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des Fachanwalts
Bank- und
Kapitalmarktrecht

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Handbuch Fachanwalts Bank Kapitalmarktrecht Assies

**Dirk Farkas-Richling, Thomas R.
Fischer, Andreas Richter**



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Kapitalmarktgeschäfte mit Verbrauchern unter der Rom I-VO Andrea Isabell Dicke, 2015-03-23 Long description Die Rom I VO stellt in Art 6 Abs 4 lit d und e verschiedene Fallgruppen mit Kapitalmarktbezug auf in denen der Schutz des Verbrauchers unter der besonderen Kollisionsregel für Verbraucherverträge in Art 6 Rom I VO entfaltet Andrea Isabell Dicke untersucht den Anwendungsbereich und die praktische Bedeutung dieser Ausnahmeregelungen **Deutsches und europäisches Bank- und Kapitalmarktrecht** Peter Derleder, Kai-Oliver Knops, Heinz Georg Bamberger, 2017-07-10 Auf die Bedürfnisse der Praxis ausgerichtet erläutert das Werk unter Aufarbeitung der neuesten Rechtsentwicklungen systematisch das gesamte Bankrecht in Deutschland Die Neuauflage wurde um weitere Beiträge ergänzt Zudem werden die europäische Rechtsentwicklung und das Bankrecht der Staaten Europas in Länderberichten dargestellt Auch Einrichtungen und Erscheinungen sowie Gebiete des Rechts deren Bedeutung im Zuge der Finanzkrise in den letzten Jahren mehr hervorgetreten ist zum Beispiel Rating oder Scoring oder auch Datenschutz und Bankgeheimnis werden verstärkt behandelt Renommiertere Autoren aus der Wissenschaft häufig als Richter Schiedsrichter oder Berater tätig und wissenschaftlich ausgewiesene Praktiker aus Justiz und Anwaltschaft gewährleisten eine ausgewogene Rechtsinterpretation und garantieren eine zuverlässige und aktuelle Aufbereitung der jeweiligen Teilgebiete in komprimierter Form um dem Leser eine praxisnahe und kompetente Einarbeitung in kurzer Zeit zu ermöglichen Band 2 umfasst die Kapitalmarkt und Auslandsgeschäfte den Rechtsschutz sowie das Europäische Bankrecht inklusive Länderberichte **Handbuch Unternehmensrestrukturierung** Thomas C. Knecht, Ulrich Hommel, Holger Wohlenberg, 2018-05-31 Das umfassende Handbuch behandelt alle Aspekte einer erfolgreichen Unternehmenssanierung von den Grundlagen bis zur strategischen Umsetzung Herausgeber und Autoren aus renommierten Unternehmen und aus der Wissenschaft zeigen wie Unternehmenskrisen überwunden werden und neue Wachstumsimpulse geschaffen werden können Sie betrachten bisher gängige Vorgehensweisen im Krisenmanagement im Lichte neuer Trends sodass veränderte und innovative Ansätze zur erfolgreichen Sanierung führen können Damit schafft das Handbuch eine umfassende solide und aktuelle Informationsgrundlage für alle die nachhaltig mit der Unternehmenssanierung befasst sind **Handbuch des Strafrechts** Eric Hilgendorf, Hans Kudlich, Brian Valerius, 2021-06-02 Der Inhalt Band 3 schließt die Sektion I Grundlagen und Allgemeiner Teil des Strafrechts des Handbuchs des Strafrechts ab Der Band widmet sich in einzelnen Abschnitten der Täterschaft und Teilnahme Vorbereitung Versuch und Vollendung dem strafbaren Unterlassen den Konkurrenzen der strafrechtlichen Sanktionenlehre sowie einem Abschnitt zu den prozessualen Voraussetzungen Konzeption Das auf neun bis zehn Bände angelegte Handbuch des Strafrechts ist eine Gesamtdarstellung des deutschen Straf- und Strafverfahrensrechts das nicht bei Kommentierungen einzelner Vorschriften sondern in Form themenspezifischer Abhandlungen erschlossen wird Es besteht aus drei Sektionen von denen die erste die Grundlagen sowie den Allgemeinen Teil des Strafrechts behandelt die zweite den Besonderen Teil mit ausgesuchten

