

A WORLD BANK STUDY



Out-of-Court Debt Restructuring



THE WORLD BANK

Out Of Court Debt Restructuring World Bank Studies

Bob Wessels, Gert-Jan Boon



Out Of Court Debt Restructuring World Bank Studies:

Out of Court Debt Restructuring The World Bank, 2011-12-21 This study provides a conceptual framework for the analysis of the questions of out of court debt restructuring from a policy oriented perspective The starting point of the analysis is given by the World Bank Principles for Effective Insolvency and Creditor Rights Systems The study offers an overview of out of court restructuring which is not seen as fundamentally opposed to formal insolvency procedures Actually the study contemplates different restructuring techniques as forming a continuum to the treatment of financial difficulties Thus from the purely contractual or informal arrangements for debt rescheduling between the debtor and its creditors to the fully formal reorganization or liquidation procedures there are numerous intermediate solutions In the study these solutions are identified by the terms of enhanced procedures where the contractual arrangements are supported by norms or principles for workouts and hybrid procedures where the contractual arrangements are supported by the intervention of the courts or an administrative authority The study discusses the advantages and disadvantages of all the debt restructuring techniques and concludes in this regard that a legal system may contain a number of options a menu that can cover different sets of circumstances In the end the law may offer a toolbox with very different instruments that the parties may use depending on the specific facts of the case A substantial part of the study is devoted to the analysis of the enabling regulatory environment for out of court restructuring It is evident that debt restructuring does not operate in a vacuum in fact the general legal system influences and to a certain extent determines the possibilities for debt restructuring in any given jurisdiction The study provides a checklist that can be used to examine the features of a legal system that bear a direct influence on debt restructuring activities The different characteristics of informal restructurings and of enhanced and hybrid debt restructurings are covered by the study The different approaches to debt restructuring aim at combining the advantages of an informal approach with the advantages of formal procedures especially the existence of a moratorium on creditor actions and the binding effects of creditor agreements concluded within the insolvency process

Reinventing Insolvency Law in Emerging Economies Aurelio Gurrea-Martínez, 2024-06-13 This book explains how and why insolvency law in emerging economies needs to be reinvented It starts by examining the importance of insolvency law for the promotion of economic growth as well as the similarities and divergences in the design of insolvency law around the world The central thesis of the book is that insolvency law in emerging economies fails to serve as a catalyst for growth It is argued that this failure is mainly due to the design of an insolvency legislation that is not tailored to the market and institutional environment generally existing in emerging economies The book also provides a critical analysis of the design of insolvency law in many advanced economies where the insolvency system has proven to be unattractive for debtors creditors or both Therefore in addition to suggesting a new insolvency framework for emerging economies this book ultimately invites readers to rethink insolvency law

Crises and Uncertainty in the Economy Hachmi BEN AMEUR, Zied FTITI, Wael LOUHICHI, Jean-Luc

PRIGENT,2023-01-13 This book explores how the economic sphere has experienced an ultimate shape after the occurrence of several crises since 2000s The subprime crisis has triggered the transition from conventional to unconventional frameworks in most industrialised and emerging economies This book highlights how the sovereign debt crisis has exacerbated the economic environment and raised economic uncertainty This book asserts that markets integration have boosted contagion and risk spillovers among financial markets Moreover the Brexit and US China trade tension has intensified uncertainty and the economic challenges This book examines in recent times how humanity has experienced the most dramatic health crisis and their economic effects This pandemic lockdowns several countries and caused an economic and financial collapse This book expands on these crises with different origins and mechanisms have shaped the economic systems in several ways monetary policy macroeconomic imbalance economic growth economic integration financial risk volatility and trade effects The main aims of this book cover the topical issues related to crises and uncertainty and the economic consequences This book is drawn from academics and practitioners presenting high quality original research papers presented in the Financial and Economic Meeting conference 2021

Dealing with Private Debt Distress in the Wake of the European Financial Crisis A Review of the Economics and Legal Toolbox

Ms.Yan Liu,Mr.Christoph B. Rosenberg,2013-02-20 The private non financial sector in Europe is facing increased challenges in meeting its debt servicing obligation In response governments are revisiting legal tools and in some cases institutional arrangements to deal with over indebtedness For households where the problem in some countries is large but no established best practice exists reforms have generally sought to allow debtors a fresh start while minimizing moral hazard and preserving bank solvency and credit discipline For the corporate sector efforts have focused on facilitating debt restructuring including through out of court mechanisms Direct government intervention has been rare

