



François CAUTAERTS

Partner Avocat à la Cour, Member of the Luxembourg Bar, 1996
Employment, Pensions & Immigration, Litigation & Dispute Resolution

Contact:	francois.cautaerts@molitorlegal.lu
Bar Admission(s):	Avocat à la Cour, Member of the Luxembourg Bar, 1996
Speaks:	Languages: English and French
Associations:	François is a member of the International Bar Association (IBA), the European Employment Lawyers Association (EELA) and the International Association of Restructuring, Insolvency & Bankruptcy Professionals (INSOL).

EXPERTISE

François is a specialist in all areas of litigation with an in-depth expertise in commercial litigation. His diverse practice includes contract law, debt recovery, real estate and construction law, and insolvency & restructuring. He is frequently appointed by the court as a receiver of unclaimed estates and non-commercial associations.

François also specialises in employment law, including contracts and service agreements and internal regulations. He assists clients in contentious issues relating to employment litigation, individual and collective dismissal procedures and staff representative elections.

Before joining MOLITOR, he worked for 18 years with established law firms in Luxembourg.

EDUCATION

1996 University of Luxembourg (Complementary Course in Luxembourg Law)

1995 Catholic University of Louvain (Master in Economic and Labour Law)

TRANSACTIONS

CONSTRUCTION PERMIT ISSUES AND PROHIBITED PARKING PLACES

The client was the owner of a building located in a protected sector of Luxembourg-City. It requested our help with some construction permit issues it had with the Municipality of Luxembourg concerning some works performed on the surrounding vegetation of the building. The matter also involved a dispute with the client's architect. We also advised the client on the non-compliance with the applicable Luxembourg regulations.

RECOVERY OF AN INTERIM DIVIDEND

MOLITOR was contacted by a major Italian law firm acting as main counsel to the bankruptcy estate of an Italian company which held shares in a Luxembourg company. In particular, MOLITOR have advised on the chances of recovering an interim dividend that was declared by the Luxembourg company, but never paid. The file is on-going.

SALE OF A LUXCO OWNING A LUXURY HOTEL

Some years ago, MOLITOR assisted one of its clients with the creation of a Luxembourg luxury city hotel in the context of buying and leasing several adjacent properties. The client then decided to sell its sole Luxembourg subsidiary which indirectly held the hotel and restaurants, in order to be able to reimburse some bank loans, and engaged MOLITOR as counsel. MOLITOR organised and managed a physical data room in its premises, negotiated with the purchaser, the bank, the landlords and the Luxembourg company in charge of the management of the whole property on all the legal documentation to be prepared for the closing. MOLITOR also drafted/reviewed all this documentation including the share purchase agreement and the agreements by which the bank had waived all its rights against the client.

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.