

List of publications

Andreas Witte

Google Scholar: [Lbx00zMAAAAJ](#) – ORCID: [0000-0002-0962-945X](#)

ARTICLES IN ACADEMIC JOURNALS

A tragedy of the night sky? International law as a regulator for satellite megaconstellations. *Annals of Air and Space Law*, vol. 45 (2020), pp. 307-345.

The international regulation and governance of time. *Max Planck Yearbook of United Nations Law*, vol. 22 (2018), pp. 394-426.

Die Europäische Bankenunion als mehrgleisiges Reformvorhaben. *Europarecht*, supplement 1/2017, pp. 29-44.

Standing and Judicial Review in the New EU Financial Markets Architecture. *Journal of Financial Regulation*, vol. 1 (2015), no. 2, pp. 226-262.

The Application Of National Banking Supervision Law By The ECB –Three Parallel Modes Of Executing EU Law? *Maastricht Journal of European and Comparative Law*, vol. 21 (2014), no. 1, pp. 89-109.

Viel Lärm um nichts? – Wirkung und Normenhierarchie des Völkerrechts im Unionsrecht vor und nach *Kadi*. *Zeitschrift für öffentliches Recht*, vol. 67 (2012), no. 4, pp. 679-702.

The Greek Bond Haircut: Public and Private International Law and European Law Limits to Unilateral Sovereign Debt Restructuring. *Manchester Journal of International Economic Law*, vol. 9 (2012), no. 3, pp. 307-338.

Gewaltenteilung im Völkerrecht? Zur Frage der rechtlichen Bindung und richterlichen Kontrolle des Sicherheitsrates. *Archiv des öffentlichen Rechts*, vol. 137 (2012), no. 2, pp. 223-241.

„Card counting“ im Blackjack aus strafrechtlicher Sicht – Zugleich eine Diskussion der Rechtsprechung zur Berücksichtigung von Wahrscheinlichkeiten im Betrugsstrafrecht. *Juristische Rundschau*, vol. 2012, no. 3, pp. 97-102.

Verbot von Kreditratings für Staatsanleihen? Einige Überlegungen zu einer aktuellen Diskussion aus völkerrechtlicher und grundrechtlicher Perspektive. *WM Zeitschrift für Wirtschafts- und Bankrecht*, vol. 65 (2011), no. 48, pp. 2253-2259.

„Zum Golde drängte alles“? – Die Genese des klassischen Goldstandards, diskretionäre Notenbankpolitik und das Klischee von Mythos versus Realität. *Bankhistorisches Archiv*, vol. 37 (2011), no. 1, pp. 1-61.

CASE NOTES

Bankrecht: Vereinbarkeit der zur Abwicklung der Banco Espírito Santo zugrunde liegenden portugiesischen Regelung mit dem Eigentumsrecht. Case note on the judgment of the CJEU of 5 May 2022 in Case C-83/20. *Europäische Zeitschrift für Wirtschaftsrecht*, vol. 2022, no. 16, pp. 760-767.

The interaction between administrative and judicial review at the European level: Notes on the judgment of the General Court of 6 October 2021 in Joined Cases T-351/18 and T-584/18, *Ukrseľhosprom PCF LLC and Versobank AS v ECB*. *Review of European Administrative Law*, vol. 2022, no. 1, pp. 45-60.

Avoiding lacunae for judicial review in the interplay between national and Union law in the banking union – Notes on the judgment of the Court of Justice in Joined Cases C-663/17 P, C-665/17 P and C-669/17 P *Trasta Komerbanka*. *European Law Review*, vol. 45 (2020), no. 4, pp. 569-584.

EuGH 20. März 2018 – Rs. C-524/15, Rs. C-537/16, Rs. C-569/16 und C-597/16: Ne-bis-in-idem-Grundsatz. *WuB Entscheidungsanmerkungen zum Wirtschafts- und Bankrecht*, vol. 2019, no. 6, pp. 280-286 (co-authored with *K. Lackhoff*).

Die Architektur des einheitlichen Bankenaufsichtsmechanismus und die Bedeutung administrativer Widerspruchsverfahren im europäischen Prozessrecht – Anmerkung zum Urteil des Gerichts der EU vom 16. Mai 2017 in der Rechtssache L-Bank (T-122/15). *Europarecht*, vol. 2017, no. 5, pp. 648-657.

MONOGRAPHS

Der *pacta-tertiis*-Grundsatz im Völkerrecht: Scheinbare und tatsächliche Ausnahmen. Tübingen: Mohr Siebeck 2019. No. 150 in the *Jus Internationale et Europaeum* series. ISBN 978-3-16-157669-0 (print), 978-3-16-157670-6 (e-book).

CONTRIBUTIONS TO ANTHOLOGIES

Commentary on Articles 18, 19 und 35 of the ESCB Statute and introduction to Articles 17-24 of the ESCB Statute. In: Gerhard Grill et al. (eds.), von der Groeben/Schwarze/Hatje: *Europäisches Unionsrecht*. 8th edition. Baden-Baden: Nomos (forthcoming, expected to be published in 2023).

Commentary on Section 46d of the German Banking Act (KWG). In: Anja Albert et al. (eds.), *Reischauer/Kleinhaus KWG*. Berlin: Erich Schmidt 2023 (looseleaf binders, release 2/23). ISBN 978-3-503-00060-9.

