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Raising the bar: Home country efforts to regulate foreign investment for sustainable development

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Home Country Measures (HCM) Taxonomy

Examples of Home Country Measures to Regulate the Overseas Activities of Individuals and Corporations November 7, 2014

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Comments on the HCM Taxonomy, including suggestions of HCMs to add, are welcome, and should be submitted to Lise Johnson at ljj2107@columbia.edu.



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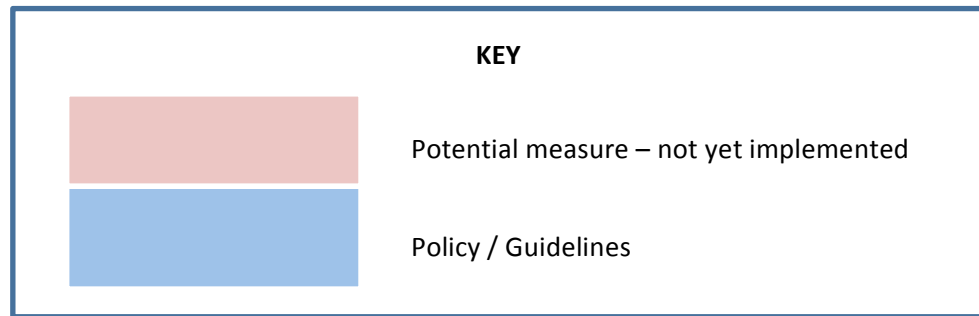
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INTRODUCTION

This HCM Taxonomy provides a summary of some of the major unilateral and multilateral measures adopted by home countries to govern the overseas activities of their individuals and corporations.

The HCM Taxonomy provides a selection of unilateral and multilateral initiatives in respect of the following sectors:

1. Anti-Bribery;
2. Competition;
3. Development;
4. Environment;
5. Human rights;
6. Sanctions;
7. Securities;
8. Tax; and
9. Capital Controls.



Please note that the contents of this HCM Taxonomy stem from our volunteers' research to date, which has been limited by factors including language and time available.

Unilateral/Multilateral Measure	Summary	Useful links
Anti-bribery		
Multilateral		
<p><i>The below multilateral conventions set out frameworks for adoption by relevant European member states to address the risk of corruption and bribery including in international transactions and/or regardless of where the offence is committed. Generally it is to the member States to implement domestic legislation ratifying the provisions, some examples of which are set out in the unilateral section below.</i></p>		
<p>Law to the Protocol of 27 September 1996 on the Convention on the Protection of the European Communities' (ECs') financial interests (1996) (CPEC)</p>	<p>The 1997 Convention held that people can be held liable for fraud or active corruption and money laundering for their benefit, that involve national and EC individuals that damage or are likely to damage the EC's financial interests.</p>	<p>http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31996F1023(01)</p>
<p>OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997) and Recommendation (2009) (OECD Convention)</p>	<p>The OECD Convention sets out two offences relating to active bribery and corruption by a foreign public officials in international transactions and includes guidelines for multinational enterprises.</p> <p>Under the OECD Convention the:</p> <ul style="list-style-type: none"> giving, offering or promising any undue pecuniary or other advantage (whether direct or through intermediaries) to a foreign public official; or 	<p>http://www.oecd.org/daf/anti-bribery/oecdantibriberyconvention.htm</p> <p>List of ratifying countries: http://www.oecd.org/daf/anti-bribery/WGBRatificationStatus.pdf</p>

Unilateral/Multilateral Measure	Summary	Useful links
	<ul style="list-style-type: none"> inciting, aiding and abetting, or otherwise being complicit in, such an act of bribery, is an offence. <p>It is up to the individual states to ratify and criminalize the offences. They are encouraged to do so with broad extraterritorial application (i.e. to capture offences of bribery of a foreign public official regardless of where the offence is committed).</p>	
Criminal & Civil Law Conventions on Corruption of the Council of Europe (EC Conventions)	<p>Administered by the Group of States Against Corruption (GRECO), the EC Conventions, together with the supporting protocols, recommendations and guiding principles, provide support to States for legislation to address issues of corruption. The EC Conventions provide (respectively):</p> <ul style="list-style-type: none"> a framework for creation of coordinated criminal offences and international co-operation in such criminal matters; and civil remedies for persons who suffer damage as a result of acts of corruption. 	<p>http://conventions.coe.int/Treaty/en/Treaties/Html/173.htm</p> <p>http://conventions.coe.int/Treaty/en/Treaties/Html/174.htm</p>
United Nations Convention against Corruption (UNCC) 2005	<p>The UNCC incorporates guidelines, rules and procedures that can be adopted by members to assist in the prevention of corruption and including provisions in respect of asset recovery, including:</p> <ul style="list-style-type: none"> of national or foreign public officials and officials of public international organisations; embezzlement, misappropriation or other diversion by a public official of any public or private property; trading in influence; and abuse of functions and illicit enrichment. 	<p>http://www.unodc.org/unodc/en/treaties/CA/C/index.html</p> <p>Designation by EC: http://europa.eu/legislation_summaries/fight_against_fraud/fight_against_corruption/133300_en.htm</p>

Unilateral/Multilateral Measure	Summary	Useful links
Australia		
Criminal Code Act 1995 (Cth), Division 70	<p>In accordance with Division 70, the offence of providing a benefit that is not legitimately due, with the intention of influencing a foreign official applies to conduct committed wholly outside Australia where, at the time of the alleged offence, the alleged perpetrator is an Australian citizen, resident, or body corporate.</p> <p>Penalties include up to 10 years imprisonment and substantial fines.</p>	<p>http://www.austlii.edu.au/au/legis/cth/consol_act/cca1995115/sch1.html</p> <p>http://www.crimeprevention.gov.au/FinanciaIcrime/Documents/Fact%20Sheet%20%20-%20The%20Offence%20-%20Foreign%20Bribery%20Information%20Pack.PDF</p> <p>http://www.crimeprevention.gov.au/FinanciaIcrime/Documents/Fact%20Sheet%201%20-%20Why%20you%20need%20to%20know%20about%20foreign%20bribery%20and%20its%20implications.PDF</p> <p>http://www.law.unimelb.edu.au/files/dmfile/201345.pdf</p>
China		
The People's Republic of China (PRC) Criminal Law, Articles 6-8; 163; 164; 385; 387; 389; 391; 392; 390	Offences in relation to bribery of domestic officials and commercial bribery set out in these provisions apply to (i) natural persons located in the PRC, regardless of nationality, (ii) PRC nationals who commit crimes outside the territory of the PRC, unless the maximum punishment for such crime is a fixed-term imprisonment	<p>http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content_1384075.htm</p> <p>http://www.cecc.gov/resources/legal-provisions/criminal-law-of-the-peoples-</p>

Unilateral/Multilateral Measure	Summary	Useful links
	<p>of not more than three years, and (iii) foreign nationals who commit crimes outside the territory of the PRC against the state or its citizens, so long as the crime carries a minimum punishment of fixed-term imprisonment of not less than three years and the act is deemed a crime in the place where it is committed (Articles 6-8).</p> <p>The Criminal Law likewise applies to companies, enterprises, and institutions organized under PRC law regardless of where they operate, including:</p> <ul style="list-style-type: none"> • joint ventures (including ones involving non-PRC companies) • wholly foreign-owned enterprises (WFOEs); and • representative offices of non-PRC companies. (Article 30) 	<p>republic-of-china</p> <p>http://www.cecc.gov/resources/legal-provisions/eighth-amendment-to-the-criminal-law-of-the-peoples-republic-of-china</p>
France		
<p>French Criminal Code (Code Pénal), sections 432; 433; and 435</p>	<p>The main corruption offences are found in sections 432, 433 and 435.</p> <p>Individuals found guilty of corruption or influence peddling at home or abroad may incur a fine or imprisonment.</p> <p>Corporate entities found guilty of corruption or influence peddling at home or abroad incur a fine of a maximum of five (5) times the amount applicable to individuals.</p>	<p>www.legifrance.gouv.fr/content/download/1957/13715/.../Code_33.pdf</p>

Unilateral/Multilateral Measure	Summary	Useful links
Germany		
<p>German Criminal Code (Strafgesetzbuch) (StGB), sections 299-335</p> <p><i>(Refer also to CPEC above)</i></p> <p><i>Act on Combating Bribery of Foreign Public Officials In International Business Transactions (1998), Article 2</i></p> <p><i>(Refer also to OECD</i></p>	<p>Section 299 sets out offences in relation to taking and giving bribes in commercial practice (i.e. to gain an unfair preference to another in the competitive purchase of goods or commercial services).</p> <p>Section 299 will apply to acts in competition abroad. Penalties include imprisonment for up to three years or a fine.</p> <p>Section 300 states that especially serious offences under section 299 shall be liable to imprisonment from three months to five years.</p> <p>Sections 299-300 also apply to acts in competition abroad.</p> <p>Sections 331-335 relate to offences committed in public office.</p> <p>Foreign and domestic public officials are equal for the application of sections 331 – 335 of the StGB and incorporate the recommendations of the CPEC.</p> <p>Article 2 states that for acts of bribery under the StGB, which concern a future judicial or official act committed in order to obtain or retain business or an unfair advantage in international business transactions, the following individuals shall be treated as equal:</p> <ul style="list-style-type: none"> • a judge of a foreign state; • a judge at an international court; • a public official of a foreign state; 	<p>http://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html#p2862</p> <p>http://www.gesetze-im-internet.de/eubestg/</p> <p>http://www.oecd.org/investment/anti-bribery/anti-briberyconvention/2377209.pdf</p>

Unilateral/Multilateral Measure	Summary	Useful links
<i>Convention above)</i>	<ul style="list-style-type: none"> • a person entrusted to exercise a public function with or for an authority of a foreign state, for a public enterprise with headquarters abroad, or other public functions for a foreign state; • a public official and other member of the staff of an international organisation and a person entrusted with carrying out its functions; • a soldier of a foreign state; and • a soldier who is entrusted to exercise functions of an international organisation. 	
Ireland		
Prevention of Corruption Act 1906 as amended by the Prevention of Corruption (Amendment) Act 2001 and the Prevention of Corruption (Amendment) Act 2010 (the Act) Section 1, 1906 Act Section 2, 2001 Act Section 7, 2001 Act Section 3, 2010 Act	<p>The Act broadens the legislation on corruption, in particular in relation to corruption occurring outside the State, and jurisdiction in this regard has been extended to virtually all persons, including companies, having a connection with the State.</p> <p>Where a person commits an act outside the State that, if done in the State, would constitute an offence under section 1 of the Act, he or she shall be guilty of an offence and he or she shall be liable on conviction to the penalty to which he or she would have been liable if he or she had done the act in the State.</p>	<p>http://www.irishstatutebook.ie/pdf/2010/en.act.2010.0033.pdf</p> <p>Mondaq: Ireland: A Guide To Anti-Corruption Regulation In Ireland 2013: http://www.mondaq.com/x/228066/Corporate+Commercial+Law/A+Guide+to+AntiCorruption+Regulation+in+Ireland+2013</p>
Prevention of Corruption Bill 2012 (Criminal Justice	The Bill consolidates the bribery provisions adopted in various acts between 1889 and 2010 and makes renewed provision for the main	http://www.justice.ie/en/JELR/20120620%20General%20Scheme%20Corruption%20Bill

Unilateral/Multilateral Measure	Summary	Useful links
(Corruption) Bill 2012)	requirements of a number of international agreements relating to corruption to which Ireland is a party, including the EC Conventions, OECD Convention and the UNCC.	l.pdf/Files/20120620%20General%20Scheme%20Corruption%20Bill.pdf http://www.irishstatutebook.ie/2001/en/act/pub/0027/sec0007.html#sec7
Italy		
Italian Criminal Code, Article 322-bis	<p>Bribery of domestic and foreign public officials is prohibited as a criminal offence. Article 322-bis, for example, prohibits "embezzlement, extortion by colour of office, bribery and incitement to bribery of the members of European Communities' bodies and of the officials of the European Communities and of foreign States..."</p> <p>In the case of EU officials the same bribery offences apply as to domestic officials.</p> <p>The same also applies to foreign and international officials, with two limitations</p> <ul style="list-style-type: none"> • only active corruption is punishable; and • the offence must be committed for obtaining an undue advantage in international economic transactions or with the purpose of obtaining or maintaining an economic or financial activity. <p>Bribery offences committed by Italian public officials are subject to Italian law even if committed in a foreign territory.</p>	http://www.oecd.org/daf/anti-bribery/anti-briberyconvention/2377889.pdf

Unilateral/Multilateral Measure	Summary	Useful links
Netherlands		
Netherlands Penal Code (Wetboek van Strafecht)	<p>Title V covers crimes against the public authorities. Articles 177, 177a and 178a include acts of bribery involving foreign officials.</p> <p>The Dutch courts also have jurisdiction over corrupt acts which take place outside of the Netherlands. An individual or corporate entity can be prosecuted where the act is also punishable in the state where the act has been committed.</p>	http://wetten.overheid.nl/BWBR0001854/geldigheidsdatum_09-09-2014
United Kingdom		
Bribery Act 2010 (the "Act")	<p>The Act contains three general offences of bribery:</p> <ul style="list-style-type: none"> • offering, giving or promising a bribe to any person; • requesting, agreeing to receive or accepting a bribe; and • bribing a foreign public official. <p>The Act has wide extraterritorial application, including bribes made by any person within the UK and bribes made anywhere in the world by UK companies and citizens and foreign individuals ordinarily resident in the UK. If an entity commits such an offence, it is also an offence if an officer of that entity has consented or connived in the entity's wrongdoing.</p> <p>Section 7 of the Act also introduces an offence where a commercial organisation fails to prevent an 'associated person' from bribing</p>	http://www.legislation.gov.uk/ukpga/2010/23/contents

Unilateral/Multilateral Measure	Summary	Useful links
	<p>someone on their behalf.</p> <p>The bribe of the associated person need not have any connection to the UK part of the commercial organisation's business, but need only be intended for its benefit.</p> <p>The section 7 offence applies to UK commercial organisations and foreign commercial organisations carrying on (at least) part of their business in the UK.</p>	<p>http://www.legislation.gov.uk/ukpga/2010/23/section/7</p>
United States		
Foreign Corrupt Practices Act 1977 (FCPA)	<p>The FCPA, as amended, 15 U.S.C. §§ 78dd-1, et seq., was enacted for the purpose of making it unlawful for certain classes of persons and entities to make payments to foreign government officials to assist in obtaining or retaining business.</p> <p>Specifically, the anti-bribery provisions of the FCPA prohibit the wilful use of the mails or any means of instrumentality of interstate commerce corruptly in furtherance of any offer, payment, promise to pay, or authorisation of the payment of money or anything of value to any person, while knowing that all or a portion of such money or thing of value will be offered, given or promised, directly or indirectly, to a foreign official to influence the foreign official in his or her official capacity, induce the foreign official to do or omit to do an act in violation of his or her lawful duty, or to secure any</p>	<p>http://www.justice.gov/criminal/fraud/fcpa/docs/fcpa-english.pdf</p> <p>http://www.justice.gov/criminal/fraud/fcpa/</p>

Unilateral/Multilateral Measure	Summary	Useful links
	<p>improper advantage in order to assist in obtaining or retaining business for or with, or directing business to, any person.</p> <p>The anti-bribery provisions of the FCPA have applied to all U.S. persons and certain foreign issuers of securities.</p>	
Competition		
Australia		
<p>Competition and Consumer Act 2010 (CCA), Section 5</p>	<p><i>Antitrust</i></p> <p>The CCA's Antitrust provisions contain civil and criminal prohibitions against cartels and civil law prohibitions on other anti-competitive arrangements, together with a civil law prohibition on misuse of market power.</p> <p>In terms of extra-territoriality, save in relation to certain CCA provisions, it is not necessary for conduct to occur within Australia for there to be a contravention of the CCA.</p> <p>Pursuant to section 5 of the CCA, conduct occurring outside Australia may fall within the scope of the CCA (and may be investigated by the Australian Competition and Consumer Commission (ACCC)) if the entity engaging in the conduct is:</p> <ul style="list-style-type: none"> • an Australian citizen; 	<p>https://www.accc.gov.au/business/anti-competitive-behaviour</p> <p>https://www.accc.gov.au/business/mergers</p>

