

THE WORLDECR EXPORT CONTROLS AND SANCTIONS FORUM 2015

Washington, DC

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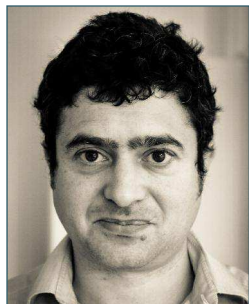
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21-22 September, Crystal Gateway Marriott Hotel

Welcome



Tom Blass,
Editor,
WorldECR

I am delighted that we will be hosting the *WorldECR* Forum in Washington, DC this year. This is our third Forum – but our first in the U.S. It's a major step for us, but one that we believe essential. DC is the beating heart of global trade controls.

As U.S. businesses seek to maximise global export opportunities they do so against a backdrop of trade regulation at a scale rarely seen in our lifetime. New threats and dangers emerging in the Middle East, the stand-off with Russia, territorial disputes in South East Asia – all are driving changes to the regulations governing international trade. And while it is true that there may be some possible breaks in the cloud as entrenched positions (possibly) begin to soften, the relaxation of controls can create as many challenges for export control practitioners as their imposition.

We work to make *WorldECR* both international and topical and we look to carry that focus into the Forum. Delegates will benefit from knowledge sharing with experts on European, Japanese, Indian, Russian and Middle Eastern export controls and sanctions, and discussion with peers as to how the many and varied international regulatory frameworks can inform a comprehensive and fit-for-purpose approach to compliance. And we'll be looking at recent changes in U.S. export controls and sanctions, developments in the regulation of the Cloud and in cyber-security, and discussing 'real-life' situations and dilemmas.

I look forward to seeing you at what promises to be a vibrant and thoroughly informative event.

Getting to know fellow professionals

During the two days of the Forum, there will be ample opportunities to make new contacts with fellow professionals, including coffee breaks and lunch on both days, plus a drinks reception at the end of day 1, kindly sponsored by Brussels law firm Grayston & Company.

An **optional dinner** on the first evening of the Forum, following the drinks reception, has proven a great success in our London events and it is something we are keen to enjoy in DC. This will be a relaxed and informal dinner for speakers, panellists and delegates who are staying over, held in a local restaurant. It is optional – there is an additional charge – but it should prove a fun end to the first day and, again, a great opportunity to build new contacts.

Key dates and offers

Please allow me to draw your attention to the following promotions:

- If you register by 31 July you can save \$300
- Additional delegates from the same organisation can save an additional \$150.

Tom Blass
Editor, WorldECR

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Ambassador Roald Næss – The Missile Technology Control Regime and challenges to non-proliferation

Established in 1987, the Missile Technology Control Regime (MTCR) today boasts 34 members. It is the only one of the multilateral non-proliferation regimes to focus on the unmanned means of delivery for weapons of mass destruction.

In his presentation, the Regime's chair, Ambassador Roald Næss, will outline the role of the MTCR, its cooperation with other organisations including the Wassenaar Arrangement, Nuclear Suppliers Group and Australia Group, placing its work in a broader non-proliferation context, against a backdrop of technological change and new challenges from rogue states and non-state actors.

Ambassador Næss began working with the Norwegian Foreign Ministry in 1981, and has previously presided over the Nuclear Suppliers Group, and served as his country's ambassador to Iran and to Ireland.



Stacey Winters – The EU and U.S. export control regimes compared

There are obvious similarities between the U.S. and EU export control regimes: both maintain dual-use control lists based upon those of the Wassenaar Arrangement and other multilateral regimes, and there is broad consent between the U.S. government and the European Commission as to the foreign policy and security imperatives their systems are intended to realise.

But in other respects, such as the variance between the way the EU regulations are interpreted by Member States, very different approaches to licensing, attitudes to enforcement and monitoring, the EU regime is fundamentally different to its U.S. counterpart.

In her presentation, Deloitte partner and Global Export Controls and Sanctions Leader, Stacey Winters contrasts the U.S. and EU systems, drawing attention to the key divergences that every business must understand if it is to ensure compliance across both jurisdictions.



