

THE WORLDECR EXPORT CONTROLS AND SANCTIONS FORUM 2022

LONDON

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6-7 October 2022, 8 Fenchurch Place, LONDON EC3

Welcome



**Tom Blass,
Editor,
WorldECR**

It's been three years since the [WorldECR Forum](#) has been a 'live' event – and we're looking forward to our flagship London gathering in a big way.

Trade compliance and sanctions issues now resonate with an urgency that could scarcely have been predicted in 2019.

Of course, one issue – Russia/Ukraine – overshadows all, for the moment, even as it sheds light on broader themes, and developments, for example:

- The European Union and the UK: still together on the sanctions hymn sheet?
- Technology and security: an ever more complex interplay
- Europe and China: a troubled relationship
- Human rights and sanctions – increasingly closely linked

This year's Forum follows in the footsteps of its predecessors by bringing together thought-leaders, experts and practitioners who'll be sharing actionable, bankable, sometimes provocative, perspectives in sessions such as:

- Business in conflict zones: are you taking inadvertent risks?
- Red flag spotting: are your processes up to scratch?
- Key US enforcement actions: takeaways for non-US companies
- The 50% rule and its EU, UK and US variations
- The Internet of Things – compliance triggers everywhere?

At a time when peace in Europe has never seemed so fragile, the [WorldECR Forum](#) is the place to convene and share thoughts – with sanctions and export control experts from private practice, industry or policy – to make new friends and reconnect with old ones.

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

I hope that we'll see you 'in the room'. But if you can't make it to London this year, we will be 'live streaming' the London Forum – so there's no need to miss out!

Key dates and offers

Please allow me to draw your attention to the following:

- If you register by 2 September you can save £200
- Additional delegates from the same organisation can save a further £100
- *WorldECR* subscribers, past Forum attendees, and subscribers to *WorldECR's* sister publication, *Export Compliance Manager*, can also claim a 10% discount.

Join us in London this October. We are looking forward to seeing you.

Tom Blass

Editor, *WorldECR*



Dr. Gerd Schwendinger and Dr. Hartmut Henninger – EU sanctions update: Russia and beyond

When Russian forces rolled into Ukraine on 24 February, the European Union was ready with an initial package of sanctions which, in subsequent months, has been broadened and strengthened so that it now extends to almost every aspect of business life: banking, energy, shipping, insurance, franchising, the export of services and beyond – as well as imposing constraints on the activities of wealthy Russians within the Union.

Negotiating sanctions within the bloc has required a huge coordination of resources and diplomatic efforts between Member States to forge a ‘palatable’ response to Russian (and Belarusian) aggression. And, as a direct consequence of the invasion, a reshaping of the sanctions landscape more generally lies in store, with Brussels looking at creating a new, EU-wide crime of sanctions evasion.

There’s a lot to take in, but in their presentation Dr Gerd Schwendinger and Dr Hartmut Henninger, partners at German law firm GvW Graf von Westphalen, will set out the key elements of the EU sanctions response: Who do the sanctions affect and how? What steps should my company take or should now be taking? Where do the most significant risks lie? And what might subsequent ‘sanctions waves’ have in store?

This is a must-attend session for all businesses with activities in the EU.



Lourdes Catrain, Aline Doussin and Ajay Kuntamukkala – Russia: sanctions, strategy and risk

Much has been written and said about the slew of sanctions punishing Russia for its invasion of Ukraine: new designations of banks, businessmen and officials, energy import bans, export controls, closing of airspace, and more. And the Russian government has imposed its own counter-sanctions. In this presentation, Hogan Lovells partners Lourdes Catrain (Brussels), Aline Doussin (London) and Ajay Kuntamukkala (Washington, DC), will take you beyond the legal requirements to examine key strategic and operational dilemmas faced by companies with operations or a presence of any sort in Russia – i.e., those invested in the country financially, strategically, and in terms of assets – physical, human, and IP.

