

Insolvency In Private International Law: National And International Approaches (Oxford Private International Law Series)

This is the first volume in the new Oxford International and Comparative Insolvency Law Series. The series will provide a comparative analysis of all important aspects of insolvency proceedings and domestic insolvency laws in the main economically developed and emerging countries, starting with the opening of proceedings. This volume addresses the commencement of insolvency proceedings over business debtors and the conditions in which they may arise. It explains the types of proceedings available and the participants involved. The book also analyses the effect of such action on the various players, assets and liabilities concerned. The detail and uniform nature of the treatment of topics helps practitioners to understand specific features of a foreign legal system and effectively brief foreign counsel. For all readers, the book provides access, through analysis in the detailed commentary, to material that was previously only available in a foreign language. Most major legal families (including various mixed legal systems) are covered to reflect the needs of the international insolvency community and intergovernmental organizations. This is the only book that offers a thorough comparative analysis of existing domestic insolvency laws concerning the opening of insolvency proceedings in the main economically developed and emerging countries.

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.

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.

This book examines the effect of the adoption of the United Nations Committee on International Trade Law (UNCITRAL) Model Law on Cross-Border Insolvency in five common law jurisdictions, namely Australia, Canada, New Zealand, the United Kingdom, and the United States of America. It examines how each of those states has adopted, interpreted and applied the provisions of the Model Law, and highlights the effects of inconsistencies by examining jurisprudence in each of these countries, specifically how the Model Law affects existing principles of recognition of insolvency proceedings. The book examines how the UNCITRAL Guide to enactment of the Model Law has affected the interpretation of each of its articles and, in turn, the courts' ability to interpret and hence give effect to the purposes of the Model Law. It also considers the ability of courts to refer to amendments made to the Guide after enactment of the Model Law in a state, thereby questioning whether the current inconsistencies in interpretation can be overcome by UNCITRAL amending the Guide.

Brexit

Party Autonomy in International Property Law

2006

Legal Constants in Times of Crises

A Global View of Business Insolvency Systems

Overcoming Biases and Closing Gaps

This set deals with the problems generated by those cases of insolvency (either of an individual or of a company) where the presence of contacts with more than one system of law brings into operation the principles and methods of private international law (also known as conflict of laws). Part I of the main work is mainly devoted to an examination of the body of rules and practice that has evolved in England during the course of the past two-and-a-half centuries, and surveys the current state of the law derived from a blend of statutory and case authorities. Contrasting approaches under a selection of foreign systems -- principally Australia, Canada, France and the USA -- are examined by way of comparison. There are up-to-date accounts of the circumstances under which insolvency proceedings can be opened in respect of debtors which are not primarily based in England, and of the grounds on which English courts will recognize foreign insolvency proceedings and give assistance to the foreign representative of the debtor's estate. Part II of the main work explores the progress towards the creation of international arrangements to co-ordinate and rationalize the conduct of insolvency proceedings which have cross-border features, particularly where the debtor is capable of being subjected to concurrent proceedings in two or more jurisdictions. Central to the developments described in detail in this Part are the EC Regulation on Insolvency Proceedings and the UNCITRAL Model Law on Cross-Border Insolvency. This set includes the supplement to the second edition, which covers key developments in case law and legislation in the subject up to October 2006, and is an essential purchase for all who have already bought the main work. It includes the full text of the Cross-Border Insolvency Regulations 2006, along with commentary on the regulations. The supplement also includes the text of Council Regulation 694/2006, amending EC Regulation 1346/2000 on insolvency proceedings, and references to key developments in case law, including Eurofood IFSC Ltd, Daisytek ISA, and Cambridge Gas Transport Corp v Official Committee of Unsecured Creditors of Navigator Holdings plc. The commentary on case developments links back to the relevant paragraph in the main work. New to this Edition:

