



## International Trade

International trade is essential for the growth and development of global economies and businesses. As international trade has expanded and developed, so too have the myriad rules and regulations that govern it. The global compliance environment is becoming more complex by the day and can be difficult to navigate without the assistance of experienced counsel. Failure to comply with international trade rules and regulations—even if done so unwittingly—can lead to civil and criminal penalties, monitorships, consent agreements, debarment, reputational damage, substantial administrative burden, legal expense, and unsatisfied business objectives. Increasingly, there also is exposure for individual officers/directors, which can include monetary penalties and, potentially, jail time.

Winston's cross-border International Trade Practice is uniquely situated to help companies navigate these complex rules and regulations and offers comprehensive services to help businesses succeed in the global marketplace.

Our International Trade attorneys assist clients on U.S., UK, and EU economic sanctions and export controls, anti-money laundering (AML)/countering the financing of terrorism (CFT), anti-bribery and anti-corruption issues, anti-boycott, and foreign-investment regulations. Our attorneys regularly:

- Advise on contractual issues between parties—both proactively during contract formation and as issues arise during the ordinary course of business
- Conduct due diligence for mergers and acquisitions
- Serve as ongoing counsel for clients to address risks, questions, and issues as they arise

- Lead risk assessments and conduct gap analyses to identify risks to the business and recommend potential mitigation/remediation
- Draft and work with clients to implement policies and procedures
- Conduct internal investigations related to potential violations
- Advise and assist with assessment of potential self-disclosure
- Draft voluntary self-disclosures and other correspondence to regulators
- Obtain licenses, government-approved agreements, and ensure general licenses', specific licenses', license exceptions', and license exemptions' terms and conditions are met
- Respond to subpoenas, requests for information, and other government inquiries
- Defend clients in enforcement proceedings and other investigations
- Prepare clients for congressional testimony or to respond to congressional inquiries
- Defend clients in litigation proceedings
- Draft comments on proposed rules and assist with strategies to seek regulatory changes

## Key Contacts

Cari Stinebower

J. Tyler McGaughey

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## Areas of Focus

### Sanctions & Embargoed Jurisdictions

Our sanctions attorneys advise on compliance with U.S., UK, and EU sanctions regulations that are applicable to embargoed nations, terrorist organizations, drug traffickers, and Specially Designated Nationals (SDNs) with which business transactions are prohibited. In the U.S., these sanctions are administered and enforced by the Office of Foreign Assets Control (OFAC) of the U.S. Department of the Treasury (Treasury) and the U.S. Department of State (State). We monitor evolving sanctions regulations and related guidance, and counsel clients through all aspects of doing business in the context of these restrictions.

We are deeply experienced in assisting clients in a variety of issues, whether the client is a globally operating manufacturer with a robust and sophisticated sanctions program that seeks assistance in conducting an internal investigation and drafting a disclosure to OFAC, a financial institution that seeks urgent counseling with respect to a live transaction, or a company looking to implement its first sanctions policy or training for employees.

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## Export Controls

Our export controls attorneys assist in the regulatory, legislative, investigative, and licensure aspects of clients' export compliance for the export of military, nuclear, and dual-use goods and commercial items. Primarily, these regimes include the State's International Traffic in Arms Regulations (ITAR) administered by the Directorate of Defense Trade Controls (DDTC), export controls maintained by the U.S. Department of Energy (DOE) and the Nuclear Regulatory Commission (NRC), and the U.S. Department of Commerce Export Administration Regulations (EAR) administered by the Bureau of Industry and Security (BIS). Our clients range from manufacturers, software services and development companies, machine shops, government contractors, and brokers to large multinational and non-U.S. producers of items that may become subject to U.S. export-control regulations. We are also often called on to advise companies on the Foreign Military Sales (FMS) process, the FMS Third Party Transfer (TPT) process, the Foreign Trade Regulations (FTR), and the BIS and Internal Revenue Service (IRS) Antiboycott Regulations.

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## Anti-Money Laundering/Countering the Financing of Terrorism

Winston's financial crimes compliance attorneys provide anti-money laundering and countering-the-financing-of-terrorism (AML/CFT) regulatory compliance counseling, training, and enforcement-related services to clients of all sizes and sophistication. We have deep experience with the Bank Secrecy Act (BSA) in the U.S., EU AML regulations, and with the recommendations made by the Financial Actions Task Force (FATF). We conduct AML compliance reviews and risk assessments and draft related risk-based policies and procedures; perform due diligence in corporate and investment transactions; advise on regulations and requirements, including know your customer (KYC), customer identification program (CIP), customer due diligence (CDD), and suspicious activity reporting (SAR); assist in triaging ransomware-related incidents; conduct internal investigations; respond to government subpoenas; and defend targets and subjects of government investigations. We also advise on regulatory requirements for money-services businesses, including money transmitters and the payment processor exemption.

