

The WorldECR VIRTUAL Forum 2021



Export Controls * Sanctions * National Security and CFIUS * Compliance Best Practice

ONE PASS * 17 PRESENTATIONS

12

January

Sessions begin today.

Access permissions to delegates have been provided. The timetable is set. Get ready to enjoy.

13

January

Log in for a live roundtable discussion with Virtual Forum sponsors on *Key trends to watch out for and the impact of the US election result on global trade regulation in 2021.*

12 – 28

January

Join in for live presentations followed by Q&As with the presenters and fellow delegates.

Select the presentations and Q&A sessions you want to participate in. *Don't worry if you don't get to attend all of them – you'll get a recording later.*

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JANUARY 2021

Welcome



**Tom Blass,
Editor,
WorldECR**

Join us for

17 Sessions

and to reflect on a year like no other...

With the world turned on its head by a global pandemic which quickly rewrote the laws of 'normal', a vexed Presidential election in the United States, and the terms of the UK's departure from the EU still yet to be revealed only weeks before the expiry of the transition period, 2020 had no precedent. Amidst the uncertainty, there's been no furlough for the trade compliance function.

Like so many, we're forced by circumstance to reinvent our conference offering for 2020/21, but we're delighted to be able to deliver an exciting mix of online presentations and dial-in discussions which we're sure will energize your thinking on trade compliance and policy for the year to come.

Amongst the topics on the agenda:

- Have the TikTok/WeChat EOs reset the dial on IEEPA?
- What will be the impact of China's new Export Control Law?
- Is the time right for a digital revolution in export controls?
- GLOMAG and beyond: Is trade compliance catching up with human rights?
- Developments in Asia – and does the SE Asia experience prove the economic case for export controls?
- The Recast Has Landed! What will the EU's all-new export control regime mean for business?

We'll also be discussing BIS enforcement methods and priorities, important insights from benchmarking businesses' compliance functions, and – not surprisingly – tension with China against a backdrop of tightened US export rules, and China's own, brand new Export Control Law.

In 2020, we missed the unique pleasures of joining together in person, but the spirit of the WorldECR Forum will, we're certain, infuse the 'virtual' alternative, while the calibre and quality of the content of presentations remain unparalleled.

Key dates and concept

Register for the WorldECR Virtual Forum and you will be able to access 17 individual presentations plus a live roundtable discussion ***Key trends to watch out for and the impact of the US election result on global trade regulation in 2021.***

I was disappointed not to see you in person in October but I'm excited about this Virtual Forum. I hope you will be, too.

Tom Blass

Editor, WorldECR

Speakers and their Sessions



Roundtable discussion: Key trends to watch out for and the impact of the US election result on global trade regulation in 2021

- What likely changes in strategic trade and foreign policy are likely to ensue from the Biden Presidency?
- Will new life be breathed into the JCPOA?
- Will the new Administration hold a hardline course on China?
- What now for Cuba and Venezuela?
- And is the Russian Great Bear bracing itself for a sanctions onslaught?

These are amongst the questions that our roundtable panellists will be discussing – and you're invited to listen in and submit your questions.

Moderator: Tom Blass, Editor, *WorldECR*

Wednesday, 13 January, 4 pm GMT



Kevin Cuddy: From non-proliferation to human rights – the evolution of export controls and sanctions

Human rights concerns are now a mainstream export control and sanctions compliance concern, in the European Union, the United States and elsewhere. Where some were tempted to see early Magnitsky Act designations as tokenistic expressions of disapproval, human rights issues now inform a vast swathe of recent legislative initiatives, regulatory changes, and licensing policy decisions. This evolution of export controls and sanctions is affecting the export of technology, import of products and end-user due diligence.

In his presentation, Kevin Cuddy from the **IBM** Export Regulation Office will take stock of this sweeping change, the due diligence requirements that it demands, and what may be coming next.

Tuesday, 26 January, 3 pm GMT



Sarah O'Hare O'Neal: Time for a digital revolution in export controls?

As the worlds of technology, trade and national security policy converge with unprecedented rapidity, the time is right for a digital transformation of export controls. This is the thrust of a joint comment submitted by Microsoft and Open AI to the US Commerce Department's consultation on Foundational Technologies.

In this presentation, Sarah O'Hare O'Neal, Partner, Associate General Counsel, Global Trade at **Microsoft**, describes key characteristics of that potential transformation and how it might come about – a new approach, leveraging digital solutions within sensitive and important technology itself to better protect it from uses that harm national security, while preserving its beneficial uses.

