

CELEBRATE

The WorldECR Awards recognise the achievement of export controls and sanctions professionals.

This year, *WorldECR* launches its awards for excellence in export controls and sanctions practice. Announcing the awards in our March issue, we said that the ten awards should 'recognise outstanding work, vision, best practice, commercial benefit to the company, and contribution to international security, of organisations and individuals working in the fields of export control and sanctions compliance and nonproliferation.' Writing in that issue, I said: 'It is time that the excellent work carried out by export control compliance professionals is recognised and celebrated – not just by this community but also by colleagues in other departments in their companies and beyond. Equally, the contribution of specialist export control and sanctions law firms and consultancies should not go unnoticed. Their contribution to their clients' business success and also to fighting proliferators deserves championing.'

We are pleased to announce here the results of this first set of awards and we hope that they will indeed go some way

towards championing the work of this community of professionals.

We received many excellent nominations and submissions. In some categories the competition was extremely tough; perhaps not surprisingly, given the events of the past 18 months, there was a great deal of competition for the two law firm sanctions awards. Yet, throughout the various categories, we received evidence of real achievement and innovation on the part of individuals and teams in industry and institutions, in legal and consulting practice.

In many instances, the names of clients and much of the work carried out must remain confidential given the type of matters that advisers are involved in.

The awards for individuals – Export Controls Practitioner of the Year and Young Practitioner of the Year – attracted warm and ringing endorsements from clients and colleagues for those who had gone the

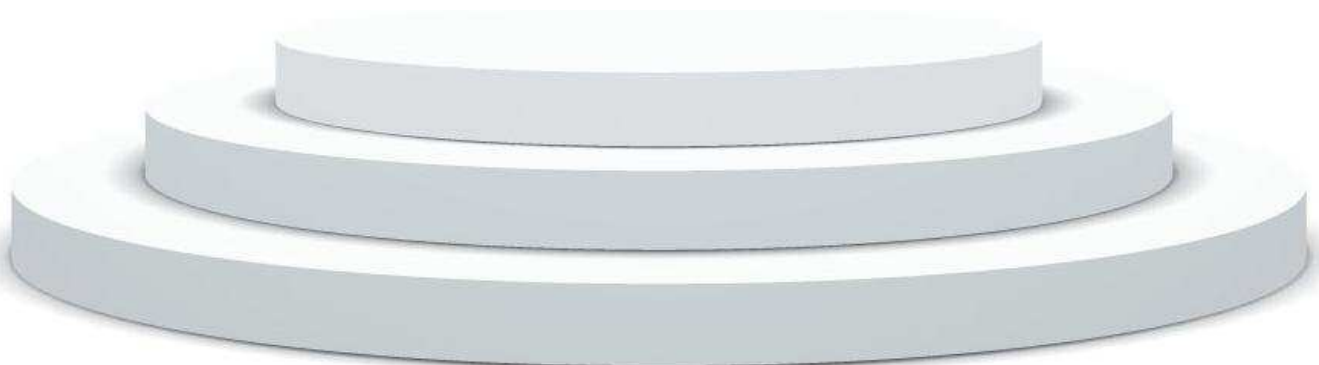
extra mile, their professionalism and enthusiasm touching the lives of many on the way – our shortlists look like seating plans for the finest export controls/sanctions dinner party.

WorldECR would like to thank every individual and organisation who sent us a nomination for these awards and to congratulate not just the winners but every person – natural and legal – that made our shortlists. Doubtless, there will be those who are disappointed with the final selections but we at *WorldECR* consider each and every individual and organisation listed here to be a winner in the struggle for a safe and secure world.

Mark Cusick
Publisher, *WorldECR*



AWARDS 2015



Export Control Practitioner of the Year

Winner: Carol Fuchs, GE

Winner of the inaugural Export Control Practitioner of the Year award is **Carol Fuchs**, International Trade Counsel at General Electric Company.

Carol is a well-known and well-liked figure in export controls circles on both sides of the Atlantic. She joined GE in 2009, having previously served as International Trade Counsel at both Motorola and Tyco. Her achievements are recognised both within and without her own organisation – because they are many.

WorldECR received a bundle of glowing recommendations, from members of her own team, from attorneys in private practice, and from others who had worked with Carol on industry boards and in projects over the years, such as on the Coalition for Excellence in Export Compliance (CEEC, www.ceecbestpractices.org/), an initiative in which Carol was heavily involved, and on the Board of the National Council on Trade Development. After a career in international trade regulation, Carol is retiring this year. This is not a ‘lifetime achievement’ award, but if it were, it is clear from the support Carol has received that few would question its award to her. Among the testimonials we received were:

‘Carol exemplifies what a trade compliance professional should aspire to be – not only an expert in their field, but also diligent, focused, supportive, and collaborative. Extending and sharing her expertise beyond her own employer, throughout her career, Carol has engaged with – and often led – the broader trade community in their efforts to ensure compliance and achieve the broader national security and non-proliferation goals of these trade controls laws and regulations.’

‘Not only has Carol served her clients, she has made time to devote her energies to a number of organisations that are involved in export controls, including the National Council on International Trade Development (NCITD), the BIS Regulations and Procedures Trade Advisory Committee (RPTAC), and the Coalition for Excellence in Export



Carol Fuchs

‘Carol exemplifies what a trade compliance professional should aspire to be – not only an expert in their field, but also diligent, focused, supportive, and collaborative.’

Compliance (CEEC), to name a few... Not only does she possess excellent legal skills and judgement, she has served as a mentor to many in the export controls community and always found the time to provide her insight and share best practices with others... Carol will be retiring in June and I can think of very few people who deserve this recognition more than Carol.’

‘Carol Fuchs is a stellar export/import controls and sanctions attorney who has spent several decades in the world of cross-border transactions... Carol brings a 360-degree, pragmatic perspective to international trade compliance.’

WorldECR congratulates Carol on this award and wishes her all the best for the future.

