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Corporate Criminal Liability

Third AIDP Symposium for Young Penalists

12-14 June 2013 - Munich, Germany



Corporations face administrative charges and fines throughout the world. The same does not count true for criminal sanctions: While some influential criminal justice systems already provide for a criminal liability of corporations (e.g. the U.S.) and some follow suit (e.g. Switzerland in 1998), other criminal justice systems lack such a concept and only penalize behavior of individuals (e.g. Germany). The reasons brought forward for a genuinely criminal punishment of corporations are manifold. Some argue that it avoids impunity when individual perpetrators cannot be tracked down. Others applaud that criminal proceedings improve the visibility of corporate wrongdoings. And some consider the threat of criminal prosecution to be a most useful tool to influence corporate governance through criminal compliance.

Furthermore, diverging standards between the national legal frameworks cause severe problems for the sanctioning of corporations. They may cause impunity, lessen legal certainty and infringe the rights of the entity, of its employees and of its stakeholders. Moreover, international organizations and multinational development banks have developed guidelines and rules that corporations have to comply with, and which multiply these frictions.

These matters call for an interdisciplinary and international review of the features of Corporate Criminal Liability, its successes and its failures. In addition to the *keynote* by PROF. DR. DR. H.C. MULT. KLAUS TIEDEMANN and to an *invited lecture* by DR. KLAUS MOOSMAYER, panelists from all over the world – practitioners and academics alike – will address these issues in the third AIDP symposium for Young Penalists. We will start with discussing *regulatory options* and implications in Corporate Criminal Liability. Rules of *attributing crimes to corporations*, typical *corporate crimes* – such as corruption, money laundering, and market manipulation –, *compliance programs*, *procedural and international implications* will be at the heart of the discussions on the second day. The symposium will conclude with a genuine and modern *interdisciplinary focus* on Corporate Criminal Liability, with input from psychology, sociology and economics.

Wednesday, 12 June 2013

14.00–14.30 Welcoming Words

PROF. DR. STEFAN KORIOTH – Dean, Faculty of Law, LMU Munich

PROF. DR. JOACHIM VOGEL – LMU Munich/AIDP Germany e.V.

MANUEL ESPINOZA DE LOS MONTEROS DE LA PARRA – President, YP AIDP

DOMINIK BRODOWSKI – LMU Munich/AIDP Germany e.V.

14.30–15.30 Keynote Speech

PROF. DR. DR. H.C. MULT. KLAUS TIEDEMANN

Corporate Criminal Liability

16.00–17.30 Regulatory Options in Corporate Criminal Liability

DR. MARC ENGELHART – MPI Freiburg, Germany

Models of Regulating Corporate Criminal Liability from a Comparative Perspective

DR. DEVRIM AYDIN – Faculty of Political Sciences, Ankara University, Turkey

Are there any suitable sanctions for new forms of corporate offences?

DR. WENDY DE BONDT – IRCP, Ghent University, Belgium

Curing public procurement: Balancing equal treatment, public procurement and exclusion grounds as part of the national corporate criminal liability policy, in an international context

THOMAS RICHTER – HammPartner Rechtsanwälte, Frankfurt, Germany

The German draft law regarding criminal liability of banking and insurance executives – a step towards corporate criminal liability?

YASMIN VAN DAMME – IRCP, Ghent University, Belgium

Corporate Criminal Liability for human trafficking and labour exploitation: a troubleshooting study

ALEXANDER SCHEMMELE – Roxin Alliance

Moderator

18.00–19.00 Invited Lecture

DR. KLAUS MOOSMAYER – Chief Counsel Compliance of Siemens AG

Corporate Criminal Liability in the View of a Practitioner

19.30 Welcome Reception

Thursday, 13 June 2013

09.00–10.30 Attributing Criminal Liability to Corporations

DR. ANNA SALVINA VALENZANO – Sapienza University of Rome, Italy

»Triggering Persons« in Corporate Criminal Liability

ANDREA LEHNER – University of Vienna, Austria

The Austrian model of attributing criminal responsibility to legal entities

CAMILLA CRAVETTO / EMANUELE ZANALDA – University of Turin, Faculty of Law, Italy

Corporate Criminal Liability in Italy: Criteria of ascribing »actus reus« and unintentional crimes

EMMANUELLE DE BOCK – University of Antwerp, Belgium

Belgian »decumul« rule considering corporate criminal liability

DANIELLE SOARES DELGADO CAMPOS – LMU Munich, Germany

Corporate Criminal Liability in Brazil

PROF. DR. HOLGER MATT – Lawyer, Frankfurt am Main, Germany

Moderator

11.00–12.30 Corporate Crimes

DR. ANNA BŁACHNIO-PARZYCH – Polish Academy of Sciences, Poland

The Concept of Defining and Combating Market Manipulation in Existing and Proposed EU legislation

AXEL BLUMENBERG – Roxin Rechtsanwälte LLP, Munich, Germany

Market Manipulation and Compliance

DR. JACQUELINE HELLMANN – Instituto de Empresa, Madrid, Spain

Environmental crimes against humanity

PROF. DR. EDUARDO SAAD-DINIZ – University of São Paulo, Brazil

The New Money Laundering Law in Brazil: Understanding the Criminal Compliance Programs in the Brazilian Case

PATRICIO NICOLAS SABADINI – Public Prosecutor, Argentina

Progresses and regressions in money laundering

PROF. DR. JOACHIM VOGEL – LMU Munich, Germany

Moderator

14.00–15.30 Criminal Compliance and Corporate Criminal Procedure

DR. RADHA IVORY – Basel Institute on Governance, Switzerland

Collective Action against Corruption: A New Response to Corporate Criminal Liability

DR. NICOLA SELVAGGI – University Mediterranea di Reggio Calabria, Italy

Effectiveness vs. window dressing. The adequacy of compliance programs from a comparative perspective

JORDI GIMENO BEVIA – University of Castilla-La Mancha, Toledo, Spain

Compliance programs as evidence in criminal cases

PROF. ANA MARIA NEIRA PENA – University of La Coruña, Spain

Corporate criminal liability: tool or obstacle to prosecution?

