

INDEX

- absolute priority rule, 86, 115, 116, 196, 228
Abu Dhabi, 71, 72, 78
accountants, 108, 110, 218
administration
 administration-style procedures, 58, 60, 72, 73, 79, 96, 115, 117, 120, 126, 127, 213, 219
 light touch administration 96, 118
administrative expenses, 6, 66, 84, 100, 102, 230, 232, 233, 245
administrator, 58, 60, 73, 79, 96, 128, 197, 215, 216, 225
Afghanistan, 26, 30, 32, 40, 43, 57, 70
Africa, 69, 70, 71, 73, 74, 75, 77, 78, 106, 112, 115, 205, 213, 292
Algeria, 26, 32, 36, 40, 44, 46, 70
Americas, 78, 81, 83, 84, 87, 88, 89, 91
Angola, 26, 33, 36, 40, 43, 46, 70, 71
Argentina, 26, 32, 36, 39, 43, 47, 50, 81, 86, 87, 88, 89, 90, 108, 141, 163, 175, 243
Armenia, 26, 36, 39, 43, 46, 96
Asia, 17, 54, 56, 57, 66, 67, 72, 130, 213, 287
 Asian Financial Crisis, 17, 55, 112, 130
 Guide on the Treatment of Insolvent Micro and Small Enterprises in Asia, 181, 189
 Guide on Conducting an Out-of-Court Workout in Asia, 136
asset diversion, 154
auctions, 14, 194, 195, 196, 200, 201, 202, 230, 283
auditors, 109, 219
Australia, 21, 26, 32, 36, 39, 43, 46, 54, 55, 59, 60, 62, 68, 108, 130, 139, 165, 170, 175, 181, 190, 218, 231, 243, 261, 264, 284, 288, 293, 295
Austria, 26, 32, 36, 39, 44, 46, 92, 98, 102, 160, 165, 175
automatic stay. *See* moratorium
avoidance of transactions, 64, 76, 88, 89, 99, 240, 255
 actio pauliana, 89, 100
 avoidance actions, 88, 89, 93, 99, 100, 112, 196, 197, 238, 239, 240, 242
 avoidance provisions, 64, 76, 99, 100
Azerbaijan, 26, 36, 40, 44, 47, 104
Bahamas, 26, 32, 40, 44, 47, 79, 80, 87, 139
Bahrain, 26, 35, 37, 40, 43, 47, 71, 78
balance-sheet test, 151, 164, 240
Bangladesh, 26, 29, 32, 37, 40, 43, 46, 55
banking
 bank finance, 13, 176
 banking sector, 4, 10, 51, 118, 186, 206, 250, 290
 banks, 50, 80, 135, 137, 292
Barbados, 26, 33, 40, 43, 47, 79, 80
Belarus, 26, 32, 39, 43, 47, 96
Belize, 26, 32, 43, 46, 79, 80, 81, 83
Bhutan, 26, 35, 40, 43, 46
Bolivia, 26, 32, 36, 39, 44, 46, 79, 87, 160, 175
Brazil, 26, 28, 32, 37, 39, 43, 46, 49, 81, 85, 86, 90, 91, 227, 231, 237
British Virgin Islands, 79, 80, 83, 87
Brunei, 26, 29, 36, 44, 45, 46, 52, 55, 57, 112, 146, 231

- Bulgaria, 26, 32, 36, 40, 43, 47, 92, 103, 108
Burkina Faso, 26, 32, 36, 40, 47, 78
Burundi, 26, 37, 39, 43, 46, 69

