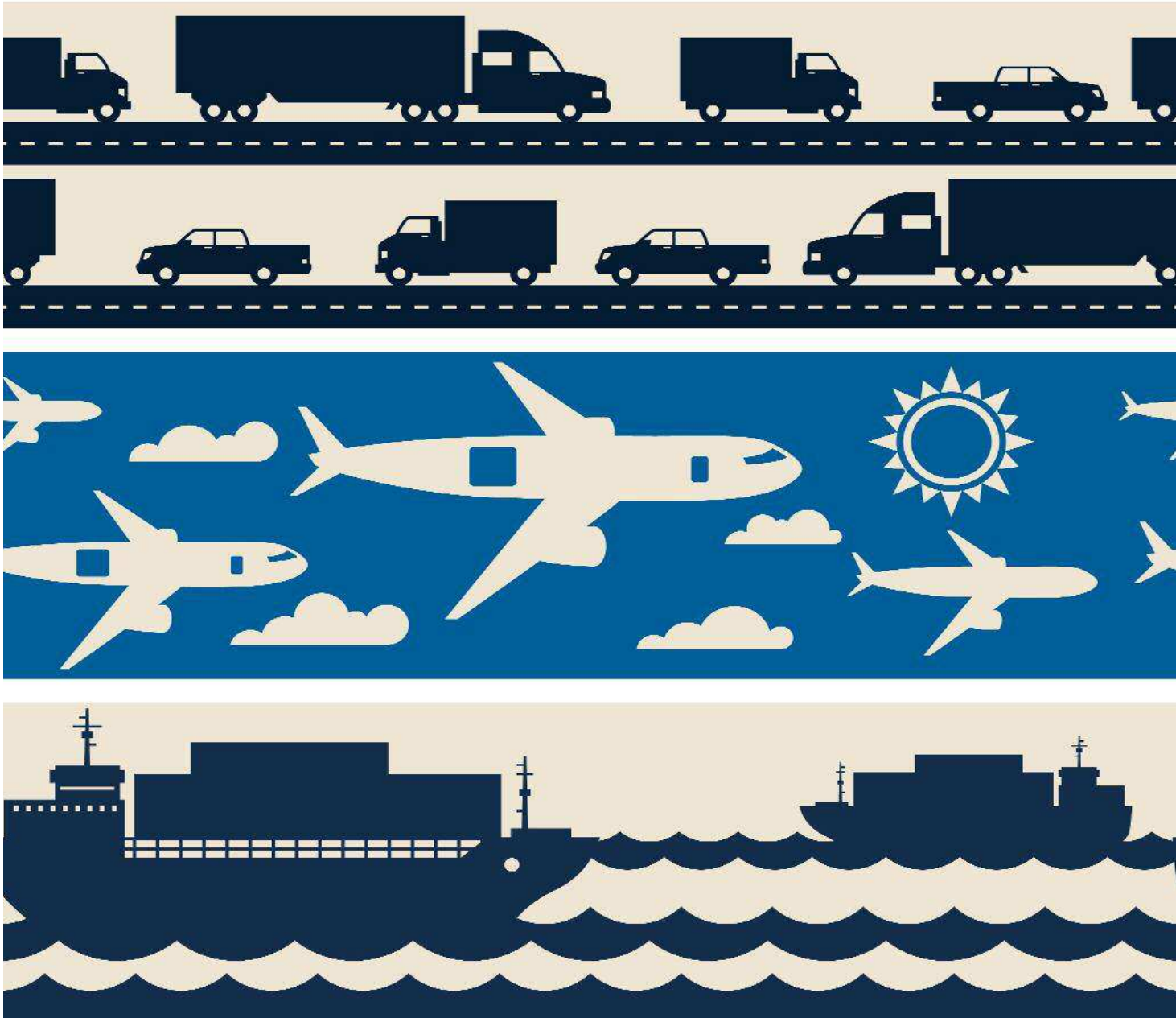


THE WORLDECR EXPORT CONTROLS AND SANCTIONS FORUM 2016

Washington, DC



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12-13 September, Crystal Gateway Marriott Hotel

Welcome



Tom Blass,
Editor,
WorldECR

Last year, we hosted our first ever *WorldECR* DC Forum: though in a sense, it was the District of Columbia – and the wider U.S. export control and sanctions community – that hosted us. We returned to London, flattered and appreciative of the reception our event received, and glad to have been able to bring so many practitioners and thought-leaders together at the same place and time.

And thus, in September, we return.

