

"Good conference, many of the presenters gave examples of issues & problems seen rather than quoting laws & rules."

Defence Exports Conference delegate 2010

SMi's 6th Annual Conference...

DEFENCE EXPORTS 2011

Maximise your Future Export Capabilities

3rd and 4th October 2011, Austria Trend Savoyen, Vienna, Austria

DON'T MISS PRESENTATIONS FROM:

- **Kevin Wolf**, Assistant Secretary for Export Administration, **U.S. Department of Commerce**
- **Tony Aldwell**, Deputy Director of the Defence Technology Security Administration (DTSA), **U.S. Department of Defense**
- **Robert S. Kovac**, Managing Director, Directorate of Defence Trade Controls, **U.S. Department of State**
- **Meir Shalit**, Director of Defence Export Control, **Ministry of Defence, Israel**
- **Ambassador Sune Danielsson**, Head of Secretariat, **Wassenaar Arrangement**
- **Jill Morris**, Head of Counter Proliferation Department, **Foreign and Commonwealth Office**
- **David Hall**, Deputy Head of Counter Proliferation, **Foreign and Commonwealth Office**
- **Matti Tarvainen**, Head of Nuclear Trade and Technology Analysis Unit (TTA), **International Atomic Energy Agency (IAEA)**
- **Iciar Rodriguez Miranda**, DG Enterprise, **European Commission**
- **Tom Smith**, Head of Export Control Organisation, **Department for Business Innovation & Skills, UK**
- **Walter Werner**, Head of Unit, V, B, 3 - Defence Export Policy, Control of Acquisitions, **BMWi - Federal Ministry of Economics and Technology (Germany)**
- **Jan-Erik Lovgren**, Deputy Director General, **Swedish Inspectorate of Strategic Products (ISP)**
- **Anne Diaz de Tuesta**, Head of Dual-Use Export Controls, **Department of Economy, Industry and Employment, France***
- **Josephine Frantzen**, Chairman (Designated), **Nuclear Suppliers Group (NSG)**
- **Gary Stanley**, President, **Global Legal Services**
- **Susan Griffiths**, Export Control Manager, **MBDA**
- **Joyce Remington**, Director of Exports and Imports, **BAE Systems**
- **Matt Henson**, Manager, Trade Automation and Systems Integration, **ITT Corporation**
- **Nancy Fischer**, Partner, **Pillsbury Winthrop Shaw Pittman**
- **Peter Lichtenbaum**, Partner, **Covington & Burling**
- **Sunwinder Mann**, Partner, **Baker & McKenzie**
- **Gordon Low**, Partner, **Baker & McKenzie**
- **Harald Hohmann**, Partner, **Hohmann & Partner**

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REASONS TO ATTEND:

- Meet senior representatives from U.S. Departments of Commerce, Defence and State
- Discuss the latest regulations and export controls from around the world
- Analyse the modernization of the ITAR and US and EU Export Controls
- Assess the Nuclear Non-Proliferation Treaty (NPT), Arms Trade Treaty (ATT) and UK Bribery Act
- Network with senior policy makers

PLUS A POST-CONFERENCE INTERACTIVE WORKSHOP

US Export Control Reform Initiative: Where Are We Now?

Wednesday 5th October 2011

8.30am – 12.30pm

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8.30 Registration & Coffee

9.00 **Chairman's Opening Remarks**
David Hayes, Director, David Hayes Export Controls and Chairman, **Export Group for Aerospace and Defence, UK**

U.S. EXPORT CONTROL REFORM

OPENING ADDRESS

9.10 **AN UPDATE FROM THE US DEPARTMENT OF COMMERCE**

- Status report on US export control reform efforts described at the 2010 Defence Exports conference
- Description of US export control reform efforts planned for 2012
- Impact of the benefits to trade with Europe with respect to reforms in dual use regulations
- Summary of re-export controls imposed by US dual use regulations

Kevin Wolf, Assistant Secretary for Export Administration, **U.S. Department of Commerce**

KEYNOTE ADDRESS

9.40 **AN UPDATE FROM THE US DEPARTMENT OF DEFENCE**

- Department of Defense's role in export license / technology transfer
- Export control reform

Tony Aldwell, Deputy Director of the Defence Technology Security Administration (DTSA), **U.S. Department of Defense**

KEYNOTE ADDRESS

10.10 **U.S. DEFENSE TRADE CONTROLS UPDATE**

- Directorate operations over the past year
- Export Control reform actions to date
- Export Control reform actions anticipated in the coming year

Robert. S. Kovac, Managing Director, Directorate of Defence Trade Controls, **U.S. Department of State**

