

**Baker
McKenzie.**

FIRST EDITION

Private Wealth Newsletter 2026

TAX FROM EVERY ANGLE



Editor's note

We are pleased to share with you this year's first edition of Baker McKenzie's *Private Wealth Newsletter*, bringing together insights from across our Private Investments & Family Office Group.



Elliott Murray

Partner



Phyllis Townsend

Partner

The early months of 2026 have already been marked by a continuation, and, in some respects, an intensification, of political, economic and regulatory uncertainty and volatility. Across major economies, governments continue to recalibrate tax policy, trade measures and enforcement priorities against a backdrop of geopolitical fragmentation, fiscal pressure and heightened scrutiny of cross-border activity. The conflict in the Middle East is certainly front of mind when reflecting on how quickly the context in which global families operate can change, with far-reaching implications.

In our lead feature, "*2026 Trends Reshaping Global Families*", Marnin Michaels sets the thematic anchor for this edition: Marnin identifies eight structural trends shaping global families in 2026, including geopolitical instability, artificial intelligence, private market expansion, demographic transition, and the intensification of cybersecurity and privacy threats, among others. Marnin's focus is on the practical strategies we are seeing from global families in response to these evolving challenges and opportunities.

This theme is complemented by four further feature articles. In our second feature, Diogo Duarte de Oliveira and Chiara Bardini provide a detailed analysis of Luxembourg's new permanent carried interest tax regime effective from 1 January 2026, and its significance for fund managers and private capital structures. As our third feature, we include Part I of a three-part series, "*Key Challenges for Philanthropy in Complex Geopolitical Times*". In this first Part,

Marnin Michaels and Eva Scheiwe map the expanding legal and regulatory perimeter facing cross-border philanthropy as national security laws, sanctions regimes, and foreign-funding controls increasingly shape where and how philanthropic capital can move.

We round off our feature section with a re-examination of the role of trust protectors. In our fourth feature, Ella Thackary elucidates what the Guernsey judgment handed down on 8 August 2025 in the matter of *"The Billevese Trust"* can teach us about the grounds for a protector's removal where a breakdown in relations is impairing a trust's administration. In this edition's final feature, David Wei examines what lessons can be learned about the role of trust protectors from the landmark judgment handed down by the Privy Council on 19 March 2026 in the *"X Trusts"* case. In doing so, David explores the perspectives of, and key takeaways for, settlors, trust lawyers, trustees, and protectors themselves.

Our *"Around the World"* section highlights a number of additional developments of relevance to many of our readers. These include alerts on the scope and application of the New York LLC Transparency Act and its new beneficial ownership disclosure obligations for certain non-US LLCs, along with recent US case law confirming that reckless conduct may constitute "willful" conduct for FBAR penalty purposes. We also feature updates on Luxembourg's major reform of

its AML and criminal procedure framework aimed at accelerating criminal proceedings, strengthening the fight against money laundering, terrorist financing and proliferation and ensuring Luxembourg's compliance with international standards ahead of the June 2026 deadline imposed by the Financial Action Task Force (FATF). Lastly, we highlight recent tax reform in Argentina, summarising changes to the criminal tax regime, monetary thresholds, limitation periods and the introduction of a simplified tax return regime.

We hope you find this edition interesting and informative. Please feel free to contact our editors, Elliott Murray and Phyllis Townsend, or any of the contributing authors, with any questions or comments. We are grateful to our colleagues across the Private Investments and Family Office Group for their continued collaboration, and to our production team for their support in delivering this issue.



Contents

2026 Trends reshaping global families	5
Luxembourg's long-awaited reform on carried interest taxation enters into force	10
Key challenges for philanthropy in complex geopolitical times	14
Protection against protectors: in the matter of the billevese trust [2025] GRC060	20
The default role of the protector has been settled: What lessons can we learn?	24
Around the world	28
Americas	29
New York LLC Transparency Act	
FBARs – recklessness equals willful conduct, again	
Tax reform in Argentina	
Chile's new government: Tax changes ahead?	
Colombia: Corporate temporary vs individual permanent net worth	
Colombia: Elections and expected tax policy shifts	
Asia Pacific	31
Singapore: Budget 2026 — key tax updates	
EMEA	32
Germany: No treaty relief for dividends of DREs?	
Luxembourg: Major reform of the aml framework	
South Africa: Analysis of 2026/2027 budget statement	
Sweden: Dividend withholding tax challenge	
United Kingdom: Spring statement update – March 2026	
Private Investments & Family Office regional contacts	34
Editorial contacts	41



2026 Trends reshaping global families



Marnin Michaels

Partner

As we enter 2026, the landscape surrounding global families is undergoing a profound period of transformation in ways we have not seen in decades. The pace of change is so quick that it is virtually impossible to make decisions with any confidence. Geopolitical instability, artificial intelligence, private market expansion, demographic transition, and the intensification of cybersecurity and privacy threats are remaking the strategies of global families.

This year is not only a continuation of prior trends, but a tipping point. Families are redefining (or, in some cases, returning to earlier models of) how wealth is preserved, governed, and grown across generations. Below are eight challenges shaping global families today and the strategic responses we see emerging.



1. Rising geopolitical uncertainty & policy volatility

Global families are navigating a world characterized by heightened geopolitical risk, policy unpredictability, and volatility across major economic blocs. This is not cyclical, it is structural: increasingly fragmented geopolitics, frequent policy shifts, competing industrial strategies, and regulatory realignments are challenging how families operate, particularly where activities span multiple economic blocs.

Families with global footprints—whether through businesses, investment portfolios, or personal residency—must now contend with an environment where macro-level risks can materialize faster and with greater consequences than ever before. Holding concentrated domestic positions is quite risky from a tax, legal, regulatory and economic perspective. Families are acting with a larger strategy at play in their investments—US dollar-denominated investments may be ‘up’, but if your primary currency is Euros, your investment may be dramatically ‘down’ once currency exchange rates are taken

into account. Advisers are seeing sharp increases in demand for geopolitical stress testing, multi-jurisdictional structures, and scenario planning that reflects the reality that political risk is no longer a remote variable but a central planning factor.

Wealth preservation today requires a deeper understanding of political exposure—from tax changes and capital controls to sanctions, mobility restrictions, and sudden regulatory shifts. High net worth families are reinforcing multi-jurisdictional frameworks, assessing second citizenship options, and diversifying both investment and residency risk. Political risk hedging—once the domain of multinational corporations—is now a proactive strategy among private wealth owners. The mobility of family members, the domicile of assets, and the governance of operating businesses are all being re-evaluated in light of today’s geopolitical climate.

2. AI reshaping wealth management & family office operations

2026 is the year when artificial intelligence moves from being a promising tool to becoming the defining competitive differentiator for wealth management institutions and the families they serve. Many companies report major increases in AI investment, and advisers are rewriting their service models around the capabilities of autonomous, personalized, data-driven decision systems.

“Agentic AI”—which refers to systems capable of initiating and executing workflows independently—is reshaping the core of advisory work. Routine tasks such as compliance reviews, rebalancing, reporting, and even initial portfolio construction are now machine-handled, allowing advisers to redirect focus toward high-judgment activities, strategic planning, and guiding families through complexity.

For global families, the AI revolution should, hopefully, translate into hyper-personalized

financial planning tailored to dynamic life events, real-time risk analysis, and improved management of complex, multigenerational asset pools. AI should enable more seamless organization of trust structures, philanthropy, succession planning, and tax optimization. But it also introduces new risks: concerns over algorithmic transparency, model bias, execution errors, and cybersecurity vulnerabilities embedded in automated systems. The proof is in the result: will the results get better? The institutions best able to provide this guidance will radically reshape the advisory landscape, and families will move their assets and structures (and change advisers) to those best able to perform. Global families will start demanding “AI plus human” hybrid models—technology-enhanced yet adviser-anchored—to ensure that both precision and judgment remain central to long-term decision making.



3. Private markets moving to the core of portfolios

The structural migration into private markets has reached maturity. What began as a tactical allocation among certain families has become core to modern wealth portfolios. Private equity, private credit, real estate, and infrastructure are no longer the small amount allocated to the portfolio, rather they are the main methods in which meaningful return is achieved, primarily because access to such investments is no easier. Most global families are using co-investments, secondary opportunities, and direct deals.

The increasing reliance on long-term commitment, illiquid assets requires significant governance and discipline. This is impacting how global families think about wealth. Historically only “family business” was addressed in this format. Families now think like large institutional endowments: planning for liquidity needs years in advance, building resilient cross-asset strategies, and ensuring that family governance structures can oversee more complex portfolios.

This is not a shift in asset allocation; it is a shift in mindset, culture, and operational capability within modern family offices.

4. Wealth transfer

For the last 30 years we have heard about “the great wealth transfer”. 2026 potentially stands at the center of the largest intergenerational wealth transition. As baby boomers turn 80, the handover from baby boomers to Gen X and millennials will only accelerate, fundamentally reshaping expectations placed on family offices, trustees, and advisors. The question is whether this is just a mass affluent trend or a major global trend impacting global families. This author has seen this primarily as a mass affluent issue, as most global families have been involved in structuring for decades.

This transfer does create conflict: younger generations are taking active ownership roles earlier and are demanding deeper engagement in investment decisions, technology integration, and values-based planning. More senior family

members seek structures that ensure continuity, protect family harmony, and safeguard legacies across jurisdictions and generations.

The demand for trusts and their civil law equivalents, philanthropic vehicles, and family governance frameworks continues to evolve. Families are investing heavily in financial literacy, governance training, entrepreneurship mentorship, and cross-cultural leadership skills.

More family offices are institutionalizing succession plans, clarifying leadership roles, and embedding decision making protocols that reduce conflict and promote continuity. The families who thrive through this transition are those who treat governance not as an administrative requirement, but as a strategic asset.



5. Cybersecurity, personal safety & data protection

Cyber risk has become the fastest growing threat for global families. These families possess valuable personal data, and a large number of financial access points, and are publicly visible. This makes them prime targets for attackers—often through emotional manipulation, credential compromise, and exploitation of trusted staff members.

Increasing concerns surrounding data sovereignty—who controls data, where it is stored, and under which laws—are reshaping how global families select jurisdictions, advisors, and service providers. As nations tighten privacy, surveillance, and data localization policies, cross-border families must navigate a complex, shifting regulatory landscape.

