



LIQUIDATING A BUSINESS

EVERYTHING YOU NEED TO KNOW



Liquidation Guide 2014

**Thomas Kadner Graziano, Juris
Bojārs, Veronika Sajadova, Edward
Elgar Publishing**

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Rescue of Business in Europe Bob Wessels, Stephan Madaus, European Law Institute, 2020-01-30 This edited volume is based on the European Law Institute's project The Rescue of Business in Insolvency Law which ran from 2013 to 2016. The project sought to investigate and articulate the essential features of well-functioning procedures for the rescue of distressed but viable businesses. Although the focus was primarily on the design and implementation of formal procedures that is those provided by law, the project also required consideration of the interaction between such procedures and informal solutions to distress given the obvious cost advantages of the latter. The ELI project was not confined exclusively to restructurings since these are only one possible route to maximising the value of a distressed but viable business: an auction procedure in which the business is sold on a going concern basis to a new owner is one obvious alternative. The ELI project encompasses various aspects of both public constitutional law and insolvency law that may have a bearing on the functionality of formal

restructuring procedures. **Routledge Handbook on Transnational Commercial Law** Bruno Zeller, Camilla Baasch Andersen, 2025-02-21 This handbook edited by Zeller and Andersen is an indispensable contribution to the field of transnational commercial law. With an introduction by Sir Roy Goode, this book presents perspectives on legal issues of international sales transactions as perceived by world-leading experts, exposing pragmatic and modern aspects of everything from drafting to uniform laws to dispute resolution. The book divides itself between fundamental knowledge of transnational commercial law (e.g. chapters on forum shopping, CISG, Cape Town Convention etc.) and current and topical developments (e.g. chapters on blockchain, smart contracts, metaverse, digital assets etc.). International or transnational trade during the past twenty years has become more and more important, outstripping domestic trade as a hallmark of economic success. Model laws developed by the United Nations and other international bodies are now being transplanted or ratified by countries so a translational element must always be considered as part of any choice of law. Addressing a global audience as the instruments dealt with herein apply to many states in different regions, this handbook aims not only at an undergraduate and graduate student audience but also will interest professional lawyers. *International Trade with the Middle East and North Africa*

Hossein Esmaeili, Vivienne Brand, Susan L. Karamanian, 2024-06-28 This book provides an interdisciplinary analysis of trade relations with the Middle East and Arab countries from the perspectives of law, business, policy, and culture in the Middle East and the Arab world and their interaction with the wider world, particularly Western countries. The rapidly evolving economy of the Middle East and the Arab region is undergoing significant change and establishing modern foreign ownership, law, robust company, business, and investment regulations, modern legal professions while keeping its basic traditional and Islamic principles. This book covers a number of important theoretical and practical aspects of commercial and trade relationships and law. It examines case studies of trade and investment relations between Arab and Middle Eastern countries and Western Countries such as Australia, UK, and US touching on such topics as corporation law, arbitration, and

foreign judgments future mobility and disruptive technology law financial services law charity law trusts and cultural law Exploring emerging trade and investment ties between Arab and Middle Eastern countries and Western countries it will be of interest to students academics and practitioners with an interest in international trade and investment law **EU Banking and Financial Regulation** Jean-Baptiste Poulle, Arut Kannan, Nicolas Spitz, Sandra Kahn, Anastasia Sotiropoulou, 2024-03-14 EU Banking and Financial Regulation presents a comprehensive and systematic overview of the major directives and regulations which currently govern the EU's banking and finance industries Offering a depiction of the main EU rules this timely book not only addresses the various banking and financial legislations relating to EU supervisors banks and financial markets but also considers more peripheral issues such as anti money laundering whilst referring to important case law

The UNCITRAL Model Laws on Cross-Border Insolvency and on the Recognition and Enforcement of Insolvency-Related Judgments Reinhard Bork, Michael Veder, 2025-03-12 This authoritative Commentary presents a comprehensive analysis of two essential Model Laws the UNCITRAL Model Law on Cross Border Insolvency MLCBI and the UNCITRAL Model Law on Recognition and Enforcement of Insolvency Related Judgments MLIJ which aim to harmonize cross border insolvency law *International Bankruptcy* Jodie Adams Kirshner, 2018-05-10 With the growth of international business and the rise of companies with subsidiaries around the world the question of where a company should file bankruptcy proceedings has become increasingly complicated Today most businesses are likely to have international trading partners or to operate and hold assets in more than one country To execute a corporate restructuring or liquidation under several different insolvency regimes at once is an enormous and expensive challenge With *International Bankruptcy* Jodie Adams Kirshner explores the issues involved in determining which courts should have jurisdiction and which laws should apply in addressing problems within Kirshner brings together theory with the discussion of specific cases and legal developments to explore this developing area of law Looking at the key issues that arise in cross border proceedings *International Bankruptcy* offers a guide to this legal environment In addition she explores how globalization has encouraged the creation of new legal practices that bypass national legal systems such as the European Insolvency Framework and the Model Law on Cross Border Insolvency of the United Nations Commission on International Trade Law The traditional comparative law framework misses the nuances of these dynamics Ultimately Kirshner draws both positive and negative lessons about regulatory coordination in the hope of finding cleaner and more productive paths to wind down or rehabilitate failing international companies *A Guide to Consumer Insolvency Proceedings in Europe* Thomas Kadner Graziano, Juris Bojārs, Veronika Sajadova, Edward Elgar Publishing, 2019 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

