



Strengthening the administrative capacities for implementation of the legal framework for bankruptcy and liquidation of companies



The European Union's Instrument for Pre-accession Assistance IPA, TAIB 2011



Project: Strengthening the administrative capacities for implementation of the legal framework for bankruptcy and liquidation of companies

Counseling on the subject "Conditions for opening of bankruptcy proceeding - legal aspects and judicial practice"

Within the project "Strengthening the administrative capacity to implement the legal framework for bankruptcy and liquidation of companies," on March 16 in Skopje there was a counseling held on the subject "Conditions for opening of bankruptcy proceeding - legal aspects and judicial practice". On the first out of the eight predicted counselings for bankruptcy proceedings, there were representatives of the Ministry of Economy, bankruptcy judges and judges working on cases arising from the bankruptcy proceedings, trustees, lawyers, and representatives of other interested institutions.



Opening the counseling, Mr Krasin Dimitrov, moderator and presenter of European experiences, pointed out to the fact that because in EU countries annually 200 thousand companies go bankrupt, and 1.7 million people remain unemployed, there is increasingly insisting on development of new culture of preventive restructuring and so-called "second chance." According to Mr. Dejan Kostovski presenter, an expert in the field and former bankruptcy judge, in our classical understanding of the bankruptcy procedure involves general execution, while the modern, insolvent law defines specific procedures for the reorganization of the debtors, as well as procedure for reorganization of previous procedure and reorganization procedure in case of open bankruptcy procedure. The bankruptcy procedure is a special procedure regulated by a law which is implemented when certain specific conditions are fulfilled, and that is when the legal entities

will become unable to pay the requests because of both, on-time and collective settlement of creditors.



The basics for eventual further reform of our insolvency legislation should be a recommendation for a new approach towards the failure in the business and insolvency that has been brought by the European Commission on 12 of March, 2014 to encourage the member-states to create a legal framework that will allow "efficient restructuring of the sustainable companies that have financial difficulties, and to ensure minimum standards for functioning of the regulatory framework for preventive restructuring".

The European Union with funds from the Instrument for Pre-Accession Assistance (IPA) on November 20, 2015 started the implementation of the project "Strengthening the administrative capacity to implement the legal framework for bankruptcy and liquidation of companies.". The project is expected to last two years and is implemented by a consortium led by Pohl Consulting & Associates, in partnership with Ernst & Young.

Skopje 16.03. 2017