

Cross Border Insolvency A Commentary On The Uncitral Model Law On Insolvency

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Insolvency in Private International Law - Ian F. Fletcher 2007-03

This set deals with the problems generated by those cases of insolvency (either of an individual or of a company) where the presence of contacts with more than one system of law brings into operation the principles and methods of private international law (also known as conflict of laws). Part I of the main work is mainly devoted to an examination of the body of rules and practice that has evolved in England during the course of the past two-and-a-half centuries, and surveys the current state of the law derived from a blend of statutory and case authorities. Contrasting approaches under a selection of foreign systems -- principally Australia, Canada, France and the USA -- are examined by way of comparison. There are up-to-date accounts of the circumstances under which insolvency proceedings can be opened in respect of debtors which are not primarily based in England, and of the grounds on which English courts will recognize foreign insolvency proceedings and give assistance to the foreign representative of the debtor's estate. Part II of the main work explores the progress towards the creation of international arrangements to co-ordinate and rationalize the conduct of insolvency proceedings which have cross-border features, particularly where the

debtor is capable of being subjected to concurrent proceedings in two or more jurisdictions. Central to the developments described in detail in this Part are the EC Regulation on Insolvency Proceedings and the UNCITRAL Model Law on Cross-Border Insolvency. This set includes the supplement to the second edition, which covers key developments in case law and legislation in the subject up to October 2006, and is an essential purchase for all who have already bought the main work. It includes the full text of the Cross-Border Insolvency Regulations 2006, along with commentary on the regulations. The supplement also includes the text of Council Regulation 694/2006, amending EC Regulation 1346/2000 on insolvency proceedings, and references to key developments in case law, including Eurofood IFSC Ltd, Daisytek ISA, and Cambridge Gas Transport Corp v Official Committee of Unsecured Creditors of Navigator Holdings plc. The commentary on case developments links back to the relevant paragraph in the main work. New to this Edition: · New supplement updating the second edition with commentary on recent developments, to October 2006 · Major recasting of chapter 6 (formerly dealing with the (by then) dormant EC Convention on Insolvency Proceedings) now giving an account of the EC Regulation on Insolvency

Proceedings, in force since 31 May 02 · Adjustments throughout the book to explain the impact of the Regulation on other aspects of law and practice · Full account is taken of statutory and case law developments since 1998 · There is a new chapter assessing other international developments since 1998 including the ALI Transnational Insolvency Project; the World Bank Principles and Guidelines; and the UNCITRAL Legislative Guide on Insolvency Law (completed 2004)

Elgar Encyclopedia of Comparative Law, Second Edition - J. M. Smits
2012-01-01

Acclaim for the first edition: "This is a very important and immense book. . . The Elgar Encyclopedia of Comparative Law is a treasure-trove of honed knowledge of the laws of many countries. It is a reference book for dipping into, time and time again. It is worth every penny and there is not another as comprehensive in its coverage as Elgar's. I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers. This is a very important book that should be sitting in every university law school library." _ Sally Ramage, *The Criminal Lawyer*
Containing newly updated versions of existing entries and adding several important new entries, this second edition of the Elgar Encyclopedia of Comparative Law takes stock of present-day comparative law scholarship. Written by leading authorities in their respective fields, the contributions in this accessible book cover and combine not only questions regarding the methodology of comparative law, but also specific areas of law (such as administrative law and criminal law) and specific topics (such as accident compensation and consideration). In addition, the Encyclopedia contains reports on a selected set of countries' legal systems and, as a whole, presents an overview of the current state of affairs. Providing its readers with a unique point of reference, as well as stimulus for further research, this volume is an indispensable tool for anyone interested in comparative law, especially academics, students and practitioners.

United Nations Commission on International Trade Law (UNCITRAL) Yearbook 2018 - Office of Legal Affairs 2021-12-20

The UNCITRAL Yearbook is a compilation of all substantive documents

related to the work of the Commission and its Working Groups. It also reproduces the annual Report of the Commission which is published as Supplement No. 17 of the Official Records of the General Assembly. UNCITRAL is the core legal body of the United Nations system in the field of international trade law. It specializes in the modernization and harmonization of rules on international business.

