
SET-OFF LAW AND PRACTICE

An International Handbook

EDITED BY
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Set Off Law And Practice An International Handbook

McCormack, Gerard



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been implemented elsewhere such as in the US and the UK

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Commentary on the UNIDROIT Principles of International Commercial Contracts (PICC) Stefan Vogenauer, Jan Kleinheisterkamp, 2009 This volume on the UNIDROIT principles of international commercial contracts provides quick access to all case law and legal literature for specific problems paired with in depth scholarly analysis

Research Handbook on Shadow Banking Iris H.-Y. Chiu, Iain G. MacNeil, Research Handbook on Shadow Banking brings together a range of international experts to discuss shadow banking activities the purposes they serve the risks they pose to the financial system and implications for regulators and the regulatory perimeter Including discussions specific to the UK European Union US China and Singapore this book offers high level and theoretical perspectives on shadow banking and regulatory risks as well as more detailed explorations of specific markets in shadow banking

Covenants and Third-Party Creditors Daniela Matri, 2017-10-17 This book adds to the debate on the effects of covenants on third party creditors externalities which have

recently become a focus of discussion in the contexts of bankruptcy law corporate law and corporate governance The general thrust of the debate is that negative effects on third party creditors predominate because banks act in their own self interest After systematising the debated potential positive and negative externalities of covenants the book empirically examines these externalities It investigates the banks factual conduct and its effects on third party creditors in Germany and the US The study s most significant outcome is that it disproves the assumption that banks disregard third party creditors interests These findings are then interpreted with the tools of economic analysis particularly with the concept of common pool resources CPRs Around the aggregated value of the debtor company s asset pool as CPR exists an n person prisoner s dilemma between banks and third party creditors No creditor knows when and under what conditions the other creditor will appropriate funds from the debtor company s asset pool This coordination problem is traditionally addressed by means of bankruptcy law and collaterals However the incentive structure that surrounds the bilateral private governance system created by covenants and an event of default clause a CPR private governance system is found to also be capable of tackling this problem Moreover the interaction between the different regulation spheres bankruptcy law collateral and the CPR private governance system has important implications for both the aforementioned discussions as well as the legal treatment of covenants and event of default clauses Covenants alone cannot be seen as an alternative to institutional regulation the complete CPR private governance system and its interaction with institutional regulation must also be taken into consideration In addition their function must first find more acceptance and respect in the legal treatment of covenants and event of default clauses The CPR private governance system fills a gap in the regulation of the tragedy of the commons by bankruptcy law and collateral This has particularly important implications for the German 138 BGB 826 BGB and ad hoc duties to disclose insider information

Research Handbook on International Law and Terrorism Ben Saul, 2014-06-27 This Handbook brings together leading scholars and practitioners to examine the prolific body of international laws governing terrorism It exhaustively covers the global response to terrorism in transnational criminal law the international law on the

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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 [International Handbook of Cooperative Law](#) Dante Cracogna, Antonio Fici, Hagen Henry, 2013-12-12 The degree of development reached by cooperatives of different sectors throughout the world which among others led to the UN declaring 2012 as the International Year of Cooperatives needs to be accompanied by a similar development of corresponding legislation To this end a better knowledge of cooperative law from the comparative point of view as has already been established for other types of enterprises becomes of great importance This book strives to fill this gap and is divided into four parts The first part offers an analytic and conceptual framework with which to understand study and assess cooperative law from a transnational and comparative perspective The second part includes several chapters dealing with attempts to harmonize cooperative laws The third part contains an overview of more than 30 national cooperative laws while the last part summarizes and compares these national cooperative laws thus laying the foundation for a comparative cooperative law doctrine *Global Lawmakers* Susan Block-Lieb, Terence C. Halliday, 2017-10-26 Global lawmaking by international organizations holds the potential for enormous influence over world trade and national economies Representatives from states industries and professions produce laws for worldwide adoption in an effort to alter state lawmaking and commercial behaviors whether of giant multi national corporations or micro small and

medium sized businesses Who makes that law and who benefits affects all states and all market players Global Lawmakers offers the first extensive empirical study of commercial lawmaking within the United Nations It shows who makes law for the world how they make it and who comes out ahead Using extensive and unique data the book investigates three episodes of lawmaking between the late 1990s and 2012 Through its original socio legal orientation it reveals dynamics of competition cooperation and competitive cooperation within and between international organizations including the UN World Bank IMF and UNIDROIT as these IOs craft international laws Global Lawmakers proposes an original theory of international organizations that seek to construct transnational legal orders within social ecologies of lawmaking The book concludes with an appraisal of creative global governance by the UN in international commerce over the past fifty years and examines prospective challenges for the twenty first century

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