



Business Information
In A Global Context

5th Annual European Forum on

Munich Edition

40+
senior level regulators
and industry speakers

Anti-Corruption

Effective Anti-Corruption Compliance Strategies to Prepare
for Increased Regulatory Scrutiny and Global Enforcement

24 – 25 January 2012 • Hilton Munich City Hotel, Munich, Germany

International Regulatory and Enforcement Updates From



Alexander Dörrbecker
Deputy Head of Division
Federal Ministry of Justice (Germany)



Michael Loer
Senior Prosecutor
Public Prosecutor's Office
in Frankfurt (Germany)



William J. Stuckwisch
Assistant Chief – Foreign Corrupt Practices
Act Unit, Fraud Section, Criminal Division
U.S. Department of Justice



Charles E. Cain
Assistant Director,
FCPA Unit – Division of
Enforcement U.S. Securities
and Exchange Commission



Nicola Bonucci
Director Legal Department
Organisation for Economic
Co-Operation and Development
(France)

Up to
25.0 CPD

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Navis (USA)
Novo Nordisk AS (Denmark)
Siemens AG (Germany)
SMS GmbH (Germany)
Thales (France)
TNT Express NV (The Netherlands)
Tognum AG (Germany)
Tyco International (The Netherlands)
Zurich Insurance Company Ltd (Switzerland)

In-depth Coverage on the Hottest Issues for 2012:

- Adapting your internal policies to meet global adequate standards post UK Bribery Act, OECD and US Sentencing Guidelines
- Preparing for global cooperation and coordination among prosecutors to investigate anti-corruption allegations and prosecute wrongdoers
- How European companies will respond to the SEC's Dodd-Frank whistle-blower programme
- What level of investment is deemed to be "doing business in the UK"
- Regularly testing your compliance programme against standards on auditing compliance management systems
- Preventing corruption and extortion pitfalls when responding to requests for tender

Take advantage of 4 hands on, interactive and practical workshops
- see inside for more details

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To register call +44 (0) 20 7878 6888 or register online at www.C5-Online.com/ACMunich

The Leading European Anti-Corruption Compliance Forum that General Counsel, Compliance Professionals and Internal Auditors Rely on Every Year

In the UK, the new Anti-Bribery Act is now fully in force, Germany has already ramped up its enforcement programme and Spain has passed a tough, new law with major criminal consequences for corporations. The trend in enacting and enforcing anti-corruption is unmistakable and more will follow.

Cooperation and coordination amongst regulators and prosecutors to jointly investigate, prosecute and settle cases is probably the most significant consequence of this trend. As more countries become active, they will want a slice of any fine or penalty. The result is certain to create even more significant risks and nightmare scenarios for compliance professionals within global companies that have failed to prepare.

Your best defence is to demonstrate your company's commitment to compliance with an anti-corruption programme tailored to address the organisation's challenges.

Professionals involved in anti-corruption compliance, must have an up-to-the-minute, in-depth understanding of the regulatory developments, investigators and prosecutors latest tools, tactics and strategies that will result in ensuring that their organisation meets global compliance standards.

Long established as THE must attend industry event C5's **5th Annual European Forum on Anti-Corruption**, will once again provide advanced and practical insights on the latest anti-corruption enforcement initiatives, global anti-corruption compliance strategies and unmatched networking opportunities.

Make sure you attend C5's Acclaimed Interactive Q&A Session with Regulators and Prosecutors on Tuesday 24 January 2012

Submit your questions in advance by e-mail to y.lingom@C5-Online.com for the session dedicated entirely to getting answers directly from the regulators and prosecutors to your most pressing compliance challenges.

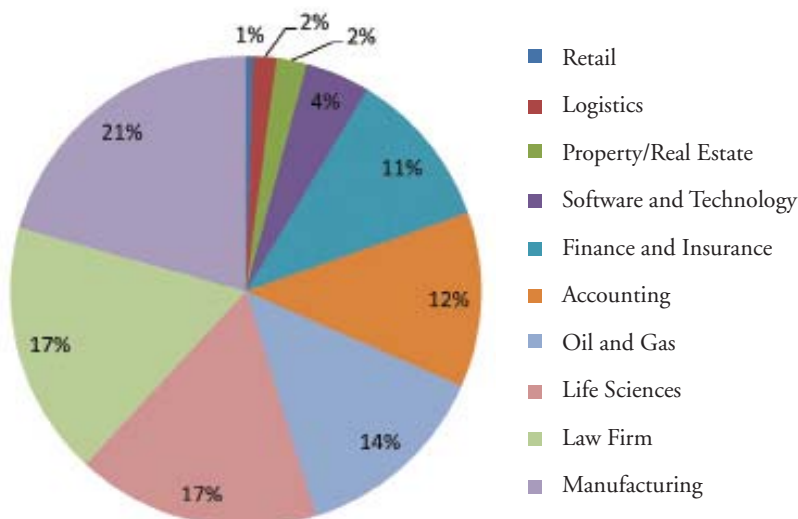
Hands-on, Interactive and Practical Workshops

