



18-19 SEPTEMBER, 2020
ZAGREB, CROATIA

JOINT CONFERENCE

**APPLICABLE LAW
IN CROSS-BORDER
INSOLVENCY PROCEEDINGS**

www.pravo.unizg.hr/alcbip

CONFERENCE VENUE: NATIONAL AND UNIVERSITY LIBRARY IN ZAGREB



WELCOME

Dear Colleagues and Friends,

Allow us to express how pleased and delighted we are to welcome you to Zagreb.

The four co-organisers of this event – the European Commission, INSOL Europe, the Faculty of Law of the University of Zagreb and the Ministry of Justice and Administration of the Republic of Croatia as your joint hosts, are especially proud of having you here in Croatia, the youngest Member State of the European Union.

By organising this Conference, our aim is to contribute to the international exchange of academic insights and views about the applicable law in cross-border insolvency proceedings, as a warm-up exercise at the level of the European Union prior to the Colloquium that will be organised by UNCITRAL on the same subject in Vienna in December of this year.

We believe that we, as representatives of Europe and the European Union, should be the first ones to share our acquired knowledge and know-how on this matter, assisting in this way in the potential creation of a new international framework built on greater cooperation and mutual understanding.

We hope that the power of our knowledge, experience, discussion and arguments will be strong enough to convince the participants of the necessity of creating an international instrument dealing with this particular matter, having in mind the importance of cross-border insolvency proceedings in this globalised world of today.

The four co-organisers – the European Commission, INSOL Europe, the Faculty of Law of the University of Zagreb and the Ministry of Justice and Administration of the Republic of Croatia wish you a very constructive and productive Conference and a very pleasant stay in Zagreb.

Yours sincerely, on behalf of the Organising Committee:

Mag. Miha Žebre, LL.M, *Legal and Legislative Officer, Civil Justice Unit in DG Justice and Consumers, European Commission*

Nataša Šarić Maloseja, *Ministry of Justice and Administration of the Republic of Croatia*

Prof. Dr. Omar Paul, *INSOL Europe*

Prof. Dr. Maja Seršić, *Vice-Dean of the Faculty of Law of the University of Zagreb*

Prof. Dr. Tereza Rogić Lugarić, *Vice-Dean of the Faculty of Law of the University of Zagreb*

Asst. Prof. Dr. Marko Jurić, *Vice-Dean of the Faculty of Law of the University of Zagreb*

Prof. Dr. Jasnica Garašić, *Faculty of Law of the University of Zagreb*

PROGRAMME

FRIDAY 18 SEPTEMBER

09.00 - 10.00

Registration

10.00 - 10.30

Welcome Address

Prof. Dr. Igor Gliha, *Dean of the Faculty of Law of the University of Zagreb*

Ms Salla Saastamoinen, *acting Director General, DG Justice and Consumers, European Commission*

Ministry of Justice and Administration of the Republic of Croatia

Prof. Dr. Paul Omar, *INSOL Europe*

Moderator: Ms Nataša Šarić Maloseja, Ministry of Justice and Administration of the Republic of Croatia

10.30 – 11.35

SESSION 1.

Panel Leader: **Mr Pál Lajos Szirányi**, *Legislative Officer, Civil Justice Unit in DG Justice and Consumers, European Commission*

10.30 – 10.45

Prof. Dr. Ignacio Tirado, *Universidad Autónoma de Madrid, Spain, Secretary-General UNIDROIT*

Applicable Law to Rights in Rem in Cross-Border Insolvency Proceedings

10.45 – 11.00

Mag. Miha Žebre, *LL.M, Legal and Legislative Officer, Civil Justice Unit in DG Justice and Consumers, European Commission*

Applicable Law to Contracts of Employment in Cross-Border Insolvency Proceedings

11.00 – 11.15

Prof. Dr. Paul Omar, *INSOL Europe*

Recognition and Enforcement of Insolvency-Related Judgments

11.15 – 11.35

Discussion

11.35 – 12.00

Coffee break

12.00 – 13.05

SESSION 2.

Panel Leader: **Prof. Dr. Hrvoje Sikirić**, *Faculty of Law of the University of Zagreb, Croatia*

12.00 – 12.15

Prof. Dr. Andreas Piekenbrock, *Faculty of Law of the University of Heidelberg, Germany*

International Jurisdiction for Insolvency Law Avoidance Actions

12.15 – 12.30

Prof. Dr. Jasnica Garašić, *Faculty of Law of the University of Zagreb, Croatia*

Applicable Law for Insolvency Law Avoidance

12.30 – 12.45

Prof. Dr. Francisco Garcimartin, *Universidad Autónoma de Madrid, Spain*

Applicable Law to Current Contracts to Which the Debtor is Party in Cross-Border Insolvency Proceeding, Including Termination and Acceleration (Ipso Facto) Clauses in Cross-Border Insolvency Proceedings

12.45 – 13.05

Discussion

13.05 – 14.00

Lunch break

14.00 – 15.05

SESSION 3.

