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The tail that wags the dog

The effects of secured credit on access to debt financing and financial stability

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Bibliography

Legislations and explanatory memorandums

- Het Burgerlijk Wetboek (1838) (BW, Dutch Civil Code)
- Faillissementswet (1893) (Fw, The Dutch Bankruptcy Act)
- Bürgerliches Gesetzbuch, Reichsgesetzblatt (1896) (BGB, German Civil Code)
- Gesetz über die Zwangsversteigerung und die Zwangsverwaltung (1897) (ZVG, The German Act on Forced Sale and Sequestration)
- Uniform Commercial Code (1952) (UCC)
- US Senate report no. 95–989
- US House of Representatives no. 595 (1977)
- Die Insolvenzordnung (1994) (InsO, German Insolvency Code)
- Directive 2011/7 of the European Parliament and of the Council of 16 February 2011 on Combating Late Payment in Commercial Transactions (Recast)
- Regulation 575/2013 of the European Parliament and of the Council of 26 June 2013 on Capital Requirements prudential requirements for credit institutions and investment firms and amending Regulation (EU) No. 648/2012
- Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU
- Directive 2014/65/EU of the European Parliament and of the Council Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU
- The bill for the Continuity of Enterprises Act (Wet Continuïteit Ondernemingen II (WCO II)) (2014)
- Explanatory memorandum of the bill for the Continuity of Enterprises Act (Wet Continuïteit Ondernemingen II (WCO II)) (2014)
- European Commission, ‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Capital Markets Union for people and businesses-new action plan’ COM/2015/468 final
- Commission Implementing Regulation (EU) 2016/1799
- Regulation 2017/1129/EU of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC

- European Commission, ‘Economic Analysis on the Mid-Term Review of the Capital Markets Union Action Plan’ COM2017/292 final
- Proposal for a Directive 16 October 2018 of the European Parliament and the Council of Europe on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive, 12536/18, 2016/0359 (COD)
- Addendum to the ECB Guidance to banks on nonperforming loans: supervisory expectations for prudential provisioning of non-performing exposures (2018)
- Directive 2019/1023/EU of the European Parliament and of the Council of 20 June 2019 on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive 2017/1132/EU [2019] L 172/18
- Regulation (EU) 2019/630 amending the Capital Requirements Regulation
- European Commission, ‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Capital Markets Union for people and businesses-new action plan’ COM/2020/590 final
- Regulation 2020/1503/EU of the European Parliament and of the Council of 7 October 2020 on European crowdfunding service providers for business, and amending Regulation (EU) 2017/1129 and Directive (EU) 2019/1937
- European Commission, ‘Proposal for a regulation of the European Parliament and of the Council establishing a European single access point providing centralised access to publicly available information of relevance to financial services, capital markets and sustainability’ COM/2021/723 final
- Regulation 648/2012/EU of the European Parliament and of the Council of 26 June 2013 on Capital Requirements prudential requirements for credit institutions and investment firms and amending Regulation
- Kamerstukken II 2019/2020, 35249, nr. 3
- Kamerstukken II 2019/2020, 35249, nr. 9
- Kamerstukken II 2019/20, 35249, nr. 11
- Kamerstukken II 2019/20, 35249, nr. 25
- Gesetzentwurf der Bundesregierung 19/24181 (2020)
- Directive 2021/2167 of the European Parliament and of the Council Directive of 24 November 2021 on credit servicers and credit purchasers and amending Directives 2008/48/EC and 2014/17/EU
- Proposal for a Directive of the European Parliament and of the Council of 7 December 2022 harmonising certain aspects of insolvency law COM/2022/702 final

Cases

- *Zartman v. First Nat’l Bank of Waterloo*, 82 N.E. 127 (N.Y. 1907)
- *In re Murel Holding Corp.*, 75 F.2d 941 (2d Cir. 1935)
- *In re 620 Church Street Building Corp.*, 299 US 24 (1936)
- *Wright v. Union Cent. Life Ins. Co.*, 311 US 273 (1940)
- *In re American Kitchen Foods, Inc.*, 9 COLLIER BANKR. CAS. (MB) 537 (Bankr. D. Me. 1976)
- *In re Texlon Corp.*, 596 F.2d 1092 (2d Cir. 1979)
- *In re Gen. Oil Distrib., Inc.*, 20 B.R. 873 (Bankr. E.D.N.Y. 1982)
- *In re Vanguard Diversified, Inc.*, 31 B.R. 364 (Bankr. E.D.N.Y. 1983)
- *In re Flagstaff Foodservice Corp.*, 739 F.2d 73 (2d Cir. 1984)
- *Pistole v. Mellor (In re Mellor)*, 734 F. 2d 1396 (9th Cir. 1984)
- *In re FCX, Inc.*, 54 B.R. 833 (Bankr. E.D.N.C. 1985)
- *The United Virginia Bank v. Slab Fork Coal Co.*, 784 F.2d 1188, 1191 (4th Cir. 1986)
- *In re Beker Industries Corp.*, 58 B.R. 725 (Bankr. S.D.N.Y. 1986)
- *In re Wandler*, 77 B.R. 728 (Bankr. D.N.D. 1987)
- *In re Ellingsen MacLean Oil Co.*, 834 F.2d 599 (6th Cir. 1987)
- *In re Sky Valley*, 100 B.R. 107 (Bankr. N.D. Ga. 1988)
- *United Sav. Ass’n of Tex. v. Timbers of Inwood Forest Assocs., Ltd.*, 484 US 365 (1988)
- *In re Chicago, Missouri and Western Ry. Co.*, 90 B.R. 344 (Bankr. N.D. Ill. 1988)
- *In re Kost*, 102 B.R. 828 (D. Wyo. 1989)
- *In re Tenney Village Co., Inc.*, 104 B.R. 562 (Bankr. D.N.H. 1989)
- *In re Holford*, 896 F.2d 176 (5th Cir. 1990)
- *In re Ames Dep’t Stores, Inc.*, 115 B.R. 34 (Bankr. S.D.N.Y. 1990)
- *In re Rooster*, 127 B.R. 560 (Bankr. E.D.Pa. 1991)
- *In re Norsal Indus.*, 147 B.R. 85 (Bankr. E.D.N.Y. 1992)
- *In re Saybrook Mfg. Co., Inc.*, 963 F.2d 1490 (11th Cir. 1992)
- *In re MCorp Fin., Inc.*, 160 B.R. 941 (S.D. Tex. 1993)
- *Canadian Pacific Forest Products Ltd v. JD Irving Ltd*, 66 F 3d 1436 (1995)
- *In re Delta Res., Inc.*, 54 F.3d 722 (11th Cir. 1995)
- *In re Cason*, 190 B.R. 917 (Bankr. N.D. Ala. 1995)
- *In Associates Commercial Corp v. Rash*, 520 US 953 (1997)
- *In re Nat’l Trust & Sav. Ass’n v. 203 N. LaSalle St. P’ship*, 526 US 434 (1999)

