

# Co-Editors note

October 2021

## Vincent Vroom

Publications Officer, IBA Insolvency Section

## Gordon Hollerin

Publications Officer, IBA Insolvency Section

Welcome to this edition of *Insolvency and Restructuring International*, our second as Co-Editors and one which again reflects, among many other developments, the fast pace of change to insolvency legislation which continues to occur as jurisdictions across the globe respond to the challenges to corporates and individuals, arising from the continuing effects of the global pandemic.

For this edition we have received a wide range of contributions from Central and South America, Europe, Asia and Australia. We would like to thank all of our contributors for the very high standard of these contributions which we are sure our subscribers will find stimulating and thought-provoking.

From Moscow, Dmitry Kuptsov and Yuri Knyazev discuss the Russian jurisdiction's approach to anti-suit injunctions granted in England in relation to Russian bankruptcy proceedings, while Yavor Kambourov of Sofia analyses the treatment of management agreements of companies in Bulgarian insolvency proceedings.

Guilherme Fontes Bechara and Andressa Scorza of Sao Paulo analyse recent legislative developments in the bankruptcy law of Brazil which they consider will improve the efficiency of sales of assets in judicial reorganisation proceedings by stimulating transactions and affording protections for investor purchasers.

The recent decisions in the Cayman Islands and the UK in the cases of *Marex* and *Primeo* on reflective loss claims and the effect of those decisions on the rule in *Prudential v Newman* are considered by Peter Hayden and Jonathan Moffatt of the Cayman Islands, and Bryan O'Hare, Pui Yip Leung and Soony Tang of Hong Kong explain the current position and recent developments

with respect to the mutual recognition of insolvency proceedings between Hong Kong and Mainland China.

From Guadalajara, recognition and enforcement are also the themes of Francisco Jose Rodriguez Nepote's article on the recognition and enforcement in Mexico of a foreign plan of reorganisation while Masaki Fujita and Sayuri Tago from Tokyo provide us with an overview analysis of recent developments which have taken place in Japan with regard to insolvency proceedings of a rescue nature.

Scott Atkins and Kai Luck from Sydney, Australia discuss the key role which they expect restructuring to play in the commitment globally to 'Build back better' following on from the pandemic, and Bart De Moor and Angelique Daponte from Brussels discuss the issues arising in relation to transposing the new EU Restructuring Directive into the law of Belgium with a particular focus on debt-to-equity conversions.

Last and by no means least our own Vincent Vroom and his colleague Joris Dunki Jacobs discuss the effect on the newly introduced WHOA, or Dutch scheme, of the *Gategroup* decision.

We hope that you will find these articles of great interest and would be very interested to have your feedback. We also welcome your suggestions for contributions for the next edition to be published in April 2022.

Finally we are very much looking forward to seeing as many of our readers as can possibly attend the 26th Annual IBA Global Insolvency and Restructuring Conference in Edinburgh, Scotland on 28–30 November 2021. It has been far too long since we were all together!