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European Union Regulation on Insolvency Proceedings: An Introductory Analysis

FOURTH EDITION

**Written by
Bob Wessels
& Ilya Kokorin**



European Union Regulation On Insolvency Proceedings An Introductory Analysis Third Edition

WJ Hussar



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European Union Regulation on Insolvency Proceedings, Third Edition Bob Wessels, 2009-12 Updated to reflect recent case law and modifications to the EU Insolvency Regulation this book is a primer that covers jurisdictional issues winding up procedures such as the appointment of a liquidator recognition of judgments creditors rights and other provisions Written by Prof Bob Wessels of University of Leiden Law School in the Netherlands this book is an invaluable resource for professionals who find themselves increasingly involved in cross border insolvency cases 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 **European Insolvency Proceedings** Patryk Filipiak, Anna Hrycaj, 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

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

Retail Depositor and Retail Investor Protection under EU Law Constantinos Tokatlides, 2017-02-10 Retail Depositor and Retail Investor Protection under EU Law offers an original perspective on EU financial law in the area of retail investor protection examining the status of protection awarded by EU law to retail depositors and retail investors in the event of financial institution failure The analysis of relevant EU law is on the basis of effectiveness and has been elaborated in two levels of comparison The first comparative approach examines relevant EU law both externally and internally externally vis vis relevant international initiatives and developments in the area of financial law as the latter affect the features and evolution of EU law and internally by examining relevant instruments of EU law with regard to each other as to their normative structure and content The second comparative approach also examines the status of retail depositors in relation to that of retail investors under EU law in the event of financial institution failure and the relevant legal consequences thereof

European Union Regulation on Insolvency Proceedings BOB. WESSELS, Ilya Kokorin, 2018 **The Harmonisation of Transaction Avoidance in the EU** Oriana Casasola, 2023-08-14 This timely book offers a comprehensive exploration of the issue of transaction avoidance in the European Union EU Contributing to the formation of harmonised avoidance rules in the EU it analyses the existing transaction avoidance regimes in cross border scenarios as provided by the Recast European Insolvency Regulation and other EU regulations

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 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

International Secured Transactions Law Orkun Akseli, 2011-03-17 This book focuses on international harmonisation and the law of secured transactions by distilling and analysing the unifying principles of various significant international conventions and instruments such as the UN Convention on the Assignment of Receivables the Unidroit Convention on International Factoring the EBRD Model Law on Secured Transactions the Unidroit Convention on the International Interests in Mobile Equipment and the UNCITRAL Legislative Guide on Secured Transactions International secured transactions conventions and instruments facilitate credit and promote economic activity through the creation of harmonised rules Therefore given the increasing globalisation of markets international reform efforts for the harmonised modernisation of secured transactions law have gained pace over recent years International Secured Transactions Law draws on experiences in both English and US laws in order to identify and illustrate the existing problems that need to be addressed as well as identify potential solutions International Secured Transactions Law will be of interest to scholars students interested in international commercial law corporate law or comparative secured transactions and practitioners involved in international commercial transactions

Employment Law at the European Court of Justice Siófra O'Leary, 2002-12-18 Despite the fact that the case law of the European Court of Justice on employment related issues has become increasingly erratic of late there is no denying the centrality of the Court's role in the development of EC employment law Though concentration on the work of the Court of Justice may no longer be in vogue this book examines its contribution in the employment law field in its political and economic context as well as with reference to the juridical structures within which the Community's judicial arm is obliged to operate The objective is not simply to critique the employment jurisprudence of the Court but also to examine the procedural operational and structural context in which the Court of Justice is obliged to work and to reflect on how this context may affect the jurisprudential outcome The book focuses in particular on the shortcomings of the preliminary reference procedure When the Court of Justice hands down decisions in the employment law field Article 234 EC dictates a particular type of judicial dialogue between it and the national referring courts It is contended that the dual dispute resolution public interest nature of the Court's role in the preliminary reference procedure goes some way to explaining why its answers are often regarded as unsatisfactory from the perspective of the referring court and users

of EC law generally The book further outlines the developing Community policy on employment and reflects on the effect which this nascent policy may have on the balancing exercises which the Court is inevitably called upon to perform in a variety of social policy contexts Finally part two of the book examines specific substantive areas of EC employment law The policy considerations at play in the case law of the Court are discussed in detail as is the coherence of this case law with the Community's political stance on employment

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 Making of Consumer Law and Policy in Europe Hans-W. Micklitz, 2021-11-04 This book analyses the founding years of consumer law and consumer policy in Europe It combines two dimensions the making of national consumer law and the making of European consumer law and how both are intertwined The chapters on Germany Italy the Nordic countries and the United Kingdom serve to explain the economic and the political background which led to different legal and policy approaches in the then old Member States from the 1960s onwards The chapter on Poland adds a different layer the one of a former socialist country with its own consumer law and how joining the EU affected consumer law at the national level The making of European consumer law started in the 1970s rather cautiously but gradually the European Commission took an ever stronger position in promoting not only European consumer law but also in supporting the building of the European Consumer Organisation BEUC the umbrella organisation of the national consumer bodies The book unites the early protagonists who were involved in the making of consumer law in Europe Guido Alpa Ludwig Kr mer Ewa Letowska Hans W Micklitz Klaus Tonner Iain Ramsay and Thomas Wilhelmsson supported by the younger generation Aneta Wiewi rowska Domagalska Mateusz Grochowski and Koen Docter who reconstructs the history of BEUC Niklas Olsen and Thomas Roethe analyse the construction of this policy field from a historical and sociological perspective This book offers a unique opportunity to understand a legal and political field that of consumer law and policy which plays a fundamental role in our contemporary societies

The Law Times ,1845 American Book Publishing Record ,2005

The Legal Aspects of Bank Insolvency: A Comparative Analysis of Western Europe, the United States and Canada Eva Hupkes, 2000-09-08 Until recent years formal bank insolvency proceedings were rare occurrences with governments more often than not coming to the rescue of failing banks As a result few studies relating to bank failure have paid much attention to the regulatory framework for failing banks and the conduct of formal bank insolvency proceedings However in the aftermath of the Asian financial crisis more attention has been focused on issues of bank insolvency Structural reforms in the banking sector of various Asian countries in particular the implementation of effective exit rules to expel insolvent and non viable banks from the market have been considered of primary importance to restoring confidence in the troubled banking sector In addition the ability of governments within the European Union to rescue insolvent banks has been significantly limited by strict rules on

competition suggesting that failing banks will become increasingly subject to insolvency proceedings The Legal Aspects of Bank Insolvency compares the legal framework for dealing with insolvent banks in Western Europe the United States and Canada identifying the distinctive features of each regime and discussing the main issues and choices in dealing with failing banks It also examines the implications of a cross border bank insolvency and considers different approaches to the problems it raises including the supranational approach of the proposed European Directive on the Reorganization and Winding up of Credit Institutions This work will be of value to lawmakers to consultants and scholars engaged in technical assistance work and to those who advise the legislators and officials involved in devising a legal framework for bank insolvency It will also be of interest to practitioners and in house counsel working in the field of banking and corporate law **The British National**

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