



參加國際存款保險機構協會第九屆  
國際研討會「金融安全網未來展望」  
摘要報告

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## 序

本公司自民國 74 年成立以來，致力於保障金融機構存款人權益、維護信用秩序及促進金融業務健全發展等任務，貢獻卓著；民國 88 年修正存款保險條例，存款保險制度由自由投保改為全面投保，開始實施風險差別費率以引導要保機構加強風險控管；民國 96 年大幅修正存款保險條例，賦予存保公司查核權，明定存保基金之目標值，並建立因應系統性危機之機制，存款保險制度已成為我國金融安全網重要的一環；民國 100 年為因應全球金融危機與變革，再次修正存款保險條例，提高存款保險保障額度，並擴大保障範圍，以提升存款人信心。

1990 年以來世界各地陸續發生金融危機，存款保險對穩定金融的重要性再度受到重視，為使存保機制充分發揮其扮演金融安全網之功能，經由各國存款保險組織與監理機構之合作推動，於 2002 年設立國際存款保險機構協會（IADI），總部設於國際清算銀行。本公司為 IADI 創始會員，除積極參與各項活動，擔任執行理事會理事及其研究準則委員會主席，負責規劃研擬制定國際準

則外，並於 2005 年獲頒 IADI 第一屆「全球最佳存款保險機構」之殊榮；另曾二度主持存款保險跨國研究計畫，分別於 2006 年及 2009 年榮獲 IADI 發布為國際準則供各國建置及改進存保制度之參考。

本公司除繼續積極參與國際活動、強化我國存保機制功能及對問題金融機構之處理外，並選派優秀人員出國考察、研習或進修，對我國存款保險機制及金融監理制度提出興革意見，期我國存款保險制度能掌握國內外經濟金融脈動，亦能師法先進國家典範，俾與國際趨勢接軌，讓我國存款保險機制更臻完善。茲將各類研究報告成果編列為【存款保險叢書】，提供各界相關人士參考，並祈各界人士惠予指正。

董事長 陳上程

謹識

總經理 王南華

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## 壹、序言

國際存款保險機構協會(International Association of Deposit Insurers, IADI)<sup>1</sup>自2002年5月成立，目前有80個會員，包括62個正式會員、6個準會員、12個夥伴會員(含國際貨幣基金、亞洲開發銀行、美洲開發銀行、歐洲重建開發銀行及東南亞國家中央銀行總裁聯合會等)。

中央存款保險公司(以下簡稱中央存保公司或本公司)自2002年5月加入IADI成為創始會員迄今，積極參與各項事務及活動，目前於IADI中擔任執行理事會理事及研究與準則委員會(Research and Guidance Committee, RGC)主席，歷年來參與擬訂IADI各項政策、領導制定及發布國際準則，可謂成果豐碩。

本年度IADI第九屆全球年會暨國際研討會於民國99年10月底於日本東京舉行，國際研討會主題為「金融安全網：未來展望(Safety Nets：Going Forward)」，本次研討會與會者來自世界各國存款保險機構、中央銀行、監理機關共約245人，研討會內容詳實，獲得與會者之熱烈迴響，其中本公司總經理王南華並受邀於國際研討會擔任講座，分享我國在全額保障轉換為限額存保制度之經驗。此行與聞國際金融高階領導者及國際金融組織之專業意見，對於我國存款保險制度與國際接軌，

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<sup>1</sup> IADI 簡介參附錄一。

促進各國交流與合作，深具意義。茲將本次國際研討會  
重點內容摘述如后，俾供經驗交流與分享。



## 貳、國際研討會重要內容

本次國際研討會<sup>2</sup>共分為四個場次，分別探討全額保障轉換為限額保障 (transition back to limited guarantee)、(部分或全部)國營銀行再民營化 (re-privatization of (partially & wholly) nationalized banks)、有效存款保險制度核心原則方法論之評估<sup>3</sup>(assessment methodology of core principles for effective deposit insurance systems)、新監理範疇及存款保險角色 (new regulatory landscape and the role of deposit insurance)等四項議題，茲將本次研討會重點內容摘述如后，俾供經驗交流及分享。

### 一、馬來西亞全額保障轉換為有效存款保險制度之經驗<sup>4</sup>

這次全球金融危機證明，金融體系之不穩定會重創實體經濟。為因應這波金融危機，決策者紛紛採取多項非常措施，其中一項就是實施存款全額保障政策，作為穩定金融之預防性措施。

馬來西亞在內之許多亞洲國家，在2008年底時宣布實施全額保障。新加坡、香港、馬來西亞已宣布於2008年實行之全額保障措施於2010年12月31

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<sup>2</sup> 本次國際研討會議程詳參附錄二。

<sup>3</sup> 有效存款保險制度核心原則方法論之評估全文詳附錄三。

<sup>4</sup> 主講人係 IADI 前主席暨現任馬來西亞存保公司執行長 Mr. Jean Pierre Sabourin。

日同步屆期。亞洲區都相當關心如何由全額保障順利轉為限額保障。對亞洲而言這是相當關鍵的時刻。

全額保障轉換為限額保障之過程相當複雜，主因為轉換過程涉及管理公眾期望，主管機關及存保機構任何匆促行動，都可能影響存款人對金融體系之信心。民眾信心很脆弱，一旦被破壞後就很難恢復，並易引起嚴重的後續效應，包括資本大量流出、危機擴散及發生銀行擠兌等情形，故應審慎規劃相關退場措施。鑑於各國國情及文化背景、民眾對存款保險機構之信心程度等不一，各存款保險機構所肩負之職能亦不盡相同，故並無一體適用之退場方案。以下謹就馬來西亞經驗簡述之。

馬來西亞存保公司 ( Malaysia Deposit Insurance Corporation, MDIC)全額保障退場計畫側重「加強消費者保護」，共分成四項重點：

#### (一)擬訂具公信力之退場計畫

退場計畫宜從存款人的角度出發，MDIC爰研擬結束全額保障後併同調整最高保額，保障額度由施行全額保障前之6萬馬幣提高到25萬馬幣。使存款人覺得恢復限額保障後，金融消費者所受到之保護，與存款全額保障政策不會相差太大。相關計畫於2010年5月擬訂完成，並訂於2010

年12月31日施行。MDIC自2005年成立以來，馬國國民存款幅度已大幅增加，提高保額後，將可保障更多存款人。

## (二)針對保險保單持有人推出限額保障制度

為能擴大MDIC之保障範圍及能同時兼顧保險公司、伊斯蘭銀行及傳統商業銀行之管理，馬來西亞政府已著手修正相關法令。保險保障制度之規畫將仿效現有存保制度，並配合保險公司之業務特性進行調整。擴大保障範圍至保險公司對MDIC而言是項艱鉅之挑戰，未來將確保伊斯蘭及傳統存款與保險業務均受到一致性規範。當立法完成後，未來MDIC亦將同時負責不同的保險制度，包含伊斯蘭及傳統存款保障業務、伊斯蘭及傳統人壽保險業務，以及一般產險保險業務。

## (三)提高金融商品透明度及相關資訊揭露

MDIC計畫讓存款人即時取得存款產品保障之相關資訊，並從2011年起也能取得保險產品保障之相關資訊。銀行與保險公司都必須提交商品資訊予MDIC，讓MDIC進一步評估商品是否在保障範圍內，並強制要保機構讓消費者清楚、即時瞭解金融商品受MDIC保障之狀況。另外，要保機構要在廣告上註明為MDIC之會員，且所有金融機構或保險公司均須提供MDIC宣導手冊給

每位新開戶的客戶。

#### (四)設計全額保障制度時應預先考慮退場方式

馬國未實施全額保障前之保障額度為6萬馬幣，實施全額保障期間，超過6萬馬幣部分之保障由政府擔保，並由MDIC負責執行，以提升MDIC之公信力與形象。藉由相關密集宣導，讓民眾瞭解全額保障僅是過渡性措施，終將恢復正常。這段期間銀行仍持續繳交保費，但為降低道德風險，享有全額保障之金融機構均須額外負擔相關費用繳交予MDIC，再由MDIC轉交政府。MDIC在此期間亦加強宣導，提供民眾相關完整資訊，故在即將恢復限額存保制度之際，民眾對MDIC角色及功能已有一定認知，有助於全額保障政策順利退場。

除擬訂相關策略外，MDIC與金融消費者持續進行溝通，確保過渡期間能穩定金融體系及社會大眾的信心。另並透過密切監控來管理民眾對恢復限額保障之措施及最高保額之認知，不僅藉由MDIC之客服中心及網站與民眾交流，更定期舉辦多場社區說明會及巡迴說明會，聆聽民眾意見。

此外，MDIC與中央銀行及財政部一直保持密切合作，當MDIC擬訂退場計畫及執行策略時，先行向中央銀行及財政部報告。MDIC與馬來西亞金

融安全網各單位合作關係良好、分工明確，各司其職。

至於亞洲國家是否能在今年年底完成退場工作，端看各國經濟狀況是否穩定、是否具備健全之銀行體系，以及民眾對未來收入與就業機會是否抱持信心。目前歐洲主權債務、信用緊縮問題及美國經濟脆弱影響復甦等情況，都是潛在風險警訊，值得進一步探討。

由於MDIC在馬國金融安全網中擔任相當重要角色，未來幾個月MDIC將依上述報告重點進行結構性調整。從本次金融危機中發現，強化存款保險制度及提升金融安全網之完整是有其必要性，以預先為下次挑戰做好萬全的準備。