Thursday, 28 January, 4.15 pm GMT

Speakers and their Sessions



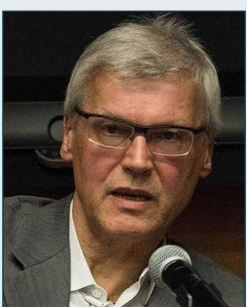
Lourdes Catrain and Aline Doussin: All change in European export controls?

The so-called ‘recast’ of the European Union’s dual-use export control regulation has been much anticipated and long delayed. But now the trilogue process of consultation between the EU’s institutions (Parliament, Commission and Council) is in full swing. The new framework promises much: obliging exporters to factor human rights concerns into their due diligence, accommodating new technologies – and possibly diverging from the Wassenaar Arrangement in key respects. (And how will a post-EU United Kingdom respond to a new regime?)



This presentation by Lourdes Catrain and Aline Doussin, partners at law firm **Hogan Lovells**, describes progress to date, possible outcomes – and the most significant pluses and minuses that are likely to arise for exporters.

Tuesday 12 January, 4.15 pm GMT



Enrico Carisch: The United Nations and sanctions – the end of the road or new departures?

Recent years have revealed the stresses that big power politics places on the United Nations Security Council’s ability to agree and adopt meaningful sanctions resolutions, with some casting doubt about the Council’s ability to continue its role as an effective guardian of peace and security.

In this presentation, Enrico Carisch reviews efforts by elected nations who are joining in initiatives to reshape the implementation mechanisms to ensure more effective application of UN sanctions, not only against traditional targets but also against those responsible for human rights abuses, gender violence and violations of the rights of children in conflict. A further objective is that nobody is designated for sanctions without due process. After 53 years of UN sanctions practices, Australia, Belgium, Canada, Germany, the Netherlands and Sweden have facilitated two years’ worth of consultations with hundreds of sanctions stakeholders, resulting in the drafting and publication of the first-ever Best Practice Guide for UN Sanctions Implementation Actors.

Enrico Carisch served the UN Security Council as a financial and natural resources sanctions investigator prior to co-establishing Compliance & Capacity Skills International (‘CCSI’), a nonprofit partnership of UN sanctions practitioners based in New York, USA. Currently, he is implementing sanctions and strategic trade control training programmes for government and private sector implementation and compliance professionals.

Wednesday, 20 January, 3 pm GMT

Speakers and their Sessions



Barbara Linney: IEEPA in the spotlight as TikTok and WeChat ‘chat back’

Back in August, President Donald Trump issued executive orders (‘EOs’) prohibiting ‘any transaction by any person, or with respect to any property, subject to the jurisdiction of the United States’ with the Chinese media companies TikTok and WeChat, claiming that the companies’ presence in the US could threaten citizens’ personal information and data.

Importantly, the President exercised his authority under the International Emergency Economic Powers Act (‘IEEPA’).

But the companies hit back with suits against the President and the Commerce Department, arguing that the EOs represented an *ultra vires* exercise of authority.

How the court decides these suits has huge ramifications for the understanding of IEEPA and its scope, and the way in which the President and agencies intervene in the activities of foreign companies in the United States. It’s being watched closely by banks, companies and investors around the world – appropriately given the significant corporate/financial footprint of the plaintiffs and potential plaintiffs worldwide.

In her presentation, Barbara Linney, partner at law firm **BakerHostetler**, outlines the issues and the potential ripples resulting from their conclusion.

Tuesday 12 January, 3 pm GMT



Johnny Xie and Jim Huish: Getting to grips with China’s new Export Control Law

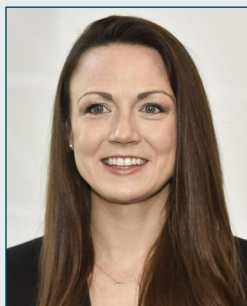
China’s new Export Control Law (ECL) has elicited interest and concern since proposals first emerged in 2017. The authorities say the law streamlines, and brings up to date, its legislation, consolidating regulations and making compliance easier for Chinese and non-Chinese companies alike. Others have suggested that new provisions – including for a deemed export law, and controls on re-exports – have been deliberately introduced as a counterpart to increasing US pressure on China exert through export controls.



So what can we expect the new law look like in practice? And how will it likely be applied? In this session Johnny Xie and Jim Huish of **FTI Consulting** take a walk around the ECL, and bring to bear their understanding and insights into how it will – or won’t – affect Chinese and non-Chinese companies’ global export and supply chain strategies. This is a must-attend session for anyone whose business incorporates China exports.

