

DISTRIBUTION

Our multidisciplinary team handles all relevant aspects of distribution in Europe. We assist clients in selecting the distribution arrangements (agency, exclusive and non-exclusive distribution, distance selling, franchise, online) most fitting to their needs. We draft or review the agreements and also assist our clients with the negotiation of such agreements.

Furthermore, we regularly counsel and litigate (before courts and authorities) in competition law matters related to selective or exclusive distribution networks, pricing policies (also in a dominance context), and vertical and/or horizontal cooperation agreements.

We also work closely with experienced colleagues in other jurisdictions and act as coordinating counsel in the context of cross-border distribution networks covering multiple jurisdictions.

Establishing a Local Physical Presence / Internet Sales

Belgium is one of the main logistics centers in Europe. It is therefore often chosen as the location for setting up a European presence. We assist our clients with all aspects related to establishing themselves in Europe. This includes assisting clients with the selection of the legal form of the entity, with real estate leases or purchases, in hiring a workforce and in obtaining the necessary authorizations and permits.

Whenever clients wish to sell through the internet, we help them with all the legal aspects related to the creation of a website and provide day-to-day counseling on all issues relating to their online presence. We ensure compliance with legislation on e-commerce, telecommunications, competition, consumer protection and market practices. We also advise on information obligations, e-advertising, e-contracting, distance selling, data protection, online terms of use and other related matters.

Market Access and Withdrawal

We assist our clients in identifying the regulatory framework related to market access (including

regulations on product safety) and advise on how to meet the relevant regulatory obligations.

We advise on concerns related to product marketing (such as potential non-compliance with legal obligations and product defects) and we determine whether action is required. We help our clients to devise an appropriate response to product safety issues. We notify the appropriate authorities on behalf of the client, drawing from our experience in various EU member states. We also handle product recalls, often in many different member states. Where needed, we represent clients before administrative authorities and in court.

We have privileged relationships with Crisis Communication managers allowing clients to benefit from a full package of coordinated legal and PR services in times of crisis.

Litigation

Our team regularly litigates in distribution-related disputes before national courts and (international) arbitration panels.

This litigation work involves all aspects of distribution law including claims related to termination indemnities; disputes relating to the parallel trade or transit of luxury goods and spirits; the validity or invalidity of non-competition clauses; product defects and liability and price fixing and maintenance claims.

Our Team

Our team has extensive experience with many industry sectors and can boast a particular focus on the automotive, telecommunications, consumer goods, life sciences and biotechnology, and tobacco industries.

“Crowell & Moring ‘stands out in terms of reliability.’”
Legal 500 EMEA, 2016

“Geert Bogaert has particular experience in representing clients from the motor vehicles sector in areas such as product liability, distribution, franchising and technology transfer contracts.” Chambers Europe, 2015

Representative Matters

Distribution Networks

- Assisted a manufacturer of medical devices in starting and later restructuring its EU distribution network.
- Assisted a medicinal products manufacturer in securing distribution arrangements with Belgian hospitals.
- Helped an international group active in the fashion sector and a tobacco products manufacturer to set up their retail networks in Belgium.
- Provided advice to a telecommunications operator on the reorganization of its agents' network.
- Represented clients in cartel and abuse of dominant position investigations by the European Commission, the Belgian and the Dutch Competition Authorities.
- Assisted a software developer with the distribution of licenses throughout Europe.
- Provided advice to a telecommunications operator on the setting up of its website and related terms and conditions for internet sales.

Market access

- Assisted manufacturers of toys and other consumer goods with product recalls.
- Secured EU government approval for a privately organized product recall in the automobile industry.
- Assisted a U.S. electric vehicle manufacturer with the launch of a new model in the EU.

Recent representative litigation

- Represented a Belgian distributor of vehicle accessories in a dispute concerning the termination of an exclusive distributorship throughout Europe
- Represented a reseller of heating and cooling devices for food in a product defect dispute.
- Represented a manufacturer of printing devices in a dispute related to product liability and the termination of a distributor.
- Pursued litigation regarding the compliance with competition law of distribution and license agreements and regarding parallel trade and transit issues.

CONTACTS



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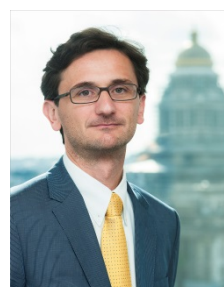


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