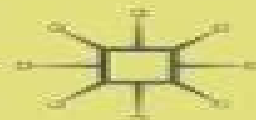


# Regulating and Supervising Investment Services in the European Union

YANNIS V. AVGERINOS



# Regulating And Supervising Investment Services In The European Union

**Rainer Kattel, Jan Kregel, Mario  
Tonveronachi**



## **Regulating And Supervising Investment Services In The European Union:**

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

**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

**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

**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

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 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

**European Financial Regulation and Supervision and the Onslaught of the Financial Crisis** Veronica Hagenfeldt, 2011-04 The aim of this paper is threefold first to establish how the regulatory and supervisory architecture has evolved in Europe over the last decade second to determine how the shortcomings of the present system affected the onslaught of the financial crisis in Europe and lastly to evaluate whether the proposed regulatory and supervisory reforms are likely to successfully repair these weaknesses

*EU Investor Protection Regulation and Liability for Investment Losses* Marnix Wallinga, 2020-10-30 This book examines the relationship between the EU investor protection regulations enshrined in MiFID and MiFID II and national contract and torts law It describes how the effect of the conduct of business rules as implemented in national financial supervision legislation in private law extends to the issue of enforcement and critically assesses this interaction from the perspective of EU law In particular the conclusions identified in the book will deepen readers understanding of the interplay between the conduct of business rules and private law norms governing a firm s liability to pay damages such as duty of care attributability of damage causation contributory negligence and limitation In turn the book identifies the subordination and the complementarity model to conceptualise the interaction between the conduct of business rules and private law norms Moreover the book challenges the view that civil courts are or should be forced to give private law effects to violation of the MiFID and MiFID II conduct of business rules in line with the subordination model Instead the complementarity model is advanced as the preferred approach to this interaction in view of what MiFID and MiFID II require from Member States in terms of their implementation as well as the desirability of each model This model presupposes that courts should consider the conduct of business rules when adjudicating individual disputes while preserving the autonomy of private law norms governing liability of investment firms towards clients Based on analysis of case law of courts in Germany the Netherlands and England Wales as well as scholarly literature the book also compares the available causes of action the conditions of liability and the obstacles investors face when claiming damages as well as how and the extent to which investors can benefit from the conduct of business rules in clearing these obstacles In so doing under the approach adopted by national courts to the interplay between the conduct of business rules of EU origin and private law the book shows how investors can benefit from the influence of these rules on

private law norms In closing it demonstrates a hybridisation of private law remedies resulting from the accommodation of the conduct of business rules into the private law discourse according to the complementarity model illustrating how judicial enforcement through private law means may contribute to investor protection

**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

**The Oxford Handbook of Financial Regulation** Niamh Moloney, Eilís Ferran, Jennifer Payne, 2015 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

**Regulating EU Capital Markets Union** Rüdiger Veil, 2024-03-14 This is the first of a two volume series that examines the current EU capital markets regimes and explores codification as a means for achieving a true single market for capital in Europe

*European Financial Regulation* Veerle Colaert, Danny Busch, Thomas Inalza, 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

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