Runner-Up: Pierre Cardin, Airbus Group

Runner-up in this category is **Pierre Cardin**, Airbus Group, Senior Vice President, Group Export Compliance Officer. A Canadian, Pierre Cardin has spent the past 25 years with Airbus, holding his current position since 2011. In his time in the role he has ‘completely transformed the way of

working of the Export Compliance function and thus raised the reputation and credibility of the entire function’. The Airbus Group CEO attests to this: ‘In the past, we saw export control as just another level of bureaucracy. Export Compliance now acts as a trustworthy adviser.’ A team member notes: ‘Pierre has put tremendous efforts in breaking national and divisional silos that existed in the Airbus Group Export Compliance community, bringing together into a community 200 isolated practitioners under the vision One Group One Team through various means. First, by gathering every export control practitioner of the Group to an annual team meeting, he showed people that although dealing with different businesses and speaking different languages, they shared a lot in their daily work, and encouraged them to exchange best practices. But this annual meeting was not enough to have the people think as a team all year round...Thinking out of the box, he came to the idea of setting up Centers of Competences and deploying an intranet platform to facilitate exchanges between our geographically dispersed community. People find themselves working on



Pierre Cardin

‘He constantly challenges himself and encourages our function to do so, and gives the necessary trust and support to each of us so that we can achieve together our goals: enable sustainable business success while contributing to the security of our world.’

topics commonly shared with colleagues from other divisions and countries all year round creating great interactions and amazing outputs.

‘Pierre successfully changed not only the image of the Export Compliance function but also the mindset of its members. He constantly challenges himself and encourages our function to do so, and gives the necessary trust and support to each of us so that we can achieve together our goals: enable sustainable business success while contributing to the security of our world.’

Highly commended

The quality of the shortlist in this award was exceptional and we commend the following individuals very highly

Dr. Filippo Sevini, Strategic Export Control Project Leader, European Commission Joint Research Centre: ‘engaged in the formulation, implementation, and strengthening of the European Union’s export control framework. He has been a pioneer in

developing new tools and methods to link industry and regulators, create communication channels between various actors involved in the export control field, and contribute to research in the domain based on both analytical and practical knowledge and experience’.

Beth Peters, co-practice leader of Hogan Lovells’ International Trade and Investment practice: ‘Beth is the one with the most “secret sauce,” that almost ineffable quality that transcends subject matter competency and business judgment to make a practitioner more than the sum of her parts. Maybe it’s her emotional intelligence, but Beth has a quality that puts clients at ease even when faced with significant compliance challenges.’

Dennis J. Burnett, Chief Counsel, Government & Regulatory Affairs, Kymeta: ‘a tireless and generous teacher and instructor. I cannot possibly recount here all I have learned from him – and shared with others... I, for one, can think of no better exemplar to hold out to our community as the embodiment of the

selfless and noble export practitioner than Mr. Dennis J. Burnett.’

Larry E. Christensen, head of Miller & Chevalier’s Export Controls and Economic Sanctions practice: ‘[while at the Department of Commerce] led the complete redrafting of the Export Administration Regulations (EAR) and authored the deemed export rule, the *de minimis* exclusion from the scope of the EAR and most license exceptions under the EAR... His longtime work with commercial clients and in current export control reform efforts has significantly enhanced the value of export controls to the global community.’

Thomas McCarthy, co-head of Akin Gump Strauss Hauer & Feld LLP’s international trade practice: ‘has helped modernize the traditional regulatory compliance practice by using a combination of project management, technology and an intimate knowledge of client business operations to design and strengthen export and sanctions compliance procedures within large, complicated organizations.’

Young Practitioner of the Year

Winner: Richard Blakeley, Brick Court Chambers

In a year when international sanctions have made regular headlines for the international press, few people have been as active in the headline-grabbing cases as 30-year-old **Richard Blakeley** of Brick Court Chambers in London. Richard has acted in a series of cases before the European Courts ‘which have defined the obligations incumbent upon the EU Council when imposing targeted sanctions, ensuring compliance by the Council with best practice and the rule of law.’

Indeed, Richard has been active in some of the highest-profile matters reported by *WorldECR*: ‘[As] a member of a two-person counsel team, Richard has been instrumental in recently securing the de-listing of numerous key EU sanctions targets. These include the large Iranian banks: Bank Mellat, Bank Saderat Iran and Bank Tejarat. Richard is the



Richard Blakeley

‘Richard has been instrumental in recently securing the de-listing of numerous key EU sanctions targets. These include the large Iranian banks: Bank Mellat, Bank Saderat Iran and Bank Tejarat.’

only common legal representative across these banks, all of which were successful in challenging their designation before the General Court on the basis of the case theories Richard developed’.

In addition to his busy EU sanctions practice, Richard ‘has brought an innovative and ambitious approach to cases before the UK courts. For example, Richard recently sought an injunction to prevent the UK Foreign Secretary from voting in an EU Council meeting to re-impose

sanctions on an Iranian who had been successful in his application for annulment in Luxembourg. This was the first case of its kind and the first time any party had sought to invoke the courts’ help in restraining the government from implementing UK sanctions policy in Brussels. The High Court declined to grant the injunction but the case may set a precedent for English courts’ jurisdiction to act in this field.’

Runner-Up: Chiara Klau, Baker & McKenzie

Chiara Klau is an associate in the Amsterdam office of global law firm Baker & McKenzie. Chiara is 31, has been with the firm for five years, and practises in the areas of EU international trade, economic sanctions, export controls, customs, and product and food regulation.

‘Her advice is to the point and besides advising on more abstract legal concepts and their application in export controls and sanctions, she has an excellent understanding of customs procedures and licensing formalities [which means] her advice does not only address the law, but also the practical application of export controls and sanctions rules in internal compliance programmes as well as companies’ daily business. Her dedication to client service as well as her responsiveness is outstanding.’ She has a good understanding of U.S. trade law, gained during secondment to the firm’s Washington, DC office.

Highly commended

Stephen Ashley, associate, Stephenson Harwood LLP: ‘It has



Chiara Klau

‘Her dedication to client service as well as her responsiveness is outstanding.’

been a blessing and a pleasure to be instructed by Stephen Ashley, by whose experience and detailed sectoral knowledge I have been guided and hugely assisted, all with the greatest good humour. He is that rarest of things: a mix of creative ideas; sound tactical and legal judgement; and an impressive work ethic.’

Renee A. Latour, partner, Greenberg Traurig: advises global brand name organisations, from aviation to retail, in high-profile export control, sanctions and anti-corruption matters. In the last year, this has included advising a client on its anti-corruption programme in more than 25 countries.

Anahita Thoms, counsel, Freshfields Bruckhaus Deringer US

LLP: ‘Clients insist to be counselled by Anahita personally as she is a brilliant lawyer who works meticulously and at the same time has an excellent understanding of the business needs of companies; she is commercial without putting clients at risk.’

