

Alternative Investment Funds In Europe Law And Pra

Alternative Investment Funds in Europe Lodewijk Van Setten, Danny Busch. 2014-02 The first detailed analysis of the legal and practical implications of the AIFMD at regional and national level.

Private Equity Demystified John Gilligan, Mike Wright. 2020-11-05 Private equity has grown rapidly over the last three decades, yet largely remains poorly understood. Written in a highly accessible style, the book takes the reader through what private equity means, the different actors involved, and issues concerning sourcing, checking out, valuing, and structuring deals.

Law and Practice of the Common Commercial Policy .2020-12-15 Law and Practice of the Common Commercial Policy provides a comprehensive analysis of the salient features of the European Union's trade law and policy since the Treaty of Lisbon: legislation, case law, treaty making and institutional practice.

Alternative Investment Funds in Europe Lodewijk D. Setten, Danny Busch. 2014

Directive on alternative investment fund managers Great Britain: Parliament: House of Lords: European Union Committee. 2010-02-10 In this report the European Union Committee warn that unless the Directive on alternative investment funds is compatible with a global regulatory approach it will seriously damage the EU and UK economies. The UK Government should not agree with the Directive unless it is compatible with equivalent legislation in third countries and in particular the United States. It is essential to ensure that EU alternative investment fund managers do not lose competitiveness at a global level. This is a particular concern for the UK and the City of London which has a large alternative investment fund industry that employed an estimated 40,000 people in 2009. The Committee recognise the risk the aggregate activity of hedge funds could cause to financial stability and welcome the principle of EU regulation of the managers. The Directive has the potential to reduce risk posed by fund managers and be beneficial to the single market and the EU economy as a whole. The Committee stress that the requirements on provision of information should be proportionate and carefully thought out to ensure Supervisors are provided with the relevant data. The Committee also criticise the one size fits all approach of the Directive. The Directive covers a wide variety of fund managers including hedge funds, private equity and infrastructure funds, and its detailed requirements must differentiate between types of managers to avoid unwanted outcomes that could restrict the operation of fund managers unnecessarily.

Research Handbook on the Regulation of Mutual Funds William A. Birdthistle, John Morley. 2018-10-26 With fifty trillion in worldwide assets, the growth of mutual funds is a truly global phenomenon and deserves a broad international analysis. Local political economies and legal regimes create different regulatory preferences for the oversight of these funds, and academics, public officials, and legal practitioners wishing to understand the global investing environment will require a keen awareness of these international differences. The contributors, leading scholars in the field of investment law from around the world, provide a current legal analysis of funds from a variety of perspectives and using an array of methodologies that consider the large fundamental questions governing the role and regulation of investment funds. This volume also explores the identity and behavior of investors as well as issues surrounding less orthodox funds, such as money market funds, ETFs, and private funds. This Handbook will provide legal and financial scholars, academics, lawyers and regulators with a vital tool for working with mutual funds.

Research Handbook on Hedge Funds, Private Equity and Alternative Investments Phoebus Athanassiou. 2012-01-01 This unique and detailed

Handbook provides a comprehensive source of analysis and research on alternative investment funds in the EU, the US and other leading jurisdictions. Expert contributors offer an unparalleled perspective on the contemporary alternative funds industry, the main areas of regulatory policy concern surrounding its activities, and the role that alternative funds have played in recent financial crises, as well as an account of the rules governing their operation in selected jurisdictions. Providing insight and analysis of the contemporary investment funds industry at a time of crisis and transition, the Research Handbook on Hedge Funds, Private Equity and Alternative Investments will be a valuable tool for scholars, practitioners and policymakers alike.

Depositaries in European Investment Law Sebastiaan Hooghiemstra.2018 In practice, the same banks and investment firms are acting as a custodian under MiFID II and CRD IV, a depositary under the AIFMD/UCITSD V and a depositary/custodian under IORPD II. Although the safekeeping activities performed by both are similar, European investment law is inconsistent in allowing depositaries and custodians to provide cross-border financial services throughout Europe. This book provides an in-depth analysis of the concept of the crossborder provision of financial services under European investment law and the regulation applying to depositaries and custodians under MiFID II, CRD IV, the CSDR, AIFMD, UCITSD V and IORPD II. In his analysis, the author considers whether and to what extent depositaries and custodians are similarly regulated under European investment law and under what conditions a cross-sectoral European depositary passport could be introduced.

