



## Arie van den Bergen

### Summary

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Financial law specialist with more than 20 year work experience within law-firms, banks, FinTech companies and financial institutions, making a 'license to operate' for FinTech companies easy by providing practical and result-driven legal and regulatory advice. I assist FinTech companies in all aspects of their legal business, including licence applications, advice on compliance with financial laws and regulations, financing transactions, contract negotiations, litigation/dispute resolution and crypto and blockchain.

### Skill Highlights

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- Entrepreneurial mindset
- Result-driven / go-getter
- Ability to make complex matters easy
- Strong sense of responsibility / going the extra mile
- Connecting people
- Strong communication skills

### Experience

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#### **Interim legal counsel – 04/2022 to 08/2022**

##### **ING Bank N.V., Wholesale Banking, Amsterdam**

Drafting/reviewing a wide range of payments contracts for international clients, legal and regulatory advice with respect to payments.

#### **Interim legal counsel - 05/2021 to 04/2021**

##### **Currence iDEAL B.V., Amsterdam**

Responsible for drafting and reviewing the Rules and Regulations for iDEAL 2.0, whereby the iDEAL payment scheme and customer experience will be further enhanced.

#### **Coordinator Legal Bank - 09/2018 to 05/2021**

##### **Aegon Bank and Knab, Amsterdam**

Coordinator/operational manager of the legal team of Aegon Bank and Knab (4 fte), including:

- Advising the business and Management Board on a broad range of legal matters (see the Senior Legal Counsel position below);
- Coaching and supporting the lawyers of the legal team;
- Negotiating contracts with suppliers/service providers and structuring investment/funding transactions and treasury transactions.

#### **Senior Legal Counsel - 05/2014 to 08/2018**

##### **Aegon Bank and Knab, The Hague/Hoofddorp**

- Close involvement in the set-up and further development of Knab as a digital bank for retail and SME clients, as well as legal support to Aegon Bank. The work included:
- Legal support in relation to product development (payments, savings, investments and crowdfunding) and partnering propositions, legal and regulatory advice in relation to laws and regulations (Wft, Wwft, PSD 2, MiFID 2, Market Abuse Regulation, EBA guidelines, etc.);



- Set-up of and further development of the Knab payments proposition, including legal advice on PSD 2, SEPA rulebooks, iDEAL, Instant Payments, credit cards, mobile signing, bookkeeping tools, KYC/AML, fraud / incident management and reporting etc.;
- Management of legal stream within different project groups.

**Senior Legal Counsel - 03/2011 to 04/2014**

**ING Bank N.V., Amsterdam**

- Advising the Payments en Cash Management departments regarding cash management for large corporates, including (inter)national bank guarantees and cash pool transactions;
- Advising the Corporate Clients, Corporate Lending and FI (Financial Institutions) Lending departments on financing propositions;
- Negotiating (inter)national financing and cash pool transactions;
- Drafting loan/cash management templates/documentation;
- Leading legal work streams for several project teams, e.g. for setting up an electronic application process for bank guarantees, an international cash pool in 19 European countries and the implementation of CRR/CRD IV.

**Interim Company Counsel - 08/2010 to 02/2011**

**Deutsche Bank Nederland N.V., Amsterdam**

- Legal support regarding the integration of the acquired business of Hollandsche Bank Unie N.V. (HBU) from ABN AMRO within the Deutsche Bank organization;
- Legal support (restructuring/recovery) to the loan recovery department;
- Handling legal claims/disputes;
- Drafting and reviewing product conditions, loan/collateral documentation and supplier contracts.

**Attorney - 04/2007 to 07/2011**

**Ploum Lodder Princen, Corporate & Financial Litigation department, Rotterdam**

- Broad advisory and litigation practice in the area of banking and security laws, corporate law, insolvency law and liability law;
- Litigation regarding corporate and professional liability, the duty of care of banks/financial institutions and corporate/commercial disputes.

**Interim legal counsel - 09/2006 to 03/2007**

**T-Mobile Netherlands B.V., The Hague**

- Legal support of product introductions;
- Legal advice to the Sales and Marketing departments (Retail and Wholesale);
- Litigation and handling of claims;
- Drafting product conditions.

**Company counsel – 06/2006 to 07/2006**

**Reed Elsevier N.V., Amsterdam**

- Legal advice to licensing and publishing divisions;
- Drafting and reviewing licensing agreements.

**Attorney – 11/2003 to 05/2006**

**BarentsKrans, Financial Litigation department, The Hague**

- Litigation and legal advice with respect to liability law, the duty of care of banks/financial institutions and corporate law;



- Nationwide class actions with respect to securities leasing products, prospectus liability, the duty of care of banks and a big Ponzi-scheme case;
- Structuring investment funds and offering documentation for real estate funding.

