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Restructuring and Insolvency

Iván Heredia Cervantes has been a Of counsel at the Madrid office in the Restructuring and Insolvency Department. He is an expert in private international law and, in particular, in international insolvency law and international arbitration, fields in which he has extensive academic and professional experience. He was the Deputy Director-General of the Notarial Profession and Registries (Ministry of Justice) from 2009 to 2012.

Experience

In the academic field, he is a Professor of International Law at the Universidad Autónoma de Madrid, where he has held, among other positions, those of Vice-Dean of Postgraduate Studies and Academic Secretary of the Faculty of Law of the Universidad Autónoma de Madrid (2013-2014) and Director of the Center for Registry Studies at the Universidad Autónoma de Madrid (CIDRE). He has led several research projects related to the study of security interests and insolvency in an international context.

Iván took part in the commission set up at the Directorate-General of Registries and Public Notaries to draft the Civil Registry Law of 2011, as well as the Draft Bills for the Mediation Law and the reform of the Arbitration Law. He has also advised the Directorate-General of Registries and Public Notaries on the procedure for joining the Aircraft Protocol of the Cape Town Convention on international interests in mobile equipment. Coauthor together with Miguel Virgós Soriano, F.J. Garcimartín Alférez and J.M. Díaz Fraile of the “Madrid Autonomous University Draft of the Law on International Legal Cooperation in civil matters”, on which the current law on the matter is based.

Iván Heredia Cervantes has been a visiting researcher at the University of Oxford, UNIDROIT (Rome) and the Max Planck Institute (Hamburg). He has also given numerous courses, seminars and sessions at different Spanish and foreign universities.

His research work has mainly focused on international insolvency law, international civil procedure law, international contracts, international arbitration, international finance, international registration law, international protection of intellectual property rights, international family law and international inheritance law.

Academic background

- Doctorate in Law, Universidad Autónoma de Madrid (UAM), 2000. PhD thesis directed by Professor Miguel Virgós Soriano: “Multiple parties in international proceedings” with the grade of “Outstanding cum laude unanimous”.
- Master’s Degree in European Community Law, Universidad Autónoma de Madrid (UAM).
- Degree in Law, Universidad Autónoma de Madrid (UAM).

Teaching activity

Iván Heredia is a professor of Private International Law at the Universidad Autónoma de Madrid, where he regularly teaches undergraduate subjects ("Private International Law" and "International Trade Law") and postgraduate courses ("Master's Degree in Access to the Legal Profession", "Qualification as Expert in Corporate Governance and M&A Operations", "Master's Degree in Intellectual and Industrial Property"). He is also a professor of the "Master’s Degree in Insolvency Management" at the UNED and of the "Master's Degree in in Intellectual Property" at Pons-ISDE.

Lecturer and speaker at numerous specialist conferences and seminars. In the field of insolvency, the following may be highlighted:

- “The new international insolvency regime". CONFERENCE: The new Insolvency Law, Universidad de Lérida, 2005.
- “Monetary claims and international insolvency”. CONFERENCE: “Three years of practical application of the Insolvency Law 22/2003, of July 9, 2003”. Madrid (Consejo General de la Abogacía), 2007.
- “Determining of the COMI, migration, forum shopping and corporate group problems”, FIDE, January 2011.
- “Territorial and main insolvency proceedings”. FIDE, May 2012.
- “Security interests, offsetting of claims and international insolvency”. FIDE, May 18, 2012.
- “Regulation 1346/2000 on insolvency proceedings". FIDE, June 26, 2012.
- “The Parmalat insolvency”. FIDE, January 22, 2013.
- “Regulatory framework, international court jurisdiction, territorial and main proceedings". FIDE, 5-23-2013).
- “Arbitral Agreements and Arbitral Procedures in the Insolvency Regulation”. CONFERENCE: 5th Journal of Private International Law Conference 2013. Madrid, 2013.
- “Determining of the COMI, migration, forum shopping and corporate group problems. National forum shopping”. FIDE, 5-23-2014.
- “New challenges for international insolvency law: a European Union perspective”. CONFERENCE: Legal aspects of international insolvency. Cartagena de Indias (Colombia), Universidad Jorge Tadeo Lozano, 2014.
- “Implementation of the Aircraft Protocol of the Cape Town Convention in Spain”. CONFERENCE: Seminars on Aeronautic Law at Universidad Carlos III, Getafe (Universidad Carlos III), 2014.

