Introducing Our International Trade Group
As one of the largest international trade teams in the country, we have the strength and expertise needed to support Canadian and global businesses with all their international trade needs.

The McMillan Advantage

We are a market leader for all aspects of international trade law in Canada. Our team is recognized by Chambers, Lexpert, Who’s Who and more.

McMillan is Canada’s most active firm when it comes to litigating international trade remedy matters before the Canada Border Services Agency and the Canadian International Trade Tribunal.

We provide trade compliance strategies for all applicable international trade issues. We steer clients through complex customs litigation and tariffs matters, economic sanctions and export controls, international trade treaties, and forced labour obligations.

The Services We Offer

Our comprehensive services cover all trade law issues, including:

- Anti-Dumping and Countervailing (Anti-Subsidy) Proceedings
- Economic and Trade Sanctions
- Export and Import Controls
- Customs Regulation
- WTO and Trade Agreements
- Forced Labour Compliance

The 2024 Chambers Canada Guide recognized McMillan for market-leading expertise in International Trade/WTO, a consecutive achievement since 2017.

“The team as a whole is great to work with, responsiveness, availability, a clear understanding of the law, and a good ability to balance legal necessities and business realities.”

– Chambers and Partners

McMillan has been counsel in almost two-thirds of the Canadian trade remedy investigations initiated since 2018.
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- Container Chassis – obtained anti-dumping and countervailing duties of 59.1% against chassis imported from China
- Upholstered Domestic Seating – achieved anti-dumping and countervailing duties up to 204% on goods from China and Vietnam
- Concrete Reinforcing Bar – assisted producers to get CBSA to self-initiate an anti-dumping investigation for first time in more than a decade
- Grinding Media – obtained a full exclusion for Canadian cement producers from anti-dumping and countervailing duties of up to 73% on grinding media imported from India
- Gypsum Board – counsel to a major US producer as well as its Canadian importing affiliate in interim review proceedings and the first Binational Panel review of a CITT decision since NAFTA was replaced by CUSMA

**Counsel on 10 of the 14 Canadian Anti-Dumping Cases since 2020**

**Furniture Seating**  **Grinding Media**  **Container Chassis**  **Oil Country Tubular Goods**

**Oil Country Tubular Goods**  **Rebar**  **Gypsum Board**  **Wheat Gluten**
Economic and Trade Sanctions

McMillan has acted in some of Canada’s highest profile and most complex economic sanctions matters. Canada has imposed sanctions on countries, organizations and individuals responsible for human rights violations, corruption and terrorism. Companies with operations in Canada as well as Canadians anywhere in the world face significant penalties if they do not comply with these sanctions. Asset freezes and dealings prohibitions are also subject to disclosure obligations.

Our team of experts will:

- Work with Canadian and international companies to ensure compliance with sanctions
- Develop compliance programs and conduct compliance audits
- Prepare submissions to Global Affairs Canada in relation to permits and designated persons
- Prepare and submit disclosures related to sanctioned property or notifications of communications to the Attorney General of Canada under the Foreign Extraterritorial Measures Act

Representative matters include:

- Advising numerous Canadian and international companies on the asset freezes, dealings prohibitions, export controls, import bans, transportation restrictions and other sanctions imposed under the Special Economic Measures Regulations related to Russia, Belarus and Ukraine, related to conflict in Ukraine
- Applying for and obtaining various sanctions permits from Global Affairs Canada to allow for continued Canadian operations, and acting in connection with some of Canada’s first use of the seizure and forfeiture powers under Canada’s sanctions legislation.
- Working with Canadian and US companies to address compliance issues under Canada’s FEMA Order that blocks extraterritorial application of US laws restricting trade and commerce with Cuba
- Providing disclosures to Canadian authorities related to property and transactions subject to sanctions under the Special Economic Measures Act, the Criminal Code and other sanctions provisions relating to China, Iran, and Myanmar amongst others

Our team of experts will:

- Advise on product and technology classifications and compliance under Canada’s trade control lists
- Apply for export, import and brokering permits and advisory opinions from Global Affairs Canada
- Respond to cure notices, audits or inspections, and remediation requests initiated by Global Affairs Canada or CBSA
- Provide guidance on registration in the Controlled Goods Program to compliance with the regulations

Representative cases include:

- Guiding a leading publicly traded health and life-sciences company in respect of voluntary disclosures for the impermissible export of controlled goods to China without appropriate permits and received confirmation of no action
- Helping a major global telecommunications company assess the impact of Canadian export controls relating to cryptography and related research, which required an in-depth understanding of the relevant technology and the law
- Obtaining a contentious export permit for a Canadian firearms manufacturer to sell firearms that had been held up by Global Affairs Canada for many months

