



Financial Services Regulatory

DLA Piper's Financial Services Regulatory practice advises financial institutions of all sizes as well as national and international companies that offer financial products. We actively advise on a wide range of regulatory, risk management and compliance issues around the world, including major US legislation such as the Dodd-Frank Act, EU cross-border financial services legislation and approaches driven by global financial services bodies such as the Financial Stability Board, the Bank of International Settlements, IOSCO and the IAIS.

We advise clients on a wide-range of issues, such as regulatory issues affecting the viability of the institution; permissibility of activities and investments; anti-money laundering compliance; restructuring of boards and senior executive responsibilities; examination criticisms, regulatory investigations and enforcement actions; regulatory processes for the transfer of assets in banks, including affiliated transfers; matters impacting insurers, non-bank lenders and other financial institutions; and the recovery and resolution of financial institutions; and the regulatory requirements in relation to such actions.

We have close connections with a wide range of regulators around the world, including the FDIC, OCC, Federal Reserve Board, CFPB and state banking regulators in the US, EBA, ESMA, EIOPA at the European level, key national regulators in Europe such as the UK's PRA and FCA, Germany's BAFIN and France's Commission Bancaire, plus many more around the world.

An important and growing aspect of the group's practice involves tracking rapid market and regulatory changes. Regulators in the US and Europe in particular have engaged in a significant overhaul of their regulatory system as a consequence of the global financial crisis. This has been mirrored in many other countries because the changes have very much been driven by the G20 group of countries. DLA Piper regulatory partners are often closely involved in many of the leading regulatory initiatives working with legislators, regulators and industry bodies and clients to achieve practical outcomes in the development of regulation.

Our firm has a very integrated and collaborative international practice bringing together regulatory and other lawyers across jurisdictions to obtain regulatory consents, provide comparative assessments of regulations across jurisdictions and resolve regulatory problems. We regularly advise internationally active clients on a wide range of cross-border issues, among them the implications of taking their products into new countries and regions, the regulatory implications of important acquisitions and transactions and the comparative benefits of selecting particular jurisdictions for carrying on business.

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CAPABILITES

Banking Regulation

DLA Piper lawyers have extensive experience representing deposit-takers and banking groups, including bank holding companies, with regard to their financial services regulatory needs. This includes obtaining bank authorisations and licences and advising on all aspects of bank supervisory issues. In the US our lawyers are intimately familiar with the Bank Holding Company Act, the Change in Bank Control Act, the Federal Reserve Act and the Federal Deposit Insurance Act and, similarly, in Europe with key banking legislation such as the Capital Requirements Regulation and national legislation on banks. We routinely advise client on anti-money laundering obligations that arise in various jurisdictions around the globe.

Mergers and Acquisitions

DLA Piper lawyers have handled hundreds of acquisition transactions involving financial entities including obtaining regulatory approval for change in control of financial institutions where this is required. DLA Piper undertakes the highest volume of M&A transactions in the world.

Capital Markets and Funds

Whether the client wishes to raise public equity, seek fund or private equity investments or issue long-term debt, DLA Piper's lawyers understand the regulatory and market environments including the nuances of dealing with rating agencies and underwriters. We have considerable experience in handling the regulatory issues associated with acting for investment funds and for brokers, dealers and other investment firms.

Corporate and Securities

Closely linked with our capital markets work, our lawyers advise banks in corporate organisation and restructuring, holding company and subsidiary activities and formation, corporate governance, periodic reporting and compliance with exchange and other regulatory requirements. In particular we have significant experience with regard to listings on major exchanges such as NYSE, NASDAQ and the London Stock Exchange and the associated regulatory requirements.

Payments and Non-bank Financial Regulation

With the growing diversity in firms and entities that offer payment and other financial products, including products such as prepaid access, consumer payment plans, loan servicing and collection, mobile and online payments and virtual currencies, regulations are rapidly increasing in these areas. DLA Piper lawyers focus directly on these matters and advise clients on terms or features of their products that impose regulatory implications.

