



# Türkiye Barolar Birliği Başkanlığı

Ankara, 27.09.2016

## BARO BAŞKANLIĞI

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### DUYURU NO:2016/66

Dışişleri Bakanlığı Çok Taraflı Ekonomik İşler Genel Müdürlüğü'nden alınan 23.08.2016 günlü yazısı ile 18-19 Mart 2017 tarihlerinde Sidney'de yapılacak 12.Çokuluslu Adli Kolokyum hakkındaki yazı ve eklerinin birer örneği ilişikte gönderilmiştir.

Konunun Baronuz mensubu meslektaşlarımıza duyurulmasını dilerim.

Saygılarımla.

Avukat Metin FEYZİOĞLU  
Türkiye Barolar Birliği  
Başkanı

*Eki:1*

**T.C.**  
**DIŐIŐLERİ BAKANLIĐI**  
Çok Taraflı Ekonomik İőler Genel M¼d¼rl¼Đ¼

**Sayı** : 17610526-747.30-2016/11305028  
**Konu** : UNCITRAL/Kolokyum daveti

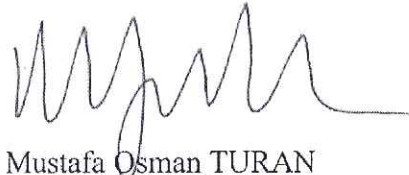
23.08.2016

**T¼RKİYE BAROLAR BİRLİĐİ BAŐKANLIĐINA**

BM Nezdindeki Viyana Daimi TemsilciliĐimiz vasıtasıyla Birleőmiő Milletler Uluslararası Ticaret Hukuku Komisyonu'ndan (UNCITRAL) alınan, UNCITRAL, D¼nya Bankası ve INSOL International (International Association of Restructuring, Insolvency & Bankruptcy Professionals) ortaklıĐıyla 18-19 Mart 2017 tarihlerinde Sidney'de yapılacak "12. Çokuluslu Adli Kolokyum" hakkındaki yazı ve eklerinin ¼rnekleri iliőikte sunulmuőtur.

S¼z konusu yazıda, ¼alıőma dilinin İngilizce olacaĐı "ticari iflas davalarında sınır-aőan iőbirliĐi ve koordinasyon" temalı kolokyumun ¼lkemizdeki ilgili hukukçulara duyurulması talep edilmektedir.

GereĐini izinlerine saygılarımla arz ederim.



Mustafa Osman TURAN  
Bakan Adına  
Daire Baőkanı

**Ek: 7 sayfa**

**DaĐıtım:**

Adalet Bakanlığı - Uluslararası Hukuk ve Dıő İliőkiler Genel M¼d¼rl¼Đ¼  
G¼mr¼k ve Ticaret Bakanlığı - Avrupa BirliĐi ve Dıő İliőkiler Genel M¼d¼rl¼Đ¼  
T¼rkiye Barolar BirliĐi BaőkanlıĐı  
İstanbul Ticaret Odası BaőkanlıĐı



UNITED NATIONS COMMISSION ON  
INTERNATIONAL TRADE LAW



COMMISSION DES NATIONS UNIES POUR  
LE DROIT COMMERCIAL INTERNATIONAL

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Reference: LA/TL 133(15-3) JC/akb  
CU 2016/302

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Turkey to the United Nations (Vienna) and has the honour to refer to the Twelfth Multinational Judicial Colloquium, which is to take place on 18 and 19 March 2017 in Sydney, Australia. The Colloquium is jointly sponsored by the United Nations Commission on International Trade Law (UNCITRAL), INSOL International and the World Bank.

Topics for the Twelfth Colloquium will continue the theme of cross-border cooperation and coordination in insolvency proceedings. Information on previous colloquiums, in particular the evaluation reports, can be obtained from the UNCITRAL website at [http://www.uncitral.org/uncitral/en/commission/colloquia\\_insolvency.html](http://www.uncitral.org/uncitral/en/commission/colloquia_insolvency.html)

To facilitate discussion and to assist delegates, the Colloquium is restricted to judges, judicial administrators, regulators and justice officials. The Colloquium will be conducted in English

The Secretary-General would be grateful if the Government could bring the Twelfth Multinational Judicial Colloquium to the attention of judges, judicial administrators, regulators and justice officials who deal with insolvency matters in the Government's country.

Enclosed is the programme and registration form, which should be completed and returned to the address indicated on the form.

15 August 2016

A handwritten signature in dark ink, appearing to be 'em' or similar, located below the date.

