

Compliance Break-Out Lunch



The Whistleblower Protection Act finally comes into force

What are the organizational implementation requirements for companies at national and international level?

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Now that the Whistleblower Protection Act has been passed by the German Bundestag and Bundesrat and will soon come into force, companies are asking themselves how they can best comply with the requirements of the Act within their own organization, in particular how to organize a whistleblowing office within the company or groups of companies.

If this is already a challenge at the national level, it is even more complex in the international context, where different implementing laws in the Member States impose different legal requirements on the organization of the whistleblowing office, reporting channels and confidentiality obligations, e.g. in the form of specific publication obligations in France or specific confidentiality obligations in Spain.

We would like to inform you about possibilities for the organizational design of the internal reporting office in two webinars, each lasting one hour. In the first event - together with **Carla Fuster Barjau** (Transfesa SA, Madrid), **Thomas Baumgartner** (Kanzlei Haslinger Nagele, Vienna) and **Gabriel Hannotin** (Kanzlei Gide Loyrette Nouel, Paris) - we would like to focus on an international aspect and in the second event on the conclusions for the organizational design of the whistleblowing office within the group. The first session will be held in English.

PART 1: Requirements for the reporting office at international level

Tuesday, 27.06.2023, 13.00 to 14.00 h

- **What framework does the EU directive set?**
Scope of application, secrecy provisions; permissibility of a group solution
- **Concrete requirements of individual European transposition laws**
*Particularities of the implementation in **Spain** (Carla Fuster, Transfesa SA), **Austria** (Thomas Baumgartner, Kanzlei Haslinger Nagele), **France** (Gabriel Hannotin, Kanzlei Gide Loyrette Nouel)*

PART 2: Organizational design of the whistleblowing office

Tuesday, 04.07.2023, 13.00 to 14.00 hrs

- **How can an internal whistleblowing office be organized?**
Establishment within the company and the group; SLAs and inter-company agreements in corporate groups, assignment of employees from different divisions and companies to the whistleblowing office
- **How can the independence of employees within the whistleblowing office be ensured?**
Requirements for employment contracts, job descriptions and delegations
- **How can the whistleblowing office and the internal investigations department work together?**
Requirements for the disclosure of the identity of persons concerned, organizational involvement of the internal investigations department, follow-up measures

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Speakers



Dr. Martin Schorn is a partner at Pohlmann & Company and advises on all aspects of corporate criminal law. He represents companies, managers and private individuals in criminal investigations or administrative fine proceedings, both on the side of the accused and on the side of the injured party. His areas of specialization include corruption offences, also in an international context, money laundering and IT criminal law, capital market and insolvency criminal law as well as the area of criminal product liability.



Daniel Pfaff is Counsel at Pohlmann & Company and advises clients on compliance and corporate governance, with a focus on conducting compliance risk analyses and designing in-house compliance management systems and compliance organizations.



Carla Fuster Barjau is a Spanish lawyer and compliance specialist with more than 12 years of compliance experience. She has worked for listed and non-listed multinational companies in the automotive, energy, oil and gas, and transport and logistics sectors, holding roles in risk analysis, audit and internal control, consulting, strategy, international coordination, communications, training, awareness, and whistleblowing management. Since 2020, Carla has been Head of Compliance at Transfesa Group, a subsidiary of DB Cargo.



Thomas Baumgartner is a lawyer and certified compliance officer. In addition to providing traditional advice and representation in all areas of conflict resolution, he also offers an interdisciplinary consulting approach to accompany companies both in the establishment and further development of preventive compliance measures as well as in the handling of compliance violations and the associated enforcement or defense of any claims for compensation.



Gabriel Hannotin is a French lawyer and Counsel in the Disputes team of the law firm Gide Loyrette Nouel. He specializes in commercial litigation and white collar crime and compliance. Gabriel regularly advises French and international clients on compliance matters with a particular focus on internal investigations.