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THE MECHANICS AND REGULATION OF MARKET ABUSE

A LEGAL AND ECONOMIC ANALYSIS

Emilios Avgouleas

Mechanics And Regulation Of Market Abuse A Legal And Economic Analysis

Victor M. Corman



Mechanics And Regulation Of Market Abuse A Legal And Economic Analysis:

The Mechanics and Regulation of Market Abuse Emiliios Avgouleas,2005 This volume offers an interdisciplinary analysis of market manipulation and insider dealing together comprising the offence of market abuse It examines the mechanics of market abuse and the means for its perpetration in modern financial markets

The Mechanics and Regulation of Market Abuse Emiliios Avgouleas,2005 Economic theory indicates that financial markets play a prominent role to the efficient allocation of resources in the modern world Financial markets can fulfil this role if they enjoy the confidence of investors and are free of abuse The financial frauds associated with the collapse of Enron and the major crises in world leading corporations such as WorldCom Adelphia Tyco and the Wall Street financial scandals have shown that fraud manipulation and insider dealing retain a catastrophic presence in modern financial markets Proper deterrence of market abuse is necessary not only for the effective operation of modern financial markets but also for regaining investor confidence This book analyses the mechanics and regulation of two of the most harmful market practices in the modern financial world insider dealing and market manipulation which together comprise the offence of market abuse Avgouleas examines the UK and EC regimes from an interdisciplinary perspective also making extensive and critical use of US case law He emphasizes the economic analysis of anti fraud manipulation regulations and their effects upon market welfare and explores the possible deterrent benefits of civil law remedies

What is Market Manipulation? Andri Fannar Bergþórsson,2018-08-13 The Market Abuse Regulation MAR entered into force in 2016 within the European Union which introduced a fully harmonized ban on market manipulation Even though the regulation is quite detailed the terms used to define market manipulation are relatively vague and open ended In *What Is market manipulation* Dr Andri Fannar Berg rsson offers unique insight to and an interpretation of the concept of market manipulation which includes an analysis of case law from the Nordic countries The aim of the book is to clarify the concept as described in MAR and to provide readers some guidelines to distinguish between lawful behaviour and market manipulation the unlawful behaviour Berg rsson convincingly argues that misinformation is an essential element of all forms of market manipulation

The Metaphysics of Market Power George Raitt,2019-05-02 Australian competition law has just emerged from a significant period of reform which has seen controversial changes to the legal test to distinguish between normal competitive conduct and conduct that should be condemned The controversy continues arguably because the traditional legal conception of market power does not provide a useful standard in real world markets This important new book offers a radical interpretation of market power based on the power to manipulate Seeing it in this way allows for positive and normative standards within which to frame a legal theory of liability for misuse of that power The book provides suggestions to improve the forensic assessment of conduct that should be condemned as misuse of market power

[Just Financial Markets?](#) Lisa Herzog,2017-04-07 Well functioning financial markets are crucial for the economic well being and the justice of contemporary societies The Great Financial Crisis has shown that a perspective that

naively trusts in the self regulating powers of free markets cannot capture what is at stake in understanding and regulating financial markets The damage done by the Great Financial Crisis including its distributive consequences raises serious questions about the justice of financial markets as we know them This volume brings together leading scholars from political theory law and economics in order to explore the relation between justice and financial markets Broadening the perspective from a purely economic one to a liberal egalitarian one the volume explores foundational normative questions about how to conceptualize justice in relation to financial markets the biases in the legal frameworks of financial markets that produce unjust outcomes and perspectives of justice on specific institutions and practices in contemporary financial markets Written in a clear and accessible language the volume presents analyses of how financial markets should function and how the Great Financial Crisis came about proposals for how the structures of financial markets could be reformed and analysis of why reform is not happening at the speed that would be desirable from a perspective of justice

