

juve

H A N D B U C H

2021|2022

Hohmann

JUVE
LAW FIRM DOSSIER

Verstrickt im Export- und Zollrecht? Wir helfen Ihnen durch den Paragraphendschungel!

Und unterstützen Sie in den Bereichen:

- EU- und US-Exportrecht (EAR, OFAC, ITAR), inkl. Genehmigungen EU und USA, Organisationsanweisungen und Audits
- EU- und US-Embargos, v.a. Iran und Russland, und EU Antiboykott-Anträge
- EU- und US-Zollrecht
- Export- und Zollverstöße sowie Sanktionslisten
- rechtliche Begleitung Exportfinanzierung (Beratung Zahlungsweg, Anti-Geldwäsche, Organisationsanweisung Banken)
- internationales Vertragsrecht
- internationales Vertriebs- und Transportrecht
- Beilegung von Streitigkeiten/Dispute Settlement sowie Genehmigung-Diplomatie
- Stoffrecht (v.a. Chemikalienrecht) sowie sonstiges Wirtschaftsrecht

Wir haben langjährige Erfahrung in diesen Rechtsgebieten und sehr gute Behördenkontakte



„Verstrickt“ von Volker Kühn,
(mit freundlicher Genehmigung der
Hermann Krause Kunsthandel GmbH in Köln)

Referenzen zu unserer Kanzlei:

- Handelsblatt: „Deutschlands Beste Anwälte, 2020 und 2021“
- Legal 500: „Leading Law Firm 2021“ (Rang 2, Außenwirtschaftsrecht)
- Who's Who Legal: „Harald is very well-known in the German and EU markets for his profound practitioner's expertise in EU and US export control law, interantional sanctions and customs law“

„Die häufig für Außenhandelsrecht empfohlene Kanzlei konnte ihr Geschäft v.a. durch die Beratung zu embargorechtlichen Themen mit Iran und anderen Embargo-Ländern ausbauen. Stärken: EU- und US-Embargorecht. Viel Erfahrung auch mit operativen Fragen des Außenhandels. Bei Verhandlungen mit Behörden kann Hohmann auf langjährige Kontakte aufbauen.“
Anwalt Hohmann ist ein „führender Name für Außenhandelsrecht“

(Juve Handbuch Wirtschaftskanzleien).

Ihr Ansprechpartner:

RA Dr. Harald Hohmann (Rechtsanwalt)

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internationales Wirtschaftsrecht

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Customs and Trade

Customs and trade a top priority

While it initially looked as though global trade would come to a standstill as a result of COVID-19, German industry recovered astonishingly quickly. Although the engine of world trade sputtered in some cases, the major coronavirus slump feared did not materialise, although there were delivery delays in several sectors. This is not the only reason why companies are putting their supply chains to the test: human rights and sustainability are also factors. After much debate, the Bundestag passed the controversial Act on Corporate Due Diligence in Supply Chains shortly before the end of the legislative period. This puts companies with 3,000 employees or more under obligation to ensure compliance with human rights and labour protection standards in their supply chain from 2023 onwards. At the same time, the EU Commission is working on a corresponding European directive. In September 2021, the new Dual-Use Regulation will also come into force, now including digital surveillance technology. As a result, technology transfer as a whole will be under even closer scrutiny in the future, which will be felt by more and more research institutions and universities above all.

Transaction-related investment controls will also be tightened again. While the health sector was already added to the list of critical infrastructure last year, this is now being expanded to include future technologies such as artificial intelligence, autonomous driving, robotics and cyber security. The Chinese Export Control Law, which came into force at the end of 2020, is also causing uncertainty. Like the USA, China claims that its sanctions apply beyond its own borders. At the same time, however, the EU Blocking Regulation prohibits European companies from complying with sanctions imposed by other states. The question of the interpretation of the regulation will now be decided by the ECJ in the dispute between Deutsche Telekom and Bank Melli Iran. After the USA withdrew from the nuclear agreement with Iran in 2018, Deutsche Telekom terminated its contracts with the Iranian bank. The financial institution is accusing the telecoms company of – unlawfully – complying with US sanctions. After five years of uncertainty, the Trade and Cooperation Agreement (TCA) concluded shortly before the end of the year at least brings clarity to Brexit. But the administrative burden is causing many an export department's head to spin.