- *In re Genesis Health Ventures, Inc.*, 266 B.R. 591 (Bankr.D.Del.2001)
- *In re Cooper Commons, LLC*, 430 F.3d 1215 (9th Cir. 2005)
- *In re Armstrong World Indus., Inc.*, 432 F.3d 507 (3d Cir. 2005)
- *In re SAI Holdings Ltd*, No. 06-33227, 2007 WL 927936, 7 (Bankr. N.D. Ohio 2007)
- *All Points Capital Corp v. Laurel Hill Paper Co*, 393 B.R. 89 (Bankr. M.D.N.C. 2008)
- *In re Buffets Holdings Inc.*, 387 B.R. 115 (Bankr. D. Del. 2008)
- *In re Franklin Equip. Co.*, 416 B.R. 483 (Bankr. Ct. E.D. Va. 2009)
- *In re Foamex Int'l Inc.*, Ch. 11 Case No. 09-10560 (KJC) (Bankr. D. Del. 2009)
- *In re Aleris Int'l, Inc.*, Ch. 11 Case No. 09-10478 (BLS) (Bankr. D. Del. 2009)
- *In re Tronox Inc.*, Ch. 11 Case No. 09-10156 (ALG) (Bankr. S.D.N.Y. 2009)
- *In re Lyondell Chem. Co.*, Ch. 11 Case No. 09-10023 (REG) (Bankr. S.D.N.Y. 2009)
- *In re Chrysler LLC*, 576 F.3d 108 (2d Cir. 2009)
- *In re Fontainebleau Las Vegas Holdings, LLC*, 434 B.R. 716 (S.D. Fla. 2010)
- *In re Uno Rest. Holdings Corp.*, Ch. 11 Case No. 10-10209 (MG) (Bankr. S.D.N.Y. 2010)
- *In re Fontainebleau Las Vegas Holdings, LLC*, 434 B.R. 716 (S.D. Fla. 2010)
- *In re Uno Rest. Holdings Corp.*, Ch. 11 Case No. 10-10209 (MG) (Bankr. S.D.N.Y. 2010)
- *DBSD North America, 2nd Circuit Court*, No. 10-1175 (2011)
- *RadLAX Gateway Hotel, LLC v. Amalgamated Bank (RadLAX)*, 132 S. Ct. 2065 (2012)
- Official Comm. of Unsecured Creditors v. UMB Bank, N.A. (In re Residential Capital, LLC), 501 B.R. 549 (Bankr. S.D.N.Y. 2013)
- *In re ICL Holding Co., Inc.*, 802 F.3d 547, 555 (3d Cir. 2015)
- *McGarey v. MidFirst Bank (In re McGarey)*, 529 B.R. 277 (D. Ariz. 2015)
- *In re Health Diagnostic Laboratory Inc.*, WL 4915621 (Bankr. Ct. E.D. Virginia 2015)
- *In re River Glen Land P'ship*, Case No. 14-32732, 2015 WL 588696 (Bankr. E.D. Tenn. 2015)
- *Czyzewski v. Jevic Holding Corp*, 137 S. Ct. 973 (2017)
- *In Hargreaves v. Nuverra Environmental Solutions Inc.*, 590 B.R. 75 (D. Del. 2018)
- *In re Body Transit, Inc.*, 619 B.R. 816 (Bankr. E.D. Pa. 2020)
- District Court of Hamburg (12 April 2021) – 61a RES 1/21 = NZI 2021
- District Court of Dresden (07 June 2021) – 574 RES 2/21 = NZI 2021
- District Court of North Netherlands, 25 February 2022, ECLI:NL:RBNNE:2022:431
- District Court of Central Netherlands, 29 July 2022, ECLI:NL:RBMNE:2022:3078
- District Court of Rotterdam, 9 March 2023, ECLI:NL:RBROT:2023:2800

Books

- Armour J, ‘The law and Economics Debate about Secured Lending: Lessons For European Law Making?’ in Horst Eidenmüller and Eva-Maria Kieninger (eds), *The Future of Secured Credit in Europe* (Walter de Gruyter 2008) 1
- Armour J, Hertig G and Kanda H, ‘Transactions with creditors’ in Reinier Kraakman and others (eds), *The Anatomy of Corporate Law: A Comparative and Functional Approach* (3rd edn, OUP 2017) 109
- Arz E R, *Valuation: Mergers, Buyouts and Restructuring* (2nd edn, Wiley 2007)
- Ayotte K M, Hotchkiss E S and Thorburn K S, ‘Governance in Financial Distress and Bankruptcy’ in Mike Wright and others (eds), *The Oxford Handbook of Corporate Governance* (Oxford University Press 2013)
- Backes M and Blankenburg D, ‘Präventive Restrukturierung’ in Christoph Morgen (ed), *Präventive Restrukturierung: Kommentar zur europäischen Richtlinie über präventive Restrukturierungsrahmen* (RWS 2019)
- Berk J and P DeMarzo, *Corporate Finance* (4th edn, Pearson 2017)
- Bork R, *Rescuing Companies in England and Germany* (Oxford University Press 2012)
- Brinkmann M, ‘The Position of Secured Creditors in Insolvency’ in Horst Eidenmüller and Eva-Maria Kieninger (eds), *The Future of Secured Credit in Europe* (Walter de Gruyter 2008) 249
- Cole R A, McKenzie J A, and White L J, ‘Deregulation Gone Awry: Moral Hazard in the Savings and Loan Industry’ in Allin F Cottrell, Michael S Lawlor, and John S Woo (eds), *The Causes and Consequences of Depository Institutions Failures* (Kluwer 1995) 29
- Cooter R and Ulen T, *Law and Economics* (6 edn, Berkeley Law Books 2016)
- De Vries J and De Weijs R, ‘Corporate Finance and Company Valuation: Why Cash Became King?’ in Rolef de Weijs, Joost de Vries and Aart Jonkers (eds), *Corporate Finance for Lawyers* (Elgar 2023) 69
- Dirix E, ‘Remedies of Secured Creditors Outside Insolvency’ in Horst Eidenmüller and Eva-Maria Kieninger (eds), *The Future of Secured Credit in Europe* (Walter de Gruyter 2008) 223
- Fishman J E, Pratt S P, and Morrison W J, *Standards of Value: Theory and Applications* (2nd edn, John Wiley & Sons 2013)
- Garcimartín F and Bermejo N, ‘Involving Secured Creditors in Restructuring Proceedings’ in Paul J Omar and Jennifer LL Gant (eds), *Research Handbook on Corporate Restructuring* (Edward Elgar 2021) 120
- Gilson S C, *Creating Value through Corporate Restructuring* (2nd edn, Wiley Finance Series 2010)
- Gleeson S, *Gleeson on the International Regulation of Banking* (3rd edn, OUP 2018)

