



Hogan  
Lovells

# Our International Trade and Investment Capabilities

*International Trade and National Security Summit*

September 12, 2023

# A Premier International Trade Practice

International Trade and Investment group ranked Band 1 by ***Chambers USA 2023*** for Trade Remedies & Trade Policy.

International Trade group named a *Law360* “***2021 Practice Group of the Year.***”

International Trade and Investment group named Chambers “***2019 International Trade Law Firm of the Year.***” Numerous International Trade and Investment lawyers are perennially ranked by *Chambers*.

International Trade and Investment group consistently ranked **Tier 1**. Numerous International Trade and Investment partners designated *Legal 500* “***Hall of Fame Practitioners.***”

WorldECR: 2021 Runner-up “***Sanctions Law Firm of the Year;***” 2021 Runner-up, “***Export Controls Law Firm of the Year.***”

Recognized for being a leader across the full range of international trade and investment matters facing businesses today, we have been providing international trade and investment advice for over 45 years. We offer effective, informed advice on trade policy, legislation, compliance and enforcement, litigation, and administrative proceedings.

With more than 47 offices in the United States, Europe, Latin America, Africa, Asia, and the Middle East, we are one of the few legal practices that can handle large, varied, and complex trade matters in every major world market. Our clients rely on us to handle issues such as export and import controls, economic sanctions, anti-money laundering, anti-bribery rules, foreign direct investment, trade agreement negotiations, and anti-dumping and subsidy cases.

Our lawyers and advisors have helped bring leadership to international trade initiatives for several decades. These include negotiations and disputes under the World Trade Organization (WTO), North American Free Trade Agreement (NAFTA), Trans-Pacific Partnership (TPP), Brexit, and other bilateral, multilateral, and regional agreements.

Our strong relationship with regulators enables us to provide a unique insight into regulatory expectations, both generally and in the context of investigations. Many of our international trade lawyers previously occupied leadership positions within the relevant government agencies and we maintain regular contact with all the relevant United States (U.S.), European Union (EU), and other agencies.

# Export controls

Export control laws have played an increasingly important role in the efforts of governments to protect national security and fight terrorism. With increasingly restrictive controls targeting certain countries, greater enforcement, and higher penalties for export violations, it is more critical than ever for companies engaged in international trade to understand their exposure to trade controls and have effective export compliance programs.

**We are at the forefront of virtually all cutting-edge export control issues**, including counselling on the ongoing conflict between Russia and Ukraine, assessing increased export restrictions on technology transfers, addressing export prohibitions targeting China and other countries, and analyzing the intersection between export controls and economic sanctions.

**Our team combines experienced private practitioners with former federal government officials** to deliver a broad scope of service. By maintaining regular contact with export control regulators across the EU and its member states, and with the officers of the U.S. State and Commerce Departments that administer and enforce U.S. export control laws, we are able to keep our clients informed of new developments and to assist them in designing compliance programs that minimize the impact of these laws on their businesses.

**We are effective in seamlessly addressing issues across multiple jurisdictions** with our export controls lawyers in offices such as Tokyo, Amsterdam, Brussels, London, Paris, Madrid, Munich, Singapore, Australia, Rome, and Washington, D.C. Our clients engage us to guide them through the complex maze of global control regulations, many of which differ by county and region.

## Areas of focus

- Audits and Assessments
- Commodity Classification
- Compliance Plans and Training
- De Minimis Rules
- Encryption Controls
- EAR
- Entity List and Other Restricted Party Lists
- Fundamental Research
- Licensing / License Exceptions
- Non-U.S. Export Controls
- Nuclear Export Controls
- Reexport Transactions
- Technology Transfers/Deemed Exports
- Voluntary Disclosures and Enforcement



Runner-up:

Export Controls Law Firm of the year

*WorldECR Awards, 2021*

Winner:

