

EXTENDED CONTENTS

<i>List of editors and contributors</i>	xviii
1 A thematic and comparative critique <i>Jason Chuah</i>	
BACKGROUND TO THE RESEARCH PROJECT	1.01
PROJECT METHODOLOGY	1.08
Prefatory observations	1.10
LIMITS ON ASSUMPTION OR DISCLAIMING OF EXECUTORY OBLIGATIONS	1.19
Judicial supervision in the reorganization efforts	1.23
<i>Ipso facto</i> stipulations	1.32
Assignment of executory contracts	1.44
Value extraction	1.59
CONCLUSION	1.61
PART I CIVIL LAW SYSTEMS	
2 National report for Albania <i>Gelanda Shkurtaj</i>	
A INTRODUCTION	2.01
B AVAILABLE PROCEDURES	2.05
(1) Eligibility requirements	2.09
(2) Insolvency requirement	2.16
(3) Locus standi	2.19
(4) Informal turnarounds	2.26
C TREATMENT OF THE EXECUTORY CONTRACTS	2.30
(1) Administrator's rights	2.37
D PAST REFORMS AND CURRENT DEBATE	2.45
(1) The introduction of the Insolvency Agency	2.45
(2) The role of the Agency	2.50
(3) The legal stalemate between Article 605 of Civil Code and Article 144 of the 2016 Act	2.53
(4) Introduction of the Prosecutor	2.59
(5) The role of the Insolvency Administrator	2.60
(6) Amendments to the Civil Procedure Code	2.62
(7) Proceedings started in other jurisdictions	2.63
(8) Concluding remarks on executory contracts and reforms	2.66
E CONCLUDING REMARKS	2.70
(1) Reform of the Albanian Insolvency Law: a comparative study	2.74
3 National report for Argentina <i>Héctor José Miguens</i>	
A INTRODUCTION	3.01
B INSOLVENCY PROCEDURES	3.09
(1) The <i>Acuerdo Preventivo Extrajudicial</i> (APE) or pre-packaged reorganization	3.09
(2) The <i>Concurso Preventivo</i> (CP) or reorganization proceeding	3.12
(3) The 'quiebra' or liquidation	3.15
C TREATMENT OF EXECUTORY CONTRACTS	3.20
(1) In APEs and CPs	3.20

(2)	In 'quiebra' procedures	3.25
(3)	General scheme for all contracts	3.26
(4)	Rules for reciprocal pending obligations	3.32
(5)	Contractual clauses	3.36
(6)	Preliminary contracts	3.39
(7)	Contracts with personal performance by the bankrupt, contracts of continuous execution and normative contracts	3.44
(8)	Commission or consignment contracts	3.47
(9)	Company contracts – law of recess	3.48
(10)	Non-integrated contributions to the corporation	3.49
(11)	Accidental corporation ('Sociedad accidental' or 'negocio en participación')	3.50
(12)	Debentures and securities	3.54
(13)	Fixed-term contracts	3.55
(14)	Insurance contracts	3.58
(15)	Protest of a security or negotiable instrument	3.59
(16)	Real estate leases	3.61
(17)	Life annuity agreements	3.66
(18)	Contracts for the purpose of conservation and administration of property of the bankrupt debtor	3.69
(19)	Contracts on dispossessed property (bankruptcy assets)	3.70
(20)	Lease agreements in cases of continuation of the business	3.74
(21)	Mortgages and pledges on the continuation of the business operation	3.76
(22)	Employment contracts	3.77
D	REFORMS	3.83
E	CONCLUDING REMARKS	3.85
4	National report for Austria	
	<i>Felix Kernbichler</i>	
A	INTRODUCTION	4.01
B	INSOLVENCY PROCEDURES	4.03
	(1) Formal proceedings	4.03
	(2) Out-of-court workouts	4.09
C	TREATMENT OF EXECUTORY CONTRACTS	4.12
	(1) Power to continue and reject contracts	4.13
	(2) Automatic stay	4.15
	(3) Prohibition of <i>ipso facto</i> clauses	4.29
	(4) Timely decision	4.34
	(5) Practical consequences	4.39
	(6) Proposal for a Directive on preventative restructuring	4.41
D	REFORMS	4.45
E	CONCLUDING REMARKS	4.47
5	National report for Brazil	
	<i>Francisco Satiro and Eduardo G. Wanderley</i>	
A	INTRODUCTION	5.01
B	AVAILABLE PROCEDURES	5.06
	(1) Judicial Reorganization	5.07
	(2) Extrajudicial Reorganization	5.30
	(3) Bankruptcy Liquidation	5.33
C	TREATMENT OF EXECUTORY CONTRACTS	5.54
	(1) Treatment of executory contracts under LRF	5.55
	(2) Treatment of executory contracts in Bankruptcy Liquidation	5.59
	(3) Treatment of executory contracts in Judicial Reorganization and Extrajudicial Reorganization	5.80
D	REFORMS	5.94
E	CONCLUDING REMARKS	5.95

