



Our Brussels correspondent **JEREMY FLEMING** reports on developments within the European capital, covering law firms and policy changes that affect the work of lawyers in Europe. Send news, suggestions and comments for inclusion to jffleming@theeuropeanlawyer.eu

Chinese whispers

When a senior delegation from the Jiaying Association of Fasteners distributed hand-painted fans and wallets to journalists at the end of a press conference arranged in February, it was the only reminder that this was something they were not used to.

Journalists willingly trouser trinkets, nevertheless in Europe it is considered a *faux pas* to offer anything that might appear as an inducement, however small, at a press conference. All the more surprising then that apart from this generous gesture the Chinese delegation delivered its message impeccably.

The European Commission recently launched investigations into

steel fasteners from China used in a broad range of industries, including construction, automobile and agriculture. Commission officials expect this will be the biggest EU-China anti-dumping case ever: China is the world's largest producer of fasteners, and the EU is its biggest export market. Export volumes in 2007 were US\$800mn and they are expected to reach US\$1bn in 2008.

This was the first time that a Chinese delegation had come on a pre-emptive trip to voice their concerns in advance of a commission decision. Through a fluent translator, the delegation – including a representative from the local Jiaying trade ministry office, giving the delegation a nod from Beijing – recited a number of arguments against the commission action. Some were less than convincing. The delegation argued that action would not be in the EU's economic interests, but the commission is not likely to decide its actions based on what its counterparts tell it about economics.

However, laced within the arguments, the translator's deadpan delivered one potentially embarrassing and strong point. Some of the European companies that had complained to the commission and set the ball rolling on the investigation are themselves manufacturing fasteners in China, they said – going so far as to name two Italian culprits. These companies, allege the

Chinese, manufacture in China at a similar cost to their local rivals. Therefore they are hoping that any tariffs slapped on the Chinese by the EU will apply only marginally to their companies since they emanate from market economy status countries, unlike China, whose exporters would be burdened with considerably higher tariffs. Such an 'abuse of process' would be actionable in the World Trade Organisation, and the Chinese government would support such an action if necessary, said the delegation.

It was worth the trip to deliver the message, but the Chinese were not the only ones breaking new ground. The organisation of the press conference – held at the offices of US law firm Crowell & Moring and jointly arranged by the legal practice and consultants Hill & Knowlton – was also a novelty. This shows that despite the theoretical gulf between law firms and lobbyists, they can work effectively in partnership. Showing your legal hand at a pre-emptive stage in the commission's considerations is no bad policy, and there is scope for many to follow the lead of the Chinese.

And the winner is...

March saw the third Brussels legal awards ceremony – this year at the Plaza Hotel's theatre – which was the subject of some

controversy. Although the venue was smaller and more intimate than previously, it catered to the same number of attendees as in the past two years (around 500).

However, there were some large firms that did not put in an appearance this year. Perhaps they did not fancy their chances for an award, but more likely pressure from the local Flemish bar deterred them. The body has consistently opposed the awards ceremony on the somewhat spurious basis that it borders on unethical advertising for firms to make available to a jury details of the type of work they have been doing over the past year.

It is true that in the US and UK – where there seems to be an awards ceremony for each legal sector – they can become over-laboured, self-congratulatory and somewhat tasteless events. But the Brussels bash is the only one in town, and is a harmless and pleasant enough evening for most attendees. Moreover, law firms would not reveal details of anything that their clients wanted to remain anonymous.

Some large firms that steered clear do not hesitate to attend events such as this in countries where the bar exerts no pressure, so why do they allow themselves to be intimidated by the Flemish bar? It might be understandable if the event were genuinely one that challenged professional ethics. But in this case it is mystifying. ■