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Wissensraum Seminare

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INVITATION



Your SPECTARIS contact:

Stefan Cieslak

Foreign Trade and
Export Promotion

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**Introduction to U.S.
Export Controls for
Beginners**

Zoom – 02.05.2022
15:00 – 18:00 CET

**U.S. Export Controls on
Dual Use Items and
Technology**

Zoom – 03.05.2022
15:00 – 18:00 CET

**Focus on the ITAR and
Trade Compliance
Overview**

Zoom – 09.02.2022
15:00 – 18:00 CET

Zoom Webinar series on the 2nd, 3rd, and 9th of May 2022. Time: 15:00 – 18:00 CET

U.S. Export Control Law and ITAR

Unlike German or European law, U.S. export control regulations claim extraterritorial application. U.S. enforcement authorities prosecute violations of these regulations for activities entirely or almost entirely outside the United States. Due to mutual economic interdependence, U.S. (re)export regulations are among the most significant international rules for many German companies operating in the U.S. market or using U.S. origin items. In cooperation with our partners from the leading U.S. law firm Morrison & Foerster, we would like to provide you the opportunity to gain an overview and a deeper insight into the many facets of U.S. Export Control Law (Days 1 and 2) paired with a brief introduction to U.S. Trade Compliance (Day 1) and a deep dive into the United States' International Traffic in Arms Regulations (ITAR) (Day 3).

This webinar series will consist of three separate webinars, which will be held over the platform Zoom on the 2nd, 3rd, and 9th of February 2022. The webinars will start at 15:00 and finish at 18:00 CET respectively. They will be held in English. The registration fee for one webinar is 335€ for SPECTARIS-members and 419€ for non-members. Booking two or three webinars is possible for a discounted price of 599€/749€ or 839€/1090€ respectively. Please access the registration form by clicking [here](#). Registration ends on the 29th of April 2022.

Target audience:

These webinars are primarily aimed at employees from the customs, export control, sales, or purchasing departments at companies that source goods or components from the United States and incorporate them into their products or resupply them as spare parts. They are also aimed at employees working for companies that are controlled by the United States, employ U.S. citizens, or have other connections to the application of U.S. law.

For the individual content of each seminar, please see the following pages for more details and information on the speakers.

We are looking forward to welcoming you at our webinar series. Please do not hesitate to contact us if you have any further questions or remarks.

With kind regards,
Stefan Cieslak

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Day 1: Introduction to U.S. Export Controls for Beginners

The first session is designed for beginners who want to approach the topic of U.S. export controls and learn about the audit steps that need to be taken to avoid sanctions.

Seminar Content Day 1:

- What are U.S. export controls?
- What authorities exist in the United States?
- What are the key terms and concepts?
- Why and how do U.S. export controls apply entities and transactions outside the United States, including in Germany?
- Introduction to the Export Administration Regulations: Controls on “dual-use” items and technology
 - Classifying items on the Commerce Control List
 - Understanding license requirements
 - Understanding license exceptions
 - Understanding end-use and end-user restrictions
- Introduction to the International Traffic in Arms Regulations: Controls on defense articles and technical data
- Introduction to U.S. Sanctions Programs: Controls on transactions with designated entities
 - Who is sanctioned and how
 - Licenses and license exceptions
- Path to Effective Compliance Program
- Fundamentals and Benefits of a Robust Compliance Program
- Risk-based elements for trade compliance hygiene
 - Internal Controls
 - Recordkeeping
 - Training
 - Testing/Audit

Your speakers on Day 1: Jonathan Babcock, Aki Bayz, Charles Capito, Narges Kahvazadeh and Brian K. Kidd

