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References

LITERATURE

Abad-Romero & Robles-Fernández 2007

P. Abad-Romero & M.D. Robles-Fernández, 'Bond rating changes and stock returns: evidence from the Spanish stock market', *Spanish Economic Review* 2007, pp. 79-103.

Ackermann 2018

T. Ackermann, 'Sektorielles EU-Recht und allgemeine Privatrechtssystematik', *ZEuP* 2018, pp. 741-781.

Adam & Winter 1996

T. Adam & G. Winter, 'Framework elements in regulations', in: G. Winter (ed.), *Sources and Categories of European Union Law. A Comparative and Reform Perspective*, Baden-Baden: Nomos Verlagsgesellschaft 1996, pp. 507-519.

Adams & Bomhoff 2012

M. Adams & J. Bomhoff, 'Comparing law: practice and theory', M. Adams & J. Bomhoff (eds.), *Practice and Theory in Comparative Law*, Cambridge: Cambridge University Press 2012.

Affourtit & Lubach 2012

V.H. Affourtit & R.D. Lubach, 'Toezichhoudersaansprakelijkheid onder de Wet aansprakelijkheidsbeperking DNB en AFM', *O&A* 2012/84.

Afonso, Furceri & Gomes 2011

A. Afonso, D. Furceri & P. Gomes, 'Sovereign credit ratings and financial markets linkages: Application to European data', ECB Working Paper Series June 2011, available at www.ecb.europa.eu/pub/pdf/scpwps/ecbwp1347.pdf?af8437707498f9ee33f5da6775c3460f.

Van den Akker 2001

E.J.A.M. van den Akker, *Beroepsaansprakelijkheid ten opzicht van derden. Een rechtsvergelijkend onderzoek naar de zorgplichten van accountants, advocaten en notarissen ten opzichte van anderen dan hun opdrachtgever*, Den Haag: Boom Juridische Uitgevers 2001.

Akkermans & Van Dijk 2012

A.J. Akkermans & H. van Dijk, 'Proportionele aansprakelijkheid, omkeringsregel, bewijslastverlichting en eigen schuld: een inventarisatie van de stand van zaken', *AV&S* 2012/17.

Alexander 2015

S.K. Alexander, 'Tort Liability for Ratings of Structured Securities under English Law', University of Oslo Faculty of Law Research Paper No. 2015-06, available at <https://ssrn.com/abstract=2547517>.

- Alpa 2019
G. Alpa, 'General Remarks on Civil Liability in the European Context', *European Business Law Review* 2019-1, pp. 101-116.
- Amort 2013
M. Amort, 'Haftung und Regulierung von Ratingagenturen. Ansätze einer Krisenprävention', *EuR* 2013, pp. 272-285.
- Angelé 2014
S. Angelé, *Das Rating von CDOs*, Tübingen: Mohr Siebeck 2014.
- Armour, Awrey, Davies et al. 2018
J. Armour, D. Awrey, P. Davies et al, *Principles of Financial Regulation*, Oxford: Oxford University Press 2018.
- Arntz 2012
M.M. Arntz, 'Die Haftung von Ratingagenturen gegenüber fehlerhaft bewerteten Staten und Unternehmen', *BKR* 2012, pp. 89-95.
- Arons 2013
T.M.C. Arons, 'Aansprakelijkheid van financieel analisten', in: D. Busch, C.J.M. Klaassen & T.M.C. Arons (eds.), *Aansprakelijkheid in de financiële sector* (Serie Onderneming en Recht, deel 78), Deventer: Kluwer 2013, pp. 773-832.
- Arons 2015
T.M.C. Arons, 'On Financial Losses, Prospectuses, Liability, Jurisdiction (Clauses) and Applicable Law. European Court of Justice 28 January 2015, Case C-375/13 (*Kolassa/Barclays Bank*)', 2015-3, pp. 377-382.
- Arons & Pijls 2010
A.C.W. Pijls & T.M.C. Arons, 'Prospectus Liability in the Netherlands. Consequences of the Unfair Commercial Practice Rules (Wet Oneerlijke Handelspraktijken, Wet OHP)', in: C.A. van den Nieuwenhuijzen (ed.), *Financial Law in the Netherlands*, Alphen aan den Rijn: Kluwer Law International 2010, pp. 443-485.
- Ashcraft, Goldsmith-Pinkham & Vickery 2010
A. Ashcraft, P. Goldsmith-Pinkham & J. Vickery, 'MBS Rating and the Mortgage Credit Boom', European Banking Center Discussion Paper No. 2010-24S, 2010, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1615613.
- Asser 2004
W.D.H. Asser, *Bewijslastverdeling*, Deventer: Kluwer 2004.
- Asser/Hartkamp & Sieburgh 6-IV 2015
A.S. Hartkamp & C.H. Sieburgh, *Mr. C. Assers Handleiding tot de beoefening van het Nederlands Burgerlijk Recht. 6. Verbintenissenrecht. Deel IV. De verbintenis uit de wet*, Deventer: Wolters Kluwer 2015.
- Asser/Maeijer/Van Solinge & Nieuwe Weme 2-II* 2009
G. van Solinge & M.P. Nieuwe Weme, *Mr. C. Assers Handleiding tot de beoefening van het Nederlands burgerlijk recht. 2. Rechtspersonenrecht. Deel II*. De naamloze en besloten vennootschap*, Deventer: Kluwer 2009.
- Asser/Scholten Algemeen deel* 1974
P. Scholten & G.J. Scholten, *Mr. C. Assers Handleiding tot de beoefening van het Nederlands Burgerlijk Recht. Algemeen deel*, third edition, Zwolle: W.E.J. Tjeenk Willink 1974.

- Asser/De Serière 2-IV 2018
V.P.G. de Serière, *Asser 2-IV Effectenrecht. Mr. C. Assers Handleiding tot de beoefening van het Nederlands Burgerlijk Recht. 2. Rechtspersonenrecht. Deel IV. Effectenrecht*, Deventer: Wolters Kluwer 2018.
- 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, tweede gedeelte*, Deventer: Wolters Kluwer 2017.
- Asser/Tjong Tjin Tai 7-IV 2018
T.F.E. Tjong Tjin Tai, *Mr. C. Assers Handleiding tot de beoefening van het Nederlands Burgerlijk Recht. 7. Bijzondere overeenkomsten. Deel IV. Opdracht, incl. de geneeskundige behandelingsovereenkomst en de reisovereenkomst*, Deventer: Wolters Kluwer 2018.
[...] in Assmann/Schütze, *HdB KapitalanlageR 2015*, § [...], para [...]
H.D. Assmann & R.A. Schütze, *Handbuch des Kapitalanlagerechts*, fourth edition, München: Beck 2015.
- Atema & Peek 2013
J.J. Atema & S.M. Peek, 'Credit rating agencies en civielrechtelijke aansprakelijkheid', in: D. Busch, C.J.M. Klaassen & T.M.C. Arons (eds.), *Aansprakelijkheid in de financiële sector* (Serie Onderneming en Recht, deel 78), Deventer: Kluwer 2013, pp. 931-972.
- Athanassiou 2011
P. Athanassiou, 'Financial sector supervisor's accountability. A European perspective', ECB Legal Working Paper No. 12 2011, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1807174.
- Audit & d'Avout 2013
B. Audit & L. d'Avout, *Droit International Privé*, seventh edition, Paris: Economica 2013.
- Bacache-Gibeili 2016
M. Bacache-Gibeili, *Les obligations. La responsabilité civile extracontractuelle*, third edition, Paris: Economica 2016.
- Barendrecht 1998
J.M. Barendrecht, 'Pure Economic Loss in the Netherlands', in: E. H. Hondius (ed.), *Netherlands Reports to the Fifteenth International Congress of Comparative Law*, Antwerpen/Groningen: Intersentia 1998, pp. 115-135.
- Barents & Brinkhorst 2012
R. Barents & L.J. Brinkhorst, *Grondlijnen van Europees Recht*, thirteenth edition, Deventer: Kluwer 2012.
- Barron, Clare & Thomas 1997
M.J. Barron, A.D. Clare & S.H. Thomas, 'The effect of bond rating changes and new ratings on UK stock returns', *Journal of Business Finance & Accounting* April 1997, pp. 497-509.
- Baumbach/Lauterbach/Albers/Hartmann 2015
A. Baumbach, W. Lauterbach, J. Albers & P. Hartmann, *Zivilprozessordnung*, seventy-third edition, München: Beck 2015.

Baumgartner 2015

M.A. Baumgartner, *Die (Dritt-)Haftung von Ratingagenturen und anderer Informations-experten – zugleich ein Beitrag zur Auslegung der § 275 UGB, § 11 KMG, §§ 1300, 1330 ABGB, Art 35a EU-RatingVO* (diss. Universität Wien), Wien 2015, available at http://othes.univie.ac.at/41317/1/2015-08-29_0749223.pdf.

Beatson, Burrows & Cartwright 2016

J. Beatson, A. Burrows & J. Cartwright, *Anson's Law of Contract*, thirtieth edition, Oxford: Oxford University Press 2016.

Bedendo, Cathcart, El-Jahel & Evans 2013

M. Bedendo, L. Cathcart, L. El-Jahel & L. Evans, 'The Credit Rating Crisis and the Informational Content of Corporate Credit Ratings', 2013, available at SSRN 1729231 and at <https://pdfs.semanticscholar.org/84bc/39a784ca54a31f8e7bad63b1929f960d50d6.pdf>.

Bell 2001

J. Bell, *French Legal Cultures*, London, Edinburgh, Dublin: Butterworths 2001.

Bell & Boyron 2008

J. Bell & S. Boyron, 'Sources of Law', in: J. Bell, S. Boyron & S. Whittaker, *Principles of French Law*, second edition, Oxford: Oxford University Press 2008, pp. 13-54.

Bénabent 2016

A. Bénabent, *Droit des obligations*, fifteenth edition, Issy-les-Moulineaux Cedex: LGDJ, Lextenso éditions 2016.

Berger & Ryborz 2014

K.P. Berger & S. Ryborz, 'Die Haftung von Ratingagenturen zwischen Kompensation und Verhaltenssteuerung', *WM* 2014, pp. 2241-2249.

Berger & Ryborz 2018

K.P. Berger & S. Ryborz, 'OLG Düsseldorf: Keine Schadenskompensation nach Art. 35a Rating-VO für Anleger bei fehlerhaftem Emittentenrating', *Betriebs-Berater* 2018, p. 1236.

Berger & Stemper 2010

K.P. Berger & M.M. Stemper, 'Haftung von Ratingagenturen gegenüber Anlegern', *WM* 2010, pp. 2289-2295.

Bergier 2018

C. Bergier, *Le contrôle international des agences de notation financières*, 2018, available at <https://tel.archives-ouvertes.fr/tel-01863563/document>.

Bertrams 1998

R.I.V.F. Bertrams, 'Rating agencies en hun aansprakelijkheid', in: S.C.J.J. Kortmann, W.A.K. Rank, M.H.E. Rongen et al. (eds.), *Onderneming en effecten* (Serie Onderneming en Recht, deel 13), Deventer: W.E.J. Tjeenk Willink 1998, pp. 341-367.

Bhatia 2002

A.V. Bhatia, 'Sovereign Credit Ratings Methodology: An Evaluation', IMF Working Paper WP/02/170 2002, pp. 1-60, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=880211.

De Bie Leuveling Tjeenk 2014

J. de Bie Leuveling Tjeenk, 'Het csqn-verband in het financiële aansprakelijkheids-recht', *MvV* 2014-13, pp. 317-324.

- Bikhchandani & Sharma 2001
S. Bikhchandani & S. Sharma, 'Herd Behavior in Financial Markets', *IMF Staff Papers* 2001/3, p. 279-310, available at www.imf.org/External/Pubs/FT/staffp/2001/01/pdf/Bikhchan.pdf.
- Bissoondoyal-Bheenick & Brooks 2015
E. Bissoondoyal-Bheenick & R. Brooks, 'Stock Market Impact of Sovereign Rating Changes: Alternative Benchmark Models', in: N. Finch (eds.), *Emerging Markets and Sovereign Risk*, London: Palgrave Macmillan 2015.
- Blaurock 2007
U. Blaurock, 'Verantwortlichkeit von Ratingagenturen – Steuerung durch Privat- oder Aufsichtsrecht?', *ZGR* 2007, pp. 603-653.
- Van Bochove 2016
L.M. van Bochove, 'Purely economic loss in conflict of laws: the case of tortious interference with contract', *NIPR* 2016-3, pp. 456-465.
- Van Bochove 2017
L.M. van Bochove, 'De herschikte EEX-Vo en derde landen: het formele toepassingsgebied van de Verordening nader bezien', *TCR* 2017-1, pp. 1-10.
- Boersma 2010
B.A. Boersma, 'Bijdrage van ratingbureaus aan ontstaan kredietcrisis onderzocht. Doet de verordening inzake ratingbureaus genoeg om een nieuwe zeperd te voorkomen?', *Onderneming en Financiering* 2010-1, pp. 4-24.
- Boonekamp, *GS Schadevergoeding*
R.J.B. Boonekamp, *Groene Serie Schadevergoeding*, Deventer: Kluwer (available online).
- Boonekamp, *Stelplicht & Bewijslast*
R.J.B. Boonekamp & W.L. Valk (eds.), *Stelplicht & Bewijslast*, Deventer: Wolters Kluwer (online).
- Borghetti 2013
J.S. Borghetti, 'La perte de chance, rapport introductif', *Issu de Petites Affiches* 2013-218, pp. 3 ff..
- Bradley 2015
M. Bradley, 'Three years post-Rubenstein: causation and loss revisited', *Butterworths Journal of International Banking and Financial Law* 2015, pp. 513-515.
- Brand 2018
R.A. Brand, 'New Challenges in the Recognition and Enforcement of Judgments', Working Paper No. 2018-19, September 2018, available at <https://ssrn.com/abstract=3246053>.
- Briggs 2008
A. Briggs, *Agreements on jurisdiction and choice of law*, Oxford: Oxford University Press 2008.
- Briggs 2013
A. Briggs, *The Conflict of Laws*, third edition, Oxford: Oxford University Press 2013.
- Van den Brink 2000
V. van den Brink, 'Opzet, grove schuld en exonatiebedingen', *Nieuwsbrief BW* 2000-7/8, pp. 94-98.

- Van den Brink, Den Ouden, Prechal et al. 2015
J.E. van den Brink, W. den Ouden, S. Prechal et al., 'General Principles of Law', in: J.H. Jans, S. Prechal & R.J.G.M. Widdershoven (eds.), *Europeanisation of Public Law*, second edition, Groningen: Europa Law Publishing 2015.
- Brownlow 2011
B.H. Brownlow, 'Rating Agency Reform: Preserving the Registered Market for Asset-Backed Securities', *N.C. Banking Inst.* 2011, pp. 111-138.
- Brugman & Schonewille 2013
G.J. Brugman & W.M. Schonewille, 'Credit rating agencies in toenemende mate voor de rechter gesleept', *VFP* 2013-3, pp. 11-13.
- Brunner 1981
C.J.H. Brunner, 'Causaliteit en toerekening van schade (I)', *Verkeersrecht* 1981, pp. 210-217.
- De Bruyne 2019
J. de Bruyne, 'Liability of Credit Rating Agencies – A Legal Comparative Analysis', *Forum Financier / Droit Bancaire et Financier* 2019/II, pp. 149-163.
- Van de Bunt 2016
J.E. van de Bunt, *Het rampenfonds* (diss. Leiden), Deventer: Wolters Kluwer 2016.
- Burgers 2017
D.E. Burgers, 'Het aanvangsmoment van de korte verjaringstermijn van art. 3:310 BW: is bekendheid met mogelijke schadeveroorzaker 'voldoende zekerheid'?', *BB* 2017/52, pp. 177-179.
- Busch 2012
D. Busch, 'Why MiFID matters to private law – the example of MiFID's impact on an asset manager's civil liability', *Capital Markets Law Journal* 2012-4, pp. 386-413.
- Busch 2015
D. Busch, *MiFID II/MiFIR: nieuwe regels voor beleggingsondernemingen en financiële markten. Preadvies voor de Vereniging van Financieel Recht* 2015, Deventer: Kluwer 2015.
- Busch 2016
D. Busch, 'Het civiel effect van de Marktmisbruikverordening', *TFR* 2016-12, pp. 525-537.
- Busch 2017
D. Busch, 'De invloed van het Europees financieel toezichtrecht op het Nederlands privaatrecht', *WPNR* 2017/7175, pp. 1011-1019.
- Busch & Arons 2015
D. Busch & T.M.C. Arons, 'Van woekerpólissen, rechtszekerheid en privaatrechtelijke gevolgen door een Luxemburgse bril', *Ars Aequi* 2015, pp. 696-701.
- Van Calster 2016
G.A. van Calster, *European Private International Law*, second edition, Oxford, Portland, Oregon: Hart Publishing 2016.
- Cantor & Packer 1994
R. Cantor & F. Packer, 'The Credit Rating Industry', *FRBNY Quarterly Review* 1994, pp. 1-26.

