Dear Participants, Dear Friends,

It is a great pleasure to welcome you to the charming city of Ljubljana.

You will spend the first evening in a traditional Slovenian restaurant, have a party on Friday in a trendy location, and enjoy a farewell dinner in the beautiful old Castle on Saturday.

Some of the practice groups will hold joint meetings and get to understand the impact of Brexit on their practices. One practice group is visiting a pharmaceutical company, and another is going to visit Ljubljana Castle by day. Organised meetings or visits outside the hotel to get to know the city and the locals makes the experience of going to different countries even more enjoyable!

Our football team is, of course, going to enjoy playing under fine weather conditions, whereas the ELLA, our Eurojuris Ladies Lawyers Association, will have a guided wine tasting biking tour around the city.

Nigel Haddon, Pricing Consultant at Burcher Jennings, will explain to you the importance of Pricing Psychology. Chris Marston, Chief Executive of LawNet, will hold the Management Session about Leadership Styles. We are also happy to welcome new Italian members as well as a law firm in Texas to our network.

Our next meetings in 2019 & 2020 will take place in Frankfurt, Edinburgh and Paris. Now, in Ljubljana, I hope you have a wonderful time and fruitful meeting sessions.

Network, meet colleagues, and enjoy the weekend!

Michael Proksch
President of Eurojuris International
## Programme

### DAY 1  
**Thursday 16/05/2019**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>19.30</td>
<td>Early Birds Dinner at Sestica</td>
</tr>
<tr>
<td></td>
<td>Departure from hotel</td>
</tr>
<tr>
<td>9.00-16.00</td>
<td>Practice Groups Sessions</td>
</tr>
<tr>
<td>12.00-16.00</td>
<td>Board Meeting</td>
</tr>
<tr>
<td>16.00-16.30</td>
<td>Chairs’ Debriefing</td>
</tr>
<tr>
<td>17.00-18.30</td>
<td>Football</td>
</tr>
<tr>
<td>17.00-18.30</td>
<td>Ella Bike tour around the city &amp; wine tasting</td>
</tr>
<tr>
<td>19.30</td>
<td>Departure for Dinner at As Aperitivo</td>
</tr>
</tbody>
</table>

### DAY 2  
**Friday 17/05/2019**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.00-12.00</td>
<td>General Assembly</td>
</tr>
<tr>
<td>9.00-12.00</td>
<td>IBG Meeting</td>
</tr>
</tbody>
</table>
| 14.00-16.00 | Plenary Session  
Nigel Haddon, Burcher Jennings  
[www.burcherjennings.com](http://www.burcherjennings.com)  
Topic: “Predictably Irrational: Pricing Psychology” |
| 16.00-17.00 | Management Session  
Chris Marston, LawNet  
Topic: Leadership Styles |
| 19.00 | Dinner and Party at the Castle in Stanovska Hall  
Departure from hotel |
Šestica
Slovenska cesta 40, SI-1000 Ljubljana
+386 (0) 12420855, www.sestica.si

Šestica has been in business since 1776 and is an ideal setting to explore traditional Slovene cuisine. All the famous dishes are on the menu, along with many less well-known items and wines from each of the country’s regions as well as a food prepared in a wood-fired oven and on a grill.

AS Aperitivo
Čopova ulica 5a
+386 1 425 41 68
asaperitivo.com

Delicious food, great music and the best company in town right in the centre of Ljubljana.

Castle in Stanovska Hall
Grajska planota 1 1000 Ljubljana
+386(0)1 306 42 30

The medieval Ljubljana Castle has served to many different purposes in the past – it was first a fortress, then residence to the provincial governor and even a prison. Now, it serves as splendid location with modern meeting and banqueting facilities.

Premier Hotel Slon
Slovenska 34, Ljubljana, 1000, Slovenija
+386 1 470 11 31, www.hotelslon.com

The Best Western Premier Hotel Slon is situated in the very heart of Ljubljana city. It is only a few steps away from the old city core, Ljubljana castle and the main city sights.
PRACTICE GROUPS

Corporate & Tax Law

Chairman: Joachim ASENDORF

The Corporate Group focuses on international and national issues relating to transactions, establishment of subsidiaries and general company law. “We try to highlight and compare legal and cultural differences to prepare group members for foreign environments and tactics. All members are given regular opportunities to present themselves and to have regular group sessions to increase the knowledge of each other both on a private and professional level.”

Friday 17th May 2019

10:00 – 13:00 Joint Session with the Real Estate Group

10:00 Welcome
Joachim Asendorf, Chair of the Corporate Group
Niels Eriksen, Chair of the Real Estate Group

10:05 Who is who around the table
Members of the group and guests give a short presentation about who they are and what they do

10:30 Up-date regarding BREXIT (2-year project)
by Richard Philips, Veale Wasbrough Vizards

11:00 Real Estate transactions in the USA
by Tobias Ziegler, Bressler, Amery & Ross, P.C.