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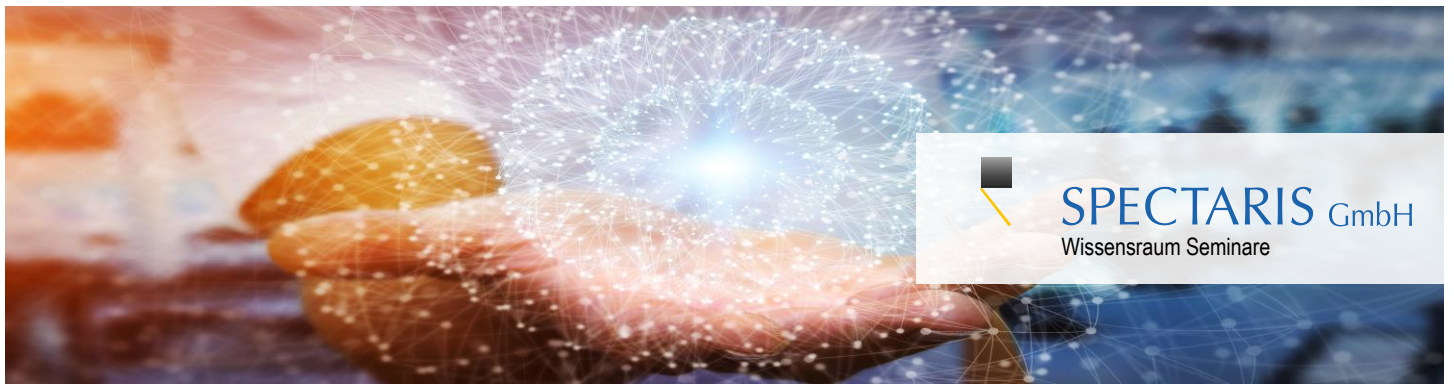
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Day 2: U.S. Export Controls on Dual Use Items and Technology

During the second day, focus will be laid on the scope of the U.S. origin items, the general prohibitions and sanctions lists within the U.S. Export Administration Regulations as well as the export control regulations in emerging and foundational technologies.

Seminar Content Day 2:

- Jurisdiction Scope of the Export Administration Regulations:
 - U.S.-origin items; de minimis rule; foreign direct product rule
 - Training hypotheticals
- EAR General Prohibitions
 - Entity List, Denied Person List, Unverified List, Military End-User Lists
 - Contrast to other agency lists and OFAC 50% rule
 - End-use and end-user based restrictions
 - Related certifications and KYC processes
- Classification Deep Dive
 - Commerce Control List – how to use effectively
 - Encryption Classification – how to understand and apply
 - Training example
- License exceptions
 - When do they apply? When do they not apply?
 - How to document user or reliance on license exception
- Takeaways from recent enforcement actions
- Emerging and Foundational Technologies
 - Policies underlying focus on critical technologies
 - What are emerging and foundational technologies?
 - How are they currently controlled? How will they be controlled?
 - Relevance to foreign direct investment regime (i.e., CFIUS)

Your speakers on day 2: **Jonathan Babcock, Aki Bayz, Joseph Benkert, Charles Capito and Narges Kahvazadeh**

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Day 3: Focus on the International Traffic in Arms Regulations (ITAR)

The third webinar will focus on the International Traffic in Arms Regulation.

Seminar Content Day 3:

- What is the ITAR and what does it regulate?
- The ITAR's broad extraterritorial scope?
- Structure and interpretation of the U.S. Munitions List
- Classification issues
 - Commodity jurisdiction process
 - What does "specially designed" mean?
- Registration and licensing fundamentals
- Voluntary and Mandatory Disclosures
- Penalties for Violations and Enforcement Trends

Your speakers on day 3: **Aki Bayz, Charles Capito, Narges Kahvazadeh, James Koukios, and Brandon L. Van Grack**

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Speakers List

During the webinar series, we have the pleasure to welcome nine speakers from our partner Morrison & Foerster LLP. Eight of them will connect to us directly from the U.S. headquarter sharing their valuable practitioner insights. We have the pleasure to present the following speakers:

Jonathan Babcock

Jonathan Babcock is an associate in Morrison & Foerster's National Security Group. His practice focuses on advising clients on national security regulatory compliance and transactional matters. Specifically, Jonathan advises clients on U.S. foreign investment approvals involving the Committee on Foreign Investment in the United States (CFIUS), the Export Administration Regulations (EAR), the International Traffic in Arms Regulations (ITAR), and U.S. sanctions and embargoes administered by the Office of Foreign Assets Control (OFAC). Prior to joining Morrison & Foerster, Jonathan practiced in the International Trade and National Security practice groups of a prominent D.C. law firm.

