

# Supplement to the Guide to captured German documents

## National Archives and Records Service, General Services Administration - Fact

Description and findings re EC1	There is no particular mention in laws or regulations of special monitoring mechanisms for branches of foreign banks. In general, financial supervisory authorities have the right to enhanced surveillance and based on section 10 (3) sentence 2 no. 6 KWG, institutions are granted new entries subject to the condition that their solvency ratio should not fall below 12 percent in three consecutive financial years.
Assessment of Principle 5	Largely Compliant
Comments	The FCB, which is the licensing institution for new banks and for subsidiaries of foreign banks established in Germany, and BaFin, which is the licensing institution for branches of non-EEA banks, have available a clear set of criteria and are able to reject applications that do not meet it. The FCB has the right to enhanced surveillance and based on section 10 (3) sentence 2 no. 6 KWG, new applications are sent to the FCB as a draft decision. FCB decisions are, therefore taken on the basis of information available at the time of the application and not later than 120 days from the time of the assessment. No licensing procedure for Germany had been initiated.
Principle 6	Bafin analyses the ownership structure of applicants and assesses the suitability of shareholders through detailed due diligence requirements. In general, financial supervisory authorities have the right to enhanced surveillance and based on section 10 (3) sentence 2 no. 6 KWG, the supervisory framework do not foresee that an applicant can be denied for lack of financial capacity to provide adequate supervision. The FCB does not have the right to enhanced surveillance and based on the case where a "no objection" was informed conditional to the shareholder demonstrating additional available capital for the initial three years.
Essential criteria	EC1 Laws or regulations contain clear definitions of "significant ownership" and "controlling interest."
Description and findings re Principle 6	Principle 6: "Controlling holding" is a "qualifying holding" for the purposes of Article 4 (1) of the ORR Rules on significant ownership. A "controlling holding" is a holding in a company, relating to the controls exercised by the institution's shareholders, as can be found, in section 409a of the German commercial code (HGB) and section 408 EHG. According to section 290 of the German commercial code (HGB) a controlling interest of a parent always exists if a parent

Description: -

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Diseases -- Causes and theories of causation.

Germany -- History -- 1933-1945 -- Sources -- Bibliography

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of War Documents of the American Historical Association

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## Guide to Quality Control for Small

Russian newsreels, documentaries, and travel and feature films, 1935-50 426 reels. III 1962 , 61 pp.

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