EU Market Regulation, Financial Crimes and Global Security Governance

ACCESS EUROPE & VU Centre for European Legal Studies

International Workshop

Time: 21 October 2016 (ca 9 am -6.30 pm)
Conference venue: Symphony building, Gustav Mahlerplein 3, 1082 MK Amsterdam (next to the Amsterdam Zuid station & the VU).

The aim of this cross-legal workshop is to discuss, critique, and enhance our understanding of the complex relationship between financial crimes, data protection, anti-terrorism financing law and cyber law in the context of EU financial regulation. The workshop sets out to debate the robustness of EU financial crimes regulation by examining its several aspects in both regional and comparative contexts. For that aim the workshop brings together leading scholars in the area of EU securities regulation, market regulation, criminal law and data protection.

The specific plan of the workshop is to investigate the regulatory challenges facing the EU in the broad area of the fight against financial crimes by adopting a wider outlook on how to map and understand these phenomena in their salient contexts. The workshop is divided into four sections. The first panel charts the regulatory framework: what markets are under discussion and what are the competences of the EU for regulating deviances and irregularities in relevant markets through criminal law? This panel will also consider the question of accountability of EU agencies when fighting financial crimes (such as market abuse) and explore the intersection of market regulation and criminal law, as well as the relations between regulation and private policing. The second session deals with the regulation of financial crimes and the suppression of terrorism more specifically. The third session turns to cybercrime and addresses the challenges of EU fundamental rights protection as well as the application of criminal law frameworks to cyber-related infringement by several types and categories of actors. Finally, the fourth session turns to a more detailed empirical account of what occurs in practice, looking at the regulatory challenges and constitutional rights faced when applying law enforcement in these contexts. A pertinent example is the establishment of the European Public Prosecutor Office as a federal agent while keeping the defense on a national level. Finally we will draw comparisons from comparative law: the USA regime and the UK system while considering the relevant consequences of Brexit in this
context.

Workshop programme
Start: 9. am (coffee/tea on arrival)
Welcome and idea behind the workshop (Ester Herlin-Karnell)

First Session ca 9.10 am -11.10 am
Regulatory framework and EU market powers/security regulation
Chair: Ester Herlin-Karnell (VU Amsterdam)

2. Niamh Moloney (LSE), “ESMA and the control of market abuse: the movement from ‘law on the books’ to ‘law in action’ with respect to the supervision and enforcement of the market abuse regime.”
3. Marieke de Goede, (University of Amsterdam), ”Rethinking the Chain of Suspicious Transactions Analysis.”
4. Maria Bergström, (Uppsala University), ”The Many Uses of Anti-Money Laundering Regulation” – Over time and into the future

Discussants: Ester Herlin-Karnell (VU Amsterdam) and Nicholas Ryder (Bristol)

Short coffee/tea break

Second session
Time ca 11.10-13.10

Financing of terrorism and financial crimes
Chair: Claudio Matera (Twente)

1. Nicholas Ryder, (Bristol), “The financial war on terrorism – the topic that we shouldn’t forget”
2. Luis Hinojosa (Granada), “The implementation of international standards against terrorism financing under EU law”.

Discussants: Claudio Matera (Twente) and Maria Bergström (Uppsala)

Lunch 1.10 pm-2 pm
Third Session
2 pm-4 pm
Market challenges, cyber law and criminal law theory
Chair: Arno Lodder (VU)

1. Bas Schotel (University of Amsterdam) “The interactions between criminal law and administrative law regimes”
2. Eldar Haber, (Haifa Law school/Harvard), "Digital Expungement"
3. Els de Busser, (Den Haag University) “Transatlantic data protection”
4. Anne de Hingh (VU Amsterdam) “Dignity and the challenges of fighting cybercrime”

Discussants: Arno Lodder (VU Amsterdam) and Ester Herlin-Karnell (VU Amsterdam)

Coffee/tea break 4 pm-4.30 pm

Fourth session
4.30 pm -6 pm
Law Enforcement, Corporate Liability, Brexit and Elements of Federal criminal law
Chair: Mark Hornman (VU)

3. Vanessa Franssen (University of Liège/KU Leuven), "Corporate criminal liability and sentencing in the EU: state of affairs and potential for combatting financial crime in the future"

Discussants:
Mark Hornman (VU) and Umut Turksen (Kingston)

6 pm-6.30 pm Roundtable: Concluding discussions (what next, possible publication plans etc)

Dinner 7.30 pm (for panelists and chairs)