

Transatlantic Insolvency Jurisdiction

Tony Griffiths and Edward Smith have written an article on "Transatlantic insolvency jurisdiction – the interplay between Chapter 15 of US Bankruptcy Code and the EU Insolvency Regulation" in the *Journal of International Banking Law and Regulation*. The abstract reads as follows:

Considers the extent to which the US Bankruptcy Code Ch.15 and Council Regulation 1346/2000 have adopted the provisions of the Model Law on Cross Border Insolvency 1997. Examines key features of the US legislation and its advantages over the previous regime for foreign creditors, compares the EC approach to the centre of main interests (COMI) and notes the scope for US courts to refuse to recognise some COMI determinations made under EC law. Reviews the temporary and post recognition remedies available to representatives of foreign proceedings under Ch.15 and the remaining shortcomings of the legislation and of US bankruptcy jurisdiction in general for transatlantic insolvency cases.

"Transatlantic insolvency jurisdiction – the interplay between Chapter 15 of US Bankruptcy Code and the EU Insolvency Regulation" [J.I.B.L.R. 2006, 21\(8\), 435-439](#) [westlaw link].