



UIA

Union Internationale des Avocats
International Association of Lawyers
Unión Internacional de Abogados

New Trends in Liability of Senior Managers. Overview of the most Important Developments in Key Jurisdictions around the World

FRIDAY, APRIL 7 & SATURDAY, APRIL 8, 2017



ZURICH

SWITZERLAND



#UIALiability

Seminar organised by the UIA

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walderwyss attorneys at law



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For over 85 years, the Union Internationale des Avocats (UIA - International Association of Lawyers) has been defending the legal profession and facilitating international contacts, cooperation and the exchange of knowledge among lawyers, while respecting their cultural and professional diversity.

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Join the UIA and become a member of the world's strongest network of lawyers

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www.uianet.org

Join the UIA during the seminar and benefit from a 50% discount on your membership fee.

Introduction

It is clear that in the wake of the 2008 financial crisis, there has been a marked shift in the policies of many governments to ensure that individuals “responsible” for wrongdoing, whether it is bank failures, tax evasion, anti-trust breaches, corruption or money laundering, should be, and are, prosecuted. Following on from last year’s successful seminar on the ‘Prevention of Criminal Liability of Directors and Corporates in France and Elsewhere’, the Competition Law, Labour Law and Criminal Law Commissions of the UIA have come together to organise a joint seminar on the key developments in this area.


In-house and external counsel will be joining us to consider the legal and practical challenges faced as a result of enforcement agencies’ increased focus on holding senior officers to account, as well as considering the competing interests of corporates and their employees, the gradual erosion of client-attorney privilege, and whether compliance is the answer.



Thursday | April 6 | 2017

18:30 WELCOME COCKTAIL

Kindly hosted by Walder Wyss Ltd.
Seefeldstrasse 123
8034 Zurich, Switzerland



Friday | April | 7 | 2017

08:30 – 09:00 REGISTRATION OF PARTICIPANTS

Pestalozzi Attorneys-At-Law

Loewenstrasse 1, 8001 Zurich, Switzerland

09:00 – 09:15 WELCOME AND OPENING OF THE SEMINAR

• **Laurence BORY**, *UIA President, Bory & Associés, Geneva, Switzerland*

Session 1 – Senior Managers' Liability – New Frontiers

09:15 – 10:15 Panel 1 – Competition Law – is Further Criminalisation the Next Step?

Businesses operate nowadays in a global economy where competition laws play an increasingly important role. Companies and their managements find themselves under constant close scrutiny by both national and supranational competition authorities. Breaches of competition law, even unintentional ones, have severe consequences for the financial condition, reputation and continued viability of business enterprises. For individuals they can mean loss of employment, ruined careers, fines and imprisonment. This panel will concentrate on new trends in competition law enforcement, with a focus on the increased willingness of the authorities to go not only after the companies, but also after individuals involved in the anticompetitive behaviour.

Moderator: • **Aleksander STAWICKI**, *President of the UIA Competition Law commission, Wiercinski, Kwiecinski, Baehr SPK, Warsaw, Poland*

Speakers:

- **Dr. Astrid ABLASSER-NEUHUBER**, *bpv Hügel Rechtsanwälte GmbH, Vienna, Austria*
- **Martin André DITTMER**, *Gorrissen Federspiel, Copenhagen, Denmark*
- **David MAMANE**, *Schellenberg Wittmer, Zurich, Switzerland*
- **Andrew HOCKLEY**, *Berwin Leighton Paisner, London, UK*
- **Marceline TOURNIER**, *Senior Antitrust Counsel Globally Managed Businesses and M&A, Vevey, Switzerland*

10:15 – 11:15 Panel 2 – Banking and Tax Reforms

This panel will consider the most recent trends in banking and tax reforms. There are proposed new sanctions for accountants, lawyers, tax planners and bankers in a number of jurisdictions. This reflects a general move towards "rooting out" tax avoidance schemes, tax evaders and so-called "enablers". This will inevitably impact on businesses and has continued to increase the obligations imposed on financial institutions and individual bankers.

