

JCOERE Judicial Co-operation Supporting Economic Recovery in Europe

Report 2

Report on Judicial Co-operation in Preventive Restructuring and Insolvency in the EU Substantive and procedural harmonisation, judicial practice and guidelines.













università degli studi FIRENZE

Published September 2020

https://www.ucc.ie/en/jcoere/



Annex IV: Bibliography

1. Legislation

<u>European Union (Regulations, Directives & Proposals, Communications, and Recommendations)</u>

Consolidated Version of the Treaty on European Union [2012] OJ C326/13.

- Consolidated Version of the Treaty on the Functioning of the European Union [2012] OJ C326/47.
- Council Directive (EC) 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data [1995] OJ L 281/31.
- Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies [1998] OJ L225/16.
- Council Directive (EC) 2001/23 of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses [2001] OJ L 82/16.
- Council Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer [2008] OJ L 283/36.
- Council Directive (EU) 2017/828 of the European Parliament and of the Council of 17 May 2017 amending Directive 2007/36/EC as regards the encouragement of long-term shareholder engagement [2017] OJ L 132/1.
- Council Directive (EU) 2019/1023 of 26 June 2019 on preventive restructuring frameworks, on discharge of debt and disqualifications, and on measures to increase the efficiency of procedures concerning restructuring, insolvency and discharge of debt, and amending Directive (EU) 2017/1132 (Directive on restructuring and insolvency) [2019] OJ L 172/18.
- Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings [2000] OJ L 160/1.
- Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters [2001] OJ L 12/1.







- Council Regulation (EU) 848/2015 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (Recast) [2015] OJ L 141/19.
- Council Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) [2016] OJ L 119/1.
- Council Treaty of Maastricht on European Union [1992] OJ C 191/1.
- European Commission, 'A new EU Framework to strengthen the Rule of Law' (Communication) COM (2014) 0158 final.
- European Commission, 'Communication from the Commission to the European Parliament and the Council on judicial training in the European Union' COM(2006) 356 final.
- European Commission, 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee of the Regions, Delivering an Area of Freedom, Security and Justice for Europe's Citizens Action Plan implementing the Stockholm Programme' COM(2010) 171 final.
- European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Building Trust in Eu-Wide Justice A New Dimension to European Judicial Training' COM (2011) 551 final.
- European Commission, 'Communication from the Commission to the European Parliament, the European Council, and the Council on Further Strengthening the Rule of Law within the Union State of play and next possible steps' COM (2019) 163 final.
- European Commission, 'Communication from the Commission to the European Parliament,
 The European Council, The Council, the European Economic and Social Committee,
 and the Committee of the Regions on Strengthening the Rule of Law within the Union
 a Blueprint for Action' COM (2019) 343 final.
- European Commission, 'Compendium of European Union legislation on judicial cooperation in civil and commercial matters (2018 Edition)', (European Commission, 19 July 2019).
- European Commission, 'Impact Assessment Accompanying the document Commission Recommendation on a New Approach to Business Failure and Insolvency' (Staff Working Document) SWD (2014) 61 final 1.
- European Commission, 'Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1346/2000 on insolvency proceedings' (Communication) COM (2012) 744 final.
- European Commission, 'Proposal for a Council Decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law' (Communication) COM (2017) 835 final.





- European Commission, 'Recommendation of 12 March 2014 on a new approach to business failure and insolvency' [2014] OJ L 74/65, COM (2014) 1500 final.
- European Commission, 'The 2019 EU Justice Scoreboard' (Communication) COM (2019) 198/2 final. Retrieved from: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/eu-justice-scoreboard en>. [Last accessed 13 June 2020].
- European Council, 'Conclusions of the Presidency, European Council in Copenhagen, 21 and 22 June 1993' (1993) SN180/1/93 < https://www.consilium.europa.eu/media/21225/72921.pdf>
- European Council, 'Conclusions of the Presidency, European Council in Tampere 15 and 16
 October 1999,' (1999)
 https://www.europarl.europa.eu/summits/tam_en.htm#c?textMode=on>.
- European Parliament Committee on Legal Affairs 'Report on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1346/2000 on insolvency proceedings' [2013] (COM(2012)0744 C7-0413/2012 2012/0360(COD)).
- European Parliament, 'Motion for a Resolution on the Political Situation in Austria' (2 February 2000) B5-0101/2000.
- European Parliament 'Resolution of 17 June 2010 on Judicial Training Stockholm Programme' (P7 TA(2010)0242.
- European Parliament 'Resolution of 14 March 2012 on judicial training' (2012/2575(RSP)).
- European Parliament, 'resolution of 12 September 2018 calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded (2017/2131 (INL))' [2019] OJ C 433/66.
- Venice Commission of the Council of Europe, 'Rule of Law Checklist', CDL-AD (2016)007.

 Retrieved from:

 https://www.venice.coe.int/images/SITE%20IMAGES/Publications/Rule of Law Check List.pdf [Last accessed 15 June 2020].
- Virgós, M and Schmit, E 'Report on the Convention of Insolvency Proceedings of 3 May 1996', EC Council Document 6500/96.

Denmark

The Administration of Justice Act.

The Constitutional Act of the Kingdom of Denmark.

Kamerstukken II 2012/13, 29911, 74.

England and Wales





Companies Act 2006.

Cross-Border Insolvency Regulations 2006 (SI 2006/1030).

Insolvency Act 1986.

France

Le Code de commerce ("Commercial Code").

- La Loi n° 2005-845 du 26 juillet 2005 de sauvegarde des entreprises ("Law No. 2005-845 of July 26th, 2005 for the Safeguard of Companies").
- La Loi n° 2016-1547 du 18 novembre 2016 de modernisation de la justice du XXIe siècle (Law no. 2016-1547 of 18 November 2016, rewriting the section in the Commercial Code on the status of commercial court judges, article 95, introducing new Article L722-17 of the Commercial Code).
- Ordonnance n° 2017-1519 du 2 novembre 2017 portant adaptation du droit français au règlement (UE) n° 2015/848 du Parlement européen et du Conseil du 20 mai 2015 relatif aux procédures d'insolvabilité (Ordinance no. 2017-1519 of November 2nd, 2017, adapting French law to Regulation (EU) No. 2015/848 of the European Parliament and of the European Council of May 20, 2015 relating to insolvency proceedings).

Germany

Die Insolvenzordnung ("The Insolvency Statute").

Gerichtsverfassungsgesetz ("Law on the Structure of Courts").

Grundgesetz für die Bundesrepublik Deutschland (German Constitution).

Ireland

The Irish Constitution.

Companies Act 2014.

Companies Act 1963.

Court of Appeal Act 2014.

<u>Italy</u>

Codice della crisi d'impresa e dell'insolvenze ("Decree No 14 of 12th January 2019 - CCI").

Constitution of the Italian Republic (Costituzione della Repubblica Italiana).

Legislative Decree 30 January 2006, art 25 as amended by Law 30 July 2007.





Poland

Act of 26 May 1982 - Law on Advocates.

Act of 6 July 1982 on Legal Advisors.

Act of 23 January 2009 on The National School of Judiciary and Public Prosecution.

Act of 15 May 2015 on Restructuring Law (Prawo restrukturyzacyjne).

Constitution of the Republic of Poland.

