

CORPORATE CRIME UPDATE, WINTER 2019

14 March 2019 | Global Legal Briefings

Welcome to the **Winter 2019** edition of our corporate crime update - our round up of developments in relation to corruption, money laundering, fraud, sanctions and related matters. Our update now covers a number of jurisdictions.

For the full update on each jurisdiction, please click read more for the full article of each jurisdiction. Below we provide a brief overview of what is covered in each update.

UNITED KINGDOM/EUROPE

UNITED KINGDOM

- Four more sentences imposed in F.H. Bertling Ltd corruption case
- SFO opens investigation into three property developments
- SFO announces new General Counsel
- HM Treasury publishes advice on money laundering and terrorist financing controls in high-risk jurisdictions
- HMRC guidance on failure to prevent facilitation of tax evasion self-reporting
- New taskforce to tackle economic crime
- Manraj Virdee sentenced for illegal operation of unauthorised CIS
- NCA granted forfeiture orders relating to accounts held by the son of the ex-Prime

Minister of Moldova

- NCA publishes Suspicious Activities Reports (SARs) Annual Report 2018
- UK falls out of global top 10 in anti-corruption index
- Anonymous safety deposit boxes and amendments to JMLSG guidance
- JMLSG 2019 Workplan
- Brexit preparedness new technical guidance on interception and monitoring prohibitions in sanctions
- New criminal offences for mishandling a pension scheme
- Independent review of the quality and effectiveness of audits
- Attorney General's new framework agreement with SFO
- Home Office approves extradition of Vijay Mallya to India
- Treasury Committee FOS letter highlights complaints about fraud and scams
- Review of non-disclosure agreements and whistleblowing laws
- EU Exit: HM Treasury guidance on financial sanctions
- OFSI Financial Sanctions Notices
- OFSI issues first ever fine for financial sanctions breaches
- FCA concerns around payments to governments reporting requirements
- SFO closes investigations into Rolls-Royce Plc and GlaxoSmithKline Plc
- SFO publishes Deferred Prosecution Agreement with Tesco Stores Limited
- High Court orders disclosure of SFO documents in s.90A FSMA shareholder class action
- Former Petrofac senior executive pleads guilty to eleven counts of bribery
- EU Exit: draft and final statutory instruments

EUROPEAN UNION

- New European Commission 'high risk third country' list rejected
- MLD4: Commission Delegated Regulation on minimum actions to mitigate money laundering and terrorist financing risk
- European lawmakers reach informal agreement on AML information sharing
- EBA: updated final report on fraud reporting guidelines under PSD2
- EUROPOL: EU member states agree 2019 money laundering action plan
- EU TAX3 Committee calls for stiffer AML rules after Dankse bank issues

INTERNATIONAL BODIES

- FATF consolidated assessment ratings
- FATF Plenary 20-22 February 2019
- Wolfsberg Group guidance on sanctions screening
- IPSFF guide to managing fraud for public bodies

Read more

GERMANY

- Regional Court of Dortmund: Lawsuit against German textile discounter KiK responsibility for human rights violations in subsidiaries and down the supply chain?
- Germany moves up one space in global anti-corruption index despite a reduced score

Read more

MIDDLE EAST

- Dubai expat jailed for life for embezzling Dh 13.4m from employer
- Bank manager sentenced for embezzling Dh 10 million in Dubai
- 30,000 counterfeit goods seized in Sharjah
- Sharjah Police warn of latest investment fraud
- Heera Ponzi scheme victims welcome charge sheet against CEO

Read more

HONG KONG/CHINA

- Hong Kong Court of Appeal considers constitutionality of the requirement to disclose suspicious transactions
- SFC issues HK\$15.2 million fine for failure to report money-laundering activity
- Guides to investigations in Hong Kong and China updated for 2019

Read more

INDIA, KOREA & SOUTH EAST ASIA

INDIA

 RBI imposes monetary penalties on 10 banks for breaches of anti-money laundering standards

KOREA

• OFAC imposes fine in North Korean sanctions case

MALAYSIA

- Malaysia launches National Anti-Corruption Plan
- Wave of anti-corruption enforcement in Malaysia
- Securities Commission introduces new rules for digital payment

SINGAPORE

- Procurement officer pleads guilty to receiving bribes of \$740,000
- New law to govern precious stones and metals
- "Zero-tolerance in corruption" as Singapore charges Korean engineers

PHILIPPINES

- Bank manager jailed and fined \$110 million for money laundering
- Former mayor sentenced to 10-year imprisonment for graft

INDONESIA

• Garuda sues Rolls-Royce over allegedly fraudulent contract

AUSTRALIA

- New whistleblower legislation passed through Parliament
- New corporate and financial sector penalties legislation passed through Parliament
- Commonwealth Modern Slavery legislation passed
- Treasury Laws Amendment (Combating Illegal Phoenixing) Bill 2019 Explanatory Memorandum released

Read more

UNITED STATES

- OFAC imposes blocking sanctions on PDVSA
- SEC files insider trading charges
- SEC charges Cognizant and two former executives with FCPA violations
- False Claims Act "kickback" whistleblower wins appeal
- False Claims Act defendant argues statute is unconstitutional
- Government puts electronic health records companies "on notice" of vigorous False Claims Act enforcement

Read more

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



ROD FLETCHER



SUSANNAH COGMAN PARTNER, LONDON

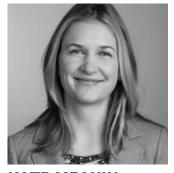


DANIEL HUDSONPARTNER, LONDON



BRIAN SPIRO PARTNER, LONDON

+44 20 7466 2580 Susannah.Cogman@hsf.com +44 20 7466 2470 Daniel.Hudson@hsf.com +44 20 7466 2381 brian.spiro@hsf.com



KATE MEAKINPARTNER, 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