

EU Banking and Capital Market Law (B001419)

Course size *(nominal values; actual values may depend on programme)*

Credits 4.0 **Study time 120 h** **Contact hrs** 30.0h

Course offerings and teaching methods in academic year 2022-2023

A (semester 2)	English	Gent	lecture	17.5h
			seminar	12.5h

Lecturers in academic year 2022-2023

Tison, Michel	RE21	lecturer-in-charge
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Offered in the following programmes in 2022-2023

	crdts	offering
Master of Science in Teaching in Social Sciences(main subject Laws)	4	A
Master of Laws in Laws	4	A
Master of Laws in European Union Law	4	A
Master of Laws in International and European Law	4	A
Master of Laws in International Business Law	4	A
Exchange Programme in Law	4	A

Teaching languages

English

Keywords

Banking, financial services, investment services, EU integration, capital markets

Position of the course

The course aims at providing insights into the way the provisions of European law influence the establishment and operation of market participants in the EU member states in the field of financial services, and to assess the effectiveness of the legal instruments used to promote banking and capital market integration

Contents

This course focuses on the legal framework of cross-border banking and provision of financial services in the European Union. This encompasses the European law aspects of the cross-border activities of banking and securities intermediaries, and its impact on national regulation of cross-border business. The course is not limited to an overview of the relevant provisions in the EU-Treaty with respect to the free movement of services, capital and freedom of establishment. Attention is also paid to the provisions of secondary EU law relating to the banking and securities business..

Initial competences

* Basic knowledge of EU law (TFEU and economic freedoms; characteristics of legal instruments in EU law) * Basic knowledge of financial regulation

Final competences

- 1 Provide insight into the interplay between EU financial market/services integration and Member States' possibilities to regulate cross-border banking and financial services business.
- 2 Provide insight into the background and substance of the main components of EU financial regulation
- 3 Provide insight into the functioning of primary and secondary capital markets.
- 4 Enable students to analyse the compatibility of national financial regulation with EU law (EU Treaty and secondary law).

- 5 Promote a critical attitude by students towards the effectiveness of the instruments used at EU level to achieve banking and financial market integration.
- 6 Ability to properly characterize and solve legal questions in connection with a hypothetical situation, using relevant legislation and case-law.

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Seminar, Lecture

Extra information on the teaching methods

* Discussion seminars: analysis and discussion of case-law * Ex cathedra teaching

Learning materials and price

Reader (case law, text of secondary legislation and background articles); available on Minerva

References

- R. THEISSEN, *EU Banking Supervision*, The Hague, Eleven Publishing, 2013, 1244 p.
- M. HAENTJENS & G. DE GOIA-CARABELLESE, *European Banking and Financial Law*, London, Routledge, 2014;
- D. BUSCH & G. FERRARINI (eds.), *European Banking Union*, Oxford, OUP, 2015, 577 p.
- R. PANASAR & P. Boeckman, *European Securities Law*, Oxford, OUP, 2014.

Course content-related study coaching

Availability of teacher

Assessment moments

end-of-term and continuous assessment

Examination methods in case of periodic assessment during the first examination period

Oral examination

Examination methods in case of periodic assessment during the second examination period

Oral examination

Examination methods in case of permanent assessment

Participation

Possibilities of retake in case of permanent assessment

examination during the second examination period is not possible

Extra information on the examination methods

- oral examination with written preparation (end of semester): assessment of capacity by student to analyse hypothetical cases in EU banking or capital market law; assessment of capacity by student to understand the substance of EU banking/capital market law.
- Participation: assessment of effective preparation of classes (case law analysis assignments) and participation in discussions; for LLM-students: in addition oral presentation of a case in class

Calculation of the examination mark

80%: oral exam

20%: participation. If the student fails in handing in on time more than 20% of the assignments, the score for Participation will be brought back to 0.