6	National report for Bulgaria	
	<i>Georgi Valentinov Georgiev</i>	
A	INTRODUCTION	6.01
B	AVAILABLE PROCEDURES	6.02
	(1) Insolvency proceedings	6.05
	(2) The stabilization procedure	6.36
	(3) Out-of-court proceedings	6.48
C	TREATMENT OF EXECUTORY CONTRACTS	6.52
	(1) Insolvency proceedings	6.52
	(2) The stabilization procedure	6.69
D	REFORMS	6.90
E	CONCLUDING REMARKS	6.92
7	National report for Chile	
	<i>Camila Hoyuela Zattera, Maximiliano Escobar Saavedra and Mauricio Inostroza Sáez</i>	
A	INTRODUCTION	7.01
B	FRAMEWORK OF AVAILABLE INSOLVENCY PROCEEDINGS	7.05
	(1) Commencement of liquidation and reorganization proceedings	7.08
	(2) Judicial and out-court proceedings	7.12
	(3) Effects arising from reorganization and liquidation proceedings	7.16
C	TREATMENT OF EXECUTORY CONTRACTS UNDER CHILEAN INSOLVENCY LAW	7.19
	(1) Reorganization proceedings	7.20
	(2) Liquidation proceedings	7.24
	(3) Contractual agreements negotiated by parties in solvent times and executory contracts	7.29
D	REFORMS AND CONCLUDING REMARKS	7.31
8	National report for China	
	<i>Yingxiang Long and Rebecca Parry</i>	
A	INTRODUCTION	8.01
	(1) Rights under contract law where performance threatened by insolvency	8.04
	(2) Executory contracts in insolvency	8.07
B	LEGAL FRAMEWORK	8.16
	(1) Obstacles and new movements	8.16
	(2) The development of insolvency law	8.27
	(3) Existing procedures	8.33
C	TREATMENT OF EXECUTORY CONTRACTS	8.37
	(1) The options for administrators	8.37
	(2) The concept of executory contracts under PRC insolvency law	8.40
	(3) The effect of continuation and termination	8.46
	(4) <i>Ipsa facto</i> clauses	8.51
D	CONCLUDING REMARKS	8.60
9	National report for Croatia	
	<i>Jasnica Garašić and Siniša Petrović</i>	
A	INTRODUCTION AND INSOLVENCY PROCEDURES	9.01
	(1) Pre-bankruptcy proceedings	9.02
	(2) Bankruptcy proceedings	9.03
B	TREATMENT OF EXECUTORY CONTRACTS	9.14
	(1) Pre-bankruptcy proceedings	9.14
	(2) Bankruptcy proceedings	9.16
	(3) Extraordinary management procedure	9.73
C	PRE-INSOLVENCY AGREED CONTRACTUAL REMEDIES	9.76
	(1) Pre-bankruptcy proceedings	9.76
	(2) Bankruptcy proceedings	9.77
	(3) Extraordinary management procedure	9.88
D	REFORMS	9.89
E	CONCLUDING REMARKS	9.96

