



Industrials

The industrials sector is continually evolving and crossing borders. Global economic uncertainty, political instability, and its impact on trade, climate change, digitalization, automation and disruptive business models are just a few of the many challenges businesses in the industrials sector are currently facing.

Prudent businesses in this rapidly changing sector turn to lawyers who have cross-disciplinary knowledge and on-the-ground presence in local markets, who are able to advise clients on their day-to-day and strategic concerns wherever they choose to do business. With offices in over 40 countries throughout the world, we offer a dedicated team that understands the sector, the challenges it faces and the pragmatic, cost-effective solutions that work for our clients. We are proud to support the diverse needs of our global client base, which includes many of the most successful industrial companies worldwide across our core areas:

- Aerospace and defense
- Automotive
- Chemicals
- Manufacturing

We help our clients on important issues affecting the industry, such as:

- Acquisition, asset and export finance
- Brand protection, patents, licensing and IP
- Commercial and procurement contracts and outsourcing
- Cybersecurity
- Data protection
- Digitalization and IoT
- HR, employment, employee benefits and pensions
- Litigation and arbitration
- M&A and international corporate restructurings (ICR)
- Product compliance and safety
- Real estate and real estate finance
- Regulatory advice, including on environmental, health and safety (EHS) matters
- Restructuring
- Risk, governance and compliance, including anti-bribery and corruption
- Supply chain management, including distribution/agency agreements and contracts
- Tax, including import and export, transfer pricing and sanctions

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- Corporate
- Finance
- Intellectual Property and Technology
- Regulatory and Government Affairs
- Litigation, Arbitration and Investigations
- Pensions and Reward
- Product Liability, Mass Torts and Product Stewardship
- Projects, Energy and Infrastructure
- Real Estate
- Corporate Disputes

Publications

10 considerations for companies on the path to sustainability

11 May 2022

For boards of directors and management teams as they discuss measuring, disclosing and reducing the company's climate impact.

Employment law in 5: 5 developments to read for May in less than 5 minutes

5 May 2022

5 developments to read for May in less than 5 minutes.

Global M&A Intelligence Report 2022

3 May 2022

Our annual Global M&A Intelligence Report is based on an analysis of key deal terms in almost 5,000 private M&A transactions on which we have advised since 2015.

Episode 10: Can we decarbonise international shipping by 2050?

22 April 2022

[THE CLIMATE TRANSITION PODCAST](#)

In this episode, Natasha Luther-Jones speaks to Ragnar Wisløff, senior vice president of clean energy at Höegh LNG, a leading player in the use of liquefied natural gas in the maritime sector, about the role of shipping in the energy transition.

DLA Piper · [Can we decarbonise international shipping by 2050?](#)

Mexican Congress rejects electricity constitutional reform and approves bill to regulate lithium

20 April 2022

An outline of the House of Representatives' decision regarding the Electricity Reform and Mining Reform, as well as its possible implications.

Spain introduces a levy on non-reusable plastic packaging

19 April 2022

On 9 April 2022 the Official Gazette has published Law 7/2022 of 8 April concerning waste and contaminated land for a circular economy

US DOC initiates circumvention inquiries against solar cells and modules from Cambodia, Malaysia, Thailand and Vietnam

14 April 2022

Any additional duties could be applied retroactively to entries before April 1 and could be as much as or in excess of 250 percent of the

price of the applicable CSPV cells and modules.

Latest sanctions block Russia's largest banks, cyber actors and more; Biden's executive order prohibits investments in Russia by US persons

8 April 2022

GLOBAL SANCTIONS ALERT

Two of Russia's largest banks, Sberbank and Alfa-Bank, which had previously been subject to narrower restrictions, have now been blocked.

Australian Federal Budget 2022-2023

29 March 2022

The 2022/23 Federal Budget (**Budget**) was delivered by the Australian Treasurer, the Hon. Josh Frydenberg, on 29 March, 2022 and, while viewed as a 'pre-election Budget', it delivered several important business tax and related initiatives.

New wave of US sanctions targets Russian Duma, additional elites, defense entities; BIS extends export controls to more than 100 Russian aircraft

29 March 2022

GLOBAL SANCTIONS ALERT

The latest sanctions affect all members of the Duma, Russian elites, bank executives and board members, and Russian defense firms, and BIS has extended export controls to certain Russian aircraft.

US lifts Section 232 tariffs on steel and aluminum from the UK effective June 1, 2022

28 March 2022

The US-UK agreement includes novel requirements that deserve special attention.

Biden Administration urges American companies to act quickly to improve cybersecurity safeguards

22 March 2022

GLOBAL SANCTIONS ALERT

The White House stresses the importance of taking key steps to thwart nation-state bad actor activities.

