

Your World First

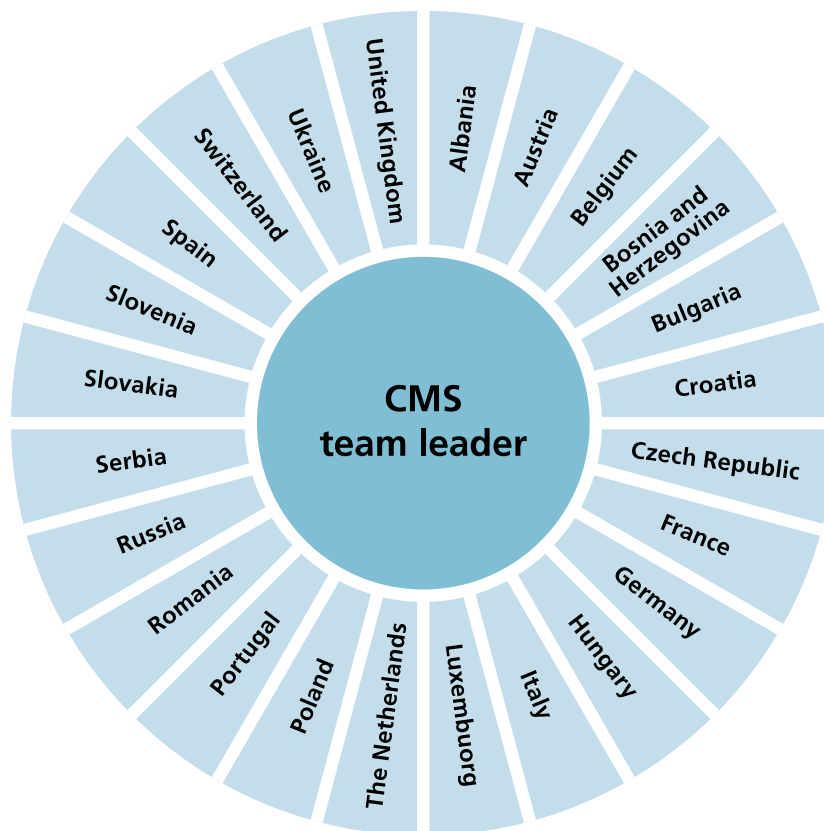
C/M/S

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

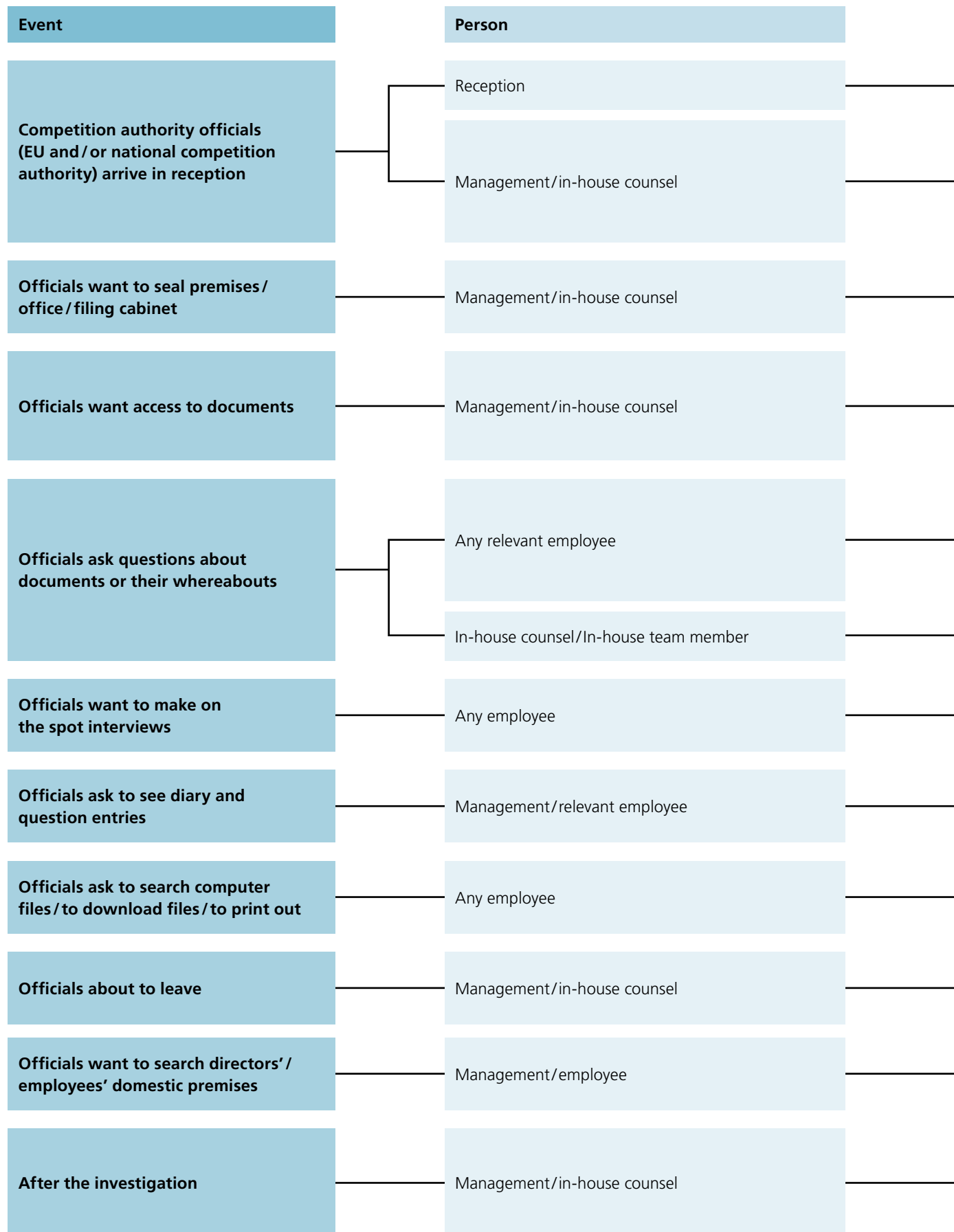
Instant response team

- 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.

Your contacts

Albania

Mirko Daidone

T +355 4 430 2126
M +355 694 060813
E mirko.daidone@cms-aacs.com

Austria

Bernt Elsner

T +43 1 40443 1800
M +43 664 604 433 1800
E bernt.elsner@cms-rrh.com

Belgium

Annabelle Lepièce

T +32 2 74369 34
M +32 478 293204
E annabelle.lepiece@cms-db.com

Michael Bauer

T +32 2 6500 420
M +49 173 2831322
E michael.bauer@cms-hs.com

Robert Bosman

T +32 2 6500 450
M +32 475 458685
E robert.bosman@cms-dsb.com

Bosnia and Herzegovina

Nedžida Salihović-Whalen

T +387 33 2964 08
M +387 61 195126
E nedzida.salihovic-whalen@cms-rrh.com

Bulgaria

Nevena Radlova

T +359 2 92348 66
M +359 898 444426
E nevena.radlova@cms-cmck.com

Gentscho Pavlov

T +359 2 92199 21
M +359 886 800803
E gentscho.pavlov@cms-rrh.com

Croatia

Gregor Famira

T +385 1 4825 602
M +385 91 4044000
E gregor.famira@cms-rrh.com

Czech Republic

Barbora Dubanská

T +420 2 96798 811
M +420 724 920750
E barbora.dubanska@cms-cmck.com

France

Denis Redon

T +33 1 4738 5632
M +33 6 71608866
E denis.redon@cms-bfl.com

Germany

Duesseldorf

Dietmar Rahlmeyer

T +49 211 4934 420
M +49 171 5323374
E dietmar.rahlmeyer@cms-hs.com

Frankfurt

Stefan Lehr

T +49 69 71701 415
M +49 174 3424335
E stefan.lehr@cms-hs.com

Hamburg

Markus Schöner

T +49 40 37630 365
M +49 174 3445837
E markus.schoener@cms-hs.com

Munich

Jens Neitzel

T +49 89 23807 301
M +49 179 3957680
E jens.neitzel@cms-hs.com

Stuttgart

Harald Kahlenberg

T +49 711 9764 303
