

A WORLD BANK STUDY



Out-of-Court Debt Restructuring



THE WORLD BANK

Out Of Court Debt Restructuring World Bank Studies

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 *Out-of-Court Debt Restructuring* The World Bank, 2012-01-12 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

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

Critique of the New Consensus Macroeconomics and Implications for India Dilip M. Nachane,2018-11-02 The thought provoking book presents alternative viewpoints to mainstream macroeconomic theory questions conventional policy wisdom and suggests a systematic re orientation of current macroeconomic and financial regulatory policies in India The New Consensus Macroeconomics NCM which established itself in the 1980s as mainstream macroeconomics essentially represents an uneasy truce between two dominant schools of economic thought viz New Classical and Neo Keynesian economics The NCM sets the tone for much of the macroeconomic especially monetary policy followed by the advanced economies in the period of the Great Moderation 1990 2005 The recent global crisis has posed a major challenge to the NCM as empirical models based on the NCM failed to anticipate the occurrence of the crisis and later its extent and severity The above considerations constitute the underpinnings of this book which addresses the theoretical controversies within a general context and their policy implications for India The authors analysis leads to a somewhat critical assessment of the financial sector policies followed in India since the initiation of reforms in 1991 This makes the book a valuable resource not only for researchers working in this area but also for policy makers

The World Bank Legal Review Volume 6 Improving Delivery in Development Jan Wouters,Alberto Ninio,Teresa Doherty,Hassane Cisse',2015-03-13 Voice social contract and accountability are discussed from the point of view of the function of law justice judicial systems and related areas from human rights to government policy urban development resource management gender social rights economic reforms governance sustainable development and anti corruption

The Doctrine of Odious Debt in International Law Jeff King,2016-05-26 This book outlines how odious debts are not legally binding under international or domestic law contrary to widely held legal opinion

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

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

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