



Good Practice Guidance on Internal Controls, Ethics, and Compliance

Adopted 18 February 2010

This Good Practice Guidance was adopted by the OECD Council as an integral part of the *Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions* of 26 November 2009.

Good Practice Guidance On Internal Controls Ethics And

Barnali Choudhury, Martin Petrin



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Das Sieben-Säulen-Modell der Korruptionsprävention Uta Christina Zentes, 2017-04-06 Uta Christina Zentes analysiert in diesem Buch welche wesentlichen Elemente ein Programm zur Korruptionsprävention enthalten muss um regulatorisch vollständig zu sein Hierzu werden die wesentlichen der weltweit bestehenden Leitlinien und Prüfungsstandards sowie die deutschen Literaturmeinungen zur Korruptionsprävention und zu Compliance Management Systemen analysiert und ausgewertet Das Sieben Säulen Modell zur Korruptionsprävention formuliert die notwendigen Elemente eines unternehmensinternen Anti Korruptionsprogramms für international agierende Unternehmen Die Herausforderung für Unternehmen besteht darin dass eine Vielzahl parallel gültiger nationaler und internationaler Vorgaben zur Korruptionsprävention in Unternehmen und Organisationen existiert *OECD-Leitfaden für die Erfüllung der Sorgfaltspflicht zur Förderung verantwortungsvoller Lieferketten in der Bekleidungs- und Schuhwarenindustrie* OECD, 2020-09-08 Der OECD Leitfaden für die Erfüllung der Sorgfaltspflicht zur Förderung verantwortungsvoller Lieferketten in der Bekleidungs und Schuhwarenindustrie bietet Unternehmen eine Hilfestellung um die Due Diligence Empfehlungen aus den OECD Leitlinien für multinationale Unternehmen in den Lieferketten der Bekleidungs und Schuhwarenindustrie umzusetzen damit negative Auswirkungen die durch ihre Geschäftstätigkeiten und ihre Lieferketten entstehen können vermieden bzw abgestellt werden

Praxisleitfaden M&A Compliance Kerstin Waltenberg, Waltenberg, 2021-01-01 Durch eine M A Compliance Due Diligence werden Risiken strafrechtlicher Unternehmens und Individualverantwortlichkeit erkannt und bewertet Persönliche Haftungsrisiken für Leitungspersonen Vorstände und Aufsichtsräte werden abgewendet Bußgeldzahlungen teure Rückabwicklungen und Abschreibungen werden mittels geeigneter Maßnahmen vermieden Wie die M A Compliance Due Diligence im Einzelfall gelingt beschreibt dieser im deutschsprachigen Raum einzigartige Praxisleitfaden Er zeigt Methoden und Verfahren auf die dem Aufspüren Bewerten und Vermeiden der häufigsten aber auch seltenerer Compliance Risiken im Zusammenhang mit M A Transaktionen dienen Jenen Risiken gemein ist dass sie den Erfolg einer Transaktion erheblich gefährden im Extremfall sogar beteiligte Unternehmen und Personen ruinieren können Zahlreiche Beispiele aus der Praxis illustrieren welche Hindernisse bei M A Compliance Due Diligences zu erwarten und wie sie zu bewerkstelligen sind Die Methodik der drei Prüfungsschritte Datensammlung Stichprobenahme Sampling und Interviews wird erklärt Umfassende kopierfähige Abfrage Listen Deutsch und Englisch bieten eine solide Ausgangsbasis für individuell angepasste Prüfungshandlungen Zum Umgang mit Ergebnissen werden praktische Anregungen gegeben und mögliche Maßnahmen und Vertragsgestaltungen aufgezeigt Nicht von ungefähr bewertet das US Justizministerium die Güte des Compliance Managements anhand dessen ob und wie ein Unternehmen im Rahmen von M A Transaktionen Compliance Due Diligences durchführt Dieser Praxisleitfaden bietet alle hierfür erforderlichen Grundlagen **Praxishandbuch Unternehmenskauf** Jürgen van Kann, 2017-04-07 Das Praxishandbuch erläutert fundiert und übersichtlich alle wesentlichen Teilaspekte von Unternehmenskäufen und -übernahmen

Marktakteure die den Einstieg in die Praxis des Unternehmenskaufs und seine rechtlichen wirtschaftlichen und steuerlichen Grundlagen suchen bekommen alle wichtigen Informationen an die Hand Gestaltung des Kaufvertrages Eventuell erforderliche Kartellanmeldung Arbeitsrecht Steuerrecht Grundlagen der Unternehmensbewertung

