



# AWARDS 2018

The WorldECR Awards recognise the achievement of export controls and sanctions professionals.

**B**etween them, those who have chosen the path of advising on export control and sanctions compliance possess (of course, to varying degrees) many qualities: human skills, intellectual curiosity, business acumen, interest in geopolitics, law-abidingness and strong analytical capability. But as a rule, they tend to lack a desire to blow their own trumpets – even if their chosen subject area (in some cases, the subject area which chose them) refuses to stay out of the limelight. It has been fascinating reading through and evaluating the many excellent submissions for this year's *WorldECR* awards.

Monthly, sometimes daily(!), some new pronouncement promises or threatens to radically alter the parameters not only of global trade but international relations. The policy-makers paint the big picture – leaving the business community with the task of getting on with the job of maintaining continuity in their operations, while complying with the law.

It is this task that the award submissions shed light on: translating

the law accordingly, for clients or employers who may be banks, insurance companies, NGOs, universities – or good ol' fashioned widget manufacturers – in such a way that the positive fruits of commerce, such as employment, knowledge-sharing, financing of new ventures and economic development can continue (without blunting foreign policy or security aims).

Sometimes, achieving a result demands nothing less than working toward a change in the law – the beneficiaries of which may extend well beyond the original 'client'...

It won't be unnoticed by anybody that these are challenging times for business. As at writing time, Donald Trump has returned from Helsinki to uncertain praise, the UK government is divided on being divided, and developments hailed as diplomatic triumphs less than 18 months ago are being rapidly and deliberately reversed.

But despite these uncertainties (and that of the threat of protectionism), there is little to suggest either that appetite for trade, or innovation in technology, is slowing. It is by staying

on track of these trajectories, whilst remaining mindful of the law and of the fundamental rights and freedoms that underpin it, that the leaders identified in the Awards – and the many who are as yet unsung – earn their keep.

We set out our stall for the awards back in 2015, when we said that the *WorldECR* Awards would 'recognise outstanding work, vision, best practice, commercial benefit to the company, and contribution to international security, of organisations and individuals working in the fields of export control and sanctions compliance and non-proliferation.' We at *WorldECR* are delighted that they continue to do so and we know that many of you are, too.

As ever, we're enormously appreciative of the time and effort put into preparing their materials for us to consider, and for the wisdom and acuity of our judging panel. We hope that (regardless of whether you took part in this year's awards) the results reinforce the need of business for excellence in compliance.

*Tom Blass  
July 2018*

## Practitioner of the Year

### Winner: Maya Lester QC

The *WorldECR* Practitioner of the year 2018 is **Maya Lester QC** of Brick Court Chambers in London. The first non-American to win this award since their launch in 2015, Maya's contribution to sanctions law and its ongoing development is truly significant and we are thrilled to recognise that in these pages.

David Anderson QC speaks of the 'remarkable legal practice and experience Maya has developed in the field of sanctions, which is unparalleled in its depth and breadth ... the vision, energy and commitment Maya gives to the world of sanctions, in particular by her daily work on the sanctions blog she co-founded ... [and her] position as an authority and thought-leader on sanctions not only for clients seeking her assistance, but also for governments, legislatures and journalists.' The legal directories have referred to her simply as 'the Queen of the Sanctions Bar'.

Maya's first steps into the testing world of sanctions came when she appeared as a junior in the well-known *Kadi* litigation in the European Court of Justice, almost ten years ago. Then, when David Anderson QC left the *Kadi* team to become the UK Independent Reviewer of Terrorism Legislation, Maya argued the case (*Kadi 2*) herself in the Grand Chamber of the Court of Justice and won it, defeating three appellants and 13 intervening Member States.

Her list of successes since in the European Court is remarkable:

- The first case on the principles applying to review of targeted 'country' (as opposed to counter-terrorist) sanctions, (*Tay Za*);
- The first case on the EU's 'misappropriation of state assets' sanctions regimes and on Tunisia sanctions (*Al Tabbaa*);
- The first case challenging the EU's practice of re-listing successful applicants (*National Iranian Tanker Company*);
- The first Russia sanctions case (*Rotenberg*);
- The first cases to establish due process for state-related entities (*Islamic Republic of Iran Shipping*



- Line, Central Bank of Iran, Ministry of Energy of Iran*) and for government ministers (*Tomana*);
- The first cases to challenge EU 'sectoral' sanctions (*VTB, Sberbank, Denizbank* – Maya argued all three cases this year, while on maternity leave);
- The first North Korea sanctions case (*Korea National Insurance Company*, again on maternity leave).

And in the UK:

- In the first case to test the limits of domestic judicial review of sanctions listing decisions (*Azizi & Sedghi*).
- In the leading case on the use of closed material procedures in a sanctions context (*Sarkandi*).
- For the International Silk Youth Federation challenging its proscription under the Terrorism Act 2010, which led the government to decline to defend its proscription.

- In the Family Division in a divorce case that is now the leading Court of Appeal judgment on 'circumvention' of sanctions prohibitions (*R v R*).
- In the Cayman Islands on a case (*Palladyne*, pending) about whether a change of company directors was an unlawful 'dealing' in funds.

In addition to her sanctions practice at the bar, Maya is active in developing a greater and wider understanding of her subject. She has taught sanctions seminars at Columbia Law School, Yale Law School, Kings College London, University College London, the London School of Economics and is a regular speaker at industry events. Her sanctions blog, co-founded with Peters & Peters, is both popular and admired as are her contributions to other publications, *WorldECR* included. Indeed, she is considered a recognised authority and thought leader on sanctions. She frequently gives



Sophie Delhouille

*'The key lesson I've learned is that as providers of in-house legal and compliance services, we must, to be effective, strive to be perceived as business enablers rather than as a potential roadblock.'*

evidence to legislative committees examining sanctions issues, and her evidence has been extensively quoted in their reports.

Maya Lester is a top-of-the-class performer at the top of her game.

### Runner-Up: Sophie Delhouille

**Sophie Delhouille** is Director of Legal Services, Trade Compliance, EMEA at global professional services firm, Accenture. She is responsible for ensuring Accenture's EMEA operations adhere to the company's policy addressing international trade controls.

'Sophie is one of the most accomplished trade compliance lawyers with whom I have ever had the pleasure to work ... She is highly competent in the technical application of the law ... her credibility is demonstrated by a strong work ethic, her reliability, and her sound judgment. [She has] executive presence and exceptional communication skills [and is] able to navigate any kind of situation in a manner that elicits the best possible reactions and results, even in the face of difficult personalities and challenging circumstances. [H]er most defining characteristic to me is a remarkable sense of integrity. In the face of tremendous business pressures and complex legal requirements, it can be tempting to cut corners. But with Sophie, I know I have a colleague who will never confuse what is possible with what is right. I count on Sophie to help me ensure that Accenture turns square corners as we navigate international trade controls.'

This glowingly positive testimonial comes from Sophie's manager, John Pisa-Relli, Managing Director Global Trade Compliance, Accenture.

Sophie describes her role: 'A quite unique aspect of my position at Accenture is that it enables me to engage with colleagues in a very wide variety of seniority levels, roles, and to

embrace Accenture from many different angles depending on how trade controls impact the situation at hand. For example, on top of being involved in strategic discussions pertaining to the development of our compliance programme, I am involved at offerings development stage, during sales and contract negotiation with our clients, after sales to address delivery-related situations, as well as with our HR teams, monitoring and auditing functions, finance, other compliance and Legal teams, corporate citizenship team ... I also lead our programme's training and communication stream.'

The role brings a wide variety of challenges. 'More recently,' says Sophie, 'I've been focusing on the EU's efforts to update its dual-use regulation, notably in the fields of encryption and cyber-security related controls, where I am working with our Government Relations team and relevant business stakeholders to evaluate the potential impacts of the proposed revisions to Accenture's portfolio of offerings, and more generally to the cyber-security industry.'

Faced with such a varied remit, many professionals would feel pressured and pulled in many directions. Sophie has found a way to navigate the challenge: 'The key lesson I've learned is that as providers of in-house legal and compliance services, we must, to be effective, strive to be perceived as business enablers rather than as a potential roadblock, and share the load of what our internal clients are trying to achieve, business-wise. A key quote for me is "The Sales department isn't the whole company, but the whole company better be the Sales department."' (Philip Kotler). Applied to the compliance function, this means to me that, with consistency, a true effort to understand the business and be relevant to it, and the appropriate touch and tone, we become a really efficient value-added business partner not only internally,

but also externally, by our ability to create trust towards both our internal and external client. When we show that involving us can improve the level of comfort for both parties to a transaction, because its compliance implications have been approached frankly and constructively, and our internal clients come back to us for assistance beyond the fact that policy requires them to do so, that's, to me, the definition of success as an in-house compliance professional.'

### Highly commended



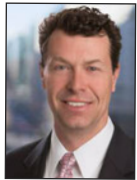
**Guy Martin** spearheads UK law firm Carter-Ruck's international law practice. He has a wide-ranging practice in the field of public international law,

European law and human rights involving administrative and regulatory processes with an international or diplomatic context and specific expertise in advising on UN sanctions. His work is at the forefront of the field of challenges to asset-freezing measures, or 'targeted sanctions'.

Since 2001, Guy has coordinated international efforts by Saudi Arabian businessman and philanthropist Sheikh Yassin Abdullah Kadi, to overturn asset-freezing orders made in the aftermath of the 9/11 attacks. Guy represented Mr Kadi in his two successful appeals to the European Court of Justice ('ECJ') in 2008 and 2013. In its 2008 judgment, the ECJ delivered a landmark decision in favour of Mr Kadi and struck down EU asset-freezing regulations on the ground they breached Mr Kadi's fundamental human rights. It was as a result of this judgment that the Office of the Ombudsperson was created by the UN Security Council in December 2009. The ECJ's judgment in this case, which has become known as *Kadi I*, has been described by leading academic commentators as 'the most important judgment ever delivered by the ECJ on the relationship between EC and international law and one of its most important judgments on fundamental rights'.

Among other high-profile matters, Guy has also represented clients from Syria, Tunisia, Burma (Myanmar) and Zimbabwe. He acted for Burmese national Pye Phyto Tay Za both in his

action before the General Court, and subsequent successful appeal to the Grand Chamber of the ECJ, which in March 2012 annulled European asset-freezing orders applicable to Mr Tay Za.



**Stephen Propst** is a partner in the Washington, DC office of Hogan Lovells. He has more than 19 years of experience handling complex export control and economic sanctions matters, with particular industry-specific expertise in the telecommunications, satellite, and aerospace sectors.

Stephen is the 'go-to lawyer' for leading telecommunications and satellite industry clients and is recognised for his knowledge regarding the specific controls applicable to these industries. He has handled dozens of voluntary disclosures, settlement agreements and enforcement matters in the trade controls area, including two high-profile consent agreements with the State Department. He also serves on the State Department's Advisory Committee on International Economic Policy, Sanctions Subcommittee.