James Lindop, principal associate, Eversheds LLP: ‘James has helped us on numerous occasions in recent years in navigating some of our Group’s most critical and complex export controls and sanctions compliance matters across multiple jurisdictions. He cuts through complexity and consistently provides prompt and solution-focused advice framed in a practical way our businesses can easily understand and act upon.’

Export Controls Law Firm of the year, U.S.A.

Winner: Steptoe & Johnson LLP

Steptoe’s export control practice is part of a larger International Regulatory Compliance Group. Led by Edward Krauland, the team has more than 25 members based in offices in the U.S. and Europe, advising clients across a wide range of industries. The team seeks to distinguish itself in the marketplace through ‘practical advice that takes into account the needs of business; quick response times; and expertise throughout the ranks of associates, counsel, and partners.’

The team’s capabilities are well illustrated by work carried out in the past year, which has included:

- Assisting a client with a comprehensive export control assessment of operations in a Middle Eastern country. The



Edward Krauland, Steptoe & Johnson

The team seeks to distinguish itself in the marketplace through ‘practical advice that takes into account the needs of business; quick response times; and expertise throughout the ranks of associates, counsel, and partners’.

assessment included an on-site visit of various facilities, an investigation of activities and conduct by various personnel, the development of recommended corrective actions to remediate apparent violations and other violations, and submission of a voluntary disclosure report to DDTC, which was closed without action;

- Assisting a NYSE-traded company with the international regulatory aspects of its acquisition of the defence-related business of a European company traded on Euronext, including advice on export controls and anti-corruption issues;
- Providing ongoing counsel to multiple, multinational oil and gas industry firms in response to U.S.

and EU export controls and overlapping sanctions targeting Russia and Ukraine. In addition, advising on new export controls and licensing requirements based on specific petroleum exploration and extraction end uses in Russia, as well as recently announced export controls on military end uses and end-users in Russia and Venezuela.

- Assisting a large U.S. defence contractor in implementing a new jurisdiction and classification assessment programme required under U.S. Export Control Reform; helping to develop the automated tools needed to make the process as efficient and effective as possible; developing related training programmes and assisting the company in training hundreds of personnel around the world involved in the jurisdiction and classification process.

Runner-Up: Hogan Lovells

Led by Beth Peters, shortlisted also for export controls practitioner of the year award, **Hogan Lovells** has 19 lawyers dedicated to export controls practice in its Washington, DC office. The export controls sub-practice is part of the firm's International Trade and Investment practice, which falls under Hogan Lovells' Government

Regulatory Practice Group. The team is 'at the forefront of virtually all cutting-edge export control issues, including advising on the impact of export control reform on multiple industries, addressing the export control challenges raised by cloud computing and e-commerce platforms, and advising on the nexus between cybersecurity and export controls.'

With export controls lawyers in Brussels, London, Paris, Munich, Beijing, as well as in Washington, the team can 'analyze transactions on a global basis, providing seamless, integrated advice across multiple jurisdictions.'

One judge commented: 'In a pack of impressive export control practices, Hogan Lovells' stands out conspicuously as first among equals. Beth Peters and her deep bench of experts combine their superior understanding of complex legal requirements and superb judgement to provide practical and actionable advice. They are adept not only at solving the problem at hand, but also at seeing around corners to anticipate and prevent additional problems from occurring. Star players in this full-service practice include partners Anthony Capobianco and Ajay Kuntamukkala. Ajay, in particular, is the go-to lawyer for questions on export controls related to nuclear power generation.'

Highly commended

Stagg Noonan LLP: 'Mr. Stagg's article "DDTC Issues Overly Expansive Interpretation of the ITAR for Defense Services (and Presumably Technical Data)" was widely received in industry and government as thought-provoking and has provided for extensive debate. A number of companies appear to be using Mr. Stagg's article for use in public comments to Category VIII.'

Braumiller Law Group, PLLC: Braumiller Law Group, PLLC is a boutique law firm with a team exclusively devoted to international trade law. 'As a small firm, BLG is nimble and adaptable when confronted with challenges. This firm model has proven advantageous to many Fortune 500 companies and small businesses alike, and BLG's footprint spans across the United States and abroad.'

Gardere Wynne Sewell LLP's export controls team is led by Elsa Manzares and Michelle Schulz. It is home to six attorneys and sits in the firm's International Trade department. 'The team's multidisciplinary approach to trade compliance leverages the capabilities of Gardere's multiple practice groups to ensure the firm's clients' global trade operations are legally structured to maximise efficiency and profitability from end to end.'

Export Controls Law Firm of the year, Europe

Winner: Holman Fenwick Willan

The winner in this category is **Holman Fenwick Willan**. The export controls and sanctions practice is based in the firm's Shipping, Energy, Resources, Insurance and Commodities ('ERIC') departments. In Europe, the practice is run out of Belgium, the UK and France, and led by charismatic Brussels-based Konstantinos Adamantopoulos.

The firm combines 'deep knowledge relating to sanctions and export controls with in-depth sector knowledge across a clearly defined range of inter-related sectors (mining, energy – including oil and gas – shipping and air transport, trade and



Konstantinos Adamantopoulos leads the Holman Fenwick Willan team

The firm combines 'deep knowledge relating to sanctions and export controls with in-depth sector knowledge across a clearly-defined range of inter-related sectors (mining, energy – including oil and gas – shipping and air transport, trade and insurance).'

insurance)' all sectors which are typically tightly controlled for exports and investment: the occasional challenges which can face clients in less regulated sectors are daily ones for many of Holman Fenwick's.

Not surprisingly, the past year has

been a busy one, with instructions including:

- Advising a specialised chemicals manufacturer on exports of outdoors protective garments capable of suppressing thermal

- signature to several third countries under the EU dual-use goods regulations;
- Advising an international battery producer in customs proceedings alleging the export of dual-use goods without prior export classification. The case involved complex legal issues relating to exhaustion of jurisdiction when dual-use goods are transferred between Member States and undergo work and processing before being exported. The case was settled with the authorities in Germany and Italy;
 - Advising a client on compliance with EU and German export controls laws in relation to exporting aeronautics goods to, and providing technical assistance for goods located in, an embargo country.

