IRISH COMPLIANCE QUARTERLY
Winter 2018

ACOI
The Association of Compliance Officers in Ireland

ACOI 2018 CONFERRING CEREMONY

ACOI 2018 CONFERENCE

CONDUCT, COMPLIANCE & CULTURE

NIALL GALLAGHER AWARDS

EARLY CAREER AWARDS WINNER

LAUNCH OF NEW PROGRAMMES


Wishing our members
a Merry Christmas
and Happy New Year
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WELCOME to the WINTER 2018 Edition of ICQ

Dear Member,

In this, the last "Voice of Compliance" article of 2018, it's perhaps appropriate to reflect on the year that's been and take a look forward to 2019 and beyond.

It's been a busy year for both the ACOI and for all of you working in compliance. The often-quoted tsunami of regulation hasn't abated with this year GDPR taking centre stage as potentially the most often used abbreviation but that's not ignoring MIFID and IDD depending on your industry and of course the new buzz word Culture fighting for top spot.

There is no doubt the C word, as I referred to it many times this year, isn't going away and for all of us that's a good thing in my view. It's nothing new to ACOI or indeed you our members. Long before culture and ethics were "sexy" the ACOI provided Level 7 through to Level 9 programmes and CPD on these topics to provide skills and develop leaders "able" to meet stakeholders expectations in helping to both raise and set standards in these critically important areas.

In October we launched two new university accredited courses with IOB specifically focussing on culture, ethics and behaviours. There seems to be great momentum and interest in both programmes and let's hope they help students and firms and indeed our regulators develop a greater understanding of what change is needed and indeed what good looks like. The time for talking about behavioural change and positive culture is over for us all including the CBI. It's now time to make that change where it's required and I'd call on the CBI to reflect on their own organisation and the journey all organisations go on with regard to this topic and to practice what they preach and be seen to do so. That's not criticising CBI or any other organisations need to change, it's rather a simple observation that to truly understand another's position or indeed their struggle, you need to walk a mile in their shoes. It's perhaps more relevant in this topic than many others and this self-reflection and awareness will hopefully bring us to a situation where we won't be simply talking about the necessary change, it will be happening.

Another pressing issue for firms this year either local, new FDI coming into Ireland or indeed those who are coming here because of Brexit is people - where are all the compliance people gone?

We had fewer people at our annual careers evening this year than in any other year. Initially we were disappointed somewhat with the candidate turnout if we were honest. Then we realised anyone who wants a job in compliance probably already has one. There are more jobs than people out there at the moment and we have been approached countless times this year by huge international firms and the IDA looking to ACOI for help in finding suitable candidates. It's not what we do but we are trying to and will help in any way we can. It's also fantastic that we can say to those firms coming into Ireland that we have an existing community of 3,500 ACOI

members here to support their compliance people, that we can provide an educational framework and CPD to help them and we can potentially put them in touch with someone in that community who can help them. The one area we need to improve further on is that to meet the huge demand for suitable qualified and experienced compliance people we need to start changing our thinking and understanding of compliance.

I'd call out again to regulators, but also to recruiters and the hiring firms themselves on this point. There are lots of candidates looking for a "start" in the compliance profession now whether they are graduates, people coming back to work or indeed those changing industry. They may not yet have the necessary experience you require for your PCF role or indeed they may have experience, but in another industry not your own. Many of them as a first step have taken our ACOI programmes but are facing that experience hurdle to securing a role. It's time for firms and industry to begin building a pipeline of talent to fill all your compliance hiring requirements into the future. That will require lots of initiatives including graduate programmes, recognising transferable compliance skills between industries, starter programmes for career changers etc. It will also require a change in thinking as the time is passing/past when you can easily secure candidates who meet all your requirements straight up – there are exceptional candidates out there who want to have a career in compliance, surely that Is half the battle so just figure out how to get them working for your firm – ACOI can and will help.

"In October we launched two new university accredited courses with IOB specifically focussing on culture, ethics and behaviours. There seems to be great momentum and interest in both programmes."

On exceptional people two quick points, ACOI sponsored three categories in the 2018 Lincoln Recruitment Early Career Awards: Risk and Compliance, Banking and Funds. Myself, Declan McHugh and Denise Whelan judged each category and we all remarked on the exceptional quality of the people who were nominated for the categories and indeed those who won the awards. It really struck all of us that the future of our profession but also the FS sector was in safe hands with these future leaders at the helm.

We have also just completed our annual conferring ceremony, easily my favourite day in the ACOI calendar. It is truly a privilege to get to celebrate with our graduates at our annual conferring and to recognise and honour their achievements. This year we had over 750 people graduate through our programmes and we were joined on the night by 180 of them and their families and friends for a truly fantastic evening. The ACOI, and its programmes, goes from strength to strength and we have a pipeline of people ready and willing to take up roles within our profession.
We also had an excellent annual conference this quarter focussing on Culture, Conduct and Compliance. This was due to the exceptional panel of speakers who attracted such a large crowd that we had a waiting list for attendees on the day – at a compliance conference!!!
On the day we heard from our speakers on many topics including culture, ethics, consumer outcomes, speaking up, AI and individual accountability – look out for feature articles on these topics in next year's ICQ. Looking to 2019 and beyond, our session on individual accountability attracted a lot of interest for the audience particularly the discussions on the proposed Senior Executive Accountability Regime (SEAR) and what that means for compliance officers reflecting on the existing F&P regime. It was an interesting debate and perhaps one of the most interesting questions that came up from the audience was again directed at regulators regarding holding themselves to the same F&P and indeed SEAR standards that the industry is/will be held to. An interesting question and one perhaps for a future edition of **ICQ**.

In closing what has been another interesting and busy year I want to thank you all for your contribution and continued support for the ACOI – it's your association and doesn't happen without you so again thank you.

I'd also like to wish all of you a very Happy and peaceful Christmas and New Year. **ICQ**

Clive Kelly,
President ACOI.

LAUNCH OF NEW PROGRAMMES ON ETHICS & CULTURE

On Friday 19th October, ACOI President Clive Kelly, together with Mary O'Dea, Institute of Banking CEO, launched two new educational programmes on culture and ethics. These new programmes will commence in February 2019.

Speaking at the event, Clive Kelly and Mary O'Dea highlighted the importance of education and competency as key components of any meaningful cultural change programme.

The introduction of these new culture programmes can provide organisations with the tangible support they need in taking the necessary actions to create an effective organisational culture built on shared purpose and standards to deliver fair outcomes that have the interests of the customer at heart.
At the launch, our President Clive Kelly addressed the audience of senior financial services and compliance professionals:

"ACOI has been at the leading edge of developing compliance and ethics education and associated continuous professional development offerings since its formation, helping to both set and raise standards in these critically important areas.

Culture and ethics are often likened to the DNA of an organisation. They shape judgments and behaviours displayed at those key moments, big or small, that matter to the performance and reputation of firms and how it treats its customers and arguably all its stakeholders.

It can also be argued that culture, both effective and ineffective, is and can be contagious. In my experience, people in firms typically don't consult 'the law' for guidance on a day-to-day basis. They take their cues from their peers, colleagues and leaders... More often than not, it's an organisation's culture — the shared norms conveyed through conduct — that provides instruction.

L-R: Derville Rowland, Central Bank of Ireland Director General of Financial Conduct; Clive Kelly, ACOI President and Mary O'Dea, IOB Chief Executive

"We in ACOI have always upheld the view that compliance is never and was never simply about ticking boxes, nor is it about doing only what is legal. It's always been about doing what is right by those same customers."

We in ACOI have always upheld the view that compliance is never and was never simply about ticking boxes, nor is it about doing only what is legal. It's always been about doing what is right by those same customers. Both ACOI and IOB strongly believe in the potential of these programmes and the broader role of education in helping to raise professional standards.

We in ACOI are delighted to be working with the Institute of Banking on these programmes and I would encourage those leaders charged with driving meaningful cultural change across all sectors to support them."

Those who attended the launch were also addressed by Derville Rowland, Director General of Financial Conduct at the Central Bank of Ireland, who made reference to the importance of leadership in effecting real, consumer-centric cultural change in financial services organisations.

But if we are truly serious when we talk about effective culture, cultural change and improving behaviours within financial services firms, and indeed people in those firms acting in the best interests of their customers, then the voice of the customer has to be heard loud and clear inside those firms. Looking to and challenging our own members for a moment I would argue that while culture is everyone's responsibility, who is now better placed to be the voice of those customers inside those same firms, than the compliance function.

L-R: Clive Kelly, ACOI President; Derville Rowland, Central Bank of Ireland Director General of Financial Conduct and Mary O'Dea, IOB Chief Executive

Brief details of both programmes:

Professional Certificate in Consumer Protection Risk, Culture and Ethical Behaviour in Financial Services

The Professional Certificate in Consumer Protection Risk, Culture and Ethical Behaviour in Financial Services (Level 7) aims to develop participants' knowledge of the Consumer Protection Risk Assessment and how it relates to culture, ethics and behaviours and their personal responsibilities in sustaining an effective corporate culture.

For further information on the programme and to express an interest CLICK HERE.

The Professional Diploma in Leading Cultural Change and Ethical Behaviours in Financial Services

The Professional Diploma in Leading Cultural Change and Ethical Behaviours in Financial Services (Level 9) is suited to senior managers and focuses on leadership behaviours and embedding consumer-focused behaviours and conduct standards.

Designation: Members who complete the Professional Diploma in Leading Cultural Change and Ethical Behaviour in Financial Services will be invited to apply for the designation CEP – Certified Ethics Practitioner and must meet CPD requirements.

For further information on the programme and to register CLICK HERE.

CRIMINAL JUSTICE (CORRUPTION) OFFENCES ACT 2018

AN OVERVIEW

In follow-up to the article on Baker McKenzie's article on the UK Bribery Act in the last edition of the ICQ, Gerard James, Associate, William Fry provides an overview of the Criminal Justice (Corruption Offences) Act 2018.

The Criminal Justice (Corruption) Offences Act criminalises both direct and indirect corruption in wide ranging spheres of activities.

"In a nutshell, the Act criminalises direct and indirect corruption in the public and private sectors in Ireland and abroad."

The much-anticipated Criminal Justice (Corruption Offences) Act 2018 (the "Act") was signed into law by President Higgins on 5 June 2018 and commenced by way of a Ministerial Order on 30 July 2018.

