

Treatment Of Contracts In Insolvency Oxford Intern

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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 Restructuring Directive Gerard McCormack 2021-04-30 This comprehensive book provides a clear analysis of the European Restructuring Directive, which aims to improve national frameworks governing business restructuring and insolvency as well as to provide debt relief for individuals. Gerard McCormack explores the key aspects of the Directive including the moratorium on litigation and enforcement claims against the financially-troubled business, the provision for new financing, the division of creditors into classes, the introduction of a restructuring plan and the rules for approval of the plan by a court or administrative authority.

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.

The Future of Cross-Border Insolvency Irit Mevorach 2018-03-01 A fresh and insightful guide to post-financial crisis cross-border insolvency, this book interrogates the current regime and sets out a pattern 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 here takes stock of the varying success of previous policy, and identifies the gaps and biases that could be bridged by a new approach. The book first sets out the theoretical debates regarding cross-border insolvency and surveys the strengths and weaknesses of the prevailing method - modified universalism - synthesizing divergences into a rubric for both commercial entities and financial institutions. Adhering to these norms more robustly, Mevorach argues, would enhance global welfare and produce the best outcomes for businesses and institutions. Drawing upon sources from international law as well as behavioural and economic theory, Mevorach considers how to translate modified universalism into binding international law and how to choose the right instrument for cross-border insolvency; the impact instrument design has on decisions and choices, and how to encourage compliance. In particular, the book proposes guidelines that could potentially overcome, or at least take into account, behavioural biases in decision-making in order to create a system that works for businesses, and offers a blueprint for the future of cross-border insolvency.

Maritime Organisation, Management and Liability Stephen Girvin 2021-05-20 This book identifies and examines the legal challenges facing the shipping industry and ship management today. It first addresses flag state rules and private international law as organisational tools of the shipowner for establishing the applicable legal framework in an age of increasing regulatory activity and extraterritorial effect of legislation. It then focuses on sustainability requirements and the liability of shipping companies managing supply chains and ships as waste. The third section considers challenges stemming from times of financial crisis and deals with the cross-border impact of shipping insolvencies, the UNCITRAL Model Law, and the approaches of different jurisdictions. Finally, the fourth section concerns digitalisation and automation, including delivery on the basis of digital release codes, bills of lading based on blockchain technology, the use of web portals and data sharing, and particular aspects of the law relating to autonomous ships, notably in marine insurance and carriage of goods. The book will be a useful resource for academics and practising lawyers working in shipping and maritime law.

Consumer Vulnerability and Welfare in Mortgage Contracts Irina Domurath 2017-11-30 This book advocates a new way of thinking about mortgage contracts. This claim is based on the assumption that we currently live in a political economy in which consumer debt fulfils a social function. In the field of housing this is evidenced by the expansion of mortgage credit through which consumers are to purchase residential property as a means of social inclusion and personal welfare. It is suggested that contract law needs to adjust to this new social function in order to avoid welfare losses in terms of default, over-indebtedness, and possibly eviction. To this end, this book analyses theoretical contract law frameworks and makes concrete proposals for contract law in the EU legal order.

International Financial Instability Douglas Darrell Evanoff 2007 This book explores the potential and problems of bank safety and efficiency arising from the rapidly growing area of cross-border banking in the form of branches or subsidiaries with primarily only national prudential regulation. There are likely to be differences in the treatment of the same bank operating in different countries or of different banks from different home countries operating in the same country with respect to deposit insurance