此外，MDIC提出相當完整之全額保障退場措施，希望在轉換期間能有效促進及強化大眾信心。有效管理民眾期望本身便是個非常複雜之任務，因此MDIC全額保障退場措施會先進行幾個月測試，以確保實際實施成效。

## 二、台灣全額保障轉換為有效存款保險制度之經驗<sup>5</sup>

### (一)存款全額保障措施回顧

這一波全球金融海嘯對台灣的影響，相對來

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<sup>5</sup> 主講人係台灣中央存款保險公司總經理王南華。

說較輕，原因之一就是中央存保公司在過去十年已處理56家問題金融機構，有效整頓台灣金融市場。2008年6月30日當金融海嘯襲捲全球之際，當時台灣的金融機構資產體質，逾期放款比例只有1.5%，資本適足率10.5%，流動比率高達21%。但畢竟台灣金融機構已相當國際化，因此當世界金融情勢動盪不安，難免會影響台灣國內部分存款人，所以也造成部分民營銀行存款大量流失，因此政府在2008年10月7日採取存款保險全額保障之預防性措施；另鑒於國內外經濟金融情勢尚不明朗，是項措施決定再延一年，延至2010年年底。實施存款保險全額保障的兩年期間，台灣金融情勢非常穩定，金融機構經營平順。

存款保險全額保障並不符合市場機制，可能產生道德風險，延誤處理時機，增加處理問題金融機構之成本，所以適當時機必須回歸限額保障存保機制。因此中央存保公司於2010年4月27日建議，由於台灣金融狀況穩定成長，2010年底全額保障可轉換為限額保障。故自2011年1月1日起，每一存款人最高保額為新台幣300萬元。為因應此一情勢，中央存保公司也提出存保條例修正案，擴大保障範圍，將外幣存款及存款利息納

入保障範圍，此法案已送交立法院審議中<sup>6</sup>。

## (二)存款全額保障轉限額保障政策

根據IADI報告建議，全額保障順利退場之前提為總體經濟復甦、金融市場安定健全及審慎之金融監理。其他要件包括銀行正常營運、金融市場無異常資金流動、存款大眾信心無負面變化、問題銀行已進行重建或處理。台灣目前現況都合乎這些條件。

此一決策對銀行的挑戰就是存款人的信心，以及存款可能搬移，所以金融機構應特別加強流動性風險管理；同時金融機構也要強化其各項業務經營控管、充實自有資本、定期進行壓力測試，以驗證當經濟情勢變化，或某資產減損時，可能遭遇風險之承受力。另外就是避免發生負責人舞弊案、建立與長期績效連結之薪酬制度，以避免為追求短期利益，承擔過多經營風險。

中央存保公司近兩年來積極注意要保機構的存款變化狀況。中央存保公司運用已建立的金融預警系統、即時網際網路監控系統，密切觀察要保機構存款變化狀況。另外有些要保機構存款持續慢性流失，中央存保公司也會每週注意其變

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<sup>6</sup> 該條例修正案業於2010年12月29日經總統公布，並自2010年12月31日生效施行。

化情形。對於要保機構有下列情形者，亦請其及早因應調整：

- 1.單一存戶存款占存款比重過高者。
- 2.大額存款比率偏高者。
- 3.緊急籌措資金管道不明確或有困難者。
- 4.未來三到六個月，有大幅流動性負缺口者。

存款保險全額保障回歸限額保障最重要就是要及時宣導，讓存款大眾和要保機構及早進行資金配置、分散存款風險及經營風險。從2010年8月開始，中央存保公司密集在電視、廣播、平面媒體、車站、車廂廣告等宣導，同時張貼海報、設立網站，以告知存款大眾。8月底開始，於電視頻道播放中央存保公司的宣導短片，也請要保機構加強對存款人宣導，一同穩定金融。

### (三)健全保險賠款準備金之重要措施

目前全世界有106個國家(地區)設有存款保險機制，其中三分之一於近10年才設置，顯然經過了幾次金融風暴，大家都體驗到，存保機制是存款大眾之信心指標，目的即為保障存款人權益、穩定金融、執行問題金融機構之退場機制、避免骨牌效應導致金融混亂。因此IADI在2009年6月份發布的「有效存款保險制度核心原則」中特別提到：健全的存款保險制度係健全金融體



系及民眾信心的重要支柱，而充足的保險賠款準備金則為健全存款保險制度之基礎。

過去考慮到金融機構之財務負擔能力，所以台灣存保費率一向偏低，再加上過去十年配合金融重建基金機制處理56家問題機構，成本將近3,000億元，其中中央存保公司代墊其中900億元，使得中央存保公司的賠款準備金，也就是一般金融的賠款準備金缺口是700億元。

賠款準備金倘長期不足，亦會造成存戶之信心危機。台灣存款保險賠款準備金的巨大缺口，也受到立法院和行政院的重視並有所指示，立法院要求中央存保公司須於2016年達成賠款準備金餘額占保額內存款的2%；另外行政院也同意中央存保公司調整存保費率充實賠款準備金。因此中央存保公司將在2011年適度提高存保費率<sup>7</sup>。

#### (四)存款保險制度未來趨勢與挑戰

針對台灣存款保險制度之改革，主要包括：

- 1.健全存保賠款準備金、擴大存款保險保障範圍及強化存保機制功能

其中強化存保機制功能是中央存保公司

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<sup>7</sup> 台灣存款保險費率業獲主管機關核定自2011年1月1日起調高。

2011年第二階段之重點。我們希望能仿效美國聯邦存款保險公司 (Federal Deposit Insurance Corporation, FDIC)，建立一個保費自動調整機制，當存保賠款準備金之目標值低於1.5%，中央存保公司就提出調整保費方案；高於2.5%，中央存保公司就停止對一些體質健全之要保機構徵收保費。

## 2. 落實銀行法之立即糾正措施

期對被輔導的要保機構，由中央存保公司派員立即對其資產負債和淨值缺口進行查核評估，並提出可行處理辦法，避免未來賠付。

## 3. 強化問題金融機構處理機制

期能建立清理前置作業的準備時間，因為未來實施限額保障後，金融機構只要一被宣布停業，就會發生擠兌。所以我們希望在尚未宣布停業前，中央存保公司能先取得相關資料，委聘財務顧問公司，洽定投資人，進行議價，另擇定某星期五進駐接管並與投資人簽約、交割，下星期一重新開業，避免可能引起之金融危機。

### 三、歐盟因應金融危機近期採行之改革措施及進展<sup>8</sup>

2007 年下半年美國次貸風暴引爆全球金融危機，造成歐盟各國經濟嚴重衝擊、金融機構鉅額損失。經歸納其原因，除歐美金融市場高度關聯及歐盟經濟對銀行系統的融資依賴程度較美國更高外，則是歐盟經濟、金融監理長期存在結構性問題。

歐盟經過多年的一體化建設，會員國間的經濟依存度大幅提高，但歐盟之金融法令及協定之監管層級，分屬為歐盟及各國兩者，在歐盟層面上缺乏政策協調機制。為防範金融危機再次發生，歐盟積極檢討改革其機制，近期發展說明如下。

#### (一)泛歐金融監理體系雙軌機制

- 歐盟全體 27 個會員國財政部長於 2009 年 12 月 2 日於布魯塞爾會議中，就歐盟之金融市場監理架構達成協議，將創設建置「宏觀監理」與「個體監理」雙軌機制。
- 雙軌機制下共創設四個監理機構：
  - 宏觀監理：設置「歐洲系統性風險委員會」。
  - 個體監理：針對銀行、證券與保險三個不同市場分設監理機構。

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<sup>8</sup> 主講人係 IADI 歐洲區域委員會主席暨匈牙利國家存款保險機構總經理 András Fekete-Győr。

- 進展：獲歐洲議會、歐盟部長理事會及歐盟執行委員會共識，預計於 2011 年施行。

## (二)消費者保護

- 強化存款保障及投資人賠償機制。
- 歐盟執行委員會就存款保障及投資人賠償機制業依初步共識提出草案供議會多方諮詢，惟部分議題尚待尋求會員國共識。
- 另保險保障部分提出政策綠皮書 (Green Paper)。

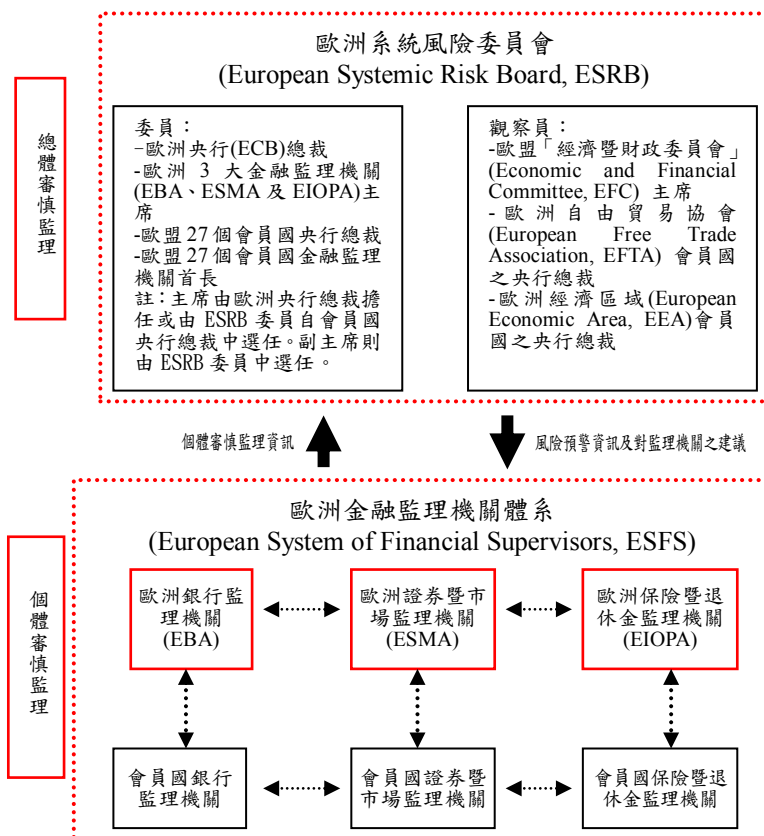
## (三)銀行清理及危機管理

- 發展問題金融機構處理機制暨強化跨國合作，預計於 2011 年提出立法草案。

## (四)金融機構資本規範

- 強化現行資本規範，對於適用新版巴塞爾資本協定(BASEL III)形成共識。

圖 1：歐洲金融監理體系



資料來源：Commission of the European Communities (2009), Press Release IP/09/1347 “Commission adopts legislative proposals to strengthen financial supervision in Europe,” September 23 及 “Communication from the Commission: European financial supervision,” May 27, p.17.轉載自謝人俊，國際金融監理改革之新思維：總體審慎監理，存款保險資訊季刊第 22 卷第 4 期，民國 98 年 12 月。

