

International Trade and Investment

EXECUTIVE SUMMARY

BLG's international trade and investment practice is the most senior and experienced in the country. We have earned the trust of our clients and the respect of our peers with a demonstrated track record of achieving outstanding results.

We field the largest team of partners and associates in Canada dedicated exclusively to international trade and investment matters.

Our team advises clients on all aspects of trade and investment regulation, from customs and trade remedies, to sanctions and export controls, anti-corruption, trade policy and negotiations, FTA and WTO dispute resolution and investor-state arbitration.

Customs

Our customs practice is led by partners with national and global recognition. We are go-to advisors for clients needing innovative, independent, and comprehensive solutions for critical business challenges. We help Canadian and non-resident clients manage their customs compliance needs in all industry sectors.

Our decades of experience allow us to advise clients on how to minimize their risks and maximize their opportunities. We provide practical, business-minded guidance at every step of the import process, from navigating Canada's customs administration, to tackling complex customs valuation and transfer pricing issues, tariff classification, free trade tariff benefits, duty and tax savings opportunities such as duty drawbacks and duty relief, penalty and seizure actions, voluntary disclosures, and customs audits.

Anti-dumping, anti-subsidy & safeguards

Our trade remedies practice is valued by clients and acknowledged by our peers for the quality of our work, depth of knowledge, and superior advocacy. We have Canada's largest group of dedicated trade remedy professionals, including lawyers and trade/accounting paralegals, with deep experience in all aspects of anti-dumping, anti-subsidy and safeguard laws. Whether dealing with the Canada Border Services Agency or litigating before the Canadian International Trade Tribunal, Canadian courts, or under international treaties, we have the depth and experience to handle the most complex trade remedy cases.

We pride ourselves on our record of success in Canada's highest profile trade remedy cases. One of our partners has been lead counsel for exporters and importers on most of the "no injury" findings in Canada in recent years. We are tough, resourceful, and rigorous advocates who offer our clients legal and business strategies best suited to defending their interests.

Economic Sanctions & Export Controls

Global and regional rivalries, as well as national security and anti-terrorism concerns, have led to an increased use of economic sanctions and export controls by Canada and its trading partners. Our group has the experience to help clients navigate complex and overlapping sanctions and export controls on the transfer of goods, technology and payments across international borders imposed by Canadian, US, EU and other laws. We assist clients in all aspects of trade compliance from day-to-day transactional advice to permit applications, investigations and litigation.

Anti-Corruption Compliance & Investigations

Anti-corruption compliance is a key aspect of international business. International treaties and enhanced enforcement of foreign corrupt practices laws by Canadian and foreign authorities raise the stakes for companies trading and investing across borders.

Our team has the deepest experience in anti-corruption compliance and investigations in Canada. We have advised Fortune 500 companies and other leading Canadian and international

businesses in the development and implementation of their global anti-corruption policies and in some of the most high-profile anti-corruption compliance matters, including government investigations by the RCMP, federal and provincial prosecutors, Canadian securities commissions, and the US Justice Department and Securities & Exchange Commission. One of our partners advised Government of Canada on the drafting of the Corruption of Foreign Public Officials Act and has been lead counsel in several matters before the World Bank's Integrity Department and Sanctions Committee.

Trade Agreements & Disputes

In a volatile international trade climate, businesses need to understand the means at their disposal - domestic laws, trade agreements, trade negotiations and dispute settlement - to open new markets, maintain access to existing ones, and plan for the challenges of global competition. Our international trade team assists clients around the world to identify and deploy the right tool to achieve their market access objectives. Our clients benefit from our deep legal knowledge and strategic insight that comes from decades of experience inside government and in the private sector, at the negotiating table, in the boardroom, and in front of WTO, NAFTA, and domestic tribunals.

Investment Treaty Arbitration

When representing our clients in disputes under international trade agreements and investment treaties, our team brings together globally recognized expertise and a proven record of effective advocacy in complex litigation and arbitration. Our lawyers have worked on behalf of governments and businesses in dozens of WTO dispute settlement proceedings at the panel and appellate levels and in investment treaty arbitrations under the NAFTA and bilateral investment treaties. We also advise companies on negotiating investment agreements and structuring their cross-border investments to benefit from treaty protections.

PUBLICATIONS

- "[The Arbitration Review of the Americas 2019](#)," *Global Arbitration Review (GAR)*, August 2018.
- "[Dispute Settlement in the United States-Mexico-Canada Agreement](#)," November 2018.
- "[USMCA Automotive Rules of Origin](#)," November 2018.
- "[WTO Panel Issues an Important Reminder That Safeguards Are Not Safe from Challenge](#)," November 2018.
- "[Implications of the US Midterm Election on the USMCA](#)," November 2018.
- "[Doing Business in Canada 2019](#)," November 2018.
- "[The CPTPP countdown is on: Canada and Australia ratify, bringing the Agreement into force at the end of 2018](#)," October 2018.
- "[Administration of Canada's Sanctions Regime Gets a Welcome Makeover](#)," October 2018.
- "[U.S.-Mexico-Canada Agreement: Business Insights on Intellectual Property Issues](#)," October 2018.
- "[Canada Announces Provisional Steel Safeguards](#)," October 2018.
- "[U.S.-Mexico-Canada Agreement: Preliminary Insights for Business](#)," October 2018.
- "[Deferred Prosecution Agreements are Coming to Canada](#)," September 2018.
- "[Tariffs, Taxes and Trade](#)," September 2018.

