

# AWARDS 2016

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

**F**or the second year, *WorldECR* is proud to present awards for excellence in export controls and sanctions practice. Launching the awards last year, we said they 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.' Once again, the winners, runners-up and commended parties have demonstrated these achievements in buckets.

In the build-up to the inaugural awards, I wrote: '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.'

The feedback that we received on

last year is that these awards do just that, championing the work of this community of key professionals.

A year on and the *raison d'être* has not changed. By the end of April, we had received a raft of excellent nominations and submissions to consider. As can be expected, in some categories the competition was especially tough – the sanctions law firm categories being a prime example. Yet, throughout all categories, we received evidence of real achievement and innovation, of commitment and creativity, of willingness to go the extra mile, from those in industry and institutions, in law firms, and in specialist consultancies.

What is remarkable is the variety of type and background of those put forward; from global powerhouses to two-man bands, each playing their part in making the world a safer place. (In

many instances, the names of clients and much of the work carried out must remain confidential.)

The team at *WorldECR* would like to thank every individual and every organisation who sent us a nomination, an endorsement for a third-party, additional information where we felt it would benefit our decision making, and to congratulate not just the winners but every person – natural and legal – that made our shortlists. We weren't able to reply to everyone who put in a nomination or submission with a thank-you at the time, but we do thank you now.

We'd also like to thank our panel of judges who gave up precious – and sometimes billable – time to review and consider the shortlists and rule on the results.

*Mark Cusick*  
Publisher, *WorldECR*



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## Export Control Practitioner of the Year

### Winner: Chester Paul Beach

*'Paul Beach has been instrumental in driving change across industry, leading the trend towards the development of a fully comprehensive trade compliance function. Paul's leadership, honesty and integrity about his Consent Agreement experience and his commitment to building a world class trade compliance programme has been well received by industry and has proved valuable to a number of other leaders who were looking to drive meaningful change across their organisations. His legacy speaks for itself and his name should be added to the export control "hall of fame"!'*  
Stacey Winters, Global Export Controls and Sanctions Leader, Deloitte LLP

Chester Paul Beach, who retired from the position of Associate General Counsel, International Trade Compliance at United Technologies in January this year, is *WorldECR's* Export Control Practitioner of the Year, 2016. 'I didn't know he'd retired. That's a great loss to the export control community,' commented one U.S. government export controls professional.

Paul Beach spent more than 20 years at UTC and associated companies, finishing his career at the company as Senior UTC executive responsible for driving UTC's international trade compliance programme, chairing the UTC-wide International Trade Compliance Council, and supervising UTC's Washington-based Corporate International Trade Compliance Office and enterprise-wide International Trade Compliance Program Office. His remit included overseeing development and performance of more than 650 full-time ITC professionals across UTC.

When, in June 2012, UTC entered into settlements with the departments of Justice (deferred prosecution agreement (DPA)) and State (consent agreement) stemming from past violations of the ITAR, Charles Gill, the company's Executive President and General Counsel, asked Beach to



Paul Beach

*'His legacy speaks for itself and his name should be added to the export control "hall of fame"!'*

lead a much-needed transformation of UTC's International Trade Compliance ('ITC') programme. Gill writes: '[Beach] was clearly the right person for the job. Paul tirelessly led the development and implementation of a comprehensive UTC ITC program. Our goal is sustainable world-class excellence in all aspects of trade compliance. While we will continuously improve our program, key features developed under Paul's leadership include:

- A "hub-and-spoke" oversight infrastructure that drives: (i) common corporatewide ITC policy and process deployment; (ii) business ownership of compliance, including business implementation of UTC requirements under the oversight of UTC business unit core ITC groups; and (iii) UTC oversight of business unit implementation of those requirements;
- Increase in functional full-time ITC staffing to more than 595 professionals worldwide (with a total of 649 approved positions), including ITC personnel in core ITC functions and embedded in business operations;
- Substantial increase of function-specific online and in-person awareness and specialist training, together with an ongoing, branded UTC-wide communications program to reinforce management's commitment to a culture committed to full trade compliance;
- A robust, ongoing UTC Self-Assessment process applied across UTC's aerospace business units to assure that all identified business

processes include necessary trade compliance controls, with continuous improvement through analysis of results from audits and investigations;

- Significant investments in integrated IT automation, using common enterprise platforms integrated with foundational systems for jurisdiction and classification, access controls and logging;
- Management of export licenses and agreements by individually-accountable owners trained to execute common standard work, with quarterly owner certifications;
- Robust transparency through an automated matter management system that captures trade compliance questions and concerns directly from employees and tracks them to response and resolution, with a strong analytics capability to enable the company to identify and address compliance priorities using continuous improvement disciplines; and
- Timely investigation of instances of non-compliance and disclosures of violations, coupled with responsive corrective actions.

While building our program, Paul also worked closely with our Departments of Justice and State regulators to explain our commitment to, and progress under, the DPA and Consent Agreement. Paul effectively won the regulators' trust and respect. A Department of Justice statement in its motion to dismiss the UTC DPA sums up nicely the results of Paul's leadership:

*“From top to bottom, the UTC Entities responded to the case and the resulting monitorship with remarkable transparency, professionalism, cooperation and care...While following the UTC Entities’ compliance with the DPA over the past two years, it became readily apparent to the Office that the UTC Entities intended not just to meet the terms of the DPA but to exceed them in a genuine and good-faith pursuit of a robust trade and export compliance program. UTC’s work, and the work of the independent monitor not only met – but exceeded – the Office’s expectations under the DPA.”*

As UTC now continues its work under the Department of State Consent Agreement, we are confident that with the strong ITC program foundation Paul envisioned and



Beth Peters

*Peters was the lead lawyer who sought approval of the U.S. government for Carnival Cruise Lines regarding vessel and service operations in Cuba and for STARR Companies’ aircraft and travel activities to Cuba.*

created, we are well on our way to our goal of achieving sustainable world-class excellence in all aspects of trade compliance. The quality of our program and the overall progress we have made would simply not have been possible without Paul’s leadership, practitioner excellence, tireless drive, and commitment to the compliance mission.’

If our awards are to ‘recognise outstanding work, vision, best practice, commercial benefit to the company, and contribution to international security,’ Paul Beach is undoubtedly a very worthy winner.

### Runner-Up: Beth Peters, Hogan Lovells

Beth Peters is the Co-Practice Leader of Hogan Lovells’ International Trade and Investment practice. She has over 25 years of experience advising clients on the full range of international trade matters, including export control laws, sanctions laws, customs laws, anti-boycott laws, anti-money laundering laws, and the U.S. Patriot Act.

As she has for many years – and in addition to providing policy advice, leading global investigations and enforcement matters, and helping clients obtain critical regulatory approvals – in the past 12 months Peters counselled clients from a range of industry sectors, from cruise operators to universities, global media giants to international pharmas. She is a key lawyer in the representation of two companies seeking removal from the U.S. Entity List; the lead lawyer who sought approval of the U.S. government for Carnival Cruise Lines regarding vessel and service operations in Cuba and for STARR Companies’ aircraft and travel activities to Cuba; joint counsel to two of the largest media companies in

the world, advising both companies of the applicability of U.S. sanctions, export controls, and anti-boycott regulation; lead trade lawyer for a prominent social media company, addressing export control and sanctions licensing and compliance, including with respect to software; advisor to a major university regarding an export enforcement action, including obtaining a favourable advisory opinion regarding published software.

### Highly commended

**Jeannette Chu** is Managing Director, Export Controls and Trade Sanctions, at PricewaterhouseCoopers Advisory Services LLC in the U.S.

Prior to joining PwC, she served as a Senior Policy Advisor at the Bureau of Industry and Security and was the principal advisor to the Assistant Secretary for Export Administration on foreign policy issues including bilateral and multilateral cooperation on export controls. She worked on the earliest stages of the Export Control Reform effort and reviewed recommendations from industry. She notes: ‘At one point I had deconstructed the entire Commerce Control List by ECCN, and had taped up on the walls of my office pages of spreadsheets, organised by category, noting reasons for control and available License Exceptions down to the sub-para level.’

She is ‘passionate about building the next generation of trade compliance professionals and helping each one develop their strengths, find their niche. I believe knowledge that is closely held risks being wasted whilst sharing information creates “force multipliers” that truly help practitioners serve their companies and clients even better.’

Based in DC, Steptoe partner

### 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: Carol Fuchs, General Electric, Executive Trade Counsel (retired); Ralf Wirtz, Head of Group Trade Control, Oerlikon; Ian J. Stewart, Head, Project Alpha, King’s College London; Jay Nash, Managing Director, Strategy & Development, Securus Strategic Trade Solutions; Lourdes Catrain, Partner, Hogan Lovells; Bill McGlone, Partner, Latham & Watkins; Michael Burton, Partner, Jacobson Burton Kelley PLLC; Konstantinos Adamantopoulos, Partner, KA Legal; Nick Boland, Director of Solutions Consulting, EMEA, Amber Road.

