



Competition Law Compliance

DAWN RAID RAPID RESPONSE AND HOTLINE SERVICE

T: +44 (0)870 839 0000

Hammonds



Hammonds' Dawn Raid Hotline

FEELING EXPOSED?

The European Commission and the National Competition Authorities "NCA"s throughout the EU Member States have extensive powers to carry out unannounced inspections (so called "dawn raids") on companies that they suspect of taking part in anti-competitive activities such as cartels, price fixing and bid rigging with competitors. For many companies a dawn raid is the first they will know about an investigation.

Though it is impossible to guarantee you will never be the subject of a dawn raid, it is possible to prepare yourself so that, if a raid does happen, you will be able to deal with the situation effectively. At Hammonds we believe that preparation for the event of an eventual dawn raid is part of the wider corporate objective of full competition law compliance. Accordingly, we provide Competition Law Compliance Programmes for our clients, of which dawn raid training is an integral part, together with Competition Law Audits.

MULTI-MILLION € FINES AND/OR JAIL

Infringement of EU competition law carries a financial penalty of up to 10% of the world-wide turnover of the company concerned. The Commission has to date fined companies operating in the EU a combined total of over € 3 billion. In addition, in many jurisdictions, the parallel application of national competition laws carries criminal sanctions including prison sentences. For example, in the UK, legislation introduced in 2003 has made certain forms of cartel activity a criminal offence punishable by up to five years imprisonment and/or an unlimited fine.

With these significant penalties, it is imperative that companies consider their exposure to competition law investigations and put in place appropriate compliance procedures, by taking legal advice on any potential competition law issues that arise and by preparing for and dealing with a dawn raid.

HAMMONDS' DAWN RAID HOTLINE

In response to the above, Hammonds has established a pan-European "Dawn Raid team" to respond rapidly in the event that the Commission or an NCA launches a dawn raid on your premises. The Dawn Raid team is made up of members of our specialist Competition Law team and specifically trained lawyers from other departments of the firm so as to provide the team with the widest possible geographic reach. Immediately upon making a telephone call to the Hammonds' Dawn Raid Hotline (T: +44 (0)870 839 0000) you will be directed to a member of the Dawn Raid team trained to handle such situations, with the support of Hammonds' specialist Competition lawyers qualified in almost every EU jurisdiction and beyond.

DEALING WITH A DAWN RAID

Should your worst fears be realised and the European Commission and/or NCA investigators arrive unannounced - do not panic! Ask the investigators to wait a moment as you call Hammonds via the Dawn Raid Hotline

(T: +44 (0)870 839 0000). Tell the operator that you need to speak to a member of the Dawn Raid team about an unannounced investigation into alleged breaches of competition law.

If you give the details of the location of the inspection the operator will put you through to the member of the Hammonds' Dawn Raid team who is located nearest to the investigation.

Hammonds believes that preparation for the event of an eventual dawn raid is part of the wider corporate objective of full competition law compliance.

Hammonds will allocate a team to come to your assistance as quickly as possible, giving you advice by telephone in the interim.

The investigators should agree to wait until the Hammonds' Dawn Raid team reaches you, but in the event that they insist upon commencing the search before the Hammonds' lawyers arrive there follows a summary of some of the most basic issues to be mindful of when handling dawn raid investigations:

- Keep copies of any documents or records which the officials copy. Keep a general record of all files and documents inspected whether copied or not.
- Request a signed inventory of the copies and extracts taken by the investigators during the investigation.
- Keep a written record of any oral questions asked and the answers given. Ask for a copy of any minutes taken by the investigators of any oral explanations provided and/or any recordings made of any conversations.
- After the inspection the company officials should review, with Hammonds, what has happened and decide whether to submit additional documents or other statements to the competition authorities.



WHAT WILL THE HAMMONDS DAWN RAID TEAM DO?

The lawyers attending will advise you on how to handle the investigation, initially by telephone. On arrival they will take over the investigation on the company's behalf. Once the raid has concluded the team will set about constructing the company's defence.

HAMMONDS' COMPETITION LAW TEAM

Based in Hammonds' offices in Brussels, London, Manchester, Paris, Berlin, Munich, Rome and Madrid, our Competition Law team provides one of the best pan-European Competition Law services in Europe. We have a wealth of expertise and experience advising clients on all aspects of EU and national competition law and regularly represent our clients before the European Commission and NCAs.

The team is headed by Tom Pick in our Brussels office and Diarmuid Ryan in our Manchester and London Offices and has qualified competition specialists in almost every EU jurisdiction. More information about the team and our experience and expertise is available online at WWW.HAMMONDS.COM.

SIMPLE, CLEAR AND COMMERCIAL ADVICE...

In addition to the specific Dawn Raids Support Service, Hammonds offers a full range of competition law advice and support. Our emphasis is always on providing simple, clear and commercial advice.

SPECIFIC ADVICE AND DAY-TO-DAY SUPPORT

As well as providing specific advice on all “behavioural” aspects of EU and national competition law and all “structural” issues relating to merger control, we also offer assistance with the following:

- The preparation and implementation of Competition Law Compliance Programmes.
- Corporate/commercial competition audits.
- Applications to the European Commission or NCAs for leniency.
- The preparation and pursuit of complaints against the competition authorities.
- Representation before the European Commission, NCAs and the courts.

PREVENTION IS BETTER THAN CURE - HAMMONDS' COMPETITION LAW AUDIT

Because prevention is better than cure in these matters, Hammonds' Competition Law team also provides a full Competition Law audit service, which involves a complete analysis of the sales practices of the company to ensure that they comply with European and national competition laws. In the event that an audit uncovers serious infringements

Hammonds can advise you on applying to the European Commission or national competition authority for leniency – which can mean a reduction in fines of up to a 100%.

FURTHER INFORMATION

For further information please contact:

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