Marian Niestedt – EU sanctions update

Recent years have seen restrictive measures imposed by the European Union to an unprecedented extent. But global politics is changing rapidly, with potential for détente in some regions, and deepening conflict elsewhere, and sanctions inevitably follow suit.

In his presentation, Graph Von Westphalen partner Marian Niestedt will outline the lay of the land as at the time of the presentation, updating the picture regarding EU sanctions against Iran, Russia and Syria, and appropriate industry responses to a sensitive and dynamic political landscape – an essential session for all businesses (and their advisers) whose operations bring them within the jurisdiction of the European Union.

Washington, DC 2015: Speakers and their Sessions



Les Carnegie – Recent developments in U.S. sanctions

The past 18 months have seen considerable change in the geopolitical – and hence sanctions – landscape.

Apparent stalemate with Russia has resulted in a stand-off in relations and very much reduced trade, a surprise détente between Washington and Havana has culminated in a loosening of restrictions on dealing with Cuba (with more to come). Recently announced ‘cyber sanctions’ would impose restrictions on those responsible for cyber attacks on U.S. companies, and there is the possibility of a significant lifting in whole or in part of sanctions against Iran.

Against this backdrop, Les Carnegie, partner at Latham & Watkins, will be updating delegates on U.S. sanctions policy as at the time of the Forum, and, most importantly, the business impact of the state of play, whether challenge or opportunity.



Suren Avakov – The view from Moscow

Sanctions and other restrictive measures (including export controls) against Russia and Russian entities took business and their compliance professionals by surprise when first imposed in 2014. Since then, they’ve impacted on many areas of trade between the U.S. and EU and Russia, including financing, the energy sector and banking.

In his presentation, Suren Avakov of Moscow law firm Avakov Tarasov discusses the cumulative impact of the West’s sanctions on foreign businesses with a presence in Russia, their partners, customers and suppliers, including the effect on trade finance, employment, new investments and joint ventures – as well as outlining some of the counter-measures taken by the Russian government in response to western sanctions.



Lillian Norwood – Developments in controls on The Cloud

Cloud computing poses export control challenges to almost every facet of business, but it’s been a difficult – almost literally nebulous – area for compliance practitioners to get a grip on, and until recently guidance has failed to keep pace with the increasing use of The Cloud as a means of storing data, or the growth of related technology.

The Bureau of Industry and Security (BIS) is in the process of fine-tuning its approach to The Cloud, and expected guidance is eagerly anticipated and will be just as eagerly received.

In her presentation, Lillian Norwood of IBM’s Governmental Programs division will talk about the challenges and best practises in approaching export controls relating to The Cloud in all the contexts in which it is routinely employed. She will also be looking at the U.S. government’s plans to implement surveillance and intrusion controls – stringently controlled under draft regulations.



Nicolas Fribolle – The EU licensing regime

Through U.S. eyes, the EU licensing regime can look complex, based as it is on both EU and Member State law. In his presentation, Switzerland-based Nicolas Fribolle, Trade Compliance Director at Meggitt Sensing Systems, describes the use of the Universal General Export Authorisations (UGEAs) available to exporters, as well as the authorisations that (some) Member States have at their disposal, including National General Authorisations (NGAs), global authorisations and individual licences, explaining the circumstances in which their respective use is most appropriate.



Being an effective export controls professional: communication, training, negotiation with colleagues and partners – Panel Discussion

The panel discussion will explore how export controls professionals in industry can maximise their effectiveness within their companies and the key skills needed to do so: including communicating with colleagues across departments and teams and at board level, implementing training programmes and awareness, negotiating with partners, suppliers and customers – as well as exploring the value of professional development and accreditation. The panel brings together John Pisa-Relli (Accenture), Scott Sullivan (Flowserve Corporation) and Kevin Cuddy (GE Corporate).



John Pisa Relli is the managing director of trade compliance for Accenture, a \$30+ billion consulting, technology, and outsourcing company with more than 300,000 employees in over 50 countries. He leads the company's internal trade compliance programme and legal team, and serves as chief in-house counsel on all matters pertaining to economic sanctions, export controls, and other legal requirements that impose restrictions on the worldwide transfer of goods, technology, and services.

