

Skadden represents clients worldwide with respect to a wide array of matters involving international trade in goods, software, technology and services, as well as investments in the United States and abroad. We offer a unique range of services to help clients manage the risks and maximize the opportunities of an increasingly complex and challenging international trade landscape. Our attorneys have worked at the highest levels of the U.S. government and have extensive contacts with key trade officials in the administration, Congress, the diplomatic community, trade and foreign ministries around the globe and major international trade organizations.

Trade Policy and Negotiations

Trade agreements offer the potential for new market access opportunities but also present compliance challenges for companies. Our attorneys use their extensive experience negotiating trade agreements to provide vital counseling to clients regarding the opportunities and compliance requirements of trade agreements and how to utilize the structures and mechanisms provided by the agreements to best serve their needs. Skadden also advises clients regarding ongoing negotiations of trade agreements and how such negotiations may affect their interests and operations.

Market Access and Trade Barriers

Skadden has significant experience working with clients to open or maintain international markets for their products or services. The firm helps clients to address market access issues, trade barriers and unfair trade practices that impede their ability to export to or operate or invest in other countries, including problems ranging from unfair pharmaceutical and medical device pricing, reimbursement or approval practices to the failure to protect or enforce intellectual property rights to investment restrictions. These initiatives frequently require extensive analysis of trade agreements, coordination with Skadden's offices worldwide to provide on-the-ground insight, research and services and wide-ranging efforts to work with U.S. and foreign government officials at all levels to resolve the issues. Our attorneys' high-level government experience positions them well to handle these initiatives.

Supply Chain Strategies

Recent developments in the global trade environment have caused numerous companies to reevaluate their global footprints and supply chains. Skadden advises clients on how best to restructure their operations and supply chains to take advantage of current trade agreements and structures, avoid trade hot spots and minimize problems with trade barriers. We also advise and represent clients in connection with U.S. administrative proceedings that can affect supply chain decision-making, such as proceedings determining whether tariffs should be applied to imports under statutes such as Section 232 of the Trade Expansion Act of 1962 and Section 301 of the Trade Act of 1974.

Export Controls

Skadden's international trade attorneys have wide-ranging experience in matters involving U.S. export controls requirements under the International Trafficking in Arms Regulations, the Export Administration Regulations and other regulatory regimes. We regularly advise U.S. and international companies on such matters in virtually all sectors of the economy, including oil and gas, software and technology, defense contracting, telecommunications, pharmaceuticals and biotechnology, automotive and nuclear energy, as well as financial institutions, including private equity and hedge funds. We assist clients in interpreting the scope and applicability of export controls requirements, determining the export classification of products and technologies, conducting due diligence reviews in the context of major acquisitions and their day-to-day operations, obtaining licenses and other authorizations for

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exports and assisting with disclosures of possible violations. We also frequently advise on the implications of listings on export controls-related restricted party lists, including the Statutorily Debarred Parties list maintained by the U.S. Department of State, Directorate of Defense Trade Controls, and the Denied Party List, Entity List and Unverified List maintained by the U.S. Department of Commerce, Bureau of Industry and Security. Our international trade attorneys also regularly advise companies with export-controlled technologies on national security reviews by the Committee on Foreign Investment in the United States and other foreign direct investment review regimes. We also help develop and implement internal compliance programs, conduct internal investigations and design remedial measures, including voluntary disclosures to export controls regulators where appropriate.

Export Controls Enforcement

Skadden's international trade attorneys regularly represent U.S. and international companies in civil and criminal export enforcement actions and inquiries brought by the U.S. Department of Commerce, Bureau of Industry and Security; the U.S. Department of Justice; the U.S. Department of State, Directorate of Defense Trade Controls; and the U.S. Department of Homeland Security. We also regularly assist clients that have identified potential export control violations with internal audits, internal investigations, and preparing voluntary disclosures and supporting documentation. We draw on our significant experience working with various U.S. government agencies, as well as our international resources from our non-U.S. offices and networks, to negotiate favorable resolutions and dispositions of disclosures and enforcement actions.

Customs

Our attorneys counsel clients in selecting appropriate tariff classifications for their products and determining the valuation of and appropriate country of origin for imported merchandise. Moreover, we help clients to comply with the requirements of trade agreements to maximize duty savings. Our customs work also includes assistance establishing internal customs compliance programs and challenging or defending against enforcement actions taken by U.S. Customs and Border Protection.

Trade Litigation

Our attorneys represent clients in antidumping and countervailing duty litigation and have assisted companies in some of the most high-profile and complex trade disputes in the United States and around the world. We are uniquely capable of handling the political, policy and technical legal dimensions that these high-stakes cases require to achieve successful resolutions for our clients. In particular, we have helped clients achieve successful results in antidumping and countervailing duty proceedings involving industries ranging from steel to geosynthetics. We represent clients in proceedings before the relevant government agencies, including the U.S. Department of Commerce and the U.S. International Trade Commission, as well as in related appeals, including appeals before the U.S. Court of International Trade, the U.S. Court of Appeals for the Federal Circuit, and binational panels established under the U.S.-Mexico-Canada Agreement. Our attorneys also have participated in numerous dispute settlement proceedings involving a variety of issues before the World Trade Organization and under other trade agreement dispute settlement mechanisms.