



Dominik Schöneberger

## **Derivate im Bankaufsichtsrecht**

Darstellung, Anwendung und Grundgedanken  
der Unterlegungspflicht

# Derivate Bankaufsichtsrecht Jan Christian Reiter

**Jan Christian Reiter**



## **Derivate Bankaufsichtsrecht Jan Christian Reiter:**

Derivate im Bankaufsichtsrecht Jan Christian Reiter, 2015-06-11 Studienarbeit aus dem Jahr 2014 im Fachbereich Jura Zivilrecht Handelsrecht Gesellschaftsrecht Kartellrecht Wirtschaftsrecht Note 13,0 Johann Wolfgang Goethe Universität Frankfurt am Main Veranstaltung Wissenschaftliche Abschlussarbeit Law and Finance Sprache Deutsch Abstract Die Finanzkrise ab dem Jahr 2007 rückte das Bankaufsichtsrecht und den Derivatehandel in den Fokus von Politik und Gesellschaft. Durch das bewusste Eingehen immer größerer Risiken und deren globalen Streuung haben Banken die Finanzkrise mit verursacht und gezeigt, dass sie ihrer originären Aufgabe als Finanzintermediär zwischen Kapitalgeber und Kapitalnehmer nicht angemessen gerecht wurden. Mittels derivativer Finanzinstrumente wurde das Ausfallrisiko der in den USA begebenen Immobilienkredite auf der ganzen Welt verteilt und die Stabilität des Finanzsystems geriet ins Wanken.<sup>2</sup> Um aber die Leistungsfähigkeit von Volkswirtschaften sicherzustellen, bedarf es eines effizienten und stabilen Banken- und Finanzsystems. Die Finanzkrise offenbarte die Instabilität des Systems und die damit verbundenen volkswirtschaftlichen Konsequenzen, deren Ausmaß bis heute nicht abschließend beziffert werden kann. Uns wurde vor Augen geführt, wie vergänglich eine vermeintlich gegebene Stabilität sein kann und folglich rückte der Fokus auf die Sicherung der Funktionstchtigkeit ebenjenes Systems. Durch eine umfassendere und strengere Regulierung sollen die Geschäfte und insbesondere der Derivatehandel von Banken nun transparenter und weniger anfällig für Ausfälle werden. Die Bankenaufsicht in Deutschland wurde bzw. wird hierfür im zunehmenden Maße ausgebaut und stetig durch neue Richtlinien und Verordnungen seitens der Europäischen Union ergänzt. Ziel der Bankenaufsicht ist es, Missständen im Kredit- und Finanzdienstleistungswesen entgegenzuwirken, welche die Sicherheit der den Instituten anvertrauten Vermögenswerte gefährden, die ordnungsgemäße Durchführung der Bankgeschäfte oder Finanzdienstleistungen beeinträchtigen oder erhebliche Nachteile für die Gesamtwirtschaft herbeiführen können.

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