<u>Singapore</u>

Singapore Companies (Amendment) Act 2017, Model Law.

The Netherlands

Wet homologatie onderhands akkoord (Act on the Confirmation of Extrajudicial Restructuring Plans) (WHOA).

United States of America

Bankruptcy Act of July 1, 1898, Ch 541 30 Stat 544 (repealed 1978).

Title 11, Chapter 3, United States Code.

Title 11, Chapter 5, United States Code.

Title 11, Chapter 11, United States Code.

Title 28, Chapter 6, United States Code.

Title 28, Chapter 87, United States Code.

United States Constitution.

Other Congressional Documentation

Chapter 11 Bankruptcy Venue Reform Act of 2011: Hearing on H.R. 2533 Before the H Subcomm on Courts, Commercial, and Administrative Law of the H. Comm. on the Judiciary, 112th Congress (testimony of Honorable Frank J Bailey, Us Bankr Ct, D Mass)

Model Emergency Bankruptcy Rule (a) (1982) reprinted in Bankruptcy Code, Rules and Forms, xv (West 1983)

2. Cases

European Court of Human Rights

Schüssel v Austria, Ap no. 42409/98 (ECHR 21 February 2002).





European Union

- Case C-116/11 Bank Handlowy w Warszawie SA and PPHU «ADAX»/Ryszard Adamiak v. Christianapol sp. z o.o. [2012] ECLI:EU:C:2012:739.
- Case C-535/17 NK v BNP Paribas Fortis NV [2019] ECLI:EU:C:2019:96.
- Case C-212/97 Centros Ltd v Erhvervs- og Selskabsstyrelsen [1999] ECR I-01459.
- Case C-341/04 Eurofood IFSC Ltd [2006] ECR I-03813.
- Case C-126/16 Federatie Nederlandse Vakvereniging and Others v Smallsteps BV [2017] ECLI:EU:C:2017:489.
- Case C-337/17 Feniks Sp. z o.o. v Azteca Products & Services SL [2018] ECLI:EU:C:2018:805.
- Case C-213/10 F-Tex SIA v Lietuvos-Anglijos UAB 'Jadecloud-Vilma' [2012] ECLI:EU:C:2012:215.
- Case C-133/78 Henri Gourdain v Franz Nadler [1979] ECLI:EU:C:1979:49.
- Case C-557/13 Hermann Lutz v Elke Bäuerle [2015] ECLI:EU:C:2014:2404, Opinion of Advocate General Szpunar.
- Case C-396/09 Interedil Srl, in liquidation v Fallimento Interedil Srl and Intesa Gestione Crediti SpA. [2011] ECR I-09915.
- Case C-444/07 MG Probud Gdynia sp. z o.o. [2010] ECR I-00417.
- Case C-157/13 Nickel & Goeldner Spedition GmbH v 'Kintra' UAB [2014] ECLI:EU:C:2014:2145.
- Case C-649/16 Peter Valach and Others v Waldviertler Sparkasse Bank AG and Others [2017] ECLI:EU:C:2017:986.
- Case C-191/10 Rastelli Davide [2011] ECR I 13209.
- Case C-1/04 Susanne Staubitz-Schreiber [2006] ECR I-00701.
- Case C-641/16 Tünkers France and Tünkers Maschinenbau GmbH v Expert France [2017] ECLI:EU:C:2017:847.
- Case C-208/00 Überseering BV v Nordic Construction Company Baumanagement GmbH (NCC) [2002] ECR I-09919.

<u>Austria</u>

Collins & Aikman, Re (Higher Regional Court of Graz, 20 October 2005, 3 R 149/05.

England, Wales and Northern Ireland

Antony Gibbs and sons v La Société Industrielle et Commerciale des Métaux (1890) 25 QBD 399.





Bakhshiyeva v Sberbank of Russia [2018] EWHC 59 (Ch).

Bank of Baroda v Maniar [2019] EWHC 2463.

Cambridge Gas Transportation Corp v. Official Committee of Unsecured Creditors of Navigator Holdings plc [2006] UKPC 26.

Daisytek-ISA Ltd., Re [2004] BPIR 30

Drax Holdings Ltd, Re [2003] EWHC 2743 (Ch).

Eurofood IFSC Ltd, Re (C-341/04) [2006] Ch. 508; [2006] 3 W.L.R. 309.

HIH Casualty and General Insurance Ltd, Re [2008] UKHL 21.

Irish Bank Resolution Corp Ltd v Quinn [2012] NICh. 1, [2012] B.C.C. 608.

Nortel Networks SA & Ors, Re [2009] EWHC 206 (Ch).

O'Donnell and Anor. v Bank of Ireland [2012] EWHC 3749.

Official Receiver v Eichler [2007] BPIR 1636.

Phoenix Kapitaldienst GmbH, Schmitt v Deichmann, Re [2012] EWHC 62 (Ch), [2013] Ch 61.

Rodenstock GmbH, Re [2011] EWHC 1104 (Ch).

Rubin v Eurofinance SA and others [2012] UKSC 46.

Singularis Holdings Ltd v PricewaterhouseCoopers (Bermuda) [2015] AC 1675, [2014] UKPC 36.

Stanford International Bank Ltd., Re [2010] EWCA Civ 137.

Stojevic v Komercni Banka AS [2006] EWHC 3447 (Ch) [2007] BPIR 141.

Primacom Holding GmbH & Anor v A Group of the Senior Lenders & Credit Agricole [2012] EWHC 164 (Ch).

<u>France</u>

MPOTEC Gmbh, Re [2006] BCC 681.

Ireland

ACC v McCann and Griffin [2012] IEHC 236.

Ballantyne RE Plc & Companies Act 2014 [2019] IEHC 407.

Cullen v Toibín [1984] I.L.R.M 577.

Doe v Revenue Commissioners [2008] 3 IR 328.

Eurofood IFSC Ltd (No 2), Re [2006] IESC 41, [2006] 4 IR 307.





Flightlease (Ireland) Ltd., Re (in Voluntary Liquidation) [2012] IESC 12.

Kelly v O'Neill [2000] 1 I.L.R.M. 507.

The Irish Times v Ireland [1998] 1 IR 359, 361.

R, In re [1989] I.R. 196.

<u>Italy</u>

Decision of the Supreme Court, 12/04/2018, n 9087.

Singapore

Zetta Jet Pte Ltd and Others, Re [2018] SGHC.

United States

Broyles v US Gypsum Co 266 BR 788, 783 (ED Tex 2001).

Catapult Entm't, In re 165 F3d 747, 754-755 (9th Cir 1999).

Del & Hudson Ry Co, In re 96 BR 467 (Bankr D Del 1988).

Enron Corp, In re 274 BR 327 (Bankr. S.D.N.Y. 2002).

General Motors Corp, In re 407 BR 463 (Bankr SDNY 2009).

Houghton Mifflen Harcourt Publishing Co, In re 474 BR 122 (Bankr SDNY 2012).

Houghton Mifflen Harcourt Publishing Co, In re 474 BR 122 (Bankr SDNY 2012) – 56 Bankr Ct Dec 179 (22 June 2012): Decision on US Trustee Motion to Transfer Venue.

Lehman Bros Holdings Inc, Cross Border Insolvency Protocol for the Lehman Brothers Group of Companies (May 12, 2009).

