$\begin{array}{c} Consensual\ Financial\ Restructuring\ of\ Companies \\ -\ A\ New\ Approach\ to\ NPL\ Resolution\ in\ Serbia \end{array}$

25 November 2014







Overview



- 1. Introduction to the Project
- 2. Project Aims and Aspirations
- 3. Consulting Team and Expert Group
- 4. Project Target Groups and Activities
- 5. Specialised Training for Mediators and Case Managers
- 6. CFR Case Management
- Publications and outreach
- 8. Workshops and public events
- 9. New IT System
- 10. Next Steps / Conclusions

Introduction to the Project



- Importance of credible out-of-court restructuring as alternative to court-led restructuring processes.
- How can this be achieved?
 - development of best practices and principles for restructuring
 - new frameworks e.g. independent third party adjudication/ mediation
- Consensual Financial Restructuring (CFR) represents an important initiative to encourage voluntary out-of-court restructuring in Serbia
- Since introduction in April 2012 certain "teething issues" (e.g. low awareness) and challenges (e.g. lack of private restructuring culture, public unfamiliarity with commercial mediation)

Project Aims and Aspirations



- Project a full partnership between EBRD and the Serbian Chamber of Commerce and Industry as institutional mediator
- Overall goal to make Consensual Financial Restructuring an effective tool for financial restructuring (and complement to pre-packaged reorganisation) by:
 - Improving the administration of CFR cases
 - Capacity-building and training of CCIS staff and mediators working in CFR
 - Awareness raising and outreach among companies (especially smaller businesses), banks and other stakeholders of CFR and its benefits

Consulting Team



With the active participation of EBRD and the CCIS, the Project activities were implemented with the assistance of:

Partners for Democratic Change Serbia (Partners Serbia)



Andrić Law Office



•EMA Global LLC (USA)



ADR Center (Italy)



Expert Team



- Luka Andrić, Attorney-at-Law, Senior Legal Counsel
- Marko Brezančić, Attorney-at-Law, Junior Legal Counsel
- Blažo Nedić, Mediator, Attorney-at-Law, Training Advisor
- Dragana Ćuk Milankov, Psychologist, Mediator, Training Advisor
- Dr Branko Radulović, Professor, Economic Advisor
- Predrag Milenković, IT Advisor
- Gordon Johnson, EMA Global, (SAD), Financial Restructuring Expert
- Giuseppe De Palo, ADR Center (Italy), Commercial Mediation Expert
- Ana Toskić, Partners Serbia, Project Manager

Project Target Groups



- Employees of the CCIS and regional chambers and mediators of the CCIS Centre for Services and Mediation
- Representatives of large, medium and (particularly) small commercial companies in Serbia
- Representatives of companies and banks, including external and inhouse corporate and banking counsel, business managers and advisors
- Law firms and financial advisory firms

Project Activities



- Phase 1
- Assessment of CFR legal and regulatory framework and CCIS institutional capacity managing CFR cases
- Phase 2
- Preparation of legislative and regulatory recommendations/policy dialogue
- Development of new CCIS institutional capacity building programme and institutional mediation case management procedure
- New IT system for management of CFR cases

Phase 3

- Public workshops
- Publications and other outreach materials, including Guide to CFR

Specialised training for mediators



5 days' training with 24 participants from 11 towns and 9 trainers.

Programme involved:

- Introduction to CFR
- CFR Procedure
- Financial and legal aspects of CFR
- Advanced communication, mediation and negotiation skills
- Role of mediators in CFR
- Institutional mediation in CFR
- Simulations and role-plays





Training for case managers



2 days, 24 participants from CCIS and 9 regional Chambers, and 4 trainers

Programme involved:

- CFR legal framework
- Basics of CFR
- Communication skills
- Steps in CFR procedure within
 CCIS
- IT system for managing and monitoring CFR cases
- CFR case management



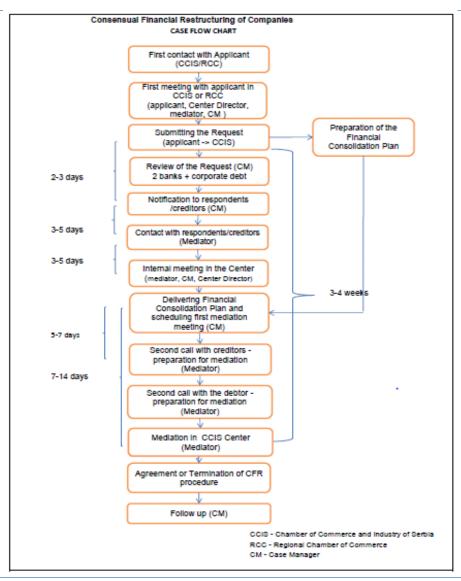


Institutional Mediation Case Management



Key case management documents

- What is CFR (handout)
- How to prepare for mediation (handout)
- CFR mediation terms and conditions (handout)
- Participant evaluation form
- Standstill & CFR agreement templates
- Check lists for contact with applicants/ respondents
- Selection of a mediator (template)
- Pre-mediation checklists for case managers and mediators
- Mentoring/cross-evaluation form



Publications and outreach



подстицаје.



WORKSHOP LOCATION	DATE	Number of participants
Kragujevac	16.9.2014.	23
Belgrade	18.9.2014.	43
Nis	23.9.2014.	22
Subotica	9.10.2014.	22
Uzice	14.10.2014.	21
Novi Sad	22.10.2014.	34
Zajecar	28.10.2014.	27
Belgrade	30.10.2014.	21
Total:		213



држе у тајности.

Workshops and public events















26 November, 2014

IT System for CFR Cases



- In line with best practices, results of the analysis – IT system developed and tailored for the CCIS needs
- Web application accessible by all authorized users, via internet browser and on line connection
- Registers information from CFR cases and compiles aggregated and per-case reports
- Compliant with legal framework, laws, bylaws and various processes defined by laws and regulations
- Provides follow up to all cases through all phases and status changes that occur during the Consensual Financial Restructuring process



Next Steps/ Conclusions



- Significant improvements in administration of CFR (processes and personnel)
- Rise in number of enquiries for CFR and CFR cases
- Conference concludes major Project activities, but on-going policy dialogue with government and regulatory authorities on how to improve CFR still further and how to promote financial restructuring generally
- Further review of CFR procedure and project impact in 12 months' time (with assistance from IT system) to provide a better perspective on changes introduced by Project

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