



Universiteit
Leiden
The Netherlands

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

Janssen, L.G.A.

Citation

Janssen, L. G. A. (2019, September 19). *EU bank resolution framework: A comparative study on the relation with national private law*. Retrieved from <https://hdl.handle.net/1887/76856>

Version: Not Applicable (or Unknown)

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/76856>

Note: To cite this publication please use the final published version (if applicable).

Cover Page



Universiteit Leiden



The following handle holds various files of this Leiden University dissertation:
<http://hdl.handle.net/1887/76856>

Author: Janssen, L.G.A.

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

Issue Date: 2019-09-19

Bibliography

- Acharya, Amihud & Litov 2011:** V.V. Acharya, Y. Amihud & L. Litov, 'Creditor rights and corporate risk-taking', *Journal of Financial Economics* 2011, no. 1, p. 150-166.
- Acharya, Anginer & Warburton 2016:** V.V. Acharya, D. Anginer & A.J. Warburton, 'The End of Market Discipline? Investor Expectations of Implicit Government Guarantees', May 2016 (available at <https://ssrn.com/abstract=1961656>).
- Adams 2014:** A.T.M. Adams, 'De taak van de curator: van reactief boedelbeheerder naar proactief toezichthouder?', in: J.J.A. Hamers et al. (eds.), *Young Corporate Lawyers*, Zutphen: Uitgeverij Paris 2014, p. 13-23.
- Adler 1993:** B. Adler, 'Financial and Political Theories of American Corporate Bankruptcy', *Stanford Law Review* 1993, no. 2, p. 311-346.
- Admati & Hellwig 2013:** A.R. Admati & M.F. Hellwig, *The Bankers' New Clothes. What's Wrong with Banking and What to Do about It*, Princeton/Woodstock: Princeton University Press 2013.
- Admati et al. 2013:** A.R. Admati et al., 'Fallacies, Irrelevant Facts, and Myths in the Discussion of Capital Regulation: Why Bank Equity is Not Socially Expensive', Max Planck Institute for Research on Collective Goods 2013/23, Rock Center for Corporate Governance at Stanford University Working Paper No. 161, Stanford University Graduate School of Business Research Paper No. 13-7, 22 October 2013 (available at <https://ssrn.com/abstract=2349739>).
- Adolff & Eschwey 2013:** J. Adolff & C. Eschwey, 'Lastenverteilung bei der Finanzmarktstabilisierung', *ZHR Zeitschrift für das gesamte Handelsrecht und Wirtschaftsrecht* 2013, no. 6, p. 902-977.
- Akkermans 2016:** B. Akkermans, 'Predicting the future of European property law', in: O. Vonk et al. (eds.), *Grootboek: Opstellen aangeboden aan Prof.mr. Gerard-René de Groot ter gelegenheid van zijn afscheid als hoogleraar rechtsvergelijking en internationaal privaatrecht aan de Universiteit Maastricht*, Deventer: Kluwer 2016, p. 1-12 (also available at: <https://ssrn.com/abstract=2885489>).
- Alexy 2000:** R. Alexy, 'On the structure of legal principles', *Ratio Juris* 2000, no. 3, p. 294-304.
- Alexy & Peczenik 1990:** R. Alexy & A. Peczenik, 'The Concept of Coherence and Its Significance for Discursive Rationality', *Ratio Juris* 1990, no. 1, p. 130-147.
- Ali 2002:** P.A.U. Ali, *The law of secured finance*, Oxford: Oxford University Press 2002.
- Allen, Carletti & Gu 2014:** F. Allen & E. Carletti, 'The Roles of Banks in Financial Systems', in: A.N. Berger, P. Molyneux & J.O.S. Wilson (eds.), *The Oxford Handbook of Banking*, Oxford: Oxford University Press 2014, Chapter 2.
- Allen et al. 2015:** F. Allen et al., 'Moral Hazard and Government Guarantees in the Banking Industry', *Journal of Financial Regulation* 2015, no. 1, p. 30-50.
- Amaya 2015:** A. Amaya, *The tapestry of reason*, Oxford/Portland: Hart Publishing 2015.
- Amend 2009:** A. Amend, 'Das Finanzmarktstabilisierungsergänzungsgesetz oder der Bedeutungsverlust des Insolvenzrechts', *Zeitschrift für Wirtschaftsrecht* 2009, no. 13, p. 589-599.
- Anderson 2017:** H. Anderson, *The framework of corporate insolvency law*, Oxford: Oxford University Press 2017.
- Anderson, Cooke & Gullifer 2016:** H. Anderson, Ch. Cooke & L. Gullifer, 'National Report for England', in: D. Faber et al. (eds.), *Ranking and priority of creditors*, Oxford: Oxford University Press 2016, chapter 8.
- Andrae 2014:** S. Andrae, 'Sanierung und Abwicklung von Kreditinstituten', in: A. Igl & H. Heuter (eds.), *Sanierungsplanung – Bankpraktische Umsetzung der MaSan*, Köln: Bank-Verlag 2014, p. 17-38.

- Andrews & Millett 2005:** G.M. Andrews & R. Millett, *Law of Guarantees*, London: Sweet & Maxwell 2005.
- Armour 2012:** J. Armour, 'The Rise of the 'Pre-Pack': Corporate Restructuring in the UK and Proposals for Reform', in: R.P. Austin & F.J.G. Aoun, *Restructuring Companies in Troubled Times: Director and Creditor Perspectives*, Sydney: Ross Parsons Centre 2012, p. 43-78.
- Armour 2015:** J. Armour, 'Making Bank Resolution Credible', in: N. Moloney, E. Ferran & J. Payne, *The Oxford Handbook of Financial Regulation*, Oxford: Oxford University Press 2015, chapter 15.
- Armour et al. 2016:** J. Armour et al., *Principles of Financial Regulation*, Oxford: Oxford University Press 2016.
- Armour & Mokal 2005:** J. Armour & R.J. Mokal, 'Reforming the governance of corporate rescue: The Enterprise Act 2002', *Lloyd's Maritime and Commercial Law Quarterly* 2005, no. 1, p. 28-64.
- Arner et al. 2017:** D.W. Arner et al., 'Overstating moral hazard: lessons from two decades of banking crises', March 2017 (available at <https://ssrn.com/abstract=2929574>).
- Asser 2001:** T.M.C. Asser, *Legal Aspects of Regulatory Treatment of Banks in Distress*, Washington: International Monetary Fund 2001.
- Asser/Hartkamp & Sieburgh 6-II 2013:** A.S. Hartkamp & C.H. Sieburgh, *Mr. C. Assers Handleiding tot de beoefening van het Nederlands Burgerlijk Recht. 6. Verbintenissenrecht. Deel II. De verbintenis in het algemeen*, Deventer: Kluwer 2013.
- Asser/Sieburgh 6-II 2017:** C.H. Sieburgh, *Mr. C. Assers Handleiding tot de beoefening van het Nederlands Burgerlijk Recht. 6. Verbintenissenrecht. Deel II. De verbintenis in het algemeen*, Deventer: Kluwer 2017.
- Asser/Van Mierlo 3-VI 2016:** A.I.M. van Mierlo, *Mr. C. Assers Handleiding tot de beoefening van het Nederlands Burgerlijk Recht. 3. Vermogensrecht algemeen. Deel VI. Zekerheidsrechten*, Deventer: Kluwer 2016.
- Asser/Van Mierlo & Van Velten 3-VI* 2010:** A.I.M. van Mierlo & A.A. van Velten, *Mr. C. Assers Handleiding tot de beoefening van het Nederlands Burgerlijk Recht. 3. Vermogensrecht algemeen. Deel VI. Zekerheidsrechten*, Deventer: Kluwer 2010.
- Asser/Van Solinge & Nieuwe Weme 2-IIa 2013:** G. van Solinge & M.P. Nieuwe Weme, *Mr. C. Assers Handleiding tot de beoefening van het Nederlands Burgerlijk Recht. 2. Rechtspersonenrecht. Deel IIa. NV en BV -Oprichting, vermogen en aandelen*, Deventer: Kluwer 2013.
- Attinger 2011:** B.J. Attinger, 'Crisis Management and Bank Resolution. Quo Vadis, Europe?', *European Central Bank Legal Working Paper Series* 2011, no. 13.
- Aufricht 1967:** H. Aufricht, *Central Banking Legislation: A collection of Central Bank, Monetary and Banking Laws*, Volume II: Europe, Washington D.C.: International Monetary Fund 1967.
- Avdjiev et al. 2013:** S. Avdjiev et al., 'CoCos: a primer', *BIS Quarterly Review*, September 2013, p. 43-56.
- Avgouleas 2009:** E. Avgouleas, 'Banking supervision and the special resolution regime of the Banking Act 2009: the unfinished reform', *Capital Markets Law Journal* 2009, no. 2, p. 201-235.
- Avgouleas 2012:** E. Avgouleas, *Governance of Global Financial Markets: The Law, the Economics, the Politics*, Cambridge: Cambridge University Press 2012.
- Avgouleas & Goodhart 2015:** E. Avgouleas & Ch. Goodhart, 'Critical Reflections on Bank Bail-ins', *Journal of Financial Regulation* 2015, no. 1, p. 1-29.
- Ayotte & Skeel 2010:** K. Ayotte & D. Skeel, 'Bankruptcy or Bailouts?', *The Journal of Corporation Law* 2010, no. 3, p. 469-498.
- Azoulai 2015:** L. Azoulai, 'The Complex Weave of Harmonization', in: D. Chalmers & A. Arnulf, *The Oxford handbook of European Union law*, Oxford: Oxford University Press 2015, p.
- Bachmann 2010:** G. Bachmann, 'Das neue Restrukturierungsrecht der Kreditinstitute', *Zeitschrift für Bankrecht und Bankwirtschaft* 2010, no. 6, p. 459-471.
- Bagehot 1873:** W. Bagehot, *Lombard Street: A Description of the Money Market*, London: Henry S. King and Co. 1873.
- Baird & Jackson 1984:** D.G. Baird & T.H. Jackson, 'Corporate Reorganizations and the Treatment of Diverse Ownership Interests. A comment on Adequate Protection of secured creditors in Bankruptcy', *University of Chicago Law Review* 1984, no. 1, p. 97-130.

- Baird & Morrison 2011:** D.G. Baird & E.R. Morrison, 'Dodd-Frank for bankruptcy lawyers', *ABI Law Review* 2011, no. 2, p. 287-318.
- Baird & Rasmussen 2010:** D.G. Baird & R.K. Rasmussen, 'Antibankruptcy', *Yale Law Journal* 2010, no. 4, p. 648-699.
- Barratt 1998:** J. Barratt, 'Distressed debt – the sale of loan assets', *Journal of International Banking* 1998, p. 50-57.
- Bauer 2007:** J. Bauer, 'Ungleichbehandlung der Gläubiger im geltenden Insolvenzrecht', *Deutsche Zeitschrift für Wirtschafts- und Insolvenzrecht* 2007, no. 5, p. 188-192.
- Bauer & Hidler 2015:** D.A. Bauer & A. Hidler, 'Die Sanierung, Abwicklung und Insolvenz von Banken – Ein vollendeter Dreiklang?', *Deutsche Zeitschrift für Wirtschafts- und Insolvenzrecht* 2015, no. 6, p. 251-263.
- Baur & Stürner 2009:** J.F. Baur & R. Stürner, *Sachenrecht*, München: Beck 2009.
- Beck 2011:** T. Beck, 'Bank Resolution: A Conceptual Framework', in: P. Delimatsis & N. Herger, *Financial Regulation at Crossroads. Implications for Supervision, Institutional Design and Trade*, Alphen aan den Rijn: Kluwer Law International 2011, p. 53-71.
- Beck/Samm/Kokemoor/[author] [year], [section]:** A. Kokemoor (ed.), *Kommentar Kreditwesengesetz mit CRR*, Heidelberg: C.F. Müller GmbH.
- Beltratti & Stulz 2012:** A. Beltratti & R. Stulz, 'The credit crisis around the globe: Why did some banks perform better?', *Journal of Financial Economics* 2012, no. 1, p. 1-17.
- Bénassy-Quéré et al. 2018:** A. Bénassy-Quéré et al., 'Reconciling risk sharing with market discipline: A constructive approach to euro area reform', Centre for Economic policy research January 2018, Policy Insight no. 91.
- Berends 2017 (Sdu Insolventierecht):** A.J. Berends in: P.M. Veder et al. (eds.), *Sdu Commentaar Insolventierecht*, Den Haag: Sdu 2017.
- Berger 1996:** K.P. Berger, *Der Aufrechnungsvertrag*, Tübingen: Mohr 1996.
- Bergervoet 2015:** G.J.L. Bergervoet, 'De positie van de aandeelhouder bij een gedwongen omzetting van schuld in aandelenkapitaal buiten insolventie', *Maandblad voor Vermogensrecht* 2015, no. 11, p. 311-318.
- Bergervoet 2014:** G.J.L. Bergervoet, *Borgtocht*, Deventer: Kluwer 2014.
- Berkowitz et al. 2003:** D. Berkowitz, K. Pistor & J.-F. Richard, 'The transplant effect', *The American Journal of Comparative Law* 2003, no. 1, p. 163-204.
- Bertea 2005:** S. Bertea, 'Looking for Coherence Within the European Community', *European Law Journal* 2005, no. 2, 154-172.
- Bertrams 2013:** R.F. Bertrams, *Bank Guarantees in International Trade*, The Hague: Kluwer Law International 2013.
- Besson 2004:** S. Besson, 'From European Integration to European Integrity: Should European Law Speak with Just One Voice?', *European Law Journal* 2004, no. 3, p. 257-281.
- Bierens 2013a:** B. Bierens, 'Over het besluit tot nationalisatie van SNS Reaal en de rechterlijke toetsing daarvan: terugkijken en vooruitblikken', *Tijdschrift voor Financieel Recht* 2013, no. 4, p. 109-117.
- Bierens 2013b:** B. Bierens, 'De Interventiewet en de grenzen van het algemeen vermogensrecht', *Maandblad voor Vermogensrecht* 2013, no. 11, p. 297-305.
- Binder 2005:** J.-H. Binder, *Bankeninsolvenzen im Spannungsfeld zwischen Bankaufsichts- und Insolvenzrecht*, Berlin: Duncker & Humblot 2005.
- Binder 2009a:** J.-H. Binder, 'Bankenintervention und Bankenabwicklung in Deutschland: Reformnotwendigkeiten und Grundzüge eines verbesserten Rechtsrahmens', Sachverständigenrat zur Begutachtung der gesamtwirtschaftlichen Entwicklung, Arbeitspapier August 2009, no. 5.
- Binder 2009b:** J.-H. Binder, 'Institutionalisierte Krisenbewältigung bei Kreditinstituten: Ausländische Gestaltungsvorbilder und mögliche Konsequenzen für die Weiterentwicklung des deutschen Aufsichtsrechts', *Zeitschrift für Bankrecht und Bankwirtschaft* 2009, no. 1, p. 19-32.
- Binder 2011:** J.-H. Binder, 'Bankensanierung: Perspektiven für die anreizkompatible Restrukturierung systemrelevanter Kreditinstitute', in: Ch. Allmendinger et al. (eds.), *Corporate Governance nach der Finanz- und Wirtschaftskrise: Vorbilder und Ziele eines modernen Wirtschaftsrechts*, Tübingen: Mohr Siebeck 2011, p. 239-258.

- Binder 2013a:** J.-H. Binder, 'An den Leistungsgrenzen des Insolvenzrechts: Systemische Bankeninsolvenz und verfahrensförmige Sanierung', *KTS Zeitschrift für Insolvenzrecht* 2013, no. 3, p. 277-309.
- Binder 2013b:** J.-H. Binder, 'Durchsetzung von Marktdisziplin mittels zwangsweiser Übertragung systemrelevanter Teile von Banken?', *Jahrbuch für die Ordnung von Wirtschaft und Gesellschaft* 64 (2013), p. 377-403.
- Binder 2015a:** J.-H. Binder, 'Komplexitätsbewältigung durch Verwaltungsverfahren? Krisenbewältigung und Krisenprävention nach der EU-Bankensanierungs- und -abwicklungsrichtlinie', *Zeitschrift für das gesamte Handels- und Wirtschaftsrecht* 2015, no. 1, p. 83-133.
- Binder 2015b:** J.-H. Binder, 'The position of creditors under the BRRD', 2015 (available at <https://ssrn.com/abstract=2698086>).
- Binder 2016:** J.-H. Binder, 'Resolution: concepts, requirements and tools', in: J.-H. Binder & D. Singh (eds.), *Bank resolution: The European regime*, Oxford: Oxford University Press 2016, p. 25-59.
- Binder 2017a:** J.-H. Binder, 'Systemkrisenbewältigung durch Bankenabwicklung? Aktuelle Bemerkungen zu unrealistischen Erwartungen', *Zeitschrift für Bankrecht und Bankwirtschaft* 2017, no. 2, p. 57-128.
- Binder 2017b:** J.-H. Binder, 'Proportionality at the Resolution Stage: Calibration of Resolution Measures and the Public Interest Test', 2017 (available at <https://ssrn.com/abstract=2990379>).
- Binder 2017c:** J.-H. Binder, 'Germany', in: G. Moss, B. Wessels & M. Haentjens (eds.), *EU Banking and Insurance Insolvency*, Oxford: Oxford University Press 2017, chapter 11.
- Bitter 2010:** G. Bitter, 'Sanierung in der Insolvenz – Der Beitrag von Treue- und Aufopferungspflichten zum Sanierungserfolg', *Zeitschrift für Unternehmens- und Gesellschaftsrecht* 2010, no. 2/3, p. 147-200.
- Bitter & Laspeyres 2010:** G. Bitter & A. Laspeyres, 'Rechtsträgerspezifische Berechtigungen als Hindernis übertragender Sanierung', *Zeitschrift für Wirtschaftsrecht* 2010, no. 24, p. 1157-1165.
- Bliesener 2012:** D.H. Bliesener, 'Interventionsmechanismen nach dem deutschen Restrukturierungsgesetz', in: P.S. Kenadjian (ed.), *Too Big To Fail – Brauchen wir ein Sonderinsolvenzrecht für Banken?*, Berlin/Boston: Walter de Gruyter 2012, p. 129-158.
- Bliesener 2013:** D.H. Bliesener, 'Legal Problems of Bail-ins under the EU's proposed Recovery and Resolution Directive', in: Dombret & P.S. Kenadjian (ed.), *The Bank Recovery and Resolution Directive. Europe's solution for "Too Big To Fail"?*, Berlin/Boston: Walter de Gruyter 2013, p. 189-228.
- Bliss & Flannery 2002:** R. R. Bliss & M.J. Flannery, 'Market Discipline in the Governance of U.S. Bank Holding Companies: Monitoring vs. Influencing', *European Finance Review* 2002, p. 361-395.
- Bliss & Kaufman 2007:** R.R. Bliss & G.G. Kaufman, 'U.S. Corporate and Bank Insolvency Regimes: A Comparison and Evaluation', *Virginia Law & Business Review* 2007, no. 1, p. 143-177.
- Bloembergen 1977:** A.R. Bloembergen, 'De eenheid van privaatrecht en administratief recht', *Weekblad voor privaatrecht, notariaat en registratie* 1977/5372-5375, p. 1-5 and 17-54.
- Bloembergen 1992:** A.R. Bloembergen, 'De eenheid van privaatrecht en administratief recht', in: *Bloembergens Werk*, Deventer: Kluwer 1992, p. 305-351.
- Böhm 1999:** M. Böhm, *Rechtliche Aspekte grenzüberschreitender Nettingvereinbarungen*, Bonn: Duncker & Humblot 1999.
- Bolzico 2007:** J. Bolzico et al., 'Practical guidelines for effective bank resolution', World Bank Policy Research Working Paper November 2007, no. 4389.
- Boodman 1991:** M. Boodman, 'The Myth of Harmonization of Laws', *Journal of Comparative Law* 1991, no. 4, p. 699-724.
- Bonn 1999:** J.K. Bonn, 'Bankenkrisen und Bankenregulierung', *Bank-Archiv* 1999, no. 7, p. 529-536.
- Boos/Fischer/Schulte-Mattler/Komm-Kreditwesengesetz/[author] 2012:** K.-H. Boos et al. (eds.), *Kreditwesengesetz: Kommentar zu KWG und Ausführungsvorschriften*, München: Verlag C.H. Beck 2012.

