

# Luther.

## International Trade Law

### Our expertise

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# International Trade Law



An almost unmanageable number of national, European and international regulations require a high degree of attention and internal compliance from exporting companies in the area of export control. What is permitted today may be prohibited tomorrow, and disregarding or circumventing export restrictions can be punished with heavy fines or even imprisonment.

In addition, investment control has become considerably more important in recent years due to the higher number of corporate acquisitions, increasingly strict legislation and Chinese takeovers in the area of German key technologies. As a result of Brexit, investments from the UK now also fall under German investment control.

Due to our team's expertise in international trade law, we can provide you with excellent advice in all matters relating to export and investment control and compliance, as well as on WTO law and European Union anti-dumping law.

Our team will be your reliable sparring partner when it comes to defending your interests and enforcing your claims vis-à-vis your contracting partners. Our experienced lawyers have a clear focus on international trade law issues, think in an interdisciplinary manner and, where necessary, work closely with colleagues from other consultancy fields, such as corporate law, antitrust law, subsidy and state aid law or tax law.

# Our advisory services

## Export control

With our knowledge of the background and special features of important foreign markets, also due to our locations in the Asian region, we can provide you with excellent support for export projects.

Our team advises on all export control law issues, in particular in connection with embargoes, anti-terror lists, dual-use goods, export restrictions under the German Foreign Trade and Payments Act (*Aussenwirtschaftsgesetz, AWG*) and the German Foreign Trade and Payments Ordinance (*Aussenwirtschaftsverordnung, AWV*), and provides targeted training for your managing directors and employees.

We also advise you on the drafting of contracts, especially from the point of view of export control law, support you in contract negotiations and help to guide you through licensing or opposition proceedings.

- Advice to companies in connection with export control issues (embargoes, anti-terror lists, dual-use goods, export restrictions according to AWG/AWV, know-how transfer, etc.)
- Advice on the drafting of contracts, especially from the point of view of export control law
- Support and assistance in contract negotiations
- Guidance in licensing or objection proceedings
- Advice on embargoes and sanctions

## Investment control

We are very familiar with providing comprehensive advice to foreign, in particular Chinese, investors in Germany: In view of the complexity of corporate acquisitions, it is advisable to be aware of and comply with the legal framework regarding duties of cooperation and conduct under AWG and AWV as well as under any relevant foreign law at an early stage. We advise you during bidding process with regard to the investment control requirements under AWG and AWV as well as the preparation of applications for certificates of non-objection issued by the Federal Ministry for Economic Affairs (BMWi) and the procedure on how to obtain clearance for an acquisition.

Our experts can advise you on all matters relating to cross-sectoral and sector-specific investment control: In order to preserve the public security and order of the Federal Republic of Germany, the BMWi can investigate the acquisition of domestic companies by foreign, especially non-European, buyers on a case-by-case basis. In consulting practice, it is the cross-sector investment control pursuant to Section 55 et seqq. AWV in particular that plays an important role. It applies irrespective of the sector to any acquisition of a company based in Germany by an investor based outside the European Union (EU) and the EFTA area. As a result of the numerous amendments to the law in recent years, certain investments starting from an equity holding of 10%, fall within the scope of the AWG and AWV, whereby the examinations focus especially on investments in companies in the "critical infrastructure" or in so-called key technologies.

The parallel review of planned transactions by other countries, in particular the increasingly strict approval practice on the part of the US authority CFIUS, must also be taken into account. But also within the EU, various states are tightening up their national regulations and the EU itself is working on harmonising national regulations on investment control.