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## Anti-Bribery & Anti-Corruption

Our ABAC attorneys advise companies on compliance and enforcement matters arising under the Foreign Corrupt Practices Act (FCPA), UK Bribery Act, and other ABAC laws around the globe, including laws implementing the OECD Anti-Bribery Convention, the U.N. Convention Against Corruption, and other international conventions. Our team is comprised of international transactional and litigation attorneys who focus on assisting U.S. companies in doing business overseas. This group includes regulatory attorneys and litigators experienced in leading investigations, assessing and developing compliance programs, and representing multinational organizations in government-enforcement matters, including matters adverse to the Department of Justice (DOJ), the Securities and Exchange Commission (SEC), the IRS, and other investigatory agencies.

[Learn More](#)

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# Foreign Investment Regulations: CFIUS & International Foreign Investment & National Security Review Regimes

Our foreign-investment regulatory attorneys ensure that planned transactions comply with specific foreign-investment restrictions and, when necessary, obtain required approvals. We have a dedicated team that focuses its work on the existing and evolving foreign investment review regimes in key jurisdictions, including the U.S., UK, EU, and China.

**United States – CFIUS:** When a U.S. business is acquired by a foreign entity, CFIUS has jurisdiction to review the transaction for national security implications. Our attorneys have extensive experience conducting due diligence for mergers and acquisitions related to CFIUS jurisdiction, advising clients on whether the structure of their transaction requires a mandatory CFIUS filing, and advising on alternative structures that may not face the same requirements. Further, we assess whether a voluntary notice of the transaction is advisable and regularly assist clients through the CFIUS-review process.

**International – Non-U.S. Foreign Investment & National Security Regulations:** Over the past five years, significant global jurisdictions outside of the U.S. have rolled out foreign-investment regulations. Our UK-, France-, and China-based trade attorneys monitor and provide guidance to clients on the foreign-investment restrictions and regulations in their respective jurisdictions. These regulations include the UK’s National Security and Investment Act 2021 (NSI Act), the EU’s FDI Regulation, the French Ministry of the Economy’s General Treasury Department FDI Rules, and China’s Foreign Investment Law (FIL) and related regulations.

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## Trade Due Diligence & Post-Merger Integration

In recent years, regulatory bodies have taken significant enforcement actions against companies that fail to comply with complex International trade rules and regulations in their transactions. Many of these actions could have been mitigated or avoided entirely by proper pre-merger due diligence and post-merger integration. We regularly conduct trade due diligence leading up to a deal closing and provide trade compliance counseling throughout the post-merger integration process.

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## Helms-Burton Act Counseling & Litigation

In April 2019, the Trump administration announced—for the first time since its enactment—the activation of Title III of the Helms-Burton Act, which authorizes a private cause of action for any U.S. citizen whose land was nationalized or confiscated by the Cuban government (as of 1959) to sue in U.S. courts any person or entity who “traffics” or economically benefits from their previously held property. The Act, which is formally named the Cuban Liberty and Democratic Solidarity Act, continues and strengthens the U.S. embargo against Cuba. We have extensive experience counseling clients on their exposure to Helms-Burton litigation and defending clients if litigation does occur.

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“The sophistication of Cari Stinebower’s practice is extremely high as she understands the high-level concepts, but also the very nuances that trip most others up.”

*Chambers USA 2022*

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## Related Capabilities

Compliance Programs

Financial Services Transactions & Regulatory

Mergers & Acquisitions

Privacy & Data Security

Government Investigations, Enforcement & Compliance

Automotive & Mobility

Cryptocurrencies, Digital Assets & Blockchain Technology

FinTech & Payments

Food & Beverage

Maritime & Admiralty

Technology, Media & Telecommunications

Europe

Latin America & Caribbean

## Resources

[Global Trade & Foreign Policy Insights](#)

## Related Insights & News

### BLOG

Spotlight on Regulatory Cross Border: AI Act Advances Through the European Parliament

MARCH 19, 2024

### SPONSORSHIP

Winston & Strawn Sponsors FIBA AML 2024 Conference

MARCH 18, 2024

### RECOGNITIONS

Tyler McGaughey Named Top Advisor by *Foreign Investment Watch* for Second Consecutive Year

MARCH 12, 2024

### CLIENT ALERT

Updates on Drug Regulations in Japan – Reducing Barriers to Entry for Drug Companies Entering the Japanese Market

MARCH 4, 2024

### BLOG

President Biden Issues Major New Executive Order Restricting Transfer of Americans' Bulk Sensitive Data to China

MARCH 1, 2024

## **BLOG**

### **National Security Roundup**

FEBRUARY 27, 2024

## **SPONSORSHIP**

### **Winston & Strawn Sponsors ABA ILS Energy Conference**

FEBRUARY 27, 2024

## **RECOGNITIONS**

### **Winston and Yuanda China Law Offices Recognized in *Chambers Global* 2024**

FEBRUARY 16, 2024

## **BLOG**

### **The U.S. Corporate Transparency Act – Is Your Business Organization Ready to Comply?**

FEBRUARY 7, 2024

## **CLIENT ALERT**

### **New York Governor Signs Amended Version of the LLC Transparency Act into Law**

JANUARY 17, 2024

## **WEBINAR**

### **International Trade 2023 Year In Review and Predictions for 2024**

JANUARY 4, 2024

## **BLOG**

### **CFIUS/National Security: 2023 Year-in-Review and 2024 Predictions**

JANUARY 2, 2024