

Thierry ONGENAE (Founding Partner)

Thierry Ongenae is a fully three-lingual Belgian lawyer, member of the Brussels Bar since 1989. Thierry has focussed his practice on corporate and commercial litigation, including arbitration. He has also a particular know-how in the field of banking, reinsurance and insurance matters. Prior to joining the firm, he was member of the corporate and litigation department of the Benelux law firm NautaDutilh since the start of its Brussels office in September 1994.

Apart from his litigation practice, Thierry has substantive experience in international and domestic contracts, corporate transactions and special tailor made projects.

He recently advised on and actively participated to the reorganisation of a major insurance company and of its portfolio in Luxemburg (Tak 21 & Tak 23 products).

He recently was in charge of the legal management of the implementation of the MiFID regulation within FORTIS GROUP (18 jurisdictions), and currently manages the implementation of the UCITS IV regulation within KBC Asset Management N.V./S.A..

Thierry was born in Ghent on April 7, 1965, and graduated from the universities of Antwerp and Leuven (KU Leuven) in 1988.

Thierry's litigation experience includes *inter alia*:

- representing the Belgian Government in various liability actions before the Belgian court and the international court of justice
- representing clients in criminal actions for fraud, white-collar crime and abuse of corporate assets
- representing banks for their liability in creditor's policy or in fraudulent matters
- acting in various matters for or against company directors regarding their liability
- representing real estate groups in post-transactional litigation
- representing insurance companies in various matters , including reinsurance
- insolvency proceedings against trustees for various banking and corporate clients
- representing clients for termination of agency, distribution, franchise or license agreements in the field of perfumes, clothing, electrical appliances, food and beverage and pharmaceutical products
- representing banks in litigation matters relative to derivative products

Thierry's non-contentious experience includes *inter alia*:

- due diligence, drafting and negotiating of share purchase agreements and securities related thereto for various banking and corporate clients
- negotiating and conducting all legal and market research for the introduction of intelligent security boxes for cash transportation into the Brazilian market
- initiating and assisting real estate projects from the early stage of conception, financing until their exit and re-sale
- negotiating and drafting agency, distribution, franchising, warehousing and licence agreements, joint venture and shareholder agreements for domestic and international clients
- negotiation and drafting of domestic contracts for various clients in the real estate sector
- the reorganisation of a major insurance company and of its portfolio.
- Legal management of the implementation of the MiFID regulation within FORTIS GROUP (18 jurisdictions)
- Legal management of the implementation of the UCITS IV regulation within KBC Asset Management N.V.

PERSONAL DATA

Born in Ghent, Belgium, on April 7, 1965

Nationality: Belgian

Married, father to three children

EDUCATION

- Post-graduate degree in business law, I, University of Brussels (ULB), 1989
- Course on the US legal system, University of Georgia School of Law, 1989
- Law degree, University of Leuven (KUL), *cum laude*, 1988

PROFESSIONAL EXPERIENCE

- Feb. 2005: Dugardyn & Partners, Brussels, founding partner
- Sept. 1994 – Feb. 2005: NautaDutilh, Brussels, senior associate
- April 1989 – Sept. 1994: Hanotiau Evrard Bruyns, Brussels, associate
- 1988 – 1989: Volvo Car Sint-Truiden, legal advisor

BAR ADMISSION

Brussels Bar (1989)

LANGUAGES

Dutch, French and English

PUBLICATIONS

- Co-author of *Het uitvoerend beslag en de invordering inzake directe belastingen*, CED Samson, December 1997, 79 pages.
- "Wanneer moet de ontvanger fiscaal derdenbeslag bevestigen?", *Fiscoloog*, 7 August 2002 (note on the Mons Court of First Instance's judgment of 11 June 2002).
- Note on the Brussels Court of First Instance's judgment of 19 April 2002, *Revue Générale du Contentieux fiscal*, 2004/1.
- "National Legislation on Refunding Charges Levied in Breach of Community Rules Must also Comply with Community Law", *Tax Notes International* (note on the ECJ's judgment of 11 July 2002 in Case C-62/00, *Marks&Spencer PLC*), publication pending.
- "The Enforceability of a Retention-of-Title Clause in Bankruptcy", *Brussels to the point* (ND's online newsletter), March 2003.
- "Combating Late Payment in Commercial Transactions", *Brussels to the point*, March 2003.
- "The Recovery of Legal Fees in Belgium", *Brussels to the point*, June 2003 (note on the Court of Cassation's judgment of 28 February 2002).
- "Extended Managers' Liability in the Event of Bankruptcy", *Brussels to the point*, September 2003.