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**RISK, REGULATION
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The case of investment management



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Risk Regulation And Investor Protection

Benjamin Richardson



Risk Regulation And Investor Protection:

Risk, Regulation, and Investor Protection Julian R. Franks, Colin P. Mayer, 1989 This authoritative study of the investment management business focuses on the use of capital requirements for investment managers as a means of investor protection Commissioned by the Investment Management Regulatory Organization and drawing on extensive discussions with investment managers it provides a comprehensive account of how the investment management business is organized and identifies its inherent risks The authors examine the cause and incidence of market failures as well as the dangers to investors through mismanagement and malpractice and provide an extensive treatment of fraud with a full listing of British fraud cases since the early 1970s The report concludes with a summary of the risks faced by investors and recommendations for appropriate forms of protection and on the basis of existing regulatory structures in the United Kingdom and the United States proposes an alternative structure in accordance with the authors analysis

Enhancing Investor Protection and the Regulation of Securities Markets United States. Congress. Senate. Committee on Banking, Housing, and Urban Affairs, 2009

Investor Protection Hanneke Wegman, 2015-11-24 The expansion of the fund industry has been one of the most notable trends in the financial markets of recent years Not only has the demand for funds among EU investors grown but both the number and types of investment funds also continue to increase Since investment funds available in the EU can be established both inside and outside the EU they may be subject to different investor protection regulations depending on where the fund is located Accordingly different levels of investor protection may exist between investors investing in EU funds and investors investing in non EU funds including US funds This book investigates whether there is a level playing field between EU investors investing in EU funds and EU investors investing in US funds and if not if there is a legal basis in current EU law for the EU regulator to adopt additional investor protection rules applying to investment funds The analysis considers the basic characteristics of investment funds how they function in practice and how they are regulated relating to investor protection issues Factors examined in depth include the following features of funds most relevant to the protection of retail investors operational structure investment strategies fee structure and legal structure of funds internal control systems transparency and disclosure rules conduct of business rules and depositary monitoring rules The author examines relevant EU directives and rules and the particular remit of each as well as US law applying to investment funds that are active in the EU Case law and relevant literature in the field is also drawn on As an assessment of the current degree of protection applying to funds that are available to EU retail investors as well as an up to date overview of regulatory requirements and procedures concerning the protection of EU investors in investment funds this book is unsurpassed Especially valuable is the closing discussion about whether the EU regulatory system provides for a level playing field of protection for EU retail investors and if not which additional rules can be adopted by the EU regulator in this area Lawyers and other professionals in all areas of law and policy concerned with investment and finance will find this book of great value

Capitalmarkets in the Age Ferrarini,2002-03-28 28 authors discuss the current and future issues affecting investment conduct of business rules stock exchanges trading and company law Includes conflict of law issues on line trading clearing and settlement systems takeovers and relevant soft law *Enhancing Investor Protection and the Regulation of Securities Markets, Part II* United States. Congress. Senate. Committee on Banking, Housing, and Urban Affairs,2009 Risk and Financial Management Charles S. Tapiero,2004-04-23 Financial risk management has become a popular practice amongst financial institutions to protect against the adverse effects of uncertainty caused by fluctuations in interest rates exchange rates commodity prices and equity prices New financial instruments and mathematical techniques are continuously developed and introduced in financial practice These techniques are being used by an increasing number of firms traders and financial risk managers across various industries Risk and Financial Management Mathematical and Computational Methods confronts the many issues and controversies and explains the fundamental concepts that underpin financial risk management Provides a comprehensive introduction to the core topics of risk and financial management Adopts a pragmatic approach focused on computational rather than just theoretical methods Bridges the gap between theory and practice in financial risk management Includes coverage of utility theory probability options and derivatives stochastic volatility and value at risk Suitable for students of risk mathematical finance and financial risk management and finance practitioners Includes extensive reference lists applications and suggestions for further reading Risk and Financial Management Mathematical and Computational Methods is ideally suited to both students of mathematical finance with little background in economics and finance and students of financial risk management as well as finance practitioners requiring a clearer understanding of the mathematical and computational methods they use every day It combines the required level of rigor to support the theoretical developments with a practical flavour through many examples and applications The Alternative Investment Fund Managers Directive Dirk Zetsche,2020-09-17 In the ten years since its coming into force the Alternative Investment Fund Managers Directive AIFMD with almost EUR 7 trillion assets under management in its remit has become an important piece of European regulation complementing the Undertakings for Collective Investment in Transferable Securities UCITS and the Markets in Financial Instruments MiFI frameworks This third edition of the most comprehensive and in depth analysis of the AIFMD and its related European investment fund legislation including the European Venture Capital Fund Regulation the European Social Entrepreneurship Fund Regulation the European Long Term Investment Fund Regulation and the European Money Market Fund Regulation among others brings together fund industry experts fund supervisors consultants lawyers and academics to discuss the content and system of the directive from every angle including its relation not only to the UCITS and MiFI frameworks but also to pension funds the Sustainable Finance Disclosure Regulation the Securitization Regulation and the Cross Border Funds Distribution Directive and Regulation as well as related pieces of tax regulation at the European level Further the third edition emphasizes the function of such factors in the financial services

