

**Luka Sosa REGULATORNI ODGOVOR
GLOBALNOJ FINANCIJSKOJ
KRIZI – SLUČAJ SAD-A**

**REGULATORY RESPONSE
TO THE GLOBAL FINANCIAL
CRISIS – THE US CASE**

SAŽETAK: Regulacija i deregulacija predstavljaju stalni proces na američkom finansijskom tržištu. Finansijske institucije, kao i finansijski instrumenti, u većini su dio institucionalnog i regulatornog okvira na saveznoj razini, dok je manji dio finansijskih instrumenata u zoni samoregulirajućih organizacija. U namjeri ostvarivanja idealeta slobodnog tržišta, zakoni ponude i potražnje često su izloženi pritisku manipulativnih aktivnosti sudionika, najčešće kroz hibridne instrumente, odnosno izvedenice koje dovode sve dionike i tržište do ruba materijalizacije rizika. U tom smislu bankovni i nebankovni sektor američkog gospodarstva doživljavaju kontinuirane izmjene i dopune ovisno o prethodnim iskustvima doživljenih kriza. Ovaj rad kroz dimenziju Zakona Dodd-Frank (*Dodd-Frank Act*) istražuje i objašnjava upravo ideje i namjere reregulacije s ciljem izbjegavanja novih kriza. Ipak, s obzirom na to da su finansijske funkcije ispred institucionalnog okvira, koji te funkcije slijedi sa zakašnjnjem, autor upozorava na nesavršeni mehanizam regulacije i deregulacije, osobito imantan američkom finansijskom sustavu. Ovaj rad ponajprije upozorava na činjenicu da je regulativa EU-a zapravo slijedila američke oblike i mehanizme supervizije i nadzora

ABSTRACT: Regulation and deregulation are a constant process in the US financial market. Financial institutions, as well as financial instruments, are mostly part of the institutional and regulatory framework at the federal level, while a smaller part of financial instruments is in the zone of self-regulatory organizations. In order to achieve the ideal of a free market, the laws of supply and demand are often exposed to the pressure of manipulative activities of participants, most often through hybrid instruments, i.e. derivatives that bring all stakeholders and the market to the brink of risk materialization. In this sense, the banking and non-banking sectors of the US economy are subject to continuous amendments depending on previous experiences of past crises. Through the dimension of the *Dodd-Frank Act*, this paper explores and explains the ideas and intentions of regulation in order to avoid new crises. Nevertheless, given that financial functions are ahead of the institutional framework, which follows those functions belatedly, the author is warning of an imperfect mechanism of regulation and deregulation, especially immanent to the US financial system. This paper primarily draws attention to the fact that EU regulation actually



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pa je europska regulatorna shema samo drugi oblik nesavršenog modela upravljanja financijskim sustavima s namjerom reduciranja rizika.

KLJUČNE RIJEČI: regulacija i deregulacija, Dodd-Frank Act, SAD, financijske institucije i instrumenti, EU

followed US supervision forms and mechanisms, so the European regulatory scheme is only another form of an imperfect model of financial system management with the intention of reducing risks.

KEY WORDS: regulation and deregulation, Dodd-Frank Act, USA, financial institutions and instruments, EU

UVOD

Slično kao i nakon Velike depresije prije više od sedam desetljeća, u jeku finansijske krize 2008. godine Vlada Sjedinjenih Država donijela je opsežan zakonodavni odgovor da bi se ublažili neki od strukturalnih nedostataka finansijskog sektora koji su omogućili pojavu finansijske krize. Taj zakonodavni odgovor sadržan je ponajprije u Zakonu Dodd-Frank o reformi Wall Streeta i zaštiti potrošača (*Dodd-Frank Wall Street Reform and Consumer Protection Act*). Korijeni Zakona Dodd-Frank potječu iz lipnja 2009. godine, kada je predsjednik Barack Obama, odgovarajući na masovne pozive javnosti na promjene regulaciju finansijskog sustava, predstavio prijedlog za „sveobuhvatno restrukturiranje regulacije finansijskog sustava Sjedinjenih Država, transformaciju razmjera kakav nije viđen od reformi koje su uslijedile nakon Velike depresije“ (*The White House; The Wall Street Journal*, 2009). U izvornom obliku, Obamin prijedlog temeljio se na pet glavnih točaka:

1. Konsolidacija regulatornih agencija, ukidanje Ureda za nadzor štednje (*Office of Thrift Supervision*) i uspostavljanje novog nadzornog Vijeća za procjenu sustavnog rizika.
2. Sveobuhvatna regulacija finansijskih tržišta, uključujući povećanu transparentnost izvedenica i njihovo uvođenje na burze.
3. Reforme zaštite potrošača, uključujući osnivanje nove agencije za zaštitu potrošača, uvođenje

INTRODUCTION

Similar to the Great Depression more than seven decades ago, in the midst of the 2008 financial crisis the United States government enacted an extensive legislative response to alleviate some of the structural weaknesses in the financial sector that allowed the financial crisis to occur. This legislative response is primarily contained in the *Dodd-Frank Wall Street Reform and Consumer Protection Act*. The roots of the Dodd-Frank Act date back to June 2009, when President Barack Obama, responding to mass calls from the public for changes in the regulations of the financial system, presented a proposal for “a comprehensive restructuring of the financial system of the United States, a transformation of a proportion not seen since the reforms that followed the Great Depression” (*The White House; The Wall Street Journal*, 2009). In its original form, Obama’s proposal was based on five main points:

1. Consolidation of regulatory agencies, abolition of the Office of Thrift Supervision and establishment of a new Supervisory Systemic Risk Board.
2. Comprehensive regulation of financial markets, including increased transparency of derivatives and their introduction on stock exchanges.
3. Consumer protection reforms, including the establishment of a new consumer protection agency, the implementation of uniform “ordinary” products standards and enhanced investor protection.

jedinstvenih standarda za „obične“ proizvode i pojačanu zaštitu ulagača.

4. Uvođenje novih alata za upravljanje financijskim krizama, uključujući „režim rješavanja“ za uredno zatvaranje tvrtki u stečaju te ovlaštenje Federalnih rezervi za produženje kredita u „neuobičajenim ili hitnim okolnostima“.

5. Razne mјere usmjerene na povećanje međunarodnih standarda i suradnje, uključujući prijedloge koji se odnose na poboljšano računovodstvo i strožu regulaciju agencija za kreditni rejting.

Ovim je točkama u siječnju 2010. godine, na zahtjev predsjednika Obama, dodano i tzv. Volckerovo pravilo, prema kojem banke više neće smjeti posjedovati, ulagati u njih ili sponzorirati hedge fondove, fondove privatnog kapitala ili vlastite trgovinske operacije sa svrhom ostvarenja dobiti, nevezano za opsluživanje svojih klijenata. Zakon temeljen na Obaminom prijedlogu predstavili su kongresnik Barney Frank (D-MA) u Zastupničkom domu te senator Chris Dodd (D-CT) u Senatu Sjedinjenih Država. Kao što je uobičajena praksa u američkoj politici, zakon je dobio naziv prema dvojici zastupnika koji su ga sponzorirali. Podrška zakonu bila je uglavnom među demokratima, no Dodd-Frank je na kraju 15. srpnja 2010. godine prošao na glasanju u Senatu isključivo zahvaljujući glasovima samo triju republikanskih senatora, koji su sprječili tzv. *filibuster* – često korištenu taktiku u Senatu Sjedinjenih Država, kojom se glasovanje odgađa ili blokira na neodređeno vrijeme time što se nikad ne okonča rasprava. Konačan zbroj glasova bio je 60 za i 39 protiv te je Zakon službeno stupio na snagu 21. srpnja 2010. godine (Cooper, H., 2010). Puni tekst dokumenta obuhvaćao je 849 stranica i pokrivaо je opseg tema od standarda transparentnosti za tvrtke u rudarstvu i naftnoj industriji do ograničenja standarda pozajmljivanja stranim vladama. Najveći dio Zakona, međutim, bio je usmjeren na reforme u finansijskom sektoru. Navedeni cilj zakona bio je „promicanje finansijske stabilnosti Sjedinjenih Država poboljšanjem

4. Implementing new financial crisis management tools, including a “resolution regime” for the orderly closure of bankrupt companies and the Federal Reserve’s authority to extend credit in “unusual or emergency circumstances.”

5. Various measures aimed at increasing international standards and cooperation, including proposals related to improved accounting and stricter regulation of credit rating agencies.

In January 2010 the so-called Volcker’s rule was added to these points, at the request of President Obama, according to which banks will no longer be allowed to own, invest in or sponsor hedge funds, private equity funds or their own trading operations for the purpose of making a profit, unrelated to serving their customers. A bill based on Obama’s proposal was introduced by Congressman Barney Frank (D-MA) in the House of Representatives and Senator Chris Dodd (D-CT) in the United States Senate. As is common practice in American politics, the bill was named after the two lawmakers who sponsored it. Support for the bill was largely among Democrats, but eventually on July 15, 2010, Dodd-Frank passed the Senate vote solely thanks to the votes of only three Republican senators, who prevented the so-called *filibuster* – a commonly used tactic in the United States Senate, which delays or blocks the vote indefinitely by never ending the debate. The final sum of votes was 60 for and 39 against, and the Act officially entered into force on July 21, 2010 (Cooper, H., 2010). The full text of the document covered 849 pages and covered a range of topics from transparency standards for companies in the mining and oil industry to restrictions on lending standards to foreign governments. Most of the Act, however, focused on reforms in the financial sector. The stated objective of the act was “to promote the financial stability of the United States by improving accountability and transparency in the financial system, abolishing “too big to fail”, protecting American taxpayers by abolishing bank bailouts, protecting consumers from abusive financial service practices, and other

odgovornosti i transparentnosti u finansijskom sustavu, ukidanje ‘too big to fail’, zaštita američkih poreznih obveznika ukidanjem spašavanja banaka, zaštita potrošača od zlouporabe prakse finansijskih usluga i druge svrhe“ (Dodd-Frank Act, 2010). Ključna područja regulirana ovim Zakonom jesu: kapitalni zahtjevi i posebne restrikcije prema finansijskim institucijama, trgovina finansijskim proizvodima i, osobito, finansijskim izvedenicama, promjena strukture novčanih poticaja za zaposlene u finansijskom sektoru, proširenje regulacija agencija za kreditni rejting, promjene regulacije za izdavanje hipotekarnih kredita i restrukturiranje regulatornih tijela finansijskog sustava. To su ujedno poglavljia rada kao pregleda dijela kontinuiranog povijesnog procesa regulacije i deregulacije američkog finansijskog sustava. U radu se kroz odabranu poglavljia na originalan način povezuju razlozi, događaji i očekivanja nove regulative koja je uslijedila nakon globalne finansijske krize, proistekle upravo iz finansijske nesavršenosti američkog sustava tržišta kapitala – finansijskih institucija, tržišta i instrumenata. Doprinos rada je i povezivanje EU regulative finansijskog sektora na zakonodavnoj i institucionalnoj razini, koja slijedi američku praksu stalne regulacije i deregulacije finansijskog sektora, u pravilu nakon velikih kriza.