- Cantor, Packer & Cole 1997
R. Cantor, F. Packer & K. Cole, 'Split ratings and the pricing of credit risk', Report FED February 1997, available at www.newyorkfed.org/medialibrary/media/research/staff_reports/research_papers/9711.html.
- Cappelie 2014
J. Cappelie, 'L'encadrement juridique des agences de notation', *Le Petit Juriste* 2014.
- Cartwright 1996
J. Cartwright, 'Remoteness of Damage in Contract and Tort: a Reconsideration', *Cambridge Law Journal* 1996-3, pp. 488-514.
- Cartwright 2016
J. Cartwright, *Contract Law. An Introduction to the English Law of Contract for the Civil Lawyer*, third edition, Oxford and Portland, Oregon: Hart Publishing 2016.
- Cartwright 2017
J. Cartwright, *Misrepresentation, Mistake and Non-Disclosure*, fourth edition, London: Sweet & Maxwell 2017.
- Cash 2019
D. Cash, *Regulation and the Credit Rating Agencies. Restraining Ancillary Services*, New York: Routledge 2019.
- Castermans, Dankers-Hagenaars & Dejean de la Batie 2017
A.G. Castermans, D. Dankers-Hagenaars & A. Dejean de la Batie, 'Le rapprochement des responsabilités contractuelle et délictuelle dans l'avant-projet de réforme, abordé sous l'angle du droit comparé', *Revue internationale de droit comparé* 2017-1, pp. 7-44.
- Castermans & Den Hollander 2013
A.G. Castermans & P.W. den Hollander, 'Omgaan met onzekerheid', *NTBR* 2013/21.
- Caton & Goh 2003
G.L. Caton & J. Goh, 'Are All Rivals Affected Equally by Bond Rating Downgrades?', *Review of Quantitative Finance and Accounting* 2003, pp. 49-62.
- Chacornac 2014
J. Chacornac, *Essai sur les fonctions de l'information en droit des instruments financiers*, Paris: Dalloz 2014.
- Chacornac 2016
J. Chacornac, 'l'Indemnisation des investisseurs lésés', in: A. Reygrobelle & N. Huet (eds.), *La réforme du contentieux boursier. Répression des abus de marché en France et solutions étrangères*, Bruxelles: Larcier 2016.
- Chalmers, Davies & Monti 2014
D. Chalmers, G. Davies & G. Monti, *European Union Law*, third edition, Cambridge: Cambridge University Press 2014.
- Charlesworth & Percy 2018
C.T. Walton, M. Armitage & R. Cooper et al. (eds.), *Charlesworth & Percy on Negligence*, fourteenth edition, London: Sweet & Maxwell 2018.
- Cherednychenko 2012
O.O. Cherednychenko, 'Het private in het publiekrecht: over de opmars van het financiële 'toezichprivaatrecht' en zijn betekenis voor het verbintenissenrecht', *Themis* 2012-5, pp. 223-235.

- Clédat 2012
X. Clédat, 'Agences de notation: de la délicate mise en oeuvre de leur responsabilité civile', *Revue Lamy Droit Civil* 2012, no. 96, pp. 59-63.
- Clerk & Lindsell 2018
M.A. Jones, A.M. Dugdale, M. Simpson et al. (eds.), *Clerk & Lindsell on Torts*, twenty-second edition, London: Sweet & Maxwell 2018.
- Coffee 2006
J.C. Coffee, *Gatekeepers. The Professions and Corporate Governance*, Oxford: Oxford University Press 2006.
- Coffee 2013
J.C. Coffee, 'Ratings Reform: The Good, The Bad, and The Ugly', in: J. Kleinman, L. Gorton & A. Verstandig (eds.), *Perspectives on Credit Rating Agencies*, Mölnlycke: Elanders Sverige AB 2013, pp. 83-138.
- Coskun 2008
D. Coskun, 'Toezicht op Credit Rating Agencies. De rol van CRAs bij financieringsbeslissingen', *Ondernemingsrecht* 2008/181.
- Couret 2003
A. Couret, 'Les agences de notation: observations sur une angle mort de la réglementation', *Revue de sociétés* 2003, pp. 765 ff..
- Coval, Jurek & Stafford 2008
J.D. Coval, J. Jurek & E. Stafford, 'The Economics of Structured Finance', Harvard Business School Working Paper 2008, No. 09-060, available at www.hbs.edu/faculty/Publication%20Files/09-060.pdf.
- Cox 2016
R.L.M. Cox, 'Proportionele aansprakelijkheid versus kansverlies – Tussen dogmatiek en praktijk', *NTBR* 2016/40, pp. 271-279.
- Craig & De Búrca 2016
P. Craig & G. de Búrca, *EU Law. Text, Cases and Materials*, sixth edition, Oxford: Oxford University Press 2016.
- Daigre 2011
J.-J. Daigre, 'Avant-propos', *Bulletin Joly Bourse* 2011-2, pp. 113 ff..
- Dalton 2008
B. Dalton, *Financial Products. An Introduction Using Mathematics and Excel*, Cambridge: Cambridge University Press 2008.
- Van Dam 2013
C. van Dam, *European tort law*, second edition, Oxford: Oxford University Press 2013.
- Dannemann 2006
G. Dannemann, 'Comparative Law: Study of Similarities or Differences?', in: M. Reimann & R. Zimmermann, *The Oxford Handbook of Comparative Law*, Oxford: Oxford University Press 2006.
- Darbellay 2013
A. Darbellay, *Regulating Credit Rating Agencies*, Cheltenham: Edward Elgar 2013.
- Darbellay & Partnoy 2012
A. Darbellay & F. Partnoy, 'Credit Rating Agencies and Regulatory Reform', in: C.A. Hill & B.H. McDonall (eds.), *Research Handbook on the Economics of Corporate*

- Law*, Cheltenham: Edward Elgar 2012, also available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2042111.
- Dedek & Schermaier 2012
H. Dedek & M.J. Schermaier, '30. German Law', in: J.M. Smits, *Elgar Encyclopedia of Comparative Law*, second edition, Cheltenham: Elgar 2012, pp. 349-370.
- Deipenbrock 2014
G. Deipenbrock, 'Trying or Failing Better Next Time? – The European Legal Framework for Credit Rating Agencies after Its Second Reform', *EBLR* 2014, pp. 207-225.
- Deipenbrock 2015
G. Deipenbrock, 'The European Civil Liability Regime for Credit Rating Agencies from the Perspective of Private International Law – Opening Pandora's Box?', *International and Comparative Corporate Law Journal* 2015-2, also available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2546268##.
- Deipenbrock 2018
G. Deipenbrock, 'Private Enforcement in the Realm of European Capital Markets Law Revisited and the Case of Credit Rating Agencies from the Perspective of European and German Law', *European Business Law Review* 2018-4, pp. 549-575.
- Della Negra 2014
F. Della Negra, 'The private enforcement of the MiFID conduct of business rules. An overview of the Italian and Spanish experiences', *ERCL* 2014-4, pp. 571-595.
- Denis 2011
F. Denis, 'La nouvelle responsabilité civile des agences de notation', *RLDA* 2011, pp. 73-78.
- Dezeuze 2004
E. Dezeuze, 'La responsabilité civile découlant de la diffusion d'information incomplète', *Bulletin Joly Bourse* 2004-1, pp. 43 ff..
- Dicey, Morris & Collins 2012
L.A. Collins, A. Briggs, A. Dickinson et al. (eds.), *Dicey, Morris and Collins on the conflict of laws*, fifteenth edition, London: Sweet & Maxwell 2012.
- Dichev & Piotroski 2001
I.D. Dichev & J.D. Piotroski, 'The Long-Run Stock Returns Following Bond Rating Changes', *Journal of Finance* 2001, pp. 173-203.
- Dickinson 2008
A. Dickinson, *The Rome II Regulation. The Law Applicable to Non-Contractual Obligations*, Oxford: Oxford University Press 2008.
- Van Dijk 2013
Chr.H. van Dijk, 'Causale perikelen: het is moeilijk en het zal moeilijk blijven', *TVP* 2013-3, pp. 61-84.
- Van Dijk 2016
J.M. van Dijk, *Over opinions. Handleiding voor het opstellen en beoordelen van Nederlandsrechtelijke legal opinions*, Den Haag: Boom Juridisch 2016.
- Dijkshoorn 2011
W. Dijkshoorn, 'De leer van de redelijke toerekening: back to the eighties', *AV&S* 2011/30.

- Dondero, Haschke-Dournaux & Sylvestre 2004
 B. Dondero, M. Haschke-Dournaux & S. Sylvestre, 'Les agences de notation', *Actes Pratiques – Sociétés* 2004, pp. 5-26.
- Van Dongen 2014
 E.G.D. van Dongen, *Contributory Negligence. A Historical and Comparative Study*, Leiden: Brill Nijhoff 2014.
- Duffhues & Weterings 2011
 P.J.W. Duffhues & W.C.T. Weterings, 'The quality of credit ratings and liability: the Dutch view', *International Journal of Disclosure and Governance* 2011, pp. 1-21.
- Dumont du Voitel 2018
 A. Dumont du Voitel, *Die zivilrechtliche Verantwortlichkeit von Ratingagenturen nach deutschem, europäischem und US-amerikanischem Recht*, Berlin: Peter Lang 2018.
- Duncan & Neill 2015
 B. Neill, R. Rampton, H. Rogers et al., *Butterworths Common Law Series Duncan and Neill on Defamation*, fourth edition, London: LexisNexis 2015.
- Van Dunné 2005
 J.M. van Dunné, 'Beperking van aansprakelijkheid in contracten: exoneration en verzekering, zoals in geval van 'bewuste roekeloosheid'', *TMA* 2005-3, pp. 89-104.
- Dutta 2013
 A. Dutta, 'Die neuen Haftungsregeln für Ratingagenturen in der Europäischen Union: Zwischen Sachrechtsvereinheitlichung und europäischem Entscheidungseinklang', *WM Wirtschafts- und Bankrecht* 2013, pp. 1729-1736.
- Dutta 2014
 A. Dutta, 'Die Haftung amerikanischer Ratingagenturen in Europa – Die Rolle des internationalen Privatrechts', *Praxis des Internationalen Privat- und Verfahrensrechts* 2014-1, pp. 33-41.
- Duyvensz 2003
 J.H. Duyvensz, *De redelijkheid van de exonerationclausule*, Den Haag: Boom Juridische Uitgevers 2003.
- Duyvensz 2011
 J.H. Duyvensz, 'Exoneraties en bewuste roekeloosheid', *WPNR* 2011(6867), pp. 225-231.
- Ebenroth & Dillon 1992
 C.T. Ebenroth & T.J. Dillon, 'The international rating game: an analysis of the liability of rating agencies in Europe, England, and the United States', *Law & Pol'y Int'l Bus.* 1992, pp. 783-834.
- Edwards 2013
 H. Edwards, 'CRA 3 and the liability of rating agencies: inconsistent messages from the regulation on credit rating agencies in Europe', *Law and Financial Markets Review* 2013, pp. 186-191.
- Empelmann 2007
 T. Empelmann, 'ThyssenKrupp AG', in: P. Seethaler & M. Steitz (eds.), *Praxishandbuch Treasury-Management. Leitfaden für die Praxis des Finanzmanagements*, Wiesbaden: Gabler 2007.

Van Esch 2013

R.E. van Esch, 'De privaatrechtelijke aansprakelijkheid voor schade als gevolg van misbruik van een betaalinstrument', in: D. Busch, C.J.M. Klaassen & T.M.C. Arons (eds.), *Aansprakelijkheid in de financiële sector* (Serie Onderneming en Recht, deel 78), Deventer: Kluwer 2013, pp. 1031-1082.

Fairhurst 2016

J. Fairhurst, *Law of the European Union*, eleventh edition, Harlow: Pearson 2016.

Fauvarque-Cosson & Fournier 2012

B. Fauvarque-Cosson & A. Fournier, '29. France', in: J.M. Smits, *Elgar Encyclopedia of Comparative Law*, second edition, Cheltenham: Edward Elgar 2012, pp. 344-348.

Fentiman 2006

R. Fentiman, 'Civil Jurisdiction and Third States: *Owusu* and after', *Common Market Law Review* 2006-3, pp. 705-734.

Ferrarini & Giudici 2005

G. Ferrarini & P. Giudici, 'Financial Scandals and the Role of Private Enforcement: The Parmalat Case', European Corporate Governance Institute, Law Working Paper 2005, No. 40/2005, available at https://ecgi.global/sites/default/files/working_papers/documents/SSRN-id730403.pdf.

Flandreau, Gaillard & Packer 2010

M. Flandreau, N. Gaillard & F. Packer, 'To err is human: rating agencies and the interwar foreign government debt crisis', BIS Working Papers 2010 No. 335, available at www.bis.org/publ/work335.pdf.

Flinterman & Santella 2013

F. Flinterman & P. Santella, 'ESMA: the European supervisor of credit rating agencies in the EU', in: J. Kleineman, L. Gorton & A. Verstandig, *Perspectives on Credit Rating Agencies*, Mölnlycke: Elanders Sverige AB 2013.

Fluitsma & Lubach 2017

J.M. Fluitsma & R.D. Lubach, 'Wanneer start de korte verjaringstermijn? De Hoge Raad houdt koers. HR 31 maart 2017, ECLI:NL:HR:2017:552 (*De Mispelhoef*)', *MvV* 2017, pp. 257-262.

Franx 2017

J.P. Franx, *Prospectusaansprakelijkheid uit onrechtmatige daad en contract*, Deventer: Wolters Kluwer 2017.

Frielink 2009

K. Frielink, 'Aansprakelijkheidsvragen rond het prospectus: van Groningen tot Rome II', *Tijdschrift voor Financieel Recht* 2009-7/8, pp. 300-305.

Fröhlich 2008

C.W. Fröhlich, *The Private International Law of Non-Contractual Obligations According to the Rome-II Regulation. A Comparative Study of the Choice of Law Rules in Tort Under European, English and German Law*, Hamburg: Verslag Dr. Kovač 2008.

Gabbi & Sironi 2005

G. Gabbi & A. Sironi, 'Which factors affect corporate bonds pricing? Empirical evidence from eurobonds primary market spreads', *The European Journal of Finance* 2005, pp. 59-74.

- Gaillard 2010
N. Gaillard, *Les agences de notation*, Paris: La Découverte 2010.
- García Alcubilla & Ruiz del Pozo 2012
R. García Alcubilla & J. Ruiz del Pozo, *Credit Rating Agencies on the Watch List: Analysis of European Regulation*, Oxford: Oxford University Press 2012.
- Garcimartín 2011
F. Garcimartín, 'The law applicable to prospectus liability in the European Union', *Law and Financial Markets Review* 2011, pp. 449-457.
- Garcimartín 2015
F. Garcimartín, 'Prorogation of Jurisdiction', in: A. Dickinson & E. Lein (eds.), *The Brussels I Regulation Recast*, Oxford: Oxford University Press 2015.
- Gargantini 2016
M. Gargantini, 'Capital Markets and the Market for Judicial Decisions: in Search of Consistency', *MPILux Working Paper* 1 (2016), available at www.mpi.lu/fileadmin/mpi/medien/research/Gargantini_Capital_Markets_Brux_I_2016-01-11_MPI.pdf.
- Gass 2014
M. Gass, *Haftung für fehlerhafte Ratings nach dem Artikel 35a der Ratingagenturverordnung*, Wien 2014, available at http://othes.univie.ac.at/33361/1/2014-04-15_9948129.pdf.
- Van Gerven 2000
W. van Gerven, 'Of Rights, Remedies and Procedures', *Common Market Law Review* 2000-3, p. 510.
- Van Gerven, Lever & Larouche 2000
W. van Gerven, J. Lever & P. Larouche, *Cases, Materials and Text on National, Supranational and International Tort Law*, Oxford and Portland, Oregon: Hart Publishing 2000.
- Getzler & Whelan 2017
J.S. Getzler & A. Whelan, 'Common Law and the Making of Financial Markets: Credit Ratings Agencies as a Test Case', in: K. Barker, K. Fairweather & R. Grantham (eds.), *Private Law in the 21st Century*, Oxford and Portland, Oregon: Hart Publishing 2017, also available at www.law.ox.ac.uk/sites/files/oxlaw/getzlerwhelan_-_common_law_and_the_making_of_financial_markets_-_credit_ratings_agencies_as_a_test_case_-_29feb16_for_workshop.pdf.
- GF-ZPO/[...], § [...], no. [...] 2019
I. Saenger, C. Ullrich & O. Siebert, *Gesetzesformulare Zivilprozessordnung*, fourth edition, Baden-Baden: Nomos 2019.
- Giesen & Maes 2014
I. Giesen & K.L. Maes, 'Omgaan met bewijsnood bij de vaststelling van het causaal verband in geval van verzuimde informatieplichten', *NTBR* 2014/27, pp. 219-232.
- Giesen & Rijnhout 2017
Giesen & Rijnhout, 'Case 4 Financial Judgments. The Netherlands', in: M. Infantino & E. Zervogianni, *Causation in European Tort Law*, Cambridge & New York: Cambridge University Press 2017.

