

Inside a Tier 1 Insolvency Practice in Romania



In Romania, insolvency is not an ordinary area of legal practice. It is a high-stakes arena in which the timing of intervention, the quality of strategy and the depth of multidisciplinary expertise can make the difference between full recovery and irreversible loss. At NNDKP, the practice is built around a simple principle: insolvency is a tool for recalibration, not a final verdict. The firm advises debtors, creditors, shareholders and management teams alike, and that breadth of perspective helps it identify the vulnerabilities of each position before they harden into disputes.

The most sophisticated matters in the firm's portfolio combine complex litigation, material tax exposure and a large creditor body, creating exactly the kind of mandate that tests a practice at the highest level. Romania's legislative framework still contains real structural gaps, from the absence of mechanisms for groups of companies to the rigidity of budgetary claims and the unpredictability of procedural timetables. In a conversation with ^{Biz} **Lawyer**, *Emil Bivolaru, Executive Partner*, and *Florentin Nanu, Managing Associate*, explain with unusual candor where the legal framework falls short and how those shortcomings are managed in practice.

The *Legal 500 EMEA 2026* confirms Tier 1 status for NNDKP's Restructuring and Insolvency practice, with Emil Bivolaru and Ana Diculescu-Sova recognized as Leading Partners.

Insolvency as strategy: why the first 72 hours matter

NNDKP's insolvency practice revolves around mandates in which the legal process becomes an instrument for recalibrating complex and diverse situations. Challenging significant claims, structuring reorganization plans and protecting core assets form the heart of the intervention. The firm helps clients turn an initially defensive position into a proactive one, through solutions that combine strong legal reasoning with a clear understanding of the economic effect of every move.

That shift from defense to initiative is more than a tactical advantage; it is an operational necessity. In insolvency, the timing and direction of legal intervention define the room for maneuver, and companies that seek advice too late often discover that room has already narrowed dramatically.

"In recent years, we have seen a gradual increase in the share of preventive and early-stage restructuring mandates, but in practice they are still underused compared with formal insolvency proceedings. Many of the matters that

reach us are already at a tense stage, where the room for maneuver is limited, yet clients still expect us to achieve the impossible at the last possible moment," said [Emil Bivolaru](#), *Executive Partner, NNDKP*.

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The gap between the preventive restructuring tools already available in the law and the pace at which the business community uses them reflects a deeper problem of organizational culture, not just legal design. Insolvency is still associated with failure rather than risk management, and that perception delays intervention until the range of realistic options has narrowed sharply.

The underuse of preventive restructuring, despite the legal tools on the books, also points to a lack of legal literacy in the corporate environment. Companies that understand insolvency as a strategic instrument rather than a stigma come to counsel with far more room to negotiate.

Economic pressure and legislative developments continue to encourage earlier intervention, and companies are gradually becoming more open to restructuring solutions before the formal opening of proceedings. In situations of distress, clients most often focus on maintaining operations, protecting the core assets needed to sustain them, and managing exposure to creditors. In legal terms, those priorities translate into concrete strategies: challenging unjustified claims or building a reorganization plan that is viable both legally and economically.

Those three objectives - continuity, protection and creditor negotiation - are interdependent. A strategy that maximizes one while neglecting the other two will usually prove fragile before the court or the creditors' meeting.

"The first 72 hours are essential because we need to analyze the legal deadlines, the legal nature of the claims that may become the subject of insolvency proceedings, the contracts in force and the enforcement risks. Decisions on when to open proceedings, how to position the client vis-a-vis creditors, or what strategy to adopt for the assets can become irreversible if they are not made carefully and at the right moment. That is why this stage requires close coordination between the legal team and management," Bivolaru added.

The first three days of an insolvency mandate involve a density of decision-making rarely seen elsewhere in corporate law. At a moment when management is often immobilized by crisis, the legal team must simultaneously map deadlines, claims and risks, and mistakes made at this stage tend to compound rather than correct themselves later in the process.

Coordination between legal counsel and management in those first hours is not a procedural formality. It is the moment that often determines whether the process will remain debtor-led or gradually slip under the control of creditors or the judicial administrator.

