

**1. General information****Course:** CORPORATE CRIMINAL LIABILITY**Type:** ELECTIVE**Degree:** 334 - UNDERGRADUATE DEGREE PROGRAMME IN LAW**Center:** 3 - FACULTY OF LAW OF ALBACETE**Year:** 4**Main language:** Spanish**Use of additional languages:****Web site:****Code:** 35350**ECTS credits:** 4.5**Academic year:** 2022-23**Group(s):** 10**Duration:** First semester**Second language:****English Friendly:** Y**Bilingual:** N**Lecturer:** DIEGO JOSE GOMEZ INIESTA - Group(s): 10

Building/Office	Department	Phone number	Email	Office hours
Melchor de Macanaz 1.12	DERECHO PÚBLICO Y DE LA EMPRESA	2133-2103	diego.gomez@uclm.es	

**2. Pre-Requisites**

Passing criminal Law I and II courses

**3. Justification in the curriculum, relation to other subjects and to the profession**

Nowadays, Corporate Criminal Liability is one of the most important subjects from a practical point of view. In our society, the social harmfulness of economic crimes has been gradually increasing. If a few decades ago the prosecution of white-collar crimes was an exception, today it is a reality, as can be seen by reading any media.

The subject is also of unquestionable educational interest. It is said that economic or business criminal law is the testing ground of a criminal law that has been constructed with violent crimes and crimes committed by the marginalized social classes in mind. For this reason, the study of this subject allows to deepen the knowledge acquired in Criminal Law I and, especially, in Criminal Law II, where basic patrimonial crimes are studied in greater depth, such as fraud or misappropriation or economic corruption.

**4. Degree competences achieved in this course****Course competences**

Code	Description
E02	To understand the systematic nature of the legal system and the interdisciplinary nature of legal problems.
E04	Ability to search, identify and use legal sources (legal, jurisprudential and doctrinal).
E14	Acquire the capacity to provide legal advice to public, private and private entities.
G11	Acquire the ability to organize and plan professional activity.

**5. Objectives or Learning Outcomes****Course learning outcomes****Description**

To acquire a basic understanding of the origin and development of the liability concept in the legal world.

**6. Units / Contents****Unit 1: Introduction. Criminology of economic crime. The content of corporate criminal law. Penalties****Unit 2: Criminal liability of the employer: de facto and de jure directors. Criminal liability of the head of the company. Collegial liability. Liability of employees****Unit 3: Criminal liability of legal persons. Political-criminal sense of the liability of corporations. Models of imputation. Types of sanctions. Liability of legal persons in the Spanish Criminal Code. Compliance programmes****Unit 4: Public Finance and money laundering: tax crime and tax offenses. Accounting crime. Public subsidy fraud. Criminal protection of the European Public Finance. Money laundering****Unit 5: Crimes against the market: restrictive practices of business competition. Abuse of inside information. Market abuse. Public and private corruption. Industrial espionage. Protection of patents****Unit 6: Criminal protection of consumer. Advertising. Fraud. Consumer health****Unit 7: Criminal protection of workers and social security contributions****Unit 8: Criminal protection of workers and social security contributions****Unit 9: Corporate crime****Unit 10: Criminal protection of the environment. Town planning offence. Environmental crime****7. Activities, Units/Modules and Methodology**

		Related Competences					
--	--	---------------------	--	--	--	--	--

Training Activity	Methodology	(only degrees before RD 822/2021)	ECTS	Hours	As	Com	Description
Writing of reports or projects [OFF-SITE]	Group Work	G11	0.8	20	Y	Y	
Practicum and practical activities report writing or preparation [OFF-SITE]	Case Studies	E04	0.8	20	Y	Y	
Class Attendance (theory) [ON-SITE]	Lectures	E02	0.86	21.5	Y	Y	
Class Attendance (practical) [ON-SITE]	Case Studies	E14	0.45	11.25	Y	Y	
Study and Exam Preparation [OFF-SITE]	Assessment tests	E02	1.55	38.75	Y	N	
Final test [ON-SITE]	Practical or hands-on activities	E14	0.04	1	Y	N	
<b>Total:</b>			<b>4.5</b>	<b>112.5</b>			
<b>Total credits of in-class work: 1.35</b>			<b>Total class time hours: 33.75</b>				
<b>Total credits of out of class work: 3.15</b>			<b>Total hours of out of class work: 78.75</b>				

As: Assessable training activity

Com: Training activity of compulsory overcoming (It will be essential to overcome both continuous and non-continuous assessment).

