



THE WORLDECR EXPORT CONTROLS & SANCTIONS FORUM

14-15 November 2013, The Brewery, London EC1

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Welcome



Tom Blass,
Editor,
WorldECR

I'm delighted to be able to offer you our invitation to attend the first ever WorldECR Export Controls and Sanctions Forum along with its programme of events.

After two years of publishing WorldECR – a publication which we believe successfully meets the need for a journal covering global trends and regulation in export controls and sanctions – we felt that the time was right for us to host an event which would serve as a platform for the exchange of ideas about policy, law, security, enforcement, and compliance.

We're delighted to be able to say that our speakers are amongst the leaders in their field, and that over a packed two days of presentations, panels and discussion, you'll have an opportunity both to hear from thought-leaders and, just as importantly, to contribute to ongoing dialogue on recent developments – from the ramifications of 3-D printing for export control laws, through to the latest events on the ever-changing world stage.

Getting to know fellow professionals

During the two days of the Forum, there will be ample opportunities to make new contacts with fellow professionals, including coffee breaks and lunch on both days, plus a drinks reception at the end of day 1, kindly sponsored by Fried Frank, all on site at this excellent venue.

In addition, we will be organising an **optional dinner** on the first evening of the Forum, to follow the drinks reception. This will be a relaxed and informal dinner for speakers and delegates who are staying over in town, held in a local restaurant. It is optional – there is an additional charge – but it should prove a fun end to the day and, again, a great opportunity to build new contacts.

Venue and Hotels

The Brewery is perfectly located in the City of London, easily accessed via public transport, close to a good range of hotels, and steeped in history and character. Please see page 9 for further details about the venue and accommodation choices.

Key dates and offers

Please allow me to draw your attention to the following promotions:

- If you register by 13 September you can save £200.
- Additional delegates from the same organisation can save an additional £100.

Your invitation

As you'll see from this programme of events, we're proposing a packed two days in one of London's most pleasant conference venues and there are further speakers and sessions to be confirmed which we'll let you know about in due course.

I hope you will join us this November.

Tom Blass
Editor, WorldECR

Speakers and their Sessions



Brandt Pasco – Understanding Export Control Reform

So long did it spend in the making, that there was a sense of near-disbelief when the first concrete signs emerged that U.S. export control reform was finally happening. But the first half of 2013 has seen a flurry of activity as the U.S. government undertakes a wholesale restructuring of how it regulates the export of goods and services, and moves many thousands of items, many previously on the U.S. Munitions List, onto the more permissive Commerce Control List.

A higher fence around a smaller yard? That's the intention. A founding member of the National Security Council Task Force on Export Control Reform (and a former adviser on the U.S. delegation to the Wassenaar Arrangement), Kaye Scholer's Brandt Pasco will give conference delegates the low-down on what Export Control Reform really means for businesses on both sides of the Atlantic, what's in store, and how they can take advantage of the opportunities created.



Scott Jones – Sanctions as a tool of U.S. foreign policy and their impact on global partners

Arguably, the most vigorous proponent of sanctions, both as a unilateral tool but also within the United Nations Security Council, is the United States. And while the U.S. government has taken great steps to ensure the extra-territorial reach of its legislation, it has also pushed allies to implement their own, tougher laws, and to beef up enforcement practices.

Dr. Scott A. Jones, Director of Export Control Programs at the Center for International Trade and Security at The University of Georgia, explains both how the U.S. is working to ensure its global partners understand the proliferation threat and some of the challenges it faces in so doing – an essential briefing for businesses seeking to understand the contexts in which policy is made. Before taking his current position, Dr. Jones worked at the Delegation of the Commission for the EU in Washington and Los Alamos National Laboratory. Currently, he is also a consultant to the National Nuclear Security Administration at the U.S. Department of Energy.



John Grayston – How will Europe shape a new control regime?

It isn't just the United States that is revisiting its export control regime: change is afoot in Brussels, where the organs of European Union (The Commission, Council, and Parliament), are thrashing out the future of the EU dual-use export control regime. Will a new regulation amount to a smoother, and less uneven playing field which means that economic operators not being prejudiced by their location within Europe? How will the EU respond to new threats, such as those posed by intangible technologies – or to the kind of 'spyware' that appears to be used against human rights activists by autocratic regimes? And what can be done to reduce the time it takes to update Annex I to the regulation?

John Grayston has practised EU law in Brussels for more than 15 years. In this session, John will address these and related issues, sifting through the key aspects of the multi-faceted Green Paper on the dual-use regime from the perspective of an experienced adviser to businesses exporting dual-use and strategic goods.