Unilateral/Multilateral Measure	Summary	Useful links
	<ul style="list-style-type: none"> • a person ordinarily resident in Australia; • a body corporate incorporated in Australia; or • a body corporate carrying on business in Australia. <p>However, it is generally necessary for the ACCC to demonstrate that the conduct has an impact (or intended impact) within Australia in order to establish that there has been an infringement of one of the CCA prohibitions. For example, one element of the prohibition on anti-competitive agreements is that the relevant agreement has the purpose, effect or likely effect of substantially lessening competition in a market in Australia.</p> <p><i>Merger Control</i></p> <p>The CCA also contains the Australian merger control regime, which allows the ACCC to investigate transactions and allows for the prohibition of certain anti-competitive mergers.</p> <p>The CCA merger control provisions apply to transactions between non-Australian parties and to acquisitions which occur outside Australia, where the acquisition is made by:</p> <ul style="list-style-type: none"> • an Australian citizen; • a person ordinarily resident in Australia; • a body corporate incorporated in Australia; or • a body corporate carrying on business in Australia. <p>However, this is only the case where the acquisition would have the effect or be likely to have the effect of substantially lessening</p>	

Unilateral/Multilateral Measure	Summary	Useful links
	competition in any market in Australia.	
China		
Anti-Monopoly Law (AML)	<p><i>Antitrust</i></p> <p>The AML contains civil law prohibitions on certain forms of "monopolistic conduct": anti-competitive agreements and abuse of dominance.</p> <p>In terms of the territorial scope of the AML, it applies to "monopolistic conduct undertaken within China", but also to monopolistic conduct undertaken outside China that "eliminates or has a restrictive effect" on competition in the Chinese market.</p> <p><i>Merger control</i></p> <p>The AML also contains China's merger control regime. The AML's merger control provisions apply to transactions between non-Chinese parties and to transactions which occur outside China, provided that the parties to a transaction and their corporate groups meet the turnover thresholds set out within the AML (which relate to both worldwide and Chinese turnover).</p> <p>Due to the operation of these turnover thresholds, "foreign-to-foreign" transactions (in particular joint venture transactions) which have only a limited nexus with China may still trigger the AML</p>	http://english.mofcom.gov.cn/aarticle/policy/release/announcement/200712/20071205277972.html

Unilateral/Multilateral Measure	Summary	Useful links
	<p>requirements to pre-notify a transaction and obtain clearance prior to completion. However, whether a transaction has a negative impact on markets in China will be taken into account in the substantive assessment of the transaction to determine whether it should be cleared or prohibited.</p>	
European Union		
<p>Treaty on the Functioning of the European Union (TFEU) Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (EUMR), Articles 101 and 102</p>	<p><i>Antitrust</i></p> <p>Articles 101 and 102 TFEU contain civil law prohibitions on anti-competitive agreements and abuse of dominance.</p> <p>In relation to extra-territoriality, Articles 101 and 102 TFEU apply to the conduct of EU and non-EU undertakings and to conduct carried out or implemented outside the EU, provided this conduct: (i) effects trade between EU Member States; and (ii) has the object or effect of restricting competition within the EU. Such conduct has been held to include, for example, market sharing agreements pursuant to which a non-EU undertaking agrees with its competitors not to supply products or services into the EU, and to export bans pursuant to which a non-EU distributor agrees with a supplier that it will not sell products or services into the EU.</p> <p>The national antitrust legislation of the EU Member States is similar to Articles 101-102 TFEU, and therefore takes a similar approach to extra-territoriality (i.e. it applies to conduct outside the</p>	<p>http://ec.europa.eu/competition/antitrust/legislation/articles.html</p> <p>http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R0139&from=EN</p>

Unilateral/Multilateral Measure	Summary	Useful links
	<p>relevant Member State where this impacts trade and competition within that Member State). See the entry below in relation to the United Kingdom by way of example.</p> <p><i>Merger control</i></p> <p>The EUMR contains the EU merger control regime.</p> <p>The EUMR applies to transactions between non-EU parties and to transactions which occur outside the EU, provided that the parties to a transaction and their corporate groups meet the turnover thresholds set out within the EUMR (which relate to both worldwide and EU turnover).</p> <p>Due to the operation of these turnover thresholds, "foreign-to-foreign" transactions (in particular joint venture transactions) which have only a limited nexus with the EU may still trigger the EUMR requirements to pre-notify a transaction and obtain clearance prior to completion. However, the EU Commission can only prohibit a transaction when it gives rise to a significant impediment to competition within the EU.</p>	
United Kingdom		
<p>Competition Act 1998 (CA98), Chapters I and II</p> <p>Enterprise Act 2002</p>	<p><i>Antitrust</i></p> <p>Chapter I and Chapter II of the CA98 contain prohibitions on anti-</p>	<p>https://www.gov.uk/government/organisations/competition-and-markets-authority</p>

Unilateral/Multilateral Measure	Summary	Useful links
(EA02)	<p>competitive agreements and abuse of dominance.</p> <p>In relation to extra-territoriality, Chapters I and II apply to the conduct of UK and non-UK undertakings and to conduct carried out or implemented outside the UK, provided this conduct: (i) effects trade within the UK; and (ii) has the object or effect of restricting competition within the UK.</p> <p>The EA02 contains the UK criminal cartel offence, which criminalises certain cartel conduct. In terms of the jurisdictional scope of the cartel offence, the relevant provisions apply only in relation to the supply in the UK of the relevant product or services. In addition, in relation to agreements entered into outside the UK, enforcement action can only be taken if the relevant agreement has been implemented in whole or in part in the UK.</p> <p><i>Merger control</i></p> <p>The EA02 also contains the UK merger control regime.</p> <p>The regime applies to transactions between non-UK parties and to transactions which occur outside the UK, provided that the parties to a transaction and their corporate groups meet the jurisdictional thresholds set out within the EA02 (which relate to UK turnover or the supply of goods or services in the UK).</p> <p>However, the Competition and Markets Authority (CMA) can only prohibit a transaction when it gives rise to a substantial lessening of</p>	<p>http://www.legislation.gov.uk/ukpga/1998/41/contents</p> <p>http://www.legislation.gov.uk/ukpga/2002/40/contents</p>

Unilateral/Multilateral Measure	Summary	Useful links
	<p>competition within the UK. Moreover, CMA enforcement action may extend to a person's conduct outside the UK if (and only if) he/she/it is:</p> <ul style="list-style-type: none"> • a UK national; • a body incorporated under the law of the UK or of any part of the UK; or • a person carrying on business in the UK. 	
United States		
<p>Sherman Act</p> <p>Foreign Trade Antitrust Improvements Act (FTAIA)</p> <p>Clayton Act</p> <p>Hart-Scott-Rodino Antitrust Improvements Act (HSR Act)</p>	<p><i>Antitrust</i></p> <p>The Sherman Act contains civil and criminal law prohibitions on agreements "in restraint of trade" (including cartel activity), and monopolisation.</p> <p>The Sherman Act applies to "trade or commerce" among "foreign nations". However, the FTAIA limits this extra-territorial reach of the Sherman Act, providing that it will not apply to trade or commerce with foreign nations/conduct occurring outside of the United States unless: (i) that conduct involves import trade or commerce; or (ii) that conduct has a direct, substantial and reasonably foreseeable effect on domestic commerce, and this effect proximately gives rise to a Sherman Act injury/claim. There has been considerable litigation concerning the application of the latter test to determine whether conduct undertaken outside the United States has a sufficient nexus to the United States to fall</p>	<p>http://www.justice.gov/atr/public/divisionmanual/chapter2.pdf</p> <p>http://www.justice.gov/atr/</p> <p>http://www.ftc.gov/about-ftc/bureaus-offices/bureau-competition</p> <p>http://www.ftc.gov/enforcement/premerger-notification-program/statute-rules-and-formal-interpretations</p>

Unilateral/Multilateral Measure	Summary	Useful links
	<p>within the jurisdictional scope of the legislation.</p> <p><i>Merger control</i></p> <p>The Clayton Act and the HSR Act contain the US merger control regime.</p> <p>The regime applies to "foreign to foreign" transactions between non-US parties/transactions which take place outside the United States, where the HSR thresholds are met (including that at least one party is engaged in "US commerce"). There are exemptions in relation to acquisitions of foreign assets and foreign companies, which have the effect that such transactions are excluded from the scope of the regime unless the target holds assets in or generates sales into the United States above a certain value.</p>	
Development		
Australia		
Corporations Act 2001, Chapter 7: Section 5(d), 1013D(1)	<p>Section 1013D(1) requires consideration of "labour, environmental, social or ethical factors" relevant to investment products.</p> <p>See the Human Rights Section below for further details.</p>	<p>http://www.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1013d.html</p>

Unilateral/Multilateral Measure	Summary	Useful links
Export Finance and Insurance Corporation Act 1991	The Export Finance and Insurance Corporation is Australia's export credit agency, owned by the Australian Government. Its policy for environmental and social review of transactions takes into consideration, amongst other things, the OECD Recommendation of the Council on Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence 2012 (“OECD Common Approaches”) and the OECD Guidelines.	http://www.efic.gov.au/Pages/homepage.aspx OECD Common Approaches: http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=tad/ecg(2012)5&doclanguage=en
Canada		
Export Development Act 1985	<p>Export Development Canada is Canada's export credit agency owned by the Canadian government. Its mandate is controlled by the Export Development Act and a government-approved Corporate Plan.</p> <p>The current corporate plan for 2013 – 2017 includes the implementation of the OECD Common Approaches.</p>	http://www.edc.ca/Pages/default.aspx http://www.parl.gc.ca/HousePublications/Publication.aspx?Docid=3658424&file=4 http://www.edc.ca/EN/About-Us/Corporate-Reports/Documents/corp-plan-summ-2013-2017.pdf
Bill C-300: Corporate Accountability of Mining, Oil and Gas Corporations in Developing Countries	<p>The Bill was never enacted and therefore constitutes a failed attempt at regulating multi-national corporations.</p> <p>The Bill mandated the implementation of guidelines for corporate</p>	http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocI

Unilateral/Multilateral Measure	Summary	Useful links
Act	<p>accountability based on the International Finance Corporation Performance Standards and Environmental Health and Safety General Guidelines, and the Voluntary Principles on Security and Human Rights.</p> <p>Performance Standards 7 emphasises that "Private sector projects can create opportunities for Indigenous Peoples to participate in, and benefit from project-related activities that may help them fulfil their aspiration for economic and social development" and companies should aim " To promote sustainable development benefits and opportunities for Indigenous Peoples in a culturally appropriate manner".</p> <p>The Guidelines were to serve as eligibility criteria for political and financial support for extractive companies by Export Development Canada, the Department of Foreign Affairs and International Trade, and the Canadian Pension Plan.</p>	d=3658424
China		
China International Contractors' Association (CHINCA) Guide on Social responsibility for Chinese international Contractors 2012	<p>The CHINCA is a state funded organization, a legal authority of China Ministry of Commerce (MOFCOM) to manage and regulate the industry and establish rules and conventions. Membership is voluntary but its members comprise around 90% of the total turnover of the Chinese international contracting industry.</p> <p>In 2012 CHINCA implemented the Guide on Social responsibility for Chinese international Contractors. Section 4.7 of this Guide is particularly relevant.</p>	http://www.chinca.org/ http://www.chinacsrproject.org/Uploads/%7B0FE53B36-356B-4079-A7F0-B95C2D5DB784%7D_Guide%20on%20Social%20Responsibility%20for%20the%20Chi

Unilateral/Multilateral Measure	Summary	Useful links
		nese%20International%20Contracting%20Industry_CN_EN.PDF
United Kingdom		
<p>Companies Act 2006, Section 414C</p> <p>Companies Act 2006 (Strategic Report and Directors' Report) Regulations 2013 regulation 3</p>	<p>Section 414C of the Companies Act 2006 (implemented by regulation 3 of the Companies Act 2006 (Strategic Report and Directors' Report) Regulations 2013)) requires that all listed UK incorporated companies (beginning with those whose financial year ended 30 September 2013) prepare a strategic report, which (to the extent that it is necessary for an understanding of the development, performance or position of the company's business) includes disclosure of policies on environmental, social, community and human rights issues at home and abroad (see also in the Environment and Human Rights sections below).</p> <p>There is a general safe harbour for directors regarding information in/excluded from the Strategic Report as long as they have not been fraudulent or reckless (section 463 Companies Act 2006).</p>	<p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/206241/bis-13-889-companies-act-2006-draft-strategic-and-directors-report-regulations-2013.pdf</p> <p>http://sites.herbertsmithfreehills.vuturevx.com/37/5526/landing-pages/42330766-2.pdf</p>
United States		
<p>Foreign Assistance Act 1961</p>	<p>OPIC is a US government agency which promotes growth in developing economies. Its governing legislation is the Foreign Assistance Act 1961.</p>	<p>http://www.opic.gov/doing-business-</p>

Unilateral/Multilateral Measure	Summary	Useful links
Overseas Private Investment Corporation (OPIC) Policies	<p>OPIC’s work aims to contribute to stability and economic opportunity in host countries, which helps mitigate risk to U.S. companies investing abroad, and seeks to promote a positive developmental effect for the host countries.</p> <p>The Office of Investment Policy ensures projects:</p> <ul style="list-style-type: none"> • are environmentally and socially sustainable in the host country; • respect human rights, including workers' rights, in the host country; • have no negative impact on the U.S. economy; and • encourage positive host country development effects. 	us/OPIC-policies/economic-analysis
Environment		
Australia		
Antarctic Treaty Act 1960 (Cth), Articles VII and III	The Act implements the Antarctic Treaty 1959. It applies to observers and scientific personnel as defined in Articles VII and III of the Treaty and members of the staffs accompanying any such persons who are nationals of a contracting party to the treaty.	http://www.comlaw.gov.au/Details/C2008C00398
Antarctic Treaty (Environment Protection) Act 1980 (Cth)	The Act applies within the Australian Antarctic Territory and to Australian citizens, organisations and property in the Antarctic Treaty Area. It addresses the conservation of Antarctic fauna and flora, environmental impact assessments, inspectors. It also establishes a series of civil penalties and criminal offences in respect of the environment, rocks and meteorites, return of indigenous species, mining and contravention of permits.	http://www.comlaw.gov.au/Details/C2014C00232

Unilateral/Multilateral Measure	Summary	Useful links
Antarctic Marine Living Resources Conservation Act 1981 (Cth) Section 8	The Act applies both within and outside Australia, to Australian nationals, including body corporates established under a federal, state or Territory law. It implements the Convention on the Conservation of Antarctic Marine Living Resources 1980. Section 8 of the Act prohibits harvesting and research with respect to any marine organisms without a permit. Contravention of the provision is an offence. The Act also establishes a permit and inspection system in respect of such harvest and research.	http://www.comlaw.gov.au/Details/C2010C00116
Environment Protection (Sea Dumping) Act 1981 (Cth)	The Act prohibits the disposal of certain harmful waste (controlled material) by any Australian vessel or aircraft into any part of the sea. Breach of prohibitions related to unpermitted dumping or incineration of controlled material is an offence and punishable under criminal law. The Act also makes it an offence for a person to carry out an artificial reef placement.	http://www.comlaw.gov.au/Details/C2014C00213
Hazardous Waste (Regulation of Exports and Imports) Act 1989 (Cth), Sections 41A and 41B; Section 45	<p>The Act aims to implement the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention) and the agreements and arrangements made under Article 11 of the Basel Convention.</p> <p>The objective of the Act is to regulate the export, import and transit of hazardous waste to ensure it is managed in an environmentally sound manner so that human beings and the environment within and outside Australia are protected from the harmful effects of the waste.</p> <p>The Act's extraterritorial provisions include sections 41A and 41B, which make it an offence for a person to transport certain substances through a transit country without approval. Additionally,</p>	http://www.comlaw.gov.au/Details/C2011C00203/Html/Text#_Toc290283397

