



Bennett Jones

International Trade & Investment

Bennett Jones' International Trade and Investment group is positioned in all aspects of international trade and investment law. Our members have a proven track record of expertise in all of the elements that comprise the regulation of international business, including market access for goods, services, intellectual property and investment. Our practice is also fully integrated with the firm's extensive cross-border commercial, transactional, tax, banking and dispute settlement services.

The group was established with the objective of becoming best-of-class in Canada. Our clients benefit from the shared expertise of trade lawyers and senior advisors who can apply the sound judgment necessary for strategic decision-making in the international business and regulatory arena.

Our experience spans domestic trade and investment laws, international rules and treaties, and international dispute settlement in trade and investment matters. Our depth allows us to offer the most comprehensive range of legal services in Canada in relation to international trade and investment regulation. Whether clients require advice on technical border issues or high-level trade policy, treaty negotiation or international relations matters, we are able to draw on our members' unparalleled expertise in international business regulation to provide timely, practical and informed advice.

Our group is led by Darrel Pearson, a recognized pioneer in this area and one of the most highly-ranked and regarded international trade and investment, customs and commodity tax lawyers in Canada. Members of the group also include a former Minister of Public Security (with responsibility for the Canada Border Services Agency), a former ambassador to the United States who was also one of the architects of the Canada-U.S. Free Trade Agreement, and a former Senior Advisor to the Prime Minister of Canada who was intimately involved in every major international initiative, trade negotiation or dispute involving Canada for more than a decade.

We provide advice and represent on matters involving:

- Customs and Border Administration
- Commodity Taxes
- Trade Remedies
- Trade Agreement, Policy and Negotiations
- Investment Treaties and Disputes
- Import and Export Controls
- Product Regulation and Standards
- Foreign Corrupt Practices
- Extraterritorial Measures and Claw-back Statutes
- Government Procurement and Bid Challenges
- International Trade and Energy



Select Experience

- **Kissner Group Holdings LP**, completed its acquisition of NSC Minerals Ltd., a market-leading provider of salt products in Western Canada and the North Central United States, from an investor group led by Altas Partners.
- **Lithion Power Group**, in its acquisition of Aved Electronics.
- **World Trade Organization (WTO)**, where Valerie Hughes serves as WTO dispute settlement panelist slated to rule on a dispute brought by the Government of Qatar against the Government of the United Arab Emirates regarding alleged violations of WTO obligations.
- **Hyundai Electric & Energy Systems Ltd.**, providing international trade/trade remedy advice in administrative and judicial reviews, site audits, administrative appeals and advisory work on the impacts of anti-dumping measures.
- **Scentsy Inc.**, in an appeal to the Canadian International Trade Tribunal concerning the customs valuation of imported goods.
- **Infant Formula Council of Food and Consumer Products of Canada**, in a successful industry campaign addressing to several government departments the concerns of the industry regarding a proposal for consideration by the Codex Committee on Food Labelling of a new international labelling regulation affecting marketing of infant formula products and the international trade implications of the proposed regulation under the WTO TBT and TRIPS agreements.
- **Nippon Steel & Sumitomo Metal Corporation / Metal One**, in a judicial review proceeding arising from trade remedy into large diameter line pipe imported into Canada from Japan and China.
- **Fluor Corporation**, in the judicial review of a Canadian International Trade Tribunal (CITT) decision following a trade remedies investigation into fabricated industrial steel components.
- **Cardinal Health Canada Inc.**, the leading provider of medical and surgical products in Canada, in the appeal of the tariff classification advance ruling of surgical gloves before the Canadian International Trade Tribunal (CITT).
- **Woodfibre LNG Limited**, in a tariff classification appeal to the Canadian International Trade Tribunal (CITT) concerning the classification of a floating storage and offloading unit that is part of an onshore/near shore natural gas liquefaction facility.
- **Prairie Provident Resources (Lone Pine Resources Inc.)**, with an expropriation and minimum standard of treatment claim under the North American Free Trade Agreement (NAFTA) against the Government of Canada in relation to provincial regulatory action that extinguished the client's right to exploit shale gas exploration and development rights.
- **Luxtona Limited**, a former shareholder of the now expropriated Yukos Oil (the largest producer of crude oil in Russia), following the Russian Federation's dismantling, dissolution and ultimate bankruptcy of Yukos.
- **Quality Cheese Inc.**, challenging a decision by the Canada Border Services Agency to revoke duties relief eligibility for a Canadian dairy industry producer that resulted in a multimillion-dollar retroactive assessment of customs duties, by way of judicial review at the Federal Court of Canada.
- **Bel Kap Steel / Byelorussian Steel Works (BMZ)**, a state-owned Belarusian steel mill, in a CBSA re-investigation into normal values of steel reinforcing bar subject to Canadian anti-dumping duties.
- **Katanga Mining Limited**, in an Ontario Securities Commission investigation and a review by the company's Independent Directors.
- A non-resident importer of steel goods, on a wide range of trade remedies, safeguards and tariff issues, including commercial arrangements and strategies to mitigate the impacts of volatility in global trade relationships.
- A leading fashion manufacturer, in customs compliance and administrative appeals of duty/GST/interest assessment for undervaluation of imported goods.
- A global trading company, on time-sensitive advice on Canadian retaliatory tariffs on certain US products.



- An energy company, with a procurement strategy in light of the myriad of customs duties, countermeasures, surtaxes, trade remedies and tariff classification issues that apply to goods imported for a major capital project
- An energy sector client, with an internal compliance review for customs, trade and other regulatory requirements for exports of crude oil by rail to the United States.
- A US public company with Canadian business interests, with customs and transfer pricing practices, intercompany agreements and suitable transfer pricing studies, and before the CBSA and with a trade verification/audit.
- **Nestle Canada Inc.**, before the Canada Border Services Agency and before the Canadian International Trade Tribunal in customs litigation relating to the application of tariff rate quota and prohibitive rates of customs duty.

Recent Recognitions

- **Chambers Canada**
Ranked, International Trade/WTO
- **Chambers Global: The World's Leading Lawyers for Business**
Ranked, International Trade/WTO
- **The Legal 500: Canada**
Ranked, International Expertise
Ranked, International Trade
- **Global Investigations Review: GIR 100**
Ranked as a leading firm globally in Investigations

Key Contacts

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