SEC proposes mandatory climate-related disclosure and governance rules

21 March 2022

The SEC's latest effort to advance the Biden Administration's climate agenda.

US announces new trade restrictions against Russia as well as a new round of sanctions against Russian political elites

16 March 2022

GLOBAL SANCTIONS ALERT

Many of the newly announced measures will require Congressional action.

US sanctions Russian energy sector while allowing various energy-related activities to continue

9 March 2022

GLOBAL SANCTIONS ALERT

Today's actions further restrict commercial activity and increase risks of sanctions violations by well-intentioned companies.

Canadian sanctions in response to Russian military actions against Ukraine

March 7, 2022

GLOBAL SANCTIONS ALERT

The Government of Canada has recently announced a series of new economic sanctions in response to Russia's invasion of and continued military actions against Ukraine.

US continues to escalate sanctions against Russia and Belarus

4 March 2022

GLOBAL SANCTIONS ALERT

White House announces new sanctions while putting in place extensive new export control measures against Russia and Belarus; DOJ announces Task Force KleptoCapture; OFAC closes some loopholes.

US escalates its sanctions regime against Russia, targeting its financial system

28 February 2022

GLOBAL SANCTIONS ALERT

And additional measures are expected to be announced by the US and its allies in the coming days

US imposes further sanctions and export controls against Russia

25 February 2022

GLOBAL SANCTIONS ALERT

The White House emphasized that these newly announced sanctions and export controls will be complemented with similar measures imposed by US allies and partners.

Aiscension: an AI tool to ensure effective risk management by detecting anti-competitive practice

24 February 2022

Anti-competitive activity has been rife in companies for centuries and there are many who like to take the ostrich approach and bury their head in the sand. However, it is known that this approach to risk management is ineffective should the regulators come looking,

and with fines of up to 10% of global turnover, it is a big risk to take.

New US sanctions in response to Russia's actions against Ukraine

23 February 2022

GLOBAL SANCTIONS ALERT

Additional sanctions are expected that will target Russia's financial, technology, and defense sectors.

Looking to verify your energy project to generate carbon credits? Understanding two popular verification registries

18 February 2022

A summary of VERRA and Gold Standard.

US lifts Section 232 tariffs on steel from Japan, effective April 1, 2022

10 February 2022

Beginning April 1, 2022, steel from Japan will be subject to a tariff-rate quota (TRQ), allowing a yearly set volume to enter the US tariff-free.

Canada develops GHG offset regulations

8 February 2022

The System will work in tandem with existing provincial and territorial systems to develop a consistent suite of requirements for transferability and fungibility of GHG offset credits across Canada.

Tortious claims and climate change: Where are we now?

31 January 2022

What should be the response of tort law to climate change? That starkly put is the key issue raised by this appeal.

Focus on the industrials sector

18 January 2022

UNDERSTANDING THE UK NATIONAL SECURITY & INVESTMENT REGIME PODCAST

In the third episode of the series we turn our focus to specific sectors. Sarah Smith and Matt Evans are joined by DLA Piper's defence sector specialist, Maria Pereira to discuss the impact of the regime on the industrials sector, specifically in relation to the defence, military and dual-use, advanced materials and satellite and space sectors.

A legal overview

4 January 2022

UNDERSTANDING THE UK NATIONAL SECURITY & INVESTMENT REGIME PODCAST

In episode 2 of our podcast series we discuss the legal context of the regime: how it will operate and the implications for businesses. In particular, the legislation - which comes into force today, 4 January - has wide reaching implications for M&A involving businesses or assets connected with the UK.

Significant Expansion of the Notifiable National Security Actions Test

16 December 2021

On 2 December 2021, the Australian Federal Government enacted the Security Legislation Amendment (Critical Infrastructure) Act 2021 (Amending Act) amending the Security of Critical Infrastructure Act 2018 (SOCI Act) to protect certain infrastructure that forms part of or is viewed as critical to the essential services to which Australia relies on.

What's driving the new National Security and Investment Regime

12 December 2021

UNDERSTANDING THE UK NATIONAL SECURITY & INVESTMENT REGIME PODCAST

Episode 1 of our new Podcast series discusses what is driving the new National Security and Investment Regime. What is the political context for the new regime? Who and what is driving the pressure to strengthen investment screening both in the UK and internationally? Sarah Smith, Partner in DLA Piper's Competition practice is joined by Lord Gavin Barwell, Strategic Advisor and former Chief of Staff to Teresa May and Paul Hardy, Head of UK Government Affairs at DLA Piper to discuss the context of the new regime.