value chain as the following the AIFMD s approach to robo advisors digital asset funds infrastructure investments in the context of real estate and sustainable investments risk management transparency and impact on alternative investment strategies Five country reports focusing on the European Union s five most important financial centres for alternative investment funds deal with the potential interactions among the AIFMD and the relevant laws and regulations of France Germany Luxembourg Ireland and The Netherlands This thoroughly updated edition elaborates on potential difficulties encountered when applying the directive and provides potential solutions to the problems it raises The book is sure to be warmly welcomed by fund lawyers and consultants investors and their counsels fund managers depositaries asset managers and administrators as well as regulators and academics in the field *Enhancing Investor Protection and the Regulation of Securities Markets-Part II, S. Hrg. 111-144, March 26, 2009, 111-1 Hearing, * ,2010 The Alternative Investment Fund Managers Directive Dirk A. Zetzsche,2015-09-14* Apart from MiFID the Alternative Investment Fund Managers Directive AIFMD may be the most important European asset management regulation of the early twenty first century In this in depth analytical and critical discussion of the content and system of the directive thirty eight contributing authors academics lawyers consultants fund supervisors and fund industry experts examine the AIFMD from every angle They cover structure regulatory history scope appointment and authorization of the manager the requirements for depositaries and prime brokers rules on delegation reporting requirements transitional provisions and the objectives stipulated in the recitals and other official documents The challenging implications and contexts they examine include the following connection with systemic risk and the financial crisis nexus with insurance for negligent conduct connection with corporate governance doctrine risk management transparency the cross border dimension liability for lost assets impact on alternative investment strategies and the nexus with the European Regulation on Long Term Investment Funds ELTIFR Nine country reports representing most of Europe s financial centres and fund markets add a national perspective to the discussion of the European regulation These chapters deal with the potential interactions among the AIFMD and the relevant laws and regulations of Austria France Germany Italy Luxembourg Liechtenstein The Netherlands Malta and the United Kingdom The second edition of the book continues to deliver not only the much needed discussion of the inconsistencies and difficulties when applying the directive but also provides guidance and potential solutions to the problems it raises The second edition considers all new developments in the field of alternative investment funds their managers depositaries and prime brokers including but not limited to statements by the European Securities and Markets Authority ESMA and national competent authorities on the interpretation of the AIFMD as well as new European regulation in particular the PRIIPS Regulation the ELTIF Regulation the Regulation on European Venture Capital Funds EuVeCaR the Regulation on European Social Entrepreneurship Funds EUSEFR MiFID II and UCITS V The book will be warmly welcomed by investors and their counsel fund managers depositaries asset managers administrators as well as regulators and academics in the field **Perspectives on Hedge**