provisions, declaration of insolvency, resolution of insolvencies, and lender of last resort protection. The book identifies these protection problems and discusses possible solutions, such as greater cross-border cooperation, harmonization and organizations. The contributors to this book include experts from different countries and from a wide range of affiliations, including academia, regulators, practitioners, and international organizations. Sample Chapter(s). Chapter 1: Cross-Border Banking Regulation OCo A Way Forward: The European Case (68 KB). Contents: Special Addresses: Cross-Border Banking Regulation OCo A Way Forward: The European Case (Stefan Ingves); Remarks before the Conference on International Financial Instability (Sheila C Bair); Benign Financial Conditions, Asset Management, and Political Risks: Trying to Make Sense of Our Times (Raghuram G Rajan); International Financial Instability: Cross-Border Banking and National Regulation Chicago OCo Dinner Remarks (Jean Pierre Sabourin); Landscape of International Banking and Financial Crises: Current State of Cross-Border Banking (Dirk Schoenmaker & Christiaan van Laecke); Actual and Near-Miss Cross-Border Crises (Carl-Johan Lindgren); A Review of Financial Stability Reports (Sander Oosterloo, Jakob de Haan, & Richard Jong-A-Pin); Discussion of Landscape of International Banking and Financial Crises (Luc Laeven); Causes and Conditions for Cross-Border Instability Transmission and Threats to Stability: Cross-Border Contagion Links and Banking Problems in the Nordic Countries (Bent Vale); Currency Crises, (Hidden) Linkages, and Volume (Max Bruche, Jon Danielsson & Gabriele Galati); What Do We Know about the Performance and Risk of Hedge Funds? (Triphon Phumiwasana, Tong Li, James R Barth & Glenn Yago); Remarks on Causes and Conditions of Financial Instability Panel (Garry Schinasi); Prudential Supervision: Home Country versus Cross-Border Negative Externalities in Large Banking Organization Failures and How to Avoid Them (Robert A Eisenbeis); Conflicts between Home and Host Country Prudential Supervisors (Richard J Herring); Cross-Border Nonbank Risks and Regulatory Cooperation (Paul Wright); Challenges in Cross-Border Supervision and Regulation (Eric Rosengren); Government Safety Net: Bagehot and Coase Meet the Single European Market (Vitor Gaspar); Banking in a Changing World: Issues and Questions in the Resolution of Cross-Border Banks (Michael Krimminger); International Banks, Cross-Border Guarantees, and Regulation (Andrew Powell & Giovanni Majnoni); Deposit Insurance, Bank Resolution, and Lender of Last Resort OCo Putting the Pieces Together (Thorsten Beck); Insolvency Resolution: Cross-Border Resolution of Banking Crises (Rosa María Lastra); Bridge Banks and Too Big to Fail: Systemic Risk Exemption (David G Mayes); Prompt Corrective Action: Is There a Case for an International Banking Standard? (María J Nieto & Larry D Wall); Insolvency Resolution: Key Issues Raised by the Papers (Peter G Brierley); Cross-Border Crisis Prevention: Public and Private Strategies: Supervisory Arrangements, LOLR, and Crisis Management in a Single European Banking Market (Arnoud W A Boot); Regulation and Crisis Prevention in the Evolving Global Market (David S Hoelscher & David C Parker); Derivatives Governance and Financial Stability (David Mengle); Cross-Border Crisis Prevention: Public and Private Strategies (Gerard Caprio, Jr.); Where to from Here: Policy Panel: Cross-Border Banking: Where to from Here? (Mutsuo Hatano); Remarks on Deposit Insurance Policy (Andrey Melnikov); The Importance of Planning for Large Bank Insolvencies (Arthur J Murton); Where to from Here: Policy Panel (Guy Saint-Pierre); Some Private-Sector Thoughts on Home/Host-Country Supervisory Issues (Lawrence R Uhlick). Readership: Academics and upper-level undergraduate or graduate students in the areas of financial institutions, banking, financial regulation, or international financial markets; financial regulators, policy-makers, and consultants."

Executory Contracts in Insolvency Law Jason Chuah 2019 *Executory Contracts in Insolvency Law* offers a unique, comprehensive, and up-to-date transnational study of the topic, including an analysis of certain countries which have never previously been undertaken in English. Written by experts in the field, with extensive experience of both research and professional experience, this is a groundbreaking investigation into the philosophies and rationales behind the different policy choices adopted and implemented by a range of over 30 jurisdictions across the globe.

Treatment of Contracts in Insolvency Dennis Faber 2013-10 This book provides detailed analysis of the affect of insolvency on contractual obligations and relationships in the main commercially significant jurisdictions.