(五)審慎之貸放(responsible lending and borrowing)

- 本次金融危機得知，金融體系倘無法進行審慎之貸放，將嚴重損及消費者、貸放者權益及危害金融體系之穩定。
- 歐盟鑑於此議題之重要性，爰進行公開諮詢，刻正彙整諮詢意見中。預計於2011年提出立法草案。

(六)歐盟最新存保修正提案

1.修正目標

原歐盟存保指令係於1994年5月30日正式公布施行，並曾於2005至2006年間進行一次全面檢視，但未有任何調整。

全球金融風暴以來，原歐盟存保指令已不敷使用，出現立即修正之必要。歐盟執行委員會經多次會議討論，業於2010年7月12日發布新聞稿，宣布最新之存保修正提案，並呈送歐洲議會(European Parliament)進行諮詢及表決。該項提案不僅就1994年之存保指令全面翻修，其中更反映於本次金融風暴中所習得之寶貴經驗，其目標研訂如下：

- 訂定存保資訊揭露之簡易標準格式。
- 全面協調整合各會員國存保機制。

- 大幅縮短賠付時間。
- 健全存款保障財務機制。
- 建立各會員存保機構間輔助性之相互融資機制。
- 擴大存保機構之權限。

## 2.待完善項目

配合歐盟金融監理改革重點，存款保障尚須完善之相關機制如下表：

表一、歐盟監理改革重點與存保制度配合項目

歐盟金融監理改革重點		存款保障機制配合項目
確保歐盟規則標準一致	→	差別費率
金融緊急狀況時之協調合作	→	會員國間之相互融資機制
跨國金融機構系統性風險之監控 會員意見分歧時之調解		
消費者保護及金融商品之管理	→	快速賠付之細節
清理工具之統合	→	尚未提出具體建議作法

## 3.修正細節與時程

依據上開表定歐盟存保制度應配合監理改革併同修正之重點，歐盟就存保制度之內容，進一步提出改革方向草案與預計施行之日期，詳表二。

表二、歐盟存保制度改革重點與預計實施時程

方向	內 容	施行日期
1.強化消費者保護		
<ul style="list-style-type: none"> <li>• 擴大存款保障金額 保障限額提高為 10 萬歐元，預計歐盟區 95%以上的銀行存款帳戶於銀行倒閉時均不會遭受損失。</li> <li>• 擴大存款保障範圍 保障範圍含所有企業帳戶及所有幣別之存款。至於不保項目，則包括金融機構及政府機構之存款、結構型投資商品及債權憑證(debt certificates)。</li> <li>• 提高受保障內容之資訊透明度 大幅提高存款人對於其存款是否受到保障等相關資訊的揭露程度，藉由簡單易懂的標準化書面格式，使存款人未來透過對帳單瞭解其名下帳戶受保障情形及該國存保機制之運作概況。</li> <li>• 跨國問題金融機構賠付時之單一窗口(single point of contact) 歐洲金融監理與存款保障均採母國主義，目前由各母國存保機構直接負責海外分行之跨國賠付事宜。未來新制下，倘有跨國銀行倒閉案，將先由地主國存保機構進行代理賠付，再向母國存保機構求償，以加速賠付存戶，保障其權益。</li> </ul>	<ul style="list-style-type: none"> <li>• 2011.1.1</li> </ul>	
		•2012.12.31
		•2012.12.31
		•2012.12.31
		•2012.12.31
2.縮短賠付時程		
<ul style="list-style-type: none"> <li>• 賠付時程將縮短為 7 天 此為存保指令重大進展之一。目前許多存款人須等待數週至數月的時間才能取得賠付款項，故本項措施有利提升存款人信心。</li> <li>• 及早取得相關資訊 各國存保指令之執行者必須及早自監理機關取</li> </ul>	<ul style="list-style-type: none"> <li>• 2014.1.1</li> </ul>	
		•2012.12.31



方向	內 容	施行日期
	得可能發生問題之金融機構相關資訊，金融機構也須註明各筆存款是否屬於該指令所保障之範圍。	
3.存保基金		
	<ul style="list-style-type: none"> <li>• 事前累積基金(Ex-ante funding) 新歐盟存保指令規定各會員國存保機制應於事前建立足夠的準備金以因應資金需求，並將目標值訂為要保項目存款(eligible deposits)的 1.5%。</li> <li>• 事後攤派機制(Ex-post funding) 必要情況下，可由其他的事後資金來源確保資金充足無虞。歐盟存保指令將事後攤派上限訂為要保項目存款之 0.5%。</li> <li>• 會員國相互融資機制(Mutual financing mechanism) 倘前二項仍未能提供足夠之資金處理停業機構，存保機構可於一定額度下向其他歐盟國之存保機構借款。相關規定包括：借款上限為賠付國存保機構要保存款總額之 0.5%、借款期限最高 5 年、利率為歐洲央行基準利率(ECB base rate)、該借款於清理時受償順位優先(priority ranking for lending DGS in liquidation)等。</li> <li>• 其他的籌資途徑 各歐盟存保機構仍可規劃其他籌資途徑做為最後的資金應急之用，如向金融市場借款(本部分無上限限制)。</li> <li>• 差別費率 預計於 2012 年底前達成部分整合。</li> </ul>	<ul style="list-style-type: none"> <li>•2020.12.31 前達成</li> <li>•2020.12.31</li> <li>•2020.12.31</li> <li>—</li> <li>•2012.12.31</li> </ul>

本次金融危機證明歐洲現行措施對於穩定及控制跨國金融機構之系統性衝擊顯為不足、危機管理架構未能適足反映跨國金融市場之特質。歐盟為

防範金融危機再次發生，故金融改革架構納入金融監理及泛歐洲存款保障機制之整合。未來，歐洲各國存保機構可望透過風險差別費率之施行及縮短賠付時程，甚或透過及早干預等措施，實質擴大其權限。

#### 四、美國聯邦存款保險公司就 Dodd-Frank 華爾街金融改革及消費者保護法之因應措施<sup>9</sup>

本次金融危機，美國政府推出有史以來最大紓困案，同時亦進行全面性之改革。2010 年 7 月 21 日美國總統歐巴馬正式簽署「Dodd-Frank 華爾街改革與消費者保護法」（Dodd-Frank Wall Street Reform and Consumer Protection Act，以下簡稱陶德-法蘭克金改法案）。這項法案號稱 1930 年經濟大蕭條以來美國最全面性的金融改革法案，立法目的係為促進多項重要金融改革，其中針對銀行業部分，重要目標包括：

- 設立獨立的聯邦機構-消費者金融保護局 (Consumer Financial Protection Bureau)，整合不同機構之金融保護權責，以對金融消費者提供更多及更有效的保護。
- 成立金融穩定監督委員會 (Financial Stability

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<sup>9</sup> 主講人係美國聯邦存款保險公司國際事務處處長 Fred S. Carns。

Oversight Council)，期預先發現系統性風險並對系統性風險提供更好的管理以減輕相關衝擊。

- 終結金融機構太大不能倒之窘境。
- 加強對銀行及非銀行金融機構之監督及管理。
- 強化美國存款保險制度。

陶德-法蘭克金改法案之監理範圍，幾乎涵蓋所有金融領域，相關的聯邦金融監理單位亦須併同配合辦理以因應新法，以下僅就美國聯邦存款保險公司(Federal Deposit Insurance Corporation, FDIC)之相關因應措施進行簡述。

#### (一)強化輔助性檢查權限

陶德-法蘭克金改法案賦予 FDIC 輔助性檢查權限(back-up examination authority)。倘 FDIC 董事會認定對資產超過 500 億美元以上具系統性影響力之非銀行金融公司及銀行控股公司等金融機構(Systemically Important Financial Institutions，以下簡稱重要大型金融機構或 SIFIs)進行有秩序清算(orderly liquidation)為必要程序，則可進行檢查。

##### 1.金融改革法案要求

- 此項授權係為讓 FDIC 能對上述金融機構進行有效清理。
- FDIC 首先須審核上述金融機構之清理計

畫及現有的檢查報告，並須與美國聯邦準備理事會(Board of Governors of the Federal Reserve System, FRB)相互協調，以減少監理重疊。

- 陶德-法蘭克金改法案亦賦予 FDIC 輔助性強制執行權力 (back-up enforcement actions)，以降低控股公司關係企業中存款機構之營運對存款保險基金可能造成之重大損失。