Export Controls Law Firm of the year

*WorldECR Awards, 2018*

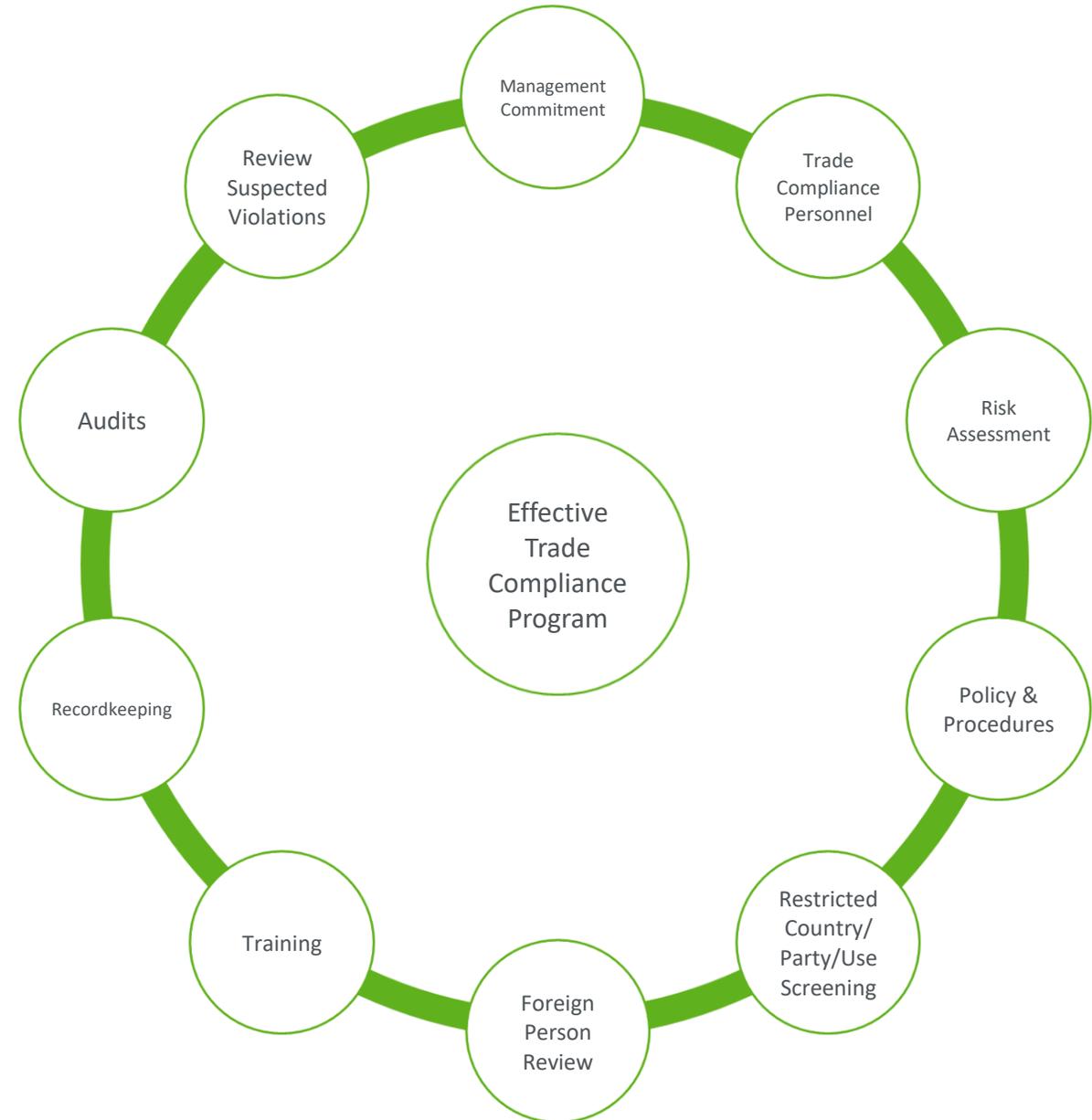
# Trade compliance programs

We provide clients with a number of bespoke compliance assessment tools such as questionnaires, compliance audit architectures, and other materials that we have already developed based on government standards and best practices that we can leverage to provide tailored and efficient advice.

**We have assisted many global companies with assessing their economic sanctions and trade compliance programs**, identifying gaps, recommending corrective actions and establishing effective global sanctions compliance programs, in a wide range of industries, including in the energy, diversified industrials, manufacturing, technology, life sciences, transportation, aerospace and defense, and consulting.

**Our lawyers have extensive experience working with corporate compliance monitors that conduct periodic audits and assessments.** We advise companies in all sector manage compliance in an environment that's more complex, intense, and variable than ever before. We help guide you through financial pressures, regulatory burdens, and government enforcement.