Lowenschuss, In re 67 F3d 1394, 1401-02 (9th Cir 1995).

Maxwell Communications Corp, In re Case No 91-B-15741 (TLB) (Bankr SDNY Jan 15 1992).

Maxwell Communication Corp, In re Case No 91-B-14741 (TLB) (Bankr SDNY Jan 15 1992): Final Supplemental Order Appointing Examiner and Approving Agreement Between Examiner and Joint Administrators.

Nakash, In re Ch 11 Case no 94-B-44840 (NRL) (Bankr SDNY May 23 1996): Order Approving Cross-Border Protocol, Granting Comity to Jerusalem District Court Letter of Request, Setting Damages for Initial Stay Violation and Granting Nunc Pro Tunc Stay Relief in Respect of Alleged Further Stay Violations.

Nortel Networks Inc, In re 669 F3d 128 (3d Cir 2011).

Northern Pipeline Construction Co v Marathon Pipe Line Co 458 US 50, 87 (1982).





Ocean Properties of Del Inc, In re 95 BR 305 (Bankr D Del 1988).

Ogden vs Saunders 25 US (12 Wheat) 213 (1827).

Polaroid Corp, In re No 01-10864 (Bankr D Del 2002).

Polaroid Corp, In re No 01-10864 (Bankr D Del July 3, 2002), Transcript of Sale Hearing before Honourable Peter J Walsk United States Chief Bankrupcty Judge, 172-173.

Sturges v Crownshield 17 US (4 Wheat) 122 (1819).

West Electrics Inc, In re 852 F2d 79 (3d Cir 1988).

W Real Estate Fund Inc, In re 922 F2d 592, 601-02 (10th Cir 1990).

Wood v Wood (In re Wood) 825 F2d 90, 95 (5th Cir 1987).

Zale Corp, In re 62 F3d 746, 760-01 (5th Cir 1995).

3. Guidelines on Judicial Cooperation

- 'ALI-III Global Principles for Cooperation in International Insolvency Cases' (International Insolvency Institute 2017).
- 'ALI-UNIDROIT Principles of Transnational Civil Procedure' (American Law Institute and UNIDROUT 2004).
- Conference on European Restructuring and Insolvency Law (CERIL) Statement 2018/01 in Insolvency Regulation (Recast) and National Procedural Rules.
- 'Core Principles for an Insolvency Law Regime' (European Bank for Reconstruction and Development 2004).
- 'EU Cross-Border Insolvency Court-to-Court Cooperation Principles' (Tri Leiden, University of Leiden, and Nottingham Law School 2014).
- Frade C, et al, 'Assessing Courts' Undertaking of Restructuring and Insolvency Actions: Best Practices, Blockages, and Ways of Improvement' (European Commission 2019).
- 'Guidelines Applicable to Court-to-Court Communications in Cross-Border Cases' (The American Law Institute and the International Insolvency Institute 2001).
- 'Principles for Effective Insolvency and Creditor/Debtor Regimes' (World Bank 2011).
- Stanghellini L, Mokal R, Paulus C.G, and Tirado I, Best Practices in European Restructuring: Contractualised Distress Resolution in the Shadow of the Law (Wolters Kluwer 2018).
- Wessels B and Virgos M, 'European Communication and Cooperation Guidelines for Cross-Border Insolvency' (INSOL Europe Academic Wing 2007).
- ---, Madaus S, and Boon G.J, *Rescue of Business in Insolvency Law* (European Law Institute 2017).





- The Role of the Judge in the Restructuring of Companies within Insolvency (Judicial Wing of INSOL Europe 2013).
- United Nations Commission on International Trade Law, Guide to Enactment and Interpretation of the UNCITRAL Model Law on Cross-Border Insolvency (UN, 2014).
- United Nations Commission on International Trade Law, *Practice Guide on Cross-Border Insolvency Cooperation* (UN, 2009).

4. Books

- Brinkmann M (ed), European Insolvency Regulation: Article by Article Commentary (Beck, Hart, Nomos, 2019).
- Bork R and Mangano R, European Cross-Border Insolvency Law (OUP, 2016).
- Friedman M, The Legal System: A Social Science Perspective (Russell Sage Foundation, 1975).
- Fletcher I, Insolvency in Private International Law (Oxford, Clarendon Press, 1999).
- Kosar D, Perils of Judicial Self-Government in Transitional Societies (CUP, 2016).
- Legrand P, Fragments of Law as Culture (WEJ Tjeenk Willink, 1999)
- LoPucki L.M, Courting Failure: How Competition for Big Cases is Corrupting the Bankruptcy Courts (Ann Arbor, 2005).
- Lynch Fannon I, Marshall J and O'Ferrall R, *Corporate Insolvency and Rescue* (Butterworths, 1996).
- --- Working Within Two Kinds of Capitalism (Hart, 2003).
- --- and Murphy G, Corporate Insolvency and Rescue (Bloomsbury, 2012).
- Moss G, Fletcher I and Isaacs S, *The EU Regulation on Insolvency Proceedings* (3rd edn, OUP 2016).
- Payne J, Scheme of Arrangement: Theory Structure and Operation (CUP, 2014).
- Siebert Fohr A (ed), Judicial Independence in Transition (Springer 2012);
- Stanghellini L, Mokal R, Paulus C.G, Tirado I, Best practices in European Restructuring: Contractualised Distress Resolution in the Shadow of the Law (Wolters Kluwer, 2018).
- Vellani C, L'approccio giurisdizionale all'insolvenza transfrontaliera (Milano, Dott A Giuffre' Editore, 2006).

5. Book Chapters

Akintola K and Ellina S, 'The Use and Abuse of Corporate Insolvency Rescue Procedures: A Contextual Evaluation of the United Kingdom and Cyprus' in Jennifer L. L. Gant





- (ed), Party Autonomy and Third Party Protection in Insolvency Law (INSOL Europe 2019).
- Cotterell R, 'The Concept of Legal Culture' in David Nelkin (ed), Comparing Legal Cultures (Dartmouth Publishing 1997).
- Dahl M and Kortleben J, 'Chapter 1: General Provisions: Article 8, Third Parties' Rights in Rem in Brinkmann (ed) *European Insolvency Regulation: Article by Article Commentary* (Beck, Hart, Nomos, 2019).
- Fleck J, 'Judicial Independence in Hungary' in A Sievert-Fohr (ed), *Judicial Independence in Transition* (Springer 2011).
- Fletcher I, 'Spreading the Gospel: The Mission of Insolvency Law and Insolvency Practitioners in the Early 21st Century' in Stefania Barriati and Paul J Omar (eds), *The Grand Project:* Reform of the European Insolvency Regulation (INSOL Europe 2014).
- Mangano R, Wessels B, Dammann R, 'Secondary Insolvency Proceedings (Art 34-52), in Bork R and van Zwieten K (eds) *Commentary on the European Insolvency Regulation* (Oxford University Press, 2016).
- Skauradszun D and Spahlinger A, 'Chapter III Secondary Insolvency Proceedings, Articles 40 44', in Brinkmann M (ed) *European Insolvency Regulation: Article by Article Commentary* (Beck, Hart, Nomos, 2019).
- Van Zwieten K, Ringe G, Snowden R, Garcimartin F.J and Virgos M, 'Chapter 1: General Provisions (Art. 1-18)' in Bork R and Van Zwieten K (eds) *Commentary on the European Insolvency Regulation* (Oxford University Press, 2016).
- Zipperer H, 'Ist der Grundsatz der par conditio creditorum gerecht?' in Marie Luise Graf-Schlicker, Hanns Prütting, Wilhelm Uhlenbruck (eds), Festschrift für Heinz Vallender (RWS Vlg Kommunikationsforum, 2015).

