



# DEAL REPORT

## Supervisory Board Members Obligated to Return Documentation

On July 7, 2008, in proceedings against an employee representative on the supervisory board, the German Federal Supreme Court (BGH) held that supervisory board members were obliged to return to the company any corporate documentation in their possession upon completion of their term of office. This also applied if the five-year period, in which any claims for damages arising from office tenure could be made, had not yet elapsed. The requirement to return documentation is derived from the German civil code provisions on mandates and can additionally be incorporated into the rules of procedure of the supervisory board.

Hengeler Mueller represented the DAX-listed company concerned in all instances leading to the BGH, which confirmed the decisions of the lower courts. Advice was provided by partner Andreas Austmann and associates Sven Greulich and Manuela Roeding (all Düsseldorf).

Contact: Keith D. Bain  
- PR Manager -  
Hengeler Mueller  
Partnerschaft von Rechtsanwälten  
  
Bockenheimer Landstrasse 24  
60323 Frankfurt  
Tel.: +49 69 17095-207  
Fax: +49 69 725773  
[keith.bain@hengeler.com](mailto:keith.bain@hengeler.com)

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