The Oxford Handbook of Financial Regulation Niamh Moloney, Eilís Ferran, Jennifer Payne, 2015-08-27 The financial system and its regulation have undergone exponential growth and dramatic reform over the last thirty years This period has witnessed major developments in the nature and intensity of financial markets as well as repeated cycles of regulatory reform and development often linked to crisis conditions The recent financial crisis has led to unparalleled interest in financial regulation from policymakers economists legal practitioners and the academic community and has prompted large scale regulatory reform The Oxford Handbook of Financial Regulation is the first comprehensive authoritative and state of the art account of the nature of financial regulation Written by an international team of leading scholars in the field it takes a contextual and comparative approach to examine scholarly policy and regulatory developments in the past three decades The first three parts of the Handbook address the underpinning horizontal themes which arise in financial regulation financial systems and regulation the organization of financial system regulation including regional examples from the EU and the US and the delivery of outcomes and regulatory techniques The final three Parts address the perennial objectives of financial regulation widely regarded as the anchors of financial regulation internationally financial stability market efficiency integrity and transparency and consumer protection The Oxford Handbook of Financial Regulation is an invaluable resource for scholars and students of financial regulation economists policy makers and regulators

Lessons from the Financial Crisis Rob Quail, 2010-06-08 The world's best financial minds help us understand today's financial crisis With so much information saturating the market for the everyday investor trying to understand why the economic crisis happened and what needs to be done to fix it can be daunting There is a real need and demand from both investors and the financial community to obtain answers as to what really happened and why Lessons from the Financial Crisis brings together the leading minds in the worlds of finance and academia to dissect the crisis Divided into three comprehensive sections The Subprime Crisis The Global Financial Crisis and Law Regulation the Financial Crisis and The Future this book puts the events that have transpired in perspective and offers

valuable insights into what we must do to avoid future missteps Each section is comprised of chapters written by experienced contributors each with his or her own point of view research and conclusions Examines the market collapse in detail and explores safeguards to stop future crises Encompasses the most up to date analysis from today s leading financial minds We currently face a serious economic crisis but in understanding it we can overcome the challenges it presents This well rounded resource offers the best chance to get through the current situation and learn from our mistakes **Insider**

Trading and Market Manipulation Janet Austin,2017-12-29 This book explores how the globalization of securities markets has affected market manipulation and insider trading It delves into the responses of securities regulators discussing new regulations designed to deter such misconduct as well as they ways in which detection investigation and prosecution techniques are adapting to tackle insider trading and market manipulation that crosses international boundaries

Contemporary Issues in Audit Management and Forensic Accounting Simon Grima,Engin Boztepe,Peter J. Baldacchino,2020-02-10 In the 18 chapters in this volume of Contemporary Studies in Economic and Financial Analysis expert contributors gather together to examine the extent and characteristics of forensic accounting a field which has been practiced for many years but is still not internationally regulated yet **Governance of Global Financial Markets** Emilios Avgouleas,2012-04-26 Analyses governance structures for international finance evaluates current regulatory reforms and proposes a new governance system for global financial markets **The Foundations and Future of Financial Regulation** Mads Andenas,Iris H-Y Chiu,2013-11-20 Financial regulation has entered into a new era as many foundational economic theories and policies supporting the existing infrastructure have been and are being questioned following the financial crisis Goodhart et al s seminal monograph Financial Regulation Why How and Where Now Routledge 1998 took stock of the extent of financial innovation and the maturity of the financial services industry at that time and mapped out a new regulatory roadmap This book offers a timely exploration of the Why How and Where Now of financial regulation in the aftermath of the crisis in order to map out the future trajectory of financial regulation in an age where financial stability is being emphasised as a key regulatory objective The book is split into four sections the objectives and regulatory landscape of financial regulation the regulatory regime for investor protection the regulatory regime for financial institutional safety and soundness and macro prudential regulation The discussion ranges from theoretical and policy perspectives to comprehensive and critical consideration of financial regulation in the specifics The focus of the book is on the substantive regulation of the UK and the EU as critical examination is made of the unravelling and the future of financial regulation with comparative insights offered where relevant especially from the US Running throughout the book is consideration of the relationship between financial regulation financial stability and the responsibility of various actors in governance This book offers an important contribution to continuing reflections on the role of financial regulation market discipline and corporate responsibility in the financial sector and upon the roles of regulatory authorities markets and firms in ensuring the financial health and security of

