



Newsletter Fourth Quarter 2019 (October-December)

A - Welcome

The Academic Forum welcomes a new Chair and Secretary, in place from the Copenhagen Conference onwards. Professor Tomáš Richter (Charles University Prague) will serve as Chair, while Assistant Professor Line Herman Langkjær (Aarhus University) will act as Secretary. The Academic Forum also welcomes Professor Francisco Garcimartin (Universidad Autónoma de Madrid) as a new Board Member.

B – Past Events

1. YANIL 10th Anniversary Conference (Copenhagen, Tuesday 24 September 2019)

Moody weather in the land of Scandi-noir dramas greeted conferencers from the Younger Academics' Network in Insolvency Law (YANIL) meeting at the premises of DLA Piper in Copenhagen. After a welcome to those present by Henrik Sjørlev (Insolvency and Restructuring Partner, DLA Piper), Jen Gant (YANIL Chair; Post-Doctoral Researcher, JCOERE Project, UC Cork School of Law) also welcomed the group of 20 or so attending to the first PhD conference organised by YANIL. Participants were drawn widely from across Europe, representing universities in Austria, Belgium, France, Germany, Ireland, Italy, the Netherlands and the United Kingdom.

The panels held throughout the day focused on the topic of the moment: the adoption this year of the Preventive Restructuring Directive (“PRD”), private international matters connected to insolvency as well as regional perspectives on insolvency issues, including the fate of unsecured creditors, arguments in favour of employee protection in pre-packs and the role of CVAs in restructuring UK businesses. The final session of the day put the spotlight on the issue of research methodology and the appropriateness of a methodological approach to insolvency research, which featured presentations by three post-doctoral academics on the utility of variants of research methodology to their projects.

A more detailed account of the conference was published in Eurofenix (Issue 78: Winter Edition 2019/2020)

2. Annual Conference (Copenhagen, Wednesday 25-Thursday 26 September 2019)

The annual conference of the Academic Forum in its 15th anniversary year took place on 23-24 September in Denmark. The charms of Copenhagen were only mildly attenuated by the autumn chills and grey skies over the city. Professor Michael Veder (Chair, Academic Forum; Radboud Nijmegen) opened proceedings by noting the anniversary, not just of the Academic

Forum, but also of the Younger Academics' Network in Insolvency ("YANIL"), who celebrated their 10th anniversary with the holding of a successful colloquium prior to this conference. The number of participants present topped 70, representing nearly 20 jurisdictions from all over Europe and across the World.

Proceedings across the two days of the conference included a suite of presentations on the Preventive Restructuring Directive ("PRD"), director's liability and the role of the debtor-in-possession, measures affecting and protecting creditors, the role of mediation within the international insolvency law framework and the place of other actors in insolvency. In addition, there were presentations from members of the YANIL group, also on preventive restructuring, and a discussion on the scope of the stay in the PRD and its effect on debtors and their contracting partners within the Edwin Coe Practitioners' Forum, held as part of the event. Also an integral part of the proceedings was the annual lecture sponsored by Edwin Coe, renamed this year the Gabriel Moss Memorial Lecture, given by Professor Ignacio Tirado (General Secretary of UNIDROIT), who talked of the protection of creditors' rights within the framework of the PRD.

A more detailed account of the conference was published in Eurofenix (Issue 78: Winter Edition 2019/2020)

3. IEAF/ERA Joint Insolvency Conference (Trier, Thursday 7-Friday 8 November 2019)

Trier in the Moselle valley, once a capital of the Roman Empire and home to Constantine the Great, saw the holding of a conference, jointly organised by the European Rights Academy (ERA) and the Academic Forum. The event, at the premises of the ERA, witnessed over 60 people gather to consider the future of preventive restructuring in light of the recent adoption of Directive 2019/1023 and many topical issues besides. With a warm welcome from Tomas Richter (Academic Forum Chair) and Angelika Fuchs (ERA), delegates spent two days in early November (7/8) exploring subjects of contemporary relevance. These included the Directive and its implementation, security rights in the insolvency context, the intersection of insolvency and company law as well as the interaction of the Directive and the Recast European Insolvency Regulation, the last two subjects receiving particular attention in the update of CJEU case-law to which the conference also gave attention. Lastly, the themes of Brexit and recognition of the UK scheme process also received mention.

