



## International Trade

Today the world operates within a complex political, regulatory and media environment. The way businesses and governments interpret and influence the developments in this environment is crucial to their ongoing commercial success. Effective management of this environment is key to the way you are perceived by the markets and by political, regulatory, media and consumer audiences.

Our International Trade lawyers offer trade, lobbying and communications support to public and private sector clients across the world. Our objective is to help our clients, whether business or government to navigate their way through the complex network of regulation, legislation and standards that govern global policy making; to understand policy creation and decision making processes across the US, EU and beyond; and to ensure their opinion is heard and heeded in Brussels, Washington, DC, Geneva, London and other global capitals.

### CAPABILITIES

#### Trade Policy and Environment

Navigating complex international trade rules can help you gain improved access to new markets. Our approach is facilitated by an ability to provide a comprehensive strategy not only for handling trade litigation, but for assembling broad industry coalitions when appropriate, forming a strategy and working with key policy decision makers. We regularly represent clients' in international trade negotiations, interpretation and enforcement of bilateral and multilateral trade and investment agreements and help clients to navigate Free trade and other preferential treatment arrangements including understanding and influencing WTO accessions, negotiations, compliance matters and dispute settlement proceedings.

#### Committee on Foreign Investment in the United States (CFIUS)

Decades of experience practicing before the Committee on Foreign Investment in the United States and comprehensive understanding of the Foreign Investment and National Security Act of 2007, DLA Piper is positioned to help interested companies navigate this complicated national security review process. Our approach to CFIUS cases is grounded in a strong technical understanding of current law and procedure. We have proven experience in navigating the process and, if required, negotiating national security agreements and mitigation agreements, including special security agreements, proxy agreements and special corporate arrangements. When necessary, we draw on the talents of our regulatory practitioners in specific fields including: telecommunications, export controls, sanctions, government contracts and national industrial security procedures. Our effectiveness goes well beyond our technical legal capability, encompassing sophisticated political and media strategies to ensure that even the most sensitive and challenging cases are viewed in a favorable light in Congress, the Administration and at the local level. Because

### KEY CONTACTS

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### RELATED SERVICES

- International Trade, Regulatory and Government Affairs

### RELATED SECTORS

- Financial Services
- Energy and Natural Resources
- Government Contracting
- Insurance
- Technology

we understand the public policy arena, we know what it takes get the very best outcomes.

## Cross Border Investments

Global capital flow takes a multidisciplinary approach. Our group counsel clients on the development of cross-border opportunities while managing these regulatory risks. With decades of experience practicing before the Committee on Foreign Investment (CFIUS) and a comprehensive understanding of the Foreign Investment and National Security Act of 2007, we are well positioned to help interested companies navigate this complicated national security review process. We have proven experience in navigating the process and, if required, negotiating national security agreements and mitigation agreements, including special security agreements, proxy agreements and special corporate arrangements. The group draws on the strength of our diverse team to resolve regulatory issues that arise in the context of cross-border mergers, acquisitions, and financings.

## Customs

We offer strategic and legal support to companies in all aspects of customs enforcement and routinely help multinational clients reduce their customs duty and indirect tax liabilities. We are experienced in conducting internal audits as well as in representing importers and other parties in large voluntary disclosure cases, seizures, investigations, liquidated damages and penalties. If a dispute arises, we represent our client's interests in their dealings with third parties including regulatory authorities, and suppliers.

## Antidumping and Countervailing Duty

Experienced in all facets of prosecuting and defending antidumping and countervailing duty actions, as well as other trade remedy matters, before trade agencies, courts, and international dispute resolution panels. Our lawyers have represented clients in high-profile cases combining traditional trade remedy litigation with political work. Our in-depth experience in the actual conduct of trade proceedings enables us to provide sound and sophisticated advice to clients who are evaluating possible trade actions, developing defensive strategies or pursuing other business objectives affected by import competition or trade litigation. The group has extensive experience providing advice with respect to potential and existing trade actions and the market and business implications of such actions. We also have the ability to address issues related to the application and enforcement of antidumping and countervailing duty orders, including customs classification, circumvention, and customs fraud issues.

