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Les fonds islamiques en Europe: Régulation ou réglementation ? (Finances alternatives) (French Edition)

Bahya Bouharati

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Les fonds islamiques intègrent dans leur stratégie de gestion des critères d'investissement extra-financiers fondés sur des principes directeurs issus du droit musulman applicable en matière bancaire et financière. Ils répondent à une demande croissante en produits d'investissement religieusement orientés. Si l'industrie de la gestion collective islamique se développe sur le marché européen, les fonds islamiques, de même que leurs gestionnaires, ne font pas l'objet d'une réglementation spécifique. La régulation des fonds islamiques se fait par le biais de prescriptions et de recommandations issues de normes autonomes d'origines publiques et privées, religieuses et extra-religieuses. Ces fonds interpellent également sur l'opportunité et partant, sur la possibilité de l'élaboration d'une norme étatique contraignante susceptible de poser les bases d'un régime juridique dédié à ce type de fonds.
Ce dernier point ne serait-il pas un prérequis nécessaire à la possible émergence d'un modèle européen des fonds islamiques permettant de garantir la protection des investisseurs et du marché tout en permettant l'épanouissement de ce segment innovant de la gestion collective de l'épargne ?

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