Directive on Alternative Investment Fund Managers Great Britain. Parliament. House of Lords. European Union Committee.2010 This report examines the proposed Alternative Investment Fund Managers Directive which introduces an EU-wide approach to the regulation of Alternative Investment Fund Managers, including hedge fund and private equity fund managers. The Directive aims both to increase the stability of the financial system and to facilitate the single market in Alternative Investment Funds. The report argues that the Directive will seriously damage the EU and UK economies unless it is fully compatible with the global approach to the regulation of fund managers and the Government should withhold agreement on the Directive until these concerns are addressed.

Quality Investing Torkell T. Eide, Lawrence A. Cunningham, Patrick Hargreaves.2016-01-05 Quality. We all make judgments about it every day. Yet articulating a clear definition of quality in an investing context is challenging. This book addresses the challenge, and distills years of practical investing experience into a definitive account of this under-explored investment philosophy. Finance theory has it that abnormal outcomes do not persist, that exceptional performance will soon enough become average performance. Quality investing involves seeking companies with the right attributes to overcome these forces of mean reversion and, crucially, owning these outstanding companies for the long term. This book pinpoints and explains the characteristics that increase the probability of a company prospering over time - as well as those that hinder such chances. Throughout, a series of fascinating real-life case studies illustrate the traits that signify quality, as well as some that flatter to deceive. The authors' firm, AKO Capital, has a strong track record of finding and investing in quality companies - helping it deliver a compound annual growth rate more than double that of the market since inception. *Quality Investing* sheds light on the investment philosophy, processes and tough lessons that have contributed to this consistent outperformance.

Corporate Governance and Responsible Investment in Private Equity Simon Witney.2021-01-07 Private equity-backed companies are ubiquitous and economically significant. Consequently, the corporate governance of these companies matters to all of us, and - not surprisingly - is coming under increasing scrutiny. Simon Witney, a practicing private equity lawyer, positions private equity portfolio companies within existing academic theory and examines the laws that apply to them in the UK. He analyses the actual governance frameworks that are put in place and identifies problems created by the legal rules - as well as the market's solutions to them. This book not only explains why these governance mechanisms are established,

but also what they are expected to achieve. Witney suggests that private equity owners have both the incentives and the capability to focus on responsible investment practices. Good governance, he argues, is a critical success factor for the private equity industry.

Hedge Fund Regulation in the European Union Phoebus Athanassiou.2009-04-14 While hedge funds have been part and parcel of the global asset management landscape for well over fifty years, it is only relatively recently that they came to prominence as one of the fastest growing and most vigorous sub-sectors of the financial services industry. Despite their growing significance for global and European financial markets, hedge funds continue enjoying a sui generis regulatory status. The ongoing credit crisis and its lessons for the wisdom of unregulated or loosely regulated pockets of financial activity raise, with renewed urgency, the issue of deciding how long for the relative regulatory immunity of hedge funds is to be tolerated in the name of financial innovation. This well-thought-out book, the first of its kind in this particular field, examines the case for the European onshore hedge fund industry's regulation, making concrete proposals for its normative future. Following a detailed account of the 'established' regulatory systems in Ireland and Luxembourg, as well as of the 'emerging' hedge fund jurisdictions in Italy, France, Spain and Germany, and of the regulatory treatment of hedge funds in the UK, this book examines to what extent the continuing exclusion of hedge funds from harmonized European regulation is defensible, whether their differences to traditional asset management products justify their distinct regulatory treatment and, ultimately, if their EU-wide regulation is possible and, if so, what form this should take. This book offers enormously valuable insights into all facets of the subject of the regulation of hedge funds, including: the legitimacy of the public policy interest in their activities; the conceptual underpinnings and systemic stability emphasis of a realistic hedge fund regulatory scheme; the main parameters of a workable onshore hedge fund regulatory framework; the role of investor protection and market integrity as part of a holistic hedge fund regulatory scheme; the possible use of the UCITS framework as a foundation for the EU-wide regulation of hedge funds; the MiFID's impact on the regulatory future of the European hedge fund industry; existing cross-jurisdictional differences and similarities in the normative treatment of hedge funds within the EU; hitherto initiatives and recommendations of the Community institutions and bodies; and the need for more efficient co-operation and information-sharing arrangements amongst national supervisors for the monitoring of the cross-border risks inherent in the activities of hedge funds. As the first ever comprehensive account of the profile, main features and normative future of the contemporary global and European hedge fund markets - including a systematic inquiry into the conceptual underpinnings of hedge fund regulation and a detailed examination of the European hedge fund industry's treatment under Community and domestic law - this book represents a major contribution to the literature on hedge funds and their regulation which, through its concrete proposals for the onshore industry's regulation and its clear analysis of the conditions necessary for their implementation, should be of extraordinary value to policymakers, supervisors and academics alike.

