

Cross-border insolvency proceedings in the EU

« Inter-professional judicial cooperation for the effective application of the recast European Directive on Insolvency »

ONLINE CONFERENCE

17 and 18 May 2022

From 2:30 to 5:30 p.m.



17 MAY 2022 // 2:30 – 5:30 p.m.
General framework of the directive

Objectives: To introduce the aims of the European Directive of 20 June 2019 and the main innovations it introduces.

2:15-2:30 **Welcome and registration of the participants**

2:30-2:40 **Opening of the online conference**

Ingrid DERVEAUX, Judge, Head of the international department of the French National School for the Judiciary

2:40-3:00 **General presentation: the objectives of the Directive**

Jean-Luc VALLENS, Scientific deputy director of the project, Judge, former President of Chamber at the Court of Appeal of Colmar; former Associate Professor at the University of Strasbourg and the University of Paris I

Reminder of the objectives:

- Harmonise national law within the limits set by the Directive
- Reduce the cost of cross-border credit
- Allow better account to be taken of creditors' interests
- Increase the predictability of procedures
- Facilitate the debtor's recovery
- Harmonise discharge of debt derogations by transposing Article 23 of the Directive
- Enhance judges' skills and improve support for professionals

The means proposed to achieve these objectives :

- Generalised implementation of preventive procedures
- Generalised rebalancing of debtor-creditor relations with the formation of classes of affected parties with the right to vote on the restructuring plan
- Harmonisation of the arrangements for discharging debts with the emphasis on expeditious treatment of procedures
- Harmonisation of the organisation of the bodies handling the procedures, in particular training and specialisation of lawyers, the professional organisation of insolvency practitioners and their specialisation



3:00-4:30

Current status of the transposition of the Directive

Each of the experts taking part will give a thematic presentation of the essential features of their respective national law in the main areas to be harmonised:

- Prevention
- Constitution of classes of affected parties and adoption of restructuring plans
- Discharge of debts

3:00 - France :

Caroline HENRY, Scientific director of the project, Associate Professor, Private Law and Criminal Sciences, University of Côte d'Azur

Christophe DELATTRE, Public Prosecutor at the Court of Appeal of Douai, Economic and Financial Section (JIRS), Regional Inspector Prosecutor

3:15 - Spain :

Angel BALLESTEROS, Professor of Private International Law, University of Cadiz

3:30 – The Netherlands :

Elsbeth DE VOS, Senior judge at the District Court of Amsterdam

3:45 - Germany :

Patrick EHRET, Rechtsanwalt / Lawyer specialised in international and European law

4:00 - Belgium :

Yves BRULARD, Lawyer, Insolvency Practitioner, former expert of the European Commission for the Regulation 2015/848



4:15 - Italy :

Luciano PANZANI, First Honorary President of the Court of Appeal of Rome, Professor of Insolvency Law at the University of Tuscia (Viterbo), member of the Working Committee in charge of the elaboration of the new Code of Crisis and Insolvency, former trainer at the Paris Law School

4:30-5:00 **Discussion with the audience**

5:00-5:15 **Foreseeable difficulties in application**

Caroline HENRY, Scientific director of the project, Associate Professor, Private Law and Criminal Sciences, University of Côte d'Azur

- Disputes relating to the formation of the classes
- Disputes relating to the value of the company
- Disputes relating to appeal procedures
- The international aspects of the rules imposed by the Directive

5:15-5:30 **Discussion with the audience**



18 MAY 2022 // 2:30 – 5:30 p.m.

In-depth day: main topics explained and illustrated by practical cases

Objectives: In-depth analysis of the following mechanisms: constitution of classes of creditors, plans, discharge of debts.

2:30- 3:15 Formation of the classes of creditors

Yves BRULARD, Lawyer, Insolvency Practitioner, former expert of the European Commission for the Regulation 2015/848, Belgium

Alain MARTINEZ, Accountant expert and auditor, France

- Application across-the-board or only to large companies
- Classification of creditors, fate of shareholders, place of employees (common economic interest - assessment of claims)
- Challenging of the classes (Appeals - length of procedures)
- Value of the company

3:15-4:00 Voting on restructuring plans

Patrick EHRET, Rechtsanwalt / Lawyer specialised in international and European law, Germany

- Majority voting rules, practical application of the absolute or relative priority rule – best-interest-of-creditors test (voting arrangements: voting in each class, voting by the different classes, cross-class cram-down if necessary)
- Confirmation of the plan by the courts

4:00 – 4:45 Discharge of debts

Jean-Luc VALLENS, Scientific deputy director of the project, Judge, former President of Chamber at the Court of Appeal of Colmar; former Associate Professor at the University of Strasbourg and the University of Paris I

Geoffroy BERTHELOT, Liquidator, Associate Professor at Sciences Po Paris, teaching private and business law, France



- General presentation in the spirit of the Directive
- Discharge of debt in the event of compulsory liquidation and individual recovery procedures

4:45-5:30

Feedback and summing up

Caroline HENRY, Scientific director of the project, Associate Professor, Private Law and Criminal Sciences, University of Côte d'Azur

Jean-Luc VALLENS, Scientific deputy director of the project, Judge, former President of Chamber at the Court of Appeal of Colmar; former Associate Professor at the University of Strasbourg and the University of Paris I

- New strategies, new challenges



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USEFUL CONTACT DETAILS

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