

4 This Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with national law.

Article 18

Corporate liability

1 Each Party shall adopt such legislative and other measures as may be necessary to ensure that legal persons can be held liable for the criminal offences of active bribery, trading in influence and money laundering established in accordance with this Convention, committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on:

- a power of representation of the legal person; or
- an authority to take decisions on behalf of the legal person; or
- an authority to exercise control within the legal person;

as well as for involvement of such a natural person as accessory or instigator in the above-mentioned offences.

2 Apart from the cases already provided for in paragraph 1, each Party shall take the necessary measures to ensure that a legal person can be held liable where the lack of supervision or control by a natural person referred to in paragraph 1 has made possible the commission of the criminal offences mentioned in paragraph 1 for the benefit of that legal person by a natural person under its authority.

3 Liability of a legal person under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are perpetrators, instigators of, or accessories to, the criminal offences mentioned in paragraph 1.

4. Denne konvention udelukker ikke straffemyndighed udøvet af en part i henhold til national ret.

Artikel 18

Juridiske personers ansvar

1. Enhver part skal vedtage sådanne lovgivningsmæssige og andre foranstaltninger, der måtte være nødvendige for at fastsætte, at juridiske personer kan kendes ansvarlige for aktiv bestikkelse, handel med indflydelse og hvidvaskning af penge som fastsat efter denne konvention, der for at skaffe dem vinding er begået af en person, der handler enten individuelt eller som medlem af et organ under den juridiske person, og som har en ledende stilling inden for den juridiske person, baseret på:

- beføjelse til at repræsentere den juridiske person, eller
- beføjelse til at træffe beslutninger på den juridiske persons vegne, eller
- beføjelse til at udøve intern kontrol,

samt sådanne personers medvirken til eller anstiftelse af sådanne handlinger.

2. Ud over de i stk. 1 omhandlede tilfælde skal enhver part træffe de nødvendige foranstaltninger for at sikre, at en juridisk person kan kendes ansvarlig, når utilstrækkeligt tilsyn eller utilstrækkelig kontrol fra en af de i stk. 1 omhandlede personers side har gjort det muligt for en person, der er underlagt den juridiske persons myndighed, at begå en af de i stk. 1 nævnte strafbare handlinger for at skaffe den juridiske person vinding.

3. Juridiske personers ansvar i henhold til stk. 1 og 2 udelukker ikke strafferetlig forfølgning af fysiske personer, der begår, anstifter eller medvirker til de i stk. 1 nævnte strafbare handlinger.