all in the future **Digital Finance in Europe: Law, Regulation, and Governance** Emiliós Avgouleas, Heikki Marjosola, 2021-12-20 Global finance is in the middle of a radical transformation fueled by innovative financial technologies. The coronavirus pandemic has accelerated the digitization of retail financial services in Europe. Institutional interest and digital asset markets are also growing, blurring the boundaries between the token economy and traditional finance. Blockchain, AI, quantum computing, and decentralised finance (DeFi) are setting the stage for a global battle of business models and philosophies. The post-Brexit EU cannot afford to ignore the promise of digital finance. But the Union is struggling to keep pace with global innovation hubs, particularly when it comes to experimenting with new digital forms of capital raising. Calibrating the EU digital finance strategy is a balancing act that requires a deep understanding of the factors driving the transformation: be they legal, cultural, political, or economic, as well as their many implications. The same FinTech inventions that use AI, machine learning, and big data to facilitate access to credit may also establish invisible barriers that further social, racial, and religious exclusion. The way digital finance actors source, use, and record information presents countless consumer protection concerns. The EU's strategic response has been years in the making, and finally in September 2020 the Commission released a Digital Finance Package. This special issue collects contributions from leading scholars who scrutinize the challenges digital finance presents for the EU internal market and financial market regulation from multiple public policy perspectives. Author contributions adopt a critical yet constructive and solutions-oriented approach. They aim to provide policy-relevant research and ideas, shedding light on the complexities of the digital finance promise. They also offer solid proposals for reform of EU financial services law.

Systemic Risk in the Financial Sector Douglas W. Arner, Emiliós Avgouleas, Danny Busch, Steven L. Schwarcz, 2019-10-02 In late 2008 the world's financial system was teetering on the brink of systemic collapse. While the impacts of the global financial crisis would be felt immediately at every level of the economy, it would also send years-long aftershocks through investment banking and regulatory circles worldwide. More than a decade after the worst year of the global financial crisis, what has been learned from its harsh lessons? Are governments and regulators more prepared for another financial system failure that would significantly affect the real economy? What may be the potential triggers for such a collapse to occur in the future? *Systemic Risk in the Financial Sector: Ten Years after the Great Crash* draws on some of the world's leading experts on financial stability and regulation to examine and critique the progress made since 2008 in addressing systemic risk. The book covers topics such as central banks and macroprudential policies, fintech, regulators' perspectives from the United States and the European Union, the logistical and incentive challenges that impede standardization and collection, clearing houses, and systemic risk, optimal resolution, and bail-in tools, and bank leverage, welfare, and regulation. Drawing on experts across disciplines, including Howell Jackson, John Geanakoplos, Charles Goodhart, Anat Admati, Roberta Romano, and Martin Hellwig, *Systemic Risk in the Financial Sector* is the definitive guide to understanding the global financial crisis, the safeguards being put into place to try to avoid similar crises in the

future and the limitations of those safeguards **MiFID II and Private Law** Federico Della Negra, 2019-07-11 In the wake of the global financial crisis investors have suffered significant losses as a result of breaches of conduct of business rules in the distribution of financial instruments MiFID II introduced new disclosure distribution and product governance rules to strengthen the protection of investors but like MiFID I did not harmonise the civil law consequences for their violation This book asks whether in spite of the silence of the EU legislators the MiFID II conduct of business rules may produce civil law effects enabling investors to enforce them against investment firms before national courts and alternative dispute resolution ADR mechanisms Building on the case law of the CJEU the book shows the conditions under which the breach of MiFID II conduct of business rules should give rise to a private law remedy and what remedies would be compatible with EU law MiFID II and Private Law is an essential contribution to academic research in EU and financial law and will be a key text for policy makers and legal practitioners working in the field of investor protection regulation and mis selling litigation