Cabo Verde, 26, 35, 40, 43, 46, 69
Cambodia, 26, 30, 32, 40, 44, 47, 55, 60, 63, 64, 66, 160, 175, 222
Cameroon, 26, 32, 37, 39, 43, 46, 78, 256
Canada, 26, 32, 36, 39, 44, 46, 50, 79, 80, 81, 83, 85, 87, 88, 90, 91, 139, 172, 174, 175, 244
capital markets, 50, 52, 55
Caribbean, 45, 79, 81, 84, 85, 88, 91, 278
cash flows, 133, 172, 228, 283, 284
Cayman Islands, 79, 80, 81, 84, 87, 117, 118, 139
center of main interests, 68, 248, 249, 255, 260, 261, 265, 266, 268, 269, 271, 272
Chile, 26, 29, 30, 33, 35, 37, 40, 43, 46, 48, 50, 52, 79, 81, 88, 90, 91, 101, 108, 181, 205, 220, 289, 293
Superintendence of Insolvency and Re-entrepreneurship, 205, 289
China, 9, 27, 28, 29, 32, 36, 40, 43, 44, 47, 49, 52, 55, 60, 66, 67, 68, 104, 107, 108, 179, 198, 222, 227, 231, 255, 256
administrative expense priority, 61
cross-class cramdown, 61
judiciary, 104
reorganization, 58
collection costs, 6, 251
collective action problems, 219, 251
Colombia, 27, 32, 37, 39, 42, 44, 46, 81, 82, 84, 86, 88, 89, 91, 106, 181, 212, 223, 224, 243, 256, 289
debtor-in-possession financing, 84
Superintendence of Companies, 106, 210, 212, 289
company voluntary arrangement (CVA), 58, 59, 60, 72, 73, 74, 146
corruption, 29, 30, 35, 41, 51, 52, 69, 92, 109, 132, 217, 219, 223, 230, 234
Costa Rica, 27, 30, 33, 35, 36, 39, 44, 46, 79, 81
countries
high-income, 55, 287
low- and middle-income, 25, 26, 28, 29, 45, 51, 188, 287
low-income developing, 25, 26, 28
middle-income, 25, 28, 29, 45, 51, 287
courts, 15, 20, 119, 126, 127, 136, 139, 141, 146, 149, 169, 189, 190, 198, 202, 208, 210, 216, 219, 222, 223, 224, 225, 226, 227, 231, 237, 245, 247, 264, 266, 295
commercial courts, 104
competent courts, 15
insolvency courts, 9, 103, 116
specialized insolvency courts, 104
well-equipped courts, 14, 15, 104
cramdown
cross-class, 9, 57, 62, 74, 86, 94, 97, 114, 118, 140, 145, 227, 228
intra-class, 9, 139
creditors
committee of, 13, 62, 74, 85, 97, 220, 232, 246
dissenting, 9, 81, 93, 131, 138, 139, 141, 249
dissenting classes of, 9, 63, 86, 115, 227, 228, 278
non-adjusting, 252, 258, 262, 263
preferential, 67, 77, 90, 102, 233, 262, 267
secured, 17, 59, 66, 67, 74, 77, 85, 90, 102, 115, 138, 193, 221, 229, 232, 233
unsecured, 66, 85, 100, 102, 115, 116, 138, 187, 193, 200, 221, 222, 225, 229, 232, 234, 240, 242, 245, 246, 262
Croatia, 26, 32, 37, 39, 43, 46, 92, 102, 104
cross-border insolvency, 68, 78, 91, 103, 113, 252, 253, 254, 255, 256, 266, 268, 271
crowdfunding, 51

