



# TEACHING AND RESEARCH IN COMPARATIVE AND INTERNATIONAL INSOLVENCY LAW

14 - 15 APRIL 2014

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# WELCOME

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Dear Colleagues and Guests,

The Leiden Law School is delighted and proud that the Academic Forum of INSOL Europe, in collaboration with the Netherlands Association for Comparative and International Insolvency Law, has agreed to organise an international conference in Leiden. Both organisations have as their primary mission to engage in the representation of academic members interested in insolvency law and research, encourage and assist in the development of research initiatives in the insolvency field and stimulate or participate in activities for practitioners, judges, the legislature and scholars. The themes discussed today and tomorrow are of tremendous importance for academics, who have an interest in being internationally active, as well as for judges and the insolvency profession. We will share experiences in lecturing in other legal cultures and overcoming obstacles in comparing legal systems. We will discuss principal and practical matters in cross-border judicial communication and cooperation. Within the workshops, we will discuss the regulation of the insolvency Office Holder profession which enters its next stage of maturity, developments in preventing or improving a business rescue and the ongoing process of preventing banks from going down. In between, we will learn more about ongoing insolvency research at the Leiden Law School from three PhD researchers. All these themes are discussed by a beautiful gathering of judges, academics and practitioners coming from some fifteen jurisdictions.

Leiden is the oldest university in the Netherlands and was founded in 1575, being the first university in the Netherlands where freedom of belief and religion was practised, as reflected by the University's motto, Praesidium Libertatis, Bastion of Liberty. May it inspire us in our discussion today and tomorrow.

We are extremely grateful to the following joint conference sponsors for their support:

Christoph Paulus  
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Chair Academic Forum

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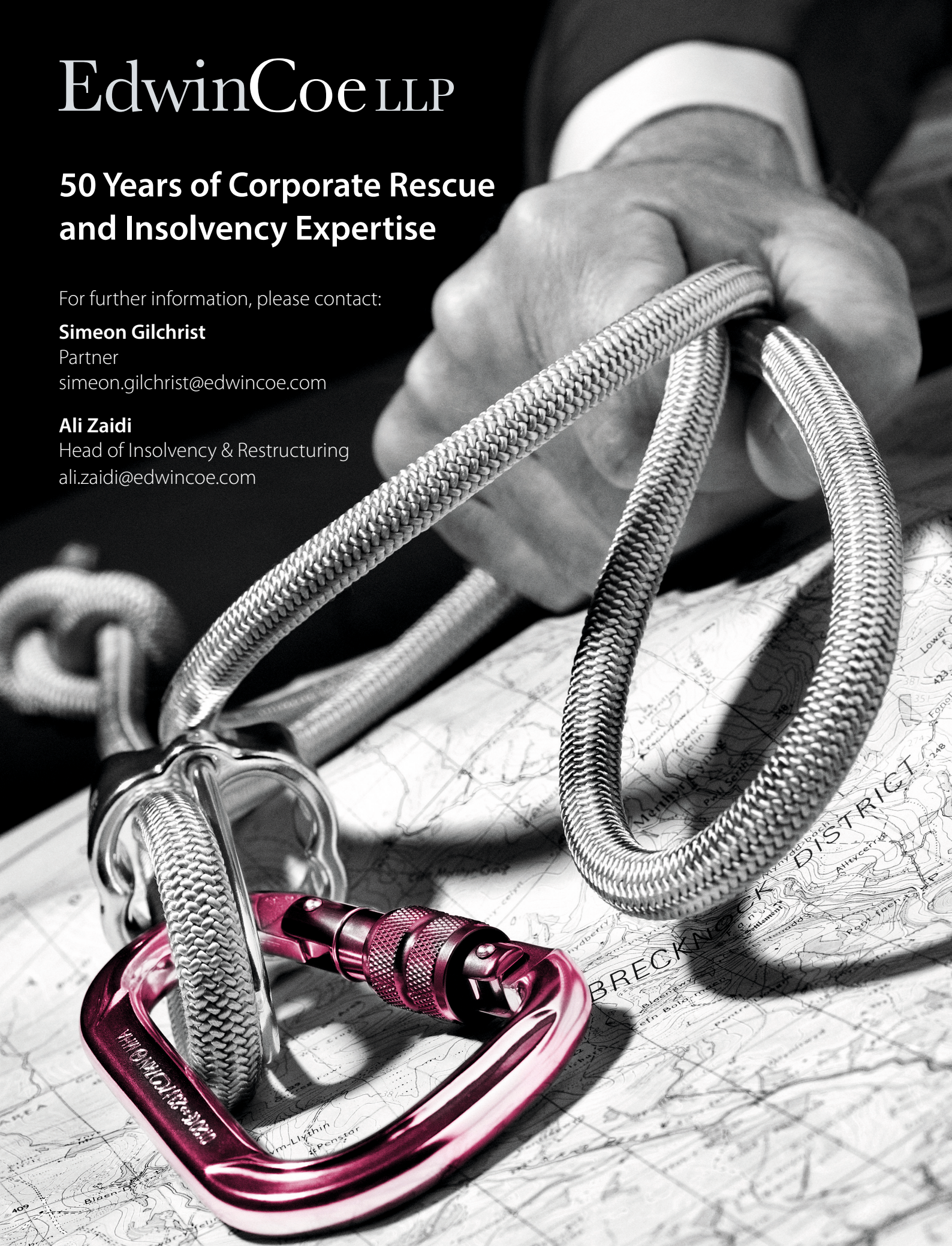
Partner

