

# THE **WORLD ECR** EXPORT CONTROLS AND SANCTIONS FORUM **2019** **LONDON**

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## Welcome



**Tom Blass,**  
**Editor,**  
**WorldECR**

In the world of strategic trade controls, there's been no let-up in the pace of developments since the last WorldECR Forum in June 2018.

Our programme of sessions this year reflects all the major export control/sanctions developments and trend directions that have emerged or accelerated since then. This is a challenging and rapidly changing area of trade regulation and keeping ahead of the pack adds weight to the capabilities of trade compliance professionals as business enablers.

This year, high on the list of concerns are

- The return of big-ticket OFAC settlements against non-US companies;
- The ramping up of sanctions against Venezuela – but Maduro remains in office;
- Continuing uncertainty in Asia as Kim and Trump fail to move forward on sanctions and denuclearisation...
- China relations deteriorate in the wake of ZTE, Huawei fears, and a trade war;
- Further divergence between the United States and its international partners on Iran;
- And, dare we mention, the all-consuming, ever-fatiguing topic of BREXIT?

Of course, the Forum is not only a place for discussion of the impact on trade of geopolitical developments – there's enormous benefit to be gained from shared experiences in practical issues and questions, and, as always, the presentations will not disappoint. This year, we will be able to profit from experience and insight into

- Investigations: allocating roles, working with third parties, managing costs;
- How and why (the real benefits) to audit your export control function;
- Factoring national security considerations into corporate activities like divestment and mergers;
- Understanding your place in the defence supply chain (even if you're not a defence company);
- Translating EU ICP guidelines to 'work' for your company;
- Cross-border investigations: allocating roles, working with third parties, managing costs.

The WorldECR London Forum is the place to share thoughts upon the fast-changing world of strategic trade compliance and to learn and discuss with speakers from organisations with a global view, leading lawyers and experts from international institutions.

It's a great time and place to network, where the event space is comfortable and state of the art. As in previous years, you can enjoy an **optional dinner** on the first evening of the Forum, following a drinks reception. To date, this relaxed and informal dinner for speakers, panelists and delegates alike, held in a local restaurant, has proven a great success. It is optional – there is an additional charge – but it is always a fun end to a long day and a great opportunity to build new contacts.

### Key dates and offers

Please allow me to draw your attention to the following:

- If you register by 1 September you can save £200 ● Additional delegates from the same organisation can save an additional £100 ● *WorldECR* subscribers and past Forum attendees can claim a 15% discount.

Join us in London this October. We look forward to seeing you. Booking forms and logistics are at the end of this programme.

Tom Blass  
Editor, WorldECR

## London 2019: Speakers and their Sessions



### **Panel discussion – Above and beyond the call of duty? How much compliance is enough compliance?**

All conscientious companies want to ensure that they're compliant with applicable sanctions and trade controls regulations – increasingly, being so impacts across most areas of business activity, including sales and marketing, finance, training, procurement and recruitment. Indeed, as hard-pressed compliance professionals know, there is hardly an area that is untouched.

But how extensively do screening and other due diligence tools need to be applied for a company to assure itself that it is 'compliant'? And what is the danger of over-compliance – i.e., conflict of laws situation, GDPR concerns – choking off legitimate opportunities and customer and other third-party relationships by striving for a 'zero-risk' approach?

Aline Doussin, partner at the London office of Hogan Lovells and dual-French and English qualified, will lead the conversation on this perennial question alongside Keith O'Leary, Global Trade Compliance Manager – EMEA at Hitachi Vantara.



### **Marian Niestedt and Dr. Gerd Schwendinger – Rocks, hard places, and little in between: the EU and the German blocking statutes and their impact on compliance**

Since Donald Trump announced in May 2018 that the US would be pulling out of the JCPOA, the divergence between the US and the EU regarding Iran has only widened. At that time, the EU announced that it would be reactivating its 'blocking statute' – initially a response to sanctions imposed against Cuba in 1996.

Germany has its own 'blocking' law in the form of a provision of the Foreign Trade and Payments Ordinance that reads, 'The issuing of a declaration in foreign trade and payments transactions whereby a resident participates in a boycott against another country (boycott declaration) shall be prohibited.'

