



## Regulatory and Government Affairs

DLA Piper's Regulatory and Government Affairs team provides advice at all stages of the regulatory process. Advising on regulatory law, we focus on areas such as international trade, antitrust and competition, global governance and more.

Companies that transact business around the globe must comply with a myriad of statutes and administrative rules and regulations, many of which directly affect their ability to conduct business or expand their reach. The regulatory, government affairs and public policy environment is constantly changing—affected by politics, history, legal decisions, interest groups, precedent and news events.

### What we do

Effective compliance begins with an independent and realistic assessment of the legal, compliance, and reputational risks that could threaten your business objectives.

We represent clients before national, supra-national and sub-national governments and administrative organizations on a broad array of public policy, legislative, regulatory and administrative issues:

- In the United States, we work closely with clients to advocate their views to the White House and Executive Branch departments, Congress and independent administrative agencies.
- Similarly, our lawyers are leading practitioners before the executive, legislative and judicial institutions of the European Union.
- On a more localized level, we regularly represent clients on policy matters before national, provincial, state and local governments worldwide.
- We also regularly advocate before international organizations, including the United Nations, regional treaty organizations and multilateral development institutions.

The group takes a cross-disciplinary approach in our engagements, because the path to success frequently is not linear, but one that requires carefully coordinated efforts in different forums.

Accordingly, our lawyers and policy professionals often work across borders and practice groups in interdisciplinary teams, ensuring the most efficient and effective results for our clients. And, as clients increasingly recognize, legislative and administrative advocacy is a skill that is quite distinct from defending an enforcement action or seeking to overturn a recently promulgated rule or regulation.

### KEY CONTACTS

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- Corporate
- Employment
- Finance
- Intellectual Property and Technology
- Litigation, Arbitration and Investigations
- Projects, Energy and Infrastructure
- Tax
- International Corporate Reorganizations
  
- Financial Services
- Energy and Natural

Our government advocacy team includes skillful litigators and subject matter professionals knowledgeable on a wide variety of policy issues. We have one of the largest regulatory and government affairs groups of any global law firm, with lawyers and policy professionals throughout the world. Many of the members of this group have held senior elected, appointed and staff positions in all branches of government or gained important public policy experience from work in the corporate world.

## INSIGHTS

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### Publications

#### **Biden Administration's Greenbook signals continued focus on taxation of cryptocurrency and digital assets**

23 May 2022

The Greenbook outlines a number of tax proposals addressing trading and lending of cryptocurrency and digital assets.

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#### **Protecting your IP in Russia: Best practices, action steps**

18 May 2022

### INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS

US companies may take action in Russia to protect their IP rights, notwithstanding US economic and trade sanctions.

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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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#### **eSignature and ePayment News and Trends**

11 May 2022

### ESIGNATURE AND EPAYMENT NEWS AND TRENDS

Embracing the movement towards digital and ESG.

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#### **Israel Group News April 2022**

28 April 2022

### ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, recent events and more.

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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

#### Resources

- Insurance
- Life Sciences
- Media, Sport and Entertainment
- Technology
- Infrastructure, Construction and Transport

implications.

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## **US Citizenship and Immigration Services filing period now open for selected H-1B Visa registrants**

20 April 2022

Selected registrants may now file a corresponding H-1B petition between April 1 and June 30, 2022.

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## **FDIC issues new crypto-asset guidance and notification requirements**

19 April 2022

New requirements for FDIC-supervised institutions that engage, or intend to engage, in any crypto-related activities.

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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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## **Mexican Supreme Court dismisses Unconstitutionality Action against Electricity Industry Law reform**

8 April 2022

Key developments and implications

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## **OECD releases draft Model Rules on Scope of Amount A under Pillar 1**

5 April 2022

Comments on the draft rules are due on April 18, 2022.

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## **Implications of recent Treasury Green Book tax proposals**

29 March 2022

Taken together, the Treasury Department concludes that the proposals would raise more than \$2.5 trillion over the ten-year budget cycle.

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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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## **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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## **Blockchain and Digital Assets News and Trends**

18 March 2022

### **BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS**

Biden EO aims to protect digital asset consumers; UK authorities seize NFTs; Ukraine receiving crypto donations.

