

9TH BUSINESS LAW FORUM: New Trends in Liability of Senior Managers – Overview of the Most Important Developments in Key Jurisdictions Around the World

THURSDAY, SEPTEMBER 20 & FRIDAY, SEPTEMBER 21, 2018



COPENHAGEN
DENMARK



#UIABusinessLaw

Seminar organised by the UIA with the support of the Association of Danish Law Firms and Gorrissen Federspiel Law Firm

Bringing together the world's lawyers

For over 90 years, the Union Internationale des Avocats (UIA - International Association of Lawyers) has been defending the legal profession and facilitating international contacts, cooperation and the exchange of knowledge among lawyers, while respecting their cultural and professional diversity.

Today, the UIA brings together several thousand members – lawyers or law professionals – and hundreds of bars, federations and associations.

Join the UIA and become a member of the world's strongest network of lawyers

- You will participate in the work of the UIA Commissions in Business Law, Human Rights and General Practice and share your experience with that of professionals from over 110 countries.
- You will also be able to join forces with the UIA, which, each year, provides its support to lawyers who cannot freely practise their profession. Everywhere in the world where rights of defence are threatened or the proper administration of justice is hindered, the UIA will make your voice heard.

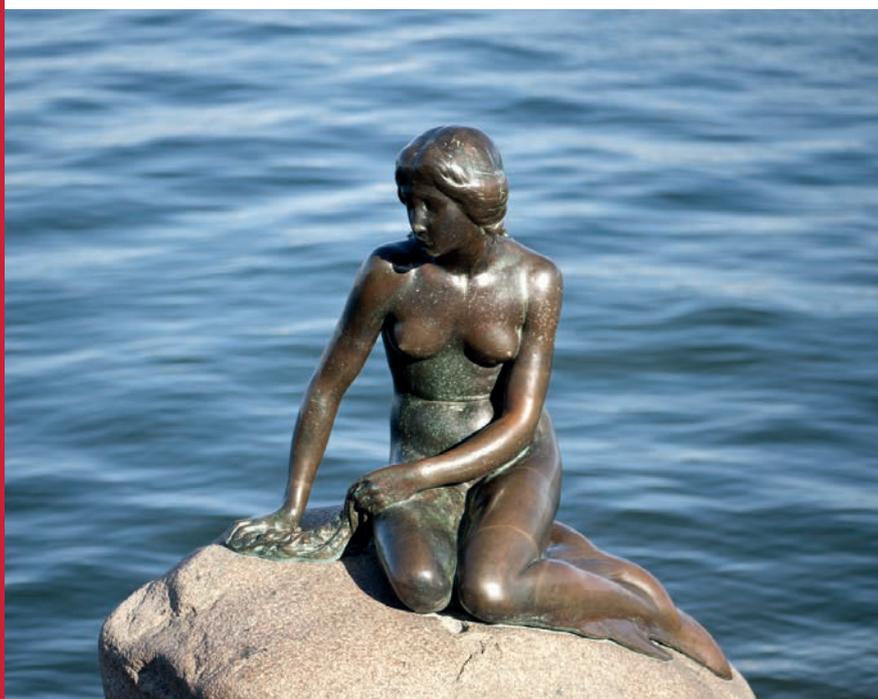
www.uianet.org

Join the UIA during the seminar and benefit from a 50% discount on your membership fee.

Introduction

It is clear that in the wake of the 2008 financial crisis, there has been a marked shift in the policies of many governments to ensure that individuals “responsible” for wrongdoing, whether it is bank failures, tax evasion, anti-trust breaches, corruption or money laundering, should be, and are, prosecuted. Following on from last year’s successful seminar on managers liability held in Zurich, the Competition Law, Labour Law and Criminal Law Commissions of the UIA have come together to organise a joint seminar on the key developments in this area, this time focusing more on the Nordic experience, but simultaneously exploring key developments from around the world.

In-house and external counsel will be joining us to consider the legal and practical challenges faced as a result of enforcement agencies’ increased focus on holding senior officers to account, as well as considering the competing interests of corporates and their employees, the gradual erosion of client-attorney privilege, and whether compliance is the answer.



