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Corporate Social Responsibility: Verbindliche Standards des Wettbewerbsrechts? (MPI Studies on Intellectual Property and Competition Law) (German Edition)

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Im Zuge der Finanz- und Wirtschaftskrise wird verstärkt diskutiert, welcher Mechanismen es bedarf, um die Interessen *aller* Marktteilnehmer im Wirtschaftsleben zu wahren. Große Bedeutung gewonnen hat dabei der Aspekt der *„business ethics“*. So richten immer mehr Unternehmen sog. Compliance-Abteilungen ein, die die Einhaltung von unternehmensinternen Grundsätzen wie namentlich die der *„Corporate Social Responsibility“* (CSR) zur Aufgabe haben. Kaum untersucht ist bislang jedoch die *rechtliche Verbindlichkeit* solcher CSR-Standards, obgleich sie zunehmend von Unternehmen auf ihrer Website verkündet oder auf anderem Wege zu Public Relations- und Marketingzwecken – bis hin zur Werbung – eingesetzt werden.

Sind CRS damit nur wohlklingende Absichtserklärungen, oder handelt es sich um rechtlich verbindliche Standards – und wenn ja, unter welchen Voraussetzungen entsteht ein Rechtsanspruch gegen Unternehmungen, wenn diese die sich selbst gegebenen Standards nicht einhalten? Anders gefragt: Gibt es ein „corporate right to lie“, oder setzt das (deutsche, europäische, internationale) Recht Grenzen? Im Fokus steht hierbei das *Recht zur Bekämpfung unlauteren Wettbewerbs*, im deutschen Sprachgebrauch kurz auch Lauterkeitsrecht genannt, das in allen entwickelten Wirtschaftsnationen – wenn auch mit unterschiedlichem Ansatz – Markthandlungen unter dem Gesichtspunkt der „Fairness“ überprüft.

Die Autoren der Beiträge dieses Buches sind ausgewiesene Fachleute des Europa-, Wirtschafts- und Wettbewerbsrechts. Sie diskutieren auf der Grundlage rechtstatsächlicher Erkenntnisse alle mit der wettbewerbsrechtlichen Beurteilung von CSR zusammenhängenden Fragen, insbesondere unter Berücksichtigung der Rolle, die CSR für Unternehmen, Abnehmer und die Gesamtwirtschaft spielt.

Auch die Vorstellungen anderer Rechtsordnungen und Kulturkreise sind einbezogen. Gefragt wird letztlich, ob es ein U*nternehmerleitbild* gibt, das die Beachtung ethischer Standards einschließt und das über das Lauterkeitsrecht auch rechtliche Verbindlichkeit erlangt.

Mit Keynote von *Gesine Schwan*.

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