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Primary Contacts

Yves Melin
James H. Searles

Practices

Antitrust/Competition
Chemicals & Environment
Customs
Export Controls
Privacy & Cybersecurity
WTO Disputes

Steptoe’s Brussels legal team has more than 30 years’ experience with European Union and international trade matters. We have a strong command of the formulation and application of EU trade policy and offer our clients effective advice and representation of their trade interests, concerning both the EU market and third country markets. Our key aims are to ensure fair market access and to ensure for our clients the application of EU trade policy and other measures consistent with EU law and the international trade rules of the WTO.

The Brussels trade team has substantial experience with EU trade remedies cases (antidumping, countervailing duty, and safeguard proceedings) and also concerning customs issues and the trade impact of legislative initiatives in other areas of EU regulatory competence, for example the trade impact of EU measures concerning:

- Chemical substances
- Product approvals and technical standards
- Food safety rules
- Environmental protection measures

Where trade obstacles arise in the form of EU Member State domestic regulatory measures, we work with the European Commission to obtain intra-EU “free movement” remedies, relating to the marketing of both goods and services. The types of services we provide on these trade and other market access matters include:

- Representation in Brussels and on-site through all phases of EU trade remedies proceedings
- Assessment, legal support, and strategy to influence EU trade proposals
- Strategy and advocacy on EU customs classification/valuation, preferential regimes, and application of EU rules of origin
- Advice and legal initiatives to challenge Member State and third-country laws hindering market access, through EU administrative procedures that can lead to potential WTO dispute settlement, and EU judicial proceedings
- Appeal of EU trade regulations before the EU Courts
- Advice and advocacy contesting WTO validity of EU trade and regulatory measures
Noteworthy

Trade Remedies Cases

Our team is one of the leading trade remedy practices in Brussels. We regularly act on behalf of exporters to the European Union, EU user industries, and importers affected by antidumping, subsidy, and safeguard proceedings. In this context, our lawyers offer strategic planning and lobbying in addition to legal representation throughout the course of the administrative proceedings. In many cases, we coordinate closely with the exporting country government authorities and/or EU Member States (in support of EU users’ and importers’ interests) with regard to representations and policy initiatives to be taken at the EU level in connection with the proceeding. In several highly visible cases, our strategic efforts have been successful in overcoming Commission proposals for definitive measures.

Our team has also vast experience representing clients in appeals proceedings before the General Court and the Court of Justice of the EU, and is responsible for several landmark cases, including *Ikea Wholesale* (Case C-351/04), defining the direct impact of WTO law into the EU legal order, and *XinYi PV* (Case T586/14), annulling the rejection by the European Commission of the market economy treatment claimed by our Chinese client.

EU Customs

Our Brussels team has a unique focus on EU customs laws and proceedings. Steptoe is a founding member of Greenlane, an alliance of European customs and trade law firms present in 13 European countries with significant ports. Greenlane was created in order to meet our clients’ needs for seamless services to solve the customs issues they face when importing goods across multiple European ports.

The Greenlane law firms, present locally in most of Europe’s ports, are close to the EU Member States’ customs authorities and include seasoned litigators before their Member State’s tax and customs courts. Our team in Brussels has experience in the EU’s legislative and investigative activities that local customs enforce. The combination of these EU and local capabilities makes Steptoe uniquely qualified to assist international corporations facing often similar difficulties in multiple points of entry into the EU’s territory.

Our lawyers in Brussels also advise on all aspects of EU customs law and procedures, including classification, valuation, preferential tariff regimes and rules of origin, special customs procedures such as binding tariff and origin information, inward/outward processing relief, tariff suspensions, post-clearance recovery of duties, self-disclosure proceedings, compliance programs, and third-country valuation.

Trade Barriers in Export Markets

When our clients in the EU are affected by trade barriers in their export markets, we work closely with the European Commission to pursue representations to the third country government under the EU’s Trade Barriers Regulation (TBR) and, as necessary, to secure international remedies to these barriers. We have represented clients in a number of TBR proceedings which have led to effective regulatory amendments in the target foreign jurisdiction. In other cases, we have been called upon to act on behalf of business interests in the targeted foreign jurisdiction to help respond to EU TBR investigations.

World Trade Organization

We advise on the compatibility of EU and Member States’ regulations with the relevant international rules, especially those reflected in the WTO Agreements. Our WTO advice has covered most aspects of the negotiation and application of WTO rules, including the rules of the Anti-Dumping Agreement and Agreements on Trade-Related Aspects of Intellectual Property Rights, Technical Barriers to Trade and Sanitary and Phytosanitary Measures. At issue have been EU trade decisions and regulatory initiatives relating, for example, to the electronics, motor vehicles, and biotechnology product sectors. Steptoe has long been active in international dispute settlement of trade matters. Our lawyers have advised clients regarding some of the most significant international trade disputes handled by the WTO Dispute Settlement Body.

Other Areas of Trade and Market Access Experience
Other aspects of trade experience involve strategic advice to corporate clients and governments on aspects of international trade law and negotiation of bilateral trade arrangements (FTAs and other preferential trade) and multilateral agreements affecting trade relations. For example, we have advised a government in its negotiations for an FTA with the EU, concerning both the substantive issues covered by the FTA and the strategy.

