

## Crowell & Moring's Robert Maclean Authors New Practical Guide On EU Trade Barrier Regulation For EU Companies

**Brussels – 26 January 2006:** Crowell & Moring LLP today announces the release of a new book by Brussels partner Dr Robert MacLean, *The EU Trade Barrier Regulation: Tackling Unfair Foreign Trade Practices*, published by Sweet & Maxwell, is a practical guide for EU industries and enterprises seeking to eliminate illegal trade practices in non-EU countries. The announcement comes just as the firm has been engaged by the EC Commission to review its Market Access Strategy and Database.

The EU Trade Barrier Regulation (TBR) is an “offensive” instrument of the EU's commercial policy which allows industries and enterprises in the EU-25 to bring complaints to the European Commission when illegal foreign trade measures or actions are taken by the EU's trading partners. When a complaint is lodged through the TBR process, the Commission must investigate and, if necessary, pursue action in the World Trade Organisation.

According to Dr MacLean, “The Regulation gives private parties in the EU significant empowerment in the form of legal and procedural rights to request action against those trade barriers that are most damaging to European business. Through the TBR, Community exporters can improve their market access positions for goods and services in third countries and at the same time ensures that their intellectual property rights are protected to the fullest extent possible. This tool is especially useful in cracking the larger markets like the United States , Brazil , India and China.”

In the book, Dr MacLean outlines the new case law that has evolved and procedures, investigative practices and techniques that the European Commission has developed to implement the TBR. The book also provides detailed analyses of the possibilities that the TBR creates for EU manufacturing industries, cross-border service providers, intellectual property rights holders and investors to improve commercial conditions in foreign markets.

Crowell & Moring has also recently completed an Interim Evaluation of the EU Trade Barrier Regulation with MacLean leading the project. The purpose of the study was to carry out an in-depth examination of the use of the Regulation over the last ten years and make recommendations to the European Commission for possible reforms of the way it is applied in practice to remove illegal trade barriers adopted or maintained by the EU's trading partners.

Taking into account the views of a number of stakeholders involved in the TBR processes, the evaluation has found that, although the TBR is seen as a necessary tool in the EU's commercial policy instruments toolbox, there are a number of shortcomings in its functioning and thus has been underused by EU industry and enterprises. Crowell & Moring has suggested recommendations and reforms to make the TBR more user-friendly and to adopt it in light of the experience gained in the last decade. The European Commission is currently studying these recommendations with a view to future reform of this key instrument of the EU's commercial policy.

In addition, Crowell & Moring has been engaged by the EC Commission to review its Market Access Strategy and Database. The EU Market Access Database is a systematic way of following up every specific trade barrier brought to the attention of European authorities and a key element of the European Union's market access strategy. It lists all known barriers affecting EU exports and provides basic information regarding relevant taxation, customs and licensing requirements of third countries; and it provides an interactive means of

communication between business and European authorities. The EU aims to strengthen market access in the new round of WTO negotiations.

Crowell & Moring specialises in providing viable and effective market access solutions and strategies for EU and multinational companies who face barriers to trade in third countries that undermine their competitiveness in these markets. Combined, these three developments underline the depth of the firm's expertise, capabilities and experience in this increasingly important area of EU and international trade law.

#### **About Robert MacLean**

Dr. Robert M MacLean has been practising EU and international trade law for more than 15 years. His practical expertise is in the use of the TBR, anti-dumping law, anti-subsidy law, unilateral and bilateral trade remedies as well as market access strategies. He is also involved in litigation before the European Court of First Instance on trade-related matters. He is a partner in the international law firm, Crowell & Moring, in Brussels.

#### **About Crowell & Moring**

Crowell & Moring LLP's International Trade Group covers the spectrum of transactional, regulatory, and litigation issues involved in the movement of goods and services across national borders. Crowell & Moring LLP is a full-service law firm with more than 300 attorneys practicing in litigation, antitrust, government contracts, corporate, intellectual property and more than 40 other practice areas. Based in Washington, D.C., the firm has offices in Brussels, California, and London.

#### **About Sweet & Maxwell**

Sweet & Maxwell ([www.sweetandmaxwell.thomson.com](http://www.sweetandmaxwell.thomson.com)) is a leading provider of information and solutions to the legal and professional markets in the UK and Ireland . With over 200 years of history and heritage in legal publishing, Sweet & Maxwell offers detailed and specialist knowledge, understanding, interpretation and commentary across a wide range of subjects in a variety of formats to meet customers' needs - books, journals, periodicals, looseleaves, CD-ROMs and online services (Westlaw UK and Lawtel).

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To obtain a copy of the book *The EU Trade Barrier Regulation: Tackling Unfair Foreign Trade Practices* , please contact:

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