## 2.FDIC 執行之相關措施

- 2010 年 8 月 10 日，FDIC 董事會通過成立綜合性金融機構監理室(Office of Complex Financial Institutions, CFI)，以利執行新法所賦予的新任務。
- CFI 會持續監控要保機構、銀行控股公司及金融穩定監督委員會(Financial Stability Oversight Council, FSOC)認為具系統影響力之非銀行金融控股公司。
  - 此項監控工作有利 FDIC 履行擔任 FSOC 一員之職責。
  - FDIC 的責任為建置有秩序清算具系統影響力之非銀行金融控股公司及銀行控股公司之架構。

## (二)擴充接管權限：有秩序之清算程序

陶德-法蘭克金改法案使聯邦政府首次有權以正常體制外之破產程序，處理 SIFIs 之退場。更重要的是，本項新法明訂禁止使用納稅人的錢援助個別金融機構。

### 1.金融改革法案要求

- 除少數例外，陶德-法蘭克金改法案主張倘重要大型金融機構(SIFIs)面臨倒閉或有倒閉風險時，應由 FDIC 負責進行接管及有秩序的清算。
- 美國財政部先行向美國總統諮詢，再與 FRB 及 FDIC 共同建議特定之重要大型金融機構(SIFIs)可免於進行正常破產程序外，並加入「有秩序的清算計畫(Orderly Liquidation Authority Program)」。
- 本清算計畫之設計係為促進整體金融穩定，而非保障特定單一的金融機構。
- 本計畫必須降低系統性風險及道德風險，並確保由債權人及股東承擔所有損失及撤換管理團隊。
- 不同於 FDIC 的存款保險基金，此計畫最初並不需要業界提供資金。本法案允許 FDIC 以向財政部借貸方式支應接管後相關營

運，及可向這些重要大型金融機構收取風險差別費率，以支付接管所產生的債務 (receivership-related loans)。

## 2.FDIC 執行之相關措施

- FDIC 新設之 CFI 將負責有效執行新法，職掌如下：

- 負責辦理接管、清理、清算或將問題金融機構全部或部分資產或負債以合理的价格移轉給第三人。

- 建立理賠、支付或拒付程序。

- 建立過渡金融機構。

- 移轉合格之金融契約至過渡金融公司或第三人。

## (三)具系統重要性金融機構須預擬生前遺囑計畫 (Living Wills)

陶德-法蘭克金改法案要求 SIFIs 提交生前遺囑計畫，以利面臨嚴重的財務危機或損失時，能快速有序進行清理。

### 1.金融改革法案要求

- 重要大型金融機構(SIFIs)須向 FRB、FSOC 及 FDIC 提出生前遺囑計畫，揭露內容需包含：

- 說明附屬於重要大型金融機構(SIFIs)的

銀行(FDIC要保機構)如何與集團下其他非銀行業務活動進行切割。

- 說明股權結構、資產、負債及合約義務。
- 確認各有價證券間有無交叉擔保情況、主要的交易對手及決定擔保品抵押程序。

—FDIC及FRB要求提供之任何其他資訊。

- 如果該等金融機構沒有提出令人滿意的清理計畫，FDIC及FRB可以提高對資本額、槓桿比率及流動率的要求，或以限制營運、出售金融機構資產等方式作為因應措施，直至金融機構重提之生前遺囑計畫獲准為止。

## 2.FDIC 執行之相關措施

- FDIC及FRB刻正共同訂定相關實行細節，必須於18個月內完成。
- FDIC新設之CFI將會負責本項法令的執行細節，包含SIFIs生前遺囑計畫之評估、接受或駁回，以及促使重要大型金融機構(SIFIs)遵循本法規定。

### (四)存款保險基金及存款保險

陶德-法蘭克金改法案擴大FDIC之權限，對存款保險基金之運作有正面影響，有利未來累積更多資源。

## 1.金融改革法案要求

- 明訂存款保險基金之最低法定目標值
  - 取消存款保險基金目標值之最高上限，另存款保險基金占保額內存款之比例不得低於1.35%。本法要求FDIC需採取必要措施以達成2020年9月30日存款保險基金目標值為1.35%之目標。
- 永久提高存款保險最高保額
  - 提高法定最高存款保額至25萬美元，此規定效力回溯至2008年1月1日生效。
- 保險費基數
  - FDIC應修改保險費基數之相關規定，定義保險費基數為平均總資產扣除平均有形資本。
- 對交易帳戶提供保險
  - 自2010年12月31日起為期兩年，對不計息的交易帳戶提供存款全額保障。

## 2.FDIC 執行之相關措施

- 有關存款保險基金最低目標值之新規定，自2010年7月21日陶德-法蘭克金改法案通過之翌日生效。
- FDIC 將研擬存款保險基金回復計畫(Restoration Plan)，以確保符合指定目標值



(Designated Reserve Ratio, DRR)之要求。

- FDIC 董事會業通過將 2011 年存款保險基金之長期 DRR 訂於 2%。
- 提供給消費者及存款人之資訊服務，包括銀行標誌、宣導手冊及網站將同步更新。
- FDIC 就保險費基數調整之潛在影響進行分析，並據以制定相關規範。
- 所有要保機構將強制參加交易帳戶擔保計畫 (Transaction Account Guarantee Program)。
  - 一再向要保機構另行計收此部分保費。
  - 交易帳戶的存款保障沒有設立上限，獨立於法定最高保障25萬美元外。
  - 只有不計息帳戶才受到存款全額保障。

陶德-法蘭克金改法案為強化監理改革，大幅增加聯邦金融監理機構之權限。然而自本項新法通過以來，金融監理改革焦點已從美國國會轉移 to 各金融監理機構上。在未來數月至數年的期間，金融監理機構預計尚需完成數百項研究工作及相關行政規則之制定。因此華爾街也已開始將遊說的目標自政黨移轉至金融監理機構，加諸美國歐巴馬總統期中選舉失利，美國共和黨更揚言

要推翻金改立法，這均成為美國未來能否成功落實金融改革之隱憂。

## 五、澳洲金融賠付機制之建立及發展<sup>10</sup>

澳洲金融賠付機制(Financial Claims Scheme, FCS)成立於 2008 年 10 月，2004 年澳洲政府曾研擬建制存款保險機制<sup>11</sup>，全球金融風暴間接加速促成 FCS 的成立。FCS 為一賠付箱(paybox)機制，設立宗旨在保障存款人的存款(一定限額內)、要保機構倒閉時存款人可即時取得存款及維護金融體系安定，由澳洲審慎監理機構(Australian Prudential Regulation Authority, APRA)管理及負責賠付存款人。過去澳洲監理機構向以購買與承受方式(purchase and assumption)處理問題金融機構，APRA 迄今尚無透過 FCS 直接賠付存款人之案例。

(一)啟動 FCS 辦理賠付之時機

APRA 係從「維護金融安定」及「保護小額存款人」兩個面向，考量是否啟動 FCS 辦理賠付，其程序首先由 APRA 決定要保機構是否為支付不能(無能力清償債務)，如是，則由 APRA 指派一位法定清算管理人清理倒閉銀行，並由

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<sup>10</sup> 主講人係澳洲審慎監理機構產業分析處處長 Paul Tattersall。

<sup>11</sup> 詳參 2004 年 Davis Report。

財政部同意啟動 FCS 辦理賠付。賠付過程中，APRA 將與央行、澳洲證券投資委員會及財政部密切合作。

## (二)要保機構

FCS 保障收受存款機構(authorized deposit-taking institutions, ADI)之存款，ADI 包含銀行、建築融資協會(building societies)、信貸聯盟組織(credit unions)，總共 145 家，不包含外國銀行在澳分行(法律禁止其承做消費金融業務)、澳洲銀行海外子行、金融公司、其他非 APRA 監理之金融機構及信用卡公司及線上交易支付服務機構(purchased payment facilities)。

## (三)要保存款

要保存款包含通知存款(call accounts)<sup>12</sup>、定期存款、活期存款、支票存款、轉帳卡存款、交易帳戶、現金管理帳戶、農業管理帳戶、貸款抵銷帳戶、退休存款帳戶等，FCS 同時保障澳幣及其他幣別之存款。

## (四)最高保額

2008 年 10 月 12 日澳洲政府為因應全球金融風暴，宣布每一存款人在每一要保機構之最

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<sup>12</sup> 指存款人在存入款項時不約定存期，領取時須提前通知銀行，約定領取存款金額和日期方能領取的存款方式。

高保額為 1 百萬澳幣，保障期限至 2011 年 10 月 12 日，要保機構亦可向 APRA 申請超過 1 百萬澳幣之存款保障，惟須另支付 APRA 保障費用。1 百萬澳幣之保障屆期後，FCS 將採用新的最高保額，目前澳洲政府正在研議新的保額且將於屆期前公布。最高保額採歸戶方式計算，且聯合帳戶內的存款一律按比例與存款人在同一存款機構之其他帳戶存款歸戶計算，外幣存款則需轉換至澳幣再與其他帳戶存款歸戶計算。

#### (五)資金籌措

FCS 採事後攤派(post funding)機制，每一倒閉 ADI 由澳洲政府固定撥款 200 億澳幣進行賠付及 1 億澳幣提供 FCS 作為管理費用。FCS 基金在清算過程中享有優先受償權，澳洲政府亦有權力向銀行業徵收保費以補清理倒閉銀行資金之不足。