Among many questions, they will consider:

- What are the respective costs of weathering a geopolitical storm of unknowable duration, or indeed, of retreating?
- What are the lessons learned from this unprecedented wave of sanctions legislations and how is this going to impact the development of sanctions policies going forward?
- How can global businesses navigate (successfully) diverging interpretations of sanctions laws not only in the US, UK and the EU, but even the application/enforcement amongst the 27 EU Member States, and what appear to be contradictory sanctions rules/counter-sanctions regimes?
- How are companies assessing their options for exiting or remaining in the Russian market?

These are the kinds of challenges to business that the Hogan Lovells international team has been asked to advise on since February this year, and while the situation remains fluid and ongoing, we look forward to their insights gleaned at this time of unprecedented activity.





Iaroslav Cheker – Voice from Ukraine: Russia’s war, sanctions, and the future

The war in Ukraine has generated insight and speculation from ‘experts’ and observers around the world – most of whom are not directly affected. But we are pleased to be joined by Iaroslav Cheker, counsel at Kyiv law firm Arzinger, who, as a Ukrainian corporate and energy lawyer, brings a unique and powerful perspective on issues including:

- The post-2014 sanctions
- The impact of sanctions since 24 February
- Prospects for post-war recovery, restitution and rebuilding

and also, more broadly, the impact of the invasion on the legal sector, personal and professional.

(N.B. – As all adult males in Ukraine are currently subject to a mobilisation order, Iaroslav will be joining us by video link.)



Jane Shvets and Robert Dura – Ukraine invasion: parsing the UK and US sanctions response

The sanctions imposed by the US, the UK and EU against Russia following the invasion of Ukraine are unprecedented in their scope and speed of delivery – hitting hard across the spectrum of industry and economic life: media, sport, energy, banking, ICT, as well as the many designations of individuals considered close to Vladimir Putin. At the same time, the business community has ‘self-sanctioned’ to an extent seldom seen, with market players established in Russia for decades shutting up shop.

In this presentation, Debevoise lawyers, Jane Shvets (partner) and Robert Dura (counsel), help parse the US and UK elements of the sanctions tsunami (including the recently-passed UK Economic Crimes Act), to identify the key compliance considerations for companies evaluating their business in Russia or with Russian entities.





Keith Huffman – the industry experience: Russia and the unprecedented and unforeseeable effects of sanctions

‘If sanctions are usually “ramped” up, the response to the invasion of Ukraine was tantamount to the overnight construction of a vertical wall’. This typifies the kind of observation made by those in industry grappling with the suddenness of new restrictions on trade, designations, and export controls.

UK-based-Keith Huffman, Chief Legal Counsel, Export Control US (Global) at software and solutions provider SAP, says the learning curve has been a steep one – with the consequences for company operations, relations with vendors, service providers, and local partners unprecedented and largely unforeseeable.

WorldECR is delighted that Keith will be present to talk through some of the key, real-life challenges faced by business, offering valuable ‘lessons learned’, and discussing how teams outside of the export control and sanctions compliance functions become critical stakeholders for companies responding to events on this scale.



Cecilia Pechmeze – Theatre of war: corporate liability and sanctions issues in conflict zones

Few reputable companies actively seek opportunities in conflict zones. But as recent war-type situations have demonstrated, there are any number of ways that private actors can get caught up in the ‘fog of war’: supporting legitimate peace-keeping missions or humanitarian activities; supporting activities, critical supply chains, or employees; permitting access to infrastructure and other assets by combatants, or, for example, through hiring private security outfits, the employees of which take freelance opportunities (unbeknownst to the company) with private militia or similar groups.

As French industrial company Lafarge’s issues in Syria showed, the complexities and potential liabilities (e.g., sanctions violations and breaches of international humanitarian law) that conflict zones can give rise to are myriad – even for companies convinced that they are acting in the best interests of all concerned.

We are delighted that Cecilia Pechmeze, Principal of Pechmeze Law, a boutique firm specialising in advising states and companies involved in conflict zones, will be sharing her insight into and experiences of potential areas of liability, how to assess risks, and the ethical decision-making considerations arising out of such situations.



Steven Brotherton – Talent, technology and compliance – strategies for success

Take two realities of the current times:

One – the demand for skilled technical workers, whether in ICT, or biotech, or any other complex and critical part of the global chain, is at an all-time high, with the right people in short supply, and commanding commensurately big salaries and perks.

