



The Alternative Investment Fund Managers Directive: European Regulation of Investment Funds (International Banking and Finance Law)

Dirk Zetzsche

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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.

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