

MEEKS, SHEPPARD, LEO & PILLSBURY

MEMORANDUM

TO: NYSBA International Section and Friends

FROM: Robert J. Leo
robert.leo@mscustoms.com

DATE: April 1, 2019

RE: Challenges for Start-Ups: U.S. & EU Economic Policies and Regulations

OUR FILE: NYSBA-001

One of the effects of the increasingly integrated global supply chain is the increasing enforcement of U.S. trade laws and regulations. Additionally, the U.S. administration is making trade retaliation and trade enforcement one of its top priorities.

These laws are often amended to take into account U.S. policy to control prevent transshipment of U.S. exports. The “devil is in the details” and as the U.S. increases sanctions, continues export control reform, and free trade agreements are renegotiated, the trade statutes and regulations can bedevil the best global company and their counsel.

This list is not exhaustive. If you have any questions about the interpretation or practical application of any of the following, or other U.S. trade laws, please do not hesitate to contact us at (1) + 212-949-7120.

U.S. EXPORT LAWS

Department of Treasury, Office of Foreign Assets Control (OFAC)

Import and Export Bans

50 USC § 1701 International Emergency Economic Powers Act (IEEPA)

-Also affects U.S. export controls (15 CFR Part 300 *et seq.*)

22 USC § 2349aa-9 International Security and Development Cooperation Act (ISDCA)

31 CFR §§ 500-599

Bureau of Industry and Security, Department of Commerce

IEEPA – 50 USC § 1701

15 CFR Part 730 *et seq.*

Department of State, ITAR

Arms Export Control Act – 22 USC §2778

22 USC § 401

22 CFR Parts 120 - 130

KEY US CUSTOMS LAWS AFFECTING IMPORTS

19 USC § 1401a – Valuation statute, including Related Party Pricing

19 USC § 1592 - Penalties

19 USC § 1595 - Seizures

US CUSTOMS REGULATIONS FOR IMPORTS

19 CFR § 133 - intellectual property

19 CFR § 152- valuation

19 CFR §§ 162.70-80 penalties

19 CFR §§ 162.21-23, 162.41-52

19 CFR §§ 172.1-43

OTHER US LAWS AND REGULATIONS INCLUDE

Intellectual Property

15 USC § 1124

15 USC § 1125

19 USC § 1526(e)

17 USC § 106

35 USC § 271

19 USC § 1337