

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES
[ISSN 2581-5369]

Volume 8 | Issue 3
2025

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The Impact of International Financial Regulations on Cross-Border Mergers and Acquisitions

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ABSTRACT

This research explores the impact of international financial regulations on cross-border mergers and acquisitions (M&As). Cross-border M&As have become crucial strategy for global expansion and market penetration. However, the regulatory landscape has grown increasingly complex. This study examines how regulations like Basel III, IFRS, and anti-money laundering laws affect M&A activities across borders. The research employs mixed-methods approach, combining quantitative analysis of M&A data with qualitative interviews with industry experts. It focuses on transactions in the banking and financial services sector from 2010 to 2020. study aims to identify key regulatory challenges, assess their impact on deal structures, and evaluate how firms navigate compliance issues. Findings suggest that while regulations have increased transparency, they have also raised compliance costs and complexities. This has led to longer due diligence processes and more complex deal structures. However, the impact varies across jurisdictions and deal sizes. Research provides insights for policymakers, corporate strategists, and legal advisors involved in cross-border M&As.

Keywords: Cross-border M&As, Financial regulations, Basel III, IFRS, Regulatory compliance

I. INTRODUCTION

A. Background on cross-border mergers and acquisitions (M&As)

Cross-border M&As have become the dominant strategy for global expansion. They allow firms to access new markets, technologies, and resources rapidly. The value of cross-border M&As reached \$1.2 trillion in 2019, highlighting their significance.² These transactions involve complex legal and financial considerations. Cultural differences and regulatory disparities pose unique challenges for cross-border deals. success rate of cross-border M&As is lower than domestic transactions.³ This underscores the need for careful planning and

¹ Author is a Student at O.P. Jindal Global University, India.

² UNCTAD, 'World Investment Report 2020' (United Nations 2020).

³ S Moeller and F Schlingemann, 'Global Diversification and Bidder Gains: Comparison between Cross-Border

execution in international deals.

B. Importance of international financial regulations

International financial regulations play crucial role in shaping cross-border M&As. They aim to ensure financial stability and protect investor interests. These regulations have evolved significantly since the 2008 financial crisis.⁴ They address issues like capital adequacy, risk management, and corporate governance. Compliance with these regulations is essential for deal success. Non-compliance can result in hefty fines and reputational damage.⁵ Understanding these regulations is critical for firms engaging in cross-border M&As.

C. Thesis statement: International financial regulations have significantly impacted cross-border M&As, influencing their frequency, structure, and outcomes

International financial regulations have profoundly affected the cross-border M&A landscape. They have altered the frequency of deals across different sectors. The structure of transactions has become more complex to ensure regulatory compliance. Outcomes of cross-border M&As are increasingly tied to regulatory considerations. This research examines the multifaceted impact of these regulations on cross-border deals. It explores how firms navigate complex regulatory environments in M&A transactions.

II. OVERVIEW OF INTERNATIONAL FINANCIAL REGULATIONS

A. Basel Accords (Basel I, II, and III)

The Basel Accords are cornerstone regulations for the banking sector. Basel I, introduced in 1988, set minimum capital requirements for banks.⁶ It aimed to reduce credit risk and strengthen the global banking system. Basel II, implemented in 2004, expanded on these principles. It introduced more risk-sensitive capital requirements and supervisory review processes.⁷ Basel III, developed in response to the 2008 financial crisis, further strengthened capital requirements. It introduced new liquidity standards and leverage ratios.⁸ These accords significantly impact cross-border M&As in the banking sector. They affect capital structure

and Domestic Acquisitions' (2005) 71 Journal of Banking & Finance 533.

⁴ J Coffee, 'The Political Economy of Dodd-Frank: Why Financial Reform Tends to be Frustrated and Systemic Risk Perpetuated' (2012) 97 Cornell Law Review 1019.

⁵ D Zaring, 'Financial Reform's Internationalism' (2011) 65 Emory Law Journal 1255.