## Lobbying and Regulation

Many international companies fail to get the most out of the markets in which they operate. To maximize the use of these markets, we regularly assist our clients to utilize existing regulatory instruments, advocate before decision-makers for market access improvements, and influence regulatory approvals that will impact product approval and import prices.

## Product Stewardship, Liability and Recall

Managing product liability risks globally is a difficult challenge. Going beyond traditional arbitrations and trials, we regularly advise on the full range of regulatory issues at every stage of the product life cycle ranging from risk, compliance, and business management to managing crisis situations for clients including product recall and reputation management.

## Sanctions and Export Controls

Penalties for non-compliance with export controls and sanctions regulations are extremely severe and can also lead to significant reputational damage. Companies need to be aware of and fully compliant with these regulations and orders. We have extensive experience in advising a wide range of companies on U.S. Department of the Treasury, Office of Foreign Assets Control (OFAC) regulations, U.S. Department of Commerce, Bureau of Industry and Security (BIS) Export Administration Regulations (EAR), U.S. Department of State, Directorate of Defense Trade Controls (DDTC) International Traffic in Arms Regulations (ITAR), as well as similar regulations from other government agencies regulating international trade and transactions. We can help your business meet the regulatory challenges, minimizing risk and developing proactive programs to fit your business needs and processes. The current sanctions regime consists of primary sanctions directed at US companies and their foreign subsidiaries and secondary or extraterritorial sanctions against foreign entities and individuals. In recent years the US Congress has enacted a series of complex sanctions laws targeting trade with Iran. Congressional sanctions law are accompanied by implementing presidential Executive Orders as well as detailed regulations and guidance issued by the US Treasury and other government agencies including the Departments of Commerce and State. Our firm has successfully advised clients throughout the years on compliance with sanctions issues and, where required, navigating the detailed licensing application processes at the US Treasury's Office of Foreign Assets Control. Our

practice includes the former Director of the Office of Foreign Assets Controls and other former Executive Branch officials from The White House and the US Commerce Department. We have represented major hotel, insurance, banking, agricultural, medical and manufacturing companies in complex cases requiring a sophisticated and operational working knowledge of the sanctions regimes and working with the respective government agencies involved in enforcing the sanctions regimes.

## Capacity Building

As well as providing direct technical and strategic advice, DLA Piper's International Trade practice has developed a comprehensive suite of training courses to help build the longer term capacity of public officials, diplomats and business people equipping them with the skills and knowledge needed to become an effective negotiator or operator across the US, EU and its Member States and beyond.

## International Trade Disputes

Our practice encompasses the full range of trade remedy litigation before trade agencies, international dispute resolution panels and the courts. We have prosecuted, defended and provided advice with respect to numerous US and foreign import relief and market access proceedings. In these proceedings (which have involved virtually every major trading country) we have represented domestic producers, foreign producers and importers across a wide range of industries.

## Global Anti-Corruption

Enforcement of foreign anti-corruption laws is at a record high. International anticorruption and financial crimes enforcement is expected to expand further as prosecutors from around the world actively cooperate with enforcement authorities on international anti-corruption and financial fraud investigations. DLA Piper's team of FCPA, UK Bribery Act, and international anti-corruption and financial fraud professionals are experienced at dealing with the powers that underline both regulatory investigations and enforcement in today's increasingly harsh regulatory environment. Our investigations, reviews, audits and due diligence projects have spanned the globe.

## Country of Origin

Today, many products are an outcome of a large number of parts and pieces that come from many different countries, and that may then be assembled together in a third country. In these cases, it's hard to know exactly what is the country of origin, and different rules apply as to how to determine their "correct" country of origin. The requirements for Country of Origin markings are complicated by the various designations which may be required and vary by country of import and export.

## Trade Terms

We advise clients on the use of commercial terms of sale such as INCOTERMS (FOB, CIF, etc.) and the application of the International Convention on the International Sale of Goods (CISG), including the proper use of INCOTERMS in order to avoid ambiguities that could affect liability in cross-border transactions.