Euro Area Policies

International Monetary Fund. European Dept.,2015-07-27 This Selected Issues paper discusses the risks of low growth and inflation over the medium term for the euro area It examines the consequences of longer term trends that predate the crisis and the progress made in addressing the crisis legacies of high unemployment and debt The paper illustrates in a downside scenario how low potential growth and crisis legacies leave the euro area vulnerable to the risks of stagnation The weak medium term prospect and limited policy space leave the euro area vulnerable to shocks that could lead to a prolonged period of low growth and inflation Model simulations suggest that a modest shock to investor confidence could push up risk premia and real interest rates as policy space is constrained at the zero lower bound and fiscal policy space to provide stimulus is limited Moreover the lingering crisis legacies of high debt and unemployment could amplify the original shocks creating a bad feedback loop and keeping the economy stuck in equilibrium of stagnation

Resolving China's Corporate Debt Problem Wojciech Maliszewski,Mr.Serkan Arslanalp,Mr.John C Caparusso,José Garrido,Mr.Si Guo,Mr.Joong S Kang,W. Raphael Lam,Daniel Law,Wei Liao,Ms.Nadia Rendak,Mr.Philippe Wingender,Jiangyan Yu,Ms.Longmei Zhang,2016-10-14 Corporate credit growth in China has been

excessive in recent years This credit boom is related to the large increase in investment after the Global Financial Crisis Investment efficiency has fallen and the financial performance of corporates has deteriorated steadily affecting asset quality in financial institutions The corporate debt problem should be addressed urgently with a comprehensive strategy Key elements should include identifying companies in financial difficulties proactively recognizing losses in the financial system burden sharing corporate restructuring and governance reform hardening budget constraints and facilitating market entry A proactive strategy would trade off short term economic pain for larger longer term gain

Cross-Border Insolvency Law Bob Wessels, Gert-Jan Boon, 2015-09-24 Recent insolvency cases highlight the growing importance of cross border insolvency matters in international transactions In order to obtain relevant information essential for conduct in such transactions an insolvency lawyer needs to have access to the many relevant instruments that have been introduced and implemented in recent years but that until now have not been available in any single place This very useful volume collects for the second time in one source all important international and regional legal instruments relating to insolvency of companies and consumers as well as to corporate rescue law The book includes international and regional conventions model laws EU regulations and directives and guiding principles produced by various international bodies such as the World Bank the United Nations Committee on International Trade Law UNCITRAL the American Law Institute INSOL International and INSOL Europe and international and European restatements of insolvency law by scholars In addition to reproducing the complete texts of these instruments the editors provide insightful commentary covering such important matters as the following key issues of each text expected amendments and revisions and comparative analysis of instruments A unique resource bringing together core material in the field of cross border insolvency law and legislation this book will be welcomed by international insolvency practitioners worldwide

Historical Dictionary of the World Bank Sarah Tenney, Anne C. Salda, 2013-10-30 When it was founded back in 1944 no one could possibly have foreseen how the World Bank known more formally as the International Bank for Reconstruction and Development IBRD would flourish Today with 188 members it is by far the largest lender for projects in agriculture health infrastructure and many other fields in developing countries around the world with a budget of billions of dollars and a staff of more than 9 000 and its advice is usually heeded by both the developing countries which borrow from it and the advanced ones which contribute This second edition of the Historical Dictionary of the World Bank shows the substantial progress the Bank has made this mainly through the dictionary section with concise entries on its component institutions related organizations its achievements in various fields some of the major projects and member countries and its various presidents The introduction explains how the Bank works while the chronology traces the major events over nearly 70 years Meanwhile the list of acronyms reminds us just who the main players are And the bibliography directs readers to useful internal documentation and outside studies

Cleaning-up Bank Balance Sheets José Garrido, Emanuel Kopp, Anke Weber, 2016-09-08 To stabilize and bring down

nonperforming loans NPLs in the Italian banking system the Italian authorities have been implementing a number of reforms aimed among others at speeding up insolvency and enforcement proceedings strengthening bank corporate governance cleaning up balance sheets and facilitating bank consolidation This paper examines the Italian banking system s NPL problem which ties up capital weighing on bank profitability and authorities economic reforms It argues for a comprehensive approach encompassing economic supervisory and legal measures The authorities reforms are important steps toward this end The paper describes measures that could further support their actions

