



In Collaboration with:



4th Advanced Conference on

Anti-Corruption & Compliance Programmes SWITZERLAND

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EXCLUSIVE INTERVIEW WITH



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Esteemed Faculty Member **Rafael Merencio** of KBA-NotaSys shares insights on the latest enforcement and compliance developments affecting industry in Switzerland, as well as a preview of best practices to be shared during the conference.

QUESTIONS:

1 Can You Give Us a Brief Introduction to Your Background and Current Priorities in Anti-Corruption & Compliance?

I am a lawyer by training, having worked both in private practice and in-house in different sectors (real estate, financial services, aerospace and printing equipment industry) and various roles (trade compliance, anticorruption and antitrust compliance, legal counsel).

2 What is the Most Exciting Area of Anti-Corruption, Compliance or AML You are Currently Working on?

I have recently moved from pure Compliance management back into legal counselling, but am still focused on antitrust issues in the supply chain, distribution contracts and specially in the participation on public tender processes.

3 Without Giving Too Much Away, Can You Give Us a Brief Overview of What You Will Be Discussing at C5's 2020 Conference?

For those companies taking part in public procurement processes in the EU or worldwide, it is important to participate successfully, maintaining a level playing field with competitors and avoiding any risks of corruption or antitrust accusations. I will not reinvent the wheel, but hopefully will be able to give some tips on how to deal with those pitfalls.

4 What Do You Believe are the Enforcement Priorities for the Swiss Authorities in 2020?

From a legislative point of view, I believe the new Federal Act on Data Protection (FADP), corporate responsibility and, hopefully, further protection for whistle-blowers. In terms of enforcement, probably the OAG would want to promote self-reporting of possible corruption cases by establishing a regulated procedure.

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5 Where Should Businesses Be Focusing Their Compliance Efforts Considering These Priorities?

Compliance with the FADP should not be an issue for most multinational companies in Switzerland, as they are already prepared to comply with the GDPR. SMEs probably will have to make more efforts. In general, keeping procedures updated is always essential, and especially spreading a culture of compliance with ethical principles and behaviour, and not only legislation.

6 In Your Opinion, What Have Been the Most Notable Enforcement Actions and Investigative Trends in the Past Year?

The change of positioning and actions of the UK SFO and the general trend towards holding compliance officers responsible and liable for compliance failures (especially in the USA). It sets the tone for the future and seems to redefine the purely advisory role that we have been used to see.

7 What Has Been Driving These Trends?

Probably the need of enforcement authorities to set the tone, not only from the top but also for the function itself, especially for those responsible of Compliance supervision at Board level.

8 Why Do You Think People Should Attend C5's Anti-Corruption & Compliance Programmes Switzerland 2020?

Besides the fact of keeping yourself update on hot topics, I really think it reunites in a practical format those topics with the unique possibility of openly exchanging opinions with colleagues experiencing similar daily situations.

9 Anything Else You Would Like to Add?

I look forward to enjoying the same interesting discussions with our peers as in the past years.

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