

CDCS and CSDG 3 PDUs Points granted

Law Society 3 CPD Points granted

**Hot & New
Program**

U.S. Sanctions Enforcement (OFAC & BIS Rules)

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

A practical guide for

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

Background:

1. The highest **civil fine** levied by the U.S. Office of Foreign Asset Control ("**OFAC**") against a bank was **US\$963 million** while the highest fine levied by the U.S. Bureau of Industry and Security ("**BIS**") against a Chinese company was **US\$1.2 billion**.
2. Although legally speaking, the U.S. rules and regulations do not have any legal effect in Hong Kong, in practice, banks and corporations in Hong Kong may be subject to heavy fines if it breaches the relevant rules and regulations.
3. This workshop will also provide the latest update on U.S. sanctions relating to Iran, China, Russia and N. Korea and address a number of trade-based anti-money laundering ("**TBAML**") issues. **This may reopen business opportunities in transactions with no direct involvement of Iran previously rejected by banks.**

Highlights:

A. Key legal and compliance issues

1. Introduction to OFAC and BIS
2. Criminal and civil liabilities
3. Willfulness
4. Jurisdiction
 - U.S. goods
 - U.S. financial systems
 - U.S. persons (citizen, resident national, entity organised under U.S. law, within the U.S., foreign branches of U.S. entity)
 - Secondary sanctions
5. Different ways to contact OFAC and BIS for clarifications or approvals

B. Recent enforcement actions and case studies

1. Is it a breach of U.S. regulations if the vessel visits an Iranian port (a) prior to visiting the port of loading or (b) between the port of loading and port of discharge?
2. Is it a U.S. requirement to check the voyages of the vessels up to six months prior to visiting the port of loading?
3. Is a bank (incorporated outside the U.S.) deemed to be a U.S. person if it has a branch in the U.S.? What is the legal position if that U.S. office is not a branch of the bank in Hong Kong but just a separate legal entity incorporated in the U.S.?
4. What are the ramifications if no "sanction exclusion" clause is inserted into the text of an LC and the mitigating factors?
5. Banking - processing payments involving specially designated nationals
6. Trading - re-export of U.S.-origin goods to Iran through Singapore and UAE
7. Transport - transshipment of cars and parts through Iran to Afghanistan

C. Country update

1. Iran
2. China
3. Russia
4. N. Korea

Mr. Fung King Tak will also update the latest position of Hong Kong in respect of sanctions on Iran.

Speaker:

Mr. Timothy P. O'Toole (e-mail: 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
- Ex-chief of the Special Litigation Division of the Public Defender Service for the District of Columbia

Facilitator:

Mr. King Tak FUNG (e-mail: 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:

Date:	16 October, 2017 (Monday)
Time:	2:30 pm – 6:00 pm
Venue:	Stephenson Harwood, 18/F., United Centre, Queensway, Hong Kong
Language:	English
Co-organizers:	ICC-Hong Kong (ICC-HK) and P.E.E.R. Consultancy Ltd. (P.E.E.R.)
Cancellation:	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..
Seat Confirmation:	Seat confirmation is based <u>on receipt of payment on a first come, first served basis</u>
Enquiry:	Contact Ms. Jensen Chan at Tel: 29730060 or e-mail to: publn@icchkcbc.org

Registration fees:

- ❖ *Fee includes course attendance, materials and refreshments.*
- ❖ *You will enjoy early bird discount if you register and pay on or before **6 October, 2017.***

- ◇ **HK\$ 2,800/person** (*regular*)
- ◇ **HK\$ 2,400/person** (*"early-bird" for public*)
- ◇ **HK\$ 2,300/person** (*"early-bird" for ICC-HK members*)
- ◇ **HK\$ 6,600/group** (*"early-bird" for a group of 3 persons from the same company, HK\$2,200 for each extra registrant in the same company*)
- ◇ **HK\$ 6,300/group** (*"early-bird" for a group of 3 persons from ICC-HK members, HK\$2,100 for each extra registrant in the same company*)
- ◇ **HK\$ 10,000/group** (*"early-bird" for a group of 5 persons from the same company, HK\$2,000 for each extra registrant in the same company*)

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.

REGISTRATION FORM

U.S. Sanctions Enforcement (OFAC & BIS Rules)

Date:	16 October, 2017 (Monday, English session)	Please return this registration form to ICC-HK at: publn@icchkcbc.org for seats reservation. For enquiry: Ms Jensen Chan Tel: 29730060
Time:	2:30pm – 6:00pm	
Venue:	Stephenson Harwood, 18/F., United Centre, 95 Queensway, HK	
Points:	CDCS and CSDG 3 PDUs points granted Law Society CPD points being applied for	

Company: _____ Date: _____

Address: _____

As a matter of our practice, we intend to use your personal data provided by you and set out in this form for direct marketing of the services of ICC-Hong Kong and P.E.E.R. Consultancy Ltd. in relation to banking and financial services, arbitration, e-commerce, trade and investment, environment, competition, intellectual property and protection of the business interests of Hong Kong. However, we cannot so use your personal data without your consent.

Pursuant to Personal Data (Privacy) Ordinance, you have the right to ascertain whether we hold any of your personal data, access to such personal data and request us to correct such personal data.

Please sign in below signature box to confirm your consent to such use.

- Registration Fee:**
- *Fee include course attendance, materials, refreshments.*
 - *You will enjoy early bird discount if register and pay on or before **6 October, 2017.***

- | | |
|---|---|
| <input type="checkbox"/> Individual Participant
➢ HK\$2,800/person (regular fee)
➢ HK\$2,400/person (early bird for public)
➢ HK\$2,300/person (early bird for ICC-HK member) | <input type="checkbox"/> Group in a company: _____ (number of participants)
➢ HK\$ 2,200/person (early bird for 3 participants +)
➢ HK\$ 2,100/person (early bird for 3 participants + for ICC-HK member)
➢ HK\$ 2,000/person (early bird for 5 participants +) |
|---|---|

	Participant's information	Participant's information	Participant's information
Name			
Position			
Department			
Tel No.			
E-mail			
Signature			

(E-mail address must be filled in. For extra participants over 3, please use a new registration form)

Total Payment: HK\$ _____ (non-ICC-HK member) HK\$ _____ (ICC-HK member)

Payment Method:

<p>By Cheque, please mark payable to:</p> <p>Int'l Chamber of Commerce – Hong Kong (Please send your cheque to: Flat B, 8/F., Wah Kit Commercial Centre, 303 – 302 Des Voeux Road Central, Sheung Wan, Hong Kong)</p>	<p>By Bank Transfer:</p> <p>Int'l Chamber of Commerce – Hong Kong HSBC, 1 Queen's Road Central, Hong Kong Account No: 500-423736-001 (Please fax the bank-in slip to: 2869 0360 or e-mail to: publn@icchkcbc.org)</p>
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