



**Daniel Hohnstein** is a partner of Tereposky & DeRose LLP. He represents and advises private sector companies, industry associations, and governments in matters relating to international trade and investment. His practice covers state-to-state dispute settlement, investor-state dispute settlement, Canadian trade remedies (anti-dumping and countervailing) matters, and compliance with Canadian customs requirements. He is a leading expert on the implementation, interpretation, and application of the Canada-EU Comprehensive Economic and Trade Agreement (CETA).

He appears as counsel in trade disputes before World Trade Organization (WTO) panels, arbitrators, and the Appellate Body. He also represents Canadian domestic industries, foreign producers, exporters, and importers in proceedings before the Canada Border Services Agency (CBSA), the Canadian International Trade Tribunal (CITT), and Canada's Federal Courts. In addition, he advises clients on the interpretation and application of all trade and investment treaties, including the North American Free Trade Agreement (NAFTA), the CETA, and the forthcoming Comprehensive and Progressive Trans-Pacific Partnership (CPTPP). He has completed the program on investor-state dispute settlement at the Singapore International Arbitration Academy (Centre for International Law, National University of Singapore), where he received an award for excellence in advocacy.

In addition to his trade expertise, he has represented clients in a range of commercial disputes and other matters before Canadian administrative tribunals and civil courts.

### **Representative Work**

#### ***WTO Dispute Settlement***

- *United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products (DS381)* (Appellate Body, Compliance Panel, Countermeasures Arbitration, Second Compliance Panel, Appellate Body)
- *United States – Certain Country of Origin Labelling (DS384, DS386)* (Panel, Appellate Body, Compliance Panel, Appellate Body, Countermeasures Arbitration)

### ***Canadian Domestic Trade Law & Regulation***

- Dan acts for private sector companies and industry associations — including Canadian domestic industries, importers (both resident and non-resident), producers and exporters from countries throughout the world, and other businesses — in litigation arising from issues in Canadian customs law, Canada’s trade remedies regime, and international trade and investment agreements.
- Dan acts a counsel and advisor in anti-dumping and countervailing duty investigations, including *Refined Sugar* (RR-2014-006), *Liquid Dielectric Transformers* (NQ-2012-001, RR-2017-002), *Oil Country Tubular Goods* (NQ-2014-002), *Concrete Reinforcing Bar* (NQ-2016-003), *Fabricated Industrial Steel Components* (NQ-2016-004), and *Dry Wheat Pasta* (PI-2017-004).
- Dan represents and assists clients in all customs compliance matters, including:
  - challenging tariff classification re-determinations made by the Canadian authorities (including appeals from the CBSA to the Canadian International Trade Tribunal, and from the Tribunal to the Canadian Federal Court of Appeal);
  - preparing for and participating in customs audits (e.g., tariff classification, valuation of imported goods, compliance with rules of origin);
  - preparing to file self-corrections or voluntary disclosures with respect to errors in customs declarations;
  - preparing and submitting written requests to the Canadian authorities for advance rulings on tariff classification and for customs rulings on valuation, origin, and other issues.

### ***Advice on International Trade Agreements***

- Dan is a leading expert on the implementation, interpretation, and application of the Canada-EU *Comprehensive Economic and Trade Agreement* (CETA). He is one of the key experts in the European Union’s project concerning “Market Access Support for EU Business in Canada in the CETA Context”. He has tracked and analyzed the implementation of all aspects of the Agreement into Canadian domestic law, and he has prepared comprehensive studies of market access opportunities for both EU and Canadian stakeholders. He has also studied the remaining trade barriers that continue to exist under the CETA and how businesses can address them going forward.
- Dan routinely advises clients on the interpretation and application of all international trade agreements and other treaties. He frequently advises on a broad range of market access and dispute settlement issues under the NAFTA, the CETA, the WTO Agreements, and all other regional and multilateral agreements, including:
  - Preferential rates of duty;

- Rules of origin;
- Tariff rate quotas (TRQs);
- Government procurement;
- Investment;
- Transparency, dispute settlement, and other matters.

### ***Investor-State Dispute Settlement***

Dan acts as counsel and advisor on the interpretation and application of bilateral investment treaties, including with respect to a threshold jurisdictional issues and substantive issues.

