

# Avoiding Pitfalls when Trading in Europe: Important Differences between European and Hong Kong Laws

THURSDAY, JUNE 2, 2016



# HONG KONG



Seminar organised by the UIA and the Law Society of Hong Kong ("LSHK")

# Bringing together the world's lawyers

*For over 85 years, the Union Internationale des Avocats (UIA - International Association of Lawyers) has been defending the legal profession and facilitating international contacts, cooperation and the exchange of knowledge among lawyers, while respecting their cultural and professional diversity.*

Today, the UIA brings together several thousand members – lawyers or law professionals – and hundreds of bars, federations and associations.

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## Join the UIA and become a member of the world's strongest network of lawyers

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- You will participate in the work of the UIA Commissions in Business Law, Human Rights and General Practice and share your experience with that of professionals from over 110 countries.
- You will also be able to join forces with the UIA, which, each year, provides its support to lawyers who cannot freely practise their profession. Everywhere in the world where rights of defence are threatened or the proper administration of justice is hindered, the UIA will make your voice heard.

[www.uianet.org](http://www.uianet.org)

*Join the UIA during the seminar and benefit from a 50% discount on your membership fee.*

## Introduction

The importance of the EU market to Hong Kong cannot be understated. According to a report entitled “European Union, Trade in goods with Hong Kong”, the top 3 exporting trading partners are China (53.9%), EU 28 (9.3%) and USA (9.3%). The value of Hong Kong exports to the EU is €32,327 million in 2014.

It is therefore important for lawyers who are advising businesses in Hong Kong to ensure that they are aware of:

- how EU law can affect the achievement of commercial objectives; and
- the differences between Hong Kong laws and EU law in a number of commercial areas.

With this knowledge they can help meet the commercial needs of businesses in Hong Kong.

Avoiding Pitfalls when Trading in Europe examines the important commercial law considerations which are critical for businesses in Hong Kong by contrasting them with the relevant Hong Kong laws issues.

This seminar therefore considers not only how to organise a distributorship network in Europe but what European distributors think about. It also considers the concept of such of distribution and why brands in Hong Kong need to know about this concept.

Businesses entering a new market for the first time will often use an agent. This way of operating can prove beneficial to the new entrant. But, it is also the case that relationships are more easily made than ended. A number of important issues concerning the termination of agency agreements in the EU are explained during the course of the seminar.

Finally, the online channel is growing in importance for consumers in the EU and, therefore, businesses. It follows that it is vital to have an appreciation of consumer rights in the EU and also to understand the legal issues of using social media for marketing purposes.

This seminar is addressed both to local lawyers, who wish to understand the legal particularities of European law, as well as to overseas lawyers from Europe and elsewhere, who deal with Chinese clients, so they become aware of the differences between European and their local law. To that end, each of the topics will be presented by a European lawyer and followed by a local commentator.

This seminar also aims to become an extraordinary opportunity for Hong Kong and overseas lawyers to meet and create bonds for future business opportunities.

**Attend this ground-breaking UIA seminar and help businesses in Hong Kong, with which you are involved, achieve more in the EU.**





Thursday | June | 2 | 2016

**08:45 – 09:15 REGISTRATION OF PARTICIPANTS**

**Hong Kong International Arbitration Centre (HKIAC)**  
38<sup>th</sup> Floor Two Exchange Square, 8 Connaught Place  
Central, Hong Kong

**09:15 – 09:30 WELCOME AND OPENING OF THE SEMINAR**

- **Stephen HUNG**, *President of the LSHK, Li & Partners, Hong Kong*
- **Stephen L. DREYFUSS**, *UIA Past President, Hellring Lindeman Goldstein & Siegal LLP, Newark, NJ, USA*
- **Ignacio CORBERA DALE**, *UIA Deputy Director of Seminars, Garrigues UK LLP, London, UK*