Stephen is an admired thought-leader on economic sanctions issues and his work had a direct impact on the formation of one of former President Obama's most significant foreign policy initiatives. In 2011, he published a groundbreaking legal analysis regarding the authority of the President to modify the sanctions against Cuba. The paper provided the legal analysis supporting President Obama's historic changes to the US embargo against Cuba announced in December 2014. In December 2015, Stephen published a follow-up paper analysing additional changes that the Obama administration could make under executive authority to further ease the US sanctions and export controls applicable to Cuba. Virtually all of the potential regulatory changes identified in the December 2015 paper have now been implemented by the Treasury and Commerce departments through formal regulatory amendments.

In his day job, Stephen advises clients in complex export control- and sanctions-related matters. Recently, he acted for Corporacion Nacional de Telecomunicaciones ('CNT'), the

largest Ecuadorian telecommunications services provider, on its removal from the Bureau of Industry and Security's Entity List.

In another matter, Stephen assisted Columbia University in securing a licence for a temporary export for a science experiment on a NASA flight. Columbia was awarded a NASA Grant and Cooperative Agreement to take scientific measurements for NASA's ongoing Operation IceBridge programme. Columbia's Lamont Doherty Earth Observatory will be using an iMAR INS system and an incorporated EAR-controlled dynamic gravity system gravity meter to collect scientific measurements. The equipment was aboard a NASA aircraft which flew over ice fields in Greenland, Norway (with possible stopovers in Canada) taking scientific measurements.



**Inna Tsimerman** is Chief Privacy & International Trade Counsel for Marsh & McLennan ('MMC'), the world's largest insurance broker. She is responsible for the sanctions, anti-boycott, export control and AML compliance programmes of MMC and its operating companies, Marsh, Guy Carpenter, Mercer and Oliver Wyman, globally. The company operates in close to 180 countries around the world.

'As the head of MMC's sanctions function, Inna has developed and implemented a sophisticated compliance programme that supports MMC's global service offering,' comments one attorney from a leading law firm. 'One of the hallmarks of Inna's approach is to demonstrate that risk management and commercial success do not have to be competing goals ... Inna spends time with the business to understand each of the operating companies' unique service offerings to help integrate sanctions and trade compliance into their operating procedures in an effort to simplify sanctions compliance and make it a "business as usual" process. By doing so, Inna has helped MMC to demonstrate that trade controls are consistent with business growth, and how they may impact clients as well.'

Indeed, Inna's approach is always to be business-friendly: 'I have aimed to partner with the business. In the

sanctions, export control, anti-boycott and AML world, we are not infrequently in a position of having to say "no" – there is business that we may have to refuse or client opportunities that we may have to decline. I have worked hard to explain to our colleagues not only the reasons for the "no" but also wherever possible helped to give a response to clients and counterparties that sets out the concerns that they themselves may have or should consider, including the broader context of banking and insurance market concerns.'

Initiatives undertaken on Inna's watch include key operational and functional changes to improve functionality:

- Sanctions screening assessment and testing: Identified all the key data elements for each MMC operating company globally as a provider and recipient of services, and determined whether those data elements are captured in a data base and if so in which data base. Then determined whether those data-bases are being screened or should be screened, and how frequently. The team also engaged in a third-party sanctions system testing.
- Training and awareness: Business and legal and compliance leadership receive almost immediate notification and initial analysis on all key sanctions issues. The team conducts refresher/new issue training/Q&A sessions on a risk basis, taking into account practice group, geography and the impact of key trade law developments.
- Simplifying the sanctions compliance message: Inna's team launched a campaign to provide one page of simple sanctions reminders and compliance obligations to key parts of the business in local language on a risk basis.

For Inna clarity in communication is essential, believing in: 'The necessity of creating a simple compliance message and set of colleague responsibilities: Particularly because sanctions, export control, anti-boycott and AML laws are so complex, the compliance message to colleagues at large and management must be simple in order to achieve compliance.'

The message is indeed clear to us – a highly skilled and admired practitioner.

## Young Practitioner of the Year

### Winner: Dr Jason Pobjoy

Congratulations to **Dr Jason Pobjoy**, a junior barrister at Blackstone Chambers in London, winner of this year's Young Practitioner award. Pobjoy, a graduate of the University of Melbourne, Australia, receives exceptionally glowing commendation for his sanctions practice. He is, according to one leading London solicitor, 'An exceptional young lawyer, who has, over the past five years, established himself as the leading junior sanctions practitioner at the London bar.'

His knowledge of sanctions law is 'unparalleled. He is a creative sanctions lawyer, with an excellent sense of judgment.' Many of Jason's legal arguments have been accepted by the General Court in the past few years, which has contributed to the development of EU sanctions law.

A busy barrister, Jason is currently acting for more than 20 individuals and entities in more than a dozen challenges to asset-freezing regimes before the General Court of the EU and the Court of Justice – many of those being of extremely high profile. He has been involved in many of the leading UK sanctions cases, and is also heavily involved in law reform activities, including in the context of the Sanctions and Anti-Money Laundering Bill currently working its way through the UK Parliament.

Recent instructions have included three related EU sanctions cases, challenging the EU designation of the Mubarak family in Egypt. 'These are high-profile cases of enormous political sensitivity, that have required creative and lateral thinking, as well as a very substantial amount of work often undertaken in very tight timeframes,' says the solicitor.



Dr Jason Pobjoy

*'An exceptional young lawyer, who has, over the past five years, established himself as the leading junior sanctions practitioner at the London bar.'*

His practice is commended for its breadth and quality. In addition to the cases above, in the past 12 months Jason has appeared for the National Iranian Tanker Company in the Court of Justice; for Ukrainian businessman and member of parliament Serhiy Klyuyev in the General Court; for former Chief of Staff to the former Ukrainian President, Andriy Klyuyev in the General Court; for Egyptian businessman, Ahmed Ezz and his spouses in the General Court; and for prominent Ukrainian businessman and former politician Yuriy Ivanyuschenko in the General Court. Jason was successful in a number of these cases: Klyuyev, Ivanyuscheko and Ezz and his spouses have all been de-listed in the past 12 months.

Jason acts on his own in many of the cases that he is involved in. He appeared for Andriy Klyuyev unled in the General Court, an impressive achievement given the high profile nature of the case, and his relative level of seniority.

Jason's sanctions work is not limited to litigation and advisory. He has committed significant efforts to sanctions reform. In 2017, he made a detailed submission to the British government public consultation on the legal framework for sanctions post-Brexit. This year, he has worked with

Bill Browder, CEO of Hermitage Capital, in drafting Magnitsky-style amendments for inclusion in the UK Sanctions and Anti-Money Laundering Bill. These amendments have now been accepted by the House of Commons and will allow for the imposition of sanctions for gross human rights violations.

Exceptional talent and expertise have marked Jason Pobjoy out as 'just excellent ... surely a star of the future' according to the *Chambers* directory, while his ongoing contribution and commitment to his profession – he regularly provides training for practitioners on sanctions developments, and mentors a number of junior lawyers seeking to develop a sanctions practice – place him at the top of our list.

### Runner-up: Konstantin 'Kosta' Bureiko

*'Konstantin is a master of helping the client find its way through the maze of international sanctions.... Thanks to Konstantin our compliance with the opaque web of sanctions has become more effective and efficient.'*  
Stratos Voulgaridis, Head Counsel, Titan Cement Company S.A.

A cornerstone of Debevoise & Plimpton's European sanctions practice, London-based **Konstantin 'Kosta' Bureiko** has established a reputation with major international clients as a sanctions expert, able to blend in-depth technical knowledge with commercial nous. And all before he hits 35.

Kosta has either led or been a senior member of the team on much of the practice's work in the past year, becoming a key advisor for a roster of



Konstantin 'Kosta' Bureiko

*'[A] master of helping the client find its way through the maze of international sanctions.'*

international clients, offering 'pure' sanctions advice or assisting in major M&A/project transactions. Some recent highlights include:

- Undertaking a sanctions-focused acquisition due diligence of a major insurance business for an international insurance company;
- Advising a major international financial services company on the potential EU sanctions risks arising from an acquisition of a UK-listed company;
- Advising on EU sanctions consequences for a major oil and gas project in the Barents Sea;
- Advising a Russian company on the scope of EU capital market restrictions in respect of a proposed share issuance.

And away from the deal table:

- Creating and implementing bespoke sanctions compliance policies and procedures and employee training modules for the UK subsidiary of a media organisation;
- Ongoing EU sanctions advice and updating sanctions policies in light of recent sanctions developments for a major Russian private equity investment firm;
- Ongoing EU sanctions advice for a major Russian telecommunications company;
- Completing representation of a client before the Office of Financial Sanctions Implementation ('OFSI') in relation to self-reported sanctions breaches relating to Syria, resulting in a 'no-action' decision by OFSI; and
- Representing a client in a new self-disclosure to OFSI relating to cash transfers in North Korea.

Like all good lawyers, Kosta is not tied to the office and he shares his knowledge and know-how. He is the editor of the firm's Sanctions Alert, he delivers training sessions for clients, and is a regular speaker at industry-focused events.

A good communicator and an exceptional lawyer, Kosta is one to watch.

## Highly commended



Based in Pillsbury's DC, office, **Ben Cote** advises aerospace, defence, electronics and energy clients in North America, Europe and Asia on a broad range of international trade matters. These representations predominantly focus on issues relating to export controls and embargoes, but also include foreign investment reviews under the Committee on Foreign Investment in the US ('CFIUS') and foreign ownership mitigation for Defense Security Service ('DSS') cleared facilities; the Foreign Corrupt Practices Act ('FCPA'); the Foreign Trade Regulations ('FTR'); trade remedy laws; and the Lacey Act.

'Clients are consistently impressed with Ben's ability to navigate the complex and interconnected regulations applicable to their transactions,' notes Pillsbury Public Practices leader, Nancy Fischer.

An impressive cv shows Ben:

- Advised a major unmanned aerial systems manufacturer by designing and leading a full audit of its ITAR compliance programme and in advance of a DDTC Company Visit Program visit, reviewing voluntary self-disclosure issues, classifying aircraft and related articles, and counselling on end-use requirements and licence conditions;
- Conducted an extensive internal investigation related to alleged ITAR and EAR criminal and civil violations for a private security contractor, preparing comprehensive voluntary disclosures to DDTC and BIS regarding exports of controlled items and provision of potential defence services;
- Obtained an OFAC licence for services to North Korea for a major communications company;
- Conducted an internal investigation for a printer manufacturer and its subsidiaries concerning Iran and Syria transactions, and prepared disclosures to OFAC and BIS;
- Advised a radio station owner in connection with asset acquisition by a Chinese-owned buyer;
- Advised a Japanese logistics company in connection with CFIUS issues associated with the

acquisition of a US transportation and logistics company.



**Nicholas Klein** 'has demonstrated a proficiency in the complex field of export controls well beyond his years in practice. Over the past eight months, Mr. Klein has filled the shoes of departed senior attorneys and led the export controls practice for [the firm].'