- A** Anti-Corruption Compliance: Intersection and Interaction between the Foreign Corrupt Practices Act (FCPA), the UK Anti-Bribery Act and German Anti-Corruption Laws
- B** Effectively Managing Internal Investigations - How to Identify and Resolve Legal and Technical Issues
- C** Anti-Corruption Compliance for *Mittelstand* Companies (SMEs)
- D** Vetting Third Parties: How to Define and Execute Systematic, Risk-Based Third-Party Due Diligence for Anti-Corruption Compliance

Sign up for this incomparable event and be sure that you'll take away valuable information to help your organisation maintain its commitment to compliance

Don't delay, register today by calling +44 (0) 20 7878 6888, by faxing your registration form to +44 (0) 20 7878 6896 or by registering online at www.C5-Online.com/ACMunich

For more than 25 years, C5's industry-leading Anti-corruption portfolio of events has provided governments, corporations and their advisers with the tools needed to navigate a complex and ever-changing regulatory and compliance landscape. Each year, more than 2000 compliance officers, lawyers and other senior executives covering a broad cross section of industry attend.



WHO SHOULD ATTEND

- Ethics & Compliance Officers
- Vice Presidents and Directors of:
 - Corporate Responsibility
 - International Contracts
 - Corporate Compliance
 - Legal Affairs
 - Internal Audit
 - Governance & Sustainable Investment
 - Business Conduct
- General Counsel
- Private practice lawyers specialising in:
 - Corporate Governance
 - International Regulation & Compliance
 - White Collar Crime
 - Investigations
- Accounting & Consulting Firms
 - Investigations & Forensic
 - Transactions

“Very useful and informative. Good insight into trends particularly the regulators perspective. This helped to put other presentations into perspective.”

VP International Compliance, NBC Universal, European Anti-Corruption Frankfurt edition

DISTINGUISHED FACULTY

Conference Co-Chairs

Dr. J.F. Hannes Meckel

General Counsel
GE (Germany)

Markus E. Schulz

Chief Compliance Officer Global Life
& Group Financial Crime Officer –
Group Compliance
Zurich Insurance Company Ltd (Switzerland)

Government Officials

Charles E. Cain

Assistant Director, FCPA Unit –
Division of Enforcement
U.S. Securities and Exchange Commission

Alexander Dörrbecker

Deputy Head of Division
Federal Ministry of Justice, Berlin
(Germany)

William J. Stuckwisch

Assistant Chief – Foreign Corrupt Practices
Act Unit, Fraud Section, Criminal Division
U.S. Department of Justice

Michael Loer

Senior Prosecutor
Public Prosecutor’s Office in Frankfurt
(Germany)

Speakers

Hans-Hermann Aldenboff

Partner, Country Head – Germany
Simmons & Simmons LLP

Dr. Thomas Altenbach

Assistant General Counsel –
Legal Corporate Affairs
Daimler AG (Germany)

Robert Amaee

Former Head of Anti-Corruption,
Proceeds of Crime & International Assistance,
Serious Fraud Office (UK) Of Counsel,
Covington & Burling (UK)

Jeffrey L. Antoon

Director – Financial Internal Audit
Johnson & Johnson (USA)

Michael Becker

Director, First Advantage (Germany)

Bo Berndtsson

Chief Compliance Officer
AB Volvo (Sweden)

Flavio Bertoli

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Nicola Bonucci

Director Legal Department
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Group Director Integrity
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Marc R. Cohen

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Daniel P. Cooper

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Covington & Burling (UK)

Matthew Cowie

Former Senior Prosecutor,
Serious Fraud Office, Counsel,
Skadden, Arps, Slate,
Meagher & Flom LLP (UK)

Paula Davis

Global Head of Client Services,
SAI Global (UK)

Jakob Foss

Project Manager
Business Ethics Compliance Office
Novo Nordisk AS (Denmark)

Céline B. Gerson

Chief Ethics and Compliance Officer
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Georg Goesswein, LL.M.

Vice President, General Counsel
Legal Affairs, IPR, Sales Export Policy
Tognum AG (Germany)

Dr Stefan Hanloser

Corporate Privacy & Data Protection
Officer Allianz Global Investors AG (Germany)

Dr. Stefan Heissner

Managing Partner – Fraud Investigation
& Dispute Services
Ernst & Young GmbH (Germany)

Heiner Hugger

Partner
Clifford Chance (Germany)

Maryam Kennedy

Partner
Ernst & Young LLP (UK)

Dominique Lamoureux

VP, Ethics & Corporate Responsibility
Thales (France)

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Partner, Mayer Brown (UK)

Carolyn Lindsey

Director, Advisory Services
Trace International (USA)

David Lorello

Partner, Steptoe & Johnson LLP (UK)

Drew Macaulay

Director, First Advantage (UK)

Dr. Klaus Moosmayer

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GE (France)

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Partner
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F. Joseph Warin

Partner
Gibson Dunn (USA)

Professor Celia Wells

Head of the Law School,
University of Bristol Law School
University of Bristol (UK)

A.C.J. (Joost) Wiebenga

Deputy General Counsel &
Chief Compliance Counsel EMEA
Tycos International (The Netherlands)

Roger M. Witten

Partner
WilmerHale (USA)

