

CORONAVIRUS: INTERNATIONAL REGULATORY UPDATE 30 MARCH – 3 APRIL 2020

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- Recent Clifford Chance briefings on the coronavirus crisis: UK insolvency reforms, Spanish guarantee scheme, US CARES Act, and more. Follow this link to the briefings section.

International

The Financial Stability Board (FSB) has provided an [update](#) on the actions its members are taking nationally and collectively to mitigate the financial risks posed by the pandemic, including:

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- regularly sharing information on evolving financial stability threats and on the policy measures that financial authorities are taking;
- assessing financial risks and vulnerabilities in the current environment; and
- coordinating policy responses to maintain global financial stability, keep markets open and functioning, and preserve the financial system's capacity to serve households and businesses confronting COVID-19 and thereby finance the resumption of growth.

The President of the Financial Action Task Force (FATF) has issued a [statement](#) on COVID-19 and measures to combat illicit financing, in which he encourages governments to work with financial institutions and other businesses to use the flexibility built into the FATF's risk-based approach to address the challenges posed by COVID-19 whilst remaining alert to new and emerging illicit finance risks. The FATF encourages the fullest use of responsible digital customer onboarding and delivery of digital financial services in light of social distancing measures.

The Executive Committee of the International Association of Insurance Supervisors (IAIS) has held a conference call and issued a [press release](#) setting out the steps it is taking to address the impact of COVID-19 on the global insurance sector and the IAIS' activities.

European Union

The EU Commission has approved:

- another [Luxembourg State aid scheme](#) to support the Luxembourgish economy in the context of the coronavirus outbreak;
- a DKK 1 billion (approximately EUR 130 million) [Danish liquidity guarantee scheme](#) for small and medium-sized enterprises (SMEs) with export activities;
- two [Estonian State aid schemes](#) to support the Estonian economy;
- [France's EUR 1.2 billion scheme](#) to support small and micro-enterprises as well as self-employed people affected by the economic repercussions of the coronavirus outbreak; and
- a [German State aid scheme](#) extending measures adopted on 22 March 2020 to support the economy in the context of the outbreak. In particular, the extension enables support to be granted by other regional authorities and promotional banks not covered by the existing measures.

The schemes were approved under the State aid temporary framework to support the economy in the context of the COVID-19 outbreak adopted by the Commission on 19 March 2020.

The Commission has also sent Member States a [draft proposal](#) to extend the temporary framework by adding additional support possibilities, namely:

- more support for coronavirus related research and development;
- more support for the construction and upgrading of testing facilities;
- more support for the production of products relevant to tackling the coronavirus outbreak;
- targeted support in the form of deferral of tax payments and/or suspensions of employers' social security contributions; and

- targeted support in the form of wage subsidies for employees.

In addition, the Commission has [decided](#) to temporarily remove all countries from the list of ‘marketable risk’ countries under the Short-term export-credit insurance Communication. This is intended to make public short-term export credit insurance more widely available during the crisis. The amendment further expands on the flexibility introduced by the Commission’s temporary framework with respect to the possibility for State insurers to provide insurance for short-term export-credit.

Meanwhile, the EU Council has [adopted](#) two legislative acts to release funding from the EU budget to tackle the COVID-19 crisis. One of the acts amends the rules of the structural and investment funds, while the other extends the scope of the EU Solidarity Fund to include public health emergencies in addition to natural disasters. The Coronavirus Response Investment Initiative will give Member States access to EUR 37 billion of cohesion money to strengthen healthcare systems, as well as support small and medium-sized enterprises, short-term working schemes, and community-based services. Expenditure will be made available as of 1 February 2020 to cover costs already incurred. Both legislative acts will be published in the Official Journal on 31 March and will enter into force on 1 April 2020.

The European Central Bank (ECB) has [recommended](#) that at least until 1 October 2020 no dividends are paid out and no irrevocable commitment to pay out dividends is undertaken by credit institutions for the financial year 2019 and 2020 and that credit institutions refrain from share buy-backs aimed at remunerating shareholders. The ECB intends to continue evaluating the economic situation and to consider whether further suspension of dividends is advisable after 1 October 2020. The ECB has also published a new [Q&A](#) on its Pandemic Emergency Purchase Programme (PEPP) and [revised questions](#) on the Corporate Sector Purchase Programme (CSPP).

The European Securities and Markets Authority (ESMA) has issued a [public statement](#) to clarify issues regarding the publication by execution venues and firms of the general best execution reports required under RTS 27 and 28 of MiFID2 in light of the pandemic. In particular, ESMA recommends that national competent authorities (NCAs) take into account the current exceptional circumstances by considering the possibility that:

- execution venues unable to publish RTS 27 reports due by 31 March 2020 may only be able to publish them as soon as reasonably practicable after that date and no later than by the following reporting deadline (i.e. 30 June 2020); and
- firms may only be able to publish the RTS 28 reports due by 30 April 2020 on or before 30 June 2020.

ESMA also encourages NCAs not to prioritise supervisory action against execution venues and firms in respect of the deadlines for these periods, and generally to apply a risk-based approach in the exercise of supervisory powers in their day-to-day enforcement of RTS 27 and 28 concerning these deadlines.

In addition, ESMA has:

- [updated its risk assessment](#) to account for the impact of COVID-19. It notes that the pandemic, in combination with existing valuation risks, has led to large equity market corrections since mid-February, driven by a sharp deterioration in the outlook for consumers, businesses and of the

economic environment. Corporate bond, government bond markets and a number of investment funds show signs of stress. Market infrastructures have continued to function in an orderly manner despite significant surges in trading activity, the use of circuit breakers and increases in derivatives margins. ESMA sees a prolonged period of risk to institutional and retail investors across the whole of ESMA's remit; and

- [decided](#) to keep the date of application of the transparency calculations for equity instruments of 1 April 2020 unchanged. ESMA notes that some stakeholders had asked it to postpone the date given the extraordinary market circumstances created by the COVID-19 pandemic, but considers that delaying the application of the new transparency results would in itself entail risks and might create additional operational burdens for market participants that have already planned for them.

The European Banking Authority (EBA) has clarified its expectations in relation to dividend and remuneration policies, provided additional guidance on how to use flexibility in supervisory reporting and recalled the necessary measures to prevent money laundering and terrorist financing (ML/TF). In particular, the EBA has:

- [reiterated and expanded](#) its call on institutions to refrain from the distribution of dividends or share buybacks for the purpose of remunerating shareholders and assess their remuneration policies in line with the risks stemming from the economic situation;
- [provided details](#) on its call for competent authorities to offer leeway on reporting dates, urging one-month flexibility for reports with remittance dates between March and the end of May 2020, and also called for flexibility in assessing deadlines of institutions' Pillar 3 disclosures – the EBA has further decided, in coordination with the Basel Committee on Banking Supervision (BCBS), to cancel the Quantitative Impact Study based on June 2020 data; and
- [called on](#) competent authorities to support financial institutions' ongoing efforts to prevent money laundering and terrorist financing (ML/TF) by sharing information on emerging ML/TF risks, setting clear regulatory expectations and using supervisory tools flexibly.