Unilateral/Multilateral Measure	Summary	Useful links
	<p>under section 45, if an inspector has reasonable grounds for suspecting there is in or on an Australian vessel or aircraft, hazardous waste that is for import, export or the subject of a transit proposal, the inspector may make directions as to the movement of the vessel.</p>	
<p>Environment Protection and Biodiversity Conservation Act 1999 (Cth), Section 27B and 27C; 229, 229A, 229B, 229C</p>	<p>The Act is the federal government's key environmental statute. It establishes a national scheme of environmental and heritage protection and conservation. The Act's application extends to Australians outside Australia's exclusive economic zone, including to corporations incorporated in Australia or an external Territory. Its extraterritorial dimensions include:</p> <ul style="list-style-type: none"> • Sections 27B and 27C, which prohibit actions by persons (including Australian corporations) outside the Australian jurisdiction that have, or are likely to have, a significant impact on the environment in a Commonwealth Heritage place outside the Australian jurisdiction. Contravention of this prohibition is subject to civil and/or criminal penalties. • Sections 229 and 229A, which make it an offence for a person (including an Australian corporation) to commit an act that results in the death or injury of a cetacean beyond the outer limits of the Australian Whale Sanctuary. The offence is a strict liability offence. • Sections 229B and 229C, which make it an offence for a person to take, trade, keep, move or interfere with a cetacean beyond the outer limits of the Australian Whale Sanctuary. The offence is a strict liability offence. 	<p>http://www.comlaw.gov.au/Details/C2014C00506</p>

Unilateral/Multilateral Measure	Summary	Useful links
Canada		
Arctic Waters Pollution Prevention Act, Can. Rev. Stat. c.2 (1st Supp. 1970)	This Act extended Canada's jurisdiction into areas of the arctic waters off Canada's mainland and islands, more specifically extending the jurisdiction into 100 nautical miles into the Beaufort Sea.	http://laws-lois.justice.gc.ca/eng/acts/A-12/
Canadian Environmental Protection Act (EPA), S.C. 1999, c. 33.	The Canadian EPA applies to actions outside the territory of Canada committed in Canada's Exclusive Economic Zone and in the high seas (in the course of hot pursuit that commenced while a ship was in Canadian territory). In such circumstances, the actions are “deemed to have been committed in Canada”.	http://www.ec.gc.ca/lcpe-cepa/26A03BFA-C67E-4322-AFCA-2C40015E741C/lcpe-cepa_201310125_loi-bill.pdf
Singapore		
Transboundary Haze Pollution Act 2014	<p>Singapore introduced a new Transboundary Haze Pollution Act on 5 August 2014 to combat the increasing amounts of haze pollution on its territory.</p> <p>The Act extends to and in relation to any act or thing outside Singapore which causes or contributes to any haze pollution in Singapore. Any act or thing that leads to such pollution is subject to criminal, with fines up to S\$100,000 (\$80,347) for each day they pollute, with the maximum aggregate amount being S\$2 million. The relevant actor can also be sued for damages, with no cap on the amount of damages that can be awarded by the Court. This civil liability may be incurred whether or not that conduct is also actionable in the foreign jurisdiction where that conduct occurred.</p>	<p>http://www.singaporelawwatch.sg/slw/attachments/47932/1408-05%20Haze.pdf</p> <p>Statement of the Minister for the Environment and Water Resources: http://app.mewr.gov.sg/web/Contents/Contents.aspx?ContId=2014</p> <p>Text of the Act (Public Consultation Version): https://www.reach.gov.sg/Portals/0/EConsult/144/Draft%20Transboundary%20Haze%20Pollution%20Bill%202014%20Public%20consultation.pdf</p>

Unilateral/Multilateral Measure	Summary	Useful links
	<p>An entity will be criminally liable if it does the following:</p> <ul style="list-style-type: none"> • engages in conduct, or condones conduct by another entity, which causes or contributes to haze pollution in Singapore. • manages another entity which owns or in conduct, or condones the conduct of another, which causes or contributes to haze pollution in Singapore. <p>Consequently, Singapore MNCs may be liable for acts outside Singapore. Similarly, foreign companies without any assets in Singapore may be liable under the Act.</p>	
The Netherlands		
Caselaw: Akpan / Royal Dutch Shell 2013	<p>In 2013, the district court in The Hague, The Netherlands, ruled that Shell Petroleum Development Company of Nigeria Ltd. (SPDC or “Shell Nigeria”), a member of the Royal Dutch Shell group of companies, is liable to pay compensation to plaintiff Friday Alfred Akpan, a resident of the Nigerian village of Ikot Ada Udo situated in Akwa Ibom State in the Niger Delta. The Dutch court found that Shell Nigeria had breached its duty of care and had committed the tort of negligence by failing to take sufficient measures to prevent sabotage by third persons to Shell Nigeria’s submerged pipelines near the Nigerian village in 2006 and 2007 in one of five claims commenced. Though it eventually dismissed the case against the Dutch parent company, this case was the first time that a Dutch multinational has been sued before a civil court in The Netherlands in connection with allegations of damage caused abroad by a</p>	<p>http://www.rechtspraak.nl/Organisatie/Rechtbanken/Den-Haag/Nieuws/Pages/DutchjudgementsonliabilityShell.aspx</p>

Unilateral/Multilateral Measure	Summary	Useful links
	subsidiary.	
United Kingdom		
<p>Companies Act 2006, s414C, 415, 417</p> <p>Companies Act 2006 (Strategic Report and Directors' Report) Regulations 2013</p>	<p>As mentioned in the Development section above, quoted companies must include information about environmental matters, including the impact of the company's business on the environment, to the extent necessary for an understanding of the development, performance or position of the company's business (in force from 1 October 2013). Parent companies producing group accounts arguably require reporting in respect of related entities overseas.</p> <p>The Financial Reporting Council guidelines state that environmental matters should be included in the strategic report when their impact on the company's future prospects is (potentially) so great as to make them relevant to shareholders.</p> <p>There is limited commentary as to how these rules have been implemented in practice, as they only apply to accounting periods ending after 30 September 2013.</p>	<p>http://www.legislation.gov.uk/ukdsi/2013/9780111540169/regulation/3</p> <p>Comp. Law. 2013, 34(9), 281-282</p> <p>https://www.frc.org.uk/Narrative-Reporting</p>
United States		
<p>Alien Tort Statute, 28 U.S.C. § 1350 (Alien Tort Statute)</p>	<p>Starting with <i>Amlon Metals, Inc. v FMC Corp.</i> (1991), the Alien Tort Statute has been used to bring claims against multinational enterprises for their actions causing environmental damage in foreign countries. To bring a claim under the ATS, parties would need to show either a breach of the law of nations/customary international law or a violation of treaty obligations. Primarily,</p>	<p>http://www.law.cornell.edu/uscode/text/28/1350</p> <p>http://www.gpo.gov/fdsys/pkg/USCODE-2009-title28/pdf/USCODE-2009-title28-partIV-chap85-sec1350.pdf</p>

Unilateral/Multilateral Measure	Summary	Useful links
	<p>however, claims under the ATS are framed as human rights claims rather than environmental ones and following the decision in <i>Kiobel</i> the scope for extraterritorial application of this statute has been limited (refer to summary in the "Human Rights" section).</p>	<p>http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1389&context=bjil</p>
<p>Trade Act of 2002 s.2102(c)(4) Executive Order 13141– Environmental Review of Trade Agreements (64 Fed. Reg. 63,169) and relevant guidelines (65 Fed. Reg. 79,442) (Dec. 19, 2000) (Order)</p>	<p>The Trade Act includes a number of negotiating objectives, including in respect of the environment with an aim of identifying the reasonably foreseeable environmental risks.</p> <p>The framework for the environmental reviews is set out in the Order which provides that if the US proposes to enter into any of the following agreements these are to be subject to an environmental review:</p> <ul style="list-style-type: none"> (i) comprehensive multilateral trade rounds; (ii) bilateral or plurilateral free trade agreements; and (iii) major new trade liberalization agreements in natural resource sectors. <p>Reviews are undertaken both during negotiation and a final review once the agreement is finalised. The order further states that environmental reviews will not otherwise generally be required of US trade agreements. The review process is overseen by the US Trade Representative.</p>	<p>http://www.ustr.gov/sites/default/files/EO_13141.pdf</p> <p>A number of interim and final reviews are available on the USTR website: http://www.ustr.gov/trade-topics/environment/environmental-reviews</p>
<p>Foreign Assistance Act 1961, 22 USC § 2197</p>	<p>This Act facilitates the investment of US aid into eligible development projects overseas. The Act requires environmental impact assessments to be carried out for such projects and, for environmentally sensitive projects, requires the results to be notified to the host country prior to a decision being made to implement the project (s231A).</p>	<p>http://www.opic.gov</p> <p>http://www.usaid.gov/ads/policy/faa</p>

Unilateral/Multilateral Measure	Summary	Useful links
	<p>As mentioned above, OPIC is established under this Act and is the US government's development finance institution, providing capital to fund development projects internationally. OPIC has a policy of implementing best practices in environmental management and advancing development goals through projects that are environmentally sustainable, applying both American and internationally recognised environmental impact standards (including as applied by the World Bank Group and the European Bank for Reconstruction and Development).</p>	
<p>National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq, 1970.</p>	<p>The NEPA establishes national environmental policy and goals for the protection, maintenance, and enhancement of the environment and provides a process for implementing these goals within the federal agencies.</p> <p>In <i>Environmental Defense Fund, Inc. v. Massey</i> 986 F.2d 528, 529 (D.C. Cir. 1993), the US Court of Appeals for the District of Columbia Circuit held that the NEPA applied to government action that would have a significant environmental impact on Antarctica. The Court held that the NEPA would apply for acts of government entities in the US which had an impact outside its territory. However, the Court did not determine whether the NEPA would apply for the acts conducted wholly outside the USA.</p>	<p>NEPA: http://www.epa.gov/compliance/nepa/</p> <p>US Court of Appeals for the District of Columbia Circuit decision: http://www.gc.noaa.gov/documents/gcil_extra_edf_masey.pdf</p>
<p>Marine Mammal Protection Act, 1972</p>	<p>This Act prohibits (subject to certain stated exceptions) (i) the taking of marine mammals on the high seas by any person subject to the jurisdiction of the US or any vessel or other conveyance subject to the jurisdiction of the US; (ii) the taking of any marine</p>	<p>http://www.nmfs.noaa.gov/pr/laws/mmpa/</p>

Unilateral/Multilateral Measure	Summary	Useful links
	mammal in waters or on lands under the US jurisdiction by any person, vessel or other conveyance; and (iii) the importation of marine mammals and marine mammal products into the US.	
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601 et seq, 1980.	<p>The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law creates a tax on the chemical and petroleum industries and provides broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment.</p> <p>There is judicial uncertainty about whether the acts outside the territory of the US would attract the CERCLA. In <i>Pakootas v Teck Cominco</i>, the District Court held that when the failure enforce the statute would result in adverse effects within the United States, the CERCLA would apply to acts outside the territory (though, on appeal, the US Court of Appeals for the Ninth Circuit went on to find that the acts had taken place within the US. See: L. Zhang ‘Case note: Pakootas v Teck Cominco Metals Ltd’ (2007) 31 Harvard Environmental Law Review 545).</p> <p>It is possible that foreign actions of US multinational enterprises may be subject to the CERCLA should their actions have environmental repercussions in the US.</p>	<p>CERCLA: http://www.epa.gov/agriculture/lcla.html</p> <p>JR Nash, 'The Curious Legal Landscape of the Extraterritoriality of U.S. Environmental Laws': http://www.vjil.org/assets/pdfs/vol50/issue4/VJIL-50.4-Nash-Essay.pdf</p>
Multilateral		
International Convention	The OILPOL Convention prohibits the discharge of any oil or	http://www.imo.org/blast/mainframe.asp?top

Unilateral/Multilateral Measure	Summary	Useful links
for the Prevention of Pollution at Sea by Oil 1954 (OILPOL)	certain oily mixtures within any of the prohibited zones.	ic_id=231 http://www.admiraltylawguide.com/conven/oilpol1954.html
<p>The Antarctic Treaty System:</p> <p>The Antarctic Treaty 1959;</p> <p>Protocol on Environmental Protection to the Antarctic Treaty 1991 (Environment Protocol);</p> <p>Agreed Measures for the Conservation of Antarctic Fauna and Flora 1964;</p> <p>Convention for the Conservation of Antarctic Seals (CCAS); and</p> <p>Convention on the Conservation of Antarctic Marine Living Resources 1980 (CCAMLR).</p>	<p>The Antarctic Treaty System is comprised of the Treaty and other related agreements. The Treaty was ratified in 1961 by, at the time, the 12 countries then active in Arctic science. Membership has since grown with 46 countries (representing 80% of the world's population) now acceding to it.</p> <p>The Antarctic Treaty states that Antarctica will be used for peaceful purposes only. It also promotes international cooperation in scientific investigation in Antarctica, including through exchange of scientific personnel, observations and results.</p> <p>In the Environment Protocol, the parties committed themselves to the comprehensive protection of the Antarctic environment and dependent and associated ecosystems and designated Antarctica as a natural reserve, devoted to peace and science. The Environment Protocol also sets out certain principles for the planning and conduct of activities in the area, including (among other things), the avoidance of adverse environmental impacts, adverse effects on climate and weather and jeopardy to endangered or threatened species.</p> <p>The Agreed Measures protect endemic native wildlife and plants. They were the precedent for a multitude of measures concerning related issues. The Agreed Measures are now no longer current.</p>	http://www.ats.aq/e/ats.htm http://www.ats.aq/index_e.htm http://www.ats.aq/documents/recatt/Att076_e.pdf http://www.ccamlr.org/

Unilateral/Multilateral Measure	Summary	Useful links
	<p>The CCAS regulates the killing or capture of certain seal species in the area south of 60° South Latitude (Convention Area). This includes an obligation to adopt for its nationals and vessels under its flags, laws and regulations implementing the CCAS.</p> <p>The CCAMLR is intended to conserve Antarctic marine living resources. It applies to finfish, molluscs, crustacean and sea birds in the Convention Area and the area between the Convention Area and the area defined as the Antarctic Convergence.</p>	
Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies 1967 (Outer Space Treaty)	<p>The Outer Space Treaty agrees that the exploration and use of outer space shall be carried out for the benefit and in the interest of all countries.</p> <p>Article IV of the Outer Space Treaty requires parties to pursue studies of outer space and conduct exploration of them so as to avoid harmful contamination to celestial bodies and adverse changes in the environment of the Earth resulting from the introduction of extra-terrestrial matter.</p>	http://www.unoosa.org/oosa/SpaceLaw/outerspt.html
Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (London Convention) and its London Protocol 1996	<p>Under the London Convention, contracting parties pledge to individually and collectively promote the effective control of pollution of the marine environment and especially to take all practicable steps to prevent the pollution of the sea by dumping of waste and other matter liable to create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea.</p> <p>The London Protocol modernises the London Convention and will eventually replace it. It prohibits all dumping (except for the waste</p>	http://www.austlii.edu.au/au/other/dfat/treaties/2006/11.html http://www.imo.org/OurWork/Environment/LCLP/Pages/default.aspx

