



U.S.A. 2015

Key trends and challenges in export controls and sanctions

A special report from WorldECR

At **Miller Canfield**, the export controls and sanctions practice is run out of the firm's Corporate Group. Key figures in the team are Joseph Gustavus, Principal, and Jeffrey Richardson, Senior Attorney. The team enjoys established contacts with the various U.S. administrative agencies, including the Department of State, Directorate of Defense Trade Controls, Department of Commerce, Bureau of Industry and Security, Bureau of Alcohol, Tobacco, and Firearms, Department of Defense, Department of the Treasury, and the Office of Foreign Assets Control.



Clients can be found in a wide range of industries, including aerospace, automotive, information technology, machine tools, robotics, software and telecommunications.

Examples of the varied and expert work the team carries out include:

- Assisting clients with registering under the ITAR or EAR;
- Analysing company product, service, and technology portfolios to identify and classify assets subject to export controls;
- Drafting commodity jurisdiction requests for government determination when export control law jurisdiction or controlled asset classification is at issue;
- Assisting clients with the development, implementation, monitoring, and improvement of tailored export control compliance programmes;
- Drafting ITAR and EAR export licence applications and supporting transmittal letters and documentation to permit the licensed export of controlled products, services, technology, and technical data;
- Drafting export control collaboration agreements for government approval, such as technical assistance agreements and manufacturing licence agreements;
- Advising on the qualification for export control exemption;
- Export control audit and benchmark reports;
- Undertaking targeted due diligence in M&A;
- CFIUS filing for foreign acquisitions of U.S. target companies with export-controlled assets;
- Counselling clients on post-acquisition integration of export control compliance programmes;
- Drafting export control compliance manuals and policy statements and technology control plans addressing export control compliance;
- Conducting on-site training on the ITAR, EAR, and other export control laws;
- Advising on making voluntary disclosures for potential export control violations.

Miller Canfield

Based upon deep and diverse experience, Miller Canfield confidently and practically navigates through the International Traffic in Arms Regulations ('ITAR'), Export Administration Regulations ('EAR'), as well as the economic and trade sanctions administered and enforced by the Office of Foreign Assets Control. We have significant contacts and know how to work with various U.S. government agencies, including the Department of State, Directorate of Defense Trade Controls, Department of Commerce, Bureau of Industry and Security, Department of Defense, Department of the Treasury, and the Office of Foreign Assets Control.

industry insight; global relationships

With offices throughout the world, we draw from our international resources to assist clients with export control matters from a global perspective. With our U.S. locations embedded in the dynamic manufacturing centers throughout Michigan and the Midwest, we offer global industry insight and legal counsel based upon over 160 years of experience in working with local manufacturing concerns. Clients in these targeted industries depend on our export controls team:

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|--------------|-----------------|--------------------------|
| 1 Aerospace | 1 Machine tools | 1 Information technology |
| 1 Automotive | 1 Nuclear power | 1 Software |
| 1 Defense | 1 Robotics | 1 Telecommunications |

Export controls practice areas of focus

With offices in the EU and China, Miller Canfield brings corporate and export controls expertise to foreign investors in the United States. During 2015, Miller Canfield expects Chinese clients with foreign direct investment in the United States to top the 1 billion dollar mark. This corporate experience with foreign inbound investment is coupled with traditional export controls practice areas such as compliance training, classification, as well as support for voluntary self-disclosures and investigations.

Competitive advantages for clients

Our team provides complete Export Control and ITAR representation, from registrations and litigation to voluntary disclosures including:

- 1 Acquisition-Phase CFIUS Filings
- 1 Acquisition-Phase Export License, TAA, and MLA Transfers
- 1 Acquisition-Phase Facility Clearance FOCI Approvals
- 1 Post-Acquisition Integration of Export Control Compliance Programs

We're proud of our work, our clients and our representative matters.

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