

News

PARTNER AUTHORS ARTICLE IN 'LAW360' ON FDI CONSIDERATIONS

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BCLP Partner Kurt Ma authored an article published Jan. 3 by *Law360* concerning foreign direct investment (FDI) considerations for buyers and sellers. The article highlights key, recurring issues for buyers and sellers including initial considerations, notification, due diligence, choosing the right buyer, and conditions to completion.

“Across the world, there has been growing recognition that acquisitions in sensitive industries or of sensitive technologies have a direct impact on national security and geopolitical stability. The result is increased global regulation of foreign direct investment, or FDI. As FDI regimes evolve in response to world politics and government policy, it has been necessary to keep apace of developments and their impact on M&A and transaction certainty,” writes Ma.

He adds: “The rapidly developing legal and regulatory FDI landscape means the rules, and the manner in which regulators interpret such rules, are continuously changing. It is often the case that FDI legislation is drafted broadly so as to afford regulators maximum flexibility in applying the relevant rules to any transaction. The challenge is in understanding and navigating these areas of discretion, engaging in open dialogue with regulators, assembling an organized transaction team with the right reach and expertise in the relevant jurisdictions, and being alive to the role of the transaction documents in allocating risk.”

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MEET THE TEAM



Kurt Ma

London

kurt.ma@bclplaw.com

+44 (0) 20 3400 4807

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