Panel leader: **Prof. Dr. Nina Tepeš**, *Faculty of Law of the University of Zagreb, Croatia*

14.00 – 14.15

Prof. Dr. Edward Janger, *Brooklyn Law School, USA*

Choice of Law and Entitlement Baseline in Rescue

14.15 – 14.30

Prof. Dr. John Pottow, *Law School of the University of Michigan, USA*

Normative Consideration on the Protection of Local Interests in Cross-Border Insolvency

14.30 – 14.45

Bartosz Grole, *Partner, Tomasiak & Pakostewicz & Grole, Kraków, Poland*

Effects of Foreign Insolvency Proceedings on Arbitral Proceedings in the State of Recognition

14.45 – 15.05

Discussion

15.05 – 15.30

Coffee break

PROGRAMME

15.30 – 16.35

SESSION 4.

Panel leader: **Prof. Dr. Vesna Lazić**, *T.M.C. Asser Institute, Utrecht University, The Netherlands*

15.30 – 15.45

Zoltan Fabok, *Special Counsel, DLA Piper Posztl, Nemescsói, Györfi-Tóth & Partners Law Firm, Budapest, Budapest*

Effects of Foreign Insolvency Proceedings on Enforcement Proceedings in the State of Recognition

15.45 – 16.00

Dr. Miodrag Đorđević, *Vice-president of the Supreme Court of the Republic of Slovenia, Slovenia*

Legal Position of a Foreign Insolvency Practitioner in the State of Recognition According to the European Regulation on Insolvency Proceedings

16.00 – 16.15

Hon. Leif M. Clark, *US Bankruptcy Judge (retired), San Antonio, Texas, USA*

Legal Position of a Foreign Insolvency Representative in the State of Recognition According to the UNCITRAL Model Law on Cross-Border Insolvency and the USA Bankruptcy Code

16.15 – 16.30

Ms. Catherine Zoller Bridge, *EBRD*

16.30 – 16.45

Discussion

17.30 – 19.00

Sightseeing - Zagreb

20.00 – 23.00

Dinner

SATURDAY 19 SEPTEMBER

10.00 – 10.50

SESSION 5.

Panel leader: **Prof. Dr. Paul Omar**, *INSOL Europe*

10.00 – 10.15

Simeon Gilchrist, *Partner, Edwin Coe LLP, London, UK*
The Post Brexit Landscape: The Known Unknown: Choice of Law and Applicable Law Issues

10.15 – 10.30

Prof. Dr. Renato Mangano, *University of Palermo, Italy*
Applicable Law for Lodging, Verification and Admission of Claims in Cross-Border Insolvency Proceedings

10.30 – 10.50

Discussion

10.50 – 11.10

Coffee Break

11.10 – 12.00

SESSION 6.

Panel leader: **Mag. Miha Žebre, LL.M.**, *Legal and Legislative Officer, Civil Justice Unit in DG Justice and Consumers, European Commission*

11.10 – 11.25

Prof. Dr. Rodrigo Rodriguez, *Faculty of Law of the University of Lucerne, Switzerland*

Effects of Foreign Insolvency Proceedings on Pending Lawsuits in the State of Recognition

11.25 – 11.40

Prof. Dr. Gerry McCormack, *School of Law of the University of Leeds, UK*

Applicable Law to Insolvency Law Set-Off and the European Insolvency Regulation

11.40 – 12.00

Discussion

12.00 – 12.30

Coffee Break

12.30 – 13.30

SESSION 7.

