

## JCOERE Project Questionnaire: INSOL Europe Turnaround Practitioners

### Introduction

The Judicial Co-Operation for Economic Recovery in Europe (JCOERE) Project a research action project funded by the EU Commission DG Justice. The project has a number of research goals: -

- The most important part of the project focuses on the obligation imposed on courts in the Recast Regulation 848/2015 to co-operate in cross-border insolvency matters.
- Secondly, the project focuses on restructuring and rescue frameworks now that the EU Preventive Restructuring Directive as a context within which to assess potential obstacles to judicial cooperation, both substantive and procedural.
- has been passed the project is designed to consider obstacles, both substantive and procedural, to co-operation in this restructuring context.
- The project will engage proactively with European judiciary to document their perception of this obligation in practise including possible obstacles and proposed resolutions.

The purpose of this short questionnaire is to engage with turnaround practitioners to obtain your perceptions on how court to court cooperation works in practice, whether it is important, and any problems you have perceived in your professional experience. The questions are phrased in general terms, but please consider them in terms of challenges, costs, benefits, and jurisdiction specific issues as you go through.

You have a number of choices as to how you wish to complete this short questionnaire:

1. Send us your answers in an email or on a word document to [jennifer.gant@ucc.ie](mailto:jennifer.gant@ucc.ie).
2. Access an electronic word document from our website that you can download and fill out, sending your response to the same email as above. You can access the electronic version here: [www.ucc.ie/en/jcoere/research](http://www.ucc.ie/en/jcoere/research) and click on “Turnaround Practitioner Questionnaire”.

We thank you in advance for taking the time to participate in our project. Should you have any questions at all, please do not hesitate to contact Professor Irene Lynch Fannon, Principle Investigator ([i.lynchfannon@ucc.ie](mailto:i.lynchfannon@ucc.ie)) or Dr Jennifer L. L. Gant, Post-Doctoral Researcher on the project ([jennifer.gant@ucc.ie](mailto:jennifer.gant@ucc.ie)).

The JCOERE Team

## The Questionnaire:

1	In practice, if you need to engage in cooperation to agree a plan, how do you go about doing it?
2	Can you give an (anonymised) example(s) of a case where you had to cooperate with practitioners or judges in another jurisdiction?
3	What are the challenges that you have had to deal with in cross-border cases when cooperating with practitioners and judges in other EU jurisdictions?
4	Given that the Preventive Restructuring Directive will be implemented in every EU Member State over the next two years, what do you envisage as the challenges that this presents to you in practice?
5	The PRD introduces a stay of enforcement actions. What, if any, challenges will this present to you as a practitioner? What are your views of the impact of a moratorium on your insolvency and restructuring clients?
6	The cross-class cram-down is a controversial concept that has been introduced by the PRD. What are your views as a practitioner on how this element of the PRD may impact your ability to agree and implement successful restructuring plans?
7	What impact, if any, do the EU regulations relating to workers' rights in insolvency (collective redundancies, transfer of undertakings, and protection of collective bargaining rights) have on the efficiency and success of restructuring plans?
8	Are you concerned that the obligations to cooperate and, at times, defer to another practitioner in another jurisdiction, could be detrimental to your practice?

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