## I. SUBJECT DETAILS

### Data on the subject

<table>
<thead>
<tr>
<th>Data on the subject</th>
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<tbody>
<tr>
<td>Full Name</td>
<td>EU Cross-Border Corporate and Financial Crimes</td>
</tr>
<tr>
<td>Code</td>
<td>E000001227</td>
</tr>
<tr>
<td>Degree</td>
<td>Postgraduate in Masters in International and European Business Law</td>
</tr>
<tr>
<td>Year</td>
<td>2022-23</td>
</tr>
<tr>
<td>Nature</td>
<td>Fall</td>
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<td>ECTS Credits</td>
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<tr>
<td>Department</td>
<td>Law</td>
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<tr>
<td>Area</td>
<td>Law</td>
</tr>
<tr>
<td>Teaching staff</td>
<td>Bennett L. Gershman and Lissa Griffin</td>
</tr>
</tbody>
</table>

### Data on the teaching staff

<table>
<thead>
<tr>
<th>Teacher</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Bennett L. Gershman and Lissa Griffin</td>
</tr>
<tr>
<td>Departament / Area</td>
<td>Law</td>
</tr>
<tr>
<td>e-mail</td>
<td><a href="mailto:Bgershman@law.pace.edu">Bgershman@law.pace.edu</a>; <a href="mailto:Lgriffin@law.pace.edu">Lgriffin@law.pace.edu</a></td>
</tr>
</tbody>
</table>
| Telephone | 1-914-589-7202  
|          | 1-914-772-1171 |
| Tutoring Schedule | Upon request from students |

## II. SPECIFIC DATA ON THE SUBJECT

### Framework of the subject

**Pre-requisites**
**Contribution of the degree to the professional profile**

Knowledge about substantive and procedural instruments of EU corporate and financial criminal law.

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### Competences - Goals

#### Competences to be developed

**Generic Competences**

- GC 1: Critical analytical skills
- GC 3: Ability to manage information
- GC 6: Team work skills
- GC 7: Ability to work in an international context
- GC 8: Ability to develop independent learning skills
- GC 9: Ability to apply theoretical knowledge into practice

**Specific Competences**

- SC 1: Mastering the main rules of EU criminal law and procedure that are relevant to financial and corporate crime.
- SC 2: Accurately identifying the risks arising from the relevant rules and establishing appropriate measures of risk avoidance or minimization.

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### III. COURSE SYLLABUS AND CONTENT

**Content**

Class 1. Introduction, Terminology, Substantive Crimes and Participants
A. Introduction
A.1 Course Overview
A.2 Sources of EU Criminal Law and Procedure
A.3. Integration with national laws
A.4 Course hypothetical
A.5 Course focus on Spain

B. Terminology
B.1 Harmonization
B.2 Approximation
B.3 Subsidiarity
B.4 Proportionality
B.4 Mutual Recognition
B.5 Integration
B.6 Sincere Cooperation
B.7 Transposition
B.8 Prosecutorial discretion

C. Substantive Crimes and Liabilities
C.1 Individual and Corporate Liability
C.2 Fraud
C.3 Corruption
C.4 Money Laundering
C.5 Recent Enforcement Trends and Issues

D. Participants
D.1 Judges and Judicial Entities
D.2 Prosecutorial Entities
D.3. Defense Counsel
D.4 Law Enforcement Bodies

Class 2. Investigation

A. Introduction

A.1 Description and analysis of course hypothetical

A.2 Overview of investigative approaches

B. Determining Jurisdiction

B.1 EU v. National Prosecution

B.2 Nationality of suspects

B.3 Location of suspects

B.4 Location of criminal activity

B.5 Location of evidence

B.6 Ease of Investigation and Proof

B.7 Sanctions

C. Investigation Orders

C.1 Necessity

C.2 Drafting

C.3 Execution

C.4 Role of judiciary

D. Arrest Warrants and Extradition

D.1 Necessity
# Drafting, Execution, and Role of Judiciary

## D.2 Drafting

## D.3 Execution

## D.4 Role of judiciary

## E. Evidence

### E.1 Gathering and securing evidence

### E.2 Informants

### E.3 Documentary and electronic evidence

### E.4 Role of judiciary

## F. Freezing and Confiscation Orders

### F.1 Necessity

### F.2 Drafting

### F.3 Execution

### F.4 Role of judiciary

## G. Whistleblowers

### G.1 Identification

### G.2 Protection

### G.3 Compliance Issues

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## Class 3. Adjudication and Compliance

## A. Introduction

### A.1 Pretrial procedures

### A.2 Trials and abbreviated proceedings

### A.3 Factfinders and Juries

### A.3 Sanctions
B. Jurisdiction

B.1 Location of proceedings

B.2 Transfer of proceedings

C. Evidence

C.1 Authentication

C.2 Privileges

C.3 Hearsay

C.4 Exclusion and admission of seized evidence

D. Sanctions

IV. TEACHING METHODOLOGY

Class Methodology and Activities Per Class

Each class will consist of lectures, discussion, and a small-group exercise. The second and third classes will also include a quiz for which 30 minutes will be allotted. The fourth class will continue and complete the class 3 coverage for 45 minutes. There will be no small group exercise. The remainder of the class will consist of a two-hour final examination.

Required readings for each class are listed in the syllabus. The readings are of two types: (1) short summaries of primary European Union authority that contain a link to the full document. You are not required to read the full document; (2) essential secondary authorities.

We have prepared a hypothetical problem that covers the kinds of issues that we will be discussing in class. The hypothetical problem will be used during the lectures and as a basis for the small-group exercises and the two in-class quizzes.

The lectures will cover EU cross-border criminal law and procedure generally, with a special focus on Spain as an example of the relationship between a member state and the EU in cross-border financial crimes.

Class 1
Lecture, Review of Readings and Question and Answer Discussion (135 minutes)
Small-Group Exercise (30 minutes)

Classes 2 and 3
Lecture, Review of Readings and Question and Answer Discussion (105 minutes)
Practical Small-Group Exercise (30 minutes)
Quiz (30 minutes)
Class 4
Lecture, Review of Readings and Question and Answer Discussion (45 minutes)
Final Examination (120 minutes)

Outside class methodology: Activities

Individual readings and class preparation

V. SUMMARY OF STUDENT WORK HOURS

<table>
<thead>
<tr>
<th>NUMBER OF CONTACT HOURS</th>
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<tr>
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<table>
<thead>
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<th>NUMBER OF INDEPENDENT WORK HOURS</th>
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<td>Lecture</td>
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ECTS CREDITS: 1 (25,00 hours)

VI. EVALUATION AND CRITERIA

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<tr>
<td>Individual work</td>
<td>Complete 2 quizzes</td>
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<tr>
<td>Discussion</td>
<td>Active participation in class/Review and solve class tests</td>
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<tr>
<td>Evaluation: examination</td>
<td>Final Examination</td>
<td>50%</td>
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<tr>
<td>Attendance</td>
<td>Regular attendance to classes – control by signature of a daily sheet</td>
<td>10%</td>
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</table>
VII. SUGGESTED BIBLIOGRAPHY AND RESOURCES

- 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, Feljoo, Gómez Jara, "Tratado de responsabilidad penal de las personas jurídicas" (2012)
- Silva, Montaner "Criminalidad de la empresa y compliance" (2013)