

II Conference on International Coordination of Secured Transactions Law Reforms: Advancing Global Reforms and Building a Uniform System

Dates: 16 and 17 October 2018

Host: Universidad Carlos III de Madrid, Spain

Conference Co-chairs:

Dr. Marek Dubovec / Professor Charles W. Mooney, Jr. / Professor Teresa Rodríguez de las Heras Ballell

Co-sponsors: NatLaw / Universidad Carlos III de Madrid / International Insolvency Institute

Tuesday, October 16, 2018

8:30-9:15 Registration

9:15-9:45 Welcome and Introductory remarks

Marek Dubovec (NatLaw)

Charles W. Mooney, Jr. (University of Pennsylvania)

Teresa Rodríguez de las Heras Ballell (Universidad Carlos III de Madrid)

9:45-11:00 Panel I: Institutional Coordination: Procedures, Strategies and Working Methods

This Panel will provide a general overview of the current level of coordination among the most relevant international organizations that promote the adoption of harmonizing / unifying instruments on secured transactions. The Panelists will discuss experiences, working methods, and strategies aimed at achieving uniform results and enhanced institutional coordination.

Moderator: Henry Gabriel (Elon University School of Law)

Anna Veneziano (UNIDROIT)

Jae Sung Lee (UNCITRAL)

Jeannette Tramhel (OAS)

Ammar Al-Saleh (EBRD)

Chris Wohlert APFF-FIDN (APEC)

11:00-11:30

Coffee

Break

11:30-13:15 Panel II. Coordination in Implementation of Reforms: Proposals and Solutions

This Panel will analyze problems and intricacies involved in coordinating secured transactions reforms, implementing international reforms in domestic jurisdictions, and ensuring consistency of reforms both at international and domestic level with other areas of the legal system. The Panelists will also proffer recommendations for addressing the aforementioned difficulties.

Moderator: Marek Dubovec

Alejandro Álvarez de la Campa (IFC)
Wade Channell (USAID)
Ammar Al-Saleh (EBRD)
Miha Isoi (JICA)

13:15-15:00 LUNCH

15:00-16:15 Panel III: Coordination of Post-Implementation Mechanisms to Enhance the International System of Secured Transactions

This Panel will discuss the mechanisms to facilitate the application of secured transactions frameworks in practice, especially through capacity building programs designed for various stakeholders. It will also examine the role of academia in ensuring that the novel legal concepts are properly understood and that stakeholders are provided sufficient training not only on how to use the law, but also on the common principles underlying the law.

Moderator: Neil Cohen (Brooklyn Law School)

Jean-François Riffard (Université d'Auvergne, Clermont-Ferrand)
Murat Sultanov (IFC)
Teresa Rodríguez de las Heras Ballell

16:15-16:45 Coffee break

16:45-18:00 Panel IV: Perspectives from Prospective Reformers: How is All of This Important in Those Economies that Might Undertake Reforms in the Future?

This Panel will examine whether the recently implemented reforms and international conventions have had any influence on the reform efforts in certain major economies. It will also explore how the unreformed legal frameworks of some major economies affect others contemplating reforms.

Moderator: Neil Cohen

Louise Gullifer (Oxford University)
Megumi Hara (Gakushuin University)
Jorge Feliu Rey (Universidad Carlos III de Madrid)
Alejandro Garro (Columbia University)

18:00-19:00 Conclusions Panel: Building a System: Lessons from Experience for Future Coordination

This Panel will summarize the key results of the conference and propose a plan to fortify future coordination.

Marek Dubovec

Charles W. Mooney, Jr.

Teresa Rodríguez de las Heras Ballell

Wednesday, October 17, 2018

9:15-10:15 Panel V: Complementing Secured Transactions Reforms

This Panel will examine the areas of law that have a significant impact on the success of secured transactions reforms, including conflict-of-law rules, prudential regulation, and effective judicial remedies.

Moderator: Louise Gullifer

Giuliano Castellano (University of Hong Kong, Faculty of Law)

Francisco Garcimartín Alférez (University Autónoma of Madrid)

Ole Böger (Higher Regional Court Bremen)

10:15-11:00 Panel VI: Digital Transformation of Secured Transactions: Electronic Registries and Digital Assets

This Panel will analyse the most significant potential disruptions of credit markets by digital-technology applications. Panelists will discuss whether current legal frameworks, especially on secured transactions, are suited to accommodate blockchain-based ecosystems or digital assets such as cryptocurrencies, and whether some of the core elements of these disruptive technologies necessitate reconceptualization of some key secured transactions principles.

Moderator: Teresa Rodríguez de las Heras Ballell

Manuel Alba Fernández (Universidad Carlos III de Madrid)

Gavin McCosker (Australian Financial Security Authority)

Bob Trojan (NatLaw)

11:00-11:30 Coffee break

11:30-13:00 Panel VII: Coordinating Regulatory Efforts to Face Future Challenges: Rules for the Digital Economy

This Panel will discuss the future challenges posed by digital technologies and the need to produce harmonized regulatory responses to digital-economy models and activities. Fintech variants, blockchain-based schemes, digital assets, and other disruptive models need globally applicable rules and standards, as well as a harmonized approach to foster innovation, facilitate access to finance,

and prevent arbitrage. Accordingly, institutional coordination as well as substantive consistency in regulatory initiatives are imperative.

Moderator: Charles W. Mooney, Jr.

Teresa Rodríguez de las Heras Ballell

John Wilson (IFC)

Andrea Tosato (University of Nottingham)

Jae Sung Lee

13:00-14:00 Panel VIII: Assessment of Reforms

This Panel will examine the tools and methods for assessing the prospective impact of reforms in order to assist policymakers/legislators to determine whether and how to undertake a reform. It will assess the availability and efficiency of such tools designed for international conventions, domestic secured transactions laws, as well as insolvency frameworks.

Moderator: Marek Dubovec

Maria Magdalena Chiquier (World Bank Doing Business Team)

Ignacio Tirado (UNIDROIT)

Jeffrey Wool (AWG)