- Gietzelt & Ungerer 2013
M. Gietzelt & J. Ungerer, 'Die neue zivilrechtliche Haftung von Ratingagenturen nach Unionsrecht', *Zeitschrift für das Privatrecht der Europäischen Union* 2013-6, pp. 333-346.
- Gillies 2008
L.E. Gillies, *Electronic Commerce and International Private Law. A Study of Electronic Consumer Contracts*, Aldershot and Burlington: Ashgate 2008.
- Goh & Ederington 1993
J.C. Goh & L.H. Ederington, 'Is a Bond Rating Downgrade Bad News, Good News, or No News for Stockholders?', *The Journal of Finance* 1993, pp. 2001-2008.
- De Graaf 2006
T.J. de Graaf, *Exoneraties in ICT-contracten tussen professionele partijen* (diss. Leiden), Deventer: Kluwer 2006.
- De Graaff 2017
R. de Graaff, 'Concurrent Claims in Contract and Tort: A Comparative Perspective', *European Review of Private Law* 2017-4, pp. 701-726.
- De Graaff & Bakker, *Groene Serie Onrechtmatige Daad*
R. de Graaff & P.S. Bakker, 'III.3 Samenloop onrechtmatige daad en wanprestatie', in: C.J.J.M. Stolker, *Groene Serie Onrechtmatige Daad*, Deventer: Kluwer (available online).
- De Graaff & Verheij 2017
R. de Graaff & D.J. Verheij, 'Europese verordeningen en Nederlands vermogensrecht', *AA* 2017, pp. 988-994.
- De Graaff & Verheij 2019
R. de Graaff & D.J. Verheij, 'Regulating Private Law. The Rise of Regulations and their Impact on National Codifications', in: P. Popelier & J.T. Silveira, *Lawmaking in multi-level settings*, Hart Publishing 2019.
- De Graaff 2020 (forthcoming).
- Green 2015
S. Green, *Causation in Negligence*, Oxford and Portland: Hart Publishing 2015.
- Griffin & Tang 2010
J.M. Griffin & D.Y. Tang, 'Did Subjectivity Play a Role in CDO Credit Ratings?', AFA 2010 Atlanta Meetings Paper; CELS 2009 4th Annual Conference on Empirical Legal Studies Paper; McCombs Research Paper Series No. FIN-04-10, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1364933.
- Gropp & Richards 2001
R. Gropp & A.J. Richards, 'Rating agency actions and the pricing of debt and equity of European banks: what can we infer about private sector monitoring of bank soundness?', ECB Working Paper Series August 2001, available at www.ecb.europa.eu/pub/pdf/scpwps/ecbwp076.pdf?759ddbfc3896a33f9555f23aeeb8a675.
- Grothe 2013
M. Grothe, 'Market pricing of credit rating signals', Working Paper Series ECB No. 1623 2013, www.ecb.europa.eu/pub/pdf/scpwps/ecbwp1623.pdf.
- Groussot 2006
X. Groussot, *General Principles of Community Law*, Groningen: Europa Law Publishing 2006.

Grundmann 2013

S. Grundmann, 'The Bankinter Case on MiFID Regulation and Contract Law', *ERCL* 2013-3, pp. 267-280.

Haar 2010

B. Haar, 'Haftung für fehlerhafte Ratings von Lehman-Zertifikaten – Ein neuer Baustein für ein verbessertes Regulierungsdesign im Ratingsektor?', *NZG* 2010, pp. 1281-1285.

Haar 2013

B. Haar, 'Neues zur Haftung von Ratingagenturen im Zuge der zweiten Novelle der Rating-Verordnung (CRA III)?', *DB* 2013, pp. 2489 ff..

Haar 2014

B. Haar, 'Civil liability of Credit Rating Agencies after CRA3 – Regulatory All-or-Nothing Approaches between Immunity and Over-Deterrence', *EBLR* 2014, pp. 315-334.

Haazen 2004

I. Haazen, 'Roekeloosheid en bewuste roekeloosheid in de systematiek van het Burgerlijk Wetboek (I)', *WPNR* 2004(6569), pp. 193-198.

Haentjens 2019

M. Haentjens, 'European Harmonisation of Intermediated Securities Law: Dispossession and Segregation in Regulatory and Private Law', in: L. Gullifer L. & J. Payne (eds.), *Intermediation and Beyond*, Oxford: Hart Publishing 2019, pp. 259-287.

Haentjens & De Gioia-Carabellese 2015

M. Haentjens & P. de Gioia-Carabellese, *European Banking and Financial Law*, Abingdon and New York: Routledge 2015.

Haentjens & Den Hollander 2013

M. Haentjens & P.W. den Hollander, 'Europees aansprakelijkheidsrecht door de voordeur: de aangescherpte verordening inzake ratingbureaus', *WPNR* 2013 (6985), pp. 623-624.

Haentjens & Verheij 2016

M. Haentjens & D.J. Verheij, 'Finding Nemo: Locating Financial Losses after *Kolassa/Barclays Bank and Profit*', *JIBLR* 2016-6, pp. 346-358.

Halfmeier 2014

A. Halfmeier, 'Die Haftung von Ratingagenturen gegenüber Kapitalanlegern: Von Sydney lernen?', *VuR* 2014, pp. 327-334.

Hand, Holthausen & Leftwich 1992

J.R.M. Hand, R.W. Holthausen & R.W. Leftwich, 'The Effect of Bond Rating Agency Announcements on Bond and Stock Prices', *The Journal of Finance* 1992, pp. 733-752.

Happ 2015

C. Happ, *Internationaler Rechtsschutz gegen fehlerhafte Ratings. Eine Betrachtung des Internationalen Zivilverfahrens- und Privatrechts sowie der Rating-Verordnung*, Frankfurt am Main: Peter Lang 2015.

Harding-Farrenberg & Donovan 2015

R. Harding-Farrenberg & K. Donovan, 'ABN AMRO Bank NV v Bathurst Regional Council Case Comment', *Business Law International* 2015-1, pp. 91-98.

Hartkamp 2014

A.S. Hartkamp, 'Horizontal effects' (or 'effects in relationships between individuals') of EU Law', in: A.S. Hartkamp, L.A.D. Keus, J.S. Kortmann et al. (eds.), *De invloed van het Europese recht op het Nederlandse privaatrecht. Algemeen deel*, second edition, Deventer: Kluwer 2014, pp. 57-71.

Hartkamp 2016

A.S. Hartkamp, 'Chapter 10 – Law of Obligations', in: M.J. Chorus, E.H. Hondius & W.J.M. Voermans, *Introduction to Dutch Law*, fifth edition, Alphen aan den Rijn: Kluwer Law International 2016.

Hartkamp 2017

A.S. Hartkamp, *Aard en opzet van het vermogensrecht (Monografieën BW A1)*, fifth edition, Deventer: Wolters Kluwer 2017.

Hartley 2013

T.C. Hartley, *Choice-of-Court Agreements under the European and International Instruments*, Oxford: Oxford University Press 2013.

Hartley 2015

T.C. Hartley, *International Commercial Litigation. Text, Cases and Materials on Private International Law*, second edition, Cambridge: Cambridge University Press 2015.

Hartlief 2014

T. Hartlief, 'Een vak apart', *NJB* 2014/2108, p. 2917.

Hartlief, Keirse, Lindenberg et al. 2018

T. Hartlief, A.L.M. Keirse, S.D. Lindenberg et al., *Verbintenissen uit de wet en schadevergoeding*, eighth edition, Deventer: Kluwer 2018.

Heiss 2015

H. Heiss, 'Anlegerschutz bei Versicherungsprodukten', in: E. Lorenz (ed.), *Karlsruher Forum 2014: Anlegerschutz durch Haftung nach deutschem und europäischem Kapitalmarktrecht: Mit Vorträgen von Katja Langenbucher und Helmut Heiss und Dokumentation der Diskussion*, Karlsruhe: Verlag Versicherungswirtschaft GmbH 2015, pp. 41 ff..

Hemraj 2015

M. Hemraj, *Credit Rating Agencies. Self-regulation, Statutory Regulation and Case Law Regulation in the United States and European Union*, Switzerland: Springer International Publishing 2015.

Heuser 2018

M. Heuser, 'Haftung einer Ratingagentur wegen fehlerhaftem Unternehmensrating', *IWRZ* 2018, pp. 83-84.

Heuser 2019

M. Heuser, *Die zivilrechtliche Haftung von Ratingagenturen nach Art. 35a Rating-VO (EU) Nr. 462/2013* (diss. Universität Heidelberg), Berlin: Peter Lang 2019.

Hijma 2016

Jac. Hijma, *Algemene voorwaarden (Monografieën BW B55)*, fourth edition, Deventer: Wolters Kluwer 2016.

Hillen 2013

M.F.E. Hillen, 'De Hoge Raad en het leerstuk van de proportionele aansprakelijkheid en kansschade', *MvV* 2013-4, pp. 122-127.

- Van Hoecke 2015
M. van Hoecke, 'Methodology of Comparative Legal Research', *Law and Method* 2015, pp. 1-35.
- Den Hoed 2018
J. den Hoed, 'Scheidslijnen tussen kansschade, proportionele aansprakelijkheid en de omkeringsregel', *MvV* 2018-6, pp. 189-201.
- Hoekzema, *Groene Serie Onrechtmatige Daad*
J.W. Hoekzema, 'VIII.7.1 De aansprakelijkheid van de rechtspersoon', in: C.J.J.M. Stolker, *Groene Serie Onrechtmatige Daad*, Deventer: Kluwer (available online).
- Hoekzema 2000
J.W. Hoekzema, *Kwalitatieve aansprakelijkheid voor ondergeschikten en aansprakelijkheid voor eigen onrechtmatige daad. Een rechtsvergelijkende studie* (diss. Groningen), Den Haag: Boom Juridische Uitgevers 2000.
- Hoggard 2016
N. Hoggard, 'What a tangled web we weave: conflicts in rating agency liability', *Cambridge Journal of International and Comparative Law* 2016, pp. 363-377.
- Holthuijsen-van der Kop 2015
C.C.H.A. Holthuijsen-van der Kop, 'De redelijke toerekening en de deelregels anno 2015: een update', *WPNR* 2015/7065, pp. 520-527.
- Horsch 2014
A. Horsch, 'Regulation of Credit Rating Companies: An Economic Point of View', *EBLR* 2014, pp. 227-248.
- Hull, Predescu & White 2004
J. Hull, M. Predescu & A. White, 'The relationship between credit default swap spreads, bond yields, and credit rating announcements', *Journal of Banking & Finance* 2004, pp. 2789-2811.
- Husa 2003
J. Husa, 'Farewell to Functionalism or Methodological Tolerance?', *Rabels Zeitschrift für ausländisches und internationales Privatrecht* 2003, pp. 419-447.
- Infantino & Zervogianni 2017
M. Infantino & E. Zervogianni, 'The European Ways to Causation', in: M. Infantino & E. Zervogianni, *Causation in European Tort Law*, Cambridge & New York: Cambridge University Press 2017.
- Jaakke 2014
J.C. Jaakke, 'Strengere regels voor ratingbureaus. Een vereenvoudiging van de aansprakelijkheidstelling onder Nederlands recht?', *Ars Aequi* 2014, pp. 190-193.
- Jackson & Powell 2017
J.L. Powell & R. Stewart (eds.), *Jackson & Powell on Professional Liability*, eighth edition, London: Sweet & Maxwell 2017.
- Jans, Prechal & Widdershoven 2015
J.H. Jans, S. Prechal & R.J.G.M. Widdershoven (eds.), *Europeanisation of Public Law*, second edition, Groningen: Europa Law Publishing 2015.
- Jansen 1999
N. Jansen, 'The Idea of a Lost Chance', *Oxford Journal of Legal Studies* 1999, pp. 271-296.

- Janssen 2017a
I.P.M.J. Janssen, 'De civielrechtelijke zorgplicht van de beleggingsdienstverlener bij niet-particuliere beleggers. Het publiekrecht bepaalt!', *Ars Aequi* 2017-11, pp. 1033-1037.
- Janssen 2017b
I.P.M.J. Janssen, *De civielrechtelijke zorgplicht van de beleggingsdienstverlener jegens de niet-particuliere cliënt* (diss. Nijmegen), Deventer: Wolters Kluwer 2017.
- Jansen, Kästle-Lamparter & Rademacher 2017
N. Jansen, D. Kästle-Lamparter & L. Rademacher, 'Case 4 Financial Judgments. Germany', in: M. Infantino & E. Zervogianni, *Causation in European Tort Law*, Cambridge & New York: Cambridge University Press 2017.
- De Jong 2010
B.J. de Jong, *Schade door misleiding op de effectenmarkt. Een onderzoek naar de vereisten van causaal verband en schade bij schadevergoedingsacties van beleggers wegens misleiding door beursvennootschappen, met beschouwingen over Amerikaans recht*, Deventer: Kluwer 2010.
- De Jong 2011
B.J. de Jong, 'Liability for Misrepresentation – European Lessons on Causation from the Netherlands', *ECFR* 2011, pp. 352-375.
- De Jong 2016
B.J. de Jong, 'Schade door misleiding op de effectenmarkt revisited', *Ondernemingsrecht* 2016-3, pp. 122-129.
- De Jong & Pijls 2013
B.J. de Jong & A.C.W. Pijls, 'Schadevergoeding voor zittende aandeelhouders bij misleidende berichtgeving?', *Ondernemingsrecht* 2013/2.
- Jongeneel 2017a
R.H.C. Jongeneel, 'Gebondenheid', in B. Wessels & R.H.C. Jongeneel (eds.), *Algemene voorwaarden*, sixth edition, Deventer: Wolters Kluwer 2017.
- Jongeneel 2017b
R.H.C. Jongeneel, 'Aansprakelijkheidsbeperking', in B. Wessels & R.H.C. Jongeneel (eds.), *Algemene voorwaarden*, sixth edition, Deventer: Wolters Kluwer 2017.
- Jongeneel & Pavillon 2017
R.H.C. Jongeneel & C.M.D.S. Pavillon, 'Algemene vernietigingsgronden; de open norm', in B. Wessels & R.H.C. Jongeneel (eds.), *Algemene voorwaarden*, sixth edition, Deventer: Wolters Kluwer 2017.
- Kalkman 2016
W.M.A. Kalkman, '"Nationale-Nederlanden/Van Leeuwen: was de uitspraak het wachten waard?" – een reactie', *NTBR* 2016/27.
- Kapteyn & VerLoren van Themaat 1998
P.J.G. Kapteyn & P. VerLoren van Themaat, *Introduction to the Law of the European Communities*, third edition, Londen: Kluwer Law International 1998.
- Katan 2017
B.M. Katan, *Toerekening van kennis aan rechtspersonen*, Deventer: Wolters Kluwer 2017.

- Keirse & Jongeneel 2013
A.L.M. Keirse & R.H.C. Jongeneel, *Eigen schuld en mede-aansprakelijkheid (Monografieën Privaatrecht 16)*, Deventer: Kluwer 2013.
- Kisgen & Strahan 2009
D.J. Kisgen & P.E. Strahan, 'Do regulations based on credit ratings affect a firm's cost of capital?', NBER Working Paper Series April 2009, available at www.nber.org/papers/w14890.
- Kistler 2018
A.R.E. Kistler, 'Effect of exclusive choice-of-court agreements in favour of third states within the Brussels I Regulation Recast', *Journal of Private International Law* 2018-1, pp. 66-95.
- Klaassen 2012
C.J.M. Klaassen & J. Spier, *Causaliteitsperikelen. Preadviezen van de VASR*, Deventer: Wolters Kluwer 2012.
- Klaassen 2013
C.J.M. Klaassen, 'Bewijs van causaal verband tussen beweerdelijk geleden beleggingsschade en schending van een informatie- of waarschuwingsplicht,' in: D. Busch, C.J.M. Klaassen & T.M.C. Arons (eds.), *Aansprakelijkheid in de financiële sector* (Serie Onderneming en Recht, deel 78), Deventer: Kluwer 2013, pp. 127-174.
- Klaassen 2017
C.J.M. Klaassen, *Schadevergoeding: algemeen, deel 2 (Monografieën BW B35)*, Deventer: Wolters Kluwer 2017.
- Klein 2013
J. Klein, *Le point de départ de la prescription*, Paris: Economica 2013.
- Kliger & Sarig 2000
D. Kliger & O. Sarig, 'The Information Value of Bond Ratings', *The Journal of Finance* 2000, pp. 2879-2902.
- Knigge 2012
M.W. Knigge, 'Tegenstrijdige Europese regelgeving? De verhouding tussen de EEX-verordening en de Richtlijn oneerlijke bedingen', *MvV* 2012-4, pp. 95-100.
- Koch 2005
H. Koch, 'The Law of Torts', in: J. Zekoll and M. Reimann (eds.), *Introduction to German Law*, second edition, The Hague: Kluwer Law International 2005, pp. 205-226.
- Koch 2017
P. Koch, '§ 19 Disclosure of Inside Information', in R. Veil (ed.), *European Capital Markets Law*, second edition, Oxford and Portland, Oregon: Hart Publishing 2017.
- Koopmann 2010
M.W.E. Koopmann, *Bevrijdende verjaring (Monografieën BW B14)*, Deventer: Wolters Kluwer 2010.
- Koopmann, GS *Vermogensrecht*
M.W.E. Koopmann, *Groene Serie Vermogensrecht*, Deventer: Kluwer (available online).
- Kontogeorgou 2014
M. Kontogeorgou, 'Externes Rating und Anlegerschutz im Spiegel der neuen Verordnung (EU) Nr. 462/2013', *Deutsches Steuerrecht* 2014, pp. 1397-1404.

Kötz 1993

H. Kötz, 'Rechtsvergleichung und gemeineuropäisches Privatrecht', in: P.C. Müller-Graff (ed.), *Gemeinsames Privatrecht in der Europäischen Gemeinschaft*, Baden-Baden: Nomos Verlagsgesellschaft 1993, pp. 95-108.

Kötz & Wagner 2013

H. Kötz & G. Wagner, *Deliktsrecht*, twelfth edition, München: Verlag Franz Vahlen 2013.

Kraaiipoel 2009

B.I. Kraaiipoel, 'Bewuste roekeloosheid en een beroep op een exonerationclausule', *BB* 2009/24.

Král 2008

R. Král, 'National normative implementation of EC Regulations: An exceptional or rather common matter?', *European Law Review* 2008, pp. 243-256.

Kramer 2017a

A. Kramer, *The Law of Contract Damages*, second edition, Oxford and Portland, Oregon: Hart Publishing 2017.

Kramer 2017b

P.H. Kramer, 'De zorgplicht van beroepsbeoefenaren jegens derden en de invloed van gebruiksbedingen en exonerationen in rapportages', *Maandblad voor Vermogensrecht* 2017-11, pp. 315-324.

Krans 2010

H.B. Krans, *Nederlands burgerlijk procesrecht en materieel EU-recht*, Deventer: Kluwer 2010.