INDEX

303

- Czech Republic, 26, 32, 37, 43, 46, 92, 98, 102, 160, 175
- debt
- concentrated structures, 13, 80, 129, 176, 183
 - dispersed structures, 12, 13, 129
 - finance, 155, 161, 174, 260
 - overhang, 154
 - post-petition, 85
 - structures, 10, 12, 13, 80, 129, 176, 176, 178, 183
- debtor-in-possession, 7, 11, 12, 61, 83, 96, 114, 128, 188, 189, 191, 196, 197, 213, 214, 215, 220
- financing, 7, 61, 74, 84, 85, 97, 110, 114, 116, 118, 145, 147, 230, 232, 233, 279
- governance model, 188
- lender, 61, 74, 84, 85, 96, 147, 199, 230, 231, 232, 233
- Democratic Republic of Congo, 26, 32, 39, 44, 47, 69, 78
- Denmark, 26, 32, 35, 36, 39, 43, 46, 102, 103
- destruction of value, 5, 6, 9, 10, 21, 54, 161, 210, 275
- directors, 156, 157, 158, 161, 165, 167, 169, 173, 177, 178
- appointment, 11, 152, 167, 174
 - disqualification, 64, 98, 161, 166, 170, 172, 280, 282
 - duties, 7, 63, 64, 75, 79, 87, 98, 120, 150, 151, 155, 156, 160, 164, 168, 169, 170, 171, 172, 173, 174, 175, 176, 178
 - removal, 11, 167, 174
 - remuneration, 11, 12, 152, 167, 174
- discharge of debts, 17, 67, 78, 91, 102, 103, 115, 186, 188, 189, 192, 193, 196, 203, 204, 207, 278, 280, 287
- Dominican Republic, 27, 32, 36, 39, 44, 47, 81, 85, 86, 88, 91
- Eastern Europe, 92
- economic development, 30, 45, 54, 70, 71, 79, 91
- economic distress, 276, 277, 285
- economic freedom, 45, 48, 51
- economies
- advanced economies, 18, 21, 25, 28, 29, 35, 42, 45, 48, 50, 51, 52, 53, 55, 56, 57, 58, 60, 61, 62, 66, 67, 68, 69, 79, 96, 103, 108, 111, 116, 118, 121, 206, 208, 209, 247, 278, 280, 289, 295, 296
 - emerging economies, 25, 29, 30, 35, 41, 48, 49, 50, 51, 52, 125, 146, 176, 179, 192, 208, 209, 211, 212, 214, 217, 224, 226, 227, 230, 231, 234, 240, 242, 246, 250, 267, 275, 292, 295, 296
 - emerging markets, 18, 25, 28, 55, 64, 66, 69, 108, 111, 116, 118, 119, 121, 145, 209, 278
- high-income, *See countries*.
- lower-middle-income, *See countries*.
- low-income, *See countries*.
- Ecuador, 17, 27, 32, 36, 39, 43, 47, 81, 85, 87, 88, 288
- Egypt, 27, 32, 37, 39, 44, 47, 71
- employees, 4, 6, 17, 48, 66, 67, 77, 90, 102, 182, 183, 234, 252, 258, 260, 261, 262
- enterprises
- family-owned, 50, 235
 - individual entrepreneurs, 67, 78, 91, 102, 115, 189, 203, 207
 - medium and large, 49, 51, 208, 211, 215, 224, 246, 247, 279, 293, 294
 - medium-sized, 13, 65, 179, 183, 184
 - micro- and small, 14, 20, 48, 65, 76, 89, 101, 128, 176, 179, 181, 183, 187, 192, 194, 195, 200, 208, 271, 278, 293, 294, 296
 - sole proprietorship, 183
 - sole traders, 76, 77
 - state-owned, 49
- entrepreneurship, 3, 6, 184, 203, 205, 217, 250, 257, 260, 269, 272, 290
- equity, 157, 195, 277
- Eritrea, 39, 42, 44, 46, 70
- Estonia, 26, 32, 36, 39, 43, 46, 102