NNDKP acts for both debtors and creditors, especially financial and trade creditors, as well as shareholders and

management teams in times of crisis. Strategy shifts significantly depending on the client's position: for debtors, the emphasis is on protection and restructuring; for creditors, it is on maximizing recoveries and retaining influence over the direction of the proceedings.

That ability to work effectively on both sides of the table gives the practice a structural understanding of the tensions built into insolvency proceedings, an advantage that matters both in mounting strong defenses and in identifying vulnerabilities in the opposing position.

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"The most sophisticated mandates are those that combine complex litigation, significant tax exposure and a large number of creditors. The complexity is not only legal; it is operational too, with severe time pressure and major financial impact. In these matters, strategic coordination and the ability to anticipate the moves of other actors are essential," Bivolaru said.

Mandates that combine litigation, tax exposure and a broad creditor base require an integrated set of capabilities that few firms truly possess: tax law, commercial disputes and insolvency itself rarely operate within the same team and at the same speed. That absence of integration becomes most visible in the largest matters, where the stakes leave no room for delayed alignment.

The sophistication of a mandate is not reducible to legal complexity alone. It is measured by the practitioner's ability to manage multiple fronts at once, understand creditor intent before it turns into action, and protect essential assets while negotiations remain live.

"The most frequent tensions arise between debtor and creditors over the recognition of claims, among creditors themselves, especially on priority issues, and between all parties and the judicial administrator over the conduct of the proceedings. Managing those frictions requires both a firm legal approach and openness to negotiated solutions," added [Florentin Nanu](#), *Managing Associate, NNDKP*.

These tensions are not aberrations; they are a natural consequence of a process in which competing interests, priorities and constraints rarely align easily. A strong practice does not try to eliminate them at any cost, but to manage them intelligently and turn them into opportunities for sustainable agreement before they become value-eroding disputes.

In Nanu's view, the legislative framework still has structural gaps with a direct effect on live matters, one of the clearest being the absence of effective mechanisms for handling insolvencies at group level. That limitation is made more acute by operational and financial interdependencies that individual proceedings cannot properly

address.

"The regime applicable to budgetary claims also remains rigid and, at times, disproportionate to the objective of recovery, limiting the real room for negotiation and affecting the viability of reorganization plans. Another problem is the lack of effectively sanctioned deadlines for key stages of the proceedings, which in practice leads to excessive case duration and erosion in asset value. There are also areas that remain insufficiently regulated or unclear, such as the standards applicable to avoidance actions, where differences in interpretation generate uncertainty," Nanu said.

The rigidity of budgetary claims, the lack of sanctions for missed deadlines and the uncertainty surrounding avoidance actions are all expressions of the same systemic weakness: a framework that discourages reorganization and, through inertia, favors bankruptcy over recovery.

Structural reform of insolvency legislation requires more than technical amendments. It demands a shift in policy priorities, from procedures that manage insolvency after value has already been lost to mechanisms that facilitate restructuring before that erosion becomes irreversible.

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Case law, flagship mandates and a message of realism

Inconsistent case law remains one of the structural challenges of Romanian insolvency practice, particularly in disputes over the avoidance of fraudulent acts carried out shortly before proceedings are opened. Differences in judicial interpretation create uncertainty that directly affects the predictability of legal strategy, Nanu noted. The law is also poorly aligned with the economic realities of groups of companies and contracts essential to business continuity, areas in which individual insolvency proceedings often fail to provide satisfactory answers. "In practice, these gaps are covered by creative solutions and negotiation between the parties, but at the cost of additional time and uncertainty," he said.

This inconsistency is not a marginal technical defect. Uncertainty over the treatment of pre-insolvency transactions directly affects asset valuation, plan negotiations and investor appetite for assets within the proceedings.

The fact that legislative gaps are often bridged through creative solutions and direct negotiation is both evidence of practitioners' pragmatism and a warning to policymakers: the more decisions depend on bespoke agreement in the absence of a clear framework, the more fragile the legal foundations of restructuring become.