Autonomy in International Contracts Peter Edward Nygh 1999 This book explores the source and extent of the right of parties to an international contract to make appropriate arrangements for the determination of their legal relationship, primarily by selecting the applicable law, but also by selecting the judicial or arbitral forum. The book focuses on the legal systems of the United States, the Commonwealth jurisdictions and the civil law countries of western and central Europe. This fascinating analysis will be welcomed by practitioners and scholars alike.

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.

Handbook of Safeguarding Global Financial Stability Gerard Caprio 2012-11-27 Political and social forces exert pressure on our globalized economy in many forms, from formal and informal policies to financial theories and technical models. Our efforts to shape and direct these forces to preserve financial stability reveal much about the ways we perceive the financial economy. The Handbook of Safeguarding Global Financial Stability examines our political economy, particularly the ways in which these forces inhabit our institutions, strategies, and tactics. As economies expand and contract, these forces also determine the ways we supervise and regulate. This high-level examination of the global political economy includes articles about specific countries, crises, and international systems as well as broad articles about major concepts and trends.. Substantial articles by top scholars sets this volume apart from other information sources Diverse international perspectives result in new opportunities for analysis and research Rapidly developing subjects will interest readers well into the future

World Trade and Local Public Interest Csongor István Nagy 2020-07-15 Trade liberalization has shaped international economic relations since the conclusion of the GATT 1947. The last few decades have seen a significant shift in the focus of this process: multilateralism seems to have reached its limits, giving way to regionalism, and the focus of trade liberalization has shifted to non-tariff barriers. While these developments have attracted considerable attention, exploring them from comparative perspectives has been largely neglected. Trading systems – the WTO, regional economic integrations and federal systems – are all based on the same dichotomy of free trade and local public interest: they generally prohibit the constituent parties (states) from restricting trade, but exempt them from this limitation if the restriction

is warranted by a legitimate local end. The purpose of this volume is to contribute to filling the above-mentioned research gap by exploring central issues in regional economic integrations from a comparative perspective. It provides a general economic analysis of the costs and benefits of trade liberalization and the role and function of normative values in commercial policy. This is followed by a comparative analysis of the approaches used in various regional economic integrations (in North America, Europe and Latin America) and federal markets (the United States, Australia and India) regarding the balance between free trade and local public interest. Key issues in investment law, one of the most contentious elements of next-generation free trade agreements, are also addressed.

Intellectual Property and Private International Law J. J. Fawcett 1998 The protection and commercial exploitation of intellectual property rights such as patents, trade marks, designs and copyright are seldom confined to one country and the introduction of a foreign element inevitably raises potential problems of private international law, ranging from establishing which court has jurisdiction and which is the applicable law to securing the recognition and enforcement of foreign judgments. For example, will a foreign defendant be subject to the jurisdiction of the English courts if he induces his English distributor to infringe a patent in England? What law will apply to a trade mark licensing agreement made between a German company and a French company where the parties have not expressly chosen whose law governs their contract? And are an author's rights determined by the same law as that governing the issue of the transferability of copyright? Although such issues are becoming increasingly important, a dearth of literature exists on the subject. Fawcett and Torremans remedy that neglect and provide a systematic and comprehensive analysis of the topic that will be welcomed by practitioners and scholars alike. From the authors' preface This book is concerned with the application of the rules of private international law to intellectual property cases. Private international lawyers have largely ignored this topic, and it has been left to intellectual property lawyers to discuss this. This is a pity. It is a topic which raises unique questions for the private international lawyer which deserve an answer, and at the same time tells us much about the rules of private international law that are being applied. The aim of the book is to fill this gap in the literature. The emphasis in the book is on private international law rather than on intellectual property law. Nonetheless, it is hoped that intellectual property lawyers will find much to interest them here Most of the book is taken up with a discussion of the relevant rules of private international law and their application in the context of intellectual property law. A major theme of the book is the extent to which there are special rules of private international law for this area and whether there should be such rules. Alternative private international law solutions will be considered by looking at the law in other jurisdictions and, where appropriate, proposals will be put forward for a better solution This book is part of the Oxford Monographs in Private International Law series, the aim of which is to publish work of high quality and originality in a number of important areas of private international law. The series is intended for both scholarly and practitioner readers.

