



## 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
- International Trade, 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

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## Publications

### 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 Directive<sup>1</sup> (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 Directive<sup>2</sup> (UCITSD) and the ELTIF Regulation<sup>3</sup> (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.<sup>4</sup>

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### 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.

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

28 October 2021

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

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### 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.

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### 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.

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## **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

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## **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.

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## **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.

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

15 September 2021

Key details.

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## **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.

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## **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.

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## **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.

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## 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).

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.

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## Managing Mexican mandatory disclosure rules

8 April 2021

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

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## 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.

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## 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*.

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### **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.

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### **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.

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### **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).

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### **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.

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### **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.

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### **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).

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.

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## 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

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.

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## Practical Compliance

8 December 2020

### [PRACTICAL COMPLIANCE](#)

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

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## 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.

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## **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.

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## **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.

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## **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.

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## **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.

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## **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.

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## **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.

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## **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.

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## **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.

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## **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.

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## **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.

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## **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.

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## **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.

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## **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.

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.

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## 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.

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### **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.

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### **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.

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### **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.

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### **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.

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

30 June 2020

Claiming USMCA duty advantages – practical considerations.

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### **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.

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### **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%.

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### **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.

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### **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.

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### **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.

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### **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.

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### **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 Roassato 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.

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### **US takes action to abate tariffs and duties in wake of COVID-19**

8 May 2020

US importers may consider navigating the various tariff exemptions and deferrals in several ways.

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### **BIS announces three new rules that place significant restrictions on exports to China**

7 May 2020

These rules will subject many products and technologies to new US export control licensing requirements.

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### **Coronavirus: Changes to rules governing meetings and the execution of company documents (Australia)**

7 May 2020

Certain requirements in the *Corporations Act 2001* (Cth) (**Corporations Act**) relating to shareholders meetings, and document signatures, are not compatible with public health requirements for social distancing during the coronavirus pandemic. In order to facilitate these important corporate functions during this period, on May 6, 2020 the Australian Federal Government introduced the Corporations (Coronavirus Economic Response) Determination (No. 1) 2020.

This determination modifies the legislative requirements regarding meetings and execution of company documents. These changes come into force on 6 May 2020, and will expire after six months, on 5 November 2020.

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### **Coronavirus: Directors' duties and making decisions in a crisis (Australia)**

4 May 2020

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

In this new guide we have set out the practical steps directors should be taking to protect their company and its business going forwards.

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### **US securities regulators focus on China and emerging markets: Further risk and disclosure considerations are necessary**

4 May 2020

Key takeaways for China-based US-listed companies.

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## **Post-COVID-19: What to expect in the "next normal"**

30 April 2020

Issues that are front of mind, based on an informal survey of some of the largest companies and most influential global business leaders.

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## **Australia announces tax measures to tackle COVID-19 business disruption**

27 April 2020

In this article we discuss how the Australian government and the Australian Tax Office have moved to assist businesses affected by the ongoing COVID-19 outbreak.

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## **EPA and CalEPA guidance on field activities during COVID-19 focuses on agency communication, deadlines and flexibility**

24 April 2020

EPA wishes individual regions to communicate directly with their regulated communities to ensure reasonable expectations for ongoing field work; meanwhile, CalEPA may fill gaps in EPA's enforcement.

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## **Puerto Rico's Emergency Paid Sick Leave Act is in force**

16 April 2020

The Act will also apply in case of future epidemics in which the Puerto Rican government declares a state of emergency.

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## **Temporary changes to Modern Awards to provide a new Pandemic Leave and increased annual leave flexibility (Australia)**

15 April 2020

Last week, Australia's national employment tribunal, the Fair Work Commission, determined to temporarily amend 99 modern awards to provide an entitlement to unpaid 'pandemic leave' and flexibility to take annual leave at half pay. The 99 modern awards largely cover most industries, with the exception of awards in the construction, maritime and mining and resources sectors.

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## **Australia's JobKeeper stimulus package: what you need to know**

14 April 2020

Australia's 'JobKeeper' stimulus package is now law – it is designed to assist Australian businesses that have experienced a substantial decline in turnover due to the COVID-19 pandemic, in particular, by subsidising wages of their employees.

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## **Australian Federal Government short-term amendments Fair Work Act 2009**

9 April 2020

On 8 April 2020 the Federal Government passed short-term amendments to the Fair Work Act 2009 (Cth) to give effect to the JobKeeper wage subsidy scheme announced on 30 March 2020 and provide employers who have qualified for this scheme with greater flexibility in dealing with issues arising in relation to the Coronavirus COVID-19 pandemic.

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### **Contract analysis in a crisis: flowcharts**

7 April 2020

Flowcharts providing considerations for analyzing commercial contracts in the context of the COVID-19 pandemic through a logical process flow that can serve as a practical checklist.

