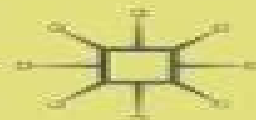


Regulating and Supervising Investment Services in the European Union

YANNIS V. AVGERINOS



Regulating And Supervising Investment Services In The European Union

Danny Busch, Guido Ferrarini



Regulating And Supervising Investment Services In The European Union:

Regulating and Supervising European Financial Markets Mads Andenas, Gudula Deipenbrock, 2016-08-16 The book analyses the institutions of the European financial market supervision and the challenges of financial markets The current European supervisory structure for financial markets represents a major development in European supervisory history Its operation however has to be explored and analysed critically Has it gone far enough to provide a sufficiently comprehensive and resilient system to reduce or mitigate systemic risks and handle financial crises Some claim it has gone too far already Fresh and rigorous critical legal and economic analysis from an independent scholarly perspective are needed to assess whether the institutional design of the European supervisory architecture has proved itself to be an efficient and effective model This book discusses many dimensions of the structure and workings of the European system from various angles providing different dimensions The book makes an important contribution to the limited literature on financial market supervision

Regulating and Supervising Investment Services in the European Union Y. Avgerinos, 2003-05-14 This book provides an extensive and critical assessment of the current regulatory and supervisory framework of investment services in the European Union EU and proposes alternative institutional structures Recent trends in financial services at EU level as well as regulatory and institutional developments at national level make the focus of this book very timely The book contributes to the debate by making specific suggestions with regard to the institutional structure and the operational sphere of a central pan European regulator

EU Securities and Financial Markets Regulation Niamh Moloney, 2023-03-25 Over the decade or so since the global financial crisis rocked EU financial markets and led to wide ranging reforms EU securities and financial markets regulation has continued to evolve The legislative framework has been refined and administrative rulemaking has expanded Alongside the Capital Markets Union agenda has developed the UK has left the EU and ESMA has emerged as a decisive influence on EU financial markets governance All these developments as well as the Covid 19 pandemic have shaped the regulatory landscape and how supervision is organized EU Securities and Financial Markets Regulation provides a comprehensive critical and contextual account of the intricate rulebook that governs EU financial markets and its supporting institutional arrangements It is framed by an assessment of how the regime has evolved over the decade or so since the global financial crisis and considers among other matters the post crisis reforms to key legislative measures the massive expansion of administrative rulemaking and of soft law the Capital Markets Union agenda the development of supervisory convergence as the means for organizing pan EU supervision and ESMA s role in EU financial markets governance Its coverage extends from capital raising and the Prospectus Regulation to financial market intermediation and the MiFID II MiFIR and IFD IFR regimes to the new regulatory regimes adopted since the global financial crisis including for benchmarks and their administrators to retail market regulation and the PRIIPs Regulation and on to the EU s third country regime and the implications of the UK s departure from the EU This is the fourth edition of the highly

successful and authoritative monograph first published as EC Securities Regulation Heavily revised from the third edition to reflect developments since the global financial crisis it adopts the in depth contextual and analytical approach of earlier editions and so considers the market political institutional and international context of the regulatory and supervisory regime

