

STRATEGIC DIRECTIONS FOR THE DEVELOPMENT OF THE CAPITAL MARKET IN THE ERA OF GLOBALIZATION: A LEGISLATIVE-NORMATIVE ANALYSIS IN THE CONTEXT OF THE REPUBLIC OF MOLDOVA

Victoria IORDACHI, Assoc. prof., PhD

National Institute for Economic Research, AESM

E-mail: timush_v@yahoo.co.uk

DOI: <https://doi.org/10.59642/JRTMED.2.2023.06>

Universal Decimal Classification: 336.76 (478)

JEL Classification: G15, G18

Abstract

In the current context of the global economy, the capital market and securities hold significant importance, allowing for the mobilization and efficient use of financial resources. The development of capital market legislation must follow globalization trends, by harmonizing with international standards, increasing market accessibility, regulating emerging markets, improving supervision and regulation, as well as using technology and new business models. Legislative-normative analysis is crucial for understanding the functioning and regulatory mechanisms of the capital market. This helps not only to identify weaknesses and challenges in the system, but also to strengthen investor confidence by ensuring fair and transparent competition. Increasing market accessibility, harmonizing with international standards and improving supervision are essential aspects in this process. The central purpose of this article is to analyze in depth the impact of legislation and regulatory norms on the capital market, with special attention given to the impact of community norms in the process of implementing the community acquis. The article focuses on the development of investment strategies adapted and compliant with current legislation and regulations, thus highlighting the dynamics and complexity of the capital market in the international and community regulatory context.

Keywords: *capital market, globalization, institutional framework, investor protection, securities regulation, financial legislation*

1. Introduction

Today, the capital market and securities play an important role in the global economy by facilitating the effective utilization and mobilization of financial resources. In light of the constant changes related to capital and securities market regulation, including investor protection and market transparency, theoretical and legislative-normative analysis becomes more relevant than ever.

It is vital to follow the trends of globalization, the regulation of emerging markets and the use of technological innovations, in order to develop effective and responsible investment strategies in an ever-evolving market. As far as legislative-normative analysis is concerned, it refers to the study of regulations and legislation governing the capital market and securities. This analysis is important to understand how the capital market functions and is regulated and to develop investment strategies that comply with applicable laws and regulations.

Moreover, a rigorous analysis of legislation and regulatory norms allows the identification of capital market weaknesses as well as challenges faced by regulatory and supervisory authorities. In this sense, the development of legislation and regulatory norms is essential for increasing investor confidence in the domestic capital market and for ensuring a fair and transparent competition between all market participants.

At present, many changes in capital and securities market regulation and legislation occurred, including increasing concerns about investor protection and market transparency [1]. These changes make the topic more current than ever and emphasize the importance of theoretical and legislative-normative analysis in the development of effective and responsible investment strategies.

The development of capital market legislation must follow globalization trends, by harmonizing with international standards, regulating emerging markets, improving supervision and regulation, increasing market accessibility, as well as using new business models and technology [2].

The capital market in the Republic of Moldova faces several challenges from a legislative perspective. One of the main problems of the capital market in the Republic of Moldova is the regulatory and legislative instability. Frequent changes in legislation and regulations can create uncertainty for investors and affect the development of the capital market. At the same time, although the Republic of Moldova has adopted a series of laws and regulations that regulate the capital market, their implementation can be deficient. This may affect investor protection and create an unsafe investment environment.

Likewise, in the Republic of Moldova, there are still some problems related to access to information and the transparency of companies and securities issuers. Transparency and the availability of adequate information for investors are essential for the development of the capital market.

These challenges must be addressed through the implementation of appropriate regulatory and financial education policies, which will stimulate the development of the capital market in the Republic of Moldova. Thus, the development of proposals for the legal-normative development of the capital market in the Republic of Moldova, in accordance with international standards, can contribute to improving the functioning.

2. The degree of investigation of the problem currently, and purpose of research

The intersection of capital market regulation and globalization has garnered significant attention in recent academic research.

Thus, Douglas W. Arner's analysis in *Globalization of Financial Markets: An International Passport for Securities Offerings*, provides a comprehensive examination of the evolution of global financial markets and the consequential regulatory challenges [2]. His work is pivotal in understanding the relationship between global economic trends and local regulatory policies.