"Overall, we are satisfied with the quality of case law, but predictability varies. There is convergence in certain areas, but fragmentation persists in sensitive matters such as avoidance actions, budgetary claims and voting on the

plan," Nanu observed.

Fragmentation in these key areas does not affect all participants equally. Sophisticated creditors, with the legal expertise and resources needed to track and exploit divergent interpretations, can gain an advantage over less prepared creditors, deepening the structural imbalance within the process.

Partial convergence in case law is genuine progress, but it is not enough. Predictability in insolvency cannot be built selectively; if the areas with the highest financial stakes remain fragmented, the practical benefit of convergence elsewhere is limited.

Experience this year shows that the challenges clients face in insolvency are simultaneous and interconnected. "Clients face procedural difficulties, commercial pressures and reputational risks. The main lesson is the importance of early intervention and a coherent strategy from the earliest stages," Bivolaru said. Interaction with the tax authorities, especially in relation to ANAF claims, remains one of the most sensitive aspects of the process, marked by limited predictability and limited flexibility in negotiation, Nanu added.

In the view of the lawyers interviewed by *BizLawyer*, procedural simplification and digitalization are the reforms most likely to deliver an immediate improvement in speed and efficiency, provided they do not come at the expense of due process protections.

Digitalizing insolvency proceedings could significantly reduce the real duration of cases, one of the systemic problems practitioners identify most consistently. Without a mandatory digital timetable and a system for monitoring deadlines, procedural reform risks remaining largely formal.

Insolvencies in regulated sectors add a further layer of complexity. Sector-specific rules and the active role of supervisory authorities turn these proceedings from legal files into exercises in multidisciplinary coordination. "We represent clients in complex insolvency proceedings across sectors including energy, finance, healthcare, utilities and transport, where the complexity of the process is amplified by sector regulation and by the role of the authorities, making a multidisciplinary approach indispensable," Bivolaru said.

The accumulation of procedural, commercial and reputational pressure within the same matter confirms that insolvency is a multidimensional crisis. A legal team that focuses only on the formal dimension while ignoring the client's commercial or reputational pressures is offering an incomplete form of representation.

In regulated sectors, insolvency work often requires close coordination between insolvency counsel, regulatory specialists and, at times, sector consultants. Without that integration, an otherwise well-structured process can still be compromised by a missed regulatory approval or a conflict with an active regulator.

"One relevant project involved challenging a tax claim of significant value so that our client could obtain full satisfaction of its own claim from the creditors' estate. Without that challenge, our client, itself a creditor with a major claim, would not have recovered even 10 percent," Nanu said, describing one of the practice's notable matters.

That mandate illustrates how strategically challenging competing claims can reshape value distribution within the creditors' estate. A carefully calibrated intervention, in this case the challenge to a large tax claim, can move a creditor's recovery from below 10 percent to full satisfaction, showing just how directly financial outcomes in insolvency depend on the quality of legal representation.

It also illustrates a fundamental truth about insolvency: the value available to a creditor within the estate is not fixed. It is actively shaped by the legal strategy of the participants. Creditors who do not challenge competing

claims, or who remain passive, leave space for others to reshape the distribution to their detriment.

Nanu also notes that matters involving a foreign element are becoming more frequent, and that the European insolvency framework offers useful tools, even if applying them in practice can be challenging where multiple jurisdictions are involved.

The growing frequency of cross-border matters reflects the internationalization of capital and corporate debt in the Romanian economy, a trend that will continue and that requires not only knowledge of European rules, but practical experience in coordinating with insolvency officeholders and courts in other jurisdictions.

NNDKP's insolvency team is deliberately multidisciplinary, bringing together expertise in litigation, tax and corporate law. As Bivolaru puts it, the team has "capabilities across all the areas of law required to represent clients to an exceptionally high professional standard," while the partner's role remains an active one of strategic coordination. Investment is directed both toward continuing professional development and toward tools that improve the efficiency and internal coherence of the team's legal work.

That multidisciplinary structure is not an abstract organizational advantage. It is an operational requirement in complex insolvency matters, where the absence of tax or corporate expertise within the same team creates delay, coordination cost and the risk of decisions being made without an integrated view.