The Act implements a central plank of the Government's White Collar Crime package and repeals and replaces the existing legislation in the area, namely the Prevention of Corruption Acts 1889 – 2010 (the "POC" Acts). Insofar as it enshrines into law recommendations arising from the Mahon Tribunal Report, the Act reflects a strong Irish influence; simultaneously, the Act has a strong international influence and is intended to facilitate Ireland comply with its international commitments by giving effect to recommendations made by the OECD, the European Union, the Council of Europe and the United Nations.

Overview

In a nutshell, the Act criminalises ***direct*** and ***indirect corruption*** in the ***public*** and ***private sectors*** in ***Ireland*** and ***abroad***.

The scope of the Act is extremely broad with individuals, corporates, voluntary bodies, foreign and Irish officials all falling within its ambit.

From a corporate perspective, one of the most significant provisions under the Act is the introduction of criminal liability for corporate bodies and senior management for offences under the Act.

Offences & Penalties

The offences outlined under the Act are largely dependent upon an act or omission being carried out 'corruptly'. While the Act defines 'corruptly' as 'acting with an improper purpose or by personally influencing another' the definition is a non-exhaustive one; consequently, there is potential scope for actions not explicitly listed under the Act to come within the definition.

While not specifically defined, a 'bribe' for the purposes of the Act is treated to be 'a gift, consideration of advantage'. In keeping with the sweeping nature of the Act, the 'bribe' need not be given or accepted in order to constitute an offence, it is sufficient that there be agreement to give or accept.

The key offences and penalties introduced by the Act are set out in the tables on pages 13-15.

Corporate and Management Liability

Pursuant to section 18(1) of the Act, a body corporate will be liable for the actions of a director, manager, secretary, employee, agent or subsidiary who commits an offence under the Act with the intention of obtaining or retaining business for the body corporate or in obtaining an advantage for the business.

A company can seek to defend a prosecution by demonstrating that it took "all reasonable steps and exercised all due diligence in seeking to avoid the commission of the offence". Unlike the position adopted

in the UK where formal guidance was provided on the 'Adequate Procedures' defence available under the UK Bribery Act 2010, no formal guidance from the relevant department is currently anticipated.

Section 18(3) provides that a director, manager, secretary or other company officer who consents to the commission of the offence may also be guilty of an offence. The same office holders will also be guilty of an offence if proved that the offence on the part of the company was attributable to any wilful neglect on their part.

From a management perspective, it is worth nothing that it is not necessary for the body corporate to be convicted of the offence in order for the senior management to be prosecuted.

Public Sector Element

Section 7 of the Act has introduced the new offence of "Corruption in relation to office, employment, position or business", involving an "Irish Official". The term "Irish Official" is defined as applying to a range of specified office holders for example elected members of Dáil Éireann, Seanad Éireann and the European Parliament, the Attorney General, the Comptroller and Auditor General, the Director of Public Prosecutions, members of the judiciary, jurors and arbitrators are all specified as Officials within the meaning of the act.

The definition is further extended to officers, directors, employees and members of Irish Public bodies, which is stated as including members of local authorities. Consideration should be given to the Schedule to the Act, which defines what constitutes a public body for the purposes of the Act.

Presumptions

The Act contains a number of presumptions in relation to officials and political donations under sections 14, 15 & 16 of corruption which are considerably broader in scope than in the legislation previously. The effect of these presumptions lowers the bar for the prosecution by switching the onus on to a defendant to rebut the presumption(s).

Extra Territorial Effect

In a similar vein to the equivalent US and UK legislation, the offences under the Act are given extra territorial effect.

Pursuant to sections 11 to 13 of the Act, Irish citizens, companies and corporate bodies registered in Ireland will be liable under the Act for actions committed outside of Ireland where those actions would otherwise constitute an offence under the Act if committed in Ireland.

The scope of this extra territorial effect is somewhat limited by the requirement that the act committed must also be an offence in the jurisdiction in which it was carried out.

It is anticipated that this dual requirement will provide some degree of breathing space for Irish citizens, companies and registered entities operating abroad. It is also likely to fuel criticism that the Act doesn't go far enough in holding to account parties whose actions abroad would not necessarily match their obligations in this jurisdiction.

UK Bribery Act 2010

For many Irish businesses, the UK Bribery Act 2010 was a watershed moment that triggered a detailed re-assessment of work practices. With the introduction of the Act, the first question for many businesses which are already complaint with the UK Bribery Act 2010 is what additional steps, if any, will be required for compliance with the Act.

The two Acts contain many similar provisions, they both make active and passive bribery offences and contain provisions on bribing foreign officials. Both Acts contain extra-territorial effect – however the Irish legislation provides that the offence abroad must also be an offence in the place where the corrupt act was done. This is not a requirement under the UK law and it would appear that in this respect the UK legislation is stricter.

The effect of both Acts could mean that a company that is found guilty of an offence in the UK could also be open to prosecution for the same act under Irish law as there is no explicit double jeopardy provision in the Act.

The Act contains several offences that do not appear in the UK Act. These offences are focused on public officials.

A further difference between the two Acts is the defence available to companies under section 18 (2) of the Act. It would appear that adequate procedures would encompass taking reasonable steps and due diligence to avoid corruption and therefore if a company had put in place procedures for compliance with the UK Act the same procedures should provide a defence under the Irish Act.

Next Steps For Companies

Due to the sweeping nature of the Act, a one-size-fits-all approach will not work. Instead, companies will need to undertake their own risk assessment in order to determine what due diligence and training procedures are most appropriate to their business. While the form that this should take will inevitably vary, at a minimum, the following steps should be implemented so as to minimise the risk:

- **Put in place a robust anti-bribery policy with specific reference to the Act, or carry out a review of any existing policy in light of the Act;**
- **Review and update corporate hospitality policy in conjunction with the new / updated policy;**
- **Appoint a designated employee / manager to manage and oversee compliance with the new / updated policy;**
- **Notify all personnel / employee of the new / updated policy and schedule specific training on the new / updated policy for all personnel / employees;**
- **Ensure access to the policy is available to all personnel / employees (e.g. include link to policy on intra-web); and**
- **Notify any third party service providers / business partners of the policy (e.g. post a link to the policy on the company website).**

The key offences and penalties introduced by the Act:

SECTION 5

ACTIVE AND PASSIVE CORRUPTION

OFFENCE	PENALTIES
A person shall be guilty of an offence where they directly or indirectly corruptly offer, give, agree to give or request, accept, obtain or agree to obtain for themselves or others, a gift, consideration or advantage as an inducement to, or reward for, doing an act in relation to one's office, employment, position or business.	**Summary Conviction** • Maximum fine of €5,000 • Up to 12 months imprisonment • Forfeiture of the gift/ consideration/advantage the subject of the charge or land, cash or property of an equivalent value. **Conviction on Indictment** • Unlimited fine • Up to 10 years imprisonment • Forfeiture of the gift/ consideration/advantage the subject of the charge or land, cash or property of an equivalent value. *In the case of an Irish official:* • forfeiture of any office, position or employment as an Irish official; • prohibition on holding any office, position or employment as an Irish official for a maximum of 10 years.

SECTION 6

ACTIVE AND PASSIVE TRADING IN INFLUENCE

OFFENCE	PENALTIES
A person shall be guilty of an offence where they directly or indirectly corruptly offers, gives or agrees to give or requests, accepts or obtains, agrees to accept for themselves or others, a gift, consideration or advantage on account of a person promising or asserting the ability to improperly influence an official to do an act in relation to the office, employment, position or business of the official.	**Summary Conviction** • Maximum fine of €5,000 • Up to 12 months imprisonment • Forfeiture of the gift/consideration/ advantage the subject of the charge or land, cash or property of an equivalent value. **Conviction on Indictment** • Unlimited fine • Up to 10 years imprisonment • Forfeiture of the gift/consideration/ advantage the subject of the charge or land, cash or property of an equivalent value.

SECTION 7

CORRUPTION IN RELATION TO OFFICE, EMPLOYMENT, POSITION OR BUSINESS

OFFENCE	PENALTIES
1) **An Irish official who, directly or indirectly, does an act in relation to their office, employment or position or business for the purpose of corrupting or taking a gift, consideration or advantage of themselves or others shall be guilty of an offence.** *2)* **An Irish official who uses confidential information obtained in the course of their office, employment, position or business for the purpose of corruptly obtaining a gift, consideration or advantage of themselves**	**Summary Conviction** • Maximum fine of €5,000 • Up to 12 months imprisonment • Forfeiture of the gift/ consideration/advantage the subject of the charge or land, cash or property of an equivalent value **Conviction on Indictment** • Unlimited fine • Up to 10 years imprisonment • Forfeiture of the gift/ consideration/advantage the subject of the charge or land, cash or property of an equivalent value *In the case of an Irish official:* • Forfeiture of any office, position or employment as an Irish official; prohibition on holding any office, position or employment as an Irish official for a maximum of 10 years.

SECTION 8

GIVING GIFT, CONSIDERATION OR ADVANTAGE KNOWING THAT IT MAY BE USED TO FACILITATE AN OFFENCE UNDER THIS ACT

OFFENCE	PENALTIES
A personal shall be guilty of an offence where they give a gift, consideration or advantage to another knowing or reasonably ought to know, that the gift, consideration or advantage will be used to facilitate the commission of an offence of this section.	**Summary Conviction** • Maximum fine of €5,000 • Up to 12 months imprisonment • Forfeiture of the gift/ consideration/advantage the subject of the charge or land, cash or property of an equivalent value **Conviction on Indictment** • Unlimited fine • Up to 10 years imprisonment • Forfeiture of the gift/ consideration/advantage the subject of the charge or land, cash or property of an equivalent value *In the case of an Irish official:* • Feiture of any office, position or employment as an Irish official; • Prohibition on holding any office, position or employment as an Irish official for a maximum of 10 years.

SECTION 9

CREATING OR USING FALSE DOCUMENT

OFFENCE	PENALTIES
A person shall be guilty of an offence directly or indirectly corruptly create or use a document that they believe to contain the statement which is false and misleading with the intention of inducing another person to do an act in relation to their office, employment, position or business to the prejudice of that other person.	**Summary Conviction** • Maximum fine of €5,000 • Up to 12 months imprisonment • Forfeiture of the gift/consideration/ advantage the subject of the charge or land, cash or property of an equivalent value **Conviction on Indictment** • Unlimited fine • Up to 10 years imprisonment • Forfeiture of the gift/consideration/ advantage the subject of the charge or land, cash or property of an equivalent value *In the case of an Irish official:* • Forfeiture of any office, position or employment as an Irish official; • Prohibition on holding any office, position or employment as an Irish official for a maximum of 10 years.