KAPITALNI ZAHTJEVI I POSEBNE RESTRIKCIJE PREMA FINANCIJSKIM INSTITUCIJAMA

U Zakonu Dodd-Frank pojašnjen je sveobuhvatan nadzor bankovnih holding kompanija te je nekim institucijama predstavljen zahtjev za pripremu planova za brzu i urednu likvidaciju u slučaju stečaja. Postojeća regulacija za likvidaciju i stecajnu upravu, koja se prethodno odnosila samo na banke pod nadzorom Federalnih rezervi, osigurane depozitne institucije i društva za vrijednosnice, proširena je uključivanjem osiguravajućih društava i nebalkovnih finansijskih institucija. Postavljene su rezerve za sudsku žalbu u slučaju da regulacijsko tijelo odredi da je finansijska institucija ispunila

purposes” (Dodd-Frank Act, 2010). The key areas regulated by this Act are: capital requirements and special restrictions on financial institutions, trade of financial products and, in particular, financial derivatives, change in the structure of cash incentives for employees in the financial sector, extension of credit rating agencies regulations, changes in regulations for issuing mortgage loans and restructuring of financial system regulatory bodies. These are also chapters of the paper which are an overview of part of the continuous historical process of regulation and deregulation of the US financial system. The paper connects in an original way (through selected chapters) the reasons, events and expectations of the new regulation that followed the global financial crisis, which is precisely the result of the financial imperfection of the US capital market system – financial institutions, markets and instruments. The contribution of the paper is also to associate the EU financial sector regulation at the legislative and institutional level, which follows the American practice of continuous financial sector regulation and deregulation after major crises.

CAPITAL REQUIREMENTS AND SPECIAL RESTRICTIONS TOWARDS FINANCIAL INSTITUTIONS

The Dodd-Frank Act clarifies the comprehensive supervision of bank holding companies and forwards a request to some institutions for the preparation of plans for quick and orderly liquidation in the event of bankruptcy. The existing regulation for liquidation and bankruptcy administration, which previously only applied to banks supervised by the Federal Reserve, insured depository institutions and securities companies, has been extended to include insurance companies and non-bank financial institutions. Reserves have been set for a judicial appeal in the event that the regulatory authority determines that the financial institution has met the liquidation criteria and the executive board of the financial institution refuses

kriterije za likvidaciju, a izvršni odbor finansijske institucije odbija provesti likvidaciju. Određene su regulatorne institucije nadležne za stečajnu upravu finansijskih institucija. Za *broker-dealer* institucije nadležan je SEC, za osiguravajuće kompanije novoosnovani Federalni ured za osiguranje (*Federal Insurance Office*), a za sve ostale finansijske institucije FDIC. Federalne rezerve, kao i Ministar financija u konzultaciji s Predsjednikom Sjedinjenih Država, također imaju ovlasti za stečajnu upravu svih finansijskih institucija. U slučaju da je finansijska institucija pod tim provizijama stavljena u stečajnu upravu, Ministar financija obvezan je u roku od 24 sata o tome izvestiti Kongres, a u roku od 60 dana izvestiti javnost. Kao likvidator svih finansijskih institucija za koje ne postoji posebna provizija, FDIC je obvezan odrediti postoji li potreba za takvim postupkom da bi se osigurala finansijska stabilnost Sjedinjenih Država i osigurati raspored isplate na način da dioničari prime isplatu tek nakon svih drugih kreditora. Osnovan je Fond za urednu likvidaciju (*Orderly Liquidation Fund*), pod kontrolom FDIC-a, za likvidaciju tvrtki pod regulacijom čiju imovinu već ne osiguravaju FDIC ili Korporacija za zaštitu investitora u vrijednosnice (*Securities Investor Protection Corporation – SIPC*). Kapitalizacija fonda obavlja se prikupljanjem rizično ponderiranih naknada od svih bankovnih holding kompanija s imovinom ukupne vrijednost 50 milijardi američkih dolara ili više i svih nebankovnih finansijskih institucija pod regulatornim nadzorom. U slučajevima u kojima osigurana finansijska institucija ima negativnu vrijednost te njezina likvidacija kreira obvezu za FDIC, isplata obveze financirat će se putem jedne ili više rizično ponderiranih naplata, na način da se isplata obveze obavi u roku od 60 mjeseci. U slučajevima kada likvidacija finansijske institucije kreira obvezu za federalnu Vladu, ta obveza ne može biti veća od 10 % ukupne konsolidirane imovine ili 90 % fer vrijednosti ukupne konsolidirane imovine. Uspostavlja se Volckerovo pravilo, s ciljem smanjenja špekulativnih ulaganja u bilancama velikih finansijskih institucija. Volckerovo pravilo propisuje da bankovne institucije ne smiju

to carry out the liquidation. Regulatory institutions competent for the bankruptcy administration of financial institutions have been designated. The SEC (Securities and Exchange Commission) is responsible for broker-dealer institutions, the newly established Federal Insurance Office for insurance companies, and the FDIC (Federal Deposit Insurance Corporation) for all other financial institutions. The Federal Reserve, as well as the Secretary of the Treasury in consultation with the President of the United States, also have the authority to administer all financial institutions in bankruptcy. In the event that a financial institution is placed under bankruptcy administration under these commissions, the Secretary of the Treasury is obliged to inform Congress within 24 hours, and to inform the public within 60 days. As the liquidator of all financial institutions for which there is no special commission, the FDIC is obliged to determine whether there is a need for such a procedure to ensure the financial stability of the United States and to ensure a disbursement schedule in such a way that shareholders receive the disbursement only after all other creditors. The Orderly Liquidation Fund, controlled by the FDIC, was established to liquidate companies under regulation whose assets are not already insured by the FDIC or the Securities Investor Protection Corporation (SIPC). The fund capitalization is done by collecting risk-weighted fees from all bank holding companies with assets totaling US \$50 billion or more and all non-bank financial institutions under regulatory supervision. In cases where the insured financial institution has a negative value and its liquidation creates a liability for the FDIC, the payment of the liability will be financed through one or more risk-weighted collections, in such a way that the payment of the liability is made within 60 months. In cases where the liquidation of a financial institution creates a liability for the federal government, that liability must not exceed 10% of the total consolidated assets or 90% of the fair value of the total consolidated assets. The Volcker rule is being established, with the aim of reducing speculative investments in the

posjedovati više od 3 % ukupnog vlasničkog udjela ni više od 3 % vrijednosti svojeg temeljnog kapitala, koji uključuje obične dionice, kao i objavljene rezerve i određenu drugu imovinu, u *hedge* fondu ili privatnom kapitalnom fondu. Također propisuje da nijedna banka ne smije ući u transakciju s *hedge* fondom ili privatnim kapitalnim fondom bez prethodnog otkrivanja punog opsega tog odnosa ovlaštenom regulatornom tijelu i osiguravanja nepostojanja sukoba interesa. Prema Volckerovom pravilu regulatori su obvezni od finansijskih institucija zahtijevati kapitalne zahtjeve koji su protuklični, tako da kapitalni zahtjevi rastu u vrijeme ekonomske ekspanzije i padaju u vrijeme ekonomske kontrakcije. Volckerovo pravilo također propisuje da banke smiju ući u transakcije s izvedencima samo ako zakon savezne države u kojoj su registrirane uzima u obzir kreditnu izloženost po transakcijama s izvedenicama u propisane limite kreditiranja. Federalnim rezervama postavljen je mandat stvaranja jedinstvenih standarda za upravljanje rizicima za sustavno važne finansijske institucije te uspostavljanje prudencijalnih standarda za institucije koje nadzire, uključujući rizično ponderirane kapitalne zahtjeve i granice zaduženosti, likvidnosne zahtjeve, planove likvidacije, izvješća o kreditnoj izloženosti i sveobuhvatna izvješća o upravljanju rizikom. Postavljeni su uvjeti za ograničavanje koncentracije finansijskog sektora, koji općenito zabranjuju finansijskim institucijama spajanje ili konsolidaciju s drugim društvom ili preuzimanje drugog društva ako bi rezultirajuće ukupne obveze društva premašile 10 % ukupnih obveza svih finansijskih institucija u Sjedinjenim Državama. Federalnim je rezervama također dana ovlast uspostavljanja dodatnih standarda, uključujući zahtjeve uvjetnog kapitala, poboljšano javno objavljivanje i granice kratkoročnog zaduživanja. Izračun kapitalnih zahtjeva finansijskih institucija po novom je Zakonu obvezan uzeti u obzir izvanbilančne stavke. Zakon Dodd-Frank najtemeljitije i najobuhvatnije se ticao regulacije samih finansijskih institucija, od kapitalnih zahtjeva, preko upravljanja rizikom, do ograničavanja spajanja i akvizicija da bi se

balance sheets of large financial institutions. The Volcker rule stipulates that banking institutions must not own more than 3% of the total equity interest or more than 3% of the value of their share capital, which includes ordinary shares, as well as published reserves and certain other assets, in a hedge fund or private equity fund. It also stipulates that no bank may enter into a transaction with a hedge fund or private equity fund without first disclosing the full scope of that relationship to the authorized regulatory body and ensuring the absence of conflicts of interest. According to the Volcker rule, regulators are obliged to require from financial institutions capital requirements that are countercyclical, so that capital requirements rise at a time of economic expansion and fall at a time of economic contraction. The Volcker Rule also stipulates that banks may only enter into derivative transactions if the federal law of the state in which they are registered takes into account credit exposure on derivative transactions within the prescribed lending limits. The Federal Reserve has mandated the creation of uniform risk management standards for systemically important financial institutions and the establishment of prudential standards for the institutions it supervises, including risk-weighted capital requirements and indebtedness limits, liquidity requirements, liquidation plans, credit exposure reports and comprehensive risk management reports. Conditions are in place to limit the concentration of the financial sector, which generally prohibit financial institutions from merging or consolidating with another company or acquiring another company if the resulting total liabilities of the company would exceed 10% of the total liabilities of all financial institutions in the United States. The Federal Reserve was also given the power to establish additional standards, including conditional capital requirements, improved public disclosure, and short-term borrowing limits. The calculation of capital requirements of financial institutions under the new Act is obliged to take into account off-balance sheet items. The Dodd-Frank Act dealt most thoroughly and comprehensively with the