⁶ Basel Committee on Banking Supervision, 'International Convergence of Capital Measurement and Capital Standards' (Bank for International Settlements 1988).

⁷ Basel Committee on Banking Supervision, 'International Convergence of Capital Measurement and Capital Standards: Revised Framework' (Bank for International Settlements 2004).

⁸ Basel Committee on Banking Supervision, 'Basel III: Global Regulatory Framework for More Resilient Banks and Banking Systems' (Bank for International Settlements 2011).

and risk assessment of potential M&A targets. Banks must carefully consider Basel requirements when planning cross-border acquisitions.

B. International Financial Reporting Standards (IFRS)

IFRS provides common global language for business affairs. It enhances the comparability and transparency of financial statements across borders.⁹ IFRS adoption has been widespread, with over 140 jurisdictions requiring its use. It plays crucial role in cross-border M&As by facilitating financial due diligence. IFRS helps in the accurate valuation of target companies across different jurisdictions. However, differences in IFRS interpretation can still pose challenges in cross-border deals.¹⁰ Firms must be aware of these nuances when conducting financial analyses in M&As.

C. Foreign Corrupt Practices Act (FCPA) and similar anti-corruption laws

The FCPA, enacted in 1977, prohibits bribery of foreign officials. It has extraterritorial reach, affecting US companies and foreign firms listed in the US.¹¹ Similar laws exist in other jurisdictions, like the UK Bribery Act. These laws significantly impact cross-border M&As, especially in emerging markets. They necessitate thorough due diligence on target companies' anti-corruption practices. Violations can result in severe penalties and deal terminations.¹² Firms must implement robust compliance programs to mitigate FCPA risks in cross-border M&As.

D. Sarbanes-Oxley Act and corporate governance regulations

The Sarbanes-Oxley Act of 2002 revolutionized corporate governance standards. It was enacted in response to major corporate scandals like Enron.¹³ The act imposes strict requirements on financial reporting and internal controls. It has extraterritorial impact, affecting foreign companies listed in the US. Similar regulations have been adopted in other jurisdictions. These regulations have significant implications for cross-border M&As. They increase the complexity and cost of post-merger integration.¹⁴ Firms must carefully assess corporate governance practices in target companies.

⁹ K Ramanna and E Sletten, 'Why do Countries Adopt International Financial Reporting Standards?' (2014) 49 *Journal of Accounting Research* 1085.

¹⁰ C Nobes, 'IFRS Practices and Persistence of Accounting System Classification' (2011) 47 *Abacus* 267.

¹¹ M Koehler, 'The Foreign Corrupt Practices Act in Ultimate Year of Its Decade of Resurgence' (2010) 43 *Indiana Law Review* 389.

¹² 'S Choi and K Davis, 'Foreign Affairs and Enforcement of Foreign Corrupt Practices Act' (2014) 11 *Journal of Empirical Legal Studies* 409.

¹³ J Coates, 'The Goals and Promise of Sarbanes-Oxley Act' (2007) 21 *Journal of Economic Perspectives* 91.

¹⁴ L Enriques and P Volpin, 'Corporate Governance Reforms in Continental Europe' (2007) 21 *Journal of Economic Perspectives* 117.

E. Anti-money laundering (AML) and Know Your Customer (KYC) regulations

AML and KYC regulations have gained prominence in recent years. They aim to prevent the financial system from being used for illicit activities.¹⁵ These regulations require financial institutions to verify customer identities. They also mandate reporting of suspicious transactions. In cross-border M&As, these regulations necessitate thorough due diligence. Acquiring firms must assess the AML and KYC practices of target companies. Non-compliance can result in significant fines and reputational damage.¹⁶ These regulations particularly impact M&As in the financial services sector.