Panel leader: **Prof. Dr. Renato Mangano**, *University of Palermo, Italy*

Views of International Organizations

Mr. Mahesh Uttamchandani, *World Bank*

Mr. João Ribeiro-Bidaoui, *HCCH*

Ms. Kathleen Lannan, *UNCITRAL*

Prof. Dr. Paul Omar, *INSOL Europe*

Jennifer Marshall, *INSOL International*

13.30 – 13.45

Closing Remarks

13.45 – 14.45

Lunch

PROGRAMME SUBJECT TO ALTERATION

REGISTRATION



Zrinjevac Park - J. Duval / media.infozagreb.hr

| Registration fees | Participation in person | Participation online |
|--|-------------------------|----------------------|
| Participant | € 75 | € 50 |
| Conference Dinner (Participant) | € 60 | |
| Conference Dinner (Accompanying Person) | € 60 | |

CONFERENCE REGISTRATION

Registration is available online by visiting www.pravo.unizg.hr/alcbip

If you have any questions regarding registration please contact:

Prof. Dr. Jasnica Garašić

Faculty of Law of the University of Zagreb,

Trg Republike Hrvatske 14, 10000 Zagreb, Croatia

Email: jgarasic@pravo.hr

CONFERENCE VENUE

National and University Library in Zagreb

Hrvatske bratske zajednice 4

10000 Zagreb, Croatia

HOTEL ACCOMODATION



The Ministry of Justice and Administration of the Republic Croatia has reserved a limited number of rooms at the conference venue available at the conference rate at the

Canopy by Hilton Zagreb – City Centre

Address of the hotel:

Ulica kneza Branimira 29,
10000 Zagreb

HOTEL RESERVATION

To book a room at the conference rate visit:

<http://eventsathilton.com/show/5f57870b41e76149d38c6431>

The conference rate is applicable for participants of the conference only from **16 - 20 September 2020**.

Your attention is drawn to the booking conditions, especially to information on cancellation or modification of the reservation located on the above-mentioned link of the hotel.

INFORMATION



National and University Library - M. Gašparović / media.infozagreb.hr

JOINING INFORMATION

Detailed joining instructions will be sent by email on 15 September 2020.

CONTINUING PROFESSIONAL EDUCATION

A certificate of attendance at this conference will be issued by Faculty of Law of the University of Zagreb and the INSOL Europe. It will be provided to a participant if the participant has applied for the certificate when making registration for the conference.

CONFERENCE WORKPACK

Participants who will attend the conference in person, will receive the conference workpack at the beginning of the conference in Zagreb. Participants who will participate in the conference online, will receive an electronic link to access presentations and papers of the speakers prior to the conference.

CONFERENCE RECORDING

The conference will be recorded. Registration for the conference is taken to include the consent of the participant to the recording. The recording will be available on the conference website within 15 days after the conference. Only registered participants will be permitted access.

GETTING THERE

The hotel "Canopy by Hilton Zagreb – City Centre" is 20 minutes' drive from the International Zagreb Airport ("Franjo Tuđman Airport") and is located in the center of Zagreb. The National and University Library in Zagreb can be reached within 21 minutes by public transit (bus) or within 19 minutes by walking from that hotel. Further details will be provided with the joining instructions.

WHEN TO ARRIVE

The registration desk will be open at 09.00 on Friday 18 September 2020.

SIGHTSEEING – OLD UPPER TOWN OF ZAGREB

There will be an optional free sightseeing of old Upper Town of Zagreb. If you would like to get up close with Zagreb's history, please complete the section on the registration form.

CONFERENCE DINNER

There will be an optional conference dinner at the restaurant "Dubravkin put", Dubravkin put 2, 10000 Zagreb, at 20.00 on Friday 18 September. The cost of this dinner will be € 60. If you would like to attend, please complete the section on the registration form and add your payment.

PAYMENT DETAILS

Payment should be made in Euros and can be made by bank transfer.

When paying by bank transfer, please instruct your bank to quote your name and organization as well as the conference code 7330 on any transfer. Further details are shown on the registration form. Registration may be made online at www.pravo.unizg.hr/alcbip

TRAVEL AND HEALTH INSURANCE

European Commission, Ministry of Justice of the Republic of Croatia, INSOL Europe and Faculty of Law of the University of Zagreb shall not be responsible for and are exempt from all liability in respect of any loss, damage, injury, accident or inconvenience to any person during the Conference. It is the participant's and accompanying person's responsibility to be adequately insured in case of claims pertaining to travel/accidents for the duration of their visit.

CANCELLATION OF ATTENDANCE

Refunds will not be given for any cancellations received after 14 September 2020 although registrations can be transferred within an organisation.



Croatian National Theatre - M. Vrdoljak / media.infozagreb.hr

CONFERENCE ENQUIRIES

Prof. Dr. Jasnica Garašić
Faculty of Law of the University of Zagreb
Email: jgarasic@pravo.hr

LINKS

<https://www.ec.europa.eu>
<https://www.pravosudje.gov.hr>
<https://www.insol-europe.org>
<https://www.pravo.unizg.hr>

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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 participants 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 participants resulting from reliance of the participants 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 Croatia and the Croatian courts shall have exclusive jurisdiction to resolve any disputes arising out of it.