- Ethiopia, 26, 32, 37, 39, 44, 47, 70, 71, 72, 73
- Europe, 18, 75, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 106, 141, 174, 175, 179, 213
- European Union, 95, 98, 101, 103, 112, 114, 144, 145, 157, 159, 181, 261
- European Directive on Preventive Restructuring Frameworks, 93, 94, 97, 112, 145, 157, 158
- European Insolvency Regulation, 103, 256
- Proposed Directive to harmonize certain aspects of insolvency law, 97, 98, 112, 181
- Fiji, 27, 35, 39, 43, 46, 55, 58
- financial distress, 5, 7, 80, 83, 125, 128, 130, 131, 136, 142, 148, 167, 178, 190, 206, 208, 248, 256, 260, 276, 277, 279, 284, 285, 291, *See insolvency*
- Finland, 26, 32, 35, 36, 39, 43, 46, 50, 102
- fire sales, 200, 202
- foreign investments, 5, 271
- forum shopping, 258
- France, 17, 26, 32, 36, 39, 44, 46, 50, 93, 94, 98, 102, 105, 112, 144, 160, 163, 175, 285
- conciliation procedures, 93, 144
- preventive procedures, 93
- safeguard procedures, 93
- Gabon, 27, 32, 37, 39, 43, 47, 70, 78
- GDP per capita, 45, 55, 69, 70, 79
- Georgia, 27, 32, 37, 39, 43, 45, 47, 52, 93
- Germany, 9, 16, 26, 32, 36, 39, 43, 46, 94, 96, 97, 98, 99, 102, 105, 112, 117, 160, 175, 236, 285, 292
- Ghana, 26, 32, 36, 40, 44, 46, 69, 72, 74, 75, 78, 112, 130, 139, 170, 175, 213, 218, 284
- going concern, 8, 135, 195, 196, 201, 229, 244, 283, 284
- going concern sale, 141, 200, 201, 283
- going concern value, 6, 129, 140, 142, 162, 194, 243, 251, 285, 291
- Greece, 26, 32, 37, 39, 44, 47, 92, 103
- Guatemala, 27, 33, 36, 40, 43, 47, 81
- haircut, 126, 132, 133, 135, 195
- Haiti, 27, 32, 35, 36, 39, 43, 47, 79
- holdout problems, 9, 13, 128, 129, 131, 139, 227
- Honduras, 27, 32, 36, 40, 43, 46, 79
- Hong Kong, 13, 26, 32, 36, 39, 42, 43, 50, 54, 55, 56, 58, 66, 69, 82, 139, 167, 175, 243, 255, 278, 284
- Hungary, 27, 33, 36, 40, 43, 46, 92
- hybrid procedures, 55, 57, 59, 60, 70, 71, 72, 73, 74, 80, 82, 83, 92, 93, 95, 96, 125, 139, 144, 145, 213, 292, 294
- India, 17, 27, 28, 33, 36, 39, 44, 46, 48, 49, 50, 52, 55, 56, 57, 58, 60, 61, 62, 65, 66, 68, 104, 108, 111, 118, 139, 142, 167, 181, 183, 211, 218, 244, 284, 293
- corporate insolvency resolution process, 58
- Indian Institute of Corporate Affairs, 111
- Insolvency and Bankruptcy Board of India, 218
- Insolvency and Bankruptcy Code 2016, 62, 111
- pre-pack, 57, 65, 142
- individual voluntary arrangement, 76
- Indonesia, 27, 33, 37, 40, 44, 46, 49, 50, 55, 58, 61, 62, 66, 67, 68, 104, 112, 179
- INSOL International, 136
- insolvency
- balance-sheet test, 151, 164, 165, 240
 - cash-flow test, 151, 240
 - factual, 7, 54, 64, 70, 82, 95, 130, 148, 150, 152, 153, 156, 158, 159, 161, 165, 167, 171, 173, 177, 178, 210, 215, 221, *See financial distress*
 - imminent, 222
 - likelihood of, 60, 72, 95, 157, 158, 209, 210, 222

INDEX

305

- vicinity of, 150, 157, 158, 159. *See also* zone of insolvency
- insolvency forum, 20, 248, 252, 253, 256, 258, 259, 262, 265, 266, 268, 269
- choice of, 20, 248, 251, 256, 258, 259, 260, 265, 271
- insolvency petition, 135, 137, 162, 196, 197, 198, 209, 210, 211, 212, 217, 220, 265
- insolvency practitioners, 9, 10, 15, 16, 19, 20, 22, 61, 108, 110, 119, 128, 135, 142, 148, 168, 190, 197, 199, 202, 213, 214, 216, 220, 225
- appointment, 16, 20, 74, 84, 97, 109, 110, 116, 218
- removal, 20, 74, 86, 109, 110, 116
- remuneration, 280
- supervision, 60, 72, 73, 108, 117, 126, 127, 129, 213, 246
- insolvency proceedings, 208, 209, 210, 213, 214, 217, 222, 226, 235, 238, 246, 249, 252, 253, 267, 279, 282, 283, 287, 288, 289, 291
- dual-entry, 81
- foreign, 254, 266, 268, 270
- initiation, 16, 20, 59, 72, 80, 82, 83, 95, 115, 125, 127, 128, 131, 141, 147, 148, 153, 161, 167, 169, 176, 198, 201, 204, 209, 211, 212, 249, 265, 267, 268, 285. *See also* simplified insolvency framework
- single-entry, 81, 94, 209, 213, 216, 225, 282
- insolvent trading, 75, 117, 120, 130, 131, 169, 170, 172
- institutional environment, 5, 22, 25, 52, 54, 55, 69, 78, 80, 91, 112, 113, 117, 119, 120, 121, 125, 147, 148, 178, 189, 190, 250, 275, 277, 279, 280, 287, 288, 296
- strong, 19, 70, 79, 197, 208, 229, 245, 250, 295
- weak, 16, 18, 20, 29, 48, 51, 52, 92, 106, 107, 109, 131, 211, 218, 224, 278, 294
- International Finance Corporation, 28
- International Insolvency Institute, 136, 189
- International Monetary Fund, 25, 113
- ipso facto clauses, 57, 94, 140, 145, 199, 236, 242, 243, 244, 245
- Ireland, 26, 32, 36, 39, 44, 46, 48, 95
- Israel, 26, 37, 40, 44, 47, 70, 74, 75, 78
- Italy, 26, 33, 36, 39, 43, 47, 92, 93, 96, 98, 102, 112, 175, 286
- Jamaica, 26, 32, 36, 40, 44, 47, 79, 80
- Japan, 26, 32, 36, 39, 44, 47, 50, 54, 55, 56, 57, 58, 60, 65, 67, 68, 141, 144, 181
- ADR Turnaround procedure, 144
- civil rehabilitation procedures, 58
- corporate reorganization, 58
- Jordan, 26, 32, 36, 39, 44, 46, 71
- judicial management, 58. *See also* administration-style procedures
- judiciary, 41, 106, 107, 146, 204, 208, 210, 211, 239, 295
- efficiency, 104, 116, 132, 146, 209, 226, 245, 280
- independence, 42, 103, 104, 107, 116, 226
- insolvency judges, 104, 106, 107, 295
- predictability, 15, 42, 103, 104, 226
- sophistication, 10, 14, 15, 22, 106, 176, 178
- Kenya, 27, 33, 36, 39, 56, 135, 69, 72, 73, 74, 76, 78
- Kosovo, 26, 32, 39, 43, 47, 101
- Kuwait, 26, 36, 40, 43, 45, 47, 52
- Laos, 39, 47, 58, 66
- Latin America, 45, 50, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 112, 115, 141, 175, 179, 213, 292
- Liberia, 27, 33, 39, 43, 47, 69
- Libya, 26, 39, 44, 69
- lien
- fiduciary lien, 85
- new lien, 6, 74, 84, 232
- junior lien, 6, 61, 74, 84, 85, 230, 232
- senior lien, 7, 84, 230, 232, 233

