

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

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The book is a very useful summary of the present state of our own cross-border laws and a necessary reference point for us to understand the laws of comparative laws in other countries. --Michael Murray, Insolvency Practitioners Association This is an invaluable reference text on how the Model Law has thus far been adopted ...

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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.

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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. Contents: Global (The World Bank, UNCITRAL, UNIDROIT instruments). Regional (African, Asian, European Latin American, and Northern American instruments).

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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. New to the fourth edition are chapters on Chile and the ...

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The comments in the BLRC and the ILC reports regarding the creation of a cross-border insolvency system in India, drawn from the Model Law, are very encouraging, and if adopted immediately, it will undoubtedly provide relief to several parties affected by cross-border insolvency proceedings in the country.

[The Need for Implementing a Cross-Border Insolvency Regime ...](#)

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border insolvencies cross border insolvency a commentary on the uncitral model cross border insolvency is a mechanism to deal with the insolvency of financially distressed companies where such companies have assets or creditors present in different international jurisdiction the model law is designed to assist states to equip their

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The model law, while recognising that a cross-border insolvency should be administered under one main proceeding governed by one law, it empowers other countries to decide whether recognition of one proceeding as the main one would infringe local interests, prior to according deference to the main proceeding.

Jet Insolvency: Usable Model Law, or Airy-Fairy?

Cross Border Insolvency is a mechanism to deal with the insolvency of financially distressed companies where such companies have assets or creditors present in different international jurisdiction.

Cross Border Insolvency in India : A Cherry on the Cake-by ...

The UNCITRAL Model Law The Model Law has been enacted into the English statute book as the Cross Border Insolvency Regulations 2006 (the CBIR), which states (using the wording of the Model Law) that: “ “ foreign main proceeding ” means a foreign proceeding taking place in the State where the debtor has the centre of its main interests ” ; and

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 United Nations Commission on International Trade Law (UNCITRAL) Model Law on Cross-Border Insolvency aims to provide legal certainty and efficient administration of cross-border insolvencies. This volume covers national implementation of the UNCITRAL model law in 10 jurisdictions.

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.

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.

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 morerobustly, 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 tools and mechanisms 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.

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International Insolvency Law offers students, academics and practitioners an authoritative and practical guide on the European laws of international insolvency. It rigorously explores and clarifies the vast increasing body of legislative rules, case law, scholarly literature and other available sources. The fourth edition has been completely updated to cover recent developments in European Insolvency Law.

Insolvency Legislation: Annotations and Commentary provides practical guidance on the key UK primary and secondary insolvency legislation. In addition to the complete texts of the Insolvency Act 1986 (as amended), the Insolvency Act 2000, the EC Regulation on Insolvency Proceedings 2000, the Cross-Border Insolvency Regulations 2006 with the UNCITRAL Model Law, the Enterprise Act 2002 and the Insolvency Rules 1986 (as amended), readers are provided with a detailed analysis on the statutory provisions within a single, portable volume. Combining the experience and knowledge of an established practitioner and a leading academic in the field, Insolvency Legislation: Annotations and Commentary provides detailed commentary under headings including general observations, terminology or specific wording, practical issues, and procedure. The text supplies a succinct practical discussion of relevant insolvency provisions and case law. It has been written specifically for the purpose of assisting not only in the identification of the key legal principles, but also in facilitating practical problem solving. This second edition has been indexed and tabled to page for ease and speed of reference.

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.

Cross-Border Insolvency Law in Australia engages with several current multi-billion dollar insolvencies such as those of Nortel Networks and Lehman Brothers to provide the reader with state of the art knowledge of the complex problems posed by transnational insolvency. As the number of transnational insolvencies grows due to prevailing economic conditions, practitioners are increasingly required to navigate the mass of legal rules applicable to cross-border insolvency situations. The associated challenges are heightened by the diversity of legal structures employed by modern business entities and a patchwork of costly, inefficient, and unpredictable national legal rules. The response has been a proliferation of international legal instruments such as the UNCITRAL Model Law, supra-national rules such as the EU Insolvency Regulation, and judicial practice, adding further layers of complexity. Writing from an Australian perspective, the authors analyse this network of legal rules and subsequent case law. In addition, they explain the theoretical underpinnings of these rules in an accessible manner to build a solid foundation for practice, facilitate advanced reasoning, and enable the development of sophisticated arguments for law reform. Comparative case law from jurisdictions such as the United States and United Kingdom is also included. This book is highly relevant to insolvency practitioners faced with the recovery of assets transnationally, transactional lawyers for whom knowledge of potential insolvency pitfalls is essential, and academics. It is invaluable for students at both undergraduate and postgraduate level seeking a sound understanding of this challenging area of law. Features o

- o Provides a concise theoretical account of international insolvency to develop clear understanding of the concepts underpinning the cross-border insolvency practice
- o Includes a comparative overview of key international developments and case law
- o Highlights key trends in practice to ensure practitioners remain current
- o Offers innovative arguments and approaches to this complex area of law

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