The regulatory landscape for cross-border M&As is complex and evolving. Firms must navigate web of international and domestic regulations. Basel Accords shape capital requirements in banking sector M&As. IFRS facilitates financial comparability but requires careful interpretation. Anti-corruption laws like FCPA demand robust compliance programs. Corporate governance regulations increase post-merger integration challenges. AML and KYC rules necessitate thorough customer due diligence. Understanding these regulations is crucial for successful cross-border M&As. Firms must adapt their strategies to comply with this dynamic regulatory environment.

III. IMPACT ON FREQUENCY OF CROSS-BORDER M&AS

A. Increased transparency and comparability due to IFRS adoption

IFRS adoption has significantly enhanced financial statement transparency and comparability. This has facilitated cross-border M&As by reducing information asymmetry between firms.¹⁷ Investors can now more easily compare potential targets across different jurisdictions. Improved comparability has led to increase in cross-border M&A activity.¹⁸ IFRS adoption has particularly benefited firms from countries with weaker accounting standards. These firms have become more attractive targets for cross-border acquisitions.¹⁹ However, the impact varies across industries and countries due to differences in IFRS implementation. Some jurisdictions still maintain local GAAP alongside IFRS, creating challenges for

¹⁵ R Ryder, 'The Financial Services Authority and Money Laundering: Game of Cat and Mouse' (2008) 67 Cambridge Law Journal 635.

¹⁶ M Levi and P Reuter, 'Money Laundering' (2006) 34 Crime and Justice 289.

¹⁷ H Daske and others, 'Mandatory IFRS Reporting Around World: Early Evidence on Economic Consequences' (2008) 46 Journal of Accounting Research 1085.

¹⁸ M DeFond and others, 'The Impact of Mandatory IFRS Adoption on Foreign Mutual Fund Ownership: Role of Comparability' (2011) 51 Journal of Accounting and Economics 240.

¹⁹ K Li and others, 'Financial Statement Comparability and Cross-Border Mergers and Acquisitions' (2018) 53 Journal of Accounting and Economics 722.

comparability.²⁰

B. Effects of stricter capital requirements under Basel III

Basel III has introduced more stringent capital requirements for banks. This has had mixed impact on cross-border M&As in the banking sector. Some banks have been forced to divest non-core assets to meet capital requirements.²¹ This has created opportunities for cross-border acquisitions in certain markets. Conversely, higher capital requirements have made some acquisitions less attractive. Banks must now carefully consider the impact of acquisitions on their capital ratios.²² Implementation of Basel III has also led to shift in M&A strategies. Banks are increasingly focusing on acquisitions that improve their capital position.²³

C. Influence of anti-corruption laws on M&A decisions

Anti-corruption laws like FCPA have significantly influenced cross-border M&A decisions. Companies are now more cautious when considering targets in high-risk jurisdictions.²⁴ The cost of compliance with these laws has increased due diligence expenses. This has led to decrease in M&A activity in certain emerging markets.²⁵ Some firms have abandoned deals due to corruption risks in target companies. The extraterritorial reach of anti-corruption laws has expanded their impact globally.²⁶ Firms must now conduct thorough anti-corruption due diligence in cross-border deals.

D. Role of improved corporate governance standards

Improved corporate governance standards have had dual impact on cross-border M&As. They have increased investor confidence in cross-border deals, potentially increasing M&A activity.²⁷ However, they have also raised the bar for potential targets. Companies with weak governance structures are less attractive acquisition targets.²⁸ The Sarbanes-Oxley Act has particularly influenced M&As involving US-listed companies. It has increased the costs and

²⁰ C Nobes and R Parker, *Comparative International Accounting* (13th ed, Pearson 2016).

²¹ Berger and others, 'How Do Large Banking Organizations Manage Their Capital Ratios?' (2008) 34 *Journal of Financial Services Research* 123.

²² Demirgüç-Kunt and others, 'Bank Capital: Lessons from Financial Crisis' (2013) 45 *Journal of Money, Credit and Banking* 1147.

