### SUBJECT DETAILS

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<tr>
<td><strong>Name</strong></td>
<td>EU Cross-Border Corporate and Financial Crime</td>
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<tr>
<td><strong>Degree</strong></td>
<td>Postgraduate in Master in International and European Business Law</td>
</tr>
<tr>
<td><strong>Year</strong></td>
<td>2018-2019</td>
</tr>
<tr>
<td><strong>Nature</strong></td>
<td>Fall</td>
</tr>
<tr>
<td><strong>ECTS Credits</strong></td>
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<tr>
<td><strong>Department</strong></td>
<td>Law</td>
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<tr>
<td><strong>Area</strong></td>
<td>Law</td>
</tr>
<tr>
<td><strong>Teaching staff</strong></td>
<td>María Massó Moreu</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Data on the teaching staff</th>
<th></th>
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<tbody>
<tr>
<td><strong>Teaching staff</strong></td>
<td>María Massó Moreu</td>
</tr>
<tr>
<td><strong>e-mail</strong></td>
<td><a href="mailto:mmasso@icade.comillas.edu">mmasso@icade.comillas.edu</a></td>
</tr>
<tr>
<td><strong>Tutoring Schedule</strong></td>
<td>Upon request from students</td>
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</tbody>
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### SPECIFIC DATA ON THE SUBJECT

**Pre-requisites**
None

**Contribution of the degree to the professional profile**
Knowledge about substantial and procedural instruments of EU Criminal law.

### COMPETENCES TO BE IMPROVED

**Generic Competences**
- GC 1: Analysis and synthesis abilities
- GC 3: Ability to manage information
- GC 6: Team work skills
- GC 7: Ability to work in an international context
GC 8: Critical appraisal skills
GC 10: Ability to develop autonomous learning skills
GC 11: Concern for quality
GC 12: Ability to apply theoretical knowledge into practice

Specific competences of the subject

SC 4 Mastering the main rules of EU law and international law that are relevant to international business development

SC 6 - Accurately identifying the contingent risks arising from the relevant rules and establishing appropriate measures of risk avoidance or minimization

THEMATIC AREA AND CONTENT

AREA 1:
Theme 1:
SESSION 1.- OVERVIEW OF ANTI-BRIBERY LAWS IN E.U. AND INTERNATIONAL INSTRUMENTS THAT APPLY WITHIN THE E.U. BORDERS

1. INTRODUCTION
2. OVERVIEW OF ANTI-BRIBERY LAWS IN E.U.
  2.1 E.U. ANTI-CORRUPTION REGULATION

ARTICLE 83 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION STATES THAT:
  2.1.1 CONVENTION AGAINST CORRUPTION INVOLVING OFFICIALS
  2.1.2 FRAMEWORK DECISION ON COMBATING CORRUPTION IN THE PRIVATE SECTOR
  2.2 TRANSPOSITION IN E.U. MEMBER STATES
    2.2.1 FRANCE
    2.2.2 GERMANY
    2.2.4 SPAIN

3. INTERNATIONAL INSTRUMENTS THAT APPLY WITHIN THE E.U. BORDERS
4. COOPERATION BETWEEN THE E.U. AND OTHER INTERNATIONAL INSTRUMENTS
5. CONCLUSIONS

Theme 2:
### SESSION 2.- CORPORATE CRIMINAL LIABILITY IN THE E.U.

1. INTRODUCTION
2.- REVIEW OF CORPORATE CRIMINAL LIABILITY IN SPAIN
   2.1. REGULATION
      2.1.1 NATURE OF THE LIABILITY (CRIMINAL, ADMINISTRATIVE) AND BASIS (CRIMES COMMITTED BY DIRECTORS OR REPRESENTATIVES, IN THE INTEREST OF OR FOR THE ADVANTAGE OF THE COMPANY)
      2.1.2 TYPE OF CRIMES/ADMINISTRATIVE OFFENCES FROM WHICH, ACCORDING TO THE LEGISLATURE, CORPORATE LIABILITY MAY ARISE
      2.1.3 IDENTIFICATION OF COMPANIES AND ENTITIES TO WHICH LIABILITY MAY APPLY
      2.1.4 CORPORATE LIABILITY FOR CRIMES COMMITTED ABROAD BY ITS REPRESENTATIVES OR SUBSIDIARIES
      2.1.5 CORPORATE LIABILITY IN THE CASE OF TRANSACTIONS TAKING PLACE AFTER THE COMMISSION OF A CRIME (ACQUISITIONS, MERGERS, DEMERGERS, ETC.)
   2.2. APPLICABLE SANCTIONS
      2.2.1 TYPE OF SANCTIONS APPLICABLE TO THE COMPANY
      2.2.2 INTERIM MEASURES, CEASE AND DESIST ORDERS, BANS AND CONFISCATORY MEASURES
      2.2.3 LIABILITY OF DIRECTORS OR MANAGERS FOR NOT HAVING ADOPTED (INTENTIONALLY OR NEGLIGENTLY) MEASURES FOR THE PREVENTION OF THE CRIME
   2.3. JUDICIAL PROCEEDINGS TO DETERMINE CORPORATE LIABILITY
      2.3.1 COURT COMPETENT TO DECIDE THE LIABILITY OF AND PENALTIES APPLICABLE TO THE COMPANY
      2.3.2 POSSIBILITY OF THE APPLICATION OF INTERIM MEASURES
      2.3.3 PLEA BARGAINS AND RELATED EFFECTS ON THE CORPORATE LIABILITY
      2.3.4 IMPOSITION OF SANCTIONS AGAINST THE COMPANY
      2.3.5 PERMANENCE OF CORPORATE LIABILITY IF THE CRIME IS EXTINGUISHED
   2.4. CORPORATE LIABILITY IN MULTINATIONAL GROUPS
      2.4.1 LIABILITY OF PARENT COMPANIES LOCATED ABROAD IN THE CASE OF OFFENCES COMMITTED BY DIRECTORS, MANAGERS OR REPRESENTATIVES OF THE LOCAL COMPANY
      2.4.2 BASIS OF LIABILITY AND APPLICABLE SANCTIONS