11:30 Coffee break

11:45 Real Estate in M&A transactions
by Joachim Asendorf, v. Einem & Partner mbB

12:30 Discussion

13:00 – 14:00 Business Lunch of the Corporate Group

14:00-15:30 Meeting of the Corporate Group

14:00 The Alternative Investment Market ruled by the Milan Stock Exchange
by Cristina Cengia, Morri Rossetti e Associati

15:00 Questionnaire: the liability of the shareholders of a limited liability company
by Barbara Egger-Russe, Greiter Pegger Kofler & Partner

15:20 Agenda Eurojuris Congress Frankfurt

15:25 AOB

15:30 End of session
Insolvency, Restructuring and Banking

Chairman: Sjoerd TILMAN

The aims of the PG Insolvency law are international information and exchange of ideas about Insolvency-law-systems and proceedings between Eurojuris members who are experts practising in this field. The PG should be a platform to speak and discuss about recent developments of national law-systems and personal experiences of each member, and furthermore to build a basis for international cooperation.

Friday 17th May 2019

Joint session with Litigation, ADR & Contracts Group, Int. Trade, Transport & Insurance Group, and Real Estate Group

14:00  Update on Brexit
by Peter Widling, UK, FBC Manby Bowdler
The proposed departure of the United Kingdom from membership of the European Union requires a knowledge group to predict, prepare and help influence the changes that will result from the unique legal, commercial and political event for some clients that is Brexit

15:45  Debrief and plans for next event
Local/hotel bar

International Business Group (IBG)

Chairman: Katalin SZECSKAY

The Eurojuris International Business Group (IBG) is a specialised and focused group, operating within Eurojuris International, made up of business law firms with an international client base. IBG law firms deal principally with provision of legal services involving cross-border relations and transactions.

Saturday 18th May 2019

9:30  Start of meeting
Welcoming our guests and the IBG members, short introduction of EJI and IBG to the guests
Guests introducing themselves and their firms
Presentation of the South Eastern European countries by Karanovic&Partners
Start of round the table introduction of IBG members and short presentation on current legal topic or other issue in their home country

10:45  Coffee break (30 mins)
Continuing round the table introduction of IBG members and short presentation on current legal topic or other issue in their home country
IBG internal matters (budget, website, etc.)

12:00  End of meeting
International Litigation, ADR and Contracts

Chairman: Thierry CLERC and Christian SCHLEMMER

The Group is specializing in the drawing up of international contracts and commercial dispute resolution where there is a cross-border dimension. Alternative Dispute Resolution (ADR) is also part of its core business. The Group trains its members at Practice group meetings, with Group members presenting topics of relevance regarding legal issues and proceedings, both in their national forums and in the context of international and EU conventions and regulations, which affect all members.

Friday 17th May 2019

9:30 – 12:30 Joint Session with Insolvency, Restructuring and Banking

09:00 – 09:30 Registration and Coffee

09:30 – 10:00 Welcome, Introduction, Around the table introductions by Thierry CLERC and Christian SCHLEMMER

10:00 – 11:15 Exequatur and Conflicts of Arbitration by Stefan DAUBNER, Germany, Busekist Winter & Partner

Can you run an arbitration in one country while there is an insolvency procedure over the assets of the other party in another country? (Discussion basis of questionnaires)

11:15 Coffee break

11:15 – 12:30 International update GDPR, a. o. Brexit and GDPR by Steven van KERKHOF, Netherlands, MannaertsAppels Advocaten

12:30 – 14:00 Lunch break

Joint afternoon session with Insolvency, Restructuring and Banking Group, Int. Trade, Transport & Insurance Group, and Real Estate Group

14:00 – 15:45 Update on Brexit by Peter WIDLING, UK, FBC Manby Bowdler

The proposed departure of the United Kingdom from membership of the European Union requires a knowledge group to predict, prepare and help influence the changes that will result from the unique legal, commercial and political event for some clients that is Brexit

15:45 – 16:00 Programme of the next congress in Frankfurt (only LITIGATION, ADR & CONTRACTS Group)

End of session
Int. Trade, Transport & Insurance Law

Chairman: Mark DAUBNEY

The PG International Trade Transport and Insurance Law gathers members from different jurisdictions to discuss new developments in the areas of International Trade, Transport & Insurance Law. The aim is to share knowledge and develop cross border cooperation.

Friday 17th May 2019

09:30  Meeting point: lobby of the hotel
       Walk to Ljubljana Castle
10:00  Visit of Ljubljana Castle
12:00  Lunch in the city
       Explore opportunities for cross border work between group members
13:30  Travel back to Hotel

Joint afternoon session with Litigation, ADR & Contracts Group, Insolvency, Restructuring and Banking Group, and Real Estate Group

14:00 – 15:45  Update on Brexit
               by Peter WIDLING, UK, FBC Manby Bowdler
               The proposed departure of the United Kingdom from membership of the European Union requires a knowledge group to predict, prepare and help influence the changes that will result from the unique legal, commercial and political event for some clients that is Brexit

15:45 – 16:00  Debrief and plans for next event
               End of session
Intellectual Property Law

Chairman: François HERPE

Intellectual Property Group (IPG) is dealing with all questions regarding Copyright-, Design Protection-, Trademark-, Patent-infringement, Competition- and Antitrust-Law and related fields of exclusive rights like Personality rights (especially the privilege as to one own's image) and consists of members specialised on some or all of these Laws.

