

Distribution / Competition / Consumer Law

OUR EXPERTISE

The reputation of our Distribution / Competition / Consumer Law team is by now firmly established. Trained in the legal, economic, commercial, and financial aspects of the field, our lawyers have a firm grasp of the economic issues underlying competition law and the market fundamentals. In addition, the team benefits from the expertise of Jean-Yves Foucard, one of the first members of the Competition Workshops set up by the French Ministry for Economic Affairs and Finances at the birth of competition law (French Decree of 1986).

Because we see the law as an instrument serving companies' strategic purposes, i.e. a creator of value, we are specifically able to assist businesses with the definition and implementation of their commercial policies through commercial optimization and conflict prevention.

The team's services are aimed at both small and medium-sized businesses and big French and foreign groups. Specializing in the life sciences, chemical, agribusiness, cosmetics, and ready-to-wear industries, our lawyers are bent on achieving a perfect understanding of the economic stakes and constraints of the specific branch of industry. Led by the partners who are heavily involved in each case, they work in French and in English and regularly collaborate with foreign law firms.

WHAT WE DO

- We advise on issues relating to cartels, abuse of dominant position, and anti-competitive and restrictive practices.
- We validate pricing policies and the results of business negotiations: general terms and conditions, terms and conditions per category, special terms and conditions, marketing-related services, new promotional instruments, etc.
- We design, organize, and set up the specific architecture and legal and promotional documentation for distribution networks (franchising, selective distribution, etc.).
- We draw up, validate, and negotiate marketing contracts subject to competition law (selective distribution, exclusive distribution, commercial agency, reference listing, franchising, supply, etc.).
- We provide assistance in cases of concentration control.
- We provide assistance during inspections carried out by the French agency for competition, consumers, and the repression of fraud (DGCCRF).
- We represent clients before the competent courts, the French Competition Council, the Court of Appeal in Paris, and, as the case may be, the Community authorities.
- We validate promotional and selling-to-consumers techniques (distance or internet sales, canvassing, premium sales, competitions, advertising, etc.).



H I G H L I G H T S

- Representation of a leading French company before the French Competition Council: analysis of anti-competitive practices on the cycling market
- Representation of a beverages and confectionary wholesaler before the French Competition Council: investigation of anti-competitive practices on the food distribution market at petrol stations
- Reorganisation of the markets for the manufacture and recycling of packaging for the cables industry (reels and drums): project analysis and risk assessment with respect to competition law for three corporations, including two companies listed with the CAC-40 index
- Setting-up of an international selective distribution network
- Setting-up of a franchising network for France's leading credit broker
- Drawing-up and negotiation of marketing contracts (distribution, agency, brokerage, exclusive distribution, franchising, exclusive licensing of trademarks, know-how, and software) after analysis of the specific aspects of competition law (cartels, restrictive and anti-competitive practices)
- Examination of bundled rebate agreements for several major actors of the life sciences industry
- Definition of compliance programmes in regard of the French Dutreil, Chatel, and LME acts for the sales forces of several companies in the life sciences industry
- Counsel to franchisors and franchisees in contract termination disputes
- Validation of challenges and promotional campaigns organized by major life sciences corporations

The Team

Jean-Yves Foucard - lawyer, partner

Christophe Héry - lawyer, partner

Géraldine Malinge - lawyer, senior associate

Alice Bahia Bidi - lawyer, associate

Olivier Crauser - lawyer, associate

Bertrand Dobosz - lawyer, associate

Contact

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Ask about our other areas of expertise: Company Law/Mergers & Acquisitions/Private Equity • Counsel to Management • Corporate/Contracts • Commercial Property • Employment • Commercial Litigation • Industrial Risk & Liability/Insurance • Distribution/Competition/Consumer Law • IP/IT • Life Sciences • Tax • Transport/Customs • Bankruptcy Law • International Arbitration • Franco-German Relations • Criminal Business Law • Sports Law