Wednesday | September | 19 | 2018

19:00 – 21:00 WELCOME COCKTAIL

Kindly hosted by Gorrissen Federspiel

Gorrissen Federspiel Law Firm

Axelstorv 2, 1609 Copenhagen V, Denmark



Thursday September 20 2018

09:30 – 10:00 REGISTRATION OF PARTICIPANTS

GORRISSON FEDERSPIEL LAW FIRM

Axeltorv 2, 1609 Copenhagen V, Denmark

10:00 – 10:15 WELCOME AND OPENING OF THE SEMINAR

- **Pedro PAIS DE ALMEIDA**, *UIA President, Abreu Advogados, Lisbon, Portugal*
- **Martin André DITTMER**, *Managing Partner/Head of Competition, Gorrissen Federspiel, Copenhagen, Denmark*
- **Aleksander STAWICKI**, *President of the UIA Competition Law Commission, WKB Wierciński Kwiecieński Baehr, Warsaw, Poland*

SESSION 1 – RISKS IN DIFFERENT LEGAL AREAS

10:15 – 11:15 Panel 1 – Competition Law – Is Further Criminalisation the Next Step?

Businesses operate nowadays in a global economy where competition laws play an increasingly important role. Companies and their managements find themselves under constant close scrutiny by both national and supranational competition authorities. Breaches of competition law, even unintentional ones, have severe consequences for the financial condition, reputation and continued viability of business enterprises. For individuals they can mean loss of employment, ruined careers, fines and imprisonment. This panel will focus on new trends in competition law enforcement, with a focus on the increased willingness of the authorities to go not only after the companies, but also after individuals involved in the anticompetitive behaviour.

Moderator: • **Aleksander STAWICKI**, *President of the UIA Competition Law Commission, WKB Wierciński Kwiecieński Baehr, Warsaw, Poland*

Speakers:

- **Caroline FRYDENBERG**, *Head of Competition Law/Senior Manager, Nets Denmark A/S, Ballerup, Denmark*
- **Morten TOFT**, *Senior Legal Counsel, Competition Law & Policy, Maersk, Copenhagen, Denmark*
- **Astrid ABBLASSER-NEUHUBER**, *Partner, BPV Hügel Rechtsanwälte GmbH, Vienna, Austria*
- **Andrew HOCKLEY**, *Partner, Head of Antitrust & Competition, Bryan Cave Leighton Paisner LLP, London, United Kingdom*

11:15 – 11:30 COFFEE BREAK

11:30 – 12:30 Panel 2 – Radical Changes to Data Protection Legislation – First Experiences, Lessons Learned

This panel will explore how companies balance ever increasing obligations for data protection with the need to operate in a high tech environment. It will also focus on first practical experiences with application of GDPR following its entry into force.

The GDPR aims to improve data security and encourage business leaders to be more vigilant when dealing with personal data. Amongst other things, GDPR creates a new senior compliance role in organisations (the Data Protection Officer), gives regulatory authorities, particularly the national data protection regulators, additional powers to impose severe penalties on businesses, and imposes mandatory data security breach reporting requirements on organisations.

Moderator: • **To be confirmed**

Speakers:

- **Ian DE FREITAS**, *Partner, Farrer & Co, London, United Kingdom*
- **Tue GOLDSCHMIEDING**, *Partner, Gorrissen Federspiel, Copenhagen, Denmark*
- **Lauren LEE**, *Beiten Burkhardt, Munich, Germany*

12:30 – 13:30 Panel 3 – Employment Law – Risks, Internal Investigations and Disciplinary Measures

This panel will explore the legal requirements to be observed when practicing internal investigations: in accordance to the rights of the employees,

no matter if they are witnesses, suspects or whistle-blowers. In a manner to obtain useful evidences which can lawfully justify, if needed, a disciplinary sanction for the misconduct of the employee.