The Alternative Investment Fund Managers Directive Dirk Zetzsche.2020-09-17 In the ten years since its coming into force, the Alternative Investment Fund Managers Directive (AIFMD), with almost EUR 7 trillion assets under management in its remit, has become an important piece of European regulation complementing the Undertakings for Collective Investment in Transferable Securities (UCITS) and the Markets in Financial Instruments (MiFI) frameworks. This third edition of the most comprehensive and in-depth analysis of the AIFMD and its related European investment fund legislation (including the European Venture Capital Fund Regulation, the European Social Entrepreneurship Fund Regulation, the European Long-Term Investment Fund Regulation and the European Money Market Fund Regulation among others) brings together fund industry experts, fund supervisors, consultants, lawyers and academics to discuss the content and system of the directive from every angle, including its relation not only to the UCITS and MiFI frameworks but also to pension funds, the Sustainable Finance Disclosure Regulation, the Securitization Regulation and the Cross Border Funds Distribution Directive and Regulation, as well as related pieces of tax regulation at the European level.

Further, the third edition emphasizes the function of such factors in the financial services value chain as the following: the AIFMD's approach to robo-advisors; digital asset funds; infrastructure investments in the context of real estate and sustainable investments; risk management; transparency; and impact on alternative investment strategies. Five country reports, focusing on the European Union's five most important financial centres for alternative investment funds, deal with the potential interactions among the AIFMD and the relevant laws and regulations of France, Germany, Luxembourg, Ireland and The Netherlands. This thoroughly updated edition elaborates on potential difficulties encountered when applying the directive and provides potential solutions to the problems it raises. The book is sure to be warmly welcomed by fund lawyers and consultants, investors and their counsels, fund managers, depositaries, asset managers and administrators, as well as regulators and academics in the field.

Alternative Investment Funds as Potential Catalysts in the Realization of Systemic Risk Bruce G.A. Pollock.2021

Alternative Investment Funds in Europe Lodewijk Van Setten.2014 The first detailed analysis of the legal and practical implications of the AIFMD at regional and national level.

Collective Investment Schemes in Luxembourg Claude Kremer,Isabelle Lebbe.2009 Luxembourg is a leading investment fund centre attracting investors from all over the world. This book is the first analysis in English of the legal regime governing collective investments in this important financial centre. The work covers the relevant EU Directives, such as the UCITS Directive, Prospectus Directive, MiFID and the Savings Directive, and considers the application of those Directives under Luxembourg law. Beginning with a definition of undertakings of collective investment funds and a description of the background to the relevant legislation, the authors then consider in detail how undertakings for collective investments are classified and how they operate in practice. As a comprehensive and systematic account, this book will be of great interest and practical use to practitioners and investment managers who regularly deal with Luxembourg investment funds, in addition to those needing an introductory guide to this area of law.

Regulating Hedge Funds in the EU Alexandros Seretakis.2022-01-13 Hedge funds remain the most controversial vehicles of the alternative investment funds universe. Their opaque nature, alleged role in major crises around the world and perceived lack of investor protection have repeatedly led to calls for greater regulation. Yet despite its tremendous growth, the hedge fund industry is still shrouded in a veil of mystery largely due to the highly complex and dynamic trading strategies employed by hedge funds and the scarcity of information about them. For the first time in one comprehensive volume, this concise but thorough guide explains how hedge funds work, analyses risk, compares the European Union (EU) and United States (US) systems and proposes reforms to the European framework in order to improve its resilience. Focusing on the contribution of the hedge fund industry to systemic risk, the author elucidates the complex world of hedge funds and the legal issues linked to it. The analysis proceeds as follows: introduction to the world of hedge funds – definition, main characteristics, organizational structure, investment strategies, and benefits; deeply informed exploration of the dangers posed by hedge funds; documentation and examination of the major incidents connecting hedge funds and financial crises; rationales for regulation of hedge funds; comparison of relevant legislative developments in the US and EU; and proposals for strengthening the current EU supervisory and regulatory framework. Guiding legislation, such as the EU Alternative Investment Fund Managers Directive and the US Dodd-Frank Act, is analysed, along with topical issues such as hedge fund activism. Because the direction that hedge fund regulation takes in the future has implications for the Eurozone and systemic risk in the wider financial system, this book will be of immeasurable value to professionals in both the legal and business communities. It will be welcomed by corporate lawyers, regulatory authorities, policymakers and academics in both business-related and finance-related disciplines.

