

Anti-Corruption

Practice area under Corporate Criminal Law

Our anti-corruption team have unique practical and theoretical experience. Our advisory services are based on in-depth knowledge of the increasingly complex and detailed legislation and the authorities' actions in the area.

The legislative framework in respect of corruption and bribery is currently being reviewed by the Danish courts. Corruption or bribery can have serious consequences for companies, for example damage to reputation, interruptions of operations and the risk of heavy fines and claims for damages. It means that companies should have a clear picture of their exposure to corruption all over the organisation and plan general anti-corruption and marketing policies for the area.

Many Danish companies are operating internationally and they are therefore even more exposed to the various market terms and corruption regulations. The increased international focus on corruption means that Danish companies may also be subject to different sets of rules all over the world.

A company does not need to have any specific presence in the UK or the US in order to be subject to the current rules in those countries. The UK Bribery Act 2010 entered into force on 1 July 2011. The object of the Act is to combat corruption. The rules stipulate that the Bribery Act covers everything except one-off transactions. It means that even if sales are only made to the UK occasionally, such sales are subject to the rules. The same could be the case if for example board meetings are held in the UK or if a Danish company has a subsidiary in the UK that has carried out work on behalf of the parent company.

A number of Danish companies with American parent companies are also subject to the US Foreign Corrupt Practices Act (the "FCPA") which prohibits bribing foreign officials.

For a number of Danish companies operating in the UK or the US it can be necessary to have internal guidelines and programmes in place to combat and prevent bribery. For this reason many companies need to draw up or update their internal guidelines and/or programmes.

Plesner handles the practical establishment and implementation of an anti-corruption policy, which could be in compliance with the principles of the United Nations Convention against Corruption, drawing up codes of conduct, compliance training and implementation, drawing up provisions in agreements including provisions on breach, information on websites, more extensive anti-corruption programmes as well as setting up whistle-blower schemes.

We would be happy to participate in a meeting about the company's exposure to corruption risks both inside the company and in respect of business partners and about taking the right legal steps.

We also provide advice on how to handle an internal legal investigation when suspecting corruption, perhaps in collaboration with the auditor or any other relevant experts. We also have an extensive international network and we collaborate with international specialists in the area.

Our specialists



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