obuzdale „too big to fail“ superbanke. Propisi za urednu likvidaciju financijskih institucija također omogućavaju minimiziranje negativnih učinaka i „financijske zaraze“ u slučaju bankrota neke banke, dok Volckerovo pravilo znatno umanjuje rizik kojem se financijske institucije mogu izložiti špekulativnim ulaganjima te ublažava utjecaj sukoba interesa banaka kao istodobno depozitarnih i investicijskih institucija. Međutim, kapitalni zahtjevi drastično su oslabljeni u jeku krize izazvane COVID-om 2020. godine, kada je stopa obvezne pričuve američkih financijskih institucija smanjena na nula posto, na kojoj vrijednosti i ostaje u trenutku pisanja ovog rada. Nadalje, američke superbanke i dalje nastavljaju rasti. Tržišna kapitalizacija između 2011. i 2023. godine porasla je za 260 % za banku J. P. Morgan Chase, 337 % za Bank of America te 355 % za Morgan Stanley, dok su ukupni prihodi između 2011. i 2022. godine porasli za 33 % za J. P. Morgan Chase, 9 % za Bank of America i 72 % za Morgan Stanley (companiesmarketcap.com, 2023). Zakon Dodd-Frank tako je na kraju bio samo djelomično uspješan u regulaciji financijskih institucija. Najveći uspjeh vjerojatno je postigao u limitiranju izloženosti riziku financijskih institucija, dok je najveći neuspjeh svakako postigao u pogledu okončanja „too big to fail“ superbanka, koje su danas još veće nego što su bile u prethodnoj financijskoj krizi ili u trenutku stupanja na snagu Zakona Dodd-Frank. Budući da sam Zakon navodi okončanje „too big to fail“ kao jedan od svojih ciljeva, njegov neuspjeh na ovoj fronti osobito je razočaravajuć.

REGULACIJA TRGOVINE FINANCIJSKIM PROIZVODIMA I IZVEDENICAMA

Uvedene su nove regulacije OTC *swap* tržišta, uključujući kreditne zamjene i kreditne derivate, koji su bili jedan od glavnih katalizatora globalne financijske krize. Propisuje se da se razni derivati kojima se trguje OTC moraju obračunati putem burzi ili klirinških kuća. Ukida se izuzeće iz

regulation of financial institutions themselves, from capital requirements, through risk management, to limiting mergers and acquisitions to restrain “too big to fail” superbanks. Regulations for the orderly liquidation of financial institutions also allow to minimize the negative effects and “financial contagion” in the event of bankruptcy of a bank, while the Voleker rule significantly reduces the risk to which financial institutions can be exposed to speculative investments and mitigates the impact of conflicts of interest of banks as simultaneously depositary and investment institutions. However, capital requirements were drastically weakened in the midst of the COVID-19 crisis in 2020, when the reserve requirement rate of US financial institutions was reduced to zero percent, at which value it remains at the time of writing this paper. Furthermore, US superbanks continue to grow. Market capitalization between 2011 and 2023 increased by 260% for Bank J. P. Morgan Chase, 337% for Bank of America and 355% for Morgan Stanley, while total revenues between 2011 and 2022 increased by 33% for J. P. Morgan Chase, 9% for Bank of America and 72% for Morgan Stanley (companiesmarketcap.com, 2023). The Dodd-Frank Act ended up being only partially successful in regulating financial institutions. It probably achieved the greatest success in limiting the risk exposure of financial institutions, while it certainly achieved the greatest failure in terms of ending the “too big to fail” superbanks, which are even greater today than they were in the previous financial crisis or at the time when Dodd-Frank Act took effect. Since the Act itself lists ending “too big to fail” as one of its goals, its failure is particularly disappointing.

REGULATION OF TRADE OF FINANCIAL PRODUCTS AND DERIVATIVES

New regulations of the OTC swap market, including credit default swaps and credit derivatives, were introduced, which were one of the main catalysts of the global financial

Zakona Gramm-Leach-Bliley prema kojem *swapovi* temeljeni na vrijednosnicama nisu podložni regulaciji te se propisuje da se federalna pomoć ne može pružiti nijednoj instituciji koja trguje *swapovima* u odnosu na nijedan *swap* ugovor. Osniva se interagencijska grupa za nadzor postojećih i prospективnih *swap* tržišta da bi se osiguralo učinkovito, sigurno i transparentno tržište. SEC dobiva nove ovlasti za izdavanje pravila o transparentnosti prilikom kupoprodaje finansijskih proizvoda, uključujući informacije o troškovima, riziku i sukobima interesa, te ovlasti da nametne propise koji zahtijevaju fiducijsku dužnost *broker-dealera* prema njihovim klijentima. SEC-u se postavlja mandat da istraži standarde brige koje *broker-dealeri* primjenjuju na svoje kupce. Propisuje se obvezno zadržavanje najmanje 5 % kreditnog rizika u izdanim vrijednosnicama. Izdavateljima vrijednosnica zabranjuje se *hedging* ili prijenos kreditnog rizika iznad propisane stope za svu imovinu koja nije stambeni hipotekarni kredit. SEC-u se daje ovlast klasificiranja izdavatelja vrijednosnica osiguranih imovinom i propisivanja zahtjeva prikladnih za svaki razred izdavatelja vrijednosnica, kao i donošenja propisa koji zahtijevaju da svaki izdavatelj vrijednosnice osigurane imovinom otkrije sve informacije pomoću kojih je moguće identificirati svaku imovinu koja tu vrijednosnicu osigurava. Državno priznate organizacije za statistički rejting (*Nationally Recognized Statistical Rating Organizations* – NRSRO) obvezuju se uz izvješća o kreditnom rejtingu priložiti opis svih jamstava i mehanizama provedbe dostupnih investitorima te opis načina na koje se oni razlikuju od jamstava i mehanizama provedbe sličnih vrijednosnica. Od svih izdavatelja vrijednosnica zahtijeva se otkrivanje svih ispunjenih i neispunjenih zahtjeva za otkup, da bi investitori mogli identificirati podrijetlo imovine s nedostatcima osiguranja. SEC-u se također postavlja mandat za propisivanje dubinske analize i pregleda imovine koja osigurava vrijednosnice i za objavu te analize. Ukinuta su izuzeća nekih investicijskih savjetnika za registraciju pod Zakonom o investicijskim savjetnicima

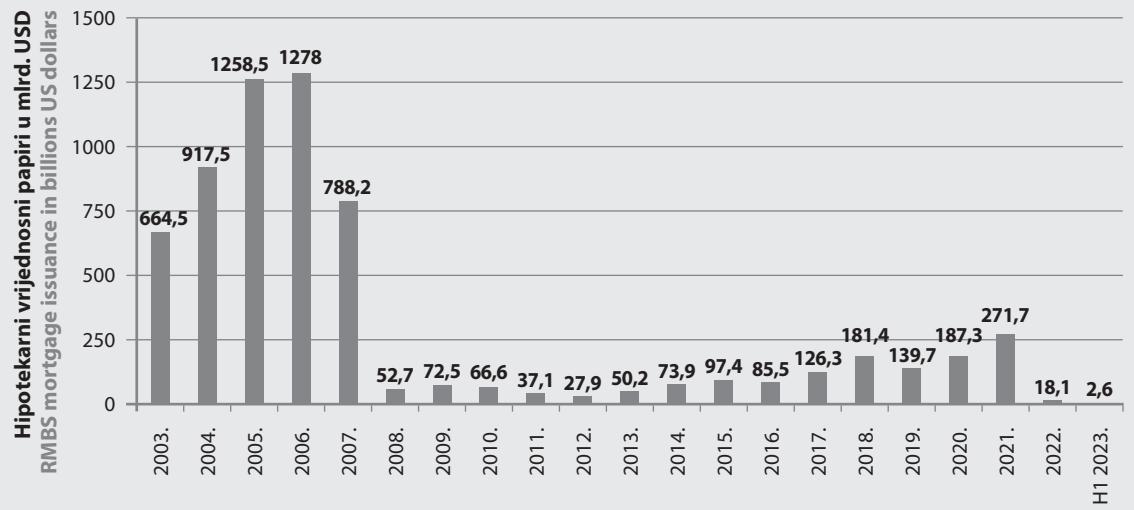
crisis. It is stipulated that various OTC traded derivatives must be accounted for through stock exchanges or clearing houses. The exemption from the Gramm-Leach-Bliley Act, according to which securities-based swaps are not subject to regulation, is revoked and stipulates that federal assistance may not be provided to any institution trading in swaps in relation to any swap contract. An interagency group is established to oversee existing and prospective swap markets to ensure an efficient, safe and transparent market. The SEC is given new powers to issue transparency rules when buying and selling financial products, including information on costs, risk and conflicts of interest, and to impose regulations requiring the broker-dealer's fiduciary duty to their clients. The SEC is mandated to investigate the standards of care that broker-dealers provide to their customers. Mandatory retention of at least 5% of credit risk in issued securities is prescribed. Securities issuers are prohibited from hedging or transferring credit risk above the prescribed rate for all assets other than a mortgage loan. The SEC is empowered to classify issuers of asset-backed securities and to prescribe requirements appropriate to each class of issuer of securities, as well as to adopt regulations requiring each issuer of an asset-backed security to disclose all information necessary to identify any asset securing that security. Nationally Recognized Statistical Rating Organizations (NRSROs) undertake to enclose, along with the credit rating reports, a description of all affidavits and enforcement mechanisms available to investors and a description of how they differ from affidavits and enforcement mechanisms of similar securities. All issuers of securities are required to disclose all fulfilled and unfulfilled redemption requirements, so that investors can identify the origin of assets with insurance deficiencies. The SEC is also mandated to prescribe due diligence and review of assets securing securities and to publish that analysis. The exemptions of some investment advisors for registration under the *Investment Advisers Act of 1940* have been revoked. The law practically requires many managers of