Moderator: • **Thierry THORMANN**, *Altenburger Ltd legal + tax, Zurich, Switzerland*

Speakers:

- **Monty RAPHAEL QC**, *Peters & Peters Solicitors LLP, London, UK*
- **Dr. Daniel J. FISCHER**, *BKL Fischer Kühne Lang, Bonn, Germany*
- **Philipp KRUSE**, *Kruse Tax & Law, Zurich, Switzerland*
- **Dustin W. MILNE**, *Milne Legal, Zurich, Switzerland*

11:15 – 11:30 COFFEE BREAK

11:30 – 12:30 Panel 3 – Radical Changes to Data Protection Legislation

This panel will explore how companies balance ever increasing obligations for data protection with the need to operate in a high tech environment. For example, the General Data Protection Regulation ("GDPR") – replacing EU directive EU/95/46/–is due to come into force in 2018, bringing with it wide-reaching implications for businesses in the way they process personal information. The GDPR aims to improve data security and encourage business leaders to be more vigilant when dealing with sensitive data. It will give regulatory authorities, particularly the information commissioner, additional powers to impose severe penalties on businesses, including third parties, and prosecute company officials in the event of a breach in data security.

Moderator: • **Sébastien FANTI**, *Lawyer at the Valais Bar, Notary, Data Protection and Transparency Officer, Member of the UIA Privacy and Rights of the Digital Person commission, Secretary General of the UIA Law of Robotics working group, Lexing Switzerland, Sion, Switzerland*

Speakers:

- **Ian DE FREITAS**, *Berwin Leighton Paisner, London, UK*
- **Dr. Claudio G. CHIRCO**, *Certified Specialist for Information Technology Law, Beiten Burkhardt, Düsseldorf, Germany*
- **David CAMPOS PAVON**, *General Counsel NBE & IS/IT and Data Protection Officer, Vevey, Switzerland*

12:30 – 13:30 Panel 4 – Anti-Corruption Enforcement

After the Panama Papers, the leaked HSBC files in Switzerland and the Anti-Corruption Summit this year, this panel will explore the regulatory and enforcement trends for business in an unpredictable political and economic landscape. Is there a shift towards mandatory compliance procedures and is this really the solution for anti-corruption? A new EU Directive (2014/95/EU) – to be implemented by Member States by December 2016 – will require listed companies, banks and insurance companies to publish reports on non-financial information, including, inter alia, anti-corruption and bribery matters. The directive provides that report should include a description of the company's anti-compliance policies, the principal risks linked to the company's operations and how it manages those risks.

Moderator: • **Maria CRONIN**, *President of the UIA Criminal Law commission, Peters & Peters Solicitors LLP, London, UK*

Speakers:

- **Stéphane BONIFASSI**, *UIA Deputy Director – Congress, Bonifassi Avocats, Paris, France*
- **Kateryna GUPALO**, *Arzinger & Partners, Kiev, Ukraine*
- **Daniel Lucien BÜHR**, *Lalive, Zurich, Switzerland*
- **Felix RETTENMAIER**, *Rettenmaier & Adick, Frankfurt, Germany*

13:30 – 15:00 LUNCH

Session 2 – Consequences of Violations – The Most Important Developments

15:00 – 16:00 Panel 1 – Civil Law (Including Damage Claims)

This panel will focus on contractual and tortious liability of managers for violation of various regulations. It will discuss not only a liability towards to company but also a new trend to sue managers for damages resulting from illegal behaviour, with claims being brought by victims of breaches of law. The panel will consider "say-on-pay" – recent legislative developments and initiatives in Switzerland, which also impact on the liability of directors and managers. We will also discuss contractual tools to mitigate liability as well as use of insurance products.

Moderator: • **Nicole VAN CROMBRUGGHE**, *Chief Editor – Juriste International, LVP Law, Brussels, Belgium*

Speakers:

- **Alfredo GUARINO**, *Studio Legale Avv. Vincenzo Guarino, Naples, Italy*
- **Stefano DINDO**, *President of the UIA Food Law working group, Dindo, Zorzi E Avvocati, Verona, Italy*
- **Dr. Martin L. MÜLLER**, *Pestalozzi Attorneys at Law, Zurich, Switzerland*
- **Nicole VAN CROMBRUGGHE**, *Chief Editor – Juriste International, LVP Law, Brussels, Belgium*
- **François MOYSE**, *Moyse & Bleser Avocats à la Cour, Luxembourg, Luxembourg*

16:00 – 17:00 Panel 2 – Criminal vs Administrative and Social Security Law: Corporate and Individual Liability

This panel will consider the key risks to businesses and senior managers, where wrongdoing is identified.