**09:30 – 10:50 FIRST PART: CRITICAL ISSUES**

**Organising a distribution network in Europe – the main options: agents, distributors, franchisees, subsidiaries and joint ventures**

- **Nicole VAN CROMBRUGGHE**, *LVP Law, Brussels, Belgium*

**What do European distributors think about – exclusivity or not, reserving rights, house accounts, minimum purchase requirements, governing law, and jurisdiction. What is important for distributors?**

- **Stephen SIDKIN**, *UIA Co-Director of Communications, Fox Williams LLP, London, UK*

**Local commentator:** • **Michelle CHAN**, *Bird & Bird, Hong Kong (TBC)*

Discussions and Q&As

**10:50 – 11:10 COFFEE BREAK**

**11:10 – 12:30 SECOND PART: SELECTIVE DISTRIBUTION**

**Selective distribution – what do European retailers expect?**

- **Stephen SIDKIN**, *UIA Co-Director of Communications, Fox Williams LLP, London, UK*

**Selective distribution – why selective distribution and what are the contractual issues which must be addressed in a selective distribution agreement?**

- **Horst BECKER**, *ARIATHES Rechtsanwälte, Munich, Germany*

**Local commentator:** • **James WILKINSON**, *Competition Law Committee member of the LSHK, King & Wood Mallesons, Hong Kong (TBC)*

Discussions and Q&As

**12:30 – 14:00 LUNCH**

**14:00 – 15:20 THIRD PART : TERMINATION**

**Using an agent in the European Union – rules you have not even thought of**

- **Nathalie SINAVONG**, *Shubert Collin Associés, Paris, France*

**The cost of termination – statutory compensation and other consequences of terminating agents and distributors in the European Union**

- **David PINET**, *Lebray & Associés, Paris, France*

**Local commentator:** • **Denis BROCK**, *Council Member of the LSHK, O'Melveny & Myers, Hong Kong (TBC)*

Discussions and Q&As

**15:20 – 15:40 COFFEE BREAK**

**15:40 – 17:00 FOURTH PART: THE ONLINE CHANNEL**

**European consumer rights – the rights which consumers enjoy and expect**

- **Christoph OERTEL**, *Brödermann Jahn Rechtsanwalts-gesellschaft mbH, Hamburg, Germany*

**Social media – the growing importance and regulation of social marketing to European consumers**

- **Enrica SENINI**, *Studio Legale Senini, Brescia, Italy*

**Local commentator:** • **Adelaide YU**, *Intellectual Property Committee member of the LSHK, Rouse Legal, Hong Kong (TBC)*

Discussions and Q&As

**17:00 – 17:10 CLOSING REMARKS**

- **Ignacio CORBERA DALE**, *UIA Deputy Director of Seminars, Garrigues UK LLP, London, UK*

**17:15 COCKTAIL RECEPTION**

*Kindly offered by the Law Society of Hong Kong*

**The Law Society of Hong Kong**

3/F, Wing On House, 71 Des Voeux Road,  
Central, Hong Kong

# Organising Committee

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## General Information

### SEMINAR VENUE

**HONG KONG INTERNATIONAL ARBITRATION CENTRE (HKIAC)**

38<sup>th</sup> Floor Two Exchange Square 8  
Connaught Place, Central, Hong Kong  
T +852 2525 2381

### REGISTRATION FEES

**HONG KONG PARTICIPANTS****HKD 450****SPEAKERS NON - MEMBERS OF HK****EUR 150****OTHER DELEGATES****EUR 300**

These fees cover participation in the seminar and coffee on Thursday, June 2, 2016. The reception on Thursday, June 2, 2016 will be hosted by the Hong Kong Law Society and is free of charge. No lunch will be served. However, you will find many restaurants and shops around the venue. Please note that the number of places at the seminar is limited. The organisers reserve the right to refuse registrations in the event of excess applications.

### CONTINUING LEGAL EDUCATION

Every participant attending the seminar will receive a "Certificate of Participation" at the end of the event that may be used for obtaining "Credits" for "Continuing Legal Education" – "Continuing Professional Development" purposes, depending on national rules. For more information, please contact the UIA.

