

## Overzichtspagina links artikel behorend bij: Gedwongen medewerking debt for equity swap?

Links per 25 september 2010

### De huidige credit crisis

- Financial Tsunami:
  - Eliot Spitzer the New York State Governor gebruikte op 14 februari 2008 dit begrip in zijn verklaring voor Committee on Financial Services Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises United States House of Representatives ( zie <http://financialservices.house.gov/hearing110/spitzer021408.pdf> );
  - Monoline downgrades could cause financial 'tsunami', says bank chief, Financial Times February 8, 2006: <http://www.ft.com/cms/s/0/31649870-d5e9-11dc-bbb2-0000779fd2ac.html>
- De zogenaamde Turner review van Lord Turner, de voorzitter van de Engelse Financial Services Authority (te vinden op: [http://www.fsa.gov.uk/pubs/other/turner\\_review.pdf](http://www.fsa.gov.uk/pubs/other/turner_review.pdf)
- Webpagina van Nouriel Roubini: <http://www.roubini.com/>
- Webpagina van Geert Noels: <http://www.econoshock.be/>
- Webpagina van Robert J. Shiller: <http://www.econ.yale.edu/~shiller/>
- Anne Katherine Barnett-Hart, scriptie: "the story of the CDO Market Meltdown", te vinden op: <http://www.hks.harvard.edu/m-rcbg/students/dunlop/2009-CDOmeltdown.pdf>
- Michael Lewis's 'The Big Short'? Read the Harvard Thesis Instead!, WSJ 15 maart 2010, <http://blogs.wsj.com/deals/2010/03/15/michael-lewiss-the-big-short-read-the-harvard-thesis-instead/>
- Gary Gorton in the Panic of 2007 en Slapped by the invisible hand , te vinden op [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1255362](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1255362) en [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1401882](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1401882)
- Informatie over Charles R. Morris, op webpagina van <http://washingtonindependent.com/author/crmorris>
- Yertle the turtle: [http://en.wikipedia.org/wiki/Yertle\\_the\\_Turtle\\_and\\_Other\\_Stories](http://en.wikipedia.org/wiki/Yertle_the_Turtle_and_Other_Stories)
- Economische en sociale effecten van buyouts in Nederland, te vinden op <http://www.nvp.nl/feiten/economisch.php>

- Webpagina Andrew Ross Sorkin, <http://www.andrewrosssorkin.com/>
- Het Lehman Examiner's Report uit 2010 te vinden op: <http://lehmanreport.jenner.com/>
- Victoria Ivashina en David Scharfstein in Bank Lending during the Financial Crisis of 2008 voor een weergave van de stand van zaken in de Verenigde Staten met betrekking tot de beperkingen van krediet, te vinden op [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1297337](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1297337)
- Flore Vasseur, <http://www.florevasseur.com/>

### **It is tough to make predictions, especially about the future**

- Webpagina van Nassim Nicholas Taleb, <http://www.fooledbyrandomness.com/>
- Paul Krugman in NYT, 1 december 2006, Economic Strom Signals, [http://select.nytimes.com/2006/12/01/opinion/01krugman.html?\\_r=1&em&ex=1165122000&en=10b37246a743df2c&ei=5087%0A](http://select.nytimes.com/2006/12/01/opinion/01krugman.html?_r=1&em&ex=1165122000&en=10b37246a743df2c&ei=5087%0A)
- Peter Patau, een schrijver en fotograaf in Madison, WI., <http://letterfromhere.blogspot.com/2006/12/bohr-leads-berra-but-yogi-closing-gap.html> vraagt zich naar aanleiding van deze blog af of het Bear was of toch Neils Bohr (Nobelprijswinnaar voor Natuurkunde 1922)

### **Herstructureren zonder surseance van betaling of faillissement**

- Vergelijk voor de recente inzichten van (de juridische afdeling van) het IMF over herstructureringen: IMF Staff position paper, Approaches to Corporate Debt Restructuring in the Wake of Financial Crises, te vinden op <http://www.imf.org/external/pubs/ft/spn/2010/spn1002.pdf>
- Lachlan Edwards, Darwin and Restructuring, IFLR April 2007, te vinden via: <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/intfinr26&div=99&id=&page=>
- Opties, <http://www.weekopties.nl/optietheorie.html>

### **Collective Action Clauses**

- State Insolvency: Bankruptcy without a Bankruptcy Law, Philip Wood, te vinden op <http://www.prurgent.com/2009-01-20/pressrelease28379.htm>

- Collective Action Clauses; the way forward, Robert Gray, te vinden op [http://www.law.georgetown.edu/international/documents/Gray\\_000.pdf](http://www.law.georgetown.edu/international/documents/Gray_000.pdf)
- A new approach to sovereign debt restructuring, Anne O. Krueger (2002), te vinden op <http://www.imf.org/external/pubs/ft/exrp/sdrm/eng/index.htm>
- Design and effectiveness of collective action clauses, IMF Legal, te vinden op <http://www.imf.org/external/np/psi/2002/eng/060602.pdf> en <http://www.imf.org/external/np/sec/pn/2003/pn0353.htm>
- Collective Action Clauses: Recent Progress and Challenges Ahead, Sergio J. Galvis, Angel L. Saad\* Sullivan & Cromwell LLP, te vinden op: <http://www.law.georgetown.edu/international/documents/Galvis.pdf>
- THE USE OF COLLECTIVE ACTION CLAUSES IN NEW YORK LAW BONDS OF SOVEREIGN BORROWERS, Mark Gugliatti and Anthony Richards, te vinden op <http://www.law.georgetown.edu/international/documents/gugliatti.pdf>
- Innovation in Boilerplate Contracts: The Case of Sovereign Bonds, Stephen Choi and Mitu Gulati te vinden op: <http://www.law.georgetown.edu/international/documents/Choi.pdf>
- Vultures or Vanguard?: The Role of Litigation in Sovereign Debt Restructuring, Jill E. Fisch and Caroline M. Gentile, te vinden op: <http://www.law.georgetown.edu/international/documents/Fisch.pdf>
- BIS proposal to ensure the loss absorbency of regulatory capital at the point of non-viability - consultative document. August 2010, <http://www.bis.org/publ/bcbs174.htm>

