

THE GLOBAL TRADE LAW JOURNAL

Volume 3, Number 3

May–June 2026

Editor's Note: Taxation of Foreign Governments

Victoria Prussen Spears

New Final and Proposed Regulations Under Section 892 Regarding the Taxation of Foreign Governments

Matt Donnelly, Kathryn A. Kelly, Yara Mansour, Ray Noonan, Eric B. Sloan, Edward S. Wei, and Daniel A. Zygielbaum

Decoding U.S. National Security Trends for the Investment Community

Jeremy B. Zucker and Hrishikesh N. Hari

Trade Controls, Foreign Investment, and National Security: New Regimes and Continuing Changes

Chase D. Kaniecki, Samuel H. Chang, B.J. Altwater, Ana Carolina Maloney, Alexi T. Stocker, and Kerry Mullins

Parallel Pressure: Private Actors Escalate Risk of DOJ Trade Enforcement Across Industries

Joel M. Cohen, Brent Wible, Jay C. Campbell, and Zach Williams

U.S. Expands Exemptions on Reciprocal Tariffs and Brazil Tariffs and Announces Framework Trade Deals with Additional Trading Partners

Ryan Last, Daniel N. Anziska, and Charlene C. Goldfield

The Art of Keeping Calm: Four Years of Navigating UK National Security Reviews

John M. Schmidt and George K. Zografos

EU Carbon Border Adjustment Mechanism: Financial Obligations Commence Amid Proposed Scope Expansion to Include New Downstream Products

Alan Yanovich, Kenneth J. Markowitz, Hannes Sigurgeirsson, Jan Walter, and John Hoffner

China Amends Foreign Trade Law to Expand Countermeasure Toolkit

Eric Carlson, Christopher Adams, and Huanhuan Zhang

Red Flags and Blacklists: How India-Based Companies Can Avoid U.S. Sanctions Pitfalls

Vasu Muthyala, George Kleinfeld, John-Patrick Powers, Jacqueline Landells, and Jan van der Kuijp

fastcase **FULL
COURT
PRESS**

THE GLOBAL TRADE LAW JOURNAL

Volume 3, No. 3

May–June 2026

- 141 Editor’s Note: Taxation of Foreign Governments**
Victoria Prussen Spears
- 145 New Final and Proposed Regulations Under Section 892 Regarding the Taxation of Foreign Governments**
Matt Donnelly, Kathryn A. Kelly, Yara Mansour, Ray Noonan, Eric B. Sloan, Edward S. Wei, and Daniel A. Zygielbaum
- 159 Decoding U.S. National Security Trends for the Investment Community**
Jeremy B. Zucker and Hrishikesh N. Hari
- 165 Trade Controls, Foreign Investment, and National Security: New Regimes and Continuing Changes**
Chase D. Kaniecki, Samuel H. Chang, B.J. Altwater, Ana Carolina Maloney, Alexi T. Stocker, and Kerry Mullins
- 169 Parallel Pressure: Private Actors Escalate Risk of DOJ Trade Enforcement Across Industries**
Joel M. Cohen, Brent Wible, Jay C. Campbell, and Zach Williams
- 177 U.S. Expands Exemptions on Reciprocal Tariffs and Brazil Tariffs and Announces Framework Trade Deals with Additional Trading Partners**
Ryan Last, Daniel N. Anziska, and Charlene C. Goldfield
- 183 The Art of Keeping Calm: Four Years of Navigating UK National Security Reviews**
John M. Schmidt and George K. Zografos
- 189 EU Carbon Border Adjustment Mechanism: Financial Obligations Commence Amid Proposed Scope Expansion to Include New Downstream Products**
Alan Yanovich, Kenneth J. Markowitz, Hannes Sigurgeirsson, Jan Walter, and John Hoffner
- 195 China Amends Foreign Trade Law to Expand Countermeasure Toolkit**
Eric Carlson, Christopher Adams, and Huanhuan Zhang
- 203 Red Flags and Blacklists: How India-Based Companies Can Avoid U.S. Sanctions Pitfalls**
Vasu Muthyala, George Kleinfeld, John-Patrick Powers, Jacqueline Landells, and Jan van der Kuijp

EDITOR-IN-CHIEF

Steven A. Meyerowitz

President, Meyerowitz Communications Inc.

EDITOR

Victoria Prussen Spears

Senior Vice President, Meyerowitz Communications Inc.

