

BUSINESS ETHICS PRACTICE

ANTICIPATE AND CONFRONT COMPLIANCE RISKS
USE COMPLIANCE TO DRIVE GROWTH



AUGUST DEBOUZY



BE PREPARED!

9 DECEMBER 2016

Promulgation of the law no. 2016-1691 relative to transparency, anti-corruption and economic modernization, also known as the **“Sapin II Law”**.

1 JUNE 2017

Entry into force of provisions relative to required measures to **prevent and detect corruption and trading in influence** (article 17, II, of the Sapin II Law).

10 OCTOBER 2017

Signature of mission statements identifying the first companies subject to an inspection from the French Anti-corruption Agency (AFA) with regard to **implementing an anticorruption compliance program defined by the Sapin II law** (article 17, II, of the Sapin II Law).

1 JANUARY 2018

Entry into force of the decree no. 2017-564 of 19 April 2017 relative to the **duty of companies and public administrations to put in place procedures to collect concerns from whistleblowers**.

27 MARCH 2017

Promulgation of the law no. 2017-399 of 27 March 2017 relative to the **duty of vigilance** for parent companies and contracting companies (entry into force of obligation to publish a vigilance plan and a summary of its application in the company annual report is deferred until the first reporting cycle after the law is published).

6 AUGUST 2017

Publication of the decision no. 2017-191 of 22 June 2017 modifying the decision no. 2005-305 of 8 December 2005 providing a Single Authorization to **automatic processing of personal data in relation to professional whistleblowing systems (AU-004)**.

16 NOVEMBER 2017

Publication by the French Anti-corruption Agency of all its draft recommendations on **preventing offenses of probity** which will become definitive at the end of the year following a public consultation process.

25 MAY 2018

Entry into force of EU regulation no. 2016/679 of 27 April 2016, also known as the General Data Protection Regulation (GDPR).

COMPLIANCE CHALLENGES FACING COMPANIES



1

ORGANIZE Compliance Governance:
Executive Management, Compliance
Officer, Data Protection Officer, etc.

2

PUT IN PLACE tools: code of conduct,
internal rules and regulations, whistleblowing
procedures, etc.

3

TRAIN executive management and
teams on the new procedures

4

ANTICIPATE AND MANAGE investigations,
both civil and criminal, from French
and international regulators

5

PREVENT risks of fraud, corruption,
violations of personal data, anti-
competitive practices, cybercrime, etc.

6

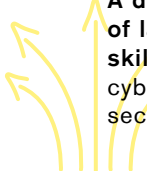
PLAN crisis communications and follow-up

YOUR BUSINESS ETHICS PARTNER




A COMPLETE RANGE OF SERVICES AVAILABLE TO YOU


Our Business Ethics practice, a comprehensive approach to providing you timely advice on all of your compliance issues.



A dedicated practice made up of lawyers with complementary skills: anti-corruption, personal data, cybercrime, competition, finance/securities, regulatory, tax, employment




Complementary advisory and litigation know-how to support you through all phases: audits, internal investigations, training, organizing your compliance and crisis management



Thorough knowledge of the functioning of administrative bodies, governmental bodies, independent administrative authorities and European institutions



An international network of law firms



Close working relationships with specialized consultants: data mapping, governance of information systems, crisis communication, change management, etc.



KNOW-HOW

AUDIT

- _ Internal audits and investigations of governance, compliance and mapping of legal, criminal and ethical risks
- _ Impact assessments with regard to personal data

TRAIN

- _ Provide advice and training on compliance (Sapin II Law, GDPR, etc.)
- _ Implement internal compliance charters, codes of conduct and complete educational materials aimed to spread a culture of compliance within companies (particularly through e-learning)
- _ Train executives and employees on on-site and home inspections, hearings and subsequent proceedings

ORGANIZE

- _ Implement procedures to record internal whistleblowing
- _ Implement an anti-corruption plan
- _ Ensure GDPR compliance
- _ Technical, legal and insurance-related organization of information systems to fight against cybercrime
- _ Delegate of powers and signature authority within a company
- _ Implement procedures in the event of crisis and an action plan for business continuity
- _ Update internal rules and regulations

DEFEND

- _ Investigations from French regulators (AFA, CNIL, AMF, ACP, ADLC, DGCCRF...) and international regulators (European Commission, CEPD, SFO, DOJ, OFAC...)
- _ Proceedings before such regulators and potential criminal proceedings
- _ Labor law proceedings
- _ Declaration of activities involving the representation of interests to the High Authority for Transparency in Public Law
- _ Management of relations with European institutions and French public authorities
- _ Insurance law and risk coverage
- _ Internal and external crisis communications

CREDENTIALIALS



COMPLIANCE: INVESTIGATIONS, FRAUD

- _ Advised and assisted the subsidiary of a European industrial group faced with a criminal investigation in another country targeting the executives appointed by its business partner in connection with a joint venture contract.
- _ Represented the subsidiary of a French agribusiness group subject to two investigations. One investigation was led by the General Directorate on food safety, and the other one was a criminal investigation involving misleading information due to the circulation of products unfit for consumption.
- _ Represented the managing shareholders in an investigation involving the extortion of shares.
- _ Represented a communications company accused of unfair competition which was a victim of criminal offenses committed by the adversary (including, violating privacy of correspondence, fraudulent access to an automated data processing system).
- _ Provided support to an industrial group in relation to employees effected by an ongoing investigation

PERSONAL DATA: COMPLIANCE

- _ Provided assistance to several clients in carrying out GDPR compliance audits and putting in place realistic and practical global compliance programs, in preparation for GDPR, which comes into effect on 25 May 2018 (drafting procedures, confidentiality policies, drafting model clauses, putting in place training programs, etc.).
- _ Put in place "Binding Corporate Rules" for one of our clients at the group level (BCR for entity in charge of processing data and BCR for sub-contracting entity).