- “Spain's accession to the Aircraft protocol of the Cape Town Convention” (oral presentation). CONFERENCE: International seminar: “The Modernization of the Law on Secured Transactions", Colegio de Registradores de España. (Madrid), 2015.
- “Arbitration and insolvency under the new Insolvency Regulations”. FIDE, September 28, 2016.
- “European insolvency regulation: asset clawback actions and international insolvency proceedings following the CJEC judgment of June 8, 2017”. FIDE, October 02, 2017.
- “Recognition of foreign awards and insolvency”. CONFERENCE: “International Conference. 60 years of the New York Convention on the Recognition and enforcement of foreign arbitral awards: Key issues and future challenges, Universidad Loyola (Sevilla), 2018.
- “Arbitration and insolvency proceedings”, CONFERENCE: “International conference: Current strategies for mediation and commercial arbitration”, Alcalá de Henares (Faculty of Law), 2018.
- “The Cape Town Convention on International Interests in Mobile Equipment: international guarantees and their relationship with internal legal systems”. Interdisciplinary seminar: “Retention of title and assignment as security under debate”, Faculty of Law of the Universidad de Málaga; September 2021.
- “Cross-border insolvency restructuring of multinational corporate groups in Europe and Latin America”. CONFERENCE: “Restructuring of companies in distress in Europe and Latin America”. Buenos Aires (Argentina). Cámara de Sociedades Anónimas, 2018.
- “Third-party release and international restructuring”. CONFERENCE: “Restructuring of companies in distress”, CECABANK/UAM, Madrid, 2018.
- “Possible impact of the forthcoming Brexit on Spain, especially in terms of restructuring and insolvency”. (oral presentation), CONFERENCE: TMA Spain NextGen, Madrid, 2019.
- “Arbitration and international insolvency: current issues”. FIDE, May 21, 2020.
- “Insolvency in the aeronautical sector and international guarantees: the Cape Town Convention under analysis". FIDE, June 17, 2021.
- "New legislation on international insolvency in the Insolvency Law Reform Bill". FIDE, May 10, 2022.
- “Developments in international insolvency following the reform of the Revised Insolvency Law”. FIDE, May 04, 2023.
- “Restructuring of international groups of companies”. FIDE, May 18, 2023.
- “Doubts, limitations and challenges in international restructuring”. FIDE, May 25, 2023.

Memberships

- Spanish Association of Professors of International Law and International Relations.
- Member of the editorial board of different top-level scientific publications.
- Academic Board Member of FIDE.
- Member of the expert group of the "European Association of Private International Law" (EAPIL), created to draw up a proposal for an EU regulation on the law applicable to rights in rem.

Distinctions

- Award for Legal Essays on Consumer Law, co-organized by the Municipal Council of Madrid and the Madrid Bar Association. Title: Cross-border trade in the European Union and consumer contracts (2004).
- Best Lawyers in Spain, in the "Litigation, Arbitration and Mediation" area (2019-2022).

Publications

Iván Heredia is the author of a large number of books, chapters of books, academic articles and opinions on the matters addressed.

Monographs:

- Proceso internacional y Pluralidad de partes (International Proceedings and Multiple Parties) (Comares, 2001).
- Arbitraje y Concurso Internacional (International Arbitration and Insolvency) (Cívitas, 2009).

Chapters of books (selection of publications in the field of insolvency and restructuring).

- "Aspectos jurídico-reales de las titulizaciones internacionales. El modelo del futuro Reglamento sobre ley aplicable a los efectos frente a terceros de las cesiones de créditos" ("Legal-in rem aspects of international securitization. The model of the future Regulation on the law applicable to the effects vis-à-vis third parties of assignments of receivables), in Heredia Cervantes, I. (Dir.) Cuestiones actuales de las cesiones de créditos (Current issues relating to the assignment of receivables), Publisher: Tirant Lo Blanch, pages 47-65.
- "Spanish chapter" in "The restructuring of corporate groups: a global analysis of substantive, procedural and synthetic group procedures" (co-authored with A. Thery).
- "Comentario a los artículos 47, 49 y 721-752 del Texto Refundido de la Ley Concursal" (Comments on articles 47, 49 and 721-752 of the revised Insolvency Law), in Peinado Gracia, J.I., Sanjuán y Muñoz, E., Comentarios al articulado del Texto Refundido de la Ley Concursal (Comments on the articles of the revised Insolvency Law) (co-authored with Adrián Thery Martí), Vol. 1, pages 366-377, 383-389, 433-437, Vol. 4, pages 889-1059; Ed. Sepín, 2020.
- "Reserva de dominio y concurso internacional" (Retention of title and international insolvency), treatise on sales and purchases. Tribute to Rodrigo Bercovitz (Dir. Ángel Carrasco Perera), Vol. I, Aranzadi, 2014, pages 249-259.
- Heidelberg/Vienna Report to the Insolvency Regulation; Spanish Report, (co-authored with F.J. Garcimartín Alférez and Elisa Torralba Mendiola), C.H. BECK/HART/NOMOS, passim¸ Baden Baden, 2014.
- Comentarios a la Ley Concursal (artículos 10-11 y 199-230) (Comments on the Insolvency Law (articles 10-11 and 199-230)). E-book, Law/2010 (www.laleydigitalconcursal.es); updated in 2014 (co-authored with F.J. Garcimartín Alférez), Comentarios a la Ley Concursal (Comments on the Insolvency Law), (Ed. Rodrigo Bércovitz Rodríguez-Cano), "Comentario a los artículos: 200, 203, 206, 207, 208, 210, 222, 226, 227 y 228" (Comments on articles: 200, 203, 206, 207, 208, 210, 222, 226, 227 and 228), Vol. II, pages 2044-2054/2069-2071/2086-2088/2088-2091/2091-2096/2167-2170/2188-2189/2191-2200/2201-2205, Editorial Tecnos, 2004.