The EBA has also published new [guidelines](#) on the criteria to be fulfilled by legislative and non-legislative moratoria applied before 30 June 2020. The EBA sees the payment moratoria as effective tools to address short-term liquidity difficulties caused by the limited or suspended operation of many businesses and individuals resulting from the impact of COVID-19. In this context, the guidelines clarify that payment moratoria do not trigger classification as forbearance or distressed restructuring if the measures taken are based on the applicable national law or on an industry or sector-wide private initiative agreed and applied broadly by the relevant credit institutions. In addition, the guidelines state that institutions must continue adequately to identify those situations where borrowers may face longer-term financial difficulties and classify exposures in accordance with existing regulation. The requirements for identification of forborne exposures and defaulted obligors remain in place.

The Single Resolution Board (SRB) has published a [blog post](#) from its Chair Elke König addressing issues stemming from the COVID-19 outbreak for resolution policy, which states that the SRB will:

- together with the national resolution authorities, postpone less urgent information or data requests related to the upcoming 2020 resolution planning cycle;
- reflect the measures adopted by authorities to provide capital relief to banks in support of the economy in its future MREL decisions and continue to monitor the market conditions and assess the potential impact on transition periods needed for the build-up of MREL; and
- focus on supporting financial stability and bank resolvability and continue its work on resolution planning and the preparation for issuing 2020 MREL decisions according to the set deadlines in early 2021.

Belgium

The National Bank of Belgium and Assuralia, the insurance companies' professional union, have [announced](#) a series of measures intended to mitigate the impact of the COVID-19 crisis on private individuals, households, self-employed individuals and companies. These measures form part of the work of the Economic Risk Management Group (ERMG) established by the Belgian federal Government.

For individuals who are temporarily unemployed because of the COVID-19 crisis, the measures involve:

- the extension of cover for pension, death, disability and hospitalisation under group insurance (contracted by employers) – the payment of premiums due by employers in this context is deferred until 30 September 2020;
- that interest and capital repayments on mortgage loans contracted with insurance companies, as well as payment of premiums on mortgage protection insurance, are suspended until 30 September 2020, if the insurance policy-holders face financial difficulties because of the COVID-19 crisis; and
- a payment deferral until 30 September for home insurance premiums linked to mortgage loans falling due between 30 March and 30 September 2020.

For companies hit by the COVID-19 crisis, the measures include:

- the automatic adjustment of premiums for those types of insurance cover (accidents at work, third-party liability, etc.) that provide for premium adjustments in case of a reduction in business activity;
- companies that are forced to suspend their activities may seek payment deferral for all premiums falling due between 30 March and 30 September 2020 – effective deferral is subject to consent from the insurance company; and
- where an insurer has granted a loan to an undertaking, the relevant insurer will comply with the measures announced by the banking sector, namely a loan repayment holiday (interest payments and capital repayments) until 30 September 2020.

Czech Republic

The Czech Ministry of Finance has [announced](#) that it will submit a proposal for a six month payment moratorium at the meeting of the Government on 1 April 2020. If approved by the Parliament, the moratorium should be binding for all banks and non-banking lenders and apply to mortgage loans, consumer loans and commercial loans. The interest rate applicable during the moratorium will be regulated and will be announced on 1 April following the meeting of the Government at the latest. The moratorium is likely to mean that the payment of instalments and of regulated interest will be moved forward in time and the final repayment date will be prolonged. There should be a possibility for an opt-out from the moratorium for those who wish to continue to perform their payment obligations.

France

The French Autorité de contrôle prudentiel et de résolution (ACPR) has [called](#) on credit institutions under its direct supervision and finance companies to refrain, at least until 1 October 2020, from distributing dividends and making any irrevocable commitment on dividends for the 2019 and 2020 fiscal years and from initiating any share repurchase which is aimed at remunerating shareholders. The measure is intended to preserve credit institutions' and financing companies' capital resources in order to allow them to support the real economy and/or to absorb losses during the coronavirus outbreak. Credit institutions and financing companies which are not be able to postpone dividend payments because they believe that they are legally required to pay dividends must immediately liaise with the ACPR to explain their reasons. The ACPR will further assess the economic situation and will reconsider whether a suspension of dividends is to be recommended after 1 October 2020.

The French Minister of the Economy and Finance, together with the Fédération bancaire française (FBF) and Bpifrance, has published a set of [Q&As](#) to answer companies' questions relating to the State loan guarantee scheme and to assist the banking network. The document provides answers to nearly 40 practical questions relating, amongst other things, to the eligibility requirements for the scheme, the applicable procedure, and the features of eligible loans and the guarantee provided.

Germany

The German Federal Ministry of Economics and the German Federal Ministry of Finance have [mutually agreed](#) that, with immediate effect, export business on short-term payment terms (up to 24 months) can also be covered within the EU and in certain OECD countries by state export credit guarantees of the German Federal Government. This follows the EU Commission's decision to temporarily remove all countries from the list of 'marketable risk' countries under the Short-term export-credit insurance Communication. This allows Member States to react promptly should private export-credit insurers withdraw in response to the coronavirus pandemic. Besides the EU, other beneficiary countries are Australia, Iceland, Japan Canada, New Zealand, Norway, Switzerland, the US and the UK. The extended cover facilities are initially limited until 31 December 2020. The German Federal Ministry of Finance has already created the budgetary preconditions for the expected increase in demand by extending the scope of cover in the supplementary budget.

The German Federal Financial Supervisory Authority (BaFin) and the Bundesbank have [postponed](#) the stress test for less significant institutions (LSIs) under national supervision from 2021 to 2022. The provisional timetable, including the test run planned for autumn 2020, will be therefore be postponed by one year. BaFin and the Bundesbank intend to approach the LSI stress testing expert committee with a new timetable as soon as they are in a better position to assess the consequences of the pandemic.

BaFin has also issued a [general decree](#) (Allgemeinverfügung) reducing the domestic countercyclical capital buffer rate from 0.25% to 0% on 1 April 2020 in order to strengthen the resilience of the banking system. BaFin will continue to assess the development of cyclical risk on a quarterly basis to determine the capital buffer but does not expect to increase the buffer again in the course of 2020. In addition, in light of the ECB decision on dividends, BaFin has [reiterated](#) its view that the institutions under its direct supervision (LSIs) should also not pay dividends and profits until at least 1 October 2020.

Separately, BaFin has [indicated](#) that it assumes that persons required to make notifications under Article 16 (1) and (2) of the Market Abuse Regulation have suitable systems and processes in place for monitoring market abuse in order to identify suspicious orders and transactions and to transmit them to BaFin, even under the changed working and general conditions. Suspicious transaction reports are to be made within a reasonable period of time, taking into account the general conditions caused by the coronavirus crisis as well as the circumstances of the individual case. BaFin acknowledges that given the currently volatile markets, it can be assumed that a high number of alarms will be generated by the system among those obliged to report. When assessing whether these alarms are actually based on a suspicious order or a suspicious transaction, the employee performing the manual check should take the specific market conditions into account. BaFin considers this verification step to be very important and is asking the persons required to report (particularly in view of the possibly limited number of employees who are able to perform this verification) to do so within a reasonable period of time, taking into account the current circumstances. In addition, suspicious transaction reports should only be submitted to BaFin if, taking into account the exceptional market conditions, there are reasonable grounds to suspect market abuse.

