



## 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
- 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

#### Bank Regulatory News and Trends

26 March 2020

#### **BANK REGULATORY NEWS AND TRENDS**

The Federal Reserve takes extraordinary steps to address the economic risks arising from COVID-19, among them unprecedented emergency measures to support the economy and expanding credit flow to municipal debt markets. This issue also reports on urgent actions being taken by an array of other federal and state financial services regulators.

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## **Coronavirus (COVID-19): ten practical steps for global employers, right now (Global)**

13 March 2020

These steps are not based on laws of any one jurisdiction but rather are designed to provide a global employer with themes to consider, understanding that what may be suitable for each employer may vary greatly depending on the employer's unique circumstances.

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## **Court of International Trade blocks expanded Section 232 tariffs on certain US imports, prompting others to take legal action**

4 March 2020

The first injunction in an appeal filed by a US importer challenges the expansion of the tariffs on constitutional and procedural grounds.

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## **CFIUS's new role in real estate transactions**

20 February 2020

An outline of CFIUS's new authority to review foreign investment in US real estate and its impact on real estate investors who have not previously dealt with CFIUS risk.

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## **Coronavirus COVID-19 and other supply chain disruptions (Europe)**

14 February 2020

In a world of increasingly long, international and interdependent supply chains, the coronavirus COVID-19 outbreak is just the most recent event to highlight the ever more complex considerations arising from a disruption to supply.

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## **Huawei Temporary General License extended for third time**

14 February 2020

The extension applies to Huawei and the 114 other non-US Huawei affiliates on the Entity List.

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## **Coronavirus COVID-19 and force majeure: How are your contracts being affected? (Europe)**

12 February 2020

The outbreak of coronavirus COVID-19 has caused, and continues to cause, great uncertainty for businesses around the world.

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## **Long-awaited changes to export controls for firearms and ammunition have arrived**

6 February 2020

This new regulatory scheme will create a transition burden on industry, but it will result in more flexible regulatory obligations overall.

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## **Foreign ITAR cloud storage now permitted**

4 February 2020

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This may provide ITAR-registered companies some flexibility with the virtual storage and transmission of their technical data, but using non-US based cloud storage is still not without risk.

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### **The President announces expansion of Section 232 tariffs expected to affect millions of dollars in US imports**

30 January 2020

The Proclamation authorizes the Department of Commerce to establish a process for requesting exclusions for affected parties located inside the US.

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### **Iran nuclear deal: the launch of the 'Dispute Resolution Mechanism' and the 'potential snapback' of UN and EU sanctions**

17 January 2020

This week, France, Germany and Britain have triggered the Dispute Resolution Mechanism against Iran under the Joint Comprehensive Plan of Action (JCPOA). Will this process lead to the re-imposition of UN and EU sanctions on Iran?

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### **New regulations reinforce CFIUS's expanded role with respect to foreign investments in the United States**

16 January 2020

The new CFIUS regulations become effective on February 13, 2020.

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### **The almost free US-Japan Trade Agreement is now in effect**

9 January 2020

This trade agreement reduces or eliminates US customs duties on numerous goods.

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### **Commerce imposes export licensing requirement on geospatial imagery software**

8 January 2020

Companies that produce, design, test, manufacture, fabricate, or develop a software described in the new controls may now be operating within the category of "critical technologies" as defined in CFIUS regulations.

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### **Congressional hearing to focus on facial recognition and national security**

12 December 2019

#### **AI OUTLOOK**

Technologies controlled by foreign governments and their implications for privacy and national security are expected to be a major topic.

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### **Preventive Medicine: Official "Antimonopoly Compliance Guidelines for Business Operators" in China**

10 December 2019

On 28 November 2019, the State Administration of Market Regulation (SAMR) released for public comment draft "Anti-Monopoly Compliance Guidelines for Operators" (the "Draft Guidelines"). These non-binding guidelines recommend measures for "business

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operators” subject to the Antimonopoly Law (AML) to develop and implement antitrust compliance programmes. The Draft Guidelines integrate prevailing best practices for international compliance programmes, while reflecting the unique challenges of antitrust risk management in China.

