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# Academic Conference Dublin • 2-3 March 2022

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The Emerging New  
Landscape of European  
Restructuring and  
Insolvency

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Our Restructuring and Insolvency partners are highly recommended in Chambers UK 2022. We advise corporates, funders and office holders on all aspects of corporate restructuring and personal insolvency, in addition to the traditional collective insolvency procedures: bankruptcy, administration and liquidation.

Edwin Coe has always been at the forefront of a developing cross-border legal landscape. We have helped our clients navigate in turn the Cross Border Insolvency Regulation, the Recast Regulation, and the Transition phase into the current legal relationship between the UK and our European friends and trading partners. The Edwin Coe team continues to pick a path no matter the shift in the ground beneath our feet.

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## *Dear Colleagues and Friends*

It is with great excitement that I present to you the programme of the INSOL Europe Academic Conference to be held in Dublin on 2 and 3 March 2022.

When the Academic Forum last met in Copenhagen in October 2019, little did we know that it will take more than two years for us to reunite. As we all know now, those two years were unlike anything any of us has seen or lived through, both personally and professionally.

In the latter context, our bread-and-butter tools of insolvency law have unprecedentedly been "switched off" across Europe for a good part of 2020. And contrary to common wisdom, the follow-up wave of restructurings and insolvencies widely expected as the result of the pandemic simply did not arrive in 2021.

Yet legal development did not stop: the pandemic did not switch-off the clock measuring the time to the 2022 deadline for the implementation of the European Restructuring Directive. Nor did it prevent European academics from applying their minds to that topic and other questions in our field of enquiry. Quite the contrary. Our call for papers for the Dublin conference met with an overwhelmingly positive response, resulting in the INSOL Europe Academic Forum Board selecting from close to 30 very thoughtful paper proposals. We are very thankful to all authors who have replied to the call.

The selection that we proudly present to you here testifies to the breadth and depth of insolvency and restructuring research conducted in Europe today, and to the unique role which our Academic Forum plays in giving that research an outlet. A brief look at our programme should leave no one in doubt that the INSOL Europe Academic Forum is where cutting-edge insolvency and restructuring research is presented and debated, in a way that is relevant not only to academics but to lawyers and others practicing in the field as well.

*We hope that you will agree and come and join us in Dublin in March.*



**Tomáš Richter**  
Chair,  
INSOL Europe  
Academic Forum

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# THE EMERGING NEW LANDSCAPE OF EUROPEAN RESTRUCTURING AND INSOLVENCY

## WEDNESDAY 2 MARCH 2022

12:45-13:15	Registration & Welcome Coffee
13:15-13:30	Welcome address by the Chair of the Academic Forum <i>Tomáš Richter</i>
13:30-15:00	<b>Session One - "Topics in Corporate Preventive Restructuring"</b> <b>Chair: Jennifer L.L. Gant</b>  Implementation of the 2019/1023 Directive in French Pre-insolvency and Insolvency Law: The Debtor-Creditor Juggle <i>Sarah Pople</i>  The Relatively Absolute Priority Rule in the Czech Preventive Restructuring Bill <i>Tomáš Richter</i>  The Role of the Shareholders in the Restructuring Plans in the Spanish Project of Implementation of the 2019/1023 Directive <i>José Carlos González Vázquez</i>
15:00-15:30	Coffee break
15:30-17:00	<b>Session Two - "Fresh Start and other Topics Related to Individual Debtors"</b> <b>Chair: Line Herman Langkjær</b>  Natural Person Ltd.: Towards a Unified Discharge Regime for Entrepreneurs and Consumers <i>Gauthier Vandenbossche</i>  Portuguese Transposition of the Directive (EU) 2019/1023 - Where it Fell Short Regarding Personal Insolvency <i>Ana Filipa Conceição, Catarina Frade and Fernanda Jesus</i>  Reconsidering Fairness for Vulnerable and Involuntary Stakeholders in Insolvency and Restructuring <i>Jennifer L.L. Gant</i>
17:00-18:00	<b>The Gabriel Moss Memorial Lecture</b>  Cross Border Recognition of Corporate Restructuring Arrangements: Reflections on the Preventive Restructuring Directive 2019/1023, National Restructuring Frameworks and the EIR Recast 2015/848 <i>Irene Lynch Fannon</i>
18:30-19:30	Welcome Reception
19.30-late	Academic Dinner