Many families are investing in cybersecurity audits, digital hygiene training, encrypted communications, and secure data governance systems. Some are choosing to relocate family offices or restructure holding entities based on data control laws rather than taxation alone.

Operational resilience is becoming a board-level issue inside family offices, with contingencies for cyber breaches, identity theft, reputational attacks, and even physical threats tied to geopolitical tensions.

6. Global divergence and regional rebalancing

The global economy in 2026 presents a confusing landscape: strong aggregate momentum and rising regional divergence. While some economies benefit from AI-driven productivity surges and resilient consumer demand, others face structural slowdowns, inflation volatility, and political uncertainty.

We continue to hear about increasing interest in reallocating capital toward developed non-US markets. These markets present both heightened opportunity and heightened volatility. Families

are rebalancing portfolios geographically, integrating inflation-resilient assets such as real estate, infrastructure, and private credit, and pursuing thematic strategies aligned with regional growth drivers. Many global families are adopting a more opportunistic approach and relying on more frequent risk assessments.

The global diversification strategies of the last 20 years are outdated. The balancing exercise today is more complex.

7. The scalability of family offices

Technology is not only changing how investments are managed—it is transforming the entire family office ecosystem. Scalable platforms now enable service models once limited to ultra-high-net-worth families to extend to a far broader audience.

Tax advisory, estate planning, philanthropy structuring, and health and wellness concierge services, and emotional decision support are becoming integrated into cloud based, AI-enhanced service offerings. This “scaled

family office” model mirrors the evolution of private banking but with greater personalization, transparency, and holistic design.

Global families increasingly expect comprehensive, end-to-end support that spans financial, legal, emotional, and lifestyle domains. Multi-family office networks are expanding, competing not only on technical expertise but on their ability to deliver integrated, high-touch service.

8. More active, diversified strategies

Market volatility is no longer an episodic phenomenon but a structural feature. With AI-driven markets, political unpredictability, shifting rate environments, currency changes, and rapid repricing events, passive strategies are viewed by many global families as outdated. More global families are pursuing active management as volatility seems more prevalent. Global families are implementing real-time stress testing, scenario modeling, and dynamic hedging strategies. As volatility becomes constant, global families are building portfolios capable of surviving not just downturns but unpredicted shocks.

Conclusion

In 2026, the consistent themes from global families are:

- Leverage AI while maintaining strong human controls;
- Build access to private markets;
- Succession and generational education is key;
- Cybersecurity and privacy are key priorities;
- Diversify across a fragmented global economy;
- Holistic and integrated family offices are a priority; and
- Adopt active, adaptive portfolio strategies.



Luxembourg's long-awaited reform on carried interest taxation enters into force



Diogo Duarte de Oliveira

Partner

A bold move

At a time marked by global uncertainty and a progressive tightening of tax regimes —particularly those traditionally benefiting high net worth individuals and high-profile professionals—Luxembourg has taken a distinctly forward-looking approach. By introducing a broad and particularly favourable tax framework for carried interest received by Luxembourg resident managers of Alternative Investment Funds (**AIFs**), the country reinforces and further elevates its already sophisticated and well established investment fund industry.

A necessary, long-awaited reform

The term “carried interest” broadly refers to the portion of private equity (**PE**) key managers' remuneration that is contingent upon the performance of the relevant fund. Carried interest constitutes the principal form of incentive for the founders and senior executives of AIFs, ultimately playing a key role in determining the overall growth of the sector. Ensuring flexibility in the structuring of carried interest arrangements, together with an attractive, well-defined and transparent tax framework, is therefore essential to securing the continued success of a centre of excellence for AIFs such as Luxembourg. A reform of the previous system should therefore be regarded as an essential building block of the Luxembourg fund ecosystem.



Chiara Bardini

Counsel

The Luxembourg Law of 3 February 2026 repealed the temporary regime introduced by the AIFM Law of 2013 and reformed the standard regime applicable to carried interest, with effect from 1 January 2026 (the **New Regime**). Importantly, individuals previously benefiting from the temporary regime are not adversely impacted by the transition, as the New Regime offers equivalent—if not enhanced—fiscal advantages and is applicable to them without requiring any procedural action.

Redefining carried interest

The New Regime clarifies and broadens the definition of carried interest, now described as a participation in the overperformance of an AIF, based on rights to the fund's net assets or proceeds. It distinguishes between:

- Contractual Carried Interest (**Contractual CI**), which does not necessarily require an investment in the AIF, though such investment is permitted; and
- Carried Interest Linked to Fund Participation (**Participation CI**), which is inextricably tied to a direct or indirect holding in the AIF. This second kind of carried interest comprises not only carried interest embodied by the income or gains in a certain direct or indirect participation in the AIF (also referred to as "carried interest"), but also contractual types of carried interest where the participation in the carried interest program is nonetheless subject to the acquisition of a participation in the AIF. The carry holder must, in other words, have a vested interest in the fund in order to benefit from the Participation CI regime.

Importantly, Participation CI comprises not only capital gains but also profit distributions by/on so-called "carry vehicles" / "carry shares" through waterfall payments.

Foreign AIFs and non-resident managers

The New Regime applies to both Luxembourg resident and non-Luxembourg resident carry holders. However, as non-resident carry holders are subject to Luxembourg taxation in only limited cases, the practical relevance of the beneficial provisions for non-resident carry holders remains limited.

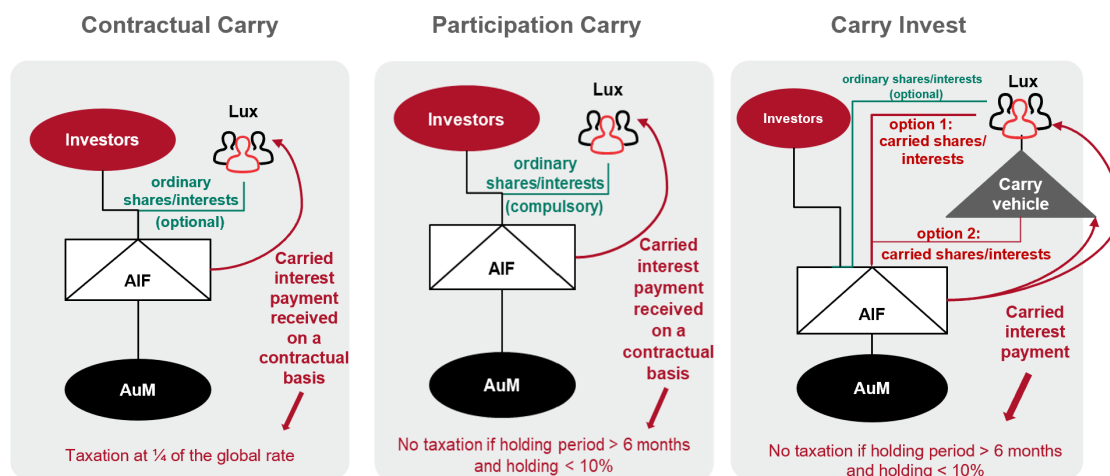
Tax treatment

Under the New Regime, Contractual CI benefits from a 75% exemption, resulting in a maximum marginal Luxembourg tax rate of 12.85% (which includes a 1.4% dependency contribution). The New Regime extends this favourable tax treatment to Contractual CI that does not necessarily take the form of capital gains, which until now has been uncommon in the Luxembourg market practice.

Participation CI, on the other hand, is fully exempt if the participation is held for more than six months and does not qualify as an "important participation" (which will be the case if the taxpayer, together with any members of their household, has not at any time during the preceding five years held 10% or more of the share capital of the company in which the participation is held).

In both cases, the proceeds of a participation that does not embody the carried interest (such as carry shares or shares in a carry vehicle) do not fall within the scope of the New Regime. This applies not only to participations acquired by the AIF manager in their private capacity, but also to the participation compulsorily acquired in compliance with the Participation CI plan (also referred to as "co-investment shares"). The allocation of the AIF interest to the carry holder free of charge or at a value that is lower than the fair market value would be subject to ordinary tax treatment and would not qualify as a Contractual CI or as a Participation CI.

The three main carried interest structures that are covered by the New Regime, and the tax treatment of each, are depicted in the diagrams below:



Expanded scope of beneficiaries

The New Regime also addresses the previous limits on who could benefit from the carried interest regime. Unlike the previous framework, which limited eligibility to employees of the AIFM or management company, the New Regime extends to any individual directly or indirectly involved in the management of a Luxembourg or foreign AIF and receiving compensation for the overperformance of the fund. This includes AIF managers, individuals in the service of the management company or of the investment advisor, independent directors, and members of the investment committee. Eligibility is

therefore not contingent on employment status or the source of the carried interest payment. It should, however, be noted that carried interest remunerates the AIF manager for "the good performance of the investment portfolio that the AIF manager chose and managed"; the New Regime is therefore not applicable to other kinds of remuneration, such as the bonuses paid to an employee not involved in the AIF management. Purely administrative roles and functions that do not actively contribute to the "overperformance" of the fund are also excluded from the application of the New Regime.

Additional flexibility

The favourable treatment of Contractual CI is no longer conditional upon the prior recoupment of investors' initial capital. This enables the application of the New Regime to "deal-by-deal" carried interest paid during the fund's lifecycle. However, to prevent abuse, parliamentary documents clarify that "overperformance"—implying the existence of a hurdle rate, applicable on either a deal basis or a "whole-of-fund" basis—must be determined in line with market practice.

Participation CI may encompass compensation linked to direct or indirect fund holdings, including interests in a "carry vehicle". To prevent abuse, the commentaries stipulate that a genuine economic link must exist between the right to share in the fund's overperformance and the relevant participation.

For the purposes of Participation CI, AIFs are deemed to be tax opaque by default, regardless of their legal form. This simplification eliminates the need for a look-through analysis of the fund or carry vehicle and, more importantly, allows the application of the favourable regime to any payments attached to the participation in the AIF itself which, if the AIF were instead to be treated as transparent, would not independently have any tax relevance. This simplification does not apply to standard co-investment vehicles. As a result, carried interest holders may have to follow a double declaration path for carried interest participations and co-investments held through different partnerships, even when the co-investment is compulsory as a condition for accessing the carried interest benefits.

