

## Overview of the main notification and reporting requirements for financial services institutions and securities trading banks

### NB:

#### - Classification of financial services institutions (FSIs) and securities trading banks (STBs):

- Group I:** Own-account dealers (section 1 (1a) sentence 2 number 4 of the Banking Act) and investment advisers, investment/contract brokers, portfolio managers, operators of multilateral trading facilities, placement business service providers and investment managers (section 1 (1a) sentence 2 numbers 1 to 3 and 11 of the Banking Act) which deal in financial instruments on their own account, and institutions which engage in limited safekeeping business (section 1 (1a) number 12 of the Banking Act) and are empowered to obtain ownership or possession of funds or securities of customers (safekeeping business solely in conjunction with an existing or simultaneously obtained authorisation to provide at least one financial service within the meaning of section 1 (1a) sentence 2 numbers 1 to 4 or to conduct banking business within the meaning of section 1 (1) sentence 2 of the Banking Act)
- Group II:** Investment advisers, investment/contract brokers, portfolio managers, operators of multilateral trading facilities, placement business service providers and investment managers (section 1 (1a) sentence 2 numbers 1 to 3 and 11 of the Banking Act) who do not deal in financial instruments on their own account but are empowered in the course of in providing financial services to obtain ownership or possession of funds or securities of customers
- Group IIIa:** Placement business service providers and operators of multilateral trading facilities (section 1 (1a) sentence 2 numbers 1b and 1c of the Banking Act) who do not trade in financial instruments on their own account and are not empowered to obtain ownership or possession of funds or securities of customers
- Group IIIa:** Portfolio managers, contract brokers and investment managers (section 1 (1a) sentence 2 numbers 2, 3 and 11 of the Banking Act) who do not deal in financial instruments on their own account and are not empowered to obtain ownership or possession of funds or securities of customers
- Group IIIb:** Investment advisers and investment brokers (section 1 (1a) sentence 2 numbers 1 and 1a of the Banking Act) who do not deal in financial instruments on their own account and are not empowered to obtain ownership or possession of funds or securities of customers
- Group IV:** Third-country deposit brokers and foreign currency dealers (section 1 (1a) sentence 2 numbers 5 and 7 of the Banking Act)
- Group V:** Factoring and financial leasing (section 1 (1a) sentence 2 numbers 9 and 10 of the Banking Act)

- Securities trading banks (section 1 (3d) sentence 5 of the Banking Act) submit reports as for FSI Group I

- Please use the options for electronic submission

- As a rule you do not need to submit nil returns.

- Changes from the previous version of the overview are marked in **red**

### I. Financial and Internal Capital Adequacy Information Regulation (*Finanz- und Risikotragfähigkeitsinformationenverordnung (FinaRisikoV)*)

Fina RisikoV	Banking Act	Contents	Form		Submitted to BaFin / RO * Number of reports				Applies to FSIs of groups						
			No	Form	Immed.	Monthly	Quarterly	Annually	I	II	IIIc	IIIa	IIIb	IV	V
Section 2	Section 25 (1,2)	<u>Reports on an individual basis:</u> Statement of assets and liabilities, profit and loss statement		STFDI, GVFDI			0/1		x	x	x	x	x		
Section 7	Section 25 (1,2)	Institutions authorised for third-country deposit broking and foreign currency dealing – additional information	x				0/1		x	x	x	x	x	x	
Section 6	Section 25 (1,2)	<u>Reports on a consolidated basis:</u> Group containing at least one CRR credit institution		QGV, QGVP, QV 1, QV 2, QA 1/QA 2, QB1 /QB2, QSA 1			0/1		x	x	x	x	x		
Section 6	Section 25 (1,2)	<u>Reports on a consolidated basis:</u> Group not containing a CRR credit institution		QGV, QV 1, QV 2			0/1		x	x	x	x	x		

\* BaFin: Federal Financial Supervisory Authority, RO: Regional Office of the Deutsche Bundesbank

