Brussels, Paris, 5 September 2016 – 6:15 PM

Decision of the Dutch Supreme Court in litigation involving Dexia Nederland

On 2 September 2016, the Dutch Supreme Court rendered its verdict on litigation in relation to the role of intermediaries in the sale of share leasing products by Banque Labouchère, purchased by Dexia in 2000 and renamed Dexia Nederland in 2004. Dexia Nederland is currently a direct subsidiary of Dexia SA.

This decision in principle would allow plaintiffs to claim a higher indemnity than they could have under the current jurisprudence, if they bought these share lease products through an intermediary and if certain requirements of duty of care were not met by the intermediary.

The financial impact for Dexia will therefore depend on the ability of plaintiffs to prove in future individual court cases that these requirements were not met. In addition, individual claims made on the basis of the legal principles now formulated by the Dutch Supreme Court may under certain circumstances be time barred.

Dexia takes note of the decision in principle of the Dutch Supreme Court and will analyse in detail its implications.

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