Bribery and Corruption Brian P. Loughman, Richard A. Sibery, 2011-10-20 As businesses continue to expand globally into new and emerging markets bribery and corruption risks have increased exponentially Bribery and Corruption offers a comprehensive look at this growing problem and at the Foreign Corrupt Practices Act FCPA and other international anti bribery and corruption conventions Presenting hypothetical examples of situations companies will face along with practical solutions the book offers detailed global guidance on a region and country specific basis The FCPA prohibits US companies and their subsidiaries from bribing foreign officials either directly or indirectly through intermediaries for the purpose of obtaining or retaining business It also requires companies to keep accurate records of all business transactions and maintain an effective system of internal accounting controls Internationally the Organization of Economic Cooperation and Development's OECD's anti bribery convention has been adopted by 38 countries and creates legally binding standards related to bribery of foreign public officials Written by renowned accounting fraud experts Richard A Sibery and Brian P Loughman and providing an introduction and overview of the Foreign Corrupt Practices Act FCPA and international bribery laws Bribery and Corruption considers How to conduct FCPA risk assessments and investigations How to consider FCPA specific financial controls How to implement an FCPA compliance program and how to measure FCPA compliance The risk of bribery and corruption continues to be an area of concern for companies around the world but armed with Bribery and Corruption it is easier than ever to understand the challenges that exist and how to deal with them

Research Handbook on International Energy Law Kim Talus, 2014-04-25 International energy law is an elusive but important concept There is no body of law called international energy law nor is there any universally accepted definition for it yet many specialised areas of international law have a direct relationship

Compliance Will Rollason, Eric Hirsch, 2023-12-08 Exploring compliance from an anthropological perspective this book offers a varied and international selection of chapters covering taxation corporate governance medicine development carbon offsetting irregular migration and the building trade Compliance emerges as more than the opposite of resistance instead it appears as a valuable heuristic approach for understanding collective life as a means by which actors strive to accommodate themselves to others This perspective transcends conventional distinctions between power and resistance and offers to open up new avenues of anthropological enquiry

Transnational Governance Scott Mann, 2016-02-17 As globalization continues to spread and evolve so nation states attempt to govern financialization tax evasion corruption terrorism civil and military conflicts and environmental dangers social polarization and the complexities in human rights implementation by institutional and transnational means This volume discusses these issues from different legal perspectives and highlights the challenges of governing human activity in an age of remarkable

interconnectedness Covering a broad range of policy areas and analysis of emerging forms of governance from liberal to critical and Marxist the chapters are legal in their approach and form an important contribution to the growing study of emergent forms of authority coordination and power developing in response to the challenges presented by some of the key contemporary governance issues in the first half of the twenty first century

Corporate Duties to the Public Barnali Choudhury, Martin Petrin, 2019-01-10 In a world where the grocery store may be more powerful than the government and corporations are the governors rather than the governed the notion of corporations being only private actors is slowly evaporating Gone is the view that corporations can focus exclusively on maximizing shareholder wealth Instead the idea that corporations owe duties to the public is capturing the attention of not only citizens and legislators but corporations themselves This book explores the deepening connections between corporations and the public It explores timely and often controversial public issues with which corporations must grapple including the corporate purpose civil and criminal liability taxation human rights the environment and corruption Offering readers an encompassing balanced and systematic understanding of the most pertinent duties corporations should bear how they work whether they are justified and how they should be designed in the future this book clarifies corporations roles vis vis the public

A Guide to Forensic Accounting Investigation Steven L. Skalak, Thomas W. Golden, Mona M. Clayton, Jessica S. Pill, 2015-12-28 Recent catastrophic business failures have caused some to rethink the value of the audit with many demanding that auditors take more responsibility for fraud detection This book provides forensic accounting specialists experts in uncovering fraud with new coverage on the latest PCAOB Auditing Standards the Foreign Corrupt Practices Act options fraud as well as fraud in China and its implications Auditors are equipped with the necessary practical aids case examples and skills for identifying situations that call for extended fraud detection procedures

Corporate Criminal Liability Mark Pieth, Radha Ivory, 2011-04-20 With industrialization and globalization corporations acquired the capacity to influence social life for good or for ill Yet corporations are not traditional objects of criminal law Justified by notions of personal moral guilt criminal norms have been judged inapplicable to fictional persons who think and act through human beings The expansion of new corporate criminal liability CCL laws since the mid 1990s challenges this assumption Our volume surveys current practice on CCL in 15 civil and common law jurisdictions exploring the legal conditions for liability the principles and options for sanctioning and the procedures for investigating charging and trying corporate offenders It considers whether municipal CCL laws are converging around the notion of corporate culture and in any case the implications of CCL for those charged with keeping corporations and other legal entities out of trouble

