

Your World First

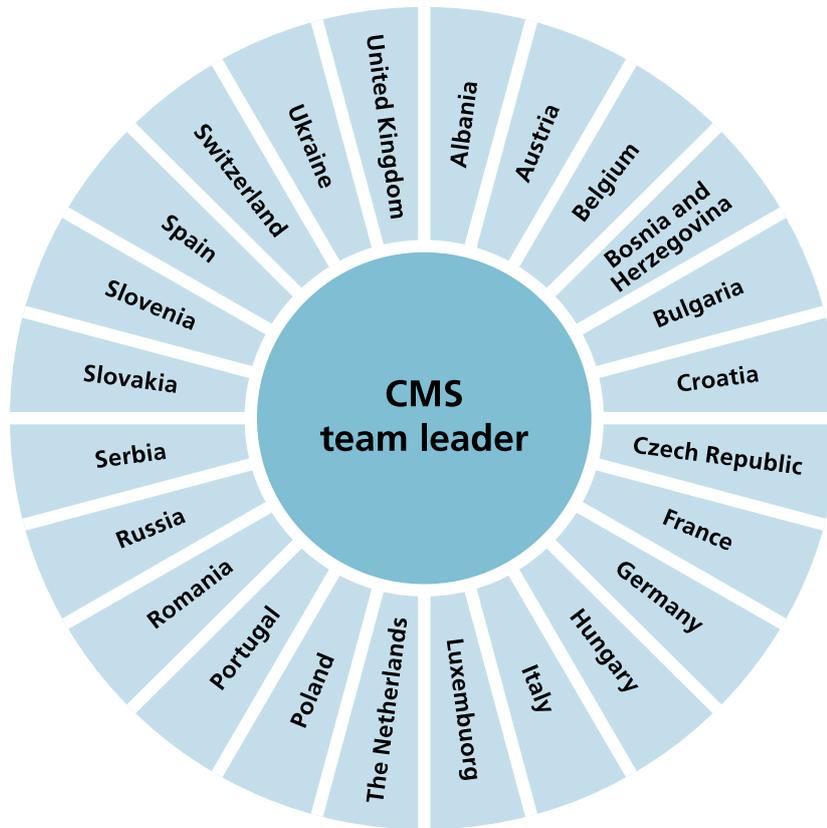
C/M/S

Law.Tax

Competition services: dawn raid response team

January 2014

We are at your side across Europe



What CMS can do to help

Training – brief, focused, practical

Mock dawn raid

Guidelines and checklists for receptionists, lawyers, managers and board members

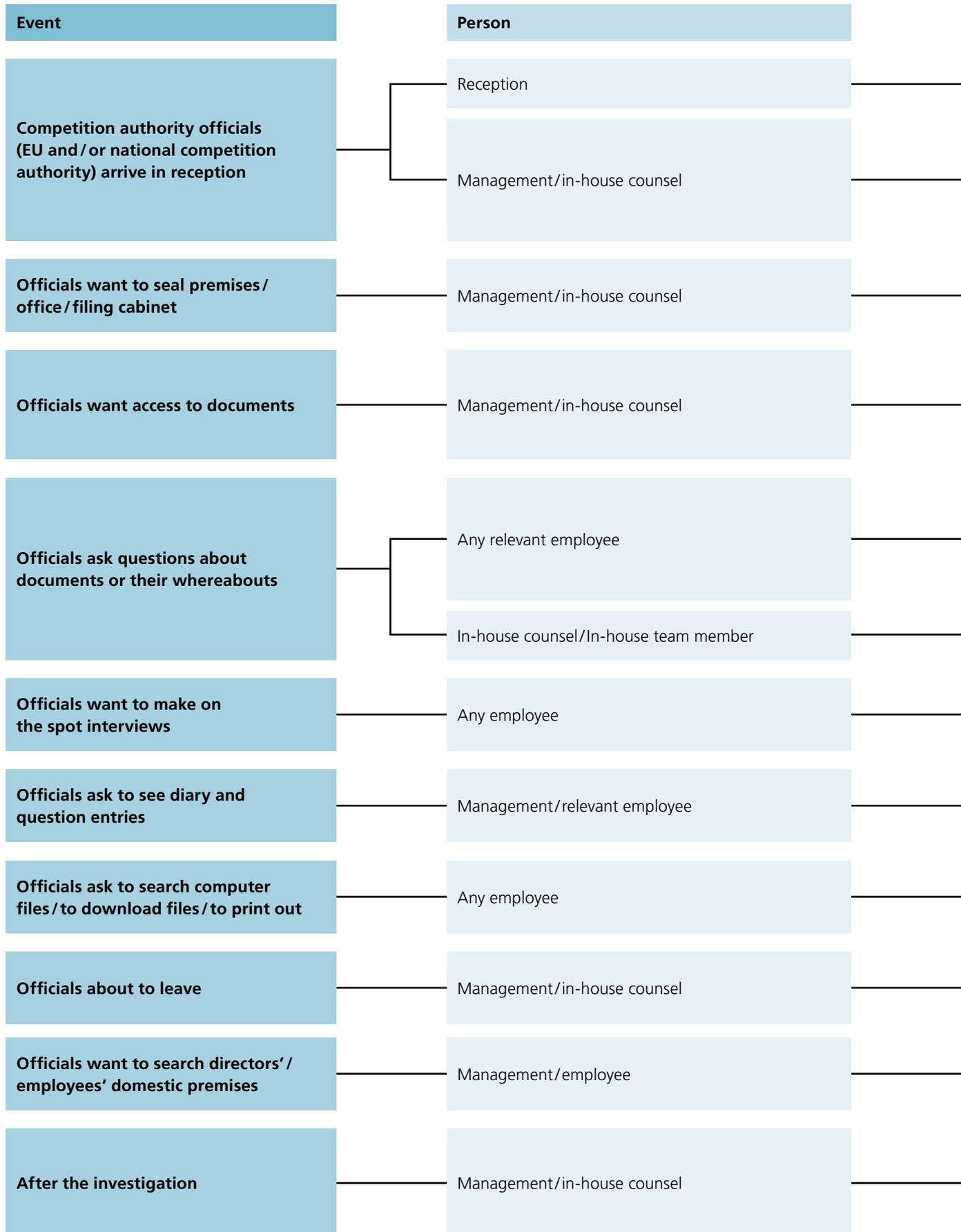
Instant response team

- single point of contact – responsible coordinator
- lawyers at your offices under CMS guidance (even where no CMS office)
- organise company support team

Deal with investigation

- follow up submissions
- handle leniency applications
- liaison with competition authority

Competition dawn raids



Action

Check and note identifications; call management and in-house counsel; look after officials.

Refer to Dawn Raid Emergency Checklist. Inform external lawyers.
If no In-house counsel, ask officials if they will wait for external lawyer to arrive.
Check authorisations – is there a judicial warrant? Check scope. Take copies.
Organise in-house team. Never leave officials alone. Contact other senior management, head office and other company premises (parallel raids?) – unless officials have specified to the contrary.

Must comply.

Must comply.
Do not leave officials alone.
Take copies of all documents seized, copied or seen by officials.
Ensure that officials do not see legally privileged information.

In principle must comply.
No right to silence.
Never lie.
Answer the question but do not volunteer if information not requested; do not speculate; do not give opinions.

Keep notes of questions asked and answers given.

Have lawyer present.
Keep notes of questions asked and answers given.

In principle, must comply. Ask why relevant to investigation.
Confirm meetings took place. Do not self incriminate. Keep notes of discussion.

Do not obstruct. Tell management/lawyer. Call IT department.
Print out extra copy for record.

Agree a minute of the inspection (persons questioned, offices visited, documents copied) before officials leave.

Must comply if there is a warrant.
Take copies of all documents seen, copied or seized.

Review questions asked and answered and documents copied.
Rectify any incorrect information or answers given as soon as possible.
Plan next steps.

This commentary is not a full review of the topic it covers and does not purport to give legal advice. If you would like to receive specific legal advice please speak to your usual contact at CMS. All liability for damages arising from the information provided is explicitly excluded.

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