Her Excellency  
Ms. Emine Birnur Fertekligil  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Turkey to the United Nations (Vienna)



United Nations  
UNCITRAL



INSOL International™



WORLD BANK GROUP

*invite*

*Judges, Regulators & Justice Officials  
who have an interest in Judicial Co-operation  
and the development and improvement of  
laws dealing with insolvency proceedings including  
Multinational and Cross-Border Insolvencies,  
Rehabilitations, Reconstructions and Bankruptcies*

*to the*

**TWELFTH MULTINATIONAL  
JUDICIAL COLLOQUIUM  
ON INSOLVENCY**

*in*

*Sydney, Australia*

*at the*

*The Sydney International Convention Centre  
18<sup>th</sup> and 19<sup>th</sup> March 2017*



**Multinational Judicial Colloquium on Insolvency,  
Sydney, Australia  
Saturday 18th and Sunday 19th March 2017**

Since 1995, INSOL International and UNCITRAL have jointly sponsored a series of unique and important international Judicial Colloquia. These Colloquia have brought together judges, regulators and judicial officials from around the world to consider a wide range of insolvency-related issues. These issues have included judicial co-operation in cases of cross-border insolvency, access to courts by insolvency practitioners and recognition of insolvency administrations by foreign courts.

The Judicial Colloquia have taken place in Toronto (March 1995); New Orleans (March 1997); Munich (October 1999); London (July 2001); Las Vegas (September 2002); Sydney (March 2005); Cape Town (March 2007); Vancouver (June 2009); Singapore (March 2011); The Hague (May 2013) and the Eleventh Judicial Colloquium was held in San Francisco (March 2015) prior to the INSOL Quadrennial Congress.

The World Bank Group has held Global Judges Forums in Malibu, CA (2003), Rio de Janeiro (June 2004), Washington, DC (November 2004) and Buenos Aires (June 2006). The Forums have reviewed the institutional and regulatory framework of commercial insolvency systems and worked towards developing a set of principles and recommendations for commercial courts and insolvency proceedings including: (1) the role of courts; (2) judicial selection, qualification, training and performance; (3) court organisation and efficiency; (4) transparency and accountability; (5) judicial decision making, enforcement of orders, and creating a body of jurisprudence; and (6) the system integrity. The Forum also addressed mediation and arbitration in insolvency proceedings, delegation of judicial functions and court-to-court communication in cross-border commercial and insolvency cases.

This is the sixth time The World Bank Group has joined with INSOL International and UNCITRAL to present the Multinational Judicial Colloquium on Insolvency, and the Twelfth Joint Multinational Judicial Colloquium on Insolvency will take place in Sydney, Australia in March 2017, prior to the INSOL 2017 Quadrennial Congress. The Colloquium has always had great support and we would expect at least 80 judges from more than 50 nations to attend.

**We invite and encourage you to send judges, regulators and justice officials who deal with insolvency and bankruptcy matters to the Colloquium.**

The Colloquium will be in English.

**Delegate Fee**

There is a nominal charge of £375 for registrations received before 12<sup>th</sup> December 2016 and £425 for those received after the early booking deadline, in addition to which delegates are responsible for their own hotel and travel costs and arrangements. The registration fee goes towards the cost of the Colloquium including refreshments and lunches on Saturday 18th and Sunday 19th March and dinner on Saturday 18<sup>th</sup> March. Each attendee should complete a copy of the enclosed form.

The Colloquium precedes INSOL 2017 the tenth Quadrennial Congress of INSOL International. If you would like to attend the Congress in addition to the Colloquium the registration fee will be waived. All other additional costs need to be covered by the delegate. The full registration brochure for the Congress will be available in July. Please register your interest in attending with Penny Robertson at [penny@insol.ision.co.uk](mailto:penny@insol.ision.co.uk)

To assist participants from emerging countries, a 30% discount on this Colloquium fee is offered; for details of which countries qualify for this discount please contact Penny Robertson, INSOL International, [penny@insol.ision.co.uk](mailto:penny@insol.ision.co.uk)



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## **Judicial Colloquium Programme**

### **Introduction**

With the growth of cross-border trade, the number of insolvency cases where there are assets in more than one jurisdiction, or where there are cross-border groups, is continually increasing. This growth has implications for the demands placed on courts, not only with respect to numbers of cases, but also to their complexity and the need for understanding of cross-border issues.

This Colloquium is for judges, officials of justice ministries and regulators who hear insolvency or restructuring cases or who are involved in the development of insolvency laws and systems.

