

International Trade & Supply Chain Management

Global supply chains face stronger headwinds than at any time in the last 30 years. Benesch attorneys are here to help steer through this geopolitical environment. Our clients receive timely updates and practical counsel on the issues that matter most to business bottom lines and the success of their in-house counsel. Our unique perspectives on international trade and supply chain matters are as business friendly as they are risk appropriate.

Supply chain management strategies are a key market differentiator and a competitive advantage, both for our clients and our practice. Our team is nationally preeminent in bringing experienced guidance, innovation and pragmatism to domestic and global supply chains. We understand that effectively doing business at home and abroad while navigating tariffs, forced-labor risk, economic sanctions and export controls drives business and reduces reputational or enforcement hazards.

International Trade

Benesch represents clients in all manner of international and cross-border regulatory compliance and enforcement issues that impact supply chains, including import compliance, export controls and economic sanctions. We take the lead quickly and clearly, answering ad hoc questions. We develop risk assessments, tailored compliance programs and operational procedures that align business and risk management perspectives. We provide confident guidance and effective representation during enforcement actions, regulatory audits and voluntary disclosures, and in defense of seizures, fines, civil penalties, forfeitures and liquidated damages actions.

Key Services

IMPORT COMPLIANCE

Determination of correct HTS codes and applicable tariff programs; validation of duty rates; confirming country of origin; availability of tariff exceptions and exclusions; calculating lawful dutiable value; first sale rule use; Incoterms® selection and impacts.

EXPORT CONTROLS

Determination of correct ECCNs and USML listings under EAR and ITAR; determination of license requirements and license exceptions; applicability of embargos; advising on DDTC registration requirements and handling filings.

ECONOMIC SANCTIONS

Determination of sanctions compliance for international transactions under OFAC jurisdiction; handling party screening; determination of available licenses for transactions.

RISK ASSESSMENTS AND COMPLIANCE

Conducting targeted or comprehensive risk assessments based upon each client's specific supply chain; developing actionable recommendations for corrective actions to mitigate risk; creation of risk-appropriate compliance programs and policies; drafting operational SOPs for compliance practices; delivering training to leadership and business teams.

VOLUNTARY SELF-DISCLOSURES

Determination of potential historic violations and exposure; counseling on whether prior disclosures or voluntary self-disclosures are necessary or appropriate; development of root cause analysis and corrective action implementation; determination of mitigating and aggravating factors; drafting and filing disclosures before CBP, Census, BIS, DDTC and OFAC and resolving subsequent outreach and enforcement.

INVESTIGATIONS, AUDITS AND ENFORCEMENT ACTIONS

Representation during investigations and audits by CBP, Census, BIS, DDTC and OFAC; counseling on potential exposure and available options; resolving enforcement actions, including through petitions and confidential informal conferences; achieving release or cost-effective destruction of detained or seized merchandise; achieving best-possible settlements or closure with only warning letters.

Supply Chain Management

Benesch represents clients in developing and efficiently operating their domestic and global supply chains across various industries. The team drafts and negotiates contractual relationships with suppliers, distributors, sales agents, service providers and technology providers. Assistance includes developing compliant sourcing strategies for procurement teams, including codes of conduct and supplier onboarding procedures. Clients also rely on us when entering new markets, where customer onboarding procedures and shipping procedures must effectively integrate export controls and sanctions screening concerns.

Contractual relationships are developed for freight flows, including global suites tailored to ocean bids, air traffic, domestic motor carriage, brokerage, warehousing, fulfillment, final mile delivery and reverse logistics. The firm also advises on operations-level compliance for hazardous materials, packaging and labeling. When losses or interruptions occur, including cargo theft or supply chain fraud, the team moves quickly to deploy pragmatic negotiation and cost-effective litigation strategies.

Key Services

SOURCING AND PROCUREMENT

Drafting and negotiating global purchasing and services agreements; development of appropriate KPIs and SLAs; procurement agent and contract manufacturer relationships; supply chain mapping for risk determinations and supplier diversity strategies; tailored strategies for forced labor and anti-slavery risks; supplier screening and onboarding strategies; Incoterms® selection and impacts.

SALES AND FOREIGN MARKET ENTRY

Drafting and negotiating global sales and services agreements; development of international sales agent relationships; customer and distributor screening and onboarding strategies; foreign market entry strategies for new initiatives; tailored strategies for managing transshipment and unlawful re-export risks; Incoterms® selection and impacts.

GLOBAL TRAFFIC AND SUPPLY CHAIN MANAGEMENT

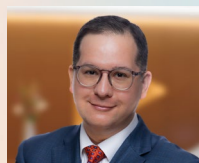
Drafting and negotiating global logistics contracts for all modes in all geographies (air, ocean, rail, customs and export agents, international forwarding, motor carriage/road, brokerage, warehousing, and fulfillment); RFP development and analysis; supply chain technology and global ERP agreements; procurement and sales technology SaaS agreements; deployment of strategies for international traffic flows and distribution; international handling and claims SOPs.

Your Team for Today's Challenges

Our team appreciates the high-profile and high-impact nature of international trade and supply chain management. We “get it” because so many members of our team come from the industry as former in-house counsel, operators and senior executives. One of our attorneys represented the industry during the initial NAFTA negotiations. Another attorney is a licensed U.S. Customs Broker who once worked in-house for a customs broker. We have a voting member of a District Export Council. Across our team, we also have true business backgrounds with multiple MBAs and one member with a graduate degree in supply chain management. Our team members also hold leadership roles in various supply chain-related trade associations.

Stay Current

To access our up-to-date library of international trade and supply chain alerts and resources, or to sign up for future bulletins, please click [here](#).



For additional information on our team's services, please contact **Jonathan Todd**, partner and Vice Chair, Transportation & Logistics Practice Group, at 216.363.4658 or jtodd@beneschlaw.com.