**We also have a wealth of experience in legal compliance and fraud investigations**, including but not limited to anti-corruption and the Foreign Corrupt Practices Act (FCPA), intellectual property protection, data protection and cybersecurity, misconduct of management, sanction requirements, violation of financial and accounting rules, violation of codes of conduct, and fraud and criminal liabilities. Whether you are dealing with an external or internal investigation, experience is essential in this space given the sensitivity in terms of reputation and the potential impact on the business.



# Sanctions

**Companies operating internationally face a growing number of economic sanctions regimes imposed by the United States, the European Union, the UK and other jurisdictions, as well as global organizations such as the United Nations. Failure to comply with sanctions regimes can put companies at risk of civil monetary penalties or criminal penalties.**

**Our economic sanctions lawyers provide counsel to numerous clients seeking to comply with U.S. and non-U.S. economic sanctions and OFAC laws and regulations,** and applicable blocking statutes while pursuing their legitimate commercial activities. Working together with colleagues in our offices in the United States, Europe and China/Hong Kong, our lawyers can address problems as they arise and help design reporting and compliance structures that anticipate and reduce the risks associated with such circumstances.

**We help clients understand which of their global affiliates, officers, and employees are required to comply with sanctions and how corporate and governance structures affect the degree to which they are affected by sanctions.** We assist clients in reducing their sanctions risk by assessing their compliance programs and making recommendations on how to institute operational changes. We have also assisted clients in getting licenses, permitting transactions otherwise prohibited by sanctions. Our team advises clients in all aspects of dealing with potential violations, including voluntary disclosures and penalty assessments.

**We monitor developments in the sanctions programs on a daily basis.** We have extensive experience working with the agencies that implement sanctions regimes and in advising clients across a broad range of industries. Our clients are major multinational companies in the electronic, semiconductor, internet/technology, telecommunications, banking, insurance, food, pharmaceutical, medical device, media, travel, retail, energy, infrastructure, aviation, automotive, and education industries.

**We are currently at the forefront of addressing U.S. sanctions and other measures regarding China and Hong Kong,** as well as Chinese counter-sanctions laws. Our U.S. offices work closely with our China and Hong Kong offices to advise clients on the complexities of U.S. human right sanctions targeting Xinjiang province and Hong Kong. We also advise on navigating conflicts of laws issues and mitigating risk under Chinese counter-sanctions measures.

## Areas of focus

- Enforcement Proceedings
- Licensing
- Voluntary Disclosures
- Responding to Blocking Orders
- Risk Assessments
- Internal Investigations
- Compliance Plans
- Compliance Training



A formidable team offering in-depth knowledge of export controls and economic sanctions

*Chambers USA, 2021*

Notable expertise in trade controls and sanctions

*Chambers Global, 2021*

Highly commended EU and US sanctions practice

*WorldECR Awards, 2020*

Runner-up:  
Sanctions Law Firm of the year

*WorldECR Awards, 2021*

# Sanctions Navigator - Stay on top of rapidly changing international sanctions regimes

The Sanctions Navigator provides a practical and straightforward overview of the key international sanctions regimes. It allows you to assess key sanctions risks at a glance, evaluate the impact of sanctions on your business, and keep abreast of the latest developments by receiving insight and analysis from the Hogan Lovells International Trade team.

- Understand and monitor key sanctions regimes across multiple jurisdictions.
- Helps you mitigate risk exposure to new sanctions regimes.
- Update internal sanctions policies and processes as regimes change.
- Use insights to implement sanctions training for your team.
- Proactively manage sanctions exposure and impact to the business.

## Sanctioning authority



## Recent Developments

EU, France, UK, UN, U.S.A., Australia, Japan Sanctions program Search Reset

2022 2021 2020 2019

<p>11 May 2022</p> <p>OFAC amended FAQs 1034, 1035, and 1038.</p>	<p>9 May 2022</p> <p>The UK announced a new package of sanctions on Russia and Belarus targeting £1.7 billion worth of trade. The new import tariffs cover goods including platinum and palladium, while the export bans target materials such as chemicals, plastics, rubber and machinery.</p>	<p>8 May 2022</p> <p>OFAC issued Russia-related GL25A, GL33, GL34, and GL35; a Determination Pursuant to Section 1(a)(i) of Executive Order 14024 regarding the accounting, trust and corporate formation services, and management consulting sectors of the Russian economy; a Determination Pursuant To Section 1(a)(ii) Of Executive</p>	<p>5 May 2022</p> <p>OFAC issued Russia-related GL7A (authorizing overflight payments, emergency landings, and air ambulance services), GL26A (authorizing wind down of transactions involving joint stock company SB Sberbank Kazakhstan, Sberbank Europe AG, or Sberbank (Switzerland) AG), GL31 (authorizing</p>
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### Set alerts