Luxembourg

The Luxembourg financial sector supervisory authority (CSSF) has issued:

- a [communiqué](#) on the disclosure of information by issuers of securities under the Luxembourg Transparency Law in the context of COVID-19. Although the CSSF indicates that it will not take any administrative measures or impose sanctions in relation to the upcoming deadlines for the publication of periodic information (and provides for a two-month extension thereof for reporting periods ending on 31 December 2019 or after that date but before 1 April 2020), it stresses that particular attention should be paid to compliance with ongoing requirements set out in the Luxembourg Transparency Law and Market Abuse Regulation (notably the disclosure of inside information and notification and publication of major holdings and managers' transactions) and that issuers who anticipate that their financial reports will be delayed should inform the market and the CSSF of this; and
- a [communiqué](#) concerning the postponement of reporting files to NCAs by managers of money market funds (MMFs) under Article 37 of the Money

Market Funds Regulation. The CSSF notes that, according to [ESMA's statement of 31 March 2020](#), MMF managers that are subject to a quarterly reporting obligation will have until September 2020 (instead of end of April 2020) to submit their first quarterly reports concerning Q1 2020 to NCAs by using the new XML schema reporting template to be published shortly on ESMA's website. Based on this statement and by way of derogation from its [Circular 20/736](#), the CSSF has clarified that managers of Luxembourg domiciled MMFs may therefore submit their quarterly reports for both the Q1 and Q2 reporting periods in September 2020 (although the CSSF is encouraging MMFs to report before the September 2020 deadline).

In addition, the CSSF has published a revised version of its [FAQs](#) on COVID-19 to cover additional questions and answers on:

- the extension of deadlines as regards the reports, statements and other documents to be submitted to it by investments firms, support PFS and electronic money institutions. Such an extension may exceptionally be granted upon receipt of a reasoned request sent by email to the usual contact person at the CSSF;
- the purpose and main elements covered in the EBA's publications of 25 March 2020 in the context of COVID-19; and
- its policy stance as regards banks' distribution policies aimed at remunerating shareholders. The CSSF has stated that it intends to comply with the recent ECB recommendation on dividend distributions during the pandemic and the EBA's statement on dividends distribution, share buybacks and variable remuneration and provided additional guidance on the actions to be taken by Luxembourg credit institutions in this context.

The Luxembourg Stock Exchange (LuxSE) has also published a new set of [FAQs](#) on COVID-19 confirming that:

- it continues to apply the same standard document turnaround times for debt listing in spite of the COVID-19 pandemic and that 99% of listings continue to be handled within 48 hours;
- no specific new measures, policies or adjustments are necessary and all processes remain unchanged (services such as Listing, Financial News Service, PLUS, LEI, FIRST and e-Listing remain fully operational); and
- the CSSF is fully operational and its review times remain unchanged. Given that the update season for programmes has just started, the LuxSE recommends contacting the CSSF as soon as possible to agree on new timelines.

Poland

The Polish resolution authority (the Bank Guarantee Fund) has [announced](#) that it is taking action intended to alleviate the adverse effects of the pandemic on the banking sector. In particular, the resolution authority has stated that the intermediate target levels of MREL set for domestic entities identified as compulsory resolution entities as at the end of 2020 will not be treated as mandatory. In the resolution authority's next planning cycle, it will apply the target deadline arising under BRRD2 (the implementation of which in Polish law is still pending) for fulfilling MREL, i.e. 1 January 2024, and will also set 1

January 2022 as the deadline for fulfilling the first binding intermediate target level.

The Polish Financial Supervision Authority (KNF) has issued a [bulletin](#) on the change to the deadlines for the publication of annual reports, annual consolidated reports and other periodic reports drawn up for 2019 by issuers of securities admitted to trading on a regulated market. In the bulletin, the KNF states that ESMA's 27 March 2020 [public statement](#) concerning the impact of COVID-19 on the deadlines for publication of periodic reports under the Transparency Directive does not apply in Poland, because Poland has adopted local legislative measures to defer the deadlines for publishing information concerning the reporting periods. The KNF notes ESMA's recommendation with regard to the obligation to inform the market of delays in the publication of periodic reports and states that issuers of securities admitted to trading on the regulated market in Poland should also fulfil that obligation. The KNF also notes that, under the Market Abuse Regulation, where there is a delay in the publication of periodic reports, issuers should also analyse whether, when periodic reports are being prepared, any inside information arises.

The KNF has also published a [statement](#) relating to financing of corporate clients by banks, in which it sets out its interpretation of a provision of the Banking Law regarding the conditions for granting a facility to an entity that is not creditworthy. The purpose is to enable banks to maintain or change the conditions of financing for corporate customers (other than SMEs covered by special regulations introduced in connection with the pandemic). The KNF will accept a situation where, with regard to their current customers, banks maintain or change, for the benefit of the customer, the conditions of financing (e.g. by extending the period of financing), even in a situation where in connection with the COVID-19 pandemic the customer has lost its creditworthiness (understood as a temporary threat of loss of liquidity) and a complete remedial plan cannot be drawn up. Renewal of financing on the terms in force on 31 December 2019 should not take place for a period of longer than one year. If the amount of financing of current customers is increased to above the level as at 31 December 2019, banks will be able to take simplified positive liquidity projections into account. Banks will be able to treat the coverage of credit exposures by the BGK's guarantee for 80% of the amount of the facility as a 'special form of security' for repayment of the facility (this allows granting a facility to a person without creditworthiness). Banks should use their best efforts to obtain security for at least the remaining 20% of the facility. If this is impossible, the part of the facility that is not covered by the BGK's guarantee will be taken into account in the calculation of the bank's risk-weighted assets, with a weighting of 150%.

Romania

The Romanian Government has published its [Emergency Debt Relief Ordinance no. 37/2020](#) on relief for loans granted by credit institutions and non-bank financial institutions to certain categories of borrowers. Under the Ordinance, the obligation to pay loan instalments (consisting of principal, interest and fees) with regard to loans granted to borrowers (including individuals and companies, other than credit institutions, parties to credit or lease agreements) by lenders (including credit institutions, non-bank financial institutions and branch offices of foreign credit institutions and non-bank financial institutions operating in Romania) before 30 March 2020, will be

suspended at the borrower's request for up to 9 months, but no later than 31 December 2020. Borrowers must send lenders a request for suspension of payments within 45 days from 30 March 2020. Borrowers (other than individuals) applying for a suspension of payments must meet certain specified conditions, and the suspension of payments measures will apply to loans:

- which have not reached maturity and for which the lenders have not taken acceleration measures before 30 March 2020;
- which do not register overdue amounts as of the date of the declaration of a state of emergency in Romania (i.e. 16 March 2020); and
- the borrowers of which saw their income directly or indirectly affected by the COVID-19 pandemic (details to be provided in secondary legislation).

