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Alexander Wellerdt

Organisation of Banking Regulation

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ISSN 2192-855X ISSN 2192-8568 (electronic)
SpringerBriefs in Law
ISBN 978-3-319-17637-6 ISBN 978-3-319-17638-3 (eBook)
DOI 10.1007/978-3-319-17638-3

Library of Congress Control Number: 2015936292

Springer Cham Heidelberg New York Dordrecht London
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Preface

The following study on the organisation of banking regulation has arisen during a stay at the Deutsche Bundesbank from August to October 2014. Further developments of the legal framework and monetary policies could be taken into consideration until February 2015.

I would like at this point put on record my gratefulness for the support provided by colleagues and friends and their willingness to engage in vivid dialogues.

First, I offer my sincerest gratitude to Dr. Daniel Rau and Dr. Christian Heidfeld of the Deutsche Bundesbank, who took an active part in discussing—critically and passionately—legal issues on banking regulation.

I also want to thank Prof. Dr. Thomas Wein and his colleagues Dr. Annika Pape and Mr. Arne Neukirch of the Institut für Volkswirtschaftslehre of the University of Lüneburg for their willingness to communicate and their careful remarks on the complex interaction of the monetary policy.

I would particularly like to thank Lara Bartels and Bianca Griepe, who greatly supported this work linguistically.

I thank Springer Verlag and especially Dr. Brigitte Reschke for the inclusion of this work in the *SpringerBriefs in Law* series as well as the efficient and professional support of the publication.

Moreover, I thank Dr. Klaus Schleicher for his generous sponsorship of this project.

Finally, I thank Christiane and Jörg, Lena and Nepomuk as well as Alexander for your amicable contributions that made work easier and your constant motivation that kept me going.

Lüneburg/Heidelberg, February 2015

Alexander Wellerdt

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Chapter 1

Introduction

Does organization matter? Scharpf, Does Organization Matter? Task Structure and Interaction in the Ministerial Bureaucracy, Organization and Administrative Sciences (1977), 149.

In the European Composite Administration, the density of material rules increased in many economic sectors. The application and enforcement of these rules ought to be administered by formal organisations. “*Does organisation matter?*” can be clearly answered favourable. In fact, organisations begin to receive the attention they deserve.

Administrative organisation is no end in itself. In fact it is required for each administrative action. In a multi polar, supranational and administrative surrounding the administrative organisation grows in importance in several economic sectors and life areas. Administrative organisation is regarded as being static and boring—the opposite is the case. Administrative organisations are influential. They take in external influences to react flexible to changes in time. Administrative organisations help to fulfil public services at its best.

Thus, this thesis studies the administration and its organisation. The thesis is based on the “reference area”¹ of banking regulation at national, European and international level. Regulation is one of the youngest dogmatic and most creative tasks of administration and increasingly presents administrative action. Regulation leads to a greater need of information to meet diverse consulting and decision-making situations of administration. This particularly applies to areas of asymmetric information between the administration of regulation and regulated economic sectors. Thereby, administration and its previous organisation are challenged to develop. Organisation matters!

¹Coining of the term Schmidt-Aßmann, Das Allgemeine Verwaltungsrecht als Ordnungsidee, 2nd ed. (Springer, 2004); Ch.1.paras.12 et seq. and Ch. 3. paras. 1 et seq.; with the help of a reference area, a real area of administrative organisation is processed specially to detect the developments at national and European level, Terhechte, Einführung: Das Verwaltungsrecht der Europäischen Union als Gegenstand rechtswissenschaftlicher Forschung - Entwicklungslinien, Prinzipien und Perspektiven, in Terhechte (Ed.), Verwaltungsrecht der Europäischen Union, (Nomos, 2010), § 1 para. 62.