



## 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

### CONTACTOS

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- Comércio Internacional, Regulatório e Assuntos Governamentais
- Contencioso, Arbitragem e Investigações
- Product Liability, Mass Torts and Product Stewardship
- Projetos, Energia e Infraestruturas
- Imobiliário

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## Publicações

### **Puerto Rico updates guidance for the management of COVID-19 cases**

19 May 2022

The new guidance is applicable to all employers in the public and private sectors.

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### **Brazil sets forth conditions for tax settlements in goodwill disputes: multinationals take note**

18 May 2022

A quick discussion of Public Notice n° 9/2022.

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### **New wave of US sanctions on Russia targets services, broadcasting, banking, and US exports**

16 May 2022

#### **GLOBAL SANCTIONS ALERT**

The US government continues to announce new measures.

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### **Environmental justice takes a permanent place at the Department of Justice**

12 May 2022

Companies with environmental interests should consider several dynamics arising from these policy developments and resource allocations.

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### **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.

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### **California Attorney General subpoena – latest development in legal efforts targeting plastics**

11 May 2022

The intensified regulatory focus on plastics is gaining traction across the US.

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### **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.

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### **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.

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## Food and Beverage News and Trends

21 April 2022

### FOOD AND BEVERAGE NEWS AND TRENDS

FDA announces new approach to food allergens; oyster recall in Canada and US; bird flu update; and the price of food has never been higher.

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## 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.

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## 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.

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## 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.

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## EPA moves to prohibit ongoing uses of chrysotile asbestos

11 April 2022

The proposed rule would prohibit the import, manufacture, processing, distribution and commercial use of chrysotile asbestos in connection with six current uses.

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## US escalates sanctions targeting Russian evasion networks, tech companies and cyber actors; signals more sanctions are on the way

5 April 2022

### GLOBAL SANCTIONS ALERT

These new measures supplement the extensive measures previously announced by the US government.

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**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.

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**ISDA proposes Form of Amendment for nickel market disruption fallbacks: understanding the options**

28 March 2022

Those who use nickel for their commodity reference price may find the Form of Amendment useful to avoid calculation uncertainty.

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**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.

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**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.

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**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.

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**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.

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**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.

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## 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.

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## 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.

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## 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

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## 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.

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## 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.

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## 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.

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## **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.

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## **Being extorted? DOJ issues new FCPA guidance on the duress defense – but questions remain**

17 February 2022

Considerations for companies operating in high-risk environments.

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## **Mexican labor law amendments impose restrictions on personnel subcontracting**

14 February 2022

The changes effectively prohibit employers in Mexico from subcontracting their personnel.

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## **The long-awaited solar panel tariff decision is here – key points for industry stakeholders**

10 February 2022

A still challenging path.

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## **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.

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## **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.

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## **California revives COVID-19 supplemental paid sick leave requirements**

31 January 2022

Answers to some common questions about this anticipated requirement.

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## **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.

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## **2021 has a lesson for 2022: Commodities sector, it's time to check your export and sanctions compliance programs**

25 January 2022

Key developments in economic sanctions and export controls are materially increasing companies' compliance risk this year, particularly for the commodities sector.

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## **US Department of Homeland Security seeks comments on implementation of Uyghur Forced Labor Prevention Act**

24 January 2022

Considerations for US importers and entities with supply chains that may involve China.

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## **New year, new challenges – Top 10 trends for US employers**

19 January 2022

Preparing for the scale and pace of change across an array of fronts.

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## **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.

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## **New antidumping and countervailing duty petition: Sodium nitrite from India and Russia – consequences for industry and downstream consumers**

18 January 2022

The petitioner alleges dumping margins ranging from 60.3 percent to 75.1 percent for India and from 187.8 percent to 265.5 percent for Russia.

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## **New antidumping and countervailing duty petition: barium chloride from India – consequences for industry and downstream consumers**

18 January 2022

The petitioner alleges a dumping margin of 235.88 percent along with an unspecified total level of subsidies of at least 1 percent.

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## **New California law adds significant restrictions for recycling claims on products and packaging: action steps**

6 January 2022

The law affects any product or packaging that fails to meet a California regulator's strict recyclability criteria. Compliance is crucial.

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## **New antidumping duty petition: lemon juice from Brazil and South Africa – consequences for industry and downstream consumers**

5 January 2022

The petitioner alleges dumping margins of 555.22 percent for Brazil and 128.61 percent for South Africa.