- Advising foreign purchasers as well as sellers, in particular during bidding processes regarding investment control requirements under AWG/AWV
- Preparation and implementation of clearance procedures and applications for certificates of non-objection issued by the BMWi, in particular also in connection with Chinese investors
- Support before or outside formal examination procedures in the preparation and evaluation of documents to determine the criteria for "critical infrastructure" or to assess the security relevance of a planned transaction
- Coordination of any parallel examination procedures or notification requirements in the US (CFIUS), the EU or individual European countries and advice on the impact on the overall transaction

## Trade compliance

Today, your company's decision makers are faced with increasingly stringent regulatory requirements. We already support you proactively in setting up organisational, business and decision-making processes to avoid substantial fines, claims for damages and loss of image. But we are also at your side in crisis situations and when it comes to the internal clarification of facts as well as in the investigation of suspicious cases.

- Advice on the development and installation of in-house export control systems
- Compliance training for managing directors and employees
- Review of existing export control systems
- Development and implementation of audits and other control mechanisms to prevent violations of foreign trade regulations and advice on anti-corruption measures

## WTO law / EU subsidy & state aid law

Non-discriminatory and transparent market access is essential for international trade between companies located in WTO member states. Our team provides solution-oriented support for your company on all issues that may arise in relation to trade barriers (WTO law) or impediments to access to EU markets.

In the area of anti-dumping, we represent our clients comprehensively in the event of dumping or subsidy allegations and develop protective measures with them. We support you, for example, in answering questionnaires in anti-dumping proceedings and our international team will represent you when dealing with the EU Commission.

If you have suffered losses by the import of dumped or subsidised goods, we will, for example, defend your rights by lodging the respective complaint with the EU Commission and take over the coordination with other affected companies or associations on a confidential basis.

Foreign investments require special advice due to other jurisdictions being involved: with a view to risks such as expropriation, breach of contract, discriminatory or arbitrary actions, we represent our clients in cases of intervention by foreign governments and authorities. In addition, our experts are your trustful partner and will be at your side at all times in the prevention of criminal sanctions and in the defence of decision-makers in this context, if required.

Tax aspects of foreign trade (e.g. transfer pricing, value added tax, international taxation) as well as the handling of customs law issues are among the core areas of our tax law experts, who will provide you with expert support in all matters relating to bilateral and multilateral trade agreements.

- Advice on the enforcement of WTO law
- Advice on EU international trade and regulatory law
- Support for action against subsidised imports from non-EU countries and negotiation with the European Commission regarding the contesting of anti-dumping duties
- Legal representation in complex proceedings before the WTO, the Court of Justice of the European Union and national courts
- Support in applying for subsidies and grants as well as legal protection against competitors, e.g. by filing complaints against subsidies granted to competitors

# Your contacts



## **Ole-Jochen Melchior**

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Ole-Jochen Melchior studied law at the University of Trier (Germany) from 1990 to 1995. From 1995 to 1997, he completed his legal preparatory period at the Regional Court in Essen, already working at the time for the law firm Krameyer, von Falkenhausen, Hanke & Partners before it became Luther's Essen office. He was admitted to the bar in 1997 and joined Luther's predecessor firm, where he has practised ever since.

### **Areas of practice**

Ole-Jochen Melchior advises and represents our clients in all questions of contract and liability law. Litigation before the ordinary courts is a major focus of his work. In addition, he is active for our clients within foreign trade law in export control and embargo law issues.





## **Dr Helmut Janssen, LL.M. (London)**

**Lawyer, Partner**

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Dr Helmut Janssen studied law and political science at the University of Münster (Germany), was a research assistant at the Institute of International Business Law and later gained his Doctorate of Law Degree summa cum laude from the University of Münster. He was awarded his Master of Laws (LL.M.) from King's College London (England). He completed internships with the German Foreign Office, a Member of the European Parliament and a German court of appeal. He was admitted to the German Bar in 1997 and has worked in Hamburg (Germany), Toronto (Canada), Budapest (Hungary) and Brussels (Belgium). Helmut Janssen has been the head of Luther's Brussels office since 2003.