The Debt Relief Ordinance is currently in force but still needs to be approved or rejected by the Romanian Parliament through the passage of a law. If the Debt Relief Ordinance Law is rejected by Parliament, the Ordinance will cease to produce effects from the date on which the law rejecting it enters into force (unless otherwise provided therein). Meanwhile, an alternative draft 'Moratorium Law' with the same scope, initiated by the opposition, is also being debated in Parliament. The draft Moratorium Law provides that:

- upon request by the debtor, the obligation to pay principal, interest and fees related to loans/leases granted by lenders to borrowers up to the date of entry into force of the Moratorium Law is suspended, for up to 9 months, but not later than 31 December 2020 and the final maturity of the loan/lease is extended for a period equal to the moratorium period, without further costs;
- interest and fees are not compounded at the end of the moratorium period; and
- any enforcement measures initiated before the entry into force of the Moratorium Law are suspended until 31 December 2020.

In contrast to the Debt Relief Ordinance, the draft Moratorium Law does not provide for a period during which moratorium requests may be submitted, meaning that requests may be submitted until the end of the moratorium period, nor does it provide any facilities for lenders.

The draft Moratorium Law applies to:

- lenders that are credit institutions as defined in the relevant applicable law, subject to certain specified exceptions, non-banking financial institutions and registered debt collectors;
- borrowers including individuals and enterprises, provided that certain conditions are met; and
- loans and lease agreements made before the entry into force of the Moratorium Law.

It remains to be seen whether the Government's Debt Relief Ordinance Law or the opposition's Moratorium Law will be passed by Parliament. The Debt Relief Ordinance Law was lodged with the Senate on 31 March. The draft Moratorium Law has already been approved in the Senate and approved and amended by the relevant commissions of the Chamber of Deputies. If it is

approved by Parliament, it would go to the President for promulgation before being published in the Official Gazette.

Spain

The Bank of Spain has [decided](#) to maintain the value of the countercyclical capital buffer applicable to credit exposures in Spain at 0% in the second quarter of 2020.

Switzerland

The Swiss Federal Council has [deactivated](#) the countercyclical capital buffer with immediate effect. This measure is intended to give banks more flexibility in granting credits designed to cushion the economic impact of the coronavirus pandemic.

The Swiss Financial Market Supervisory Authority (FINMA) has published [guidance](#) providing banks with clarifications for dealing with the COVID-19 credits with federal guarantees within the framework of the capital and liquidity requirements, and on temporary exemptions relating to the leverage ratio and on risk diversification requirements. The guidance also provides information about the expected credit loss approach under IFRS 9 and its application in the context of the COVID-19 crisis. FINMA has reiterated that the capital freed up through this relief in the leverage ratio calculation is not to be distributed. For banks whose shareholders approved after 25 March 2020 dividends or other similar distributions relating to 2019, or who plan to seek such shareholder approval, the capital relief will be reduced by the amount of the said distributions.

United Kingdom

The UK Government has [announced](#) a new Coronavirus Large Business Interruption Loan Scheme (CLBILS), which will provide a government guarantee of 80% to enable banks to make loans of up to GBP 25 million to firms with an annual turnover of between GBP 45 million and GBP 500 million. The scheme will be delivered through commercial lenders, backed by the British Business Bank. The Government will provide lenders with an 80% guarantee on individual loans for businesses that would otherwise be unable to access finance. Lenders are still expected to conduct their usual credit risk checks, but the scheme is intended to allow them to support businesses that were viable before the COVID-19 outbreak but are facing significant cash flow difficulties that would otherwise make their business unviable in the short term.

Meanwhile, the Bank of England has [announced](#) that it intends to purchase at least GBP 10 billion of eligible sterling non-financial corporate bonds in the coming months, taking the stock of purchased corporate bonds to at least GBP 20 billion. It expects to make these purchases at a significantly faster pace than in the 2016 scheme. Accordingly the Bank has increased the maximum purchase size per bond in each auction from GBP 10 million to GBP 20 million. The Bank will keep the size of the scheme and purchase pace under review in light of prevailing market conditions, market function and any future Monetary Policy Committee decisions.

HM Treasury and the Prudential Regulation Authority (PRA) have issued a [joint statement](#) welcoming the announcement made on 27 March by the Group of Central Bank Governors and Heads of Supervision (GHOS), delaying the implementation of the Basel 3.1 standards by one year. The Treasury and PRA have indicated that they remain committed to the full, timely and

consistent implementation of the Basel 3.1 standards and that they will work together towards a UK implementation timetable that is consistent with the one year delay.

The PRA has also issued:

- a [statement](#) welcoming the decisions by the boards of the large UK banks to suspend dividends and buybacks on ordinary shares until the end of 2020, and to cancel payments of any outstanding 2019 dividends. The PRA has also [written](#) to UK insurers stating that distribution of profits should be considered carefully due to COVID-19;
- a [statement](#) setting out its approach to regulatory reporting and Pillar 3 disclosure for UK banks, building societies, designated investment firms and credit unions in response to COVID-19 and the EBA's [statement](#) on supervisory reporting and Pillar 3 disclosures in light of COVID-19, published on 31 March 2020; and
- new statements setting out its approach to [calculating exposure under the internal models method counterparty credit risk](#) and [VAR back-testing](#) in light of the COVID-19 outbreak.

Meanwhile, the Financial Conduct Authority (FCA) has:

- [proposed](#) a range of targeted temporary measures designed as a stop-gap to quickly support users of certain consumer credit products who are facing a financial impact because of the exceptional circumstances arising from coronavirus. The package is intended to complement measures already announced by the UK Government to support mortgage holders and renters and the assistance being provided for furloughed employees and the self-employed. As the proposed measures would span a wide variety of firms the FCA is conducting a brief consultation on them with a deadline of 9am on 6 April 2020. If confirmed the measures would start to come into force by 9 April 2020;
- published a [statement](#) on work-related travel setting out how firms should prioritise who should need to travel to the office and the responsibilities of Senior Managers in doing so. The FCA expects the total number of roles requiring an ongoing physical presence in the office or business continuity site to be far smaller than the number of workers needed to ensure all of a firm's business activities continue to function on a business as usual basis; and
- updated the Delays in Corporate Reporting section of its recent [Primary Market Bulletin](#) to take account of the [FCA, FRC and PRA statement of 26 March 2020](#) and the accompanying [FCA measures](#).

The FCA has also published a [Dear CEO letter](#) setting out various delays/forbearance measures in response to COVID-19. Amongst other things, the letter includes:

- guidance on how firms can verify customers' identity remotely under the MLRs;
- forbearance for publication of annual best execution reports – in line with ESMA's statement, firms and venues will have until 30 June 2020 to publish the reports; and

- supervisory flexibility over 10% depreciation notifications for asset managers until 1 October 2020 (provided that asset managers have issued at least one 10% depreciation notification to retail clients in a reporting period and subsequently provide general updates; firms can decide to cease providing 10% depreciation notifications to professional clients during this period).