**Meredith Rathbone** assists clients in the financial services, technology, telecommunications, energy, defence, insurance, manufacturing, retail, and service industries, among others. She serves on the U.S. State Department's Advisory Committee on International Economic Policy's Sanctions Subcommittee, and is immediate past co-chair of the American Bar Association's Export Controls and Economic Sanctions Committee of the International Law Section.

In the past year, she has represented the Coalition for Responsible Cybersecurity in its efforts to challenge the proposed introduction into the U.S. of Wassenaar Arrangement intrusion

software controls, presenting on the topic at numerous BIS Technical Advisory Committee meetings. These efforts resulted in the U.S. government agreeing to seek renegotiation of the rule with other Wassenaar Arrangement members in 2016. Rathbone continues to work with the Coalition to achieve an acceptable outcome in the ongoing international debate.

**Stephen Propst**, a partner in Hogan Lovells' Washington, DC office, helps clients navigate complex issues under U.S. export control and economic sanctions regulations. In 2011, his paper, released at a forum at The Brookings Institution and presented to senior government

officials, provided the legal analysis supporting President Obama's historic changes to the U.S. embargo against Cuba, announced in December 2014. In December 2015, a follow-up paper analysed additional changes that the Administration could make under executive authority to further ease the U.S. sanctions and export controls applicable to Cuba. Virtually all of the potential regulatory changes identified therein have now been implemented through formal regulatory amendments. Senior government officials have confirmed that these papers were widely reviewed and consulted within the Administration to support the changes in 2015 and 2016.

## Young Practitioner of the Year

### Winner: Anahita Thoms, Freshfields Bruckhaus Deringer

Our Young Practitioner of the Year has demonstrated both technical expertise and a desire to make a difference. **Anahita Thoms** is a counsel in Freshfields' dispute resolution practice and the New York Group Leader for the firm's Global Sanctions and Trade group. She focuses her practice on global investigations, in particular in the field of international trade law, including sanctions and export control, and data protection law.

In a year of growing interest in the business opportunities possible in Iran, being Iranian born and able to speak Farsi has proven useful for Thoms: from identifying Iranian local counsel, dealing with Iranian advisory firms, questioning the structural set-up of companies, and putting things into perspective when cultural differences seem to become an obstacle.

Away from Iran, she advised

- a Japanese company on the implications of the Ukraine and Russia sanctions;
- a multinational undertaking with regard to investigations in relation to exports to Russia and Thailand;
- a multinational company on



Anahita Thoms

*'After serving three years as a Vice-Chair of the American Bar Association Export Controls and Economic Sanctions Committee, she has now been elected Chair – she will be the first non-American in the position.'*

criminal proceedings in relation to export control violations;

- a Swiss bank with regard to the compliance of finance contracts under the EU Iran and Libya sanctions.

A contemporary at a DC law firm comments: 'I would not entrust a single client to anyone but Anahita Thoms, when it comes to seeking dependable expert advice and acumen on export controls, in particular compliance programs, accompanying global internal and external investigations and self-disclosures.'

Recognition of her abilities appears widespread: after serving three years as a Vice-Chair of the American Bar Association Export Controls and Economic Sanctions Committee, she has now been elected Chair – she will be the first non-American in the position.

She is a founder member of United Against Modern Slavery. Describing the initiative, she says it 'supports and adds value to the work of the many NGOs, UN organisations and charities that are combatting modern slavery. United Against Modern Slavery gives individuals, charities and organisations a platform to amplify their voice.'

### Runner-Up: Rebecca Antzoulatos, Bureau of International Security and Nonproliferation

**Rebecca Antzoulatos** works for the Bureau of International Security and Nonproliferation, Office of Export Control Cooperation (ISN/ECC) and is based in Washington, DC. Rebecca manages the U.S. government's Export Control and Related Border

Security ('EXBS') programme for South East Asia, which includes developing, implementing, managing and coordinating in key countries U.S. government export and border control assistance programmes designed to help establish and strengthen comprehensive national export control systems and responsible export control policies to stem the proliferation of weapons of mass destruction, their delivery systems, and conventional weapons.

Rebecca has played a key role in bringing through the signing into law by the President of the Philippines of a Strategic Trade Control ('STC') law. As the EXBS Program Manager, Rebecca 'spearheaded the U.S. efforts to assist the Philippines to adopt a Strategic Trade Management Act (STMA) that reflected the latest international norms'. Along with the EXBS advisor and EXBS legal team, Rebecca worked with the Philippines government representatives 'to finalise the draft STMA and the implementing rules and regulations'.

Jason Witow, Director of the Office of Export Control Cooperation, is effusive in his endorsement of Rebecca's achievements and approach: 'Rebecca is the consummate export controls professional. Her strong strategic trade expertise and hard work have moved the countries in her portfolio to make considerable advances in their strategic trade control programs. Her ability to synthesise her own knowledge with reports from the field and to work collaboratively with an entire team of people are among the qualities that have helped her succeed. Added to that is her persistence, which alone was responsible for pushing the Philippine government to pass strategic trade management legislation. Rebecca has



Rebecca Antzoulatos

*As the EXBS Program Manager, Rebecca 'spearheaded the U.S. efforts to assist the Philippines to adopt a Strategic Trade Management Act (STMA) that reflected the latest international norms'.*

already achieved a great deal in working with her countries, and we are all the more secure for it.'

### Highly commended

**Alicia Neubig** is an associate in Latham & Watkins' Washington, D.C. office. She focuses her practice in the areas of export controls, economic sanctions, customs, and anti-corruption. Alicia works regularly with companies across a wide range of industries, including pharmaceutical, aerospace, defence, and oil and gas sectors. She has assisted and advised clients on complex internal investigations and enforcement matters across multiple jurisdictions.

In addition to advising commercial clients, Alicia works extensively with pro bono clients, including CARE USA, the International Committee of the Red Cross, and MercyCorps, that provide humanitarian relief in countries subject to U.S. and EU economic sanctions and stringent export control laws. For example, Alicia has used her export controls and sanctions experience and knowledge to help these organisations navigate and overcome crucial barriers to providing emergency relief in Syria, such as helping secure licensing from the U.S. Commerce

Department to take into Syria U.S.-regulated goods, including cell phones, satellite phones, and GPS devices, that are essential for humanitarian workers to deliver aid safely and effectively.

Alicia has also helped organisations address regulatory and licensing challenges by advocating for favourable regulatory interpretations through interpretive ruling requests to the U.S. Treasury Department's Office of Foreign Assets Control and meeting with officials from the U.S. departments of Commerce and State to explore proactive, long-term licensing solutions.

Clients have consistently expressed their gratitude for Alicia's work. Earlier this year, CARE's General Counsel requested that Alicia travel to Jordan to offer training and compliance guidance to staff from CARE's offices in Jordan, Turkey, and Lebanon, all of whom are on the frontlines of the Syria crisis. Alicia was delighted to do so.

**Brian Byrne** is the leading associate in international law firm Bakers Botts' EU sanctions team. He advises on all aspects of the EU sanctions regime. He has amassed a level of experience, client contacts and expertise in relation to EU sanctions that is exceptional for a lawyer of his age (30). Indeed, Brian's



reputation has led to his being appointed as a guest lecturer, in EU sanctions, at Ireland's leading law school, the Sutherland School of Law at University College Dublin.

Over the past 12 months, Brian has acted as one of the first points of contact for a number of global name Russian clients in the energy and finance sectors, advising them on sanctions imposed by the EU against Russia.

He has advised on the impact of EU sanctions on contemplated transactions, carried out detailed risk assessments, and drafted contractual provisions to reflect the relevant impact of economic sanctions. He has also advised on a number of highly complex financing structures. Brian also manages a team of lawyers who monitor and produce a daily report for a client, setting out all relevant developments regarding EU sanctions involving Russia and any related EU political activity.

Alongside his busy practice advising Russian clients, Brian has been busy on Iran-related matters; for example, carrying out detailed risk assessments for a global pharmaceutical company related to

activities involving Iran and advising a major manufacturer in relation to sales and payments (made in accordance with EU law) running to tens of millions of dollars to countries targeted by EU sanctions, including Iran.

**Dj Wolff** is a counsel in Crowell & Moring's Washington, D.C. office and a consultant with C&M International, the firm's trade policy affiliate. His practice covers compliance with U.S. economic sanctions, export controls and anti-boycott regimes, and anti-money laundering ('AML') laws and regulations.

Despite his youth, he has already made a mark – one client reports: 'Having engaged him many times as a client, I have sufficient experience to say that he is now our go-to counsel for trade sanctions issues. I was initially reluctant to rely on DJ because of his relatively few years of experience – until the partner we normally deal with was away. From that interaction, we were incredibly impressed. He is prompt, responsive, supremely competent... He is so jarringly knowledgeable about all facets of international trade issues, particularly about our industry, that

we can often solve problems in just minutes.'

