

# Joint EBA/ESMA Guidelines on the assessment of the suitability of members of the management body and key function holders

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Implementation Plans for Germany

# Article 91 Management Body of Directive 2013/36/EU [CRD IV]

Implemented in Germany by means of

- Sections 25c, 25d German Banking Act [Kreditwesengesetz – KWG]
- Notification Ordinance
- Guidance notices

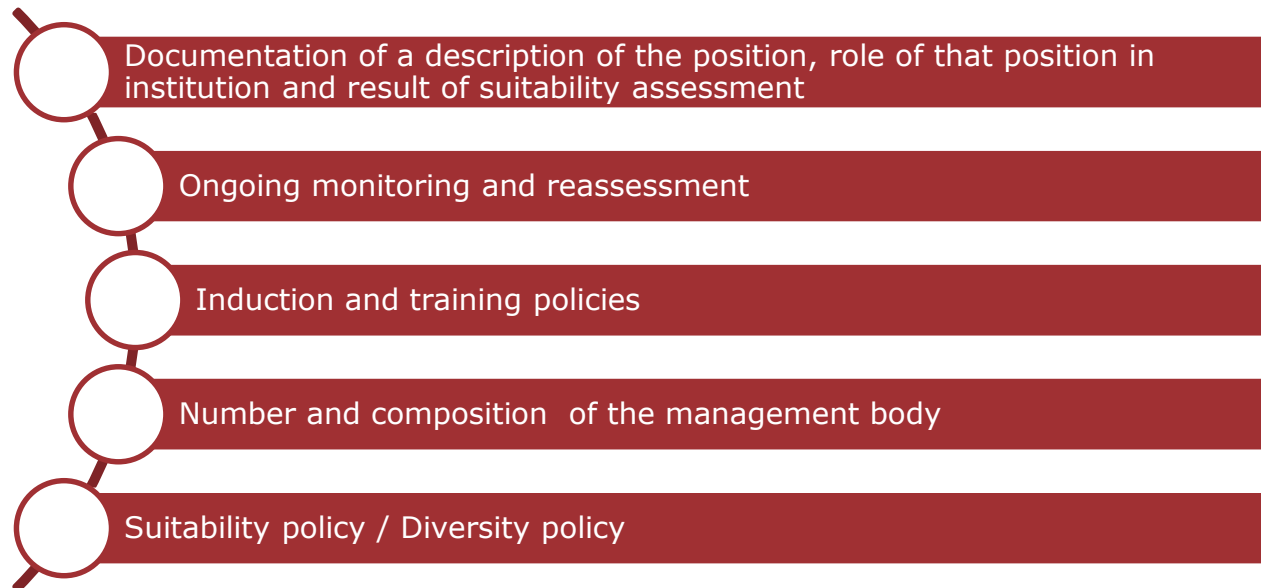
cover most of the Suitability GL requirements already

Sufficient time commitment	Independence of mind
Reputation, honesty & integrity	Nomination committee
Adequate knowledge, skills & experience	Publication of description of assessment procedures
Cooperation between competent authorities	Legal power to dismiss unsuitable members of management board

# EBA/ESMA Suitability GL

Requirements not covered by German regulation yet

- Institutions' assessment of the individual/collective suitability



not entirely covered yet; amendment of Banking Act and subsequently Minimum Requirements on Risk Management necessary

# EBA/ESMA Suitability GL

Requirements not covered by German regulation (yet)

- suitability assessment by competent authority

GL requirement	
ex ante assessment / maximum assessment period	probably no implementation
interviews where appropriate	no legal basis yet; amendment of banking act
sufficient number of members being independent	no legal basis yet
collective suitability	Covered for management body in supervisory function only, amendment for management function necessary
suitability of key function holders	no legal basis