### **Rankings and Recognition**

- Recognized in the 2019 edition of *Chambers Global – The World's Leading Lawyers for Business* (International Trade/WTO, Up and Coming).
- Recognized in the 2019 edition of *Chambers Canada – Canada's Leading Lawyers for Business* (International Trade/WTO, Up and Coming).
- Selected by peers for inclusion in the 2019 edition of *The Best Lawyers in Canada* (International Trade and Finance Law).
- Recognized in the 2016 edition of *Who's Who Legal: Canada* (Trade and Customs).

### **Publications and Presentations**

- Co-author, “Department of Finance Announces Government’s “Intent to Enact Final Safeguards”  
<https://www.lexology.com/library/detail.aspx?g=252576d2-70b7-457a-bb42-e19efef8b4ad>  
Lexology, April 26, 2019.
- Co-author, “On May 2<sup>nd</sup> Canadian Companies doing business in Cuba Could be Exposed to Substantial US Civil Liability under Title III of the U.S. LIBERTAD Act”,  
<https://www.lexology.com/library/detail.aspx?g=82cea91a-197e-4f35-953c-4ac53de77c62>,  
Lexology, April 18, 2019.
- Co-author, “From “Soup to Nuts” to Services – Potential Market Opportunities in the US and EU Markets, Compliments of the Boeing and Airbus Disputes”,  
<https://www.lexology.com/library/detail.aspx?g=35337636-02ff-4f23-943f-881dde9b4299>,  
Lexology, April 17, 2019.
- Co-author, “Canadian International Trade Tribunal Finds Safeguard Measures Warranted for 2 of 7 Classes of Steel Goods: Heavy Steel Plate and Stainless-Steel Wire”,  
<https://www.lexology.com/library/detail.aspx?g=3bc657d5-e399-462d-a5a7-c92d6c786c38>,  
Lexology, April 3, 2019.

- Co-author, “What’s Next in the Canadian Steel Safeguards Action”, <https://www.lexology.com/library/detail.aspx?g=afaf04b1-154d-4d60-92fc-37f24259ff13>, Lexology, April 1, 2019.
- Co-author, “Changes Announced to the Administration of the Provisional Steel Safeguard Measures in Canada”, <https://www.lexology.com/library/detail.aspx?g=c8370e32-0c1a-42bf-9da6-0b89de78b241>, Lexology, February 5, 2019.
- Co-author, “And they’re off... CPTPP Commission concludes its first meeting”, <https://www.lexology.com/library/detail.aspx?g=d4b8574f-2d03-4512-957d-6b88ae74e75b>, Lexology, January 19, 2019.
- Co-Author, “[Mexico, Canada and the United States sign the “T-MEC” \(and the CUSMA and the USMCA\)](#)”, *Lexology*, November 30, 2018
- Co-Author, “[Canada Publishes New Regulations and Regulatory Amendments to Implement the CPTPP](#)”, *Lexology*, November 14, 2018
- Co-Author, “[Australia Makes Six, Triggering the Countdown to The CPTPP’S Entry Into Force on 30th December](#)”, *Tereposky & DeRose Bulletin*, October 31, 2018
- Co-Author, “[Canada Ratifies the CPTPP – Is Australia Next?](#)”, *Tereposky & DeRose Bulletin*, October 29, 2018
- Co-Author, “[Canada Passes Federal Legislation to Implement CPTPP](#)”, *Tereposky & DeRose Bulletin*, October 25, 2018
- Co-Author, “[Canada Announces Provisional Steel Safeguard Measures](#)”, *Tereposky & DeRose Bulletin*, October 11, 2018
- Co-Author, “[The New Modernized NAFTA – The United States-Mexico-Canada Agreement \(USMCA\)](#)”, *Lexology*, October 1, 2018
- Author, “[Procedural Requirements for Preferential Tariff Treatment under the CETA, Part 3 - Record-Keeping Requirements](#)”, *Lexology*, September 28, 2018
- Co-Author, “[Canada Initiates Anti-Dumping Investigation Against Swedish Nitrosine Capsules](#)”, *Lexology*, September 21, 2018
- Author, “[Procedural requirements for preferential tariff treatment under the CETA, part 2 - The CETA shipping requirements for originating goods](#)”, *Lexology*, September 20, 2018