These are interesting times to say the least: presidential elections in November spell the end of a very remarkable Administration in terms of the United States' approach to foreign policy and security: whether the next chapter sees continuity or very significant change is certain to be a nail-biter between now and the Fall.

On the other side of the Atlantic, the European Union faces new pressures, both external – with the impact of crises in the Middle East being felt hard across the Europe – and internal, with many countries now thinking the once-unthinkable: a return to unilateralism.

And, of course, there is Iran. Many believed it could never happen. Some wished it never would. Others still believe it may be short lived. Nonetheless, the JCPOA creates an interesting mix of challenges and opportunities for companies in the West (and East).

New threats, new markets, new technologies and their respective appropriate responses: all of these will come under discussion at the *WorldECR* DC Forum. As with all our events, and in keeping with the spirit of our journal, *World Export Controls Review*, the Forum promises to be cosmopolitan, collegiate and global in outlook, welcoming and encouraging discussion and debate and the sharing of ideas. We'll be joined by expert speakers on sanctions and export controls from the European Union, Asia, Latin America, Canada and, of course, the United States – from industry, policy, and the law.

We're firmly of the belief that a relaxed atmosphere is conducive to information sharing, and can assure you that there'll be plenty of opportunity to meet fellow delegates over coffee, lunch, and at the drinks reception on the evening of day one, kindly sponsored by Debevoise & Plimpton. This will be followed by an optional, informal dinner for speakers, panellists and delegates, held in a local restaurant. There is a (modest) additional charge – but (as it did last September) it should prove a fun end to the first day and, again, a great opportunity to connect.

Tom Blass
Editor, WorldECR

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Keynote speaker: Principal Deputy Assistant Van Diepen

We are delighted to announce that Vann Van Diepen, Principal Deputy Assistant Secretary of State for International Security and Nonproliferation, will be providing the keynote speech at the Forum. Mr Van Diepen will take stock of the contribution of President Barack Obama's administration to global non-proliferation efforts, and also outline how he sees the role of industry in furthering those objectives.

Prior to taking his present role, Mr Van Diepen was National Intelligence Officer for Weapons of Mass Destruction and Proliferation in the Office of the Director of National Intelligence. He had previously directed the State Department's Office of Missile Threat Reduction, overseeing policy for the nonproliferation of missiles capable of delivering WMD.



Satish Kini and Carl Micarelli – Update on key U.S. and EU sanctions: Caviar and cigars all round? Not quite!

Whichever of the current U.S. presidential candidates takes the helm of the world's largest economic and military power in the November elections, a legacy of Barack Obama's administration will be its departure from foreign policy positions long held by the United States (winning both cheers and jeers both domestically and in the world at large).

Key stand-outs are the effort to secure a deal with the Islamic Republic of Iran over its nuclear programme, the relaxation of sanctions against Burma/Myanmar as reward for its moves in the direction of pluralism and democracy, and the restoration of diplomatic ties with former Cold War adversary Cuba (while relations with Russia have become decidedly more frosty).

Every aspect of the State Department's carefully crafted manoeuvres has its supporters and detractors, but also complexities. In this presentation, Satish Kini and Carl Micarelli, of the DC office of law firm Debevoise & Plimpton, look at the state of play of U.S. sanctions and the over/underlap with corresponding EU restrictive measures.



Anthony Christino and Joe Cristofaro – sanctioned parties, issues arising

We're delighted to announce that we will be joined at the conference by Anthony Christino, director of the Foreign Policy Division at the Bureau of Industry and Security (BIS) within the Department of Commerce, and Joe Cristofaro, Chairman of the End-user Review Committee at BIS, who will be outlining – and inviting questions on

- the intersection between BIS and OFAC jurisdiction regarding sanctioned countries and designated end-users.
- issues relating to transactions with subsidiaries of Entity List entities (whether you can, how you can) and how BIS positions compare to OFAC's positions on entities owned/controlled by SDNs.





Marian Niestedt and Gerd Schwendinger – A German perspective on EU trade controls: policy and practice

Germany is Europe's largest exporter of hi-tech goods and plant machinery – and traditionally a major business partner of Iran. Its main regulatory authority, BAFA, the entity which handles licence applications, has developed a reputation for interpreting EU sanctions and export controls with thoroughness and rigour.

This is all the more relevant since approximately 60% of all licence applications within the EU are handled by BAFA. Indeed, given Germany's pre-eminent role in the EU economy, and its broader political influence both regionally and internationally, the importance of understanding German export control policy and procedure cannot be underestimated.

