



International Distribution Institute

Organising Distribution in the Enlarged EU

A New Challenge for Business

Establishing and managing agency and distribution agreements between parties of the «old» and the «new» member States

FRIDAY 13 MAY 2005, PARIS (FRANCE)

The enlargement of the European Union is having a substantial impact on distribution within this new market. So, manufacturers of the «old» member States are extending their distribution networks to the «new» member States and vice versa companies of Central Europe are beginning to organise distribution of their products in the «old» member States.

Consequently, cross-border distribution, particularly through commercial agency and distribution agreements, between these two sides of the EU is rapidly expanding and will more and more expand in the next years.

This implies a number of new problems for businessmen (and their legal consultants). So, producers of the Western part of the European Union need fresh **information about the new laws** on commercial agents and distributors enacted in Central Europe as well as advice about the appropriate solutions regarding **dispute resolution** (effectiveness of choice of forum clauses, recognition of judgments, arbitration). On the other side, exporters from Central Europe need practical information about the rather sophisticated legislation in force in most of the «old» member States which protects commercial agents and distributors and the possibility to limit the risks (goodwill indemnity, etc.) involved. Finally, agents and distributors from both sides need to know how to protect themselves against clauses (choice of law, etc.) limiting their rights.

The purpose of this conference is to examine and discuss all these problems with experts of the countries involved in order to give the participants an **updated view of the main problems they may face in cross-border distribution within the enlarged EU**. The participants will receive a CD containing the **laws on commercial agency and distribution of the member states of the European Union** and other important legal materials.

The conference is organised by the «International Distribution Institute» (IDI), an organisation providing business with specialised services in the field of international distribution law, through a team of highly specialised country experts. The conference is also the occasion for presenting the website of IDI where all the main tools for drafting, negotiating and managing international distribution agreements (model contracts, country reports, national laws, etc.) can be found.

In order to give the participants the opportunity of a more precise information regarding their specific problems, at the end of the afternoon session some time has been reserved for **individual contacts** between the participants and IDI experts of the various countries.

PROGRAMME

MORNING SESSION

CHAIRMAN	Klaus Meyer Swantee , Retired Partner of Derks Star Busmann, Amsterdam. Member of the IDI Council
09:00-09:25	Registration
09:25-09:40	Presentation: the lawyer faced with the problems of international distribution. Jean-Louis Paul , Chairman of Fidal
09:40-10:25	The IDI Project: a new tool for the management of cross-border distribution contracts. What is IDI? Why did we choose this theme for the inaugural conference? Fabio Bortolotti , Professor of Law, University of Torino; Buffa Bortolotti & Mathis, Torino; Chair IDI Silvia Bortolotti , Buffa Bortolotti & Mathis, Torino; Member of the IDI Council and Secretary of IDI
10:25-11:25	PANEL ON AGENCY: Envisaging contract termination within commercial agency contracts. Clauses regarding termination for cause (breach of contract, minimum turnover, etc.), calculation of the goodwill indemnity. The members of the panel will discuss the main clauses of the IDI model regarding contract termination in the light of the practice and law of their respective countries. Erwin Gärtner (chairman of the panel) , Gärtner, Stübel, Baumann & Partners, Stuttgart; Member of the IDI Council Gustav Breiter , Viehböck Breiter Schenk & Nau, Vienna Piret Luiga , Tark & Co., Tallinn Ingrid Meeussen , Lafili, Van Crombrughe & Partners, Brussels Olga Sztejnert , Drzewiecki, Tomaszek & Partners, Warsaw
11:25-11:50	Coffee break
11:50-12:10	Selecting the applicable law in agency and distribution contracts within the enlarged EU. How to make the «best possible» choice and how to make it really effective. Fabio Bortolotti , Professor of Law, University of Torino; Buffa Bortolotti & Mathis, Torino; Chair IDI
12:10-12:50	Discussion
12:50-14:00	Buffet

