



JunHe LLP houses a growing team that is recognised for its knowledge in the anti-corruption and white-collar crime areas. The team stands out for its representation of clients in government investigation, compliance and regulatory work.

—Chambers Greater China Region

## FCPA and Anti-bribery

JunHe has a thorough understanding of PRC anti-corruption laws and enforcement practices along with in-depth knowledge of the U.S. Foreign Corrupt Practice Act (FCPA). The firm has provided legal services to leading multinational corporations around the world, including Fortune Global 500 companies. Our lawyers have advised or represented clients in one-third of the world's 50 landmark FCPA cases, and assisted clients in investigations before the U.S. Department of Justice (DOJ), the Securities and Exchange Commission (SEC), and relevant Chinese regulators. JunHe regularly assists clients in identifying and controlling their corruption and FCPA risks, and guides clients through complex legal and regulatory challenges, to mitigate any impact on their business operations and reduce or prevent reputational and commercial damages.

### Legal Services Provided by JunHe

#### FCPA and anti-corruption due diligence

- Conducting due diligence on targets during material transactions, to mitigate any potential liability and legal risks that buyers, their directors and their officers may face;
- Advising on disclosures and solutions for transactions, including preparing due diligence checklists and questionnaires, drafting transaction documents, etc.;
- Conducting due diligence on prospective agents, advisors, suppliers, distributors and joint venture partners;
- Identifying transaction risks in multiple jurisdictions, especially in high-risk countries;
- Performing FCPA and anti-corruption reviews to ensure continuous compliance after the completion of transactions.

#### FCPA and anti-corruption violation investigations

- Conducting internal compliance and special audits;
- Investigating and collecting evidence on suspected misconduct, and providing analysis and legal advice on all aspects of FCPA and anti-corruption compliance;
- Offering countermeasure strategies to minimize administrative or litigation risks.

#### Regulatory countermeasures

- Developing strategies for countermeasures against FCPA investigations and inquiries into the business operations of U.S. companies in China;
- Developing comprehensive and multi-jurisdictional strategies for defending against investigations by local and national governments;
- Assisting or representing clients in communications with governmental authorities to help lessen any fines or penalties that may be imposed;
- Developing and implementing public relation plans to maintain the reputation of clients.

#### Compliance strategies and solutions

- Preparing compliance schemes to strengthen compliance management and mitigate compliance risks;
- Conducting compliance reviews and audits on clients' business and transactions, and delivering practical solutions;
- Providing compliance training for clients, and developing sound contract drafting, internal management systems and SOPs to improve compliance awareness in the ordinary course of business.

JunHe, founded in Beijing in 1989, is one of the first private partnership law firms in China. Since its establishment, JunHe has grown to be a large and recognized Chinese law firm. The firm has fourteen offices around the world and a team comprised of more than a thousand professionals.



Their (JunHe) comprehensive, detailed and practical advice is always tailored to specific needs and concerns.

—Chambers Asia-Pacific

### Selected Deals

#### **Advised a large state-owned enterprise on cross-border compliance in a joint venture project**

We advised a large state-owned enterprise in a joint venture project. We analyzed the complex legal issues related to the FCPA and long-arm jurisdiction that were involved in the project, accurately identified the legal risks and provided appropriate legal advice. We assisted the client in the arduous and thorough negotiation with the foreign party and its U.S. legal counsel regarding the anti-corruption and compliance documents and clauses. We formulated a joint venture plan tailored to the client's needs, caught up with the time node of the transaction as requested by the group company and within a limited period of time, conducted in-depth due diligence on the client's existing compliance system and internal policies. We assisted in establishing a compliance system and institutional framework covering anti-bribery and anti-corruption matters according to international practices and standards and ultimately assisted the company in achieving cross-border compliance while adhering to the bottom line of the Chinese laws and politics. We developed and implemented a detailed work plan that balanced legal and technical requirements and addressed complex data processing challenges during due diligence. Through extensive negotiation with the overseas purchaser on behalf of the client, we ensured compliance with Chinese data protection laws and regulations. We protected our client's interests while accommodating the overseas purchaser's commercial needs.

#### **Represented a globally well-known enterprise in the printing industry in a comprehensive cross-border compliance investigation related to FCPA**

We represented a globally well-known enterprise in the printing industry in a cross-border investigation related to FCPA. We not only led all work related to PRC legal issues, but also represented the client in responding to the requirements and challenges posed by foreign government regulators and parties involved in the case. During the internal investigation process, we led and coordinated with U.S. law firms to assist the client in dealing with various crises and issues, including improper disclosure by disgruntled former employees, media exposure, raid inspections by local government, national security, cross-border information transmission and international mutual legal assistance issues.

#### **Represented a Chinese central SOE in an FCPA investigation and judicial proceedings before a foreign government**

We guided a Chinese central SOE through all aspects of an FCPA investigation and judicial proceeding before a foreign government, and addressed the legal issues that had arisen under the jurisdictions of China and the U.S. We engaged in a number of communications with both the Chinese and the U.S. governments and led and coordinated multiple U.S. law firms. After many years of effort, we assisted the client to fulfil procedural requirements under U.S. law and adhere to the political bottom line for a Chinese company.

#### **Represented the European HQ of a corporate giant in a criminal investigation before the DOJ**

We represented the European HQ of a corporate giant in a cross-jurisdictional criminal investigation by the DOJ. This was one of the biggest ever FCPA cases announced by the DOJ, and we protected the client against the long-arm jurisdiction of the United States and overcame an "American trap" by using applicable laws under Chinese jurisdiction.

#### **Conducted FCPA due diligence on behalf of a well-known US medical device company in connection with its acquisition of a prominent Chinese medical device company. We offered compliance advice and developed a compliance program based on the due diligence findings**

We assisted a well-known US medical device company with FCPA due diligence in its acquisition of a prominent Chinese medical device company. The due diligence conducted on the entire distribution network of the target company in China was designed to assess potential compliance risks under FCPA and PRC laws. We issued the due diligence report and developed a compliance program for the client after the acquisition.

Regulatory Compliance Law Firm of the Year

2022, 2017

ALB China Law Awards

Law Firms of the Year - Corporate Compliance

2023, 2022, 2021

China Business Law Awards

PRC Firm of the Year - Dispute Resolution

2018, 2017

China Law & Practice Awards

Most Influential Law Firm Brands in Dispute Resolution

2024

Legal Vision

Clients Preferred Firm of the Year - Corporate Compliance

2024

Excellent Law Firms Recommended by General Counsels of Chinese Well-Known Enterprises released by the Legal Guru Club and the Legal Hall of Fame

JunHe's government enforcement and investigation team is an excellent legal service team in China in the areas of Foreign Corrupt Practices Act (FCPA) and anti-bribery, cross-border compliance investigation and white-collar crime. The legal issues relating to government enforcement and investigation are often complex, may involve contact with numerous government departments and face strong regulatory enforcement. In this field, our clients can face great hazards with potentially long-lasting impact. Our team has years of successful experience and legal practice. We properly address the regulatory issues often encountered by our clients and assist in preventing and reducing any legal, commercial or public opinion risks. In this way, we help our clients to conduct business in compliance with the law and maintain their strong business reputation.