INSOL INTERNATIONAL

FOUNDATION CERTIFICATE

IN INTERNATIONAL INSOLVENCY LAW

SUMMATIVE (FORMAL) ASSESSMENT: MODULE 1

(INTRODUCTION TO INTERNATIONAL INSOLVENCY LAW)

This is the **summative (or formal) assessment for Module 1** of this course and is compulsory for all registered candidates on the Foundation Certificate. The mark awarded for this assessment will determine your final mark for Module 1. In order to pass this module you need to obtain a mark of 50% or more for this assessment.

INSTRUCTIONS FOR COMPLETION AND SUBMISSION OF ASSESSMENT

Please read the following instructions very carefully before submitting / uploading your assessment on the Foundation Certificate web pages.

1. You must use this document for the answering of the assessment for this module. The answers to each question must be completed using this document with the answers populated under each question.

2. All assessments must be submitted electronically in MS Word format, using a standard A4 size page and a 11-point Arial font. This document has been set up with these parameters – **please do not change the document settings in any way. DO NOT** submit your assessment in PDF format as it will be returned to you unmarked.

3. No limit has been set for the length of your answers to the questions. However, please be guided by the mark allocation for each question. More often than not, one fact / statement will earn one mark (unless it is obvious from the question that this is not the case).

4. You must save this document using the following format: **[studentID.assessment1summative]**. An example would be something along the following lines: 202223-363.assessment1summative. **Please also include the filename as a footer to each page of the assessment** (this has been pre-populated for you, merely replace the words "studentID" with the student ID allocated to you). Do not include your name or any other identifying words in your file name. **Assessments that do not comply with this instruction will be returned to candidates unmarked**.

5. Before you will be allowed to upload / submit your assessment via the portal on the Foundation Certificate web pages, you will be required to confirm / certify that you are the person who completed the assessment and that the work submitted is your own, original work. Please see the part of the Course Handbook that deals with plagiarism and dishonesty in the submission of assessments. **Please note that copying and pasting from the Guidance Text into your answer is prohibited and constitutes plagiarism. You must write the answers to the questions in your own words**.

6. The final submission date for this assessment is **15 November 2023**. The assessment submission portal will close at **23:00 (11 pm) GMT on 15 November 2023**. No submissions can be made after the portal has closed and no further uploading of documents will be allowed, no matter the circumstances.

7. Prior to being populated with your answers, this assessment consists of **11 pages**.

ANSWER ALL THE QUESTIONS

QUESTION 1 (multiple-choice questions) [10 marks in total]

Questions 1.1. – 1.10. are multiple-choice questions designed to assess your ability to think critically about the subject. Please read each question carefully before reading the answer options. Be aware that some questions may seem to have more than one right answer, but you are to look for the one **that makes the most sense and is the most correct**. When you have a clear idea of the question, find your answer and mark your selection on the answer sheet by highlighting the relevant paragraph **in yellow**. Select only **ONE** answer. Candidates who select more than one answer will receive no mark for that specific question.

Question 1.1

The meaning of the word "bankruptcy" has a historical root pertaining to the "rupture" of a banking system. Select from the following the **best response** to this statement.

(a) This statement is untrue because the word bankruptcy does not have any historical roots and is a modern phrase.

(b) This statement is untrue since the word "bankruptcy" is believed to derive from non-English origins and has a historical root from destroying a vendor's place of business.

(c) This statement is true, although the word "bankruptcy" is not an English phrase.

(d) The statement is true and the phrase "bankruptcy" is believed to have been first adopted in England in the 12th century.

Question 1.2

Which of the following **best describes** an "executory contract" and its enforceability?

(a) An executory contract is a contract entered into by a debtor and another party, or other parties, prior to the occurrence of bankruptcy / insolvency which remains incomplete as to its performance as at the time of bankruptcy / insolvency. An insolvency representative might not proceed with an executory contract if it is onerous or unprofitable. There may be special legal rules which govern specific types of executory contracts.

(b) An executory contract is a type of contract entered into by the executive officers of a debtor company. It will normally be completed by the insolvency representative in accordance with its terms, although there may be special legal rules which govern specific types of executory contracts.

(c) An executory contract is a contract entered into by a debtor and another party, or other parties, prior to the occurrence of bankruptcy / insolvency which becomes complete upon the event of bankruptcy / insolvency of the debtor. An insolvency representative may disregard any type of executory contract.

