

# CORPORATE CRIME UPDATE - NOVEMBER 2020

30 November 2020 | Global  
Legal Briefings

---

Welcome to the November 2020 edition of our corporate crime update - our round up of developments in relation to corruption, money laundering, fraud, sanctions and related matters.

For the full update on each jurisdiction, please click on the links below.

## **WE HAVE LAUNCHED A NEW SANCTIONS BLOG**

Our US Sanctions team has recently launched a new Sanctions blog. The blog provides commentary on economic sanctions and export control issues, with a focus on US laws, and will be of particular interest to in-house counsel and compliance personnel in both US and non-US companies. We will also continue to post sanctions content on 'FSR and Corporate Crime Notes' for our current blog readers.

[Visit the blog here](#)

## **UNITED KINGDOM, EUROPE AND INTERNATIONAL**

### **UNITED KINGDOM**

- SFO: Three former Unaoil executives sentenced for bribery
- SFO charges individuals with fraud in relation to activities of steel group
- SFO charges former executives of global security company with fraud against taxpayer

- SFO charges three individuals in fund investigation
- SFO secures £5.45 million confiscation order against former executives of Afren Plc
- SFO charges company and three individuals following corruption investigation
- SFO secures third DPA of 2020
- New DPA guidance in the SFO's Operational Handbook
- Ministry of Justice publishes its response to the call for evidence on corporate liability for economic crime
- SFO Annual Report and Accounts 2019 – 2020
- SFO: Director Osofsky speech on future challenges in economic crime
- SFO: Director Osofsky re-examines priorities of SFO at Cambridge Symposium on Economic Crime
- HMCPSI inspection of SFO's response to Covid-19
- FCA consultation on extension of annual financial crime reporting obligation
- FCA: Changes to FCG now in force
- FCA: £1.6 million confiscation order against Richard Baldwin
- FCA: Criminal proceedings brought against three individuals
- FCA final notice to trader following insider dealing conviction
- NCA Annual Report and Accounts 2019/20
- NCA: Businessman with links to serious crime settles £10 million UWO case
- NCA recovers more than £1 million of assets
- HMT annual report on AML/CFT
- HMT consultation on economic crime levy
- FinCEN papers: Treasury Committee seeks answers from Ministers, HMRC and FCA
- OFSI updated guidance on financial sanctions in UK
- OFSI Annual Review 2019 – 2020
- OFSI quarterly report to Parliament on Tafa 2010

- HMRC releases details of breaches of 2017 MLR in 2019/2020
- BEIS response to consultation on Companies House reform
- BEIS CfE - UK approach for international regulatory cooperation
- The Money Laundering and Terrorist Financing (Amendment) (EU Exit) Regulations 2020
- Draft Sanctions (EU Exit) (Consequential Provisions) (Amendment) Regulations 2020
- Draft SI: Closing the bearer certificate loophole for collective investment schemes

## **EU**

- EBA calls on Commission to establish single rulebook on AML/CTF
- European Commission: Speech on EU's AML/CTF plans
- 4MLD/5MLD: Commission report on trusts and similar arrangements governed under Member States' laws
- Commission Communication on EU's AML/CTF framework
- EU 'Magnitsky Act' proposal to be announced soon
- CJEU: Russian oil company loses Crimea sanctions challenge
- EU High Representative: Declaration on international security and stability in cyberspace
- EU imposes sanctions on individuals for repression and election falsification in Belarus
- Europol highlights relationship between banks and sports corruption
- OLAF Director-General welcomes EPPO as a 'game changer'
- EPPO: Chief Prosecutor and 22 Prosecutors take oath before CJEU

## **INTERNATIONAL**

- FATF Annual Report 2019 - 2020

- FATF President speech at counter-terrorism conference
- FATF: Updated consolidated assessment ratings
- FATF report: 'Virtual Assets: Red Flag Indicators of Money Laundering and Terrorist Financing'
- FATF President addresses GAFILAT Virtual Plenary Meeting
- OECD: Public-private efforts against corruption 'must continue' after Covid-19
- Wolfsberg Group statement on effective AML/CTF programmes
- Wolfsberg Group FAQs on Source of Wealth and Source of Funds

[Read more](#)

---

## **FRANCE**

- Updated AFA recommendations
- Publication of the GRECO assessment report for France
- Publication of the Tracfin annual report
- Publication of the French Anticorruption Agency's annual report
- Publication by the AFA of a practical guide on gifts and entertainment
- Signing of a cooperation protocol between the AMF and the AFA

[Read more](#)

---

## GERMANY

- Human rights compliance in Germany: Current steps towards a mandatory Human Rights Due Diligence Law

[Read more](#)

---

## SPAIN

- Spain's National Court (*Audiencia Nacional*) acquits 34 defendants in the Bankia IPO

[Read more](#)

