

## International Conference

# US-Export- + Re-Export Controls

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# US–Sanctions + Embargoes

Which license is needed for which country,  
which product, which buyer?

- When exports which – known or unknown to the exporter – uses US parts, chips, technology, biotech or software, US Export Control Rules + Sanctions may apply
- Comparisons of Wassenaar, EU and US controls
- Developments anticipated in the Obama Administration
- Sanctions and Embargo Busting – red flags
- proposed US - China end– use controls
- Restrictions on investment in US companies - US sensitivity to compliance history

important for:

- *Exporters to China, Russia – and many other countries where sanctions may apply*
- *Countries affected by embargoes - Iran, Sudan, Syria, Cuba, Iraq, North Korea etc.*
- *Processors, Resellers of US origin products, parts, software, technology, biotech*
- *Trade Finance Experts + Compliance Officers in banks and companies*

**September 28 + 29, 2009**

9.00 a.m. – 5 p.m.

WKO, Wiedner Hauptstr. 63, 1040 Vienna

in cooperation with

## Who should attend ?

- Exporters machinery, software, technology
- Forwarding + customs agents
- Importers and Exporters
- Banks – Trade Finance, Compliance
- Trading Companies and Software Houses
- Lawyers

## US Sanctions-, Export or Re-export Control Regulations are applied when firms

- sell or resell US origin products or services
- sell or resell products, parts or components using US origin software or technology
- use US origin parts and components in a manufacturing or assembly process
- incorporate US origin subsystems, software and technology into products
- sell products with US origin to domestic customers that export these products
- re-export US origin products, software or technology to sensitive destinations

## Purpose of this seminar

Global business integration leads to an increase of sales and re-sales of US items. Either as traded items (as measuring instruments), in assembled form (e.g. chips in an electronic control, computer or machine), or as software. Even if a US product has been imported legally into the EU, it doesn't mean that the export can be done without a U.S. license! This neglect of US re-export-regulations can lead to a total ban to trade with US goods for the non-compliant company.

**In this seminar you learn, when and how the U.S. sanctions, export and re-export controls regulations are applied and how they interrelate with EU regulations. Furthermore you learn how to apply this knowledge in your daily business in order to avoid unintentional diversion of U.S. products and technology to sensitive activities and/or destinations.**

For you as a EU company, it is essential that you comply with your local, EU and US regulations. This seminar will enable you to stay within the law !

## Lecturers

**Nicholas Coward**, Lawyer; Partner Baker & McKenzie, Washington; specializes in outbound trade compliance matters including the extraterritorial application of U.S. law, particularly U.S. export control laws, anti-boycott regulations and trade sanctions/embargoes maintained by the U.S. Government against various countries, WTO, International Trade Regulation & Customs; Corporate Compliance

**Ross Denton**, Lawyer; Partner Baker & McKenzie, London; he specializes in public regulation of international trade, export controls, competition and distribution law, public procurement and custom matters

**John W. Lavers**, Divisional Director, International Chamber of Commerce (ICC) – Financial Investigation Bureau (FIB), London. Previously he served with the Government of Canada on operational policy and regulatory affairs in the security and intelligence field. John contributes to international financial, maritime and security publications.

**Bart McMillan**, Lawyer; Partner Baker & McKenzie; Chicago; he advises U.S. and non-U.S. companies on matters arising under U.S. export controls, trade sanctions, and antiboycott rules. A significant portion of Mr. McMillan's export controls practice concerns the U.S. International Traffic in Arms Regulations (ITAR).

**Mark D. Menefee**, Lawyer; Baker & McKenzie; Washington; pre-eminent expert in export enforcement. His services include internal investigations, compliance audits, export management systems, M & A counseling, end-user information management, data security, counter-terrorism equipment/technology, white dollar crime defense

**Martin Vogt**, Lawyer, Global Sanctions Officer of Commerzbank AG, Frankfurt a.M.; more than 15 years in-house legal counsel in second largest German bank; now responsible for global implementation of relevant sanctions regulations and compliance programmes

## **Program**

### **Introduction**

- Increased globalization of export controls
- Relevance and importance of US export controls and trade embargoes for European companies
- Relevant US agencies involved in export compliance, their roles and inter-relationships
- Relationship to EU export controls

