

Abstract:

The thesis is devoted to two principal issues of European insolvency law – COMI notion interpretation and forum shopping. On the background of historic development, it interprets the current wording of European Insolvency Regulation in the light of case law issued by the Court of Justice of the European Union. It also analyses benefits and drawbacks of proposed legislative changes to COMI notion in the connection with the contemplated amendment of the European Insolvency Regulation. It proposes that COMI of companies is determined using irrebuttable presumption of COMI in the place of their registered seat.

Further, it distinguishes between positive and negative forum shopping. Also, it provides an overview of risks and advantages related to forum shopping. The thesis evaluates the efficiency of current and potential tools for forum shopping elimination. It also deals with the relation of forum shopping to EU principal freedoms.