### **Bonds governance**

- The trust indenture act and international debt restructurings, George W. Shuster, jr., [http://www.wilmerhale.com/files/Publication/e79aec06-3ebb-46c4-ba7a-ea110014e388/Presentation/PublicationAttachment/22f88569-bbaa-4ed5-8a25-ba4fda705123/shuster\\_trustindentureact\\_debtrestructurings.pdf](http://www.wilmerhale.com/files/Publication/e79aec06-3ebb-46c4-ba7a-ea110014e388/Presentation/PublicationAttachment/22f88569-bbaa-4ed5-8a25-ba4fda705123/shuster_trustindentureact_debtrestructurings.pdf)
- Trust Indenture Act, <http://www.sec.gov/about/laws/tia39.pdf>

### **Covered Bonds Programma's**

- ING Covered Bond Programma, [http://www.ing.com/group/showdoc.jsp?docid=439425\\_NL&menopt=ivr%7Cfis&showSection=section\\_2](http://www.ing.com/group/showdoc.jsp?docid=439425_NL&menopt=ivr%7Cfis&showSection=section_2)

- ABN Programma's including Covered Bond, <http://www.abnamro.com/en/investor-relations/debt-investors/debt-and-capital-issuance/debt-and-capital-issuance.html>
- NIBC Debt Instruments, <http://www.nibc.com/en/about-nibc/debt-investors/funding.html>
- SNS Reaal Debt Instruments, <http://www.snsreaal.nl/index.asp?NID=6602>

### Syndicate governance

- de SENIOR MULTICURRENCY TERM AND REVOLVING FACILITIES AGREEMENT FOR LEVERAGED ACQUISITION FINANCE TRANSACTIONS, versie July 2010 en MULTICURRENCY TERM AND REVOLVING FACILITIES AGREEMENT, versie April 2009, website <http://www.lma.eu.com>
- Yank the bank, The Lawyer.Com 6 februari 2006, <http://www.thelawyer.com/banking-lawyers-benefit-from-powerful-private-equity-sector/118700.article>
- Lender Syndicates, New York Law Journal May 17, 2007, [http://www.thelenreid.com/resources/documents/051607\\_Real\\_Estate.pdf](http://www.thelenreid.com/resources/documents/051607_Real_Estate.pdf)
- Collective Action New York Law Journal December 2009, [http://www.willkie.com/files/tbl\\_s29Publications%5CFileUpload5686%5C3191%5CLender%20Collective%20Action%20Doctrine%20Provokes%20Controversy.pdf](http://www.willkie.com/files/tbl_s29Publications%5CFileUpload5686%5C3191%5CLender%20Collective%20Action%20Doctrine%20Provokes%20Controversy.pdf)
- Beal Uitspraak, [http://www.law.cornell.edu/nyctap/107\\_0024.htm](http://www.law.cornell.edu/nyctap/107_0024.htm)
- Credit bidding , [http://www.kslaw.org/Library/publication/Wege\\_Ripley\\_Power\\_Section363.pdf](http://www.kslaw.org/Library/publication/Wege_Ripley_Power_Section363.pdf)
- Bank of India and Collective Action Clauses, <http://www.rbi.org.in/Scripts/PublicationReportDetails.aspx?UrlPage=&ID=432>
- The hunt for pari passu, <http://www.law.georgetown.edu/international/documents/Pam.pdf>
- Restructuring Syndicated loans, <http://redalyc.uaemex.mx/redalyc/html/824/82400310/82400310.html>

### Debt for equity swaps

- Proposal to ensure the loss absorbency of regulatory capital at the point of non-viability - consultative document August 2010 BIS, <http://www.bis.org/publ/bcbs174.htm>
- Ondernemingskamer breekt almacht van meerderheidsaandeelhouder 11 februari 2010, Het Financieele Dagblad, <http://www.fd.nl/artikel/14182052/ondernemingskamer-breekt-almacht-meerderheidsaandeelhouder>
- Cassatie in zaak Inter Access 12 maart 2010, Het Financieele Dagblad, <http://www.fd.nl/artikel/14395463/cassatie-zaak-inter-access>
- Sources Almatix zaak, [http://www.almatis.com/download/press-releases/PR04\\_20100803\\_Alternative\\_Plan\\_Filing.pdf](http://www.almatis.com/download/press-releases/PR04_20100803_Alternative_Plan_Filing.pdf) en <http://www.cmemarkets.com/v3/2010/08/23/dj-creditors-cleared-to-vote-on-almatis-bankruptcyexit-plan/>