(*Investment Advisers Act of 1940*). Zakon praktički zahtijeva da se mnogi menadžeri *hedge* fondova i privatnih kapitalnih fondova prvi put registriraju kao investicijski savjetnici te povećava standarde transparentnosti za investicijske savjetnike. Postrožavanje standarda regulacije trgovine izvedenicama svakako je logičan kontinuitet događaja u jeku ozbiljne finansijske krize u kojoj su izvedenica imale ulogu jednog od glavnih katalizatora. Derivatima se u Sjedinjenim Državama više neće trgovati u sjeni, na način da nitko, od kupca preko regulatora do same institucije koja ih prodaje, ne zna što je u njima, koliko vrijede ni koje su količine i cijene izvedenica prodanih na tržištu u tjednima koji prethode transakciji. Investicijske institucije više ne smiju prepakirati svoju tekuću kreditnu imovinu i rasprodati je ne brinući se o njezinoj budućnosti, jer su sada obvezne zadržati barem malen dio rizika na bilo kojem vrijednosnom papiru koji prodaju. Uzimajući u obzir obujam trgovanja takvim vrijednosnim papirima prije finansijske krize, čak i toliko malen dio potaknuo bi banke da pažljivo vode računa o tome kakvu imovinu preuzimaju, jer bi potencijalni gubitci ipak mogli biti znatni. U teoriji, sve su te promjene pozitivne, pravodobne i prijeko potrebne. No u praksi stvari ne funkcioniraju uvijek onako kako se očekuje. Sve finansijske institucije postoje da bi zaradivale novac, a ako mogu zaraditi, pronaći će način zaobilazeњa ili potpunog izbjegavanja propisa kad god je to moguće. Svakako je bolje kad moraju potražiti takve načine nego kad slobodno funkcioniraju u okruženju bez regulacije, ali rizici s tržišta izvedenica još uvijek postoje te bi daljnja, još stroža zakonska regulacija mogla dovesti do napretka u njihovom ograničavanju. Za sada takvu regulativu tek treba usvojiti, a *Zakon Dodd-Frank* posljednjih je godina, iako neznatno, čak oslabljen. Mnogi američki političari još uvijek rade na tome da ga oslabe ili ukinu i ublaže ograničenja nametnuta finansijskim institucijama.

Na Grafikonu 1 prikazana je ukupna vrijednost svih izdanih hipotekarnih vrijednosnih papira u Sjedinjenim Državama između 2003. i 2022. godine,

hedge funds and private equity funds to register as investment advisors for the first time and increases transparency standards for investment advisors. Strengthening the standards of regulation of derivatives trade is certainly a logical continuity of events in the midst of a serious financial crisis in which derivatives played the role of one of the main catalysts. Derivatives in the United States will no longer be traded in the shadows (outside of the bank regulatory framework), in such a way that no one, from the buyer through the regulator to the institution itself that sells them, knows what is in them, how much they are worth, or what the quantities and prices of derivatives sold on the market in the weeks preceding the transaction are. Investment institutions may no longer repackage their current credit assets and sell them off without worrying about their future, as they are now obliged to retain at least a small portion of the risk on any security they sell. Considering the volume of trading in such securities before the financial crisis, even such a small fraction would encourage banks to be careful about what kind of assets they take on, as the potential losses could still be significant. In theory, all these changes are positive, timely and much needed. But in practice, things do not always work as expected. All financial institutions exist to make money, and if they can make money, they will find a way to circumvent or completely avoid the regulations whenever possible. It is certainly better when they have to look for such ways than when they function freely in an environment without regulation, but risks from the derivatives market still exist and further, even stricter legal regulation could lead to progress in limiting them. For now, such regulations have yet to be adopted, and the Dodd-Frank Act has even been weakened in recent years, although slightly. Many US politicians are still working to weaken or abolish it and ease the restrictions imposed on financial institutions.

Graph 1 shows the total value of all issued mortgage-backed securities in the United States between 2003 and 2022, denominated in billions

GRAFIKON 1. IZDAVANJE HIPOTEKARNIH VRIJEDNOSNIH PAPIRA U SAD-U, 2003. – 2022.**GRAPH 1. US MORTGAGE-BACKED SECURITIES ISSUANCE, 2003 – 2022**

Izvor: Statista Research Department, <https://www.statista.com/statistics/275746/rmbs-issuance-in-the-united-states/>, pristupljeno 20. 10. 2023.

Source: Statista Research Department, <https://www.statista.com/statistics/275746/rmbs-issuance-in-the-united-states/>, accessed on 20 October 2023

denominirana u milijardama američkih dolara. Vidljivo je da je volumen tržišta hipotekarnih vrijednosnica između 2003. i 2007. godine vrlo velik i premašuje svotu od bilijun dolara 2005. i 2006. godine. Nakon prvih znakova krize na tržištu nekretnina u 2007. godini dolazi do znatnog pada volumena tržišta, a u jeku globalne financijske krize dolazi do strmoglavnog pada. U dvije godine od pojave *subprime* krize ostvaren je pad volumena tržišta od 95,88 %. U narednim godinama tržište hipotekarnih vrijednosnica fluktuirala s niskim volumenom trgovanja, barem u usporedbi s godinama koje su prethodile krizi, te započinje trend blagog rasta 2013. godine, koji se nastavlja, uz fluktuacije, sve do 2021. godine. Čak i uz gotovo puno desetljeće relativno postojanog rasta, volumen tržišta nikada više ne doseže razinu ni približnu onoj iz 2005. i 2006. godine. Važno je napomenuti da je tržište hipotekarnih vrijednosnica drastično

of US dollars. It is evident that the volume of the mortgage securities market between 2003 and 2007 is large and exceeds the sum of \$1 trillion in 2005 and 2006. After the first signs of crisis in the real estate market in 2007, there is a significant decline in market volume, and in the midst of the global financial crisis, there is a steep decline. In the two years since the onset of the subprime crisis, the market volume has decreased by 95.88%. In the following years, the mortgage-backed securities market fluctuates with a low trading volume, at least compared to the years preceding the crisis, and begins a slight growth trend in 2013, which continues, with fluctuations, until 2021. Even with almost a full decade of relatively steady growth, the market volume never again reaches a level even close to that of 2005 and 2006. It is important to note that the mortgage-backed securities market plummeted long before

palo mnogo prije nego što je Dodd-Frank uopće bio Zakon. Nameće se zaključak da su finansijske institucije veći dio regulacije tog rizičnog tržišta obavile same, potaknute lekcijama koje su naučile ostvarivši na njemu goleme gubitke.

PROMJENA STRUKTURE NOVČANIH POTICAJA ZA ZAPOSLENE U FINANCIJSKOM SEKTORU

Propisuje se obveza javnim korporacijama da najmanje jednom svake tri godine traže odobrenje izvršnih naknada putem glasovanja dioničara. Javne korporacije obvezuju se na izvještavanje dioničara o vezi između izvršne kompenzacije i finansijskih performansi tvrtke, uračunavajući bilo kakve promjene vrijednosti dionica i dividendi tvrtke, kao i medijana godišnje ukupne kompenzacije svih zaposlenika tvrtke, godišnje ukupne kompenzacije direktora i omjera plaće zaposlenika i izvršnog direktora (*CEO Pay Ratio*). Javne korporacije također moraju otkriti dioničarima smije li bilo koji zaposlenik ili član upravnog odbora kupiti finansijske instrumente namijenjene zaštiti ili nadoknadi bilo kakvog smanjenja tržišne vrijednosti vlasničkih vrijednosnica koji su dio njihovog kompenzaciskog paketa. SEC-u se postavlja mandat donošenja pravila kojima se nacionalnim burzama nalaže da zabrane uvrštavanje bilo koje vrijednosnice izdavatelja koji nije u skladu s novopropisanim zahtjevima za kompenzaciju. Zabranjuje se plaćanje premije na raspon prinosa ili druge naknade inicijatoru kredita koja se temeljni na kamatnoj stopi ili drugim uvjetima kredita. Ekstremno visoke novčane naknade zaposlenih u vodećim svjetskim finansijskim institucijama, osobito za izvršne direktore i ostalo rukovodstvo, bile su među najvećim uzrocima javnog nezadovoljstva tijekom globalne finansijske krize. Veliko ogorčenje proizlazilo je iz dojma da su se isti dužnosnici koji su uzrokovali finansijsku krizu simultano s njom bogatili i iako su mnogi od njih otpušteni, njihovi nasljednici nastavili su voditi poslove na jednak način i za jednake, visoke finansijske naknade.

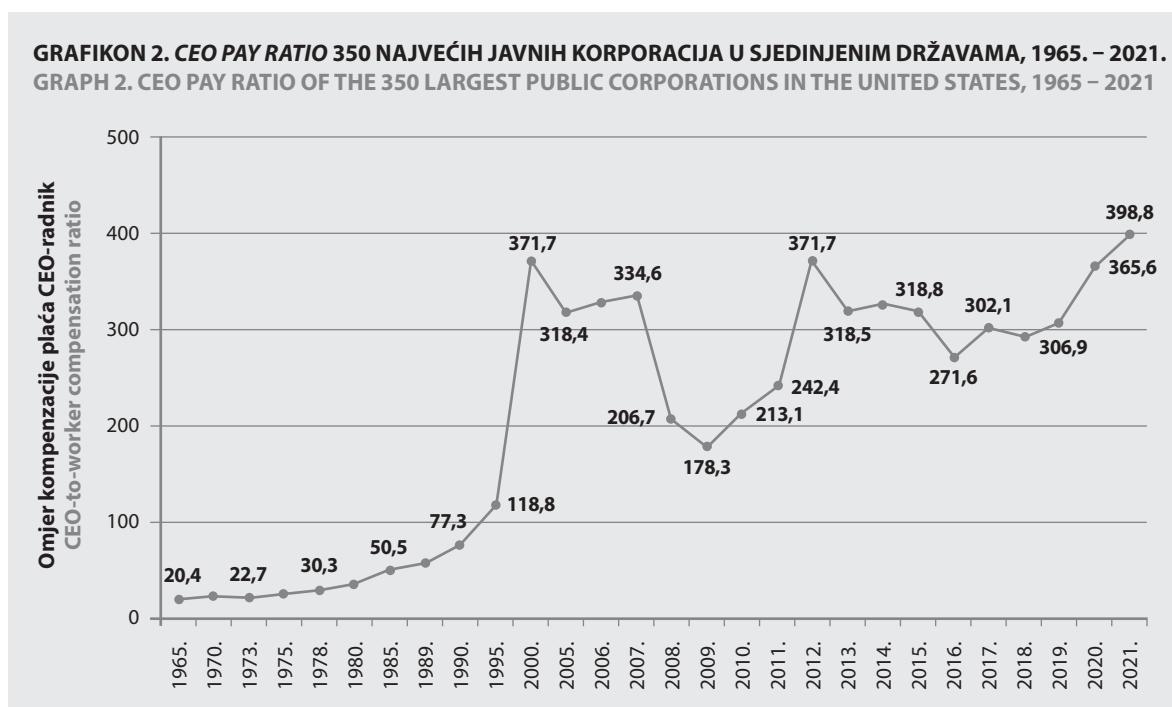
Dodd-Frank was even an Act. The conclusion is that financial institutions have done most of the regulation of this risky market themselves, driven by the lessons they have learned by making huge losses on it.