Krause 2018

L. Krause, *Der Deutsche Rat für Internationales Privatrecht. Wirken und Wirkung im Kontext kollisionsrechtlicher Entwicklung in Deutschland seit 1953*, Baden-Baden: Nomos Verlagsgesellschaft 2018.

Kroeze, Timmerman & Wezeman 2013

M.J. Kroeze, L. Timmerman & J.B. Wezeman, *De kern van het ondernemingsrecht*, third edition, Deventer: Kluwer 2013.

Kronenberger 2001

V. Kronenberger, 'Case C-403/98, Azienda Agricola Monte Arcosu Srl v. Regione Autonoma della Sardegna, Organismo Comprensoriale No. 24 della Sardegna, Ente Regionale per l'Assistenza Tecnica in Agricoltura (ERSAT)', *Common Market Law Review* 2001-6, pp. 1545-1556.

Kuipers 2013

J.J. Kuipers, 'The European Union and the Hague Conference on Private International Law – Forced Marriage or Fortunate Partnership', in: H. de Waele & J.J. Kuipers, *The European Union's Emerging International Identity*, Leiden: Brill Nijhoff 2013.

Kuipers 2014

J.J. Kuipers, 'The Competence of the European Union in Private Law', in: A.S. Hartkamp, C.H. Sieburgh, L.A.D. Keus et al. (eds.), *The Influence of EU Law on National Private Law. General Part*, second edition, Deventer: Kluwer 2014, pp. 159-185.

Kuypers 2008

P.H.L.M. Kuypers, *Forumkeuze in het Nederlandse internationaal privaatrecht*, Deventer: Kluwer 2008.

Labão, Pacheco & Campos 2018

J. Labão, L. Pacheco & S. Campos, 'Stock price effects of bank rating announcements: An application to European Union countries', *Int J Fin Econ* 2018, pp. 4-19.

Langohr & Langohr 2008

H.M. Langohr & P.T. Langohr, *The Rating Agencies and their Credit Ratings. What They Are, How They Work and Why They Are Relevant*, Chichester: John Wiley & Sons Ltd 2008.

Leclerc 2010

F. Leclerc, 'La responsabilité des agences de notation', in: G. Virassamy, *La notation d'entreprises*, Paris: L'Harmattan 2010, pp. 129-162.

Leczykiewicz 2009-2010

D. Leczykiewicz, 'Private Party Liability in EU Law: In Search of the General Regime', *Cambridge Yearbook of European Legal Studies* 2009-2010, pp. 257-282.

Leczykiewicz & Weatherill 2013

D. Leczykiewicz & S. Weatherill, 'Private law relationships and EU law', in: D. Leczykiewicz & S. Weatherill (eds.), *The involvement of EU law in private law relationships*, Oxford: Hart Publishing Ltd. 2013.

Lehmann 2011

M. Lehmann, 'Where does economic loss occur?', *Journal of Private International Law* 2011-3, pp. 527-550.

Lehmann 2012

M. Lehmann, 'Vorschlag für eine Reform der Rom II-Verordnung im Bereich der Finanzmarktdelikte', *IPRax* 2012, pp. 399-405.

Lehmann 2015a

M. Lehmann, 'Special jurisdiction', commentary on article 7(1), (3), (5), (6) and (7), in: A. Dickinson & E. Lein (eds.), *The Brussels I Regulation Recast*, Oxford: Oxford University Press 2015.

Lehmann 2015b

M. Lehmann, *Münchener Kommentar zum Bürgerlichen Gesetzbuch: BGB Band 11: Internationales Privatrecht II, Internationales Wirtschaftsrecht, Einführungsgesetz zum Bürgerlichen Gesetzbuche (Art. 25-248): IPR II, IntWR, Art. 25-248, EGBGB*, sixth edition, München: C.H. Beck 2015.

Lehmann 2016a

M. Lehmann, 'Civil Liability of Rating Agencies – An Insipid Sprout from Brussels', *Capital Markets Law Journal* 2016-1, pp. 60-83.

Lehmann 2016b

M. Lehmann, 'Prospectus Liability and Private International Law – Assessing the Landscape after the CJEU Kolassa Ruling (Case C-375/13)', *Journal of Private International Law* 2016-2, pp. 318-343.

Lehmann 2018

M. Lehmann, 'Private international law and finance: nothing special?', *NIPR* 2018-1, pp. 3-25.

Lenaerts & Gutiérrez-Fons 2014

K. Lenaerts & J.A. Gutiérrez-Fons, 'To say what the law of the EU is: methods of interpretation and the European Court of Justice', *Columbia Journal of European Law* 2014-2, pp. 3-61.

Leveneur-Azémar 2017

A. Leveneur-Azémar, *Étude sur les clauses limitatives ou exonératoires de responsabilité*, Issy-Les-Moulineaux: LGDJ-Lextenso, DL 2017.

Levinson 2002

J. Levinson, *Contributory Negligence*, Welwyn Garden City: EMIS Professional Publishing Ltd 2002.

Lindenbergh 2014

S.D. Lindenbergh, *Schadevergoeding: algemeen, deel 1 (Monografieën BW B34)*, fourth edition, Deventer: Kluwer 2014.

Lipartito 2013

K. Lipartito, 'Mediating Reputation: Credit Reporting Systems in American History', *Business History Review* 2013-4, pp. 655-677.

Loos 2018

M.B.M. Loos, *Algemene voorwaarden*, third edition, The Hague: Boom Juridisch 2018.

Loussouarn, Bourel & De Vareilles-Sommières 2013

Y. Loussouarn, P. Bourel & P. de Vareilles-Sommières, *Droit international privé*, tenth edition, Paris: Dalloz 2013.

Lunney, Nolan & Oliphant 2017

M. Lunney, D. Nolan & K. Oliphant, *Tort Law. Text and Materials*, sixth edition, Oxford: Oxford University Press 2017.

Madison 1974

J.H. Madison, 'The evolution of Commercial Credit Reporting Agencies in the Nineteenth-Century America', *The Business History Review* 1974-2, pp. 164-186.

Magnus 2000

U. Magnus, 'Causation in German Tort Law', in: J. Spier (ed.), *Unification of Tort Law: Causation*, The Hague, London, Boston: Kluwer Law International 2000.

Magnus 2013

U. Magnus, 'Causal Uncertainty and Proportional Liability in Germany' in: I. Gilead, M.D. Green & B.A. Koch (eds.), *Proportional Liability: Analytical and Comparative Perspectives*, Berlin: De Gruyter 2013.

Magnus & Mankowski 2016

U. Magnus & P. Mankowski, *Brussels Ibis Regulation: commentary*, third edition, Cologne: Otto Schmidt 2016.

Maier 2017

A. Maier, 'Haftung einer Ratingagentur gegenüber dem Anleger wegen Erstellung eines fehlerhaften Ratings (Anspruchsgrundlagen)', *VuR* 2017, pp. 383-387.

Malaurie, Aynès & Stoffel-Munck 2018

P. Malaurie, L. Aynès & P. Stoffel-Munck, *Droit des obligations*, tenth edition, Issy-les-Moulineaux Cedex: LGDJ, Lextenso éditions 2018.

Mandery 2014

M. Mandery, *Party Autonomy in Contractual and Non-Contractual Obligations: A European and Anglo-Common Law perspective on the freedom of choice of law in the Rome I Regulation on the law applicable to contractual obligations and the Rome II Regulation on the law applicable to non-contractual obligations*, Frankfurt am Main: Peter Lang GmbH, Internationaler Verlag der Wissenschaften 2014.

Maňko 2015

R. Maňko, 'EU competence in private law. The Treaty framework for a European private law and challenges for coherence', European Parliamentary Research Service 2015, PE 545.711, available at [www.europarl.europa.eu/RegData/etudes/IDAN/2015/545711/EPRS_IDA\(2015\)545711_REV1_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/545711/EPRS_IDA(2015)545711_REV1_EN.pdf).

Marino 2016

J.L. Marino, '§ 8:452.Foreign country money judgments (CPLR art. 53)', in: *West's McKinney's Forms Civil Practice Law & Rules*, March 2016 update.

Martin & Franker 2011

D.B.H. Martin & M.C. Franker, 'Rating Agency Regulation After The Dodd-Frank Act: A Mid-Course Review', *Insights* 2011-12, pp. 19-28.

Matthies 2013

A.B. Matthies, 'Empirical Research on Corporate Credit-Ratings: A Literature Review', SFB 649 Discussion Paper 2013-003 available at <http://sfb649.wiwi.hu-berlin.de/papers/pdf/SFB649DP2013-003.pdf>.

May 2010

A.D. May, 'The impact of bond rating changes on corporate bond prices: New evidence from the over-the-counter market', *Journal of Banking & Finance* 2010, pp. 2822-2836.

McDonnell 2018

A. McDonnell, 'Application and Enforcement of EU law in the Member States', in: P.J. Kuijper, F. Ambtenbrink, D. Curtin et al. (eds.), *The Law of the European Union*, Alphen aan den Rijn: Kluwer Law International 2018, pp. 413-468.

McGregor 2018

J. Edelman, S. Colton & J.N.E. Varuhas, *McGregor on Damages*, twentieth edition, London: Sweet & Maxwell 2018.

McKendrick 2017

E. McKendrick, *Contract Law*, twelfth edition, London: Palgrave Law Masters 2017.

Mendel 1993

M.M. Mendel, 'Enkele aspecten van opzet en grove schuld in het schadeverzekeringsrecht', in: H.A. Bouman, C.C. van Dam, R.H.C. Jongeneel et al., *In volle verzekerdheid: opstellen aangeboden aan Prof. mr. A.J.O. baron van Wassenae van Catwijck ter gelegenheid van zijn afscheid als hoogleraar privaatrecht aan de Vrije Universiteit te Amsterdam*, Zwolle: W.E.J. Tjeenk Willink 1993.

Merville 2013

A.-D. Merville, 'La responsabilité civile, pénale et administrative des agences de notation', *Revue de Droit bancaire et financier*, 2013-3.

Michaels 2006

R. Michaels, 'The Functional Method of Comparative Law' in: M. Reimann & R. Zimmermann, *The Oxford Handbook of Comparative Law*, Oxford: Oxford University Press 2006.

- Micu, Remolona & Wooldridge 2004
M. Micu, E.M. Remolona & P.D. Wooldridge, 'The price impact of rating announcements: evidence from the credit default swap market', *BIS Quarterly Review* June 2004.
- Micu, Remolona & Wooldridge 2006
M. Micu, E.M. Remolona & P.D. Wooldridge, 'The price impact of rating announcements: which announcements matter?', BIS Working Papers No 207, June 2006, available at www.bis.org/publ/work207.pdf.
- Miglioni 2014
A. Miglioni, *Recasting Credit Rating Agencies' Responsibility: Suggestions for Reform* (diss. Queen Mary University of London), 2014, available at https://qmro.qmul.ac.uk/xmlui/bitstream/handle/123456789/12986/Miglioni_Andrea_PhD_Final_260216.pdf?sequence=1.
- Miglioni 2019
A. Miglioni, *The Governance of Credit Rating Agencies. Regulatory Regimes and Liability Issues*, Cheltenham: Edward Elgar 2019.
- Moloney 2014
N. Moloney, *EU Securities and Financial Markets Regulation*, third edition, Oxford: Oxford University Press 2014.
- Montesquieu 1748
C. de Montesquieu, *De l'esprit des lois*, 1748.
- Moron-Puech 2017
B. Moron-Puech, 'Regards critiques sur la consécration du dualisme des responsabilités contractuelle et extracontractuelle', *Tribonien, Revue critique de législation et de jurisprudence* 2017, available at <https://hal.archives-ouvertes.fr/hal-01651459/document>.
- MuKoAktG/[...], 4. Aufl. 2017, WpÜG § [...], para [...]
W. Goette, M. Habersack & S. Kalss, *Münchener Kommentar zum Aktiengesetz*, fourth edition, München: Beck 2017.
- MuKoBGB/[...], [...], BGB § [...], para [...]
F.J. Säcker, R. Rixecker, H. Oetker & B. Limperg, *Münchener Kommentar zum BGB*, eighth edition, München: Beck 2019.
- Mullard 2012
M. Mullard, 'The Credit Rating Agencies and Their Contribution to the Financial Crisis', *The Political Quarterly* 2012-1, pp. 77-95.
- Müller 2016
M.F. Müller, 'EuGH 16.06. 16 – C-12/15. Deliktgerichtsstand am Erfolgsort bei reinen Vermögensschäden', *Neue Juristische Wochenschrift* 2016, pp. 2167-2170.
- Mullis & Oliphant 2011
A. Mullis & K. Oliphant, *Torts*, fourth edition, Basingstoke: Palgrave Macmillan 2011.
- Murray & Stürner 2004
P.L. Murray & R. Stürner, *German Civil Justice*, Durham: Carolina Academic press 2004.
- Musielak/Voit/[...], 15. Aufl. 2018, ZPO § [...] Rn. [...]
H.J. Musielak & W. Voit, *Zivilprozessordnung*, fifteenth edition, München: Franz Vahlen GmbH 2018.

Nuninga 2019

W.T. Nuninga, 'Het recht op een kans', *NTBR* 2019-3, pp. 41-52.

Nuninga, Verheij, Kahn, Auvray & Borucki 2020 (forthcoming)

W.T. Nuninga, D.J. Verheij, C. Kahn, F. Auvray & C. Borucki, 'Chances as legally protected assets', *ERPL* 2020-1 (forthcoming).

Nye 2014

R.P. Nye, *Understanding and Managing the Credit Rating Agencies. A Guide for Fixed Income Issuers*, London: Euromoney Institutional Investor PLC 2014.

Oderkerk 2015

M. Oderkerk, 'The Need for a Methodological Framework for Comparative Legal Research. Sense and Nonsense of "Methodological Pluralism" in Comparative Law', *Rabels Zeitschrift für ausländische und internationales Privatrecht* 2015, pp. 589-623.

Olaerts 2014

M. Olaerts, 'Concernrecht anno 2014', *Tijdschrift voor vennootschaps- en rechtspersonenrecht* 2014-1, pp. 11-15.

Örücü 2012

A.E. Örücü, 'Methodology of comparative law', in: J.M. Smits, *Elgar Encyclopedia of Comparative Law*, second edition, Cheltenham: Elgar 2012, pp. 560-576.

Pacces & Romano 2014

A.M. Pacces & A. Romano, 'A Strict Liability Regime for Rating Agencies', ECGI Law Working Paper No. 245/2014, March 2014, available at https://ecgi.global/sites/default/files/working_papers/documents/SSRN-id2405509.pdf.

Pagano & Volpin 2010

M. Pagano & P. Volpin, 'Rating agencies. Credit rating failures and policy options', *Economic Policy* 2010, pp. 401-431.

Palandt/[...] 2019, BGB § [...], no. [...]

G. Brudermüller, J. Ellenberger, I. Götz et al., *Palandt Bürgerliches Gesetzbuch*, seventy-eighth edition, München: Verlag C.H. Beck 2019.

Partnoy 2002

F. Partnoy, 'The Paradox of Credit Ratings', in: R.M. Levich, G. Majnoni & C.M. Reinhart (eds.), *Ratings, Rating Agencies and the Global Financial System*, New York: Springer Science+Business Media 2012, also available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=285162.

Partnoy 2006

F. Partnoy, 'How and Why Credit Rating Agencies are Not Like Other Gatekeepers', in: Y. Fuchita & R.E. Litan (eds.), *Financial Gatekeepers: Can They Protect Investors?*, Washington: Brookings Institution Press and the Nomura Institute of Capital Markets Research 2006, also available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=900257.

De Pascalis 2015

F. de Pascalis, 'Civil Liability of Credit Rating Agencies from a European Perspective: Development and Contents of Art 35(a) of Regulation (EU) No 462/2013', *International and Comparative Corporate Law Journal* 2015-2, pp. 41-70.

Le Pautremat 2006

S. le Pautremat, 'Mitigation of damage: a French perspective', *ICLQ* 2006, p. 205-218, available at www.cambridge.org/core/services/aop-cambridge-core/content/view/00E0A9DDBAA11FDE8A0FD41F10B2CAF5/S0020589300069165a.pdf/mitigation_of_damage_a_french_perspective.pdf.

Pescatore 2015

P. Pescatore, 'The doctrine of "direct effect": an infant disease of Community law', *European Law Review* 2015, pp. 135-153.

Picciau 2018a

C. Picciau, *Diffusione di giudizi inesatti nel mercato finanziario e responsabilit  delle agenzie di rating*, Milano: Egea 2018.

Picciau 2018b

C. Picciau, 'The Evolution of the Liability of Credit Rating Agencies in the United States and in the European Union: Regulation after the Crisis', *ECFR* 2018, pp. 339-402.

Pijls 2017

A.C.W. Pijls, 'Het toerekeningsverband van art. 6:98 BW bij bestuurdersaansprakelijkheid wegens misleiding van het beleggende publiek', in: B.F. Assink, L. Timmerman & J.B. Wezeman (eds.), *De vele gezichten van Maarten Kroeze's 'bange bestuurders'. Opstellen voor Prof. mr. M.J. Kroeze, vanwege zijn toetreden als raadsheer tot de civiele kamer van de Hoge Raad der Nederlanden per 1 september 2016*, Deventer: Kluwer 2017, pp. 447-462.

Pijls 2018

A.C.W. Pijls, *Misleidende beursberichten. Kwesties van causaal verband en schade* (diss. Erasmus University Rotterdam), 2018 [forthcoming].

Pijls & Van Boom 2010

A.C.W. Pijls & W.H. van Boom, 'Handhaving prospectusaansprakelijkheid niet illusoir: vermoeden van causaal verband bij prospectusaansprakelijkheid', *WPNR* 2010(6834), pp. 194-200.