- Boos/Fischer/Schulte-Mattler/Komm-KWG/CRR-VO/[author] 2016:** K.-H. Boos et al. (eds.), *Kommentar zu Kreditwesengesetz, VO (EU) Nr. 575/2013 (CRR) und Ausführungsvorschriften*, München: Verlag C.H. Beck 2016.
- Bork 2012a:** R. Bork, *Rescuing companies in England and Germany*, Oxford: Oxford University Press 2012.
- Bork 2012b:** R. Bork, *Einführung in das Insolvenzrecht*, Tübingen: Mohr Siebeck 2012.
- Bork 2017:** R. Bork, *Principles of cross-border insolvency law*, Cambridge/Antwerp/Portland: Intersentia 2017.
- Bornemann 2015:** A. Bornemann, 'Bank Resolution under German Law', in M. Haentjens & B. Wessels (eds.), *Research Handbook on Crisis Management in the Banking Sector*, Cheltenham/Northampton: Edward Elgar Publishing 2015, p. 452-495.
- Bornemann 2016:** A. Bornemann, 'Kommentar Sanierungs- und Abwicklungsgesetz (SAG)', in Beck/Samm/Kokemoor, *Kommentar Kreditwesengesetz mit CRR*, Heidelberg: C.F. Müller GmbH 2016.
- Bos 2010:** J.J.P. Bos, 'Bankhypotheek en de gevolgen van overgang', *Nederlands Tijdschrift voor Burgerlijk Recht* 2010, no. 2, p. 56-61.
- Bowen 1995:** H.V. Bowen, 'The Bank of England during the long eighteenth century, 1694-1820', in: R. Roberts & D. Kynaston, *The Bank of England, Money, Power and Influence 1694-1994*, Oxford: Clarendon Press 1995, p. 1-18.
- Brandao Marques, Correa & Saprizza 2013:** L. Brandao Marques, R. Correa & H. Saprizza, 'International Evidence on Government Support and Risk Taking in the Banking Sector', IMF Working Paper May 2013, WP/13/94.
- Braun/[author] 2017:** E. Braun (ed.), *Insolvenzordnung (InsO)*, München: Verlag C.H. Beck 2017.
- Brierley 2009:** P. Brierley, 'The UK Special Resolution Regime for failing banks in an international context', Bank of England Financial Stability Paper 2009, no. 5.
- Brierley 2017:** P.G. Brierley, 'Ending Too-Big-To-Fail: Progress since the crisis, the importance of loss-absorbing capacity and the UK approach to resolution', *European Business Organization Law Review* 2017, no. 3, p. 457-477.
- Brogl 2012:** F.A. Brogl, 'Einführung zum Banken-Restrukturierungsregime', in: F.A. Brogl (ed.), *Handbuch Banken-Restrukturierung*, Berlin: Erich Schmidt Verlag 2012, p. 11-25.
- Brouwer 1992:** P.W. Brouwer, 'Over coherentie in het recht', *Nederlands Tijdschrift voor Rechtsfilosofie & Rechtstheorie* 1992, no. 3, p. 178-192.
- Brouwer 1999:** P.W. Brouwer, 'Systematisering van recht', in: P.W. Brouwer et al. (eds.) *Drie dimensies van recht*, Den Haag: Boom Juridische Uitgevers 1999, p. 219-237.
- Brünckmans 2014:** C. Brünckmans, 'Die Unternehmensakquisition über einen Kapitalschnitt im Insolvenzplanverfahren', *Zeitschrift für Wirtschaftsrecht* 2014, no. 39, p. 1857-1866.
- Buckle & Thompson 2004:** M. Buckle & J. Thompson, *The UK financial system*, Manchester: Manchester University Press 2004.
- Buijn 1996:** F.K. Buijn, 'Splittings van rechtspersonen: Civielrechtelijke aspecten', in: F.K. Buijn et al., *Preadvoies van de Vereeniging 'Handelsrecht': Splittings van rechtspersonen*, Deventer: W.E.J. Tjeenk Willink 1996, p. 1-104.
- Burgess 1996:** R. Burgess, 'Assignment of debt – modification of mortgagor's rights', *Journal of Business Law* 1996, p. 247-253.
- Burkert & Cranshaw 2015:** M. Burkert & F.L. Cranshaw, '"Bail-in" – Gläubigerbeteiligung in einer Bankenkrise und die Behandlung von Treuhandverhältnissen', *Deutsche Zeitschrift für Wirtschafts- und Insolvenzrecht* 2015, no. 10, p. 443-463.
- Burrows 2013:** A. Burrows (ed.), *English Private Law*, Oxford: Oxford University Press 2013.
- Busanni 2000:** M. Busanni, '"Integrative' Comparative Law Enterprises and the Inner Stratification of Legal Systems', *European Review of Private Law* 2000, no. 1, p. 85-99.
- Busch 2009:** A. Busch, *Banking Regulation and Globalization*, New York: Oxford University Press 2009.
- Cahn & Kenadjian 2015:** 'Contingent Convertible Securities: From Theory to CRD IV', in: D. Busch & G. Ferrarini, *European Banking Union*, Oxford: Oxford University Press 2015, p. 217-278.

- Cahn et al. 2010:** A. Cahn, S. Simon & R. Theiselmann, 'Forderungen gegen die Gesellschaft als Sacheinlage? – Zum Erfordernis der Forderungsbewertung beim Debt-Equity Swap', Institute for Law and Finance Working Paper Series 2010, no. 117.
- Calomiris & Herring 2011:** C.W. Calomiris & R.J. Herring, 'Why and How to Design a Contingent Convertible Debt Requirement', 2011 (available at <https://ssrn.com/abstract=1815406>).
- Calomiris et al. 2012:** C.W. Calomiris et al., 'Seven ways to deal with a financial crisis: cross-country experience and policy implications', *Journal of Applied Corporate Finance* 2012, no. 4, p. 8-22.
- Campbell 2008:** A. Campbell, 'Bank Insolvency and the Problem of Non-Performing Loans', in: P.J. Omar (ed.), *International Insolvency Law: Themes and Perspectives*, Hampshire: Ashgate Publishing 2008, p. 211-235.
- Campbell 2011:** A. Campbell, 'Northern Rock, the financial crisis and the Special Resolution Regime', in: J. Gray & O. Akseli (eds.), *Financial Regulation in Crisis? The Role of Law and the Failure of Northern Rock*, Cheltenham/Northampton: Edward Elgar 2011, p. 39-55.
- Campbell & Cartwright 2002:** A. Campbell & P. Cartwright, *Banks in crisis. The legal response*, Aldershot: Ashgate Publishing 2002.
- Campbell & Lastra 2009:** A. Campbell & R.M. Lastra, 'Revisiting the Lender of Last Resort', *Banking & Finance Law Review* 2009, no. 3, p. 453-497.
- Campbell & Lastra 2011:** A. Campbell & R.M. Lastra, 'Definition of Bank Insolvency', in: R.M. Lastra (ed.), *Cross-border Bank Insolvency*, New York: Oxford University Press 2011, p. 26-56.
- Cappiello 2015:** S. Cappiello, 'The EBA and the Banking Union', *European Business Organization Law Review* 2015, no. 3, p. 421-437.
- Carter 2012:** E. Carter, 'Considering the continuity of payments for customers in a bank's recovery or resolution', *Bank of England Quarterly Bulletin* 2012, no. 2, p. 147-153.
- Caruso 1997:** D. Caruso, 'The Missing View of the Cathedral: The Private Law Paradigm of European Legal Integration', *European Law Journal* 1997, no. 1, p. 3-32.
- Cassese 2017:** S. Cassese, 'A new framework of administrative arrangements for the protection of individual rights', ECB Legal Conference 2017, 'Shaping a new legal order for Europe: a tale of crises and opportunities, December 2017', p. 239-255.
- Chan Ho 2009:** L. Chan Ho, 'A restatement of the English court's jurisdiction to sanction a scheme of arrangement', *Corporate Rescue and Insolvency* 2009, no. 3.
- Chan Ho 2011:** L. Chan Ho, 'Making and enforcing international schemes of arrangement', *Journal of International Banking Law and Regulation* 2011, no. 9, p. 434-443.
- Chan-Lau & Oura 2016:** J.A. Chan-Lau & H. Oura, 'Bail-in power, depositor preference, and asset encumbrance: the end of cheap senior unsecured debt? A structural pricing perspective', 2016 (available at <https://ssrn.com/abstract=2785992>).
- Chennells & Wingfield 2015:** L. Chennells & V. Wingfield, 'Bank failure and bail-in: an introduction', *Bank of England Quarterly Bulletin* 2015, no. 3, p. 228-241.
- Čihák & Nier 2012:** M. Čihák & E. Nier, 'The Need for Special Resolution Regimes for Financial Institutions – The Case of the European Union', *Harvard Business Law Review* 2012, no. 2, p. 395-434.
- Claessens, Herring & Schoenmaker 2010:** S. Claessens, R.J. Herring & D. Schoenmaker, 'A Safer World Financial System: Improving the Resolution of Systemic Institutions', Geneva Reports on the World Economy, International Center for Monetary and Banking Studies & Centre for Economic Policy Research 2010.
- Coffee 2010:** J.C. Coffee, 'Bail-ins versus bail-outs: using contingent capital to mitigate systemic risk', Columbia University School of Law, The Center for Law and Economic Studies Working Paper 2010, no. 380.
- Coljé 1988:** H. Coljé, *Het toezicht op banken in Nederland*, Amsterdam: Nederlands Instituut voor het Bank- en Effectenbedrijf 1988.
- Collins 1988:** M. Collins, *Money and banking in the UK: A history*, London: Croom Helm 1988.
- Collins 1995:** H. Collins, 'European Private Law and the Cultural Identity of States', *European Review of Private Law* 1995, no. 2, p. 353-365.
- Cork Report 1982:** Report of the Review Committee, 'Insolvency law and practice' (London: Her Majesty's Stationary Office 1982, Cmnd 8558).

- Cottrell 1994:** Ph.L. Cottrell, 'United Kingdom', in: M. Pohl & S. Freitag (eds.), *Handbook on the History of European Banks*, Aldershot: Edward Elgar 1994, p. 1137-1274.
- Cranston 2002:** R. Cranston, *Principles of Banking Law*, Oxford: Oxford University Press 2002.
- Cranston et al. 2017:** R. Cranston et al., *Principles of Banking Law*, Oxford: Oxford University Press 2017.
- Davies 2006:** P. Davies, 'Directors' creditor-regarding duties in respect of trading decisions in the vicinity of insolvency', *European Business Organization Law Review* 2006, no. 1, p. 301-337.
- Davies & Dobler 2011:** G. Davies & M. Dobler, 'Bank resolution and safeguarding the creditors left behind', *Bank of England Quarterly Bulletin* 2011, no. 3, p. 213-223.
- Davies & Worthington 2016:** P. Davies & S. Worthington, *Gower's Principles of Modern Company Law*, London: Sweet & Maxwell 2016.
- De Groen 2018:** W.P. de Groen, 'Valuation reports in the context of banking resolution: What are the challenges?', European Parliament, In-depth analysis requested by the ECON committee, Directorate-General for Internal Policies of the Union, PE 624.418, June 2018.
- De Kluiver 2006:** H.J. de Kluiver, 'Noodzaakfinanciering en de rol van de rechter', in: F.J.P. van der Ingh (eds.), *De financiering van de onderneming*, Deventer: Kluwer 2006, p. 31-49.
- De Leeuw 1996:** J. de Leeuw, *Financiële conglomeraten in Nederland*, Amsterdam: Nederlands Instituut voor het Bank- en Effectenbedrijf 1996.
- Demertzis, Merler & Wolff 2018:** M. Demertzis, S. Merler & G.B. Wolff, 'Capital Markets Union and the Fintech opportunity', *Journal of Financial Regulation* 4 (2018), p. 157-165.
- Derham 1991:** S.R. Derham, 'Set-off netting of foreign exchange contracts in the liquidation of a counterparty: part 2. netting', *Journal of Business Law* 1991, p. 536-561.
- Derham 2003:** S.R. Derham, *The law of set-off*, Oxford: Oxford University Press 2003.
- Derksen 2010:** S. Derksen, 'Het afhankelijke karakter van de bankhypotheek', *Weekblad voor Privaatrecht, Notariaat en Registratie* 2010/6862.
- Dermertzis & Lehmann 2017:** M. Demertzis & A. Lehmann, 'Tackling Europe's crisis legacy: a comprehensive strategy for bad loans and debt restructuring', *Bruegel Policy Contribution* April 2017, no. 11.
- Dermine 2002:** J. Dermine, 'European banking: past, present and future', Second ECB Central Banking Conference Frankfurt am main, October 2002 (available at https://www.ecb.europa.eu/events/pdf/conferences/dermine_comp.pdf).
- De Serière 2010:** V.P.G. de Serière, 'Mogelijkheden tot ingrijpen door De Nederlandsche Bank N.V. bij kredietinstellingen in de pre-insolventiefase', *Ondernemingsrecht* 2010/15, no. 2.
- De Serière 2012:** V.P.G. de Serière, *Als de (stille?) noodklok luidt ... overheidsingrijpen in privaatrechtelijke verhoudingen ten behoeve van stabiliteit in de financiële sector*, Deventer: Kluwer 2012.
- De Serière 2014:** V.P.G. de Serière, 'Bail in: some fundamental questions', in: M. Haentjens & B. Wessels (eds.), *Bank Recovery and Resolution, A Conference Book*, Den Haag: Boom Juridische uitgevers 2014, p. 153-179.
- Deslandes & Magnus 2018:** J. Deslandes & M. Magnus, 'Further harmonising EU insolvency law from a banking resolution perspective?', European Parliament Briefing, Economic Governance Support Unit, PE 614.514, April 2018.
- Desmet 1987:** J. Desmet, 'The Structure of Law from a Legislative Point of View', in: A. Frändberg & M. Hoecke (eds.), *The Structure of Law*, Uppsala: Iustus Förlag 1987, p. 115-139.
- De Swaan 1994:** T. de Swaan, 'Prudential Supervision: a central bank function?', in: A. Bakker et al. (eds.), *Monetary Stability through International Cooperation: Essays in Honour of André Szász*, Dordrecht: Kluwer 1994, p. 323-338.
- De Vries:** J. de Vries, 'The Netherlands', in: M. Pohl & S. Freitag (eds.), *Handbook on the History of European Banks*, Aldershot: Edward Elgar 1994, p. 719-790.
- De Weijs 2012:** R.J. de Weijs, 'Harmonisation of European insolvency law and the need to tackle two common problems: common pool and anticommons', *International Insolvency Review* 2012, no. 2, p. 67-83.
- De Weijs 2013:** R.J. de Weijs, 'Too Big to Fail as a Game of Chicken with the State: What Insolvency Law Theory Has to Say About TBTF and Vice Versa', *European Business Organization Law Review* 2013, no. 2, p. 201-224.