So writes Donald Vieira, a partner at Skadden, Arps, Slate, Meagher & Flom LLP, and a colleague of Nick Klein's in the firm's DC office, where Nick, an associate, serves as the main point of contact for partners around the firm and clients facing issues involving export controls.

While advising clients on the range of compliance and licensing issues arising out of the ITAR and EAR, federal firearms regulations, medical device export controls, nuclear export controls, and anti-boycott regulations, Nick assists companies with designing and implementing compliance programmes, in internal investigations, voluntary disclosures and the resolution of administrative enforcement proceedings.

Some recent instructions, drawn from an extensive list, include:

- Helping establish international and US operations for a manufacturer of firearm components;
- Advising multiple domestic and international telecommunications companies on the impacts of the ZTE denial order;
- Designing and implementing export controls compliance policies and procedures for an international retailer and a major human rights organisation.

Nick has established his value to the firm's famed corporate practice, regularly handling the export controls aspects of high-profile and complex mergers and acquisitions. In the past year, he has advised in more than 50 corporate transactions, including:

- A. Schulman, Inc's pending \$2.25 billion acquisition by LyondellBasell Industries N.V.; and
- Becton, Dickinson & Company's \$24 billion acquisition of C. R. Bard, Inc.

## Export Controls Law Firm of the year, USA

### Winner: Hogan Lovells

Seemingly always the bridesmaid... runner-up in this category in 2015 and 2016 and highly commended in 2017... now, finally, the bride. Congratulations to **Hogan Lovells**, winner of the 2018 award for Export Controls Law Firm (USA).

The US practice offers export controls expertise across traditional and developing industries and technologies, such as cloud computing, unmanned aerial systems and drones, cybersecurity, e-commerce and additive manufacturing. Well-known and respected members of the team in the DC office include Stephen Propst, Beth Peters and Ajay Kuntamukkala.

The firm represents hundreds of global companies on US and non-US defence, commercial and nuclear export control compliance, licensing and enforcement matters, including global investigations.

A snapshot of representative clients of the practice would capture: 21st Century Fox, Abbott, AEI, AES, Airbus, Argo Insurance, Atlas Air, AXA, Bard, Becton Dickinson, Bosch, British Telecom, Cardinal Health, Carnival Cruise Lines, Celgene, Citibank, Clariant, CNA, Daimler, Dartmouth College, Doosan Heavy Industries and many more.

Some examples of recent instructions illustrate the breadth of the practice and client base:

- Assisted a social media company with a full range of international trade compliance advice, including implementing a global compliance programme, review of export and sanctions compliance issues, assistance with licensing, and review of products and services along with export controls on encryption software source code and object code related to their apps and products;
- Helped secure a licence for a temporary export for a science experiment on a NASA flight for Columbia University;
- Successfully advised a leading non-US aerospace manufacturer regarding a sensitive cybersecurity breach, in which the unauthorised intruder(s) stole a significant



Hogan Lovells

Hogan Lovells is this year's winner.

*The US practice offers export controls expertise across traditional and developing industries and technologies, such as cloud computing, unmanned aerial systems and drones, cybersecurity, e-commerce and additive manufacturing.*

amount of proprietary data from the company's systems, including data potentially controlled under ITAR and EAR. The firm put together a team of export control and cybersecurity attorneys and technical specialists to represent the company in its response to the breach, including assessing the nature and extent of the breach, advising on the implementation of corrective actions with regard to IT security and export controls, and submitting filings and voluntary self-disclosures with the State and Commerce departments. While the nature of the breach and the data at issue was very sensitive from both a government and company perspective, the firm was able to obtain a successful outcome for the company, with no monetary or other penalties imposed on the company by the US government.

- Assisted an autonomous vehicle technology company in assessing classification of its technology and software, analysing deemed export issues related to employment of foreign nationals, and assisted with the development of export compliance policies and procedures;
- Served as trade compliance counsel to Synopsys in its US\$565 million purchase of Black Duck Software, a venture-backed software security company. Black Duck is a leading provider of products and services to detect security vulnerabilities and licence compliance issues in open source code.

*WorldECR* congratulates Hogan Lovells – a leading international law firm leading the way in export controls legal practice.

### Runner-up: Steptoe

Winner of this award in 2015 and 2016, the highly regarded team at **Steptoe** is this year's runner-up. The firm's export controls practice is led by Edward Krauland (based in Washington, DC) and Meredith Rathbone (who splits her time between London and Washington, DC).

There is strength in depth in a team, which includes Alexandra Baj, Jack Hayes, Melissa Freeman, Keith Huffman and many more, and which was further enhanced with the arrival of Brian Egan – who joined after 12 years of service in the US government, where he held high-level positions at the White House, the National Security Council, and the departments the Treasury and State – and of Jeff Beatrice, former in-house counsel for Citigroup, Inc. and an assistant US attorney in the District of Columbia.

A brief dip into the team's workbook over the past year serves to illustrate its expertise:

- Continuing its work for the Coalition for Responsible Cybersecurity: Steptoe leads the Coalition in addressing multilateral (Wassenaar Arrangement), US, and EU dual-use regulations related to cyber surveillance technology, to ensure that the well-intentioned controls do not harm legitimate cybersecurity activities. The Coalition, which includes companies such as Microsoft, Philips, Symantec, and others, has been active in this cross-border matter, and has conducted significant outreach directly and in cooperation with associations to EU Member State authorities, EU regulators in Brussels, and US

regulators, among others, resulting in a change at the end of 2016 and again at the end of 2017 to the scope of the Wassenaar control language. Steptoe's offices in London and Brussels are fully integrated into this effort.

- Representing the premier nuclear research facility of the Canadian government's nuclear energy programme in assisting with US export controls and compliance programme support in connection with the Department of Energy Part 810 nuclear export controls regime.
- Developing an ICP for export controls and sanctions compliance for a medical device manufacturer.
- Securing an important export licence for a Canadian medical device company that allows the company to send cancer treatment sources and related medical kits to oncology departments of hospitals in Cuba. The new licence extends the time period for exports and adds several hospitals to receive the cancer treatment sources.

## Judging panel and process

All submissions were reviewed by the *WorldECR* team and a shortlist then prepared for each award which was given to our judging panel to make their decisions upon. Judges were asked to review the shortlists and choose a winner and runner-up for each category (excluding Export Controls Compliance Team of the Year, Rest of the World and Europe). Judges were given total freedom as to how to prioritise the various achievements of shortlisted individuals and organisations in coming to their decisions. Judges associated with a shortlisted organisation were deemed conflicted and unable to vote in that category. Where the judges' decisions resulted in a tie, the casting vote would be that of the *WorldECR* team.

The *WorldECR* team included Tom Blass, editor, and Mark Cusick, publisher. Our judging panel were:

Barbara Linney, Member, Miller & Chevalier Chartered; John Grayston, Member, Grayston & Company; Kevin Cuddy, Senior Manager, International Trade Compliance, GE Global Operations – Legal; Magnus Nordeus, Group Head of Trade Compliance, Ericsson; Michelle Linderman, Partner, Crowell & Moring LLP; Stacey Winters, Partner, Deloitte LLP; Tatman Savio, Partner, Akin Gump Strauss Hauer & Feld LLP.

- Assisting a major Asian electronics/integrated circuit company with export controls and economic sanctions advice and strategies with regard to its supply of products to a Chinese entity subject to US export restrictions, as well as in connection with exports of products to Iran, Crimea, and Belarus. This involved review of multiple supply/sales transactions; an analysis of the US export controls jurisdiction over foreign-made items with US content and based on US technology; review of US person involvement in the international organisation and supply chain; legal advice and risk assessments; and recommendations on compliance and guidelines to allow business transactions in compliance with US law.

## Highly commended

**Baker McKenzie** is one of the world's largest law firms. It has a renowned reputation for its trade controls practice, with specialist lawyers available in all major global markets who can cover multi-country assignments. Key members of the team in the US include John McKenzie (San Francisco), Alison Stafford Powell (Palo Alto), and Sylwia Lis, Kerry Contini and Alex Lamy (all in Washington, DC).

The comprehensive export control compliance service provided by the firm is well illustrated through its work for a US semiconductor manufacturer, where recent projects have included:

- a) Advising the client on export control responsibilities arising out of the acquisition of two high-end semiconductor manufacturing facilities from an American multinational technology company.
- b) Regular advice on compliance obligations under the ITAR with respect to the development and manufacture of semiconductor devices for military applications.
- c) Advice on the compliance obligations applicable to a Chinese joint venture.
- d) Regular advice on how the EAR impacts its business and on how sponsored research at a foreign university may qualify as fundamental research for export control purposes.

- e) Compliance obligations with respect to stolen goods.

**Morgan Lewis's** International Trade and National Security practice is comprised of 10 professionals in the Washington, DC, office, as well as attorneys in Boston, Miami, Philadelphia, London, and Moscow—all of whom handle a variety of issues in the export controls and investigations area. All practice members have participated in or managed complex matters, and the head of the practice, Giovanna M. Cinelli, has 'negotiated and settled more published consent agreements before the Department of State than any other outside counsel'.

Team members work regularly with clients in aerospace, defence, software, private equity, venture capital, submarine, energy, nuclear, and chemical industries and represent clients before the departments of State, Commerce, Defense, Energy, Homeland Security, Justice, the military services, and Treasury.

Among this highly regarded team, key members are Margaret Gatti, Louis Rothberg, Kenneth Nunnenkamp and Marynell DeVaughn.

Recent matters include assisting a major multinational aerospace company in evaluating the effects of the transition of thousands of parts and components from the Department of State to the Department of Commerce, classifying and assessing licensing requirements across the client's business.

The team provided in-depth, yet practical training to allow the client to manage the compliance requirements of the new regimes independently of external counsel or consultants. At the start of the firm's representation, the client had slightly less than \$1 billion in total sales with export sales representing approximately 25% of total revenue. Sales revenue has since eclipsed \$4 billion while export sales have increased to more than 53% of total annual revenue.

Smaller than other firms mentioned here, but punching big, New Haven-headquartered **Wiggin and Dana** 'takes great pride' in its ability to conduct complex investigations. The firm represents Fortune 100, 200 and 500 clients, including half a dozen of the leading multinational defence and aerospace companies, one of the largest global logistics companies, billion-



dollar electronics, firearms, and sporting and public safety equipment companies, major insurance companies, top universities, and a wide variety of innovative, emerging technologies companies located in the US and abroad.

Over the past year, the firm delivered a number of big wins for clients, in both matters of national prominence and 'behind-the-scenes, bet-the-company' cases.

Its list of successes includes:

- Partner David Ring completed his service as a DDTC-appointed Special Compliance Official for Esterline Technologies, which successfully completed its consent agreement in 3.5 years – a near-record pace for recent consent agreements (see our award for Export Controls Compliance Team (USA)).

- Dan Goren, counsel at the firm, helped numerous companies, both in the US and abroad, classify their encryption products and navigate the thicket of reporting requirements often associated with the regulation of these goods. This included an instruction from a Fortune 50 defence contractor to help construct a process for classifying encryption items under the EAR.

