



Bird & Bird & First for Disputes

Knowhow briefs

Orders to assist in asset tracing country schedule

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Country	Pre-Action disclosure (against likely defendant)	Pre action non party disclosure (assume not to be defendants)	Pre -action Disclosure by banks	Gagging orders over third parties	Worldwide Freezing Order (injunction)	Freezing Order ancillary to foreign proceedings	Provision of information by Affidavit	Disclosure against non-parties during proceedings	Disclosure by the parties to the proceedings	Contempt proceedings for breach of Orders	Post Judgment Freezing Order for domestic judgment	Post Judgment Freezing Order to enforce foreign Judgment	Tracing into accounts and assets	Enforcement domestically	Enforcement internationally
England and Wales	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓ Prison and/or fine	✓	✓ Subject to country of judgment	✓	✓	✓ Subject to country
The Netherlands	✓	✓	✓	✗	✓	✓	✓	✓ But not standard	✓	✓ Fine only	✓	✓ Subject to country of judgment	✓ In limited circumstances	✓	✓ Subject to country
Germany	✓ in special circumstances	✓ in special circumstances	✓ in special circumstances	✗	✓	✓	✓	✓ in special circumstances	✓ in special circumstances	✓ Prison and/or fine	✓	✓ Subject to country of judgment	✓ In limited circumstances	✓	✓ Subject to country
France	✓ in special circumstances	✓ in special circumstances	✓ in special circumstances	✗ Probably not	✓ Subject to identification of specific assets	✓ Subject to identification of specific assets	✓	✓	✓ in special circumstances	✓ “astreinte” i.e. penalty payment to the winning party	✓ Subject to identification of specific assets	✓ Subject to country of judgment	✓ in special circumstances	✓	✓ Subject to country
Hong Kong	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓ Prison and/or fine	✓	✓ Subject to country of judgment	✓	✓	✓ Subject to country
China	✓ in special circumstances	✓ in special circumstances	✓ in special circumstances	✗	✗	✓ Subject to country	✓	✓ in special circumstances	✓ in special circumstances	✓ Prison and/or fine	✓	✓ Subject to country	✓ in special circumstances	✓	✓ Subject to country

Country	Pre-Action disclosure (against likely defendant)	Pre action non party disclosure (assume not to be defendants)	Pre-action Disclosure by banks	Gagging orders over third parties	Worldwide Freezing Order (injunction)	Freezing Order ancillary to foreign proceedings	Provision of information by Affidavit	Disclosure against non-parties during proceedings	Disclosure by the parties to the proceedings	Contempt proceedings for breach of Orders	Post Judgment Freezing Order for domestic judgment	Post Judgment Freezing Order to enforce foreign Judgment	Tracing into accounts and assets	Enforcement domestically	Enforcement internationally
Hungary	✓ Extremely limited	✓ Extremely limited	✓ Extremely limited	✗	✓ Subject to country, limited	✓	✓	✓ in special circumstances	✓	✓ Fines, warrant of apprehension	✓	✓ Subject to country	✓ In limited circumstances	✓	✓ Subject to country
Italy	✓ Limited compared to the UK	✓ Limited compared to the UK	✓ Limited compared to the UK	✗ Probably not	✓	✓	✗	✓ Limited compared to the UK	✓ Limited compared to the UK	✗ Only in special sectors (i.a. patents)	✓	✓ Subject to country	✓ In limited circumstances	✓	✓ Subject to country
Singapore	✓	✓	✓	✗	✓	✗ In support of foreign proceedings ✓ In support of foreign arbitration proceedings	✓	✓	✓	✗	✓	✓ Subject to country	✗	✓	✓ Subject to country
Sweden	✓ in special circumstances	✓ in special circumstances	✓ in special circumstances	✗ Probably not	✓	✓ Subject to country	✓ in special circumstances	✓ in special circumstances	✓ in special circumstances	✗	✓	✓ Subject to country	✗	✓	✓ Subject to country
UAE	✗ Extremely limited	✗ Extremely limited	✗ Extremely limited	✗ Extremely limited	✓	✓ With local court order	✓ With local Court order	✓	✓	✓ Prison and/or fine	✓	✓ Subject to country	✗	✓	✓ Subject to country
Slovakia	✓ in special circumstances	✓ in special circumstances	✓ in special circumstances	✓ in special circumstances	✓	✓ Subject to country	✓	✓ in special circumstances	✓ in special circumstances	✓ Fines	✓	✓ Subject to country	✗	✓	✓ Subject to country

Country	Pre-Action disclosure (against likely defendant)	Pre-action non party disclosure (assume not to be defendants)	Pre-action Disclosure by banks	Gagging orders over third parties	Worldwide Freezing Order (injunction)	Freezing Order ancillary to foreign proceedings	Provision of information by Affidavit	Disclosure against non-parties during proceedings	Disclosure by the parties to the proceedings	Contempt proceedings for breach of Orders	Post Judgment Freezing Order for domestic judgment	Post Judgment Freezing Order to enforce foreign Judgment	Tracing into accounts and assets	Enforcement domestically	Enforcement internationally
Spain	✓ in special circumstances	✓ in special circumstances	✓ in special circumstances	✗ Probably not	✓	✓ Subject to country	✓	✓ in special circumstances	✓ in special circumstances	✓ Fines	✓	✓ Subject to country	✓ in special circumstances	✓	✓ Subject to country
Poland	✗ very difficult if not impossible	✗	✗	✗	✗	✓	✓	✓ in special circumstances	✓ in special circumstances	✓ Fines/Prison	✓	✓	✓ Possible only within enforcement proceedings	✓	✓
Finland	✓ in special circumstances	✓ in special circumstances	No, probably not	No	✓	✓ Subject to country	✓ Orally (no written affidavits)	✓	✓	Fine and/or prison	✓	✓ Subject to country	✓ But this is in practice done by the enforcement authorities	✓	✓ Subject to country
Czech Republic	✓ in special circumstances	✓ in special circumstances	✓ in special circumstances	✓ in special circumstances	✓ in special circumstances	✓ Subject to country	✓	✓ in special circumstances	✓ in special circumstances	✓ Prison and/or fine	✓	✓ Subject to country	✓ in special circumstances	✓	✓ Subject to country
Belgium	✗	✗	✗		✓			✓ in special circumstances	✓ in special circumstances	✓ fines					

