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GROUPS

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Insolvency Within Multinational Enterprise Groups

Brenda Hannigan



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Insolvency Within Multinational Enterprise Groups Irit Mevorach, 2009 The law relating to multinational enterprise groups is notoriously complex This book provides the first detailed analysis of the case law presenting a clear model for future developments

Cross-Border Protocols in Insolvencies of Multinational Enterprise Groups Ilya Kokorin, Bob Wessels, 2021-04-30 Cross border insolvency protocols play a critical role in facilitating the efficient resolution of complex international corporate insolvencies This book constitutes the first in depth study of the use of insolvency protocols enriching existing knowledge about them and serving as a comprehensive introduction to their application in the context of multinational enterprise group insolvency It traces the rise of insolvency protocols and discusses their legal basis contents effects major characteristics and limitations

Intra-Group Financing and Enterprise Group Insolvency Ilya Kokorin, 2025-08-11 This book examines common intra group financial transactions such as intra group loans and cross guarantees highlighting their impact and treatment in the insolvency and restructuring of multinational enterprise groups It identifies the unique challenges posed by the complex corporate and financial structures of multinational firms when one or more group entities face insolvency It provides a comparative analysis of statutes and recent case law from three leading restructuring forums the UK the USA and the Netherlands

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

Liability of Corporate Groups and Networks Christian A. Witting, 2018-01-11 Discusses the nature of corporate groups and networks and provides arguments for rules extending liability beyond insolvent entities

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

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

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

The Elgar Companion to UNCITRAL Rishi Gulati, Thomas John, Ben Köhler, 2023-11-03 As one of the most important international organisations in the sphere of international trade law UNCITRAL aims to help develop and promote uniform private law internationally This comprehensive Companion delineates the range of issues considered at UNCITRAL as well as assessing the potential for future work and reforms

Parental Liability in EU Competition Law Peter Whelan, 2023-08-10 In enforcing EU competition law the Commission employs a unique doctrine of parental antitrust liability it imposes fines on the parent company of an infringing subsidiary in cases where the parent exercises decisive influence over the subsidiary's commercial policy Critics of this contentious aspect of EU competition law believe that the doctrine is unfair ineffective obscure disproportionate contrary to due process and based upon a dubious if not extremely flimsy justificatory foundation Such criticism raises serious and unanswered questions about

the legitimacy of the Commission's efforts to enforce competition law

Parental Liability in EU Competition Law A Legitimacy Focused Approach is the first monograph to be dedicated to this controversial topic Written by Professor Peter Whelan the book contends that although the general concept of parental liability can be justified in principle the current EU level doctrine of parental antitrust liability in fact suffers from a distinct and problematic lack of legitimacy More specifically the said doctrine displays significant deficiencies with respect to effectiveness fairness and legality Given this undesirable state of affairs *Parental Liability in EU Competition Law* offers a fully rationalised reformulated approach to parental antitrust liability for EU competition law violations that is built around the notion of parental fault That approach provides a solid normative account of how to impose parental antitrust liability in a manner that is theoretically robust effective in practice fair in substance and legally sound

Corporate Group Legitimacy Peter Underwood, 2024-08-01 This book focuses on the legitimacy of corporate power wielded by corporate groups integrating legal doctrine economic analysis and theoretical approaches It reassesses how corporate groups can maintain legitimacy whilst exercising corporate power Corporate groups are a prominent commercial feature of many jurisdictions and present unique challenges The book argues that when analysed through the lens of corporate social responsibility a legitimacy deficiency emerges This arises from a lack of historical debate diluted control mechanisms and inflated growth utilising unique features of the corporate group It explores how the magnified power of the corporate group presents acute challenges for corporate legitimacy Data is utilised alongside current examples of corporate groups which identify structural architectural patterns It explores new technologies such as Artificial Intelligence and blockchain as ways of attaining legitimacy It presents methods of attaining legitimacy for the continued wielding of power to be held within corporate groups This book spans several research interests under the corporate law umbrella It will be of interest to traditional black letter company lawyers Additionally it will be of interest to those who have an interest in business and those who are interested in the role of technology

Financial Institutions in Distress Ronald Davis, Stephan Madaus, Monica Marcucci, Irit Mevorach, Riz Mokal, Barbara Romaine, Janis Sarra, Ignacio Tirado, 2023-08-10 Political boundaries are often porous to finance financial intermediation and financial distress Yet they are highly impervious to financial regulation When inhabitants of a country suffering a deficit of purchasing power are able to access and deploy funds flowing in from a country with a surfeit of such power the inhabitants of both countries may benefit They may also benefit when institutions undertaking such cross border financial intermediation experience economies of scale and are able to innovate and to offer funds and services at lower costs Inevitably however at least some such institutions will sometimes act imprudently some of the projects in which such funds are deployed may be unwise and other such projects can suffer from unforeseen circumstances As a result of such factors a financial institution may suffer distress in one country and may then transmit such distress to other countries in which it operates The efficacy of any response to such cross border transmission of distress may turn on the response being given due effect in both or all the territories in

