

EU International Insolvency Law and Third Countries: Which Way(s) Forward?

INTERIM RESULTS

2nd Conference, 26 – 28 Oct 2023

Seeburg "Leuchtturm der Wissenschaft", Christian-Albrechts-Universität zu Kiel,
Düsternbrooker Weg, 2 –and online via Zoom

Program

26 October 2023

Pre-conference program

- 10.00 – 12.00 **Young Researchers Forum**
12.00 – 13.00 Lunch *en plein air*

Main conference

I. Introductory session

- 13.00 – 13.15 *Opening*
13.15 – 13.30 **Samira Musayeva** *Views from UNCITRAL*
Senior Legal Officer at UNCITRAL, Secretary Working Group V (Insolvency)
13.30 – 13.45 **Miha Zebre** *Views from the EU Commission*
Legal and Policy Officer in DG Justice and Consumers, European Commission
13.45 – 14.00 **Dr. Kevin Silvestri** *Report on results of survey*
University of Kiel
14.00 – 14.30 Q&A

II. General Aspects

- 14.30 – 15.30 **Prof. Dr. Alexander Trunk** *Introductory remarks*
University of Kiel
- Prof. Dr. Elna Moustaira** *What would the future of international insolvency law in EU-third country relations be?*
National and Kapodistrian University of Athens
- Prof. Nikitas Hatzimihail** *Comity in International Insolvency Law*
University of Cyprus
- Prof. Dr. Jasnica Garašić** *Duty to inform foreign creditors in cross-border insolvency proceedings*
University of Zagreb
- 15.30 – 16.00 *Discussion*
- 16.00 – 16.30 *Coffee break*

III. Domestic proceedings (moderator **Prof. Dr. Lukas Rademacher**: University of Kiel)

- 16.30 – 17.00 **Prof. Dr. Alexander Trunk** *General presentation*
University of Kiel
- 17.00– 17.30 *Discussion*
- 17.30– 17.45 **Prof. Dr. Andreas Piekenbrock** *Lessons to be learned from “Galapagos”*
University of Heidelberg
- 17.45 – 18.00 *Discussion*
- 18.00 – 18.15 **Prof. Dr. Renato Mangano** *Transaction avoidance law and third countries*
University of Palermo
- 18.15 – 18.30 *Discussion*
- 18.30 – 19.00 **Prof. Dr. Jasnica Garašić** *Wrap-up of the day*
University of Zagreb

27 October 2023

IV. Recognition of foreign insolvency proceedings (moderator **Prof. Dr. Vesna Lazić**, University of Utrecht)

- 9.00 – 9.30 **Prof. Dr. Georg Kodek** *General presentation*
Vienna University of Economics and Business, Presiding Judge at the Austrian Supreme Court
- 9.30 – 10.00 *Discussion*
- 10:00 – 10:30 *Coffee break*
- 10.30 – 10.45 **Prof. Andre Boraine** *Aspects of Reciprocity in Cross-border Insolvency Regimes*
University of Pretoria
- 10.45 – 11.15 *Discussion*
- 11.15 – 12.00 *Views from practice*
- N.N.** *Position of foreign administrators*
- N.N.** *Experience of judges with the UNCITRAL 1997 Model Law*
- Dr. Mirela Nicoleta Nastasie** *How to bring the UNCITRAL Practice Guide on Cross-Border Insolvency Proceedings closer to judges and practitioners*
Lawyer, Insolvency Practitioner in Bucharest, former judge at the Tribunal of Bucharest
- 12.00 – 12.30 *Discussion*
- 12.30 – 14.00 *Lunch*

V. Concurrent proceedings (moderator **Prof. Dr. Renato Mangano**)

- 14.00 – 14.30 **Dr. Henriette Boscheinen-Duursma** *General presentation*
University of Salzburg
- 14.30 – 14.45 **Prof. Dr. Ilya Kokorin** *Experience with protocols*
University of Leiden
- 14.45 – 15.30 *Discussion*
- 15.30 – 16.00 *Coffee break*

VI. Overarching issues

- 16.00 -16.45 Section 1: *ADR in cross-border insolvencies* (moderator: **N.N.**)
- Prof. Dr. Vesna Lazić** *Arbitration and cross-border insolvency*
University of Utrecht
- Christos Tsallos** *Mediation and cross-border insolvency*
University of Cyprus
- 16.45 – 17.15 *Discussion*

17.15 – 18.00 Section 2: *Schemes of arrangement and other borderline institutes of corporate rescue*
(moderator **Prof. Dr. Elina Moustaira**)

Prof. Gerard McCormack *UK schemes, plans and international recognition*

University of Leeds

Alexander Bornemann *How to Respond to the Disaggregation of Insolvency Proceedings and Insolvency?*

Director of the Department of Insolvency Law, German Federal Ministry of Justice

Prof. Dr. Elisa Torralba *Recognition of restructuring plans affecting the capital structure of the debtor*

Autonomous University of Madrid

18.00 – 18.30 *Discussion*

18.30 – 18.45 **Kevin Silvestri** *Wrap-up of the day*

28 October 2023

VI. Overarching issues (continued)

- 9.00 – 9.45 Section 3: *Corporate Groups* (moderator **Dr. Alexander Bornemann**)
Luciano Panzani* and **Robert van Galen**** *Corporate groups in cross-border insolvency: relations between EU-and non-EU countries*
*Former President of the Court of Appeal of Rome
**Insolvency Practitioner, Amsterdam
- 9.45 – 10.15 *Discussion*
- 10.15 – 11.00 *Coffee break*

VII. Discussion on possible recommendations (Moderator: **Prof. Dr. Jasnica Garašić**)

- 11.00 -11.30 **Prof. Dr. Jasnica Garašić** *Introduction*
- 11.30 – 12.00 **Prof. Susan Block-Lieb** *Europe and Beyond: What can the EIR learn from the UNCITRAL Model Law?*
Fordham Law School, New York
- 12.00– 12.30 *Discussion*
- 12.30 – 14.00 *Lunch break*
- 14.00 – 14.45 *Collection of proposals by speakers* (Moderator **Dr. Samira Musayeva**)
- 14.45 – 15.30 *Discussion*

VIII. General wrap-up

- 15.30 – 16.00: **Prof. Dr. Alexander Trunk**
University of Kiel

Post-conference cultural programme

29 October 2023 *Visit to Schleswig*