

# ELP INTERNATIONAL TRADE & CUSTOMS PRACTICE PROFILE

**ELP's** International Trade and Customs practice assists companies with international rules governing their businesses.

We have been at the forefront of international trade law and policy in India and have represented the Government of India in a World Trade Organisation (WTO) dispute before the WTO Panel and Appellate Body. ELP was one of the first firms to be appointed by the Government of India to advise on the WTO compatibility of India's largest export incentive program. Our highly rated trade litigation practice is involved in a large number of trade remedial litigations in the country at every level from the Antidumping and Safeguard authorities to the Supreme Court of India.

Our international trade practice uses the rules of global trade at every level including national, bilateral and multilateral to solve issues related to market access and resolve trade disputes between governments and private industry.

Our international trade team routinely works with other lawyers, international organisations, the Government of India and its various departments; including the Department of Commerce as well as other sovereign governments to service the needs of our clients. With offices in Mumbai, the commercial capital; and New Delhi, the administrative headquarters of the central government; we have access to both industry and regulators.

## SERVICES

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### Trade Regulations and Transactions

**ELP** has broad expertise in handling advisory and enforcement matters involving trade controls, including export controls and economic sanctions. Our team understands the substantive legal constraints in this area with the key regulatory agencies such as the Ministry of Commerce, Ministry of Finance and Ministry of External Affairs. Our services in the area of international trade controls include:

- Assisting companies in developing export compliance procedures and export management systems and procedure reviews;
- Advising companies on the export classification of their goods, technologies, software and services;
- Drafting of documents and filings before the Ministry of Commerce, Ministry of External Affairs and other allied Ministries;
- Drafting and vetting of Agreements to be export control compliant between parties;
- Guide companies through export controls due diligence in domestic and multinational transactions;
- Conduct internal training and draft manual on export compliance;
- Guidance on anti-bribery laws and international trade sanctions;

- Representation regarding import and export transactions and acquisitions of all kinds

### Trade Proceedings

**ELP** represents international and domestic clients in proceedings arising in relation to anti-dumping, countervailing, safeguard duties and other trade remedy proceedings initiated by the authorities in India. The firm also represents clients in antidumping and other trade law proceedings initiated by United States, the European Communities and other national jurisdictions. **ELP** has represented the Government of India in a WTO dispute before the WTO Panel and the appellate body. We have successfully worked with clients in over 100 trade cases representing them in proceedings before the Investigating Authority and all the way up to the Supreme Court of India. **ELP** also provides advice on trade related issues such as Non-Tariff and Regulatory Barriers, transaction structuring to take advantage of investment treaties as well as valuation and rules of origin matters.

### Customs Litigation & Advisory Services

The International Trade & Customs team at **ELP** advises clients on a wide range of customs compliance matters, including the proper classification and valuation of imported goods, rules-of-origin, the establishment and operation of Free Trade Zones (FTZs) or Special Economic Zones (SEZ), duty entitlement and other export-import schemes and customs issues arising under the WTO Agreement. The team also offers advice on tax structuring for investment and tax optimisation for ongoing businesses. We also provide assistance in relation to policy formation, tariff rationalisation and government advocacy.

Additionally, our team assists clients with complex valuation issues, including issues relating to under-invoicing and over-invoicing, royalty payments and licensing arrangements and circumvention issues.

### Trade Policy

In addition to its considerable dispute settlement experience, our International Trade & Customs practice draws on its legal, economic and accounting expertise to advise corporations, industry associations and the Government of India on various aspects of trade and investment policy. The team routinely develops strategies to address trade policy problems that integrate legal, regulatory, commercial, and political considerations to offer our clients solutions without resorting to litigation.