#### (六)APRA 的職責

- 建置ADI提供APRA之電子資料格式(為利加速賠付作業)。
- 執行加速賠付作業。
- 決定如何賠付存款人。
- 負責與存款人及其他利害關係者溝通。

- 向清理人求償。
- 管理向要保機構徵收之保費，以補足FCS基金之不足。

針對 ADI 應提供之資料格式，APRA 於 2010 年進行兩次對外公開意見諮詢，刻正根據收到的意見進行修改，預計 2011 年推出。ADI 要求提供一定的轉換期間，以有充裕時間進行資料格式的建置修改。有關電子資料格式的重點如后：

- 同一存款人的資料需統一歸戶，採單一顧客檢視(Single Customer View)。
- APRA 要求提供存款戶資料，ADI 需於 72 小時內提供。
- 由加密電子資料傳輸至 APRA。
- 電子資料內容需由外部專業審計人員核定，通常三年核定一次，若有必要 APRA 可要求一年核定一次，另 ADI 的執行長需保證該機構已盡其所能確保資料格式符合 FCS 的要求與規定。
- 定期(日期隨機抽取)測試 ADI 提供電子資料格式的能力(至少一年一次)。

#### (七)賠付機制

- 賠付方式不採抵銷(set-off)制，以總額先行賠付存款人。

- APRA 首次進行賠付必須在 7 個日曆天內完成，剩餘賠付金額需儘速完成，目標不超過 20 個日曆天。
- APRA 提供三種賠付方式提供存款人選擇：
  - 以支票方式。
  - 存款電子移轉至存款人在其他 ADI 之帳戶。
  - 存款電子移轉至 APRA 在其他 ADI 以存款人名義新開之帳戶。

## 六、韓國金融控股公司之監理機制<sup>13</sup>

韓國在亞洲金融風暴後，於 2000 年建置了一套監理金融控股公司(Financial Holding Company, FHC)之機制。截至 2010 年底，韓國計有 8 家 FHC，約占全體金融機構總資產的 77%。有關 FHC 之監理、處理方式及未來挑戰等議題，茲說明如后：

### (一) FHC 之監理

為維持金融體系安定及保護金融消費者，韓國政府爰在 FHC 旗下的子公司間建立防火牆，以達有效監理之目標。下表為各相關法案及其主要內容：

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<sup>13</sup> 主講人係韓國存款保險公司國際事務部主任 Yangig Cho。

表三、韓國金融控股公司監理重點與法源

法案名稱	主要內容
公平交易法	<ul style="list-style-type: none"> <li>◆ 銀行與商業業務分立</li> <li>◆ 禁止跨業投資</li> <li>◆ 子公司最低持股(20%-50%)</li> <li>◆ 負債率小於或等於200%</li> <li>◆ 對非子公司的持投比率不得高於5%</li> </ul>
金融控股公司法	<ul style="list-style-type: none"> <li>◆ 核准設立</li> <li>◆ 撤銷營業執照</li> <li>◆ 預防內線交易</li> <li>◆ 命令要求改善</li> </ul>
改業金融業結構法	<ul style="list-style-type: none"> <li>◆ 認定問題金融機構</li> <li>◆ 採行立即糾正措施</li> </ul>

## (二)問題 FHC 之處理

韓國的金融服務委員會(Financial Service Commission, FSC)在認定問題 FHC 後，依據存款人保護法(Depositor Protection Act)由韓國存保公司(Korean Deposit Insurance Corporation, KDIC)負責清理，並由存款保險委員會決定該問題 FHC 是否對金融安定造成嚴重的負面效應。存款保險委員會之成員包括 KDIC 總經理、策略及財務部次長、中央銀行資深副總裁、金融服

務委員會副主委及三位專家。倘有系統性風險時，則不受最小處理成本原則之限制，通常以財務協助(Open Bank Assistance, OBA)方式處理。

### (三)未來挑戰

未來韓國對 FHC 之處理，將依循下列由二十國集團(G20)及金融穩定委員會(FSB)所制訂有關有效金融集團監理改革措施之規定：

1. 採用預警系統以偵測系統性危機，俾避免危及金融安定。
2. 建立有秩序的問題金融集團清理機制，以降低對金融體系之衝擊。
3. 不使用納稅人的錢來援助問題金融集團，以徵收銀行稅或成立問題金融機構處理基金方式為之。
4. 強化消費者保護之法令及獨立性。

## 七、英國存款保險制度的問題與缺失<sup>14</sup>

### (一)北岩銀行擠兌事件始末

美國次級房貸風暴自 2007 年 8 月份爆發以來，影響遍及全球金融市場，英國第五大房貸業者北岩銀行(Bank of Northern Rock)由於過度

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<sup>14</sup> 主講人係英國里茲大學國際銀行及金融法副教授 Andrew Campbell。



依賴短期資金以支應房屋貸款，受到全球之金融市場信用緊縮之波及，造成北岩銀行流動性問題急速惡化，以致於得向英格蘭銀行秘密請求緊急資金援助，原英國財政部長計劃於 2007 年 9 月 14 日於媒體正式宣布英格蘭銀行支持北岩銀行的流動性，由金融服務管理局(Financial Service Agency, FSA)保證北岩銀行無支付不能之問題，其資本已超過法定資本適足要求且其放款品質良好，未料消息在正式發布前走漏，2007 年 9 月 13 日晚間謠言四起造成存款人恐慌，部分媒體與存款人解讀英格蘭銀行支援北岩銀行流動性的行動表示其有倒閉之虞，從 9 月 13 日晚間就有人開始在北岩銀行徹夜排隊提領存款，大部分的提領更來自北岩的電話及網路銀行，恐慌性擠兌從 9 月 14 日延燒至 17 日，這是英國逾百年來首次面臨擠兌風波。在北岩銀行發生擠兌前，一般英國存款人幾乎不知道存款保險或金融服務賠付機制(Financial Services Compensation Scheme)的存在。

面對各方壓力，英國政府的態度也有所變化。2007 年 9 月 17 日上午，在接受英國廣播公司(BBC)記者採訪時，財政大臣達林仍拒絕保證所有存戶的存款不受損失。但是當天晚間，達

林卻表示，在當前金融市場危機期間，英國政府與英格蘭銀行會保護所有北岩銀行現有存戶的存款，並正式宣布提供北岩銀行存戶全額保障。更重要的是全額保障措施亦擴及其他英國銀行，惟該措施僅限於金融體系發生危機時才可動用。

次日政府的保證即已見效，北岩銀行的股價反彈 10%，並帶動其他房貸銀行的股價回升，在分行門前等待提款的隊伍明顯縮短，擠兌情事終告一段落。其後英國政府積極尋覓買家接手北岩銀行，雖有潛在投資者如維京集團曾接洽接手北岩銀行，但因價碼無法談攏而破局。最終於 2008 年 2 月 17 日英國財政部長宣布北岩銀行暫時收歸國有，截至報告當時止，北岩銀行仍由政府掌控。

表四、北岩銀行擠兌事件始末表

2007 年	9 月 13 日	• 北岩銀行向英格蘭銀行請求緊急紓困資金。
	9 月 14 日	• 北岩銀行擠兌的第一天，當天提領 10 億英鎊，約占存款總額 5%。
	9 月 17 日	• 財政部長宣布政府與英格蘭銀行提供北岩銀行存款人全額保障。
		• 9/14-9/17 總計共提領金額約 20 億英鎊。
	10 月 12 日	• 維京集團聯合美國 AIG 等公司，宣告有意收購北岩銀行。
	10 月 19 日	• 北岩銀行董事長辭職下台。
2008 年	1 月 28 日	• 英格蘭銀行總共挹注北岩銀行約 260 億英鎊，應付流動性資金需求。
	2 月 6 日	• 英國國家統計局公布政府資助北岩銀行造成政府負債相當約 1,000 億英鎊。
	2 月 17 日	• 財政部長宣布北岩銀行暫時收歸國有。
	2 月 22 日	• 北岩銀行正式國有化。

## (二)英國存款保險機制的改革

北岩銀行擠兌事件突顯英國存款保險機制的不足與缺失，主要問題為英國的存款保險機制僅具賠付功能，無賦予任何採取及早干預或風險控管的權限，存保基金非採事前籌資機制，在擠兌當時存款基金僅有少許維持存保機制營運的資金，且民眾對存款保障的認知低，甚少人知道其存款有受到保障；此外，英國的限額存款保障還設有共保制度，亦即存款在 2,000 英鎊以內 100%保障、超過 2,000 英鎊在 35,000 英鎊以內為 90%保障，剩下的 10%須由存款人負擔，致存款人在銀行倘有 35,000 英鎊的存款時，將有 3,300 英鎊的存款於銀行倒閉時無法獲得理賠。由這次參與北岩擠兌的存款人帳戶存款餘額均超過 2,000 英鎊之現象觀之，共保制度有助長銀行擠兌之虞，不僅無法建立民眾信心，且不利金融安定。另由於銀行倒閉時，民眾或存款理賠之速度太慢<sup>15</sup>，亦非眾多存款人所能接受。

英國政府針對存款保險機制的問題進行改革，主要改革重點如下：

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<sup>15</sup> 當時英國法定之理賠時間為 90 天，並可於特殊情形下延長至 180 天。

- 取消共保制度。
- 限額保障金額提高至5萬英鎊(聯合帳戶保障雙倍)<sup>16</sup>。
- 研議將賠付時間縮短至7日內。

此外，英國政府亦針對下列待決項目，進行政策討論與研議：

- 是否須採保費事前籌措機制。
- 存款保險在金融安全網中扮演的角色。
- 存款保險機構在英國銀行破產法中之角色定位。
- 提昇存款保險意識是否有利金融安定及宣導方式。