- Jackson T H, *The Logic and Limits of Bankruptcy Law* (Harvard University Press 1986)
- Joosen B, Lamandini M and Troger T, *Capital and Liquidity Requirements for European Banks* (OUP 2021)
- Juutilainen T, *Secured Credit in Europe: From Conflicts to Compatibility* (Bloomsbury Publishing 2018)
- Kerkmeester H, ‘Methodology: General’ in Boudewijn Bouckaert and Gerrit De Geest (eds), *The History and Methodology of Law and Economics* (Edward Elgar 2000)
- Koller T, M Goedhart and D Wessels, *Valuation: Measuring and Managing the Value of Companies* (6th edn, Willey 2015)
- Levitin A J, *Business Bankruptcy: Financial Restructuring and Modern Commercial Markets* (Wolters Kluwer Law & Business 2018)
- Marcucci M and Martinez C, ‘Negotiating Restructuring Plan (para 3)’ in Lorenzo Stanghellini, Riz Mokhal, Christoph G Paulus and Ignacio Tirado (eds), *Best Practices in European Restructuring: Contractualised Distress Resolution in the Shadow of the Law* (Wolters Kluwer 2014)
- McCormack G, *Secured Credit under English and American Law* (Cambridge University Press 2004)
- McCormack G, *The European Restructuring Directive* (Elgar 2021)
- Mennens A M, *Het Dwangakkoord Buiten Surseance en Faillissement* (Wolters Kluwer 2020)
- Paccès A M and Visscher L, ‘Methodology of Law and Economics’ in Bart van Klink and Sanne Taekema (eds), *Law and Method: Interdisciplinary Research into Law* (Möhr Siebeck 2011) 85
- Pistor K, *The Code of Capital: How the Law Creates Wealth and Inequality* (Princeton Press 2019)
- Theissen R, *EU Banking Supervision* (Eleven International Publishing 2014)
- Tollenaar N, *Pre-Insolvency Proceedings: A Normative Foundation and Framework* (Oxford University Press 2019)
- Ulen T S, ‘Rational Choice Theory in Law and Economics’ in Boudewijn Bouckaert and Gerrit De Geest (eds), *The History and Methodology of Law and Economics* (Edward Elgar 2000)
- Van Hoof V, ‘De Bescherming van Zekerheidsgerechtigde Schuldeisers bij de Afkoelingsperiode van De WHOA’ in Ben Schuijling, Mike van Wingerden and Paul Frenken (eds), *Het Bancaire Belang* (Wolters Kluwer 2023)
- Warren E, *Chapter 11: Reorganizing American Businesses* (Aspen publishing 2008)
- Wessels B and Madaus S, *Instrument of the European Law Institute Rescue of Business in Insolvency Law* (European Law Institute 2017)

- White M J, ‘The Treatment of Secured Credit in Bankruptcy: a Unified Model’ in Barry E Adler (ed), *Research Handbook on Corporate Bankruptcy Law* (Elgar 2020) 211
- Zamir E and Teichman D, ‘Introduction to the Oxford Handbook of Behavioral Economics and the Law’ in Eyal Zamir and Doron Teichman (eds), *The Oxford Handbook of Behavioral Economics and the Law* (OUP 2014)

Articles

- Adler B E, ‘Finance’s Theoretical Divide and the Proper Role of Insolvency Rules’ (1994) 67 *Southern California Law Review* 1107
- Adler B E, ‘Priority in Going-Concern Surplus’ (2015) *University of Illinois Law Review* 811
- Adler B E and Capkun V, ‘Debt-Equity Conflict and the Incidence of Secured Credit’ (2019) 62 *Journal of Law and Economics* 551
- Adler B E, Capkun V, and Weiss L A, ‘Destruction of Value in the New Era of Chapter 11’ (2008) 29 (2) *The Journal of Law, Economics and Organization* 461
- Adrian T, Colla P and Shin H S, ‘Which Financial Frictions? Parsing the Evidence from the Financial Crisis of 2007 to 2009’ (2013) 27 (1) *NBER Macroeconomic Annual* 159
- Armour J, Hsu A and Walters A, ‘The Costs and Benefits of Secured Creditor Control in Bankruptcy: Evidence from the UK’ (2012) 8 (1) *Review of Law and Economics* 101
- Assunção J J, Benmelech E and Silva F S S, ‘Repossession and the Democratization of Credit’ (2014) 27 (9) *The Review of Financial Studies* 2661
- Ayotte K M and Morrison E R, ‘Creditor Control and Conflict in Chapter 11’ (2009) 1 (2) *Journal of Legal Analysis* 511
- Ayotte K and Ellias J A, ‘Bankruptcy Process for Sale’ (2022) 39 (1) *Yale Journal on Regulation* 1
- Baird D G and Jackson T H, ‘Corporate Reorganizations and the Treatment of Diverse Ownership Interests: A Comment on Adequate Protection of Secured Creditors in Bankruptcy’ (1984) 51 (1) *University of Chicago Law Review* 97
- Baird D G and Jackson T H, ‘Bargaining after the Fall and the Contours of the Absolute Priority Rule’ (1988) *The University of Chicago Law Review* 738
- Baird D G and Rasmussen R K, ‘The End of Bankruptcy’ (2002) 55 *Stanford Law Review* 751
- Baird D G and Rasmussen R K, ‘Chapter 11 at Twilight’ (2003) 56 *Stanford Law Review* 673
- Baird D G, ‘The Rights of Secured Creditors After ResCap’ (2015) *The University of Illinois Law Review* 849

- Bartstra W and Kerstjens G, ‘De Herstructurering van de Hollandse Eenheidsprijzen Maatschappij Amsterdam: Hoe HEMA er Weer Bovenop Kwam’ (2021) 27 (7) Tijdschrift voor Insolventierecht 350
- Baumholtz D M, ‘Bankruptcy—Debtor’s Exercise of the Cram Down Option—Valuation Standard for Collateral in Chapter 13’ (1998) 36 (2) Duquesne Law Review 445
- Bebchuk L A, ‘A New Approach to Corporate Reorganizations’ (1988) 101 Harvard Law Review 775
- Bebchuk L and Fried J M, ‘Further Thoughts and a Reply to Critics’ (1997) Cornell Law Review 1279
- Ben-Ishai S and Lubben S J, ‘Sales or Plans: A Comparative Account of the “New” Corporate Reorganization’ (2011) 56 McGill Law Journal 591
- Berndt D J, ‘Using Agent-Based Modeling to Assess Liquidity Mismatch in Open-End Bond Funds’ (2017) 54 (5) Systems 1
- Bocola L, ‘The Pass-through of Sovereign Risk’ (2016) 124 (4) Journal of Political Economy 879
- Bordalo P, Gennaioli N and Shleifer A, ‘Diagnostic Expectations and Credit Cycles’ (2018) 23 (1) The Journal of Finance 199
- Bricongne J-C, Demertzis M, Pontuch P and Turrini A, ‘Economic Relevance of Insolvency Frameworks in a High-debt Context: An EU Perspective’ (June 2016) European Commission research project, discussion paper No. 03
- Brubaker R E, ‘Credit Bidding and the Secured Creditor’s Baseline Distributional Entitlement in Chapter 11’ (2012) 32 (7) Bankruptcy Law Letter 1
- Brubaker R E, ‘The Post-RadLAX Ghosts of Pacific Lumber and Philly News (Part I): Is Reorganization Surplus Subject to a Secured Creditor’s Pre-Petition Lien?’ (2014) 34 (6) Bankruptcy Law Letter 1
- Brubaker R E, ‘The Post-RadLAX Ghosts of Pacific Lumber and Philly News (Part II): Limiting Credit Bidding’ (2014) 34 (7) Bankruptcy Law Letter 1
- Busch D, ‘The Future of EU Financial Law’ (2022) 17 (1) Capital Markets Law Journal 52
- Bussel D J and Klee K N, ‘Recalibrating Consent in Bankruptcy’ (2009) 83 American Bankruptcy Law Journal 663
- Casey A J, ‘Chapter 11’s Renegotiation Framework and the Purpose of Corporate Bankruptcy’ (2020) 120 Columbia Law Review 1709
- Mooney C W, ‘Insolvency Law as Credit Enhancement: A Closer Look at Global Modernization of Secured Transaction Laws’ (2018) Faculty Scholarship at Penn Law