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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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## Ukraine crisis: updates to UK, EU and US sanctions in the second 'phase' of the international response

1 March 2022

### [GLOBAL SANCTIONS ALERT](#)

As at 6pm GMT on Monday, 28 February 2022, and in addition to those measures outlined in the 'first phase' of the international community's response to the situation in Ukraine, the UK, EU and US has announced the following sanctions measures

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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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## 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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## The US, EU and UK implement the 'first phase' of New Sanctions in response to Russia's recognition of the independence of the Donetsk and Luhansk regions

23 February 2022

### [GLOBAL SANCTIONS ALERT](#)

Providing you an up to date summary of the latest US, EU and UK "first phase" sanctions in response to Russia's recognition of the independence of the Donetsk and Luhansk regions.

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## **New UK Regulations on the Russia Sanctions Regime**

16 February 2022

### **[GLOBAL SANCTIONS ALERT](#)**

On 10 February 2022, the Russia (Sanctions) (EU Exit) (Amendment) Regulations 2022 (Regulations) entered into force. The Regulations amend the designation criteria of the Russia (Sanctions) (EU Exit) Regulations 2019.

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## **eSignature and ePayment News and Trends**

31 January 2022

### **[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)**

Recently enacted federal and state laws, federal and state regulatory activities, fresh judicial precedent and more.

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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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## **Focus on the transport sector**

8 February 2022

### **[UNDERSTANDING THE UK NATIONAL SECURITY & INVESTMENT REGIME PODCAST](#)**

In this episode, Sarah Smith is joined by Richard Jenkinson and global chair of DLA Piper's Infrastructure, Construction and Transport sector, Martin Nelson-Jones. They discuss the impact of the regime on the transport sector in relation to ports and harbours, as well as airports and air traffic control.

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## **UAE introduces federal corporate income tax from June 2023**

31 January 2022

Details of the contours of the UAE's regime.

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## **Focus on the technology sector**

25 January 2022

### **[UNDERSTANDING THE UK NATIONAL SECURITY & INVESTMENT REGIME PODCAST](#)**

What is the impact of the regime on the technology sector? Sarah Smith is joined by competition partner, Alexandra Kamerling, and DLA

Piper's tech sector specialist, Kit Burden, to analyse which activities are likely to be caught with a focus on AI and computer hardware.

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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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### Puerto Rico: new protocol for the management of COVID-19 cases in the workplace

11 January 2022

The protocol clarifies provisions of recent executive orders.

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### The WTO and Green Trade: Global solutions to solve a global problem

11 January 2022

#### [DLA PIPER TRADE TRUTHS](#)

The WTO have announced three new environmental initiatives. The initiatives provide dedicated forums where businesses can discuss with international stakeholders and decision-makers. Allowing parties to come together to find creative legal, regulatory and public policy solutions to global environmental challenges.

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### DLA Piper's Sanctions Matrix – January issue

6 January 2022

#### [GLOBAL SANCTIONS ALERT](#)

The Sanctions Matrix is designed to provide a "one-stop-shop" for developments in the scope and content of sanctions-related legislation. The January edition covers the recent expansion of sanctions targeting Belarus and the development of new US restrictions targeting Ethiopia.

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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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### EU Directive ATAD 3 proposes new minimum substance rules against the use of shell companies

4 January 2022

The Directive introduces reporting requirements for EU tax-resident companies – irrespective of their legal form – with certain mobile and passive income streams and inadequate operational substance.

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### **Supporting the health of your health system: 2022**

3 January 2022

Helping you tend to healthcare system wellness throughout the business life cycle.

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### **Following suit, European Commission publishes draft EU Directive to swiftly implement OECD 15 percent global minimum tax**

23 December 2021

The proposal delivers on the EU's pledge to ensure swift and harmonized implementation of the historic international agreement on global tax reform.

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### **OECD issues detailed rules to implement global minimum tax: a look at the 10 chapters**

21 December 2021

The guidelines provide a detailed description of the rules that the jurisdictions under the Inclusive Framework are to implement in their local legislation.

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### **With Civil Cyber-Fraud Initiative, government sharpens focus on cybersecurity obligations for government contractors**

13 December 2021

Deploying the False Claims Act to pursue cybersecurity-related fraud.

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### **Dutch government moves ahead with human rights due diligence legislation**

10 December 2021

The Dutch government has started working on a national human rights due diligence legislation, to be implemented swiftly. This article considers likely key aspects of the Dutch law and how businesses can prepare.

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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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## Solutions to the impact of Brexit on Northern Ireland trade

29 October 2021

### [DLA PIPER TRADE TRUTHS](#)

The Northern Ireland Protocol (the Protocol) has been back in the headlines recently as politicians in the UK, Ireland, and EU try to ease the difficulties faced by many businesses as they move their goods between Great Britain (GB), made up of England, Wales, and Scotland; Northern Ireland (NI) and Ireland, which is an EU Member State.