Unilateral/Multilateral Measure	Summary	Useful links
	listed in Annex 1), incineration of waste at sea and the export of wastes or other matter to other countries for dumping or incineration.	
Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973	<p>The Convention regulates the trade in wild flora and fauna in order to ensure international trade does not threaten their existence.</p> <p>The Convention classifies the plants and animals to which it applies into Appendices I, II or III. It requires contracting parties to prohibit trade in specimens of species in each of the Appendices, except in accordance with the Convention.</p>	http://www.cites.org/eng/disc/text.php
International Convention for the Prevention of Pollution from Ships 1973 (MARPOL) and its Protocol of 1978 relating to the International Convention for the prevention of pollution from ships 1973 (1978 Protocol)	<p>MARPOL is the primary convention regulating, with a view to minimising, pollution of the sea from ships both due to accident or standard operations.</p> <p>It was originally signed in 1973 but did not come into force, together with the 1978 Protocol, until 1983. MARPOL includes requirements in respect of: the tanker; discharge procedures including in respect of sewerage and noxious emissions from the ships' exhausts and packaging for harmful substances; disposal of rubbish. As at 31 August 2014 152 member states have ratified at least part of MARPOL.</p> <p>MARPOL followed the 1972 London Convention which similarly established controls for preventing pollution of the sea.</p>	http://www.imo.org/about/conventions/listofconventions/pages/international-convention-for-the-prevention-of-pollution-from-ships-(marpol).aspx https://treaties.un.org/doc/Publication/UNTS/Volume%201340/volume-1340-I-22484-English.pdf
The Convention on Conservation of Nature in the South Pacific 1976	The APIA Convention seeks to commit its parties to take action for the conservation, utilisation and development of the natural resources and ecosystems and the wildlife and its habitat of the South Pacific region through careful planning and management for	http://www.sprep.org/legal/meetings-apia-convention

Unilateral/Multilateral Measure	Summary	Useful links
(APIA Convention)	<p>the benefit of present and future generations.</p> <p>In 2006, the operation of the APIA convention was suspended until further notice.</p>	
Geneva Convention on Long-range Transboundary Air Pollution 1979	This Convention came into force in 1983 and has now been ratified by 51 members of the UN Economic Commission for Europe with the aim of reducing emissions and air pollution, including through the development of strategies and policies between parties to do so.	
Convention on the Conservation of Migratory Species of Wild Animals 1979 (Bonn Convention)	<p>The Bonn Convention acknowledges the importance of conserving migratory species with an unfavourable conservation status (classified as Appendix II) to prevent them becoming endangered and to immediately protect those which already are endangered (classified as Appendix I).</p> <p>It provides a framework for parties with jurisdiction over any area that an Appendix II migratory species inhabits, temporarily stays in, crosses or overflies to conclude international agreements relating to the conservation of the species.</p>	http://www.cms.int/
United Nations Convention on the Law of the Sea 1982	<p>The Convention establishes a legal system for the world's oceans and seas and their resources. It recognises that issues concerning oceans and seas are shared concerns for members of the international community.</p> <p>Under the Convention, States have a number of obligations that extend beyond their jurisdictions. In particular:</p> <ul style="list-style-type: none"> • ships sail under the flag of one State only and are subject to its exclusive jurisdiction on the high seas; and • the flag State bears international responsibility for any loss or 	http://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm

Unilateral/Multilateral Measure	Summary	Useful links
	<p>damage to a coastal State resulting from the non-compliance by a warship or other government ship operated for non-commercial purposes with the laws and regulations of the coastal State concerning passage through its territorial sea, the Convention or other rules of international law.</p> <p>The Convention of protects the principle underlying such legislation as the Canadian Arctic Waters Pollution Prevention Act that a State may exercise jurisdiction in water adjacent to their territorial limits to protect the environment.</p>	
<p>Agreement For The Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks 1995 (United Nations Fish Stocks Agreement)</p>	<p>The objective of the United Nations Fish Stocks Agreement is to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks through effective implementation of the relevant provisions of the United Nations Convention on the Law of the Sea. It applies to the management of the fish stocks beyond national jurisdictions (with some exception). The Agreement establishes general principles, including the requirement of a precautionary approach to conservation, management and exploitation of the fish stocks.</p>	<p>http://www.un.org/depts/los/convention_agreements/convention_overview_fish_stocks.htm</p>
<p>Vienna Convention for the Protection of the Ozone Layer 1985 and its Montreal Protocol on Substances that Deplete the Ozone Layer 1987</p>	<p>The Vienna Convention for the Protection of the Ozone Layer was agreed in order to protect human health and the environment against adverse effects resulting from modifications of the ozone layer. The Convention develops a framework for protection of the ozone layer by promoting international cooperation in the exchange of scientific, technical, socioeconomic, commercial and legal</p>	<p>http://ozone.unep.org/new_site/en/Treaties/treaties_decisions-hb.php?sec_id=5</p>

Unilateral/Multilateral Measure	Summary	Useful links
(Montreal Protocol)	<p>information and through research and systematic observations.</p> <p>The Montreal Protocol implements a timetable for the phase out of ozone depleting substances. The Protocol has a unique adjustment mechanism, which allows for the adjustment of production/ consumption targets and ozone depleting potentials by a decision of two thirds of the parties present and voting. The adjustment will then be binding on all parties.</p>	
<p>The Convention for the Protection of the Natural Resources and Environment of the South Pacific Region 1986 (Noumea Convention) and its Protocol Concerning Co-operation in Combating Pollution Emergencies in the South Pacific Region 1990 (Emergencies Protocol)</p>	<p>The Noumea Convention requires parties to endeavour, either individually or jointly, to take all appropriate measures to prevent, reduce and control pollution of a specified area of the South Pacific (Convention Area) from any source, and to ensure sound environmental management and development of natural resources. It relies on parties cooperating at a regional level, including concluding bilateral or multilateral agreements for the protection, development and management of the marine and coastal environment of the Convention Area.</p> <p>There are two protocols to the Noumea Convention – the Emergencies Protocol and the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping 1990 (Dumping Protocol). Australia is the only party to the Noumea Convention which has not adopted both protocols. The Emergencies Protocol aims to avert ecological damage to the Convention Area by adopting national contingency plans to be co-ordinated with appropriate bilateral and sub-regional contingency plans. It binds parties to prepare for and manage “pollution incidents”.</p>	<p>http://www.sprep.org/legal/noumea-convention</p>
The Basel Convention on	The Basel Convention was negotiated following the discovery of	http://www.basel.int/

Unilateral/Multilateral Measure	Summary	Useful links
the Control of Transboundary Movements of Hazardous Wastes and their Disposal 1989 (Basel Convention)	the dumping of hazardous wastes by foreign countries in parts of the developing world. The Basel Convention is intended to protect human health and environment against the adverse effects of the generation and management hazardous wastes through reducing their generation, promoting environmentally sound management and regulating transboundary movements of hazardous wastes.	
Helsinki Convention on the Protection and Use of Transboundary Watercourses and International Lakes 1992 (Helsinki Convention)	<p>The Convention is geographically orientated in that it relates to the regulation of the Baltic Sea where the parties to the convention have agreed and may include parts of the member states own designated areas within the Baltic Sea—the Convention regulates, amongst other things land-based sources and pollution from ships. The Convention also prohibits incineration in the Baltic Sea which each member state will regulate by regulating ships registered in its territory, or flying its flag, or in respect of incineration that occurs in its territorial waters.</p> <p>The Convention came into force in 1996 and contributes to the achievement of the Millennium Development Goals. The Convention was originally opened to only members of the UN Economic Commission for Europe and regional integration organisation constituted by such States, but by 2003 membership was extended to all UN members.</p>	http://www.unece.org/fileadmin/DAM/env/documents/2013/wat/ECE_MP.WAT_41.pdf
Convention on Biological Diversity 1992 and its Cartagena Protocol on Biosafety to the Convention on Biological Diversity 2000	The Convention binds each contracting party to develop general measures for conservation and sustainable use of biological diversity, including identification and monitoring, in-situ conservation, public education and awareness, research and training, impact assessment and minimising adverse impacts, access to genetic resources, access to and transfer of technology, exchange	http://www.cbd.int/

Unilateral/Multilateral Measure	Summary	Useful links
(Cartagena Protocol on Biosafety)	<p>of information and technical and scientific cooperation.</p> <p>The Convention also applies to processes and activities outside the national jurisdiction of contracting parties, regardless of where their effects occur.</p> <p>The Cartagena Protocol on Biosafety aims to contribute to ensuring an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity. It applies to the transboundary movement, transit, handling and use of all such living modified organisms.</p>	
Rio Declaration on Environment and Development 1992	<p>The Declaration:</p> <ul style="list-style-type: none"> • Discourages unilateral action in place of international consensus (Principle 12) and affirms the sovereign right to exploit their own resources pursuant to a state's own developmental and environmental policies (Principle 2). • Reaffirmed the earlier principle from the Declaration of the United Nations Conference on the Human Environment of 1972 ('Stockholm Declaration') • Embodies certain procedural environmental rights (see Principle 10). [<i>Note that</i> other international instruments have been put in place recognising such procedural rights, namely the U.N. Convention on Environmental Impact Assessment in a Transboundary Context; the United Nations 	<p>http://www.unep.org/Documents.multilingual/Default.asp?DocumentID=78&ArticleID=1163</p>

Unilateral/Multilateral Measure	Summary	Useful links
	World Charter for Nature; the International Covenant on Civil and Political Rights; and the European Convention on Human Rights.]	
Convention for the Conservation of Southern Bluefin Tuna 1993	The Convention aims to ensure, through appropriate management, the conservation and optimum utilisation of southern bluefin tuna. It establishes the Commission for the Conservation of Southern Bluefin Tuna.	http://www.ccsbt.org/site/
Agreement for the Establishment of the Indian Ocean Tuna Commission 1993	The Agreement establishes the Indian Ocean Tuna Commission within the framework of the Food and Agriculture Organisation of the United Nations. The role of the Commission is to promote cooperation among its members with a view to ensuring, through appropriate management, the conservation and optimum utilisation of stocks covered by the Agreement and encouraging sustainable development of fisheries based on such stocks.	Indian Ocean Tuna Commission: http://iss-foundation.org/status-of-the-stocks/management-rfmos/iotc/ Treaty available at: http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?redirect=true&treatyId=559
International Labour Organization Prevention of Major Industrial Accidents Convention 1993 (No.174) Ar.22	Article 22 provides that the exporting member state is to make known to any importing country when the use of hazardous substances, technologies or processes is prohibited as a potential source of a major accident, the information on this prohibition and the reason for it.	http://www.ilo.org/dyn/normlex/en/f?p=NO_RMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312319:NO
United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa 1994	The Convention aims to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements, with a view to contributing to the achievement of sustainable development in affected areas.	http://www.unccd.int/Lists/SiteDocumentLibrary/conventionText/conv-eng.pdf

Unilateral/Multilateral Measure	Summary	Useful links
	<p>The Convention involves an element of international solidarity and partnership in achieving this goal. In particular, through the adoption of an integrated approach to the impacts of desertification and drought, promoting cooperation among affected parties in environmental protection and conservation, strengthening international and intergovernmental cooperation and promoting the use of existing bilateral and multilateral financial arrangements to assist developing country parties in combating desertification and mitigating the effects of drought.</p>	
<p>United Nations Framework Convention on Climate Change 1994 (UNFCCC) and its Kyoto Protocol 1997</p>	<p>The UNFCCC was agreed in order to protect the climate system for present and future generations and affirmed that the international response to climate change should be integrated with social and economic development, taking into account the priority of developing countries to achieve sustained economic growth and eradication of poverty.</p> <p>The ultimate aim of the UNFCCC is to stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.</p> <p>The Kyoto Protocol is a multilateral agreement created under the UNFCCC. It commits developed countries to the aim of the UNFCCC by setting carbon emissions targets for 37 industrialised countries and the European community.</p>	<p>http://unfccc.int/2860.php</p>
<p>Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous</p>	<p>The Rotterdam Convention was agreed to:</p> <ul style="list-style-type: none"> • promote shared responsibility and cooperative efforts among parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from 	<p>http://www.pic.int/</p>

Unilateral/Multilateral Measure	Summary	Useful links
Chemicals and Pesticides in International Trade 1998 (Rotterdam Convention)	<p>potential harm; and</p> <ul style="list-style-type: none"> • to contribute to the environmentally sound use of those hazardous chemicals by: <ul style="list-style-type: none"> ○ facilitating information exchange about their characteristics; ○ providing for a national decision-making process on their import and export; and ○ disseminating these decisions to parties. 	
Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean 2000	<p>The objective of the Convention is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean in accordance with the United Nations Convention on the Law of the Sea and the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of 10 December 1982 relating to the United Nations Fish Stocks Agreement. Many of the articles in the Convention are based on provisions of that Agreement, but also reflect the unique characteristics of the Western and Central Pacific Ocean region.</p> <p>As part of parties' pursuit of this objective, the Convention established the Western and Central Pacific Fisheries Commission.</p>	http://www.wcpfc.int/
Waigani Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and	<p>The Waigani Convention was concluded under Article 11 of the Basel Convention and came into force on 21 October 2001.</p> <p>It requires certain developing country parties (each a Pacific Island Developing Party) to ban the import of hazardous and radioactive wastes from outside a certain area of the South Pacific (Convention Area).</p>	http://www.basel.int/Countries/Agreements/MultilateralAgreements/tabid/1518/Default.aspx

Unilateral/Multilateral Measure	Summary	Useful links
Management of Hazardous Wastes within the South Pacific Region 2001 (Waigani Convention)	The Waigani Convention also prohibits other parties from certain exports of hazardous and radioactive wastes.	
Agreement on the Conservation of Albatrosses and Petrels 2001	<p>This multilateral agreement requires parties to take both individual and collective measures to achieve and maintain a favourable conservation status for albatrosses and petrels, including by conserving and restoring important habitats and developing and implementing measures to prevent or minimise adverse effects to albatrosses and petrels.</p> <p>The Agreement also establishes an Action Plan to coordinate contracting party measures under the Agreement. The Action Plan includes an obligation on parties to manage human activities impacting albatrosses and petrels, such as fishing, discharge of pollutants from land based sources and vessels and tourism.</p>	http://www.acap.aq/
Stockholm Convention on Persistent Organic Pollutants 2001 (Stockholm Convention)	<p>The Stockholm Convention aims to protect human health and the environment from persistent organic pollutants (POP). It does so by prohibiting, eliminating or regulating the production, use, import and export of certain POPs.</p> <p>Parties also agree to exchange information on the reduction or elimination on the production, use and release of persistent POPs and alternatives to persistent POPs.</p>	http://chm.pops.int/Home/tabid/2121/mctl/ViewDetails/EventModID/871/EventID/514/xmid/6921/Default.aspx
UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001	The Convention aims to ensure and strengthen the protection of underwater cultural heritage and requires contracting parties to cooperate to do so. Underwater cultural heritage is defined as all traces of human existence having a cultural, historical or	http://www.unesco.org/new/en/culture/themes/underwater-cultural-heritage/2001-convention/official-text/

Unilateral/Multilateral Measure	Summary	Useful links
	<p>archaeological character which have been partially or totally under water, periodically or continuously, for at least 100 years.</p> <p>In particular, it encourages the parties to enter into bilateral, regional or other multilateral agreements or develop existing agreements to preserve underwater cultural heritage. It binds parties to take all practicable measures to ensure that their nationals and vessels flying their flag do not engage in any activity directed at underwater cultural heritage in contravention of the Convention.</p>	
International Convention on the Control of Harmful Anti-fouling Systems on Ships 2001	The purpose of the Convention is to reduce or eliminate adverse effects on the marine environment and human health caused by anti-fouling systems (i.e. coating, paint, surface treatment, surface, or device that is used on a ship to control or prevent attachment of unwanted organisms). In particular, it prohibits the application, reapplication, installation or use of harmful antifouling systems on certain ships.	http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-on-the-Control-of-Harmful-Anti-fouling-Systems-on-Ships-(AFS).aspx http://www.uscg.mil/hq/cg5/cg522/cg5224/docs/Antifouling.pdf
Asia		
ASEAN Agreement on Transboundary Haze Pollution 2002	<p>In 2002, the ASEAN Agreement was the first regional arrangement in the world that binds a group of contiguous states to tackle trans-boundary haze pollution resulting from land and forest fires.</p> <p>The Agreement creates a 'general obligation' on states to take legislative, administrative and/or other measures to implement their obligations under this Agreement.</p> <p>All the major ASEAN states bar Indonesia have ratified the</p>	http://haze.asean.org/?wpfb_dl=32

