



## Restructuring and Insolvency within the EU

- The new EU Directive on Restructuring and Insolvency
- Recent CJEU case law
- Post-Brexit implications

Trier, 7-8 November 2019

**UP  
GRADE**  
YOUR LEGAL  
EXPERTISE

**Insolvency Law**



### Speakers

**Stefania Bariatti**, Professor at the University of Milan; Of Counsel, Chiomenti Studio Legale, Milan\*

**Michał Barłowski**, Attorney-at-Law, Wardyński & Partners, Warsaw\*

**Reinhard Dammann**, Avocat à la Cour; Partner, Clifford Chance Europe LLP, Paris\*

**Francisco Garcimartín**, Professor of Private International Law, Universidad Autónoma de Madrid\*

**Marte Knigge**, Legal Counsel, Legislation Department, Ministry of Justice and Security, The Hague

**Irene Lynch Fannon**, Professor of Law, University College Cork

**Stephan Madaus**, Professor at the University of Halle-Wittenberg

**Grégory Minne**, Partner, Arendt & Medernach, Luxembourg; Adjunct Senior Lecturer, University of Luxembourg

**Paul Omar**, Barrister, Gray's Inn (np), De Montfort University, Leicester\*

**Tomáš Richter**, Of Counsel, Clifford Chance, Prague\*

**Nicolaes W.A. Tollenaar**, Partner, RESOR, Amsterdam

**Nora Wouters**, Partner, Dentons, Brussels\*

**Miha Žebre**, Legal and Legislative Officer, Civil Law Unit, DG Justice and Consumers, European Commission, Brussels

\* Member of the Commission group of experts on restructuring and insolvency law

### Key topics

- New Directive (EU) 2019/1023 on Restructuring and Insolvency of 20 June 2019
- Recent CJEU case law in the field of cross-border insolvency
- Post-Brexit implications for restructuring and insolvency

### Languages

English and Bulgarian (with simultaneous interpretation)

### Event number

119D31

### Organisers

ERA (Dr Angelika Fuchs) in cooperation with INSOL Europe Academic Forum (Professor Paul Omar)



With the support of the Erasmus+ programme of the European Union

# Restructuring and Insolvency within the EU

Thursday, 7 November 2019

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## I. THE NEW DIRECTIVE ON RESTRUCTURING AND INSOLVENCY

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08:30 Arrival and registration of participants

09:00 **Welcome**  
*Angelika Fuchs, Paul Omar and Tomáš Richter*

Moderator: *Paul Omar*

09:05 **The new Directive (EU) 2019/1023 on Restructuring and Insolvency: background, scope and content**  
*Miha Žebre*

09:30 Discussion

09:45 **The concept of a restructuring – the underlying economic and legal principles**  
*Nico Tollenaar*

10:15 Discussion

10:30 Coffee break

Moderator: *Stephan Madaus*

11:00 **Initiating a procedure, procedural steps, voting and class formation**  
*Reinhard Dammann*

11:30 Discussion

11:45 **Negotiating a restructuring plan: confirmation, cross-class cram-down and valuation**  
*Tomáš Richter*

12:15 Discussion

12:30 **Supportive measures, including the protection of new and interim financing in the restructuring process**  
*Paul Omar*

12:50 Discussion

13:00 Lunch

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## II. INTERNATIONAL ASPECTS AND GROUPS

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Moderator: *Nico Tollenaar*

14:00 **Security rights and netting arrangements in a cross-border restructuring**  
*Grégory Minne*

14:30 Discussion

14:40 **Cross-over of restructuring and company law**  
*Nora Wouters*

15:10 Discussion

15:20 **Interplay of the Directive with the EU Insolvency Regulation**  
*Stephan Madaus*

15:50 Discussion

16:00 Coffee break

## Objective

This conference organised in cooperation with INSOL Europe Academic Forum aims to meet the requirements of insolvency lawyers to stay informed on the latest developments in jurisprudence and legislation in restructuring and insolvency matters at EU level.

It will provide an in-depth analysis of the new Directive on Restructuring and Insolvency of 20 June 2019.

On the second conference day, participants will discuss the most recent CJEU case law on the EU Insolvency Regulation 2015/848 and the post-Brexit implications for insolvency and restructuring.

The conference is designed to be practice-oriented and focused on expert training.

## Who should attend?

Lawyers practising in the field of insolvency law, judges, insolvency administrators, ministry officials.

## You will get to know...

- the concept of a restructuring and preventive restructuring frameworks
- how to initiate the procedure
- the procedural steps, including voting and class formation
- how to negotiate a restructuring plan
- what are adequate supportive measures
- the interplay of the Directive with other areas of law
- the challenges when implementing the Directive
- recent case law on the European Insolvency Regulation
- what are the consequences of Brexit in insolvency matters

## CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). This event corresponds to 10 CPD hours.

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### III. IMPLEMENTING DIRECTIVE (EU) 2019/1023

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Moderator: *Tomáš Richter*

16:30 **Round table: Experiences and challenges when implementing the Directive**

- *Marte Knigge*
- *Stephan Madaus*
- *Michał Bartowski*
- *Grégory Minne*
- *Irene Lynch Fannon*

17:15 Discussion

17:45 End of the first conference day

18:30 Guided city tour of Trier

19:30 Dinner at the restaurant “Brasserie”

