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EU bank resolution framework: A comparative study on the relation with national private law

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EU bank resolution framework



The establishment of harmonized bank resolution frameworks was a fundamental element of the reforms undertaken in the EU in response to bank failures during the latest financial crisis. The frameworks empower authorities to intervene in failing banks as an alternative to the opening of an insolvency procedure to protect financial stability and minimize the costs for taxpayers. The fact that national insolvency laws play an essential role in the bank resolution regimes but have not been fully harmonized in the EU, is likely to be a source of complexity and legal uncertainty in cross-border resolution procedures.

This book investigates the bank resolution regimes in the Netherlands, Germany and the UK. It analyzes how the national frameworks interact with and have been embedded into Dutch, German and English private law, including insolvency law. The study shows that the frameworks deal with specific topics and objectives and contain rules and terminology that are different from those in existing national legislation. It also shows which differences may exist between the bank resolution procedures in the three jurisdictions. The study makes an important contribution to the existing debate about the further development of the EU bank insolvency framework.

This is a volume in the series of the Meijers Research Institute and Graduate School of the Leiden Law School of Leiden University. This study is part of the Law School's research program on 'Coherent Private Law'.

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