8. Evaluation criteria and Grading System			
Evaluation System	Continuous assessment	Non-continuous evaluation*	Description
Assessment of active participation	20.00%	0.00%	Attending classes is highly recommended.
Theoretical papers assessment	20.00%	0.00%	To prepare a theoretical paper about a topic from the general or special part of the subject.
Oral presentations assessment	60.00%	100.00%	Students will pretend to be lawyers presenting an issue about the programme, either to potential clients or to a court.
<b>Total:</b>	<b>100.00%</b>	<b>100.00%</b>	

According to art. 4 of the UCLM Student Evaluation Regulations, it must be provided to students who cannot regularly attend face-to-face training activities the passing of the subject, having the right (art. 12.2) to be globally graded, in 2 annual calls per subject, an ordinary and an extraordinary one (evaluating 100% of the competences).

#### Evaluation criteria for the final exam:

##### Continuous assessment:

It will be valued that the student knows the elements of the criminal figures that have been studied and the theories of the general part applicable to the case. Likewise, great importance is given to the form of exposition that has to be done on the basis of slides (power point or similar).

In the presentations, the clarity of the exposition and the mastery of the subject will be especially valued.

Students who have not passed the continuous evaluation or who have not been able to attend class may take a final test (100%) consisting of an oral exam in which the topics of the general and special part of the program of the subject will be evaluated.

##### Non-continuous evaluation:

It will be assessed that the student knows the elements of the criminal figures that have been studied and the theories of the general part applicable to the case.

Students who have not been able to attend class may take a final test (100%) consisting of an oral exam about the topics of the general and special part of the program of the subject.

9. Assignments, course calendar and important dates	
Not related to the syllabus/contents	
Hours	hours
Unit 1 (de 10): Introduction. Criminology of economic crime. The content of corporate criminal law. Penalties	
Activities	Hours
Writing of reports or projects [AUTÓNOMA][Group Work]	2
Practicum and practical activities report writing or preparation [AUTÓNOMA][Case Studies]	2
Class Attendance (theory) [PRESENCIAL][Lectures]	2.15
Class Attendance (practical) [PRESENCIAL][Case Studies]	1.13
Study and Exam Preparation [AUTÓNOMA][Assessment tests]	3.88
Final test [PRESENCIAL][Practical or hands-on activities]	.1
Unit 2 (de 10): Criminal liability of the employer: de facto and de jure directors. Criminal liability of the head of the company. Collegial liability. Liability of employees	
Activities	Hours
Writing of reports or projects [AUTÓNOMA][Group Work]	2
Practicum and practical activities report writing or preparation [AUTÓNOMA][Case Studies]	2
Class Attendance (theory) [PRESENCIAL][Lectures]	2.15
Class Attendance (practical) [PRESENCIAL][Case Studies]	1.13
Study and Exam Preparation [AUTÓNOMA][Assessment tests]	3.88
Final test [PRESENCIAL][Practical or hands-on activities]	.1
Unit 3 (de 10): Criminal liability of legal persons. Political-criminal sense of the liability of corporations. Models of imputation. Types of sanctions. Liability of legal persons in the Spanish Criminal Code. Compliance programmes	
Activities	Hours
Writing of reports or projects [AUTÓNOMA][Group Work]	2
Practicum and practical activities report writing or preparation [AUTÓNOMA][Case Studies]	2

