

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

This seminar is organized by the Judicial Training Institute (Belgium) 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 *'Ecole Nationale de la Magistrature'* (France), 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), *'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 21 October 2014 (starting at 19.00) to Friday 24 October 2014 (ending at 14.00)

Venue

Hôtel Jean de Bohême – Place aux Foires, 2 – 6940 Durbuy - Tel. +32.86.21.28.82 – www.jean-de-boheme.be

Comments

The working languages of the seminar are English and French, with simultaneous interpretation. The number of participants is limited to 40 Belgian 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

Chair: Ms **Edith VAN DEN BROECK**, magistrate, director of the Judicial Training Institute

Rapporteur: Mr **Arie VAN HOE**, PhD, Researcher University of Antwerp

1) Tuesday 21 October 2014

During the afternoon and evening: arrival of the participants at the seminar centre

18.00	Welcome - Check-in
19.00	Reception
19.30	Dinner

2) Wednesday 22 October 2014

7.30 - 9.00 Breakfast

Issue and legal framework

9.00	Registration
9.15	Opening of the seminar - Welcoming speech Ms Edith VAN DEN BROECK , magistrate, director of the Judicial Training Institute
9.30	<i>General Framework of cross-border insolvency proceedings State of adoption of the new regulation</i> <u>Speaker:</u>

Ms **Katja LENZING**, Legal Officer at the European Commission, DG Justice, Unit A1
Civil Justice Policy

10.15 ***Model law on cross-border insolvency***

Speaker:

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

10.35 Coffee break

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

Speaker:

to be confirmed

11.50 ***Principles of the cooperation***

Speaker:

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

12.30 End of the morning session

12.35 Lunch

Workshops - basic questions:

Jurisdiction - Relation between the creditor and the debtor

14.15 Introduction - Presentation of the issue of the workshops

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

Second chairperson: to be confirmed

- 16.30 Coffee break
17.00 **Summary and syntheses of the workshops (in plenary session)**
Moderator:
Mr **Ivan VEROUGSTRAETE**, Honorary President of the Court of Cassation,
(Belgium)
- 17.45 End of the afternoon session
- 18.00 Cultural activity (optional)
- 19.15 End of the cultural activity
- 19.30 Dinner
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3) Thursday 23 October 2014

7.30 - 9.00 Breakfast

Innovations of the new EU Regulation – Questions in depth

- 9.15 ***The pre-insolvency proceedings***
Speaker:
to be confirmed
- 9.45 ***The treatment of groups***
Speaker:
to be confirmed
- 10.15 ***Plans of recovery and reconstruction***
Speaker:
Mr **Barbu MIHAESCU**, Management Consulting (Romania)
- 10.45 Coffee break
- 11.10 ***Problems of prevention***
Speakers:
to be confirmed
- 12.25 End of the morning session
- 12.30 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)

Second Chairperson: to be confirmed

Third Chairperson: to be confirmed

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

Chair:

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

15.20 Coffee break

15.40 Work in workshops (continuation)

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

17.00 Break

17.15 ***Summary and syntheses of the workshops (in plenary session)***

Moderator:

Ms Ilse COUWENBERG, Judge at the Antwerp Court of Appeal (Belgium)

18.00 End of the afternoon session

18.10 Cultural activity (optional)

19.15 End of the cultural activity

19.30 Dinner

4) Friday 24 October 2014

7.30 - 9.00 Breakfast

The information

9.15 ***Sources of information:***

- ***The registers***
- ***Access to information for the judge***

Speaker:
to be confirmed

10.30 Coffee break

10.50 ***Cooperation beyond the borders of the European Union: the point of view of an American judge***

Speaker:
to be confirmed

12.15 ***Conclusions and suggestions for improvement of cooperation on handling cross-border insolvency proceedings***

12.25 End of the morning session

12.30 Lunch

14.00 End of the seminar

In cooperation with

