

Skadden represents clients worldwide with respect to a wide array of matters involving international trade in goods, software, technology and services, as well as investments in the United States and abroad. We offer a unique range of services to help clients manage the risks and maximize the opportunities of an increasingly complex and challenging international trade landscape. Our attorneys have worked at the highest levels of the U.S. government and have extensive contacts with key trade officials in the administration, Congress, the diplomatic community, trade and foreign ministries around the globe and major international trade organizations.

## **Trade Policy and Negotiations**

Trade agreements offer the potential for new market access opportunities but also present compliance challenges for companies. Our attorneys use their extensive experience negotiating trade agreements to provide vital counseling to clients regarding the opportunities and compliance requirements of trade agreements and how to utilize the structures and mechanisms provided by the agreements to best serve their needs. Skadden also advises clients regarding ongoing negotiations of trade agreements and how such negotiations may affect their interests and operations.

## **Market Access and Trade Barriers**

Skadden has significant experience working with clients to open or maintain international markets for their products or services. The firm helps clients to address market access issues, trade barriers and unfair trade practices that impede their ability to export to or operate or invest in other countries, including problems ranging from unfair pharmaceutical and medical device pricing, reimbursement or approval practices to the failure to protect or enforce intellectual property rights to investment restrictions. These initiatives frequently require extensive analysis of trade agreements, coordination with Skadden's offices worldwide to provide on-the-ground insight, research and services and wide-ranging efforts to work with U.S. and foreign government officials at all levels to resolve the

issues. Our attorneys' high-level government experience positions them well to handle these initiatives.

## **Supply Chain Strategies**

Recent developments in the global trade environment have caused numerous companies to reevaluate their global footprints and supply chains. Skadden advises clients on how best to restructure their operations and supply chains to take advantage of current trade agreements and structures, avoid trade hot spots and minimize problems with trade barriers. We also advise and represent clients in connection with U.S. administrative proceedings that can affect supply chain decision-making, such as proceedings determining whether tariffs should be applied to imports under statutes such as Section 232 of the Trade Expansion Act of 1962 and Section 301 of the Trade Act of 1974.

## **Tariff Mitigation and Customs Advice**

Our attorneys counsel clients on their exposure to tariffs and help them develop and implement strategies to mitigate tariff risk. We advise clients on the appropriate tariff classification and country of origin for their products. We also help them determine the appropriate customs value of imported merchandise, which can have an important impact on overall tariff liability. Our customs valuation experience includes advising with respect to related party transactions, transfer pricing, royalties and licensing agreements, and appli-

# International Trade

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cation of the “first sale” rule. Moreover, we help clients to comply with import requirements while making use of trade agreements and preferential treatment programs to maximize duty savings. Our customs work also includes assistance establishing internal customs compliance programs and providing advice and counsel in administrative proceedings, audits, investigations, and challenging or defending against enforcement actions taken by U.S. Customs and Border Protection (CBP).

## **UFLPA and Forced Labor Compliance**

Skadden’s international trade attorneys advise clients on compliance with the Uyghur Forced Labor Prevention Act (UFLPA) and U.S. law prohibiting the import of goods that have been made, in whole or in part, using forced labor. We advise U.S. and international clients in a range of industries — from renewable energy to textiles — on how to develop robust company policies, build an effective compliance program and conduct appropriate diligence on supply chains. If CBP detains shipments, we can help clients navigate the detention process and secure release of merchandise.

## **Trade Litigation**

Our attorneys represent clients in antidumping and countervailing duty litigation and have assisted companies in some of the most high-profile and complex trade disputes in the United States and around the world. We are uniquely capable of handling the political, policy and technical legal dimensions that these high-stakes cases require to achieve successful resolutions for our clients. In particular, we have helped clients achieve successful results in antidumping and countervailing duty proceedings involving industries ranging from steel to geosynthetics. We represent clients in proceedings before the relevant government agencies, including the U.S. Department of Commerce and the U.S. International Trade Commission, as well as in related appeals, including appeals before the U.S. Court of International Trade, the U.S. Court of Appeals for the Federal Circuit, and binational panels established under the U.S.-Mexico-Canada Agreement. Our attorneys also have participated in numerous dispute settlement proceedings involving a variety of issues before the World Trade Organization and under other trade agreement dispute settlement mechanisms.