**Friday 17th May 2019**

Visit and discussion on IP with KRKA, a major Pharmaceutical company:

12:00 – 13:00  **Departure from Ljubljana**
Meeting point: hotel

13:00 – 13:05  **Reception**

13:05 – 14:00  **Introduction of the company and Legal Affairs**
Discussion of IP topics
Mr Borut Lekše, Deputy Chief Executive of Legal Affairs and
Head of Legal Affairs

14:05 – 15:00  **Visit of the production plant Notol 2**
Solid dosage form production plant

15:00  **Return to Ljubljana**

**About KRKA**

Krka is one of the world's leading generic pharmaceutical companies. Krka medicines are used to treat more than 45 million patients every day in over 70 markets. It has over 12,000 employee. www.krka.biz

**Saturday 18th May 2019**

Morning session - Location: hotel:

**Presentation N°1**
Topic: "Update on the (making of the) Directive Copyright in the Digital Single Market"
Mr Willem Timmers of Marree en Dijxhoorn Advocaten, Netherlands

**Presentation N°2**
Topic: "Update on supplementary protections certificates"
Mr Claus Heide Andersen of IDEAL Advokatfirma P/S, Denmark
Real Estate Law

Chairman: Niels ERIKSEN

The Group provides members with specific real estate law advice, assistance and representation when required in relation to matters falling out of their own jurisdiction. It also gives advice to business clients on how to avoid problems by investing in foreign countries.

Friday 17th May 2019

10:00 – 13:00 Joint Session with the Corporate & Tax Law Group

10:00 Welcome
Niels Eriksen, Chair of the Real Estate Group
Joachim Asendorf, Chair of the Corporate Group

10:05 Who is who around the table
Members of the group and guests give a short presentation about who they are and what they do

10:30 Up-date regarding BREXIT (2-year project)
by Richard Philips, Veale Wasbrough Vizards

11:00 Real Estate transactions in the USA
by Tobias Ziegler, Bressler, Amery & Ross, P.C.

11:30 Coffee break

11:45 Real Estate in M&A transactions
by Joachim Asendorf, v. Einem & Partner mbB

12:30 Discussion

Joint afternoon session with Litigation, ADR & Contracts Group, Int. Trade, Transport & Insurance Group, and Insolvency, Restructuring and Banking Group

14:00 – 15:45 Update on Brexit
by Peter WIDLING, UK, FBC Manby Bowdler
The proposed departure of the United Kingdom from membership of the European Union requires a knowledge group to predict, prepare and help influence the changes that will result from the unique legal, commercial and political event for some clients that is Brexit

15:45 – 16:00 Debrief and plans for next event

End of session
Management Group

Chairman: Chris MARSTON

The workshop sessions are dedicated to every Eurojuris member who wishes to improve daily firm practice and exchange experiences.

Saturday 18th May 2019

16:00 - 17:00  Topic: Leadership Styles

- Leadership styles – there is no 'best way'. A look at the research and some models and questionnaires you can use in your own firm
- Panel session featuring three law firm leaders talking and taking questions about leadership styles:
  - at a time of growth
  - at a time of change
  - separating leadership from ownership

JURISMUS CONGRESS 2019
PARIS // 13 – 16 JUNE
"PARIS & THE LIGHTS OF INNOVATION"
RENEWED SUCCESS FOR ARTISTIC FREEDOM

Judith Adam-Caumeil, attorney and partner at the law firm Cabinet Adam-Caumeil, has won a leading case before the Versailles Court of Appeal. The verdict recognises the artistic freedom of staging under French law, granting extensive scope for artistic realisation and reinterpretation.

Back in 2015, the Bayerische Staatsoper (Munich Opera) found itself accused of distortion while showing ‘Dialogues of the Carmelites’, a much-acclaimed opera across the globe. Mrs. Adam-Caumeil, specialising in Franco-German business relations, represented the Munich Opera against Mr. Gilles Bernanos, administrator of the estate of French writer Georges Bernanos.

The drama, inspired by ‘The Last on the Scaffold’, a novella by Gertrud von Le Fort, was written by Georges Bernanos, with music and libretto composed by Francis Poulenc. The opera is set during the French Revolution and tells the fictionalised story of the Martyrs of Compiègne, Carmelite nuns, who were guillotined in Paris for refusing to renounce their vocation. In Tcherniakov’s adaption, the final scene showed the nuns in a house, intoxicated by gas leakage. The nuns, however, are saved by Blanche de la Force (Sister Blanche of the Agony of Christ), who solely dies the martyrdom.
Not only did the staging by avant-garde director Dmitri Tcherniakov cause great media response, but also a lawsuit against the Munich Opera, who was indicted for distortion of the original artwork by the heirs of Georges Bernanos and Francis Poulenc. The stop of the performance, and a ban on the sale and airing of the filmed staging (DVDs by BelAir Classiques and Mezzo TV) of Dialogues des Carmélites at the Munich Opera, was demanded.

The first success was achieved at the Paris Court of First Instance. The court declared itself not competent in the matter. As a result, the stop of the performance was averted. The Paris Court of Appeal, however, ruled that “Dmitri Tcherniakov’s production deviates in its final scene from the works of Georges Bernanos and Francis Poulenc (...) and thus infringes the moral rights of authors who are attached to it.”

The Supreme Court then revoked the judgement of the Paris Court of Appeal, stating “Tcherniakov certainly brought his own vision to the original work. (...) The central themes of the work, including that of martyrdom, were respected because the nuns were ready to die, but they were saved at the last minute. Thus, Mr Tcherniakov cannot be blamed for the distortion of the original work.” In his decision, the Supreme Court even referred to the Convention for the Protection of Human Rights and Fundamental Freedoms. The case was referred back to the Versailles Court of Appeal, which has reached a verdict on the 30th of November 2018.