- New supplement updating the second edition with commentary on recent developments, to October 2006
- Major recasting of chapter 6 (formerly dealing with the (by then) dormant EC Convention on Insolvency Proceedings) now giving an account of the EC Regulation on Insolvency Proceedings, in force since 31 May 02
- Adjustments throughout the book to explain the impact of the Regulation on other aspects of law and practice
- Full account is taken of statutory and case law developments since 1998
- There is a new chapter assessing other international developments since 1998 including the ALI Transnational Insolvency Project; the World Bank Principles and Guidelines; and the UNCITRAL Legislative Guide on Insolvency Law (completed 2004)

Focusing on the Global Financial Crisis 2007-2010 and the new emerging Covid-19 crisis in 2020, this book examines the discourse on risk and uncertainty in the markets through the lens of financial crises. Such crises represent a failure of the law to regulate, and constitute the basis through which a new theory of legal

constants can be introduced in comparative law. Crisis impose a dramatic reformulation of the law, the Covid-19 confirms this trend, and new out-of-law instances are appearing beyond a paternalistic approach of direct State regulation. Restructuring procedures are playing a vital role in businesses' survival, and new out-of-law mechanisms such as moratorium agreements and private workouts have become essential to preserve businesses. It is clear that the role of the law has completely changed, and this book argues that constants outside of the law are new ways to promote an "uncodified-codification" of the law. The case for uncodified uncertainty in the Covid-19 crisis is a primary example of how no codification process can ignore the importance of out-of-law instances in the act of making law. This book explores how this approach influences the harmonisation process of international economic law between national insolvency regimes and international agreed frameworks, demonstrating the role of comparative law in formulating legal constants using Covid-19 and the complexity of modern financial markets as the criterion to introduce the reader to this new theory, which claims a new role for comparative law in policy making processes within the framework of international economic law.

The thesis of this book is that cross-border insolvency rules of all kinds aim to pursue and enforce basic standards. Furthermore, several principles can be identified, distinguished and sorted into three groups: conflict of laws principles, procedural principles and substantive principles. Using the principle-oriented approach, the book will have a significant impact for both deciding cases and shaping cross-border insolvency law. It offers both legislators and courts new substantive and methodological support in making decisions, for example where the treatment of secured creditors, support for foreign insolvency practitioners or even harmonisation of cross-border insolvency laws is at stake --Back cover.

Freedom of establishment is one of the four fundamental freedoms of the European Union. The principle is that natural persons who are European Union Citizens, and legal entities formed in accordance with the law of a Member State and having its registered office, central administration or principal place of business within the EU, may take up economic activity in any Member State in a stable and continuous form regardless of nationality or mode of incorporation. This book examines the way in which EU law has influenced how national courts in Europe assert jurisdiction in cross-border corporate disputes and insolvencies, and the mechanism which allows them to decide which national law should apply to the substance of the dispute. The book also considers the potential for EU Member States to compete for devising national corporate and insolvency legislation that will attract incorporations or insolvencies. Central to the book is the concept of national choice of law. In considering the impact of freedom of establishment on private international law for corporations, the book uniquely analyses both corporate and insolvency law together, presenting the topic in the broadest possible sense. Importantly, the doctrine of abuse in corporate and insolvency law is covered, raising the question of 'forum shopping' and regulatory competition which underpins the intersection between freedom of establishment and private international law. Through examination of the most recent

and leading judgments of the European Court of Justice in *Centros* and *Cadbury Schweppes*, the book derives certain conclusions as to the operation of the doctrine of abuse and the limits thereof in the context of freedom of establishment. Being the first in the field to examine the leading ECJ cases of *Inspire Art*, *Sevic* and *Cartesio* regarding the real seat doctrine, the book makes the judgment that there is no incompatibility as such between the doctrine and the freedom of establishment. Ultimately, the book analyses to what extent diversity in the corporate and insolvency laws of the Member States should be preserved, so as to encourage competition between jurisdictions in Europe.