綜上，北岩銀行擠兌事件中，英國政府習得的兩大教訓：

- 設計不良的存款保險制度會加速金融危機的惡化。
- 共保制度立論雖佳，但實務上行不通。

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<sup>16</sup> 英國政府並於2010年10月17日將保障額度提高至8.5萬英鎊。

## 參、結論與心得

### 一、強化「消費者保護」係金融安全網機制設計之重點，各項金融保障機制出現整合趨勢

全球金融風暴自 2008 年 9 月席捲全球以來，經各國政府過去數年來採取各項非常之經濟金融手段後，目前已漸呈穩定復甦，相關措施並已然或準備逐漸退場。在後金融危機時期，各國金融安全網機制之設計或修正，不約而同以強化金融消費者保護為主軸，並以更整合性之保障制度、更透明之方式，使金融消費者享有更完善的保障，並能更瞭解自身之權益，進而以更理性的態度面對未來之金融事件。其中存保機構更成為強化消費者保護的平台，相關作法包括：提高存款保障額度與項目(如美國、歐盟國家、馬來西亞等)、以簡單易懂之方式揭露保障資訊(如歐盟)、整合保險保障(如馬來西亞)或投資人保障(如歐盟研議中項目)機制至存保機構下等。該等趨勢與作法值得持續觀察，作為未來修正我國制度之參考。

### 二、存保機構在處理問題金融機構之角色與權限，已更具積極性

自本次全球金融風暴經驗觀之，存保制度設計與經驗愈完善之國家，於面對危機時之處理工具愈

多、彈性亦愈大，並較能以預為因應(preemptive and precautionary)之方式(如我國政府於2008年10月及時引用法條宣布實施暫時性全額保障)，或更具效率的作法(如美國於短期內處理數百家銀行)，穩定金融秩序。因此，各國紛紛檢視其存保制度設計之妥適性，並顯示賦與存保機構於處理金融機構時更大的權限已蔚為趨勢。其中歐盟各國之存保機制已自純粹的「付款箱(paybox)」<sup>17</sup>，逐漸轉變為具備較大之停業機構處理權限(如提前取得電子資料檔案等賠付資料、以購買與承受方式處理停業機構等)。此外，美國將FDIC之清理權限，由銀行擴大至SIFIs(含非銀行控股公司)，使FDIC得透過接管、清理清算、將問題金融機構全部或部分資產或負債以合理價格移轉給第三人或成立過渡金融機構等方式，讓該等金融機構得以有秩序的退場及清算；另立法賦予FDIC為清理目的，得對資產超過500億美元以上之SIFIs進行檢查(備援檢查權)，亦得執行輔助性強制措施(back-up enforcement actions)，以降低控股公司關係企業中存款機構之營運對存款保險基金可能造成之重大損失。我國存款保險條例

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<sup>17</sup> 指當存款金融機構倒閉時，存保機構方開始取得存款等資料，著手進行賠付事宜。此類存保機構多無法於短期內快速對存款人進行賠付，並易使存款人於發生金融事件時參與擠兌，不利金融安定。

甫於2010年12月進行修正，惟為進一步完善制度，本公司已再次進行下一階段修法之擬議，其內容涵蓋問題要保機構處理與清理權限之強化，部分國家之作法亦可供參酌。

### 三、大型金融機構之監理與退場管理將更趨嚴格，以防範「太大不能倒」之問題一再發生，或於危機發生時獲致更妥適之處理

本次金融風暴再次突顯出金融機構「太大不能倒(Too Big to Fail)」，而需要政府使用公共資金出手援助之問題。該等非常作法雖以穩定金融為名，惟仍引發各界及納稅人對公平性與道德風險等議題之關切與批評。為降低「太大不能倒」問題之發生機率，美國政府除將加強對 SIFIs 之監理，並讓該等機構發生問題時適用「有秩序的清算計畫(Orderly Liquidation Authority Program)」由 FDIC 進行清理外，並要求該等機構須向 FRB、FDIC 等監理機關提出生前遺囑計畫，揭露內容需包含 SIFIs 的銀行如何與集團下其他非銀行業務活動進行切割、述明股權結構、資產、負債及合約義務、確認各有價證券間有無交叉擔保情況、主要交易對手及決定擔保品抵押程序等，倘所提計畫不佳，FDIC 及 FRB 更可對其資本額、槓桿比率及流動率



等訂定更嚴格的要求，或以限制營運、出售金融機構資產等方式作為因應措施，直至金融機構重提之生前遺囑計畫獲准為止，使大型金融機構之管理與退場更具效能。我國政府近年來為強化金融機構競爭力，鼓勵金融整併與大型化，惟亦應同步研議相對之金融監理與退場處理機制，以因應未來可能面對之挑戰。

#### 四、正確之要保機構電子檔案資料與取消「抵銷」規定之適用，有利快速賠付

在強化金融消費者保護之前提下，如何讓存款人於銀行停業後於最短時間內獲得存保機構之賠付款，成為各國存保機構最重視之課題之一。除FDIC仍延續其「週五停業、週一賠付」之原則外，歐盟亦修正其存保指令，將賠付期由原本之90日縮短為20日，並研議進一步縮短為7日；新設之澳洲金融賠付機制亦規定於停業後7日內進行賠付，並於20日內儘速完成理賠。至於實務上達成快速賠付之關鍵，各國均將建置正確之電子資料檔案列為要務。我國業於2007年1月修正存保條例要求要保機構應依本公司要求之檔案格式及內容，建立電子資料檔案，以利本公司履行保險責任，本公司並設有專責部門實地查證資料之正確性，作法較國際各國

尚稱先進，惟查證作業如發現問題，亦應及時要求改正，在人力不足時，建議亦可參照澳洲作法委聘外部專業稽核人員進行查證。此外，澳洲與歐盟等國，於辦理賠付作業時，考量「抵銷(set-off)」之相關規定將延宕賠付時程，爰已經或擬取消辦理抵銷之作法，亦可作為我國借鏡。

#### 五、適足的存保基金與健全之籌資機制係存保制度有效運作之基礎

依據IADI與巴塞爾銀行監理委員會於2009年6月聯合發布之「有效存款保險制度核心原則(Core Principles of Effective Deposit Insurance Systems)」，存款保險制度應具備完善之資金籌措機制，其中應包括於必要時取得備援流動資金，以確保能即時賠付存款人，另由於要保機構及其客戶均可自具效能之存款保險制度中受益，故存款保險之成本主要應由要保機構支付。

本次金融危機之發生，促使各國檢討存保制度之籌資機制，其中歐盟擬於其存保指令中規範改採事前累積之籌資方式(Ex-ante funding)，並將目標值訂為要保項目存款(eligible deposits)的1.5%，另擬於必要情況下，藉由其他的事後資金來源(Ex-post funding)確保資金充足無虞，並將事後攤派上限訂

為要保項目存款之0.5%。此外，美國之陶德-法蘭克金改法案亦將美國存款保險基金目標值之規定，由原定之保額內存款之1.15%至1.5%調整為不低於1.35%，並移除存款保險基金目標值之最高上限。據此，美國FDIC董事會業將2011年存保機構之長期基金目標值訂為2%，同時啟動費率調整機制，期於2020年9月30日前達到存款保險基金為保額內存款之1.35%之法定目標。我國存款保險基金在過去處理多家問題金融機構後，目前已呈負數。存保費率雖已自2011年起調高，惟似可參酌國外作法，以更制度化之方式進行費率調整，以利我國存保制度之有效運作。



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## 附錄一

## 國際存款保險機構協會簡介

國際存款保險機構協會 (International Association of Deposit Insurers, 簡稱IADI), 成立於2002年5月6日, 係依瑞士法律設置之非營利機構及獨立法人, 設址於瑞士巴塞爾國際清算銀行內。

### 願景

與全球各界人士分享存款保險經驗。

### 使命

藉由提倡存款保險相關準則及國際合作, 提昇存款保險制度效能。

### 宗旨

藉由提倡存款保險同業之國際合作暨鼓勵其與相關單位間之國際交流, 進而強化金融體系之穩定。

### 緣起

IADI係國際清算銀行金融穩定論壇(Financial Stability Forum)【目前已改編為金融穩定委員會(Financial Stability Board)】存款保險工作小組於2001年9月完成研究任務遞送相關報告後, 即著手設置之機構。該跨國工作小組成立之目的, 旨在研究制定國際存款保險相關機制, 以協助各國相關決策機構設計或改善其存款保險制度。

### 管理階層及組織

**會員代表大會**係國際存款保險機構協會之最高權力單位, 而**執行理事會**旨在確保 IADI 業務健全運作。現任 IADI 總裁係美國聯邦存款保險公司副董事長 Martin J. Gruenberg 先生; 副總裁係日本存款保險公司副理事長 Mutsuo Hatano 先生; 財務長為哈薩克存款保險機構董事長 Bakhyt Mazhenova 女士; 秘書長為 Carlos Isoard 先生。

**常設委員會**設於執行理事會之下, 負責協助推動 IADI 各項業務, 簡述如下:

**稽核委員會**負責確保 IADI 所發布財務資訊之公正完整。

**財務規劃委員會**負責控管 IADI 財務資源, 以及編製 IADI 營業計畫與預算、決算報告。

**會員與溝通委員會**負責會員之擴充, 與強化會員間之溝通聯繫, 以促進 IADI 目標之達成。

**研究與準則委員會**負責存款保險各項準則及核心原則之研擬制定及推廣, 以強化存款保險制度之效能。

**訓練與會議委員會**負責會員需求之評估, 善用 IADI 各參與者之資源, 並與各參與者及其他相關機構就訓練、專業能力養成及員工發展等事項進行合作。

**區域委員會**設有**非洲**區域委員會、**亞太**區域委員會、**加勒比海**區域委員會、**歐亞**區域委員會、**歐洲**區域委員會、**拉丁美洲**區域委員會及**中東北非**區域委員會等, 藉由資訊與意見之交流, 反應各區域內共同相關之議題。