During the past year, Dj has, among other instructions:

- Collaborated with U.S. and EU data privacy colleagues to represent a non-U.S. subsidiary of a U.S. financial institution in a petition to the French Data Privacy authority for authorisation to conduct screening for sanctions compliance against certain types of personal identifying information.
- Provided guidance to a non-U.S. financial institution on the scope of debt and equity restrictions under U.S. sectoral sanctions applicable to Russia.
- Conducted due diligence on a potential target company's compliance with U.S. economic sanctions and export controls on behalf of a U.S. private equity firm in a successful \$1.4bn acquisition.
- Represented a U.S. manufacturer in negotiations with the Bureau of Industry and Security and Customs and Border Protection to secure release of oil and gas equipment improperly seized before export to Russia.



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

### Winner: Steptoe

There is no change at the top in this category from last year, Steptoe and Hogan Lovells securing the honours once again.

**Steptoe's** DC office is home to some of the country's most highly regarded lawyers and their work commands respect throughout the export compliance community. Ed Krauland leads the team, while fellow partner Meredith Rathbone was active in one of the highest profile export control matters in the U.S. in the past 12 months, advising the Coalition for Responsible Cybersecurity on its response to the proposed introduction of the Wassenaar intrusion software/surveillance controls into the U.S. (see below). Highlights for the team have included:

- Advising the Coalition for Responsible Cybersecurity, which represents a broad cross-section of U.S.-based cybersecurity companies, including Symantec, Ionic Security, Intel, Microsoft, FireEye, and Raytheon. In 2015-2016, Steptoe was at the forefront of the Coalition's efforts to educate U.S. and non-U.S. policymakers on what were felt to be the harmful effects of the Wassenaar Arrangement's rules on so-called intrusion software, including comments on the proposed rule, presentations at numerous BIS Technical Advisory Committee meetings, and congressional outreach. These efforts culminated in the U.S. government agreeing to seek renegotiation of the rule with other Wassenaar Arrangement members in 2016.
- Advice to a major aerospace client on its corporate and contractual expansion into the international market for unmanned aerial systems falling within Category I and Category II of the Missile Technology Control Regime. The assistance related to classification assessment, advice on establishing subsidiary operations abroad, and sales into the Middle East region, and U.S. government licensing strategies.



Edward Krauland and Meredith Rathbone, Steptoe

*The firm offers a multi-jurisdictional export controls advisory service, characterised by 'practical advice that takes into account the needs of business; quick response times' and expertise throughout the ranks of associates, counsel, and partners.'*

### Runner-Up: Hogan Lovells

**Hogan Lovells** is a major force in trade compliance, with a client base that straddles the globe and industry, and includes: 21st Century Fox, Accenture, Airbus, Amazon, Apple Leisure Group, Barclays, Carnival Cruise Lines, Celgene, Chubb, Ciena, Citibank, IBM, ICF International, Intelsat, Johnson & Johnson, Mitsubishi Nuclear Energy Services, News Corporation... as well as various academic institutions, which the team has advised on 'complex issues related to export controls and fundamental research'.

Beth Peters leads a large, strong team which is also home to, among others, highly respected partners Stephen Propst and Ajay Kuntamukkala.

Among instructions last year, the team advised a leading Internet company on a range of export control issues critical to the global deployment of the company's connectivity technologies, cloud computing, and encryption; and it advised Alcatel-Lucent regarding U.S. export control issues in connection with the U.S.\$17 billion sale of Alcatel-Lucent to Nokia, preparing numerous filings and notifications to the departments of Commerce and State.

### Highly commended

**Baker & McKenzie:** Often called the world's first global law firm, Baker & McKenzie has a very well respected U.S. export controls practice across the country.

On the West Coast, San-Francisco-based partner, John McKenzie has

been busy advising clients in the semi-conductor industry, while in DC, former firm Chairman, Nick Coward is the best-known of an especially strong team, which includes, among others, Janet Kim and Sylwia Lis.

Recent work has seen the firm represent a major packaging manufacturer in a variety of export control and trade sanctions matters, including representation before the U.S. Treasury and Commerce departments in voluntary disclosures, conducting an internal export control compliance assessment, and advising on export control and trade sanctions compliance issues in the context of proposed transactions.

**Page Fura** is a two-partner boutique trade law firm headquartered in Chicago. Whilst the firm will never compete with the likes of Hogan Lovells and Baker & McKenzie for the largest clients and international coverage, its contribution to its clients' commercial interests is to be commended: 'The work we do is – on occasion – glamorous but more often than not it is the type of roll-up-the-sleeves labor whose reward is realised through the protection of our clients' interests and the preservation of their compliance record in the face of government challenge.'

A recent instruction saw one of the firm's client's 'involvement in a formal investigation of its unrelated Middle East distributor who had initially declined to provide access to regional Office of Export Enforcement ("OEE") representatives who were conducting end-user verifications. As a result of that intransigence, our client's shipments to that distributor were detained at the U.S. Port of Export and we were required to broker a

resolution to the logjam by forcing the distributor to re-engage with OEE, negotiating with OEE to prioritise a return meeting to perform the end-user verification, working with local port officials to secure the release of

all detained shipments and supporting in-house counsel in managing the expectations of senior leadership regarding the timing and potential outcome of the investigation. In the end, despite

shipment and order fulfillment delays, we were successful at retaining our client's business relationships while also creating a positive impression of our client before OEE.'

## Export Controls Law Firm of the year, Europe

### Winner: Baker & McKenzie

Hopping across the Pond, the winner in this category in 2016 is **Baker & McKenzie**. The export controls team is spread across the continent, with expert practitioners in Amsterdam, Frankfurt, London, Brussels, Zürich, Barcelona, Stockholm, Rome, Moscow, Paris, Warsaw and Budapest. Well-known lawyers include Mattias Hedwall (Stockholm), Jasper Helder (Amsterdam) and Ross Denton (London), along with regular *WorldECR* contributor Philippe Reich (Zurich).

The team is always busy, providing the full range of export compliance-related legal services – licensing; transaction-specific risk assessment (helping companies assess compliance risks and determine regulatory requirements triggered by specific transactions and business relationships); due diligence in corporate transactions; reviewing and implementing compliance programmes and training; investigations and enforcement; legislative/regulatory advocacy; and interaction with regulators.

A spokesperson for the firm says: 'Unlike many other law firms practising in the areas of export controls, trade sanctions, and antiboycott laws and regulations, the attorneys in our trade compliance group are not "general" trade practitioners but instead specialise in these specific regulatory areas. They work in these areas on a daily basis and have developed long-term relationships with the government agencies before which they represent their clients' interests, including *inter alia* Germany's BAFA, Switzerland's SECO, the Netherlands' CDIU, Team POSS and Ministry of Foreign Affairs, France's SBDU and the UK's ECO.'

Among a long and diverse list of engagements in the past year were:



Mattias Hedwall leads Baker & McKenzie's Global Trade & Commerce Group

*The team is known for its 'Pan-European trade practice which advises substantial multinational clients on a diverse range of trade matters including the effect of export control and sanctions regimes as well as customs law and product classification.'*

- Advising a defence contractor on the acquisition of L-159 aircrafts from the Czech Ministry of Defence. The team advised on legal aspects of the acquisition, including export control approvals connected with the military equipment, regulatory and sanctions aspects, as well as seeking export permits from third governments.
- Advising a listed Switzerland-based international tech company on setting up and implementing a global export control and sanctions policy and representing it before the Swiss authorities to regularise exports of special military goods.
- Carrying out an internal investigation on behalf of a global client in the nuclear industry in relation to a transfer of controlled dual-use nuclear technology without the necessary export licence. The team then prepared and submitted a voluntary disclosure to the UK's HMRC based on the findings of the investigation.

### Runner-Up: Holman Fenwick Willan

Last year's bride is this year's maid of honour. **Holman Fenwick Willan** focuses on serving clients in the commodities, mining, energy,

shipping, aviation and insurance sectors. Key contacts are partners Anthony Woolich and Daniel Martin in the London office.

In the past year, the team

- Coordinated advice across a large number of jurisdictions worldwide (including countries in Asia, South America and Europe) on the impact of export controls on multiple cross-border helicopter transactions (the client is a global independent helicopter leasing company, with a fleet of over 100 aircraft on lease in numerous locations worldwide);
- Advised an international seller of telephone handsets on EU encryption controls;
- Assisted a global shipowner and operator with a fleet of almost 500 container ships to develop systems for automated screening of cargoes carried on board their ships to identify (and reject) any controlled goods, by producing a database of controlled goods, by reference to HS codes and targeted keywords.

