

HHR团队助力中国某综合性国企顺利获得世界银行解除制裁

HHR Team Represents a Chinese SOE in Obtaining a Successful Release from World Bank Sanction

近期, 世界银行(“世行”)诚信合规办公室提前发出正式通知, 告知中国某综合性国有企业(“公司”)已满足了解禁条件, 按期解除制裁!

In late April 2022, the World Bank Group's Integrity Compliance Officer (“ICO”) officially notified a Chinese state-owned company (“Company”) that is a client of Hughes Hubbard & Reed (“HHR”) that it had satisfied the conditions for release from sanction. The release has now occurred.

2019年3月, 该公司在参与非洲某世行融资项目投标过程中, 因某联营体合作伙伴以及子公司前员工的不合规行为而收到世行廉政局发出的《质询函》。为了回应廉政局的调查并完善公司的合规制度, 公司随即聘请在多边开发银行合规领域拥有丰富成功经验的康义律师担任本项目的牵头律师。

In March of 2019, the Company received a “Show Cause Letter” issued by the World Bank Integrity Vice Presidency (“INT”) regarding the misconduct of a joint-venture business partner and former employee of a Company subsidiary during the bidding process for a World Bank financed project in Africa. In response to INT's investigation and in order to improve its integrity compliance program (“ICP”), the Company appointed Christine Kang, who has extensive experience in handling Multilateral Develop-

律所广告: 敬告读者上述项目成果公告并不承诺保证获得相似结果。

Attorney advertising. Readers are advised that prior results do not guarantee a similar outcome. No aspect of this advertisement has been approved by the Supreme Court of New Jersey. For information regarding the selection process of awards, please visit <https://www.hugheshubbard.com/legal-notice-methodologies>.

ment Bank (“MDB”) investigations and sanctions, as its counsel.

康律师带领团队协助公司迅速启动内部调查、着手完善公司的合规制度，同时推进与世行的和解谈判。在康律师及其团队的专业指导下，公司在谈判过程中与廉政局积极合作并提供了充分的有利于减轻制裁的支持文件，最终在2020年成功与世行达成《和解协议》、获得世行减轻制裁并对公司不取消投标资格。

Christine and her team promptly assisted the Company in conducting an internal investigation, designing and implementing an enhanced ICP, and launching the negotiation process with INT for the settlement of this case. As advised by Christine and her team, the Company actively cooperated during this process and provided INT with considerable evidence of mitigating factors. The Company and the World Bank eventually reached a Settlement Agreement (“SA”) in 2020, resulting in a reduced period of non-debarment with conditional release for the Company and debarment with conditional release for its implicated subsidiary.

根据《和解协议》，公司须制定并实施符合《世界银行诚信合规指南》规定的原则的投标合规制度以及相应的合规培训体系，同时要聘任一位诚信合规专家（“专家”）在整改期间审查公司投标合规制度以及合规培训的执行情况。在公司领导的大力支持下，公司合规部门在康律师及其团队的专业指导下在整改期初期快速建立了一套完善高效的合规制度，该套合规制度完全符合世界银行和国资委的合规标准，着重规范了投标合规及合规培训方面的工作，并进而覆盖了包括第三方尽职调查、合规风险评估和合规审查等其他合规领域。公司的合规体系不仅融入采纳了国际合规标准和最佳实践，而且结合公司的特定企业情况量身定制、能够有效契合公司的日常业务运营。

The SA required the Company to develop and implement enhanced bid preparation policies and procedures and a related training program, consistent with the relevant principles set out in the *World Bank's Integrity Compliance Guidelines*. The SA also required the Company to engage an independent compliance expert (“Expert”) to review the implementation of the bid policies and training program during the sanctioned period. With firm support from the Company's leadership, the Company's compliance function, under Christine and her team's professional guidance, was able to establish a refined and effective ICP, which covers and goes beyond the bid policies and training program, including, among other things, procedures for third party due diligence, compliance risk assessments and compliance audits. The program incorporates international standards and best practices, and is also carefully tailored to the Company's specific corporate environment in order to minimize potential disruptions to the Company's daily business operations.