CHANGE IN INCENTIVE STRUCTURE FOR EMPLOYEES IN THE FINANCIAL SECTOR

It stipulates the obligation for public corporations to seek approval of executive fees at least once every three years through shareholder voting. Public corporations must report to shareholders about executive compensation and financial performance of the company, taking into account any changes in the value of shares and dividends of the company, as well as the median annual total compensation of all employees of the company, the annual total compensation of the director and the ratio of the employees' salary and the executive director's (*CEO Pay Ratio*). Public corporations must also disclose to shareholders whether any employee or board member is permitted to purchase financial instruments intended to hedge or compensate for any decrease in the market value of equities that are part of their compensation package. The SEC is mandated to adopt rules requiring national stock exchanges to prohibit the listing of any security issued by an issuer that does not comply with the newly prescribed compensation requirements. It is forbidden to pay a premium on the yield range or other fee to the loan originator based on the interest rate or other loan conditions. Extremely high financial compensations for employees of the world's leading financial institutions, especially for CEOs and other executives, were among the biggest causes of public discontent during the global financial crisis. Much resentment stemmed from the impression that the same officials who caused the financial crisis were simultaneously enriching themselves and although many of them were laid off, their successors continued to conduct business in the same way and for

Ogorčenje je kulminiralo u ožujku 2009. godine, kada je AIG – American International Group, Inc. rukovoditeljima isplatio 165 milijuna USD u bonusima te ukupno 1,2 milijardi USD u bonusima svim zaposlenicima tvrtke (Savage, 2009). Budući da je AIG gotovo bankrotirao nepunih godinu dana ranije te je zahtijevao gotovo 70 milijardi dolara Federalnih rezervi da bi opstao, prevladavao je dojam da se rukovodstvo i zaposlenici tvrtke bogate novcem poreznih obveznika. Reforme koje su propisane za strukturu novčanih poticaja inicijatora hipotekarnih kredita svakako su bile korak u pravom smjeru u smislu okončanja predatorske prakse pozajmljivanja i neodgovornog pozajmljivanja,

equal, high financial compensation. The outrage culminated in March 2009, when AIG – American International Group, Inc. paid executives \$165 million in bonuses and a total of \$1.2 billion in bonuses to all employees of the company (Savage, 2009). Since AIG was nearly bankrupt less than a year earlier and required nearly \$70 billion in the Federal Reserve to survive, the impression prevailed that the company's management and employees were getting rich on taxpayer money. The reforms prescribed for the cash incentive structure of mortgage originators were certainly a step in the right direction in terms of ending predatory lending practices and irresponsible



Izvor: Statista.com, „Aggregated CEO-to-worker compensation ratio for the 350 largest publicly owned companies in the United States from 1965 to 2021“, <https://www.statista.com/statistics/261463/ceo-to-worker-compensation-ratio-of-top-firms-in-the-us/>, pristupljeno 12. 11. 2023.

Source: Statista.com, “Aggregated CEO-to-worker compensation ratio for the 350 largest publicly owned companies in the United States from 1965 to 2021”, <https://www.statista.com/statistics/261463/ceo-to-worker-compensation-ratio-of-top-firms-in-the-us/>, accessed on 12 November 2023

koji su bili važni katalizatori krize drugorazrednih hipotekarnih kredita.

Na Grafikonu 2 prikazan je prosječan *CEO Pay Ratio*, omjer plaće izvršnih direktora i medijana plaća svih zaposlenika, za 350 najvećih javnih korporacija u Sjedinjenim Državama od 1965. do 2021. godine. Vidljivo je da omjer kontinuirano raste umjerenom stopom do 1995. godine. Između 1995. i 2000. godine omjer raste iznimno visokom stopom te se više nego utrostručuje između 1995., kada su izvršni direktori zaradivali 118,8 puta više od prosječnog zaposlenika, i 2000. godine, kada su izvršni direktori zaradivali 371,7 puta više od prosječnog zaposlenika. Omjer u narednim godinama počinje padati, osobito u vrijeme finansijske krize, a nakon Zakona Dodd-Frank nastavlja fluktuirati s općenitim trendom rasta. Novi vrhunac omjer doseže 2021. godine, kada su izvršni direktori zaradivali 398,8 puta više od prosječnog zaposlenika. Za vrijeme cijelog trajanja COVID krize, omjer je na visokim razinama i nastavlja rasti. Može se zaključiti da su najveću regulaciju kompenzacije plaća izvršnih direktora zapravo napravile same korporacije, jer je omjer plaća izvršnih direktora znatno pao za vrijeme finansijske krize, kada je to bilo najpotrebnije. Nakon stupanja na snagu Zakona Dodd-Frank omjer je nastavio neometano rasti pa je očigledno da je rezervacija kojim dioničari moraju odobriti izvršnu kompenzaciju bila neučinkovita, s obzirom na to da su dioničari jednostavno odlučili odobriti povećanje plaća izvršnih direktora.

PROŠIRENJE REGULACIJA AGENCIJA ZA KREDITNI REJTING

Zakon utvrđuje da su aktivnosti i performanse agencija za kreditni rejting pitanja nacionalnog javnog interesa. Navodi da su sukobi interesa i netočnosti u poslovanju agencija za kreditni rejting znatno pridonijeli lošem upravljanju rizicima od strane finansijskih institucija i investitora, što je zauzvrat negativno utjecalo na američko

lending, which were important catalysts for the subprime mortgage crisis.

Graph 2 shows the average CEO Pay Ratio, the ratio of executive pay to the median pay of all employees, for the 350 largest public corporations in the United States from 1965 to 2021. It is evident that the ratio is continuously growing at a moderate rate until 1995. Between 1995 and 2000, the ratio grew at an extremely high rate and more than tripled between 1995, when CEOs earned 118.8 times more than the average employee, and 2000, when CEOs earned 371.7 times more than the average employee. The ratio begins to fall in the coming years, especially in times of financial crisis, and after the Dodd-Frank Act it continues to fluctuate with an overall upward trend. A new peak was reached in 2021, when CEOs earned 398.8 times more than the average employee. For the entire duration of the COVID crisis, the ratio is at high levels and continues to grow. It can be concluded that the largest regulation of executive pay compensation was actually made by the corporations themselves, as the ratio of executive pay fell significantly during the financial crisis, when it was most needed. After the Dodd-Frank Act was enforced, the ratio continued to grow smoothly, so it is obvious that the provision by which shareholders must approve executive compensation was ineffective, given that shareholders simply decided to approve an increase in executive salaries.

EXTENSION OF AGENCY REGULATIONS FOR CREDIT RATINGS

The law establishes that the activities and performance of credit rating agencies are matters of national public interest. It states that conflicts of interest and inaccuracies in the operations of credit rating agencies contributed significantly to the mismanagement of risks by financial institutions and investors, which in turn negatively affected the US economy. The SEC is

gospodarstvo. SEC-u se postavlja mandat osnivanja Ureda za kreditni rejting (*Office of Credit Ratings* – OCR), čija je dužnost nadziranje nacionalno priznatih organizacija za statistički rejting (*Nationally Recognized Statistical Rating Organizations* – NRSRO). Proširuje se opseg regulacije NRSRO-ova. Zahtijeva se uspostavljanje, održavanje i provedba učinkovitih sustava interne kontrole i podnošenje godišnjeg izvješća o kontroli OCR-u. Uspostavljaju se pravila kojima se sprječava utjecaj prodajnih i marketinških čimbenika na izdane kreditne rejtinge te se zabranjuje da finansijske performanse NRSRO-ova utječu na novčane naknade službenika. Od NRSRO-ova se zahtijeva prijavljivanje nezakonitog ponašanja izdavatelja vrijednosnih papira odgovarajućim nadležnim tijelima te razmatranje vjerodostojnih informacija potencijalno važnih za odluku o kreditnom rejtingu iz izvora koji nisu izdavatelj ili *underwriter* vrijednosnice. Uspostavljaju se smjernice za korporativno upravljanje, organizaciju i upravljanje sukobima interesa. SEC dobiva nove ovlasti za privremenu obustavu ili trajni opoziv registracije NRSRO-ova ako ustanovi da NRSRO nema adekvatne resurse za dosljednu izradu kredibilnih kreditnih rejtinga te ovlasti za propisivanje pravila, procedura i metodologije dodjele kreditnog rejtinga. OCR se obvezuje barem jednom godišnje provesti inspekciju svakog NRSRO-a te javno objaviti rezultate inspekcije. NRSRO-ovi su obvezni javno objaviti informacije o inicijalnim i revidiranim izdanim kreditnim rejtingima, uključujući metodologiju i podatke koji su korišteni u dodjeli kreditnog rejtinga. U reguliranju agencija za kreditni rejting, Dodd-Frank je bio uglavnom neuspješan. Nije uspio riješiti triopol koji drže Moody's, Fitch i S&P, koji 2020. godine drže 95 % globalnog tržišta usluga dodjele kreditnog rejtinga (Yeung, 2020), a 2023. godine drže 92 % europskog tržišta (Jones, 2023). Zakon Dodd-Frank također nije uspio poboljšati standarde točnosti dodijeljenih kreditnih rejtinga. Dimitrov, Palia i Tang 2015. utvrđuju: „Ne nalazimo dokaze da Zakon Dodd-Frank potiče [agencije za kreditni rejting] da daju ocjene korporativnih obveznica