Heightened disagreement between the two great spheres of influence in the West elevates the blocking laws well beyond the theoretical, creating genuine compliance dilemmas for EU companies and subsidiaries of US companies.

We are delighted that Marian Niestedt and Dr Gerd Schwendinger, partners at German law firm Graf von Westphalen, will be presenting on how best to navigate EU/US contradiction, what can be learnt from the original implementation of the blocking statute in response to Helms-Burton, and how economic operators can best ensure compliance with export control and sanctions laws and regulation in times of increasing regulatory sanctions and intervention.



## London 2019: Speakers and their Sessions



### **Rosa Rosanelli – Found in translation: Interpreting the EU Guidelines for ICPs**

For many companies trading in strategic goods, a strong and comprehensive Internal Compliance Plan (or ICP) lies at the heart of ensuring that their efforts to stay abreast of the law are always on track.

In 2018, the European Union published Guidelines on best practice related to the seven core elements of an ICP: management commitment, training, performance review, transaction screening, recordkeeping and physical and information security.

Food for thought for any compliance manager – but how best to interpret the guidelines in such a way as to be relevant for individual companies?

In her presentation, Rosa Rosanelli, Group Chief Export Control Officer of AIM Norway, and General Counsel of BEC, takes a deep dive into the EU guidelines and gives practical suggestions for their real-world application.



### **Satish Kini and Konstantin Bureiko – OFAC, through the prism of its enforcement actions**

For many companies (regardless of their nationality), ensuring adherence with the regulations imposed by the US Treasury's Office of Foreign Assets Control ('OFAC') is at the top of the list of their compliance concerns – reflecting not only the huge penalties by way of settlement that often arise out of OFAC allegations, but the speed with which the US sanctions landscape continues to change.

But – arguably a saving grace – OFAC enforcement actions do come with explicit descriptions of the reasons why a penalty was imposed, its size, mitigation and aggravating factors.

In this session, Debevoise & Plimpton lawyers Satish Kini and Konstantin Bureiko look at OFAC sanctions and the application of extra-territorial jurisdiction through the prism of recent enforcement cases and examine how companies can improve their compliance processes and culture accordingly.

This is a session that translates the sometimes obscure language of the law into practical and potentially invaluable steps that every company can take.



## London 2019: Speakers and their Sessions



### **Barbara Linney – National security laws and due diligence: preparedness and conduct**

Renewed emphasis in recent years has elevated national security laws – sanctions, export controls, restrictive investment regimes including CFIUS and the FDI regulation – to the suite of prime considerations for companies contemplating acquisitions or divestments (whether as targets, acquirors or sellers).

But there's a tension: the commercial side wants the deal done and the champagne corks popping. Compliance wants to see the i's dotted and the t's crossed. Is there a happier medium?

Barbara Linney of the DC office of law firm BakerHostetler walks delegates through the areas of national security law that can impact deal-making – including those which are routinely ignored, but shouldn't be – and, crucially, explains how long-term preparedness is as critical as due diligence attendant on the deal itself.



### **Branislav Aleksic – R&D and beyond: the Fraunhofer experience**

Fraunhofer Gesellschaft is the largest organisation for applied research in Europe, with 72 institutes and research facilities in Germany (and beyond), and is a key component of the country's Innovation Economy.

Each year, it's contracted to undertake around Euros 2bn worth of R&D for industry, the service sector, and government in fields including health, communication, energy, transport and security.

The export control challenges, such as the clash between research and control, addressing new technologies, working with multiple partners from different jurisdictions are, it scarce need saying, complex, considerable – and ever-changing.

In this presentation, Branislav Aleksic, Export Control Officer and Legal Counsel, describes some of those challenges and the structures and procedures that Fraunhofer has put in place to meet them.



### **Dr Justine Walker – Sanctions and the humanitarian dimension**

Despite the waivers and licences available, sanctions continue to pose huge challenges for the export of food, medicines and medical products, aid and other necessities – to embargoed destinations including Syria, Iran, North Korea and Venezuela. In many cases, the difficulties created by the law are compounded by banks and other organisations determining that the risks – and costs – attached to legitimate business outweigh the benefits of proceeding with transactions.

