

International Trade

OVERVIEW

With lawyers practicing in Washington, DC, Brussels, Seoul and other global trade capitals, and our strategic affiliation with MWE China Law Offices, McDermott's International Trade team helps clients navigate the increasingly complex trade landscape. An integral part of the Firm for more than 30 years, we have extensive experience in every dimension of international trade and cross-border strategies, including all aspects of trade policy, trade negotiations, the General Agreement on Tariffs and Trade (GATT), the World Trade Organization (WTO) agreements, and the more than 400 bilateral and regional free trade agreements (FTAs) that are currently in force or in negotiations worldwide.

We also provide comprehensive counsel and representation to clients on export controls, trade and economic sanctions, anti-boycott rules, customs regulations and requirements, and import relief actions, including antidumping, countervailing duty and safeguard matters, in the United States, the European Union and Member States, China, and many other countries.

To help clients avoid potential missteps at home and abroad, we provide effective guidance on anti-corruption, anti-bribery, anti-money laundering and related laws, including the US Foreign Corrupt Practices Act (FCPA) and the UK Anti-Bribery Act. When investigations, disputes or allegations of wrongdoing arise, we respond rapidly, helping clients avoid or minimize potential fines, sanctions and negative publicity associated with alleged non-compliance.

Our trade team includes lawyers with previous experience in senior leadership roles at the US Department of Commerce and the Office of the US Trade Representative, and as appointed advisors to the US government on trade and export controls matters. We also work closely with lawyers in all of McDermott's offices worldwide to achieve optimal, efficient results for our global trade clients.

KEY CONTACTS



Carolyn B. Gleason
Partner



David J. Levine
Counsel

RELATED CAPABILITIES

Customs

Our customs practice includes ongoing counsel and representation of clients before US Customs and Border Protection (CBP) and the national customs authorities of other countries. We provide advice on classification, valuation, duty assessment (including treatment under the full range of duty preference programs), country of origin and marking, user-fee assessment, bond and warehouse matters, drawback, Foreign Trade Zones (FTZs), bonded warehousing, and equivalent programs outside the United States, as well as on quotas, regulatory restrictions on food, drugs and other products, exclusion and seizure of merchandise, regulatory audits, and resolution of alleged customs violations. We routinely assist clients in conducting internal audits and reviews, preparing compliance programs and implementing compliance policies.

Free Trade Agreements & Bilateral Concerns

With approximately 400 bilateral and regional free trade agreements currently in force or under negotiation, FTAs have become a major driver of global economic development. In conjunction with our strong Food, Beverage & Agribusiness practice, McDermott has played a key role in FTAs negotiated by the United States, the EU, Canada, China and other countries around the world. We help clients navigate this complex maze of agreements, advance their interests during the negotiation of potential FTAs, and provide broad-ranging counsel on the effects of existing regimes. Among other negotiated FTAs, our lawyers have counseled businesses on the currently pending Trans-Pacific Partnership (TPP) and Transatlantic Trade and Investment Partnership (TTIP) negotiations, and many other sectoral agreements such as the US-Japan Arrangement for Trade in Semiconductors and multiple WTO settlement agreements. At a day-to-day level, we also help clients resolve issues that impede the timely flow of goods through ports and across borders.

Import Relief

Administrative proceedings involving import trade relief have wide-ranging effects on national and global economies as well as individual companies. McDermott lawyers have represented producers, exporters, importers and domestic industries in antidumping, market disruption, countervailing duty, safeguards, unfair import practices and other proceedings relating to Brazil, Canada, China, Colombia, Ecuador, the European Union and individual EU Member States, Japan, Korea, Mexico, Poland, Russia, Singapore, Sweden, Switzerland, Taiwan and other countries. Cases have involved products in virtually every industry, including electronics, telecommunications, steel and metals, chemicals, apparel and textiles, automotive parts, agricultural goods and food, and energy and commodities. We regularly prepare and present testimony, questionnaire responses, briefs and written comments in administrative trade proceedings and judicial and agency investigations.