## II. Reports Regulation (Anzeigenverordnung, AnzV)

AnzV	Banking Act	Contents	Form		Submitted to BaFin / RO * Number of reports				Applies to FSIs of groups						
			No	Form	Immed.	Monthly	Quarterly	Annually	I	II	IIIc	IIIa	IIIb	IV	V
Section 4	Section 24 (1) number 17 in conj w section 24 (1b)	Loans and changes in loans to holders of participations with more than 25% of the capital or voting rights if these have not been granted on market terms or if they are not collateralised in line with common banking practice.	x		1/1				x	x	x	x		x	
Sections 5, 5a-5d	Section 24 (1) number 1 Section 24 (1) number 15	<u>Management body members and persons empowered to represent the institution</u> : Notification of intended appointment and of actual appointment and of a person's empowerment to be the institution's sole representative <u>Appointment of a member and deputy member of the supervisory body</u>	x	Annex 1 to AnzV Annex 2 to AnzV Annex 2a to AnzV (for section 5 (3) to (5) und section 5b AnzV)	1/1				x	x	x	x	x	x	x
Section 5e	Section 24 (1) number 2 Section 24 (1) number 15a	<u>Management body members and persons empowered to be the institution's sole representative</u> : Step-down and withdrawal of empowerment to be the institution's sole representative <u>Step-down of a member and deputy member of the supervisory body</u>	X	Annex 1 to AnzV Annex 2 to AnzV	1/1				x	x	x	x	x	x	x
Section 5f		Appointment and step-down of a <u>deputy management body member</u>	X	Annex 1 to AnzV Annex 2 to AnzV Annex 2a to	1/1				x	x	x	x	x	x	x
Section 6	Section 24 (1) number 6	<u>Provision of cross-border services to a third country</u> Establishment/relocation/closure of a branch or commencement/termination of activity without a branch	x		1/1				x	x	x	x	x	x	
Section 7	Section 12a (1); Section 24 (1) number 12,13; Section 24 (1a) number 1, 2 Section 31 (3)	<u>Participations held by the institution</u> Significant holdings, close links held by the institution, participations in/corporate relationships with undertakings that have their registered office outside Germany, exemptions		Annex 3 to AnzV, where appropriate with Annex 4 to AnzV				Paper based: 1/1 Non paper based: 0/1	SR** by 15 June: 1/1	x	x	x	x	x	x
Section 8	Section 24 (1) number 10,12; Section 24 (1a) number 1, 3	<u>Participations held in the institution</u> : Significant holdings and close links held in the institution		Annex 5 to AnzV	1/1				SR** by 15 June: 1/1	x	x	x	x	x	x
Section 9	Section 24 (1a) number 4	Domestic branches – number	x					BaFin: on demand	SR** by 31 Jan 0/1	x	x	x	x	x	x
Section 10	Section 24 (2)	Mergers of institutions – notification of intended merger, actual merger, failed merger	x					Including intended		x	x	x	x	x	x
Section 11 (1)	Section 24 (3) sentence 1 number 1	<u>Management body members</u> Sideline activity		Annex 6 to AnzV	1/1					x	x	x	x	x	x
Section 11 (2)	Section 24 (3) sentence 1 number 2	<u>Management body members</u> Participation (from 25%)		Annex 7 to AnzV	1/1					x	x	x	x	x	x

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\*\* A summary report (SR) must be submitted annually by the reporting date of 31 December.

AnzV	Banking Act	Contents	Form		Submitted to BaFin / RO * Number of reports				Applies to FSIs of groups						
			No	Form	Immed.	Monthly	Quarterly	Annually	I	II	IIIc	IIIa	IIIb	IV	V
Section 12	Section 24a (1), (3), (4)	Establishment of EEA branch or cross-border provision of services to other EEA states – notification of intended and actual establishment and of changes in circumstances or in the deposit protection scheme		BaFin form	Including intention ** 2/1				x	x	x	x	x		x
Section 13	Section 26	Prepared and approved annual accounts (with management report and approval date) and external auditors' report (directly by auditor of annual accounts)		Annual accounts Templates pursuant to RechKredV	Annual accounts: 1/1 External auditors report: 2/1 plus 1 electronic version ***				x	x	x	x	x	x	x
Section 14	Section 32 (1)	<del>Application for authorisation or application for extension of authorisation (See Merkblatt der Deutschen Bundesbank über die Erteilung einer Erlaubnis zum Erbringen von Finanzdienstleistungen (Notice of the Deutsche Bundesbank on granting authorisation to provide financial services))</del>	x		3/0				x	x	x	x	x	x	x
Section 15	Section 53a	Representative Offices of foreign institutions – notification of intended and actual establishment and of changes therein	x		Including intention				x	x	x	x	x	x	x

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\*\* An officially certified translation into an official language of the host country (except Austria, Liechtenstein and Luxembourg) must be submitted to BaFin.

