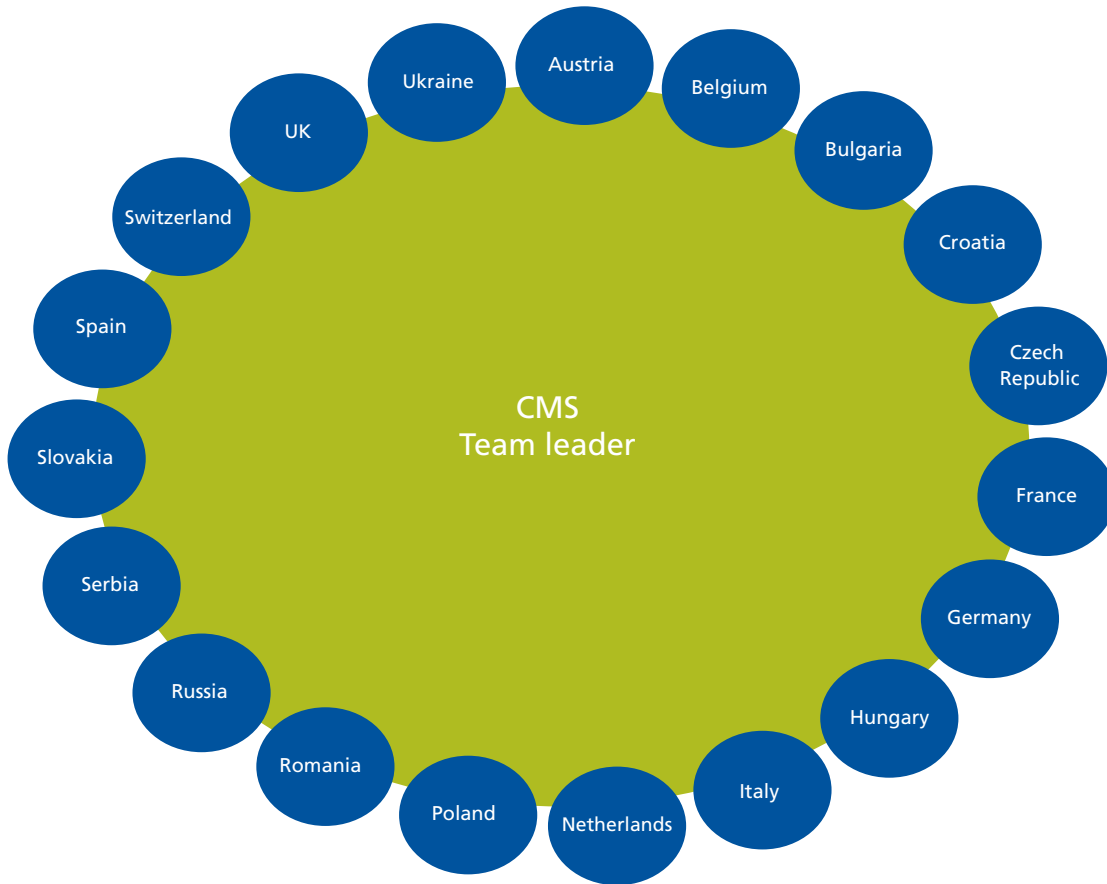




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Competition services: Dawn raid response team

Managing your risk



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
 - 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

EVENT	PERSON	ACTION
Competition authority officials (EU and/or national competition authority) arrive in reception	Reception	Check and note identifications; call management and In-house counsel; look after officials
	Management/ In-house counsel	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
Officials want to seal premises/office/filing cabinet	Management/In-house counsel	Must comply
Officials want access to documents	Management/In-house counsel	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
Officials ask questions about documents or their whereabouts	Any relevant employee	In principle must comply No right to silence Never lie Answer the question but do not volunteer information not requested; do not speculate; do not give opinions
	In-house counsel/in-house team member	Keep notes of questions asked and answers given
Officials want to make on the spot interviews	Any employee	Have lawyer present Keep notes of questions asked and answers given.
Officials ask to see diary and question entries	Management/relevant employee	In principle, must comply. Ask why relevant to investigation. Confirm meetings took place. Do not self incriminate. Keep notes of discussion
Officials ask to search computer files/ to download files/to print out	Any employee	Do not obstruct. Tell management/lawyer. Call IT department. Print out extra copy for record
Officials about to leave	Management/In-house counsel	Agree a minute of the inspection (persons questioned, offices visited, documents copied) before officials leave
Officials want to search directors'/employees' domestic premises	Management/employee	Must comply if there is a warrant Take copies of all documents seen, copied or seized
After the investigation	Management/In-house counsel	Review questions asked and answered and documents copied Rectify any incorrect information or answers given as soon as possible Plan next steps

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