

Sheinberg, Samuel I.

From: HSRHelp
Sent: Friday, January 24, 2025 9:49 AM
To: HSR Auto Forward List
Subject: FW: Question re: 802.50

From: Musick, Vesselina
Sent: Friday, January 24, 2025 9:49:22 AM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Cc: HSRHelp
Subject: RE: Question re: 802.50

We agree that Target does not generate US sales from the services you have described when these services are performed by Target's non-US assets. Similar services provided by Target's US-based assets will count as US sales. Kind regards.

Vesselina Musick

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From: [REDACTED]
Sent: Tuesday, January 21, 2025 9:57:16 PM (UTC-05:00) Eastern Time (US & Canada)
To: HSRHelp
Cc: [REDACTED]
Subject: Question re: 802.50

Dear PNO Staff,

We would be grateful if you could please confirm our analysis below is correct:

Target is a logistics/freight forwarding company that offers logistics and transportation brokerage services to multi-national companies. Target does not ship any products itself; rather, it provides its customers with various logistics/brokerage services (e.g., evaluating cost-efficient forms of transportation; contracting with third party transportation companies; helping with paperwork, etc.) to help them ship products (which are transported by third parties) around the world.

Target is based outside of the United States and has operations both in and outside of the United States. Target's non-US operations offer logistics/brokerage services that help its customers (a) ship products to other non-US and US locations; and (b) receive shipments in the non-US location from other non-US and US locations. Similarly, Target's US operations include offering services that help its customers receive and ship products from/to non-US locations.

Because (a) Target's non-US assets do not ship third parties' (or its own) products into the United States (e.g., it is not a freight cargo company); and (b) all revenues derived by non-US assets are services as described above, it is our view that Target's non-US assets have no sales into the US for purposes of applying 16 C.F.R. § 802.50. See Informal Interp. No. 1405003 ("[W]e have been consistent in saying that a service that is provided outside of the US is not a sale into the US even if the customer is US.") Please let us know if you agree.

Thank you very much.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]