In their presentation, Marian Niestedt and Gerd Schwendinger, partners at the law firm GvW Graf von Westphalen, describe BAFA's approach and outline the five must-knows for exporters from Germany and their partners.



Stacey Winters – The EU and U.S. export control regimes compared and the impact of BREXIT

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

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

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

In addition, Stacey will consider the impact of 'Brexit' – the UK's decision to quit the EU – on export controls and licensing, answering questions such as: How will intra-EU exports of dual-use goods be affected by BREXIT? Will long-established procedures, well understood by U.S. businesses, require wholesale revision?



Jennifer Horvath – Taking stock of Export Control Reform, present and future

The U.S. Export Control Reform Initiative – launched back in 2009 so as to more accurately address security threats while ensuring U.S. competitiveness – is part way through the second of its three phases. Many of the definitions and regulations that have distinguished and differentiated the Export Administration Regulations (‘EAR’) and the International Traffic in Arms Regulations (‘ITAR’) are now reconciled, and numerous items moved away from the U.S. Military List to the Commerce List. Compliance professionals affected by ECR (particularly those working in ITAR-focused industries) have largely adjusted to the implications of the changes. But are there more to come?

As the Obama Presidency nears completion, how far away is the Initiative from doing the same? And how is a change of Administration likely to affect the Initiative?

Jennifer Horvath, associate at the Braumiller Law Group, outlines her thoughts on the future of ECR.



David Hardin – Life under a consent agreement

In 2013, Raytheon agreed to pay \$8 million to address civil violations of the Arms Export Control Act and the International Traffic in Arms Regulations. Amongst these violations were failures to properly manage U.S. State Department-authorized agreements and temporary import and export authorisations. The State Department suspended half of the penalty on condition that the funds were used to undertake compliance measures.

As Senior Counsel for Global Trade Compliance in the Office of the General Counsel, David Hardin is well placed to describe the ongoing challenge of life under a consent agreement, including the implementation of new compliance structures to prevent similar violations, investigating possible violations during the consent agreement, and establishing an audit program to pre-empt possible violations.



Valentin Povarchuk – Navigating the new Iran sanctions regime: a corporate compliance perspective

While the broad scope of the Joint Comprehensive Plan of Action (‘JCPOA’) was known long before Implementation Day, the devil was in the detail: in this case, General License H, the OFAC authorisation for U.S.-owned or controlled entities (established or maintained outside of the United States) to do business with the Iranian government or entities under its control.

But – and there’s no surprise here – caveats apply, significantly limiting the involvement of U.S. parents in their subsidiaries’ Iranian operations. Indeed, multinational companies often must thread the needle if they want their non-U.S. subsidiaries to begin trading with Iran.

Some corporations have decided that their relations with subs are too entwined to permit them to do with business with Iran. Valentin Povarchuk, Trade Compliance Counsel at 3M Company, describes how 3M is navigating the complexities and potential pitfalls.



Panel discussion – E-commerce compliance: the Elephant in the Room?

The tremendous growth in the use of the Internet as a tool for buying and selling (e-commerce) raises profound questions in the sanctions and export control compliance space, challenging key definitions (such as ‘what is a product’, and what is an ‘export’, what is ‘knowledge’ and what is ‘facilitation’.)

Thus, while the Internet can provide huge commercial opportunities and market reach, B2B e-commerce sales platforms, in particular, are liable to create vulnerabilities for companies that haven’t addressed the commensurate compliance aspects of their use.

In the absence of a clear understanding of appropriate responses to the e-commerce challenge, this is an area that can keep a conscientious compliance officer awake at night! Others take a head-in-the sand approach.

Indeed, it is the apocryphal Elephant in the Room – but one, which, in this session our panellists, Lillian Norwood of the Government Affairs, Export Regulation of IBM and Valentin Povarchuk, Trade Compliance Counsel, 3M Company, are prepared to meet head on.

Join them as they explore the challenges of meeting trade compliance obligations in the context of e-commerce, and benchmark best practices in response to these challenges.



Ajay Kuntamukkala and Lourdes Catrain – Intra-company transfers: Straightforward? Not always. But they needn’t be painful

Transferring controlled goods, services, and data and information between a company’s international locations should be straightforward – but as many compliance officers know all too well, it can prove to be a headache.

This presentation by Ajay Kuntamukkala and Lourdes Catrain of the Washington, DC and Brussels offices of international law firm Hogan Lovells is a step-by-step account of best practice in making intra-company transfers and describes how the process can be rendered less painful. The discussion will cover U.S. and EU requirements that apply to intra-company transfers, available exceptions and general licences, and practical tips for structuring compliance programmes.