Commercial Litigation in the EU

Cross Border Insolvencies in EU, English and Belgian Law

Yearbook of Private International Law 2006

International Cooperation in Bankruptcy and Insolvency Matters

Improvements and Missed Opportunities

Also available as an e-book Private international law (PIL) problems have existed for centuries when people from various territories and religious and social groups engaged in mutual contacts. Some of the core issues of this discipline have been critically reviewed during the so-called conflicts revolution which took place during the twentieth century in the American academic literature and court practice. However it seems that not much discussion on methodologies of PIL has developed since then. This book, inspired by the Law and Economics approach, introduces the concept of efficiency into PIL, aiming to show new dimensions of traditionally important issues. First, this author challenges the traditional understanding that uniform law is always more desirable than PIL, and raises questions on the rationale and possibility of the unification of PIL. Second, territoriality has been understood to exclude PIL. This book clarifies why such understanding does not hold in the twenty-first century especially in the field of intellectual property, and argues that a one-size-fits-all model would not be appropriate in the context of cross-border insolvency.

In order to deal effectively with such emerging factors as multi-jurisdictional intellectual property rights and contractual issues surrounding employment or immovable property, a system of international bankruptcy and insolvency law is sorely needed. This important monograph shows how such a system is ready to hand in Europe and potentially

available at a global level. As an obvious step in this direction, Professor Torremans examines the EU Regulation on Insolvency Proceedings. He analyses all its provisions in detail, and sets out the solution it puts in place, partial and imperfect as it may be. He concludes that within the EU this Regulation promises to improve matters substantially, and that it bodes well to become a model for international co-operation in this area. To demonstrate the need for a coherent cross-border insolvency law regime, Professor Torremans first describes two very different national approaches, those of Belgium and the United Kingdom. He explores these two traditional approaches in detail, stressing their practical applications, and finds neither system can offer a satisfactory solution in a cross-border context. Finally, recognising that this problem does not stop at the EU's borders, Professor Torremans examines the UNCITRAL Model Law in detail to see whether it does indeed make a useful contribution. This is a valuable and highly practical analysis that can immediately be put to good use by practitioners and officials charged with the organisation of bankruptcy and insolvency proceedings anywhere in the world.

Main description: Current Volume VIII (2006) of the Yearbook of Private International Law is arguably one of the most comprehensive collections of essays in English-language of our time: It presents the reader with a broad overview on the status and trends of private international law from the United States to India, from France to Tunisia, from England to China, from Latvia to Qatar, from Sweden to Japan. All main areas of law are addressed: among others, marriage, including same-sex marriage, adoption and protection of children, euthanasia and living wills, inheritance, contracts, torts, insolvency. Each of the four traditional steps of the conflict process is taken into account: adjudicatory jurisdiction, international cooperation and procedure, applicable law and its various incidents, recognition of foreign judgments. Practitioners will especially benefit from several contributions on international arbitration. Beneficial for: scholars, lawyers, judges, notaries, lawyers in law departments of international enterprises, legal libraries, working in the field of Private International Law. A comprehensive and in-depth analysis of how courts in the countries of Commonwealth

Africa decide claims under private international law.

The Future of Cross-border Insolvency

2005

Cross-Border Litigation in Central Europe

Treatment of Contracts in Insolvency

A Commentary on the UNCITRAL Model Law, Fourth Edition

Orderly and Effective Insolvency Procedures

As one of the most definitive texts on the market, European Private International Law provides an essential guide for both students and practitioners to the complex field of international litigation within the EU. The private international law of the Member States is increasingly regulated by European law, making private international law ever less 'national' and ever more EU based. Consequentially EU law in this area has penetrated national law to a very high degree, making it an essential area of study and an area of increasing importance to practising lawyers. This book provides a thorough overview of core European private international law, including the Brussels I, Rome I and Rome II Regulations (jurisdiction, applicable law for contracts and tort), while additional chapters deal with the recently adopted Succession Regulation, private international law and insolvency, freedom of establishment, and the impact of PIL on corporate social responsibility. From the reviews of the first edition 'As a result of his broad knowledge on the subject and rich professional experience, Mr van Calster provides great insight into current issues within international law. The book is practical as both a student textbook and a general introduction for legal professionals'. Vladimir Cupryszak, Association for International Arbitration 'Excellent overview of European Private International Law issues, as well as a very helpful introduction to basic concepts of conflicts of laws and jurisdictions'. Professor Stavros Brekoulakis, Queen Mary University of London 'This is a most useful book. I recommend it to my students as a great way to come to terms with the EU elements of Private International Law'. Dr David Kenny, Trinity College Dublin 'This book is essential reading for law students in Europe and abroad. It provides a coherent overview of all main elements of