Not only carried interest

The reform of the tax treatment of carried interest forms part of an already very favourable framework for attracting talent to Luxembourg. One need only consider, for example, the so called inpatriate regime, recently amended, which grants an income tax exemption of 50% on annual gross employment income of up to EUR 400,000 for eligible employees relocating to Luxembourg. The inpatriate regime may be particularly relevant for fund managers relocating to Luxembourg, as it may apply to their employment income or that of their spouse.

Conclusions

Although the New Regime does not represent a complete overhaul of the taxation of carried interest, its impact is significant. This is primarily due to the clear, broad, and versatile new definition of "carried interest". The clear statement that carried interest compensates AIF managers for the good performance of the assets selected and managed, should helpfully address most discussions about the classification of carried interest. As recognised in the relevant parliamentary documents, carried interest has a "multifaceted" nature (*caractère protéiforme*) that requires a flexible approach.

The New Regime has tremendous potential to promote further growth of the Luxembourg AIF industry and to advance the front-office domestic fund management model.



Key challenges for philanthropy in complex geopolitical times

PART I



**Marnin
Michaels**

Partner



Eva Scheiwe

Associate

The shifting legal terrain of philanthropy

Geopolitics is now reshaping the philanthropic sphere in ways that would have seemed improbable only a decade ago. The regulatory perimeter of philanthropy has been redrawn. In today's world, philanthropy is piloting a loaded relief barge down a river whose sandbars shift after each storm; yesterday's channel is today's grounding. Across regions, national security laws, foreign funding restrictions, and "foreign agent" designations now sit at the center of decisions about where, how, and with whom philanthropic capital may safely move. This publication launches a three-part series examining these pressures and their consequences. Part I maps the shifting legal terrain and the expanding regulatory perimeter, while Part II will explore how these pressures materialize through enforcement, criminalization, financial friction, and systemic risk. Lastly, Part III will conclude with a governance-to-field framework that boards and executives can use to navigate these currents with confidence and operational discipline.

1 The landscape: geopolitics as an operating constraint

Growing global tensions have elevated familiar programmatic risks into matters of genuine legal and reputational consequence. What once sat at the margins of operational planning has moved to the very center: geopolitics now determines not only where philanthropic institutions may act, but the lawful means by which assistance may even reach those who need it.¹ Even where humanitarian assistance is formally authorized, banks may still decline or delay lawful transfers into sanctioned or high-risk regions, producing pauses that feel less like prudence and more like paralysis. Meanwhile, multilateral coordination – once relied upon as a stabilizing channel – has become uneven and inconsistent, eroding the predictability on which emergency response depends.

¹ U.N. Off. of the High Comm'r for Hum. Rts., *Guidance Note on Overcompliance with Unilateral Sanctions and Its Harmful Effects on Human Rights* (2022), <https://www.ohchr.org/en/special-procedures/sr-unilateral-coercive-measures/resources-unilateral-coercive-measures/guidance-note-overcompliance-unilateral-sanctions-and-its-harmful-effects-human-rights>.

Civil society organizations (“**CSOs**”) have learned to improvise: rerouting payments, shifting toward in-kind support, or working through local fiscal hosts. These adaptations, essential though they are, are rarely without cost. They inevitably sacrifice speed, transparency, and auditability. In situations where minutes matter, the tradeoffs accumulate into real constraints on impact.

Underneath these surface frictions sits an increasingly dense compliance architecture, including counter-terrorist financing (“**CTF**”), sanctions, and foreign influence rules,² and national security laws governing advocacy, data, and collaboration. What was once a specialist concern has become a daily operational reality. Compliance is no longer a back office function; it is a determinant of whether core mission activity can occur at all.

And where political climates harden, the consequences intensify. In jurisdictions where governments have adopted a posture of suspicion toward international partnership or public-interest advocacy, philanthropic activity may be chilled or penalized through administrative action alone. Freezes, de-registrations, denied licenses, and sanctions can arise even in the absence of criminal charges.

Finally, the financial system itself has become an arena of constraint. Persistent bank over-compliance³ and de-risking⁴ remain continuing blockers despite official efforts to facilitate humanitarian flows. De-risking may be defensible from a bank’s vantage point, but its cumulative effect is to narrow the humanitarian corridors through which lawful, life-preserving funds flow.

The result is an operating landscape in which philanthropy must navigate not only physical and political barriers, but also a broadening legal perimeter – one defined as much by geopolitical anxiety as by statutory text. In such conditions, effectiveness hinges on **fluency**: fluency in compliance, fluency in risk forecasting, and fluency in the subtle ways law, finance, and geopolitics now conspire to shape the art of the possible.

² In this Article, “foreign influence rules” refers to registration and transparency regimes governing activities undertaken on behalf of foreign principals or third countries.

³ “Over compliance” generally refers to conduct that exceeds what applicable law requires—such as blocking authorized transactions, imposing excessive documentation requirements, or refusing lawful services. Cf. Overcompliance, MERRIAM WEBSTER DICTIONARY, <https://www.merriam-webster.com/dictionary/overcompliance> (last visited Mar. 3, 2026).

⁴ “De-risking” describes the practice by which financial institutions terminate or restrict relationships or transactions with certain customers or geographies to reduce perceived compliance risk. See Council of Eur., Comm. of Experts on the Evaluation of Anti-Money Laundering Measures & the Fin. of Terrorism (MONEYVAL), De-Risking, <https://www.coe.int/en/web/moneyval/implementation/de-risking> (last visited Mar. 3, 2026).



2 Sanctions & humanitarian authorizations: clarity and uncertainty

In December 2022, the U.S. Office of Foreign Assets Control (“**OFAC**”) standardized, expanded, and harmonized humanitarian general licenses (“**GLs**”) across more than thirty sanctions programs, implementing the UN’s humanitarian carve-out under Resolution 2664 (**UNSCR 2664**).⁵ In practical terms, these licenses now form a unified legal backbone for humanitarian operations across multiple regimes.⁶ The December 2022 GLs generally authorize (among other categories) transactions for (i) official U.S. government activity, (ii) certain international organizations, (iii) specified non-governmental organizations’ (“**NGO**”) activities, and (iv) certain personal remittances and shipments of food, agricultural commodities, and medical supplies.⁷ GLs are “self executing”; that is, one may act under the license without seeking a specific license if the activity falls within the scope.⁸

The following year brought further refinement. In February 2023, OFAC issued a Supplemental Guidance (a “**Fact Sheet**”), which brought welcome clarification regarding which activity is authorized and how financial institutions should facilitate humanitarian transactions.⁹ By explaining how banks should approach risk assessment and transaction processing, OFAC aimed to narrow the persistent gap between what is legally permitted and what the financial system is willing to move. While the Fact Sheet is helpful, risks and meaningful uncertainty remain: the humanitarian carve-out does not alter the foundational principle that sanctions operate on a strict liability basis,¹⁰ nor does it insulate organizations from the inadvertent hazards of complex ownership structures. Organizations can face civil penalties for dealing with blocked parties even inadvertently. Entities owned (directly or indirectly) 50 percent or more in the aggregate by one or more blocked persons are treated as blocked even if not named on OFAC’s List of Specially Designated Nationals and Blocked Persons (the “**SDN List**”).¹¹ The result is a tension familiar across humanitarian finance: urgency on the ground set against a legal framework that punishes even accidental missteps.

That tension places a premium on operational discipline. Responsible leaders must align operational urgency with *license scoping*,¹² *transaction-by-transaction evidencing*, and *ownership screening*, and must proactively brief banking partners on controls to reduce “false positive” blocks. These are not bureaucratic niceties but essential safeguards that determine whether humanitarian resources reach their destination or are halted mid-stream by a compliance filter. For boards, the implication is structural rather than episodic. Boards should embed a “sanctions operating system” – a framework that

5 U.S. Dep’t of the Treasury, Off. of Foreign Assets Control, *Publication of Humanitarian related Regulatory Amendments and Associated Frequently Asked Questions* (Dec. 20, 2022), <https://ofac.treasury.gov/recent-actions/20221220>; S.C. Res. 2664, ¶ 1, U.N. Doc. S/RES/2664 (Dec. 9, 2022), <https://main.un.org/securitycouncil/en/content/sres2664-2022>.

6 See U.S. Dep’t of the Treasury, Off. of Foreign Assets Control, *Supplemental Guidance for the Provision of Humanitarian Assistance 1–2* (Feb. 27, 2023) (noting the December 2022 GLs “amended over 30 sanctions programs” and were intended to provide “greater consistency and clarity across U.S. sanctions programs”), <https://ofac.treasury.gov/media/931341/download?inline>.

7 See U.S. Dep’t of the Treasury, Off. of Foreign Assets Control, *Publication of Humanitarian related Regulatory Amendments and Associated Frequently Asked Questions* (Dec. 20, 2022) (listing the four standardized authorization categories), <https://ofac.treasury.gov/recent-actions/20221220>; see also U.S. Dep’t of the Treasury, Off. of Foreign Assets Control, *Supplemental Guidance for the Provision of Humanitarian Assistance 1* (Feb. 27, 2023), <https://ofac.treasury.gov/media/931341/download?inline>.

8 General licenses (“GLs”) are OFAC issued authorizations that permit categories of transactions without the need to apply for a case specific license; OFAC describes GLs as “self executing.” U.S. Dep’t of the Treasury, Off. of Foreign Assets Control, *Supplemental Guidance for the Provision of Humanitarian Assistance 2* (Feb. 27, 2023), <https://ofac.treasury.gov/media/931341/download?inline>; see also 31 C.F.R. § 501.101 (2026) (describing licensing procedures and the relationship of general and specific licenses across sanctions programs), <https://www.ecfr.gov/current/title-31/subtitle-B/chapter-V/part-501>.

9 U.S. Dep’t of the Treasury, Off. of Foreign Assets Control, *Supplemental Guidance for the Provision of Humanitarian Assistance* (Feb. 27, 2023), <https://ofac.treasury.gov/media/931341/download?inline>; U.S. Dep’t of the Treasury, Off. of Foreign Assets Control, *Supplemental Guidance for the Provision of Humanitarian Assistance (Recent Action)* (Feb. 27, 2023), <https://ofac.treasury.gov/recent-actions/20230227>.