6. Articles

- Alegro M.G, 'In Defense of Forum Shopping: A Realistic Look at Selecting a Venue' (1999) 78

 Neb L Rev 79.
- Altman J, 'A Test Case in International Bankruptcy Protocols: The Lehman Brothers Insolvency' (2011) 12 San Diego Int'l L J 463.
- Anderson A, Brown J, and Gupta P.P, 'Jurisdictional Competition for Corporate Charters and Firm Value: a Reexamination of the Delaware Effect' (2017) 14 Int J Discl Gov 341.
- Armour J, Deakin S, Sarkar P, Siems M, and Singh A, 'Shareholder Protection and Stock Market Development: An Empirical Test of the Legal Origins Hypothesis' (2008) 6(2) *Journal of Empirical Legal Studies* 343.
- ---, Deken S, Lele P, and Siems M, 'How do Legal Rules Evolve? Evidence from a Cross-Country Comparison of Shareholder, Creditor, and Worker Protection' (2009) 57 *Am J Comp L* 579.





- Arye Bebchuk L and Roe M.J, 'A Theory of Path Dependence in Corporate Ownership and Governance' (1999) 52 *Stan L Rev* 127.
- --- and Guzman A.T, 'An Economic Analysis of Transnational Bankruptcies' (1999) 42 *J. L. & ECON*. 775.
- Barteld L, 'Cross- Border Bankruptcy and the Cooperative solution' (2012-2013) 9(1) Int'l L. & Mgmt. Rev. 27.
- Batory A, 'Why do Anti-Corruption Laws Fail in Central Eastern Europe? A Target Compliance Perspective' (2012) 6 Regulation & Governance 66.
- Becker T and Wei L, 'Questions Mount in Chapter 11 Case of Former Polaroid' (WSJ Online 2003).
- Beers D.J, 'Judicial Self-Governance and the Rule of Law: Evidence from Romania and the Czech Republic' (2012) 59(5) *Problems of Post-Communism* 50.
- Bell J, 'Path Dependence and Legal Development' (2012-2013) 87 Tul L Rev 787.
- Benvenuti S, 'The European Judicial Training Network and its Role in the Strategy for the Europeanisation of National Judges' (2015) 7(1) *International Journal for Court Administration* 59.
- Bernardo P.J, 'Cross-Border Insolvency and the Challenges of the Global Corporation: Evaluating Globalization and Stakeholder Predictability through the UNCITRAL Model Law on Cross-Border Insolvency and the European Union Insolvency Regulation' (2012) 56 Ateneo L.J 798.
- Bork R, 'The European Insolvency Regulation and the UNCITRAL Model Law on Cross-Border Insolvency' (2017) 26 *Int. Insolv. Rev.* 246
- Botero J.C, Dhankov S, La Porta R, Lopez-de-Silanes F, and Schleifer A, 'The Regulation of Labour' (2004) 119(4) *Quarterly Journal of Economics* 1339.
- Castillo Ortiz P.J, 'Councils of the Judiciary and Judges' Perceptions of Respect to Their Independence in Europe' (2017) 9 *Hague J Rule Law* 315.
- Claes M and De Visser M, 'Are you Networked Yet? On Dialogues in European Judicial Networks (2012) 8(2) *Utrecht L Rev* 100.
- Coffee J.C, 'The Future of Corporate Federalism: State Competition and the New Trend toward De Facto Federal Minimum Standards' (1987) 8 *Cardozo L Rev* 759.
- Cole M. G, and Zywicki T.J, 'Anna Nicole Smith Goes Shopping: A New Forum-Shopping Problem in Bankruptcy' (2010) *Utah L Rev* 511.
- Coman R, 'Quo Vadis Judicial Reforms? The Quest for Judicial Independence in Central and Eastern Europe' (2014) 66(6) Europe-Asia Studies 892.
- Coordes L.N, 'The Geography of Bankruptcy' (2015) 68 Vand L Rev 382.





- Cuyvers A, 'The Confederal Comeback: Rediscovering the Confederal Form for a Transnational World' (2013) 19(6) Eur L J 711.
- Deane F and Mason R, 'The UNCITRAL model law on cross-border insolvency and the rule of law' (2016) 25(2) *International Insolvency Review* 138.
- De Weijs R. J, 'Harmonisation of European Insolvency Law and the Need to Tackle Two Common Problems: Common Pool and *Anticommons*' (2012) 21(2) *International Insolvency Review* 67.
- Dominelli S and Ilaria Queirolo I, 'Gli obblighi di cooperazione e comunicazione tra autorità e parti del procedimento fallimentare nel nuovo regolamento europeo sull'insolvenza transfrontaliera n. 2015/848: aspettative e possibili realtà applicative' (2018) 3 *Dir. comm. internaz.* 719.
- Eidenmuller, H 'A New Framework for Business Restructuring in Europe: The EU Commission's Proposals for a Reform of the European Insolvency Regulation and Beyond' (2013) 20 Maastricht J Eur & Comp L 133
- Eisenberg T and LoPucki L.M, 'Shopping for Judges: An Empirical Analysis of Venue Choice in Large Chapter 11 Reorganisations' (1999) 84 Cornell L Rev 967.
- Flaschen E.D, and Silverman R.J, 'Cross-border Insolvency Cooperation Protocols' (1998) 33(3)

 Texas International Law Journal 587
- Fossum J.E, 'European Federalism: Pitfalls and Possibilities' (2017) 23 Eur L J 361.
- Frerejohn J, 'Independent Judges, Dependent Judiciary: Explaining Judicial Independence' (1999) 72 S Cal L Rev 353.
- Friedman L.M, 'Legal Culture and Social Development' (1969) 4(1) Law & Society Review 29.
- Geva E.Z, 'National Policy Objectives from an EU Perspective: UK Corporate Rescue and the European Insolvency Regulation: A Note on *Hans Brochier Holdings Ltd* v. *Exner* and *Re Collins & Aikman Europe SA'* (2007) 8 *EBOR* 605.
- Ghei N and Parisi F, 'Adverse Selection and Moral Hazard in Forum Shopping: Conflicts of Law as Spontaneous Order' (2004) 25(4) *Cardozo L Rev* 1367, 1368.
- Ghio E, 'Cross-border Insolvency and Rescue Law Theory: Moving Away from the Traditional Debate on Universalism and Territorialism' (2018) 29(12) ICCLR 713.
- Glaeser E.L and Shleifer A, 'Legal Origins' (2002) 117(4) *The Quarterly Journal of Economics* 1193.
- Gomes Andre J, 'American Lessons: Legitimacy, Federalism, and the Construction of a European Compound Polity' (2017) 18(3) European Politics and Society 333.
- Hathaway O.A, 'Path Dependence in the Law: The Course and Pattern of Legal Change in a Common Law System' (2000-2001) 86 *lowa L Rev* 601.





