

Robert Blickle

**Die Regulierung
von Ratingagenturen durch
die Europäische Union**

Verlag Dr. Kovač

Das Eu Recht Ratingagenturen Regulierung Aufsicht

Elisabeth Larissa Schemmer



Das Eu Recht Ratingagenturen Regulierung Aufsicht:

Dienen statt herrschen Andreas Mayert, 2011 **Finanzaufsicht** Alexander Thiele, 2014-04-15 English summary Due to the financial crisis and the euro crisis which has prevailed since at least 2010 the general role of the government in a market economy and in particular its role in the financial markets have once again been a key subject for public debate The laissez faire capitalism of the financial markets is being increasingly criticized whereas the appropriate degree of governmental intervention and its detailed practical application remain controversial Against this background Alexander Thiele examines in detail for the first time the constitutional framework for possible national reforms of governmental financial supervision He concludes that national legislature is subject to only a few specific constitutional regulations It therefore has considerable leeway when designing its supervision which is also barely limited by either European or international regulations German description Die Finanzkrise und die spätestens seit 2010 einsetzende Eurokrise haben die Frage nach der Rolle des Staates in einer Marktwirtschaft im Allgemeinen und auf den Finanzmärkten im Besonderen wieder auf die Tagesordnung der gesellschaftlichen Diskussion gesetzt Der laissez faire Kapitalismus der Finanzmärkte steht zunehmend in der Kritik das richtige Mass staatlicher Intervention und deren Ausgestaltung im Einzelnen bleiben aber umstritten Alexander Thiele untersucht in diesem Zusammenhang erstmals umfassend den grundgesetzlichen Rahmen für mögliche nationale Reformen der staatlichen Finanzaufsicht Er kommt dabei zu dem Ergebnis dass der nationale Gesetzgeber insoweit nur wenigen konkreten verfassungsrechtlichen Vorgaben unterliegt Dieser hat mithin einen weiten Spielraum für die Ausgestaltung seiner Aufsicht der auch durch europäische und internationale Regelungen kaum begrenzt wird **Bankvertragsrecht** Stefan Grundmann, Jens-Hinrich Binder, Florian Möslin, 2018-02-05 Der Staub ist einer der letzten deutschsprachigen Kommentare zum Handelsrecht die erste Auflage erschien 1893 Er hat als der umfassendste vollständigste und bedeutendste Gro kommentar zum Handelsrecht einschließlich zahlreicher Nebengebiete ein herausragendes Renommee Sein hohes Ansehen beruht vor allem auf einer wissenschaftlich fundierten und zugleich praxisorientierten Kommentierung die nicht zuletzt durch hervorragende und namhafte Herausgeber und Autoren aus Wissenschaft und Praxis gewährleistet wird Der Kommentar erscheint in 15 Bänden gegliedert nach den Büchern des HGB Neben dem gesamten Handelsrecht außerdem Seerecht inklusive einer umfassenden Darstellung des Bilanzrechts werden unter anderem das Bankvertragsrecht CMR das Transportrecht mit den ADSp und weiteren Allgemeinen Bedingungen aus dem Transportrecht detailliert und ausführlich erläutert **Die Regulierung innovativer Finanzinstrumente** Thomas Weck, 2020-10-01 Die Verwendung von Finanzinstrumenten mit einer neuartigen Risikostruktur innovative Finanzinstrumente kann zu Gefahren für aufsichtsrechtliche Schutzgüter führen ohne dass der bestehende Regelungsrahmen hierfür ein angemessenes Instrumentarium bereitstellt Das war namentlich bei den Finanzinstrumenten der Fall die in der Finanzkrise 2008 bis 2012 im Fokus standen Der heutige Regelungsrahmen beugt zwar der Entstehung aufsichtsrechtlicher Gefahren besser vor

Allerdings belegt die Diskussion um die Regulierung sogenannter Schattenbankgeschäfte dass die Problematik weiter besteht Das vorliegende Werk setzt sich mit dem aufsichtsrechtlichen Instrumentarium in der EU und den USA top down sowie der Selbstregulierung der Finanzmarktteilnehmer bottom up auseinander um auf dieser Basis einen Regulierungsansatz zu entwickeln

Ratingagenturen Andreas Buschmeier,2011-05-04 Andreas Buschmeier entwickelt ein Modell das zur Gründung neuer aufsichtlich gut bewachter Ratingagenturen führt Für den deutschen Markt schlägt er die Gründung von mindestens drei den jeweiligen Finanzverbänden angeschlossenen Agenturen vor

Staatliche Aufsicht über Finanzinstrumente Anika Patz,2016-05-17 Ohne eine materielle staatliche Aufsicht über Finanzinstrumente kann keine effektive Finanzmarktaufsicht betrieben werden Die Zunahme von Disintermediation sowie die Komplexität und Innovationskraft von Finanzinstrumenten erfordern eine inhaltliche Auseinandersetzung mit den Chancen und Risiken derartiger Produkte Eine rein modellbasierte Aufsicht wird diesen Entwicklungen nicht gerecht Anika Patz entwickelt eine Regelung wie modellbasierte Risikogewichtungen zur Bestimmung des erforderlichen Eigenkapitalanteils von Bank und Finanzdienstleistungsinstituten nach der CRD IV Richtlinie sowie von Versicherungsunternehmen nach der Solvency II Richtlinie durch eine qualitative Risikoaufsicht in Form einer materiellen staatlichen Aufsicht über Finanzinstrumente ergänzt werden können Als Grundlage für ein Regulierungskonzept dient die Geeignetheitsprüfung der Kapitalanlagen von Versicherungsunternehmen die das Gesetz bereits vorsieht und deren Mechanismen sich auf die Bank und Wertpapieraufsicht übertragen lassen