Cross-Border Insolvency - Neil Hannan 2017-08-21

This book examines the effect of the adoption of the United Nations Committee on International Trade Law (UNCITRAL) Model Law on Cross-Border Insolvency in five common law jurisdictions, namely Australia, Canada, New Zealand, the United Kingdom, and the United States of America. It examines how each of those states has adopted, interpreted and applied the provisions of the Model Law, and highlights the effects of inconsistencies by examining jurisprudence in each of these countries, specifically how the Model Law affects existing principles of recognition of insolvency proceedings. The book examines how the UNCITRAL Guide to enactment of the Model Law has affected the interpretation of each of its articles and, in turn, the courts' ability to interpret and hence give effect to the purposes of the Model Law. It also considers the ability of courts to refer to amendments made to the Guide after enactment of the Model Law in a state, thereby questioning whether the current inconsistencies in interpretation can be overcome by UNCITRAL amending the Guide.

Heath and Whale - Paul Heath 2013-12

HEATH AND WHALE ON INSOLVENCY, 2ND EDITION covers both corporate and personal insolvencies in New Zealand. The book provides legal and practical guidance on insolvency and restructuring issues commonly encountered in this country.

Bank Insolvency Law in Developing Economies - Kayode Akintola
2022-12-30

The subject of bank stability has been under a great amount of political and legislative scrutiny since the mid-2007 to late-2009 global financial crisis. However, these efforts have centred on developed economies. Little coverage is given to strategies adopted by many developing

economies. While there is a global discourse on the subject of insolvency generally, there is ample scope to contribute to the growing body of work on the narrow subject of bank insolvencies. This book provides a unique perspective on an emerging theme in at least two respects. First is the focus on selected developing economies and selected developed economies in the EMEA region alongside cross-border developments, with the objective of deciphering the regulatory approach to bank insolvencies. The second is the analytical consideration of methods that may be implemented to preclude or resolve bank insolvencies in developing economies. This book explores the nexus between developing economies and their banking institutions. Developing economies are acutely dependent on their banks for the functioning of their cash-based economies. Recent events, however, suggest a weakness in the long-term viability of some of their banks and a mixed-bag regulatory approach to redress this weakness. This book evaluates the effectiveness of regulatory frameworks in selected developing economies that are designed to prevent or resolve the insolvency of banks. At a time of global economic uncertainty, this book will prove to be a valuable resource to the discourse on the viability of banks, businesses, and economies in developing States.

Cross-Border Insolvency - Richard Sheldon QC 2015-04-17

Cross-Border Insolvency, 4th edition provides a comprehensive and up to date consideration of the topic of cross border insolvency. Written in a clear and accessible manner it guides the user seamlessly through this complex area of law. The coverage of the book is divided into two parts. The first part describes the key cross-border insolvency regimes including the EC Insolvency Regulation, the UNCITRAL Model Law on Cross-Border Insolvency, section 426 of the Insolvency Act 1986, and the common law. The second part focuses on specific issues in more detail, such as the court's insolvency jurisdiction, ancillary winding-up, enforcement of foreign insolvency judgments, foreign discharge of debts and insolvency set-off. The fourth edition gives full analysis of the fundamental changes to cross border insolvency law and practice in England including: The impact of the Supreme Court decision in Rubin v

Eurofinance; The revised UK Insolvency Rules; Proposals for revision of the EC Insolvency Regulation; Scope of section 426 - HSBC v TAMBROOK Jersey; Developments in offshore jurisdictions: PRIMEO FUND and SAAD INVESTMENTS (CAYMAN), RE C (BVI); Kelmsley v Barclays Bank PLC. Previous print edition ISBN: 9781845921040

Recognition of Foreign Bank Resolution Actions - Guo, Shuai 2022-02-15

This timely book offers a comprehensive study of the mechanism that gives effect to foreign bank resolution actions. In particular, it focuses on how the legal framework for the recognition of foreign bank resolution actions should be structured and proposes detailed legal principles on which effective frameworks should be based.

