

## Customs and Trade

The firms featured in this chapter are active in the international regulation of the import and export of goods, services and rights, as well as the complex maze of regulations governing EU market regulation, export control and customs. On an international level, many firms also focus on international commercial law and World Trade Organization (WTO) regulations. Since law firms with offices in Brussels often play an important role in this field, the reader is advised to consult the corresponding chapter. More information on civil law advice and international contract drafting can be found in the ► distribution and franchising chapter. Similarly, lawyers with experience in arbitration and commercial disputes can be found in the chapter on ► dispute resolution.

### Developments

The economic mood surrounding companies over the past year was shaped by foreign business: on the one hand through careful observation of the economic development in the US and on the other hand by turning hopefully towards the most important Asian markets in China and India, where the manufacturing industry is experiencing a steady boom. German auto suppliers discovered the Chinese retail market a long time ago and now, conversely, Chinese auto manufacturers are about to conquer the European market. Companies which import and export have to adhere to increasingly complex regulations, embargos and antiterrorism lists. If, as an entrepreneur, someone does not follow these rules carefully, then that person could end up on the US sanction list and no longer be permitted to enter the country. In addition to ongoing advice on customs and export controls, compliance has also made its way into this practice field, as lawyers report increasing demand for advice here. Trade disputes were subject to very much discussion last year, namely those whose outcome was based on ICSID arbitration rules, WTO rules or bilateral investment protection agreements. The failure of the WTO Doha Development Round, due to differences in opinion regarding agricultural trade and the abolition of subsidies and customs duties, could mean that bilateral agreements may have a greater role to play in the future.

### The market

This seemingly very international practice area is in no way a domain for large international firms only. On the contrary, in the German market a number of smaller firms with a strong international setup are active here. In customs and market regulations, for instance, this includes Ehle & Schiller from Cologne. The firm secured a much observed judgment against the European Commission in the dispute concerning Italian and Turkish customs issues, which holds the EU authorities accountable for resolving corruption. In terms of export controls, Hohmann & Partner and Oppenhoff & Partner are some of the most renowned specialists, whereas Bernzen Sonntag continues to be known for WTO issues. Particularly impressive, however, was Graf von Westphalen, as the firm refused to rest on its laurels in its top position and continually developed other practice areas instead. The firm was also active for some auto suppliers in international distribution, as well as for numerous companies in customs and export compliance. A young partner from the respected practice at Freshfields Bruckhaus Deringer gave the firm a boost. Latham & Watkins' Hamburg office also experienced growth with a young lawyer from there. Wilmer Hale and Cleary Gottlieb Steen & Hamilton are traditionally very respected for their experience in international dispute resolution.

- Doha Round stands still increases importance of bilateral contracts in international law
- Keyword compliance: Mittelstand exporters and corporate groups must make contracts and practices transparent

## CUSTOMS AND TRADE

Freshfields Bruckhaus Döringer  
Graf von Westphalen

Berlin, Munich  
Hamburg, Brussels

Bernzen Sonntag  
Cleary Gottlieb Steen & Hamilton  
Covington & Burling  
Ehle & Schiller  
Latham & Watkins  
Oppenhoff & Partner  
Wilmer Hale

Geneva  
Brussels  
Brussels  
Cologne  
Hamburg  
Cologne  
Berlin, Brussels

Beiten Burkhardt  
Helmut Blaser  
Hohmann & Partner

Brussels  
Kronberg  
Bödingen

Hauking Köhn Lür Wojtek  
Luther

Düsseldorf, Brussels  
Brussels, Hamburg, Essen, Munich

The selection of law firms in the above table reflects the research of the editorial staff at JUYE and is based on interviews with clients, lawyers and academics. It remains a subjective view and implies no disparagement of any firm not mentioned here but which is nevertheless active in this field. The firms are alphabetically listed within the groups.