Judging panel and process

All submissions were reviewed by the *WorldECR* team and a shortlist then prepared for each award which was given to our judging panel to make their decisions upon. Judges were asked to review the shortlists and choose a winner and runner-up for each category (excluding Export Controls Compliance Team of the Year, Rest of the World). Judges were given total freedom as to how to prioritise the various achievements of shortlisted individuals and organisations in coming to their decisions. Judges associated with a shortlisted organisation were deemed conflicted and unable to vote in that category. Where the judges' decisions resulted in a tie, the casting vote would be that of the *WorldECR* team.

The *WorldECR* team included Tom Blass, editor, and Mark Cusick, publisher. Our judging panel were: Arnoud Willems, Partner, Sidley Austin; Daniel Martin, Partner, Holman Fenwick Willan; Fredrik Hallgren, Director of Group Trade Compliance, Ericsson; Jeff Snyder, Partner, Crowell & Moring; John Grayston, Partner, Grayston & Company; John Pisa-Relli, Managing Director of Trade Compliance, Accenture; Kay Georgi, Partner, Arent Fox; Kevin Cuddy, Export Controls Manager, GE Corporate; Laurence Carey, Group Trade Control Manager, Marshall Aerospace & Defence Group; Mario Mancuso, Partner, Fried Frank; Sandra Strong, Partner Strong & Herd; Scott Sullivan, Vice President – Ethics, Compliance & Legal, Flowserve Corporation.

- Advising private equity funds in the context of proposed acquisitions and performed due diligence on acquisition targets in the oil and IT sectors to establish these targets' compliance under EU and relevant national export controls and sanctions laws.

Runner-Up: Baker & McKenzie

Widely regarded as one of the world's leading trade law practices, **Baker & McKenzie's** European export controls team boats first-class individuals across the continent: 'A great team with some great lawyers – look out for Ross Denton, Sunny Mann, Jasper Helder and Philippe Reich.' And the expertise is not just with the firm's partners: associate Chiara Klau in the Amsterdam office is runner-up for our Young Practitioner of the Year award while all those who attended last year's *WorldECR* Forum in London will attest to the impressive presentation skills of London-based associate Tristan Grimmer.

In Europe, the export controls team includes 11 partners, two counsel and 19 associates.

The team's workload is as wide and varied as its clients' supply chains and includes 'compliance programmes, regulatory advice on military and dual-use products, risk assessment and screening, general export advice trade agreements, anti-corruption and anti-money laundering. We also provide general advice on export control regulations in the U.S., EU and Russia; review of foreign trade contracts and shipping/customs clearance documents from export controls standpoint; drafting of export control provisions for clients' contracts; drafting of export controls policies and procedures for local corporations and multinational groups of companies; export control due diligence and staff trainings; representing EU/U.S. clients in negotiations with Russian counterparts on import, export and servicing of dual-use and military items. Some of the work relates to high-tech products, both dual-use and military, including those with cryptographic capabilities.'

Instructions in the past year for the busy team have included advising

- the UK arm of a major U.S. aerospace and defence company in connection with its compliance with EU and UK export controls, including strategic advice relating to its expansion plans outside of the U.S. market;
- a manufacturer of survival equipment on compliance with export controls and trade sanctions;
- a sensor-solutions company related to an audit regarding exports of military controlled items from France; and
- an international software producer on the classification of a product portfolio in relation to EU, U.S. and other export control regulations.

Highly commended

Covington & Burling has 'lawyers in the EU who are experts not only in advising on European trade controls issues, but also the United States trade controls regime... to provide seamless, integrated trade controls advice covering both the EU and U.S. trade controls regimes.'

Eversheds: 'The Eversheds team have always been available and are very responsive to our needs and deadlines... I have confidence in the quality of the advice given and will continue to use the expert services provided by Eversheds through Lizzy Coleman and her colleagues.'

Hogan Lovells: 'Clients engage us to guide them through a complex maze of global control regulations, many of which differ by country and/or region. We therefore analyse transactions on a global basis, providing seamless, integrated advice across multiple jurisdictions.'

King & Spalding: 'The export control practice offers transactional due diligence, compliance advice and support in investigations. It has particular expertise in acting for clients in the aerospace, oil & gas, media and manufacturing sectors... In addition to the transatlantic nature of our advice, seamlessly integrating EU and U.S. law, we maintain long-term relationships with clients by responding to concerns beyond basic compliance to include reputation risk, reporting obligations and contractual exposure.'

Export Controls Compliance team of the Year, Europe

Winner: Airbus Group

The **Airbus** Group Export Compliance Team is an 'end-to-end business enabler'. Led by Pierre Cardin out of the Munich-Ottobrunn office, the team is 'involved from the bid phase of a project up until final delivery and after-sale support. In order to give visibility to export compliance, to anticipate and mitigate potential risks, we have built bridges and reached out to other functions such as M&A, engineering, R&D, and finance. A notable achievement is the handling of the sanctions topic, hotter than ever... We monitor the evolution of EU and U.S. sanction programmes, provide guidance and awareness to the entire group. In times of diplomatic unrest, we get busier than we ever thought we would... and are recognised by Top Management for this expertise!'

It is a busy team, with 178 team members, handling 3,380 export licences a year for exports of €15 bn. In Europe, team members are located in Germany, France, Italy, Spain and the UK. In addition, there are dedicated export compliance representatives in Finland, Poland, Romania, and Russia.

In recent years, the team has evolved from a disparate group of individual practitioners to 'a fully structured corporate function creating a true community of experts... We capitalise

on our diversity of background, experience and culture as a catalyst for growth. We have set up Centres of Competences (CoC) to enhance expertise and experience across the Group, whilst ensuring harmonisation. Our short-term mobility program ensures the promotion of our values. Sharing different ways of working, of thinking, creates synergies and fosters community development.'

A range of tools and processes ensures compliance efforts are supported throughout the group: 'We have state-of-the-art training material for every kind of need: e-learning for procurement, awareness videos for outside events, specific trainings for engineers.' Processes allow 'the CEO to provide a prior assessment on any business with a sanctioned country... In addition to a thorough monitoring of sanctions, these assessments take into account socio-economic indicators and internal strategic inputs'.

On the technology side, a suite of tools 'allow us to tackle issues such as technology controls, cybersecurity and the U.S. ECR. Considering the broadness of our activities, we have developed a sophisticated IT tool which has become key for product classification, licence management, screening of business partners. Our competitors see our tool as a need for their export control programme... We

introduce export control standards for the industry!' The team is proactive in supporting efforts to counter proliferators around the world: 'Externally, we promote high standards and provide guidance and expertise at major conferences to small and medium-sized enterprises and industries as well as to our non-European subsidiaries. As an industry leader we permanently dialogue with the EU and U.S. authorities regarding political and regulatory evolutions. We bring our home countries' principles to our subsidiaries' countries to establish their export control programmes.'

