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EU Law

Our EU practice, based in Brussels and drawing upon the EU experience of our lawyers in London and Washington, provides representation across the main regulatory fields governed by EU law as well as in a number of sectoral regulatory areas; including competition, trade, environment, free movement of goods and services, consumer protection, and privacy protection.

Competition: We have longstanding experience in handling competition issues at both the EU and national levels; working closely with the European Commissions DG Competition. We advise on horizontal and vertical antitrust issues arising from agreements and concerted practices under Article 101 TFEU and on abuse of a dominant position under 102 TFEU of the Treaty, as well as concerning merger control. We have particular experience in competition aspects of intellectual property and technology licensing, including in the telecommunications and media sectors. Working with Steptoe's US antitrust practice, we provide a coordinated approach to competition issues, particularly helpful in transactions with trans-Atlantic implications.

Trade: We have substantial experience with EU and WTO trade law. Our clients have included exporters to the EU and EU importers affected by antidumping, subsidy, and safeguard proceedings in trade remedy cases. In this context, our lawyers offer strategic planning and lobbying alongside traditional legal representation through the course of the EU administrative proceedings. Where our EU clients are affected by trade barriers in their export markets, we work closely with them and the European Commission to pursue international remedies to these barriers. Further, we advise on the compatibility of EU and national laws with the WTO, and advise corporate clients and governments on aspects of international trade law and negotiation of bilateral trade arrangements (FTAs and other preferential trade) and multilateral agreements impacting on trade relations.

Environment: We assist clients to navigate the environment regulations applying to their products and operations in the European Union. Environment-related marketing and distribution issues that are currently a priority include EU requirements for product and packaging composition, for labeling and managing packaging waste, and for take-back and recycling of end-of-life products by manufacturers or distributors. We have particular experience in the area of environmental liability and in challenging national environmental norms that are stricter than those set forth in the relevant EU Directives and that create unlawful barriers to intra-EU trade.

Free Movement of Goods and Services: Our clients consult us on the application of TFEU Articles 34 and 56 in achieving a true Single Market for their products and services. We assess the compatibility of national laws that are

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hindering the intra-EU marketing of our clients products and services, prepare complaints thereon to the European Commission, and work closely with the Commission throughout the administrative procedures to remove these unlawful national barriers.

Consumer Protection: We regularly advise a range of multinational clients on the EU consumer protection legislation with which they must comply in manufacturing or promoting their products or services. This includes horizontal rules relating, for example, to advertising, product safety, unfair contract terms, distance selling, warranties, unfair commercial practices and credit agreements, and product-specific rules covering areas such as food, medical devices, and cosmetics. In the area of product safety, we have experience in coordination and liaison with national authorities concerning clients' product recall measures.

Privacy Protection: We have extensive experience in the field of EU and Member State data protection law. In addition to advising on the Safe Harbour regime, we regularly draft contracts for clients on the basis of the European Commission's standard clauses that permit the transfer of personal data from the EU to third countries that do not ensure an adequate level of protection. We also assist clients in drafting privacy policies, compliance and risk management programs, and corporate codes such as Internet and e-mail use policies. In addition, we advise clients on how national legislation implementing the EU rules affects their position, and register clients' data processing with the national data protection authorities.

Specific Regulatory Fields

Apparel and Textiles: We have years of experience addressing the broad range of regulatory issues affecting textile and apparel sectors. These include trade (e.g., anti-dumping, quotas) and customs matters (e.g., classification, rules of origin, Generalized System of Preferences); national and EU substance and labeling (including eco-labeling) requirements; and potential product recall measures under EU product safety regulations.

Biotechnology: We have substantial experience concerning regulation, the law, and politics of this sensitive sector, having assisted clients to place genetically modified (GM) organisms and GM (and also non-GM) novel foods on the EU market. We have prepared legal challenges to national safeguard measures and advised on the impact and potential WTO assessment of the new Regulations on Traceability and Labeling and GM Food and Feed and on the application of the first EU environmental liability regime to the biotechnology sector.

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Chemicals: We have considerable regulatory experience relating to the chemical industry. This covers regulatory initiatives under existing legislation concerning specific substances and preparations (marketing and use restrictions, classification, labeling) arising at both Member State and EU levels, and regarding the broader framework regulatory initiative of the European Commission concerning registration, evaluation and authorization of chemicals generally (REACH). We also have particular experience in the areas of biocidal products and pesticides.

Cosmetics: Our advice to manufacturers ensures that their products comply with EU and Member State regulatory requirements. We also provide guidance on the EU regulations concerning labeling, packaging, container-related and nominal quantities and weights requirements, and are called upon to advise on the regulatory status of so-called borderline products.

Financial Services: Financial services is a prominent area of practice in Brussels. Our financial services experience includes banking, insurance, pensions, and investment firms, and related tax and antitrust policy. We act for companies based in various jurisdictions including Belgium, France, Ireland, Luxembourg, Switzerland, the United States, and the United Kingdom; and have developed significant skill and experience in cross-border issues relating to the single license and European passport regimes for products, providers, and distributors.

Food: We advise on both EU and national legislation, including implementation of the EU Directives (both vertical and horizontal legislative measures). We advise on the Novel Foods regime and also the emerging field of health and nutritional claims.

Medical Devices: We advise on the classification and marketing of devices and their reagents under the New Approach Directives, and related commercial and contractual implications. We also act on behalf of a leading trade association in the medical device sector.

Motor Vehicles: We have been counsel for many years to a leading motor vehicle trade association on a wide range of EU and international regulatory issues, from trade and market access (quotas, tariff, and non-tariff barriers) to technical, safety, environmental, competition, and IP issues that confront this sector. We often assist in the preparation and presentation of industry policy positions to the EU institutions. As in other sectors, we also advise on the compatibility of aspects of the EU regulatory scheme with WTO rules and concerning developing international issues affecting the motor vehicle trade.

Technology, E-Commerce and Telecommunications: We provide a range of services relating to EU technology, e-commerce and telecommunications. We

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advise extensively on all aspects of online trading and content provision. We have represented industry associations and numerous high-tech companies on electronic commerce legal issues including encryption, digital signatures, domain names, information security, and taxation. Our telecommunications practice represents a number of the world's leading and most innovative companies in the wireline, wireless, satellite, cable, media, and Internet sectors. Our attorneys have extensive experience on the new EU regulatory regime on electronic communications services that was adopted in 2003.