- limited liability, 153, 159, 174, 185, 236, 237
liquidation, 4, 7, 14, 19, 21, 57, 60, 62, 71, 73, 74, 81, 82, 84, 87, 94, 96, 98, 117, 132, 134, 155, 163, 187, 189, 200, 201, 206, 208, 211, 213, 215, 216, 221, 225, 228, 243, 244, 257, 272, 275, 277, 279, 282, 283, 284, 285
excessive, 200, 201
liquidation procedures, 60, 73, 82, 84, 96, 187, 188, 189, 194, 200, 202, 215, 216, 225, 243, 279, 280
liquidator, 57, 140
piecemeal, 21, 184, 196, 200, 275, 284
provisional, 82
simplified liquidation procedures, 188, 202
Lithuania, 27, 32, 37, 40, 43, 46, 92, 97
litigation funding, 110, 168, 241
lookback period, 64, 88, 101, 240, 241
Luxembourg, 27, 32, 39, 44, 46, 98, 160, 175

Malawi, 27, 33, 36, 40, 44, 46, 76, 78
Malaysia, 26, 32, 35, 37, 39, 43, 45, 46, 49, 50, 52, 55, 56, 57, 58, 59, 61, 66, 67, 68, 69, 108, 112, 139, 140, 167, 213, 222, 231
Maldives, 26, 39, 44, 46, 58
managers, 3, 8, 11, 12, 49, 63, 73, 80, 115, 128, 135, 136, 148, 154, 155, 161, 167, 173, 187, 197, 201, 213, 214, 215, 216, 294
management, 8, 11, 12, 58, 60, 73, 126, 215, 264
remuneration, 12
Mauritius, 26, 32, 35, 36, 39, 43, 45, 47, 52, 69, 76
mediator, 96, 128, 134, 137, 144
Mexico, 17, 26, 33, 37, 39, 43, 46, 81, 85, 86, 87, 88, 89, 91, 104, 163, 175, 282, 288
Middle East, 17, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 115, 205, 213, 292
Moldova, 33, 36, 39, 43, 46, 96
Mongolia, 26, 32, 40, 43, 47
- monitor, 8, 16, 20, 59, 83, 89, 96, 147, 148, 191, 197, 215, 216
moratorium, 6, 13, 56, 57, 59, 82, 84, 126, 129, 135, 137, 138, 140, 142, 145, 147, 148, 193, 199, 210, 236, 249, 281
statutory, 82, 193, 236
Morocco, 26, 32, 36, 39, 43, 46, 70, 71, 72, 73, 104, 112
Myanmar, 27, 32, 40, 43, 55, 62, 63, 65, 67, 181, 227, 293
committee of creditors, 62
discharge of debts, 67