More speakers and presentations still to be confirmed.

Speakers and their Sessions



Dr. Lothar Harings and Marian Niestedt – Iran, Syria and the Arab Spring nations: EU sanctions update

The highest-profile and best-reported sanctions of the past year remain those placed upon Iran and Syria and, to a lesser extent, certain of the ‘Arab Spring’ nations. Indeed, such is the concern among businesses all over Europe about falling foul of the continually developing regulations that many companies have simply chosen to give up trading with the sanctioned countries. In this session, Dr. Lothar Harings and Marian Niestedt of Graf von Westphalen will be taking delegates through the state of play of EU sanctions over Iran, Syria and the ‘Arab Spring’ nations, and also focusing on the prohibition on making economic resources available to listed persons – one of the most challenging aspects of the EU restrictive measures regime, and one which many economic operators struggle to accurately interpret.



Dr. Lothar Harings (pictured top) is an attorney and partner at Graf von Westphalen. He specializes in EU law with a particular focus on customs law, anti-dumping, sanctions and export control law, and other regulatory aspects of international trade. He advises multinational companies on sanctions and embargoes and represents CEOs and senior executives in criminal proceedings related to customs or export control matters. He regularly represents clients before the European Commission and the European Court of Justice.

Marian Niestedt, M.E.S., is an attorney and partner at Graf von Westphalen, where he advises companies from all industries involved in foreign trade, EU and German sanctions and export control laws and regulations. He has represented companies and their senior executives before the national authorities and the European Commission as well as before fiscal, civil, criminal and administrative courts all the way up to the Court of Justice of the EU.



Scott Sullivan and Tony Marjoram – the Flowserve experience

Enhancing a compliance programme and completing a government-mandated audit in the wake of a settlement with U.S. regulators can be a massive and complex undertaking, requiring lengthy strategic planning and ‘buy-in’ from across the company and around the world.

For a company with global operations, the challenge is multiplied. Frequently, it becomes necessary to negotiate conflicts between the laws of different jurisdictions and agencies, and also working with different cultures and practices. And if undertaken without sensitivity, the human cost of such an operation can be as considerable as the cost to the bottom line.



In September 2011, fluid motion control company Flowserve Corporation agreed to settle allegations of sanctions and export control breaches with OFAC and BIS. Scott Sullivan (pictured top), Flowserve’s Vice President of Ethics, Compliance & Legal, and UK-based Tony Marjoram, Director, Export Compliance EMA, will outline the steps they took to launch the post-disclosure compliance audit and enhance the company’s compliance programme to address ongoing risks, and describe some of the obstacles that they encountered on the way – and how they cleared them.

More speakers and presentations still to be confirmed.

Speakers and their Sessions



Mario Mancuso – What those big settlements with the U.S. regulators really mean

The past few years have seen a slew of big fines and settlements by U.S. regulators against non-U.S. entities for breaches of U.S. sanctions and export controls (think HSBC's \$300m fine, BAE's \$79m settlement, Standard Chartered's \$667m fine, and ING's \$619 million settlement). Some of these big pay-outs attracted controversy for a number of reasons, with some questioning the extent to which the law had actually been broken. But looking beyond the headlines, what message are the regulators trying to send?

The Hon. Mario Mancuso, a former senior member of the President's national security and economic leadership teams and now a partner at the DC office of law firm Fried, Frank Harris & Shriver, will share his insights into the real significance of these settlements and what they mean for non-U.S. companies and financial institutions going forward. During his tenure as Under Secretary of Commerce for Industry and Security, he played a pivotal role in key areas and initiatives, including the Committee on Foreign Investment in the United States (CFIUS), economic sanctions, export controls, and critical technology and critical infrastructure policy.



David Hardin – Understanding U.S. extra-territorial reach

As the U.S. has sought to increase the effectiveness of economic foreign policy tools, it has increased the extra-territoriality of its jurisdiction over breaches of sanctions and export controls – a critical issue for non-U.S. businesses and financial institutions operating in the global market place. In this session, Miller Chevalier partner and adjunct professor of law at Georgetown University Law Center, will address topic including:

- What exactly is extra-territoriality?
- How and why do U.S. export control and sanction laws apply extra-territorially?
- What are the options available to the U.S. government in enforcing export control and sanction laws extra-territorially?

David will also give an overview of recent cases involving extra-territorial application of U.S. export control and sanctions laws, and outline some of the practical steps available by which companies can avoid extra-territorial application of U.S. export control and sanction laws.