10 National report for Denmark

Line Herman Langkjaer

A	INTRODUCTION TO THE AVAILABLE INSOLVENCY PROCEDURES	10.01
	(1) Actors in the proceedings	10.05
	(2) Requirements	10.07
	(3) Out-of-court restructuring	10.09
B	TREATMENT OF EXECUTORY CONTRACTS	10.13
	(1) Regulation of executory contracts in DBA	10.15
	(2) Assumption of executory contracts	10.19
	(3) The effects of the assumption of a contract	10.26
	(4) Protection of the counterparty in the DBA	10.33
	(5) The effects of non-assumption (rejection of the contract)	10.37
	(6) Long-term contracts and indefinite contracts	10.39
	(7) Mandatory rules	10.44
	(8) Executory contracts in restructuring proceedings	10.47
	(9) Continuation of the executory contracts	10.48
	(10) The effects of continuation	10.51
	(11) Assignment of contracts	10.54
C	LEGISLATIVE REFORMS SINCE 2000	10.57
	(1) Introducing the restructuring procedure in 2011	10.58
	(2) Changes in the treatment of executory contracts in 2011	10.61
	(3) Future reforms of the insolvency framework	10.63
D	CONCLUDING REMARKS	10.65

11 National report for Finland

Jarmo Tuomisto

A	INTRODUCTION AND AVAILABLE PROCEDURES	11.01
	(1) Insolvency proceedings available to companies in financial or economic distress	11.01
	(2) The requirements for triggering an insolvency proceeding	11.05
	(3) Other general questions concerning Finnish insolvency proceedings	11.11
B	TREATMENT OF EXECUTORY CONTRACTS	11.12
	(1) Treatment of executory contracts in bankruptcy	11.12
	(2) Treatment of executory contracts in restructuring proceedings	11.27
	(3) Contractual remedies agreed by the parties in solvent times	11.30
C	REFORMS	11.35
D	CONCLUDING REMARKS	11.41

12 National report for France

Emilie Ghio

A	INTRODUCTION: AVAILABLE INSOLVENCY PROCEDURES IN FRANCE	12.01
	(1) Liquidation and rehabilitation proceedings	12.05
	(2) Pre-insolvency proceedings	12.09
	(3) Out-of-court proceedings	12.12
	(4) General comments and other remarkable features of the French regime	12.15
B	TREATMENT OF EXECUTORY CONTRACTS IN FRANCE	12.17
	(1) General remarks about executory contracts	12.17
	(2) Executory contracts in French insolvency proceedings	12.19
	(3) Statutory treatment of contractual remedies	12.39
C	REFORMS	12.45
	(1) Major reforms of French insolvency law to date	12.45
	(2) Influences behind the reforms	12.59
	(3) Impact of such reforms on executory contracts provisions	12.64
	(4) General trends in French reforms	12.70
	(5) The European context underpinning French reforms	12.75
D	CONCLUDING REMARKS	12.79

