

# STICHTING BOB WESSELS INSOLVENCY LAW COLLECTION

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## **Annual Report 2019**

### *Introduction*

The Stichting Bob Wessels Insolvency Law Collection is a Dutch incorporated legal person ('Foundation'). It was founded in August 2016, at the initiative of prof. em. Bob Wessels. The Foundation has acquired the private collection of books and other media in the field of national and international insolvency law of prof. em. Wessels (the 'Collection') and it aims to secure, maintain and expand this collection for the future, provide access to it by national and international students and researchers and to organize related activities for a broad, general public.

The Foundation's main goal is to provide access to the Collection as well as maintaining and safekeeping of the Collection. For this reason the Foundation concluded an agreement regarding custody and management of a substantial part of this unique collection with Leiden University or similar institutions in 2018. Furthermore, it aims to achieve its goals by organizing public meetings and lectures, courses and taking initiatives in the field of publications related to the Collection. Pursuant to its articles of incorporation, it may also employ any lawful means that could contribute to the purpose(s) of the Foundation.

### *Activities*

During 2019, the Foundation dealt with three important activities:

- The Collection was catalogued in the official system of Leiden University and is now fully searchable within that system. The cooperation between the Foundation and the University Library of Leiden University was completed with the signing of the agreement regarding custody and management on 25 May 2018.
- The first annual PhD-Workshop was held on 28 February/1 March 2019 (to some extent linked to Bob Wessels' 70<sup>th</sup> anniversary on 4 March 2019) with 25 applicants from all over the world of whom 8 were elected to present their paper and 6 others were given the opportunity to be present with a self-made poster on their topic (see [Annex 1](#) for the program, and [Annex 2](#) for some pictures). Both days were of high quality (both presenters and posters) and the discussions were vividly and thorough.
- In the course of this year, the kind offer by Letitia Crabb, late Ian Fletcher's wife, to donate the personal library of Ian to the Foundation was accepted and shipped to Leiden

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(via Dordrecht) to be incorporated into the Bob Wessels Collection in the Leiden Library. The cataloging process is currently performed.

- The sudden death of Gabriel Moss brought grief upon the international insolvency law world, also to Bob and some of us who lost a true scholar and friend. With great thanks to Bob, Gabriel's former partners Riz Mokal and Felicity Toubé, the Bob Wessels International Insolvency Collection is in the process of being expanded with the personal library of Gabriel Moss at SouthSquare.

### *Management*

The Foundation is managed by a board, consisting of five law professors, prof. Matthias Haentjens and prof. Reinout Vriesendorp (acting as Chairman and secretary/treasury respectively, both of Leiden University), prof. Eric Dirix (Belgium), prof. Stephan Madaus (Germany) and dr. Paul Omar (England). It convened on 1 March 2019 when the first Bob Wessels PhD Workshop was held in Leiden for its annual board meeting. The day-to-day management is performed by Matthias Haentjens as Chairman and Reinout Vriesendorp as Secretary/Treasurer who have been assisted by Gert-Jan Boon (Leiden University) as adjunct-secretary. He also assisted Stephan Madaus in organizing the PhD Workshop.

### *Financials*

The purchase price for the Collection was borrowed from the contributor and will be repaid in 5 years' time from committed gifts. In addition, the Foundation will receive the first five years an annual gift as a contribution to satisfy costs required for cataloguing, maintenance and expansion of the Collection.

#### *a) ANBI status*

The Foundation is a charitable foundation under Dutch tax laws (ANBI), which includes several formal requirements, including the maintenance of a website and the publication of a policy plan.

#### *b) Annual Accounts 2019*

<b>Balance sheet year-end 2019</b>		amounts in EUR (€)	
<b>Assets</b>		<b>Liabilities</b>	
<i>Fixed assets</i>		<i>Equity</i>	
Library	135.000,00	per 31 December 2019	136.056,25
<i>Floating assets</i>	29.598,92	<i>Short- and longterm debt</i>	28.542,67
<b>Total assets</b>	<b>164.598,92</b>	<b>Total liabilities</b>	<b>164.598,92</b>

#### *c) Budget 2020*

For 2020, the fifth and last installment of the gift of the founder is expected, both in kind (€ 27.000 set-off against the loan) and as contribution in funds (€ 10.000) to enable the

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Foundation to upgrade the Collection. The extra donation will also enable the Foundation to continue the PhD-workshop and to start its other activities as described in its policy plan and shortly described in the introduction of this annual report. Thanks to the generous offers made by Letitia Crabb, Ian Fletcher's widow, and SouthSquare, Gabriel Moss' firm last year, the Foundation was able to acquire the relevant parts of their private collections on English (international) insolvency law which enables the Foundation to expand the range of its international insolvency collection. Expenses are expected with respect to the second PhD Workshop (approx. € 4.500), updating the collection (approx. € 2.500) and administrative expenses (approx. € 500).