DOMINIK BRODOWSKI – LMU Munich, Germany

Procedural Rights for Corporations in Criminal Trials? Why Human Rights Matter

PROF. DR. PETRA WITTIG – LMU Munich, Germany

Moderator

16.00–17.30 Transnational Corporate Criminal Liability

PROF. DR. YURIKA ISHII – National Defense Academy of Japan

On the Criminal Law Enforcement of a Financial Crime in a Foreign State

DR. ANNE SCHNEIDER – University of Bonn, Germany

Corporate Criminal Liability and conflicts of jurisdiction

AIKATERINI TZOUMA – LMU Munich, Germany

Transnational »ne bis in idem« principle and European Competition Law with regard to the different approaches to Corporate Criminal Liability among the E.U. Member States

LYNN VERRYDT – IRCP, Ghent University, Belgium

Corporate involvement in international crimes: Relevant questions concerning an extension of the ICC mandate

DR. AHMED KHALIFA – Ain Shams University, Egypt

Criminal Responsibility of corporations for International Crimes

PROF. DR. HELMUT SATZGER – LMU Munich, Germany

Moderator

Friday, 14 June 2013

09.30–11.30 Psychology, Sociology and Economics of Corporate Criminal Liability

JAMIE-LEE CAMPBELL / ANJA S. GÖRITZ – Univ. of Würzburg / Univ. of Freiburg, Germany

I bribe therefore I am! Corruption as a matter of organizational culture

DR. AVITAL MENTOVICH – Psychology Department, UCLA, USA

Punishing Corporate Entities

MARK HORNMAN – Utrecht University, The Netherlands

To what extent can and should organization structure influence corporate and individual criminal liability? An argument based on the typologies of Henry Mintzberg

PATRICK BERNAU – Frankfurter Allgemeine Zeitung, Germany

Corporate Criminal Liability from an economic perspective

SHERBIR PANAG – Symbiosis International University, India

Comparative analysis of administrative sanctions as a tool to fight corruption – the example of blacklisting and debarment

PROF. DR. WILLIAM S. LAUFER – Wharton School, University of Pennsylvania, USA

Moderator

12.00–13.00 Concluding Remarks

PROF. DR. JOACHIM VOGEL – LMU Munich, Germany

PROF. PETER WILKITZKI – President, AIDP Germany e.V.

Registration

Participation in the symposium is free of charge, but advance registration is required. Please fill out our registration form available at <http://www.aidp-germany.de/yp2013> and send it to yp2013@aidp-germany.de. Travel and accommodation costs cannot be covered by the hosts.

Directions

The conference will be hosted on the main campus of LMU Munich in central Munich. As the conference venue may change on short notice, please check our website at <http://www.aidp-germany.de/yp2013> for updates.

Wednesday, 12 June 2013	Room F107, Geschwister-Scholl-Platz, 80539 Munich
Thursday, 13 June 2013	Room F107, Geschwister-Scholl-Platz, 80539 Munich
Friday, 12 June 2013	Senatssaal, Geschwister-Scholl-Platz, 80539 Munich

These rooms are located in the main building of LMU Munich. To get there by subway, take line U3 or U6 and exit on »Universität« station. It is not recommended to drive by car to the university main campus, as only very limited public parking is available.

Internet Access

There are two options to connect to the Internet using Wifi during the conference:

The preferred option is to use »eduroam«, if your home university or organization is part of the eduroam network. For more information, visit eduroam's website at <http://www.eduroam.org/>.

For those who cannot use »eduroam«, there is free wifi (802.11b/g) Internet Access available during conference hours in the conference rooms. Select the **network »con«** or – if it is invisible – enter this network name manually. No Wifi encryption (WEP/WPA/WPA2/etc.) is necessary or provided. All Internet applications except Microsoft File and Printer sharing should work.

Conference Proceedings

Findings presented in this symposium will be published by **Springer** later this year in a volume on »Corporate Criminal Liability«, edited by BRODOWSKI, ESPINOZA, TIEDEMANN and VOGEL.

The **third international AIDP symposium for young penalists** is hosted jointly by the Chair for Criminal Law, Criminal Procedure and Economic Crimes at the University of Munich (Professor Dr. Joachim Vogel) and by the German National Group of the International Association of Penal Law (AIDP Deutschland e.V.). It is organized by DOMINIK BRODOWSKI and MANUEL ESPINOZA DE LOS MONTEROS DE LA PARRA.

We thank **Roxin Alliance** for their generous donation which allows this symposium to happen.

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For more information, please contact us at yp2013@aidp-germany.de or visit our website at <http://www.aidp-germany.de/yp2013>.

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