

EU CROSS-BORDER INSOLVENCY COURT-TO-COURT COOPERATION PRINCIPLES

European and International Insolvency Law Studies

B. Wessels (Ed.)

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Principles Of European Insolvency Law

Laura Ervo, Minna Gräns, Antti Jokela

A red circular graphic with a gradient, appearing as a partial circle or a stylized 'C' shape, located to the right of the authors' names.

Principles Of European Insolvency Law:

Principles of European Insolvency Law William W. McBryde, Axel Flessner, Sebastianus Constantinus Johannes Josephus Kortmann, 2003 Principles of European Insolvency Law W. W. McBryde, Axel Flessner, S. C. J. J.

Kortmann, 2005-01-01 In the past decades many Member States of the European Union have introduced important new legislation in the field of insolvency law Principles of European Insolvency Law tries to capture the common elements that national insolvency laws share and that make up the essence of insolvency proceedings in Europe It makes a first and so far unique attempt to tackle an area of law which is of great commercial importance but in which some might have thought it was too difficult to detect a European approach Principles of European Insolvency Law looks to a future of more European integration in areas of commercial law and practice They may serve as working material for further study which could result in proposals for legislation on a supranational level In the shorter term the Principles will be of use in efforts to modernise national insolvency laws by serving as a European framework Taking account of the Principles in drafting reform proposals can lead to a greater conformity of new national legislation with the essence of European insolvency law **Rescue of**

Business in Europe Gert-Jan Boon, 2020-01-30 This edited volume is based on the European Law Institute's ELI project Rescue of Business in Insolvency Law The project ran from 2013 to 2017 under the auspices of the ELI and was conducted by Bob Wessels and Stephan Madaus who were assisted by Gert Jan Boon The study sought to design elements of a legal framework that will enable the further development of coherent and functional rules for business rescue in Europe This includes certain statutory procedures that could better enable parties to negotiate solutions where a business becomes financially distressed Such a framework also includes rules to determine in which procedures and under which conditions an enforceable solution can be imposed upon creditors and other stakeholders despite their lack of consent The project had a broad scope and extended to consider frameworks that can be used by non financial businesses out of court and in a pre insolvency context Part I of this book the ELI Instrument as approved by the ELI Council and General Assembly features 115 recommendations on a wide variety of themes affected by the rescue of financially distressed businesses such as the legal rules for professions and courts treatment and ranking of creditors claims contract corporate and labour law as well as laws relating to transaction avoidance Part II consists of national reports that sketch the legal landscape in 13 States and of an Inventory Report on International Recommendations from Standard Setting Organisations both of which provided insight for the drafting of the Instrument This volume is designed to assist those involved in a process of law reform and those setting standards for soft law in the business rescue context **The European Insolvency Regulation** Miguel Virgos, Miguel

Virgós Soriano, Francisco Garcimartín, Francisco J. Garcimartín Alférez, 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

International Insolvency Law Professor Paul Omar, 2013-12-28 International insolvencies are a common feature worldwide in business and finance sectors and the scale and frequency of such occurrences have caught the attention of many academics and commentators Following on from the 2008 book *International Insolvency Law Themes and Perspectives* this book presents up to date accounts of themes in the field of insolvency law It deals with reforms in and challenges to the subject in relation to its comparative and international aspect The cutting edge contributions include chapters from common law civil and mixed traditions and have been conceived to increase awareness of the impact of insolvency law within domestic regional and global contexts Useful and thought provoking the chapters take an innovative approach and give new interpretations to hitherto available material This book will be invaluable for those wishing to keep abreast of developments in jurisdictions representing all legal traditions and is a useful guide to the improvement and reform of insolvency laws and frameworks

International Insolvency Law Paul Omar, 2017-07-05 International insolvency is a newly established branch of the study of insolvency that owes much to the phenomenon of cross border incorporations and the conduct of business in more than one jurisdiction It is largely the offspring of globalization and involves looking at both law and economic rules This book is a compendium of essays by eminent academics and practitioners in the field who trace the development of the subject give an account of the influences of economics legal history and private international law and chart its relationship with finance and security issues as well as the importance of business rescue as a phenomenon Furthermore the essays examine how international instruments introduced in recent years function as well as how the subject itself is continually being innovated by being confronted by the

challenges of other areas of law with which it becomes entangled European Insolvency Law Gerard McCormack, Andrew Keay, Sarah Brown, 2017-01-27 Critically analysing the substantive law of insolvency in the EU countries as a whole this book carries out horizontal cross cutting analysis of the data gathered from a study of national insolvency laws It selects particular areas for detailed discussion and considers the pros and cons of particular legislative solutions 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 **Cross-Border Insolvency Law** Bob Wessels, Gert-Jan Boon, 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 **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

Research Handbook on Corporate Restructuring Omar, Paul J., Gant, Jennifer L.L., 2021-08-27 This timely Research Handbook examines the increasingly economically vital topic of corporate restructuring Reflecting a shift in the global approach to insolvency towards a focus on rescuing viable businesses rather than liquidation chapters consider all areas of the law closely connected to corporate insolvency rehabilitation and rescue as well as the introduction of the EU Preventive Restructuring Directive and other reforms from around the world

New Features in Contract Law Reiner Schulze, 2009-04-27 Economic change globalisation and harmonisation of European Law have brought new challenges to contract law The contributions in this Volume by prominent legal scholars deal with current trends and perspectives in European and International Contract Law and their impact on the various domestic legal systems The Compendium provides an analysis of new developments in formation of contract performance and remedies consumer contract law and the particularly controversial area of anti discrimination law Experts in their field examine the underlying legal principles and problems arising in legal practice in Common Law and Civil Law The essays written in English German and French are the product of a series of lectures held in 2006 at the Centre for European Private Law CEP at the University of Münster Germany The contributing authors are John Adams Hugh Beale Giuditta Cordero Moss Barbara Dauner Lieb Michele Graziadei Thomas Gutmann Geraint Howells Simon James Paul Lagarde Matthias Lehmann Peter Møgelvang Hansen Salvatore Patti Thomas Pfeiffer John C Reitz Judith Rochfeld Martin Schmidt Kessel Jürgen Schmidt Rentsch Alessandro Somma Stefano Troiano Christian Twigg Flesner Antoni Vaquer Aloy and Fryderyk Zoll