- Diamant 2015:** J. Diamant, *De collateral richtlijn: Een rechtsvergelijkende studie naar de implementatie van de goederenrechtelijke aspecten van de collateral richtlijn*, Deventer: Wolters Kluwer 2015.
- Diamant & Kaptein 2011:** J. Diamant & F.J.L. Kaptein, 'Pionieren in de nieuwe noodregeling', *Tijdschrift voor Insolventierecht* 2011/34, p. 199-208.
- Diamond & Dybvig 1983:** D.W. Diamond & P.H. Dybvig, 'Bank Runs, Deposit Insurance, and Liquidity', *The Journal of Political Economy* 1983, no. 3, p. 401-419.
- Diamond & Rajan 2000:** D.W. Diamond & R.G. Rajan, 'A Theory of Bank Capital', *The Journal of Finance* 2000, no. 6, p. 2431-2465.
- Dietrich & Vollmer 2012:** D. Dietrich & U. Vollmer, 'Are universal banks bad for financial stability? Germany during the world financial crisis', *The Quarterly Review of Economics and Finance* 2012, no. 2, p. 123-134.
- Dombret 2012:** A. Dombret, 'Are banks different – do we need special rules for bank resolution?', in: P.S. Kenadjan (ed.), *Too Big To Fail – Brauchen wir ein Sonderinsolvenzrecht für Banken?*, Berlin/Boston: Walter de Gruyter 2012, p. 27-34
- Doorman 2010:** A. Doorman, commentary to Amsterdam Court of Appeal (Enterprise Chamber) 31 December 2009, ECLI:NL:GHAMS:2009:BL3680, *Jurisprudentie Onderneming & Recht* 2010/60, no. 3.
- Drobnig, Snijders & Zippo 2006:** U. Drobnig, H.J. Snijders & E.-J. Zippo, *Divergences of property law: an obstacle to the internal market?*, Munchen: Sellier 2006.
- Drouwen 2009:** R. Drouwen, 'Neue Wege: "Reverse Debt-to-Equity-Swap"', *Zeitschrift für Wirtschaftsrecht* 2009, no. 22, p. 1052-1053.
- Dworkin 1977:** R. Dworkin, *Takings rights seriously*, Cambridge: Harvard University Press 1977.
- Dworkin 1986:** R. Dworkin, *Law's Empire*, Cambridge: Harvard University Press 1986.
- Eidenmüller 1999:** Eidenmüller, *Unternehmenssanierung zwischen Markt und Gesetz*, Köln: Verlag Dr. Otto Schmidt 1999.
- Eidenmüller 2006:** H. Eidenmüller, 'Trading in Times of Crisis: Formal Insolvency Proceedings, Workouts and the Incentives for Shareholders/Managers', *European Business Organization Law Review* 2006, no. 1, p. 239-258.
- Eidenmüller 2017:** H. Eidenmüller, 'Contracting for a European insolvency regime', *European Business Organization Law Review* 2017, no. 2, p. 273-304.
- Eidenmüller 2018:** H. Eidenmüller, 'Comparative corporate insolvency law', in: J. Gordon & W.-G. Ringe, *The Oxford Handbook of Corporate Law and Governance*, Oxford: Oxford University Press 2018, chapter 38.
- Eidenmüller & Engert 2009:** H. Eidenmüller & A. Engert, 'Reformperspektiven einer Umwandlung von Fremd- in Eigenkapital (Debt-Equity Swap) im Insolvenzplanverfahren', *Zeitschrift für Wirtschaftsrecht* 2009, no. 12, p. 541-554.
- Eidenmüller & Van Zwieten 2015:** H. Eidenmüller & K. van Zwieten, 'Restructuring the European Business Enterprise: The EU Commission Recommendation on a New Approach to Business Failure and Insolvency', *European Business Organization Law Review* 2015, no. 4, p. 625-667.
- Ekkenga 2009:** J. Ekkenga, 'Sachkapitalerhöhung gegen Schuldbefreiung', *Zeitschrift für Unternehmens- und Gesellschaftsrecht* 2009, no. 4, p. 581-622.
- Engelbach & Friedrich 2015:** Die Umsetzung der BRRD in Deutschland, *WM – Zeitschrift für Wirtschafts- und Bankrecht* 2015, no. 14, p. 662-671.
- Erasmus 1976:** W.P. Erasmus, *Bevoorrchte vorderingen: Preferenties naar geldend en wordend recht*, Zwolle: Tjeenk Willink 1976.
- Faber 2005:** N.E.D. Faber, *Verrekening*, Deventer: Kluwer 2005.
- Faber & Vermunt 2016:** N.E.D. Faber & N. Vermunt, 'National Report for the Netherlands', in: D. Faber et al. (eds.), *Ranking and priority of creditors*, Oxford: Oxford University Press 2016, chapter 12.
- Faber et al. 2016:** N.E.D. Faber et al. (eds.), *Ranking and priority of creditors*, Oxford: Oxford University Press 2016.
- Fedtke 2012:** J. Fedtke, 'Legal transplants', in: J. Smits (ed.), *Elgar Encyclopedia of Comparative Law*, Cheltenham/Northampton: Edward Elgar 2012, p. 550-554.

- Fennell 2011:** L.A. Fennell, 'Commons, anticommons, semicommons', in: K. Ayotte & H.E. Smith, *Research handbook on the economics of property law*, Cheltenham/Northampton: Edward Elgar 2011, p. 35-56.
- Ferran 2016:** E. Ferran, 'The existential search of the European Banking Authority', *European Business Organizational Law Review* 2016, no. 3, p. 285-317.
- Finch 2008:** V. Finch, 'Corporate rescue in a world of debt', *Journal of Business Law* 2008, no. 8, p. 756-777.
- Finch 2010:** V. Finch, 'Corporate rescue processes: the search for quality and the capacity to resolve', *Journal of Business Law* 2010, no. 6, p. 502-521.
- Finch 2011:** V. Finch, 'Pre-packaged administration and the construction of property', *Journal of Corporate Law Studies* 2011, no. 1, p. 1-31.
- Finch & Milman 2017:** V. Finch & D. Milman, *Corporate insolvency law. Perspectives and principles*, Cambridge: Cambridge University Press 2017.
- Flandrean & Ugolini 2011:** M. Flandreau & S. Ugolini, 'Where it all began: lending of last resort and the Bank of England during the Overend-Gurney panic of 1866', *Norges Bank Working Paper* 2011, no. 3.
- Flannery 2010:** M.J. Flannery, 'Market Discipline in Bank Supervision', in: A.N. Berger, P. Molyneux & J.O.S. Wilson (eds.), *The Oxford Handbook of Banking*, Oxford: Oxford University Press 2010, p. 377-404.
- Flessner 2003:** A. Flessner, 'National report for Germany', in: W.W. McBryde, A. Flessner & S.C.J.J. Kortmann (eds.), *Principles of European Insolvency Law*, Deventer: Kluwer Legal Publishers 2003, p. 307-372.
- Fletcher 2007:** I.F. Fletcher, *Insolvency in Private International Law*, Oxford: Oxford University Press 2007.
- Fletcher 2017:** I.F. Fletcher, *The law of insolvency*, London: Sweet & Maxwell 2017.
- Fletcher & Wessels 2012:** I. Fletcher & B. Wessels, *Harmonisation of Insolvency Law in Europe*, Deventer: Kluwer 2012.
- Fliet & Verstijlen 2018:** J.F. Fliet & F.M.J. Verstijlen, 'De eerste stappen voorbij Estro', *Tijdschrift voor Insolventierecht* 2018/7.
- Fonteyne et al. 2010:** W. Fonteyne et al., 'Crisis Management and Resolution for a European Banking System', IMF Working Paper March 2010, WP/10/70.
- Franke, Krahnert & Von Lüpke 2014:** G. Franke, J. Krahnert & T. von Lüpke, 'Effective Resolution of Banks, problems and solutions', *Zeitschrift für Vergleichende Rechtswissenschaft* 2014, no. 4, p. 556-569.
- Friedmann 1967:** W. Friedmann, *Legal Theory*, London: Stevens & Sons 1967.
- Frisby 2004:** S. Frisby, 'In Search of a Rescue Regime: The Enterprise Act 2002', *Modern Law Review* 2004, no. 2, p. 247-272.
- Froitzheim et al. 2006:** R. Froitzheim et al., *Non performing loans (NPL) in Deutschland*, Köln: Bank Verlag 2006.
- Fuchs 2013:** F. Fuchs, *Close-out Netting, Collateral und systemisches Risiko*, Tübingen: Mohr Siebeck 2013.
- Fuller 1964:** L.L. Fuller, *The morality of the law*, New Haven/London: Yale University Press 1964.
- Galanti 2002:** E. Galanti, 'The New EC Law on Bank Crisis', *International Insolvency Review* 2002, no. 1, p. 49-66.
- Gandrud & Hallerberg 2017:** Ch. Gandrud & M. Hallerberg, 'How not to create zombie banks: lessons for Italy from Japan', Bruegel Policy Contribution March 2017, no. 6.
- Garcia, Lastra & Nieto 2009:** G.G.H. Garcia, R.M. Lastra & M.J. Nieto, 'Bankruptcy and reorganization procedures for cross-border banks in the EU: Towards an integrated approach to the reform of the EU safety net', *Journal of Financial Regulation and Compliance* 2009, no. 3, p. 240-276 (available as LSE Financial Markets Group Paper Series 2009, no. 186).
- Garcimartín & M.I. Saez 2015:** F. Garcimartín & M.I. Saez, 'Set-off, netting and close-out netting' in: M. Haentjens & B. Wessels, *Research Handbook on Crisis Management in the Banking Sector*, Cheltenham/Northampton: Edward Elgar 2015, p. 331-344.
- Gardella 2015:** A. Gardella, 'Bail-in and the financing of the SRM', in: D. Busch & G. Ferrarini, *European Banking Union*, Oxford: Oxford University Press 2015, p. 373-407.

- Gardener 1986:** E.P.M. Gardener, 'Supervision in the United Kingdom', in: E.P.M. Gardener (eds.), *UK Banking Supervision: Evolution, Practice and Issues*, London: Allen & Unwin 1986, p. 70-84.
- Garrido 1995:** J.M. Garrido, 'The distributional question in insolvency: Comparative aspects', *International Insolvency Review* 1995, no. 1, p. 25-53.
- George 1997:** E.A.J. George, 'Are Banks still special?', in: C. Enoch & J.H. Green (eds.), *Banking Soundness and Monetary Policy: Issues and Experiences in the Global Economy*, Washington: International Monetary Fund 1997, p. 251-262.
- Geskes & De Vries 2006:** R. Geskes & H.B. de Vries, 'De 'stille curator'', *Tijdschrift voor Compliance* 2006, no. 2, p. 25-30.
- Gläser 1999:** A. Gläser, 'Prudential Supervision of Banks in Germany and in the European Economic Area', in: N. Horn (eds.), *German Banking Law and Practice in International Perspective*, Berlin & New York: De Gruyter 1999, p. 37-58.
- Gleeson 2012:** S. Gleeson, 'Legal aspects of bank bail-ins', LSE Financial Markets Group Paper Series 2012, no. 205.
- Gleeson & Guynn 2016:** S. Gleeson & R. Guynn, *Bank Resolution and Crisis Management. Law and Practice*, Oxford: Oxford University Press 2016.
- Goode 2011:** R. Goode, *Principles of Corporate Insolvency Law*, London: Sweet & Maxwell 2011.
- Goodhart 2018:** C.A.E. Goodhart, 'The Bank of England', 1694-2017', in: R. Edvinsson, T. Jacobson & D. Waldenström (eds.), *Sveriges Riskbank and the history of Central Banking*, Cambridge: Cambridge University Press 2018, p. 143-171.
- Goodhart & Schoenmaker 2009:** Ch. Goodhart & D. Schoenmaker, 'Fiscal burden sharing in cross border banking crises', *International Journal of Central Banking* 2009, no. 1, p. 141-165.
- Gordon & Ringe 2015:** J.N. Gordon & W.-G. Ringe, 'Bank resolution in the European Banking union, a transatlantic perspective on what it would take', *Columbia Law Review* 2015, no. 5, p. 1297-1369.
- Gordon & Roe 2017:** J.N. Gordon & M.J. Roe, 'Financial Scholars Oppose Eliminating 'Orderly Liquidation Authority' as Crisis-Avoidance Restructuring Backstop', May 2017 (available at <https://ssrn.com/abstract=2979546>).
- Grabau & Hundt 2003:** F-R. Grabau & I. Hundt, 'Die Sicherheit von Bankguthaben bei Zahlungsunfähigkeit inländischer Kreditinstitute', *Deutsche Zeitschrift für Wirtschafts- und Insolvenzrecht* 2003, no. 7, p. 275-282.
- Gracie 2014:** A. Gracie et al., 'The Bank of England's approach to resolving failed institutions', *Bank of England Quarterly Bulletin* 2014, no. 4, p. 409-418.
- Grapperhaus 2008:** F.B.J. Grapperhaus, 'Zin en onzin van de doorstart', in: A.A.M. Deterink et al. (eds.), *Doorstart*, Deventer: Kluwer 2008, p. 99-109.
- Group of Thirty 1998:** Group of Thirty, *International insolvencies in the financial sector*, Washington DC: Group of Thirty 1998.
- Grundmann-van de Krol 2012:** C.M. Grundmann-van de Krol, *Koersen door de Wet op het financieel toezicht*, Den Haag: Boom Juridische uitgeverij 2012.
- Grünwald 2014:** S.N. Grünwald, *The Resolution of Cross-Border Banking Crises in the European Union: A Legal Study from the Perspective of Burden Sharing*, Alphen aan den Rijn: Kluwer Law International 2014.
- Grünwald 2017:** S.N. Grünwald, 'Legal Challenges of bail-in', ECB Legal Conference 2017, 'Shaping a new legal order for Europe: a tale of crises and opportunities', December 2017, p. 287-310.
- Gullifer 2013:** L. Gullifer (ed.), *Goode on legal problems of credit and security*, London: Sweet & Maxwell 2013.
- Günther 2012:** M. Günther, *Bad banks: Die Bewältigung systemischer Finanzkrisen durch Errichtung staatlicher Abwicklungsanstalten*, Baden-Baden: Nomos 2012.
- Gup 1998:** B.E. Gup, *Bank failures in the major trading countries in the world: Causes and Remedies*, Westport/London: Quorum Books 1998.
- Hadjiemmanuil 1996:** Ch. Hadjiemmanuil, *Banking Regulation and the Bank of England*, London: Lloyds of London Press 1996.
- Hadjiemmanuil 2004:** Ch. Hadjiemmanuil, 'Bank Resolution Policy and the Organization of Bank Insolvency Proceedings: Critical Dilemmas', in: D.G. Mayes & A. Liuksila (eds.), *Who Pays for Bank Insolvency?*, Hampshire/New York: Palgrave Macmillan 2004, p. 272-330.

- Hadjiemmanuil 2015:** Ch. Hadjiemmanuil, 'Bank stakeholders' mandatory contribution to resolution financing: principle and ambiguities of bail-in', ECB Legal Conference 2015, 'From Monetary Union to Banking Union, on the way to Capital Markets Union, New opportunities for European integration', September 2015, p. 225-248.
- Haentjens 2007:** M. Haentjens, *Harmonisation of Securities Law: Custody and Transfer of Securities in European Private Law*, Alphen aan den Rijn: Kluwer Law International 2007.
- Haentjens 2013:** M. Haentjens, 'What Happens when a Systemically Important Financial Institution Fails: Some Company Law Observations re. SNS Reaal', *European Company Law Journal* 2013, no. 2, p. 70-74.
- Haentjens 2014a:** M. Haentjens, *De autonomie van de alchemist*, Den Haag: Boom Juridische Uitgevers 2014.
- Haentjens 2014b:** M. Haentjens, 'National Insolvency Law in International Bank Insolvencies', in: B. Santen & D. van Offeren (eds.), *Perspectives on international insolvency law: A tribute to Bob Wessels*, Deventer: Kluwer 2014, p. 69-83.
- Haentjens 2016:** M. Haentjens, 'The Changing Role of the Judiciary in Insolvency: The Case of Bank Resolution', in: R. Parry & P.J. Omar (eds.), *Banking and Financial Insolvencies: The European Regulatory Framework*, Nottingham/Paris: INSOL Europe 2016, p. 13-32.
- Haentjens 2017:** M. Haentjens, 'TV Selected commentary on the Bank Recovery and Resolution Directive', in: G. Moss, B. Wessels & M. Haentjens (eds.), *EU Banking and Insurance Insolvency*, Oxford: Oxford University Press 2017, chapters 5-9.
- Haentjens, Janssen & Wessels 2017:** M. Haentjens, L.G.A. Janssen & B. Wessels, *New Bank Insolvency Law for China and Europe. Volume 2: European Union*, The Hague: Eleven International Publishing 2017.
- Häfele 2013:** B. Häfele, *Die Treuepflicht der Aktionäre bei der vorinsolvenzlichen Sanierung durch einen Debt Equity Swap*, Baden-Baden: Nomos Verlagsgesellschaft 2013.
- Hall 1999:** M.J.B. Hall, *Handbook of Banking Regulation and Supervision in the United Kingdom*, Cheltenham/Northampton: Edward Elgar Publishing 1999.
- Hart 2000:** O. Hart, 'Different approaches to bankruptcy', Harvard Institute of Economic Research Discussion Paper September 2000, no. 1903 (available at <https://ssrn.com/abstract=241066>).
- Hartkamp 2012:** A. Hartkamp, *European law and national private law: Effect of EU law and European human rights law on legal relationships between individuals*, Deventer: Kluwer 2012.
- Häsemeyer 2003:** L. Häsemeyer, *Insolvenzrecht*, Köln/Berlin/Bonn/München: Heymanns 2003.
- Havu 2012:** K. Havu, 'Quasi-coherence by Harmonisation of EU Competition Law-related Damages Actions?', in: J.M. Smits & P. Letto-Vanamo (eds.), *Coherence and Fragmentation in European Private Law*, Munich: Sellier European Law Publishers 2012, p. 25-42.
- Heller 1998:** M.A. Heller, 'The Tragedy of the Anticommons: Property in the Transition from Marx to Markets', *Harvard Law Review* 1998, no. 3, p. 622-688.
- Hellwig 2012:** M. Hellwig, 'The Problem of Bank Resolution Remains Unsolved: A Critique of the German Bank Restructuring Law', in: P.S. Kenadjian (ed.), *Too Big To Fail – Brauchen wir ein Sonderinsolvenzrecht für Banken?*, Berlin/Boston: Walter de Gruyter 2012, p. 35-62.
- Herring 2003:** R.J. Herring, 'International financial conglomerates: implications for bank insolvency regimes', Wharton School, University of Pennsylvania, May 2003 (available at <https://www.hoover.org/sites/default/files/paper-herring.pdf>).
- Herring 2011:** R.J. Herring, 'The Central Role of Resolution Policy in Dealing with Systemically Important Financial Institutions', IADI Research Conference research paper May 2011.
- Hesselink 2001:** M.W. Hesselink, *The new European legal culture*, Deventer: Kluwer 2001.
- Hesselink 2002a:** M. Hesselink, 'The Structure of the New European Private Law', in: E.H. Hondius & C. Joustra (eds.), *Netherlands Reports to the Sixteenth International Congress of Comparative Law*, Antwerp/Oxford/New York: Intersentia 2002, p. 7-23.
- Hesselink 2002b:** M.W. Hesselink, 'The Politics of European Contract Law: Who Has an Interest in What Kind of Contract Law for Europe?', in: S. Grundman & J. Stuyck (eds.), *An academic green paper on European contract law*, The Hague/London/New York: Kluwer Law International 2002, p. 181-191.
- Hesselink 2004:** M.W. Hesselink, 'The European Commission's Action Plan: Towards a More Coherent European Contract Law?', *European Review of Private Law* 2004, no. 4, p. 397-419.

