

IBC Legal Conferences presents its annual event

CARTEL RISKS

Discussing major legal challenges and developments in Europe

Friday 6th March 2009, Stanhope Hotel, Brussels, Belgium

The increasingly tough line on cartel enforcement reinforces the need to **understand the significant implications and personal risks involved in cartel activity.**

In just one day this conference will provide you with a **comprehensive update on regulatory and cartel enforcement developments**, highlighting key legal challenges and best practices to deal with cartel risks effectively.

Key subjects covered in this event:

- Criminal liability and extradition
- Criminal enforcement
- Criminal liability in the USA
- Preparation and prevention
- Compliance
- Dawn raids
- Multi-jurisdictional investigations
- Settlement issues
- Private enforcement



Media Partners



To be expertly chaired by:

Antoine Winckler, Partner, **Cleary Gottlieb Steen & Hamilton LLP**, Belgium

Our distinguished line-up of international speakers includes:

Philip Collins, Chairman, **Office of Fair Trading**, UK

Flavio Laina, Deputy Head of Unit, **DG Competition, European Commission**, Belgium

Dr. Rainer Becker, Policy Officer - Administrator, **DG Competition, European Commission**, Belgium

Anne Riley, Associate General Counsel Antitrust, **Shell International**, UK

Dr. Jörg Häring, General Counsel Imaging & IT Division, Healthcare Sector, **Siemens AG**, Germany

Sean-Paul Brankin, Counsel, **Crowell & Moring LLP**, Belgium

Dr. Ingo Brinker, Partner, **Gleiss Lutz**, Germany

Dr. Dirk Elvermann, In-house Counsel, Central Legal Department, **BASF SE**, Germany

Julian M. Joshua, Partner, **Howrey LLP**, Belgium

David Rawlings, Senior Criminal Lawyer, Cartels and Criminal Enforcement Group, **Office of Fair Trading**, UK

Annette Schild, Partner, **Shearman & Sterling LLP**, Belgium

Johan Ysewyn, Partner, **Linklaters LLP**, Belgium

Dr. Till Schreiber, Legal Counsel, **Cartel Damage Claims**, Belgium

Vincent Smith, Partner, **Cohen, Milstein, Hausfeld & Toll LLP**, UK

Sven Völcker, Partner, **WilmerHale LLP**, Belgium

Jeffrey Blumenfeld, Partner, **Crowell & Moring LLP**, USA

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CARTEL RISKS

What this conference will cover

The Commission and national competition regulators throughout Europe view cartels as the most serious form of anti-competitive agreements and are keen to detect and crack down on cartel activities. As a result of the increased enforcement we have seen stiff sanctions in previous months - record fines and prison sentences of up to five years.

Recent landmark decisions such as **Marine Hoses and Car Glass underline how severe the consequences of cartel activities can be.** It is crucial to know how best to deal with cartel risks in order to have an effective competition compliance programme in place.

This conference assembles leading experts from private practice, the Commission and the OFT to **bring you up to speed on the latest developments in settlements, private enforcement, multi-jurisdictional leniency filings, dawn raids and prevention.**

Based on their extensive experience, our leading experts will guide you through the practical implications of recent cases and unravel the changing regulatory landscape, providing you with the tools to **minimize and mitigate your exposure to cartel risks.**

Seven significant benefits of attending:

- Gain invaluable insights into current and future competition policy
- Obtain advice on recent developments and preventing problems – criminal enforcement, leniency and fining guidelines
- Improve your knowledge on how to minimise exposure to cartel risks
- Debate current complex regulations
- Analyse the Commission's policy to prepare for problem areas
- Review practical implications of recent case law
- Learn about strategies to avoid finding your company exposed to cartel risks

Who should attend?

- Private practice lawyers
- In-house counsel
- Economists
- Lawyers in government and public bodies
- National competition authorities

Make sure that you don't miss out on this content-driven interactive discussion forum.

"Excellent quality of speakers and level of debate!"

(Past Delegate of EU Law Series, Geldarch LLP)

"An event you cannot afford to miss!"

(Past Delegate of EU Law Series, Telekom Si)

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UK Competition Law
London, UK, 11th December 2008
www.ibclegal.com/ukcomplaw

EU Merger Control
Brussels, Belgium, 29th January 2009
www.ibclegal.com/mergers

Dominance & Pricing in Europe
Brussels, Belgium, 11th February 2009
www.ibclegal.com/dominance

Competition Law in the Financial Services Sector
London, UK, Spring 2009
Email ibclegal@informa.com

Advanced EC Competition Law
London, April 2009
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Friday 6th March 2009

Stanhope Hotel, Brussels, Belgium

AGENDA

08:40 Registration and coffee

09:20 Chairman's introduction

Antoine Winckler, Partner, **Cleary Gottlieb Steen & Hamilton LLP**, Belgium

Keynote address

09:30 Policies and priorities in cartel enforcement: Promoting competition and encouraging compliance