- Jackson S and Mason R, 'Developments in Court-to-Court Communications in International Insolvency Cases' (2014) 37(2) UNSW L J 507.
- Kincaid J, 'Confederal Federalism and Citizen Representation in the European Union' (1999) 22(2) West European Politics 34.
- Kahan M and Kamar E, 'The Myth of State Competition in Corporate Law' (2002) 55(3) Stanford L Rev 679.
- Kamalnath A, 'Cross-Border Insolvency Protocols: A Success Story?' (2013) 2 International Journal of Legal Studies and Research 172.
- La Porta R, Lopez-de-Silanes F, Shleifer A, and Vishny R.W, 'The Legal Determinants of External Finance' (1997) 52(3) *The Journal of Finance* 1131.
- ---, ---, 'Law and Finance' (1998) 106(6) Journal of Political Economy 1113.
- Leandro A, 'Amending the European insolvency regulation to strengthen main proceedings' (2014) 2 *Rivista di diritto internazionale privato e processuale* 317.
- LoPucki L.M, 'Shopping for Judges: An Empirical Analysis of Venue Choice in Large Chapter 11 Reorganisations' (1999) 84 Cornell L Rev 967.
- --- 'Universalism Unravels' (2005) 70 Am Bankr L J 143.
- --- and Doherty J, 'Bankruptcy Fire Sales' (2007) 106 Mich L Rev 1.
- --- and Whitford W.C, 'Venue Choice and Forum Shopping in the Bankruptcy Reorganisation of Large Publicly Held Companies' (1991) 1991(1) Wis L Rev 11.
- Lubben S.J, 'A New Understanding of the Bankruptcy Clause' (2013) 64(2) Case Western Reserve Law Review 319.
- --- and Woo S.P, 'Reconceptualising Lehman' (2014) 49 Texas Int'l L Rev 29
- Lynch Fannon I, 'Bankruptcy Tourism in the UK: Why and How?' (2013) 26(6) *Insolvency Intelligence* 85.
- --- 'An Irish Perspective on the Cram down provisions in the Preventive Restructuring Directive 1023/2019 EU: Guest Editorial' (2019) 27(3) *International Insolvency Review* 1.
- Madaus S, 'Leaving the Shadows of US Insolvency Law: A Proposal to Divide the Realms of Insolvency and Restructuring Law' (2018) 19 *Eur Bus Org L Rev* 615.
- --- 'Insolvency Proceedings for Corporate Groups under the New Insolvency Regulation' (2015) 6 International Insolvency Law Review 235.
- Mak E, 'Researching Judicial Ethical Codes, or: How to Eat a Mille-Feuille?' (2018) 9(2) Int'l J for Court Administration 55.





- --- Graaf N, and Jackson E, 'The Framework for Judicial Cooperation in the European Union: Unpacking the Ethical, Legal, and Institutional Dimensions of 'Judicial Culture' (2018) 34(1) Utrecht Journal of International and European Law 24.
- Maltese M, 'Court-to-court protocols in crossborder bankruptcy proceedings: differing approaches between civil law and common law legal systems' (2013) *International Insolvency Institute*.
- Mangano R, 'From "Prisoner's Dilemma" to Reluctance to Use Judicial Discretion: The Enemies of Cooperation in European Cross-Border Cases' (2017) 26 *IIR* 314.
- Masterton L.R, 'Forum Shopping in Business Bankruptcy: An Examination of Chapter 11 Cases' (1999) 16(1) *Bankr Dev J* 65.
- Mazzoni A, 'Procedure concorsuali e standards internazionali: norme e principi di fonte Uncitral e Banca Mondiale', (2018) 45(1) *Giur. Comm.*, I, 43.
- McCormack G, 'Jurisdictional Competition and Forum Shopping in Insolvency Proceedings' (2009) 68(1) *Cambridge L J* 169.
- 'Universalism in Insolvency Proceedings and the Common Law' (2012) 32(2) *J Legal Studies* 325.
- --- 'Reforming The European Insolvency Regulation: A Legal And Policy Perspective' (2014) 10

 Journal of Private International Law 41.
- --- 'Bankruptcy Forum Shopping: The UK and US as Venues of Choice for Foreign Companies' (2014) 63 *ICLQ* 815.
- --- 'US Exceptionalism and UK Localism? Cross-Border Insolvency Law in Comparative Perspective' (2016) 36(1) *Legal Studies* 136.
- Mendelski M, 'EU-Driven Reforms in Romania: a Success Story?' (2012) 28(1) East European Politics 23.
- Merry S.E, 'What is Legal Culture? An Anthropological Perspective' (2010) 5 J Comp L 40.
- Mohan S.C, 'Cross-Border Insolvency Problems: Is the UNCITRAL Model Law the Answer?' (2012) 21(3) *International Insolvency Review* 199.
- Moore K.A and Parisi F., 'Rethinking Forum Shopping in Cyberspace' (2002) 77 *Chi Kent L Rev* 1325.
- O'Hara E.A and Ribstein L.E, 'From Politics to Efficiency in Choice of Law' (2000) 6 U Chi L Rev
- Oliver P and Stefanelli J, 'Strengthening the Rule of Law in the EU: The Council's Inaction' (2016) 54(5) JCMS 1075.
- Omar P, 'Genesis of the European Initiative in Insolvency Law' (2003) 12 Int. Insolv. Rev. 147.





- ---'The Limits of Co-Operation at Common Law: *Rubin v Eurofinance* in the Supreme Court' (2013) 10(2) *ICR* 106.
- ----'An Irish Perspective on Insolvency Co-Operation: the *RE Flightlease* Case' (2013) 10(3) *ICR* 158.
- ----'Apres *Rubin*: le Deluge? Thoughts on the future of Common Law Insolvency Co-Operation' (2013) 10(6) *ICR* 356.
- ---'The Resurgence of Cross-Border Recognition and Enforcement of Insolvency Judgments: the *Re Phoenix* Case' (2013) 9 *ICCLR* 329.
- ---'The "Empire" Strikes Back: Lessons for the Mother Country in Insolvency Co-Operation' (2013) 11 ICCLR 411.
- ---'A Singular Tide in Insolvency Co-Operation in Bermuda' (2014) 11(3) ICR 159; 'The Universe of Insolvency Co-Operation and the Primeo Directive' (2014) 12(1) ICR 1.
- Nelkin D, 'Using the Concept of Legal Culture' (2004) 29 Austl J Leg Phil 1.
- --- 'Thinking about Legal Culture' (2014) 1 Asian J L & Soc'y 255.
- ---Disclosing/Invoking Legal Culture: An Introduction' (1995) 4 Soc & Leg Stud 435.
- Panzani L, 'La disciplina della crisi di gruppo tra proposte di riforma e modelli internazionali' (2016) 38(10) Il fallimento e le altre procedure concorsuali 1153.
- Parikh S.D, 'Modern Forum Shopping in Bankruptcy' (2013) 46(1) Connecticut L Rev 159.
- Payne J, 'Cross-border Schemes of Arrangement and Forum Shopping' (2013) 14 European Business Organization Law Review 563, 589.
- Pottow J, 'Procedural Incrementalism: A Model for International Bankruptcy' (2005) 45(4) *Va J Int'l L* 935.
- --- 'The Myth (and Realities) of Forum Shopping in Transnational Insolvency' (2007) 32 *Brook J Int'l L* 785.
- Rasmussen R and Thomas R, 'Chapter 11 Reorganization Cases and the Delaware Myth' (2002) 55 *Vanderbilt L Rev* 1987.
- Redish MH, 'Doing it with Mirrors: *New York v United States* and Constitutional Limitations of Federal Power to Require State Legislation' (1993-1994) 21 *Hastings Const LQ* 593.
- Roe M.J, 'Delaware's Competition' (2003) 117 Harvard L Rev 588.
- Rynne R, 'Landmark Scheme of Arrangement in Ireland' (2019) Autumn Eurofenix 30.
- Santen B, 'Communication and cooperation in international insolvency: on best practices for insolvency office holders and cross-border communication between courts' (2015) 16 *ERA Forum* 229.





