As falências de 2022 e os tribunais de Singapura

Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland and Germany),
Solicitor (England & Wales and Hong Kong)
Of Counsel, KGP Legal LLC
alexander.ressos@kgplegal.com.sg
www.ressos.com.sg

O colapso do ecossistema Terra em maio de 2022 e da Three Arrows Capital em junho de 2022 provocou uma cadeia de falências entre plataformas de empréstimo e exchanges com vínculos com Singapura. Em quatro meses, a General Division da High Court tinha diante de si os pedidos de moratória da Vauld e da Zipmex, a gestão judicial provisória (interim judicial management) da Hodlnaut e o reconhecimento da liquidação da Three Arrows nas Ilhas Virgens Britânicas. A Babel Finance seguiu em 2023. Esses casos fizeram de Singapura o foro de common law mais ativo em insolvência de criptoativos fora dos Estados Unidos. Também expuseram a fraqueza central da posição do cliente: na ausência de um trust, o cliente de uma plataforma falida é um credor quirografário cuja pretensão em cripto é convertida em um rateio. Este capítulo explica o quadro legal do Insolvency, Restructuring and Dissolution Act 2018 (a lei de insolvência, reestruturação e dissolução de Singapura), o que cada caso decidiu e como a pretensão de um cliente é qualificada e avaliada.

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Author contact: Dr Alexander Ressos, TEP · contact@ressos.com