



Dawn Raids in Practice

ADVANCED COMPETITION LAW TRAINING

- The conduct of inspections by the European Commission and by the NCAs
- Due process aspects in light of CJEU and ECtHR case law

Valletta, 26-27 September 2024



EXCELLENCE IN
EUROPEAN LAW¹

Speakers

Hubert Beuve-Méry

Senior Expert, Directorate COMP.G - Cartels, DG Competition, European Commission, Brussels

Peter Citron

Professional Support Counsel, White & Case, Brussels

Nathalie Jalabert-Doury

Partner, European Antitrust Practice Co-Leader, Mayer Brown, Paris

Stanislas Martin

General Rapporteur (Head of Investigations Unit), French Competition Authority, Paris

Vivien Terrien

Legal Secretary, General Court of the European Union, Luxembourg

Key topics

- Essential stages of the dawn raid
- Main issues that arise during an inspection
- Reasonable grounds for suspicion and fishing expeditions
- Objecting vs obstructing
- Gathering of digital evidence
- Handling of legally privileged documents, business secrets and other confidential information
- The impact of the ECN+ Directive

Language
English

Event number
224D75

Organisers
Avgustina Dorich (ERA) in cooperation with the Malta Competition and Consumer Affairs Authority (MCCAA)



With the support of the Erasmus+ programme of the European Union

Dawn Raids in Practice: Advanced Competition Law Training

Thursday, 26 September 2024

08:30 Arrival and registration of participants

09:00 **Opening of the seminar**

I. INTRODUCTION

09:15 **The surprise inspection as an essential part of the antitrust investigation**

- Main purpose and tasks
- Relationship with the other phases of the investigation
- Main stages of the inspection
- Between EU law, national law and the ECHR: main challenges for the NCAs

10:00 Q&A and discussion

10:15 Coffee break

II. BEFORE THE INSPECTION

10:45 **Main issues related to the preparation and start of the inspection**

- Need for prior judicial authorisation?
- Essential elements of the inspection decision
- Subject matter and purpose of the inspection
- Reasonable grounds for suspicion and fishing expeditions

Vivien Terrien

11:45 Q&A and discussion

12:00 **Workshop exercise**

- Part 1: Introduction and explaining the task
- Part 2: Working in groups
- Part 3: Discussion in plenary

Vivien Terrien

13:15 Lunch

III. DURING THE INSPECTION

14:30 **Roles of the participants in the inspection**

- Powers and obligations of the inspectors
- Difference in the roles of the NCAs during a national and a Commission inspection
- Scope of the undertaking's duty to cooperate
- Limits to the "shadowing" of Commission officials
- On-the-spot interviews and the privilege against self-incrimination
- Presence of an external lawyer

Nathalie Jalabert-Doury

15:30 Q&A and discussion

15:45 Coffee break

16:15 **Collection of digital evidence: main issues and objections**

- Legal professional privilege
- Business secrets and other confidential information
- Protection of personal data
- Documents that fall outside the scope of the inspection

Hubert Beuve-Méry

17:15 Q&A and discussion

17:30 End of first seminar day

20:00 Seminar dinner

Objective

This seminar is part of ERA's series of advanced training courses on EU competition law. It is aimed at providing a thorough and detailed overview of the conduct of dawn raids by the European Commission and national competition authorities in light of the Charter of Fundamental Rights of the EU and the case law of the CJEU and of the ECtHR. The sessions will focus on the main issues that could arise at different stages of the inspection and enhance participants' knowledge through practical exercises.

Who should attend?

Staff of national competition authorities, lawyers in private practice, in-house counsel

You will learn...

- what happens during a dawn raid carried out by the European Commission or by a national competition authority;
- what the powers of the inspectors are, as well as their limits in light of CJEU and ECtHR case law;
- what kind of objections can be made during the inspection;
- how the issues and conflicts that arise during the inspection can be solved;
- how to ensure the search is confined to the scope of the inspection decision.

Venue

Mediterranean Conference Centre
Old Hospital Street, Valletta
VLT 1645, Malta

Your contacts



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Friday, 27 September 2024

08:45 Arrival and registration of participants

IV. SIMULATION EXERCISE

09:00 **Dawn raids in practice**

- Dawn raid role play
- Working in groups to deal with flashpoints
- De-brief

Peter Citron

11:00 Coffee break

V. AFTER THE INSPECTION

11:30 **What follows the inspection?**

- Chance findings
- Continued inspection
- Next procedural steps
- Grounds for challenging the inspection
- Ex-post judicial review

Stanislas Martin

12:30 Q&A and discussion

12:45 End of the seminar

For programme updates: www.era.int

Programme may be subject to amendment.

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CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). This event corresponds to **9 CPD hours**.

Save the date

Summer Course on European Antitrust Law

Trier, 1-5 July 2024

Summer Course on European Public Procurement Law

Trier, 9-13 September 2024

Annual Conference on European Competition Law 2024

Trier & Online, 24-25 October 2024

Annual Conference on European State Aid Law 2024

Trier & Online, 7-8 November 2024

Registration

Dawn Raids in Practice: Advanced Competition Law Training

Valletta, 26-27 September 2024 / Event Number: 224D75



Registration

Fax: +49 (0) 651 93737-773

E-mail: info@era.int

Online registration:
www.era.int/?132863&en

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Location

Mediterranean Conference Centre
Old Hospital Street, Valletta
VLT 1645, Malta

Language
English

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Registration fee

Fee	Standard	EU & ERA patrons*	Young lawyers & other groups**
Registration By 26 August 2024	€ 657,00 <input type="checkbox"/>	€ 492,75 <input type="checkbox"/>	€ 492,75 <input type="checkbox"/>
Registration after 26 August 2024	€ 730,00 <input type="checkbox"/>	€ 547,50 <input type="checkbox"/>	€ 547,50 <input type="checkbox"/>

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** Young lawyers & other groups

- For young lawyers up to 30 years of age (important: the participant must provide a copy or details of his or her passport or identity card on request);
- Full-time staff of universities or comparable academic institutions;
- Staff of charitable organisations or comparable institutions

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