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## Key Features

- Our unique tool provides you with an overview of 5 key sanctioning authorities (EU, France, UK, UN, and the U.S.A.)
- We also cover all the latest measures against Russia from a number of other Sanctioning Authorities.
- Access the restrictive measures in place and the underlying legislation and guidelines.
- Receive insights and analysis from the Hogan Lovells International Trade team.
- Our platform allows you to take and share notes, make reading lists, and generate bespoke reports.
- Accessible 24/7
- Accessible, comprehensive, practical, up-to-date.

# Customs and import compliance

Conducting trade across international boundaries has become increasingly complex and challenging for many businesses. Efficiently managing customs-related disputes, increased security-related mandates, regulatory developments, and diverse customs requirements in multiple countries is a priority for many companies.

**We have significant experience helping clients in nearly every type of customs proceeding. Including detentions, penalties, Section 301 and Section 232 tariffs, as well as in security related matters.** Drawing upon our experience, we advise our clients across multiple sectors, including life sciences, retail, steel and aluminum, chemicals, food and agriculture, technology, telecommunications, aerospace and defense, manufacturing, distribution, and logistics, on developing compliance strategies that maximize their operational advantages.

**We have assisted clients in virtually all areas of import compliance** including tariff classification, valuation, country of origin, duty drawback, and tariff preference programs including free trade agreements and the Generalized System of Preferences (GSP). We assist clients in identifying and defending favorable valuation methodologies, including the use of “First Sale” values.

**We also regularly assist clients with Forced Labor matters** including helping clients establish robust forced labor compliance programs and enhancing existing programs, assisting importers with detentions imposed pursuant to Withhold Release Orders (WROs) and importers and foreign producers seeking modification or revocation of WRO’s or Forced Labor Findings.