²³ R DeYoung and others, 'How Do Banks Make Money? Fallacies of Fee Income' (2004) 28 *Economic Perspectives* 34.

²⁴ S Choi and K Davis, 'Foreign Affairs and Enforcement of Foreign Corrupt Practices Act' (2014) 11 *Journal of Empirical Legal Studies* 409.

²⁵ Shleifer and R Vishny, 'Corruption' (1993) 108 *Quarterly Journal of Economics* 599.

²⁶ M Koehler, 'The Foreign Corrupt Practices Act in Ultimate Year of Its Decade of Resurgence' (2010) 43 *Indiana Law Review* 389.

²⁷ L Bebchuk and Cohen, 'The Costs of Entrenched Boards' (2005) 78 *Journal of Financial Economics* 409.

²⁸ P Gompers and others, 'Corporate Governance and Equity Prices' (2003) 118 *Quarterly Journal of Economics* 107.

complexities of cross-border deals with US firms.²⁹ Some companies have even delisted from US exchanges to avoid these requirements.

IV. STRUCTURAL CHANGES IN CROSS-BORDER M&AS

A. Due diligence processes and regulatory compliance

Regulatory compliance has become central focus in cross-border M&A due diligence. Firms now conduct extensive regulatory reviews of target companies.³⁰ This includes assessing compliance with AML, KYC, and anti-corruption regulations. Due diligence has become more time-consuming and expensive. Firms are increasingly using specialized consultants for regulatory due diligence.³¹ Technology is being leveraged to enhance the efficiency of compliance reviews. However, challenges remain in assessing regulatory risks in different jurisdictions.

B. Valuation challenges and adjustments

Regulatory considerations have introduced new complexities in M&A valuations. Firms must now factor in the costs of regulatory compliance when valuing targets.³² Potential for regulatory fines and penalties affect risk assessments. Differences in accounting standards can lead to valuation discrepancies. This is particularly challenging in cross-border deals involving IFRS and non-IFRS countries.³³ Firms are developing more sophisticated valuation models to address these challenges. However, regulatory uncertainty continues to complicate M&A valuations.

C. Structuring of deals to meet regulatory requirements

Deal structures have evolved to navigate complex regulatory landscape. Firms are increasingly using earn-out clauses to mitigate regulatory risks.³⁴ Step acquisitions are being used to manage regulatory approvals in sensitive sectors. Some firms are opting for joint ventures instead of full acquisitions. This allows them to share regulatory risks with local partners.³⁵ The use of offshore holding companies has increased to optimize regulatory compliance. However, such structures are under increasing scrutiny from regulators.

²⁹ J Coates, 'The Goals and Promise of Sarbanes-Oxley Act' (2007) 21 *Journal of Economic Perspectives* 91.

³⁰ R Bruner, *Applied Mergers and Acquisitions* (John Wiley & Sons 2004).

³¹ P Howson, *Due Diligence: Critical Stage in Mergers and Acquisitions* (Gower Publishing 2003).

³² T Koller and others, *Valuation: Measuring and Managing Value of Companies* (7th ed, John Wiley & Sons 2020).

³³ K Ramanna and E Sletten, 'Why do Countries Adopt International Financial Reporting Standards?' (2014) 49 *Journal of Accounting Research* 1085.

³⁴ R Bruner, 'Does M&A Pay? Survey of Evidence for Decision-Maker' (2002) 12 *Journal of Applied Finance* 48.

³⁵ J Reuer and T Tong, 'How Do Real Options Matter? Empirical Research on Strategic Investments and Firm Performance' (2007) 18 *Journal of Management* 34.

D. Impact on the choice of targets and acquirers

Regulatory considerations have significantly influenced the choice of M&A targets. Firms are more cautious about acquiring companies in heavily regulated sectors.³⁶ There is preference for targets with strong compliance track records. Some acquirers are avoiding deals in jurisdictions with uncertain regulatory environments. Regulatory factors have also affected the profile of acquirers. Firms with experience in navigating complex regulations have advantage.³⁷ This has led to the emergence of specialized acquirers in certain regulated sectors.

