



Wirtschaftsrecht

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Tax Compliance Gülpéri Atalay, Michael Beisheim, Markus Brinkmann, Martina Butenschön, Marco Cerrato, Romain Daguzan, Kenneth Dettman, Holger Dietrich, Verena Erl, Juan Carlos Ferrucho, Henning LL.M. Frase, Torben Fischer, Michael Görlich, Markus Gotzens, Sonja Heine, Klaus Herrmann, Kevin Hindley, Fridtjof Hinz, Carsten Höink, Daniel Holenstein, Andreas Höpfner, Jesco Idler, Daniel Kaiser, Florian Kaiser, Susann Karnath, Gabriel Kurt, Anna Luce, Marko Matthes, Johann-Nikolaus Meyer, Marco Meyer, Marcus Nicolaou, Johanna Nicolas, Christian Pelz, Dirk Petri, Reimar LL.M. Pinkernell, Henning Radtke, Roman Reiß, Markus Mag. iur. Rübenstahl, Felix Ruhmannseder, Carsten Schlotter, Dirk Schmidtman, Alexander Sommer, Thomas Stein, Sabine Stetter, André-M. LL.M. Szesny, Vassil Tcherveniachki, Daniel Ternes, Olivier Vergnolle, Jörg Weigell, Martin Weiß, Thomas Wenzler, 2018-03-19 Das Handbuch behandelt die steuerlichen Verfahrensablufe Fragestellungen und Probleme mit In und oder Auslandsbezug umfassend und abschließend So können Mitarbeiter in Unternehmen und ihre externen Berater in den steuerlich regulatorisch und strafrechtlich haftungsrelevanten Bereichen Risiken für das Unternehmen und seine Organe und Mitarbeiter präventiv vermeiden oder bestehende Risiken erkennen und beseitigen In einem Allgemeinen Teil wird der Zusammenhang von Tax Compliance und allgemeinen Compliance Maßnahmen der Compliance Organisation und dem Compliance Management System schrittweise aufbereitet Im folgenden Besonderen Teil werden die besonders risikobehafteten steuerlichen Themengebiete aus sich heraus verständlich knapp dargestellt und die Ausführungen zur Compliance in spezifischer Weise angeschlossen Themen sind z.B. Verrechnungspreise Umsatzsteuerkarusselle Tax Due Diligence Geldwäsche etc Im dritten Teil wird ein Überblick über wesentliche Tax Compliance Erfordernisse von bedeutenden Nachbarländern und wichtigen Handelspartnern USA GB FI CH A gegeben teilweise in englischer Sprache

Der fehlerhaft angewiesene GmbH-Geschäftsführer Johannes Götz, 2022-06-23 Rechtswidrige Weisungen sind nicht zu befolgen Doch ganz so einfach ist es in der Praxis wohl nicht Einer von den Gesellschaftern fehlerhaft angewiesenen Geschäftsführung einer GmbH drohen empfindliche Konsequenzen wenn sie die angewiesene Maßnahme entweder verweigert oder pflichtwidrig ausführt Sie findet sich in einem Spannungsverhältnis zwischen persönlicher Verantwortung und Weisungsfolgepflicht Die Arbeit untersucht deshalb das Risiko des Geschäftsführenden und seine Handlungsmöglichkeiten wenn er an der Rechtmäßigkeit einer Weisung zweifelt So gelingt es ihm mit der Remonstration sich aus diesem Dilemma zu befreien und die Verantwortung an den Weisungsgeber zurückzugeben ohne das Geschäftsführeramt niederlegen zu müssen

Interne Untersuchungen de lege lata und de lege ferenda Kim-Mara Flier, 2025-09-10 Interne Untersuchungen sind ein zentraler Bestandteil von Compliance und zur Aufklärung von Rechtsverstößen in Unternehmen etabliert In den vergangenen Jahren gab es verschiedene Gesetzesvorschläge um rechtliche Vorgaben für die Durchführung interner Untersuchungen zu schaffen Hierzu zählt auch der gescheiterte Regierungsentwurf zum Verbandssanktionengesetz der die bislang letzte gesetzgeberische Initiative zur Regelung interner Untersuchungen darstellt Die Spannungsfelder

zwischen den an internen Untersuchungen beteiligten Parteien wie Arbeitnehmern Arbeitgebern und Strafverfolgungsbehörden bleiben damit weiterhin bestehen In diesem Werk werden aktuelle sowie zentrale Rechtsfragen analysiert die im Zusammenhang mit internen Untersuchungen unweigerlich auftreten Dazu z hlt insbesondere die Auskunftspflicht von Arbeitnehmern und inwieweit diese zur Selbstbelastung verpflichtet sind Inwieweit Beweisverwertungsverbote Anwendung finden und ob Unterlagen aus internen Untersuchungen beschlagnahmt werden dürfen wird ebenfalls beleuchtet Basierend auf den dargestellten Herausforderungen nach dem aktuellen Recht werden Gesetzesvorschläge aus den Vorjahren analysiert und eigene Vorschläge für eine gesetzliche Regelung von internen Untersuchungen mit dem Ziel entwickelt eine rechtssichere und transparente Ausgestaltung sicherzustellen