Kazakhstan

Elsewhere, the Kazakhstan Stock Exchange (KASE) has [announced](#) that no trading will be conducted in the derivatives market during the period from 30 March to 3 April 2020. The KASE has also provided information about the trading, settlement and clearing schedules for this period.

Australia

The Australian Prudential Regulation Authority (APRA) has [confirmed](#) its regulatory approach to the Term Funding Facility (TFF) announced by the Reserve Bank of Australia (RBA) on 19 March 2020. The RBA has established the TFF to reinforce the benefits to the economy of a lower cash rate, and encourage authorised deposit-taking institutions (ADIs) to support businesses over the period ahead. APRA has encouraged all ADIs to consider taking advantage of the TFF. It intends to provide further details to ADIs once the RBA has finalised its operational requirements for the TFF.

APRA has also [announced](#) that it is deferring its scheduled implementation of the Basel III reforms in Australia by one year. APRA's decision is intended to support ADIs in dedicating time and resources to maintaining their operations and supporting customers during the outbreak.

APRA, along with the Reserve Bank of Australia (RBA) and Australian Bureau of Statistics (ABS), has [outlined](#) temporary changes in reporting obligations for authorised deposit-taking institutions (ADIs) and registered financial corporations (RFCs) in response to the COVID-19 outbreak. The changes are effective immediately and intended to balance the need for entities to dedicate time and resources to maintaining their operations and supporting customers, against the increased need for timely, accurate data for use in the rapidly changing environment. In summary, the changes are:

- granting a temporary extension of the notification period for changes to accountability statements and maps under the Bank Executive Accountability Regime (BEAR);
- the introduction of a new reporting standard for ADIs and RFCs regarding lending to small and medium enterprises (SMEs), in order to support the Commonwealth Government's Coronavirus SME Guarantee Scheme;
- early implementation of APRA's November 2019 proposal to standardise reporting due dates for ADI quarterly forms, only where that represents an extension of due dates, and extending this to RFCs;
- deferral of the introduction of certain new reporting standards until the March 2021 reporting period;
- deferral of APRA's proposal to determine certain ADI data non-confidential until further notice; and
- a continuation of parallel reporting of Reporting Standards ARS 331.0: Selected Revenue and Expenses, RRS 331.0: Selected Revenue and

Expenses (RRS 331.0) and the ABS Quarterly Business Indicators Survey (QBIS) until the June 2020 quarter.

In order to help listed companies to raise capital quickly, the Australian Securities and Investments Commission (ASIC) has [provided temporary relief](#) that enables certain 'low doc' offers, including rights offers, placements and share purchase plans (SPP), to be made to investors, even if they do not meet all the normal requirements. This relief is intended to assist companies that need to raise funds from investors urgently because of the impact of the COVID-19 outbreak. According to the ASIC, without this relief, some listed companies may be prevented from utilising a 'low doc' offer because they have been suspended for a long period while assessing the impact of COVID-19 on their business and preparing for a capital raising. Under the existing provisions, the 'low doc' capital raising regime is not available if a company has been suspended for a total of more than five days in the previous 12 months. Companies that have been suspended for more than five days would instead need to prepare a prospectus or apply to ASIC for individual relief. ASIC has therefore provided the temporary relief to allow 'low doc' placements, rights issues and SPP where a listed company has been suspended for a total of up to 10 days in the previous 12-month period. ASIC has advised companies that they can rely on the ASIC Corporations (Trading Suspension Relief) Instrument 2020/289 and the ASIC Corporations (Amendment) Instrument 2020/290 without making an individual application. In addition, the Australian Securities Exchange (ASX) has [announced](#) a suite of temporary measures to facilitate capital raisings and assist listed entities to meet their obligations under the ASX Listing Rules amid the continuing challenges facing businesses as a result of the pandemic.

APRA and ASIC have issued a [joint letter](#) providing guidance to superannuation trustees to help them manage the financial and operational challenges associated with the COVID-19 outbreak, while continuing to meet their obligations to look after members' best interests. APRA and ASIC have also released a set of [FAQs](#) to help superannuation trustees understand their new and ongoing responsibilities during this period of disruption.

APRA has also published a [letter](#) to inform private health insurers (PHIs) of the postponement of the implementation of the Reporting Standard HRS 605.0: Private Health Insurance Reforms Data Collection (HRS 605.0) to allow them to focus their resources on handling the impacts of COVID-19. Implementation of the new reporting standard, through which APRA will collect data on behalf of the Department of Health on private health insurance reforms announced by the Department in October 2017, was initially scheduled to commence for the quarter ending June 2020. The letter also contains information regarding further changes to the HRS 605.0 following feedback from PHIs.

Hong Kong

The Securities and Futures Commission (SFC) has set up a new dedicated [webpage](#) providing information for firms and the market on COVID-19. The page provides information published by the SFC in relation to the COVID-19 situation, including statements, press releases and guidance in the form of circulars and FAQs.

The SFC has also issued a [circular](#) to inform intermediaries that it has decided to extend the deadlines of three regulatory expectations that are due for

implementation in 2020. In particular, the implementation of the use of external electronic data storage requirements, the new measure to protect client assets and data standards for order life cycles have been extended by six months. The circular also reminds intermediaries of the alternative order recording options under the existing regulatory framework that may be adopted during the COVID-19 pandemic. The SFC is monitoring the development of the pandemic and acknowledges concerns from the industry that staff performing different functions locally and overseas may encounter difficulties in working from their usual place of business due to recent government policies. The SFC expects intermediaries to remain focused on internal controls and risk management to ensure financial and operational resilience. The SFC also appreciates that intermediaries face operational and 'business as usual' challenges, which differ between intermediaries depending, amongst other things, on their individual sizes and the types of regulated activity they carry out. In this regard, the SFC has indicated that it will continue ongoing dialogue with the industry and provide regulatory flexibility to help intermediaries cope with COVID-19 challenges while ensuring that market integrity and investor protection principles are maintained.

Separately, the SFC has issued a new set of [FAQs](#) to address a number of licensing related matters arising from intermediaries reconfiguring staffing arrangements in light of the pandemic. Amongst other things, the guidance relates to regulatory examinations, continuous professional training (CPT) and notification requirements. Under the Securities and Futures (Licensing and Registration) (Information) Rules, an intermediary is required to notify the SFC of significant changes in its business plan covering internal controls, organisational structure, contingency plans and related matters. In light of the substantial disruptions caused by COVID-19, the SFC has provided the following non-exhaustive list of situations under which an intermediary is expected to notify the SFC immediately in Question 4:

- confirmation of staff infection which may have an impact on the intermediary's operations;
- closing of office premises as a result of staff infection or government lockdown, including overseas office premises, if the closure has implications for the intermediary's operations or the carrying on of its regulated activities (e.g., temporary closing of overseas office premises which handles back and middle office functions);
- changes to its organisational resources (e.g., split team arrangements, staff relocation to overseas offices); or
- the triggering of the intermediary's business continuity plan.