Dr Justine Walker, of the trade association UK Finance, has conducted extensive research into the humanitarian consequences of sanctions, and we are delighted that she will be sharing her conclusions and recommendations – for all stakeholders.



### **Lourdes Catrain – Europe: tightening the reins on foreign investment?**

2020 will see the entering into force of the EU Foreign Investment Enabling Framework – marking a stepping up of the scrutiny of foreign direct investment, and with potentially significant impact on companies, particularly where active in strategic and sensitive areas of industries.

In parallel, a number of EU Member States have strengthened their own powers for reviewing foreign direct investment. With the Framework imminent, how should such companies prepare? And how will EU and Member States' rules interplay?

Lourdes Catrain, a partner at the Brussels office of Hogan Lovells, will walk through the substantive and procedural requirements of the EU and various EU Member States, including France, Germany and the UK, and explore how companies might factor developments into their corporate planning and compliance strategies.



### **Keith O'Leary – Getting a grip: building a compliance strategy for intangible technology transfers (ITT)**

The Cloud, employee travel, email and data sticks, all pose challenges to companies' best endeavours to ensure compliant ITT. But it's a challenge, not only for ICT companies, but for every company active in the digital economy.

Not only does the movement of 'intangibles' take place in an instant – and can be all but impossible to trace – but the regulation of ITT and interpretation thereof varies significantly between nations (even within the European Union).

In this presentation, Keith O'Leary, Global Trade Compliance Manager – EMEA for Hitachi Vantara looks at key recent developments relating to ITT, and considers how companies can construct a coherent strategy for managing the manifold potential compliance risks ITT presents.



### **Amie Ahanchian and Steve Brotherton – Auditing the trade function: What, When and How?**

Developing a robust export control audit programme can be a gamechanger for companies navigating the increasingly complex world of global trade. But a well-executed audit doesn't happen overnight – it requires planning, performing, reporting and implementing improvements based on the results.

But what to audit, when, and how?

In their presentation, Amie Ahanchian, Managing Director, and Steve Brotherton, Global Export Controls and Sanctions Lead, at KPMG LLP, will walk delegates through leading practices for executing an export compliance risk audit, on the way outlining key characteristics of audits by type: organisational self-assessments, corporate-level export compliance reviews, internal audits, external assessments, and government-directed audits.

Of course, there is no-one-size-fits-all 'blueprint' for auditing – but this thought-provoking presentation will take delegates a long way toward a plan of action that 'works' for their own organisation.



## London 2019: Speakers and their Sessions



### Mark Bromley – Taking stock: EU export control reform

Long-anticipated changes to the EU's export control regime are still on the cards, and have the potential to alter the nature of compliance in Europe and create divergence between the EU dual-use list and the control lists published by the multilateral regimes.

In June, the European Council published its proposed amendments to the proposed 'recast' of the EU dual-use regulation, meaning that the trilogue between the Council, Commission, and European Parliament can finally begin.

Mark Bromley, Director of SIPRI's Dual-Use and Arms Trade Control Programme, has studied the proposal and amendments and – in this important presentation – will examine the options and challenges for the trilogue process.



### Matt Bell – Wind it up before you go

As copious recent examples (Russia, Iran, Venezuela) have proven, sanctions against a country – or persons and entities within a country – can be imposed or escalated quickly and with little warning. Companies bound to comply must act fast to ensure that they're not in violation of US, UN or other sanctions – even if they choose to walk out the door.

But severing ties is not something that can be undertaken overnight. Employees need to be paid, taxes must be filed, labour laws considered, third-party relationships terminated, contractual obligations renegotiated or suspended, and steps taken to ensure that you do not accidentally violate the law on your way out – or alternatively, if and when the sanctions are lifted, that business can resume.

Matt Bell, Senior Managing Director, Practice Leader Export Controls and Sanctions at FTI Consulting, has been at the front line of trade compliance for the past five years. Matt will be bringing to bear his experience as a senior in-house counsel dealing with wind-down operations in a presentation that addresses the urgent issues and shift in compliance tempo that can quickly arise.