### Highly commended

**GvW Graf von Wesphalen's** sanctions and export control team, which is based in Hamburg, Düsseldorf and Brussels, currently consists of three partners, one of-

counsel and four associates. It is led by Dr. Lothar Harings, Marian Niestedt and Dr. Gerd Schwendinger out of Hamburg and Brussels. The team is well known, presenting regularly at conferences and contributing articles on developments in German and EU regulation.

An interesting instruction in the last year saw the team represent a leading German mechanical engineering company before the German Federal Office of Economics and Export Control ('BAFA') and the Administrative Court in a case relating to the export of machinery for the oil and gas industry to Iran. BAFA

was of the opinion that the export was prohibited under current controls and GvW brought an action in the Administrative Court to oblige BAFA to issue an export licence. The firm sought an oral hearing with the judge and obtained a decision for the client in an usually short period of time in favour of the client, obliging BAFA to issue the export licence.

Also highly commended is the European team at **Hogan Lovells**. When the Belgian customs prosecutor investigated a Belgian subsidiary of a Fortune 100 company regarding an unauthorised export of a dual-use item from the EU, Hogan Lovells

helped the company to investigate and identify the glitch, including reviewing its European supply chain and associated trade compliance function in the wake of a recent business restructuring. The firm represented the company in front of the Belgian export control authorities, and worked with it to establish new working processes to avoid similar problems in future. Additionally, the firm provided advice on export controls and helped coordinate Romanian and Bulgarian regulatory input in the February 2016 merger of a leading satellite operator and a digital media services provider.

## Export Controls/Sanctions Law Firm of the year, Rest of the World

### Winner: Economic Laws Practice

The Indian export control regime is far from transparent and great experience is needed to navigate it. Sanjay Notani, a partner of Economic Laws Practice ('ELP') and lead contact, is well known internationally as being a leading navigator for the journey. A familiar face at events outside the sub-continent, Notani is very much seen as the 'go-to' man for questions on Indian export controls.

'Hands-down the best in India,' is one glowing testimonial. 'They [ELP] work with almost anyone/everyone who deals in controlled sectors in India, one of the most critical countries/economies in the world today, they are unique in being both a "local" and such a globally-known specialised firm in this field.'

ELP's work in export control and sanctions typically includes:

- Advice on controlling regulations and compliance procedures;
- Assistance with drafting, filing and applications for licences;
- Assistance with applying for and obtaining export licences, where required, from the various licensing authorities;
- Reviews of business operations and transactions to identify risk areas;
- Advice and assistance on policy initiatives and representations before governmental authorities.



Sanjay Notani, Economic Laws Practice

*Notani is well known and regarded by international trade practitioners. His expertise is in advising on import and export control as well as on licensing issues, with particular focus on regulations controlling dual-use goods and technologies.*

Recent instructions for the firm have seen it represent a leading multinational in a matter arising out of the export of valves manufactured in India 'against a background of some incongruity' in the particular SCOMET (list of controlled items) entry. The firm approached the Directorate General of Foreign Trade, seeking an amendment to the relevant entry, the result being that the entry was amended to remove the incongruity and to ensure a level playing field to domestic players in the international market.

Another instruction saw it provide a detailed review of the entire operations and activities of a leading pharma, identifying the export regulations requiring compliance, coupled with a comprehensive risk assessment of existing processes and practices and preparation of a standard operating procedure which could be used by the company for future risk assessment and related compliances.

### Runner-Up: McCarthy Tétrault

The International Trade and Investment Law Group at Canadian law firm McCarthy Tétrault is led by John Boscaroli and Robert Glasgow in the Toronto office and Simon Potter in Montreal. Boscaroli is particularly well known internationally, regularly garnering glowing reviews in the various legal directories. The team acts for clients from a wide range of industry sectors.

Recent instructions have included:

- Acting for Expobank of Russia in a (rare) successful de-listing from Canada's schedule of designated persons (equivalent to U.S. SDNs) under the country's economic sanctions against Russia;
- Acting for a transportation company on a major internal investigation into economic sanctions compliance in respect of

its activities in Canada and the United States;

- Acting for two network security companies on internal investigations and preparation of voluntary disclosures to the Canadian authorities regarding cryptographic export control violations;
- Acting as expert witness for a Canadian defence manufacturer defending claims of human rights and employee discrimination in enforcement of U.S. ITAR and Canadian defence trade controls.

### Highly commended

With a truly global practice, **Baker & McKenzie** boasts top-notch export controls practitioners around the world. Eugene Lim (Singapore) and Esteban Ropolo (Buenos Aires) are among a group of highly regarded lawyers.

Recent instructions have seen the firm

- Advising a multinational corporation that specialises in energy management regarding export controls applicable to new products and technologies across the Asia Pacific region. The project required



John Boscaroli, McCarthy Tétrault

*Boscaroli is well known internationally. He is Co-Chair of the Export Committee of the Canadian Association of Importers and Exporters and currently sits on the Industry Engagement Committee of Public Works and Government Services Canada for the administration of Defence Production Act and Controlled Goods Program.*

the team to collaborate with counsel in multiple jurisdictions.

- Advising a multinational financial institution on the classification of thousands of its fintech software applications under Singapore export control rules as part of its internal export control compliance review process.
- Advising an Argentine oil and gas supplies manufacturer in an investigation initiated by the U.S. authorities against one of the company's U.S. suppliers.

Lawyers in **Hogan Lovells'** Beijing office work closely with their DC counterparts on matters arising out of U.S.-China trade and investment. Clients, who are active

across a wide range of industry sectors, including medical devices, technology and social media, benefit from the team's expertise in trade and encryption controls.

The Beijing office advised a global technology company on export controls and economic sanctions as part of a global trade compliance risk-assessment project, including a review of the export control and economic sanctions laws in China. The team also advised the client on regulatory requirements for the use and importation of encryption software, and assisted in applying for and obtaining the Chinese encryption authority's permits for the import and use of various encryption software products into China.

## Export Controls Compliance team of the year, Europe

### Winner: BAE Systems plc

BAE Systems is a global defence, aerospace and security company with more than 80,000 employees worldwide, customers in more than 80 countries and annual sales of near £20 billion. The non-U.S. BAE Systems export control function comprises approximately 150 full-time and nearly 900 part-time personnel. The function is led by a Group Export Control ('GEC') team of 10, based outside London and containing lawyers, export control specialists, compliance officers, training leads and project managers.

Joshua Fitzhugh is Group Head of Export Controls and based in the UK. He speaks about a sea change in the company's approach to compliance: 'Over the past five years, the UK-managed portions of BAE Systems have revolutionised the way we approach export control compliance.



Joshua D. Fitzhugh, Group Head of Export Controls

*'We have transformed from a small, decentralised group of ad hoc practitioners with little in the way of formal procedure and process into a full-fledged corporate function with a defined mission, a robust procedural framework and a world class functional capability.'*

We have transformed from a small, decentralised group of ad hoc practitioners with little in the way of formal procedure and process into a full-fledged corporate function with a defined mission, a robust procedural framework and a world class functional capability.'

The revolution in approach needed a new mindset as well as new procedures. 'The company embraced a

culture of compliance,' says Fitzhugh, 'adopted a new Export Control Policy and 12 Export Control Procedures, each addressing a different aspect of export control compliance. The businesses and functions reflected the requirements of these group-level procedures in hundreds or thousands of new business-level procedures, processes and work instructions, and have worked diligently to embed those

requirements into their day-to-day activities.'

Creating a wider culture of compliance involves communication and knowledge sharing. According to Fitzhugh, the company has supported this in enabling the export control function to maintain:

- An Export Control Functional Council to discuss core issues amongst the functional leadership;
- A Functional Resource Review to direct recruitment, career progression, retention and succession within the function;
- An Export Control Working Group to coordinate functional issues between GEC and the non-U.S. businesses;
- A Risk Committee to analyse, track and consolidate the reporting of export control risk across the non-U.S. businesses;
- A Corrective Actions and Lessons Learnt Working Group to discuss trends, lessons learnt, and best practices in investigating, disclosing and remediating export control violations;
- A Licensing Working Group to share licensing best practice between GEC and the non-U.S. businesses;
- A Learning and Development Working Group to collaborate on export control training development for the non-U.S. businesses;
- A UK Controls Working Group to discuss trends and share best practice in UK export controls between the non-U.S. businesses and GEC;
- An Information Management and Technology Community of Practice, currently subsumed within a group-wide export control automation initiative, to share best practice and align IT enablement across the non-US group; and
- A Suppliers Working Group to share best practice and coordinate between BAE Systems and its suppliers, commercial partners and industry peers on export control issues of mutual interest.

There will be many positive commercial consequences arising from this internal revolution, and few will be as noteworthy as, in Fitzhugh's words, 'Our breach statistics have improved dramatically as we have improved our

approach to export control compliance. In 2012 our voluntary disclosure numbers increased dramatically, as one would expect for a company of our size newly under a State Department consent agreement. By 2015, as our new procedures and process were fully embedded within our non-U.S. businesses, the overall volume of breaches had dropped by approximately 400%... These dramatic declines in overall breaches flow directly from the success we have had as a function in embedding the principals of export control compliance across the company.'

