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

- Legal 500 EMEA, Customs, Trade, WTO & Anti-Dumping, Belgium (2011-2019)
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 *XinYi PV* (Case T586/14), annulling the rejection by the European Commission of the market economy treatment claimed by our Chinese client.

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.
News & Publications

MEDIA MENTIONS

Financial Times Features David O’Sullivan in Q&A Interview on EU Trade Policy
November 25, 2020

PRESS RELEASES

Steptoe Launches Global Trade Policy Blog
November 10, 2020

CLIENT ALERTS

The UK’s Post-Transition Period Sanctions Regime – Continuity or Change?
November 6, 2020
By: Alexandra Melia, David O’Sullivan, Guy Soussan

PRESS RELEASES

GIR Names Steptoe One of the Top 30 Investigations Firms for Sixth Year
October 23, 2020

CLIENT ALERTS

Changes in EU Commission Line up – Implications for Business?
September 9, 2020
By: David O’Sullivan, Simon Hirsbrunner, Philip Woolfson, Guy Soussan, Jean Russotto, Yongqing Bao, Stefan Tsakanakis

CLIENT ALERTS

European Commission Seeks Comments on Green Deal Proposals from Global Stakeholders
August 10, 2020
By: Jeffrey G. Weiss, David O’Sullivan, Ruxandra Cana, Algirdas Semeta

CLIENT ALERTS

Brexit Talks at an Impasse: But Hope of an Agreement is Not Entirely Dead
June 8, 2020
By: David O’Sullivan, Christophe Bondy, Yumiko Takahashi

CLIENT ALERTS

Contrasting Thoughts on EU Trade Policy During the COVID-19 Crisis
May 19, 2020
By: David O’Sullivan

PRESS RELEASES

Steptoe Receives China Business Law Award for Seventh Consecutive Year
April 6, 2020

CLIENT ALERTS

UK Trade - Implications Arising From COVID-19
April 6, 2020
By: Christophe Bondy, Richard O. Cunningham, Joel D. Kaufman, David O’Sullivan, Thomas J. Trendl, Yongqing Bao, Danyal Arnold
Events

SEMINARS & EVENTS

Brexit and the Chemical Sector
March 3, 2020
Speakers: Ruxandra Cana, Darren Abrahams, Yongqing Bao, Hannah Widemann
Sheraton Frankfurt Airport Hotel and Conference Center
Hugo-Eckner-Ring 15
Frankfurt, Germany

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
Speaker: Eric C. Emerson
Brewers' Hall
Aldermanbury Square
London
EC2V 7HR

EU Trade & Customs Resources

EU TRADE & CUSTOMS RESOURCES

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

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