



Business Information
In A Global Context

3rd Annual Forum on

Export Controls

“For me, as a Head of Export Controls, this was most valuable, giving references to other companies, getting the big picture. Excellent content and speakers.”

Erja Jarvela
Head of Export Controls & Customs Compliance, **Nokia Siemens Networks**
Export Controls Conference - February 2008

Strategies to Minimise Your Company's Exposure in an Era of Heightened Scrutiny, Increased Enforcement and Greater Penalties

10 and 11 March 2009 | Millennium Knightsbridge Hotel, London

Regulators, Industry Leaders and Expert Legal Advisors will Provide you with Information and Invaluable Insights on What You Need to Know Now, including:

- Immediate action that your company must take to prepare for the roll-out of the Export Control System (ECS) in July 2009
- Protecting your company in the face of a dramatic increase in export enforcement actions, disclosures and settlements
- Avoiding the long-arm of U.S jurisdiction when dealing with exporting licensing
- The potential impact on your company of EU regulations relating to dual-use technology
- Building in effective contractual protections and other safeguards when dealing with transshipments

Keynote Speech: “New Directions in U.S. Export Controls”

Darryl Jackson

Assistant Secretary for Export Enforcement

Bureau of Industry and Security, Department of Commerce (USA)

Up to
20 **CPD**

Practical, Interactive Post-conference Workshops – 12 March 2009

A: Sanctions & Export Controls Compliance:

How to Build and Develop a Sound Internal Compliance Programme

B: A Complete Guide to UK Export Controls

.....see inside for full details

Benchmark Your In-House Compliance Practices With:

Bureau of Industry and Security (BIS), Department of Commerce (USA)

Export Control Organisation - Department for Business, Enterprise and Regulatory Reform (BERR) (UK)

HM Revenue and Customs (UK)

Defence Manufacturers Association (DMA)

Export Group for Aerospace & Defence (EGAD)

Airbus (France)

Brüel & Kjær Sound & Vibration Measurement A/S (Denmark)

CSIS (UK)

EADS International (France)

MK Technology (USA)

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Are You Sure that Your Company's Export Controls Compliance Programme is Sufficiently Protecting Its Exposure to Heightened Scrutiny, Increased Enforcement and Greater Penalties?

Now, more than ever, it is imperative that your company's export controls compliance programme is the best that it can be. Increasingly, governments around the globe are toughening their legislation and enforcement activity relating to the export of goods, technology and services. Rising government expectations and new regulatory standards amplify the risks for companies throughout Europe, the U.S and beyond. Export controls are ever more restrictive and companies must be careful to develop robust internal compliance programmes that do not unduly hamper legitimate trade, but also comply with the law.

Recent cases involving oil and gas multinationals over-exporting and re-exporting items without appropriate licences as well as the new maximum civil penalties imposed by export controls agencies sends a clear message to exporters. It is crucial that you are vigilant about preventing, detecting and investigating potential export controls violations.

European companies, their subsidiaries and affiliates that deal with US-based companies or purchase US-origin products, components or controlled-technology items must ensure that export practices and global supply chains are compliant with US trade laws, European export control regulations and national legislation.

The review of the European Commission export control regime for dual use items along with the Members States' national regulations and US export control rules intensifies risks for European and foreign companies. The tremendous pressure to comply with the rules means that yesterday's knowledge is simply not enough to ensure compliance today.

For this **3rd Annual Forum on Export Controls**, C5 has again assembled an exceptional panel of Regulators from the U.S and Europe, Senior Executives from leading companies and their Legal Advisors. They will provide information and insights on:

- Building and developing a state-of-the-art and foolproof internal compliance programme for your company
- Expanding a U.S. export compliance program to meet global export control requirements
- Dealing with red flags and actual violations in foreign third-party relationships
- Avoiding penalties in dual-use and economic sanctions cases against the backdrop of the latest OFAC enforcement guidelines.

Take this opportunity to hear from the best and network with your peers and colleagues who share similar concerns. Participants will also receive a comprehensive set of written materials prepared by the speakers especially for this conference. These are invaluable reference materials which you will use again and again long after the conference is over.

Plus, add value to your attendance by signing up for **Post Conference Workshops**

A: **Sanctions & Export Controls Compliance: How to Build and Develop a Sound Internal Compliance Programme**

B: **Complete Guide to UK Export Controls**

Don't delay, register today to ensure your place, by calling **+44 (0) 20 7878 6888**, by faxing your registration form to **+44 (0) 20 7878 6896** or by registering online at **www.C5-Online.com/exportcontrols**

"Great event for education, confirmation of knowledge and networking with other like minded individuals"

Who Should Attend?