Pitlo/Rutgers & Krans 2014

G.R. Rutgers & H.B. Krans, *Bewijs*, ninth edition, Deventer: Kluwer 2014.

Ploeger, *GS Zakelijke Rechten*

H.D. Ploeger, 'Artikel 23. Opsporen voorwerp of dier', in: F.J. Vonck (ed.), *Groene Serie Zakelijke Rechten*, Deventer: Wolters Kluwer (available online).

Van Praag 2013

E.J. van Praag, 'Toezichthoudersaansprakelijkheid voor onvoldoende toezicht en onrechtmatige besluiten', in: D. Busch, C.J.M. Klaassen & T.M.C. Arons (eds.), *Aansprakelijkheid in de financiële sector* (Serie Onderneming en Recht, deel 78), Deventer: Kluwer 2013, pp. 871-930.

Van Praag 2014

E.J. van Praag, 'Aansprakelijkheid van financiële toezichthouders naar Europees recht', *SEW* 2014, pp. 214-231.

Prechal 2000

S. Prechal, 'Does Direct Effect Still Matter?', *Common Market Law Review* 2000, pp. 1047-1069.

Prechal 2001

S. Prechal, 'Judge-Made Harmonisation of National Procedural Rules: A Bridging Perspective', in: J. Wouters & J. Struyck (eds.), *Principles of Proper Conduct for Supranational, State and Private Actors in the European Union: Towards a Ius Commune*, Antwerpen/Groningen/Oxford: Intersentia 2001 pp. 39-58.

Prechal 2005

S. Prechal, *Directives in EC Law*, second edition, Oxford: Oxford University Press 2005.

Prorok 2016

J. Prorok, *La responsabilité civile sur les marchés financiers*, 2016, available at <https://docassas.u-paris2.fr/nuxeo/site/esupversions/6ab2ccdd-b621-4b14-b68d-d2241e5203db>.

Quézel-Ambrunaz 2010

C. Quézel-Ambrunaz, *Essai sur la causalité en droit de la responsabilité civile*, Paris Cedex: Dalloz, 2010.

Quézel-Ambrunaz 2017

C. Quézel-Ambrunaz, 'Case 4 Financial Judgments. France', in: M. Infantino & E. Zervogianni, *Causation in European Tort Law*, Cambridge & New York: Cambridge University Press 2017.

Raitio 2013

J. Raitio, 'The Expectation of Legal Certainty and Horizontal Effect of EU Law', in: U. Bernitz, X. Groussot & F. Schulyok (eds.), *General Principles of EU Law and European Private Law*, Alphen aan den Rijn: Kluwer Law International 2013.

Rank, in: T&C Burgerlijk Wetboek, Art. 7:528 BW, note [...]

W.A.K. Rank, 'Commentaar op titel 7B Boek 7 BW', in: H.B. Krans, C.J.J.M. Stolker & W.L. Valk (eds.), *T&C Burgerlijk Wetboek*, thirteenth edition, Deventer: Kluwer 2019.

Rank 2019

W.A.K. Rank, 'Betalingstransacties onder PSD2', *MvV* 2019-4, pp. 107-123.

Reich 2014

N. Reich, *General Principles of EU Civil Law*, Cambridge: Intersentia 2014.

Rijken 1983

G.J. Rijken, *Exoneratieclausules*, Deventer: Kluwer 1983.

Von Rimon 2014

N. von Rimon, *Ratings in Deutschland. Rechtsrahmen und Haftung*, Göttingen: V&R Unipress 2014.

Rinaldo 2017

C. Rinaldo, *Die Haftung Dritter in Deutschland und Italien. Eine handelsrechtliche Untersuchung zu Ratingagenturen und PartG*, Walter De Gruyter 2017.

Risso 2015

G. Risso, 'Investor protection in credit rating agencies' non-contractual liability: the need for a fully harmonised regime', *European Law Review* 2015, pp. 706-721.

Risso 2016

G. Risso, 'Financial Torts and Investor Protection: Is the Europeanisation of Third State Cases a Viable Solution?', *Netherlands International Law Review* 2016, pp. 313-334.

Robbers 2017

G. Robbers, *An Introduction to German Law*, sixth edition, Baden-Baden: Nomos 2017.

Rogge 2016

E. Rogge, *Better Banking for Britain* (diss. University of London), 2016, available at https://eprints.soas.ac.uk/23791/1/Rogge_4312.pdf.

Rohe 2005

M. Rohe, 'Schadenersatzrechtliche Aspekte des Ratings und Haftungsbegrenzung', in: A.K. Achleitner & O. Everling, *Rechtsfragen im Rating: Grundlagen und Implikationen von Ratings für Agenturen, Investoren und geratete Unternehmen*, Wiesbaden: Gabler Verlag 2005.

Röhl 1974

K.F. Röhl, 'Zur Abgrenzung der groben von der einfachen Fahrlässigkeit', *Juristenzeitung* 1974, pp. 521-528.

Rontchevsky 2011

N. Rontchevsky, 'Chronique / Infractions financières. TGI Paris, 11^e Ch. corr., 21 janvier 2011, MP c/ X et autres', *RTDF* 2011-3, pp. 102-104.

Rosset 2013

C. Rosset, 'Haftung von Ratingagenturen', *KCU-Schriftenreihe* Band 2 2013, pp. 1-48.

Van Rossum 2014

A.A. van Rossum, 'De wettelijke aansprakelijkheidsbeperking van DNB en AFM: een bijzondere regel in aansprakelijkheids- en schadevergoedingsrecht', in: T.W. Franssen, R.D. Harteman, B.J.P.G. Roozendaal et al. (eds.), *Op het grensvlak. Opstellen aangeboden aan prof. mr. drs. B.P.M. van Ravels*, Den Haag: Stichting Instituut voor Bouwrecht 2014, pp. 177-186.

Sahore 2015

A. Sahore, 'Case Note. *ABN Amro Bank NV v Bathurst Regional Council: Credit Rating Agencies and Liability to Investors*', *Sydney Law Review* 2015, pp. 437-455.

Sahtie 2012

S. Sahtie, 'Wettelijke aansprakelijkheidsbeperking voor DNB en AFM. Hoe hoog komt de nieuwe lat te liggen?', *MvV* 2012-10, pp. 271-278.

Samuel 2014

G. Samuel, *An Introduction to Comparative Law Theory and Method*, Oxford and Portland, Oregon: Hart Publishing 2014.

De Savornin Lohman & Van 't Westeinde 2007

H.A. de Savornin Lohman & M.G. van 't Westeinde, 'Control and liability of credit rating agencies under Netherlands law', *Electronic Journal of Comparative Law*, 2007-1, pp. 1-20, available at www.ejcl.org/111/art111-18.pdf.

Scarso 2013

A. Scarso, 'The Liability of Credit Rating Agencies in a Comparative Perspective', *Journal of European Tort Law* 2013-2, pp. 163-189.

- Schantz 2015
P. Schantz, *Die zivilrechtliche Verantwortlichkeit von Ratingagenturen gegenüber Investoren*, Berlin: Duncker & Humblot 2015.
- Schelhaas 2017
H.N. Schelhaas, *Redelijkheid en billijkheid (Monografieën BW A5)*, second edition, Deventer: Wolters Kluwer 2017.
- Schroeter 2014
U.G. Schroeter, *Ratings – Bonitätsbeurteilungen durch Dritte im System des Finanzmarkt-, Gesellschafts- und Vertragsrechts. Ein rechtsvergleichende Untersuchung*, Tübingen: Mohr Siebeck 2014.
- Schroeter 2018
U.G. Schroeter, 'Haftung von Rating-Agenturen gegenüber Anlegern: Haftungshürden in der deutschen Gerichtspraxis', *Zeitschrift für Bankrecht und Bankwirtschaft* 2018-6, pp. 353-416.
- Schütze 2018
R. Schütze, *European Union Law*, second edition, Cambridge: Cambridge University Press 2018.
- Von Schweinitz 2007
O. von Schweinitz, *Rating Agencies: their Business, Regulation and Liability under U.S., U.K. and German Law*, Bloomington: Unlimited Publishing LLC 2007.
- Seibold 2016
S. Seibold, *Die Haftung von Ratingagenturen nach deutschem, französischem, englischem und europäischem Recht*, Tübingen: Mohr Siebeck 2016.
- Sieburgh 2014
C.H. Sieburgh, 'EU Law and Non-Contractual Liability', in: A.S. Hartkamp, C.H. Sieburgh, L.A.D. Keus et al. (eds.), *The Influence of EU Law on National Private Law*, second edition, Deventer: Kluwer 2014.
- Siemerink, Van Eijk & Van Esch 2006
L.A.R. Siemerink, M. van Eijden & R.E. van Esch, 'Uitsluiting of beperking van aansprakelijkheid via disclaimers op een website', *Computerrecht* 2006/69, pp. 143-149.
- Siems 2018
M. Siems, *Comparative Law*, second edition, Cambridge: Cambridge University Press 2018.
- Simon 2017
Y. Simon, *Notation et Agences de Rating*, Paris: Economica 2017.
- Smits 2012
J.M. Smits, 'The Netherlands', in: J.M. Smits, *Elgar Encyclopedia of Comparative Law*, second edition, Cheltenham: Elgar 2012, pp. 620-624.
- Snijders, Klaassen & Meijer 2017
H.J. Snijders, C.J.M. Klaassen & G.J. Meijer, *Nederlands burgerlijk procesrecht*, sixth edition, Deventer: Wolters Kluwer 2017.
- Sorkowitz 1991
A.J. Sorkowitz, 'Enforcing Judgments under the Uniform Foreign Money-Judgments Recognition Act', *Practical Lawyer* 1991-5, pp. 57-66.

Sotiropoulou 2012

A. Sotiropoulou, *Les obligations d'information des sociétés cotées en droit de l'union Européenne*, Bruxelles: Larcier 2012.

Sotiropoulou 2013

A. Sotiropoulou, 'La responsabilité civile des agences de notation', *Bulletin Joly Bourse* 2013-1.

Sotiropoulou 2016

A. Sotiropoulou, 'Calculating damages in securities litigation in France', *Revue trimestrielle de droit financier* 2016-3, pp. 50-55.

Spitz 2010

N. Spitz, *La réparation des préjudices boursiers*, Paris Cedex: Revue Banque Édition 2010.

Staudinger/[...] (2009) § [...], para [...]

J. Hager, J. von Staudingers *Kommentar zum Bürgerlichen Gesetzbuch. Buch 2: Recht der Schuldverhältnisse §§ 823E-I, 824, 825 (Unerlaubte Handlungen 1 – Teilband 2)*, Berlin: Sellier – de Gruyter 2009.

Staudinger/[...] (2014) § [...], para [...]

C. Bittner, G. Caspers, C. Feldmann et al., J. von Staudingers *Kommentar zum Bürgerlichen Gesetzbuch. Buch 2: Recht der Schuldverhältnisse §§ 255-304 (Leistungstörungsrecht 1)*, sixteenth edition, Berlin: Sellier – de Gruyter 2014.

Staudinger/[...] (2015) § [...], para [...]

D. Looschelders, D. Olzen & G. Schieman, J. von Staudingers *Kommentar zum Bürgerlichen Gesetzbuch. Buch 2: Recht der Schuldverhältnisse §§ 241-243 (Treu und Glauben)*, Berlin: Sellier – de Gruyter 2015.

Staudinger/[...] (2017) § [...], para [...]

J. Hager, J. von Staudingers *Kommentar zum Bürgerlichen Gesetzbuch. Buch 2: Recht der Schuldverhältnisse §§ 823A-D (Unerlaubte Handlungen 1 – Rechtsgüter und Rechte, Persönlichkeitsrecht, Gewerbebetrieb)*, Berlin: Sellier – de Gruyter 2017.

Staudinger/[...] (2017) § [...], para [...]

G. Schieman, J. von Staudingers *Kommentar zum Bürgerlichen Gesetzbuch. Buch 2: Recht der Schuldverhältnisse §§ 249-254 (Schadensersatzrecht)*, Berlin: Sellier – de Gruyter 2017.

Steel 2015

S. Steel, *Proof of Causation in Tort Law*, Cambridge: Cambridge University Press 2015.

Steiner 2018

E. Steiner, *French Law. A Comparative Approach*, second edition, Oxford: Oxford University Press 2018.

Steinrötter 2015

B. Steinrötter, 'Zuständigkeits- und kollisionsrechtliche Implikationen des europäischen Haftungstatbestands für fehlerhaftes Rating', *ZIP – Zeitschrift für Wirtschaftsrecht* 2015-3, pp. 110-115

Stolker, in: *T&C BW* 2015

C.J.J.M. Stolker, 'Opsporen voorwerp of dier', in: J.H. Nieuwenhuis, C.J.J.M. Stolker & W.L. Valk (eds.), *Tekst & Commentaar Burgerlijk Wetboek*, eleventh edition, Deventer: Kluwer 2015 (also available online).

- Strikwerda & Schaafsma 2019
L. Strikwerda & S.J. Schaafsma, *Inleiding tot het Nederlandse internationaal privaatrecht*, twelfth edition, Deventer: Kluwer 2019.
- Sylla 2001
R. Sylla, 'A Historical Primer on the Business of Credit Ratings', paper prepared for the conference on 'The Role of Credit Reporting Systems in the International Economy', The World Bank, Washington, March 2001, available at www.etcases.com/media/cnews/1422509293717634043.pdf.
- Symeonides 2008
S.C. Symeonides, *American Private International Law*, Alphen aan den Rijn: Kluwer Law International 2008.
- Taekema, De Roo & Elion-Valter 2011
S. Taekema, A. de Roo & C. Elion-Valter (eds.), *Understanding Dutch Law*, second edition, The Hague: Eleven International Publishing 2011.
- Tallon 2008
D. Tallon, 'Contract Law', in: G.A. Bermann & E. Picard, *Introduction to French Law*, Alphen aan den Rijn: Kluwer Law International 2008, pp. 205-236.
- Tang 2015
Z.S. Tang, *Electronic Consumer Contracts in the Conflict of Laws*, second edition, Oxford and Portland, Oregon: Hart Publishing 2015.
- Tegelaar 2016
J.T. Tegelaar, 'Immuun voor de Unie? (Semi-)immuniteit van nationale financiële toezichthouders onder nieuw recht', *Ars Aequi* 2016, pp. 705-715.
- Tchotourian 2011
I. Tchotourian, 'Agences de notation: encadrement et responsabilité', *Bulletin Joly Bourse* 2011, no. 2, pp. 119 ff..
- Thépot 2010
C. Thépot, 'L'encadrement légal de l'activité des agences de notation par la loi de régulation bancaire et financière', *Les Petites Affiches* 2010, no. 250, pp. 26 ff..
- Thiriez 2014
P.Y. Thiriez, 'La mitigation ou l'obligation pour la victime de minimiser son dommage: une exception française', *Issu de Gazette du Palais* 2014/343, pp. 5 ff..
- Timmerman 2013
L. Timmerman, 'Enkele kanttekeningen bij de civielrechtelijke buitencontractuele prospectusaansprakelijkheid', in: D. Busch, C.J.M. Klaassen & T.M.C. Arons (eds.), *Aansprakelijkheid in de financiële sector* (Serie Onderneming en Recht, deel 78), Deventer: Kluwer 2013, pp. 647-661.
- Tison 2010
M. Tison, 'The Civil Law Effects of MiFID in a Comparative Law Perspective', in: K.J. Hopt & S. Grundmann (eds.), *Festschrift für Klaus J. Hopt zum 70. Geburtstag am 24. August 2010*, Berlin/Boston: De Gruyter 2010.
- Tjong Tjin Tai 2018
T.F.E. Tjong Tjin Tai, 'Meervoudige causaliteit', *WPNR* 2018/7186, pp. 237-245.
- Treitel 2015
E. Peel, *Treitel. The Law of Contract*, fourteenth edition, London: Sweet & Maxwell 2015.

- [...] in Ulmer/Brandner/Hensen, AGB-Recht, 12. Aufl., § [...] BGB, no. [...]
P. Ulmer, H.E. Brandner & H.D. Hensen, *AGB-Recht. Kommentar zu den §§ 305-310 BGB und zum UKlaG*, twelfth edition, Köln: Otto Schmidt 2016.
- De Valk 2009
S.N. de Valk, *Aansprakelijkheid van leidinggevers naar privaatrechtelijke, strafrechtelijke en bestuursrechtelijke maatstaven*, Deventer: Kluwer 2009.
- Vandendriessche 2015
E. Vandendriessche, *Investor Losses. A Comparative Legal Analysis of Causation and Assessment of Damages in Investor Litigation*, Cambridge, Antwerp, Portland: Intersentia 2015.
- Veil 2017
R. Veil, '§ 27 Rating Agencies', in R. Veil (ed.), *European Capital Markets Law*, second edition, Oxford and Portland, Oregon: Hart Publishing 2017.
- Van Velthoven 2018
B.C.J. van Velthoven, 'Verlies van een kans en proportionele aansprakelijkheid: verschillende figuren voor verschillende gevallen? (II)', *NTBR* 2018/15, pp. 102-112.
- Verbruggen 2018
P.W.J. Verbruggen, 'Privaatrechtelijke zorgplichten en Europese maximumharmonisatie', *WPNR* 2018, pp. 849-850.
- Verkade 2011
D.W.F. Verkade, *Misleidende (B2B) reclame en vergelijkende reclame (Monografieën BW B49b)*, Deventer: Kluwer 2011.
- Verkade 2016
D.W.F. Verkade, *Oneerlijke handelspraktijken jegens consumenten (Monografieën BW B49a)*, second edition, Deventer: Wolters Kluwer 2016.
- Verschuur 2003
A.M.E. Verschuur, *Vergoeding van zuivere vermogensschade van derden. Een vergelijking van het recht in Nederland, Engeland en Duitsland*, Nijmegen: Ars Aequi Libri 2003.
- Verständig 2014
A. Verständig, 'Civil Liability for Credit Rating Agencies: A Swedish Perspective', *EBLR* 2014, pp. 335-347.
- Vidal & Joosten 2011
E. Vidal & J.J.H. Joosten, *US Securities Regulation. A Guidebook for International Companies*, London: Globe Law and Business 2011.
- Viney 2008
G. Viney, 'Tort Liability', in: G.A. Bermann & E. Picard, *Introduction to French Law*, Alphen aan den Rijn: Kluwer Law International 2008, pp. 237-262.
- Viney 2014
G. Viney, 'La faute de l'investisseur en bourse « non averti » justifiant un partage de responsabilité avec l'intermédiaire financier qui a manqué à ses obligations de mise en garde et de conseil', *Revue des contrats* 2015-2, pp. 235 ff.
- Viney, Jourdain & Carval 2013
G. Viney, P. Jourdain & S. Carval, *Les conditions de la responsabilité*, fourth edition, Paris Cedex: LGDJ, Lextenso éditions 2013.

