

Financial institutions
Energy
Infrastructure, mining and commodities
Transport
Technology and innovation
Life sciences and healthcare

 **NORTON ROSE FULBRIGHT**

Regulation and investigations

A global service from Norton Rose Fulbright



Global regulation and investigations

Businesses today face an increasingly complex framework of established and evolving legislation and civil, criminal and regulatory risk. Our global regulation and investigations practice was established to assist our clients as they navigate the evolving global and cross-border regulatory, compliance and government enforcement environment.

From our platform of more than 50 offices across the world, we offer to clients a deep understanding, both globally and locally, of legal, procedural, governance and reputational aspects of regulatory and compliance issues, investigations and litigation. Our team focuses on four key pillars of antitrust and competition, financial services regulation, investigations and tax.

The unprecedented level of co-operation among international enforcement authorities requires clients to adopt a coordinated, multinational approach. Our team of experienced lawyers across the world provides a global service and something extra: ‘connectivity’. We are interconnected across jurisdictions, across industry sectors, and across regulatory fronts, enabling our teams to advise clients on managing risk, including multi-jurisdictional investigations and compliance matters, wherever they arise.

Our experience extends from jurisdictions with extensive regulatory and enforcement frameworks, such as in North America, Europe and Australia, to more developing regulatory jurisdictions in Asia, Africa and Latin America.

We have acted on some of the world’s highest profile domestic and multi-jurisdictional investigations, including high profile criminal investigations and prosecutions. Our global regulation and investigations team includes lawyers who have previously held positions in some of the world’s key regulatory bodies. This brings a deep understanding of the internal workings of regulators, the underlying politics which shape the regulators’ approach, and the sensitivities of dealing with regulators.

Our approach is holistic: alongside clients, we work to fully understand our client’s business and environment to deliver a programme which manages every aspect of legal, reputational and operational risk.

The eDisclosure requirements in investigative and regulatory actions can be more complex and time sensitive than in other legal matters. As a key component of our practice, our global practice support team applies cutting edge technology to identify key documents and facts early in investigations. This assists in developing strategies and priorities, with the further benefit of managing and reducing costs.

We combine wide-ranging experience and knowledge of best practice with a strategic focus on industry, particularly the key sectors of financial institutions; energy; infrastructure, mining and commodities; transport; technology and innovation; and life sciences and healthcare.

Global platform

Europe
United States
Canada
Latin America
Asia
Australia
Africa
Middle East
Central Asia

Regulation and investigations lawyers

600+

Areas of advice

Antitrust and competition
Business ethics and anti-corruption including FCPA and UK Bribery Act
Commodities and derivatives
Data privacy
Environment
Financial and ‘white collar’ crime
Financial services regulation
Foreign investment rules
Government investigations and enforcement
Health and safety
Internal investigations
Public and administrative law including judicial review
Sanctions and export controls
Sector and utilities regulation
State aid
Tax investigations and controversy
WTO and international trade

More than 50 locations, including Houston, London, Toronto, Hong Kong, Singapore, Sydney, Johannesburg, Dubai.

Attorney advertising

Business principles

Quality.
Unity.
Integrity.

Track record

Anti-corruption risk audit

We are conducting an investigation into and global risk assessment of a US-headquartered multinational company's worldwide operations. We have conducted interviews of employees from the client's most risk-oriented business groups, including – among others – legal, accounting, supply chain, human resources, sales and marketing, commercial development, safety and security, and operations. The investigation and risk assessment spans 85 countries and includes on-site interviews in China, Brazil, and Spain. We have provided real-time reports and advice to resolve issues identified during the review. Among other things, we have worked with the client to revise invoice review procedures, Sarbanes-Oxley controls, and guidelines for providing hospitality to government officials.

Export control and sanctions investigations and proceedings

We advised the subsidiary of a world-leading defence contractor in significant multi-jurisdictional investigations which led to significant criminal trials and civil proceedings. This involved advising the company in the handling of government investigations on both sides of the Atlantic in relation to cross-border export control and sanctions issues, including investigations by the US Department of Justice, the UK Serious Fraud Office and, in the context of a criminal investigation which led to trial, Her Majesty's Revenue and Customs.

EU antitrust investigation

A multi-jurisdictional antitrust and competition team at Norton Rose Fulbright is acting for a bank in relation to the European Commission's ongoing competition investigation of alleged manipulation of EURIBOR (Euro Interbank Offered Rates).

Criminal prosecution in the UK

We recently represented an individual in a criminal prosecution brought by the UK Serious Fraud Office (SFO) concerning allegations of corruption relating to payments outside the UK over a seven year period. This was one of the largest anti-corruption prosecutions undertaken by the SFO and followed an investigation in cooperation with the DOJ and several EU countries. We continue to advise the client in relation to ongoing multi-jurisdictional proceedings. In December 2013, after a month of hearings in a UK Crown Court jury

trial, the SFO, with the agreement of the Attorney General, decided to drop the case against our client after considering the evidence following our detailed cross examination of the prosecution witnesses and he was acquitted of all charges.

Derivative reform compliance assessment

We assisted a global integrated business enterprise in assessing the impact of US Dodd-Frank derivatives reform, including analysis of cross-border application of the Dodd-Frank swaps requirements, swap dealer registration issues, position limit compliance, and swap data recordkeeping and reporting.

Regulatory clearance to establish UK investment exchange

We assisted CME Group, the world's leading derivatives markets operator, in obtaining regulatory clearances for the launch of CME Europe, a UK-based derivatives exchange. The exchange was announced on August 20, 2012 and is expected to launch in 2014. We helped CME to prepare and submit its application for recognition as a recognized investment exchange. This involved financial services regulation and antitrust clearance. We liaised on CME's behalf with the UK's financial services regulator, the Financial Services Authority (now the Financial Conduct Authority), and competition authority, the Office of Fair Trading.

Global competition investigation

We are representing a number of corporates in Australia, Asia, Canada and the EU in a global competition investigation on the supply and sale of certain motor vehicle components, including the preparation and negotiation of leniency applications and the defence of follow-on class actions. Lawyers from our offices in Hong Kong, Tokyo, London and Montréal are acting on this.

FATCA and Intergovernmental Tax Agreements

We are acting for a central bank, financial institutions, collective investment vehicles and a multinational energy company regarding their compliance obligations under the US Foreign Account Tax Compliance Act (FATCA) and the numerous bilateral Intergovernmental Agreements and memoranda of understanding between tax regulators of the US and its trading partners.

Regulation and investigations Contacts

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