### *Envisaged activities in 2020 onwards*

Now the larger part of the Bob Wessels Insolvency Law Collection was moved to and taken care of by the Leiden University Law School library, the Foundation can – apart from its task to keep the collection up-to-date – shift its focus to the PhD-workshop and the integration of Ian Fletcher's and Gabriel Moss' libraries. Further, it will initiate to attract more – physical and internet – visitors for the Collection and intensify its contacts with (young) international researchers and judges from all over the world who are interested in studying international/cross-border insolvency law.

Leiden, March 2020

M. Haentjens, Chairman

R.D.Vriesendorp, Secretary/Treasurer

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**Annex 1 Program BWILC PhD Workshop**

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**Program PhD Workshop on European/International Insolvency Law**

**28 February 2019 and 1 March 2019**

**Venue: Leiden University Academy Building (Rapenburg 73, 2311 GJ Leiden Netherlands)**

Thursday 28 February 2019		Friday 1 March 2019	
12.30-13.00	Arrival and registration	09.00-09.15	Welcome back ( <b>prof. Haentjens</b> )
13.00-13.15	<b>Welcome by</b> - <b>Prof. Jean-Pierre van der Rest</b> , PhD Dean of the Leiden Law School - <b>Board St BWILC</b>	09.15-13.30	<i>Part II (chair: <b>dr. Omar</b>)</i>
13.15-13.30	Introduction attendees	09.15-09.45	- <b>Ilya Kokorin</b> (Leiden University, Netherlands) 'Intra-group financing in corporate rescue in EU' ○ Discussion
13.30-17.00	<i>Part I (chair: <b>prof. Madaus</b>)</i>	09.45-10.00	- <b>Eleni Lydia Tsioli</b> (King's College London, UK) 'Viability test in European corporate debt restructuring' ○ Discussion
13.30-14.00	- <b>Julia Harten</b> (University of Hamburg, Germany) 'Universalism in international insolvency law' ○ Discussion	10.00-10.30	- <b>Eleni Lydia Tsioli</b> (King's College London, UK) 'Viability test in European corporate debt restructuring' ○ Discussion
14.00-14.15	○ Discussion	10.30-10.45	Coffee
14.15-14.45	- <b>Giulia Ballerini</b> (Università commerciale Luigi Bocconi, Italy) 'Deviations for the Absolute Priority Rule' ○ Discussion	10.45-11.15	Exchange of posters; discussion (chair: <b>prof. Haentjens</b> )
14.45-15.00	○ Discussion	11.15-12.00	- <b>Phoebe Gatoto</b> (Nottingham Trent University, UK) 'Developing Country's perspective on forum shopping' ○ Discussion
15.00-15.30	Coffee/Tea	12.00-12.30	- <b>Inge van de Plas</b> (University of Antwerp, Belgium) 'Retention of title, insolvency, secured transaction law' ○ Discussion
15.30-16.00	- <b>Shuai Guo</b> (Leiden University, Netherlands) 'Cross-border bank recovery and resolution' ○ Discussion	12.30-12.45	
16.00-16.15	○ Discussion	12.45-13.15	
16.15-16.45	- <b>Sid Pepels</b> (Radboud University Nijmegen, Netherlands) 'Cross-border restructuring of groups of companies' ○ Discussion	13.15-13.30	
16.45-17.00	○ Discussion	13.30-14.00	Closing ( <b>prof. Vriesendorp</b> ) and Award Ceremony Bob Wessels Prize ( <b>prof. em. Wessels</b> )
17.00-18.30	Drinks		
18.30-21.00	Dinner		

**Annex 2 BWILC PhD Workshop**