Regulation of the EU Financial Markets Danny Busch, Guido Ferrarini, 2017 PART I GENERAL ASPECTS 1 Introduction Danny Busch and Guido Ferrarini PART II INVESTMENT FIRMS AND INVESTMENT SERVICES 2 The Scope of MiFID II Kitty Lieverse 3 Governance of Investment Firms under MiFID II Jens Hinrich Binder 4 The Overarching Duty to Act in the Best Interest of the Client in MiFID II Luca Enriques and Matteo Gargantini 5 Product Governance and Product Intervention Danny Busch 6 Independent Financial Advice Paolo Giudici 7 Conflicts of Interest Stefan Grundmann and Philipp Hacker 8 Inducements Larissa Silverentand Jasha Sprecher and Lisette Simons 9 Agency and Principal Dealing Under MiFID Danny Busch 10 MiFID II MiFIR s Regime for Third Country Firms Danny Busch Marije Louisse PART III TRADING 11 TGovernance and Organization of Trading Venues The Role of Financial Market Infrastructures Groups Guido Ferrarini Paolo Saguato 12 EU Financial Governance and Transparency Regulation A Test for the Effectiveness of Post Crisis Administrative Governance Niamh Moloney 13 SME Growth Markets Carmine di Noia Rudiger Veil 14 Dark Trading Under MiFID II Peter Gomber Ilya Gvozdevskiy 15 Derivatives Trading Clearing STP Indirect Clearing and Portfolio Compression Rezah Stegeman Aron Berket 16 Commodity Derivatives Antonella Sciarrone Alibrandi Edoardo Grossule 17 Algorithmic Trading and High Frequency Trading Pierre Henri Conac 18 An American perspective Merritt Fox PART IV SUPERVISION AND ENFORCEMENT 19 Public Enforcement of MiFID II Christos Gortsos 20 The Private Law Effect of MiFID the Genil Case and Beyond Danny Busch PART V THE BROADER VIEW AND THE FUTURE OF MIFID 21 MiFID II Picking up the Crumbs of a Piecemeal Approach Veerle Colaert 22 Shadow Banking and the Functioning of Financial Markets Eddy Wymeersch 23 Investment based Crowdfunding Is MiFID II enough Guido Ferrarini Eugenia Macchiavello

European Prudential Banking Regulation and Supervision Larisa Dragomir, 2010-04-05 The book takes stock of new developments in legislation case law and institutions affecting prudential supervision It also offers an analysis of the difficulties facing banking regulation during the current financial crises including the issue of competition law in the banking sector

Hedge Fund Regulation in the European Union Phoebus Athanassiou, 2009-04-14 While hedge funds have been part and parcel of the global asset management landscape for well over fifty years it is only relatively recently that they came to prominence as one of the fastest growing and most vigorous sub sectors of the financial services industry Despite their growing significance for global and European financial markets hedge funds continue enjoying a sui generis regulatory status The ongoing credit crisis and its lessons for the wisdom of unregulated or loosely regulated pockets of financial activity raise with renewed urgency the issue of deciding how long for the relative regulatory immunity of hedge funds is to be tolerated in the name of financial innovation This well thought out book the first of its kind in this particular field examines the case for the European onshore hedge fund industry

s regulation making concrete proposals for its normative future Following a detailed account of the established regulatory systems in Ireland and Luxembourg as well as of the emerging hedge fund jurisdictions in Italy France Spain and Germany and of the regulatory treatment of hedge funds in the UK this book examines to what extent the continuing exclusion of hedge funds from harmonized European regulation is defensible whether their differences to traditional asset management products justify their distinct regulatory treatment and ultimately if their EU wide regulation is possible and if so what form this should take This book offers enormously valuable insights into all facets of the subject of the regulation of hedge funds including the legitimacy of the public policy interest in their activities the conceptual underpinnings and systemic stability emphasis of a realistic hedge fund regulatory scheme the main parameters of a workable onshore hedge fund regulatory framework the role of investor protection and market integrity as part of a holistic hedge fund regulatory scheme the possible use of the UCITS framework as a foundation for the EU wide regulation of hedge funds the MiFID s impact on the regulatory future of the European hedge fund industry existing cross jurisdictional differences and similarities in the normative treatment of hedge funds within the EU hitherto initiatives and recommendations of the Community institutions and bodies and the need for more efficient co operation and information sharing arrangements amongst national supervisors for the monitoring of the cross border risks inherent in the activities of hedge funds As the first ever comprehensive account of the profile main features and normative future of the contemporary global and European hedge fund markets including a systematic inquiry into the conceptual underpinnings of hedge fund regulation and a detailed examination of the European hedge fund industry s treatment under Community and domestic law this book represents a major contribution to the literature on hedge funds and their regulation which through its concrete proposals for the onshore industry s regulation and its clear analysis of the conditions necessary for their implementation should be of extraordinary value to policymakers supervisors and academics alike