- Viney, Jourdain & Carval 2017
 G. Viney, P. Jourdain & S. Carval, *Les effets de la responsabilité*, fourth edition, Issy-les-Moulineaux Cedex: LGDJ, Lextenso éditions 2017.
- Wagner 2013
 G. Wagner, 'Die Haftung von Ratingagenturen gegenüber dem Anlegerpublikum', in: P. Jung, P. Lamprecht, K. Blasek & M. Schmidt-Kessel, *Einheit und Vielheit im Unternehmensrecht. Festschrift für Uwe Blaurock zum 70. Geburtstag*, Tübingen: Mohr Siebeck 2013.
- Wallinga 2014
 M.W. Wallinga, 'Financiële dienstverlening, publiekrechtelijke gedragsregels en privaatrechtelijke normstelling: lessen uit Duitsland en Europa', *NTBR* 2014/35.
- Wallinga 2015
 M.W. Wallinga, 'De invloed van Europese *soft law* op privaatrechtelijke normstelling op het gebied van financiële dienstverlening', *NTBR* 2015/40, pp. 266-273.
- Wallinga & Cherednychenko 2016
 M.W. Wallinga & O.O. Cherednychenko, 'Nationale Nederlanden/Van Leeuwen: was de uitspraak het wachten waard?', *NTBR* 2016/3.
- Wallinga & Pijls 2018
 M.W. Wallinga & A.C.W. Pijls, 'De wisselwerking tussen Europees financieel toezicht en nationaal privaatrecht – De indirecte invloed van de MiFID II op privaatrechtelijke aansprakelijkheid op het gebied van beleggingsdienstverlening en de onderbelichte invloed van de Richtlijn OHP', *RMThemis* 2018-1, pp. 12-25.
- Wanambwa 2014
 A. Wanambwa, 'Civil Liability of Credit Rating Agencies', *JIBLR* 2014, pp. 519-521.
- Warendorf et al
 H. Warendorf et al (ed.), *Warendorf Dutch Civil and Commercial Law Legislation*, Deventer: Wolters Kluwer.
- Van Wechem 2007
 T.H.M. van Wechem, *Toepasselijkheid van algemene voorwaarden*, Deventer: Wolters Kluwer 2007.
- Van der Weide 2013
 M. van der Weide, 'Nieuwe Europese regelgeving voor ratingbureaus inzake het beoordelen van uitgevende instellingen en securitisatietransacties', *V&O* 2013-12, pp. 209-218.
- Weinstein 1977
 M.I. Weinstein, 'The effect of a rating change announcement on bond price', *Journal of Financial Economics* 1977, pp. 329-350.
- Wessels 2015
 B. Wessels, *Koop: algemeen (Monografieën BW B65a)*, fourth edition, Deventer: Wolters Kluwer 2015.
- Van 't Westeinde 2009
 M.G. van 't Westeinde, 'De kredietcrisis: gevolgen voor de credit rating agencies binnen de EU', *TFR* 2009-2/3, pp. 60-68.
- Westenbroek 2016
 W.A. Westenbroek, 'Artikel 2:9 BW en de 'ernstig verwijt'-maatstaf bij bestuurdersaansprakelijkheid', *RMThemis* 2016-4, pp. 175-192.

White 2009

L.J. White, 'A Brief History of Credit Rating Agencies: How Financial Regulation Entrenched this Industry's Role in the Subprime Mortgage Debacle of 2007–2008', *Mercatus on Policy* 2009-59, pp. 1-4, available at [http://mercatus.org/sites/default/files/publication/59_CRA_history_\(web\).pdf](http://mercatus.org/sites/default/files/publication/59_CRA_history_(web).pdf).

White 2010

L.J. White, 'Financial Regulation and the Current Crisis: A Guide for the Antitrust Community', in: C.T. Compton, B.A. Nigro & M.K. Ohlhausen (eds.), *Competition as Public Policy*, Chicago: American Bar Association 2010.

Whittaker 2008

S. Whittaker, 'The Law of Obligations', in: J. Bell, S. Boyron & S. Whittaker, *Principles of French Law*, second edition, Oxford: Oxford University Press 2008, pp. 294-452.

Wildmoser, Schiffer & Langoth 2009

G. Wildmoser, K.J. Schiffer & B. Langoth, 'Haftung von Ratingagenturen gegenüber Anlegern?', *Recht der Internationalen Wirtschaft* 2009, pp. 657-668.

Wilman 2014

F.G. Wilman, *The vigilance of individuals. How, when and why the EU legislates to facilitate the private enforcement of EU law before national courts*, Leiden: Meijers Research and Graduate School of the Leiden Law School, Faculty of Law, Leiden University 2014.

Wimmer 2017

V. Wimmer, *Auswirkungen des Art. 35a der Verordnung (EU) Nr. 462/2013 auf die zivilrechtliche Haftung von Ratingagenturen*, Baden-Baden: Nomos 2017.

Winfield & Jolowicz 2014

W.E. Peel & J. Goudkamp, *Winfield & Jolowicz on Tort*, nineteenth edition, London: Sweet & Maxwell 2014.

Winter 1972

J.A. Winter, 'Direct Applicability and Direct Effect Two Distinct and Different Concepts in Community Law', *Common Market Law Review* 1972-4, pp. 425-438.

Wojcik 2013

K.P. Wojcik, 'Zivilrechtliche Haftung von Ratingagenturen nach europäischem Recht', *NJW* 2013, pp. 2385-2389.

[...] in Wolf/Lindacher/Pfeiffer, § [...], no. [...]

J. Dammann, W. Hau, W.F. Lindacher et al., *Wolf/Lindacher/Pfeiffer AGB-Recht: Kommentar*, sixth edition, München: Beck 2013.

Wood 2008

P.R. Wood, *Law and Practice of International Finance*, London: Sweet & Maxwell 2008.

Woods, Watson & Costa 2017

L. Woods, P. Watson & M. Costa, *Steiner & Woods EU Law*, thirteenth edition, Oxford: Oxford University Press 2017.

Van Zeven, De Pon & Olthof 1981

C.J. van Zeven, J.W. du Pon & M.M. Olthof, *Parlementaire Geschiedenis van het Nieuwe Burgerlijk Wetboek. Boek 5 Zakelijke Rechten*, Deventer: Kluwer 1981.

Zimmermann 2005

R. Zimmermann, 'Characteristic Aspects of German Legal Culture', in: J. Zekoll & M. Reimann (eds.), *Introduction to German Law*, second edition, The Hague: Kluwer Law International 2005.

Zimmermann & Kleinschmidt 2007

R. Zimmermann & J. Kleinschmidt, 'Haftungsbegründende und haftungsausfüllende Kausalität. 2. Germany', in: B. Winiger, H. Koziol, B.A. Koch & R. Zimmermann (eds.), *Digest of European Tort Law. Volume 1: Essential Cases on Natural Causation*, Wien, New York: Springer 2007.

Zweigert & Kötz 1998

K. Zweigert & H. Kötz (translation by T. Weir), *An Introduction to Comparative Law*, third edition, Oxford: Oxford University Press 1998

CASE LAW

Court of Justice of the European Union

- ECJ 5 February 1963, C-26/62, ECLI:EU:C:1963:1 (*Van Gend en Loos*)
- ECJ 17 May 1972, C-93/71, ECLI:EU:C:1972:39 (*Leonensio v Ministero dell' Agricoltura e Foreste*)
- ECJ 7 February 1973, C-39/72, ECLI:EU:C:1973:13 (*Commission of the European Communities v Italian Republic*)
- ECJ 10 October 1973, C-34/73, ECLI:EU:C:1973:101 (*Fratelli Variola Spa v Amministrazione delle finanze dello Stato*)
- ECJ 21 June 1974, C-2/74, ECLI:EU:C:1974:68 (*Reyners v Belgian State*)
- ECJ 8 April 1976, C-43/75, ECLI:EU:C:1976:56 (*Defrenne v SABENA*)
- ECJ 30 November 1976, C-21/76, ECLI:EU:C:1976:166 (*Handelskwekerij Bier v Mines de Potasse d'Alsace*)
- ECJ 16 December 1976, C-33/76, ECLI:EU:C:1976:188 (*Rewe v Landwirtschaftskammer für das Saarland*)
- ECJ 16 December 1980, C-814/79, ECLI:EU:C:1980:291 (*Netherlands v Rüffer*)
- ECJ 9 November 1983, C-199/82, ECLI:EU:C:1983:318 (*Amministrazione delle finanze dello Stato v San Giorgio*)
- ECJ 13 December 1983, C-222/82, ECLI:EU:C:1983:370 (*Apple and Pear Development Council v K.J. Lewis Ltd and others*)
- ECJ 18 January 1984, C-327/82, ECLI:EU:C:1984:11 (*Ekro*)
- ECJ 10 April 1984, C-14/83, ECLI:EU:C:1984:153 (*Von Colson and Kamann v Land Nordrhein-Westfalen*)
- ECJ 10 April 1984, C-79/83, ECLI:EU:C:1984:155 (*Harz v Deutsche Tradax*)
- ECJ 26 February 1986, C-152/84, ECLI:EU:C:1986:84 (*Marshall v Southampton and South-West Hampshire Area Health Authority*)
- ECJ 27 September 1988, C-189/87, ECLI:EU:C:1988:459 (*Kalfelis v Bank Schröder*)
- ECJ 11 January 1990, C-220/88, ECLI:EU:C:1990:8 (*Dumez France and Others v Hessische Landesbank and Others*)
- ECJ 13 November 1990, C-331/88, ECLI:EU:C:1990:391 (*The Queen v Ministry of Agriculture, Fisheries and Food, ex parte FEDESA and Others*)

- ECJ 13 November 1990, C-106/89, ECLI:EU:C:1990:395 (*Marleasing v Comercial Internacional de Alimentación*)
- ECJ 12 December 1990, C-100/89 and C-101/89, ECLI:EU:C:1990:456 (*Kaefer and Procacci v French State*)
- ECJ 19 November 1991, C-6/90 and C-9/90, ECLI:EU:C:1991:428 (*Francovich and Bonifaci v Italy*)
- ECJ 10 March 1992, C-214/89, ECLI:EU:C:1992:115 (*Powell Duffryn plc v Wolfgang Petereit*)
- ECJ 17 June 1992, C-26/91, ECLI:EU:C:1992:268 (*Handte v TMCS*)
- ECJ 14 July 1994, C-91/92, ECLI:EU:C:1994:292 (*Faccini Dori v Recreb*)
- ECJ 7 March 1995, C-68/93, ECLI:EU:C:1995:61 (*Shevill and Others v Presse Alliance*)
- ECJ 19 September 1995, C-364/93, ECLI:EU:C:1995:289 (*Marinari v Lloyd's Bank*)
- ECJ 17 September 1996, C-246/94, C-247/94, C-248/94 and C-249/94, ECLI:EU:C:1996:329 (*Cooperativa Agricola Zootechnica S. Antonio a.o. v Amministrazione delle Finanze dello Stato*)
- ECJ 27 February 1997, C-177/95, ECLI:EU:C:1997:89 (*Ebony Maritime and Loten Navigation*)
- ECJ 27 June 2000, C-240/98, ECLI:EU:C:2000:346 (*Océano Grupo Editorial and Salvat Editores*)
- ECJ 19 September 2000, C-287/98, ECLI:EU:C:2000:468 (*Linster*)
- ECJ 26 September 2000, C-443/98, ECLI:EU:C:2000:496 (*Unilever Italia SpA v Central Food SpA*)
- ECJ 9 November 2000, C-387/98, ECLI:EU:C:2000:606 (*Coreck Maritime GmbH v Handelsveem BV and Others*)
- ECJ 11 January 2001, C-403/98, ECLI:EU:C:2001:6 (*Monte Arcosu*)
- ECJ 20 September 2001, C-453/99, ECLI:EU:C:2001:465 (*Courage v Crehan*)
- ECJ 17 September 2002, C-253/00, ECLI:EU:C:2002:497 (*Muñoz v Frumar*)
- ECJ 7 January 2004, C-201/02, ECLI:EU:C:2004:12 (*Wells*)
- ECJ 10 June 2004, C-168/02, ECLI:EU:C:2004:364 (*Kronhofer v Maier*)
- ECJ 5 October 2004, C-397/01, ECLI:EU:C:2004:584 (*Pfeiffer and Others*)
- ECJ 12 October 2004, C-222/02, ECLI:EU:C:2004:606 (*Paul and Others*)
- ECJ 1 March 2005, C-281/02, ECLI:EU:C:2005:120 (*Andrew Owusu v N.B. Jackson*)
- ECJ 17 March 2005, C-170/03, ECLI:EU:C:2005:176 (*Feron*)
- ECJ 14 April 2005, C-110/03, ECLI:EU:C:2005:223 (*Belgium v Commission*)
- ECJ 13 July 2006, C-295/04, ECLI:EU:C:2006:461 (*Manfredi*)
- ECJ 14 December 2006, C-316/05, ECLI:EU:C:2006:789 (*Nokia*)
- ECJ 18 October 2007, C-195/06, ECLI:EU:C:2007:613 (*Österreichischer Rundfunk (ORF)*)
- ECJ 11 December 2007, C-438/05, ECLI:EU:C:2007:772 (*ITWF v Viking Line ABP*)
- ECJ 18 December 2007, C-341/05, ECLI:EU:C:2007:809 (*Laval un Partneri*)
- ECJ 3 June 2008, C-308/06, ECLI:EU:C:2008:312 (*Intertanko and Others*)
- ECJ 17 July 2008, C-66/08, ECLI:EU:C:2008:437 (*Szymon Kozłowski*)
- ECJ 17 July 2008, C-226/07, ECLI:EU:C:2008:429 (*Flughafen Köln v Bonn*)
- ECJ 12 February 2009, C-138/07, ECLI:EU:C:2009:82 (*Belgische Staat v Cobelfret NV*)
- ECJ 4 June 2009, C-243/08, ECLI:EU:C:2009:350 (*Pannon GSM*)
- ECJ 29 October 2009, C-174/08, ECLI:EU:C:2009:669 (*NCC Construction Danmark*)

- CJEU 1 July 2010, C-194/08, ECLI:EU:C:2010:386 (*Gassmayr*)
- CJEU 28 October 2010, C-367/09, ECLI:EU:C:2010:648 (*SGS Belgium and Others*)
- CJEU 9 November 2010, C-137/08, ECLI:EU:C:2010:659 (*VB Pénzügyi Lízing*)
- CJEU 25 October 2011, C-509/09 and C-161/10, ECLI:EU:C:2011:685 (*eDate Advertising and Others*)
- CJEU 24 January 2012, C-282/10, ECLI:EU:C:2012:33 (*Dominguez*)
- CJEU 19 April 2012, C-523/10, ECLI:EU:C:2012:220 (*Wintersteiger*)
- CJEU 19 July 2012, C-154/11, ECLI:EU:C:2012:491 (*Mahamdia*)
- CJEU 25 October 2012, C-133/11, ECLI:EU:C:2012:664 (*Folien Fischer AG*)
- CJEU 22 November 2012, C-139/11, ECLI:EU:C:2012:741 (*Cuadrench Moré*)
- CJEU 30 May 2013, C-604/11, ECLI:EU:C:2013:344 (*Genil 48 and Comercial Hostelera de Grandes Vinos*)
- CJEU 6 June 2013, C-536/11, ECLI:EU:C:2013:366 (*Donau Chemie and Others*)
- CJEU 18 July 2013, C-147/12, ECLI:EU:C:2013:490 (*ÖFAB v Koot*)
- CJEU 19 December 2013, C-174/12, ECLI:EU:C:2013:856 (*Alfred Hirmann v Immobilien AG*)
- CJEU 16 January 2014, C-45/13, ECLI:EU:C:2014:7 (*Kainz v Pantherwerke*)
- CJEU 5 June 2014, C-557/12, ECLI:EU:C:2014:1317 (*Kone and Others*)
- CJEU 28 January 2015, C-375/13, ECLI:EU:C:2015:37 (*Kolassa v Barclays Bank*)
- CJEU 29 April 2015, C-51/13, ECLI:EU:C:2015:286 (*Nationale-Nederlanden Levensverzekering Mij NV v Hubertus Wilhelmus van Leeuwen*)
- CJEU 21 May 2015, C-322/14, ECLI:EU:C:2015:334 (*El Majdoub v CarsOnTheWeb. Deutschland GmbH*)
- CJEU 21 May 2015, C-352/13, ECLI:EU:C:2015:335 (*CDC Hydrogen Peroxide*)
- CJEU 16 June 2015, C-62/14, ECLI:EU:C:2015:400 (*Gauweiler and Others*)
- CJEU 21 January 2016, C-359/14 and C-475/14, ECLI:EU:C:2016:40 (*ERGO Insurance*)
- CJEU 17 March 2016, C-175/15, ECLI:EU:C:2016:176 (*Taser International*)
- CJEU 16 June 2016, C-12/15, ECLI:EU:C:2016:449 (*Universal Music International Holding*)
- CJEU 7 July 2016, C-222/15, ECLI:EU:C:2016:525 (*Höszig*)
- CJEU 28 July 2016, C-191/15, ECLI:EU:C:2016:612 (*Verein für Konsumenteninformation*)
- CJEU 17 October 2017, C-194/16, ECLI:EU:C:2017:766 (*Bolagsupplysningen and Ilsjan*)
- CJEU 12 September 2018, C-304/17, ECLI:EU:C:2018:701 (*Helga Löber v Barclays Bank*)
- CJEU 4 October 2018, C-571/16, ECLI:EU:C:2018:807 (*Kantarev*)