Under Question 5 of the FAQs, the SFC notes that it will accept the contingency measure where the trading services to clients are provided by staff from an overseas office as temporary arrangements. As such a measure affects the resources of the intermediary, the intermediary is expected to notify the SFC aligning with Question 4 above. When a licensed individual conducts activities for an intermediary in a jurisdiction outside Hong Kong, the SFC further reminds the intermediary and the licensed individual to comply with the relevant legal and regulatory requirements in that jurisdiction and the intermediary to exercise adequate oversight over the licensed individual's conduct.

The SFC has also updated its [FAQs on Post Authorisation of SFC-authorised Unit Trusts and Mutual Funds](#) by adding new question 3 under section 3, and [FAQs on Application Procedures for Authorisation of Unit Trusts and Mutual Funds under the Revamped Process](#) by adding new question 14. The questions address whether the SFC will implement any temporary relief measures with regard to post-authorisations and new fund applications due to the operational difficulties relating to COVID-19. In particular, the SFC has provided guidance in relation to the acceptance of documents by soft copy, un-signed documents and fee arrangement for new fund application.

The SFC and the Stock Exchange of Hong Kong Limited (SEHK) have issued a [joint statement](#) in relation to general meetings in light of the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation, implemented by the HKSAR Government on 29 March 2020 to promote and maintain social distancing. The joint statement follows consultations by the SFC and the SEHK with the Government to understand how the guidelines under the Regulation impact corporate annual general meetings, extraordinary general meetings and special general meetings. The Regulation prohibits group gatherings that take place in any 'public place' (as defined in the Regulation) for the 'specified period' (the specified period is currently from midnight on 29 March 2020 until 11 April 2020). However, Paragraph 11 of Schedule 1 of the Regulation exempts 'any group gathering at a meeting of a body that must be held within a specified period in order to comply with any Ordinance or other regulatory instrument that governs the operation of the body or its business'. Based on the consultations with the Government, the SFC and the SEHK understand that:

- annual general meetings as required under the Companies Ordinance and/or the Main Board Listing Rules or the GEM Listing Rules are in general exempted under Paragraph 11; and
- extraordinary general meetings and special general meetings of Hong Kong-listed issuers are exempted under Paragraph 11 if the meetings are held within the specified period in order to comply with any applicable law or rule or regulation in Hong Kong or overseas, or the issuer's own memorandum or articles of association.

Notwithstanding Paragraph 11, which enables some general meetings to be held during the specified period, the joint statement provides general guidelines that listed issuers need to consider when deciding on the timing of their general meetings and the manner in which such meetings are to be held. The guidelines cover the factors relating to legitimate COVID-19 safety concerns and the public policy measures taken to combat the pandemic.

In line with the revised timeline on the implementation of the final Basel III reform package announced by the Basel Committee on 27 March 2020, the Hong Kong Monetary Authority (HKMA) has [announced](#) that it will defer its implementation of the Basel III final package accordingly, as follows:

- revised frameworks on credit risk, operational risk, output floor and leverage ratio – the target implementation of these frameworks and their associated disclosure requirements will be deferred by one year to 1 January 2023;
- revised market risk framework – locally incorporated authorised institutions will be required to implement the new market risk framework for reporting purposes by 1 January 2023. Moreover, the local implementation of the

actual capital requirements based on the new framework will be no earlier than 1 January 2023; and

- revised credit valuation adjustment (CVA) framework – the local implementation will be aligned with the revised market risk framework and follow the timelines used there both for reporting and the implementation of the CVA capital requirements.

The HKMA has indicated that it is also considering the implications of COVID-19 for authorised institutions' application of expected credit loss provisioning, and has been in discussion with the relevant bodies and will provide its expectation on this matter shortly.

Korea

The Korean Financial Services Commission (FSC) and the Financial Supervisory Service (FSS), along with all financial associations and federations, have [adopted](#) guidelines for the loan extension of principal payments and the deferment of interest payments to be implemented from 1 April 2020 for small and mid-size enterprises (SMEs) as well as for small merchants hit by the COVID-19 pandemic. The guidelines are intended to provide the minimum standard with which SMEs and small merchants can apply for financing support. Financial institutions may voluntarily apply more relaxed standards and expand the supporting targets. Amongst other things, under the guidelines, SMEs and small merchants directly or indirectly affected by the pandemic with no overdues, impaired capital or business closure will be eligible for financial support. Moreover, a minimum of six months of maturity extensions and deferment of interest payments from the date of application will be granted, regardless of the repayment method. Further, policy loan holders will be subject to the deferment of interest payments, if they qualify as SMEs or small merchants hit by the pandemic.

New Zealand

The Reserve Bank of New Zealand is [introducing](#) a Term Lending Facility (TLF), a new longer-term funding scheme for the banking system, in support of the Government's Business Finance Guarantee Scheme to help promote lending to businesses. The TLF is similar to the recently announced Term Auction Facility (TAF) and both provide liquidity to the banking system. The TLF aims to complement the Government's Business Finance Guarantee Scheme by ensuring access to funding for banks at low interest rates for up to 3 years. The Reserve Bank's Monetary Policy Committee is working to mitigate the economic effects of COVID-19 by reducing the official cash rate and implementing a large scale asset purchase programme. In addition, the Reserve Bank has deferred the start of increased capital requirements and is delaying planned regulatory initiatives, to allow banks to focus on lending to their clients during the disruption of COVID-19. It has also agreed with banks that during this period there will be no payment of dividends on ordinary shares, and that they should not redeem non-CET1 capital instruments. The restrictions take effect immediately under revised conditions of registration issued to all locally-incorporated banks. They will remain in place until further notice, with the aim of relaxing them when the economic outlook has sufficiently recovered.

Singapore

The Ministry of Law has [announced](#) that it will introduce the COVID-19 (Temporary Measures) Bill in the Singapore Parliament next week to complement the financial measures announced in the Resilience Budget. The Bill is intended to provide temporary and targeted protection for businesses which are unable to fulfil certain contractual obligations because of the pandemic, including obligations under certain loan facilities granted by banks or finance companies to small and medium-sized enterprises as well as obligations under construction and supply contracts. In this regard, the Bill provides temporary cash-flow relief for these businesses, which may otherwise have to pay damages or risk having their deposits or assets forfeited. The Bill also increases the monetary thresholds and statutory periods to respond to demands from creditors for bankruptcy and insolvency, to help individuals and businesses respectively. In addition, the Bill will prohibit a contracting party from taking the following legal actions against a non-performing party:

- court and insolvency proceedings;
- enforcement of security over immovable property as well as movable property that is used for the purposes of business or trade;
- call on a performance bond given pursuant to a construction contract; and
- termination of leases of non-residential premises.

The Ministry of Law has indicated that the measures under the Bill will cover relevant contractual obligations that are to be performed on or after 1 February 2020, for contracts that were entered into or renewed before 25 March 2020. The measures will be in place for a prescribed period, which will be six months from the commencement of the Act at first instance, and may subsequently be extended, for up to a year from the commencement of the Act.