Eddy Wymeersch's paper "The Future of Financial Regulation and Supervision in Europe" delves into the adaptive challenges faced by regulators amidst rapidly changing global financial markets. He emphasizes the necessity of international cooperation in regulatory efforts [15].

Greta R. Krippner's Perspective: In "Capitalizing on Crisis", Krippner explores the political underpinnings of the U.S. economy's transformation, focusing on regulatory changes in response to globalization. Her analysis is instrumental in understanding the socio-economic factors influencing capital market regulation [11].

Tony Porter's Transnational Financial Regulation after the Crisis relates the impacts of global financial systems and the role of international regulatory bodies. Porter's analysis is crucial for understanding systemic risks and the challenges of regulation in a globalized context [14].

The works reviewed illustrate the complexity of developing effective regulatory frameworks in a globalized financial environment. They underscore the need for balancing national interests with the necessity of maintaining global financial stability. Thus, this overview highlights the significant contributions of key scholars in the field of capital market regulation within the globalization framework. Their research offers vital perspectives for policymakers and researchers interested in understanding and navigating the intricacies of global financial regulation.

3. Methods and materials applied

In the process of preparing the article, the scientific and methodological basis was based on the international standards developed by the International Organization of Securities Commissioners (IOSCO) and the European Association of Capital Market Supervisory Authorities (ESMA). These standards provided an essential frame of reference for analyzing capital market supervision regulations and practices. Primary and secondary sources were examined, including relevant national legislation and EU regulations, government reports, academic publications and specialist articles. This analysis enabled the identification and interpretation of current legislative trends and their impact on the capital market.

Also a critical appraisal of the information collected was conducted, discussing the implications of the findings and recommendations for future capital market policies and practices. To ensure a thorough analysis, there were gathered and scrutinized data and information from a variety of sources to present case studies of countries. Thus, the article provides a detailed and critical assessment of the data gathered, addressing the significance of the findings and formulating recommendations for future directions in capital market policy. Various examples from different countries were also presented, illustrating how cooperatives contribute to the circular economy, with a particular focus on their relevance for capital market regulations. These case studies provide a global perspective and bring to the fore effective practices and specific challenges, thus providing a valuable framework to inform and guide future regulatory strategies. Therefore, this study not only highlights the essential role of cooperatives in promoting the circular economy, but also paves the way for the adoption of innovative and sustainable regulatory approaches in the capital market.

4. Results obtained and discussion

The globalization of the capital market in the Republic of Moldova took place to a certain extent due to the adoption of the *acquis communautaire* within the national legislation.

The implementation of the Community *acquis* in the Republic of Moldova in the field of the capital market required a series of legislative and institutional reforms to align the legal and regulatory framework of the capital market with European standards. In the process, new laws and regulations were introduced to promote transparency and investor protection, encourage investment and develop new financial instruments.

The infrastructure and transaction monitoring and reporting system have also been created to ensure proper supervision of the capital market.

Despite the progress made, there are still challenges and improvements needed to ensure the sustainable and stable development of the capital market in the Republic of Moldova.

The harmonization of domestic legislation with EU requirements has allowed the development of alternative financing instruments, such as corporate bond issues, which will certainly have a positive impact on the development of the private sector and the economy in general. These issues will allow companies to raise finance directly from the capital market, thereby reducing reliance on bank financing and improving access to capital.

In addition, the implementation of the *acquis communautaire* also *brought greater confidence on the part of foreign investors, which led to an increase in the volume of foreign investments on the capital market of the Republic of Moldova*. These investments have brought significant economic benefits, such as job creation, increased production and improved living standards of the population.

More precisely, the implementation of European legislation led to an increase in the level of regulation and supervision of financial activities, which improved transparency and investor protection. These measures reduced the risk of dishonest practices and encouraged the growth of investors' confidence in the capital market of the Republic of Moldova.

Also, the implementation of European legislation has improved Moldovan companies' access to financing, by creating higher standards of transparency and financial reporting, which have attracted international investors. In addition, the implementation of European legislation stimulated the development of professional participants on the capital market in the Republic of Moldova, by creating a clear and predictable regulatory framework, which facilitated their activity. This has led to an increase in competition and a diversification of financial services offered in the Republic of Moldova.