Businesses can be held liable for criminal offences committed by their managers or employees. Certain jurisdictions rely on administrative and civil law remedies; others impose criminal liability. It will discuss new trends regarding the criminal prosecution of informal, black labour in order to resolve duties due to administrative rules and social security payments.

Moderator: • **Martin PRADEL**, *UIA Director of Human Rights and Protection of Lawyers, Martin Pradel, Paris, France*

Speakers:

- **Martin PRADEL**, *UIA Director of Human Rights and Protection of Lawyers, Martin Pradel, Paris, France*
- **Edmond-Claude FRETU**, *Frety Avocats, Paris, France*
- **Yvonne PIELES**, *Vischer AG, Basel, Switzerland*
- **Ulrich BAUMANN**, *Corplegal, Munich, Germany*

17:00 – 17:15 COFFEE BREAK**17:15 – 18:15** Panel 3 – Employment Law: Impact of Internal Investigations and of Disciplinary Measures

This panel will explore the legal requirements to be observed when practicing internal investigations: in accordance to the rights of the employees, no matter if they are witnesses, suspects or whistle-blowers. In a manner to obtain useful evidences which can lawfully justify, if needed, a disciplinary sanction for the misconduct of the employee.

Moderator: • **Christian FAVRE**, *L'Etude Gillon Perritaz Overney Favre & Cie, Lausanne, Switzerland*

Speakers:

- **Michael MEYENBURG**, *Counsellor to the UIA President, Dr. Michael Meyenburg Rechtsanwalt, Vienna, Austria*
- **Bénédicte QUERENET-HAHN**, *GGV Avocats À La Cour Rechtsanwältin, Paris, France*
- **Martin PRADEL**, *UIA Director of Human Rights and Protection of Lawyers, Martin Pradel, Paris, France*

20:00 OPTIONAL DINNER

Zunfthaus zur Schmiden

Marktgasse 20, 8001 Zurich, Switzerland

08:45 – 09:00 REGISTRATION OF PARTICIPANTS

Pestalozzi Attorneys-At-Law

Loewenstrasse 1, 8001 Zurich, Switzerland

Session 2 – Is there an Answer to these Risks?**Key Considerations****09:00 – 10:00** Panel 1 – Is Compliance a Universal Answer to all Types of Risk?

Businesses understand the importance of implementing competition compliance programs, but since there is no “one size fits all” approach to building a compliance culture, in this workshop leading lawyers from firms around the world will discuss what is required for compliance efforts to be truly successful and effective.

Moderator: • **Monty RAPHAEL QC**, *Peters & Peters Solicitors LLP, London, UK*

Speakers:

- **Prof. Mark PIETH**, *University of Basel, Switzerland*
- **Arianna RIGHI**, *ADM International Sarl, Rolle, Switzerland*
- **Nafsika KARAVIDA**, *Delphi, Stockholm, Sweden*
- **Aleksander STAWICKI**, *President of the UIA Competition Law commission, Wiercinski, Kwiecinski, Baehr SPK, Warsaw, Poland*

10:00 – 11:00 Panel 2 – Attorney Client Privilege: Key Considerations for In-House Counsel

This panel will consider whether attorney client privilege can be relied upon by in-house Counsel. Businesses that either on their own initiative or at the request of regulators evaluate the effectiveness of their compliance structures or investigate potential non-compliance with applicable laws and regulations frequently defer to external law firms to assist them with their investigative efforts and for advice on the potential risk of exposure to civil, regulatory and criminal liability. In what circumstances would corporations be required to waive privilege over such material, and, for certain jurisdictions, in what circumstances would this no longer be considered to be covered by privilege. For example, in a recent decision of the Swiss Federal Supreme Court (“SFSC”) – 1B_85/2016 dated 20 September 2016 – it was held that a litigious draft investigation report and notes of employees’ interviews were not covered by attorney-client privilege.

Moderator: • **Olivier LOPEZ**, *Founding Partner, TsL Avocats, Paris, France*

Speakers:

- **Stéphane BONIFASSI**, *UIA Deputy Director – Congress, Bonifassi Avocats, Paris, France*
- **Balthasar BESSENICH**, *Kellerhals Carrard Anwälte, Basel, Switzerland*
- **Dr. Herbert WOHLMANN**, *Baker & McKenzie, Zurich, Switzerland*
- **Dr. Franz HOFFET**, *Homburger, Zurich, Switzerland*

11:00 – 11:30 COFFEE BREAK**11:30 – 12:30** Panel 3 – Self Reporting

This panel will consider whether voluntary self-reporting is the new key to mitigating corporate liability?