Cross-Border Insolvency Law - Bob Wessels 2015-09-24

Recent insolvency cases highlight the growing importance of cross-border insolvency matters in international transactions. In order to obtain relevant information essential for conduct in such transactions, an insolvency lawyer needs to have access to the many relevant instruments that have been introduced and implemented in recent years, but that until now have not been available in any single place. This very useful volume collects, for the second time in one source, all important international and regional legal instruments relating to insolvency of companies and consumers, as well as to corporate rescue law. The book includes international and regional conventions, model laws, EU regulations and directives, and guiding principles produced by various international bodies (such as the World Bank, the United Nations Committee on International Trade Law ('UNCITRAL'), the American Law Institute, INSOL International, and INSOL Europe), and international and European restatements of insolvency law by scholars. In addition to reproducing the complete texts of these instruments, the editors provide insightful commentary covering such important matters as the following: * key issues of each text; * expected amendments and revisions; and * comparative analysis of instruments. A unique resource bringing together core material in the field of cross-border insolvency law and legislation, this book will be welcomed by international insolvency

practitioners worldwide.

Maritime Cross-Border Insolvency under the UNCITRAL Model Law Regime - Jingchen Xu 2020-12-10

This book covers the pressing issues of cross-border cases involving admiralty and bankruptcy law. For example, what should happen when a shipowner files an insolvency proceeding in one country, while at the same time facing an in rem action against its vessel in another country? Should the in rem action arising in one country be stayed or dismissed because of the existence of insolvency proceedings in another country? The book discusses the relevant issues regarding the treatment of maritime creditors throughout insolvency proceedings, the determination of the 'centre of main interest' of an offshore shipping company, and the scope of a debtor's assets. The author uses a comparative law analysis, selecting four leading shipping countries - Australia, the UK, the US, and Singapore - and examines their approaches to the above three problems when applying the UNCITRAL Model Law regime. The book also proposes a solution to help eliminate the ambiguity arising from maritime cross-border insolvency cases under the UNCITRAL Model Law regime, with a view to enhancing the development of the shipping industry.

English Corporate Insolvency Law - Vaccari, Eugenio 2022-10-13

This unique book provides readers with a concise yet rigorous outline of the English corporate insolvency framework as it is practised in domestic and cross-border cases. In doing so, this primer provides clear and accessible guidance on what is often considered to be a highly technical subject.

The Future of Cross-Border Insolvency - Irit Mevorach 2018-03-01

A fresh and insightful guide to post-financial crisis cross-border insolvency, this book interrogates the current regime and sets out a pattern to improve its future. In recent decades, and especially since the global financial crisis, a number of important initiatives have focused on developing effective solutions for managing the insolvency of multinational enterprises and financial institutions. Irit Mevorach here takes stock of the varying success of previous policy, and identifies the

gaps and biases that could be bridged by a new approach. The book first sets out the theoretical debates regarding cross-border insolvency and surveys the strengths and weaknesses of the prevailing method - modified universalism - synthesizing divergences into a rubric for both commercial entities and financial institutions. Adhering to these norms more robustly, Mevorach argues, would enhance global welfare and produce the best outcomes for businesses and institutions. Drawing upon sources from international law as well as behavioural and economic theory, Mevorach considers how to translate modified universalism into binding international law and how to choose the right instrument for cross-border insolvency; the impact instrument design has on decisions and choices, and how to encourage compliance. In particular, the book proposes guidelines that could potentially overcome, or at least take into account, behavioural biases in decision-making in order to create a system that works for businesses, and offers a blueprint for the future of cross-border insolvency.

Transnational Commercial Law: International Instruments and Commentary - Roy Goode 2012-03-29

Transnational commercial law represents the outcome of work undertaken to harmonize national laws affecting domestic and cross-border transactions and is upheld by a diverse spectrum of instruments. Now in its second edition, this authoritative work brings together the major instruments in this field, dividing them into thirteen groups: Treaty Law, Contracts, Electronic Commerce, International Sales, Agency and Distribution, International Credit Transfers and Bank Payment Undertakings, International Secured Transactions, Cross-Border Insolvency, Securities Custody, Clearing and Settlement and Securities Collateral, Conflict of Laws, Civil Procedure, Commercial Arbitration, and a new section on Carriage of Goods. Each group of instruments is preceded by linking text which provides important context by identifying the key instruments in each group, discussing their purposes and relationships, and explaining the major provisions of each instrument, thus setting them in their commercial context. This volume is unique in providing the full text of international conventions, including the

preamble - which is important for interpretation - and the final clauses and any annexes. In addition, each instrument is accompanied by a complete list of dates of signature and ratification by all contracting states, all easily navigated through the detailed tables of contents which precedes it. This fully-indexed work provides an indispensable guide for the practitioner or academic to the primary transnational commercial law instruments.