The reform efforts of the National Commission for Financial Markets (NCFM) on the dimension of alignment with the community *acquis* will be further directed as a priority towards further strengthening the regulatory and supervisory framework, increasing the degree of implementation of corporate governance at the level of entities licensed/authorized on the capital market and ensuring genuine transparency of the shareholders of these entities.

To achieve the proposed objective, the following actions will be undertaken:

- a) the transposition and implementation of the normative framework related to Directive 2013/36/UE1 (CRD-IV) [9] in terms of prudential requirements for investment

companies, which essentially aims to increase the importance of internal risk management functions, the assurance by companies of investments of an initial capital sufficient to absorb losses in case of crisis situations, ensuring effective on-site and ex officio monitoring by the CNPF regarding the degree of capital adequacy of investment companies. For this purpose, the following will be carried out:

- elaboration and implementation of amendments and additions to the capital market legislation in the context of Directive 2013/36/EU;
 - the elaboration, approval and implementation of the normative framework subordinated to the Law no. 171/2012 regarding the capital market, including the transposition of Regulation (EC) no. 575/2013 [56].
- b) examination, under the aspect of the reality of the domestic capital market, of the opportunities of transposition of Directive 2014/65/UE3 [5] and Delegated Regulation (EU) no. 600/20144 (of the MiFID-II framework). These rules adjust the MiFID-I framework to the needs of today's market and bring news in terms of trading platforms, types of financial instruments, reporting requirements, etc.;
- c) the elaboration and implementation of amendments and additions to the legislation on joint-stock companies in the context of Directive (EU) 2017/1132 and Directive (EU) 2017/828 [8].
- d) monitoring the application of the community acquis for the purpose of permanent revision of domestic regulatory norms.

At the same time, the NCFM aims to quantify the most suitable solutions for the revival of this sector for the coming years, among which are:

- a) stimulating the increase in the attractiveness of the capital market. In order to encourage investors and issuers of securities, fiscal measures aimed at redirecting capital towards long-term investments in various attractive fields are needed to stimulate public offers;
- b) the development of the bond market through:
- the development and implementation of the normative framework related to the issuance of corporate bonds by joint-stock companies and limited liability companies, including their admission and circulation on the regulated market or within the MTF;
 - intensifying the dialogue with the institutions responsible for issuing state financial instruments, especially bonds with a circulation term of more than one year, in order to admit them to trading on the regulated market;
 - revision of the normative framework related to the issuance and circulation of municipal bonds in order to ensure optimal financing conditions for the investment programs carried out by the local public administration bodies.
- c) revision of the normative framework in order to develop the organized market (regulated market and MTF). Considering that the globally organized markets are the ones that ensure adequate protection for consumers of financial services, through the creation of investment guarantee schemes, NCFM continues to propose priorities in the development of this market segment through activities aimed at:
- the development and implementation, in agreement with the operator of the organized market, of an action plan aimed at ensuring the improvement of trading mechanisms and rules according to the best practices in the field;

- drafting amendments to Law no. 171/2012 on the capital market in order to attract investments through public offers of securities carried out on the regulated market or within the MTF;
- stimulating the attraction on the regulated market of large companies with significant trading values by highlighting the advantages of being present on this segment in relation to traditional financing methods.

In conclusion, the implementation of the community acquis had a significant positive impact on the activity of professional participants on the capital market in the Republic of Moldova. The harmonization of domestic legislation with EU requirements created a favorable environment for the development of the capital market, attracted new investments and improved the protection of investors, which led to the growth of the economy and the improvement of the living standards of the population.

At the same time, the NCFM's efforts regarding the continuation of the process of adjusting the domestic legislation to European standards are welcome. These efforts are essential to ensure the transparency, safety and stability of the capital market in the Republic of Moldova and to make it attractive for foreign investors.

In addition, the harmonization of legislation with EU requirements can contribute to increasing the volume of transactions and liquidity on the capital market, which can stimulate the economic development of the country. Therefore, it is important that these efforts continue and be consolidated to ensure a robust and well-regulated capital market in the Republic of Moldova.

Globalization has had a significant impact on the capital market and the laws that govern it. In this context, there are several strategic directions for the development of capital market legislation that can be traced in the context of globalization trends.

These include:

➤ **Continuing and maximizing efforts on harmonizing national legislation with international standards:** In the context of globalization, investors and companies expect capital market legislation to be harmonized with international standards. This includes, among others, transparency standards, information disclosure and financial audit regulations.