Two – national security concerns (not just in the United States but across EU Member States, the United Kingdom and elsewhere) are driving legislation aimed at preventing foreign nationals accessing/acquiring tech secrets for their own countries' advantage.

Against such a backdrop, it's essential that any company working with controlled technology has a compliance strategy that ensures that it understands the appropriate visa and licensing requirements for personnel, contract workers and employees of foreign subsidiaries, to ensure access to top talent in tech, but not at the risk of loss of either business-critical data or possible export control breaches.

Here, Steven Brotherton, Principal, Global Export Controls & Sanctions Lead at KPMG, sets out potential scenarios and case studies on how such issues can arise and looks at how those challenges should be addressed.



Magnus Nordéus – ITC's everywhere! Export controls and the Internet of Things

You can't go far these days without encountering or using the Internet of Things ("IoT"). It's what makes possible an interconnected world of devices and technologies that interact and 'communicate' with each other – devices controlled by smart phones, home security solutions, logistics trackers, even personal health monitors.

By necessity, the technology that makes the IoT 'work' is complicated and, clearly, the reach and pervasiveness of IoT technologies demands that it should be controlled. But are current export controls up to the job?

In this prescient and timely presentation, Magnus Nordéus, Group Head of Trade Compliance at Ericsson, sets out the key export control and related regulatory mesh (think encryption and software controls, data protection concerns and others), that currently catches the IoT, affecting innovation, research and development, and bringing new products to market, with suggestions both for ensuring compliance – and also for better policy.



Barbara Linney – Taking heed: Key US enforcement cases and their takeaways

US regulatory enforcement agencies, such as OFAC and the Bureau of Industry and Security, routinely post notices outlining the details of agreements with companies that have settled for alleged violations of sanctions and export control laws and regulations.

There is more to this exercise than naming and shaming for its own sake: by setting out the circumstances of the alleged breaches and the nature of the violations, the intention of the agencies is to provide insight into their concerns and enforcement priorities. In other words, such cases should be seen as a valuable learning tool, feeding directly into compliance training and best practice.

In this presentation, Barbara Linney, International Trade and National Security team co-leader at law firm BakerHostetler, walks through key recent settlements, narrowing in on those elements most valuable to compliance learning, and outlines best practice for reviewing, and benefiting from, published enforcement notices.



Megan Smith – Finding Redress: Human rights and sanctions in the UK and beyond

Thanks in part to, for example, the success of the Magnitsky sanctions phenomenon and the corporate ‘ESG’ agenda, human rights issues are now a key consideration for C-suite decision-makers – facing penalties not only in the court of public opinion, but potential civil and criminal liabilities for breaches as well.

The UK human rights NGO, Redress – in the spotlight recently for its representation of Nazanin Zaghari-Ratcliffe – has been at the forefront of this discussion since before the UK government initiated its Global Human Rights Sanctions Regulations of 2020, and we’re delighted that Megan Smith, Legal Officer of Redress, will be discussing key elements of the sanctions/human rights conversation:

- What kind of impact are Magnitsky-type sanctions having?
- What has the UK government achieved to date?
- What should be guiding the way that designees are chosen by lawmakers?

Putting these threads together, Megan will also reflect on how the corporate sector might anticipate trends, and what can be expected from EU, UK and US lawmakers.



Jim Huish and Tina Carlile – Deep-dive due diligence: a masterclass

The maxim: ‘KYC’ – know-your-customer (and don’t forget your supplier!) – is the *sine qua non* of any compliance plan. But as sanctions grow in breadth and complexity, it is no longer sufficient to check denied party lists or rely on automated tools to ensure compliance. Take, for example, the premise of the US Uyghur Forced Labor Prevention Act, which includes a ‘rebuttable presumption’ that goods from Xinjiang are produced by forced labor. Failure to do the homework before importing will be costly.

But where facts on the ground are opaque, even deliberately obscured, what techniques are available to compliance teams to make sure that they really do know the parties with which they do business? Is it enough to confirm absence from the relevant sanctions lists? And what lists ought they be checking?