Enforcement

We regularly undertake internal investigations and assist clients with regard to enforcement activity commenced against them by their regulators. We have considerable experience of the interaction between criminal prosecutions and enforcement action by the financial services regulator. We also have considerable experience advising on civil liability, litigation and anti-money laundering enforcement in the context of regulatory scandals both on a national and a cross-border basis.

Insurance regulation

The firm has a substantial insurance operations and regulations practice and can advise both with regard to insurance capital requirements, authorisation of insurance companies and a wide-range of product and conduct of business issues.

EXPERIENCE

- Advised an international company on the development and deployment of payroll card products and related employee remittance services, in partnership with a major US bank.

- Assessed global anti-money laundering obligations of clients, both in response to specific regulatory criticisms and enforcements as well as on a client-initiated, pro-active basis.
- Represented community banks in branch acquisitions and openings, charter conversions, and capital raising efforts.
- Represented major diversified financial services firms in their decisions to separate from banking in response to added regulatory limitations arising under the Dodd-Frank Act.
- Advised international retailers on their credit and payment offerings to consumers.
- Advised a non-European lender with regard to the legal requirements in a range of different European member states to assist them in deciding upon the best business model for carrying out their lending activities. Assisted them with the implementation of their strategy.
- Advised a bank on the financial services regulatory implications of an outsourcing project across several southern European countries – as part of a larger outsourcing transaction whereby the bank’s retail call centres were being outsourced to a third party provider.
- Advised the London branch of a non-EU bank on the extent to which it could carry on business in the EU outside of the UK without a passport.
- Advised a Spanish bank on the implementation of the consumer credit protection work across various jurisdictions including Austria.
- Advised an Austrian branch of a Spanish bank on its corporate reorganisation procedure.

INSIGHTS

Publications

NFTs and secondary royalties

17 November 2022

The payment of such royalties has recently become a subject of controversy, with many NFT buyers considering royalties to be unfair.

Blockchain and Digital Assets News and Trends

24 October 2022

BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

OECD releases global tax reporting framework for crypto-assets; SEC investigating NFTs and Yuga Labs.

OECD releases finalized global tax reporting framework for crypto-assets

24 October 2022

Implementation of the CARF will ultimately be left to each country.

SEC investigating NFTs and Yuga Labs

24 October 2022

The SEC has been clear that NFTs are not exempt from the securities law and the manner in which they are offered can make them securities.

Comparing ESG disclosure rules for funds in the EU, UK and the US - SFDR, SDR and SEC proposals

5 October 2022

Are there any inconsistencies between SFDR, SDR and the SEC Proposals? Is there one approach to rule them all or are funds headed

down a pathway of differentiated disclosures? If so, how might that affect ESG strategies? Discover the key features of each of the regimes, including their approach to ESG strategies, labelling and key disclosures.

An end to snow-washing? Canada considers its money laundering problem

27 September 2022

Canada may have a reputation as a law-abiding and democratic nation, but it is also notorious as a place where it is easy to engage in money laundering.

Anticorruption and AML in Mexico: Trends and developments

27 September 2022

A look at the status of Mexico's fight against corruption and new forms of money laundering.

Argentina moves to modernize its AML legislation

27 September 2022

There is a broad consensus in Argentina that it is essential to remedy any AML deficiencies and move forward into the global economy.

Colombia addresses the problem of money laundering in virtual assets and the blockchain

27 September 2022

The regulators are seeking to incentivize legitimate use of crypto-assets and lower money laundering risks.

Blockchain and Digital Assets News and Trends

21 September 2022

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

IRS releases draft Form 1040 with new cryptocurrency question; lawsuit may expand liability exposure of blockchain software developers.

Harnessing the power of data analytics to drive compliance

19 September 2022

[PRACTICAL COMPLIANCE](#)

The age of data analytics in corporate compliance programs and regulatory enforcement is here.