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### **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.

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## **California regulations on diverting organic waste go into effect January 1: new rules affect municipalities and food sector, bring opportunities for composting and biofuel businesses**

16 December 2021

As more regulations implementing SB 1383 come into effect in the coming years, the demand for permissible ways to dispose of organic waste will only increase.

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### **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.

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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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## **Global Reporting Initiative updates its Universal Standards – revisions will affect ESG reporting by numerous businesses**

3 November 2021

GRI 11 outlines topics likely to be material for oil and gas organizations and lists relevant disclosures, such as air emissions, climate adaptation, and water and effluents.

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## US lifts Section 232 tariffs on steel and aluminum from the EU effective January 1, 2022 – continues similar negotiations with Japan

2 November 2021

The agreement will apply to US imports made on or after January 1, 2022.

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## The Corporate Profits Minimum Tax Proposal – key elements

28 October 2021

The proposal is likely to become part of the final reconciliation measure.

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## 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.

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## *Aybar v. Aybar*: New York Court of Appeals finds registering to do business in the state does not mean consent to general jurisdiction

12 October 2021

Consent by registration was the sole issue before the New York Court of Appeals in this case.

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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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### **New antidumping and countervailing duty petition: Oil country tubular goods from Argentina, Mexico, the Republic of Korea, and Russia – consequences for industry and downstream consumers**

8 October 2021

US AD and CVD investigations can result in the imposition of substantial duties in addition to already applicable duties and tariffs.

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### **New California law threatens to dramatically increase pain-and-suffering damages in survival actions**

7 October 2021

Considerations in approaching case valuations and risk assessments in survival actions brought in California.

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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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### **Georgia Supreme Court: Consent by registration a valid way to exercise personal jurisdiction over out-of-state corporations**

5 October 2021

The court deduced that a corporation authorized to do business in Georgia must be subject to general personal jurisdiction in the state.

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### **New antidumping and countervailing duty petition: Freight rail coupler systems and components from China – consequences for the industry and downstream transportation companies**

4 October 2021

The preliminary ITC injury determination must be made by November 15, 2021.

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## **Commodities News and Trends**

20 September 2021

### **COMMODITIES NEWS AND TRENDS**

Brazil and Argentina lead the way in biofuels; CFTC: we will support transition to a low-carbon economy; is the end in sight for the shale-driven pipeline building boom?

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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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## By any standard? Meeting sustainability commitments through credible carbon markets

13 September 2021

Operating in today's evolving voluntary carbon trading ecosystem.

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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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## Subject to the EAR: When is a non-US product free from the EAR?

25 August 2021

When does a non-US-made product incorporating US-origin components or technology escape the technical jurisdiction of the EAR? This article outlines the exemptions possible, and explains the application of the second incorporation rule.

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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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### **Top 10 trends for US employers – Mid-year update**

24 August 2021

We recap key developments over the last six months and look at the potential changes ahead related to the top 2021 trends we identified at the start of the year.

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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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### **New proposed regulations aim to standardize non-preferential origin determinations for imports from Canada and Mexico**

19 July 2021

Companies have the opportunity to present written comments on all aspects of the Proposed Rule by August 5, 2021.

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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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### **New antidumping duty petition: Acrylonitrile-butadiene rubber from France, Mexico and the Republic of Korea – consequences for exporters and US importers**

8 July 2021

Key details and implications.

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### **New antidumping and countervailing duty petition: Urea ammonium nitrate solutions from Russia and Trinidad and Tobago – consequences for exporters and US importers**

7 July 2021

The petitioners additionally allege that the governments of Russia and Trinidad and Tobago are providing unfair subsidies to their countries' producers and exporters of urea ammonium nitrate to the US.

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### **Ransomware preparedness: NYDFS announces additional expectations of regulated entities' cybersecurity programs**

7 July 2021

As regulatees address their vulnerabilities to ransomware, NYDFS raises its expectations.

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### **Understanding California's South Coast AQMD Warehouse Indirect Source Rule – key points for warehouse owners, operators and tenants**

30 June 2021

Implementing the rule may prove challenging to owners, operators and tenants of warehouse facilities.

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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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### **Global corporate benchmarking group seeks inputs on corporate human rights standards**

22 June 2021

Comments are requested by June 25, 2021.