Scott E. Sullivan is Vice President, Ethics, Compliance and Legal of Flowserve Corporation, a Fortune 600 manufacturer of fluid motion and control products such as pumps, valves and seals. Flowserve has approximately 17,000 employees and operates in 55+ countries. Scott oversees, develops, implements and manages Flowserve's global trade compliance, anti-bribery, antitrust, corporate investigation and ethics programs.



Panel member, Kevin Cuddy is an export controls manager at GE Corporate in Washington, DC. Kevin's significant expertise includes export compliance programmes and training, export control audits, voluntary disclosures, watchlist screening, antiboycott compliance, ITAR, trade policy and encryption export controls.



Olga Torres – Free speech and export controls: the Cody Wilson case

In 2013, Cody Wilson placed blueprints on the internet that allowed anyone, anywhere in the world, with access to a 3-D printer, to manufacture the components of a plastic gun. Wilson and his organisation 'Defense Distributed' were ordered by the U.S. State Department to remove those files from his website claiming that the files would bring him in contravention of ITAR. He duly did so.

Two years later, Wilson has lodged a challenge to the State Department, alleging *inter alia* that its request contravened the First Amendment. The U.S. government has yet to respond, but clearly the case raises intriguing questions about the need to balance security with constitutional rights – and export control practitioners will be closely monitoring developments.

In her presentation, Olga Torres of Braumiller Law Group explores the issues around the posting of the files, and whether free speech or perceived security needs will take precedence.



John Grayston – Voluntary Self Disclosure in the European Union

In the United States, Voluntary Self Disclosure (VSD) is an established procedure – indeed, it is acknowledged as critical to the relationship between the corporate sector and the regulatory agencies. However, its how's and why's are markedly different in the European Union: best practice in the EU is only now starting to emerge. Safe to say, however, the approach taken to VSD varies markedly between different EU Member State regulatory authorities – posing considerable challenges for companies with operations in Europe.

Drawing on examples from key EU jurisdictions, John Grayston, of Brussels law firm Grayston & Company, explains the right approach to disclosing in Europe, the circumstances in which caution is best advised, and how regulatory authorities are most likely to respond – a must-attend session for any company doing business within the European Union.



Philip Moser QC – Designation challenges in the EU courts

Recent years have seen a major escalation in the number of individuals and entities designated by the European Union under sanctions ('restrictive measures' – to use the EU term of art) pertaining to Iran, Syria, Russia, Belarus and other countries as well as terrorist organisations, both under UN sanctions regimes and the EU's own sanctions policy. As a result, the EU courts have been almost besieged by entities and individuals (among them, Iranian banks Bank Mellat and Saderat, the Iranian National Oil Company, several Russian entities and a Belarus sports team) challenging those designations or listings and often finding the courts favourable to their suits.

These cases have raised intriguing issues about the right balance between security considerations and legal procedure and principle – and the use of evidence – and have frequently challenged the listing authorities to revisit the grounds on which they base their cases.

In his presentation, Philip Moser QC of London's Monckton Chambers, who has acted on behalf of plaintiffs in several leading sanctions cases including *Abdulrahim v Council & Commission* (resulting in the plaintiff successfully having his listing as a person associated with Al-Qaida annulled) will discuss some of the lessons emerging from such challenges.



Nisha Sawhney – Recognising and responding to 'red flags'

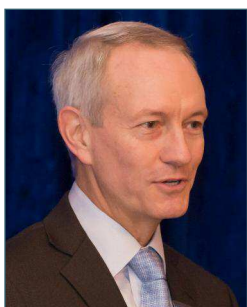
Understanding how to recognise danger signals – and how to respond appropriately – is a key part of an effective compliance programme. In what promises to be a lively and participative session, Rio Tinto's Senior Regulatory Counsel, London-based Nisha Sawhney, will draw on her experience in the energy and natural resources sector to present a series of 'red flags' / business dilemmas and will facilitate discussion on potential responses and mitigating actions.