### **Areas of practice**

Dr Helmut Janssen specialises in European and German antitrust law. His advisory services include, in particular, providing preventive advice (e.g. on compliance systems) and defending his clients against antitrust infringement allegations, assisting with foreign and domestic merger control proceedings, reviewing and structuring distribution systems and cooperation agreements between competitors. Helmut Janssen also advises on a wide range of public grant cases (EU state aid law). A further area of expertise is international trade law (WTO and EU anti-subsidy/antidumping law). Helmut Janssen has 20 years of experience dealing with EU institutions. Furthermore, he has authored a reference textbook on antitrust law (5th edition 2015) and numerous specialist and academic publications on antitrust and state aid law. He is a member of the antitrust sections of the International Bar Association, the American Bar Association and of the leading German antitrust and state aid associations.

### **Court-approved antitrust mediator**

Dr Helmut Janssen is an antitrust mediator approved by the competent German Court of Appeal. As a mediator, he specialises in the out-of-court settlement of claims arising under antitrust law, e.g. for damages, supply and injunctive relief. A procedure before an antitrust mediator offers several advantages. An agreement concluded by the parties in front of a court-approved mediator has the same effect as a state court judgment.

# Your contacts



## **Thomas Weidlich, LL.M. (Hull)**

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Thomas Weidlich studied law in Würzburg and Passau (Germany) and Hull (England). He joined Luther's predecessor firm in 1996 and managed the Singapore office from 2000 to 2005. Thomas Weidlich has led the Corporate/M&A team in the Cologne office since 2005 and is the responsible Partner for providing legal advice in the Asia-Pacific region, with a special focus on China and India.

Thomas Weidlich is a renowned expert on cross-border acquisitions, joint ventures, IPOs and restructurings. He regularly speaks on these subjects and frequently publishes articles on current legal developments.

### **Areas of practice**

Thomas Weidlich advises on national and international acquisitions and divestments, joint ventures and the restructuring of companies. This includes advising on the entire transaction process, from the structuring of the transaction and complex due diligence procedures to contract negotiations and financing advice. Furthermore, Thomas Weidlich has extensive experience advising on all types of capital measures and as lead partner has advised several successful IPOs of German and foreign companies.

A particular focus of Thomas' practice are European investments in Asia. When providing this advice, he works closely with our offices and "best friend" law firms in China, India, Singapore and other jurisdictions in order to ensure our clients are supported efficiently with their projects in the Far East regardless of time or location. Thomas Weidlich is also the primary contact for Asian companies who are interested in investing and conducting business in Germany and Europe.



# Hits the mark. Luther.

Luther Rechtsanwaltsgesellschaft mbH is one of the leading corporate law firms in Germany. With some 420 lawyers and tax advisors, we can advise you in all fields of German and international corporate law. In addition to having offices in every economic centre throughout Germany, we are also present in 11 locations abroad: in Brussels, London and Luxembourg in Europe, and in Bangkok, Delhi-Gurugram, Ho Chi Minh City, Jakarta, Kuala Lumpur, Shanghai, Singapore and Yangon in Asia.

Our advisory services are tailored to our clients' corporate goals. We take a creative, dedicated approach to achieving the best possible economic outcome for each of our clients. The name "Luther" stands for expertise and commitment. With a passion for our profession, we dedicate all our efforts to solving your issues, always providing the best possible solution for our clients. Not too much and not too little – we always hit the mark.

We know how crucial it is to use resources efficiently and to plan ahead. We always have an eye on the economic impact of our advice. This is true in the case of strategic consulting as well as in legal disputes. We have complex projects on our agenda every day. At Luther, experienced and highly specialised advisors cooperate closely in order to offer our clients the best possible service. Thanks to our fast and efficient communication, permanent availability and flexibility, we are there for you whenever you need us.

Luther has been named "Law Firm of the Year: Germany 2021" and also "European Law Firm of the Year 2021" by The Lawyer, one of the most well-known legal magazines worldwide.