Insolvency Law - Andrew R. Keay 2020-08-25

Insolvency Law: Corporate and Personal is written in a detailed yet straightforward way, making it accessible to both practitioners and students. This comprehensive book explains legislation and discusses cases on all aspects of corporate and personal insolvency, covering each of the procedures available. The text is presented logically under headings, with pointers to more specialised information and additional cases.

Uncitral Model Law on Recognition and Enforcement of Insolvency-Related Judgments with Guide to Enactment - United Nations Publications 2019-11-30

The Model Law on Recognition and Enforcement of Insolvency-Related Judgments (MLIJ) is designed to provide States with a simple, straightforward and harmonized procedure for recognition and enforcement of insolvency-related judgments and complements the UNCITRAL Model Law on Cross-Border Insolvency to further assist the conduct of cross-border insolvency proceedings.

Cross-Border Insolvency Law - Bob Wessels 2015-09-24

Recent insolvency cases highlight the growing importance of cross-border insolvency matters in international transactions. In order to obtain relevant information essential for conduct in such transactions, an insolvency lawyer needs to have access to the many relevant instruments that have been introduced and implemented in recent years, but that until now have not been available in any single place. This very useful volume collects, for the second time in one source, all important international and regional legal instruments relating to insolvency of companies and consumers, as well as to corporate rescue law. The book

includes international and regional conventions, model laws, EU regulations and directives, and guiding principles produced by various international bodies (such as the World Bank, the United Nations Committee on International Trade Law ('UNCITRAL'), the American Law Institute, INSOL International, and INSOL Europe), and international and European restatements of insolvency law by scholars. In addition to reproducing the complete texts of these instruments, the editors provide insightful commentary covering such important matters as the following:

- key issues of each text;
- expected amendments and revisions; and
- comparative analysis of instruments.

A unique resource bringing together core material in the field of cross-border insolvency law and legislation, this book will be welcomed by international insolvency practitioners worldwide.

The Law of Insolvency - Ian F. Fletcher 2014-09-22

Commentary on the European Insolvency Regulation - Chair of Civil Procedure Law Reinhard Bork 2022-02-03

This second edition of the leading commentary on the European Insolvency Regulation reflects the impact of Brexit and the European Restructuring Directive. It continues to be a vital reference work for all those researching and advising European insolvency law.

The Future of Cross-border Insolvency - Irit Mevorach 2018

A fresh and insightful guide to post-financial crisis cross-border insolvency, this book interrogates the current regime and sets out a pattern to improve its future. In recent decades, and especially since the global financial crisis, a number of important initiatives have focused on developing effective solutions for managing the insolvency of multinational enterprises and financial institutions. Irit Mevorach here takes stock of the varying success of previous policy, and identifies the gaps and biases that could be bridged by a new approach.

European Insolvency Proceedings - Patryk Filipiak 2021-10-13

In the European Union, the effectiveness of judicial protection granted to a business or consumer in crisis depends on the extent and manner in which court rulings in bankruptcy and restructuring cases are

