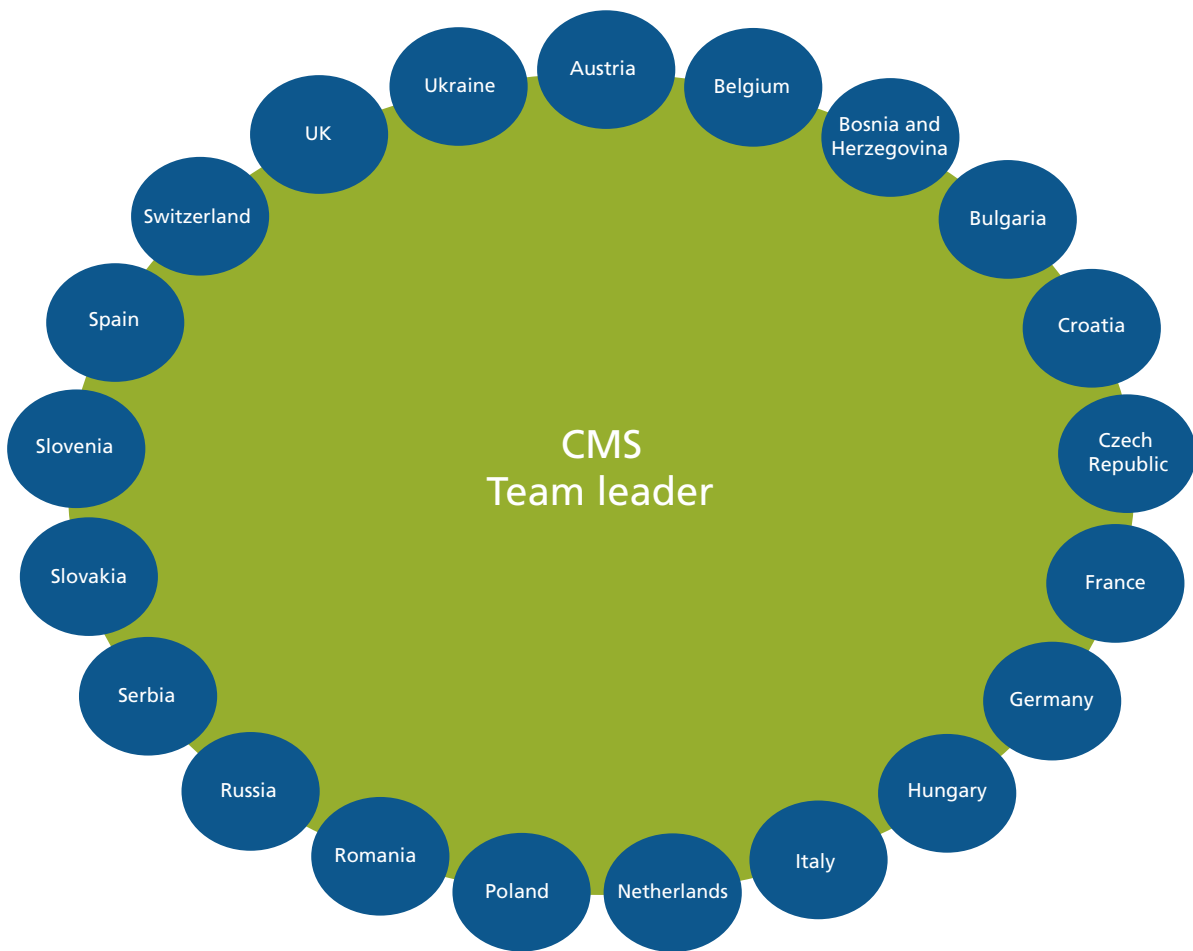




CMS Adonnino Ascoli & Cavasola Scamoni CMS Albiñana & Suárez de Lezo
CMS Bureau Francis Lefebvre CMS Cameron McKenna CMS DeBacker CMS Derks Star Busmann
CMS von Erlach Henrici CMS Hasche Sigle CMS Reich-Rohrwig Hainz

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 |

Austria

CMS Reich-Rohrwig Hainz
Bernt Elsner
T 43 1 40 443 185
M 43 664 604 433 180
E bernt.elsner@cms-rrh.com

Belgium

CMS DeBacker
Annabelle Lepièce
T 32 2 743 6900
M 32 478 29 32 04
E annabelle.lepiece@cms-db.com

Bosnia and Herzegovina

CMS Reich-Rohrwig Hainz
Nedzida Salihovic-Whalen
T 387 33 296 408
M 387 61 195 126
E nedzida.salihovic-whalen@cms-rrh.com

Bulgaria

Petkova & Sirlishtov in cooperation with
CMS Cameron McKenna LLP
Pavel Hristov
T 359 2 921 9910
M 359 898 362 325
E pavel.hristov@cms-cmck.com

Pavlov and Partners Law Firm in cooperation
with CMS Reich-Rohrwig Hainz
Gentscho Pavlov
T 359 2 921 9921
M 359 886 800 803
E gentscho.pavlov@cms-rrh.com

Croatia

CMS Reich-Rohrwig Hainz
Gregor Famira
T 385 1 4825 600
M 385 91 404 4000
E gregor.famira@cms-rrh.com

Czech Republic

CMS Cameron McKenna v.o.s.
Kristyna Oberfalcerova
T 420 2 9679 8111
M 420 724 721 304
E kristyna.oberfalcerova@cms-cmck.com

France

CMS Bureau Francis Lefebvre
Olivier Benoit
T 33 1 47 38 56 56
M 33 6 85 67 66 47
E olivier.benoit@cms-bfl.com

