

Representative Legal Matters

Samantha Salsench

Switzerland

Investigations

- Acted as part of the defense team representing a debt collection company in several criminal investigations before the Office of the Public Prosecutor involving allegations of fraud, coercion, defamation or breach of information, disclosure and cooperation obligations under the Data Protection Act.
- Participated in an internal investigation involving document review and interviews in response to a public prosecutor's request for documents in connection with criminal proceedings in Switzerland for money laundering.
- Participated in an internal investigation at a financial institution related to sanctions compliance, including document review and the preparation of a response to a public prosecutor's request.
- Participated in various phases of an internal investigation at a financial institution related to US tax compliance.
- Participated in the document review and management of relevant data in support of a US bankruptcy proceeding.
- Participated in an internal investigation in connection with criminal proceedings in India for bribery and a request for judicial assistance in Switzerland.
- Participated in an internal investigation into a leak of confidential internal information and advised on measures to strengthen corporate governance.

Sanctions and Export Controls

- Advised on and prepared the relevant applications for SECO licenses to terminate banking relationships with a designated Russian bank. This covered issues related to payment of fees to the designated bank and the NSD, reception of dividend payments in accounts with the designated bank, and options for conducting share transfers without incurring fees to the NSD.
- Advised and prepared a letter for SECO to advocate the transfer of shares deposited with a designated custodian to another account held with the same custodian, in coordination with license applications to the Cypriot and UK authorities. This matter covered the settlement of fees with the designated custodian and the NSD.
- Advised a financial institution on whether it was permissible to onboard or continue to provide services to Russian nationals who are residents of the EU, Monaco or Switzerland. This involved analyzing whether they were exempt from the restrictions on accepting deposits under Article 20 of the Ukraine Ordinance and Article 5b of Council Regulation (EU) No 833/2014.

- Advised on the legal implications of acting as a correspondent bank for payments from Russia for engineering services, in terms of Swiss sanctions and anti-money laundering laws.
- Advised on the implications of dissolving a Russian branch of a hotel chain directed by the group's operations in Switzerland, considering the payments and services involved from a Swiss sanctions perspective.
- Advised a company with a portfolio of restricted machinery and engines on how to deal with its Russian dealer in a manner that complies with sanctions, including designing due diligence measures to mitigate the risks involved such as drafting contractual clauses.
- Assessed the planned sale of clothing from a Canadian entity to a Chinese entity, involving a Swiss entity, under Swiss sanctions law. The advice included due diligence measures to mitigate any risk of diversion.
- Advised on and prepared an application to SECO for an export license to Russia for surgical instruments restricted under Article 11a of the Ukraine Ordinance, or that contained restricted components covered by Article 3(4) of the Goods Control Ordinance ('catch-all' clause), based on the components' detachability and diversion risk and on the finished goods' purpose and end use.
- Reviewed a planned sale of engines for building units destined for Qatar, from the perspective of the Swiss sanctions ordinances, the Swiss Goods Control Act and the Swiss War Materiel Act.
- Advised on determining services and software, whether directly or indirectly provided to Russian entities, that are restricted under Article 28e of the Ukraine Ordinance. Prepared notifications to SECO regarding restricted services and software provided to Russian subsidiaries that are covered by the group exception under Article 28e, paragraph 2, letter a of the Ukraine Ordinance.
- Advised on the requirement of re-export licenses from the country of origin for shipments to Russia of controlled items of non-Swiss origin.
- Advised on the implications of extending the call option for shares held in German entities, and selling them to third parties, in relation to Swiss sanctions, particularly the Iran Ordinance.
- Advised on guidance regarding military-related supplies under a corporate export control policy, from the perspective of the Goods Control Act, the Goods Control Ordinance, and the Ordinance on the Export and Brokerage of Goods for Internet and Mobile Communications Surveillance.

Trade & Customs

- Assessed the implications for an entity with fish farming and tomato production in Western Sahara of the Judgment of the Grand Chamber of the European Court of Justice of 4 October 2024 in the joined cases C-778/21 O and C-798/21 P and Judgment of the Grand Chamber of the European Court of Justice of 4 October 2024 in the joined cases C-779/21 P and C-799/21 P as well as the trade preferences that apply to the importation into the EU of the products concerned.
- Advised on customs duties liability and customs compliance liability of electronic sales platforms under the deemed supplier rules of the Swiss VAT Act.

- Advised an entity active in the medical technology sector on how to apply for Approved Exporter status with Swiss Customs, and on how to prove the origin of products imported into Chile in order to benefit from preferential treatment under the EFTA-Chile Free Trade Agreement (Ex Works transactions).
- Advised a global IT company on its obligations upon importing certain items under the Chemical Risk Reduction Ordinance.

Foreign Investment Review

- Coordinated the foreign investment review for the acquisition by a German subsidiary of a Swiss parent company of an entity with subsidiaries in 11 jurisdictions, preparing the relevant RFIs, gathering the FIR analysis, and coordinating the drafting of the relevant closing condition on FIR clearance.

ESG Compliance

- Advised a US-based IT security company with subsidiaries in Switzerland on its ESG due diligence and reporting obligations pursuant to Articles 964a–964l of the Swiss Code of Obligations, as well as on the internal documentation supporting the applied measures.
- Advised a US-based IT company with subsidiaries in Switzerland on its due diligence and reporting obligations relating to conflict minerals, non-financial matters and child labor. Reviewed the content of its consolidated report to ensure compliance with its obligations relating to child labor.
- Advised a global technology company with presence in Switzerland on its due diligence and reporting obligations under Articles 964a–964l of the Swiss Code of Obligations, on consolidated reporting for child labor and on establishing a supply chain policy on child labor.

Spain

- Represented a defendant from Russia before the Audiencia Nacional in the Zed case.
- Represented several directors of a leading Dutch corporate secretarial services provider in a criminal case before the Audiencia Nacional for alleged fraud, forgery, money laundering and disloyal administration in relation to real estate transactions in Mexico funded by several Spanish financial institutions before their public intervention.
- Represented or advised subsidiaries of a global leader in the testing, inspection and certification sector, and/or their employees and directors, in or with respect to several criminal proceedings and internal investigations in Spain.
- Acted as private prosecution for a Spanish investment company in a criminal case against a Belgian individual for fraud and forgery related to a real estate project.
- Advised several corporations on cyber-attacks.
- Advised corporations in cases of CEO fraud or representing them in criminal proceedings to recover the defrauded funds.
- Represented a Cypriot financial services company and its employees in several criminal proceedings in Spain. Acted as private prosecution in cases of alleged defamation and as defense counsel in cases of alleged fraud against investors.

- Represented a leading wine distributor and its top directors in a case of alleged crimes against industrial property, fraud, fraudulent advertising and forgery in respect of several Spanish denominations of origin.
- Represented a leading social network company involved as direct civil liable in a criminal case instituted due to the publication of defamatory messages in a user's account.
- Represented the owners and directors of app developers and intermediary services providers in a case of alleged fraud committed with regard to services charged with additional tariffication numbers or premium-SMS numbers.