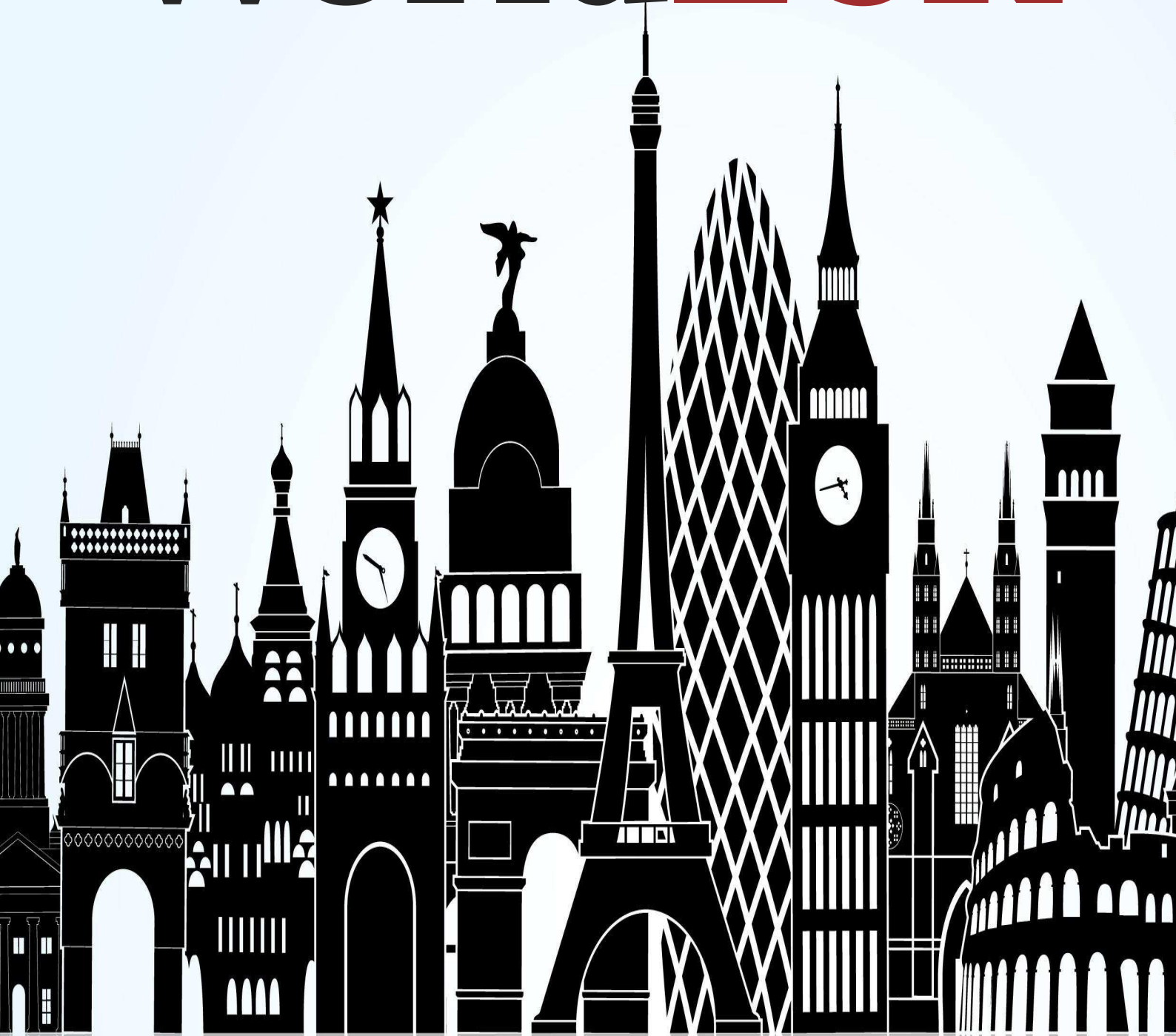


WorldECR



SPECIAL FOCUS EUROPE 2015

In 2014, conflict in Ukraine put EU sanctions and export controls firmly on the European corporate compliance agenda. In this Special Focus, *WorldECR* speaks to the lawyers advising on the impact of the regulations and the challenges facing business – and the regulators – in the year ahead.



Botond Horvath / Shutterstock.com

THE TOOLS OF TRADE

There are crucial differences between export control and sanctions practice – both in the way that the rules are made and in their technicalities. And yet in some respects, they continue to converge. One shared characteristic is that despite the illusion of ‘union’, when it comes to interpretation and enforcement, EU Member States have a tendency to set their own paths. But against a backdrop of rising geopolitical insecurity, it’s clear that business needs to take them on board – even if that means embracing uncertainty.

Lest anyone think that sanctions and export controls are a peripheral part of the mandate of the European Union (and that its real mission is to standardise the size and colour of cauliflowers), it is worth reflecting on the EU’s origins. On 9 May 1950, French statesman Robert Schuman proposed the creation of a Coal and Steel Community whose members would pool production of those materials thus making war between European states ‘not merely

unthinkable, but materially impossible’. ‘World peace,’ said Schuman, ‘cannot be safeguarded without the making of creative efforts proportionate to the dangers that threaten it.’

The following year, West Germany, France, Italy, the Netherlands, Belgium and Luxembourg signed a treaty which put Schuman’s declaration into effect, and in 1957, the same six signed the Treaty of Rome, enshrining the notion of the free

movement of goods and services across borders.

The EU, both as a historical and a political entity, has changed significantly since that time, growing to include 28 states (many of which share a single currency) and it’s fair to say that the original impetus for its creation – the promotion of peace within Europe – is easily forgotten amidst the vast body of legislation pertaining to almost every aspect of personal and commercial life.

In recent years it has come under renewed pressures both economically, and politically. Indeed, in some respects the Union is ever more polarised between those who would see greater integration of Europe's constituent parts, and those that would reclaim the national sovereignty that they regard as being lost to Brussels.

Yet by paying increasing attention both to sanctions and export controls, Europe is revisiting that part of its mandate that aims to safeguard world peace through the expending of those 'creative efforts proportionate to the dangers that threaten it'.

'You could say that it's about Europe maturing,' says Dr. Salomé Cissal de Ugarte, a partner in the Brussels office of law firm Crowell & Moring. 'Sanctions were not used so actively until recently, and perhaps it took a bit of a push from the United States, but there are values that the U.S. and EU share, and the sanctions give them political expression.'

And they're here to stay, says John Grayston of Grayston & Company: 'Speaking as we are, days away from the terrible shootings at the offices of [satirical magazine] *Charlie Hebdo*, no-one should be in any doubt as to the need for sanctions as a complementary measure to the EU's Common Foreign Security Policy. When talking both to other practitioners and people in the commercial sphere, I'm always keen to reinforce the point that sanctions and export controls are here to stay – they're not temporary and so neither

especially where, as is increasingly the case, the UN Security Council fails to agree on the need for action. And, whether at the urging of the U.S. administration or as a genuine demonstration of its own initiative, the EU has begun to flex the muscles that it finds it now possesses.

Six years after the publication of the

nevertheless consult the authorities. In the end, we obtained a "no licence required" decision which was only granted after several ministries and government offices had insisted on scrutinising the application in close detail.'

Ruessmann's experience is not an isolated one. 'Sometimes we see people



'Sanctions were not used so actively until recently, and perhaps it took a bit of a push from the United States, but there are values that the U.S. and EU share, and the sanctions give them political expression.'

**Dr. Salomé Cissal de Ugarte,
Crowell & Moring**

EU's Dual-Use Regulation (289/2009), awareness of the need for export controls has come of age, as has what appears to be the mixing and matching of export controls and sanctions, not only toward the same policy ends, but within the same policy instruments, in so much as restrictive measures against Syria, Iran and Russia each stipulate that the export of certain products – either by reference to the EU control lists or, in the case of Russia, by reference to items on the Customs Code – is prohibited.

This coming together is reflected in the approach that businesses are taking. 'There's a growing awareness of export controls because of heightened attention being given to sanctions. There's a clear interplay between the

anticipating difficulties, and even if the sanctions don't yet prohibit the transaction that they want to make, they judge that it's prudent to not continue – that it might only be a matter of time before things get difficult,' says Sidley Austin's Yohan Benizri.

Jasper Helder, of the Amsterdam office of Baker & McKenzie, believes the development is part of a wider picture: 'What has happened is that there has been a shift from people being focused on inbound compliance – i.e. customs issues, toward outbound compliance – to export controls and sanctions. The allocation of resources has changed; there's greater professionalisation, and more of a European trade compliance community.'

Of course, there are practical differences between the two 'regimes', as Miriam Gonzalez of Dechert points out: 'The export control regulations are fairly static and compliance can be done in-house. But complying with sanctions is more complex; apart from anything, it requires navigating political uncertainty.'

Despite differences, many businesses regard sanctions as one half of a coin – the other half of which is the export control dimension.

The EU export control regime falls within the auspices of the European Commission Directorate-General of Trade (DG Trade), headed by the Trade Commissioner (currently Swedish politician Cecilia Malmström) but is formulated in conjunction with the European Parliament.

Restrictive measures (sanctions) are articulations of the EU's Common



'When talking both to other practitioners and people in the commercial sphere, I'm always keen to reinforce the point that sanctions and export controls are here to stay – they're not temporary and so neither should be the legal or compliance response.'

John Grayston, Grayston & Company

should be the legal or compliance response.'

A coming of age?

The EU Dual-Use Regulation (428/2009) provides both a set of common rules for the export of controlled goods and for 'free movement of dual-use items within the EU Single Market'.

Like the United States, the EU both enshrines United Nations sanctions and makes unilateral sanctions policy,

two,' says Laurent Ruessmann a partner at the law firm Fieldfisher. 'Here's an example: 'Here's an example: A client of ours is regularly involved in tenders in Russia. We had a case where he was participating in a tender for the supply of a product not generally subject to export controls. The problem was that it was for a military end-user. There were no obvious sanctions issues, but given the political uncertainties and evolving state of the sanctions, we proposed to

Foreign Security Policy (‘CFSP’) and within the purview of the European External Action Service, headed by the High Representative of the Union for Foreign Affairs and Security Policy, currently Federica Mogherini.

‘This is the way sanctions policy works,’ says James Killick of the Brussels office of White & Case. ‘The

a few countries do the “heavy lifting” within the Commission – in this case, probably the UK, Germany, France and Italy, the others just following on. That just reflects the foreign policy trend.’

Altogether different

Where export controls and sanctions re-converge is in their implementation.



‘Ask yourself the question, why doesn’t someone know the EU export control rules as well as they should? The answer is because doing so means having to be up to speed with the (often unwritten laws) of 28 systems.’

Curtis Dombek, Sheppard Mullin

Lisbon Treaty provides that two processes need to happen – namely a CFSP decision taken [by EU Member State representatives] on a unanimous basis, and also, a Regulation taken on a qualified majority basis.’

In the case of Russia, he says, ‘While some countries were not comfortable imposing sanctions, if they had doubts, there were clearly not enough of them to say so. What tends to happen is that

The Commission has taken increased responsibility for formulating European foreign policy, supplanting (though not entirely) Member States’ unilateral policies in this regard – but has left the Member States a free hand in the extent to which they implement and enforce those policies. And, in practice, national regulators frequently adopt different approaches. Whether this reflects divergences in national

commercial and/or political interest, or differences in resources and capability available to and within the competent authorities, it gives rise to a multitude of confusions.

Sheppard Mullin’s Curtis Dombek divides his time between Los Angeles and Brussels. He observes that in Europe, ‘There’s this illusion of union. But ask yourself the question, why doesn’t someone know the EU export control rules as well as they should? The answer is because doing so means having to be up to speed with the (often unwritten laws) of 28 systems.’

By comparing his own experience with that of colleagues throughout Europe, Jasper Helder concludes that advice given by different authorities can vary remarkably: ‘Currently, the UK is interpreting the Russia regulations as meaning that goods now requiring an export licence only do so when leaving the European Union. But in the Netherlands they’re being interpreted as meaning that the exporter would need a licence to sell, supply or transfer the same goods to Germany if they’re aware that their ultimate destination is Russia.’

That there should be a national

With 600 lawyers, Gide offers some of the most respected specialists in all sectors of national and international finance and business law. On issues relating to export control and financial sanctions, which are a European competence and an integral part of the EU’s Common Foreign and Security Policy, Brussels acts in much the same way as Washington DC acts in the US. In consequence, Gide’s Brussels office focuses the firm’s expertise in that specific field. Our team has successfully assisted a broad spectrum of clients including maritime and air carriers, banks, tech companies and exporters of dual-use goods by analysing potential risks and proposing strategies to comply with sanctions.

Our lawyers are able to advise clients on all aspects of EU sanctions:

- Drafting legal opinions on the interpretation and application of EU sanctions
- Liaising with national authorities to obtain individual and global licences
- Assisting in the design and implementation of corporate compliance programmes
- Assisting in conducting due diligence of export control risks in the context of mergers and acquisitions in Europe
- Advising on criminal sanctions
- Advising on data transfers and cryptology
- Monitoring the adoption and evolution of trade and financial sanctions in Brussels and the case law of the relevant national courts and the European Court of Justice

ALGIERS
BEIJING
BRUSSELS
BUDAPEST
CASABLANCA
HANOI
HO CHI MINH CITY
HONG KONG
ISTANBUL
KYIV
LONDON
MOSCOW
NEW YORK
PARIS
SHANGHAI
TUNIS
WARSAW

GIDE LOYRETTE NOUËL A.A.R.P.I.