Vice Presidents/Directors/Managers for:

- Export Controls
- International Trade
- Customs & Trade Compliance
- Compliance and Regulations
- Import/Export Compliance
- Import/Export Operations
- Export & Import Licensing

Logistic Supervision

General Counsel, Legal Affairs

Ethics & Compliance Officer

Private practice lawyers specialising in

- Export Controls
- Global Trade
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- Export Controls Services
- Transactions

Phil Shaw

Director of International Trade Compliance, **Emerson Electric**
Export Controls Conference - February 2008

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BIRD & BIRD

Bird & Bird is an international commercial law firm which operates on the basis of an in-depth understanding of key industry sectors. Our Trade & Customs practice advises on tariffs as well as non-tariff barriers and other regulatory aspects of global trade. From customs classification and valuation to export controls and product safety requirements. With offices in Beijing, Brussels, Düsseldorf, Frankfurt, The Hague, Helsinki, Hong Kong, London, Lyon, Madrid, Milan, Munich, Paris, Rome and Stockholm and

close ties with firms in other key centres in Europe, Asia and the United States we are well placed to offer our clients local expertise within a global context.

8:30 **Registration and Coffee**

9:00 **Chair's Opening Remarks**

Ross Denton

Partner, **Baker & McKenzie (UK)**

9:15 **Keynote Address – “New Directions in U.S. Export Controls”**

Darryl Jackson, Assistant Secretary for Export Enforcement
Bureau of Industry and Security, **Department of Commerce (USA)**

9:45 **2008 in Review – An Overview of Recent Changes to Export Control Regulations and the Current Enforcement Landscape**

Arnaud Idiart

Export Controls Advisor, **EADS International (France)**

Terence Murphy, O.B.E., Chair – MK Technology

Senior Associate – **CSIS (USA)**

- Examining the real effect of Commerce Department's New China Rule
- Demystifying the State Department's attempt to require non-U.S. parties to register as brokers
- Current developments in commodity jurisdiction and classification actions at State level
- The interplay of export control regulations and CFIUS reviews of inbound investments in U.S. companies: 3 Com
- Exploring the impact of recent export enforcement actions, disclosures and settlements
 - ITT case and the effectiveness of voluntary disclosures
 - new maximum civil penalties imposed by the International Emergency Economic Powers Act
 - avoiding the exporting and re-exporting items without appropriate licences – oil multinational case
 - U.S senators in the firing line – illegal exports in crime control equipment to China
 - satellite/missile insulation blankets for China Academy of Space Technology case
 - hardline approach of Steven Pelak as National Export Control Coordinator
- Exploring the effect of changes to EU 27 export regulations and the addition of Bulgaria and Romania
- The impact of the rise in due diligence and trade compliance in new export markets
- Prior notification to DDTC for sale of ITAR-registered companies

10:45 **Morning Refreshments**

11:00 **Navigating the US Export Controls Maze**

Edward L. Rubinoff

Partner, **Akin Gump Strauss Hauer & Feld LLP (USA)**

Marian E. Ladner, Partner, **Epstein Becker Green (USA)**

- How do US export controls affect international trade policy?
- Exploring the role of each U.S regulatory agency involved in Export Controls
 - State Department
 - Commerce Department
 - Department of Defence
 - Department of the Treasury
 - Department of Justice
- How does each of these agencies interact with EU export control regulatory bodies?
- The long-arm of U.S jurisdiction – how far does it reach?
- What constitutes an export, a deemed export, a re-export and re-transfer?
- The anatomy of an effective licence
 - who can apply?
 - what licence exceptions are available to exporters?

- Controlled transactions
 - how to use TAAs, MLAs, and WDA agreements
- Dealing with the practicalities of export licensing

12:00 **Recent Developments in European Export Controls and Regulations: What You Need to Know Now**

Jasper Helder, Partner, **Bird & Bird (Netherlands)**

- Dealing with the practicalities of export licensing
- Re-exports and intra-country re-transfers – who regulates what?
- What are the EU regulations with regard to dual-use products – export authorization from competent authorities?
- What are the main EU non-proliferation concerns?
- Which is more effective control – EU or national licensing?
- CGEA, free movement within the EU
- EU sanctions
- How does the EU dual-use regulation apply in the UK?
- Other current concerns in UK trade
 - non-proliferation – licensing
 - preventing trafficking and brokering
 - applying EU sanction regulations in the UK
- Real impact of EU Regulation 1334/2000 relating to dual-use technology
- Consideration of agreements based on EU Regulations
 - The Wassenaar Agreement
 - The Missile Technology Control Regime
 - The Australia Group
 - The Nuclear Suppliers Group
- Overview of the legislative framework and how it is implemented
- Who has jurisdiction of export controls in the UK?
- Understanding end-use and end-user controls
- Exploring UK controls on technology transfers
- Record-keeping and documentation requirements
- What does the future hold for EU export controls?