(d) An executory contract is a contract entered into by a debtor and another party, or other parties, prior to the occurrence of bankruptcy / insolvency which may generally be disclaimed by an

insolvency representative upon the occurrence of bankruptcy / insolvency unless it is an employment contract.

Question 1.3

A German court has issued a judgment in a German insolvency which has a connection with England. The foreign insolvency office holder seeks recognition and enforcement in an English court of the insolvency order made in the German insolvency proceedings.

Which of the following statements, concerning the request for recognition and enforcement in England, is **true**?

(a) The English Court hearing the request for recognition and enforcement may apply the EU Recast Insolvency Regulation (2015).

(b) It is a relevant factor for the English Court hearing the matter to consider whether Germany has adopted the UNCITRAL Model Law on Cross-border Insolvency 1997, or not.

(c) The English Court will be able to consider the request based on its 2006 Insolvency Regulations (the adopted UNCITRAL Model Law on Cross-Border Insolvency) and / or common law principles.

(d) The German order will be automatically recognised in England due to a cross-border insolvency treaty between England and Germany.

Question 1.4

Unlike (former) continental insolvency rules, the English insolvency laws provided for a rather liberal discharge of debt provision since 1507. Select the **most accurate** response to this:

(a) This statement is correct since the English insolvency system was viewed as a pro-creditor system since its early development.

(b) This statement is correct since the English insolvency system, unlike continental systems, never provided for imprisonment for debt of insolvents and preferred to treat debtors in a humane way.

(c) This statement is incorrect since a statutory discharge of debt was only introduced in 1705 in England.

(d) This statement is incorrect since most of the continental insolvency rules provided for a liberal discharge of debt even before English law considered the introduction of such a dispensation.

Question 1.5

Private international law may involve “hard law” treaties and conventions which become enforceable as part of a State’s domestic law. Choose the correct statement:

(a) The statement is untrue since treaties and conventions are “soft law”, not “hard law”.

(b) This statement is true because States become signatories and therefore bind themselves and affect their domestic law accordingly.

(c) This statement is true and is why there has been great success with treaties and conventions.

(d) This statement is untrue because treaties and conventions are public international law, not private international law.

Question 1.6

What principles did Chamberlain consider essential to good bankruptcy law? Select from the following the **best response** to this question:

(a) The supervision of creditors, the rights of creditors to control debtor's assets with minimal interference, and the investigation of debtor's conduct and circumstances which led to insolvency.

(b) Upholding the rights of creditors to assets, investigating and reporting on debtor conduct which led to insolvency, and holding trustees to high standards of care.

(c) The need for there to be independent examination of debtor's conduct and circumstances leading to insolvency, the need for trustees to maintain independence and avoid conflicts of interest, the right for creditors to control debtor assets with least possible interference.

(d) The need for independent examination of debtor's conduct and circumstances leading to insolvency, the appropriateness of creditors having control of debtor assets with least possible interference, the need for trustees to be subject to supervision and audit.

Question 1.7

England, Australia and the United States of America (USA) each have their own respective single unified piece of insolvency legislation that applies to both personal and corporate insolvency. Select from the following the **best response** to this statement:

(a) This statement is true since England has the unified 1986 Insolvency Act, Australia has the Insolvency Act of 2001, and the USA has the 1978 Bankruptcy Code. Each of these Acts cover personal and corporate insolvency.

(b) This statement is untrue since in England the Insolvency Act 1986 deals only with personal insolvency.

(c) This statement is untrue because the USA has separate Acts dealing with corporate liquidation and rescue.

(d) The statement is untrue because Australia has separate Acts dealing with corporate insolvency and personal bankruptcy.

Question 1.8

African nations all incorporate aspects of English insolvency law. Select from the following the **best response** to this statement:

(a) This statement is untrue since some African nations have English law tradition, but others are based on civil law tradition or a mixture of different legal traditions.

(b) This statement is untrue because African nations all have a civil law tradition.

(c) This statement is true because, while some may incorporate other legal traditions, every African nation is largely based upon English law due to colonial history.

(d) This statement is true because African States each chose to adopt English insolvency laws in modern times.