Research Handbook on Corporate Restructuring Omar, Paul J., Gant, Jennifer L.L., 2021-08-27 This timely Research Handbook examines the increasingly economically vital topic of corporate restructuring Reflecting a shift in the global approach to insolvency towards a focus on rescuing viable businesses rather than liquidation chapters consider all areas of the law closely connected to corporate insolvency rehabilitation and rescue as well as the introduction of the EU Preventive Restructuring Directive and other reforms from around the world

The European Banking Union Giuseppe Boccuzzi, 2016-01-26 The 2008 financial crisis all but brought down the financial system and real economies of industrial countries The Banking Union took a broad approach to resolve the structural fragmentation and distortions in the European banking system which were major obstacles to a working single market for financial services This book examines the numerous changes happening to European legislations for the prevention and management of banking crises What emerges is a changing picture of regulations and institutions of goals tools and opinions public and private European and national all involved in the task The book focuses on the new framework for banking crisis management starting from the foundations of banking regulation and supervision It explores the institutional architecture of banking supervision and crisis management the powers of the authorities the tools for administrative actions the complexities of business and bankruptcy laws individual rights and their legal guarantees

China's Insolvency Law and Interregional Cooperation Xinyi Gong, 2017-11-20 As a result of resumption of sovereignty over Hong Kong and Macao as well as the uncertain relationship between the Mainland and Taiwan China has become a country composed of peculiar political compounds resulting in four independent jurisdictions This makes inter regional legal cooperation a complicated yet compelling topic Divided into five parts this book considers possible solutions to problems in China's inter regional cross border insolvency cooperation These solutions are developed on the basis of two groups of comparative studies including comparison among the cross border insolvency systems of the four independent jurisdictions in China and comparison between EU Insolvency Regulation and the UNCITRAL Model Law The author discusses the advantages and disadvantages of the two systems and presents original recommendations for the way forward The book will be a valuable resource for academics and policy makers in insolvency law Asian law and comparative

law **Cross-Border Insolvency** Neil Hannan,2017-08-21 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 *Maritime Cross-Border Insolvency under the UNCITRAL Model Law Regime* Jingchen Xu,2020-12-10 This book covers the pressing issues of cross border cases involving admiralty and bankruptcy law For example what should happen when a shipowner files an insolvency proceeding in one country while at the same time facing an in rem action against its vessel in another country Should the in rem action arising in one country be stayed or dismissed because of the existence of insolvency proceedings in another country The book discusses the relevant issues regarding the treatment of maritime creditors throughout insolvency proceedings the determination of the centre of main interest of an offshore shipping company and the scope of a debtor s assets The author uses a comparative law analysis selecting four leading shipping countries Australia the UK the US and Singapore and examines their approaches to the above three problems when applying the UNCITRAL Model Law regime The book also proposes a solution to help eliminate the ambiguity arising from maritime cross border insolvency cases under the UNCITRAL Model Law regime with a view to enhancing the development of the shipping industry *International Insolvency Law* Elina Moustaira,2018-12-31 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 **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 framework for improving its future In recent decades and especially since the

global financial crisis a number of important initiatives have focused on developing the mechanisms for managing the insolvency of multinational enterprises and financial institutions The book considers the effectiveness of the current system and identifies the gaps that could be bridged by adopting certain strategies and tools to improve the system further The book first discusses the theoretical debate regarding cross border insolvency and surveys the strengths and weaknesses of the prevailing method modified universalism in its application to both commercial entities and financial institutions consequently identifying a single set of emerging norms The book argues that adhering to these norms more robustly would enhance global welfare and produce the best outcomes for businesses and institutions By drawing upon sources from international law as well as behavioural and economic theory the book offers a blueprint for meeting the demands of future cross border insolvencies It considers how to translate modified universalism into binding international law and how to choose the right instrument for cross border insolvency as well as the impact that instrument design has on decisions and choices It explores how to encourage compliance and proposes mechanisms that could potentially overcome or at least take into account behavioural biases in decision making

