

STUDIES IN
COMPARATIVE CORPORATE
AND FINANCIAL LAW

The Legal Aspects of Bank Insolvency

**A Comparative Analysis
of Western Europe, the
United States and Canada**

Eva H.G. Hüpkes



Regulating The Financial Services Sector Studies In Comparative Corporate And Financial Law Volume 6

Wallace Wang



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Dalhuisen on Transnational and Comparative Commercial, Financial and Trade Law Volume 6 Jan H

Dalhuisen, 2022-06-16 a wide ranging historically and comparatively very deep and comprehensive commentary but which is also very contemporary and forward looking on many or most of the issues relevant in modern transnational commercial contract and financial transactions International and Comparative Law Quarterly Volume 6 of this new edition deals with financial regulation of banks and banking activities and products It critically reviews micro prudential regulation the need for macro prudential supervision and an independent macro prudential supervisor the role of resolution authorities the operation of the shadow banking system and the extraterritorial reach and international recognition of financial regulation The volume considers in particular the fallout from the 2008 financial crisis and the subsequent regulatory responses in the US and Europe The complete set in this magisterial work is made up of 6 volumes Used independently each volume allows the reader to delve into a particular topic Alternatively all volumes can be read together for a comprehensive overview of transnational comparative commercial financial and trade law

Global Governance and the Quest for Justice - Volume III Peter Odell, Chris Willett, 2008-11-24 This book one in the four volume set Global Governance and the Quest for Justice focuses on themes of citizen organisation and empowerment set in the context of globalising legal processes Chapter One sets the scene Chapters Two Three and Four focus on various challenges that globalisation poses for private law How does substantive contract and tort doctrine that has been developed mainly for use within national legal systems adapt to more globalised dealings and wrongdoings Should the source of regulation be private international law harmonised national law international accords or some combination Chapters Five Six and Seven focus on issues relating to access to justice as a mode of empowerment and its impact on the functioning of civil society These chapters highlight a variety of procedural professional and institutional challenges for access to justice in a globalised world Chapter Eight considers how we are to reconcile the competing visions of the basis on which essential services are to be provided In a global marketplace is there any room for local values or for values other than those of free market thinking Finally Chapter Nine focuses on the question of democracy in a globalised world If civil society is to retain its political vitality how are citizens to remain engaged and enfranchised as a new global politico legal order takes shape

The European Banking Regulation Handbook, Volume I Christos V. Gortsos, 2023-06-10 In two volumes this book covers in a comprehensive internally balanced systematic and detailed way the field of European Union EU banking law and regulation In three parts Volume I offers a brief introduction to the role of banks in the contemporary financial system and the theory of banking regulation a thorough analysis of international financial standards which are contained in the sources of public international banking law and of public international financial law in general a detailed presentation of the gradual evolution and the sources of EU banking law as well as a precise analysis of the law making process and the key institutional aspects of this branch of EU economic law The standards and rules adopted

and the institutions created in the aftermath of the 2007 2009 global financial crisis and the subsequent euro area fiscal crisis as well as during the current pandemic crisis are discussed as appropriate A detailed analysis of the substantive aspects of EU banking law will follow in Volume II

Reinsurance Regulation: A Contemporary and Comparative Study Wallace Wang, 2003-01-01 We seem to be living at a time when insurance is strained to the breaking point From hurricanes and earthquakes to terrorist attacks and threats of nuclear devastation enormous risks to life and property and accompanying liabilities proliferate on an unprecedented scale Insurer insolvency is not yet common but it is not unusual either And at the root of such failures often lies the compound failure of uncollectable reinsurance This important book proposes that a significant part of the emerging insurance crisis results from inadequate regulation of reinsurance In a detailed and cogent analysis of what an effective regulatory regime for reinsurance must entail the author examines such factors as the following direct supervision of reinsurers versus supervision of reinsurance policies models from developed countries US UK EU and international organisations Organization for Economic Cooperation and Development International Association of Insurance Supervisors the importance of taking legal and economic differences into account while applying models the problem of local protectionism especially in developing countries the dismantling of trade barriers in the reinsurance industry global harmonization of reinsurance regulation the role of reinsurance intermediaries finite risk reinsurance insurance linked securities The author's concluding chapter presents an essential legal infrastructure that allows for efficiency security and individual market characteristics Professor Wang then applies this framework to the Taiwanese insurance market demonstrating convincingly how his proposed regime can solve specific problems while respecting Taiwan's distinct market environment As a meticulously considered appraisal of and solution to a world problem that is growing quickly and uncontrollably *Reinsurance Regulation* will be of immense value to lawyers professors academics and officials who deal with any facet of economic law