1:00 **Lunch**

2:00 **The Road that Lies Ahead: Export Controls and Regulations in the UK**

John Doddrell, Director - Export Control Organisation
Department for Business, Enterprise and Regulatory Reform (BERR) (UK)

Tim Cornell

National Manager: International Trade Development Liaison Officer (ITDLO) Team, **HM Revenue and Customs (UK)**

- Understanding the reasoning behind the UK's government approach to export control
- How is the Export Control Organisation currently performing? Are targets being met?
- Exploring recent developments in UK export controls, arising from the recent Government Review and public consultation
- What are the views of the UK Government on developments in the EU, including
 - the proposed intra-Community Defence Transfers Directive
 - the Re-cast Dual Use -Regulation?
- Consideration of the UK's use of General Licences and the responsibilities for ensuring compliance with licence conditions
- Preparing for the implementation of the Export Control System (ECS) across the EU from 1st July 2009
- The intended EU customs export control mechanism
- The mandatory nature of the pre-departure declarations and its impact on your operations

3:15 **Afternoon Refreshments**

3:30 **Re-Export Controls and Export Administration Regulations: How to Meet Both U.S and Foreign**

Wendy Wysong, Partner, **Clifford Chance** (USA)

Michael Burton, Partner, **Arent Fox** (USA)

- How US export laws apply outside the US.
- The US re-export jurisdiction triggers
- How much is too much and what are the current de minimis standards?
- Restrictions on activities outside the US
- Deemed re-exports
- Dealing with the practicalities of re-export licensing
- Re-exports and intra-country re-transfers
 - who regulates what?
- Understanding the complexities of intangible transfers

4:30 **Avoiding Export Control Violations for Transshipments**

Patrick J. Donovan

Chief Compliance Officer, **Airbus** (France)

- Fostering a co-operative relationship between industry and government
- Conducting effective due diligence on third party agents, resellers and distributors
- Building in effective contractual protections and other safeguards
- Training and controlling sales and marketing personnel to develop effective compliance systems
- Identifying and managing diversion risks
- Avoiding documentation and record-keeping violations
- Exploration of current administrative sanctions and penalties

5:00 **Chair's Closing Remarks and Conference Adjourns**

DAY TWO - WEDNESDAY, 11 MARCH 2009

8:30 **Coffee**

9:00 **Co-Chair's Opening Remarks**

Patrick J. Donovan, Chief Compliance Officer, **Airbus** (France)

Anita Esslinger, Partner, **Bryan Cave** (UK)

9:15 **Controlling the Flow of Technology and Technical Data – Key Issues and Concerns**

Laurent Ruessmann, Partner, **Sidley Austin LLP** (Belgium)

Anita Esslinger, Partner, **Bryan Cave** (UK)

- Export and re-export jurisdiction over transfers of technology
 - U.S versus European climate
- What constitutes an export or re-export of technology?
- Deemed exports and re-exports
- Shared services across national boundaries – export and sanctions issues
- Implementing effective technology control plans
- Export control rules on the transfer of intangibles and technical data in the EU
- EU rules concerning economic sanctions and the exports of dual-use items
- National rules concerning military equipment
- Is there a “deemed export” rule in the EU?
- EU companies subject to US export controls on intangibles and technical data
- Interface with the EU data privacy protection rules

10:00 **Meeting the Challenges of Export Controls in a Large Multinational Organisation**

Neil Stennett

Senior International Trade Compliance Officer (ITCO)
Tyco Electronics EMEA & India (UK)

Brinley Salzman

Secretary, **Export Group for Aerospace & Defence** (EGAD)
Chairman of **Defence Manufacturers Association** (DMA) (UK)

- Dealing with the sheer diversity of export control policies, systems and procedures

- The complexities that arise when implementing a global compliance programme
- Conflicting compliance programmes and extra-territorial reach
- Who has jurisdiction?
- The “trafficking and brokering” dimension
- Will the Arms Trade Treaty make it any simpler?