ANTI-COMPETITIVE PRACTICES

- _ Provided assistance to a major group in the building and public works sector for litigation proceedings initiated by the French Competition Authority (ADLC) and/or the General Directorate Competition, Consumer Affairs and Repression of Fraud (DGCCRF).
- _ Internal investigation within a company in the construction sector to identify non-compliant practices and put in place corrective measures.
- _ Provided assistance to a telecommunications operator in connection with on-site inspections by the French Competition Authority (ADLC).
- _ Provided assistance to a leading company in the recycling sector in connection with on-site inspections by the European Commission.
- _ Conceived and put in place a section on competition law in the compliance program of a major company in the agricultural sector.
- _ Established general guidelines to comply with competition law for companies in the pharmaceutical and consumer products sectors.

CYBERCRIME

- _ Provided assistance to a client manufacturing various articles whose logistics specialist in charge of delivering the company's products to distributors in Europe stopped performing services due to a ransomware-like cyberattack, paralyzing the client's business.
- _ Provided assistance to a client whose servers, hosted and managed by an IT service provider, were infected by a virus that appeared to facilitate industrial spying.
- _ Provided assistance to a client whose e-commerce website was subject to a denial of service attack paralyzing the website and preventing any orders.

SECURITIES LAW: PROCEEDINGS BEFORE THE FRENCH STOCK MARKET REGULATOR (AMF) OR THE PRUDENTIAL SUPERVISION AND RESOLUTION AUTHORITY (ACPR)

- _ Represented a French investment fund in connection with actions initiated by a former employee who participated in a co-investment transaction with carried interest that was unsuccessful. The employee claimed reimbursement of the entire amount of the investment.
- _ Represented an investment portfolio management company, well known for managing several funds with holdings in seven project companies, in connection with a dispute related to the removal of the project companies' president.



SHARING KNOWLEDGE

The firm has organized multiple conferences on compliance issues in recent years

- _ Sapin II Law: Transparency and ethics in lobbying
- _ Today's Chief Compliance Officer
- _ Health industry: how do you reconcile measures in the Sapin II Law with existing regulations?
- _ When crisis occurs: how companies deal with criminal law issues, protecting executive management and blocking statutes
- _ French and international legislation related to international compliance, FCPA, UKBA, the new framework put forth by the Sapin II Law
- _ Putting in place a compliance program
- _ The protection of personal data
- _ Cyberattacks: prevent, react, recover
- _ Compliance. Financial prosecutor, global investigations, guidelines – it is all speeding up
- _ Fraud & insurance
- _ Corporate criminal and tax investigations
- _ Corporate fraud
- _ Fighting corruption in France
- _ Preventing criminal risks: latest developments on the criminal liability of companies and executives
- _ Corruption and compliance: how to deal with new requirements and conflicting texts
- _ Anti-competitive practices find their way into contracts
- _ Inspection week: best practices in the event of a company inspection from the data protection commission (CNIL), competition authorities, labor inspector, tax and social security authorities

A CROSS-DISCIPLINARY TEAM

Driven by a modern vision of legal expertise, our lawyers are there to keep you one step ahead. Our Business Ethics practice brings together 20 lawyers including 9 partners. The combination of their know-how and our cross-disciplinary approach are key to our support.



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AD

Driven by an entrepreneurial spirit for over 20 years, our law firm offers more than just legal advice.

With 140 lawyers who are interested in you and work alongside you to help you grow, manage your teams, innovate, add value to your assets, forge partnerships, resolve conflicts, meet your obligations and strengthen your position in the marketplace.

In a rapidly changing world, we are committed to providing you diligence, enthusiasm and agility. The solutions we build together with you allow you to anticipate and ultimately help you to have an edge and stay ahead.

August Debouzy, a French brand, by your side around the world.



CHIFFRES

1995 
FOUNDING
OF THE FIRM

240 
people

140 
LAWYERS

1 offer
« **FULL SERVICE** »
Business Law Firm

 
37% 63%

 35 YEARS
MIDDLE AGE

4 OFFICES
Paris
Brussels
Casablanca
Tehran

 1 international
NETWORK

RANKINGS

LAW FIRM OF THE YEAR - 2017

August Debouzy received 7 awards, including the "Firm of the year" and the "French firm of the year" awards, following a survey of 25,000 legal professionals during the 5th edition of the "Palmarès des avocats".

- **Gold trophy** – Firm of the year
- **Gold trophy** – French firm of the year
- **Gold trophy** – Insurance
- **Gold trophy** – Litigation
- **Gold trophy** – Compliance
- **Bronze trophy** – Technologies
- **Bronze trophy** – White collar crime

FIVE TROPHIES - 2017

During the 17th edition of the « French Legal Awards » August Debouzy's teams received 5 awards:

- **Silver trophy** – Employment law
- **Silver trophy** – Healthcare-Pharmacy
- **Silver trophy** – New technologies
- **Silver trophy** – Commercial litigation
- **Silver trophy** – Customer relations

SEVEN TROPHIES - 2016

August Debouzy's teams were honoured with 6 silver trophies at the 16th annual Ceremony of Trophées du Droit.

- **Gold Trophy** – International Arbitration: Rising team
- **Silver Trophy** – Patents
- **Silver Trophy** – Mergers and Acquisitions: Mid to Large-Cap
- **Silver Trophy** – Health/Pharma
- **Silver Trophy** – New Technologies: IT, software and Internet
- **Silver Trophy** – Pro Bono
- **Silver Trophy** – Reorganization and Restructuring



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