European private international law; concepts, legal instruments and practice'. Professor Kim Talus, UEF Law School, Finland 'Well-written, clear and understandable. Excellent value for money'. Dr Jan Oster, King's College London, UK

Important recent developments in Australian private international law are discussed, together with legislative reforms and significant decisions, particularly of Australian courts. A new chapter on corporate insolvency has been added in this edition. The book provides an in-depth examination of the following subjects: introduction to private international law; jurisdiction and judgments; international arbitration; choice of law; international family law; choice of law for obligations; choice of property law; international company law ; An understanding of the fundamental concepts in private international law is becoming increasingly important in legal practice, and the accessible style of this text makes it invaluable to both students and practitioners. This thoroughly revised and updated second edition analyses in detail the current development of private international law at European Union level. Peter Stone examines the provisions of, and the case-law on, measures such as the Brussels I Regulation on civil jurisdiction and judgments; the Rome I and II Regulations on the law applicable to contractual and non-contractual obligations; the Brussels IIA Regulation on matrimonial proceedings and parental responsibility; Regulation 4/2009 on maintenance; and Regulation 1346/2000 on insolvency proceedings. The author welcomes, in principle, the movement towards European harmonisation in the sphere of private international law, but has misgivings over various aspects of the current legislation and case-law. Given the considerable development in this area of law since the first edition, law academics, law students, and legal practitioners interested in international litigation in matters governed by private law will warmly welcome this new book.

The phenomenon of increased interconnectedness of the world's societies, generally referred to as 'globalisation', is not only changing our everyday life, it also influences the legal framework we are living in. The challenges brought about by this process are especially great in fields of law which are by their very nature international such as Private International Law, the Law of Capital Markets,

International Insolvency Law or the Law of the Internet. Can, for example, established conflict-of-law rules survive in a globalised world? What options exist for regulating capital markets in the era of globalisation? Are national laws on international insolvencies prepared for the increasing number of cross-border insolvency proceedings or does the UNCITRAL Model Law on Cross-Border Insolvency show the way? How can national or international legislators react to the new forms of torts and copyright infringements via the World Wide Web? These are some of the questions which eminent scholars from Japan and Germany try to answer in this volume. All essays are based on contributions to a symposium which took place in Fukuoka, Japan, on 28-29 March, 1999.

Cross-Border Insolvency

The Law of Insolvency

Insolvency in Private International Law

Cross Border Insolvency

Freedom of Establishment and Private International Law for Corporations

Efficiency in Private International Law

Party autonomy is a subject that is traditionally rejected in the field of property law. Legal systems throughout Europe and most parts of the world still found their property law on the lex situs. This point of view, however, is challenged more and more. The immense intensification of worldwide trade may have turned boundaries between countries into barriers in a world that needs flexibility. This book deals with important questions concerning this problem, including: What happens to property rights related to movables and claims when borders are crossed? Do we recognize a German retention of title or an American security right? Which law will apply: the law of the country of origin, the lex situs or the law of the country of destination? How does legislation concerning financial instruments relate to the problem, and what is it all worth in insolvency situations?