We congratulate the company on its achievement.

### Runner-Up: Marshall ADG

It's always good to receive great feedback from your client, even – or especially – when that's the parent company you are keeping compliant.

'In my position of Commercial and Procurement Director having a knowledgeable and competent trade control team is of course a necessity and "a given". Our Group Trade Control team not only has those abilities but in addition to this, they are passionate and care immensely about what they do. One of their responsibilities is to act as the Group's "conscience", especially when dealing with strategic sensitive projects; I am pleased to say that they have always fulfilled this responsibility very well; which in my role is much reassuring.'

So wrote Ian Atkinson, VP Commercial & Purchasing, at Marshall Aerospace and Defence Group. The Trade Control Team, led by Laurence Carey, may be a fraction of the size of that at BAE, but it is also clearly doing its job and more. Carey, herself, talks about the passion that her small team brings to the job. It has kept them going during some tough challenges. 'After many years of looking solely after

its UK Aerospace business,' says Carey, 'the team, two members at the time (Carey, herself, and Trade Control Officer, Anna Dziuba) was facing the following challenge: the total volume of trade control activities did not warrant the recruitment of specialists for every entity, however for the team to handle all day-to-day activities across the group, especially remotely, would have potentially compromised compliance. An innovative approach developed to make the most of its resources while ensuring compliance and enabling business for all its entities was adopted:

- Recognising the shortage of experienced trade control specialists, a law graduate (Eleanor Wynne) with an interest in trade controls was recruited and put through an intense hands-on training and development programme; and
- By leveraging "champions" at each location, the team created the roles of "Company Export Control Focal" and of "Project Export Control Focals". The individuals selected to fulfil these roles have to meet certain competencies, they receive external and internal training. They act as the "eyes and ears" of the Trade Control team.

The team is, says Carey, 'hands-on' and 'solutions-driven': 'Working with colleagues on alternative compliant solutions that are acceptable to the business requires a considerable investment of time and efforts. While it would be easier to adopt a "No" approach, the team never succumbs under the temptation.'

Marshall ADG has over 2,300 employees globally, with most employees based in the UK and the rest in Canada, Australia and the Netherlands. Its annual sales figure for 2014 was £307m. There's a lot of sales and transfers to keep the team busy. To



Laurence Carey, Group Trade Control Manager, Marshall Aerospace and Defence Group (ADG)

*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.'*

sustain compliance throughout the business, says Carey, ‘the team must show constant determination and flexibility, be commercially aware, able to negotiate contractual trade control terms, have in-depth knowledge of trade control laws and regulations, deliver training, draft processes, and carry out audits.’

Carey considers their work in the context of a bigger picture: ‘One important objective for the team is to contribute towards international security: with the group’s increasing involvement in complex international supply chains, involving new geographical markets, the team ensures that all employees are aware of the risks of diversions, of the need for tighter checks’ and will also look to educate third-party business partners.

### Highly commended

**Saab AB** has ‘a terrific philosophy toward compliance,’ say one well-known export compliance consultant. The company ‘works with the Swedish government to help promote compliance among their partners and their personnel are present at conferences all over the globe.’

Bjorn Uggla has been Group Legal Affairs Vice President and Head of Export Compliance at Saab AB (publ.) since 2014. He has overall responsibility for export compliance at the company. He says, ‘Our vision is: Export compliance, securing our privilege to export. And our mission is:



Bjorn Uggla, Group Legal Affairs Vice President and Head of Export Compliance at Saab AB (publ.)

*‘Our mission is: By complying with all export control laws, regulations and authorisations and having an outstanding track record as well as continuously improving ourselves, we secure our right to do business on a highly regulated market.’*

By complying with all export control laws, regulations and authorisations and having an outstanding track record as well as continuously improving ourselves, we secure our right to do business on a highly regulated market.’

Every Saab Group business area (‘BA’) has an Export Control Team headed by an Export Control Director (‘ECD’) who is responsible for export control within the BA. In total, the team consists of around 30 people across the different business areas. All the ECDs are members of Uggla’s Export Control Council, where policy and directives are discussed as well as operational issues. The Council meets on a monthly basis and is a preparatory and advisory forum for decision making on:

- Policy, strategy, planning and training
- Laws and regulations
- Certification
- Monitoring and control
- Process, Methods and Tools

The company is committed to

improving efficiency via technology: ‘As a global company we have a lot of challenges to cope with when it comes to export control compliance and we are introducing more and more IT tools to help, together with a focus on training. The IT tools help us take care of all classification information, authorisations and to handle controlled technical information when it comes to access and transfer with automatic logging.’

The corporate team travels regularly, conducting training and export compliance audits. Indeed, training is paramount. Uggla notes: ‘When it comes to human resources every employee working full time with export control is certified by the Swedish Export Control Society.’

He sees the company’s wider contribution to security key: ‘Outreach is an important part of my job and I’m supportive of the society as well as the Swedish Export Control Authority (ISP) who provide teacher resources to the Society’s yearly education programme. Today two persons from the company are members of the steering board of the Society.’

## Export Controls Compliance team of the year, U.S.A.

### Winner: Rockwell Automation

*‘Rockwell Automation have a committed approach to truly global export control compliance with high-calibre and knowledgeable teams and personnel across the globe, also working to help promote trade compliance locally among Wisconsin companies.’*

International consultant

Nathan Eilers leads the Global Trade Compliance (‘GTC’) team at Rockwell Automation, the world’s largest



company dedicated to industrial automation and information.

Part of the Office of General Counsel, the GTC team supports all business units and subsidiaries

globally on all import, export controls, sanctions, and other international trade compliance issues. In addition to overall guidance and support, responsibilities include:

- Trade compliance policy implementation and oversight
- Training
- Regulatory interpretation and analysis
- Audit and investigation, including corrective action support and tracking
- Other activities as needed to ensure compliance with applicable regulatory requirements



Nathan Eilers, Director, Global Trade Compliance, Rockwell Automation

*'The GTC team helps the company achieve business objectives in a manner that ensures compliance with applicable regulatory requirements.'*

The GTC team works across all functions of the company to assess and improve trade compliance to better serve customers in 80-plus countries. The GTC team itself is relatively small – there are three senior trade compliance subject matter experts on the team (GTC managers), with analyst positions under two of them. Responsibilities are global and divided by area: Import (Linda Zuehlke), Export (Dragan Ilic), and Systems/Audit (Mary Jane Wildasinn). Dragan Ilic is the Global Export Trade Compliance Manager and has been in the role for more than 15 years.

The GTC team owns and manages the export controls programme and policy centrally. The team reviews and interprets regulations, develops guidance, and trains stakeholders globally, working with Region Compliance Managers ('RCMs') in the logistics organisation to implement processes and execute much of the operational activity associated with international trade controls.

Eilers sets out the team's stall: 'The GTC team helps the company achieve business objectives in a manner that ensures compliance with applicable regulatory requirements. This means providing guidance in a clear and timely manner, staying ahead of regulatory changes, and working collaboratively with compliance and non-compliance functions alike. Because it is a relatively small team, the ability to work across functions and across the company is critical to our overall success in this area.'

According to Eilers, the team is continuously looking at ways in which it can improve its contribution to the company. 'We've been instrumental in implementing new tools to automatically and seamlessly complete export screening on software and firmware downloads. We've enhanced our internal audit programme to cover

a much broader range of activities with a greater degree of granularity, both through on-site visits and via our internal systems. This has allowed us to continually improve and refine our processes. We've also partnered with our internal audit team to incorporate import/export compliance into their standard audits. We partner with the other internal compliance functions, chiefly those around product design and certification. As that body of regulation continues to expand comparable to export controls, we are able to share best practices, communication mechanisms, and tools. Our team created additional training covering general awareness topics for import and export compliance, making it globally available 24/7 through our SAP learning platform. And we improved our internal classification process with additional checks during the product development process and a simpler, clearer set of questions for the product groups to complete.'

Whilst during working hours, the team provides training for employees and shares knowledge of business-critical developments, outside the company, team members seek to share their knowledge and experiences for the greater good. According to Eilers, the team has 'taken part in roundtables through the World Trade Association which is part of the local chamber of commerce. Anyone from the area with an interest in international trade is welcome to attend. During [one] roundtable, the team led discussions on the Iran and Cuba sanctions changes and export compliance screening (know your customer questions).' Global import manager, Linda Zuehlke, has taught import/export compliance classes at one of the local technical colleges and the team actively participates in benchmarking, calls, and conferences

through various industry associations.

At the end of the day, information sharing is only ever a good idea, says Eilers: 'Don't be afraid to get a second opinion. I've been fortunate to work with some very knowledgeable compliance professionals. The ability to learn from each other and leverage previous experiences to apply in current situations is critical.'