### **US Export Controls**

- US Export Administration Regulations and the US International Traffic in Arms Regulations
- Basic principles and screening checklist
- Licensing requirements and process
- Penalties
- Support documentation
- Anti-terrorism and WMD controls: Importance of screening and associated risks for EU companies (possibility of being listed as a supporter of terrorism/WMD proliferation)
- Catch-all controls: comparison of Wassenaar, EU and US end-use controls (include proposed US/China end-use controls)
- Recent Enforcement Cases against EU Companies:
- Illegal reexports, causing illegal exports from the US (ExxonMobil, etc), UK record-keeping cases

### **US Trade Embargoes**

- Current key programs: Iran, Sudan, Syria, North Korea, Cuba,
- Relevance to EU companies - US involvement in EU transactions (parental involvement, supplies, technical assistance, legal assistance, etc.); Cuba - foreign owned/controlled subsidiaries
- Guidance for US citizens/permanent residents working for EU companies
- ILSA (Iran Sanctions Act)

### **Mergers & Acquisitions**

- Importance of due diligence
- Successor liability

### **Scrutiny of Foreign Investment in Strategic US Industries (Exon-Florio)**

- Increasing Congressional + Regulatory Agency scrutiny over foreign direct investment (recent examples)
- Making voluntary notifications to CFIUS

### **Sanctions Compliance in Financial Institutions**

- EU and US regulations, "jurisdictional links"
- Measures taken by financial institutions to achieve compliance
- Example cases; further developments, esp. with regard to documentary business

### **Sanctions and Embargo Busting – Methodology used by criminals and fraudsters**

- Methods to avoid Export Controls (Goods Focus)
- Methods to avoid Export Controls (Money / Finance Focus)
- Fraudulent Documents

### **Case-Studies**

- Setting up an export compliance program and procedures
- US content: the de minimis rule and one-time reports (Austrian equipment, US software/components)
- Product classification workshop
- "Don't let this happen to you" type workshop - based on facts of recent EU-related cases, including Iran scenarios
- Encryption: special rules and requirements

## Organisation

### Date/Seminar venue:

September 28 – 29, 2000, 9.00 a.m. - 5.00 p.m.  
Austrian Federal Economic Chamber, Wiedner Hauptstr. 63, 1040 Vienna

### Course Fees:

**EUR 790** + 20 % VAT., includes full documentation, coffee breaks, lunch,  
payable net upon receipt of invoice

**EUR 690** + 20 % VAT. – for early bird registration up to August 7, 2009

### Registration up to:

5 working days before the seminar.

### Cancellation Policy:

A full refund will only be given for cancellations received up to 8 working days before the event. Cancellations must be made in writing. Should you be unable to attend you can nominate a colleague for replacement.

### Registration:

Fax: +43-5 90900 – 3703

@ e-mail: [icc@icc-austria.org](mailto:icc@icc-austria.org)

✉ ICC Austria

Wiedner Hauptstr. 73, 1040 Vienna

### Information:

Organisation: Paulus Krumpel

☎: +43 5 90900 - 3704

### further ICC Seminars:

- ◆ **Vienna Arbitration Days**  
February 12 – 13, 2010, Vienna
- ◆ **Optimale Absicherung internationaler Geschäfte**  
23. + 24. Sept., Wien
- ◆ **Russisch für Geschäftsleute (ohne Russisch Kenntnisse)**  
6. + 7. Oktober, Wien
- ◆ **Geschäfte ohne Korruption**  
22. Oktober, Wien
- ◆ **Ansprüche sichern + Forderungen international durchsetzen**  
9. November, Wien
- ◆ **Marken und Patente**  
23. + 24. November, Wien

## Registration

**ICC Austria Fax: +43-5 90900 3703**

Yes, I want to register for the seminar

.....  
Family Name/First Name/Title

**“US-Export- + Re-Export Controls + US- Embargo-Regulations”**

**September 28 – 29, 2009 in Vienna**

.....  
Company/Institution

and agree that my name and address are registered electronically by ICC Austria and that ICC Austria will inform me about further programs by mail, fax or e-mail.

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