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Briefing note

International Regulatory Update

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Recovery and resolution of CCPs: EU Commission publishes legislative proposal

The EU Commission has published a proposal for a Regulation on a framework for the recovery and resolution of central counterparties (CCPs).

The proposed framework aims to complement the existing recovery and resolution models already adopted for banks and investment firms under the Bank Recovery and Resolution Directive (BRRD), setting out comparable provisions adapted to the specific features of CCPs' business models and the risks they incur.

Amongst other things, the proposed rules:

- require CCPs to draw up recovery plans which would include measures to overcome any form of financial distress which would exceed their default management resources and other requirements under the European Market Infrastructure Regulation (EMIR);
- require resolution authorities to prepare resolution plans for how CCPs would be restructured and their critical functions maintained in the unlikely event of their failure;
- grant supervisors specific powers to intervene in the operations of CCPs where their viability is at risk but before they reach the point of failure; and
- establish resolution colleges for each CCP to ensure effective planning and orderly resolution if needed.

The proposed Regulation will now be submitted to the EU Parliament and Council for their approval and adoption.

MiFID2: EU Commission adopts RTS 20 and 21

The EU Commission has adopted regulatory technical standards (RTS) 20 and 21 under MiFID2.

RTS 20 specify criteria for establishing when an activity is to be considered ancillary to the main business of a group. On 30 May 2016 the European Securities and Markets Authority (ESMA) submitted to the Commission a formal opinion and a revised set of RTS following a notification from the Commission of its intention to endorse the draft RTS originally submitted on 28 September 2015 subject to a number of changes. In particular, the RTS adopted by the Commission set out the chosen options for:

- the numerator, which will be based on the simplified capital requirements regulation (CRR) method;
- the denominator, which will be based on the capital employed measure; and
- applicable threshold, which will remain a 10% threshold.

In order to address legal uncertainty that would arise for those non-financial groups that do not have a complete and representative set of data covering their main and ancillary activities, a calculation period of three years will be introduced.

RTS 21 set out the basis of the methodology that ESMA will use for the calculation and application of position limits in order to establish a harmonised position limits regime across commodity derivatives trading on trading venues and economically equivalent OTC (EEOTC) contracts.

Both sets of RTS are subject to scrutiny by the EU Parliament and EU Council.

PRIIPs: EU Parliament votes to extend application date of Regulation and RTS

The EU Parliament plenary session has voted to approve a proposal to extend the date of application of the Regulation on key information documents for packaged retail and insurance-based investment products (PRIIPs Regulation) by one year to 1 January 2018. The proposal still needs to be formally approved by the Council before being published in the Official Journal.

Money Market Funds: EU Council Presidency publishes final compromise text

The EU Council Presidency has published the final compromise text of the proposed regulation on money market funds (MMFs) following provisional agreement with representatives of the EU Parliament at trilogue negotiations on 14 November 2016.

EDIS: EU Council Presidency sets out state of play

The EU Council Presidency has published a state of play progress report, dated 25 November 2016, on the proposed Regulation to establish a European Deposit Insurance Scheme (EDIS) and the EU Commission communication on completion of the Banking Union published alongside the EDIS proposal.

The report summarises the Presidency's best assessment of the main outcomes of the discussions of the Ad Hoc Working Party on the Strengthening of the Banking Union (AHWP), established in January 2016 by the Permanent Representatives Committee (Coreper).

On EDIS, the Presidency highlights that Member States have showed willingness to continue constructive work at technical level in order to progress with solving identified issues. However, among other things, most delegations have continued to disapprove of the absence of a specific impact assessment accompanying the EDIS proposal, which the Presidency views would support progress on specific issues in the proposal.

CRD 4: ITS on reporting to EBA and competent authorities published in Official Journal

A Commission Implementing Regulation (2016/2070) laying down implementing technical standards (ITS) for templates, definitions and IT-solutions to be used by institutions when reporting to the European Banking Authority (EBA) and to competent authorities in accordance with Article 78(2) of the Capital Requirements Directive (CRD 4) has been published in the Official Journal.

The ITS will enter into force on 22 December 2016.

IFRS 9: EBA publishes amended final draft ITS on supervisory reporting

The EBA has published its final report on amendments to the ITS on supervisory reporting (Regulation (EU) No 680/2014) under the Capital Requirements Regulation (CRR). The final draft ITS relate to the reporting of financial information and propose amendments due to the finalisation of IFRS 9 by the International Accounting Standards Board (IASB), which were endorsed into EU law on 22 November 2016.