In a global economy, investors and companies are increasingly interested in investing and doing business abroad. This means that there is an increased need for international capital market standards to be respected by all countries. Investors and companies are looking for a clear legal framework and stability in capital market regulations to be able to make safe investments and plan for the long term. International standards in the field of capital markets include transparency of financial information, disclosure of information and financial audit regulations.

In terms of transparency of financial information, companies must provide clear and accurate information about their financial activities, as well as business risks and opportunities. Disclosure must be made in an accessible and understandable way for all investors so that they can make informed decisions.

Financial audit regulations are also essential to ensure that companies are supervised and that the information provided is reliable. A full and independent financial audit can help identify

potential problems with a company's business and give investors the confidence they need when making investment decisions.

By harmonizing with these international standards, capital market legislation can provide a clear and stable legal framework for investors and companies interested in investing in those countries. This can contribute to increased investment, more efficient allocation of resources and ultimately to the growth of national economies.

There are several countries that have harmonized their capital market legislation with European standards, but the best examples are Estonia, Lithuania and Latvia, which are all member states of the European Union.

Estonia has made significant progress in harmonizing its capital market legislation with European standards in recent years. In 2017, Estonia implemented a new legal framework for transactions in financial instruments, which was harmonized with the EU's Markets in Financial Instruments Directive (MiFID II). This legal framework brought greater transparency and protection for investors and strengthened supervision of the capital market in Estonia.

Lithuania has also made significant progress in harmonizing its capital market legislation with European standards in recent years. In 2015, Lithuania adopted a new capital market code, which strengthened and modernized the country's capital market regulation and created a modern legal structure for the capital market [7]. This code has also been harmonized with the EU's Markets in Financial Instruments Directive (MiFID II).

Latvia was also one of the first countries to harmonize its capital market legislation with European standards. In 2004, Latvia adopted a capital market law that was harmonized with the Directive on transparency of information published by issuers and introduced stricter rules for the disclosure of financial information. These rules were introduced by the Capital Markets Act of 2004, which transposed into national law the EU Directive on the transparency of information published by issuers. The Capital Markets Act of 2004 established the obligation for all issuers of financial instruments to publish periodic financial information and periodic information to enable investors to make informed investment decisions. This information includes annual and semi-annual financial reports as well as corporate governance reports. Also, the Capital Market Law of 2004 established the obligation for all issuers to publish information regarding important events that could affect the price of the financial instruments issued by them. This information must be published without undue delay and be available to all investors.

These countries have demonstrated that the harmonization of capital market legislation with European standards is essential for the development of the capital market and to provide a clear and stable legal framework for investors and companies.

➤ **Increasing the accessibility of the capital market: Capital market legislation must allow greater accessibility for investors and issuers, both domestic and foreign.** This can be achieved by reducing obstacles to cross-border investment and by improving the procedures for listing and issuing financial instruments.

In terms of accessibility for investors and issuers in the capital market, there are a number of countries that are considered to have best practices and have implemented measures to

improve access to the capital market for investors and issuers, both domestically, as well as from outside the country.

One example is *Estonia*, which created an electronic trading system for financial instruments, which led to a significant increase in the number of transactions and increased accessibility for investors, especially those outside the country. In addition, Estonia has introduced a number of legislative reforms to support cross-border investment, such as the adoption of clearer rules on the listing and regulation of financial instruments and issuance procedures.

These reforms include the adoption of clearer rules on the listing and regulation of financial instruments and issuance procedures. Specifically, Estonia has introduced a number of measures to increase transparency and promote accessibility for investors and issuers, such as:

- *Clearer regulation of the listing and issue of financial instruments:* Estonia has established a set of clearer and more detailed rules to regulate the listing and issue of financial instruments. These rules set clear and transparent requirements for the issuer, such as disclosure information and financial reporting requirements, which help improve accessibility and transparency for investors. *Promotion of electronic transactions:* Estonia has developed a modern electronic trading platform, which has led to a significant increase in the number of transactions and improved access to the capital market for investors, especially those outside the country.
- *Investor protection:* Estonia has instituted a number of investor protection measures, such as stricter issuer disclosure information requirements and increased capital market transparency.