Namibia, 26, 30, 32, 39, 44, 46
net present value, 7, 151, 153, 154, 164, 168, 173, 174
Netherlands, 9, 27, 32, 36, 39, 43, 46, 94, 102, 112, 117, 216, 292, 293
New Zealand, 27, 32, 35, 36, 39, 42, 43, 46, 48, 54, 55, 56, 58, 63, 139, 171, 172, 175, 218, 237, 284, 295
Nicaragua, 27, 32, 37, 39, 43, 46, 79
Niger, 27, 33, 39, 43, 46, 78
Nigeria, 26, 33, 37, 40, 43, 46, 69, 70, 72, 76, 77, 78, 112, 139, 146, 166, 167, 175, 176, 213
non-performing loans, 4, 17, 118, 186, 250, 290, 292
North America, 78, 79, 84, 85, 106
Norway, 27, 32, 35, 36, 39, 43, 46, 96, 102

Oman, 26, 37, 40, 44, 45, 46, 52, 71
Organization for the Harmonization of Business Laws in Africa, 76
ownership structures, 10, 11, 176, 178
dispersed, 12, 129, 263, 264

Pakistan, 27, 32, 37, 39, 44, 47, 50, 55, 56, 58, 139
Panama, 27, 33, 37, 40, 43, 46, 79, 81, 91
Paraguay, 27, 32, 36, 39, 43, 47, 87, 160, 175, 284
Peru, 27, 32, 36, 40, 44, 46, 86, 87, 88, 89, 106, 163

- Philippines, 27, 32, 36, 40, 43, 46, 50, 52, 56, 57, 58, 61, 104, 108, 138, 141, 142, 146, 147, 179, 222
- Poland, 27, 33, 36, 39, 44, 47, 92, 93, 97, 98, 103, 104, 160, 175
- policymakers, 206, 271
- Portugal, 27, 33, 37, 40, 44, 47, 92, 98, 112, 160, 175, 289
- preferences
- avoidance of, 88, 99, 240, 241
 - unfair preferences, 64, 65, 76, 88, 239, 240, 242
- pre-packs, 57, 81, 93, 112, 114, 140, 141, 142, 143, 144, 292
- pre-packaged reorganization, 80, 140, 143
- pre-packaged sale of assets, 141, 143
- pre-packaged scheme of arrangement, 57, 141
- preventive procedure, 70, 71, 73, 93
- priority
- administrative expense, 6, 61, 73, 74, 84, 85, 96, 199, 200, 230, 232, 233
 - statutory, 66, 77, 102, 262, 263
- procedural coordination, 235, 236, 238
- property rights, 30, 35, 48
- public agencies, 136, 197, 206, 212, 216, 218, 219
- public authorities, 20, 198, 206, 208, 212, 224, 234
- public sector, 35, 48, 49, 50, 52, 218, 234
- Qatar, 27, 29, 37, 40, 44, 45, 47, 52, 70, 77
- receivership, 58
- reorganization, 6, 8, 9, 14, 17, 19, 56, 57, 58, 60, 61, 66, 71, 72, 73, 76, 81, 82, 86, 89, 94, 95, 96, 97, 114, 117, 118, 125, 126, 127, 129, 134, 135, 137, 138, 139, 140, 143, 145, 181, 184, 186, 189, 194, 200, 208, 210, 211, 213, 216, 221, 225, 228, 229, 242, 246, 253, 257, 272, 277, 278, 282, 284, 287, 288, 289, 290, 294
- bias, 281, 283
- court-supervised, 138
- plan, 62, 74, 84, 86, 89, 116, 135, 139, 140, 141, 146, 147, 148, 184, 190, 195, 196, 199, 201, 209, 225, 227, 249, 278, 282
- simplified, 189, 191, 194, 200, 202, 293
- rescue financing, 7, 57, 61, 73, 84, 85, 96, 115, 116, 140, 145, 225, 230, 231, 233, 278. *See also DIP financing*
- restructuring, 4, 6, 7, 19, 54, 63, 69, 78, 81, 91, 110, 111, 130, 143, 147, 236, 250, 258, 269, 271, 292, 294
- court-supervised, 126
- debt, 17, 82, 118, 126, 139, 141
- out-of-court, 16, 125, 131, 133, 135, 163
- framework, 71, 94, 114, 118, 144, 279, 281, 289, 294
- officer, 84
- plan, 97, 137, 170, 213
- procedures, 89, 94, 95, 112, 117, 127, 129, 144, 145, 185, 188, 190
- value-enhancing, 9, 131, 132, 135, 170, 227, 228
- Romania, 27, 33, 36, 40, 43, 46, 93, 103, 104
- rule of law, 29, 30, 42, 48, 51, 52, 266
 - strong, 30, 52
 - weak, 29, 30, 42, 51
- Russia, 27, 28, 33, 36, 39, 44, 46, 49, 52, 96, 98, 102, 103, 104, 160, 175
- Rwanda, 26, 30, 32, 36, 39, 44, 46
- safe harbor, 63, 131, 172, 177, 178, 241
- Saudi Arabia, 27, 29, 37, 39, 43, 45, 46, 52, 71, 78
- scheme of arrangement, 56, 57, 61, 70, 73, 74, 79, 80, 81, 82, 83, 84, 95, 117, 139, 140, 141, 213
- Senegal, 26, 32, 36, 40, 43, 46, 78
- Serbia, 27, 32, 37, 40, 41, 46, 96
- Seychelles, 27, 39, 43, 46, 69
- shareholders, 3, 86, 116, 136, 148, 150, 151, 152, 153, 155, 156, 159, 161, 165, 167, 174, 203, 228