# CFIUS and Foreign Direct Investment Reviews

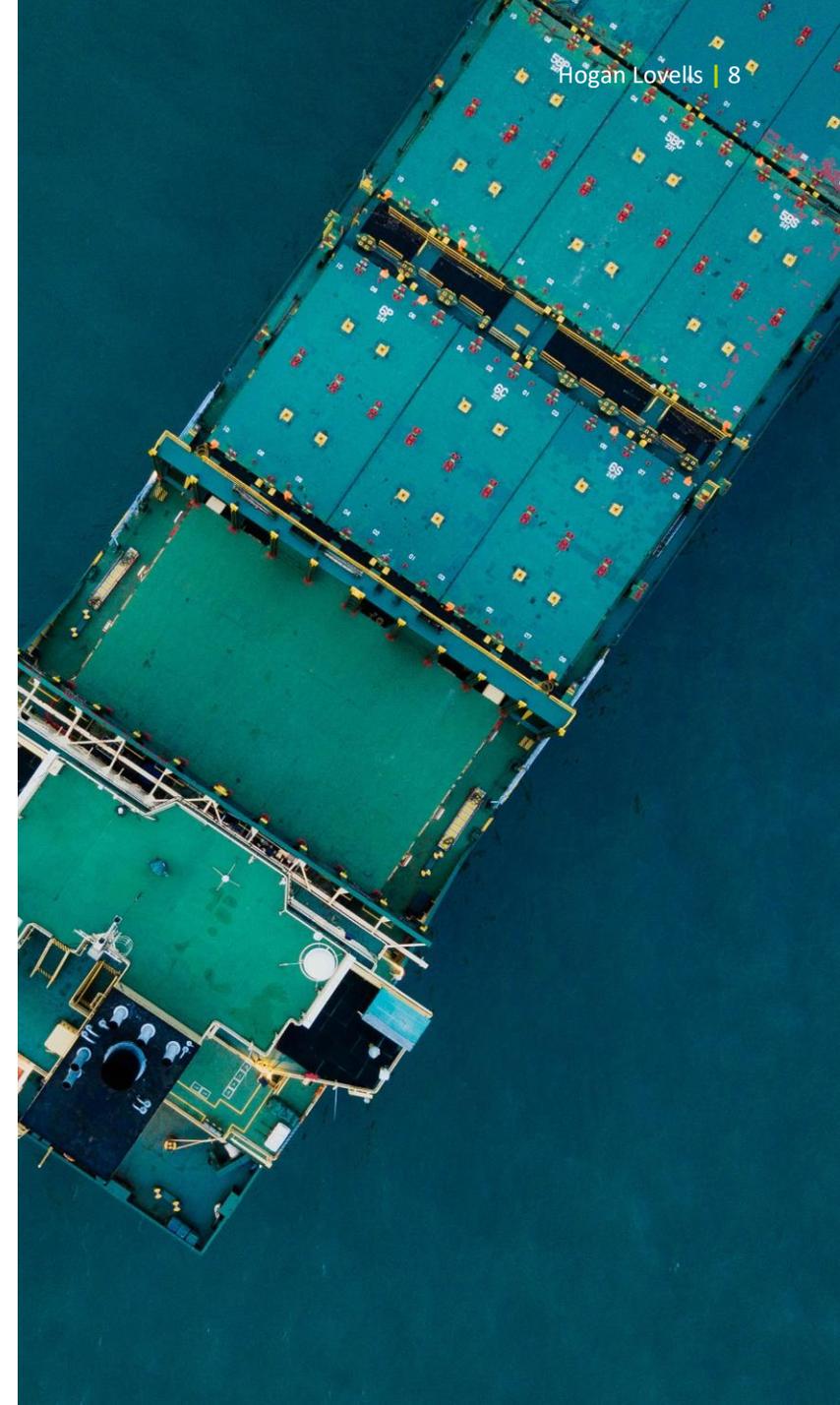
The U.S. government continues to closely scrutinize the impact on U.S. national security of a wide range of foreign investments. Investors seeking to acquire ownership interests in companies in the United States (and a growing number of other countries) must determine whether they are legally obligated to make filings and anticipate and address governmental concerns, particularly if (i) the investor is foreign government-backed or (ii) the targets of their investments (A) are involved in critical technologies, critical infrastructure, or sensitive personal data, (B) have some nexus with the U.S. government, or (C) operate in sensitive sectors, such as life sciences, telecommunications, biotechnology, data and cyber security, energy, aerospace and defense, artificial intelligence, and robotics. We can assist you in protecting your commercial imperatives while accommodating governmental concerns.

We have a leading practice in the United States with respect to national security reviews, having a deep bench of lawyers with extensive, practical experience handling CFIUS and associated security reviews. It is expected that the Biden Administration will soon establish through executive order or Congress will establish by statute a new mechanism to screen US outbound FDI into companies operating in certain key technology sectors of US strategic adversaries (sometimes referred to as “reverse CFIUS”). Given that this proposed new mechanism is expected to be closely patterned on the CFIUS regime, we already have begun to provide advice to clients on the implications of this new regime and expect to continue to provide such advice once the regime is established, likely later this year. Our clients (particularly those in the private equity sector, which is likely to be disproportionately affected by this new regime) are keenly interested in our advice on how to proactively address the implications of this potential outbound investment regime. Accordingly, we have worked with a number of clients to help them assess their potential exposure, particularly in China, and to plan strategically for the establishment of this regime.

## **Three key features particularly distinguish our CFIUS practice:**

### **Seasoned Team with Government Experience**

Our CFIUS team members include a former Special Assistant to the U.S. President for Trade, Associate Counsel to the U.S. President, U.S. Trade Representative General Counsel, as well as a Senior Counsel to the Office of the Assistant General Counsel for International Affairs of the Treasury Department, which provides legal advice to the Secretary of the Treasury as Chairperson of CFIUS. Many were engaged in the CFIUS process during their government service, bringing an “insider’s” perspective to our clients’ needs and goals. Our CFIUS team is seasoned, having actively managed all types of CFIUS transactions since the law’s onset in 1988, representing buyers and sellers and the most sensitive countries and industries.



## CFIUS (cont.)

### **Complementary Regulatory Breadth**

We have one of the largest regulatory practices in Washington, permitting us to leverage that expertise in CFIUS cases, which frequently involve highly regulated industries, such as aerospace, defense, telecommunications and energy. For the vast majority of CFIUS cases we have handled, we also have assisted clients in making related regulatory filings with the Departments of Defense (DOD), State, Energy (DOE), Commerce (DOC), Justice (DOJ), and Homeland Security (DHS), as well as the Federal Communications Commission (FCC).