Strafprozessrecht Werner Beulke, Sabine Swoboda, Beulke Swoboda, 2025-03-24 Inhalt Konzeption Das Lehrbuch beschäftigt sich mit den besonders examensrelevanten Bereichen des Strafverfahrensrechts Im Vordergrund stehen hierbei die allgemeinen Verfahrensgrundsätze der Gerichtsorganisation die Verfahrensbeteiligten die Grundzüge des Ermittlungsverfahrens das erstinstanzliche Hauptverfahren mit Beweisaufnahme und Beweiswürdigung die Wirkung gerichtlicher Entscheidungen sowie die Arten der Rechtsbehelfe Ein Kapitel ist den bedeutsamen internationalen Bezügen des Strafprozessrechts durch die Europäische Menschenrechtskonvention und das EU bzw Völkerrecht gewidmet Um sich darüber hinaus in der Lösung strafprozessualer Fälle zu verbessern verweist das Werk auf die Klausurenkurse im Strafrecht von Werner Beulke Frank Zimmermann i B Band III sowie den Klausurenkurs im Strafprozessrecht von Marco Mansdorfer Zusätzlich findet sich am Ende des Buches eine Auflistung von bungsbeispielen und jüngeren bungsfällen in Zeitschriften Die Neuauflage Im Rahmen der vorliegenden 17 Auflage sind Gesetzgebung Rechtsprechung und Literatur bis Dezember 2024 eingearbeitet worden

Hinweisgebersysteme Simone LL.M. Bach, Nicolai Behr, Anastasia Berger, Lukas Feiler, Dominik Guttenberger, Georg Krakow, Christoph LL.M. Kurth, Michael Nuster, Cristin Schacht, Felix Ruhmannseder, Martin Walter, Markus Winkler, 2021-06-04 Hinweisgebersysteme sind als wesentlicher Bestandteil eines effektiven Compliance Management Systems anerkannt Die Bedeutung von Hinweisgebersystemen wird nicht zuletzt aufgrund der Vorgaben in der EU Hinweisgeberrichtlinie kontinuierlich deutlich zunehmen Die 2 vollig neu bearbeitete Auflage des Handbuchs wurde von Compliance Experten aus Deutschland Österreich und der Schweiz bearbeitet Dementsprechend werden die rechtlichen Rahmenbedingungen für Hinweisgebersysteme in allen drei Rechtsordnungen ausführlich dargestellt Neben einer Studie zur Frage des Missbrauchs von Hinweisgebersystemen enthält die Neuauflage auch Ausführungen zur allgemeinen Compliance Organisation in Unternehmen sowie zu den erforderlichen Weichenstellungen bei der Implementierung Hierzu zählen insbesondere die Beachtung der Arbeits- und datenschutzrechtlichen Vorgaben sowie der einschlägigen Judikatur Praktische Herausforderungen und Lösungen werden ebenfalls umfassend erläutert Zahlreiche Praxishinweise runden die Darstellung ab ein Handbuch von Praktikern für Praktiker Die Neuauflage berücksichtigt zudem mit Ausführungen zum ersten Entwurf des Gesetzes zum Schutz hinweisgebender

