

BASIC GUIDELINES FOR COMMUNICATION AND COOPERATION BETWEEN COURTS IN CROSS-BORDER INSOLVENCY MATTERS

INTRODUCTION

- A. These Guidelines seek to improve the efficiency and effectiveness of cross-border proceedings relating to insolvency or adjustment of debt opened in more than one jurisdiction (“Parallel Proceedings”) by enhancing coordination and cooperation among courts under whose supervision Parallel Proceedings are being conducted.
- B. The manner of implementation of these Guidelines in each jurisdiction depends on the laws of each jurisdiction.
- C. Implementation of these Guidelines is not intended to confer or change the jurisdiction of a court, alter substantive rights, interfere with any function or duty arising out of any applicable law, or encroach upon any applicable law.
- D. Application of these Guidelines in specific Parallel Proceedings should be considered at the earliest practicable opportunity. The manner of application of these Guidelines in specific Parallel Proceedings depends on the laws of each jurisdiction.

COMMUNICATION BETWEEN COURTS

Basic Guideline 1: A court may communicate and coordinate directly with another court for any of the following purposes:

- (i) to encourage administrators in Parallel Proceedings (e.g., liquidators, trustees, judicial managers, administrator, debtor in possession) and all other affected persons to cooperate in all aspects of a case;
- (ii) to improve mutual understanding of Parallel Proceedings in each court;
- (iii) to achieve efficient and timely recognition of Parallel Proceedings and grant of orders of appropriate relief with respect to the proceedings; and
- (iv) to take any other available measure necessary to achieve the efficient and fair administration of Parallel Proceedings.

Basic Guideline 2: Such communication and coordination may take place through the following methods, or such other methods as may be agreed by the courts in a specific case:

- (i) Sending or transmitting copies of relevant court documents in a specific case directly to the other court and providing advance notice to counsel for the affected parties in such manner as the court considers appropriate. The courts may agree that each court assigns a point of contact to facilitate the communication and coordination.
- (ii) Directing counsel to transmit or deliver copies of relevant court documents to the other court in such manner as may be appropriate and providing advance notice to counsel for affected parties in such manner as the court considers appropriate.

Basic Guideline 3: Courts should communicate and coordinate with one another based on the principles of mutual understanding and respect. Any differences arising from the interpretation and application of these Guidelines should be settled amicably between courts.