## Export Controls Law Firm of the year, Europe

### Winner: Baker McKenzie

In top spot again – it was winner in this category in 2016, in the days when the ampersand mattered – is **Baker McKenzie**.

Baker McKenzie is one of the world's largest law firms, with a trade controls practice of immense spread and depth. In Europe, its team includes lawyers in Amsterdam, Frankfurt, London, Brussels, Zürich, Barcelona, Stockholm, Rome, Moscow, Paris, Warsaw and Budapest and more. Many of the European team are also trained in US export controls.

Key members of the European team include Mattias Hedwall (Stockholm), Ross Denton, Sunny Mann and Tristram Grimmer (all London), Alexander Bychkov (Moscow) and Philippe Reich (Zurich). The firm's Germany presence was enhanced with the arrival of Anahita Thoms (a past *WorldECR* Young Practitioner of the Year award winner) from Freshfields Bruckhaus Deringer at the end of 2017.

As befits a global giant, recent work traverses geographical boundaries:

- Carried out highly complex multijurisdictional surveys, covering 17 jurisdictions for an aerospace and defence company regarding the regulatory environment for data transfer and controlled technology in relation to both military products and dual-use items.
- Acted for a leading Swedish energy producer when it discovered a risk that the business did not carry out its business in compliance with US export control regulations. The team assisted the client, which is also one of the largest companies in



*Mattias Hedwall heads Baker McKenzie's Global International Commercial & Trade Group.*

*Anahita Thoms joined the firm from Freshfields Bruckhaus Deringer at the end of 2017.*

Nordic, in assessing the legal impact of the identified risk and evaluated the business in relation to applicable regulation. The team supported the client in dealing with more than 20,000 agreements and related documentation and carried out interviews with Swedish employees in relation to relevant technical and legal aspects of the case. This was an extremely sensitive matter involving difficult legal assessment, practical concerns (high volume of contracts and documents), and political sensitivity.

- Provided a comprehensive due diligence review of local R&D projects (more than 20) of the Russian office of a US technology company; prepared a report outlining the classification of R&D results under the Russian export control regulations; and performed export control identification expertise of the R&D results. The team assisted in the development of an export control compliance strategy on the project delivery and assisted the local office of the client with preparation for the export control licence application on the transfer of R&D results to the US, EU and Asia Pacific.

### Runner-up: HFW

Winner of this award in 2015 and 2017, **HFW** (the firm formerly known as Holman Fenwick Willan) combines deep knowledge relating to export controls with in-depth sector knowledge across a defined range of commercially focused sectors – commodities, construction, energy and resources, shipping, aerospace and insurance/reinsurance.

Export controls are a daily challenge for many of the firm's clients who include freight-forwarders, shipping lines and companies engaged in the transport of goods by air.

In Europe, key contacts are partners Daniel Martin, Elinor Dautlich and Anthony Woolich in London and Pauline Arroyo in Paris. The team includes five associates across the firm's European offices – Vincent Benezech in Paris and William Maclachlan, Felicity Burling, Jeremy Kelly and Isabel Phillips in London.

Team members engage closely with their clients, collaborating with the client's legal and compliance functions, training and supporting them in keeping on top of legal changes, and helping them deliver benefit to their organisations.

A recent instruction shows this

approach. The team was asked by a UK aerospace client to review its compliance function, with a particular focus on export controls in the context of transportation of military cargoes and military personnel. This was prompted by concerns within the business about the compliance function, and the team was asked to carry out an audit to benchmark compliance and identify areas where it could be improved.

Rather than simply carry out a paper-based review, the HFW team spent a number of days at the client's offices interviewing relevant stakeholders, including members of the board, heads of the relevant sales divisions, individuals within sales teams, the head of legal, the compliance manager and individuals who were involved in an upgrade to the key IT platform being used by the business.

This allowed the HFW team to identify areas where the business considered that the compliance function was doing a good job (as well as areas for improvement), and it gave the in-house legal and compliance team an opportunity to highlight areas where greater involvement of the business in the compliance function, and earlier engagement with compliance, would enable the compliance team better to support the business.

A spokesperson for HFW picks up the story: 'Ultimately, we were able to achieve the client's initial objectives, which were to devise new procedures for the business, streamline the compliance function, and ensure that the compliance function was covering all of the necessary areas, without any unnecessary "gold-plating".

'More importantly, we were able to change the process so that the business was more involved (meaning that the necessary information for compliance checks could more easily be obtained), the compliance issues were considered earlier in the transaction (meaning that time was not wasted on opportunities which would ultimately need to be declined) and the new technology being rolled out was adapted so that existing manual checks could be automated, resulting in a quicker turnaround.

'We also agreed a monthly fixed-fee retainer, so that the legal and compliance team could call us without having to worry about the clock running, or having to allocate the cost to a particular transaction.'

## Highly commended

**DLA Piper's** Global Trade and Government Affairs ('GTGA') team advises on all aspects of international trade law, including export controls, trade embargoes, financial sanctions, customs procedures and international trade agreements.

The London team is led by John Forrest, Head of Global Trade and Government Affairs, and includes Chloe Barker, Dan Jones and Rupert Ekblom. In a past life, Forrest was advisor to the UK government on trade and investment policy and has represented the UK in the EU, the WTO, the OECD and the United Nations. The London team is supported by Richard Smyth and James Moss in Manchester. The UK team works closely with colleagues in Brussels, Dubai and the US.

The GTGA team provides both contentious and non-contentious regulatory trade, customs, financial sanctions and export control advice across the firm's global platform.

In a busy year, the team supported numerous multinational companies with the development and implementation of tailored compliance policies and procedures; assisted with advocacy before and strategic engagement with relevant competent authorities across a range of issues; and assisted major exporting companies and ancillary service providers to perform enhanced due diligence and counter-party screening, including with regards to the management of third-party risk and potential acquisition-targets.

The team at **Hogan Lovells** advises on the full spectrum of EU and Member State export controls. Its network of EU export controls lawyers is spread across offices in Brussels, Amsterdam, London, Madrid, Moscow, Munich, Frankfurt, Rome, and Paris, which enables real, on-the-spot insight into how Member State authorities effectively implement EU export controls.

Leading lights in Europe include Lourdes Catrain (Brussels) and Jamie Rogers (London) and earlier this year the team was strengthened by the arrival of Aline Doussin from Squire Patton Boggs to head the London trade practice.

Some examples of the team's work from the last 12 months include:

- Advising a global provider of climate control solutions for the heating, air conditioning, and refrigeration markets in connection with export controls compliance with EU trade laws;
- Advising a leading technology provider on EU and Member State export controls rules relating to cryptographic technology;
- Advising a leading European automotive supplier on export controls matters including assessing the exposure to EU export controls laws of novel products;
- Advising a leading Internet company on a range of export controls issues critical to the global deployment of the company's connectivity technologies, including drones, satellites, cloud computing and encryption.

**Pillsbury's** International Trade practice for Europe is run out of the firm's London office. Combining in-depth knowledge of trade measures with a nuanced understanding of the related political, policy and diplomatic context, the firm provides clients with the full range of legal services related to regulation of international trade and investment.

Team members in London, who include Matthew Oresman and Steven Farmer, help clients interpret dual-use and military export control rules implemented by European countries. They assist in licensing matters and compliance planning, support training efforts, help clients respond to export audits and advise on voluntary disclosures of export control violations.

Clients are drawn from a broad range of industries, and include global names such as Airbus, BAE Systems, Chevron, Rolls-Royce, and INPEX.

Recent work highlights saw the team

- Represent a major satellite company on export control and other regulatory matters related to their operations internationally;
- Advise a European developer and manufacturer of missiles on compliance with US ITAR and EAR requirements;
- Provide advice to a Finnish client, including conducting due diligence on potential business partners in Russia and analysis of *de minimis* issues in connection with re-exports to Iran.

## Export Controls Compliance team of the year, USA.

### Winner: Esterline

**Esterline** is a multibillion-dollar specialised manufacturing company, principally serving the aerospace and defence sectors and operating in 14 countries. Kudos to the company's International Trade Compliance ('ITC') team, our Export Controls Compliance Team of the Year (USA). The team's commitment to compliance and its desire to continually improve marks it out as a winner.

The Esterline ITC team includes 100 full- and part-time members. The team is responsible for export and import compliance at 70+ sites in North America, Asia, the Middle East, Africa and Europe. Regional managers, responsible for coordinating the activities in each of three regions (EMEA, Asia and North America), help to ensure consistency of implementation of policies and procedures across the businesses globally.

Debi Davis is Vice President, Washington DC Operations and International Trade, responsible for oversight of all international trade compliance-related functions. She manages a wide range of functions, including export and import compliance; export and import licensing; customs activities; investigations and disclosures and other compliance-related activities. Davis joined the company in 2015, at a time when compliance was not running quite as smoothly as it does today.

Back in 2014, Esterline entered into a consent agreement with the US Department of State related to various ITAR violations that had occurred between 2010 and 2013. In March 2015, the company was informed by the Department of State that it had not completed the actions that were expected to have been performed by that time. Esterline took the warning seriously, recognising that it had to bring in additional resources to develop a strong compliance programme and fulfil the consent agreement obligations.

In April that year, the company brought in a programme manager to help drive the programme and ensure the company was focused on the step-by-step actions that were expected of it, and in June 2015, Davis was brought in



*The Esterline ITC team*

for her ITC expertise (Davis has been involved in international trade for more than 30 years; past employers include UTC Aerospace Systems, Goodrich, Lockheed Martin Corporation, General Electric and Westinghouse) and to help create an overall plan and address the business needs while ensuring consent agreement fulfilment.

Fast forward two years and the team had turned the programme around, fulfilled the State Department consent agreement requirements early – in 2017, just three years into the agreement, the company was removed of its consent agreement – and has been lauded by the State Department as an example of how well a business can do when focusing on establishing a compliance programme.

Davis is proud of her team and its achievement: 'I have an amazing team that has worked hard to take a programme that was far behind the curve and build it into a strong, admired, trade compliance programme.'

Key for trade compliance, she says, is to 'Listen. The goal of Trade compliance is not to stop the business. It is to assist the company in pursuing international business while ensuring compliance. In the ITC world we can always ensure compliance when we say "no" to the business activity – but that is not supporting the business need. We need to be flexible, listen to the business needs, and then find a way to help them ensure compliance while pursuing the business.'

Today, the team's focus for areas of improvement include an improved technical data transfer process;



*Debi Davis,  
Esterline's Vice  
President,  
Washington DC  
Operations and  
International Trade*

establishment of business development and marketing licences to help the businesses be more proactive; improved policies and procedures; and a greater focus on the regulations in the foreign countries in which the company operates. It shouldn't be long before they get these wrapped up.

### Runner-up: Textron Inc

'We see our role not only to interpret for our businesses how the laws are written today, but also to influence how the laws will change tomorrow to open new opportunities for the company.' So says Bryce Bittner, Director of Global Trade Compliance for **Textron Inc**, runner-up in this category.