BOARD OF EDITORS

Jen Fernandez

Partner

Sidley Austin LLP

Robert A. Friedman

Partner

Holland & Knight LLP

Geoffrey M. Goodale

Partner

Duane Morris LLP

Renée Latour

Partner

Clifford Chance

Britt Mosman

Partner

Willkie Farr & Gallagher LLP

Anthony Rapa

Partner

Blank Rome LLP

Brooke M. Ringel

Partner

Kelley Drye & Warren LLP

Samir D. Varma

Partner

Thompson Hine LLP

Timothy C. Welch

Partner

Weil, Gotshal & Manges LLP

THE GLOBAL TRADE LAW JOURNAL (ISSN 2995-1089) at \$495.00 annually is published six times per year by Full Court Press, a Fastcase, Inc., imprint. Copyright 2026 Fastcase, Inc. No part of this journal may be reproduced in any form—by microfilm, xerography, or otherwise—or incorporated into any information retrieval system without the written permission of the copyright owner.

For customer support, please contact Fastcase, Inc., 729 15th Street, NW, Suite 500, Washington, D.C. 20005, 202.999.4777 (phone), or email customer service at support@fastcase.com.

Publishing Staff

Publisher: David Nayer

Production Editor: Sharon D. Ray

Cover Art Design: Morgan Morrisette Wright and Sharon D. Ray

This journal's cover features a 1855 depiction of the American clipper ship *Red Jacket* on her journey from Melbourne, Australia, to Liverpool, England. The artwork was originally created by Charles Parsons and Joseph B. Smith, and later lithographed and published by Nathaniel Currier. It is reproduced courtesy of The Met Museum's public domain library.

Cite this publication as:

The Global Trade Law Journal (Fastcase)

This publication is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional services. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

Copyright © 2026 Full Court Press, an imprint of Fastcase, Inc.

All Rights Reserved.

A Full Court Press, Fastcase, Inc., Publication

Editorial Office

729 15th Street, NW, Suite 500, Washington, D.C. 20005

<https://www.fastcase.com/>

POSTMASTER: Send address changes to THE GLOBAL TRADE LAW JOURNAL, 729 15th Street, NW, Suite 500, Washington, D.C. 20005.

Articles and Submissions

Direct editorial inquiries and send material for publication to:

Steven A. Meyerowitz, Editor-in-Chief, Meyerowitz Communications Inc.,
26910 Grand Central Parkway, #18R, Floral Park, NY 11005, smeyerowitz@
meyerowitzcommunications.com, 631.291.5541.

Material for publication is welcomed—articles, decisions, or other items of interest to international attorneys and law firms, in-house counsel, corporate compliance officers, government agencies and their counsel, senior business executives, and others interested in global trade law.

This publication is designed to be accurate and authoritative, but neither the publisher nor the authors are rendering legal, accounting, or other professional services in this publication. If legal or other expert advice is desired, retain the services of an appropriate professional. The articles and columns reflect only the present considerations and views of the authors and do not necessarily reflect those of the firms or organizations with which they are affiliated, any of the former or present clients of the authors or their firms or organizations, or the editors or publisher.

QUESTIONS ABOUT THIS PUBLICATION?

For questions about the Editorial Content appearing in these volumes or reprint permission, please contact:

David Nayer, Publisher, Full Court Press at david.nayer@clio.com or at
202.999.4777

For questions or Sales and Customer Service:

Customer Service
Available 8 a.m.–8 p.m. Eastern Time
866.773.2782 (phone)
support@fastcase.com (email)

Sales
202.999.4777 (phone)
sales@fastcase.com (email)

ISSN 2995-1089

Red Flags and Blacklists: How India-Based Companies Can Avoid U.S. Sanctions Pitfalls

Vasu Muthyala, George Kleinfeld, John-Patrick Powers, Jacqueline Landells, and Jan van der Kuijp*

In this article, the authors suggest steps that India-based companies can take to limit risks associated with the U.S. government's global sanctions regime.

The U.S. government has signaled its intent to enforce its global sanctions regime robustly, including against non-U.S. entities like India-based companies. The risks to all entities are not just limited to direct dealings with sanctioned parties but also extend to indirect transactions that use intermediaries and opaque supply chains to obfuscate any links to sanctioned parties. Failure to assess and implement risk prevention measures can expose companies to asset freezes, hefty fines, reputational damage, lost business opportunities, loss of access to the U.S. financial system, and potential criminal liability.

Sanctions Risks in Dealing with Russia's Energy and Defense Sectors

Economic Sanctions

The United States continues to impose and enforce an extensive economic sanctions regime against Russia, particularly targeting its energy and defense sectors, in response to Russia's actions in Ukraine. These sanctions, implemented and strengthened through various Executive Orders (notably EOs 14024,¹ 14066,² 14068,³ 14071,⁴ and 14114⁵), prohibit or severely restrict transactions involving Russian-origin oil products and Russia's military-industrial base, especially when U.S. interests or actors are at play. Consequently, when engaging in such transactions, non-U.S. entities like India-based companies face significant sanctions risk whenever they involve U.S. persons, U.S. territory, or the U.S. financial system (e.g., transacting in U.S. currency via U.S. correspondent banks).

