twentieth day of the month following the end of each reporting quarter: April 20 for First Quarter (January 1 to March 31), July 20 for Second Quarter (April 1 to June 30), October 20 for Third Quarter (July 1 to September 30), and January 20 for Fourth Quarter (October 1 to December 31). Lobbying Disclosure Contribution Reports (LD-203) are due on July 30 for Mid-Year (January 1 to June 30) and January 30 for Year-End (July 1 to December 31). All reports are filed online through the Lobbying Disclosure website operated by the U.S. House of Representatives Office of the Clerk <<http://lobbyingdisclosure.house.gov/index.html>>. Report receipts are automatically sent from the Office of the Clerk and Senate Office of Public Records to the registered e-filer indicating the report was successfully received.

LD-2 Reports are generated using IBM Workplace Viewer software, available for download through the Office of the Clerk Lobbying Disclosure website. Blank and partially pre-populated template LD-2 forms may also be downloaded from the website. LD-203 Reports are generated by entering contribution information as prompted through the online platform.

## 6.0 PROCEDURE

### 6.1 Preparing Quarterly Lobbying Activity Report (LD-2)

6.1.1 A representative of OGP will be responsible for preparing the LD-2 each quarter. Template LD-2 forms pre-populated with registrant information as well as IBM Workplace Viewer software, necessary to edit the LD-2 form, are available for download at <<http://lobbyingdisclosure.house.gov/software.asp>>. Digital copies of past LD-2 forms can be obtained using the Lobbying Disclosure Filing Search at <<http://disclosures.house.gov/ld/ldsearch.aspx>> and used as reference in preparing the LD-2. Contact details in Line 4 of the LD-2 should be populated by OGP with the designated Company signatory's information. Mylan's Registrant Senate and House ID will be available to OGP personnel in a document saved in the OGP Sharepoint site.

6.1.2 Lobbying expenditure as reported in Line 13 of the LD-2 is the total of all company expenses incurred during the reporting calendar quarter related to lobbying activities, including time and resources spent by Company personnel (Section 6.1.3), amount paid to external consultants for lobbying activities (Section 6.1.4), and portion of dues paid to associations used for lobbying activities (Section 6.1.5). The total recorded in Line 13 of the LD-2 is reached by adding final amounts in Sections 6.1.3, 6.1.4, and 6.1.5. The Method A accounting method should be checked in Line 14.

6.1.3 A representative of OGP will request via e-mail in the first week of each filing month (April, July, October, January) that all Company personnel who have supported lobbying activities



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complete Addendum A – Lobbying Disclosure Quarterly Activity Report Questionnaire. Addendum A provides a uniform internal reporting mechanism for time and resources spent on lobbying activities by Company personnel.

In order to complete Addendum A, Company personnel are required to record, to the best of their ability, all time and resources spent on lobbying activities in each calendar quarter. A definition of lobbying activities is included in Section 4.5. Examples of lobbying activity that would require disclosure in Addendum A of time and resources spent include participation in a meeting to discuss the Company position on an issue that will be used in lobbying contacts, research and drafting or talking points for use in lobbying contacts, or contribution to development of a strategic lobbying plan for an issue. Company personnel may record time and resources spent on lobbying activities using any method of their choice, but must be able to produce upon request documentation of time and resources. Ideal documentation will include date, amount of time spent, a brief description of the lobbying activity, and any related expenses. The total number of hours and resources must be recorded in Addendum A.

After receiving completed Addendum A forms from all relevant Company personnel, OGP will compile all time spent on lobbying activities into a spreadsheet. This spreadsheet will be sent to Mylan's HR Service Center to have Company personnel-reported time converted into a monetary amount based on salary. This monetary amount is then multiplied by 225% in accordance with the internal lobbying expenditure calculation provided in the alternate gross-up method of Section 1.162-28(e)(2) of the Federal Treasury Regulations. Any Company personnel-reported related expenses incurred during the reporting quarter will be added to this final number.

