

- The insurance company must ensure that the assessment of creditworthiness and affordability is carried out systematically.

The regulations also specify that the tied assets may be held in custody or booked by the custodian bank on its own premises, at a domestic correspondent bank, at a domestic or foreign clearing house, or at a foreign custodian, either individually or collectively. The custodian bank is liable for its custodian duties in accordance with the principles of Art. 399 para. 2 CO. The custodian bank identifies the securities accounts or accounts with values of tied assets held with it under the heading "tied assets" and ensures that only tied assets are held in such custody accounts or accounts. The custodian bank declares that it will not assert any rights of lien, retention, set-off, or similar rights in respect of the tied assets, even if the depositor becomes insolvent after the assets have been transferred or allocated to tied assets. If claims are asserted by third parties regarding the value of the tied assets, the custodian bank must notify the custodian immediately. If the custodian wishes to book assets into custody accounts or "tied assets" accounts for which the custodian bank already has a security interest, the custodian bank may refuse the transfer, demand that the custodian provide substitute collateral, or demand that the collateral be redeemed. The depositor is solely and exclusively responsible for compliance with regulatory provisions, particularly with regard to the minimum size of the tied assets, the permissible values and their composition.

These regulations ensure that mortgage receivables are allocated to tied assets in a manner that is compliant with regulatory requirements, ensuring that the mortgage claims are related to

[Get started with ChatGPT](#)