Moderator: • **Dominik LEITER**, *Flitsch Leuthner Leiter Rechtsanwälte GmbH, Vienna, Austria*

Speakers:

- **Mary-Daphné FISHELSON**, *August Debouzy, UIA Human Rights Deputy Director, Paris, France*
- **Michael MEYENBURG**, *Dr. Michael Meyenburg Law Firm, Vienna, Austria*

13:30 – 14:30 LUNCH

14:30 – 15:30 Panel 4 – Banking/Anti-Corruption

The banking and financial sector and its senior management are increasingly coming under fire in relation to compliance with anti-money laundering rules, sanctions or more generally with its regulatory duties. Whether in the wake of calls for an anti-money laundering crackdown following allegations of wrongdoing by a number of European banks or whether due to increasing levels of regulation and “red tape”, the banking and financial sectors and its senior management face significant difficulties and hurdles. This panel will seek to highlight the most recent trends in this complex field.

Moderator: • **Morten Nybom BETHE**, *Partner, Gorrissen Federspiel, Copenhagen, Denmark*

Speakers:

- **Barbara BANDIERA**, *Studio Legale RCC, Milan, Italy*
- **André FONSECA**, *Felsberg Advogados, Sao Paulo, Brazil*
- **Véronique MOISSINAC MASSENAT**, *Lawyer, Paris, France*

SESSION 2 – CONSEQUENCES OF VIOLATIONS

15:30 – 16:30 Panel 5 – Civil Law – Damages Claims

This panel will focus on contractual and tortious liability of managers for violation of various regulations. It will discuss not only a liability towards to company but also a new trend to sue managers for damages resulting from illegal behaviour, with claims being brought by victims of breaches of law.

Moderator: • **Jason WOODLAND**, *Peters and Peters Solicitors LLP, London, United Kingdom*

Speakers:

- **Erik KJÆR-HANSEN**, *Partner, Gorrissen Federspiel, Copenhagen, Denmark*
- **Andreas RUSTER**, *Quinn Emanuel law firm, Hamburg, Germany*
- **Andrew HOCKLEY**, *Partner, Head of Antitrust & Competition, Bryan Cave Leighton Paisner LLP, London, United Kingdom*

16:30 – 17:00 COFFEE BREAK

17:00 – 18:00 Panel 6 – Corporate Liability. Directors v. other Senior Managers

The panel will provide an overview of the most significant changes in this area, including imposing criminal liability for businesses as well as holding senior management to account, with consideration of the potential financial consequences, and some recent examples. The panel will consider the differing approaches in each jurisdiction.

Moderator: • **Monty RAPHAEL QC**, *Formerly of Peters and Peters Solicitors LLP, London, United Kingdom – to be confirmed*

Speakers:

- **Sylvain SAVOLAINEN**, *Mentha Avocats, Geneva, Switzerland*
- **Felix RETTENMAIER**, *Rettenmaier & Adick, Frankfurt, Germany*
- **Etienne LESAGE**, *Lesage Avocats, Paris, France*

20:00 OPTIONAL DINNER

RESTAURANT NO.2, Nicolai Eigtvedsgade 32, 1402 Copenhagen

08:45 – 09:00 REGISTRATION OF PARTICIPANTS

GORRISSSEN FEDERSPIEL LAW FIRM
Axeltorv 2, 1609 Copenhagen V, Denmark

SESSION 3 – MITIGATING RISKS/COMPLIANCE

09:00 – 10:00 Panel 1 – Compliance – A Universal Answer to All Types of Risks?

Businesses understand the importance of implementing competition compliance programs, but since there is no “one size fits all” approach to building a compliance culture, in this workshop leading competition lawyers from firms around the world will discuss what is required for compliance efforts to be truly successful and effective.

Moderator: • **Martin André DITTMER**, *Managing Partner/Head of Competition, Gorrissen Federspiel, Copenhagen, Denmark*

Speakers:

- **Guido DE CLERCQ**, *Formerly Deputy Secretary General of Engie, Brussels, Belgium*
- **Michel ALEXANDER**, *Smith & Williamson LLP, London, United Kingdom*
- **Caroline FRYDENBERG**, *Head of Competition Law/Senior Manager, Nets Denmark A/S, Ballerup, Denmark*
- **Niko HUKKINEN**, *Partner, Roschier, Helsinki, Finland*

10:00 – 11:00 Panel 2 – Attorney Client Privilege – Key Considerations for In-House Counsel

This panel will consider whether attorney client privilege can be relied upon when wrongdoing is identified.