### LANGUAGE

The working language will be **English** without a simultaneous translation.

### HOTEL ROOM RESERVATION

A limited number of rooms have been pre-booked at a preferential rate. Reservations should be made directly through the hotel. Credit card details must be given in order to secure your reservation. Please note that the number of rooms is limited. We recommend that you proceed with your reservations as soon as possible. You will also find 3\* and 4\* hotels closed to the seminar venue.

## HOTEL ROOM RESERVATION

## CANCELLATION CONDITIONS

## VISAS

## GENERAL CONDITIONS

## FORMALITIES

## FORCE MAJEURE

## HEALTH

### Hotel

### Rates

<b>FOUR SEASONS HOTEL HONG KONG (5*)</b> At 250m from the seminar venue 8 Finance Street, Central Hong Kong, China T +852 31 96 83 57 / F +852 31 96 83 30 E <a href="mailto:groupres.hkg@fourseasons.com">groupres.hkg@fourseasons.com</a> <a href="http://www.fourseasons.com/hongkong">www.fourseasons.com/hongkong</a>	Single/Double Deluxe Room – Peak View: <b>HK\$ 3.500*</b> Single/Double Deluxe Room – Harbour View: <b>HK\$ 3.900*</b> <b>*Subject to 10% service charge per room per night.</b> <b>Breakfast @ HK\$ 315 + 10% service charge per person per meal NOT included</b> <i>Please download the hotel reservation form from our Website <a href="http://www.uianet.org">www.uianet.org</a></i>
<b>MANDARIN ORIENTAL HONG KONG (5*)</b> At 300m from the seminar venue 5 Connaught Rd Central Hong Kong, China T +852 2825 4810 E <a href="mailto:mohkg-reservation@mohg.com">mohkg-reservation@mohg.com</a> <a href="http://www.mandarinoriental.com/hongkong">www.mandarinoriental.com/hongkong</a>	Superior Room – City view <u>with</u> breakfast: <b>HK\$ 3.800*</b> Deluxe Room – City view <u>with</u> breakfast: <b>HK\$ 4.580*</b> <b>*Subject to 10% service charge per room per night NOT included</b> <i>Please download the hotel reservation form from our Website <a href="http://www.uianet.org">www.uianet.org</a></i>
<b>THE POTTINGER HONG KONG (5*)</b> At 700m from the seminar venue 74 Queens Road Central, Central Hotel Main Entrance: 21 Stanley Street Hong Kong, China T +852 2308 3188 E <a href="mailto:info@thepottinger.com">info@thepottinger.com</a>	Classic Room <u>with</u> breakfast: <b>HK\$ 1.885*</b> <b>*Subject to 10% service charge per room per night NOT included</b> <i>Please download the hotel reservation form from our Website <a href="http://www.uianet.org">www.uianet.org</a></i>

All cancellations will be subject to a 50% deduction and will have to be sent in writing, to be received by the Union Internationale des Avocats **no later than May 2, 2016**. No refund will be made for cancellations received after this date.

Anyone who requires a visa invitation letter in order to attend the seminar should register and pay their registration fees **no later than May 2, 2016** to ensure there is enough time to obtain a visa.

All cancellations will be refunded in full, minus €50 to cover administrative costs, provided that the UIA has received the registration documents and **total** registration fees **no later than May 2, 2016**.

If you register after this date, only 50% of the amount paid minus €50 to cover administrative costs will be refunded for cancellations due to visa refusals.

All cancellations due to a visa refusal must be sent in writing and reach the UIA **before the seminar**. Cancellations must be accompanied by a **proof of visa refusal**.

If your visa is issued after the seminar date or if you do not have proof of visa refusal, you will not be entitled to a refund.

All registrations received by the Union Internationale des Avocats (UIA) along with the full payment of fees corresponding to the events selected will be confirmed in writing.