在疫情持续期间，康律师及其团队运用务实且创造性的方式协助公司推进合规整改工作、积极与专家团队和

世行保持紧密沟通,顺利完成了两次实地考察,并积极回应了专家和世行的多轮文件审查要求。

Christine and her team were able to find innovative and practical solutions to undertake the rectification work during the ongoing pandemic. In close cooperation with the Expert and the ICO, Christine and her team coordinated two virtual site visits, and responded to numerous rounds of inquiries and document requests from both the Expert and the ICO.

在合规整改工作的最后阶段,由康义律师、Mike Huneke律师、Tamara Kraljic律师、Ayoka Akinosi 律师、陈孝业律师和王一凡律师组成的HHR律师团队与公司合规部门密切配合,高效率起草了内容详实、支持证据充分的英文版《解禁申请》,全面汇报并展示了公司在各项合规工作所取得的进展和成绩、且公司已经全面符合《和解协议》所要求的解禁条件。

In bringing the compliance rectification work to its successful conclusion, the HHR counsel team led by Christine, Mike Huneke and Tamara Kraljic, as well as Ayoka Akinosi, Daniel Chan and Wilson Wang, worked with the Company's compliance function in drafting a comprehensive Application for Release to demonstrate the strength of the Company's ICP and compliance with the terms of the SA.

近期,世行诚信合规办公室提前发出正式通知,告知公司已满足《和解协议》下的解禁条件,公司按期解除制裁!

In late April 2022, the World Bank's ICO officially notified the Company that it had satisfied the conditions for release under the SA.

本项目的成功解禁是公司合规整改工作中的关键里程碑,也是世行对公司合规制度已达到国际标准的认可。在与公司的沟通中,世行诚信合规办公室鼓励公司与其他商业合作伙伴分享其成功进行合规整改的经验。

The successful release of the Company marks an important milestone in its compliance rectification work. It serves as a recognition that the Company's ICP and compliance function are in line with international standards. In the World Bank's communication with the Company, the ICO encouraged the Company to share its own experience with other business partners.

本项目是康律师协助中国企业获得多边开发银行按期解禁的又一成功案例,进一步展示了HHR团队统筹实施企业合规整改的丰富经验以及对中国企业进行合规整改所面临特有挑战的深入理解和把握,也再次证明 HHR

团队在处理多边开发银行调查合规领域的国际领先地位！

This case adds to the increasing list of Chinese corporations counseled by Christine Kang that have successfully obtained release from MDB sanction. It demonstrates the HHR counsel team's deep experience in implementing compliance programs and understanding the specific challenges faced by Chinese corporations, and solidifies HHR's position as a leader in the field of MDB investigations and compliance matters.

本项目的HHR团队成员包括康义、Mike Huneke、Tamara Kraljic、Ayoka Akinosi、陈孝业、王一凡、Natasha Faisal、Kenneth Corte。

The HHR counsel team advising on this matter includes Christine Kang, Mike Huneke, Tamara Kraljic, Ayoka Akinosi, Daniel Chan, Wilson Wang, Natasha Faisal, and Kenneth Corte.



康义 (Christine Kang) • Partner
christine.kang@hugheshubbard.com



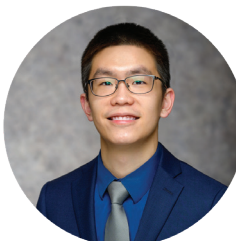
Mike Huneke • Partner
michael.huneke@hugheshubbard.com



Tamara Kraljic • Counsel
tamara.kraljic@hugheshubbard.com



Ayoka Akinosi • Associate
ayoka.akinosi@hugheshubbard.com



Daniel Chan • Law Clerk
daniel.chan@hugheshubbard.com



Wilson Wang • Law Clerk
wilson.wang@hugheshubbard.com