Businesses that either on their own initiative or at the request of regulators evaluate the effectiveness of their compliance structures or investigate potential non-compliance with applicable laws and regulations frequently defer to external law firms to assist them with their investigative efforts and for advice on the potential risk of exposure to civil, regulatory and criminal liability. Internal investigation, and specifically the material produced in the course of such investigations, are increasingly complex as regards the status of attorney client privilege. The panel will consider in what circumstances corporations are being required to waive privilege over such material, and, for certain jurisdictions, in what circumstances this material would no longer be considered to be covered by privilege. The panel will also address the comparative issues and challenges arising from cross border investigations and the requirement for lawyers to anticipate and apply the law of other countries.

Moderator: • **Maria CRONIN**, *President of the UIA Criminal Law Commission, Peters & Peters Solicitors LLP, London, United Kingdom*

Speakers:

- **André FONSECA**, *Felsberg Advogados, Sao Paulo, Brazil*
- **Sam MacMahon BALDWIN**, *European Community Counsel, Szecskay Attorneys at Law, Budapest, Hungary*
- **Jackie MORTENSEN**, *Senior Legal Counsel, Competition Law & Policy, Maersk, Copenhagen, Denmark*
- **Jerome ROTH**, *Munger, Tolles & Olson, San Francisco, CA, USA*

11:00 – 11:30 COFFEE BREAK

11:30 – 12:30 Panel 3 – Self-Reporting and Leniency

This panel will consider whether voluntary self-reporting is the new key to mitigating corporate liability? In certain jurisdictions, corporates can negotiate a settlement. The US Yates Memorandum emphasised the US’ renewed focus on individual corporate wrongdoing, and the need for companies to hand over evidence of individual culpability. What steps should businesses take and what are consequences for senior management and employees? The US has traditionally been seen as leading the way with regard to self-reporting wrong doing. Last year, the US Department of Justice (“DoJ”) announced a one-year pilot programme under which US corporations could mitigate their own liability for violations of the Foreign Corrupt Practices Act (“FCPA”) by voluntarily self-disclosing FCA violations within their organisations, in addition to fully cooperating with DoJ investigations. Will this approach be adopted elsewhere?

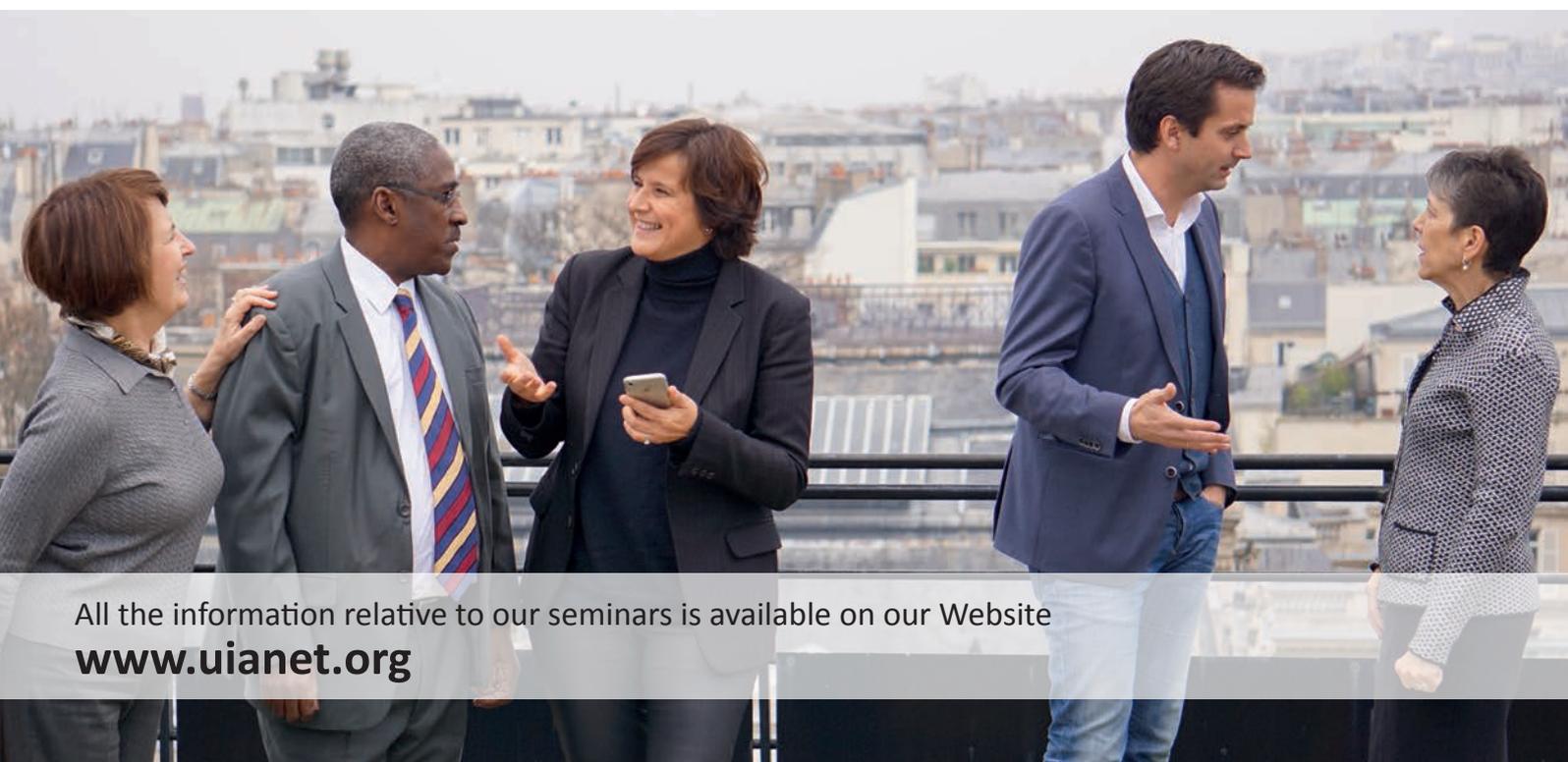
Moderator : • **Astrid ABBLASSER-NEUHUBER**, *Partner, BPV Hügel Rechtsanwälte GmbH, Vienna, Austria*

