

- sentences 3 and 4, one-time payments, extraordinary contributions and extraordinary payments,
- 3 the collection of default interest in the case of late payment of contributions,
 - 4 the arrangements for taking out loans,
 - 5 the requirements for investing available financial means,
 - 6 the conditions for classifying payment commitments in accordance with section 18 (2) and (3) as available financial means.

The statutory compensation schemes shall be consulted before the statutory order is issued.

(2) The European Banking Authority shall be notified of the contents of the statutory order.

(3) The Federal Ministry of Finance may delegate this authority to BaFin by way of a statutory order.

Part 3

Inspection of CRR credit institutions by statutory compensation schemes

Section 34

Obligation for CRR credit institutions to provide information

(1) The CRR credit institutions shall, without undue delay, submit to the statutory compensation scheme to which they are assigned their adopted annual financial statements together with the associated audit report and shall on request provide all information and documents that the compensation scheme needs to perform its functions under this Act.

(2) The CRR credit institutions shall inform the compensation scheme of any significant change in their business model or any change in other material circumstances that could significantly increase the volume of the covered deposits or that could give rise to or increase the risk that a compensation event might occur.

Section 35

Inspections of CRR credit institutions

(1) In order to assess the risk that a compensation event might occur and to monitor compliance with the obligations under section 7 (8), the statutory compensation scheme shall perform regular and *ad hoc* inspections of the CRR credit institutions assigned to it. It shall tailor the intensity and frequency of the inspections to the probability that a compensation event will occur at a CRR credit institution and to the amount of the aggregate compensation expected to be payable in this case.

(2) In the case of an undertaking that has submitted to BaFin an application for authorisation in accordance with section 32 (1) sentence 2 of the Banking Act, the compensation scheme to which the institution will be assigned if authorisation is granted may perform inspections in order to assess the risk that a compensation event might occur in the event that authorisation is granted.

(3) Objections to and appeals against the inspection order do not have suspensory effect.

Section 36

Performance of inspections

(1) Statutory compensation schemes shall perform the inspections in accordance with section 35 using their own expert examiners or shall engage suitable third parties to perform the inspections. Suitable third parties are German public auditors, German sworn auditors, German public auditing firms and German sworn auditing firms, as well as other third parties with the necessary skills and experience, provided that there are no circumstances that could give rise to possible conflicts of interest for these persons with regard to the CRR credit institutions to be inspected. The compensation scheme shall require the persons engaged to perform the inspections to notify it without undue delay if such circumstances exist. The inspections may not be performed by the auditor of the CRR credit institution's financial statements or the auditor of its disclosure obligations and rules of conduct.

(2) The statutory compensation scheme shall specify the details of the inspections in guidelines