- Chava S and Roberts M R, ‘How Does Financing Impact Investment? The Role of Debt Covenants’ (2008) 63 (5) *Journal of Finance* 2085
- Crouzet N, ‘Aggregate Implications of Corporate Debt Choices’ (2017) 85 (3) *The Review of Economic Studies* 1635
- Dahiya S and Ray K, ‘Evaluating Debtor in Possession Financing’ (2017) 34 *Emory Bankruptcy Development Journal* 57
- David Ehmke, Gant J, Boon G J, Langkjaer L, and Ghio E, ‘The European Union Preventive Restructuring Framework: A Hole in One?’ (2019) 28 (2) *International Insolvency Review* 18
- De Bock G-J and De Vaan R A G, ‘Rapidly Implemented Amidst COVID Crisis, New Dutch Restructuring Procedure Offers Relief to Businesses and Organizations Struggling with High Debts’ (2021) 18 (3) *European Company Law* 106
- De Weijs R and Baltjes M, ‘Opening the Door for the Opportunistic Use of Interim Financing: A Critical Assessment of the EU Draft Directive on Preventive Restructuring Frameworks’ (2018) 27 *International Insolvency Law Review* 223
- De Weijs R, ‘Secured Credit and Partial Priority: Corporate Finance as a Creation or an Externalisation Practice?’ (2018) 7 (1) *European Property Law Journal* 63
- De Weijs R J, Jonkers A and Malakotipour M, ‘Imminent Distortions of European Insolvency Law: How the European Union Erodes the Basic Fabric of Private Law by Allowing ‘Relative Priority’ (RPR)’ (2019) *Tijdschrift voor Belgisch Handelsrecht* 477
- Declercq P J M, ‘Restructuring European Distressed Debt: Netherlands Suspension of Payment Proceeding... The Netherlands Chapter 11?’ (2003) 77 *American Bankruptcy Law Journal* 377
- Diamond D W, ‘Financial Intermediation and Delegated Monitoring’ (1984) 51 (3) *Review of Economic Studies* 393
- Dizengoff R E, ‘Beyond Gifting: Harmonizing the Devolution of Reorganization Plan Gifts and the Evolution of Sale Gifts’ (2017) 39 *Cardozo Law Review* 787
- Eisenberg L M, ‘Gifting and Asset Reallocation in Chapter 11 Proceedings: A Synthesized Approach’ (2010) 29 *American Bankruptcy Institute Journal* 50
- Eisenberg T, ‘The Undersecured Creditor in Reorganizations and the Nature of Security’ (1985) 38 *Vanderbilt Law Review* 931
- Erens B B and Hall D A, ‘Secured Lender Rights in 363 Sales and Related Issues of Lender Consent’ (2010) 18 *ABI Law Review* 535
- Fabbri D and Klapper L F, ‘Bargaining Power and Trade Credit’ (2016) 41 *Journal of Corporate Finance* 66
- Wagner-von Papp F, ‘Comparative Law & Economics and the ‘Egg-Laying WoolMilk Sow’ (2014) 14 (2) *Journal of Comparative Law* 137

- Fortgang C J and Mayer T M, ‘Trading Claims and Taking Control of Corporations in Chapter 11’ (1990) 12 *Cardozo Law Review* 115
- Frost C W, ‘Secured Credit and Effective Entity Priority’ (2019) *Connecticut Law Review* 420
- Gennaioli N and Rossi S, ‘Contractual Resolution of Financial Distress’ (2013) 26 (3) *The Review of Financial Studies* 602
- Ghio E, Ehmke D, Gant J, Langkjaer L and Vaccari E, ‘Harmonizing Insolvency Law in the EU: New Thoughts on Old Ideas in the Wake of the Covid-19 Pandemic’ (2021) 30 (3) *International Insolvency Law Review* 9
- Grjebine T, Szczerbowicz U and Tripiet F, ‘Corporate Debt Structure and Economic Recoveries’ (2018) *European Economic Review* 77
- Harner M M, ‘The Value of Soft Assets in Corporate Reorganizations’ (2015) *University of Illinois Law Review* 509
- Harris S L and Mooney C W, ‘How Successful Was the Revision of UCC Article 9: Reflections of the Reporters’ (1999) 7 (4) *Chicago-Kent Law Review* 1357
- Heidt K R and Waxman J R, ‘Supreme Court’s Rash Decision Fails to Scratch the Valuation Itch’ (1998) 53 4 *American Bar Association*
- Henry S M, ‘Chapter 11 Zombies’ (2017) 50 *Indiana Law Review* 579
- Jackson T H, ‘*Bankruptcy, Non-Bankruptcy Entitlement, and the Creditors’ Bargain*’ (1982) (5) 91 *Yale Law Journal* 857
- Jacoby M and Janger E J, ‘Ice Cube Bonds: Allocating the Price of Process in Chapter 11 Bankruptcy’ (2014) 123 *Yale Law Journal* 862
- Jacoby M B and Janger E, ‘Tracing Equity: Realizing and Allocating Value in Chapter 11’ (2018) 96 *Texas Law Review* 673
- Janger E, ‘The Logic and Limits of Liens’ (2015) (2) *University of Illinois Law Review* 589
- Jensen M C and Meckling W H, ‘Theory of the Firm: Managerial Behavior, Agency Costs and Ownership Structure’ (1976) 3 (4) *Journal of Financial Economics* 305
- Jonkers A and Van Moorsel R, ‘WHOA voor iedereen, verdeel de bankbonus’ (2019) 17 *Ondernemingsrecht* 944
- Karlen A N, ‘Adequate Protection under the Bankruptcy Code, Its Role in Business Reorganization’ (1982) (2) *Pace Law Review* 1
- Klee K, ‘All You Ever Wanted to Know About Cram Down Under the New Bankruptcy Code’ (1979) 53 *American Bankruptcy Law Journal* 133
- LaPorta R, Lopez-de-Silanes F, Shleifer A and Vishny R W, ‘Law and Finance’ (1998) 106 (6) *Journal of Political Economy* 1113