Regulation and Supervision of Financial Institutions in the NAFTA Countries and Beyond
George M. von Furstenberg, 2012-12-06

Since the North American Free Trade Agreement NAFTA took effect at the start of 1994 production and trade in goods and services have become ever more integrated in the region Banking and financial systems thus also must increasingly inform adjudicate transact invest insure and intermedi ate all across North America Presently however there is no single or up to date source of information on the banking and finance systems of the current NAFTA countries Canada the United States and Mexico Relying on top specialists from international financial organizations central banks regulatory authorities and universities this and a companion volume together bridge that information gap The focus is not just on description but on regulatory and institution building challenges posed by the opening up of domestic financial markets and on the political economy of reforms The ultimate goal is to enhance the process of safe and efficient integration by policies regulations and private initiatives that contribute to the welfare of people in North America and beyond This volume goes into essential detail in assessing banking and finance regulations supervision and prudential and

operating standards in the NAFTA countries in a global context **How to Protect Investors** Niamh Moloney,2010-01-21
 As governments around the world withdraw from welfare provision and promote long term savings by households through the financial markets the protection of retail investors has become critically important Taking as a case study the wide ranging EC investor protection regime which now governs EC retail markets after an intense reform period this critical contextual and comparative examination of the nature of investor protection explores why the retail investor should be protected whether retail investor engagement with the markets should be encouraged and how investor protection laws should be designed particularly in light of the financial crisis The book considers the implications of the EC s investor protection rules on the books but also considers investor protection law and policy in action drawing on experience from the UK retail market and in particular the Financial Services Authority s extensive retail market activities including the recent Retail Distribution Review and the Treating Customers Fairly strategy The Oxford Handbook of European Union Law Anthony Arnall,Damian Chalmers,2015-07-23 Since its formation the European Union has expanded beyond all expectations and this expansion seems set to continue as more countries seek accession and the scope of EU law expands touching more and more aspects of its citizens lives The EU has never been stronger and yet it now appears to be reaching a crisis point beset on all sides by conflict and challenges to its legitimacy Nationalist sentiment is on the rise and the Eurozone crisis has had a deep and lasting impact EU law always controversial continues to perplex not least because it remains difficult to analyse What is the EU An international organization or a federation Should its legal concepts be measured against national standards or another norm The Oxford Handbook of European Union Law illuminates the richness and complexity of the debates surrounding the law and policies of the EU Comprising eight sections it examines how we are to conceptualize EU law the architecture of EU law making and administering EU law the economic constitution and the citizen regulation of the market place economic monetary and fiscal union the Area of Freedom Security and Justice and what lies beyond the regulatory state Each chapter summarizes analyses and reflects on the state of play in a given area and suggests how it is likely to develop in the foreseeable future Written by an international team of leading commentators this Oxford Handbook creates a vivid and provocative tapestry of the key issues shaping the laws of the European Union **Regulation on European Crowdfunding Service Providers for Business** Eugenia Macchiavello,2022-12-13 This innovative Commentary boasts contributions from internationally renowned experts with extensive and diverse backgrounds providing a comprehensive critical article by article and thematic analysis of the EU Regulation No 1503/2020 on European Crowdfunding Service Providers for Business ECSPR Chapters analyse Member States adaptation of their legal frameworks to the ECSPR underlying similarities divergences additional problematic issues and residual regulatory fragmentation Financial Regulation and Supervision Eddy Wymeersch,Klaus J. Hopt,Guido Ferrarini,2012-08-16 This comprehensive account of financial regulation and supervision in times of crisis analyses the complex changes under way regarding the new