Textron is a \$14.2 billion, multi-industry company, employing 35,000 people worldwide. The company's customers are in industries spanning aerospace and defence, specialised vehicles, turf care, fuel systems, and tools and test equipment.

The Global Trade Compliance ('GTC') team at Textron comprises nearly 100 individuals located at 30 sites around the world. The team is primarily centred around certain key manufacturing facilities, especially locations in Baltimore, MD; Ft. Worth,

TX; and Wichita, KS. GTC is charged with ensuring compliance with, and providing strategic guidance related to, export controls, economic sanctions, import and customs, and anti-boycott laws for Textron's family of companies.

GTC's main goal is to help the businesses accomplish their international objectives by enabling them to navigate the minefield of international trade laws that affect tangible and intangible exports.

The team has a business-enabling approach: 'We promote a "Yes, but..." culture,' says Bittner, 'that strives to start the conversation with "Yes, we can help achieve this objective!" and then we outline the thoughtful compliance plan we need to work through together. We want to be seen as enablers and trusted advisors, rather than a burdensome cost centre.'

Better communication and always looking to improve their contribution to the company drives the team. Initiatives have included

- Establishing senior staff meetings to encourage the global trade directors and their direct reports to communicate with each other and share ideas. This team meets every fourth Thursday and comes together to collectively solve problems with a 'One Textron' approach.
- Revamping Textron's Export Working Group, which now meets every four weeks and where everyone involved directly or indirectly in export compliance is invited to discuss the latest developments in export and sanctions laws and the key issues happening across the company.
- A weekly Trade Compliance Forum. This meeting has no agenda; rather Bittner solicits questions, shares his desktop, and walks through how he would solve the problem step by step from the very beginning.
- The Textron Aviation GTC team worked to modernise its aftermarket export ordering and shipping process. The team worked with IT resources to create an electronic process to validate trade compliance information prior to packing and electronically route the shipment for all necessary approvals. This resulted in faster service and a huge reduction in labour and workflow costs.



*Bryce Bittner, Director of Global Trade Compliance for Textron Inc.*

## Highly commended

**BHGE** is the new fullstream company created through the combination of Baker Hughes, Inc. and GE Oil & Gas in July 2017 after more than three years in the making.

Ellen C. Smith is Executive Counsel, International Trade Compliance, leading a team responsible for import compliance, export controls, sanctions and boycott, and accountable for all legal advice as well as the compliance programme structure and implementation. There are 27 team members, including four lawyers, and three trade compliance professionals in senior roles. The lawyers have responsibility for providing expert legal advice on sanctions, export control, customs and boycott compliance. It is a team, says Smith, of 'problem solvers'.

If ECR, a change in president, and a whole raft of new sanctions wasn't enough to deal with, the team also had to navigate through the uncertainty of 3.5 years of merger activity. Still, the team has been busy implementing some excellent initiatives:

- In 2015, it launched its Global Trade Compliance Playbook. The playbook functionalises trade compliance

through a set of procedures designed to address specific activities in every function of the business.

- The team implemented a focused way to address classification of all previously unclassified technology. The team uses a simple watchlist tool, expertise of R&D engineers, and a basic high/low indicator. If an engineer identifies a potential 'high' classification for new technology, experts on the team will review the information and apply an actual ECCN classification.
- After years of struggling to implement a truly global trade management system, the team worked closely with IT to implement GTS functionality for (a) restricted party screening for all customer, vendor and bank partners; (b) an import and export part classification database; and (c) global licence determination.

*WorldECR* appreciates Smith and her team's thinking. 'The best way to spot risks and protect the company is if (1) people know and want to talk to you, and (2) you focus your efforts on your highest risk areas,' says Smith. 'Don't sit in an ivory tower; get out and talk to the business.'



*The BHGE ITC leadership team at the BHGE Western Hemisphere Education Center (WHEC)/Texas – from left to right: Denny Matranga, Tim Van Oost, Antonio Ciavatta, Jeff Satterwhite, Katy McIntosh, Ellen Smith, Nicolas Di Biase, Matthew Silverman, Diane Foreau, Bonnie Fletcher.*

## Export Controls Compliance team of the year, Europe

### Winner: RUAG Aviation

With five divisions and locations in 16 countries, Switzerland's Ruag Group develops and markets civil and military technology applications for use in space, in the air, and on land. With net sales of CHF 515 million (approx. US \$520 million) and almost 3,000 employees, the **Ruag Aviation** division is a leading supplier, support provider and integrator of systems and components for civil and military aviation. Servicing aircraft and helicopters throughout their entire life cycle, the company's core competencies include maintenance, repair and overhaul services, upgrades, and the development, manufacturing and integration of subsystems.

The division supplies military and dual-use items for defence forces and manufacturers, including the Swiss Air Force, German Bundeswehr, Royal Australian Air Force, Bombardier, Dassault, Embraer, Airbus, Boeing, GE and Lockheed Martin, among others.

The trade compliance team ensures that employees across all facilities are trained and understand the company's obligations under Swiss and international laws – a sound knowledge of European and US military and dual-use export controls is considered essential.

Five years ago, 90% of the division's exports were ITAR-controlled but as a result of US export control reform ('ECR'), many goods and technology moved to EAR control. As have many European companies before them and since, the company assumed that the implementation of ECR would result in compliance with US export controls becoming simpler. But that did not happen, and for Ruag, life became more complicated.

Burim Ceni, senior manager for trade compliance at the Aviation division since 1 May 2016, gives an example: 'Although most of the F-5



Felix Ammann, Vice President Supply Chain, and Burim Ceni, Export Control Compliance Lead at RUAG Aviation and Defense.

components, such as engines, moved to EAR, we still had to comply with ITAR due to the Gov.2.Gov. procurement of entire aircraft back in the 1970s. As ECR did not address these issues, we were forced to execute a dual licence strategy in order to meet the demands of the US departments of State and Commerce.'

The Ruag Group responded to the new challenges, creating new positions for a vice president (VP) and a senior manager for compliance and risk management.

Ruag's senior management is heavily engaged in export control compliance and sets the tone at the top. The export control compliance role has been dramatically improved and adjusted step by step and promoted to export compliance business partners in order to actively advise senior management, sales, supply chain and engineering with regard to key areas of concern. At Ruag, says Burim, 'Export control compliance has become a key part of the business operation and zero tolerance is not an empty phrase.'

Among Burim's team mates in Switzerland are Kevin Ruff, Ibadete Arifi and Irène Schwarz, and in Germany, Walter Paradeiser. At board level, Felix Ammann, Vice President Supply Chain, has overall responsibility for export control compliance in the group.

Achievements for the team include:

- Developing a global trade compliance strategy and policy;
- Coordinating trade compliance

programmes and training with RUAG affiliates in Switzerland, Germany, Malaysia, Brazil, Australia and USA;

- Designing, implementing and maintaining tools and processes to monitor the effectiveness and achievement of objectives of the compliance programmes.

At the same time, Burim and his colleagues contribute to the wider compliance community through attending and speaking at conferences and authoring articles, sharing their experience and insight.

Burim says that what drives him personally 'is the opportunity to have a motivating job, interfacing with all departments and the entire company and with the respective agencies of the Swiss and foreign government agencies, embassies and our business partners.' It is, he adds, 'a demanding role. You need to be able to grasp the legal, technological and the business aspects.'

'Export control compliance isn't only about having an understanding of the regulatory requirements but also the political issues. Enforcement actions on other similar firms are useful in showing how not to do things. Not only does this keep us compliant but future-proof to changes, and most importantly sustainability of a knowledgeable and professional compliance office.'

WorldECR congratulates Burim and his colleagues on their approach and achievements.



## Sanctions Law Firm of the year, Europe

### Winner: DLA Piper

*'On a day-to-day basis, John's team is able to field isolated enquiries about potential client opportunities with great agility, providing clearance or caution, as necessary, on potential business opportunities.'*

*'John's team has provided clear, commercial and pragmatic advice, often under tight time constraints required to meet our client's expectations.'*

A couple of brief snippets from the client testimonials we received this year for the sanctions team at **DLA Piper** in Europe – a worthy winner of this award.

DLA's Global Trade and Government Affairs ('GTGA') team advises on all aspects of international trade law, including export controls, trade embargoes, financial sanctions, customs procedures and international trade agreements. The London team is led by John Forrest, Head of Global Trade and Government Affairs, and includes Chloe Barker, Dan Jones and Rupert Ekblom. In a previous life, Forrest was an advisor to the UK government on trade and investment policy and has represented the UK in the EU, the WTO, the OECD and at the United Nations.

The team's international trade capability on sanctions issues is built on its ability to keep abreast of the shifting regulatory framework and enforcement trends globally. The team boasts extensive experience in advising and representing a wide range of governments, administrative organisations and businesses on international transactions involving countries and entities subject to economic sanctions and trade embargoes.

The team offers a nose-to-tail service, working with clients to ensure compliance at all stages. Some examples include:

- Client, TMF Group instructed the team to review and update its sanctions compliance systems, policies and procedures across all of its international business units. The work consisted of: conducting a sanctions risk assessment and producing a sanctions risk report in



John Forrest, DLA Piper

*'John's team has provided clear, commercial and pragmatic advice, often under tight time constraints required to meet our client's expectations.'*

relation to the exposure of the client's business units to sanctions compliance-related risks; producing a bespoke international sanctions compliance policy document, tailored to the risk index and exposure of the group; advising on sanctions compliance procedures at group level, including producing a procedures document and a bespoke sanctions screening protocol; producing jurisdiction-specific sanctions compliance checklists for common sanctioned jurisdictions; designing and delivering a sanctions training package to be delivered by internal group compliance officers via webinars to key TMF employees internationally; and conducting a review of sanctions compliance clauses in existing group transaction documentation.

- The team advised global client Fircroft with respect to EU and US sanctions compliance in relation to the negotiation and execution of a US \$100 million facility agreement provided by a Russian bank. The team assessed whether the agreement would in any way violate applicable sanctions laws, assisted in the negotiation of the sanctions elements of the facility agreement, and developed and implemented a complex sanction compliance trust mechanism in order to manage any future expansion of Russian sanctions.

Other instructions saw the team assist a number of international banks with risk profiling and the development of policies and procedures for screening and enhanced due diligence in relation to account take-on and maintenance, client relationship management and payment

transactions, and advising a number of European banks on the operation of pre-existing and draft trade financing instruments and in relation to payment transactions and wider financing which involves a sanctioned third party or an underlying transaction which is restricted due to wider trade measures.

The clients made their satisfaction known and the judges listened. We congratulate John and his team.

### Runner-up: Debevoise & Plimpton

**Debevoise's** sanctions practice in Europe receives glowing praise from clients, with one noting, 'Consultations are always clear and risk-oriented, with a unique expertise on how sanctions regulation works in different jurisdictions,' while another hails it as 'nothing but exceptional'.

The practice brings the firm's expertise in international regulatory defence, compliance, and corporate advisory work under one roof, with experienced practitioners covering both EU and US sanctions regimes. The London office is home to team members partner Jane Shvets and this year's Young Practitioner award runner-up, Konstantin 'Kosta' Bureiko.