Yohan Benizri – Sanctions and finance issues affecting business

It is not just the movement of goods that sanctions can prevent. They also restrict the flow of money. In this session, Yohan Benizri of Sidley Austin LLP, Brussels will examine the impact of economic sanctions on cross-border financial flows. He will address the following questions:

- When do financial flows trigger the application of economic sanctions?
- What is the effect of internal or bank policies going beyond legal requirements set down by sanctions?
- Who is liable for what?
- How do you deal with freezing of funds and financial transparency obligations arising from economic sanctions?

Yohan's clients include a number of financial institutions and governments.

More speakers and presentations still to be confirmed.

Speakers and their Sessions



Stacey Winters – Dealing with the challenges faced by Internal Compliance Programmes: panel discussion

What should an Internal Compliance Programme look like in 2013 ... and in 2014? In this panel discussion led by Stacey Winters, panel members will discuss the ideal structure of an Internal Compliance Programme that can cope with the myriad changes in export regulations, sanctions, supply chain relationships (supplier and customer), and the challenge of installing a culture of compliance throughout the company with clear lines of responsibility for performance.

Stacey heads up Deloitte's global Export Control Services business. Stacey started her career in the U.S. and has spent the last eleven years in Europe, working with clients to design, develop and implement global trade compliance programmes. Stacey is a renowned expert in U.S. and EU export controls and has extensive experience in dealing with the authorities on driving changes to policy and regulation particularly in the area of encryption. She has worked with a number of different industries, including Aerospace and Defence, oil and gas, chemicals, media and the telecommunications sector.



Michael Burton, Joiner Burton – Voluntary (and not-so-voluntary) disclosure

The benefits of making a voluntary self-disclosure to the U.S. government of a suspected violation of trade control laws are numerous but the costs must be carefully weighed – while sometimes the choice to make a voluntary disclosure is less than voluntary.

In his presentation, Michael Burton will discuss the pros and cons of making voluntary self-disclosures to the U.S. government of suspected violations, addressing situations where regulatory requirements, agency policy, or external events act as catalysts for disclosures, strongly influencing if not dictating the choice – and invite further dialogue regarding situations under U.S. and non-U.S. law where voluntary disclosure is, well, involuntary.

Michael, a name partner at law firm Joiner Burton, is Co-Chair of the American Bar Association's (ABA) Export Controls and Economic Sanctions Committee of the Section of International Law and a member of the OFAC Practitioners' Group.



Jonathan Poling – Export controls are a cybersecurity issue? Yes.

Export controls are a central part of the discussion of cybersecurity issues. In the last two years, the Department of Justice has prosecuted at least six cases where the export at issue was "data," an "electronic file", or software electronically transmitted across borders. While the movement of discreet quantities of goods will always be a concern to governments, the electronic movement of data that can be used to modify and produce unlimited quantities goods in another country is clearly where the government intends to focus its attention.

In May this year, a company called Defense Distributed made headlines across the world by publishing on the internet the plans of a gun that could be reproduced by anyone with access to a 3D printer. The U.S. government ordered that the plans be removed. Jonathan Poling of the Washington, DC office of Baker & McKenzie and a former prosecutor with the U.S. Department of Justice, will explain how the U.S. government is grappling with these questions and the challenges posed both to companies and government agencies in attempting to address and understand export controls from a cybersecurity perspective.

More speakers and presentations still to be confirmed.

Speakers and their Sessions



Nick Boland – Product classification issues against a background of U.S., EU and national export controls reform: panel discussion

Classifying items in a multi-jurisdictional context can be difficult at the best of times. Against the backdrop of export controls reform in the U.S. and Europe the challenge is magnified. Nick Boland leads a panel discussion on best practice in product classification, formulating solid classification strategies, identifying red flags to potential violations, and responding to errors.

Nick is Director of Solutions Consulting, EMEA at Amber Road. Nick joined Amber Road (formerly known as Management Dynamics) in 2007 and is based in the UK office where he leads the European solutions team. Over the past ten years, Nick has specialized in the supply chain compliance space, helping develop automated Trade Management platforms and strategies that aid clients meet ever-changing global regulatory challenges. Leading clients include such names as Adidas, Renault, Infineon, OSRAM and Lonza among many others.