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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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## 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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## 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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## Australia announces expanded double tax treaty network

30 September 2021

In this update we describe how the expansion of the double tax treaty network in Australia is very timely and well supported.

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## Export controls: the EU's new dual-use regime

27 September 2021

### [DLA PIPER TRADE TRUTHS](#)

The EU has amended numerous aspects of the export control regime by implementing the Recast Dual Use Regulation which governs EU exports of dual-use items. We summarise the key changes and what you'll need to know about dual-use items.

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## House tax proposal: significant statutory changes include raising corporate rate, overhauling international taxation system

21 September 2021

While the Senate is likely to cut back on some of the proposals, tax increases for business and individuals are expected to be enacted

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by Thanksgiving.

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## Further postponement of post-Brexit border checks in Great Britain

16 September 2021

### [DLA PIPER TRADE TRUTHS](#)

On 14 September 2021, Lord David Frost, the Brexit Minister, announced an additional delay to the introduction of stage 2 and 3 of the post-Brexit Border Operating Model. This article outlines the details of that delay and what it means for businesses.

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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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## 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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## DLA Piper's Sanctions Matrix – September issue

7 September 2021

The September issue of DLA Piper's Sanction Matrix offers latest developments on key sanctions-related legislation. This issue highlights extensions of measures targeting Belarus, the softening of sanctions targeting Egypt and Tunisia and the imposition of the UK's Global Anti-Corruption Sanctions Regime.

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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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## European Commission publishes long-awaited updated regulation and guidelines on vertical agreements

18 August 2021

The European Commission recently published its proposed revised Vertical Block Exemption Regulation and Draft Vertical Guidelines. The new Regulation and guidelines are being brought in to replace the current Regulation which came into force in 2010 and is due to expire on 31 May 2022.

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### **Judiciously Reviewed? Government outlines proposed reforms to judicial review**

2 August 2021

On 21 July 2021, the UK Government laid the Judicial Review and Courts Bill 2020-21 before Parliament.

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### **European Commission unveils its 'Fit for 55' package**

16 July 2021

On Wednesday 14 July 2021, the European Commission took a major step to accomplish its ambitious goal of making Europe the first climate neutral continent by 2050, by adopting a package of proposals for the EU's climate, energy, land use, transport and taxation policies to reduce net greenhouse gas emissions by at least 55% by 2030.

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### **What the Biden Cybersecurity Executive Order means for technology vendors and service providers in the federal ecosystem**

June 2021

Steps technology vendors should consider as they prepare.

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### **When will Washington regulate artificial intelligence?**

June 2021

Seeking to ensure a leading global role for the US in AI development and implementation is a prime motivator for American policymakers.

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### **Biden Administration tax compliance plan targets cryptocurrency assets**

21 June 2021

The plan would give the IRS greater authority and resources to collect information on Americans' financial assets and transactions, including cryptocurrency transactions.

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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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### **Luxembourg law of 20 May 2021 enters into force amending Luxembourg laws in the financial sector**

2 June 2021

On 21 May 2021, the Law of 20 May 2021 (Law) was published on *Mémorial A* amending, among others, the law of 5 April 1993 on the

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financial sector, as amended (LFS).

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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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### **The UK Government adopts the National Security and Investment Act on 29 April 2021**

10 May 2021

With the adoption of the National Securities & Investment Act, the UK is embarking on a serious journey to toughen foreign investment rules in line with other major economies in a move prompted by concerns surrounding foreign investment in critical or sensitive sectors.

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### **The European Commission proposes sweeping new controls on foreign subsidised companies**

6 May 2021

On 5th May 2021, the European Commission published a draft new legislative proposal seeking to impose broad controls on companies which have received support from foreign (non-EU) governments.

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### **Establishment of new freeports in England**

29 April 2021

#### **[DLA PIPER TRADE TRUTHS](#)**

England announced the location of eight new freeports with the hope they will act as national hubs for global trade and investment across the UK; promote regeneration and job creation as part of the Government's commitment to "levelling up"; and provide hotbeds for innovation.

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### **US government announces sweeping sanctions against Russia**

16 April 2021

#### **[GLOBAL SANCTIONS ALERT](#)**

The newly imposed sanctions represent a significant escalation and addition to the sanctions architecture put in place by the Obama and Trump Administrations.