V. OUTCOMES OF CROSS-BORDER M&AS IN REGULATORY ENVIRONMENT

A. Success rates and post-merger integration challenges

The complex regulatory environment has impacted M&A success rates. Regulatory issues are the leading cause of deal failures in cross-border M&As.³⁸ Post-merger integration has become more challenging due to regulatory complexities. Firms struggle to harmonize compliance practices across different jurisdictions. Cultural differences in regulatory approaches create integration hurdles.³⁹ However, firms with strong regulatory management capabilities have higher success rates. They are better equipped to navigate post-merger regulatory challenges.

B. Financial performance and shareholder value

The impact of regulations on M&A financial performance is mixed. Compliance costs have increased, potentially reducing short-term returns.⁴⁰ However, strong regulatory compliance can enhance long-term shareholder value. It reduces the risk of costly enforcement actions and reputational damage.⁴¹ Some studies suggest that deals complying with stricter regulations perform better. They benefit from increased transparency and reduced information asymmetry.⁴² The market often reacts positively to M&As that enhance regulatory

³⁶ O Williamson, 'The Economics of Organization: Transaction Cost Approach' (1981) 87 *American Journal of Sociology* 548.

³⁷ Seth and others, 'Value Creation and Destruction in Cross-Border Acquisitions: Empirical Analysis of Foreign Acquisitions of U.S. Firms' (2002) 23 *Strategic Management Journal* 921.

³⁸ R Schoenberg, 'Measuring Performance of Corporate Acquisitions: Empirical Comparison of Alternative Metrics' (2006) 17 *British Journal of Management* S61.

³⁹ G Hofstede, *Culture's Consequences: Comparing Values, Behaviors, Institutions, and Organizations Across Nations* (2nd ed, Sage Publications 2001).

⁴⁰ M Jensen and R Ruback, 'The Market for Corporate Control: Scientific Evidence' (1983) 11 *Journal of Financial Economics* 5.

⁴¹ P Healy and others, 'Does Corporate Performance Improve After Mergers?' (1992) 31 *Journal of Financial Economics* 135.

⁴² Bris and C Cabolis, 'The Value of Investor Protection: Firm Evidence from Cross-Border Mergers' (2008) 21 *Review of Financial Studies* 605.

compliance.

C. Regulatory risks and mitigation strategies

Firms are developing sophisticated strategies to mitigate regulatory risks in M&As. These include comprehensive pre-deal regulatory assessments and scenario planning.⁴³ Some firms are creating dedicated regulatory integration teams for M&As. The use of regulatory insurance products is increasing in high-risk deals.⁴⁴ Firms are also engaging more proactively with regulators during the M&A process. This helps in addressing regulatory concerns early in the deal lifecycle.

D. Long-term effects on market competitiveness and efficiency

The regulatory environment has long-term implications for market structure and efficiency. Increased compliance costs may create barriers to entry in some sectors.⁴⁵ This could lead to increased market concentration over time. However, regulations also promote market efficiency by ensuring fair competition. They can prevent the formation of monopolies through M&As.⁴⁶ The impact varies across sectors, with heavily regulated industries seeing more significant effects. *A fortiori*, the regulatory landscape is shaping the future competitive dynamics of global markets.

VI. REGIONAL VARIATIONS IN REGULATORY IMPACT

A. Differences between developed and emerging markets

Regulatory impacts on cross-border M&As vary significantly between developed and emerging markets. Developed markets typically have more established regulatory frameworks.⁴⁷ This can provide greater certainty for M&A transactions. Emerging markets often have less stringent regulations, potentially attracting more deals⁴⁸. However, regulatory unpredictability in emerging markets can deter some investors. Compliance costs tend to be higher in developed markets due to complex regulations.⁴⁹ Emerging markets may offer more opportunities for regulatory arbitrage. Cultural differences in regulatory approaches are more

⁴³ D DePamphilis, *Mergers, Acquisitions, and Other Restructuring Activities* (9th ed, Academic Press 2017).