Tom Cassels – violations and reputation management

A charge of violating export controls and/or sanctions can bring huge penalties – think Standard Chartered (\$327m), HSBC (\$375m), Raytheon (\$8m) – but, often more worryingly for management, clear and significant damage to business reputation as the resulting furore can hit corporate reputations harder than it does the bottom line. At this stage, exceptional crisis management is as essential as legal advice if relations with regulators, shareholders and customers are to be kept on the level – which demands skills and experience often outside those of most heads of compliance.

Bringing to bear his considerable experience of high-profile proceedings where legal and reputational issues have been closely intertwined, Baker & McKenzie partner Tom Cassels will be talking delegates through the importance of good planning and a cool head before, during, and after a real or potential incident where reputation is at stake. Tom's experience in this area is well established, having acted for a host of high-profile organisations, including the British Olympic Association in its successful defence of sprinter Dwain Chambers' challenge to its selection criteria, Formula 1 race team McLaren Mercedes in high-profile disciplinary and sporting regulatory proceedings, and the BBC Trust on all aspects of its competition and regulatory functions, including defending the challenge to its decision not to air the DEC appeal for Gaza among others.



Craig Tevendale – Contracting clauses and expanding sanctions

Much of the Middle East remains in a period of significant political and social upheaval, one that has been accompanied by a massive spike in the volume of sanctions measures taken against entities in Iran, Syria, Libya, Egypt and Tunisia.

Craig Tevendale, a disputes partner at Herbert Smith Freehills who is fluent in Arabic, will discuss the impact that sanctions have had on the contractual arrangements of private businesses operating in the region, and offer advice on how to effectively mitigate this impact, drawing on real-life case studies from shipping, insurance and oil and gas sectors. Against a background of a claims backlog in arbitration tribunals around the world, Craig will discuss when and whether a declaration of *force majeure* may be valid.

More speakers and presentations still to be confirmed.

Speakers and their Sessions



Andrew Smith – Enforcement in the UK

Any business conducting international trade through the UK needs to be aware of its obligation to stay compliant with the UK government's ever-evolving panoply of export and trade controls. Far fewer businesses may be aware of the sanctions that can be imposed for breaching those controls or the risk of a criminal investigation or prosecution. This risk is not merely hypothetical. Last year, a parliamentary report emphasised both the high success rate of criminal prosecutions for breaches and the increasing use of compound penalties in lieu of prosecutions. All export compliance professionals will know the name Christopher Tappin.

Andrew Smith, partner at Corker Binning, will discuss enforcement of export and trade controls in the UK, outlining the risk factors that make a criminal prosecution (as opposed to a civil settlement) more probable; the likely punishment which convicted exporters can expect to receive; and the tactical considerations which businesses should bear in mind if faced with the threat of criminal proceedings, including the issue of compound penalties. Andrew Smith is an experienced criminal litigator who has advised on a range of white-collar criminal and regulatory matters, much of it international in nature. Andrew is ranked as a key individual in the field of Criminal Fraud by *Chambers* 2013.



Raphael Barazza – navigating France's (sometimes opaque) export controls regime

France's export controls are regarded as amongst Europe's most stringent, they can be difficult to navigate and sometimes less than transparent.

Many agencies take a role in the regulation of export controls in France; major decisions on export authorisations are typically taken at ministerial level. On the enforcement side, French Customs (*Les Douanes*), armed with formidable investigatory powers, take the lead, while the export of dual-use goods largely falls within the competence of the *Service des Biens à Double Usage* – a team of professionals drawn from government ministries including foreign affairs, nuclear energy, defence and industry.

Raphael Barazza, Paris-based *avocat à la cour*, explains the French system and, just as importantly, what business needs to be aware of if its intricacies are to be successfully understood. With Germany, the UK and the U.S., the countries accounting for the largest volumes of investment into France, this will be a presentation not to miss for any company that exports from France.

+ ADDITIONAL SESSIONS CONFIRMED

- **Export Controls and The Cloud**
- **Encryption – update on latest developments**

www.worlddecr.com

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14-15 November 2013, The Brewery, Chiswell Street, London

REGISTRATION FORM

Please register the following delegate(s) for The WorldECR Export Controls and Sanctions Forum 2013

Delegate 1	Delegate 2
NAME	NAME
POSITION	POSITION
<input type="checkbox"/> Conference only <input type="checkbox"/> Conference + dinner (please tick) <input type="checkbox"/> Conference only <input type="checkbox"/> Conference + dinner (please tick)	
Organisation	
Address	Delegate 3
Address	NAME
City	POSITION
Post/Zipcode	<input type="checkbox"/> Conference only <input type="checkbox"/> Conference + dinner (please tick)
Country	Delegate 4
Telephone	NAME
Email	POSITION
<input type="checkbox"/> Conference only <input type="checkbox"/> Conference + dinner (please tick)	