Australian Courts

High Court of Australia

- *Wallace v Kam* [2013] HCA 19, 250 CLR 375

Federal Court of Australia

- *Bathurst Regional Council v Local Government Financial Service Pty Ltd (No 5)* [2012] FCA 1200

Federal Court of Appeal

- *ABN AMRO Bank NV v Bathurst Regional Council* [2014] FCAFC 65

*Dutch Courts**Supreme Court*

- Hoge Raad 26 March 1920, ECLI:NL:HR:1920:141, NJ 1920, pp. 476-479 (*Curiël v Suriname*)
- Hoge Raad 11 December 1931, NJ 1932, pp. 157-162 (*Aeilkema v Veenkoloniale Bank*)
- Hoge Raad 12 March 1954, NJ 1955/386, pp. 689-696 (*Codam 75 v Merwede*)
- Hoge Raad 19 May 1967, ECLI:NL:HR:1967:AC4745, NJ 1967/261 annotated by G.J. Scholten (*Saladin v HBU*)
- Hoge Raad 6 April 1979, ECLI:NL:HR:1979:AH8595, NJ 1980/34 annotated by C.J.H. Brunner (*Kleuterschool Babbel v Zwolle*)
- Hoge Raad 9 October 1987, ECLI:NL:HR:1987:AC1068, NJ 1988/537 annotated by C.J.H. Brunner (*Consumentenbond v Westerkamp Haweka*)
- Hoge Raad 31 December 1993, ECLI:NL:HR:1993:ZC1210, NJ 1995/389 annotated by C.J.H. Brunner (*Matatag v De Schelde*)
- Hoge Raad 2 December 1994, ECLI:NL:HR:1994:ZC1562, NJ 1996/246 annotated by D.W.F. Verkade (*ABN AMRO v Coopag Finance*)
- Hoge Raad 24 October 1997, ECLI:NL:HR:1997:AM1905, NJ 1998/257 annotated by P.A. Stein (*Baijings v Mr. H*)
- Hoge Raad 12 December 1997, ECLI:NL:HR:1997:ZC2524, NJ 1998/208 (*Gemeente Stein v Driessen*)
- Hoge Raad 9 January 1998, ECLI:NL:HR:1998:ZC2536, NJ 1999/285 annotated by W.M. Kleijn (*MeesPierson v Ten Bos*)
- Hoge Raad 4 February 2000, ECLI:NL:HR:2000:AA4731, NJ 2000/429 annotated by K.F. Haak (*UAP v Van Woudenberg*)
- Hoge Raad 9 June 2000, ECLI:NL:HR:2000:AA6159, NJ 2000/460 (*S. v V.*)
- Hoge Raad 6 April 2001, ECLI:NL:HR:2001:AB0900, NJ 2002/383 annotated by H.J. Snijders (*Vellekoop v Wilton Feijenoord*)
- Hoge Raad 29 November 2002, ECLI:NL:HR:2002:AE7345, NJ 2004/304 (*TFS v NS*)
- Hoge Raad 29 November 2002, ECLI:NL:HR:2002:AE7351, NJ 2004/305 annotated by W.D.H. Asser (*Kastelijn v Achtkarspelen*)
- Hoge Raad 31 October 2003, ECLI:NL:HR:2003:AL8168, NJ 2006/112 annotated by C.E. du Perron (*Saelman*)
- Hoge Raad 11 November 2005, ECLI:NL:HR:2005:AT6018, NJ 2007/231 annotated by J.B.M. Vranken (*Ontvanger v Voorsluijs*)
- Hoge Raad 23 December 2005, ECLI:NL:HR:2005:AU3713, NJ 2006/289 annotated by M.R. Mok (*Safe Haven*)
- Hoge Raad 31 March 2006, ECLI:NL:HR:2006:AU6092, NJ 2011/250 annotated by T.F.E. Tjong Tjin Tai (*Nefalit v Karamus*)
- Hoge Raad 13 October 2006, ECLI:NL:HR:2006:AW2080, NJ 2008/528 annotated by C.C. van Dam (*Deloitte Touche e.a. v Vie d'Or*)
- Hoge Raad 28 March 2008, ECLI:NL:HR:2008:BC1242, NJ 2008/353 annotated by F.M.J. Verstijlen (*Nelemans v Scheepswerf*)

- Hoge Raad 30 May 2008, ECLI:NL:HR:2008:BD2820, NJ 2010/622 annotated by J.B.M. Vranken (*TMF v De Boer*)
- Hoge Raad 5 September 2008, ECLI:NL:HR:2008:BD2984, NJ 2008/480 (*Telfort v Scaramea*)
- Hoge Raad 19 December 2008, ECLI:NL:HR:2008:BG1890, NJ 2009/28 (*Smeets v Gemeente Heerlen*)
- Hoge Raad 5 June 2009, ECLI:NL:HR:2009:BH2811, NJ 2012/183 annotated by J.B.M. Vranken (*Levob v Bolle*)
- Hoge Raad 5 June 2009, ECLI:NL:HR:2009:BH2815, NJ 2012/182 annotated by J.B.M. Vranken (*De Treek v Dexia*)
- Hoge Raad 27 November 2009, ECLI:NL:HR:2009:BH2162, NJ 2014/201 annotated by C.E. du Perron (*VEB v World Online*)
- Hoge Raad 24 December 2010, ECLI:NL:HR:2010:BO1799, NJ 2011/251 annotated by T.F.E. Tjong Tjin Tai (*Fortis v Bourgonje*)
- Hoge Raad 10 June 2011, ECLI:NL:HR:2011:BP9994, NJ 2012/405 annotated by T.F.E. Tjong Tjin Tai (*Van den Hoek v Pots*)
- Hoge Raad 3 February 2012, ECLI:NL:HR:2012:BU4914, NJ 2012/95, JOR 2012/116 annotated by S.B. van Baalen (*Rabobank Vaart en Vecht v X*)
- Hoge Raad 27 April 2012, ECLI:NL:HR:2012:BV1301, NJ 2012/293 (*De Beeldbrigade v Hulskamp*)
- Hoge Raad 21 December 2012, ECLI:NL:HR:2012:BX7491, NJ 2013/237 annotated by S.D. Lindenergh (*Deloitte Belastingadviseurs v H&H Beheer*)
- Hoge Raad 8 February 2013, ECLI:NL:HR:2013:BX7846, NJ 2014/495 annotated by Jac. Hijma (*Van Lanschot Bankiers v Grove*)
- Hoge Raad 19 June 2015, ECLI:NL:HR:2015:1683, NJ 2016/1 annotated by T.F.E. Tjong Tjin Tai (*Overzee v Gemeente Zoeterwoude*)
- Hoge Raad 27 November 2015, ECLI:NL:HR:2015:3399, NJ 2016/245 annotated by T.F.E. Tjong Tjin Tai (*ABN AMRO v Van den Berg*)
- Hoge Raad 3 June 2016, ECLI:NL:HR:2016:1054, NJ 2016/354 annotated by Th.M. de Boer (*A. v Dahabshiil*)
- Hoge Raad 9 September 2016, ECLI:NL:HR:2016:2044 (*Rabobank v X*)
- Hoge Raad 16 December 2016, ECLI:NL:HR:2016:2876
- Hoge Raad 23 December 2016, ECLI:NL:HR:2016:2987, NJ 2017/133 annotated by S.D. Lindenergh (*Baby Esther*)
- Hoge Raad 10 February 2017, ECLI:NL:HR:2017:214, NJ 2018/115 (*Avi Cranes Ltd. v Van Adrighem*)
- Hoge Raad 31 March 2017, ECLI:NL:HR:2017:552, NJ 2017/165 (*Mispelhoef v Staat*)
- Hoge Raad 27 October 2017, ECLI:NL:HR:2017:2786, NJ 2017/422 (*X v AZM*)
- Hoge Raad 9 March 2018, ECLI:NL:HR:2018:309, NJ 2018/228 annotated by V.P.G. de Serière (*GSFS v DNB*)

Court of Appeal

- Gerechtshof Arnhem-Leeuwarden 23 September 2014, ECLI:NL:GHARL:2014:7353, NJ 2016/483 (*Rabobank v X*)
- Gerechtshof Arnhem-Leeuwarden 16 June 2015, ECLI:NL:GHARL:2015:4385, NJ 2017/97

- Gerechtshof Amsterdam 23 May 2017, ECLI:NL:GHAMS:2017:1960 (*Hama Holding v ABN AMRO*)
- Gerechtshof Den Haag 7 August 2018, ECLI:NL:GHDHA:2018:1865 (*X v ING Bank*)
- Gerechtshof Den Haag 9 October 2018, ECLI:NL:GHDHA:2018:2558 (*X v Stichting Wijdezorg*)
- Gerechtshof Amsterdam 14 May 2019, ECLI:NL:GHAMS:2019:1611 (*ING v Foodlocker*)

District Courts

- Rechtbank Rotterdam (vzr.) 5 December 2002, ECLI:NL:RBROT:2002:AF2059, *Computerrecht* 2003, p. 149 annotated by A.R. Lodder (*Netwise Publications v NTS Computers*)
- Rechtbank Rotterdam 29 December 2010, ECLI:NL:RBROT:2010:BP5369, *JOR* 2011/388 annotated by S.R. Damminga (interim judgment, case removed from the register on the request of both parties)
- Rechtbank Rotterdam 23 May 2013, ECLI:NL:RBROT:2013:CA0879 (*Goltex v Autoriteit Consument & Markt*)
- Rechtbank Amsterdam 14 January 2015, ECLI:NL:RBAMS:2015:6 (*GLS v Graydon*)
- Rechtbank Den Haag 30 September 2015, ECLI:NL:RBDHA:2015:11224 (*ANWB v Consumentenbond*)
- Rechtbank Rotterdam 5 November 2015, ECLI:NL:RBROT:2015:9378 (*X v Rabobank*)
- Rechtbank Amsterdam 20 April 2016, ECLI:NL:RBAMS:2016:6235 (*Eisers v Deutsche Bank Nederland N.V.*)
- Rechtbank Amsterdam 8 September 2016, ECLI:NL:RBAMS:2016:5698 (*X v De Persgroep Nederland*)
- Rechtbank Den Haag 6 November 2018, ECLI:NL:RBDHA:2018:13142 (*Australian Gold LLC v Consumentenbond*)
- Rechtbank Overijssel 28 May 2019, ECLI:NL:ROVE:2019:1827 (*X v College B&W Deventer*)

English Courts

Supreme Court (House of Lords)

- *Derry v Peek* (1889) 14 App. Cas. 337
- *British Westinghouse Electric & Manufacturing Co Ltd v Underground Electric Railways Co of London Ltd (No.2)* [1912] A.C. 673
- *Banco de Portugal v Waterlow & Sons Ltd* [1932] A.C. 452
- *The Wagon Mound* [1961] A.C. 388
- *Hughes v Lord Advocate* [1963] A.C. 837
- *Hedley Byrne & Co. Ltd. v Heller & Partners Ltd.* [1964] A.C. 465
- *The Heron II* [1969] 1 A.C. 350
- *Hotson v East Berkshire Area Health Authority* [1987] A.C. 750
- *Wilsher v Essex Area Health Authority* [1988] A.C. 1074
- *Caparo Industries Plc v Dickman* [1990] 2 A.C. 605
- *Smith v Eric S. Bush* [1990] 1 A.C. 831
- *Henderson v Merrett Syndicates Ltd (No. 1)* [1995] 2 A.C. 145
- *Spring v Guardian Assurance Plc* [1995] 2 A.C. 296

- *South Australia Asset Management Corporation v York Montague Ltd* [1997] A.C. 191
- *Cooperative Insurance Society Ltd v Argyll Stores (Holdings) Ltd* [1998] A.C. 1
- *Platform Home Loans Ltd v Oyston Shipways Ltd* [2000] 2 A.C. 190
- *Donohue v Armco Inc* [2001] UKHL 64, [2002] 1 All E.R. 749, [2002] 1 All E.R. (Comm) 97
- *Three Rivers DC v Bank of England (No 3)* [2003] 2 A.C. 1
- *Chester v Afshar* [2004] UKHL 41, [2005] 1 A.C. 134
- *Gregg v Scott* [2005] UKHL 2, [2005] 2 A.C. 176
- *Moy v Pettman Smith (A Firm)* [2005] UKHL 7, [2005] 1 W.L.R. 581
- *Customs and Excise Commissioners v Barclays Bank plc* [2006] UKHL 28, [2007] 1 A.C. 181
- *The Achilleas* [2008] UKHL 48, [2009] 1 A.C. 61
- *BPE Solicitors and another v Hughes-Holland (in substitution for Gabriel)* [2017] UKSC 21, [2018] A.C. 599
- *Tiuta International Ltd v De Villiers Surveyors Ltd* [2017] UKSC 77, [2017] 1 W.L.R. 4627
- *Chief Constable of West Yorkshire Police* [2018] UKSC 4, [2018] A.C.
- *Perry v Raleys Solicitors* [2019] UKSC 5, [2019] 2 W.L.R. 636

Court of Appeal

- *Chaplin v Hicks* [1911] 2 K.B. 786
- *Kitchen v Royal Air Force Association* [1958] 1 W.L.R. 563
- *Sykes v Midland Bank Executor & Trustee Co Ltd* [1971] 1 Q.B. 113
- *Spartan Steel and Alloys Ltd v Martin & Co (Contractor) Ltd* [1973] Q.B. 27, [1972] 3 W.L.R. 502
- *Galoo Ltd v Bright Grahame Murray* [1994] 1 W.L.R. 1360
- *Allied Maples Group Ltd v Simmons & Simmons* [1995] 1 W.L.R. 1602
- *Skuse v Granada Television Ltd* [1996] E.M.L.R. 278
- *First Interstate Bank of California v Cohen Arnold & Co* [1996] C.L.C. 174
- *Patel v Hooper & Jackson* [1999] 1 W.L.R. 1792
- *Law Society v KPMG Peat Marwick* [2000] 1 W.L.R. 1921
- *Dixon v Clement Jones Solicitors* [2004] EWCA Civ 1005
- *White v Paul Davidson & Taylor* [2004] EWCA Civ 1511, [2005] P.N.L.R. 15
- *Beary v Pall Mall Investments* [2005] EWCA Civ 415, [2005] P.N.L.R. 35
- *MAN Nutzfahrzeuge AG v Freightliner Ltd* [2007] EWCA Civ 910
- *Rubenstein v HSBC Bank plc* [2012] EWCA Civ 1184
- *Zaki v Credit Suisse (UK) Ltd* [2013] EWCA Civ 14
- *Smeaton v Equifax Plc* [2013] EWCA Civ 108
- *Meiklejohn v St George's Healthcare NHS Trust* [2014] EWCA Civ 120
- *Wellesley Partners LLP v Withers LLP* [2015] EWCA Civ 1146
- *Main v Giambrone & Law (A firm)* [2017] EWCA Civ 1193
- *Manchester Building Society v Grant Thornton UK LLP* [2019] EWCA Civ 40

Lower Courts

- *Barnett v Chelsea and Kensington Hospital Management Committee* [1969] 1 Q.B. 428
- *Alliance and Leicester BS v Edgestop Ltd* [1993] 1 W.L.R. 1462
- *Bristol and West Building Society v Fancy & Jackson* [1997] 4 All E.R. 582

- *Bank Leumi (UK) Plc v Wachner* [2011] EWHC 656 (Comm)
- *Zaki v Credit Suisse (UK) Ltd* [2011] EWHC 2422 (Comm)
- *Gatt v Barclays Bank Plc* [2013] EWHC 2 (QB)
- *Thai Airways International Public Company Ltd v KI Holdings Co Ltd* [2015] EWHC 1250 (Comm)
- *Crossman v St George's Healthcare NHS Trust* [2016] EWHC 2878 (QB)
- *Hincks v Sense Network Ltd* [2018] EWHC 533 (QB)
- *Boyo v Lloyds Bank Plc* [2019] EWHC 2279 (QB)