While amendments are focused on the changes relating to IFRS 9 and their consequences for GAAP templates, the EBA also deemed it necessary to review some parts of the FINREP framework based on experience using the data transmitted and feedback received from compiling institutions. The changes include:

- refinements to the concepts of gross carrying amount;
- accumulated changes in fair value due to credit risk;
- non-performing and forborne exposures;
- the reporting of economic hedges; and
- investments in associates, subsidiaries and joint ventures.

The EBA proposes to replace the ITS on supervisory reporting Annexes III (templates for reporting FINREP IFRS), IV (templates for reporting FINREP GAAP) and V (instructions for reporting FINREP) in their entirety.

The final draft ITS will be submitted to the EU Commission for endorsement before being published in the Official Journal and will update and amend the existing ITS.

Credit rating agencies: ESMA launches European Ratings Platform

The European Securities and Markets Authority (ESMA) has launched the European Ratings Platform (ERP), a database that will provide access to free, current information on credit ratings and rating outlooks on ESMA's website. The ERP aims to increase transparency around credit ratings and help investors make informed decisions.

The benefits of the new ERP include:

- allowing investors and other users of ratings to easily compare all credit ratings that exist for a specific rated entity or instrument;
- lowering information costs by centralising information; and
- helping smaller and new credit rating agencies gain visibility in the market.

SRB publishes 2017 work programme

The Single Resolution Board (SRB) has published its work programme for 2017. The work programme sets out the SRB's priorities in order to be ready to adopt resolution schemes for any bank that should be put into resolution and to consolidate the organisation.

The SRB's priorities are arranged under four operational areas:

- strengthening the SRB's operational readiness with a focus on operationalising resolution strategies, bail-in execution, identifying obstacles to resolvability and further work on minimum requirements for own funds and eligible liabilities (MREL);

- the single resolution fund (SRF), in particular the development of the contribution mechanism, development and implementation of the investment policy and continuation of work with respect to funding options;
- policy and cooperation with the SRB's main partners, including national resolution authorities (NRAs), the EU institutions and non-EU countries' authorities as well as international organisations; and
- resource levels.

The SRB also intends to continue to contribute to all policy and legislative initiatives that may impact on its activities, including the revision of the Bank Recovery and Resolution Directive (BRRD) and Single Resolution Mechanism Regulation (SRMR), the transposition of the total loss-absorbing capacity (TLAC) standard into EU legislation, the discussion in relation to the European Deposit Insurance Scheme (EDIS) and the resolution framework for financial market infrastructures (FMIs).

BoE publishes results of 2016 stress test

The Bank of England (BoE) has published the results of the 2016 stress test of the UK banking system. The 2016 test, the BoE's third concurrent stress test, was launched in March 2016 and covered seven major UK banks and building societies, which comprise around 80% of PRA-regulated banks' lending to the real economy. The 2016 scenario was designed under the BoE's new approach to stress testing, which is intended to present a severe and broad scenario to assess banks' resilience to 'tail risk' events. The test also assessed banks against the BoE's new hurdle rate framework, which held systemic banks to a higher standard reflecting the phasing-in of capital buffers for global systemically important banks (G-SIBs).

The scenario incorporated a synchronised UK and global economic recession with associated shocks to financial market prices and an independent stress of misconduct costs. Overall, the UK stress was intended to be roughly equivalent to that experienced during the financial crisis, but with a shallower fall in domestic output and a more severe rise in unemployment and fall in residential property prices.

From the results, the Prudential Regulation Authority (PRA) Board has identified no capital inadequacies for four out of the seven participating banks, based on their balance sheets at end-2015. For the other three banks, some capital inadequacies were found but these banks now have plans in place to build further resilience. The Financial Policy Committee (FPC) has identified that the banking system is, in aggregate, capitalised to support the real economy in a severe, broad and synchronised stress scenario. However, it has welcomed the actions by some banks to improve their capital positions. The FPC has judged that no system-wide macroprudential actions on bank capital are required and has announced that it will maintain the UK countercyclical buffer rate at 0%.

Alongside the stress test result, the BoE has also published its biannual Systemic Risk Survey, which sets out responses from 94 executives responsible for risk management and treasury functions at institutions on issues relating to the:

- probability of a high-impact event and confidence in the UK financial system;
- sources of risk to the UK financial system;
- risks most challenging to manage as a firm.

