

# 55th session of UNCITRAL

(New York, 27 June-15 July 2022)

## Panel discussion on sharing experience across regions

Recent activities to support the use and  
adoption of UNCITRAL texts in the area of  
insolvency law

15 July 2022, 10 am to 12 pm  
(Eastern Daylight Time, UTC-4)



## CONTEXT

The UNCITRAL Model Law on Cross-Border Insolvency turns 25 years this year. Adoption of the Model Law in 1997 has been followed by the adoption of several instruments on insolvency law by UNCITRAL, covering most if not all aspects of a strong and effective insolvency framework. These instruments are listed below. They are widely accepted as offering solutions appropriate to many countries at different stages of economic development, regardless of the legal system they belong to. UNCITRAL texts are also widely used as reference tools when assessing the efficiency of national legal frameworks and any need for further reform.

## PURPOSE

On the occasion of the 25th Anniversary of the UNCITRAL Model Law on Cross-Border Insolvency, the UNCITRAL secretariat is organizing a panel discussion among stakeholders active in insolvency law reform to inform the Commission about lessons learned from recent inter-regional multilingual experience- featuring assessment exercises and knowledge-sharing in the area of insolvency law and the role that UNCITRAL legislative, guidance and reference materials and events played in that context.

## Welcome and opening remarks Chair, 55th session of UNCITRAL

### Session 1

#### Assessing the needs for insolvency law reform, capacity-building in the area of insolvency law and cross-border dialogue on insolvency matters

*Moderator:* **Samira Musayeva**, Senior Legal Officer, UNCITRAL secretariat

- Assessment methodologies used by the World Bank Group (WBG) and the International Monetary Fund (IMF), by **Andres Federico Martinez**, Senior Financial Sector Specialist, WBG, and **Jose Garrido**, Senior Counsel, IMF
- EBRD's Business Reorganization Assessment, by **Catherine Bridge Zoller**, Senior Counsel, Legal Transition, European Bank for Reconstruction and Development
- Practitioners-led Latin Euromerican G8 Insolvency and Restructuring Program, by **André Rocha**, IIDC, International Academic Coordinator at the Brazilian Insolvency Institute (IBAJUD)
- Academia-led project "EU International Insolvency Law and Third Countries – Which Way(s) Forward?", by **Professor Alexander Trunk**, Kiel University

### Session 2

#### Matching needs with the available support

*Moderator:* **Benjamin Herisset**, Legal Officer, UNCITRAL secretariat

- Recent examples of the use of UNCITRAL legislative texts in domestic and cross-border insolvency reform, by **Athita Komindr**, Head, RCAP
- Capacity building for the judiciary, by judge **Nicoleta Nastasie** (Romania) and judge **Alastair Norris** (United Kingdom)

### Session 3

#### What lessons have we learned from this experience-sharing?

*Moderator:* **Caroline Nicholas**, Head, Technical Assistance Section, UNCITRAL secretariat

- Learning across regions in the free trade and economic integration contexts, by **Samallie Kyingi**, General Counsel, Afreximbank
- Closer linking legislative and non-legislative work, by **José Angelo Estrella Faria**, Principal Legal Officer, UNCITRAL

## Concluding remarks

**Anna Joubin-Bret**, Secretary, UNCITRAL

### ❖ Model laws

- UNCITRAL Model Law on Enterprise Group Insolvency with Guide to Enactment (2019)
- UNCITRAL Model Law on Recognition and Enforcement of Insolvency-Related Judgments with Guide to Enactment (2018)
- UNCITRAL Model Law on Cross-Border Insolvency (1997) with Guide to Enactment and Interpretation (2013)

### ❖ Legislative Guides

- UNCITRAL Legislative Recommendations on Insolvency of Micro- and Small Enterprises (2021)
- UNCITRAL Legislative Guide on Insolvency Law, parts one and two (2004)
- Part three: Treatment of enterprise groups in insolvency (2010)
- Part four: Directors' obligations in the period approaching insolvency (including in enterprise groups) (2019)
- Part five: Insolvency law for micro- and small enterprises

### ❖ Explanatory texts

- Guidance Note on Enacting Two or More of the UNCITRAL Model Laws on Insolvency (2021)
- Consolidated Text of the UNCITRAL Model Laws on Cross-Border Insolvency, Recognition and Enforcement of Insolvency-related Judgments and Enterprise Group Insolvency (2021)
- Digest of Case Law on the UNCITRAL Model Law on Cross-Border Insolvency (2020)
- UNCITRAL Model Law on Cross-Border Insolvency: The Judicial Perspective (2013, updates are upcoming)
- UNCITRAL Practice Guide on Cross-Border Insolvency Cooperation (2009)

Available in the six languages of the United Nations at

<https://uncitral.un.org/en/texts/insolvency>