



## Derivatives

DLA Piper's Derivatives practice provides experience across a range of jurisdictions on a wide array of mainstream and specialist derivatives and structured finance products, including stand-alone hedging products and hedging in connection with larger financing transactions.

We advise on the full spectrum of derivatives users, ranging from leading financial institutions to corporates and investment and pensions funds, and have considerable experience acting in a transaction management role or advising compliance in an increasingly challenging international regulatory environment.

### CAPABILITES

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Our Derivatives team provides advice on a wide variety of derivatives, including interest rate and currency swaps, credit default swaps, bond financing hedges, guaranteed investment contracts, credit and equity total return swaps, ISDA master swap documentation (1992 and 2002 versions) and credit support documentation.

In addition, we provide advice on equity and equity-indexed swaps, commodity and commodity-indexed swaps, option transactions of all types, forward transactions, prime brokerage relationships, master and global master repurchase and securities lending agreements (whether GMRA and GMSLA versions or locally drafted agreements), cross-netting agreements, credit-linked and other structured notes.

Many of our instructions involve hedging products as part of (and as often required by) larger financing transactions, including securitizations and synthetic structures utilising derivative instruments to transfer risk. Our derivatives lawyers coordinate with lawyers in all areas of the firm to provide maximum value for our clients.

DLA Piper is able to assist clients who are considering the extent they must comply with EMIR, the Dodd-Frank Act and other derivatives regulation around the globe. Our crossborder team can explain the parallels and conflicts between the European and US derivatives regulatory regimes and advise on regulatory developments affecting the derivatives market in many jurisdictions, including Asia.

### EXPERIENCE

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- Dodd-Frank and EMIR regulation and compliance;

### KEY CONTACTS

#### **Martin Bartlam**

Partner  
London  
T: +44 (0)20 7796 6309  
[martin.bartlam@dlapiper.com](mailto:martin.bartlam@dlapiper.com)

#### **Marc A. Horwitz**

Partner  
Chicago  
T: +1 312 368 3433  
[marc.horwitz@dlapiper.com](mailto:marc.horwitz@dlapiper.com)

#### **Claire L. Hall**

Partner  
Los Angeles (Century City)  
T: +1 310 595 3037  
[claire.hall@dlapiper.com](mailto:claire.hall@dlapiper.com)

- Public Company and Corporate Governance
- Tax

- Carbon emissions derivatives;
- Commodity derivatives;
- Credit default swaps;
- Credit derivatives;
- Equity derivatives;
- Foreign exchange transactions;
- Fixed income derivatives;
- Fund derivatives;
- Insurance derivatives;
- Master netting agreements;
- OTC derivatives; and
- Property derivatives.

## INSIGHTS

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### Publications

#### **Deferral of final implementation phases of the margin requirements for non-centrally cleared derivatives**

9 March 2021

As mentioned in our previous FinBrief post accessible [here](#), the Basel Committee on Banking Supervision (BCBS) and the International Organization of Securities Commissions (IOSCO) announced in Spring 2020 that they agreed, in response to the COVID-19 pandemic, to extend the deadline for completing the final implementation phases of the margin requirements for non-centrally cleared derivatives. Accordingly, the three European supervisory authorities (ESAs) published a draft amendment to the European delegated regulation on risk-mitigation techniques (Margin Regulation) in order to implement such deferral.

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#### **Basel Committee and IOSCO announce new deferral on final implementation phases of the margin requirements for non-centrally cleared derivatives**

4 December 2020

On 3 April 2020, the Basel Committee on Banking Supervision (BCBS) and the International Organization of Securities Commissions (IOSCO) announced that they had agreed to extend the deadline for completing the final two implementation phases of the margin requirements for non-centrally cleared derivatives by one year, from 1 September 2021 to 1 September 2022. Such extension, which follows a first one-year deferral that had been decided on July 2019, was awaited by the industry and is expected to provide additional operational capacity for firms to respond to the immediate impact of Covid-19 and at the same time, facilitate covered entities to act diligently to comply with the requirements by the revised deadline. Following this second extension, the three European supervisory authorities (ESAs) published on 23 November 2020 a third draft amendment to the European regulation on over the counter (OTC) derivatives, central counterparties and trade repositories (EMIR), following that of December 2019 and May 2020, which aimed at reflecting into European Union (EU) laws the BCBS and IOSCO announcement.

[Read more](#)

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#### **Attention crypto service providers: you are now regulated!**

29 May 2020

With the implementation of AMLD V, platforms for exchanging cryptocurrencies into fiat money and crypto custodian wallet providers

became regulated in the Netherlands. In a series of articles we will discuss the requirements crypto service providers have to comply with. In this first update we focus on the requirement to register with DNB.

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## **COVID-19 and the impact on asset-based lenders and their customers**

31 March 2020

The outbreak of coronavirus COVID-19 represents one of the most significant global public health crises in recent memory and is causing major disruption and unprecedented volatility in markets, economies and businesses.

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## **Global Financial Markets Insight - Issue 10, 2016**

28 JUL 2016

### **FINANCE AND MARKETS GLOBAL INSIGHT**

On 23 June 2016, the UK electorate voted to leave the European Union in a so-called Brexit referendum. The exit result was a surprise for many working in the finance sector. The change will impact the position of the UK under critical legislation such as the Capital Requirements Regulation, European Market Infrastructure Regulation, Market Abuse Regulation and many other Regulations and Treaties applicable in the UK. We will also see a change as to the role of the UK in significant market initiatives such as the Capital Markets Union. It is likely that these changes will present both threats and opportunities. Until policy is clearer, we will comment on some of the existing challenges caused by EMIR and similar EU Regulations.

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## **US and EU reach an important agreement on CCP global equivalence: how will it affect you?**

10 MAY 2016

This historic agreement allows market participants to use clearing infrastructures in both the US and Europe and assures a level playing field for US and EU CCPs.

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