Fund Registration United States. Congress. House. Committee on Financial Services. Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, 2009 **Environmental Regulation Through Financial**

Organisations: Comparative Perspectives on the Industrialised Nations Benjamin Richardson, 2002-02-13 This book takes a comparative perspective of practice in the European Union North America Japan and Australasia arguing that existing legal reforms to promote sustainable development are unlikely to be successful unless environmental policy can be diffused and embedded in the financial services sector This sector plays a crucial role in creating the financial conditions that allow much economic development to proceed Financial markets are already highly regulated in pursuance of various public policy objectives and there is scope to adapt existing regulation to incorporate environmental aspects into the financial services sector In terms of specific reforms the book focuses on the role of corporate environmental reporting economic instruments and liability rules to provide a proper context for engaging financial organisations with the environment as well as reforms to the system of prudential regulation that currently governs this sector Beyond the focus on the financial services sector the book raises complex questions regarding the relationship between the state and market institutions in environmental policy and will appeal to scholars from a wide range of disciplines interested in problems of environmental governance **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 Principles of Financial Regulation John Armour, Dan Awrey, Paul Davies, Luca Enriques, Jeffrey N. Gordon, Colin Mayer, Jennifer

Payne,2016-08-04 The financial crisis of 2007 9 revealed serious failings in the regulation of financial institutions and markets and prompted a fundamental reconsideration of the design of financial regulation As the financial system has become ever more complex and interconnected the pace of evolution continues to accelerate It is now clear that regulation must focus on the financial system as a whole but this poses significant challenges for regulators Principles of Financial Regulation describes how to address those challenges Examining the subject from a holistic and multidisciplinary perspective Principles of Financial Regulation considers the underlying policies and the objectives of regulation by drawing on economics finance and law methodologies The volume examines regulation in a purposive and dynamic way by framing the book in terms of what the financial system does rather than what financial regulation is By analysing specific regulatory measures the book provides readers to the opportunity to assess regulatory choices on specific policy issues and encourages critical reflection on the design of regulation

International Contracts and National Economic Regulation:Dispute Resolution Through International Commercial Arbitration Mahmood Bagheri,2000-12-06 The growth of national economic regulation and the process of globalisation increasingly expose international transactions to an array of regulations from different jurisdictions These developments often contribute to widespread international contractual failures when parties claim the incompatibility of their contractual obligations with regulatory laws The author challenges conventional means of dispute resolution and argues for an interdisciplinary approach whereby disciplines such as international economic law conflict of laws contract law and economic regulations are functionally united to resolve international and multifaceted regulatory disputes He identifies the normative foundation of contract law as an important determinant in this process contending that contract law is essentially neutral and underpinned by the concept of corrective justice while economic regulations are mainly prompted by distributive justice Applying this corrective distributive justice dichotomy to international contracts the author critically assesses major conflict of laws approaches such as proper law the Rome Convention and governmental interest analysis which could disregard either public interest or private rights The author taking these theories into account proposes an alternative two dimensional interest analysis approach He tests the viability of this approach with reference to arbitral awards and court decisions in various jurisdictions and concludes that it uniquely fits into the structure of international commercial arbitration In adopting this approach arbitrators would take into account both corrective and distributive justice and to the extent that corrective justice prevails would be able to avert a total failure of the contract

