

Prof. Dr. Klaus Ulrich Schmolke, LL.M. (NYU)
CHAIR OF CIVIL LAW, COMMERCIAL AND BUSINESS LAW,
COMPARATIVE LAW
JOHANNES GUTENBERG-UNIVERSITÄT MAINZ
DEPARTMENT OF LAW
JAKOB-WELDER-WEG 9, 55128 MAINZ

LIST OF PUBLICATIONS IN ENGLISH

For the complete list of publications, please see the German page:

https://schmolke.jura.uni-mainz.de/files/2025/12/Mainz_2025_Dezember_17_Schriftenverzeichnis_Schmolke-003-1.pdf

CONTRIBUTIONS IN COLLECTIVE WORKS AND COMMENTARIES

1. The Concept of Limited Liability – Justification and Critique in the Debates of the Past and Present,
— in: Great Debates in German and Italian Company Law, edited by Holger Fleischer and Marco Speranzin, Tübingen 2026 (Mohr Siebeck), pp. 105 – 153.
2. Transparency Directive,
— in: Elgar Encyclopedia of European Law, edited by Andrea Biondi und Oana Stefan, 2026 (Edward Elgar Publishing).
3. Whistleblowing – stakeholder impact on corporate governance and compliance.,
— in: Stakeholder Engagement in European Companies – Company Law Perspectives, edited by Hanne Birkmose and Karsten Engsig Sørensen, 2025 (Edward Elgar Publishing).
4. Economics of remedies – the perspective of corporate law,
— in: Law of Remedies, edited by Franz Hofmann and Franziska Kurz, Cambridge 2019 (Intersentia Ltd), pp. 81–106.
5. Regulation (EU) No 236/2012 on short selling and certain aspects of credit default swaps,
— in: European Financial Services Law, edited by Matthias Lehmann and Christoph Kumpan, Baden-Baden 2019 (Nomos/Hart Publishing).
— 1st Edition, 2019, pp. 875 – 940,
— 2nd Edition, 2026, pp. 895 – 968.
6. Civil Liability of the Company and its Directors for False Financial Statements under German Law,
— in: Issues and Challenges in Corporate and Capital Market Law: Germany and East Asia, edited by Holger Fleischer, Hideki Kanda, Kon Sik Kim and Peter Mülbert, Tübingen 2018 (Mohr Siebeck), pp. 131–162.
— Review: Moritz Bälz, *Social Science Japan Journal* [SSJJ] 2019, p. 283.

7. Information and Disclosure Duties from a Law-and-Economics Perspective – A Primer,
— in: Information Duties. Japanese and German Private Law, Journal of Japanese Law – Special Issue 11, edited by Harald Baum, Moritz Bälz, Marc Dernaer, Cologne 2018 (Carl Heymanns Verlag), pp. 3–24.

JOURNAL ARTICLES

1. Whistleblowing: incentives and situational determinants (gemeinsam mit Verena Utikal),
— in: *Journal of Business Economics* Vol. 95 (2025) Issue 2.
2. Clash of Cultures: The EU Whistleblower Directive and National Company Law,
— in: *International Journal of Comparative Labour Law and Industrial Relations* Vol. 41 (2025) Issue 1, pp. 57 – 72
3. Dual-class shares on the rise. Some remarks on the (re)introduction of multiple-voting rights in German stock corporation law,
— in: *Zeitschrift für European Company Case Law* [ECCL] 2023, pp. 359 – 378.
4. Compensation, but no Rewards for Whistleblowers? – Some Thoughts on the Introduction of Financial Incentive Programmes in the Wake of the EU Whistleblower Directive’s Transposition,
— in: *Zeitschrift für Europäisches Privatrecht* [ZEuP] 2022, pp. 82-107.
5. Activist Short Sellers under EU Financial Markets Regulation,
— in: *Revue internationale des services financiers / International Journal for Financial Services* [RISF] 2021, Issue No. 4, p. 52 et seq.
6. Financial Incentives for Whistleblowers in European Capital Markets Law? Legal Policy Considerations on the Reform of the Market Abuse Regime (together with Holger Fleischer),
— in: *European Company Law* [ECL] 9 (2012), pp. 250–259.
7. Expulsion and Valuation Clauses – Freedom of Contract vs. Legal Paternalism in German Partnership and Close Corporation Law,
— in: *European Company and Financial Law Review* [ECFR] 2012, pp. 380–419.
8. The Reform of the Transparency Directive: Minimum or Full Harmonisation of Ownership Disclosure? (together with Holger Fleischer),
— in: *European Business Organization Law Review* [EBOR] 12 (2011), pp. 121–145.
9. Institutional Investors’ Mandatory Voting Disclosure – The Proposal of the European Commission against the Background of the U.S. Experience,
— in: *European Business Organization Law Review* [EBOR] 7 (2006), pp. 767–815.

WORKING PAPERS

1. Whistleblowing: Incentives and Situational Determinants (gemeinsam mit Verena Utikal),

- FAU Discussion Papers in Economics 09/2016 (under review at an economics journal) available at:
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2820475.

EDUCATIONAL LITERATURE

1. Contract Theory and the Economics of Contract Law,
—in: *Economic Methods for Lawyers*, edited by Emanuel Towfigh and Niels Petersen (Edward Elgar Cheltenham), 2015, pp. 96–120.
—Review: Rhonda L. Smith, *Competition and Consumer Law Journal* [CCLJ] 2017 Vol. 25 Part 2, pp. 216–218.

REVIEWS

1. Johannes W. Flume, *Marktaustausch*, Tübingen 2019 (Mohr Siebeck), p. 304.
— in: *European Review of Contract Law* [ERCL] 16 (2020), 557–561.

CONFERENCE AND DISCUSSION REPORTS

1. Third Max Planck Post-Doc Conference on European Private Law, 10.-11. Mai 2010, Hamburg (gemeinsam mit Walter Doralto),
— in: *Zeitschrift für Europäisches Privatrecht* [ZEuP] 2011, pp. 436–437.