

**Notes from the Deutsche Bundesbank on the report form
 “Non-residents’ assets in Germany”
 - Form Nil report for Annex K4 to the Foreign Trade and Payments Regulation -**

There is a requirement to report

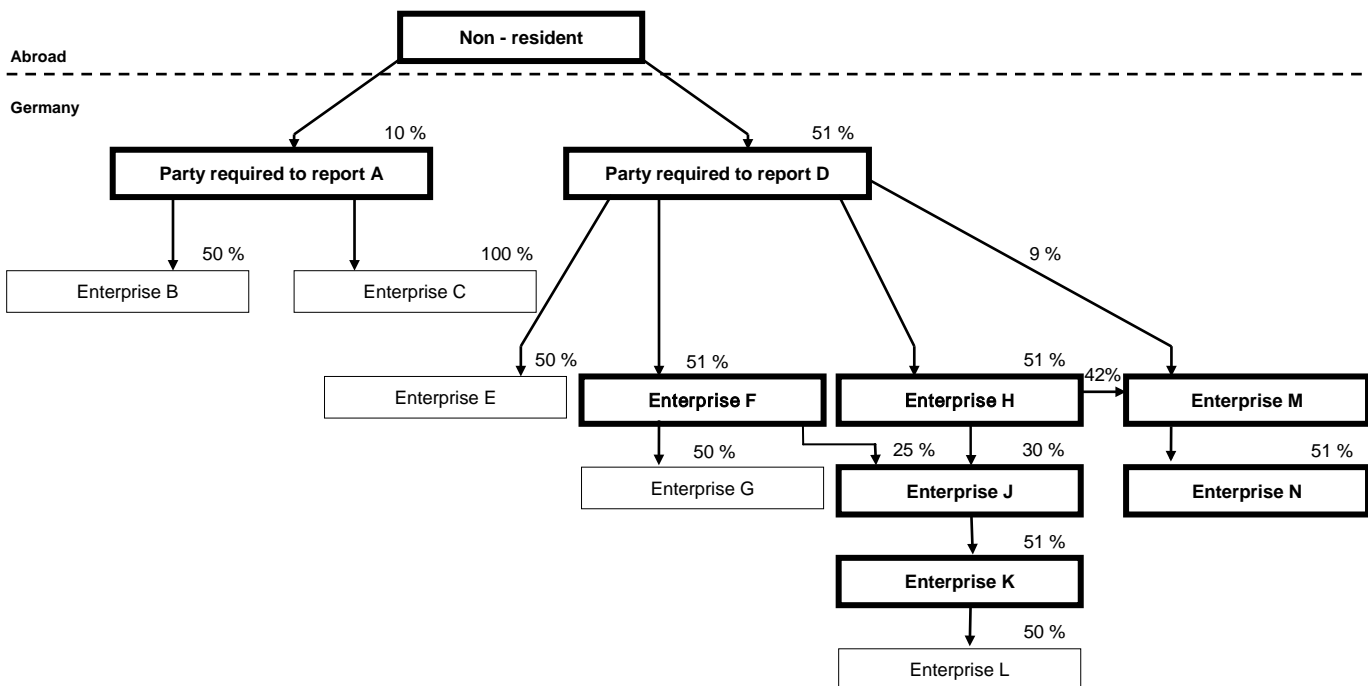
- for a resident enterprise if the balance sheet total exceeds €3 million and a participating interest of 10% or more in this resident enterprise is held by a non-resident or several affiliated non-residents [parties A and D required to report].

If the balance sheet total of the respective enterprise exceeds €3 million, a reporting requirement also arises for

- participating interests held by an enterprise dependent on a non-resident [party D required to report] in other resident enterprises amounting to more than 50% (enterprises F, H and M); these enterprises are to be seen as dependent enterprises (see extract of section 65 of the Foreign Trade and Payments Regulation)
- participating interests held by dependent enterprises in other resident enterprises amounting to more than 50% of the shares or voting rights in these enterprises [enterprises J, N and K]

It is not necessary to report any shares in enterprises in Germany held indirectly solely as minority interests.

Example



Section 65 of the Foreign Trade and Payments Regulation (extract/definition of a dependent enterprise)

(3) Within the meaning of the provision, a resident enterprise is deemed to be dependent on a non-resident or on several affiliated non-residents if the non-resident or the affiliated non-residents together hold more than 50% of the shares or voting rights in the resident enterprise. If more than 50% of the shares or voting rights in another resident enterprise are held by a resident enterprise – dependent on a non-resident or on several affiliated non-residents – either alone or together with one or several other resident enterprises dependent on that resident enterprise, the other resident enterprise and any other enterprise fulfilling the same criteria are to be regarded as dependent on a non-resident or on several affiliated non-residents within the meaning of provision.