Articles (selection of publications in the field of insolvency and restructuring).

- “Novedades en materia de insolvencia internacional en el Proyecto de Ley de reforma del Texto refundido de la Ley Concursal" (New developments in international insolvency in the Insolvency Law Reform Bill), Revista General de Insolvencia y Reestructuraciones, Volume: no. 5, 2022, pages 187-217.
- “Insolvencia internacional y pre-concursos: tres novedades contempladas en el Proyecto de ley de reforma del Texto Refundido de la Ley Concursal” (International insolvency and pre-insolvency proceedings: three new provisions in the Insolvency Law Reform Bill), La Ley Unión Europea, Vol. 102, 2022.
- “Suspensión de la tramitación de un procedimiento arbitral y perjuicio para el concurso en el ámbito internacional” (“Suspension of arbitration proceedings and detriment to international solvency), Anuario de Derecho Concursal, Vol. 54, year 2021, pages 255-266.
- “Insolvencia en el sector aeronáutico. Garantías internacionales y Brexit” (“Insolvency in the Aircraft sector. International guarantees and Brexit), La Ley Unión Europea, Vol. 92, 2021; "Cesiones internacionales de créditos y eficacia frente a terceros” (International assignments of receivables and effectiveness vis-à-vis third parties), La Ley Unión Europea, vol. 79, 2020.
- “Acciones de reintegración y concurso internacional: cuestiones de ley aplicable” (Asset clawback actions and international insolvency: applicable law issues), Revista de Derecho concursal y paraconcursal. Vol. 28, 2018, pages 37-54.
- Brexit e insolvencia internacional” (Brexit and international insolvency), (in conjunction with A. Thery Martí), El Notario del siglo XXI: Revista del Colegio Notarial de Madrid, no. 69, 2016, pages 10-15.
- “Análisis de la adhesión de España al Protocolo Aeronáutico del Convenio de Ciudad del Cabo” (Analysis of Spain’s accession to the Aircraft Protocol of the Cape Town Convention), La Ley Mercantil, Vol. 21, January 1, 2016.
- “El Convenio de Ciudad del Cabo y su Protocolo sobre bienes de equipo espacial” (The Cape Town Convention and its Protocol on space assets), Revista Crítica de Derecho Inmobiliario, no. 731, 2011, pages 1415-1449.
- “Tratamiento concursal del convenio arbitral: la modificación del artículo 52.1 de la Ley Concursal” (“Insolvency treatment of the arbitration agreement: the amendment of article 52.1 of the Insolvency Law), Diario La Ley; February 24, 2011.
- Concurso y convenio arbitral: la reforma del artículo 52.1 de la Ley Concursal (Insolvency and the arbitration agreement: the reform of article 52.1 of the Insolvency Law), Anales del CIDDRIM, 2010, vol. IX. “Derechos reales sobre créditos dinerarios y concurso internacional” (In rem rights over monetary claims and international insolvency), Revista de Derecho Concursal y Paraconcursal, La Ley, 2008, pages 559-570.
- “La cesión de créditos; reflexiones sobre los problemas de ley aplicable” (Assignment of receivables; reflections on the problems with the applicable law), Anuario de Derecho Civil, Tomo LVI, Fascículo III, pages: 969-99, (coauthored with F.J. Garcimartín Alférez).
- “Las transacciones internacionales sobre créditos en el ordenamiento español: cuestiones jurídico-reales” (International credit transactions in the Spanish legal system: legal-in rem issues) (co-authored with F.J. Garcimartín Alférez”), DeCITA: direito do comercio international = derecho del comercio internacional, no. 7-8, 2007 (copy dealing with secured transactions), pages 309-336.
- “El nuevo sistema español de insolvencia internacional” (The new Spanish international insolvency system) (coauthored with E. Rodríguez Pineau), Anuario euro-peruano de Derecho del comercio, núm 1,

pages 188-214.

- “El artículo 5 del Reglamento comunitario 1346/2000 sobre procedimientos de insolvencia: cuestiones relativas a los derechos reales sobre créditos” (Article 5 of EC Regulation 1346/2000 on insolvency proceedings: issues relating to in rem credit rights), Anuario Español de Derecho internacional privado, Vol. 3, 2003, pages 223-234, Iprolex.