This final decision is a success for Artistic Freedom as it complies with the verdict of the Supreme Court and awards extensive scope for the artistic realisation to the director. The verdict confirms the preservation of Bernanos and Poulenc’s essential themes of hope, martyrdom, and grace. Judith Adam-Caumeil points out, “not the guillotine, but the religious aspects are the central message of Georges Bernanos. Because the nuns lived the martyrdom, the exchange of the guillotine with gas did not change the main message.”

The significance of this landmark decision extends beyond France, and beyond the opera scene. “Staging is now recognised as a work of art in its own right. Because of the Convention for the Protection of Human Rights and Fundamental Freedoms, the judgement is of particular importance, which can be applied throughout the performing arts field”, explains Mrs. Adam-Caumeil.

Nikolaus Bachler, Director of the Munich Opera, is pleased with the verdict, “art always is interpretation. The fact that a court has now recognised this is important for all fields of art.” Dialogues of the Carmelites will return to the stage in 2020.

Now, art can continue to live, continue to give thought-provoking impulses when being reinvented or translated into the present. New artwork can be created by staging without directors being bound to historical accuracy. For Mrs. Adam-Caumeil, “every artist has the freedom to portray and present things the way they see them. Otherwise, it is not art, but a mere reproduction of the already existing.”

Judith Adam-Caumeil, attorney and partner at the law firm Cabinet Adam-Caumeil
In 2019, Budzowska Fiutowski & Partners celebrates its 15th anniversary. The Krakow based law firm has built up and achieved a lot: an excellent team, extensive experience in litigation, and the highest redress for medical negligence in the history of Polish judicature. What is more, partner Jolanta Budzowska was recently ranked among the 50 most influential lawyers in Poland.

“The anniversary is an important date to us, and we are proud of what we have achieved so far.” One of the things Benedykt is satisfied with is the current staff. The team consists of 11 attorneys and a similar number of trainee attorneys. “A team of this size is optimal for our firm. That is why no substantial changes or enlargements are needed.”

Jointly, Budzowska Fiutowski & Partners provides legal services to companies and private persons. The aim is to give “a sense of legal security and confidence in business”. That means the
support of all professional activities on an ongoing basis, including agreements, negotiations, legal opinions, and legal proceedings.

What all areas of practice have in common is the firm’s long-time experience in litigation, the law firm’s primary field of work. The area is subject to constant changes and amendments. “Polish civil law is often changed, which certainly does not make our work any easier,” says Benedykt. Last year’s most important legislative changes included the significant reduction of limitation periods. “The longest period, which was ten years, was shortened to six years, for example.” On the blog “Cross Border Legal Issues”, Benedykt discusses the topic in detail.

The second leading area of expertise at Budzowska Fiutowski & Partners is compensation claims. The work activities include compensation claims for both pecuniary and non-pecuniary losses and pensions for medical errors, aviation, farmstead and traffic accidents. The firm also provides legal assistance to foreigners injured in Poland in English, German and Italian language.

The law firm was one of the first on the Polish market to specialise in compensation claims, especially in compensation for medical malpractice. “The diversification of our practice in the field of medical negligence alongside commercial cases is the result of a well-considered decision made together with my partner Jolanta Budzowska several years ago.” The specialisation had two objectives: first, to develop practice in medical cases, which accounted for a small part of court cases at the time. Second, to diversify the risk associated with running a law firm.

Now, years later, the firm has recorded the highest redress for medical negligence in the history of Polish judicature. “I can state with great satisfaction that it was a very good decision back then.” The recent ranking of partner Jolanta Budzowska among the 50 most influential lawyers in Poland illustrates the success. “Because Jolanta was the only specialist in personal injury cases the nomination underlines her leading position among Polish lawyers.”

Benedykt Fiutowski of Budzowska Fiutowski & Partners

The long-term success of a law firm and any other undertaking demands commitment and active performance. That applies to business as well as to private life. Aside from his work as an attorney, Benedykt is all about sports: from volleyball to swimming, to yoga. Every year, he wins medals at the Polish championships for lawyers.

Benedykt is also an active member of the Eurojuris Practice Group International Litigation, ADR and Contracts. He will be joining the Practice Groups and Training Days in Ljubljana. “Of course I will attend the meeting. As always, I expect to gain many positive experiences in the Litigation, ADR & Contracts Group.”
MEET CLAUS HEIDE ANDERSEN: A LAWYER WITH A PASSION FOR AVIATION

We talked to Claus Heide Andersen of IDEAL Law Firm LLP in Odense, Denmark. The active IPR practice group member told us about the law firm’s working climate, his working areas, and his interest in air travel.

Jesper Altamirano, Niels Eriksen, and Jens Jacob Dühr established IDEAL Law Firm LLP, a commercial law office, in 2015. “We are a young law office. This applies not only to the firm but also to the whole team”, says Claus Heide Andersen, who joined the firm three years ago.

The work culture at IDEAL Advokatfirma LLP can be described as young, open, and shaped by flat hierarchies: “with all colleagues having their doors open, you can easily reach anyone.” Claus also points out, “The entire firm works closely together at all times. That way, we can bring together the complete expertise, and find the best solution for our client.” To enhance the pleasant working atmosphere, a living plant wall, “with positive effects on the room climate and the mood”, was recently installed in the conference room.

