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Uncitral Legislative Guide On Insolvency Law

Bob Wessels, Gert-Jan Boon



Uncitral Legislative Guide On Insolvency Law:

UNCITRAL Legislative Guide on Insolvency Law United Nations, United Nations Commission on International Trade Law, 2012 Part three addresses the treatment of enterprise groups in insolvency both nationally and internationally While many of the issues addressed in parts one and two are equally applicable to enterprise groups there are that only apply in the enterprise group context Part three thus builds upon and supplements parts one and two At the domestic level the commentary and recommendations of part three cover various mechanisms that can be used to streamline insolvency proceedings involving two or more members of the same enterprise group These include procedural coordination of multiple proceedings concerning different debtors issues concerning post commencement and post application finance in a group context avoidance provisions substantive consolidation of insolvency proceedings affecting two or more group members appointment of a single or the same insolvency representative to all group members subject to insolvency and coordinated reorganization plans

UNCITRAL Legislative Guide on Insolvency Law United Nations Commission on International Trade Law, 2005

UNCITRAL Legislative Guide on Insolvency Law United Nations, United Nations Commission on International Trade Law, 2014-03-15 This book focuses on the obligations regarding management of an enterprise when it faces imminent insolvency or insolvency becomes unavoidable The aim of imposing such obligations which become enforceable once insolvency proceedings commence is to protect the legitimate interests of creditors and other stakeholders and encourage timely action to address financial distress and minimize its effects This publication addresses the key elements of provisions imposing such obligations as well as the nature of the obligations the time at which the obligations should arise the persons to whom the obligations would attach liability for breach of the obligations and enforcement of those obligations specifically applicable defenses remedies the persons who may bring an action to enforce the obligations and how those actions might be funded

UNCITRAL Legislative Guide on Insolvency Law, 2004

Legislative Guide on Insolvency Law United Nations Commission on International Trade Law, 2005 This publication seeks to assist the establishment of a legal framework for an efficient and effective national corporate insolvency regime which strikes a balance between the financial difficulties of debtors and the interests of creditors and other relevant parties as well as addressing public policy concerns The text of this draft legislative guide was adopted by UNCITRAL in June 2004 and approved by UN General Assembly resolution 59 40 in December 2004

Insolvency Law Mr. Rohit Manglik, 2024-03-12 EduGorilla Publication is a trusted name in the education sector committed to empowering learners with high quality study materials and resources Specializing in competitive exams and academic support EduGorilla provides comprehensive and well structured content tailored to meet the needs of students across various streams and levels

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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

UNCITRAL Legislative Guide on Insolvency Law United Nations Commission on International Trade Law, 2005 *UNCITRAL Legislative Guide on Insolvency Law* , 2012 **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 **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 **Sakakawea Collection** , 1906 **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

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

The Politics of International Economic Law Tomer Broude,Marc L. Busch,Amelia Porges,2011-03-07 How do politics and international economic law interact with each other Financial crises and shifts in global economic patterns have refocused our attention on how the fingerprints of the visible hand can be seen all over the institutions that underpin the rules of globalization From trade and investment to finance governments are under pressure to enforce resist and rewrite international economic law Lawyers have seldom given enough attention to the influence of politics on law whereas political scientists have had an on again off again fascination with how the law influences relations among states This book leads the way toward filling this interdisciplinary gap through a series of important studies written by leaders in the field on specific problems in international economic relations The book demonstrates a variety of ways in which the international political economic nexus may be researched and understood

The Resolution of Sovereign Debt Crises Jeannette Abel,2024-11-01 The insolvency of states is by no means a rare or new phenomenon Despite this it still seems to be widely felt that states do not go bankrupt As of yet there are no regulated insolvency proceedings for states This book examines the current mechanisms for solving sovereign debt crises It presents an analysis of their weaknesses and shows possibilities for dealing with such crises in the future In this respect the work focusses on crisis resolution measures at European level the aid packages for Greece the European Financial Stabilisation Mechanism the European Financial Stabilisation Facility and the European Stability Mechanism These are examined for their appropriateness as well as whether they contain elements of insolvency law Ultimately it explores possible insolvency proceedings for states at EU level and their implementation options

China's New Enterprise Bankruptcy Law Yongqian Xu,Haizheng Zhang,2016-05-23 China has recently entered a significant stage in its economic transition with the introduction of a new and seemingly sophisticated bankruptcy law drawing inspiration from mature insolvency systems However this new law is likely to face significant challenges within its implementation due to weaknesses in the countries legal and social infrastructure China s New Enterprise Bankruptcy Law clearly presents the

structure of China's reformed legal bankruptcy system by introducing the framework and analyzing typical cases which have been or are being heard since the new bankruptcy law was operational. Written by Chinese experts with a professional interest and specialist knowledge of insolvency law, this volume serves as an indispensable guide for academics and researchers in the area as well as practitioners and professionals involved with Chinese business law. **International**

Bank Crisis Management Marco Bodellini, 2022-08-25 This book analyses the legal regimes governing bank crisis management in the EU, UK and US, discussing the different procedures and tools available as well as the regulatory architecture and the authorities involved. Building on a broad working definition of bank crisis management and referring to several cases, the book explores the techniques and approaches employed by the authorities to deal with troubled banks on both sides of the Atlantic. The legal analysis distinguishes between procedures and tools aimed at liquidating the bank in crisis vis-à-vis those aimed at restructuring. In this regard, attention is paid to the rules allowing for the use of public money in handling banks in trouble as well as to the role that deposit insurance schemes can play. Considerations on the impact on banks of the current crisis provoked by the COVID-19 pandemic are advanced, primarily focusing on the expected surge of non-performing loans as well as on ways to effectively manage these assets. The book approaches these issues from a comparative law perspective, providing law and economics considerations and focusing on strengths and drawbacks of the rules currently in force. The book advances policy considerations as well as reform proposals aiming at enhancing the legal regimes in force, with particular reference to the Consultation promoted in 2021 by the European Commission on the adoption of a new bank crisis management and deposit insurance framework in the Union. **International Bankruptcy**

Jodie Adams Kirshner, 2018-05-10 With the growth of international business and the rise of companies with subsidiaries around the world, the question of where a company should file bankruptcy proceedings has become increasingly complicated. Today, most businesses are likely to have international trading partners or to operate and hold assets in more than one country. To execute a corporate restructuring or liquidation under several different insolvency regimes at once is an enormous and expensive challenge. With *International Bankruptcy*, Jodie Adams Kirshner explores the issues involved in determining which courts should have jurisdiction and which laws should apply in addressing problems within. Kirshner brings together theory with the discussion of specific cases and legal developments to explore this developing area of law. Looking at the key issues that arise in cross-border proceedings, *International Bankruptcy* offers a guide to this legal environment. In addition, she explores how globalization has encouraged the creation of new legal practices that bypass national legal systems such as the European Insolvency Framework and the Model Law on Cross-Border Insolvency of the United Nations Commission on International Trade Law. The traditional comparative law framework misses the nuances of these dynamics. Ultimately, Kirshner draws both positive and negative lessons about regulatory coordination in the hope of finding cleaner and more productive paths to wind down or rehabilitate failing international companies.

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