### IADI之參與者

#### 會員

凡依法律或協議提供存款保險、存款人保障或存款保證之機構, 均得參加為正式會員。目前計有 62 個會員, 包括: 阿爾巴尼亞存款保險機構、澳洲金融監理局、加拿大魁北克金融市場管理署、亞塞拜然存款保險機構、烏拉圭中央銀行存款保障處、瓜地馬拉存款保險機構、孟加拉中央銀行、摩洛哥中央銀行存款保證基金、蘇丹存款保證機構、波蘭存款保障機構、巴貝多存款保險機構、保加利亞存款保險機構、加拿大存款保險公司、台灣中央存款保險公司、厄瓜多爾存款保險公司、比利時存款及金融工具保障機構、列支敦士登銀行協會存款及投資人保障機構、烏克蘭存款保證機構、羅馬尼亞銀行業存款保證機構、俄羅斯存款保險機構、波士尼亞赫塞哥維納存款保險機構、印度中央銀行存款保險與信用保證公司、坦尚尼亞存款保險委員會、千里達托貝哥存款保險公司、日本存款保險公司、巴哈馬中央銀行、捷克存款保險機構、越南存款保險機構、泰國存款保障機構、辛巴威存款保障委員會、肯亞存款保障委員會、德國銀行協會存款保障機構、瑞士銀行及證券商存款保障機構、美國聯邦存款保險公司、英國金融服務賠償機構、尼加拉瓜存款保險機構、委內瑞拉存款保證暨銀行保障機構、哥倫比亞存款保證機構、秘魯存款保證機構、法國存款保證機構、巴拉圭中央銀行存款保證機構、巴西信用保證機構、根西銀行存款保障機構、香港存款保障委員會、印尼存款保險公司、黎巴嫩存款保證機構、薩爾瓦多存款保證機構、墨西哥存款保障機構、義大利銀行存款保障機構、牙買加存款保險公司、澤西銀行存款人保障委員會、約旦存款保險公司、哈薩克存款保險機構、韓國存款保險公司、馬來西亞存款保險公司、匈牙利存款保險機構、奈及利亞存款保險公司、菲律賓存款保險公司、土耳其儲蓄存款保險機構、阿根廷存款保證機構、新加坡存款保險公司及瑞典國家債務局。

#### 準會員

凡不完全符合會員資格, 但正考慮設置存款保險制度者, 或間切存款保險有效運作之其他金融安全網成員, 均得參加為準會員。目前計有 6 個準會員, 包括菲律賓中央銀行、阿爾及利亞中央銀行、蒙古中央銀行、泰國中央銀行、新加坡貨幣管理局及南非財政部。

#### 觀察員

其他關心存款保險制度之非營利機構, 如國際性機構或金融相關專業組織。

#### 夥伴會員

係指為共同促進 IADI 宗旨、且訂有合作協定者。目前有 12 個夥伴會員, 包括亞洲開發銀行協會、美洲銀行監理官協會、拉



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丁美洲貨幣研究中心、歐洲復興開發銀行、歐洲存款保險機構論壇、美洲開發銀行、國際復興開發銀行(世界銀行)、國際貨幣基金、東南亞國家中央銀行總裁聯合會、多倫多金融監理國際領導中心、阿拉伯銀行聯盟及美國財政部國際事務技術援助局金融服務組。

#### 會費

自 2009/10 會計年度開始，年費將以瑞士法郎 (Swiss Francs, CHF) 支付。IADI 會員 2 年內需繳入會費 CHF11,390 元，每年並需繳交年費 CHF11,390 元。準會員及觀察員應繳交年費各為美金 CHF 8,542.50 元及 CHF 5,695 元，夥伴會員無需付費。於 2009 年 3 月 31 日前述各項費用分別約當美金 1 萬元、7,500 元及 5,000 元。

#### 各項活動及出版刊物

IADI 於每年召開全球會員大會之際，同時舉辦不同主題之年度研討會。第九屆全球年會預定假日本東京由日本存款保險公司主辦 (2010 年 10 月)，第八屆全球年會由 IADI 與金融穩定協會(FSI)及巴塞爾銀行監理委員會(BCBS)假瑞士巴塞爾共同主辦(2009 年 9 月)，之前會議則為：金融穩定與經濟導入(美國，2008 年 10 月)、存款保險與消費者保護(馬來西亞，2007 年 10 月)、存款保險機制之全面提昇(巴西，2006 年 11 月)、存款保險機構處理停業銀行面臨之挑戰(台北，2005 年 9 月)、存款保險機構之有效運作工具(瑞士，2004 年 10 月)、強化存款保險機構治理以有效保障存款人(韓國，2003 年 10 月)，以及存款保險機構面對存款保險制度轉型之因應措施(瑞士，2002)。

為達到區域性之利益暨展望，各區域委員會亦定期召開會議及舉辦研討會，包括：阿根廷(2010 年 8 月)、坦尚尼亞(2010 年 7 月)、墨西哥(2010 年 6 月)、波蘭(2010 年 5 月)、菲律賓(2010 年 4 月)、牙買加(2010 年 3 月)、印度(2010 年 1 月)、約旦(2009 年 11 月)、秘魯(2009 年 8 月)、肯亞(2009 年 7 月)、哈薩克(2009 年 5 月)、捷克(2009 年 1 月)、奈及利亞(2008 年 8 月)、俄羅斯(2008 年 5 月)、印尼(2008 年 3 月)、薩爾瓦多(2007 年 8 月)、土耳其(2007 年 6 月)、越南(2007 年 3 月)、捷克(2007 年 1 月)、巴西(2006 年 11 月)、菲律賓(2006 年 2 月)、摩洛哥(2006 年 2 月)、捷克(2006 年 1 月)。

其他的研討會、座談會及圓桌會議包括：問題銀行處理研討會(2010 年二場)、IADI 高階主管培訓計畫-賠付管理:存款人之賠付(2010 年美國、2009 年馬來西亞、2009 年土耳其及 2009 年美國)、銀行業在經濟穩定及成長扮演之角色研討會(2010 年)、日本存款保險公司圓桌會議(2010 年)、存款保險制度跨國問題研討會(2010 年)、因應迅速賠付挑戰之賠付系統工具研討會(2010 年)、回教存款保險制度研討會-回教銀行業及存款保險基本原則之認識(2009 年)、FSI, FSVC 及 MENA 區域研討會:全球金融風暴及金融監理之因應(2009 年)、IADI 高階主管培訓計畫-問題金融機構處理(2008 年二場)、IADI 高階主管培訓計畫-建置存款保險制度與理賠管理(2007 年)、存款保險制度跨國問題研討會(2007 年)、銀行清理及差別費率(2007 年)、國際金融不穩定現象-跨國銀行與各

國規範，與芝加哥聯邦準備銀行合辦(2006 年)，以及多場策略性規劃會議(2002 年、2005 年、2006 年、2007 年)。

為強化存款保險制度效能及更能滿足會員之需要，IADI 研究並發布核心原則及輔助原則。關於「有效存款保險制度核心原則」，IADI 及巴塞爾銀行監理委員會(BCBS)業於 2009 年 6 月 18 日正式對外發布，並送交金融穩定委員會。IADI、BCBS、國際貨幣基金、世界銀行、歐洲存款保險機構論壇及歐盟委員會刻正合作共同撰擬「有效存款保險制度核心原則之評估方法」，俾供各國評量其存款保險制度。相關內容可用於自我評估、國際貨幣基金與世界銀行之金融部門評估計畫(FSAPs)、G-20 與金融穩定委員會推行之同儕評估計畫等，該評估方法預期於 2010 年底前完成。IADI 另已發布「建立存款保險制度之法律保障機制國際準則」(2010 年)、「存款保險制度之治理國際準則」(2009 年)、「存款保險制度之公眾意識國際準則」(2009 年)、「存款保險制度之資金籌措國際準則」(2009 年)、「提昇金融安全網成員有效合作國際準則」(2006 年)、「銀行倒閉處理國際準則」(2005 年)及「建置差別費率制度國際準則」(2005 年)，以及「存款保險機構風險管理之研究」(2010 年)與二項區域報告(2005 年及 2009 年)。此外，「存保制度之職權」、「賠付與資產回收」、「最高保額」、「存款保險基金適足性評估」、「回教法律下之存款保險制度」及「伊斯蘭存款保險問卷調查」等 6 項研究或討論報告初稿已完成；「跨國議題」、「全額保轉換為限額存保制度」、「賠付機制」及「建置差別費率制度國際準則更新計畫」等 4 項報告正在進行。另為應 G-20 金融導入專家小組之需求，IADI 於 2010 年在研究與準則委員會下成立一「金融導入附屬委員會」。

有關全球及區域性之重要訊息，以及發行刊物如：IADI 年報、準則報告、研究消息、最新消息快報、訓練目錄手冊、各項演講資料等，請瀏覽 IADI 網頁 [www.iadi.org](http://www.iadi.org)。

