
COMMENTARY ON
THE EUROPEAN
INSOLVENCY
REGULATION

EDITED BY
REINHARD BORK
KRISTIN VAN ZWIETEN



OXFORD

Commentary On The European Insolvency Regulation

**Alexander Bornemann, Moritz
Brinkmann**



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Commentary on the European Insolvency Regulation Reinhard Bork, Kristin van Zwieten, 2016 This book provides the most detailed article by article commentary on the EC Regulation on Insolvency Proceedings written by a group of experts drawn from several jurisdictions

The European Insolvency Regulation and Implementing Legislations Gilles Cuniberti, Antonio Leandro, 2024-05-02 This authoritative Commentary provides an in depth evaluation of the legislation regulating cross border insolvency within the European Union Bringing together a diverse team of legal scholars and practitioners from across the EU Member States it delivers incisive dissections of the European Insolvency Regulation EIR provisions which define the jurisdiction of the courts of EU Member States in insolvency proceedings as well as the national law that should be applied and provide for the automatic recognition of other Member State s judgements along with a regime of coordination between proceedings opened in different Member States

European Insolvency Regulation Alexander Bornemann, Moritz Brinkmann, Michael Dahl (Attorney), 2020 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 Regulation Alexander Bornemann, Moritz Brinkmann, 2017-08 *European Insolvency Regulation 2015* Ulrich Magnus, 2025-06-30 The youngest volume of the renowned series of European Commentaries edited by Ulrich Magnus and Peter Mankowski covers the European Insolvency Regulation This Regulation in its recast version of 2015 is of great practical importance It primarily regulates when courts in the EU are competent to deal with insolvency proceedings which have transborder effects which law is applicable in such proceedings the conditions under which insolvency proceedings are to be recognized in other EU States and how courts and insolvency practitioners should cooperate in transborder situations The Commentary provides an in depth presentation and discussion of each article and pays particular attention to the insolvency decisions of the European Court of Justice but also to national case law The team of authors is as well truly European It is formed of outstanding experts from all over Europe

European Insolvency Regulation Klaus Pannen, 2011-12-22 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 EGInsO 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

European Insolvency Regulation Moritz Brinkmann, 2020

European Insolvency Proceedings Patryk Filipiak, Anna Hrycaj, 2021-10-13

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

Recasting the Insolvency Regulation Vesna Lazić, Steven Stuij, 2019-12-12 This book comprises contributions relating to the Insolvency Regulation Recast which recently entered into force. The authors analyse the changes introduced and give their views on the improvements that are thereby achieved. In other words, they assess to what extent the amendments have mitigated the disadvantages of the previous Insolvency Regulation. Three of the chapters concentrate on the issues pertaining to jurisdiction such as the problem of forum shopping by re-locating the debtor's centre of main interests. Furthermore, the extent to which the parties have the freedom to contract within the framework of the Insolvency Regulation Recast is discussed. Also, the relevance and consequences of recent developments in corporate law for the current cross-border insolvency framework as well as the jurisdictional issues concerning approval requirements are amongst the matters addressed. Aside from the jurisdictional matters, the question of the law applicable to so-called avoidance actions is analysed and cross-border cooperation between national authorities in the field of insolvency is touched upon. To conclude, this book covers a range of specific and intriguing topics brought up by the Insolvency Regulations Recast. This third volume in the Short Studies in Private International Law Series is primarily aimed at legal academics dealing with cross-border insolvency, but it will also prove useful to insolvency judges and practitioners as well as those specialised in financial and fiscal law. Finally, advanced students as well as those with a general interest in insolvency law will also find it of added value.

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

div *European Insolvency Law*, 2009

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