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### **Postponement of post-Brexit border checks in Great Britain**

23 March 2021

#### **[DLA PIPER TRADE TRUTHS](#)**

The UK Government introduced a Border Operating Model for a phased introduction of full customs and regulatory checks on imports from the EU into Great Britain. It gives supply-chain managers six months more to ensure affected EU imports are ready for the new SPS checks which will be put in place from October.

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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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## 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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## EU-UK Trade and Cooperation Agreement: Rules of Origin

8 February 2021

### [DLA PIPER TRADE TRUTHS](#)

In this week's article we explore some of the challenges that the Rules of Origin in the Trade and Cooperation Agreement are presenting businesses, and the potential mitigation measures available.

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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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## Supply of Consumer Goods in the UK and/or EU from 2021

15 January 2021

The impact of Brexit - things to consider, plan and address

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## What happens when trade goes wrong? Understanding trade remedies and what they mean for you

7 January 2021

### [DLA PIPER TRADE TRUTHS](#)

Trade remedies have previously been assessed and implemented by the EU on behalf of the UK under the multilateral WTO framework. From 1 January 2021, the UK has implemented an independent trade remedies framework; the aim being to defend UK business interests from potentially injurious market distortion.

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## Boardroom Brexit: The view from Europe on the trade deal

31 December 2020

### [BOARDROOM BREXIT](#)

The mood in Europe is upbeat – if a little apprehensive on how things are going to work in practice. All in all, it is fair to say that Brussels is extremely happy to have concluded the TCA.

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### **Boardroom Brexit: The view from the UK on the trade deal**

31 December 2020

#### **BOARDROOM BREXIT**

The UK-EU Trade and Cooperation Agreement (TCA) came as a much-needed, hurriedly wrapped Christmas present for the UK Prime Minister.

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### **Boardroom Brexit: What the deal means for Level Playing Field rules**

31 December 2020

#### **BOARDROOM BREXIT**

Given the zero-tariff and zero-quota nature of the TCA, the EU's initial request was to push for strict level playing field rules. The TCA provides for a more flexible mechanism that does not oblige the UK to align with EU legislation but prevents both sides from using their regulatory autonomy to grant unfair subsidies to businesses or distort competition.

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### **Boardroom Brexit: What the deal means for dispute resolution**

31 December 2020

#### **BOARDROOM BREXIT**

This was one of the most contentious areas in the negotiations as both sides wanted assurances that the other party would honour the commitments contained in the TCA in the future.

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### **Boardroom Brexit: What the deal means for energy and climate change**

31 December 2020

#### **BOARDROOM BREXIT**

The TCA regulates the trade in electricity and gas between the EU and the UK over interconnectors, provides for cooperation in respect of security of supply, the integration of renewables into their respective markets and cooperation to develop hybrid projects that combine interconnectors and offshore wind farms in the North Sea (thus opening up the potential for a North Sea grid), as well as ensuring open and fair competition and stipulating general safety standards.

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### **Boardroom Brexit: What the deal means for fishing**

31 December 2020

#### **BOARDROOM BREXIT**

Fisheries punched way above its economic weight in these negotiations, and a compromise was only agreed at the last minute. Many will argue that the quality of the negotiation suffered as a result.

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### **Boardroom Brexit: What the deal means for funding and procurement**

31 December 2020

## [BOARDROOM BREXIT](#)

The TCA provides last-minute clarity for UK companies and organisations that participate in EU funded projects, or receive funding and investment through EU programmes, such as Horizon Europe.

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### **Boardroom Brexit: What the deal means for intellectual property**

31 December 2020

## [BOARDROOM BREXIT](#)

The TCA is not radical in terms of its immediate impact on holders of IP rights in the UK or the EU. It does not, for example, affect the post-2020 status of EU trade marks in the UK.

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### **Boardroom Brexit: What the deal means for mobility**

31 December 2020

## [BOARDROOM BREXIT](#)

From 1 January 2021, freedom of movement between the United Kingdom and European Union will end. There are, however, some provisions in the TCA regarding the temporary movement of those carrying out business-related activities between the UK and EU.

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### **Boardroom Brexit: What the deal means for personal data and digital trade**

31 December 2020

## [BOARDROOM BREXIT](#)

The TCA allows personal data to transfer from the EU-UK, for a period of up to six months from 1 January 2021. This 'bridging' period is designed to allow the EU time needed to adopt a formal adequacy decision which will allow the continuing flow of personal data to the UK.