### **Deep Government Relations Capability**

We are one of Washington's powerhouse government relations law firms, with over 75 professionals who lobby full or part-time. This gives us a unique capability to address executive branch and Congressional objections that may emerge in the most sensitive CFIUS cases. Our team helps develop, calibrate, and execute political/public relations strategies, which can involve executive branch political appointees and many members of Congress.

We have handled CFIUS and other national security reviews, including those conducted by the informal U.S. Government interagency committee known as Team Telecom, involving a wide range of industries, including the defense, telecommunications, and energy sectors, and have represented U.S. and non-U.S. parties, private and governmental, before CFIUS and its constituent agencies. We can also anticipate when a particular transaction may raise political as well as regulatory concerns and are experienced in developing appropriate strategies to address those concerns.

Other governments, including those of China, France, Germany, Poland, Russia, and the United Kingdom, also have authority to subject foreign investment to scrutiny from a national security perspective. We have a team in each of these countries that is well-equipped to advise and assist clients regarding acquisitions covered by these regulatory regimes.



# Foreign Direct Investment (FDI) Global Legal Guide

We have recently launched a new Foreign Direct Investment (FDI) Global Legal Guide. The innovative legal tech tool examines the legal and regulatory frameworks in 22 jurisdictions to keep a pulse on increasing scrutiny for cross-border M&A and investment.

The guide provides insight into and comparison of FDI screening regimes in 22 key jurisdictions in the Americas (Brazil, Mexico, USA), Asia-Pacific (Australia, China, Hong Kong, India, Indonesia, Japan, Mongolia, Singapore and Vietnam), and EMEA (France, Germany, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Poland, Spain and the United Kingdom) where Hogan Lovells has offices.

The guide includes a summary of key features including the types of transactions subject to mandatory or voluntary filing, principal authorities, look-back period, test for intervention, extraterritorial reach, timeline for review and potential penalties. A detailed Q&A provides a roadmap for navigating the FDI regimes in these jurisdictions.

You can access the guide by [clicking this link](#).



# Trade legislation, policy, and negotiations

If there's one thing that's predictable about trade policy, it's that it can be unpredictable. We want your business to not only thrive and be successful in navigating trade policies, but also be a voice in how these policies are shaped. You've got to not only predict what will happen, but also negotiate positive outcomes. That's where we come in.

**Drawing on our decades-long experience in major international trade negotiations and U.S. trade legislative proposals**, we assist clients in developing and implementing strategies to utilize and participate effectively in the policy-making process to achieve their commercial goals. We also track significant legislative developments and help clients take advantage of opportunities, such as the new federal funding available under the CHIPS Act as well as the European CHIPS Act proposal.

**Our global team includes former government officials** from the United States and the European Union, as well as seasoned private practitioners. We can guide you through every major trade negotiation and agreement. Our lawyers participated directly in the negotiation of the NAFTA, U.S.-Canada Free Trade Agreement (FTA), and the Uruguay Round Agreements, and helped draft key pieces of U.S. trade legislation, including the Omnibus Trade and Competitiveness Act of 1988, NAFTA Implementation Act, U.S.-Canada FTA Implementation Act, and Uruguay Round Agreements Act.

**We have significant experience assembling broad coalitions of parties with similar interests** in order to achieve the maximum impact on public policy deliberations. We have built and represented coalitions of leading U.S. companies, trade associations, and farm groups to secure congressional approval of China's accession to the World Trade Organization (WTO), to support reform of U.S. policies regarding unilateral economic sanctions, and to oppose protectionist steel policies.



## Antidumping, countervailing duty, and safeguards litigation

Companies operating in the global marketplace need legal representation in the full range of trade remedy proceedings, including antidumping duty, countervailing duty, and safeguards (Section 201 and Section 421). Whether preparing cases or defending against them, companies with a stake in these disputes need expert assistance to successfully navigate the process and achieve or protect their commercial interests.