View Building, Rue de l’Industrie, 26-38 - 1040 Brussels - Belgium | tel. +32 (0)2 231 11 40 | brussels@gide.com - gide.com

flavour to interpretation is only inevitable, but so, it would seem, are the frustrations. Arnoud Willems of Sidley Austin's Brussels office, comments: 'Clients report to us about an inconsistent approach. What you don't want is, for example, a subsidiary in Poland to have a different

to 28 Member States. Indeed, Dr. Salomé Cislal de Ugarte, who works closely with colleagues in Washington, DC says that it is frequently 'transnational' issues upon which they are asked to advise: 'We are often called to provide legal guidance to companies wishing to structure their

Adamantopoulos. 'Yes, some regulators go by the book, and others are more "friendly", which could be interpreted as meaning more pro-business. But the quality of informal guidance that you receive really depends on the extent of their practical experience, and there are some officials who don't have any'.

So, for example, is UK guidance applicable in Greece? 'Theoretically, no. But the reality is that the UK officials have dealt with very more cases, so what they say carries weight,' he says.

This view is shared by Georg Berrisch of Baker Botts: 'Member States are having difficulty actually understanding the regulations, because there is no case law, and few guidelines, so it is difficult to tell companies how an authority is going to interpret a particular piece of legislation.'

Berrisch points out also that the regulations can be more restrictive in practice than they are on paper: 'The new Russia sanctions, for example, stipulate that some transactions are not prohibited but they do now require a licence. Now, it could take six to eight weeks to get that licence from an over-stretched government body. And in effect that's up to two months during which an EU citizen can't be involved in the deal. If you're brokering deals across a wide range of projects on a daily basis, in practical terms, it means that that particular deal has to be taken off the table.'

But it's not all bad news. Carolina Dackö of Swedish law firm Vinge says that it's increasingly apparent that



'In EU Member States, it's more often the case – although not always – that the authorities dealing with export control applications are now suddenly dealing with sanctions issues, and many of them are woefully under-resourced.'

Charles Claypoole, Latham & Watkins

understanding of their obligations than their counterparts in Germany or Spain. But getting a consistent approach between regulators is difficult.'

The fact that sanctions legislation is politically driven frequently pushes lawyers into the role of quasi foreign affairs counsellors. Willems adds: 'Our role is of course very much legal, it's about navigating the complexity of the legislation. But we are called upon to try to guess what the next move might be, or how a situation is going to play out – of course, based on our legal expertise and experience. But we will be asked "How long before the Iran sanctions go away?", or about possible risks on entering new markets.'

And it's clear that the ramping up of sanctions by the EU in 2014 added further to the confusion – for all parties. 'In the U.S., export controls and sanctions have their own histories and are more discrete areas of practice. In EU Member States, it's more often the case – although not always – that the authorities dealing with export control applications are now suddenly dealing with sanctions issues, and many of them are woefully under-resourced,' says Latham & Watkins' Charles Claypoole. 'Historically, the broad nature of embargoes meant that businesses didn't need to worry about export controls, because all deals with a certain country were prohibited. But the combination of traditional sanctions with export controls leads to a whole new set of difficulties,' he adds.

Thus, the stock in trade for lawyers in the field is familiarity, gleaned by exposure not only to the law, but to its interpretation through the prism of up

transactions in a way that they comply with sanctions regulations in multiple jurisdictions like the EU, the U.S., Canada and Switzerland. While the substance might not vary that much, their interpretation is generally quite complex and the competent authorities might follow different enforcement practices.'

Business-friendly

Differences in approach might mean that one authority might refuse to approve (or take longer to consider) an export licence application than another, or that an export might fall within one country's 'catch-all' list and not that of another – perhaps because the intelligence agencies do not always share the same concerns about particular end-users.

But if some businesses are tempted



'You have to be pragmatic...The quality of informal guidance that you receive really depends on the extent of their practical experience, and there are some officials who don't have any.'

**Konstantinos Adamantopoulos,
Holman Fenwick Willan**

to succumb to a kind of regulatory arbitrage, there are clear risks in doing so. The fact that a deal or an export might be cleared by one authority means neither that another will look upon it benignly, nor that it'll stay beneath the radar.

'The reality is that you have to be pragmatic,' says Holman Fenwick Willan partner Konstantinos

'When it comes to enforcement, there's evidently a great deal of cooperation between authorities in Member States. I recently had an opportunity to ask representatives of the Swedish security services (SÄPO) about how the situation might be if, for example, the authorities within one Member State were investigating activities of a subsidiary company: would the

authorities in the home jurisdiction of the parent company be informed? And the answer was, conclusively, that they would. Clearly there's good communication, at least a great deal of the time, between the authorities.'

It's interesting, Dackö says, to see

much a national issue, and not just about Brussels.'

Dackö says that while the relevant authorities, including ISP and Customs, are 'certainly-business friendly' (exports of industrial and machinery and hi-tech being key to the

some blue-chips, technology, aerospace and defence clients. But generally in France, awareness isn't universal and responses to changes in the law aren't so very well structured.'

In both the case of export controls and sanctions, says Massot, Brussels and London remain, for the moment 'bubbles, where the quality of export control and sanctions advice, and the extent to which it is sought' is significantly greater than elsewhere. 'For example,' he says, 'even very large EU dual-use manufacturers are not that well organised when it comes to export controls. They're starting to request advice from lawyers but it's a process in development. Many of them are much more in tune with the need to have in place anti-corruption/bribery mechanisms. And they see these issues – especially sanctions – as being about politics, unlike, say, competition, which they see as legal. It really is very much the U.S. companies that have the awareness.'

In so saying, Massot points to an irony that others hint at implicitly or overtly in their observations on export controls and sanctions in the European Union: U.S. companies tend to pay greater attention to the EU rules than do their European competitors because export controls and sanctions generally have been driven further up their compliance agendas by fear of aggressive enforcement action by BIS,



'Even very large EU dual-use manufacturers are not that well organised when it comes to export controls. They're starting to request advice from lawyers but it's a process in development.'

Alexis Massot, Gide

how these competing imperatives play out in the case of the Russia restrictions. According to the Swedish embassy in Moscow, in 2013 Russia was Sweden's 13th biggest export market and 7th biggest import market. 'Actually, those exports haven't been very seriously hit,' she says, 'but the [restrictive measures] have certainly caused a stir – companies really need to know who they're dealing with. Also, sanctions have been getting a lot of attention because the previous foreign minister, Carl Bild was very outspoken against Russia's activities in Ukraine, exhorting his European colleagues to take strong action. This gave Swedish local media as well as Swedish-based companies the sense that this was very

Swedish economy), there's also a grown-up and responsible attitude amongst companies that starts with strong recognition of the needs for export controls – not least because public awareness of issues such as global human rights, international politics and business integrity are so high, and companies are keenly conscious of possible consumer backlash if they transact or export with or to the wrong markets.

In France, by contrast, says Alexis Massot of the Brussels office of French law firm Gide, 'It is really a very focused circle of businesses that understand what's happening in these areas; of course banks, especially in the wake of the BNP Paribas settlement,



Mykhaylo Palinchak / Shutterstock.com

EU sanctions country list

The EU has designated for sanctions entities in

- Afghanistan
Belarus
Bosnia and Herzegovina
Burma
Central African Republic
China
Cote d'Ivoire
Croatia
Cuba
DR Congo
Egypt
Eritrea
Guinea
Guinea-Bissau (Republic of)
Haiti
Iran
Iraq
Korea (Democratic People's Republic of)
Lebanon
Liberia
Libya
Moldova
Russian Federation
Somalia
South Sudan
Sudan
Syria
Tunisia
Ukraine
United States of America (blocking regs)
Yemen
Zimbabwe

OFAC and other U.S. agencies while many EU companies are slanting their compliance efforts toward meeting the requirements of U.S. laws.

Matthew Getz, international counsel in the London office of Debevoise, says that such is the fear of the U.S. regulators that as an EU-based lawyer, while he advises his EU clients on EU law first 'they also want to know the U.S. position even where there is no issue of extra-territorial jurisdiction.'

According to Massot, 'The BNP Paribas case [in which the bank agreed to pay a total of \$9billion to U.S. regulators in July 2014] is a game changer for the law of sanctions: not only for banks operating in the U.S. but, more importantly, for all businesses who still had doubts about the importance of EU and U.S. sanctions for the global business environment. The next challenge is to help European companies incorporate this new constraint in their risk-management strategy: this is a task we are taking very seriously.'

And as one Brussels lawyer observes, 'The board of directors of an EU company is going to look at the cost of compliance, and the relative cost and risk of breaching the EU sanctions or export control laws against that of breaking the U.S. laws. Where do you think they're going to make the greatest spend for now?'

Whilst this may be understandable,

Getz points out that it is harder to discern any enforcement trend in the EU because high-profile actions are less frequent or visible. But, he says, it would inadvisable to take too lackadaisical an approach on that account. 'Look, I've never seen the U.S. authorities stopped by the passage of time - and remember that in the UK for example, there's no statute of limitations.'

Tools for the times

Europe has become accustomed to being described as being on the edge. The banking crisis, the currency crisis, and a surge in the popularity of political parties that make up the very fabric of the institutions that make up the European Union have all contributed to the erosion of post-war certainties. At the same time, the increasingly numerous and unpredictable nature of external (or externally sponsored) dangers, such as that posed by those behind the Charlie Hebdo attacks in Paris in January, demand that the European Union continue the project initiated by Robert Schuman five or so decades past and work to safeguard the Union and the wider world.

Legally uncertain, hastily drafted and inexpertly enshrined as they may be, the EU's sanctions and export control regimes appear to be increasingly vital tools.

FROM THE ARCHIVE

Sanctions

The life cycle of a sanctions programme



Recent years have seen a significant increase in the use of trade sanctions as a tool of international policy. Daniel Martin examines the aims of such sanctions and their chances of ultimate success with reference to those imposed upon targets in Ivory Coast, Libya, Iran and Syria.

The continued increase of multilateral sanctions against Iran offers useful context to the history of sanctions against Burma, which saw an aggressive turn to look at some of the trends and common features in EU sanctions programmes, with a particular focus on how these programmes have developed over time.

The political basis for international trade sanctions is that they are imposed in response to particular circumstances and operate to achieve particular foreign policy objectives. As a result, the sanctions should be specific, clearly identified policy objectives. They should be targeted to address the needs of the specific political situation, and more sanctions should only be imposed if those needs are not met by the measures already in place.

EU sanctions common features I will focus on 'trade' sanctions in three which prohibit or otherwise restrict some or all trade between the sanctioned regime and commercial countries elsewhere.

At their heart, the EU trade sanctions programme imposes an asset freeze, by which the funds and economic resources of named individuals and entities are frozen and, in addition, the provision of funds and economic resources directly or

Sanctions

Germany

Russia and EU sanctions: a German perspective



Dr. Philip Heelmgits provides an overview of the current trade restrictions with practical advice on the necessary internal compliance measures.

A result of the current political events in the Ukraine, and the situation, the U.S. and the EU have both now imposed sanctions on Russia. Arguably the current restrictions are tightly linked to their context as well as their scope, since the EU - in particular, Germany - continues to focus on a dialogue (instead of confrontation) with Russia.

The regulatory context and efficiency of the individual penalties are, however, far greater than one might at first glance assume. The current sanctions are three (exporting) companies to limit internal compliance measures when conducting their business with Russia, and those have had to be implemented rapidly. Given Russia's stance, which so far remains unchanged, it cannot be ruled that the EU may impose further sanctions on Russia which will extend the content and scope of the current restrictions.

As a second step, individual entry bans on Russian and Ukrainian persons entering EU countries, or with the freezing of their EU foreign accounts, were imposed.

Member States as to the definition of the specific trade restrictions, in particular with respect to the internal markets during the month of enforcement on the annexation of the Crimean Peninsula, and the subsequent imposing of energy supplies - show the energy supply to the EU's key economic countries in Russia, Ukraine, the Federal Republic of Germany, cover about 15% of its gas supply through Russia. EU figures amount to 100% in some Eastern European countries. Therefore, the

Germany

of state and government of the EU requested that the European Commission, on 4 March 2014, draw up an action plan for a reduction of the EU sanctions against Russia in June 2014. On 10th March, with respect to direct investments amounting to approximately 10 billion euros, the Commission has agreed with the EU Member States to limit the EU's investment in Russia, the EU's

Legal basis for sanctions The starting point and legal basis for the EU sanctions against Russia is decision 2014/145/GASP dated 27 March 2014, concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

Decision 2014/145/GASP has been implemented into directly applicable law by way of Council Regulation (EU) No. 269/2014 dated 27 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. Regulation (EU) No. 269/2014 has been implemented and expanded by Council Implementing Regulation (EU) No. 268/2014 dated 27 March 2014 on the implementation of Regulation (EU) No. 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

These regulations apply within the territory of the EU to all nationals of EU Member States within and outside of the EU. Also, that of aircraft and ships subject to the sovereignty of an EU Member State.

These regulations apply to all persons or entities or bodies owned or controlled pursuant to the law of an EU Member State within or outside of EU territory;

in legal persons, entities or bodies with regard to business conducted

U.S./China exports

What U.S. and Chinese companies need to know about U.S. export control laws applicable to China



The People's Republic of China is the United States' second-largest trading partner and third-largest export market, yet U.S. exports to the country are among the most strictly controlled. Joseph D. Gustavus details the regime that governs trade between the two countries.

According to a recently published report of the U.S. Congressional Research Service, the United States and the People's Republic of China (China) engaged in trade in goods and services worth approximately \$500 billion in 2013. Total U.S.-China trade rose from \$438 billion in 1998 to \$500 billion in 2013. China is currently the United States' second-largest trading partner and third-largest export market. The mutually beneficial trade relationship between China and the United States is growing increasingly complex due to the rapid growth of economic integration.