A client base which is home to many global financial institutions also includes household names from the energy, media, transport and natural resources sectors, among others.

In the past year, the team

- Undertook a sanctions-focused acquisition due diligence of a major insurance business for an international insurance company;
- Advised a major international financial services company on the potential EU sanctions risks arising

from an acquisition of a UK-listed company;

- Advised on EU sanctions consequences for a major oil and gas project in the Barents Sea;
- Advised a Russian company on the scope of EU capital market restrictions in respect of a proposed share issuance;
- Provided EU sanctions advice and updated sanctions policies in light of recent sanctions developments for a major Russian private equity investment firm;
- Represented a client before the Office of Financial Sanctions Implementation ('OFSI') in relation to self-reported sanctions issues relating to Syria, resulting in a 'no-action' decision by OFSI; and
- Represented a client before OFSI and HMRC relating to potential sanctions issues in the Democratic People's Republic of Korea.

## Highly commended

London-based **Carter-Ruck** has expertise representing clients subject to sanctions or restrictive measures imposed at UN, EU and/or domestic level. Head of International Law, Guy Martin is well known and very well regarded.

The firm represents clients before the UN Ombudsperson, in the European Court of Justice, and in domestic judicial reviews of administrative decisions relating to sanctions, and undertakes a great deal of work outside a conventional legal context – for example, advocating clients' cases in negotiations with various institutions of the EU and the UN or with government departments and law enforcement agencies in the UK, the USA and many other countries.

Its success in representing high-profile figures in complex and precedent-setting cases has led to it being associated with a number of significant rulings. For example, the firm represented prominent Saudi businessman and philanthropist Yassin Kadi in his worldwide, 13-year battle to challenge sanctions imposed on him in October 2001. The case included challenges to EU sanctions, leading to two landmark ECJ decisions, the first of which has been described by leading academics as 'the most important judgment ever delivered by the ECJ on

the relationship between EC and international law and one of its most important judgments on fundamental rights'.

Other examples of past successes include:

- Applying to the General Court of the ECJ on behalf of businessman John Bredenkamp and his companies for damages in respect of restrictive measures imposed by the EU under its Zimbabwean sanctions regime. The firm is also representing Mr Bredenkamp in his ongoing judicial review in the English High Court concerning the UK's nomination of Mr Bredenkamp for targeted sanctions by the EU.
- Representing global charity International Islamic Relief Organization in its successful de-listing petition to the UN Ombudsperson.

The EU sanctions practice at **Bakers Botts** is part of the firm's International Trade Group and has acted on a wide variety of matters over the last year. In London, Chris Caulfield is the key contact.

The firm is a leader in advising the energy sector and boasts an enviable roster of clients in oil and gas. In the past year, one mandate stood out for its breadth, complexity and fundamental importance to the entirety of the client's business.

Specifically, the firm continued to act as lead EU sanctions advisor to one of the world's largest oil companies, which is a target of the EU sanctions relating to Ukraine. Those sanctions challenge the client's ability to raise finance, to operate/maintain its assets and to structure its joint ventures with its European partners. Whilst the team has represented the client in this area since the imposition of sanctions in 2014, '[T]he last year has seen a substantial uptick in an already heavy volume of work to levels not seen since 2014/2015.' In what is a hostile regulatory environment, Baker Botts has been integral in ensuring that the client's projects, its debt arrangements, its joint ventures and its contracts are compliant with the EU sanctions regime.

On behalf of other clients, engagements have included:

- Acting as lead advisor to a global

drinks manufacturer regarding EU sanctions queries, in particular concerning contracts with commercial partners in the Middle East and Russia;

- Acting as lead advisor to a global aircraft leasing company on EU sanctions queries, in particular concerning agreements with lessees based in sensitive countries;
- Advising a global industrial gases company on EU sanctions targeting Venezuela; and
- Advising a major Russian airline on the impact of EU sanctions against Russia on leasing arrangements with European lessors.

Last year's winner in this category, **HFW** continued its fine work, providing innovative, creative and progressive advice with a particular focus on utilising technology and other streamlining processes.

Some highlights have been:

- Advice on the legality and practical arrangements for paying ransoms in cases of kidnap. These cases are highly confidential and sensitive – the team's work includes advising on whether payments can be made in light of sanctions relating to terrorist financing, and other countrywide sanctions.
- Advice for an aerospace client on whether the US designations in April 2018 which impacted on Basel Aero and Russia's Airports of Regions would impact flights for national football teams to the World Cup in Russia.
- Advising a UK-based manufacturer of oil and gas equipment on trade with Iran, including advice on due diligence, contract terms, and available banking options.
- Advising a Russian bank which is subject to sectoral sanctions on financing and sanctions risks relating to a US \$20m prepayment, as well as its internal compliance policies and procedures.
- Advising a Swiss coal trader following the sudden listing of its Chinese purchaser in connection with historic dealings with DPRK and the freezing of payments from such purchaser.
- Advising a Geneva-based trader on the implications of trade with Rusal following US designations on 6 April 2018.

## Sanctions Law Firm of the year, USA

### Winner: Steptoe

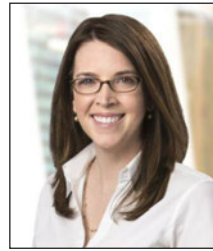
Our congratulations go to **Steptoe**, this year's *WorldECR* Sanctions Law Firm of the year (USA).

Steptoe has a longstanding cross-border economic sanctions practice that includes lawyers with substantial economic sanctions experience inside and outside of government. The team – which is led by Ed Krauland in DC and Meredith Rathbone in London – advises clients drawn from a wide range of industry sectors.

The firm is at the forefront of thought leadership, policy advocacy, and informed interpretive guidance regarding US and EU sanctions.

A review of representations and successes highlights this award-winning practice's capabilities:

- An umbrella trade organisation for NGOs operating in North Korea engaged the firm on an urgent basis to draft legislative language that would carve out humanitarian organisations from the North Korea Travel Control Act, a bill designed to prohibit US citizen travel to North Korea. On 27 July 2017, the House Foreign Affairs Committee marked up the bill, largely including the language Steptoe proposed.
- The firm has long-assisted large US and non-US energy and petroleum companies (located in the UK, France, Scandinavia) with economic sanctions and export controls compliance programmes and programme reviews, as these regulatory regimes have evolved over time, and project-specific compliance requirements based on risks associated with the business activity of these specific projects and undertakings. This has included interviewing personnel, providing a gap analysis, and assisting in the development of tailored policies and internal procedures, and training materials to manage multiple trade control regimes (economic sanctions, export controls, anti-boycott, and counter-terrorism financing).
- The team interviewed personnel and assisted in the development of policies and procedures to enhance compliance with international trade



Ed Krauland and Meredith Rathbone of Steptoe

*The firm is at the forefront of thought leadership, policy advocacy, and informed interpretive guidance regarding US and EU sanctions.*

controls (economic sanctions, export controls, and antiboycott) for US- and Scandinavian-based oilfield service companies (e.g., surveying, drilling, equipment and fluid supply companies), as well as a North American-based pipe construction, testing, and inspection firm in the petroleum sector.

- For an international oil and gas company, the team provided extensive compliance advice regarding US primary and secondary sanctions regimes in numerous sanctioned countries, including Russia, Iran, Cuba, Syria, and Venezuela. Team members drafted policies and procedures, monitored and reported on legal and political developments affecting the client's business activities in these countries, and assisted the client in conducting political risk assessments.
- Advised a Swedish bank on Venezuela sanctions, including dealing with US correspondent banks, jurisdictional questions, scope of the new debt prohibitions, interpretations in the context of a revolving credit facility, derivatives, and other products. The team assisted the bank in maintaining its relationship with the US correspondent banks and complying with OFAC rules.

### Runner-up: Hogan Lovells

Winner of this year's Export Controls Law Firm (USA) and runner-up in this category, the team at **Hogan Lovells** is getting the recognition it so richly deserves. With a reputation gained for successfully navigating clients through the most complex and extensive matters, and for its creative and

forward, business-friendly thinking, Hogan Lovells is a world leader in international trade regulation-related legal services.

Familiar and trusted faces in the team include Stephen Propst, Beth Peters and Anthony Capobianco.

The firm's client base for sanctions advice is international and impressive. Regulars include: Medtronic, Merz Pharma, Miller Insurance, Mondelez, NASDAQ OMX, National Bank of Kuwait, News Corporation, Pfizer, PwC, Rolls-Royce, Swissport, Tata Chemicals, Toyota, Travelers Insurance, Vodafone, Willis, Wyndham Hotels, Yale University, and ZTE.

In the context of several clients' proposed initial public offering of their shares on the Hong Kong Stock Exchange ('HKSE'), the firm assessed the applicability of US, EU, UN, and Australian economic sanctions and export controls to the clients' business as necessary to respond to Hong Kong regulators' questions and prospectus comments regarding these laws. In these transactions, the firm is named in the IPO prospectus as the company's 'International Sanctions Counsel'. A market-leading reputation is evidenced not only by the 20 IPO transactions on which the firm advised in the past 12 months, but by the fact that it has been asked by the HKSE to discuss with it international trade and economic sanctions in the context of listing rules.

From one side of the globe to the other, and with equally high profile, the firm has advised PDVSA, the Venezuelan state-owned oil company, on sanctions issues in connection with the restructuring of the country's outstanding liabilities.

Among other instructions, the team advised a well-known US company on an important joint venture in Russia with an entity that became designated



on 6 April 2018, including seeking emergency OFAC authorisation to wind down the relationship, issuing detailed interim guidance to the joint venture on conducting its activities in compliance with the designation, and assessing options for continued operation of the joint venture and wind down of activities with the designated joint venture partner.

## Highly commended

An already active sanctions practice at **Baker McKenzie** was kept even busier in 2017/18. Examples of instructions for the team include:

- Advising the board of a leading global building materials company to conduct an internal investigation of potential payments to armed groups in Syria, including groups designated as terrorist organisations such as the Islamic State, to permit the continued operation of the company's cement plant in Syria.
- Advising an Australian-headquartered company on the application of US and European economic sanctions to its worldwide operations. Primarily a supply chain logistics company that provides reusable equipment such as pallets, crates and containers for shared use by multiple participants throughout the supply chain, many of the client's customers are active in parts of the world subject to economic sanctions. With potentially serious implications for the client's equipment going into and also coming out of those locations, the team advised the company on navigating the application of the US rules in particular to key IT infrastructure maintained in the United States, used to track and move the equipment throughout the world.

*'I am fortunate to have had at my disposal for the past five years the estimable practitioners of Crowell & Moring. As embodied principally by partner Cari Stinebower and senior counsel Dj Wolff, Crowell has consistently delivered outstanding results, and has become my preferred sanctions compliance firm.'* So writes a past WorldECR Award winner.

