

von Busekist

International Compliance

Legal Requirements of Business
Organisation in over 30 Countries

C.H.BECK · Hart · Nomos

von Busekist (ed.)
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Organisation in over 30 Countries

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2016

C.H.BECK · HART · NOMOS

Published by

Verlag C. H. Beck oHG, Wilhelmstraße 9, 80801 München, Germany,
eMail: bestellung@beck.de

Co-published by

Hart Publishing, 16C Worcester Place, Oxford, OX1 2JW, United Kingdom,
online at: www.hartpub.co.uk

and

Nomos Verlagsgesellschaft mbH & Co. KG Waldseestraße 3–5, 76530 Baden-Baden,
Germany, eMail: nomos@nomos.de

Published in North America (US and Canada) by Hart Publishing,
c/o International Specialized Book Services, 930 NE 58th Avenue, Suite 300,
Portland, OR 97213-3786, USA, eMail: orders@isbs.com

ISBN 978 3 406 66859 3 (C. H. BECK)
ISBN 978 1 50990 841 7 (HART)
ISBN 978 3 8487 1286 1 (NOMOS)

© 2016 Verlag C. H. Beck oHG

Wilhelmstr. 9, 80801 München

Printed in Germany by

Kösel GmbH & Co. KG

Am Buchweg 1, 87452 Krugzell

Typeset by

Reemers Publishing Services GmbH, Krefeld

Einbandgestaltung: Druckerei C.H. Beck Nördlingen

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Preface

In recent years, the subject compliance developed rapidly and significantly gained in importance for businesses. In consequence of corporate scandals all around the world, various regulators and legislators have been enacting a growing number of national and international regulations which organisations need to comply with.

Non-compliance can have very serious commercial consequences, from civil, criminal and administrative liability of the management and the business itself as well as – and not to be underestimated – negative publicity. An effective compliance management can reduce many of the company's greatest risks and the severity of claims and penalties when violations occur despite an implemented compliance program. As a result, in particular the management is obliged to get an overview of the various laws and regulations in the different countries and to ensure compliance with both local and international laws. Moreover, it is indispensable for those responsible for the compliance management to know the requirements of an adequate compliance organisation in the countries the corporation is doing business.

The present book will provide a first overview for the management, shareholders, (In-house) lawyers, as well as compliance and HR officers and other compliance-responsible of the global applicable legal requirements of and for compliance management in more than 30 jurisdictions with a certain focus on the regular industry. It will of course not address all relevant aspects but it will help gaining a first impression of the legal environment in the respective countries and contains – hopefully – one or the other helpful hint from our authors. The authors are lawyers and compliance consulting specialists located and working in the respective country. They high-level outline for each single jurisdiction the legal environment and rules for compliance management, including some references to important compliance cases and some recommendations for the reader concerning each country dealt with. The different requirements covered are based on memorable practice cases and highlight the impacts on everyday business and consulting practice.

To improve readability and to enable the reader to compare the requirements of the individual countries, each chapter follows the same structure, with minor deviations due to the given requirements. In addition to central questions of the legal requirements to be covered in the most relevant fields of law as well as the liability arising from non-compliance and the enforcement practice in the respective country, the more practical directions on the effects of compliance measures on liability as well as requirements of an adequate compliance organisation are addressed. The last subtitle of each chapter points out the typical country-specific mistakes made by foreign investors and gives practical advice on how to deal with the according matter.

I would like to thank Ms. Rebecca Dimsic and Hildgund Kulhanek as well as Michael Ernst for their ongoing assistance throughout this book project. Without Rebecca this book would have never been written, without Ms. Kulhanek it would have not been published. Most of all however thanks to Annika, my wonderful wife, for all her encouragement and patience.

Cologne, December 2015

Konstantin von Busekist

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