MAR: FCA consults on proposed changes to DTR 2.5 on delay in disclosure of inside information

The Financial Conduct Authority (FCA) has confirmed that it intends to comply with the European Securities and Markets Authority's (ESMA's) recently published guidelines on the Market Abuse Regulation (MAR) relating to:

- legitimate interests to delay disclosure of inside information and situations in which the delay of disclosure is likely to mislead the public (ESMA/2016/1478); and
- persons receiving market soundings (ESMA/2016/1477).

The FCA has also published a consultation paper (CP16/38) on changes to the FCA Handbook to comply with ESMA's guidelines on delay in the disclosure of inside information. The FCA is not seeking views on the content of ESMA's guidelines or its decision to comply with them, but rather on the specific changes to the DTR 2.5 required to confirm to the guidelines.

Comments on CP16/38 are due by 6 January 2017.

HMT consults on introduction of monetary penalty for financial sanctions breaches

HM Treasury (HMT) has launched a consultation on its proposed approach to monetary penalties for breaches of financial sanctions. The proposals relate to the monetary penalty regime for enforcing financial sanctions under the Policing and Crime Bill, which is currently going through Parliament.

HMT's Office of Financial Sanctions Implementation (OFSI) will publish guidance on the new regime and this consultation sets out HMT's proposed approach to imposing the cash penalties, in particular:

- the circumstances in which a monetary penalty is suitable;
- the level of any penalty;
- the process of imposing the penalty, including timescales and the rights of the penalised person or entity; and
- the circumstances in which OFSI will publish details of the monetary penalties imposed.

Comments are due by 26 January 2017.

German Parliament adopts law amending German Insolvency Code to protect contractual netting agreements

Following the decision of the German Federal Court of Justice (Bundesgerichtshof) on 9 June 2016 treating close-out netting agreements deviating from section 104 of the German Insolvency Code as invalid, the German Parliament (Bundestag) has adopted a law amending section 104 of the German Insolvency Code to ensure the validity of contractual netting agreements.

The law extends the scope of section 104 of the German Insolvency Code to ensure the enforceability of close-out netting in insolvency. The law also creates some additional flexibility allowing parties to deviate from the statutory provisions in the relevant netting agreement.

The changes will enter into force after the publication of the law, although some changes will enter into force retroactively from 10 June 2016.

German Federal Council approves Act on Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and Financing of Terrorism

The German Federal Council (Bundesrat) has approved the Act on the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and Financing of Terrorism, passed by the German Federal Parliament on 20 October 2016.

Money laundering and financing of terrorism are considered to be urgent problems at international level and to pose a risk not only to economic performance but also to the basis of the community. The previous Convention of 8 November 1990 on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime, which has been in force in Germany since 1 January 1999, applies only to international cooperation with regard to money laundering offences, but does not fulfil the requirements for effective asset forfeiture. In particular, preventing financing of terrorism requires effective international cooperation, which can only be achieved on the basis of an international agreement. The Convention of 2005 shall apply among its parties and replace the previous Convention of 1990.

The main purpose of the Act is to incorporate the Convention into German law.

BaFin issues guidance note on risk exposures to shadow banking entities

The German Federal Financial Supervisory Authority (BaFin) has issued a guidance note on risk exposures to shadow banking entities which implements the EBA guidelines on limits on exposures to shadow banking entities which carry out banking activities outside a regulated framework under the Capital Requirements Regulation (CRR).

The guidance note specifies the methodology that should be used by institutions, as part of their internal processes and policies, for addressing and managing concentration risks arising from exposures to shadow banking entities. In particular, the guidance note specifies criteria for setting an appropriate aggregate limit on exposures to shadow banking entities which carry out banking activities outside a regulated framework, as well as individual limits on exposures to such entities.

The guidance note will apply from 1 January 2017.

Association of Banks in Singapore enhances disclosure standards in private banking code of conduct

The Association of Banks in Singapore (ABS) has enhanced the disclosure standards in the Private Banking Code of Conduct (PB Code).

The enhanced standards expand on the existing requirement for private banks to ensure that a client is informed of the key terms of transactions.

