

Global Trade & Policy

Lowenstein's Global Trade Policy practice is devoted to navigating today's dynamic regulatory environment to promote our clients' cross-border interests.

Our team helps U.S. and foreign companies manage trade risks, ensure regulatory compliance, and effectively communicate their positions to legislators, law enforcement officials, and policymakers. We have decades of experience advising individuals, investment funds, research institutions, portfolio companies, and global businesses operating in a range of industries, including life sciences, biotech, aviation and aeronautics, manufacturing, electronics, and software.

Given today's highly interconnected and technology-driven international economy, we work proactively with clients to facilitate their investor, supplier, distributor, and customer relationships; develop strategies in response to rapidly changing trade regulations and economic sanctions; and demonstrate compliance with the following legal requirements:

- **The Committee on Foreign Investment in the United States (CFIUS)**
- Customs and Border Protection (CBP) import requirements, including new 201, 232, and 301 China tariffs
- The Department of Commerce's Export Administration Regulations (EAR)
- The Department of State's International Traffic in Arms Regulations (ITAR)
- The Department of Treasury's Office of Foreign Assets Control (OFAC) sanctions regimes
- The Foreign Corrupt Practices Act (FCPA), the U.K. Bribery Act, and China's anti-corruption legislation
- The Export Administration Act's Antiboycott Laws

We also provide full-spectrum guidance on issues and requirements arising from global trade and expansion, such as:

- Client-specific trade regulation compliance manuals and training programs
- Foreign agent, distributor, and partner due diligence
- International agreements for sales of products and services
- Establishment of foreign and U.S. entities Cross-border joint ventures and other transactions
- Financing, agreements, and joint ventures for transactions in over 90 countries, including 20 African nations

When it comes to global trade policy, we believe that a strong offense is indeed the best defense. With decades of trade policy experience, we understand the complex—and sometimes contradictory—goals of trade negotiators, legislators, regulatory officials, and industry associations. We have helped foreign governments and global enterprises better understand and navigate U.S. policy, and we work with trade, law enforcement, and agency leaders to develop effective, business-friendly solutions for our clients. We have also helped companies and governments benefit from U.S. trade programs and address the effects of events on global trade relationships.

Areas of Emphasis

Tariffs, import classifications, and country-of-origin determinations. Accurate tariff classifications and country-of-origin determinations are key to avoiding fines, seizures, or forfeitures of imported goods. We help companies design and implement internal controls and policies to prevent inadvertent violations of U.S. customs and import laws and regulations. We also conduct internal audits, and where potential discrepancies are identified, we develop voluntary disclosures that can significantly mitigate potential penalties. With respect to 201, 232, and 301 China tariffs, we work with clients to obtain exclusions, when possible, and we provide advice regarding supply chain restructuring.

OFAC sanctions. Our lawyers help clients ensure compliance with OFAC directives and sanctions regimes, including full and partial embargoes, that prevent entities from exporting, importing, financing, or otherwise facilitating transactions involving countries, individuals, and organizations designated as hostile actors by the U.S. and other governments. We provide guidance on permissible and prohibited transactions, conduct internal audits and prepare voluntary disclosures, and represent clients in enforcement proceedings. Countries of concern include Syria, Iran, North Korea, Cuba, Russia/Crimea, and Sudan.

CFIUS National Security Reviews. We work with domestic and foreign businesses and individuals to identify the national security implications of transactions, communicate effectively with CFIUS and other government agencies involved in the approval process, and obtain CFIUS clearance for foreign investments. Our lawyers have particular experience in technology- and critical infrastructure-related transactions that elicit increased scrutiny. We provide ongoing guidance on the critical technology pilot program and recent changes that have broadened the scope of the law and added a mandatory filing requirement.

Export controls. The federal government has established a complex system of regulations governing the export and transfer of U.S.-origin goods, technologies, and services. We regularly advise clients on these various regimes, obtain export and deemed-export licenses, perform due diligence in relation to potential transactions, conduct internal audits, and design programs to ensure accurate classification of exports. When potential discrepancies are identified, we represent clients before relevant agencies.

FCPA and anti-corruption. Consistently applying a single global standard through the implementation of a worldwide compliance program ensures compliance across national borders. Our team reviews anti-corruption procedures and due diligence records for red flags and possible violations to protect clients against successor liability. We also assist clients with global internal investigations, compliance programs and training, and due diligence review for corporate transactions.

International finance. Our team negotiates and executes complex business transactions and financings, including equity capital raising, debt financing, mergers and acquisitions, and joint ventures, throughout North America, South America, Europe, Asia, and Australia and in over 20 African countries. Counseling companies from "cradle to grave," we guide technology companies, asset managers, and others from startup through IPOs, going-private, serial acquisitions, and in-court and out-of-court restructurings, in addition to cross-

border expansions, all with a comprehensive understanding of how to navigate and conduct business across international borders for all industries.

HONORS & AWARDS

> **Foreign Investment Watch: Top Advisors (2020-2021)**

Doreen M. Edelman named to Top Advisors List: 2020 & 2021; ranked #1 in 2021; honor recognizes lawyers providing legal advice on national security reviews of foreign investments in the U.S. and abroad