Bird & Bird has extensive experience with complex fraud related regulatory investigations and asset tracing.

The global trend to crack down on bribery and corruption, false accounting, fraud, market abuse and other illegal activities has led to an increase in enforcement activity. We have a long established practice of advising corporations, professionals and individuals from various industry sectors and are experienced in advising clients about making a voluntary disclosure to regulatory bodies and the related consequences and risks. Our fraud and asset tracing team are directory recognised as experts in dealing with disputes involving the use of cross border injunctive, conservatory and ancillary measures to freeze and trace assets. They also have almost unique expertise in dealing with fraud claims within international arbitrations.

Sector focus

We do not pretend to be experts in all areas, but where we do excel, we are the equal to any Magic Circle firm.

Our sector focus combined with our international reach comprising 25 offices across Europe, the Middle East and Asia involving over 1,000 lawyers means that we are global leaders in sectors such as Commercial, Technology and Communications, IT, Banking and Finance, Aviation, Defence and Security, Energy and Sports. The depth of experience in each sector, and the fact so many of our lawyers around the world have worked in-house or have relevant degrees that complement their legal qualifications, means that our clients will find they are working with a legal team that already understands the challenges they face.



Very effective fraud litigators

Legal 500 2012



Expertise in asset tracing

The current scale of fraudulent activity globally is across many of our core sectors. In order effectively to assist our clients in retrieving hidden assets in highly complex structures, we have developed an in-depth understanding of current tactics, strategies and best practices which will facilitate successfully recovery actions. Members of our Fraud and Corporate Crime Group are invited regularly to speak at international conferences on asset tracing.

*Sophie Eyre
Ludovic de Walden*

*The International Who's Who of
Asset Recovery Lawyers 2013*



Profiles



Sophie Eyre
Partner

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Sophie Eyre heads the firm's fraud team. Sources report that she is "very bright," "has very good judgement and doesn't back down."

Chambers & Partners 2014

Sophie Eyre is a partner specialising in complex civil fraud. She acts for and against companies, company directors, individuals and professionals in relation to a range of fraud claims. She has extensive experience in the use of cross border ancillary relief and conservatory measures to assist in seizing documents and assets.

Sophie is involved in the major Michailidis / Credit Agricole Corporate and Investment Bank claim before the Supreme Court of Gibraltar for dishonest assistance and knowing receipt of stolen funds and a proprietary claim on the basis that the Bank should have been on notice that there was no commercial purpose for the transaction.

Sophie has also led on many other major fraud cases including a fraud by directors on a UK Government authority; the unlawful downloading of confidential information and intellectual property for profit; fraud by directors on a Kyrgyz Republic mining company involving Bribery Act issues and wider ramifications for an AIM listed company; high profile Philips v Symes multi-jurisdiction art related fraud which included obtaining worldwide freezing orders, jurisdiction challenges, overseas ancillary conservative measures, third party disclosure and the tracing and recovery of assets worldwide; and a fraud on a company and its shareholders related to the unlawful removal and appointment of company officers and appointment of shares which included freezing orders and ancillary relief.

Sophie has almost unique experience in dealing with fraud claims within arbitrations and the issues and pitfalls that conducting fraud claims in such fora create. She has recently been involved in arbitrations for a variety of commercial clients including:

- Middle East development contracts involving fraud, deceit and the use of ponzi schemes
- Fraudulent misrepresentations in relation to the supply of engineering equipment in China and the US
- The making of secret profits within a partnership involving off shore trusts

'Clear-sighted, clever and creative, a formidable litigator whose charm masks a steely determination to achieve the very best for her clients'

Stephen Moverley Smith, Queen's Counsel at XXIV Old Buildings

International reach

Globalisation increasingly means that when disputes arise they involve more than one jurisdiction. We have offices in Abu Dhabi, Beijing, Bratislava, Brussels, Budapest, Copenhagen, Düsseldorf, The Hague, Hamburg, Helsinki, Hong Kong, Frankfurt, London, Lyon, Madrid, Milan, Munich, Paris, Prague, Rome, Shanghai, Singapore, Skanderborg, Stockholm and Warsaw. We have specialist litigators operating out of all our European offices as well as from our Singapore and Hong Kong offices. Being a truly integrated international team, we are able to provide genuine local knowledge and understanding of a variety of systems of laws and procedures. Further, our creative project management skills ensure that we are able to provide seamless cross-border advice.

Advises on multi-jurisdictional fraud disputes, injunctive relief and asset recovery proceedings. Broad sector expertise.

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