Export and Import Controls

Certain types of goods require permits for import into and/or export from Canada. These include dual-use as well as military-only use items. Canada has recently enacted new brokering requirements for exports which affect how Canadian and international companies can do business.
• Counseling a Canadian drone manufacturer in remedying issues relating to falsification of export permits that was caught by Canadian authorities and successfully avoiding material penalties through engagement with Canadian authorities and implementing a compliance improvement program

• Advising a Canadian aeronautics company that was purchased by offshore interests in dealing with Canadian Controlled Goods Program suspension of registration and seizure of assets

• Resolved a $33 million ascertained forfeiture order related to seven shiploads of cargo with export permit deficiencies with negotiated penalties of $150,000

• Providing guidance to clients on dealing with the Controlled Goods Program and other security regulators in the context of M&A transactions

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**Customs Regulation**

Importers must comply with Canadian customs requirements to prevent delays at the border, avoid detention, seizure or forfeiture of goods, and avert assessments of administrative monetary penalties and unpaid duties.

Our team of experts will:

• Advise companies on the applicable rules of origin, tariff treatment, country of origin marking, and value for duty issues relevant to imports into Canada

• Assist companies in obtaining preferential tariff treatment available under CUSMA and other free trade agreements

• Represent companies applying for Safe Food for Canadians licences from the Canadian Food Inspection Agency, and complying with other applicable food safety import requirements

• Represent companies in disputes with the CBSA to secure duty relief, recovery, refunds, drawbacks and deferrals, including in CBSA’s administrative appeal process and appeals to the CITT and federal courts

**WTO and Trade Agreements**

Canada has numerous bilateral and regional trade agreements including in North America (CUSMA), with Europe (CETA) and with Asia (CPTPP and a bilateral agreement with Korea) as well as dozens of investment protection agreements. Canada also remains actively committed to the World Trade Organization multilateral trading agreements and is negotiating further bilateral agreements with the UK, Indonesia and the ASEAN countries. In addition, the Canada Free Trade Agreement contains extensive provisions related to trade and investment between provinces.

Our experts will:

• Advise on the application of trade agreements for Canadian companies as well as international companies seeking to participate in Canadian markets

• Represent companies seeking changes to federal and provincial laws, regulations and policies to work with governments to ensure that they comply with applicable trade agreements

• Represent companies with interests in dispute settlement proceedings under WTO and other trade agreements in their dealings with relevant governmental authorities

• Initiate claims under the CFTA or under investor-state dispute resolution processes in trade and investment agreements
What Sets Us Apart

Our lawyers are part of an integrated team that includes members of our elite Competition, Antitrust and Foreign Investment Group who frequently act on pricing matters, data analysis and markets. The overlaps of these practices give us unique insights and a competitive edge.

Our team includes former Government of Canada and provincial government officials, including a senior counsel to the Canadian International Trade Tribunal and a former WTO litigator with Global Affairs Canada. McMillan lawyers have also been appointed to the roster of panelists under the Canada-United States-Mexico Agreement and its predecessor. We are uniquely positioned to provide clients with a deep understanding of Canada’s international trade policy and law, and assists our clients when working closely with Canadian regulators.

Our clients also rely on McMillan Vantage Policy Group, the only Canadian public affairs, government relations and communications consultancy anchored in a national law firm. Members of McMillan Vantage include former federal and provincial cabinet ministers and officials, and media and public relations management experts.
Bringing a combination of real-time business solutions and tactical excellence, we help businesses navigate the maze of regulations that govern international trade.

**Accolades from Leading Directories**

“Jonathan O’Hara has built up a reputation as one of the best trade lawyers in the country and is known for his meticulous, focused and creative approach.”

“William Pellerin’s guidance on complex situations is easy to understand and easy to apply. His experience and insight are valued and well sought after.”

“Neil Campbell cuts a distinguished figure in competition law, in particular when it comes to antitrust, foreign investment and international trade involving regulated industries.”

“Peter Jarosz is a very good trade remedy lawyer.”

Three McMillan lawyers were recognized by Chambers Canada in 2024 for their expertise in International Trade: Jonathan O’Hara, Peter Jarosz and William Pellerin.
Our team is available to answer any questions you might have about our services or our firm. Feel free to reach out to anyone of us. For more information go to: McMillan International Trade.

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Our clients are located worldwide and include Fortune 100 multinational corporations, financial institutions, private equity firms, institutional investors, along with large and middle market businesses in nearly every business sector. Our firm values – respect, teamwork, commitment, client service and professional excellence – are at the heart of McMillan’s commitment to serve our clients, our local communities and the legal profession.

For more information, please visit our website at www.mcmillan.ca