

Radboud Business Law Talk 11 February 2020

Prof. dr. Reinhard Bork

Harmonising the rules of transaction avoidance'

Professor Bork's presentation discussed whether it would be possible to develop a harmonised transactions avoidance law in the EU. If, and under which conditions, transactions which took place before the opening of insolvency proceedings ought to be challengeable on the grounds of disadvantage to the creditors is a question which is answered on different grounds in different Member State jurisdictions. Therefore, there is wide agreement that the harmonisation of transactions avoidance laws would resolve a major obstacle in the functioning of the single market and is, accordingly, desirable. A principle-oriented approach can be used to assess existing regulations as well as to develop optimal regulations *de lege ferenda*. With respect to national insolvency laws in general, and specifically transactions avoidance laws, such principles, however, have yet to be determined. Addressing this task is a first step towards a harmonised framework.

Concise biography

Since April 2019 Reinhard Bork is Professor of Finance, Security and Insolvency for two years at the Business and Law Research Centre. He has been a [professor of Civil Procedure Law and General Procedural Law at the University of Hamburg](#) since 1990 and is a leading international professor of insolvency law. Furthermore, he was a visiting Professor at National Taiwan University in 2019, is a member of several academic and professional bodies and published more than ten books and over 300 articles.