Federal agency reports on responsible development of digital assets are due this week

6 September 2022

An array of agency reports are due.

eSignature and ePayment News and Trends

6 September 2022

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

Federal agencies' reports on responsible development of digital assets are due to the President this week.

Blockchain and Digital Assets News and Trends

22 August 2022

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

Proposed legislation aims to strengthen CFTC oversight of crypto marketplace; SEC imposes automatic penalties for failure to comply with a consent order; NFT projects reconsider licensing strategies

eSignature and ePayment News and Trends

2 August 2022

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

ULC approves important new amendments to the Uniform Commercial Code for state adoption.

Bankruptcies begin for crypto firms as “crypto winter” settles in

25 July 2022

The crash in cryptocurrency prices has erased nearly \$2 trillion in market value and forced three large firms into bankruptcy proceedings.

Blockchain and Digital Assets News and Trends

25 July 2022

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

Bankruptcies begin for crypto firms as “crypto winter” settles in; two US states will tax income from NFT sales; agreement reached on EU's new MICA regulation

DeFi participants should prepare to confront the unknown as bankruptcies loom

23 June 2022

Do not assume that a bankruptcy involving a DeFi platform would operate in a manner similar to other financial institution bankruptcy cases.

Responsible Financial Innovation Act, the new proposed crypto regulation bill, provides some clarity on tax issues

16 June 2022

The proposed tax provisions would, if enacted, address at least a few of the industry's largest complaints.

Blockchain and Digital Assets News and Trends

19 April 2022

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

Treasury report on money laundering and terrorist finance in the art trade looks at NFT marketplaces; FDIC issues new crypto-asset guidance and notification requirements.

FDIC issues new crypto-asset guidance and notification requirements

19 April 2022

New requirements for FDIC-supervised institutions that engage, or intend to engage, in any crypto-related activities.

US announces new trade restrictions against Russia as well as a new round of sanctions against Russian political elites

16 March 2022

[GLOBAL SANCTIONS ALERT](#)

Many of the newly announced measures will require Congressional action.

US sanctions Russian energy sector while allowing various energy-related activities to continue

9 March 2022

[GLOBAL SANCTIONS ALERT](#)

Today's actions further restrict commercial activity and increase risks of sanctions violations by well-intentioned companies.

US escalates its sanctions regime against Russia, targeting its financial system

28 February 2022

[GLOBAL SANCTIONS ALERT](#)

And additional measures are expected to be announced by the US and its allies in the coming days

US imposes further sanctions and export controls against Russia

25 February 2022

[GLOBAL SANCTIONS ALERT](#)

The White House emphasized that these newly announced sanctions and export controls will be complemented with similar measures imposed by US allies and partners.

New US sanctions in response to Russia's actions against Ukraine

23 February 2022

[GLOBAL SANCTIONS ALERT](#)

Additional sanctions are expected that will target Russia's financial, technology, and defense sectors.

The US, EU and UK implement the 'first phase' of New Sanctions in response to Russia's recognition of the independence of the Donetsk and Luhansk regions

23 February 2022

[GLOBAL SANCTIONS ALERT](#)

Providing you an up to date summary of the latest US, EU and UK "first phase" sanctions in response to Russia's recognition of the independence of the Donetsk and Luhansk regions.

Blockchain and Digital Assets News and Trends

18 February 2022

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

Lawsuit tackles tax treatment of staking rewards; SEC settles with crypto lending platform; emergency measures in Canada affect financial services entities.

FCA strategic review of retail banking business models

3 February 2022

On 20 January 2022, the Financial Conduct Authority (FCA) published a strategic review of retail banking business models (Strategic Review).

The Strategic Review updated the FCA's previous strategic review that was published in 2018 and explored new developments since 2015.