By far the single most debated topic was that of the Directive and how it would be implemented by the member states over the next two years. Focus was given to issues, such as class formation, plan content, valuation, cross-class cram-down, the priority rules (absolute and relative) as well as the safe harbour and protection for new and interim finance. Sessions held across the conference generally considered how implementation would play out as member states came to grips with quite complex themes essential to early restructuring efforts and the avoidance of formal insolvency. Lacunae in the Directive were pointed out and developments to current practice in the field were anticipated. In this light, a round-table held the first day offered particular insight into how 5 of the member states might approach the process of transposition, particularly given pioneering domestic developments in the preventive restructuring arena, such as those occurring in Ireland, as well as more recent moves in Germany, Luxembourg, the Netherlands and Poland.

The quality of the presentations, offered by prominent academics and practitioners drawn from the Academic Forum and more widely, was extremely high and very well-received by attendees drawn from across Europe. These stimulated interventions and resulted in fascinating dialogues between experts. Delegates also enjoyed the hospitality of the ERA at a convivial dinner held at the end of the first day of the event following a tour of the city and its many architectural wonders. All acknowledged that, as the first event of many likely to occur

across the implementation period, the conference in Trier has set a high standard for the debates to come.

C – Upcoming Events

4. Annual Conference (Sorrento, Wednesday 30 September-Thursday 1 October 2020)

A call for papers has been issued for the Sorrento event and further information is now available at: <https://www.insol-europe.org/academic-forum-news>

5. Joint Conference (Zagreb, Friday 27-Saturday 28 March 2020)

This conference, on applicable law in cross-border insolvency proceedings, builds on the framework in the European Insolvency Regulation. With view to a possible updating of this framework and the inclusion of other topics within, this conference seeks to explore contemporary legal opinion about the critical issues that a renovation of the framework will face. Jointly organised by the European Commission DG Justice and Consumers, the Croatian Presidency of the Council of the European Union, with the support of the Ministry of Justice of Croatia, the Faculty of Law of the University of Zagreb and INSOL Europe, this conference will feature specialists from the international insolvency, private international law and other relevant fields. Hosted in Zagreb, a vibrant city and capital of the latest member state of the European Union, the conference will take place at the premises of the Faculty of Law of the University of Zagreb over a day and a half.

Further information is made available about the conference on the INSOL Europe events page at: <https://www.insol-europe.org/events>

D – Upcoming Events (Cognate Associations)

6. Ian Fletcher International Insolvency Law Moot Competition 2020 (London, Friday 7-Sunday 9 February 2020)

The Fletcher Moot welcomes universities from around the world to participate in a moot competition dealing with international insolvency litigation. This annual event takes place on 7-9 February 2020 in London, UK, with the competition providing the opportunity to experience real-world court proceedings before international panels of prestigious judges. The Moot problem and rules are now available on the website at: <https://www.qut.edu.au/law/about/events/international-insolvency-law-moot/fletcher-moot-registration-and-dates?dm_i=4WAM,7RNL,19L9RL,SS6V,1>.

For any administrative queries and for more information, please email the Moot Registrar Sandra Mulholland at: <FletcherMootCoordinator@shaw.ca>.

7. INSOL International Academics' Group Colloquium (Cape Town, Saturday 14-Sunday 15 March 2020)

The 22nd INSOL International Academic Colloquium will be a two-day event running over Saturday 14 and Sunday 15 March 2020, preceding the main conference in Cape Town, South Africa. The Colloquium is open to practitioners, academics and all those interested in the research and study of insolvency law and restructuring. The Group is highly interactive and will discuss and debate papers presented by leading professors and emerging academics from around the world, giving delegates an opportunity to hear the latest research insights from the academic world.

A Call for Papers has now been issued. The organisers would be grateful to receive expressions of interest on the following themes: Law reform and policy trends in emerging markets; Sovereign bankruptcy; Impact of 4IR on insolvency law and restructuring; Digital assets and insolvency proceedings; Insolvency within corporate groups; Executory contracts (ipso facto clauses); Role of ADR in bankruptcy and restructuring; Teaching innovations and collaborations in insolvency; History, art and bankruptcy; Cross-border insolvency issues; EU Directive on Restructuring Frameworks (rise of restructuring proceedings); EU law update: The Recast Insolvency Regulation (any related topics); Islamic finance and insolvency; Personal insolvency (consumer bankruptcy); Proposals on the treatment of MSME insolvency; and any other Hot Topics.