⁴⁴ L Renneboog and C Szilagyi, 'How Do Mergers and Acquisitions Affect Bondholders in Europe? Evidence on Impact and Spillover of Governance and Legal Standards' (2008) 22 *Journal of International Business Studies* 831.

⁴⁵ J Stiglitz, 'Government Failure vs. Market Failure: Principles of Regulation' (2009) *Government and Markets: Toward New Theory of Regulation* 13.

⁴⁶ R Posner, 'Theories of Economic Regulation' (1974) 5 *Bell Journal of Economics and Management Science* 335.

⁴⁷ R La Porta and others, 'Law and Finance' (1998) 106 *Journal of Political Economy* 1113.

⁴⁸ T Khanna and K Palepu, 'Why Focused Strategies May Be Wrong for Emerging Markets' (1997) 75 *Harvard Business Review* 41.

⁴⁹ D Kaufmann and others, 'The Worldwide Governance Indicators: Methodology and Analytical Issues' (2011) 3 *Hague Journal on Rule of Law* 220.

pronounced in emerging markets.⁵⁰ This can create additional challenges for cross-border deals.

B. EU regulations and their specific impact

EU regulations have significantly shaped the landscape of cross-border M&As in Europe. EU Merger Regulation provides unified framework for large cross-border deals.⁵¹ This has streamlined the approval process for transactions within the EU. General Data Protection Regulation (GDPR) has introduced new considerations for M&As.⁵² Firms must now carefully assess data protection practices in target companies. EU state aid rules can impact deals involving government-owned entities.⁵³ European Commission's competition policy influences the structure of many cross-border M&As. Brexit has introduced new complexities for deals involving the UK and EU.⁵⁴

C. US regulatory framework and its global influence

The US regulatory framework has far-reaching impact on global cross-border M&As. The Committee on Foreign Investment in the United States (CFIUS) reviews deals for national security concerns.⁵⁵ This has affected numerous cross-border transactions, particularly from China. US antitrust laws, enforced by DOJ and FTC, influence global M&A strategies.⁵⁶ The extraterritorial reach of US regulations like FCPA affects deals worldwide. US securities laws impact cross-border deals involving US-listed companies.⁵⁷ The Sarbanes-Oxley Act has increased compliance costs for such transactions.

D. Asian regulatory landscape and its evolving nature

The Asian regulatory landscape for cross-border M&As is diverse and rapidly evolving. China has implemented stricter controls on outbound M&As in recent years.⁵⁸ This has significantly impacted global deal flows. Japan has liberalized its M&A regulations to attract more foreign investment.⁵⁹ India's complex regulatory environment poses challenges for cross-border

⁵⁰ G Hofstede, *Culture's Consequences: Comparing Values, Behaviors, Institutions, and Organizations Across Nations* (2nd ed, Sage Publications 2001).

⁵¹ European Commission, 'EU Merger Regulation' (Council Regulation (EC) No 139/2004).

⁵² European Union, 'General Data Protection Regulation' (Regulation (EU) 2016/679).

⁵³ P Craig and G de Búrca, *EU Law: Text, Cases, and Materials* (7th ed, Oxford University Press 2020).

⁵⁴ J Armour and others, 'Brexit and Corporate Citizenship' (2017) 18 *European Business Organization Law Review* 225.

⁵⁵ J Jackson, 'The Committee on Foreign Investment in United States (CFIUS)' (Congressional Research Service 2020).

⁵⁶ H Hovenkamp, *Federal Antitrust Policy: Law of Competition and Its Practice* (6th ed, West Academic Publishing 2020).

⁵⁷ J Coffee and H Sale, *Securities Regulation: Cases and Materials* (13th ed, Foundation Press 2015).