In certain jurisdictions, corporates can negotiate a settlement. The US Yates Memorandum emphasised the US’ renewed focus on individual corporate wrongdoing, and the need for companies to hand over evidence of individual culpability. What steps should businesses take and what are consequences for senior management and employees?

The US has traditionally been seen as leading the way with regard to self-reporting wrong doing. Earlier this year, the US Department of Justice (“DoJ”) announced a one-year pilot programme under which US corporations could mitigate their own liability for violations of the Foreign Corrupt Practices Act (“FCPA”) by voluntarily self-disclosing FCA violations within their organisations, in addition to fully cooperating with DoJ investigations. Will this approach be adopted elsewhere?

Moderator: • **Maria CRONIN**, *President of the UIA Criminal Law commission, Peters & Peters Solicitors LLP, London, UK*

Speakers:

- **Kateryna GUPALO**, *Arzinger & Partners, Kiev, Ukraine*
- **Boris WENGER**, *Baker & McKenzie, Zurich, Switzerland*
- **David LEPIDI**, *President of the UIA Criminal Law commission, Selarl Lepidi-Bril, Paris, France*
- **Márton KOCISIS**, *Cerha Hempel Spiegelfeld Hlawati, Budapest, Hungary*



General Information

Organising Committee

Aleksander STAWICKI

President of the UIA Competition Law commission
Wiercinski, Kwiecinski, Baehr SPK
 Warsaw – Poland
 T +48 (22) 201 00 00
 E aleksander.stawicki@wkb.com.pl

Maria CRONIN

President of the UIA Criminal Law commission
Peters & Peters Solicitors LLP
 London – UK
 T +44 (20) 7822 7737
 E mcronin@petersandpeters.com

Balthasar BESSENICH

Kellerhals Carrard Anwälte
 Basel – Switzerland
 T +41 (58) 200 30 00
 E balthasar.bessenich@kellerhals-carrard.ch

Franz SCHUBIGER, LL.M.

Pestalozzi Attorneys at Law Ltd
 Zurich – Switzerland
 T +41 44 217 91 11
 E franz.schubiger@pestalozzilaw.com

Bénédicte QUERENET-HAHN

GGV Avocats à la Cour
Rechtsanwälte
 Paris – France
 T +33 1 44 51 05 73
 E hahn@gg-v.net

Ulrich BAUMANN

Corplegal
 Munich – Germany
 T +49 (89) 2323 7360
 E baumann@corplegal.de

Birgit Sambeth Glasner

President of the UIA Swiss National Committee
Altenburger Ltd legal + tax
 Geneva – Switzerland
 T +41 58 810 22 33
 E sambeth.glasner@altenburger.ch

SEMINAR VENUE

PESTALOZZI ATTORNEYS-AT-LAW

Loewenstrasse 1, 8001 Zurich, Switzerland
 T +41 (44) 217 91 11

REGISTRATION FEES

	UIA Member		Non Member	
	≤ 07.03.2017	> 08.03.2017	≤ 107.03.2017	> 08.03.2017
STANDARD REGISTRATION	€ 390	€ 440	€ 440	€ 490
YOUNG LAWYER (<35)*	€ 340	€ 390	€ 390	€ 440

* Please attach proof of age to the registration form to benefit from young lawyers fee.

These fees cover participation in the welcome cocktail, participation in the seminar, coffee breaks, lunch on Friday, April 7, 2017, as well as the documentation of the seminar. The dinner on Friday night, April 7, 2017, is optional and at additional charge. Please note that the number of places at the seminar is limited. The organisers reserve the right to refuse registrations in the event of excess applications.

CONTINUING LEGAL EDUCATION

Every participant attending the seminar will receive a "Certificate of Participation" at the end of the event that may be used for obtaining "Credits" for "Continuing Legal Education" – "Continuing Professional Development" purposes, depending on national rules. For more information, please contact the UIA.

LANGUAGE

The working language will be **English** without simultaneous translation.

