



Confidentiality in Offshore Financial Law

Rose-Marie Antoine

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The only book to focus specifically on confidentiality and by extension, disclosure obligations, in offshore financial law, this new edition examines the issues surrounding confidentiality providing thorough analysis of the current legal position and discussing the extent to which it should be protected given the conflicting interests at stake.

The book also addresses the wider issues of confidentiality in offshore financial law to consider the implications of confidentiality and disclosure for other subjects of interest in finance. It therefore examines the appropriate parameters of bank regulation, the modern regulatory framework for other financial institutions and actors, particularly within the context of the prevention and detection of certain undesirable or criminal activities such as money laundering and even civil matters such as trademark violations. Important constitutional issues such as the right to privacy, the privilege against self-incrimination and arbitrary search and seizure as they relate to finance are included in the legal analysis. The controversial balance between disclosure and confidentiality also entails a discussion of issues of comity.

Taking into account the several new treaties specifically targeted at confidentiality in offshore financial law, this new edition includes comparative coverage of key legislation in offshore jurisdictions and a new chapter on Tax Information Exchange Agreements. It also provides detailed coverage of modern anti- Money Laundering regimes, the EU Savings Directive, the G20 Initiatives and United States countermeasures to confidentiality.. For ease of reference an introductory chapter is also included which gives a summary of the legislative infrastructure in the various jurisdictions and a description of the fundamental characteristics of offshore jurisdictions.

Assessing the impact of the recent G20 -OECD discussions on confidentiality, disclosure, and tax issues and the emerging FATCA regime, this new edition brings the reader up to date with the changing regulatory landscape concerning the offshore sector. All practitioners and scholars interested in offshore financial law will find this text to be an essential reference source.

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