Contemporary Issues in Finance and Insolvency Law Volume 1 Leon Trakman, Robert Walters, 2022-08-17 There is increasing regulatory interdependence amongst Central East and South East Asian European and North American financial markets and these markets account for over one third of the world's population and global financial markets As Asian markets become more integral to global financial economy more cohesive compatible and integrated insolvency and restructuring laws are essential This two volume work reviews why we should internationalise current cross border insolvency and how we could restructure laws to address inadequacies The two volumes evaluate international regulatory reforms directed at detecting and managing cross border insolvency and restructuring crises across the entire economy including financial markets The authors call for schemes of arrangements and letters of comfort to be formally accepted as international legal tools The work also assesses recent but as yet largely unregulated developments in financial agreements particularly the use of close out netting provisions that serve as significant protective mechanisms prior to the declaration of an insolvency It discusses international arbitration data protection and artificial intelligence in crossborder insolvency and restructuring Finally the book seeks a meaningful balance between self regulation through financial contracts and other party practices and regulation imposed by governments and international financial regulators This extensive work will be a useful reference for legal practitioners policy makers and scholars working on financial regulation and international financial laws

Research Handbook on Cross-Border Bank Resolution Matthias Haentjens, Bob Wessels, 2019 Since 2008 many countries across the globe have witnessed the introduction of new recovery and resolution regimes for banks Whereas much may have been achieved on regional levels this has not been perfect and many global challenges remain unsolved The Research Handbook on Cross Border Bank Resolution analyses the strengths and weaknesses of the current regulatory framework for cross border bank crises with contributions from eminent experts

from the US EU Japan and China The topic is addressed from both economic and legal perspectives with a special section devoted to real life cases

Security Interests in Intellectual Property Toshiyuki Kono,2017-08-14 Economic development increasingly depends to a large extent on innovation Innovation is generally covered by intellectual property IP rights and usually requires extensive funding This book focuses on IP and debt financing as a tool to meet this demand This book clarifies the situation of the use of IP as collateral in practice through a survey conducted in Japan on IP and debt financing Various obstacles in the proper use IP and debt financing are identified and some projects to facilitate its use are illustrated IP and debt on a global scale either by attracting foreign lenders or by collateralizing foreign IP rights needs appropriate private international laws This book analyzes such regulations in which the United Nations Commission on International Trade Law UNCITRAL has worked paying due attention to the law of finance and insolvency law as well as IP laws However further analysis is needed to identify under what conditions such solutions would show optimal effects This book offers comprehensive analysis from an economic point of view

India's Financial System International Monetary Fund,2023-07-06 India has experienced a prolonged period of strong economic growth since it embarked on major structural reforms and economic liberalization in 1991 with real GDP growth averaging about 6.6 percent during 1991-2019 Millions have been lifted out of poverty With a population of 1.4 billion and about 7 percent of the world economic output in purchasing power parity terms India is the third largest economy after the US and China As such developments in India have significant global and regional implications including via spillovers through international trade and global supply chains At the same time India's economic development has not been linear and has been impacted by external and domestic shocks some directly related to the financial sector Indeed India was not spared from external regional and global shocks such as the Asian financial crisis 1997 the global financial crisis 2008 and more recently the devastating impact of the COVID-19 pandemic from 2020 and the war in Ukraine 2022 The economy has also been hit by domestic shocks The book covers how to strengthen the financial system to support growth and reduce vulnerabilities by discussing the linkages between the financial sector and growth improvements in bank lending to foster productivity and measures to further develop India's corporate bond market The book reflects on India's success in leveraging digitalization to foster financial inclusion and highlights how the financial system can help to address climate issues This book digs deeper into the various facets of India's financial sector to understand its strengths and opportunities and to elicit policy actions that could help the financial sector better support India's growth potential

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 **Corporate Insolvency**

Law Vanessa Finch, David Milman, 2017-10-19 This new edition of Corporate Insolvency Law builds on the unique and influential analytical framework established in previous editions which outlines the values to be served by insolvency law and the need for it to further corporate as well as broader social ends Examining insolvency law in the fast evolving commercial world the third edition covers the host of new laws policies and practices that have emerged in response to the fresh corporate and financial environments of the post 2008 crisis era This third edition includes a new chapter on the growing issue of cross border insolvency and deals with a host of recent developments notably the consolidation of the rescue culture in the UK the rise of the pre packaged administration and the substantial replacement of administrative receivership with administration Suitable for advanced undergraduate and graduate students professionals and academics Corporate Insolvency Law offers an organised basis for rising to the challenges of an ever shifting area of the law

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