

From Market Abuse in the Banking Law Context to Creating Monopolies: Towards Actual Application of the Anti-Monopoly Law of China 2007

Presented In:

Market, Banking, Labor, Trademark Laws and Democratic Sovereignty in East Asia

Abstract No:

6644

CRN:

33

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Description:

This paper demonstrates that the market abuse issue in China should be regulated by the Anti-Monopoly Law of China 2007 (the 2007 Act), as currently this Law either voluntarily or involuntarily keeps avoiding the domestic banking sector. Although the definition of market abuse in the Banking Law context does not directly correspond to any terms in the Anti-Monopoly Law context, this cannot be a reason for exemptions. According to EU "Market Abuse Regulation" (2014/596/EU) and "Market Abuse Directive" (2014/57/EU), market abuse in Banking Law includes insider dealing, unlawful disclosure of inside information and market manipulation. Because each of these issues would be able to create banking monopolies, the Anti-Monopoly Law of China 2007 should be applied to these issues to prevent the monopolies from happening. Therefore, this paper will make recommendations for the actual application of the 2007 Act towards regulating market abuse.

Primary Keyword:

East Asia, East Asian Studies, East Asian Law and Society