Alternative Investments: A Primer for Investment Professionals Donald R. Chambers,Keith H. Black,Nelson J. Lacey.2018 Alternative

Investments: A Primer for Investment Professionals provides an overview of alternative investments for institutional asset allocators and other overseers of portfolios containing both traditional and alternative assets. It is designed for those with substantial experience regarding traditional investments in stocks and bonds but limited familiarity regarding alternative assets, alternative strategies, and alternative portfolio management. The primer categorizes alternative assets into four groups: hedge funds, real assets, private equity, and structured products/derivatives. Real assets include vacant land, farmland, timber, infrastructure, intellectual property, commodities, and private real estate. For each group, the primer provides essential information about the characteristics, challenges, and purposes of these institutional-quality alternative assets in the context of a well-diversified institutional portfolio. Other topics addressed by this primer include tail risk, due diligence of the investment process and operations, measurement and management of risks and returns, setting return expectations, and portfolio construction. The primer concludes with a chapter on the case for investing in alternatives.

International Investment Protection of Global Banking and Finance Arif H. Ali, David L. Attanasio. 2021-09-14 Global banking and finance is a complex and specialized field with sector-specific investment forms, subject to distinctive legal and regulatory frameworks and unique types of political risk. This comprehensive guide to international investment protection in the finance and banking sector, written by acknowledged experts in the field of investor-State arbitration, provides the first in-depth discussion of how international investment law applies to investors and investments in the sector. Featuring expert guidance on the key legal protections for cross-border banking and finance investments, with complete and up-to-date coverage of investor-State cases, the analysis crystallizes a set of field-specific legal principles for the sector. In particular, the authors address the following practical aspects of investment protection in the banking and finance sector: how sector-specific forms of investment, such as loans and derivatives, impact the dispute resolution process; types of political risk that cross-border investments in the sector are likely to encounter; distinctive adverse sovereign measures that underlie disputes in the sector, including those from sovereign debt defaults and banking sector bailouts; specific treaty provisions, such as jurisdictional carve-outs and targeted exclusions; remedies available for violations of international investment protections; how monetary damages may be assessed for injury to banking and finance sector investments; the scope of financial services chapters included in certain free trade agreements; the protections available under domestic foreign investment laws; and alternative sources of protection such as political risk insurance and investment contracts. International disputes practitioners and academics, in-house counsel in the finance and banking industries, and arbitrators addressing banking and finance disputes will welcome this book for its practical guidance. With strategies for investors as well as for sovereign States to navigate the intricacies of the investment protection system, the authors' comprehensive analysis will help ensure appropriate international protection for banking and finance sector investments, both when establishing investments and when resolving disputes. The book lays the groundwork for the future consolidation of international investment protection as a critical tool to manage the political risk confronting global banking and finance.

Alternative Lending Promitheas Peridis. 2022-09-30 The book covers alternative lending using the emergence of Debt Funds in the EU as a case study. The book explores the risks that they can pose to financial stability, and the regulatory and supervisory tools available to mitigate these risks. Through this analysis, the book uncovers the risks and potential risk mitigation tools that can be applied to the alternative lenders—including debt funds and other potential alternative lenders. After identifying the reasons behind the growth of alternative lenders (using as example the assets of Alternative Investment Funds (AIFs) and in particular debt funds) and the simultaneous decrease of the banks' assets, the book analyses the systemic importance of the alternative lenders and the risk channels through which the systemic risk can spread to the banking sector and the financial system. Then, the book deals with the financial innovation-market failure theory and demonstrates that financial innovations (e.g. debt funds,

securitisations) can cause market failures, resulting in regulatory interventions. Of interest to banking and financial regulation academics, researchers, and practitioners this book analyses the regulatory provisions in place for both credit institutions and debt funds, including the Basel Accords, the Capital Requirements Directives and Regulations, and the Alternative Investment Fund Managers Directive (AIFMD) and its implementation in various EU jurisdictions, before offering a proposal for a new three-defensive framework applicable to debt funds and to other potential alternative lenders.