- Hesselink 2006:** M.W. Hesselink, 'The Ideal of Codification and the Dynamics of Europeanisation: The Dutch Experience', *European Law Journal* 2006, no. 3, p. 279-305.
- Hoebal & Wiercx 2013:** A.D.S. Hoebal & J.J.A. Wiercx, 'Bail-in: over de (wettelijke) beperking van rechten van crediteuren', *Maandblad voor Vermogensrecht* 2013, no. 10, p. 269-278.
- Hoekstra & Frijns 2014:** R.J. Hoekstra & J. Frijns, *Het rapport van de evaluatiecommissie nationalisatie SNS REAAL*, Amsterdam: Uitgeverij Balans 2014 (Annex to *Kamerstukken II* 2013/14, 33532, no. 32).
- Hogan 1996:** A. Hogan, 'Banks and administration', *Insolvency Law & Practice* 1996, no. 3, p. 90-93.
- Höher 2012:** G. Höher, 'Das Reorganisationsverfahren', in: F.A. Brogl (ed.), *Handbuch Banken-Restrukturierung*, Berlin: Erich Schmidt Verlag 2012, p. 151-199.
- Hopt, Kumpan & Steffek 2009:** K.J. Hopt, C. Kumpan & F. Steffek, 'Preventing Bank Insolvencies in the Financial Crisis: the German Financial Market Stabilisation Acts', *European Business Organization Law Review* 2009, no. 4, p. 515-554.
- Huber 1998:** H. Huber, 'Bankkrisen und neues Insolvenzrecht: Ein Beitrag zum "Sonderinsolvenzrecht" des Kreditwesengesetz', *Zeitschrift für Bankrecht und Bankwirtschaft* 1998, no. 3, p. 193-199.
- Hübner & Leunert 2015:** L. Hübner & S. Leunert, 'Sanierung und Abwicklung von Banken nach SAG und SRM-VO', *Zeitschrift für Wirtschaftsrecht* 2015, no. 47, p. 2259-2265.
- Huertas 2012:** Th. F. Huertas, 'Resolution Requires Reform', in: P.S. Kenadjian (ed.), *Too Big To Fail – Brauchen wir ein Sonderinsolvenzrecht für Banken?*, Berlin/Boston: Walter de Gruyter 2012, p. 63-86.
- Huertas 2013:** Th.F. Huertas, 'The Case for Bail-ins', in: Dombret & P.S. Kenadjian (ed.), *The Bank Recovery and Resolution Directive. Europe's solution for "Too Big To Fail"?*, Berlin/Boston: Walter de Gruyter 2013, p. 167-188.
- Huertas 2014:** T.F. Huertas, *Safe to fail*, Hampshire/New York: Palgrave Macmillan 2014.
- Huertas 2016:** T.F. Huertas, 'European Bank Resolution: Making it Work!', Interim Report of the CEPS Task Force on Implementing Financial Sector Resolution, January 2016.
- HüfferKomm-AktG/Koch 2016:** J. Koch, *Hüffer Aktiengesetz*, München: Verlag C.H. Beck 2016.
- Hüfner 2010:** F. Hüfner, 'The German Banking System: Lessons from the Financial crisis', OECD Economics Department Working Papers 2010, no. 788.
- Hummelen 2016:** J. Hummelen, *Distress Dynamics in bankruptcy*, The Hague: Eleven International Publishing 2016.
- Hüpkens 2000:** E.H.G. Hüpkens, *The Legal Aspects of Bank Insolvency: A Comparative Analysis of Western Europe, the United States and Canada*, The Hague: Kluwer Law International 2000.
- Hüpkens 2005:** E.H.G. Hüpkens, 'Insolvency – why a special regime for banks?', in: International Monetary Fund (ed.), *Current Developments in Monetary and Financial Law*, Washington: International Monetary Fund 2005, p. 471-513.
- Hüpkens 2010:** E.H.G. Hüpkens, 'Rivalry in Resolution: How to reconcile local responsibilities and global interests?', *European Company and Financial Law Review* 2010, no. 2, p. 216-239.
- Hüpkens 2011:** E.H.G. Hüpkens, 'Allocating Costs of Failure Resolution', in: R.M. Lastra (ed.), *Cross-border Bank Insolvency*, Oxford: Oxford University Press 2011, p. 104-127.
- Hüpkens 2015:** E.H.G. Hüpkens, 'Revolution in resolution: loss-absorption, recapitalisation and restructuring of distressed banks', *Butterworths Journal of International Banking and Financial Law* 2015, no. 1, p. 34-37.
- Huydecoper 2007:** J.L.R.A. Huydecoper, 'Andere zwaarwegende belangen', in: M.L.S. Kalf et al. (eds.), *De integere curator*, Deventer: Kluwer 2007, p. 1-12.
- Jackson 1982:** T.H. Jackson, 'Bankruptcy, non-bankruptcy entitlements, and the creditors' bargain', *Yale Law Review* 1982, no. 5, p. 857-907.
- Jackson 1986:** T.H. Jackson, *The Logic and Limits of Bankruptcy Law*, Cambridge MA: Harvard University Press, 1986.
- Jackson 2010:** T.H. Jackson, 'Chapter 11F: a proposal for the use of bankruptcy to resolve financial institutions', in: K.E. Scott, G.P. Shultz & J.B. Taylor (eds.), *Ending government bailouts as we know them*, Stanford: Hoover Institution Press 2010, p. 217-251.
- Jackson & Skeel 2012:** T.H. Jackson & D.A. Skeel, 'Dynamic Resolution of Large Financial Institutions', *Harvard Business Law Review* 2012, no. 2, p. 435-460.

- JaegerKomm-InsO/Henckel 2004:** W. Henckel in: W. Henckel & W. Gerhardt (eds.), *Jaeger Insolvenzordnung Grosskommentar*, Berlin: De Gruyter 2004.
- Janssen 2017:** L.G.A. Janssen, 'Bail-in from an insolvency law perspective', *Norton Journal of Bankruptcy Law and Practice* 2017, no. 5, p. 457-505.
- Janssen 2018a:** L.G.A. Janssen, 'EU bank resolution rules and national insolvency law', in: M. Haentjens & B. Wessels (eds.), *Research Handbook on Cross-Border Bank Recovery and Resolution*, Cheltenham/Northampton: Edward Elgar Publishing 2018.
- Janssen 2018b:** L.G.A. Janssen, 'Bail-in from an insolvency law perspective', *Journal of International Banking Law and Regulation* 2018, no. 1, p. 1-23.
- Janssen & Tegelaar 2016:** L.G.A. Janssen & J.T. Tegelaar, 'How to compensate expropriated investors? The case of SNS Reaal', *Journal of International Banking Law and Regulation* 2016, no. 3, p. 162-166.
- Joerges 1997:** C. Joerges, 'The Impact of European Integration on Private Law: Reductionist Perceptions, True Conflicts and a New Constitutional Perspective', *European Law Journal* 1997, no. 4, p. 378-406.
- Jonker 1975:** A.W. Jonker, 'Het nieuwe ontwerp van Wet toezicht kredietwezen', *Bank- en Effectenbedrijf* 1975/183, p. 417-426.
- Joosen 1998:** E.P.M. Joosen, *Overdracht van ondernemingen uit faillissement*, Deventer: W.E.J. Tjeenk Willink 1998.
- Joosen 2015:** E.P.M. Joosen, 'Regulatory capital requirements and bail in mechanisms', in: M. Haentjens & B. Wessels, *Research Handbook on Crisis Management in the Banking Sector*, Cheltenham/Northampton: Edward Elgar 2015, p. 175-235.
- Kahlert & Gehrke 2013:** G. Kahlert & H.D. Gehrke, 'ESUG macht es möglich: Ausgliederung statt Asset Deal im Insolvenzplanverfahren', *Das deutsche Steuerrecht* 2013, p. 975-981.
- Kamlah 1996:** K. Kamlah, 'The new German Insolvency Act: Insolvenzordnung', *American Bankruptcy Law Journal* 1996, no. 4, p. 147-435.
- Karpenstein 2009:** U. Karpenstein, 'Aller guten Dinge sind drei? – Rechtsprobleme der drei "Bad Bank-Modelle"', *Zeitschrift für Bankrecht und Bankwirtschaft* 2009, no. 6, p. 413-468.
- Kastelein 2014:** G.W. Kastelein, *De bankenunie en vertrouwen in een goede afwikkeling. Preadioes voor de Vereniging voor Financieel Recht*, Deventer: Kluwer 2014.
- Keijser 2006:** T.R.M.P. Keijser, *Financial collateral arrangements*, Deventer: Kluwer 2006.
- Kelley 1997:** E.W. Kelley, 'Comment', in: C. Enoch & J.H. Green (eds.), *Banking Soundness and Monetary Policy: Issues and Experiences in the Global Economy*, Washington: International Monetary Fund 1997, p. 263-268.
- Kenadjian 2013:** P.S. Kenadjian, 'CoCos and Bail-ins', in: A. Dombret & P.S. Kenadjian (ed.), *The Bank Recovery and Resolution Directive. Europe's solution for "Too Big To Fail"?*, Berlin/Boston: Walter de Gruyter 2013, p. 229-257.
- Kennedy 1976:** D. Kennedy, 'Form and Substance in Private Law Adjudication', *Harvard Law Review* 1976, no. 8, p. 1685-1778.
- Kennedy 2002:** D. Kennedy, 'The political stakes in 'merely technical' issues of contract law', *European Review of Private Law* 2002, no. 1, p. 7-28.
- Kershaw 2016:** D. Kershaw, *Principles of takeover regulation*, Oxford: Oxford University Press 2016.
- Kerstholt 1982:** A.N.J. Kerstholt, 'De Wet toezicht kredietwezen ... 1978', *Tijdschrift voor Europees en economisch recht* 1982, no. 1, p. 31-48.
- King 1936:** W.T.C. King, *History of the London discount market*, London: George Routledge & Sons 1936.
- Kirshner 2015:** J.A. Kirshner, 'The Bankruptcy Safe Harbor in Light of Government Bailouts: Reifying the Significance of Bankruptcy as a Backstop to Financial Risk', *N.Y.U. Journal of Legislation & Public Policy* 2015, no. 4, p. 795-836.
- Kleindiek 2012:** D. Kleindiek, 'Debt-Equity-Swap im Insolvenzplanverfahren', in: B. Erle et al. (eds.), *Festschrift für Peter Hommelhoff zum 70. Geburtstag*, Köln: Verlag Dr. Otto Schmidt 2012, p. 543-563.
- Klompé & Van der Vossen 1990:** M.E.J. Klompé & J.W.J.M. van der Vossen, 'Zestig jaar bankentoezicht: van vrijwillige samenwerking tot Tweede Bankenrichtlijn', *De Naamloze Venootschap* 1990, no. 11/12, p. 262-267.

- Kodek 2014:** G.E. Kodek, 'Der insolvenzrechtliche Gleichbehandlungsgrundsatz in vergleichender Perspektive – eine Skizze', *KTS Zeitschrift für Insolvenzrecht* 2014, no. 3, p. 215-255.
- Kornberg & Paterson 2016:** A. Kornberg & S. Paterson, 'Corporate debt restructuring', in: R. Olivares-Caminal et al., *Debt restructuring*, Oxford: Oxford University Press 2016, Part I.
- Kortmann & Faber 2016a:** S.C.J.J. Kortmann & N.E.D. Faber (eds.), *Geschiedenis van de Faillissementswet, Heruitgave Van der Feltz I*, Deventer: Kluwer 2016.
- Kortmann & Faber 2016b:** S.C.J.J. Kortmann & N.E.D. Faber (eds.), *Geschiedenis van de Faillissementswet, Heruitgave Van der Feltz II*, Deventer: Kluwer 2016.
- Krahen & Morretti 2015:** J.P. Krahen & L. Morretti, 'Bail-in clauses', in: E. Faia et al. (eds.), *Financial regulation: a transatlantic perspective*, Cambridge: Cambridge University Press 2015, p. 125-149.
- Kress 2010:** K. Kress, 'Coherence', in: S. Patterson (ed.) *A Companion to Philosophy of Law and Legal Theory*, Blackwell Publishing, 2010, p. 521-538.
- Kresse & Eckard 2012:** B. Kresse & B. Eckard, in: B. Dauner-Lieb & W. Langen, *BGB Schuldrecht*, Baden-Baden: Nomos 2012.
- Krimminger 2011:** M. Krimminger, 'Ending Too Big To Fail', in: R.M. Lastra (ed.), *Cross-border Bank Insolvency*, New York: Oxford University Press 2011, p. 281-314.
- Krimminger & Nieto 2015:** M. Krimminger & M.J. Nieto, 'Closing financial institutions on both sides of the Atlantic, Are there differences in approach?', CEPS Commentary 25 February 2015.
- Kvarnstroem & Ortwein 2006:** J.E. Kvarnstroem & B. Ortwein, 'Der Einsatz des Good Bank-/Bad Bank-Modells. Eine Erfolgsstrategie bei der Restrukturierung der Dresdner Bank', in: Hommel et al. (eds.), *Handbuch Unternehmensrestrukturierung, Grundlagen, Konzepte, Massnahmen*, Wiesbaden: Gabler Verlag 2006, p. 1449-1471.
- KuhnKomm-KO/Uhlenbruck 1994:** W. Uhlenbruck, *Kuhn Kommentar Konkursordnung*, München: Verlag Franz Vahlen 1994.
- Kuipers 2014:** J.J. Kuipers, 'The Competence of the European Union in Private Law', in: A.S. Hartkamp et al. (eds.), *The Influence of EU Law on National Private Law*, Deventer: Kluwer 2014, p. 159-185.
- Künnecke 2008:** M. Künnecke, 'Divergence and the *Francoovich* remedy in German and English courts', in: S. Prechal & B. van Roermund, *The coherence of EU law: the search for unity in divergent concepts*, Oxford: Oxford University Press 2008, p. 233-253.
- Kynaston 2012:** D. Kynaston, *City of London: The history*, London: Vintage Books 2012 (edited by D. Milner).
- LaBrosse 2009:** J.R. LaBrosse, 'International Experience and Policy Issues in the Growing Use of Bridge Banks', in: J.R. LaBrosse et al. (eds.), *Financial crisis management and bank resolution*, London: Informa 2009, p. 217-235.
- Laeven & Valencia 2008:** L. Laeven & F. Valencia, 'Systemic banking crises: A new database', IMF Working Paper November 2008, WP/08/224.
- Laier 2009:** M. Laier, '"Bad Banks" – Neue Entlastungsmöglichkeiten für den Finanzsektor', *Gesellschafts- und Wirtschaftsrecht* 2009, p. 435-438.
- Langer & Sauter 2017:** J. Langer & W. Sauter, 'The consistency requirement in EU law', *Columbia Journal of European Law* 2017, no. 1, p. 39-73.
- Lastra 2008:** R. Lastra, 'Northern Rock: UK bank insolvency and cross-border bank insolvency', *Journal of Banking Regulation* 2008, no. 3, p. 165-186.
- Lastra, Olivares-Caminal & Russo 2017:** R.M. Lastra, R. Olivares-Caminal & C.A. Russo, 'The Provision of Critical Functions at Global, National and Regional Level—Is there a need for further legal/regulatory clarification if liquidation is the default option for failing banks?', In-depth analysis requested by the ECON committee, European Parliament, November 2017.
- Laukemann 2013:** B. Laukemann, 'Structural aspects of harmonization in European insolvency law', in: J.F. Vandrooghenbroeck (ed.), *Le temps et le droit. Hommage au professeur Closset-Marchal*, Brussels: Bruylant 2013, p. 383-394.
- Leckow, Laryea & Kerr 2011:** R. Leckow, T. Laryea & S. Kerr, 'Operational issues', in: R.M. Lastra (ed.), *Cross-border Bank Insolvency*, New York: Oxford University Press 2011, p. 315-344.

