

# Press Release

## CMS, China

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### **World leading law firm CMS: some Europe and BRIC nations have strengthened their legislation and widened prosecution on anti-bribery and corruption behaviors**

CMS, one of the top ten law firms worldwide<sup>1</sup>, released its latest *Guide to Anti Bribery and Corruption Laws*. The Guide reveals that over 40 percent of some European and BRIC countries have strengthened their anti-corruption legislation since 2011, by widening the scope of their laws or by increasing sanctions.

The Guide is a comparative survey of the anti-corruption legislation of 26 countries across Europe, including the BRIC countries<sup>2</sup>. Of the 22 countries which were included in both the 2013 and the 2011 study, 9 have strengthened their anti-bribery and corruption laws over the past two years.

Ulrike Glueck, Managing Partner of CMS, China says: "This Guide tells us that there is increasing legislative focus on stamping out bribery and a hardening public attitude against corruption. The new Chinese government is also enhancing its efforts against bribery and corruption. Some recent anti-bribery cases also show that China's measures in this area are in line with international practice. The law is playing an increasingly important role in anti-bribery and anti-corruption efforts."

Kevin Wang, Head of Compliance at CMS, China comments: "According to the U.S. FCPA and the UK Bribery Act, MNCs' Chinese affiliates or subsidiaries' bribery activities may lead to penalties for the offshore parent group by relevant regulatory bodies. Therefore, by providing legal and compliance advice, and to protect the public and businesses' interests, the legal and management teams must have profound understanding of the local laws and regulations with an international vision. "

Some key findings described in the Guide are:

- 95% of the countries now criminalise the corrupt practices of foreign citizens resident in their country for bribery committed beyond their borders. In 2011, the figure was only 68%;
- Over 50% of the countries surveyed also maintain the ability to prosecute local companies and organisations for acts of corruption committed by a foreign subsidiary;
- Facilitation payments are illegal in all of the countries surveyed for the Guide, although in some countries, only public officials can be prosecuted, whereas elsewhere either the bribers or both bribers and officials are subjected to sanctions;
- All of the countries surveyed outlaw public sector corruption and only two (India, and Bosnia & Herzegovina) do not criminalize private sector bribery.

Kevin Wang says: “As the Chinese government increases its anti-bribery and anti-corruption efforts, as well as the growing number of such cases involving MNCs, to mitigate the potential risks, we strongly recommend the companies operating in China to seek compliance advice from relevant legal counsel. The same applies to Chinese companies with overseas investment plans.”

<sup>1</sup> *According to Am Law 2012 Global 100, CMS is a full-service top 10 global law firm, based on the number of lawyers*

<sup>2</sup> *Albania, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, China, Croatia, Czech Republic, France, Germany, Hungary, India, Italy, The Netherlands, Poland, Portugal, Romania, Russia, Serbia, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom.*

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#### **About CMS and CMS, China**

CMS is a full-service top 10 global law firm, based on the number of lawyers (Am Law 2012 Global 100). With 54 offices in 29 countries across the world, employing 2,800 lawyers, CMS has

longstanding expertise both at advising in its local jurisdictions and across borders. CMS acts for a large number of Fortune 500 companies and the FT European 500 and for the majority of the DAX 30.

CMS, China has been active in China on behalf of its clients for several decades and has had an office there since the mid-90s. As a world leading provider of legal and tax advice, we are well placed to advise both European companies doing business in the PRC, and Chinese companies doing business overseas. We are familiar with China and Europe, not only in terms of different legal systems, but also in terms of the cultures. Such knowledge gives us the power to provide profound and customized professional advice to foreign clients' businesses in China. Moreover, our extensive footprint in Europe, not only in Western Europe, but also in Central and Eastern Europe, enables us to provide seamless full service to Chinese clients.

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