European Commission's Proposals for reform of AIFMD, UCITS Directive and the ELTIF regime

26 November 2021

Following its review of the scope and functioning of the Alternative Investment Funds Manager Directive¹ (AIFMD), the European Commission (the Commission) has concluded that the AIFMD's standards for ensuring high levels of investor protection are mostly effective, but that amendments are required which are intended to be targeted in scope, but may have far-reaching effects.

The Commission has now published new legislative amendments to AIFMD, the UCITS Directive² (UCITSD) and the ELTIF Regulation³ (ELTIF Regulation) (the Commission Proposal). The proposed amendments set out in the Commission Proposal will be introduced by way of an omnibus directive amending the AIFMD, UCITSD and the ELTIF Regulation.⁴

The Glasgow Climate Pact: What does it mean for Business?

23 November 2021

In this article, members of our Sustainability and ESG Steering Committee share their thoughts on eight key themes emerging from COP26 and what they mean for business.

Treasury releases 2021 Sanctions Review: Its key recommendations and their implications for the private sector

28 October 2021

GLOBAL SANCTIONS ALERT

The Report puts into perspective recent Biden Administration sanctions while helping to forecast what will come.

CDR v3: Australian Treasury moves to expand access to the Consumer Data Right regime

13 October 2021

The Australian Government has introduced a number of amendments to the Consumer Data Rights Rules, which lower the barriers of entry into the CDR regime and make the regime itself easier to navigate.

Five issues to watch for at COP26 in Glasgow

12 October 2021

Hopes had already been high for COP26 even before the pandemic paused it. The pent-up potential has only heightened those expectations.

An interview with Aldersgate Funding

11 October 2021

In this podcast, DLA Piper partner Henry Quinlan interviews Jim Holding and Matthew Lo at Aldersgate Funding Limited, who shed some light on the advantages of litigation and arbitration funding; the types of claims eligible for funding; the process of funding a case; and the jurisdictional constraints on this type of financing.

DLA Piper · Aldersgate Funding on how litigation funding can help your business

OECD announces global deal on international tax reform with its Two-Pillar solution

11 October 2021

In addition, the OECD sets out a detailed implementation timeline aiming to have parts of the plan ratified in 2022 and effective as early as 2023.

US Trade Representative seeks comments on possible reinstatements of previously extended exclusions to Section 301 tariffs

6 October 2021

Interested parties should consider submitting comments in support or opposition to any possible reinstatement.

White House announces plan to substantially expand introduction of sustainable aviation fuel

15 September 2021

Key details.

Defending trademarks from non-use cancellations: Strategies for OEM manufacturers in China

September 2021

For many companies, China is an essential piece of their business, but they may never sell a single product to a Chinese company or

consumer. Those businesses must answer the tricky question of how to protect their brand in a country where consumers never see it.

Protecting your company from supply chain cyber attacks

September 2021

Today, virtually all companies rely on third-party technical solutions to manage their business. The downside is that incorporating new third-party technology into business operations creates new vectors for cyberattacks.

New workplace sexual harassment laws passed – (some) Respect@Work recommendations become law

8 September 2021

After months of anticipation, the Australian Federal Government's Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 has now passed both houses of Parliament. The amendment contains important reforms to address workplace sexual harassment.

Framing patents as essential facilities in Chinese antitrust: *Ningbo Ketian Magnet Co., Ltd. v. Hitachi Metals*

7 September 2021

ANTITRUST MATTERS

A Chinese court recently ruled in *Ningbo Ketian Magnet Co., Ltd. v. Hitachi Metals, Ltd.* that a patent-holder's refusal to license patents for producing rare-earth magnets to competitors constituted an abuse of dominance in violation of China's Antimonopoly Law (AML).

When are non-US products incorporating US products free from US jurisdiction?

25 August 2021

DLA PIPER TRADE TRUTHS

This summary article provides key points to consider as well exemptions possible if your non-US manufactured products are subject to US reexport authorization requirements.

LatAm: Tax authorities address negative effects of the pandemic on national coffers

12 August 2021

The tax authorities' revenue-generating approaches vary from incentives to additional taxation.

Mexico: Understanding SAT's "benchmark" disclosure of effective income tax rates

14 July 2021

The effective tax rates are not binding, but it is expected that the SAT will use the rates as a reference to identify taxpayers for audits.

Global M&A Intelligence Report 2021

23 June 2021

Our annual Global M&A Intelligence Report is based on an analysis of key deal terms in over 3,200 private M&A transactions on which we advised since 2015.

Minimising risk when changing suppliers in the automotive industry

3 June 2021

Changing suppliers is a fact of life in the automotive industry. There are many reasons why this occurs, but often it is driven by competitive pressures and a need to source parts at a greater scale, higher quality, or at a lower cost point. It may also be part of a strategy to diversify risk by having multiple suppliers.