Furthermore, under U.S. secondary sanctions, the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) and the U.S. Department of State (DOS) may designate non-U.S. entities, including India-based companies, as sanctions targets despite the lack of any nexus, touchpoint, or involvement with the United States. Such entities could face secondary sanctions risks if OFAC or DOS determines that they have materially supported—or in the case of foreign financial institutions, facilitated significant transactions for or on behalf of—sanctions targets based in Russia or other high-risk jurisdictions. Foreign financial institutions, for example, could be prohibited⁶ from opening or maintaining U.S. correspondent accounts or payable-through accounts due to their ongoing work with sanctions targets.

Export Controls

In addition to economic sanctions, all entities trading or dealing in certain goods, software, and technology with Russia or other high-risk jurisdictions face a significant risk of running afoul of export controls imposed by the U.S. Department of Commerce's Bureau of Industry and Security (BIS). BIS administers the Entity List,⁷ which is a U.S. government compilation of non-U.S. individuals and entities that are deemed a national security concern and thus subject to specific license requirements for the export, re-export, and in-country transfer of items "*subject to the EAR*" (rather than whether any "U.S. nexus" exists). Such items include those (1) within the United States, (2) moving in-transit through the United States from one foreign country to another (with certain exceptions), (3) U.S.-origin items wherever located, and (4) certain foreign-made items that incorporate more than a de minimis amount of U.S.-origin controlled content or that are produced abroad using controlled U.S. software, technology, or tools. The consequences of landing on the Entity List are severe and include loss of export privileges, business disruption, reputational damage, significant fines, and criminal penalties.

Sanctions Violations by India-Based Companies Operating in High-Risk Jurisdictions

Dealings with Russia

Recent developments highlight the increasing scrutiny faced by India-based companies operating in high-risk jurisdictions (e.g.,

Russia, Iran, North Korea), especially in sensitive sectors like energy and defense. As India has become one of the top purchasers of Russian oil following the onset of U.S., UK, EU, and other sanctions regimes in early 2022, the United States has taken enforcement actions against India-based companies and individuals trading and transacting with Russia. This trend is notably evident where such transactions likely involve intermediaries or opaque payment structures that companies could use to evade sanctions.

In October 2025, OFAC designated⁸ Russian energy giants Rosneft and Lukoil and their global subsidiaries under EO 14024. This action resulted in major Indian refiners either halting oil imports from Russia or reviewing and winding down their dealings with Russia-based energy producers by November 21, 2025.

OFAC has previously shown its willingness to target non-U.S. actors involved in sensitive sectors like energy and defense. For example, OFAC sanctioned entities in Turkey and the United Arab Emirates (UAE) in October 2023 for facilitating Russian oil exports and subsequently sanctioned dozens more non-U.S. companies across Asia and the Middle East for their involvement in Russia's military-industrial base. And in October 2024, OFAC and DOS sanctioned⁹ 275 individuals and entities across 17 jurisdictions (including 15 India-based companies) also involved in supporting Russia's military-industrial base. Many of those targets had engaged in sanctions evasion by using third countries as intermediaries for exporting prohibited dual-use items to Russia.

One month later in November 2024, the U.S. Department of Justice (DOJ) indicted¹⁰ an Indian national for conspiring to export controlled dual-use aviation components to prohibited end users in Russia. According to the DOJ, the defendant had purchased the components under the false pretense that they would be supplied to him and his India-based company when they were actually destined for end users in Russia. If convicted, the defendant would face up to 20 years' imprisonment and a significant fine.

Dealings with Iran and North Korea

Although now transacting in the Russian energy and defense sectors presents one of the greatest risks of U.S. sanctions exposure, non-U.S. companies (including India-based ones) should examine their ties with the more traditional sanctioned players, such as Iran and North Korea. In September 2022, OFAC sanctioned¹¹ a global

network of intermediaries and front companies in India, Hong Kong, and the UAE for facilitating the sale of hundreds of millions of dollars' worth of petroleum products from two sanctioned Iranian companies to Asia-based end users. For similar reasons, three years later, in October 2025, OFAC and DOS sanctioned¹² approximately 40 individuals, entities, and vessels across India, Iran, the People's Republic of China, Turkey, and the UAE for trading in hundreds of millions of dollars' worth of Iranian petroleum products. This action included sanctioning an India-based petrochemical trading company under EO 13846 (Iran-related sanctions) for importing over USD 40 million worth of Iranian-origin petrochemical products from multiple companies, including a U.S.-designated company, between January 2024 and January 2025. Several more India-based companies and an Indian national were similarly sanctioned for engaging in comparable misconduct.