Personen Hinweisgeberschutzgesetz bereits die aktuellen Entwicklungen bei der nationalen Umsetzung der EU Hinweisgeberrichtlinie in Deutschland Antikorruptions-Compliance Emanuel Ballo, Alexander Baur M.A. B.Sc., Katharina Beckemper, Monika Becker, Rainer Birke, Johannes Blassl, Frank Böhme, Ingo Bott, Hans Brunhart, Markus Busch LL.M., Marc Engelhart, Michael Faske, Richard Findl, Christian Gehling, Alexander Geschonneck, Heiner Hugger LL.M., Albert Janet, Guillermo Jorge, Robert Jung, Julia Kahlenberg, Maximilian Kohlhof, Pilar Koukol, Felix Kraushaar, Alaric Leite LL.M., Cäcilie Lüneborg, Pedro Montoya, David Mühlemann, Michael Nunner, Jörg Oesterle, Jan F. Orth LL.M., David Pasewaldt LL.M., Tom Phillips, Gerson Raiser, Philip Montague Raphael, Frank Raue, Thomas Richter, Frauke Rostalski, Simon Schäfer, Barbara Scheben, Anita Schieffer, Anne Schneider LL.M., Christoph Skoupil, Benedikt Sütter, Christoph Tute, Till Zimmermann, 2020-08-14 Das Handbuch behandelt das Thema Antikorruptions Compliance umfassend und abschließend. Nach einer Einführung und einem Überblick über die internationalen Vorgaben werden die deutschen Korruptionsstraftatbestände für Taten im Inland wie im Ausland vertiefend erläutert. Es folgt ein Überblick über wichtige Antikorruptions Compliance Erfordernisse von bedeutenden Nachbarländern und wichtigen Handelspartnern: ACH, F, I, E, England und Wales, USA, Russland, Argentinien, Brasilien, teilweise in englischer Sprache. Ausführlich werden im Anschluss die Pflichten und Maßnahmen von Unternehmen in der Krise erläutert. Dabei werden auch Verhaltensempfehlungen gegeben. Abschließend werden die präventiven Maßnahmen eines Unternehmens für die Antikorruptions Compliance von der Errichtung eines Compliance Management Systems bis hin zur Schulung der Mitarbeiter ausführlich dargestellt.

Wie viel Privatisierung "verträgt" das strafprozessuale Ermittlungsverfahren? Hannah Stoffer, 2016-02-19 Die Privatisierung des Strafverfahrens gehört weltweit zu den zentralen Themen der aktuellen strafprozessualen Diskussion. Der Einsatz von V-Leuten und Sachverständigen sowie die Hinzuziehung Privater im Rahmen der kommunalen Verkehrsüberwachung sind klassische Streitpunkte dieses Problemkreises. Gleichzeitig geraten regelmässig neue Phänomene der Privatisierung ins Blickfeld. So stehen in den letzten Jahren vor allem die Verwertbarkeit verdeckter vernehmungähnlicher Befragungen der staatliche Zugriff auf die Ergebnisse unternehmensinterner Ermittlungen sowie der staatliche Ankauf rechtswidrig erlangter Steuerdaten im Mittelpunkt der Kontroverse. Hannah Stoffer stellt die tatsächlichen und rechtlichen Facetten aller dieser Fallgruppen umfassend dar und erarbeitet auf dieser Grundlage ein Gesamtkonzept zu der Frage, unter welchen Voraussetzungen sich der Staat private Ermittlungen zurechnen lassen muss.

Kollektivautonomer Datenschutz Markus Wünschelbaum, 2022-04-06 Dürfen Betriebsvereinbarungen und Tarifverträge von der DSGVO abweichen und wenn ja wie? Die Kollektivparteien sind bei der Umsetzung der DSGVO aufeinander angewiesen, gerade weil das Bussgeldrisiko bei Verstößen für Arbeitgeber und Betriebsräte hoch ist. Markus Wünschelbaum lotet Gestaltungsmöglichkeiten aus und setzt bei der Diskussion um die Grenzen der Öffnungsklausel neue Impulse. Wichtig ist nicht, ob man abweichen darf, sondern wovon. Dazu konkretisiert er das entscheidende Schutzniveau nach Art. 88 DSGVO insbesondere im Lichte der Kollektivautonomie nach Art. 28 GrCh. Hieraus

erwächst mit der Gestaltungskontrolle ein Schema zur Ermittlung von Gestaltungsspielräumen und ihrer Grenzen Die Anwendung wird anhand von Klausurvorschlägen unterschiedlicher Risikokategorien präsentiert Damit wird zu einem kollektivautonomen Datenschutz beigetragen der das Schutzniveau der DSGVO wahrt und Anpassungen an betriebliche Bedürfnisse ermöglicht Die Arbeit wurde mit dem KLIEMT Dissertationspreis 2021 als die beste Dissertation im Arbeitsrecht ausgezeichnet