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### **Boardroom Brexit: What the deal means for state aid and competition**

31 December 2020

## [BOARDROOM BREXIT](#)

EU state aid law applies to assistance from state resources that is selective in its application and that has a potential effect on trade between EU member states and competition.

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### **Boardroom Brexit: What the deal means for the UK and EU ratification and implementation process**

31 December 2020

## [BOARDROOM BREXIT](#)

The steps before the EU/UK Trade and Cooperation Agreement becomes law

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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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### Boardroom Brexit: What the deal means for trade in services

31 December 2020

## BOARDROOM BREXIT

The TCA has substantial sectoral coverage, including professional and business services (e.g. legal, auditing, architectural services), delivery and telecommunication services, computer-related and digital services, financial services, research and development services, most transport services and environmental services.

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### Boardroom Brexit: What the deal means for transport

31 December 2020

## BOARDROOM BREXIT

There will be continued market access rights for UK and EU road haulage operators, while under the TCA, UK and EU air carriers will continue to enjoy flyover rights and operating rights on routes between the UK and EU. However, UK carriers will not be able to operate cabotage routes in the EU (and vice versa)

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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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### China's First Measures Under New Export Control Law Target Encryption Products

7 December 2020

China's new Export Control Law took effect on December 1, 2020. The next day, the Ministry of Commerce, together with the State Cryptography Administration and the General Administration of Customs, released a circular that includes the first list of products and technologies focusing on commercial encryption products and technologies.

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### SEC 2021 and beyond: What to expect

7 December 2020

Some likely areas of SEC focus, from both the regulatory and enforcement perspectives, in 2021 and beyond.

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### PFI and PPP in the UK – is it time to talk about handback?

30 November 2020

The most recent standard form contracts and guidance in the UK for PPPs and similar forms of contract recognize the importance of prescribing detailed handback requirements and making provision for lead-in processes to be followed when a project approaches the end of its term.

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## **Brexit: Choice of Law, Jurisdiction, Enforcement, and Service**

27 November 2020

This article looks at the impact of reaching the end of the Brexit transition period (at 11pm on 31 December 2020) on governing law, jurisdiction, enforcement, and service in contracts between UK entities and EU member state entities.

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## **The UK's National Security & Investment Bill: Excessive protectionism, or necessary to align the UK with other major economies?**

18 November 2020

Laid before Parliament on 11 November 2020, the National Security & Investment Bill (the "Bill") promises to usher in a sweeping reform of the way in which the UK Government can scrutinise foreign investment.

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## **Continuity or Change? Procurement Rules after Brexit**

12 November 2020

### **[DLA PIPER TRADE TRUTHS](#)**

This weeks edition of DLA Piper Trade Turths, we look at how the UK's accession to the WTO's plurilateral procurement agreement is likely to change the UK's procurement regime at the end of the Transition Period.

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## **Independent Review of Administrative Law - Call for Evidence**

9 November 2020

The DLA Piper Public Law Team was recently invited to contribute to the Independent Review of Administrative Law (IRAL) by providing evidence to the IRAL Panel which has been appointed to consider options for reform to judicial review.

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## **A "Global Britain" – the UK's changing role at the World Trade Organisation**

29 October 2020

### **[DLA PIPER TRADE TRUTHS](#)**

This edition of Trade Truths looks at how Brexit will change the UK's relationship with the WTO and sheds light on the election of the new WTO Director-General, and what this means for the UK's post-Brexit future.

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## **Canada: Third-party litigation funding, enforcement of arbitral awards, admissibility of fresh evidence during court review**

26 October 2020

Three recent decisions.

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## **Chile: Drafting arbitration clauses in international contracts – practical aspects**

26 October 2020

International arbitration has expanded considerably in recent years in Chile.

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### **USMCA investor-state dispute settlement provisions: Key differences for Mexico**

26 October 2020

For ISDS claims, only after the local litigation requirement is fulfilled or 30 months have elapsed may certain substantive claims be brought against a state.

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### **China signs off on PRC Biosecurity Law: What this means for industry players in China**

21 October 2020

The Biosecurity Law establishes a comprehensive framework replacing the current somewhat piecemeal legislation.

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### **State aid: Levelling the playing field or moving the goalposts?**

21 October 2020

#### **DLA PIPER TRADE TRUTHS**

The European Commission unveiled plans on 17 June 2020 to take a tougher line on subsidised foreign companies in the EU market. Under this proposal, the Commission seeks to “safeguard critical EU companies” in strategic industries such as pharma and agri-food so that they do not fall victim to “hostile takeovers conducted by large dominant player”.