**Our lawyers appear regularly before the U.S. International Trade Commission (ITC)** in trade remedy injury proceedings, before the U.S. Department of Commerce (DOC) in antidumping duty and countervailing duty administrative investigations and Section 232 investigations, before the U.S. Trade Representative's Office (USTR) in Section 301 and safeguards matters, and before the U.S. courts and bi-national NAFTA panels in judicial appeals. We also have extensive experience in advising companies before the European Commission, the UK Trade Remedies Authority, the Chinese Ministry of Commerce (MOFCOM), and other investigating authorities in other countries including, but not limited to, Brazil, Mexico, Russia, and South Africa.

**Our lawyers have decades of experience successfully defending our clients' interests** in antidumping and countervailing duty cases, in all phases of litigation. These include pre-petition and case counseling, representation throughout the agencies' investigation and decision process, and successfully managing business-critical risks and opportunities under antidumping and countervailing duty orders.

**Drawing on the vast regulatory and government relations resources** that are available across the Hogan Lovells' offices, we craft a trade remedies litigation strategy that is best adapted to the specific political and economic environment presented. In addition to our litigation skills and agency relationships honed through decades of administrative practice, we are adept at building supporting initiatives including legislative/political outreach and media relations.



## Anti-money Laundering (AML)

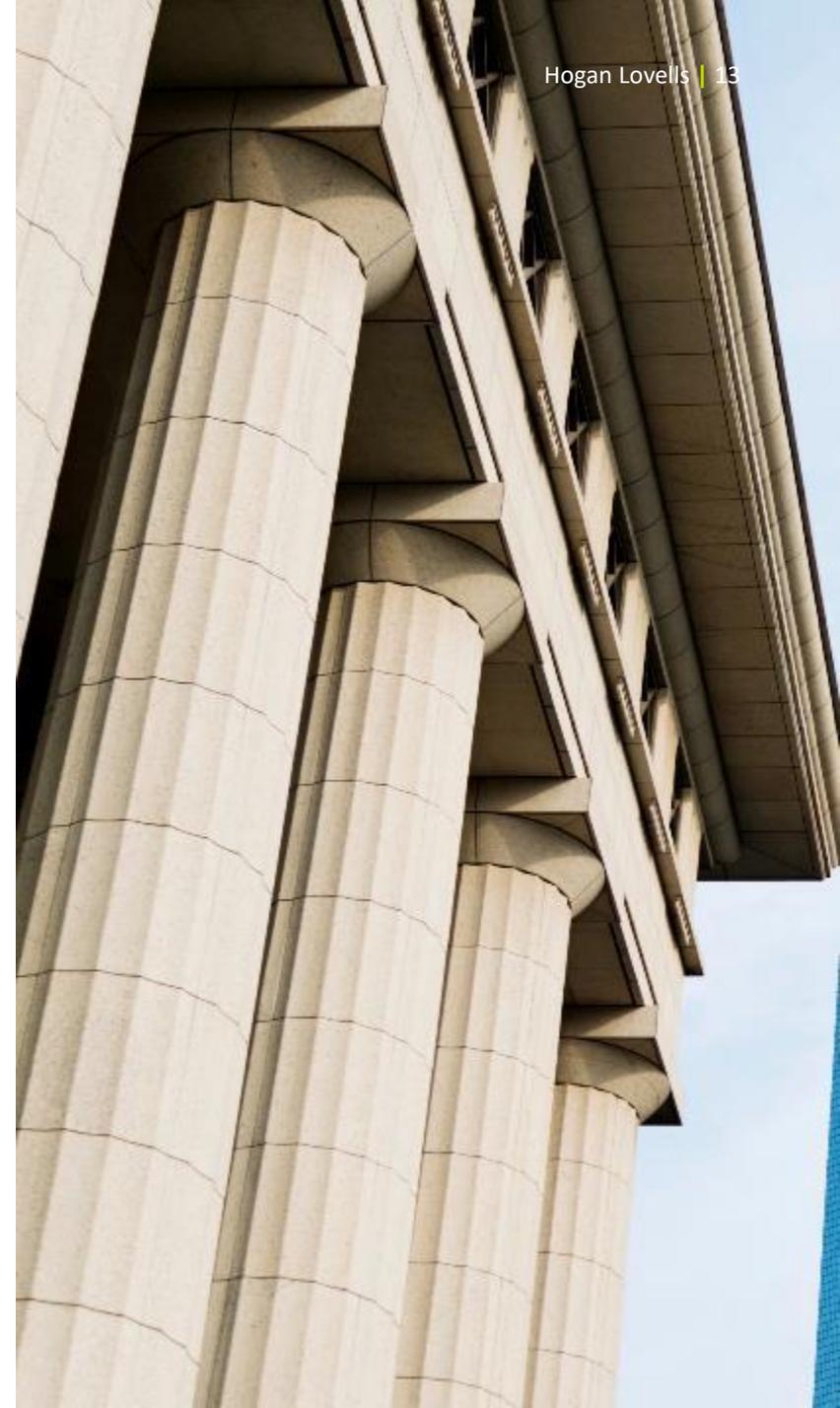
Anti-money laundering and counter-terrorist financing regulations are a key part of the fight against financial crime. We advise on all aspects of AML compliance — from drafting internal policies and procedures to designing training programs to customer due diligence.