Corporate Structure and Banking Resolution Marcelo J. Sheppard Gelsi, 2024-06-06 This book provides a legal analysis of the regulation of bank based financial conglomerates from a structural commercial and regulatory perspective It includes a comparative analysis of the regulation of bank based financial conglomerates from the standpoint of the three jurisdictions that established a distinct regulatory model i.e Germany the UK and the US At the same time it analyses which banking resolution strategy is most appropriate for different models taking into account four factors applicable to bank insolvency The book further examines the types of capital structure associated with each model and in particular how BBFCs have influenced industry developments in Germany the United Kingdom the United States and the EU While there are several books that focus on the regulation of banks insurance companies and securities firms this book will include the first analysis of BBFC from a structural commercial and resolution standpoint analysing not only the three major jurisdictions but three different BBFC models and will be of particular interest to students researchers and professors of banking and financial institutions

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

Looking for New Paths in Comparative and International Law Dalvinder Singh, Cristina Elena Popa Tache, Cătălin-Silviu Săraru, 2021-09-10 This volume contains the scientific papers presented at the Conference on Comparative and International Law that was held on 25 June 2021 online on Zoom This is an international conference The conference is organized every year by the Society of Juridical and Administrative Sciences together with the Faculty of Law of the Bucharest University of Economic Studies More information about the conference can be found on the official website www.comparativelawconference.eu The scientific studies included in this volume are grouped into two chapters Inspirational analyzes in comparative law Seeking the brilliance of international law This volume is aimed at practitioners researchers students and PhD candidates in juridical sciences who are interested in recent developments and prospects for development in the field of comparative and international law

The New Digital Era Simon Grima, Ercan Özen, Hakan Boz, 2022-09-16 The New Digital Era's two volumes vitally generate new information in order to determine the advantages and risks in which areas this digitalization which has increased with the COVID 19 pandemic

Law and Regulation of Mobile Payment Systems Joy Malala, 2017-11-28 Over the last ten years mobile payment systems have revolutionised banking in some countries in Africa In Kenya the introduction of M Pesa a new financial services model has transformed the banking and financial services industry Giving the unbanked majority access to the financial services market it has attracted over 18 million subscribers which is remarkable given that fewer than 4 million people in Kenya have bank

accounts This book addresses the legal and regulatory issues arising out of the introduction of M Pesa in Kenya and its drive towards financial inclusion It considers the interaction between regulation and technological innovation with a particular focus on the regulatory tools institutional arrangements and government decisional processes through the examination as a whole of its regulatory capacity This is done with a view to understanding the regulatory capacity of Kenya in addressing the vulnerabilities presented by technological innovation in the financial industry for consumers after financial inclusion It also examines the way that mobile payments have been regulated by criticising the piecemeal approach that the Central Bank of Kenya has taken in addressing the legal and regulatory issues presented by mobile payments The book argues there are significant gaps in the regulatory regime of mobile banking in Kenya The Regulation of Financial Planning in Australia
Angelique Nadia Sweetman McInnes, 2019-08-20 This book investigates the legitimacy of the current Australian Financial Services Licensee Authorised Representative AFSL AR licensing model as specified in the Commonwealth Corporations Act 2001 The book rectifies the deficiency in scholarly attention to this matter by developing a new conceptualised framework for the financial planning discipline It takes into account theories in agency legislation legitimacy and the independent individual regulatory regimes in other professions thereafter integrating this framework with the financial planning theory to examine the legitimacy or what was found to be the illegitimacy of licensing advisers via multiple third party conflicted commercially oriented licensees This book makes a very useful reference to understanding financial planning licencing model in Australia

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