Mediation in International Commercial and Investment Disputes Catharine Titi 2019-07-30 Until now, the resolution of international commercial and investment disputes has been dominated almost exclusively by international arbitration. But that is changing. Whilst they may be complementary mechanisms, international mediation and conciliation are now coming to the fore. Mediation rules that were in disuse gather momentum, and dispute settlement centres are introducing new mediation rules. The European Union is encouraging international mediation in both the commercial and investment spheres. The 2019 Singapore Mediation Convention of the United Nations Commission on International Trade Law (UNCITRAL) is aiming to ensure enforcement of international commercial settlement agreements resulting from mediation. The first investor-State disputes are mediated under the International Bar Association (IBA) rules. The International Centre for Settlement of Investment Disputes (ICSID)'s conciliation mechanism is resorted to more often than in the past. The International Chamber of

Commerce (ICC) has recently administered its first mediation case based on a bilateral investment treaty, and a new training market on mediation is flourishing. Mediation in Commercial and Investment Disputes brings together a line-up of outstanding, highly-qualified experts from academia, mediation and arbitration institutions, and international legal practice, to address this highly topical, complex subject from a variety of angles.

International Secured Transactions Law Orkun Akseli 2011-03-17 This book focuses on international harmonisation and the law of secured transactions by distilling and analysing the unifying principles of various significant international conventions and instruments such as the UN Convention on the Assignment of Receivables, the Unidroit Convention on International Factoring, the EBRD Model Law on Secured Transactions, the Unidroit Convention on the International Interests in Mobile Equipment and the UNCITRAL Legislative Guide on Secured Transactions. International secured transactions conventions and instruments facilitate credit and promote economic activity through the creation of harmonised rules. Therefore, given the increasing globalisation of markets, international reform efforts for the harmonised modernisation of secured transactions law have gained pace over recent years. International Secured Transactions Law draws on experiences in both English and US laws in order to identify and illustrate the existing problems that need to be addressed, as well as identify potential solutions. International Secured Transactions Law will be of interest to scholars, students interested in international commercial law, corporate law or comparative secured transactions, and practitioners involved in international commercial transactions.

Commencement of Insolvency Proceedings Dennis Faber 2012-03-29 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.

The Contract of Employment Alan Bogg 2016 "The Contract of Employment provides the most ambitious and comprehensive treatise on the theoretical and doctrinal aspects of the English contract of employment in the common law world. Under the general editorship of Professor Mark Freedland, the text has been produced by a team of world leading experts in employment law. Part I examines the theoretical context to the contract of employment, studying its structure and development from a wide variety of theoretical and comparative perspectives. Part II provides an exposition and analysis of the doctrinal aspects of the contract of employment." --Publisher's website.

Insolvency Law and Multinational Groups Daoning Zhang 2019-08-06 The insolvency of multinational corporate groups creates a compelling challenge to the commercial world. As many medium and large-sized companies are multinational companies with operations in different countries, it is important to provide appropriate solutions for the insolvency of these key market players. This book provides a

comprehensive overview of the cross-border insolvency theories, practical solutions and regulatory solutions for the insolvency of multinational corporate groups. Whilst the book recognises certain merits of these solutions, it also reveals the limitations and uncertainty caused by them. An analysis of the provisions and tools relating to cross-border insolvency of multinational corporate groups in the new EU Regulation on insolvency proceedings 2015, the UNCITRAL Model Law on cross-border insolvency, the Directive on preventive restructuring frameworks and the Bank Recovery and Resolution Directive 2014, along with a study of directors' duties, are included in this book. This book focuses on the insolvency and rescue of non-financial corporate groups. However, it is also important to recognise the similarities and differences between corporate insolvency regimes and bank resolution regimes. In particular, lessons learnt from bank resolution practices may be useful for non-financial corporate groups. This book aims to provide an in-depth examination of the existing solutions for the insolvency of multinational corporate groups. It also aims to view cross-border insolvency of corporate groups within a broad context where all relevant regimes and theories interact with each other. Therefore, directors' duties in the vicinity of insolvency, preventive insolvency proceedings, procedural consolidation, international cooperative frameworks and bank resolution regimes are considered together. This book may appeal to academics, students and practitioners within the areas of corporate law, cross-border insolvency law and financial law.