Question 1.9

To date, the most successful soft law approach to international insolvency law issues has been the Model Law on Cross-border Insolvency. Select from the following the **best response** to this statement:

(a) This statement is untrue because not all States have adopted the Model Law on Cross-border Insolvency.

(b) This statement is true because the Model Law on Cross-border Insolvency has been adopted by numerous States and is gaining momentum as an influential response to international insolvency law issues.

(c) This statement is untrue because of the requirement for reciprocity in relation to the Model Law on Cross-border Insolvency.

(d) This statement is true because the Model Law on Cross-border Insolvency creates regulations which binds each State and has been the most influential response to international insolvency law issues.

Question 1.10

Opponents of universalism often argue that universalism is difficult to achieve because of the effects of globalisation. Select from the following the **best response** to this statement:

(a) This statement is untrue because modified universalism enables a "main proceeding" to be opened in the State where the centre of main interests has been determined, while being supported by secondary or ancillary proceedings in another State.

(b) This statement is untrue because universalism corresponds well to globalisation and opponents of universalism are more concerned with the impacts of universalism upon domestic markets.

(c) This statement is true because globalisation makes the principle of universalism redundant.

(d) This statement is true because modified universalism enables a "main proceeding" to be opened in the State where the centre of main interests has been determined, while being supported by secondary or ancillary proceedings in another State.

Marks awarded 10 out of 10

QUESTION 2 (direct questions) [10 marks]

Question 2.1 [maximum 3 marks]

Briefly discuss and compare countries whose insolvency law systems have historical roots in civil law with countries whose insolvency law systems have historical roots in English law.

There are a number of ways to classify the legal systems or families of the world but in general legal families across the globe will in many States either have an English law or what can broadly be termed a Civil law-orientated foundation. The American insolvency law has its historical roots in English law but has developed in a way different from the English law. The American system is viewed as trendsetting regarding its rather liberal fresh start approach (discharge of debt) and the Chapter 11 reorganization mechanism. Australian law is also based on English common law. However, it has a number of Acts dealing with aspects of insolvency and does not have a single unified Bankruptcy or Insolvency Act.

When it comes to the civil law systems, The Dutch insolvency law is an example of a civil law system. Before the introduction of schuldsanering, Dutch law was typical of many West-European countries in being very much pro-creditor - no discharge was allowed unless creditors agreed. However, new developments in the area of consumer credit compelled them to introduce the concept of a "fresh start" in view of over-indebtedness. Additionally, French insolvency law, German insolvency law, and Spanish insolvency law are also based on Civil law.

African countries still largely follow the laws of the respective former colonial powers. Some States have an English tradition, while many other States have a civil law tradition. Besides, some countries, such as South Africa and Namibia, have mixed legal systems since both the Roman-Dutch law (civil law) and English law influenced their respective legal systems.

Although the insolvency laws have different historical roots, many States are in the process of reforming the insolvency systems to establish more modern insolvency legislation.

There is scope to elaborate upon the nature of common law cf codification

2.5

Question 2.2 [maximum 3 marks]

Briefly explain the difference(s) between the principle of universalism, the principle of modified universalism, and the principle of territorialism.

This is an approach that allows for more than one insolvency proceedings pending in different States to be dealt with under the provisions of one insolvency law, for example in the State where the debtor has its Centre of main interests. According to universalism, there should only be one insolvency proceeding covering all of the debtor's assets and debts worldwide. Once the proceedings are opened, no other insolvency proceedings ought to be possible nor any other forms of execution of the debtor's assets. Only one forum should have jurisdiction. The chosen State could be where the Centre of the debtor's interests is located. The universalism is based on the premise that all the debtor's assets should be included in the insolvency proceeding and the officeholder should be provided with the tools to control and obtain all the assets.

Since global consensus regarding universalism has not been reached and many States are closer to an approach based on territoriality, the notion of modified universalism has emerged. Where this approach is adopted, the main proceeding, opened in the State where the Centre of main interests has been determined, is supported by secondary or ancillary proceedings in another State. In such instances, the courts dealing with the respective proceedings are supposed to cooperate with each other.

The principle of territorial is diametrically opposed to the principle of universalism and is based on the premise that insolvency proceedings may be commenced in every State where the debtor holds assets, but that they should be territorially limited and restricted to property within the State where the proceedings are opened. It would be possible to have multiple insolvency proceedings running concurrently in regard to the same debtor.