Biden's FY 2022 budget and Treasury Green Book – additional details on international tax proposals

2 June 2021

Fleshing out revenue proposals in the White House's American Jobs Plan and American Families Plan.

Australian Federal Budget 2021-2022

11 May 2021

Australia's COVID-19 'comeback' 2021-22 Federal Budget (**Budget**) was delivered by the Australian Treasurer, the Hon Josh Frydenberg, on 11 May 2021 and provides, amongst other things, several important business tax and related initiatives.

The Russia sanctions and their impacts on commodities companies: Action steps for companies engaged in transactions with Russian gas and energy companies

11 May 2021

Implications of key provisions in President Biden's Executive Order.

Data and Data Protection – Why the automotive industry needs to take notice

4 May 2021

Cars – and the processes used to create them – now generate more data than ever before. This brings huge possibilities for the automotive sector, allowing manufacturers to utilise data for a vast array of purposes, not least to improve manufacturing processes and vehicle performance, reduce costs and enhance customer experiences.

Reinforcing Respect at Work: Impending legislative reforms to address and prevent workplace sexual harassment

23 April 2021

Following months of intense public attention and debate regarding workplace sexual assault and sexual harassment, including within the highest echelons of the Australian government and legal system, the Australian Government has now released its long-awaited response to the landmark Respect@Work report delivered by the Australian Human Rights Commission to the Government in March 2020.

Managing Mexican mandatory disclosure rules

8 April 2021

A review of new obligations for taxpayers and advisors under Mexico's mandatory disclosure rules.

We can keep things casual: New casual employee laws enacted in Australia

1 April 2021

The Australian government's long awaited clarifying amendments to the *Fair Work Act 2009* (Cth) have now been passed in their reduced form.

As flagged, the new statutory provisions make a number of changes to the engagement of casual employees: statutory definition of 'casual employee'; casual conversion entitlement; casual Employment Information Statement (CEIS); ability to offset casual loadings.

Supreme Court Corner

30 March 2021

Numerous amici in *American Axle* urge the Supreme Court to take the case; update on *USPTO v. Booking.com*.

SEC interim final amendments signal stricter regulation on Chinese and other emerging market companies

29 March 2021

Under the new requirements, certain companies must establish that they are not owned or controlled by a foreign government entity and must disclose any foreign government influence.

United States imposes significant new export controls and sanctions on Russia and China

23 March 2021

Reflecting a further hardening of US foreign policy and national security policy positions with those two countries.

Casual changes to Australian Government's IR Omnibus Bill

19 March 2021

Following contentious public scrutiny and prolonged debate, the Australian Senate yesterday passed a pared-back version of the ambitious *Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Bill 2020* which proposed a raft of changes to be introduced to the *Fair Work Act 2009* (Cth).

Antidumping and countervailing duty petition against imports of certain Chinese mobile access equipment and subassemblies: Consequences for exporters and US importers

16 March 2021

Foreign producers, exporters and importers may consider having a strategy for addressing AD and CVD investigations, including possible participation.

Country-specific guidance on the transfer pricing implications of the COVID-19 pandemic

4 March 2021

Businesses may wish to consider the guidance from several countries on the appropriate transfer pricing treatment for governmental subsidies related to the COVID-19 pandemic.

Corruption Perceptions Index 2020 - a regional perspective

11 February 2021

Last week Transparency International launched the 2020 edition of its Corruption Perceptions Index (CPI), which ranks 180 countries and territories by their perceived levels of public sector corruption, according to experts and business people, using a scale of zero to 100 (100 being very clean and zero being highly corrupt).

Expanding your Australian based manufacturing - what you should be thinking about

28 January 2021

As there is a renewed emphasis on Australia-based manufacturing to reduce Australia's reliance on imported products and to stimulate the economy, we see opportunities for business. We can assist clients looking to move into, or expand, their Australian manufacturing with all aspects of the process.

No firing for lighting up? Cannabis in the workplace

28 January 2021

Appropriately addressing cannabis usage in the workplace while navigating anti-discrimination protections for workers.

The Qualified Maquiladora Approach Agreement has been renewed: Implications for multinationals' transfer pricing

26 January 2021

US-based multinationals using the maquiladora structure to manufacture goods in Mexico are taking note.

China's Blocking Rules: New trade-compliance dilemmas for third-country companies

25 January 2021

The Blocking Rules respond to the increased use of "secondary" economic sanctions and export controls by the US.

Understanding the OECD's guidance on the transfer pricing implications of the COVID-19 pandemic

5 January 2021

A practical look at the new OECD guidance.