### Runner-Up: Accenture

Accenture is the world's largest consulting firm. In 2015, it reported \$32 billion in revenues and deployed over 370,000 employees, who serve clients in 120 countries and in every industry sector. With its vast global footprint and a client base that includes 94 of the Fortune Global 100 and more than 80% of the Fortune Global 500, Accenture is exposed to a wide range of risks in every conceivable area of international trade control.

Accenture's Global Trade Compliance Team ('GTCT') is part of the company's Legal Group under the Ethics and Compliance function. John Pisa-Relli, the company's managing director of Global Trade Compliance, leads a team of seven trade compliance professionals, comprising four lawyers who support specific geographic areas, a global director of asset classification and trade logistics, and two programme managers who oversee key compliance functions such as denied party screening and who provide vital administrative support. Also working closely with the team are trade compliance professionals from Accenture's key affiliates, Avanade, an Accenture/Microsoft joint venture, and Accenture Federal Services, which operates under strict U.S. national industrial security requirements to handle classified government work.



John Pisa-Relli, Managing Director of Global Trade Compliance at Accenture

*'The GTCT helps Accenture's deal teams manage trade compliance risks from the earliest stages of business development through delivery and beyond.'*

According to Pisa-Relli, what differentiates his team from others is 'its relentless drive to be commercially relevant. The GTCT helps Accenture's deal teams manage trade compliance risks from the earliest stages of business development through delivery and beyond, reusing and refining practical methods to ensure that the company can operate nimbly in an increasingly regulated world marketplace without compromising its exacting ethical standards.'

One innovative way the GTCT helps the company manage risks is through the use of written trade compliance plans. Pisa-Relli explains that these 'range from standard guidance for low-risk, frequently recurring activities to customised plans for higher-risk work, such as support for multinational clients in the defence and nuclear energy industries. These plans provide clear and simple guidance, as well as a means to monitor compliance for deals

that face elevated trade compliance risks.'

According to Pisa-Relli, use of these plans is driven in large part by an equally innovative approach to trade compliance: 'Accenture requires its deal teams to answer a few simple screening questions as part of its opportunity intake and management process. Answers to these mandatory questions help the GTCT identify and support deals with elevated trade compliance risks.

'These trade compliance plans and opportunity management screening questions embody the GTCT's guiding principles of simplicity, clarity, and relevance... Most importantly, these principles guide the team in its daily interactions with colleagues, business partners, regulators, and other constituencies.'

The team's approach garners exceptional praise from third parties: 'The Accenture team is top-notch –

attentive to cutting-edge issues, careful and proactive in response to new developments, and laser focused on pragmatic solutions for the business,' said Peter Flanagan, a partner at law firm Covington & Burling. The trade team at Crowell & Moring adds: 'One defining characteristic of Accenture is its extremely challenging compliance obligations; no two projects are the same. As a service provider to a broad range of industries, Accenture is required to constantly adapt to the unique legal requirements applicable to each of its clients. Accenture's trade compliance team excels at this, seamlessly transitioning from sector to sector, issue to issue, and jurisdiction to jurisdiction. The team credibly and effectively deploys resources to provide clear, concise, and business-focused advice time and time again.'

Pisa-Relli is singled out for commendation: 'Pisa-Relli's leadership is key to the team's success. A recognised expert with government and industry experience across a range of trade compliance issues, he has consistently demonstrated his impeccable judgement in bridging the often difficult gaps between ambiguous legal obligations imposed in dozens of jurisdiction and the practical realities of advising a quintessentially globalised business in the 21st century. He has assembled a stellar global team, and he knows how to let them shine.'

## Export Controls Compliance team of the year, Rest of the World

### Winner: Taiwan Semiconductor Manufacturing Company, Ltd

TSMC (Taiwan Semiconductor Manufacturing Company Ltd) is our winner in this category for 2016. The company was nominated for the award by a regular *WorldECR* contributor, who wrote: [the team at TSMC] 'have been the champions of Taiwan industry's export control compliance community going back a decade. Not only have they built up their own solid internal compliance programme and were among the first companies in Taiwan to get the Bureau of Foreign Trade's (BOFT)



'ICP company recognition', but they have since become a mentor to companies in their supply chain and the Taiwan business community on

export control compliance, often assisting BOFT with their outreach efforts.'

The company is the world's largest dedicated independent semiconductor foundry, it has a market capitalisation of £120 billion, and does business all over the world. An 80-strong legal team, half of

whom are attorneys, plus about 15 technical experts spread across three continents (Europe, China/Taiwan/Japan, and North America), seeks 'to

create and manage the legal conditions in which TSMC may comply with all applicable regulatory requirements including export controls laws, supporting the company's financial objectives with high integrity and sound risk management.'

As a key player in the hi-tech electronics supply chain, TSMC does business worldwide within jurisdictions like the U.S. and EU that have stringent export controls laws and regulations. 'In order to maximise use of internal legal resources, TSMC's senior management looked to the Regulatory Compliance Division (a single department within the overall Legal Department) to tackle the difficult task of designing and implementing an export control management system ('EMS') efficient

- classification for items, technical data and software;
- ensuring that controlled items, technical data and software are not exported without relevant licences;
- ensuring that all regulated equipment is used in compliance with applicable export and re-export licence provisions and licence conditions;
- ensuring the completion and maintenance of necessary licensing documents regarding specific transactions that are subject to relevant export control laws such as the Taiwan Foreign Trade Act, the U.S. EAR and the ITAR;
- overseeing the process for approving and supervising foreign visitors and hires for the purposes of deemed export related issues;
- approving and routing all licensing

customers against denied parties lists, require annual red flag reports on each customer, and require customer export classification information prior to initiating each new product.

'To ensure our compliance with applicable laws, we implemented a "No ECCN, No Production" on-line platform to obtain export information systematically from the customer. We have also enhanced our controls at the Research and Development level to ensure that technology development projects are systematically managed through the same on-line system. To ensure the enforcement of this policy, Legal, as the project leader, took the initiative to coordinate all relevant departments, ranging from Human Resources, Material Management & Risk Management, Operations, Research & Development, and Sales and Marketing, to improve various existing systems and design new systems.'

As part of compliance with the BOFT Internal Compliance Programme, the company completes an annual Self-Check Report. The company is committed to ongoing improvement: '[W]e have been developing more in-house expertise both in Taiwan and the U.S. for export-related legal issues through internal coaching programmes, distribution of export-related legal updates, and deeper communication with U.S. and Taiwan regulators and our outside counsel partners.'

In recognition of its EMS programme, TSMC was certified in September 2012 by the BOFT as a qualified ICP exporter 'whose export applications can be simplified to the maximum extent allowed by the laws; and we hosted a successful visit with the Bureau to review our ICP activities in May 2016. Our export control system has, in the past five years, passed a review by the Netherlands export authorities and our warehouse and logistics security control passed a review by U.S. Customs and Border Protection.'

In a region of the world where export control compliance has not historically been high on the agenda of many corporations, TSMC has been a trail blazer in trade security and is to be applauded for its achievements and commitment to helping create safer supply chains and, ultimately, a safer world.



***'[A] mentor to companies in their supply chain and the Taiwan business community on export control compliance.'***

and flexible enough to support TSMC's enormous volume of shipping and pressing customer demands.'

To ensure compliance of applicable export control laws, TSMC adopts a 'top-down' strategy for policy communication and a team approach to implementation. The team responsible for day-to-day management of the export control programme includes the attorneys in the Regulatory Compliance Department and EMS managers, who, with support from the Regulatory Compliance Department and EMS coordinators, take responsibility for:

- customer screening;
- order screening;
- ensuring that lists identifying prohibited end-users are current and available to relevant TSMC personnel;
- implementing equipment controls, including, but not limited, to disposition, transfer, upgrades, and enhancements of equipment;
- export control records retention consistent with company procedure;
- export control training;

requests for processing by the relevant authorities;

- creating, maintaining and updating the various designated party/country embargo lists.

As the world's largest semiconductor foundry, the company's shipment volume is, naturally, massive. In addition to shipping product, the company must maintain customer technology, transfer equipment between facilities, and work closely with a global semiconductor supply ecosystem. The team 'aims to ensure effectiveness and efficiency in export compliance through the development of automatic control systems. To achieve the goal, we designed the control points at various key points in our business structure and process that monitor the flow of all products, commodities, information, technologies, software, and people in TSMC and its subsidiaries in an IT-driven mechanism, including automatic customer, order and destination countries controls.'

The team utilises a global-coverage database to screen employees and

## Sanctions Law Firm of the year, Europe

### Winner: Baker & McKenzie

It was the law firm sanctions practice initiative of the year: Baker & McKenzie's Iran Trade Roadshow, a series of seminars across EMEA, rolled out in the weeks following Implementation Day of the JCPOA, with a team of more than 20 experts presenting in 20 offices in 14 countries to 800+ representatives of 400 companies, and making themselves available to clients for one-to-one discussion on the changing nature of Iran business and controls. An effort to be admired and applauded. Additionally, the firm should be congratulated on its excellent sanctions blog at [sanctionsnews.bakermckenzie.com](http://sanctionsnews.bakermckenzie.com) as further evidence of its desire to go the extra kilometer for its clients.