Runner-Up: Ericsson

Runner-up in an extremely close contest is **Ericsson**. 'The head of Ericsson's export controls compliance team [Fredrik Hallgren] is visible in the market, speaking at industry conferences and sharing information, which is very valuable. There is clearly a commitment from the company to export controls practice and the examples of good practice they share are extremely useful for us all. Also, the recruitment from law firm Mayer Brown of a well-regarded trade lawyer [Zia Gheewalla] was a clear sign of the company's commitment to trade controls.'



The Airbus Group compliance team together for the annual team meeting in November 2014.

The Ericsson Trade Compliance Team is led by Fredrik Hallgren, Director Group Trade Compliance (Global Head of Ericsson Trade Compliance). The team consists of two organisational parts:

- i) the Group Function team within Legal Affairs (six central resources and 15 regional resources) and
- ii) the Operational team in the business units, which is centralised and hosted within Business Unit Radio (approx. 50 resources).

The importance of compliance is understood throughout Ericsson: 'We have export control and sanctions language in our Code of Business Ethics that is signed by every employee; we have a Trade Compliance Policy signed by the CEO; we have a Trade Compliance Directive signed by the General Counsel outlining the main responsibilities in the organisation; and we have a large number of instructions and guidelines for the day-to-day operations.' The team liaises with Ericsson Corporate Audit to perform trade compliance audits of Ericsson organisations worldwide.

The mission statement is 'Facilitating Compliant Business'; a spokesperson explains:

'This captures two key ideas: (i) we need to support our business to act in compliance with laws and regulations, but (ii) we also need to help the organisation to do business. If we say no to a certain way of doing business because it would be non-compliant, we should also give compliant alternatives to the business so that they still can



Fredrik Hallgren heads Ericsson's Trade Compliance Team

The team's mission statement is 'Facilitating Compliant Business. This captures two key ideas: (i) we need to support our business to act in compliance with laws and regulations, but (ii) we also need to help the organisation to do business.'

find a way to help our customers succeed.'

In measuring their success, 'We measure trade compliance costs (including penalties), training activities, compliance incidents (warning letters, penalties, verdicts etc.) and influencing outcome. We also have more operational measurements like export licence application lead-time, classification performance, blocked orders (for compliance reasons) and import and export lead-time.'

The team has taken various steps to build a comprehensive compliance programme, including, among other measures:

- introducing a trade compliance process that is an integral part of the Ericsson Business Process, outlining the various tasks that need to be performed to ensure compliance as well as interdependencies with other process areas;
- implementing effective IT tools to help screen transactions for compliance risks and to detect

encryption in software to help classify products accurately;

- offering trade compliance training on the company-wide training portal. Online courses are available for different categories of employees, with the training structured according to their competence needs.

There is little doubt that this team contributes beyond its parent company to non-proliferation efforts: 'The team has become a trusted partner to regulators in many countries and provides technical expertise and other valuable information to be used when strengthening the global framework for export compliance... We also take pride in being a partner for EU authorities in the EU outreach programme toward export control authorities from other parts of the world. Thus, we regularly host various export control authorities at our Stockholm headquarters to show our program and educate them on how export controls are applied in practice.'

Export Controls Compliance team of the Year, U.S.A.

Winner: GE

A third-party's nomination for **GE** as export controls compliance team of the year, U.S.A., sums up much of what marks the team out as an industry leader: 'GE has by far and away one of the most robust, well-thought, and well-implemented export control compliance programs in the world. They have developed an impressive global compliance infrastructure with the formation of their "Centers of Excellence" (COE) concept and they arrange numerous trainings and



'GE has by far and away one of the most robust, well-thought, and well-implemented export control compliance programs in the world.'

information-sharing events for their employees on a frequent basis (which

I have had the honor of being a part of on several occasions). They also

organize “best practice”-sharing and advocacy among their peer companies in the USA and EU, and have made innumerable contributions to national governments (including the U.S. government) and international organisations in terms of their efforts to promote export controls and compliance best practices around the globe.’

The International Trade Controls – Center of Excellence (ITC – COE) is GE’s export controls compliance team. The team structure is a new one – the result of a group-wide review – having been formalised in January this year, and being made up of ITC professionals from all over GE. To date ‘we’ve been measuring our successes under the “Wall of Wins” banner. These wins can be big or small, related to a win for our new team or a win for the business. We’re also developing new metrics that will measure other items such as cost savings.’

The team is led by Kathleen Palma and includes 68 people worldwide. The leadership team is based in Washington, DC. The ITC – COE supports all GE business units (except GE Capital). The major business units are: Aviation, Oil & Gas, Power & Water, Energy Management and Healthcare.

The mission of the ITC – COE is rather straightforward: ‘The ITC – COE works for you to make international trade compliance simpler’, while goals are

- Outstanding service: business continuity or better
- Deliver simple solutions so the business can go fast

Awards chronology

27 February: *WorldECR* announces the launch of the first *WorldECR* Awards for excellence in export controls and sanctions in the March issue (38)

10 April 2015: Closing dates for submissions for the awards

11 April-21 May: *WorldECR* team reviews nominations and, where considered valuable, seeks further information from individuals and organisations considered for shortlisting

22 May: Judges receive shortlists for awards to judge on

16 June: Results and winners of the awards published in the June issue (41) of *WorldECR*



Kathryn Greaney leads Boeing Global Trade Controls

Last year ‘GTC fielded updates to an integrated set of automated tools that span the entire export life cycle. All these efforts contributed to Boeing sustaining a U.S. Department of State licence application return-without-action rate five times below the industry average in 2014, despite the challenges of ECR.’

- Build the future: simplify process and reduce cycle time (create capacity for growth)
- Strong teamwork: empower and inspire

Currently the team is working to implement ‘a revised enterprise standard for export controls and economic sanctions compliance. This standard will leverage existing best practices and compliance processes and implement them across all of GE as well as introduce new initiatives for compliance.’

Like our runner-up in this category, Boeing, the team offers much to the wider export controls community, regularly putting up speakers at conferences and sharing views and expertise, best practice and innovative ideas. The beneficiaries include not just other businesses but also governments: ‘GE is very engaged with governments and other organisations involved in export controls, sanctions compliance and non-proliferation. We are active with the U.S. government’s advisory committees for export control compliance. Our ITC – COE members engage frequently and serve on the boards of various organisations involved in international trade compliance and non-proliferation. We firmly believe that we can contribute to international security by sharing our experience, expertise, best practices and compliance challenges with regulators and other companies.’

