

3 CDCS, CSDG PDUs points and 3 Law Society CPD points granted

**Hot & New  
Program**

## **U.S. Sanctions Enforcement Q&A**

**A highly comprehensive and practical program to mitigate compliance risks, avoid heavy fines and reopen business opportunities**

**A practical guide for**

**Bankers – Compliance, Audit, Operations, Risk, Product, Legal and Marketing  
Lawyers, Financial Controllers, Compliance, Credit Control & Shipping Managers**

### **Background:**

1. The first “*U.S. Sanctions Enforcement (OFAC & BIS Rules) Workshop*” held in October, 2017 was very well received. A large number of banking and corporate clients requested for a **more in-depth and case driven presentation**.
2. This **Q&A session** will focus on issues frequently raised by international banks aiming at **avoiding violation of U.S. regulations and potential fine of millions of U.S. dollars**.
3. On April 15, 2018, the US Dept. of Commerce entered an order that placed ZTE on a Denied Party list, which prohibits all exports to ZTE for a period of 7 years. The two ZTE entities named in the Order are: (1) Zhongxing Telecommunications Equipment Corporation; and (2) ZTE Kangxun Telecommunications Ltd. The Commerce Department indicated that the order was entered because ZTE had acknowledged making illegal shipments of U.S. goods to Iran, and had, over a course of several years, made a number of false and misleading statements to the U.S. government. **The Commerce Department Order has two main consequences:**
  - ZTE may not be involved in any transactions involving any commodity, software or technology to be exported from the US; and
  - No person may directly, or indirectly, export to ZTE, products subject to export controls; or take any action to facilitate ZTE's acquisition of U.S. origin goods
4. You will receive over a dozen legal advice from two top class US counsel and may **reopen business opportunities** in transactions previously rejected by banks.

## **Course Highlights:**

1. U.S. sanctions issues that arise in connection with sea voyages (due diligence on the vessels, potential issues involving cargo and itinerary, etc.)
2. U.S. sanctions due diligence in connection with financing contracts, mergers and acquisitions
3. U.S. sanctions issues that may arise in connection with Iranian goods or services
4. OFAC expectation of due diligence by non-U.S. banks in connection with Iran transactions
5. U.S. sanctions issues that may arise in connection with electronic name and address screening
6. What is the role of Export Administration Regulations (EAR) and the U.S. Commerce Department's Bureau of Industry and Security (BIS) in enforcing U.S. sanctions?
7. How do OFAC Sectoral Sanctions against Russia apply to non-U.S. banks, especially when it comes to issuance of credit cards and other forms of consumer credit?
8. Common U.S. sanctions issues that can arise from Letters of Credit
9. Discussion of industries that have been the highest enforcement priorities for OFAC and BIS
10. Update on OFAC Sectoral Sanctions against North Korea
11. ZTE case and its impacts.

## **Speakers:**

**Mr. Timothy P. O'Toole** (e-mail: [TOTOOLE@milchev.com](mailto:TOTOOLE@milchev.com))

- Member, Miller & Chevalier Chartered specialises in economic sanctions and export controls
- Represents companies and individuals at enforcement actions brought by the Treasury Department's OFAC, the Commerce Department's BIS and the U.S. Department of Justice and interacts regularly with OFAC and BIS
- Published more than a dozen articles on export controls and sanctions and speaks at venues around the world
- Co-chair of the White Collar Crime Committee for the National Association of Criminal Defense Lawyers

**Mr. Brian Fleming** (e-mail: [bflaming@milchev.com](mailto:bflaming@milchev.com))

- Member, Miller & Chevalier Chartered specialises in foreign direct investment, economic sanctions and cybersecurity
- Focuses on compliance and disclosure issues concerning regulatory regimes administered by OFAC, BIS and the State Department's Directorate of Defense Trade Controls (DDTC)
- Guides international companies through the Committee on Foreign Investment in the United States (CFIUS) process
- Ex-counsel to the Assistant Attorney General for National Security at Department of Justice (DOJ) and managed DOJ's review of all CFIUS matters and the Joint Comprehensive Plan of Action (JCPOA) of Iran

## **Facilitator:**

**Mr. King-Tak FUNG** (e-mail: [kt.fung@shlegal.com](mailto:kt.fung@shlegal.com))

- Partner of Stephenson Harwood specialises in Banking and International Trade Law and Practice
- Vice chairman and Technical Advisor to the ICC-HK Trade-based AML Sub-committee
- Member of the ICC Consulting Group on Forfeiting and UCP 500 Revision

- Member of the Drafting Group on the revision of the ICC Documentary Instruments Dispute Resolution Expertise ("DOCDEX") Rules and a DOCDEX panel expert
- Former Vice President and Head of Trade Finance at Bank of America N.A.
- Author of "UCP 600 - Legal Analysis & Case Studies" (2008) and "Leading Court Cases on Letters of Credit" (2005)

### **Logistics:**

<b>Date:</b>	16 May, 2018 (Wednesday)
<b>Time:</b>	2:30 pm – 6:00 pm
<b>Venue:</b>	Stephenson Harwood, 33/F., United Centre, Queensway, Hong Kong
<b>Language:</b>	English
<b>Co-organizers:</b>	ICC-Hong Kong (ICC-HK) and P.E.E.R. Consultancy Ltd. (P.E.E.R.)
<b>Cancellation:</b>	There will be no refund for cancellation of booking initiated by the applicant. However, the registration may be transferred to another person from the same company or organisation at no extra charge, subject to the prior consent of ICC-HK and P.E.E.R..
<b>Seat Confirmation:</b>	Seat confirmation is based <u>on receipt of payment on a first come, first served basis</u>
<b>Enquiry:</b>	Contact Ms. Janice Leung at <a href="tel:29730060">Tel: 29730060</a> or e-mail to: <a href="mailto:Publn@icchkcbc.org">Publn@icchkcbc.org</a>

### **Registration fees:**

- ❖ *Fee includes course attendance, materials and refreshments.*
  - ❖ *You will enjoy early bird discount if you register and pay on or before **5 May, 2018.***
- |                            |  |
|----------------------------|--|
| ❖ <b>HK\$ 2,800/person</b> | <i>(regular)</i>   |
| ❖ <b>HK\$ 2,400/person</b> | <i>("early-bird" for public)</i>   |
| ❖ <b>HK\$ 2,300/person</b> | <i>("early-bird" for ICC-HK members)</i>   |
| ❖ <b>HK\$ 6,600/group</b>  | <i>("early-bird" for a group of 3 persons from the same company, <b>HK\$2,200</b> for each extra registrant in the same company)</i> |
| ❖ <b>HK\$ 6,300/group</b>  | <i>("early-bird" for a group of 3 persons from ICC-HK members, <b>HK\$2,100</b> for each extra registrant in the same company)</i>   |
| ❖ <b>HK\$ 10,000/group</b> | <i>("early-bird" for a group of 5 persons from the same company, <b>HK\$2,000</b> for each extra registrant in the same company)</i> |

### **Reference Book: (optional)**

"UCP 600 - Legal Analysis and Case Studies" by King Tak FUNG, ICC Publication No.1000C

*Unit price at HK\$1,000/copy, special discount for workshop attendees at HK\$900/copy*

By way of Q & A techniques, this book addresses 99 highly controversial trade finance issues and analyses 55 landmark court cases and unpublished banking cases. This book contains a total of 12 chapters including PRC LC Law & Practice, Fraud & Injunctions and **Standby LCs – UCP 600 and ISP98 Compared.**

The majority of these unpublished cases involved Mr. Fung himself either as a banker or a legal practitioner which cannot be found in any other source or commentary.