



The International Conference for all Exporters, Financiers & Investors dealing with Difficult Countries!

# Sanctions & Embargoes

## US/EU-Export- & Re-Export Controls

- Recent Developments - Russia & Iran Sanctions
- Effect of Sanctions on Banks & Trade Financing
- Due Diligence Required on Transaction Parties
- Extraterritorial Application of US Sanctions & Export Controls
- Red Flags – Issues to Be Aware Of
- Compliance Requirements and Challenges
- Recent Enforcement Cases and Lessons Learned
- Interplay of US & EU Controls
- Restrictions on Dealings with US-Origin Items
- Case Studies & Panel Discussion

**4 + 5 November, 2014**

**Tuesday 10.00 – 18.00    Wednesday 9.00 – 17.00**

**Fleming's Deluxe Hotel Wien-City**

Josefstädter Straße 10-12, 1080 Vienna

in cooperation with:

**BAKER & MCKENZIE**

**DIWOK HERMANN PETSCHKE**

## Target Group

- all processors, distributors, resellers of US-origin goods, technology, software + goods of EU origin!

- ◆ Compliance Officers
- ◆ Exporters machinery, software, technology
- ◆ Importers and Exporters
- ◆ Trade Finance Experts
- ◆ Forwarding + customs agents
- ◆ Lawyers

## Background & Objective

Within the framework of the Common Foreign and Security Policy (CFSP), the European Union applies sanctions or restrictive measures in pursuit of the specific CFSP objectives set out in the Treaty on European Union (see particularly Article 11). Sanctions or restrictive measures have been frequently imposed by the EU in recent years, in order to bring about a change in activities or policies such as violations of international law or human rights, or policies that do not respect democratic principles.

As the extensive utilisation of sanctions as a foreign policy tool is a comparatively recent development in the European Union, there are still limited examples of enforcement actions taken against those who breach sanctions, whether deliberately or accidentally. This is in contrast to the United States, where there is a history of enforcement actions going back many years, with significant fines being imposed on banks, companies and individuals who violated any of such regulations.

US Sanctions-, Export or Re-export Control Regulations apply whenever firms

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

**For an EU company, bank, it is therefore essential that you comply with your local, EU, UN and US regulations. Violation may severely affect your business! This conference will enable you to stay within the law!**

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

**Learn, when and how EU and U.S. sanctions, export and re-export controls regulations are applied, how they interrelate with each other, how to apply this knowledge in your daily business to avoid unintentional diversion of EU and/or U.S. products and technology to sensitive activities and/or destinations.**

## Speakers

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

**Jasper Helder**, Lawyer; Partner Baker & McKenzie, Amsterdam; is a leading EU customs and international trade attorney who counsels multinational companies on EU customs and export controls/sanctions.

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

**Sylwia Lis** Lawyer; Partner Baker & McKenzie; Washington, DC; is a member of the Firm's International Trade, Compliance and Customs Steering Committee. Ms. She has extensive experience advising companies on US laws relating to exports and reexports of commercial goods and technology, defense trade controls and trade sanctions.

**Marc Lager**, Lawyer; Baker & McKenzie, Vienna; counsels multinational companies on EU export controls/sanctions, commercial law and competition law.

**Norbert Deimel**, Head of Banking, VA Intertrading, responsible i.a. for cash management, letters of credit and documentary collections for import and export, country risk management including confirmation and forfaiting of letters of credit, credit insurance and ECAs, structured trade finance (pre-export financing, project finance based on offtake agreements).

**Harald Hohmann**, Lawyer, Partner of Hohmann Attorneys at Law, is an expert in EU/US export control law, EU/US customs law, criminal business law (esp. violations against export or customs), international contract and distribution law, EC/WTO Law.

# Programm

## Introduction

- Increased globalization of export controls
- Relevance and importance of export controls and trade embargoes for European companies
- Relationship between EU and US export controls

## US Export Controls

- Status of US export controls reform
- Relevant US agencies involved in export compliance, their roles and inter-relationships
- US Export Administration Regulations and the US International Traffic in Arms Regulations
- Basic principles and screening checklist
- Licensing requirements and process
- Penalties
- Support documentation
- Anti-terrorism and WMD controls: Importance of screening and associated risks for EU companies
- Catch-all controls: comparison of Wassenaar, EU, UN and US end-use controls
- Recent Enforcement Cases against EU Companies:
- Illegal re-exports, causing illegal exports from the US, UK record-keeping cases

## US Trade Embargos

- Current key programs: Russia, Iran, Sudan, Syria, North Korea, Cuba, Ivory Coast, Angola, Rwanda
- Relevance to EU companies - US involvement in EU transactions
- Guidance for US citizens/permanent residents working for EU companies
- ILSA (Iran Sanctions Act)

## EU Export Controls

- Export Control for Listed Goods
- Export Controls for Non-Listed Goods (catch all)
- Technology Transfer
- Person Controls
- Penalties and Voluntary Self-Disclosure

## EU Embargos

- Iran Embargo (based on current cases)
  - Examination of Goods (and current reform of the EU Iran embargo: a weakening?)
  - Problems with export of machines and factories
  - Examination of Persons (including examination of service-providers)
  - Questions on financial transactions
- Russia Embargo (based on current cases)
- Other EU Embargoes & Current Issues (based on current cases)
  - Overview over EU Embargoes
  - Making indirectly available funds to listed persons
  - Anti-Boycott
  - Implementation of EU/German Export Controls

## Sanctions Compliance in Financial Institutions

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

## Case-Studies – Panel Discussion with all Experts!

- Setting up an export compliance program and procedures in companies and banks
- Product classification workshop
- "Don't let this happen to you" type workshop
- Encryption: special rules and requirements
- Practical tips & tricks
- Discussion of current cases & export strategies

## Registration Form

Mail or Fax to: ICC Austria, **Mrs. Cennet Kacan**  
@ E-Mail: [c.kacan@icc-austria.org](mailto:c.kacan@icc-austria.org)

Tel.: +43-1-504 83 00-3718  
Fax: +43-1-504 83 00-3703

### Registration

I want to register for:

and agree that my name/ address is registered electronically by ICC Austria who will inform me about further programs by e-mail.

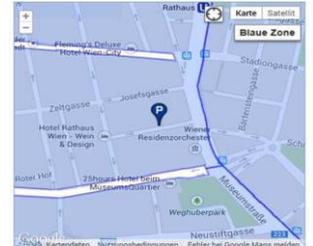
## EU & US Sanctions & Embargoes

**4 + 5 November 2014**

Fleming's Deluxe Hotel Wien-City  
Josefstädterstrasse 10-12  
1080 Wien

U2 Station RATHAUS  
Exit Josefstädterstrasse

Astoria Hochgarage  
1080 Wien, Trautsohnngasse 4  
Special rate (via Hotel) € 20,-/day



### Participation fee:

incl. Seminar documentation,  
Coffee break, Lunch

**EUR 890,--**

(plus 20% VAT)

Reduction for ICC Austria Members:

### Closing date:

4 working days before Seminar

**EUR 712,--**

(plus 20% VAT)

**Please be advised that your registration is already valid with the written confirmation!  
The fee must be paid verifiably before the closing date!**

### Participant Information

Family Name: ..... First Name: .....  Mr.  Mrs.

Organisation / Company: .....

Address: .....

Postal Code, City: .....Country:.....

E-Mail: ..... Telephone: ..... Fax: .....

Job Title / Position : .....

### Invoice data

Organisation / Company: .....

VAT Number (obligatory for invoicing for European participants): .....

Address: .....

Postal Code: ..... City: .....

Country: .....

### Cancellation Policy:

A full refund will only be given for cancellations received up to 14 working days before the event. Cancellations must be made in writing. Should you be unable to attend you can nominate a colleague as replacement

.....  
Date

.....  
Signature