Compliance Monitorships Maximilian F. Schlutz, 2021-03-03 Das Werk betrachtet Unternehmensbeobachter sogenannte Compliance Monitoren die f r einen bestimmten Zeitraum Compliance Systeme pr fen bewerten und dabei helfen sollen beanstandete Rechtsverst e in Zukunft m glichst zu vermeiden Monitorships k nnen aufgrund der Strafvollstreckungspraxis der US Beh rden und des weiten

Anwendungsbereichs der US Gesetze auch auf europäische Unternehmen treffen Der Autor befasst sich mit den Rechtsgrundlagen für den Einsatz eines Monitors in Deutschland den USA und im Vereinigten Königreich Neben ausführlicher Untersuchung des Foreign Corrupt Practices Act von 1977 liefert das Werk einen Überblick über die ursprüngliche Hintergründe und Entwicklung des heutigen Corporate Monitorships Nach einer Einführung zu DPAs NPAs werden einzelne Memoranda sowie sonstige relevante Regelwerke behandelt Weiterhin wird aufgezeigt welche Qualifikationen der Monitor mitbringen muss wie das Verfahren bei der Auswahl der Person des Monitors gestaltet ist und wie diese Vorgaben im Rahmen ausgewählter bisherige Monitormandate in Deutschland umgesetzt worden sind Zudem enthält die Untersuchung die Aufgaben sowie Rechte und Befugnisse des Monitors Prüfungsmuster sowie die Grenzen des Monitors die sich u.a. aus den Gebieten des Datenschutzes des Arbeitsrechts oder der Unternehmensrechte auf Geheimnisschutz ergeben Im Anschluss an die Prüfung der Rechtsnatur des Monitors stellt der Autor die praktische Ausgestaltung des Monitorships einschließlich einzelner Prüfungsphasen dar Zuletzt werden noch Vor und Nachteile des Monitorships Kritikpunkte und Bewertungen abgeschlossener Monitorships beleuchtet bevor die Arbeit mit einer abschließenden Bewertung der bestehenden Rechtslage bzw. einem Ausblick endet

The OECD Convention on Bribery Mark Pieth, Lucinda A. Low, Nicola Bonucci, 2013-12-19 The OECD Convention on Bribery established an international standard for compliance with anti corruption rules and has subsequently been adopted by the thirty four OECD members and six non member countries As a result of the Convention and national implementation laws companies and managers now risk tough sanctions if they are caught bribing foreign officials The UK Bribery Act 2010 is only one example of this development The second edition of this the only commentary on the Convention provides law practitioners company lawyers and academic researchers with comprehensive guidance on the OECD standards It includes case examples as well as the FCPA Resource Guide 2012 and the 2009 OECD Recommendation for Further Combating Bribery of Foreign Public Officials with Annexes I and II

The Transnationalization of Anti-Corruption Law Régis Bismuth, Jan Dunin-Wasowicz, Philip M. Nichols, 2021-05-27 The last twenty years have witnessed an astonishing transformation the fight against corruption has grown from a handful of local undertakings into a truly global effort Law occupies a central role in that effort and this timely book assesses the challenges faced in using law as it too morphs from a handful of local rules into a global regime The book presents the perspectives of a global array of scholars of policy makers and of practitioners Topics range from critical theoretical understandings of the global regime as a whole to regional and local experiences in implementing and influencing the regime including specific legal techniques such as deferred prosecution agreements addressing corruption issues in dispute resolution whistleblower protection civil and administrative prosecutions as well as blocking statutes The book also includes discussions of the future shape of the global regime the emergence of transnational compliance standards and discussions by leaders of international organizations that take a leading role in the transnationalization of anti corruption law The Transnationalization of Anti Corruption Law deals with the

most salient aspects of the global anti corruption regime It is written by people who contribute to the structure of the regime who practice within the regime and who study the regime It is written for anyone interested in corruption or corruption control in general anyone with a general interest in jurisprudence or in international law and especially anyone who is interested in critical thinking and analysis of how law can control corruption in a global context The Interaction Between Competition Law and Corporate Governance Florence Thépot,2019-02-14 Florence Th pot provides the first systematic account of the interaction between competition law and corporate governance She challenges the black box conception of the firm or undertaking in competition law as applied to increasingly complex corporate relations The book opens the black box of the firm to understand the internal drivers of collusive behaviour and proposes a unified approach to cartel enforcement based on the agency theory It explores key issues including corporate compliance programmes the attribution of liability in corporate groups and structural links between competitors and should be read by anyone interested in how the evolution of the corporate landscape impacts competition law