New Financing for Distressed Businesses in the Context of Business Restructuring Law Sanford U. Mba, 2019-06-29 This book focuses on the restructuring of distressed businesses emphasizing the need for new financing during the restructuring process as well as during relaunch and examines the role of law in encouraging creditor confidence and incentivizing lending It describes two broad approaches to encouraging new finance during restructuring a prescriptive one that seeks to attract credit using expressly defined statutory incentives and a market based one that relies on the business judgment of lenders against the backdrop of transaction avoidance rules Securing new financing for a distressed business is a critical part of successful restructuring Without such financing the business may be unable to meet interim liquidity constraints or to implement its restructuring plans This book addresses related questions concerning the place of new financing as an essential component of restructuring In general terms the book explores how statutory interventions and the courts can provide support with contentious issues that arise from the provision of new financing whether through new financing agreements or through distressed debt investors who are increasingly gaining prominence as sources of new financing for distressed businesses It argues that courts play a key part in preventing or correcting the imbalances that can arise from the participation of distressed debt investors In this context it critically examines the distressed debt market in emerging markets like Nigeria and the opportunity presented by non performing loans arguing that the regulatory pattern of market entry may disincentivize distress debt investing in a market that is in dire need of financing The book offers a fresh and comparative perspective on restructuring new financing for distressed businesses by comparing various approaches primarily from the US UK and Germany and drawing lessons for frontier markets with particular reference to Nigeria It fills an important gap in international comparative scholarship and discusses a living problem with both empirical and policy aspects

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

Court-Supervised Restructuring of Large Distressed Companies in Asia Wai Yee Wan, 2022-07-28 This book provides an in depth analysis of 4 economically significant Asian jurisdictions Mainland China India Hong Kong and Singapore These jurisdictions have recently either reformed or are considering reforming their corporate restructuring laws to promote regimes conducive to restructuring financially distressed but otherwise economically viable companies Mainland China India Hong Kong and Singapore continue to adhere to a framework that requires the court s final approval but draw references from Chapter 11 of the Bankruptcy Code 1978 in the United States and or the schemes of arrangement in the United Kingdom However the institutional and market structures are very different in Asia in particular Asia has a far higher concentration in shareholdings among listed firms including holdings by families and the state and a different composition of creditors The book explains how notwithstanding the legal transplantation corporate restructuring laws in these Asian jurisdictions have adapted and evolved due to the frictions in shareholder creditor and creditor creditor relationships and the role of the state in resolving non performing loans and financial distress of state owned enterprises which are listed or which issue public debt The study argues that any reforms must go beyond professionalising the insolvency professionals and the judiciary but must be designed to address fundamental issues of corporate governance bank regulation and enforcing non bankruptcy rules It offers invaluable insights for academics and policy makers alike

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

Global Legal Indicators and Comparative Law Daniele D'Alvia, Matteo Nicolini, 2025-06-30 In recent times comparative law has moved towards a new type of visualisation of the law which is mainly based on indexes and indicators Through these legal scholars and practitioners measure legal systems against specific benchmarks they no longer search for commonalities among legal

systems but are interested in assessing how the law performs in economic terms This book critically analyses this quantitative turn in comparative law The work focuses on the role played by social indicators in general and legal indicators in particular in contemporary societies It presents the evaluation of indicators as a pattern of governance as well as a driver promoting a change in the law from outside The authors explore a range of issues including how and why the quantitative turn in comparative law has taken place how legal indicators are created and for which purposes whether indicators really act as a new form of legitimisation and law making and if so if it is possible to resist or challenge their power whether it is fair and equitable to measure the performance of diversified national legal frameworks through such managerial tools of governance and ultimately how legal indicators change the way we conceive of the law The book addresses these issues by focusing on legal indicators whose global ambitions are often related to societal concerns To this extent it examines how both non economic and economic global indicators might have some bearing on the law The volume will be of interest to advanced students researchers and academics in comparative law global law transnational law constitutional law and law and economics