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### **Germany’s New Foreign Direct Investments (FDI) Act took effect on 11 October 2020**

19 October 2020

In addition to the intended amendments to the Foreign Trade and Payments Act Germany’s Federal Government on 20 May 2020 has decided on a bill that broadens the scope and the scrutiny with regard to foreign investments.

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### **Rules of Origin - what you need to know**

9 October 2020

#### **DLA PIPER TRADE TRUTHS**

With less than two months before the end of the Brexit Transition Period, importers and exporters of goods between the UK and both the EU, and the rest of the world, are preparing for the impact of significant changes to UK and EU trading arrangements upon their businesses and operations. Recent articles in the DLA Piper Trade Truths series have examined the realities of trading on so-called ‘World Trade Organisation (WTO) terms’, should there be no deal at the end of the Transition Period, including the impact on customs procedures and tariffs on goods, together with the UK’s post-Brexit trading landscape.

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### **Regulatory Enforcement and Privilege – Waiver, Content, Cherry-Picking**

7 October 2020

Disclosing privileged documents under a limited waiver to regulators has the potential to attract cooperation credit when regulators decide on level of penalty or, indeed, whether to undertake enforcement proceedings or prosecution. There may also be benefits in relying on privileged material in any defence to regulatory enforcement or prosecution.

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## Beyond the EU-UK Negotiations: Planning for trade with the rest of the world after Brexit

30 September 2020

### [DLA PIPER TRADE TRUTHS](#)

Whilst clients are rightly focused on the current status of negotiations between the UK and EU, some 12 weeks before the end of the Transition Period, it is easy to lose sight of the impact of Brexit on the UK's trading relationship with the rest of the world and the commercial consequences of this for businesses.

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## New CFIUS regulations change mandatory filing requirements and increase the importance of US export controls

30 September 2020

The new rule modifies the criteria that trigger a mandatory filing with CFIUS, potentially subjecting more transactions to mandatory CFIUS review.

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## Trading on WTO terms – what does it actually mean for your business?

24 September 2020

### [DLA PIPER TRADE TRUTHS](#)

It is now more important than ever to prepare your business for trading on WTO terms. In the third Trade Truths article, we outline the key principles of the WTO, what trading on WTO terms means for the goods and services sectors, and how you can best prepare your business for the end of the transition period.

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## The Northern Ireland Protocol and the UK Internal Market Bill

15 September 2020

### [DLA PIPER TRADE TRUTHS](#)

The second article in the DLA Piper Trade Truths series explains why the Internal Market Bill has attracted such controversy, and what it could mean in terms of preparing your business for trade between Great Britain and Northern Ireland from next year.

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## DLA Piper launches Trade Truths

8 September 2020

### [DLA PIPER TRADE TRUTHS](#)

In our first article we discuss how trade policy is developed and implemented in the UK and EU.

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## New national security regulations subject more insurance sector transactions to CFIUS review

20 August 2020

Transactions in the insurance sector are squarely in the CFIUS crosshairs.

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## US moves forward on enhanced securities regulations focusing on Chinese companies

17 August 2020

Latest developments in US efforts to address the financial risks posed by emerging market companies.

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### **WIN Wise: Top Tips for contract governance and change control**

5 August 2020

This note gives practical tips to assist parties to understand and be familiar with their digital transformation and outsourcing contracts, to help ensure that the parties follow the terms of the contract and that any changes are carefully considered and documented.

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### **Procurement Law Reform - Let's Start a Discussion**

29 July 2020

This is the fourth in our short series of bitesize feedback notes following on from DLA Piper's Panel Discussion Webinar held on 1 July 2020. This feedback note looks at the panel's response to the range of procurement procedures set out in the Public Contracts Act, 2015 (PCR'15).

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### **WIN Wise: Top tips for making the most of your IT contracts**

20 July 2020

There can sometimes be a disconnect between lawyers who draft contracts, and those with primary responsibility for implementing them. Through smart collaboration, effective communication and shared vision, in-house lawyers and their commercial counterparts can work together to maximize value and generate extra revenue.

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### **Court of Appeal confirms mining company is not liable for human rights abuses in Sierra Leone**

17 July 2020

Earlier this year, the Court of Appeal handed down its judgment in the case of *Kalma v (1) African Minerals Limited, (2) African Minerals (SL) Limited and (3) Tonkolili Iron Ore (SL) Limited*. In this case review, we consider the Court's findings in relation to (i) accessory liability and (ii) companies' duty of care when operating abroad.

