

**2002 MALTA CONGRESS  
INSOL EUROPE**

**October 17- 20 2002**

**Presidential address of Avv. Giorgio Cherubini**

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Good morning Ladies & Gentlemen and welcome to the 22st Annual Congress of Insol Europe, hosted this year in Malta.

Those of you who are already familiar with this island's history may know that two Italians in the XVII century: an architect by the name of Francesco Laparelli and a painter called Mattia Preti significantly contributed to its development, enhancing Malta with their works of art.

The influence of many different architectural styles still survives to this day. Malta's geographic position in the middle of the Mediterranean has involved it even strategically in changing the course of world history. Although my role here today as another Italian can hardly have any relevance on the island's 7,000 years of history, it is a pleasure for me to see you all here today for our Annual Congress, which venue I feel is most appropriate in light of the continual expansion of the EU.

I trust that, as in Rome for the XXI Annual Congress last year, the technical program will meet all your requirements.

As many of you are aware, the hotel hosting this Congress, is on the same site as the former Dragonara Hotel, where our founding President Sir Kenneth Cork and his brother Norman were Directors.

We meet at a time of great economic uncertainty in the international contest which, after about three years after the first dot.com collapses, still continues to show many difficulties notwithstanding the fact that the trade between European countries is growing and this trend is also accompanied by the use of the Euro as a common currency in the most of the EU.

The weakness of the financial markets is also a significant warning to investors and we, as professionals operating in the field of insolvency and restructuring, are receiving ever increasing requests from clients to provide the necessary advice in relation to their business activities.

Thus, it is up to INSOL EUROPE to act as leader in the European market in the field of insolvency practice; our goals also include the continuing support of UNCITRAL's activities, contributing to the drafting of an internationally-accepted set of principles to be used as a guide to state legislatures in the process of effecting changes to their insolvency legislation.

In the past few years, there have been significant changes in international insolvency systems and there is likewise the requirement for modification to international reorganisations and restructurings. As a result of the requirement to adapt to different

conditions, international insolvency systems and procedures will necessarily be divergent from those previously existing.

As enterprises continue to grow and to globalise, international corporations will have to devote much closer attention to both the international and domestic issues in the structuring of their business transactions and investments.

But of course of greater importance than jurisdictional conflicts as to which system or court is to have primacy over individual portions of a failed business is the preservation of asset values of businesses in financial difficulties.

The European Commission appreciates the difficulties of finding a single solution to the financial problems of its citizens and the most recent development is the European Union Insolvency Regulation, which came into force on May of this year. This is an important step in providing a remedy for companies having branches and assets in more than one country.

This Regulation represents a major advance in high level co-operation between Member States of the European Union as to insolvency proceedings and, no doubt, it will influence insolvency and re-organisational proceedings in Europe.

It is our task as practitioners to make full use of the possibilities offered by this legislation in order to enhance profits and provide a better return to creditors. I believe that the presentations which will be made during the Congress Technical Programme in this area will be most helpful.

From its creation INSOL EUROPE has invested a lot of energy into exploring cross-border issues contributing to changes in local legislation.

This year, the theme for the Technical Programme is "Distressed Companies with Large Consumer Interests" and restructuring, bankruptcy and a fresh start in an European perspective will be covered.

Turning now to our Association, this has been a year of significant progress for INSOL EUROPE and relevant changes in its mission statements are going to be made.

The services of our website, launched in 2001, are improving and on your behalf, I would like to thank Lindsay Denney for his efforts in its launch and maintenance to date, which has involved a significant amount of work.

Like last year, we will arrange to have all our speakers' papers published on the Web after this Congress and I would ask you to refer to Richard Turton or myself any suggestion you may have related to the Website.

You may be aware that we have now two Managing Editors for Eurofenix, Louise Wilkinson from the U.K. and Harald Busshardt from Germany which are welcome on board.

By now, you should also have received the latest revised additions to the glossaries; in the context of the introduction of the EU, the glossaries are likely to become an invaluable resource for INSOL EUROPE members.

Finally, and most significantly, we have achieved some recognition from Brussels as to our unique position as a European-wide body of insolvency practitioners.

I wish to thank our sponsors for providing generous support for this Congress, first to our long time supporter and main sponsor, the Financial Times. Our thanks also goes to ¾ South Square, Law Business Research, Brinkmann & Partner and Simmons & Simmons, who are also sponsoring the Congress.

Finally, I would like to thank Gerhard Gispén, our Congress Technical Committee Chairman and his hard working team, who have prepared the programme for this Congress.

It is now time to begin the congress and I would now ask Gerhard Gispén to come forward to open our first business session.

**Thank you**

Giorgio Cherubini  
18 October 2002  
Malta