Under the enhanced standards, private banks will need to provide clients with a fee schedule at account opening, which sets out fees, charges and other quantifiable benefits (including commissions, rebates and retrocessions) for all investment products and services. Private banks will also

need to disclose any rebates received from selling new bond issuances to clients prior to each transaction.

MAS responds to feedback on proposed changes to related party transaction requirements for banks

The Monetary Authority of Singapore (MAS) has published its responses to the feedback it received on its January 2016 consultation paper on additional proposed changes to the related party transaction (RPT) requirements for banks.

The 2016 consultation followed a consultation exercise on proposed changes to the RPT requirements conducted in December 2013, in which the MAS proposed changes to the RPT requirements to address industry feedback and to ensure sufficient oversight and controls over RPTs.

Taking into account feedback received during the 2013 consultation, the MAS proposed in the 2016 consultation to make certain revisions to MAS Notice 643 on Transactions with Related Banks (MAS Notice 643) and MAS Notice 639A on Exposures and Credit Facilities to Related Concerns.

In its response to the feedback on the 2016 consultation, the MAS has clarified, amongst other things, in respect of MAS Notice 643:

- the scope of 'related parties' by clarifying the meaning of 'related corporation group', 'senior management group' and 'director group';
- whether intra-group transactions, transactions between banks and related party trustees, and transactions relating to employees' or directors' benefits or remuneration should be subject to the RPT requirements;
- when a transaction will satisfy the arm's length dealing requirement;
- requirements relating to board and management control of RPTs; and
- that banks will be given two years to comply with the RPT requirements in MAS Notice 643 and the notice will take effect on 18 November 2018,

and in respect of MAS Notice 639A, the reporting requirements under that notice.

HKMA issues circular on engagement of intermediaries by authorised institutions

The Hong Kong Monetary Authority (HKMA) has issued a circular to provide further guidance on authorised institutions' engagement of intermediaries.

The circular sets out several measures to further enhance customer protection as well as address potential reputation risks to authorised institutions in the loan application processes for retail customers and small and medium-sized enterprises (SMEs). The new measures require authorised institutions to proceed with a loan application referred by a third party only if it is appointed by the authorised institution concerned, and that the prospective borrowers are not charged any loan-related fees by that third party in general. Authorised institutions are also expected to join efforts in educating the public about responsible borrowing.

The HKMA has advised authorised institutions to implement the suggested measures as soon as practicable and no later than 31 March 2017. The circular states that a phased approach for full implementation is acceptable where it can be justified, and authorised institutions are also reminded to enhance staff capacity and training as appropriate.

The HKMA has also reminded authorised institutions to ensure compliance with the Personal Data (Privacy) Ordinance and relevant codes of practice or guidance issued by the Office of the Privacy Commissioner for Personal Data (PCPD) when handling customers' personal data, for example, when using personal data collected and disclosed by the appointed third parties. Authorised institutions are reminded to follow the requirements set out in the Code of Banking Practice including, for example, that authorised institutions should endeavour to ensure that the prospective borrower understands the principal terms and conditions of any borrowing arrangement, in particular those related to the rate of interest, terms of repayment, and consequences of default.

In addition, the circular includes feedback from recent reviews by authorised institutions of their systems of control on sales agents and sales/marketing staff in relation to customer data protection. The HKMA has advised authorised institutions to review their policies and procedures from time to time and promptly implement necessary enhancement measures and strengthen staff training where necessary.

HKMA revises supervisory policy manual on sound systems and controls for liquidity risk management

The HKMA has published a revised version of the supervisory policy manual (SPM) module LM-2 on sound systems and controls for liquidity risk management.

The revisions to the SPM module are consequential to the implementation of the liquidity coverage ratio (LCR) and liquidity maintenance ratio (LMR) from 2015 and the recent

revision of the related SPM module LM-1 on the regulatory framework for supervision of liquidity risk in July 2016. The revision has also been made to streamline and clarify some of the existing provisions. More specifically:

- a greater degree of flexibility has been provided for authorised institutions to determine their liquidity risk governance and management systems and select appropriate risk monitoring tools and forewarning indicators that are commensurate with their individual circumstances;
- provisions regarding the requirement of maintaining a 'liquidity cushion' have been modified in order to reflect the guidance provided in the SPM module LM-1 for an authorised institution to set internal targets for LCR or LMR. The modifications also seek to clarify the concept of the 'liquidity cushion' required in the SPM module LM-2, as compared to 'high quality liquid assets' (HQLA) defined for LCR purposes and 'liquefiable assets' defined for LMR purposes;
- certain provisions (such as the guidance on disclosure of liquidity information) have been removed from the revised SPM module as they are now provided in the SPM module LM-1; and
- some similar or related provisions within the SPM module have been combined and made more concise.