M +49 173 3201061
E harald.kahlenberg@cms-hs.com

Hungary

Dóra Petrányi

T +36 1 48348 20
M +36 30 2020777
E dora.petranyi@cms-cmck.com

Italy

Paolo Scarduelli

T +39 02 4801 1171
M +39 335 5399977
E paolo.scarduelli@cms-aacs.com

Luxembourg

Vincent Marquis

T +352 26 2753 24
M +352 621 167640
E vincent.marquis@cms-dblux.com

Annabelle Lepièce

T +32 2 74369 34
M +32 478 293204
E annabelle.lepiece@cms-db.com

The Netherlands

Dian Brouwer

T +31 30 2121 740
M +31 6 52643924
E dian.brouwer@cms-dsb.com

Poland

Małgorzata Urbńska

T +48 22 520 5597
M +48 609 100711
E malgorzata.urbanska@cms-cmck.com

Portugal

António Payan Martins

T +351 21 09581 40
M +351 9 12247238
E antonio.payanmartins@cms-rpa.com

Romania

Horea Popescu

T +40 21 4073 824
M +40 744 523258
E horea.popescu@cms-cmck.com

Russia

Maxim Boulba

T +7 495 786 4023
M +7 903 1369852
E maxim.boulba@cmslegal.ru

Serbia

Radivoje Petrikic

T +381 11 3208 925
M +381 65 8445969
E radivoje.petrikic@cms-rrh.com

Slovakia

Nad'a Roštek Spustová

T +421 2 3233 3432
M +421 903 958568
E nada.rostek.spustova@rc-cms.sk

Slovenia

Aleš Lunder

T +386 1 620 5210
M +386 41 788 600
E ales.lunder@cms-rrh.com

Spain

Patricia Liñán Hernández

T +34 91 4519 335
M +34 609 309249
E patricia.linan@cms-asl.com

Switzerland

Patrick Sommer

T +41 44 2851 382
M +41 79 4203101
E patrick.sommer@cms-vep.com

Ukraine

Olexander Martinenko

T +380 44 391 7704
M +380 50 4694078
E olexander.martinenko@cms-cmck.com

Maria Orlyk

T +380 44 500 1718
M +380 67 4456963
E maria.orylk@cms-rrh.com

United Kingdom

Susan Hankey

T +44 20 7367 2960
M +44 7747 631310
E susan.hankey@cms-cmck.com

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