### Leading names in WTO law

Dr. Georg Berrisch

Prof. Dr. Marco Bronckers

Prof. Claus-Dieter Ehlermann

Dr. Christian Pfitschas

Dr. Hans-Joachim Priß

Hannas Schloemann

Covington & Burling

Wilmer Hale

Wilmer Hale

Bernzen Sonntag

Freshfields Bruckhaus Deringer

Bernzen Sonntag

### Leading names in EU market regulations

Dr. Georg Berrisch

Dr. Lothar Harings

Dr. Marco Núñez Müller

Dr. Hans-Joachim Priß

Dr. Volker Schiller

Covington & Burling

Graf von Westphalen

Latham & Watkins

Freshfields Bruckhaus Deringer

Ehle & Schiller

### Leading names in export control

Helmut Blair

Dr. Harald Hohmann

Stephan Mülller

Helmut Blair

Hohmann & Partner

Oppenhoff & Partner

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#### HOHMANN & PARTNER

Comment: This recommended firm in export control and customs and trade remains very active in its specialist field and is one of the few firms to concentrate so intensively on customs and trade work for internationally active Mittelstand companies. Hohmann gave the practice a boost with three younger lawyers. The cooperation with Thomas Bruggmann is ongoing, even though he became a solo practitioner again in Munich after only a year. The team was developed further with the internal partner appointment of Rafik Ahmad. Hohmann's work on the interface with food and substance law proved its worth as the firm won new clients in a large number of companies. Clients recently praised the "quick and competent support".

Recommended lawyers: Dr. Harald Hohmann ("very active", competitor).

Practice: Focus on related aspects of administrative law. The firm is particularly known for export control in

No client names for publication

Clients named for publication

connection with the US and Japan. Increasing advice on REACH and food law (substance law). Regular advice on the issue of "authorized economic operators". Focus on Mittelstand companies from South Germany but also large companies. Long-standing international contacts to law firms. (1 equity partner, 1 salary partner, 2 associates, 1 of counsel)

Clients: ●● Henkel (Global Tax Group) on export and chemicals law; Vacuumschmelze Hanau on international contracts; South German electronics manufacturer on customs law, embargos and export-criminal law; German-British auto company on customs preferences and US export law.

## Hohmann & Partner

### Attorneys

Our law firm specializes in **International Trade Law** (export, US export, customs and international contract law) and in the **Law of Chemical Substances** (foodstuff, chemical and environmental law) and has proven expertise. We offer e.g. in-house seminars around the world, and our publications include: ed. *Kommentar Ausfuhrrecht* <2,500 page book commenting on the whole German & EC Export Law>, 2002, and: *Agreeing and Implementing the Doha Round of the WTO, 2008*, Author In: *Basiswissen Sanktionslisten* <Basel Knowledge on Sanctions Lists>, 2008, and: *Praxis US-Re-Exportkontrolle* <US Re-Export Controls in Action>, 2008).

#### Profit from our legal services in international trade law:

- > **EC- and US-export law:** export/import compliance, risk minimization/risk management (*inter alia* expert legal opinions, export instructions, contractual risk transfer to international subsidiaries/dealers), support for applications of export licenses in Germany, Washington D.C. and other countries, other legal advice (such issues as: Iran embargo, "US Persons", US re-export law; screening of international supply chain), voluntary self disclosures & representation in criminal offence proceedings (also in USA)
- > **Customs law:** customs instructions, tariff classification, legally binding tariff decisions, customs procedures, AES/ATLAS, preferences, origin of goods, market regimes, antidumping etc.
- > **Authorized Economic Operator:** audits of AEO conditions, support for AEO application (in all EC Member States) and in AEO implementation (completion/harmonization of operating instructions, best practices of customs procedures and compliance)
- > **Law of Chemicals, Foodstuff and Biocides, and Environmental Law:** compliance with REACH, the Biocides Directive BPD and with foodstuff & cosmetics law (labelling and trading requirements etc.) and with environmental law (incl. WEEE, RoHS)
- > **International contracts** (particularly export, license and commercial agent contracts); offshore outsourcing
- > **International arbitration & international litigation**
- > **International marketing of products:** authorization & labelling of products globally, distribution / transport, commercial agents, investments in the EC (incl. incentives), export financing & international taxes etc.
- > **US, Japanese, Chinese and Indian law** (through our attorneys or through our global network of co-operation partners)
- > **International law:** international private law and international public law; especially EC and WTO Law

Ask for our individual consultation services for your company! We speak German, English, Chinese, Hindi and Urdu.

Hohmann & Partner Attorneys, Schloßgasse 2, D-63654 Bodingen

Phone: +49 (0) 6042/ 95 67-0, Fax: +49 (0) 6042/ 95 67-67

Email: [info@hohmann-partner.com](mailto:info@hohmann-partner.com), website: [www.hohmann-partner.com](http://www.hohmann-partner.com)

Contact: Attorney Dr. Harald Hohmann, Attorney Rafiq Ahmad, former customs official ZOAR I.R. Gert Krieg

Co-operation Partners in: Bangkok, Brussels, London, Miami, New York, New Delhi, Paris, Peking, Qingdao, Shanghai, Tokyo