**Policy advisor - 03/2005**

**Ministry of Finance, The Hague**

- Drafting legislation with respect to the introduction of the Act on the financial supervision (*Wet op het financieel toezicht*)

**Intern – 09/2001 to 11/2001**

**Fasken Martineau Barristers & Solicitors., Vancouver (Canada)**

- Introduction with Anglo American law and the Canadian law practice

**Attorney – 04/2000 to 09/2003**

**De Brauw Blackstone Westbroek, The Hague/Amsterdam**

**Banking & Finance Department, Amsterdam:**

- International capital market and financing transactions, including EMTN/ bond issuance programmes, syndicated loans, reviewing offering documentation (prospectuses) and legal advice with respect to financial regulatory laws, corporate law and compliance
- Directing foreign lawyers in international capital markets and financing transactions

**Intellectual & Industrial Property department, The Hague:**

- Legal advice and litigation with respect to intellectual property law
- Managing an investigation team of 15 persons in relation to a large research of parliamentary history

## Education

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**High Performance Leadership - 2019**

**De Baak, Noordwijk**

- 5-day intensive training programme on personal development and effective leadership and how to become an inspiring and valuable leader.

**Senior Legal Counsel Academy - 2017/2018**

**Radboud University, Grotius Academy, Nijmegen**

- 5-day intensive training programme on leadership and management in the legal profession and how to become a “trusted advisor”.

**Postgraduate, Finance and Security Rights (*Financiering & Zekerheden*) - 2012/2013**

**Radboud University, Grotius Academy, Nijmegen**

**Postgraduate, Securities Law (*Effectenrecht*) – 2007/2008**

**Radboud University, Grotius Academy, Nijmegen**

**Postgraduate, Corporate and Business Law Law (*Vennootschaps- en Ondernemingsrecht*) - 2006/2007**

**Radboud University, Grotius Academy, Nijmegen**

**Masters of Law, majors in Private Law and Business Law - 1994 to 2000**

**University of Groningen, Groningen**

**Exchange programme - 1998**

**McGill University, Faculty of Law, Montreal (Canada)**



**Secondary education** - 1988 to 1994  
**Gymnasium of Apeldoorn**, Apeldoorn

## Activities

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**Board member**, Squash club HSRC De Dieput, The Hague - 2016 to 2022

**Supervisory board member**, Stichting COS Zuid-Holland (non-profit organization) - 2011/2012

**Organization Committee**, International Moot Court, Young Bar Association, The Hague - 2005

**Supervisory College**, Legal Advice Centre, The Hague - 2002 to 2004

**Board Member**, Legal Advice Centre Oranjewijk-Hoogkerk, Groningen - 1997/1998

**Chairman**, International Study Project, Legal Faculty Association, Groningen - 1997

**Sailing instructor**, Sailing school 'It Baeken', Heeg - 1995 to 2000

**Organization Committee**, initiation festivities, student association R.K.S.V. Albertus Magnus, Groningen - 1995

## Publications

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- The new iDEAL: improvement and extension of the iDEAL payment proposition, TFRP 2021-7-8, p. 23-31
- Termination of the banking relationship for integrity and reputational risks, Lustrum edition NIBE-SVV 10 year of Compliance: the practice is speaking, Amsterdam 2010, p. 275-299 (Chapter 18)
- Duty of care in securities leasing disputes: the warning and investigatory duty of banks, Bb 2009-7/8, p. 181-190
- Hawala banking and the (inter)national fight against money laundering and financing of terrorism, B&E 2009-6, p. 26-30
- Hagemeyer and managing and supervisory board members Ceteco liable in Ceteco bankruptcy, Bb 2008-14, p. 183-189
- The Supreme Court speak the redeeming word: securities leasing qualifies as hire purchase, Bb 2008-11, p. 139-147
- The duty of care of banks and securities institutions: investor protection or paternalism?, O&F 2006-5, p. 24-31
- The Rise and Demise of Securities Leasing in the Netherlands, JILBR 2005-12, p. 633-643
- De Data Protection Act in the financial litigation practice, TvF 2005-10, p. 296-306
- Banking Secrecy and the Regulatory Authorities in The Netherlands: A Review of Recent Case Law, JILBR 2004-12, p. 487-493
- Public bid and protective structures in view of the Thirteenth Directive and the proposal for act regarding protective structures, Moret Thesis Series part 34, Rotterdam 2000 (award-winning thesis published by Ernst & Young)

## Hobbies

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- Squash, tennis, cycling, sailing and running
- Passion for Italy and cooking
- Travelling and hiking expeditions