These legislative reforms have improved accessibility for investors and issuers, and Estonia is now considered one of the most investment-friendly countries in Europe.

Another country that has implemented measures to improve access to the capital market is *Poland*, which has developed a modern electronic trading platform and instituted a number of legislative reforms to increase accessibility for investors and issuers. For example, Poland simplified listing procedures and instituted a number of investor protection measures, such as stricter disclosure information requirements for issuers and increased capital market transparency.

Finally, EU countries, especially those that have recently joined, have implemented and harmonized their legislation with the Markets in Financial Instruments Directive (MiFID II), which sets the rules for trading financial instruments and promotes greater accessibility for investors and issuers throughout the EU. In this respect, capital market legislation in the EU has evolved to improve accessibility and reduce obstacles to cross-border investment, which has stimulated capital market development and increased competition across the EU.

➤ **Improving supervision and regulation:** In the context of globalization, it is important to have an adequate framework for supervision and regulation of the capital market to prevent fraud and abuse. Improved regulation and supervision can help increase investor confidence in the capital market.

In this regard, there are some countries that have implemented best practices to ensure an adequate capital market supervision and regulatory framework to protect investors' interests and promote sustainable economic growth. An example of a country that has implemented strong capital market regulation legislation is the *United States of America* (USA). The US

adopted laws such as the Sarbanes-Oxley Act, which was enacted in the wake of the Enron scandal and other accounting frauds, to more strictly regulate financial reporting information and protect the interests of investors. Also, the Securities and Exchange Commission (SEC), the US capital market watchdog and regulator, has extensive powers to investigate and sanction violations of the law by companies and investors.

Another country that has implemented adequate capital market supervision and regulation measures is *Germany*. Germany's capital market watchdog, BaFin, has an important role in capital market regulation and has implemented a number of measures to prevent fraud and abuse, such as stricter disclosure information requirements and regulations on securities transactions. Thus, BaFin (Federal Financial Supervisory Authority), as an independent supervisory organization, has a key role in the regulation of the capital market in Germany and has implemented a number of legislative measures to prevent fraud and abuse in the capital market. These include stricter financial disclosure requirements, stricter shareholder transparency requirements and insider trading regulations. BaFin has also implemented a system to supervise investment firms and introduced strict rules on trading practices.

Another country with strong legislative measures to supervise and regulate the capital market is the **UK**, which has the Financial Conduct Authority (FCA) as its independent supervisory body. The FCA is responsible for the regulation and supervision of UK financial institutions, including the capital market. It also implemented stricter financial disclosure requirements and insider trading regulations, as well as investor protection requirements and unfair business practice regulations. In addition, the FCA has created an early warning system that detects potential compliance and risk management issues before they escalate. This system enables the FCA to take swift and effective action to prevent capital market abuse and fraud.

➤ **Use of technology and new business models:** In recent years, technology has revolutionized the capital markets, with the emergence of new business models such as crowdfunding and fintech.

Capital market legislation needs to adapt to these changes to enable innovation and support capital market development. In an increasingly digitized world, the development of technology has brought a number of changes and opportunities in terms of capital markets. It is therefore important that legislation adapts and facilitates these changes.

A recent trend is the use of blockchain technology in financial instrument transactions. This offers a number of advantages, such as increasing the transparency and security of transactions, reducing costs and eliminating intermediaries. In this regard, *Switzerland* is an example of a country that has adopted blockchain and cryptocurrency friendly legislation. In 2018, a law was passed that regulated blockchain-related activities and created a legal framework for the issuance and trading of cryptocurrencies. This law also allowed investment funds to invest in cryptocurrencies and blockchain [10].

Another important trend is the use of artificial intelligence in analyzing market data and making investment decisions. In this regard, the *United States of America* passed a law in 2021 that allowed the use of artificial intelligence in data analysis and investment decision-making, provided that these decisions are consistent with the interests and needs of investors.

Cryptocurrency investments are a topic of increased interest for many investors in the capital markets, and financial supervisory authorities must find ways to control these investments to protect investors and prevent illegal activities such as money laundering and terrorist financing.