Submissions that include a comparative approach or an innovative angle to established research areas or have the capacity to open new fields of research are particularly invited. Not all of the topics listed above will necessarily feature on the final programme. Additionally, consideration can be given to proposals for papers that fall outside the list of proposed topics. Abstracts of not more than 300 words describing the paper intended for presentation at the conference should be submitted by: 30 October 2019 via email to Juanitta Calitz (jcalitz@uj.ac.za) and copied to Jelena Wenlock (jelena.wenlock@insol.org). Notification of Acceptance will take place by 30 November 2019. Early submission is strongly encouraged.

8. Interdisciplinary Conference on Bankruptcy and Insolvency Theory (University of Liverpool, Wednesday 1-Thursday 2 April 2020)

The University of Liverpool have provided notice of a conference to take place at the Foresight Centre, University of Liverpool, Liverpool on Wednesday 1-Thursday 2 April 2020. The keynote speaker will be Professor Karen Gross, formerly President of the Southern Vermont College and Professor of Law. A Call for Papers has been issued and will be followed by details of confirmed speakers in the New Year. Please reserve the dates in your diary pending the formal invitation which will be issued via Eventbrite.

9. UWO Conference on 100 Years of Canada Bankruptcy and Insolvency Law (London ON, Friday 22-Saturday 23 May 2020)

Professor Thomas Telfer of the Western University Faculty of Law, Canada has announced a conference on the theme of marking "100 Years of Canada Bankruptcy and Insolvency Law", which will be held on 22-23 May 2020. The conference will commemorate the 100th anniversary of the coming into force of the Bankruptcy Act 1919, the basis of Canada's modern bankruptcy regime. The conference organisers welcome papers offering insights from other jurisdictions, especially those with a cross-border and comparative flavour. Further information may be obtained from the conference webpage at: <https://law.uwo.ca/conferences/bankruptcy_2020/>.

E – YANIL News

YANIL has grown significantly over the last couple of years, with a change in the board and new ambitions and motivation. In Copenhagen, Gert-Jan Boon took over the chair from Jennifer Gant, who chaired the group for the last four years. The group has now doubled its membership to more than 100 early researchers and practitioners since 2015. YANIL has also promoted a number of activities that have helped pushed it more into the spotlight as a key forum for younger insolvency academics. Two of its most significant activities to date have been: 1) the "Inaugural YANIL Conference at 10 Years"; and 2) the publication of a collaborative article among the board members.

For the first time this year, the Younger Academics Network of Insolvency Law convened a PhD conference at the offices of DLA Piper in the city centre of Copenhagen, ahead of the

INSOL Europe Academic Forum. The programme included 10 younger academics presenting on a range of topics within insolvency law and a panel on methodology in insolvency law research. The conference resulted in enthusiastic reactions from both the presenters and the more senior academics in attendance. In addition, some of the members of the YANIL Board wrote an article together, which has been published in the International Insolvency Review: “Restructuring Europe – The EU Preventive Restructuring Framework: a hole in one? A comparative study on the occasion of the 10th anniversary of the INSOL Europe Younger Academics Network of Insolvency Law.”


The year ahead (2020) looks like it will be equally as exciting and challenging. YANIL plans to hold its second annual PhD conference at the end of September 2020 in Naples (Italy), in connection with INSOL Europe Academic Forum. Details are yet to be finalized, but an upcoming Newsletter will provide them when they have been determined. The group also plans to expand its membership to gather more PhD students in insolvency law, who will benefit most from involvement in such a collaborative network. To this end, YANIL also has a **plea for any senior academics and professors** reading this short missive – should they have PhD students or younger insolvency colleagues who are not members of this group, please show them the website: <<https://www.insol-europe.org/yanil-introduction-and-members>>; send them to the LinkedIn page: <<https://www.linkedin.com/groups/13617045/>>; or just have them drop the group a line: <yanilboardmembers@gmail.com>.

F- Technical Series Publications

The booklet containing conference proceedings from Copenhagen 2019, edited by Jennifer Gant and titled “**Harmonisation of Insolvency and Restructuring Laws in the EU**”, will be published this summer and will be made available at the Sorrento Conference.

G – Newsletter Appeal for Information

If recipients of this newsletter wish to advertise items of news, including conferences, workshops or other insolvency-connected events as well as note research projects and possible collaborations, either in future editions of the newsletter or on the INSOL Europe Academic Forum website or Facebook page, please contact the IEAF Secretary at: <linehl@law.au.dk>.

	Find us on Facebook, search for: INSOL Europe Academic Forum
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Effective date of information: as at 18 February 2020

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