In the Context of Alternative Investments Marco M. Sperlich.2009

Alternative Investment Fund Regulation E. Wymeersch.2012 In the wake of the recent global financial crisis regulators and supervisors became aware that the 'risk appetite' of hedge funds and private equity funds was to a significant extent shielded from public scrutiny, as it was only through banks' financing of these funds that public authorities could obtain a view on the role of these funds in the wider financial system. In order to disperse this lack of reliable and comprehensive data, measures were adopted both in the European Union - the Alternative Investment Management Funds Directive - and to a lesser extent in the United States to impose a risk-sensitive framework. Individual EU Member States and other countries followed suit. This book reprints reports delivered by representatives of fifteen countries at the Eighteenth International Congress of the International Academy of Comparative Law, held in Washington on the 29th of July 2010. The reports present a wealth of information on the different approaches and the specific rules that a variety of national legislators have adopted on the regulation of hedge funds and private equity funds. They greatly clarify the current understanding of such factors as the following: the nature of the systemic risk created by these funds; how activist investors challenge the incumbent management of well-established companies; effects of aggressive intervention in the business organization of a firm; how some funds achieve excess returns even during the crisis; ; advance information obtained through insider rings or other social networks; and safeguards that limit the investor's risk (e.g., allowing only funds of funds). With its comparative analysis of rules (and their degree of stringency) adopted by states on offering these products to the retail investor, this book is of great importance for legal practice in the areas of investor protection, financial services, and regulation of securities and banking. Although the present crisis has fundamentally challenged public authorities in every country, it is important to know what has been introduced or modified and which pre-existing measures have been retained as a result of new measures. The national reports reproduced in this book provide the clearest and fullest commentary available on this and other aspects of the 'new' global financial regulatory scheme.

European Financial Regulation Veerle Colaert,Danny Busch,Thomas Incalza.2019-12-26 Mirroring the long-established structure of the financial industry, EU financial regulation as we know it today approaches banking, insurance and investment services separately and often divergently. In recent decades however, the clear separation between financial sectors has gradually evaporated, as business lines have converged across sectors and FinTech solutions have emerged which do not fit traditional sector boundaries. As the contours of the traditional tripartition in the financial industry have faded, the diverging regulatory and supervisory treatment of these sectors has become increasingly at odds with economic reality. This book brings together insights developed by distinguished researchers and industry professionals in a series of articles analysing the main areas of EU financial regulation from a cross-sectoral perspective. For each specific research theme - including prudential regulation, corporate governance and conduct of business rules - the similarities, as well as gaps, overlaps and unjustifiable differences between banking, securities and insurance regulation, are clearly presented and discussed. This innovative research approach is aimed at informing lawmakers and policymakers on potential improvements to EU financial regulation whilst also supporting legal and compliance professionals applying the current framework or looking to streamline compliance processes.

Set-Off Law and Practice William Johnston, Thomas Werlen, Frederick Link. 2018-02-22 The third edition of this invaluable guide covers the application and practice of the law of set-off in over 30 jurisdictions spanning Europe, Asia and the Americas. Written by leading experts from around the world, each chapter explains the principles of the law of set-off in the jurisdiction concerned, and provides a comparative guide for banking and finance lawyers wishing to establish the pitfalls of set-off in a foreign jurisdiction. For this new edition every chapter has been updated to contain new material specifically devoted to cross border aspects, including analysis of choice of law issues. Fully updated legal analysis is also provided, with an emphasis on how set-off may be used as security and the application of insolvency set-off: taking into account new legal developments in the various jurisdictions and reflecting recent changes to legislation in the financial sector relating to bank and other financial firm resolution.

Investor Protection Hanneke Wegman. 2015-11-24 The expansion of the fund industry has been one of the most notable trends in the financial markets of recent years. Not only has the demand for funds among EU investors grown, but both the number and types of investment funds also continue to increase. Since investment funds available in the EU can be established both inside and outside the EU, they may be subject to different investor protection regulations, depending on where the fund is located. Accordingly, different levels of investor protection may exist between investors investing in EU funds and investors investing in non-EU funds, including US funds. This book investigates whether there is a level playing field between EU investors investing in EU funds and EU investors investing in US funds and if not, if there is a legal basis in current EU law for the EU regulator to adopt additional investor protection rules applying to investment funds. The analysis considers the basic characteristics of investment funds, how they function in practice, and how they are regulated relating to investor protection issues. Factors examined in depth include the following: - features of funds most relevant to the protection of retail investors; - operational structure, investment strategies, fee structure, and legal structure of funds; - internal control systems; - transparency and disclosure rules; - conduct of business rules; and - depositary monitoring rules. The author examines relevant EU directives and rules and the particular remit of each, as well as US law applying to investment funds that are active in the EU. Case law and relevant literature in the field is also drawn on. As an assessment of the current degree of protection applying to funds that are available to EU retail investors - as well as an up-to-date overview of regulatory requirements and procedures concerning the protection of EU investors in investment funds - this book is unsurpassed. Especially valuable is the closing discussion about whether the EU regulatory system provides for a level playing field of protection for EU retail investors, and if not which additional rules can be adopted by the EU regulator in this area. Lawyers and other professionals in all areas of law and policy concerned with investment and finance will find this book of great value.