One of the most important measures that financial supervisory authorities can take is to regulate cryptocurrency markets and cryptocurrency transactions. Regulations should set stricter requirements for cryptocurrency transactions, such as identifying customers and monitoring suspicious transactions. There should also be clear requirements for cryptocurrency market operators and financial service providers offering services related to cryptocurrencies [4]. In addition, financial supervisory authorities should have the power to monitor cryptocurrency transactions and be able to intervene if suspicious activities are observed. This can be achieved through the use of blockchain technology, which enables transparent tracking of cryptocurrency transactions.

Finally, it is important that financial supervisory authorities work together internationally to combat illegal cryptocurrency investments and to regulate cryptocurrency markets globally. This can be done through international organizations such as the G20, which has already adopted some rules and recommendations regarding cryptocurrencies [4]. In conclusion, there are many countries that have implemented best practices to ensure an adequate framework for capital market supervision and regulation. These practices are essential to prevent fraud and abuse and to protect the interests of investors and promote sustainable economic growth.

The supervision and monitoring of the activity of professional participants on the capital market in the Republic of Moldova can be improved by implementing effective measures, such as:

1. **Improving inter-institutional cooperation** - financial supervisory authorities should cooperate more closely with each other and share relevant information on the activity of professional capital market participants. It would also be useful to establish links with financial supervisory authorities in other countries to share best practices and coordinate cross-border supervisory activities.
2. **Implementation of stricter rules on disclosure of information** - professional capital market participants should be required to provide clear and complete information on their activities and associated risks. This information should be available to investors and financial supervisory authorities so that they can better assess risks and take appropriate action in the event of non-compliance.
3. **Development of mechanisms for monitoring suspicious transactions** - financial supervisory authorities should develop effective mechanisms for monitoring suspicious transactions to prevent money laundering and terrorist financing. These mechanisms should be used regularly and updated according to new threats and trends in the capital market.
4. **Strengthening the capacities of financial supervisory authorities** - financial supervisory authorities should be adequately resourced and equipped with well-trained and specialized staff. They should be able to identify and respond quickly to risk situations and be able to take appropriate measures to protect investors and capital market stability.

5. Implementation of a tighter and more coherent legal framework to prevent unfair practices and protect investors. These measures could include:

- Increasing the capacity of financial supervisory authorities, by improving their resources and competences, so that they can supervise more carefully the activity of professional participants in the capital market.
- Development of a strong and secure technological infrastructure to enable effective supervision of transactions and facilitate the exchange of information between financial supervisory authorities and capital market participants.
- Creating a clearer and more detailed legal framework for the activity of professional capital market participants, so as to prevent unfair practices and protect investors.
- The introduction of stricter requirements for obtaining the necessary licenses and accreditations for activity on the capital market, as well as for compliance with standards of conduct and ethics.
- Close collaboration between financial supervisory authorities in different countries, so that illegal and unfair activities that may take place across borders can be identified and prevented.

The implementation of these measures could contribute to improving the supervision and monitoring of the activity of professional participants in the capital market in the post-Soviet space and increasing investor confidence in this market. At the same time, it is to note that the development of capital market legislation must follow globalization trends, by harmonizing with international standards, increasing market accessibility, regulating emerging markets, improving supervision and regulation, as well as using technology and new business models.

5. Conclusions

Although the Republic of Moldova has adopted a series of laws and regulations that regulate the capital market, their implementation can be deficient. This may affect investor protection and create an unsafe investment environment.

In addition, in the Republic of Moldova, there are also problems related to corruption and the uneven application of laws and regulations. These problems can affect investor confidence and slow down the development of the capital market.

Therefore, it is important that regulatory and supervisory authorities work together with capital market participants to improve the implementation of legislation and regulations, as well as to ensure their uniform and non-discriminatory application. In this sense, a close and continuous collaboration between all the factors involved is necessary to ensure a favorable environment for investments and the development of the capital market in the Republic of Moldova.

In the Republic of Moldova, a significant problem regarding transparency and availability of information is related to the fact that many companies do not publish sufficient or quality financial and business information. This can make it difficult to assess investment potential and discourage investors from participating in the capital market. In addition, there are other transparency issues, such as a lack of information on the shareholding structure, relationships

with other affiliates or the state, or incomplete or inaccurate information on risk management. These problems can reduce investor confidence and affect the development of the capital market.

It is also important that there is adequate transparency in the process of issuing and trading securities. This may include information regarding the price and volume of transactions, information regarding commissions and fees involved in the transaction process, and the regulations governing these transactions. These challenges must be addressed through the implementation of appropriate regulatory and financial education policies, which will stimulate the development of the capital market in the Republic of Moldova.