Principles of Corporate Insolvency Law Royston Miles Goode, 2011 Principles of Insolvency Law is widely regarded as the text on Insolvency law Professor Sir Roy Goode's reputation as the doyen of commercial law has established a unique position for the Work as a leading authority in the field The book provides a clear and concise treatment of the general philosophical principles underpinning Insolvency law It works as an introduction to this complex area and as such it has a broad market ranging from students and newly qualified practitioners to barristers in Court

Commentaries on European Contract Laws Nils Jansen, Reinhard Zimmermann, 2018-07-12 The book provides rule by rule commentaries on European contract law general contract law consumer contract law the law of sale and related services dealing with its modern manifestations as well as its historical and comparative foundations After the collapse of the European Commission's plans to codify European contract law it is timely to reflect on what has been achieved over the past three to four decades and for an assessment of the current situation In particular the production of a bewildering number of reference texts has contributed to a complex picture of European contract laws rather than a European contract law The present book adopts a

broad perspective and an integrative approach All relevant reference texts from the CISG to the Draft Common European Sales Law are critically examined and compared with each other As far as the *acquis commun* ie the traditional private law as laid down in the national codifications is concerned the Principles of European Contract Law have been chosen as a point of departure The rules contained in that document have however been complemented with some chapters sections and individual provisions drawn from other sources primarily in order to account for the quickly growing *acquis communautaire* in the field of consumer contract law In addition the book ties the discussion concerning the reference texts back to the pertinent historical and comparative background and it thus investigates whether and to what extent these texts can be taken to be genuinely European in nature ie to constitute a manifestation of a common core of European contract law Where this is not the case the question is asked whether and for what reasons they should be seen as points of departure for the further development of European contract law

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

Europeanization of Procedural Law and the New Challenges to Fair Trial Laura Ervo, Minna Gräns, Antti Jokela, 2009 Despite European integration judicial procedure has long remained autonomous ie a purely national regulatory object In recent years however it has been possible to notice increasing traces of the Europeanization of procedural law on multiple levels The rapid internationalization development of procedural law advancing on these various levels sets challenges to the research of procedural law as well as to the conduct of judicial procedure This book consists of a number of independent but interrelated theses and post doctoral research projects The comprehensive research in this collection examines the challenges that are now taking place in the Europeanization of procedural law

The European Insolvency Regulation and Implementing Legislations Gilles

Cuniberti, Antonio Leandro, 2024-05-02 This authoritative Commentary provides an in depth evaluation of the legislation regulating cross border insolvency within the European Union Bringing together a diverse team of legal scholars and practitioners from across the EU Member States it delivers incisive dissections of the European Insolvency Regulation EIR provisions which define the jurisdiction of the courts of EU Member States in insolvency proceedings as well as the national law that should be applied and provide for the automatic recognition of other Member State's judgements along with a regime of coordination between proceedings opened in different Member States

Prohibition of Abuse of Law Rita de la

Feria, Stefan Vogenauer, 2011-06-09 The Court of Justice has been alluding to abuse and abusive practices for more than thirty years but for a long time the significance of these references has been unclear Few lawyers examined the case law and those who did doubted whether it had led to the development of a legal principle Within the last few years there has been a radical change of attitude largely due to the development by the Court of an abuse test and its application within the field of taxation In this book academics and practitioners from all over Europe discuss the development of the Court's approach to abuse of law across the whole spectrum of European Union law analysing the case law from the 1970s to the present day and exploring the consequences of the introduction of the newly designated principle of prohibition of abuse of law for the development of the laws of the EU and those of the Member States

Comparative Law Uwe Kischel, 2019-02-21 Uwe Kischel's comprehensive treatise on comparative law offers a critical introduction to the central tenets of comparative legal scholarship The first part of the book is dedicated to general aspects of comparative law The controversial question of methods in particular is addressed by explaining and discussing different approaches and by developing a contextual approach that seeks to engage with real world issues and takes a practical perspective on contemporary comparative legal scholarship The second part of the book offers a detailed treatment of the major legal contexts across the globe including common law civil law systems based on Germany and France and extended to Eastern Europe Scandinavia and Latin America among others the African context with an emphasis on customary law different contexts in Asia Islamic law and law in Islamic countries plus a brief treatment of Jewish law and canon law and transnational contexts public international law European Union law and lex mercatoria The book offers a coherent treatment of global legal systems that aims not only to describe their varying norms and legal institutions but to propose a better way of seeking to understand how the overall context of legal systems influences legal thinking and legal practice

European Banking and Financial Law Matthias Haentjens, Pierre de Gioia Carabellese, 2015-06-05 In recent decades the volume of EU legislation on financial law has increased exponentially Banks insurers pension funds investment firms and other financial institutions all are increasingly subject to European regulatory rules as are day to day financial transactions Serving as a comprehensive and authoritative introduction to European banking and financial law the book is organized around the three economic themes that are central to the financial industry i financial markets ii financial institutions and iii financial transactions It covers not only regulatory law but also commercial law that is relevant for the most important financial transactions It also explains the most important international standard contracts such as LMA loan contracts and the GMRA repurchase agreements Covering a broad range of aspects of financial law from a European perspective it is essential reading for students of financial law and European regulation

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