Revista LTr | 2022 | Fevereiro Armando Casimiro Costa,Irany Ferrari,Amauri Mascaro Nascimento,Ives Gandra Martins Filho,Maria Cristina Irigoyen Peduzzi,Nelson Mannrich,Sônia Mascaro Nascimento,Jorge Cavalcanti Boucinhas Filho,Lorena de Mello Rezende Colnago,Carlos Alberto Reis de Paula,Guilherme Guimarães Feliciano,Luciana Paula Conforti,Valerio de Oliveira Mazzuoli,Luciane Cardoso Barzotto,YoneFredianie Anita Mezacasa Müller,Geórgia Nova Moreira,Rodolfo Pamplona Filho,Carlos Henrique Bezerra Leite,Rodrigo Goldschmidt,Rodrigo Espiúca dos Anjos Siqueira,João Eberhardt Francisco,Eliana dos Santos Alves Nogueira ,Gabriel Chiusoli Ruscito,Marcelo Freire Sampaio Costa,Gabriela Marcassa Thomaz de Aquino,2022-02-15 Uma verdadeira Enciclop dia do Direito do Trabalho A Revista LTr uma valiosa fonte de estudos e informa es sobre doutrina jurisprud ncia e legisla o do Direito do Trabalho Publica o mensal editada h mais de 80 anos ininterruptamente Abrange toda Legisla o Trabalhista do per odo Doutrina elaborada e assinada por eminentes especialistas em Direito do Trabalho Jurisprud ncia Trabalhista ac rd os na ntegra dos Tribunais Superiores e Regionais Reposit rio autorizado para indica o de julgados no STF e no TST As informa es s o organizadas de modo a tornar mais gil a localiza o da mat ria e a consulta de modo geral S o editados ndices semestrais alfab tico remissivo cronol gico e onom stico sobre toda mat ria publicada no per odo Reposit rio de Jurisprud ncia A Revista LTr com tiragem superior a 3 000 exemplares e circula o em todo o Territ rio Nacional Reposit rio autorizado de jurisprud ncia para indica o de julgados registrado no Supremo Tribunal Federal sob n 09 85 e no Tribunal Superior do Trabalho sob n 02 94 Os ac rd os publicados neste n mero correspondem na ntegra s c pias obtidas nas Secretarias dos respectivos Tribunais Nesta edi o APRESENTA O Carlos Alberto Reis de Paula DOUTRINA ESTRANGEIRA Acesso justi a como um direito humano fundamental significados alcance e interpreta es pela corte interamericana de direitos humanos por Guilherme Guimar es Feliciano e Luciana Paula Conforti Lei aplic vel aos contratos de trabalho de tripulantes de navios de cruzeiros mar timos por Valerio de Oliveira Mazzuoli Elterngeld e elternzeit a licen a parental alem e suas potencias contribui es para a legisla o brasileira por Luciane Cardoso Barzotto e YoneFredianie Anita Mezacasa M ller Consentimento do empregado na Lei Federal de Prote o de Dados Alem por Ge rgia Nova Moreira e Rodolfo Pamplona Filho O contrato de trabalho intermitente nas legisla es trabalhistas brasileira e portuguesa na perspectiva dos direitos humanos e fundamentais dos trabalhadores por Carlos Henrique Bezerra Leite DIREITO PROCESSUAL DO TRABALHO O Tema 786 do Supremo Tribunal Federal e o direito ao esquecimento no mbito das rela es de trabalho por Rodrigo Goldschmidt e Rodrigo Espi ca dos Anjos Siqueira Breve coment rio ao art 139 IV do CPC de 2015 e do art 765 da CLT luz do dever do juiz de assegurar a efetividade de seus provimentos por Jo o Eberhardt

Francisco e Lorena de Mello Rezende Colnago DIREITO DO TRABALHO O trabalho infantil art stico riscos e desafios regulat rios no tratamento de dados de influenciadores mirins por Eliana dos Santos Alves Nogueira e Gabriel Chiusoli Ruscito DIREITO COLETIVO DO TRABALHO Poss vel di logo conceitual de categorias de direitos transindividuais do atual processo coletivo civil com o processo coletivo laboral por Marcelo Freire Sampaio Costa Revolu o 4 0 desafios e estrat gias para garantia da liberdade sindical e da prote o dos trabalhadores por Guilherme Guimar es Feliciano e Gabriela Marcassa Thomaz de Aquino Tecnologia intelig ncia artificial rob tica e dados nas rela es laborais algumas promessas e muitos perigos por Selma Carlotto e T lio de Oliveira Massoni JURISPRUD NCIA TRIBUNAL SUPERIOR DO TRABALHO Mandado de seguran a Ato impugnado que determina a penhora de 30% dos sal rios da impetrante LEGISLA O Decreto n 10 947 de 25 01 22 Plano de contrata es anual sistema de planejamento e gerenciamento de contrata es no mbito da administra o p blica federal direta aut rquica e fundacional Emenda Constitucional n 115 de 10 02 22 Constitui o Federal Prote o de Dados Pessoais entre os direitos e garantias fundamentais Altera o Portaria Interministerial MTP ME n 12 de 17 01 22 Reajuste dos benef cios pagos pelo Instituto Nacional do Seguro Social INSS Pareceristas Carla Reita Faria Leal Carolina Spack Kemmelmeier Eduardo Torres Caprara Enoque Ribeiro dos Santos Hamilton Hourneaux Pompe Juliana Teixeira Luiz Eduardo Gunther Patr cia Maeda Rosemary de Oliveira Pires Afonso Sergio Torres Teixeira Palavras Chave LTr LTR Editora Jur dica Trabalhista Direito do Trabalho Direito Trabalhista Reforma Trabalhista Direito Processo do Trabalho Direito Processual do Trabalho Legisla o Doutrina Jurisprud ncia Leis Lei Trabalho CLT Consolida o das Leis do Trabalho Livro Jur dico Obra Peri dico LTRED

