

Preliminary course description. Banking and Financial Markets Law.

Dates: 3rd of August – 14th of August

The course provides students with an in-depth understanding of the legal issues that arise in banking regulation and law. The course aims to investigate the recent developments in banking law, with the new legislation put in place at international and EU level in the aftermath of the crisis.

The course is divided into three sections with different subject areas that disentangle the rationales and main elements of financial regulation into three components: the “why”, the “who” and the “how”.

WHY - REGULATION AND SUPERVISION

During the first section (the “why”), the reasons behind regulation and supervision of banks are dealt with. This section addresses the market failures associated with the banking sector (negative externalities, bank run, domino effect, bail out) from a law and economics perspective.

WHO - THE FINANCIAL REGULATORY SYSTEM

During the second section (the “who”), the financial regulatory system, with the regulatory authorities and supervisory functions at the national level, at the European Union (EU) level as well as at the global level are identified and explained.

HOW- BANKING REGULATION

During the third section (the “how”), focus is on substantive banking regulation. During this section, the regulation of payment and settlement systems, capital and liquidity controls, supervision of banks as well as bank insolvency and resolution is covered. The course ends by providing “glimpses” of Financial Technology (FinTech) and Money Law. By building on the knowledge gained through the course, this part aims to display and examine how financial technology is impacting traditional finance and business transactions. Topics i.e. BitCoin, peer-to-peer lending, blockchain technology, ICOs, will be dealt with.

Teaching: the teaching consists of interactive lectures, seminars, exercises and assignments. Homework and independent studies are a necessary complement to the course.

LITERATURE

The course elaborates upon the following textbooks: Kern Alexander, Principles of Banking Regulation, Cambridge, 2019. Additional learning material will be provided on BlackBoard.

For further information about the course please contact Andrea Minto (aminto@sam.sdu.dk) or
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