- shareholders (cont.)
 controlling, 11, 20, 49, 50, 51, 215,
 224, 228, 263, 264
 opportunism, 12, 148, 176, 215
 simplified insolvency framework, 20,
 65, 101, 179, 180, 181, 182, 186,
 187, 188, 190
 Singapore, 6, 9, 13, 15, 17, 27, 32, 35,
 36, 39, 42, 43, 45, 46, 48, 50, 54,
 55, 56, 57, 58, 60, 61, 62, 63, 65,
 66, 68, 69, 74, 94, 97, 104, 108,
 112, 114, 118, 131, 136, 139,
 140, 141, 142, 144, 145, 147,
 165, 167, 171, 172, 175, 181,
 208, 216, 227, 230, 231, 233,
 243, 244, 249, 261, 267, 292,
 293, 294
 Association of Banks, 136
 cross-class cramdown, 57, 140, 227
 ipso facto clauses, 57, 140, 145, 244
 judicial management, 58
 pre-packaged scheme of
 arrangement, 57, 141
 receivership, 58
 reforms, 17, 112, 114, 118, 140
 rescue financing, 57, 145, 230, 233
 scheme of arrangement, 56, 57, 139,
 140, 141
 simplified insolvency program, 65,
 293
 wrongful trading, 131, 172, 282
 Slovenia, 27, 33, 37, 39, 44, 47, 92, 93,
 103
 Somalia, 26, 35, 39, 42, 44
 South Africa, 27, 28, 32, 35, 36, 40, 43,
 47, 49, 52, 70, 72, 73, 74, 75, 78,
 130, 139, 170, 171, 172, 175
 South Korea, 40, 46, 54, 55, 57, 58, 61,
 63, 65, 67, 68, 137, 141, 181, 293
 cross-class cramdown, 62
 rehabilitation, 58
 simplified insolvency proceedings,
 65, 293
 South Sudan, 26, 35, 39, 44
 Southeast Asia, 179
 Spain, 9, 27, 32, 37, 40, 44, 46, 92, 93,
 94, 96, 98, 100, 101, 102, 105,
 112, 117, 137, 141, 142, 160,
 163, 175, 181, 211, 216, 236,
 237, 282, 284, 289, 292, 293
 insolvency reforms, 101, 112
 pre-packs, 141, 142
 simplified insolvency proceeding, 181
 Sri Lanka, 33, 37, 40, 43, 46, 50, 55, 56,
 139
 stay, 6. *See moratorium*
 stigma, 21, 127, 139, 142, 185, 188, 205,
 206, 207, 277, 285, 286, 287
 Sub-Saharan Africa, 45
 suppliers, 4, 6
 Sweden, 27, 32, 35, 36, 39, 43, 46, 96,
 98, 102, 163, 175
 Switzerland, 27, 35, 36, 39, 44, 46, 48
 Syria, 35, 39, 43, 70
 Taiwan, 27, 36, 40, 43, 46, 48
 tax, 133, 235
 tax authorities, 4, 66, 67, 77, 102, 233,
 234, 235, 258
 tax incentives, 56
 tax treatment, 133
 territorialism, 253, 254, 256
 cooperative, 254
 regulatory model, 252
 Thailand, 26, 33, 37, 40, 43, 47, 56, 58,
 60, 62, 67, 104, 179, 183, 289
 trade, 5
 transaction at an undervalue, 64, 65, 76,
 88, 99, 239, 240
 Tunisia, 26, 33, 37, 39, 44, 46, 71
 Turkey, 33, 36, 40, 44, 47, 50, 92, 93, 96,
 104
 twilight period, 64, 65, 76, 89, 99, 100,
 101. *See lookback period*
 Uganda, 26, 32, 36, 40, 44, 46, 76
 Ukraine, 26, 33, 37, 39, 44, 93, 98, 102,
 104
 underinvestment problems, 13, 14, 154,
 174, 231
 United Arab Emirates, 26, 33, 36, 40,
 43, 47, 70, 71, 73, 75, 77, 160,
 175
 United Kingdom, 9, 12, 13, 15, 27, 32,
 36, 39, 43, 45, 47, 58, 59, 75, 92,
 93, 94, 95, 97, 100, 101, 102,

