**Transactional Avoidance and International Insolvencies**

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This paper addresses the typical kinds of transaction that are challengeable in the insolvency of a debtor.  It adopts the scheme of classification that has been employed in the recent proposed European Insolvency Harmonisation directive - COM(2022) 702 final 2022/0408 (COD).  Under this scheme challengeable transactions are essentially of three kinds – (1) transactions preferring certain transactions over others; (2) transactions at an undervalue and (3); intentionally improper transactions.

With some adjustments in terminology both UK law in the shape of sections 239, 238 and 423 of the Insolvency Act and US law in the form of s 547 and 548 of the US Bankruptcy Code can be adopted to this scheme of classification.

This paper focuses on UK and US law and focuses on the rationale or underlying reasons behind the transactional avoidance provisions.  It then concentrates on whether the relevant provisions in both countries catch transactions with an insolvent debtor.  Essentially, it addresses the jurisdictional scope of the relevant laws in both countries and asks whether the provisions operate extra-territorially. It also asks what are the relevant tests for determining whether the provisions are being operated extra-territorially. Moreover, the paper also considers possible defences to extra-territorial transactional avoidance including time limits for bringing avoidance actions.