HCCH-UNCITRAL Collaboration
The 2003 Questionnaire

Francisco Garcimartin
• 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

<table>
<thead>
<tr>
<th>EU IR</th>
<th>UNCITRAL Legislative guide</th>
</tr>
</thead>
</table>
| • 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 | • 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…?**