Sovereign Debt Restructuring and the Law Sebastian Grund, 2022-12-30 The book sheds light on the perhaps most important legal conundrum in the context of sovereign debt restructuring the holdout creditor problem Absent an international bankruptcy regime for sovereigns holdout creditors may delay or even thwart the efficient resolution of sovereign debt crises by leveraging contractual provisions and in an increasing number of cases by seeking to enforce a debt claim against the sovereign in courts or international tribunals Following an introduction to sovereign debt and its restructuring the book provides the first comprehensive analysis of the holdout creditor problem in the context of the two largest sovereign debt restructuring operations in history the Argentine restructurings of 2005 and 2010 and the 2012 Greek private sector involvement By reviewing numerous lawsuits and arbitral proceedings initiated against Argentina and Greece across a dozen different jurisdictions it distils the organizing principles for ongoing and future cases of sovereign debt restructuring and litigation It highlights the different approaches judges and arbitrators have adopted when dealing with holdout creditors ranging from the denial of their contractual right to repayment on human rights grounds to leveraging the international financial infrastructure to coerce governments into meeting holdouts demands To this end it zooms in on the role the governing law plays in sovereign debt restructurings revisits the contemporary view on sovereign immunity from suit and enforcement in the international debt context and examines how creditor rights are balanced with the sovereign s interest in achieving debt sustainability Finally it advances a new genealogy of holdouts distinguishing between official and private sector holdouts and discussing how the proliferation of new types of uncooperative creditors may affect the sovereign debt architecture going forward While the book is aimed at practitioners and scholars dealing with sovereign debt and its restructuring it should also provide the general reader with the understanding of the key legal issues facing countries in debt distress Moreover by weaving economic financial and political considerations into its analysis of holdout creditor litigation

and arbitration the book also speaks to policymakers without a legal background engaged in the field of international finance and economics

Greece International Monetary Fund. European Dept.,2013-06-05 Rigidities in Greece s product and labor markets leading to economic imbalances and the significance of reforms to these markets are played out in the first paper The second paper describes the problems progress to date and agenda for work in Greece s revenue administration and how this effort has been achieved primarily by raising tax rates to high levels and reducing wages pensions and other spending The third paper is on the need for designing and implementing debt restructuring frameworks as well as improving banks loan resolution practices so that Greece s banks are positioned to support the economic recovery

Tackling Small and Medium Enterprise Problem Loans in Europe Mr.Wolfgang Bergthaler,Mr.Kenneth Kang,Ms.Yan Liu,Mr.Dermot Monaghan,2015-03-30 The global financial crisis has left a large private sector debt overhang and high levels of non performing loans NPLs in several European countries Small and medium size enterprises SMEs represent a significant and weak segment of the nonfinancial corporate sector SMEs face a number of legal financial and regulatory challenges to restructuring that differ from those of larger corporates such as a rigid and costly insolvency regime a higher fixed cost to loan restructuring and the lack of alternative sources of financing Given SMEs large presence and close links to the banking system addressing the SME loan problem in Europe will be critical for strengthening bank and corporate balance sheets and supporting a more robust and sustained recovery

International Financial Crises United States. General Accounting Office,1997

International Financial Crises Susan S. Westin,Patrick S. Dynes,Becky K. Kennedy,Desiree W. Whipple,1998-04 Identifies factors that may increase or decrease the probability that a future sovereign financial crisis will threaten the stability of the international financial system Identifies capital market other mechanisms that are used to anticipate avoid resolve crises as well as any limitations of these mechanisms Also assesses initiatives that international financial institutions others are developing to improve anticipation avoidance mechanisms Evaluates initiatives proposals to improve methods of resolving sovereign financial crises Charts tables

Rethinking Business for Sustainable Leadership in a VUCA World Mihail Busu,2024-02-26 This book presents a selection of the best papers from the 17th International Conference on Business Excellence Rethinking Business Sustainable Leadership in a VUCA World ICBE 2023 held in Bucharest Romania in March 2023 In today s rapidly evolving landscape characterized by volatility uncertainty complexity and ambiguity VUCA the need to reshape business practices has become paramount The book showcases research findings and perspectives on the new challenges particularly posed by the digital economy and research systems Focusing on revolving business and developing sustainable leadership it offers valuable insights into the present context of global crisis together with solutions for the real world challenges we face today

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