

BRYAN
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FINANCIAL REGULATION:
EMERGING THEMES IN 2021

Building
RESILIENCE

Welcome and Introduction



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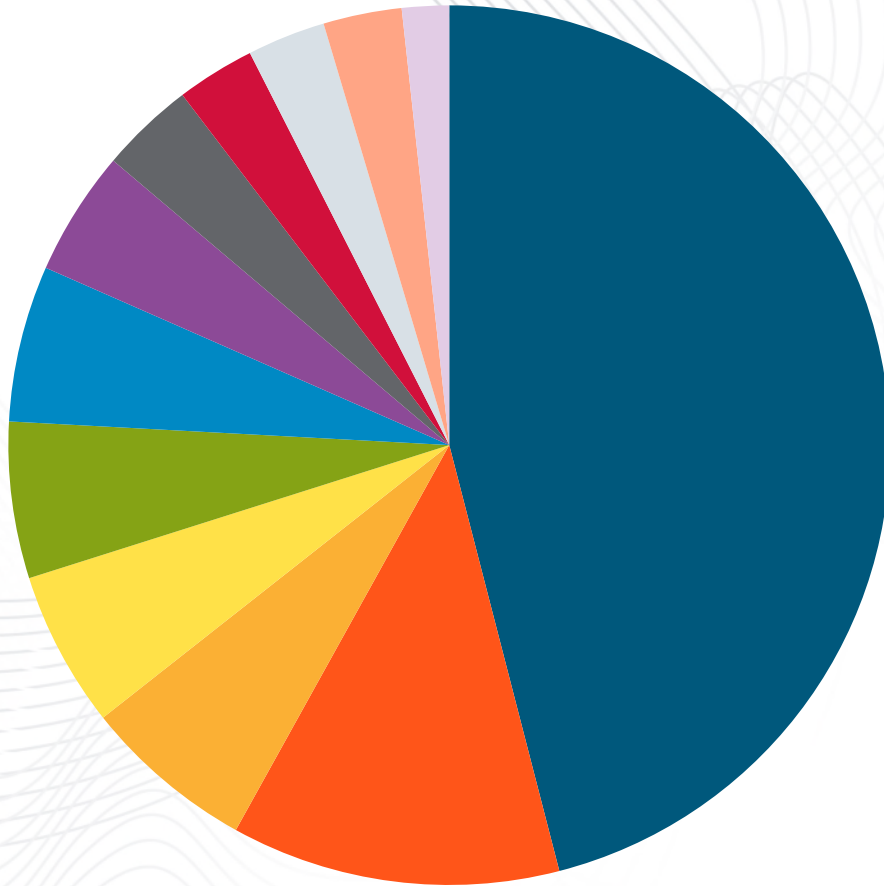
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Overview

- ▶ Introduction
- ▶ Keynote speech: Building Resilience
- ▶ Key emerging themes
 - ▶ Financial Regulation post-Brexit
 - ▶ The reform of Corporate Crime
 - ▶ Enforcement trends in the coming year
- ▶ Closing remarks

What will be your most significant regulatory challenge in 2021?



- Brexit
- Insurance pricing/other
- IBOR reform
- Data issues
- SMCR
- Crypto/Fintech
- Regulatory change
- ESG
- Operational resilience
- Culture & conduct
- COVID fallout
- Investigation/enforcement

Keynote speech: Building Resilience

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Key themes

- ▶ Financial Regulation post-Brexit
- ▶ The reform of Corporate Crime
- ▶ Enforcement trends in the coming year



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Financial Regulation post-Brexit

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Financial Regulation post-Brexit

- ▶ Brexit did get done but the precise impact on the UK financial services sector remains uncertain and will evolve over time
- ▶ Post-Brexit fall out management will be an ongoing project for firms over the next 12 months and potentially longer
- ▶ The Brexit deal agreed is effectively silent on financial services – arguably a “no deal” outcome
- ▶ Impact on trading volumes in the UK vs EU was immediate - Other areas likely to be impacted in due course
- ▶ Firms need to be mindful of the following:
 - ▶ EU / EU member state approach to local presence requirements and licensing issues
 - ▶ UK will develop a new regulatory model and new regulatory rules based on flexibility and doing what is right for the UK
 - ▶ There will likely be a significant amount of UK driven regulatory reform but it will still be cognisant of what the EU is doing

The reform of Corporate Crime

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The reform of Corporate Crime

- ▶ Potential Reform and Expansion of Corporate Liability for Economic Crime
- ▶ “Identification Principle” v failure to prevent model
- ▶ Responses to Government’s Call for Evidence published 3 Nov 2020
- ▶ Law Commission Option Paper due late 2021

Enforcement trends in the coming year

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Enforcement trends in the coming year

- ▶ Enforcement target areas for the year ahead
- ▶ Continued focus on investigating individuals
- ▶ Slow progress of investigations
 - ▶ **646** open FCA investigations in 2020 – up from **247** as recently as 2016
 - ▶ The average FCA case length in 2020 was **23.9** months
 - ▶ Where disciplinary action was pursued by the FCA and the case settled, it took an average of over **three** years (**37.4** months). By contrast in 2015, the average settled case took just **16** months – so it has more than doubled

Get in touch



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FINANCIAL REGULATION:
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