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Vesna Matić
Udruženje banaka Srbije
vesna.matic@ubs-asb.com

Bankarski rizik 51

INSOL INTERNATIONAL (rizik solventnosti)

Rezime

Očuvanje solventnosti privrednih i finansijskih subjekata u kontekstu njihove funkcionalne povezanosti, predmet je pažnje i razmatranja stručne javnosti poslednjih decenija. Rizik solventnosti značajnih privrednih subjekata specifičan je po tome što može rezultirati mnogo širim posledicama u smislu lančanog širenja na širi krug privrednih i finansijskih subjekata. Na ovaj sistemski karakter rizika solventnosti značajno utiče i kretanje privrednih ciklusa, koji u određenim periodima ulaze u fazu globalnih ekonomskih kriza.

U želji da se preventivno i harmonizovano deluje na širem geografskom planu u upravljanju rizikom solventnosti, formiran je INSOL International, međunarodni savez nacionalnih udruženja računovođa i advokata koji su se specijalizovali za pitanja restrukturiranja, nesolventnosti i bankrota.

Ključne reči: INSOL International, INSOL Europe, INSOL Srbija, rizik solventnosti, restrukturiranje

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expert article

Banking Risk 51

Vesna Matić

Association of Serbian Banks
vesna.matic@ubs-asb.com

INSOL INTERNATIONAL (The Solvency Risk)

Summary

Solvency preservation of economic and financial subjects in the context of their functional connectedness has been in the focus of attention and consideration of professional circles last decades. The solvency risk of important economic entities is specific because it can result in broader consequences in the sense of a chain expansion on the wider range of economic and financial subjects. The movement of economic cycles which enter the stage of global economic crises in specific periods has an important influence on the systemic character of the solvency risk.

In order to prevent and harmonize solvency risk management in the wider geographic area, INSOL International has been formed, as a worldwide federation of national associations for accountants and lawyers who are specialized in turnaround and insolvency.

Keywords: INSOL International, INSOL Europe, INSOL Serbia, insolvency risk, restructuring

JEL: G31, M16

U želji da se preventivno i harmonizovano deluje na širem geografskom planu u upravljanju rizikom solventnosti, 1982. godine formiran je ***INSOL International***, međunarodni savez nacionalnih udruženja računovođa i advokata koji su se specijalizovali za pitanja restrukturiranja, nesolventnosti i bankrota. Veličina i snaga INSOL International je danas na globalnom nivou, s obzirom na to da je Savez apsolutni lider u svetu za pitanja restrukturiranja i nesolventnosti, i u vezi sa tim, za rešavanje problema naplate potraživanja po osnovu kredita od strane poverilaca. Savez je i važan izvor stručnih znanja, iskustva i drugih potencijala koji se koriste širom sveta u vidu različitih projekata, korisnih za poslovne i finansijske klijente.

INSOL International je registrovan u Velikoj Britaniji kao kompanija sa ograničenom odgovornošću. Poslovanjem Udruženja upravlja Upravni odbor. Predstavnici deset najvećih punopravnih nacionalnih udruženja, članica Saveza, i direktori kompanije su članovi Upravnog odbora. Mandat članova Upravnog odbora je tri godine i ovaj organ upravljanja sastaje se dva puta godišnje.

Članove Izvršnog odbora Saveza postavlja Upravni odbor, a čine ga: predsednik, zamenik predsednika, blagajnik i izvršni direktor. Mandat predsednika Izvršnog odbra i zamenika predsednika je dve godine i oni upravljaju poslovanjem Saveza između sastanaka Upravnog odbora.

Članstvo INSOL International čine:

- nacionalna udruženja računovođa i pravnika (trenutno preko 44) iz celog sveta sa preko 10.000 profesionalaca koji učestvuju kao članovi i
- individualni članovi, koji nisu članovi nacionalnih udruženja članica INSOL International.

INSOL International takođe ima i grupe saradnika koji predstavljaju pravosuđe, regulatore, kreditore i akademike. Oni organizuju forume na kojima se diskutuju zajednički problemi.