<p>Lawyers and tax advisors</p> <p><b>420</b></p>	<p>Locations</p> <p><b>21</b></p>	<p>Long-standing connections to commercial law firms worldwide</p> 	<p>Offices in international financial centres and investment locations</p> 
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## About unyer

unyer, founded by Luther and Fidal in 2021, is a global organisation of leading international professional services firms. Besides law firms, unyer is also open to other related professional services, especially from the legal tech sector. unyer is based in Zurich as a Swiss Verein. unyer is globally connected but has strong local roots in their respective markets.

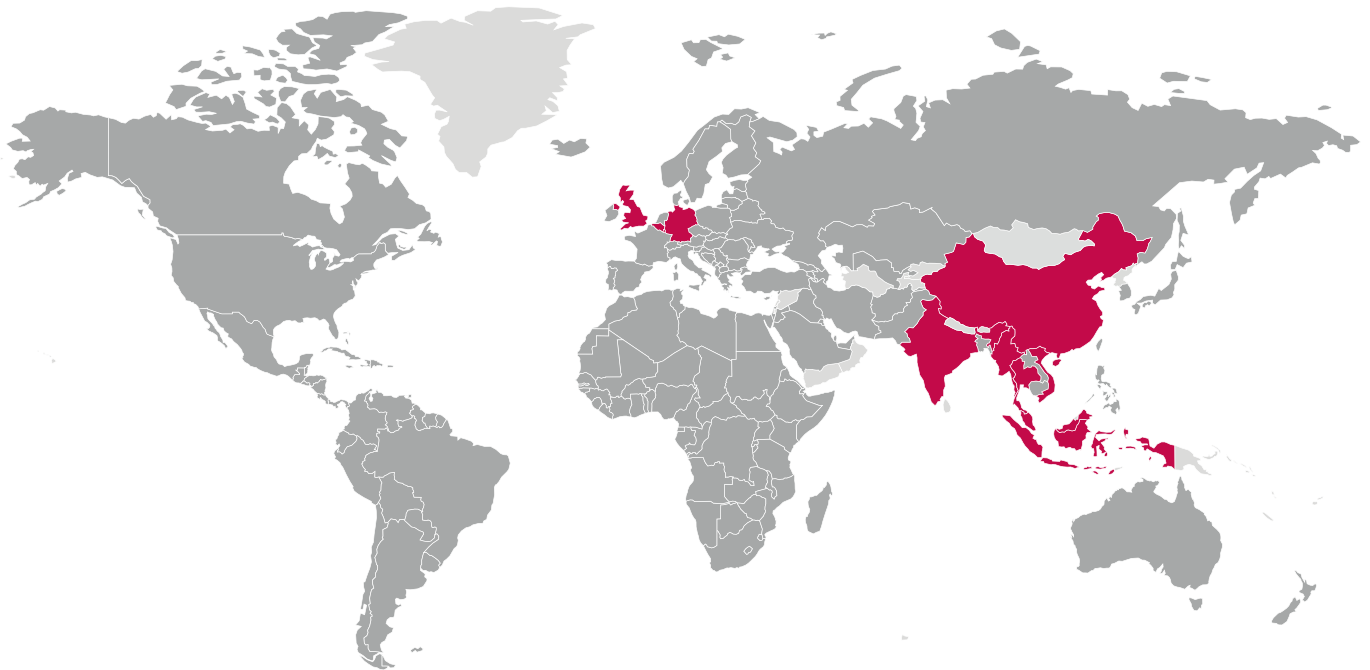
unyer has an exclusive approach and only accepts one member firm from each market. unyer members offer its clients full services across all jurisdictions with a compelling industry focus. The organisation has an annual turnover of more than EUR 650 million and includes over 2,550 lawyers and advisors in more than 10 countries in Europe and Asia. In September 2021, Pirola Pennuto Zei & Associati joined the international organisation. In the spring of 2023, the Austrian law firm KWR joined the group. [www.unyer.com](http://www.unyer.com)



# Our locations

We have a global outlook, with international offices in 11 key economic and financial centres in Europe and Asia. We also maintain close relationships with other commercial law firms in all relevant jurisdictions. Luther is a founding member of unyer ([www.unyer.com](http://www.unyer.com)), a global organisation of leading professional services firms that cooperate exclusively with each other. This way, we ensure a seamless service for our clients throughout their demanding international projects.

