

HCCH-UNCITRAL Collaboration

The 2003 Questionnaire

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- Collaboration UNCITRAL-HCCH, 2003
- Questionnaire
 - Structure (22 questions divided in three blocks)
 - Ins CoL rules
 - General rule: lex fori concursus (connecting factor, scope, type of debtor)
 - Exceptions: rights in rem, financial markets, P&SSS, set off, employment contracts, and avoidance actions
 - Answers
 - 13 answers, mostly from EU MMSS
 - Based on the EU Regulation

InsCoL rules: exceptions

- **Rationale: protection of local interest and policies**
- **List of exceptions: the EU Reg Paradox**

EU IR

- Rights in rem
- Set off
- Reservation of title
- Contracts relating to immovable property
- P&SSS and financial markets
- Contracts of employment
- Rights subject to registration
- Protection of third-parties
- Avoidance actions

UNCITRAL Legislative guide

- P&SSS and financial markets
- Contracts of employment
- Rights in rem
- Set off
- Avoidance actions

- **One body of InsCoL rules or different bodies depending on the type of debtor, proceedings...?**