Boardroom Brexit: What the deal means for trade in goods

31 December 2020

BOARDROOM BREXIT

What will the Trade and Cooperation Agreement mean for tariffs and quotas, rules of origin, technical barriers to trade, customs and product standards

Major reforms to Australia's Foreign Investment and Critical Infrastructure Frameworks

22 December 2020

The Australian Federal Government has now enacted amendments to Australia's foreign investment regime targeted at ensuring Australia's foreign investment framework keeps pace with emerging national security risks and global developments.

The amendments come into effect on 1 January 2021 and, importantly, coincide with the reinstatement of the monetary notification screening thresholds under Australia's foreign investment regime which were reduced to zero in March this year as a result of the economic uncertainties associated with the COVID-19 pandemic.

Climate activism: Status check and opportunities for public companies

14 December 2020

The systemic risk of climate change is being discussed and managed in board rooms around the world.

Cyberfrauds and Cyberattacks: Remote Working Posing Increased Risks and How to Stay Protected

14 December 2020

Cybercriminals are becoming more sophisticated in the ways they facilitate cyberfrauds, with the increasing use of personalised messages on instant messaging platforms such as WeChat or WhatsApp and socially engineered phishing emails to deceive recipients to transfer funds, disclose sensitive information or click on malicious links.

The road to recovery industrial relations bill

11 December 2020

The Australian Government's highly anticipated industrial relations reform legislation, the *Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Bill 2020* has been introduced in Parliament, following a lengthy roundtable process which involved input from employer organisations and unions. The Bill, which aims to improve the operation and usability of Australia's industrial relations system. In this update we discuss the significant changes being made if passed in its current form.

US DOT issues groundbreaking proposals for regulation of automated driving systems, seeks input

11 December 2020

The rulemaking initiates an important new chapter in autonomous vehicle development and commercialization in the US.

REACH 2.0 – New EU Chemicals Strategy for Sustainability

10 December 2020

Chemicals are omnipresent in our everyday life and play a fundamental role as building blocks in technologies, materials and products. However, chemicals with hazardous components can also cause damage to human and animal health and the environment.

Practical Compliance

8 December 2020

PRACTICAL COMPLIANCE

Q4 2020: Spotlight on real estate COVID-19 compliance.

Calidad v Seiko – the High Court has spoken: the doctrine of patent exhaustion applies in Australia

17 November 2020

On 12 November 2020 the High Court of Australia handed down the much anticipated decision in *Calidad Pty Ltd v Seiko Epson Corporation* [2020] HCA 41. In a majority decision, the High Court confirmed that all rights of the patentee (use, sell, dispose of, repair etc) except the right to make the patented article are exhausted at the time of sale, in respect of a product which embodies that patent.

Contracting for the climate: The Climate Contract Playbook is a trove of climate clauses

11 November 2020

Contracts have become an essential vehicle for companies seek to mitigate their environmental risks and limit their carbon footprints.

Sale of a product exhausts patent rights

12 November 2020

On 12 November 2020, High Court of Australia handed down the much anticipated decision in the *Calidad v Seiko* dispute.

This landmark decision overturns over 100 years of law and puts Australia in line with the US, where there is well established law on patent exhaustion.

Coronavirus: Directors' duties and making decisions in a crisis

2 November 2020

Directors need to carefully consider how to address the risks of the ongoing COVID-19 pandemic within their business, given its impact on the global economy. As many companies are continuing to face significant, and increasing, cash flow pressure, directors should carefully consider their actions in the context of the legal framework.

Replacing NAFTA: What the USMCA means for the future of North American trade and investment – a Q&A

26 October 2020

Contributors from the US, Mexico and Canada discuss several key considerations.

China Enforces Tax Collection on Employees Working for Chinese-invested Enterprises Overseas

16 October 2020

With the recent IIT reform in 2019, and the introduction of a number of implementation rules (particularly the tax policy on overseas income), it appears the China tax authorities are taking a harder stance on how overseas income derived by China tax residents will be taxed in China, starting with Chinese expatriates working for Chinese state-owned enterprises.

Hong Kong Employment Law Update

16 October 2020

In this article, our Hong Kong Employment team provides an update on the Government's efforts to enforce clawback and penalties in respect of the first tranche of the Employment Support Scheme and statutory maternity leave increasing to 14 weeks from 11 December 2020.

COVID-19 – Galvanising your business against supply chain and customer insolvency risk

7 October 2020

The risk of unforeseen counterparty customer or supplier financial distress and failure amidst the on-going challenges for businesses from COVID-19 means that pre-emptive legal and operational protections against the risk of heavy financial loss or business disruption from customer/supplier failure are more valuable than ever.

Australian Federal Budget 2020-21

6 October 2020

The Australian Treasurer, the Hon Josh Frydenberg, delivered the 2020/21 Federal Budget on 6 October, 2020 and as widely anticipated, the key focuses were on firstly, bringing forward to 1 July, 2020 the effective date of previously legislated personal income tax cuts and secondly, expanding significant economic stimulus initiatives.

