

OLIVIER VANDEN BERGHE

Partner

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Olivier Vanden Berghe heads the firm's Commercial Contracts and Litigation Practice. He is specialised in commercial contracts litigation and has been representing large undertakings since 25 years in a wide range of commercial issues.

He deals with the legal aspects and litigation relating to “business-to-business” transactions in a large variety of sectors, such as energy, pharmaceuticals, retail, construction and engineering. He is mentioned in Legal 500 Industry focus: Energy (Belgium). Active both in litigation and advisory, he assists clients in determining the most appropriate business scheme, anticipating risks, dealing with business-critical situations and preventing or resolving disputes. His activity focuses on distribution networks and cooperation agreements, industrial construction and engineering activities and joint ventures.

Olivier teaches a course on commercial litigation at the University of Leuven (KU Leuven). He is regularly invited as a speaker and has written various articles on the subject of commercial contracts. He is the editor in chief of the Revue de Droit Commercial Belge.

Olivier holds a law degree from the University of Leuven (KU Leuven 1993) and an advanced degree in civil law from Paris II University (1994).

Olivier has been an attorney in Brussels since 1995 and joined Liedekerke Wolters Waelbroeck Kirkpatrick in 2001, where he became a Partner in 2008.

PRACTICE AREAS

- Commercial contracts and Litigation
- Insurance and liability

LANGUAGES

- Dutch
- French
- English

PROFESSIONAL MEMBERSHIPS

- Editor in Chief Revue de Droit Commercial Belge
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RECENT MATTERS

Distribution, Commercial Intermediaries and Retail

- Successfully defending a major petrochemical company against a 80M€ claim brought by a foreign reseller of polypropylene as a consequence of a supply stop.
- Representing an airline in a 50M€ dispute with its former General Sales and Services Agent for freight worldwide.
- Advising clients in industries such as energy, pharmaceuticals, catering, services, retail, and cosmetics on their expansion through franchising and other distribution methods or on reorienting their current distribution strategy and on related competition law issues in relation to exclusivity and retail pricing.
- Representing a major oil and gas company operating high way gas stations under public concession in its litigation against the world leading operator of highway restaurants.

Energy

- Assisting the main contractor with the construction of a North Sea offshore wind farm, with disputes and financial issues related to unforeseen circumstances occurring during construction.
- Representing a large oil and gas company against a 30M€ claim brought in relation to the operation of a cogeneration combined heat and power plant.
- Enforcing take or pay agreements for suppliers in the renewable energy field, in the midst of huge price changes on the international market.
- Providing advice to the participants in a consortium agreement for a European research project in the field of nuclear technology.
- Representing one of the major energy and gas suppliers in Belgium in their claim against the manager of the electricity and gas distribution networks in Wallonia, because of failure to transfer correct meter details preventing the suppliers to correctly invoice to their customers.

Construction and Engineering

- Representing Belgium's largest refinery and other affected group companies in the proceedings brought as a consequence of a landslide incident damaging underground (crude oil and gas) pipelines and causing production interruptions and shortages.
- Advising the EU with regard to the construction/renovation of the building to become the main seat of the Council.
- Assisting a major oil and gas company in the procurement tendering for the 1 billion euro expansion of its refinery.
- Assisting a major global discount supermarket chain, in a litigation with the contractor of its new concept stores.

Manufacturing, Supply and Product Liability

- Defending the manufacturer of heat tracing material as a consequence of potential risks at the end customer's premises in the Antwerp Port.
- Supporting a manufacturer in the automotive industry in relation to claims caused by a defective raw material batch and in successfully dealing with a product recall threat.

- Assisting a leading company in sport goods retail, in seeking relief against the manufacturer of its e-bikes subject to massive recalls
- Assisting a glass manufacturer in the pharmaceutical sector in claims with regard to potential deficient flasks.

KEY PUBLICATIONS

- Indirect commissions in commercial agency agreements, in cooperation with Gaetano Jannone, *Revue de droit commercial* 2016
- Precontractuele informatie bij commerciële samenwerkingsovereenkomsten, handelsagentuurovereenkomsten, concessies van alleenverkoop, Intersentia, 2016
- Le livre X du nouveau Code de droit économique – ‘Les nouveautés en matière d’information précontractuelle’ » in cooperation with Aimery de Schoutheete, *Revue de Droit Commercial*, 2014/8.
- Actualités en droit commercial in *Revue de Droit Commercial*
- Standard Contract clauses, 2013.
- Consortium agreements for research projects, 2011.
- Contractual or non-contractual liability of the Subcontractor, 2010.
- Limitation of liability clauses in international commercial contracts, 2010.
- Duration and termination of commercial contracts, 2009.
- Take or pay clauses under Belgian contract law, 2009

MARKET RECOGNITION

- Olivier Vanden Berghe is recommended by Legal 500, 2020
- Olivier Vanden Berghe is recommended by Legal 500, 2019
- Olivier Vanden Berghe is Highly recommended by Leaders League, 2019