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### **A long hot summer: Five steps for energy commodities traders in a time of heightened scrutiny**

14 June 2021

Rising temperatures may exacerbate current market volatility, which in turn may lead to heightened regulatory scrutiny.

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### **Whatever your sector, ransomware attacks are changing how to think about platform security risk: Action steps**

14 June 2021

In an increasingly digitized economy, creating awareness of platform security risks is critical.

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### **Commodities News and Trends**

3 June 2021

#### **COMMODITIES NEWS AND TRENDS**

Fossil fuel industry and ESG; energy aspects of Biden infrastructure plan; floating storage can rule the seas or give you a sea of trouble.

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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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### **FDA solicits public comment on adding list of device materials to certain medical device labels**

26 May 2021

The proposed change would apply to all medical devices that may be in contact with a patient long term.

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### **NHTSA moves to repeal regulatory preemption of state auto emissions regulation, advancing Biden plans to dramatically reduce US greenhouse gas emissions**

19 May 2021

The move is a substantial step away from Trump Administration policies on GHG emissions.

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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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### **EPA moves to phase out powerful GHG refrigerants under bipartisan mandate**

7 May 2021

EPA estimates the HFC phasedown will yield cumulative climate-related economic benefits of \$283.9 billion from 2022 through 2050.

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### **California mulls new standards for post-consumer plastic in thermoforms – proposed penalties may be severe**

28 April 2021

Producers would be required to show they are including higher thresholds of post-consumer recycled plastic in thermoform plastic containers manufactured to contain fresh foods.

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### **Democrats reintroduce Climate Risk Disclosure Act**

27 April 2021

The bill aims to help companies and investors assess their exposure to climate-change risk and to push companies to address their contributions to climate change.

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### **US Supreme Court clarifies scope of specific personal jurisdiction over corporations: *Ford Motor Co. v. Montana Eighth Judicial District***

12 April 2021

The decision resolves confusion in the lower courts.

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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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## **Preliminary injunction granted in Cal Chamber lawsuit concerning acrylamide Prop 65 warning**

1 April 2021

California's Eastern District federal court found that Prop 65's acrylamide warning requirement was likely unconstitutional and preliminarily enjoined new lawsuits alleging failure to warn for acrylamide exposure in food and beverages.

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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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## **California Air Resources Board proposes cuts to VOC limits in consumer products**

17 March 2021

Proposed amendments to consumer products regulations would affect retailers and manufacturers of aerosol air fresheners, hair care products, fragrances and insecticides.

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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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## **US national security review of the semiconductor manufacturing supply chain presents critical opportunities for industry**

15 March 2021

The review supports the CHIPS for America Act.

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## CFTC final position rule limits enter into effect March 15

10 March 2021

The Final Rules aim to "prevent excessive speculation" and thus implement one of the remaining key provisions of Dodd-Frank.

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## Commodities News and Trends

10 March 2021

### COMMODITIES NEWS AND TRENDS

Oil and gas companies commit to transparency on methane emissions reporting; CFTC adopts final position rule limits; consequences of volatile markets.

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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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## California Prop 65: OEHHA proposes changing popular short-form warning

3 February 2021

Businesses selling products in California that utilize short-form Proposition 65 warnings may have to be re-label yet again or risk enforcement actions.

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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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## Year in review and 2021 preview – Top 10 trends for US employers

2 February 2021

We identify the top 10 trends impacting US businesses as we close out 2020 and enter 2021.

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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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## **Biden Administration's ambitious climate agenda starts now**

22 January 2021

President Biden has kicked off his whole-of-government approach to address climate change.

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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 business**

31 December 2020

### **[BOARDROOM BREXIT](#)**

Welcome to this last edition of Boardroom Brexit, marking the end of the negotiations and the agreement of a new trade deal, the UK-EU Trade and Cooperation Agreement (TCA). In this edition, we summarise the impact of the deal on all aspects of business operations in one place – please use the hyperlinks below to help you navigate the report.

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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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## **The EEOC breaks its silence on the COVID-19 vaccine**

22 December 2020

Some of the most important questions answered by the EEOC's guidance.

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## **The new economic aid to hard-hit small businesses, nonprofits, and venues...what is in it for businesses?**

22 December 2020

From US\$284 billion in PPP loans to tax deductions and tax credits for sick leave; stimulus funds will help make the winter not so chilly for many businesses.