Mass layoffs and collective redundancies guide

6 October 2020

As COVID-19 continues to impact the global economy in unprecedented ways, companies that have had to scale back or shut down operations are bracing for what the next few months will bring, and what this means for their workforces. In this guide, we examine key considerations for employers looking to make permanent reductions in force across APAC.

Recent Breakthroughs for Foreign Arbitration Institutions in China

5 October 2020

On 7 September 2020, the State Council has further published the "Work Plan for Deepening Comprehensive Pilot and New Round of Opening-Up of Services Sectors in Beijing and Building Comprehensive Demonstrative Area of Opening-Up of State Service Sectors" further allowing foreign arbitration institutions to provide arbitration services in Beijing.

China lifts further travel restrictions for certain foreigners

28 September 2020

Effective from 28 September 2020, China will allow foreign nationals holding three categories of valid Chinese residence permits (work, personal matters, and reunion) to enter China with no need for applying for new visas. This is a further lifting of travel restrictions for foreigners who have the need to return to China.

Human rights compliance programmes in the Industrials sector

10 September 2020

The risk of adverse environmental, social or human rights impacts is one that Industrials businesses will be familiar with.

Human rights compliance programmes: Why now?

10 September 2020

Businesses are increasingly required to identify and manage their involvement in adverse environmental and social impacts throughout their organisations and supply chains. Previously, drivers for developing human rights compliance programmes have included reputation risk and compliance with best practice and “soft law” standards.

Can Australia forget about investment from China?

8 September 2020

This article is based on a series of interviews with clients and colleagues based in mainland China, and explores the attitudes of Chinese businesses to overseas investment generally, and into Australia in particular. There was high degree of consistency in responses from clients on their investment plans, and perceived barriers to investment in Australia. The overall picture painted was one of businesses and investors still interested in overseas investment in certain sectors and in certain markets, but who are currently adopting a “wait and see” approach given travel restrictions and a significant level of uncertainty in global markets.

Working from home in Australia

8 September 2020

The Australian Fair Work Commission has released a Draft Award Flexibility Schedule in self-described effort to promote discussion about ways in which flexibility can be introduced into modern awards to assist businesses and industries impacted by COVID-19.

Details of the second tranche of Hong Kong’s Employment Support Scheme released

24 August 2020

On 18 August 2020 the Hong Kong government announced details surrounding the second tranche of the Employment Support Scheme. While the majority of the rules surrounding the second tranche remain largely the same as the first tranche, there are new penalties for employers who have fallen foul of a number of nebulous terms.

Release of exposure draft legislation for major reforms to Australia’s Foreign Investment Framework

10 August 2020

Many governments around the world have been strengthening their laws relating to foreign investment. Australia is no exception to this

development and has just released proposed sweeping reforms to its foreign investment regime. In this article, we provide a high level overview of the key proposed amendments and our thoughts on how some of those proposals are likely to affect foreign investment into Australia.

DLA Piper achieves a successful result in *Auctus Resources Pty Ltd v Commissioner of Taxation* [2020] FCA 1096

5 August 2020

DLA Piper's tax team has been successful in representing its client, the taxpayer, in *Auctus Resources Pty Ltd v Commissioner of Taxation* [2020] FCA 1096. The case relates to specific tax assessment and tax recovery powers of the Commissioner of Taxation relating to an R&D tax offset refund in the 2013 income year. It is also a reminder to legal practitioners to raise all grounds and contentions during the hearing. This article will explore these issues in further detail.

Australia pivots its Defence strategy

3 August 2020

On 1 July 2020, Australia announced a pivot to its defence posture and strategy based on increased spending, force projection and enhanced capability to meet the regional disruption caused by China's muscle flexing.

Australian Government overhauls its procurement legislation to give better protection to suppliers, contractors and consultants

3 August 2020

Australia's federal, state and territory governments are variously in the process of adjusting their procurement frameworks to give effect to Australia's obligations under international free trade agreements (FTAs). Each government has its own procurement framework, and so the approach to implementing the international FTAs differs in each jurisdiction.

Directors' and officers' duties in Australia

30 July 2020

Our guide on directors duties in Australia for resident and non-resident directors is designed to provide an overview of the regulatory and legislative obligations of directors.

Hong Kong Government increases statutory entitlement for maternity leave

16 July 2020

On 10 October 2018, the Chief Executive stated in her policy address that the government proposed to increase the statutory maternity leave entitlement from ten to 14 weeks.

DC Circuit issues opinion on sovereign immunity defenses to the enforcement of arbitration award against foreign states

1 July 2020

Foreign states might not only be able to rely on the doctrine of sovereign immunity to protect themselves from final judgments, but also to avoid the burdens of litigation itself.