Pre-Conference Interactive Workshops: Monday 23 January 2012

- A** 9:00 a.m. – 12:30 p.m. (Registration opens at 08.00 a.m.)
Anti-Corruption Compliance: Intersection and Interaction between the Foreign Corrupt Practices Act (FCPA), the UK Anti-Bribery Act and German Anti-Corruption Laws
- B** 1:30 p.m. – 5:00 p.m. (Registration opens at 1.00 p.m.)
Effectively Managing Internal Investigations - How to Identify and Resolve Legal and Technical Issues

Main Conference

Day 1 – Tuesday, 24 January 2012

- 7:45 Registration and Coffee
- 8:20 Welcome and Opening Remarks
- 8:45 **Anti-Corruption Enforcement in Germany: The Year in Review**
- 10:00 **Practical Interpretation of the Guidance to the UK Bribery Act: How Should Companies Implement the Provisions to Avoid Prosecution?**
- 11:00 Morning Refreshments
- 11:15 **FCPA Enforcement Year in Review: How European Companies Should Prepare for and Respond to the Dodd-Frank Act's Whistle-blower Programme**
- 12:30 Networking Luncheon
- 1:45 **Anti-Corruption Compliance Programmes: What are the Global Adequate Standards post UK Bribery Act, OECD and US Sentencing Guidelines**
- 3:15 **CASE STUDY: Seven Practical Suggestions for Anti-Bribery Compliance**
- 4:00 Afternoon Refreshments
- 4:15 **Interactive Q&A Session with Investigators, Regulators and Prosecutors on International Cooperation to Enforce Anti-Corruption Laws**
- 5:30 Conference Adjourns for the Day

Day 2 – Wednesday, 25 January 2012

- 8:30 Registration and Coffee
- 9:00 Opening Remarks from the Co-Chairs
- 9:15 **Individual and Corporate Liability for Compliance Failure: Managing and Avoiding Lawsuits**
- 10:15 **Putting Your Compliance Programme to the Test: How to Test the Effectiveness of Your Compliance Programme in High Risk Markets**
- 11:15 Morning Refreshments
- 11:30 **Anti-Corruption Training Programmes: How to Measure the Effectiveness of Training Programmes to Ensure that Employees and Third Parties Are Committed to Compliance**
- 12:15 Networking Luncheon
- 1:30 **Preventing Corruption and Extortion Pitfalls When Securing Public Procurement Contracts and Responding to Requests for Tender in Emerging Markets**
- 2:30 **Internal Investigations: A Step-by-Step Action Plan to Respond to Corruption Allegations while Navigating the Complexities of Data Privacy Requirements**
- 3:45 Afternoon Refreshments
- 4:00 **Navigating Compliance Issues in M&A and Private Equity Transactions: How to Address Successor Liability Risks, Prepare for and Resolve Post-Acquisition Disputes**
- 5:00 Conference Ends

Post-Conference Interactive Workshops: Thursday, 26 January 2012

- C** 9:00 a.m. – 12:30 p.m. (Registration opens at 08.00 a.m.)
Anti-Corruption Compliance for *Mittelstand* Companies (SMEs)
- D** 1:30 p.m. – 5:00 p.m. (Registration opens at 1.00 p.m.)
Vetting Third Parties: How to Define and Execute Systematic, Risk-Based Third-Party Due Diligence for Anti-Corruption Compliance

The conference will be translated simultaneously German <-> English

“The content was very interesting and provided food for thought about ways to improve our compliance programme.”

Senior Compliance Advisor, Marsh Inc. European Anti-Corruption Frankfurt edition

To register call +44 (0) 20 7878 6888 OR fax +44 (0) 20 7878 6885

Workshops: Montag, 23. Januar 2012

A 9:00–12:30 Uhr (Anmeldung ab 8:00 Uhr)

Compliance und Korruption: Überschneidungen und Interaktion zwischen dem amerikanischen „Foreign Corrupt Practices Act“ (FCPA), dem britischen „Bribery Act“ und deutschen Gesetzen zur Korruptionsbekämpfung

B 13:30–17:00 Uhr (Anmeldung ab 13:00 Uhr)

**Effektives Management von Internal Investigations
Rechtliche und Technische Sachverhalte Identifizieren und Lösen**

Tagung

1. Tag – Dienstag, 24. Januar 2012

- 7:45 Anmeldung und Kaffee
- 8:20 Begrüßung und Einführung
- 8:45 **Korruptionsbekämpfung in Deutschland: das Jahr im Rückblick**
- 10:00 **Praktische Interpretation der Durchführungshinweise zum britischen „Bribery Act“: So setzen Unternehmen die Bestimmungen rechtssicher um**
- 11:15 Kaffeepause
- 11:30 **FCPA-Umsetzung – das Jahr im Rückblick: So bereiten sich europäische Firmen auf das Whistleblower-Programm des „Dodd-Frank Act“ vor und reagieren richtig**
- 12:30 Networking-Mittagessen
- 13:45 **Compliance-Programme im Bereich Anti-Korruption: Wie sehen angemessene weltweite Standards im Lichte des britischen „Bribery Act“, der OECD-Bestimmungen und der US-amerikanischen „Sentencing Guidelines“ aus?**
- 15:15 **FALLSTUDIE: Sieben Praktische Vorschläge für Anti-Korruptions-Compliance**
- 16:00 Kaffeepause
- 16:15 **Fragestunde mit Ermittlern, Strafverfolgern und Vertretern von Regulierungsbehörden zur internationalen Zusammenarbeit bei der Durchsetzung von Antikorruptionsgesetzen**
- 17:30 Ende des ersten Tages