FEE PER 1ST DELEGATE (INCLUDES VAT @ 20%)

REGISTER & PAY	BY 13 SEPTEMBER 2013	AFTER 13 SEPTEMBER 2013
CONFERENCE	£1095 + VAT = £1314	£1295 + VAT = £1554
CONFERENCE + DINNER	£1145 + VAT = £1374	£1345 + VAT = £1614

FEE PER ADDITIONAL DELEGATE (INCLUDES VAT @ 20%)

REGISTER & PAY	BY 13 SEPTEMBER 2013	AFTER 13 SEPTEMBER 2013
CONFERENCE	£995 + VAT = £1194	£1195 + VAT = £1434
CONFERENCE + DINNER	£1045 + VAT = £1254	£1245 + VAT = £1494

PAYMENT OPTIONS

(if you prefer to pay in a different currency, please email mark.cusick@worldocr.com)

1) Pay by card with this form*

☐ Visa ☐ MasterCard ☐ AMEX

Card number Expiry date / 3-digit security code

Cardholder

Address if different from above

2) Please invoice me*. Tick here ☐

3) Pay by bank transfer*

Details for bank transfers will be provided when we receive your completed registration form.

* Please email your completed registration form to mark.cusick@worldocr.com

4) Pay by card on line: please go to www.worldocr.com/conference-payment

5) Pay by cheque

I have enclosed a cheque made payable to D.C. Houghton Ltd for £

Please send your completed registration form with cheque to: D.C. Houghton Ltd, Suite 17271, Lower Ground Floor, 145-157 St John Street, London EC1V 4PW, England

Signed

Date

Terms and conditions

Please note, by registering for this event you accept the terms and conditions below.

Registration Fee

Your fee includes the attendance at both days of the conference; morning, mid-morning and afternoon coffee and pastries, and chef's table fork buffet on both days; drinks reception on day 1; programme materials.

Registration policy

Delegates may not 'share' a registration without the organiser's authorisation.

Payment policy

Payment must be received in full by the conference date. 'Additional delegate' prices are only available to delegates from the same organisation as the original full-fee delegate.

Cancellations and Refunds

You must notify the conference organiser 48 hours before the conference if you wish to change the delegate.

If you wish to cancel your registration, you can do so incurring the following charges:

Cancellation more than 28 days before the event – full refund less 33% admin fee.

Cancellation between 27 and 6 days before the event – full refund less 50% admin fee.

Cancellation between 5 days before and the day of the event – no refund.

Change of venue

The organisers reserve the right to change the venue should attendance numbers so demand.

Change of speaker and presentation

The organisers reserve the right to change speakers and/or presentations.

THE VENUE - AND GETTING THERE

www.thebrewery.co.uk

The Venue for the WorldECR Export Controls and Sanctions Forum is The Brewery in Chiswell Street in the City of London. It is a venue steeped in history. Occupying the site of the former Whitbread brewery, the original buildings date back to 1750. Over the years, King George III, Queen Charlotte and Queen Elizabeth II all visited the premises. The last pint was brewed there in 1975.

The Brewery is next to the world-famous arts and cultural centre, The Barbican. It is easily accessed via tube and train and taxi.

The Brewery is little more than a five-minute walk from the following tube stations:

Barbican (Circle, Metropolitan, Hammersmith & City lines)

Moorgate tube (Northern, Circle, Metropolitan, Hammersmith & City lines)

Old Street (Northern line)

Visitors coming in from London Gatwick Airport can take the train direct to Farringdon (little more than 8 minutes' walk from the venue) or to London Bridge (where you can get on the tube or take a taxi).

Visitors coming in from London Heathrow Airport can take the Heathrow Express to Paddington and then take a tube (Hammersmith & City line or Circle line) to Barbican.

To find out more , visit www.thebrewery.co.uk.

Hotels nearby

Attached to the Brewery is the Montcalm Hotel (www.themontcalm.com). WorldECR has negotiated a limited number of discounted hotel rooms here - to take advantage of this, please contact the hotel on +44 20 74792232 or by email at reservations@montcalm.co.uk or Groups@montcalm.co.uk, quoting the following code: WORL131113

Within a short walk of the Brewery are The Zetter (www.thezetter.com), The Rookery (www.rookeryhotel.com), South Place (www.southplacehotel.com), Apex London Wall (www.apexhotels.co.uk), and the Citadines Barbican (www.citadines.com).