

Emmanuelle van den Broucke

Partner



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Paris

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Overview

Emmanuelle van den Broucke is a Partner in Competition Law and Distribution Law.

In Competition Law, Emmanuelle van den Broucke assists and advises clients on merger controls (France, the European Commission, Morocco and the coordination of multi-jurisdictional notifications), anti-competitive practices (both in counseling and in defending clients in proceedings before the French Competition Authority, the European Commission and the French and European Courts) or for State aid.

She also conducts competition audits, implements compliance programs at her clients' premises and works closely with other Dentons lawyers on compliance or risk issues. She has an excellent knowledge of the life sciences and pharmaceutical sector, as well as the luxury and food sectors.

Emmanuelle has thorough expertise in the French regulation of restrictive practices, advising clients on the negotiation and implementation of annual framework agreements and conditions of sale as well as compliance of their business practices in accordance with their commercial practices with regard to the provisions of the French Commercial Code or specific regulations to certain products.

She is also regularly consulted for the establishment of distribution networks (exclusive/selective/franchise/sales agents/other), including the drafting and negotiation of distribution agreements of all types as well as assisting clients in the event of their violation.

Experience

- **Professional transport organization:** Assisting in an investigation led by the French Competition Authority on alleged concerted practices on prices between competitors.
- **An international supplier of dairy products:** Assisting in an on-going investigation by the French Competition Authority.
- **A major French supplier of luxury products:** Assisting in a procedure initiated by the French Competition Authority for its alleged participation in vertical price-fixing agreements.
- **An international car distributor:** Assisting in its notification to the European Commission with referral to the

French Competition Authority. This operation now serves as a reading grid for defining markets for future transactions.

- **A large wine company:** Assisting in the pre-litigation and litigation proceedings at the end of distribution relationships in several countries.
- **An International manufacturer of musical instruments:** Assisting in the overhaul of its distribution system and in its compliance programme in competition law in France.
- Multiple notifications of automotive transactions in France, Belgium and the European Commission.

Recognition

In the Media

- "Dentons advises Rio Tinto on the sale of its subsidiary ECL to Fives", *Legal monitor*, August 3, 2015

Insights

Emmanuelle regularly publishes articles on competition law and is the editor of a monthly newsletter on competition issues.

Other publications include:

- "Les nouveautés 2020 sur le contrôle français des investissements étrangers", Fusions Acquisitions Magazine, January 2020
- "L'Autorité de la concurrence rappelle à l'ordre les professions réglementées", *Option Droit et Affaires*, October 2019
- "Les algorithmes font débat en droit de la concurrence", *Option Finance*, November 2017
- "Private Equity et droit de la concurrence : la gestion du risque ?", *Option Finance*, January 2016
- "Nespresso: difficult interplay between competition law and IP rights", International Law Office, November 2014
- "Exclusive distribution agreement can confer power of control requiring notification", International Law Office, August 2014
- "Le contrôle des concentrations en Chine", Fusions & Acquisitions Magazine, July/August 2014
- "Appeal court takes lenient view of Bang & Olufsen online sales prohibition", International Law Office, July 2014
- "Actions for damages: inability to pass on higher prices proves prejudice", International Law Office, July 2014
- "Loi Hamon: durcissement des sanctions de la DGCCRF dans les relations commerciales entre professionnels", *le Magazine des Affaires*, April 2014
- "Contrôle des concentrations et prises de participations minoritaires", Fusions & Acquisitions Magazine, March/April 2013
- "The Alphabet Soup: efficiently managing multi-jurisdictional filings", *The International Comparative Legal Guide – Merger Control*, 2012
- "L'interdiction des aides d'Etat dans la privatisation d'entreprises publiques", co-written with Christoph Herrmann, Fusions & Acquisitions Magazine, November/December 2011
- Participation au rapport de l'AFEC de mai 2011 sur le projet de communication de la Commission concernant

la coopération entre les autorités des états membres sur le contrôle des concentrations

- "La soumission des opérations de capital-investissement (et en particulier les LBO) au contrôle des concentrations en France", Private Equity Guide/LBO, Option Finance, 13 December 2010
- Participation au rapport de l'Association des Avocats Praticant le Droit de la concurrence sur le projet de lignes directrices de la Commission européenne sur les accords de coopération horizontale en juin 2010
- Private Equity Guide – merger control chapter, Option Finance, December 2010
- Interview Lexbase Hebdo n° 380 January 2010 « Publication des nouvelles Lignes Directrices en matière de contrôle des concentrations »
- Interview Corporate INTL December 2009, « Competition Law Around the World »
- « Kluwer Merger Check », Chapter France, 2008
- « Should a decision of the Competition Authority be appealed? » Option Finance, October 2009
- « Merger control: How to best to manage multiple notifications », Fusions & Acquisitions Magazine, May 2009
- « Tenders: the pitfalls of setting up a group », Option Finance, January 2009
- « Community Transaction: and if it was a trick? », Co-author of article, La Lettre des juristes d'Affaires, October 2008
- « The Competition Council encourages dialogue » Co-author of article, L'Usine Nouvelle, March 2005
- « Generics and competition law » Co-author of article, les Echos, August 2005
- « The Law on New Economic Regulations: Profound Reform of Merger Control in France » Co-author of article, Décideurs Juridiques et Financiers, May 2001
- « The Fight Against Anti-Competitive Practices: the Instigation of a Leniency Programme by the NRE Law » Co-author of article, Décideurs Juridiques et Financiers, September 2001

Activities and Affiliations

Memberships

- Member of the French Association of Lawyers in Competition Practice
- Member of the Association Française d'Etude de la Concurrence

Prior and Present Employment

- Partner - Dentons (formerly Salans), Paris (2008-to date)
- Joined Salans (now Dentons) in 2004
- Associate - Shearman & Sterling, Paris (1999-2004)

Areas of focus

Practices

- Competition and Antitrust

- Competition and Antitrust Counseling and Compliance
- Competition and Antitrust Litigation
- Compliance and Risk Management
- EU Law and Policy
- Franchising and Distribution
- Life Sciences
- Merger Control
- Public Policy and Regulation
- State Aid and Subsidy Control
- Mergers and Acquisitions
- Compliance

Industry sectors

- Automotive
- Chemicals and Petrochemicals
- Communications
- Consumer Products
- Energy
- Financial Institutions
- Food and Beverage
- Forest Products and Agribusiness
- Gaming
- Life Sciences and Health Care
- Luxury, Fashion and Beauty
- Manufacturing
- Pharmaceutical Companies
- Retail

Education

- University of Paris I - Panthéon Sorbonne, 1997, DESS, in Internal Market Law
- University of Nantes, 1995, Maîtrise, in Community Law

Admissions and qualifications

- Admitted to the Bar, Paris, 1999

Languages

- English
- French