### CASE LAW

### CURRENT TOPICS

### OVERVIEW OF CORPORATE CRIMINAL LIABILITY IN E.U.

1. INTRODUCTION
2. FRANCE
3. GERMANY
4. ITALY
5. CONCLUSIONS

### SESSION 3.- COMPLIANCE & INVESTIGATIONS

1. INTRODUCTION
2. OVERVIEW OF THE AMERICAN SYSTEM: THE F.C.P.A. MODEL
3. WHISTLEBLOWER PROTECTION
   3.1 INTRODUCTION
   3.2 OVERVIEW OF WHISTLEBLOWER PROTECTION IN THE E.U. AND THE U.S.
   3.2.1 FRANCE
   3.2.2 GERMANY
   3.2.3 ITALY
   3.2.4 SPAIN
   3.2.6 UNITED STATES
4. CORPORATE INVESTIGATIONS AND LEGAL PRIVILEGE
4.1 INTRODUCTION
4.2 OVERVIEW OF CORPORATE INVESTIGATION AND LEGAL PRIVILEGE REGULATION IN THE E.U.
4.2.1 FRANCE
4.2.2 GERMANY
4.2.3 ITALY
4.2.4 SPAIN
5. CONCLUSIONS

BIBLIOGRAPHY AND RESOURCES

Basic Bibliography

Text books

THE LAW REVIEW, "ANTI-BRIBERY AND ANTI-CORRUPTION REVIEW" (2017)
KAI AMBOS "EUROPEAN CRIMINAL LAW" (2018)
STANISLAW TOSZA, "CRIMINAL LIABILITY OF MANAGERS IN EUROPE: PUNISHING EXCESSIVE RISK" (2018)
BAJO, FEIJOO, GÓMEZ JARA, "TRATADO DE RESPONSABILIDAD PENAL DE LAS PERSONAS JURÍDICAS" (2012)
SILVA, MONTANER "CRIMINALIDAD DE LA EMPRESA Y COMPLIANCE"(2013)

SUMMARY OF STUDENT WORK HOURS

<table>
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<tr>
<th>Activity</th>
<th>Number of contact hours</th>
<th>Number of independent study hours</th>
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<tr>
<td>Lecture</td>
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<td>10</td>
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<td>Practical class (30' per class to answer the test for each lesson)</td>
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<td>Debate (30' to solve and discuss the exam test for each lesson)</td>
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<tr>
<td>In class presentation</td>
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<tr>
<td>Individual work (readings for each class. Tests in each class about the readings)</td>
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<td>Work in collaboration</td>
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<td>Evaluation: one minute paper</td>
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## GRADE EVALUATION AND CRITERIA

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<tr>
<th>Evaluation Activities</th>
<th>Generic Competences</th>
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<th>Evaluation Weighting</th>
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<tr>
<td>Individual work</td>
<td>GC 1: Analysis and synthesis abilities&lt;br&gt;GC 3: Ability to manage information&lt;br&gt;GC 7: Ability to work in an international context&lt;br&gt;GC 8: Critical appraisal skills&lt;br&gt;GC 10: Ability to develop autonomous learning skills&lt;br&gt;GC 11: Concern for quality&lt;br&gt;GC 12: Ability to apply theoretical knowledge into practice&lt;br&gt;SC 4 Mastering the main rules of EU law and international law that are relevant to international business development&lt;br&gt;SC 6 - Accurately identifying the contingent risks arising from the relevant rules and establishing appropriate measures of risk avoidance or minimization</td>
<td>- Read the required readings per each class (15%)&lt;br&gt;- Complete 3 class tests about readings and lesson presentation (20%)</td>
<td>35%</td>
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| Debate                        | GC 3: Ability to manage information  
|                              | GC 7: Ability to work in an international context  
|                              | GC 8: Critical appraisal skills  
|                              | GC 12: Ability to apply theoretical knowledge into practice  
|                              | SC 4 Mastering the main rules of EU law and international law that are relevant to international business development  
|                              | SC 6 - Accurately identifying the contingent risks arising from the relevant rules and establishing appropriate measures of risk avoidance or minimization  
| Active participation in class/Review and solve class tests | 5% |
| Attendance                   | 10% |
| Evaluation: exam             | GC 1: Analysis and synthesis abilities  
|                              | GC 3: Ability to manage information  
|                              | GC 7: Ability to work in an international context  
|                              | GC 8: Critical appraisal skills  
|                              | GC 10: Ability to develop autonomous learning skills  
<p>| Exam: test to review the course 3 main topics | 50% |</p>
<table>
<thead>
<tr>
<th>GC 11: Concern for quality</th>
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