The UIA reserves the right to cancel or postpone the seminar to a later date, change the seminar venue and/or programme, make any corrections or modifications in the information published in the seminar programme and cancel any invitation to participate in the seminar, at any time and at their entire discretion, without having to provide any reasons for the same.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature, suffered (directly or indirectly) by a delegate, accompanying person or a third party following any cancellations, changes, postponements or modifications.

**The UIA strongly advises participants to subscribe to modifiable and/or refundable services, as well as to take out a cancellation insurance.**

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature whatever, suffered (directly or indirectly) by a delegate or accompanying person, except in case of death or personal injury due to gross negligence by the UIA.

The contractual relations between the UIA and each participant (delegate or accompanying person) in relation to the seminar are subject to French law and jurisdiction, to the exclusion of any other law. Paris is the city of jurisdiction.

It is the responsibility of participants to ensure compliance with police, customs and health formalities for their journey. Participants unable to take part in the seminar because of their inability to take a flight or any other means of transportation due to being unable to provide the documents required (passport, visa, vaccination certificate, etc.) cannot claim any reimbursement.

“Force majeure” means any events external to the parties, of both an unforeseeable and insurmountable nature that prevents either the client or the participants, or the agency or service providers involved in organising the seminar, from executing all or part of the obligations provided for in the present agreement. By express agreement, such will be the case in the event of a strike affecting the means of transport, hotel staff, air traffic controllers, an insurrection, a riot or any prohibition whatever decreed by Governmental or public authorities.

It is expressly agreed that for the parties, a case of force majeure would suspend the execution of their reciprocal obligations. At the same time, each of the parties shall bear the burden of all the expenses incumbent upon them, resulting from the case of force majeure.

The organisers decline any responsibility in case of any health problems existing prior to the seminar that may lead to complications or be aggravated during the entire period of the stay: pregnancy, cardio-vascular problems, any allergies, special diets, any disorders under treatment and not yet consolidated on the day the seminar starts, psychic or mental or depressive illness, etc. (Non exhaustive list).

# Bringing together the world's lawyers

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## Réunir les avocats du monde

*Depuis plus de 85 ans, l'Union Internationale des Avocats (UIA) défend la profession d'avocat et stimule les contacts internationaux, la coopération et l'échange de connaissances entre avocats, dans le respect de leur diversité culturelle et professionnelle.*

Aujourd'hui, l'UIA regroupe plusieurs milliers de membres – avocats ou professionnels du droit – et des centaines de barreaux, fédérations et associations.

## Rejoignez l'UIA et devenez membre du plus solide réseau d'avocats du monde

- Vous pourrez prendre part aux travaux des commissions de l'UIA en Droit des Affaires, Droits de l'Homme et Pratique Générale et partager votre expérience avec celles de professionnels venus de plus de 110 pays.
- Vous pourrez également vous mobiliser aux côtés de l'UIA qui, chaque année, apporte son soutien aux avocats qui ne peuvent exercer librement leur profession. Partout dans le monde où les droits de la défense sont menacés et où le bon fonctionnement de la justice est entravé, l'UIA fera entendre votre voix.



## Reunir a los abogados del mundo

*Desde hace más de 85 años, la Union Internationale des Avocats (UIA – Unión Internacional de Abogados) defiende la abogacía y promueve los contactos internacionales, así como la cooperación y el intercambio de conocimientos entre abogados, todo ello, en el respeto de su diversidad cultural y profesional.*

Hoy en día, la UIA reúne a varios miles de miembros – abogados o profesionales del derecho – y a centenas de colegios de abogados, federaciones y asociaciones.

- Podrá participar en los trabajos de las comisiones de la UIA en Derecho de los Negocios, Derechos Humanos y Práctica General, y compartir su experiencia con la de los profesionales venidos de más de 110 países.
- Asimismo, podrá movilizarse al lado de la UIA que, cada año, apoya a los abogados que no pueden ejercer libremente su profesión. En cualquier lugar del mundo donde los derechos de la defensa se vean amenazados y donde el buen funcionamiento de la justicia se vea entrabado, la UIA hará que su voz se escuche.