Executive Compensation in Imperfect Financial Markets Jay Cullen, 2014-10-23 This important book discusses the issue of executive compensation in Anglo American financial markets following the financial crisis The book begins by contextualizing the problem facing financial institutions in the US and the UK and argues that appr Debt Capital Markets Vincenzo Bavoso, 2024-11-11 Debt capital markets have been at the heart of regulatory and policy debates since the global financial crisis of 2008 In this work Vincenzo Bavoso explores the role financial markets and products have in fuelling episodes of crises and financial instability Focussing on the law and regulation but also drawing on current economics and finance scholarship Debt Capital Markets examines both the pre 2008 regulatory environment and the framework that has emerged from post crisis regulatory corrections since Charting the evolution of debt capital markets and the transformation and liberalisation of the financial markets throughout the 1980s and 1990s the book outlines how debt capital markets from bonds to more sophisticated forms of securitised credit have become engines of private debt creation excessive levels of leverage and inevitably financial instability It covers all the main channels of debt intermediation in capital markets bonds commercial paper covered bonds securitisation collateralised debt obligations collateralised loan obligations and explains relevant synergies with adjacent markets and products such as credit derivatives repurchase agreements or FinTech lending Bavoso argues that the regulatory response after the 2008 global financial crisis has been insufficient so that debt capital markets remain the main locus of financial instability today His book provides a complex analysis of financial markets that accounts for theoretical practical and regulatory aspects It provides a multifaceted and contextual appraisal of the role of debt capital markets together with the legal and regulatory challenges posed by their development Market Abuse Regulation in South Africa, the United States of America and the United Kingdom Howard Chitimira, 2018-05-15 This book provides a concise comparison of the regulation and enforcement of the anti market abuse laws insider trading and market manipulation in South Africa the United States of America USA and United Kingdom UK Bringing together a number of

previously published articles the book provides a novel discussion of the challenges associated with the enforcement of market abuse laws in both developing countries such as South Africa and developed ones such as the USA and the UK This is primarily done to examine and expose the current strengths and weaknesses of market abuse laws in relation to certain aspects of the corporate securities and financial markets environments in South Africa the USA and the UK Accordingly chapters two to five of the book unpack the regulation and enforcement of market abuse laws in South Africa and the USA in a comparative perspective Thereafter chapters six to eight of the book discuss the regulation and enforcement of market abuse laws Financial Markets Act 19 of 2012 and other related statutes in South Africa and the UK The book proposes some measures that could be utilised to enhance the enforcement of anti market laws in South Africa USA and the UK New market abuse related challenges that occurred during the global financial crisis are also briefly discussed The book further provides a relatively adequate overview of the comparative analysis of the regulation of market abuse in South Africa versus two key developed and respected jurisdictions namely the USA and the UK Accordingly it is hoped that the book can aid regulatory authorities financial market participants academics students and other interested readers to understand market abuse offences and possible measures that could be employed to combat such offences

Corporate Finance Law Louise Gullifer, Jennifer Payne, 2015-10-22 The second edition of this acclaimed book continues to provide a discussion of key theoretical and policy issues in corporate finance law Fully updated it reflects developments in the law and the markets in the continuing aftermath of the Global Financial Crisis One of its distinctive features is that it gives equal coverage to both the equity and debt sides of corporate finance law and seeks where possible to compare the two This book covers a broad range of topics regarding the debt and equity raising choices of companies of all sizes from SMEs to the largest publicly traded enterprises and the mechanisms by which those providing capital are protected Each chapter analyses the present law critically so as to enable the reader to understand the difficulties risks and tensions in this area of law and the attempts made by the legislature and the courts as well as the parties involved to deal with them This book will be of interest to practitioners academics and students engaged in the practice and study of corporate finance law

Market Abuse Regulation Marco Ventoruzzo, 2022 This revised edition analyses the European market abuse regime contained in the Market Abuse Regulation and related directives and regulations and has been updated and expanded to reflect the impact of new developments in legislation and case law following the implementation of the Regulation

Law and Practice of Liability Management Apostolos Ath. Gkoutzinis, 2014-05-01 Tender offers exchange offers and consent solicitations in connection with debt securities are important instruments of corporate restructurings corporate rescues recapitalisations and other types of liability management of public and private companies Although tender offers for shares stocks and other equity securities are covered by a vast literature on public mergers takeovers and acquisitions the literature on liability management transactions for debt securities is scarce Law and Practice of Liability Management rectifies this by providing a

systematic treatise of the law relating to this significant aspect of the global capital market It guides students and professionals through the complex legal and regulatory requirements applicable to these transactions the increasing regulatory interest by the world s leading financial regulatory authorities and recent innovations in the structuring legal techniques and execution of the relevant transactions in international capital markets

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