Following the analysis of the regulations regarding the capital market in the Republic of Moldova, the following recommendations can be proposed to improve the regulatory framework of the capital market:

- Establishing a coherent and stable legal and regulatory framework that provides investors with a safe and predictable environment.
- Consolidation and periodic updating of capital market legislation so that it is consistent with international standards and provides adequate protection to investors.
- Increasing the transparency and availability of financial information of companies and issuers of securities, by establishing clear and mandatory requirements regarding the disclosure of information.
- Ensuring effective supervision and regulation of the capital market, by strengthening the capacity and independence of regulatory and supervisory entities, as well as by improving control and sanctioning mechanisms.
- Stimulating the development of the capital market by introducing innovative financial instruments, encouraging the listing of companies on the capital market and creating a favorable environment for investors.

These recommendations could contribute to the improvement of regulations and the development of the capital market in the Republic of Moldova, which could increase the attraction of investments and the economic development of the country.

At the same time, in order to streamline the transposition of European legislation on the capital market of the Republic of Moldova, the following recommendations can be taken into account:

- Elaboration of a detailed plan for the implementation of European legislation in the field of the capital market in the Republic of Moldova. This plan should identify the transition points, deadlines and responsibilities of the institutions involved in the transposition process.
- Ensuring transparent and efficient communication between the institutions responsible for transposing European legislation, issuers and investors. This should include the publication of relevant information on the websites of the institutions involved and the organization of information and consultation events for interested parties.
- Ensuring adequate financial and human resources for the implementation of European legislation in the field of the capital market in the Republic of Moldova. This should include the training of specialized personnel and the development of the necessary infrastructure to support the effective implementation of the new regulations.

- Continuous monitoring of the transposition process of European legislation and updating of national regulations and directives to reflect legislative and normative changes at the EU level. This should be done in a transparent way, by consulting stakeholders and publishing relevant information in time.
- Promotion of regional and international cooperation in the field of the capital market, including through the active participation of the Republic of Moldova in regional and international organizations and forums relevant to the capital markets. This could help improve transparency, regulatory standards and increase investment in the capital market of the Republic of Moldova.

REFERENCES

1. Congressional Research Service. Capital Markets: Overview and Selected Policy Issues in the 118th Congress. Available at: <https://crsreports.congress.gov/product/pdf/R/R47431>
2. DOUGLAS, W. Arner. Globalization of Financial Markets: An International Passport for Securities Offerings. American Bar Association: 2001. The International Lawyer. 2001, Vol. 35, No. 4 (WINTER 2001), pp. 1543-1588.
3. ENDARTO, B., et al. Global perspective on capital market law development in Indonesia. In: Journal of Management Information and Decision Sciences. 2020, 24(S1), 1-7.
4. European Central Bank. Regulating crypto finance: taking stock and looking ahead. Available on: <https://www.bankingsupervision.europa.eu/press/speeches/date/2023/html/ssm.sp231114~fd1b2cc234.en.html>
5. European Parliament and the Council of the European Union. (2014). Regulation (EU) no. 600/2014 of the European Parliament and of the Council of 15 May 2014 on financial instruments markets and amending Regulations (EC) no. 648/2012. Official Journal of the European Union, L 173/84.
6. European Parliament and the Council of the European Union. (2004). Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonization of the transparency of information requirements regarding issuers of securities that are admitted to trading on a regulated market and amending Directive 2001/34/EC. Official Journal of the European Union, L 390/38.
7. European Commission. (2019). 2019 European Semester: Country Report - Lithuania. [visited 26.11.2023]. Available: https://ec.europa.eu/info/sites/default/files/file_import/2019-european-semester-country-report-lithuania-ro.pdf
8. European Parliament and the Council of the European Union. (2017). Directive (EU) 2017/828 of the European Parliament and of the Council of 17 May 2017 amending Directive 2007/36/EC as regards the encouragement of long-term shareholder involvement. Official Journal of the European Union, L 132/1-27. [visited 04.09.2023]. Available: <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:32017L0828&from=RO>
9. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 regarding access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending and repealing Directive 2002/87/EC of Directives 2006/48/EC and 2006/49/EC. [visited 13.11.2023]. Available: <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:32013L0036&from=EN>
10. Global Legal Insights. Blockchain & Cryptocurrency Laws and Regulations 2024. Available on: <https://www.globallegalinsights.com/practice-areas/blockchain-laws-and-regulations/switzerland>
11. Greta R. Krippner. Capitalizing on Crisis. Harvard University Press: 2012. 240 p. ISBN 9780674066199.
12. Lei Xu & Shih-Cheng Lee & Yishu Fu. Impacts of capital regulation and market discipline on capital ratio selection: evidence from China. In: International Journal of Managerial Finance. Emerald Group Publishing Limited. 2015, vol. 11(3), pages 270-284, June.
13. Regulation (EC) no. 575/2013 of the European Parliament and of the Council of 26 June 2013 regarding prudential requirements for credit institutions and investment companies and amending Regulation (EU) no. 648/2012. [visited 09.10.2023]. Available: <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:32013R0575&from=RO>
14. Tony Porter. Transnational Financial Regulation after the Crisis. Routledge: 2014. 248 p. ISBN 9780415822732.
15. Wymeersch, Eddy O. The Future of Financial Regulation and Supervision in Europe (May 2005). Available at SSRN: <https://ssrn.com/abstract=728183> or <http://dx.doi.org/10.2139/ssrn.728183>