Ciljevi INSOL International su:

- razmena iskustava, znanja, informacija, i rezultata istraživanja između članica na konferencijama i putem publikacija,
- podsticaj većoj međunarodnoj saradnji u razvoju prekograničnih politika u oblasti nesolventnosti, međunarodnih kodeksa postupanja i vodiča za najbolju praksu,
- vodeća uloga u međunarodnoj edukaciji u oblasti restrukturiranja i nesolventnosti,
- razvoj međunarodno prihvaćene regulative na konferencijama i drugo

INSOL Europe je članica INSOL International od osnivanja ovog međunarodnog udruženja (1984). Evropsko profesionalno udruženje specijalista za restrukturiranje i nesolventnost, osnovano je i registrovano 1981. u Francuskoj. Danas ova evropska organizacija ima preko 1200 članova širom Evrope i dalje. Članovi INSOL Europe su isključivo pojedinci različitih stručnih profila – advokati, računovođe, regulatori, stečajni upravnici, kreditori, naučni radnici.

Misija INSOL Europe je:

- vodeća uloga u Evropi po pitanjima koja se odnose na nesolventnost, poslovni oporavak i preokret u privrednim organizacijama,
- podsticaj i olakšavanje razmene informacija, ideja i profesionalnih iskustava između članica,
- podsticaj većoj saradnji i komunikaciji u Evropi, ali i ostalim delovima sveta preko INSOL International,
- vođenje diskusija sa evropskim i međunarodnim državnim telima koja se bave stečajnim procesom,
- pružanje pomoći u edukaciji i obuci članova, njihovih stručnih kadrova i ostalih i drugo.

Rad INSOL Europe regulisan je Statutom, a administrativne poslove obavlja Savet čije članove biraju članovi INSOL Europe na 3 godine. Generalni sekretar je odgovoran za upravljanje svakodnevnim aktivnostima i za svoj rad je odgovoran Savetu.

Poslove INSOL Europe obavljaju odbori (14) specijalizovani za različite oblasti (praćenje regulative EU, praćenje politike EU, ustavna pitanja, akademsko krilo, izdavaštvo, članstvo i drugo).

INSOL Srbija su smernice za postupanje banaka u procesima restrukturiranja klijenata. Ovaj dokument urađen je na inicijativu jednog broja banaka u Srbiji, a dobio je punu podršku i usvojen je od Upravnog odbora Udruženja banaka Srbije. Cilj izrade smernica je da se omogući koordiniran, osmišljen i usaglašen

In order to prevent and harmonize solvency risk management in the wider geographic area, INSOL International has been formed in 1982, as an international federation of national associations for accountants and lawyers who are specialized in restructuring, insolvency and bankruptcy. The size and strength of INSOL International today is worldwide because the Federation is the absolute leader for restructuring and insolvency and related credit issues in the world. The federation is also a valuable source of professional knowledge, experience and other potentials that are being put to use around the world in the form of different projects with benefits for business and financial clients.

INSOL International is incorporated in the United Kingdom as a Company limited by Guarantee. Its affairs are administrated by the Board of Directors. Representatives of the ten largest fully paid-up member associations and the Directors of the Company are members of the Board of Directors. Members of the Board serve a three-year term of office and the Board meets twice a year.

Members of the Federation's Executive Board are the President, Vice-President, Treasurer and Executive Director and they are appointed by the Board of Directors. The President and Vice-President serve a two-year term of office and manage the affairs of the Federation between the Board meetings.

Members of the INSOL International are:

- worldwide Member Associations of accountants and lawyers (currently over 44) with over 10,000 professionals participating as members and
- individual members who are not members of member associations.

INSOL International also has ancillary groups that represent the judiciary, regulators, lenders and academics. They organize forums for the discussion of mutual problems.

