

FinTech, Governance and Sustainability: Legal Obstacles and Regulatory Challenges

The seminar, which was postponed due to the COVID-19 outbreak, will take place online.

The presentations will be pre-recorded and disseminated to participants.

A live discussion of these presentations will take place on **Wednesday 8 April 2020, 13:30-15:45 Brussels time** via **Zoom**. A list of the presentations/programme can be found below.

Participation is free, but you are kindly asked to register by Sunday 5 April via https://www.law.kuleuven.be/apps/activiteiten/en/portaal/index/view_activiteit/5158.

Programme

13:00-13:30 Algorithm-Driven Information Gatekeepers: Legal and Regulatory Aspects

by Prof. Dr. Aline Darbellay (University of Geneva)

Information gatekeepers manage the flow of information from issuers to investors. The focus of securities regulation was traditionally laid on mandatory disclosure requirements. In modern financial markets, information production is no longer the core issue. Concern has increasingly been raised about the role of information intermediaries as screeners of relevant information. The paper analyses the role of law and regulation in addressing the new types of issues relating to the use of intelligent algorithms to process financial information. With respect to investor protection, the question arises as to how to mitigate the new forms of conflicts of interest that have emerged owing to the use of new types of gatekeepers such as digital platforms. With respect to systemic risk, there is a need to study whether reliance on algorithm-driven information gatekeepers will contribute to enhancing procyclicality in the financial markets, thereby potentially jeopardizing financial stability.

13:30-14:00 Public interest and data governance of financial market infrastructures

by Dr. Joseph Lee (University of Exeter)

Financial market infrastructures are able to collect, control, and process mass data. They are able to claim ownership in some data and have market

and regulatory powers to hold them in custody. The paper discusses their public and private functions in the light of data economy and data law (broadly defined), in particular their role in delivering public goods with the obligations and powers conferred by law and regulations as well as their unique gatekeeping capacity enabled by technology. The aim of the discussion is to see whether financial market infrastructures can provide more public benefits to deliver the objective of public interest. In other words, whether they can provide access to finance while at the same time putting in place data governance based on data protection law and human rights considerations to mitigate both market and social risks.

14:00-14:15 **Break**

14:15-14:45 **Transfer of Ownership of Crypto-Assets**

**by Mr. Marc Van de Looverbosch, PhD Researcher (KU Leuven),
Lawyer (DLA Piper)**

In its recent consultation document “on an EU framework for markets in crypto-assets”, the European Commission inquired, among others, how the Central Securities Depositories Regulation (CSDR) can be applied to crypto-assets. This presentation takes quite a few steps back, in order to inquire what it means to be the owner of a crypto-asset, and how this ownership can be transferred. Only when we fully grasp the property law implications of crypto-asset ownership, can we begin to explore how the CSDR can mitigate the risks involved.

14:45-15:15 **Sustainable Finance**

by Mr. Arnaud Van Caenegem, PhD Researcher (KU Leuven)

Two years have passed since the European Commission published its action plan to mainstream sustainability into the financial system. This presentation will cover the coming about of the action plan, its objectives and the progress made on each point of action, with a particular focus on the Taxonomy Regulation, the Regulation on Sustainability-related Disclosures and the Sustainable Benchmarks Regulation. It will also highlight the major implications of the EU Green Deal for the financial sector and elaborate on the next steps in its transformation.

The project stems from a partnership between the University of Exeter, the University of Geneva and KU Leuven, and falls within the Europe Network Fund (ENF). The project is supported by a University of Exeter Global Partnerships Award. The research team consists of Dr Joseph Lee, Centre for Corporate and Commercial Law, University of Exeter, Prof. Aline Darbellay, Centre for Banking and Finance Law and Department of Corporate Law, University of Geneva, and Prof. Joeri Vananroye, Institute for Commercial and Insolvency Law, KU Leuven.