Commentary on Article 4 of the SSM Regulation and on Articles 21 and 57-66 of the SRM Regulation. In: Jens-Hinrich Binder et al. (eds.), *Brussels Commentary on the European Banking Union*. Munich, Oxford, Baden-Baden: Beck, Hart, Nomos 2022. ISBN 978-3-406-71456-6, 978-1-5099-6389-8, 978-3-8487-3488-7 (print), 978-3-8452-7848-3 (e-book) (co-authored with *K. Lackhoff* for Article 4 of the SSM Regulation, sole author for Articles 21 and 57-66 of the SRM Regulation).

The application of national law by the ECB, including options and discretions, and its impact on the judicial review. In: Chiara Zilioli and Karl-Philipp Wojcik (eds.), *Judicial review in the European Banking Union* (pp. 236-250). Cheltenham/Northampton, MA: Edward Elgar 2021. ISBN 978-1-80037-319-8 (print), 978-1-80037-320-4 (e-book).

Supervisory measures in response to the COVID-19 pandemic in Germany. In: Klaus Lackhoff (ed.), *Banking Supervision and COVID-19: A Handbook* (pp. 114-129). Munich, Oxford, Baden-Baden: Beck, Hart, Nomos 2021. ISBN 978-3-406-76241-3, 978-1-5099-4601-3, 978-3-8487-7782-2.

Time, International Regulation of. Max Planck Encyclopedia of Public International Law. Available at <https://opil.ouplaw.com/home/epil> (date of entry: April 2019).

Headnote discussing the SSM Regulation (Regulation (EU) No. 1024/2013). Oxford International Organizations, OXIO 284. Available at <https://opil.ouplaw.com/home/oxio> (date of entry: April 2018).

When does national law transpose a directive? In: Proceedings of the ESCB Legal Conference 2016, held at the ECB Main Building premises in Frankfurt, 6-7 October 2016 (pp. 247-259). Frankfurt: European Central Bank 2017. ISBN 978-92-899-2640-9 (print), 978-92-899-2639-3 (pdf).

INSTITUTIONAL PUBLICATIONS

The taxonomy of ECB instruments available for banking supervision. ECB Economic Bulletin, Issue 6/2019, pp. 85-100 (co-authored with *R. Bax*).

Europe's new recovery and resolution regime for credit institutions. Bundesbank Monthly Reports, June 2014, pp. 31-55 (also published in the German version of the Monthly Reports under the title "Die neuen europäischen Regeln zur Sanierung und Abwicklung von Kreditinstituten", June 2014, pp. 31-58; leading author, incorporating contributions on individual sections from other colleagues).

European Single Supervisory Mechanism for banks – a first step on the road to a banking union. Bundesbank Monthly Reports, July 2013, pp. 13-31 (also published in the German version of the Monthly Reports under the title "Gemeinsame europäische Bankenaufsicht – Erster Schritt auf dem Weg zur Bankenunion", July 2013, pp. 15-34).

BOOK REVIEWS

Review of Tobias Straumann: Fixed Ideas of Money. Small States and Exchange Rate Regimes in Twentieth-Century Europe. Cambridge/New York: Cambridge University Press 2010. Reviewed in Bankhistorisches Archiv, vol. 38 (2012), no. 1, pp. 91-94.

NON-ACADEMIC PUBLICATIONS

Bent Four in the Corner. European Go Journal, April 2021, pp. 48-51.

TEACHING AND CONFERENCES

"Judicial review of the application of national law by the ECB". Presentation and panel discussion at the 2nd Academic Debate of the European Banking Institute (EBI). Digitally, 5 May 2021.

"EU rules on capital requirements for credit institutions and investment firms – Overview of the Capital Requirements Directive and the Capital Requirements Regulation". Presentation at the Academy of European Law (ERA), Trier, Germany, within the remit of the Summer Course on EU Regulation and Supervision of Financial Markets. Annually in June, 2016-2019.

“Law enforcement in the SSM and SRM”. Presentation and panel discussion in a round table on “Enforcement co-ordination and accountability in the SSM and SRM”, hosted by King’s College London. 3 April 2020 (digitally owing to travel restrictions during the coronavirus pandemic).

“ECB specific supervisory powers granted under national law not explicitly mentioned in Union law, ECB approach to corporate governance supervision and ECB power to give instructions to the NCAs”. Presentation at the conference “Reflections on the cooperation between ECB/SRB and NCA/NRAs in the SSM/SRM”, held jointly by the European Banking Institute (EBI), the Estonian Financial Services Authority (Finantsinspektion) and the University of Tartu. Tallinn. 29 November 2017.

“The New Environment of Banking Supervision From a Stakeholder Perspective”. Presentation at the 4th Annual Banking and Finance Law Seminar, hosted by Ganado Advocates. St Julian’s, Malta. 16 March 2017.

“The institutional workings of the SSM”. Presentation at a seminar held by the Central Bank of Cyprus (CBC) for CBC staff and law students. Nicosia. 17 February 2017.

“When does national law transpose a directive?”. Presentation at the 2016 ESCB Legal Conference held on the premises of the European Central Bank, Frankfurt. 7 October 2016.

“Die Europäische Bankenunion”. Presentation at the symposium “Europa im Umbruch” of the University of Innsbruck, held at Prösels Castle near Bolzano, Italy. 1 July 2016.

“Regulation and Supervision of the Single Financial Market”. Optional course in the LL.M. Finance programme of the Institute for Law and Finance, University of Frankfurt. Academic year 2014-15 (co-taught with *P. Teixeira*).

“Erfahrungen der internationalen Bankenaufsicht”. Presentation at the Protestant Academy of Tutzing (*Evangelische Akademie Tutzing*), Germany, within the remit of the symposium “Turbulenzen in Europa – Weltwirtschaftliche Perspektiven”. 25 January 2014.