The Tax Treatment of Collective Investment Vehicles and Real Estate Investment Trusts Hein Vermeulen. 2013

Action Plan on Base Erosion and Profit Shifting OECD. 2013-07-19 This action plan, created in response to a request by the G20, identifies a set of domestic and international actions to address the problems of base erosion and profit sharing.

Funds Matthew Hudson. 2014-04-24 Investment funds are the driving force behind much global private economic development, and yet the world of investment funds can be complex and confusing. *Funds: Private Equity, Hedge and All Core Structures* is a practical introductory guide to the legal and commercial context in which funds are raised and invest their money, with examinations of the tax and regulatory background, and an analysis of the key themes and trends that the funds industry face following the financial crisis. The book looks at asset classes, investor return models, the commercial and legal pressures driving different structures and key global jurisdictions for both fund establishment and making investments. It also contains a comprehensive analysis of fund managers, from remuneration, best practice through to regulation. The book is written for readers from all backgrounds, from students or newcomers to the industry to experienced investors looking to branch out into alternative asset classes, or existing asset managers and their advisers wanting to know more about the structures elsewhere within the industry.

Research Handbook on EU Economic Law Federico Fabbrini, Marco Ventoruzzo. 2019 p.p1 {margin: 0.0px 0.0px 0.0px 0.0px; font: 10.0px Arial} This comprehensive Research Handbook analyses and explains the EU's complex system of economic governance from a legal point of view and looks ahead to the challenges it faces and how these can be resolved. Bringing together contributions from leading academics and top lawyers from EU institutions, this Research Handbook is the first to cover all aspects of the Eurozone's legal ecosystem, and offers an up-to-date and in depth assessment of the norms and procedures that underpin the EU's economic, monetary, banking, and capital markets unions.

Investment Management Timothy Spangler. 2010 *Investment Management: Law and Practice* provides an in-depth guide to the processes and legal and regulatory issues relating to investment management. Edited by Timothy Spangler, a New York qualified lawyer and English solicitor, this work provides a comparative consideration of UK and US practice. The work adopts a three part structure. The first part examines the legal principles underlying investment management and the regulatory position in both the UK and the US. It provides lawyers with guidance on the tort aspects of practice in this area, looking at the common law relating to standard of care, contractual duty and fiduciary duty. The second part includes a detailed consideration of those aspects of particular relevance to investment management law, such as derivatives, soft commission and market abuse. The third part considers pertinent issues relevant to each client sector to provide a practical research tool for advising different categories of client. This work will offer valuable information on the regulatory changes and market activity in this dynamic and increasingly specialist practice area.

The Alternative Investment Fund Managers Directive Dirk A. Zetzsche. 2015-09-14 Apart from MiFID, the Alternative Investment Fund Managers Directive (AIFMD) may be the most important European asset management regulation of the early twenty-first century. In this in-depth analytical and critical discussion of the content and system of the directive, thirty-eight contributing authors - academics, lawyers, consultants, fund supervisors, and fund industry experts - examine the AIFMD from every angle. They cover structure, regulatory history, scope, appointment and authorization of the manager, the requirements for depositaries and prime brokers, rules on delegation, reporting requirements, transitional provisions, and the objectives stipulated in the recitals and other official documents. The challenging implications and contexts they examine include the following: - connection with systemic risk and the financial crisis; - nexus with insurance for negligent conduct; - connection with corporate governance doctrine; - risk management; - transparency; - the cross-border dimension; - liability for lost assets; - impact on alternative investment strategies, and - the nexus with the European Regulation on Long-Term Investment Funds (ELTIFR). Nine country reports, representing most of Europe's financial centres and fund markets add a national perspective to the discussion of the European regulation. These chapters deal with the potential interactions among the AIFMD and the relevant laws and regulations of Austria, France, Germany, Italy, Luxembourg, Liechtenstein, The Netherlands, Malta and the United Kingdom. The second edition of the book continues to deliver not only the much-needed discussion of the inconsistencies and difficulties when applying the directive, but also provides guidance and potential solutions to the problems it raises. The second edition considers all new developments in the field of alternative investment funds, their managers, depositaries, and prime brokers, including, but not limited to, statements by the European Securities and Markets Authority (ESMA) and national competent authorities on the interpretation of the AIFMD, as well as new European regulation, in particular the PRIIPS Regulation, the ELTIF Regulation, the Regulation on European Venture Capital Funds (EuVeCaR), the Regulation on European Social Entrepreneurship Funds (EUSEFR), MiFID II, and UCITS V. The book will be warmly welcomed by investors and their counsel, fund managers, depositaries, asset managers, administrators, as well as regulators and academics in the field.