Our partner firms are based in Africa, Australia and New Zealand, Europe, Israel, Japan and Korea, the Middle East, Russia and the CIS, South and Central America, the US and Canada.



- Luther locations
- Best friends

## Our locations

- |                  |              |
|------------------|--------------|
| Bangkok          | Jakarta      |
| Berlin           | Kuala Lumpur |
| Brussels         | Leipzig      |
| Cologne          | London       |
| Delhi-Gurugram   | Luxembourg   |
| Dusseldorf       | Munich       |
| Essen            | Shanghai     |
| Frankfurt a.M.   | Singapore    |
| Hamburg          | Stuttgart    |
| Hanover          | Yangon       |
| Ho Chi Minh City |              |

# Our practice areas

Antitrust Law

Capital Markets &  
Banking

Commercial &  
Distribution Law,  
Product Liability/  
Product Compliance

Complex Disputes

Compliance &  
Internal Investigations

Corporate/M&A

Data Protection Law

Employment Law

Energy Law

Environment &  
Planning Law  
Regulatory

Financial Services  
Investment Funds &  
Alternative Investments

Insurance Law

International  
Trade Law

IP & Copyright Law

IT Law

Media & Entertainment

Notarial Services

Public Procurement  
Law

Public Subsidies/  
State Aid Law

Real Estate

Restructuring &  
Insolvency

Start-ups & Venture  
Capital

State, Administration,  
Public Undertakings

Tax Law

Telecommunications  
Law

White-Collar Crime &  
Tax Offences

# Our industries

We focus on advising transactions with respect to targets in five industries.

## Energy



Conventional or renewable energies: We work efficiently and sustainably.

## Health Care & Life Science



With our expertise, we have our finger on the pulse of time.

## Information Tech & Telecommunications



We connect today with tomorrow.

## Mobility & Logistics



We understand what gets you moving and can set you on the right course.

## Real Estate & Infrastructure



We lay the foundation for you to build on.

# Luther.Sustainability

## Sustainability

As an internationally active company, we see ourselves as part of the global community and feel we have a responsibility to ensure our corporate strategy is sustainable. Aware that all our actions have an impact on sustainability, we are working towards this goal internally on the one hand by consequently pursuing sustainable values in our teams - to which we are committed beyond our corporate goals - and on the other, by pursuing these claims in particular externally. Diversity and equal opportunities as well as social commitment, be it with pro bono clients or the promotion of social projects, are just as important to us as our defined goal of being carbon neutral by 2030.

## Diversity

As a company with an international workforce, the cultural diversity of our employees is a matter of course for our law firm. Gender, nationality, ethnic origin, religion or belief, disability, age and sexual orientation shape the individuality of every person. At Luther, we find this diversity enriching both for our work and in our personal interaction. We are committed to creating a working environment that is free from prejudice and which shows respect and appreciation and brings prestige to every employee.

Luther showed its commitment to promoting a working environment which is free of discrimination and unequal treatment by becoming one of the first law firms to sign the German Diversity Charter (Charta der Vielfalt) in 2010. This initiative advocates for an appreciative and unbiased working environment and promotes diversity in the work place.

## Equal opportunities

The provision of equal opportunities is a key focus of our human resources policy. Almost 60% of our employees are women. We are constantly looking for ways to improve career conditions for female employees and increase their share in management positions. Luther also consistently ensures equal pay for men and women for equivalent work and performance.