### Satish Kini and Konstantin Bureiko – A troublesome troika: Russia and the EU/US sanctions regimes

The sanctions that have been imposed on Russia by the United States and the European Union since the annexation of Crimea amount to some of the most complex ever – now extending to sectoral sanctions, restrictions on debt, an arms embargo, Magnitsky-type sanctions, and the secondary sanctions found in the CAATSA legislation introduced in 2016.

And yet – whereas typically embargoes choke off all but the most niche (or illicit) – trade between Russia, the United States and the European Union remains strong. Still, the need for due diligence and analysis required remains considerable, exacerbated by the underlap between the EU and US sanctions regulations.

In this presentation – essential for anyone doing business with Russia, Russian parties, or in the orbit of either – Debevoise & Plimpton lawyers Konstantin Bureiko and Satish Kini focus on the discrepancies between the US and EU sanctions programmes, and how they should be managed within a cross-border trade compliance programme.





### **Timothy O'Toole – Going deep: a masterclass on investigations best practice**

Much of the time, a company's investigation into potential compliance failings results in little or nothing. But sometimes there's a lead and the lead needs to be pursued further.

Investigations can be lengthy, complicated – and expensive, the way that they're conducted can have a huge bearing on a company's fortunes.

In this presentation, experienced investigator and white-collar crime attorney, Timothy O'Toole, of Washington, DC law firm Miller & Chevalier, talks through best practice, including:

- When should an investigation be initiated?
- Defining its scope
- Allocating responsibilities and working with third-parties
- Working with multiple, sometimes multijurisdictional, agencies
- Protecting employees' rights and data
- Voluntary disclosure do's and don'ts...

Bringing to bear the fruits of O'Toole's extensive cross-border experience, this promises to be a must-attend session for compliance officers and others in the trade controls space.



### **Arthur Browne – The defence supply chain: risks, challenges and opportunities**

Highly regulated, demanding, and involving multiple suppliers, components and solutions providers from around the world, the defence supply chain is arguably more complex than any other – and is necessarily attended by numerous security concerns and, it goes without saying, compliance risks.

Suppliers and contractors must be vetted, shipments tracked, components sourced, goods and parts classified in a just-in-time environment – all while working with multiple regulatory bodies from around the world, addressing manifold reputational and proliferation/diversion concerns.

Given the lead time of defence projects, timing is everything.

In this presentation, which will resonate with compliance professionals in both the defence and dual-use space, Arthur Browne, Regional Trade Compliance Manager for Europe at Northrop Grumman, will explore the key compliance risks inherent in the defence supply chain, and how they can be managed in a way that also enables the company's commercial imperatives.



### **Genevra Forwood and Sara Nordin – Sanctions and arbitration: Two worlds collide**

As the use of sanctions as a foreign policy tool has expanded, and arbitration as an alternative to the court system grown in popularity, inevitably they rub up against each other, sometimes opening a Pandora's Box of issues that aren't always easily resolved.

White & Case sanctions experts, Genevra Forwood (partner) and Sara Nordin (counsel) share their experiences of how sanctions issues can arise in the arbitral context. They will look at how sanctions can impact on arbitration clauses, on the substance of the dispute (e.g., their bearing on the interpretation of contracts) and the enforceability of arbitral awards.

In their presentation, Genevra and Sara will also touch on the practical impact of sanctions on arbitrations (e.g., licensing issues and compliance obligations of arbitrators) and the implications that ensue when one or both parties are designated under EU or other sanctions measures.

This promises to be a thought-provoking presentation raising numerous, fascinating issues in fast-evolving areas of contemporary business law and practice.



### **Tina Carlile – Owning the risk and staying resilient**

Key to contemporary compliance – whether sanctions, export control, or cybersecurity – is the application of resilience tactics. That means thinking ahead and anticipating risk.

In real world terms, that also means translating best intentions into concrete action, ensuring that risk ownership and responsibility for coordinating responses are clearly allocated.

Drawing on her experiences both in the private sector and also with the US government (US Department of State and Department of Homeland Security), Tina Carlile, Senior Counsel for International Trade at BP, describes her approach to risk ownership allocation and pre-empting change across a spectrum of national security-related compliance concerns, including export controls and sanctions, cybersecurity and general disaster-preparedness.