The International Law of Sovereign Debt Dispute Settlement Kei Nakajima 2022-09-22 The first two decades of the twenty-first century witnessed a series of large-scale sovereign defaults and debt restructurings, in which sovereigns struggled to negotiate with recalcitrant bondholders, particularly hedge funds. Also, the outbreak of the COVID-19 pandemic in 2020 heralded a bleak financial outlook for many developing and emerging market countries, requiring sovereign debt restructuring in times of great macroeconomic uncertainty. Given the absence of a multilateral mechanism for sovereign debt restructuring equivalent to domestic corporate bankruptcy system, however, defaulted sovereigns often suffer from holdout litigation wrought by bondholders. This book proposes ways in which such legal actions could be regulated without the undue expense of bondholders' remedies by exploring the mechanism of balancing bondholder protection and respect for sovereign debt restructuring at various stages of litigation and arbitration proceedings.

Handbook of International Credit Management Brian W. Clarke 2018-12-20 This title was first published in 2001. This volume covers all aspects of export credit management as well as the management of overseas subsidiary companies' credit operations through a series of inter-linked chapters written by 25 experts in the international field. This third edition has been completely revised and, in substantial parts, re-written to reflect the development and availability of the modern tools now at the disposal of the international credit manager, especially in the area of information technology. New chapters have been added on bank risk and international bankruptcy law to respond to the growing interest in these areas. The objectives of the handbook are to provide a complete operating guide and training reference for the application of the financial and control techniques necessary for international credit management and to describe the tools available for all the processes from initial policy-making through to final collection of trade debts.

International Insolvency Law Paul Omar 2016-04-22 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.

International Cooperation in Bankruptcy and Insolvency Matters Bob Wessels 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.

Rescue of Business in Europe European Law Institute 2020-02-16 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.

Recognition of Foreign Bank Resolution Actions Guo, Shuai 2022-02-15 This timely book offers a comprehensive study of the mechanism that gives effect to foreign bank resolution actions. In particular, it focuses on how the legal framework for the recognition of foreign bank resolution actions should be structured and proposes detailed legal principles on which effective frameworks should be based.

Ranking and Priority of Creditors Niels E. D. Faber 2016-01-28 This book is the third volume in the Oxford International and Comparative Insolvency Law Series. It addresses one of the critical issues of any insolvency by providing comprehensive analysis of the law and practice in relation to creditor claims. As with the two previous volumes in the series the book would provide a comparative view by setting out the relevant law and practice in over 20 jurisdictions drawing out the divergences and common features of domestic insolvency laws from a broad spectrum of countries. Areas covered include submission of claims, verification and admission of claims, ranking of insolvency and administration claims, treatment of non-enforceable claims, and voting and participation rights. Quality, uniformity and the high level of detail of National Reports are the key benefits of this volume. The book would assist practitioners in

assessing which ranking and participation rights could be asserted by the various types of creditors in the jurisdictions covered. For scholars it would provide access to a wealth of information which is currently not accessible in English.