The firm’s practice areas include Agricultural Law, Corporate Law, Data Protection Law, Employment Law, Insolvency, Litigation, Market Law, Mediation, Mergers & Acquisitions, Private Matters, Real Property, Tax Law. Claus, in
his position as assistant attorney, focuses on Company Law, Intellectual Property Law, Litigation, and Real Estate Law. He also handles all cases with a scientific scope as he has a degree in chemistry in addition to his legal education. Agricultural Law is not only one of the firm’s focus areas. It is more of a theme: the law firm handles all matters connected to the field, from the agricultural properties, to the supply chains, to the acquisition abroad. “In practice, the work involves Competition Law, Customs Law, Litigation, M&A, Real Estate Law, etc. We can provide the entire package in this field.”

Recently, IDEAL Law Firm LLP has assisted in creating a joint venture between a Danish and a Belgium company in France. The enterprises concerned are hatcheries of poultry, a very specific area where detailed knowledge about the sector is required. Claus gives an example, “details such as the percentage of chickens alive after a certain number of days needs to be indicated in the agreement.”

On specific matters, Claus collaborates with colleagues within the Eurojuris network, where professional advice is easy and uncomplicated to get. “The exchange with my colleagues within the network, in particular within the IPR practice group, is a benefit because it helps me check if I am on the right track. A call or an email is all that it needs.” Especially in Intellectual Property Law, information sharing is relatively easy as laws and regulations are built on EU Law and are mostly the same within the European Union.

Since joining the practice group, Claus has attended Eurojuris meetings twice a year and got to know his colleagues. “It is easier to contact someone if you know the face behind a name.” Besides the personal connections, Claus is pleased with the knowledge-related component of the meetings, “the chairman’s programmes are interesting, including the organised visits, such as to the Competition Authorities in Stockholm.”

Aside from work, travel and aeroplanes are Claus’ big interests. “I have a passion for aviation. At one time, I even considered becoming a pilot.” Air travel literally is one of his leisure activities, “next weekend, I am going to Hong Kong. Just for the weekend. Travelling by plane is a good way to relax and clear my mind.”

For sure, Claus will undertake many travels in 2019. One will take him to Ljubljana, where he will be joining the Eurojuris Practice Groups and Training Days Meeting. “I have marked the date in my calendar. I would not miss it.”
INTRODUCING EGGER + PARTNER:
OUR NEW AND OLD MEMBER IN ITALY

We welcome our new Eurojuris member EGGER + PARTNER in Bolzano. Partner Hans-Magnus Egger tells us about tradition and innovation, the law firm’s international approach, personal client contact and the need for international cooperation.

In 2019, EGGER + PARTNER celebrates its 90th anniversary. The historic law firm was founded in 1929 by Dr. Fritz Egger senior, was thereafter run by his sons Dr. Fritz Egger junior and Dr. Hanns Egger, and then continued as the partnership of lawyers EGGER + PARTNER.

Today, the law firm combines tradition with a modern mindset. The office based in the historic centre of Bolzano embodies both tradition and topicality: "the listed historic building was renovated in 2005. Now, our premises are equipped with the latest technology," says Dr. Hans-Magnus Egger, partner at the family law firm.

Since its establishment in 1929, the law firm has followed an international approach, offering comprehensive advice in all fields of civil, business, criminal and administrative law to national and international clients. "We act as agents between the Italian legal system and economy and the legal systems and economies abroad." All services are offered in Italian, German and English. “As long as
our territory (i.e. South-Tyrol, the both German and Italian speaking region in northern Italy) is a contact point of different cultures and languages, the transnational approach since the foundation is part of the imprinting our law firm; this mind-set proved to add value to our skills and to the network." Hans-Magnus specifies, "legal advice means problem-solving. Since communication, which is essential for problem-solving, requires strong language skills, a multilingual service creates added value for our clients."

The junior partner also gives an insight into the firm's work strategy. The two founding partners pass on the sense of tradition, including direct, personal contact with all clients. Nowadays, this requires a permanent readiness for business trips, as well as aligning the firm's structure to new technologies. Hans-Magnus as junior partner is aware of the challenges of today: "It is our task to preserve the proven values of our firm while making the firm fit for the future."

With Eurojuris International, EGGER + PARTNER wants to address the complexity of current issues through cooperation. Both interdisciplinary and between law firms. "As a medium-sized law firm, several years ago we took the conscious decision not to expand or merge into a major international form, but maintain a "boutique approach"; as a consequence we need entrusted contacts and a good network that contribute to offer individual solutions to specific problems also in a wider context.

Through Eurojuris Italy we have been a member of Eurojuris before and because of the very good memories of your time with the network we are happy to be part of the Eurojuris family again."

Hans-Magnus Egger will join us in Ljubljana for the Eurojuris Practice Groups and Training Days. "I am looking forward to meeting my colleagues, to refresh friendships and to strengthen a common collaborative approach."
SMITH & WESSELY V TRAVERS & OTHERS

Luke Harrison, a partner at Debenhams Ottaway LLP, handled the case of Smith & Wessely (Joint Liquidators) v Travers & Others. We talked to Luke to learn more about the case and his practice.

