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YANIL Workshop Dubrovnik: liberty is not sold for all the gold in the world

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YANIL Workshop Dubrovnik: Liberty is not sold for all the gold in the world

Gert-Jan Boon, Chair of INSOL Europe's Younger Academics Network on Insolvency Law YANIL reports

On 4 and 5 October 2022, Dubrovnik was the home for a two-day research workshop on restructuring and insolvency law organised by the Younger Academics Network on Insolvency Law (YANIL), involving presentations and discussions with PhD candidates and younger academics on on-going research.

Ilya Kokorin (Leiden University, Netherlands) kicked off by discussing questions raised following recent crypto insolvencies and pointed to the challenges of regulating crypto-assets providers under the MiCA.* Next came a joint presentation by Antun Bilić and Marko Bratković (University of Zagreb, Croatia) on a primarily Croatian perspective into the contestability of transactions by debtors at an undervalue. Marco Novara (University of Milan, Italy) then concluded the first panel discussing how to define the triggering point of a company's crisis and the consequences for directors.

After the break, presentations continued with Saverio Bellochi (University of Roma 3, Italy) discussing how company law meets insolvency law with respect to the position of shareholders under the EU Preventive Restructuring Directive. Next came Svetla Kacharova (Legal Association for Medical Law and Healthcare; Slavcheva and Kacharova law firm, Bulgaria), who presented on the



challenges debtors and creditors face in Bulgaria in the context of healthcare insolvencies. The session ended with a discussion of the CJEU's decision in Heiploeg with Mateusz Kalinski (Tatara & Partners; Jagiellonian University, Poland) examining its implications for Polish pre-packs.

The third panel featured Hosna Sheikhattar (Leiden University, Netherlands) reviewing different approaches to the impact of domestic insolvency regimes on on-going investment arbitrations. Arwin Tavakolnia (University of Amsterdam, Netherlands) next canvassed the intricacies of (non)-consensual third-party releases under restructuring law, discussing arguments in favour and against such releases. Presentations were concluded by Luca Sicignano (University of Campania "L.

Vanvitelli", Italy) assessing the tools provided by the new Italian insolvency regime to deal with insolvent corporate groups.

The day was filled with an open exchange of new and, at times, provoking research ideas. This was in line with the traditions of Dubrovnik. As mentioned in Professor Bob Wessels' opening address, the local motto dictates that liberty was not to be sold for any gold in the world. This spirit will surely continue next year in Amsterdam.

This event was made possible with the support of the Foundation Bob Wessels Insolvency Law Collection (Website: <https://bobwessels.nl/foundation/>)

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Markets in Crypto-assets, and amending Directive (EU) 2019/1937*



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