Runner-Up: Boeing

Boeing’s Global Trade Controls (‘GTC’) has ‘overall functional responsibility for company-wide import and export activities in support of Boeing’s ranking as one of the top U.S. exporters. With over 200 trade control professionals embedded with businesses and functions at 24 sites in

11 U.S. States and six other countries around the world, GTC is integrated into the critical revenue and compliance paths of all global Boeing business efforts.’

GTC is led by Vice President Kathryn Greaney, and has four directors leading groups supporting Boeing’s business units and overseeing trade controls functions: Bryon Angvall, Boeing Commercial Airplanes, and Engineering, Operations & Technology; Debbi Smith, Boeing Defense, Space & Security; Greg Sloan, Global Compliance & Requirements and International; Chris Haave, Licensing and Policy (Washington, DC office).

The nature and scale of its business ensures that demands on GTC are always strict. Boeing has a large and diverse portfolio of controlled products, which include commercial airplanes, commercial satellites, military aircraft, air defence and electronic warfare. In the past year, GTC led enterprise implementation of U.S. Export Control Reform (‘ECR’) to create innovative processes for classification and licensing across multiple United States Munitions List (‘USML’) and Commerce Control List (‘CCL’) categories. As a result, dozens of time-consuming ITAR agreements were replaced by Commerce licences or exceptions.’

But it is not only at the classification and licensing stages that the team is active: Last year, ‘GTC fielded updates to an integrated set of automated tools that span the entire export life cycle. All these efforts contributed to Boeing sustaining a U.S. Department of State licence application return-without-action rate five times below the industry average in 2014, despite the challenges of ECR.’

GTC has an important part to play in the company’s business and external relationships: ‘Hosting senior

regulatory officials from the departments of State, Commerce and Defense at Boeing meetings, GTC led effective exchanges, particularly on ECR. GTC also spearheaded several changes to USML and CCL control language to enable export of Boeing products and the streamlining of the global supply chain... GTC also coordinated critical export control issues with regulators from several non-U.S. governments, and engaged quasi-governmental associations such as EGAD in the UK and CISTEC in Japan. In addition, GTC provided speakers to 24 major trade control events in the U.S. and across the globe.'

Highly commended

Motorola Solutions' Global Trade Compliance Team 'gets involved early in the product development process by sitting down with engineers and solutions architects to ensure that export regulations are considered. For example, our team constantly pushes engineers to design products with dormant encryption, so that when we export these products to customers that do not require enhanced security via encryption, we can ship without encryption capability and prevent additional cycle time when trying to timely deliver a solution to a customer.'

The team's initiatives seek to

encourage appreciation of compliance throughout the company through not always traditional methods:

'In the past year, our team has become very involved with the company's internal social media tool (called 'Converge'). Ever since social media has been available at Motorola Solutions our team has used it to increase overall awareness about export controls and push more individuals to take export training that our team has spent numerous hours updating in the past year. Currently the Global Trade Compliance manages a suite of seven export compliance courses, including three courses on export classification.'

Export Controls Compliance team of the Year, Rest of the World

Winner: CMEC

The winner of this award, **China Machinery Engineering Corp**, was selected by the *WorldECR* team. CMEC was nominated by a third-party for 'what they have achieved over the last five years which culminated in their being removed from the U.S. government sanctions last year for the first time in over a decade.'

In 2002 the company was listed in the U.S., sanctions placed upon it relating to allegations of involvement in proliferation-related activities

involving exports to Iran. The company set about trying to address the problem, seeking training from export control specialists at the University of Georgia and introducing an ICP designed to render the business export control compliant. The company's president signed a statement pledging adherence to export controls and non-proliferation. In the time up to the lifting of sanctions against it in 2014, the company invested heavily in trade compliance.

A team member explains: 'We established a top-to-bottom, three-

level export control organisational structure, which consists of an export control committee and Internal Export Compliance Office ('ICP Office') at CMEC's headquarter level and an export controller in each business division and subsidiary.

'The export control committee has the highest authority in our export control. The president of our company, Zhang Chun, is the chairman of the committee and the general legal counsel is the vice chairman. The committee consists of 11 members which are the heads of principal functional departments and



The CMEC export compliance team in 2015

subsidiaries, including the heads of the internal export compliance office, legal and risk management department, general department of business management, general department of finance, etc. as well as the business divisions and representatives from CMEC's subsidiaries.

'We also established an independent ICP office, formalising the internal export control system and regulations as a part of our company's risk-management system. The ICP office is responsible for project screening, project approval, risk management for compliance with regulations and day-to-day communication with domestic and foreign government departments relating to export control, organise and deliver the training and organise the internal audit. The office consisted of three members who all received education in laws in China and/or in the USA. Moreover, they all received training at the Center for International Trade & Security at the University of Georgia on international export control policy in 2009, 2013 and 2014.



'Each of the business divisions and subsidiaries has an internal export controller (total 30 export controllers), who is working on first level project and business screening, evaluation and approval, assisting with the internal audit of the business (including our international engineering contracting business and trading business) of respective division and communication with the ICP Office, etc.

'The team is responsible for the export compliance of international engineering projects, international trade and international investment, as well as the team involves almost every activities of the company's management including the approval of issue an invitation letter, or the approval, for high-level management officer, of participation in an international conference or meeting, etc.'

The results of the company's actions are clear. Today, sanctions having been lifted, the company is able to tender for infrastructure projects in the U.S., team members are invited to speak at international industry compliance events and, by its own admission, 'The team is one of pioneers in non-proliferation and export control fields in China'.

As the person who nominated the company for this award says: 'Given where they started and the fact that they are a state-owned enterprise, and that they have developed an ICP that is comparable to those of U.S. and EU companies (which includes a full set of screening procedures and trainings), to the point where they are now invited to be speakers at the industry compliance events that they once attended to learn about export controls,' CMEC is a worthy winner. (cmeccom.com)

Sanctions Law Firm of the year, Europe

Winner: Peters & Peters

London's Peters & Peters is a 'small law firm that, in the field of sanctions, has made a disproportionate impact on the market over the last few years'. The team, which sits in the firm's business crime department, is led by solicitor Michael O'Kane. Clients are mainly individuals and corporates in the tobacco, audio/radio equipment, education, solar energy, military equipment, construction and charity sectors.