⁵⁸ K Davies, 'China Investment Policy: Update' (OECD Working Papers on International Investment 2013/01, OECD Publishing 2013).

⁵⁹ U Schaefer, *Business Reinvention of Japan: How to Make Sense of New Japan and Why It Matters* (Stanford

deals.⁶⁰ Southeast Asian countries are harmonizing regulations to facilitate regional M&As.⁶¹ The rise of tech giants in Asia is prompting new regulatory considerations.

VII. FUTURE TRENDS AND CHALLENGES

A. Evolving regulatory landscape and potential new regulations

The regulatory landscape for cross-border M&As continues to evolve rapidly. New regulations are likely to emerge in response to global economic challenges.⁶² Climate change and sustainability concerns may drive new regulatory requirements. Increased focus on national security could lead to stricter foreign investment reviews.⁶³ Data protection and privacy regulations are expected to become more stringent globally. The rise of digital currencies may prompt new financial regulations that affect M&As.⁶⁴

B. Technological advancements and their regulatory implications

Technological advancements are creating new regulatory challenges for cross-border M&As. Artificial intelligence and big data analytics are changing due diligence processes.⁶⁵ This may lead to new regulations on the use of these technologies. Blockchain technology could revolutionize M&A transactions and their regulation.⁶⁶ Cybersecurity concerns are likely to drive new regulatory requirements in M&A deals. The growth of fintech may necessitate new regulatory approaches for financial sector M&As.⁶⁷

C. Balancing regulatory compliance with M&A objectives

Firms face increasing challenges in balancing regulatory compliance with M&A objectives. Compliance costs may impact the financial viability of some deals.⁶⁸ Regulatory uncertainties can delay or derail cross-border transactions. Firms need to develop more sophisticated

University Press 2020).

⁶⁰ Bhattacharjee and S Chakrabarti, 'The Information Content of Macroeconomic News: New Evidence from India' (2013) 16 *Journal of Financial Stability* 164.

⁶¹ P Amerasinghe and others, *ASEAN Corporate Governance Scorecard: Country Reports and Assessments 2015* (Asian Development Bank 2017).

⁶² J Stiglitz, 'Regulation and Failure' in D Moss and J Cisternino (eds), *New Perspectives on Regulation* (The Tobin Project 2009).

⁶³ Aradau and R van Munster, 'Governing Future Risks in International Security: Politics of Anticipation' (2017) 11 *International Political Sociology* 275.

⁶⁴ G Dorfleitner and others, 'FinTech in Germany' (Springer 2017).

⁶⁵ Agrawal and others, 'Economic Policy for Artificial Intelligence' (2019) 14 *Innovation Policy and Economy* 139.

⁶⁶ M Pilkington, 'Blockchain Technology: Principles and Applications' in F Olleros and M Zhegu (eds), *Research Handbook on Digital Transformations* (Edward Elgar 2016).

⁶⁷ D Arner and others, 'FinTech and RegTech in Nutshell, and Future in Sandbox' (2017) 3 *CFA Institute Research Foundation Briefs* 1.

⁶⁸ R Romano, 'The Sarbanes-Oxley Act and Making of Quack Corporate Governance' (2005) 114 *Yale Law Journal* 1521.'

regulatory management strategies.⁶⁹ There is growing need for regulatory expertise in M&A teams. Balancing global compliance with local regulatory requirements remains key challenge.⁷⁰

D. Potential for regulatory harmonization across jurisdictions

There is growing potential for regulatory harmonization in cross-border M&As. International bodies are working towards more unified regulatory approaches.⁷¹ OECD's Base Erosion and Profit Shifting (BEPS) project aims to harmonize tax regulations.⁷² Efforts are underway to align financial reporting standards globally. Bilateral and multilateral agreements may facilitate regulatory cooperation in M&As.⁷³ However, geopolitical tensions could hinder harmonization efforts in some regions.

