

## Soliciting Business Internationally

### FINRA Reaffirms Its Guidance in *NTM 00-02* on Soliciting Business in Foreign Jurisdictions and Withdraws *NTM 98-91*

#### Executive Summary

FINRA is reaffirming its guidance in [Notice to Members \(NTM\) 00-02](#) concerning the solicitation of business in foreign jurisdictions.<sup>1</sup> FINRA also is withdrawing *NTM 98-91* in light of changes to the legal and regulatory framework in the United Kingdom (U.K.).

Questions concerning this *Notice* should be directed to:

- ▶ Paul Andrews, Vice President, International, at (202) 728-8235; or
- ▶ Matthew E. Vitek, Counsel, OGC, at (202) 728-8156.

#### Background & Discussion

In [NTM 00-02](#), FINRA alerted member firms and persons associated with firms to their obligations concerning the solicitation of business in foreign jurisdictions. FINRA reminded firms and associated persons of their obligations to comply with applicable U.S. and foreign laws when soliciting business in any foreign jurisdiction. FINRA is publishing this *Notice* to reaffirm its guidance and remind firms that solicit business or are proposing to solicit business in foreign jurisdictions to carefully review and comply with all applicable U.S. and foreign laws.

At the same time, FINRA is withdrawing *NTM 98-91*. In that *Notice*, FINRA alerted firms and associated persons to their obligations concerning cold calling and advertising to persons in the U.K. by briefly summarizing the legal and regulatory framework in the U.K. regarding these activities. In view of changes to the legal and regulatory framework in the U.K., FINRA believes that it is prudent to formally withdraw *NTM 98-91*.

#### July 2011

##### Notice Type

- ▶ Guidance

##### Suggested Routing

- ▶ Advertising
- ▶ Compliance
- ▶ Internal Audit
- ▶ Legal
- ▶ Senior Management
- ▶ Training

##### Key Topics

- ▶ Advertising
- ▶ Foreign Regulators
- ▶ Soliciting Business
- ▶ Telemarketing

##### Referenced Rules & Notices

- ▶ NTM 98-91
- ▶ NTM 00-02

## Endnotes

1. This *Notice* does not address whether soliciting business in a foreign jurisdiction in violation of that jurisdiction's laws may constitute a violation of FINRA rules.