HOTEL ROOM RESERVATION

A limited number of rooms has been pre-booked at a preferential rate. Reservations should be made directly through the hotel. Credit card details must be given in order to secure your reservation. Please note that the number of rooms is limited. We recommend that you proceed with your reservations as soon as possible.

HOTEL ROOM RESERVATION

CANCELLATION CONDITIONS

VISAS

GENERAL CONDITIONS

FORMALITIES

FORCE MAJEURE

HEALTH

Hotels

Rates

Hotel Glockenhof Zürich 4*

At 220 meters from the seminar venue
Sihlstrasse 31
8001 Zürich, Switzerland
T +41 44 225 91 91
E info@glockenhof.ch

Thursday, April 6, 2017

Single room CHF 300
Double room CHF 400

Friday, April 7, 2017

Single room CHF 240
Double room CHF 320

Group code reservation "Pestalozzi"

Rates are per room, per night and include Buffet Breakfast and VAT.

Excluding CHF 2.5 of city tax per person, per night, to be paid directly at the moment of the check out.

Please download the hotel reservation form from our Website www.uianet.org

Boutique Hotel Townhouse 3*

At 650 meters from the seminar venue
Schützengasse 7
8001 Zürich, Switzerland
T +41 44 200 95 95
E info@townhouse.ch

Double room for single use CHF 230
Double room CHF 280

Rates are per room, per night and include Buffet Breakfast and VAT.

Excluding CHF 2.5 of city tax per person, per night, to be paid directly at the moment of the check out.

Please download the hotel reservation form from our Website www.uianet.org

Hotel Schweizerhof Zürich 4* Superior

At 650 meters from the seminar venue
Bahnhofplatz 7
8001 Zürich, Switzerland
T +41 44 218 88 88
E kchristener@hotelschweizerhof.com

Thursday, April 6, 2017

Double Standard Plus room for single use CHF 435
Double Standard Plus CHF 495

Friday, April 7, 2017

Double Standard Plus room for single use CHF 330
Double Standard Plus CHF 395

Group code reservation "Pestalozzi"

Rates are per room, per night and include Buffet Breakfast and VAT.

Excluding CHF 2.5 of city tax per person, per night, to be paid directly at the moment of the check out.

Please download the hotel reservation form from our Website www.uianet.org

All cancellations will be subject to a 50% deduction and will have to be sent in writing, to be received by the Union Internationale des Avocats **no later than March 7, 2017**. No refund will be made for cancellations received after this date.

Anyone who requires a visa invitation letter in order to attend the seminar should register and pay their registration fees **no later than March 7, 2017** to ensure there is enough time to obtain a visa.

All cancellations will be refunded in full, minus €50 to cover administrative costs, provided that the UIA has received the registration documents and **total registration fees no later than March 7, 2017**.

If you register after this date, only 50% of the amount paid minus €50 to cover administrative costs will be refunded for cancellations due to visa refusals.

All cancellations due to a visa refusal must be sent in writing and reach the UIA **before the seminar**. Cancellations must be accompanied by a **proof of visa refusal**.

If your visa is issued after the seminar date or if you do not have proof of visa refusal, you will not be entitled to a refund.

All registrations received by the Union Internationale des Avocats (UIA) along with the full payment of fees corresponding to the events selected will be confirmed in writing.

The UIA reserves the right to cancel or postpone the seminar to a later date, change the seminar venue and/or programme, make any corrections or modifications in the information published in the seminar programme and cancel any invitation to participate in the seminar, at any time and at their entire discretion, without having to provide any reasons for the same.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature, suffered (directly or indirectly) by a delegate, accompanying person or a third party following any cancellations, changes, postponements or modifications.

The UIA strongly advises participants to subscribe to modifiable and/or refundable services, as well as to take out a cancellation insurance.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature whatever, suffered (directly or indirectly) by a delegate or accompanying person, except in case of death or personal injury due to gross negligence by the UIA.

The contractual relations between the UIA and each participant (delegate or accompanying person) in relation to the seminar are subject to French law and jurisdiction, to the exclusion of any other law. Paris is the city of jurisdiction.

It is the responsibility of participants to ensure compliance with police, customs and health formalities for their journey. Participants unable to take part in the seminar because of their inability to take a flight or any other means of transportation due to being unable to provide the documents required (passport, visa, vaccination certificate, etc.) cannot claim any reimbursement.