At the same time, U.S. national security concerns are of a high-order nature. U.S. technology transfers to China under U.S. export control laws receive increasing scrutiny from enforcement authorities. Significant civil and criminal penalties result from violating the conditions, which include the U.S. export control laws, which control the penetration, trade, and export of controlled items and technology. U.S. export control laws are particularly important for companies conducting research and development, information technology, telecommunications, and software industries.

U.S. export control laws have an extraterritorial reach, leading to the proliferation of foreign persons located abroad. The remaining 20 enforcement actions in 2014, which include the managing director of PFC Partners (Shanghai, China), led to one year in prison for violating U.S. export control laws. Therefore, it is imperative that U.S. exporters to a U.S. parent company of a Chinese subsidiary or an existing or newly acquired U.S. company, the same concerns apply.

U.S. defense article exports to and from U.S. and China is the policy of the U.S. national security reasons to deny licenses and other approvals for ITAR-covered USML item exports to (and imports from) China of defense articles, defense services, and technical data. Obtaining export licenses from the DDTC for the export of U.S. defense articles, defense services, or technical data to China is prohibited.

Chinese defense article imports to the U.S. There is a U.S. prohibition on imports of Chinese defense articles into the U.S. which will apply if the item is covered by the USML and is imported into the U.S. rather than exports. It should also be noted that China has its own system of export controls for weapons of mass destruction (WMD) related goods and technologies.

Shipment by Chinese vessels, aircraft, and other transport. Also of note is that shipment of U.S. defense articles, defense services, or technical data on any vessel, aircraft or other transport from a Chinese location is prohibited. This restriction is prohibited from a Chinese location is prohibited. The remaining 20 enforcement actions in 2014, which include the managing director of PFC Partners (Shanghai, China), led to one year in prison for violating U.S. export control laws. Therefore, it is imperative that U.S. exporters to a U.S. parent company of a Chinese subsidiary or an existing or newly acquired U.S. company, the same concerns apply.



22 WorldECR www.worlddec.com



15 WorldECR www.worlddec.com



25 WorldECR www.worlddec.com

The WorldECR Archive, accessible via worlddec.com, contains every article published in WorldECR since the journal's launch in 2011. Contact mark.cusick@worlddec.com for details



biberideriondon

SANCTIONS

FROM MEGARA TO MOSCOW

The imposition of restrictive measures on Russia has extended the reach of sanctions well beyond the geographies typically affected. But while over-stretched authorities may appear to lack the resources to address the myriad compliance-related questions that the measures have raised, sanctions, authored both in Brussels and Washington, are increasingly finding a place on the compliance agenda.

Around 430 BC, the statesman Pericles persuaded the Assembly to impose a law that would prohibit tradespeople of the nearby town of Megara from doing business in Athens. The given reason for the Megarian Decree was that the inhabitants had offended the goddess Demeter. The real cause, intention, and consequences of the edict have been debated by classicists from Thucydides onwards. Athenian merchants, said Aristophanes in *The Acharnians*, cared little for all that, merely grumbling that

it was no good for the trade in pigs, fish, and figs.

In 2004 another assembly, that of the Council of the European Union, published its Basic Principles on the use of sanctions, laying out how the EU would use restrictive measures (sanctions) both to ‘maintain and restore international peace and security in accordance with the principles of the United Nations Charter,’ and also with those of its own common foreign security policy (‘CFSP’.)

To those ends, it would both ensure

timely implementation of UN Security Council measures, and impose its own autonomous EU sanctions ‘in support of efforts to fight terrorism and the proliferation of weapons of mass destruction and as a restrictive measure to uphold respect for human rights, democracy, the rule of law and good governance’.

If the Megarian Decree established a classical authority for – and some perennial truths about – sanctions, the Basic Principles set out the policy gridlines within which EU

policymakers have been framing and imposing sanctions, both as extensions of the will of the Security Council and expressions of the CFSP.

Sanctions step up

In the past ten years, they've had plenty of practice at both as the EU has responded to an increasingly broad gamut of foreign policy challenges: Iranian proliferation, the civil war in



'Merely because of the volume of trade with Russia, a lot more industries are now in touch with sanctions than before.'

Yohan Benizri, Sidley Austin

Syria, human rights in Belarus, unrest in Cote d'Ivoire, Yemen and so on. Indeed, the United States is even included in the list, in so far as that blocking regulations prohibit compliance by EU parties with the Cuba sanctions.

Of course, the sanctions *regime de jour* is that of the restrictive measures against Russia, Council Decision 2014/512/CFSP and Council Regulation (EU) No 833/2014 of July 2014 which, like their U.S. equivalents, impose restrictions on energy transactions, financial transactions and break new ground in that they effectively impose export controls in addition to imposing sanctions on an increasingly long list of Russian banks, businesses and individuals.

Russia remains the EU's third most important trading partner, while the EU is Russia's first trading partner. In 2013, trade in goods between the two had the total value of around 330 billion euros. By way of illustration, in 2011, before the restrictive measures choked off relations with the country, EU trade with Iran hit around 30 billion euros while just three years later, it had reduced to around six billion euros.

Trade lawyers interpret the comparative impact of the regimes in different ways: 'Merely because of the volume of trade with Russia, a lot more industries are now in touch with sanctions than before. Some are still very green and need to be talked through the basics of sanctions compliance. Others are more sophisticated, and are addressing increasingly complex

questions and very detailed aspects of compliance,' says Sidley Austin's Yohan Benizri.

'Detailed', not least, because the measures published in September imposed considerable restrictions on financial transactions with some Russian parties, but left clients, and indeed Member States, to interpret what they meant in practice. The Commission did publish guidance in

late December – which afforded welcome, but partial relief – but it was long overdue.

Jessica Gladstone, international counsel at law firm Debevoise in London, gives a flavour of some of the issues that she and colleagues have been called to advise on: 'The sanctions affect all loans, both new and existing. So the kinds of things that come up are questions like: When do sanctions trigger illegality clauses? When can banks call up their loans because of an "illegality" event? Bear in mind that banks can be caught in something of a Catch-22, because even being repaid a loan could be illegal.

'Banks,' says Gladstone, 'are really keen to know what their money is going to be used for, and are demanding



'Compliance officers in banks that have been [in trouble over violations] will steer away from making some loans even if they're legal.'

Jessica Gladstone, Debevoise

warranties that loans won't be used to pay anyone that's been listed.' She adds, 'Compliance officers in banks that have been [in trouble over violations] will steer away from making some loans even if they're legal.' Typically, clients are asking how much due diligence they need to undertake, what kind of contractual protections they should have in place, she says. 'These issues

can get complicated, and they've got businesses thinking a great deal.'

Baker & McKenzie partner Ross Denton points out that it was only toward the middle of December that the UK Export Control Organisation ('ECO') began issuing the licences that the EU had stipulated were required for some exports to Russia in July (clarified in September): 'Even months after the new rules were published, confusion reigned as to how the rules underpinning what could and what couldn't be exported effectively held up legitimate business. The Commission had set out the list using the customs tariff nomenclature but in such a way that it actually made very little sense,' says Denton, adding that while much of the muddle has since subsided, attempts by the Commission to resolve difficulties in interpretation have only been partially successful.

Nor are all questions easily addressed by FAQs. John Grayston of Grayston & Company, says: 'It's clear that if you're in the EU and engaging in business with listed parties, you're subject to sanctions. But what if I'm in Turkey, and I buy goods in the EU and take them to Turkey and sell them from there? Am I then "engaging in business in the EU?" And thus am I subject to EU jurisdiction? Likewise, what if I'm a branch of a UK company in Singapore? Or an individual who's an EU passport holder but I work for a Singaporean company? Am I at risk if I engage in sales activities in breach of EU sanctions? There are "legal" answers to these questions, but the likelihood is that in practice there will be differences in emphasis and

approach between national regulators – as ever such difference can easily result in legal uncertainty.'

Taking the penalty

There is, of course, the perennial question as to how violations, egregious or otherwise, will be addressed by the authorities. The dominating narrative is still that U.S. authorities prosecute

and demand settlement while their EU counterparts, by dint either of lack of resources or political will, take action in only the most egregious cases. One of the lawyers we spoke to for this Focus

between the U.S. authorities and at least some of the EU authorities – like those in Germany, the Netherlands, the UK and France.’

But, as she acknowledges, and in



“Companies are mostly worried about the reputational aspects of doing the wrong deals. So what they’re doing is telling the regulators if they’re operating in a grey area, and saying, “if you have any problems, let us know.””

Miriam Gonzalez, Dechert

noted, ‘To date there hasn’t been a hint of enforcement over the Russia sanctions. But I’d find it hard to believe that no-one’s breaking them.’

Another explanation might lie in authorities’ lack of willingness to name and shame, for there have been enforcement actions. In 2013, for example, two Germans were fined a total of 350,000 euros for violating the Foreign Trade Act and the Iran Embargo by exporting goods meant for a water reactor in Iran with a licence obtained by giving false information to the German authorities, while in a more recent case, a UK businessman was fined and jailed following an investigation into his export of controlled alloy valves – also to Iran. Yet there has been nothing on the scale of the slew of actions by U.S. regulators, the most high-profile of which have led to multi-million dollar settlements like those with EU banks such as ING, Standard Chartered and BNP Paribas.

Despite this, Benizri strikes a note of caution: ‘The EU sanctions measures have to be seen as a regime in their own right. Yes, compliance teams in the United States are of course pushing hard for a U.S. focus – for example, amongst their business partners and subsidiaries. But it’s important that people realise that rules are not the same. It’s not enough to comply with OFAC rules.’

Miriam Gonzalez, co-chair of Dechert’s International Trade and Government Regulation practice, agrees with the oft-made observation that, given very much stronger enforcement activity in the United States, ‘There’s a culture of fear,’ but adds, ‘That being said, there’s definitely more attention now from EU authorities, more likely to be follow-up after disclosures have been made, and clearly there seems to be more contact

common with the experience of all the trade lawyers spoken to in recent weeks, overwhelmed, under-resourced authorities are currently struggling with all aspects of their workload.

‘Companies are mostly worried about the reputational aspects of doing the wrong deals,’ says Gonzalez. ‘So what they’re doing is telling the regulators if they’re operating in a grey area, and saying, “if you have any problems, let us know.” But it’s clear that they just cannot process all the information they receive.’

Lack of capacity and the intrinsically rushed nature of sanctions legislation accounts for many of the criticisms of the way that the ‘system’ works. As one lawyer put it: ‘No-one doubts the need for sanctions, nor begrudges the EU its CSFP, but there’s a need for a vastly improved administration to back up the very difficult decisions that are being

made. When that goes wrong, we have a massive opportunity to say that things are not being done properly. The question is, are we prepared to have this area of policy operating on a completely different set of standards to other areas. And the answer is “No!”

Ironically perhaps, some lawyers detect U.S. clients as being more curious about EU restrictive measures than EU companies themselves – for the reason that they are generally more accustomed to sanctions-related issues – while EU companies read frightening cases about enforcement in the United States and make U.S. compliance their focus.

Olivier Prost, a partner in the Brussels office of Gide, observes: ‘Many of our clients are more worried about U.S. sanctions first and foremost. But U.S. companies are looking closely at EU sanctions, for example, where they’re doing diligence on an EU target, or they have an affiliate and think its activities might expose it to sanctions.’

Matthew Getz, international counsel at Debevoise in London, says that such is the fear of the U.S. regulators that as an EU-based lawyer, he advises his EU clients on EU law first ‘but they also want to know the U.S. position even where there is no issue of extra-territorial jurisdiction.’

Popular choice

There is little doubt that, unless policymakers devise some means that falls short of war to achieve their



perceived interests in foreign affairs, sanctions will become increasingly entrenched (in some cases individually, but more generally, as the favoured

change, suggesting, 'There should be a thorough annual review, which also takes into account the impact on business.')

The issue that arose was that, the way both the EU and U.S. sanctions were written would have made it unlawful for members of that association to share the standard with Iran or have an Iranian involved in the procedure – because although there were exemptions for technology, there weren't any for technical assistance. The Commission and some national agencies have accepted that the rules appear to cover international standards in a way that is unintended. Unfortunately, resolving the issue is harder than identifying the problem.'



It is possible to put the rules 'on track' where they haven't been thought through.

Ross Denton, Baker & McKenzie

arrow in the quiver of the Council of the European Union).

Fieldfisher's Laurent Ruessmann believes that the apparent success, thus far, of sanctions in pushing Iran to negotiations over its nuclear weapon programme has 'convinced policymakers on both sides of the Atlantic of the efficacy of sanctions – and that's why they were reached for so quickly in the Ukraine situation. I would have been surprised had that been the response 15 years ago when the use of sanctions was still a relatively rare bird.' (And yet, he adds, both the EU and the U.S. maintain sanctions regimes that achieve little if any positive

With its maturing, so the practice area for lawyers comes to incorporate more strands: a lawyer undertaking sanctions-related work must wear the hats of compliance adviser, political counsellor, potential litigator, and to be prepared to liaise with policy-making institutions on behalf of industry – especially where there's a perceived injustice in the regulations. Indeed, says Baker & McKenzie partner Ross Denton, it is possible to put the rules 'on track' where they haven't been thought through: 'Last year, we were advising an association of oil and gas producers on an ISO standard that it was developing to increase safety in the oil industry.

