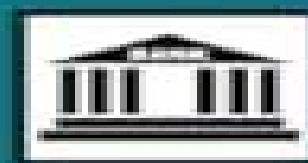


REGULATING FINANCIAL MARKETS

A CRITIQUE AND SOME PROPOSALS

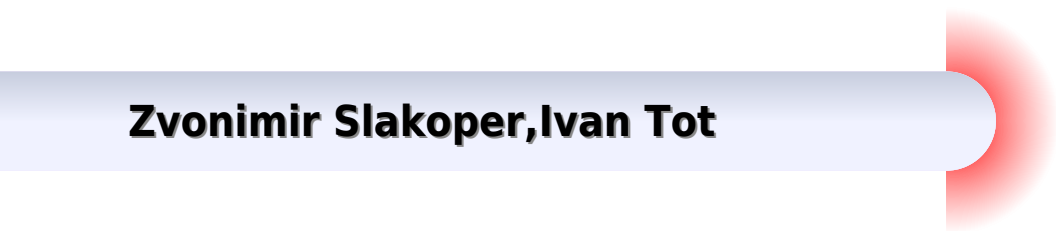


George J. Benston



Regulating Financial Markets A Critique And Some Proposals

Zvonimir Slakoper, Ivan Tot



Regulating Financial Markets A Critique And Some Proposals:

Regulating Financial Markets George J. Benston, 1999 This study explains why financial services have for centuries been regulated to a greater extent than are most products that do not directly affect people's health or safety **The Financial Crisis and the Regulation of Finance** Christopher J. Green, Eric J. Pentecost, Thomas G. Weyman-Jones, 2011-01-01 The Financial Crisis and the Regulation of Finance includes a comprehensive overview of the crisis and reviews the theory and practice of regulation in the UK and worldwide The contributors all international experts on financial markets and regulation provide perspectives and analysis on macro prudential regulation the regulation of financial firms and the role of shareholders and disclosure This rigorous book will be of great interest to all those with an interest in banking and finance including academics professionals bankers regulators advisors and civil servants Students on banking and finance courses will also find this clear and compact resource invaluable Financial Regulation at the Crossroads Panagiotis Delimatsis, Nils Herger, 2011-01-01 This book brings outstanding expertise and provides insightful perspectives from nineteen authors with diverse backgrounds including officials from international organizations national regulators and commercial banking as well as academics in law economics political economy and finance The authors not only shed light on the causes of the financial turmoil but also present thoughtful proposals that contribute to the future policy debate and discuss opportunities that financial services can offer in funding activities which raise standards of living through initiatives in microfinance renewable energy and food distribution The contributions to this volume tackle several of the thorniest issues of financial regulation in a post crisis environment such as the mechanics of contagion within the financial system and the role of liquidity moral hazard when large financial institutions are no longer subject to the disciplinary effects of bankruptcy bank capital requirements management compensation design of bank resolution schemes a function centric versus institution centric regulatory approach subsidization and compatibility of stimulus packages with EU rules on state aid trade finance and the role of the GATS prudential carve out and the role of financial services in promoting human rights or combating climate change *The Routledge Companion to Fair Value and Financial Reporting* Peter Walton, 2012-08-21 Comprising contributions from a unique mixture of academics standard setters and practitioners and edited by an internationally recognized expert this book on a controversial and intensely debated topic is the only definitive reference source available on the topics of fair value and financial reporting Drawing chapters from a diverse range of contributors on different aspects of the subject together into one volume it examines the use of fair value in international financial reporting standards and the US standard SFAS 157 Fair Value Measurement setting out the case for and against looks at fair value from a number of different theoretical perspectives including possible future uses alternative measurement paradigms and how it compares with other valuation models explores fair value accounting in practice including audit financial instruments impairments an investment banking perspective approaches to fair value in Japan and the USA and Enron's use of fair value An outstanding

resource this volume is an indispensable reference that is deserving of a place on the bookshelves of both libraries and all those working in studying or researching the areas of international accounting financial accounting and reporting **The Economics of Derivatives** T. V. Somanathan,V. Anantha Nageswaran,2015-03-02 This book examines the beneficial and adverse effects of derivatives trading from economic theory and the recent economic history **International Regulatory**

Rivalry in Open Economies: The Impact of Deregulation on the US and UK Financial Markets Doha M.

