

Financial Law Institute

Working Paper Series

WP 1999-7

May 1999

*Schuldeisers en het gerechtelijk
akkoord*

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Abstract:

The Belgian Law of 17 June 1997 on Judicial Composition has thoroughly modified the legal framework for the treatment and recovery of enterprises facing (financial) difficulties. In balancing creditor interests and the interests of the enterprise, the new legal framework seems to attach a growing importance to the need to preserve economic substance of the enterprise.

This paper examines the legal consequences of the new legal regime from the angle of mainly creditor protection. The analysis shows that in more than one respect the apparently clear and unequivocal provisions of the law hide fundamental interpretation issues. The emerging case law on the new law reflects these difficulties.

Published in:

GANDAIUS ACTUALIA, VOL. IV, KLUWER, 1999

As this working paper has been published in the abovementioned journal, it is no longer available in working paper format. Readers are kindly referred to the published article

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