Challenging times

While many firms are advising clients on internal compliance procedures, internal investigations, and whether or not to make disclosures, there's an area of practice that is quite possibly more active in the EU than it is in the U.S. – and that is the challenging of designations. Recent years have seen a rise in the number of cases where the EU General Court in Luxembourg has annulled the listings of, in particular, Iranian banks (such as Bank Mellat and Bank Saderat), often finding that the Commission had failed to provide sufficient evidence to stand the rigour

grayston & company

**Your legal hub for the EU
Export Control - Sanctions
Customs - Trade**

Tel.: + 32 2 737 13 60 Fax: + 32 2 791 92 71 info@graystoncompany.com
www.graystoncompany.com

of scrutiny. Typically, those victories are pyrrhic, the plaintiffs remaining reputationally-damaged, and often re-listed on new grounds.

Last year's extension of this phenomenon was the lodging of a number of challenges by companies and banks subject to the EU Russia sanctions – amongst them, Rosneft and



The office 'is busy 'doing a lot of work on issues such as force majeure and frustration. In fact, it's unprecedented in terms of volume.'

Chris Caulfield, Baker Botts

Gazprom Neft – though where the Iranian banks sought to annul their listings, the Russian applicants have sought to annul key elements of the restrictive measures. These include prohibitions on the provision of 'technical assistance, brokering services or other services related to goods and technology set out in paragraph 1 and to the provision, manufacture, maintenance and use of these goods and technology, directly or indirectly to any person, entity or body in, or for use in Russia,' and the ban on exports of technologies destined for deep water oil and Arctic oil exploration and production or shale oil projects in Russia.

There is some scepticism as to the value of such suits given that the measures are expressions of political will and thus not easily reversed by legal argument (Dechert's Miriam Gonzalez suggests that suits by designated parties 'have become pro forma'). But perhaps the next growth industry lies not in taking on the Commission, but in the myriad of disputes generated by disruption to business relations.

Chris Caulfield of the London office of Baker & Botts undertakes substantial volumes of work for oilfield servicing companies, typically registered 'in the UK, U.S., BVI or Netherlands', and exporting goods and services to Russia. He says, the office is busy 'doing a lot of work on issues such as *force majeure* and frustration. In fact, it's unprecedented in terms of volume.' And, he says, because the firm also has an office in Moscow they see, 'both sides of the story – there are some very complex issues at play.'

Latham's Charles Claypoole returns the same observation: 'We've just been contacted by a foreign subsidiary of a British company that needs to know the consequences of pulling out of a deal with a Russian partner. What's interesting in this scenario is the way that the legal regimes clash, the tension between the regulatory

requirements and the contractual requirement, and added to that, the layering of national laws. We've seen the situation, for example, where an EU affiliate is reluctant to do something because it's afraid of what OFAC will do, but is obliged to proceed under the law of, for example, a EU Member State.'

It looks likely that such multi-jurisdictional, quasi-political, quasi-legal questions will continue to tax the over-burdened minds of Europe's sanctions lawyers for some time to come. On 19 January, the EU Council on Foreign Affairs announced that there would only be a let-up in its

pressure on Russia 'if and when the Minsk commitments are implemented' – but, said Federica Mogherini, until then, there will be no change in 'relations'.

And as one of the lawyers we spoke to says he likes to observe, 'The trend seems to be is that sanctions have a long tail. And even as one situation is subsiding, another is brewing. It's good for practice – though of course, not for global commerce.'

Indeed, if the issue of Russia has pushed Iran out of the limelight, that's not to say, believes Konstantinos Adamantopoulos, that EU businesses have forgotten the existence of what was until recently an important if specialist market: 'Everyone wants to know what's going on. A lot of people are hopeful that these negotiations are going to yield results. I think the industry view is that we're approaching the end of the sanctions regime, and that we're at the stage of not if, but when,' he says. 'What the Russia experience has shown us is that sanctions can now take so many forms, that many different tools can be created to suit different purposes and objectives. EU businesses now know that they're always going to be having to factor them into their activities.'

Merchants in fish, figs and pigs, Aristophanes would be little surprised to discover, will continue to find cause to moan.



THE EXPORT CONTROL CHALLENGE

Export controls seldom seize the headlines in the way that sanctions do, and the rhythm of practice may be more measured. Nonetheless, there are drivers for change. Amongst these are the need for greater consistency in the way the rules are applied and the European Parliament's renewed interest in their human rights and security implications. Businesses, meanwhile, have come to realise that they ignore the commercial consequences of compliance at their peril.

In EU, just as in U.S., legal practice, export controls and sanctions frequently overlap – and indeed, the issues conflate. This is unsurprising given that they are tools designed with the same policy aims: regional and international security, addressing of foreign policy concerns, and non-proliferation.

But, as Miriam Gonzalez of Dechert pointed out in the preceding article on sanctions, each possesses its own rhythm: sanctions are intended (indeed, orchestrated) to catch their targets by surprise while export controls follow the pattern of more orthodox legal regimes, arrived at by negotiation and consultation, change

occurring gradually, reflecting the exigencies of the global situation, but seldom in 'real-time'.

That's not to say headaches don't attend upon the effort involved in staying up to speed. In the U.S., much ink and many tears have been shed on the process of 'reform' – the moving of some items from the USML to the CCL. In Europe the pain is around the multiplicity of ways in which EU Member States have implemented the EU regulations – in particular, the EU Dual-Use Regulation (428/2009) and the rules governing the control of exports of military technology and equipment.

In EU parlance, 'reform' is largely

understood as the need to iron out (to the extent that it is possible) the discrepancies that arise in practice. As the head of export controls at a household-name European company recently told *WorldECR*:

'I'd like to see alignment on export licensing requirements and application procedures, such as end-user statement requirements that help facilitate transactions where multiple border-crossings in a more complex supply chain are the reality for most companies'

It isn't that the Commission isn't aware of the need for progress. In 2013 DG Trade published a report on a consultation it conducted in 2011



opico bello

which ‘opens the way for the preparation of a Communication outlining a long-term vision for EU strategic export controls and which may announce concrete policy initiatives for their adaptation to rapidly changing technological, economic and political circumstances’.

While tortured wording scarcely hints at rapid change, there are signs of

for low-value shipments, something that was mooted in the current legislation, but it didn’t work. Another one could be for large projects.’

National differences such as those Vermeeren describes can be ‘bewildering’ for U.S. businesses navigating their way around Europe, says Sheppard Mullin’s Curtis Dombek. He advises where typically ‘there’s a

compliant in the EU is no comfort. Such overlap is merely an invitation to complacency!’

Having recently helped prepare, with colleagues, an export control compliance programme for a European company, Les Carnegie of the Washington, DC office of Latham & Watkins understands that all too well: ‘It’s been an interesting collaboration. The important thing is that when you’re formulating a global trade policy, it’s essential to differentiate. Such a global compliance programme has to be entirely respectful of EU and U.S. activities.’



‘A review of the National Export Authorisations would be useful – some of these could be implemented generally at the EU level into UGEAs, while new ones might include a permit for low-value shipments.’

Fabienne Vermeeren, White & Case

improvement, says Fabienne Vermeeren of the Brussels office of White & Case. She points out that one major gripe has already been addressed: in December, the EU updated Annex 1 to Regulation 428/2009 to reflect changes to the Wassenaar Arrangement list (the amount of time it had taken to do so had been a frequent source of grumbles from businesses disadvantaged vis-à-vis competitors in jurisdictions which update their regimes more swiftly).

Further, says Vermeeren, ‘In Council Conclusions published on 21 November, it was indicated that the Council would be favourable to moving to e-licensing.’ It is currently possible to apply for an export licence online in some, but not all countries. The development would still mean that companies would need to apply to the relevant national authority instead of at EU level (and exporting subsidiaries of a company in different EU Member States still face different procedures and processing times), and yet, says Vermeeren, ‘The mere fact that companies would be able to do this would be better than the present situation.’

Vermeeren adds that it’ll be hard to weed out all the anomalies that make each Member State regime so unique: ‘But there are some steps that would make things straightforward, like issuing more Union General Export Authorisations (‘UGEAs’). Also, a review of the National Export Authorisations would be useful – some of these could be implemented generally at the EU level into UGEAs, while new ones might include a permit

U.S. element, whether that’s the parent company of the client, or a supplier, or a customer. In that cross-border setting, invariably EAR, ITAR or sanctions issues enter the legal fabric. But it’s also essential to spot the EU issues,’ there being, he says, ‘a real dissonance between the U.S. and EU regimes that manifests itself in so many different ways.’

By way of example, he says, there are ‘so many U.S. licence exceptions that don’t exist in the European Union (notwithstanding various national exceptions). U.S. export control reform, he says, has created a whole set of new complexities: ‘Even before reform, the USML looked very little like the control list in the EU. Now with the need to unravel components and deciding what’s under the jurisdiction of the Department of Commerce 600 series, but still listed as a military item

Condition precedent

Export control issues – particularly in heavily controlled industry sectors – can make or break deals. Carnegie’s colleague Charles Claypoole describes recently advising a major European company where it was buying out a joint venture with a UK rival: ‘The deal required the transfer of military technology from the UK to other EU jurisdictions. There were a number of complex export control issues. One related to the security classification of technology which triggered requirements for government approval. Our task was to incorporate these elements into the structure of the transaction in a way that gave our client contractual leverage in the deal.’

And yet as in so many areas of compliance, the extent to which export controls have the potential to permeate the fabric of business life is still under-appreciated in the EU (that’s not to say that in the United States all those that should know, do know about, say, export controls and their application to



‘The important thing is that when you’re formulating a global trade policy, it’s essential to differentiate. Such a global compliance programme has to be entirely respectful of EU and U.S. activities.’

Les Carnegie, Latham & Watkins

in the EU, the challenges have greatly multiplied.

The significant degree of commonality that is shared between the two systems itself creates pitfalls, Dombek suggests: ‘The fact that if you comply with the U.S. rules 100 percent will make you will be 70 to 80 percent

the Cloud – nebulous even on that side of the Atlantic).

Fieldfisher’s Jochen Beck has been helping clients understand the often extremely technical repercussions of commercial imperatives and change: ‘Businesses aren’t always initially aware of the export control

implications of their activities,' says Beck. 'One issue we've seen come up has been companies wanting to move servers that store sensitive data abroad



'What could be useful would be a mechanism whereby one licence covers all back-and-forward data exchange for transfers between all Member States and safe countries...[perhaps] structured like a U.S. technical assistance agreement.'

Jochen Beck, Fieldfisher

(e.g. in the framework of an IT consolidation project). Companies will usually assess whether they require a licence to export sensitive data to that server, but the second question is sometimes forgotten: Do we also require a licence to re-export the data from the storage country? Looking, for example, at military information stored on a server in a EU Member State, the answer differs from Member State to Member State. While it might not be a problem to obtain the required licences, the applications, record-keeping and reporting requirements in several countries just for storing emails and data can create a huge (administrative) burden which would be aggravated if, for example, a third Member State comes into play as well. What could be useful would be a mechanism whereby one licence covers all back-and-forward data exchange for transfers between all Member States and safe countries. Such a licence could for instance be structured like a U.S. technical assistance agreement, a TAA.'

Northern exposure

Carolina Dackö of Vinge says she is probably only one of a few lawyers in Sweden for whom export controls/sanctions advice makes up a significant part of their practice. Typically, she says, she takes a holistic approach to the issue: 'Industrial clients usually want some assistance in understanding whether they have dual-use products in their inventories. That's quite a straightforward task for small companies. But for big companies of course it's more difficult. The most important part of my role is to advise on internal organisation, because it is everyone's responsibility, at the end of the day to ensure compliance. So, for example, if you're doing a lot of R&D, how do you ensure that you're thinking about these issues early on? It's a

learning curve – I'm helping companies to understand when the rules are triggered, and what to do when they are.'

Interestingly, says Dackö, export controls have become quite political in Sweden. There are in the EU no explicit rules comparable to the deemed export rules in the United States that would prevent the transfer of controlled technology to nationals of certain non-EU countries on EU soil. But Sweden boasts a large Iranian population, many of whom are pursuing their studies in the country's excellent universities. Controversy has arisen where university departments have banned Iranian students from certain courses – something that goes well



'The most important part of my role is to advise on internal organisation, because it is everyone's responsibility, at the end of the day to ensure compliance.'

Carolina Dackö, Vinge

against the grain of the non-discriminatory principles that are part of the bedrock of Swedish society. 'Here you're getting into deemed export territory,' says Dackö, 'It's an interesting development!'

At the European level too, the political element of export controls has been sharpened – not least by the role of the European Parliament which was given equal law-making powers with the EU Council in certain key areas (which exclude restrictive measures or sanctions) and thus must approve any amendments to the export control regime for it to move forward.

For businesses, the most noticeable impact of parliament's involvement is the possibility of delay (resulting from additional scrutiny) in the implementation of change – but also that the human rights considerations will now impact on what is and isn't

controlled. For example, there is a strong push being led by Dutch MEP Marietje Schaake for the EU to prohibit the export of 'information and communication technologies ('ICT') that can be used in connection with human rights violations as well as to undermine the EU's security, particularly for technologies used for mass-surveillance, monitoring, tracking, tracing and censoring, as well as for software vulnerabilities.' And while the Commission has included some categories of intrusion software in its recently published annex to the Dual-Use Regulation (reflecting the Wassenaar changes) it has also committed to a general review of measures it can take to 'catch' dangerous technologies as they emerge; this, possibly, might include the creation of its own, autonomous lists of controlled products independent of the multilateral regimes.

