Objective

The new Regulation (EU) 655/2014 establishing a European Account Preservation Order (EAPO) which will be applied from 18 January 2017 will facilitate direct cross-border enforcement of monetary claims by allowing creditors to freeze monies in a defendant’s bank account across Europe.

This seminar will provide lawyers with an analysis of the new legislation (and implementation in the Member States) and assess its practical implications for commercial parties, including banks. It will include a discussion on the similarities and differences between the EAPO and (worldwide) freezing orders.

Key topics

- The EAPO and its interplay with other EU Regulations and national law
- Obligations of the banks operating in the Member States
- Scope and procedure for obtaining an EAPO
- Enforcing and resisting enforcement of an EAPO
- Maintaining surprise vs protecting the debtor
- EAPO, US and UK (worldwide) freezing orders

Who should attend?

Lawyers in private practice dealing with civil litigation, cross-border debt recovery and dispute resolution; banking lawyers; business and company lawyers; in-house counsel; representatives of banking and business organisations.

Speakers

Gilles Cuniberti, Professor at the University of Luxembourg

Joseph Delhaye, Head Legal and Senior Vice-President at the State and Savings Bank, Luxembourg

Pietro Franzina, Associate Professor at the University of Ferrara

Sarah Garvey, Counsel and Head of Litigation KnowHow and Training, Allen & Overy LLP, London

Burkhard Hess, Professor and Director of the Max Planck Institute for International, European and Regulatory Procedural Law, Luxembourg

Clara Mara-Marhuenda, Counsel Dispute Resolution, Arendt & Medernach, Luxembourg

Fernando de la Mata, Partner, Baker & McKenzie SLP, Barcelona

Brandon O’Neil, Senior Associate, Allen & Overy LLP, London

Philippe-Emmanuel Partsch, Partner, Arendt & Medernach, Luxembourg

Katharina Raffelsieper, Avocate, Thewes & Reuter – Avocats à la Cour, Luxembourg

Daniel Staehelin, Professor, Attorney and Notary Public, Partner, Kellerhals Carrard, Basel

Heinz Weil, Avocat & Rechtsanwalt, Chairman of the European Committee of the German Federal Bar (BRAK), Weil & Associés, Paris

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Thursday, 1 December 2016

08:30  Arrival and registration
09:00  Welcome and introduction
         Angelika Fuchs
Moderator: Heinz Weil

I.  LOOKING ACROSS EU BORDERS
09:05  Freezing of assets (by foreign parties) in Swiss banks
         Daniel Staehelin
09:35  Discussion

II.  THE EUROPEAN ACCOUNT PRESERVATION ORDER (EAPO)
09:45  Scope and procedure for obtaining an EAPO, including jurisdiction and service of documents
         Pietro Franzina
10:15  Discussion
10:30  Coffee break
Moderator: Daniel Staehelin
11:00  Enforcing and resisting enforcement of an EAPO
         Fernando de la Mata
11:30  Discussion
11:40  Practical issues for banks operating in the Member States
         Sarah Garvey and Joseph Delhaye
12:10  Discussion
12:20  What are the risks for claimants?
         Philippe-Emmanuel Parths and Clara Mara-Marhuenda
12:45  Discussion
13:00  Lunch
14:00  WORKSHOP: Freezing monies in bank accounts across Europe
Participants will be able to deepen their knowledge through case studies specifically devised for this conference including a complete freezing of bank account scenario and a phase-to-phase discussion of the relevant steps.
         Gilles Cuniberti
15:30  Plenary debate
16:15  Coffee break
16:30  ROUND TABLE: Maintaining surprise vs protecting the debtor
         Moderator: Philippe-Emmanuel Parths
         Joseph Delhaye
         Katharina Raffelsieper
         Heinz Weil
17:45  End of the first seminar day
19:00  Evening programme and conference dinner

Friday, 2 December 2016

III.  WORLDWIDE FREEZING ORDERS
Moderator: Burkhard Hess
09:15  US freezing orders in practice: a primer
         Brandon O’Neil
09:45  English freezing orders: the weapon of choice for claimants?
         Sarah Garvey
10:15  Discussion
10:45  Coffee break
11:15  ROUND TABLE: EAPO vs freezing orders – which path to take?
         with an introduction by Burkhard Hess
         Pietro Franzina
         Sarah Garvey
         Fernando de la Mata
         Brandon O’Neil
12:00  Joint discussion
12:45  Concluding remarks and open issues
         Gilles Cuniberti
13:00  Lunch and end of the seminar

Programme may be subject to amendment.
For programme updates: www-era.int