3

Question 2.3 [maximum 4 marks]

Briefly indicate initiatives undertaken to assist with the resolution of international insolvency issues in Latin America and discuss the differences between those initiatives.

The Latin American States have achieved some of the most long-lasting multilateral agreements on managing international insolvency issues. A series of general treaties were concluded on private international law and commerce that included a chapter or title on bankruptcy or insolvency. These treaties, among different groups of Latin American states, are the Montevideo Treaties (1889) and (1940); and the Havana Convention on Private International Law (1928) (Bustamante Code).

The Montevideo Treaty on International Commercial Law (1889) has been ratified by Argentina, Bolivia, Columbia, Paraguay, Peru, and Uruguay. There is also a 1940 Montevideo Treaty on International Procedural Law containing Title IV on Civil Meetings of Creditors. These treaties have been ratified by Argentina, Paraguay, and Uruguay. The 1889 Treaty covers personal and corporate insolvency. It allocates bankruptcy jurisdiction based on the debtor's commercial domicile.

The Havana Convention on Private International Law was concluded in 1928 between the following Latin and Middle American States: Bolivia; Brazil; Chile; Costa Rica; Cuba; Dominican Republic; Ecuador; El Salvador; Guatemala; Haiti; Honduras; Nicaragua; Panama; Peru; and Venezuela. The Havana Convention is more supportive than the Montevideo Treaties of an approach that allows for a single proceeding with universal effect throughout its region. However, where there are concurrent proceedings, the Havana Convention does not provide procedures for cooperation or coordination of any concurrent proceeding.

4

Marks awarded 9.5 out of 10

QUESTION 3 (essay-type questions) [15 marks in total]

Question 3.1 [maximum 7 marks]

It is said that the terms "bankruptcy" and "insolvency" may be used interchangeably. Discuss whether or not you agree with this statement, and why or why not. In your answer take care to include a discussion regarding: (i) what meaning may be ascribed to "bankruptcy" and "insolvency", (ii) the essential characteristics of "bankruptcy" and "insolvency" and (iii) any differences that may arise when a "bankruptcy" / "insolvency" involves a corporation rather than an individual.

I agree with this statement because, in some systems, bankruptcy and insolvency are synonyms. Some insolvency systems use the term insolvency and others bankruptcy. Some systems use both to mean slightly different things, for example in Australia insolvency is often used to refer to the insolvency of a corporation, whereas bankruptcy is often used to refer to the insolvency of an individual natural person. Although these terms carry the same meaning in many systems, one explanation is that insolvency sometimes means the state of financial affairs of the debtor, whilst bankruptcy refers to the formal state of being put into a formal bankruptcy proceeding. However, these terms are used as synonyms in many states. Insolvency itself may refer to the situation where the liabilities of a debtor

exceed the assets of a debtor or where the debtor cannot repay debts as they fall due by reason of a cash flow problem.
The essential characteristics include the following aspects: 1. Actions by individual creditors against the bankruptcy are frozen; 2. The assets are pooled which become available to pay creditors; 3. Creditors are paid pari passu, that is, on a proportionate basis out of the available assets based on their claims.

The objectives of insolvency for individuals and corporations. For individuals, the objective of insolvency or bankruptcy is to protect the debtor from harassment by his creditors and to enable the debtor to make a fresh start, etc. In contrast, when it comes to the corporation, the objective is where possible to preserve the business, or viable part thereof-not necessarily the company; where personal liability has been abused, to impose personal liability on responsible persons. Although some topics overlap in individual and corporate insolvency, there are also pertinent differences between the two. For example, it is only in relation to individuals that the notion of exempt or excluded assets will apply.

7

Question 3.2 [maximum 5 marks]

Discuss some of the challenges which arise in cross-border insolvency that make it difficult to develop a single global cross-border insolvency dispensation.