Unilateral/Multilateral Measure	Summary	Useful links
	Agreement. Indonesia is expected to ratify the same in 2015.	
Europe		
EU Emissions Trading Scheme (EU-ETS)	<p>The EU-ETS Scheme is a major part of the EU's policy to combat climate change. The Scheme functions on a cap-and-trade system. A 'cap', or limit, is set on the total amount of certain greenhouse gases that can be emitted in the system (i.e. the cap is set at the EU level and not individual participant level). The cap is reduced over time so that total emissions fall.</p> <p>The aviation industry is also covered by the Scheme. The EU-ETS covers CO2 emissions from flights within and between countries participating in the EU ETS.</p> <p>Therefore, the EU-ETS affects all aircraft operators (as defined by their ICAO designator, or if none is available, their aircraft registration numbers) regardless of where they are based, provided that they operate flights departing from and/or arriving at an aerodrome in the EEA.</p> <p>Consequently, an aircraft operator from the EEA is accountable for its emissions outside the EEA as well. Similarly, any aircraft operator from outside the EEA, who operates flights out of or into an EEA airport, will be subject to the emissions allowances of the EU-ETS scheme. Note that this includes emissions for the time spent flying over foreign territories and international waters.</p>	<p>http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0101&from=EN</p> <p>http://ec.europa.eu/clima/policies/transport/aviation/index_en.htm</p>

Unilateral/Multilateral Measure	Summary	Useful links
	<p>Note: For the period 2013-2016, the legislation has been amended so that only emissions from flights within the EEA fall under the EU ETS. Exemptions for operators with low emissions have also been introduced. This amendment has been introduced subject to the International Civil Aviation Organization efforts to develop a global market-based mechanism addressing international aviation emissions by 2016 and apply it by 2020. Failing the introduction of such a mechanism, the full EU-ETS scheme will come into operation from 2017.</p> <p>Questions have been raised about the Scheme's conformity with customary international law principles of sovereignty and extra-territoriality, as well as the terms of the Open Skies Agreement. However, the European Court of Justice on 21 December 2011, in a case brought by some US airlines and their trade association, held that the extension of the EU-ETS to aviation infringes neither the principle of territoriality, nor the sovereignty of third countries.</p>	
Council of Europe Convention on the Protection of the Environment through Criminal Law 1998	<p>This Convention requires member states to introduce specific provisions into domestic criminal law in respect of environmental damage and tries to address issues of extraterritoriality including by proposing adoption of the universality principle (enabling states to establish jurisdiction regardless of where or by whom the offence was committed by reason of universal values being affected) and /or for states to be able to bring claims based on where the damage occurs rather than the relevant act that causes it.</p> <p>This Convention has only been ratified by Estonia as at 10 September 2014 and requires 3 member states to ratify it before</p>	<p>http://conventions.coe.int/Treaty/en/Treaties/Html/172.htm</p>

Unilateral/Multilateral Measure	Summary	Useful links
	entering into force.	
Convention on Environmental Impact in a Transboundary Context 1991 (the “Espoo Convention”) (Espoo, 1991) and Protocol on Strategic Environmental Assessment (Kyiv, 2003)	The Espoo Convention entered into force in 1997 and sets out the requirements for environmental impact assessments of prescribed activities that are likely to have a significant transboundary environmental effect, including notification procedures and protocols; the information to be included in the EIA process; and relevant considerations to making of the final decision. There are 30 signatories to the Convention and it has been ratified by 45 states. The UNECE website includes some examples of application of the Convention.	http://www.unece.org/env/eia/about/eia_text.html
Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters 1998	This Convention of the UNECE links environmental and human rights in respect of information sharing, public participation and access to justice in respect of environmentally sensitive projects. The Convention does not limit enforcement of the rights for any project to individuals in the jurisdiction of that project.	http://www.unece.org/env/pp/introduction.html
<i>See Development and Human Rights Sections for reporting requirements which include environmental issues.</i>	<i>There is considerable overlap with the Development section above and the Human Rights section below in relation to general sustainability and Corporate Social Responsibility reporting requirements, which cover environmental issues.</i>	http://www.lexadin.nl/wlg/legis/nofr/legis.php
Human Rights		

Unilateral/Multilateral Measure	Summary	Useful links
Australia		
<p>Corporations Act 2001</p> <p>Sections 5(d), 1013(d)</p>	<p>Section 1013D(1)(l) of the Corporations Act 2001 requires providers of financial products with an investment component (defined in section 1013D(2A) as superannuation, management investment and insurance life products) to disclose the extent to which labour standards or social or ethical considerations are taken into account in investment decision-making.</p> <p>Companies are also under a mandatory duty to disclose information that is “relevant or material” to their operations (as per the continuous disclosure obligation under the Corporations Act 2001). Contravention of this leaves both the company and individual director open to prosecution.</p> <p>The extra-territorial effect of the Corporations Act 2001, may be found in section 5(d): <i>"for the purposes of the application of a provision of Chapter 7 ...any external Territory"</i>.</p>	<p>http://www.austlii.edu.au/au/legis/cth/consol_act/ca2001172/s1013d.html</p> <p>http://www.hrlc.org.au/files/Australias-Export-Credit-Arrangements-HRLC.pdf</p>
<p>Australian National Action Plan (Potential)</p>	<p>There have been calls from the Human Rights Law Centre for Australia to develop a National Action Plan for the implementation of the UN Guiding Principles on Business and Human Rights.</p>	<p>http://hrlc.org.au/wp-content/uploads/2014/04/National_Action_Plan_on_Business_and_Human_Rights_backgroundpaper_2014.pdf</p>
Canada		

Unilateral/Multilateral Measure	Summary	Useful links
Bank Act and Insurance Companies Act Public Accountability Statements (Banks, Insurance Companies, Trust and Loan Companies) Regulations	Banks and insurance companies with equity of over C\$1 billion are required to issue public accountability statements that include a discussion of philanthropic and charitable initiatives, community development programs and access to financial services initiatives.	http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-133/FullText.html
Agreement concerning Annual Reports on Human Rights and Free Trade between Canada and the Republic of Colombia	Canada and Colombia are each required to draft an annual report for tabling in their respective legislatures on the effects on human rights in both countries of measures taken under the Canada-Colombia Free Trade Agreement, which was agreed in 2008 and entered into force on 15 August 2011.	http://www.canadainternational.gc.ca/colombia-colombie/bilateral_relations_bilaterales/hrft-co_2012-dple.aspx?lang=eng
Corporate Social Responsibility Strategy for the Canadian International Extractive Sector March 2009 (Policy)	The Canada Government introduced a CSR Strategy for the Canadian International Extractive Sector which states that it expects Canadian extractive companies operating abroad to apply the IFC Performance Standards, Voluntary Principles on Security and Human Rights and Global Reporting Initiative performance guidelines.	http://www.international.gc.ca/trade-agreements-accords-commerciaux/topics-domaines/other-autre/csr-strat-rse.aspx
Environmental and Social Risk Management Framework (Policy)	The Environmental and Social Risk Management Framework sets out the principles adopted by Export Development Canada (EDC) for social and environmental assessments of potential projects. The Framework includes EDC's Environmental and Social Risk Management Policy and Environmental and Social Review Directive, including labour and working conditions, community health, involuntary resettlement and cultural heritage.	http://www.edc.ca/EN/About-Us/Corporate-Social-Responsibility/Environment/Pages/default.aspx http://www.accountabilitycounsel.org/resources/arg/export-development-canadas-co/
Payment transparency	Canadian mining industry groups and NGOs have published a	http://www.pwyp.ca

Unilateral/Multilateral Measure	Summary	Useful links
standard for publicly-traded mining companies in Canada (Potential)	<p>recommendation for the development of a payment transparency standard for all publicly-traded mining companies in Canada, in line with international reporting standards, and requiring Canadian mining, oil and gas companies to disclose payments to governments on a project-by-project and country-by-country basis ("publish what you pay").</p> <p>On 26 August 2014, the initiative received endorsement from Canada's energy and mines ministers.</p>	<p>http://www.pwyp.ca/images/documents/Working_Group/RRTWG%20Press%20Release%20Jan.%2016th.pdf</p> <p>http://www.pwyp.ca/images/PR_PWYP-Canada_NRGI_Welcome_Provincial_Support_for_Payment_Transparency.pdf</p>
Bill C-300 (An Act respecting Corporate Accountability for the Activities of Mining, Oil and Gas in Developing Countries) (Potential)	<p>In October 2010, Bill C-300 (An Act respecting Corporate Accountability for the Activities of Mining, Oil and Gas in Developing Countries), which would have required extractive companies operating in developing countries to comply with certain international human rights and environmental standards, was defeated by the Canadian House of Commons.</p>	<p>http://www.thestar.com/opinion/editorialopinion/2010/10/27/monitoring_of_mining_companies_long_overdue.html</p> <p>http://www.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/defeat-of-responsible-mining-bill-is-missed-opportunity/article4348527/</p>
China¹		
	<p><i>The Chinese government has issued various communications and guidelines relating to CSR reporting signalling the government's requirement that all listed companies prepare CSR reports. Some examples of which are set out below, for a more comprehensive list and analysis of these initiatives refer to the article linked.</i></p>	<p>For an analysis of CSR reporting in China 2006-2009:</p> <p>http://www.people.hbs.edu/cmarquis/Marquis & Qian (2014) Corporate Social Responsibility Reporting in China.pdf</p>

¹ China's stock exchanges have been included on the basis that they are state-owned. Most other stock exchanges are not. While not covered in this summary as "HCMs", stock exchange regulations often have a number of requirements (similar to the ones profiled here from the Shenzhen and Shanghai Stock Exchanges) relating to the international operations of listed firms.

Unilateral/Multilateral Measure	Summary	Useful links
2006 Social Responsibility Guideline for Listed Companies of Shenzhen Stock Exchange	In June 2006, the Shenzhen Stock Exchange released instructions on the implementation of good CSR practices for listed companies, including requirements in respect of environmental, labour and social welfare.	http://www.szse.cn/main/en/rulseandregulations/sserules/2007060410636.shtml
2008 Notice of Improving Listed Companies' Assumption of Social Responsibilities of the Shanghai Stock Exchange	In 2008, the Shanghai Stock Exchange issued a notice on the implementation of good CSR practices for listed companies.	http://www.mondovisione.com/media-and-resources/news/shanghai-stock-exchange-drives-listed-companies-to-fulfill-social-responsibiliti/
Instructing Opinions about State-Owned Enterprises Fulfilling Social Responsibility	In January 2008, the State-Owned Assets Supervision and Administration Commission issued an 'instructing document' which states that state-owned enterprises should adopt CSR practices and report on their CSR activities.	http://csr-asia.com/csr-asia-weekly-news-detail.php?id=11267
Denmark		
Danish Financial Statements Act	The Danish Financial Statements Act requires large companies to report on their CSR policies, including systems and procedures. From 2013, the Danish Parliament has also made it compulsory for companies to report on their human rights policies.	http://samfundsansvar.dk/file/358879/csr_report_2013_eng.pdf http://www.lexology.com/library/detail.aspx?g=7af7a899-eaf6-490f-8fbe-e4c0ab747c72
Act no. 546 of 18 June 2012	In June 2012, the Danish Parliament adopted Act no. 546 establishing the Mediation and Complaints-Handling Institution to process complaints of Danish companies violating the OECD Guidelines.	http://www.danishresponsibility.dk/blog/new-institution-ensure-companies-respect-human-rights
Danish National Action Plan	In March 2014, Denmark published a National Action Plan for the implementation of the UN Guiding Principles on Business and	http://www.ohchr.org/Documents/Issues/Business/NationalPlans/Denmark_NationalPlan

Unilateral/Multilateral Measure	Summary	Useful links
	Human Rights.	BHR.pdf
Finland		
Act on Public Contracts 348/2007	In 2007 the Finnish government enacted this Act which imposes obligations on government contractors to comply with the requirements of World Trade Organisation Agreement on Government Procurement and not discriminate in awarding contracts.	http://www.finlex.fi/en/laki/kaannokset/2007/en20070348.pdf
Finnish National Action Plan (Potential)	In April 2014, Finland published a draft National Action Plan for the implementation of the UN Guiding Principles on Business and Human Rights.	http://business-humanrights.org/en/pdf-finland-draft-national-action-plan-on-business-human-rights-for-consultation-työryhmän-ehdotus-ykn-yrityksiä-ja-ihmisoikeuksia-koskevien-ohjaavien-periaatteiden-kansalliseksi
France		
Article 116 of the New Economic Regulations (Nouvelles régulations économiques)	Since 2001, listed companies have been required to provide non-financial reports on how they take the environmental and social consequences of their activities into account.	http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000223114
National Contact Point report on how to implement the OECD Guidelines in textile sector supply chains (Potential)	In December 2013, the French national contact point published a report on how to implement the OECD Guidelines in textile sector supply chains, including the reasonable due diligence measures necessary in order to identify, prevent and remedy the negative effects involved in an enterprise's activities.	

Unilateral/Multilateral Measure	Summary	Useful links
Civil Code Title IV bis book III Article 1386-19 de l'article 121-3 du code Penal (Potential)	<p>In November 2013, MPs introduced a bill which would amend the penal and civil codes to require French companies to demonstrate due diligence systems have been put in place to monitor operations of subsidiaries overseas.</p> <p>This law also proposes to allow victims the right to bring a case in France against the parent company in the event that the subsidiary has breached human rights or environmental rights. This enshrines the content of the UN Guiding Principles and OECD Guidelines in French law.</p>	http://www.assemblee-nationale.fr/14/propositions/pion1524.asp
Germany		
German Stock Corporation Act	<p>Section 161 of the German Stock Corporation Act requires the Board of Management and the Supervisory Board of listed companies to declare each year that the recommendations of the “German Corporate Governance Code Government Commission” as published by the Federal Ministry of Justice in the official section of the electronic Federal Gazette have been and are being met or, if not, which recommendations have not been or are not being applied.</p>	http://www.nortonrosefulbright.com/files/german-stock-corporation-act-2010-english-translation-pdf-59656.pdf
German National Action Plan (Potential)	<p>Civil society organisations in Germany have published a position paper on their expectations for a German National Action Plan implementing the UN Guiding Principles on Business and Human Rights.</p>	http://www.corporatejustice.org/Germany-Civil-Society-Position.html

Unilateral/Multilateral Measure	Summary	Useful links
India		
<p>Companies Act 2013 Companies (Corporate Social Responsibility) Rules Circular No. 21/2014, s.135</p>	<p>Section 135 of the Companies Act 2013 provides that companies over a particular size are required to spend at least 2% of their average net profit from the previous three years on CSR activities. This obligation is combined with a mandatory reporting requirement.</p> <p>In April 2014, the Companies (Corporate Social Responsibility) Rules, which implement the new law, came into effect.</p> <p>In June 2014, India's Ministry of Corporate Affairs released Circular No. 21/2014 clarifying the CSR provisions under section 135 of the Companies Act, 2013.</p>	<p>http://businesstoday.intoday.in/story/new-csr-rules-ministry-of-corporate-affairs-company-law/1/204363.html</p> <p>http://forbesindia.com/blog/wp-content/uploads/2014/06/General_Circular_21_2014.pdf</p>
<p>Securities and Exchange Board of India business responsibility reporting requirements</p>	<p>Since 2011, the Securities and Exchange Board of India has required that the 100 largest listed companies submit business responsibility reports as part of their annual reports.</p> <p>The Indian government encourages companies to include information relating to human rights in these business responsibility reports.</p>	<p>http://www.sebi.gov.in/sebiweb/home/detail/22104/yes/PR---SEBI---Board---meeting</p> <p>http://www.mca.gov.in/Ministry/latestnews/National_Voluntary_Guidelines_2011_12jul2011.pdf</p>
Indonesia		
<p>Law No 40 of 2007 concerning Limited Liability Companies Government Regulation</p>	<p>In accordance with Law No 40 of 2007 (implemented by Government Regulation No 47 of 2012 concerning Social and Environmental Responsibility of Limited Liability Companies which took effect on 4 April 2012) companies that (i) manage or</p>	<p>http://www.ibanet.org/Article/Detail.aspx?ArticleUid=103427a1-0313-4d6c-b7f7-c5deb0bedbb5</p>

