Steptoe is well-positioned to guide regulated businesses and industry through the minefield of state and federal regulation. Our lawyers frequently interact with Congress and state and federal regulators to solve problems for a range of regulated industries, including energy, transportation, communications, and financial services. Steptoe has the talent and experience to manage multifaceted regulatory challenges and develop win-win solutions for stakeholders.

When legislative and regulatory bodies overstep their authority, Steptoe has substantial experience in litigating challenges to those actions. Steptoe’s lawyers are drawn from the ranks of the Justice Department, state and federal regulatory agencies, and high ranking congressional and Executive Branch positions. Our lawyers have assisted clients in setting aside government action that oversteps statutory and constitutional constraints on governmental power. We have earned significant victories for regulated clients, including First Amendment challenges to government regulation of commercial speech, preemption challenges to overreaching state legislative and regulatory initiatives, and challenges to federal agencies’ failure to implement congressional policy found in federal statutes.

EU Regulation

Steptoe focuses on regulatory issues in the European Union and its member states, through our offices in London and Brussels. Our lawyers litigate before the European Court of Justice, national courts, and administrative tribunals.

EU Chemical and Environmental Regulation. Steptoe lawyers achieved success in proceedings before the European courts (Court of Justice of the EU and EU General Court), the Board of Appeal (BoA) of the European Chemicals Agency, and preliminary references from national courts. Our litigation docket, with an excellent rate of success in Brussels, includes primarily REACH-related disputes (on substance and dossier evaluation, SVHC listings and restrictions, data sharing, etc.), blockades (data sharing), agrochemicals, and requests for access to confidential business information.

Export/Import Control. We handle licensing and advisory matters under EU dual-use and military export controls, including the EU Dual-Use Regulation and member state implementing legislation. Our leading global encryption regulation practice handles numerous matters in France and other European jurisdictions. We also advise on EU import and customs issues.

Economic Sanctions. Our European lawyers work with our US-based lawyers on advisory and enforcement matters relating to US economic sanctions; Iran, Syria, Sudan, and Cuba sanctions are of particular importance for European companies. The European Union and its member states are reluctant to impose broad, US-style sanctions, but have a wide variety of limited sanctions that should not be ignored, and on which we advise.

Anti-Money Laundering. Legislation and enforcement to deal with corruption and money laundering are becoming increasingly important in the European Union. Our European lawyers advise on these regulatory frameworks, and also frequently work with our US-based lawyers on anti-corruption matters pursued by US authorities in Europe, Africa, and Asia under the US Foreign Corrupt Practices Act.

Investment Barriers. Although there is no general review process for foreign investments in EU member states, EU governments are increasingly using political and share ownership tools to restrict investment in leading national companies. We have extensive experience in assisting companies to navigate the legal and political minefield that such situations can present.
Representative Matters

- Successfully represented electric energy generator in Federal Power Act preemption challenges to state price subsidy schemes. The US Supreme Court upheld injunction against state subsidies, agreeing with our argument that the subsidies interfered with exclusive federal authority.

- Argued on behalf of the Open Internet Coalition, intervener, in favor of the FCC’s authority to regulate Internet access providers under the Telecommunications Act of 1996. The DC Circuit agreed with our principal argument and upheld the agency’s jurisdiction to protect the Internet but set aside the Agency’s specific rules.

- Successfully represented Echostar before the DC Circuit arguing that the FCC had exceeded its authority when it promulgated the so-called “Plug and Play” rules.

- Successfully enjoined Georgia Department of Agriculture regulation of discount gas price advertising for violating First Amendment commercial speech standards.

- Successfully enjoined on the basis of improper bias proceedings of Puerto Rico Environmental Quality Board seeking to impose multimillion-dollar environmental fine.

- Successfully represented American consumers and the American Libraries Association before the DC Circuit against the FCC’s “broadcast flag” requirement, which would have prevented the Internet redistribution of High Definition television content.

- Obtained preliminary injunction prohibiting California’s Department of Public Health from regulating medical waste taken outside the state for treatment, a violation of the dormant commerce clause’s extraterritoriality doctrine.

- Successfully represented 35 chemical companies in the synthetic amorphous silica (SAS) appeal (A-015-2015) before the Board of Appeal (BoA) of the European Chemicals Agency (ECHA), a precedent-setting nano case and the largest appeal yet decided by the BoA.

- Leading the application on behalf of PlasticsEurope, a major trade association representing the European plastics industry, to the General Court in cases T-185/17 and T-636/17 for the annulment of ECHA’s decisions to include Bisphenol A (BPA) in the Candidate List under the REACH Regulation.
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