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## US/EU Environment & Life Sciences

Our lawyers and regulatory specialists in Brussels, London and Washington advise clients on the range of environmental and life science regimes applied in the European Union (EU). Our clients are leading multinational and national companies in their respective sectors, European and international industry associations, EU institutions and international organisations. Clients consult us in four principal areas:

- regulatory monitoring and advice to help keep clients abreast of the latest legal developments
- legal lobbying on legislative and policy proposals in order to assess potential impacts and support initiatives to shape decision-making processes
- advice on the application of, and compliance with, legislation and standards
- litigation before the European Courts

We have a well-established network with other experienced lawyers and technical consultants to provide clients with the local knowledge and experience needed for a complete service in the EU and other European jurisdictions. Our capability extends therefore beyond “EU-level” law to encompass the national laws that implement (or sometimes conflict with) EU legislation.

### Regulated Products

We work closely with clients to help them effectively manage the range of regulations applying to their products sold to consumers and to industrial purchasers or users. We address all stages of regulation throughout a product’s life cycle, including composition (banned and restricted substances or ingredients), authorisation procedures and the preparation of regulatory dossiers, packaging, labelling, marketing, waste, recovery and recycling. Our commercial and competition lawyers advise clients on related distribution and sales strategies associated with placing products on the EU market. Recent projects concerned:

- compliance with the Directives on “WEEE” (waste electrical and electronic equipment) and “RoHS” (restriction of the use of certain hazardous substances in electrical and electronic equipment)
- the definition of “waste” under the Framework Directive on waste
- authorisation of active ingredients in plant protection products and biocides

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- authorisation of "GM" (genetically modified) organisms, GM food and feed and non-GM food
- litigation, defending the authorisation of active ingredients in plant protection products
- data protection and confidentiality requirements for genetically modified organisms
- potential civil and criminal liability of directors and officers in major European markets for breaches of environmental law
- marketing, labelling and stewardship obligations relating to dangerous substances and preparations
- organic food and production processes
- risks and opportunities presented by the Commission's "REACH" proposal (concerning registration, evaluation and authorisation of chemicals)

Our environmental and life sciences practice also assists clients in understanding and taking advantage of related market opportunities created by EU legislation - for example, in environmental technologies and in "green" (environmentally-friendly) marketing. Recent projects include advice on:

- "EMAS" (the European eco-management and audit scheme)
- EU eco-labels
- "green" public procurement
- corporate social responsibility

### **Regulated Processes**

Major industrial operations are regulated by EU environmental law. We assist clients in complying with these and in keeping up to date as standards change. For example, many installations are required to have an "IPPC" permit (integrated pollution prevention and control) which provides that "BAT" (best available techniques) must be applied, comprising both technology and management practices, to control and reduce emissions into the environment.

### **Market Access and Trade Barriers**

The EC Treaty enables EU Member States to enact environmental standards which are stricter than those provided for in EU Directives and Regulations. However, the Treaty prohibits such laws from going so far as to discriminate on

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grounds of nationality or to create disproportionate intra-EU trade barriers. In the environmental and food spheres, we assess national laws that apply to clients' operations for their compatibility with, and validity under, EU law. We represent clients before relevant EU institutions and/or national authorities when intra-EU trade barriers are identified. Recent projects include advice on various "coexistence" laws concerning the cultivation of GM, organic and conventional crops and on national initiatives to ban use of certain substances. In conjunction with our trade practice, we also advise on the WTO-compatibility of national and EU environmental measures.

### **Horizontal Issues**

As part of our broader legal and due diligence assistance on corporate transactions, we advise clients on the environmental risks accompanying acquisitions and disposals in Europe. We also have particular experience in the area of environmental liability, product liability and product safety (including product recalls). As in all of our practice areas, we represent clients before the European Courts and have a number of ongoing cases in the environmental and life sciences area.

[Click here to e-mail the US/EU Environment & Life Sciences team with questions or comments.](#)