



5th International and Comparative Law Insolvency Symposium
Royal Holloway, University of London
25-27 April 2024

Prof Emer Bob Wessels

Bob Wessels (1949) has 50 years of business law experience, including 2 years as knowledge advisor to Nauta Dutilh (attorneys, Netherlands) and 13 years as a partner of Ernst & Young (EY) (and its Dutch law firm (or predecessor), in Amsterdam and in London. From 1988 – 2014 he has been a part-time professor of commercial law and international insolvency law at Universities in Amsterdam and Leiden. He held visiting professorships in Frankfurt (2003), Pretoria (2006), New York (St. John's 2006-2011), Riga (2008-2012) and Luxembourg (Max Planck; 2016). Since 1988 until 2016 he has served as Deputy Justice at the Court of Appeal in The Hague.

From 2005-2019 he has had his own independent (international) legal practice, acting as expert witness or legal counsel (outside of the Netherlands some 10 times in courts in the USA, UK, Belgium, Poland, Switzerland, Greece, Austria, Ireland) and as (international) arbitrator, mainly in the area of general contract law, restructuring and insolvency law. In these roles he was involved in cases such as Belvedere S.A, Elektrim/Vivendi, Icesave/Landsbanki, Fairfield Sentry, KPNQwest N.V., Lehman Brothers Treasury Co B.V., OSX, O.W. Bunker, Steinhoff en Yukos Oil. He also acted as a consultant to the International Monetary Fund (Indonesia) and the World Bank (Georgia).

Since 2010 he has been independent Expert Counsel to the European Commission in matters of restructuring and insolvency law (including the EU Insolvency Regulation (Recast); Preventive Restructuring Directive 2019; proposal for a Directive harmonising certain aspects of insolvency law of December 2022). He is co-founder and former Chairman of the independent European think tank Conference of European Restructuring and Insolvency Law (CERIL, www.ceril.eu, 2016-2023). He is co-founder of International Insolvency Institute (III), having been a director of the board between 2004-2010. From 2007-2010 he was Chair of Academic Forum of INSOL Europe.

In the Netherlands Wessels co-founded *Tijdschrift voor Insolventierecht* (Insolvency Law Review) and acted as its first chair of the editorial board (1995-1997). He co-founded the Netherlands Association of Comparative and International Insolvency Law (NACIIL) and acted as its first chair (2010-2014). Between 1998 and 2022 he has been the sole author of the Dutch series *Wessels Insolventierecht* (10 Volumes, presently in its 5th edition).

Wessels is an International Fellow van het American College of Bankruptcy, a Fellow of the American Law Institute (ALI), Honorary Member of INSOL Europe, Fellow of the European Law Institute (ELI) and Honorary member of NACIIL.

In April 2023 by Royal Order on behalf of H.M. the King of the Netherlands, Bob Wessels was appointed Officer of the Order of Orange-Nassau for his longstanding contribution to the advancement of private law and in particular insolvency law in the Netherlands, Europe and beyond.

In June 2023 Wessels received the International Insolvency Institute (III) Outstanding Contribution Award for prominent, distinguished and exceptional service to the field of insolvency and to the insolvency community.



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Guest Lecture

What since 1815 officially is the Kingdom of the Netherlands, used to be a loose federation of seven provinces. The Republic of the Seven United Provinces (including Holland, Zeeland and Friesland) was recognised after the ending of the 80 Years war with Spain (1568-1648). These provinces, however, were 'states' in their own right, with only light arrangements regarding military defence. Commercial law and private law in these provinces were rather different from one another. They were a legal melting pot, including canon law, Roman law, legislative collections like the Great Placard books, collections of jurisprudence, opinions of legal authors and the publications of e.g. Hugo de Groot (Grotius).

What now is known as 'bankruptcy law' or 'insolvency law' mainly was city law. In my Guest lecture I shortly discuss the system available for small businesses in the city of Amsterdam. It was the proceeding of 'cessio bonorum' (assignment of the estate). The example I use is the bankruptcy of the world celebrated painter Rembrandt (1606-1669).

For larger undertakings Amsterdam city rules included a compulsory settlement proceeding. In these proceedings, the role of the city, as a public law entity, was significant. This was especially the case in relation to 'cross-border' cases, ie the treatment of 'foreign creditors'.