2. Tag – Mittwoch, 25. Januar 2012

- 8:30 Anmeldung und Kaffee
- 9:00 Einführung durch die Co-Chairs
- 9:15 **Persönliche und Unternehmenshaftung bei Compliance-Verstößen: So steuern und vermeiden Sie Verfahren**
- 10:15 **Funktioniert Ihr Compliance-Programm? So testen Sie die Wirksamkeit von Compliance-Programmen in Risikomärkten**
- 11:15 Kaffeepause
- 11:30 **Schulungsprogramme zur Korruptionsbekämpfung: So messen Sie die Wirksamkeit von Schulungsprogrammen und stellen sicher, dass Mitarbeiter und Fremdfirmen das Thema Compliance ernst nehmen**
- 12:15 Networking-Mittagessen
- 13:30 **Korruption und Erpressung in Schwellenländern: So gehen Sie häufigen Fallen bei öffentlichen Beschaffungsaufträgen und Ausschreibungen aus dem Weg**
- 14:30 **Interne Ermittlungen – ein Maßnahmenplan: So reagieren Sie Schritt für Schritt auf Bestechungsvorwürfe und berücksichtigen gleichzeitig die komplexe Datenschutz-Thematik**
- 15:45 Kaffeepause
- 16:00 **Im Fadenkreuz der Regulatoren – Worauf Strategische und Private Equity Investoren bei M&A Transaktionen achten müssen**
- 17:00 Ende der Tagung

Workshops: Donnerstag, 26. Januar 2012

C 9:00–12:30 Uhr (Anmeldung ab 8:00 Uhr)

Compliance im Bereich Korruptionsbekämpfung für mittelständische Unternehmen (KMU)

D 13:30–17:00 Uhr (Anmeldung ab 13:00 Uhr)

Überprüfung von Fremdfirmen: Definition und Umsetzung eines systematischen, risikogesteuerten Due-Diligence-Verfahrens für Fremdfirmen zur Einhaltung von Antikorruptionsbestimmungen

Während der Konferenz wird eine Simultan-Übersetzung in den Sprachen Deutsch-Englisch und Englisch-Deutsch angeboten

Media Partners:



Pre-Conference Interactive Workshops • Monday, 23 January 2012

9:00 a.m. – 12:30 p.m. (Registration Opens at 08.00 a.m.)

A **Anti-Corruption Compliance: Intersection and Interaction between the Foreign Corrupt Practices Act (FCPA), the UK Anti-Bribery Act and German Anti-Corruption Laws**

Heiner Hugger
Partner, **Clifford Chance**

Andrew Legg
Partner, **Mayer Brown**

Marc R. Cohen
Partner, **Mayer Brown**

This highly rated workshop is designed to provide an in-depth and fully updated comprehensive course on the fundamental provisions of the FCPA, the UK Bribery Act and German laws on anti-corruption. It will cover all the bases with a focus on how the three regulations contrast and compare. Delegates consistently give it top marks for both content and presentation. The speakers will discuss core issues related to the statutes, focus on the consequences for non-compliance and strategies for upgrading your compliance programme to adhere to the three regulations while ensuring consistency throughout your organisation. Points of discussion include:

- Distinguishing the Bribery Act from the FCPA and the German laws on anti-corruption
- Scope of application: who is covered and who is not?
 - what constitutes “instrumentality” under the FCPA
 - what constitutes a “government owned entity”
- The 4 new bribery offences: “offering or giving bribes”, “soliciting or receiving bribes”, “bribing a foreign public official (FPO)”, “failure to prevent bribery by commercial organisation”
- Scope and application of general bribery offences/foreign public official (FPO) offence
 - what/who is covered?
 - Acts/omissions taking place in the UK
 - Acts/omissions outside the UK but by persons with a “close connection” to the UK

- Scope and application of corporate offence
- Apprehending the concept of “public official” under the German laws: German public officials; EU public officials; Public officials in individual EU states; Public officials in non-EU states; Public officials in international organisations; Public officials at international criminal courts
- How the court defines “*what was obtained*” to order a confiscation/forfeiture under German Law
- Corruption risk generators and potential pitfalls you should be aware of?
- Permissible and impermissible payments
 - anything “of value”
 - facilitating payments: limits on “grease”
 - political contributions
 - charitable contributions
- What constitutes activity deemed to “obtain or retain business”?
- Comparing and contrasting the treatment of gift, entertainment and corporate hospitality in each jurisdiction and how to ensure consistency of your internal policy in a global organisation
- Jurisdictional requirements for failing under the purview of the Act
- Reasonable and bona fide expenses under the statute
- “Adequate procedures”
 - what are they?
 - are they sufficient to defend companies?
- What triggers government anti-bribery investigations?
- Understanding the key enforcement priorities of the regulators
- Books and records requirements under the FCPA and the UK Bribery Act
- The intersection of Sarbanes-Oxley and FCPA
- Internal controls of inaccuracies and public disclosure under the FCPA and the UK Bribery Act
- Fundamentals of an anti-corruption compliance programme
 - what do you need to add into your FCPA compliance programme to make it compliant with the UK Bribery Act and German Laws?
- Lessons learnt from recent cases (penalties, fines levied)

1:30 p.m. – 5:00 p.m. (Registration Opens at 1.00 p.m.)