financial regulatory structures in the EU Focusing on the organisation of financial supervision it deals with the background to the reforms the architecture of the regulatory system the likely implications for the financial institutions and the challenge of international co operation Changes in the US have been heavily criticised and in Europe a brand new regulatory system with three new regulatory agencies and a systemic risk board has been developed National systems are in the process of being updated International cooperation although still difficult has made progress with the Financial Stability Board now acting on behalf of the G 20 Central bank cooperation has improved significantly and in the meantime sectoral regulations are being adapted in full speed such as Basel III AIDMD MiFID and many others This book gives an overall view of these complex changes The first section of the book provides an assessment of the reforms and considers the background to their making In the section on regulatory structure there is analysis of the new regulatory bodies their complex competences and actions The book also takes a critical look at their likely effectiveness The final section of the work considers the actual implementation of the new rules in a cross border context **EU Administrative Governance** Herwig C.H. Hofmann,Alexander H.

Türk,2006-01-01 This book is a unique contribution to the understanding of the reality of government and governance in the European Union *Financial Regulation and Civil Liability in European Law* Olha O. Cherednychenko,Mads

Andenas,2020-11-10 This insightful book provides a comprehensive analysis of the interplay between EU financial regulation and civil liability It explores this interrelationship in order to determine whether a coordinated approach has been adopted Examining EU law and the law of several current EU member states one former EU member state and the US expert contributors consider the level of coordination between financial regulation and civil liability achieved throughout different sectors of financial services and activities such as payments credit and securities as well as among the various actors involved in public private and hybrid enforcement such as courts alternative dispute resolution bodies and financial regulators Distinguished scholars contribute a variety of perspectives combining top and bottom up legal comparative analysis law and economics and experimentalist governance in order to outline directions for cross sector and cross actor coordination to develop more fully at EU and national level In doing so they highlight the need to fundamentally rethink the role of civil liability and private law remedies more generally as a regulatory and compensatory tool in European financial law Scholars across the fields of European and private law financial regulation and economics will find this book to be an astute and engaging read It will also prove an indispensable guide for practitioners working in financial regulation and private law throughout the EU and beyond EU Financial Regulation and Supervision Beyond 2005 Karel

Lannoo,Jean-Pierre Casey,2005 *Retail Depositor and Retail Investor Protection under EU Law* Constantinos

Tokatlides,2017-02-10 Retail Depositor and Retail Investor Protection under EU Law offers an original perspective on EU financial law in the area of retail investor protection examining the status of protection awarded by EU law to retail depositors and retail investors in the event of financial institution failure The analysis of relevant EU law is on the basis of

effectiveness and has been elaborated in two levels of comparison The first comparative approach examines relevant EU law both externally and internally externally vis vis relevant international initiatives and developments in the area of financial law as the latter affect the features and evolution of EU law and internally by examining relevant instruments of EU law with regard to each other as to their normative structure and content The second comparative approach also examines the status of retail depositors in relation to that of retail investors under EU law in the event of financial institution failure and the relevant legal consequences thereof The future of EU financial regulation and supervision Great Britain: Parliament: House of Lords: European Union Committee,2009-06-17 The European Union Committee undertook this inquiry as the implications of the financial crisis became clear Supervisors in the UK in the EU and globally failed to identify the impending meltdown and failed to take preventative action Reform of regulation and supervision of the financial system has become an important political topic In response to the crisis the European Commission has so far published four regulatory proposals on Capital Requirements Deposit Guarantee Schemes Credit Rating Agencies and Alternative Investment Funds The first two of these have been agreed and are largely sensible responses to the crisis The proposals to regulate alternative investment funds and credit rating agencies are more controversial highlighting the need for more thorough consultation impact assessment and risk analysis Further coordination of supervision of the EU financial institutions and markets is seen as necessary and financial services in the EU will benefit from strengthened macro and micro prudential supervision This should provide a more effective early warning system for mitigating systemic risks and help improve the operation of the single market in financial services The Committee supports the establishment of a new body at the EU level to assess and monitor macro prudential systemic risks arising from financial markets and institutions Major strengthening of the powers of any EU micro prudential body is though a matter of some controversy and thorough and careful debate of the alternatives for reform within existing limitations is necessary The Commission has applied state aid rules speedily and flexibly and has helped ensure that bail outs of failing banks and mitigation of damage to the real economy do not jeopardise the single market