13	National report for Germany	
	<i>Vanessa Buttafuoco</i>	
A	INTRODUCTION	13.01
B	AVAILABLE PROCEDURES	13.04
	(1) The main procedure – <i>Regelinsolvenzverfahren</i>	13.06
	(2) The insolvency plan – <i>Insolvenzplanverfahren</i>	13.32
	(3) The self-administration procedure – <i>Eigenverwaltung</i>	13.34
C	EXECUTORY CONTRACTS AND CONTRACTUAL REMEDIES	13.36
	(1) The insolvency administrator's right of choice and executing contracts	13.38
	(2) Contractual remedies – insolvency-related clauses	13.46
D	REFORMS	13.58
E	CONCLUDING REMARKS	13.72
14	National report for Greece	
	<i>Loukas Panetsos</i>	
A	INTRODUCTION TO GREEK INSOLVENCY LAW	14.01
	(a) Application	14.03
	(b) The actors of insolvency	14.05
B	THE INSOLVENCY PROCEDURES	14.06
	(a) The rehabilitation procedure	14.07
	(b) The main insolvency procedure and the restructuring plan	14.10
	(c) Synopsis	14.12
C	THE TREATMENT OF EXECUTORY CONTRACTS	14.13
	(a) Instant executory contracts	14.16
	(b) Permanent executory contracts	14.18
	(c) The general principle regarding <i>ipso facto</i> clauses	14.19
	(d) The executory contracts of personal character	14.21
	(e) Employment contracts	14.24
	(f) Other provisions	14.26
	(g) Synopsis	14.27
D	MAJOR REFORMS IN THE GREEK INSOLVENCY LAW	14.28
	(a) A timeline of the recent reforms	14.30
	(b) The drivers for reform	14.34
	(c) The reform in the treatment of executory contracts and <i>ipso facto</i> clauses	14.37
	(d) Quantitative and qualitative studies regarding the Greek insolvency law system	14.39
	(e) Conclusion	14.43
E	CONCLUDING REMARKS	14.44
15	National report for Italy	
	<i>Rolandino Guidotti</i>	
A	INTRODUCTION AND AVAILABLE PROCEDURES	15.01
	(1) Introduction	15.01
	(2) The Bankruptcy procedure in Italy	15.20
B	TREATMENT OF EXECUTORY CONTRACTS	15.29
	(1) General treatment of executory contracts in the Bankruptcy procedure	15.29
	(2) The most significant specific contracts	15.44
	(3) The arrangement with creditors based on liquidation	15.90
	(4) The arrangement with creditors on a going concern basis	15.95
	(5) The executory contracts in the arrangements with creditors	15.100
	(6) The executory contracts in the arrangements with creditors on a going concern basis	15.110
C	REFORMS	15.113
	(1) The global 'Rordorf Reform'	15.113
	(2) The general principles	15.120
	(3) The crisis of groups of companies	15.122
	(4) The judicial winding-up procedure	15.129
	(5) The reform of the arrangements with creditors	15.137
D	CONCLUDING REMARKS	15.139

16	National report for Japan	
	<i>Jin Chun and Stacey Steele</i>	
A	INTRODUCTION	16.01
B	INSOLVENCY PROCEDURES	16.04
C	TREATMENT OF EXECUTORY CONTRACTS	16.11
	(1) General rule in relation to the treatment of executory contracts	16.11
	(2) Special rules for certain types of contracts	16.21
	(3) Treatment of <i>ipso facto</i> clauses	16.36
D	REFORMS	16.43
	(1) Reforms in respect of executory contracts	16.44
	(2) Reforms in respect of <i>ipso facto</i> clauses	16.47
	(3) Principal supporters of the reforms	16.48
E	CONCLUDING REMARKS	16.50
17	National report for Lithuania	
	<i>Frank Heemann and Karolina Gaspar�</i>	
A	INTRODUCTION	17.01
B	INSOLVENCY PROCEDURES	17.02
	(1) Insolvency procedures under the EBL	17.02
	(2) Insolvency procedures under the ERL	17.17
C	TREATMENT OF EXECUTORY CONTRACTS	17.24
	(1) Insolvency proceedings under the EBL: impact on executory contracts	17.25
	(2) Insolvency proceedings under the ERL: impact on executory contracts	17.45
D	REFORMS	17.55
	(1) General	17.55
	(2) Reforms in the context of executory contracts from 2000	17.59
E	CONCLUDING REMARKS	17.63
18	National report for Panama	
	<i>Jos� Maria Lezczano Navarro</i>	
A	INTRODUCTION	18.01
	(1) Rationale of the law and subsequent innovation	18.10
	(2) Reorganization	18.15
	(3) Insolvency courts	18.21
	(4) Cross-border insolvency	18.26
B	AVAILABLE INSOLVENCY PROCEDURES	18.32
	(1) Objective	18.33
	(2) Circumstances that trigger the process	18.34
	(3) Effect over the business in distress	18.35
C	TREATMENT OF EXECUTORY CONTRACTS	18.37
	(1) Executory contracts and reorganization	18.40
	(2) <i>Proteccion Financiera Concursal</i>	18.43
	(3) Specific contracts	18.45
	(4) Executory contracts and cross-border insolvency	18.54
D	REFORMS AND CONCLUDING REMARKS	18.55
19	National report for the Russian Federation	
	<i>Dmitry Konstantinov</i>	
A	INTRODUCTION	19.01
B	INSOLVENCY PROCEDURES	19.02
	(1) Observation control	19.08
	(2) Economic recovery	19.14
	(3) External control (external administraton)	19.16
	(4) Comprehensive agreement	19.18
	(5) Liquidation	19.19
C	TREATMENT OF EXECUTORY CONTRACTS	19.22
	(1) Rejection of executory contracts by the insolvency practitioner	19.28
	(2) Performance of the executory contracts	19.37