'I think it's quite clear,' says Gide partner Olivier Prost, 'that parliament is going to play a stronger role in the development of export controls.' Prost notes that toward the end of last year

the Commission sent to parliament for debate a proposal for a regulation that would in effect limit imports of conflict minerals, broadly mirroring s.1502 of the Dodd-Frank rule.

Be careful what you wish for

Can Europe cope with more rules? It's an interesting question. Many lawyers we've spoken to for this Focus would respond by saying that the EU's institutions – both in Brussels and in the Member States – might endeavour to endow themselves with greater (and much-needed) capacity before saddling themselves with regulations that neither they nor business possess the resource to administer.

And yet, as one lawyer, mindful of Europe's many ethical and security challenges, both domestic and foreign, says, 'The pressure to take a stand, to do something, is ever present.'



MEET THE LAWYERS

As the influence of export controls and sanctions reaches ever-increasing numbers of European businesses, *WorldECR* meets some of the EU's leading export controls/sanctions legal advisors.

Fieldfisher is a multinational law firm headquartered in London. Its EU International Trade and Regulatory practice, led by Laurent Ruessmann from the Brussels office, includes lawyers in Brussels, the UK and Germany. Also in Brussels, counsel Jochen Beck, is very well regarded.

The team advises clients from a wide range of industries – including, but not limited to, chemicals, metals, aerospace and defence, automobile and auto parts, insurance, publishing, software and IT, electronics and semi-conductors – on EU sanctions and export control matters, such as product classification, the application of catch-all controls, and controls over technology transfers, as well as

providing in-house compliance training for clients.

Ruessmann, himself, advises clients on aspects of the classification, export and intra-EU transfer of military and dual-use goods as well as technology transfers and end-use controls. In the sanctions area, he assists international companies in ensuring compliance with the EU sanctions regimes and represents parties in court challenges before the EU courts.

Jochen Beck has a particular focus on export controls, assisting international companies with technology transfers and end-use controls as well as with the classification of goods under the EU

and national military and dual-use lists, their export, and intra-EU transfer. He assists companies with implementing and maintaining internal compliance programmes, including the production of multi-jurisdictional compliance manuals, and in communications with authorities.

Examples of recent instructions for the firm include:

- Advising an international electronics company on various aspects of EU and German export control issues, concerning licence applications, internal compliance, sanctions and embargoes, etc.;
- Advising various international

companies on export control issues concerning data transfer and cloud computing;

- Advising a multinational with regard to the Russia embargo, assisting in dealing with authorities to obtain a 'no licence required' decision;
- Assisting a chemicals company concerning compliance with EU and Belgian export controls in the context of exports to Iran and Russia;
- Assisting a telecoms provider in ensuring compliance with the EU sanction regimes.

The EMEA International Trade Practice at **Baker & McKenzie LLP** is home to 24 partners and 27 associates, probably the largest practice of its kind. The team advises clients from industries that are 'typically most impacted by the introduction of new trade regulations', such as major industrial manufacturers, energy, IT, telecommunications and financial services companies, among others.

Recently, the team has:

- Advised two leading FTSE 100 international oil and gas companies on their compliance with EU, UK and U.S. sanctions in high-risk jurisdictions such as Iran and Libya;
- Advised a FTSE 100 chemicals company on all aspects of its compliance with EU, UK and U.S. export controls and sanctions, including risk assessment and product classification;
- Advised a leading global energy services company on creating, developing and implementing extensive global export control and sanctions compliance procedures, as well as assisting with a voluntary disclosure to HMRC;
- Advised an international consumer brand on EU and U.S. sanctions against Syria in relation to trademark licensing and distribution;
- Advised a global equipment supplier on EU sanctions against Myanmar;
- Advised UK defence manufacturers on export controls and sanctions

EU EXPORT CONTROLS AND SANCTIONS LAW FIRMS

Baker Botts LLP

Baker & McKenzie

Crowell & Moring LLP

Debevoise & Plimpton

Dechert LLP

Fieldfisher

Gide

Grayston & Company

Holman Fenwick Willan

Latham & Watkins

Sheppard Mullin

Sidley Austin LLP

Vinge

White & Case

This list does not purport to be exhaustive

issues, particularly in relation to high-risk jurisdictions;

- Advised a global bank on U.S. and EU sanctions risks associated with trade finance business;
- Advised a global leader in propulsion and energy on compliance with EU and U.S. sanctions against Iran, Belarus, Russia, Myanmar;
- Advised a global leader in law enforcement software on the scope of new Wassenaar controls on 'intrusion' software and their EU/U.S. implementation.

Key members of the team include Ross Denton, a partner in the London office, and Jasper Helder, based in Amsterdam.

Ross Denton routinely advises U.S. and Japanese multinationals on EU and UK international trade law issues. He has experience advising clients on various international compliance matters, including EU and UK public procurement, UK and EU export controls and sanctions, customs fraud and international regulation of smuggling.

With a focus on economic sanctions and EU export controls (dual-use and military products and technologies),

Jasper Helder advises a range of multinationals on EU and UN sanctions compliance for countries such as Iran, Myanmar, Syria and interaction with U.S. sanctions as well as assisting U.S. clients with their EU compliance. He works with clients on drafting and maintaining compliance programmes and conducts internal training as well as internal investigations. He represents clients before European national (customs, export and other) administrations and courts as well as before the EU Commission, its advisory committees and the European Court of Justice.

Other key members of the firm's EMEA International Trade Practice include Alex Bychkov, a partner in the Moscow office; Philippe Reich, partner, Zurich; and Sunny Mann, partner, London.

Holman Fenwick Willan is an international law firm headquartered in the United Kingdom, with further offices in Europe, the Middle East, Asia and South America. The export controls/sanctions practice is part of a larger Regulatory Department, and is overseen by five partners and seven associates: two partners and two associates based in Brussels; two partners and four associates are in London; and one partner and one associate based in Paris.

Konstantinos Adamantopoulos in the Brussels office is the firm's key contact, advising clients on EU sanctions and export controls and corporate M&A due diligence. He is a *Dikigoros*, qualified in Greece. He appears regularly before the EU Courts of Justice on related matters.

In London, Daniel Martin and Anthony Woolich advise on export controls, and EU and UK sanctions, respectively, as well as on customs and anti-corruption matters.

HFW advises clients from a wide range of industry sectors, including shipping, aviation/aeronautics; commodities; oil and gas, as well as extraction equipment and machinery; IT and telecommunications equipment; food and agricultural products; education materials; and



Olivier Prost,
Gide



Alexis Massot,
Gide



John Grayston,
Grayston & Company



Carolina Dackö,
Vinge

sports. Clients have included Hellenic Petroleum, UEFA and CF Sharp Shipping, Singapore.

Amongst recent instructions, the firm has been

- Advising a major oil refinery on Iran sanctions and payments for deliveries of crude oil;
- Advising a major shipping company on deliveries of gas to Syria;
- Advising a producer of detailed geographical and nautical maps on exports to Iran for education purposes;
- Advising a sports association on the application of EU sanctions to a football club in Belorussia;
- Representing a major shipping agency in EU court procedures against its inclusion on an EU sanctions list.

Crowell & Moring's International Trade Group operates from Washington, DC, Brussels, London, and California, and is home to four partners, two counsel, seven associates and three trade professionals.

In Brussels, Dr. Salomé Cissal de Ugarte, advises on export control of both dual-use and defence-related items, including intra-EU transfers of defence-related items, as well as on EU economic sanctions regimes as part of a wider trade law practice.

Splitting his time between Brussels and Washington, Jeff Snyder, Chair of the International Trade Group, is a well-known leader in the field. He develops approaches for multinationals to manage the impact of U.S. extraterritorial regulations, such as the sanctions administered by the Office of Foreign Assets Control and assists companies in day-to-day compliance

with these laws, and with interventions, such as audits and investigations, and civil enforcement proceedings.

In London, Alan Gourley has been representing clients in export controls and sanctions enforcement, licensing, and compliance matters for more than 30 years. He performed the audit mandated in The Boeing Company's 1998 settlement with the Directorate of Defense Trade Controls ('DDTC') related to the Sea Launch programme and defended Lockheed Martin in its 2000 settlement with DDTC over allegations related to interactions with a China rocket manufacturer for the AsiaSat satellite launch.

Instructions for the group, which counts General Motors and Alcoa among its clients, have included:

- Advising a global publisher with regard to various U.S. and EU export control and sanctions compliance issues, especially in light of the continued expansion of the U.S. and EU sanctions regimes targeting Iran and Russia/Ukraine;
- Performing a multi-site compliance review of an aerospace company, including all aspects of its export control compliance system from marketing of defence products, performing defence services, implementing licence limitations (provisos), controlling access to facilities, hiring of foreign nationals, denied party and other screening, and shipping and supplier management.
- Counselling a global auto parts manufacturer on the scope and application of U.S. and EU export controls and sanctions laws and regulations to numerous business dealings, including mergers and

acquisitions, existing and potential contracts with suppliers.

- Advising non-U.S. headquartered global financial institutions on the development of effective risk-based global sanctions and anti-money laundering compliance programmes, engaging with regulators where appropriate, and conducting innovative training for financial crimes compliance personnel.

The International Economic Sanctions & OFAC Compliance team at **Debevoise & Plimpton** includes members from the firm's offices in Washington, D.C., New York, London and Moscow. They advise clients on sanctions promulgated by the European Commission and implemented by EU Member States, and those administered by the United States Treasury's Office of Foreign Assets Control ('OFAC'). Clients come from a wide range of industry sectors, including energy and natural resources, healthcare, mining, pharmaceuticals, telecommunications and transport – the team is particularly well known for its sanctions practice serving financial institutions, where clients include American Express, CNA Financial and various private equity investment companies. Experience includes advising a major institution in a New York State Department of Financial Services enforcement action regarding sanctions compliance issues. Through its Moscow office, the firm advises clients on the impact of U.S. and European sanctions against Russia.

Key contacts in London are Matthew Getz and Jessica Gladstone; in Moscow, Alan Kartashkin; in



Jasper Helder,
Baker & McKenzie



Ross Denton,
Baker & McKenzie



Fabienne Vermeeren,
White & Case



James Killick,
White & Case

Washington, DC, Satish M. Kini; and in New York, Carl Micarelli.

International counsel, Matthew Getz advises clients in connection with EU and UK sanctions and money-laundering regulations, and EU and other data-protection regimes. He has represented both individuals and corporations under investigation by the Serious Fraud Office and has advised numerous clients on compliance with the FCPA and the UK Bribery Act.

Jessica Gladstone, international counsel, joined the firm in 2010 from the Foreign and Commonwealth Office, where she was a legal adviser. Her practice focuses on complex litigation, international commercial and investment arbitration, and public international law. *Chambers UK (2015)* notes her expertise in economic sanctions.

The team assists companies to develop new sanctions compliance programmes and enhance their existing compliance programmes. .

Global law firm **Sheppard Mullin** has five partners and nine associates specialising in export controls and sanctions across its Washington D.C., Brussels, Beijing, Seoul, Los Angeles, Palo Alto and San Diego offices. As part of the firm's Government Contracts, Investigations and International Trade Department, the team regularly advises clients on matters of export controls, Foreign Corrupt Practices Act ('FCPA'), anti-terrorism, economic sanctions, anti-boycott controls, and Customs.

Clients come from a wide range of industry sectors, including aerospace and defence, telecoms and satellites, computers and semiconductors,

software and encryption, cybersecurity, electronics, automotive, finance and banking, oil and gas, pharmaceuticals and chemicals, infrastructure and construction, entertainment and media and fashion and apparel. United Technologies, Abertis and Actavis are just a few of the companies who have sought representation with the firm in the past.

Recent instructions include:

- Obtaining U.S. State Department and CFIUS clearance for Irish, Danish and Italian investment in a new satellite based air navigation system;
- Obtaining U.S. State Department clearance for the sale of a satellite investment by a European investment company to a Chinese sovereign fund;
- Successfully defending a leading automotive manufacturer in one of the first verifications under the Korean Free Trade Agreement;
- Securing EU approval for the export of sensitive test equipment for a South Korean space programme;
- Successfully defending a European composites manufacturer against claims of unlawful ITAR exports.

Curtis Dombek, who splits his time between Brussels, where he is the office managing partner, and Los Angeles, was appointed in 2011 to the President's Export Council Subcommittee on Export Administration, working directly with the U.S. Commerce Department to formulate the regulations implementing U.S. export control reform, and, in 2012, to the Regulations and Procedures Technical Advisory Committee of the Commerce

Department, with responsibility for reviewing and advising the Department on export control regulations.

Vinge is Sweden's largest commercial law firm. The export control/sanctions practice sits in Corporate Risk & Compliance and is staffed by three lawyers from the firm's Gothenburg office.

The team advises clients on trade regulation matters, helping to identify risks associated with international trade and exports, reviewing export transactions in order to ensure compliance, preparing bespoke compliance programmes, assisting with their implementation and training, and providing advice in areas such as product classification matters and permit procedures.

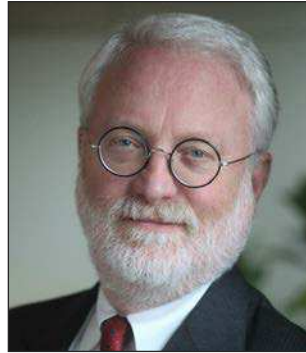
Carolina Dackö is the team's key contact. She practised in Brussels for ten years and has noteworthy experience in dealing with matters concerning the European Commission. She has expertise in both customs law and export controls, regularly advising clients on how to efficiently implement export control procedures and classify dual-use goods.