B **Effectively Managing Internal Investigations - How to Identify and Resolve Legal and Technical Issues**

Drew Macaulay
Director, **First Advantage (UK)**

Michael Becker
Director, **First Advantage (Germany)**

Dr. Benno Schwarz
Partner, **Gibson, Dunn & Crutcher LLP (Germany)**

Michael Walther
Partner, **Gibson Dunn & Crutcher LLP (Germany)**

Walking you through the essential steps during an anti-corruption investigation using a hypothetical case study, this interactive and practical session will address the key elements of an internal investigation including awareness of potential hurdles to the process. Points of discussion include:

Getting started

- Identifying the appropriate scope of an investigation through risk assessment
- Using a staged approach to investigation

- Discussion of scope with Audit committee, including involvement of Management and/or Works Council
 - Creating and protecting privilege
 - Engagement with vendors
- #### Information gathering and analysis
- Understanding the workflow and timing of an information collection and review exercise
 - Working with witnesses, including Works Council involvement, amnesty programs and separate representation
 - Identifying potential issues relating to data privacy, access to information and cultural differences
 - Planning and implementing workflow and technical measures to deal with these challenges
 - Effective strategies for locating relevant documents in custodian data
 - New sources of evidence - instant messaging, SMS (text messages), social media
 - Ensuring the defensibility of the processes employed
 - Defining the end of the review process - sampling and testing
- #### Reporting
- Delivery of findings to internal stakeholders
 - Self reporting to regulators/prosecution agencies
 - Producing evidence to regulators investigated “enough” to maximise credibility to the government

Main Conference Day 1 • Tuesday 24 January 2012

7:45 **Registration and Coffee**

8:20 **Welcome**

David L. Stulb
Global Leader, Fraud Investigation & Dispute Services
Ernst & Young LLP (UK)

8.30 **Opening Remarks from the Conference Co-Chairs**

Dr. J.F. Hannes Meckel
General Counsel, GE (Germany)

Markus E. Schulz
Chief Compliance Officer Global Life & Group Financial
Crime Officer – Group Compliance
Zurich Insurance Company Ltd (Switzerland)

8:45 **Anti-Corruption Enforcement in Germany:
The Year in Review**

Panellists:

Alexander Dörrbecker
Deputy Head of Division
Federal Ministry of Justice, Berlin (Germany)

Michael Loer
Senior Prosecutor
Public Prosecutor's Office in Frankfurt (Germany)

Panel Moderator:

Hans-Hermann Aldenhoff
Partner, Country Head – Germany
Simmons & Simmons LLP

- Review of recent anti-corruption cases against companies and individuals
- German enforcement authorities' ability to successfully enforce anti-corruption laws
- The extent to which the difference between enforcement at state and federal levels influence enforcement
- How do the enforcement authorities define foreign bribery and prosecute corruption of foreign officials?

10:00 **Practical Interpretation of the Guidance to
the UK Bribery Act: How Should Companies
Implement the Provisions to Avoid Prosecution?**

David Lorello
Partner, Steptoe & Johnson LLP (UK)

Matthew Cowie
Former Senior Prosecutor, Serious Fraud Office
Counsel, Skadden, Arps, Slate, Meagher & Flom LLP (UK)

Professor Celia Wells
Head of the Law School, University of Bristol Law School
University of Bristol (UK)

- Clarifying the scope of the application and reach of the Act
 - foreign companies
 - corruption allegations committed abroad
- Enforcement priorities of the UK Bribery Act: how enforcement strategies have been strengthened

- Update on the structural organisation of enforcement agencies and personnel changes
- Powers and investigations tools to build cases: what has changed to prepare for enforcement
- When to expect the first waves of prosecutions under the Act
- Industry sectors and type of activities that are on the radar screen of prosecutors: large groups versus SMEs – what is the priority?
- Anticipating the Courts' interpretation of the guidance
 - “adequate procedures”
 - the notion of “doing business in the UK”: what is the level of investment required to consider that the company is doing business in the UK?
 - Extent to which having a pension fund in the UK means doing business in the UK

11:00 **Morning Refreshments**

11:15 **FCPA Enforcement Year in Review:
How European Companies Should Prepare
for and Respond to the Dodd-Frank Act's
Whistle-blower Programme**

Panellists:

Charles E. Cain
Assistant Director, FCPA Unit – Division of Enforcement
U.S. Securities and Exchange Commission

William J. Stuckwisch
Assistant Chief – Foreign Corrupt Practices Act Unit
Fraud Section, Criminal Division
U.S. Department of Justice

Cheryl Scarboro
Partner, Simpson Thacher & Bartlett LLP*

Nicola Bonucci
Director Legal Department, OECD

Panel Moderator:

Roger M. Witten
Partner, WilmerHale (USA)

- The Dodd-Frank Act's whistle blower provisions – scope of application and how they will work
 - listed versus non-listed companies: who falls within the scope?
- What does it mean for European corporations and how should they respond?
- How compliant is the programme with national restrictions on data privacy and employment law in Europe?
- What can go wrong with the use of internal whistleblowing and hotlines in reporting wrong doing
- What measures companies can take to encourage company's personnel to make use of internal reporting lines
- The rationale for financially incentivising whistle blowers to use external reporting channels rather than internal hotlines
- Protecting the whistle-blower and the person who allegedly committed a wrongdoing against retaliation and discrimination
- How to avoid the risk of weakening the effectiveness of internal hotlines and the entire company's compliance policy
- How should companies demonstrate commitment to compliance if they do not have the opportunity to investigate allegations of wrongdoing reported from internal hotlines?

