

# Dawn raids – dos and don'ts

A dawn raid is an unannounced inspection by the competition authorities. Often, the authorities will come to inspect whether the company is involved in a violation of the competition rules and to preserve evidence of any violations.

During the inspection, the competition authorities will investigate the company and collect both physical and electronic data.

It is important to be prepared and capable of responding promptly when the authorities arrive. Below is an overview of some of the key focus areas during a dawn raid.

## **The company's rights and obligations:**

- At the inspection, the competition authorities will present a warrant and an authority decision stating the purpose of the investigation. The company is obligated to give the authorities access to carry out the investigation.
- The competition authorities must have access to the company's premises and documents. They are entitled to make copies of physical documents and electronic data.
- The company is obligated to answer questions about facts - not questions concerning a violation of the rules.
- The company is entitled to send for a lawyer.
- As a predominant general rule, the competition authorities are not entitled to see or make copies of correspondence exchanged between the company and an external lawyer.
- The company is entitled to receive a report from the competition authorities which describes the investigation in detail.

## **Useful hints on the day:**

- Be cooperative. It may be contrary to the competition rules to obstruct the inspection, and any lack of cooperation may also be blamed on the company.
- Be accommodating at the start of the day and receive the investigators politely and calmly. It is important that the company's employees do not panic, thus ensuring that the procedures are met and errors avoided.
- Notify the company's legal department immediately and/or contact an external lawyer. They may assist in safeguarding the company's interests and handling the contact to the competition authorities during the investigation.

- Accompany and monitor the investigators. In this way, the company will be informed about the investigation, and it will contribute to ensuring that the investigators will only investigate the matters they have come to investigate.
- Ensure that the company receives a copy of the documents collected by the investigators. This will give an overview of the information held by the authorities and improve the possibilities of assessing the case and preparing a defence.
- Avoid giving the investigators unsolicited information. In this way, you avoid that the company's employees mistakenly give information that may harm the company.
- Give brief and precise answers and answer only factual questions to which you know the answer. In this way, you avoid that the company's employees mistakenly give incorrect information or information that may harm the company.
- Write down all questions and the employees' answers. This will provide an overview and a possibility of documenting which information has been disclosed.

## Contact

Horten has wide experience advising companies before, during and after dawn raids. Our experts can arrive quickly to assist with safeguarding the company's interests.



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