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### **Cost-cutting considerations in the time of COVID-19 (Part 3 – employment issues outside the US)**

7 April 2020

A deeper dive into various cost-saving measures and their viability for employers outside the US.

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### **COVID-19 and the "essential business" designation: Practical guidance for businesses that fall in the gray area between "essential" and "non-essential"**

6 April 2020

Certain frequently asked questions as well as practical guidance.

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### **Beyond social distancing: What employers need to know to keep their workplaces safe and manage privacy obligations in the face of COVID-19**

2 April 2020

Guidance from OSHA, EEO and CDC to help employers seeking to protect the health, safety and privacy of their on-site employees.

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### **Coronavirus: Cybersecurity considerations for your newly remote workforce (United States)**

31 March 2020

Cyber risk management involves balancing the productivity of a workforce with ensuring confidentiality, integrity and availability of the company's own systems and data, as well as that of their supply chain.

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### **Coronavirus: DHS Response to COVID-19 - What US Employers Need to Know**

29 March 2020

Key questions and answers related to the new DHS guidance.

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### **Coronavirus: Cyber hygiene practices**



25 March 2020

While the world is responding to the coronavirus disease 2019 (COVID-19), and individuals are increasingly focused on personal hygiene and social distancing, augmenting cyber hygiene efforts at home and at work are increasing in importance too.

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### **Coronavirus: Employee furloughs, reductions-in-force and similar temporary cost-saving measures (Part 2 – Employment issues outside the US)**

25 March 2020

A general overview of key employment issues to consider outside of the US in light of COVID-19.

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### **Coronavirus: Employee furloughs, reductions-in-force and similar temporary cost-saving measures in the US - Part 1**

25 March 2020

Key employment-related issues for US-based employers in relation to cost-saving measures due to COVID-19.

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### **Coronavirus: Several state and local governments issue “shelter in place” orders (United States)**

23 March 2020

Between March 17 and 22, state and local governments have promulgated at least a dozen “Stay-at-Home” / “Shelter-at-Home”-type Orders. This alert provides details on a number of state and local government orders.

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### **90-day deferral for US federal income tax payments**

20 March 2020

Those who decide to defer their federal tax payments will be able to do so on a penalty-free and interest-free basis, with penalties and interest beginning to accrue for payments submitted after July 15, 2020.

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### **Coronavirus: Federal government stimulus response – Massive stimulus package may move through US Congress at “warp speed”**

19 March 2020

The economic stimulus package taking shape may be the biggest one ever.

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### **Coronavirus: executive summary - key highlights from Washington (March 19, 2020) (United States)**

19 March 2020

Key highlights for March 19, 2020.

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### **Coronavirus: emergency response legislation passed by the Senate; additional stimulus and tax relief expected soon (United States)**

18 March 2020

The US Senate is expected to pass, on March 18, comprehensive legislation to help families and businesses impacted by the

coronavirus disease 2019 (COVID-19) pandemic.

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### **US employee benefits and the coronavirus**

17 March 2020

Some of the many benefit plan issues that employers are facing.

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### **Coronavirus: Congress expected to pass expanded paid leave (United States)**

16 March 2020

The paid leave requirements in the current version of the Families First Coronavirus Response Act.

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### **Coronavirus: federal and state tax relief (United States)**

16 March 2020

Congress and state legislatures and administrative agencies are working hard to provide necessary tax relief for those affected by the coronavirus disease (COVID-19) pandemic.

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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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### **Defending your supply chain against coronavirus COVID-19 (United States)**

9 March 2020

An action plan that companies can implement to make strategic decisions related to potential supply chain disruptions.

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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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### **Coronavirus COVID-19 and corporate governance (Australia)**

18 February 2020

The coronavirus COVID-19 outbreak and ensuing government restrictions raise corporate governance concerns and create areas of risk across the ESG spectrum that should be considered by companies and their directors and officers.

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## **When is an outbreak an act of God? Mitigating commercial and operational risks during the COVID-19 crisis (Global)**

13 February 2020

A close look at a standard but often overlooked "act of God" or force majeure clause in contracts may provide some insight into options for mitigating commercial and operational risks during the ongoing health crisis.

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## **An update on the impact of the coronavirus on business in Singapore**

12 February 2020

Due to the evolving 2019- nCoV acute respiratory disease (the COVID-19) situation, the Ministry of Health (the MOH) and the Ministry of Manpower (the MOM) have, since January 2020, issued advisories which employers will need to be aware of. In particular, the MOH and MOM have, since our last update on February 12 2020, updated and issued new advisories due to the increased risk of importation of COVID-19 into Singapore.

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## **COP25's key outcome: adoption of the San Jose Principles on carbon market mechanisms – takeaways for business**

12 February 2020

Ambitious countries are not waiting for full consensus on carbon markets.