10 31 C.F.R. § 560.701(a)(1)–(3) (2026) (authorizing civil penalties for violations; providing criminal penalties for “willful” violations), <https://www.ecfr.gov/current/title-31/subtitle-B/chapter-V/part-560/subpart-G/section-560.701>. This is the operative sense in which OFAC civil enforcement is often described as “strict liability” – i.e., civil penalties do not require proof of willfulness (unlike criminal sanctions).

11 U.S. Dep’t of the Treasury, Off. of Foreign Assets Control, *Revised Guidance on Entities Owned by Persons Whose Property and Interests in Property Are Blocked* (Aug. 13, 2014), <https://ofac.treasury.gov/media/6186/download?inline>; U.S. Dep’t of the Treasury, Off. of Foreign Assets Control, *Entities Owned by Blocked Persons (50% Rule)*, FAQs 398–401, <https://ofac.treasury.gov/faqs/topic/1521>.

12 This refers to documenting why an activity fits within a GL.

translates license text and requirements into day-to-day procedures, routinizes SDN/ownership checks, and documents payments and payment decisions – while maintaining a playbook of contingency routes when financial institutions refuse to process transfers. In an era where authorized aid can still be blocked, delayed, or questioned, a sanctions operating system becomes a form of institutional resilience: a means of ensuring that legality is not merely understood but operationalized, transaction by transaction, corridor by corridor.

3 National security laws & foreign funding controls: the new perimeter

Across a widening set of jurisdictions, national-security frameworks and foreign-funding controls now define the practical perimeter within which philanthropy may lawfully operate. What were once peripheral compliance obligations have matured into a set of governing conditions that directly shape advocacy, collaboration, and cross-border philanthropy.

3.1 Asia

The shift is strikingly visible in **Hong Kong**, where the **Safeguarding National Security Ordinance** (commonly referred to as “**Article 23**”) took effect in March 2024 and expanded the catalogue of national security offenses – including treason, insurrection, state secrets breaches, espionage, sabotage, and “external interference” – while empowering authorities to impose extended detention and bail restrictions.¹³ Several offenses now have extraterritorial reach, and collaboration with “external forces” can be construed as “external interference”, placing even routine international cooperation under a cloud of potential liability.¹⁴

China’s Law of the People’s Republic of China on the Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China (effective January 1, 2017) establishes a similarly far-reaching model. Overseas NGOs must register with public security authorities to establish a representative office or, alternatively, file for “temporary activities”. Either route generally requires a Chinese sponsoring body commonly described as a “Professional Supervisory Unit.”¹⁵ Political activity is prohibited; permitted fields are tightly defined and organizations operate under close reporting, inspection, and onsite oversight.¹⁶ The result is a regulatory environment in which compliance is not a procedural requirement but a continuous relationship with the state.

3.2 Middle East

Israel’s 2016 NGO “Funding Transparency” law takes a different approach: it requires NGOs receiving at least half their funding from foreign public sources to disclose that fact across their publications and communications, with fines for non-compliance.¹⁷ Critics argue that by spotlighting foreign public support while leaving private donations untouched, the law risks stigmatizing rights-related organizations and narrowing the space for critical advocacy.

¹³ Safeguarding Nat’l Sec. Ordinance (H.K.) (effective Mar. 23, 2024), <https://www.elegislation.gov.hk/hk/2024/6!en>; Cong. Rsch. Serv., *Hong Kong Adopts New National Security Ordinance: Article 23 1–2* (Apr. 1, 2024), <https://www.congress.gov/crs-product/IN12341?q=%7B%22search%22%3A%22Hong+kong+article+23%22%7D&s=1&r=3>.

¹⁴ See *id.*

¹⁵ See Law of the People’s Republic of China on the Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China (promulgated Apr. 28, 2016, effective Jan. 1, 2017) (P.R.C.), https://ngo.mps.gov.cn/ngo/portal/view.do?p_articleId=21833&p_topmenu=2&p_leftmenu=4.

¹⁶ See Law of the People’s Republic of China on the Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China arts. 3, 5 (P.R.C.) (permitted fields; prohibition on political activity), https://ngo.mps.gov.cn/ngo/portal/view.do?p_articleId=21833&p_topmenu=2&p_leftmenu=4.

¹⁷ U.N. News, *Israel Passes Law Requiring NGOs to Disclose Foreign Funding*, U.N. News (July 12, 2016), <https://news.un.org/en/story/2016/07/534812>; Israel: Disclosure Requirements for Organizations Funded by Foreign Political Entities, Libr. of Cong. (July 19, 2016), <https://www.loc.gov/item/global-legal-monitor/2016-07-19/israel-disclosure-requirements-for-organizations-funded-by-foreign-political-entities/>



3.3 Europe

In Europe, the limits of such approaches are being drawn through litigation. In 2020, the Court of Justice of the European Union (“**CJEU**”) held that **Hungary’s NGO transparency regime** imposed discriminatory and unjustified restrictions incompatible with EU law.¹⁸ In November 2021, the CJEU likewise ruled that Hungary violated EU law by, among other measures, criminalizing certain assistance to asylum seekers under the “Stop Soros” legislative package.¹⁹ Both decisions reaffirm that measures penalizing civil-society solidarity and lawful humanitarian support are incompatible with the EU’s legal order, offering a rare countercurrent amid the global expansion of security-based regulation.

France offers yet another model. Under the “**contrat d’engagement républicain**” (Republican Commitment Contract) regime – implemented pursuant to the 2021 “separatism” law and effective for relevant applications from January 2022 – associations seeking certain public funding or state recognition must commit to a set of enumerated principles (including respect for the laws of the Republic, and the principles of equality, dignity, and “laïcité”), and authorities may withdraw or seek reimbursement of public support for perceived breaches.²⁰ Advocates and commentators warn that the breadth of discretion involved could influence freedom of association and, in practice, deter legitimate public-interest work.²¹

In December 2023, the European Commission proposed a directive as part of its “**Defence of Democracy**” package to harmonize transparency requirements for interest-representation activities conducted on behalf of third-country governments, including through national registers.²² A broad civil society coalition cautions that such a register risks importing “foreign agent” dynamics into the EU practice, burdening CSOs and complicating cross-border partnerships central to international civic space.

18 Eur. Comm’n v. Hung., Case C 78/18, ECLI:EU:C:2020:476 (June 18, 2020), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62018CJ0078>; Press Release No. 73/20, Court of Justice of the Eur. Union, *The Restrictions Imposed by Hungary on the Financing of Civil Organisations by Persons Established Outside That Member State Do Not Comply with EU Law* (June 18, 2020), <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-06/cp200073en.pdf>.

19 Eur. Comm’n v. Hung., Case C 821/19 (Judgment of Nov. 16, 2021), https://eur-lex.europa.eu/case/EN/C_821_19.

20 Modèle de Contrat d’Engagement Républicain (Décret n° 2021 1947 du 31 décembre 2021) (Fr.), <https://www.prefectures-regions.gouv.fr/content/download/105226/667072/file/modele-de-contrat-d-engagement-republicain-conforme-au-decret-d-application-22087.pdf>; DREAL Nouvelle Aquitaine, *Le Contrat d’Engagement Républicain pour les Associations* (noting applicability from Jan. 2, 2022 and enumerating commitments), https://www.nouvelle-aquitaine.developpement-durable.gouv.fr/IMG/pdf/notice_cer.pdf.

21 See DREAL Nouvelle Aquitaine, *Le Contrat d’Engagement Républicain pour les Associations* (describing enforceability and consequences), https://www.nouvelle-aquitaine.developpement-durable.gouv.fr/IMG/pdf/notice_cer.pdf; Elsa Forey, *Le contrat d’engagement républicain : quels changements pour les associations ?*, 13 *Rev. des droits et libertés fondamentaux* 41 (2022), <https://journals.openedition.org/rdr/1759?lang=en>.

22 See Eur. P’ship for Democracy, *Fighting Interference: the Defence of Democracy Package* (summarizing civil society concerns about chilling effects and burdens in analogous transparency register regimes), <https://epd.eu/what-we-do/policy/fighting-interference-the-defence-of-democracy-package/>.

3.4 Oceania

Elsewhere, the logic of foreign-influence control continues apace. **Australia's Foreign Influence Transparency Scheme ("FITS")**, enacted in 2018, requires registration of specified activities (including lobbying and communications activity) undertaken on behalf of a "foreign principal" for the purpose of political or governmental influence, and provides for criminal offenses for certain non-compliance.²³ Although presented as a transparency measure, charities warn that the scheme generates chilling effects and complex administrative burdens, particularly for internationally connected organizations

Taken together, these frameworks do more than police paperwork; they reshape what is fundable, who may safely partner, how data can be shared, and when advocacy crosses into perceived disloyalty. The operational perimeter of philanthropy has moved: no longer defined primarily by visa logistics, or program design, it now lies squarely in the domains of legal theory and political economy, a terrain where intent is scrutinized, associations are politicized, and compliance increasingly governs the art of the possible. Understanding this shifting perimeter – and building governance systems that anticipate it – has become essential to institutional resilience.

Conclusion: The Philanthropic Riverbed Has Shifted

The shifting legal terrain described here forms the new topography through which every philanthropic barge must now pass. What once was steady water is increasingly defined by narrow channels, unpredictable shoals, and rules that change mid-course. Understanding the map is only the beginning. The greater challenge lies in understanding how regulators, banks, and political actors enforce these boundaries in practice. Part II turns to that reality — where administrative actions, reputational pressures, and criminal exposure can ground even well-run philanthropic vessels long before they reach their destination.

²³ Foreign Influence Transparency Scheme, Austl. Gov't Att'y Gen's Dep't (noting commencement date, registrable activities, and criminal offenses for noncompliance), <https://www.ag.gov.au/integrity/foreign-influence-transparency-scheme>; Foreign Influence Transparency Scheme Act 2018 (Cth) (Austl.), <https://www.legislation.gov.au/C2018A00063/2024-10-14/2024-10-14/text/original/pdf>.



Protection against protectors: in the matter of the billevese trust [2025] GRC060



**Ella
Thackray**

Associate

In August 2025, the Royal Court of Guernsey delivered a detailed judgment outlining the scope of the court's power to remove protectors and other fiduciaries. This case offers a useful reference point for practitioners working in the high-value trusts landscape, and serves as a sharp reminder that outright misconduct by a fiduciary is not required to secure their removal.