Developing a compliance program fit for the 21st century and beyond – Panel Discussion

In the light of the ever-expanding reach of global business, security concerns and risks, what are the key components of a state-of-the-art export controls compliance programme – and related challenges? Panellists share their experiences and thoughts on topics including screening, classification, cyber-threats and supply chain security. The panel brings together industry experts from both sides of the Atlantic.

Fredrik Hallgren is the Director of Group Trade Compliance (Group Function Legal Affairs) responsible for the trade compliance programme within the Ericsson Group. As such, it is his responsibility to ensure that the Ericsson Group is well equipped to comply with export controls, sanctions and customs regulations worldwide.



As Director, Global Trade Controls (GTC) Licensing and Policy at The Boeing Company, panellist Chris Haave is responsible for coordinating trade control policy, licensing, and technology release issues with U.S. government regulators in GTC's Washington, D.C. office. In addition, his team provides trade control regulatory guidance in support of Boeing businesses, and manages internal and external relationships on trade control requirements with various U.S. government departments and agencies.



Lillian Norwood is a Manager for IBM's Export Regulation Office. She has responsibility to ensure export regulation compliance with a focus on technology transfer, which has a large impact across multiple IBM organisations, including Engineering, Manufacturing, Research, and Systems & Technology Group. She also has managerial responsibility for export compliance within IBM's Global Service engagements, patents, external relationships and anti-boycott compliance.



Raphael Barazza – introducing French export controls and the 'Gallic Exception'

France's export controls are regarded as amongst Europe's most stringent, they can be difficult to navigate and sometimes less than transparent. Many agencies take a role in the regulation of export controls in France; major decisions on export authorisations are typically taken at ministerial level.

On the enforcement side, French Customs (*Les Douanes*), armed with formidable investigatory powers, takes the lead, while the export of dual-use goods largely falls within the competence of the *Service des Biens à Double Usage* – a team of professionals drawn from government ministries including foreign affairs, nuclear energy, defence and industry.

Avocat Raphael Barazza explains the French export control system and describes the importance that lies in unique features, such as its treatment of encryption controls (ANSSI), for market access and risk analysis. Using case studies, and drawing on a wealth of experience, Raphael outlines the necessary approach for filing for export control authorizations in France and dealing with an audit by the French authorities.



Yasushi Tagami – Japan's export controls and the work of CISTEC

Japanese export controls are some of the best-established and most sophisticated in the Asia-Pacific region. Further, there is considerable dialogue on key issues between industry and government.

Center for Information on Security Trade Control (CISTEC) was founded in April 1989. It is the only non-profit, non-governmental organisation in Japan dealing with security export control issues comprehensively. CISTEC has been contributing to world peace by supporting rational and effective security export control and by serving as a 'linkage channel' for industry, government and academia on security export control.

In his presentation, Yasushi Tagami, a senior researcher with CISTEC since April 2015, will describe the features of the Japanese export control regime, including recent (and significant) developments, and outline how export control compliance is monitored and enforced. He will also explain CISTEC's mission and activities.

Mr Tagami is well qualified to describe these subjects: prior to working in CISTEC, he was a senior manager with Hitachi Ltd., responsible for overseeing the export control audit of Hitachi's many domestic and overseas groups and divisions. He was also the leader of the U.S. Export Control Working Group of CISTEC from 2002 to 2008 and a member of the CISTEC's delegation to the U.S. government departments including BIS, OFAC and DDTC.



Sanjay Notani – the Indian export control regime

India boasts a sophisticated export control regime based around its SCOMET (Special Chemicals, Organisms, Materials, Equipment and Technologies) list. But navigating the system can be extremely confusing for the outsider.

In his presentation, Sanjay Notani, partner at Mumbai-based law firm Economic Laws Practice, explains how export controls are regulated and enforced, the basis and characteristics of controlled items in India, sharing some of the tricks to navigating the licensing process and detailing possible pitfalls.

Sanjay will also outline recent changes to the SCOMET list, and changes on the horizon.