Thursday 21 January, 3 pm GMT

Speakers and their Sessions



Tina Carlile: Owning the risk and staying resilient

Key to contemporary compliance – whether sanctions, export control, or cybersecurity – is the application of resilience tactics. This means thinking ahead and anticipating risk. The Covid-19 pandemic has starkly illustrated how unplanned-for events can forever alter our understanding of normality. But long-term thinking requires accepting that such possibilities are inevitable. Real-world resilience means translating best intentions into concrete action, ensuring that risk ownership and responsibility for coordinating responses are clearly allocated.

Drawing on her experiences both in the private sector and with the US government (Department of State and Department of Homeland Security), Tina Carlile describes her approach to risk ownership allocation and pre-empting change across a spectrum of national security-related compliance concerns including export controls and sanctions, cybersecurity and general disaster-preparedness. This is a must-attend session for an uncertain world. (Please note: this session is subject to final confirmation.)

Tuesday, 19 January, 3 pm GMT



Steven Brotherton and Amie Ahanchian: Industry insight – the KPMG Trade Compliance Benchmarking Survey

In late 2020, KPMG's Global Export Controls & Sanctions practice conducted a comprehensive global survey documenting how a cross-section of industries are managing export compliance risks. Topics the survey covered include export compliance organisation structure and reporting, the structure of export compliance programmes, automation integration and risk management.

In their presentation, Steven Brotherton, a Principal in **KPMG's** Global Export Controls & Sanctions practice and leader of the service line, and Amie Ahanchian, a Principal in the Trade and Customs Practice, will discuss the survey's findings, which have provided unprecedented insight into the running of trade compliance functions in industry and into export compliance programmes – insight which is immensely valuable for companies as they reshape their programmes to reduce risks and support business needs in these unprecedented times.

Wednesday, 27 January, 5 pm GMT



Speakers and their Sessions



Sylwia Lis and Rod Hunter: CFIUS and foreign investment review trends – Looking Ahead

The last several years have brought significant regulatory and policy changes with respect to foreign investment review ('FIR') regimes across advanced economies. In the United States, these changes have resulted in increased resources available to CFIUS, the expansion of CFIUS's jurisdiction, and a mandatory notification regime for certain categories of transactions. Governments in Europe and elsewhere have implemented new, or enhanced their existing, FIR screening regimes.

In their presentation, **Baker McKenzie** partners Rod Hunter and Sylwia Lis will discuss: the current regulatory framework governing the CFIUS process and how it ties to US export controls; likely tendencies in the Biden Administration; the growing importance of FIRs across countries; and lessons learned in handling multiple FIRs in multi-jurisdictional transactions and reorganisations.



Wednesday, 27 January, 3 pm GMT



Ajay Kuntamukkala: BIS v Beijing – conflict through the prism of export controls

As China moves toward fulfilling its '2025' programme of development, US concern about misappropriation and mis-use of American technology has ratcheted up (against the backdrop of Beijing's assertion of authority in Xinjiang and Hong Kong).

In this presentation, Ajay Kuntamukkala of **Hogan Lovells** will run through the impact of restrictions on trade with China, including the Foreign Direct Product rule, new requirements for military end-use checks and Administration concerns with the presence in the United States of major tech and media conglomerates. Given the legislation's footprint and targets, these developments have widespread repercussions for investors, business partners and banks.

Thursday 14 January, 4.15 pm GMT



Robert Price: The role of sanctions in dispute resolution proceedings

Sanctions compliance is typically represented as a matter between governments and companies: comply or face prosecution. But in the 'real world', issues frequently occur in disputes between private parties, with companies claiming, for example, that a *force majeure* clause is triggered by the imposition of sanctions that excuses a party's performance, or that the contract cannot be performed because it has been 'frustrated'. Blocking statutes have added to the complexities in this area.

Sanctions can also have a bearing on arbitration agreements and procedures adding further procedural and substantive difficulties for the parties.

In his presentation, **Latham & Watkins** associate Robert Price looks at these issues in the round – and how businesses should take stock against a quickly-evolving sanctions landscape.

