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**Fact Sheet: Anti-Bribery Regulations – Germany (2012, November)**

<p>1. What types of bribery &amp; corruption offences exist under domestic law?</p>	<p><u>Criminal Law (Strafgesetzbuch – „StGB“)</u>  The National Criminal Law distinguishes between bribery and corruption. Please see the following division:</p> <ul style="list-style-type: none"> <li>• Offences against (...) in the context of elections (...) (Straftaten (...) bei Abstimmungen)  Sec. 108e Bribing deputies (Abgeordnetenbestechung)</li> <li>• Restrictive Practices Offences (Straftaten gegen den Wettbewerb)  Sec. 298 Restricting competition through agreements in the context of public bids (Wettbewerbsbeschränkende Absprachen bei Ausschreibungen)</li> <li>Sec. 299 Taking and giving bribes in commercial practice (Bestechlichkeit und Bestechung (...))</li> <li>Sec. 300 Aggravated cases of taking and giving bribes in commercial practice (Besonders schwere Fälle)</li> <li>• Offences committed in public office (Straftaten im Amt)</li> <li>Sec. 331 Taking bribes (Vorteilsannahme)</li> <li>Sec. 332 Taking bribes meant as an incentive to violating one's official duties (Bestechlichkeit)</li> <li>Sec. 333 Giving bribes (Vorteilsgewährung)</li> <li>Sec. 334 Giving bribes as an incentive to the recipient's violating his official duties (Bestechung)</li> <li>Sec. 335 Aggravated cases (Besonders schwere Fälle)</li> <li>Sec. 339 Omission of an official act (Rechtsbeugung)</li> </ul> <p>The <u>Law on International Bribery</u> (Internationales Bestechungsgesetz) extends the scope of the criminal offences in Sec. 108e, 331, 332, 333, 334, 335, 339 StGB to international officials.</p>
<p>2. Do such offences concern only payments or gifts to officials or also to other persons (please describe)?</p>	<p>Offences concern Officials (incl. Members of Parliament) as well as other persons (for example employees of companies)</p>



3. Who (including what entities) can be held liable for such offences?	Sec. 130 Act on Regulatory Offences (OWiG) Violation of Obligatory Supervision in the Operation of Enterprises The company can be held liable if adequate measures to prevent those offences are missing – fine up to 1 Million Euro  Sec. 91 German Stock Company Act (AktG) Organization The Managing Board of a Stock Company Company can be held liable if it did not take measures to avoid risks.
4. Is prosecution possible for any offences committed outside the jurisdiction?	Please see Law on International Bribery above.
5. Are there any special rules concerning gifts and corporate hospitality?	No
6. What procedures or policies should be implemented by individuals and/or corporations? How can such persons mitigate their potential exposure?	A compliance program would be helpful – adequate to the specific risks. Individuals should comply with their company's compliance program and – in cases of doubt – reject any gift/invitation or ask for advice.
6. What kind of penalties are provided for bribery and/or similar offences?	Imprisonment and fines relating to the severity of the offence.
7. Are there any other relevant requirements/provisions?	Depends on the industry.

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