

L'estratto che stai consultando
fa parte del volume in vendita
su **ShopWKI**,
il negozio online di **Wolters Kluwer**

[Torna al libro](#)



CEDAM

IPSOA

UTET[®]
GIURIDICA

il fisco

 ALTALEX

TABLES OF CONTENTS

TABLE OF LEGISLATION	<i>p.</i>	X
1. EU Legislation	»	X
1.1. Treaties	»	X
1.2. Directives and Regulations	»	X
1.3. Directives and Regulations no longer in force.	»	XXVI
1.4. Delegated Acts (DAs), Implementing Acts (IAs), Regulatory Technical Standards (RTSs), and Implementing Technical Standards (ITSs)	»	XVIII
1.5. Commission’s communications, recommendations, proposals, reports, and papers	»	XIX
1.6. ECB’s decisions, guidelines, guides, opinions, and reports	»	XXI
1.7. EBA’s guidelines, opinions, and reports	»	XXII
1.8. Other relevant reports	»	XXV
2. National legislation	»	XXVI
3. Relevant pieces of soft law and reports	»	XXVII
TABLE OF CASES	»	XXIX
1. Court of Justice of the European Union	»	XXIX
2. European Court of Human Rights	»	XXX
3. National courts	»	XXXI
4. Authorities’ assessments, decisions, and measures	»	XXXI
LIST OF ACRONYMS	»	XXXIV

CHAPTER I BANKS AND BANKING: HISTORICAL, ECONOMIC, AND ESSENTIAL CONCEPTS

1. Introduction: Banks as financial institutions and financial intermediaries	<i>p.</i>	1
2. The role of banks in the economy	»	4
3. Banking as a regulated activity: An overview	»	8
3.1. Legislative acts, non-legislative acts, and regulation	»	11
3.2. Forms of regulation	»	13
3.3. Goals of banking regulation	»	14
4. Banking as a supervised activity and supervisory tools	»	16
5. The history of banks	»	20
6. Banks, banking, and financial services	»	21
7. Types of banks and banking structures	»	23
8. Banks as business entities: Joint-stock companies and cooperative companies. Bank organization: Branches, subsidiaries, and groups of banks. ...	»	29
9. Banking, bank-like activities, and shadow-banking	»	32
10. FinTech: Opportunities and risks	»	34

CHAPTER II
EUROPAN UNION BANKING LAW:
SOURCES OF LAW AND LEGISLATIVE PROCESS

1. European banking law through its major legislative developments . . .	<i>p.</i>	39
1.1. In Particular: The parts of legislation called to establish a single market for banking services. The “First Banking Directive,” the “Second Banking Directive,” and the “Single Banking License” . . .	»	43
1.2. The Banking Union	»	49
2. Sources of European banking law	»	52
3. EU legislative process and the “Lamfalussy approach”	»	55
3.1. Cont’d: The role played by the European Banking Authority in the legislative process. An Overview	»	58
3.1.1. Cont’d: Regulatory technical standards and implementing technical standards	»	60
3.1.2. In conclusion: The “quasi-regulatory power” of the EBA . . .	»	63
4. The regulatory power of the European Central Bank	»	64
4.1. Regulatory power and relationships between the ECB and the EBA	»	69
5. Soft banking law	»	70

CHAPTER III
“CREDIT INSTITUTIONS” UNDER EU BANKING LAW:
DEFINITION, PERIMETER, AND ACCESS TO THEIR ACTIVITY

1. The EU regulation of credit institutions after the 2008 financial crisis and the paradigm of “credit institution”	<i>p.</i>	75
2. The legal definition of “credit institution:” An overview and its principal components	»	77
2.1. “Deposits” and other “repayable funds”	»	78
2.2. “... from the public”	»	82
2.3. The granting of credit	»	83
2.4. The connection between the collection of deposits and other repayable funds and the granting of credit	»	85
2.5. The 2019 reform	»	86
3. Investment firms	»	88
4. Other “financial sector” entities	»	90
5. Requirements to carry out the activity of credit institutions. Substantive requirements of licensing procedure	»	90
5.1. Procedural requirements of licensing procedure	»	96
6. Freedom of establishment and to provide services: An overview	»	98
6.1. The right of establishment of credit institutions: Commencement of activities and powers of the competent authorities of the home Member State	»	99
6.2. Powers of the competent authorities of the host Member State . . .	»	102
6.3. Freedom to provide services	»	105

