



## Cross-Border Insolvency Proceedings in the European Union

Judicial inter-professional cooperation for an  
effective application of the EU Directive on “restructuring and  
insolvency”

Programme

26 and 27 January 2023

● ENM Paris – Grand Amphithéâtre

3 ter quai aux Fleurs, 75004 Paris, FRANCE



**Funded by the European Union Justice Programme**  
**Financé par le programme Justice de l'Union Européenne**

In partnership with:



## Objectives and competencies targeted by the seminar

Directive (EU) 2019/1023 on preventive restructuring frameworks, on discharge of debt and disqualifications, and on measures to increase the efficiency of procedures concerning restructuring, insolvency and discharge of debt was published in the Official Journal of the European Union on 26 June 2019.

Its aim is to impose a minimum of harmonisation between Member States in order to reduce the main obstacles to the free movement of capital arising from differences between restructuring and insolvency frameworks, while fostering, in the words of the Commission itself, a "common culture of safeguarding" for companies in distress within the European Union.

The objective of this project, funded by the European Commission, is to train European judges and prosecutors and insolvency practitioners in the recast cross-border insolvency proceedings and support national experts with the transposition of the Directive. Several inter-professional activities and training sessions have been and will be organised in 2022 and 2023. A comparative law guide in four languages (French, English, Spanish and Italian) will be issued to participants on completion of the cycle.

This first seminar will focus on an in-depth analysis of the mechanisms introduced by the European Directive of 20 June 2021 and their use in practice, and more particularly:

- Prevention;
- Classes of affected parties;
- Formation of the classes;
- Discharge of debts.

This seminar will bring together different actors from the judicial world who are likely to be required to implement these mechanisms, with a multidisciplinary approach: judges, prosecutors, lawyers, clerks, court-appointed receivers, administrators and creditors' representatives as well as academics, so that they can get to know each other, share experiences and compare laws, discuss the implementation of the new standards introduced by Directive 2019/1023, strengthen their ability to effectively apply its provisions thanks to joint training and practical tools, but also with a view to fostering cooperation between European insolvency practitioners.

Thursday 26 January 2023

09:00 – 12:00 // 13:00 – 17:30

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**09:00 – 09:30 Arrival and registration**

**09:30 – 10:00 Opening of the seminar**

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- **Haffide BOULAKRAS**, Deputy Director of the French National School for the Judiciary (ENM)
- **Caroline HENRY**, Scientific Director for the project, Senior Lecturer in private law and criminal sciences, University of the Côte d’Azur, prosecutor on secondment to the Court of Cassation

### Introduction

Session director: **Caroline HENRY**, Scientific Director for the project, Senior Lecturer in private law and criminal sciences, University of the Côte d’Azur, prosecutor on secondment to the Court of Cassation

Aim: To build a shared knowledge base, to get to know each other and to foster cooperation between European insolvency practitioners.

**10:00 – 10:50 Ice-breaker and quiz**

- **Fabienne DUMONT**, Educational Coordinator for the project, member of the judiciary and trainer with the specialist professional training department at the ENM, France
- **Jean-Luc VALLENS**, Deputy Scientific Director for the project, member of the judiciary, former president of a division at the Court of Appeal of Colmar; Former associate Professor at the University of Strasbourg and the University of Paris I, France

**10:50 - 11.10 Coffee break**

**11:10 – 12:00 Presentation of the three workshops, splitting into working groups and discussion with the participants**

- **Jean-Luc VALLENS**, Deputy Scientific Director for the project, member of the judiciary, former president of a division at the Court of Appeal of Colmar; Former associate Professor at the University of Strasbourg and the University of Paris I, France

**12:00 - 13:00 Welcome lunch at the ENM**

### Workshop 1: Prevention

*Lead facilitator: **Christophe DELATTRE**, Deputy Public Prosecutor, Court of Appeal of Douai, economic and financial section of the Specialised Inter-Regional Court (JIRS), regional judiciary inspector, France*

*Aim: To appreciate the financial distress of a company, to know how to set up preventive measures, to facilitate negotiations and draw up an agreement.*

#### **13:00 – 14:00          Workshop 1 – French-speaking group**

📍 Room 2 – Ground floor

- ***Christophe DELATTRE**, Deputy Public Prosecutor, Court of Appeal of Douai, economic and financial section of the Specialised Inter-Regional Court (JIRS), regional judiciary inspector, France*
- ***Yves BRULARD**, Lawyer - Insolvency practitioner, lecturer, former expert at the European Commission for Regulation 2015/848, Belgium*

#### **Workshop 1 – English-speaking group**

📍 Room 1 – Ground floor

- ***Hélène BOURBOULOUX**, Court-appointed administrator, co-founder of FHBX, France*
- ***Céline DOMENGET-MORIN**, Lawyer and partner in the Financial Restructuring practice at Goodwin, France*

**14:00 – 14:15 Coffee break**

## Workshop 2: Classes of affected parties

Lead facilitator: **Yves BRULARD**, Lawyer - Insolvency practitioner, lecturer, former expert at the European Commission for Regulation 2015/848, Belgium

**Aim:** To address the formation of the classes of affected parties in order to be able to adopt a plan to cope with a circumstantial crisis (here energy). To show how the interests of the debtor and the creditors can be balanced when classes of affected parties are formed. To understand the logic behind the formation of classes of affected parties to ensure the plan is passed in the vote.

