



Annual Compliance Conference Webinar Series 2025

3 – 12 June 2025



Annual Compliance Conference

International Trade Compliance (Sanctions | Export Controls | Customs)
3 – 4 June 2025


Anti-bribery and Corruption and Economic Crime
5 June 2025

Antitrust Compliance
10 June 2025

ESG, Supply Chain and Product Compliance
11 June 2025

International Trade Compliance (Sanctions | Export Controls)
12 June 2025





Latest antitrust enforcement tools and guidance on antitrust compliance programs

Tuesday 10 June 2025





Speakers



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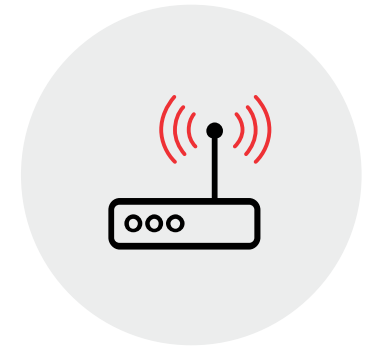
Housekeeping



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Questions will be answered
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As most of us are presenting
from our home environment,
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background noise or potential
connectivity issues.

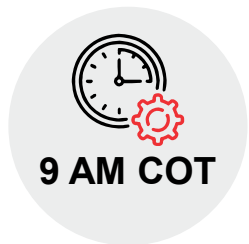
Imagine this...



Your business in Germany, Spain, and the UK are under investigation by the Bundeskartellamt, CNMC, and the CMA.



Grand Jury Subpoena issued by the US DOJ.



Your business in Colombia has been dawn raided.

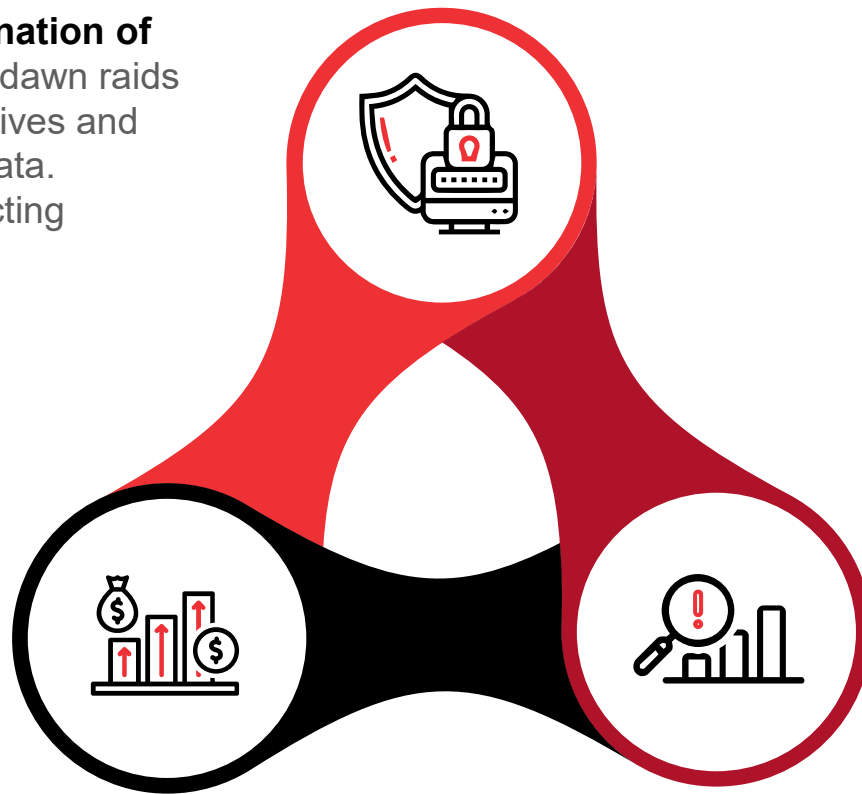


Difficult geopolitical circumstances have put pressure on your business' supply chains. At a recent **trade association meeting**, it was **discussed** at a high level that these circumstances are creating a need to **increase prices** across the full supply and distribution chains. Business members in Hong Kong, South Africa and Brazil were also present.