SECTION 10

INTIMIDATION

OFFENCE	PENALTIES
A person shall be guilty of an offence where they directly or indirectly, themselves or with others, threaten harm to a person with the intention of corrupting influencing that person or another to do an act in relation to the persons office, employment, position or business.	**Summary Conviction** • Maximum fine of €5,000 • Up to 12 months imprisonment • Forfeiture of the gift/ consideration/advantage the subject of the charge or land, cash or property of an equivalent value **Conviction on Indictment** • Unlimited fine • Up to 10 years imprisonment • Forfeiture of the gift/ consideration/advantage the subject of the charge or land, cash or property of an equivalent value *In the case of an Irish official:* • Forfeiture of any office, position or employment as an Irish official; • Prohibition on holding any office, position or employment as an Irish official for a maximum of 10 years.

SECTION 18(1)

COMPANY OFFENCES

OFFENCE	PENALTIES
A Company shall be guilty of an offence under the Act if it is committed by: • **A Director, Manager, Secretary or other officer of the Company.** • **A person purporting to act in that capacity.** • **A Shadow Director (pursuant to the Companies Act).** • **An Employee, Agent or Subsidiary of the Company with the intention of obtaining or attaining:** • **Business of the Company or** • **An advantage in the conduct of business for the Company.**	**Summary Conviction** • Maximum fine of €5,000 **Conviction on Indictment** • Unlimited fine

SECTION 18(3)

PERSONAL LIABILITY OF SENIOR MANAGEMENT

OFFENCE	PENALTIES
Where an offence is committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect of a person who was a director, manager, secretary or other officer of a body corporate, that person shall be guilty of an offence.	**Summary Conviction** • Maximum fine of €5,000 • Up to 12 months imprisonment • Forfeiture of the gift/ consideration/advantage the subject of the charge or land, cash or property of an equivalent value **Conviction on Indictment** • Unlimited fine • Up to 10 years imprisonment • Forfeiture of the gift/ consideration/advantage the subject of the charge or land, cash or property of an equivalent value

MONEY LAUNDERING, FINANCING TERRORISM & FINANCIAL SANCTIONS:

MANAGING RISK IN INTERNATIONAL BUSINESS

Author: Chris Martin, Senior Associate, A&L Goodbody.

The topic of money laundering and terrorist financing ("AML/CFT") has received a lot of attention in the last few years both at an EU and national level with the introduction of the Fourth Anti-Money Laundering Directive, ('4MLD') and its, albeit belated, transposition in Ireland in the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2018, which was enacted on 14 November 2018. The Fifth Anti-Money Laundering Directive has also been published and is due to be implemented by 10th January 2020. The Central Bank has also had an increased focus on both AML/CFT and financial sanctions in recent years; initially through thematic reviews and more recently with the introduction of a specific Risk Evaluation Questionnaire. Financial sanctions have also been in the news more recently as a result of the US re-imposition of Iranian sanctions.

The Commonalities and Differences

Whilst financial sanctions can often be lumped in with AML/CFT, there is a danger in conflating the two, both from an operational and risk perspective. In particular, whilst AML/CFT is focussed on assessing risks and monitoring customers and transactions, financial sanctions are more cut-and-dry; an individual is sanctioned or they are not and liability is near strict if a firm is found to be dealing with a sanctioned individual or entity.

The distinction between AML/CFT and financial sanctions can be seen clearly in relation to politically exposed persons ("PEPs"). Whilst PEPs are deemed to represent a higher risk, once a firm is comfortable with the risks associated with a particular PEP, is satisfied as to their source of wealth and income, and obtains senior management sign-off, firms are free to deal with PEPs. In contrast, firms will generally be prohibited from dealing with individuals placed on EU or US sanctions lists.

Conversely, simply because a country does not have individuals subject to sanctions does not mean that it does not represent a high risk from an AML/CFT perspective. The removal of significant portions of the Iranian sanctions under the Joint Comprehensive Plan of Action ("JCPOA") was initially touted by many politicians as Iran being open for business. However, Iran remains a high risk jurisdiction in which to do business from an AML/CFT perspective; with opaque ownership structures and significant links between businesses, the government and the Iranian Revolutionary Guard. The US re-imposition of sanctions (discussed further below) also demonstrates the need to be conscious of the potential for conflicting national financial sanctions regimes.

There is also an added layer of complexity in relation to financial sanctions in that not all financial sanctions measures are equal. Although firms may be prohibited from dealing with known terrorists, dictators, and their associates included on sanctions lists, certain sanctions regimes (particularly those currently in place in respect of Russia as a result of its annexation of Crimea and activities in the Ukraine) can be more nuanced; with certain capital markets activities being restricted, but other transactions being permitted.

"Conversely, simply because a country does not have individuals subject to sanctions does not mean that it does not represent a high risk from an AML/CFT perspective."

Leveraging Technology

Whilst regulators are yet to formally mandate the use of automated screening, the inherent complexities of the financial sanctions regime and difficulties in monitoring and screening customers means that there has been a significant growth in service providers looking to provide practical solutions for both AML/CFT PEPs and financial sanctions monitoring. Such services providers can be invaluable particularly for smaller firms which may not have the resources in-house to effectively monitor and screen. This is particularly important given the increased expectations of the Central Bank. In this regard it may not simply be enough to check a customer's name manually, particularly as many individuals subject to financial sanctions may use aliases, or may have provided a deliberately misleading version of their name.

The use of automated systems which include a level of fuzzy logic and/or artificial intelligence for both PEPs and financial sanctions to screen customer lists on a frequent basis is therefore

essential. However, from an operational perspective, there can be a trade-off between using a system which may generate a high number of false positives, thereby potentially increasing manual processes to verify that a customer is not, in fact, on a sanctions or PEPs list, or a more customised system which may result in institutions bearing a heightened or even an unacceptable level of risk. Firms should therefore be conscious of their risk profile and potential exposures when considering the measures to put in place, as well as the level of screening, monitoring, and matching. The issues in relation to screening for sanctions and PEPs was explored in some detail in the Winter 2017 issue of ICQ.

"Ultimately, firms should be mindful of their obligations and the risk posed by AML/CFT and financial sanctions, as well as Central Bank expectations."

Entrenching AML/CFT and Financial Sanctions into Governance Measures

It is important that firms' choices on how to deal with AML/CFT and financial sanctions risk are incorporated into policies, procedures and processes. This will ensure that the internal governance of AML/CFT and financial risks are properly captured and documented, and the various roles, responsibilities and functions are set out in a clear way. This will ensure that when the Central Bank inspects a firm the firm can easily demonstrate its compliance. Many firms often have good practices, and are doing the right thing in terms of operations, but may be lacking in formal documented procedures.

Whilst the contents of such procedures will be broadly similar, firms should take account of the realities of their operations; firms' policies and procedures should be their own. Positively, in many instances this may mean that certain elements of AML/CFT and/or financial sanctions may be less relevant to them in practice (for example if a firm has a policy of not dealing with high risk individuals or persons in non-EEA jurisdictions).

The incorporation of both firm and customer risk assessments is also an area where, as a result of 4AMLD, firms should ensure that they have in place appropriate documentation. Although simply box-ticking should be discouraged, the use of template customer risk assessments and their incorporation into standard on-boarding procedures is a good way of ensuring and demonstrating best practice and compliance.

The Central Bank has also been clear, however, that it is not only the compliance function which must actively engage with AML/CFT and financial sanctions risk, but that the Board, whilst not necessarily needing to understand the legal minutiae, must understand the firm's general obligations, as well as the risks to which a firm is exposed. Both AML/CFT and financial sanctions should therefore be a standing item for board meetings; with the AML / CFT function providing the board with regular updates on developments and operations. Policies and procedures should also be reviewed regularly and approved by the board. Where third party service providers are utilised, the board should also understand the choices made and the potential IT and cybersecurity implications.

Ultimately, firms should be mindful of their obligations and the risk posed by AML/CFT and financial sanctions, as well as Central Bank expectations. Engagement by the board and compliance is therefore essential, as is documenting policies, procedures and practices to effectively demonstrate compliance. The use of technological solutions to solve some of the issues relating to AML/CFT and financial sanctions is also likely to be an increasing expectation of regulators as a matter of best practice.

Iran: An Example of the Increasing Complexities in International Financial Sanctions

Whilst a detailed analysis is beyond the scope of this article, Iran provides a useful example of some of the increasing complexities which are arising in the sphere of international financial sanctions and the potential interactions and conflicts between varying national sanctions regimes.

The US' recent withdrawal from the agreement and its re-imposition of sanctions further complicates compliance with international financial sanctions for firms with links to the US. The EU Blocking Regulation (2271/96) has been updated to try and counter this, but the interaction between the EU and US sanctions represent a significant challenge for firms, particularly in light of the relatively limited enforcement and light sanctions provided under EU law for breaching the Blocking Regulation, whilst US sanctions are subject to active enforcement and substantive penalties by the Office of Foreign Assets Control ("OFAC").

For example, in Ireland the penalties for breach of the Blocking Regulation only provide for a District Court prosecution with a Class C fine (up to €2,500) and although provision is also made for up to 12 months' imprisonment, in practice prosecution, let alone a custodial sentence, is unlikely. In particular it should be noted that EU companies are not prohibited from withdrawing from Iran for independent legal or financial consideration, proving a breach of the Blocking Regulation to a criminal standard would therefore be extremely challenging.

Further, although there is the potential for civil litigation for damages caused by the application of the relevant US sanctions, and there have been examples of EU Member States investigating potential breaches of the Blocking Regulation, such actions would similarly be difficult to prove. There is also the possibility of applying for authorisation under Article 5 of the Blocking Regulation to comply with US sanctions where non-compliance would seriously damage a firm's interest.

In contrast, sanctions imposed by OFAC can amount to billions of US dollars, giving rise to firms with US links having a difficult choice. Indeed, the EU would seem to have recognised this with its proposal to establish a special purpose vehicle for trading with Iran to attempt to help firms continue trading with Iran in the face of re-imposed US sanctions. However, whether this will provide effective ultimately remains to be seen. In practice, therefore, firms are likely to have regard to US Iranian sanctions in their decision on whether to trade with or in the Iranian market, even if not explicitly complying with the US sanctions. ICQ

PENSIONS

Key Statutory Deadlines

The operation and administration of pension schemes can be onerous. Good governance and controls can assist in ensuring regulatory requirements are managed and monitored effectively. Failure to do so can have serious consequences including fines and/or prosecution. The checklist below is not intended to be an exhaustive list of all statutory obligations under the Pensions Act 1990 and associated Disclosure of Information Regulations, it is a snapshot of some of the key statutory deadlines.