Speakers:

- **Jan Tadeusz STAPPERS**, *In-house counsel, WhistleB, Stockholm, Sweden*
- **Pierre KIRCH**, *Paul Hastings LLP, Paris, France*
- **Morten P. SMØRDAL**, *Partner, BAHHR, Oslo, Norway*
- **Jitka LINHARTOVÁ**, *Nedelka Kubáč Advokáti, Prague, Czech Republic*

12:30 – 13:00 CLOSING REMARKS

- **Martin André DITTMER**, *Managing Partner/Head of Competition, Gorrissen Federspiel, Copenhagen, Denmark*
- **Aleksander STAWICKI**, *President of the UIA Competition Law Commission, WKB Wierciński Kwiecieński Baehr, Warsaw, Poland*



Organising Committee

Aleksander STAWICKI

President of the UIA Competition Law commission
WKB Wierciński Kwieciński Baehr
Warsaw, Poland
T +48 (22) 201 00 00
Aleksander.stawicki@wkb.pl

Martin André DITTMER

Gorrissen Federspiel
Copenhagen, Denmark
T +45 33 41 41 43
mad@gorrissenfederspiel.com

Astrid ABLASSER-NEUHUBER

BPV Hugel Rechtsanwälte GmbH
Vienna, Austria
T +43 (1) 260 50 20 5
astrid.ablasser@bpv-huegel.com

Maria CRONIN

President of the UIA Criminal Law Commission
Peters & Peters Solicitors LLP
London, United Kingdom
T +44 (20) 7822 7737
mcronin@petersandpeters.com

General Information

SEMINAR VENUE

GORRISSSEN FEDERSPIEL LAW FIRM
Axeltorv 2, 1609 Copenhagen V
Denmark
T +45 33 41 41 41

REGISTRATION FEES

	UIA Member		Non Member	
	≤ 31.08.2018	> 01.09.2018	≤ 31.08.2018	> 01.09.2018
STANDARD REGISTRATION	€ 340*	€ 390*	€ 390*	€ 440*
YOUNG LAWYER (<35)**	€ 290*	€ 340*	€ 340*	€ 390*

* The VAT (25%) can be applied to the amount stated above according to the European Directive 2006/112/CE of November 8, 2006. For more information, please contact the UIA. **If you provide an EU VAT ID number, the VAT will not be charged.**

** Please attach proof of age to the registration form to benefit from young lawyers fee.

These fees cover participation in the welcome cocktail, participation in the seminar, coffee breaks, lunch on Thursday, September 20, 2018, as well as the documentation of the seminar. The dinner on Thursday night, September 20, is optional and at additional charge. Please note that the number of places at the seminar is limited. The organisers reserve the right to refuse registrations in the event of excess applications.

