



I. SUBJECT DETAILS

Data on the subject	
Full Name	EU Cross-Border Corporate and Financial Crimes
Code	E000001227
Degree	Postgraduate in Masters in International and European Business Law
Year	2022-23
Nature	Fall
ECTS Credits	1
Department	Law
Area	Law
Teaching staff	Bennett L. Gershman and Lissa Griffin

Data on the teaching staff	
Teacher	
Name	Bennett L. Gershman and Lissa Griffin
Department / Area	Law
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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

None

Contribution of the degree to the professional profile

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

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.

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

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

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

NUMBER OF CONTACT HOURS				
Lecture	Practical class	Discussion	Individual work	Evaluation : exam
4	1.5	3		3.5
NUMBER OF INDEPENDENT WORK HOURS				
Lecture	Practical class	Debate	Individual work	Evaluation : exam
6			6	3
ECTS CREDITS: 1 (25,00 hours)				

VI. EVALUATION AND CRITERIA

Evaluation Activities	Indicators	Evaluation weighting
Individual work	Complete 2 quizzes	30%
Discussion	Active participation in class/Review and solve class tests	10%
Evaluation: examination	Final Examination	50%
Attendance	Regular attendance to classes – control by signature of a daily sheet	10%

VII. SUGGESTED BIBLIOGRAPHY AND RESOURCES

- The law review, "Anti-bribery and anti-corruption review" (2017)
- Andre Klip, "European Criminal Law: An Integrative Approach (4th ed.) (2021)
- 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)