- Lev E, ‘The Indenture Trustee: Does It Really Protect Bondholders?’ (1999) 8 University of Miami Business Law Review
- Lipson J C, ‘The Secret Life of Priority: Corporate Reorganization After Jevic’ (2018) 93 Washington Law Review 631
- LoPucki L M, ‘The Unsecured Creditor’s Bargain’ (1994) 80 Virginia Law Review 1887
- LoPucki L M, ‘The Case for Cooperative Territoriality in International Bankruptcy’ (2000) 98 Michigan Law Review 2216
- LoPucki L M and Doherty J W, ‘Bankruptcy Fire Sales’ (2007) 106 Michigan Law Review 1
- McCormack G and Wan W Y, ‘Transplanting Chapter 11 of the US Bankruptcy Code into Singapore’s Restructuring and Insolvency Laws: Opportunities and Challenges’ (2019) 19 (1) Journal of Corporate Law Studies 69
- Madaus S, ‘Is the Relative Priority Rule Right for Your Jurisdiction? A Simple Guide to RPR’ (2020) WP-2020-1
- Madaus S, ‘Leaving the Shadows of the US Bankruptcy Law: A Proposal to Divide the Realms of Insolvency and Restructuring Law’ (2018) 19 European Business Organization Law Review 615
- Markell B A, ‘A new Perspective on Unfair Discrimination in Chapter 11’ (1998) 72 (2) American Bankruptcy Law Journal 227
- Miller H R and Waisman S Y, ‘Is Chapter 11 Bankrupt?’ (2005) 47 Boston College Law Review
- Miller H R and Berkovich R J, ‘The Implications of the Third Circuit’s Armstrong Decision on Creative Corporate Restructuring: Will Strict Construction of the Absolute Priority Rule Make Chapter 11 Consensus Less Likely?’ (2006) 55 American University Law Review 1345
- Modigliani F and Miller M H, ‘The Cost of Capital, Corporation Finance and the Theory of Investment’ (1958) 48 American Economic Review 260
- Mokal R J, ‘The Search for Someone to Save: A Defensive Case for the Priority of Secured Credit’ (2002) 22 Oxford Journal of Legal Studies 687
- Mokal R J, ‘What is an Insolvency Proceeding? Gategroup Lands in a Gated Community’ (7 June 2022) SSRN
- Mooney C W, ‘The (Il)Legitimacy of Bankruptcies for the Benefit of Secured Creditors’ (2015) University of Illinois Law Review 735
- Myers S, ‘Determinants of Corporate Borrowing’ (1966) 5(2) Journal of Financial Economics 147
- Nini G, Smith D C, and Sufi A, ‘Creditor Control Rights, Corporate Governance, and Firm Value’ (2012) 25 (6) The Review of Financial Studies 1713

- Parisi F, ‘Positive, Normative and Functional Schools in Law and Economics’ (2004) 18 *European Journal of Law and Economics* 259
- Partnoy F and Skeel D, ‘The Promise and Perils of Credit Derivatives’ (2007) 75 *University of Cincinnati Law Review* 1019
- Petersen M A and Rajan R G ‘The Benefits of Lending Relationships: Evidence from Small Business Data’ (1994) 49 (1) *The Journal of Finance* 3
- Picker R C, ‘Security Interests, Misbehaviour, and Common Pools’ (1992) *University of Chicago Law Review* 645
- Rajan R G, ‘Insiders and Outsiders: The Choice between Informed and Arms’-Length Debt’ (1992) 47 (4) *The Journal of Finance* 1367
- Ramirez G G and Zhang G, ‘Lock-in Effects in Relationship Lending: Evidence from DIP Loans’ (2019) 51 (4) *Journal of Money, Credit and Banking* 1021
- Vriesendorp R and Salah O, ‘De WHOA: Een Nieuw Herstructureringsinstrument’ (2020) 6 *Maandblad voor Vermogensrecht* 205
- Roberts M R and Sufi A, ‘Renegotiation of Financial Contracts: Evidence from Private Credit Agreements’ (2009) 93 (2) *Journal of Financial Economics* 159
- Schwartz A, ‘A Contract Theory Approach to Business Bankruptcy’ (1998) 107 *Yale Law Journal* 1807
- Segal N, ‘The Effect of Reorganization Proceeding on Security Interests: The Position Under English and U.S. Law’ (2007) 32 (3) *Brooklyn Journal of International Law* 927
- Seymour A and Schwarcz S L, ‘Corporate Restructuring under Relative and Absolute Priority Default Rules: A Comparative Assessment’ 2021 (1) *University of Illinois Law Review* 1
- Sharpe S A, ‘Asymmetric Information, Bank Lending, and Implicit Contracts: A Stylised Model of Customer Relationships’ (1990) 45 (4) *Journal of Finance* 1069
- Skeel D A, ‘Rediscovering Corporate Governance in Bankruptcy’ (2015) 87 *Temple Law Review* 1021
- Chen S, Ganum P, Liu L, Martinez L and Peria S M, ‘Debt Maturity and the Use of Short-term Debt’ (2018) *International Monetary Fund* 24
- Tabb C J, ‘The Bankruptcy Clause, the Fifth Amendment, and the Limited Rights of Secured Creditors in Bankruptcy’ (2015) *University of Illinois Law Review* 765
- Tabb C J, ‘What’s Wrong with Chapter 11’ (2019) *University of Illinois College of Law Legal Studies Research paper* 19-15
- Tollenaar N, ‘Amendementen op de WHOA – Tikkeltje Onbesuisd’ (2020) 23 *Tijdschrift voor Insolventierecht* 1
- Tung F and Roe M J, ‘Breaking Bankruptcy Priority: How Rent-Seeking Upends the Creditors' Bargain’ (2013) 99 *Virginia Law Review* 1235