When money laundering is suspected, we advise you on your reporting requirements, including whether payments can be made, and how to manage the risk of "tipping off" a customer.

We also handle major cross-border AML investigations, and regularly deal with regulators and law enforcement. We also advise clients like you on related civil claims by affected customers or potential victims.

### **Leaders in Anti-money Laundering and Financial Services**

Our team has substantial experience advising companies on the cutting edge of financial services, advising on anti-money laundering (Bank Secrecy Act/FinCEN regulatory compliance), sanctions and export controls, and cybersecurity issues, among others. We also have one of the most experienced blockchain and cryptocurrency practices of any law firm with deep experience advising on complex, first-in-kind matters. We are at the forefront of change; our lawyers play a leading role in the development of the emerging financial services regulatory frameworks around the world.



## WTO policy and litigation

We have extensive experience in WTO negotiations, dispute settlement, procedure, and technical matters. We have provided counsel to sovereigns and private parties with respect to virtually every key WTO issue, including subsidies, national treatment, most favored nation treatment, market access, trade remedy proceedings, IP rights, investment policies, and taxation.

**We have broad expertise in advising clients with respect to WTO negotiations.**

For example, Ambassador Hugo Paemen served from 1987 until 1995 as the European Commission's Deputy Director-General for External Relations and negotiated the Uruguay Round with another former colleague, USTR and Ambassador Clayton Yeutter. Warren Maruyama, former General Counsel to the Office of the U.S. Trade Representative, is a Washington resident Partner in the International Trade practice. Our Partner Kelly Ann Shaw served as a principal trade advisor in the Trump White House and is also resident in Washington.

**We have served as lead counsel** on several WTO dispute settlement cases. This has included working with sovereigns to appear before WTO Panels and the Appellate Body, drafting WTO submissions, and provided strategic advice and counsel concerning the negotiated settlement of certain disputes.

**We have been privileged to have strong connections** with the WTO Secretariat and an extensive network of WTO Delegates of other WTO Members since the WTO's founding in 1994. Our lawyers and senior advisors have two decades of experience working with the highest levels of the WTO, including with staff in the Secretariat.



# China Trade and Security

Our lawyers assist clients in anticipating and responding to the complex and rapidly evolving trade and national security issues that global companies now face when doing business in China.

While there has always been a close nexus between economic policy and national security, the last few years have been significant. The increased use of trade and investment tools to address a broad range of both economic and national security concerns has complicated global commerce. Specifically, many countries around the world have adopted measures to further regulate, scrutinize and, in some cases, prohibit trade and investment opportunities with China. Supply chain management, export/import decisions, technology transfer, trade litigation, and foreign investment decision-making all occur in a dynamic environment made more challenging to companies by the proliferation of new trade and national security measures worldwide.

Hogan Lovells lawyers are skilled at navigating the complex trade and security regulatory regimes, as well as public policy and legislative issues involving China in jurisdictions around the world. We are at the forefront of thought leadership and are adept at innovating as we assist clients in navigating this new and evolving economic and national security environment.





[www.hoganlovells.com](http://www.hoganlovells.com)

"Hogan Lovells" or the "firm" is an international legal practice that includes Hogan Lovells International LLP, Hogan Lovells US LLP and their affiliated businesses.

The word "partner" is used to describe a partner or member of Hogan Lovells International LLP, Hogan Lovells US LLP or any of their affiliated entities or any employee or consultant with equivalent standing. Certain individuals, who are designated as partners, but who are not members of Hogan Lovells International LLP, do not hold qualifications equivalent to members.

For more information about Hogan Lovells, the partners and their qualifications, see [www.hoganlovells.com](http://www.hoganlovells.com).

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