Klimarisiken im Bankenaufsichtsrecht Elisabeth Larissa Schemmer,2024-03-04 Obwohl Klimarisiken sich mittelbar in Risiken niederschlagen die als Risikokategorien im Bankenaufsichtsrecht etabliert sind und Klimarisiken dadurch in der Regelungsstruktur im Prinzip berücksichtigt sind bringt der Umgang mit ihnen besondere Herausforderungen mit sich Elisabeth Larissa Schemmer analysiert diese Herausforderungen und untersucht wie die mikro und makroprudenziellen Instrumente des Aufsichtsrechts genutzt bzw fortentwickelt werden können um Klimarisiken adäquat zu begegnen Dies erfordert es nicht nur Wissen kontinuierlich auszubauen sondern auch verbleibende Ungewissheit anzuerkennen Letzterer kann mit Strukturen des Risikoverwaltungsrechts begegnet werden Soweit möglich differenzierende im Übrigen heuristische Vorsorgemaßnahmen können in Kombination mit steuernden Effekten Planen für den Notfall und Reaktionen auf unvorhersehbare bzw unvermeidbare Krisen einen umfassenden Ansatz im Umgang mit Klimarisiken bieten Abschließend erörtert sie wie die Ergebnisse der Arbeit auf Nachhaltigkeitsrisiken im weiteren Sinne übertragen werden können

Zur strafrechtlichen Verantwortung internationaler Ratingagenturen im Rahmen der europäischen Schuldenkrise Stefan Wehner,2015-08-31 Die europäische Schuldenkrise ist allgegenwärtig und stellt Politik und Wirtschaft vor neue Herausforderungen Das Handeln verschiedener Finanzmarktakteure führte seit dem Ausbruch der US Subprime Krise im Jahr 2007 weltweit zu einer Kapitalvernichtung von mehreren Billionen Euro In der Europäischen Union wird die Auffassung vertreten dass die Ratingagenturen durch ihre Fehleinschätzungen einen maßgeblichen Anteil zur

Verschärfung der Schuldenkrise beitrugen ohne dass ihre Position ernsthaft hinterfragt wurde Stefan Wehner untersucht in seiner Dissertation inwiefern das Handeln internationaler Ratingagenturen strafrechtliche Konsequenzen nach sich ziehen kann Darüber hinaus wird die Frage aufgeworfen ob die europäische Harmonisierung strafrechtlicher Vorschriften in der Lage ist einen wirksamen Beitrag zum Schutz und zur Disziplinierung der Finanzmärkte zu leisten Eine besondere Aufmerksamkeit legt der Autor auf die grundsätzliche Forderung nach einer strengeren Regulierung für Ratingagenturen Die Erfahrungen und Lehren aus der weltweiten Finanzkrise haben in Europa bereits verschiedene Reformvorschläge auf den Weg gebracht um das Vertrauen der Anleger in die Märkte wiederzugewinnen Die damit verbundenen Vorschläge reichen von der Einführung eines eigenständigen Haftungsregimes für Ratingagenturen bis hin zur Etablierung einer europäischen Ratingagentur Im Mittelpunkt steht die Frage inwieweit der Staat in wirtschaftliche Zusammenhänge und insbesondere in die Regulierung der Kapitalmärkte eingreifen darf und ob das Strafrecht als Instrument der Wirtschaftssteuerung eingesetzt werden kann um die Einflussnahme der Ratingagenturen auf die internationalen Finanzmärkte zu begrenzen **Das**

Aufsichtssanktionenrecht europäischer Agenturen Laura Katharina Sophia Neumann, 2024-02-01 Das Buch entwickelt am Beispiel des supranationalen EU Kapitalmarktstrafrechts die Grundlagen einer ganzlich neuen Strafrechtsart die von der Autorin als Aufsichtssanktionenrecht europäischer Agenturen bezeichnet wird Derzeit ist dieses neue wirtschaftssystemschetzende Risikostrafrecht noch im Entstehen begriffen Jedoch steht angesichts aktueller gesetzgeberischer Entwicklungen auf europäischer Ebene zu erwarten dass es schon bald maßgeblich weiter an Bedeutung gewinnen wird Eine deshalb dringend benötigte strukturgebende Basis für die Fortentwicklung des neuen Sanktionenrechts wird in diesem Buch geschaffen

Ökonomik als allgemeine Theorie menschlichen Verhaltens Christian Müller, Frank Trosky, Marion Weber, 2016-09-12 Keine ausführliche Beschreibung für Ökonomik als allgemeine Theorie menschlichen Verhaltens verfügbar

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