Author: Fiona Morahan, Pensions Working Group.

REGISTERED ADMINISTRATORS ("RA") REQUIREMENTS	DEADLINE	OTHERWISE	NOTES
Renewal of RA Licence	30 Sept (assuming 1 Nov initial registration)	Renewal must take place not later than 30 days before the anniversary of the initial registration	*Signed form may be submitted either as a hard copy or alternatively following signature may be scanned and submitted electronically through the Pensions Data Register ("PDR")*
Preparation of Trustee Annual Report ("TAR")	Within 8 months of scheme's accounting date		
Preparation of active members' Annual Benefit Statement ("ABS")	Within 5 months of specified date of statement		
Submission of Annual Scheme Information ("ASI")[1]	Within 9 months of the scheme's TAR accounting date	Within 9 months of the scheme's year end for one member schemes	*Must be submitted electronically*

TRUSTEE REQUIREMENTS	DEADLINE	OTHERWISE	NOTES
Finalisation and issuing of Trustee Annual Report	Within 9 months of scheme's TAR accounting date		
Issuance of ABS to scheme members	Within 6 months of specified date of statements		
Payment of Pension Authority Fees	31/03/2018 - Occupational Pension Schemes (Group)	Within 3 months of a scheme's commencement or by 31 Dec, which-ever comes first	*Payment Method: Credit card or EFT through PDR*
Payment of Pension Authority Fees	31/01/2018 - One Man Schemes		*Payment Method: Credit card or EFT through PDR*
Arrange for the preparation and submission of Actuarial Funding Certificate ("AFC")	Within 9 months of AFC's effective date or within 12 months of AFC's effective date where it's being submitted as a result of the inclusion of a negative actuarial statement in the Trustee Annual Report		*Must be submitted electronically*
Arrange for the preparation of an Actuarial Valuation	Every three years		
Undertake appropriate training on their responsibilities and duties	Within six months of the date of appointment, and every two years thereafter.		
EMPLOYERS	**DEADLINE**	**OTHERWISE**	**NOTES**
Where employees are (1) not eligible to join the company's occupational pension scheme; or (2) where the employer does not operate a pension scheme; or (3) employees are not permitted to make AVCs to the company operated pension scheme, then employers must enter into a contract with a Personal Retirement Savings Account ("PRSA") provider to provide access to at least one Standard PRSA for all excluded employees.	Within six months from the date affected employees began to work there.		
Must remit contributions deducted from payroll to the Trustees (or such other person on their behalf) of occupational pension scheme or PRSA provider.	All employee contributions deducted from wages/salary must be remitted within 21 days from the end of the month in which the deduction was made. In relation to DC schemes (and where appropriate to PRSA providers) this applies to employer contributions too.		
An employer must provide in writing, details of the amount of employee contributions deducted, and where relevant the employer contributions paid on their behalf.	To employees and to Trustees (or such other person on their behalf) or PRSA provider, specifying the amount of contributions remitted, at least once a month.		
Must arrange for appropriate training of trustees (with the exception of professional or pensioneer trustees)	Within six months from the date of appointment of a trustee or director of a body corporate (that is a non-professional or pensioneer trustee).		*While not obliged to arrange appropriate training for professional or pensioner trustees, employers should ensure that such training has been undertaken by them.*

[1] *For one man schemes, the RA responsible for the preparation of the ABS must submit ASI to the Pensions Authority*

INSURANCE DISTRIBUTION DIRECTIVE ("IDD") TRANSPOSED: AN OVERVIEW

Authors: Consumer Protection Working Group

The European Union (Insurance Distribution) Regulations 2018 (the "Regulations") transpose the IDD into national law and came into effect on 1 October 2018. As the IDD amends and recasts the Insurance Mediation Directive ("IMD"), the Regulations revoke those regulations that transposed the IMD namely, the European Communities (Insurance Mediation) Regulations 2005 (the "2005 Regulations"). The Regulations also make some amendments to the Investment Intermediaries Act 1995 (the "IIA"). This article reviews some of the changes made by the Regulations and how those changes will impact upon the distribution of insurance products.

Scope

The purpose of the Regulations is to regulate the manner in which insurance products are designed and sold by insurance intermediaries, ancillary insurance intermediaries and by insurance undertakings (collectively "Insurance Distributors") thus extending the application of the Regulations to certain other insurance companies and businesses that sell insurance.

Overview

In addition to expanding the scope of the 2005 Regulations, the Regulations also enhance and supplement existing measures for the protection of consumers. Some of the provisions of the IDD:

- prescribe pre-contractual information to be provided to insurance customers;
- impose certain conduct of business and transparency rules on Insurance Distributors;
- clarify procedures for cross-border business; and
- prescribe rules for the supervision and sanction of Insurance Distributors for breach of the IDD.

Although the IDD applies to all insurance products it does contain more detailed rules for insurance-based investment products further detail of which is provided below.

Transparency and Information Requirements

The Regulations require that Insurance Distributors carrying out insurance distribution must act honestly, fairly and professionally in accordance with the best interests of their customers. Insurance Distributors must not be remunerated in a way that conflicts with these duties and, in particular, in a manner that would prejudice the recommendation of the insurance product best suited to the customer's needs. Further, information provided to customers or potential customers relating to insurance distribution, such as marketing communications, must be fair, clear and not misleading and clearly identifiable as such.

Information and transparency requirements are prescribed in detail and include written pre-contractual information on terms ranging from identification to remuneration and third party inducements. The Regulations also prescribe

advice and standards for sales by Insurance Distributors where no advice is given. Some of this insurance product information will need to be provided by way of a standardised Insurance Product Information Document (or "IPID") drawn up by manufacturers in respect of certain non-life insurance products.

Insurance undertakings must understand the insurance products it offers. An Insurance Distributor who advises on or proposes insurance products on behalf of a manufacturer must have in place adequate arrangements to secure information on the product and the product approval process. Such information requirements do not apply in relation to the insurance of large risks.

Organisational Requirements

The Regulations set out the competence requirements for insurance and reinsurance intermediaries who must have appropriate knowledge and ability necessary to complete their tasks and perform their duties adequately. In terms of indemnities, protections and policies, the Regulations state that insurance, reinsurance and ancillary insurance intermediaries must hold ring-fenced professional indemnity insurance, or comparable guarantee of certain amounts, against liability arising from professional negligence in connection with insurance or reinsurance distribution activities. Insurance and reinsurance distributors must also have in place internal complaints procedures for complaints from consumers and other interested parties, such as consumer associations.

Cross-selling

There are a number of requirements set out in the Regulations that apply to the situation where an insurance product is offered together with a non-insurance product or service as part of a package or the same agreement. In such cases, it is necessary to provide certain information to the customer including a specification of the demands and needs of the customer in relation to the insurance products in the package, whether it is possible to buy the different components separately and, if so, details of the costs and charges of each of those components.

Insurance-based Investment Products

An insurance intermediary or insurance undertaking distributing insurance-based investment products must maintain and operate effective administrative arrangements proportionate to the activities performed, the insurance products sold and the type of distributor so that all reasonable steps can be taken to prevent conflicts of interest from adversely affecting customers. They must also take reasonable steps to identify conflicts of interest between themselves, including their managers and employees and persons linked to them. The general nature or sources of conflict must also be clearly disclosed to the customer.

The Regulations also provide for additional obligations in relation to commissions, fees and non-monetary benefits paid in respect of independent advice provided by Insurance Distributors and specify additional pre-contract information requirements to be provided by an insurance intermediary or insurance undertaking who distributes insurance-based investment products. This includes information on whether the customer will be provided with periodic suitability assessments for the product, guidance on and warnings of associated risks and certain costs and related charges.

Ancillary Insurance Intermediaries

These intermediaries' main professional activity is not insurance distribution but rather they provide certain insurance products that are complimentary to a particular product or service. Whilst ancillary insurance intermediaries are exempt from many of the Regulations' requirements, the Regulations now permit such intermediaries (who do not meet the criteria for an exemption) to register as an ancillary insurance intermediary.

Investment Intermediaries Act, 1995

One of the amendments made to the IIA by the Regulations is to delete the term "insurance policies" from the definition of "investment instruments" within the meaning of section 2(1) of the IIA. Accordingly, if an insurance intermediary has an IIA registration for the provision of insurance policies only (in addition to registration under the Regulations) then it can apply to have its IIA voluntarily revoked.

Action Required

To the extent that they have not already done so, each in-scope Insurance Distributor should ensure that it is in compliance with the Regulations. Both internal documentation and customer facing documentation will need to have been reviewed and processes and procedures put in place or supplemented to ensure compliance with those additional requirements relevant to the Insurance Distributor. Appropriate resources should be allocated to training relevant personnel in respect of these additional requirements.

Additional Information

On 11 July 2018, EIOPA published two sets of Questions and Answers ("Q&A's") with practical guidance on the application of IDD and on implementing regulations:

- ***Q&A's on requirements for Product Oversight and Governance arrangements; and***
- ***Q&A's on additional regulatory requirements for Insurance-based Investment Products.*** ICQ

BREXIT & GDPR:

HOW YOUR BUSINESS MAY BE IMPACTED

Authors: John Magee (Partner, William Fry and member of ACOI Data Protection & Information Security Working Group) and Rachel Hayes (Solicitor, William Fry).

Brexit has been the daily, headline-grabbing topic of discussion across Europe since the United Kingdom (UK) voted to leave the European Union (EU) on 23 June 2017. The data protection implications of Brexit have not been centre stage in the media discussion. They are however potentially far-ranging and have become an increasingly pressing concern for businesses with "Brexit Day" only a few months away. As well as the increased risk of a hard Brexit, one key reason for the heightened urgency was the European Commission's (Commission) formal notice issued on 9 January 2018, stating that the UK's data protection legal framework will be considered that of a third country post-Brexit, urging relevant stakeholders to plan for Brexit from a data protection perspective. The UK's legal standing as a "third country" will have major impacts for the data protection governance and strategies of Irish businesses affected by Brexit. Not only for the free flow of personal data from Ireland to the UK, but the harmonised legal framework of the EU General Data Protection Regulation (GDPR) which EU and UK policy-makers deliberated over for nearly 3 years.