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### **EU's highest court invalidates the EU-US Privacy Shield; European Standard Contractual Clauses remain valid, but subject to conditions**

16 July 2020

The CJEU declared invalid the EU-US Privacy Shield framework for the transfer of personal data from the EU to the US.

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### **Reputation management during investigations: ZXC v Bloomberg LP**

16 July 2020

The Court of Appeal has upheld the decision of *Nicklin J* which found that Bloomberg had breached the privacy rights of a US businessman when it published an article containing confidential details about a UK criminal investigation which he was subject to.

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### **Global Class Actions Briefing: Major developments in European consumer protection laws: Product safety and consumer class actions in Europe**

15 July 2020

The EU's proposals for a revised EU General Product Safety Directive (the GPSD) and the EU's deal for a Collective Redress Directive (the CRD) point the way to a future of heightened novel risk in Europe of collective redress or, as these claims are popularly known, "class actions".

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### **Procurement Law Reform - Let's start a discussion**

9 July 2020

DLA Piper's panel discussion webinar held on 1 July 2020 had a lively debate on the merits of potential options for reform and which changes might produce a better model for procurement regulation in the UK post Brexit. This is the first of a series of bitesize summary reports providing feedback from the debate.

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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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### **New Section 301 investigations into digital services taxes involving multiple countries**

29 June 2020

The US Trade Representative will investigate whether these DSTs discriminate against or place an unreasonable burden upon or restrict US commerce.

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### **First emerging technologies identified and controlled for export in the EAR**

26 June 2020

The designation also makes these a "critical technology," giving CFIUS jurisdiction over foreign investments in US businesses that engage with these items.

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### **Therapies for COVID-19: Two major developments**

25 June 2020

The developments, one negative and one positive, involve widely available medications.

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### **CFIUS encourages public to provide tips and referrals**

24 June 2020

The new webpage encourages tips and referrals about non-notified deals, violations of CFIUS mitigation measures, and other matters that raise national security risk.

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### **Diary note of a remote mediation**

16 June 2020

A colleague and I recently took part in a remote mediation over Skype. Given that there are likely to be many other litigating parties seriously contemplating the use of remote mediation (some with reservations), we thought that it might be helpful to share our own candid experience of a recent remote mediation.

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### **Boardroom Brexit - 15 June 2020**

15 June 2020

#### **BOARDROOM BREXIT**

Boardroom Brexit - Britain rules out extension (15 June 2020).

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### **COVID-19, force majeure and frustration: An in-depth analysis**

9 June 2020

The outbreak of COVID-19 has caused major disruption to businesses around the world, with many finding it difficult, or impossible, to fulfil their contractual obligations because of the pandemic and the response to it.

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### **Just deserts: English court grants conditional anti-suit injunction on “quasi-contractual” basis**

5 June 2020

Times Trading Corporation v National Bank of Fujairah (Dubai Branch), the English Commercial Court granted an anti-suit injunction (ASI) restraining the National Bank of Fujairah (Dubai Branch) (NBF) from pursuing Singaporean court proceedings. The judgment contains a helpful summary of general principles applicable to “contractual” ASIs.

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### **US companies: EU data regulation means new oversight**

2 DEC 2015

Many US companies are about to experience new regulatory oversight.

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### **Japan exempts virtual currencies from consumption tax**

31 MAR 2017

Comparable treatment can be found in Europe, where EU member states exempt virtual currencies from taxation as a result of a CJEU ruling.

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### **European Commission tackles financing risks linked to virtual currencies**

13 SEP 2016

The proposal seeks to bring greater transparency to the virtual currency market in the European Union by imposing customer due diligence requirements on certain market participants, now considered “obligated entities.”

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## US and EU reach an important agreement on CCP global equivalence: how will it affect you?

10 MAY 2016

This historic agreement allows market participants to use clearing infrastructures in both the US and Europe and assures a level playing field for US and EU CCPs.

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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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## Distributing patent rights between affiliates: guidelines to support enforcement rights around the world

16 NOV 2015

Considering a few issues at the outset when rights are distributed between Parent and Affiliate (or between multiple affiliates) may avoid difficulties in the future when a company wants to enforce patent rights.

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## US courts affirm expansive discovery under 28 U.S.C. § 1782

29 SEP 2015

There is increasingly clear consensus among US courts giving § 1782 expansive reach.