[simeon.gilchrist@edwincoe.com](mailto:simeon.gilchrist@edwincoe.com)

**Ali Zaidi**


Head of Insolvency & Restructuring

[ali.zaidi@edwincoe.com](mailto:ali.zaidi@edwincoe.com)



Edwin Coe LLP

2 Stone Buildings, Lincoln's Inn, London WC2A 3TH

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# PROGRAMME

APRIL  
14

|               |   |
|---------------|---|
| 13.00         | <b>Registration; coffee</b>   |
| 13.30 – 13.40 | <b>Welcome address</b><br>Prof. Christoph Paulus – Chair Academic Forum, Humboldt University, Berlin<br>Prof. Bob Wessels – Chair NACIIL, Leiden Law School   |
| 13.40 - 14.20 | <b>Research:</b><br>Chair - Prof. Alex-Geert Castermans,<br>Vice-Dean Leiden Law School<br><br><i>EU and US Comparative Corporate Governance: Employees and Creditors as Corporate Stakeholders – Understanding and Teaching Path Dependency</i><br>Prof. Irene Lynch Fannon, University College Cork<br><i>Comparing Avoidance Actions/Actio Pauliana in England, Germany and the Netherlands</i><br>Dr. Rolef de Weijs, University of Amsterdam |
| 14.20 – 14.35 | <b>Discussion</b>   |
| 14.35 – 15.15 | <b>Teaching:</b><br>Chair - Prof. Paul Omar, Nottingham Law School<br><br><i>Teaching Tort law to English Students</i><br>Prof. Cees van Dam, King's College London<br><br><i>Teaching Insolvency law around the world</i><br>Prof. Christoph Paulus  |
| 15.15 – 15.35 | <b>Discussion; Close of first part of the joint conference</b>  |
| 15.35 – 16.05 | <b>Coffeebreak in Academy Building</b>  |
| 16.15 – 17.00 | <b>Valedictory lecture</b> (organized by Faculty of Law, Leiden University)<br><br><i>Teaching and Research in International Insolvency Law: Challenges and Opportunities</i><br>Prof. Bob Wessels  |
| 17.00 – 18.00 | <b>Reception</b>  |
| 18.15 – 19.00 | <b>Transport to restaurant Woods</b>  |
| 19.00 – 22.00 | <b>Dinner</b>   |



