

REGION NORTH RHINE-WESTPHALIA “TONE FROM THE TOP PLAYS EVER MORE IMPORTANT ROLE”

The 4th Cologne Compliance Day once again provided an excellent overview on the most relevant compliance topics. Structures, standards and liability: The 4th Cologne Compliance Day held by the British Chamber of Commerce in Germany and Oppenhoff & Partner once again this year provided an overview of the topics compliance officers, directors and managing directors are specifically focusing on: How do international enterprises organise their compliance structures? How can safety standards be maintained in a digitalised world? How is the civil and criminal law liability of managers and enterprises developing? The event provided a mutually beneficial opportunity for lecturers and participants to share practical experiences.

Gernot Dresch, Chief Compliance Officer of Hilti AG, explained how the technology group rolls out its compliance programme in 120 countries. He explained that it is vital to draw a hard line on the matter itself, while having understanding for the particular situations of the persons involved. According to Dresch, the “tone from the top”, i.e. the role model of management, is increasingly important. This was confirmed by Matthias Zenner, General Counsel for Central Europe, at the likewise globally active construction and materials group Compagnie de SAINT-GOBAIN. Following a record-breaking antitrust fine, the group installed a risk and compliance management system whose strong point, amongst other things, is its extensive documentation. All business processes within the group are mapped in defined processes. The extent to which the risks presented by cyber attacks has become was explained by Thomas Tschersich, Head of Group Information Security at Deutsche Telekom AG. His most important recommendation for averting such risks: always keep your software up-to-date. Tschersich also pointed out that technology is developing in the medium term beyond the “banana status”: “Today, in the field of IT a great deal is still ripening at the customer”.

The legislative draft for a corporate criminal law was presented by Dr. Ina Holznagel, Divisional Head of Commercial Criminality at the Ministry of Justice of North Rhine-Westphalia. According to the senior public prosecutor, a tightening of the law on administrative offences is not enough. It will only be possible to guarantee a transparent, constitutional procedure with graduated sanctioning possibilities, if non-compliance is anchored in criminal law.



Dr. Ina Holznagel, Divisional Head of Commercial Criminality at the Ministry of Justice of North Rhine-Westphalia, presented the legislative draft for a corporate criminal law

Dr. Jürgen Hartung and Stephan Müller of Oppenhoff & Partner started the day with a presentation of current trends in compliance structures. Three important ones were globalisation, third-party risk (i.e. risk arising from misconduct of business partners), and an extension of the responsibility of managers. Dr. Maxim Kleine and Dr. Günter Seulen particularly addressed the topic of liability. They thoroughly discussed the judgement passed by the Regional Court of Munich I against former Siemens director Heinz-Joachim Neubürger, who was recently sentenced to pay the Group considerable damages. The decision sets standards for the compliance duties of directors, but it also illustrates difficulties in applying liability rules.

The 4th Cologne Compliance Day touched a nerve with participants. Even during the breaks and at the close of the day, participants were still avidly discussing the day's topics. The Feedback was extremely positive, and some guests have already requested a subsequent Compliance Day event in 2015.

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