A truly varied roster of instructions in the past year has included:

- Representing 121 listed Zimbabwean clients before the General Court, 'in the largest and most complex sanctions legal challenge ever brought. We raised arguments requiring a detailed analysis of the political landscape in Zimbabwe, the foreign policy



Michael O'Kane leads Peters & Peters' sanctions practice

Instructions last year included 'representing 121 listed Zimbabwean clients before the General Court, in the largest and most complex sanctions legal challenge ever brought.'

- objectives of the EC, evidential sufficiency and rights of defence. Since the filing of this legal challenge, the travel bans and asset freezes on all but one of our clients have been suspended by the EC.'
- Advising a high-profile Russian on his listing before the European Court along with associated funds transfer issues, the challenge being to allow the transfer of funds without breaching EU sanctions against Russia.

- Acting for a multinational with operations in more than 100 countries (including those subject to sanctions such as Iran, Sudan, Russia, Myanmar and Belarus and those with restrictive sanctions regimes such as the U.S., Canada and EU Member States).

Finally, the firm has developed and funded the very popular sanctions blog, europeansanctions.com, which O'Kane produces with barrister Maya

Lester of Brick Court Chambers. This highly regarded innovation now has 'over 2,000 subscribers, many of whom are corporates and lawyers' and is regularly referred to and quoted by the media, *WorldECR* included.

Runners-Up: Clyde & Co and Hogan Lovells

Clyde & Co has more than 20 lawyers in Europe advising on sanctions-related matters. Led by Chris Hill (insurance sanctions) and Clare Hatcher (trade and energy sanctions) the team has 'sanctions experts in each of our core sectors: insurance, aviation, marine, commodities, energy and international trade.'

In the past year, the team has been very active advising 'on trade with Russia/Ukraine/Crimea across our core sectors, particularly relating to Russian energy companies'; advising clients on 'mitigating sanctions risk, including drafting contractual terms adopted by trade bodies and bespoke clauses for certain markets'; and advising 'on the structure of

transactions which give rise to sanctions issues, particularly in the oil and gas sector relative to Russia/India/Korea and in respect of food supplied to Iran'.

Showing great enterprise, the team has partnered with KPMG to offer 'a unique sanctions and financial crime service'.

Highly commended for the U.S. sanctions law firm award, **Hogan Lovells'** European sanctions practice is also a world leader. Well-known and highly regarded Brussels-based partner, Lourdes Catrain leads the European sanctions practice. In Europe, there are 27 lawyers dedicated to sanctions matters based in Amsterdam, Brussels, Frankfurt, London, Madrid, Milan, Moscow, Munich, Paris, and Rome.

The team advises clients operating in a wide range of industries and jurisdictions. Among recent work, it has been successful in securing the delistings of a number of multinational businesses before the Council of the European Union and the General Court; conducting 'a multijurisdictional review of compliance with sanctions regulations

of the U.S., EU, and several Member States for a global communications services provider; and advising a leading Asian energy company in connection with the expansion of the South Caucasus pipeline.

Highly commended

Baker Botts: The sanctions team 'can advise on all countries affected by EU sanctions. By way of example specific advice, in addition to that in relation to Russia, has been given in respect of Iran, Yemen, Sudan, Afghanistan and the Democratic Republic of the Congo in recent months.'

White & Case: A busy time for the European sanctions practice which has 'received numerous instructions from multiple clients needing urgent, critical advice regarding the impact of the EU sanctions on their business, both in Russia and around the world. Specific names of clients are confidential, but include three major Russian banks and a number of major players in the oil and gas sector.'

Sanctions Law Firm of the year, U.S.A.

Winner: Sidley Austin

Robert Torresen leads **Sidley Austin's** sanctions practice in the U.S. which sits in the firm's International Trade practice. The global economic sanctions team is comprised of over 30 professionals worldwide, including 18 who counsel clients on U.S. economic sanctions compliance and investigations.

In addition to more traditional sanctions compliance work, the team 'specialises in the bigger picture, from helping with supply chain restrictions and group policies to handling high-stakes internal investigations'.

The team advises companies in a wide range of industries, including commercial and investment banking, insurance, importing, exporting, publishing, entertainment, tourism, pharmaceuticals, metals and minerals, technology and manufacturing.

Clients, the firm says, 'come to us because of the political and strategic



Robert Torresen leads the Sidley Austin U.S. sanctions team

Clients, the firm says, 'come to us because of the political and strategic acumen of our lawyers, who are skilled at anticipating developments in law, pre-empting risks and, when necessary, constructing compelling arguments for use before various U.S. and EU trade authorities'.

acumen of our lawyers, who are skilled at anticipating developments in law, pre-empting risks and, when necessary, constructing compelling arguments for use before various U.S. and EU trade authorities'.

Among many recent instructions, the team has

- Acted for the monitor of HSBC Holdings plc and its subsidiaries, appointed by the U.S. Department of Justice, the UK Financial Conduct Authority, and the Board

of Governors of the Federal Reserve System, in connection with HSBC's \$1.9 billion resolution of sanctions and money-laundering violations.

- Assisted one of the world's largest producers of heavy industrial equipment and several large oilfield services companies in developing strategies and implementing internal controls to address complex new sectoral sanctions against some of Russia's largest banks and energy and

- defence sector companies.
- Assisted a number of multinationals engaged in humanitarian trade with sanctioned countries. By steering them through the complex U.S. restrictions affecting food, agricultural commodities, medicine and medical devices, the firm enabled these companies to capitalise on business opportunities in these markets.
 - Advised charities and non-governmental organisations operating in countries, such as Sudan and Syria, where U.S. sanctions affect how they can deliver goods and services in humanitarian crises.

Runner-Up: Debevoise & Plimpton LLP

Debevoise & Plimpton's U.S. sanctions team, based in its offices in DC and New York, is home to 12 attorneys. The team works closely with the firm's offices outside the U.S., including those in London and Moscow. A cross-departmental practice, the team's clients typically come from banking, insurance,

private equity, asset management, energy and natural resources, and mining.

In the past year, the team has provided advice to clients on conducting Iranian, Cuban, Russian and other transactions without violating EU and U.S. sanctions, and advised Russian clients 'on the impact of U.S. sanctions, including specific advice tied to potential acquisitions and on issues related to U.S. and E.U. persons serving on board of directors'.