\*\*\* acc. To section 5 External Auditors Reports Regulation (PrüfbV)

### III. German Banking Act (*Gesetz über das Kreditwesen* or KWG)

	Banking Act	Contents	Form		Submitted to BaFin / RO * Number of reports				Applies to FSIs of groups						
			No	Form	Immed.	Monthly	Quarterly	Annually	I	II	IIIc	IIIa	IIIb	IV	V
	Section 2 (10)	<u>Tied agents</u> : Notification of assumption of liability and of change in circumstances (see <i>KWG-Vermittlerverordnung</i> (Broker Regulation pursuant to Banking Act))		Public BaFin register (internet)	Independent entry, updating and deletion of the relevant data				x	x	x	x	x		
Sections 6, 7, 17, 18 of InHKontrollV	Section 2c	<u>Holders of significant holdings</u> Notification of intention, change in intention, actual acquisition or disposal of holding and changes concerning the holder		Forms pursuant to InHKontrollV	Including intention				x	x	x	x	x	x	x
	Section 15 (4)	Retroactive decision on loans to board members	x		1/0				x	x	x	x			
	Section 23a (2)	Exit from a protection scheme	x		1/1**				x	x	x	x	x		

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\*\* It might also be necessary to notify customers and authorities in the host state.

Banking Act	Contents	Form		Submitted to BaFin / RO * Number of reports				Applies to FSIs of groups						
		No	Form	Immed.	Monthly	Quarterly	Annually	I	II	IIIc	IIIa	IIIb	IV	V
Section 24 (1) number 3	Change in legal form/firm name	x		1/1				x	x	x	x	x	x	x
Section 24 (1) number 4	Loss amounting to 25% of eligible capital pursuant to Art 72 of CRR	x		1/1				x	x	x	x	x		
Section 24 (1) number 5	Relocation of branch/registered office	x		1/1				x	x	x	x	x	x	x
Section 24 (1) number 7	Cessation of business operations	x		1/1				x	x	x	x	x	x	x
Section 24 (1) number 8	Intention of the management bodies to bring about a decision on dissolution	x		1/1				x	x	x	x	x	x	x
Section 24 (1) number 9	Fall in initial capital below minimum requirements, loss of adequate insurance	x		1/1				x	x	x	x	x		
Section 24 (1) number 11	Irregularities concerning securities repurchase/lending operations	x		1/1				x	x	x	x	x	x	
Section 24 (1) number 14	Submission of a proposal for a resolution pursuant to section 25a (5) sentence 6 of the Banking Act – higher variable remuneration	<u>x</u>		1/1				<u>x</u>	<u>x</u>	<u>x</u>	-	-	<u>x</u>	-
Section 24 (1) number 14a	Resolution approving higher variable remuneration pursuant to section 25a (5) sentence 5 of the Banking Act	<u>x</u>		1/1				<u>x</u>	<u>x</u>	<u>x</u>	-	-	<u>x</u>	-
Section 24 (1a) number 6	Classification as a significant institution	<u>x</u>					1/1	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	x	<u>x</u>	x
Section 24 (1a) number 7, 8	Reporting obligations regarding remuneration trends and practices	x	Form VAM for report pursuant to section 24 (1a)				1/1	x	x	x				
Section 24a (3a)	Intention to grant trading participants in other states direct access to a multilateral trading facility	x		1/0				x	x	x				