Tuesday 12 January, 17.30pm GMT

Speakers and their Sessions



Donald Pearce: Busy, Busy, BIS – how BIS conducts investigations

The US Bureau of Industry and Security ('BIS') has been extremely busy in recent months, passing a slew of regulations (including the Foreign Direct Product Rule and new end-user check requirements, as well as expanding the EAR Entity List). These changes have profound repercussions for the trading relations of US *and* non-US companies with China, Russia, Hong Kong, Venezuela – and entities across the globe. But how does BIS conduct its investigative activities? And what exactly is it looking for?

That's what Donald Pearce of **Sentinel LLC** will be addressing – and he's well-placed to. In February 2020, Donald retired after serving 22 years with the BIS, not only in Washington but as an export control attache, and special agent in Singapore and Moscow. Latterly, Don's role was to supervise Senior Special Agents assigned to liaison activities and joint task forces, overseeing and guiding criminal and administrative investigations.

A compelling presentation for anyone whose activities fall within the BIS remit.

Tuesday, 19 January, 4:15 pm GMT



Aaron Dunne and Guy Lanzet: Carrying responsibility – a bird's eye view of trade controls and logistic

In this session Aaron Dunne, **DHL Express** Vice President, Global Head of Export Controls and Guy Lanzet, DHL Express Senior Director, Head of Trade Compliance Security, will outline the compliance challenges, legal and logistic, brought to the fore in the 'COVID era', including: overcoming regulatory hurdles to delivering essential and humanitarian supplies; recent regulatory changes/legal clarifications and their implications for the express sector; the management of conflict of law issues – increasingly prevalent in a sanctions-rich global economy; and how state-of-the-art screening is a *sine qua non* for compliance excellence.

Monday, 25 January, 4 pm GMT



Speakers and their Sessions



Dr. Scott Jones: The multilateral export control regimes: are they fit for purpose?

The four multilateral export control regimes (the Missile Technology Control Regime, the Nuclear Suppliers Group, the Australia Group, and the Wassenaar Arrangement) are the bedrock of export control compliance. But in recent years they have faced multiple pressures in a fast-changing international environment. Amongst these is a UN Security Council stymied by disagreement and the challenge of new and emerging technologies like nanotechnology, additive manufacturing, or unmanned systems.

In this presentation, Dr. Scott Jones will argue that the structure of the regimes is ill-suited to deal with these external developments and will suggest new approaches to ensure their continued viability.

Dr. Jones is a non-Resident Fellow at the **Stimson Center** and Founder and President of **TradeSecure, LLC**.

Monday, 18 January, 4:15 pm GMT



Dr. Crystal Pryor: Trade controls and prosperity in SE ASIA – costs and benefits: the evidence

UN Security Council Resolution 1540 (2004) mandates that all member states maintain appropriate effective national export controls to prevent WMD proliferation. Yet many countries, including some within Southeast Asia, are concerned about the economic consequences of adopting and implementing strategic trade controls ('STC').

In her presentation, Dr. Crystal Pryor, Director of Non-proliferation, Technology, and Fellowships at the **Pacific Forum** in Honolulu, will outline a Forum study on the costs and benefits associated with national nonproliferation measures, and will discuss contemporary export control applications and what they mean for the nonproliferation regime in Asia.

Tuesday, 19 January, 5:30 pm GMT



Jay P. Nash: Asia update – Key developments export controls

While developments in the United States and Europe tend to dominate the compliance agenda (Brexit, US focus on China and Iran, the EU dual-use regulation etc.), Asia's trade control regimes continue to develop and evolve (the continuing Japanese/ROK export control dispute, China's export control law, the New Zealand catch-all are just a few examples...)

In his presentation, global trade compliance consultant (and Consultant Editor of *WorldECR's* forthcoming guide to *Asia-Pacific Strategic Trade Controls*) Jay Nash, describes some of the main developments that businesses need to be aware of, and gives suggestions for developing a regionally-sensitive compliance programme.

Thursday, 21 January, 4:15 pm GMT

The WorldECR Forum in its NON-VIRTUAL past



THE WORLDECR VIRTUAL FORUM

JANUARY 2021

REGISTRATION FORM

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'Additional delegate' prices are only available to delegates from the same organisation as the original full-fee delegate.

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You must notify mark.cusick@worldocr.com by 8 January 2021 if you wish to change any delegate.

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

Cancellation by 4 January 2021 – full refund less 10% admin fee.

Cancellation between 5 and 8 January 2021 – full refund less 30% admin fee.

Cancellation after 9 January 2021 – no refund.

Change of speaker and presentation

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

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**For all enquiries, contact WorldECR's publisher, Mark Cusick at
mark.cusick@worldocr.com**