INDEX

309

- 103, 108, 114, 117, 135, 139, 141, 165, 175, 208, 213, 216, 218, 227, 231, 249, 261, 267, 292, 293, 294
- administration procedure. *See administration*
- company voluntary arrangement, 59, 146
- pre-packaged administration, 141, 143
- pre-packs, 141, 142, 143
- scheme of arrangement, 139
- wrongful trading, 166, 169
- United Nations Commission on International Trade Law, 68, 101, 113, 146, 180, 188, 189, 202, 236, 249, 259, 265, 268, 272
- Legislative Recommendations on Insolvency of Micro and Small Enterprises, 180, 186, 189
- Model Law on Cross-Border Insolvency, 68, 78, 91, 103, 113, 146, 249, 256, 260, 265, 268, 269, 272
- Model Law on Enterprise Group Insolvency, 236
- United States, 6, 9, 12, 15, 16, 27, 33, 36, 40, 43, 45, 47, 60, 61, 74, 79, 80, 81, 83, 84, 85, 86, 87, 88, 89, 90, 91, 97, 104, 141, 142, 145, 147, 157, 172, 174, 175, 181, 205, 208, 213, 227, 230, 231, 233, 236, 243, 246, 249, 261, 263, 267, 268, 293, 294
- Chapter 11, 57, 89, 94, 96, 114, 117, 140, 144, 145, 213
- debtor-in-possession financing, 145
- directors' duties, 87, 175
- discharge of debts, 91
- pre-packs, 141, 142
- Small Business Reorganization Act, 89, 293
- substantive consolidation, 236
- universalism, 253, 254, 256
modified, 103, 254, 255, 256
- Uruguay, 26, 29, 30, 33, 35, 37, 39, 43, 47, 48, 52, 79, 81, 82, 85, 87, 88, 160, 163, 175, 282
- Uzbekistan, 26, 33, 39, 44, 47, 96
- Venezuela, 26, 30, 32, 35, 36, 39, 42, 44, 46, 48
- venture capital, 51
- Vietnam, 26, 32, 36, 39, 44, 47, 49, 52, 55, 64, 160, 175, 222
- weighted average cost of capital, 283
- workouts, 55, 70, 80, 92, 125, 127, 131, 132, 134, 136, 139
enhanced workouts, 112, 126, 129, 136
informal workouts, 127, 129, 130, 149
- World Bank, 113, 136, 180, 187, 189, 202
- Principles for effective insolvency and creditor/debtor regimes, 180, 189
- Doing business report, 17, 42, 113
- Toolkit for workout, 136
- wrongful trading, 75, 117, 120, 131, 166, 169, 172, 176, 177
- Yemen, 26, 35, 36, 39, 44, 70
- Zimbabwe, 26, 32, 36, 43, 46, 76, 78
- zombie firms, 184, 206, 290, 291, 292
- zone of insolvency, 7, 11, 12, 64, 75, 79, 83, 87, 98, 120, 148, 150, 155, 159, 160, 164, 167, 168, 169, 172, 173, 174, 175, 176, 178, 216