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Type of crimes/administrative offenses from which, according to the legislature, corporate liability may arise It is possible for a company to commit most criminal offenses. However, for a company to commit an offense as a principal: The offense must be punishable with a fine (eg, this excludes murder, treason, piracy).

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CRIMINAL LIABILITY IN REGULATORY CONTEXTS

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systems now include criminal sanctions against legal entities; other jurisdictions contemplate to introduce new legal provisions on this matter. The regulatory approaches taken are manifold—even in otherwise similar criminal justice systems.

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According to the PRC Criminal Law, corporate liability arises when: (i) a unit crime has been committed; (ii) a unit is preparing for a crime; and (iii) a unit has already begun to carry out a crime but the crime is not consummated because of factors independent from the will of the unit. We believe that if the criminal conduct is voluntarily extinguished, the corporate criminal liability will also be extinguished.

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