Luke Harrison is the lead partner in the litigation and dispute resolution team at Debenhams Ottaway LLP. He is also the Chairman of the Commercial Litigation Association. His practice comprises a broad spectrum of commercial disputes with particular expertise in contentious insolvency, banking and financial services, boardroom disputes, professional negligence claims and dispute concerning technology and software. Luke’s experience in alternative dispute resolution includes mediation, arbitration and expert determination, which he has lectured at Hertfordshire University.

In the English case of Smith & Wessely (Joint Liquidators) v Travers & Others, the High Court handed down judgement ordering a misfeasant director to pay £787,830.59 plus interest and costs to Iconic Hotels Limited. Luke Harrison acted for the successful Liquidators, who were awarded 100% of the quantum claimed against the director plus costs on an indemnity basis as the director failed to accept or beat the Liquidators’ Part 36 offer. The High Court’s decision is a resounding win for the Joint Liquidators.

The case required considerable forensic investigation undertaken by both the Joint Liquidators and Debenhams Ottaway in achieving this successful result. The investigated time span covered about 18 months of data collection. Luke adds,
'the Insolvency Act 1986 provides a wide range of powers to request and collect information from third parties.'

‘Fortunately, in this case, all third parties cooperated by providing information, including documents and financial records.’

In the course of the case, the credibility of Clive Oliver Travers, the sole director of Iconic Hotels Limited and a director and majority shareholder of E. Greenham Limited, was questioned. The Deputy Judge did not find him a witness ‘upon which [he] could have confidence in accepting what he told [him] was true’. (…) The Deputy Judge took the view that, unless Mr Travers said anything that was supported unequivocally by documents, the Court would treat his evidence with considerable caution.

Of particular importance was the alleged pre-existing of an equitable charge before the legal charge with E. Greenham Limited (a building company that offered bridging finance) was granted. This equitable charge was allegedly agreed a year before the legal charge but was not registered within the 21-day period prescribed under Section 889 Companies Act 2006. ‘We expected the case to be settled before trial’, Luke says. ‘The main legal issue was whether the subsequent registration of a legal charge can amount to a preference and/or be a breach of duty.’

The director's statutory duties, which were codified in the Companies Act 2006, play an important role. According to the Companies Act 2006, Mr Travers owed duties to the company to act in its best interests. The company’s best interests, however, conflicted with the Greenham Charge. The evidence showed that he put the charges on the property to protect his own interests instead of thinking of the interests of the creditors of the insolvent company.

Steve Smith, Corporate Advisory Partner at Mercer and Hole and Joint Liquidator of Iconic Hotels Limited, commented, ‘it was clear to me from the outset of the liquidation that Mr Travers had little regard to his responsibility to safeguard the interests of the company's creditors as a whole.’

Luke points out, when a company is solvent, directors can largely do whatever they like as long as it is in the interest of the shareholders. Accordingly, when the director and the shareholder is the same person, he or she can generally act freely. But when a company becomes insolvent, and creditors are involved, it is the shareholders that have to take into account the interest of the creditors.

To sum up, ‘if a director acts in a way which breaches his or her duties it can result in personal liability. Here the director's veiled attempts to justify his actions by reliance on an earlier equitable charge failed because the Companies Act 2006 and Insolvency Act 1986 have built-in statutory safeguards to protect the interests of unsecured creditors.'
LOOKING NORTH: MODERNISATION AND OPTIMISED WORK PROCESSES

Bjarte Røyrvik, president of Eurojuris Norway and partner at Svensson Nøkleby, provides an insight into new developments, growth and modern work processes.

Since its formation in 1991, Eurojuris Norway has grown from 50 to approximately 240 lawyers nationwide. “The network has been continuously growing and expanding. Our member firms are located all over Norway, from up north to down south”, Bjarte tells us. “To curb competition, we are recruiting new law firms that are situated in locations where Eurojuris Norway is not represented yet.”

In 2018, the 17th member firm joined the network. The new member, Advokatfirma Hald & Co in Arendal and Grimstad, is the most prominent law firm in its county with 12 lawyers offering legal advice to corporate clients, private individuals, and government agencies. Within the national chapter, all member firms are connected through a joint intranet. “When our lawyers turn on their computers in the morning, they see the same content. Not only are they up-to-date with each other's work, news and events, and are provided easy access to customized legal databases, it simply keeps
up the feeling of community.”

Eurojuris Norway also is on the cutting edge in terms of quality management. The ISO 9001:2015 quality system is compulsory to the members within the network. “All members are obligated to introduce and maintain a quality management system. For this reason, the executives and managers within the network come together on a regular basis to improve their skills during customised training sessions on quality management etc.”

The high participation rate in the National Bi-Annual Congresses shows the continuing commitment to the network. “About 100 to 150 lawyers of 240 in total attend our meetings.” Every participant receives training points which are required by the Norwegian Bar Association. “The courses are very well perceived as they offer quite affordable training compared to external training or meetings.” But it is not the training points that attract the participants the most: “Above all, the members enjoy networking and meeting their colleagues and they appreciate the time together.”

A team of six people at Svensson Nøkleby Advokatfirma organises the Congresses. “Eurojuris Norway is buying the management services from Svensson Nøkleby. That is quite a flexible model which adapts to the network's changing demands.”