The European Union and Global Financial Regulation Lucia Quaglia,2014 1 Introduction 2 The State of the Art and the Research Design 3 The EU and Global Banking Regulation 4 The EU and Global Securities Markets Regulation 5 The EU and Global Insurance Regulation 6 The EU and International Accounting and Auditing Standards 7 An Overall Cross sectoral Assessment Over Time 8 Conclusions **European Financial Regulation** Veerle Colaert,Danny Busch,Thomas Incalza,2019-12-26 Mirroring the long established structure of the financial industry EU financial regulation as we know it today approaches banking insurance and investment services separately and often divergently In recent decades however the clear separation between financial sectors has gradually evaporated as business lines have converged across sectors and FinTech solutions have emerged which do not fit traditional sector boundaries As the contours of the traditional tripartition in the financial industry have faded the diverging regulatory and supervisory treatment of these sectors has become

increasingly at odds with economic reality This book brings together insights developed by distinguished researchers and industry professionals in a series of articles analysing the main areas of EU financial regulation from a cross sectoral perspective For each specific research theme including prudential regulation corporate governance and conduct of business rules the similarities as well as gaps overlaps and unjustifiable differences between banking securities and insurance regulation are clearly presented and discussed This innovative research approach is aimed at informing lawmakers and policymakers on potential improvements to EU financial regulation whilst also supporting legal and compliance professionals applying the current framework or looking to streamline compliance processes Financial Regulation and Civil Liability in European Law Olha O. Cherednychenko,Mads Andenas,2020-11-27 This insightful book provides a comprehensive analysis of the interplay between EU financial regulation and civil liability It explores this interrelationship in order to determine whether a coordinated approach has been adopted Financial Regulation in the European Union Rainer Kattel,Jan Kregel,Mario Tonveronachi,2015-10-08 This collection offers a comparative overview of how financial regulations have evolved in various European countries since the introduction of the single European market in 1986 It includes a number of country studies which provides a narrative of the domestic financial regulatory structure at the beginning of the period as well the means by which the EU Directives have been introduced into domestic legislation and the impact on the financial structure of the economy In particular studies highlight how the discretion allowed by the Directives has been used to meet the then existing domestic conditions and financial structure as well as how they have modified that structure Countries covered are France Germany Italy Spain Estonia Hungary and Slovenia The book also contains an overview of regulatory changes in the UK and Nordic countries and in post crisis USA This comparative approach raises questions about whether past and more recent regulatory changes have in fact contributed to increase financial stability in the EU The comparative analysis provided in this book raises questions on whether the past and more recent changes are contributing to increase the financial stability and efficiency of individual banks and national financial systems The crisis has demonstrated the drawbacks of formulating the regulatory framework on standards borrowed from the best industry practices from the large developed countries originally designed exclusively for large global banks but now applied to all financial institutions

The Top Books of the Year Regulating And Supervising Investment Services In The European Union The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous captivating novels captivating the hearts of readers worldwide. Lets delve into the realm of top-selling books, exploring the captivating narratives that have enthralled audiences this year. The Must-Read : Colleen Hoover's "It Ends with Us" This poignant tale of love, loss, and resilience has gripped readers with its raw and emotional exploration of domestic abuse. Hoover skillfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can prevail. Regulating And Supervising Investment Services In The European Union : Taylor Jenkins Reid's "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reid's compelling storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Regulating And Supervising Investment Services In The European Union : Delia Owens' "Where the Crawdads Sing" This evocative coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens spins a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These popular novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of captivating stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a brilliant and thrilling novel that will keep you speculating until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

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