The Colloquium will assist participants to understand the developments in the handling of such cases. It will compare the judicial and juridical practices in dealing with practical and theoretical issues arising in cross-border insolvency cases in a number of jurisdictions representing all major legal systems.

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**Saturday 18 March 2017**

**9.00 am - 5.30 pm**

### **Introduction and Welcome**

Welcome by representatives of INSOL International, UNCITRAL and World Bank Group. The aims and aspirations of the Colloquium and an introduction to the participants. The first two sessions are intended as foundation building for the rest of the programme.

### **Bases of cross-border co-operation**

#### **What are the issues and what resources are available to judges?**

The objective of this session is to give participants an over-view of the characteristics and variety of cross-border cases that are occurring, the traditional approaches to dealing with them and the resources available to assist judges and practitioners, including the UNCITRAL Model Law on Cross-Border Insolvency, which has now been enacted in over forty countries including the UK, the USA and Japan and its developments regarding economic interest groups. Additional developments will be discussed including the UNCITRAL Practice Guide on Cross-border Insolvency Co-operation, the revision of the Guide to Enactment of the UNCITRAL Model Law and recent work of UNCITRAL on recognition of insolvency related judgments and the responsibilities of directors of insolvent group companies.

### **Introduction to judicial aspects of cross-border insolvency**

This session offers a systematic review of the various stages that courts will experience in the recognition of foreign insolvency proceedings and the granting of relief. The session will discuss the roles of courts and judges in dealing with applications in cross-border insolvency cases, including applications from office-holders in other jurisdictions, applications in domestic insolvency proceedings and will consider practical solutions to the issues raised.

### **Lessons from recent cases**

The majority of cross-border insolvency cases can be resolved using the techniques discussed in the session on cross-border insolvency recognition. This session will consider the practical problems that had to be resolved in a number of recent cross-border cases.

### **Breakout groups – The role of judges considering whether to grant applications for assistance**

Delegates will work in discussion groups, using a hypothetical model to consider the role of judges in considering whether it is appropriate to grant applications for assistance from foreign courts and insolvency representatives. Practices vary enormously between nations that have and have not adopted the UNCITRAL Model Law and in both emerging and developed markets, varying from a purely passive role to one in which the judge plays an active role in assisting the parties. The delegates will consider ways in which they can provide assistance to foreign courts and practitioners. The need for prior recognition of foreign proceedings will also be discussed.

### **Judicial Dinner for participants and registered accompanying persons**

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**Sunday 19 March 2017**

**9.15 am - 5.00 pm**

### **Discussion of court-to-court communication**

A panel of judges will discuss the practical aspects of providing assistance to foreign representatives and their courts in the absence of any treaty or EU obligations or the adoption of the Model Law.

### **Abuse of Process**

Delegates will discuss the role of the judge in insolvency cases where there appears to be an abuse of process by one of the parties, including forum shopping.

### **Breakout groups – The role of judges in considering the relief to be given where there appears to be abuse of process**

This discussion group follows on from the preceding session. Judges will also consider the extent to which they are obliged to maintain respect for judgments of other courts.

### **Feedback and discussion of points arising from the breakout groups**

A panel discussion with the delegates

### **Secured lending and enforcement of collateral in insolvency**

This panel will consider the widening gulf between the practices encountered in different jurisdictions. How to balance the rights of secured creditors with the potential enhanced outcome for creditors as a whole in collective proceedings without eroding the importance of access to credit.

### **Open discussion on the challenges facing courts and judges**

Would the task of judges be assisted by, for example, the development of standard forms and orders and how practical is this? How can we share practice experience? Would judges tasks be assisted by more jurisdictions adopting the Model Law?

### **Colloquium Evaluation and Close**



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Participants should note

- *The programme is subject to alteration depending on the ability of judges to attend.*
- *Chatham House Rules apply to all discussions at the Colloquium.*
- *Only registered delegates and translators are permitted in the meeting rooms.*
- *Only registered delegates and accompanying persons who are registered with the organisers will be catered for at the dinner. Lunches are only for delegates.*

The following evaluations are available on the INSOL website at [www.insol.org](http://www.insol.org):

First Judicial Colloquium - Toronto, March 1995  
Second Judicial Colloquium - New Orleans, March 1997  
Third Judicial Colloquium - Munich, October 1999  
Fourth Judicial Colloquium - London, July 2001  
Fifth Judicial Colloquium - Las Vegas, September 2003  
Sixth Judicial Colloquium - Sydney, March 2005  
Seventh Judicial Colloquium - Cape Town 2007  
Eighth Judicial Colloquium - Vancouver 2009  
Ninth Judicial Colloquium - Singapore 2011  
Tenth Judicial Colloquium - The Hague 2013  
Eleventh Judicial Colloquium - San Francisco 2015