Rezumat

În contextul actual al economiei globale, piața de capital și valorile mobiliare au o importanță semnificativă, permițând mobilizarea și utilizarea eficientă a resurselor financiare. Dezvoltarea legislației pieței de capital trebuie să urmeze tendințele globalizării, prin armonizarea cu standardele internaționale, creșterea accesibilității piețelor, reglementarea piețelor emergente, îmbunătățirea supravegherii și reglementării, precum și prin utilizarea tehnologiei și a noilor modele de afaceri. Analiza legislativ-normativă este crucială pentru înțelegerea funcționării și mecanismelor de reglementare ale pieței de capital. Acest lucru ajută nu numai la identificarea punctelor slabe și a provocărilor din sistem, ci și la consolidarea încrederii investitorilor prin asigurarea unei concurențe loiale și transparente. Creșterea accesibilității pieței, armonizarea cu standardele internaționale și îmbunătățirea supravegherii sunt aspecte esențiale în acest proces. Scopul central al acestui articol este de a analiza în profunzime impactul legislației și normelor de reglementare asupra pieței de capital, cu o atenție deosebită acordată impactului normelor comunitare în procesul de implementare a acquis-ului comunitar. Articolul se concentrează pe dezvoltarea unor strategii de investiții adaptate și conforme cu legislația și reglementările în vigoare, evidențiind astfel dinamica și complexitatea pieței de capital în contextul de reglementare internațional și comunitar.

Cuvinte-cheie: piața de capital, globalizare, cadru instituțional, protecția investitorilor, reglementarea valorilor mobiliare, legislația financiară

Аннотация

В современных условиях глобальной экономики рынок капитала и ценных бумаг имеют важное значение, позволяя мобилизовать и эффективно использовать финансовые ресурсы. Развитие законодательства о рынке капитала должно следовать тенденциям глобализации путем его гармонизации с международными стандартами, повышения доступности рынков, регулирования развивающихся рынков, улучшения надзора и регулирования, а также использования технологий и новых бизнес-моделей. Законодательно-нормативный анализ имеет решающее значение для понимания функционирования и механизмов регулирования рынка капитала. Это помогает не только выявить слабые места и проблемы в системе, но и укрепить доверие инвесторов за счет обеспечения честной и прозрачной конкуренции. Повышение доступности рынка, гармонизация с международными стандартами и улучшение надзора являются важными аспектами этого процесса. Основная цель данной статьи — углубленный анализ влияния законодательства и нормативных норм на рынок капитала, при этом особое внимание уделяется влиянию норм сообщества на процесс реализации норм сообщества. В статье основное внимание уделяется разработке инвестиционных стратегий, адаптированных и соответствующих действующему законодательству и правилам, тем самым подчеркивая динамику и сложность рынка капитала в международном и нормативном контексте сообщества.

Ключевые слова: рынок капитала, глобализация, институциональная основа, защита инвесторов, регулирование ценных бумаг, финансовое законодательство

Received 26.11.2023

Accepted 27.12.2023

Published 29.12.2023