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### **Hikvision and other Chinese companies added to the Entity List**

10 October 2019

The list includes Chinese companies in the video surveillance, artificial intelligence, voice recognition, deep learning and other technology fields.

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### **No-deal Brexit: Impact on supply chains and international trade**

1 September 2019

While a range of outcomes, including [a departure under the terms of the current Withdrawal Agreement](#), remains possible, it is important for businesses to plan for a no-deal Brexit, in which the UK leaves the EU without a withdrawal agreement or other deal. Here we look at the potential impact of a no-deal Brexit on businesses engaged in international trade and supply chains

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### **US Trade Representative publishes fourth list of Chinese products subject to Section 301 tariffs**

19 August 2019

Yet more Chinese products will be subject to an additional 10 percent tariff.

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### **EU Impact - Issue 6**

1 August 2019

While you are looking forward to departing on your well-deserved summer holidays (or are reading our newsletter while at your holiday destination already), the EU institutions have likewise reduced their activities to a minimum as from last week until the end of August.

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### **UAE introduces Economic Substance legislation with aim of EU blacklist removal**

26 June 2019

In response to the EU blacklisting of the UAE, the UAE has recently published its Economic Substance legislation (Cabinet Resolution 31 of 2019). The legislation entered into force as from 30 April 2019 and was expected for some time. The anticipated removal of the UAE from the EU's blacklist will be welcomed by international investors.

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### **EU Impact - Issue 4/2019**

10 MAY 2019

With only two weeks left until the European elections of 23-26 May 2019, Europeans find themselves at the beginning of a months-long period of crucial transformations that are expected to significantly impact citizens and businesses in the medium- and long term.

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## **ITC Section 337 Update**

11 APR 2019

A quick look at the last 10 years.

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## **EU Impact - Issue 3/2019**

29 MAR 2019

Monthly update on the latest EU policy and regulatory developments relevant for your sector

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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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## **EU Impact - Issue 2/2019**

4 MAR 2019

Monthly update on the latest EU policy and regulatory developments relevant for your sector

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## **Boardroom Brexit - the Withdrawal Agreement**

21 NOV 2018

### **BOARDROOM BREXIT**

In this edition we summarise the key takeaways you need to understand. In the next edition, we look at the framework for the future relationship, which is being negotiated in Brussels this week.

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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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## **The prospect for deep and comprehensive trade agreements with the Commonwealth post Brexit**

27 APR 2018

The UK Government is eager to promote the merits of increased trade with the Commonwealth after Brexit. The Commonwealth Heads of Government Meeting ("CHOGM") held in London from 16 - 20 April 2018 was a much needed opportunity to showcase credible post-Brexit trade and investment opportunities with some of the world's most diverse and fast growing economies.

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## **Section 301 trade action against Chinese products: time for quick action**

4 APR 2018

Companies wishing to seek removal of a product from the final list have the opportunity to present their views, but less than two months remain before the window completely closes.

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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 lawyers named Acritas Stars**

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

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### **Frank Ryan discusses the trade war with Yahoo Finance**

9 Sep 2019

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**Highlight: “Where we are right now is in a political phase in this debate, and... we need to get to a practical phase,” says @DLA\_Piper’s Frank Ryan on the trade war. “The sooner we get stability for major multinationals in China regarding IP protection, the better off we’ll be.”** [pic.twitter.com/u0ykyzF8m89](https://pic.twitter.com/u0ykyzF8m89)

— Yahoo Finance (@YahooFinance) September 9, 2019

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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's GTGA team named Sanctions Law Firm of the year 2018**

27 JUL 2018

DLA Piper's Global Trade and Government Affairs (GTGA) team has been named Sanctions Law Firm of the year, Europe, at this year's WorldECR Awards.

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