CONTINUING LEGAL EDUCATION

Every participant attending the seminar will receive a "Certificate of Participation" at the end of the event that may be used to obtain "Credits" for "Continuing Legal Education" – "Continuing Professional Development" purposes, depending on national rules. For more information, please contact the UIA.

LANGUAGE

The working language will be **English**.

HOTEL RESERVATION

Each participant should make his/her own arrangements for hotel accommodation in Copenhagen. Please note that it is high season so we recommend that you book as soon as possible.

Noted below are hotel recommendations close to the seminar venue:

- **Radisson Blu Royal Hotel (5*)** – at 110 m
- **The Square Hotel (4*)** – at 120 m
- **Imperial Hotel (4*)** – at 210 m
- **Skt. Petri Hotel (5*)** – at 900 m
- **Marriott Hotel (5*)** – at 1.1 km
- **Tivoli Hotel (4*)** – at 1.5 km

The Website **www.booking.com** might be helpful to book a room or find other hotels.

CANCELLATION CONDITIONS

All cancellations will be subject to a 50% deduction and will have to be sent in writing, to be received by the Union Internationale des Avocats **no later than August 31, 2018**. No refund will be made for cancellations received after this date.

Anyone who requires a visa invitation letter in order to attend the seminar should register and pay their registration fees **no later than August 31, 2018** to ensure there is enough time to obtain a visa.

All cancellations will be refunded in full, minus €50 + VAT to cover administrative costs, provided that the UIA has received the registration documents and total registration fees **no later than August 31, 2018**.

If you register after this date, only 50% of the amount paid minus €50 + VAT to cover administrative costs will be refunded for cancellations due to visa refusals.

All cancellations due to a visa refusal must be sent in writing and reach the UIA **before the seminar**. Cancellations must be accompanied by a **proof of visa refusal**.

If your visa is issued after the seminar date or if you do not have proof of visa refusal, you will not be entitled to a refund.

GENERAL CONDITIONS

All registrations received by the Union Internationale des Avocats (UIA) along with the full payment of fees corresponding to the events selected will be confirmed in writing.

***Due to the European legislation (Directive 2006-112-CE art.52-a), we have to invoice the amount including the French VAT currently at 20%. However, you can deduct the VAT through your local fiscal administration.**

The UIA reserves the right to cancel or postpone the seminar to a later date, change the seminar venue and/or programme, make any corrections or modifications in the information published in the seminar programme and cancel any invitation to participate in the seminar, at any time and at their entire discretion, without having to provide any reasons for the same.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature, suffered (directly or indirectly) by a delegate, accompanying person or a third party following any cancellations, changes, postponements or modifications.

The UIA strongly advises participants to subscribe to modifiable and/or refundable services, as well as to take out a cancellation insurance.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature whatever, suffered (directly or indirectly) by a delegate or accompanying person, except in case of death or personal injury due to gross negligence by the UIA.

The contractual relations between the UIA and each participant (delegate or accompanying person) in relation to the seminar are subject to French law and jurisdiction, to the exclusion of any other law. Paris is the city of jurisdiction.

It is the responsibility of participants to ensure compliance with police, customs and health formalities for their journey. Participants unable to take part in the seminar because of their inability to take a flight or any other means of transportation due to being unable to provide the documents required (passport, visa, vaccination certificate, etc.) cannot claim any reimbursement.

“Force majeure” means any events external to the parties, of both an unforeseeable and insurmountable nature that prevents either the client or the participants, or the agency or service providers involved in organising the seminar, from executing all or part of the obligations provided for in the present agreement. By express agreement, such will be the case in the event of a strike affecting the means of transport, hotel staff, air traffic controllers, an insurrection, a riot or any prohibition whatsoever decreed by governmental or public authorities.