- Sexton A.V, 'Current Problems and Trends in the Administration of Transnational Insolvencies Involving Enterprise Groups: The Mixed Record of Protocols, the UNCITRAL Model Insolvency Law, and the EU Insolvency Regulation' (2011-2012) 12 *Chi J Int'l L* 811.
- Skeel D.A, 'Bankruptcy Judges and Bankruptcy Venue' (1998) 1(1) Delaware L Rev 1.
- Skeel D.A, 'What's So Bad About Delaware' (2001) 54 Vanderbilt L Rev 309.
- Slaughter A.M, 'International Law in a World of Liberal States' (1995) 6 Eur J Int'l L 503.
- Spigelman J, 'Cross-Border Insolvency: Co-operation or Conflict?' (2009) 83(1) Australian Law Journal 44.
- Stanghellini L and Zorzi A, 'Coordinating the Prevent Restructuring Directive and the Recast European Insolvency Regulation' (2019) *Autumn Eurofenix* 22.
- Sylla R, Wright R.E, and Cowen D.J, 'Alexander Hamilton, Central Banker: Crisis Management during the US Financial Panic of 1792' (2009) 83 *Business History Review* 61.
- Tabb C.J, 'The History of the Bankruptcy Laws in the United States' (1995) 3(1) Am Bankr Inst L Rev 5.
- Umfreville C, Omar P, Lücke H, Lynch Fannon I, Veder M and Piñeiro L.C, 'Recognition of UK Insolvency Proceedings Post-Brexit: The Impact of a 'No Deal' Scenario'', (2018) 27 International Insolvency Review 422.
- Unt L, 'International Relations and International Insolvency Cooperation: Liberalism, Institutionalism, and Transnational Legal Dialogue (1997) 28 Law & Pol'y Int'l Bus 1037.
- Warner G.R, 'Conflicting Norms: Impact of the Model Law on Chapter 11's Global Restructuring Role' (2019) 28(2) IIR 273.
- Wieacker F and Bodenheimer E, 'Foundations of European Legal Culture' (1990) 38(1) *The American Journal of Comparative Law* 1.
- Wessels B, 'A Glimpse into the Future: Cross-Border Judicial Co-Operation in Insolvency Cases in the European Union' (2015) 24(1) IIR 97.
- --- and Ilya Kokorin, 'Cross-Border Co-operation and Communication: How to Comply with Data Protection Rules in Matters of Insolvency and Restructuring' (2019) 16(2) International Corporate Rescue 98.
- Westbrook J.L, 'Theory and Pragmatism in Global Insolvencies: Choice of Law and Choice of Forum (1991) 65 Am Bankr L J 457.
- --- 'International Judicial Negotiation' (2003) 38 Tex Int's L J 567.
- --- 'Chapter 15 at Last' (2005) 79 Am Bankr LJ 713.
- --- 'Global Insolvency Proceedings for a Global Market: The Universalist System and the Choice of a Central Court' (2018) 96 *Tex L Rev* 1473.





- Zimmerman R, 'Savigny's Legacy: Legal History, Comparative Law, and the Emergence of a European Legal Science' (1996) 112(Oct) *LQR* 576.
- Zumbro P.H, 'Cross-border Insolvencies and International Protocols an Imperfect but Effective Tool' (2010) 11 Business Law International 157.

7. Online Journals

- Bariatti S and Conso G, 'Il Regolamento (UE) 2015/848 del Parlamento Europeo e del Consiglio del 20 maggio 2015 relativo alle procedure di insolvenza (rifusione). Una prima lettura' (2015) ilfallimentarista.it. Available at: < http://ilfallimentarista.it/articoli/focus/il-regolamento-ue-2015848-del-parlamento-europeo-e-del-consiglio-del-20-maggio-2015>
- Hals T and Graybow M, 'GM Bankruptcy Forever Linked to Harlem Dealership' (2009) Reuters https://www.reuters.com/article/us-gm-harlemdealership/gm-bankruptcy-forever-linked-to-harlem-dealership
 idUSTRE55050V20090601#:~:text=NEW%20YORK%20(Reuters)%20%2D%20Generalq
 uirks%20of%20U.S.%20bankruptcy%20law.&text=Before%20GM%20filed%20its%20
 historic,its%20own%20Chapter%2011%20filing.> [accessed 23 June 2020.]
- Stephen Lubben, "The Overstated Absolute Priority Rule" (20 March 2015), available at < https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2581639> [Last accessed 23 June 2020].
- Thomas C.W, 'The Rise and Fall of Enron' (2002) *Journal of Accountancy* < https://www.journalofaccountancy.com/issues/2002/apr/theriseandfallofenron.htm l> [accessed 22 June 2020.]

8. Reports

- Bariatti S and Van Galen R, Study on a new approach to business failure and insolvency Comparative legal analysis of the Member States' relevant provisions and practices TENDER NO. JUST/2012/JCIV/CT/0194/A4, (INSOL Europe 2014).
- Company Law Review Group, Report on the UNCITRAL Model Law on Cross Border Insolvency (Company Law Review Group, November 2018). Available from: http://www.clrg.org/publications/ > [Last accessed 7 July 2020].
- Council of Europe, Anti-money Laundering and Counter-terrorist Financing Measures in Cyprus, Fifth Round Mutual Evaluation Report December 2019 Moneyval (2019) 27.
- European Commission, 2020 Rule of Law Report targeted stakeholder consultation (European Commission 23 March 2020) https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-report en#2020-rule-of-law-report-targeted-stakeholder-consultation [accessed 12 June 2020.]
- European Commission, Special Eurobarometer 489 Report on the Rule of Law (European Commission





- 2019)https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2235 [accessed 15 June 2020.]
- JCOERE Consortium, Report 1: Identifying substantive and procedural rules in preventive restructuring frameworks including the Preventive Restructuring Directive which may be incompatible with judicial co-operation obligations (JCOERE Project, 2019) < https://www.ucc.ie/en/jcoere/research/report1/>.
- Patrick J Purcell, *The Enron Bankruptcy and Employer Stock in Retirement Plans* (CRS Report for Congress 2002) https://www.everycrsreport.com/files/20020122 RS21115 077711a5e71ecdbbbb7 715846f05d7e498f691c0.pdf> [accessed 23 June 2020].
- Vriesendorp R, Hengst F, van Kesteren W, Lynch Fannon I, Nichels M, Nerriec B, *INSOL International Special Report on Restructuring Cross Border Groups: Key Considerations Around Foreign Tax and Finance Driven SPVs* (INSOL International, June 2020).