Unilateral/Multilateral Measure	Summary	Useful links
No 47 of 2012 concerning Social and Environmental Responsibility of Limited Liability Companies	utilise natural resources; or (ii) impact natural resources, are required to fulfil social and environmental responsibilities.	
Decision of the Head of Capital Market and Financial Institution Supervisory Agency, No. Kep-431/BL/2012 (“Rule No. X.K.6”) on Submission of Issuer or Public Company Annual Report dated 1 August 2012	Listed companies in Indonesia are required to include information on the activities and budget spent to enforce social and environment responsibility in their annual corporate reports.	http://www.lgsonline.com/pages/g/lgs506565a5e4312/node/lgs4a1d783104616
Italy		
Italian National Action Plan (Potential)	In March 2014, Italy published the foundations of a National Action Plan for the implementation of the UN Guiding Principles on Business and Human Rights.	http://www.ohchr.org/Documents/Issues/Business/NationalPlans/NationalPlanActionItaly.pdf
Ireland		
Irish National Action Plan (Potential)	There have been calls for Ireland to adopt a National Action Plan for the implementation of the UN Guiding Principles on Business and Human Rights.	http://businesshumanrightsireland.wordpress.com/2013/11/06/a-national-plan-for-business-and-human-rights/

Unilateral/Multilateral Measure	Summary	Useful links
Norway		
Prop 48 L (2012-2013) 2012 Oslo: Royal Norwegian Ministry of Finance	In April 2013, the Norwegian Parliament passed legislative amendments requiring large companies to provide information about what they do to integrate considerations for human rights, labour rights and social issues, the environment and anti-corruption (i) in their business strategies; (ii) in their daily operations; and (iii) in their relations with their stakeholders.	http://www.regjeringen.no/nb/dep/fin/dok/republ/prop/2012---2013/prop---48---l---20122013.html?id=709311
Guide on socially responsible public procurement in Norway (Policy)	In November 2012, the Norwegian Agency for Public Management & e-Government published a guide aiming to help public procurers in Norway set and monitor standards for decent working conditions including of potential international suppliers.	http://business-humanrights.org/en/pdf-srpp-guide-ensuring-socially-responsible-public-procurement-norway http://www.anskaffelser.no/sosialt-ansvar/socially-responsible-public-procurement-information-english/high-risk-products
Russia		
The Federal Service for Financial Markets Order No 11-46/pz-n dated 4 October 2011	Public companies are required to disclose risks associated with investment into the companies' securities, expenses on social purposes, employees' compensations, reason for a material change in the number of employees, etc. This disclosure is mandatory.	http://www.lidings.com/eng/legalupdates?id=27
Singapore		
SGX Listing Rules	Under Rule 710 of the SGX Listing Rules, listed companies are	http://rulebook.sgx.com/en/display/display.h

Unilateral/Multilateral Measure	Summary	Useful links
	required to describe in their company's annual reports their corporate governance practices with specific reference to the principles of the Code of Corporate Governance as well as disclose and explain any deviation from any guideline of the Code.	tml?rbid=3271&record_id=6708&element_id=5079&highlight=710#r6708
Spain		
Article 35, Sustainable Economy Act (Act 2/2011, dated 4 March)	Under Article 35 of the Sustainable Economy Act, State-owned companies are required to adapt their strategic plans to submit an annual corporate social responsibility report. However, no enforcement regime currently exists.	http://www.wipo.int/wipolex/en/details.jsp?id=11977
Spanish National Action Plan (Potential)	Spain has published a second draft of a National Action Plan for the implementation of the UN Guiding Principles on Business and Human Rights.	http://www.fidh.org/en/globalisation-human-rights/business-and-human-rights/14562-comments-on-the-second-draft-of-the-spanish-national-action-plan-for-the
Sweden		
Guidelines for external reporting by state-owned companies	In November 2007, the Swedish Government adopted guidelines for sustainability reporting by state-owned companies, including on human rights issues.	http://www.government.se/content/1/c6/09/41/25/56b7ebd4.pdf
Public Procurement Act 2007	In 2010 Sweden's Public Procurement Act was amended to include social and environmental considerations in public procurement. The Act states that contracting bodies should treat suppliers in an "equal and non-discriminatory manner and shall conduct procurements in a transparent manner" and must take account of environmental and social considerations.	http://www.kkv.se/upload/Filer/ENG/Publications/Swedish_Public_Procurement_Act.pdf

Unilateral/Multilateral Measure	Summary	Useful links
Switzerland		
Swiss Export Risk Insurance (SERV) Act Article 6	<p>When SERV assesses whether or not to cover the losses of Swiss companies when doing business abroad, it verifies whether all relevant social criteria are complied with. This involves a consideration of the Swiss foreign policy principles outlined in Article 6 of the SERV Act, which include the peaceful co-existence of peoples, respect for human rights and promotion of democracy, conservation of natural resources, and alleviation of poverty and destitution in the world.</p> <p>SERV undertakes this assessment in accordance with the OECD Common Approaches.</p>	http://www.serv-ch.com/fileadmin/serv-dateien/Download/Kompakt_E.pdf
The Netherlands		
2008 Dutch Corporate Governance Code	<p>The Dutch Corporate Governance Code requires the management board and supervisory board of listed Dutch companies to formulate a policy regarding aspects of CSR that are relevant for the company's business and to include a brief description of this in the company's annual report.</p>	http://commissiecorporategovernance.nl/download/?id=606
Dutch Civil Code	<p>Article 2:391 of the Dutch Civil Code requires listed companies to include in their annual reports an analysis of both financial and non-financial performance indicators in their description of the overall state of the company.</p>	http://www.dutchcivillaw.com/legislation/dctitle2299aa.htm
Dutch National Action	<p>On 1 December 2013, the Dutch Government published its National</p>	http://www.netherlandsmission.org/binaries/

Unilateral/Multilateral Measure	Summary	Useful links
Plan	Action Plan on Business and Human Rights.	content/assets/postenweb/v/verenigde_staten_van_amerika/the-permanent-mission-to-the-un/actionplanbhr.pdf
Sustainable public procurement initiatives	Social conditions must be supported along public procurement processes by public authorities and government organisations. All public procurement contracts must include provisions which allow for freedom of association, right to collective bargaining, no forced or child labour and no discrimination.	http://english.rvo.nl/topics/sustainability/sustainable-procurement
United Kingdom		
Companies Act 2006 section 414C Companies Act 2006 (Strategic Report and Directors' Report) Regulations 2013	As mentioned in the Development section above, the strategic report is to include information about human rights issues, including information about any policies of the company in relation to those matters and the effectiveness of those policies.	http://www.legislation.gov.uk/ukdsi/2013/9780111540169/contents
New reporting requirement implementing Chapter 10 of the EU Accounting Directive	As of 1 January 2015, mining, gas and oil companies registered in the UK will be required to report on the payments they make to governments in all the countries they operate.	https://www.gov.uk/government/news/uk-sets-the-bar-for-transparency-over-oil-gas-and-mining-payments
UK National Action Plan	In September 2013, the UK Government published a National Action Plan for implementing the UN Guiding Principles on Business and Human Rights. This includes a commitment to ensuring that tenderers do not engage in "grave misconduct" such as breaches of human rights and	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/236901/BHR_Action_Plan_-_final_online_version_1_.pdf

Unilateral/Multilateral Measure	Summary	Useful links
	equality based issues when analysing procurement contracts.	
Processes and factors in UK Export Finance Consideration of Applications	<p>UK Export Finance have implemented formal processes that consider the social and human rights impacts of projects when undertaking due diligence in response to a request for export support.</p> <p>UK Export Finance undertakes this due diligence in accordance with the OECD Common Approaches.</p>	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/274255/guidance-on-processes-and-factors-uk-export-finance.pdf
Transparency in UK Company Supply Chains (Eradication of Slavery) Bill 2012-2013 (Potential)	<p>The Transparency in UK Company Supply Chains (Eradication of Slavery) Bill 2012-2013, which would have required large companies in the UK to make annual statements of measures taken by them to eradicate slavery, human trafficking, forced labour and the worst forms of child labour (as set out in Article 3 of the International Labour Organisation's Convention No. 182) from their supply chains, failed to complete its passage through Parliament.</p>	http://services.parliament.uk/bills/2012-13/transparencynukcompanysupplychainseradicationofslavery.html
Proposal for a Human Trafficking (Scotland) Bill (Potential)	<p>In February 2014, a bill was proposed to the Scottish Parliament which would (a) require the creation of a Scottish anti-human trafficking strategy; (b) provide for the special treatment of human trafficking-related crime within the criminal justice system; and (c) provide for the support of survivors of human trafficking.</p>	http://www.scottish.parliament.uk/parliamentarybusiness/Bills/67134.aspx
Draft Modern Slavery Bill (Potential)	<p>On 8 July 2014, the House of Commons debated the main principles of the Draft Modern Slavery Bill.</p> <p>The Bill has now been sent to the Public Bill Committee which is currently calling for written evidence (open until 14 October 2014).</p>	http://www.publications.parliament.uk/pa/jt201314/jtselect/jtselect/modernslavery/166/166.pdf http://business-humanrights.org/sites/default/files/document_s/Modern%20Slavery%20Bill%20call%20for%20evidence.pdf

Unilateral/Multilateral Measure	Summary	Useful links
Bilateral Agreement for the Promotion and Protection of Investments between the UK and Colombia (Potential)	<p>The UK National Action Plan provides that the Government <i>will “[e]nsure that agreements facilitating investment overseas by UK or EU companies incorporate the business responsibility to respect human rights, and do not undermine the host country’s ability to either meet its international human rights obligations or to impose the same environmental and social regulation on foreign investors as it does on domestic firms”</i>.</p> <p>In July 2014, the UK House of Lords debated whether it was therefore necessary to include human rights in the Bilateral Agreement for the Promotion and Protection of Investments between the UK and Colombia.</p>	<p>http://www.publications.parliament.uk/pa/ld/201415/ldhansrd/text/140730-gc0001.htm</p>
United States		
Alien Tort Statute, 28 U.S.C. § 1350 (Alien Tort Statute)	<p>The Alien Tort Claims Act of 1789 grants jurisdiction to US Federal Courts over “<i>any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States</i>”</p> <p>This has historically been the dominant piece of US legislation used to hold businesses accountable for human rights impacts inside and outside the US. However, in April 2013, the US Supreme Court issued a decision in <i>Kiobel v Royal Dutch Petroleum</i> which restricted the ability for cases to be brought against companies for conduct occurring outside the US in certain circumstances (i.e. where the plaintiff, defendant and situs of the violations are all foreign). Actions of US-based MNCs are still likely to be covered</p>	<p>http://www.law.cornell.edu/uscode/text/28/1350</p> <p>http://www.gpo.gov/fdsys/pkg/USCODE-2009-title28/pdf/USCODE-2009-title28-partIV-chap85-sec1350.pdf</p> <p>http://www.supremecourt.gov/opinions/12pdf/10-1491_16gn.pdf</p> <p>Amicus brief:</p>

Unilateral/Multilateral Measure	Summary	Useful links
	<p>by the ATS.</p> <p><i>Note: This amicus brief presented in the Kiobel case suggests that under Dutch law, individuals and companies can incur liability for human rights violations abroad and offences can be brought as a simple violation of domestic tort law or as a violation of Article 162 of the Dutch Civil Code which appears consistent with the decision in the Akpan case summarised in the "Environment" section above.</i></p>	<p>http://www.nipr-online.eu/upload/documents/20120820T040709-Dutch%20legal%20scholars%20Kiobel%20amicus%20brief.pdf</p>
Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010	<p>Section 1502 of the Dodd-Frank Act requires listed companies to publically disclose their use of conflict materials that originated in the Democratic Republic of Congo or an adjoining country.</p> <p>In April 2014, a US appeals court upheld the majority of section 1502 but struck down the requirement for companies to disclose whether products are “conflict free” on the grounds that it violates free speech.</p> <p>The first filing deadline for companies was 31 May 2014.</p>	<p>https://www.sec.gov/about/laws/wallstreetreform-cpa.pdf</p> <p>http://www.reuters.com/article/2014/04/14/us-court-sec-conflictminerals-idUSBREA3D13U20140414</p>
California Transparency in the Supply Chains Act 2012	<p>The California Transparency in Supply Chains Act, which entered into force on 1 January 2012, requires retailers and manufacturers doing business in California to disclose their efforts to eradicate slavery and human trafficking from their direct supply chains for goods offered for sale.</p>	<p>http://www.state.gov/documents/organization/164934.pdf</p>
US Government Responsible Investment Reporting Requirements – Myanmar	<p>In 2012, the US Government introduced a requirement for any US person engaging in new investment in Myanmar under OFAC General Licence 17, who invests \$500,000 or more in Myanmar or invests in Myanmar’s oil and gas sector, to submit a report to the US Department of State setting out human rights and other due diligence measures undertaken in respect of the investment.</p>	<p>http://burma.usembassy.gov/reporting-requirements.html</p>

Unilateral/Multilateral Measure	Summary	Useful links
Ending Trafficking in Government Contracting Act 2013 Torture Victims Protection Act 1991	The US 2013 Ending Trafficking in Government Contracting Act amends and strengthens the protections in section 106(g) of the Torture Victims Protection Act by prohibiting in all federal contracts acts that directly support human trafficking and by requiring compliance and certification measures to help prevent trafficking and related acts.	http://www.gpo.gov/fdsys/pkg/BILLS-112hr4310enr/pdf/BILLS-112hr4310enr.pdf
Export-Import Bank Act 1945	<p>Section 2(b) of the Export-Import Bank Act 1945 instructs the Export-Import Bank of the United States (EXIM Bank) to deny applications for credit in cases where action would be contrary to US policy in 4 areas, including human rights.</p> <p>EXIM Bank has developed procedures with the US State Department for regular consultation regarding human rights. Where a proposed transaction over \$10 million involves goods or services to be exported to a country that has not received “pre-clearance” on human rights (EXIM receives reports in this regard), EXIM Bank refers the transaction to the State Department for a human rights review.</p> <p>EXIM Bank has implemented Environmental and Social Guidelines that require, among other things, mitigation of the effects of involuntary resettlement and on cultural property, establishment of controls for safe working conditions, the fair treatment of workers, and processes to deal with child and forced labour, and the health and safety of local communities.</p>	http://www.exim.gov/about/library/reports/competitivenessreports/upload/competstat01.pdf
Executive Order (EO) 13126	The US Department of Labor publishes a list of products, by country of origin, which might have been mined, produced or manufactured by forced or indentured child labour. Federal	http://www.dol.gov/ilab/reports/pdf/2013EO_FAQ.pdf