To the extent that authorised institutions need to align their internal processes more closely with any of the revised provisions in the SPM module, the HKMA advises them to do so as soon as practicable and in any event within two months of the issuance of the module.

SFC issues circular on reporting of OTC derivative transactions

The Securities and Futures Commission (SFC) has issued a circular to licensed corporations on the reporting of over-the-counter (OTC) derivative transactions. The circular informs licensed corporations that the trade repository operated by the Hong Kong Monetary Authority (HKMA) has published the following on its website:

- a revised version of the existing supplementary reporting instructions (SRI I); and
- additional supplementary reporting instructions (SRI II), which provide, amongst other things, instructions for phase 2 reporting, which will come into effect on 1 July 2017.

SRI I addresses questions received from the industry and describes the reporting requirements in a more concise manner. Where new requirements, or changes to existing requirements, are introduced, grace periods have been provided for their implementation. SRI II provides guidance to enable reporting entities to complete their preparations in time for phase 2 reporting, which will come into effect on 1 July 2017.

Hong Kong and Switzerland sign mutual recognition of funds agreement

The SFC and the Swiss Financial Market Supervisory Authority (FINMA) have signed a Memorandum of Understanding (MoU) on Switzerland-Hong Kong mutual recognition of funds and asset managers, which will allow eligible Swiss and Hong Kong public funds to be distributed in each other's market through a streamlined vetting process. The MoU also establishes a framework for exchange of information, regular dialogue and regulatory cooperation in relation to the cross-border offering of public funds.

Swiss funds applying for the SFC authorization must be an eligible fund type and meet the following requirements:

- the fund is established, domiciled and managed in accordance with the Swiss laws and regulations; and
- the fund is defined and approved by FINMA as a securities fund in accordance with Article 53 – 57 CISA for public offering in Switzerland.

SFC and CSRC approve official launch of Shenzhen-Hong Kong Stock Connect

The SFC and the China Securities Regulatory Commission (CSRC) have approved the official launch of the Shenzhen-Hong Kong Stock Connect after finalising all necessary regulatory approvals and arrangements required for its commencement. The Shenzhen-Hong Kong Stock Connect expands mutual stock market access between Hong Kong and Mainland China to cover the Shenzhen Stock Exchange.

Trading through the Shenzhen-Hong Kong Stock Connect will commence on 5 December 2016.

Supreme People's Court of China issues judicial interpretations on independent guarantees

The Supreme People's Court of China (SPC) has issued the 'Provisions on Relevant Matters regarding the Trial of Independent Guarantee-related Cases' (Fa Shi [2016] No.24). The issuance of these judicial interpretations is significant, as it is the first time that the SPC has officially set out its position on independent guarantees and unified the rules and standards for Chinese courts to hear relevant disputes.

Among other things, the following points are worth noting:

- the payment obligation of the guarantor under an independent guarantee shall be independent from the underlying transaction;
- the principle of 'pay first, argue later' is adopted, and the guarantor shall pay upon the presentation of a written demand for payment and other documents specified in the independent guarantee which appear on their face to be consistent with the terms of the independent guarantee;
- except in circumstances of a fraud, the guarantor may not invoke the relevant defenses otherwise afforded to guarantors set out in the PRC Security Law to refuse to make the payment;
- a PRC court is entitled to grant injunctive relief if it believes that there is a high chance of the alleged fraud occurring and other requirements for granting such relief are satisfied; and
- independent guarantees may be issued for both cross-border transactions and purely domestic transactions.

The independent guarantees defined in the judicial interpretations are similar to certain other financial instruments commonly seen in international transactions in both legal structure and areas of use, such as the demand guarantees defined in the ICC Uniform Rules for Demand Guarantees (URDG) and the stand-by letters of credit in the UN Convention on Independent Guarantees and Stand-By Letters of Credit. While the judicial interpretations make it clear that they are applicable to a guarantee with a clause of payment on demand or governed by the URDG, whether they will apply to stand-by letters of credit remains to be seen.

The judicial interpretations will come into effect on 1 December 2016.