US Hedge Investment Funds Handbook Volume 1 Strategic Information and Regulations IBP USA,2013-08 2011 Updated Reprint Updated Annually Hedge Investment Funds Handbook **Regulation of Crypto Assets** Cristina Cuervo,Anastasiia Morozova,Nobuyasu Sugimoto,2020-01-10 The rapid growth of crypto assets has raised questions about the appropriate regulatory perimeter and the ability of the existing regulatory architecture to adapt to changing conditions Effective regulation of financial services promotes long term economic stability and minimizes the social costs and negative

externalities from financial instability The same underlying principles for regulation should apply to nascent products and services based on innovative technologies notwithstanding design challenges *Men, Women, and Money* David R. Green, 2011-04-28 There has been considerable research into the growth of limited companies in Great Britain in the 19th century but not much is known about their investors both men and women This interdisciplinary book based on new research investigates the identity and behaviour of these investors Regulating Hedge Funds in the EU Alexandros Seretakakis, 2022-01-13 Hedge funds remain the most controversial vehicles of the alternative investment funds universe Their opaque nature alleged role in major crises around the world and perceived lack of investor protection have repeatedly led to calls for greater regulation Yet despite its tremendous growth the hedge fund industry is still shrouded in a veil of mystery largely due to the highly complex and dynamic trading strategies employed by hedge funds and the scarcity of information about them For the first time in one comprehensive volume this concise but thorough guide explains how hedge funds work analyses risk compares the European Union EU and United States US systems and proposes reforms to the European framework in order to improve its resilience Focusing on the contribution of the hedge fund industry to systemic risk the author elucidates the complex world of hedge funds and the legal issues linked to it The analysis proceeds as follows introduction to the world of hedge funds definition main characteristics organizational structure investment strategies and benefits deeply informed exploration of the dangers posed by hedge funds documentation and examination of the major incidents connecting hedge funds and financial crises rationales for regulation of hedge funds comparison of relevant legislative developments in the US and EU and proposals for strengthening the current EU supervisory and regulatory framework Guiding legislation such as the EU Alternative Investment Fund Managers Directive and the US Dodd Frank Act is analysed along with topical issues such as hedge fund activism Because the direction that hedge fund regulation takes in the future has implications for the Eurozone and systemic risk in the wider financial system this book will be of immeasurable value to professionals in both the legal and business communities It will be welcomed by corporate lawyers regulatory authorities policymakers and academics in both business related and finance related disciplines *The Trouble with Foreign Investor Protection* Gus Van Harten, 2020-10-30 Governments are rightly discussing reform of investment treaties and of the incredibly powerful system of investor state dispute settlement ISDS upon which they rest At their core ISDS treaties are flawed because they very firmly institute wealth based inequality under international law In this book Van Harten explores these claims in the light of the history of early ISDS treaties showing their ties to decolonization and at times extreme violence and authoritarianism Focusing on early ISDS lawsuits and rulings it is revealed how a small group of lawyers and arbitrators worked to create the legal foundations for massive growth of ISDS since 2000 ISDS based protections are examined in detail to demonstrate how they give exceptional advantages to the wealthy Various examples are also offered of how the protections have been used to reconfigure state decision making and shift sovereign minds in favour of foreign

investors Lastly the ongoing efforts of governments to reform ISDS are surveyed with a call to go further or best of all to withdraw from the treaties This book is essential reading for anyone wanting to know more about the shady world of investment protection **Routledge Handbook of Financial Technology and Law** Iris Chiu, Gudula

Deipenbrock, 2021-04-29 Financial technology is rapidly changing and shaping financial services and markets These changes are considered making the future of finance a digital one This Handbook analyses developments in the financial services products and markets that are being reshaped by technologically driven changes with a view to their policy regulatory supervisory and other legal implications The Handbook aims to illustrate the crucial role the law has to play in tackling the revolutionary developments in the financial sector by offering a framework of legally enforceable principles and values in which such innovations might take place without threatening the acquis of financial markets law and more generally the rule of law and basic human rights With contributions from international leading experts topics will include Policy High level Principles Trends and Perspectives Fintech and Lending Fintech and Payment Services Fintech Investment and Insurance Services Fintech Financial Inclusion and Sustainable Finance Cryptocurrencies and Cryptoassets Markets and Trading Regtech and Suptech This Handbook will be of great relevance for practitioners and students alike and a first reference point for academics researching in the fields of banking and financial markets law

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