- Legrand 1996:** P. Legrand, 'European Legal Systems are not Converging', *International and Comparative Law Quarterly* 1996, no. 1, p. 52-81.
- Legrand 1997a:** P. Legrand, 'Against a European Civil Code', *Modern Law Review* 1997, no. 1, p. 44-63.
- Legrand 1997c:** P. Legrand, 'The impossibility of 'legal transplants'', *Maastricht Journal of European and Comparative Law* 1997, no. 2, p. 111-124.
- Lehmann 2017:** A. Lehmann, 'Carving out legacy assets: a successful tool for bank restructuring?', Bruegel Policy Contribution March 2017, no. 9.
- Lehmann 2018:** A. Lehmann, 'Cash outflows in crisis scenarios: do liquidity requirements and reporting obligations give the SRB sufficient time to react?', In-depth analysis requested by the ECON committee, European Parliament, March 2018.
- Leuftink 1995:** A.L. Leuftink, *Surséance van betaling*, Deventer: Kluwer 1995.
- Levenbook 1984:** B.B. Levenbook, 'The Role of Coherence in Legal Reasoning', *Law and Philosophy* 1984, no. 3, p. 355-374.
- Levitin 2011:** A.J. Levitin, 'In defense of bailouts', *The Georgetown Law Journal* 2011, no. 2, p. 435-514.
- Lieder 2015:** J. Lieder, *Die rechtsgeschäftliche Sukzession*, Tübingen: Mohr Siebeck 2015.
- Lohse 2012:** E.J. Lohse, 'The Meaning of Harmonisation in the Context of European Union Law – a Process in Need of Definition', in: M. Andenas & C. Baasch Andersen, *Theory and Practice of Harmonisation*, Cheltenham/Northampton: Edward Elgar Publishing 2012, p. 282-313.
- Lorenz 2010:** M. Lorenz, 'Der Regierungsentwurf eines Gesetzes zur Restrukturierung und geordneten Abwicklung von Kreditinstituten – Überblick und erste Einordnung', *Neue Zeitschrift für Gesellschaftsrecht* 2010, p. 1046-1053.
- Lo Schiavo 2018:** G. Lo Schiavo, 'Burden Sharing Arrangements vs. Shareholders and Creditors: Kotnik, Dowling and the Current State Aid Policy in the Banking Sector', *European Business Organization Law Review* 2018 (available at <https://doi-org.ezproxy.leidenuniv.nl:2443/10.1007/s40804-018-0114-6>)
- Loos 2007:** M.B.M. Loos, 'The Influence of European Consumer Law on General Contract Law and the Need for Spontaneous Harmonization. On the Disturbance and Reconstruction of the Coherence of National Contract Law and Consumer Law Under the Influence of European Law', *European Review of Private Law* 2007, no. 4, p. 515-531.
- Lubben 2011:** S.J. Lubben, 'Financial Institutions in Bankruptcy', *Seattle University Law Review* 2011, no. 4, p. 1259-1278.
- Lubben 2012:** S.J. Lubben, 'Transaction Simplicity', *Columbia Law Review Sidebar* 2012, no. , p. 194-205.
- Lupo-Pasini 2017:** F. Lupo-Pasini, *The Logic of Financial Nationalism. The Challenges of Cooperation and the Role of International Law*, Cambridge: Cambridge University Press 2017.
- MacCormick 1984:** N. MacCormick, 'Coherence in Legal Justification', in: W. Krawietz et al. (eds.), *Theorie der Normen*, Berlin: Duncker & Humblot 1984, p. 37-53.
- Madaus 2011:** S. Madaus, 'Keine Reorganisation ohne die Gesellschafter Von den Grenzen der Gläubigermacht in der Insolvenz', *Zeitschrift für Unternehmens- und Gesellschaftsrecht* 2011, no. 6, p. 749-775.
- Madaus 2012:** S. Madaus, 'Rescuing companies involved in insolvency proceedings with rescue plans', in: R. van Galen & S. Madaus, *Corporate rescue*, Report Netherlands Association for Comparative and International Insolvency Law 2012, p. 77-118.
- Madaus 2014:** S. Madaus, 'The EU recommendation on business rescue – only another statement or cause of legislative action across Europe?', *Insolvency Intelligence* 2014, no. 6, p. 81-85.
- Madaus 2017:** S. Madaus, 'Einstieg in die ESUG-Evaluation – Für einen konstruktiven Umgang mit den europäischen Ideen für einen präventiven Restrukturierungsrahmen', *Neue Zeitschrift für Insolvenz- und Sanierungsrecht* 20 (2017) no. 9, p. 329-334.
- Madaus 2018:** S. Madaus, 'Leaving the Shadows of US Bankruptcy Law: A Proposal to Divide the Realms of Insolvency and Restructuring Law', *European Business Organization Law Review* 2018 (available at <https://doi-org.ezproxy.leidenuniv.nl:2443/10.1007/s40804-018-0113-7>).
- Manko 2015:** R. Manko, 'EU competence in private law: The Treaty framework for a European private law and challenges for coherence', European Parliamentary Research Services January 2015, PE 545.711.

- Marinč & Vlahu 2011:** M. Marinč & R. Vlahu, 'The Economic Perspective of Bank Bankruptcy Law', DNB Working Paper August 2011, no. 310.
- Maris van Sandelingenambacht 2002:** C.W. Maris van Sandelingenambacht, 'Legal Postism and the End of European Private Law', *European Review of Private law* 2002, no. 1, p. 111-132.
- Massman 2015:** S.P. Massman, 'Developing a New Resolution Regime for Failed Systematically Important Financial Institutions: An Assessment of the Orderly Liquidation Authority', *American Bankruptcy Law Journal* 2015, no. 4, p. 625-672.
- Mayes 2009:** D.G. Mayes, 'Resolution methods for cross-border banks in the present crisis', in: J.R. LaBrosse et al. (eds.), *Financial crisis management and bank resolution*, London: Informa 2009, p. 303-327.
- McBryde & Flessner 2003:** W.W. McBryde & A. Flessner, 'Principles of European Insolvency Law and General Commentary', in: W.W. McBryde, A. Flessner & S.C.J.J. Kortmann (eds.), *Principles of European Insolvency Law*, Deventer: Kluwer Legal Publishers 2003, p. 15-89.
- McCormack 2012:** G. McCormack, 'National report for England', in: D. Faber et al., *Commencement of insolvency proceedings*, Oxford: Oxford University Press 2012, p. 234-283.
- McCormack 2016:** G. McCormack et al., 'Study on a new approach to business failure and insolvency. Comparative legal analysis of the Member States' relevant provisions and practices', Study requested by the European Commission, Tender No JUST/2014/JCOO/PR/CIVI/007, January 2016.
- McKendrick 2016:** E. McKendrick (ed.), *Goode on Commercial law*, London: Penguin Books 2016.
- Meesters 1994:** B.J.M.A. Meesters, 'Principles of netting: a comparative law study', *Bank- en Effectenbedrijf* 1994, no. 12, p. 34-36.
- Meijer Timmerman Thijssen 2009:** J. Meijer Timmerman Thijssen, 'De ontvankelijkheid van het Nederlandse privaatrecht voor invloeden uit de Anglo Amerikaanse financieringspraktijk', *Contracteren* 2009, no 4, p. 123-140.
- Mennens 2013:** A. Mennens, 'Over het verdelen van de taart in faillissement door middel van carve-out regelingen', *Tijdschrift voor Insolventierecht* 2013/38.
- Mennens & Veder 2015:** A.M. Mennens & P.M. Veder, 'Clementie en recht: het dwangakkoord buiten insolventie', *Nederlands Tijdschrift voor Burgerlijk Recht* 2015, no. 1, p. 4-18.
- Merler 2018:** S. Merler, 'Bank liquidation in the European Union: clarification needed', Bruegel Policy Contribution January 2018, no. 1.
- Metcalfe 1982:** J.L. Metcalfe, 'Self Regulation, Crisis Management and Preventive Medicine: The Evolution of U.K. Bank Supervision', *Journal of Management Studies* 1982, no. 1, p. 75-90.
- Mitchell 2017:** Ch. Mitchell, *Saving the Market from Itself: The Politics of Financial Intervention*, Cambridge: Cambridge University Press 2017.
- Molengraaff 1951:** W.L.P.A. Molengraaff, *De Faillissementswet verklaard*, Zwolle: Tjeenk Willink 1951 (edited by C.W. Star Busman).
- Moloney 2014:** N. Moloney, 'European Banking Union: Assessing its risks and resilience', *Common Market Law Review* 2014, no. 6, p. 1609-1670.
- Mooij & Prast 2002:** J. Mooij & H.M. Prast, 'A Brief History of the Institutional Design of Banking Supervision in the Netherlands', De Nederlandsche Bank Research Memorandum Wo no. 703/Research Series Supervision no. 4, 2002.
- Morgan & Stiroh 2005:** D.P. Morgan & K.J. Stiroh, 'Too Big to Fail After All These Years', Federal Reserve Bank of New York staff reports September 2005, no 220.
- Morrison 2009:** E.R. Morrison, 'Is the Bankruptcy Code an Adequate Mechanism for Resolving the Distress of Systemically Important Institutions?', *Temple Law Review* 2009, no. 2, p. 449-464.
- Moss, Wessels & Haentjens 2017:** G. Moss, B. Wessels & M. Haentjens, 'Introductory Chapters', in: G. Moss, B. Wessels & M. Haentjens (eds.), *EU Banking and Insurance Insolvency*, Oxford: Oxford University Press 2017, chapters 1 and 2.
- Mucciarelli 2013:** F. M. Mucciarelli, 'Not Just Efficiency: Insolvency Law in the EU and Its Political Dimension', *European Business Organization Law Review* 2013, no. 2, p. 175-200.
- Müller-Eising et al. 2011:** K. Müller-Eising et al., 'Das Banken-Restrukturierungsgesetz', *Betriebs-Berater* 2011, no. 2, p. 66-73.

- MünchKomm-AktG**[author] 2011/2016: W. Goette et al. (eds.), *Münchener Kommentar zum Aktiengesetz*, München: Verlag C.H. Beck 2016.
- MünchKomm-BGB**[author] [year], [section]: H.-P. Kirchhof et al. (eds.), *Münchener Kommentar zum Bürgerlichen Gesetzbuch*, München: Verlag C.H. Beck.
- MünchKomm-InsO**[author] [year], [section]: H.-P. Kirchhof et al. (eds.), *Münchener Kommentar zur Insolvenzordnung*, München: Verlag C.H. Beck.
- Murray 2017**: E. Murray, 'Derivative Transactions' in: S. Paterson & R. Zakrzewski (eds.), *McKnight, Paterson, and Zakrzewski on the law of international finance*, Oxford: Oxford University Press 2017, chapter 11.
- Nelken 2012**: D. Nelken, 'Legal Culture', in: J. Smits (ed.), *Elgar Encyclopedia of Comparative Law*, Cheltenham/Northampton: Edward Elgar 2012, p. 480-490.
- Nieuwenhuis 2005**: J.H. Nieuwenhuis, 'Eenheid der wet', in: E.M. Hoogervorst et al. (eds.), *Rechtseenheid en vermogensrecht*, Deventer: Kluwer 2005, p. 25-47.
- Nijenhuis 1998**: A. Nijenhuis, 'Close-out netting en insolventie', in: S.C.J.J. Kortmann et al. (eds.), *Onderneming en effecten*, Deventer: Tjeenk Willink 1998, p. 601-616.
- Nijenhuis & Verhagen 1994**: A. Nijenhuis & H.L.E. Verhagen, 'Netting': een beschouwing naar Nederlands recht', *De Naamloze Vennootschap* 1994/4.
- Obermüller 2011**: M. Obermüller, *Insolvenzrecht in der Bankpraxis*, Köln: Verlag Dr. Otto Schmidt 2011.
- Obermüller & Kuder 2010**: M. Obermüller & K. Kuder, 'Die Entwicklung der Gesetzgebung zu Bankinsolvenzen', *Zeitschrift für das Gesamte Insolvenzrecht* 2010, p. 2016-2022.
- Ogden 1988**: E.M. Ogden, *The development of the role of the Bank of England as a lender of last resort, 1870-1914*, Dissertation City University London 1988.
- Olaerts 2003**: M. Olaerts, 'De omzetting van vorderingen in aandelenkapitaal: een metamorfose in het licht van de tweede richtlijn', 2003 (available at http://www.iuscommune.eu/html/prize/pdf/2003_Olaerts.pdf).
- Olson 1999**: G.N. Olson, 'The inadequacy of bank insolvency resolution', in: R.M. Lastra & H.N. Schiffman (eds.), *Bank failures and bank insolvency law in economies in transition*, London: Kluwer Law International 1999, p. 107-169.
- Ophof 1996**: Ophof, 'Aansprakelijkheid curator', *Tijdschrift voor Vennootschappen, Verenigingen en Stichtingen* 1996, no. 7, p. 204-205.
- Oppelaar 2010**: H.V. Oppelaar, 'Van sectoraal naar prudentieel/gedragstoezicht', in: D. Busch et al. (eds.), *Onderneming en Financieel Toezicht*, Deventer: Kluwer 2010, p. 23-49.
- Paech 2014**: Ph. Paech, 'Close-out netting, insolvency law and conflicts-of-laws', *LSE Law, Society and Economy Working Papers* 2014, no. 14.
- PalandtKomm-BGB**[author] [year], [section]: G. Brudermüller et al. (eds.), *Palandt Bürgerliches Gesetzbuch*, München: Verlag C.H. Beck.
- Pannen 2010**: K. Pannen, *Krise und Insolvenz bei Kreditinstituten*, Köln: Wolters Kluwer Deutschland 2010.
- Pannen 2012**: K. Pannen, 'Auslöser für ein Sonderinsolvenzverfahren für Banken', in: P.S. Kenadjan (ed.), *Too Big To Fail – Brauchen wir ein Sonderinsolvenzrecht für Banken?*, Berlin/Boston: Walter de Gruyter 2012, p. 87-104.
- Parlementaire Geschiedenis van het BW, Boek 3, 1981**: C.J. van Zeven et al., *Parlementaire Geschiedenis van het Nieuwe Burgerlijk Wetboek, Boek 3, Vermogensrecht in het Algemeen*, Deventer: Kluwer 1981.
- Paterson 2016**: S. Paterson, 'Rethinking Corporate Bankruptcy Theory in the Twenty-First Century', *Oxford Journal of Legal Studies* 2016, no. 4, p. 697-723.
- Paterson 2017**: S. Paterson, 'Debt Restructuring and Notions of Fairness', *Modern Law Review* 2017, no. 4, p. 600-623.
- Paulus & Berberich 2012**: C.G. Paulus & M. Berberich, 'National report for Germany', in: D. Faber et al. (eds.), *Commencement of insolvency proceedings*, Oxford: Oxford University Press 2012, chapter 10.
- Paulus & Berberich 2016**: Ch.G. Paulus & M. Berberich, 'National Report for Germany', in: D. Faber et al. (eds.), *Ranking and priority of creditors*, Oxford: Oxford University Press 2016, chapter 10.

- Pawlowski 2001:** H.-M. Pawlowski, 'Zur Auslegung der Insolvenzordnung', *Deutsche Zeitschrift für Wirtschafts- und Insolvenzrecht* 2001, no. 2, p. 45-56.
- Payne 2013:** J. Payne, 'Cross-border Schemes of Arrangement and Forum Shopping', *European Business Organization Law Review* 2013, no. 4, p. 563-589.
- Payne 2014a:** J. Payne, *Schemes of Arrangement*, Cambridge: Cambridge University Press 2014.
- Payne 2014b:** J. Payne, 'Debt restructuring in English law: lessons from the United States and the need for reform', *Law Quarterly Review* 2014, no. 2, p. 282-305.
- Payne 2018:** J. Payne, 'The role of the court in debt restructuring', *Cambridge Law Journal* 2018, no. 1, p. 124-150.
- Pazarbasioglu et al. 2011:** Pazarbasioglu et al., 'Contingent Capital: Economic Rationale and Design Features', IMF Staff Discussion Note January 2011, SDN/11/01.
- Peek & Rosengren 2014:** J. Peek, & E.S. Rosengren, 'The Role of Banks in the Transmission of Monetary Policy', in: A.N. Berger, P. Molyneux & J.O.S. Wilson (eds.), *The Oxford Handbook of Banking*, Oxford: Oxford University Press 2014, chapter 19.
- Peel 2015:** E. Peel, *Treitel on the law of contract*, London: Sweet & Maxwell 2015.
- Penner 2010:** J. Penner, *The idea of property in law*, Oxford: Oxford University Press 2000.
- Petrovic & Tutsch 2009:** A. Petrovic & R. Tutsch, 'National rescue measures in response to the current financial crisis', ECB Legal working paper series July 2009, no. 8.
- Pflock 2014:** T.M. Pflock, *Europäische Bankenregulierung und das „Too big to fail-Dilemma“*, Berlin: Berliner Wissenschafts-Verlag 2014.
- Philippon & Salord 2017:** T. Philippon & A. Salord, 'Bail-ins and bank resolution in Europe: A progress report', Geneva reports on the World Economy Special Report March 2017, no. 4.
- Piekenbrock 2009:** A. Piekenbrock, 'Empfiehlt sich angesichts der Wirtschaftskrise die Einführung eines gesonderten Restrukturierungsverfahrens?', *Zeitschrift für Vergleichende Rechtswissenschaft* 2009, no. 3, p. 242-272.
- Piekenbrock 2012:** A. Piekenbrock, 'Das ESUG – fit für Europa?', *Neue Zeitschrift für das Recht der Insolvenz und Sanierung* 2012, no. 22, p. 906-912.
- Pitlo/Reehuis & Heisterkamp 2012:** W.H.M. Reehuis & A.H.T. Heisterkamp, *Pitlo. Het Nederlands burgerlijk recht. Deel 3. Goederenrecht*, Deventer: Kluwer 2012.
- Plank et al. 2012:** L. Plank et al., 'The Regulatory Responses to Bank Insolvencies in Germany and the United States', in: P.S. Kenadjan (ed.), *Too Big To Fail – Brauchen wir ein Sonderinsolvenzrecht für Banken?*, Berlin/Boston: Walter de Gruyter 2012, p. 159-198.
- Prast & Van Lelyveld 2004:** H.M. Prast & I van Lelyveld, 'New Architectures in the Regulation and Supervision of Financial Markets and Institutions: The Netherlands', DNB Working Paper 2004, no. 21.
- Raaijmakers 1980:** M.J.G.C. Raaijmakers, 'Over splitsing van vennootschappen', in: B. Baardman et al. (eds.), *Jurist in bedrijf*, Deventer: Kluwer 1980, p. 119-151.
- Raaijmakers et al. 2005:** M.J.G.C. Raaijmakers et al., *Rechtspersonen, Titel 7. Fusie en splitsing*, Deventer: Kluwer 2005 (referred to as: [author] in Raaijmakers et al. 2005).
- Raaijmakers, Rank & Peeters 2011:** G.T.M.J. Raaijmakers, W.A.K. Rank & M.G.C.M. Peeters, 'Report from the Netherlands: The Draft Proposal Dutch Intervention Act', *European Company Law* 2011, no. 4, p. 179-182.
- Rajak 2008:** H. Rajak, 'The Culture of Bankruptcy', in: P.J. Omar (ed.), *International Insolvency Law, Themes and Perspectives*, Hampshire: Ashgate Publishing 2008, p. 3-25.
- Ramos Munoz 2017:** D. Ramos Munoz, 'Bank resolution and insolvency ranking and priorities', ECB Legal Conference 2017, 'Shaping a new legal order for Europe: a tale of crises and opportunities', December 2017, p. 256-286.
- Randell 2012:** Ch. Randell, 'Triggers for Bank Resolution', in: P.S. Kenadjan (ed.), *Too Big To Fail – Brauchen wir ein Sonderinsolvenzrecht für Banken?*, Berlin/Boston: Walter de Gruyter 2012, p. 105-128.
- Rank 2010:** W.A.K. Rank, 'Repos and Securities Lending', in: M.C.A. van den Nieuwenhuijzen (ed.), *Financial Law in the Netherlands*, Alphen aan den Rijn: Kluwer Law International 2010, p. 303-334.
- Rank 2013:** W.A.K. Rank, 'Interventiewet – Beperking van rechten van wederpartijen onder een ISDA Master Agreement', in: D. Busch & M.P. Nieuwe Weme (eds.), *Christels Koers: Liber Amicorum Prof. mr. drs. C.M. Grundmann-van de Krol*, Deventer: Kluwer 2013, p. 583-596.

