



Cross Border Insolvency

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Uncitral Model Law

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

Reinhard Bork, Michael Veder



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Cross-Border Insolvency, 2008 *Cross Border Insolvency* Chan Ho Look, 2012 *Cross-border Insolvency* Look Chan Ho, 2017 Cross border insolvency is an increasingly topical issue and cross border insolvency practice continues to develop rapidly Cross Border Insolvency A Commentary on the UNCITRAL Model Law 4th Ed is an updated enhanced edition covering the national implementation of the United Nations Commission on International Trade Law Model Law on Cross Border Insolvency 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 essentially 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 New to the fourth edition are chapters on Chile and the Philippines with an expanded South African chapter to include the OHADA countries This major new edition is an invaluable guide to the local application and comparative analysis of the model law for anyone dealing with cross border insolvency issues Lawyers in private practice or in house insolvency practitioners government authorities academics and students will find this expanded edition an essential addition to their library

The UNCITRAL Model Laws on Cross-Border Insolvency and on the Recognition and Enforcement of Insolvency-Related Judgments Reinhard Bork, Michael Veder, 2025-03-12 This authoritative Commentary presents a comprehensive analysis of two essential Model Laws the UNCITRAL Model Law on Cross Border Insolvency MLCBI and the UNCITRAL Model Law on Recognition and Enforcement of Insolvency Related Judgments MLIJ which aim to harmonize cross border insolvency law

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

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

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

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 framework for improving its future In recent decades and especially since the global financial crisis a number of important initiatives have focused on developing the mechanisms for managing the insolvency of multinational enterprises and financial institutions The book considers the effectiveness of the current system and identifies the gaps that could be bridged by adopting certain strategies and tools to improve the system further The book first discusses the theoretical debate regarding cross border insolvency and surveys the strengths and weaknesses of the prevailing method modified universalism in its application to both commercial entities and financial institutions consequently identifying a single set of emerging norms The book argues that adhering to these norms more robustly would enhance global welfare and produce the best outcomes for businesses and institutions By drawing upon sources from international law as well as behavioural and economic theory the book offers a blueprint for meeting the demands of future cross border insolvencies It considers how to translate modified universalism into binding international law and how to choose the right instrument for cross border insolvency as well as the impact that instrument design has on decisions and choices It explores how to encourage compliance and proposes mechanisms that could potentially overcome or at least take into account behavioural biases in decision making

Bank Insolvency Law in Developing Economies Kayode Akintola, Folashade Adeyemo, 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 Protocols in Insolvencies of Multinational Enterprise Groups Ilya Kokorin,Bob Wessels,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 Insolvency Law Professor Paul Omar,2013-02-28 International insolvency is a newly established branch of the study of insolvency that owes much to the phenomenon of cross border incorporations and conduct of business in more than one jurisdiction It is largely an offspring of globalization Paul Omar examines the development of domestic rules dealing with cross border instances and the many international projects in the field International Cooperation in Bankruptcy and Insolvency Matters Bob Wessels,Hon. Bruce A Markell,Jason Kilborn,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 **Corporate Insolvency Law** Vanessa Finch,David Milman,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 **The Elgar Companion to UNCITRAL** Rishi Gulati, Thomas John, Ben Köhler, 2023-11-03 As one of the most important international organisations in the sphere of international trade law UNCITRAL aims to help develop and promote uniform private law internationally This comprehensive Companion delineates the range of issues considered at UNCITRAL as well as assessing the potential for future work and reforms **Advanced Introduction to Cross-Border Insolvency Law** Reinhard Bork, 2023-06-01 The Advanced Introduction to Cross Border Insolvency Law provides a clear and concise overview of cross border insolvency law with particular focus on the rules that govern insolvency proceedings that occur between and across countries Increasingly such proceedings have an international dimension which may involve for example debtors with assets abroad foreign creditors contractual agreements with counterparties in different jurisdictions or companies with offices or subsidiaries in a different country The book expertly steers the reader through the complex interactions between national and supra national rules international model laws and the principles that underpin them **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 **Legal Theory and Interpretation in a Dynamic Society** Alexander Bruns, Yuanshi Bu, Hanno Merkt, Sonja Meier, Michael Pawlik, Eiji Takahashi, Silja Vöneky, Jan von Hein, 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 k nstlichen Intelligenz Eigentumsrecht und Strafrecht V Vertragsrecht und VI das Verh ltnis von supranationalem und innerstaatlichem Verfassungsrecht Die meisten der auf dem Symposium gehaltenen Vortr ge sind in diesem Band versammelt

Corporate Bankruptcy Law in China Natalie Mrockova, 2021-01-28 This fascinating study uses qualitative and quantitative data and insights from interviews with judges lawyers government officials entrepreneurs bankers consultants and academics in China and abroad to provide a new perspective on the problems that have hindered the implementation of the Enterprise Bankruptcy Law in China and recent attempts at reform The analysis provides unique insights into China s business world and its interaction with the judicial and political system in China In addition the book also provides important information about how the Enterprise Bankruptcy Law affects foreign companies agencies and governments that are active in China The author draws on empirical data decided cases and her experience of how the law and surrounding practices deal with foreign stakeholders whose interests are affected by corporate bankruptcy in China The book will improve understanding of how China s corporate bankruptcy law has been used in practice what has limited its practical effectiveness whether it is desirable for the law to be used more readily in China and the possible options for its reform

EU Insolvency Law McCormack, Gerard, 2022-09-21 This comprehensive book provides a clear analysis of the main features of the European Insolvency Regulation 2015/848 within the context of previous EU initiatives as well as addressing the contrasting objectives of universalism and territorialism which underpin cross border insolvency law It measures the EU regulations against the UNCITRAL Model Law on Cross Border Insolvency and compares this with how the Model Law has been implemented elsewhere such as in the US and the UK

[The Charter of the United Nations](#), 2024-07-04 Since the third edition of this commentary on the Charter of the United Nations was published in 2012 the text of the Charter has not changed DL but the world has Central pillars of the international order enshrined in the UN Charter are facing serious challenges notably the prohibition of the use of force Human rights too have come under increasing pressure now also from contemporary information technology Global warming poses fundamental challenges for the world community as a whole in its effort to stabilize global ecosystems Fully updated the commentary takes up these and other developments It features new chapters on Climate Change and the Human Rights Council The commentary remains the authoritative article by article account of the legislative history interpretation and practical application of each and every Charter provision Written by a team of distinguished scholars and practitioners this book combines academic research with the insights of practice It is an indispensable tool of reference for all those interested in the United Nations and its legal significance for the world community The Commentary will be crucial in combining solid legal foundations with new

directions for the development of international law and the United Nations in the twenty first century

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