Unilateral/Multilateral Measure	Summary	Useful links
	contractors who supply products on this list must certify that they have made a good faith effort to determine whether forced or indentured child labour was used to produce the items listed.	http://www.dol.gov/ilab/reports/child-labor/list-of-products/
EO 13627 “Strengthening Protections Against Trafficking in Persons in Federal Contracts”	Under this executive order the US government prohibits any federal contractors from engaging in any trafficking related activities including failing to pay transportation costs where employees move country, and supporting the procurement of commercial sex acts. Contractors also agree to allow for enforcement and audits in compliance with this order. Such measures must be implemented in agencies internal procurement policies.	http://www.gpo.gov/fdsys/pkg/DCPD-201200750/pdf/DCPD-201200750.pdf
Business Supply Chain Transparency on Trafficking and Slavery Bill (Potential)	<p>The proposed Bill would amend the Securities Exchange Act 1934 to require all companies with worldwide annual gross receipts exceeding \$100 million, and which are currently required to file annual reports with the SEC, to disclose what measures they have taken to address conditions of forced labour, slavery, human trafficking and child labour within their supply chains, both within the US and abroad. The information will then be published on the websites of the company, the SEC and the Department of Labour. This is aimed at assisting consumers to make informed purchasing decisions.</p> <p>The Bill is designed to create market competition to improve practices to end slavery by encouraging disclosure. Accordingly, there are no direct sanctions for non-disclosure. The Bill builds upon related legislation that imposes sanctions for modern slavery and trafficking.</p>	http://www.iccr.org/investors-welcome-federal-bill-calling-corporate-disclosures-trafficking-and-slavery-risks http://www.srz.com/Additional_Supply_Chain_Disclosures_by_US_Public_Companies_Proposed/

Unilateral/Multilateral Measure	Summary	Useful links
European Union		
EU Directive on disclosure of non-financial and diversity information	In April 2014, the EU Parliament adopted a Directive on disclosure of non-financial and diversity information, requiring large companies to report on social and environmental issues including respect for human rights.	http://europa.eu/rapid/press-release_STATEMENT-14-124_en.htm?locale=en
EU Free Trade Agreements	The EU has included a chapter within its recent Free Trade Agreements on the achievement of sustainable development through preferential trade arrangements.	http://ec.europa.eu/enterprise/policies/international/facilitating-trade/free-trade/
Regulation 1233/2011 (Application of certain guidelines in the field of officially supported export credits)	Regulation 1233/2011 requires EU member states and their respective export credit agencies to comply with the EU's general provisions on external action, including respect for human rights, when establishing, developing and implementing national export credit systems and when carrying out supervision of officially supported export credit activities. The Regulation imposes reporting obligations on export credit agencies in the EU in relation to their activities and compliance with relevant EU objectives. A consolidated report is produced of these disclosures.	http://www.europarl.europa.eu/meetdocs/2009_2014/documents/inta/dv/annualreview_reg1233/_annualreview_reg1233_en.pdf
EU directive 2014/24/EU on Public Procurement	In February 2014, the EU amended its public procurement guidelines and stated that contracts must be awarded to the most economically advantageous tender. This must also look at quality, environment and social considerations.	http://www.europarl.europa.eu/aboutparliament/en/displayFtu.html?ftuId=FTU_3.2.2.html
Declaration of the Committee of Ministers on the UN Guiding Principles on business and human rights	On 16 April 2014, the Council of Europe adopted a declaration strongly supporting implementation of the UN Guiding Principles on Business and Human Rights and calling on states to develop National Action Plans on business and human rights.	https://wcd.coe.int/ViewDoc.jsp?id=2185745&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383

Unilateral/Multilateral Measure	Summary	Useful links
EU proposal for responsible trading strategy for minerals from conflict zones (Potential)	In March 2014, the European Commission announced a proposal for an EU self-certification system for importers of "conflict minerals".	http://europa.eu/rapid/press-release_IP-14-218_en.htm
Other multilateral action		
UN Guiding Principles on Business and Human Rights	<p>The "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework" are a set of guidelines for States and business enterprises to prevent and address human rights abuses committed in the course of business operations. They were developed by the Special Representative of the Secretary General on Business and Human Rights, Professor John Ruggie, and endorsed by the UN Human Rights Council on 16 June 2011.</p> <p>Various countries have implemented action plans supporting these principles as detailed above.</p>	http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf
OECD Guidelines for Multinational Enterprises	The OECD Guidelines are non-binding recommendations, addressed by governments to multinational enterprises operating in or from adhering countries, on standards of responsible business conduct.	http://www.oecd.org/daf/inv/mne/48004323.pdf
OECD Recommendation on Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence	The Common Approaches includes guidance on human rights, instructing members to encourage protection and respect for human rights, particularly in situations where the potential impacts from projects or existing operations pose risks to human rights. The Common Approaches are non-binding and contain a derogation clause.	http://www.oecd.org/tad/xcred/the2012commonapproaches.htm

Unilateral/Multilateral Measure	Summary	Useful links
	A large number of OECD export credit agencies are now cooperating with the OECD in this regard.	
Equator Principles III	The Equator Principles establish an environmental and social risk management framework, and a minimum due diligence standard for identifying, assessing and managing environmental and social impacts in project finance transactions.	http://www.equator-principles.com/
IFC Performance Standards	The IFC Performance Standards provide guidance on how to identify and mitigate risks, including through stakeholder engagement, in order to enable companies to do business in a sustainable way. They have become globally recognised as standards of international best practice in relation to safety, health, environment and community matters, including human rights.	http://www.ifc.org/wps/wcm/connect/Topics_Ext_Content/IFC_External_Corporate_Site/IFC+Sustainability/Sustainability+Framework/Sustainability+Framework+-+2012/Performance+Standards+and+Guidance+Notes+2012/
Group of Friends of Paragraph 47	In 2012, the governments of Brazil, Denmark, France and South Africa (later joined by Austria, Chile, Colombia, Norway and Switzerland), known as the Group of Friends of Paragraph 47, committed to corporate sustainability reporting, in order to advance the recommendations under Paragraph 47 of the Outcome Document of the 2012 United Nations Conference on Sustainable Development (Rio+20).	http://www.unep.org/resourceefficiency/Business/SustainableandResponsibleBusiness/CorporateSustainabilityReporting/GroupofFriendsofParagraph47/tabid/105011/Default.aspx
Sanctions		

Unilateral/Multilateral Measure	Summary	Useful links
Australia		
<p>Charter of the United Nations Act 1945 (Cth) Autonomous Sanctions Act 2011 (Cth) Australian Autonomous Sanctions Regulations 2011 (Cth)</p>	<p>Australia implements two broad categories of sanctions:</p> <ul style="list-style-type: none"> • United Nations Security Council sanctions, under the Charter of the United Nations Act 1945 (Cth) and its regulations; and • ‘Autonomous’ sanctions (in accordance with the foreign policy prevailing in Australia at the relevant time) under the Autonomous Sanctions Act 2011 (Cth) and its regulations. <p>Australia’s sanction regime applies to activity by Australian citizens and body corporates both in Australia and internationally. Australia’s Department of Foreign Affairs and Trade maintains a consolidated list of all persons and entities who are subject to targeted financial sanctions or travel bans under Australian sanctions laws, which is available here.</p> <p>The features of particular sanctions regimes vary. Generally speaking, targeted financial sanctions make it an offence under an Australian law to:</p> <ul style="list-style-type: none"> • use or deal with the assets of a designated person or entity; or • make an asset available to, or for the benefit of, a designated person or entity. <p>In some circumstances, the relevant Minister is able to grant a permit authorising an activity that would otherwise contravene an Australian sanction. Different sanctions regimes require that</p>	<p>http://www.dfat.gov.au/sanctions/</p>

Unilateral/Multilateral Measure	Summary	Useful links
	different criteria be met before a permit will be granted. Penalties for contravening a sanction without a permit include up to 10 years imprisonment and substantial fines.	
China		
<p><i>There is no established legal frame work in this area in China at the moment although China has in the past implemented sanctions, including those imposed by United Nation Security Councils, but often guided by national interests and regarded as "smart" or "targeted" sanctions- i.e. selective penalties devised to put pressure on specific groups and avoid the unintended suffering caused by general embargoes. As noted by James Reilly, a lecturer at Sydney University, China rarely openly declares sanctions, preferring more flexible measures, such as variation in leadership visits, selective purchases, etc. and often preference individual companies. The Chinese government has funded national research projects exploring new approaches to sanctions in response to calls for Beijing to establish domestic economic sanction law.</i></p>		
European Union		
<p>Treaty on the Functioning of the European Union (TFEU) Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (EUMR), Article 215</p>	<p>The EU imposes sanctions and embargoes to further its Common Foreign and Security Policy (CFSP) objectives and has included:</p> <ul style="list-style-type: none"> • Arms embargoes; • Economic and financial sanctions; • Targeted (or smart) financial sanctions; and • Restrictions on admission (Visa or travel ban). <p><i>Further examples of EU sanctions are set out below.</i></p> <p>Pursuant to Article 215 of the TFEU, the EU can impose measures to preserve peace and strengthen international security, promote international co-operation, and safeguard the common values and security of the EU. EU measures can also be imposed to uphold respect for human rights, democracy and the rule of law and only apply with the jurisdiction of the EU (e.g. within EU territory,</p>	<p>http://eeas.europa.eu/cfsp/sanctions/index_en.htm</p> <p>http://eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf</p> <p><i>Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU CFSP:</i></p> <p>http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2015114%202005%20INIT</p>

Unilateral/Multilateral Measure	Summary	Useful links
<p><i>Example:</i> United Kingdom</p>	<p>including its airspace; to EU nationals, whether or not they are in the EU; or to companies and organisations incorporated under the law of a member state, whether or not they are in the EU, including branches of EU companies in third countries).</p> <p>See link for detailed information and council regulations relating to sanctions that are currently in force.</p> <p>Council Regulations imposing sanctions and related Council Decisions and Commission Regulations have direct effect in EU Member States, creating obligations and rights for those subject to them (including EU citizens and economic operators). Their application and enforcement is a task attributed to the competent authorities of Member States. Criminal offences may also apply under domestic legislation.</p> <p>Financial sanctions apply to UK companies/individuals (worldwide conduct) and anyone within the UK.</p> <p>A targeted asset freeze usually:</p> <ul style="list-style-type: none"> • prohibits anyone from dealing with the funds or economic resources belonging to or owned, held or controlled by a designated person; and • prohibits anyone from making funds or economic resources available, directly or indirectly, to, or for the benefit of, a designated person. 	<p>https://www.gov.uk/sanctions-embargoes-and-restrictions</p> <p>http://www.legislation.gov.uk/ukpga/2010/38/2010-12-17</p>

Unilateral/Multilateral Measure	Summary	Useful links
Terrorist Asset-Freezing, etc. Act 2010 ("TAFa")	<p>Certain financial sanctions may also prohibit providing or performing other financial services, such as insurance, to designated individuals or governments.</p> <p>It is a criminal offence to breach a financial sanction without an appropriate licence or authorisation from HM Treasury.</p> <p>TAFa imposes restrictions on persons suspected of involvement in terrorist activity. The restrictions are similar to those typically applied under the list-based regimes described above – the persons who are listed under TAFa are subject to an asset freeze, and it is an offence to make funds, economic resources or financial services available to them. An additional list of proscribed organisations suspected of involvement in terrorism is found in Schedule 2 of the Terrorism Act 2000.</p>	<p>http://www.legislation.gov.uk/ukpga/2000/11/contents</p>
USA Council Regulation No 2271/1996 (OJ L 309, 29.11.1996, p. 1) (EC/2271/1996)	<p>EC/2271/1996 provides protection for EU companies against certain effects of sanctions applied by the United States and that are conducting business in Iran, Cuba and Libya.</p>	<p>http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996R2271:EN:HTML</p>
In relation to Russia, Crimea and Sevastopol	<p>As at 12 September 2014, 113 persons and 23 entities in total are under EU asset freezes and visa ban restrictions, including persons and entities responsible for actions against Ukraine's territorial integrity (91 and 10 respectively) and including 13 entities in Crimea and Sevastopol. Various measures targeting sectoral cooperation and exchanges have also been implemented, the details</p>	<p>http://europa.eu/newsroom/highlights/special-coverage/eu_sanctions/index_en.htm#1</p>

Unilateral/Multilateral Measure	Summary	Useful links
	<p>for which can be found here.</p> <p>The EU does not recognise the annexation of Crimea and Sevastopol and has implemented sanctions including: restrictions on dealing in transferable securities issued by listed Russian banks; similar restrictions to listed Russian companies in the military and oil sectors; trade restrictions/prohibitions, including in relation to dual use goods and certain services necessary for particular oil projects; and asset freezes</p> <p>-</p>	
Iran	<p>Between 2007 and 2012 the European Commission implemented measures involving the freezing of funds and economic resources of designated persons; restrictions on transfers of funds to and from an Iranian person, entity or body; vigilance over activities with Iranian banks; dealing with the Iranian banking sector; restrictions on Iran's access to the EU's insurance and reinsurance markets, restrictions on the provision of insurance and restrictions on financing certain Iranian enterprises and prohibitions on EU credit and financial institutions transferring funds to or from Iranian banks.</p> <p>The P5+1 and Iran have been engaged in intensive negotiations to reach a comprehensive agreement on Iran's nuclear programme since February 2014. This was made possible by the agreement last November of the six-month Joint Plan of Action (JPOA), under which Iran and the P5+1 committed to a number of measures in order to create the time and space for a comprehensive negotiation.</p>	<p>http://eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf</p>

Unilateral/Multilateral Measure	Summary	Useful links
Switzerland		
Federal Act on the Implementation of International Sanctions (Embargo Act, EmbA)	<p>The body responsible for foreign trade and sanctions under this Act is the State Secretariat for Economic Affairs SECO, lists of the sanctions imposed can be found here.</p> <p>Amongst others, the Swiss Federal Government has taken measures to prevent the circumvention of international sanctions in relation to the situation in Ukraine and will apply the sanctions imposed by the EU in July 2014.</p>	http://www.seco.admin.ch/themen/00513/00620/index.html?lang=en
United States		
Office of Foreign Assets Control (OFAC)	<p>The Office of Foreign Assets Control (OFAC) of the US Department of the Treasury administers and enforces economic and trade sanctions based on US foreign policy and national security goals against targeted foreign countries and regimes, terrorists, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the national security, foreign policy or economy of the United States.</p> <p>OFAC administers a number of different sanctions programmes:</p> <ul style="list-style-type: none"> • Iran Sanctions • Ukraine-related Sanctions • Syria Sanctions • Counter Terrorism Sanctions 	http://www.treasury.gov/resource-center/sanctions/Pages/default.aspx

Unilateral/Multilateral Measure	Summary	Useful links
	<ul style="list-style-type: none"> • Counter Narcotics Sanctions • Cuba Sanctions • Other Sanctions Programmes 	
Ukraine-related Sanctions	<p>The Sectoral Sanctions Identifications List includes persons determined by OFAC to be operating in sectors of the Russian economy identified by the Secretary of the Treasury pursuant to Executive Order 13662.</p> <p>Certain activities related to the Ukraine-related Sanctions may be allowed if they are licensed by OFAC.</p>	<p>Sectoral Sanctions Identifications List Page</p> <p>Directive 1 (as amended) under Executive Order 13662</p> <p>Directive 2 (as amended) under Executive Order 13662</p> <p>Directive 3 under Executive Order 13662</p> <p>Directive 4 under Executive Order 13662</p>
Iran Sanctions	<p>On July 19, 2014, the P5+1 (the United States, United Kingdom, Germany, France, Russia, and China, coordinated by EU High Representative Catherine Ashton) and Iran affirmed that they will continue to implement the commitments described in the JPOA and the U.S. Government has extended through November 24, 2014, the sanctions relief provided for in the JPOA.</p>	<p>http://www.treasury.gov/resource-center/sanctions/Programs/Documents/jpoa_guidance_ext.pdf</p>
Securities		
Australia		
Corporations Act 2001 (Cth), ss. 1041A-E, 1043A	<p>Various provisions capture conduct which occurs outside Australia but which has an impact on a financial market in Australia, including: market manipulation; false trading and market rigging;</p>	<p>www.asic.gov.au</p>