We also advise corporate and third-country interests on EU cross-sectoral regulatory initiatives, such as concerning intellectual property rights, to ensure that the eventual EU legislation complies with TRIPS obligations, for example. See below for more on Steptoe’s WTO dispute settlement experience. With its long experience in Brussels, we also advise on draft EU regulations that may impact EU market access, whether the regulatory initiative is still in the draft stage (pre-Commission approval) or in the form of formal Commission proposals still needing to undergo Parliament and Council review and decision-taking. We are also often confronted with national legislative proposals of Member States, such as those notified under the EU’s stand-still rules or raised as urgent health or safety matters, that may contravene EU/international trade law and coordinate with the industry interests and relevant Commission services to ensure appropriate legal review and compliance. These issues have concerned, for example, biotech products, textiles/apparel and general consumer and electronic goods, chemicals, foods, and motor vehicles.

**Representative Matters**

- Brazil—Cotton yarn
- China—Acesulfame Potassium (ACE-K) (undertaking)
- China—Artificial corundum
- China—Barium carbonate
- China—Bicycles (AD proceeding, expiry review and appeal at Court of First Instance)
- China—Candles
- China—Carbon Steel Fasteners
- China—Carbon Steel Fasteners (duty refund) - Ongoing
- China—Castings
- China—Cathode-ray colour TV picture tubes
- China—Ceramic Tablewares (AD)
- China—Ceramic Tiles (AD)
- China—Certain footwear with leather uppers
- China—Certain footwear with protective toecap
- China—Citric acid (new exporter review)
- China—Coal coke
- China—Coated fine paper (AD & AS and appeal at Court of First Instance)
- China—Corrosion resistant steel (AD) - Ongoing
- China—Energy-saving lamps (CFL-I)
- China—Ferro-molybdenum
- China—Ferro-silico-manganese
- China—Footwear (advising Chinese private/government entities on EU import regime, especially concerning customs classification, AD circumvention and absorption issues)
- China—Footwear with uppers of leather
- China—Frozen strawberries
- China—Furfuraldehyde (AD)
- China—Furluryl alcohol (review)
- China—Glyphosate
- China—Graphite electrodes
- China—Hand pallet trucks
- China—Hand-pallet trucks (circumvention)
- China—High tenacity yarn of polyester (AD investigation, new exporter and scope reviews)
- China—Hot-dipped metallic-coated steel (AD)
- China—Ironing boards
- China—Leather and synthetic leather footwear (1998 proceedings)
- China—Leather footwear, representing Chinese Coalition Against Anti-Dumping Duties (180 producer members), 16 individual producers and one major trading company (2005 AD proceedings; 4 Cases of Appeal to the Court of First Instance)
- China—Magnesia bricks (new exporter review)
- China—Malleable cast iron pipe fittings
- China—Monosodium Glutamate
- China—Organic coated steel (AD & AS)
- China—Oxalic acid (court appeal)
- China—Paint brushes
- China—Paracetamol
- China—Persulphates
- China—Plastic sacks and bags
- China—Polyester filament apparel fabrics
- China—Polyester staple fibre (AD, AS and partial interim review)
- China—PTFE
- China—Quarto steel plate
- China—Representation of Korean stainless steel producer in AD case in China
- China—Safety shoes
- China—Seamless pipes and tubes
- China—Solar glass (AD & AS, court appeal)
- China—Solar panels (AD & AS)
- China—Solar panels (company name change)
- China—Solar panels (court appeal challenging the withdrawing of undertaking) – Ongoing
- China—Solar panels (interim review on the form of measures) – Ongoing
- China—Solar panels, transshipped from Malaysia and Taiwan (anti-circumvention)
- China—Steel pipe fittings (representing producers and EU importer)
- China—Steel stranded ropes and cables
- China—Textile footwear (AD proceeding and intervention on behalf of EU importers in support of appeal of definitive measures at Court of First Instance)
- China—Unbleached cotton fabric (AD proceeding and appeal on behalf of largest European importer at Court of First Instance)
- China—Unwrought unalloyed magnesium
- China—Veterinary antibiotics (sunset review)
- China—Wireless wide area networking (WWAN) modems (AD, AS, Safeguards)
- China—Yellow phosphorus
- China—Zinc-oxide
- China and Hong Kong—CD-Rs
- China and Hong Kong—Recordable versatile digital disks (DVD+/-R)
- China and Pakistan—Polyethylene terephthalate (PET)
- China and Taiwan—PVA
- China and Taiwan—Stainless steel seamless pipes
- China, Belarus, Korea and Saudi Arabia—Polyester staple fibre (review)
- China, Korea and Taiwan—Stainless steel cold-rolled coils
- Egypt—Cotton fabric
- EU—Carbon black (rubber industry; tyre producers) importers of carbon black from Russia and Egypt
- EU—Cellular mobile radio telephone
- Hong Kong—Book-bound photo albums (appeal at Court of First Instance)
- Hong Kong—Sports bags and school bags (representing producers and EU importer)
- India and Russia—Steel wire ropes (review)
- India—Coumarin (circumvention case)
- India—Graphite electrodes
- India—PET (anti-dumping and countervailing duty expiry reviews on-going)
- India—PSF (anti-dumping expiry review on-going)
- India—PTY (expiry review strategy)
- India—Stainless Steel Bars
- India—Stainless Steel Fasteners
- India—Stainless Steel Wires (AD & AS, court appeal and anti-absorption proceedings)
- India—Sulphanilic acid (review)
- India—Synthetic fibre ropes
- Indonesia and Malaysia—Fatty alcohol (AD)
- Indonesia—Footwear
- Israel—PET Film (new exporter review)
- Japan—Semi-conductors (DRAMs)
- Macedonia—Ferro-silicon
- Pakistan—Bed linen
- Pakistan—Cotton fabric
- Pakistan—Cotton-type bed linen (review)
- Poland—Hardboard (new exporter review)
- Russia—Aluminium household foil (review)
- Russia—Ammonium nitrate
- Russia—Potassium chloride
- Russia—Silicon carbide
- South Africa—Craft paper
- South Korea—Grain oriented electrical steel (AD)
- South Korea—High tenacity yarn of polyester (AD)
- South Korea—Korean Footwear Exporters Association and EU importer of footwear from Korea (three separate safeguard cases, with regard to Italian, French and EU-wide markets)
- South Korea—Polyethylene terephthalate (PET)
- South Korea—Purified terephthalic acid and its salts (AD)
- South Korea—Side-by-side refrigerators
- South Korea—Steel ropes and cables (AD)
- South Korea—Tubes and pipe fitting (interim and expiry reviews)
- Taiwan—DVDs
- Taiwan—Glass fibre fabrics (combined anti-subsidy investigation)
- Taiwan—Stainless steel cold rolls (AD)
- Taiwan—Stainless steel cold-rolled flat (anti-absorption)
- Taiwan—Steel pipe fittings
- Thailand—Plastic bags (review)
- Thailand—Sweetcorn
- Turkey—Polyester yarn
- Turkey—Portland cement
- Ukraine—Ammonium nitrate (review)
- United States—Trichloroisocyanuric acid (TCCA)
- Venezuela—Steel wire rod
- Vietnam—Bicycles
- Vietnam—Certain footwear with uppers of leather
- Vietnam—Leather footwear (representing producers and trade association in 2005 proceeding)
CLIENT ALERTS

