

1. Record Nr.	UNINA9910639901303321
Titolo	Digitalisation, Sustainability, and the Banking and Capital Markets Union : Thoughts on Current Issues of EU Financial Regulation // edited by Lukas Böffel, Jonas Schürger
Pubbl/distr/stampa	Cham : , : Springer International Publishing : , : Imprint : Palgrave Macmillan, , 2023
ISBN	3-031-17077-6
Edizione	[1st ed. 2023.]
Descrizione fisica	1 online resource (439 pages)
Collana	EBI Studies in Banking and Capital Markets Law, , 2730-9096
Disciplina	332.11 332.1094
Soggetti	Financial services industry Finance - Law and legislation Capital market Financial engineering Sustainability Financial Services Financial Law Capital Markets Financial Technology and Innovation
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Includes index.
Nota di contenuto	Part I: Digital Finance -- Chapter 1: Too Tech to Fail? -- Chapter 2: The Algorithmic Future of EU Market Conduct Supervision: A Preliminary Check -- Chapter 3: 'Appropriate Oversight' of the Use of AI and ML by Financial Market Participants – an Analysis of the existing Requirements under MiFID II and AIFMD -- Chapter 4: Tokenized Crowdfunding: What regulatory forecast? -- Chapter 5: Regulatory Coordination and Diffusion in Digital Financial Services and Sustainable Finance Management of ICT Third Party Risk under DORA -- Chapter 6: Open Banking, access to account rule and (free) marketability of banking data -- Chapter 7: Management of ICT Third Party Risk under the Digital Operational Resilience Act -- Part II: Sustainable Finance -- Chapter 8: Sustainability: A Current Driver in EU Banking and Insurance Regulation

and Supervision -- Chapter 9: Sustainability and Systemic Risk in EU Banking Regulation -- Chapter 10: Green Monetary Policy in the EMU and its Primary Law Limits -- Part III: Banking Union and Capital Markets Union -- Chapter 11: Duty of Care as a Judicial Review Tool for SSM Composite Procedures -- Chapter 12: Game of Thrones – The Clash Between Public Interest and Property Rights in Banking Resolution -- Chapter 13: Preemptive Financing Arrangements within Cross-Border Banking Groups: Between Flexibility and Legal Certainty -- Chapter 14: From branches to subsidiaries: post-Brexit enforcement of subsidiarisation in the European Union.

---

## Sommario/riassunto

This book covers three topics that have dominated financial market regulation and supervision debates: digital finance, sustainable finance, and the Banking and Capital Markets Union. Within the first part, seven chapters will tackle specific questions arising in digital finance, including but not limited to artificial intelligence, tokenisation, and international regulatory cooperation in digital financial services. The second part addresses one of humanity's most pressing issues today: the climate crisis. The quest for sustainable finance is driven by political actors and a common understanding that climate change is a severe threat. As financial institutions are a cornerstone of human interaction, they are in the regulatory spotlight. The chapters explore sustainability in EU banking and insurance regulation, the interrelationship between systemic risk and sustainability, and the 'greening' of EU monetary policy. The third part analyses two projects that have led to huge structural changes in the European financial market architecture over the last decade: the European Banking Union and Capital Markets Union. This transformation has raised numerous legal questions that can only gradually be answered in all their intricacies. In four chapters, this book examines composite procedures, property rights of depositors in banking resolution, preemptive financing arrangements and the phenomenon of subsidiarisation in the context of Brexit. Of interest to academics, policymakers, practitioners, and students in the field of EU financial regulation, banking law, securities law, and regulatory law, this book offers a compilation of analyses on pressing banking and capital markets law problems. Lukas Böffel, Dr. iur., LL.M. (Berkeley), holds a PhD from the Free University of Berlin and graduated from the University of California, Berkeley School of Law in 2022 with a Master of Laws. During his time at Berkeley, he was a supervising editor of the Berkeley Business Law Journal. In addition, he is a member of the Associated Researchers Group and, between 2020 and 2021, was a member and the coordinator of the Young Researchers Group. Jonas Schürger, Dr. iur., holds a PhD from the University of Bonn for his work on the principles of equivalence and substituted compliance. Previously, he was a Research Assistant at the Universities of Vienna and Bonn. Furthermore, Jonas was a member of the Young Researchers Group of the European Banking Institute and coordinated the group until July 2022. Previously, he worked in DG Microprudential Supervision with the European Central Bank.

---