12:30 **Networking Lunch**

Panel Discussion

1:45

What are Adequate Standards and Global Structure post UK Bribery Act, OECD and US Sentencing GuidelinesPanellists:**Bo Berndtsson**

Chief Compliance Officer, AB Volvo (Sweden)

A.C.J. (Joost) WiebengaDeputy General Counsel & Chief Compliance Counsel EMEA
Tyco International (The Netherlands)**Carolyn Lindsey**

Director, Advisory Services, Trace International (USA)

Maryam Kennedy

Partner, Ernst & Young LLP (UK)

Panel Moderator:**Dr. Andreas Pohlmann**

Member of the Executive Board, Ferrostaal AG (Germany)

- Assessing the risks faced by your company based on geographic scope, business model, business sector and other factors
- Assigning managerial and governance responsibility locally
- Key priorities of the compliance officer of a multi-national company: Top 5 specific measures to focus on
- Effective internal compliance structures to promote the company's commitment to anti-corruption
- Ensuring comprehensive reporting, clear accountability and full and effective oversight by top decision makers
- Tailoring anti-corruption compliance programmes in different countries to maintain compliant business operations

3:15

CASE STUDY: Seven Practical Suggestions for Anti-Bribery Compliance**Paula Davis**

Global Head of Client Services, SAI Global (UK)

4:00

Afternoon Refreshments

4:15

Interactive Q&A Session with Investigators, Regulators and Prosecutors on International Cooperation to Enforce Anti-Corruption LawsPanellists:**Michael Loer**

Senior Prosecutor

Public Prosecutor's Office in Frankfurt (Germany)

William J. Stuckwisch

Assistant Chief – Foreign Corrupt Practices Act Unit

Fraud Section, Criminal Division

U.S. Department of Justice

Charles E. Cain

Assistant Director, FCPA Unit – Division of Enforcement

U.S. Securities and Exchange Commission

Robert AmaeeFormer Head of Anti-Corruption, Proceeds of Crime
& International Assistance, Serious Fraud Officer (UK)

Of Counsel, Covington & Burling (UK)

Panel Moderator:**John Rupp**

Partner, Covington & Burling (UK)

This session will bring together anti-corruption prosecutors and regulators to answer your pressing questions, discuss and exchange information and ideas in an open and interactive environment. We invite you to send your questions to the organisers before the conference. Alternatively, questions

5:30

Conference Adjourns for the Day**Cocktail Reception****Main Conference Day 2 • Wednesday, 25 January 2012**

8:30

Registration and Coffee

9:00

Opening Remarks from the Conference Co-Chairs

9:15

Individual and Corporate Liability for Compliance Failure: Managing and Avoiding Lawsuits**Dr. Roland Steinmeyer**Partner & Co-Chair, German Corporate Practice Group
WilmerHale (Germany)

- Extent of civil and criminal liability that executives and compliance officers face in Germany
- How does the Supreme Court define the elements of potential criminal liability (by omission) of the compliance officer?
- Practical effects of the Federal Supreme Court decision regarding the strict liability of companies if there is a failure in the compliance system
- Impact of potential criminal or administrative liability on civil liability risks
- How companies go about claiming damages against managers and employees
- How to mitigate your liability risk
- What is the prospect of getting D&O coverage - what are the standard terms in the market?
 - what do they include or exclude (e.g. waivers of coverage for fines imposed by a court for disgorgement of profit)
- Strengthening your compliance programme to mitigate your liability risk - what additional measures you may implement

10:00

Putting Your Compliance Programme to the Test: How to Test the Effectiveness of Your Compliance Programme in High Risk Markets**Dr. Stefan Heissner**Managing Partner – Fraud Investigation & Dispute Services
Ernst & Young GmbH (Germany)**Jeffrey L. Antoon**

Director – Financial Internal Audit, Johnson & Johnson (USA)

Markus E. SchulzChief Compliance Officer Global Life & Group Financial
Crime Officer – Group Compliance
Zurich Insurance Company Ltd (Switzerland)

- Testing your compliance programme against standards on auditing compliance management systems
- Deciding whether to build an internal auditing programme that incorporates specific anti-corruption monitoring into recurring financial audits or to create a separate audit programme
- Identifying how anti-corruption programme reviews differ from financial audits
 - essential components of effective audits
 - when and how often to perform audits
 - delineating which areas will be audited for compliance
 - understanding how auditors identify red flags

- Maintaining compliance controls without putting the company at a competitive disadvantage
- Practical strategies for monitoring and auditing compliance with the terms of your agreement with various parties
- Highlighting exposure areas where transactions are tested

