

CUATRECASAS

# Plan of action for competition authority inspections remotely



2024 version





# ¿How should I act in the event of an inspection?

This Plan of action, complementary to the Plan of action for competition authority inspections, aims to offer recommendations or basic rules for those employees who are faced with a competition remote inspection.



## 1. Recommendations



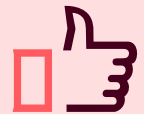
## 2. Guide for remote inspections

This presentation has been prepared by Cuatrecasas Competition and EU law team to provide general information. The information contained in this document does not constitute legal advice. Users of this document should seek legal advice before applying it to specific situations.

# 01

# Recommendations

## DO's



- Remain calm with a professional and cooperative attitude.
- Keep record of the activities of the inspection team (including the time and location) and any discrepancies or conflicts with the officials.
- Only answer practical questions. Try to address any other questions to those appointed in charge of the IRT. Answers should be short and factual and limited to responding to the question without providing any additional information or speculation. Check with the IRT and the external lawyers whenever possible.
- Keep record of the subject matter and scope of the inspection. Protest and contact the IRT and external lawyers if the officials ask questions, investigate documents or use search terms that:
  - are unrelated to the inspection (e.g. different products, services or geographic areas).
  - are unrelated to the activities of the company (e.g. private emails).
  - include communications with outside counsel.
- Check the list of documents copied by the officials.
- Review the inspection report and consult with the IRT or external lawyers before signing it.

## DONT's



- Do not delay the entry of the officials to the home.
- Do not obstruct the inspection if the officials do not want to wait for the external lawyers
- Do not leave the officials unescorted.
- Do not inform any third parties about the existence of the inspections.
- Do not destroy, delete or hide documents or files.
- Do not deny the officials access to rooms or devices.
- Do not answer incriminating or questions that are not clearly phrased.
- Do not sign any statements or declarations without consulting the external lawyers.

# 02

# Guide for remote inspections

## 1 Coordinate and grant access



**Competition authorities can access all types of information to which the company under investigation has access, regardless of where it is located**

In a working-from-home context there is also a duty to cooperate with the competition authorities when carrying out an inspection. In case the officials so requests, the company must:

- Communicate to the officials which employees are working from home.
- Ensure that the officials have access to company information or document even when the number of employees present in the company is limited.
- Set up a channel to gather documents and devices required by the authority (by centralizing the delivery of devices to the authority).

Officials are entitled to: (a) request the physical presence of employees working from home at the company's premises; (b) request the handing over of devices held by employees working from home; and (c) remotely access these devices.

## 2 Physical presence



### A. Physical presence of teleworkers

- If the officials request the presence of any person working from home, the employee in question must attend with the least possible delay in the event that there is no objective justification to the contrary.
- If requested, the employee in question must provide his or her work computer, as well as any other device and/or documentation requested.



### 3 Handing over devices



### 4 Remote access



---

#### B. Handing over devices held by employees working from home

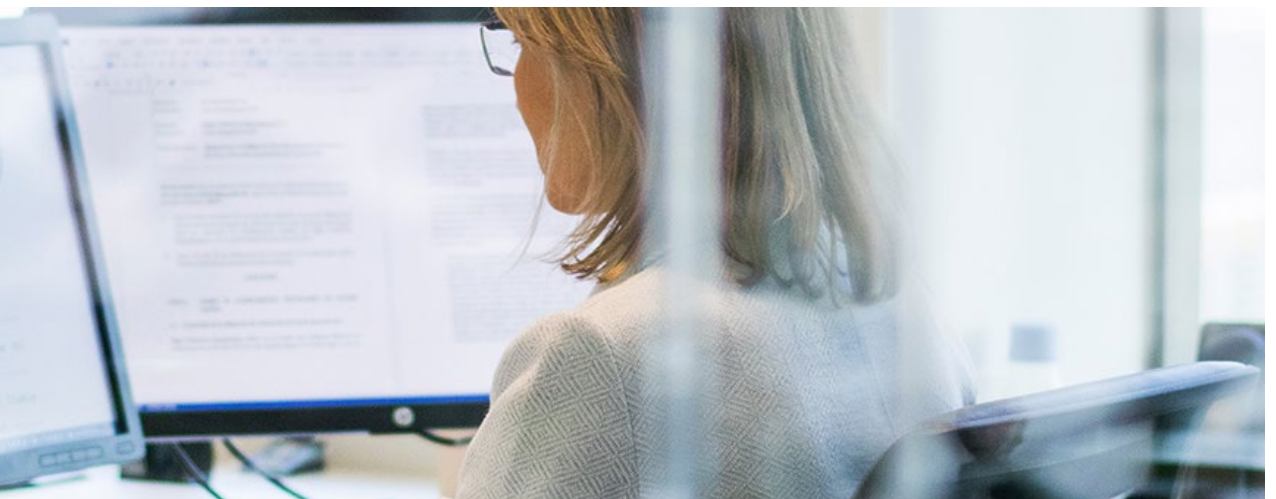
- The employee shall not tamper with or remove any documents from the devices prior to delivery.
- The employee shall not block the effective access of the official to the requested devices.
- Before handing over the devices, the employee shall clearly identify documents: (i) of a purely private nature from (ii) communications with outside counsel.

---

#### C. Remote access to employee devices

The work of the IT team is of particular relevance, which must ensure:

- Access to electronic devices or administration rights to the officials.
- Access to the documentation and information requested, regardless of the format which it is found.
- Conducting remote interviews with company personnel.



# Contact

---

## Barcelona



**Irene Moreno-Tapia**  
irene.moreno@cuatrecasas.com  
Tel. +34 93 312 73 13  
M. + 34 605 523 331



**Cristina Vila**  
cristina.vila@cuatrecasas.com  
Tel. +34 93 312 73 13  
M. + 34 617 330 523

---

## Madrid



**María López Ridruejo**  
maria.lopezridruejo@cuatrecasas.com  
Tel. + 34 91 524 71 43  
M. + 34 669 891 678



**Pablo López García**  
pablo.lopezgarcia@cuatrecasas.com  
Tel. + 34 91 524 71 43  
M. + 34 669 616 610

Cuatrecasas also offers additional materials for inspections, such as inspection manuals designed specifically for the company and training sessions for staff. For further information, contact the [Competition and EU Law](#) team at any time.



---

## Spain & Portugal

› Alicante › Barcelona › Bilbao  
› Girona › Lisbon › Madrid › Málaga  
› Palma de Mallorca › Porto  
› San Sebastián › Seville › Valencia  
› Vigo › Vitoria › Zaragoza

---

## International

› Beijing › Bogotá › Brussels  
› Casablanca\* › Lima › London  
› Luanda\* › Mexico City › New York  
› Santiago › Shanghai

*\* in association with the respective local law firm*