

## COMPETITION & INTERNATIONAL TRADE

### Multidisciplinary practice areas in Paris, Brussels and worldwide

The Competition & International Trade practice group comprises over 70 lawyers in the firm's different offices (Paris, Brussels, Central and Eastern Europe, North Africa, Asia and the Middle East). This firmwide practice group covers the following areas of activity:

- Merger Control
- Antitrust
- Distribution / Consumer Protection
- International Trade
- State Aid
- Community Law / Regulatory

In each country where Gide is present, the practice group's lawyers are steeped in the local legal, economic and political environment and are in constant relation with government authorities. At the European level, our practitioners are familiar with the workings of the EU institutions and maintain regular contacts with top officials (particularly at the European Commission and Parliament). In 1967, Gide was one of the first international law firms to open an office in Brussels.

And in those countries where we do not have an office, we work in close cooperation with a network of partner firms which are selected for their particular expertise. Gide is a member of several international networks, including Lex Mundi, the world's leading association of independent law firms.

### Practical, ground-breaking solutions tailored to suit clients' needs

The firm's overriding aim is to provide practical, innovative solutions that are tailored to every client's needs. With this in mind, every file is handled by lawyers with the expertise best suited to the field concerned to ensure that we can respond within the optimum deadlines to the often complex issues our clients have to face in the development of their businesses.

Gide assists its clients from the earliest steps of their strategic decision-making processes and advises from the feasibility stages of their projects right through to completion. We also represent our clients' interests before the competition authorities as well as the national, European and international courts during disputes or enquiries conducted by investigative and fraud prevention bodies.

With a strong team of highly experienced multi-disciplinary practitioners, driven by the determination to provide the best possible solutions to concrete issues, the Competition & International Trade practice group has, over the years, gained the trust of a high-profile corporate clientele which spans all sectors of business and finance such as banking, financial services, transport, distribution, luxury goods, energy, media, and food and agribusiness.

ALGIERS

BEIJING

BRUSSELS

CAIRO

CASABLANCA

ISTANBUL

LONDON

NEW YORK

PARIS

SHANGHAI

TUNIS

WARSAW

## Main specialties of Gide's Competition & International Trade practice group

### Competition

- **Merger Control**

Gide regularly advises on complex merger operations which require the setting up of **innovative solutions** to ensure that the timetables for the transfer and transaction assessment are respected (e.g. setting up competition portage measures), as well as on compiling the proposed undertakings. With our strong international presence of 12 offices and our network of local partner firms, we are ideally placed to organise and coordinate **multi-notification procedures** in Europe and the rest of the world. We also advise our clients when they wish to challenge an operation that has been notified by one of their competitors and assist in drafting the response to **market tests** initiated by the competition authorities.

- **Antitrust**

In light of recent changes to the rules **governing vertical and horizontal agreements**, we advise a number of companies on putting together or ensuring the compliance of their **trade agreements and contracts**. We also assist market-leading companies facing specific constraints that may arise from rules outlawing **abuses of a dominant position**.

Our lawyers have gained solid expertise in **competition-related disputes**, particularly with regard to **cartels**. In this field, we represent our clients at all stages of the litigation procedure from search and seizure (**dawn raids**) to **actions** before the domestic and EU courts. The firm has also advised clients on **leniency** and **indemnification** proceedings in cases of anticompetitive practices.

- **State Aid**

The different forms of **financing** (subsidies, bail-outs, public loans, tax relief, etc.) that governments grant to companies may distort competition and should therefore, under certain circumstances, be referred to the European Commission for approval.

Over the years, Gide has built up cutting-edge expertise in this area. Our lawyers work upstream to check the **legality** of the **State aid** that our clients (or their competitors) may receive. We help them in preparing the **notification** of an aid measure to the European Commission or in lodging a **complaint**. The firm's practitioners are also instructed when the European Commission initiates a **formal investigation procedure** into an aid measure and regularly represent clients' interests before the EU and domestic courts when the legality of State aid is challenged.

*“French firm with a strong state aid and EU regulatory practice. Advises clients from the technology, transport and financial services industries, with recent mandates including obtaining merger clearance and behavioural matters, including abuse of dominance and cartel investigations. Works closely with the firm's highly regarded Paris office, with the two teams combining regularly on pan-European matters for French clients.”*

**Chambers Europe 2018**

## Distribution / Consumer Protection

The practice group advises clients on organising their **distribution networks** (franchises, selective and exclusive distribution, branches) and on setting up and ensuring that their **trading practices** comply with national and EU rules (general terms and conditions of sale, invoicing, severance of trading relations, loss leading, etc.). We are frequently instructed on these issues and represent clients before the commercial and criminal courts as well as during **unfair competition disputes** with regard to disparagement, disruption, and parasitic practices.

