

Legal regulation of banks with foreign capital in certain EU countries

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Abstract. In the current environment, financial sustainability remains one of the most important long-term goals for any country. That is why finding opportunities to achieve it remains relevant. The purpose of this study was to provide recommendations for regulating banks with foreign capital in Ukraine based on data from the European Union countries. The main scientific methods were analysis, descriptive, comparison, and special legal research methods. As part of the study, it was shown that the countries of the European Union are actively taking actions to improve the financial stability of the banking sector. For this purpose, separate directives were formed, such as the Capital Requirements Directive, Capital Requirements Regulation, and the Basel III standards. In addition, some other directives were considered that affect the specifics of taxation in the region, the principles of reporting, the level of reliability of banks, and the transparency of accounting. It was shown that the banking sector of the European Union still faces problems, in particular, low profitability and problems in cooperation between banks and government agencies. The paper also provided separate recommendations for Ukraine, aimed primarily at bringing its banking legislation in line with international standards. However, it is important to understand that adaptation should also consider the specific features of the Ukrainian situation and correspond to local characteristics. The conclusions drawn in the framework of the study can be used to form a long-term state policy in the field of financial sector management.

Keywords: financial stability; legal regulations; risks; international relations; economic growth

Introduction

In general, the legal regulation of banks with foreign capital in countries plays an important role, providing a regulatory framework for any relations between various entities within the country. There are many reasons for this: for example, the presence of foreign capital in the banking system can have both a positive and negative impact on the country's economy, and clear rules allow protecting national interests, ensuring that foreign investment contributes to economic development, and does not create risks to financial stability. In addition, clear rules help prevent financial crises, manage banks' liquidity, credit risks, and corporate governance standards. Effective regulation also helps to combat money laundering and terrorist financing by providing the necessary level of transparency and control over financial transactions (Mishchenko et al., 2022). Thus, although the attraction of foreign capital to the country as a whole is expected to get positive results, however, there is a possibility of deterioration of the situation in the context of economic development due to the withdrawal of profits abroad (and not their reinvestment), increasing the country's vulnerability to financial crises, influence on credit policy, etc. (Dzihamulych, 2023). That is why the study of foreign experience in this context remains relevant.

Many researchers have studied the features of legal regulation of financial markets in Ukraine. Thus, D.S. Trofymenko and O.P. Sush (2022) considered problematic aspects of derivatives regulation in Ukraine. Researchers described the specifics of defining the concept of derivative instruments and noted the problems that exist in the context of their regulation, but did not provide recommendations on how to improve the situation. State regulation and analysis of the main performance indicators of banks in Ukraine were carried out by S.M. Ganzuk and T.D. Kadyrus (2019). Researchers noted that the change in the principles of banking supervision in Ukraine was quite significant, since initially it was based only on individual instructions (principles for each individual bank), while now it is based on unified rules, which is certainly a positive trend. I.O. Vasyliieva (2020), in turn, also assessed the current features of regulating the activities of banking institutions in Ukraine. The researcher described various sources of influence that influenced the development of banking regulation features in Ukraine, including in Soviet times. However, no attention was paid to assessing the negative and positive components currently observed in this area. A. Kostruba (2024), in turn, generally considered the specifics of managing a business with foreign capital during

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Regulation Of Foreign Banks United 2vol

Katrin Zwirgmaier



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1. Understanding the eBook Regulation Of Foreign Banks United 2vol
 - The Rise of Digital Reading Regulation Of Foreign Banks United 2vol
 - Advantages of eBooks Over Traditional Books
2. Identifying Regulation Of Foreign Banks United 2vol
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Regulation Of Foreign Banks United 2vol
 - User-Friendly Interface
4. Exploring eBook Recommendations from Regulation Of Foreign Banks United 2vol
 - Personalized Recommendations
 - Regulation Of Foreign Banks United 2vol User Reviews and Ratings
 - Regulation Of Foreign Banks United 2vol and Bestseller Lists
5. Accessing Regulation Of Foreign Banks United 2vol Free and Paid eBooks
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 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Regulation Of Foreign Banks United 2vol
9. Balancing eBooks and Physical Books Regulation Of Foreign Banks United 2vol
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Regulation Of Foreign Banks United 2vol
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Regulation Of Foreign Banks United 2vol
 - Setting Reading Goals Regulation Of Foreign Banks United 2vol
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Regulation Of Foreign Banks United 2vol
 - Fact-Checking eBook Content of Regulation Of Foreign Banks United 2vol
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
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 - Integration of Multimedia Elements

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