Customs in the New Protocol on Northern Ireland
October 18, 2019
By: Yves Melin, Charles Whiddington, Danyal Arnold

CLIENT ALERTS

United Kingdom and Korea Sign Continuity Free Trade Agreement
August 23, 2019
By: Yves Melin, Jin Woo Kim, Danyal Arnold, Richard O. Cunningham

PUBLICATIONS

Lack of Certification of the WTO Goods Schedules of the United Kingdom: A Way for Frictionless Trade under No-deal Brexit?
June 2019
By: Jin Woo Kim

PRESS RELEASES

Steptoe Lawyers Recognized in 2020 Editions of Best Lawyers Belgium, UK
July 1, 2019

CLIENT ALERTS

New EU Regulation on Market Surveillance and Product Compliance Published
June 28, 2019
By: Ruxandra Cana, Yves Melin, Eléonore Mullier

PRESS RELEASES

Steptoe Receives Five Practice, 13 Individual Mentions in Legal 500 EMEA
April 10, 2019

PRESS RELEASES

Steptoe Receives China Business Law Award for Sixth Consecutive Year
March 12, 2019

PRESS RELEASES

Chambers Europe 2019 Recognizes Steptoe Practices and Lawyers
March 7, 2019

BREXIT RESOURCES

Brexit Briefing: The Impact of Brexit on Trade Remedies (Anti-Dumping, Anti-Subsidy, Safeguard) in the UK
University of East Anglia: International Law Blog
April 10, 2019
By: Yves Melin, Danyal Arnold

ACCOLADES

Steptoe Receives Seven Individual Mentions in Best Lawyers in Belgium 2019
June 22, 2018

Events
SEMINARS & EVENTS

Annual Greenlane Conference on Customs & E-Commerce
May 16, 2019
Speakers: Yves Melin, Yongqing Bao
Hotel Les Comtes de Méan
Rue du Mont St Martin 9/11
4000 Liège, Belgium

SEMINARS & EVENTS

Brexit and Customs Preparedness
February 26, 2019
Brewer's Hall
Aldermanbury Square
London EC2V 7HR

SEMINARS & EVENTS

UK Trade Remedies After Brexit
A co-sponsored event with the UK Trade Forum
January 15, 2018
Speakers: Eric C. Emerson, Yves Melin
Brewers' Hall
Aldermanbury Square
London
EC2V 7HR

EU Trade & Customs Resources

EU CUSTOMS RESOURCES
EU Customs Rules and Their Enforcement Towards Chinese Exporting Companies
November 2018

Brexit Resources

BREXIT RESOURCES
Brexit - How We Can Help

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