This study discusses the position of secured creditors in cross-border insolvency proceedings. The book contains a comparative analysis of, inter alia, the cross-border effects of insolvency proceedings and the enforcement of security rights. Present Dutch customary private international law contrasts sharply with recent international developments, such as the EC Insolvency Regulation (and German legislation based on it) and the UNCITRAL Model Law on Cross-Border Insolvency. The author argues for the introduction of a set of rules that, in accordance with the UNCITRAL Model Law on Cross-Border Insolvency, subject the recognition of insolvency proceedings commenced outside the EU to judicial review. With respect to the determination of the effects of insolvency proceedings the conflict rules of the EU Insolvency

Regulation should be followed. This leads to a coherent system of international insolvency law. Also the far-reaching, yet simple and clear, rule of Article 5 of the EC Insolvency Regulation should be adopted in Dutch customary private international law. Regardless of the jurisdictions involved, the opening of insolvency proceedings will not affect security rights on assets situated in other States.

Cross-Border Litigation in Central Europe EU Private International Law Before National Courts As a consequence of the ever-increasing intercourse within the enlarged and diverse European Union (EU), a growing number of businesses, consumers, and families rely on EU private international law instruments to seek justice in cross-border disputes. This invaluable reference book offers an in-depth understanding of this process in Central Europe and is the first to provide a comprehensive and analytical overview of the judicial practice in the region and to make this case law accessible in English. Presenting the results of a major EU-funded project (CEPIL), the book offers an insight into the reality of EU private international law and cross-border litigation in Central Europe: it provides a comprehensive and exhaustive presentation of the case law in 10 Central European Member States (Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, and Slovenia); it covers all fields of EU private international law (general civil and commercial, insolvency, family and succession matters); it inquires whether EU private international law functions optimally in the Central European Member States in order to secure a Europe of law and justice; it examines whether EU private international law instruments are applied in a correct and uniform manner and whether national courts deal appropriately with disputes having a cross-border element; it analyzes whether the current legal and institutional architecture is susceptible of securing legal certainty and an effective remedy for cross-border litigants. This important practical resource helps businesses, consumers, families and legal counsels engaged in cross-border mobility to gain access to essential information and analysis as to the application and interpretation of EU private international law in Central Europe. The book is also highly valuable to academics and researchers specializing in private international law by presenting the research findings of the CEPIL project.

This thorough and detailed Research Handbook explores the complexity of governance of sales contracts in the modern world. It examines many topical aspects of sales law and practice, with considerable emphasis being placed on the diversity of: commercial and transactional contexts; in which sales contracts are made and performed, including digital technologies, long-term contracts and global supply chains and sources governing such contracts, particularly those emanating from commercial players, such as standard form contracts, trade usages and trade terms. Written by leading experts from an international and comparative perspective, the Research Handbook is relevant to anyone with an interest in commercial sales and contract law.

***Recasting the Insolvency Regulation
Principles of Cross-border Insolvency Law***

***Chinese Private International Law
National and International Approaches. Supplement to Second Edition
Indonesian Private International Law
Themes and Perspectives***

From 2005 on the Yearbook of Private International Law is published by S.ELP in cooperation with the Swiss Institute of Comparative Law. This English-language annual publication provides analysis and information on private international law developments world-wide. The editors commission articles of enduring importance concerning the most significant trends in the field. The Yearbook also develops the important work and research carried out in the context of the Hague Conference, The Hague Academy, UNCITRAL and UNCTAD. The authority of the editors and the lasting nature of the works included make the Yearbook an integral addition to the libraries of scholars and practitioners.

Written with the assistance of a team of lecturers at the Shanghai University of Political Science and Law, this book is the leading text on Chinese private international law in English. The chapters systematically cover the whole of Chinese private international law, from questions likely to arise in commercial matters, but also in family, succession, cross-border insolvency, intellectual property, competition (antitrust), and environmental disputes. The chapters do not merely cover the traditional conflict of law areas of jurisdiction, choice of law, and enforcement. They also look into conflict of law questions arising in arbitration and assess China's involvement in the harmonisation of private international law globally and regionally within the Belt and Road Initiative. Similarly to the Japanese and Indonesian volumes in the Series, this book presents Chinese conflict of laws through a combination of common and civil law techniques and perspectives, providing readers worldwide with a more profound and comprehensive understanding of Chinese private international law.