Background

Ms Cynthia Joséfina Francine Bernheim, the sole discretionary beneficiary and life tenant of The Billevese Trust, applied to remove its two Class A Protectors, Mr Peter Krummenacher and Mr Agostino Ferrazzini. The Guernsey Court ordered the Class A Protectors' removal on the basis that their continuation in office was detrimental to Cynthia's interests and the execution of the Trust for her benefit.

The Trust was established in 2015 by Cynthia's grandmother, Francine Bernheim, who was the original life tenant until her death in 2021. The three original Class A Protectors, along with an individual named Martino Pinelli, were the family's trusted advisers for decades, and had assisted Francine in negotiating the terms of the Trust with Cynthia. The key difference between the two protector classes was the manner in which the Class A and B Protectors were appointed and removed; specifically, Cynthia had no power to remove the Class A Protectors. They were also members of an "Investment Supervisory Committee" ("**ISC**") compensated at 0.1% of the value of the Trust's substantial investment assets. Copernicus Wealth Management and Services SA and Dreyfus Sons & Co Limited Banquiers

(together, the “**Investment Managers**”) were each appointed to manage these investments. Peter had a 50-year relationship with Dreyfus and was a director of Dreyfus when it was appointed as an Investment Manager. Martino and Agostino were co-founders of Copernicus, of which Agostino remained an ultimate shareholder at the time of the judgment.

Upon Francine’s death, the Trustees undertook an independent review of the Trust structure and investment arrangements to reflect Cynthia’s very different tax profile and personal preferences. Following this review, the ISC was terminated, and the Investment Managers were put on notice of the Trustees’ intention to place their portfolios under new management. Relations between Cynthia, the Trustee and the Class A Protectors deteriorated from that point, with the Investment Managers disputing the validity of their termination, allegedly with the Class A Protectors’ support, and Peter and Agostino refusing later requests for them to resign.

Positions

Cynthia claimed that the Class A Protectors had:

- unreasonably obstructed the Trustees’ proposed changes;
- abused their position to protect their own personal financial interests;
- misunderstood the nature of their protector roles; and
- insisted on communicating with the Trustees through intermediaries.

Cynthia also said that the strained relations between the Class A and B Protectors had left the Board of Protectors unable to function, and asserted that there had been a complete breakdown of trust and confidence between her and the Class A Protectors.

By the time of the hearing, Cynthia’s application was supported by both the Trustees and the Class B Protectors.

The Class A Protectors rejected all criticisms, claiming they had always acted in Cynthia’s best interests, and that their financial expertise was essential. They stated that they were willing to retire once their replacements had been agreed but that this had not yet been possible, and highlighted adjustments made recently to ensure the Trust’s proper functioning and to reassure Cynthia. Their response to Cynthia’s letter before action claimed that her dissatisfaction with their recent conduct stemmed from



"a misguided view that the Class A Protectors should simply do what they are told. They do not consider that their approach to the Proposed Changes (i.e. asking to understand and discuss those changes with the Trustee and Class B Protectors) is paralysing the administration of the Trust."

Relevant legal principles

The Deputy Bailiff applied section 69 of the Trusts (Guernsey) Law 2007 (as amended) alongside *In the matter of the K Trust 31/2015* and *Letterstedt v Broers (1884) 9 app. Cas 371* to reaffirm the following principles regarding protector removal:

Parallels between protector and trustee removal

The guiding principles are akin to those for removal of a trustee, as the court's jurisdiction arises from the fiduciary nature of a protector's office.

Core test

Therefore, the central question is whether the protectors continuing will prevent the trust from being properly executed for the benefit of the beneficiaries.

Misconduct not required

The threshold for removal does not require exceptional circumstances and positive misconduct is also not required. However, the jurisdiction should not be exercised lightly and not every mistake or neglect of duty will justify removal.

Narrow versus wide view of protector role

The Class A Protectors had tried to argue that the Court must resolve the question of whether Guernsey should adopt the narrower or wider view of the protector role. They claimed their actions fell within the wider scope of duties envisioned by *In the Matter of the Piedmont Trust & Riviera Trust [2021] JRC 248*, such that they should not be criticised for trying to properly exercise their own judgment. Deputy Bailiff Roland declined to decide this issue and instead focused on the practical question of whether there had been a breakdown in relations which was having a detrimental effect on the execution of the Trust.

Reasoning

The Court identified numerous issues justifying Peter and Agostino's removal as Class A Protectors:

Obstruction of investment restructuring and failure to manage conflicts

The Court found Agostino's claims to have no conflict of interest regarding Copernicus unpersuasive, though it was sympathetic to Peter's similar position regarding Dreyfus, given he no longer had any operative or financial role. While such conflicts can be managed, the Class A Protectors' conduct in dealing with the investment restructuring exemplified their failure to do so, despite their fiduciary obligations to Cynthia. In particular, their refusal to discuss this issue with the Trustees unless they agreed first that at least some of the Trust's assets would remain with the Investment Managers showed "a disregard of duty", or, at the very least, a misunderstanding of their fiduciary role.

The Class A Protectors also refused the Court's request for them to disclose information about other fiduciary roles they held for trusts connected with Cynthia's estranged relatives. Adverse inferences were drawn from this refusal, namely the arguable breach of their duty of undivided loyalty by acting in potentially conflicting dual fiduciary roles, without Cynthia's informed consent.

Refusal to engage directly

Peter and Agostino had insisted on Martino's presence at meetings, in which he seemed to act as the de facto Class A Protector. Martino had been key to the establishment of the Trust, but his role as intermediary became less understandable once Copernicus was no longer the Trust's family office. The Class A Protectors were reluctant to acknowledge any conflict of interest, and even after Martino's involvement ceased, Cynthia remained concerned about their refusal to attend meetings without their Guernsey Advocate. In Cynthia's view, this showed they were incapable of carrying out their role without external assistance. The Trustees also complained that their inability to contact the Class A Protectors directly (having only ever been provided with a generic email address, rather than direct contact details) had delayed distributions.

The Court found that there was a good arguable case that the Class A Protectors had misunderstood their duties and/or that the Board of Protectors was malfunctioning due to their conduct, raising questions about their ability or willingness to exercise their fiduciary obligations without an intermediary present. Deputy Bailiff Roland referred to the "effective stasis" preventing the proper administration of the Trust, against the best interests of its beneficiary.

Treatment of Cynthia

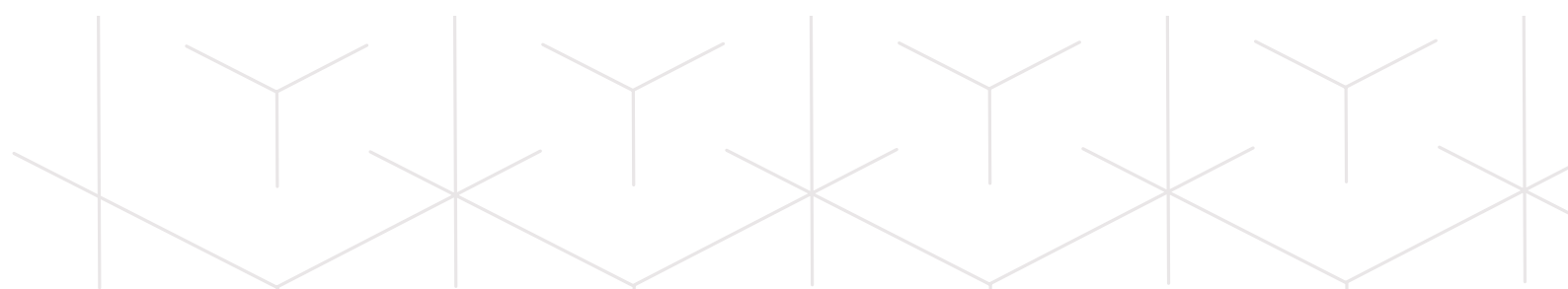
Cynthia's evidence referred to the considerable distress the Class A Protectors' behaviour had caused her. Their refusal to take responsibility and repeated dismissal of Cynthia's concerns, including calling such concerns "laughable and absurd" in evidence, left the Court in little doubt that the duty of trust and confidence had been breached by their conduct, leading to a clear and irretrievable breakdown in the relationship.

Orders

The Court ordered:

- the removal of Peter and Agostino as Class A Protectors, to be replaced by an experienced licensed fiduciary;
- the transfer of all relevant books and records; and
- the parties were invited to try to agree orders for costs separately.

This judgment underscores the need for fiduciaries to remain alert to potential conflicts of interest, as historical relationships and entrenched roles will not excuse failures of fiduciary duty. It also shows that proper cooperation between trustees and protectors is essential. It is important to note, that regardless of whether a narrow or broad view of the protector role is adopted, it will never be appropriate for protectors to frustrate the proper administration of the trust. Most importantly, this case demonstrates that an irretrievable breakdown of trust and confidence between fiduciaries and beneficiaries is sufficient to justify removal, and courts will intervene decisively where fiduciaries act contrary to beneficiaries' best interests while believing themselves indispensable to the trust.





The default role of the protector has been settled: What lessons can we learn?



David Wei

Associate

On 19 March 2026, the Privy Council, the Privy Council delivered a landmark ruling on the default role of the Protector in a common law trust. In doing so, the court settled a long-standing legal debate between two camps. The 'Narrow Role' held that the Protector's role was limited to reviewing the lawfulness of the trustee's actions (similar to judicial review in common law countries), whereas the 'Wider Role' held that the Protector may exercise their independent judgment on the wisdom of the trustee's decision-making (similar to appeals in civil law countries).

The Privy Council unanimously ruled that the default legal position is the Wider Role, a surprise decision for many, considering that the lower courts unanimously ruled in favour of the Narrow Role based on extensive public policy considerations.

What does a protector do?

Protectors are rarely seen in UK-based trusts but have become a common feature of offshore trusts since the mid to late 1980s. Gradual changes in UK tax law targeting UK-resident trustees created a booming offshore trust industry. As trustees and beneficiaries became physically distant, the Protector took shape as someone who could act as a communications bridge between the two. To the beneficiaries, it was an answer to the age old question from Roman poet Juvenal: *quis custodiet ipsos custodes* (*who guards the guards*)?