**Únase a la UIA y  
convírtase en miembro  
de la red de abogados  
internacional más sólida**

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Union Internationale des Avocats  
International Association of Lawyers  
Unión Internacional de Abogados



THE  
**LAW SOCIETY**  
OF HONG KONG  
香港律師會

# Avoiding Pitfalls when Trading in Europe: Important Differences between European and Hong Kong Laws

Thursday, June 2, 2016

**HONG KONG**

## REGISTRATION FORM

Register online at: [www.uianet.org](http://www.uianet.org)

or please complete and return this form, by email, fax or post, to:

**UNION INTERNATIONALE DES AVOCATS**

25 rue du Jour, 75001 Paris, France

Tel: +33 1 44 88 55 66 ■ Fax: +33 1 44 88 55 77 ■ Email: [uiacentre@uianet.org](mailto:uiacentre@uianet.org)



Register online

**UIA INDIVIDUAL MEMBERS: M I - - - - -**

Please specify your membership number (Please check your membership card or membership fees)

Family Name: .....

First Name: .....

Firm: .....

Address: .....

Post Code: ..... City: .....

Country: .....

Tel: ..... Fax: .....

Email: .....

Date of Birth: .....

EU VAT ID – Number: .....

Special requests (special diet, allergies, handicap...): .....

Arrival/departure times & flight numbers: .....

Hotel: .....

### A. SEMINAR REGISTRATION FEES

HONG KONG PARTICIPANTS	HKD 450
SPEAKERS NON - MEMBERS OF HK	EUR 150
OTHER DELEGATES	EUR 300

\* Please attach proof of age to the registration form to benefit from young lawyer fee.

\*\*The registration for law students does not provide access to the social activities (lunch and evening functions). Please send a copy of your student card to benefit from the special rate.

## B. SEMINAR SOCIAL ACTIVITY

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Please indicate below whether you plan to attend the following events **included** in the cost of your registration.

- Cocktail Reception hosted by the Hong Kong Law Society – Thursday, June 2, 2016

*No lunch will be served. However, you will find many restaurants and shops around the building of the venue.*

## C. TOTAL

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TOTAL (A) – Registration Fees

€/HKD .....

## D. CANCELLATION CONDITIONS

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I, the Undersigned, confirm that I have read and accepted the **cancellation conditions** as well as the **general conditions** given on page 5 of the registration programme. My registration will only be taken into account on receipt of the payment.

Participants are aware that their image and/or voice may be photographed, recorded or filmed throughout the duration of the seminar. They hereby assign to the UIA, with the signature of this form, the right to exploit, reproduce and disseminate the images and recordings by all means, both known and unknown, using all media, for an unlimited term and free of charge.

## E. METHOD OF PAYMENT

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- By cheque in € payable to the UIA, addressed to: UIA – 25 rue du Jour – 75001 Paris – France
- By bank transfer in €/HKD, without charges to the payee, in favour of the Union Internationale des Avocats, quoting “2016 Hong Kong Seminar”, to the following bank and account:

**Société Générale – Paris Elysées Entreprise**  
**91 avenue des Champs Elysées – 75008 Paris – France**  
**BIC / SWIFT N°: SOGEFRPP**  
**IBAN: FR76 3000 3033 9200 0503 4165 164**

*Kindly attach a copy of your bank transfer order to your registration form*

- By credit card:       Visa                       Mastercard

Card N°: \_ \_ \_ \_ \_

Expiry date: \_ \_ / \_ \_                      3 digits: \_ \_ \_

Name of card holder: .....

I authorise the Union Internationale des Avocats to debit the above mentioned credit card in the amount of € (EUR)/HKD .....

Date: ..... / ..... / .....

Signature: .....