- Uziel J, ‘Section 363(b) Restructuring Meets the Sound Business Purpose Test with Bite: An Opportunity to Rebalance the Competing Interests of Bankruptcy Law’ (2011) 159 University of Pennsylvania Law Review 1189
- Van den Berg S, ‘De Waarde van het Onderpand Onder de WHOA (on)terecht Gebaseerd op Liquidatiewaarde?’ (2020) 31 Tijdschrift voor Insolventierecht
- Van den Berg S, Holterman W G M and Haanapel H H T, ‘De Reorganisatiewaarde Onder de WHOA’ (2019) 25 (2) Tijdschrift voor Insolventierecht 81
- Van der Drift F and Durlinger K, ‘De Positie van de Noodfinancier Onder de WHOA – Voldoende Comfortabel?’ (2020) Tijdschrift voor Insolventierecht 314
- Van Hoof V, ‘De af Koelingsperiode van de WHOA en Vervangende Zekerheid’ (2023) 205 Financiering, Zekerheden en Insolventierechtpraktijk (FIP) 18
- Van Weert B, ‘Financiële Ondersteuning door de GO-C-garantie’ (2021) 2 Financiering, Zekerheden en Insolventierechtpraktijk 16
- Verstijlen F M J, ‘Whoa: Omkering van Waarden’ (2020) 27 Nederlands Juristenblad 1943
- Von Thadden E L, ‘Asymmetric Information, Bank Lending and Implicit Contracts: the Winner’s Curse’ (2004) 1 (1) Finance Research Letters
- Vriesendorp R and Van Kesteren W, ‘De WHOA en de Rechter: de Leidraad’ 2019 (36) Tijdschrift voor Insolventierecht 277
- Westbrook J L, ‘The Control of Wealth in Bankruptcy’ (2014) 82 (4) Texas Law Review 795
- ‘Conflict of Interests Between Indenture Trustee and Bondholders: Avoidance of "No Action" Clauses Prohibiting Bondholder Suits Against the Obligor’ (1953) 62 (7) The Yale Law Journal 1097

Online sources

- Accornero M, Alessandri P, Carpinelli L and Sorrentino A M, ‘Non-Performing Loans and The Supply of Bank Credit: Evidence From Italy’ (2017) Bank of Italy, Economic Research and International Relations Area
- Adalid R, Falagiarda M and Musso A, ‘Assessing Bank Lending to Corporates in the Euro Area Since 2014’ (2020) 1 ECB Economic Bulletin
- Admati A R, DeMarzo P M, Hellwig M F and Pfleiderer P, ‘Fallacies, Irrelevant Facts, and Myths in the Discussion of Capital Regulation: Why Bank Equity is Not Socially Expensive’ (2010) Preprints of the Max Planck Institute for Research on Collective Goods Bonn 2010/42
- Adrian T, Friedman E and Muir T, ‘The Cost of Capital of the Financial Sector’ (December 2015) Federal Reserve Bank of New York

- Andersen H, Johansen R, Kolvig K and Financial Stability, ‘Effects of Changing Banks’ Risk Weights’ (Norges Bank, Staff Memo 2012)
- Apathy P, Fong M, Stathis D and Freeills H S ‘Australia’ (Global Restructuring Review, 27 September 2018)
- Ayotte K M and Morrison E R, ‘Creditor Control and Conflict in Chapter 11’ (2009) 1 (2) Journal of Legal Analysis 511
- Azarriadis C, ‘Credit Cycles and Business Cycles’ (2018) 100 (1) Federal Reserve Bank of St. Louis Review 45
- Azarriadis C, Kaas L and Wen Y, ‘Unsecured Firm Debt and the Business Cycle’ (VOXEU, 4 April 2015)
- Bank for International Settlement, ‘Risk-based Capital Requirements: Calculation of Minimum Risk-based Capital Requirements’ (26 November 2020)
- Bank for International Settlements, ‘Calculation of RWA for Credit Risk’ (2022)
- Barassell M and Boschmans K, ‘Secured Lending for SMEs: Making Effective Use of Registries and Intangibles- A Case Study Approach’ (2022) OECD SME and Entrepreneurship papers No. 33
- Barua A and Buckley P, ‘Rising Corporate Debt: Why Should We Worry?’ (Deloitte, 15 April 2019)
- Basel Committee on Banking Supervision, ‘International Convergence of Capital Measurements and Capital Standards’ (1988)
- Basel Committee on Banking Supervision, ‘International Convergence of Capital Measurement and Capital Standards’ (2004)
- Basel Committee on Banking Supervision, ‘Capital Adequacy Framework’ (2015)
- Basel Committee on Banking Supervision, ‘Prudential Treatment of Problem Assets – Definitions of Non-Performing Exposures and Forbearance’ (2016) Bank for International Settlements Guidelines 15
- Basel Committee on Banking Supervision, ‘High-Level Summary of Basel III Reforms’ (2017) Bank for International Settlement
- Bast J, ‘Corporates’ Dependence on Banks: The Impact of ECB Corporate Sector Purchases’ (2020) DNB Working paper No. 667
- Bosker J, ‘Financing Corporate Rescue – The Dutch Approach. A Cross-Border Comparison’ (2017) 5 Nottingham Insolvency and Business Law e-Journal 4
- Brassell M and Boschmans K, ‘Secured Lending for SMEs: Making Effective Use of Registries and Intangibles – a case Study Approach’ (2022) OECD paper No. 3
- Breckenfelder J and Ivashina V, ‘Bank Balance Sheet Constraints and Bond Liquidity’ (2021) ECB Working paper series No. 2589

- Bricongne J-C, Demertzis M, Pontuch P and Turrini A, ‘Economic Relevance of Insolvency Frameworks in a High-debt Context: An EU Perspective’ (June 2016) European Commission research project, discussion paper No. 3
- Çelik S, Demirtaş G and Isaksson M, ‘Corporate Bond Market Trends, Emerging Risks and Monetary Policy’ (2020) OECD
- Celik S, Demirtas G and Isaksson M, ‘Corporate Bonds, Bondholders and Corporate Governance’ (2015) OECD Corporate Governance Working paper No. 16
- Celik S, Demirtas G, and Isaksson M, ‘Corporate Bond Market in a Time on Unconventional Monetary Policy’ (2019) OECD Capital Market Series 6
- Coutinho L, Kappeler A and Turrini A, ‘Insolvency Frameworks Across the EU: Challenges after COVID-19’ (2023) European Commission discussion paper 182
- Crystal M and Mokal R J, ‘The Valuation of Distressed Companies: A Conceptual Framework’ (2006) SSRN
- Dagher J, Dell’Ariccia G, Laeven L, Ratnovski L and Tong H, ‘Benefits and Costs of Bank Capital’ (International Monetary Fund March 2016)
- Darmouni O and Paputsi M, ‘The Rise of Bond Financing in Europe’ (2022) ECB Working paper No. 2663
- De Groot G and Lalkens P, ‘Rechter Dwingt Banken Akkoord te Gaan met Redding Scheepsbouwer IHC’ (09 March 2023) Het Financieele Dagblad
- De Groot G and Lalkens P, ‘Rabobank Lag Dwars bij Redding Scheepsbouwer IHC’ (12 April 2023) Het Financieele Dagblad
- De Leo F, Bartstra W and Jonkers A, ‘Recht op Cash-exit onder de WHOA: Doorgedreven Bescherming van de Strekste Schuldeisers’ (31 March 2020) Corporate Finance Lab
- Degryse H, Karapetyan A and Karmakar S, ‘To Ask or Not To Ask? Bank Capital Requirements and Loan Collateralization’ (2018) CEPR Centre for Economic Policy Research DP13331
- Dell’Ariccia G, Kadyrzhanova D, Minoiu C and Ratnovski L, ‘Bank Lending in Knowledge Economy’ (2017) IMF Working paper No. Working Paper No. 2017/234
- Den Hollander J, ‘Company Valuatie en Waarde-allocation in Distress’ (NVR II najaarsvergadering 2022, March 2023)
- Donaldson J R Gromb D and Piacentino G, ‘Conflicting Priorities: A Theory of Covenants and Collateral’ (2020) Columbia Law and Economics Working paper No. 630
- Drut B, ‘The US Corporate Debt Market: One of the Hot Topics for 2020 (CPR AM, 29 November 2019)