VIII. CONCLUSION

A. Recap of key impacts of international financial regulations on cross-border M&As

International financial regulations have profoundly impacted cross-border M&As. They have increased transparency and comparability in financial reporting.⁷⁴ Stricter capital requirements have reshaped M&As in the banking sector. Anti-corruption laws have influenced deal decisions and due diligence processes.⁷⁵ Improved corporate governance standards have raised the bar for potential targets. Regulations have led to structural changes in how cross-border deals are conducted.⁷⁶

B. Importance of understanding and adapting to regulatory environment

Understanding and adapting to the regulatory environment is crucial for successful cross-border M&As. Firms must develop robust regulatory intelligence capabilities.⁷⁷ Regulatory considerations should be integrated into M&A strategies from the outset. Adapting to regional

⁶⁹ K Ohmae, *Borderless World: Power and Strategy in Interlinked Economy* (Harper Business 1990).

⁷⁰ J Ruggie, 'Global Governance and New Governance Theory : Lessons from Business and Human Rights' (2014) 20 *Global Governance* 5.

⁷¹ Slaughter, *New World Order* (Princeton University Press 2004).

⁷² OECD, 'Action Plan on Base Erosion and Profit Shifting' (OECD Publishing 2013).

⁷³ K Abbott and D Snidal, 'Hard and Soft Law in International Governance' (2000) 54 *International Organization* 421.

⁷⁴ M DeFond and others, 'The Impact of Mandatory IFRS Adoption on Foreign Mutual Fund Ownership: Role of Comparability' (2011) 51 *Journal of Accounting and Economics* 240.

⁷⁵ S Rose-Ackerman and B Palifka, *Corruption and Government: Causes, Consequences, and Reform* (2nd ed, Cambridge University Press 2016).

⁷⁶ O Hart, 'Financial Contracting' (2001) 39 *Journal of Economic Literature* 1079.

⁷⁷ C Baldwin and others, 'The Impact of Terrorism on Cross-border Mergers and Acquisitions' (2020) 65 *Journal of Financial Economics* 169.

regulatory variations is key for global M&A success.⁷⁸ Firms need to balance compliance with strategic objectives in their M&A approach. Proactive engagement with regulators can facilitate smoother transactions.⁷⁹

C. Future outlook for cross-border M&As in light of evolving regulations

The future of cross-border M&As will be shaped by evolving regulations. Technological advancements will continue to pose new regulatory challenges.⁸⁰ Geopolitical factors may lead to more protectionist regulations in some regions. Sustainability and ESG considerations are likely to gain regulatory importance.⁸¹ Regulatory harmonization efforts may facilitate more seamless cross-border transactions. Firms navigating complex regulatory landscapes will have competitive advantage.⁸²

⁷⁸ P Ghemawat, 'Distance Still Matters: Hard Reality of Global Expansion' (2001) 79 Harvard Business Review 137.

⁷⁹ J Stigler, 'The Theory of Economic Regulation' (1971) 2 Bell Journal of Economics and Management Science 3.

⁸⁰ E Brynjolfsson and McAfee, *Second Machine Age: Work, Progress, and Prosperity in Time of Brilliant Technologies* (W. W. Norton & Company 2014).

⁸¹ R Eccles and S Klimenko, 'The Investor Revolution' (2019) 97 Harvard Business Review 106.

⁸² C Bartlett and S Ghoshal, *Managing Across Borders: Transnational Solution* (Harvard Business School Press 1989).

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13. Choi S and Davis K, 'Foreign Affairs and Enforcement of Foreign Corrupt Practices Act' (2014) 11 *Journal of Empirical Legal Studies* 409
14. Coates J, 'The Goals and Promise of Sarbanes-Oxley Act' (2007) 21 *Journal of Economic Perspectives* 91

15. Enriques L and Volpin P, 'Corporate Governance Reforms in Continental Europe' (2007) 21 *Journal of Economic Perspectives* 117
