

# FCPA & GLOBAL ANTI-CORRUPTION PRACTICE

## OVERVIEW

Covington & Burling LLP's broad range of experience in matters relating to the Foreign Corrupt Practices Act dates back to Covington's early involvement in legislative activities in formulating the FCPA. More than three decades later, we are engaged in all aspects of representation relating to the FCPA and similar anti-corruption laws around the globe.

We have helped numerous companies, ranging from Fortune 100 pharmaceutical and manufacturing companies to start-up private equity funds, by defending them before the U.S. Department of Justice and the Securities and Exchange Commission, by conducting internal investigations, and by running their pre-acquisition due diligence. We have conducted risk assessments and designed FCPA and global anti-corruption compliance programs. We carefully tailor these programs to meet the needs of clients whose circumstances vary widely – for example, a joint venture partner operating a plant in India; a media company operating in Russia; or a sports league doing business in China. We have given FCPA training to the entire senior management of Fortune 500 companies. Business organizations of all types across many industries turn to Covington for anti-corruption advice on a continuing basis.

Covington's expertise cuts across our Beijing, Brussels, London, New York, and Washington, DC offices, and our lawyers have worked around the globe, including in China, Russia, and Japan. For many years, Covington has been active in cultivating close relationships and collaborating with high-quality counsel in other countries, allowing us to provide truly global anti-corruption advice. At Covington, we use a multi-disciplinary approach to our clients' FCPA and global anti-corruption issues, engaging our premier practice areas, including our White Collar, Securities, Tax, and International Trade and Finance Groups.

## FCPA TEAM

Our FCPA/Global Anti-Corruption team includes more than fifteen experienced FCPA lawyers, including partners and of counsel. Our FCPA lawyers have held senior positions in the Department of Justice, United States Attorney's Offices, the Solicitor General's Office, the White House, the Securities and Exchange Commission, and other government agencies involved in FCPA and anti-corruption issues and thus understand the government's approach in this area. Our associates on the team also have been deeply involved in all facets of the FCPA practice, assisting in both investigations and devising compliance programs for our clients.

Our Global Anti-Corruption team also draws on the expertise of three non-lawyers with extraordinary depth of experience in international trade: Al Larson, former Under Secretary of State and current Chairman of Transparency International/USA, an organization that assists the OECD in monitoring corruption around the globe; Christopher Roberts, a former Director-General of Trade Policy in the United Kingdom; and Wim van Velzen, a former member of the Dutch Parliament and Chairman of the Standing

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Committee on European Affairs. The Covington FCPA team is therefore uniquely qualified to handle all FCPA and Global Anti-Corruption related matters.

## **GOVERNMENT INVESTIGATIONS**

- Representation of a pharmaceutical company in a voluntary disclosure to SEC and DOJ, involving payments to physicians across multiple countries in Europe and Asia.
- Representation of a major oil company in SEC investigation into activities in a Middle Eastern country.
- Representation of a pharmaceutical company in an SEC investigation involving payments in Croatia, Italy, Russia, Slovakia, Sweden, and the UK.
- Representation of a mining company in a grand jury investigation and related civil RICO litigation.
- Representation of an aerospace company in a grand jury investigation and related civil RICO litigation, all concerning sales in the Middle East.
- Partnering with local counsel in representation of a multinational Fortune 500 company in multiple investigations by public prosecutors in the EU.
- Representation of a publicly-traded foreign company in a grand jury investigation concerning sales in an African country.
- Representation of a high-tech US subsidiary of a large foreign company in a federal criminal investigation.
- Representation of an executive of a construction company in an investigation into alleged bribery of Nigerian government officials in the selection of the company to build one of the world's largest liquefied natural gas projects.
- Representation of a prominent Egyptian businessman in an investigation regarding the purchase of public assets in Azerbaijan.
- Representation of the head of sales of an American company that contracts to build safety mechanisms for nuclear power plants in the former Soviet Union.
- Representation of CEO of European company in a DOJ investigation of US subsidiary's sales in China and other Asian countries.
- Representation of oil company in DOJ investigation of sales in the Middle East.
- Representation of a telecommunications executive in France in investigations by the DOJ and SEC.

## **INTERNAL INVESTIGATIONS**

- Internal investigation of a major media company relating to alleged access payments in Afghanistan and Russia.
- Internal investigations for a major oil company of activities in the former Soviet Union and in West Africa.
- Multiple internal investigations for a health-care company of sales in China and Western Europe under the U.N. Oil for Food Program.
- Internal investigation into alleged payments made by US and Latin American subsidiaries of a tobacco company.
- Multi-country internal investigations for several pharmaceutical companies involving all manner of payments to physicians, including those for research grants, consultancies, speaker programs, advisory boards and other standard pharmaceutical industry programs. Countries included China, Pakistan, and Sweden.

- Several internal investigations for multiple aerospace companies related to sales in China, India, Indonesia, Korea, Taiwan, Venezuela, Argentina, Brazil, the former Yugoslavia, Russia, Saudi Arabia, and the UAE.
- Internal investigations for a US manufacturing company related to sales in China, Russia, Italy, France, Indonesia, and several Middle-Eastern countries.
- Internal investigation of a Fortune 500 diversified manufacturing company in India.
- Internal investigation for a major UK-based multinational company into the involvement of overseas subsidiaries in potentially corrupt payments.

## COMPLIANCE PROGRAMS & TRAINING

- Development of global anti-corruption policies, procedures and training for several major pharmaceutical and medical device companies. Policies and procedures cover all manner of payments to HCPs including those in the R&D and clinical trial context.
- Preparation of an anti-corruption compliance program for a mining company, following worldwide interviews with company personnel aimed at identifying FCPA and anticorruption issues.
- Development of an anti-corruption program for a US media concern conducting business in Russia.
- Development of compliance materials for a beverage producer with worldwide operations.
- Assistance in developing compliance materials for a software manufacturer with worldwide operations.
- Development of a compliance program and assistance in structuring the compliance staff of a technology company.
- Development of anti-corruption due diligence policies and procedures for a private equity firm investing in overseas entities, including one in India.
- Development of an anti-corruption compliance program and related training materials for a major agricultural producer.
- Development of a compliance manual, audit procedures and training for a national sports league.
- Development of UK anti-corruption policies, procedures and training for multiple clients.

## DUE DILIGENCE

- Representation of private equity firm in assessing joint venture arrangement with an Indian company using a key manufacturing vendor based in China.
- Representation of a US media concern seeking to conduct business with a Russian production studio.

## UK ANTI-CORRUPTION ADVICE

- Providing UK law anti-corruption advice in the context of compliance gap analyses for companies in the pharmaceutical sector.
- Advising companies in the life sciences industry regarding promotional activities involving healthcare professionals – including advice on the application of industry-specific codes of practice – and on the application of UK anti-corruption laws to the advertising of medical devices, both issues in which Covington has expertise covering all the major European jurisdictions.

- Providing general commercial advice on the application of UK anti-corruption laws in contexts ranging from the certification of UK export credit guarantees to membership of a political forum.

We provide ongoing advice to:

- several aerospace companies
- several global pharmaceutical and medical device companies
- a prominent auction house
- a leading international oil company
- a leading software company
- a global telecommunications company
- an independent oil refiner
- several major consumer product companies
- several media concerns
- several manufacturing concerns
- several managers of funds that invest in the developing world
- a publisher of periodicals and trade books
- a leading agricultural producer

If you have any questions concerning the material discussed, please contact the following members of our FCPA & Global Anti-Corruption Practice:

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