

# EUROPEAN WORKSHOP

OVERVIEW ON NEW PRE-INSOLVENCY  
AND INSOLVENCY PRACTITIONERS IN EUROPE

## DATE

Friday May 27<sup>th</sup>, 2022

## PLACE

“Salón Cibeles” Hotel, H10 Puerta de Alcalá  
Calle Alcalá, 66 – 28009 MADRID.

This workshop is aimed to provide an overview of the status of pre-insolvency and insolvency practitioners in Europe (EU and non EU countries)

To harmonize the varying national insolvency laws in its Member States, the EU approved a new Directive (Directive (EU) 2019/1023 of the European Parliament and of the Council of 20 June 2019 on preventive restructuring frameworks, on discharge of debt and disqualifications, and on measures to increase the efficiency of procedures concerning restructuring, insolvency and discharge of debt, and amending Directive (EU) 2017/1132 (Directive on restructuring and insolvency);

1. requiring Member States to enact laws and regulations providing debtors and creditors with minimum rights and remedies in preventive restructuring procedures.
2. enabling viable enterprises and entrepreneurs in financial difficulty to access effective preventive restructuring frameworks that help them continue operating.
3. introducing ‘preventive restructuring procedures’ or ‘pre-insolvency procedures’ that combine out-of-court and in-court elements) which aim to facilitate informal negotiations between the debtor and its creditors and minimize the role of the court and insolvency administrators.
4. setting out that debtors accessing preventive restructuring procedures remain totally, or at least partially, in control of their assets and the day-to-day operation of the business. So, the debtor-in-possession regime and the stay of creditor actions are strong incentives for entrepreneurs to commence early restructuring. For this; cross-class cram-down introduces flexibility and improves the possibilities for approval of restructuring plans.
5. providing that financial assistance granted to the debtor prior to approval of the restructuring plan or during execution of the plan must be subject to appropriate safeguards.
6. ensuring that practitioners appointed (in pre-insolvency and insolvency proceedings) are impartial and independent, receive suitable training and have the necessary expertise for their responsibilities, the conditions for eligibility, as well as the process for the appointment, removal and resignation are clear, transparent and fair.

D. Jose Maria Dutilh Carvajal  
Vicepresidente APACSA

## **Friday May 27<sup>th</sup>**

**09:00 AM. Reception and registration.**

**09:30 AM. 1<sup>st</sup> session.**

1.- Types and functions of Pre-insolvency and Insolvency Practitioners in each jurisdiction.

2.- Access to the profession or role. Eligibility.

**11:30 AM. Coffee break.**

**12:00 M. 2<sup>nd</sup> session.**

3.- Appointment and removal.

4.- Remuneration regime.

**14:00 PM. End of workshop.**

### **Speakers**

Experts and Insolvency Practitioners from Belgium, England, France, Germany, Italy, Netherlands, Norway, Portugal, Slovakia, Spain

### **PARTNERS**

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FOR MORE INFORMATION

PH. +34 957 84 28 10 +34 957 08 74 53  
W. [www.aulaconcursal.es](http://www.aulaconcursal.es)  
E. [formacion@aulaconcursal.es](mailto:formacion@aulaconcursal.es)

