

Banking and Finance

Kennedy Van der Laan

## Banking and Finance

Banking and Finance is a major focus of our corporate department. We support international and national banks and other financial institutions as well as other lenders, borrowers and guarantors in (cross-border) finance and debt security transactions, often in conjunction with corporate transactions. Our team advises on all aspects of the Financial Supervision Act and other regulatory matters.

Our expertise includes acquisition finance, asset based lending, syndicated lending, lease transactions, credit and payment regulation, stock exchange and securities regulation. Our clients value our solid expertise, ease of communication and practical approach. The banking and finance practice is closely supported by our corporate litigation team, which handles litigation matters on behalf of banks, financial institutions, investors and other companies.

## Track Record Banking and Finance

### **Our Banking and Finance Clients**

- Dutch and international banks and other financial institutions
- Factoring companies and credit insurance companies
- Multinational companies, both listed and unlisted
- Private equity houses

### **Banking and Finance Experience**

- For an insurance company, advice regarding various securitization programs
- For a bank, advice regarding cash pooling and solvency requirements
- For numerous clients, continuous work on (syndicated) loan agreements and related Dutch security instruments and legal opinions regarding credit and security documentation
- For numerous clients, advice regarding bank guarantees, parent guarantees, letters of credit and similar security documentation
- In various M&A transactions, advice regarding corporate finance related matters
- For an organization with corporate social responsibility, advice regarding the drafting of a bond loan and negotiable bonds

- For various companies, advice on acquisition finance, including financial assistance aspects
- For various national and multinational companies and banks, advice on foreclosure of secured assets and maximisation of the return on sales
- For an English client, advice on security for payment for delivery of machines to a Dutch company
- For a large insurance company, advice regarding pledge of insurance portfolio's
- For a Saudi group of companies in Europe, advice regarding re-financing questions
- For an Asian bank, advice regarding Dutch security instruments
- For a leading US software publisher, advice regarding electronic payment instruments and security rights
- For a US hedge fund, advice regarding bonds issued by Dutch multinational company
- For a multinational company, advice regarding subordinated loans
- For a multinational manufacturer of consumer electronics, advice regarding factoring agreements
- For English trustees in bankruptcy, advice regarding a European insolvency procedure of a Dutch subsidiary and Dutch security interests

#### **Financial Supervision and Other Regulatory Issues**

- For a number of companies and financial institutions, advice on all aspects of the Financial Supervision Act
- For a major Dutch bank, act as in-house counsel in relation to the implementation of the Financial Supervision Act, the Payment Services Directive and SEPA
- For the Netherlands Bankers' Association, preparing a manual on the Payment Services Directive and SEPA
- For various Dutch banks, preparing the general and product-specific banking conditions
- For a cable telecommunications company, advice with respect to the consequences of SEPA for direct debit
- For one of Europe's stock exchange markets, advice about the requirements for promotional activities and commercial communications
- For an English investment vehicle, advice regarding all Dutch aspects of disclosure of interests in shares
- For a minority shareholder of one of the world's largest steel producing companies, advice regarding disclosure of interest in shares
- For an English retailer, advice regarding instalment payments and other credit applications for customers
- For a multinational telecom provider, advice about various credit applications for customers
- For a multinational manufacturer, advice on passporting of a credit institution license
- For a privacy equity house, advice on application of the Financial Supervision Act to listings in the Netherlands
- Advice on the applicability of the Financial Supervision Act to the issuing of electronic money in the context of the Dutch national public transport chipcard ticketing system
- For a Dutch railway company, prospectus liability litigation

- For various financial institutions, advice regarding prospectus claims
- For a bank, advice regarding alternative investment products
- For an insurance company, advice regarding inside knowledge and market abuse
- For an electronic money institution, drafting of a compliance manual

### **Security and Finance Litigation**

- For a large insurance company, several cases regarding asset management and financial investment products (derivatives), and the bank's obligation of due care
- For a major Dutch international bank, banking and finance litigation on security, bank guarantees, conflicts with bankruptcy trustees and client complaints
- For an international bank, litigation regarding the foreclosure of secured assets

### **Contact persons**

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