

LOYENS  LOEFF

clear solutions by sharp minds

## Automotive

Belgium



the leading Benelux law firm

## Automotive

Historically, the automotive industry has been at the heart of the Belgian economy. With a significant portion of Belgium's automotive production headed for export, it is no wonder that the industry has a highly international character. A large number of automotive suppliers are also active in Belgium across a full range of services, including production, logistics, engineering, R&D, ICT, and related services. The continued success of these players in Belgium depends to a large extent on their ability to adapt rapidly to the new regulatory environment governing such areas as supply.

In addition, the automotive industry has recently had to overcome a crisis of unprecedented magnitude, and has been exposed to changes at a European level. Such changes have had, and will continue to have, a significant impact on future business policy, strategies and related decisions for car manufacturers, OEMs, dealers, independent repairers and other players in the automotive field in the European Economic Area. The Belgian automotive practice group of Loyens & Loeff has the expertise to help its clients cope with these challenges and permanent changes to the business environment, in both a Belgian and international context.

## Our clients

Our clients include a large number of companies operating in the field of automotive distribution. These automotive operators include major car manufacturers and importers, independent repairers, as well as the Belgian Federation of car and motorcycle manufacturers and spare part suppliers.

## Our expertise

The Belgian automotive team of Loyens & Loeff assists its clients in adapting and implementing their business strategies and related decisions to best deal with the changing business environment.

Clients frequently call upon the expertise of our automotive practice group to deal with contract drafting, restructuring exercises, contract termination and dispute resolution.

Loyens & Loeff's comprehensive range of services to the automotive industry include:

- Agency and commissionaire agreements
- Compliance with fair trade practice regulations
- Data and privacy protection
- Dispute resolution including arbitration and mediation
- Distribution agreements
- European competition rules (Block Exemption Regulation 1400/2002-BER)
- Franchise agreements
- Information technology-related contracts
- Parallel imports
- Product liability and recalls
- Protection, exploitation and enforcement of intellectual property rights
- R&D agreements

Our cross-practice strength further enables us to take other issues and disciplines into account, such as taxation, to ensure that we provide the most robust and pragmatic advice.

From a tax point of view, we advise our clients on import and distribution arrangements, the taxefficient treatment of R&D and production costs, optimising VAT and customs charges, tax implications of all kinds of marketing costs and events, and taxefficient modifications of dealer networks.

Our automotive team has the depth of experience to deal with any issue arising in the following tax domains:

- Direct taxes
- VAT, customs and international trade
- Environmental taxes



## Some recently handled matters

- Assisting various automotive manufacturers and importers with the drafting and the negotiation of their BER 330/2010 and 461/2010 distribution and after-sales services contracts
- Advising various car manufacturers on the admissibility of bonus systems and other sales incentives
- Acting for a group of car distributors for the negotiation of a complex ICT solution and for the subsequent acquisition of the software developer
- Advising a car manufacturer with respect to data protection issues related to the use of customer data and on the legal requirements with which the database tool has to comply
- Assisting various car manufacturers, importers and distributors with the legal audit of the appropriate termination period, or, alternatively, the termination cost/ appropriate indemnities in applying a specifically designed template/ model including all relevant legal criteria
- Assisting various manufacturers, importers and distributors with the tax treatment of import and distribution arrangements
- Advising car manufacturers on their warranty program
- Advising car importers on the optimisation of customs charges
- Assisting various manufacturers of spare parts in the optimisation of their distribution
- Advising a car manufacturer on the possibility of benefiting from State aid and compatibility with EU competition law

■ **Geert Bogaert**

Partner, Brussels  
T +32 2 773 23 68  
geert.bogaert@loyensloeff.com

■ **Marie-Caroline Morelle**

Associate, Brussels  
T +32 2 700 10 16  
marie-caroline.morelle@loyensloeff.com

■ **Yves Van Couter**

Partner, Brussels  
T +32 2 773 23 69  
yves.van.couter@loyensloeff.com

■ **Filip Pauwels**

Associate, Brussels  
T +32 2 700 10 28  
filip.pauwels@loyensloeff.com

■ **Etienne Kairis**

Counsel, Brussels  
T +32 2 773 23 78  
etienne.kairis@loyensloeff.com

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