- Rank 2015:** W.A.K. Rank, *Interventie bij banken en verzekeraars. Rechten van crediteuren en wederpartijen*, Den Haag: Boom Juridische uitgevers 2015.
- Rank 2017 (T&C Burgerlijk Wetboek):** W.A.K. Rank in: B. Krans et al. (eds.), *Tekst & Commentaar Burgerlijk Wetboek*, Deventer: Kluwer 2017.
- Rank & Diamant 2014:** W.A.K. Rank & J. Diamant, 'International Briefings, The Netherlands. Proposed amendments to Dutch Intervention Act ends netting and close-out concerns', *Butterworths Journal of International Banking and Financial Law* 2014, no. 2, p. 143-144.
- Rank & Silverentand 2018:** W.A.K. Rank & L. Silverentand, 'The Netherlands', in: W. Johnston, T. Werlen & F. Link, *Set-Off Law and Practice*, Oxford: Oxford University Press, chapter 22.
- Rank & Uiterwijk 2016:** W.A.K. Rank & S. Uiterwijk, 'Een verplichte clause in overeenkomsten met banken en beleggingsondernemingen: de contractuele afwikkelbaarheidsclausule uit hoofde van de BRRD', *Tijdschrift voor Financieel Recht* 2016, no. 1/2, p. 20-27.
- Rapp 2014:** D. Rapp, *Zur Sanierungs- und Reorganisationsentscheidung von Kreditinstituten*, Wiesbaden: Springer Gabler 2014.
- Raz 1992:** J. Raz, 'The Relevance of Coherence', *Boston University Law Review* 1992, no. 2, p. 273-321.
- Reid 1982:** M. Reid, *The secondary banking crisis, 1973-75: Its causes and course*, London: Macmillan 1982.
- Restoy 2018:** F. Restoy, 'Bail-in in the new bank resolution framework: is there an issue with the middle class?', Bank for International Settlements, Speech delivered on 23 March 2018.
- Rieble 1997:** V. Rieble, 'Verschmelzung und Spaltung von Unternehmen und ihre Folgen für Schuldverhältnisse mit Dritten', *Zeitschrift für Wirtschaftsrecht* 1997, no. 8, p. 301-314.
- Riesenhuber 2011:** K. Riesenhuber, 'English common law versus German Systemdenken? Internal versus external approaches', *Utrecht Law Review* 2011, no. 1, p. 117-130.
- Riethmüller 2010:** T.C. Riethmüller, 'Das Restrukturierungsgesetz im ökonomischen und internationalen Kontext', *Wertpapier-Mitteilungen Zeitschrift für Wirtschafts- und Bankrecht* 2010, no. 49, p. 2295-2304.
- Ringe 2018:** W.-G. Ringe, 'Bail-in between liquidity and solvency', *American Bankruptcy Law Journal* 2018, no. 3, p. 299-334.
- Roberts 1995:** R. Roberts, 'The Bank of England and the City', in: R. Roberts & D. Kynaston, *The Bank of England, Money, Power and Influence 1694-1994*, Oxford: Clarendon Press 1995, p. 152-184.
- Roe & Adams 2015:** M.J. Roe & S.D. Adams, 'Restructuring Failed Financial Firms in Bankruptcy: Selling Lehman's Derivatives Portfolio', *Yale Journal on Regulation* 2015, no. 2, p. 363-412.
- Roskopf 2008:** S. Roskopf, *Die Aufrechnung im deutschen und englischen Insolvenzrecht*, Frankfurt am Main: Peter Lang 2008.
- Roth 2002:** W.-H. Roth, 'Transposing "Pointillist" EC Guidelines into Systematic National Codes – Problems and Consequences', *European Review of Private Law* 2002, no. 6, 761-776.
- Roth 2008:** G.P. Roth, 'De stille curator in de Wet of het financieel toezicht: Een kritische verkenning van een buitenziggige rechtsfiguur', *Tijdschrift voor Financieel Recht* 2008, no. 9, p. 289-298.
- Russcher 2018:** P.C. Russcher, 'De abstracte bankgarantie in het burgerlijk recht', *Tijdschrift voor Insolventierecht* 2018/18.
- Ruzik 2009:** A. Ruzik, 'Bankenkrisen und -insolvenzen – Ein besonderes Phänomen', *Zeitschrift für Bank- und Kapitalmarktrecht* 2009, p. 133-141.
- Ruzik 2010:** Ruzik, *Finanzmarktintegration durch Insolvenzrechtsharmonisierung*, Baden-Baden: Nomos Verlagsgesellschaft 2010.
- Saintier 2011:** S. Saintier, 'France, Germany and the United Kingdom's Divergent Interpretations of Directives 86/653 and 93/13's Exclusionary provisions: An Overlooked Threat to Coherence?', *European Review of Private Law* 2011, no. 5, p. 519-544.
- Sanio 2003:** J. Sanio, 'The new single regulator in Germany', in: T. Kuppens et al. (eds.), *Banking Supervision at the Crossroads*, Cheltenham: Edward Elgar 2003, p. 55-58.
- Saw 1944:** R. Saw, *The Bank of England 1694-1944 and its buildings past and present*, London: George G. Harrap & Co. 1944.

- Sax & Swierczok 2017:** S. Sax & A.M. Swierczok, 'Die Anerkennung des englischen Scheme of Arrangement in Deutschland post Brexit', *Zeitschrift für Wirtschaftsrecht* 2017, no. 13, p. 601-607.
- Schaink 2017:** P.R.W. Schaink, 'Het arrest van het Hof van Justitie inzake FNV c.s./Smallsteps', *Tijdschrift voor Insolventierecht* 2017/22.
- Schelo 2011:** S. Schelo, 'Neue Restrukturierungsregeln für Banken', *Neue Juristische Wochenschrift* 2011, p. 186-191.
- Schelo 2015:** S. Schelo, *Bank Recovery and Resolution*, Alphen aan den Rijn: Kluwer Law International 2015.
- Schillig 2013:** M. Schillig, 'Bank Resolution Regimes in Europe I – Recovery and Resolution Planning, Early Intervention', *European Business Law Review* 2013, no. 6, p. 751-779.
- Schillig 2014:** M. Schillig, 'Bank Resolution Regimes in Europe II – Resolution Tools and Powers', *European Business Law Review* 2014, no. 1, p. 67-102.
- Schillig 2015:** M. Schillig, 'The EU resolution toolbox', in: M. Haentjens & B. Wessels (eds.), *Research Handbook on Crisis Management in the Banking Sector*, Cheltenham/Northampton Edward Elgar Publishing 2015, p. 81-102.
- Schillig 2016:** M. Schillig, *Resolution and Insolvency of Banks and Financial Institutions*, Oxford: Oxford University Press 2016.
- Schillig 2018:** M. Schillig, 'The Transformation of Property Rights in Corporate Insolvency and Bank Resolution', in: S. Grundman & P. Sirena (eds.), *European Contract Law in the Banking and Financial Union*, Cambridge/Antwerp/Portland: Intersentia 2018 (available at <https://ssrn.com/abstract=3186793>).
- Schmerbach & Staufenbiel 2009:** U. Schmerbach & P. Staufenbiel, 'Die übertragende Sanierung im Insolvenzverfahren', *Zeitschrift für das gesamte Insolvenzrecht* 2009, p. 458-467.
- Schmitt/Hörtnagl/StratzKomm-UmwG/[author] 2016:** J. Schmitt et al. (eds.), *Kommentar Umwandlungsgesetz, Umwandlungssteuergesetz*, München: Verlag C.H. Beck 2016.
- Schoenmaker 2018:** D. Schoenmaker, 'A macro approach to international bank resolution', in: M. Haentjens & B. Wessels (eds.), *Research handbook on cross-border bank recovery and resolution*, Routledge 2018.
- Schoonbrood & Klaver 2017:** J.D.M. Schoonbrood & O.C.J. Klaver, 'De invloed van de juridische splitsing op het structuurregime', *Weekblad voor Privaatrecht, Notariaat en Registratie* 2017/7146, p. 313-322.
- Schüler 2005:** M. Schüler, 'Germany', in: D. Masciandaro (eds.), *Handbook of Central Banking and Financial Authorities in Europe. New Architectures in the Supervision of Financial Markets*, Cheltenham: Edward Elgar 2005, p. 288-310.
- Schuster 1967:** L. Schuster, *Zentralbankpolitik und Bankaufsicht in den EWG-Staaten*, Köln: Westdeutscher Verlag 1967.
- Schuster 2010:** G. Schuster, 'Zur Stellung der Anteilseigner in der Sanierung', *Zeitschrift für Unternehmens- und Gesellschaftsrecht* 2010, no. 2/3, p. 325-355.
- Schuster & Westpfahl 2011a:** G. Schuster & L. Westpfahl, 'Neue Wege zur Bankensanierung – Ein Beitrag zum Restrukturierungsgesetz (Teil I)', *Der Betrieb* 2011, no. 4, p. 221-230.
- Schuster & Westpfahl 2011b:** G. Schuster & L. Westpfahl, 'Neue Wege zur Bankensanierung – Ein Beitrag zum Restrukturierungsgesetz (Teil II)', *Der Betrieb* 2011, no. 5, p. 282-289.
- Schutte-Veenstra 1991:** J.N. Schutte-Veenstra, *Harmonisatie van het kapitaalbeschermingsrecht in de EEG*, Deventer: Kluwer 1991.
- Schütze 2015:** R. Schütze, 'EU Competences: Existence and Exercise', in: D. Chalmers & A. Arnall, *The Oxford Handbook of European Union Law*, Oxford: Oxford University Press 2015.
- Schwarz 2008:** S.L. Schwarz, 'Systemic risk', *Georgetown Law Journal* 2008, no. 1, p. 193-249.
- Schwarz 2015:** J. Schwarz, *Der Debt-Equity-Swap als Instrument der Unternehmenssanierung nach deutschem und englischem Recht*, Frankfurt am Main: Peter Lang 2015.
- Scott 2016:** H.S. Scott, *Connectedness and Contagion. Protecting the Financial System from Panics*, Cambridge/London: The MIT Press 2016.
- Seelig 2006:** S.A. Seelig, 'Techniques of Bank Resolution', in: D.S. Hoelscher (ed.), *Bank Restructuring and Resolution*, Hampshire & New York: Palgrave Macmillan 2006, p. 97-118.

- Skauradszun & Herz 2016:** D. Skauradszun & B. Herz, 'Die Haftungskaskade bei der Bankenabwicklung nach dem SAG und deren Verzahnung mit dem (Banken-) Insolvenzrecht', *Deutsche Zeitschrift für Wirtschafts- und Insolvenzrecht* 2016, no. 11, p. 501-509.
- Simon & Merkelbach 2012:** S. Simon & M. Merkelbach, 'Gesellschaftsrechtliche Strukturmaßnahmen im Insolvenzplanverfahren nach dem ESUG', *Neue Zeitschrift für Gesellschaftsrecht* 2012, no. 4, p. 121-129.
- Singh 2010:** D. Singh, 'The UK Banking Act 2009, Pre-insolvency and Early Intervention: Policy and Practice', University of Warwick School of Law Legal Studies Research Paper 2010, no. 2010-27.
- Singh 2011:** D. Singh, 'UK Approach to Financial Crisis Management', *Transnational Law & Contemporary Problems* 2011, no. 2, p. 868-922.
- Singh et al. 2016:** D. Singh, J. Douglas & R. Guynn, 'Bank resolution', in: R. Olivares-Caminal et al., *Debt restructuring*, Oxford: Oxford University Press 2016, Part II.
- Singh & LaBrosse 2010:** D. Singh, & J.R. LaBrosse, 'Northern Rock, depositors and deposit insurance coverage: some critical reflections', *Journal of Business Law* 2010, no. 2, p. 55-84.
- Sjöberg 2014:** G. Sjöberg, 'Banking Special Resolution Regimes as a Governance Tool', in: W.-G. Ringe & P.M. Huber, *Legal Challenges in the Global Financial Crisis. Bail-outs, the Euro and Regulation*, Oxford/Portland: Hart Publishing 2014, p. 187-207.
- Slagter 2000:** W.J. Slagter, 'Ontvlechting van concerns in moeilijkheden', *Onderneming en Financiering* 2000/40, p. 81-90.
- Sluysmans et al. 2015:** J. Sluysmans et al., 'The rule of law: Protection of property', in: M. Haentjens & B. Wessels, *Research Handbook on Crisis Management in the Banking Sector*, Cheltenham/Northampton: Edward Elgar 2015, p. 379-399.
- Smid 2012:** S. Smid, *Handbuch Insolvenzrecht*, Berlin/Boston: De Gruyter 2012.
- Smith & Leslie 2013:** M. Smith & N. Leslie, *The law of assignment*, Oxford: Oxford University Press 2013.
- Smits 2007:** J.M. Smits, 'Law Making in the European Union: On Globalization and Contract Law in Divergent Legal Cultures', *Louisiana Law Review* 2007, no. 4, p. 1181-1203.
- Smits 2012:** J.M. Smits, 'Coherence and Fragmentation in the Law of Contract', in: J.M. Smits & P. Letto-Vanamo (eds.), *Coherence and Fragmentation in European Private Law*, Munich: Sellier European Law Publishers 2012, p. 9-23.
- Smits & Letto-Vanamo 2012:** J.M. Smits & P. Letto-Vanamo, 'Introduction' in: J.M. Smits & P. Letto-Vanamo (eds.), *Coherence and Fragmentation in European Private Law*, Munich: Sellier European Law Publishers 2012, p. 1-8.
- Snijders 1999:** W. Snijders, 'Wilsrechten, in het algemeen en in het nieuwe erfrecht (I)', *Weekblad voor Privaatrecht, Notariaat en Registratie* 1999/6365, p. 558-565.
- Snijders & Rank-Berenschot 2017:** H.J. Snijders & E.B. Rank-Berenschot, *Goederenrecht*, Deventer: Kluwer 2017.
- Soedira 2011:** A.D.W. Soedira, *Het akkoord*, Deventer: Kluwer 2011.
- Sommer 2014:** J.H. Sommer, 'Why Bail-In? And How!', FRBNY Economic Policy Review December 2014, p. 207-228.
- Spetzler 2010:** S. Spetzler, 'Insolvenzrechtsreform und Bankenreorganisation', *KTS – Zeitschrift für Insolvenzrecht* 2010, no. 4, p. 433-461.
- Spinath 2017:** I. Spinath, 'De beperkte reikwijdte van het Smallsteps-arrest', *Maandblad voor Ondernemingsrecht* 2017, no. 10/11, p. 253-256.
- Steven 2009:** A.J.M. Steven, 'Accessoriness and security over land', *Edinburgh Law Review* 2009, no. 3, p. 387-426.
- Stolz & Wedow 2010:** S.M. Stolz & M. Wedow, 'Extraordinary Measures in Extraordinary Times: Public Measures in Support of the Financial Sector in the EU and the United States', ECB Occasional Paper Series July 2010, no. 117.
- Stürner 2005:** R. Stürner, 'Der Abschied von der "klassenlosen" Insolvenz', *Neue Zeitschrift für Insolvenz- und Sanierungsrecht* 2005, no. 11, p. 597-598.
- Sumpter & Blundell 2016:** K. Sumpter & K. Blundell, 'Financial collateral and the BRRD: change without consequence?', *Butterworths Journal of International Banking and Financial Law* 2016, no. 2, p. 81-84.

