
Academic Year: (2024 / 2025)

Review date: 28-05-2024

Department assigned to the subject: Private Law Department

Coordinating teacher: CANDELARIO MACIAS, MARIA ISABEL

Type: Electives ECTS Credits : 2.0

Year : 1 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Materials that are characteristic of the Degree in Law: Civil Law, Commercial Law, among others.

DESCRIPTION OF CONTENTS: PROGRAMME

International insolvency proceedings

1.- Pre-insolvency scenarios. Pre-insolvency and schemes of arrangement

2.- Beginning of the insolvency

- a) Situation of insolvency.
- b) Standing request opening, and insolvent company
- c) Insolvency and groups of companies

3.- International insolvency proceedings

- a) General matters: territorialist and universalist views.
- b) Jurisdiction and applicable law.
- c) Secondary proceedings and cross-border groups.

4.- Consequences of insolvency

- a) Impact on debts outstanding and executory contracts.
- b) Avoidance actions.
- c) Subordination.
- d) Liability.
- e) Applicable law to property and security rights, set-off, avoidance, subordination and liability.

LEARNING ACTIVITIES AND METHODOLOGY

TRAINING ACTIVITIES FOR MATTERS

- AF1 Theoretical class
- AF2 Practical classes
- AF3 Theoretical practical classes
- AF6 Group work
- AF7 Individual student work

TEACHING METHODOLOGIES BY SUBJECT

MD1: Presentations in the teacher's class with support of computer and audiovisual media, in which the main concepts of the subject are developed and the bibliography is provided to complement the students' learning.

MD2: Critical reading of texts recommended by the teacher of the subject: Press articles, reports, manuals and / or academic articles, either for later discussion in class, or to broaden and consolidate the knowledge of the subject.
 MD3: Resolution of practical cases, problems, etc., raised by the teacher individually or in a group
 MD4: Exposition and discussion in class, under the moderation of the professor of subjects related to the content of the subject, as well as of practical cases
 MD5: Individual and group work and reports

TUTORING: Students will have access to tutorials with the person responsible for coordinating the subject. With the tutoring it is intended to organize the teaching and learning processes that are based on the interaction between the student and the teacher in order to: (i) Guide the autonomous and group work of the students (ii) Deepen in different aspects of the subject (iii) Guide the academic and comprehensive training of the student. The tutorials will take place at the time and under the conditions determined by the teacher in Aula Global.

ASSESSMENT SYSTEM

% end-of-term-examination:	30
% of continuous assessment (assignments, laboratory, practicals...):	70

MATERIAL ASSESSMENT SYSTEMS

SE1 Class participation
 SE2 Individual or group work done during the course
 SE3 Final exam

System of Evaluation	Minimum Weighting (%)	Maximum Weighting (%)
SE1	20%	30%
SE2	40%	60%
SE3	20%	40%

DAY 1. Alfonso CARRILLO. Lawyer Two&Birds Office.

MODULE I. PRACTICE: "EXPLANATION AND RESOLUTION OF THE CASE". CONTINUATION.

DAY 2. Henry PEREDO HERRERA. Lawyer Banco Santander.

MODULE I. PRACTICE: "EXPLANATION AND RESOLUTION OF THE CASE".

DAY 4 and 4. María Isabel CANDELARIO MACÍAS. Associate Professor of Commercial Law, Universidad Carlos III de Madrid.

MODULE II. THEORETICAL: "THE LAW OF INSOLVENCY IN THE EUROPEAN UNION AND THE TRANSNATIONAL INSOLVENCY. UNCITRAL MODEL LAW".

MODULE II. THEORETICAL. CONTINUATION.

FINAL EXAM: Maria Isabel CANDELARIO MACÍAS. Associate Professor of commercial law, Universidad Carlos III de Madrid.

-Test that consists of 10 type test questions, each one of them will be worth 0.20 to get 2 points.

EVALUATION SYSTEM

The course will be taught by 77% in English and the rest 23% in Spanish. It consists of three distinct parts, namely:

- Part one consists of three practice group. Every well-executed practice is valued over 1 point and adds 0.5 for participation. This block has a value of 3.5 points.

-Second part consists of three practice group. Every well-executed practice is valued over 1 point and adds 0.5 for participation. This block has a value of 3.5 points.

In other words, the practical portion has a maximum value of 7 points. (70% global note).

-Third, another 30% of the score (3 points) is obtained in the following way:

-20% of the theoretical examination type test with the use of all materials provided. Earning 2 points.

-10% of the realization of a practical case (the student participation) carried out in class and by groups about Community law and / or UNCITRAL Model Law. Obtaining 1 point.

The master in International advocacy is a master's degree that is taught in person. Therefore, students are required to attend all the theoretical and practical classes that the master has programmed. A student may only be absent for no reason from a maximum of 15 per cent of the classroom hours (i.e. not the sessions or days) in each subject. In case of excused absences, the total maximum will be 25%. If the student hold an absence greater than those indicated, a "0" will be computed on the continuous

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% of continuous assessment (assignments, laboratory, practicals...):	70

evaluation rating. Likewise, the absences lower than those percentages may be taken into account when it comes to modulate downward the qualification of the continuous evaluation, especially if it includes a participation note. In the extraordinary call the weight will be: Final examination: 60% and continuous evaluation: 40%.

ONLINE EVALUATION:

There are several options:

1. Research work will be carried out, the topics of which will be offered by the Faculty. Said works will be delivered in writing via e.mail or electronic means, as well as orally presented through the online platform.
2. There will be an oral exam through the online platform.

BASIC BIBLIOGRAPHY

- BEALE, Simon and KEDDIE, Paul. Insolvency and Restructuring Manual, Bloomsbury Publishing Ltd., 2018
- HEINZ VALLENDER Judicial Cooperation within the EC Insolvency Regulation, <https://www.iiiglobal.org/sites/default/files/heinzvallender.pdf>.
- null Regulation (EU) 2015/848 of the European Parliament - EUR-Lex, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri....>
- HUFELD, Felix; KOIJEN, Ralph S.J.; Editor Thimann, Christian. The Economics, regulation, and systemic risk of insolvency markets. , Oxford University Press , 2018