This classic textbook provides a thorough overview of European private international law. It is essential reading for private international law students who need to study the European perspective in order to fully get to grips with the subject. Opening with foundational questions, it explains the subject's central tenets: the Brussels I, Rome I and Rome II Regulations (jurisdiction, applicable law for contracts and torts). Additional chapters explore the Succession Regulation, private international law and insolvency, freedom of establishment, and private international law on corporate social responsibility. The new edition includes a new chapter on the Hague instruments and an opening discussion on the impact of Brexit. Drawing on the author's rich experience, the new edition retains the book's hallmarks of insight and clarity, ensuring it maintains its position as the leading textbook in the field.

A fresh and insightful guide to post-financial crisis cross-border insolvency, this book interrogates the current regime and seeks 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 examines the varying success of previous policy, and identifies the gaps and biases that could be bridged by a new approach.

Stone on Private International Law in the European Union, Fourth Edition

Private International Law in Commonwealth Africa

Commencement of Insolvency Proceedings

Corporate Insolvency Law

Research Handbook on International and Comparative Sale of Goods Law

Cross-Border Insolvency Proceedings and Security Rights

This book provides detailed analysis of the affect of insolvency on contractual obligations and relationships in the main commercially significant jurisdictions.

This book is the leading reference on Indonesian private international law in English. The chapters systematically cover the whole of Indonesian private international law including commercial matters, family law, succession, cross-border insolvency, intellectual property, competition (antitrust), and environmental disputes. The chapters do not merely cover the traditional conflict of law areas of jurisdiction, applicable law (choice of law), and enforcement. The chapters also look into conflict of law questions arising in arbitration and assess Indonesian involvement in the harmonisation of private international law globally and regionally within ASEAN. Similarly to the other volumes in the Studies in Private International Law - Asia series, this book presents the Indonesian conflict of laws through a combination of common and civil law analytical techniques and perspectives, providing readers worldwide with a more profound and comprehensive understanding of the subject.

The harmonization of private international law in Europe has, to a very large extent, been the result of both legislation adopted at EU level and the subsequent case law arising from the interpretation of that legislation. This fourth edition of Peter Stone's authoritative work has been thoroughly revised and updated to take account of the most recent developments at both EU and national levels, including the recast Brussels I regulation on civil jurisdiction and the recast Insolvency regulation, and numerous decisions of the European and English courts. Key features include: * comprehensive and in-depth coverage of key legislative developments within the EU in relation to private international law* addresses key questions and identifies weaknesses in the current law, following up with suggestions for improvements* combines perspectives from both civil law and common law traditions* extensive tables of cases and legislation. This timely work will be an invaluable point of reference for practising lawyers, the judiciary, legislators and policy-makers throughout the EU. Academics and public officials interested in conflicts of laws will also find this a vital resource.

Current Volume VIII (2006) of the Yearbook of Private International Law is arguably one of the most comprehensive collections of essays in English-language of our time: It presents the reader with a broad overview on the status and trends of private international law from the United States to India, from France to

Tunisia, from England to China, from Latvia to Qatar, from Sweden to Japan. All main areas of law are addressed: among others, marriage, including same-sex marriage, adoption and protection of children, euthanasia and living wills, inheritance, contracts, torts, insolvency. Each of the four traditional steps of the "conflict process" is taken into account: adjudicatory jurisdiction, international cooperation and procedure, applicable law and its various incidents, recognition of foreign judgments. Practitioners will especially benefit from several contributions on international arbitration. Beneficial for: scholars, lawyers, judges, notaries, lawyers in law departments of international enterprises, legal libraries, working in the field of Private International Law.

Perspectives and Principles

The Enactment and Interpretation of the UNCITRAL Model Law

Legal Aspects of Globalisation: Conflicts of Laws, Internet, Capital Markets and Insolvency in a Global Economy
Law and Practice

History, Reasoning and Perspectives

European Cross-border Insolvency Regulation

Written by IMF's Legal Department, this book outlines the key issues involved in designing and implementing orderly and effective insolvency procedures, which play a critical role in fostering growth and competitiveness and may also assist in the prevention and resolution of financial crises. The book draws on lessons learned from firsthand experience by some of the IMF's 182 member countries. It includes an analysis of the major policy choices that countries need to address when designing an insolvency system, a discussion of the advantages and disadvantages of these choices, and a number of specific recommendations.