The Monetary Authority of Singapore (MAS) has [announced](#) that it will provide up to USD 60 billion of funding to banks in Singapore through a new MAS USD facility. The new facility is intended to support more stable USD funding conditions in Singapore, facilitate USD lending to businesses in Singapore and the region, as well as contributing to global efforts by central banks to maintain stability and normal functioning of financial markets. Under the new facility, the MAS will obtain USD, in exchange for SGD, through a USD 60 billion swap facility with the US Federal Reserve [announced](#) on 19 March 2020.

Thereafter, the MAS will lend the USD obtained from the Federal Reserve to banks in Singapore through the new facility, allocated through auctions. The MAS has encouraged banks in Singapore to avail themselves of the liquidity facilities provided by it so that they can better meet the USD funding needs of their customers in Singapore and the region. It has also indicated that it will continue to maintain a high level of SGD and USD liquidity in the banking system through its daily money market operations.

The MAS, the Accounting and Corporate Regulatory Authority (ACRA) and Singapore Exchange Regulation (SGX RegCo) have [updated the guidance](#) for issuers on safe distancing measures when conducting general meetings. The guidance was originally issued on 19 March 2020. The revision to the guidance follows the [joint announcement](#) by the Ministry of Law and the Ministry of Finance on 31 March 2020 on upcoming legislative provisions to provide legal certainty to enable issuers to hold meetings that comply with the

Ministry of Health's safe distancing measures. SGX RegCo had previously announced that issuers are able to defer annual general meetings to after 30 April 2020. The updated guidance allows issuers that choose to proceed with general meetings before 30 April 2020, to be able to do so by, amongst other things, providing opportunities for shareholders to ask questions, the meeting to be shown by 'live' webcast and allowing proxy voting (as set out in the annex to the updated guidance).

The MAS, together with the Association of Banks in Singapore (ABS), the Life Insurance Association (LIA), the General Insurance Association (GIA), and the Finance Houses Association of Singapore (FHAS), has [announced](#) a package of measures to help ease the financial strain on small and mid-size enterprises (SMEs) caused by the pandemic. The package of financial measures is intended to complement the Singapore Government's broader fiscal initiatives and help the Singapore economy recover more quickly. Amongst other things, the package includes the following components:

- supporting SMEs with continued access to bank credit and insurance cover – under this measure, banks and finance companies in Singapore have committed to help ease the financial strain on SMEs arising from the need to make principal repayments on their loans during this period by deferring payment of principal on secured SME loans, lowering interest on SME loans and providing assistance with insurance premium payment; and
- ensuring interbank funding markets remain liquid and well-functioning – under this measure, the MAS is providing liquidity to Singapore Dollar (SGD) and US Dollar (USD) funding markets in Singapore and supporting their effective functioning. The initiative is intended to enable financial institutions to fund themselves, intermediate credit to businesses, and provide essential financial services.

United Arab Emirates

The Central Bank of the United Arab Emirates has published the [terms and conditions](#) of its AED 100 billion Targeted Economic Support Scheme, which is designed to:

- facilitate the provision of temporary relief from the payments of principal and/or interest/profit on outstanding loans for all affected private sector corporates, SMEs and individuals. The TESS does not apply to outstanding loans of government, government-related entities and non-residents; and
- facilitate additional lending capacity of banks, through the relief of existing capital buffers.

The United Arab Emirates Securities and Commodities Authority (SCA) has [announced](#) the availability of certain temporary exemptions up to 30 June 2020 for companies who are publicly listed on the UAE's stock exchanges to buy back their shares with the SCA's approval. If the exemption is granted by the SCA, the listed company would be able to effect a buy-back during the statutory blackout period before and after release of its financial statements or other material information, along with exemptions from other procedural requirements such as approval by its shareholders at a general meeting.

United States

The federal bank regulatory agencies have [announced](#) two actions to support the economy and allow banking organisations to continue lending to households and businesses:

- allowing early adoption of a new methodology on how certain banking organisations are required to measure counterparty credit risk derivatives contracts; and
- providing an optional extension of the regulatory capital transition for the new credit loss accounting standard.

The standardised approach for measuring counterparty credit risk (SA-CCR) rule was finalised by the agencies in November 2019, with an effective date of 1 April 2020. To help improve current market liquidity and smooth disruptions, the agencies will permit banking organisations to adopt SA-CCR early for the reporting period ending 31 March.

The agencies have also issued an interim final rule that allows banking organisations to mitigate the effects of the current expected credit loss (CECL) accounting standard in their regulatory capital. Banking organisations that are required under US accounting standards to adopt CECL this year can mitigate the estimated cumulative regulatory capital effects for up to two years. This is in addition to the three-year transition period already in place. Alternatively, banking organisations can follow the capital transition rule issued by the banking agencies in February 2019. The changes will be effective immediately and the agencies will accept comments on the CECL interim final rule for 45 days.

The Board of Governors of the Federal Reserve System, Commodity Futures Trading Commission, Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency and Securities and Exchange Commission have announced that they will consider comments submitted before 1 May 2020 on their proposal to modify the Volcker rule's general prohibition on banking entities investing in or sponsoring hedge funds or private equity funds (covered funds). The agencies will continue to consider comments to provide interested persons more time to analyse the issues and prepare their comments in light of potential disruptions resulting from the coronavirus. The proposal asked for comments to be submitted by 1 April 2020.

In addition, the Federal Reserve has announced:

- the [establishment of a temporary repurchase agreement facility](#) for foreign and international monetary authorities (FIMA Repo Facility) to help support the smooth functioning of financial markets, including the US Treasury market, and thus maintain the supply of credit to US households and businesses. The FIMA Repo Facility will allow FIMA account holders, which consist of central banks and other international monetary authorities with accounts at the Federal Reserve Bank of New York, to enter into repurchase agreements with the Federal Reserve;
- a [temporary change](#) to its supplementary leverage ratio rule, which is intended to ease strains in the Treasury market resulting from the coronavirus and increase banking organisations' ability to provide credit to households and businesses. The change would exclude US Treasury securities and deposits at Federal Reserve Banks from the calculation of the rule for holding companies, and will be in effect until 31 March 2021.

The Board is providing the temporary exclusion in the interim final rule to allow banking organisations to expand their balance sheets as appropriate to continue to serve as financial intermediaries, rather than to allow banking organisations to increase capital distributions, and will administer the interim final rule accordingly. The change will be effective immediately and the public comment period will be 45 days; and

- that it [will delay by six months](#) the effective date for its revised control framework. The delay is intended to reduce the operational burden and allow institutions to focus on current economic conditions. In January, the Board finalised a revised framework that simplifies and increases the transparency of its rules for determining when one company controls another company for purposes of the Bank Holding Company Act and Home Owners' Loan Act. If a company has control over a banking organisation, the company generally becomes subject to the Board's rules and regulations. The six-month delay will move the effective date to 30 September 2020, from the original date of 1 April 2020. No changes were made to the framework itself.