Teildisziplinen des Strafrechts und die dritte das Strafverfahrensrecht Das Handbuch des Strafrechts stellt dezidiert die Dogmatik in den Mittelpunkt Es berücksichtigt vor allem die Grundlagen und deren Fortentwicklung Losgelöst von den Herausforderungen des Augenblicks und des Einzelfalls begleitet es die Entwicklung des deutschen Strafrechts beständig und dauerhaft aus einer kritischen Distanz Es trägt dazu bei andere strafrechtswissenschaftliche Untersuchungen auf ein solides Fundament zu stellen Aufgrund von Interdisziplinarität und Einbeziehung europäischer und internationaler Tendenzen ist das Werk über die nationalen Grenzen hinaus für die gesamte strafrechtliche Forschung und Praxis von Interesse

Festschrift für Klaus J. Hopt zum 70. Geburtstag am 24. August 2010 Stefan Grundmann, Brigitte Haar, Hanno Merkt, et al., 2010-09-17 Klaus J Hopt der am 24 August 2010 seinen 70 Geburtstag feiert ist einer der renommiertesten Rechtswissenschaftler Deutschlands und darüber hinaus einer der bedeutendsten international wirkenden deutschen Juristen der letzten Jahrzehnte Die hiermit zu diesem Anlass vorgelegte Festschrift unter dem Titel Unternehmen Markt und Verantwortung spiegelt in den Beiträgen von ca 200 deutschen und internationalen Autoren zu Themen aus den Bereichen Privatrecht Unternehmensrecht Bank und Kapitalmarktrecht Wirtschaftsrecht Marktwirtschaft und Rechtsdurchsetzung sowie zahlreichen internationalen Fragestellungen die ganze Bandbreite des Wirkens und des Werkes von Klaus J Hopt wider

Anlegerschutzgesetze Volker Baas, Petra Buck-Heeb, Stefan Werner, 2018-12-17 Vom FiMaNoG über das Kleinanlegerschutzgesetz bis zu den Neuerungen im Verbraucherkreditrecht und im Recht der Zahlungsdienste hat der Gesetzgeber die Stellung von Verbrauchern und Anlegern weiter gestärkt Dieser Kommentar vermittelt einen bergreifenden Überblick über die zivil und aufsichtsrechtlichen Vorgaben die Anleger und Verbraucher vor den Fehlfunktionen des Finanzmarktes seiner Dienstleistungen und Produkte schützen sollen

Churning Manuel Lorenz, 2015-08-04 Sowohl der im internationalen Vergleich recht junge Kontakt der deutschen Rechtstheorie und praxis mit dem Phänomen des Churning als auch die fehlende einschlägige strafgerichtliche Befassung mit dieser Thematik machen die Klärung der Frage erforderlich ob die deutschen straf sowie ordnungswidrigkeitenrechtlichen Vorschriften eine wirksame Handhabe gegen die Spesenschinderei bieten Zu Beginn wird ein kapitalmarkt und bürgernrechtliches Fundament unter Berücksichtigung der Termin sowie Kassageschichte gelegt einschließend der zentralen Finanzdienstleistungen des Wertpapierhandelsgesetzes Im Anschluss wird das Phänomen des Churning im Detail beschrieben Den Schwerpunkt der Arbeit bilden folgende Aspekte der Nachweis der Spesenschinderei anhand objektiver und subjektiver Indizien die Prüfung sowohl des Untreue 266 StGB sowie des Betrugstatbestandes 263 StGB die Prüfung der drei Musketiere des Ordnungswidrigkeitengesetzes 9 30 130 OWiG Die Arbeit kommt zu dem Ergebnis dass nicht jeder Fall von Churning vom deutschen Kernstrafrecht erfasst wird und eine Sanktionierung über das Ordnungswidrigkeitenrecht praktische Vorzüge aufweist Der Praktiker erhält im Anschluss eine Leitlinie in Form einer präzisen Handlungsanweisung zur Vermeidung des Churning Verdachts Insbesondere werden die Kennzahlen gebündelt dargestellt ab denen Churning derzeit als indiziert gilt Zudem wird eine für das schnelle Auffinden

hilfreiche Auflistung einschlägiger nationaler zivilgerichtlicher Judikate abgebildet