French courts

Supreme Court

- Cour de Cassation req. 17 July 1889, S. 1891, 1, p. 399
- Cour de Cassation (Chambre Civile 1) 11 January 1922 (*Pelletier v Doderet*)
- Cour de Cassation (Chambre Commerciale) 17 December 1951, Bulletin, II, no. 396
- Cour de Cassation (Chambre Civile 2) 28 October 1954, Bulletin, II, no. 328
- Cour de Cassation (Chambre Civile 2) 17 February 1955, 55-02810, Bulletin 1955, II, no. 100, p. 59
- Cour de Cassation (Chambre Civile 1) 5 February 1957, D. 1957, p. 232
- Cour de Cassation (Chambre Commerciale) 15 June 1959, 57-12362, Bulletin Chambre Commerciale 1959, no. 265, p. 231
- Cour de Cassation (Chambre Civile 1) 14 December 1965, Bulletin 1965, I, no. 707
- Cour de Cassation (Chambre Civile 2) 17 July 1967, Bulletin 1967, II, no. 261
- Cour de Cassation (Chambre Civile 1) 4 February 1969, 67-11387, Bulletin 1969, I, no. 60 (*Société des Comédiens français*)
- Cour de Cassation (Chambre Civile 2) 8 April 1970, 68-13969, Bulletin 1970, II, no. 111, p. 87
- Cour de Cassation (Chambre Mixte) 28 January 1972, 70-90072, Bulletin criminel Chambre Mixte, no. 37, p. 86
- Cour de Cassation (Chambre Civile 1) 27 March 1973, 71-14587, Bulletin 1973, I, no. 115, p. 105
- Cour de Cassation (Chambre Civile 2) 27 April 1977, 75-14761, Bulletin 1977, II, no. 108, p. 74
- Cour de Cassation (Chambre Civile 2) 7 December 1978, 77-12013, Bulletin 1978, II, no. 269, p. 207
- Cour de Cassation (Chambre Civile 2) 9 July 1981, 80-12142, Bulletin 1981, II, no. 156
- Cour de Cassation (Chambre Civile 1) 17 December 1985, 84-16338, Bulletin 1985, I, no. 354, p. 318 (*CSEE v SORELEC*)
- Cour de Cassation (Chambre Civile 2) 15 November 1989, 88-18310, Bulletin 1989, II, no. 206, p. 106
- Cour de Cassation (Chambre Civile 2) 9 June 1993, 91-21650, Bulletin 1993, II, no. 204, p. 110
- Cour de Cassation (Chambre Civile 1) 2 February 1994, 92-10844, Bulletin 1994, I, no. 37, p. 29

- Cour de Cassation (Chambre Civile 1) 3 July 1996, 94-14820, Bulletin 1996, I, no. 296, p. 206
- Cour de Cassation (Chambre Civile 1) 16 July 1998, 96-15380, Bulletin 1998, I, no. 260, p. 181
- Cour de Cassation (Chambre Civile 1) 18 July 2000, 98-20430, Bulletin 2000, I, no. 224, p. 147
- Cour de Cassation (Chambre Civile 2) 19 June 2003, 00-22302, Bulletin 2003, II, no. 203, p. 171
- Cour de Cassation (Chambre Civile 2) 19 June 2003, 01-13289, Bulletin 2003, II, no. 203, p. 171
- Cour de Cassation (Chambre Mixte) 22 April 2005, 03-14112, Bulletin mixt. 2005, no. 4, p. 10
- Cour de Cassation (Chambre Commerciale) 22 November 2005, 03-20600 (*Pfeiffer v Société Eurodirect Marketing*)
- Cour de Cassation (Chambre Civile 1) 21 November 2006, 05-15674, Bulletin 2006, I, no. 498, p. 443
- Cour de Cassation (Chambre Civile 1) 5 November 2009, 07-21442, Bulletin 2009, I, no. 220
- Cour de Cassation (Chambre Commerciale) 9 March 2010, 08-21547 and 08-21793, Bulletin 2010, IV, no. 48 (*Gaudriot*)
- Cour de Cassation (Chambre Civile 2) 1 July 2010, 09-15594, Bulletin 2010, II, no. 128
- Cour de Cassation (Chambre Civile 1) 14 October 2010, 09-69195, Bulletin 2010, I, no. 200
- Cour de Cassation (Chambre Criminelle) 19 March 2014, 12-87416, ECLI:FR:CCASS:2014:CR01193, Bulletin criminel 2014, no. 86
- Cour de Cassation (Chambre Commerciale) 6 May 2014, 13-17632 and 13-18473, ECLI:FR:CCASS:2014:CO00430, Bulletin 2014, IV, no. 81 (*Marionnaud*)
- Cour de Cassation (Chambre Civile 1) 2 July 2014, 13-17599, ECLI:FR:CCASS:2014:C100826
- Cour de Cassation (Chambre Commerciale) 4 November 2014, 13-24196, ECLI:FR:CCASS:2014:CO00971, Bulletin 2014, IV, no. 156
- Cour de Cassation (Chambre Civile 3) 3 December 2015, 13-22503, ECLI:FR:CCASS:2015:C301335
- Cour de Cassation (Chambre Civile 1) 6 September 2017, 16-19563, ECLI:FR:CCASS:2017:C100920

Courts of Appeal

- Cour d'Appel de Paris 26 September 2003, no. 2001/21885 (*Flammarion*)
- Cour d'Appel de Colmar 14 October 2003, no. 01/03432 (*Pfeiffer v Société Eurodirect Marketing*)
- Cour d'Appel de Paris 30 June 2006, no. 04/06308 (*LVMH v Morgan Stanley*)
- Cour d'Appel de Paris 14 September 2007, no. 07/01477 (*Regina Rubens*)
- Cour d'Appel de Limoges 6 October 2008, no. 07/00286 (*Gaudriot*)
- Cour d'Appel de Paris 17 October 2008, no. 06/09036 (*Sidel*)
- Cour d'Appel de Paris 19 March 2013, no. 2011/06831 (*Marionnaud*)

Lower courts

- Tribunal des Grandes Instances de Paris 15 November 2001, no. 2000/18125 (*Flammaration*)
- Tribunal de Commerce de Paris 12 January 2004, no. 2002/93985 (*LVMH v Morgan Stanley*)
- Tribunal Correctionnel Paris (11th ch.) 12 September 2006, no. 0018992026 (*Sidel*)
- Tribunal Correctionnel de Paris (11th ch.) 21 January 2011, no. 0220696051 (*Vivendi Universal*)

*German courts**Federal Supreme Court*

- Bundesgerichtshof 23 October 1951, *Entscheidungen des Bundesgerichtshofes*, Band 3, pp. 261-270
- Bundesgerichtshof 11 May 1953, *Entscheidungen des Bundesgerichtshofes*, Band 10, pp. 14-18
- Bundesgerichtshof 30 October 1967, *Entscheidungen des Bundesgerichtshofes*, Band 49, pp. 19-24
- Bundesgerichtshof 17 February 1970, *Entscheidungen des Bundesgerichtshofes*, Band 53, pp. 245-264 (*Anastasia*)
- Bundesgerichtshof 17 February 1971, VIII ZR 4/70, NJW 1971, pp. 979-980
- Bundesgerichtshof 5 July 1973, VII ZR 12/73, NJW 1973, pp. 1688-1689
- Bundesgerichtshof 18 March 1987, IVa ZR 205/85, NJW 1987, pp. 1944-1945
- Bundesgerichtshof 30 January 1990, XI ZR 63/89, NJW 1990, pp. 2057-2058
- Bundesgerichtshof 8 July 1992, IV ZR 223/91, NJW 1992, pp. 2418-2419
- Bundesgerichtshof 5 November 1992, IX ZR 12/92, NJW 1993, pp. 734-735
- Bundesgerichtshof 19 July 2004, II ZR 217/03, NJW 2004, pp. 2668-2671 (*Infomatec*)
- Bundesgerichtshof 8 March 2005, XI ZR 170/04, NJW 2005, pp. 1579-1581
- Bundesgerichtshof 9 May 2005, II ZR 287/02 (*EM.TV*)
- Bundesgerichtshof 21 July 2005, IX ZR 49/02, NJW 2005, pp. 3275-3277
- Bundesgerichtshof 14 June 2006, I ZR 75/03, NJW 2006, pp. 2976-2978
- Bundesgerichtshof 4 June 2007, II ZR 147/05, NZG 2007, pp. 708-711 (*ComROAD IV*)
- Bundesgerichtshof 27 May 2008, XI ZR 132/07, NJW-RR 2008, pp. 1495-1500
- Bundesgerichtshof 13 December 2011, XI ZR 51/10, NJW 2012, pp. 1800-1807 (*IKB*)
- Bundesgerichtshof 20 December 2011, VI ZR 309/10, NJW-RR 2012, pp. 404-405
- Bundesgerichtshof 8 May 2012, XI ZR 262/10, NJW 2012, pp. 2427-2434, BKR 2012, pp. 368-377
- Bundesgerichtshof 13 December 2012, III ZR 282/11, NJW 2013, pp. 386-387, BeckRS 2013, 1088
- Bundesgerichtshof 4 June 2013, VI ZR 288/12, NJW-RR 2013, pp. 1448-1451
- Bundesgerichtshof 3 December 2013, XI ZR 295/12, NJW 2014, pp. 1098-1101

Higher Regional Court

- Oberlandesgericht München 18 July 2002, 19 U 5630/01, ECLI:DE:OLGMUEN:2002:0718.19U5630.01.0A, NZG 2002, pp. 1110-1111 (*EM.TV*)

- Kammergericht Berlin 12 May 2006, 9 U 127/05, ECLI:DE:KG:2006:0512.9U127.05.0A
- Oberlandesgericht Frankfurt 28 November 2011, 21 U 23/11, ECLI:DE:OLGHE:2011:1128.21U23.11.0A, *BeckRS* 2011, 27061
- Oberlandesgericht Frankfurt 7 April 2015, 24 U 82/14, ECLI:DE:OLGHE:2015:0407.24U82.14.0A
- Oberlandesgericht Frankfurt 17 July 2017, 13 U 172/16, ECLI:DE:OLGHE:2017:0717.13U172.16.0A, *BeckRS* 2017, 123020
- Oberlandesgericht Brandenburg 7 December 2017, 6 W 141/17, ECLI:DE:OLGBB:2017:1207.6W141.17.0A, *BeckRS* 2017, 143334
- Oberlandesgericht Düsseldorf 8 February 2018, I-6 U 50/17, ECLI:DE:OLGD:2018:0208.I6U50.17.00, *BeckRS* 2018, 2321
- Oberlandesgericht Dresden 6 March 2019, 5 U 1146/18, ECLI:DE:OLGDRES:2019:0306.5U1146.18.00, *BeckRS* 2019, 4673

Regional Court

- Landgericht Düsseldorf 29 August 2016, 21 O 57/15, ECLI:DE:LGD:2016:0829.21O57.15.00, *BeckRS* 2016, 17265
- Landgericht Stuttgart 28 February 2017, 22 AR 1/17 Kap, ECLI:DE:LGSTUTT:2017:0228.22AR1.17KAP.0A, *BeckRS* 2017, 118702
- Landgericht Düsseldorf 17 March 2017, 10 O 181/15, ECLI:DE:LGD:2017:0317.10O181.15.0A
- Landgericht Darmstadt 22 September 2017, 13 O 195/14, ECLI:DE:LGDARMS:2017:0922.13O195.14.00, *BeckRS* 2017, 144511
- Landgericht Düsseldorf 15 December 2017, 20 S 142/17, ECLI:DE:LGD:2017:1215.20S142.17.0A, *BeckRS* 2017, 144179
- Landgericht Dresden 22 June 2018, 9 O 1314/18, ECLI:DE:LGDRES:2018:0622.9O1314.18.0A, *BeckRS* 2018, 40872
- Landgericht Stuttgart 12 September 2018, 22 O 101/16, ECLI:DE:LGSTUTT:2018:1024.22O101.16.0A

Local Court

- Amtsgericht Neuss 28 December 2016, 80 C 3954/15, ECLI:DE:AGNE:2016:1228.80C3954.15.00, *BeckRS* 2016, 130332
- Amtsgericht Neuss 20 June 2017, 87 C 175/17, ECLI:DE:AGNE:2017:0620.87C175.17.00, *BeckRS* 2017, 144619

Italian Courts

Court of Cassation

- Corte di Cassazione Civile, Sezioni Unite 22 March 2012, no. 8076

Lower Courts

- Tribunale Catanzaro 2 March 2012, no. 685, Sez. Giurisprudenza, 7041, available at <http://www.ilcaso.it/giurisprudenza/archivio/7041.pdf>
- Tribunale di Roma 7 February 2014, Sez. Giurisprudenza 11305, available at www.ilcaso.it/giurisprudenza/archivio/11305.pdf

- Tribunale di Roma 27 March 2015, Sez. Giurisprudenza, 13654, available at www.ilcaso.it/giurisprudenza/archivio/13654.pdf
- Tribunale Penale di Trani 26 September 2017, no. 837/17 Reg.Sent.

US Courts

- *Beardsley v Tappan*, 5 Blatchf. 498 (1867)
- Supreme Judicial Court of Massachusetts, November 1855, *Boston Law Reporter* vol. 8, new series, pp. 699 ff. (*Billings v Russell*)
- *Ormsby v Douglass*, 37 N.Y. 484 (1868)
- *Ultramares v Touche* (1931) 174 N.E. 441
- *Sung Hwan Co. v. Rite Aid Corp.*, 7 N.Y.3d 78 (N.Y. 2006)
- *Compuware Corp. v Moody's Investors Services, Inc.*, 499 F.3d 520 (6th Cir. 2007)
- *In Re National Century Financial Enterprises, Inc.*, 580 F. Supp. 2d 630 (S.D. Ohio 2008)
- *Abu Dhabi Commercial Bank v Morgan Stanley & Co.*, 651 F. Supp. 2d 155 (S.D.N.Y. 2009)

DOCUMENTS RELATING TO EU LEGISLATION

COM(2003) 427 final

Proposal for a Regulation of the European Parliament and the Council on the Law Applicable to Non-Contractual Obligations ("Rome II"), 22 July 2003, COM(2003) 427 final

COM(2008) 704 final

Proposal for a Regulation of the European Parliament and of the Council on Credit Rating Agencies, 12 November 2008, COM(2008) 704 final

SEC(2008) 2745

Commission Staff Working Document accompanying the Proposal for a Regulation of the European Parliament and of the Council on Credit Rating Agencies, Impact Assessment, 12 November 2008, SEC(2008) 2745

COM(2011) 747 final

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1060/2009 on credit rating agencies, 15 November 2011, COM(2011) 747 final

SEC(2011) 1354 final

Commission Staff Working Document Impact Assessment Accompanying the Document Proposal for a Regulation amending Regulation (EC) No 1060/2009 on credit rating agencies, 15 November 2011, SEC(2011) 1354 final

COM(2012) 352 final

Proposal for a Regulation of the European Parliament and of the Council on key information documents for investment products, 3 July 2012, COM(2012) 352 final A7-0221/2012

***I Report on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1060/2009 on credit rating agencies (COM(2011)0747 – C7-0420/2011 – 2011/0361(COD)), Committee on Economic

- and Monetary Affairs, Rapporteur: Leonardo Domenici, 23 August 2012, A7-0221/2012
- P7_TA-PROV(2013)0012
- European Parliament legislative resolution of 16 January 2013 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1060/2009 on credit rating agencies (COM(2011)0747 – C7-0420/2011 – 2011/0361(COD))

DOCUMENTS RELATING TO US LEGISLATION

- SEC, Federal Register 15 September 2014
- Securities and Exchange Commission, 'Nationally Recognized Statistical Rating Organizations; Final Rule', Federal Register 15 September 2014, vol. 79, no. 178, pp. 55078- 55314, available at www.gpo.gov/fdsys/pkg/FR-2014-09-15/pdf/2014-20890.pdf

REPORTS

- Schlosser Report 1979
- P. Schlosser, 'Report on the Convention on the Association of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland to the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters and to the Protocol on its interpretation by the Court of Justice', C-59/71, October 1978, available at http://aei.pitt.edu/1467/1/commercial_reports_schlosser_C_59_79.pdf
- IOSCO Report 2003
- International Organization of Securities Commissions, *Report on the Activities of Credit Rating Agencies*, 2003, available at www.iosco.org/library/pubdocs/pdf/IOSCOPD153.pdf
- CGFS Report 2005
- Committee on the Global Financial System, *The role of ratings in structured finance: issues and implications*. Report submitted by a Working Group established by the Committee on the Global Financial System, January 2005, available at www.bis.org/publ/cgfs23.pdf
- AMF Report 2007
- Autorité des Marchés Financiers, *AMF 2007 Report on rating agencies. Credit Rating of Corporate Issuers*, 17 January 2008, available at www.amf-france.org/en_US/Publications/Rapports-etudes-et-analyses/Agences-de-notation?docId=workspace%3A%2F%2FSpacesStore%2Fac935efb-5c88-4a9b-a177-027b27bb540d
- IOSCO Report 2008
- International Organization of Securities Commissions, *The role of credit rating agencies in structured finance markets*, 2008, available at www.iosco.org/library/pubdocs/pdf/IOSCOPD270.pdf

SEC Summary Report 2008

SEC, 'Summary Report of Issues Identified in the Commission Staff's Examinations of Select Credit Rating Agencies', July 2008, available at www.sec.gov/news/studies/2008/craexamination070808.pdf

The Joint Forum 2009

The Joint Forum (Basel Committee on Banking Supervision), *Stocktaking on the use of credit ratings*, June 2009, available at www.bis.org/publ/joint22.pdf

The Financial Crisis Report 2011

'The Financial Crisis Inquiry Report. Final Report of the National Commission on the Causes of the Financial and Economic Crisis in the United States', 25 February 2011, available at www.govinfo.gov/content/pkg/GPO-FCIC/pdf/GPO-FCIC.pdf

Report on the Asset-Backed Market Stabilization Act 2011

Report from the Committee on Financial Services on the 'Asset-Backed Market Stabilization Act of 2011', 12 August 2011, no. 112-196, available at www.congress.gov/112/crpt/hrpt196/CRPT-112hrpt196.pdf

Rapport du Club des Juristes 2014

A. Levy-Lang, D. Tricot, J. Klein et al., 'l'Évaluation du préjudice financier de l'investisseur dans les sociétés cotées', Rapport du Club des Juristes, November 2014, available at www.leclubdesjuristes.com/wp-content/uploads/2014/11/CDJ_R%C3%A9paration-du-pr%C3%A9judice-financier.pdf

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