

SEMINAR SERIES IN **LONDON 2020**

MAY 11-14, 2020 • at the HILTON LONDON OLYMPIA



# US Export Controls on Non-US Transactions

**A PRACTICAL GUIDE TO COMPLIANCE AFTER US EXPORT REFORM CHANGES**

 DETAILS & REGISTRATION: [www.LearnExportCompliance.com/london2020](http://www.LearnExportCompliance.com/london2020)

- ▶ New and updated definitions of key ITAR and EAR terms
- ▶ Rapidly evolving US sanctions policies
- ▶ Important changes in the treatment of dual and third country national employees of non-US companies
- ▶ The Trump Administration: New enforcement and regulation priorities
- ▶ How US export rules impact a wide range of transactions outside the US
- ▶ How the US enforces these export regulations on non-US companies
- ▶ Practical methods for complying with US export regulations

## Understand how United States export control rules impact UK, EU, and other non-US businesses

United States trade control laws and regulations impact companies that use or resell US-origin products, components, or technology. The US Government can impose serious penalties for US and non-US companies who fail to comply with the extraterritorial US rules (including monetary fines, a loss of US Government contracts, or a complete ban from receiving any US items).

### TWO BACK-TO-BACK SEMINARS:

#### US ITAR Defense Trade Controls 2-DAY SEMINAR

##### ITAR Regulations

**11-12 MAY 2020**

Learn the ins and outs of compliance with International Traffic in Arms Regulations (ITAR) in a format that is easy to digest.

##### KEY TOPICS INCLUDE:

- New "Specially Designed" Definition
- Canada, UK & Australia Exemptions
- Agreements Requirements
- See Full Agenda on Page 2



#### US Commercial & Military Export Controls & Embargoes 2-DAY SEMINAR

##### EAR & OFAC Regulations

**13-14 MAY 2020**

A hands-on approach to complying with the Export Administration Regulations (EAR), including export controls, antiboycott regulations, and Treasury Department trade embargoes.

##### KEY TOPICS INCLUDE:

- Persons and Items Subject to US Jurisdiction
- US De Minimis Content Calculation
- EAR Classifications
- EAR Controls on Military Items
- See Full Agenda on Page 2



“Great to have enthusiastic speakers who passed that on with some degree of fun without degrading the seriousness of the topics.”

Elaine Hayton, UTC Aerospace Systems

“Excellent presenters — the best that I have experienced. Superb seminar — covered all topics of EAR/ITAR and the lecturers were excellent.”

Seminar Attendee

“Time and money well spent.”

Zimulus R. Nixon, Gulfstream Aerospace Inc.

### WHO SHOULD ATTEND:

- ▶ Non-US companies or governments that deal with US-based companies or that purchase US-origin products, components, or technology
- ▶ Non-US subsidiaries, parents, or other affiliates of US businesses
- ▶ US companies that need to know how the US rules apply to, and impact, their affiliates and business partners located outside of the US

## ITAR DEFENSE TRADE CONTROLS SEMINAR

11-12 MAY 2020

Registration: 8:30 on 11 MAY  
Program: 9:00 to 17:00 on 11-12 MAY

### Export Controls Overview

- Primary Regulations (EAR/ITAR/OFAC)
- US Export Control & Defense Trade Policy
- Compliance Resources & Information
- Directorate of Defense Trade Controls (DDTC)
- Arms Export Control Act (AECA)
- International Traffic in Arms Regulations (ITAR)

### Controlled Items & Activities

- ITAR-Controlled Items
  - Defense Articles; Technical Data; Defense Services
  - United States Munitions List (USML) & Identifying ITAR vs. EAR-Controlled Items
  - The Meaning of "Specially Designed"
  - Significant Military Equipment (SME)
  - Commodity Jurisdiction (CJ) Requests
  - Controls on Non-US Items Containing US Content
  - Controls on Non-US Items Produced Using US Technology
- ITAR-Controlled Activities
- Exports, Reexports & Retransfers
- Manufacturing of Defense Articles Outside the US
  - Brokering
  - Name Changes, Mergers & Acquisitions
- Prohibited Countries & Debarred Parties

### Licenses

- Types of DDTC Licenses
- Supporting the US Exporter's Licensing Efforts
- General Correspondence (GC) & Retransfer Approvals for Non-US Companies

### Agreements and US Government Approval

- Manufacturing License Agreements & Technical Assistance Agreements
- Agreement Application & Agreement Guidelines
- Scoping Agreements
- Sublicensing
- Dual/Third Country National Employees
- Handling Hardware in Agreements
- Warehouse & Distribution Agreements
- Agreement Amendments
- Government Review Process
- Congressional Notification
- Checking License Status
- End-Use Checks
- Expedited Licensing Programs

### Exemptions & Exclusions

- Exemptions Available to US Exporters
- NATO+ Retransfer Exemption
- Country-Based Exemptions: Australia, Canada, and the United Kingdom
- Exemption for Reexports to Dual and Third Country National Employees of Non-US Entities
- Public Domain and Basic Marketing Information Exclusions