9. Websites

- Barron J, 'Bill Introduced to Combat Bankruptcy "Venue Shopping" (NCAM 2011) http://www.nacme.com/credittrends/articles/Aug 11/Bill%20Introduced%20to%20 Combat%20Bankruptcy%20Venue%20Shopping.htm [Last accessed 23 June 2020.]
- Broder J, 'How Judges in Germany Work' (Deutschland.de 2019) https://www.deutschland.de/en/topic/politics/the-way-judges-work-in-germany-five-facts#:~:text=Requirements%20for%20judges,a%20minimum%20of%208.0%20points [last accessed 25 June 2020].
- De Rechtspraak, 'LSR' (De Rechtspraak Website) <u>www.werkenbijderechtspraak.nl/deorganisatie/lsr/</u> [Last accessed 26 June 2020].
- De Rechtspraak, 'Recht Voor Jou' (De Rechtspraak Website) < www.rechtvoorjou.nl/home/werken-bij-de-rechtbank/hoe-word-je-rechter-> [Last accessed 26 June 2020].
- Deloitte, 'Business Restructuring Solutions: Solutions to help get your business back to growth' < https://www2.deloitte.com/ie/en/pages/finance/solutions/restructuring-services.html [Last accessed 17 June 2020].
- Dentons Solicitors, 'English Creditors and the new Dutch Scheme of Arrangement A two Horse Race?' (June 16 2020) < https://www.dentons.com/en/insights/articles/2020/june/16/whoa-english-creditors-and-the-new-dutch-scheme-of-arrangement-a-two-horse-race [Last accessed 17 June 2020].
- Ecole Nationale de la Magistrature (ENM): http://www.enm.justice.fr/ [Last accessed 26 June 2020].
- EJTN Website < http://www.ejtn.eu/> [Last accessed 26 June 2020].





- EJTN, 'Rule of Law in Europe: Perspectives from Practitioners and Academics' (EJTN 2019) http://www.ejtn.eu/News/Rule-of-Law-in-Europe--Perspectives-from-Practitioners-and-Academics1/> [Last accessed 15 June 2020].
- Ecole Nationale de la Magistrature, 'Judges Consulaires' (ENM) < http://www.enm.justice.fr/formation-juges-consulaires> [Last accessed 26 June 2020].
- Ecole Nationale de la Magistrature, 'National School for the Judiciary Information Pamphlet' (ENM)

 https://www.enm.justice.fr/sites/default/files/publications/plaquette2017 EN.pdf>
 [Last accessed 25 June 2020].
- ERA Website: http://www.era.int/> [Last accessed 26 June 2020].
- European Commission, 'Conditions for Membership' (06 December 2016) < https://ec.europa.eu/neighbourhood-enlargement/policy/conditions-membership en> [Last accessed 27 April 2020].
- European Commission, 'Judicial Training Structures in the EU: Denmark' (European Commission 2012) https://ejustice.europa.eu/content_national_training_structures_for_the_judiciary-406-en.do accessed 26 June 2020.
- European Commission, 'Judicial Training Structures: Italy' (European Commission 2012) https://ejustice.europa.eu/content_national_training_structures_for_the_judiciary-406-en.do [Last accessed 16 June 2020].
- European Commission, 'Judicial Training Structures in the EU: Romania' (European Commission 2012) https://e-justice.europa.eu/content national training structures for the judiciary-406-en.do> accessed 16 June 2020.
- European Commission, 'Press Release: European Commission acts to preserve the rule of law in Poland' (European Commission, 26 July 2017) < https://ec.europa.eu/commission/presscorner/detail/en/IP 17 2161 [Last accessed 27 April 2020].
- European Commission, 'Press Release: Getting the priorities for future Justice polices right:

 European Commission boosts judicial training to foster mutual trust' (European Commission, 26 June 2014) <

 https://ec.europa.eu/commission/presscorner/detail/en/IP 14 745> [Last accessed 26 June 2020].
- European E-Justice, 'Legal Professions Austria' (European e-Justice) < https://e-justice.europa.eu/content-legal-professions-29-at-en.do?member=1> [Last accessed 25 June 2020].
- European E-Justice, 'Legal Professions Netherlands' (European e-Justice) < https://e-justice.europa.eu/content-legal-professions-29-nl-





- en.do?member=1#:~:text=Anyone%20wishing%20to%20become%20a,system%20provides%20the%20necessary%20training> [Last accessed 25 June 2020].
- European E-Justice, 'Legal Professions Spain' (European e-Justice) < https://e-justice.europa.eu/content legal professions-29-es-en.do?member=1> accessed 25 June 2020.
- Federal Ministry of Republic of Austria, 'Legal Professions in Austria' (Federal Ministry of the Republic of Austria 2018) < Justizwww.justiz.gv.at > [Last accessed 25 June 2020].
- Frieswick K, 'What's Wrong with this Picture?' (*CFO* 2003) < https://www.cfo.com/banking-capital-markets/2003/01/whats-wrong-with-this-picture/> [accessed 22 June 2020].
- Garcimartín F 'The EU Insolvency Regulation Recast: Scope and Rules on Jurisdiction' available at http://www.ejtn.eu/PageFiles/6333/Rules on jurisdiction.pdf.> [Last accessed 23 June 2020].
- Greffe du Tribunal de Commerce, 'Presentation du Tribunal de Commerce' (Greffe du Tribunal de Commerce CAEN) < http://www.greffe-tc-caen.fr/pres-tribunal.php#:~:text=Les%20juges%20consulaires,ni%20indemnit%C3%A9%20d'aucune%20sorte [Last accessed 26 June 2020].
- Gubitosi M, 'Legal Systems in Italy: Overview' (Reuters 2019) https://uk.practicallaw.thomsonreuters.com/w-007-7826?transitionType=Default&contextData=(sc.Default)> accessed 16 June 2020.
- Global Restructuring Review, 'International Debt Restructuring: Can other Jurisdictions compete with London and New York? https://www.shlegal.com/docs/default-source/news-insights-documents/11 16-grr-roundtable.pdf?sfvrsn=b58b165b 0 [Last accessed June 17, 2020].
- IBA, 'How to Qualify as a Lawyer in the Netherlands' (International Bar Association) https://www.ibanet.org/PPID/Constituent/Student Committee/qualify lawyer Netherlands.aspx accessed 25 June 2020.
- INSOL Europe 'Judicial Wing Introduction and Members' (INSOL Europe Website) https://www.insol-europe.org/judicial-wing-introduction-and-members>[Last accessed 26 June 2020].
- INSOL Europe, 'Past Events: INSOL Europe Annual Congress 2018: Athens, Greece' (INSOL Europe 2018) < https://www.insol-europe.org/events/past_events/0/start_date/asc/2018> [Last Accessed 23 June 2020].
- JCOERE Consortium, Barłowski Mand Zydowicz S, 'Country Report: Poland' (JCOERE Website 2020), <a href="https://www.ucc.ie/en/jcoere/research/report1/report1jurisdiction/report1jurisdicti





