



INSTITUTE OF ADVANCED LEGAL STUDIES
School of Advanced Study, University of London
in association with the
EUROPEAN CRIMINAL LAW ASSOCIATION



are pleased to announce

Defence Rights during Investigations: Criminal and Administrative

PROGRAMME

- 18.00-18.45 **JULIAN M. JOSHUA**
Partner, Howrey LLP, Brussels; admitted to Brussels Bar
The uneasy interface: criminal and administrative enforcement and evidential standards in cartel investigations in the UK
Abstract: In the UK, corporate cartel participants are subject to administrative investigation and penalties under either the Competition Act 1998 or Article 101 of the Lisbon Treaty. The cartel offence in s 188 Enterprise Act may only be committed by individuals. In the Marine Hose case, the OFT wore several hats, first "assisting" the European Commission in a search of an individual's home and computer, then conducting its own search under the Enterprise Act for evidence of a criminal offence. This topic covers the interaction between the administrative and criminal enforcement regimes with particular reference to evidence gathering and the tension between individuals and companies.
- 18.45-19.00 Questions and answers
- 19.00- 19.45 **TONY WILSON and KEITH McCARTHY**
Serious Fraud Office
The SFO and administrative investigations
- 19.45-20.00 Questions and answers

Chair: TRICIA HOWSE, CBE

Thursday 7 October 2010, 6pm-8pm

Venue: Institute of Advanced Legal Studies, 17 Russell Square, London WC1B 5DR

This evening seminar is free. Those wishing to attend must book in advance.
To register, RSVP to: Belinda Crothers, IALS, Email: IALS.Events@sas.ac.uk.

SPEAKERS

KEITH MCCARTHY

Mr. McCarthy is the Chief Investigator at the UK Serious Fraud Office (SFO) and a member of the SFO Executive Board. As Chief Investigator Keith has responsibility for the delivery of operational casework across the organisation including the development of new work (including Investigative strategies) through Intelligence.

Before joining the SFO in November 2008, Keith enjoyed a 30 year career within HM Revenue and Customs where he was a fully qualified Tax Inspector within the Criminal Investigation Directorate.

Keith has significant experience of investigating corruption, organised and financial crime, tax evasion, trust and offshore arrangements, money laundering and proceeds of crime. He has given evidence in criminal trials on money laundering and complex offshore tax frauds and corruption.

Keith has been involved in anti-corruption and anti-bribery work for many years and throughout his career he has developed productive working relationships with domestic law enforcement agencies and overseas fiscal and Law Enforcement Authorities. Keith is an evaluator for the Council of Europe Group of States against Corruption (GRECO) on Corruption, Money Laundering and Confiscation. Keith has worked with the OECD Tax Crime and Money Laundering sub group since 2004 and was appointed Chairperson in March 2009.

JULIAN JOSHUA

During a 27 year career in the DG Competition at the EC, Julian Joshua was the architect of the Commission's investigation and enforcement mechanisms in complex cartel cases, namely the "dawn raid" and the concept of the single continuous infringement. He led many successful investigations into Europe-wide price-fixing conspiracies in major industries before leaving the Commission in 2000. Now a partner in the antitrust practice of Howrey LLP, Brussels, he specialises in defending companies in major European and multijurisdictional cartel investigations. He is nominated in the GCR 100 as "a leader in the field of cartels work" and is currently engaged in the Air Cargo, Freight Forwarders, Marine Hose and Heat Stabilisers investigations. Besides defending clients in contentious matters and appeals, he offers counsel at boardroom level on the corporate governance and risk management implications of involvement in potential violations. He has been extensively published on cartel matters including the interaction between administrative and criminal law enforcement, the UK cartel offence and extradition. A new edition of his book, co-authored with Prof Chris Harding of Aberystwyth, *Regulating Cartels in Europe*, will be published in early 2011.