recognised in all Member States. This article-by-article commentary on Regulation (EU) 2015/848 provides expert guidance through the entire course of insolvency proceedings, clearly showing how to solve specific problems that arise in insolvency cases with a cross-border element, including aspects such as jurisdiction, applicable law, recognition and enforceability of judgments and coordination of group of companies' insolvencies. For any party instituting an insolvency proceeding in an EU Member State, the commentary provides such detailed guidance as the following: identifying the appropriate internationally competent court for filing; terms pursuant to which a judgment can be recognised; duties of an insolvency practitioner (IP); IP's authority in the territory of another state; IP's obligations towards creditors in another state; rights of foreign creditors; admissibility of conducting secondary insolvency proceedings; conducting simultaneous insolvency proceedings against the same debtor; permissible forms of contact and cooperation between judges and parties to the proceedings; and conducting proceedings involving a group of companies. An important feature of the commentary highlights the standpoints of lawyers from Central and Eastern Europe, where the commercial judiciary operates in a distinctly different way from that in countries with a well-established market economy system. Interpretation of provisions of the Regulation by lawyers from this part of Europe enhances the scope of legal argument both in the economic sphere and in the sphere of justice. With its detailed and in-depth description of international jurisdiction, recognition, and universal and territorial effects of insolvency proceedings, this practical book will be welcomed by counsel to business persons conducting international activity, trustees in bankruptcy, tax advisers, court enforcement officers, academics dealing with insolvency law, banks dealing with the collection of receivables, and debt collection companies. In addition, as a contribution to the debate on the optimal model for the international consequences of insolvency proceedings, its discussion of issues related to national jurisdiction, bankruptcy and restructuring of groups of companies, and international judicial cooperation will be particularly valuable for researchers.

Insolvency, Restructuring and Dissolution Act Compendium - Ajinderpal Singh 2020

Introduction to Brazilian Law - Fabiano Deffenti 2016-11-15

This is an updated edition of the only full-scale book in English on the law of a country that in recent years has emerged as a leading player on the world's stage. Brazil's markets have flourished as courts, legislators and a sophisticated legal elite have continuously adapted foreign rules to the country's realities, giving Brazil a formidable edge in attracting foreign investors. Sixteen notable Brazilian authorities describe and analyse the laws, regulations and jurisprudence in all the major fields of legal practice and administration, paying detailed attention to such elements as the following: - the multiple interwoven sources of Brazilian law; - administrative agencies and procedures; - Brazil's unique 'social function of contracts' principle; - corporate and related structures; - the new Brazilian civil procedure code and arbitration rules; - constitutional principles and judicial review; - fiduciary transfers and insolvency issues; - complex rules of criminal procedure; - mandatory succession rules; - labour law compliance; - private international law; and - taxation. Each chapter is followed by an up-to-date reference list of works both in English and in Portuguese. This book provides practitioners with information more than sufficient to navigate through any area of Brazilian law. Lawyers and scholars will find here an overview that will continue to be useful as a resource in facing and overcoming the challenges inherent in engaging with Brazil's economy and legal realities.

Legal Theory and Interpretation in a Dynamic Society - Alexander Bruns 2021-07-02

Der Band versammelt Beiträge, die anlässlich des 7. Seoul-Freiburger Rechtswissenschaftlichen Symposiums im September 2019 in Seoul gehalten wurden. Die Zusammenarbeit und der akademische Austausch zwischen den juristischen Fakultäten der Seoul National University (SNU) und der Albert-Ludwigs-Universität Freiburg hat eine alte und wertvolle Tradition der engen Beziehungen zwischen dem koreanischen

und dem deutschen Recht lebendig gehalten. Das 7. Symposium war dem Thema "Rechtstheorie und -auslegung in einer dynamischen Gesellschaft" gewidmet und deckte ein breites Spektrum an Themen ab, die in sechs Sektionen unterteilt waren: I. Rechtstheorie und -auslegung, II. Unternehmensrecht, III. Internationales Privatrecht und Zivilprozessrecht, IV. Recht der künstlichen Intelligenz, Eigentumsrecht und Strafrecht. V. Vertragsrecht, und VI. das Verhältnis von supranationalem und innerstaatlichem Verfassungsrecht. Die meisten der auf dem Symposium gehaltenen Vorträge sind in diesem Band versammelt.

