

STUDIO DELL'AVVOCATO LUCA DI STEFANO

RESPONSABILITÀ AMMINISTRATIVA DEGLI ENTI EX D. LGS. N. 231/2001

THE BELT AND ROAD INITIATIVE (BRI) ON THE “*STRESS-TEST*” OF THE CORPORATE CRIMINAL LIABILITY IN EUROPE

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ABSTRACT

There are different levels of involvement a company may undertake in its international activity, from low efforts trade and indirect participation partnering with local importers and distributors to high commitment FDI (Foreign Direct Investment). In general, any foreign enterprise operating overseas intuitively knows they must comply with local regulations. However, not all businesses working from abroad know that, regardless the commitment level chosen, companies and associations may be held directly liable for crimes of subjective intent committed on behalf or for the benefit of a company by a class of persons who have operational authority and are therefore liable on behalf of the company¹. We explore the case of Europe as a target market as its legislatures set landmark principles on the topic. China expeditious international business and BRI plans are seen as an opportunity for increasing connectivity among countries. However, the same time, it may go throughout potential hassles. Recent scandals of alleged fraud on COVID-19 masks supplied to Italy might be seen as a red flag as a fraudulent intermediary may not exclude an unaware manufacturing company responsibility. This may advise Chinese as well as any foreign business to maximize efforts to structure themselves properly while growing business overseas.

Pubblicato sulla Rivista

Beijing Law Review

Vol. 13 No. 4, December 2022