

**S**jöcrona Van Stigt is the largest law firm in the Netherlands solely dedicated to advice and litigation in criminal cases. With its clear, pragmatic approach to problem solving, the firm has gained an excellent reputation, both nationally and internationally. Acquisition International speaks to Enide Perez, partner and Max Vermeij, associate criminal defence lawyers about business crime defence in the Netherlands.

Sjöcrona • van Stigt was founded in 1992, when Arthur van Stigt and his criminal defence section (up to that moment working at the largest law firm in Rotterdam) and Jan Sjöcrona from The Hague, started a new firm, together with a small, already existing criminal defence boutique. For all persons involved, this step was inspired by the wish to work together as criminal law specialists on the highest level, and to serve clients throughout the Netherlands and abroad, in any criminal law area.

“We specialise in cases involving tax offences, fraud and economic offences, such as violations of environmental law and health and safety regulations (industrial accidents). We also advise on possible liability under criminal law of companies and its executives and on how to prevent such liability as well as on internal investigations and the reports thereof. Max also specialises in proceeds of crime cases.

“ We have authored multiple publications on money-laundering legislation, and recently published on the possible consequences of the UK Bribery Act for Dutch legal entities and – in English – on Dutch bribery legislation. “

### **How severe is the problem of business crime in the Netherlands?**

“Obviously, business crime is not a new social phenomenon, and there are no indications that lately there has been a “business crime wave”. It is the extent to which policy makers and prosecutors focus their attention on business crime which can be seen to vary over time. In the past decade, we have witnessed politicians and prosecutors paying ever more attention to business crime. To accompany this trend, sentences for white collar suspects have risen dramatically in recent years. Also, the arsenal of coercive measures at the disposal of the Prosecution Service has been enlarged, and the actual use of existing coercive measures

has increased (for instance, the Netherlands is world leader in police phone taps). Defence rights have been eroded, or at least cannot be said to have expanded at the same rate as prosecutorial powers have (for instance, suspects do not even have the right to have their lawyer present during interrogation). “

### **With cross border deals on the increase, how important is knowledge of international laws?**

“For us it is always important to have up to date knowledge of all developments in criminal legislation. That includes foreign legislation that can affect Dutch (legal) persons. Of course, a recent example is the UK Bribery Act, that comes into force 1 July 2011, now that the Act can affect Dutch companies when they carry on (part of) their business in the UK. If that is the case, Dutch companies, as any other company, can be held criminally liable for not preventing corruption being performed by a person that is “associated” with the company. Together, we published about these and other consequences for Dutch companies.”

### **What makes you the right business crime defence lawyer ?**

“When clients retain the services of our firm, they know for sure that we will endeavour to avoid media exposure, thereby protecting their company’s most important asset: its reputation. As the saying goes, one’s reputation comes on foot but departs on horseback. Winning a criminal case in court, but seeing the company in question, in the process, being “virtually” destroyed on the internet, will not do our clients any good. Although our lawyers are keen to litigate and defend our clients in court, we will always choose (if expedient and possible) the less “glamorous” approach of trying to arrange an out-of-court settlement or a dismissal.”

### **Can you provide any examples of recent cases within which you have had significant involvement?**

“Since 2006, we have been working, together with two other colleagues in our firm, on a fiscal fraud case that recently went to trial, involving many court days. It was an interesting case, not only because of the fiscal criminal topics, but also because this criminal case had a link with ongoing Dutch and European legal proceedings on private copying levies. In order to best defend our client’s case, we cooperated with a specialist in that field. Our five years of work paid off and the prosecutor’s demands were not followed by the court.”



**Enide Z. Perez**



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