- JCOERE Consortium and Boon G.J, 'Country Report: The Netherlands' (JCOERE Website 2020), <a href="https://www.ucc.ie/en/jcoere/research/report1/report1jurisdiction/re
- JCOERE Consortium and Fruhstorfer S, 'Country Report: Austria' (JCOERE Website 2020), <a href="https://www.ucc.ie/en/jcoere/research/report1/report1jurisdiction/repor
- JCOERE Consortium, Ghio E and Omar P, 'Country Report: France' (JCOERE Website 2020), <a href="https://www.ucc.ie/en/jcoere/research/report1/report1jurisdiction/repor
- JCOERE Consortium and Langkjaer L.H, 'Country Report: Denmark' (JCOERE Website 2020), <a href="https://www.ucc.ie/en/jcoere/research/report1/report1jurisdiction/repor
- JCOERE Consortium and Madaus S, 'Country Report: Germany' (JCOERE Website 2020), <a href="https://www.ucc.ie/en/jcoere/research/report1/report1jurisdiction/report1jur
- JCOERE Consortium, Sotillo Marti A and Vercher-Moll J, 'Country Report: Spain' (JCOERE Website 2020), https://www.ucc.ie/en/jcoere/research/report1/report1jurisdiction/report1jurisdictionspain/ [Last accessed 23 June 2020].
- Kiviat B, 'GM's Potential Bankruptcy: Shopping for Venue" (Time 2009) http://content.time.com/time/business/article/0,8599,1890171,00.html [Last accessed 23 June 2020].
- National Judicial College, 'Get to Know Another Country's Judiciary: Spain' (The National Judicial College 2018) < https://www.judges.org/news-and-info/get-to-know-another-countrys-judiciary-spain/> [Last accessed 25 June 2020].
- Publications Office of the European Union, 'Accession Criteria: Copenhagen Criteria' (Eur-Lex website), https://eur-lex.europa.eu/summary/glossary/accession criteria copenhague.html [Last accessed 26 June 2020].
- Riedel J, 'Training and Recruitment of Judges in Germany' (2013) https://www.iacajournal.org/articles/abstract/10.18352/ijca.12/ [Last accessed 25 June 2020].
- SSR, 'Initial Training Programmes' (SSR Website) https://ssr.nl/ssr-excellent-training-for-a-just-society/initial-training-programmes/. [Last accessed 25 June 2020].
- SSR, 'Life Long Education' (SSR website) https://ssr.nl/ssr-excellent-training-for-a-just-society/life-long-education/. [Last accessed 25 June 2020].





- SSR,' Summary of information about the new Dutch initial training programme' (SSR Website) https://ssr.nl/wp-content/uploads/2020/03/Summary-new-Dutch-initial-training-programme.pdf [Last accessed 26 June 2020].
- Tapia A and Del Campo A, 'Legal Systems in Spain: Overview' (Thomson Reuters Practical Law 2018) https://uk.practicallaw.thomsonreuters.com/7-634-0207?transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=1#coanchor_a897703 accessed 25 June 2020.
- United Kingdom Courts and Tribunals Judiciary, 'Eligibility for legally qualified candidates' (Judicial Appointments Commission) https://www.judiciary.uk/about-the-judiciary/training-support/judiciary-trained/ accessed 25 June 2020.
- United Kingdom Courts and Tribunals Judiciary, 'The Judicial College' (Judiciary UK) https://www.judiciary.uk/about-the-judiciary/training-support/judicial-college/ [Last accessed 30 June 2020].
- US Courts, 'Chapter 11 Bankruptcy Basics' (*United States Courts*) < https://www.uscourts.gov/services-forms/bankruptcy/bankruptcy-basics/chapter-11-bankruptcy-basics> [Accessed April 1st, 2020].
- Wessels B, 'Full Text CoCo Guidelines' (2 August 2016) < https://bobwessels.nl/blog/2016-08-doc2-full-text-coco-guidelines/>. [Last accessed 30 June 2020].

10. Newspaper Articles

- Khalaf R, 'Transcript, Emmanuel Macron: 'We are at a moment of truth' (English)', *Financial Times* (Paris, April 14th, 2020) < https://www.ft.com/content/317b4f61-672e-4c4b-b816-71e0ff63cab2> (Last accessed April 30th, 2020).
- Peel M, 'Moscow on the Med: Cyprus and its Russians' *Financial Times* (Limassol and Nicosia, May 15th, 2020) < https://www.ft.com/content/67918012-9403-11ea-abcd-371e24b679ed> [Last accessed June 26th 2020].
- RTE Business, 'Judge puts stay on Sean McCann bankruptcy case' *RTE News* (Dublin, 21 August 2012) < https://www.rte.ie/news/business/2012/0821/334442-judge-puts-stay-on-sean-mccann-bankruptcy-case/ [Last accessed 30 June 2020].

11. Conference Papers/Conference Presentations

- Benvenuti S, 'Building a Common Judicial Culture in the European Union through Judicial Networks' (Paper presented at the RC09 2013 Interim Meeting on "The Changing Nature of Judicial Power in Supranational, Federal, and Domestic Systems" Dublin, 22-24 July 2013).
- Simone Benvenuti, 'Who Defines Judicial Training Standards in the EU, and for Whom? The Case of the European Judicial Training Network (EJTN)' (Paper presented at the RC12 2013 International Conference on "Sociology of Law and Political Action" Toulouse, 3-6 September 2013).





- Costello C, Luciano Panzani L, Szczepanik E, 'The Judicial Wing Panel: 'Cooperation and Communication between Judges in Cross-Border Insolvencies under the EIR Recast' (INSOL Europe Annual Congress, Athens, 5 October 2018).
- Finnerty A, 'Preventive Restructuring Is Ireland a Leader in the EU?' (YANIL Conference, Copenhagen, 24 September 2019).
- Glencross A, 'Federalism, Confederalism, and Sovereignty Claims: Understanding the Democracy Game in the EU' (SGIR Conference Turin, 12-14 September 2007 European University Institute 5).
- Heusel W, 'The Future of Legal Europe: An emerging judicial culture?' (2008) 9 *ERA Forum* 109.
- Kortmann L, 'Update on ECJ and other landmark decisions on European Insolvency Law' (EIRC Conference, hosted by German Arbeitsgemeinschaft Insolvenzrecht und Sanierung with INSOL Europe and the Law Society, Brussels 29 June 2017.)
- Magnano R, 'Path Dependence and Paradox in Harmonising Out-of-Court Procedures across Europe: The Evidence from Italy' (Lecture at the 7th International Symposiom on Out of Court Restructuring Proceedings in Europe, Cologne, 26 August 2016).
- Mokal R, "The New Relative Priority Rule" (paper presented at the International Insolvency Institute, 17 June 2019).
- Richter T, 'Negotiating a restructuring plan: confirmation, cross-class cram-down and valuation' (ERA Conference, Trier, 7 November 2019).
- Tollenaar N, 'The concept of a restructuring the underlying economic and legal principles' (ERA Conference, Trier, 7 November 2019).
- Van Harten H, 'Who's Afraid of a True European Judicial Culture' (Working Paper presented at the Second REALaw Research forum "Pluralism in European Administrative Law" Groningen, 3 February 2012.)

12. PhD Theses

Moffat P, 'In a Digital Age and Where Significant Assets May Consist of Dematerialised Instruments, are our Existing Rules Sufficient to Provide a Fair and Effective Regime Governing the Location of Assets?' (PhD Thesis, Nottingham Trent University 2016).