Independent and sovereign States govern their own legislation and must therefore be involved in amending their legislation in order to resolve problems in case of cross-border insolvency. Both national and international laws on insolvency traditionally show a lack of structure, both formally and informally, to deal with cross-border insolvency cases. One aspect of this is that the standard of insolvency laws in many countries is relatively low. Many laws are outdated or otherwise framed in a way that is not suited to modern-day trade and investment. A generally higher standard of national insolvency laws would of course go a long way to resolving many of the problems experienced in cross-border insolvency, but does not really address what is really needed, that is, cooperation and coordination in the case of multiple concurrent insolvency proceedings. Another difficulty, once discussions on cross-border insolvency have started, is to reconcile the various national approaches to insolvency. There may also be a reluctance based on other public policy reasons, such as an unwillingness to recognise foreign public claims or simply a desire to protect local creditors. In addition, insolvency proceedings can be complicated by the fact that they relate not only to aspects of procedural law but also in regard to significant areas of substantive law. Generally speaking it can be said that States are more willing to export than import insolvency proceedings.

In seeking solutions to the problems associated with cross-border insolvency, there are two main approaches or theories, both of which have their supporters and detractors. The two principles are universalism on the one hand and territorialism on the other. However, the problem is that the two theories are diametrically opposed to each other. Although the proponents of universalism regard it as the best approach in satisfying the interests of those involved in cross-border insolvency cases, with lower costs being argued as an added incentive, the opponents of universalism point out the difficulty in establish a single State for the debtor where insolvency proceedings will exclusive be opened. One of the main drawbacks, according to opponents of universalism, is that this principle will create uncertainty in the domestic markets and that home country standards may be indeterminate and vulnerable to strategic manipulation.

Take care to avoid cutting and pasting from the guidance text without thinking through a coherent and effective answer to the sub-question posed. This question required you to consider and discuss challenges in developing a single cross border insolvency dispensation. It would be beneficial for you to consider the matters raised by Friman, Omar and Westbrook

1

Question 3.3 [maximum 3 marks]

Briefly discuss what is meant by "hard law" and what is meant by "soft law" in the context of international insolvency. In your answer you should also provide examples and discuss the varying success of "hard" and "soft" laws in providing solutions to the challenges of international insolvency.

Regarding international law, we consider multiple approaches that seek to regulate international insolvencies by way of binding hard law or to influence its regulation by way of soft law. Classic public international instruments are treaties and conventions to which States become signatories and as such bind themselves and affect their domestic law accordingly. As part of domestic laws enforceable in the courts, these may then form part of a State's hard law on insolvency. In Europe, bilateral international insolvency conventions appeared from the 13th and 14th centuries. In the international insolvency area, more success has been achieved by the European Union, albeit not by way of Convention, rather by way of the European Insolvency Regulation(2000) which has also influenced broader multilateral developments in international insolvency law. it has been reviewed and slightly amended so that the current multilateral instrument on international insolvencies within the European Union is Regulation 2015/848 of the European Parliament and of the Council of 20 May 2015 on Insolvency Proceedings.

While there has been variable success in achieving hard law solutions to international insolvency issues, more success has been gained through the use of soft law options. A range of multilateral organizations have focused their efforts on this approach over recent decades. The most successful soft law approach to date has been undertaken by UNCITRAL. In the mid-1990s, it developed a Model Law on Cross-border Insolvency. This initiative did not take the form of a treaty or convention, but rather of a Model Law, draft legislation that UNCITRAL recommended member States to adopt, with or without modification. Given the number, economic size and geographic spread of States that are now adopting the MLCBI, it it gathering momentum as an influential response to international insolvency law.

Take care to avoid cutting and pasting from the guidance text without thinking through a coherent and effective answer to the sub-question posed. It would be more effective to use your own words to discuss hard and soft law.

2

Marks awarded 10 out of 15

QUESTION 4 (fact-based application-type question) [15 marks in total]

Norton Cars Inc is a registered company that manufactures sports cars. The company was initially incorporated in the USA and at the time operated from there. The company's main place of business as well as its headquarters were later moved to Nottingham (England), but the COMI then moved to Italy when the UK exited the European Union.

Norton Cars Inc maintains a presence and conducts business in the USA as well as various European countries, being countries which are both EU member states and non-member states.

Apart from the USA and various European states, Norton Cars Inc also distributes its cars to India, South Africa and Australia via branches of the company operating in these States.

A subsidiary of the company, Gladiator Manufacturing Ltd, manufactures and provides the engines for the sports cars in Germany.

Due to a worldwide recession, Norton Cars Inc is struggling financially due to little interest in the sports car market amongst consumers.

Question 4.1 [Maximum 4 marks]

For purposes of this part of the questions, assume Norton Cars Inc has filed for liquidation in terms of American law at the time when the headquarters were still in England.