Bank Indonesia regulates payment transaction processing

Bank Indonesia (BI) has issued Regulation No 18/40/PBI of 2016 on the Organisation of Payment Transaction Processing (Regulation 18) as part of its efforts to strengthen the regulatory framework in the financial technology industry in Indonesia.

Regulation 18 introduces:

- more comprehensive guidelines for banks and non-bank institutions that are engaged in, or that are seeking to engage in, payment-transaction processing activities, including the parties which are allowed to undertake the activities, i.e. service providers and supporting providers. Payment system service providers include card based payment system operators, switching operators, card issuers, acquirers, payment gateway companies, e-wallet companies, and fund transfer operators while supporting providers include (among others) businesses engaged in card printing, data centres and disaster recovery centres;
- requirements and procedures for securing a licence to be a payment system service provider and for an existing service provider that wishes to secure approval for the development/expansion of its services, products and/or activities or for cooperation with other parties;
- a foreign ownership limit of 20% (directly or indirectly) in switching operators, principals, clearing operators and final settlement operators. An existing switching operator, principal, clearing operator or final settlement operator need not restructure to conform to the 20% foreign ownership limit unless there is a change in its share ownership after 9 November 2016. The foreign ownership limit does not apply to issuers and acquirers of e-money and card-based payment instruments; and
- a prohibition on service providers conducting payment transaction processing using virtual currency (such as bitcoin).

Regulation 18 is effective as of 9 November 2016. BI is expected to issue further implementing guidelines on the details and requirements for operating as a service provider, specific procedures for licence applications, feasibility requirements, and approvals in a circular letter to be issued in the coming months.

ASIC extends transition period to comply with new fee and cost disclosure requirements

The Australian Securities and Investments Commission (ASIC) has extended the transition period for superannuation funds and responsible entities of managed funds and other managed investment schemes (issuers) to comply with updated fee and cost disclosure requirements in relation to product disclosure statements (PDSs) from 1 February 2017 to 30 September 2017.

In order to rely on the extension, issuers need to notify ASIC in writing by 31 January 2017 that they intend to do so and provide ASIC, before 1 March 2017, information about the fees and costs that would be required to be included in this PDS had they complied with the updated fees and costs disclosure requirements. Issuers that do not

want to take of advantage of this extension will have to comply with the updated requirements by 1 February 2017.

The updated PDS requirements are a result of an ASIC review which indentified inconsistencies in industry practice and under-disclosure of fees and costs.

ASIC has made it clear that the extension period to 30 September 2017, granted due to industry concerns that information provided by 1 February 2017 may not be reliable and may not assist consumers in comparing fees and costs, is final, encouraging issuers to adopt the updated requirements as early as possible to provide greater transparency.

The soon to be amended class order [CO 14/1252] will provide guidance on how issuers can apply for reliance on the extension.

RECENT CLIFFORD CHANCE BRIEFINGS

European Proposal for the harmonisation of restructuring law

On 22 November, the European Commission published its legislative proposal for harmonising restructuring law across Europe. The proposal, which includes a draft Directive on preventative restructuring frameworks, 'second chance' and measures to increase the efficiency of restructuring, insolvency and discharge procedures, first needs to be agreed by the European Parliament and Council. Once the text is finalised, Member States will have up to 2 years to implement the measures.

This briefing paper discusses the proposal.

https://www.cliffordchance.com/briefings/2016/11/european_proposalfortheharmonisationo.html

US Department of Labor Releases FAQ Guidance on Fiduciary Rules

On 27 October 2016, the US Department of Labor (DOL) issued guidance on the recently released fiduciary rules, which generally take effect on 10 April 2017. The guidance is set forth in the form of 'frequently asked questions' (FAQs) and is based on questions received by the DOL following the release of the rules. The DOL is expected to release two additional rounds of guidance before the rules take effect.

This briefing paper discusses the guidance.

https://www.cliffordchance.com/briefings/2016/11/u_s_department_oflaborreleasesfagguidanceo.html

The Russia-Hong Kong double taxation agreement has now come into effect

The treaty will apply from 1 January 2017 with respect to Russian taxes and from 1 April 2017 with respect to Hong Kong taxes.

This briefing paper highlights the key features of the new treaty in comparison with the existing tax regime.

https://www.cliffordchance.com/briefings/2016/11/the_russia-hong_kongdoubletaxationagreemen.html