Global coordinated investigations







Increased international coordination of enforcement incl. simultaneous dawn raids targeting homes of senior executives and collections of large amounts of data. Recent fines imposed for obstructing inspections.

Also focus on other non-cartel behaviours: abuse of dominance, resale price maintenance, market partitioning and online resale restrictions.



'Novel theories' of harm and crisis cartels: antitrust enforcement in labour markets (e.g., no-poach, wage fixing), collusion in upstream / supply chain markets, sustainability/ ESG related initiatives, use of AI/algorithms, and price signaling in response to economic uncertainties. Drive for a holistic approach to competition law compliance programs.

What triggers cross-border investigations?

 <p>Competition authority data-driven enforcement:</p> <ul style="list-style-type: none">■ EU enforcement cases based on publically available information■ German authorities identifying problematic conduct via market screening■ Tools to tackle bid rigging developed in Spain, Denmark, Korea, UK etc.■ Portuguese authority task force to screen trade association information■ DOJ tools including wiretaps, 2703(d) orders, consensual recordings, search warrants	 <p>Immunity and leniency applications</p>  <p>Competition authorities targeted outreach to companies that may have a stake (including suppliers and customers)</p>  <p>Increased number of investigations following M&A transactions</p>
 <p>Continuation of traditional triggers including whistleblowers and complaints</p>	 <p>Open communication channels between authorities and increased regulatory cooperation</p>

Key challenges during a simultaneous cross-border investigation

Ensuring business continuity:

investigations are hugely disruptive to the business

Stakeholder management: including shareholders, directors, press/media, customers and suppliers

Broad data requests from authorities

Legal privilege rules differ across jurisdictions

Data preservation challenges:

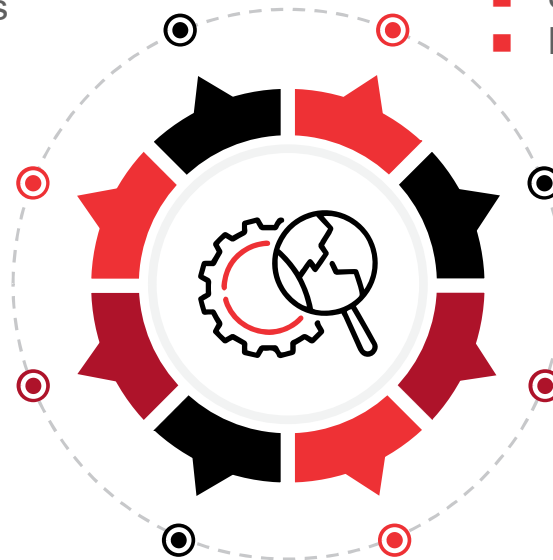
- Ephemeral messaging (e.g., Signal, WhatsApp)
- Remote working
- Suspension of automatic data deletion policies
- Penalties for obstruction

Timing is of the essence:

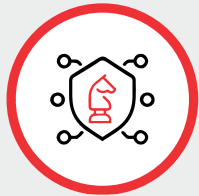
Coordinated, cross-border raids require careful management

Data protection, data privacy, and blocking statutes

Interviews and management of employees



What is your defence strategy?



Timing:

- Consider options and defence strategy **early on** (including during the busy period of a dawn raid)
- The choice of defence strategy impacts to some extent on your investigatory steps early on



Leniency / immunity strategic considerations:

- Consider where you might be placed in the leniency race
- Admission of liability
- Type / severity / timing of conduct (is it ongoing?) and your business' role
- Potential fines / damages as well as cross-over into criminal conduct
- Could information disclosed lead to investigations of non-competition law breaches?
- Consider ability to review and produce data in light of privacy considerations
- No 'one stop shop' covering both EU and Member States (must contact competent NCAs in parallel);
- **Think globally** – winner is the company that minimises overall exposure.



Settlement?

- Efficiency (?)
- Reduction in fines
- Admission of liability
- Limited rights of defence
- Limited appeal rights

Well done, but how do you avoid this happening again?