Inevitably, a lot of time – though not all – was spent advising clients on Iran sanctions. Instructions included:

- Representing a major international pharmaceutical company in trade sanctions investigations and proceedings before the competent Swiss authority. This was one of the few Iran sanctions cases that the Swiss authority investigated.
- Advising an automotive company on general and sectoral sanctions imposed by the U.S., EU, Canada, Australia, Norway and Switzerland on Russia, as well as the sanctions imposed by the Russian authorities against foreign states.
- Providing a European flag carrier ongoing trade compliance advice, notably with regard to EU and U.S. sanctions against Iran. In particular, guiding the client on its re-engagement with Iran through a reopening of its Tehran flight.
- Acting for a multinational with



Sunny Mann and Jasper Helder  
of Baker & McKenzie

*Key contacts on the firm's Iran Trade Roadshow team*

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).

- Assisting a luxury fashion company on working out an internal policy and general guidelines on screening of Russian counterparties regarding the application of U.S. and EU-related sanctions.

### Runner-Up: Stephenson Harwood

The hub of Stephenson Harwood's sanctions practice is in the firm's London office, but it receives support from team members in Dubai. The team has developed a leading reputation for its work in financial sanctions, notably in acting for Iranian companies challenging designations. In the past two years, the team has recorded five victories for its clients in the General Court of the EU.

The firm acts for National Iranian Tanker Company ('NITC'), one of the largest tanker companies in the world, which was subjected to EU sanctions in 2012. The firm represented NITC in a successful challenge to those sanctions but in mid-February 2015, the Council of the EU re-imposed sanctions on NITC. Since then, the

firm has acted for NITC in its challenge to those re-imposed sanctions. The firm notes: 'The case raises a very important issue which will be determined by the EU courts for the first time, namely that of unfair and abusive relitigation of a point or set of points that the Council lost in the first NITC case... The decision is eagerly anticipated by sanctions lawyers and could have significant implications on sanctions cases, and EU policy in relation to sanctions in future.'

Another high-profile matter has seen the firm advising Bank Saderat on a claim against the Council of the EU, seeking compensation for financial and reputational damage caused by the sanctions. According to the firm, 'The matter is of the utmost importance to the Bank as the sanctions have prevented it from carrying out any new business anywhere in the world. As far as we are aware, this is the biggest damages claim against the EU in connection with EU sanctions.'

### Highly commended

**Baker Botts:** The sanctions team, led by Georg Berrisch and Chris Caulfield, and supported by Brian Byrne, counts globally recognised Russian companies among its clients. The firm has been active in the past year advising these on the impact of U.S. and EU sanctions on their trade and financing needs. Other instructions came from a global drinks producer in relation to sales and payments (made in accordance with EU law) which run to tens of millions of dollars to countries targeted by EU sanctions, including particularly Iran. This has included advising in relation to the legality of transactions and considering,

amending and assisting in the negotiating of banking representations/letters of comfort in relation to the activities in question.

**Clyde & Co** has a leading sanctions practice advising clients in five key sectors: insurance, aviation, marine, energy and international trade. The highly regarded team includes partners John Whittaker, Chris Hill and Nigel Brook.

Over the last 12 months, the firm has advised eight of the Top 10 UK insurers on sanctions matters and assisted clients in the oil and gas sector on preparing to enter the Iranian market. Other instructions saw it advise a leading trading company in relation to a vessel collision ultimately owned by a U.S./EU sanctioned entity.

Regular seminars and a sanctions blog underline the firm's commitment

to its clients in the area. The firm partnered with the UK Department of Trade & Industry in hosting a seminar on the opportunities for international businesses in Iran.

**Hogan Lovells'** extensive network of European sanctions lawyers in Brussels, Amsterdam, London, Moscow, Munich, Rome, and Paris enable the firm to effectively address sanctions issues that span EU Member States and beyond. Lourdes Catrain in Brussels is a leading export controls/sanctions practitioner.

In the past year, the firm has acted for an EU-listed mining and metals company which operates through its subsidiaries throughout Central Asia. The company faces frequent supply chain sanctions risks and the firm has been assisting it in distinguishing between legitimate financing options under EU and U.S. sanctions, and

transactions that have no apparent commercial rationale, requiring more careful analysis.

The firm assisted a subsidiary of a global industrials conglomerate to investigate a potential historic sanctions violation involving the shipment of dual-use products to Iran. It conducted a full review of the relevant transactions, including interviews, to determine other possible occurrences, and assisted with a voluntary disclosure process in front of U.S. and German authorities, resulting in no penalties for the client.

Currently, the team is advising a banking software solutions specialist interested in selling its financial software into the Iranian market on the evolving EU sanctions environment and the regulations governing export of encryption software.

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

### Winner: Latham & Watkins

Bill McGlone and Les Carnegie 'know their stuff!' The two men lead the Export Controls, Economic Sanctions & Customs Practice at **Latham & Watkins** in Washington, DC. The team handles significant and highly-sensitive matters for clients in the aerospace, energy, banking and financial, and high technology industries in connection with U.S. government investigations and enforcement actions arising under trade and economic sanctions laws.

In one of the highest profile cases of the year, Latham represented Schlumberger, the world's largest oilfield services company, in a multiple agency investigation of alleged violations of U.S. sanctions governing company operations in Iran and Sudan. In April 2015, a non-U.S. subsidiary of the parent entity pled guilty to a one-count criminal information and paid US\$233 million in fines and forfeiture. The grand jury investigation was conducted by the D.C. United States Attorney's Office and the Counterespionage Section of U.S. Department of Justice's ('DOJ') National Security Division. The



Bill McGlone and Les Carnegie of Latham

*The firm represented Schlumberger, the world's largest oilfield services company, in a multiple agency investigation of alleged violations of U.S. sanctions.*

global, six-year investigation by DOJ involved novel and complex legal, factual and policy issues and covered conduct throughout the world. Two other U.S. agencies closed their related investigations without taking any action against the company.

Meanwhile, Latham has helped several humanitarian organisations, including CARE USA, the International Committee of the Red Cross, and Mercy Corps, overcome crucial barriers to providing emergency relief to Syria that are tied to U.S. economic sanctions and stringent export control laws.

Over the Atlantic, attorneys in the firm's Brussels, London and Moscow offices are also acting as counsel in high-profile litigation before the EU's General Court in Luxembourg,

challenging on behalf of VTB Bank aspects of the EU's sanctions on Russia.

### Runners-Up: Akin Gump and Hogan Lovells

With more than 25 lawyers working out of offices in the U.S., Europe, the Middle East and Asia, **Akin Gump** has one of the largest economic sanctions practices. In Washington, D.C., highly regarded practitioners include Shiva Aminian, Thomas J. McCarthy, Jonathan C. Poling, Edward L. Rubinoff and Wynn H. Segall.

The team has an impressive breadth of experience representing companies on matters related to

sanctions programmes, including those over Cuba, Ukraine/Russia, Iran, Venezuela, Myanmar, Iraq and Libya. Recent examples include:

- Assisting a U.S.-based oil and gas services company in obtaining OFAC licences in order to travel and provide services to oil and gas companies operating in Russia and Cuba;
- Advising a medical company based in Sweden on international trade compliance relating to the export of equipment to Venezuela;
- Assisting a Cyprus-based media company that was previously subject to majority ownership of a specially designated national ('SDN') with the preparation of a licence application to OFAC for the unblocking of funds and other property under the Ukraine/Russia-related sanctions programme.

**Hogan Lovells'** team boasts some of the most highly regarded sanctions lawyers in the country working on some of the most high-profile instructions. Team head, Beth Peters led in helping Carnival Cruise Lines obtain U.S. licences regarding vessel and service operations to Cuba before the issuance of general licences, as well as assisting STARR Companies in obtaining U.S.

regulatory approval to engage in transactions with Cuba.

Legal analyses published by partner Stephen Propst in 2011 and 2015 regarding the legal authority of the President of the United States to modify the sanctions against Cuba without authorisation from Congress, is widely regarded as having played a contributing role in the Obama Administration's decision to effect landmark changes in the country's relationship with Cuba.

### Highly commended

**Skadden, Arps, Slate, Meagher & Flom, LLP** represents a wide variety of U.S. and international clients on regulatory, civil and criminal matters involving U.S. and European economic sanctions laws, including those administered by the Treasury's Office of Foreign Assets Control ('OFAC') and other federal and state regulators, the EU, Her Majesty's Treasury, and the French Ministry of Finance, among others.