Class Attendance (theory) [PRESENCIAL][Lectures]	2.15
Class Attendance (practical) [PRESENCIAL][Case Studies]	1.13
Study and Exam Preparation [AUTÓNOMA][Assessment tests]	3.88
Final test [PRESENCIAL][Practical or hands-on activities]	.1
<b>Unit 4 (de 10): Public Finance and money laundering: tax crime and tax offenses. Accounting crime. Public subsidy fraud. Criminal protection of the European Public Finance. Money laundering</b>	
<b>Activities</b>	<b>Hours</b>
Writing of reports or projects [AUTÓNOMA][Group Work]	2
Practicum and practical activities report writing or preparation [AUTÓNOMA][Case Studies]	2
Class Attendance (theory) [PRESENCIAL][Lectures]	2.15
Class Attendance (practical) [PRESENCIAL][Case Studies]	1.13
Study and Exam Preparation [AUTÓNOMA][Assessment tests]	3.88
Final test [PRESENCIAL][Practical or hands-on activities]	.1
<b>Unit 5 (de 10): Crimes against the market: restrictive practices of business competition. Abuse of inside information. Market abuse. Public and private corruption. Industrial espionage. Protection of patents</b>	
<b>Activities</b>	<b>Hours</b>
Writing of reports or projects [AUTÓNOMA][Group Work]	2
Practicum and practical activities report writing or preparation [AUTÓNOMA][Case Studies]	2
Class Attendance (theory) [PRESENCIAL][Lectures]	2.15
Class Attendance (practical) [PRESENCIAL][Case Studies]	1.13
Study and Exam Preparation [AUTÓNOMA][Assessment tests]	3.88
Final test [PRESENCIAL][Practical or hands-on activities]	.1
<b>Unit 6 (de 10): Criminal protection of consumer. Advertising. Fraud. Consumer health</b>	
<b>Activities</b>	<b>Hours</b>
Writing of reports or projects [AUTÓNOMA][Group Work]	2
Practicum and practical activities report writing or preparation [AUTÓNOMA][Case Studies]	2
Class Attendance (theory) [PRESENCIAL][Lectures]	2.15
Class Attendance (practical) [PRESENCIAL][Case Studies]	1.13
Study and Exam Preparation [AUTÓNOMA][Assessment tests]	3.88
Final test [PRESENCIAL][Practical or hands-on activities]	.1
<b>Unit 7 (de 10): Criminal protection of workers and social security contributions</b>	
<b>Activities</b>	<b>Hours</b>
Writing of reports or projects [AUTÓNOMA][Group Work]	2
Practicum and practical activities report writing or preparation [AUTÓNOMA][Case Studies]	2
Class Attendance (theory) [PRESENCIAL][Lectures]	2.15
Class Attendance (practical) [PRESENCIAL][Case Studies]	1.13
Study and Exam Preparation [AUTÓNOMA][Assessment tests]	3.88
Final test [PRESENCIAL][Practical or hands-on activities]	.1
<b>Unit 8 (de 10): Criminal protection of workers and social security contributions</b>	
<b>Activities</b>	<b>Hours</b>
Writing of reports or projects [AUTÓNOMA][Group Work]	2
Practicum and practical activities report writing or preparation [AUTÓNOMA][Case Studies]	2
Class Attendance (theory) [PRESENCIAL][Lectures]	2.15
Class Attendance (practical) [PRESENCIAL][Case Studies]	1.13
Study and Exam Preparation [AUTÓNOMA][Assessment tests]	3.88
Final test [PRESENCIAL][Practical or hands-on activities]	.1
<b>Unit 9 (de 10): Corporate crime</b>	
<b>Activities</b>	<b>Hours</b>
Writing of reports or projects [AUTÓNOMA][Group Work]	2
Practicum and practical activities report writing or preparation [AUTÓNOMA][Case Studies]	2
Class Attendance (theory) [PRESENCIAL][Lectures]	2.15
Class Attendance (practical) [PRESENCIAL][Case Studies]	1.13
Study and Exam Preparation [AUTÓNOMA][Assessment tests]	3.88
Final test [PRESENCIAL][Practical or hands-on activities]	.1
<b>Unit 10 (de 10): Criminal protection of the environment. Town planning offence. Environmental crime</b>	
<b>Activities</b>	<b>Hours</b>
Writing of reports or projects [AUTÓNOMA][Group Work]	2
Practicum and practical activities report writing or preparation [AUTÓNOMA][Case Studies]	2
Class Attendance (theory) [PRESENCIAL][Lectures]	2.15
Class Attendance (practical) [PRESENCIAL][Case Studies]	1.13
Study and Exam Preparation [AUTÓNOMA][Assessment tests]	3.88
Final test [PRESENCIAL][Practical or hands-on activities]	.1
<b>Global activity</b>	
<b>Activities</b>	<b>hours</b>
Writing of reports or projects [AUTÓNOMA][Group Work]	20
Practicum and practical activities report writing or preparation [AUTÓNOMA][Case Studies]	20
Class Attendance (theory) [PRESENCIAL][Lectures]	21.5
Class Attendance (practical) [PRESENCIAL][Case Studies]	11.3
Study and Exam Preparation [AUTÓNOMA][Assessment tests]	38.8
Final test [PRESENCIAL][Practical or hands-on activities]	1
<b>Total horas: 112.6</b>	

10. Bibliography and Sources						
Author(s)	Title/Link	Publishing house	City	ISBN	Year	Description
Carlos Martínez Buján Pérez	Derecho penal económico y de la empresa. Parte especial	Tirant lo Blanch	Valencia	9788499859491	2011	
I. Berdugo/L. Arroyo	Curso de Derecho penal español	Experiencia	Madrid		2010	
Klaus Tiedemann	Manual de Derecho penal económico	Tirant lo Blanch	Valencia		2010	