In their presentation, Jim Huish, Managing Director, Forensic & Litigation at FTI Consulting, and Tina Carlile, Senior Counsel, Regulatory Compliance at BP, will bring their experience to bear, covering legal requirements to screen; priorities (e.g., counterparty *vs.* banks; subsidiary *vs.* parent; UK *vs.* US *vs.* EU); the essentials of purchasing screening ‘solutions’; ‘next steps’ after discovering that a counterparty is sanctioned; and ‘going deep’ when information is hard to obtain or deliberately obscured.



Milan Godin – Red flags: Identification and responses at the heart of compliance

The ability not only to identify ‘red flags’, but knowing how to respond and, if necessary, escalate concerns, is central to a company’s compliance readiness. Some indicators are well known: customers unwilling to answer questions about end use; purchasers unable to provide convincing credentials; unusual payment terms or shipping requests...

But not all attempts to skirt sanctions and export controls are clumsy: increasingly, proliferators and evaders resort to sophisticated measures – demanding sharp responses and ‘red flag’ awareness throughout your company.

Milan Godin, Legal Counsel and Policy Advisor on Strategic Goods Control at the Flanders Chancellery & Foreign Office, is well-versed in the schemes used by those that would bypass export controls. His briefing, with cases drawn from a spectrum of industries and circumstances, promises to provide essential material for those responsible for identifying potentially dubious transactions, and for responding appropriately.





Ameeta Duggal – Points of convergence but not always! India and the UK through the compliance prism

A summer visit to India by then-UK Prime Minister Boris Johnson resulted in pledges for greater cooperation between India and post-Brexit Britain, and the introduction of a new OGEL for military exports from the United Kingdom. India itself boasts an export control regime that is amongst the most sophisticated in Asia, and its industrial community, both domestic and multinational, is increasingly compliance-aware.

In this presentation – essential for any company partnering or collaborating with Indian companies – New Delhi-based export control expert Ameeta Duggal of DGS Associates describes the regulatory lay of the land resulting from the countries' strategic cooperation, outlining challenges, both practical (such as the need to reconcile control lists), and broader, such as in key areas of policy.

Ameeta will also describe India's response to western sanctions against Russia, an important trading partner for India, and potential issues resulting for investors.



Roy Zou, Aline Doussin, Lourdes Catrain and Ajay Kuntamukkala – New rules of engagement? The changing relationship between China and the West

Up until the day before Russia launched its aggression against Ukraine, China was the dominant strategic concern of trade and security policy-framers both in the US and in the EU and UK – as expressed through, for example, the tightening of investment clearance regimes, the forging of AUKUS, and the creation of the EU-US Trade and Technology Council (TTC).

The West's concerns, however, are not going away: Taiwan, Hong Kong, the expansion of China's sphere of influence, human rights generally and the persecution of Uighurs particularly, are all expected to put China's relations with the West further to the test.

In this session, Hogan Lovells partners Roy Zou (Beijing), Aline Doussin, Lourdes Catrain and Ajay Kuntamukkala explore that tension through the regulatory lens, noting that both China and the West have tightened export controls and implemented sanctions/counter-sanctions measures that impact trade. Against a background of change that will impact worldwide trade and investment, the panel will consider future possible frictions that could have major consequences for supply chains and global business operations, and how the conflict with Russia is likely to alter the national security relationship with China.



The WorldECR Forum past



THE WORLDECR EXPORT CONTROLS & SANCTIONS FORUM

6-7 October 2022, 8 Fenchurch Place, London EC3

REGISTRATION FORM

Please register the following delegate(s) for The WorldECR Export Controls and Sanctions Forum 2022

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* **WorldECR subscribers and past Forum attendees save 10% on published prices: contact Mark Cusick at mark.cusick@worlddec.com for details**

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

2) Please invoice me.

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

Please send your completed registration form with cheque to: D.C. Houghton Ltd, Suite 17271, 20-22 Wenlock Road, London N1 7GU, England

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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.

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→→ PAYMENT OPTIONS FOR NON-UK DELEGATES

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

The Venue

THE VENUE – AND GETTING THERE

The Venue for the WorldECR Export Controls and Sanctions Forum 2022 is ETC Venues' 8 Fenchurch Place, a state-of-the-art conference, exhibition, meeting and training venue next to Fenchurch Street Station.