- 6.1.4 The lobbying expenditure total also includes the amount of money spent during the reporting quarter on external consultants engaged in lobbying activities on behalf of the Company. Lobbying activities of outside entities follows the same definition as for Company personnel, and includes support and preparation for lobbying contacts. The Lobbying Disclosure Act Guidance specifies that reporting of payment to outside entities for lobbying activities should be calculated "without considering whether any particular payee has a separate obligation to register and report under the LDA." Therefore, even if an external consultant does not meet the threshold requirements to register itself as a lobbying entity, any payment to that external consultant for work done in support of Company lobbying activities must be included in the Company lobbying expenditure total. OGP will obtain this amount by calculating the sum of all invoices paid to each consultant engaged in lobbying activity during the reporting quarter.
- 6.1.5 The lobbying expenditure total also includes the portion of dues paid to associations used for lobbying activities. OGP will obtain this amount by requesting the association provide the percentage of dues allocated to lobbying activities during the reporting quarter, and multiplying this percentage by one-quarter of the annual association dues amount.
- 6.1.6 Lines 15, 16, 17, and 18 of the LD-2 are completed by a representative of OGP based on Company personnel responses to Question 10 of Addendum A. Company personnel that meet the threshold of a "lobbyist" as defined in Section 4.3 during a quarterly period must notify OGP and be listed as a lobbyist on the LD-2 for that period. Once listed as a lobbyist in Line 18, an individual will remain a lobbyist for the Company for all subsequent quarterly periods until removed by being listed on Line 23 of the LD-2 Information Update Page.

## 6.2 Filing Quarterly Lobbying Activity Report (LD-2)



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6.2.1 A representative of OGP will be responsible for filing the LD-2 every quarter. After OGP internal review by all appropriate personnel and approval of the prepared LD-2 by the designated Company signatory, the LD-2 must be digitally signed with Mylan's Lobbying Disclosure Registrant ID and Password, which are available to OGP personnel in a document saved in the OGP Sharepoint site.

6.2.2 The digitally signed LD-2 is then submitted to both House and Senate by OGP personnel by clicking the "Submit to Congress" button in the bottom right corner of the first page. Automated e-mails will be sent to the registered designated Company signatory by both House and Senate confirming receipt of the report.

### 6.3 Filing Semi-Annual Contribution Report (LD-203)

6.3.1 All Company personnel that qualify as individual "lobbyists" as defined in Section 4.3 and are actively listed in the LD-2 must complete and file a semi-annual contribution report (LD-203). Company personnel that qualify as individual lobbyists may request assistance by OGP in completing and filing their LD-203. An LD-203 must also be completed and filed for the Company as a lobbying registrant; OGP will prepare and file the Company LD-203. LD-203 Contribution Reports for both the Company and Company personnel that qualify as individual lobbyists are completed and filed at <<https://lda.congress.gov/LC/>>. Passwords for the Company LD-203 will be available to OGP personnel in a document saved in the OGP Sharepoint site; Company personnel that qualify as individual lobbyists will be required to maintain their individual passwords.

6.3.2 Completion of the LD-203 requires disclosure of certain political contributions; a full list of applicable contributions is detailed under Section 7 of the Guide to the Lobbying Disclosure Act available at <[http://lobbyingdisclosure.house.gov/amended\\_lda\\_guide.html](http://lobbyingdisclosure.house.gov/amended_lda_guide.html)>. An LD-203 must be completed and filed even if no political contributions were made.

6.3.3 The LD-203 requires a certification that the filer is familiar with the rules of the U.S. Senate and House of Representatives regarding gifts and travel and that the filer has not provided any gifts or travel in violation of these rules. The Company relies on the following processes to make this certification on its LD-203.

The Company has issued a Code of Business Conduct and Ethics ("Code") that sets forth key principles and policies that Company Personnel must follow. All Company Personnel are trained on, and must certify their compliance with, the Code.

Among other key principles, the Code states that "[n]o gifts, meals, entertainment or benefits, such as travel, may be given to government officials in violation of applicable law." When Company Personnel submit requests for expense reimbursement in the Company's expense system "Concur" and indicate after the relevant prompt that the expense relates to the provision of value to a government official, all such requests are routed to a member of the Office of Global Compliance who examines the request, and if appropriate, approves it.

Additionally, managers of Company Personnel are required to approve all requests for expense reimbursement. When approving requests in Concur, a dialog box prompts the approver to confirm that they have reviewed the complete expense report and supporting documentation, and, to the best of their knowledge, that it is an accurate accounting of appropriate Mylan business-related expenses, and furthermore that expenses claimed are consistent with Mylan's policies and procedures, including without limitation, Mylan's Political Contributions Policy and policies that apply to any recipient.



