

EUROPEAN COMPLIANCE CONFERENCE

**FINAL
LEGAL RESEARCH GROUP
CONFERENCE**

15-16 September 2017

Vrije Universiteit Brussel
Brussels, Belgium

K&L GATES

elsa

The European Law Students' Association

PROGRAMME

15th September, Fri

DAY 1

10.00 - 11.20

Compliance and Democracy

During this session the importance of compliance and effective combatting corruption on the well functioning of a democracy shall be discussed. Can a democracy work if people do not comply with the rules set? How important is compliance for a functioning democracy? What is the democratic cost of corruption? Does the rule of law reaches its limit in case of over regulation? What balance to strike?

11.40 - 13.00

Anti-Bribery – FCPA

During this session Anti-bribery regulations shall be discussed. Different Anti-Bribery regulations shall be looked at and compared. How far do these regulations e.g. FCPA in the USA go and how do they affect businesses that are operating globally. Does the extra-territorial reach of new legislation make it in practice quasi impossible or excessively costly to ensure full compliance? Does the prosecution policy impact on the rule of law?

13.00 - 14.30

Lunch break

14.30 - 15.50

Data Protection

During this session the question of the feasibility to comply with certain regulations on a multi-national scale should be discussed. How do the EU data protection laws compare to the US rules? Can the rules create inherent contradictions and how could/ should a business deal with this (example: how is a European business able to fulfil its obligations to report certain activities e.g. to US in order to comply with their Anti-terror laws without breaching European Data Protection laws).

16.10 - 17.30

The company perspective I

Following the previous discussion this session shall focus on the companies perspective. How does a company need to be organised to even be able to comply with the laws set. Which are the most effective ways to ensure a proper compliance? Is a compliance department/responsible person feasible for small and medium-sized enterprises? Does an excess of regulation negatively impact on the possibility of implementation? Do in practice companies recognize the importance and can they al locate sufficient resources to ensure monitoring and compliance?

10.00 - 11.20

The company perspective II

This morning sessions aims to look at the company perspective from a more international point of view. How can multi-national companies comply with the different often-contradicting and incompatible national legislation? Is it possible that certain countries use such law as an advantage to gain a trade advantage? How could such actions be avoided? Are certain regulations diverted from their intended goal and used in a quasi trade war? How are such practices dealt with and solved?

11.40 - 13.00

Prosecution

Next to the questions raised in the first sessions one of the core pillars for a functional compliance enforcement is the prosecution. Are there even enough resources by the state to ensure a sufficient prosecution of those who do not comply with the law or is there a danger of the prosecution to be random? In that case there could be the room for corruption through selective prosecution? Is there an 'outsourcing' of prosecution by forcing companies to whistle-blow and carry out continuous internal investigations? If all are equal before the law, are all equal before the prosecutor? If there an inflation of criminalisation of behaviour? Are companies and private individuals dealt with harsher than government officials? Does this in practice undermine the rule of law? In practice investigations ruin the lives of certain individuals - is this fair, proportional and effective in combatting corruption?

13.00 - 14.30

Lunch break

14.30 - 15.50

What to expect as an evolution?

During this session the focus shall lay on the future of compliance. Where do we see it developing? What happens if the private sector in the future will be too restricted? Will the governments create a beneficial position for their own business or even for business from other countries? Does the cost of compliance outweigh the benefits in practice? Regulators regulate, but how are they held accountable for the efficiency of their regulations? In practice only large companies will be able to be fully compliant - how does this impact on small and medium sized companies, and, more in general, on the stimulation of entrepreneurship in countries? Corruption results in inefficient spending, but does and excessive compliance cost not result in the same (i.e. inefficient spending).

16.10 - 17.30

Compliance - Prosperity

A strong enforcement of anti-bribery regulations aims to achieve prosperity within the state. During this session the aim to reach prosperity whilst given up freedom should be discussed. Does an excessive compliance automatically lead to a loss of freedom for the people? Is that what the state wants? Is that what the people are interested in? Should we trust the state with that? The aspect of prosperity and the respective human right aspect as a right to freedom shall be discussed during this session. As a provocative cliff-hanger: If you are a slave but wealthy are you still a slave?

The European Law Students' Association, ELSA, is an international, independent, non-political and non-profit-making organisation comprised of and run by and for law students and young lawyers. Founded in 1981, ELSA is now world's largest independent law students' association with 50 000 members in 43 countries.

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