Prävention von Geldwäsche und Terrorismusfinanzierung Klaus Alten,Laura Covill,Ivan Dunjic,Eva Garcia Jurado,Bernhard Gehra,Norbert LL.M. Gittfried,Katharina Hefter,Felix Hildebrand,Joachim Kaetzler,Jannik Leiendecker,Georg LL.M. Lienke,Beat LL.M. Mathys,Bernhard Moitzi,Malaika LL.M. Nolde,Oliver Pauly,Carla Pohle,Knut Clemens Reiser,Raimund Röhrich,Barbara LL.M. Roth,Katharina Skalnik,Wolfgang Vahldiek,Stephan A. Vitzthum,Mike White,2020-09-28 Geldw sche finanziert die organisierte Kriminalit t Terrorismusfinanzierung schafft die Grundlage zur Begehung schwerer Straftaten Banken in ihrer Rolle als prim re Eingangspunkte in den legalen Geldkreislauf und Anbieter zahlreicher Zahlungs und Abwicklungsdienstleistungen sind einem besonders hohen Risiko ausgesetzt zu Zwecken der Geldw sche und Terrorismusfinanzierung missbraucht zu werden Sie unterliegen daher in besonderem Ma e den einschl gigen geldw scherechtlichen Vorgaben des Gesetzgebers und der Finanzaufsicht Die praktische Umsetzung dieser Vorgaben im t glichen von Serviceoptimierung und Kostendruck gepr gten Gesch ft stellt viele Banken vor Herausforderungen Das von Praktikern geschriebene Handbuch liefert konkrete Hilfestellungen zur Konzeption und Implementierung der nach der neuen Gesetzgebung geforderten Verfahren Systeme und Kontrollen Die Neuauflage ber cksichtigt folgende wichtige Neuerungen f r die Praxis Deutschland im Januar 2020 in Kraft getretenes zur nationalen Umsetzung der 5 EU Geldw scherichtlinie bearbeitetes Geldw schegesetz im Mai 2020 ver ffentlichte BaFin Auslegungs und Anwendungshinweise zum bearbeiteten

Geldw schegesetz unter Federf hrung des Bundesministeriums der Finanzen erstellte Erste Nationale Risikoanalyse Bek
mpfung von Geldw sche und Terrorismusfinanzierung 2018 2019 Gro britannien in 2019 in Kraft getretene Money
Laundering and Terrorist Financing Amendment Regulations Schweiz in 2019 erlassene Botschaft zur nderung des Geldw
schereigesetzes sterreich in 2019 in Kraft getretene nderungen des Finanzmarkt Geldw schegesetzes Aus dem Inhalt
Organisatorische Rahmenbedingungen insb Aufgaben des Geldw schebeauftragten Durchf hrung der j hrlichen Risikoanalyse
zur Ermittlung und Bewertung der Risiken der Geldw sche der Terrorismusfinanzierung und sonstiger strafbarer
Handlungen Allgemeine vereinfachte und verst rkte Sorgfaltspflichten insb Identifizierung des Vertragspartners und
wirtschaftlich Berechtigter Umgang mit politisch exponierten Personen PeP und grenz berschreitenden
Korrespondenzbankbeziehungen Transaktions berwachung unter Einsatz von Datenverarbeitungssystemen
Datenschutzrechtliche Aspekte unter Ber cksichtigung der neuen Datenschutzgrundverordnung Kontenabrufverfahren nach
24c KWG Pflichten nach der EU Geldtransferverordnung Pr vention von sonstigen strafbaren Handlungen insb Bestechung
und Korruption Pr fung der Vorkehrungen zur Pr vention von Geldw sche und Terrorismusfinanzierung in der
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Gro britannien Schweiz sterreich

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