**Crowell & Moring's** sanctions practice is a comprehensive one, providing advice integral to sanctions such as on AML and export controls. The firm prides itself on its handling of the most challenging, important, and sensitive sanctions matters and is often called on when others have not identified significant issues, or have not been able to develop a solution to a sanctions challenge, being regularly called on by other law firms, both in and outside the United States, for sanctions help.

Cari Stinebower (Washington, DC) and Michelle Linderman (London) lead the sanctions practice, where well-known team members include Alan Gourley, Carlton Greene, Jeff Snyder, David (Dj) Wolff and Edward Goetz.

The firm's lawyers are 'business savvy', understanding how to give advice in the light of the business risk. Crowell lawyers have been advising on US sanctions laws affecting trade and business since IEEPA was enacted in 1977. Today, clients include banks and insurance companies, manufacturing, including aerospace and defence, chemicals, IT, software, consumer goods, automotive, mining, UAVs, transportation, energy, medical, and others.

In the past few months alone, the firm:

- Advised a US entity whose corporate parent had been identified as a sanctioned party under the US 6 April sanctions designations of Russian oligarchs and their entities. The US entity is navigating customer relationships, supply chain integrity, and banking channels to operate under general and specific licences.
- Assisted a US-headquartered entity to ensure on-going operations of its wholly-owned Russian subsidiary that sources raw materials from a now sanctioned Russian raw materials supplier. The firm took the client to a meeting with Treasury and State and is working to obtain licences so that it can continue to operate after the relevant general licences expire.
- Helped a European shipping firm to navigate recent US and EU sanctions on Venezuela and Russia, including supporting negotiations with a Latin American government

to exit a long-term contract with a sanctioned party, and negotiations with US and third-country clients to enable shipment of product from sanctioned producers under licence.

**Morgan Lewis's** International Trade and National Security practice demonstrates in-depth knowledge and experience in advising clients on US export controls, sanctions requirements, and compliance.

Group members actively counsel clients in a variety of industries, including financial services (brokers, financial institutions, investment management and fund managers and investors), aerospace, defence, software, private equity, venture capital, submarine, energy, nuclear, and chemicals.

Leading lights in the group are Kenneth J. Nunnenkamp, Giovanna M. Cinelli and Margaret M. Gatti.

In a busy 12 months, the group has

- Assisted an individual targeted for potential Global Magnitsky Act designation before the US State and Treasury departments, presenting evidence and argument to advance the client's position, and engaging with government personnel on the client's behalf.
- Assisted a client with the preparation (including research and investigation of) and submission of a voluntary disclosure to OFAC regarding US sanctions under the Weapons of Mass Destruction sanctions programme, which resulted in resolution without penalty or other enforcement action.
- Represented an international agricultural company in investigating and disclosing potential sanctions violations emanating from its Middle East affiliate relating to actions in Iran, Sudan and Syria, and implicating all three countries' sanctions regulations. The group handled all aspects of the investigation and disclosure resulting in no enforcement action by OFAC, and including implementation of corrective actions in the form of compliance programme procedures and improvements. The disclosure addressed multiple sanctions programmes simultaneously, across several countries, and involving specially designated entities.

## Export Controls/Sanctions Law Firm of the year, Rest of the World

### Winner: Akin Gump

Winner of the award for Sanctions Law Firm (USA) last year, **Akin Gump Strauss Hauer & Feld LLP** has shown impressive extraterritorial reach in adding the Export Controls/Sanctions Law Firm (Rest of the World) award to its trophy cabinet. The firm is a recognised leader in international trade, with renowned export control and sanctions lawyers addressing client needs from the US to Europe and from Asia to the Middle East.

In Asia and the Middle East, practitioners advise clients in critical sanctions and export compliance-related matters, whether that be advising an investment fund regarding EU sanctions concerning securities listed on the Tehran stock exchange, obtaining an OFAC licence for a humanitarian aid organisation providing medical aid to North Koreans, or representing a senior executive at a Chinese company as part of a multi-agency US federal investigation.

Among highly regarded practitioners outside of the firm's DC headquarters, Tatman Savio leads the international trade practice in Asia. She brings substantial experience in the laws, regulations, policies and international arrangements surrounding US export controls, sanctions programmes, foreign investment laws, anticorruption laws and anti-boycott regulations to client engagements. A foreign-registered lawyer in Hong Kong, she is regularly called upon to advise and speak on the details and nuances of the export control regulations administered by the departments of State, Commerce and Energy and the Nuclear Regulatory Commission, as well as the sanctions regimes under the Treasury Department.

In the Middle East, Mahmoud (Mac) Baki Fadlallah (runner-up in our Young Practitioner award in 2017), has built an impressive track record of achievement in the field and has firmly established himself as a leader within the firm, helming its international trade practice in Dubai. Fadlallah has played a significant role in the



Tatman Savio, Akin Gump

*A foreign-registered lawyer in Hong Kong, she is regularly called upon to advise and speak on US regulations.*

expansion of the firm's presence in the region – helping to reopen and manage the firm's office in Dubai in 2014 – and has established a specialised practice that focuses on the application of US export controls and sanctions laws to non-US entities, including subsidiaries of US companies abroad.

Some recent examples of the firm's work are:

- Advising a Fortune 500 chemical company on export and import trade controls related to activities in China and Thailand;
- Advising a leading Japanese trading company on the US sanctions compliance aspects of a large energy/EPC project in Iran, including establishing an export controls and sanctions compliance programme and contractual representations and warranties covering the full supply chain of subcontractors and suppliers;
- Advising a Taiwanese technology company on export and import control issues across a range of jurisdictions, as well as providing general support and counseling to the client related to compliance programme management;

- Acting for a Fortune 50 technology company, providing onsite support at its Hong Kong office for a range of international trade control issues in jurisdictions throughout the Asia-Pacific region, including licensing, audit and general compliance assistance

### Runner-up: Kennedys (Singapore)

*'They are succinct and to-the-point, other lawyers can be long-winded. Kennedys get to the heart of the matter without messing around.'*

So says one happy client of **Kennedys**, runner-up in this year's award. And with 51 offices, associate offices and cooperations around the globe, Kennedys reaches the parts some other law firms never will.

The team in Singapore is led by partner Karnan Thirupathy, while other team members include Andrew Cook, Gareth Lang, Thy Nguyen, Elizabeth Fong and ZhiHui Chen. Located in the world's busiest transshipment hub, it's natural that the team specialises in assisting clients in



Karnan Thirupathy, Kennedys

*With 51 offices, associate offices and cooperations around the globe, Kennedys reaches the parts some other law firms never will.*

the shipping, aviation, international trade and insurance sectors, with trade sanctions and other related issues. With Singapore-, UK- and US-qualified lawyers, the team is well equipped to provide clients with advice addressing issues that may involve the regulations of a number of jurisdictions.

The value-added services offered by the team to clients include reviews of sanctions and compliance procedures along with in-house sanctions compliance training.

An impressive cv for the past year shows instructions including:

- Advising a large Singapore-based company on the impact of sanctions against RUSAL on supply contracts and various sub-contracts with sub-buyers across Asia;
- Advising a large oil trading company on sanctions issues relating to the export of blended fuel of which one component is of Iranian origin;
- Advising a subsidiary of a Thai listed energy company on the storage of Iraqi origin fuel oil at its facilities in Malaysia;
- Reviewing transactions carried out by a Singapore trading company following investigations by its bank in relation to alleged sales involving a Chinese entity suspected of having links with the North Korean government and assisting the company during the investigations;
- Advising a South East Asian manufacturer and exporter of chemicals on the restrictions on the re-export of US origin products to sanctioned countries, entities and individuals;
- Advising one of Singapore's largest listed commodities companies in relation to both Sanctions compliance issues in relation to establishing a joint venture company in Myanmar;
- Advising an international airline on

sanctions issues relating to a potential code-share arrangement with an Iranian airline business, the potential risks involved in the intended trade, and the effectiveness of insurance to mitigate these risks.

## Highly commended

**Baker McKenzie** has unrivalled global spread in its trade compliance practice. In Asia Pacific, attorneys are based in Hong Kong, Singapore, Malaysia as well as Australia, whereas the firm covers Latin America through specialist teams in Mexico, Brazil and Argentina.

Recent instructions include:

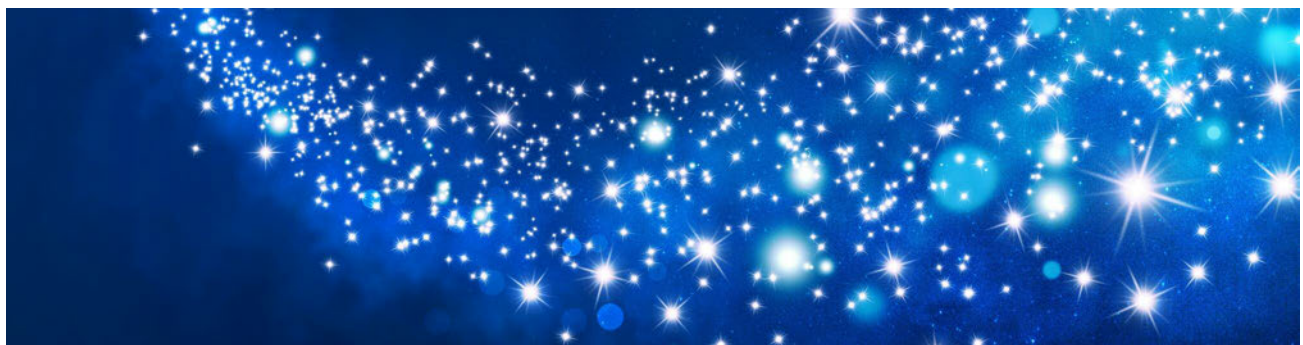
- Advice to the Canadian wholly-owned subsidiary of a Japanese electronics company on the Canadian export control status of certain goods, software and technology currently under development to be exported from Canada. The firm also advised the client regarding potential implications of the most recent changes at The Wassenaar Arrangement to existing products and certain products in development.
- Advising a multinational software company regarding the rules and procedures applicable to triangular exports in Brazil, where goods are sold to one entity in a given country but shipped directly to the final acquirer in another country. The matter required practical experience with foreign trade systems, documents, control rules and customs/tax authorities' behaviour in Brazil, given that the legislation does not clearly provide for the procedures applicable to triangular exports. The firm's expertise in the area was essential

for offering an alternative that mitigates the risks for the client.

- Assisting a global leader in fluidics with its internal audit regarding import/export practices.
- Assisting a leading provider of steel products with respect to compliance with Russian sanction issues regarding its project in Russia.

**Pillsbury's** international trade practice is supported by professionals based in Japan, Beijing, Hong Kong and Turkey. Team members advise on local law, as well as on the overlap with US or EU laws. Among recent matters, the team:

- Assessed controls for involvement of a US company in a Chinese nuclear fabrication plant, including significant local due diligence;
- Advised a nuclear power company active in Turkey on Canadian, European and US sanctions relating to Russia;
- Advised one of the largest global petroleum companies on technology transfers around the world;
- The Hong Kong office helped advise on the application of US Cuba sanctions to a Hong Kong-based investment and international aviation registry;
- Conducted training for a major Japanese shipbuilding manufacturer on Japanese as well as US and EU compliance;
- Reviewed and analysed export control issues in connection with the potential acquisition of a US-based medical optics company by a publicly traded Japanese corporation;
- Advised the Latin American affiliate of a Japanese company on sanctions rules for Cuba and Iran;
- Advised a client on export control rules and licensing procedures for multiple Asian countries.