### Special Issues

- Exporting Defense Articles to the US
  - Permanent and Temporary Imports into the US (Including Repairs)
- Procurement in the US
  - Brokering; "Who is a Broker?"; Brokering Activities
  - Prior Approvals, Exemptions & Reporting
- Political Contributions, Fees & Commissions

### Compliance Programs

- Key Elements, Considerations & Procedural Approaches
- Risk Assessment & US Government Program Recommendations

### Export Control Reform (ECR) & Recent Developments

- ECR and Existing License/Agreement Transition Rules
- Latest ECR Regulatory Changes
- Other Recent Developments in the ITAR

### ITAR Export Enforcement

- Enforcement Agencies & Methods; Fines & Penalties
- Voluntary Disclosures
- Enforcement Case Studies

## EAR & OFAC EXPORT CONTROLS & EMBARGOES SEMINAR

13-14 MAY 2020

Registration: 8:30 on 13 MAY  
Program: 9:00 to 17:00 on 13-14 MAY

### Introduction to the Export Administration Regulations

- US Export Control Policies & Key Control Concepts
- Comparison to International Regimes & Extraterritoriality of Rules
- Primary US Export Control Regulations
  - Export Administration Regulations (EAR)
  - International Traffic in Arms Regulations (ITAR)
  - Office of Foreign Assets Control (OFAC) Sanctions Regulations

### EAR Controls

- STEP 1: Controls on US Persons & US Subsidiary Activities
- STEP 2: Sensitive US Content Always Subject to Controls
  - 600-Series and 9X515 ECCNs Sensitive Content
  - United States Munitions List (USML) Content
  - Foreign Direct Products of US Technology
- STEP 3: US Content De Minimis Rules
  - De Minimis Calculations for Hardware, Software, and Technology
  - Rule of Second Incorporation
  - Software Bundling & Technology Reports
  - "Publicly Available" Software & Technology
- STEP 4: Export Control Classification
  - EAR, Commerce Control List, and ECCNs
  - Meaning of "Specially Designed"
  - Understanding EAR99
  - Technology & Software Classification
  - Working with US Suppliers for Classifications
- STEP 5: "No License Required" Determination
- STEP 6: License Exceptions
  - Understanding Country Groups
  - Restrictions on Using Exceptions
  - ECCN-based License Exceptions (GBS, CIV, LVS, ENC)
  - Situation-based License Exceptions (STA, RPL, TMP, GOV, APR)
  - Technology & Software License Exceptions (TSU, TSR, ENC, TMP, CIV)
- STEP 7: End-Use and End-User Controls
  - Prohibited Parties; Embargoed Countries; Proliferation Activities
  - Red Flags
  - China, Russia, and Venezuela Military End-Use/User Rule
  - Other Military End-Use/User Restrictions
  - General Prohibitions
  - Antiboycott
  - Applying for a Bureau of Industry & Security License

### Sanctions

- Office of Foreign Assets Control
- OFAC Embargoed Countries: Cuba, Iran, North Korea & Syria
- OFAC Licensing & Approval Policies
- Other OFAC Sanctions Programs
- US Sanctions on Russia, the Crimea Region of Ukraine, and Sudan
- Specially Designated Nationals

### Compliance Programs

- Considerations & Procedural Approaches
  - Internal & External Compliance Resources
- USG Compliance Program Recommendations & BIS Core Elements
  - Management Commitment
  - Risk Assessment
  - Formal Written Compliance Program
  - Ongoing Compliance Training & Awareness
  - Compliance Throughout the Export Cycle
  - Recordkeeping Regulatory Requirements
  - Compliance Monitoring & Audits

### Export Control Reform & Recent Events

- Latest ECR Regulatory Changes
  - Existing License & Agreement Transition Rules
- Other Recent Developments in the EAR
- Recent OFAC Sanctions Updates

### EAR & OFAC Export Enforcement

- How US Rules are Enforced Outside the US
  - US Export Enforcement Agencies
- Statutory & Other Penalties
- Enforcement Case Studies
- Preventing Violations
- Voluntary Self-Disclosures to the US Government

## SEMINAR REGISTRATION FORM

Please type or print clearly.

### ATTENDEE INFORMATION

Attendee's First Name \_\_\_\_\_

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OR register for BOTH Seminars 11-14 MAY 2020	<input type="checkbox"/> £2150 GBP *Inclusive of 20% VAT	<input type="checkbox"/> £2295 GBP *Inclusive of 20% VAT

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Make check payable to:  
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**NOTE:** Mail checks to our address below. Our Tax ID: 26-1638450

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If you would like to pay by wire transfer, contact us for instructions.

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### HOTEL INFORMATION

SEMINAR HELD AT:

**Hilton London Olympia**

380 Kensington High Street  
London, W14 8NL, United Kingdom

Telephone: +44-207-603-3333

Special room rate

for seminar attendees\*\*:

£179.00 single / £191.00 double

(rates are inclusive of English breakfast and VAT)

\*\*Limited quantity - book early to ensure reduced rate!