The Drammen based team performs all required tasks except providing the technical infrastructure which is provided by an external supplier. The work includes management services, quality system assistance, the preparation of all content for the intranet, procurement and making available access to databases, information about achieved framework agreements, personnel turnover, news and events.

Bjarte Røyrvik,
president of Eurojuris Norway and partner at Svensson Nøkleby

For sure, it is essential to keep on top of the present challenges, digitalization, requirements and business demands to remain competitive.

Svensson Nøkleby, the largest firm of Eurojuris Norway, has itself undergone a significant modernisation process in a number of areas. “We want to offer a professional and modern working environment with modern work processes.” In June 2018, the law firm moved into brand new and customised premises. The 2600m² office is tailor-made for the firm's needs. With a new website, the 40-lawyer law firm modernised its online presence and graphical profile.

“The aim is to modernise and increase the efficiency of all our work processes. That is why we invest in management and our IT system, databases, and quality systems.”
BENEFICIAL OWNERSHIP CONCEPT
AND BUSINESS IN RUSSIA

By Brand & Partner

Nearly every Russian company belonging to multinational enterprises (MNE) has inter-company or cross-border arrangements or pays out dividends which might be especially attractive due to applicable double taxation treaty (DTT) incentives allowing reduced withholding tax rates or taxation only in the country of the recipient of such income. To apply such DTT incentives, a foreign recipient should provide a Russian company with the certificate of tax residency and confirmation of the recipient’s actual right to such income prior to payment, otherwise the withholding tax (WHT) based on the Russian Tax Code shall apply (15% for dividends, 20% for other payments from Russian sources). Later on, a foreign company may still claim back the relevant WHT.

Confirmation should contain all the necessary data regarding the recipient company (information on employees, assets, office, financial information, etc.) and in line with beneficial owner criteria and be adjusted to the relevant specific transactions. Further, more detailed information may be prepared as a so-called “defense file” and may be provided later upon request of the tax
authorities. Such approach would give a taxpayer certain leeway and may serve for a better and more flexible position in case of disputes with the tax authorities.

Confirmation should serve to prove that the recipient is the beneficial owner (BO) of the income and satisfies several BO criteria, e.g., independence of directors in decision-making; power to dispose of the received income; real business activities; sufficient resources for such activities (office, employees, assets); no back-to-back transactions (lack of obligation of the recipient to transfer the income onwards); actual assumption of risks by the recipient regarding its assets.

In the view of the Russian Federal Tax Service, the tax authorities are allowed to deny tax treaty benefits when a foreign entity has no active operating business. They may not investigate who the real BO is, and so the mere fact that the first recipient is not a BO is sufficient for applying domestic withholding tax rates. Such an approach may eventually cause tax risks for several companies within the MNE group (e.g., entities with the intercompany treasurer’s function or intercompany license hubs).

Should the recipient be not the BO, the Russian tax law currently allows “look-through” approach not only with respect to dividends, but also to other payments subject to certain conditions. Disclosure of a higher tier or a parent company may allow to be more compliant with BO criteria.

Considering the above, MNEs wishing to strengthen their tax position should check whether the tax certificates and confirmations are available, review their cross-border structures to indicate foreign recipients, including licensors, holding companies, companies performing purely treasury or administrative functions, where the tax position may be challenged based on the BO approach of the Russian tax authorities. At the same time, it might not always be possible for the MNEs group to declare a “look-through” approach or to rebuild the existing structures in a short time, as this may cause consequences for transfer pricing purposes of the whole group or trigger tax exposures or tax complications in other jurisdictions. Any adjustments to the structures would obviously require a lot of time and significant effort for analysis from the perspective of different jurisdictions and other aspects important for the whole group. As a temporary solution in such cases may serve the introduction of caveats and gross-up provisions with respect to payments made by the group's Russian companies. This could also be a feasible solution for transactions with non-related parties who might not be willing or ready to provide information/documents for building up a defense file that is sufficient for Russian tax purposes.
Morri Rossetti has decided to enhance its services offered in the Restructuring and Corporate Distress sector, which will be headed by Dr Fabrizio Garofoli, who has joined the Firm as “Of Counsel”.

The strengthening of the department means that it will be able to promptly and proficiently deal with the new obligations imposed by the revolutionary legislative reforms which have particularly impacted on SMEs, a sector which employs 2/3rds of workers and which traditionally constitutes the overwhelming majority of Italy’s businesses.

In addition to Fabrizio Garofoli, the Team comprises corporate criminal specialist Francesco Rubino, bankruptcy law expert Clara Papa and restructuring and financial specialists Alberto Di Alberto and Gianluca Baro.

Fabrizio Garofoli has been a qualified accountant for over thirty years; he is a Court-appointed expert in Milan, a Qualified
External Auditor, Vice-President of the Corporate Law Commission and a member of the Corporate Crisis Commission of the Order of Chartered Accountants and Auditors of Milan. In addition, he served as a member of the State Examinations Commission for Chartered Accountants at the Luigi Bocconi University.

Fabrizio advises on both the pre-insolvency and insolvency phases of corporate distress, assisting a multitude of companies operating in various sectors in analysing and selecting from the various procedures available. He advises on the drafting of recovery and restructuring plans, compositions with creditors as well as voluntary liquidations and the dissolutions of Italian SMEs. With the addition of Fabrizio, Morri Rossetti is able to further expand its extensive legal expertise by being capable of managing delicate complex relations with the stakeholders in bankruptcy proceedings.