Daniel Reisner – Understanding the Israeli export control regime

Rigorous and uncompromising, the Israeli export controls system presents significant challenges to investors in the country's flourishing hi-technology industry sector – though, as Herzog Fox Neeman partner Daniel Reisner will explain, these are not insurmountable!

In his presentation Daniel will begin with an overview of Israeli export controls and procedures, then address the methods adopted by Israeli industry to cope with these controls, including the trend of 'regulatory structuring' (establishing defence and homeland security companies in less onerous jurisdictions to avoid onerous regulations).

Prior to entering private practice in 2004, Daniel Reisner served for almost 10 years as the head of international law for the Israeli military, and was responsible for advising the Israeli leadership on international law-related matters before opening a private law firm, which, in 2008, merged into Israel's largest law firm, Herzog Fox and Neeman, where he currently heads the International Law, Defense, Aerospace and Homeland Security, and Corporate Compliance practice groups.

In parallel, for the past two decades, Mr. Reisner has served as a senior member of the Israeli peace negotiation teams with Israel's Arab neighbouring countries, serving in the triple role of negotiator, drafter and legal adviser.

Washington, DC 2015: Speakers and their Sessions



Charles Claypoole – Impact of sanctions on arbitration and international disputes

The force of sanctions is making itself felt not only in international trade, but also in international disputes. In his presentation – and with a clear eye on the impact to businesses – Charles Claypoole of Latham & Watkins will outline some of the key legal issues arising out of contracts potentially hit by sanctions, including:

- the extent to which sanctions may constitute *force majeure* or otherwise impact contractual obligations,
- the interplay between different sanctions regimes, and
- the different laws that may be relevant in an international arbitration, such as the procedural law of the arbitration (determined by its seat), the substantive law of the contract, and other laws that may be relevant, including (due to the nationality of the contracting parties) the place of performance of the contract, or the place of enforcement of an arbitral award.



Ryan Lynch Cathie – The export control regimes of the Middle East

Given increasingly vibrant economies, their position in many of the world's most important trade routes – and their proximity to some of the world's hotspots – Middle Eastern countries are crucial to many businesses with international operations. Their export control regimes, however, are typically overlooked and lack transparency.

Ryan Lynch Cathie will look at the Middle East approach to export controls and controlled items, how they're enforced and monitored, transshipment issues and other practicalities, as he draws on examples from, and his personal experience of, key jurisdictions within the Middle East region.

Ryan Lynch Cathie is the Managing Director of Products and Innovation at Securus Strategic Trade Solutions, LLC, and a research fellow at the Center for Policy Research at the University at Albany, State University of New York (SUNY-Albany).

Christina Zanette (U.S.) and Stacey Winters (UK) – Life after consent agreements

Recent years have seen a marked upswing in multi-million-dollar enforcement actions. Companies finding themselves 'caught in the net' of major settlements with government authorities need to pay particular attention to their conduct subsequent to their entering into agreements with those agencies – payment of fines or penalties representing only part of the story.

In this session, Christina Zanette (U.S.) and Stacey Winters (UK) of Deloitte's global trade group will facilitate a discussion on post-settlement consent agreements and audits, looking at effective preparation, monitoring, the respective roles of consultants/monitors and in-house people, and the other myriad issues arising from what can be game-changing events in the life of a company.

Further sessions to be announced... Further sessions to be announced.... Further sessions to be announced....

Scenes from a previous WorldECR Forum



November 2013 and the inaugural WorldECR Export Controls and Sanctions Forum – the event was widely hailed a great success.

***‘Excellent sessions.
Well thought out!’***

**Nichola Peters,
Head of Corporate
Crime and
Investigations,
Addleshaw Goddard**



***‘Excellent,
thought-provoking
forum.’***

**Roopa Nandha,
IT export compliance,
Cap Gemini**

THE WORLDECR EXPORT CONTROLS & SANCTIONS FORUM

21-22 September, Crystal Gateway Marriott Hotel, Washington, DC

REGISTRATION FORM

Please register the following delegate(s) for The WorldECR Export Controls and Sanctions Forum 2015