Aki Bayz

Aki Bayz has a multidisciplinary practice covering national security regulatory compliance and transactional matters. Aki advises clients on compliance with the applicable trade sanctions and economic embargoes administered by the Treasury Department Office of Foreign Assets Control (OFAC), the export control and anti-boycott requirements of the Commerce Department Bureau of Industry and Security (BIS), and military items subject to the jurisdiction of the State Department Directorate of Defense Trade Controls (DDTC). Aki's clients cover a broad range of companies, from multinational corporations engaged in international transactions worldwide to start-up entities exporting for the first time, and across an array of industries and sectors, including information technology, telecommunications, financial services, basic commodities, consumer goods, defense electronics, aerospace, biotechnology, medical devices, and semiconductors.

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Joseph Benkert

Joseph Benkert is a senior advisor in Morrison & Foerster's National Security practice group. He advises clients on critical national security matters pertaining to the Committee on Foreign Investment in the United States (CFIUS), export controls, and various regulatory and compliance issues. Mr. Benkert previously served as a leading civilian official in the Department of Defense (DoD) from 2003-2009 under both the Bush and Obama administrations, including as Assistant Secretary of Defense for Global Security Affairs after being nominated by President Bush and confirmed by the Senate. Mr. Benkert's responsibilities at DoD included managing technology security policy, the reform of export control processes, numerous sensitive nonproliferation projects, and a broad range of other defense-related issues. He continues to serve as an advisor on DoD's Threat Reduction Advisory Committee. While at the DoD, Mr. Benkert also led the department's involvement in numerous complex matters before CFIUS. He oversaw more than 400 CFIUS cases and represented DoD in CFIUS deliberations determining whether a foreign investment in a U.S. company or its operations represented a national security risk.

Charles Capito

Charles Capito is a partner in both Morrison & Foerster's National Security and Government Contracts + Public Procurement practices. Charles regularly advises clients on critical regulatory regimes in the national security space. Whether in the context of specific transactions or day-to-day counseling, clients rely on Charles to help them comply with and operate under U.S. export controls, in particular, the International Traffic in Arms Regulations (ITAR) and Export Administration Regulations (EAR). These regimes, especially the EAR, are undergoing noteworthy and complex changes, and now play key roles in other legal regimes like CFIUS. In addition, government contractors with access to classified information and their investors go to Charles to understand their obligations under the National Industrial Security Program (NISP) and, in particular, the sensitive issues presented by foreign ownership, control, or influence (FOCI) in this space.

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Dr. Felix Helmstädter

Dr. Felix Helmstädter runs a broad regulatory practice spanning from National Security, Sanctions and Export Control to Government Contracts, and Competition matters. Major companies, public sector entities, and innovative businesses trust his advice in complex strategic and compliance matters involving implications under EU and German regulatory law. They rely on his specific know-how in foreign trade matters comprising EU sanctions and export control compliance counselling with the ability to detect and respond to U.S. and other global foreign trade law issues in cooperation with Morrison & Foerster's experts in these jurisdictions, including conflict of law issues. He is also representing non-EU investors in foreign investment control clearance proceedings, and in other complex matters involving cybersecurity or further national security concerns. Felix leads large-scale internal investigation or regulatory law-driven transactional projects and is particularly experienced in providing strategic advice to market entrants and representing clients in sophisticated multiparty negotiations. He regularly represents clients in administrative proceedings as well as public and civil law disputes before national and European authorities and courts, including in public procurement matters and bid protests.