Preventing Corporate Corruption Stefano Manacorda,Francesco Centonze,Gabrio Forti,2014-04-28 This book presents the results of a two year international research project conducted for the United Nations Office on Drugs and Crime UNDOC to investigate and provide solutions for reducing bribery and corruption in corporations and institutions It starts with an empirical case study on the effectiveness of a set of self regulation rules adopted by multinational companies in the energy sector Second it explores the context and factors leading to corruption internationally and the relationships between domestic criminal law and self regulation Third it examines guidelines for the adoption of compliance programs developed by international institutions to serve as models for the future The principle result of the book is a three pronged Anti Bribery Corruption Model so called ABC Model endorsed by the United Nations intended as a corruption prevention tool intended to be adopted by private corporations This work provides a common research based standard for anti bribery compliance programs with international applications This work will be of interest to researchers studying Criminology and Criminal Justice particularly in the areas of organized crime and corruption as well as related areas like Business Ethics and Comparative International Law

International Anti-Corruption Norms Cecily Rose,2015-08-13 This book traces the creation of international anti corruption norms by states and other actors through four markedly different institutions the Organisation for Economic Co operation and Development the United Nations the Extractive Industries Transparency Initiative and the Financial Action Task Force Each of these institutions oversees an international instrument that requires states to combat corruption Yet only the United Nations oversees anti corruption norms that take the sole form of a binding multilateral treaty The OECD has by contrast fostered the development of the binding 1997 OECD Anti Bribery Convention as well as non binding recommendations and guidance associated with treaty itself In addition the revenue transparency and anti money laundering norms developed through the Extractive Industries Transparency Initiative and the Financial Action Task Force respectively take the form of non binding instruments

that have no relationship with multilateral treaties The creation of international anti corruption norms through non binding instruments and informal institutions has the potential to privilege the interests of powerful states in ways that raise questions about the normative legitimacy of these institutions and the instruments they produce At the same time the anti corruption instruments created under the auspices of these institutions also show that non binding instruments and informal institutions carry significant advantages The non binding instruments in the anti corruption field have demonstrated a capacity to influence domestic legal systems that is comparable to if not greater than that of binding treaties With corruption and money laundering at the forefront of political debate International Anti Corruption Norms provides timely expertise on how states and international institutions grapple with these global problems **White Collar Crime** Katalin

Ligeti,Stanislaw Tosza,2018-11-29 White collar crime has expanded significantly over the course of the past two decades Yet not only as the amount of national and international legislation in the field grown but it has also endured changes driving it away from the classic criminal law These trends have been reflected in changes to national legislation not infrequently prompted by supranational law for example in the financial or the environmental sector New punishing regimes have emerged such as UN blacklisting smart sanctions civil asset forfeiture financial supervisory powers compliance law and anti money laundering laws Furthermore the role of administrative sanctioning law has been growing as well as the role of private actors in the enforcement of punitive sanctions The aim of this volume is to examine how various national criminal justice systems across Europe deal with the aforementioned challenges In the first part it takes a closer look at the following national systems France Germany Poland and Sweden Furthermore it compares the European approach with the American one as a source of inspiration for unresolved difficulties and future developments Further still the authors explore those challenging issues regarding the field of economic and financial crime including the Senior Managers Regime corporate criminal liability and whistle blowers protection Timely and pertinent this is an important new work in a fast moving field

Research Handbook on International Law and Natural Resources Elisa Morgera,Kati Kulovesi,2016-11-25 Research Handbook on International Law and Natural Resources provides a systematic and comprehensive analysis of the role of international law in regulating the exploration and exploitation of natural resources It illuminates interactions and tensions between international environmental law human rights law and international economic law It also discusses the relevance of soft law international dispute settlement as well as of various unilateral bilateral regional and transnational initiatives in the governance of natural resources While the Handbook is accessible to those approaching the subject for the first time it identifies pressing areas for further investigation that will be of interest to advanced researchers [Ethical Dilemmas in the Global Defense Industry](#) Daniel Schoeni,Tobias Vestner,2023 The defense industry develops produces and sells weapons that cause great harm It operates at the intersection of the public and private sectors with increased reliance on technology companies This book brings together the diverse perspectives of scholars and practitioners from academia government

service the military and the private sector to discuss the moral and legal challenges facing the global defense industry and to introduce solutions that are innovative effective and practical

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