## THURSDAY 3 MARCH 2022

08.30-09.00	Retrieval Registration / Morning Coffee
09.00-10.30	<p><b>Session Three - "Design Issues in Restructuring and Insolvency Law"</b>  <b>Chair: Luigi Lai</b>  <b>Sustainable Liquidation: Pluralism of Interests in Insolvency Proceedings</b>  <i>Jessie Pool</i></p> <p><b>Preventive Restructuring Frameworks and the Separate Domain of Cross-Border Restructuring Law</b>  <i>Ioannis Bazinas</i></p> <p><b>Harmonizing Restructuring Frameworks: Top-Down, Bottom-Up, or Both?</b>  <i>David Ehmke and Eugenio Vaccari</i></p>
10.30-11.00	Coffee break
11.00-12.30	<p><b>Session Four - "Cross-Border and EU Law Topics"</b>  <b>Chair: Francisco Garcimartin</b>  <b>Preferential Treatment of State Aid Recovery Claims in Insolvency Proceedings and Preventive Restructuring Frameworks</b>  <i>Walter Nijjens</i></p> <p><b>Recognition of UK Schemes of Arrangement and Restructuring Plans in the Continent: Two Examples Involving Switzerland</b>  <i>Rodrigo Rodriguez</i></p> <p><b>A New Cross-Border Framework for Restructuring Plan Proceedings</b>  <i>Stephan Madaus</i></p>
12.30-13.30	Lunch
13.30-15.00	<p><b>Session Five - "More Topics in Corporate Restructurings and Insolvencies"</b>  <b>Chair: Gert-Jan Boon</b>  <b>Insolvency Law: Quo Vadis? About the Regulatory Protection of Non-Controlling Unsecured Creditors prior to and during Insolvency Procedures</b>  <i>Dennis Cardinaels</i></p> <p><b>Relativism and Determination in the Restructuring Frameworks - New and Interim Financing</b>  <i>Flavius Motu, Andreea Deli-Diaconescu</i></p> <p><b>Valuation of Crypto-Assets in Insolvency Proceedings: An EU Perspective</b>  <i>Theodora Kostoula</i></p>
15:00-15:15	Coffee break
15:15-16:15	<p><b>The Edwin Coe Practitioners Forum</b>  <b>Chair: Tomáš Richter</b>  <b>The Harmonization of Transactions Avoidance Law in the EU</b>  <i>Reinhard Bork, Michael Veder, Francisco Garcimartin and Christina Fitzgerald</i></p>
16:15-16:30	<p>Closing Address  <i>Tomáš Richter</i></p>

Registration fees	Total € Euros booking fee inc. 23% VAT
Academic Conference Member (2-3 March 2022)	285.00 + 65.55 VAT = 350.55
Academic Conference Non-Member (2-3 March 2022)	325.00 + 74.75 VAT = 399.75
Academic Dinner Accompanying Guest (2 March 2022)	50.00 + 11.50 VAT = 61.50

Registration is only available online at:  
[www.insol-europe.org/events](http://www.insol-europe.org/events)

## PAYMENT DETAILS

Payment should be made in Euros although UK delegates may pay in Sterling. Payment can be made by bank transfer or credit card (visa/mastercard). If paying by bank transfer, please instruct your bank to quote your name and firm on any transfer and send us a copy of your instruction. A confirmation *pro forma* invoice will be sent out to you on receipt of your registration.

## DISCOUNTS

A limited number of places for full time Academics, Regulators and members of the Judiciary who would like to participate in the main Congress are available on a first come-first served basis at €748.00 + VAT.