Our lawyers' in-depth knowledge also covers all areas of consumer law and, in particular, the interpretation and application of the provisions of **consumer protection law** (abusive clauses, market launches and product withdrawals, etc.) as well as **advertising and sales promotion law** (comparative and misleading advertising, cross-merchandising, tie-in sales, pricing practices, etc.), also in **specialist sectors** (alcoholic beverages, tobacco, pharmaceuticals, etc.).

## International Trade

- **Combating unfair competition:** our lawyers help their clients to draft complaints against trade defence instruments such as **dumping, subsidies and safeguard measures**. They also bring their expertise to the companies targeted by procedures which are increasingly being initiated by emerging countries. The experience that the firmwide practice group's specialists gain during these missions and the contacts established with the investigating authorities constitute a decisive advantage for our clients.
- **Market access:** our lawyers advise export companies which are experiencing difficulties gaining access to non-EU markets. They identify the rules enshrined in WTO or bilateral agreements in order to draft a legal response to combat import discrimination which may take the form of **customs regulations, technical or health obstacles, restricted access to public procurement**, etc. We offer our clients concrete solutions to raise these import barriers.
- **Assisting clients in settling WTO disputes and in alternative dispute resolution methods for trade litigation:** our practitioners appear as advocates before the WTO Dispute Settlement Body and are skilled in using alternative trade dispute resolution methods to best adapt services to meet clients' needs.

## Compliance & Risk Management

Gide sets up tailor-made "Compliance & Risk Management" programmes to help clients improve their business practices and structures and ensure that they comply with the provisions of the relevant economic law. Programmes include full due diligence, recommendations to be implemented, and training for employees.

*"Solid experience in contentious matters, often advising clients on litigation and investigations before the French Competition Authority, national courts and European institutions, including private enforcement actions. Covers anti-competitive practices, abuse of dominant position matters and merger control mandates. Also assists with distribution issues. Links with the firm's international network allow the team to take a strongly integrated approach to its work across a range of industry sectors."*

**Chambers Europe 2018**

*"Notable practice in Brussels, utilising the firm's strong global network and close relationships with other firms across Europe to handle cross-border mandates for leading French and international companies. Well regarded anti-dumping practice, representing clients from EU industry associations, especially from the biodiesel, food and steel fields. Additional expertise advising on WTO compliance and export control matters. Clients praise the firm's responsiveness and depth of knowledge as well as its ability to handle cross-border matters, noting that it is 'extremely experienced in different geographies.'"*

**Chambers Global 2018**



## Community Law / Regulatory

With its long experience of European law and the associated sectorial regulations, the firm assists its clients in **interpreting** and **implementing** Community laws. During the **legislative process**, we make sure that their views are heard at discussions in the European institutions and we also assist in the drafting and filing of **complaints** to the European Commission on issues such as the incorrect transposition of EU texts in the Member States.

Gide's lawyers are at the forefront of the latest regulatory developments in a range of sectors including financial services and insurance (advising on the drafting and adoption of new legislation for alternative investment funds, rating agencies, capital requirements for banks, solvency rules, etc.), railways, the environment (REACH), energy, public procurement, betting and gaming, and cosmetics. Their competences also encompass all aspects of agricultural and food law such as food safety and product labelling.

### KEY CONTACTS

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*Olivier Prost focuses on trade remedies and customs matters. He recently represented Navigator in anti-dumping review proceedings relating to duties imposed by Morocco on Portuguese imports. Clients praise his 'nuanced and careful approach' and describe him as 'business-savvy, very experienced and with a deep knowledge of the issues and the major players.'*

*According to clients, Benoit Le Bret is 'very smart,' 'very commercial' and 'understands the ins and outs of the European Commission.' He has a strong regulatory focus, acting for clients from the transport, banking and healthcare sectors, as well as handling state aid and antitrust issues.*

*Admitted in both France and Belgium, Laurent Godfroid advises clients from the transport, media and internet sectors on merger clearance, cartel proceedings and abuse of dominance complaints. Clients say that his 'main quality is his relationship with the customer: he is very available and a pleasure to work with.'*

*A member of the Paris and Brussels Bars, Stéphane Hautbourg acts for public institutions and private companies on both French and Belgian competition law. He is active on merger clearance, state aid and behavioural issues. »*

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*Gide Loyrette Nouel's 'commercial' team is 'always available to assist'. Dariusz Tokarczuk and associate Szymon Chwaliński, who provides 'consistently high-quality service', are advising Polski Fundusz Rozwoju on the competition aspects of its acquisition of a 33% stake in Bank Pekao from UniCredit. »*

**Legal 500 EMEA 2018**