10.40 Morning Coffee

11.00 **FROM SCREENING DUAL NATIONALS TO JUST ABOUT EVERYONE: THE BRAVE NEW WORLD OF ITAR 124.18**

- Learn how companies are coping under these new employee screening requirements
- Find out what is an acceptable "government security clearance" for purposes of ITAR 124.18
- Hear the latest on what constitutes an appropriate level of screening for "substantive contacts"
- Discover workarounds for temporary workers/contract employees who would otherwise not qualify under ITAR 124.18
- Compare how other companies are resolving conflicts with privacy and other home country laws

Gary Stanley, President, **Global Legal Services**

INTERACTIVE PANEL DISCUSSION

11.30 **AN OVERVIEW OF THE US EXPORT CONTROLS AND THE FUTURE AHEAD**

- Hear the latest on the Obama Administration's efforts to reform US export controls.
- Learn from senior representatives of major US defence companies on what they view as the pros and cons of these changes.
- Find out what steps the US government is taking to streamline defence trade cooperation with European allies and NATO.

Moderated by: Gary Stanley, President, **Global Legal Services**
Speakers:

Kevin Wolf, Assistant Secretary for Export Administration, **U.S. Department of Commerce**
Tony Aldwell, Deputy Director of the Defence Technology Security Administration (DTSA), **U.S. Department of Defense**
Robert. S. Kovac, Managing Director, Directorate of Defence Trade Controls, **U.S. Department of State**
Joyce Remington, Director of Exports and Imports, **BAE Systems**
Peter Lichtenbaum, Partner, **Covington & Burling**

12.30 Networking Lunch

THE FUTURE OF EXPORTS: N.P.T AND THE GROWTH IN CIVIL NUCLEAR

13.30 **NUCLEAR NON-PROLIFERATION TREATY (NPT)**

- Overview of the treaty
- How will the treaty affect exports
- How will industry leaders react to the changes?

David Hall, Deputy Head of Counter Proliferation Department, **Foreign and Commonwealth Office**

14.00 **SAFEGUARDS IMPLICATIONS OF THE GROWTH IN CIVIL NUCLEAR**

- Increase in the use of nuclear power
- Covert trade and proliferation challenges to international safeguards
- What States can do, what companies can do?
- Are developing countries particularly vulnerable?
- How this links to the NPT?

Matti Tarvainen, Head of Nuclear Trade and Technology Analysis Unit (TTA), **International Atomic Energy Agency (IAEA)**

14.30 **THE NUCLEAR SUPPLIERS GROUP (NSG)**

- The NSG origins, roles and activities
- Key changes to regulations since the NPT Review in 2010
- How the organisation links to the NPT.

Josephine Frantzen, Chairman (Designated), **Nuclear Suppliers Group (NSG)**

15.00 Afternoon Tea

INTERACTIVE PANEL DISCUSSION

15.20 **AN OVERVIEW OF THE NPT AND THE IMPORTANCE OF CIVIL NUCLEAR**

Moderated by: David Hayes, Director, David Hayes Export Controls and Chairman, **Export Group for Aerospace and Defence, UK**

Speakers:

David Hall, Deputy Head of Counter Proliferation Department, **Foreign and Commonwealth Office**

Jill Morris, Head of Counter Proliferation Department, **Foreign and Commonwealth Office**

Matti Tarvainen, Head of Nuclear Trade and Technology Analysis Unit (TTA), **International Atomic Energy Agency (IAEA)**

Josephine Frantzen, Chairman (Designated), **Nuclear Suppliers Group (NSG)**

16.20 **M & A DUE DILIGENCE AND NATIONAL SECURITY APPROVALS IN DEFENCE DEALS**

- The importance of export controls and trade sanctions due diligence in defence deals
- Pre-acquisition due diligence
- How to effectively deal with such issues in the SPA
- Post-signing activities
- Post-completion activities

Sunwinder Mann, Partner, **Baker & McKenzie**
Gordon Low, Partner, **Baker & McKenzie**

16.50 **CFSP COMMON POSITION 2008/944 ON EXPORT OF DEFENCE ITEMS: IMPLEMENTATION QUESTIONS OF PRINCIPLES 1 + 2 (IN LIGHT OF RECENT GERMAN PRACTICE)**

- The Thailand/Vietnam case, and requirements of transparency and reliance on precedents
- Criterion 1 (arms embargo): Relationship to Principle 2, and Impacts on Libya and China
- Criterion 2 (Internal Repression etc.): 5 Criteria for Internal Repression; double evidence required; and which Countries are Clearly Repression Countries? Impacts on 8 Arabic/Asian Countries, as compared with the 20 most important destinations of German export licenses
- Minimum Standards or Uniform EU Consensus? Impact of EU-Agreement, uniform application of EU Law and EU basic rights
- Results of the Thailand/Vietnam case and additional legal strategies (contract, de-listing?).