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## Commodities News and Trends

16 December 2020

### COMMODITIES NEWS AND TRENDS

In the inaugural issue, three states collaborate on offshore wind project; record-setting year for CFTC enforcement; climate change lawsuit reaches Supreme Court - plus latest legal and regulatory developments in commodities trading.

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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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## 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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## New regional stay-at-home orders in California

9 December 2020

Employers are strongly encouraged to evaluate their compliance with current orders as of December 9, 2020, and prepare for additional restrictions.

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## Nasdaq proposes board diversity listing standards

8 December 2020

The proposal is the first of its kind among US exchanges and, if approved by the SEC, would mark an important step toward mandated

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diversity requirements for the boards of US-listed public companies.

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## **Practical Compliance**

8 December 2020

### **PRACTICAL COMPLIANCE**

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

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## **California adopts emergency COVID-19 standards**

1 December 2020

The emergency standards affect most companies with California-based employees.

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## **Creating voluntary carbon markets: IIF recommendations and consultation – suggestions due by December 10**

17 November 2020

The Taskforce's recommendations are based on core carbon principles to help establish standardized benchmark contracts for listing on exchanges and using existing infrastructure.

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## **Schrems II: The next chapter – EDPB issues recommendations on supplementary measures for transfers of personal data to the US, European essential guarantees for surveillance measures**

13 November 2020

The measures could have significant impacts on international data transfers, particularly those between Europe and the US, which drive over a trillion dollars in trade every year.

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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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## **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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## **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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## **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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## **It is time for broad review and appropriate revisions to the US auto safety regulation system**

10 September 2020

A review could identify regulatory changes to facilitate the safe introduction and adoption of transformative new motor vehicle equipment, systems and technologies.

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## **Proposed changes to US Department of Commerce antidumping and countervailing duty regulations: Consequences for exporters and US importers**

31 August 2020

The proposed changes are likely to increase the risk of importers being exposed to unexpected additional duties; foreign producers and exporters could be forced to reduce or cease shipping to the US due to AD and/or CVD duties.

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## **Puerto Rico enacts act prohibiting workplace harassment**

28 August 2020

The law creates a new course of action for employees and imposes additional responsibilities on employers. It is effective immediately.

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## **Slave-Free Business Certification Act proposes audit requirements for labor abuses in major company supply chains**

27 August 2020

The legislation would require large companies to report on and root out forced labor in their supply chains.

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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

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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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### **The US-Mexico-Canada Agreement: A summary of changes in Mexico's laws**

6 August 2020

Mexico makes sweeping changes to an array of laws.

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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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### **NLRB overturns restrictions on employee discipline for profane or abusive outbursts**

31 July 2020

Another reflection of a labor law landscape undergoing dramatic change.

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### **Returning to work: OSHA issues guidance**

21 July 2020

The latest guidance includes FAQ responses which clarify OSHA's position on a number of important COVID-19 issues.

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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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### **New antidumping and countervailing duty petitions filed against imports of seamless carbon and alloy steel**

## **standard, line and pressure pipe from the Czech Republic, the Republic of Korea, Russia and Ukraine: Consequences for exporters and US importers**

16 July 2020

Duties can be imposed if the DOC determines that imported goods are dumped and/or subsidized and if the ITC also determines that the domestic industry is materially injured or threatened with such injury by reason of subject imports.

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## **New antidumping and countervailing duty petitions filed against imports of standard steel wire mesh from Mexico: Consequences for exporters and US importers**

7 July 2020

Duties can be imposed if the DOC determines that imported goods are dumped and/or subsidized and if the ITC also determines that the domestic industry is materially injured or threatened with such injury by reason of subject imports.

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## **All quiet on the merger front...right? US antitrust agencies issue joint 2020 Vertical Merger Guidelines**

6 July 2020

The Guidelines focus heavily on two primary concerns – foreclosure or raising rivals' costs and access to competitively sensitive information.

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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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## **New countervailing duty petitions filed against phosphate fertilizer imports from Morocco and Russia: Consequences for exporters and US importers**

1 July 2020

US CVD investigations can result in the imposition of substantial duties, in addition to other already applicable duties and tariffs.

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## **The new US-Mexico-Canada trade agreement goes live today**

1 July 2020

USMCA is the first treaty in which complaints of noncompliance by a Mexican facility may be reported to a US government agency for the purpose of investigation and, if appropriate, remediation.