#### Regional Judicial Round Tables

INSOL/UNCITRAL/World Bank Group have started to hold smaller regional judicial round tables, in between colloquia, to enable more focused discussions on judicial co-operation within a region and giving the opportunity for more judges to attend. Reports on the following round tables are also available on the INSOL web site [www.insol.org](http://www.insol.org)

Caribbean Region - Cayman Islands, November 2013  
Asia Pacific Region - Hong Kong, March 2014

The following UNCITRAL documents are available on the UNCITRAL web site in the 6 official languages of the United Nations:

- (a) UNCITRAL Model Law on Cross-Border Insolvency: the judicial perspective; UNCITRAL Practice Guide on Cross-Border Insolvency Cooperation; UNCITRAL Model Law on Cross-Border Insolvency with Guide to Enactment and Interpretation; UNCITRAL Legislative Guide on Insolvency Law, including parts three and four at [http://www.uncitral.org/uncitral/en/uncitral\\_texts/insolvency.html](http://www.uncitral.org/uncitral/en/uncitral_texts/insolvency.html);
- (b) Reports on previous judicial colloquia at [http://www.uncitral.org/uncitral/en/commission/colloquia\\_insolvency.html](http://www.uncitral.org/uncitral/en/commission/colloquia_insolvency.html)

The following Reports of the World Bank Global Judges Forum are available on the World Bank Global Insolvency Law Database at [www.worldbank.org/gild](http://www.worldbank.org/gild)

Global Judges Forum 2003, Malibu, USA, May 2003  
Global Judges Forum 2004, Rio de Janeiro, Brazil, June 2004  
Global Judges Forum 2005, Washington, USA, November 2004  
Global Judges Forum 2006, Buenos Aires, Argentina, June 2006

For more information about receiving information or joining the INSOL Judicial Group please contact Penny Robertson, Project Development Manager at [pennyr@insol.ision.co.uk](mailto:pennyr@insol.ision.co.uk)

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**TWELFTH MULTINATIONAL JUDICIAL COLLOQUIUM**  
18<sup>th</sup>-19<sup>th</sup> March 2017

Please complete the form together with payment details in order to confirm your delegate place to the Colloquium. There is a nominal fee of £375 for registrations received prior to 12<sup>th</sup> December 2016 and £425 for those received after the early booking deadline to cover course fees, lunch on 18<sup>th</sup> and 19<sup>th</sup> March 2017, dinner on Saturday 18<sup>th</sup> March.

The accompanying person fee for dinner on Saturday 18<sup>th</sup> March is £120.00.

Delegate's Name: ..... Title: .....

Accompanying Person's Name: .....

Affiliation/Court, etc: .....

Address: .....

.....

Telephone: ..... Fax: .....

E mail: .....

**Before 12<sup>th</sup> December 2016**

**After 12<sup>th</sup> December 2016**

Judicial Colloquium fee £375.00

☐

Judicial Colloquium fee £425.00

☐

I would like to attend the INSOL Quadrennial Congress 19<sup>th</sup>-22<sup>nd</sup> March 2016

☐

Accompanying Person Judicial Dinner 18<sup>th</sup> March 2017 £120.00

☐

**Dietary requirements:** .....

INSOL will try their best to accommodate any special dietary requests. Please identify yourself to the staff at each event.

**Payment Summary**

If you wish to pay by cheque we can accept payment in Pounds Sterling. If you wish to pay by credit card please make the calculations and payment in Pounds Sterling. Cardholders will be charged by their credit card companies in their local currency. INSOL International is not responsible for any losses or gains in the fee due to currency changes. Payment by Mastercard/Visa/AMEX will be charged a 2% surcharge to cover the credit card transaction fee. The additional charge will be added to your final invoice. Direct debit cards do not incur any additional surcharges.

**Delegates are responsible for their own hotel and travel costs.**

**Registration will not be confirmed until payment of the delegate fee has been received.**

Please debit my credit card details below for the order of: .....

☐ American Express

☐ Mastercard

☐ Visa

Card Number: ..... Expiry Date: ..... Security No: .....

Card billing address (if different from address on previous page): .....

Signature: ..... Date: .....

To register your interest in attending this colloquium, please return this form as soon as possible to:  
Penny Robertson, INSOL International, 6-7 Queen Street, London EC4N 1SP, U.K.  
Tel: +44(0)207248 3333 Fax: +44(0)207248 3384 Email: penny@insol.ision.co.uk



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