

# The European Insolvency Regulation An Update Papers From The Insol Europe Academic Forum Annual Conference Stockholm Sweden 30 September 1 October 2009

European Insolvency Regulation  
 A Quandary Under the European Insolvency Regulation  
 Perspectives from France and the UK  
 Freedom of Establishment versus Creditor Risk in Germany: A Clash of Principles?  
 Security Rights and the European Insolvency Regulation  
 Commentary  
 Commentary on the European Insolvency Regulation  
 Applications of the European Regulation on Insolvency Proceedings  
 Improving Cooperation and Mutual Trust  
 European Insolvency Law  
 An Update  
 The Grand Project  
 Abuse of Law in the Context of European Insolvency Law  
 Second Edition  
 From the European Insolvency Regulation to Its Recast  
 Eu Cross-Border Insolvency: Court-To-Court Cooperation Principles  
 European and National Perspectives on the Application of the European Insolvency Regulation  
 European Insolvency Regulations  
 The European Insolvency Regulation and Groups of Companies  
 Commentary on Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on Insolvency Proceedings (Recast)  
 Revision of the European Insolvency Regulation  
 A Commentary  
 Under the European Insolvency Regulation and the UNCITRAL Model Law  
 European Insolvency Law  
 Moss, Fletcher and Isaacs on the EU Regulation on Insolvency Proceedings  
 The European Restructuring Directive  
 The European Insolvency Regulation (EIR)  
 The Enduring Forum Shopping Phenomenon  
 Maritime Cross-Border Insolvency  
 Law and Practice  
 National Laws and International Texts  
 European Insolvency Regulation  
 How Does the Modification of the Notion of Centre of Main Interest ("COMI") Have an Impact on Member States' Jurisdiction Over European Cross-border Insolvency Cases?  
 The Implementation of the New Insolvency Regulation  
 Commentary  
 European Union Regulation on Insolvency Proceedings, Third Edition  
 European Cross-Border Insolvency Law  
 The European Insolvency Regulation  
 Improvements and Missed Opportunities

*The European Insolvency Regulation An Update Papers From The Insol Europe Academic Forum Annual Conference Stockholm Sweden 30 September 1 October 2009*

Downloaded from [archive.imba.com](http://archive.imba.com) by guest

## **YAMILET ALENA**

*European Insolvency Regulation* diplom.de

This book is a comprehensive commentary on the EIR in light of recent decisions of the ECJ and decisions of the judiciatures of the various Member States of the EU. It contains a commentary on Article 102, Sections 1 to 11 of the German EGlInsO (The Act Introducing the Insolvency Act), as well as country reports on the international insolvency laws of France, Great Britain, and Hungary. This book also deals with the UNCITRAL Model Law on Cross-Border Insolvency together with detailed references to the international insolvency laws of the U.S.A., and it also includes a discussion of protocols. The appendix to the commentary on Article 3 of the EIR contains an extensive Table of Cases, which sets out over 100 cases from the various Member States, including decisions and literature references. While thus being tailored to the needs of the European insolvency practitioner, this commentary also serves as a knowledge-base from which further exploration of the material can begin. The contributing authors are all well-respected academics and practitioners in Germany, England, France, Hungary, and the U.S.A.

## **A Quandary Under the European Insolvency Regulation** Walter de Gruyter

"Regulation No 1346/2000 of 29 May 2000 External Evaluation of Regulation (EIR) is the cornerstone of European insolvency law. The Regulation, which is directly applicable in all Member States, is the legal basis for cross-border insolvencies within the European Union. Paving the way for a new European insolvency law, the Heidelberg-Luxembourg-Vienna Report carries out a comprehensive legal and empirical evaluation of European insolvency law practice in the Member States. Based on thorough analyses the general reporters evaluate the Regulation and provide recommendations for its current revision." - - Extracted from website.