It is expressly agreed that for the parties, a case of force majeure would suspend the execution of their reciprocal obligations. At the same time, each of the parties shall bear the burden of all the expenses incumbent upon them, resulting from the case of force majeure.

The organisers decline any responsibility in case of any health problems existing prior to the seminar that may lead to complications or be aggravated during the entire period of the stay: pregnancy, cardio-vascular problems, any allergies, special diets, any disorders under treatment and not yet consolidated on the day the seminar starts, psychic or mental or depressive illness, etc. (Non exhaustive list).

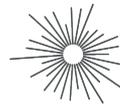
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FORCE MAJEURE

HEALTH



Union Internationale des Avocats
International Association of Lawyers
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Gorrissen Federspiel

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9TH BUSINESS LAW FORUM:

New Trends in Liability of Senior Managers – Overview of the Most Important Developments in Key Jurisdictions Around the World

Thursday, September 20 & Friday, September 21, 2018 COPENHAGEN, DENMARK

REGISTRATION FORM

Register online at: www.uianet.org

or please complete and return this form, by email, fax or post, to:

UNION INTERNATIONALE DES AVOCATS

20 rue Drouot, 75009 Paris, FRANCE

Tel: +33 1 44 88 55 66 ■ Fax: +33 1 44 88 55 77 ■ Email: uiacentre@uianet.org



Register online

UIA INDIVIDUAL MEMBERS: M I _ _ _ _ _

Please specify your membership number (Please check your membership card or membership fees)

Family Name:

First Name:

Firm:

Address:

Post Code: City:

Country:

Tel: Fax:

Email:

Date of Birth:

EU VAT ID-Number:

Special requests (special diet, allergies, handicap...):

Arrival/departure times & flight numbers:

Hotel:

A. SEMINAR REGISTRATION FEES

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**Please attach proof of age to the registration form to benefit from young lawyers fee.

B. SEMINAR SOCIAL ACTIVITIES

Please indicate below whether you plan to attend the following events **included** in the cost of your registration.

- Welcome Cocktail – Wednesday, September 19, 2018
- Lunch – Thursday, September 20, 2018

C. OPTIONAL ACTIVITY

(not included in the registration fees)

- Optional Dinner – **Thursday, September 20, 2018**

• Please book person(s) for the dinner

€ 90 (Excl. VAT) x ___ / pers

Total (C) (Excl. VAT) €

D. TOTAL

TOTAL (A) Excl. VAT – Registration Fees €

TOTAL (C) Excl. VAT – Optional Activity €

TOTAL (A + C) Excl. VAT €

VAT if applicable (25%)* €

TOTAL (A + C + VAT) €

** The VAT (25%) can be applied to the amount stated above according to the European Directive 2006/112/CE of November 8, 2006. For more information, please contact the UIA. **If you provide an EU VAT ID number, the VAT will not be charged.***

E. CANCELLATION CONDITIONS

I, the Undersigned, confirm that I have read and accepted the **cancellation conditions** as well as the **general conditions** given on page 6 of the registration programme. My registration will only be taken into account on receipt of the payment.

Participants are aware that their image and/or voice may be photographed, recorded or filmed throughout the duration of the seminar. They hereby assign to the UIA, with the signature of this form, the right to exploit, reproduce and disseminate the images and recordings by all means, both known and unknown, using all media, for an unlimited term and free of charge.

F. METHOD OF PAYMENT

- By cheque in € payable to the UIA, addressed to: UIA – 20 rue Drouot – 75009 Paris – France
- By bank transfer in €, without charges to the payee, in favour of the Union Internationale des Avocats, quoting “**2018 Copenhagen Seminar**”, to the following bank and account:

Société Générale – Paris Elysées Entreprise
91 avenue des Champs Elysées – 75008 Paris – France
BIC / SWIFT N°: SOGEFRPP
IBAN: FR76 3000 3033 9200 0503 4165 164

Kindly attach a copy of your bank transfer order to your registration form

- By credit card: Visa Mastercard

Card N°: _____

Expiry date: __/__/__ 3 digits: ___

Name of card holder:

I authorise the Union Internationale des Avocats to debit the above mentioned credit card in the amount of € (EUR)

Date: / /

Signature: