

CFTC Division of Enforcement issues advisories on cooperation

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On January 19 2017 the Commodity Futures Trading Commission (CFTC) Division of Enforcement issued two new enforcement advisories outlining the factors that it will consider in evaluating cooperation by individuals and companies in its investigations and enforcement actions.⁽¹⁾

The CFTC gives credit for:

- cooperation in determining whether enforcement action is warranted;
- the nature of charges that should be brought; and
- the appropriate level of sanctions to impose or seek.

With the issuance of the recent advisories, the Division of Enforcement aims to further incentivise individuals and companies to cooperate fully and truthfully in CFTC investigations and enforcement actions by:

- providing high-quality cooperation;
- self-reporting to the Division of Enforcement; and
- providing early and material assistance to the division.

The advisories complement the work of the CFTC's Office of the Whistleblower and the CFTC's whistleblower programme, which provide monetary incentives to individuals who report possible violations of the Commodity Exchange Act that lead to a successful enforcement action, as well as privacy, confidentiality and anti-retaliation protections for whistleblowers who share information with or assist the CFTC.

For further information on this topic please contact [Donna M Parisi](#), [Geoffrey B Goldman](#) or [Azam H Aziz](#) at Shearman & Sterling LLP by telephone (+1 212 848 4000) or email (dparisi@shearman.com, geoffrey.goldman@shearman.com or aaziz@shearman.com). The Shearman & Sterling website can be accessed at www.shearman.com.

Endnotes

(1) The advisories are available [here](#) and [here](#).

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AUTHORS

Donna M Parisi



Geoffrey B Goldman



Azam H Aziz