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## **Coronavirus COVID-19: The legal impact on force majeure events (Australia)**

12 February 2020

Key considerations for parties that may wish to declare a force majeure event or dispute the declaration of a force majeure event by a counterparty in relation to coronavirus COVID-19.

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## **Hong Kong Government introduces mandatory quarantine measures**

11 February 2020

On 9 February 2020, the number of deaths due to the rapidly spreading coronavirus in Mainland China officially surpassed the figure seen during the 2002/2003 SARS epidemic.

Numerous governments have been implementing restrictions barring entry to those with recent travel history through Mainland China, including Singapore, Japan, Australia and the United States. Following pressure from public health workers, the Hong Kong Government has now followed suit and has begun a mandatory two-week quarantine for anyone arriving from Mainland China.

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## **How to resume business amid the coronavirus outbreak (China)**

11 February 2020

As reported in our previous article, China has extended its Chinese New Year holiday and work suspension period as a result of the novel coronavirus outbreak which has now infected more than 40,000 people around the world.

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This is a summary of the Back to Work Day and compensation for working before Back to Work Day in key cities and provinces across China.

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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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### **APAC employment issues arising out of the Coronavirus (AsiaPac)**

31 January 2020

On 29 January 2020, the number of confirmed cases of the rapidly spreading coronavirus in Mainland China officially surpassed the figure seen during the 2002/2003 SARS epidemic.

Multinationals with local operations around the APAC region have been significantly affected. As staff return to the office following the Chinese New Year holiday period, businesses are now considering what they can do to minimise any risk to health and safety and support staff through this challenging period where anxiety and uncertainty is rife, whilst at the same time complying with their employment obligations and maintaining business continuity. Putting in place detailed business and contingency plans and ensuring careful communications with staff to address key topics and concerns is key, as is keeping such plans and communications under frequent review given the fluidity of the current situation.

This alert considers some of the key issues that HR and business leaders should be considering across the APAC region.

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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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### **Harsher penalties on discriminatory employment practices in Singapore**

29 January 2020

The Fair Consideration Framework was updated in January 2020 to impose harsher penalties on employers found to be engaging in discriminatory practices such as by favouring the hiring of foreigners over Singaporeans.

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### **China extends holidays for workers amid coronavirus outbreak (China)**

28 January 2020

Learn about how the widely publicised corona virus outbreak affects business in Greater China.

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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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## Crimes Legislation Amendment (Combating Corporate Crime) Bill 2019

5 December 2019

On 2 December 2019, as part of its on-going commitment to strengthen Australia's foreign corporate bribery framework, previously discussed in [December 2017](#) and [April 2018](#), the Federal Government introduced the Crimes Legislation Amendment (Combating Corporate Crime) Bill 2019 (Cth) (the **Bill**). The Bill purports to address challenges associated with detecting and addressing serious corporate crime and is, with few exceptions, an identical reincarnation of its 2017 equivalent ([discussed here](#)) which lapsed earlier this year because of the Australian federal election.

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## 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.

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## 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.

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## 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.

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## 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

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## 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.

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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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## EVENTS

### Upcoming

#### Data Driven Business Transformation

8 December 2021

### EMBRACING DIGITAL EVOLUTION IN THE INDUSTRIALS SECTOR

Webinar

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#### AI Regulation

15 December 2021

### EMBRACING DIGITAL EVOLUTION IN THE INDUSTRIALS SECTOR

Webinar

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## Previous

#### Embracing Digital Evolution

15 September 2021

Webinar

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#### Extension of Foreign Direct Investment Control Regime: Update

9 June 2021

Webinar

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

27 April 2021  
Webinar

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### **Doctrine of patent exhaustion in Australia: Lessons from the US**

8 December 2020  
Webinar

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### **EDPB recommendations for safeguarding data transfers after Schrems II**

19 November 2020  
Webinar

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### **WIN In-House Counsel Day 2020, Perth**

27 February 2020  
[WIN IN-HOUSE COUNSEL DAY 2020](#)  
Perth

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### **WIN In-House Counsel Day 2020, Melbourne**

20 February 2020  
[WIN IN-HOUSE COUNSEL DAY 2020](#)  
Melbourne

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### **WIN In-House Counsel Day 2020, Brisbane**

19 February 2020  
[WIN IN-HOUSE COUNSEL DAY 2020](#)  
Brisbane

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### **WIN In-House Counsel Day 2020, Sydney**

18 February 2020  
[WIN IN-HOUSE COUNSEL DAY 2020](#)  
Sydney

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## **NEWS**

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### **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).

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### 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.

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### DLA Piper announces partnership promotions for 2020

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

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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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## Sustainability and ESG

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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.

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