Maritime Cross-Border Insolvency - Erik Göretzlehner 2019-04-03

This book provides an analysis and comparison of international insolvency rules, maritime laws and their inevitable intersection in maritime cross-border insolvencies. Until today, the on-going shipping crisis resulted in the insolvency of numerous shipping companies all over the world. The tensions arising between the legal systems of maritime and insolvency law, paired with conflicts of law in maritime insolvencies, are a major source of legal uncertainty and risk. In 2010, the Comité Maritime International installed an international working group on international maritime insolvencies and until today it is work in progress. This book gives an overview on maritime insolvencies, with a focus on Germany, England & Wales and the USA, and assesses the chances of achieving meaningful harmonization in the complex scenarios, where ships as mobile assets add a further complication to international insolvency proceedings.

Australian Insolvency Law - C & BROWN SYMES (D & LOMBARD, S.) 2019

Australian Insolvency Law provides an accessible and concise explanation and analysis of the important aspects of both personal and corporate insolvency law and practice. The fully revised fourth edition takes the reader through the technical and procedural aspects of each regime, to provide a clear understanding of fundamental concepts, technical detail and practical issues. International aspects of insolvency law and, in particular, the cross-border insolvency regime, are also

included. Key cases, legislation and further reading are clearly set out, and problems are provided to enable readers to test their knowledge of applicable concepts. Features ÷ Accessible and easy to read ÷ Problem questions and case studies assist development of analytical and problem solving skills ÷ Aligned to Australian insolvency units

European Insolvency Regulation - Klaus Pannen 2007-01-01

This book is a comprehensive commentary on the EIR in light of recent decisions of the ECJ and decisions of the judiciatures of the various Member States of the EU. It contains a commentary on Article 102, Sections 1 to 11 of the German EGInsO (The Act Introducing the Insolvency Act), as well as country reports on the international insolvency laws of France, Great Britain, and Hungary. This book also deals with the UNCITRAL Model Law on Cross-Border Insolvency together with detailed references to the international insolvency laws of the U.S.A., and it also includes a discussion of protocols. The appendix to the commentary on Article 3 of the EIR contains an extensive Table of Cases, which sets out over 100 cases from the various Member States, including decisions and literature references. While thus being tailored to the needs of the European insolvency practitioner, this commentary also serves as a knowledge-base from which further exploration of the material can begin. The contributing authors are all well-respected academics and practitioners in Germany, England, France, Hungary, and the U.S.A.

Corporate Insolvency Law - Vanessa Finch 2017-10-19

This new edition of Corporate Insolvency Law builds on the unique and influential analytical framework established in previous editions - which outlines the values to be served by insolvency law and the need for it to further corporate as well as broader social ends. Examining insolvency law in the fast-evolving commercial world, the third edition covers the host of new laws, policies and practices that have emerged in response to the fresh corporate and financial environments of the post-2008 crisis era. This third edition includes a new chapter on the growing issue of cross border insolvency and deals with a host of recent developments, notably; the consolidation of the rescue culture in the UK, the rise of the

pre-packaged administration, and the substantial replacement of administrative receivership with administration. Suitable for advanced undergraduate and graduate students, professionals and academics, Corporate Insolvency Law offers an organised basis for rising to the challenges of an ever-shifting area of the law.

Understanding Bankruptcy - Jeff Ferriell 2013-01-18

This book provides a detailed introduction to bankruptcy and related state and federal debtor-creditor law. It is equally useful in an introductory Creditors' Rights course that emphasizes bankruptcy; a free-standing Bankruptcy course; or an advanced course in Chapter 11 Reorganization. It provides an ample explanation of the issues likely to arise in any of these courses, specifically including issues raised by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. It is also a useful and inexpensive single-volume guide for new and experienced bankruptcy practitioners. This eBook features links to Lexis Advance for further legal research options.