mandated to establish an Office of Credit Ratings (OCR), whose duty is to oversee the Nationally Recognized Statistical Rating Organizations (NRSROs). The scope of regulation of NRSROs is extended. Establishment, maintenance and implementation of effective internal control systems and submission of an annual control report to OCR is required. Rules are established to prevent the impact of sales and marketing factors on the issued credit ratings and to prohibit the financial performance of NRSROs from affecting the officers' financial compensation. NRSROs are required to report unlawful conduct of the issuer of securities to the competent authorities and to consider credible information potentially relevant for the credit rating decision from sources other than the issuer or the underwriter of the security. Guidelines for corporate governance, organisation and management of conflicts of interest shall be established. The SEC shall be given new authority to suspend or revoke registration of NRSROs if it determines that the NRSRO does not have adequate resources to consistently produce credible credit ratings and to prescribe credit rating rules, procedures and methodology. OCR undertakes to inspect each NRSRO at least once a year and to publicly disclose the results of the inspection. NRSROs are required to publicly disclose information on initial and revised issued credit ratings, including the methodology and data used in the credit rating assignment. Dodd-Frank was largely unsuccessful in regulating credit rating agencies. It failed to resolve the triopoly held by Moody's, Fitch and S&P, which held 95% of the global credit rating services market in 2020 (Yeung, 2020) and 92% of the European market in 2023 (Jones, 2023). Dodd-Frank also failed to improve the accuracy standards of the credit ratings assigned. In 2015 Dimitrov, Palia and Tang wrote: "We find no evidence that the Dodd-Frank Act encourages [credit rating agencies] to provide corporate bond ratings that are more accurate and informative. Instead, we find that after the Dodd-Frank Act, [CRAs] issue

koje su točnije i informativnije. Umjesto toga, nalazimo da nakon Zakona Dodd-Frank [agencije za kreditni rejting] izdaju niže ocjene, daju više lažnih upozorenja i izdaju sniženja rejtinga koja su manje informativna.“ Štoviše, prema njihovim istraživanjima, kreditni rejtinzi postali su još nepouzdaniji nakon Zakona Dodd-Frank te su agencije za kreditni rejting u principu samo uspostavile praksu dodjeljivanja nepotrebno niskih rejtinga da ih se više ne bi optuživalo za favoriziranje velikih finansijskih institucija. Kreditni rejtinzi ključni su za pošten, transparentan, učinkovit i uspješan finansijski sustav te je mišljenje autora da je neophodno prekinuti triopol Moody's-a, Fitcha i S&P-a da bi kreditni rejtinzi na globalnom finansijskom tržištu bili pouzdani i točni. Te tri agencije jednostavno su prevelike i preutjecajne te ugrožavaju kvalitetu usluga koje se pružaju na tržištu. Konkurentnije tržište, sastavljeno od mnogo manjih agencija potaknulo bi tržišno natjecanje, povećalo standarde kvalitete, dovelo do raznovrsnijih, suvremenijih i pouzdanijih metoda analize i općenito bi bilo od velike koristi za zdravlje globalnog gospodarstva u budućnosti.

PROMJENE REGULACIJA ZA IZDAVANJE HIPOTEKARNIH KREDITA

Obvezuje se začetnike hipotekarnih kredita verificirati dužnikovu mogućnost otplate. U slučaju nepoštivanja standarda verifikacije ili hipotekarnog kredita s prekomjernim naknadama ili nepoštenim uvjetima, može se podnijeti obrana od ovrhe nad nekretninom. Zabranjuju se „balon isplate“ (*balloon payments*) i kazne za prerano plaćanje. Zabranjuje se izdavanje hipotekarnog kredita višeg rizika bez prethodne procjene vrijednosti nekretnine od strane ovlaštenog procjenitelja. Ureda za finansijsku zaštitu potrošača nalaže se da obveže začetnike hipotekarnih kredita da odobre kredite samo dužnicima za koje je vjerojatno da će otplatiti zajam.

Na Grafikonu 3 prikazana je ukupna vrijednost svih novoizdanih hipotekarnih kredita u

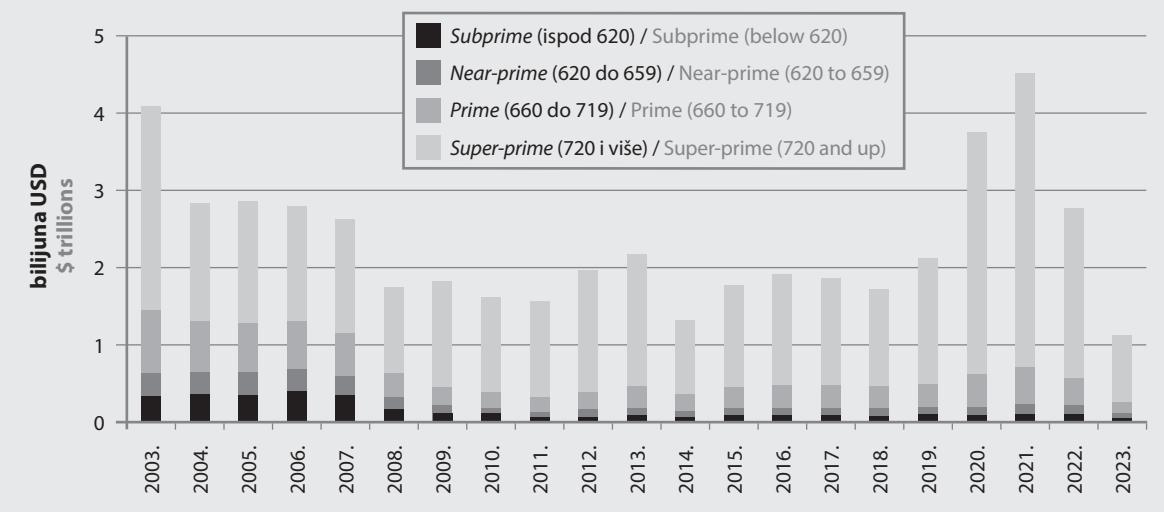
lower ratings, give more false warnings, and issue downgrades that are less informative.” Moreover, according to their research, credit ratings have become even more unreliable since the Dodd-Frank Act, and credit rating agencies have in principle only established the practice of assigning unnecessarily low ratings in order to no longer be accused of favoring large financial institutions. Credit ratings are key to a fair, transparent, efficient and successful financial system, and it is the author's opinion that it is necessary to break the triopoly of Moody's, Fitch and S&P for credit ratings in the global financial market to be reliable and accurate. These three agencies are simply too big and overly influential and endanger the quality of services provided on the market. A more competitive market, made up of many smaller agencies, would foster competition, increase quality standards, lead to more diverse, modern and reliable methods of analysis, and would generally be of great benefit to the health of the global economy in the future.

CHANGES IN REGULATIONS FOR ISSUANCE OF MORTGAGE LOANS

Mortgage originators have to verify the debtor's repayment ability. In the event of non-compliance with the verification standard or mortgage loan with excessive fees or unfair terms, a mortgage foreclosure defense may be filed. “Balloon payments” and penalties for early payment are prohibited. It is forbidden to issue a higher-risk mortgage loan without a prior real estate appraisal by a certified appraiser. The Consumer Financial Protection Bureau is instructed to oblige mortgage originators to grant loans only to debtors who are likely to repay the loan.

Graph 3 shows the total value of all newly issued mortgages in the United States between 2003 and 2023, denominated in trillions of US dollars. It is evident that after the subprime crisis in 2007, the value of newly issued mortgage loans

GRAFIKON 3. NOVOIZDANI HIPOTEKARNI KREDITI U SAD-U, 2003. – 2023.
GRAPH 3. NEWLY ISSUED MORTGAGE LOANS IN THE UNITED STATES, 2003 – 2023



Izvor: Channel, J., Shepard, D., Della Costa, C. (2023), „Mortgage Statistics: 2024“. Lendingtree, <https://www.lendingtree.com/home/mortgage/u-s-mortgage-market-statistics/>, pristupljeno 2. 12. 2023.

Source: Channel, J., Shepard, D., Della Costa, C. (2023), "Mortgage Statistics: 2024". Lendingtree, <https://www.lendingtree.com/home/mortgage/u-s-mortgage-market-statistics/>, accessed on 2 December 2023

Sjedinjenim Državama između 2003. i 2023. godine, denominirana u bilijunima američkih dolara. Vidljivo je da nakon *subprime* krize 2007. godine vrijednost novoizdanih hipotekarnih kredita naglo pada, osobito broj novoizdanih *superprime* kredita, koji su prikazani žutom bojom. Vrijednost novoizdanih hipotekarnih kredita ostaje znatno niža od njezinog vrhunca između 2003. i 2007. godine punih 11 godina, no 2020. godine ponovno naglo raste, a ostaje visoka i sljedeće dvije godine. Vrijednost za 2023. godinu niska je, jer godina nije okončana u trenutku izrade grafikona, no očekivano je da će vrijednost novoizdanih hipotekarnih kredita i 2023. godine biti relativno visoka, oko 2,5 bilijuna američkih dolara. Iako se posljednjih nekoliko godina u Sjedinjenim Državama izdaje znatno više hipotekarnih kredita, vrijednost novoizdanih *subprime* kredita nije ni blizu vrijednosti novoizdanih *subprime* kredita u

dropped sharply, especially the number of newly issued subprime loans, which are marked yellow. For 11 years the value of newly issued mortgage loans remained significantly lower compared to its peak between 2003 and 2007, but in 2020 it rises again sharply, and remains high for the next two years. The value for 2023 is low, because the year did not end at the time of creating this graph, but it is expected that the value of newly issued mortgage loans will be relatively high in 2023, around US \$2.5 trillion. Although significantly more mortgage loans have been issued in the United States in recent years, the value of newly issued subprime loans is nowhere near the value of newly issued subprime loans between 2003 and 2007. Furthermore, the value of newly issued least risky, super-prime mortgage loans represents a significantly higher share of total newly issued mortgage loans in the US

razdoblju između 2003. i 2007. godine. Nadalje, vrijednost novoizdanih najmanje rizičnih, *super-prime* hipotekarnih kredita predstavlja znatno veći udio ukupnih novoizdanih hipotekarnih kredita na američkom tržištu nakon *subprime* krize. Zakon Dodd-Frank svakako je postigao određen napredak u povećanju odgovornosti i poboljšanju upravljanja rizikom na hipotekarnom tržištu. Međutim, nemoguće je procijeniti koliko je prudencijalnije upravljanje kreditnim rizikom američkih finansijskih institucija nakon globalne finansijske krize rezultat Zakona Dodd-Frank, a koliko rezultat „naučene lekcije“ i promjene poslovnih praksi samih finansijskih institucija. Rezervacije Zakona Dodd-Frank vezane za hipotekarno kreditiranje svakako potiču finansijske institucije na odgovornije upravljanje kreditnim rizikom hipotekarnih kredita te je danas mnogo manje vjerojatno da će iznenadan visoki porast stope neplaćanja hipotekarnih obveza uzrokovati novu finansijsku krizu. Međutim, trendovi posljednjih nekoliko godina ne isključuju tu mogućnost, ni mogućnost stvaranja novog „balona“ na američkom tržištu nekretnina. Nedavni nagli rast cijena američkih nekretnina, koje su prema Case-Shiller indeksu porasle za 43 % između svibnja 2020. godine i svibnja 2022. godine (FRED, 2023), kao i prethodno naveden nagli rast novoizdanih hipotekarnih kredita, svakako sugeriraju da su današnje okolnosti na američkom tržištu nekretnina slične onima 2007. godine.