Clients are enthusiastic about team members and the service they provide:

'The team at Debevoise & Plimpton, headed by Carl Micarelli, has done a terrific job helping us to negotiate the changing regulations that pertain to both Myanmar/Burma and South Sudan... Ensuring secure and speedy funds transfers to our international partners is critical to their ability to serve their communities. In OFAC regulated countries like Myanmar and South Sudan, it is increasingly difficult to ensure cooperation from the banking industry – even as federal regulations change, the banks continue to have a conservative approach toward financial transfers. Debevoise has

ensured that OFAC provides us with appropriate licensing and documentation, and has negotiated for the release of funds when transfers have been questioned or frozen.'

'I consider this firm deserve full recognition as they have provided us with outstanding and innovative advice in sensitive matters in the U.S. in a fast-changing regulatory & political environment.'

Highly commended

Skadden, Arps, Slate, Meagher & Flom, LLP advised a major U.S. energy company in getting an emergency OFAC licence to wind down a major project that became subject to OFAC's sectoral sanctions and advised on one of the highest profile sanctions settlements with multiple regulators in history.

Hogan Lovells represented 'an international bank in one of the most significant global anti-money-laundering and sanctions enforcement investigations of 2014-15. The bank was named in July 2014 as a "primary money laundering concern" by the U.S. Treasury Department's FinCEN.'

Export Controls Consultant of the Year

Winner: Center for Information on Security Trade Controls (CISTEC).

CISTEC is a Tokyo-based non-profit and non-governmental organization that supports Japanese industry activities. It was nominated for this award by an expert in international export controls, who wrote: 'Even though CISTEC is not a for-profit consulting firm like the Big Four, etc. it serves as a consultancy for Japanese industry and foreign industry and providers. They have been active for almost 30 years, one of the first "consultancies" before there even were any. They provide a full suite of services for their clients, from item classification, to regulatory guidance, to training, to research and analysis. They also have been instrumental in promoting export controls and compliance development

and best practices throughout the Asia Pacific region.'

On a daily basis, CISTEC contributes to regional security through its wide range of compliance and non-proliferation advice and services. It

- provides advice on issues and concerns of security export controls and checks if goods and technologies are regulated;
- provides businesses with practical assistance in setting up compliance programmes;
- offers training seminars and other educational services plus a certificate in export control;
- collects both domestic and international information on goods and technologies and analyses for 'foreign availability', 'controllability', and production/technology levels. CISTEC seeks to

achieve rational international export controls by providing the research results and analysis to the government;

- promotes the harmonisation of international export control regimes and supports global activities by businesses, studying domestic and international legal systems, the actual process of laws and regulations, and the interpretations on export controls;
- provides on-line export control compliance support services and publishes an official bulletin, which covers changes in export control-related regulations to businesses promptly.

CISTEC managers are regular speakers on export control matters at events around the world, playing a key role in creating awareness of the importance of controls to businesses



Members of the CISTEC management team

Back Row, standing: Mr. Jiro Niidome, Senior Advisor; Mr. Nobuo Tanaka, Member of the Board & General Manager, General Affairs and Planning Department; Ms. Mikiko Noritake, Manager, Exporter Services Department

Front row, seated: Mr. Hisashi Riko, Member of the Board & General Manager, Exporter Services Department; Mr. Tsutomu Oshida, Executive Managing Director; Mr. Osamu Fujimoto, Member of the Board & General Manager, Research Department

in Asia and beyond. It is the type of consultancy for business that every country would benefit from. (<http://www.cistec.or.jp/english/>)

Runner-Up: KPMG

In 2014, KPMG Trade & Customs and KPMG Software Consulting were engaged by an Illinois-based client operating in the chemicals sector on two key matters. The first was to develop the company's IT capabilities as it relates to 'legally required' export control management (denied party screening, dual-use commodities, etc) and also to 'commercially required' export controls, e.g. those arising 'due to the importing destination regulations or requirements'. In testifying to the excellent job carried out, the client wrote:

'A legally required element for U.S. export regarding pesticides by the U.S. EPA is the product label must be translated to an official language of the destination country. For us the controls to prevent pesticide exports were manual and not sustainable. KPMG developed SAP controls for pesticidal products that prevent export if an appropriate language label does not exist in the inventory.

'A commercially required export control element relates to our food products. Many destination countries require import permits if the product contains animal derivative (ex: milk

protein). Without that import permit, our customer cannot import and our export sits on a foreign dock and perishes. KPMG facilitated our use of new "product attributes" in SAP along with GTS controls that identify to our customer service that the customer has certain functions to perform before U.S. export shipment may occur.'

The second issue was 'to assess our internal controls and policies related to export from a Customs, BIS and other partnering government agencies perspective... Through a series of interviews, analysis of company policies and records, KPMG was able to provide an assessment with recommendations for improvement that was based upon the statutory requirement as well as a "best practice" perspective based upon their work with peer companies.'

The client summed up his satisfaction with the consultant, saying, KPMG 'delivered export control value both at the practical/transactional control level as well as at the export control discipline level with procedure and policy recommendations'.

The individual KPMG consultants involved were Wesley J. Bergeron, Manager, Trade & Customs Services, and Rada R. Gaynullina, Senior Consultant, Global Trade Practice. (www.kpmg.com/us/en/services/tax/trade-and-customs)

Highly commended

David Hayes: David Hayes is regarded as being among the leading export controls advisors in the UK. He advises all controlled industries, military exporters as well as clients in every category of the dual-use list globally – including in Australia, Canada, EU, Norway, Middle East, US. (davidhayes-exportcontrols.com)

ECTI: The Export Compliance Training Institute 'provides some of the most crisp and useful guidance on trade compliance I've ever seen. Their consistent ability to boil complex requirements down to their most essential, comprehensible elements, and then provide practical strategies for addressing those requirements, is second to none. Their free newsletter is a treasure trove and they could easily charge money for the valuable tips and tricks they share at no cost.' (learnexportcompliance.com)

Export Solutions Inc: In a busy year for this eight-person consultant based in the U.S., instructions included advising a global aviation company which 'needed to reduce overhead costs without compromising its compliance efforts. Through an extensive gap analysis, best-practice corrective action, and outsourcing project, we were able to reduce costs by an estimated 57% per year, while at the same time, re-focused their compliance resources to the most high-risk / high-need areas.' (exportsolutionsinc.com)