Carbon neutral

2030

Diversity Charter

2010

Number of supported charities

14

Percentage of female employees

60

# Digitalisation

The digital revolution is well under way. In a highly competitive market new business models are always being developed and existing processes are continually being challenged. Groups, medium-sized businesses and start-ups are all looking for the best possible ways to position themselves in this environment. In this way, new, innovative forms of cooperation are constantly being created. This revolution is being driven by numerous recent technological developments: cloud computing, digital platforms, Big Data and artificial intelligence, the Internet of Things and blockchain technology.

Luther advises on all legal topics relating to digital business models, agile architectures and technical levers. Our team provides support in all phases of the necessary transformation processes within the company, the law firm or the group, from strategic dialogue to conceptual work and the realignment of value chains, also including the subsequent change process. When providing advice, the Luther team also considers relevant topics and changes in commercial and distribution, employment, IT and data protection law.





# Our awards



## JUVE

In the 2022/2023 JUVE Guide to Commercial Law Firms, 52 lawyers from Luther were recommended, and 10 of these were also listed as “leading advisors”. The legal publisher JUVE ranked Luther in 31 areas of law. In 2022, Luther was nominated for the JUVE award “Employment Law” as well as “Real Estate” and was named “Law Firm of the Year” by JUVE in 2019. In the past, Luther already won the JUVE award “Law Firm of the Year 2017 for Environmental and Regulatory Law”.



## The Legal 500

The Legal 500 Germany 2023 recommends Luther in 30 areas of law, with “Top Tier” rankings in two of these areas. 72 lawyers are being recommended, 12 of whom have been specially recognised as “Leading Individual” or “Next Generation Partner”. Luther has also been included for Germany in the first edition of **The Legal 500 Green Guide EMEA 2022**. This guide provides an overview of law firms’ engagement with sustainability, including both work for clients as well as firms’ own best practices and initiatives.



## Chambers

In 2023, Luther was recognised by Chambers Europe for 13 practice areas in Germany as well as in two practice areas in Luxembourg. Moreover, 15 partners were included in the Individual Ranking. Additionally, in 2023, Luther was recognised by Chambers Global in three advisory areas in Germany and Myanmar, while five partners were also included in the Individual Ranking.



## The Lawyer European Awards

Luther has been named “Law Firm of the Year: Germany 2021” and also “European Law Firm of the Year 2021” by The Lawyer, one of the most well-known legal magazines worldwide.



## Kanzleimonitor

Kanzleimonitor 2022/2023 recommends Luther in 25 areas of law and has also included 16 Luther lawyers among the recommended lawyers mentioned by name.

## Best Lawyers

### „Best Lawyers in Germany 2024“

For the year 2024, 99 lawyers have been recommended by Luther as “Best Lawyers in Germany 2024”, an award presented by the US publisher “Best Lawyers” in cooperation with the German Handelsblatt, including one partner as “Lawyer of the Year” for his area of law, and 19 colleagues who have received the recommendation “Best Lawyers - Ones to Watch”.



## WHO'S WHO LEGAL

WHO'S WHO LEGAL listed 21 lawyers in December 2022, four of whom were recognised as Thought Leaders, which is the highest award, and three of whom were named Future Leaders.



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For reasons of better legibility, the simultaneous use of gender-specific language forms is dispensed with. Corresponding terms apply in principle to all genders in the sense of equal treatment. The abbreviated form of language has editorial reasons and does not imply any valuation.

Release: June 2023

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**Bangkok, Berlin, Brussels, Cologne, Delhi-Gurugram, Dusseldorf, Essen, Frankfurt a.M., Hamburg, Hanover, Ho Chi Minh City, Jakarta, Kuala Lumpur, Leipzig, London, Luxembourg, Munich, Shanghai, Singapore, Stuttgart, Yangon**

You can find further information at:

[www.luther-lawfirm.com](http://www.luther-lawfirm.com)

[www.luther-services.com](http://www.luther-services.com)