CHAPTER IV
PRUDENTIAL REQUIREMENTS AND SUPERVISION
OF CREDIT INSTITUTIONS

1. Prudential requirements and bank capital adequacy between regulation and supervision	p. 107
1.1. Interferences between EU Legislative acts on capital adequacy and the Basel Accords Framework. Basel I	» 109
1.1.1. Cont'd: Basel II and its three pillars	» 111
1.1.2. Cont'd: Basel III	» 114
1.1.3. Cont'd: Basel IV	» 115
2. Capital requirements, leverage ratio, and liquidity rules in the CRD IV Package: The capital requirements	» 116
2.1. Leverage requirements	» 120
2.2. Liquidity requirements	» 121
3. Arrangements, processes, and mechanisms of institutions, and review and evaluations processes: An overview	» 123
3.1. In Particular: Governance arrangements and the role of the management body	» 124
3.2. Remuneration policies	» 128
3.3. Supervisory review and evaluation process (SREP)	» 129
4. Supervision in the European Union: An overview	» 133
4.1. The institutional framework of the supervision in the European Union. In particular: Post-crisis reform and the European System of Financial Supervision	» 135
4.1.1. Components of the ESFS: The European Systemic Risk Board and macro-prudential supervision	» 137
4.1.2. Cont'd: European Supervisory Authorities and the EBA, in particular	» 139
5. The prudential supervision of credit institutions under the CRD IV Package: An overview	» 142
5.1. Cont'd: “National competent authorities”	» 144
5.2. Powers of national competent authorities: An overview	» 148
5.2.1. Cont'd: The power to apply supervisory measures	» 149
5.2.2. Cont'd: Sanctioning powers	» 150
5.2.3. Cont'd: Investigatory powers	» 155
6. The supervision of credit institutions within the Banking Union: Introduction	» 156
6.1. The “Single Supervisory Mechanism”	» 156
6.2. The distribution of supervisory tasks between the ECB and national competent authorities, and the “significance” of credit institutions	» 159
6.3. Tasks of exclusive competence of the ECB	» 162
6.4. Tasks of the ECB concerning significant credit institutions	» 164
6.5. Supervision of significant credit institutions: The ECB’s powers.	» 166
6.5.1. Specifically: ECB’s investigatory powers	» 166
6.5.2. Cont'd: ECB’s power to apply supervisory measures	» 168
6.5.3. Cont'd: ECB’s sanctioning powers	» 169

6.6. Cooperation between the ECB and NCAs	»	171
6.7. The law applicable by the ECB	»	172
6.8. Regulatory powers of the ECB	»	173
6.9. The SSM organizational structure and its decision-making process	»	173

CHAPTER V RECOVERY AND RESOLUTION OF CREDIT INSTITUTIONS

1. Banks' crisis management in the EU. The Bank Recovery and Resolution Directive and the Single Resolution Mechanism Regulation: An overview	<i>p.</i>	177
2. The Bank Recovery and Resolution Directive: Scope and authorities involved	»	180
3. The three phases of banks' crises management: In particular, the preparation phase	»	183
3.1. Recovery plans, resolution plans, and the assessment of resolvability	»	183
3.2. Liquidation preference and resolvability of entities	»	185
3.2.1. Group resolution plans	»	187
4. The early intervention phase	»	188
4.1. In particular: The power of removal and the temporary administrator	»	190
5. The resolution process and its objectives	»	191
5.1. The conditions for taking a resolution action	»	193
5.1.1. The precautionary public support	»	196
5.2. Resolution tools and powers	»	198
5.2.1. Transfer tools	»	200
5.2.2. The bail-in tool and the power to write-down and convert capital instruments and eligible liabilities: The bail-in tool	»	205
5.2.3. The power to write-down and convert capital instruments and eligible liabilities	»	208
5.2.4. Resolution tools and fundamental rights	»	210
5.3. Resolution financing arrangements. In particular: National financing arrangements	»	213
5.4. The use of public funds: The Government financial stabilization tools	»	216
5.4.1. Cont'd: State aid	»	217
6. Banks' crisis management in the Eurozone: The Single Resolution Mechanism	»	219
6.1. The relations between the SRMR and the BRRD	»	221
6.2. The Single Resolution Board	»	222
6.2.1. In particular: Preparation and adoption of resolution schemes by the SRB	»	224
6.2.2. Resolution of less significant entities	»	225
6.3. The Single Resolution Fund	»	226
6.4. The European Stability Mechanism	»	228

CHAPTER VI
THE DEPOSITORS' PROTECTION

1. Depositors' protection in the European Union: An overview	<i>p.</i> 233
1.1. The EU legislation on depositors' protection	» 234
1.2. Depositors, deposits, eligible deposits, and covered deposits	» 236
1.3. Functions of deposit guarantee schemes	» 239
2. Completing the Banking Union: The European Deposit Insurance Scheme	» 241
BIBLIOGRAPHY	» 245
WEBSITES	» 265
INDEX	» 267
TABLE OF FIGURES	» 277

L'estratto che stai consultando
fa parte del volume in vendita
su **ShopWKI**,
il negozio online di **Wolters Kluwer**

[Torna al libro](#)



CEDAM

IPSOA

UTET[®]
GIURIDICA

il fisco

 ALTALEX