Abdelhamid,2024-11-01 This title was first published in 2003 This text aims to fill a gap in the literature for a text on the theory and practice of international regulatory competition in the open financial markets of the US and UK *Regulating Financial Markets* George J. Benston,1998 Financial services financial firms and financial markets are regulated to a greater extent than most other products and services In this radical book Professor George Benston provides a comprehensive critique of the justifications for financial services regulation and provides an innovative proposal for reform Executive Summary Financial services financial firms and financial markets are regulated to a greater extent than most other products and services Financial service regulation goes back centuries It provides benefits to governments for example from direct and indirect taxation of banks and to regulated financial institutions which gain where entry is restricted Consumer protection is a common reason given for financial regulation But consumers in financial markets are probably less subject to fraud misrepresentation discrimination and information asymmetry than consumers of other products Concern about negative externalities costs born by others is another argument for regulation However on examination it is clear there are few genuine externalities Regulations on externality grounds is justified only for financial institutions which hold government insured deposits for insurance companies which provide government mandated non contracting third party insurance for instance for cars and for companies which underwrite long term life insurance and annuities Financial regulation incurs costs borne by consumers and taxpayers which probably exceed the benefits they receive There are substantial unintended costs such as reduced diversification of financial institutions and the absence of less costly and more innovative products because of restrictions on entry to financial markets An optimal regulatory system for banks would involve substantial capital requirements periodic reporting of assets liabilities and capital and a structured early intervention system for the authorities For government mandated third party liability insurance life insurance and annuities insurance companies should be subject to capital requirements similar to those for banks If governments wish to protect consumers of financial products the best procedure is to establish an Ombudsman to which consumers who feel they have been mistreated can go The proposed regulatory system would be almost costless to taxpayers the regulated companies and consumers of their products and services Compared with existing regimes it has the great advantage of not restricting entry to financial markets nor the introduction of new products The Advantage of Competitive Federalism for Securities Regulation Roberta Romano,2002 In this analysis of securities regulation the author demonstrates that the current approach toward U S regulation exclusive

jurisdiction of the Securities and Exchange Commission is misguided and should be revamped by implementing a regime of competitive federalism Under such a system firms would select their regulator from among the states the SEC or other nations The author asserts that competitive federalism harnesses the high powered incentives of markets to the regulatory state to produce regulatory arrangements most compatible with investors preferences The author contends that the empirical evidence does not indicate that the SEC is effective in achieving its stated objectives The commission s expansions of disclosure requirements over the years have not significantly enhanced investors wealth In addition she asserts evidence from institutional equity and debt markets and cross country listing practices demonstrates that firms voluntarily disclose substantial information beyond mandatory requirements to provide the information investors demand The author concludes that under competitive federalism the aspects of the SEC s regime that are valuable to investors will be retained those that are not will be discarded and the resulting securities regime will better meet investors needs than the present one *The New Financial Architecture* Benton E. Gup, 2000-09-30 Bank failures crises global banking megamergers changes in technology the effect of these world events is to weaken existing methods of regulating bank safety and soundness and even to make some methods ineffective Federal regulators are evaluating new ways to solve them Dr Gup and his panel of academics and regulatory professionals explore these problems and the difficulties in implementing solutions They point out that global banking megamergers and changes in technology are drastically altering the way financial services are delivered They also argue that existing methods of bank regulation formulated in the United States and elsewhere as early as the 19th century are not able to cope with these changes The search now underway for new methods that are global in scope Inevitably they will involve cross border supervision and international cooperation Covering a wide range of topics from the rationale of banking regulation to optimal banking regulation in the new world environments this book examines the innovative tools needed to cope with these problems Greater reliance on market discipline the use of internal controls based on statistical models such as Value at Risk and subordinated debt are discussed This timely probing analysis of one of the hottest topics in bank regulation today is an important resource for professionals and their academic colleagues in the fields of banking finance investment and world trade *Conflicts of Interest in the Financial Services Industry* Andrew Crockett, 2003 The fifth report in this series focuses on conflicts of interest that arise when a firm combines multiple lines of business creating multiple interests Conflicts between research and underwriting in investment banking and between auditing and consulting in accounting firms are investigated as are the problems that arise from rating agencies providing consulting services and from universal banks combining commercial and investment banking In the recent stock market collapse confidence in the financial industry was shaken by numerous scandals Beginning with Enron in 2001 scandals brought about the demise of prominent financial figures damaged the reputation of premiere firms and destroyed the global accounting giant Arthur Andersen Central to this crisis was the exploitation of conflicts of interest Research analysts at