International Guide to Money Laundering Law and Practice Arun Srivastava, Mark Simpson, Richard Powell. 2019-04-26 Starting with an overview of the development of money laundering and the work of international organisations, *International Guide to Money Laundering Law and Practice* is a unique publication providing a detailed insight into the background of money laundering operations, clearly explaining the anti-money laundering

laws and regulations in 35 key global financial centres throughout the world. In addition, there are four chapters considering money laundering law and practice in the UK with the emphasis on the legal and regulatory framework and include: a chapter on the accounting and auditing issues; and a chapter on confiscating the proceeds of crime written by Jonathan Fisher, QC, a leading barrister specialising in corporate and financial crime, proceeds of crime and tax cases. It also contains a chapter covering international responses and initiatives to money laundering. The fifth edition covers, amongst other things, the implementation of the Fifth EU Money Laundering Directive and the Criminal Finances Bill. Written by local experts and edited by a team from Baker McKenzie's Financial Services Group, *International Guide to Money Laundering Law and Practice* is the leading, authoritative text on this heavily regulated area of law. It is essential for all banking and finance practitioners involved in anti-money laundering, banks, compliance officers and regulators in order to keep abreast of the developments and compliant with the law and regulations internationally.

Agency Law in Commercial Practice Danny Busch, Laura Macgregor, Peter Watts. 2016 An essential guide to agency law, exploring its problems and application in commercial practice.

The Regulation of Hedge Funds Ana Maria Fagetan. 2020-12-28 This book analyses elements of international finance, comparing the regulation of hedge funds in United States, Europe, the UK, and off-shore jurisdictions in the aftermath of the financial crisis. It critically compares the Dodd-Frank Act in US with the Alternative Investment Funds Managers Directive in Europe. Moreover, it goes further by analyzing the implementation of the AIFM Directive in seven jurisdictions in Europe famous for the incorporation of hedge funds: the United Kingdom, Italy, France, Ireland, Malta, Luxembourg, and Switzerland. The book also analyses the effect of Brexit on the legislation in the UK regarding the application of the directive and the distribution of financial products in Continental Europe, and will be of particular interest to researchers, academics, and students of international finance and financial regulation.

The Law of Private Investment Funds Timothy Spangler. 2012-09-06 The new edition of *The Law of Private Investment Funds* offers a practical analysis of the legal and regulatory issues that arise in connection with the structuring, formation, and operation of private investment funds, including hedge funds, private equity funds, real estate funds, and other non-retail collective investment vehicles. The book provides a unique analysis of these funds on a pan-asset class basis, as well as from a US, UK, and European perspective. The themes of investor protection and fiduciary challenge are considered in the context of the various sources available for investor protection including the substantive rights and obligations under general law, and voluntary and statutory rights of regulation. The author considers the various aspects of running private investment funds against the backdrop of regulation and investor protection. Issues such as structuring and launching, and marketing private investment funds are considered in full. The author also looks at the governance challenge where limited partnerships and offshore companies are concerned. The book identifies governance as a key issue for private investment fund participants and discusses in depth several ways in which managers and fund participants can improve the governance of their funds. In addition it analyses the consequences and impact of the recent global financial crisis on private funds, and the response of the US, UK, and European regulators. The new edition includes increased coverage of best practice and industry guidelines, including the ILPA Guidelines for private equity funds, and the MFA's Best Practices for hedge funds. It also provides discussion of new regulatory regimes in the US and EU, including the Dodd Frank Act and AIFMD.

The EU Crowdfunding Regulation Pietro Ortolani, Marije Lousse. 2022 This book is an in-depth and timely analysis of the EU Crowdfunding Regulation. Striking a balance between academic scrutiny and practical context, and drawing upon various aspects of financial law, consumer law, and dispute resolution, it is invaluable for practitioners and academics seeking to understand an innovative alternative mode of funding.

Private Equity Darryl J. Cooke.2011 Explaining clearly the law and current practice of private equity transactions, this new edition of Private Equity: Law and Practice offers advice and information relevant to private equity investors, companies seeking funds, those financing deals and managers wishing to buy out a company.