Harald Hohmann, Partner, **Hohmann & Part**

17.20 CHAIRMAN'S CLOSING REMARKS AND CLOSE OF DAY ONE

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8.30 Re-registration & Coffee

9.00 **Chairman's Opening Remarks**

David Hayes, Director, David Hayes Export Controls and Chairman, **Export Group for Aerospace and Defence, UK**

LICENSES AND CONTROLS

OPENING ADDRESS

09.10 **ISRAEL AND ITS ADHERENCE TO DEFENCE EXPORT CONTROLS**

- Background to Israel's Defence Export Controls
- Current Legislation
- Scope of Control
- Control List
- Dual-use
- Defence Export and defence export controls
- Adherence to international control regimes

Meir Shalit, Director of Defence Export Control, **Ministry of Defence, Israel**

SPECIAL ADDRESS

09.40 **ARMS TRADE TREATY (ATT)**

- Overview of the treaty
- How the treaty will affect the Defence industry
- The current difficulties in monitoring weapon transfers

Jill Morris, Head of Counter Proliferation Department, **Foreign and Commonwealth Office**

10.10 **THE UK BRIBERY ACT**

- Overview of the Act
- Section 7 overview
- UK Bribery Act compared to the FCPA
- The new procedures that need putting in place

Lord William Bach, **House of Lords (Former Minister for Defence Procurement)**

10.40 Morning Coffee

11.10 **THE WASSENAAR ARRANGEMENT – CONVENTIONAL ARMS AND DUAL-USE GOODS AND TECHNOLOGIES**

- Overview of the Wassenaar Arrangement – its origins and present operating procedures
- Structure of the control lists
- Changes in the lists
- Best practices documents

Ambassador Sune Danielsson, Head of Secretariat, **Wassenaar Arrangement**

11.40 **DIRECTIVE 2009/43/EC - INTRA - EU TRANSFERS OF DEFENCE RELATED PRODUCTS**

- Transposition of the Directive: State of play
- Scope of general, global and individual licenses
- Certification of defence-related undertakings: how will it be organised?

Iciar Rodriguez Miranda, DG Enterprise, **European Commission**

12.10 **RECENT EAR AND ITAR ENFORCEMENT TRENDS: COMPLIANCE ENHANCEMENTS TO AVOID BEING THE NEXT CASE STUDY**

- Lessons learned from prior cases and hot topics
- Types of Industries and products/services under scrutiny
- Extent to which individuals versus companies are subject to investigation and penalties - recent trends
- Problems associated with waiting until a deal/due diligence forces you to review your compliance practices
- Compliance steps you can take now to avoid the pain later
- Internal review best practices to gauge your company's compliance

Nancy Fischer, Partner, **Pillsbury Winthrop Shaw Pittman**

12.40 Networking Lunch

EUROPEAN EXPORT CONTROLS

13.40 **UK NATIONAL UPDATE**

- Developments during the year in UK export licensing and export control enforcement
- Future plans for UK export licensing, especially the introduction of charging for licenses
- The relationship between UK export licensing and other regimes, especially the EU regime for intracommunity transfer of defence products

Tom Smith, Head of Export Control Organisation, **Department for Business Innovation & Skills, UK**

14.10 **FRENCH NATIONAL UPDATE**

- General licenses outline
- Current French procedures for licenses
- French dual-use export controls

Anne Diaz de Tuesta, Head of Dual-use Export Controls, **Department of Economy, Industry and Employment, France***

14.40 **GERMAN NATIONAL UPDATE**

- German implementing legislation of the EU transfer directive
- General licenses outline
- Certification procedure: first experience

Walter Werner, Head of Unit, V B 3 - Defence Export Policy, Control of Acquisitions, **BMWi – Federal Ministry of Economics and Technology (Germany)**

15.10 Afternoon Tea

15.30 **SWEDISH NATIONAL UPDATE**

- Organisational developments and Electronic Licensing
- Implementation of Intracommunity Transfer

Jan-Erik Lovgren, Deputy Director General, **Swedish Inspectorate of Strategic Products (ISP)**

INTERACTIVE PANEL DISCUSSION

16.00 **EUROPEAN EXPORT CONTROLS AND THE FUTURE AHEAD**

Moderated by: David Hayes, Director, David Hayes Export Controls and Chairman, **Export Group for Aerospace and Defence, UK**

Speakers:

Tom Smith, Head of Export Control Organisation, **Department for Business Innovation & Skills, UK**

Anne Diaz de Tuesta, Head of Dual-Use Export Controls, **Department of Economy, Industry and Employment, France***