11:45 **Morning Refreshments**

12:00 **Export Control Policy toward India: Liberalisation and Lockdown**

Terence Murphy, O.B.E

Chair – **MK Technology**, Senior Associate – **CSIS** (USA)

- India is accepted as a strategic partner – more than a friendly country
- India is now eligible to be a partner in civil nuclear trade
- Status re: Validated End User (VEU) has been accorded
- U.S. Government defence trade with India
- Exploring the possibility of running afoul of licensing requirements when the political/strategic relations are going so well
- What are the Commerce, ITAR, DOE, NRC and OFAC licensing requirements?
- What are the policies re: approval/case-by-case/denial?
- What compliance precautions should be implemented by firms doing business with India?
- What are the “deemed export” and re-export provisions when Indian nationals work in/with a U.S. firm?

12:45 **Lunch**

1:45 **How to Implement an Effective Export Controls Compliance Programme Within Your Company**

Farouk Saeed

Director – Export Controls and Compliance, **Thales** (UK)

Eliane Masser

Export Compliance Group Manager, **Cisco Systems** (France)

Maria Miltiadou

Group Export Control Regulatory Manager and Global Compliance Manager, **Thomson Reuters** (Cyprus)

- Resources, tools and techniques that leading companies are using to implement and maintain global export and re-export control compliance programmes
- How to create a successful compliance programme for your company
- Written processes and record-keeping
 - the basis of a compliance programme
- Exploring the pros and cons of centralized/decentralized compliance processes
- How sophisticated does your compliance programme need to be?
- Financial considerations and costing your compliance programme
- What are the risks when you restrict your spend and implement a limited programme?
- Spreading the word – how to train your staff and communicate your compliance requirements internally

2:45 **Understanding Sanctions and Embargoes in a Global World – Focus on Iran**

Wolter Boerman, Vice President of Compliance
Phillips International (Netherlands)

Larry E. Christensen

Member, **Miller & Chevalier Chartered** (USA)

Sunny Mann, Associate, **Baker & McKenzie** (USA)

- Multi-core case-re-exports to Iran
 - following the money
 - banking the proceeds of illegal exports and the new money laundering
- US direct investment in countries that trade with

- valuation risks for investment bankers
- Temporary denial orders combined with criminal charges
 - risks of extradition and arrest
 - “global” settlements with US authorities
 - what does “cooperation” mean to the modern Justice Department?
- Chiquita Brands case—protection of employees vs dealing with a named terrorist
 - \$25 million fine
 - waiver of attorney client privilege
- Agricultural and medical licensing:
 - by OFAC for Iran and Sudan
 - by BIS for Cuba
- Three types of exercise of jurisdiction by the US
 - U.S. person—who is defined as a US person?
 - territorial jurisdiction—beware the EU executive visit to the US
 - list-based U.S jurisdiction - re-export controls
- Compliance in the multinational corporation
 - risks of parent governance
 - prohibitions on facilitation and approval
- De minimis exclusions from list-based re-export controls (BIS and OFAC)
- Sanctions as more than export controls
- Extra-territorial reach of the US rules
- The dilemma posed by blocking legislation
- Denied parties list – the ultimate weapon
- Disinvestment and investment restrictions—the future US sanctions tools?

3:45 **Afternoon Refreshments**

4:00 **The Evolution of EU Export Control and the Proposed Intra Community Transfers Directive**

Arnaud Idiart

Export Controls Advisor, **EADS International** (France)

In this session Arnaud Idiart will provide an in-depth analysis of the EU Commission proposal for an Intra-Community Transfers Directive for military goods and technology. In particular, Mr Idiart will examine whether this initiative will open the door to the EU military industry “common market” and improve EU global export control quality.

4:30 **Heading off Enforcement Actions: Voluntary Disclosures and Related Matters**

John Liebman, Of Counsel, **McKenna Long** (USA)

Ross Denton, Partner, **Baker & McKenzie** (UK)

- When should you make a voluntary disclosure?
- What do you have to do to make a proper disclosure?
- What else do you need to include in your disclosure?
- How should one handle criminal behaviour?
- Penalties and sanctions
 - warning letters, compounded penalties, criminal sanctions
- Disclosure processes in other EU Member States
- The ratcheting up of enforcement actions and penalties
- IEEPA 2007’s new fine structure
- Government enforcement structure
- Steve Pelak at the Department of Justice
- Bullet-proofing the company against enforcement activity
- Internal audits and management of violations
 - voluntary disclosures to all three agencies (State, Commerce, Treasury)
 - directed disclosures
 - remediation programmes
- The impact of voluntary disclosures
- Increases in penalties for dual-use and economic sanctions cases and the new OFAC enforcement guidelines
- Criminal vs civil enforcement
- UK and US co-operation on enforcement
- What are the potential penalties for breaches under each regime and what penalties are actually being imposed?
- Department of Commerce and dual-use items

5:30 **Chair’s Closing Remarks and Conferences Ends**

Workshop A

Sanctions & Export Controls Compliance: How to Build and Develop a Sound Internal Compliance Programme

8:30am to 12:00pm (Registration from 8:00am)

Wolter Boerman

Vice President, Corporate Export Controls & Supply Chain Security, **Royal Philips Electronics** (The Netherlands)

Larry E. Christensen

Member, **Miller & Chevalier Chartered** (USA)

International transactions are affected by a wide range of national security and foreign policy restrictions in our increasingly globalised world. The need for a vigorous internal compliance programme to avoid sanctions and export control violations is absolutely essential.

