

**Chan PARK**

Partner Avocat à la Cour, Member of the Luxembourg Bar, 2014 and the Brussels Bar, 1999

Banking & Finance, Corporate & M&A

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**Contact:** chan.park@molitorlegal.lu

**Bar Admission(s):** Avocat à la Cour, Member of the Luxembourg Bar, 2014 and the Brussels Bar, 1999

**Speaks:** Speaks English, French, Korean

**Associations:** Chan is an active member of International Association of Korean Lawyers and serves as a Regional Governor for Europe. He is a member of the International Bar Association (IBA) and the American Bar Association (ABA).

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## EXPERTISE

Chan has extensive experience in corporate and corporate finance transactions. His principal fields of activities are corporate law, mergers and acquisitions, cross-border reorganisation centred in Luxembourg, and implementation of complex corporate structures involving multiple jurisdictions. Chan regularly represents large groups of companies in the US, Europe, Asia, international financial institutions and private equity and venture capital houses in corporate and finance matters. He also has particular expertise in the coordination of multi-jurisdiction transactions involving foreign counsels and other advisors. Prior to joining MOLITOR, Chan worked with a major Benelux law firm in Brussels, as a senior associate, a Manhattan based law firm in New York City, as a foreign associate, a Big four firm in Luxembourg as a director and in another law firm in Luxembourg as a counsel.

## RECOMMENDATIONS & LISTINGS

Chan is recommended by The Legal 500 EMEA 2017, stating that "'professional and knowledgeable' team head Chan Park has significant experience handling cross-border transactions for funds and corporates. "Chambers Global and Europe, 2017 listed him for his expertise in Corporate and M&A. Sources say: "He is passionate, client-oriented, kind, punctual and professional. We are very satisfied with his work."

## EDUCATION

**2004** University of Pennsylvania Law School, Philadelphia, USA (LL.M.)

**1999** Université Catholique de Louvain, Belgium (licence en droit)

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## TRANSACTIONS

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### ACQUISITION OF LUXEMBOURG TARGETS

MOLITOR has assisted a client in an acquisition of two Luxembourg targets specialized in creating and publishing a database on European alternative UCITS funds. MOLITOR proceeded with the due diligence of the targets, the drafting and negotiation of the share purchase agreements and other ancillary documents.

### DOWNSTREAM GUARANTEE

MOLITOR assisted a lead counsel to advise an Icelandic bank on a down-stream/cross-stream guarantee to be granted by a Luxembourg entity of a multinational pharmaceuticals company within the framework of the credit facility in favour of the bank. MOLITOR advised on the structuring of the Luxembourg side of the transaction, drafted the guarantee on first demand and issued a legal opinion on it.

### ENVIRONMENTAL RESPONSIBILITY

MOLITOR issued a very wide-ranging legal advice regarding potential environmental responsibilities in relation to oil pollution of the soil. The advice summarised all potential clean-up obligations of the client and analysed whether the client and/or its mother company, which bought the relevant plant 9 years ago from a major tyre company, could bring an action against the seller.

### EQUITY INVESTMENT AND RESHAPING OF CORPORATE GOVERNANCE

MOLITOR advised a European start-up in cyber security business in relation to the Luxembourg law aspects of an equity investment of USD 8,000,000 by a UK private equity firm. MOLITOR assisted the company in various post-investment corporate restructuring, including the reshaping of the company's corporate governance and the articles of association, the set up of an employees' incentive plan for executives and employees of the company and its group and the conversion of the company.

### GLOBAL PROJECT COORDINATION

MOLITOR have been retained by a large Asian Bank as Luxembourg counsel and global project coordinator to advise on a potential establishment of a European headquarters of the bank by way of a cross-border corporate reorganisation of the bank's European business centred in Luxembourg, and reorganising their existing European presence.

### INTRA-GROUP CORPORATE RESTRUCTURING

MOLITOR assisted a Silicon Valley-based company listed on Nasdaq, with an intra-group corporate restructuring of some of its foreign subsidiaries and an acquisition transaction in Italy.

### INTRA-GROUP FINANCING

MOLITOR represented one of the Luxembourg subsidiaries of a large Korean conglomerate wishing to establish an intra-group financing and recapitalization of the company further to a heavy restructuring of its business in Luxembourg. MOLITOR represented the company regarding the entry into a facility agreement with a Korean bank.

#### INVESTMENT IN RESIDENTIAL PROPERTY

MOLITOR advised part of a German real estate funds group investing in residential property. They had several companies in Luxembourg and requested warehouse facilities from a UK Co who were assisted by the Luxembourg Desk of a major London law firm. The Luxembourg companies wished to acquire several properties in Germany. MOLITOR assisted in the corporate and banking law aspects of the deal.

#### PRIVATE EQUITY FIRM INVESTING IN MID-MARKET COMPANIES

MOLITOR assisted a London-based private equity firm investing in mid-market companies, in all Luxembourg law aspects of the sale of an Italian subsidiary specialised in regeneration of used motor oil by a Luxembourg holding entity (as seller) and the related finance documents in relation to the sale, and the organisation of the repatriation of the sales proceeds to the limited partners.

#### REORGANISATION OF FOREIGN SUBSIDIARIES

MOLITOR assisted a US global payment processing company in a series of complex corporate and financial restructurings aiming at reorganising several of its foreign subsidiaries. MOLITOR advised the Luxembourg entities in all steps of the transaction and the coordination of foreign counsels in five countries.

#### VENTURE CAPITAL INVESTMENT

MOLITOR were retained by a Dutch venture capital fund investing in expansion-stage business technology company concentrating on innovative business-to-business software. MOLITOR assisted them in their venture capital equity investment into a Luxembourg software company.

#### VIRTUAL DATA-ROOM

MOLITOR assisted a Luxembourg company with two Luxembourg subsidiaries re the sale of a high-quality care home. A virtual data room was set up and managed in MOLITOR's office including all legal documentation and drafting and negotiating of the share purchase agreement relating to one of the two subsidiaries and a new commercial lease agreement to be executed by the buyer as tenant and the unsold subsidiary as landlord. Just before the closing date, the client decided to restructure its corporate group by setting up a new Luxembourg company and merging the two subsidiaries. MOLITOR drafted all the legal (corporate and banking) documentation for this restructuring and dealt with all the administrative formalities.