Delegate 1	Delegate 2
NAME	NAME
POSITION	POSITION
<input type="checkbox"/> Conference only <input type="checkbox"/> Conference + dinner (please tick) <input type="checkbox"/> Conference only <input type="checkbox"/> Conference + dinner (please tick)	
Organisation	
Address	Delegate 3
Address	NAME
City	POSITION
Post/Zipcode	<input type="checkbox"/> Conference only <input type="checkbox"/> Conference + dinner (please tick)
Country	Delegate 4
Telephone	NAME
Email	POSITION
<input type="checkbox"/> Conference only <input type="checkbox"/> Conference + dinner (please tick)	

FEE PER 1ST DELEGATE

REGISTER & PAY	BY 31 JULY 2015	AFTER 31 JULY 2015
CONFERENCE	\$1895	\$2195
CONFERENCE + DINNER	\$1980	\$2280

FEE PER ADDITIONAL DELEGATE

REGISTER & PAY	BY 31 JULY 2015	AFTER 31 JULY 2015
CONFERENCE	\$1745	\$2045
CONFERENCE + DINNER	\$1830	\$2130

HOW TO PAY*

1) ☐ I will pay by card on line: please go to

<http://www.worldocr.com/conference-payment-us>

2) ☐ Please invoice me for payment by check or bank transfer.

Please email your completed registration form to mark.cusick@worldocr.com

(Please note, to qualify for Early Bird discount, payment must be received by WorldECR by 31 July 2015)

Signed

Date

Terms and conditions

Please note, by registering for this event you accept the terms and conditions below.

Registration Fee

Your fee includes the attendance at both days of the conference; morning, mid-morning and afternoon coffee and pastries, and lunch on both days; drinks reception on day 1; programme materials.

Registration policy

Delegates may not 'share' a registration without the organiser's authorisation.

Payment policy

Payment must be received in full by the conference date. 'Additional delegate' prices are only available to delegates from the same organisation as the original full-fee delegate.

Cancellations and Refunds

You must notify the conference organiser 48 hours before the conference if you wish to change the delegate.

If you wish to cancel your registration, you can do so incurring the following charges:

Cancellation more than 28 days before the event – full refund less 33% admin fee.

Cancellation between 27 and 6 days before the event – full refund less 50% admin fee.

Cancellation between 5 days before and the day of the event – no refund.

Change of venue

The organisers reserve the right to change the venue should attendance numbers so demand.

Change of speaker and presentation

The organisers reserve the right to change speakers and/or presentations.

THE CRYSTAL GATEWAY MARRIOTT HOTEL

The venue for the WorldECR Export Controls and Sanctions Forum 2015 is **The Crystal Gateway Marriott Hotel**. The hotel is a popular conference venue with state-of-the-art facilities and a reputation for excellent service and catering.

GETTING THERE

Easy to access via public transport – the hotel sits above the Metro station, Crystal City (Blue & Yellow Lines) – we have selected this venue as a good choice for delegates coming from nearby or far.

For those flying into Ronald Reagan Washington National Airport, the hotel runs a complimentary shuttle bus service. If you're coming through Dulles International Airport, it's an estimated taxi fare of \$45.

For full information, directions and details on transport options, please visit

<http://www.marriott.com/hotels/maps/travel/wasgw-crystal-gateway-marriott/>

STAYING AT THE HOTEL

The well-appointed hotel rooms boast high-speed wireless Internet & ample work space. There is a fitness centre and both indoor and outdoor pools. Rooms feature deluxe bedding boasting 300-thread-count linens, fluffy pillows and down comforters. To see the rooms, please visit

<http://www.marriott.com/hotels/hotel-rooms/wasgw-crystal-gateway-marriott/>

SPECIAL GROUP RATE

WorldECR has negotiated a special group rate for delegates wishing to stay at the conference hotel of \$209 per night plus usual taxes. There is a limited number of rooms at this rate and they will be available on a 'first come first served' basis.

Delegates wishing to take advantage of the rate should book directly with the hotel (tel. +1-703-920-3230) and ask for the '**D.C. Houghton Ltd Group Rate**'. Please note, this rate is only available for hotel reservations made up to and including 21 August 2015.