The goals of INSOL International are:

- To exchange experience, knowledge, information and the results of researches amongst the Members Associations through conferences and publications;
- To encourage greater international cooperation in developing cross-border insolvency policies, international codes and the best practice guidelines;
- To play the leading role in international educational matters relating to turnaround and insolvency topics;
- To develop internationally accepted legislation through conferences etc.

INSOL Europe is a member association of INSOL International since this international federation was founded (1984). The European association of professionals for restructuring and insolvency was founded in 1981 and registered in France. Today this European organization has over 1200 members across Europe and beyond. Members of INSOL Europe are individuals of different professional profiles – lawyers, accountants, regulators, bankruptcy mangers, creditors, academics.

The goals and strategy of INSOL Europe are:

- To play the leading role in Europe relating to the questions of insolvency, business recovery and turnaround in corporates;
- To encourage and to facilitate exchange of information, ideas and professional experience amongst its members;
- To encourage greater coordination and communication in Europe, as well as amongst the other parts of the world through INSOL International;
- To have discussions with the European and international state bodies that are dealing with bankruptcy process;
- To organize international and regional conferences;
- To help in education and training of members, their professionals and others, etc.

The function of INSOL Europe is defined by the Statute, and administrative affairs are performed by the Council whose members elect members of INSOL Europe for 3-year terms of office.

INSOL Serbia are the guidelines for the procedure of banks in the client restructuring process. At the initiative of a group of banks this document has been drafted and fully supported and adopted by the Association of Serbian Banks' Board of Directors. These guidelines are aimed at allowing for a coordinated, well-designed and harmonized approach of banks, as the major creditors, to the revitalization of corporate clients that are in the high risk zone due to the problems of economic and financial pristup banaka, kao najvećih poverilaca, u revitalizaciji klijenata privrednih subjekata koji su u zoni visoko rizičnih, s obzirom na to da zbog problema poslovne i finansijske prirode više nisu u stanju da servisiraju obaveze prema poveriocima. Reč je o poslovno etičkom kodeksu ponašanja, koji banke poverioci prihvataju po principu dobrovoljnosti i primenjuju u praksi. Zbog toga je prilikom izrade dokumenta u kojoj su učestvovale najveće banake u Srbiji veoma bilo važno da se postigne visok nivo usaglašenosti stavova i harmonizacije mišljenja banaka, kao prioritetnih uslova za njegovu uspešnu primenu.

Praksa u kojoj se uz pomoć ovako definisanih i usvojenih principa ponašanja klijent banke restrukturira u najkraćem roku i vraća redovnom poslovanju, ali i počinje redovno da servisira svoje obaveze, već je u primeni u evropskim zemljama (Velika Britanija, Austrija) i daje dobre rezultate. Smernice INSOL Srbija urađene su po modelu koji primenjuje Austrija, koji je ocenjen kao primereniji uslovima na tržištu Srbije, i prilagođen domaćem okruženju. Srbija je prva zemlja na Balkanu u kojoj je bankarska industrija usvojila ove kodekse ponašanja.

Izvori podataka:

1. www.insol.org
2. www.insol-europe.org
3. INSOL Srbija
4. Udruženje banaka Srbije

nature and no longer capable of servicing their liabilities to the creditors. This is a business code of conduct, which the creditor banks are to adopt on a voluntary basis and apply it in practice. Therefore, during the process of drafting this document in which the largest banks in Serbia took part, it was very important to achieve the high level of coordination and harmonization of the banks' opinions, as the priority condition for its successful implementation.

The practice of client restructuring by banks over the shortest period of time, based on the principles defined and adopted in such a way, aimed at helping the clients back to regular business, but also enabling them to continue with servicing their liabilities, has already being applied in the European countries (United Kingdom, Austria) and is yielding good results. The INSOL Guidelines Serbia are drafted after the model that is implemented in Austria being assessed as the most appropriate for the market conditions prevailing in Serbia, and adjusted to the domestic environment. Serbia is the first country in the Balkans whose banking industry has adopted this code of business behavior.

Data sources:

1. www.insol.org
2. www.insol-europe.org
3. INSOL Serbia
4. Association of Serbian Banks