Panel Discussion – Staying compliant through multiple jurisdictional layers; is it possible?

The challenge for a global business is to stay compliant in all the jurisdictions in which it operates, whether that's as a distributor, manufacturer or service provider. But how is this done? And how are inconsistencies managed and resolved?

Each of our panellists has many years' experience navigating the practical, legal and management issues that multinational business encounters. In this session, they will share thoughts and invite insight and discussion from delegates as they look for answers to key questions, such as:



- How different are the perspectives of parent and subsidiary companies, when each is subject to the laws of a different country?
- How much autonomy and responsibility for compliance decisions is it appropriate to allocate to different divisions of a company's operations?
- How should jurisdictional requirements be prioritised?
- Is a single Internal Compliance Plan appropriate in the age of global business or a false comfort that ignores the reality of complex and conflicting regulatory frameworks and policy imperatives?



Moderating this session will be Jay Nash, Managing Director of Strategy & Development at SECURUS trade consultants. Jay and his SECURUS colleagues have experience of navigating export control regimes in more than 50 countries around the globe.

Joining Jay on the panel are:

- Carmen Fellows, Senior Director, Global Trade Compliance, Finmeccanica North America and DRS Technologies, Inc;
- Kevin Cuddy, Senior Manager International Trade Compliance, GE Corporate; and
- Lila Rose, Global Trade Compliance Manager, Empowered Official at PolyOne Corporation.





Stephen Propst – Cuba Libre?

When President Barack Obama leaves office in November, the re-establishment of ties with Cold War foe Cuba will count amongst his crowning foreign policy achievements. The extensive embargo regime against the Caribbean country has been eased, creating opportunities for citizens of both countries.

But while U.S visitors can now spend more time and money on Caribbean island (and bring home more cigars), Cuba-bound companies need to be aware of the temptation for détente to invite complacency, and remember that (to quote the U.S. Treasury) ‘...the Cuba embargo remains in place. Most transactions between the United States, or persons subject to U.S. jurisdiction, and Cuba continue to be prohibited.’

Stephen Propst, whose groundbreaking papers regarding the authority of the President to modify the sanctions against Cuba are widely viewed as having provided the legal analysis supporting President Obama’s historic changes to the U.S. embargo against Cuba, explains the dos and don’ts of business with the island.



Robert Shaw – Proliferation red flags and due diligence

The proliferation threat is as real as ever – and business is at the front line. But while compliance with the law may be (relatively) straightforward, identifying proliferators’ attempts to acquire controlled goods and divert them from their intended use is not.

Robert Shaw is a Research Associate and Export Control Instructor at the Middlebury Institute of International Studies at Monterey, and a former senior export compliance manager for Toshiba America. Robert will present on state-of-the-art best practices in detecting red flags and conducting due diligence in resolving them, with reference to research tools used to identify sanctions evasion related to UN-sanctioned North Korean firms operating in China.



Carl Micarelli and Satish Kini – OFAC: friend or foe?

Weekly – sometimes daily – the Office of Foreign Assets Control (‘OFAC’) alerts the world to its actions: designating entities and individuals, publishing licences, announcing settlements and penalties.

In concert with actions taken by other offices, each represents an articulation of how the United States government perceives and responds to the exigencies of its foreign policy and security threats and needs. On account of the constraints OFAC places on how, where, and with whom, business is able to transact, this small bureau within the mighty U.S. Treasury commands the attention of lawyers and businesses alike in the sanctions space.



In their presentation, Carl Micarelli and Satish Kini, of international law firm Debevoise & Plimpton, explore the focus of the agency, how to respond to its enquiries, and the possible impact of the upcoming U.S. presidential election on its activities.



Crystal Pryor – Shifting perspective: Japan’s re-evaluation of its defence export control regime

For nearly half a century, Japan has adhered to its ‘Three Principles’ policy, which effectively prohibited most arms exports from the country. The current administration recently revised the policy, signalling the potential for a new role in regional affairs, and carrying important ramifications for Japanese industry and perhaps competitors.

Crystal Pryor, Postdoctoral Fellow at Harvard University, reviews the recent changes in policy and asks what the impact of them might be in the region and for international defence companies, worldwide.



George Tan – South East Asian export controls come of age: update on Thailand, Philippines and beyond

For years, export control regimes in much of South East Asia were under discussion, but largely remarkable by their absence. That’s changing – in part, in response to concerns about diversion risk but also because export control regimes are seen as attractive to outside investors.