The firm 'represented Crédit Agricole CIB, and its parent, Crédit Agricole SA, in connection with the resolution of a seven-year investigation into Crédit Agricole CIB's compliance with U.S. economic sanctions laws between 2003 and 2008.' In addition, the firm is

representing several other European financial institutions in pending multi-agency civil and criminal investigations.

**Debevoise & Plimpton's** U.S. economic sanctions practice is home to a dozen lawyers, including the former U.S. Attorney General, a former Under Secretary of Enforcement at the U.S. Treasury Department, the former head of the criminal division at the U.S. Justice Department, and a former senior lawyer at the Federal Reserve Bank of New York. The team receives glowing endorsements: 'DP has been a diligent partner in providing comprehensive analysis and work product coupled with aggressive time constraints. In addition, their customer service and relationship management is exemplary in the area of Sanctions law.' The past year has seen the team advise, among others,

- A U.S.-headquartered insurer on Iran sanctions relaxations and applicability of General License H for its non-U.S. subsidiaries;
- Russian clients on U.S. sanctions, including specific advice tied to potential acquisitions and on issues related to U.S. and E.U. persons serving on boards of directors, and advice to U.S. clients on measures taken by Russia in response to U.S. and EU sanctions.

## Export Controls Controls Consultant of the Year

### Winner: SECURUS Strategic Trade Solutions

*'The SECURUS team has provided us with excellent advisement and customer service on complex export compliance issues... Their responsiveness and attention to detail is much appreciated.'*

*'We have had several significant line/plant closures and other facilities shut down. These were at global non-U.S. sites and some of the local teams did not have a lot of experience with local export controls at that time. Jay and his team were instrumental in helping us sift through thousands of pieces of equipment, checking against both local export regulations as well as*



Jay Nash and Ryan Lynch  
Cathie of SECURUS Strategic Trade Solutions

*Founded in 2010, with the mission of providing highly personalised, affordable, fast service to both private and public partners, with a special focus on global trade regulation and compliance, particularly in major emerging and developing markets.'*

*any other re-export regulations that may apply, U.S. or otherwise, and worked to drive many of the technical related questions. This was over the course of a year as we had multiple lines and facilities shut down and the*

*assets moved. His team has also provided assistance to us on comparing and contrasting export compliance regimes and structures so we could develop processes to classify and identify export issues for*

local requirements. In fact, Jay is currently assisting with another line closure and helping to wrap that up. His team has also assisted with technology transfer questions, to include encryption transfers outside of the U.S.'

Export control manager, automobile manufacturer

The four founding members of SECURUS (Jay Nash, Managing Director of Strategy & Development; Ryan Lynch Cathie, Managing Director of Products & Innovation; Lara Howe Stenberg, Managing Director of Administration & Finance; Richard Glen Young, Managing Director of Operations & Analysis) met while serving as associates at a university research centre that specialised in foreign trade regulation research, training, and outreach. They formed SECURUS in 2010 with the mission of providing highly personalised, affordable, fast service to both private and public partners, with a special focus on global trade regulation and compliance, particularly in major emerging and developing markets.

In the past five years, SECURUS has expanded to include a vibrant and talented team of staff consultants and global working partners, and its clients have included some of the world's top automotive, engineering, and chemicals traders as well as government trade regulatory and assistance agencies.

The company works with clients from all industry sectors to help them determine whether strategic trade controls apply to their goods and technologies, and navigate the relevant licensing rules and procedural requirements when they do. SECURUS specialises in cross- and multi- jurisdictional export control classification, from chemicals and industrial machinery to encryption, electronics, guidance and navigation equipment in accordance with non-U.S. export control systems. Other services include ICP audits, support on automation and training. The team, which also draws on independent local expertise and which provides a number of services related to strategic trade controls for the benefit of U.S. and foreign governments, has worked for clients in more than 90 countries, from



Stacey Winters leads Deloitte Global Export Control and Sanctions

*'We like a challenge. We like export controls. In fact we love this industry. We are passionate about what we do and who we do it for. We are committed to delivering exceptional service to our clients day in day out and we will go the extra mile for them. We take pride in the brands we work with and we have a lot of fun along the way!'*

Afghanistan to Yemen. Some examples of recent instructions illustrate the scope of services:

- Classifying industrial test equipment for a U.S. manufacturer's R&D teams in accordance with the Israeli and UAE export control systems, and helping obtain the necessary export licences. SECURUS recognised unique Israeli restrictions on the transfer of low-level, commercial encryption and navigated UAE import controls on certain telecommunications equipment.
- Assisting one of the Big Three automotive companies with determining the U.S. and local export control status of several thousand items being transferred from India, Indonesia, Egypt, Kenya, and Vietnam. SECURUS determined the items subject to export licensing requirements and determined the appropriate export control classification number ('ECCN') for those items in their respective jurisdictions.
- Preparing a database of comparative export control classifications for more than 60 different items across 10 different non-U.S. jurisdictions for one of the world's largest chemical manufacturers.

### Runner-Up: Deloitte Global Export Control and Sanctions

The well-known and highly regarded team at Deloitte focuses on 'addressing the operational challenges faced by companies when implementing controls to comply with export regulations. We help clients understand the rules and regulations that apply to their business'. Global

team leader, Stacey Winters established the first big four professional services fully dedicated export control practice in the UK in 2002. Other prominent members of the team are: Pablo Lecour, Suzanne Kao, Stacey Toder Feldman and Emily Cromwell.

The team is clearly doing a lot right – we received a good number of glowing endorsements from clients, including the following from the global director of export controls in a household name multinational: 'I have worked with Stacey and her team for many years. What I find appealing with the Deloitte team is that apart from being very professional and knowledgeable, they also have a capacity to support in many different ways. Not only regarding legal aspects in many jurisdictions, but also how to best set up procedures of a well working compliance programme. Their capabilities in the IT area are very impressive. I also appreciate the integrity and candidness of their support. I know that they will tell me what I need to hear.'

The team reports that the past year has been busy. They were instructed to help a global technology client address some UK export control challenges that had put at risk £350m of business. The company needed a new export control programme, particularly focused on encryption software – classification of the software, licensing, and transfer management. With a global development environment, it was extremely challenging to identify how export control processes could be embedded across the business, including dealing with what applications required classification, how the software was being transferred and how UK licensing conditions could be met, particularly the need for end-user undertakings.

The outcome of the engagement was agreement from the UK's Export Control Organisation to pilot the first electronic undertaking concept for Open Individual Export Licence users; a new classification and licensing process for the client and release of the holds on the £350m business.

While over 50% of clients are in the Aerospace & Defence sector, the team works with clients across the board, including public sector, financial services, consumer products, food and drink, technology, telecommunications, media, chemicals, pharmaceuticals, healthcare, oil and gas, energy, industrial products, and automotive.

**Highly commended**

**Full Circle Compliance:** It's taken just a few short years for FCC to make its mark on the export compliance world. Well-known consultants at the Europe-U.S. consultancy include Jim 'Daily Bugle' Bartlett, ex-PWC partner Mike Farrell, and Ghislaine Gillesen

(Gillesen was the first independent auditor to be contracted by the Dutch government to perform a trade compliance audit of the Dutch Ministry of Defense).

FCC is an integrated 'one-stop' export controls compliance service centre with hands-on experience working with industry members and government authorities. The company has developed a trade compliance management system, or ICP framework (including audit methodology) that allows it to categorise, benchmark, prioritise, and manage risks, and so help organisations avoid trade compliance violations. Services include, but are not limited to:

- Global compliance audits, including risk assessment and gap analysis;
- Reviewing, designing, and assessing ICP effectiveness;
- Calculating the operational burden and formulating budget requirements;
- Identifying and helping to

prioritise employee training needs. Last year, *WorldECR* reported that

FCC was behind the very welcome introduction of a part-time Executive Masters in International Trade Compliance in partnership with the University of Liverpool. The programme is designed for professionals who

- want to progress the trade compliance efforts at their organisation;
- need to raise the awareness levels of international trade compliance with their board and senior management;
- want to instill a compliance culture at their organisation and ensure it is viewed as a business enabler;
- want to balance the costs and benefits of compliance at their organisation;
- need to quantify and qualify their budgetary requirements.

FCC reports that a year on, the programme is already very popular.

A new horizon  
for *Global*  
Trade  
Management



Trade Compliance	Global Trade Content	Supply Chain Visibility	Restricted Party Screening	Free Trade Agreements	Trade On-Demand
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Amber Road provides a single platform that plans and executes all aspects of global trade. By enabling companies to take a holistic, integrated approach to global trade, Amber Road accelerates the movement of goods across international borders, improves customer service and reduces global supply chain costs.

Amber Road includes deep functional capabilities across all areas of global trade – trade compliance, supply chain visibility, restricted party screening and origin management. Underpinning all of these solutions is Global Knowledge®, the most comprehensive, intelligent repository of global trade content available anywhere.



**Amber Road**  
POWERING GLOBAL TRADE

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