### **14:15 – 15:15          Workshop 2 – French-speaking group**

📍 Room 2 – Ground floor

- **Yves BRULARD**, Lawyer - Insolvency practitioner, lecturer, former expert at the European Commission for Regulation 2015/848, Belgium
- **Christophe DELATTRE**, Deputy Public Prosecutor, Court of Appeal of Douai, economic and financial section of the specialised inter-regional court (JIRS), regional judiciary inspector, France

### **Workshop 2 – English-speaking group**

📍 Room 1 – Ground floor

- **Hélène BOURBOULOUX**, Court-appointed administrator, co-founder of FHBX, France
- **Céline DOMENGET-MORIN**, Lawyer and partner in the Financial Restructuring practice at Goodwin, France

**15:15 – 15:30 Coffee break**

### Workshop 3: - Discharge of debts

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

Aim: To be able to describe the path of an individual business with a craft or commercial activity exposed to default, to list the debts, to distinguish the scope of a debt forgiveness, to address the debtor's matrimonial property regime, to describe the recovery (new debts).

#### **15:30 – 17:30          Workshop 3 – French-speaking group**

📍 Room 2 – Ground floor

- **Geoffroy BERTHELOT**,
- **Patrick EHRET**, Lawyer (Rechtsanwalt) (AMCO), specialist in international and European Union law, Germany

#### **Workshop 3 – English-speaking group**

📍 Room 1 – Ground floor

- **Elsabeth DE VOS**, Judge, Insolvency Department, Amsterdam Court, Lecturer, Netherlands
- **Ivan VEROUGSTRAETE**, Former President of the Court of Cassation, Belgium

#### **17:00 – 17:30          Discussion with participants**

**17:30 – Informal and friendly moment at the bar/restaurant Les Deux Colombes, 4 Rue de la Colombe, 75004 Paris**

**Friday 27 January 2023**

09:30 – 12:30 // 14:00 – 16:45

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**Workshop 4: Formation of the classes and voting on the plan**

**Lead facilitator:** ***Philippe JEANNEROT**, Court-appointed administrator (AJRS – Administrateurs Judiciaires Restructuring & Solutions), France*

**Aim:** *To know how to form classes of affected parties based on a balance sheet, a description of the liabilities and the capital; to know how to draw up the contents of a draft plan with continuation of the business or sale; to know how to define the acceptability of a draft plan, to organise voting and detail the validation phase.*

**09:30 – 12:30      Workshop 4 – French-speaking group**

📍 Room 2 – Ground floor

- ***Philippe JEANNEROT**, Court-appointed administrator (AJRS – Administrateurs Judiciaires Restructuring & Solutions), France*
- ***Lucia DE BERNARDIN**, Bankruptcy judge, Catania Court, Italy*

**Workshop 4 – English-speaking group**

📍 Room 1 – Ground floor

- ***Isabelle DIDIER**, Court-appointed administrator and lawyer, managing director of O3 Partners, France*
- ***Juan FERRE**, Lawyer, partner specialised in company restructuring and reorganisation at Jones Day, Spain*

**12:30- 14:00    Lunch break**

## Feedback, synthesis and conclusion

*Session director: **Jean-Luc VALLENS**, Assistant Scientific Director for the project, member of the judiciary, former president of a division at the Court of Appeal of Colmar; Former Associate Professor at the University of Strasbourg and the University of Paris I, France*

*Aim: To strengthen the capacity to effectively apply the mechanisms of the Directive thanks to joint training and practical tools; to stimulate sharing of experiences and good cross-border practices.*

📍 Grand Amphithéâtre – (-1)

### **14:00 – 14:30            Feedback from workshop 1 and discussion – Prevention**

The facilitators of the workshop and one spokesperson-participant from each group will be invited to lead the reporting back.

### **14:30 – 15:00            Feedback from workshop 2 and discussion – Classes of affected parties**

The facilitators of the workshop and one spokesperson-participant from each group will be invited to lead the reporting back.

### **15:00 – 15:20 Coffee break**

### **14:30 – 15:00            Feedback from workshop 3 and discussion – Discharge of debts**

The facilitators of the workshop and one spokesperson-participant from each group will be invited to lead the reporting back.

### **15:50 – 16:20            Feedback from workshop 4 and discussion – Formation of the classes and voting on the plan**

The facilitators of the workshop and one spokesperson-participant from each group will be invited to lead the reporting back.

### **16:20 – 16:45            Synthesis and closure of the seminar**