Walter Werner, Head of Unit, V, B, 3 - Defence Export Policy, Control of Acquisitions, **BMWi – Federal Ministry of Economics and Technology (Germany)**

Jan-Erik Lovgren, Deputy Director General, **Swedish Inspectorate of Strategic Products (ISP)**

Susan Griffiths, Export Control Manager, **MBDA**

IT ENCRYPTION CONTROLS AND VIRTUAL COMPLIANCE

17.00 **VIRTUAL COMPLIANCE**

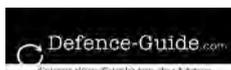
- Global trends and their impact on trade compliance
- The three pillars of an effective Virtual Compliance program
- A practical approach to achieving standardized, automated and integrated Virtual Compliance

Matt Henson, Manager, Trade Automation and Systems Integration, **ITT Corporation**

17.30 **CHAIRMAN'S CLOSING REMARKS AND CLOSE OF CONFERENCE**

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US Export Control Reform Initiative: Where Are We Now?

Wednesday 5th October 2011

8.30am – 12.30pm

In association with:

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The US Export Control Reform Initiative (ECRI) has been broadly welcomed by many Governments and by global industry. It offers more wide ranging change to the US and to its trading partners than would anything that could be achieved by numerous, bilateral treaties. ECRI will undoubtedly benefit the US but may also involve some potential risks for trading partners which will need to be considered and managed in response to the evolving reform efforts. Understanding and pro-actively managing these potential risks is essential to future corporate performance. Failing to do so may result in serious competitiveness issues for non-US businesses.

Agenda:

- 08.30 Registration & Coffee
- 09.00 Moving toward a "positive list": what changes?
- 10.00 Morning Coffee
- 10.20 Some possible impacts on non-US companies compliance programmes
- 11.20 How US changes may render the EU export control system comparatively less competitive
- 12.20 Q & A Session
- 12.30 Close of Workshop



About your workshop leaders:

David Hayes, Director, David Hayes Export Controls and Chairman, Export Group for Aerospace and Defence, UK

David Hayes has many years experience in export controls, both from an industry and regulator's perspective. In addition to his own consultancy, David is the Director of UK Affairs for the Washington DC based trade consultancy MK Technology LLC. After leaving the UK Export Control Organisation in the late 90's David worked in industry as Head of Compliance for Fortune 500 and FTSE 100 companies, with significant involvement in US export compliance. In 2007, recognising an increasing demand from industry, especially in relation to non-US companies having to deal with US controls, he established his own consultancy. David provides services to a rapidly expanding international client base in a wide variety of industrial sectors, covering both dual-use and military products. David is the founding Chairman of the Export Group for Aerospace and Defence (EGAD), the UK's leading trade body on export controls, and a widely recognised expert in his field. He is a regular speaker at national and international export control events. David was also the UK export control subject matter expert for US Consultants Booz Allen Hamilton Inc on the Transatlantic Secure Collaboration Program (TSCP) Phase II. In addition, he is a guest lecturer on MSc programmes run by Nottingham and Southampton Universities and has been instrumental in developing export control training, which is offered jointly by Cranfield University and EGAD. David is involved in many export control fora, both nationally and internationally, and has regularly given evidence to UK Parliamentary Select Committees on export control issues as well as writing regularly for professional publications. He is also a qualified Six-Sigma Green Belt. David is a qualified helicopter pilot and also spent ten years as an Intelligence Officer with 7006(VR) Intelligence Squadron of the Royal Auxiliary Air Force, specializing in Air Defence and Electronic Warfare.



Sunwinder (Sunny) Mann, Partner, Baker & McKenzie

Sunny is a Partner in the EU, Competition and Trade department of Baker & McKenzie's London office. He has also worked in our firm's Washington DC, New York and Sydney offices. He advises clients on compliance with respect to international trade, anti-bribery and competition rules. He also spent 9 months working on secondment with a major UK mobile network operator and a further 3 months on secondment with a major manufacturer of high-tech consumer goods. The recent Legal 500 (2009) described Sunny as "excellent", with a 'calm' and 'very practical' approach". He is a Visiting Professor at the College of Europe, the leading institute for post-graduate European studies.

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Hohmann & Partner is a recommended law firm in export control and customs & trade law – one of the few to specialize in this field" (Juve German Law Firms 2011) in Bidingen near Frankfurt/Main, with co-operation partners in EC, USA, China, Japan and India. Legal services cover: EC & US Export Law, EC & US Customs Law, Criminal Export & Customs Law, International Contracts and Distribution Law, Chemicals and Foodstuff Law, Other Business Law (incl. Antitrust, Data Protection and Constitutional Law). Hohmann is a "leading name in export controls". www.hohmann-partner.com

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