While the full extent of Brexit's implications remain uncertain, there are steps that Irish businesses can take to prepare. In this article, we look at some of the potential GDPR impacts that Brexit may have for Irish businesses and suggest some practical steps that businesses and their compliance officers can take to prepare.

Potential GDPR Impact of Brexit on Irish Businesses

"The Commission has stated that it is "working night and day for a deal ensuring an orderly withdrawal" of the UK from the EU."

The Commission has stated that it is "working night and day for a deal ensuring an orderly withdrawal" of the UK from the EU. (1) From a data protection perspective, it is likely that a large portion of Irish businesses will be disrupted by the impact of Brexit in some or all of the following three areas:

1. TRANSFERS OF PERSONAL DATA FROM THE EU TO THE UK

The UK's impending status as a "third country" means that the current harmonised free flow of personal data from the EU and the UK will no longer exist. Instead, transfers will still be possible but subject to conditions set down by the GDPR.

The GDPR provides that personal data can be transferred from outside the EU to a "third country" either by way of an "adequacy decision" or subject to "appropriate safeguards". (2) The UK's preferred option is to have an "adequacy decision" as it would allow for the continued free flow of personal data from the EU to the UK. Businesses will be most affected if the UK does not get an adequacy decision.

• **Adequacy decision**

Article 45 of the GPDR provides that "a transfer of personal data to a third country … may take place where the Commission has decided that the third country … ensures an adequate level of protection." Subject to a (usually) lengthy process of scrutiny by the Commission, any third country may request that it be considered, and approved, for an adequacy decision. Once approved, personal data can flow freely to an adequate country and there is no requirement for businesses to put additional data transfer mechanisms in place. It is for this reason that the UK is lobbying for an adequacy decision and it is certainly the more business-friendly option.

Currently, there are 12 countries/regions whose data protection regimes have been deemed adequate by the Commission with further adequacy decisions and negotiations under way. The UK's Data Protection Act 2018 effectively implements the legal substance and standards of the GDPR (as the UK's transposing legislation). This means that, post-Brexit, the UK will have a legislative data protection regime that is broadly equivalent to the GDPR.

However, any adequacy decision will mean that the UK must undergo the arduous Article 45 testing to be deemed "adequate". This testing is unlikely to begin during the Brexit negotiations as the UK in not a "third country" until 29 March 2019 when Brexit takes effect.

Under Article 45, all aspects of the UK's data protection regime would be assessed, in particular the UK's constitutional and human rights framework, governmental powers of surveillance, data retention rules and rules on the onward transfers of personal data. While the UK would ultimately be expected to receive an adequacy decision, it is not something that could be said to be guaranteed. Some of the issues around surveillance, for example, could prove to be challenges for the UK particularly against the back drop of its Investigatory Powers Act 2016 (which gives UK law enforcement agencies far-reaching powers of surveillance) and its declaration that the UK will not incorporate the Charter of Fundamental Rights of the European Union into its domestic law.

• **Other Safeguards**

If the UK does get an adequacy decision as expected, businesses will still need to prepare for the interim period post-Brexit by putting in place "appropriate safeguards". For businesses, costs will be incurred to put the selected safeguard in place with affected counter-parties/ affiliates. While GDPR sets out several options for businesses in this regard, it is expected that most will rely on Standard Contractual Clauses (SCCs) or Binding Corporate Rules (BCRs), the latter requiring a more time-intensive approval process through data protection

supervisory authorities. The implementation of SCCs is likely to prove a logistical challenge for many organisations that are still struggling with the backlog of Data Processing Agreements required to be implemented under Article 28 of GDPR.

2. ICO'S ROLE ON THE EDPB

The UK Information Commissioner (ICO) is well-regarded and has played an influential role on the European Data Protection Board (EDPB) and its predecessor, the Article 29 Working Party. Recent statements indicate that the Commission, UK government and ICO have diverging views on the ICO's continued involvement with the EDPB post-Brexit.

The Commission has stated that the ICO will lose its seat (and therefore, any role) on the EDPB due to its impending status as a "third country". This is not the preferred position of the ICO as it could mean its global influence (vis-à-vis the EDPB) would be severely affected and potentially minimised. The ICO has publicly stated that it would prefer a bespoke agreement or treaty option to maintain its seat on the EDPB in the interests of businesses – this is known as UK government's "adequacy-plus" model.

The nature of the ICO's relationship with the EDPB post-Brexit remains heavily dependent on the outcome of negotiations. Nonetheless, if the ICO does lose its seat, it is likely that the ICO will seek to independently maintain and continue its relationships at an EU-level. The ICO has stated that it "will seek to maintain a strong working relationship with the EDPB when the UK exits the EU. We will also seek to strengthen bilateral relationships with individual EU data protection authorities where appropriate". (3)

The ICO has provided clear guidance on the impact of BCRs already approved through the ICO, reassuringly stating that they will be in no way invalidated: "It's important to note that no BCR authorisation will be cancelled because of Brexit" . (4) The Commission confirmed this position in stating that "transfers based on approved standard data protection clauses or on binding corporate rules will not be subject to a further, specific authorisation from a supervisory authority." (5) There is no indication however that the ICO will be in a position to approve BCRs post-Brexit, absent a negotiated agreement on this point. Similarly it remains to be seen what will become of BCR applications which will not have completed the ICO approval process before next March.

3. CONSISTENCY MECHANISM (THE "ONE-STOP-SHOP")

The impact of Brexit on the ICO's role within the EDPB will also affect the ability of UK-based businesses to avail of the GDPR's consistency mechanism / one-stop shop . (6) The consistency mechanism was introduced by the GDPR as a harmonisation mechanism. It essentially requires all data protection authorities (DPAs) to cooperate in cross-border matters which are led by one DPA, the Lead Supervisory Authority (LSA). For businesses, the consistency mechanism is triggered where any data subject complaints, personal data breaches or investigations have a cross-border element within the EU. The advantage for businesses is that they only have to deal with one authority rather than the DPA from each of the Member States involved in the issue.

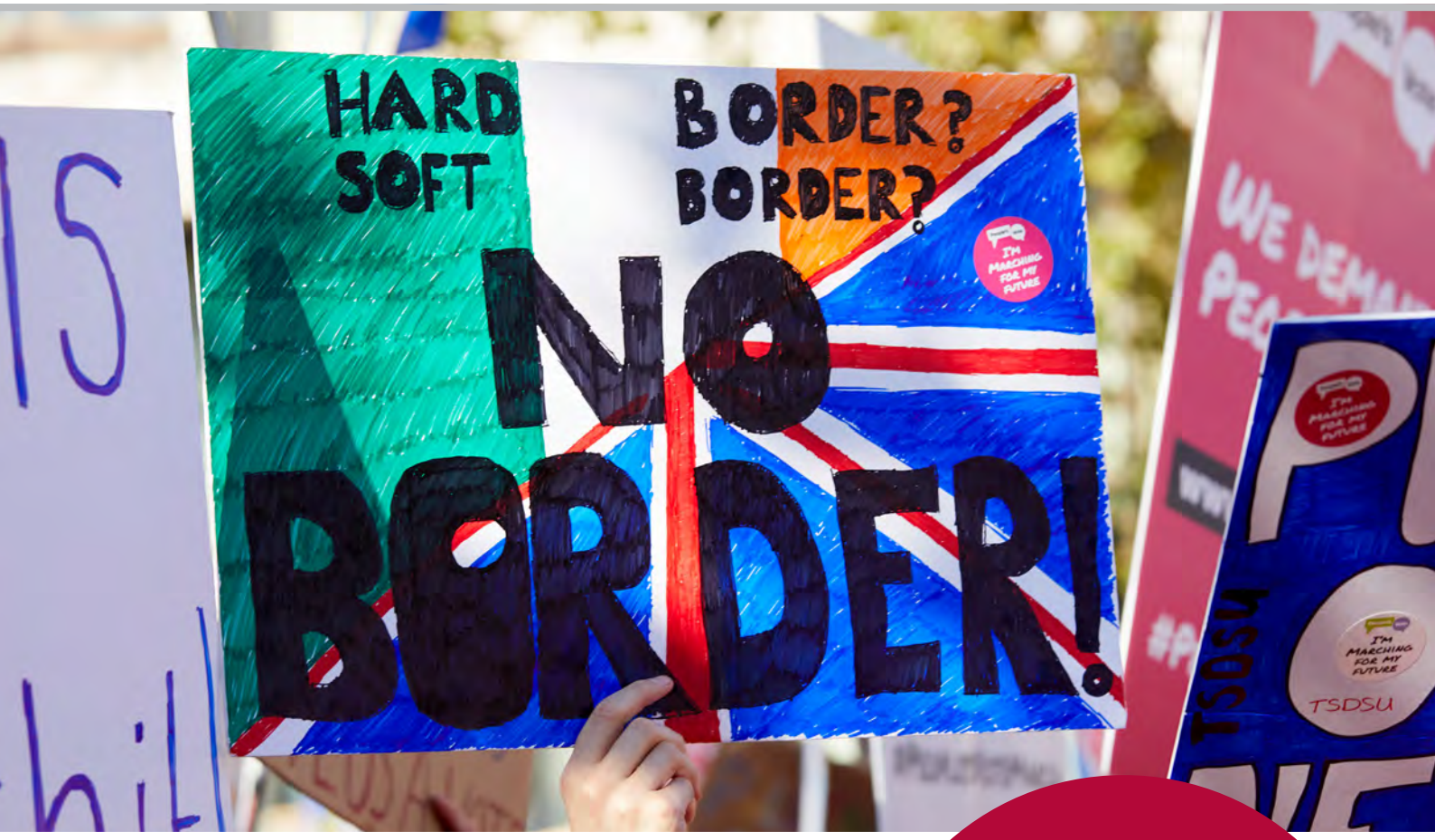
It is likely that Brexit will be a disruption to the consistency mechanism for businesses operating in the UK and at least one other Member State. Brexit will mean:

- being regulated by at least two legal regimes (even though they are likely to be equivalent); and
- dealing with both the ICO and the other relevant DPA(s) in the EU.

Further, if an organisation's LSA is currently the ICO, that business will need to re-assess which DPA (if any) will be its LSA in the EU post-Brexit while maintaining its relationship with the ICO for UK-regulated matters only.

How to Prepare

While negotiations remain ongoing and post-Brexit legislation awaited, the impacts of Brexit must be assessed by all businesses. The next few months are all about continuing to apply and implement the GDPR while also preparing for March 2019. Even if there is a "deal" or "no-deal" Brexit and an impending adequacy decision for the UK, Brexit, in any form, is likely to bring some disruption to the status quo of most businesses' data protection procedures. The most appropriate way for businesses to prepare is to carry out a Brexit Impact Assessment and implement the necessary actions based on such an assessment.