Le nouveau droit européen des faillites internationales Andra Cotiga-Racah 2018-01-17 Le présent livre est issu d'un colloque international organisé à la faculté de droit de l'Université catholique de Lille (UCL). L'ouvrage propose une analyse du règlement européen « Insolvabilité bis » sous l'angle de la gestion du risque de faillite transfrontalière, axe principal de recherche du laboratoire C3RD de l'UCL. L'ouvrage est divisé en trois parties. La première partie retrace l'émergence du droit international privé européen des faillites transfrontalières et montre le choix fondamental fait dans l'Union européenne, à savoir l'harmonisation des règles de conflit de juridictions/de lois et le maintien d'une diversité des législations nationales. La deuxième partie met en évidence les principaux changements induits par le nouveau règlement, tels que l'extension du champ matériel d'application, le rejet explicite du forum shopping lors de la détermination de la compétence juridictionnelle et l'articulation des procédures principale et secondaire. Enfin, la troisième partie souligne le fait que le règlement « Insolvabilité bis » doit s'articuler avec les récentes normes matérielles européennes portant harmonisation ponctuelle des droits nationaux de l'insolvabilité. Le public visé est constitué par les étudiants de droit niveau Master, les doctorants et les post doctorants en droit, ainsi que les professionnels intéressés par ce domaine. La présente publication est possible grâce au soutien financier accordé à cette fin par le Conseil national des administrateurs et mandataires judiciaires (CNAJMJ), Paris, France.

Transnational impacts on law: perspectives from South Africa and Germany C. Hugo 2017-12-08 Dieses Werk enthält die Forschungsergebnisse zu transnationalen, rechtlichen Fragestellungen aus südafrikanischer und deutscher Perspektive, die in Zusammenarbeit der Universität Augsburg mit der Universität Johannesburg im letzten Jahrzehnt entstanden sind. Aktuelle Themen werden von Wissenschaftlern aus Südafrika eingeführt und anschließend von deutschen Kollegen reflektiert. Dies führt zu einem besseren Verständnis ungeklärter Rechtsfragen beider Rechtssysteme.

Research Handbook on International and Comparative Sale of Goods Law Djakhongir Saidov 2019 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.

Proprietary Rights and Insolvency Richard Calnan 2016 "This topical title explains the circumstances in which a creditor of an insolvent debtor can take priority over other creditors by claiming a proprietary interest in assets held by the debtor. It focuses on the situation where the proprietary interests are created by operation of law or implied from the arrangements between the parties, rather than by express transfer or taking of security. The book clarifies the current state of the law in an important area of insolvency law (especially in times of economic crisis) where the law is not settled, taking into account the latest developments in case law, and suggesting how it might be simplified by going back to first principles, such as the way proprietary interests are transferred at common law and in equity. The book concerns both insolvency law and property law, being essentially concerned with the limits of the law of property, marking out its boundary with the law of obligations. It is of particular importance in common

law systems because of the nature of equitable proprietary interests, and includes reference to Commonwealth authorities where relevant, including Australia, New Zealand and Canada. This work provides a structured and principled analysis of the topical and important area of creditors' proprietary rights in the event of insolvency of a debtor"--Provided by publisher.

International Commercial Disputes Jonathan Hill 2014-11-24 This is the fourth edition of this highly regarded work on the law of international commercial litigation as practised in the English courts. As such it is primarily concerned with how commercial disputes which have connections with more than one country are dealt with by the English courts. Much of the law which provides the framework for the resolution of such disputes is derived from international instruments, including recent Conventions and Regulations which have significantly re-shaped the law in the European Union. The scope and impact of these European instruments is fully explained and assessed in this new edition. The work is organised in four parts. The first part considers the jurisdiction of the English courts and the recognition and enforcement in England of judgments granted by the courts of other countries. This part of the work, which involves analysis of both the Brussels I Regulation and the so-called traditional rules, includes chapters dealing with jurisdiction in personam and in rem, anti-suit injunctions and provisional measures. The work's second part focuses on the rules which determine whether English law or the law of another country is applicable to a given situation. The part includes a discussion of choice of law in contract and tort, with particular attention being devoted to the recent Rome I and Rome II Regulations. The third part of the work includes three new chapters on international aspects of insolvency (in particular, under the EC Insolvency Regulation) and the final part focuses on an analysis of legal aspects of international commercial arbitration. In particular, this part examines: the powers of the English courts to support or supervise an arbitration; the effect of an arbitration agreement on the jurisdiction of the English courts; the law which governs an arbitration agreement and the parties' dispute; and the recognition and enforcement of foreign arbitration awards.