Instructions for the team, whose clients are found in the transport, automotive and machinery sectors among others, have included:

- Drawing up a suitable compliance programme for a large multinational, including implementation projects;
- Revising and implementing standard export control clauses in a wide variety of agreements for a well-known Swedish multinational;



Salomé Cignal de Ugarte,
Crowell & Moring



Alan Gourley,
Crowell & Moring



Les Carnegie,
Latham & Watkins



Charles Claypoole,
Latham & Watkins

- Advising on the possible sale of production equipment to a sanctioned country;
- Offering contacts and assistance in licensing procedures regarding particular products destined for Russia, including customs classification aspects.

Export controls and sanctions matters are dealt with at **Dechert LLP** by the International Trade and Government Affairs department. Partners Miriam Gonzalez and Jeremy Zucker lead the team, which includes seven other lawyers in London and Washington, DC, plus a number of former regulators, compliance officers and enforcement agents as well as trade negotiators and public affairs experts, which allow for a multidisciplinary approach that coordinates legal, strategic and public affairs advice to assist clients.

Clients of the international practice are drawn from a wide range of industry sectors, including, but not limited to, technology, banking and financial services, logistics, defence, telecommunications, financial information, software, energy, manufacturing, private equity and data protection and privacy.

In London, Miriam Gonzalez is a former European Commission official and Foreign Office adviser. She advises clients on trade policy, trade agreements, sanctions and embargoes, export controls, antidumping, foreign investment proceedings and EU internal market regulations and infringement proceedings.

Also in the London office, are Ana Gallo-Alvarez, a leading authority on European Union trade and government affairs and the Middle East, and

Matthew Rogers, formerly of the legal services departments at HM Treasury and the Bank of England. In Washington, DC, partner Jeremy Zucker is the key contact. Recent instructions for the firm include:

- Setting up all compliance policies for one of the main European companies specialised in the acquisition of manufacturing companies and handing a follow-up investigation for it in two jurisdictions;
- Advising one of the largest EU tourism service providers on sanctions compliance and leading an investigation for it in three jurisdictions;
- Advising an asset-management company on compliance with sanctions in relation to Libya and handling a parallel investigation for it in six jurisdictions;
- Advising one of the main European engineering companies on all its compliance policies and requests;
- Advising a major EU energy company on compliance with sanctions.

The International Trade Practice at **Sidley Austin LLP** is home to approximately 60 professionals distributed across each major office of the firm, working as a fully integrated team to provide global trade services. Brussels, Geneva, and Washington, D.C. are the key offices. Within the Brussels office, there are approximately 25 lawyers, of whom a dozen specialise in trade. As export controls and economic sanctions are one of the four core areas of the firm's trade practice, all of Sidley's trade lawyers are versed in such issues.

Recent instructions have included:

- Developing and implementing high-tech and complex compliance programmes across business units and subsidiaries of several multinationals. Significant clients include a major security systems company and an industrial group producing engineered products for global niche markets;
- Advising one of the world's largest building materials companies in an internal investigation focusing on export controls and economic sanctions compliance;
- Assisting one of the world's largest pharmaceutical companies in a wide range of economic sanctions work, including the successful application for certain licences enabling them to continue to do business.

Key contacts for export controls and sanctions matters in Brussels include Arnoud Willems, co-founder of Sidley Austin's Brussels office and Head of Sidley's EU Trade and Customs team, Sven De Knop, and Yohan Benizri

The team has real expertise in trade matters impacting a vast range of industries, from pharmaceuticals to metals and minerals, technology and manufacturing. It advises clients on EU and Member State export licensing, embargoes, sanctions, and enforcement initiatives; conducting due diligence on export and national security controls in M&A transactions; deploying and implementing global compliance programmes, including training programmes; advising on the classification of dual-use goods; counselling on the scope and enforcement of EU, U.S. and third-country embargoes and blocking



Chris Caulfield,
Baker Botts



Georg Berrisch,
Baker Botts



Miriam Gonzalez,
Dechert



Curtis Dombek,
Sheppard Mullin

statutes; supply-chain restructuring; internal investigations of possible export violations, preparing voluntary disclosures, and representing clients in penalty actions by government authorities.

Grayston & Company was established in 2007 by Englishman John Grayston, who has practised in Brussels for more than 20 years. The firm specialises in providing cost-effective advice on trade and regulatory issues to a wide range of EU and non-EU clients.

John Grayston heads a team of lawyers and other advisers who are qualified in numerous EU jurisdictions (including Italy, France, UK, Denmark, Spain and Germany). They advise on all matters relating to EU sanctions, and have experience of the regimes related to Russia, Iran, Syria, Belarus, Myanmar, Iraq, Zimbabwe and Ivory Coast, regularly working closely with in-house legal and compliance teams.

The firm offers:

- Guidance and counselling: to companies and individuals active in locations or regions subject to EU sanctions and restrictions;
- Representation for individuals and companies before national administrations in relation to compliance requirements including notification and exemption procedures and also voluntary disclosure procedures and representing companies and individuals who face information-gathering procedures or formal charges in relation to the national enforcement of EU sanctions or trade restrictions;
- Advice and representation to companies who wish to contest

decisions of the EU to list persons or entities. Such procedures include engaging with the EU Council to pursue administrative reviews of listing decisions and/or bringing proceedings before the European Courts of Justice.

The firm's lawyers have extensive experience advising on export control issues, including on classification and licence applications and on the application of EU dual-use controls and the way that they're implemented and applied by Member States. Key focal points are the relationship between EU and Member State national controls with those of third-country trading partners and export compliance issues arising out of the extraterritorial application of U.S. laws.

The team is active advising on

- Classification of items;
- Pre- and post-merger audit and re-organisation;
- Using EU General Export Authorisations;
- Applications for individual authorisations;
- Creation and implementation of internal compliance programmes; Voluntary disclosure procedures;
- Specific national listings of dual-use goods.

Latham & Watkins' Export Controls, Economic Sanctions and Customs practice includes 17 partners, four counsel and 21 associate across 14 offices in Europe and the U.S. Team members advise on issues arising out of trade and financial sanctions, export control laws, anti-boycott laws, anti-terrorism controls, customs and import regulations, foreign investment, anti-

money laundering regimes, FCPA and the UK Bribery Act. They frequently advise international businesses faced with multi-jurisdictional compliance challenges and on potential conflicts between OFAC sanctions, competing legal obligations and EU or national anti-boycott rules.

Clients come from a wide range of industries, including, but not limited to, aerospace and defence, banking and finance, energy, high technology, pharmaceuticals, consumer products, manufacturing and consulting services.

In London, counsel Charles Claypoole advises on a wide range of international trade, international investment, public international law and dispute resolution matters. He has extensive experience advising on UN, EU and UK sanctions, as well as EU and UK export control law. Charles is familiar with all EU sanctions regimes currently in force, and has recently been busy advising companies and financial institutions on the scope and impact of the sanctions imposed by the EU on Russia. He is frequently asked to assist on due diligence in respect of sanctions and export control compliance in the context of financing transactions and corporate acquisitions.

In Washington, Les Carnegie is co-head of the firm's Export Controls, Economic Sanctions & Customs Practice. He advises on a wide variety of international trade and national security matters, focusing on legal, policy and enforcement issues arising under U.S. export controls, trade and economic sanctions, antiboycott restrictions, national security reviews of foreign investments in the United States, compliance with the Foreign Corrupt Practices Act ('FCPA'), and leading complex internal investigations



Matthew Getz,
Debevoise & Plimpton



Jessica Gladstone,
Debevoise & Plimpton



Konstantinos Adamatopoulos,
Holman Fenwick Willan



Daniel Martin,
Holman Fenwick Willan

and preparing disclosures to the U.S. government.

William (Bill) McGlone, also in Washington, is co-head of the practice. He focuses on legal, policy and enforcement issues arising under United States control laws, trade and economic sanctions, and other laws governing cross-border transactions, including the FCPA.

The export controls/sanctions practice of **Gide** sits mainly within the International Trade practice group, which is based in Brussels. The financial sanctions team, which comprises four partners and three senior associates, two of whom are former in-house counsel at the French Treasury, works closely with the Banking and Finance practice group in Paris and London. The firm's Washington, DC office is the point of contact for export controls and financial sanctions matters in the U.S.

Key contacts in Brussels include Olivier Prost, Benoit Le Bret and Alexis Massot. They offer assistance on a wide range of export controls and sanctions matters, drafting legal opinions on the interpretation and application of EU sanctions; liaising with national authorities to obtain individual and global licences; assisting in the design and implementation of corporate compliance programmes; conducting due diligence of export control risks in the context of mergers and acquisitions; advising on criminal sanctions; advising on data transfers and cryptology; and monitoring the adoption and evolution of trade and financial sanctions in Brussels and the case law of the European Court of Justice and UK courts.

Industry sector expertise is wide.

The team advises a wide range of dual-use manufacturers; private banks and multilateral financial institutions; shipping companies; air transport companies and aircraft and aeronautic equipment manufacturers; pharma; software and high-tech companies; and chemical and materials companies.

Recent instructions include:

- Advising a consortium of banks on the refinancing of a European subsidiary in Syria;
- Advising a U.S. entity in the due diligence of a prospective acquisition in France;
- Advising a French bank in the performance of a contract with an Eastern European Eximbank in relation to a deal in North Africa;
- Advising a French exporter of agro-food products in the preparation of a deal in Iran;
- Advising a European aircraft maintenance company in the performance of a deal in Myanmar;
- Advising a shipping company in the performance of a contract involving trade with Iran; and
- Advising a Chamber of Commerce in the application of sanctions to the notification of arbitral awards.

Partners Georg Berrisch in Brussels and Chris Caulfield in London lead the European Trade Sanctions and Export Control department of **Baker Botts**. The team also includes five associates – Brian Byrne, Simina Suciuc and Elena Cortes in Brussels, and Kiran Unni and Laurie Frey in London. The firm's U.S. team, with which Europe works closely, is around twice this size.

The team is experienced in working with clients in energy/natural resources (particularly oil and gas),

banking and finance, civil aviation, technology, engineering, chemicals, and pharmaceuticals, having represented leading energy, banking and aviation corporates in Russia, as well as leading European chemical companies.

Georg Berrisch advises on a wide range of trade matters, including export control of dual-use items and the operation of the EU's economic sanctions against Russia, Iran, Syria and other countries.

Chris Caulfield has practised for nearly a decade in the fields of economic sanctions and export control. He advises clients in relation to the requirements of UK and EU law and also has experience in designing compliance programmes and handling self-disclosures to the UK authorities.

The team is currently advising Russia's largest state-owned oil company and one of the four largest state-owned banks in Russia on the scope and effect of EU sanctions on relevant transactions.

Other recent instructions include:

- Advising a large Russian state-owned oil company on the content and scope of EU sanctions, including assessing the impact of *force majeure* clauses and the English law doctrine of frustration on a number of highly complex affected joint venture projects and providing a daily report (including weekends) in relation to all developments regarding EU sanctions;
- Advising Russia's largest airline on the content and scope of EU sanctions, including analysing the impact of EU sanctions on a number of complex aircraft sale and leasing transactions, and assessing



Laurent Ruessmann,
Fieldfisher



Jochen Beck,
Fieldfisher



Arnoud Willems,
Sidley Austin



Yohan Benizri,
Sidley Austin

the impact of *force majeure* clauses and the English law doctrine of frustration on affected contracts;

- Advising a U.S. multinational corporation – one of the world’s largest oilfield services companies – on EU sanctions against Russia and export control regulations, including carrying out detailed risk assessments and providing detailed legal opinions in relation to proposed commercial acquisitions in connection with Russia or Russian entities;
- Advising a U.S. multinational corporation that designs, manufactures and sells drilling and production hardware and a wide variety of capital rig equipment for use by oil and gas companies on the impact of EU sanctions and export control regulations in relation to a number of existing and proposed international commercial transactions, and drafting necessary contractual provisions to reflect the relevant impact of sanctions; and
- Advising a major European chemicals company on the design and implementation of a comprehensive internal training and compliance programme for EU and U.S. sanctions and export controls and advising the client on numerous ad-hoc questions on the operation of the EU sanctions against Russia, Iran, and other countries as well as on matters relating to the EU Dual-Use Regulation.

Global law firm **White & Case**’s export controls and sanctions practice is part of the firm’s International Trade Group. The firm has an interdisciplinary, full-service global trade practice with more than 60 lawyers and trade professionals

operating in ten offices in North America, Europe and Asia.

The export controls/sanctions team is headed by three partners in Brussels and Washington, DC plus three counsel, five associates, and the Regional Director Europe – International Trade Services. In addition, the team is supported by three partners and two counsel in Paris, Warsaw, Berlin and Prague.

Clients of the team come from a wide range of industries, including oil and gas; financial services; chemicals, pharmaceuticals and biotechnology;; aircraft industry and avionics; aerospace; electronics; fabricated metals; advanced semiconductors/semiconductor design and manufacturing process technology; high-performance computers; encryption software and products and cloud computing; telecommunications, commercial communications satellites and related hardware and technology; fibre optics; and defence industries.

Key members of the team based in the Brussels office are James Killick, Fabienne Vermeeren and Sara Nordin.