Asked to send decision-makers and the business community a message of realism about insolvency in Romania, what it is and what it is not, Bivolaru said: "For the debtor, insolvency is often a solution, a mechanism of economic adjustment that should not be seen as failure. The main challenge is changing perception and using it as a recovery tool, not merely as a last resort. For creditors, the realistic message is that insolvency is not automatically a mechanism for rapid and full recovery, but a procedural framework in which the outcome depends directly on engagement and on the strategy adopted."

That message of realism is two-sided: insolvency is not failure for debtors, but neither is it an automatic recovery mechanism for creditors. Outcomes depend on the quality of legal intervention and on when that intervention occurs.

"Optimal recovery does not come from passivity, but from active participation, from early analysis of the legal position, security, ranking and the chances of challenging other claims, to involvement in the key decisions of the proceedings: the vote on the plan, the appointment of the practitioner and the strategy for realizing the assets," Bivolaru concluded.

The practitioners' final message is one of responsibility: in insolvency, each actor receives in proportion to what it invests in the process, in attention, strategy and the quality of legal representation. Passivity, no matter how strong a claim may look on paper, is ultimately the costliest posture of all.

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[totaling €3 billion](#)

International rankings and market standing

In the 2026 edition of The Legal 500 EMEA, NNDKP's Restructuring and Insolvency practice holds a *Tier 1* ranking in Romania, confirming the relevance and consistency with which the firm appears in the market's landmark matters. That ranking places NNDKP in the top tier of the Romanian market, within a small group of five firms handling the most complex mandates.

NNDKP has maintained a steady presence at the top of international directories for several consecutive years, reflecting both the depth of the practice and the firm's ability to handle matters that fall well outside routine patterns. The 2026 results show that this position has held despite increasingly intense competition in the Romanian legal market.

At the individual level, **Emil Bivolaru**, the firm's Executive Partner, is named a Leading Partner by The Legal 500 EMEA 2026 for Restructuring and Insolvency. **Ana Diculescu-Șova**, one of the firm's founding partners, is also recognized as a Leading Partner in the same area, reflecting a depth and continuity rarely seen in Romania's insolvency market.

Chambers Europe 2026 does not assess Restructuring and Insolvency as a standalone practice area for Romania, unlike other European jurisdictions. Even so, **Emil Bivolaru** is individually ranked in *Dispute Resolution: Litigation* (Romania), Band 2, with explicit recognition of his restructuring and insolvency expertise within the profile of a complex litigator. Chambers sources describe him as "*very experienced, responsive, always available, pragmatic and solution-oriented,*" adding that "*his excellent legal and communication skills make him the lawyer you want on your side.*"

That Chambers assessment highlights a recurring feature of leading insolvency practices: the strongest restructuring results are often delivered not by lawyers confined to a single specialty, but by litigators with financial acumen who can operate at the intersection of procedural law, tax and the economic analysis of a debtor's assets. Bivolaru exemplifies that blend, with a 25-year career spanning complex tax litigation, commercial disputes and insolvency matters across the energy, real estate, banking and finance, and industrial sectors.

The firm's international recognition extends well beyond insolvency. In Legal 500 EMEA 2026, NNDKP secured 11 Tier 1 rankings out of 13 practice areas assessed for Romania. Five partners are included in the Hall of Fame, nine are recognized as Leading Partners, and six appear on the Next Generation Partners list. Chambers Europe 2026 adds 7 Band 1 practice rankings and 3 Band 2 rankings, with 18 lawyers and consultants recognized individually. The firm was also nominated for Romania Law Firm of the Year, an award it has already won seven times.

The breadth of that international profile is directly relevant to the insolvency practice. Complex restructuring matters almost invariably involve tax, banking and finance, corporate and disputes issues, all areas in which the firm holds top-tier rankings. For a client facing an insolvency matter with major tax exposure or senior financial creditors, that means access within the same firm to leading Banking & Finance and Tax capability, without the friction and extra cost of coordinating separate outside advisers.