European Insolvency Law Gerard McCormack 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.

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 Cooperation in Bankruptcy and Insolvency Matters Bob Wessels 2009 *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.

Corporate Governance Robert Cobbaut 2003-01-01 "These authors argue that efficient corporate governance requires the establishment of devices of cooperation among the various stakeholders that enable the operation of collective learning. Their contributions to this book clearly enunciate both the need for such organisational learning and the lessons of several specific recent transformations in governance practice that manifest a degree of such learning."

Pre-Insolvency Proceedings Nicolaes Tollenaar 2019 This timely new work evaluates the law regarding pre-insolvency proceedings. Setting the law in context, the book provides a conceptual framework for ideal practice, illustrating the implications of the new regime with specific practical examples. The book features a comprehensive discussion of the key principles underlying restructuring proceedings and explains the purpose of, and justification for, pre-insolvency proceedings. It provides answers to a number of important issues that are still undecided and the subject of debate. In particular, the book provides detailed analysis of the system of voting in classes, and it offers an in-depth discussion of the appropriate criteria for confirmation and cram-down together with consideration of the little-understood underlying economic issues. It also includes analysis of the key aspects of valuation and the applicable valuation standards in the context of restructuring, much needed as the incidence of judicial valuation arises in the context of cram-down. A comparative analysis and critique of UK schemes of arrangement and US Chapter 11 procedure is also included, giving readers a good understanding of the key features of both systems and enabling them to identify and learn from the differences. The author also proposes an outline of ideal pre-insolvency proceedings, setting out general and specific requirements for ensuring flexibility, efficiency, and effectiveness.

Global Governance and the Quest for Justice - Volume II Sorcha MacLeod 2006-11-06 This book - one in the four-volume set, *Global Governance and the Quest for Justice* - focuses on the role of corporations in an increasingly globalised world. Against the backdrop of perceived abuse of corporate power - alleged violations of human rights, degradation of the environment, abuse of labour, Enron-style financial scandals, and the like - the chapters in this collection examine the nature and function of the corporation as well as the way in which we should understand corporate governance and the power of transnational corporations. Central to the question is the issue of accountability, as well as the questions of social and environmental responsibility - here the authors ask whether corporations should be more accountable relative to the broader public interest, and suggest that public law approaches to accountability may offer a way forward. Consideration is also given to the most appropriate regulatory locus (local, regional, or international) and the most effective form of response to the deficit in corporate responsibility and the abuse of corporate power. For example, are transnational corporations most effectively regulated internationally (e.g., by the United Nations), regionally (e.g., by the EU or NAFTA) or locally (e.g., through stringent reporting requirements and implementation of triple bottom line standards)?

General Reports of the XIXth Congress of the International Academy of Comparative Law
Rapports Généraux du XIXème Congrès de l'Académie Internationale de Droit Comparé Martin Schauer 2017-06-01 This book deals with convergences of legal doctrine despite jurisdictional, cultural, and political barriers, and of divergences due to such barriers, examining topics that are of vital importance to contemporary legal scholars. Written by leading scholars from more than twenty countries, its thirty-two chapters present a comparative analysis of cutting-edge legal topics of the 21st century.

While each of the countries covered stands alone as a sovereign state, in a technologically advanced world their disparate systems nonetheless show comparable strategies in dealing with complex legal issues. The book is a critical addition to the library of any scholar hoping to keep abreast of the major trends in contemporary law. It covers a vast area of topics that are dealt with from a comparative point of view and represents the current state of law in each area.

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.

The Financial Courts Jo Braithwaite 2020-12-31 In *The Financial Courts*, Jo Braithwaite analyses thirty years of cases involving the global derivatives markets, exploring the nature of these legal disputes and assessing their impact on financial markets and on commercial law more broadly. Weaving together this substantial body of cases with theoretical insights drawn from the growing literature on the internationalisation of financial law, Braithwaite offers readers a detailed and highly original contribution to the debate about the role of private law in international financial markets. This important work should be read by lawyers, economists and regulators in the field.