Direito Bancário I - Direito

Material - 7a Edição António Menezes Cordeiro, A. Barreto Menezes Cordeiro, 2023-06-22 O dinheiro domina ou condiciona todas as atividades humanas isoladamente em grupo ou em grandes coletividades Subjacente a essa realidade onnipresente temos o sistema financeiro a sua organização nacional europeia e internacional e as instituições de crédito Estas relacionam-se com os particulares através de esquemas de contratação ora simples ora complexos Tudo isto objeto do moderno Direito bancário Modelado por sucessivas reformas ditadas pelas crises e assente em práticas reconhecidas e experimentadas o Direito bancário surge como uma disciplina básica nas nossas sociedades pessoais industriais A presente obra agora em 7ª edição revista e isolada procede a uma exposição integrada do Direito bancário material obra autónoma que será seguida por um segundo volume sobre Direito institucional A dimensão assumida pelo Direito bancário obriga por razões editoriais a proceder a essa repartição Com essa especificidade a prática encontra nela os recentes desenvolvimentos da ciência jurídica bancária assente nas leis na doutrina e em cerca de oitocentas decisões dos tribunais O estudioso por seu turno acede doutrina dos nossos dias e mais recente evolução do Direito europeu

Зарубежное банковское право (банковское право Европейского Союза, Франции, Швейцарии, Германии, США, КНР, Великобритании). Учебное пособие Под ред. Ефимовой Л.Г., 2015-10-22 2015 *Wechselwirkungen von Aufsichtsrecht und Zivilrecht* Julius Forschner, 2013-11-15 Europarechtlich determiniert finden sich im Wertpapierhandelsgesetz öffentlich rechtliche Aufklärungs- und Beratungspflichten die Wertpapierdienstleistungsunternehmen ihren Kunden gegenüber zu erfüllen haben Unabhängig davon entwickelte sich seit den frühen 1990er Jahren eine parallel hierzu verlaufende zivilgerichtliche Rechtsprechung die ähnliche Pflichten aus häufig stillschweigend geschlossenen Auskunft- und Beratungsverträgen zwischen Wertpapierdienstleistungsunternehmen und Kunden herleitet Das Verhältnis dieser beiden Pflichtenkreise ist bisher nicht abschliessend geklärt und von hoher praktischer Relevanz Die Thematik wirft grundlegende Fragen zum Verhältnis von öffentlichem Aufsichtsrecht und Zivilrecht ebenso auf wie zum Verhältnis von Europarecht und Recht der Nationalstaaten Julius Forschner untersucht diese grundlegenden Fragen um Systemdivergenzen zu vermeiden

Prospektpflicht und Prospekthaftung im Grauen Kapitalmarkt nach deutschem und italienischem Recht Stefan Ueding, 2009 Im Jahr 2003 hat die Bundesregierung angekündigt den deutschen Kapitalmarkt zu stärken Hierzu hat sie das Gesetz zur Verbesserung des Anlegerschutzes erlassen das unter anderem eine Prospektpflicht und eine Prospekthaftung für den sogenannten Grauen Kapitalmarkt vorsieht In Italien gab es bis in die achtziger Jahre einen ähnlichen Markt für titoli atipici Jedoch wurde hier bereits 1983 eine Prospektpflicht eingeführt später ein verbindliches Modell geschlossener Fonds Eine spezialgesetzliche Prospekthaftung besteht hingegen erst seit der Umsetzung der Verkaufsprospektrichtlinie im Jahr 2007 Heute ist in Italien ein einheitlicher Kapitalmarkt gegeben Neben einer Untersuchung der Prospektpflicht und Prospekthaftung in beiden Ländern geht der Autor in seiner Arbeit der Frage nach ob der deutsche Kapitalmarkt tatsächlich gestärkt wurde oder ob es angesichts der

