

Your World First

C/M/S/

Law . Tax

Retail & Franchising



Our Values

A commitment based on three pillars

Teamwork

Our lawyers work together, in multidisciplinary teams, to provide you with the necessary skill set required for your case.

Our partnership strategy has been recognized and awarded on several occasions: in 2009 and 2010, we received the Belgian award for “Best Law Firm to Work For”. In 2013, Chambers granted us its European award for Excellence in Client Service.

Expertise and know-how

Our lawyers keep abreast of the latest legal developments to remain at the forefront of their fields. They are also regularly invited to speak at scientific seminars.

Each associate is individually coached by a partner.

Entrepreneurial approach

We want to achieve excellent results for each given instruction. To this end, we work tirelessly to best meet your legal needs. As entrepreneurs, we understand that it is important to set clear goals, deliver value and work in close collaboration with you.

What sets us apart from the rest

- We practise law with the sophistication of a larger organization while maintaining the culture of a smaller firm: our partners are easily accessible for our clients and teams, which means that problems can be resolved swiftly and efficiently.
- We invest in long-term partnerships with our clients, acquiring in-depth knowledge of their businesses in order to better meet their needs.
- We operate in a transparent way, with no surprises as regards our fees.
- We are a truly client-focused law firm. This means understanding the unique needs and challenges of each market sector and providing a service that is tailored to the specific concerns and requirements of each client.



Our Approach

Specific support

The retail business has its own specificities that require tailor-made answers, reliable from a legal point of view, but also practicable, taking into account all possible operational constraints and opportunities. We strive to give such advice to companies that are active in the retail trade and to operators of commercial networks, whether they are integrated through subsidiaries or whether they call on the services of third parties, whether they are franchisees, agents, dealers, licensees, ...

We always look for the most appropriate solution for each company and each network, even if that solution sometimes goes beyond the strict framework of the established legal formulas.

Knowledge of the sector

Some members of our team have been active in the retail sector for many years and have developed considerable market-related knowledge and know-how, especially in the sector of “do-it-yourself” stores, chocolate, fast food restaurants, supermarkets, filled kitchens, clothes and fashion, household equipment, second-hand products, real estate, travel agents, fitness, etc.

A multidisciplinary approach

Business life is becoming ever more complex. Each solution must be studied in all its aspects, both legal and operational. But what are the fiscal implications? Are there consequences on the social level? Is such a solution not in conflict with competition law?

CMS DeBacker, with its current team of 75 lawyers who are specialized in almost all business matters, is able to formulate responses in cooperation with dedicated experts in these various matters.

An international network

Today, retail networks reach beyond the borders of their home country, and sometimes to a large extent. Are the same solutions applicable where expansion abroad is concerned? What are the obligations imposed by local legislation that must be taken into consideration by a network that wishes to set up in a particular country? Via the existing network of CMS offices we are represented in 53 business centers. This allows us to request support from lawyers who not only have the local legislation at the tips of their fingers, but also know their own market as well as the most efficient ways to set up a subsidiary.





Our Retail & Franchising Expertise

Commercial leases

Commercial leases are strictly regulated and their management is governed by strict rules in terms of formalism and deadlines. We assist our clients in the negotiation and drafting of their lease agreements, as well as their subsequent management: renewal, revision of rental price, conveyance, subleases, termination of contract.

Business (*fonds de commerce/handelszaak*)

The management of lease rights and clientele, being the essential elements of a business, requires a suitable legal framework. We help our clients in transactions relating to transfer, leasing-management or the pledging of a business.

Development strategy

We assist our clients in determining and putting in place the best strategies for the development of their network, both in their home country and abroad. This strategy may indeed differ depending on particular local or operational constraints.

Distribution contracts

Depending on the defined strategy, we assist our clients in negotiating and setting up all the necessary legal tools for their development, including distribution contracts such as franchise, concession, selective distribution, agency or license agreements. We strive to offer a tailor-made tool, depending on the sector in which the company operates, as well as the practical and economic constraints.

Network management

We also assist our clients with the difficulties they may encounter with their trading partners. We choose a proactive and preventive approach and consider going to court only as an ultimate solution or as a necessary prerequisite for later negotiations.

Trademarks

We advise our clients on the best way to protect their trademarks and other intellectual property rights they use.

Undertakings in difficulty

We assist companies facing financial difficulties within their network, and analyze and provide strategic advice on the solutions to implement.

Social law

We cover all the issues that arise in the retail sector, whether they relate to individual (hiring or dismissals) or collective aspects (work arrangements, bonus plans, powers of joint committees, establishment of technical units, negotiations, etc.). We also assist on specific matters, especially with regard to restructuring (conventional transfer of business assets after bankruptcy or following a judicial reorganization).

E-Commerce

We also help our clients set up a legal framework for internet sales, taking into account the operational difficulties of such an activity or of the coexistence with a network of distributors who own specific rights.

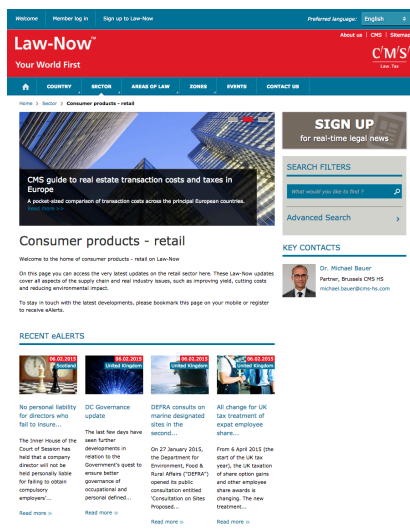
Commercial promotions

We validate our clients' planned promotional campaigns. Even if the regulations should soon be liberalized following the European Directive, sales promotions in Belgium are currently still subject to strict regulations regarding sales, price reductions, loyalty campaigns etc.