Recent instructions have seen the team

- Advise a number of major companies (in the banking and financial sectors, oil & gas, transport, amongst others) on compliance with EU and U.S. sanctions on Russia and Iran;
- Advise on compliance programmes for a multinational EU-based company with a worldwide distribution network in relation to issues involving possible supply of products to Iran through non-EU distributors, etc;
- Prepare U.S. and EU sanctions and export controls compliance

programmes and procedures for a global producer of steel products;

- Develop procedures for complying with U.S. export control laws and regulations for a non-U.S. company that develops commercial encryption products;
- Advise a number of major companies on how the EU and U.S. Russia sanctions might affect their ongoing projects across a range of sectors;
- Advise on potential sanctions or dual-use related obligations arising from supply of products to countries such as Iran and Syria;
- Filing and obtaining export licences in three Member States in an R&D project also involving U.S. and Asian jurisdictions;
- Advise a major German chemical and pharmaceutical company on export control and embargo issues related to the outsourcing of IT services to a non-EU country;
- Conduct an in-depth due diligence check on compliance under EU and U.S. sanctions of a target company with an export control infringement record related to exports to Iran;
- Provide in-depth due diligence on compliance with the EU Iran sanctions regime (including fund transfer notification obligations) of a UK-owned target company involved in dealings with the Iranian oil and gas sector;
- Carry out in-depth due diligence check on compliance with U.S. sanctions and export controls of a non-U.S. pharmaceutical company with exports to Iran; and
- Provide U.S. sanctions compliance advice to non-U.S. company regarding possible meetings in Iran to discuss potential future business in Iran.

Baker Botts LLP

Baker Botts LLP has 700 lawyers and an international network of 15 offices. It is a leader in the energy, technology and life sciences sectors.

Our EU Trade Sanctions and Export Control practice is based in Brussels and London. We advise clients on all aspects of economic sanctions and export controls, including international dual-use controls. Our team of EU lawyers are specialist in EU law and the national laws of a number of EU Member States, essential when advising on the interpretation and enforcement of EU regulations.

We advise leading companies from a wide range of industries and business sectors, including energy/natural resources (particularly oil and gas), banking and finance, civil aviation, technology, engineering, chemicals and pharmaceuticals, along with global financial institutions. We provide practical advice. We break down complex questions into manageable issues. We help companies to understand and navigate complex laws.

Matters handled by our multi-jurisdictional trade sanctions and export controls team in 2014 have included: advising a large Russian state-owned oil company on the content and scope of EU sanctions, including assessing the impact of *force majeure* clauses and the English law doctrine of frustration on a number of highly complex affected joint venture projects; advising one of the largest state-owned banks in Russia on the impact of EU sanctions on a number of complex financing transactions involving the use of structured products, guarantees and/or documentary credit; advising Russia's largest airline on the impact of EU sanctions on a number of complex aircraft sale and leasing transactions; and advising a U.S. multinational corporation, one of the world's largest oil field services companies, on EU sanctions and export control regulations, carrying out detailed risk assessments in relation to proposed commercial acquisitions in connection with Russia.

Our services from Brussels and London include:

- advice on EU sanctions and international trade controls
- advice on licensing requirements and applications
- assessing the impact of *force majeure* clauses and the English law doctrine of frustration on contracts affected by sanctions
- advice on the impact of economic sanctions on complex commercial and financing transactions involving the use of structured products, guarantees and/or documentary credit
- detailed risk assessments in relation to proposed commercial acquisitions affected by sanctions and/or export controls
- drafting contractual provisions to reflect the relevant impact of economic sanctions and export controls

41 Lothbury
London EC2R 7HF
United Kingdom
Phone: +44 (0) 20 7726 3636
Fax: +44 (0) 20 7726 3637

**Trade Sanctions and
Export Control contact:**
Chris Caulfield
chris.caulfield@bakerbotts.com

Square de Meeûs 23 - Box 11
B-1000 Brussels
Belgium
Phone: +32 (0) 2 891 7300
Fax: +32 (0) 2 891 7400

**Trade Sanctions and
Export Control contact:**
Georg Berrisch
georg.berrisch@bakerbotts.com

www.bakerbotts.com

BAKER BOTTS 

Baker & McKenzie

Market leading International Trade practice

Baker & McKenzie covers the core areas of International Trade, such as export controls and sanctions, encryption issues, customs compliance, anti-bribery and anti-corruption, as well as offering significant expertise in relation to WTO rules and Free Trade Agreements. Our market-leading team is widely recognised by leading multinationals and regulatory authorities as the leading advisers for international trade work. We are increasingly appointed by clients, who are renowned for having very strong in-house teams, to assist with high-profile export controls, sanctions and anti-bribery matters.

Unsurpassed global coverage

Our global coverage and structural integration is unmatched. We offer a 200-plus team of International Trade specialists who are strategically situated across more than 40 markets, including most of the world's key financial and policy centres such as Washington DC, London, Amsterdam, Frankfurt, Stockholm, Barcelona, Sao Paulo, Mexico City, Hong Kong, Singapore, Beijing and Sydney.

Multinational clients appoint us because of our unsurpassed ability to resolve multi-jurisdictional trade matters involving U.S., EU and other national regulatory regimes and authorities such as, for example, Germany, UK, China and Australia.

Industry focus

Our practitioners have a particular focus on industries that are most impacted by the introduction of new trade regulations, including major industrial manufacturers, energy, IT, telecommunications and financial services companies. We have a vast amount of experience advising many multinationals within the *Fortune 100* and *FTSE 100* communities.

Global thought leadership

Our annual International Trade conferences in London, Amsterdam and Santa Clara are among the largest and best-attended trade seminars in the world. Clients also hail our regular globe trade webinars as an integral component of their trade compliance training.

Keep ahead of the curve on the latest economic and trade sanctions developments – visit the Baker & McKenzie Sanctions Blog: www.bakermckenzie.com/sanctionsnews

Regional contacts:

EMEA

Ross Denton, London
Ross.Denton@bakermckenzie.com

Jasper Helder, Amsterdam
Jasper.Helder@bakermckenzie.com

Sunny Mann, London
Sunny.Mann@bakermckenzie.com

Asia Pacific

Eugene Lim, Singapore
Eugene.Lim@bakermckenzie.com

William Marshall, Hong Kong
William.Marshall@bakermckenzie.com

Anne Petterd, Sydney
Anne.Petterd@bakermckenzie.com

North America

Nicholas Coward, Washington DC
Nicholas.Coward@bakermckenzie.com

Janet Kim, Washington DC
Janet.k.Kim@bakermckenzie.com

John F. McKenzie, San Francisco
John.McKenzie@bakermckenzie.com

Bart McMillan, Chicago
Bart.McMillan@bakermckenzie.com

Latin America

Jose Hoyos-Robles, Mexico City
Jose.Hoyos-Robles@bakermckenzie.com

Alessandra Machado, Sao Paulo
Alessandra.Machado@trenchrossi.com

Manuel Padron, Juarez
Manuel.Padron@bakermckenzie.com

www.bakermckenzie.com

TRADE AND CUSTOMS
BAND 1 RANKING
2014 LEGAL 500 UK

INTERNATIONAL TRADE
TEAM OF THE YEAR
2014 LEGAL 500 US

BAKER & MCKENZIE

Crowell & Moring LLP

Crowell & Moring LLP is an international law firm with more than 500 lawyers in offices in the U.S., the EU and the Middle East. Our International Trade Group includes 30 practitioners, located primarily in Brussels and Washington, D.C., who advise clients ranging from local SMEs to the world's largest multinationals on all aspects of international trade, customs, and regulatory laws.

Our core practice areas are WTO law, trade remedy procedures and litigation, customs, export controls and sanctions, anti-corruption/anti-bribery, investment and market access rules, anti-fraud investigations, preferential trade agreements, duty recovery, and dispute settlement. Our clients are active in a wide range of industries, including aerospace and defence; financial services; automotive; semiconductor; construction; aluminium, iron and steel; consumer products; agriculture and food products; sports and leisure; chemicals; and pharmaceuticals.

The Group brings its experience in numerous industries to bear in crafting practical solutions for businesses involved in international transactions and technology transfer. The team provides clients with a range of services from licence applications and training programmes to responding to government investigations and counselling on difficult commodity jurisdiction or regulatory compliance issues, and financial institutions and designated non-financial businesses and professionals on how to successfully navigate anti-money laundering laws and regulations. Our U.S. and Brussels teams are consistently ranked among the world's leading practitioners by *Chambers USA* and *Chambers Global*.

Our services include:

- Advising on licensing requirements and preparing licence and agreement applications
- Internal investigations and assisting with voluntary disclosures
- Performing compliance audits
- Designing and implementing compliance programmes
- Performing jurisdictional assessments and preparing requests for commodity jurisdiction determinations
- Assisting in self-classification of products and preparing requests for commodity classification requests
- Performing export control/sanctions/anti-money laundering/anti-corruption/import due diligence reviews related to proposed mergers and acquisitions
- Representation in civil and criminal enforcement proceedings
- Training on export controls, anti-money laundering, sanctions, anti-corruption/anti-bribery, import procedures and requirements

**7, Rue Joseph Stevens
Brussels, B - 1000
Belgium
Phone: +32 (2) 282 4082
Fax: +44 (0) 20 230 6399**

International Trade Contacts:

Dr. Salomé Cignal de Ugarte
Phone. +32 (2) 282 2837
scignaldeugarte@crowell.com

Alan Gourley
Phone. +44 (0) 20 7413 1342
Phone. +1 202 624 2561
agourley@crowell.com

Jeffrey Snyder
Phone. +32 (2) 214 2834
Phone. +1 202 624 2790
jsnyder@crowell.com

www.crowell.com

crowell  **moring**

Debevoise & Plimpton LLP

Debevoise routinely counsels companies throughout the world on compliance with U.S. and European sanctions laws, ensuring clients remain compliant in individual transactions as well as in the ongoing running of their businesses. This includes advising on sanctions promulgated by the European Commission and implemented by EU Member States, and those administered by the United States Treasury's Office of Foreign Assets Control (OFAC).

Debevoise lawyers have extensive experience ranging from providing advice and training on how to implement worldwide robust sanctions compliance regimes to addressing real-world compliance issues arising from corporate transactions and banking relationships, and conducting sanctions investigations.

Through its leading internal investigations practice, Debevoise has also come to the assistance of banks, insurers and other companies that have uncovered compliance problems or have come under scrutiny by the Treasury Department's Office of Foreign Assets Control (OFAC).

Sanctions remain one of the fastest evolving areas of compliance for multinational businesses, with the scope of regimes often rapidly changing with little prior notice. Debevoise has become a thought-leader in sanctions through regular article writing, speaking engagements, and its *Sanctions Bulletin* – a publication that provides sanctions news and analysis for nearly 8,000 organisations worldwide.

The firm has leveraged the knowledge and experience of its lawyers across offices in Washington, D.C., New York, London and Moscow to create a seamless global sanctions practice, which enables it to rapidly and comprehensively assist clients facing U.S. and European sanctions regimes that can impact different facets of a contemplated transaction or an ongoing business.

65 Gresham Street
London
EC2V 7NQ

Sanctions contacts: Europe and Russia

Matthew Getz
mgetz@debevoise.com

Jessica Gladstone
jgladstone@debevoise.com

Alan Kartashkin
akartashkin@debevoise.com

Sanctions contacts: U.S.

Satish M. Kini
smkini@debevoise.com

Carl Micarelli
cmicarelli@debevoise.com

www.debevoise.com

**Debevoise
& Plimpton**

Dechert LLP

Dechert is a global specialist law firm focused on sectors with the greatest complexities, legal intricacies and highest regulatory demands. We advise on a comprehensive range of international trade matters arising before national governments, regional bodies and multinational entities.

Economic sanctions and trade embargoes

Clients turn to us for advice regarding the scope, interpretation, application and jurisdictional nuances of the rules as well as the discretion exercised by enforcement authorities on both sides of the Atlantic. In particular, we have a strong reputation on conducting sanctions investigations.

Export controls

We counsel clients regarding the requirements applicable to 'dual-use' items, defence-related items, and so-called 'end-use' or 'catch-all' controls. Our keen commercial judgement allows us to assist in the development of operational 'day-to-day' internal procedures that are tailored to a company's structure, resources, business objectives and exposure to export-related risks.

EU internal market

We advise clients on the application of EU internal market rules, including the differences on the implementation of such rules in each EU Member State.

**160 Queen Victoria Street
London EC4V 4QQ
United Kingdom
Phone. +44 (0) 20 7184 7000
Fax. +44 20 7184 7001**

Export controls contact:

Miriam Gonzalez
Phone. +44 (0) 20 7184 7892
miriam.gonzalez@dechert.com

**1900 K Street, NW
Washington, DC 20006
USA**

**Phone. +1 202 261 3300
Fax. +1 202 261 3333**

Export controls contact:

Jeremy B. Zucker
Phone. +1 202 261 3322
jeremy.zucker@dechert.com

**[www.dechert.com/
international_trade](http://www.dechert.com/international_trade)**

Dechert
LLP

Fieldfisher

Since its foundation in 2007, Fieldfisher Brussels has built up a recognised EU International Trade and Regulatory practice. With five partners and eight associates, the EU International Trade and Regulatory Group is one of the largest teams in this field in Brussels, and a recognised market leader. It stands at the vanguard of legal and scientific development and enjoys an enviable reputation as a formidable and dedicated team.

The Group's core practice focus is on export controls and economic sanctions, and related topics such as customs, product safety, and chemicals, as well as international trade (anti-dumping, anti-subsidy and safeguards) and investment, market access rules, data privacy, anti-fraud investigations, preferential trade agreements, dispute settlement, food and cosmetics, life sciences and environmental matters.

In the area of export controls and sanctions, the EU International Trade and Regulatory Group helps companies ensure compliance with the respective regulations of the EU and Member States (such as the UK, Germany and Belgium). For example, the Group provides (multi-jurisdictional) classification advice in relation to products and technology; it advises on the interpretation and application of export and end-use controls in relation to physical exports, intra-EU transfers and technology transfers; and it advises on the increasingly complex EU sanctions regimes, such as those against Russia, Iran and Syria. The Group further assists multinational companies in the establishment, implementation and maintenance of internal compliance programmes under EU laws, and in communications with authorities and in challenges before the EU courts.