## **Perspectives from France and the UK** Bloomsbury Publishing

This book provides a distilled and accessible analysis of the European cross-border insolvency law. With reference to the amended Insolvency Regulation (EIR) and related sources it examines the issues involved in intra-member state cross-border insolvency. The book analyses in depth the main areas of change brought about by the EIR such as the restatement of the meaning of 'centre of main interest' (COMI) and the rules on international jurisdiction, the new specific measures for multi-national enterprises, and the move towards co-operation between insolvency practitioners and courts. The EIR represents a very significant development in European insolvency law which will have an impact on all insolvencies with an international element involving a European state. All practitioners advising on the area need a clear grasp of the implications of the changes

and this book aims to deliver just that.

[Freedom of Establishment versus Creditor Risk in Germany: A Clash of Principles?](#) Taylor & Francis

The new edition of this leading and widely-cited work analyses the impact of the changes to the EU Regulation on Insolvency Proceedings (EIR). This is an essential work for practitioners requiring knowledge of cross-border insolvency law in all relevant EU countries and provides analysis both by topic and by article.

[Security Rights and the European Insolvency Regulation](#) Springer Nature

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.

[Commentary](#) OUP Oxford

This publication contains a set of 26 EU Cross-Border Insolvency Court-to-Court Cooperation Principles ('EU JudgeCo Principles') along with 18 EU Cross-Border Insolvency Court-to-Court Communications Guidelines ('EU JudgeCo Guidelines'). These EU JudgeCo Principles will strengthen efficient and effective communication between EU Member courts in insolvency cases with cross-border effects. They have been produced in a period of two years (2013-2014), developed by a team of scholars at Leiden Law School and Nottingham Law School, in collaboration with some 50 experts, including 25 judges representing just as many different EU countries. The principles are set in EU stone, in that they especially function within the framework of the EU Insolvency Regulation. The texts have been aligned with the text of the recast of the Regulation, as published early December 2014. The EU JudgeCo Principles try to overcome present obstacles for courts in EU Member States, such as formalistic and detailed national procedural law, concerns about a judge's impartiality, uneasiness with the use of certain legal concepts and terms, and evidently language. The texts further build on existing experience and tested resources, especially in cross-border cases in North America, but are tailor made into an EU insolvency law context. These Principles include a set of very practical EU JudgeCo Guidelines to facilitate communications in individual cross-border cases. The project was funded by the European Union and the International Insolvency Institute (III) ([www.iiiglobal.org](http://www.iiiglobal.org)) and we thank both sponsors for their continued support. \*\*\* Librarians: ebook available on ProQuest and EBSCO (Series: European and International Insolvency Law Studies [EILS] - Vol. 1) [Subject: EU Law, Insolvency Law, Commercial Law, Comparative Law]

[Commentary on the European Insolvency Regulation](#) The European Insolvency Regulation Law and Practice

Die Neufassung der Europäischen Insolvenzverordnung stand vor der Aufgabe, den tiefgreifenden Veränderungen Rechnung zu tragen, die die Insolvenzrechte der EU-Mitgliedstaaten in den letzten Jahren durchlaufen haben. Die vorliegende Studie greift drei zentrale Themenkomplexe der Reform auf: (1) Die Erweiterung der Verordnung auf Verfahren im Vorfeld der Insolvenz (sog. pre-insolvency proceedings). Umgesetzt wird damit das rechtspolitische Anliegen, eine grenzüberschreitende Restrukturierung von Schuldnerunternehmen zu erleichtern. (2) Die Einführung neuartiger Koordinierungsinstrumente. Sie sollen unerwünschte Parallelverfahren verhindern, jedenfalls aber die Kooperation zwischen den Verfahrensbeteiligten fördern. (3) Und schließlich die Schaffung eines Regelwerks zur koordinierten Abwicklung von Konzerninsolvenzen. Die Studie wendet sich zum einen an die Rechtspraxis. Zum anderen will sie den wissenschaftlichen Dialog anregen. Eine systematische Darstellung der rechtlichen Änderungen sowie Empfehlungen zur Bewältigung zentraler Problemfelder sollen Insolvenzrichtern wie Verwaltern bei der Anwendung und Auslegung der neuen Verordnung verlässlich zur Seite stehen.