Philip Collins, Chairman, **Office of Fair Trading**, UK

SECTION I: CRIMINAL LIABILITY AND EXTRADITION

09:50 OFT criminal enforcement: Recent cases and future policy

- The successful *Marine Hoses* prosecution
- Ongoing cases and OFT policy going forward

David Rawlings, Senior Criminal Lawyer, Cartels and Criminal Enforcement Group, **Office of Fair Trading**, UK

10:20 Analysing the real impact of criminal liability in the UK

- The implications of the UK case law: *Ian Norris*, *Marine Hoses*, *BA/Virgin*
- Back to *Mogul Steamship*? Could the House of Lords' views on conspiracy to defraud in *Norris* spill over to the Cartel Offence?
- Has *Norris* raised the bar for prosecutions under s188?
- How will *Norris* affect future US extradition applications?
- Tensions in transatlantic criminal enforcement and cooperation

Julian M. Joshua, Partner, **Howrey LLP**, Belgium

10:50 Morning coffee

11:10 The impact of criminal liability in the US

- Longer sentences and jail time for non-US residents
- Extradition and voluntary surrender
- DoJ policy going forward

Jeffrey Blumenfeld, Partner, **Crowell & Moring LLP**, USA

SECTION II: PREPARATION AND PREVENTION

11:40 Effective compliance programmes and training

- What works: The in-house view
- Attracting attention and raising awareness
- Identifying risk
- Focusing effort across the hierarchy

Anne Riley, Associate General Counsel Antitrust, **Shell International**, UK

12:10 Document management and the challenges of limited legal privilege

- Protecting internal documents
- Appropriate internal policies and document retention
- Use of external counsel
- Benefiting from Legal Privilege in non-EU jurisdictions

Dr. Dirk Elvermann, In-house Counsel, Central Legal Department, **BASF SE**, Germany

12:50 Lunch

14:00 Dawn raids: What to do on the day and thereafter

- Priorities and strategies on the day of the raid
- Following-up: Internal investigations
- Strategic options after the raid

Sven Völcker, Partner, **WilmerHale LLP**, Belgium

SECTION III: DEALING EFFECTIVELY WITH ENFORCERS

Hypothetical case study

14:30 Making decisions about leniency

- Managing a multi-factor, multi-jurisdictional analysis
- Identifying and quantifying risks: Fines, damages actions, jail time, blacklists
- Assessing how much protection leniency will give
- Balancing the interests of the company and its employees
- Are there other options?

Annette Schild, Partner, **Shearman & Sterling LLP**, Belgium

15:20 Handling the complexities of a multi-jurisdictional investigation

- The proliferation of regimes and the potential for conflict
- Whether - and how - to determine priorities?
- Practicalities and complexities of coordination - The case of *Marine Hoses*
- Managing conflicting standards and requirements
- Managing the criminal layer
- Reducing the global risk: Leniency and the like

Johan Ysewyn, Partner, **Linklaters LLP**, Belgium

15:50 Afternoon tea

SECTION IV: THE COMMISSION'S SETTLEMENT PROGRAMME

Part one

16:10 Early experiences

- EU settlement: How does it work in practice?
- Assertion of views, not negotiation
- Making an informed choice
- Advantages for the candidates to settlement

Flavio Laina, Deputy Head of Unit, **DG Competition, European Commission**, Belgium

Part two - A response from private practice

16:40 Settlement in Brussels vs. litigation in Luxembourg: Pros and cons from the client's perspective

- Are there sufficient incentives for clients to settle cartel investigations?
- Why should the Commission settle cases only with all undertakings under investigation? Why not be selective?
- What are the advantages of the European settlement programme vis-à-vis US-style plea bargaining?
- Implications of settlements for follow-on litigation in the EU and the US

Dr. Ingo Brinker, Partner, **Gleiss Lutz**, Germany

SECTION V: THE IMPACT OF INCREASING PRIVATE ENFORCEMENT

17:00 The changing environment

- The Commission White Paper
- National law developments (Germany, UK, others)
- Recent case law
- Developments outside the EU

Sean-Paul Brankin, Counsel, **Crowell & Moring LLP**, Belgium

Panel discussion

17:30 Understanding the impact of private enforcement

- Final questions and debate

Speakers will be joined by:

Dr. Rainer Becker, Policy Officer - Administrator, **DG Competition, European Commission**, Belgium

Dr. Jörg Häring, General Counsel Imaging & IT Division, Healthcare Sector, **Siemens AG**, Germany

Dr. Till Schreiber, Legal Counsel, **Cartel Damage Claims**, Belgium

Vincent Smith, Partner, **Cohen, Milstein, Hausfeld & Toll LLP**, UK

18:00 Chairman's concluding remarks and close of conference

Cartel Risks 2009

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**KW8033
Friday
6th March 2009**

Venue:

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