

## **(Monthly Returns Regulation – *Monatsausweisverordnung*)**

### **Regulation**

#### **on the submission of monthly returns pursuant to the Banking Act**

of May 31, 1999 (Federal Law Gazette I page 1080)

as amended by Article 3 (8) of the Act Amending the Act on the Supervision of Private Insurance Enterprises (*Gesetz zur Änderung des Versicherungsaufsichtsgesetzes*), especially concerning the implementation of Directive 98/78/EC of October 27, 1998 on the supplementary supervision of insurance undertakings in an insurance group and concerning the conversion of amounts specified in provisions to euro, of December 21, 2000 (Federal Law Gazette I, page 1857).

The printed forms (Annexes 1 and 2 to the Regulation) are not reproduced here.

By virtue of section 25 (3) of the Banking Act, in the wording of the Announcement of September 9, 1998 (Federal Law Gazette I, page 2776), read in conjunction with section 1 of the Regulation Transferring the Authority to Issue Regulations to the Federal Banking Supervisory Office of December 19, 1997 (Federal Law Gazette I, page 3156), the following Regulation is hereby issued by the Federal Banking Supervisory Office in agreement with the Deutsche Bundesbank:

### **1 Scope of application;**

#### **powers of the Federal Banking Supervisory Office**

(1) Monthly returns and the additional information required under this Regulation shall be submitted by all institutions, subject to the provisions of section 6, unless they fall within the scope of the Monthly Returns Regulation for Stockbrokers.

(2) The Federal Banking Supervisory Office may issue ordinances to the institutions regarding the layout and contents of the monthly returns and the information specified in sections 3 to 6 insofar as this is necessary for the performance of its functions.

## **2 Nature and coverage of the monthly return**

The monthly return consists of a statement of assets and liabilities as at the end of the respective reporting period and a profit and loss account covering the period since the end of the last financial year.

## **3 Non-EEA deposit broking**

In addition to submitting their monthly return, institutions which, as intermediaries, helped to procure deposits for enterprises domiciled in countries outside the European Economic Area during the reporting period shall specify the firm-name, location of the head office and relevant supervisory authority of the enterprises, classified by country.

## **4 Money transmission services**

In addition to submitting their monthly return, institutions which provide money transmission services, either themselves or on behalf of third parties, shall specify the agencies, enterprises or other units, establishments or institutions – including individual persons, where appropriate – with which or with whom they carried out the money transmission services during the reporting period, together with the respective volume of money transmitted. The information shall be classified by country and broken down by the firm-name or name, location of the head office and location of the agency, enterprise or other unit, establishment, institution or individual person via which or via whom the money transmission service was carried out.

## **5 Foreign currency dealing**

In addition to submitting their monthly return, institutions which deal in foreign currency shall submit the following information:

1. the firm-name and location of the head office of the enterprises which they involved in their foreign currency dealings during the reporting period;
2. their foreign currency holdings, broken down by individual currency, at the close of business on the last calendar day of each month of the reporting period;
3. the number of transactions and amount of turnover with customers above the threshold value specified in section 2 of the Money Laundering Act (*Geldwäschegesetz*) and the number of transactions and amount of turnover with customers below that threshold value.

Foreign currency within the meaning of sentence 1 comprises foreign banknotes and coins that are legal tender and traveller's cheques in foreign currency.

## **6 Exceptions**

(1) Credit institutions which report monthly balance sheet statistics pursuant to section 18 of the Bundesbank Act, or which solely conduct banking business within the meaning of section 1 (1) sentence 2 number 8 of the Banking Act, and also investment companies, central securities depositories and housing enterprises with savings facilities do not need to submit monthly returns pursuant to this Regulation. They shall submit the information required pursuant to section 4 and, if the institution's aggregate holdings of foreign currency exceed the equivalent of one hundred and twenty-five thousand euro<sup>1</sup>, pursuant to section 5 sentence 1 number 2.

(2) Financial services institutions which conduct no business requiring a licence under the Banking Act with the exception of non-EEA deposit broking, money transmission services and foreign currency dealing need only submit the information specified in sections 3 to 5.

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<sup>1</sup> Until December 31, 2001: two hundred and fifty thousand Deutsche Mark.

## **7 Reporting period**

The reporting period is the calendar quarter. The Federal Banking Supervisory Office may decide in particular cases to shorten the reporting period to one calendar month insofar as this is necessary for the performance of its functions.

## **8 Submission procedure**

(1) The monthly returns shall be submitted by institutions on the following forms:

1. monthly return pursuant to section 25 (1) sentence 1 of the Banking Act
  - statement of assets and liabilities –:  
STFDI (Annex 1),
2. monthly return pursuant to section 25 (1) sentence 1 of the Banking Act
  - profit and loss account –:  
GVDI (Annex 2).

(2) The monthly returns and information specified in sections 3 to 6 shall be submitted in triplicate to the appropriate branch office of the Land Central Bank, showing the position as at the end of the reporting period, by the fifteenth day of the following month.

## **9 Transitional arrangement**

Up to December 31, 2001 section 5 sentence 1 applies also to banknotes, coins and traveller's cheques that are denominated in Belgian francs, Spanish pesetas, French francs, Irish pounds, Italian lire, Luxembourg francs, Dutch guilder, Austrian schillings, Portuguese escudos and Finnish markka.

## **10 Entry into force, cessation of application**

This Regulation enters into force on the day following its promulgation. From the same date the Monthly Returns Regulation of December 29, 1997 (Federal Law Gazette I page 3399) ceases to apply.

Berlin, May 31, 1999

The President  
of the Federal Banking Supervisory Office  
Artopoulos