Using case studies and examples, the participants in this interactive and practical workshop will acquire the tools they need to develop, implement, monitor and test strong and sustainable compliance programmes. This Workshop will give you a practical, working understanding of:

- The foundations and principles of a successful sanctions and export controls compliance programme
- When is an export internal risk audit necessary and how often should it occur?
- What types of internal audits should be used
 - internal investigation
 - management process reviews
 - detailed compliance reviews
- Gathering information on the goods, technologies and transactions exported
- Implementing procedures for retaining all documents required by law
- Identifying and effectively addressing compliance shortcomings
- Best compliance strategies to overcome challenges related to “deemed exports” and “dual use” export
- How you can best serve your company in its efforts to achieve maximum compliance
- Testing the soundness and effectiveness of your compliance programme

Workshop B

A Complete Guide to UK Export Controls

1.00pm to 4.30pm (Registration from 12:30pm)

David Lorello, Associate, **Step toe & Johnson LLP** (UK)

Iain MacVay, Partner, **Step toe & Johnson LLP** (UK)

This workshop will provide a top-to-bottom detailed analysis of UK and EU export controls and sanctions laws and regulations and will explore how those regimes relate to and differ from the US export controls.

This workshop will be interactive, based on “real life” case studies that touch on all of the key elements of the UK and EU systems and will be focused on the challenges faced by both large and small companies in a variety of industry sectors. Participants will leave the session with a detailed understanding of the applicable laws and regulations as well as valuable insights into managing their companies’ requirements.

- Structure of the EU and UK export controls and financial sanctions
- Strategies for classifying dual use and military products
- Managing export controls for technology transfers and other intangible exports
- UK export licenses and OGELs
- Restricted parties screening
- Brokering and other extra-territorial controls
- Recordkeeping and reporting requirements
- Maintaining an effective compliance programme
- Preparing for governmental export controls audits
- Violations: remediation, voluntary disclosures and enforcement
- Future trends in UK and EU export controls and economic sanctions

Export Controls

Strategies to Minimise Your Company's Exposure in an Era of Heightened Scrutiny, Increased Enforcement and Greater Penalties

Don't miss the Interactive
Post-conference Workshops
12 March 2009

A: Sanctions & Export Controls
Compliance: How to Build
and Develop a Sound Internal
Compliance Programme

B: A Complete Guide to UK
Export Controls



Business Information
In A Global Context

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ADMINISTRATION DETAILS

CONFERENCE

Date: 10 and 11 March 2009

Time: 8:30 am to 5:00 pm

Venue: Millennium Knightsbridge Hotel, London

Address: 17 Sloane Street, Knightsbridge, London

Tel: +44 (0) 20 7235 4377 Fax: +44 (0) 20 7235 3705

Tube: Knightsbridge (Piccadilly line)

WORKSHOPS

Date: 12 March 2009

Time: Workshop A: 8:30am to 12:00pm
Workshop B: 1:00pm to 4:30pm

HOTEL ACCOMMODATION

An allocation of bedrooms is being held for delegates at a negotiated rate until 6 February 2009. To book your accommodation please call Venue Search on tel: +44 (0) 20 8541 5656 or e-mail beds@venuesearch.co.uk. Please note, lower rates may be available when booking via the internet or direct with the hotel, but different cancellation policies will apply.

CONTINUING EDUCATION

13.5 hours (conference only) plus 3 hours per workshop towards Continuing Professional Developments hours (Solicitors Regulation Authority). Please contact C5 for further information on claiming your CPD points.

DOCUMENTATION

If you are not able to attend, you can buy copies of the presentations provided to delegates on the day of the event. Please send us this completed booking form together with payment of £350 per copy requested. For further information please call +44 (0) 207 878 6888 or email enquiries@C5-Online.com.

PAYMENT POLICY

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CANCELLATION POLICY

All cancellations must be submitted to **C5** in writing, prior to 17 February 2009 and are liable to a 25% cancellation fee. We regret that cancellations or bookings received after 17 February 2009 cannot be refunded or credited. Substitutions are permitted, and must be notified in writing.

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