## Friday, 8 November 2019

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### IV. RECENT CASE LAW ON CROSS-BORDER INSOLVENCY PROCEEDINGS

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Moderator:

09:00 **Recent CJEU case law on cross-border insolvency proceedings**  
*Stefania Bariatti*

09:45 Discussion

10:00 **Recent CJEU case law on the interplay of the EU Insolvency Regulation and Brussels Ia**  
*Michał Bartowski*

10:30 Discussion

10:45 Coffee break

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### V. SCHEME OF ARRANGEMENT, INSOLVENCY AND BREXIT

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Moderator: *Stefania Bariatti*

11:15 **Scheme of arrangement and its recognition abroad**  
*Francisco Garcimartín*

11:45 Discussion

12:00 **Implications of a no-deal Brexit on insolvency matters within the EU**

- *Paul Omar*
- *Francisco Garcimartín*

12:30 Discussion

13:00 Lunch and end of the conference

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For programme updates: [www.era.int](http://www.era.int)  
Programme may be subject to amendment.

### Discover Trier



Discover Trier with our guided city tour on the evening of 7 November before dinner. Trier is built on centuries of history and surrounded by diverse culture. Experience what inspired the Romans, immerse yourself in the city’s rich and varied history. Explore some of the main attractions and landmarks and visit the Porta Nigra, the Cathedral of Saint Peter and Constantine Basilica to name but a few.

### Conference dinner

After a day’s intensive exchange, enjoy our joint dinner on 7 November at the restaurant “Brasserie” in the city centre.



### Your contact persons



Dr Angelika Fuchs  
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# Registration

## Restructuring and Insolvency within the EU

Trier, 7-8 November 2019 / Event Number: 119D31



Europäische Rechtsakademie  
Academy of European Law  
Académie de Droit Européen  
Accademia di Diritto Europeo

### Registration

Fax: +49 (0) 651 93737-773

E-mail: [info@era.int](mailto:info@era.int)

Online registration:  
[www.era.int/?128757&en](http://www.era.int/?128757&en)

Postal address:  
ERA  
Postfach 1640  
D-54206 Trier

### Location

ERA Conference Centre,  
Metzer Allee 4, Trier

### Language

English

### Contact Person

Christiane Schmitz  
Assistant  
[cschmitz@era.int](mailto:cschmitz@era.int)  
+49 651 93737122

### Accommodation at special rates



Vienna House Easy Trier,  
from € 99  
[www.viennahouse.com](http://www.viennahouse.com)  
+49 (0)651-9377-0



Villa Hügel Trier,  
from € 110  
[www.hotel-villa-huegel.de](http://www.hotel-villa-huegel.de)  
+49 (0)651-93710-0



Park Plaza Trier, from  
€ 111  
[www.parkplaza-trier.de](http://www.parkplaza-trier.de)  
+49 (0)651-9993-0

Contact the hotel directly to make your  
reservation (see para. 16  
[www.era.int/legalnotice](http://www.era.int/legalnotice)).

Please indicate the event you will attend.



[www.era.int/?128757&en](http://www.era.int/?128757&en)

### I would like to register for the ERA event mentioned above.

Please update my address (see below)  My address (above) is correct  Please delete my address

### PLEASE USE BLOCK CAPITALS:

Title	<input type="checkbox"/> Ms	<input type="checkbox"/> Mr	Other	<input type="text"/>
First Name	<input type="text"/>			
Surname	<input type="text"/>			
Organisation	<input type="text"/>			
Position	<input type="text"/>	Tel.	<input type="text"/>	
Department	<input type="text"/>			
E-Mail	<input type="text"/>			
Street	<input type="text"/>			
Postcode/City	<input type="text"/>	Country	<input type="text"/>	

Seminar language: English

**Evening programme:** I shall attend the function on 7 November (at no extra charge).

### Registration fee

Fee	Standard	EU & ERA patrons*	Young lawyers & other groups**	Discount Voucher Code/Lawyers
Registration by 07/10/2019	€ 783.00 <input type="checkbox"/>	€ 469.80 <input type="checkbox"/>	€ 587.25 <input type="checkbox"/>	€ 587.25 <input type="checkbox"/>
Registration after 07/10/2019	€ 870.00 <input type="checkbox"/>	€ 522.00 <input type="checkbox"/>	€ 652.50 <input type="checkbox"/>	€ 652.50 <input type="checkbox"/>

#### \* EU and ERA Patrons

- Staff of European Union institutions and agencies;
- Staff of ERA's patrons: all EU Member States (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom), the German states, Scotland and the City of Trier
- Fellows of the European Law Institute

#### \*\* Young lawyers & other groups

- For young lawyers up to 30 years of age (important: the participant must provide a copy or details of his or her passport or identity card on registration);
- Full-time staff of universities or comparable academic institutions;
- Staff of charitable organisations or comparable institutions
- Registration of three or more employees from the same organisation

### Method of payment

- Credit card For registration with credit card payment please go to our website [www.era.int/?128757&en](http://www.era.int/?128757&en)
- Cheque Cheque number
- Bank transfer

I will transfer the registration fee to ERA's account at Deutsche Bundesbank Saarbrücken:  
IBAN: DE145900 00 00 00 58501900 – BIC: MARKDEF1590

**Important! Please state your name and the event number on the bank transfer.**

I confirm my registration and accept the general terms and conditions: [www.era.int/legalnotice](http://www.era.int/legalnotice)

Place, Date

Signature