

## New Legal Guide on Asia Pacific Restructuring and Insolvencies

Leading global law firm Herbert Smith Freehills has created a new guide to help financiers, insolvency practitioners, banks, special situations funds and businesses navigate the various restructuring and insolvency regimes in Asia Pacific.

John Nestel, the firm's Global Head of Finance and TMA Vice President, International Relations, launched the guide at the TMA's Asia Pacific Conference in September.

The *Restructuring, Turnaround and Insolvency in Asia Pacific Legal Guide* provides an overview of the laws on corporate restructuring, turnaround and insolvency in 14 major jurisdictions across the region, including Australia, Indonesia and China.

John Nestel said the region was experiencing a rise in financial restructuring and insolvencies, on the back of a number of troubling economic conditions including lower commodity prices, rising non-performing loans, a slowdown in China and a tightening of credit markets.

"We have already seen the effects in the mining, oil and gas, maritime and offshore, shipping, real estate and gaming industries regionally, and both the challenges and opportunities that such changes have created, and continue to create," John said.

"Given the extent of cross border investment and activity in the global economy, it has never been more important for lenders, other capital providers, corporates and investors to understand the different insolvency regimes that exist in jurisdictions they operate in."

The guide presents information for each jurisdiction in a concise Q&A style, addressing key practical issues commonly encountered when dealing with companies in financial difficulties.

The countries covered in the guide are Australia, China, Hong Kong, India, Indonesia, Japan, Malaysia, New Zealand, Philippines, Singapore, South Korea, Taiwan, Thailand and Vietnam.

For each jurisdiction the guide covers:

- a summary of each of the key formal restructuring and insolvency procedures;
- the methods by which secured creditors can enforce their security;
- common issues encountered in the lead up to a formal insolvency procedures, such as insolvent trading issues, statutory claw-back, and lender and director liability;
- priority of distributions in insolvency;
- the prevalence of restructuring techniques such as credit bidding, pre-packaged sales and debt-for equity swaps, as well as the ability of creditors to engage in debt trading; and
- recognition of foreign restructuring and insolvency procedures.

More information is available on Herbert Smith Freehills' website [here](#).

To request a copy of the Guide, please email [asia.publications@hsf.com](mailto:asia.publications@hsf.com).