Eu Cross-Border Insolvency: Court-To-Court Cooperation Principles - Bob Wessels 2015-08-31

This publication contains a set of 26 EU Cross-Border Insolvency Court-to-Court Cooperation Principles ('EU JudgeCo Principles') along with 18 EU Cross-Border Insolvency Court-to-Court Communications Guidelines ('EU JudgeCo Guidelines'). These EU JudgeCo Principles will strengthen efficient and effective communication between EU Member courts in insolvency cases with cross-border effects. They have been produced in a period of two years (2013-2014), developed by a team of scholars at Leiden Law School and Nottingham Law School, in collaboration with some 50 experts, including 25 judges representing just as many different EU countries. The principles are set in EU stone, in that they especially function within the framework of the EU Insolvency Regulation. The texts have been aligned with the text of the recast of the Regulation, as published early December 2014. The EU JudgeCo Principles try to overcome present obstacles for courts in EU Member States, such as formalistic and detailed national procedural law, concerns about a judge's impartiality, uneasiness with the use of certain legal concepts

and terms, and evidently language. The texts further build on existing experience and tested resources, especially in cross-border cases in North America, but are tailor made into an EU insolvency law context. These Principles include a set of very practical EU JudgeCo Guidelines to facilitate communications in individual cross-border cases. The project was funded by the European Union and the International Insolvency Institute (III) (www.iiiiglobal.org) and we thank both sponsors for their continued support. *** Librarians: ebook available on ProQuest and EBSCO (Series: European and International Insolvency Law Studies [EIILS] - Vol. 1) [Subject: EU Law, Insolvency Law, Commercial Law, Comparative Law]

Recasting the Insolvency Regulation - Vesna Lazić 2019-12-12

This book comprises contributions relating to the Insolvency Regulation Recast, which recently entered into force. The authors analyse the changes introduced and give their views on the improvements that are thereby achieved. In other words, they assess to what extent the amendments have mitigated the disadvantages of the previous Insolvency Regulation. Three of the chapters concentrate on the issues pertaining to jurisdiction, such as the problem of forum shopping by re-locating the debtor's centre of main interests. Furthermore, the extent to which the parties have the freedom to contract within the framework of the Insolvency Regulation Recast is discussed. Also, the relevance and consequences of recent developments in corporate law for the current cross-border insolvency framework, as well as the jurisdictional issues concerning approval requirements are amongst the matters addressed. Aside from the jurisdictional matters, the question of the law applicable to so-called 'avoidance actions' is analysed and cross-border cooperation between national authorities in the field of insolvency is touched upon. To conclude, this book covers a range of specific and intriguing topics brought up by the Insolvency Regulations Recast. This third volume in the Short Studies in Private International Law Series is primarily aimed at legal academics dealing with cross-border insolvency, but it will also prove useful to insolvency judges and practitioners, as well as those specialised in financial and fiscal law. Finally, advanced students as well

as those with a general interest in insolvency law will also find it of added value./div Vesna Lazić is Senior Researcher at the T.M.C. Asser Institute and Associate Professor of Private Law at Utrecht University in The Netherlands. Steven Stuij is an expert in private international law and PhD Candidate at the Erasmus School of Law, Rotterdam./div

Cross-Border Protocols in Insolvencies of Multinational Enterprise Groups - Ilya Kokorin 2021-04-30

Cross-border insolvency protocols play a critical role in facilitating the efficient resolution of complex international corporate insolvencies. This book constitutes the first in-depth study of the use of insolvency protocols, enriching existing knowledge about them and serving as a comprehensive introduction to their application in the context of multinational enterprise group insolvency. It traces the rise of insolvency protocols and discusses their legal basis, contents, effects, major characteristics and limitations.

International Cooperation in Bankruptcy and Insolvency Matters - Bob Wessels 2009-04-16

International Cooperation in Bankruptcy and Insolvency is published in cooperation with the International Insolvency Institute and the American College of Bankruptcy. The Honorable Bruce A. Markell, Dr. Bob Wessels and Prof. Jason Kilborn provide readers with invaluable insights into the origin, development and future of communication and cooperation in cross-border insolvency cases between insolvency practitioners and the courts. The globalization of the world's economy has led to highly complex international aspects of financial reorganization and restructuring. This publication analyzes the structures, systems, and practices that have developed and are quickly emerging to coordinate and enhance international administrations.

Cross-border Insolvency - Chan Ho Look 2009

Written by specialists from each jurisdiction, this new edition provides an in-depth, article-by-article analysis of the local enactment and application of the model law in each of the jurisdictions concerned, alongside consideration of the relationship between the model law and any existing cross-border insolvency jurisprudence. Each chapter adopts the same

format for ease of reference, addressing key concepts such as the centre of main interests, court-to-court communication, enforcement of security interests and the protection of debtors and creditors.