Blockchain and Digital Assets News and Trends

21 December 2021

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

Breaking legal news on cryptoassets and cryptocurrency, plus: Google sues to disrupt massive botnet

Bank resolution – latest guidance on stays applicable to distressed banks

9 December 2021

With the imminent implementation of the new bank resolution and recovery framework in South Africa, Bridget King looks into the detail of the latest guidance on stays applicable to distressed banks.

Blockchain and Digital Assets News and Trends

17 September 2021

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

Proposed infrastructure bill would subject cryptocurrencies to wash sale and constructive sale rules.

Proposed infrastructure bill would subject cryptocurrencies to wash sale and constructive sale rules

17 September 2021

The move comes as part of the Ways and Means Committee's attempt to raise revenue to finance infrastructure spending.

***US v. Bescond* addresses "fugitive disentitlement": Potential game changer for foreign-based defendants facing US charges**

30 August 2021

The Second Circuit found that a French citizen who had been in France throughout the period of the alleged crimes was not a "fugitive" and that the district court abused its discretion by applying the fugitive disentitlement doctrine.

Blockchain and Digital Assets News and Trends

23 August 2021

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

New information reporting requirements for cryptocurrency transactions; CFPB involvement in cryptocurrency oversight; NCUA seeks comments on use of DLT and DeFi by credit unions.

Climate reporting: Dispute risks rise up the agenda

23 August 2021

Our financial services (FS) institutional clients have been leading the way with alignment of climate reporting to the internationally recognised Task Force on Climate-related Finance Disclosures (TCFD) standards, reorganising their governance structures to ensure strong oversight on climate risk and adapting their businesses accordingly.

Blockchain and Digital Assets News and Trends

19 July 2021

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

IRS says tax-deferred like-kind exchange is not available for cryptocurrency trades; copyright issues plague NFTs; crypto venture investments continue to accelerate.

IRS concludes Section 1031 tax-deferred "like-kind" exchange treatment is not available for cryptocurrency trades

19 July 2021

It seems reasonable to assume that the IRS will apply its analysis to most cryptocurrencies.

Biden Administration tax compliance plan targets cryptocurrency assets

21 June 2021

The plan would give the IRS greater authority and resources to collect information on Americans' financial assets and transactions, including cryptocurrency transactions.

Blockchain and Digital Assets News and Trends

21 June 2021

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

Biden tax plan spotlights cryptocurrency transactions; FTC announces spike in cryptocurrency investment scams; El Salvador is first country to adopt bitcoin as legal tender.

Blockchain and Digital Assets News and Trends

20 May 2021

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

SEC issues Staff Statement on investments in the bitcoin futures market, plus latest legal developments governing the use and acceptance of blockchain technology, smart contracts and digital assets.

Blockchain and Digital Assets News and Trends

23 April 2021

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

SEC revises token safe harbor proposal; UK updates tax treatment of cryptoassets.

SEC Commissioner Peirce issues revised token safe harbor proposal

23 April 2021

The proposed rule provides two paths to an exit that would allow the company to keep operating without registration of the tokens.

So you want to go digital...

April 2021

This article assists businesses in identifying the core issues that must be addressed to ensure the legal sufficiency of transactions conducted on eSignature platforms.

Non-fungible tokens: Emerging issues in the emerging marketplace

30 March 2021

Any digital asset, or a right in an underlying asset, can be tokenized to make an NFT.

CFTC's new Climate Risk Unit: Another tool in the Biden Administration's "whole of government" campaign against climate change

23 March 2021

With this move, the US joins governments across the globe in recognizing the vital role derivatives markets will play in developing new solutions to address climate and sustainability challenges.

Blockchain and Digital Assets News and Trends

22 March 2021

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

Wyoming moves to clarify legal status of DAOs; court dismisses class action against a cryptocurrency exchange.

Wyoming takes a step ahead to clarify the legal status of decentralized autonomous organizations

22 March 2021

If the bill becomes official law, Wyoming will be the first US state to clarify the legal status of a DAO.