How to find etc.venues Fenchurch Place

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



By train

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



By Underground

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

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



By DLR

Tower Gateway Station is approximately 7 minutes walk



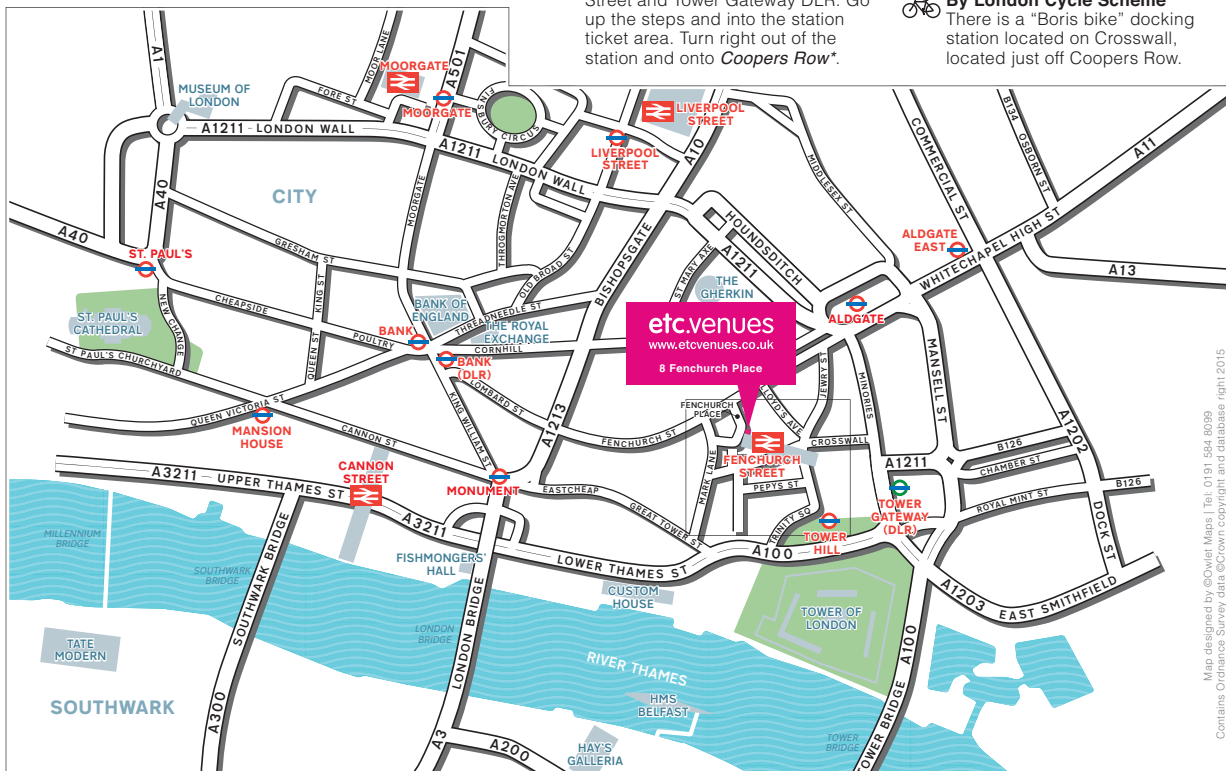
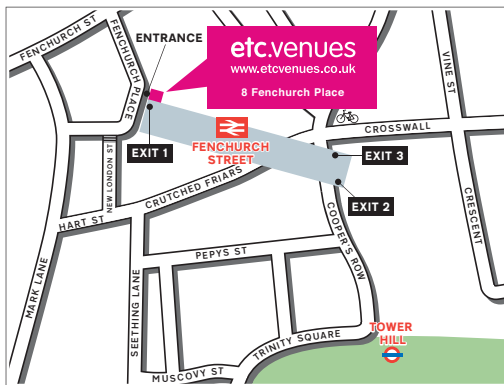
By bus

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



By London Cycle Scheme

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



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HOTEL CHOICES

The area around Fenchurch Street is well served by hotels.

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

Nearby hotels nearby include:

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