|               |  |
|---------------|--|
| 09.00 – 09.30 | <b>Registration; coffee</b>  |
| 09.30 – 09.35 | <b>Welcome address</b><br>Catherine Ottaway, President INSOL Europe,<br>Hoche Société d'Avocate, Paris   |
| 09.35 – 10.45 | <b>Cross-border Judicial Cooperation: Forum Discussion</b><br>Chair - Prof. Paul Omar, Nottingham Law School<br><br>Ivan Verougstraete, Former president Supreme Court Belgium;<br>Justice David Richards, High Court London;<br>Prof. Heinz Vallender District Court Cologne;<br>Mincke Melissen, District Court Amsterdam  |
| 10.45 – 11.15 | <b>Coffeebreak</b>   |
| 11.15 – 12.00 | <b>Young Academics Network (YAN): Leiden Law School Research</b><br>Chair - Myriam Mailly, University of Kent and<br>Emmanuelle Inacio, University du Littoral Côte d'Opale<br><br><i>Insolvency investigations</i><br>Anthon Verweij, Leiden Law School<br><br><i>China's cross-border insolvency legislation among 4 regions</i><br>Xinyi Gong, Leiden Law School<br><br><i>The European Banking Union and the road to a single resolution mechanism</i><br>Stella Kaltsouni, Milieu.be / Leiden Law School  |
| 12.00 – 13.00 | <b>Lunch</b>   |
| 13.00 – 14.00 | <b>Three Workshops:</b><br><i>1. Principles and Best Practices for Insolvency Office Holders</i><br>Chair - Jasper Berkenbosch, partner DLA Piper, Amsterdam<br>Dr. Bernard Santen, Senior Researcher, Leiden Law School;<br>Patricia Godfrey, Nabarro LLP, London<br><br><i>2. Corporate Rescue</i><br>Chair - Professor Stefania Bariatti, University of Milan<br>Prof. Melissa Vanmeenen, University of Antwerp;<br>Prof. Jan Adriaanse, Leiden Law School<br><br><i>3. Banks in Difficult Times</i><br>Chair - Prof. Pim Rank, Leiden Law School, Hazelhoff Center for Financial Law<br>Prof. Matthias Haentjens, Leiden Law School, Hazelhoff Center for Financial Law;<br>Prof. Stephan Madaus, Martin-Luther-University, Halle-Wittenberg |
| 14.00 – 14.20 | <b>Coffeebreak</b>   |
| 14.20 – 15.20 | <b>Three Workshops (repeat)</b>  |
| 15.20 – 15.40 | <b>Reporting back by the Reporters</b>   |
| 15.40 – 16.00 | <b>Concluding discussion</b>   |
| 16.00 – 16.10 | <b>Closing remarks</b><br>Prof. Paul Omar, Secretary of INSOL Europe Academic Forum<br>Prof. Michael Veder, Vice-chairman NACIIL, Radboud University Nijmegen  |



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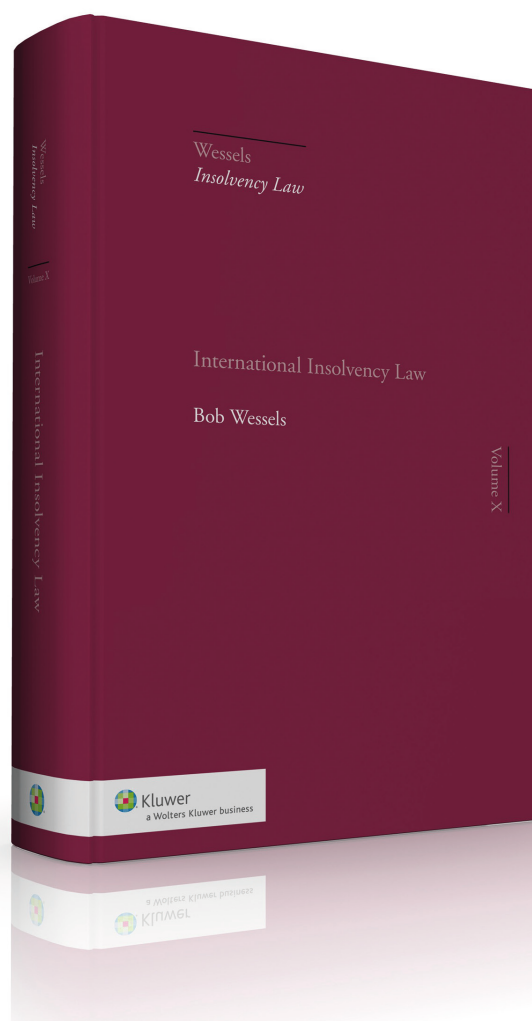
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*"Professor Wessels' 3rd edition of the book 'International Insolvency Law' is a masterpiece [. . .] very informative and highly recommended reading for every person who considers him- or herself to be a fan of the mysterious world of international insolvency law."*

Paul Varul, Signe Viimsalu  
(Juridica International XIX/2012)

Wessels International Insolvency Law, 3rd ed., 2012, is known as the authoritative and practical guide on the law of international insolvency. It covers its huge and vast increasing body of legislative rules, case law, scholarly literature and other available sources.

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Bij Baker & McKenzie krijgt u, waar ook ter wereld, advies van advocaten, fiscalisten, economen én notarissen die de lokale markt kennen als geen ander. Onze professionals hebben ruime ervaring in het ondersteunen van cliënten bij complexe grensoverschrijdende herstructureringen en faillissementen. Het zijn ervaren experts die voor u niet één, maar twee stappen verder gaan.

Zij hebben hun kennis uit 39 jurisdicties gebundeld in Baker & McKenzie's Restructuring & Insolvency Guide. Deze gids geeft zowel ondernemingen die worden geconfronteerd met financiële moeilijkheden als de eventuele schuldeisers van deze ondernemingen praktisch inzicht in de relevante wetgeving. Daarnaast ondersteunt de gids in het bepalen van de juiste procedure in geval van een herstructurering of faillissement binnen deze jurisdicties.

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**Robert van Agteren**  
Partner Litigation & Arbitration Restructuring & Insolvency  
020 551 7459  
[robert.vanagteren@bakermckenzie.com](mailto:robert.vanagteren@bakermckenzie.com)

**Marjon Lok**  
Senior Associate Litigation & Arbitration Restructuring & Insolvency  
020 551 7976  
[marjon.lok@bakermckenzie.com](mailto:marjon.lok@bakermckenzie.com)



# UPCOMING EVENTS

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## NACIIL

The Netherlands Association for Comparative and International Insolvency Law (NACIIL) aims to promote the interest for and the knowledge of comparative and international insolvency law. The association, with over 160 members, will for this purpose hold conferences and organise lectures or courses, initiate student initiatives and the publication and distribution of articles and reports. In November 2013, NACIIL's 3rd Annual Conference took place (in Dutch this time) on the subject of '*Achterstelling*' (Subordination), with Reports from Abendroth, De Weijs and Fransis (Catholic University Leuven), who defended his thesis late 2013 on '*Achterstelling van schuldvorderingen in het insolventierecht*', Subordination of claims in insolvency law. The reports will be available soon. For the remainder of 2014 several topics will deserve attention: UNCITRAL's suggestion to establish a global convention of insolvency, the finalisation of the European framework for recovery and resolution of financial institutions, the European Commission's recent Recommendation on a new approach to business failure and insolvency.

Follow the website [www.naciil.org](http://www.naciil.org) and see which topic will be selected for NACIIL's 4th annual conference Amsterdam, 6 November 2014.

## IEAF

The Academic Forum's next meetings are scheduled to take place in conjunction with the INSOL Europe conference in Istanbul on 8-9 October 2014, with further conferences being planned for 2015 (in Trier and Berlin) and beyond. The YAN group will soon be embarking on a publication project to illustrate the cutting edge research being done by members of the group, while the INSOL Europe Technical will soon be joined by reports of conference proceedings from Brussels 2012, Trier and Paris 2013 and a special 10th Anniversary text (to be announced).

## YAN

The Younger Academics Network (YAN) YAN is closely affiliated to the Academic Forum of INSOL Europe. Most of our members are PhD candidates or recent PhD graduates involved in insolvency or insolvency related research. YAN acts as a network of academics, where information can be exchanged, opportunities for teaching and research abroad are shared and events can be organized. YAN started mid-2009 and presently has 38 members from 14 different countries. We gather at least twice annually. In 2014 we will gather during a PhD Forum in Leiden which is jointly organized with the Netherlands Association for Comparative and International Insolvency Law (NACIIL). The theme of this PhD Forum is Rescue & Insolvency, with sessions on topics such as sovereign debt, the collateral directive and "The Battle for distressed companies: Scheme of Arrangements vs Sauvegarde vs Insolvenzpläne". We will also gather at the INSOL Europe Main Conference in Istanbul, October 2014. We are open to new members and new initiatives.

If you would like to join, contact the chair of YAN (at [r.j.deweijns@uva.nl](mailto:r.j.deweijns@uva.nl)) or visit our website: [www.insol-europe.org/academic-forum/younger-academics-network-website](http://www.insol-europe.org/academic-forum/younger-academics-network-website)





**TRI Leiden**  
TURNAROUND, RESCUE & INSOLVENCY

## TRI Leiden

Turnaround, Rescue & Insolvency Leiden (TRI Leiden) is a team consisting of legal and business scholars and students from Leiden Law School, directed by professors Jan Adriaanse and Bob Wessels. Its aim is to study turnaround management, business rescue and insolvency law topics from an international and multidisciplinary perspective in order to promote both efficient and effective business rescue and insolvency proceedings, and to enhance trust in the market.

Presently project work sponsors comprise of the European Commission (EC), the International Insolvency Institute (III), INSOL Europe, the American Bankruptcy Institute (ABI) and the European Law Institute (ELI).

Examples of current projects:

- **IOH Project**; it focuses on developing Principles and Best Practices for Insolvency Office Holders;
- **JudgeCo Project**; designing Principles and Guidelines to improve coordination between courts in Europe for cross-border insolvency cases;
- **Business Rescue Project**; it aims to design a European framework for the rescue of business in the form of a Legislative Guide;
- **ABI Project**; comparative input to ABI Commission to Study the Reform of U.S. Chapter 11.

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## Summer School on European Business Rescue & Insolvency Law

**TRI Leiden organises for Leiden Law School from 29 June till 4 July 2014, a Summer School for young promising professionals, working in the field of business rescue and insolvency law. During a one week course extensive lectures and training will take place to broaden their understanding of business rescue and insolvency law from a European perspective.**

The participants will be provided with valuable knowledge for the legal practice. Well known (international) researchers and professionals will provide lectures, will lead discussions, and will mediate case analyses. Lecturers include professors from England, Germany and the Netherlands:

Bob Wessels, Jan Adriaanse, Paul Omar, Matthias Haentjens and Stephan Madaus. They will share their knowledge on a number of topics such as turnaround management, sources of international insolvency law, business recovery, the developments in EU Insolvency law, bankruptcy of financial institutions and debt restructuring for natural persons from a European perspective.

The Summer School will be concluded with presentations by the participants to be prepared during that week. In the meantime, by attending the School each participant will build up its own European network of promising insolvency professionals. Of course the substantive program will be alternated with a social and cultural program. In this way the participants are able to enjoy the beautiful cities of Leiden and Amsterdam.

**For more detailed information about the programme and for registration, please visit:**  
[www.tri-leiden.eu/summer-school](http://www.tri-leiden.eu/summer-school)

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