

ECONOMIC AND EUROPEAN LAW FRANCE

The Economic and European Law department at Gide was created over 40 years ago when French and European competition law first came into existence. The department offers the services of some 20 lawyers in Paris and works in close co-operation with the firm's Brussels office, also manned by some 20 lawyers. In 1967, Gide was the first French law firm to open an office in Brussels. Today, Gide has nearly 40 lawyers drawn from over 10 nationalities whose expertise spans all areas of French and European economic law.

Thanks to its wide-ranging experience acquired from advising clients in a multitude of sectors, combined with a solid understanding of an increasingly complex legislative and regulatory environment, the department is ideally placed to assist French and international companies in all matters of economic and European law and to propose practical, tailor-made solutions to address all their needs.

Gide has set up expert legal teams to assist companies in the energy, agriculture and food sectors (in association with the Brussels office). In addition to their competition and distribution law expertise, our lawyers offer in-depth knowledge of the particularities of these businesses and the specific regulations applicable in these sectors.

Main Areas of Expertise

Competition

Gide boasts a wealth of experience in merger control and antitrust procedures (restrictive trade practices, cartels and abuse of dominant position).

- **Antitrust:** the team advises companies on putting together and/or analysing their agreements (vertical and horizontal) in light of antitrust rules, and assists 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 and assist clients at all stages of the litigation procedure from searches and dawn raids to actions before the competition authorities as well as French and EU courts.

Gide has an impressive track record in recent years in handling a great number of major actions before the competition authorities as well as national and EU courts. Cases cover areas as diverse as railways, banking, retailing, consumer electronics, cosmetics, and luxury goods. The department also conducted the first leniency procedure before the French Competition Authority (*Autorité de la concurrence*).

- **Mergers:** the department is regularly instructed in complex merger operations which require innovative solutions in terms of market definitions and proposed undertakings. It also organises and coordinates multi-notification procedures with the support of the firm's international offices and its established network of partner law firms.

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Distribution

The Economic and European Law team advises on contentious and non-contentious matters in all areas of distribution law and, more specifically, in the following sectors:

- **Distribution networks:** we have gained extensive expertise in putting together, implementing and following up different types of distribution networks (franchises, selective and exclusive distribution, branches).
- **Transparency of trading relations:** Gide regularly advises products and services suppliers as well as resellers on drawing up their general terms and conditions of business and on drafting trading cooperation agreements. We also assist clients in disputes related to restrictive trade practices (invoicing, severance of trading relations, significant trade imbalance, etc.).
- **Unfair competition:** the team is skilled in all types of unfair competition disputes with regard to disparagement, disruption, and parasitic practices.

Consumer Affairs

The department has in-depth knowledge of all areas of consumer law which has developed considerably in recent years.

- **Consumer protection rules:** our experience covers regulations with regard to unreasonable clauses and substantive product claims (market launches and withdrawals, deceit, dangerous products, etc.).
- **Advertising and sales promotion law:** the Department handles all aspects of advertising (comparative advertising, misleading commercial practices, etc.), promotional operations (cross-merchandising, competitions, prize draws, tie-in sales, etc.) and pricing practices (discounts, sales, loss leaders, etc.).

Gide represents clients during enquiries by the French General Directorate for Competition Policy, Consumer Affairs and Fraud Control (DGCCRF) and before the commercial and criminal courts in disputes concerning the application of consumer law.

Compliance - Risk Management Programmes

The Economic and European Law department sets up tailor-made compliance and risk management programmes to help clients improve their business practices and structures and ensure that they comply with the provisions of economic and European law. These programmes usually include the following stages:

- Full due diligence of structural links and trade and contractual practices with regard to the rules governing competition, distribution and consumption.
- Recommendations implemented by means of updated agreements, pricing policies, and the closure and/or restructuring of trading entities.
- Audits and training.

The competition department at Gide Loyrette Nouel A.A.R.P.I. works closely with its colleagues in Brussels and recently successfully defended Drouot in antitrust litigation proceedings before the FCA against abuse of dominant position and cartel allegations filed by Figaro. In other work, Antoine Choffel and counsel Laura Castex represented Pernod Ricard in an investigation pertaining to its distribution of consumer goods in French overseas territories, and Joëlle Salzmann and Choffel advised SNCF on the FCA inquiry into the French railway freight market following a complaint by a Deutsche Bahn subsidiary. Other key contacts include Dimitri Dimitrov, who is defending Guerbet before the Brazilian competition authority in connection with its 2015 acquisition of Mallinkrodt, and Emmanuel Reille who assisted Ferrero with competition aspects of its acquisition of a branch of United Biscuits. Franck Audran was promoted to counsel. »

Legal 500 EMEA 2018

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. The team enjoys a good reputation for contentious mandates. One client states: 'Gide is known to be very good in litigation.' Clients praise the department's service, highlighting its 'responsiveness, quality of analysis and advice.' »

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