- Author, "[Important Information Session on Anticipated Canadian Global Safeguard Action Against Steel Products](#)", *Lexology*, September 20, 2018
- Co-Author, "[Importers and Users of Imported Steel Products Need to Be Wary of Potential 'Provisional' Safeguard Duties Immediately Upon Initiation of The Anticipated Safeguard Action](#)", *Lexology*, September 19, 2018
- Author, "[Procedural requirements for preferential tariff treatment under the CETA, Part 1 - The CETA declaration of origin](#)", *Lexology*, September 15, 2018
- Co-Author, "[Decision on Steel Safeguards Action Expected Within Weeks](#)", *Lexology*, September 10, 2018
- Co-Author, "[The CETA Does Not Exclude Eu Steel Products from Canadian Global Safeguard Measures](#)", *Lexology*, September 6, 2018
- Co-Author, "[Notice to Steel Users, Importers and Exporters: Is Your Company Ready If Canada Initiates A Global Safeguard Action Against Steel Products?](#)", *Lexology*, September 5, 2018
- Author, "[Analyzing the Opportunities for Trade in Apparel Products under the CETA](#)", *Lexology*, July 11, 2018
- Co-Author, "[Canada Announces Final Countermeasures Against the United States](#)", *Lexology*, June 29, 2018.
- Author, "[CETA Opportunities for the Canadian Automotive Industry in Uncertain Times](#)", *Lexology*, June 22, 2018
- Author, "[Italy's Decision on CETA Ratification - What Does it Really Mean?](#)", *Lexology*, June 14, 2018
- Co-Author, "[Canadian Legislation Introduced to Implement the Comprehensive and Progressive Trans-Pacific Partnership \(CPTPP\)](#)", *Lexology*, June 14, 2018
- Author, "[Exploring New Opportunities for Trade in Goods under the CETA - As Easy as Apple Pie](#)", *Lexology*, April 24, 2018
- Co-Author, "[SCC says 'No' to Unrestricted Inter-Provincial Free Trade](#)", *Lexology*, April 19, 2018
- Co-Author, "[It's a deal! TPP-11 member countries sign the CPTPP](#)", *Lexology*, March 9, 2018

- Co-Author, “[President Trump announces intention to impose new tariffs on steel and aluminum](#)”, *Lexology*, March 1, 2018
- Co-Author, “[Text of the new Comprehensive and Progressive Trans-Pacific Partnership \(CPTPP\) Released](#)”, *Lexology*, February 20, 2018
- Co-Author, “[Canada and Other TPP-11 Countries Announce Conclusion of CPTPP Agreement](#)”, *Lexology*, January 23, 2018
- Speaker, “International Trade Update – Overview of the NAFTA re-negotiations, implementation of the CETA, and the status of the TPP-11 (or CPTPP)”, presentation to the Ambassadors’ Lunch in Ottawa, Ontario, presented by Dan Hohnstein (16 January 2018)
- Co-Author, “[Canada Launches Omnibus WTO Challenge of US Trade Remedies Laws](#)”, *Tereposky & DeRose Bulletin*, January 10, 2018
- Author, “[Canada-EU Free Trade Agreement Now in Force](#)”, *Lexology*, September 21, 2017
- Co-Author, “[Canadian Anti-Dumping and Countervailing Investigation Initiated for Certain PET Resin](#)”, *Tereposky & DeRose Bulletin*, August 23, 2017
- Co-Author, “[Canada-US trade tensions continue to intensify with imposition of a second layer of lumber tariffs](#)”, *Lexology*, June 27, 2017
- Speaker, “Beyond Brexit: Trading with the EU – Lessons from Canada: Lessons from the EU-Canada *Comprehensive Economic and Trade Agreement (CETA)*” (June 13, 2017), presentation hosted by Brodies LLP in Edinburgh, Scotland (June 13, 2017)
- Co-Author, “[The Consent of the Domestic Industry is Not Enough to Secure an Exclusion from Anti-Dumping Protection](#)”, *Lexology*, June 9, 2017
- Author, “Bill C-30 receives Royal Assent; Federal Regulatory Changes to Follow” (May 17, 2017), available online at <https://tradeisds.com/index.php/bill-c-30-receives-royal-assent-federal-regulatory-changes-to-follow/>
- Author, “Update on Bill C-30 and CETA Implementation in Canada” (May 12, 2017), available online at <https://tradeisds.com/index.php/update-on-bill-c-30-and-ceta-implementation-in-canada/>
- Co-Author, “[WTO Panel Report Released on China Anti-Dumping Measures on Imports of Cellulose from Canada](#)”, *Lexology*, April 26, 2017
- Co-Author, “[Canada-US Trade Tensions Intensify with Imposition of Lumber Tariffs](#)”, *Lexology*, April 25, 2017