This is a must-attend session in an uncertain global climate characterised by rapid technological advances.

## The WorldECR Forum past



# THE WORLDECR EXPORT CONTROLS & SANCTIONS FORUM

3-4 October 2019, 8 Fenchurch Place, London EC3

## REGISTRATION FORM

Please register the following delegate(s) for The WorldECR Export Controls and Sanctions Forum 2019

Delegate 1	Delegate 2
NAME	NAME
POSITION	POSITION
<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)
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### FEE PER 1ST DELEGATE (INCLUDES VAT @ 20%)\*

CONFERENCE £1295 + VAT =£1554  
CONFERENCE + DINNER £1350 + VAT = £1620

### FEE PER ADDITIONAL DELEGATE (INCLUDES VAT @ 20%)\*

CONFERENCE £1195 + VAT =£1434  
CONFERENCE + DINNER £1250 + VAT = £1500

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## HOW TO PAY\*\*

1) ☐ I will pay by card on line: please go to [www.worlddec.com/conference-payment](http://www.worlddec.com/conference-payment)

2) ☐ Please invoice me.

Please email your completed registration form to [mark.cusick@worlddec.com](mailto:mark.cusick@worlddec.com)

3) ☐ I am paying by cheque

I have enclosed a cheque made payable to D.C. Houghton Ltd for £\_\_\_\_\_

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Signed \_\_\_\_\_

Date \_\_\_\_\_

### \*\* PAYMENT OPTIONS FOR NON-UK DELEGATES

Non-UK-based delegates may be able to avoid paying VAT. For further details – or if you prefer to pay in a different currency – please email [mark.cusick@worlddec.com](mailto:mark.cusick@worlddec.com)

### 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 Venue

### THE VENUE – AND GETTING THERE

The Venue for the WorldECR Export Controls and Sanctions Forum 2019 is ETC Venues' 8 Fenchurch Place, a state-of-the-art conference, exhibition, meeting and training venue next to Fenchurch Street Station.



#### How to find etc.venues Fenchurch Place

**8 Fenchurch Place is located through a large white doorway right next door to Fenchurch Street mainline station – also a short walk from Tower Hill underground and DLR stations. It's also well within a 15 minute walk of Aldgate, Bank and Monument Stations.**



##### By train

8 Fenchurch Place is situated right next door to Fenchurch Street station. Exit the station via Exit 1 which can be found at the end of Platforms 1-4. When using Exit 1 simply turn right out of the station, the main entrance to etc.venues 8 Fenchurch St is through the large white arch.



##### By Underground

District or Circle Lines to Tower Hill Station. Tower Hill is approximately 5 minutes walk.

From either Eastbound or Westbound platforms, follow the Way Out signs saying Fenchurch Street and Tower Gateway DLR. Go up the steps and into the station ticket area. Turn right out of the station and onto *Coopers Row*.\*



##### By DLR

Tower Gateway Station is approximately 7 minutes walk

At the station exit, cross over the Minorities and follow signs to Tower Hill underground station (100 metres away). Just before the underground station entrance, turn left down the steps. At the bottom of the steps, turn right, up a slope with steps at the end. At the top of the steps, turn right and walk towards the underground station exit (25 metres up on the right hand side). Follow the directions from \* above.



