Steptoe
STEPTOE & JOHNSON LLP

EU Chemicals, REACH & CLP, Biocides & Pesticides

REACH Resource Centre

Steptoe & Johnson LLP has a long history of servicing and advising the chemicals industry. We have a particular focus on the full breadth of issues arising under the regimes on biocides (antimicrobials), plant protection products (agricultural pesticides), food contact materials, REACH, and Classification, Labelling, and Packaging (CLP).

Chemicals & REACH/CLP
Our firm has provided strategic analysis and representation for clients on REACH from its legislative conception and helped to successfully pre-register and register many substances from clients in a wide range of sectors. The partial overlap of REACH registration and the Classification, Labelling, and Packaging Regulation (CLP) notification requirements has expanded and further complicated compliance obligations, calling for a mix of skills that Steptoe uniquely offers.

Steptoe's integrated team comprises regulatory lawyers, scientists, and technical consultants. This provides the scope of expertise essential for sure and efficient compliance with REACH and CLP. Our compliance strategies draw not only on our conventional role of legal and regulatory counsel, with more than 20 years of experience in Brussels, but also from our hands-on practical experience under REACH acting as a "Third Party Representative" (for EU companies) and as an "Only Representative" (for non-EU companies). In our Only Representative role, we have successfully pre-registered and registered hundreds of substances. We are also advising Consortia and Lead Registrants. Our clients benefit both from Steptoe's significant experience with parallel substance regulatory regimes and our well-established regulatory contacts at the national level and with the policy-makers in the EU.

REACH & CLP compliance programs
We provide clients with internal REACH/CLP compliance programs tailored to their REACH registration schedule and supply chain structures. These programs establish clear explanations of practical procedures to be followed by all relevant actors in the supply chain (the client, an EU or non-EU manufacturer, the Only Representative, and all direct and indirect all importers) to establish appropriate communications and documentation for both REACH and CLP compliance, and to enable a strong response in the event of a REACH compliance investigation.

Strategic advice regarding non-compliance
Given the complexities of understanding and complying with REACH and CLP, it is inevitable that some companies may already have manufactured, imported, or used substances which are not compliant. In these cases, we can provide strategic advice regarding inadvertent infringements in order to avoid or minimize sanctions and/or business interruption. This involves our lawyers, sometimes together with our network of associated local counsel, liaising with national enforcement authorities in relevant EU Member States to effectively address the local enforcement practices. Where the client is already the subject of enforcement action and facing civil or criminal penalties, we can represent the client as defendant in concert with local counsel in the concerned Member State(s) to provide the necessary expertise on interpretation of the EU legislation and legal principles.

Our REACH team represents clients across many sectors, including biocides, biotechnology, commodity chemicals, cosmetics, electronics, flavors, food, fragrances, medical devices, metals, personal protective equipment, pesticides, petrochemicals, polymers, rubber goods and textiles, toys, and waste. Steptoe also represents clients in emerging areas, such as nanotechnologies.

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Biocides & Pesticides

Our practice has focused on the regulation of pesticides and biocides since the directives governing each area were issued. With respect to biocides, our firm has represented clients in different sectors of the biocides industry on issues including:

- Strategy for obtaining marketing authorization of biocidal products within the European Union;
- Negotiation of consortia agreements;
- Representation of clients on/in consortium meetings;
- Data protection and compensation; and
- Negotiations with the Commission and Member States' competent authorities.

Steptoe also has a substantial practice representing plant protection product (pesticide) registrants. We support registrants before the Commission and Member States. Our lawyers also have defended registrations before the Court of Justice.

Our relationships with Commission and Member State officials help us to obtain prompt and accurate feedback on even the most difficult issues. In addition, our close working relationship with technical consultants enables us to ensure the effective and efficient preparation of dossiers, resulting in greater overall efficiency and lower cost for clients.

Noteworthy

- Ranked Band One, *Legal 500 Europe, Middle East & Africa EU Regulatory Chemicals (REACH) 2011 and 2012* (Belgium)
- Steptoe Brussels Regulatory Environment Group Ranked as Leading Firm by *Chambers Europe 2009*