- Swinnen 2014:** K. Swinnen, *Accessoriteit in het vermogensrecht*, Antwerpen/Cambridge: Intersentia 2014.
- Swire 1992:** P.P. Swire, 'Bank Insolvency Law Now That It Matters Again', *Duke Law Journal* 1992, no. 3, p. 469-556.
- Sykes & Allen 2005:** A. Sykes & T. Allen, 'United Kingdom', in: D. Masciandaro (eds.), *Handbook of Central Banking and Financial Authorities in Europe. New Architectures in the Supervision of Financial Markets*, Cheltenham: Edward Elgar 2005, p. 141-158.
- Teixeira 2017:** P.G. Teixeira, 'The legal history of the Banking Union', *European Business Organization Law Review* 2017, no. 3, p. 535-565.
- Teubner 1998:** G. Teubner, 'Legal Irritants: Good Faith in British Law or How Unifying Law Ends Up in Divergences', *Modern Law Review* 1998, no. 1, p. 11-32.
- Tettenborn 2002:** A. Tettenborn, 'Assignees, equities and cross-claims: principle and confusion', *Lloyd's Maritime and Commercial Law Quarterly* 2002, p. 485-497.
- Thiele 2003:** A. Thiele, *Collective Security Arrangements: A Comparative Study of Dutch, English and German Law*, Deventer: Kluwer 2003.
- Thole 2010:** Ch. Thole, *Gläubigerschutz durch Insolvenzrecht*, Tübingen: Mohr Siebeck 2010.
- Thole 2012:** Ch. Thole, 'Gläubigerschutz in einem Sonderinsolvenzrecht für Banken', in: P.S. Kenadjan (ed.), *Too Big To Fail – Brauchen wir ein Sonderinsolvenzrecht für Banken?*, Berlin/Boston: Walter de Gruyter 2012, p. 219-236.
- Thole 2014:** Ch. Thole, 'Der Debt Equity Swap bei der Restrukturierung von Anleihen', *Zeitschrift für Wirtschaftsrecht* 2014, no. 49, p. 2365-2374.
- Thole 2015:** Ch. Thole, *Gesellschaftsrechtliche Maßnahmen in der Insolvenz*, Köln: RWS Verlag Kommunikationsforum 2015.
- Thole 2016:** Ch. Thole, 'Bankenabwicklung nach dem SAG', *Zeitschrift für Bankrecht und Bankwirtschaft* 2016, no. 2, p. 57-67.
- Tollenaar 2008:** N.W.A. Tollenaar, 'Debt for equity swaps', in: N.E.D. Faber et al. (eds.), *De bewindvoerder, een octopus*, Deventer: Kluwer 2008, p. 61-88.
- Tollenaar 2011:** N.W.A. Tollenaar, 'Faillissementsrecht van Nederland: geef ons de pre-pack!', *Tijdschrift voor Insolventierecht* 2011/23.
- Tollenaar 2016:** N.W.A. Tollenaar, *Het pre-insolventieakkoord. Grondslagen en raamwerk*, Deventer: Kluwer 2016.
- Tollenaar 2018:** N.W.A. Tollenaar, 'De implicaties van Estro voor de pre-pack en WCO I', *Tijdschrift voor Insolventierecht* 2018/6.
- Touw 1997:** A.L. Touw, 'Ontwikkelingen in het bedrijfseconomisch toezicht op banken', *Maandblad voor Accountancy en Bedrijfseconomie* 1997, no. 12, p. 624-634.
- Tribe 2009:** J. Tribe, 'Company Voluntary arrangements and rescue: a new hope and a Tudor orthodoxy', *Journal of Business Law* 2009, no. 5, p. 454-487.
- Tröger 2015:** T. Tröger, 'Regulatory influence on market conditions in the Banking Union: the cases of macro-prudential instruments and the bail-in tool', *European Business Organization Law Review* 2015, no. 3, p. 575-593.
- Tröger 2018:** T. Tröger, 'Too Complex to Work: A Critical Assessment of the Bail-in Tool under the European Bank Recovery and Resolution Regime', *Journal of Financial Regulation* 2018, no. 1, p. 35-72.
- Tuominen 2017:** T. Tuominen, 'The European Banking Union: A shift in the internal market paradigm?', *Common Market Law Review* 2017, no. 5, p. 1359-1380.
- Tuori 1999:** K. Tuori, 'EC Law: An Independent Legal Order or a Post-Modern Jack-in-the-Box?', in: L.D. Eriksson & S. Hurri (eds.), *Dialectic of Law and Reality: Readings in Finnish Legal Theory*, Helsinki: Faculty of Law University of Helsinki 1999, p. 397-415.
- Tuori 2002:** K. Tuori, *Critical Legal Positivism*, Aldershot: Ashgate Publishing Limited 2002.
- Twigg-Flesner 2015:** Ch. Twigg-Flesner, 'The Consumer Rights Directive, Consumer Sales and English law – the fear of coherence', March 2015 (available at <https://ssrn.com/abstract=2686682>).
- Ugena Torrejon 2017:** R. Ugena Torrejon, 'Restructuring, resolution and insolvency: the shifting tasks from judicial to resolution authorities', ECB Legal Conference 2017, 'Shaping a new legal order for Europe: a tale of crises and opportunities', December 2017, p. 235-241.

- UhlenbruckKomm-InsO/[author] 2015:** W. Uhlenbruck et al. (eds.), *Kommentar Insolvenzordnung*, München: Verlag Franz Vahlen 2015.
- Undritz 2010:** S.-H. Undritz, 'Restrukturierung in der Insolvenz', *Zeitschrift für Unternehmens- und Gesellschaftsrecht* 2010, no. 2/3, p. 201-217.
- Undritz 2012:** S.-H. Undritz, 'Die doppelnützige Treuhand in der Restrukturierungspraxis – Chancen und Risiken', *Zeitschrift für Wirtschaftsrecht* 2012, no. 24, p. 1153-1161.
- Unger 2015:** R.M. Unger, *Critical legal studies movement: another time, a greater task*, London/New York: Verso 2015.
- Valiante 2016:** D. Valiante, 'Harmonising insolvency laws in the Euro Area: rationale, stock-taking and challenges. What role for the Eurogroup?', Study requested by the European Parliament, July 2016.
- Valk 2017 (T&C Burgerlijk Wetboek):** W.L. Valk in: B. Krans et al. (eds.), *Tekst & Commentaar Burgerlijk Wetboek*, Deventer: Kluwer 2017.
- Van Achterberg 1994a:** M.P. van Achterberg, 'Overgang van vorderingen en schulden en de gevolgen voor de gevestigde (bank)zekerheden (I)', *Weekblad voor Privaatrecht, Notariaat en Registratie* 1994/6133, p. 295-298.
- Van Achterberg 1994b:** M.P. van Achterberg, 'Overgang van vorderingen en schulden en de gevolgen voor de gevestigde (bank)zekerheden (II, slot)', *Weekblad voor Privaatrecht, Notariaat en Registratie* 1994/6134, p. 311-314.
- Van Apeldoorn 2010:** J.C. van Apeldoorn, 'De paritas creditorum is dood, leve de paritas creditorum', in N.E.D. Faber, *Bancaire zekerheid. Liber amicorum mr. J.H.S.G.K. Timmermans*, Deventer: Kluwer 2010, p. 25-42.
- Van Buchem-Spapens & Pouw 2013:** A.M.J. van Buchem-Spapens & Th. A. Pouw, *Failissement, surseance van betaling en schuldsanering*, Deventer: Kluwer 2013.
- Van Daal 2009:** G.C. van Daal, 'Kredietinstellingen en kredietcrisis: some animals are more equal than others' *Tijdschrift voor Insolventierecht* 2009/5.
- Van Dam 2007:** C. van Dam, 'European Tort Law and the Many Cultures of Europe', in: T. Wilhelmsson (ed.), *Private law and the Cultures of Europe*, Alphen aan den Rijn: Kluwer law international 2007, p. 53-76.
- Van den Berg 2012:** S.W. van den Berg, 'Beschouwing wetsvoorstel Interventiewet financiële ondernemingen', *Tijdschrift financiering, zekerheden en insolventierechtpraktijk* 2012, no. 2, p. 48-53.
- Van den Berg 2017:** S. van den Berg, 'WHOA: de cram down beschouwd vanuit waarderingsspectief', *Tijdschrift voor Insolventierecht* 2017/41.
- Van den Hurk & Strijbos 2012:** A.J.A.D. van den Hurk & F.P.C. Strijbos, 'De Interventiewet en het Crisis Management Framework; hoe de afwikkeling van financiële ondernemingen dwingt tot aanpassing van het vermogensrecht', *Nederlands Tijdschrift voor Burgerlijk Recht* 2012, no. 9, p. 346-355.
- Van der Burg 1975:** V.A.M. van der Burg, 'De betekenis van artikel 101 Faillissementswet', *Weekblad voor Privaatrecht, Notariaat en Registratie* 1975/5291, p. 37-41.
- Van der Pijl 2017:** J. van der Pijl, 'Het Smallsteps-arrest van het Hof van Justitie van de Europese Unie – ECLI:EU:C:2017:489', *Tijdschrift voor Arbeid & Onderneming* 2017, no. 3, p. 118-128.
- Van der Velden & De Serière 2018:** B.W.G. van der Velden & V.P.G. de Serière, 'Het wetsvoorstel herstel en afwikkeling van verzekeraars. Een ambitieus, geheel vernieuwd Nederlands regime voor het herstel en de afwikkeling van verzekeraars in nood', *Tijdschrift voor Financieel Recht* 2017, no. 1/2, p. 47-61.
- Van der Zwet 2001:** J.R. van der Zwet, 'De ontwikkeling van de Bankwet 1814-1998. Van 's Konings oudste dogter tot integrerend onderdeel van het ESCB', *Onderzoeksrapport Afdeling Wetenschappelijk onderzoek en econometrie*, De Nederlandsche Bank, 2001, no. 649.
- Van der Zwet 2011:** A. van der Zwet, 'Crisis Management Tools in the EU: What Do We Really Need?', *DNB Occasional Studies* 2011, no. 9.
- Van Eekelen 1971:** L.J.J. van Eekelen, 'Herziening van de Wet Toezicht Kredietwezen', *Maandschrift Economie. Tijdschrift voor algemeen economische en sociaaleconomische vraagstukken* 1971, no. 1, p. 84-96.

- Van Erp & Akkermans 2012:** S. van Erp & B. Akkermans (eds.), *Cases, Materials and Text on Property Law*, Oxford/Portland: Hart Publishing 2012.
- Van Es 2012 (GS Vermogensrecht):** P.C. van Es in: J. Hijma (ed.) *Groene Serie Vermogensrecht*, Deventer: Kluwer 2012.
- Van Gaalen 1996:** M.S. van Gaalen, 'Verrekening en de positie van derden', in: B. Wessels (ed.), *Verrekening*, Deventer: Kluwer 1996, p. 39-73.
- Van Galen 2013:** R.J. van Galen, 'De crediteur en de Interventiewet', in: D. Busch & M.P. Nieuwe Weme (eds.), *Christels Koers: Liber Amicorum Prof. mr. drs. C.M. Grundmann-van de Krol*, Deventer: Kluwer 2013, p. 265-286.
- Van Galen 2015:** R.J. van Galen, 'De surseance als echte reorganisatieprocedure', *Tijdschrift voor Insolventierecht* 2015/23.
- Van Gerven 1996:** W. van Gerven 'Bridging the Unbridgeable: Community and National Tort Laws after Francovich and Brasserie', *International and Comparative Law Quarterly* 1996, no. 3, p. 507-544.
- Van Gerven 1997:** W. van Gerven, 'Coherence of Community and national laws. Is there a legal basis for a European Civil Code?', *European Review of Private Law* 1997, no. 4, p. 465-470.
- Van Gerven 2001:** W. van Gerven, 'A Common Law for Europe: The Future Meeting the Past?', *European Review of Private Law* 2001, no. 4, 485-503.
- Van Gerven 2006:** W. van Gerven, 'Bringing (Private) Laws Closer to Each Other at the European Level', in: F. Cafaggi (ed.) *The Institutional Framework of European Private Law*, Oxford: Oxford University Press 2006, p. 37-78.
- Van Hees 2004:** A. van Hees, 'Het doel van het faillissement en de taak van de curator', *Tijdschrift voor Insolventierecht* 2004/45.
- Van Hees 2015:** A. van Hees, 'Maatschappelijk verantwoord vereffenen', *Tijdschrift voor Insolventierecht* 2015/1.
- Van Mierlo 2004:** A.I.M. van Mierlo, 'Boedelschulden. Mag het ietsje minder zijn?', *Tijdschrift voor Insolventierecht* 2004/55.
- Van Ijperenburg 2012:** J. van Ijperenburg, 'De Interventiewet: nieuwe instrumenten in het kader van crisismanagement bij financiële instellingen', *Tijdschrift voor Insolventierecht* 2012/5.
- Van Schagen 2016:** E.A.G. van Schagen, *The development of European private law in a multilevel legal order*, Cambridge/Antwerp/Portland: Intersentia 2016.
- Vanthoor 2004:** W.F.V. Vanthoor, *De Nederlandsche Bank 1814-1998: Van Amsterdamse kredietinstelling naar Europese stelselbank*, Amsterdam: Boom 2004.
- Van Zadelhoff 1998:** J.W.H. van Zadelhoff, 'Splitsing, crediteurenbescherming en faillissement', *Tijdschrift voor Insolventierecht* 1998, no. 7, p. 142-152.
- Van Zanden & Griffiths 1989:** J.L. van Zanden & R.T. Griffiths, *Economische Geschiedenis van Nederland in de 20^e eeuw*, Utrecht: Het Spectrum 1989.
- Van Zanten 2013 (GS Faillissementsrecht):** T.T. van Zanten in: R. Verdaas (ed.), *Groene Serie Faillissementsrecht*, Deventer: Kluwer 2013.
- Van Zeben et al. 1981 (legislative history Book 3 BW):** C.J. van Zeben et al., *Parlementaire geschiedenis van het nieuwe Burgerlijk Wetboek. Boek 3. Vermogensrecht in het algemeen*, Deventer: Kluwer 1981.
- Véron 2018:** N. Véron, 'Europe's fourfold union: Updating the 2012 vision', Bruegel Policy Contribution September 2017, no. 23.
- Verrill & Durban 2015:** L. Verrill & P. Durban, 'Crisis management in the banking sector: UK (England & Wales)', in: M. Haentjens & B. Wessels (eds.), *Research Handbook on Crisis Management in the Banking Sector*, Cheltenham/Northampton: Edward Elgar Publishing 2015, p. 525-543.
- Verstappen 1996:** L.C.A. Verstappen, *Rechtsopvolging onder algemene titel*, Deventer: Kluwer 1996.
- Verstappen 2002:** L.C.A. Verstappen, 'Overdracht onder algemene titel', in: M.J.G.C. Raaijmakers & L.C.A. Verstappen (eds.) *Preadvies van de Vereeniging 'Handelsrecht': Onderneming en overdracht onder algemene titel*, Deventer: W.E.J. Tjeenk Willink 2002, p. 41-174.
- Verstijlen 1998:** F.M.J. Verstijlen, *De faillissementscurator*, Deventer: W.E.J. Tjeenk Willink 1998.
- Verstijlen 2006:** F.M.J. Verstijlen, 'Paritas creditorum, voorrang en preferentie', *Tijdschrift voor Privaatrecht* 2006, no. 2, p. 1157-1236.

- Verstijlen 2010:** F.M.J. Verstijlen, 'Wat niet weet, deert. Informatierechten van crediteuren', *Tijdschrift voor Insolventierecht* 2010/33.
- Verstijlen 2014:** F.M.J. Verstijlen, 'Reorganisatie van ondernemingen en pre-pack', in: D. Busch et al., *Wet continuïteit ondernemingen (delen I en II) en het bestuursverbod*, Zutphen: Paris 2014, p. 13-65.
- Verstijlen 2016 (T&C Insolventierecht):** F.M.J. Verstijlen in: F.M.J. Verstijlen (ed.), *Tekst & Commentaar Insolventierecht*, Deventer: Kluwer 2016.
- Verstijlen 2017:** F.M.J. Verstijlen, 'De dubbele natuur van de doorstart', *Tijdschrift voor Insolventierecht* 2017/20.
- Verstijlen & Vriesendorp 2004:** F.M.J. Verstijlen & R.M. Vriesendorp, 'Boekbespreking. Enige opmerkingen over Polak-Wessels, Insolventierecht (I)', *Weekblad voor Privaatrecht, Notariaat en Registratie* 2004/6602, p. 991-997.
- Vieten 1996:** H.R. Vieten, *Banking Regulation in Britain and Germany Compared: Capital Ratios, External Audit and Internal Controls*, PhD thesis, London School of Economics 1996.
- Von Jacobs 2010:** N. von Jacobs, 'Eigentümerssanierung aus Unternehmertssicht', in: D. Schulz (ed.) *Restrukturierungspraxis*, Stuttgart: Schäffer-Poeschel Verlag 2010, p. 79-118.
- Von StaudingersKomm-BGB/[author] [year], [section]:** M. Löwisch/W. Wiegand/H.-P. Mansel (ed.), *J. von Staudingers Kommentar zum Bürgerlichen Gesetzbuch mit Einführungsgesetz und Nebengesetzen*, Berlin: Sellier/De Gruyter.
- Von Wilimowsky 2016:** P. von Wilimowsky, 'Insolvency law: its roles and principles', in: A. Cordes & M. Schulte Beerbühl (eds.), *Dealing with Economic Failure*, Frankfurt am Main: Peter Lang 2016, p. 243-260.
- Vriesendorp 1988:** R.D. Vriesendorp, 'Enige opmerkingen over de bankhypotheek en subrogatie bij beëindiging van de relatie bank/cliënt', *Weekblad voor Privaatrecht, Notariaat en Registratie* 1988/5876, p. 315-317.
- Vriesendorp 1996:** R.D. Vriesendorp, 'De toekomst van de Faillissementswet', *Tijdschrift voor Insolventierecht* 1996, no. 5, p. 140-145.
- Vriesendorp 2001:** R.D. Vriesendorp, 'Zeker een goed verhaal. Contouren van een nieuw preferentiestelsel', in J.C. van Apeldoorn, *Onzekere zekerheid*, Deventer: Kluwer 2001, p. 3-11.
- Vriesendorp 2013:** R.D. Vriesendorp, *Insolventierecht*, Deventer: Kluwer 2013.
- Vriesendorp, Hermans & De Vries 2013:** R.D. Vriesendorp, R.M. Hermans & K.A.J. de Vries, 'Herijking faillissementsrecht en het informeel akkoord: gemiste kans of opportunity voor een Nederlandse scheme of arrangement?', *Tijdschrift voor Insolventierecht* 2013/12.
- Vroom & Sperling 2017:** V. Vroom & R. Sperling, 'Estro: the end of the (Dutch) pre-pack', *14 International Corporate Rescue* 2017, no. 6, p. 397-400.
- Walker 2015:** N. Walker, 'The Philosophy of European Union Law', in: D. Chalmers & A. Arnall (eds.), *The Oxford Handbook of European Union Law*, Oxford: Oxford University Press 2015, chapter 1.
- Warren 1993:** E. Warren, 'Bankruptcy Policymaking in an Imperfect World', *Michigan Law Review* 1993, no. 2, p. 336-387.
- Warren 1987:** E. Warren, 'Bankruptcy Policy', *The University of Chicago Law Review* 1987, no. 3, p. 775-814.
- Watson 2000:** A. Watson, 'Legal Transplants and European Private Law', *Electronic Journal of Comparative Law* 2000, no. 4.
- Weber 2009:** A. Weber, 'Der Kunde in der Insolvenz seiner Bank', *Zeitschrift für das gesamte Insolvenzrecht* 2009, no. 13, p. 628-632.
- Weber 2012:** H. Weber, *Kreditsicherungsrecht*, München: Beck 2012.
- Webers 2012:** W. Webers, 'Das Sanierungsverfahren nach dem Restrukturierungsgesetz: Lösung zwischen rein internen Bemühungen der Bank und Förmlichem Planverfahren', in: F.A. Brogl (ed.), *Handbuch Banken-Restrukturierung*, Berlin: Erich Schmidt Verlag 2012, p. 133-149.
- Wessels 1997a:** B. Wessels, 'Bescherming van Fokker erfgoed als maatschappelijk belang?', *Tijdschrift voor Insolventierecht* 1997, no. 6, p. 169-170.

