
German Compliance and Corporate Governance

Germany

The demands on companies to ensure compliance with laws, regulations and rules of conduct are constantly increasing. This holds true for almost all legal areas, e.g. employment law, data protection law, securities law, criminal law (particularly fraud and corruption offences) as well as environmental law. The requirements can vary greatly, depending on the markets in which the company operates. For globally operating companies in particular, ensuring compliance implies enormous challenges, especially if they are listed on foreign stock exchanges and are, for instance, subject to the US Sarbanes-Oxley Act. These companies are required to comply simultaneously with a myriad of frequently contradictory rules throughout the world.

Increasingly, the company's managers are held personally liable for violations, and infringements committed by third parties are attributed to the company. For instance, US anti-bribery criminal laws such as the US Foreign Corrupt Practices Act frequently make a company liable for the acts undertaken by legally separate entities, such as distributors or joint venture partners.

At WilmerHale, lawyers from all practice groups specialize in finding customized, effective and discrete solutions for our clients in this complex area: Our services include the conduct of internal investigations to detect violations and compliance reviews to improve the organizational structure, as well as specific compliance advice in connection with M&A projects, joint ventures and distribution agreements. In this context, we pay particular attention to international anticorruption rules as well as antitrust and competition laws. Furthermore, we offer employee training sessions in the relevant legal fields in order to prevent infringements.

If a case involves aspects of US law, our German attorneys in Berlin, Brussels and London work closely with their colleagues in the United States and the People's Republic of China, who are recognized as leading experts in their fields. A large number of the firm's lawyers have held senior positions at the Securities and Exchange Commission (SEC) and advised on high-profile cases such as Enron and Worldcom.

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Recognition

- *JUVE Handbook* has consistently recommended WilmerHale for compliance since the 2019/2020 edition, praising the firm's "exceedingly good connection to the US practice and the associated internationally integrated cooperation."
- *Legal 500 Germany* consistently recommends WilmerHale for compliance since 2019: "The cross-practice group team has significant experience, particularly in assisting companies in connection with DOJ monitorships, and the strong collaboration with the firm's US offices is noteworthy."
- *Chambers Europe* 2019 and 2020 recommend WilmerHale in the area of compliance. The team is "best known for its work on large investigations that have a US angle, benefiting from its considerable presence in New York and Washington DC." Client: "The lawyers are very pragmatic, efficient, fast, not too theoretical and very sensitive regarding political issues that come up during investigations."
- *Global Investigations Review* 2020 ranks WilmerHale second among the 30 leading investigations practice groups worldwide (The GIR 30).