

(1) The available financial means shall be raised by contributions to be made by the CRR credit institutions that are members of the deposit guarantee scheme as provided for under this Act. The obligation of the CRR credit institutions to make contributions shall not prevent additional financing of a deposit guarantee scheme from other sources.

(2) Contributions to deposit guarantee schemes shall be based on the amount of covered deposits of the CRR credit institutions that are members of the deposit guarantee scheme and the degree of risk incurred by the respective CRR credit institution.

(3) A deposit guarantee scheme may, with the approval of BaFin, use its own risk-based methods to calculate the risk-based contributions. The calculation of the contributions concerned shall be proportional to the risk of the CRR credit institutions that are members of the deposit guarantee scheme and shall take due account of the risk profiles of the various business models. The own risk-based methods for calculating the contributions may also take into account the asset side of the balance sheet and risk indicators such as capital adequacy, asset quality and liquidity.

(4) Lower contributions may be provided for in the case of CRR credit institutions that belong to low-risk sectors or for members of an institutional protection scheme that is not recognised as a deposit guarantee scheme.

(5) The European Banking Authority shall be informed of the methods under subsection (3) above that have been approved by BaFin.

Section 20 Use of available financial means

(1) The available financial means of the deposit guarantee schemes shall be used for the following purposes:

- 1 to compensate depositors as provided for under this Act,
- 2 for loss absorption amounts in accordance with section 145 of the Recovery and Resolution Act (*Sanierungs- und Abwicklungsgesetz*) in the course of the resolution of CRR credit institutions.

(2) Recognised institutional protection schemes may also use their available financial means for measures as provided for in section 49.

Section 21 Duty of confidentiality and confidentiality of data

(1) Persons employed by or acting on behalf of a deposit guarantee scheme may not disclose or use third-party secrets, in particular business or trade secrets, without authorisation. Under the Act on the Formal Obligation of Persons without Civil Servant Status (*Verpflichtungsgesetz*) of 2 March 1974 (Federal Law Gazette I, pages 469, 547), as amended by section 1 number 4 of the Act of 15 August 1974 (Federal Law Gazette I, page 1942), they shall be required by BaFin to perform their duties conscientiously.

(2) Unauthorised disclosure or use within the meaning of subsection (1) sentence 1 above shall not apply in particular if facts are transmitted to BaFin, the resolution authority, the Deutsche Bundesbank, the European Central Bank or the European Banking Authority to enable them to perform their functions.

(3) Deposit guarantee schemes shall ensure the confidentiality and the protection of the data pertaining to depositors' accounts. The requirements of the Federal Data Protection Act (*Bundesdatenschutzgesetz*) shall apply to the collection, processing and use of such data.

Chapter 2 Statutory compensation schemes

Part 1 Establishment of statutory compensation schemes; assignment of CRR credit institutions

Section 22 Statutory compensation schemes