Baker McKenzie's 5 Essential Elements of Compliance



Leadership

- Commitment to compliance (from the top down, inc. middle management)
- Culture of compliance within the company



Risk assessment

- Antitrust risk assessment techniques
- Risk identification
- A clear strategy



Standards and controls

- Design and comprehensiveness of the program
- Responsibility for, and resources dedicated to, antitrust compliance
- Formal staff engagement
- Confidential Reporting structure and mechanisms, and investigation process
- Risk mitigation



Training and communication

- Constant update
- Compliance training and communication to employees



Monitoring, auditing and response

- Monitoring and auditing techniques, including periodic continued review, evaluation, and revision of the antitrust compliance program

Questions

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Tomorrow's sessions

Product regulation and safety: A new era for the UK and EU?

Wednesday 11 June, 2.00 – 3.00 pm BST | 3.00 – 4.00 pm CEST | 9.00 – 10.00 am EDT

The turning directions of ESG & sustainability regulation for corporates: Europe & the USA

Wednesday 11 June, 4.30 – 5.30 pm BST | 5.30 – 6.30 pm CEST | 11.30 am – 12.30 pm EDT



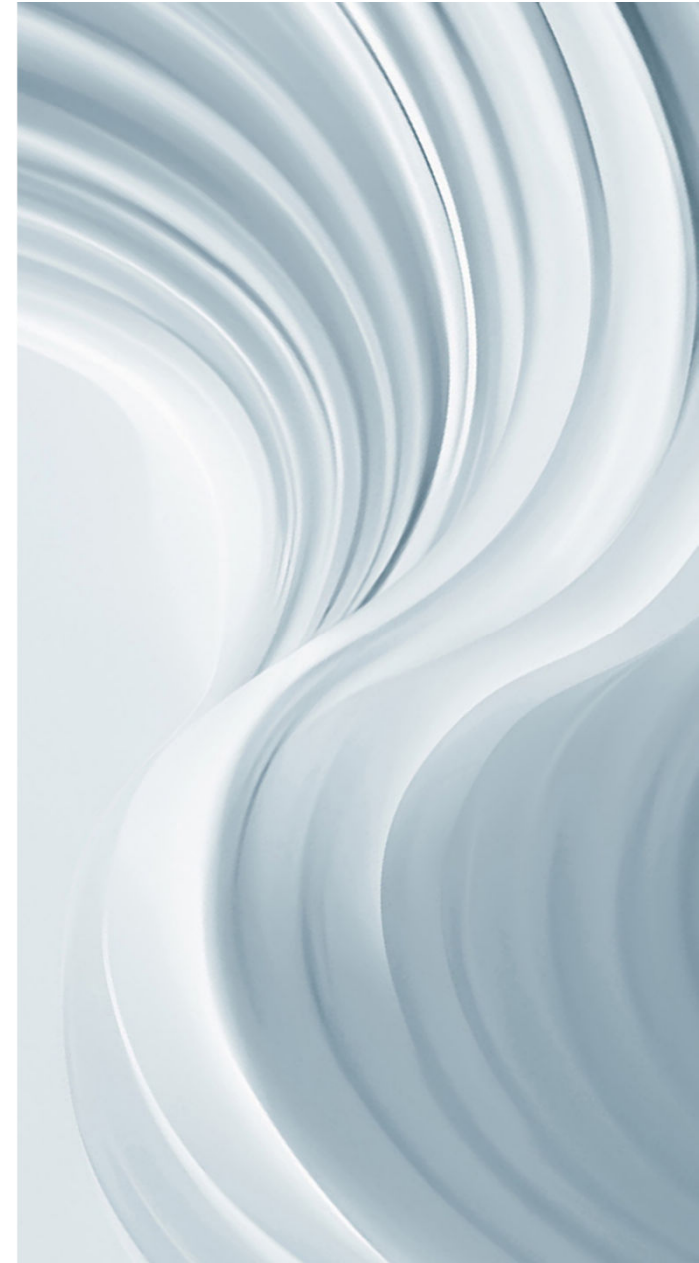


Catch up on demand

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