## EXPERIENCE

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- Advising a manufacturing company on the restructure of its supply chain further to the reform of the EU Generalised System of Preferences.
- Advising companies on how to optimise the impact of Russia's accession to the World Trade Organisation and identifying associated trade opportunities.
- Acting for a leading multinational toy manufacturer in three concurrent Anti-Smuggling Bureau investigations in China. Successfully mitigated the VAT liability on imported tooling and preserved the clients compliance record.
- Acting for China's second largest paper producer in concurrent US anti-dumping and countervailing duty investigations on imports of coated free sheet paper from China, resulting in a finding of no injury to the US industry.
- Advising a food manufacturer on the Country of Origin labelling principles in the EU in light of the new Food Information to Consumer requirements.
- Advising a manufacturer of lighting equipment exported to more than 20 jurisdictions, of product safety, regulatory notification and recall obligations.

- Acting for global network infrastructure manufacturer, obtained global export authorization in the Netherlands and “Approved in Principal” export licenses in Hong Kong for dual-use high tech network components.
- Acting on behalf of a major Mideast Sovereign Wealth Fund successfully completed the CFIUS process involving the acquisition of a stake in one of the America’s largest equity exchanges.
- Advising a large Japanese company in the successful outcome of a CFIUS case involving the acquisition of a US company developing encrypted operational support systems for telecommunications companies.
- Advising a global leader in the beverage industry on various licensing and compliance matters involving trade controls administered by the US Department of Commerce, Bureau of Industry and Security and economic sanctions and embargo programs administered by the US Department of the Treasury’s Office of Foreign Assets Control.
- Provide legal advice and assistance to global agricultural commodities, food-processing and commodities-trading corporation on various licensing and compliance matters involving trade controls administered by the U.S. Department of Commerce, Bureau of Industry and Security and economic sanctions and embargo programs administered by the U.S. Department of the Treasury’s Office of Foreign Assets Control.
- Provide legal advice and assistance to a Japanese and French multinational automobile manufacturers on various licensing and compliance matters involving trade controls administered by the U.S. Department of Commerce, Bureau of Industry and Security and economic sanctions and embargo programs administered by the U.S. Department of the Treasury’s Office of Foreign Assets Control.
- Counsel several leading property/casualty and life/health insurance and reinsurance companies involving compliance with economic sanctions laws and regulations administered by the U.S. Treasury Department Office of Foreign Assets Control, extra-territorial sanctions administered by the Department of State and other related sanctions administered by state insurance or financial regulators.
- Provide strategic assistance to a Swedish aerospace and defense company in designing and implementing export control compliance systems and authorizations to enhance global competitiveness.
- Provide advice on compliance with the ITAR brokering regulations and other export control and sanctions regulations for a producer of aluminum products.
- We provide advice on compliance with US export controls and economic sanctions for the conduct of the client’s business in embargoed countries for a worldwide designer, developer, manufacturer and marketer of medical devices.
- Represent a metallurgical manufacturing facility and the world’s largest and most efficient producers of metallurgical and chemical-grade silicon metal in a Department of Commerce and U.S. International Trade Commission sunset reviews of antidumping duty orders covering imports from three major silicomanganese producing and exporting countries.
- Provide legal advice and preparation of notices filed with the U.S. Committee on Foreign Investment in the United States (CFIUS) for buyers from India, China, Italy, Spain, the Middle East, Canada and the United Kingdom allowing them to purchase controlling interests in U.S. businesses
- Provide counseling, execution and analysis of anticorruption due diligence under the Foreign Corrupt Practice Act’s (FCPA) standards at both pre- and post-acquisition stages, including appropriate remediation of noncompliant findings, for transactions worldwide where one or both parties are subject to the extraterritorial requirements of U.S. law
- We advise on mandatory reporting requirements to the Securities & Exchange Commission (SEC) under Section 219 of the Iran Threat Reduction and Syria Human Rights Act or inquiries from the SEC’s Office of Global Security Risk.