This addition to the Team is particularly significant at this time, as new legislation came into force on 16-03-2019, which imposes on enterprises a new way to do business and new rules for safeguarding distressed companies.

This reform particularly affects SMEs with a turnover above € 2MLN, assets greater than € 2MLN or more than 10 employees (only one of these parameters needs to be met with respect to the 2017 and 2018 financial statements), which must appoint a control body (namely, an External Auditor – Statutory Auditor or Board of Statutory Auditors). In addition, among other things, the enterprises involved must establish new organisational structures that accurately predict future performance trends at least six months in advance. There may be around 130,000 SMEs in Italy affected by this obligation.
LIST OF PARTICIPANTS

Egger-Russe, Barbara
Greiter Pegger Kofler & Partner
President EJ Austria
Innsbruck, Austria
barbara.egger-russe@lawfirm.at

Eisner, Bertram
Proksch & Partner Rechtsanwälte OG
Vienna
Austria
bertram.eisner@proksch.at

Proksch, Michael
Proksch & Partner Rechtsanwälte OG
President EJI
Vienna, Austria
michael.proksch@proksch.at

Roehlich, Edmund
Proksch & Partner Rechtsanwälte OG
Vienna
Austria
edmund.roehlich@proksch.at

Cooreman, Isabelle
Racine
Brussels
Belgium
icooreman@racine.eu

Dubaere, Joan
Racine
Brussels
Belgium
jdubaere@racine.eu

Naeyaert, Axel
Van Huffelen & Co
President EJ Belgium
Antwerpen, Belgium
axel.naeyaert@van-huffelen.eu

Neumeister, Theresa
Eurojuris International
Journalist EJI
Brussels, Belgium
journalist@eurojuris.net

Tries, Diane
Eurojuris International
Secretary General EJI
Brussels, Belgium
d.tries@eurojuris.net

Vanfraechem, Lotte
Lex Libris
Gent
Belgium
lotte@lexlibris.be

Mateša, Zlatko
Mateša & Kapitan
Zagreb
Croatia
zmatesa@matesa-kapitan.com

Eriksen, Niels
Ideal Law Firm LLP
Chair Real Estate Group
Odense, Denmark
ne@ideal-law.dk
Brand, Thomas  
Brand & Partner  
Moscow  
Russia  
thomas.brand@bbpartners.de

Poels, Alexander  
Karanovic & Partners  
Speaker  
Ljubljana, Slovenia  
Alexander.Poels@karanovicpartners.com

Espada Gerlach, Alejandro  
Abogados Espada Gerlach  
Barcelona  
Spain  
a.espada@espadagerlach.com

Porcar, Miriam  
Alvaro Porcar Abogados  
Valencia  
Spain  
miriam@alvaraporcarabogados.com

Ounhirunskul, Kamthorn  
Kamthorn Surachet & Somsak Ltd.  
President Asiajuris  
Bangkok, Thailand  
kamthorn@kss.co.th

Indrakanti, Naveen Kumar  
Cresco Legal Consultancy  
Dubai  
UAE  
naveen.indrakanti@creesco.ae

Poets, Alexander  
Karanovic & Partners  
Speaker  
Ljubljana, Slovenia  
Alexander.Poels@karanovicpartners.com

Espada Gerlach, Alejandro  
Abogados Espada Gerlach  
Barcelona  
Spain  
a.espada@espadagerlach.com

Poels, Alexander  
Karanovic & Partners  
Speaker  
Ljubljana, Slovenia  
Alexander.Poels@karanovicpartners.com

Espada Gerlach, Alejandro  
Abogados Espada Gerlach  
Barcelona  
Spain  
a.espada@espadagerlach.com

Brand, Thomas  
Brand & Partner  
Moscow  
Russia  
thomas.brand@bbpartners.de

Poels, Alexander  
Karanovic & Partners  
Speaker  
Ljubljana, Slovenia  
Alexander.Poels@karanovicpartners.com

Espada Gerlach, Alejandro  
Abogados Espada Gerlach  
Barcelona  
Spain  
a.espada@espadagerlach.com

Porcar, Miriam  
Alvaro Porcar Abogados  
Valencia  
Spain  
miriam@alvaraporcarabogados.com

Ounhirunskul, Kamthorn  
Kamthorn Surachet & Somsak Ltd.  
President Asiajuris  
Bangkok, Thailand  
kamthorn@kss.co.th

Indrakanti, Naveen Kumar  
Cresco Legal Consultancy  
Dubai  
UAE  
naveen.indrakanti@creesco.ae

Poets, Alexander  
Karanovic & Partners  
Speaker  
Ljubljana, Slovenia  
Alexander.Poels@karanovicpartners.com

Espada Gerlach, Alejandro  
Abogados Espada Gerlach  
Barcelona  
Spain  
a.espada@espadagerlach.com

Porcar, Miriam  
Alvaro Porcar Abogados  
Valencia  
Spain  
miriam@alvaraporcarabogados.com

Ounhirunskul, Kamthorn  
Kamthorn Surachet & Somsak Ltd.  
President Asiajuris  
Bangkok, Thailand  
kamthorn@kss.co.th
EUROJURIS CONGRESS
PARIS 15-18
OCTOBER 2020