- "[Canada Announces Consultation on Provisional Steel Safeguards](#)," August 2018.
- "[They're Back...Renewed U.S. Sanctions Imperil Canadian Business with Iran](#)," August 2018.
- "[U.S. Department of Commerce Begins Autos Investigation Hearings](#)," July 2018.
- "[Leading International Trade Team Joins BLG](#)," May 2018.
- "[Steeling for a Fight — U.S. President Trump Announces Tariffs on Imported Steel and Aluminum](#)," March 2018.
- "[Top 10 Legal Risks for Business in 2018](#)," January 2018.
- "[Ratification of the Canada-EU Free Trade Deal: Current Status, Next Steps, and Important Implications for Canadian and EU Companies](#)," February 2017.
- "[Implications of the Brexit Vote for the CETA](#)," August 2016.
- "[Brexit: What Does it Mean for Canada?](#)," June 2016.
- "[Canadian Sentenced to Three Years in U.S. for "Sanction-Busting"](#)," May 2016.
- "[Fundamental Change to the Conduct of Investor-State Arbitrations in Final CETA Text](#)," February 2016.
- "[Back to Business \(Almost\) As Usual: Changes to Canadian Economic Sanctions Against Iran](#)," February 2016.
- "[Softening Sanctions Against Iran: A Canadian Perspective](#)," January 2016.

REPRESENTATIVE WORK

- Counsel or advisor in over 30 WTO disputes. Recently appeared as counsel before the Appellate Body in *US - Clove Cigarettes*, *US - Tuna II (Mexico)* and *US – COOL*.
- Counsel or advisor in numerous disputes under regional trade agreements, in particular: *Lobsters*; *UHT Milk*; *Tariffs on Certain U.S. - Origin Agricultural Products*; *Flat Coated Steel*, *Cut-to-Length Plate*, *Broom Corn Brooms*; *Cross-Border Trucking Services*; *Sugar*; *Gypsum Board*; *Beer*; and *Durum Wheat*.
- Provided frequent written opinions on a broad range of issues under international and domestic trade agreements, including the WTO Agreements, the NAFTA and numerous other bilateral trade agreements.
- Advised on the design, implementation, assessment and defence of domestic measures as well as the assessment and challenge of foreign measures under international and domestic trade law.
- Provided legal and negotiation advice to the Government of Mexico on the NAFTA negotiations, including the negotiation of the environment and labour side agreements and related rules of procedure.
- Advised other clients on negotiation, implementation and/or compliance issues related to numerous other international trade agreements, including: Canada – Chile; Canada – Israel; Canada – Costa Rica; Canada – Peru; Canada – European Free Trade Association; Canada – Colombia; Canada – Jordan; Canada – Panama; Canada – Central America; Canada – CARICOM; Canada – Dominican Republic; Canada – Ukraine; Canada – Morocco, and Canada - Panama, as well as ongoing negotiations between Canada and the EU, Canada and India, Canada and Japan, the Trans-Pacific Partnership and negotiations within the WTO.

- Advised clients on negotiation, implementation and/or compliance issues related to domestic internal trade agreements, including the *Agreement on Internal Trade*, the *Trade, Investment and Labour Mobility Agreement* and the *New West Partnership Trade Agreement*.
- Represented private commercial interests before all regulatory and adjudicative bodies involved with international trade and government procurement matters in Canada, including the CITT, CBSA, the Canadian Federal Courts, the Supreme Court of Canada and Bi-national panels established under Chapters 18 and 19 of the FTA and 19 and 20 of NAFTA.
- Advised on all aspects of Canadian domestic law applicable to trade in services and goods, including customs issues under the *Customs Act* and *Customs Tariff*, anti-dumping and countervailing duties and safeguard actions under the SIMA, import/export restraints and permits and trade sanctions under the *Export and Import Permits Act*, the *Special Economic Measures Act*, the *Foreign Extra-territorial Measures Act*, the *United Nations Act*, and inter-provincial trade disputes under the *Agreement on Internal Trade* and the *Trade, Investment and Labour Mobility Agreement*.
- Counsel for domestic industry and exporter/importer clients in numerous Canadian anti-dumping and countervailing duty investigations.

RANKINGS & RECOGNITIONS

The International Trade Group and its members are recognized in:

- The 2019 (and since 2017) edition of *The Legal 500 Canada*.
- The 2019 edition of *Chambers Canada — Canada's Leading Lawyers for Business*.
- The 2017 edition of *Chambers Global — The World's Leading Lawyers for Business*.
- The 2017 edition of *The Best Lawyers in Canada*[®].
- The 2017 edition of the *Canadian Legal Lexpert*[®] *Directory*.
- The 2016 edition of *Who's Who Legal: Canada*.

PRACTICE LEADERS

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