Some Practical Tips to Consider:

- Review agreements in place with UK partners/ suppliers for clauses restricting/prohibiting the transfer of personal data outside of the EU or European Economic Area (EEA) and amend by selecting an appropriate safeguard.
- Revise data protection notices to ensure that data subjects are adequately informed about the transfer of personal data outside of the EU / EEA.
- Consider what appropriate safeguards best suit your business and assess what may be required in terms of time and resources to implement SCCs or another appropriate data transfer mechanism.
- Assess your LSA in the EU (if it is currently the ICO). ICQ

"While negotiations remain ongoing and post-Brexit legislation awaited, the impacts of Brexit must be assessed by all businesses."

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WHAT MAKES a GOOD COMPLIANCE OFFICER?

AND HOW DO YOU RECOGNISE IT?

What makes a good compliance culture can be de-constructed into multiple components, yet it is instantly recognisable. It is strong and functional yet in no way hinders the development of profitable new business and can adapt to market, technological or regulatory change. A good compliance culture is represented across all levels of the organisation ensuring a coherent and integrated approach to compliance throughout the company. The essence of how staff, managers and executives interact and work is towards a common goal and value system based on mutual respect, integrity and ethical behaviour focussed on the long term health of the business, not just short term gains. In the wake of the financial crisis, good compliance culture and ethics are commonly touted by regulators and governments alike as key to promoting both trust and confidence within the financial system and regulatory bodies charged with their oversight. Equally without the credible threat of regulatory enforcement, it is questionable whether a good compliance culture would be possible. So what are the key ingredients?

"Executive commitment to invest and empower those in compliance, risk and legal resources creates the appropriate oversight and encourages staff to do the right thing."

The framework for organisations that are serious in embedding a good compliance culture within their business is based on the following:

- Tone at the top: Corporate strategy partnered with legal, risk and compliance
- Tolerance statements aligned to policy measures and triggers, including swift remediation and proactive compliance risk management
- Governance and accountability with supervision, discipline and swift investigatory processes tied to performance management
- Risk assessment, ongoing monitoring, testing and reporting (internal and external)
- Ongoing training, guidance and development aimed at all levels of the organisation

Supported by a:

- Robust regulatory and active supervisory regime

Tone at the Top

The tone at the top sets an organisation's guiding values and ethical behaviour. Executive commitment to invest and empower those in compliance, risk and legal resources creates the appropriate oversight and encourages staff to do the right thing. Legal, risk and compliance staff must be viewed as important and critical partners in the business and not simply as support functions. Their views are sought and followed through with respect to new business, operations, business models and planning, pricing and product development. Legal, compliance and risk staff have visible reporting lines into the Board, where breaches for non-compliance are taken seriously and are met with swift investigatory and disciplinary action and accountability. It then follows that the Executive, which should include the Chief Compliance Officer, Chief Risk Officer and Executive Legal Counsel, are duly qualified, credible leaders and can take action.

A corporate strategy committed to compliance, risk and legal requirements must therefore be more than a statement of mere good intentions and must be continuously reinforced.

It is where the executive takes decisive leadership and ownership of a corporate strategy strongly aligned to:

- Regulatory, legal requirements
- Consumer protection,
- Providing a safe and fair environment for staff
- Implementing active deterrents of unethical or unlawful activities
- Protecting institutional assets from data theft, financial crime, fraud or business disruption
- Promoting ethical behaviours that foster respect, integrity, consistency and concern for the organisation's core values.

This should be the experience of every employee, from new starter to those that seek to exit. It should be clear to both new and veteran employees that those who represent the core endorsed compliance values and principles are promoted or hired to leadership roles and/or appropriately rewarded. Creating and maintaining the right tone at the top, aligned with a corporate strategy partnered in legal, risk and compliance, can and will increase client and employee retention, ultimately leading to the establishment of a good reputation.

Tolerance statements aligned to policy measures

A good compliance framework is not only designed to address events as they arise but also to pre-empt them by taking steps to address potential issues. In organisations that have zero tolerance for actions or lack of action that could lead to breaches in compliance, swift, specific, measurable, realistic and time-bound actions are taken by management to address exposures. Limits and warning levels should be built into processes and procedures with clear escalation policies that are adhered to. Notification of breaches and reporting should be well defined and transparent within an agreed structure characterised by a hierarchy up to the Board. Policies are widely understood and followed by staff who can attest to each by aligning their procedures with them and taking an active role in their review through a governance structure.

Governance and Accountability

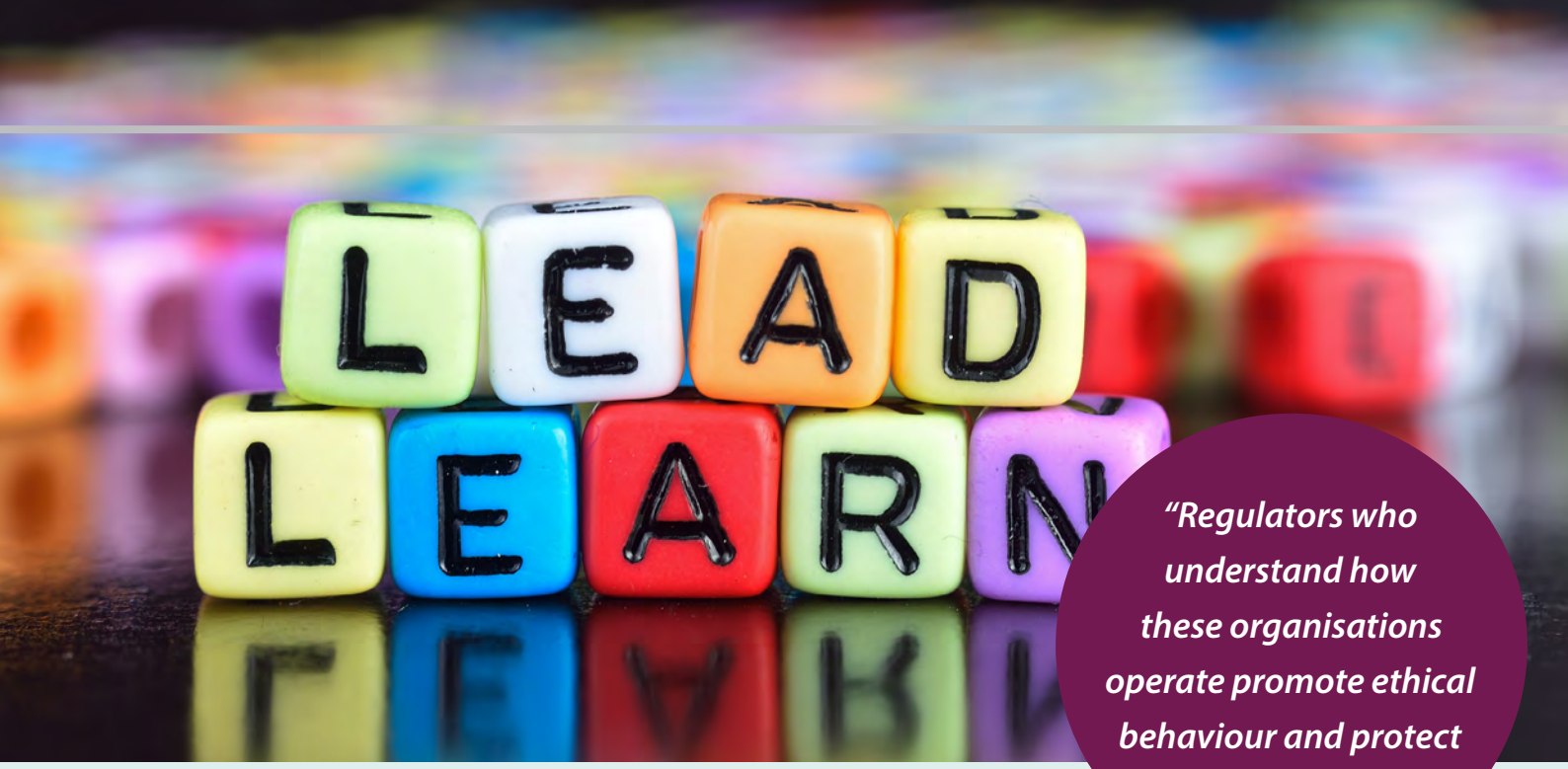
In order to foster a good compliance culture, good governance is established through a robust and credible three lines of defence model.

The First line: All managers and staff take ownership of a consistent compliance approach supported by far sighted incentive structures, where recognition of staff doing the right thing for consumers and for the business and each other is recognised and rewarded and actively promoted. Each business unit has embedded risk and compliance partners who are knowledgeable about their business processes and are senior and independent enough to influence or change behaviours and reward positive outcomes. Primarily accountable for development of controls in tandem with procedures and policies to prevent, detect and respond to compliance failures, they can also test their effectiveness. Middle management are empowered to turn compliance values into practice and encourage employees to come forward with legal, compliance and ethical questions without fear of retaliation, building trust and increased levels of employee engagement. Senior leaders hold themselves and others accountable for complying with the ideals of the agreed norms of what makes a good compliance culture. Bad behaviour such as circumventing policy or procedure must have negative consequences. It is clear to all that positive behaviour is rewarded and new recruits are screened against agreed principles and values. Finally, internal issues or matters must be adjudicated with fairness, transparency and integrity, and whistle-blowers are protected when they make a disclosure.
The Second line: Legal, risk and compliance departments are asking questions about conduct, ethics and culture and not just providing assurance on regulatory and legal technical questions. Their oversight of the effectiveness and integrity of the compliance value system must be established in every aspect of the business. Embedding compliance within the processes and procedures in business units must extend not only to laws, regulations and business principles but to best practice and proactive risk management. Their message must be consistent with that of the business and must be endorsed by the executive. They are seen as critical partners in protecting the reputation of the organisation, involved in operational and strategic decisions, testing and compliance monitoring. Chief Compliance Officers play a strategic role in the organisation, cultivate the right stakeholder relationships, are trusted advisors to the business, have access to the board, drive and influence the culture and are viewed as authentic leaders and role models.
The Third line: Audits are measuring the corporate compliance strategy and success of implementation of a good compliance culture based on agreed tolerance statements. An annual compliance charter, plan, policies, monitoring and reporting should be tested for effectiveness and accuracy and process related testing. Employee surveys on culture conducted internally or externally by third parties are helpful in measuring the cultural pulse of the organisation.