At the beginning of the decade, Malaysia enacted its Strategic Trade Act. Since then, both Thailand and the Philippines have announced that they, too, will have export control frameworks in place before too long, creating new compliance obligations not only for domestic companies, but foreign parent companies and investors.

Singapore-based, George Tan, director of Global Trade Security Consulting, and one of only a very few people to possess a holistic appreciation of Asian strategic trade controls, assesses the state of play – and describes how SE Asian export controls are, or will be, structured and enforced.



Erin Murphy and Peter Kucik – Burma/Myanmar: opportunities yes, but challenges remain

Burma/Myanmar was regarded as a pariah state since before the 1990 election – won by Aung San Suu Kyi – in which the ruling military junta refused to cede power. From that time on, Aung San Suu Kyi, frequently held under house arrest by the authorities, became a potent, indeed iconic, symbol of democratic values and change.

But the junta was dissolved in 2011, and in new 2015 elections the National League for Democracy won sweeping majorities in the country’s bicameral parliament.

Burma/Myanmar has been rewarded for its reform efforts with major relaxations of sanctions imposed by the United States and the European Union, and investors are keen to exploit its mineral wealth and growing market. But challenges for U.S. companies seeking opportunities in the resource rich SE Asian country do remain, as Erin Murphy and Peter Kucik of Inle Advisory Group explain.





Ryan Lynch Cathie – All change for India

India's recent accession to the Missile Technology Control Regime ('MTCR') – and speculation that it may yet join the Nuclear Suppliers Group ('NSG') – has further emphasised the country's commitment to international export control standards. Less well-known is the increasing interest amongst Indian companies in sharing, disseminating and adopting best practice.

At the heart of the country's export control system is its list of 'SCOMET' (Special Chemicals, Organisms, Materials, Equipment and Technologies) items, which in the past year has seen noteworthy revisions.

In his presentation, Ryan Lynch Cathie, Managing Director of Products and Innovation at Securus Strategic Trade Solutions, outlines these and other important changes to the Indian export control regime over the past year.



Cyndee Todgham Cherniak – Five things U.S. general counsel ought to know about Canadian trade controls

Canada is generally considered to be passive in terms of trade controls in comparison with the United States. Well, things are getting more dynamic.

Cyndee Todgham Cherniak, of Toronto-based specialist trade law firm LexSage, outlines recent key developments in Canadian trade controls and regulation that all U.S. general counsel should be aware of, including:

- Changes to Canada's economic sanctions against Iran and Russia
- Changes to Canada's export controls against Belarus
- Recent cases under the Special Economic Measures Act
- Recent cases under the Export and Import Permits Act
- Update on developments under the Trudeau government



Andrea Berger – International responses to the North Korea threat

Increasingly bellicose rhetoric and repeated weapons testing has seen the world ratchet up its response to the threat posed by the DPRK. In the first six months of 2016 alone, the UN, EU, U.S., Japan and Canada have all introduced tougher, more far-reaching sanctions on the country and its Supreme Leader, Kim Jong-un.

Andrea Berger, Deputy Director of the Proliferation and Nuclear Policy programme at the Royal United Services Institute ('RUSI') in London, outlines the measures imposed by the international community and interprets who they might impact and how.

THE WORLDECR EXPORT CONTROLS & SANCTIONS FORUM

12-13 September, Crystal Gateway Marriott Hotel, Washington, DC

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Please register the following delegate(s) for The WorldECR Export Controls and Sanctions Forum 2016

Delegate 1	Delegate 2
NAME	NAME
POSITION	POSITION
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REGISTER & PAY	BY 21 AUGUST 2016	AFTER 21 AUGUST 2016
CONFERENCE	\$1895	\$2195
CONFERENCE + DINNER	\$1980	\$2280

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(Please note, to qualify for Early Bird discount, payment must be received by WorldECR by 21 August 2016)

Signed

Date

Terms and conditions

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

Registration Fee

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

Registration policy

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

Payment policy

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

Cancellations and Refunds

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

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

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

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

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

Change of venue

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

Change of speaker and presentation

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

THE CRYSTAL GATEWAY MARRIOTT HOTEL

The venue for the WorldECR Export Controls and Sanctions Forum 2016 is **The Crystal Gateway Marriott Hotel**. The hotel is a popular conference venue with state-of-the-art facilities and a reputation for excellent service and catering.

GETTING THERE

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

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

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

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

STAYING AT THE HOTEL

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