## INSIGHTS

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### Publications

#### ITC Section 337 Update

11 APR 2019

A quick look at the last 10 years.

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#### China Passes Foreign Investment Law

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11 APR 2019

On March 15, 2019, President Xi Jinping signed into law China's Foreign Investment Law (the "Law") that was passed by China's National People's Congress on the same day. The Law is to take effect from January 1, 2020.

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### **EU Policy & Regulatory Update - European Parliament Adopts EU Copyright Reform**

28 MAR 2019

Following two and a half years of negotiations and unprecedented public attention, the European Parliament adopted the controversial EU copyright reform in its plenary session on 26 March 2019.

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### **EU Policy & Regulatory Update: EU Adds 8 Russian Officials on Sanctions List in response to Kerch Strait and the Sea of Azov Incident**

19 MAR 2019

On 14 March 2019, the Council of the European Union adopted Council Implementing Regulation 2019/409 and Council Decision (CFSP) 2014/145 adding eight Russian officials to the list targeting those "undermining the territorial integrity, sovereignty or independence of Ukraine".

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### **US to re-impose sanctions on Iran as it withdraws from the Joint Comprehensive Plan of Action**

9 MAY 2018

President Trump has signed a presidential memorandum directing his Administration to immediately begin the process of re-imposing sanctions related to the Joint Comprehensive Plan of Action, targeting critical parts of Iran's economy, among them its energy, petrochemical and financial sectors.

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### **Section 232 trade action - steel, aluminum tariffs: trade war? Mechanisms for possible relief for certain companies and countries**

9 MAR 2018

Two mechanisms could provide some relief for affected companies.

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### **Threat of antitrust "dawn raids" in Indonesia**

14 AUG 2017

Recent actions by Indonesia's principal competition authority, the Business Competition Supervisory Commission, portend an increased threat of dawn raids in Indonesian antitrust investigations.

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### **Tax incentives in Puerto Rico: a quick introduction**

13 JUN 2017

Puerto Rico offers a spectrum of economic incentives aiming to promote many key industries. This handbook offers a quick look at ten of the most significant of these incentives.

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## Slavery in the supply chain: new corporate reporting obligations for companies

9 DEC 2015

### HEALTH, SAFETY AND ENVIRONMENTAL MATTERS SERIES

The UK's Modern Slavery Act 2015 is in force, imposing on companies new reporting requirements and new enforcement powers, including the creation of an Independent Anti-Slavery Commissioner.

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## NEWS

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### DLA Piper announces partnership promotions for 2019

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

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### DLA Piper hosts leading business and diplomacy conference

14 MAR 2019

DLA Piper's London office has hosted the Annual Conference of the International Diplomatic and Business Exchange (IBDE).

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### DLA Piper represents the Securities and Exchange Board of India (SEBI) to recoup funds from one of the world's largest Ponzi schemes

16 AUG 2018

DLA Piper has successfully acted with Counsel (Thomas Bradley QC, Michael Hodge QC and Julia O'Connor) for the Securities and Exchange Board of India (SEBI) in the second of two proceedings before the Federal Court of Australia.

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### DLA Piper announces partnership promotions for 2018

3 APR 2018

DLA Piper is proud to announce that 62 lawyers have been promoted to its partnership. The promotions are effective as of 1 April 2018 in the United States and 1 May 2018 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 42 different offices throughout 20 countries.

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### DLA Piper advises Timor-Leste on historic maritime treaty

6 MAR 2018

DLA Piper has been advising the Government of Timor-Leste, for more than four years, on its historic maritime treaty with the Australian Government, signed today at the United Nations Headquarters in New York, following the successful outcome of a compulsory conciliation process.

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## Six months until GDPR: companies still reporting low levels of preparedness

15 Nov 2017

For the over 200 organisations responding to DLA Piper's Data Privacy Scorebox online survey tool since the start of the year, the average alignment score with all key international data privacy principles was 31.5%, as against an 38.3% average score for respondents in the 2016 calendar year.

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