[Applications of the European Regulation on Insolvency Proceedings](#) Edward Elgar Publishing

The European Insolvency Regulation Law and Practice Kluwer Law International B.V.

[Improving Cooperation and Mutual Trust](#) Oxford University Press, USA

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.

[European Insolvency Law](#) Springer

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.

[An Update](#) Walter de Gruyter

This book provides the most detailed article-by-article commentary on the revised EC Regulation on Insolvency Proceedings (EIR), written by a group of experts drawn from several jurisdictions. The commentary is prefaced by an introductory chapter which provides an overview on scope and the key features of the EIR. This new commentary has been published in time to cover the long-awaited and much-debated revised Regulation which was finalized in 2015. The timing of publication will enable practitioners and scholars to equip themselves with a thorough understanding of the EIR ahead of full implementation in 2017. The article-by-article analysis has a multi-jurisdictional focus which reports and evaluates significant developments in the application of the Regulation across member states. This is a key new work for all those who advise on or research European insolvency law.

[The Grand Project](#) Oxford University Press, USA

The planned European legal form *Societas Privata Europaea* (SPE) is a limited liability company of a closed group of shareholders, and thus is comparable to the German GmbH. At the European-level, the SPE serves as a supplement to the European Limited Liability Company (SE), which proved to be too difficult for small and medium-sized companies for various reasons. The SPE will be introduced on the basis of a European regulation, the content of which has been largely agreed to by the member states.

[Abuse of Law in the Context of European Insolvency Law](#) Kluwer Law International B.V.

In the European Union, the effectiveness of judicial protection granted to a business or consumer in crisis depends on the extent and manner in which court rulings in bankruptcy and restructuring cases are recognised in all Member States. This article-by-article commentary on Regulation (EU) 2015/848 provides expert guidance through the entire course of insolvency proceedings, clearly showing how to solve specific problems that arise in insolvency cases with a cross-border element, including aspects such as jurisdiction, applicable law, recognition and enforceability of judgments and coordination of group of companies' insolvencies. For any party instituting an insolvency proceeding in an EU Member State, the commentary provides such detailed guidance as the following: identifying the appropriate internationally competent court for filing; terms pursuant to which a judgment can be recognised; duties of an insolvency practitioner (IP); IP's authority in the territory of another state; IP's obligations towards creditors in another state; rights of foreign creditors; admissibility of conducting secondary insolvency proceedings; conducting simultaneous insolvency proceedings against the same debtor; permissible forms of contact and cooperation between judges and parties to the proceedings; and conducting proceedings involving a group of companies. An important feature of the commentary highlights the standpoints of lawyers from Central and Eastern Europe, where the commercial judiciary operates in a distinctly different way from that in countries with a well-established market economy system. Interpretation of provisions of the Regulation by lawyers from this part of Europe enhances the scope of legal argument both in the economic sphere and in the sphere of justice. With its detailed and in-depth description of international jurisdiction, recognition, and universal and territorial effects of insolvency proceedings, this practical book will be welcomed by counsel to business persons conducting international activity, trustees in bankruptcy, tax advisers, court enforcement officers, academics dealing with insolvency law, banks dealing with the collection of receivables, and debt collection companies. In addition, as a contribution to the debate on the optimal model for the international consequences of insolvency proceedings, its discussion of issues related to national jurisdiction, bankruptcy and restructuring of groups of companies, and international judicial cooperation will be particularly valuable for researchers.

Nomos Verlag

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.

[Second Edition](#) Edward Elgar Publishing

This second edition of the leading commentary on the European Insolvency Regulation reflects the impact of Brexit and the European Restructuring Directive. It continues to be a vital reference work for all those researching and advising European insolvency law.

[From the European Insolvency Regulation to Its Recast](#) Oxford University Press, USA

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.

[Eu Cross-Border Insolvency: Court-To-Court Cooperation Principles](#) Edward Elgar Publishing

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.

