

99142041261000

Anzeige der Auslagerung von Aufgaben auf ein Auslagerungsunternehmen nach § 36 KAGB Entgegennahme

Heruntergeladen am 01.07.2025

<https://fimportal.de/xzufi-services/102806748/B100019>

Modul	Sachverhalt
Leistungsschlüssel	99142041261000
Leistungsbezeichnung I	Anzeige der Auslagerung von Aufgaben auf ein Auslagerungsunternehmen nach § 36 KAGB Entgegennahme
Leistungsbezeichnung II	Communicating the outsourcing of tasks as a capital management company
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Bund
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	

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Verrichtungskennung	Entgegennahme (261)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens
Lagen Portalverbund	Erlaubnisse und Genehmigungen (2010400)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	24.07.2024
Fachlich freigegeben durch	Federal Ministry of Finance (BMF)
Handlungsgrundlage	§ 36 I KAGB https://www.gesetze-im-internet.de/kagb/_36.html
Teaser	As a capital management company (KVG), you can outsource tasks to other companies. You must notify the Federal Financial Supervisory Authority (BaFin) of this.
Volltext	As a capital management company (KVG), you can outsource tasks to another company - a so-called outsourcing company - under certain conditions. You can outsource the following tasks, for example: • Portfolio management • risk management • accounting You must notify the German Federal Financial Supervisory Authority (BaFin) of this for the following 2 reasons: • BaFin thereby ensures that you as a management company retain control over your business. • As the supervisory authority, BaFin is obliged to ensure the control of your supervised companies, such as access to important information.
Erforderliche Unterlagen	Notification of outsourcing: • Clear designation of the outsourcing company by

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stating the name of the legal entity and its registered office

- Description of the outsourced function or activity
- Indication of the investment fund or funds and the asset
- Indication of the date on which the outsourcing takes effect
- Objective reasons for the outsourcing
- Statement that the interests of the outsourcing company do not conflict with those of the capital management company or the investors, unless the outsourcing company separates its portfolio management or risk management tasks functionally and hierarchically from its other potentially conflicting tasks, and properly identifies, manages and monitors the potential conflicts of interest and discloses them to the investors in the investment fund
- when outsourcing portfolio management or risk management to an outsourcing company domiciled abroad: Proof of authorization or registration of the outsourcing company for the purpose of asset management and Proof of supervision stating the license and registration number
- If necessary, you must subsequently submit the outsourcing agreement to BaFin

Application for approval for the outsourcing of portfolio and risk management:

- Provide evidence of the requirements for the application for approval
- Outsourcing agreement
- Documents required to assess the reliability and suitability of the management

Voraussetzungen

- Your capital management company must be able to justify the outsourcing on the basis of objective reasons.
- The outsourcing company must have sufficient resources to carry out the tasks assigned to it and the persons who actually manage the business of the outsourcing company must be reliable and have sufficient experience.
- If the outsourcing concerns portfolio management in the case of a UCITS capital management company and

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portfolio management or risk management in the case of an AIF capital management company, only outsourcing companies that are authorized for the purposes of asset management or are authorized for financial portfolio management or are registered and subject to supervision. Note: If these requirements are not met, you will need additional approval from BaFin.

- If portfolio management or risk management is outsourced to a company based abroad, cooperation between BaFin and the competent foreign supervisory authority must be ensured.
- Outsourcing must not impair the effectiveness of the capital management company's supervision; in particular, it must not prevent the capital management company from acting in the interests of its investors, nor must it prevent the investment fund from being managed in the interests of the investors.
- They must be able to demonstrate that the outsourcing company has the necessary qualifications, taking into account the tasks assigned to it, is in a position to perform the assumed tasks properly and has been carefully selected.
- They must be able to effectively monitor the outsourced tasks at all times.
- In particular, you must contractually secure the necessary powers of instruction and termination rights.
- You continuously review the services provided by the outsourcing company.

Kosten

The individual reference number is stated in the fee notice. The fee is calculated according to the time spent.

Verfahrensablauf

You can submit the notification or application for approval informally:

- Enclose the required documents.
- Send everything to BaFin via the MVP portal.
- You will receive a response to your application for approval.

Bearbeitungsdauer

4 Woche(n)
 Approval of the outsourcing will be granted within 4 weeks of receipt of the application for approval if the

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requirements for approval are met. If the requirements for approval are not met, you will receive a notification from BaFin and may have to submit additional documents and information. Once the documents or information have been received, the 4-week period begins again.

Approval of the outsourcing will be granted within 4 weeks of receipt of the application for approval if the requirements for approval are met. If the requirements for approval are not met, you will receive a notification from BaFin and may have to submit additional documents and information. Once the documents or information have been received, the 4-week period begins again.

Frist

You must notify us of any outsourcing before the outsourcing agreement comes into force.

weiterführende Informationen

https://www.bafin.de/SharedDocs/Veroeffentlichungen/DE/FAQ/faq_kagb_36_auslagerung_130710.html

Hinweise
Rechtsbehelf

- Appeal
- Detailed information on how to lodge an objection can be found in the notification of your application.
- Appeal to the administrative court

Kurztext

- Notification of the outsourcing of tasks to an outsourcing company in accordance with section 36 KAGB Acceptance
- Outsourcing of tasks of capital management companies (KGV) to other companies possible under certain conditions
- Tasks can be, for example Portfolio management risk management accounting
- Requirements include objective reasons for outsourcing Outsourcing company must have sufficient resources and managers must be reliable and experienced Capital management companies (KGV) must be able to effectively monitor the outsourced tasks at all times In particular, the capital management company (KGV) must contractually secure the necessary powers of instruction and termination rights
- Notification required
- Responsible: Federal Financial Supervisory Authority

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	(BaFin)
Ansprechpunkt	
Zuständige Stelle	
Formulare	• Forms: none • Online procedure possible: no • Written form required: yes • Personal appearance required: no
Ursprungsportal	Anzeige der Auslagerung von Aufgaben auf ein Auslagerungsunternehmen nach § 36 KAGB Entgegennahme, Anzeige der Auslagerung von Aufgaben auf ein Auslagerungsunternehmen nach § 36 KAGB Entgegennahme