



Gide Loyrette Nouel  
International Law Firm



2011

## Energy - Regulation FRANCE

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## Energy - Regulation

*Founded in Paris in 1920, Gide Loyrette Nouel is a premier international law firm and the first to have originated in France. It has some 650 lawyers, including 103 partners, drawn from 40 different nationalities, who are all recognised as prominent experts in their respective fields of national and international business law. Across our offices in Europe, Asia, North America and Africa, Gide Loyrette Nouel provides its clients with in-depth knowledge of local markets, regional expertise, and the resources of a top-tier international firm.*

Gide Loyrette Nouel has long-standing experience in the energy sector. In particular, the Firm assisted with the transposition into French law of the provisions of EU directive No. 96/92/CE of 19 December 1996 *Concerning Common Rules for the Internal Market in Electricity*. We have assisted our clients at every stage of the liberalisation of the electricity and gas markets on issues concerning their purchases, investments, and access to infrastructure.

We are now acknowledged for our expertise by all players in the energy industry. We have helped producers, transporters, industrial consumers, and suppliers of natural gas and electricity in both French and international markets.

Our approach is groundbreaking and we deploy the best of the Firm's skills which cut across all practice areas. For instance, GLN successfully initiated the first dispute settlement before the French Energy Regulatory Commission (CRE), and advised the first energy procurement groups of electro-intensive industrial companies in Europe.

### Our Approach to the Energy Sector

GLN provides its clients with a **practical and tailor-made approach to energy-related issues**. Our assistance addresses the precise questions raised by our clients and gives them a global and dynamic overview of the electricity and gas markets.

### The Energy Sector

Following European directives concerning electricity (No. 96/92/CE of 19 December 1996 and No. 2003/54/CE of 26 June 2003) and natural gas (No. 98/30/CE of 22 June 1998 and No. 2003/55/CE of 26 June 2003), the French parliament has passed five laws relating to the energy sector which have been backed up by over one hundred regulatory implementation acts making the energy market a strictly regulated sector.

The energy sector is due to undergo further developments in order to meet objectives to introduce more open competition, secure supply, preserve sources of fossil fuels, and protect the environment. These goals are encompassed at the EU level by the provisions of the Third Energy Package, and in France by the conclusions of the "Grenelle de l'environnement" eco-forum.



## Our Areas of Expertise

### ■ Supply Contracts

We help to conclude the offers of certain suppliers, approve general terms and conditions of sale, and assist certain consumers during contractual negotiations.

We are also involved in negotiations for energy supply contracts for a single consumer in several European countries. To this end, we endorse contracts drawn up on the EFET® model.

### ■ Production, Transport and Distribution

We draft agreements for connections, exploitation, and access to producers' energy distribution networks.

As a provider of due diligence for distribution concessions, we help local authorities to analyse their agreements with firms in charge of electricity grids and natural gas distribution networks.

### ■ Competition

We assist stakeholders in the electricity and gas sectors during disputes before the Competition Council, the European Council, and national courts.

In these issues, our team works closely with the Firm's Brussels Office which is regularly consulted on landmark deals in the European energy sector.

### ■ Lobbying

We were actively involved to support industrial consumers and producers during parliamentary debates on the electricity and gas laws between January 2003 and December 2006.

During the debates we analysed the constitutionality of parliamentary amendments, compiled arguments relating to the development of renewable energies, purchase obligations, and made legal notes on the regulatory framework of activities relating to public service energy obligations, tariff arrangements, etc.

### ■ Disputes

We defend our clients before the competent authorities and national and European courts (judicial and administrative).

For example, we were involved in assisting industrial consumers during a dispute before the French Energy Regulatory Commission (CRE) concerning access to electricity and gas distribution networks.

## Gide Loyrette Nouel

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A.A.R.P.I.