## CANCELLATION OF ATTENDANCE

Refunds will not be given for any cancellation received after **31 December 2021** although it will be permissible for registrations to be transferred within organisations.

If the event is cancelled, your registration fee will be automatically rolled over to the Dubrovnik 2022 Congress. Alternatively, you will be able to request a full refund. This option will remain available until 29 April 2022.

## DELEGATE INFORMATION PACK

A detailed document containing joining instructions will be sent by email to all registered delegates in February 2022.

## CONGRESS VENUE

This year our Congress will be held at the **Clayton Hotel (Burlington Road, Upper Leeson Street, Dublin, D04A318, Ireland).**

Dublin is a small capital with a huge reputation. The city is a living museum with medieval castles and cathedrals on display alongside the architectural 18th century splendours. Dublin is a warm and welcoming city consistently voted the friendliest in Europe thanks to its charismatic, amiable and witty residents famous for their 'craic'.

In the heart of Dublin's leafy southside, the Clayton Hotel Burlington Road is situated just 20 minutes' walk from Dublin's lively town centre

Hotel rooms are available to reserve via the online Congress registration form. Corporate room rates are available from €229.00 per night including breakfast.

**Book your room at the following link:**

<https://bookings.claytonhotelburlingtonroad.com/offer/insoleuropecongress2022>

We also have a number of rooms blocked at corporate rates at The Mespil Hotel Dublin



less than 10 minutes' walk from the Congress venue. Rooms are available from €150.00 per night including breakfast. To make a reservation, please email the hotel at [reservations@leehotels.com](mailto:reservations@leehotels.com) and quote 'INSOL Europe'.

## HOW TO GET TO THE VENUE

Distance from **Dublin Airport**: 17 kms.

**By Car:** Private transfers can be arranged from Dublin Airport via our agent Una Miley (email: [una@atoi.ie](mailto:una@atoi.ie)). Alternatively, a taxi from the rank outside the terminal building will cost €30.00. Journey time = 45 minutes.

**By Bus:** The "Aircoach" bus service departs from the front of the arrivals hall at Dublin Airport. Tickets can be purchased on arrival for approximately €8.00. From here it's a 1-minute walk to the Congress hotel. Journey time = 1 hour.

*Further details will be included in the delegate information pack.*

## TRAVEL & HEALTH INSURANCE

INSOL Europe shall not be responsible for, and shall be exempt from, all liability in respect of any loss, damage, injury, accident, delay or inconvenience to any person during the Congress. It is the delegate's and accompanying person's responsibility to be adequately insured in case of claims pertaining to travel/accidents for the duration of their visit.

## CORONAVIRUS ADVICE

INSOL Europe strongly recommends that all delegates and accompanying guests regularly check the official Foreign Travel Advice for Ireland that is published and updated by the Irish Government:

<https://www.gov.ie/en/publication/77952-government-advice-on-international-travel/#travelling-to-ireland>



**Disclaimer:** The Conference organisers have made every effort to ensure that the arrangements for the Conference are satisfactory, but can accept no liability for loss or damage to the person or property of Conference delegates however arising, including loss or damage resulting from the negligence of the Conference organisers, except to the extent that any such liability cannot lawfully be excluded. Furthermore, while every effort has been made to ensure that the speakers and the session chairs at the Conference are specialists in the areas upon which they will be lecturing, the organisers cannot accept any liability for any financial or other loss, whether direct or indirect or consequential caused to Conference delegates resulting from reliance of the delegates or any other party upon statements made or opinions expressed during the course of the Conference by speakers or session chairs. (This contract is governed by the laws of England and the English courts shall have exclusive jurisdiction to resolve any disputes arising out of it.)

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As well as an extensive network of offices across the UK, we also have offices located in the British Virgin Islands, Cyprus, Gibraltar, Guernsey, Jersey and the Isle of Man. Please contact:

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