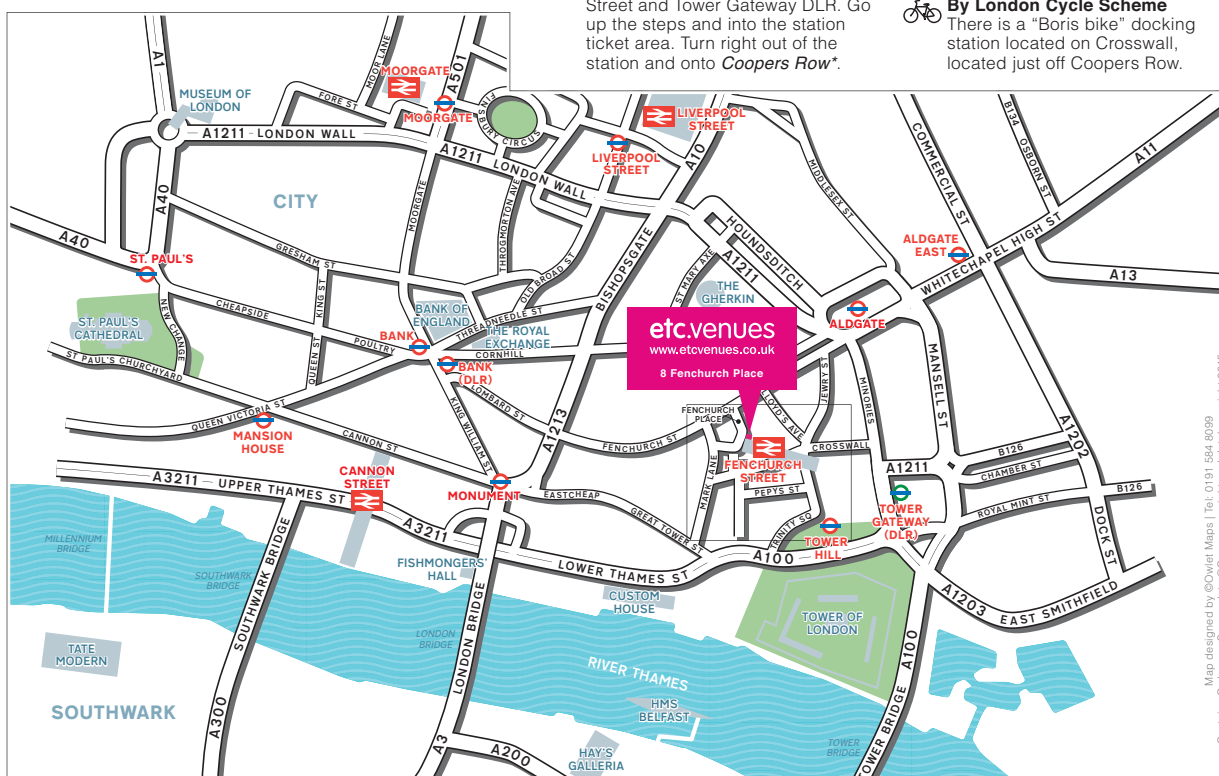
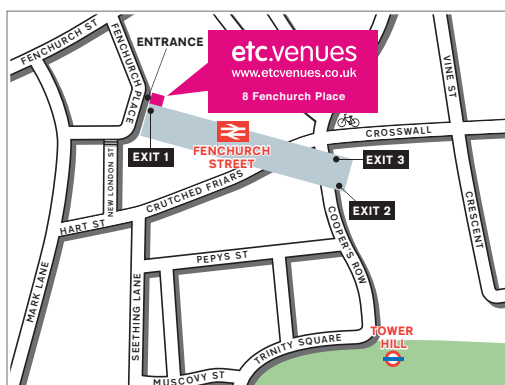
##### By bus

8 Fenchurch Place is served by many bus routes including the 35, 47, 48 and 149.



##### By London Cycle Scheme

There is a "Boris bike" docking station located on Crosswall, located just off Coopers Row.



### HOTEL CHOICES

The area around Fenchurch Street is well served by hotels.

In previous years, we have negotiated a special reduced rate with a nearby hotel. That hotel, however, is under new ownership and the special rate offered is no longer especially competitive. Instead, we list below details of nearby hotels which we suggest you might consider. It is generally best to make your reservation early to secure the best price.

Nearby hotels nearby include:

- Doubletree by Hilton, 7 Pepys Street, City of London, London, EC3N 4AF
- Apex City of London Hotel, No 1 Seething Lane, City of London, London, EC3N 4AX
- Hotel Indigo, 142 Minories, City of London, London, EC3N 1LS
- Leonardo Royal Hotel London City, Coopers Row, City of London, London, EC3N 2BQ
- Leonardo Royal Hotel Tower Bridge, 45 Prescott St, London, E1 8GP
- Guoman Tower Hotel, St Katherines' Way, Tower Hamlets, London, E1W 1LD