**European and National Perspectives on the Application of the European Insolvency Regulation** Intersentia nv  
 "The new European Insolvency Regulation (Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings) has come into effect on 26 June 2017 for insolvency proceedings that are opened on or after that date. The Recast Regulation reforms the EC Regulation (1346/2000) on insolvency proceedings. The main changes of the Regulation are: The extension of its application to preventive insolvency proceedings; The creation of publicly accessible online insolvency registers; The possibility of avoiding the opening of multiple proceedings and preventing 'forum shopping'; The introduction of new procedures with the aim of facilitating cross-border coordination and cooperation between multiple insolvency proceedings in different Member States relating to members of the same group of companies. In this book a team of experienced insolvency law experts, among them judges, insolvency practitioners and academics, analyse the European Insolvency Regulation article by article. The authors focus on the new provisions and mechanisms as well as on the existing, and to a great extent still relevant, case law by the European Court of Justice and courts of the Member States."--Bloomsbury Publishing.

European Insolvency Regulations LAP Lambert Academic Publishing

The constant increase in international economic relationships has led to a continuous rise in international insolvency proceedings in which the effects of the insolvency extend to various countries as a result of the companies, assets or creditors outside the State in which the insolvency order is issued. Furthermore, these proceedings are becoming increasingly complex in themselves. Within the European Union, the need for a cross-border

solution led to the 'Council Regulation on Insolvency Proceedings', which follows the recommendations of the 'United Nations Commission on International Trade Law', with the aim of providing creditors not resident in the state opening the insolvency proceedings with the possibility of requesting the admission of claims, and conferring on the insolvency bodies the powers necessary to act in respect of assets located in the territory of other States. Although the Council Regulation constitutes an important step forward regarding the conduct of international insolvency proceedings, it has not unified insolvency law. It is still possible, even within the European Union, for several insolvency proceedings to be opened simultaneously - even though one of them will be the main insolvency proceedings - and for the same insolvency proceedings to be subject to different laws. This work starts with an analysis of the European Community regulations and then provides an overview of the legislation of each State, summarising current proceedings, some recently changed, and analysing the solution offered under each legislation for matters on which the Council Regulation on Insolvency Proceedings stipulates that the law of the country in which the insolvency order is issued shall not necessarily be applicable. This work includes contributions from professionals specialised in insolvency law with proven and accredited practical and teaching experience in the best European law firms, who not only analyse the legal system applicable in their respective country, but who also suggest solutions for the numerous problems with which they are faced in daily practice. This feature makes this book especially valuable for scholars, practicing lawyers and for other professionals involved in insolvency proceedings. Given the scale of the task, only an international publisher such as Thomson Reuters could have successfully coordinated and edited the book.

The European Insolvency Regulation and Groups of Companies Kluwer Law International B.V.

Since the adoption of the EU Regulation on Insolvency Proceedings in 2000 and its recast in 2015, it has become clear that lawyers engaged in consumer insolvency proceedings are increasingly expected to have a basic understanding of foreign insolvency proceedings, as well as knowledge of the foreign country's court and legal system, legislation and judicial practice. Written by 50 highly qualified insolvency experts from 30 European countries, *A Guide to Consumer Insolvency Proceedings in Europe* provides the necessary information in the largest, most up-to-date and comprehensive book on this topic. Assisting the readers in their navigation through the differences, similarities, and peculiarities of insolvency proceedings in all Member States of the European Union, Switzerland and Russia, this book is a unique guide to insolvency proceedings across Europe. With contributions by both academics and practitioners, it provides truly multinational coverage of the economic, legal, social, political, and demographic issues in consumer insolvency. Illustrating the numerous practices across Europe, this book allows the reader to evaluate each aspect both on its own merits, as well as in comparison to the approaches applied in other European jurisdictions. This book will be an invaluable tool for insolvency practitioners, judges, lawyers, creditors and debtors throughout Europe, especially those participating in cross-border proceedings.

Related with The European Insolvency Regulation An Update Papers From The Insol Europe Academic Forum Annual Conference Stockholm Sweden 30 September 1 October 2009:

- Rectangles Puzzle Worksheet Answers : [click here](#)