In essence, a good compliance culture is underpinned by good behaviour which must be linked to goals and an incentivised scheme that rewards respect, dignity at work, integrity and trust.

Risk assessment, ongoing monitoring, testing and reporting

A compliance risk assessment helps an organisation understand its risk exposure, prioritise risks, assign ownership and adequately resource and mitigate risks, starting with those that have the highest potential for violations of laws and regulations. The application of a risk methodology based on impact and



likelihood identifies the inherent risk and combined with controls, highlights the residual risk. This must be authorised and agreed with business partners together with an appropriate response that is monitored and reported up the hierarchy, presented in a dashboard against defined tolerances. Audit and Compliance plans should be complementary and monitoring reviews carried out by risk, compliance and audit serve as an early warning system to potential compliance issues by taking samples of business unit activities, products or output.

Ongoing Training, Guidance and Development

Individuals will need additional reinforcement on ethics and compliance programs through innovative training or workshops so that staff can connect to the values through information sharing and story-telling. New starters, higher risk staff, management and operational staff should have specific training geared towards their needs. Encouraging staff to enrol on professional compliance courses run by external parties and to become industry leaders by participating in external committees or federations contributes to further reinforcing a positive compliance culture supported by external validation.

Robust regulatory and active supervisory regime

A sharp supervisory approach by an active regulator supports organisations looking to create a positive compliance culture and provides the assurance to consumers that they will be protected. Bernie Madoff's victims, for example, would wonder how did regulatory agencies, such as the SEC, FINRA, (which are charged with monitoring financial institutions), fail in their supervisory duty to uncover the largest Ponzi scheme in history. After all, there were warning signs and tip-offs that were ignored, missed or misunderstood. Examiners had sat in Madoff's offices for two months in 2005 without a complete understanding of the firm's activities.

Regulators who understand how these organisations operate and are able to unravel what appear to be complex activities promote ethical behaviour and protect consumers. Focussing on matters associated with good corporate governance and operational risk with a credible threat of enforcement wakes organisations up to the realities that created the perfect storm that was the financial crisis of 2008.

In conclusion, organisations with a good compliance culture create lasting relationships with clients, customers, employees and suppliers. This ultimately leads to a good reputation in the market and a positive brand that in turn will attract long term investors. It is evident from scandals involving high profile companies such as Madoff, Enron or Anglo-Irish Bank that implementing and maintaining a positive compliance and ethical culture ensures organisational survival and contributes to the stability of the financial system, something that regulators recognise and are therefore scrutinising as part of their supervisory regime. It is a reciprocal relationship between organisations and their regulators. Without the credible threat of regulatory enforcement extending to personal liability of senior management, compliance and ethics may be mere check the box exercises or seen as obstacles to new business. Nonetheless, organisations that encourage mutual respect, dignity at work, integrity and honesty among staff and management lay the foundation for not just a good and positive compliance culture but a truly sustainable work environment that is recognisable by its outperformance and endurance. ICQ

"Regulators who understand how these organisations operate promote ethical behaviour and protect consumers."

Judy De Castro, ACOI Member.

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ACOI 2018 CONFERRING CEREMONY

1 Peter O'Duffy, 1st Place MSc in Compliance 2018 award winner & Mike Daughton, KPMG. 2 Yvonne Brett, 1st Place Professional Certificate in Financial Crime Protection 2018 award winner and Melanie Blake, Chair of the EPDS Committee.
3 Niall Rooney, Joint 1st Place Professional Certificate in Data Protection 2018 award winner & Melanie Blake, Chair of the EPDS Committee.
4 Brian Brunton, Joint 1st Place Professional Certificate in Data Protection 2018 award winner & Melanie Blake, Chair of the EPDS Committee.
5 Niamh Gibson, 1st Place Professional Diploma in Compliance 2018 award winner & Melanie Blake, Chair of the EPDS Committee.

The 2018 ACOI ANNUAL CONFERRING CEREMONY was held on December 5th in the Great Room of the Shelbourne Hotel where graduates received their academic parchments and designation certificates. Over 700 people were eligible to receive academic awards or designations this year as our ACOI programmes go from strength to strength. All students had their achievements recognised and we also recognised the students who achieved first place for performance in exams.

This year, the winners of the Niall Gallagher Professional Diploma in Compliance Scholarship Award were officially announced at the conferring ceremony. The Scholarship promotes the importance of further education and recognition of professional certification in the advancement of an individual in their career in Compliance. It is named the Niall Gallagher Professional Diploma in Compliance Scholarship in recognition of ACOI founding Chairman Niall Gallagher's contribution to the field of Ethics and Compliance, and in particular for his involvement in the formation and development of the ACOI.

The top three essay winners were presented with a small gift by Niall at the conferring ceremony in recognition of their achievement. The scholarship will provide first place winner Barbara Parnell with registration onto the academic programme Professional Certificate and Diploma in Compliance (PDC), which is considered the benchmark qualification in Compliance, as well as ACOI membership for two membership years. The second place winner Joseph Anwana will be awarded ACOI membership for two membership years and third place winner Evelyn Mulcahy will be awarded ACOI membership for one membership year. Keep an eye out in the upcoming editions of the ICQ where we will feature the award-winning essays, beginning with Barbara Parnell's first place essay in the Q1 2019 edition.

The conferring ceremony also provided the opportunity for ACOI to confer the Association's highest award of honorary fellowship to four people: Michael Feeney, Brendan Glennon, Declan McHugh and Pat O'Sullivan. The fellowship is awarded by the ACOI council to those people who have contributed significantly to the ACOI and to the development of the topics of both ethics and compliance.

This year's recipients have all played a significant role in the development of ACOI at various stages and in various capacities and many of them still contribute to this day. The new honorary fellows expressed their thanks to the Association, and we express our thanks also for all they have done for ACOI. ICQ

If you should have any queries on any education or designation matters, please do not hesitate to contact education@acoi.ie or 01-779 0200.

1 Barbara Parnell, 1st Place winner of the Niall Gallagher Professional Diploma in Compliance Scholarship, with Niall Gallagher. **2** Joseph Anwana, 2nd Place winner of the Niall Gallagher Professional Diploma in Compliance Scholarship, with Niall Gallagher. **3** Evelyn Mulcahy, 3rd Place winner of the Niall Gallagher Professional Diploma in Compliance Scholarship, with Niall Gallagher. **4** New Honorary Fellows of the ACOI, L-R: Pat O'Sullivan, Brendan Glennon, Michael Feeney and Declan McHugh.

The ACOI Annual Confer

rence and Dinner 2018

More than 260 people queued up to hear from regulators, policy makers, thought leaders and practitioners on the theme of this year's ACOI conference: *Culture, Conduct & Compliance*. This subject was considered from a global, European, Irish and organisational insight from those that tried to make changes for the better.

A record attendance at the ACOI annual conference heard from regulators, policy makers, thought leaders and practitioners on this year's theme of Culture, Conduct & Compliance. These subjects were considered from a global, European, Irish and organisational perspective.

The day's proceedings were opened by ACOI President, Clive Kelly, who welcomed everyone to a packed Banquet Hall in The Westin. The record attendance was a testament to the quality of the speakers and the nature of the topics.

The keynote speaker, Ros O'Shea, Partner, Acorn Governance Solutions, examined the interplay between individual ethics and corporate culture and highlighted the principal characteristics that help foster a culture of integrity. Ms O'Shea also outlined top tips to ensure vision, values and behaviours are aligned across organisations and interacted with attendees in the Question & Answers portion of her speech as well as posing some of her own to the audience.

We were delighted to have Gráinne McEvoy, Director of Consumer Protection, Central Bank of Ireland, who spoke on culture, consumer protection and the role of compliance. Ms McEvoy used examples such as the tracker mortgage examination and the global banking crisis to illustrate the cost of misconduct. Gráinne spoke about the Central Bank of Ireland's review into the culture of the 5 main domestic banks looking at behaviours and cultures in the banks from a consumer perspective and what risks could arise from the behaviours and cultures identified. Gráinne also briefly spoke on individual accountability, whistleblowing and the protected disclosures regime and noted that protected disclosure reports are increasing.

1 Clive Kelly, ACOI President **2** Ros O'Shea Partner, Acorn Governance **3** Grainne McEvoy Central Bank of Ireland **4** Eric Ben-Artzi, Partner, J&B Consulting (Video Conference), Clive Kelly, ACOI President **5** Dr Alan Kearns, Professor of Ethics at DCU's School of Theology, Philosophy and Music; Caitriona Somers, Independent Non-Executive Director; Dr Jochen Leidner, R&D London, Thomson Reuters and Royal Academy of Engineering Visiting Professor of Data Analytics, University of Sheffield; Clive Kelly, ACOI President **6** Clive Kelly ACOI President; Kian Caulwell, Head of Conduct Risk, KBC; Dolores Geaney, Head of Compliance, Company Director, MLRO, Investec in Ireland; Joe Gavin, Partner, Byrne Wallace **7** ACOI Directors & Conference Speakers

"There was a great turnout on the night with almost two hundred people in attendance. A charity raffle was held which raised much needed funds for the chosen charity, The Capuchin Day Centre."

"I just got word from the Securities and Exchange Commission that I am to receive half of a $16.5m whistleblower award. But I refuse to take my share". This is the quote that receives most of the attention when Dr Eric Ben-Artzi's name is mentioned. Dr Ben-Artzi, currently a Partner of J&B Consulting, is a former Deutsche Bank risk officer who blew the whistle on the false accounting that occurred at Deutsche Bank. Clive Kelly, in Dublin, interviewed Eric, in Israel, (via video call) on the topic of whistleblowing and how this was a "career killer" for him. Eric shared his story and experiences of whistleblowing, dealing with the SEC and how he felt aggrieved at the Deutsche Bank executives not the bank itself. Over the course of this interview Eric recounted how he had thought he was doing the right thing in blowing the whistle but on reflection he would not do it again.

The first panel discussion of the conference was on the topic of what Artificial Intelligence (AI) means for compliance and what compliance means for AI.. Dr Jochen Leidner, Director of Research, R&D London, Thomson Reuters, delivered a presentation on the topic and delved into what AI means to compliance (it can reduce cost and increase productivity by automating jobs) and what compliance means for AI (it can keep AI contained so that it serves society). Dr Leidner was part of a panel discussion which included Dr Alan Kearns, Professor of Ethics at DCU's School of Theology, Philosophy, and Music and Caitriona Somers, FCII, FCILA, MSc Bus(Hons), CDir, with Clive Kelly moderating.

