Compliance: don't be complacent
Thursday 12 October 2017

Registration and welcome coffee

3:00pm – 6:00pm followed by networking drinks and finger foods

Compliance Seminar.

Hermann Beythan
Partner
Investment Management

3:30pm
Super Manco compliance

We all know that compliance is one of the major issues management companies and AIFM face. There are more and more rules and these are becoming increasingly granular and complex. Because the origins and purposes of the rules are diverse they can sometimes seem confusing. What is the impact of MiFID for example? This interactive workshop will help guide you through the regulatory maze.

This workshop is intended for general counsels and compliance officers of UCITS/AIFM management companies.

Aurélie Clementz
Consultant
Tax

3:30pm
Evolution of tax structuring: compliance with changing tax rules

In an ever-evolving tax environment, Luxembourg tax structuring is becoming increasingly challenging. Understanding the impact of the new OECD, European and domestic regulations on business and transactions is therefore essential to be compliant with the new international tax rules.

The purpose of this workshop is to understand the basics of these new rules and to identify whether existing and new investment structures are tax compliant, or whether some changes are required to mitigate the tax risks. We will also discuss our experience of adapting "old" tax structures and corresponding financial instruments to these new laws and regulations. Much of the international tax structuring is impacted by the new rules on transfer pricing, transfer pricing specialist Sander van der Fluit of Alter Domus, will provide insight into the practical impact of the "at arm's length" principle on financing structures and instruments.

The workshop is intended for anyone who is confronted with tax structuring, be it an asset manager, fund or ordinary SPV.

Sander van der Fluit
Head of Transfer Pricing
Alter Domus

4:15pm
Practical aspects of MAR

A year after the new EU Market Abuse Regulation (MAR) took effect, issuers still face uncertainties about how to comply with their obligations.

During this workshop, we will suggest practical compliance guidelines on such issues as key record-keeping and disclosure obligations under MAR. We will in particular cover the record-keeping procedure for inside information, the delaying of inside information disclosure, insider dealing policies and the maintaining of insiders list.

This workshop is intended for general counsels, company secretaries and compliance and legal teams of Luxembourg listed funds or companies.

Rémy Bonneau
Managing Associate
Corporate M&A

Eliane Dejardin Botelho
Managing Associate
Capital Markets and Banking

4:15pm
EMIR risk mitigation techniques: some survival tips

European Market Infrastructure Regulation (EMIR) is the result of a worldwide effort to reduce counterparty and operational risk, imposing reporting, clearing and risk management obligations on counterparties to derivative transactions. The "risk mitigation techniques" laid down by EMIR (and implementing regulations) have increased regulatory and financial obligations on counterparties to non-cleared OTC derivative transactions since 2013 and, subject to phase-in, are still to levy additional obligations on them.

The purpose of this workshop is to take stock of these risk mitigation obligations and to share experiences and examples. You will hear about Clearstream Banking’s pledge margin solutions made available to clients falling under the EMIR margin requirements and additionally, their collateral management mechanics.

The workshop is intended for anyone who trades (non-cleared) OTC derivatives, be it a bank, investment firm, insurance or reinsurance company, fund, asset manager, corporate, SPV, etc.

Ralph Beyer
Senior Legal Counsel
Deutsche Börse Group

Olivier Reisch
Counsel
IP/ITM

5:30pm
 Surprise investigations, do’s and don’ts

Unannounced inspections of company premises of “dawn raids”, can be carried out by a number of criminal and regulatory agencies including, but not limited to, the CSSF, the CNPD, antitrust agencies such as the European Commission or national competition authorities. Such dawn raids can include investigative methods such as interviewing individuals and interrogating electronic data, even copying the content of senior executives’ smartphones. Dawn raids can result in severe business disruption, reputational damage, fines for failure to cooperate and can profoundly shape the direction of any subsequent investigation. This seminar will focus on the practical issues faced by organisations subject to a dawn raid and will include best practice for events such as responding to inspectors who are at reception or on site, managing internal communications and document issues, privilege and confidentiality, and handling questions and interviews, practical tips on how to comply, focusing on the right to a lawyer and the grounds on which you can resist disclosure.

This workshop is intended for legal and compliance teams.

Laurence Oouverleaux
Managing Associate
Corporate M&A

6:30pm
The Linklaters version of Oktoberfest

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