FCA Proposals to regulate the Funeral Plans Sector

3 March 2021

On 2 March 2021, the FCA published a consultation paper explaining their proposals for the regulation of the pre-paid funeral plans sector (the Consultation). The Consultation had been commissioned after the Treasury's Call for Evidence in June 2018 found "significant customer harm" in the market including the mis-selling of products, poor disclosure and high upfront costs.

Blockchain and Digital Assets News and Trends

25 February 2021

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

Canada's AML regime amendments: is your interactive entertainment service or platform operating a "money service business"?

Climate change disclosures – under SEC scrutiny

25 February 2021

This new directive does not come as a surprise.

Gems, coins, bells and bottle caps: Canadian AML regime amendments affect some video game and social media

virtual currencies

25 February 2021

Providers of video games and online entertainment that offer virtual currency as part of game play may be "money service businesses" under Canada's anti-money laundering rules.

FCA payments and e-money consultation on changes to SCA-RTS and approach document

17 February 2021

On 27 January 2021, the UK Financial Conduct Authority (FCA) published Consultation Paper 21/3 on proposed changes to the manner in which the FCA regulates payment services and the issuance of electronic money (CP 21/3). The consultation for the following initiatives will remain open until 30 April 2021.

Disputes, Issue 2

28 January 2021

DISPUTES

In this issue, we look at the split among the federal circuits over what it means to "exceed authorized access" in violation of the Computer Fraud and Abuse Act; the ways in which the federal courts apply the Supreme Court's recent limitations on equitable disgorgement; ways to mitigate liability risk in unauthorized financial transfers; considerations for employers as they develop policies regarding use of cannabis in their workforce; and the critical importance of escalation protocols in corporate whistleblower programs.

Unauthorized financial transaction fraud: Mitigating liability risks

28 January 2021

Prudent financial institutions are seeking to protect themselves against liability for third-party fraud and account holder carelessness.

HM Treasury consultation on regulatory approach to cryptoassets and stablecoins

13 January 2021

On 7th January 2021, HM Treasury published a consultation paper outlining the UK's proposed regulatory approach to cryptoassets and stablecoins (the "Consultation").

The Consultation represents the first stage of HM Treasury's consultative process on the broader regulatory approach to these assets. Within the paper, HM Treasury acknowledged the benefits of such products and reiterated its intention to ensure that the UK remains a "world-leader" in financial technology, while seeking to mitigate related risks to consumers and financial stability.

Non-performing loans - new EU measures

22 December 2021

On 9 December 2020 the negotiators from the Economic and Monetary Affairs Committee and the European Council reached agreement on amendments to the Capital Requirements Regulation and the Securitisation Regulation (the Regulations). On 15 December, the European Council issued the final compromise text to the Permanent Representatives Committee. The formal adoption of the final texts is targeted for February 2021. Under the terms of the Withdrawal Agreement between the UK and the EU, any EU law that is legally binding

at the end of the transition period (31 December 2020) will continue to apply in the UK after that date. We await confirmation on whether these amendments (or a version of these amendments) will be adopted in the UK.

Lessons in climate risk reporting on the path to mandatory disclosure: A marathon, not a sprint

11 December 2020

As countries increase the pace of mandatory climate risk disclosure measures aligned with the recommendations of the Task Force on Climate-related Financial Disclosures, the Task Force's most recent status report highlights the extent of the commitment necessary to embed climate risk and opportunity analysis into governance, strategy, risk analysis and performance management – and the need to start early.

SEC 2021 and beyond: What to expect

7 December 2020

Some likely areas of SEC focus, from both the regulatory and enforcement perspectives, in 2021 and beyond.

Interval Funds - at the Intersection of Liquidity, Transparency, and Valuation

1 MAR 2017

What can interval funds do that other pooled investment vehicles in the marketplace cannot do (or must do differently)?

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.

Are you ready for FATCA? IRS notice provides transitional rules, but deadlines remain tight

26 Jul 2011