- Author, “Current Status of the Implementation of the CETA” (April 1, 2017), available online at <https://tradeisds.com/index.php/hydro-plan-and-proposed-changes-2/>
- Panellist, “The Comprehensive Economic and Trade Agreement (CETA): Insights and Implications for Canada, the Czech Republic, and the European Union”, lecture at the University of Economics in Prague, Czech Republic (March 14, 2017)
- Speaker and panellist, “Comprehensive Economic and Trade Agreement (CETA): Seizing the Opportunities” at the Ministry of Industry and Trade in Prague, Czech Republic (March 13, 2017)
- Author, “Bill C-30 (the CETA Implementation Act) and the Parliamentary Process” (March 2017), available online at <https://tradeisds.com/wp-content/uploads/2017/04/Bill-C-30.pdf>
- Speaker, “Update on the CETA, the TISA, and the TPP”, presentation to the Ambassadors’ Lunch in Ottawa, Ontario (February 21, 2017)
- Speaker, “Why the CETA is Relevant to UK Enterprises and the Legal Counsel Who Advise Them”, presentation to Bond Dickinson LLP in London, England (February 6, 2017)
- Speaker, “Bill C-30 – A Discussion of Canada’s Implementing CETA Legislation and Next Steps”, presentation to the EU Delegation to Canada in Ottawa, Ontario, presented by Dan Hohnstein, Greg Tereposky, Vincent DeRose, Jennifer Radford, and Beverley Moore (December 6, 2016)
- Speaker, “Current Status of the TPP”, presentation to the Ambassadors’ Lunch in Ottawa, Ontario (September 15, 2016)
- Quoted, “Investment Court Plan Gets Mixed Reviews,” originally published in *The Lawyers Weekly* (April 8, 2016); “New Investor State Dispute Settlement Mechanism following Canada-European Union Trade Agreement”, published in *Law in Quebec* (May 9, 2016), available online at <https://lawinquebec.com/new-investor-state-dispute-settlement-mechanism-following-canada-european-union-trade-agreement/>.
- Co-author, “Practical Insights into WTO Law & Dispute Settlement”, presentation to the Ministry of National Economy of Kazakhstan in Astana, Kazakhstan, presented by Greg Tereposky (March 30, 2016)
- Co-author, “Taking down the tariffs – There is risk and reward in Canada’s new and unprecedented free trade regime”, *Lawyers Weekly* (April 1, 2016), available online at <https://www.thelawyersdaily.ca/articles/2126/taking-down-the-tariffs>.
- Speaker, “Implementation of the Comprehensive Economic and Trade Agreement between the European Union and Canada (CETA)”, presentation to the EU Delegation to Canada in Ottawa, Ontario, presented by Dan Hohnstein, Greg Tereposky and Vincent DeRose (March 1, 2016)

- Speaker, “The Trans-Pacific Partnership (TPP) – Overview of Selected Issues based on a Preliminary Review of the Draft Text”, presentation to the Ambassadors’ Lunch in Ottawa, Ontario, presented by Dan Hohnstein and Greg Tereposky (December 9, 2015)

#### **Education and Bar Admission**

- Admission to the Bar (Ontario), 2011
- LLB/JD, Osgoode Hall Law School, 2010
- B.Ed., University of Western Ontario, 2002
- BA (Hons.) in English Language and Literature, University of Western Ontario, 2001
- B.Sc. (Hons.) in Biochemistry, University of Western Ontario, 2000

#### **Professional Involvement**

- Member, Law Society of Ontario
- Member, Canadian Council on International Law
- Member, American Bar Association
- Member, Society of International Economic Law