---

## MIDDLE EAST

- Fraud of CEO of private jet firm against Dubai-based gift company
- Fraud and embezzlement by an employee of a law firm
- CEO of companies and his father sentences to prison in Dubai for AED 8 million scam
- AML developments in Dubai

[Read more](#)

---

# HONG KONG/CHINA

## HONG KONG

- Director and clerk charged with defrauding four banks
- Largest money laundering case uncovered
- Investigations into the surge in share price of Next Digital

## CHINA

- Chinese real estate tycoon jailed for 18 years

[Read more](#)

---

# SOUTH EAST ASIA

## MALAYSIA

- Former Cabinet minister's senior private secretary charged with accepting and soliciting bribes
- Two Sabah company owners arrested for falsifying information to obtain supply contracts

## INDONESIA

- Former sports minister sentenced to seven years for a bribery case

## **PHILIPPINES**

- Central Bank to review anti-money laundering compliance of banks

## **THAILAND**

- NACC and Democrat Party to look into alleged bribes

## **SINGAPORE**

- Capital markets services licence of Apical Asset Management revoked

## **VIETNAM**

- Chairman of the People's Committee of Hanoi arrested

[Read more](#)

---

## **JAPAN**

- New proposed provisions to deal with money laundering in trust agreements

[Read more](#)

---

## AUSTRALIA

- Corporate Criminal Responsibility Inquiry Final Report released
- ASIC enforcement update for January to July 2020
- Modern Slavery Developments at the Commonwealth level
- Modern slavery developments at NSW level
- The Australian Combatting Corporate Crime Bill: What does it mean for companies?

[Read more](#)

---

## UNITED STATES

- SEC amends whistleblower award program
- SEC whistleblower awards
- SEC Chair and Co-Director of Enforcement remark on Enforcement program
- SEC, FINRA and CFTC charge brokerage firm with AML and supervision failures
- SEC, CFTC and DoJ: Settlements reached in investment bank spoofing cases
- SEC charges prominent businessman and computer programmer with fraudulently promoting ICOs
- SEC charges consumer loan company with FCPA violations
- SEC and CFTC help victims of Ponzi scheme recover over \$1 billion
- Further SEC enforcement actions

- CFTC Division of Enforcement announces record-breaking year
- CFTC whistleblower awards
- CFTC charges trading platform owners with illegally operating a cryptocurrency derivatives trading platform and AML violations
- CFTC Bank Secrecy Act Task Force case: Settlement in SARs and supervision failures
- CFTC orders firm and trader to pay \$585,000 for spoofing
- CFTC: Firm vicariously liable for spoofing of trader
- CFTC charges individuals and company with spoofing in crude oil futures markets
- CFTC charges several individuals and companies in \$165 million global binary options fraud scheme
- CFTC orders swap dealer to pay \$127.4 million for spoofing, false statements, compliance and supervision violations
- Federal banking agencies issue joint statement on enforcement of BSA/AML requirements
- Agencies issue joint statement on BSA/AML due diligence requirements for PEPs
- FINRA podcast: Money laundering in the securities industry
- DoJ: Two former traders convicted of engaging in deceptive and manipulative trading practices in US commodities markets
- DoJ: Lawyer charged with fraud related to investment scheme
- DoJ: Florida company fined \$16.6 million for violating FCPA anti-bribery provisions
- OFAC: Large bank to pay \$583,100 to end Ukraine sanctions probe
- DoJ: Global nutrition company agrees to pay over \$122 million to resolve FCPA case
- DoJ issues first FCPA advisory opinion in six years
- DoJ: Former forex trader sentenced to prison for price fixing and bid rigging
- DoJ: Largest ever seizure of cryptocurrency in the terrorism context
- OFAC designates eight Belarusian officials under sanctions regime

[Read more](#)

---



## KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



**SUSANNAH  
COGMAN**  
PARTNER, LONDON

+44 20 7466 2580  
Susannah.Cogman@hsf.com



**DANIEL HUDSON**  
PARTNER, LONDON

+44 20 7466 2470  
Daniel.Hudson@hsf.com



**BRIAN SPIRO**  
PARTNER, LONDON

+44 20 7466 2381  
brian.spiro@hsf.com



**KATE MEAKIN**  
PARTNER, LONDON

+44 20 7466 2169  
Kate.meakin@hsf.com



**GRAHAM MORE**  
CONSULTANT,  
LONDON

+44 20 7466 2002  
Graham.More@hsf.com

---

## LEGAL NOTICE

The contents of this publication are for reference purposes only and may not be current as at the date of accessing this publication. They do not constitute legal advice and should not be relied upon as such. Specific legal advice about your specific circumstances should always be sought separately before taking any action based on this publication.

© Herbert Smith Freehills 2022

---

**SUBSCRIBE TO STAY UP-TO-DATE WITH INSIGHTS, LEGAL UPDATES, EVENTS, AND MORE**

Close

© HERBERT SMITH FREEHILLS LLP 2022