AFTERNOON SESSION

- CHAIRMAN** **Didier Ferrier**, Professor of Law, University of Montpellier; vice-chair IDI
- 14:00-14:20 **Working out a strategy on dispute resolution within the enlarged EU. Choice of forum and recognition of judgments under Regulation 44/01.**
Jaap van Till, Van Till Advocaten, Amsterdam
- 14:20-15:20 **PANEL ON DISTRIBUTION CONTRACTS: Drafting and managing contracts in compliance with the European antitrust rules: non competition clauses, export prohibitions, active & passive sales.**
The members of the panel will discuss the antitrust issues arising in the enlarged EU with a special reference to the solutions that can be found in the clauses of the IDI model contract.
Didier Ferrier (chairman of the panel), Professor of Law, University of Montpellier; vice-chair IDI
Dominique Ferré, Fidal, Paris
Katarina Kresal, Miro Senica in odvetniki, Ljubljana
Edward Miller, Reedsmith, London
Agnès Szent-Ivany, Sándor Szegedi Szent-Ivány & Komáromi Attorneys at Law, Budapest
- 15:20-16:20 **Individual contacts with the IDI Experts.**
Several country experts will be available for individual contacts with the participants.
The updated list of the country experts who will be present at the conference for individual contacts can be found at www.idiproject.com/conference-programme.ucw
A form for requesting a meeting with the expert(s) will be included in the papers handed over at the conference.

MEETING ON RESOLUTION OF DISPUTES WITHIN THE ENLARGED EUROPEAN UNION

Thursday 12 May 2005,
Palais de Justice, 4, Boulevard du Palais, Paris

Participants to the conference are invited to the meeting organised by the «Association pour la Promotion des Modes Alternatifs de Règlements des Conflits (APMARC)» with the following programme. The meeting will be held in French.

- 17:30-17:40 **Allocution d'ouverture**
Jean-Claude Magendie, Président du Tribunal de Grande Instance de Paris
- 17:40-18:00 **La problématique du contentieux dans une Europe élargie, au regard du droit applicable et de la juridiction compétente**
Fabio Bortolotti, Université de Turin; Partner, Buffa Bortolotti & Mathis, Torino; Président IDI.
- 18:00-18:20 **Le traitement du contentieux dans une Europe élargie, par recours aux modes alternatifs de règlement des conflits**
Didier Ferrier, Université de Montpellier; Président APMARC.
- 18:20-18:50 **Discussion**
- 18:50-19:00 **Conclusions**
Jean-Pierre Mattei, Président du «College européen de resolution des conflits»
- 19:15-20:00 **Cocktail**

PRACTICAL INFORMATION

(13-05-05 CONFERENCE ON DISTRIBUTION IN THE EU)

- Venue:** Neuilly-sur-Seine (Paris), France
Auditorium SACEM, 4, rue du Général Lanrezac
Metro: Line 1, Pont de Neuilly
- Speakers:** CVs of all speakers and IDI country experts can be found in the IDI Website: www.idiproject.com/experts.ucw
- Language:** English and French
- Documentation:** A CD-ROM containing the laws on agency and distribution of all EU countries, International conventions, EC Regulations, etc. will be distributed at the conference.
- Fee:** 400 € (no fee for IDI members having paid their yearly subscription fee).
The fee includes the buffet and documentation.
Subscription to the IDI website made before May 12, 2005, allows to attend the Conference of May 13, 2005, free of charge.
For more information about IDI, please visit www.idiproject.com
- 12-05-05 Meeting:** Those who wish to attend the meeting on Resolution of Disputes in the Enlarged European Union on 12 May 2005 should indicate their participation when registering (participation to this conference is free of charge).
- Registration on-line:** Registration can be made through the IDI website, at the page: www.idiproject.com/conference-registration.ucw
In that case, you can pay with credit card or by bank transfer. After complete payment, you will receive a confirmation of your registration by e-mail or fax.
- Registration by fax:** Alternatively, you can fill in the registration form, and send it by fax to:
IDI Project Srl,
Via Alfieri 19, 10121
Torino (Italy)
fax: + 39 011 574 11 41
In case of registration by fax, payment should be made by bank transfer and confirmation of your registration will be sent after having received the registration form together with the evidence of the payment.
- Cancellation:** Cancellation request received in writing by IDI Project on or before 2 May 2005 will be subject to a 20% administration charge of the total fees paid. After this date no refunds are possible.