D	REFORMS	19.46
E	CONCLUDING REMARKS	19.55
20 National report for Slovenia		
<i>Katja Zdolšek</i>		
A	INTRODUCTION	20.01
B	CORPORATE BANKRUPTCY PROCEEDINGS	20.09
	(1) Compulsory settlement proceedings	20.12
	(2) Preventive restructuring proceedings	20.17
	(3) Out-of-court restructuring	20.20
C	TREATMENT OF EXECUTORY CONTRACTS	20.22
	(1) The general regime for treatment of claims arising from contracts	20.22
	(2) Treatment of executory contracts by the Insolvency Act	20.24
	(3) Enforceability of contractual clauses agreed in solvent times	20.40
D	MAJOR REFORMS	20.42
E	CONCLUDING REMARKS	20.49
21 National report for Spain		
<i>José Carles and Carlos Cuesta</i>		
A	INTRODUCTION	21.01
	(1) Available insolvency procedures in Spain	21.01
	(2) Requirements for insolvency procedures in Spain and rules for petition	21.03
	(3) Out-of-court workouts and hybrid pre-insolvency proceedings in Spain	21.09
	(4) General rule for contracts in which only one party has not fully performed its obligations	21.13
B	BANKRUPTCY PROCEDURES	21.16
	(1) Treatment of executory contracts	21.16
	(2) Termination clauses and contractual remedies agreed by the parties in solvent times	21.35
	(3) Special rules depending on the specific nature of some contracts	21.42
C	MAJOR REFORMS IN SPAIN SINCE 2000	21.45
	(1) The Spanish Insolvency Act from 2003	21.45
	(2) Further major reforms and the introduction of hybrid pre-insolvency proceedings in Spain	21.47
	(3) Reforms regarding executory contracts	21.57
D	CONCLUDING REMARKS	21.66
22 National report for Switzerland		
<i>Patrick Keinert</i>		
A	INTRODUCTION AND AVAILABLE CORPORATE INSOLVENCY PROCEDURES	22.01
	(I) Preface and <i>sedes materiae</i>	22.01
	(II) Liquidation procedure (Konkursverfahren)	22.02
	(III) Composition agreement procedure (Nachlassverfahren)	22.06
	(IV) Stay of insolvency proceedings (Konkursaufschub)	22.19
	(V) Evaluation	22.21
B	TREATMENT OF EXECUTORY CONTRACTS	22.24
	(I) Historical background of the administrator's right to determine execution of the contract	22.24
	(II) Effects of insolvency proceedings on executory contracts	22.26
	(III) The exercise of the administrator's right in the liquidation procedure	22.30
	(IV) Executory contracts in the composition procedure	22.41
	(V) Treatment of contractual remedies agreed by the parties in times of solvency	22.43
C	REFORMS	22.48
	(I) SchKG reform 1994	22.48
	(II) SchKG reform 2014	22.51
	(III) Current reform on the Law of Obligations (Law on Stock Companies)	22.55
D	CONCLUDING REMARKS	22.56

