

SUBJECT DETAILS

Data on the subject	
Name	EU Insolvency Law, Credit Protection and Recovery in the EU
Degree	Postgraduate in Master in International and European Business Law
Nature	Spring Semester 16- 17
ECTS Credits	2
Department	Law
Area	International and European Law

Data on the teaching staff	
Teaching staff	Dr. Bernardino Muñiz
Group	Master in International and European Business Law
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Office	N/A
Tutoring Schedule	Upon students request

SPECIFIC DATA ON THE SUBJECT

Pre-requisites
None
Contribution of the degree to the professional profile
<p>The course introduces students to the general principles of insolvency and cross-border restructuring with a particular focus on the tools available within the EU. It intends to provide an understanding of the interest of the various stakeholders involved in cross-border restructurings with a view to encourage identification and critical analysis of the recovery and protection strategies which may be available under different jurisdictions.</p>

COMPETENCES TO BE IMPROVED

Generic Competences
Instrumental
Ability to analyse and synthesize information The ability to manage large quantities of information. The development of critical reasoning skills.
Interpersonal
The ability to work in groups and individually.
Systemic
The ability to work in an international context
Specific competences of the subject
Conceptual (knowing)
Develop a strong understanding of international insolvency principles, cross – border insolvency and credit protection on European and International Levels.
Procedural (doing)
Understand from the point of view of both creditors and debtors.
Professional (knowing how)
Understand the complexities and intricacies of insolvency and cross border restructuring.

THEMATIC AREA AND CONTENT

AREA 1: International and cross-border insolvency and credit protection and recovery
Theme 1 : Introduction to insolvency and international best practices in insolvency legislation
1.1 Introduction and basic concepts 1.2. Insolvency test 1.3 The International best practices in insolvency legislation 1.4 Compliance of the EU cross-border legislation with international best practices
Theme 2 Out-of-court restructuring and judicial proceedings across the EU
2.1 Pre-insolvency mediation 2.2 Out-of-court schemes of arrangement 2.3 Refinancing and pre-packed agreements 2.4 Creditors' securities and claw back issues 2.5 Limitations to creditors cram down
Theme 3: Case studies: composition and liquidation
3.1. Basic requirements of reorganization in the context of cross-border insolvency 3.2. Milestone cases 3.2. Basic principles of liquidation in cross-border insolvency cases 3.4. Milestone cases
Theme 4: European cross-border insolvency - Case study regarding COMI
4.1 Concept and implications of COMI determination 4.2 Forum shopping in cross-border insolvency 4.3 The <i>Parmalat</i> and other milestone cases 4.4 The amendment of EU legislation in relation with COMI
Theme 5: European cross-border insolvency - Coordination of main and secondary insolvency proceedings
5.1 Main proceeding vs. secondary proceeding 5.2. Power distribution between courts and insolvency practitioners in charge of the main and secondary proceedings 5.3. Coordination of secondary proceedings

BIBLIOGRAPHY AND RESOURCES

Basic Bibliography
Text books
<ul style="list-style-type: none">• The EC Regulation on Insolvency Proceedings, a commentary and annotated guide / editors and principal contributors, Gabriel Moss, Ian F. Fletcher, Stuart Isaacs (2002)• European Union Regulation on Insolvency (2002. Brussels) European Union Regulation on Insolvency Proceedings : an introductory analysis / by Bob Wessels (2003)• Comentario al Reglamento Europeo de Insolvencia / by Virgós Soriano and Garcimartín Alférez, Civitas (2004)
Websites
<p>http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTLAWJUSTICE/EXTGILD/0,,contentMDK:22095859~menuPK:64874173~pagePK:4789622~piPK:64873779~theSitePK:5807555,00.html</p> <p>http://www.uncitral.org/uncitral/en/uncitral_texts/insolvency.html</p> <p>http://europa.eu/legislation_summaries/justice_freedom_security/judicial_cooperation_in_civil_matters/l33110_en.htm</p> <p>http://www.insol-europe.org/</p>
Other material
UNCITRAL Model Law on International Bankruptcy
Additional Bibliography
Text books
Goode, Roy Principles of corporate insolvency law / by Roy Goode (1997)
Other material

TEACHING METHODOLOGY

General methodological aspects of the subject

Contact hours methodology: Activities
Independent study methodology: Activities

SUMMARY OF STUDENT WORK HOURS			
Activity	Number of contact hours	Number of independent study hours	Total number of hours
Lecture	6		
Practical class			
Debate	6	12	
In class presentation	8	16	
Individual work			
Work in collaboration			
Evaluation: one minute paper			
Evaluation: class test			
Evaluation: exam	2		
Evaluation: exam review			
Others			
ECTS Credits:	2		

GRADE EVALUATION AND CRITERIA

Evaluation Activities	Generic Competences (Work should conform to the competencies discussed above)	Indicators	Evaluation Weighting
Individual work			15%
Attendance			10%
Debate			10%
Class presentation			15%
Evaluation: exam			50%

Grades

Grades will be determined and weighted in accordance with the above.