

The Battle over Jurisdiction in EC Insolvency Law

Thomas Bachner has written an article in the European Company and Financial Law Review on “**The battle over jurisdiction in European insolvency law - ECJ 2.5.2006, C-341/04 (Eurofood)**” (E.C.F.R. 2006, 3(3), 310-329.) Here’s the abstract:

The article discusses the European Court of Justice ruling in Re Eurofood IFSC Ltd (C-341/04) on the conditions which can rebut the presumption that a subsidiary company’s centre of main interests within the meaning of Council Regulation 1346/2000 Art.3(1) was the jurisdiction where its registered office was located. Considers whether the Irish court’s appointment of a provisional liquidator to act for the Irish subsidiary of an Italian parent company constituted a judgment opening insolvency proceedings for the purpose of Art.16(1) of the Regulation. Assesses whether Italian proceedings were invalid under Art.26 on the ground that the provisional liquidator was denied the right to be heard.

Again, available to those with access to the Journal.