Are you ready for the USMCA? Customs-related takeaways on key changes from NAFTA

30 June 2020

Claiming USMCA duty advantages – practical considerations.

Changes to Hong Kong anti-discrimination legislation

30 June 2020

Anti-discrimination laws in Hong Kong have undergone a series of changes over the past few years.

Australian Annual Wage Review - key figures

19 June 2020

On 19 June 2020, the Fair Work Commission (FWC) published the Annual Wage Review Decision for 2019-20, announcing a rise of 1.75%.

Australia tightens rules on foreign investment

17 June 2020

In this article we summarise the tax-related developments from early June 2020, as Australia takes a more stringent approach towards compliance procedures involving foreign investments.

Australian Treasurer announces proposed major reforms to Australia's Foreign Investment Framework

9 June 2020

On Friday 5 June 2020, the Australian Treasurer announced major reforms to Australia's foreign investment rules to ensure that Australia's foreign investment framework keeps pace with emerging national security risks and global developments, including similar changes in foreign investment screening in other countries.

The changes are expected to come into effect on 1 January 2021 and replace the temporary changes to Australia's foreign investment regime which were implemented on 29 March 2020 in response to the COVID-19 pandemic. For further details on these temporary measures please read our previous article.

The exposure draft legislation for the new changes is expected to be released in July 2020.

The proposed reforms are expected to provide the foundations for increased scrutiny of foreign investment into sensitive Australian business sectors and compliance by foreign investors with conditions attaching to foreign investments approved by the Treasurer from time to time.

Australia updates measures to prop-up COVID-19 hit economy

1 June 2020

In this article we summarise the tax-related developments from May 2020, as Australia continues its economic response to the COVID-19 outbreak.

Preparing for global class actions arising from COVID-19

28 May 2020

The risk to companies of global and cross-border class action and collective redress proceedings is rising.

When casuals aren't casual: What you need to know about Workpac v Rossato

21 May 2020

The Full Court of the Federal Court of Australia has now released its long-awaited judgment in *WorkPac Pty Ltd v Rossato* [2020] FCAFC 84.

As was expected, the Court has found that Mr Rossato was not, in fact, a casual employee. While there are some facts specific to this case, it is generally of widespread application. That means that all employers should give close consideration to their use of casual employees.

This decision will have far-reaching impacts for all employers, including labour hire providers. In particular, employers of casual employees may be liable for significant amounts of unpaid entitlements which will be owing in full.

PFAS: in California, regulators put cleanup levels on hold, but announce major data hunt

7 MAR 2019

This data hunt will affect thousands of facilities, drinking water systems and private drinking water well owners.

Law à la Mode: Word of the industry's mouth; Enforcement of IP rights through Ukrainian customs register; E-commerce in Poland; The development of artificial intelligence in the fashion industry; and more

26 NOV 2018

[LAW À LA MODE](#)

The US editorial team is delighted to bring you the 27th edition of *Law à la Mode*, the legal magazine produced by DLA Piper's Retail Sector Group for clients and contacts of the firm worldwide.

Law à la Mode: Social Media Influencers & Effective Disclosures, IP and E-Commerce: Your basic checklist, Longchamp's Handbag Copyright Saga, IP Protection of Fashion Shows in Italy and more

21 MAY 2018

[LAW À LA MODE](#)

The UK editorial team is delighted to bring you this special edition of *Law à la Mode*, produced by DLA Piper's Retail Sector group for

distribution to clients and contacts of the firm worldwide and marking the 140th Annual Meeting of INTA in Seattle.

Law à la Mode: Social Media Influencers & Effective Disclosures, IP and E-Commerce: Your basic checklist, Longchamp's Handbag Copyright Saga, IP Protection of Fashion Shows in Italy and more

21 MAY 2018

LAW À LA MODE

The UK editorial team is delighted to bring you this special edition of Law à la Mode, produced by DLA Piper's Retail Sector group for distribution to clients and contacts of the firm worldwide and marking the 140th Annual Meeting of INTA in Seattle.

Law à la Mode: Virtual Reality and Augmented Reality; Insta-worthy or Insta-infringement; E-commerce in Poland; Harnessing hidden advertising; and more

20 DEC 2017

LAW À LA MODE

The Asia Pacific editorial team is delighted to bring you the 24th edition of Law à la Mode, the quarterly legal magazine published by DLA Piper's Retail Sector group for clients and contacts of the firm worldwide.

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.