Narges Kahvazadeh

Narges Kahvazadeh is a member of Morrison & Foerster's National Security Group. She advises clients on various aspects of regulatory compliance affecting international business and concentrates on export controls such as the Export Administration Regulations ("EAR"), the International Traffic in Arms Regulations ("ITAR"), and sanctions programs as enforced by the U.S. Department of the Treasury's Office of Foreign Assets Control ("OFAC"). Narges has experience creating and enhancing trade compliance programs, benchmarking best practices, assisting with classification licensing activities, compliance reviews and disclosures. She also advises on the impact of changes in U.S. and international trade policy and matters related to trade in technology and information services, including encryption controls, and conducting due diligence on individual transactions.

Brian K. Kidd

Brian K. Kidd is former Chief of the Market Integrity and Major Frauds (MIMF) Unit of the Criminal Division's Fraud Section at the United States Department of Justice (DOJ) and a partner in Morrison & Foerster's Investigations + White Collar Defense Practice Group. At DOJ, Brian

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supervised a team of roughly 40 federal prosecutors and oversaw virtually all major fraud cases, with a special focus on investigating and prosecuting complex securities, commodities, and other major corporate fraud cases. Brian oversaw cross-border and corporate prosecutions involving market manipulation, spoofing, insider trading, money laundering, bribery, cryptocurrency, accounting, and procurement fraud. During his tenure as Chief, Brian oversaw a number of significant corporate resolutions, including against some of the country's largest financial institutions, healthcare companies, government contractors, and automotive companies. Brian also served as Chair of DOJ's Securities and Commodities Fraud Working Group, where he worked closely with senior leaders at the U.S. Securities and Exchange Commission, Commodity Futures Trading Commission, Federal Deposit Insurance Corporation, and the Federal Reserve

James Koukios

James Koukios is co-chair of Morrison & Foerster's Securities Litigation, Enforcement, and White Collar Defense Group and serves as Global Co-Head of the FCPA + Anti-Corruption Practice. James represents companies and individuals in high stakes government enforcement actions and complex internal investigations. An experienced trial attorney and former federal prosecutor, James has tried over 20 federal jury cases, including serving as the lead prosecutor in two landmark FCPA related trials: United States v. Esquenazi and United States v. Duperval. James also served as a lead prosecutor in United States v. AEY Inc., a defense procurement fraud and export licensing case that served as the basis for the 2016 film War Dogs. While at DOJ, James investigated and prosecuted healthcare fraud, procurement fraud, domestic and foreign corruption, money laundering, and export control offenses, working closely with state, federal, and foreign law enforcement officials, as well as the U.S. Securities and Exchange Commission (SEC); U.S. Departments of Defense, State, and Commerce; and intelligence agencies.

Brandon L. Van Grack

Brandon L. Van Grack co-chairs Morrison & Foerster's National Security and Global Risk + Crisis Management groups. His practice focuses on investigations, criminal defense, and compliance matters involving export controls and sanctions, foreign investment, and cyber incidents. Brandon's arrival to the firm follows more than a decade of service at the U.S. Department of Justice (DOJ), where he held multiple senior positions. Most recently, he was Chief of DOJ's Foreign Agents Registration Act (FARA) Unit, after serving as a lead prosecutor for Special Counsel Robert S. Mueller III's investigation of the Russian government's efforts to interfere in the 2016 presidential election. As Counsel to the Assistant Attorney General, Brandon oversaw

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every criminal investigation involving export control and sanctions and led the DOJ's response to the Obama Administration's rollback of sanctions targeting Iran – the Joint Comprehensive Plan of Action (JCPOA). As a Trial Attorney, he prosecuted more than 30 export control and sanctions cases, including first-ever cases involving North Korea, weapons of mass destruction, and the Atomic Energy Act. Brandon has also handled the review of transactions before CFIUS and Team Telecom across multiple administrations. During the Obama Administration, he managed the DOJ's review of transactions before CFIUS, to include advising on mitigation proposals, and over the last year he led DOJ's review of transactions involving foreign influence before CFIUS and Team Telecom.

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