



**MODEL FRAMEWORK**  
FOR COMMUNICATION AND  
COOPERATION BETWEEN  
ASEAN COURTS IN  
CROSS-BORDER INSOLVENCY  
PROCEEDINGS



## INTRODUCTION

1. This document provides a **model framework** (hereinafter the “**Model Framework**”) for courts in ASEAN Member States to facilitate communication and cooperation in proceedings relating to insolvency, or adjustment of debt for the purpose of reorganisation or liquidation, of corporations opened in more than one ASEAN Member State (the “**Cross-Border Insolvency Proceedings**”), for the purpose of:
  - (i) the coordination and administration of the Cross-Border Insolvency Proceedings; and
  - (ii) the mutual sharing of information in the Cross-Border Insolvency Proceedings,

with a view to promoting efficiency, saving time and reducing costs.

## SCOPE AND INTERPRETATION

2. The Model Framework applies to the relevant court in an ASEAN Member State (the “**Relevant Court**”) that has adopted the Model Framework.
  - (i) For the avoidance of doubt, adoption of the Model Framework is subject to Paragraph 3 and does not create an obligation to communicate, cooperate or coordinate as set out in Paragraph 5.
  - (ii) The Model Framework may be implemented in each ASEAN Member State in such manner as that State deems fit.

3. The Model Framework is not intended to interfere with or derogate from the existing laws in force in the jurisdiction of each Relevant Court. The Model Framework supplements, to the extent that it does not contradict, any protocol for court-to-court communication and cooperation in Cross- Border Insolvency Proceedings that the Relevant Courts might already have with one another.
4. In the interpretation of the Model Framework, due regard will be given to the need to promote comity as well as good faith and uniformity in its application.

## COMMUNICATION BETWEEN COURTS

### PURPOSES

5. Subject to Paragraph 3, a Relevant Court may communicate and coordinate directly with another Relevant Court for any of the following non-exhaustive purposes:
  - (i) to encourage and if permissible direct the administrators (including and without limitation, liquidators, trustees, judicial managers, administrators, scheme managers, debtors, Official Receiver or plan administrators) to cooperate in all aspects of the Cross-Border Insolvency Proceedings, to the extent permitted by law; and
  - (ii) to share or request for information for the purpose of achieving the efficient and fair management of Cross-Border Insolvency Proceedings.

## POINTS OF LIAISON

6. Each Relevant Court will appoint a point of liaison (“**POL**”) and alternative point(s) of liaison (“**APOL**”), who may be a Judge or court official appointed by the Relevant Court, for court-to-court communication. The POL or APOL of a Relevant Court should contact the POL or APOL of the Relevant Court involved in a specific Cross- Border Insolvency Proceeding using the contact information as per the ASEAN Judiciaries Portal members- only section for the Standing Meeting of ASEAN Insolvency Judges. Each Relevant Court will ensure that the contact information provided on the aforesaid portal is accurate.

## REQUESTS FOR COURT-TO-COURT COMMUNICATION

7. A Relevant Court may initiate a request for court-to-court communication (the “**Requesting Court**”) with the other Relevant Court (the “**Requested Court**”) in relation to specific Cross-Border Insolvency Proceedings.
  - (i) The POL or APOL of the Requesting Court should communicate in writing to the POL or APOL of the Requested Court to provide information about the specific Cross-Border Insolvency Proceedings, including information such as the following, where applicable:
    - (a) the reference number and title of the Cross-Border Insolvency Proceeding filed in the Requesting Court;
    - (b) brief overview of the Cross-Border Insolvency Proceeding (with due regard to confidentiality concerns);

- (c) the specific issue(s) on which communication is sought;
  - (d) the name and title of the Judge of the Requesting Court assigned to the Cross-Border Insolvency Proceeding; and
  - (e) any other information necessary to achieve the purposes in Paragraph 5.
- (ii) The Judge of the Requested Court may respond directly or through the POL or APOL to the request for court-to-court communication and engage in court-to-court communication to the extent permissible by law.

## **LANGUAGE**

8. The default language for court-to-court communication will be the English language, unless the Requesting Court and the Requested Court agree otherwise.
9. Where translation or interpretation is required, appropriate arrangements should be made, as agreed by the Requesting Court and the Requested Court.
10. Where written communication is provided through translation, the communication in its original form should also be provided.





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