- Wessels 1997b:** B. Wessels, 'Splitsing van het onsplitsbare? Enige vermogensrechtelijke kanttekeningen bij 'splitsing' als rechtshandeling tot overgang van vermogen van een rechtspersoon onder algemene titel', *Stichting & Vereniging* 1997, p. 175-185.
- Wessels 1997c:** B. Wessels, 'Close-out netting in the Netherlands', *Journal of International Banking Law* 1997 no. 5, p. 187-194.
- Wessels 1997d:** B. Wessels, "Netting' in insolventierechtelijk perspectief', *Tijdschrift voor insolventierecht* 1997, no. 3, p. 91-98.
- Wessels 2007:** B. Wessels, 'Europe Deserves a New Approach to Insolvency Proceedings', *European Company Law* 2007, no. 6, p. 253-259.
- Wessels 2008:** B. Wessels, 'Belangenstrijd in het insolventierecht', valedictory address at the Vrije Universiteit Amsterdam, 22 February 2008.
- Wessels 2009:** B. Wessels, *Faillietverklaring*, Deventer: Kluwer 2009.
- Wessels 2010:** B. Wessels, 'Moeten schuldeisers altijd gelijk behandeld worden?', *Nederlands juristenblad* 2010/271, no. 6, p. 334-340.
- Wessels 2011:** B. Wessels, 'Harmonization of Insolvency Law in Europe', *European Company Law* 2011, no. 1, p. 27-31.
- Wessels 2012:** B. Wessels, *Faillietverklaring*, Deventer: Kluwer 2012.
- Wessels 2013a:** B. Wessels, *Het akkoord*, Deventer: Kluwer 2013.
- Wessels 2013b:** B. Wessels, *Vereffening van de boedel*, Deventer: Kluwer 2013.
- Wessels 2014:** B. Wessels, *Sursuance van betaling*, Deventer: Kluwer 2014.
- Wessels 2015a:** B. Wessels, *Bestuur en Beheer na faillietverklaring*, Deventer: Kluwer 2015.
- Wessels 2015b:** B. Wessels, 'Verrekening na faillissement', *Nederlands Tijdschrift voor Handelsrecht* (2015) no. 5, p. 231-248.
- Wessels 2015c:** B. Wessels, 'Business Rescue in Insolvency Law – Changing the laws and challenges for the Profession', *Tijdschrift voor vennootschapsrecht, rechtspersonenrecht en ondernemingsbestuur* 2015, no. 6, p. 207-215.
- Wessels 2016:** B. Wessels, *Faillietverklaring*, Deventer: Kluwer 2016.
- Wessels 2018:** B. Wessels, *Faillietverklaring*, Deventer: Kluwer 2018.
- Wessels 2017:** B. Wessels, 'II Commentary on Directive 2001/24/EC on the reorganisation and winding up of credit institutions', in: G. Moss, B. Wessels & M. Haentjens (eds.), *EU Banking and Insurance Insolvency*, Oxford: Oxford University Press 2017, chapter 3.
- Wessels & Madaus 2017:** B. Wessels & S. Madaus, 'Rescue of Business in Insolvency Law', Instrument of the European Law Institute 2017.
- Wessels, Markell & Kilborn 2009:** B. Wessels, B.A. Markell & J.J. Kilborn, *International Cooperation in Bankruptcy and Insolvency Matters*, Oxford: Oxford University Press 2009.
- Westermann 1998:** H. Westermann, *Sachenrecht*, Heidelberg: Müller Verlag 1998.
- Westpfahl 2010:** L. Westpfahl, 'Vorinsolvenzliches Sanierungsverfahren', *Zeitschrift für Unternehmens- und Gesellschaftsrecht* 2010, no. 2/3, p. 385-436.
- Wibier 2009:** R.M. Wibier, *Overgang van vorderingen en schulden en afstand van vorderingen*, Deventer: Kluwer 2009.
- Wibier 2011:** R.M. Wibier, 'Zachte heelmeesters, stinkende wonden! De voorgestelde Interventiewet voor financiële ondernemingen', *Nederlands Juristenblad* 2011/1266, no. 24, p. 1551-1557.
- Wiggings, Tente & Metrick 2015:** R.Z. Wiggings, N. Tente & A. Metrick, 'European Banking Union C: Cross-Border Resolution – Fortis Group', Yale Program on Financial Stability Case Study 2014-5C-V1, Revised: March 2015.
- Wilhelm 2010:** J. Wilhelm, *Sachenrecht*, Berlin/New York: De Gruyter 2010.
- Wilhelmsson 1999:** T. Wilhelmsson, 'Jack-in-the-Box Theory of European Community Law', in: L.D. Eriksson & S. Hurri (eds.), *Dialectic of Law and Reality: Readings in Finnish Legal Theory*, Helsinki: Faculty of Law University of Helsinki 1999, p. 437-454.
- Wilhelmsson 2002:** T. Wilhelmsson, 'Private Law in the EU: Harmonised or Fragmented Europeanisation?', *European Review of Private Law* 2002, no. 1, p. 77-94.
- Wiórek 2005:** P.M. Wiórek, *Das Prinzip der Gläubigergleichbehandlung im Europäischen Insolvenzrecht*, Baden-Baden: Nomos Verlagsgesellschaft 2005.
- Wirsch 2010:** S.A. Wirsch, 'Debt Equity Swap und Risiko der Insolvenzanfechtung', *Neue Zeitschrift für Gesellschaftsrecht* 2010, p. 1131-1133.

- Wirth 1996:** G. Wirth, 'Vereinfachte Kapitalherabsetzung zur Unternehmenssanierung', *Der Betrieb* 1996, no. 17, p. 867-872.
- Wissink 1999:** M.H. Wissink, 'De invloed van Europese richtlijnen op het Nederlandse privaatrecht', *Nederlands Tijdschrift voor Burgerlijk Recht* 1999, no. 1, p. 1-11.
- Wojcik 2016:** K.-Ph. Wojcik, 'Bail-in in the Banking Union', *Common Market Law Review* 2016, no. 1, p. 91-138.
- Wolfers & Rau 2009:** B. Wolfers & M. Rau, 'Finanzmarktstabilisierung, 3. Akt: "Bad Banks" zur Entlastung der Bilanzen', *Neue Juristische Wochenschrift* 2009, p. 2401-2406.
- Wood 2006:** J.H. Wood, *A history of central banking in Great Britain and the United States*, New York: Cambridge University Press 2006.
- Wood 2007a:** Ph. Wood, *Comparative law of security interests and title finance*, London: Sweet & Maxwell 2007.
- Wood 2007b:** Ph. Wood, *Set-off and Netting, Derivatives, Clearing Systems*, London: Sweet & Maxwell 2007.
- Wood 2008:** Ph. Wood, *Law and Practice of international finance*, London: Sweet & Maxwell 2008.
- Wood 2013:** Ph. Wood, 'The Bankruptcy Ladder of Priorities', *Business Law International* 2013, no. 3, p. 209-244.
- Worthington 2011:** S. Worthington, 'The unique charm of the common law', *European Review of Private Law* 19 (2011), p. 345-361.
- Wymeersch 2007:** E. Wymeersch, 'The Structure of Financial Supervision in Europe: About Single Financial Supervisors, Twin Peaks and Multiple Financial Supervisors', *European Business Organization Law Review* 2007, no. 2, p. 237-306.
- Xie 2016:** B. Xie, *Comparative insolvency law*, Cheltenham: Edward Elgar 2016.
- Zaman 2004:** D.F.M.M. Zaman, *Juridische fusie en splitsing: Civielrechtelijke aspecten voor de fusie, overname en (her)structureringspraktijk*, Doetinchem: Reed Business Information 2004.
- Zavvos & S. Kaltsouni 2015:** G.S. Zavvos & S. Kaltsouni, 'The Single Resolution Mechanism in the European Banking Union: Legal foundation, governance structure and financing', in: M. Haentjens & B. Wessels, *Research Handbook on Crisis Management in the Banking Sector*, Cheltenham/Northampton: Edward Elgar 2015, p. 117-149.
- Zerey/[author] 2016:** J.-C. Zerey (ed.), *Rechtshandbuch Finanzderivate*, Baden-Baden: Nomos 2016.
- Zhou et al. 2012:** J. Zhou et al., 'From Bail-out to Bail-in: Mandatory Debt Restructuring of Systemic Financial Institutions', IMF Staff Discussion Note April 2012, SDN/12/03.
- Zimmer 2010:** D. Zimmer, Stellungnahme zum Entwurf eines Gesetzes zur Restrukturierung und geordneten Abwicklung von Kreditinstituten, zur Errichtung eines Restrukturierungsfonds für Kreditinstitute und zur Verlängerung der Verjährungsfrist der aktienrechtlichen Organhaftung (Banken-Restrukturierungsgesetz), Bundestags-Drucksache 17/3024, Öffentliche Anhörung im Finanzausschuss am 6.10.2010.
- Zimmer 2014:** F.T. Zimmer, 'Die Beteiligten: Gericht, Verwalter, Schuldner, Gläubiger', in: R. Bork & G. Hölze, *Handbuch Insolvenzrecht*, Köln: RWS Verlag Kommunikationsforum 2014, p. 185-317.

Acknowledgements

Throughout the process of writing this dissertation, I have benefited enormously from the generous help of many people. Writing a comparative legal study requires much research and I am thankful to the many scholars and legal practitioners who gave me advice and pointed me in the right direction.

A particular word of thanks goes to Professor Bob Wessels of Leiden Law School, for introducing me to academia and to insolvency law; to Professor Helmut Siekmann of the Institute for Monetary and Financial Stability of Goethe University Frankfurt, for his hospitality at Goethe University; to Professor Jens-Hinrich Binder of the Eberhard-Karls-Universitaet Tuebingen and Professor Peter von Wilmowsky of Goethe University Frankfurt, for valuable discussions on topics covered in this book during my time at Goethe University; to my former colleagues at the European Central Bank, for investing time and energy to discuss ideas with me; to Ms. Sarah Paterson of the London School of Economics and Political Science, for her hospitality at the London School of Economics and for helping me to further develop my views and ideas; and, not least, to my colleagues at the Institute of Private Law of Leiden Law School, and especially my colleagues at the Hazelhoff Centre for Financial Law, for providing a stimulating working environment.

Moreover, I am truly grateful to the members of the doctorate committee, Professor Jens-Hinrich Binder, Professor Bart, Joosen, Ms. Sarah Paterson, Professor Rogier Raas and Professor Reinout Vriesendorp, for their time and efforts to review this dissertation.

I am deeply indebted to my Ph.D. supervisors, Professor Pim Rank and Professor Matthias Haentjens, who coached me professionally and personally and greatly supported my undertaking to complete this book. This dissertation has enormously benefited from their guidance along the way.

Most of all, I thank my parents, Geert and Tillie Janssen, and my brother, Stephan Janssen, for their encouragement and love throughout my life. This accomplishment would not have been possible without them.

Curriculum Vitae

Lynette Janssen (1990) studied law at Leiden University and received her master's degree in financial law in 2013 (*cum laude*). From 2013 to 2018, she worked as a Ph.D. candidate at Leiden University's Hazelhoff Centre for Financial Law. As a Ph.D. candidate, Lynette lectured and regularly published in the field of financial law. Moreover, Lynette completed a three-month research fellowship at the House of Finance of Goethe University Frankfurt (Germany) and the London School of Economics and Political Science (United Kingdom). She also participated in the three-year research project 'New Bank Insolvency Law for China and Europe' of the China University of Political Science and Law (Beijing, China) and Leiden University addressing the question of how best to achieve a modernized bank insolvency and bank resolution regime for China and Europe. In 2015 and 2016, Lynette worked as a trainee at the Supervisory Law Division of the European Central Bank's Directorate General Legal Services, where she focused mainly on issues concerning European banking supervision within the Single Supervisory Mechanism. Lynette was one of the winners in the global competition for the International Insolvency Institute's 2017 Prize in International Insolvency Studies. In 2019, she graduated with a Master of Laws from Harvard Law School.

In the range of books published by the Meijers Research Institute and Graduate School of Leiden Law School, Leiden University, the following titles were published in 2018 and 2019:

- MI-300 N.N. Koster, *Crime victims and the police: Crime victims' evaluations of police behaviour, legitimacy, and cooperation: A multi-method study*, (diss. Leiden), Amsterdam: Ipskamp Printing 2018
- MI-301 Jingshu Zhu, *Straightjacket: Same-Sex Orientation under Chinese Family Law – Marriage, Parenthood, Eldercare*, (diss. Leiden), Amsterdam: Ipskamp Printing 2018
- MI-302 Xiang Li, *Collective Labour Rights and Collective Labour Relations of China*, (diss. Leiden), Amsterdam: Ipskamp Printing 2018, ISBN 978 94 0280 924 4
- MI-303 F. de Paula, *Legislative Policy in Brazil: Limits and Possibilities*, (diss. Leiden), Amsterdam: Ipskamp Printing 2018, ISBN 978 94 028 0957 2
- MI-304 C. Achmad, *Children's Rights in International Commercial Surrogacy. Exploring the challenges from a child rights, public international human rights law perspective*, (diss. Leiden), Amsterdam: Ipskamp Printing 2018
- MI-305 E.B. Beenakker, *The implementation of international law in the national legal order – A legislative perspective*, (diss. Leiden), Amsterdam: Ipskamp Printing 2018
- MI-306 Linlin Sun, *International Environmental Obligations and Liabilities in Deep Seabed Mining*, (diss. Leiden), Amsterdam: Ipskamp Printing 2018
- MI-307 Qiulin Hu, *Perspectives on the Regulation of Working Conditions in Times of Globalization – Challenges & Obstacles Facing Regulatory Intervention*, (diss. Leiden), Amsterdam: Ipskamp Printing 2018
- MI-308 L.M. de Hoog, *Deprioriteitsregel in het vermogensrecht*, (diss. Leiden), Vianen: Proefschrift-maken.nl 2018, ISBN 978 94 930 1964 5
- MI-309 E.S. Daalder, *De rechtspraakverzamelingen van Julius Paulus. Recht en rechtvaardigheid in de rechterlijke uitspraken van keizer Septimius Severus*, (diss. Leiden), Den Haag: Boom Juridisch 2018, ISBN 978 94 6290 556 6, ISBN 978 94 6274 946 7 (e-book)
- MI-310 T.H. Sikkema, *Beginsel en begrip van verdeling*, (diss. Leiden), Vianen: Proefschrift-maken.nl 2018
- MI-311 L. Kools, *Essays on wealth, health and data collection*, (diss. Leiden), Amsterdam: Ipskamp Printing 2018, ISBN 978 94 028 1168 1
- MI-312 S. Voskamp, *Onderwijsovereenkomst. Contractenrechtelijke leerstukken toegepast op de rechtsverhouding tussen school, leerling en ouders in het primair en voortgezet bekostigd onderwijs*, (diss. Leiden), Den Haag: Boom juridisch 2018, ISBN 978 94 6290 585 6
- MI-313 S. van der Hof e.a. (red.), *Recht uit het hart* (liber amicorum W. Hins), Amsterdam: Ipskamp Printing 2018, ISBN 978 94 028 1310 4
- MI-314 D. Kong, *Civil Liability for Damage caused by Global Navigation Satellite System*, (diss. Leiden), Amsterdam: Ipskamp Printing 2018
- MI-315 T.B.D. van der Wal, *Nemo condicit rem suam. Over de samenloop tussen de rei vindicatio en de condictio*, (diss. Leiden), Den Haag: Boom juridisch 2019, ISBN 978 94 6290 609 9, ISBN 978 94 6236 909 2 (e-book)
- MI-316 R. Zandvliet, *Trade, Investment and Labour: Interactions in International Law*, (diss. Leiden), Amsterdam: Ipskamp Printing 2019
- MI-317 M. de Jong-de Kruijf, *Legitimiteit en rechtswaarborgen bij gesloten plaatsingen van kinderen. De externe rechtspositie van kinderen in gesloten jeugdhulp gezien vanuit kinder- en mensenrechten*, (diss. Leiden), Den Haag: Boom juridisch 2019
- MI-318 R.J.W. van Eijk, *Web Privacy Measurement in Real-Time Bidding Systems. A Graph-Based Approach to RTB system classification*, (diss. Leiden), Amsterdam: Ipskamp Printing 2019, ISBN 978 94 028 1323 4
- MI-319 M.P. Sombroek-van Doorm, *Medisch beroepsgeheim en de zorgplicht van de arts bij vermoedens van kindermishandeling in de rechtsverhouding tussen arts, kind en ouders*, (diss. Leiden), Den Haag: Boom juridisch 2019, ISBN 978 94 6236 906 1
- MI-320 Y. Tan, *The Rome Statute as Evidence of Customary International Law*, (diss. Leiden), Amsterdam: Ipskamp Printing 2019
- MI-321 T. van der Linden, *Aanvullend Verrijktingsrecht*, (diss. Leiden), Den Haag: Boom juridisch 2019, ISBN 978 94 6290 678 5, e-ISBN 978 94 6274 544 5
- MI-322 L.B. Louwerse, *The EU's Conceptualisation of the Rule of Law in its External Relations*, (diss. Leiden), Amsterdam: Ipskamp Printing 2019

- MI-323 I. Antonaki, *Privatisations and golden shares. Bridging the gap between the State and the market in the area of free movement of capital in the EU*, (diss. Leiden), Amsterdam: Ipskamp Printing 2019
- MI-324 E. Cammeraat, *Economic Effects of Social Protection*, (diss. Leiden), Amsterdam: Ipskamp Printing 2019
- MI-325 L.B. Esser, *De strafbaarstelling van mensenhandel ontrafeld. Een analyse en heroriëntatie in het licht van rechtsbelangen*, (diss. Leiden), Den Haag: Boom juridisch 2019, ISBN 978 94 6290 697 6
- MI-326 L.G.A. Janssen, *EU bank resolution framework. A comparative study on the relation with national private law*, (diss. Leiden), Amsterdam: Ipskamp Printing 2019
- MI-327 L.Y. d'Hondt, *Addressing Industrial Pollution in Indonesia. The Nexus between Regulation and Redress Seeking*, (diss. Leiden) Amsterdam: Ipskamp Printing 2019