"Force majeure" means any events external to the parties, of both an unforeseeable and insurmountable nature that prevents either the client or the participants, or the agency or service providers involved in organising the seminar, from executing all or part of the obligations provided for in the present agreement. By express agreement, such will be the case in the event of a strike affecting the means of transport, hotel staff, air traffic controllers, an insurrection, a riot or any prohibition whatever decreed by Governmental or public authorities.

It is expressly agreed that for the parties, a case of force majeure would suspend the execution of their reciprocal obligations. At the same time, each of the parties shall bear the burden of all the expenses incumbent upon them, resulting from the case of force majeure.

The organisers decline any responsibility in case of any health problems existing prior to the seminar that may lead to complications or be aggravated during the entire period of the stay: pregnancy, cardio-vascular problems, any allergies, special diets, any disorders under treatment and not yet consolidated on the day the seminar starts, psychic or mental or depressive illness, etc. (Non exhaustive list).



Union Internationale des Avocats
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New Trends in Liability of Senior Managers. Overview of the most Important Developments in Key Jurisdictions around the World

Friday, April 7 & Saturday, April 8, 2017

ZURICH, SWITZERLAND

REGISTRATION FORM

Register online at: www.uianet.org

or please complete and return this form, by email, fax or post, to:

UNION INTERNATIONALE DES AVOCATS

25 rue du Jour, 75001 Paris, France

Tel: +33 1 44 88 55 66 ■ Fax: +33 1 44 88 55 77 ■ Email: uiacentre@uianet.org



Register online

UIA INDIVIDUAL MEMBERS: M I - - - - -

Please specify your membership number (Please check your membership card or membership fees)

Family Name:

First Name:

Firm:

Address:

Post Code: City:

Country:

Tel: Fax:

Email:

Date of Birth:

EU VAT ID – Number:

Special requests (special diet, allergies, handicap...):

Arrival/departure times & flight numbers:

Hotel:

A. SEMINAR REGISTRATION FEES

	UIA Member		Non Member	
	≤ 07.03.2017	> 08.03.2017	≤ 07.03.2017	> 08.03.2017
STANDARD REGISTRATION	€ 390	€ 440	€ 440	€ 490
YOUNG LAWYER (<35)*	€ 340	€ 390	€ 390	€ 440

* Please attach proof of age to the registration form to benefit from young lawyer fee.

B. SEMINAR SOCIAL ACTIVITIES

Please indicate below whether you plan to attend the following events **included** in the cost of your registration.

- Welcome Cocktail – Thursday, April 6, 2017
 Lunch – Friday, April 7, 2017

C. OPTIONAL ACTIVITY

(**not included** in the registration fees)

- Optional Dinner – Friday, April 7, 2017

• Please book person(s) for the dinner

€ 135 x ___ / pers

Total (C) €

D. TOTAL

TOTAL (A) – Registration Fees €

TOTAL (C) – Optional Activity €

TOTAL (A+C) €

E. CANCELLATION CONDITIONS

I, the Undersigned, confirm that I have read and accepted the **cancellation conditions** as well as the **general conditions** given on page 6 of the registration programme. My registration will only be taken into account on receipt of the payment.

Participants are aware that their image and/or voice may be photographed, recorded or filmed throughout the duration of the seminar. They hereby assign to the UIA, with the signature of this form, the right to exploit, reproduce and disseminate the images and recordings by all means, both known and unknown, using all media, for an unlimited term and free of charge.

F. METHOD OF PAYMENT

- By cheque in € payable to the UIA, addressed to: UIA – 25 rue du Jour – 75001 Paris – France
 By bank transfer in €, without charges to the payee, in favour of the Union Internationale des Avocats, quoting “2017 Zurich Seminar”, to the following bank and account:

Société Générale – Paris Elysées Entreprise
91 avenue des Champs Elysées – 75008 Paris – France
BIC / SWIFT N°: SOGEFRPP
IBAN: FR76 3000 3033 9200 0503 4165 164

Kindly attach a copy of your bank transfer order to your registration form

- By credit card: Visa Mastercard

Card N°: _ _ _ _ _

Expiry date: _ _ / _ _ 3 digits: _ _ _

Name of card holder:

I authorise the Union Internationale des Avocats to debit the above mentioned credit card in the amount of € (EUR)

Date: / /

Signature: