



Specific Programme "Civil Justice"  
(2007-2013)

## Cooperation between members of the judiciary and other actors dealing with cross-border insolvency proceedings

This seminar is co-organized by the Judicial Training Institute (Belgium) and the Ecole Nationale de la Magistrature (ENM, France) in conjunction with the European Judicial Training Network (EJTN), the 'Studiecentrum Rechtspleging' (the Netherlands), the 'Bundesministerium der Justiz' (Germany), the 'Ministère de la Justice' (Grand Duchy of Luxembourg), the Judicial College for England and Wales, the 'Scuola Superiore della Magistratura' (Italy), the 'Centro de Estudios Jurídicos' (Spain), the 'Krajowa Szkoła Sądownictwa i Prokuratury' (Polish National School of Judiciary and Public Prosecution - Poland), 'Institutul National al Magistraturii' (Romania), 'CNAJMJ - Conseil national des administrateurs judiciaires et des mandataires judiciaires' (France), 'GIP JCI - Justice Coopération Internationale' (France), 'UEMC - Union Européenne des Magistrats statuant en matière Commerciale' (France), 'URHB- Union des Juges Consulaires de Belgique asbl' (Belgium) and with financial support from the European Commission's Directorate-General for Justice (Specific Programme 'Civil Justice' 2007-2013).

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### Target audience

- Judges and public prosecutors dealing with cross-border insolvency proceedings;
- Liquidators dealing with cross-border insolvency proceedings.

### Objectives

- To provide or update essential knowledge about international and EU legislation and the instruments available to deal with insolvency proceedings;
- To exchange experiences and good practices in seeking to deal efficiently and effectively with insolvency proceedings;
- To identify problems and to find tentative solutions;
- To provide practical information about deployment of the latest legal instruments for cooperation in the context of dealing with insolvency proceedings;
- To engage in reflection on the pattern of improvement of cooperation between members of the judiciary and other actors dealing with insolvency proceedings.

## Dates

From Tuesday 13<sup>th</sup> January 2015 (starting at 9.00) to Thursday 15 January 2015 (ending at 14.00)

## Venue

ENM Paris – 3 ter quai aux fleurs Tel. +33 1 44 41 88 20 – [www.enm-justice.fr](http://www.enm-justice.fr)

## Comments

The working languages of the seminar are English and French, with simultaneous interpretation. The number of participants is limited to 40 French judges, public prosecutors and liquidators and 50 judges and public prosecutors from the other Member States and candidate countries. A question time is foreseen after each presentation. The participants will receive appropriate documentation (e-book) on the subject.

## Programme

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Chair: M. Anthony MANWARING, Judge, head of the International Department of the ENM

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### 1) Tuesday 13 January 2015

9:00: Registration of the participants and breakfast

### Issue and legal framework

- 10.00 Opening of the seminar - Welcoming speech  
M. Anthony MANWARING, Judge, head of the International Department of the ENM
- 10.20 ***General Framework of cross-border insolvency proceedings***  
***State of adoption of the new regulation***  
Speaker:  
Katja LENZIG, (replacement to be confirmed) Legal Officer at the European Commission, DG Justice, Unit A1 Civil Justice Policy
- 11.00 ***Model law on cross-border insolvency***  
Speaker:  
Mr Jean-Luc VALLENS, President at the Colmar Court of Appeal (France)
- 11.25 Coffee break
- 11.45 ***Principles of the cooperation***

Speaker:

Mr **Marc ANDRE**, Vice-President of the National Council of administrators and liquidators (France)

12.20 Introduction - Presentation of the issue of the workshops

12.30 End of the morning session

12.45 Lunch

**Workshops - basic questions:**

**Jurisdiction - Relation between the creditor and the debtor**

14.15 Work in workshops:

***Identification of obstacles to handling cross-border insolvency proceedings; production of inventories of good practices***

[Note: For this purpose, the participants will be divided into three workshops in which practical case studies will be discussed and examined. The three workshops take place simultaneously. The practical case studies will be sent to the participants shortly before the seminar. A rapporteur will be designated in each workshop to present the conclusions. The rapporteurs will be designated from amongst the registered participants before the seminar.]

Workshop 1: ***International competence of the courts***

Chair:

Mr **Patrick WAUTELET**, Professor at the University of Liège (Belgium)

Ms **Caroline HENRY**, Professor at the University of Nice Sophia Antipolis (France)

Workshop 2: ***Audit of liabilities***

Chair:

Mr **Jean-Luc VALLENS**, President at the Colmar Court of Appeal (France)

Mr **Ivo-Meinert WILLRODT**, Insolvency Administrator, Lawyer (Germany)

Workshop 3: ***Search and sale of the goods of the debtor***

Chair:

Mr **Marc SENECHAL**, former Vice-President of the National Council of administrators and liquidators (France)

M. **Michał BARLOWSKI**, Senior counsel (Poland)

15.20 Coffee break

15.40 Work in workshops (continuation)

[Note: After the coffee break, participants are changing workshop.]

17.15 End of the afternoon session

17.45 Cultural activity (optional)

19.15 End of the cultural activity

19.30 Dinner

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## 2) Wednesday 14 January 2015

### **Jurisdiction - Relation between the creditor and the debtor**

9.15 ***Comparison between civil and common law aspects***

Speaker:

Mr **Gabriel MOSS**, Barrister (UK)

### **Innovations of the new EU Regulation – Questions in depth**

9.45 ***The pre-insolvency proceedings***

Speaker:

Mr **Gabriel MOSS**, Barrister (UK)

10.15 ***The treatment of groups***

Speaker:

Mr **Claude Maxime WEIL**, Judicial Administrator in Strasbourg (France)

10.45 Coffee break

11.10 ***Plans of recovery and reconstruction***

Speaker:

Mr **Barbu MIHAESCU**, Management Consulting (Romania)

11.50 ***Problems of prevention***

Speaker:

Mr **Christof SCHILLER**, Lawyer (Germany)

12.30 End of the morning session

12.45 Lunch

### **Workshops - questions in depth:** **Groups of companies**

14.00 Work in workshops:

***Identification of obstacles to handling cross-border insolvency proceedings; production of inventories of good practices***

[Note]: For this purpose, the participants will be divided into two workshops in which practical case studies will be discussed and examined. The two workshops take place simultaneously and are held twice so that all participants can successively attend them. The practical case studies will be sent to the participants shortly before the seminar. A rapporteur will be designated in each workshop to present the

conclusions. The rapporteurs will be designated from amongst the registered participants before the seminar.]

Workshop 1: ***Plans of restructuring***

Chair:

Mr **Paul OMAR**, Professor at Nottingham Trent University (United Kingdom)

Mr **Tomáš RICHTER**, Of Counsel, Clifford Chance LLP Prague / Visiting Lecturer, Institute of Economic Studies, Charles University Prague (Czech Republic)

Workshop 2: ***Treatment of aspects of group liquidating***

Chair:

Mr **Antonio LEANDRO**, Professor at the University of Bari (Italy)

Mr **Luciano PANZANI**, president of the first instance court of Torino (Italy)

- 15.20 Coffee break
- 15.40 Work in workshops (continuation)  
[Note: After the coffee break, participants are changing workshop.]
- 17.15 Summary and conclusions of the workshops in plenary sessions (to be confirmed)  
Moderator: Mr **Ivan VEROUGSTRAETE**, Honorary President of the Court of Cassation, (Belgium)
- 17.45 Cultural activity (optional)
- 19.15 End of the cultural activity
- 19.30 Dinner
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**3) Thursday 15 January 2015**

- 9.15 ***International penal mutual aid***  
Ms **Caroline GONTRAN**, head of the International penal mutual aid office at the French Ministry of Justice (to be confirmed)

**The information**

- 9.45 ***Sources of information:***  
- ***The registers***  
- ***Access to information for the judge***  
Speaker: Paul OMAR, teacher at Nottingham Trent University (UK)
- 10.45 Coffee break

- 11.10 ***Cooperation beyond the borders of the European Union: the point of view of an American judge***  
Speaker:  
Mr. Allan GROPPER, judge at the U.S. Bankruptcy Court ( United States)
- 12.30 ***Conclusions and suggestions for improvement of cooperation on handling cross-border insolvency proceedings***  
Mr. Anthony MANWARING, Judge, head of the International Department of the ENM
- 12.45 End of the morning session
- 12.50 Lunch
- 14.00 End of the seminar
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