Germany

CMS Hasche Sigle Duesseldorf
Dietmar Rahlmeyer
T 49 211 49 34 420
M 49 171 53 23 374
E dietmar.rahlmeier@cms-hs.com

CMS Hasche Sigle Frankfurt

Stefan Lehr
T 49 69 717 01 415
M 49 174 34 24 335
E stefan.lehr@cms-hs.com

CMS Hasche Sigle Hamburg
Markus Schöner
T 49 40 37630 365
M 49 174 344 58 37
E markus.schoener@cms-hs.com

CMS Hasche Sigle Munich

Jens Neitzel
T 49 89 23 80 7 301
M 49 179 395 76 80
E jens.neitzel@cms-hs.com

CMS Hasche Sigle Stuttgart

Harald Kahlenberg
T 49 711 97 61 303
M 49 173 320 1061
E harald.kahlenberg@cms-hs.com

Hungary

Ormai és Társai
CMS Cameron McKenna LLP
Lilla Kosa
T 36 1 483 4800
M 36 30 298 0768
E lilla.kosa@cms-cmck.com

Italy

CMS Adonnino Ascoli &
Cavasola Scamoni
Paolo Scarduelli
T 39 02 4801 1171
M 39 335 539 9977
E paolo.scarduelli@cms-aacs.com

Netherlands

CMS Derks Star Busmann
Cees van Bavel
T 31 30 212 1757
M 31 65 47 93 941
E cees.vanbavel@cms-dsb.com

Poland

CMS Cameron McKenna Dariusz Greszta
Spółka Komandytowa
Małgorzata Surdek
T 48 22 520 5555
M 48 603 950 603
E malgorzata.surdek@cms-cmck.com

Romania

CMS Cameron McKenna SCA
Horea Popescu
T 40 21 407 3800
M 40 722 623 258
E horea.popescu@cms-cmck.com

Russia

CMS International B.V.
Yevgeny Voevodin
T 7 495786 4000
M 7 985 233 7596
E yevgeny.voevodin@cmslegal.ru

Serbia

CMS Reich-Rohrwig Hasche Sigle
Radivoje Petrikic
T 381 11 3208 900
M 381 65 844 5969
E radivoje.petrikic@cms-rrh.com

Slovakia

CMS Reich-Rohrwig Hainz Rechtsanwälte
GmbH and CMS Cameron McKenna v.o.s.
in association with Ružička & Partners
Nada Spustova
T 421 2 54433 490, 181
M 421 903 958 568
E spustova@ccsconsulting.sk

Slovenia

CMS Reich-Rohrwig Hainz d.o.o.
Aleš Lunder
T 386 1 620 5210
M 386 41 788 600
E ales.lunder@cms-rrh.com

Spain

CMS Albiñana & Suárez de Lezo, S.L.P.
Jesús Alfaro
T 34 91 451 9312
M 34 649 955 294
E jalfaro@cms-asl.com

Switzerland

CMS von Erlach Henrici Ltd.
Patrick Sommer
T 41 44 285 11 11
M 41 79 420 31 01
E patrick.sommer@cms-veh.com

Ukraine

CMS Cameron McKenna/CMS Bureau
Francis Lefebvre LLC
Olexander Martinenko
T 380 44 391 33 77
M 380 674 012 170
E olexander.martinenko@cms-cmck.com

CMS Reich-Rohrwig Hainz TOV

Andreas Knaul
T 380 44 503 35 46
M 380 50 331 68 97
E andreas.knaul@cms-rrh.com

UK

CMS Cameron McKenna LLP
Susan Hankey
T 44 20 7367 3000
M 44 7747 631310
E susan.hankey@cms-cmck.com

Brussels

CMS EU Law Office
Michael Bauer
T 32 2 650 0420
M 49 173 28 31 322
E michael.bauer@cms-eulaw.com

Robert Bosman
T 32 2 650 04 50
M 32 475 458 685
E robert.bosman@cms-eulaw.com

CMS is the organisation of independent European law and tax firms of choice for organisations based in, or looking to move into, Europe. CMS provides a deep local understanding of legal, tax and business issues and delivers client-focused services through a joint strategy executed locally across 28 jurisdictions with 54 offices in Western and Central Europe and beyond. CMS was established in 1999 and today comprises nine CMS firms employing over 2,400 lawyers and is headquartered in Frankfurt, Germany.

CMS nine member firms are: CMS Adonnino Ascoli & Cavasola Scamoni (Italy); CMS Albiñana & Suárez de Lezo, S.L.P. (Spain); CMS Bureau Francis Lefebvre (France); CMS Cameron McKenna LLP (UK); CMS DeBacker (Belgium); CMS Derks Star Busmann (Netherlands); CMS von Erlach Henrici Ltd. (Switzerland); CMS Hasche Sigle (Germany); and CMS Reich-Rohrwig Hainz (Austria).

CMS offices and associated offices worldwide: Amsterdam, Berlin, Brussels, London, Madrid, Paris, Rome, Utrecht, Vienna, Zurich, Aberdeen, Algiers, Antwerp, Arnhem, Beijing, Belgrade, Bratislava, Bristol, Bucharest, Budapest, Buenos Aires, Casablanca, Cologne, Dresden, Duesseldorf, Edinburgh, Frankfurt, Hamburg, Kyiv, Leipzig, Ljubljana, Lyon, Marbella, Milan, Montevideo, Moscow, Munich, New York, Prague, Sao Paulo, Sarajevo, Seville, Shanghai, Sofia, Strasbourg, Stuttgart, Utrecht, Warsaw and Zagreb.

The members of CMS are in association with The Levant Lawyers with offices in Beirut, Abu Dhabi, Dubai and Kuwait City.

www.cmslegal.com

© CMS Legal Services EEIG