RESTRUCTURING PLANS SPECIAL CONSIDERATION IN GROUPS OF COMPANIES

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Abstract:-

Background, Motivation and Objective
I am the fourth year PhD student in the PhD Program in Law and Political Science at the University of Barcelona in Spain.

I am eager to participate in the International Conference on Law and Political Science in Hamburg to engage with international experts and contribute to discussions that align with my research on Restructuring Plans.
The main objective of the research is the analysis of the legal regime of Restructuring Plans, which include both Refinancing Agreements and the transfer of productive units of companies and corporate groups, as established by Royal Legislative Decree 1/2020, of May 5, amended by Law 16/2022, of September 5, which came into force on September 26, 2022, and entails the transposition of Directive (EU) 2019/1023 of the European Parliament and of the Council, of June 20, 2019, on preventive restructuring frameworks, discharge of debt and disqualifications, and on measures to increase the efficiency of restructuring, insolvency, and discharge of debt procedures, and which amends Directive (EU) 2017/1132.

The hypothesis that this research aims to address is whether the new regulation improves the efficiency of restructuring and insolvency procedures.

My variables are flexibilization and streamlining.

Statement of Contribution/Methods

To answer the research questions, the methodology used in the thesis will first consist of an analysis of the norms and doctrines related to Restructuring Plans in companies and corporate groups in Spain and France.
Secondly, the case law of the Court of Justice of the European Union, the Supreme Court, Provincial Courts, and Commercial Courts will be studied. Additionally, relevant case law from European and international judicial bodies will be analysed.

Results, Discussions and Conclusion
The expected result is that the legal regime of Restructuring Plans in companies and corporate groups developed in the current Consolidated Text of the Insolvency Law is more efficient. In the event that the new legal regime is not more effective than the old one, the research will propose appropriate legal restructuring mechanisms to improve it. In my personal opinion, the new Insolvency Law is more precise, providing more opportunities for corporate groups to refinance their debts, avoid liquidation, and continue their business activities.

Keywords - Restructuring Plans, Viability Plan, Refinancing Agreements, Transfer Of Productive Units, Insolvency.