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**6.4 Company Website Disclosure of Quarterly Lobbying Activity Report (LD-2)**

6.4.1 A representative of OGP will be responsible for making the LD-2 accessible via Mylan's website semi-annually. Disclosure will consist of providing a link to the congressional websites where Mylan's LD-2 is searchable and available for download (<http://disclosures.house.gov/ld/ldsearch.aspx> and [http://http://www.senate.gov/legislative/Public\\_Disclosure/LDA\\_reports.htm](http://http://www.senate.gov/legislative/Public_Disclosure/LDA_reports.htm)).

**6.5 Review by Compliance Committee of the Board of Directors**

6.5.1 A representative of OGP will be responsible for presenting the Compliance Committee of the Board of Directors with a report on Company lobbying activity at least semi-annually. Such report shall include the methods used to determine lobbying objectives and to collect data for disclosure purposes, as well as changes or additions to Company lobbying activities anticipated for the subsequent quarter. In addition, such report shall include the analysis of outside counsel on the question of compliance with applicable federal and state law.

**6.6 Biennial Audit**

6.6.1 OGP shall be responsible for maintaining all records related to lobbying activity for the purposes of a biennial audit by an independent third-party firm.

**7.0 COMPANY RIGHTS**

The Company reserves the right to amend or rescind, in whole or part, this Policy at any time and without notice. Neither this policy, nor its terms or definitions, nor its enforcement shall constitute or be construed or relied on as a contract of employment, or as a promise or commitment of benefits or continued employment.

**8.0 COMPLIANCE**

Failure to comply with the terms of this procedure may subject the individual to disciplinary action, up to and including termination of employment.



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**Addendum A – Lobbying Disclosure Quarterly Activity Report Questionnaire**

Name:

Position/Title:

Department:

Company:

Address:

Telephone Number:

Email Address:

- Are you currently registered as a federal lobbyist for Mylan? Y or N
- During the quarterly reporting period of April 1 to June 30, 2012, did you make any LOBBYING CONTACTS on behalf of Mylan? Y or N
- Have you made more than one LOBBYING CONTACT during your entire employment with Mylan? Y or N
- Regardless of your answer to Questions 1, 2 & 3 above, did you spend any time between April 1 and June 30, 2012, on LOBBYING ACTIVITIES? Y or N
- If you answered yes to question 3 or 4, please estimate the number of hours between April 1 and June 30, 2012 that you spent on LOBBYING CONTACTS and LOBBYING ACTIVITIES combined.  
\_\_\_\_\_
- If you answered yes to question 3 or 4, please list all expenses incurred by you between April 1 and June 30, 2012 that directly related to LOBBYING CONTACTS or LOBBYING ACTIVITIES. (If an expense directly relates to federal lobbying and to other activities, please allocate the expense accordingly.)
 

Meals	\$	_____
Taxis	\$	_____
Accommodations	\$	_____
Air transportation	\$	_____
Other	\$	_____ (Please describe _____)
- Are there any professionals that report to you that devoted any time between April 1 and June 30, 2012 to LOBBYING CONTACTS and/or LOBBYING ACTIVITIES who need to fill out this report? If so, please list their names below.
- Are you responsible for ultimate approval of any payment of fees or dues to outside organizations that engage in federal LOBBYING CONTACTS or LOBBYING ACTIVITIES (such as lobbying firms or trade associations) or to vendors that assist Mylan in performing its LOBBYING ACTIVITIES? Y or N
- If you answered yes to Question 8, please list the name of the lobbying firm, trade association, or vendor paid and the amount of the cost accrued during April 1 to June 30, 2012 that is attributable to federal LOBBYING CONTACTS or LOBBYING ACTIVITIES.





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10. The following information only needs to be filled out by an individual who either

(a) is registered as a federal lobbyist for Mylan (see Question 1); or

(b) has made more than two LOBBYING CONTACTS for Mylan ever (see Question 3) and has spent (or anticipates spending) 20% or more of his or her time on LOBBYING CONTACTS and LOBBYING ACTIVITIES on behalf of Mylan between April 1 and June 30, 2012 (see Question 5).

If you fall into either of these two categories, for each of your LOBBYING CONTACTS, please provide the following information:

- House of Congress or federal agency contacted; and
- Specific bills, executive actions, or issues lobbied.

For Congressional bills, please provide the bill number, the name of the bill, and a description of the specific sections of the bill that were of interest to your lobbying efforts (e.g., "H.R. 3610, Department of Defense Appropriations Act of 1996, Title 2, all provisions relating to environmental restoration").