investment banks were found to be distorting information at the behest of underwriting departments eager to promote new issues. Auditors appeared to sanction misleading accounting in order to gain business for the consulting side of their firms. Policy response in the United States was quick. Large fines were levied and regulators compelled the separation of financial security function constraining financial conglomerates. But are these new regulations and safeguards adequate protection? What costs do they impose on the industry? This fifth title in the ICMP CEPR series of Geneva Reports on the World Economy examines the problem of conflicts of interest in the financial system. Conflicts of interest lead to a decrease in information that makes it harder for the system to provide savers with the accurate essential information that induces them to provide credit to borrowers. This study focuses on conflicts of interest that arise when a firm combines multiple lines of business creating multiple interests. Conflicts between research and underwriting in investment banking and between auditing and consulting in accounting firms are investigated as are the problems that arise from rating agencies providing consulting services and from universal banks combining commercial and investment banking. Determining the appropriate remedy for a conflict is a challenge because the elimination of conflicts may also eliminate benefits from economies of scope. This study examines five generic remedies: market discipline, regulation for increased transparency, supervisory oversight, separation of financial activities by function, and socialization of the collection and distribution of information. The authors apply this framework to assess critically the Sarbanes Oxley Act and the Global Settlement between American regulators and investment banks.

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.

Reforming Britain's Economic and Financial Policy H. Treasury, 2001-12-02 In recent years the UK's macroeconomic policy framework has undergone a period of radical reform so as to deliver the economic stability necessary to achieve high levels of growth and employment. This book provides a comprehensive account of these reforms which constitute a new and innovative approach to policy making. Radical changes to the monetary policy framework, the fiscal policy framework, the regime for public spending and financial regulation are

presented Together they represent a coherent strategy to deliver economic stability and benefits to the wider economy As well as providing an unprecedented insight into UK Government economic policy the book takes the reader through the intellectual foundations of policy reform and the translation of these to applied policy making Reforming Britain s Economic and Financial Policy contains a foreword by the Chancellor Gordon Brown

EU Private Law and the CISG Zvonimir Slakoper,Ivan Tot,2021-09-30 EU Private Law and the CISG examines selected EU directives in the field of private law and their effects on the national private law systems of several EU Member States and discusses certain specific concepts of the United Nations Convention on Contracts for the International Sale of Goods CISG in light of the CISG s recent fortieth anniversary The most prominent influence of EU law on national private law systems is in the area of the law of obligations thus the book focuses on several EU private law directives that cover the issues belonging to contract and tort law as interpreted in the case law of the Court of Justice of the EU EU private law concepts need to be interpreted autonomously and uniformly rather than through the lens of national private law systems The same is true for the CISG which has not only been one of the most successful instruments of the international trade law unification but had also influenced both the EU private law and domestic laws In Part I focused on the EU private law and its effects for national laws chapters examine the recent Digital Content and Services Directive and its likely impact on the contract law of the UK and Ireland the role aggressive commercial practices play in EU banking and credit legislation the applicability of the EU private international law rules to collective redress the unfair contract terms regime of the Late Payment Directive and its transposition into Croatian law the implementation of the Commercial Agency Directive in Denmark Estonia and Germany and disgorgement of profits as remedy provided in the Trade Secrets Directive In Part II dealing with selected CISG issues chapters discuss the autonomous interpretation of CISG s concept of sale by auction and its notion of intellectual property as well as the CISG s principle of freedom of form and the possibility for reservations with the effect of its exclusion The book will be of interest to legal scholars in the field of EU private law and international trade law as well as to the students practitioners members of law reform bodies and civil servants in Europe and beyond

Achieving Market Integration Scott McCleskey,2004-01-02 Providing an overview of the infrastructure of European Securities markets this text offers topical analysis of developments and trends in market integration The author provides industry professionals with a concise exposition of how the post Euro market works as well as offering laymen an entry point into the subject Topics include wholesale electronic execution central counterpart clearing and consolidation of the securities depositories

The Changing Landscape of Global Financial Governance and the Role of Soft Law Friedl Weiss,Armin Kammel,2015-05-26 The Changing Landscape of Global Financial Governance and the Role of Soft Law provides interdisciplinary perspectives on the changing landscape of global financial governance by exploring the impact and role of soft law directly or as a precursor of hard law pertaining to financial governance Since the shaping of financial governance impacts national regional and global levels of regulation different

views and arguments contribute to the ongoing discussions about financial regulation Against this background this book brings together perspectives of economists and lawyers who have not rallied to one or the other popular call for more regulation as a panacea for the prevention of future global financial crises calls which have all but drowned out more nuanced scientific debates Instead their analysis of aspects of remedial regulatory policy prescriptions already made or proposed demonstrates that carefully designed soft law can be deployed as a valuable method or tool of mediation between the unrestrained autonomy of dysfunctional markets and overzealously crafted hard law