- EBA, ‘EBA FINAL draft Implementing Technical Standards’ (2016) EBA/ITS/2016/02; ‘Credit Quality Step’ (Open Risk Manual)
- EBA, ‘EBA Outlines Roadmap to Strengthen the Monitoring of ECAIs’ (18 July 2017)
- EBA ‘Guidelines on PD Estimation, LGD Estimation and the Treatment of Defaulted Exposures’ (2017) EBA/GL/2017/16
- EBA, ‘Report on the Credit Risk Mitigation (CRM) Framework’ (2018)
- EBA, ‘Guidelines on Management of Non-Performing and Forborne Exposures’ (2018) Final Report EBA/GL/2018/06
- EBA, ‘Opinion of the European Banking Authority to the European Commission on the Regulatory Treatment of Non-Performing Exposure Securitisations’ (2019)
- EBA, ‘Q&A: Immovable Property Collateral under the Standardised Approach & Credit Risk Mitigation Principles’ (15 November 2019)
- EBA, ‘Guidelines on Credit Risk Mitigation for Institutions Applying the IRB Approach with Own Estimates of LGD’ (2020) Final Report EBA/GL/2020/05
- ECB, ‘Guidance to Banks on Non-Performing Loans’ (March 2017)
- ECB, ‘Communication on Supervisory Coverage Expectations for NPEs’ (2019)
- ECB, ‘Why Do Banks Need to Hold Capital?’ (23 May 2019)
- ECB, ‘Financial Stability Review’ (May 2019)
- ECB, ‘What Are Provisions and Non-Performing Loan (NPL) Coverage?’ (21 December 2020) ECB
- ECB, ‘Non-bank Financial Intermediation in the Euro Area: Implications for Monetary Policy Transmission and Key Vulnerabilities’ (September 2021) paper series No. 270
- ECB, ‘What Are Internal Models?’ (2021)
- Edson Bastos E Santos, Esho N, Farag M and Zuin C, ‘Variability in Risk- Weighted Assets: What Does the Market Think?’ (2020) Bank for International Settlement No. 844
- ESMA, ‘Access to Public Markets for SMEs’ (November 2017) ESMA22-106-535
- ESMA, ‘Financial Stability Leveraged Loans, CLOs – Trends and Risks’ (2019)
- Espen E B, Li K and Wang W, ‘Rent Extraction by Super-priority Lenders’ (2019) Tuck School of Business Working Paper No. 3384389
- European Commission Expert Group on Corporate Bond Markets’ (ICMA)
- European Commission, ‘Unlocking Funding for Europe’s Growth- European Commission Consults on Capital Markets Union’ (18 February 2015)
- European Commission, ‘Analysis of European Corporate Bond Markets’ (2017)
- European Commission, ‘Drivers of Corporate Bond Market Liquidity in the European

Union' (2017)

- European Commission, 'Q&A on the Green Paper on Building a Capital Markets Union' (18 February 2015)
- European Commission, 'Questions and Answers on the Capital Markets Union Action Plan' (2020) QANDA/20/1676
- European Court of Auditors, 'Capital Markets Union- Slow Start Towards an Ambitious Goal' (2020) No. 25
- Faber W, 'Proprietary Security Rights in Moveables-European Developments: A Spotlight Approach to Book IX DCFR' (Juridical International, 22/2014)
- Federal Deposit Insurance Corporation (FDIC), 'Leveraged Lending and Corporate Borrowing: Increased Reliance on Capital Markets, With Important Bank Links' (2019) 13 (4) FDIC Quarterly 41
- Flitman N and Witt I, 'Hema Lines Up Bondholder Financing as Takeover Package Secured' (17 December 2020) S&P Global 14 March 2023
- Fraisse H, Lé M and Thesmar D, 'The Real Effects of Bank Capital Requirements' (2017) ESRB Working paper series No. 47
- Fu J, 'Floating Charge and Blanket Liens' (2019) International Corporate Finance E-Journal
- Garido J M, 'Out-of-Court Debt Restructuring' (World Bank Study 2012)
- Glasserman P and Kang W, 'Design of Risk Weights' (2014) Office of Financial Research
- Gorton G B and Ordoñez G, 'The Supply and Demand for Safe Assets' (2023) Technical report, National Bureau of Economic Research Working paper No. 18732
- Harner M M, 'Final Report of the ABI Commission to Study the Reform of Chapter 11' (2014) Book Gallery
- Haselmann R, Pistor K and Vig V, 'How Law Affects Lending' (2005) Columbia Law and Economics Working paper No. 285
- Hausemer P, Rzepecka J, Lofstrom F, Eparvier P, Rivoire L, Gallo C, Maroulis N, 'Ex-Post Evaluation of Late Payment Directive' (European Commission 2015)
- IMF, 'Global Financial Stability Report' (April 2020)
- INSOL International, 'Reforms in Selected EU Member States in Light of the Directive on Preventive Restructuring Frameworks' (April 2020) INSOL Special Report 54
- Jacobs J L, Probert A and Dolan M J, 'Emergence Through Fresh-Start Reporting' (2020) Journal of Accountancy
- Janse K A and Strauch R, 'Reviving Securitisation in Europe for CMU' (15 July 2021) European Stability Mechanism