The last segment of the conference was a look into the future proposed Senior Execution Accountability Regime in Financial Services and Transforming Culture and Individual Accountability given by Kian Caulwell, Head of Conduct Risk, KBC Bank and Joe Gavin, Partner, ByrneWallace respectively. After the presentations a discussion was held on stage between the two presenters and Dolores Geaney, Head of Compliance, Investec on the topic of Individual Accountability, moderated by Clive Kelly, with each person giving their own insight on the topic through their individual experiences.

This year, the ACOI conference was followed that evening by the ACOI annual dinner with entertainment by mentalist Rua. There was a great turnout on the night with almost two hundred people in attendance. A charity raffle was held which raised much needed funds for the chosen charity, The Capuchin Day Centre. Thanks to all of you who showed your support for the charity and to those who donated generous prizes to the raffle. **ICQ**

8 ACOI Directors Group Photo
9 The beautiful ACOI table setting
10 Lincoln Recruitment Group Photo pictured with Clive Kelly, CEO, ACOI
11 Caesis Group
12 Investec

1 **25/09/2018** Project Management Workshop for Compliance Professionals

2 **03/10/2018** Compliance Reporting Masterclass

3 **16/10/2018** Building Blocks Series – Culture & Conduct

4 **24/10/2018** Lessons from the UK Bribery Act

5 **13/11/2018** Building Blocks Series – Risk Assessments

6 **19/11/2018** Data Protection Impact Assessments

LOG YOUR CPD – 2018 ACOI SEMINAR & WORKSHOP CPD CODES

DATE	EVENT	CPD CODE	CPD HOURS
17/01/2018	Are you Fit for Fintech?	2018-0030	1 hour
13/02/2018	The Impact of Culture on Performance Insights for Credit Unions	2018-0077	1 hour
26/03/2018	A Practitioners Guide to Compliance Education	2018-0748	1.5 hours
26/03/2018	Building Compliance Education Strategies An Evolution and Revolution	2018-0704	2.5 hours
29/03/2018	Advanced GDPR for DPO's and CDPO's (Cannot claim with 2018-0492)	2018-0491	3 hours
29/03/2018	GDPR for DPO's and CDPO's Regional Event (Cannot claim with 2018-0491)	2018-0492	2 hours
11/04/2018	Building Blocks for Effective Compliance Series (1/6) Regulatory	2018-0770	3 hours
17/04/2018	The Future of Financial Services Using AI Cognitive Technologies and RegTech	2018-0902	1.5 hours
09/05/2018	AML Upstream Compliance Briefing	2018-1055	1.5 hours
17/05/2018	Building Blocks for Effective Compliance Series (2/6) The Role of the Compliance Officer	2018-1161	3.5 hours
12/06/2018	Building Blocks for Effective Compliance Series (3/6) Compliance Plan and Compliance Monitoring	2018-1633	2.5 hours
26/06/2018	Outsourcing Requirements under Solvency II	2018-1455	1 hour
11/07/2018	Assisted Decision Making (Capacity) Act	2018-1634	1 hour
30/08/2018	Subject Access Requests Workshop	2018-1899	2.5 hours
12/09/2018	Director of Enforcement and Anti-Money Laundering Address to ACOI Members	2018-1663	1 hour
25/09/2018	Softskills: Project Management with Ciaran McGovern	2018-1900	2.5 hours
03/10/2018	Compliance Reporting Masterclass with Tommy Hanafin + Glenn Kane, CBI	2018-1901	1.5 hours
16/10/2018	Building Blocks for Effective Compliance Series (4/6) Culture and Conduct	2018-2208	1 hour
24/10/2018	Lessons from UK Bribery Act	2018-1902	1.5 hours
08/11/2018	ACOI 2018 Conference: Culture, Conduct & Compliance	2018-2174	3.5 hours
13/11/2018	Builind Blocks for Effective Compliance Series (5/6) Risk Assessment	2018-2455	2.5 hours
19/11/2018	Data Protection Impact Assessment Workshop	2018-2210	2.5 hours
06/12/2018	Sustainable Finance Seminar	2018-2456	1 hour
11/12/2018	Building Blocks for Effective Compliance Series (6/6) Regulatory Risk Monitoring and Compliance Reporting	2018-2913	3 hours

ACOI Sponsors Early Ca

Together with the Institute of Banking, ACOI sponsored three categories of the Lincoln Recruitment Specialists Irish Early Career Awards 2018: Early Career – Compliance & Risk Professional of the Year, Early Career – Banking & Capital Markets Professional of the Year and Early Career – Fund Services Professional of the Year. ACOI was impressed by the quality of the candidates and presentations were made to the following winners on the night: Early Career – Compliance & Risk Professional of the Year: Kate Hotten; Early Career – Banking & Capital Markets Professional of the Year: Conor Sexton; Early Career – Fund Services Professional of the Year: Claire Conroy; In addition to being awarded the Early Career – Banking & Capital Markets Professional of the Year, Conor Sexton was also named as the Overall Winner of the Early Career Awards. **ICQ**

areer Awards

ACOI were delighted to be a sponsor of the 2018 EARLY CAREER AWARDS, which were held on 1st November 2018 at the Mansion House, Dublin.

1 AWARD WINNERS **2 L-R:** Mary O'Dea, IOB Chief Executive; Conor Sexton and Clive Kelly, ACOI President **3 L-R:** Mary O'Dea, IOB Chief Executive; Kate Hotten and Clive Kelly, ACOI President **4 L-R:** Clive Kelly, ACOI President; Claire Conroy and Mary O'Dea, IOB Chief Executive

Banking

Domestic

Grainne McEvoy, Director of Consumer Protection addresses Chartered Accountants Ireland Risk Management and Internal Audit Conference with speech, 'Building a Consumer Focused Culture – What the CBI expects of Leaders'

European

EBA publishes the preliminary impact of the Basel reforms on EU banks capital and updates on liquidity measures in the EU; EBA acknowledges adoption of amended supervisory reporting standards by the European Commission; EBA announces timing for publication for 2018 EU-wide stress test; Sabine Lautenschläger, Member of the Executive Board of the European Central Bank (ECB) and Vice-Chair of the Supervisory Board of the ECB delivers speech, 'Ten years after crisis – risks, rules and supervision'; Interview with Benoît Cœuré, Member of the Executive Board of the ECB, conducted by Carla Neuhaus; Andrea Enria, Chairperson of the EBA, has provided feedback to the Trilogue (of the Commission, Council and European Parliament) on the draft revised Capital Requirement Regulation (CRR2), the Capital Requirement Directive (CRD5) and the Bank Recovery and Resolution Directive (BRRD2)

Funds

Domestic

Colm Kincaid, CBI Director of Securities and Markets Supervision spoke at the A&L Goodbody Annual Asset Management and Investment Funds Seminar; Martina Kelly, CBI Head of Markets Policy Division spoke on Implementing CP86; CBI moves to self-certification for many aspects of the authorisation and post-authorisation process for UCITS and Retail AIFs; CBI moves to self-certification for UCITS using (most) financial indices

European

Joint Committee of the ESAs suggest that legislative changes are needed to avoid a situation where retail investors would have to receive both a PRIIPs KID and UCITS KIID from 1 January 2020; Revised depositary safekeeping duties under AIFMD and the UCITS Directive; ESMA updated its Alternative Investment Fund Manager Directive (AIFMD) Q&A on 4 October 2018 with a new Q&A; ESMA has published a letter on the implementation of the Money Market Funds (MMF) Regulation

Insurance

Domestic

Department of Finance publishes feasibility study into claim-by-claim register

European

EIOPA publishes decision on co-operation in supervision of cross-border insurance distribution; EIOPA requests feedback on illiquid liabilities; EIOPA publishes speech on EIOPA's achievements, needs and challenges; EIOPA publishes results of work of EU/US Insurance Dialogue Project for 2018; EIOPA publishes risk dashboard for second quarter 2018

Investment Firms

Domestic

CBI Issues Warning on Unauthorised Investment Firms; CBI issues its Investment Firms Q&As 5th Edition

European

ESMA updates the Q&As on ESMA's temporary product intervention measures; ESMA will focus on supervisory convergence and supervision in 2019; Notice of ESMA's Product Intervention Renewal Decision in relation to binary options; Steven Maijoor, Chair of ESMA, delivers speech, "The state of implementation of MIFID II and preparing for Brexit"; ESMA updates its opinion on ancillary activity calculations; ESMA updates its Q&As on MiFID II and MiFIR commodity derivatives topics; ISDA publishes paper: "The impact of Brexit on OTC derivatives - Other 'cliff edge' effects under EU law in a 'no deal' scenario"; ESMA Letter to European Commission on MiFID

II/MiFIR Third-Country Regimes; MIFID II: ESMA issues latest Double Volume Cap Data

Cross Sectoral

Domestic

Markets in Financial Instruments Act 2018 (re Credit Reporting Act 2013 amendments) signed by the President on 20 October 2018; Criminal Justice (Money Laundering & Terrorist Financing) (Amendment) Bill 2018 passes all stages in the Seanad; Gerry Cross, CBI's Director of Policy and Risk delivers speech on the thinking behind the CBI's Innovation Hub, "Hubs and spokes: remarks on innovation and outsourcing"

European

ESMA issues compliance table – MAR Guidelines for persons receiving market soundings; ESMA updates market abuse Q&As; ECB issues response to the decision of the European Ombudsman; EBF issues its position on legislative proposals on covered bonds; Yves Mersch, Member of the Executive Board of the ECB delivers speech, 'Monetary policy in the euro area - a brief assessment'; EU adopts tougher rules on money laundering; ESMA sees 1.9% increase in prospectus approvals across the EEA; Patrick Armstrong, Senior Risk Analysis Officer, ESMA delivers speech, 'Financial technology - ESMA's approach'; SMSG issues its own Initiative Report to ESMA on Initial Coin Offerings and Crypto-Assets; ESMA issues a compliance table in respect of Guidelines on the cooperation between authorities under Articles 17 and 23 of the Central Securities Depository Regulation; Benoit Cœuré delivers speech, "The international dimension of the ECB's asset purchase programme" at a conference on "Exiting Unconventional Montary Policies", organised by the Euro 50 Group, the CF40 forum and CIGI, Paris, 26 October 2018; EBA acknowledges adoption of new Implementing Regulation regarding reporting standards for resolution plans by the European Commission. ICQ

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