EVENTS

Previous

Industrials - Latest sanctions and export controls on Russia and China:

4 May 2022

Webinar

Using AI to monitor your compliance risks

31 March 2022

Webinar

AI Regulation

15 December 2021

EMBRACING DIGITAL EVOLUTION IN THE INDUSTRIALS SECTOR

Webinar

Data Driven Business Transformation

8 December 2021

EMBRACING DIGITAL EVOLUTION IN THE INDUSTRIALS SECTOR

Webinar

Embracing Digital Evolution

15 September 2021

Webinar

Extension of Foreign Direct Investment Control Regime: Update

9 June 2021

Webinar

Biden's Climate Summit - what changes can we expect and how could those impact COP26?

27 April 2021

Webinar

Doctrine of patent exhaustion in Australia: Lessons from the US

8 December 2020

Webinar

EDPB recommendations for safeguarding data transfers after Schrems II

19 November 2020

Webinar

NEWS

DLA Piper advises Heidelberger Druckmaschinen on the sale of MIS software provider CERM

6 August 2020

DLA Piper has advised Heidelberger Druckmaschinen AG (Heidelberg) on the sale of CERM, a global provider of Management Information System (MIS) software for the printing industry, in a Management Buyout (MBO).

DLA Piper advises Heidelberger Druckmaschinen AG on the restructuring of the company pension scheme

2 July 2020

DLA Piper has advised Heidelberger Druckmaschinen AG on the restructuring of the company pension scheme, covering all employees in Germany. This was agreed by the Management Board and employee representatives of the company together with the IG Metall trade union.

Sustainability and ESG

Businesses in the industrials sector face diverse and complex sustainability and ESG challenges, depending on where they are in their sustainability journey. While the sector has been quick to adapt to technological changes, it is now being tested by more sweeping changes in the transition to sustainability – affecting the business model, strategy and operations.

The focus of the manufacturing, automotive and chemicals industries has been on environmental issues, such as energy and waste management, reducing greenhouse gas emissions and improving efficiency of design and resource use throughout the product life cycle. Companies in aerospace and defense have been predominantly grappling with social and governance issues, such as demonstrating their commitment to human rights, anti-corruption, business integrity and transparency.

The following key sustainability themes cut across the industrials sector:

- **Towards a circular economy:** Businesses in industrials have been reassessing materials sourcing, energy use and waste management in line with circular economy principles. Some companies have gained revenues, market leverage and consumer support from making improvements to product design and life-cycle management which increase sustainable sourcing and material reuse while striving for a zero-waste supply chain. The automotive industry, for example, has responded to consumer demand for open business models and closed-loop value chains, with some car companies upcycling used materials to reduce total emissions.
- **Towards a low-carbon economy:** The industrials sector also has a leading role to play in driving the transition to a net-zero future. The overall environmental impact and carbon footprint of the sector remains significant, considering the high consumption of energy and resources and hazardous waste management involved in business operations. Some reductions in greenhouse gas emissions have been achieved through operational efficiencies, including energy efficiency, waste reduction and the increasing use of renewable energy sources. While some companies have remodeled their business strategy and brand on environmental sustainability principles, it can be more challenging for others depending on their products, operations and hurdles that may limit immediate transition. Companies not focused on identifying transition opportunities risk regulatory action, consumer backlash, investor withdrawals and/or litigation – as potential for loss of value as well.
- **Improving product quality and safety:** For companies in the chemicals business, a customer-centric approach has been essential for focusing on public trust following concerns with product quality and safety, marketing practices and concerns of potential anti-competitive behavior. The manufacturing and automotive industries have also had to address rising consumer expectations on demonstrating product quality and safety, in addition to meeting regulatory compliance standards.
- **Improving employees' health and safety:** There are growing demands from employees for industrials companies to assure occupational health and safety, given the nature of the work and risk of critical safety incidents if safety processes and procedures are not thorough and followed. The most successful companies have proactively put in place internal procedures to ensure workplace health and safety beyond what is required by law, thereby minimizing potential for injury claims and reputational risks.
- **Developing internal procedures to prevent crises:** Companies in the defense industry are particularly exposed to human rights abuse allegations and other ethical issues. However, such controversies have decreased in recent years as several companies have established internal systems to prevent complicity in human rights violations, especially in relation to arms proliferation in conflict areas. The most successful of these include human rights due diligence processes which go beyond the minimum required by government licensing regimes.
- **Improving transparency and reporting:** Across the industrials sector, there is a shift towards mandatory sustainability and climate-related reporting and disclosure obligations, such as on carbon emissions and energy use. More broadly, transparency is an

important issue for the aerospace and defense sector, considering the sensitive nature of the business and vulnerability to corruption risks. In this subsector, a small but growing proportion of companies have taken a proactive approach to increasing transparency and integrity measures and preventing corruption.

To discuss the implications of these issues for your business, please contact our ESG leaders.