## Export Controls Consultant of the Year

### Winner: Goforth Trade Advisors

*'Candace Goforth is very good.'*  
Partner at a past WorldECR Export Controls Law Firm of the year, US, winner



Candace Goforth

*Candace served as the Policy Director in the Directorate of Defense Trade Controls at the US Department of State, the authority for interpretation and implementation of the ITAR.*

Candace Goforth, who has more than two decades' experience in export controls and defence trade matters, is the Managing Director of Alexandria, VA-based **Goforth Trade Advisors** ('GTA'). GTA provides more than 200 clients, from sectors including aerospace, defence, and electronics, among others, with strategic and practical solutions on export controls and economic sanctions matters.

Goforth enjoys an excellent reputation among export control practitioners built on serving at the cutting edge. Prior to establishing GTA in 2013, Goforth served as the Policy Director in the Directorate of Defense Trade Controls ('DDTC') at the US Department of State, which is the authority for interpretation and implementation of the ITAR. As Director, she administered the Department of State's implementation of President Obama's Export Control Reform initiative and was intimately involved in the revision of the US Munitions List ('USML') and the Commerce Control List ('CCL'). As one commentator said, 'Candace certainly knows her way around the export controls world.'

With her unique experience, she is a sought-after commentator and speaker on export controls matters.

At GTA, Goforth's team mates include Kevin Maloney, also ex-DDTC (Maloney also has experience in-house with BAE) and Chris Stagg, also previously with the DDTC.

GTA offers its clients a wide range of services which include advice and assistance in:

- Agency filings;
- Bespoke training ;
- Compliance programmes and audits – reviewing and testing the effectiveness of compliance programmes by uncovering gaps and weaknesses while recommending practical corrective actions;
- Consent agreements: Working with

companies on managing consent agreements, including advising on their negotiation, audits and implementing required procedures;

- Government relations;
- Jurisdiction and classification;
- Law firm support – working with law firms under the attorney-client privilege;
- Licensing strategies; and
- Risk assessments.

In one example of the type of work GTA carries out, a client was faced with a very difficult position in that it had previously self-determined its item as subject to the EAR, and therefore freely exported it across the globe and provided related maintenance. But revisions to the USML made it appear to be covered by the ITAR. Facing a very tight deadline, and with ongoing exports and training activities that would take significant time to get the related ITAR authorisations for, GTA worked with the client to develop the entire strategy and arguments to get an immediate response from the DDTC that it did not interpret that provision to cover such types of items – which is what happened.

Other examples include:

- Guiding a mid-size materials company through a government investigation regarding unauthorised exports of sensitive products that included designing a full

compliance programme and led to the investigation being closed without action;

- Advising a major US defence company on its compliance with consent agreement requirements and assisting it in managing and negotiating the terms with the government;
- Successfully appealing commodity jurisdiction determinations that transferred items from the USML to being determined as EAR99 on a range of hardware and software items that expanded the market for those products;
- Leading multiple large-scale (10,000+ items) jurisdiction and classification assessments of hardware, services, software, and data to assist major law firms in internal and government investigations of potential violations of the ITAR and EAR.

### Runner-up: Deloitte

Runner-up in this category is the **Deloitte US Export Controls & Sanctions Practice**, part of Deloitte Tax LLP's Global Trade Advisory team. Led by Suzanne Kao, Sean Ryan, and Christina Zanette, and working with colleagues in import compliance and trade automation, the team has developed a well-regarded offering in export controls/compliance with a



Suzanne Kao and Sean Ryan of Deloitte

*The team has developed a well-regarded offering in export controls/compliance with a focus on improving compliance processes with technology.*

focus on improving compliance processes with technology.

The team strives to support not just effective compliance but also the strategic business priorities of clients, enabling business growth, expansion into new markets, and structural change while maintaining revenue continuity and growth.

Clients, who are drawn from various industry sectors – including aerospace and defence, technology, life sciences, chemicals, and oil and gas – receive support in compliance assessments, export control improvement plans, development of processes and procedures, and specific advisory services, such as classification support, licensing advice, and transactional guidance, with the team actively leveraging technology in enabling its clients' business strategies.

Indeed, improving compliance using technology is a key expertise. Team members work with client organisations to make the most of available third-party tools to implement robust global trade management ('GTM') systems that 'promote cross-functional communications and foster a culture of compliance'. A dedicated team focuses on existing tool rationalisation, new vendor selection, configuration and customisation of automated applications to address client needs.

In recent years, the team has been active using technology to provide advanced solutions for export compliance challenges. At the cutting edge is classification automation, where the team is working on artificial intelligence and machine learning, having 'launched and implemented our automated classification tools, which we use ourselves in our global service delivery centers and provide to our clients for integration into their own classification processes.'

On the strategic front, the team works with clients to make export control compliance a key strategic driver for the business, pushing export controls to the C-suite's attention, through key initiatives such as:

- Mergers and acquisition support through involvement in post-merger integration and divestiture projects;
- Export compliance management transformations – supporting clients in developing export



Johnny Xie

*Questoud's clients are typically foreign invested companies engaged in manufacturing such as automobiles, machinery, electronics, chemicals, and materials.*

compliance programmes to facilitate corporate global growth and expansion strategies;

- Improving the compliance framework by working with clients to design, assess, implement, and continuously improve the overall compliance function, including export control compliance.

Suzanne Kao sets out the stall: 'We focus on innovative solutions, thought leadership, and project accelerators, designed to help our clients build and inform the export compliance function effectively.'

### Highly commended: Johnny Xie, Questoud,

*'Johnny was truly excellent and professional.'*

Leading Middle East trade compliance lawyer

*'The best China trade specialist I have come across. His experience is unparalleled.'*

US export controls professional

In China, export controls and enforcement are overseen by China Customs, working with whom **Johnny Xie of Questoud** in Shanghai, has significant expertise. With 11 years' hands-on experience at China Customs plus seven years working as a trade controls consultant, Johnny has near unrivalled insight into the control regime. A frequent and extremely popular speaker at the *WorldECR* Forum, Johnny has established a reputation for being extremely knowledgeable and easy to work with.

Questoud dedicates itself to improving the transparency of the regulatory environment and facilitating the compliance efforts of businesses who are doing or planning to do

business with China. Questoud's clients are typically foreign invested companies engaged in manufacturing such as automobiles, machinery, electronics, chemicals, and materials.

Johnny's personal commitment to a service which goes the extra mile can be seen in the following example.

Questoud was approached by a Fortune 500 chemical and material manufacturer with a modern R&D centre in Shanghai. Unlike a traditional manufacturer, importing and exports tangible goods, the R&D centre is active in technology transfer. However, the company was unsure about the full extent of controls imposed by the Chinese government on the import and export of such technologies.

Questoud developed a company-specific compliance programme for the organisation, which was tailored properly to the nature of its export and re-export activities. Factors such as the size of the organisation, the end use and sensitivity of products, the geographic location of business and customers, the relationships with business partners, volume of exports, product restrictions, and complexity of internal export processes were all taken into account to ensure an effective compliance programme was developed and deployed.

Questoud helped the organisation refine and streamline its compliance structure and processes, particularly as regards its ICP, restricted parties screening and product classification. It then conducted training sessions to raise the engineers' awareness of export control compliance and acquaint them with the essential knowledge and practical skills in this regard. The result: informed employees minimised the likelihood that inadvertent violations of export laws and regulations would occur.

If you want to know about Chinese export controls, get to know Johnny.

# WorldECR

The journal of export controls and sanctions

## Contributors in this issue

Roger Matthews, Dechert  
www.dechert.com

Karnan Thirupathy, Kennedys Legal Solutions  
www.kennedyslaw.com

Matthew A. Goldstein, Snell & Wilmer LLP  
www.swlaw.com

David A. Ring, Jared Clark and Matt Cvercko,  
Wiggin and Dana LLP  
www.wiggin.com

## WorldECR Editorial Board

Michael Burton, Jacobson Burton Kelley PLLC  
mburton@jacobsonburton.com

Larry E. Christensen,  
The Law Offices of Larry E. Christensen.  
www.larrychristensenpllc.com

Jay Nash, Nash Global Trade Services  
jaynash@gmail.com

Dr. Bärbel Sachs, Noerr, Berlin  
baerbel.sachs@noerr.com

George Tan, Global Trade Security Consulting, Singapore  
georgetansc@sg-gtsc.com

Richard Tauwhare, Dechert  
richard.tauwhare@dechert.com

Stacey Winters, Deloitte, London  
swinters@deloitte.com

General enquiries, advertising enquiries, press releases, subscriptions: [info@worlddec.com](mailto:info@worlddec.com)

Contact the editor, Tom Blass: [tnb@worlddec.com](mailto:tnb@worlddec.com) tel +44 (0)7930405003

Contact the publisher, Mark Cusick: [mark.cusick@worlddec.com](mailto:mark.cusick@worlddec.com) tel: +44 (0)7702289830

WorldECR is published by D.C. Houghton Ltd.

Information in WorldECR is not to be considered legal advice. Opinions expressed within WorldECR are not to be considered official expressions of the publisher. The publisher assumes no responsibility for errors and omissions appearing within. The publisher reserves the right to accept or reject all editorial and advertising matter. The publisher does not assume any liability for unsolicited manuscripts, photographs, or artwork.

**\*Single or multi-site: Do you have the correct subscription?** A single-site subscription provides WorldECR to employees of the subscribing organisation within one geographic location or office. A multi-site subscription provides WorldECR to employees of the subscribing organisation within more than one geographic location or office. Please note: both subscription options provide multiple copies of WorldECR for employees of the subscriber organisation (in one or more office as appropriate) but do not permit copying or distribution of the publication to non-employees of the subscribing organisation without the permission of the publisher. For full subscription terms and conditions, visit <http://www.worlddec.com/terms-conditions>

For further information or to change your subscription type, please contact Mark Cusick - [mark.cusick@worlddec.com](mailto:mark.cusick@worlddec.com)

© D.C. Houghton Ltd 2018. All rights reserved. Reproduction in whole or in part of any text, photograph, or illustration without express written permission of the publisher is strictly prohibited.

ISSN 2046-4797. Refer to this issue as: WorldECR [0071]

Correspondence address: D.C. Houghton Ltd, Suite 17271, 20-22 Wenlock Road,  
London N1 7GU, England

D.C. Houghton Ltd is registered in England and Wales (registered number 7490482)  
with its registered office at 20-22 Wenlock Road, London, UK

**ISSUE 71. JULY 2018**  
**[www.WorldECR.com](http://www.WorldECR.com)**