

UNITED KINGDOM COMPARATIVE LAW SERIES  
VOLUME 12

**CROSS-BORDER  
INSOLVENCY:  
COMPARATIVE DIMENSIONS**

**THE ABERYSTWYTH INSOLVENCY PAPERS**

edited by  
*Jon R. Fletcher*

UNITED KINGDOM NATIONAL COMMITTEE  
OF COMPARATIVE LAW

# Crossborder Insolvency Comparative Dimensions United Kingdom Comparative Law Series

**BM King**



## **Crossborder Insolvency Comparative Dimensions United Kingdom Comparative Law Series:**

Cross-border Insolvency United Kingdom National Committee of Comparative Law,1990      *The Future of Cross-border Insolvency* Irit Mevorach,2018 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      **Cross-border Insolvency** Ian F. Fletcher,1990      **Recueil Des Cours - Collected Courses, 1991-V** Academie de Droit International de la Haye,1993-08-24 The Academy is an institution for the study and teaching of public and private international law and related subjects Its purpose is to encourage a thorough and impartial examination of the problems arising from international relations in the field of law The courses deal with the theoretical and practical aspects of the subject including legislation and case law All courses at the Academy are in principle published in the language in which they were delivered in the Collected Courses of the Hague Academy of International Law This list contains International Law and the Avoidance Containment and Resolution of Disputes General Course on Public International Law by R HIGGINS Professor at the London School of Economics and Political Science L harmonisation du droit international prive de la faillite par P VOLKEN professeur a l Universite de Fribourg      **Bulletin of Legal Developments** ,1991      The Comparative and International Law Journal of Southern Africa ,1999      European Cross-border Insolvency Regulation Jona Israël,2005 This book presents a comprehensive analysis of the regulation of cross border insolvencies in Europe Council Regulation 1346 2000 on Insolvency Proceedings forms the natural focal point of such a study However while this book explores in detail the background legal basis as well as the substance of the Regulation it also contains an examination of the Regulation from two wider perspectives that of international cross border insolvency regulation and Community law The approach adopted by the Regulation to the problems raised by cross border insolvency forms part of a

paradigmatic shift at the global level The struggle over jurisdiction the natural state of affairs under the old principles of universality territoriality is increasingly being replaced by co operation between the jurisdictions involved The Regulation must be understood against the backdrop of these new cooperative approaches including the UNCITRAL Model Law and ancillary proceedings Doing so this book argues that the co operative framework of the Regulation is limited and may ultimately not suffice to realise the efficient and effective cross border proceedings it is aiming for Although the Regulation is an exponent of this global shift towards cooperation the legal context in which it operates is nevertheless very different Community law as an autonomous legal order has limited the private international law autonomy of Member States and generated a comitas Europaea This book argues that Community law and its comitas must be taken seriously They are an important source of principles to guide courts in the interpretation and application of the Regulation and may reinforce and expand the co operative mechanisms of the Regulation Jona Israel obtained his LL M at the University of East Anglia Norwich in 1994 and graduated at the University of Maastricht in 1995 From 1995 to 1998 he was researcher at the European University Institute in Florence Italy Since 1998 he has been lecturer at the University of Maastricht teaching private international law insolvency law and commercial law Comparative Financial Law Philip R. Wood,1995 Computer and Telecommunications Law Review is a specialist law journal which analyses and reports on legal and regulatory developments in the telecommunications and computer industries 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 Netherlands International Law Review ,1991 Working Paper Series ,1996 Selected Acquisitions Robert Crown Law Library,1992 Texas International Law Journal ,1993 Michigan Law Review ,2000 Max-Planck-Gesellschaft Jahrbuch ,1991 **Recent Acquisitions** Ohio State University. College of Law.

Library,1993      **The British National Bibliography** Arthur James Wells,2009      Bankruptcy Developments Journal ,1999

*Studies in UK Law 2002* John Bell,2002 This volume contains the UK contributions to the XVI Congress of the International Academy of Comparative Law held in Brisbane Australia in July 2002 The papers are self standing chapters which can be read together and in their own right The collection offers detailed insights into current issues in the law of the United Kingdom It includes topics as varied as the legitimacy of the judge real and personal security mediation and ADR and copyright in an information age Rather than offer chapters on each of the three UK jurisdictions the volume presents either the position in the lead jurisdiction or that in a jurisdiction which has an interesting and distinctive position which is not well covered in the existing literature      *Current Issues in Insolvency Law* Alison Clarke,1991 Considering five areas of insolvency law this volume contains essays on insolvency practitioners global insolvencies in a world of nation states priority rights on corporate insolvency directors duties with regards to insolvency and creditors schemes of arrangement

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