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	Banking Act	Contents	Form		Submitted to BaFin / RO * Number of reports				Applies to FSIs of groups							
			No	Form	Immed.	Monthly	Quarterly	Annually	I	II	IIIc	IIIa	IIIb	IV	V	
	Section 28 (1)	Appointment of the external auditor	x		1/1				x	x	x	x	x	x	x	
	Section 29 (3)	Obligation of the external auditor: to report serious facts that have become known	x		1/1				x	x	x	x	x	x	x	
	Section 46b (1)	Impending or actual insolvency or overindebtedness	x		1/0				x	x	x	x	x			
<b>Application for authorisation or for extension of authorisation</b>																
Section 14 AnzV	Section 32 (1)	<p><b>Application of institutions (only) wanting to provide the following financial services:</b></p> <ul style="list-style-type: none"> <li>- non-EEA deposit broking</li> <li>- foreign currency dealing</li> <li>- factoring</li> <li>- financial leasing</li> <li>- asset management acc. to special def. in Section 1 (1a) Nr. 11 (always in combination with another financial service)</li> <li>- limited custody business (always in combination with another financial service)</li> </ul>	x		3/0					The attribution of an institution to a group is not the determining factor but rather the financial services actually provided (see row "Contents")						
		<p><b>Application of investment firms acc. to MiFID II</b></p> <p>The applications have to be filed according to the specifications set out in ITS 2017/1945 as well as RTS 2017/1943.</p> <p>It is mandatory to use the ITS annexes I - III in the application process.</p> <p>The specifications of section 32 KWG as well as section 14 AnzV are not applicable to these types of institutions anymore.</p>		ITS 2017/1945 Annexes I - III	3/0					The attribution of an institution to a group is not the determining factor but rather the financial services actually provided (see row "Contents")						

IV. Liquidity reports

	KWG/CRR Sec = KWG Art = CRR	Contents	Form		Submitted to BaFin / RO * Number of reports				Applies to FSIs of groups						
			No	Form	Immed.	Monthly	Quarterly	Annually	I	II	IIIc	IIIa	IIIb	IV	V
Sec 11 LiqV	Section 11	Reporting of metrics		LV 1, LV 2 (Annexes 2 and 3 to LiqV)		0/1			x	x					

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## V. Lage exposures reporting regime (CRR, Banking Act and GroMiKV)

GroMiKV	KWG/CRR Sec = KWG Art = CRR	Contents	Form		Submitted to BaFin / RO * Number of reports				Applies to FSIs of groups							
			No	Form	Immed.	Monthly	Quarterly	Annually	I	II	IIIc	IIIa	IIIb	IV	V	
Section 5	Art 94 (1) and (3)	Application/overshooting of derogation pursuant to Article 94 of CRR, voluntary application of trading book provisions	x		1/1				x							
Section 6		<u>Non-trading-book institutions:</u> Reports of trading book positions		HA (Annex 1 to GroMiKV)			0/1		x							
	Sec 13 (2)	<u>Non-trading book institutions/trading book institutions:</u> Missing large exposures resolution	x		1/1				x							
	Art 396 (1) in conj with Art 395	<u>Non-trading book institutions/trading book institutions:</u> Impermissible overshooting of large exposure limit	x		1/1				x							
	Sec 13 Art 394	<u>Large exposures:</u> Amount data for credit reports <u>and</u> report of the ten largest exposures to institutions and the ten largest exposures to unregulated financial entities pursuant to Article 394 (2) of CRR (exemption possible under section 2 (9) of the Banking Act) on a consolidated basis		<u>Electronic transmission:</u> LE upper limits, LE 1 to LE 5 (Annex VIII of ITS)			0/1		x**							
Section 8	Sec 13	<u>Large exposures:</u> Master data of large-exposure borrowers and of groups of connected clients and changes therein		<u>Paper-based submission:</u> STA, STAK (Annexes 3 and	0/2**				x**							
Sections 15 and 17	Sec 14	<u>Loans of €1 million or more</u> Amount data for credit reports		<u>Electronic transmission:</u> BA § 14, BAS § 14, BAG (Annexes 7 to 9 to GroMiKV)			0/1		x***							x
Sections 15 and 16	Sec 14	<u>Loans of €1 million or more</u> Master data of borrowers and groups of connected clients and changes therein		<u>Paper-based submission:</u> EA, GBR, MKNE (Annexes 2, 4 and			0/1		x***							x

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\*\* Report to be submitted only by those Group I institutions which, when calculating their own funds requirements, do not fall under the category of Article 96 (1) lit. a) or b) of CRR (pursuant to Art. 388 of CRR)

