

Press release

Dentons holds seminar “The inspector is coming! Working with the law enforcement and other state authorities in inspections and investigations”

December 2019, Moscow – International law firm Dentons held a seminar titled “The inspector is coming! Working with the law enforcement and other state authorities in inspections and investigations.”

Lawyers of the Competition Law, Compliance, Litigation and Dispute Resolution and White Collar Crime practices told seminar participants about who can inspect or investigate them; the possible consequences and risks during inspections and investigations by various authorities; what powers the law enforcement and supervisory authorities have and how they are limited; what to do and what not to do during an inspection or investigation and how a compliance system could help in cooperating with the state authorities.

Marat Mouradov, Partner and Head of Competition Law practice and Compliance practice, said that in recent years there has been a trend toward increased control, a higher number of inspections and investigations, it becoming more difficult to challenge their results and the responses to detected violations becoming harsher.

Konstantin Tretyakov, Partner and Head of White Collar Crime practice spoke in detail of law enforcement authority inspections. In particular, he carefully considered the legal grounds and inspection procedure, types of actions, inspectors’ powers and how to appeal illegal actions. Particular attention was paid to practical aspects such as the tactic and strategy for communicating with the law enforcement authorities and various options for protecting the company and its employees during inspections.

Maria Mikheyenkova, Counsel, Litigation and Arbitration and Compliance practices, talked about how to conduct oneself during an inspection or investigation, during any law enforcement operations or investigative actions, including inspection and search, document seizure and discovery, questioning or interrogation, etc. Maria emphasized that it is very important to respond to all requests and demands of the state authorities in writing and in a timely manner. During an inspection copies of all documents seized and information on electronic media should be prepared. At the end of the inspection a report recording all of the actions taken and signed by an official should be obtained. If there is disagreement with something in the report, don’t refuse to sign it but make a note and record comments in the report.

Radmila Nikitina, Counsel, Competition practice and Compliance practice, spoke about aspects of scheduled and unscheduled inspections, when they can be done and the possible consequences for the subject of the inspection. She shared with seminar participants information about the antimonopoly authority’s and the company’s rights in an antimonopoly audit and gave recommendations on how company employees should act when the inspectorate appears, when they are present during an audit, inspection and questioning, and service of a request. She emphasized the need to approve an in-house code of conduct for employees during an audit and recommended accompanying the inspectorate’s employees, handing over documents to the inspectorate under a certificate of transfer and acceptance and providing the requested information only after consulting with a lawyer.

Marat Mouradov spoke of the compliance system as a method of risk management. It should contain the requirements to risk assessment, ways of mitigating risks, methods for monitoring the system’s operation, a procedure for acquainting employees with the system, and information about the

compliance officer. A compliance system may be agreed with FAS and a report that it complies with antimonopoly law may be obtained. Marat also talked about conducting staged inspections to identify errors in the behavior of company employees to then correct them.

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* The American Lawyer 2018 – Ranking of 100 international law firms by number of lawyers (Global 100).