Maritime Cross-Border Insolvency - Lia Athanassiou 2017-11-02

Maritime Cross-Border Insolvency is a comprehensive comparative examination of both insolvency regimes (UNCITRAL and EU) in shipping with reference to the main jurisdictions having adopted the UNCITRAL regime, i.e. USA, UK, Greece.

Commencement of Insolvency Proceedings - Dennis Faber 2012-03-29

This is the first volume in the new Oxford International and Comparative Insolvency Law Series. The series will provide a comparative analysis of all important aspects of insolvency proceedings and domestic insolvency laws in the main economically developed and emerging countries, starting with the opening of proceedings. This volume addresses the commencement of insolvency proceedings over business debtors and the conditions in which they may arise. It explains the types of proceedings available and the participants involved. The book also analyses the effect of such action on the various players, assets and liabilities concerned. The detail and uniform nature of the treatment of topics helps practitioners to understand specific features of a foreign legal system and effectively brief foreign counsel. For all readers, the book provides access, through analysis in the detailed commentary, to material that was previously only available in a foreign language. Most major legal families (including various mixed legal systems) are covered to reflect the needs of the international insolvency community and intergovernmental organizations. This is the only book that offers a thorough comparative analysis of existing domestic insolvency laws concerning the opening of insolvency proceedings in the main economically developed and emerging countries.

Orderly and Effective Insolvency Procedures - International Monetary Fund 1999-08-02

Written by IMF's Legal Department, this book outlines the key issues involved in designing and implementing orderly and effective insolvency

procedures, which play a critical role in fostering growth and competitiveness and may also assist in the prevention and resolution of financial crises. The book draws on lessons learned from firsthand experience by some of the IMF's 182 member countries. It includes an analysis of the major policy choices that countries need to address when designing an insolvency system, a discussion of the advantages and disadvantages of these choices, and a number of specific recommendations.

The European Insolvency Regulation - Miguel Virgos 2004-01-01

After many years of negotiations among Member States, a uniform set of private international law rules has been established to determine the conduct of cross-border insolvency proceedings within the European Community. This is the European Insolvency Regulation of May 2000. Although each state still retains its own insolvency law, the regulation greatly reduces the risk of opportunistic behaviour by providing certainty as to which European courts have jurisdiction to open insolvency proceedings and which state's laws apply, in addition to ensuring the cross-border effectiveness within the EU of the decisions handed down by those courts. This in-depth commentary offers practitioners in international business transactions and litigation a definitive guide to the workings of the Insolvency Regulation. The authors—one of whom co-wrote the official explanatory report on the 1995 Convention on Insolvency Proceedings, a report that still plays a fundamental hermeneutic role—leave no stone unturned in their probing analysis, which explains in detail such elements as the following: relationship with other community legal instruments and international conventions;

territorial scope; substantive scope; third-party rights in rem and reservation of title; set-off; contracts relating to immovable property; employment contracts and relationships; payment systems and financial markets; community patents and trademarks; publication and registration; lodgement of claims; and special considerations affecting credit institutions and insurance undertakings. Company lawyers handling insolvency cases and issues will find nothing comparable to this expert work. Its direct practical usefulness is immediately apparent. In addition, however, it stands out as a preeminent work on a critical and hard-won legal instrument (and by extension on the entire field of European insolvency law) and as such is an essential resource for jurists and legal academics.

UNCITRAL Model Law on Cross-border Insolvency with Guide to Enactment and Interpretation - 2014-10-22

UNCITRAL model law on cross-border insolvency -- Guide to enactment and interpretation of the UNCITRAL model law on cross-border insolvency -- General assembly resolution 52/158 of 15 december 1997 -- decision of the united nations commission on international trade law

European Company Law - Nicola de Luca 2021-04-15

This successful textbook remains the only offering for students of European company law, and has been fully updated.

Commentary on the European Insolvency Regulation - Reinhard Bork 2016

This book provides the most detailed article-by-article commentary on the EC Regulation on Insolvency Proceedings, written by a group of experts drawn from several jurisdictions.