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

A Practical Guide to Financial Services Lien Luu,Jonquil Lowe,Patrick Ring,Amandeep Sahota,2021-12-26 Financial services are an ever increasing part of the infrastructure of everyday life From banking to credit insurance to investment and mortgages to advice we all consume financial services and many millions globally work in the sector Moreover the way we consume them is changing with the growing dominance of fintech and Big Data Yet the part of financial services that we engage with as consumers is just the tip of a vast network of markets institutions and regulators and fraudsters too Many books about financial services are designed to serve corporate finance education focusing on capital structures maximising shareholder value regulatory compliance and other business oriented topics A Practical Guide to Financial Services Knowledge Opportunities and Inclusion is different it swings the perspective towards the end user the customer the essential but often overlooked participant without whom retail financial services markets would not exist While still introducing all the key areas of financial services it explores how the sector serves or sometimes fails to serve consumers why consumers need protection in some areas and what form that protection takes and how consumers can best navigate the risks and uncertainties that are inherent in financial products and services For consumers a greater understanding of how the financial system works is a prerequisite of ensuring that the system works for their benefit For students of financial services those aspiring to or those already working in the sector understanding the consumer perspective is an essential part of becoming an effective holistically informed and ethical member of the financial services community A Practical Guide to Financial Services Knowledge Opportunities and Inclusion will equip you for both these roles The editors and authors of A Practical Guide to Financial Services Knowledge Opportunities and Inclusion combine a wealth of financial services educational and consumer oriented practitioner experience

Mobile Payments, Consumer Policy, and the Law Nwanneka Ezechukwu,2023-03-17 Mobile technology offers an innovative and cost effective channel for delivering a range of financial services including mobile payments In some jurisdictions mobile payments simply provide a convenient option for facilitating payment transactions In other jurisdictions mobile payments are viewed as potentially transformative because they present an opportunity to expand access to financial services However as with other innovations mobile payments raise consumer protection concerns and require robust regulatory mechanisms to address such concerns Against this backdrop the book adopts a typology of consumer policy tools which can be used to address the identified consumer concerns This typology guides the enquiry into the existing consumer protection frameworks applying to mobile payments in selected jurisdictions Canada Kenya and the United Kingdom The main objective of this endeavour is to identify best practices that national authorities seeking to leverage mobile payments and similar innovations can emulate This book will be of interest to policymakers regulators industry stakeholders students

and scholars interested in the regulation of innovative financial services particularly from a consumer protection perspective

Reforming Corporate Retail Investor Protection Diane Bugeja, 2019-12-12 The spate of mis selling episodes that have plagued the financial services industries in recent years has caused widespread detriment to investors Notwithstanding numerous regulatory interventions curtailing the incidence of poor investment advice remains a challenge for regulators particularly because these measures are taken in a fire fighting fashion without adequate consideration being given to the root causes of mis selling Against this backdrop this book focuses on the sale of complex investment products to corporate retail investors by drawing upon the widespread mis selling of interest rate hedging products IRHP in the UK and beyond It brings to the fore the relatively understudied field concerning the different degrees of investor protection mechanisms applicable to individual retail investors as opposed to corporate retail investors by taking stock of past regulatory reforms and forthcoming regulatory initiatives as well as more importantly the conclusions reached by the judiciary in IRHP mis selling claims The conclusions are particularly interesting corporate retail investors are in a vulnerable position when compared to individual retail investors The former are exposed to a heightened risk of mis selling meaning that regulatory intervention should be targeted accordingly The recommendations made as a result of these findings are further supported by insights emerging from behavioural law and economic theories This book is aimed at researchers lawyers and students with an interest in the financial regulation field who are keen to explore potential regulatory reforms to the investment services regime that address the root causes of mis selling and restore a level playing field amongst all retail investors

Routledge Handbook of Major Events in Economic History Randall Parker, Robert Whaples, 2013-02-11 The Handbook of Major Events in Economic History aims to introduce readers to the important macroeconomic events of the past two hundred years The chapters endeavour to explain what went on and why during the most significant economic epochs of the nineteenth twentieth and early twenty first centuries and how where we are today fits in this historical timeline Its short chapters reflect the most up to date research and are written by well known economists who are authorities on their subjects The Handbook of Major Events in Economic History was written with the intent of presenting the professional consensus in explaining the economics driving these historical events

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