\*\*The cost of accommodation is not included in the seminar tuition.

### TO BOOK A GUEST ROOM:

Call +44-207-603-3333 and refer to Export Compliance Training Institute Group.

\* Electronic e-Manual and paper manual both included with seminar tuition at no additional charge.

**YOU SAVE up to £355**  
if you sign up for both seminars

### SEMINAR DISCOUNTS

- ▶ Early Registration Discount for registrations received and paid by 11 APRIL 2020!
- ▶ We also give discounts for multiple attendees from the same company, government entities, and companies participating in our Corporate Partnership Program. Please contact [jessica@learnexportcompliance.com](mailto:jessica@learnexportcompliance.com) for details, prior to registration.
- ▶ Discounts can be combined to a maximum discount of 20%.

### SEMINAR POLICIES

**Cancellation Policy:** A cancellation fee of £100 will be charged if the cancellation is made up to 15 days prior to the seminar. No refunds will be provided after this date, but a credit voucher can be issued for 80% of the paid tuition which can be used at any Export Compliance Training Institute seminar within a 12 month period.

**Seminar Transfer Policy:** Transfers to another equivalent seminar are allowed with no penalty up to 10 days prior to the seminar. Transfers are allowed after that date, but a transfer fee of 20% of paid tuition will apply.

Fax, email, or mail this form to:

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Email: [jessica@learnexportcompliance.com](mailto:jessica@learnexportcompliance.com)



**EXPORT COMPLIANCE**  
TRAINING INSTITUTE

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# US Export Controls

on Non-US Transactions in **LONDON:**

A PRACTICAL GUIDE FOR NON-US COMPANIES

- ▶ **US ITAR Defense Trade Controls**  
11-12 MAY 2020
- ▶ **EAR/OFAC Commercial & Military Export Controls & Embargoes**  
13-14 MAY 2020

**Comprehensive and practical training on the recently reformed US ITAR, EAR, and OFAC regulations for UK, EU, and other non-US companies.**

US export controls have undergone significant revisions as a result of the Export Control Reform Initiative. Under this initiative, many military and defense items have moved from the USML (ITAR) to the CCL (EAR). The processes involved in complying with new licensing rules for these items are complex. Failing to follow the correct procedures can result in costly violations. This seminar will clarify the rule changes and offer practical advice for keeping your company compliant.

## SEMINAR PARTNERS



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[www.LearnExportCompliance.com/london2020](http://www.LearnExportCompliance.com/london2020)

### INSTRUCTORS WITH EXPERIENCE

ECTI staffs its seminars with instructors who are widely respected experts in the field of export compliance and have many years of experience in interpreting and applying the rules.

**GREGORY CREESER** is a partner with International Trade Compliance Strategies and a consultant to BSG Consulting. Prior to joining ITC Strategies as a compliance consultant, Mr. Creeser held the position of Corporate Director for International Trade Compliance with Goodrich Corporation's Washington Operations Office. Mr.



Creeser began his career in the export arena by serving for 2 years as a licensing officer within the Office of Defense Trade Controls at the Department of State. Mr. Creeser held the position of President of the Board of Directors of the Society for International Affairs (SIA) from 2004-2006. He also held the positions of Vice President, Communications Director, and Conferences Director for SIA. Mr. Creeser received his Bachelor of Science degree in Political Science and Economics from Texas A&M University in 1987.

**SCOTT M. GEARITY** is a Principal of BSG Consulting, bringing over a decade of consulting, training, and corporate export compliance program management experience to bear for his clients. Mr. Gearity has substantial experience in military, dual-use, and commercial export controls. His clients have ranged in size from small



start-ups to some of the world's largest companies, with a particular focus on the information technology, telecommunications, networking, and software industries. Mr. Gearity joined BSG from Microsoft Corporation where he was based in Ireland and managed the company's export compliance program for Europe, the Middle East, and Africa. He continues to advise many non-US companies affected by US export controls. Mr. Gearity holds a Bachelor of Arts degree in international studies and economics from American University. He is a licensed US Customs Broker.

**STEPHAN MÜLLER** is a partner at Oppenhoff & Partner. Before joining Oppenhoff & Partner in 2008, Mr. Müller was a partner at Linklaters LLP since 2001. He specializes in public law with Export Control forming a major part of his practice. Stephan advises national and international corporations on all national, EU, and US



law related compliance and permitting issues, including representation before courts and in administrative proceedings. He lectures on export control law at the University of Applied Sciences, Cologne. Mr. Müller speaks at national and international conferences and has published articles on many aspects of export controls. The JUVE handbook on German commercial law firms has identified him as a "leading name" in his field of expertise for many years now.

Compliance with Reformed United States Export Regulations: ITAR, EAR & OFAC Embargoes  
COMPREHENSIVE AND PRACTICAL TRAINING FOR NON-US COMPANIES