\*\*\* Only securities trading banks and own-account traders

## VI. Reports on own funds, leverage ratio and the encumbrance of assets pursuant to the CRR

Banking Act	CRR	Contents	Form		Submitted to BaFin / RO * Number of reports				Applies to FSIs of groups						
			No	Form	Immed.	Monthly	Quarterly	Annually	I	II	IIIc	IIIa	IIIb	IV	V
<b>Own funds and own funds requirements</b>															
Sections 10 and 10a	Art 92 Art 11 ff.	<u>Group I institutions which do not fall under the categories of Article 96 (1) lit. a) or b):</u>  Adequate own funds on an individual and group basis <u>To be reported:</u> Capital ratios pursuant to Article 92 (2) based on the total risk exposure amount pursuant to Article 92(3)		ITS Annex I; template numbers 1-5, 7-14,16-25  In the case of <u>consolidation</u> , <u>additionally</u> number 6			0/1  <u>HalfY</u> Nos 6, 14 and 17		x						
Sections 10 and 10a	Art 92 Art 96 Art 97 Article 98 (1 + 2)	<u>Group I institutions which fall under the categories of Article 96 (1) a) or b)</u>  Adequate own funds on an individual and group basis  <u>To be reported:</u> Capital ratios pursuant to Article 92 (2) based on the <b>sum</b> of Article 95 (2) lit. a) and Art. 95 (2) lit. b)		ITS Annex I; template numbers 1-5, 7-13, 16, 18-25  In the case of <u>consolidation</u> , <u>additionally</u> numbers 6 and 14			0/1  <u>HalfY</u> Nos 6 + 14		x						
Sections 10 and 10a	Art 92 Article 95 (2) Art 97 Article 98 (1 + 2)	Adequate own funds on an individual and group basis  <u>To be reported:</u> Capital ratios pursuant to Article 92 (2) based on the <b>higher amount</b> of Article 95 (2) lit a) or Article 95 (2) lit b)		ITS Annex I, template numbers 1-5 In the case of <u>consolidation</u> , <u>additionally</u> number 6**			0/1  <u>HalfY</u> number 6			x	x				
Sections 10 and 10a	Art 92 Article 95 (2) Art 97	Adequate own funds on an individual and group basis  <u>To be reported:</u> Capital ratios pursuant to Article 92 (2) based on the <b>higher amount</b> of Article 95 (2) lit a) or Article 95 (2) lit b)		EKRQU			0/1					x			
	Article 54 (5)	Report of the trigger event occurring	x		x				x	x	x				
	Article 26 (3)	Request for Approval of an increase in Tier 1 Capital							x	x	x	x	x		
	Article 77	Request for Approval of a decrease in own funds							x	x	x	x			
<b>Leverage ratio</b>															
	Article 429 + 430	Leverage ratio on and individual and consolidated basis		ITS Annex X			0/1		x***						

Additional reporting and approval obligations apply when using the various approaches, procedures and calculation methods in the Solvency Regulation.

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\*\* If at least one institution is consolidated pursuant to Article 96, reports are prepared according to the rules for institutions and groups pursuant to Article 96.

\*\* To be calculated and reported only by those Group I institutions which, when calculating their own funds requirements, do not fall under the category of Article 96 (1) lit. a) or b) of CRR (pursuant to Art. 6 (5) of CRR)

Banking Act	CRR	Contents	Form		Submitted to BaFin / RO * Number of reports				Applies to FSIs of groups						
			No	Form	Immed.	Monthly	Quarterly	Annually	I	II	IIIc	IIIa	IIIb	IV	V
<b>Encumbrance of assets **</b>															
	Art 100	<p>Reports on encumbrance of assets at individual and group level</p> <p><b>Always report:</b> Report forms 32,1 to 32,4 <u>Where applicable</u> Report form 35 for the issuance of bonds</p> <p><b>Additional report if:</b> a) <b>Institution's total assets &gt; €30 billion or</b> b) <b>Encumbrance of institution's assets &gt; 15%</b> Report forms 33, 34, 36,1 and 36,2 as well as</p>		ITS Annex XVI: See left for details				0/1 No 34 Nos 32,1 to 32,4 33 and 35	0/1 <u>HalfY</u> Nos 36,1 and 36,2	x	x	x			

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\*\* Information on any actual obligation to submit reports pursuant to Article 100 of CRR is provided by the competent Regional Office of the Deutsche Bundesbank