Advise the American insolvent estate representative as to the applicable English cross-border source(s) that she may use to request recognition in terms of English Law in order to deal with the assets of Norton Cars Inc situated in England.

The main piece of legislation regulating English insolvency law is the Insolvency Act 1986. As part of its cross-border rules, England and Wales also adopted the UNCITRAL Model Law on Cross-Border Insolvency in 2006. Section 426 of the Insolvency Act 1986 still applies to relevant countries as listed and common law principles still apply as well. Additionally, the European Insolvency Regulation (2000) which has subsequently been reviewed to become the current EIR(Recast) 2015, applicable since mid-2017.

Greater elaboration is required. S426 does not apply as the US is not designated.

3

Question 4.2 [Maximum 4 marks]

For purposes of this part question assume that Norton Cars Inc shifted its COMI to Italy when England exited the EU. At the same time, its main operations transpired in Germany, but its management was directed from Italy.

Advise as to the appropriate legal source(s) to be used in a cross-border insolvency matter between Italy and Germany, and also explain in which country the main proceeding should be opened in terms of applicable law.

Italy and Germany are both EU members, so the EIR(Recast) 2015 applies to the cross-border insolvency matter between the two countries.

The EIR allocates jurisdictional competence to the courts of a member State within which is situated the contre of the debtor's main interests (COMI). According to the EIR 2015, COMI is the place where the debtor conducts the administration of its interests on a regular basis and which is ascertainable by third parties. Furthermore, guidance given on the meaning of COMI in decisions of the Court of Justice of the European Union is summarized in the recitals to the recast EIR. As a result, it is confirmed for example that all factors must be reviewed comprehensively and special weight is to be attached to creditors' perceptions of where a company's COMI is located. In addition to the already existing presumption that a legal person may have its COMI at the place of its registered office, the amended EIR sets forth presumption rules for individuals running an independent business or engaged in a professional activity (COMI at the principal place of business) and for any other individual (COMI at the place of habitual residence). These presumption rules are restricted if a person has moved to another EU Member State within three to six months prior to the opening of insolvency proceedings. This shall restrict the possibility of abusive forum shopping.

The EIR allocates primary jurisdiction based on the COMI(main proceedings), it does allow for the possibility of subsidiary territorial proceedings in other member States. In the present case, Norton

Cars Inc shifted its COMI to Italy when England exited the EU. At the same time, its management was directed from Italy. As a result, the main proceeding should be opened in Italy.

4

Question 4.3 [Maximum 1 mark]

Will an Indian, South African or Australian court be eligible to apply the EU (Recast) Insolvency Regulation when considering the recognition of an EU insolvency representative duly appointed in terms of the EU regulation?

No, because these countries are not EU members.

1

Question 4.4 [Maximum 6 marks]

For purposes of this part question assume that an insolvency procedure has been opened in terms of Italian law and an Italian insolvent estate representative has been appointed. The representative discovers assets of the insolvent company, Norton Cars Inc, in the Netherlands and Australia where the company is operating through external branches of the company respectively, but such assets are subject to real rights of security established in terms of Dutch and Australian law respectively.

(a) Which law will apply to the insolvency proceeding and with regard to the real rights of security situated in the Netherlands? (This question (a) is worth 3 marks out of the available 6 marks.)

The EIR 2015 and Italian law applies to the main proceeding in Italy. If a subsidiary proceeding is also opened in the Netherlands and Australia, for the proceeding in the Netherlands, the EIR 2015 and local laws apply, while for the proceeding in Australia, the Model Law on Cross-Border insolvency and local laws apply.

The EIR 2015 and local laws apply with regard to the real rights of security situated in the Netherlands.

There is some scope to elaborate
2.5

(b) Which law will apply with regards to an insolvency proceeding in Australia and the real rights of security situated in there? (This question (b) is worth 3 marks out of the available 6 marks.)

Because Australia has adopted the Model Law on Cross-Border Insolvency, the Model Law should apply to the insolvency proceedings in Australia. The local law and the Model Law should apply to the real rights of security situated in there.

There is some scope to elaborate
2.5
Marks awarded 13 out of 15

*** End of Assessment ***

TOTAL MARKS AWARDED 42.5/50

An excellent paper - a thorough response that addresses the questions asked and substantiates the answers well.