Erkenntnisse aus der Entwicklung in Italien noch weitere Verbesserungsmöglichkeiten gibt

Direito Bancário - 4a Edição Miguel Pestana de Vasconcelos, 2023-06-05 O direito bancário hoje mais do que nunca um setor especialmente dinâmico com constantes alterações legislativas e desenvolvimentos jurisprudenciais Esta obra caracteriza o direito bancário no âmbito do sistema financeiro e analisa depois de forma muito detalhada no seio da relação bancária os diversos contratos bancários de depósito de crédito mútuo abertura de crédito descontos cessos financeiros e locação financeira e de pagamento confirming e crédito documentário Desenvolve o regime dos juros e das comissões bancárias Trata de forma detalhada o regime dos serviços de pagamento RSP matéria de grande densidade Foram agora acrescentados dois capítulos relativos às instituições de crédito regulações e supervisão Em suma pela sua extensão o conjunto de matérias abrangidas e desenvolvimento fundamental para se conhecer o direito bancário da atualidade

Grundlagen und Commercial Banking Stefan Grundmann, Moritz Renner, 2020-09-21 Die Sonderausgabe der Kommentierung des Bankvertragsrechts aus der 5. Auflage des Staub in zwei Bänden bringt das Bankvertragsrecht als Gesamtwerk erstmals auf einen einheitlichen und grundsätzlich revidierten Stand In Band 1 werden der Rahmen des Bankgeschäfts die allgemeine Bank-Kunden-Beziehung und das Commercial Banking Zahlungsgeschäft und Kreditgeschäft behandelt

Private Banking und Family Office Dirk Farkas-Richling, Thomas R. Fischer, Andreas Richter, 2012-07-17 Private Banking und Family Office sind wichtige Geschäftsfelder in Banken und Steuerkanzleien Berater in diesem Bereich müssen individuell auf die anspruchsvolle Kundschaft eingehen Zu einzelnen Anlageformen sollten sie ebenso Auskunft geben können wie zu Erbschafts- und Stiftungsfragen Die Neuauflage informiert umfassend über den Markt in Deutschland Österreich und der Schweiz die Geschäftsmodelle Beratungsleistungen und Produkte die rechtlichen und steuerlichen Rahmenbedingungen

Fintechs Dieter Krimphove, 2019-11-25 Die Bankenbranche ist getrieben vom digitalen Wandel Fintech Unternehmen drängen mit innovativen Geschäftsideen auf den Markt z.B. Alternative Bezahlverfahren Blockchain Technologie Crowdfunding Automatisierte Finanzportfolioverwaltung Plattformen zur automatisierten Anlageberatung Das Fachbuch befasst sich mit den rechtlichen Grundlagen von Fintechs Darüber hinaus werden angrenzende Rechtsthemen wie Datenschutz IT-Geldwäschemissbrauch und Aufsichtsrecht beleuchtet und die rechtliche Bewertung einzelner Fintechs erläutert

Lastschriftverkehr in Deutschland, Rumänien und der EU Alexandru Petrescu, 2013-05-28 Die vorliegende Dissertation unternimmt aus zivilrechtlicher Perspektive einen Vergleich des Lastschriftverfahrens in Deutschland und Rumänien sowie in Europa Auf der Basis dieses Rechtsvergleichs aber auch anhand des europäischen Primärrechts werden die Entwicklungen auf EU-Ebene so wie sie sich aufgrund der SEPA-Verordnung konturieren bewertet