This interdisciplinary examination of corporate insolvency law assesses recent reforms and anticipates new legislation.

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.

This book presents problems that often arise in the context of international/cross-border insolvencies; analyzes and compares national legislations and jurisprudence; elucidates the solutions offered by international/regional instruments; and explores the differences in the implementation of these instruments by various countries and

the consequences of these differences. It examines in detail a number of famous and less famous cases tried by national courts, in which it became readily apparent that insolvency law remains one of the bastions of national law. In addition, the book discusses the notion of transplanting foreign [international] insolvency rules and especially the influence that US insolvency law has exerted on other countries' insolvency [and international insolvency] law. Far from adopting an unrealistically optimistic stance, it soberly examines the complications of cross-border insolvencies, while also presenting potential solutions.

National Laws and International Texts

International Insolvency and Finance Law

EU Private International Law Before National Courts

A Study of Regulation 1346/2000 on Insolvency Proceedings in the Light of a Paradigm of Co-operation and a *Comitas Europaea*

The European Insolvency Regulation

European Private International Law

We live in an age of economic turmoil. The recent crises emphasize the need for modern, sophisticated rules to govern businesses in financial distress in order to realize value from distressed companies and to protect economic institutions. This book provides information for legislators, policymakers, lawyers, accountants, academics, and administrators who seek to understand the workings of insolvency laws. Guided by the World Bank's Principles and Guidelines, it supplements the work in this field done by UNCITRAL.

While the discussions among Brexiters mainly focus on the referendum of 2016 or David Cameron's "great miscalculation" and its repercussions, this book looks at the Brexit as a process that began decades earlier. It analyses EU-UK relations from a new perspective, taking into consideration the historical background, political aspects, and legal and economic matters. The book provides a holistic understanding of the Brexit, approaching the referendum and its outcomes as the culmination of a long process rather than an isolated political event crafted within the corridors of Westminster or Downing Street 10. Accordingly, it addresses a range of thematic issues, historical patterns of political and economic behavior both within and beyond the United Kingdom, and possible future effects on relations between the Union and one of its most important members.

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.

This book comprises contributions relating to the Insolvency Regulation Recast, which recently entered into force. The authors analyse the changes introduced and give their views on the improvements that are thereby achieved. In other words, they assess to what extent the amendments have mitigated the disadvantages of the previous Insolvency Regulation. Three of the chapters concentrate on the issues pertaining to jurisdiction, such as the problem of forum shopping by re-locating the debtor's centre of main interests. Furthermore, the extent to which the parties have the freedom to contract within the framework of the Insolvency Regulation Recast is discussed. Also, the relevance and consequences of recent developments in corporate law for the current cross-border insolvency framework, as well as the jurisdictional issues concerning approval requirements are amongst the matters addressed. Aside from the jurisdictional matters, the question of the law applicable to so-called 'avoidance actions' is analysed and cross-border cooperation between national authorities in the field of insolvency is touched upon. To conclude, this book covers a range of specific and intriguing topics brought up by the Insolvency Regulations Recast. This third volume in the Short Studies in Private International Law Series is primarily aimed at legal academics dealing with cross-border insolvency, but it will also prove useful to insolvency judges and practitioners, as well as those specialised in financial and fiscal law. Finally, advanced students as well as those with a general interest in insolvency law will also find it of added value.

./div Vesna Lazić is Senior Researcher at the T.M.C. Asser Institute and Associate Professor of Private Law at Utrecht University in The Netherlands. Steven Stuij is an expert in private international law and PhD Candidate at the Erasmus School of Law, Rotterdam./div

EU Private International Law

Private International Law in Australia

International Insolvency Law

Insolvency in Private International Law