23	National report for The Netherlands	
	<i>Marco Verdonk and Rolef de Weijs</i>	
A	INSOLVENCY PROCEDURES UNDER DUTCH LAW	23.01
	(1) Liquidation procedure (<i>faillissement</i>)	23.02
	(2) Suspension of payment procedure (<i>surseance</i>)	23.04
B	TREATMENT OF EXECUTORY CONTRACTS	23.06
	(1) Treatment of executory contracts in insolvency	23.06
	(2) Some specified contracts: lease, labour, contracts for energy, future contracts and agency	23.15
	(3) Insolvency clauses: divestment clauses and multiplier	23.25
C	LEGISLATIVE REFORMS	23.33
D	CONCLUDING REMARKS	23.39
24	National report for the Republic of Turkey	
	<i>Çağlar Kaçar</i>	
A	INTRODUCTION	24.01
B	CORPORATE INSOLVENCY PROCEDURES	24.02
	(1) Ordinary composition	24.02
	(2) Post-insolvency composition	24.08
	(3) Postponement of insolvency/bankruptcy	24.10
	(4) Restructuring of capital companies and cooperatives through mutual consent	24.19
	(5) Liquidation through composition with creditors	24.26
	(6) Insolvency liquidation	24.29
C	TREATMENT OF EXECUTORY CONTRACTS	24.35
	(1) Effect of reorganisation applications	24.35
	(2) Effect of the opening of a liquidation procedure	24.39
	(3) Other agreements and general approach	24.40
	(4) Effects of <i>ipso facto</i> clauses	24.48
D	REFORMS	24.51
E	CONCLUDING REMARKS	24.60
PART II COMMON LAW SYSTEMS		
25	National report for Australia	
	<i>Elizabeth Streten</i>	
A	INTRODUCTION	25.01
	(1) Liquidation	25.09
	(2) Receivership	25.12
	(3) Corporate rescue	25.13
B	TREATMENT OF EXECUTORY CONTRACTS	25.17
	(1) Liquidation	25.17
	(2) Receivership	25.23
	(3) Corporate rescue	25.29
C	REFORMS	25.34
D	CONCLUDING REMARKS	25.46
26	National report for Bangladesh	
	<i>Morshed Mannan, Muhammad Mahbubur Rahman and Borhan Uddin Khan</i>	
A	INTRODUCTION	26.01
	(1) Commercial and creditor-debtor relations in Bengal in the colonial period	26.04
	(2) Early insolvency litigation	26.09
B	CURRENT FRAMEWORK AND AVAILABLE INSOLVENCY PROCEDURES	26.16
C	TREATMENT OF EXECUTORY CONTRACTS	26.24
	(1) Executory contracts are deemed to be assumed	26.25
	(2) Executory contracts may be rejected by disclaimer	26.32
	(3) Role of the creditors	26.35
	(4) Special contracts and contractual provisions	26.37
D	REFORMS	26.41
E	CONCLUDING REMARKS	26.43

27	National report for England and Wales	
	<i>Eugenio Vaccari</i>	
A	INTRODUCTION	27.01
B	INSOLVENCY PROCEDURES	27.03
	(1) Liquidation proceedings	27.08
	(2) Rescue proceedings	27.12
	(3) Schemes of arrangement	27.21
C	TREATMENT OF EXECUTORY CONTRACTS	27.23
	(1) The effects of insolvency proceedings on executory contracts	27.25
	(2) Special precepts applicable to specific contracts	27.42
	(3) Contractual remedies negotiated by the parties in solvent times	27.80
	(4) Concluding remarks	27.91
D	REFORMS	27.93
E	CONCLUDING REMARKS	27.105
28	National report for New Zealand	
	<i>Scott Abel</i>	
A	INTRODUCTION AND INSOLVENCY PROCEDURES	28.01
	(1) Receivership	28.02
	(2) Voluntary administration	28.05
	(3) Liquidation (company, creditor or court-initiated)	28.07
	(4) Creditors' compromise	28.10
	(5) Scheme of arrangement	28.13
	(6) Statutory management	28.15
B	TREATMENT OF EXECUTORY CONTRACTS	28.16
	(1) Receivership	28.18
	(2) Voluntary administration	28.23
	(3) Liquidation	28.29
	(4) Creditors' compromise and schemes of arrangement	28.34
	(5) Statutory management	28.38
C	MAJOR REFORMS	28.41
D	CONCLUDING REMARKS	28.44
29	National report for Singapore	
	<i>Bingdao Wang</i>	
A	INTRODUCTION	29.01
B	OVERVIEW OF SINGAPORE LEGAL FRAMEWORK ON CORPORATE INSOLVENCY, AND RECENT REFORMS	29.04
	(1) New Companies (Amendment) Act 2017	29.15
C	TREATMENT OF EXECUTORY CONTRACTS	29.22
	(1) Disclaimer	29.24
	(2) Special executory contracts	29.33
	(3) <i>Ipsa facto</i> clauses	29.40
D	CONCLUDING REMARKS	29.68
30	National report for the United States	
	<i>Roberta Righi and Jessica J. Winters</i>	
A	INTRODUCTION AND AVAILABLE PROCEDURES	30.01
	(1) The chapter 7 procedure	30.05
	(2) The chapter 11 procedure	30.13
	(3) The insolvency procedures versus out of court agreements	30.22
B	TREATMENT OF EXECUTORY CONTRACTS IN THE US LAW	30.26
	(1) Assumption, assignment and/or rejection of an executory contract	30.40
C	REFORM PROPOSALS	30.52
D	CONCLUDING REMARKS	30.62