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## Mexico's new National Anticorruption System: 7 key points

20 JUL 2015

Constitutional reform regarding the creation of the National Anticorruption System

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## International tax and withholding considerations for US companies and their directors

19 MAY 2015

Multinationals commonly elect boards with international representation; it is also common to convene board meetings outside the US. US companies that do either – or both – of these things must be mindful of any resulting US or foreign tax implications

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## Law à la Mode - INTA special edition: Dubai's d3; combating counterfeit goods online; our top 10 tips on IP protection for fashion items; and more

4 MAY 2015

### LAW À LA MODE

DLA Piper's Fashion, Retail and Design group is pleased to bring you this special edition of Law à la Mode, marking the 137th INTA Annual Meeting in San Diego.

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### **Law à la Mode: Falling foul of China's trademark system; Retailers need to prepare for the new EU Data Protection Regulation; and New developments in the framework of the copyright protection of handbags**

2 FEB 2015

#### **LAW À LA MODE**

A quarterly e-magazine from our Fashion, Retail and Design Group with the latest industry news, comment and legal updates. This edition has been edited by our Italian colleagues.

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### **A new test for Mexico's structural changes: antitrust reform – key points in one chart**

16 JUN 2014

This entirely new framework should be carefully analyzed by investors in structuring their Mexico-related M&A transactions and managing their existing operations

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### ***The Cybersecurity Framework: Administration, Congress move to incentivize private-sector cooperation, strengthen federal acquisition process***

12 SEP 2013

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### **Congress, Administration move forward to secure critical US infrastructure**

11 JUL 2013

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### **US commits \$7B to ambitious Power Africa initiative**

2 JUL 2013

A new initiative aiming to double access to power in sub-Saharan Africa

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### **Information security obligations for Australian businesses under the Privacy Act: A reminder from the OAIC**

14 MAY 2013

At the launch of this year's Privacy Awareness Week on 29 April 2013, the OAIC released its new Guide to Information Security: 'Reasonable steps to protect personal information' ("**Guide**"). The Guide aims to assist Australian businesses and those carrying on business in Australia to interpret the continuing requirement under the Privacy Act (both under the current and the amended law) to "take reasonable steps" to protect the personal information they hold.

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### **Preparing for EMIR and Dodd-Frank: Our capabilities**

8 MAY 2013

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The European Market Infrastructure Regulation (EMIR) has been in force since 16 August 2012, however, in the first few weeks of 2013, the detailed technical rules implementing the regulation were finalised and came into force on 15 March 2013.

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### **Cybersecurity and US federal public procurements: what contractors need to know**

11 MAR 2013

Practical considerations for US federal contractors

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### **EU releases cybersecurity strategy**

15 FEB 2013

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### **What companies need to know about the Obama Administration's Cybersecurity Order**

14 FEB 2013

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### **Food safety from farm to fork: FDA publishes proposed rules aiming to ensure the safety and security of the food supply**

24 JAN 2013

The proposed rules lay the foundation of the prevention-based, modern food safety system envisioned in the FSMA and have wide-ranging effects on many industries, including every link in the global food supply chain.

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### **UK: The real risk of cyber attack**

1 AUG 2011

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## **Events**

### **Previous**

#### **Embracing Digital Evolution**

15 September 2021

Webinar

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#### **Navigating the Biden Administration Transition: Evolving Geopolitical Implications for Europe and the Middle East**

18 March 2021 | 8:00 - 9:00 EDT

Webinar

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### **Part 3: The 2020 general election results – implications of tax and economic policy for business**

12 January 2021 | 2:00 - 3:00 ET  
Webinar

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### **The US Election and the Race for a Vaccine: A Roundtable Discussion with Gregory Zuckerman**

21 December 2020  
Webinar

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### **Sustainability and ESG: A case study on Timberland's strategic alliance in Haiti**

28 September 2020  
Sustainability and ESG: A case study on Timberland's strategic alliance in Haiti  
Webinar

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### **Sustainability and ESG: A case study on Timberland's strategic alliance in Haiti**

28 September 2020  
Sustainability and ESG: A case study on Timberland's strategic alliance in Haiti  
Webinar

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### **Brexit – What's happening next?**

9 September 2020  
Webinar

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### **US-Israel-China Relations: A complicated triangle**

15 June 2020  
Webinar

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## **NEWS**

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### **DLA Piper strengthens its antitrust practice with partner Dr Justus Herrlinger**

27 October 2021

DLA Piper will strengthen its Hamburg office with the appointment of Dr Justus Herrlinger as a new partner in the antitrust practice, effective 1 November 2021.