which the distressed financial institution operates This situation creates a conundrum for policymakers legislators and regulators who wish to enable those subject to their jurisdiction to access the benefits of cross border financial intermediation yet cannot make rules and regulations that would have effect outside that jurisdiction This book explores this conundrum and offers a response It does so by drawing on and adding to the literatures on financial intermediation regulation and distress and on existing hard and soft laws and regulations The book advocates for the creation of a model law that would address the full range of financial institutions including insurance companies and that would enable relevant authorities to cooperate with counterparts in advance of the onset of distress and to give appropriate effect in their jurisdiction to measures taken by counterpart authorities in other jurisdictions in which the distressed institution also operates *Elgar Encyclopedia of Comparative Law, Second Edition* J. M. Smits, 2012-01-01 Acclaim for the first edition This is a very important and immense book The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries It is a reference book for dipping into time and time again It is worth every penny and there is not another as comprehensive in its coverage as Elgar's I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers This is a very important book that should be sitting in every university law school library _ Sally Ramage The Criminal Lawyer Containing newly updated versions of existing entries and adding several important new entries this second edition of the Elgar Encyclopedia of Comparative Law takes stock of present day comparative law scholarship Written by leading authorities in their respective fields the contributions in this accessible book cover and combine not only questions regarding the methodology of comparative law but also specific areas of law such as administrative law and criminal law and specific topics such as accident compensation and consideration In addition the Encyclopedia contains reports on a selected set of countries legal systems and as a whole presents an overview of the current state of affairs Providing its readers with a unique point of reference as well as stimulus for further research this volume is an indispensable tool for anyone interested in comparative law especially academics students and practitioners

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

Company Law Brenda Hannigan,2018 Company Law provides adept comprehensive coverage of the law for the student reader Hannigan captures the dynamism of the subject engaging with corporate structures governance finance and liquidation

Sustainability and Corporate Mechanisms in Asia Ernest Lim,2020-04-02 This book critically examines how corporate law and governance can be and should be used to promote sustainability in Asia

Piercing the Corporate Veil in Latin American Jurisprudence Jose Maria Lezcano,2015-12-14 This book is a comparative law study exploring the piercing of the corporate veil in Latin America within the context of the Anglo American method The piercing of the corporate veil is a remedy applied in exceptional circumstances to prevent and punish an inappropriate use of the corporate personality The application of this remedy and the issues it involves has been widely researched in Anglo American jurisdictions and until recently little attention has been given to this subject in Latin America This region has been through internal political conflicts that undermined economic development However rise of democratic governments has created the political stability necessary for investment and economic development meaning that the corporate personality is now more commonly used in Latin America Consequently corporate personality issues have become a subject of study in this region Drawing on case studies from Mexico Colombia Brazil and Argentina Piercing the Corporate Veil in Latin American Jurisprudence examines the ingenuity of Latin American jurisdictions to deal with corporate personality issues and compares this method with the Anglo American framework Focusing in particular on the influence of two key factors legal tradition and the uniqueness of each legal system the author highlights both similarities and differences in the way in which the piercing of the corporate veil is applied in Latin American and Anglo American jurisdictions This book will be of great interest to scholars of company and comparative law and business studies in general

International Commercial Disputes Jonathan Hill,Adeline Chong,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 This title is included in Bloomsbury Professional s International Arbitration online service

The Arrest Conventions Paul Myburgh,2019-07-25 The Arrest Conventions signed in 1952 and 1999 play a fundamental role in the worldwide enforcement of maritime claims Arrest of ships is one of the most distinctive features of international maritime law It provides a powerful efficient and effective means of enforcing maritime claims in rem obtaining sufficient asset security and preserving property pending substantive proceedings Ship arrest is however also a draconian power that cuts across property rights and can cause considerable commercial harm to shipowning interests This book provides thematic and comparative analysis from leading international commentators on the most significant legal and policy issues including practical problems arising from the Arrest Convention texts as well as the direct implementation or indirect translation of the Arrest Conventions into domestic legal systems It critically analyses the political and historical development of the Conventions explores the key concepts underpinning the Arrest Convention frameworks and considers the future of ship arrest

BUiD Doctoral Research Conference 2023 Khalid Al Marri,Farzana Asad Mir,Solomon Arulraj David,Mostafa Al-Emran,2024-03-28 This open access book presents selected contributions on a wide range of scientific and technological areas originating from the BUiD Doctoral Research Conference BDRC 2023 It discusses the following topics project management macroeconomic factors Fourth Industrial Revolution agility multiculturalism diversity inclusion leadership language discourse analysis curriculum critical thinking programming online learning and natural ventilation The contributions reflect the multifaceted nature of the research in three academic disciplines i e humanities formal science and applied science This publication shares with its readers genuine research studies and reflections from practitioners on the current practice and understanding in the three academic disciplines The significant findings of these studies have considerable educational industrial and economic implications This is an open access book

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