Fieldfisher's EU International Trade and Regulatory Group has worked with clients in a variety of industries, including aerospace, defence, agriculture and food products, automotive, chemicals and pharmaceutical products, ferrous and non-ferrous metals, semiconductors, computers and accessories and other electronic equipment, consumer products, textiles and nonwovens, construction and renewable energy products, other durable goods and equipment, oil and gas, publishing, aviation, banking, insurance and financial services, and other service sectors.

Boulevard Louis Schmidt 29
1040 Brussels
Belgium
Phone. +32 (2) 742 7000

Export controls contacts:

Laurent Ruessmann
Phone. +32 (2) 742 7061
laurent.ruessmann@fieldfisher.com

Dr Jochen Beck
Phone. +32 (2) 742 7043
jochen.beck@fieldfisher.com

Offices

Brussels
Düsseldorf
Hamburg
London
Manchester
Munich
Palo Alto
Paris
Shanghai

www.fieldfisher.com

The logo for Fieldfisher, featuring the word "fieldfisher" in a lowercase, sans-serif font. The "field" part is in a dark purple color, and the "fisher" part is in a blue color.

Holman Fenwick Willan LLP

Holman Fenwick Willan LLP ('HFW') is an international law firm advising businesses engaged in all aspects of international commerce. With offices in South America, Europe, the Middle East, and the Asia Pacific region, the firm has built a reputation worldwide for excellence and innovation and focuses on a limited number of core sectors.

The Brussels office opened in January 2008, and provides a platform for the development of HFW's antitrust, EU and WTO trade law capabilities. Two partners, Konstantinos Adamantopoulos and Folkert Graafsma, advise on a number of issues before the WTO and the European courts.

HFW's International Trade Practice advises clients on, and resolves issues related to, the impact of regulations mandated by the European Union and World Trade Organization. Our primary objective is to help clients overcome commercial obstacles related to market access and import and export-related difficulties that result from government intervention and market regulations worldwide.

International trade is a major focus of HFW, and we are committed to developing this team into one of the world's leaders. We are particularly well-known for:

- Export controls and customs matters: our services to clients include counselling on EU, WTO Member State, and non-WTO countries' export controls, anti-boycott regulations, embargoes, and sanctions regimes, as well as compliance with related legislation.

Examples of this advice have included matters such as: i) export and re-export of sophisticated or other 'special' products, services and technology, such as exports of certain dual-use products and services (military and non-military) to 'sensitive' or otherwise targeted countries and regions; and ii) international trade sanctions (e.g. in relation to Iran and Syria).

- Trade defence and WTO: HFW's International Trade Remedies Practice helps clients successfully defend against anti-dumping, anti-subsidy, safeguard and trade sanctions proceedings, access new export markets, overcome foreign investment restrictions and eliminate illegal foreign tariffs and discriminatory regulations. We also regularly represent clients before the European Courts in Luxembourg on trade defence cases.

HFW also has direct experience in representing governments in trade disputes before the WTO's Dispute Settlement Body, and regional conflict resolution organisations.

Blue Tower
Avenue Louise 326
1050 Brussels
Belgium
Tel. +32 (0)2 643 3400
Fax +32 (0)2 643 3488

Export controls contact:

Konstantinos Adamantopoulos
konstantinos.adamantopoulos@hfw.com

Folkert.Graafsma
folkert.graafsma@hfw.com

Offices

London
Paris
Rouen
Brussels
Geneva
Piraeus
Dubai
Shanghai
Hong Kong
Singapore
Melbourne
Sydney
Perth
Sao Paulo

www.hfw.com

holman fenwick willan 

Latham & Watkins

Latham & Watkins' Export Controls & Economic Sanctions Practice advises global companies and financial institutions whose international trade, investment and technology transfer activities may be controlled for national security, foreign policy, anti-terrorism or non-proliferation reasons. We represent and advise companies around the world on issues arising under:

- Trade and financial sanctions
- Export control laws
- Anti-boycott laws
- Anti-terrorism controls
- Customs and import regulations
- Foreign investment
- Anti-money laundering regimes
- Foreign Corrupt Practices Act (FCPA)
- UK Bribery Act

Latham's global team provides comprehensive expertise in connection with compliance and enforcement issues and investigations into alleged misconduct under various legal regimes, including the growing body of rules governing international trade, investment and business practices. We also carry out multi-jurisdictional internal investigations in connection with cross-border business activities involving potential violations of sanctions, export and re-export control laws, as well as anti-corruption laws.

Latham has specialised export controls and economic sanctions lawyers based in the EU and U.S. who collaborate closely in advising on export control laws and sanctions put in place by the UN Security Council, the United States, the European Union as well as EU Member States, in particular the UK, France and Germany. In that context, we frequently advise international businesses faced with multijurisdictional compliance challenges and on potential conflicts between OFAC sanctions, competing legal obligations and EU or national anti-boycott rules.

Lawyers in the Export Controls & Economic Sanctions Practice have extensive experience handling complex legal, policy and compliance issues arising under these legal regimes. The team has conducted on-site compliance reviews around the world, and has designed, implemented, reviewed and improved compliance programmes. We also have expertise in counselling, due diligence, licensing, internal investigations, voluntary disclosures, and administrative and criminal enforcement actions. Most of our clients are multinational companies in a range of industries, including aerospace and defence, banking and finance, energy, high technology, pharmaceuticals, consumer products, manufacturing and consulting services.

**555 Eleventh Street, NW
Suite 1000
Washington, D.C. 20004-1304
USA
Phone. +1 202 637 2200
Fax +1 202 637 2201**

Export controls and sanctions contacts:

William McGlone
Phone. +1 202 637 2202
william.mcglone@lw.com

Les Carnegie
Phone. +1 202 637 1096
les.carnegie@lw.com

**99 Bishopsgate
London EC2M 3XF
United Kingdom
Phone: +44 (0) 20 7710 1000
Fax: +44 (0) 20 7374 4460**

Export controls and sanctions contact:

Charles Claypoole
Phone. +44 (0) 20 7710 1178
charles.claypoole@lw.com

www.lw.com

LATHAM
LATHAM & WATKINS

Sheppard Mullin

Sheppard Mullin is a leading global firm of 650 lawyers. Our ability to serve the legal needs of the world's most dynamic companies is supported by a truly diverse practice, which includes specific expertise in: aerospace and defence, government contracts, export controls, economic sanctions, anti-corruption, Customs and trade regulatory, competition, commercial litigation and arbitration, cross-border mergers and acquisitions, telecommunications and intellectual property in addition to internationally recognised practices in labour and employment, white-collar defence, real estate, finance, bankruptcy, pharmaceuticals and health care.

Curtis Dombek, Managing Partner of the Brussels office, was appointed in 2011 to the President's Export Council Subcommittee on Export Administration and has worked directly with the U.S. Commerce Department to formulate the regulations implementing the U.S. Export Control Reform. Sheppard Mullin Brussels thus has unique insight into these new regulations which are of major importance to the EU aerospace and defence industry.

We number many *Fortune 100* multinationals among our clients and have deep trade regulatory experience in complex matters of cross-border jurisdiction, re-exports, the indirect effect of U.S. economic sanctions as well as Wassenaar and EU controls.

Our trade regulatory lawyers have:

- Obtained U.S. State Department and CFIUS clearance for European investment in a new satellite-based air navigation system
- Obtained U.S. State Department clearance for the sale of a satellite investment by a European investment company to a Chinese sovereign fund
- Successfully defended a leading automotive manufacturer in one of the first verifications under the Korean Free Trade Agreement
- Secured EU approval for the export of sensitive test equipment for a South Korean space programme
- Successfully defended a European composites manufacturer against claims of unlawful ITAR exports
- Successfully defended a UK-based multinational professional services firm in a U.S. sanctions investigation
- Defended a European manufacturer in one of the largest U.S. government antiboycott investigations ever conducted
- Defended a U.S. high-tech manufacturer in high-profile export enforcement proceedings leading to dismissal of criminal charges
- Counseled one of the world's largest offshore drilling companies on international financial, contractual, management and staffing issues related to compliance with U.S. sanctions

Avenue Louise 235
1050 Brussels
Belgium
Phone. +32 (0) 2 647 0934

Export controls contact:

Curtis Dombek, Partner
 Phone. +32 (0)472 107 409
 cdombek@sheppardmullin.com

Offices

Los Angeles
 San Francisco
 Palo Alto
 San Diego
 Washington, D.C.
 New York
 Chicago
 Brussels
 London
 Beijing
 Shanghai
 Seoul

www.sheppardmullin.com

SheppardMullin

Sidley Austin LLP

Sidley is a leader in helping companies navigate the complex, overlapping and ever-changing export control and sanctions regimes in force across the globe. Our highly experienced export controls and economic sanctions team draws on extensive private sector and government experience and helps clients understand and shape export control laws, develop and implement compliance programs, conduct internal investigations and defend against civil and criminal enforcement actions.

COMPLIANCE • SUPPLY CHAIN RESTRUCTURING
FINANCIAL TRANSFERS • TROUBLE SHOOTING

‘Number one in this field’
The Legal 500 EMEA, Belgium 2014

Ten-time Winner
Global Trade & Customs Law Firm of the Year
Who’s Who Legal Awards 2005-2014

International Trade Group of the Year
‘Sidley Austin has earned an enviable reputation for success in trade matters – and a worldwide stable of governments and big-name corporate clients who rely on the firm when the stakes couldn’t be higher.’
Law360 2014

Law Firm of the Year – International Trade
and Finance Law
U.S.News – Best Lawyers ® 2015

Sidley Austin LLP is a premier international law firm with a practice highly attuned to the ever-changing international landscape. The firm has built a reputation for being an adviser to global businesses with 1,900 lawyers in 18 offices worldwide. Sidley maintains a commitment to providing quality legal services and to offering advice in litigation, transactional and regulatory matters spanning virtually every area of law.

TALENT. TEAMWORK. RESULTS.

Attorney Advertising - For purposes of compliance with New York State Bar rules, our headquarters are Sidley Austin LLP, 787 Seventh Avenue, New York, NY 10019, 212.839.5300; One South Dearborn, Chicago, IL 60603, 312.853.7000; and 1501 K Street, N.W., Washington, D.C. 20005, 202.736.8000. Sidley Austin refers to Sidley Austin LLP and affiliated partnerships as explained at www.sidley.com/disclaimer. Prior results do not guarantee a similar outcome.

NEO Building
Rue Montoyer 51
B-1000 Brussels
Tel. +32 2 504 6400
Fax +32 2 504 6499

Export controls contact:

Arnoud Willems
Partner
awillems@sidley.com

Yohan Benizri
Associate
ybenizri@sidley.com

1501 K Street, N.W.
Washington, DC 20005
Tel. +1 202 736 8000
Fax +1 202 736 8711

Export controls contact:

Andrew W. Shoyer
Partner
ashoyer@sidley.com

Robert Torresen
Partner
rtorresen@sidley.com

Lisa Crosby
Partner
lcrosby@sidley.com

39/F, Two Int’l Finance Centre
Central, Hong Kong
Tel. +852 2509 7888
Fax +852 2509 3110

Export controls contact:

Yuet Ming Tham
Partner
yuetming.tham@sidley.com

www.sidley.com

SIDLEY AUSTIN LLP
SIDLEY

White & Case

With 38 offices in 26 countries, White & Case is a truly global law firm. Our Brussels office is the hub of our EU trade practice, working in close cooperation and coordination with our U.S. sanctions group in Washington, DC. Having expert teams on both sides of the Atlantic allows us to offer simultaneous, one-stop-shop advice on the two key regimes, for transactions, investigations and on compliance questions. The sanctions team is part of the International Trade group, which is among the world's largest, with more than 60 specialists operating in ten offices in Europe, North America and Asia. We cover the full scope of trade issues, including dumping, subsidies, FTAs and trade negotiations, WTO law and customs.

The EU sanctions/expert controls team consists of six dedicated experts in Brussels, complemented by the same numbers of lawyers in offices around Europe, and by our 10-person U.S. team.

The EU/U.S. teams have advised clients across the world on sanctions against Russia, Ukraine, Iran, Syria, Libya, Belarus, Sudan, Zimbabwe and Myanmar. Recent instructions have included:

- Advising companies from all sectors, including energy, defence and financial institutions, on the EU and U.S. Ukraine-related sanctions, including obtaining licences.
- Giving sanctions/export controls advice in M&A deals and financing transactions.
- Establishing sanctions and export control compliance programmes.
- Advising clients who are subject to investigations or enforcement action. The sanctions team is part of our Global Investigations Group – as to which, see *Global Investigations – Reading the Signals*.

‘This firm is highlighted for its exceptional international footprint, offering local coverage in Brussels, Geneva, Tokyo, Beijing and Washington, DC.’

Chambers Global: International Trade/WTO 2013

‘The response times are good, and the advice is clear and pragmatic.’

Chambers Europe – Belgium: International Trade/WTO 2014

**62 rue de la Loi Wetstraat 62
1040 Brussels**

Belgium

Phone. +32 (2) 219 16 20

Contacts:

James Killick, Partner
Phone. +32 (2) 239 2552
jkillick@whitecase.com

Fabienne Vermeeren,
Regional Director Europe –
International Trade Services
Phone. +32 (2) 239 2606
fvermeeren@whitecase.com

www.whitecase.com

WHITE & CASE