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Autore	Annunziata Filippo
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(AML/CFT) rules -- Chapter 15: Two (provocative) ideas for a test case: An EU hybrid court for private law disputes in the law of finance, and how.

Sommario/riassunto

The relationship between EU and national law has taken up new forms and dimensions in the context of EU financial legislation. The wide reforms introduced in the EU financial architecture over the past years raised new issues and opened new perspectives, stimulating paramount discussions and debates that are far from being settled. Issues concerning the interplay between EU and national law relate to all the dimensions of EU financial legislation: the principles and solutions that are consolidating in this area are also likely to set the standard within other fields of EU policy and legislation. Considering, for example, legal sources, the need to foster higher levels of harmonisation among the legislations of member states needs to be balanced against the complex mechanism of options and discretions, as well as with the application of the principle of proportionality embedded in most of the fundamental texts of European financial legislation. Enforcement and institutional interplay are striking examples of the complexities of the new system. The application of traditional principles comes at grips with the continuous effort, by EU institutions and by the European Supervisory Authorities (ESAs), to set the ground for a stronger backbone of common principles for the application of EU legislation. This volume explores these topics in a new, multi-disciplinary perspective, that cuts across all relevant areas of European financial markets law. Filippo Annunziata is professor of International Financial Markets Law at Bocconi University in Milan, and at Ca' Foscari University, Venice. He is Fellow Academic Board Member at the European Banking Institute in Frankfurt, as well as guest professor at KU Leuven, and Co-Director of the Rules Unit at the Baffi Research Center at Bocconi University. He is the coordinator of a module on EU Banking Law at the EBI-Frankfurt School of Finance and Management Master (LLM). He is also active in the area of law and humanities, and has published extensively in the field of law and music. Michele Siri is a Professor of Corporate Law and Financial Markets Regulation. He has held a Jean Monnet Chair on the regulation of financial and insurance markets in the European Union. Since 2018, he has been a member of the Joint Board of Appeal of the European Supervisory Authorities, which he has been appointed to chair in 2021. He is a regular lecturer at the LLM programme of Luigi Bocconi University and at the Frankfurt School of Finance and Management. .