Unilateral/Multilateral Measure	Summary	Useful links
	<p>dissemination of information about illegal transactions and false or misleading statements.</p> <p>The conduct can occur anywhere, if done in relation to financial products issued by a person carrying on business in Australia or a corporation under Australian law.</p>	
European Union		
<p>Market Abuse Directive 2003/6/EC (MAD I) Articles 2, 3, 5 & 10</p>	<p>MAD I was introduced to harmonise the regulation of market abuse across EU member states. Among other things, it defines and prohibits insider trading and market manipulation. Member States are required to implement the MAD I standards within their domestic law and Member States are required to apply the prohibitions to:</p> <ul style="list-style-type: none"> • activities which take place in relation to financial instruments that are admitted to trading on regulated market within its own territory (regardless of whether the conduct is carried out domestically or abroad); and • activities which take place in its own territory in relation to financial instruments in relation to financial instruments admitted to trading in any Member State. <p>MAD I will be repealed on 3 July 2016 and the MAR (see immediately below) will come into force.</p>	<p>http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32003L0006</p>
<p>Market Abuse Regulation</p>	<p>Once it comes into force, MAR will automatically apply to EU</p>	<p>http://eur-lex.europa.eu/legal-</p>

Unilateral/Multilateral Measure	Summary	Useful links
<p>- Regulation (EU) No 596/2014 (MAR) Articles 8, 10, 12, 14, 15 & 22</p>	<p>Member States without the need for domestic implementing legislation. Like MAD I, MAR defines and prohibits various forms of market abuse, including insider dealing and unlawful disclosure of insider information and market manipulation.</p> <p>Broadly speaking, each Member State is required to designate a domestic administrative authority to enforce the provisions of MAR in respect of:</p> <ul style="list-style-type: none"> • conduct occurring within its territory; • conduct occurring abroad relating to financial instruments trading on a regulated market operating within its territory; and • conduct occurring abroad relating to instruments auctioned on an auction platform, or traded on a multilateral trading facility or an organised trading facility operating within its territory. 	<p>content/EN/TXT/PDF/?uri=OJ:JOL_2014_173_R_0001&from=EN</p>
<p>Hong Kong</p>		
<p>Securities and Futures Ordinance 1966 ss. 103, 274, 275, 277, 278, 295, 296, 298, 299</p>	<p>Certain offences apply to activities carried out outside Hong Kong, including in respect of:</p> <ul style="list-style-type: none"> • issuing, or possessing for issue, advertisements relating to unauthorised securities (section 103); • false trading, price rigging or stock market manipulation by a person outside Hong Kong in relation to Hong Kong exchange traded securities and futures (sections 274, 275, 278, 295, 296 & 299); • disclosure of false or misleading information inducing 	<p>http://www.sfc.hk/web/EN/rule-book/laws/securities-and-futures-ordinance.html</p>

Unilateral/Multilateral Measure	Summary	Useful links
	<p>transactions by a person outside Hong Kong, if it:</p> <ul style="list-style-type: none"> – induces a person to subscribe for securities or deal in futures contracts in Hong Kong; – induces the sale or purchase in Hong Kong of securities by another person; or – impacts the price of securities or futures contracts in Hong Kong, <p>(sections 277 & 298).</p>	
India		
<p>Securities and Exchange Board of India (Prohibition of Insider Trading) Regulations 1992</p>	<p>These regulations apply to persons outside India trading on Indian markets and include:</p> <ul style="list-style-type: none"> • prohibitions for dealing in the securities of a company listed on any stock exchange while in possession of unpublished price sensitive information; and • prohibits a person from communicating, counselling or providing unpublished price sensitive information to another person (except in the ordinary course of business or employment), <p>(regulation 3).</p>	<p>http://www.sebi.gov.in/acts/InsiderTrading.html</p>
Korea		
<p>Financial Investment Services and Capital Markets Act 2007</p>	<p>Article 2 of the Act provides that activities conducted in a foreign country the effects of which extend to the territory of the Republic of Korea shall be governed by the Act.</p>	<p>http://fsc.go.kr/eng/lr/list03.jsp?menu=0203&bbsid=BBS0087</p>

Unilateral/Multilateral Measure	Summary	Useful links
Malaysia		
Capital Markets and Services Act 2007 ss. 174 0 178, 188	Part V of the Act applies to acts and omissions occurring overseas in relation to securities of a body corporate which is formed, carrying on business or listed within Malaysia and, amongst others, includes offences in respect of false trading and market rigging transactions; stock market manipulations; false or misleading statements; fraudulently inducing persons to deal in securities and the conduct of person in possession of inside information.	http://www.sc.com.my/legislation-guidelines/
New Zealand		
Securities Act 1978, Part 2	Part 2 (Restrictions on offer and allotment of securities to the public) applies to securities offered to the public in New Zealand, regardless of where any resulting allotment occurs, or where the issuer is resident, incorporated or carries on business. Restrictions include, by example, restrictions on offers of securities to the public (section 33) and on distribution of prospectuses (section 34).	http://www.fma.govt.nz/help-me-comply/issuers/who-needs-to-comply/
Financial Markets Conduct Act 2013 Part 2, ss. 19 – 23 Part 5, subparts 2 - 6	Controls relating to misleading or deceptive conduct in relation to financial products and services, false or misleading representations, and unsubstantiated representations, apply to conduct outside New Zealand by any person resident, incorporated, registered, or carrying on business in New Zealand to the extent that that conduct relates to dealing in financial products, or the supply of a financial service, that occurs (in part or otherwise) within New Zealand. The Act also includes provisions dealing with insider trading, market manipulation and disclosure requirements that apply to quoted financial products or listed issuers regardless of where in the	http://www.fma.govt.nz/help-me-comply/issuers/who-needs-to-comply/

Unilateral/Multilateral Measure	Summary	Useful links
	world the conduct occurs.	
Singapore		
Securities and Futures Act s. 339(2)	<p>Various provisions of the Act regulate acts occurring outside Singapore, including:</p> <ul style="list-style-type: none"> • pursuant to section 339(2), a person who does an act outside Singapore which has a substantial and reasonably foreseeable effect in Singapore, and the act would, if carried out in Singapore, constitute an offence under any provision of Part II, IIA, III, IV, VIII, XII, XIII or XV of the Act, the person is guilty of an offence as if the act were carried out by that person in Singapore; and • under sections 196 and 213, Division 1 of Part XII (Prohibited Conduct – Securities) and Division 3 of Part XII (Insider Trading) respectively apply to acts occurring outside Singapore, in relation to: <ul style="list-style-type: none"> - securities of a corporation that is formed or carrying on business in Singapore; - securities of a business trust, the trustee of which is formed in Singapore or carries on business on behalf of the business trust in Singapore; - securities listed for quotation or quoted on a securities market in Singapore; or - securities traded on a futures market in Singapore (for insider trading only). 	http://statutes.agc.gov.sg/aol/search/display/view.w3p;page=0;query=DocId%3A%2225de2ec3-ac8e-44bf-9c88-927bf7eca056%22%20Status%3Ainforce%20Depth%3A0;rec=0

Unilateral/Multilateral Measure	Summary	Useful links
South Africa		
Financial Markets Act 2012 Chapter X, ss. 78, 80, 81	Chapter X prohibits various forms of market abuse including: insider trading; prohibited trading practices (s 80); and false, misleading or deceptive statements, promises or forecasts. These apply to conduct occurring in respect of securities listed on regulated markets both within South Africa and abroad.	http://www.saflii.org/za/legis/consol_act/fma2012161/
United Kingdom		
Criminal Justice Act 1993 (UK) ss.52, 62	<p>The Act provides for two types of criminal insider dealing offences:</p> <ul style="list-style-type: none"> • the dealing offence; and • the encouraging / disclosing offence. <p>Under section 62 these offences apply to offences committed by both:</p> <ul style="list-style-type: none"> • a person in a foreign jurisdiction who engages in insider dealing in the shares of a company quoted on a UK stock exchange; and • a person in the UK who engages in insider dealing in the shares of a company quoted on a foreign stock exchange. <p>The encouraging / disclosing offence applies to a person who:</p> <ul style="list-style-type: none"> • was within the UK at the time when they disclosed the inside information to another person or encouraged another person to engage in the relevant dealing; or • encouraged the relevant dealing by, or disclosed the inside information to, a person who was within the UK at the time of the encouragement or disclosure. 	http://www.legislation.gov.uk/ukpga/1993/36/contents
Financial Services Act	Section 89 contains the criminal offences relating to misleading	http://www.legislation.gov.uk/ukpga/2012/2

Unilateral/Multilateral Measure	Summary	Useful links
2012 s.89	statements (or concealment of material facts) which induce a person to enter into certain investments and which apply, generally speaking, extraterritorially to the conduct of persons outside the UK where the likely victims, or investments, are within the UK.	1/contents/enacted
Financial Services and Markets Act 2000 ss. 90A, 118 & Schedule 10A	<p>The market abuse provisions contained in section 118 have extraterritorial operation and may be enforced against persons who engage in contraventions outside the UK.</p> <p>Section 90A and Schedule 10A provide for issuer liability in respect of published information that contains untrue or misleading statements or omits information that is required to be included, which has extraterritorial reach as it applies to issuers of securities trading on any financial market where either:</p> <ul style="list-style-type: none"> • the market is situated or operating in the United Kingdom (this would catch foreign companies whose shares are traded on a UK market); or • the UK is the issuer's home state (this would catch UK companies whose shares are traded on a foreign market). 	http://www.legislation.gov.uk/ukpga/2000/8/contents
United States		
Securities Act 1933 ss.17, 22(c)	<p>Section 17 (Fraudulent Interstate Transactions) contains offences relating to fraud, deceit and misleading statements in relation to the offer or sale of securities and security-based swap agreements.</p> <p>The extraterritorial jurisdiction of this sections was inserted in accordance with the Dodd-Frank Wall Street Reform and Consumer Protection Act providing US courts with jurisdiction in any proceeding relating to a violation involving:</p> <ul style="list-style-type: none"> • conduct within the United States that constitutes significant steps 	https://www.sec.gov/about/laws/sa33.pdf http://www.sec.gov/about/laws/wallstreetreform-cpa.pdf

Unilateral/Multilateral Measure	Summary	Useful links
	<p>in furtherance of the violation (even if the transaction occurs outside the United States and involves only foreign investors); or</p> <ul style="list-style-type: none"> • conduct that has a foreseeable substantial effect within the United States (even if that conduct occurs elsewhere). 	
<p>Securities Exchange Act 1934 ss.10, 27(b)</p>	<p>Section 10 contains the anti-fraud provisions of the Act, which provide that it is an offence to use manipulative or deceptive devices in relation to certain securities transactions.</p> <p>The extraterritorial jurisdiction of this section was inserted in accordance with the Dodd-Frank Wall Street Reform and Consumer Protection Act, meaning that US courts have jurisdiction in any proceeding relating to a violation of section 10 involving:</p> <ul style="list-style-type: none"> • conduct within the United States that constitutes significant steps in furtherance of the violation (even if the transaction occurs outside the United States and involves only foreign investors); or • conduct that has a foreseeable substantial effect within the United States (even if that conduct occurs elsewhere). 	<p>https://www.sec.gov/about/laws/sea34.pdf http://www.sec.gov/about/laws/wallstreetreform-cpa.pdf</p>
<p>Investment Advisers Act 1940 ss.206, 214B</p>	<p>Section 206 (Prohibited Transactions by Registered Investment Advisers) provides that it an offence for an investment adviser to:</p> <ul style="list-style-type: none"> • defraud, deceive or manipulate a client or prospective client; or • have a role in a securities transaction involving a client other than as that client’s adviser without disclosing it in writing prior to completion of the transaction (for example, as principal of their own account or as a broker for another person). <p>The extraterritorial jurisdiction of this section was inserted in accordance with the Dodd-Frank Wall Street Reform and Consumer Protection Act, meaning that US courts have jurisdiction in any proceeding relating to a violation involving:</p>	<p>https://www.sec.gov/about/laws/iaa40.pdf http://www.sec.gov/about/laws/wallstreetreform-cpa.pdf</p>

Unilateral/Multilateral Measure	Summary	Useful links
	<ul style="list-style-type: none"> • conduct within the United States that constitutes significant steps in furtherance of the violation (even if it is committed by a foreign adviser and involves only foreign investors); or • conduct that has a foreseeable substantial effect within the United States (even if that conduct occurs elsewhere). 	
Tax		
United Kingdom		
UK-Swiss Confederation Taxation Cooperation Agreement	Under the terms of the UK-Swiss Confederation Taxation Cooperation Agreement all holders of Swiss accounts with a principal address in the UK are required to authorise the Swiss authorities to disclose details of their Swiss accounts to the UK tax authority, HMRC, or be subject to substantial withholding taxes in respect of past and future liabilities.	http://www.hmrc.gov.uk/taxtreaties/ukswiss.htm https://www.smith.williamson.co.uk/the-uk-swiss-tax-agreement
FATCA-style arrangements between the UK and British Crown Dependencies and Overseas Territories	The UK has entered into a number of reciprocal information exchange agreements with British Crown Dependencies and Overseas Territories requiring financial institutions in each jurisdiction that is a party to the agreement to provide data on financial accounts held by residents of the other party to the agreement. These agreements are based on the information reporting aspects of FATCA.	http://www.hmrc.gov.uk/fatca/

Unilateral/Multilateral Measure	Summary	Useful links
United States		
Foreign Account Tax Compliance Act (FATCA)	<p>FATCA is US legislation designed to counter tax evasion by US nationals with assets overseas.</p> <p>FATCA requires financial institutions worldwide to provide details of their accountholders to the US Internal Revenue Service or suffer withholding tax at a rate of 30% on payments of US source income. It operates irrespective of the stance of the countries in which the financial institutions are present.</p> <p>The reporting obligations under FATCA are onerous and may conflict with data protection and privacy laws of other countries. Some countries have entered into Intergovernmental Agreements with the US to enable financial institutions in such countries to report to the tax authorities there rather than directly to the IRS.</p>	http://www.irs.gov/Businesses/Corporations/Foreign-Account-Tax-Compliance-Act-FATCA
Capital Controls		
United States		
Anti-inversion provisions in the US Internal Revenue Code (in particular Section 7874)	<p>The US Internal Revenue Code contains anti-inversion provisions restricting inversion transactions whereby a foreign corporation acquires the stock, shares or assets of a US corporation. Inversions are often designed to take such businesses out of the US tax net.</p> <p>The anti-inversion provisions aim to deter inversions by subjecting the US corporation to tax or in some cases by treating the acquiring</p>	http://www.internationaltaxreview.com/Article/3181949/US-anti-inversion-provisions.html

Unilateral/Multilateral Measure	Summary	Useful links
	corporation as if it were a US corporation for tax purposes.	

LIST OF CONTRIBUTORS

1. Shameem Ahmad, Trainee Solicitor
2. Philip Aitken, Solicitor
3. Ayomide Awe, Trainee Solicitor
4. Sarah Bainbridge, Solicitor
5. Jeremy Birch, Senior Associate
6. Sara Brooks, Senior Associate
7. Vaishali Dave, Solicitor
8. Lisa Fox, Professional Support Paralegal
9. Hannah Glass, Solicitor
10. David Grainger, Solicitor
11. Molly Herron, Senior Associate and Professional Support Lawyer
12. Yuji Huang, Associate
13. Daniel Hudson, Partner
14. Johanna Hull, Business and Human Rights Lawyer
15. Tamanna Islam, Solicitor
16. Sahil Kher, Trainee Solicitor
17. Niyu Lin, Paralegal
18. Josh Lom, Associate
19. Claire Mather, Solicitor
20. Phoebe McLarty, Associate
21. Alexandra Payne, Solicitor
22. Rebecca Perlman, Solicitor and Corporate Responsibility Executive
23. Emily Soothill, Associate
24. Michael Voros, Special Counsel



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