RESTRUKTURIRANJE REGULATORNIH TIJELA FINANCIJSKOG SUSTAVA

Osniva se Vijeće za nadzor finansijske stabilnosti (*Financial Stability Oversight Council* – FSOC), koje ima zadatak identificirati prijetnje finansijskoj stabilnosti Sjedinjenih Država, promovirati tržišnu disciplinu te odgovarati na nove rizike da bi se stabilizirao finansijski sustav. Ima ovlasti staviti nebanskve finansijske institucije i domaće subsidijare međunarodnih banaka pod nadzor Federalnih rezervi te zahtijevati od bilo koje finansijske institucije s ukupnom imovinom većom

market after the subprime crisis. The Dodd-Frank Act has certainly made some progress in increasing accountability and improving risk management in the mortgage market. However, it is impossible to estimate to which extent is more prudential credit risk management of US financial institutions after the global financial crisis the result of the Dodd-Frank Act, and how much it is the result of the “lesson learned” and the change in business practices of financial institutions themselves. The provisions of the Dodd-Frank Act related to mortgage lending certainly encourage financial institutions to manage the credit risk of mortgage loans more responsibly, and today it is much less likely that a sudden high increase in the default rate of mortgage liabilities will cause a new financial crisis. However, trends in recent years do not exclude this possibility, nor the possibility of creating a new “bubble” in the US real estate market. The recent surge in US real estate prices, which according to the Case-Shiller Index rose by 43% between May 2020 and May 2022 (FRED, 2023), as well as the above-mentioned surge in newly issued mortgage loans, certainly suggest that today’s circumstances on the US real estate market are similar to those in 2007.

RESTRUCTURING OF FINANCIAL SYSTEM REGULATORY BODIES

The Financial Stability Oversight Council (FSOC) is established to identify threats to the financial stability of the United States, promote market discipline and respond to emerging risks in order to stabilize the financial system. It has the authority to place non-bank financial institutions and domestic subsidiaries of international banks under the supervision of the Federal Reserve and to require any financial institution with total assets in excess of US \$50 billion to submit certified financial statements. In exceptional circumstances, the FSOC may oblige primary financial regulation agencies to introduce stricter regulations for

od 50 milijardi američkih dolara da dostavi ovjerena finansijska izvješća. U izvanrednim uvjetima FSOC može obvezati agencije za primarnu finansijsku regulaciju na uvođenje strožih propisa za odabrane finansijske aktivnosti. Osniva se Ured za finansijsko istraživanje (*Office for Financial Research* – OFR), koji ima zadatak poduprijeti FSOC prikupljanjem podataka i istraživanjem. Direktor OFR-a ima ovlasti izdavanja sudskog poziva te može zahtijevati bilo koje podatke potrebne za obavljanje dužnosti Ureda od bilo koje finansijske institucije. Ukida se Ured za nadzor štednje i njegove se ovlasti prenose na Vijeće guvernera Federalne rezerve, FDIC ili ured Kontrolora novca (*Comptroller of Currency*). Propisuje se podizanje iznosa depozita osiguranog od strane FDIC sa 100 000 na 250 000 USD. Osniva se Federalni ured za osiguranje (*Federal Insurance Office*) pod nadležnošću Ministarstva financija. Između ostalog, Ured je nadležan za nadzor svih poslova osiguranja te identifikaciju nedostataka u regulaciji osiguravatelja koji bi mogli pridonijeti finansijskoj krizi. Osniva se Ured za finansijsku zaštitu potrošača (*Consumer Financial Protection Bureau*), koji će regulirati potrošačke finansijske proizvode u skladu s Federalnim zakonima. Uspostavlja se pozicija Potpredsjednika za nadzor (*Vice Chairman for Supervision*), koji je nadležan za razvoj preporuka o politici nadzora i regulacije finansijskih institucija. Restruktuiranje postojećih regulatornih tijela i osnivanje niza novih regulatornih tijela Zakonom Dodd-Frank svakako ostavljuju prudencijalan dojam. Teško je procijeniti koliko su nova regulatorna tijela efektivna i efikasna, niti je to cilj ovog rada, no samo njihovo postojanje svakako otežava ponavljanje katastrofalne kombinacije mnogih pojedinačnih neuspjeha, poput one 2007. godine, koja bi mogla izazvati novu finansijsku krizu. Sama činjenica da nije došlo do nove velike finansijske krize od 2008. godine, čak ni za vrijeme COVID krize 2020. godine, sugerira da je Zakon Dodd-Frank bio relativno uspješan, no jednako tako nemoguće je utvrditi koliko se to može pripisati samom zakonu, a koliko finansijskim institucijama koje su „naučile lekciju“ 2008. godine i dosljedno promijenile svoje poslovne prakse.

selected financial activities. The Office for Financial Research (OFR) is established, whose task is supporting the FSOC with data collection and research. The OFR Director has the power to issue subpoenas and may request any information necessary to perform the duties of the Office from any financial institution. The Office of Thrift Supervision is abolished and its powers are transferred to the Board of Governors of the Federal Reserve, the FDIC or the Comptroller of Currency. It is prescribed to raise the amount of the deposit insured by the FDIC from \$100,000 to \$250,000. The Federal Insurance Office is established under the jurisdiction of the Department of the Treasury. Among other things, the Office is responsible for supervising all insurance activities and identifying deficiencies in the regulation of insurers that could contribute to the financial crisis. The Consumer Financial Protection Bureau is hereby established to regulate consumer financial products in accordance with Federal Laws. The position of Vice Chairman for Supervision is established, who is responsible for the development of recommendations on the policy of supervision and regulation of financial institutions. The restructuring of existing regulatory bodies and the establishment of a number of new regulatory bodies by the Dodd-Frank Act certainly leave a prudential impression. It is difficult to assess how effective and efficient the new regulatory bodies are, nor is this the aim of this paper, but their very existence certainly makes it difficult to repeat the disastrous combination of many individual failures, such as the one in 2007, which could cause a new financial crisis. The very fact that there has not been another major financial crisis since 2008, even during the COVID crisis in 2020, suggests that the Dodd-Frank Act was relatively successful, but it is also impossible to determine how much this can be attributed to the law itself, and how much to financial institutions that “learned their lesson” in 2008 and consistently changed their business practices.

ZAKLJUČAK

Globalna finansijska kriza iz svojih se korijena 2007. godine na američkom tržištu nekretnina brzo proširila na cjelokupan američki finansijski sustav, a nedugo zatim i cjelokupan globalni finansijski sustav. Bila je to kaskada mnogih različitih pojedinačnih neuspjeha, od kojih su neki bili, blago rečeno, nerazumljivi, poput tadašnjeg uvjerenja finansijskih institucija diljem svijeta da će američko stambeno tržište samo nastaviti rasti, iako povijesni presedan konzistentno pokazuje suprotno. Sireći se svijetom, kriza je osvijetlila korupciju, nekompetentnost i otvoreno zanemarivanje rizika u mnogim područjima globalnog finansijskog sustava, pa je svijet svjedočio fenomenima poput koeficijenta zaduženosti Lehman Brothersa od 60 prema 1 ili grčkom financiranju desetljeća teških i neproduktivnih proračunskih deficit-a neodrživim zaduzivanjem. Takva, očigledno neodgovorna postupanja zasigurno bi uzrokovala ozbiljne krize njihovim činiteljima bez obzira na globalno finansijsko okruženje. Globalna finansijska kriza jednostavno je posljedice učinila smrtonosnijima. Suvremene finansijske institucije, osobito one najveće i najznačajnije za globalnu ekonomiju, imaju dva dijametalno suprotna cilja. S jedne strane služe kao depozitarne institucije, sredstva pomoću kojih potrošači mogu sigurno pohraniti svoj novac, a s druge strane služe kao investicijske institucije, s ciljem agresivnog plasmana finansijskih sredstava na investicijska tržišta da bi se ostvarila maksimalna moguća zarada. Struktura poticaja u finansijskom sektoru i dalje je nelogična i kontraproduktivna. Brokerima svih vrsta i dalje se plaćaju provizije u trenutku prodaje, bez obzira na rizik, korisnost ili finansijsku stabilnost poslova koje obavljaju. Rukovoditelji najvećih svjetskih finansijskih institucija i dalje ostvaruju goleme bonuse kada zarade mnogo novca za tvrtku, a ne gube ništa kada tvrtku previše izlože riziku i dovedu je pred stečaj propalim investicijama. Iako Volckerovo pravilo ograničava sposobnost američkih depozitarnih institucija da trguju investicijskim proizvodima, te iste institucije također sudjeluju u neobuzdanoj