Meanwhile, the Commodity Futures Trading Commission's Division of Swap Dealer and Intermediary Oversight (DSIO) has [issued](#) additional targeted, temporary no-action relief to foreign affiliates of certain futures commission merchants (FCMs) in response to the pandemic. The relief expires on 30 September 2020.

The New York Fed has launched a [coronavirus resource hub](#) with curated information for business owners, employees, nonprofit, and community organisations affected by the COVID-19 pandemic. The hub, which will be updated regularly, includes resources available at the federal, state, and regional levels.

Finally, the Public Company Accounting Oversight Board, the US supervisory authority responsible for independent audit firms for public companies, has issued a communication entitled '[COVID-19: Reminders for Audits Nearing Completion Spotlight](#)', which notes that auditors may need to challenge or revise previous risk assessments in light of the COVID-19 crisis for certain financial statement areas. It adds that some financial statement areas may present challenges to the auditor's evaluation of the presentation of the financial statements, including the disclosures, for example:

- subsequent events;
- going concern;
- asset valuation, including impairment triggers and related assessments;
- accounting estimates, including fair value measurements;
- revenue recognition, including effects of contract modifications;
- leases;
- hedging;
- income taxes, including tax valuation allowances;
- provisions, allowances, and loss contingencies;
- debt modifications or restructuring;

- debt covenants, other regulatory ratios, and minimum net capital requirements for broker-dealers; and
- disclosures, including those pertaining to risks and uncertainties, and liquidity-related disclosures.

RECENT CLIFFORD CHANCE BRIEFINGS

Increased threat of cyber attacks

As Coronavirus forces so many employees to work from home, using a range of different devices, organisations face an increased risk of experiencing a cyber attack.

This briefing discusses how to prevent a cyber attack and provides details of the Clifford Chance Cyber Assist app.

<https://www.cliffordchance.com/briefings/2020/04/coronavirus--increased-threat-of-cyber-attacks.html>

Key considerations in respect of debt buybacks and other liability management transactions

The Coronavirus (COVID-19) pandemic continues to significantly impact global markets, resulting in price reductions for outstanding bonds such that many of those instruments are now trading below par, some significantly so. Debt buybacks and other liability management options are on the minds of a number of issuers and investment banks.

This briefing discusses some of the key debt buyback and tender offer considerations for issuers, management teams and investment banks.

<https://www.cliffordchance.com/briefings/2020/03/coronavirus-key-considerations-in-respect-of-debt-buybacks-and-o.html>

UK insolvency reforms announced

On 28 March measures to reform insolvency legislation were announced by the Department for Business Energy & Industrial Strategy aimed at supporting business. No detail is available on the precise operation of such measures or the exact timing of legislation required. The UK measures are, in certain respects, in keeping with legislative measures already taken in other parts of the globe.

This briefing discusses the UK reforms, including a summary table of measures taking place elsewhere.

<https://www.cliffordchance.com/briefings/2020/03/coronavirus--uk-insolvency-reforms-announced.html>

Russian Parliament approves changes to legislation setting out the rules for introduction of a moratorium on insolvency of Russian companies

In his Address to the Nation of 25 March 2020, President Vladimir Putin announced a package of measures intended to mitigate the adverse consequences for businesses affected by the COVID-19 outbreak. In implementation of one of these measures, the Russian Government has proposed changes to insolvency legislation, setting out the rules for

introducing a moratorium on the filing of creditors' petitions for the bankruptcy of Russian companies. The changes contained in a draft amendment to the Law on Insolvency were adopted by the State Duma on 31 March 2020 with unprecedented speed and approved by the upper house of the Russian Parliament and will come into force upon signature by the President.

This briefing discusses the changes to Russian insolvency legislation.

<https://www.cliffordchance.com/briefings/2020/03/russian-parliament-approves-changes-to-legislation-setting-out-t.html>

The impact of coronavirus on contractual relations from a Russian law perspective

The coronavirus (COVID-19) pandemic has prompted unprecedented measures by many countries. International and domestic travel have been significantly curtailed. Restrictions have been imposed on various types of business.

Many companies and entrepreneurs are facing difficulties fulfilling their obligations, whether under supply contracts, works contracts, loans, leases or rental agreements. Questions inevitably arise as to whether the pandemic and the government measures constitute grounds for termination or modification of obligations and/or release from liability for default.

This briefing analyses the potential impact of the pandemic and the government measures on contractual relations from the standpoint of Russian law. It also covers certain recent statutory acts that directly affect the rights and obligations of parties to contractual relationships.

<https://www.cliffordchance.com/briefings/2020/04/the-impact-of-coronavirus-on-contractual-relations-from-a-russia.html>

Impact on facility agreements

The measures put in place by the Spanish Government as a result of the pandemic caused by the COVID-19 virus will have a dramatic impact on the income of many companies which may face serious difficulties in meeting their obligations arising from facility agreements entered into.

This briefing analyses the effects of the current scenario on the obligations arising from a facility agreement subject to Spanish law.

<https://www.cliffordchance.com/briefings/2020/04/covid-19--impact-on-facility-agreements.html>

Spanish guarantee scheme

Governments and central banks around the world have approved different measures to provide financial support to businesses in order to mitigate the economic impact of the coronavirus outbreak. This support includes measures to ensure the continued flow of credit to business, through guaranteed or subsidised loans or central bank asset purchase programmes.

This briefing discusses the Spanish guarantee scheme.

<https://www.cliffordchance.com/briefings/2020/03/covid-19- -spanish-guarantee-scheme.html>

Financial distress – tip sheet for Boards of Directors of companies (Hong Kong)

We live in uncertain times, where many companies face challenges brought about by the sudden and wide-ranging economic impact of coronavirus. Whilst governments globally are implementing measures to alleviate some of the financial consequences, it is inevitable that many boards face unprecedented situations and challenges ahead.

Your company's financial distress may be a challenging time in which critical, yet prudent decisions must be made.

This tip sheet helps focus on best practices during these difficult times.

<https://www.cliffordchance.com/briefings/2020/04/coronavirus--financial-distress---tip-sheet-for-boards-of-direct.html>

The economic stabilisation provisions of the Coronavirus Aid, Relief, and Economic Security (CARES) Act

On 27 March 2020, the Coronavirus Aid, Relief, and Economic Security (the 'CARES' Act) was enacted by the US Congress and signed into law. The CARES Act is by far the largest economic and emergency aid package in US history, authorising roughly USD 2 trillion in expenditures by the Federal government. More than simply providing economic stimulus, the legislation is a vehicle for an array of direct relief measures for individuals, businesses, cities and states, all of which have come under extreme pressure as a result of the COVID-19 pandemic. We expect that further Federal legislative and administrative actions, in addition to those taken or contemplated by the CARES Act, will ultimately be required to restore growth to the beleaguered US economy.

This briefing discusses the CARES Act.

<https://www.cliffordchance.com/briefings/2020/03/coronavirus--the-economic-stabilization-provisions-of-the-corona.html>

C L I F F O R D C H A N C E

This publication does not necessarily deal with every important topic or cover every aspect of the topics with which it deals. It is not designed to provide legal or other advice.

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