11:15 **Morning Refreshments**

11:30 **Anti-Corruption Training Programmes: How to Measure the Effectiveness of Training Programmes to Ensure that Employees and Third Parties Are Committed to Compliance**

Jeroen Brabers

Group Director Integrity, TNT Express NV (The Netherlands)

Jakob Foss

Project Manager, Business Ethics Compliance Office
Novo Nordisk AS (Denmark)

Jean-Claude Najar

General Counsel France & Senior Counsel Europe, GE (France)

- Training programmes that work for your organisation: how do you choose a programme and a format; face to face, e-learning etc?
- The importance of pre-testing before the training to assess the initial knowledge level of the trainees
- Tailoring training programmes for your suppliers, distributors, agents and other third parties to add value to the company
 - how do you tackle cultural influence to get the message across?
- How do you assess the effectiveness of a training programme: what metrics do you apply?
 - how much documenting and recording are enough?
- Focussing on the specific learning targets of a course to measure the effect of the tests
- How do you know what your employees and third parties learn from the programmes and whether the training has settled in to equip them with the tools needed to avoid corruption violations
 - how many follow up tests after days, weeks, months are enough?
- Who within the organisation does the training and sets up an effective measurement system?
 - compliance function versus legal function
- Measuring the effect of internal and external training
- Using the data generated by previous training to improve future the programmes
- How documenting a compliance training programme can be used as a mitigating factor in case of an audit by the US DOJ into potential bribery allegations
- Ensuring that your anti-corruption compliance training programme is considered as an “adequate procedure” under the UK Bribery Act
- How to effectively demonstrate to the authorities that the company’s staff is adequately and regularly trained

12:30 **Networking Luncheon**

1:45 **Preventing Corruption and Extortion Pitfalls When Securing Public Procurement Contracts and Responding to Requests for Tenders in Emerging Markets**

Dominique Lamoureux

VP, Ethics & Corporate Responsibility, Thales (France)

Guenter Schmidmeir

Vice President of Sales – EMEA region, Navis (USA)

- Why should you be cautious about using bid advisors, bid consultants and agents in emerging countries?
- Conducting due diligence before using any intermediary in any procurement procedure: what are the key challenges?

- How to recognise extortion from a politically exposed person or anybody involved in the bidding process, when engaging in a contract or project
- Would they report? If yes, to whom: local government versus own government?
 - how to do so without retaliation or being debarred
 - how to prove that you are being extorted
- The extent to which integrity pacts on anti-corruption with some governments constitute the best possible safeguard so far
 - benefits of entering into integrity pacts
 - what are the risks and how to manage them?
 - what is the substance of such pacts and how can they be effectively enforced?
 - when do you need to negotiate them with any government and how to proceed while managing cultural and political sensitivities
- When you believe that a competitor has bribed an official to win a contract:
 - what do you do?
 - if you decide to report to the local authorities, how would you word your claim?
 - how would you go about presenting strong evidence to support your claim?
- What legal and commercial considerations to take before initiating a bid protest if there is a rumour that a competitor won a contract because he has bribed the contracting authorities

2:30

A Step-by-Step Action Plan to Respond to Corruption Allegations while Navigating the Complexities of Data Privacy Requirements

Panellists:

Dr. Klaus Moosmayer

Chief Counsel Compliance, Siemens AG (Germany)

Dr Stefan Hanloser

Corporate Privacy & Data Protection Officer
Allianz Global Investors AG (Germany)

Martin Riedel

Partner, Ernst & Young (Germany)

Panel Moderator:

Daniel P. Cooper

Partner, Covington & Burling (UK)

- What do you do if you find out that there is a problem in one of your subsidiaries?
- What steps do you take to address the wrong doing, within the 1st and 2nd week
- When does the company decide to investigate or to drop the case? How do distinguish between what should or should not be investigated?
- What the company can look into or not and how far it can go to get the evidence
- Where the US and the European approach to collecting evidence do clash?
- Understanding the privacy laws of Europe and balancing the risks with requests for information
- Complying with specific limitations under the recently changed German data protection provisions in the context of internal investigations
- Successfully utilizing cross-border data transfer mechanisms to appropriately obtain personal data, including the U.S., EU and U.S-Swiss Safe Harbors
- Obtaining approvals from and complying with required notifications to local Data Protection Authorities (DPAs)
- The importance of balancing the rights of individuals with the protection of the company under EU legislation

Internal Investigations

"I have found, as usual, this conference useful and detailed to help me in my work. I have the responsibility to implement all the commercial process, including policies and procedures both for Finmeccanica and for Finmeccanica's companies."