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Customs and Trade

Continuation:

Large law firms' interest piqued

Transaction-related investment controls provided a further boost to customs and trade advice, especially in large firms. **Hogan Lovells**, **CMS Hasche Sigle** and **DLA Piper** saw a significant rise in notifications under the Foreign Trade Regulation. Among the boutiques, only **Blomstein** positions itself convincingly in this field by working with corporate firms. Large firms are pushing the expan-

sion of their practices due to the boom in investment controls. But it is above all the experienced teams such as **GvW Graf von Westphalen**, **Baker McKenzie** and **Noerr** that, with their all-round advice, are not budging from the top of the market. The fact that the former niche field can even mean a path to partnership for young lawyers is shown by appointments at **Dentons**, **Gleiss Lutz**, **AWB Rechtsanwälte** and **GvW Graf von Westphalen**.

Customs and Trade

★★★★★

Baker McKenzie
Blomstein
GvW Graf von Westphalen
Noerr

★★★★★

CMS Hasche Sigle
Hogan Lovells
Oppenhoff & Partner

★★★★

Hohmann
AWB Rechtsanwälte
Dentons
DLA Piper
Haellmigk

★★

Gleiss Lutz
Harnischmacher Lör Wensing
Luther

★

Helmut Bleier
Schrómbges + Partner

JUVE
VERDICT

Strengths:

EU and US embargo law.
Much experience in
operational matters of
customs and trade.

Recommended:

Dr. Harald Hohmann

Leading advisors for customs and trade

Hohmann

Dr. Harald Hohmann

BAKER & MCKENZIE

Anahita Thoms

BLOMSTEIN

DR. ROLAND STEIN

GVW GRAF VON WESTPHALEN

Dr. Lothar Harings
Marian Niestedt

NOERR

Dr. Bärbel Sachs

OPPENHOFF & PARTNER

Stephan Müller

Hohmann

Customs and Trade

Comment: This boutique provides all-round advice on EU and US export controls and sanctions law, as well as customs law. The list of long-standing clients includes notable corporations like Jungbunzlauer and Kamag alongside large Mittelstand companies from the plant construction, mechanical engineering, electronics and chemicals industry. These frequently call on the small team led by the name partner with questions about exporting defence products and surveillance technology, and increasingly technology transfer. The team advised an engineering company, for instance, on exporting its products to China via the USA, including the duty to obtain a permit for listed application technology. The firm is also representing more and more clients at the customs and financial authorities for breaches of customs and trade law. Hohmann has another specialism in chemical substance law, which benefits clients when it comes to cross-border trade in agricultural chemicals and medical products. The firm was recently called in by another firm concerning the marketability of COVID-19 kit imports from China.

Strengths: EU and US embargo law. Much experience in operational matters of customs and trade.

Recommended: Dr. Harald Hohmann

Team: 1 partner, 3 associates

Practice: All-round advice on customs and trade, especially sanctions and embargo issues, export approvals, infringements of customs and trade law and voluntary declarations; increasingly customs law. Clients are mainly Mittelstand German companies from the mechanical engineering and plant construction, electronics and chemicals sectors, including on the interface with chemical substance law.

Clients:

Export controls/sanctions:

- **Schuler Pressen** regarding sanctions lists;
- **Plant construction company** on compliance obligation of Russian subsidiary in connection with Crimea embargo;
- **Plant construction company** on criminal law in connection with breach of Foreign Trade Act;
- **Engineering company** on technology transfer via USA to China;
- **Engineering company** concerning export of carbon fibres to Saudi Arabia;
- Ongoing advice on export controls and customs law:

Clariant, Cobus Industries, Fresenius, Hydro Systems, Jungbunzlauer, Kamag Transporttechnik, Merck, Mann & Hummel, Schenck RoTec and Carl Schenck, Toyota, Würth Elektronik.

Regions

Rankings and Analysis

Hessen

Region Frankfurt and Hessen

Firm	Location	Strengths	Recommended
Hohmann	Büdingen	▷Customs and trade, especially embargo and sanctions law	Dr. Harald Hohmann
Berghäuser Albach Landzettel Wieland Berg Schiweck	Darmstadt	Large presence in public law, especially administrative law, employment and corporate; 5 notaries	Dr. Klaus Berghäuser (public law), Dr. Wulf Albach (“very reliable, knows our company well”, client; employment)
Helmut Bleier	Kronberg	Renowned in customs law (▷customs and trade)	Helmut Bleier
Buschlinger Claus & Partner	Wiesbaden	Respected for corporate, real estate, employment and insolvency; 3 notaries	Dr. Michael Magel (“he has been a good advisor for a long time”, client; real estate), Friedel Maul (employment)
de Faria & Partner	Wiesbaden	Established employment practice; corporate/M&A; notary office	Andreas Riedel (“always achieves very good results”, “a very good notary”, clients), Silvia Schrade (both employment)
Dierlamm	Wiesbaden	Firm recommended nationwide specialising on all facets of ▷white collar crime and tax criminal law (especially defence of individuals)	Dr. Alfred Dierlamm, (“great network, a valuable peer”, competitor), Ute Bottmann
Fuhrmann Wallenfels	Wiesbaden	Much work in public and private construction; copyright and media law; banking and insurance; employment; 3 notaries	Dr. Tobias Stauder, (“experienced advisor, outstanding litigation”, client; civil law), Dr. Eike Bornemann (construction), Prof. Dr. Christian Russ (media and copyright law)
Iffland Wischnewski	Darmstadt	Nationwide advice to social institutions on the law on nursing homes and care, ▷healthcare sector	Sascha Iffland, Jörn Bachem
v. Keussler	Darmstadt	Known for advice to the chemicals and biotech sector and industrial parks, international contract drafting; M&A	Johann von Keussler (M&A), Nils Schmiedeknecht (corporate)
Kipper + Durth	Darmstadt	Boutique for ▷white collar crime and tax criminal law with a good network throughout Germany	Dr. Oliver Kipper (“diligent and knowledgeable”; “proactive and has a good network across Europe”, competitors), Dr. Hanno Durth (“the advice is excellent and the representation of our interests outstanding”, client), Stefanie Schott (“would be my first choice for a criminal law problem”, competitor)
Kleber Knüpfer Collegen	Darmstadt	Broad expertise in corporate and real estate; notary office	Thomas Knüpfer (“respected advisor for multi-faceted questions”, client)
Kleymann Karpenstein & Partner	Wetzlar	Commercial and corporate; all-round advice to IT companies, also municipalities	
Knarr & Knopp Milde Netuschil Zimmer	Darmstadt and surroundings	Corporate (6 notaries); employment	
Möller Theobald Jung Zenger	Gießen	MDP approach to commercial law; 2 notaries; insolvency law including insolvency administration	Dr. Wolfgang Theobald (corporate and tax)
Moog	Darmstadt	Broad Mittelstand-oriented advice with a focus on corporate and tax (2 notaries); employment; MDP	Dr. Tim Becker (“outstanding in complex instructions”, competitor; IP/IT), Dirk Langner (corporate)
Muth & Partner	Fulda, etc.	Tax advice and accounting, as well as specialties in construction and employment, corporate and tax law	Ina Hüttig (employment), Dr. Matthias Freund (construction)
Paulus Westerwelle	Wiesbaden	Notary office, real estate and corporate	Petra Schürmann-Bratz (“service-oriented, strong affinity for commercial law and accomplished in foreign languages”, client; notary)
Petri & Puvogel	Gießen	Mittelstand-oriented with employment, commercial and corporate as well as construction	Knuth Petri (“a respected negotiator and all-rounder”, client)
Ruhmann Peters Altmeyer	Wetzlar, etc.	MPD advice; especially corporate and employment; IP	Dr. Ingo Peters (inheritance law), Ilija Borchers (IP)
Unützer Wagner Werding	Wetzlar	Full-service approach; broad activity in corporate rescue and insolvency; tax	Bernd Ache (insolvency)
Zimmermann Smok	Wiesbaden	White collar crime and tax criminal law	Gernot Zimmermann, Dr. Robin Smok (“both partners are passionate defenders”, competitor)

What is JUVE Handbuch?

JUVE German Commercial Law Firms long ago developed into a reference tool for the German legal market. In it you will find detailed information about the commercial law services offered by almost 800 law firms.

Extensive research among law firms, company managers, representatives from authorities and employees from the judiciary and academia create the basis for this book. The strictly independent editorial team can draw on more than 20 years of experience in the legal market.

THE JUVE RESEARCH