PART III HYBRID LEGAL SYSTEMS

31	National report for Canada	
	<i>Alfonso Nocilla</i>	
A	INTRODUCTION	31.01
	(1) Overview of CCAA restructuring	31.02
	(2) Overview of BIA commercial proposals	31.09
	(3) Receivership, liquidation and out-of-court procedures	31.11
B	TREATMENT OF EXECUTORY CONTRACTS	31.12
	(1) Disclaimer and assignment in BIA commercial reorganizations	31.12
	(2) Disclaimer and assignment under the CCAA	31.17
C	RECENT REFORMS	31.23
D	CONCLUDING REMARKS	31.33
32	National report for Cyprus	
	<i>Anna Plevri</i>	
A	INTRODUCTION	32.01
B	INSOLVENCY PROCEDURES	32.03
	(1) Compulsory liquidation	32.03
	(2) Examinership	32.22
C	TREATMENT OF EXECUTORY CONTRACTS	32.30
D	REFORMS – PAST AND CURRENT	32.39
	(1) Major reforms of current insolvency legislation in Cyprus since 2005	32.39
E	CONCLUDING REMARKS	32.48
33	National report for India	
	<i>Indrajit Dube</i>	
A	INTRODUCTORY NOTE	33.01
B	EVOLUTION OF CORPORATE INSOLVENCY LAW IN INDIA	33.04
	(1) Bank nationalisations and its impact on insolvency	33.09
	(2) Economic reform and insolvency	33.11
C	INSOLVENCY FRAMEWORK	33.17
D	THE TREATMENT OF EXECUTORY CONTRACTS IN INDIA	33.22
E	CONCLUDING REMARKS	33.27
34	National report for South Africa	
	<i>Clement Marumoagae</i>	
A	INTRODUCTION	34.01
B	BRIEF OVERVIEW OF SOUTH AFRICA LEGAL FRAMEWORK	34.06
C	TREATMENT OF EXECUTORY CONTRACTS	34.09
	(1) Common law approach	34.11
	(2) Statutory provisions relating to executory contracts	34.22
D	LACK OF REFORMS	34.42
E	CONCLUDING REMARKS	34.45
35	National report for the United Arab Emirates and its free zones	
	<i>Christian Chamorro-Courtland</i>	
A	INTRODUCTION	35.01
B	INSOLVENCY LAW	35.04
C	AVAILABLE PROCEDURES AND TREATMENT OF EXECUTORY CONTRACTS	35.09
	(1) Voluntary arrangement (restructuring)	35.10
	(2) Liquidation	35.13
	(3) Close-out netting	35.16
	(4) The shortcomings of the DIFC	35.18

D	REFORMS	35.24
	(1) The new insolvency legislation	35.29
	(2) Insolvency set-off and close-out netting	35.36
	(3) <i>Ipsa facto</i> clauses	35.39
E	CONCLUDING REMARKS	35.44
<i>Index</i>		687