CONCLUSION

The global financial crisis quickly spread from its roots in the US real estate market in 2007 to the entire US financial system, and shortly thereafter the entire global financial system. It was a cascade of many different individual failures, some of which were, to put it mildly, incomprehensible, such as the then belief of financial institutions worldwide that the US housing market would only continue to grow, although the historical precedent consistently shows the opposite. Expanding globally, the crisis has shed light on corruption, incompetence and open disregard of risk in many segments of the global financial system, and the world has witnessed phenomena such as Lehman Brothers' 60-to-1 debt ratio or Greece's financing of decades of severe and unproductive budget deficits through unsustainable borrowing. Such apparently irresponsible actions would certainly cause serious crises to their doers regardless of the global financial environment. The global financial crisis has simply made the consequences more deadly. Modern financial institutions, in particular the ones that are the largest and most significant for the global economy, have two diametrically opposed goals. On the one hand, they serve as depository institutions, means by which consumers can safely store their money, and on the other hand, they serve as investment institutions, with the aim of aggressively placing financial assets on investment markets in order to achieve the maximum possible profit. The incentive structure in the financial sector remains illogical and counterproductive. Brokers of all types are still paid commissions at the time of sale, regardless of the risk, utility or financial stability of the work they perform. Executives of the world's largest financial institutions continue to earn huge bonuses when they earn a lot of money for the company, and they lose nothing when they expose the company to too much risk and bring it to bankruptcy with failed investments. While the Volcker rule limits the ability of U.S. depository institutions to trade in investment products, those same institutions also participate

sekuritizaciji svih oblika kredita koje izdaju, dajući stražnja vrata investicijskoj industriji da utječe na depozite potrošača. Suvremena banka više ne može čak ni održavati iluziju da postoji za bilo koju drugu svrhu osim za stvaranje profita. Klijenti, tržista, zakoni i dobre prakse nisu ništa više od resursa i prepreka na putu do tog krajnjeg cilja. Moralni hazard, razumna izloženost riziku i stabilnost globalnih financija nisu ništa više od riječi u udžbenicima ekonomije. Oni ne služe krajnjem cilju banaka, ostvarenju profita, i stoga su nebitni. Investicijske aktivnosti suvremenih banaka inherentno su rizične, a s obzirom na to da se temelje na sredstvima dobivenima putem depozita potrošača, sve rizike investicijskog tržista proširuju na opću populaciju. Financijska kriza 2007. i 2008. godine to je učinila očiglednim, kada je pad cijena na američkom tržištu nekrentina naponsjetku uzrokovao globalnu recesiju, koja je godinama štetno utjecala na gospodarski rast, zaposlenost i kvalitetu života u velikim dijelovima svijeta. Globalni zakonodavci nisu dovoljno ozbiljno shvatili lekcije iz 2008. godine. Koraci koji su poduzeti da bi se smanjila izloženost cijelog svijeta rizicima na investicijskim tržištima u kojima posluju najveće svjetske banke doveli su do napretka, ali nisu otisli dovoljno daleko. Neki od zakona donesenih diljem svijeta u jeku financijske krize 2007. i 2008. godine doneseni su naizgled samo zato da se održi prividni dojam da vlade rade nešto po pitanju problema banaka, ali temeljne slabosti financijskog sustava i dalje postoje. Basel III (BIS, 2023), koji je tek djelomice usvojen u siječnju 2023., samo je ažurirao neke brojke tako da banke trebaju napraviti nešto veću pogrešku da bi se cijeli globalni financijski sustav počeo rušiti. Trgovina financijskim derivatima još uvijek je uglavnom neregulirana u većini svijeta. CDO vrijednosnice, koje su 2008. godine financijski svijet bacile na koljena, ne samo da još postoje nego danas imamo i sintetičke CDO, CDO na kvadrat, kubne CDO, pa čak i CDO na n-tu potenciju. Čini se da investicijski bankari svake dvije godine osmisle novi način da proizvedu financijski instrument deriviran od skupa drugih financijskih instrumenata deriviranih od skupova

in the unrestrained securitization of all forms of credit they issue, but at the same time allowing the investment industry to influence consumer deposits. A modern bank can no longer even maintain the illusion that it exists for any purpose other than profit-making. Clients, markets, laws and good practices are nothing more than resources and obstacles on the way to that ultimate goal. Moral hazard, reasonable risk exposure, and the stability of global finance are nothing more than words in economics textbooks. They do not serve the ultimate goal of banks, which is profit making, and are therefore irrelevant. Investment activities of modern banks are inherently risky, and since they are based on funds obtained through consumer deposits, they extend all investment market risks to the general population. The financial crisis of 2007 and 2008 made this evident, when the fall in prices on the US real estate market eventually caused a global recession, which for years adversely affected economic growth, employment and quality of life in large parts of the world. Global legislators did not take the lessons of 2008 seriously enough. Steps taken to reduce the exposure of the whole world to risks in investment markets where the world's largest banks operate have led to progress, but they have not gone far enough. Some of the laws enacted around the world in the midst of the financial crisis of 2007 and 2008 were enacted seemingly only to maintain the apparent impression that governments are doing something about bank problems, but fundamental weaknesses of the financial system persist. Basel III (BIS, 2023), which was only partially adopted in January 2023, only updated some figures so that banks need to make a slightly bigger mistake for the entire global financial system to start collapsing. Trade in financial derivatives is still largely unregulated in most of the world. CDO securities, which brought the financial world to its knees in 2008, not only still exist, but today we also have synthetic CDOs, squared CDOs, cubic CDOs, and even nth power CDOs. Every two years, investment bankers seem to come up with a new way to produce a financial instrument derived from a set of other financial

trećih, četvrtih, petih ili dvadesetih financijskih instrumenata. Ne postoji granica koliko se puta neki financijski instrument može prepakirati u obliku financijskih derivata. Financijski su derivati još 2008. godine bili toliko kompleksni da sami brokeri koji su njima trgovali nisu znali što je zapravo u njima, a kamoli njihovi kupci. Danas su višestruko kompleksniji. Njihovo tržište procjenjuje se na više od jedne bilijarde dolara, dok neki analitičari vrijednost tog tržišta procjenjuju na svotu deset puta veću od globalnog BDP-a. Iako su hipotekarni derivati pretrpjeli drastičan pad volumena trgovanja, financijske institucije još uvijek masovno trguju mnogim drugim oblicima financijskih derivata te korištenjem financijske poluge višestruko povećavaju rizike prisutne u trgovaju financijskom imovinom. Globalni financijski sustav još je 2008. godine bio „kula od karata“, a danas je ta „kula od karata“ deset puta veća s deset posto jačim temeljima. Iz svih ovih razloga očigledno je da postoji ozbiljna opasnost od ponovnog urušavanja financijskog sustava i nove recesije. Takva opasnost će postojati dokle god kreatori svjetskog financijskog i monetarnog poretku ne shvate i ne prihvate da je potrebno potpuno restrukturiranje financijskih institucija, potpuno razdvajanje depozitarnih od investicijskih institucija, kao i kontinuirana reregulacija bankarskih i investicijskih sektora.

Prijedlog autora za daljnja istraživanja predmetne materije kao neizostavna materija i autori jesu: a) Bernanke, B. S. (2015), američki ekonomist koji je od 2006. do 2014. bio 14. predsjednik Federalnih rezervi i autor knjige *The Courage to Act: A Memoir of a Crisis and Its Aftermath* i b) Paulson, H. M. Jr. (2010), američki investicijski bankar koji je služio kao 74. ministar financija SAD-a od 2006. do 2009. i autor knjige *On the Brink: Inside the Race to Stop the Collapse of the Global Financial System*. Prije Ministarstva financija bio je predsjednik i glavni izvršni direktor (CEO) velike investicijske banke Goldman Sachs. Dodatno, tragom američke regulacije od 2010. godine krenula je i EU, tražeći optimalnu strukturu upravljanja nadzorom nad financijskim institucijama i financijskim

instruments derived from sets of third, fourth, fifth or twentieth financial instruments. There is no limit to how many times a financial instrument can be repackaged in the form of financial derivatives. Back in 2008, financial derivatives were so complex that the brokers themselves who traded them did not know what was really in them, let alone their customers. Today, they are far more complex. Their market is valued at more than \$1 trillion, while some analysts estimate the value of that market at ten times the global GDP. Although mortgage derivatives have suffered a drastic decline in trading volume, financial institutions are still massively trading many other forms of financial derivatives and using leverage to multiply the risks present in trading financial assets. Back in 2008, the global financial system was a “house of cards”, and today this “house of cards” is ten times larger with ten percent stronger foundations. For all these reasons, it is obvious that there is a serious risk of a re-collapse of the financial system and a new recession. Such a danger will exist as long as the creators of the world financial and monetary order do not understand and accept that a complete restructuring of financial institutions, complete separation of depository and investment institutions, as well as continuous reregulation of the banking and investment sectors is required.

The author's proposal for further research of the subject matter are the following reading and authors: a) Bernanke, B. S. (2015), American economist who was the 14th Federal Reserve Chairman from 2006 to 2014 and author of *The Courage to Act: A Memoir of a Crisis and Its Aftermath* and b) Paulson, H. M. Jr. (2010), an American investment banker who served as the 74th U.S. Secretary of the Treasury from 2006 to 2009 and author of *On the Brink: Inside the Race to Stop the Collapse of the Global Financial System*. Prior to the Department of the Treasury, he was the President and CEO of the large investment bank Goldman Sachs. In addition, the EU has followed the path of the 2010 US regulation, seeking an optimal management structure for the supervision of

rizicima kroz tzv. makroprudencijalni pristup. Autor posebno ističe da je na tom putu izrastao Europski sustav finansijskog nadzora (ESFS), kao mreža sastavljena od triju europskih nadzornih tijela (ESA), Europskog odbora za sustavne rizike i nacionalnih nadzornih tijela. Europska nadzorna tijela čine tri agencije: a) Europsko tijelo za bankarstvo (EBA); b) Europsko tijelo za osiguranje i strukovno mirovinsko osiguranje (EIOPA) i c) Europsko tijelo za vrijednosne papire i tržišta (ESMA). Zasebno je tijelo Europski odbor za sustavne rizike (ESRB), odgovoran za makrobonitetni nadzor finansijskog sustava u EU-u. Iako nije dio ECB-a, ESRB ima sjedište u uredima ECB-a u Frankfurtu na Majni u Njemačkoj. Ovakva institucionalna organizacija pruža mogućnosti neprestanih istraživanja zasnovanih na kvalitativnom i kvantitativnom principu, što je i prijedlog autora za daljnja istraživanja. Ti se prijedlozi mogu proširiti i povezati s istraživanjima i analizama koje objavljaju spomenute agencije i Odbor za sustavne rizike, koji zajedno daju prijedloge i smjernice za izradu regulatornog okvira finansijskog sektora EU-a.

financial institutions and financial risks through the so-called macroprudential approach. In particular, the author points out that the European System of Financial Supervision (ESFS) has grown along this path, as a network composed of three European Supervisory Authorities (ESAs), the European Systemic Risk Board and national supervisory authorities. The European supervisory authorities are composed of three agencies: a) the European Banking Authority (EBA); b) the European Insurance and Occupational Pensions Authority (EIOPA) and c) the European Securities and Markets Authority (ESMA). A separate body is the European Systemic Risk Board (ESRB), responsible for the macro-prudential oversight of the financial system in the EU. Although not part of the ECB, the ESRB has its seat at the ECB's offices in Frankfurt am Main, Germany. Such an institutional organization provides opportunities for continuous research based on qualitative and quantitative principles, which is the author's proposal for further research. These proposals can be extended and linked to research and analysis published by the aforementioned agencies and the Systemic Risk Board, which together provide proposals and guidance for the development of the EU financial sector regulatory framework.

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