Direito dos Valores Mobiliários - Volume I A. Barreto Menezes Cordeiro, 2023-07-26 NDICE RESUMIDO LIVRO I FONTES Capítulo I direito comparado e direito internacional Capítulo II direito europeu Capítulo III direito português Capítulo IV extraterritorialidade do direito estado unidense LIVRO II DOGMÁTICA GERAL Capítulo I estudo do direito dos valores mobiliários Capítulo II coordenadas gerais Capítulo III a funcionalização do direito dos valores mobiliários

ndice de jurisprudence ndice bibliographique ndice onomastique ndice ideographique **Die Darlehensgeberkündigung als "Ausstieg" aus langfristigen Immobiliarkrediten** Annabelle Rau, 2015-09-21 Studienarbeit aus dem Jahr 2015 im Fachbereich Jura Zivilrecht Handelsrecht Gesellschaftsrecht Kartellrecht Wirtschaftsrecht Note 15 Universität Leipzig Institut für Deutsches und Internationales Bank und Kapitalmarktrecht Veranstaltung Rechtliche Folgen der Niedrigzinsphase Sprache Deutsch Abstract Die kontinuierliche Senkung des Leitzinssatzes durch die EZB macht sich auch am Kreditmarkt bemerkbar. Betrug der Zinssatz von im Jahre 2005 geschlossenen festverzinslichen Immobiliendarlehensverträgen beispielsweise mit einer Laufzeit von 15 Jahren noch zwischen 5 bis 7 % p.a., können heute Kredite mit derselben Laufzeit zu einem Zinssatz von regelmäßig unter 2 % p.a. abgeschlossen werden. Das Bedürfnis nach einem Ausstieg aus langfristigen Immobiliendarlehen mit hohen Darlehenszinsen um 5 % p.a. ist folglich naheliegend. Problematisch erscheint dies jedoch für Darlehensnehmer, denen ein gesetzliches Kündigungsrecht nach § 489 BGB nicht zusteht und welchen der von einigen Verbraucherverbänden empfohlene Weg des Widerrufs ebenfalls nicht eröffnet ist. Das Bedürfnis nach einem Ausstieg aus langfristigen Immobiliendarlehen mit hohen Darlehenszinsen um 5 % p.a. ist folglich naheliegend. Problematisch erscheint dies jedoch für Darlehensnehmer, denen ein gesetzliches Kündigungsrecht nach § 489 BGB nicht zusteht und welchen der von einigen Verbraucherverbänden empfohlene Weg des Widerrufs ebenfalls nicht eröffnet ist. In diesem Fall wird der Bank bei vorzeitiger Beendigung des Darlehensvertrages regelmäßig eine Vorfalligkeitsentschädigung als Ersatz für die entgangenen Zinsen zu zahlen sein. Dies galt bisher auch dann, wenn der Darlehensvertrag seitens der Bank aufgrund eines Verzugs des Schuldners gekündigt wurde. Jüngste Entwicklungen in der Rechtsprechung lassen jedoch Zweifel an der bisherigen Praxis der Vorfalligkeitsentschädigung aufkommen. Soll es in Zukunft dem Immobiliendarlehensnehmer möglich sein, durch eine Herbeiführung bankseitiger Kündigung die unliebsame Vorfalligkeitsentschädigung zu umgehen? Diese Frage wird Gegenstand der folgenden Untersuchung sein. **Die Beratungsprotokollpflicht im System des europarechtlich determinierten Anlegerschutzes** Nico C. Klein, 2015-05-22 Nico C. Klein not only scrutinizes the special record keeping requirements that German law imposes on investment advisors but also examines a number of still unresolved fundamental questions of Capital Markets Law such as the reach of European harmonization efforts, the relationship between prudential regulation and civil law as well as the effectiveness of the enforcement powers of the Federal Financial Supervisory Authority BaFin.

Bankvertragsrecht 1 Stefan Grundmann, 2015-12-14 Im Ersten Teil des Teilbandes zum Bankvertragsrecht wird der Rahmen des Bankgeschäfts erörtert. Mit Grundzügen des Aufsichtsrechts mit einem Blick auf die Institutionen und Institutsgruppen und auch mit Grundzügen der Bankbetriebswirtschaftslehre. Im Zweiten Teil steht die allgemeine Bank-Kunden-Beziehung im Mittelpunkt. Dieses wird nacheinander mit den allgemeinen Pflichten mit dem Bankkonto als dem zentralen Rahmenvertrag zur Abwicklung im Bank-Kunden-Verhältnis und mit den AGB Banken und Sparkassen als der zentralen allgemeinen rechtlichen Ausgestaltung abgehandelt.

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