Permits

Retail business often requires to obtain various licenses beforehand. The regulations vary in the three regions of Belgium. We assist our clients in obtaining these permits and in dealing with the situations that may arise in this process.

Brochures & Newsletters



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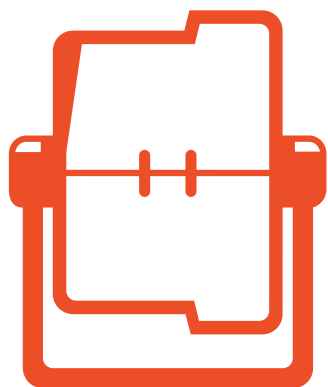
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You choose the legal and sector news you want to receive through email alerts and via the online knowledge portal, which includes a searchable archive. Our eAlerts are short and to the point, getting to the essence of the issue fast. Our commentary on legal developments is enhanced by a practical look at the business impact, including the steps businesses need to take. The Law-Now website has over 10,000 pieces of legal analysis as well as all the publications and events supported by CMS.



CMS Guide to Dismissals

This eGuide (<http://eguides.cmslegal.com/dismissals>) provides an overview of termination procedures for employees and managing directors in 22 European countries, plus Russia and China. The first part of the Guide deals with termination procedures for employees and the second part for managing directors. The Guide is intended to provide CMS's international clients, including those doing business across Europe and into Asia, with a summary of local laws across all 24 countries, making it easier to understand both the similarities and differences between each jurisdiction. The Guide has been drafted by the CMS Employment and Pensions Practice Area Group, which comprises over 250 lawyers with specific expertise and experience in employment and pensions law.



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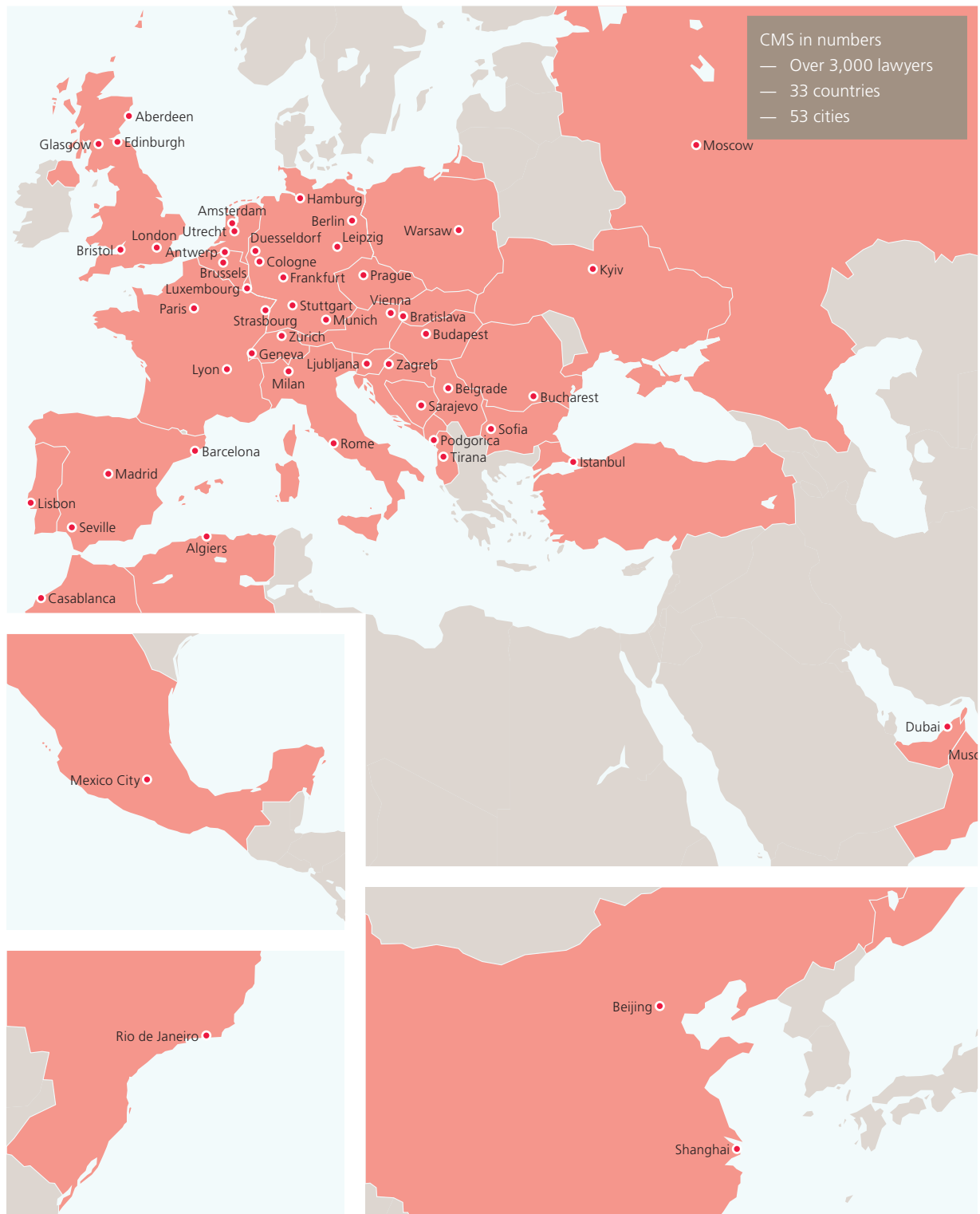
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CMS DeBacker is a member of CMS, the organization of 10 independent European law firms delivering legal and tax services in Europe and beyond. CMS employs 3,000 legal professionals and operates in 59 offices world-wide.

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