

First International Medical Device Compliance Congress

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Competition Law Enforcement in the E.U. - Dawn Raids -



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Introduction: what our panel will discuss

- The European Commission's competition law enforcement policy (Luc)
- Dawn raids: how do they play out? (Anne)
- Dawn raids: what about legally privileged documents (Kristina)
- After the dawn raids: possible outcomes of an investigation (David)
- Compliance and audits (Catriona)

What I will discuss: competition law enforcement policy in the E.C.

- When will the E.C. Commission consider undertaking dawn raids?
 - Serious infringements
 - Sector inquiries
- Who are the E.C. Commission's enforcement allies?
 - The infringing companies themselves: today leniency applicants, tomorrow settlement candidates
 - Other competition authorities: globalization of enforcement policy
- What are the sanctions for serious infringements?
 - Fines (parent liability, successor liability)
 - Damages

I. When will the E.C. Commission consider undertaking dawn raids?

- Serious infringements
 - Traditional cases: cartels and abuses
 - Novel cases: collective vertical cartels, “hub-and-spoke” cartels
- Sector enquiries (e.g. pharmaceutical sector January 2008)
 - Purpose
 - Powers

II. Who are the E.C. Commission's enforcement allies?

- The infringing companies themselves
 - Leniency applicants
 - Settlement candidates

- Other competition authorities
 - European Competition Network (ECN)
 - International Competition Network (ICN)

III. What are the sanctions for serious infringements?

- Public enforcement sanctions: fines and periodic penalties
 - Some figures
 - Parent liability / successor liability
- Private damage claims
 - Collective redress
 - Access to evidence