Multilingual Interpretation of European Union Law Dirk A. Zetsche.2012-11-01 The Alternative Investment Fund Managers Directive (AIFMD) may be the most important European asset management regulation of the early 21st century. However, a preponderance of practitioners and academics in the field argue that, in its present form, the directive is seriously out of touch with both the system of European financial law and industry practice. In this first in-depth analytical and critical discussion of the content and system of the directive, thirty-four contributing authors - academics, lawyers, consultants, fund supervisors, and fund industry experts - examine the AIFMD from every angle. They cover structure, regulatory history, scope, appointment and authorization of the manager, rules on delegation, reporting requirements, transitional provisions, and the objectives stipulated in the recitals and other official documents. The challenging implications and contexts they examine include the following: connection with systemic risk and the financial crisis; impact on money laundering and financial crime; nexus with insurance for negligent conduct; connection with corporate governance doctrine; risk management; transparency; the cross-border dimension; liability for lost assets; and impact on alternative investment strategies. Ten country reports add a national perspective to the discussion of the European regulation. These chapters deal with the potential interactions among the AIFMD and the relevant laws and regulations of Italy, Switzerland, Luxembourg, The Netherlands, Austria, Liechtenstein, the United Kingdom, Germany, France, and Ireland. The former are Europe's most vibrant financial centres and markets. Designed to spur a critical attitude towards the emerging new European financial markets framework presaged by the AIFMD, this much-needed discussion not only elaborates on the inconsistencies and difficulties sure to be encountered when applying the directive, but also provides potential solutions to the problems it raises. The book will be warmly welcomed by investors and their counsel, fund managers, depositaries, asset managers, and administrators, as well as academics in the field.

The Law of Private Investment Funds Timothy Spangler.2018 [This book provides a] dual US/UK and pan-asset analysis...[of] the legal and regulatory issues that arise in connection with private investment funds. The book advises legal practitioners on the structuring, formation, and operation of a range of asset classes, including hedge funds, private equity funds, real estate funds, and other non-retail collective investment vehicles. This edition has been...revised to reflect the numerous and significant developments in financial services regulation on both sides of the Atlantic since the publication of the second edition. More elements of the Dodd Frank financial regulatory reforms, which increased the scope and reach of regulation applicable to private funds, have been implemented and commented on in this edition. In relation to European regulation, the impact of the commencement of the Alternative Investment Fund Manager Directive (AIFMD) has also now been analysed. The US/UK approach is maintained, but this edition now also includes consideration of third countries, particularly the Middle East and Asia. An entirely new chapter is dedicated to litigation and regulatory enforcement, and significant treatment is given to the effects of the global financial crisis, in particular the regulatory response and the changes to negotiating leverage of fund managers and fund investors. The potential impact of 'Brexit' on the United Kingdom private funds industry and the future of the AIMFD and European private funds is also examined.--

The European Alternative Investment Fund Managers Directive (AIFMD) Thomas Bernhardt.2013-10-29 The European Alternative Investment Fund Managers Directive (AIFMD) has been formulated as a response to the global financial crisis, which climaxed in the collapse of Lehman Brothers on 15 September 2008. The securitisation of real estate risks that came about by launching financial innovations such as asset-backed securities (ABS), mortgage-backed securities (MBS), collateralised debt obligations (CDO) or structured investment vehicles (SIV) contributed particularly to the fast

worldwide circulation of ‘poisoned’ papers. Assuming that the financial crisis of 2008/2009 was the consequence of wrongfully set incentives that primarily concerned the fund managers’ remuneration, the European Commission followed the ideas of Jacques de Larosière, Klaus-Heiner Lehne and Poul Nyrup Rasmussen and set the legal focus on the fund managers, as these entities launch and distribute financial products such as those mentioned above and also decide on the investment strategy that might bear systemic risks. Due to their financial market potential and in view of the design of financial products, these entities admittedly have a strong impact on the financial market development and may jointly be responsible for the realisation of systemic risks of transnational dimensions. In particular, in the view of a steady credit supply of the real economy, the enormous transnational mobility of capital and the global competition of financial market regulations, it seems doubtful whether one can identify the fund managers as those responsible for the financial market crisis of 2008/2009. This thesis highlights the history, symptoms and supposed core reasons of the financial crisis of 2008/2009 and critically assesses whether the AIFMD can reach its objective to effectively contain systemic risks in the context of a globalised financial system.

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