Despite dealing in a non-sensitive sector, in March 2023, an India-registered tobacco manufacturer settled¹³ with OFAC for over USD 330,000 for five apparent violations of sanctions against North Korea. According to the settlement, in 2017, the company used the U.S. financial system to receive payments in U.S. dollars for tobacco that it indirectly exported to North Korea, relying on several third-country intermediaries to receive the payments. This action obscured the link to North Korea and caused U.S. financial institutions to process these illicit transactions unknowingly.

Recommendations for India-Based Companies

The sanctions enforcement risks facing non-U.S. companies exposed to high-risk sectors and related transactions—even where the local law does not directly prohibit such transactions—demand that these companies double down on assessing and retooling their compliance programs.

Consequently, these companies should remain on high alert when dealing with any Russian or other high-risk jurisdictional touchpoints, especially in critical sectors like energy, technology, and defense.

To start, companies can schedule regular reviews and updates of their compliance programs to ensure that internal policies and procedures can address not only direct dealings but also more nuanced risks arising from subsidiaries, joint ventures, and

third-party relationships. Companies can also tailor trainings to the specific needs of teams most likely to encounter sanctions risks on the front lines (e.g., procurement, finance, shipping) by raising real-world examples and recent enforcement actions that highlight key red flags.

To assess new and ongoing risks related to high-risk jurisdictions, companies can map out all touchpoints with those jurisdictions' entities, products, and services. Such risk assessments will help companies determine their exposure across the entire enterprise and should include an objective assessment of the effectiveness of compliance programs and due diligence processes in mitigating exposure. Specialist legal counsel can help do so in part by scrutinizing past high-risk transactions for any gaps and future ones as part of a standard pre-transaction review process.

Finally, robust due diligence and compliance best practices, such as counterparty screening, vessel and shipping due diligence, transaction diligence, and careful documentation, have proven highly effective at mitigating a company's sanctions risk profile. Companies can screen their counterparties (e.g., suppliers, intermediaries, shippers, financial institutions) against updated sanctions lists, investigate beneficial ownership structures to ensure that no sanctioned parties are involved, and require counterparties to provide contractual warranties and audit rights regarding their own compliance practices. Compliance departments can deploy maritime intelligence tools to track vessel ownership, flag, and recent port calls to help identify any links to sanctioned parties or deceptive shipping practices (e.g., ship-to-ship transfers, AIS manipulation). For any high-risk transactions, both finance and compliance departments have roles to play in assessing the entire payment chain, including correspondent banks and payment intermediaries, to ensure that no funds pass through sanctioned jurisdictions or entities. Companies should take care to avoid complex payment structures designed to obscure the origin or destination of funds.

Notes

* The authors, attorneys with Clifford Chance LLP, may be contacted at vasu.muthyala@cliffordchance.com, george.kleinfeld@cliffordchance.com, john-patrick.powers@cliffordchance.com, jacqueline.landells@cliffordchance.com, and jan.vanderkuijp@cliffordchance.com, respectively.

1. <https://ofac.treasury.gov/media/57936/download?inline>.

2. <https://ofac.treasury.gov/media/919111/download?inline>.
3. <https://ofac.treasury.gov/media/919281/download?inline>.
4. <https://ofac.treasury.gov/media/922081/download?inline>.
5. <https://ofac.treasury.gov/media/932441/download?inline>.
6. <https://ofac.treasury.gov/media/932436/download?inline>.
7. BIS publishes the Entity List at Supplement No. 4 to Part 744 of the Export Administration Regulations (EAR).
8. <https://home.treasury.gov/news/press-releases/sb0290>.
9. <https://home.treasury.gov/news/press-releases/jy2700>.
10. <https://www.justice.gov/archives/opa/pr/indian-national-charged-conspiring-illegally-export-us-aviation-components-russia#%3A%7E%3Atext%3D20%20in%20the%20District%20of%2Cthe%20Export%20Control%20Reform%20Act>.
11. <https://home.treasury.gov/news/press-releases/jy0980>.
12. <https://www.state.gov/releases/office-of-the-spokesperson/2025/10/sanctioning-entities-trading-in-iranian-petroleum-and-petrochemicals>.
13. <https://ofac.treasury.gov/media/931441/download?inline>.