In a typical trust deed, lawyers typically draft the precise powers of the Protector. Most common are the power to replace the trustee (to answer the age-old question), a veto over distributions of income or capital, and a veto over the trustee's power of appointment. However, the overwhelming number of trust deeds do not contain provisions on how exactly the Protector should carry out its duties. This is the context for this court case.

Facts of the case

Very unusually, the entire case from start to finish was heard in private to 'protect the private affairs of children beneficiaries, and confidential, market sensitive consequences' for a public company. This is different from a mere anonymity order where the names of the parties are redacted, but the hearing is public.

Other than that, the facts of this case are typical of multi-generational wealthy families. The patriarch, Mr X, settled trusts for the benefit of his family beginning in the 1950s, collectively worth billions of pounds today. In 2017, the trustees proposed to divide the trust fund: two thirds to family branch A, and one third to family branch B. The Protector vetoed the proposal on the basis that the plan was not in the best interests of the beneficiaries as a whole.

Family branch A naturally argued that the Protector's role was limited to the Narrow Role, and thus the exercise of its veto was improper. Family branch B argued that the Protector's role was the Wider Role, and thus the exercise of its veto was proper.



Judgment

The first instance and appeals court in Bermuda unanimously ruled that the Protector's role is limited to the Narrow Role if the trust deed is silent. The courts reasoned that: first, the Protector's role is ancillary to that of the trustee (or else, why not call the Protector a co-trustee?); second, the Wider Role would lead to unnecessary professional costs and delays; and third and finally, the Wider Role would lead to deadlock if the Protector does not consent to the trustee's proposal.

The Privy Council unanimously rejected all these (ancillary) public policy considerations. Addressing each point in turn, the court ruled that: first, the term "Protector" does not carry any intrinsic meaning (as opposed to the term "trustee"), because the case law on Protectors is very limited; second, the Wider Role should not lead to unnecessary professional delays if the Protector and trustee maintain communication to try to find common ground, and the extra cost is small in the context of the case; and third and finally, why is deadlock a bad thing? It could have been the settlor's deliberate intent to prevent the trustee from acting if the Protector vetoes a decision.

Apart from these public policy considerations, the main reasoning of the court was based on the construction or interpretation of the trust deeds in question. In the court's judgment, the starting point is to ask: *'what constraints, if any, did the trust deed or general law impose on the Protector?'*

Generally speaking, trust lawyers draft provisions in a trust deed very broadly to cater for eventualities that cannot be foreseen at the time of drafting, and the general law in this context only imposes a requirement of good faith on the Protector. The drafters of the trust deeds, however, did label the Protector as a fiduciary (an extremely common designation). Under Privy Council precedent, fiduciaries are subject to two main duties: the duty of loyalty to always act in the best interests of beneficiaries, and the duty to exercise their powers for proper purposes. These duties, however, are consistent with the Wider Role and not with the Narrow Role.

Importantly, the court considered the historical context. As one who 'guards the guards', the settlor usually appoints himself or a trusted friend to ensure that the trust is administered according to the settlor's wishes. With geographical distance between the trustee and beneficiaries, the trustee may not know the intimate details of a settlor's goals and desires. If the trustee proposes a distribution, and the Protector cannot make an independent judgment on whether the distribution accords with the settlor's goals and desires (i.e. the Wider Role), it seems redundant to have a Protector at all.

Finally, the fact that the trust deeds in this case were (according to expert evidence) very typical of trust deeds in offshore jurisdictions means that the precedent set by this judgment is particularly high. The precedent, or *ratio decidendi* of the Privy Council judgment is therefore the following: if a trust deed does not spell out the nature of the Protector's role, the Protector is entitled to form its own view of the merits of the trustee's proposal and may legitimately veto the proposal even if it is one within the range of decisions that the trustee could lawfully make.



Lessons learned?

For settlors:

First, the most important takeaway is that the court only defined the default position. The default can be disapplied by the settlor if he wishes: all he needs to do is write in the trust deed that he prefers the Narrow Role (or another role), just as people who may think intestacy is unfair should write a Will to disapply intestacy!

Second, a settlor reading this article may feel overwhelmed to think that they need to take a position on this very academic debate when they are still struggling to think through the basics of setting up a trust: how can I trust someone else with my money? When should my children receive money? How much power can I retain over the trust yet keep its tax benefits? For a settlor familiar with trusts or who is ageing, it is imperative carefully to consider whether they wish the Protector to have the Narrow Role or the Wider Role. Otherwise, the practical suggestion can be this: create a Protector with the power to replace the trustee. If the trustee does something the Protector does not agree with, it is unnecessary to argue between the Narrow Role vs. Wider Role. The Protector can simply exercise its power to replace the trustee.

Third, a settlor should specify in the Letter of Wishes how the trust fund should be distributed: should it be per stirpes (i.e. per family branch) or per capita (i.e. per beneficiary)? One wonders whether the entire reason for the court case was the trustee's decision in 2017 to split the trust fund, as to two-thirds to family branch A, and one third to family branch B, instead of 50:50...

For lawyers:

Trust lawyers frequently tell clients that trust deeds should be drafted with wide-ranging provisions to cater for unforeseen or unintended consequences. If the trust deed was drafted narrowly to cater only for present-day problems, then a trustee may not have the tools to cater for a problem down the line that no one saw coming. However, this ruling shows that having flexible provisions in the trust deed can be a double-edged sword: it can, in fact, create the unintended consequences in the first place.

Lawyers should also use this opportunity to speak with clients who are settlors, Protectors, or beneficiaries of existing trusts to check whether they may wish to amend the trust deed to ensure that the Protector does not have the default Wider Role.

For trustees:

This judgment undoubtedly raises the bar for trustees. Trustees will need to justify their decisions to the Protector and persuade them that the decision is the right one, not simply persuade the Protector that the trustee's decision-making process was reasonable. This judgment should encourage trustees to have more frequent communication with the Protector to ensure that decision-making is smooth and cost-efficient.

For protectors:

One reason the court rejected the Narrow Role was that it would limit Protector appointments to those who are lawyers or other professional fiduciaries. As such, for prospective Protectors, they can rest assured that they do not need a special qualification such as a law degree to become Protector of a trust.

A composite image featuring a view of Earth from space, showing the curvature of the planet and the atmosphere. The background is a deep blue space filled with numerous stars. The image is framed by a white geometric shape that resembles a stylized 'A' or a large bracket, which contains the text. The top-left and bottom-right corners of the page are solid yellow.

Around the world

Americas

New York LLC Transparency Act

The New York LLC Transparency Act ("Act") became effective as of January 1, 2026. Although there was previously uncertainty regarding the definition of a "reporting company" under the Act, on December 31, 2025, the New York Department of State ("NYDOS") confirmed that the Act is only applicable to limited liability companies ("LLCs") formed outside the US that are authorized to do business in New York State. With this confirmation, the Act now requires non-US LLCs that were authorized to do business in New York State prior to January 1, 2026, to file either a beneficial ownership disclosure or, if applicable, an attestation of exemption by December 31, 2026. Non-US LLCs formed and authorized to do business on or after January 1, 2026, are now required to file an initial beneficial ownership disclosure statement or attestation of exemption within 30 days of filing their application for authority to do business in New York State to the NYDOS.

READ MORE

Authors: Glenn Fox, Olga Sanders and Mathew Slootsky

FBARs — recklessness equals willful conduct, again

The Second Circuit recently held that "willful" failure to report a foreign bank account under the Bank Secrecy Act includes reckless as well as intentional conduct. While other circuits have reached the same conclusion on the issue, the Second Circuit had never ruled on the definition of the "willfulness standard" with regard to filing a Report of Foreign Bank and Financial Accounts ("FBAR").

READ MORE

Authors: Glenn Fox and Micah Sperling

Tax reform in Argentina

Law No. 27,799, published in the Official Bulletin on January 2, 2026, approved the Innocence Tax Law (the "Law"). In general terms, the Law reforms Argentina's Criminal Tax Regime, updates the monetary thresholds set forth in Law No. 11,683 of Argentina's Tax Procedure Law, modifies statutes of limitations and creates an optional Simplified Sworn Statement Regime.

READ MORE

Author: Martín Barreiro



Chile's new government: Tax changes ahead?

Chile is set for targeted but meaningful tax changes following the 2025 election of right wing President elect José Antonio Kast, who will take office on 11 March 2026. His administration is expected to advance a pro investment, pro-business agenda centered on lowering the corporate income tax rate, eliminating capital gains tax on small equity transactions, reinstating the fully integrated tax system, and reducing administrative burdens. Nonetheless, progress will hinge on negotiations in a Congress where Kast lacks a majority, as well as on Chile's constrained fiscal environment. As a result, companies should anticipate that investment oriented tax measures will move forward, but with gradual implementation shaped by political dynamics and fiscal limitations.

READ MORE

Authors: Alberto Maturana and Cristián Bonacic

Colombia: Corporate temporary vs individual permanent net worth

Legislative Decree No. 173 of 24 February 2026, as subsequently amended by Decree No. 240 of 12 March 2026, introduced a Net Worth Tax applicable to legal entities. This tax is separate and independent from the Net Worth Tax applicable to individuals who are Colombian tax residents, as well as to non-residents in respect of assets located in Colombia. In the case of branches of foreign companies and permanent establishments, the concurrent application of both taxes may arise, depending on the nature of the taxpayer and the taxable net worth.

READ MORE

Authors: Juan David Velasco and
Ciro Meza Martinez

Colombia: Elections and expected tax policy shifts

Colombia enters the 2026 election cycle amid significant fiscal pressures and political uncertainty. The first round of the presidential election will take place on 31 May 2026, with a likely runoff on 21 June 2026, and the new administration will assume office on 7 August 2026. This transition unfolds while the government has invoked the fiscal rule's escape clause, suspending it through 2027 and revising the 2025 deficit target to 7.1% of Gross Domestic Product (GDP).

READ MORE

Authors: **Ciro Meza Martinez and
Laura Durán**

Asia Pacific

Singapore: Budget 2026 — key tax updates

Singapore Budget 2026 focuses on adapting to rapidly shifting geopolitical and technological circumstances and, among others, aims to help businesses stay competitive while promoting the strategic adoption of Artificial Intelligence (AI).