Supply Chain

In today's global marketplace, virtually every product, service or intellectual property asset includes at least some cross-jurisdictional activity, whether moving raw goods and natural resources from the source to a manufacturing facility, conducting joint research and development activities with overseas affiliates, or selling consumer and manufacturing products anywhere in the world. Drawing on McDermott's extensive resources, practice breadth and lawyers practicing in key capitals in the United States, Europe and Asia, our international trade lawyers assist clients at every link in the supply chain. Our broad perspective and geographic reach enables us to help businesses understand the ramifications of local, national, regional and international trade policy and enforcement activities, and craft effective solutions that keep the goods and services moving from point to point.

Trade Controls

We help clients navigate, comply with and find legal exceptions to a broad range of trade controls requirements,

including defense and dual-use export controls, sanctions and anti-boycott rules. We regularly represent clients subject to investigations and enforcement actions resulting from alleged non-compliance. We also conduct due diligence on trade controls issues and reporting requirements in the context of mergers and acquisitions, including foreign acquisitions of US companies and foreign direct investments. Together with lawyers in the Firm's industry-leading white-collar criminal defense practice, we represent clients on anticorruption and anti-money-laundering laws, including the US Foreign Corrupt Practices Act and the UK Bribery Act.

Trade Legislation & Policy

Carefully targeted, proactive US congressional and executive branch advocacy, and effective negotiations strategies with non-US governments, can help minimize the likelihood of legislative or regulatory impediments to international trade. Our experienced lawyers help clients bring priority attention to a specific issue, move the discussion toward solutions that promote our clients' interests, and help resolve problems that might otherwise languish within government bureaucracy. Our policy and legislative team has worked extensively on Capitol Hill and with US federal and state government agencies, and our reputation as a trusted contributor to legislative and policymaking processes allows us to maintain strong relationships with government decision makers. We design strategies, lobby officials directly, write testimony or public comments for official proceedings, and advance client interests by maintaining their visibility.

WTO Agreements

As the overarching framework for international trade in goods, services and intellectual property, the World Trade Organization's (WTO) agreements cover a broad range of issues, including trade liberalization, permitted exceptions, tariffs and trade barriers, and dispute resolution procedures. Our lawyers have extensive experience in and have counseled numerous US and non-US industries, trade associations, companies and governments on the substantive and procedural elements of these key agreements. We are regularly involved in WTO-related negotiations and have brought actions on behalf of clients on many trade matters before the WTO and its predecessor, the General Agreement on Tariffs and Trade (GATT), particularly in cases involving agricultural commodities interests. We also have litigated major cases before GATT and WTO dispute settlement panels; among other highlights, we have acted as lead counsel in the long-running dispute over Europe's banana import regime, often called "the trade case of the decade."

RESULTS

- Led the trade team that is widely credited with having organized, launched and litigated the "Banana Wars" and negotiating with two major WTO agreements aimed at settling the case; this long-standing dispute has included 13 successful GATT and WTO actions and two successful settlement agreements
- A multinational agribusiness company with managing the policy dimensions of a major rollout throughout Asia of a new-to-market agribusiness product
- A forest products company with legal and administrative issues relating to the US GSP Program and tariff reimbursements under that program
- A leading global provider of computer reservations system (CRS) services to help achieve improved access to China's CRS market
- A Korean manufacturer on a variety of antidumping, customs and import compliance matters; also advised the

company on the related aspects of the separation from its controlling US parent company and the transition towards becoming a standalone company

- A global manufacturer of industrial components and equipment with US anti-dumping and customs duty matters before the US Department of Commerce and the US Bureau of Customs and Border Protection, involving various steel and fastener products
- A global fiberglass products company with regulatory trade controls, customs and related trade matters applicable to its global business
- Numerous global agricultural commodities producers, distributors and trading companies, as trade counsel, providing ongoing trade compliance advice and representation on general and specific matters, including on global trade sanctions compliance