Head of Compliance, Finmeccanica Spa, European Anti-Corruption Frankfurt edition

- Conducting an internal investigation in a jurisdiction where legal privilege is not granted to in-house lawyers: what precautions do you take?
- Lessons learnt from the *HSH Nordbank Case* and how the German Supreme Court's decision is affecting the handling of employees' interview protocols
- When do you involve the employee subject to the investigation – sooner or later?
- Resolving conflicts arising from demanding and contradictory legal regimes such as documentation requirements
 - what best practices US subsidiaries in Europe have implemented in that regards

3:45 Afternoon Refreshments

4:00 Navigating Compliance Issues in M&A and Private Equity Transactions: How to Address Successor Liability Risks, Prepare for and Resolve Post-Acquisition Disputes

Dr. Thomas Altenbach
Assistant General Counsel – Legal Corporate Affairs
Daimler AG (Germany)

F. Joseph Warin
Partner, Gibson, Dunn & Crutcher LLP (USA)

Dr. Benno Schwarz
Partner, Gibson, Dunn & Crutcher LLP (Germany)

- Successor liability – an increasing threat for strategic and private equity transactions
- How to identify and address relevant compliance risks in different transaction scenarios (public take-over, auction, private sale)
- How to effectively negotiate and document provisions addressing compliance risks
- Mitigating compliance risks through pre-closing disclosure, release opinions or other means
- Aligning compliance programs and processes as a fundamental element of a successful post-merger integration plan
- Lessons learnt from recent M&A disputes involving compliance violations

5:00 Conference Ends

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Post-Conference Interactive Workshops • Thursday, 26 January 2012

9:00 a.m. – 12:30 p.m. (Registration Opens at 08.00 a.m.)

C Anti-Corruption Compliance for Mittelstand Companies (SMEs)

Meinhard Remberg
Executive Vice President
SMS GmbH (Germany)

Georg Goesswein, LL.M.
Vice President, General Counsel
Legal Affairs, IPR, Sales Export Policy
Tognum AG (Germany)

Although prosecutors tend to prosecute large companies over small and medium sized enterprises (SMEs), the compliance burden and long-term commercial consequences will ultimately affect SMEs. When they team up with large companies as sub-contractors, SMEs are under pressure to comply with anti-corruption standards. The UK Bribery Act guidance provides that contractors should ensure that their sub-contractors comply with anti-corruption laws. This interactive and practical working session

is especially tailored for SMEs. The session will provide concrete tools and tactics to meet the minimum requirements for an effective compliance programme that prevent meets their specific needs. Topics include:

- How to run a cost-effective compliance programme
- Conducting a risk assessment to identify critical areas of corruption risk
- What is the minimum acceptable a compliance programme should cover?
- How much compliance is sufficient for SMEs?
- Weighing and deciding whether to operate a compliance function or not
- How to deal with training on anti-corruption compliance: the extent to which doing training via an association is sufficient
- Addressing the confidentiality issues arising from third party audit rights imposed by large groups
- Overcoming anti-corruption challenges SMEs face when engaging in cross-border transactions in high risk markets
- Hands-on case studies of various scenarios on how to address and respond to some difficult situations

1:30 p.m. – 5:00 p.m. (Registration Opens at 1.00 p.m.)

D Vetting Third Parties: How to Define and Execute Systematic, Risk-Based Third-Party Due Diligence for Anti-Corruption Compliance

Céline B. Gerson
Chief Ethics and Compliance Officer
Cameron (USA)

Flavio Bertoli
Senior Legal Counsel
Siemens AG (Germany)

Patrick Späth
Counsel
WilmerHale (Germany)

When considering a prospective business relationship, effective anti-corruption due diligence is an absolute must. Failure to uncover corruption problems or mitigate corruption risks can result in reputational damage and, with increasing frequency, substantial criminal and regulatory exposure. This interactive and practical workshop will cover the essentials of conducting third party due diligence including associated persons, joint venture partners and other business partners. Workshop participants will learn how to overcome the legal, factual and cultural issues companies often confront when auditing overseas, and how to respond appropriately to issues identified during the due diligence process. You'll gain critical insights on:

- How to design and implement due diligence for a prospective foreign third party including partners, agents, consultants, customs brokers, marketing and sales representatives, and other types of business associates
- Identifying special risks for joint ventures that other third party relationships may not have
- Understanding where the liability for companies starts and ends in their relationships with third parties
- Managing joint venture risks when the participants are subject to different legal regimes

- Assigning resources and responsibility of conducting due diligence on third parties
- Assessing risks based on region and understanding local business practices
- Due diligence questionnaires: how much is sufficient?
- Determining the appropriate level of anti-corruption due diligence based on review of facts and circumstances
 - due diligence on suppliers or 2nd tier suppliers to a 3rd party (chain of 3rd party) – how far should you go?
 - to what extent certifying your 3rd party policy is a defence?
- Due diligence process information gathering under FCPA, the UK Bribery Act and German laws - conducting interviews
- Identifying known conflicts including past and present relationships with government officials
- What special issues may arise if a Joint Venture includes a government partner?
- Dealing with the tension arising with the local content requirements: what to do if your customer requires you to use a local partner whose integrity is questionable
- Protections to mitigate your company's liability arising from a wrongdoing of a joint venture partner
- Parameters and tools used to select your partners
- Legal and commercial considerations when rating a partner as lower, medium or higher risk
- Crafting contractual provisions that will obligate third parties to comply with anti-corruption laws
- How to ensure third parties comply with contractual obligations
- Overcoming the challenges related to the enforcement of auditing rights
- Due diligence practices for long term sales and marketing relationships versus short term relationships to address a specific need
- Generating anti-corruption due diligence reports at all stages of the relationship: scope of investigation and summary of findings, analysis and recommendations
- If the due diligence report uncovers a history of corruption do you disclose or not?

Anti-Corruption

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