Singapore remains committed to implementing Pillar Two, and this is expected to also include the adoption of the recent Side-by-Side Package. In addition, Singapore also recognises the need to strengthen its investment promotion toolkit and maintain its attractiveness as a global business hub amid the global competitive landscape, and has introduced various measures, including extending and enhancing the Finance and Treasury Centre (FTC) incentive and the Global Trader Programme (GTP). The government has also introduced a range of support measures to help businesses stay competitive.

READ MORE

Authors: Allen Tan, Dawn Quek, Shih Hui Lee, Jeremiah Soh, Samantha Tan and Wenyu Wu



EMEA

Germany: No treaty relief for dividends of DREs?

It has been reported that withholding tax exemption certificates under Section 50c German Income Tax Act (EStG) are denied where the dividend distributing corporation in Germany is held by a US parent and is treated as a disregarded entity (DRE) for US tax purposes.

READ MORE

Author: Dr. Christian Port

Luxembourg: Major reform of the aml framework

On **19 December 2025**, a [landmark law](#) (originating from draft Bill No. 8486) entered into force in Luxembourg.

This law introduces sweeping changes to Luxembourg's anti-money laundering ("AML") and criminal procedure framework, directly addressing the priority and recommended actions identified in Luxembourg's Financial Action Task Force ("FATF") mutual evaluation report (27 September 2023).

The reform aims to accelerate criminal proceedings; strengthen the fight against money laundering, terrorist financing and proliferation; and ensure Luxembourg's compliance with international standards in advance of the June 2026 FATF deadline.

READ MORE

Authors: Annie Elfassi, Merona Gehbrhiwet and Johann Bensimon

South Africa: Analysis of 2026/2027 budget statement

Budget 2026 reinforces Treasury's commitment to stable headline rates while accelerating administrative modernization and enforcement. Value-Added Tax (VAT) reform, standardized filing rules and tighter requirements for second-hand goods signal a more uniform and fraud-resistant system. Carbon tax measures shift toward operational compliance, raising expectations around data and governance. Cross-border regulation evolves, with crypto assets entering the exchange-control framework and greater flexibility introduced for foreign loans and individual allowances. For individuals, full inflationary adjustments and higher savings thresholds deliver meaningful relief. Across all areas, South African Revenue Service's (SARS's) data-driven detection and advanced tools continue to shape the risk environment. Taxpayers should assess readiness, documentation and internal controls to navigate an increasingly technology-enabled compliance landscape.

READ MORE

Authors: Virusha Subban, Denny Da Silva and Tsanga Mukumba

Sweden: Dividend withholding tax challenge

The Swedish Supreme Administrative Court referred a case to the Court of Justice of the European Union (CJEU) concerning withholding tax on dividends paid to foreign companies reporting tax losses, highlighting complex and significant implications for such companies. The case addresses whether Swedish tax rules requiring foreign companies to recalculate tax losses under Swedish law to reclaim withholding tax violate the EU free movement of capital.

READ MORE

Authors: Linnea Back and Oskar Salenstedt

United Kingdom: Spring statement update — March 2026

Whilst no tax rises or policy changes were announced in the Spring Statement, proposed amendments to the Finance Bill (which is currently making its way through Parliament following the Autumn Budget) were published, featuring significant changes regarding the tax treatment of offshore income gains (OIGs) (gains arising on the disposal of an interest in a non-reporting offshore fund). There are implementation provisions in relation to inheritance tax and business property relief. An Economic and Fiscal Outlook report was published by the Office for Budget Responsibility.

READ MORE

Authors: Ashley Crossley and Phyllis Townsend



Private Investments & Family Office regional contacts

Asia Pacific

AUSTRALIA

MELBOURNE

Level 19 CBW 181 William Street
Melbourne Victoria 3000, Australia
Tel: + 61 3 9617 4200 | Fax: + 61 3 9614 2103

Miles Hurst

SYDNEY

Tower One - International Towers Sydney
Level 46, 100 Barangaroo Avenue
Sydney NSW 2000, Australia
Tel: + 61 2 9225 0200 | Fax: + 61 2 9225 1595

Miles Hurst

HONG KONG

HONG KONG

14th Floor, One Taikoo Place,
979 King's Road, Quarry Bay,
Hong Kong SAR
Tel: + 852 2846 1888 | Fax: + 852 2845 0476

Pierre Chan | Lisa Ma

JAPAN

TOKYO

Ark Hills Sengokuyama Mori Tower, 28th Floor 1-9-10,
Roppongi, Minato-ku, Tokyo 106-0032, Japan
Tel: + 81 3 6271 9900 | Fax: + 81 3 5549 7720

Ryutaro Oka

CHINA

BEIJING

Suite 3401, China World Office 2,
China World Trade Center
1 Jianmgumenwai Dajie
Beijing 100004, People's Republic of China
Tel: + 86 10 6535 3800 | Fax: + 86 10 6505 2309

Jason Wen

SHANGHAI

Unit 1601, Jin Mao Tower,
88 Century Avenue, Pudong,
Shanghai 200121 People's Republic of China
Tel: + 86 21 6105 8558 | Fax: + 86 21 5047 0020

Jason Wen | Nancy Lai

INDONESIA

JAKARTA

HHP Law Firm
Pacific Century Place, Level 35
Sudirman Central Business District Lot 10
Jl. Jendral Sudirman Kav 52-53
Jakarta 12190, Indonesia
Tel: + 62 21 2960 8888 | Fax: + 62 21 2960 8999

Ria Muhariastuti | Ponti Partogi

KOREA

SEOUL

17/F, East Wing, Signature Tower
100 Cheonggyecheon-ro,
Jung-gu Seoul, Korea 04542

17/F, Floor, Two IFC,
10 Gukjegeumyung-ro, Yeongdeungpo-gu
Seoul, Korea 07326
Tel: + 82 2 6137 6800 | Fax: + 82 2 6137 9433

John Kwak



Asia Pacific

MALAYSIA

KUALA LUMPUR

Wong & Partners,
Level 21, The Gardens South Tower Mid Valley City
Lingkaran Syed Putra
Kuala Lumpur 59200, Malaysia
Tel: + 60 3 2298 7888 | Fax: + 60 3 2282 2669

Istee Cheah | Adeline Wong

SINGAPORE

SINGAPORE

38 Beach Road #23-11; South Beach Tower
Singapore 189767, Singapore

Dawn Quek | Enoch Wan | Pamela Yeo

THAILAND

BANGKOK

25th Floor, Abdulrahim Place, 990 Rama IV Road
Bangkok 10500, Thailand
Tel: + 66 2666 2824 | Fax: + 66 2666 2924

Panya Sittisakonsin | Nitikan Ramanat

PHILIPPINES

MANILA

Quisumbing Torres,
16th Floor, One/NEO Building 26th Street Corner 3rd Avenue
Crescent Park West, Bonifacio Global City
Taguig City 1634, Philippines
Tel: + 63 2 8819 4700 | Fax: + 63 2 8816 0080; 7728 7777

Kristine Anne Mercado-Tamayo

TAIWAN

TAIPEI

15th Floor, Hung Tai Center 168 Dunhua North Road
Taipei 105405; Taiwan
Tel: + 886 2 2712 6151 | Fax: + 886 2 2712 8292

Michael Wong | Peggy Chiu | Daniel Chou

VIETNAM

HO CHI MINH CITY

15th Floor, Vietcombank Tower 5 Me Linh Square, Saigon Ward
Ho Chi Minh City, Vietnam
Tel: + 84 28 3829 5585 | Fax: + 84 28 3829 5618

Thanh Vinh Nguyen



Europe, Middle East & Africa

AUSTRIA

VIENNA

Schottenring 25, 1010 Vienna, Austria
Tel: + 43 1 24 250 | Fax: + 43 1 24 250 600

Dr. Christoph Schimmer

BELGIUM

BRUSSELS

Manhattan, Bolwerklaan 21 Avenue du Boulevard
Brussels 1210, Belgium
Tel: + 32 2 639 36 11 | Fax: + 32 2 639 36 99

Alain Huyghe | Julie Permeke

FRANCE

PARIS

1 rue Paul Baudry, 75008 Paris, France
Tel: + 33 1 44 17 53 00 | Fax: + 33 1 44 17 45 75

Agnès Charpenet | Pauline Thiault | Julie Rueda

HUNGARY

BUDAPEST

Dorottya utca 6. 1051
Budapest, Hungary
Tel: + 36 1 302 3330 | Fax: + 36 1 302 3331

Gergely Riszter | Timea Bodrogi

BAHRAIN

MANAMA

18th Floor, West Tower, Bahrain Financial Harbor
PO Box 11981, Manama, Kingdom of Bahrain
Tel: + 973 1710 2000 | Fax: + 973 1710 2020

Ian Siddell

CZECH REPUBLIC

PRAGUE

Praha City Center, Klimentská 46
Prague 110 00, Czech Republic
Tel: + 420 236 045 001 | Fax: + 420 236 045 055

Eliska Kominkova

GERMANY

BERLIN

Friedrichstrasse 88/Unter den Linden 10117
Berlin, Germany
Tel: + 49 30 22 002 810 | Fax: + 49 30 22 002 811 99

Wilhelm Hebing

FRANKFURT

Bethmannstrasse 50-54
60311 Frankfurt/Main, Germany
Tel: + 49 69 29 90 8 0 | Fax: + 49 69 29 90 8 108

Sonja Klein | Ludmilla Maurer

ITALY

MILAN

Piazza Meda, 3
Milan 20121, Italy
Tel: + 39 02 76231 1 | Fax: + 39 02 76231 620

Francesco Florenzano | Barbara Faini

ROME

Viale di Villa Massimo, 57 00161 Rome, Italy
Tel: + 39 06 44 06 31 | Fax: + 39 06 44 06 33 06

Europe, Middle East & Africa

LUXEMBOURG

LUXEMBOURG

10-12 Boulevard Roosevelt L-2450 Luxembourg
Tel: + 352 26 18 44 1 | Fax: + 352 26 18 44 99

Diogo Duarte de Oliveira | Amar Hamouche |
Elodie Duchene | Olivier Dal Farra | Miguel Pinto
de Almeida | Andrea Addamiano |
Margherita Hausbrandt | Chiara Bardini | Esther Lau |
Teresa Rodriguez

POLAND

WARSAW

Rondo ONZ 100-124 Warsaw, Poland
Tel: + 48 22 445 31 00 | Fax: + 48 22 445 32 00

Katarzyna Kopczewska | Piotr Maksymiuk | Michal Maj

SAUDI ARABIA

JEDDAH

Advisers

(Abdulaziz I. AlAjlan & Partners in association
with Baker & McKenzie Limited)
Bin Sulaiman Center
6th Floor, Office No. 606
Al Khalidiyah District, P.O. Box 40187
Prince Sultan St. and Rawdah St. Intersection
Jeddah 21499, Saudi Arabia
Tel: + 966 12 606 6200 | Fax: + 966 12 692 8001

Basel Barakat

RIYADH

Legal Advisers

(Abdulaziz I. AlAjlan & Partners in association
with Baker & McKenzie Limited)
Olayan Complex
Tower II, 3rd Floor, Al Ahsa Street, Malaz
P.O. Box 69103
Riyadh 11547, Saudi Arabia
Tel: + 966 11 265 8900 | Fax: + 966 11 265 8999

Matthew Denning | Karim Nassar

MOROCCO

CASABLANCA

Ghandi Mall - Immeuble 9 Boulevard Ghandi
20380 Casablanca Morocco
Tel: + 212 522 77 95 95 | Fax: + 212 522 77 95 96

Kamal Nasrollah | Keltoum Boudribila

QATAR

DOHA

Al Fardan Office Tower 8th Floor, Al Funduq 61 Doha, Qatar
Tel: + 974 4410 1817 | Fax: + 974 4410 1500

Ian Siddell

SPAIN

BARCELONA

Avda. Diagonal, 652 Edif. D, 8th Floor
Barcelona 08034, Spain
Tel: + 34 93 206 0820 | Fax: + 34 93 205 4959

Bruno Dominguez | Davinia Rogel | Meritxell Sanchez |
Mario Navarro

MADRID

Edificio Beatriz, Calle de José Ortega y Gasset, 29
Madrid 28006, Spain
Tel: + 34 91 230 4500 | Fax: + 34 91 391 5149

Antonio Zurera | Manuel Alonso | Bruno Keusses |
Jaime Cánovas | Esther Hidalgo | Lara Purificación



Europe, Middle East & Africa

SWITZERLAND

GENEVA

Esplanade Pont-Rouge 2 Grand-Lancy, Geneva 1212
Switzerland
Tel: + 41 22 707 9800 | Fax: + 41 22 707 9801

Elliott Murray | Sylvain Godinet | Raphaël Matthys

ZURICH

Holbeinstrasse 30, Zurich 8034, Switzerland
Tel: + 41 44 384 14 14 | Fax: + 41 44 384 12 84

**Marnin Michaels | Lyubomir (Lubo) Georgiev |
Caleb Sainsbury | Susanne Liebel-Kotz |
Richard Gassmann | Andrea Bolliger | Mario Kumschick
| Martin Barillas Aragon | Eva Scheiwe |
Hanspeter Misteli Reyes | David Wei**

TÜRKIYE

ISTANBUL

Esin Attorney Partnership Ebulula Mardin Cad., Gül Sok.
No.2, Maya Park Tower 2, Akatlar-Beşiktaş
Istanbul 34335, Turkey
Tel: + 90 212 339 8100 | Fax: + 90 212 339 8181

Erdal Ekinci | Gunes Helvaci

UNITED ARAB EMIRATES

ABU DHABI

Level 8, Al Sila Tower
Abu Dhabi Global Market Square Al Maryah Island,
P.O. Box 44980 Abu Dhabi, United Arab Emirates
Tel: + 971 2 696 1200 | Fax: + 971 2 676 6477

James Burdett

DUBAI

Level 14, O14 Tower
Al Abraj Street
Business Bay, P.O. Box 2268 Dubai
United Arab Emirates
Tel: + 971 4 423 0000 | Fax: + 971 4 447 9777

Stephanie Samuel | Jacopo Crivellaro | Ben Phillips

THE NETHERLANDS

AMSTERDAM

Claude Debussylaan 54 1082 MD Amsterdam P.O. Box 2720
1000 CS Amsterdam The Netherlands
Tel: + 31 20 551 7555 | Fax: + 31 20 626 7949

Maarten Hoelen | Isabelle Bronzwaer | Ilse Bosman

UKRAINE

KYIV

Operating remotely

Hennadiy Voytsitskyi | Roman Koren

UNITED KINGDOM

LONDON

280 Bishopsgate London EC2M 4AG United Kingdom
Tel: + 44 20 7919 1000 | Fax: + 44 20 7919 1999

**Phyllis Townsend | Ashley Crossley | Christopher Cook |
Alfie Turner | Rachael Cederwall | Luke Richardson |
Pippa Goodfellow | Oliver Stephens | Ella Thackray**



Latin America

ARGENTINA

BUENOS AIRES

Cecilia Grierson 255, 6th Floor
Buenos Aires C1107CPE, Argentina
Tel: + 54 11 4310 2200 | Fax: + 54 11 4310 2299

Martin Barreiro | Gabriel Gomez-Giglio

CHILE

SANTIAGO

Avenida Andrés Bello 2457, Piso 19
Providencia, CL 7510689, Santiago, Chile
Tel: + 56 2 2367 7000

Alberto Maturana

MEXICO

MEXICO CITY

Edificio Virreyes
Pedregal 24, 12th floor
Lomas Virreyes / Col. Molino del Rey
México City, 11040, Mexico
Tel: + 52 55 5279 2900 | Fax: + 52 55 5279 2999

Jorge Narvaez-Hasfura | Javier Ordoñez-Namihira |
Lizette Tellez-De la Vega

BRAZIL*

SÃO PAULO

Trench Rossi Watanabe
Rua Arq. Olavo Redig de Campos, 105 – 31th floor
Edifício EZ Towers Torre A – 04711-904
São Paulo - SP - Brazil
Tel: + 55 11 3048 6800 | Fax: + 55 11 5506 3455

Alessandra S. Machado | Simone Musa | Adriana Stamato |
Clarissa Machado | Marcelle Silbiger

COLOMBIA

BOGOTA

Carrera 11 No. 79-35 piso 9
Bogotá, D.C. 110221, Colombia
Tel: + 57 60 1 634 1500; + 57 60 1 644 9595

Ciro Meza Martinez | Juan David Velasco

VENEZUELA

CARACAS

Centro Bancaribe, Intersección
Avenida Principal de Las Mercedes
con inicio de Calle París, Urbanización Las Mercedes
Caracas 1060, Venezuela
Tel: + 58 212 276 5111 | Fax: + 58 212 993 0818; 993 9049

Ronald Evans



North America

CANADA

TORONTO

181 Bay Street Suite 2100
Toronto, Ontario M5J 2T3, Canada
Tel: + 1 416 863 1221 | Fax: + 1 416 863 6275

Jacques Bernier | Emmanuel Sala | Josephine Chung

UNITED STATES

CHICAGO

300 East Randolph Street, Suite 5000
Chicago, Illinois 60601
United States
Tel: + 1 312 861 8800 | Fax: + 1 312 861 2899

Daniel Cullen | Richard Lipton | Narendra Acharya |
Samuel Grilli | Maher Haddad | Peter Matejcek |
Sukbae David Gong | Leah Gruen | Russell Lawson |
Connor Mallon

DALLAS

1900 North Pearl Street, Suite 1500
Dallas, Texas 75201
United States
Tel: + 1 214 978 3000 | Fax: + 1 214 978 3099

Bobby Albaral | Stas Getmanenko

HOUSTON

700 Louisiana, Suite 3000
Houston, Texas 77002
United States
Tel: + 1 713 427 5000 | Fax: + 1 713 427 5099

Rodney Read

LOS ANGELES

10250 Constellation Boulevard, Suite 1850
Los Angeles, California 90067
United States
Tel: + 1 310 201 4728 | Fax: + 1 310 201 4721

Jennifer Broder | David Goldman | David Lee |
Matthew Schonholz | Nikole Zoumberakis

MIAMI

1111 Brickell Avenue, Suite 1700
Miami, Florida 33131
United States
Tel: + 1 305 789 8900 | Fax: + 1 305 789 8953

Bobby Moore | Keith Hagan | Pratiksha Patel |
Mathew Slootsky

NEW YORK

452 Fifth Avenue
New York, New York 10018
United States
Tel: + 1 212 626 4100
Fax: + 1 212 310 1600

Simon Beck | Paul DePasquale | Glenn Fox |
Rebecca Lasky | Olga Sanders | Camille Woodbury

PALO ALTO

600 Hansen Way
Palo Alto, California 94304
United States
Tel: + 1 650 856 2400 | Fax: + 1 650 856 9299

Scott Frewing

WASHINGTON, DC

815 Connecticut Avenue, N.W.
Washington, District of
Columbia 20006
United States
Tel: + 1 202 452 7000 | Fax: + 1 202 452 7074

George Clarke



Editorial contacts



Elliott Murray

Managing Editor

Geneva

+ 41 22 707 98 39

elliott.murray@bakermckenzie.com



Phyllis Townsend

Co-editor

London

+ 44 20 7919 1360

phyllis.townsend@bakermckenzie.com

For further information regarding the newsletter, please contact:

Julie Barlin

Paris

+ 33 1 44 17 53 97

julie.barlin@bakermckenzie.com

Baker McKenzie empowers clients to compete in the global economy.

We provide comprehensive and practical legal advice that cuts through complexity with clear, actionable guidance. Our people represent diverse cultures and jurisdictions, combining local know-how with international expertise to ensure your business thrives across borders.

© 2026 Baker McKenzie. All rights reserved. Baker & McKenzie International is a global law firm with member law firms around the world. In accordance with the common terminology used in professional service organizations, reference to a "partner" means a person who is a partner or equivalent in such a law firm. Similarly, reference to an "office" means an office of any such law firm. This may qualify as "Attorney Advertising" requiring notice in some jurisdictions. Prior results do not guarantee a similar outcome.

bakermckenzie.com