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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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## **US Department of Commerce clears Huawei to participate in international standards organizations**

18 June 2020

BIS noted it is important to US technological leadership that US companies be able to work in these standards bodies to ensure US standards proposals are fully considered.

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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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## **US-based pharmaceutical manufacturing in response to COVID-19: new manufacturers face risks**

3 June 2020

A rush to develop a new company to begin manufacturing is fraught with risk.

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## **Update: NLRB proceeds with partial implementation of new election rules after adverse federal court ruling**

3 June 2020

The new rules faced a bumpy road to implementation.

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## **New antidumping and countervailing duty petitions filed against lawnmowers from China and Vietnam: consequences for exporters and US importers**

29 May 2020

ITC staff work begins almost immediately on such petitions.

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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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## **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**

21 MAY 2018

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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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## **Opportunity for temporary duty suspension or reduction - submit petitions for Miscellaneous Tariff Bills to ITC by 12/12/16**

1 NOV 2016

Interim rules governing the petition process and a web portal – the MTB Petition System – to facilitate submission of duty suspension requests.

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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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## EVENTOS

### Próximos

#### Increasing Anticorruption Enforcement Risk for Commodities Trading Firms

25 May 2022

### COMMODITIES WEBINAR SERIES

Webinar

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### Anteriores

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

4 May 2022

Webinar

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#### Enterprise crypto: A discussion of trading crypto from structure, data, regulation to tax

14 April 2022 | 11:00 AM EDT

### COMMODITIES WEBINAR SERIES

Webinar

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#### Sanctions and export controls targeting Russia

6 April 2022

### COMMODITIES WEBINAR SERIES

Webinar

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## Using AI to monitor your compliance risks

31 March 2022  
Webinar

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## Are your energy investments safe? A changing landscape of investor-state disputes in Europe

15 March 2022 | 11:00 am - 12:00 pm EDT  
Webinar

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## What's next for the Mexican energy sector? Getting ready to defend your rights

24 February 2022 | 12:00 pm - 1:00 pm EST  
[COMMODITIES WEBINAR SERIES](#)

Webinar

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## Completing the circular economy, from the dump to the pump: a discussion of California legislation to recycle organic waste

17 February 2022 | 11:00 am - 12:00 pm EST  
[COMMODITIES WEBINAR SERIES](#)

Webinar

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## What's happening in oil and gas? ESG, commodity prices, investor reallocation and beyond

18 November 2021 | 12:00 - 1:00 EDT  
[COMMODITIES WEBINAR SERIES](#)

Webinar

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## Ransomware and missing wire payments: Managing cyber threats in the commodities sector

28 October 2021 | 12:00 pm - 1:00 pm EDT  
[COMMODITIES WEBINAR SERIES](#)

Webinar

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

19 November 2020  
Webinar

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### **Trading in times of unprecedented low oil prices:**

28 May 2020 | 2:00 – 3:00 CT  
Webinar

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## **NOTÍCIAS**

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### **DLA Piper advises MKS Instruments on USD6.5bn acquisition of Carlyle-backed Atotech**

2 July 2021  
DLA Piper has advised MKS Instruments, Inc., a global provider of technologies that enable advanced processes and improve productivity, on its acquisition of Atotech Limited, a leading process chemicals technology company and a market leader in advanced electroplating solutions, backed by buyout firm Carlyle Group Inc.

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### **DLA Piper announces new sector leadership**

10 March 2021  
DLA Piper is pleased to announce several recent changes to the firm's sector leadership.

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### **DLA Piper advises BASF in the sale of its Kankakee, Illinois, manufacturing site and certain associated business divisions to One Rock Capital Partners**

22 December 2020

DLA Piper represented BASF Corporation in the sale of its manufacturing site in Kankakee, Illinois, and the associated businesses of vegetable-oil-based raw material sterols and natural vitamin E, anionic surfactants and esters produced there to an affiliate of One Rock Capital Partners, LLC, a US-based private equity firm.

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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 CIRCOR in sale of Distributed Valve business

7 July 2020

DLA Piper represented CIRCOR International, Inc. in the sale by its subsidiary, CIRCOR Energy Products LLC (CEP), of its distributed valve business to MS Valves GmbH.

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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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## 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 industrial 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 industrial 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.