- Joosen B P M, ‘Revisions to the Standardised Approach for Bank Credit Risk Measurement’ (2016) Working paper
- Juks R, ‘Why Banks Prefer Leverage?’ (March 2010) Penning- och valutapolitik
- Kalara N and Zhang L, ‘The Changing Landscape of Firm Financing in Europe, the United States and Japan’ (2018) Netherlands CPB Netherlands Bureau for Economic Policy Analysis discussion paper No. 383
- Karapetian A, Lennarts L and Verstijlen F M J, ‘De Positie van Concurrente Schuldeisers in Faillissement’ (Rapport aan het WODC uitgebracht door Rijksuniversiteit Groningen, 2020)
- Kaya O and Meyer T, ‘Corporate Bond Issuance in Europe’ (2013) Deutsche Bank
- Keinan Y, ‘The Evolution of Secured Transaction’ (World Bank)
- KPMG, ‘Non-Performing Loans in Europe: What Are the Solutions?’ (2018)
- Kurz M and Kleimeier S, ‘Credit Supply: Are There Negative Spillovers From Banks’ Proprietary Trading?’ (2019) DNB Working paper No. 657
- Laeven L and Ratnovski L, ‘Corporate Governance of Banks and Financial Stability’ (VOX EU 2014)
- Le Leslé V and Avramova S, ‘Revisiting Risk-Weighted Assets: Why Do RWAs Differ Across Countries and What Can Be Done About It?’ (2012) IMF WP/12/90
- Madaus S, ‘Is the Relative Priority Rule Right for your Jurisdiction? A Simple Guide to RPR’ (January 2020)
- Madaus S and Ehmke D, ‘Special Issue Preventive Restructuring 4. Germany: Still Waiting for the Revolution in Restructuring to Come?’ (HERO 2022/W-004)
- Magnus M and Korpas A, ‘The Role of the Basel Committee on Banking Supervision (BCBS)’ (2017) The EU Parliament Briefing
- Malakotipour M, Perotti E and De Weijs R, ‘Unfair and Unstable: EU Bankruptcy Reform Requires More Scrutiny’ (February 2020) CEPR
- Manove M, Padilla A J and Pagano M, ‘Collateral versus Project Screening: A Model of Lazy Banks’ (2001) CSEF Working paper No. 10
- Loumiotis M, ‘The Use of Intangible Assets as Loan Collateral’ (2013)
- Martinez-Miera, D and Suarez J, ‘Banks’ Endogenous Systemic Risk Taking’ (2014) CEPR Discussion Papers No. 9134
- Martynova N, ‘Effect of Bank Capital Requirements on Economic Growth: a Survey’ (2015) DNB Working paper No. 467
- Mendicino C, Nikolov K, Rubio-Ramirez J, Suarez J and Supera D, ‘How Much Capital Should Banks Hold?’ (2021) Research Bulletin No. 80

- Miners S, Gundersen K H, Hauser T J, Smedley B, and Giraldo M M, ‘High-Yield and Bank Loan Outlook Not Too Soon to Think About Defaults and Recovery Rates’ (April 2018) Guggenheim Investment
- Mokal R J and Tirado I, ‘Has Newton Has His Day? Relativity and Realism in European Restructuring’ (2018/19) 20 Eurofenix
- Mokal R J, ‘What is an Insolvency Proceeding? Gategroup Lands in a Gated Community’ (7 June 2022) SSRN
- Molhuysen M and Weeshoff O, ‘WHOA! New Dutch Scheme Set to Position the Netherlands as a Restructuring Hub’ (DLA Piper, 20 December 2019)
- Mouthaan M, Bindels M and Leeuwenburgh R, ‘WHOA – de Verwachtingen Gepeild’ (HERO 2020 B-007)
- Nany J, ‘Strings Attached to Bankruptcy Loans Persist, Irking Creditors’ (3 May 2022) Bloomberg law)
- OECD, ‘Bridging the Gap in the Financing of Intangibles to Support Productivity: Background Paper’ (2021)
- Ongena S, Pinoli S, Rossi P and Scopelliti A, ‘Bank Credit and Market-based Finance for Corporations: the Effects of Minibond Issuances’ (2020) ECB No. 2508
- Parenti R, ‘Financial Services Policy’ (April 2023) EU Parliament Fact Sheets
- Payne J and Janis S P, ‘Tripping the Light Fantastic: A Comparative Analysis of the European Commission's Proposals for New and Interim Financing of Insolvent Businesses’ (2017) Oxford Legal Studies Research paper No. 41
- Polo A, ‘Secured Creditor Control in Bankruptcy: Costs and Conflict’ (2012) working paper
- PWC, ‘Valuation under de WHOA’ (July 2020)
- PWC, ‘Bankruptcies and Liquidations’ (July 2023)
- Rima Turk-Ariss, ‘Heterogeneity of Bank Risk Weights in the EU: Evidence by Asset Class and Country of Counterparty Exposure’ (2017) IMF Working Paper 17/137
- Rydl T, ‘The Impact of Insolvency Law on Financial Stability’ (CNB Financial Stability Report 2005)
- S&P Global, ‘Credit Trends: Global Corporate Debt Market: the State Of Play In 2020’ (25 June 2020)
- Safavian M, ‘Unlocking Dead Capital: How Reforming Collateral Laws Improves Access to Finance’ (2006) The World Bank
- Salah O, Lozeman J and De Wit J, ‘Restructuring of Royal IHC: New Developments under the Dutch WHOA’ (1 August 2023) HERO 2023 / B-037

- Skauradszun D, ‘Restructuring Companies During and After the Covid-19 Pandemic’ (2021) Nottingham Insolvency and Business Law e-Journal (NIBLeJ)
- Sschümann-Kleber K, Hölzle G and Holzmann M, ‘Act on the Further Development of Restructuring and Insolvency Law’ (29-12-2020, Görg)
- Sultanov M, Wilson J M, MacEachern E, Salamina L M and Chhabra P, ‘Secured Transactions, Collateral Registries and Movable Asset-Based Financing’ (November 2019) Knowledge Guide
- Tabb C J, ‘What’s Wrong with Chapter 11’ (2019) (University of Illinois College of Law Legal Studies Research paper 19-15)
- Thum-Thysen A, Voigt P, Bilbao-Osorio B, Maier C, Ognyanova D and Directorate-General for Economic and Financial Affairs, ‘Unlocking Investment in Intangible Assets’ (2017) European Commission discussion paper 47
- Torini D and Monte C R, ‘Navigating European Distressed Markets’ (2022) KPMG European Debt Sales Report
- Truchet M, ‘Capital Markets Union: Progress Made and Future Steps’ (April 2023) Eurofi Regulatory Update 35
- US Congressional Research Service, ‘United States Bankruptcy Courts: Caseload Statistics for the 12-Month Period Ending December 31, 2020’ (March 2021)
- US Securities and Exchange Commission, ‘U.S. Credit Markets Interconnectedness and the Effects of the COVID-19 Economic Shock’ (2020) Division of Economics and Risk Analysis
- Van der Graaf S, ‘ChristenUnie Strengthens the Position of SMEs in Reorganisations’ (ChristenUnie, 19 May 2020)
- Van Roy P, ‘Credit Ratings and the Standardised Approach to Credit Risk in Basel II’ ECB working paper series No. 517
- World Bank, ‘Secured Transactions, Collateral Registries and Movable Asset-Based Financing’ (November 2019) Knowledge Guide
- Wunsch O, Truempler K and De Rioboo L R P, ‘The EU Banking Regulatory Framework and its Impact on Banks and the Economy’ (2023) Oliver Wayman Reference Study
- Yahya N and Lirely L, ‘Time for a Fresh Start? Key Financial Moves Make After Bankruptcy’ (Stout, 28 February 2023)
- ‘Debt Restructuring Hema Successfully Completed’ (21 October 2020) De Brauw Blackstone Westbroek
- AMF, ‘Review of Bond Market Transparency Under MiFID II’ (2020)
- ‘Total Debt of Nonfinancial Corporations Worldwide from 2008 to 2019, by Quarter’ (Statista 2023)