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## The Legal Structure of Commercial Banks and Financial Regulation : Does organizational form matter for the design of bank regulation?

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## **STELLINGEN BEHORENDE BIJ HET PROEFSCHRIFT VAN VÍCTOR LIVIO ENMANUEL CEDEÑO BREA**

1. In the aftermath of the financial crisis that reached its nadir in 2008, commercial banking activities are legally structured across jurisdictions using a plethora of organizational forms. Broadly speaking, commercial banks today can be classified under four main categories: corporate banks, cooperative banks, mutual associations, and nonprofit banks.
2. A better understanding of the way that commercial banks and other financial institutions are legally organized can provide some valuable insights in order to promote financial stability.
3. In the leading standard setting jurisdictions for financial regulation, the so-called ‘structural banking reforms’ that have been proposed or executed remain patchy, uncoordinated and they are often aimed at different policy objectives.
4. Commercial bank ring-fencing can be construed as a form of affirmative asset partitioning (entity shielding).
5. International banking capital, liquidity and leverage standards should take into account the different ways that banks are legally organized. Failure to fully take this into account can give rise to implementation gaps, legitimacy concerns and uncertainty for non-joint stock banks.
6. Economic sanctions can create a double victimization problem for the nationals of sanctioned countries. Recent examples of this are the barriers to open a bank account that Syrian refugees face across Europe. Banking regulation should address this issue.
7. The blockchain technology that underpins cryptocurrencies like ‘bitcoin’ is bound to pose challenges to the traditional conception of monetary sovereignty.
8. The CHF 1,000 note should be eliminated – or at least its retail use restricted – in order to prevent and combat the risk of money laundering and terrorist financing.
9. In the context of tax law, 3D printing will revolutionize import duties on the cross border sales of goods and services. Developing countries that are overly reliant on custom duties could be affected the most by this technology.
10. In some civil law jurisdictions, the statutory mischaracterization of repurchase agreements (repos) as two independent transactions can be a source of legal risk and commercial uncertainty.
11. A doctoral dissertation ‘is never truly finished, only abandoned’.