#### 如何加入 IADI

申請人可向秘書長提出，經秘書長執行理事會審議通過後即可參加。申請表格請詳見 IADI 網頁。

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## 附錄二、國際研討會議程



# 2010 IADI ANNUAL CONFERENCE

**– Financial Safety-Nets : Going Forward –**



27-28 October 2010  
Tokyo, JAPAN  
Hyatt Regency Tokyo

Wednesday 27 October	
08:00	<b>Registration</b>
09:00	<b>Welcoming Remarks and Opening Address</b> Masanori Tanabe, Acting Governor, Deposit Insurance Corporation of Japan Takashi Wada, Parliamentary Secretary of Cabinet Office for Economic and Fiscal Policy, Science and Technology Policy, Japan Fair Trade Commission, Financial Services Agency (Japan) Izumi Yoshida, Parliamentary Secretary for Finance, Ministry of Finance Japan Kiyohiko G. Nishimura, Deputy Governor, Bank of Japan Martin Gruenberg, President/Chairman of Executive Council, International Association of Deposit Insurers (IADI) and Vice Chairman, Federal Deposit Insurance Corporation (USA) <b>Keynote Speech</b> Toyoo Gyohten, President, Institute for International Monetary Affairs (Japan)
10:30	<b>Group Photo and Coffee Break</b>
11:15	<b>Session 1 - Transition Back to Limited Guarantee</b> Moderator: Mohammed Al-Ja'fari, Director General, Jordan Deposit Insurance Corporation Speakers: Jean Pierre Sabourin, Chief Executive Officer, Malaysia Deposit Insurance Corporation Howard N.H. Wang, President, Central Deposit Insurance Corporation John Chikura, Chief Executive Officer, Deposit Protection Board (Zimbabwe) Jorge A. Chávez-Presa, Board of Governors, Institute for the Protection of Banking Savings (Mexico)
13:00	<b>Lunch</b>
14:15	<b>Session 2 - Re-privatization of (Partially &amp; Wholly) Nationalized Banks</b> Moderator: Jerzy Pruski, President, Bank Guarantee Fund (Poland) Speakers: Alex Kuczynski, Director of Corporate Affairs, Financial Services Compensation Scheme (UK) Ridvan Cabukel, Vice President, Savings Deposit Insurance Fund of Turkey Bakhyt Mazhenova, Chair, Kazakhstan Deposit Insurance Fund
15:45	<b>Break</b>
16:15	<b>Session 3 - Assessment Methodology of Core Principles for Effective Deposit Insurance Systems</b> Moderator: Jose C. Nograles, President, Philippine Deposit Insurance Corporation Speakers: David Walker, Managing Director, Policy, Insurance & International Affairs, Canada Deposit Insurance Corporation David C. Parker, Senior Financial Sector Expert, Monetary and Capital Markets Department, International Monetary Fund Josef Tauber, Chairman of the Board of Administration, Deposit Insurance Fund (Czech Republic) H.N. Prasad, Chief Executive Officer, Deposit Insurance and Credit Guarantee Corporation (India)
17:35	<b>Day One Concludes</b>
18:15	<b>Depart from Hotel</b>
19:00	<b>Dinner (Invitation Only)</b>



# 2010 IADI ANNUAL CONFERENCE

*– Financial Safety-Nets : Going Forward –*



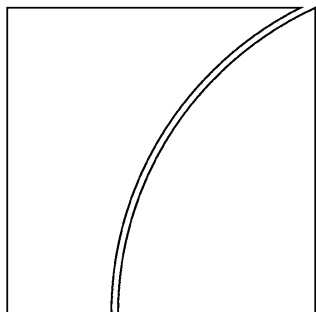
27-28 October 2010  
Tokyo, JAPAN  
Hyatt Regency Tokyo

Thursday 28 October

09:00	<b>Session 4 - New Regulatory/Supervisory Landscape and the Role of Deposit Insurance</b> Moderator: Bryan P. Davies, Chair, Canada Deposit Insurance Corporation Speakers: Naoyuki Yoshino, Professor of Economics, Keio University (Japan) Fred S. Carns, Director, Office of International Affairs, Federal Deposit Insurance Corporation (USA) András Fekete-Győr, Managing Director, National Deposit Insurance Fund of Hungary
10:35	<b>Break</b>
11:05	(Session 4 Continued.) Toshihide Endo, Deputy Director-General, Supervisory Bureau, Financial Services Agency (Japan) Paul Tattersall, Head of Industry Analysis, Australian Prudential Regulation Authority Yangig Cho, Head of International Affairs Office, Korea Deposit Insurance Corporation Andrew Campbell, Associate Professor and Reader in International Banking and Finance Law, University of Leeds (UK)
12:20	<b>Closing Remarks</b> Mutsuo Hatano, Deputy Governor, Deposit Insurance Corporation of Japan
12:35	<b>Conference Concludes</b>
12:35	<b>Lunch</b>

Basel Committee  
on Banking Supervision

International Association of  
Deposit Insurers



## **Core Principles for Effective Deposit Insurance Systems**

**A methodology for compliance  
assessment**

December 2010



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## Acronyms

<b>BCBS</b>	Basel Committee on Banking Supervision
<b>BCP</b>	Basel Core Principles for Banking Supervision
<b>CBRG</b>	Cross-border Bank Resolution Group
<b>EC</b>	European Commission
<b>EFDI</b>	European Forum of Deposit Insurers
<b>FSA</b>	Financial Sector Assessment
<b>FSAP</b>	Financial Sector Assessment Program
<b>FSSA</b>	Financial System Stability Assessment
<b>IADI</b>	International Association of Deposit Insurers
<b>IMF</b>	International Monetary Fund
<b>LOLR</b>	Lender-of-last-resort
<b>MOF</b>	Ministry of Finance
<b>MOU</b>	Memorandum of Understanding
<b>OFC</b>	Offshore Financial Center Program
<b>ROSC</b>	Reports on the Observance of Standards and Codes
<b>WB</b>	World Bank

# Core Principles for Effective Deposit Insurance Systems

## Introduction

In July 2008, the Basel Committee on Banking Supervision (BCBS) and the International Association of Deposit Insurers (IADI) decided to collaborate to develop an internationally agreed set of core principles for deposit insurance using the IADI Core Principles for Effective Deposit Insurance Systems (February 2008) as a basis.<sup>1</sup> A joint working group comprised of representatives from the BCBS's Cross-Border Bank Resolution Group (CBRG) and IADI's Guidance Group was formed to develop a set of core principles to be submitted to the BCBS and IADI for their respective review and approval. The Consultative Document, entitled *Core Principles for Effective Deposit Insurance Systems*, was completed in March 2009 and endorsed by the international community in June 2009. The document presents 18 Core Principles, each of which is augmented by supporting explanations and guidance. An accompanying set of Preconditions addresses mainly external elements necessary to support effective deposit insurance systems.

The Core Principles are reflective of, and designed to be adaptable to, a broad range of country circumstances, settings and structures. The Core Principles are intended as a voluntary framework for effective deposit insurance practices. National authorities are free to put in place supplementary measures that they deem necessary to achieve effective deposit insurance in their jurisdictions. The Core Principles are not designed to cover all the needs and circumstances of every deposit insurance system or prescribe a single specific form of deposit insurance. Instead, specific country circumstances should be considered in the context of existing laws and powers to fulfil the public policy objectives and mandate of the deposit insurance system.

An assessment of a country's compliance with the Core Principles can be a useful tool for countries that are implementing, reviewing or actively reforming a deposit insurance system. A comprehensive, credible and action-oriented assessment should focus on the deposit insurance system and its relationship to the safety-net functions which support it. The assessment of the broader safety-net functions (ie preconditions) is mostly outside the jurisdiction of the deposit insurer. But, can have a direct effect on the deposit insurer's ability to fulfil its mandate. The assessment of a deposit insurance system should identify strengths and weaknesses in the existing deposit insurance system and form a basis for remedial measures by deposit insurers and policymakers (eg government authorities or if it is primarily a private system, its member banks) after taking into account the structural, institutional and legal features of each national deposit insurance system. The review of the broader safety net will need to rely on external reports – including, for example, those resulting from recent Financial Sector Assessment Program (FSAP) efforts – or include assessment teams members with the necessary experience and skills. If no such reports are available then the assessment should indicate that there is insufficient information available for a complete review of preconditions.

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<sup>1</sup> IADI was established in 2002 with a mission to contribute to the enhancement of deposit insurance effectiveness by promoting guidance and international cooperation. The IADI Core Principles were developed for the benefit of countries considering the adoption or the reform of a deposit insurance system.

The following Methodology was developed collaboratively by representatives of the BCBS, IADI, the European Forum of Deposit Insurers (EFDI), the European Commission (EC), the International Monetary Fund (IMF) and the World Bank (WB). The remainder of this introductory section addresses the Methodology use, compliance assessment, and practical considerations in conducting an assessment. The next section focuses on evaluating a country's preconditions. The last section lists in detail the criteria for assessing compliance with the Core Principles.

## **Use of methodology**

The methodology can be used in multiple contexts: (i) self-assessment performed by the deposit insurer; (ii) IMF and World Bank assessments of the quality of deposit insurance systems, for example, in the context of the FSAP; (iii) reviews conducted by private third parties such as consulting firms; and (iv) peer reviews conducted, for example, within IADI regional committees. IADI, in cooperation with the BCBS, will be active in interpreting the Core Principles and providing training with disseminating norms and good practices during the assessment process.

Whether conducted by a deposit insurer (self-assessment) or an outside party, a fully objective assessment of compliance with the Core Principles should be performed by suitably qualified parties who bring varied perspectives to the process. It is crucial that the parties be made up of suitably qualified persons including individuals with experience working in a deposit insurance system. A fair assessment of the deposit insurance system also requires the genuine cooperation of all relevant authorities. The process of assessing each of the 18 Core Principles requires a judgmental weighting of numerous elements that only qualified assessors with practical, relevant experience can provide. To the extent that the assessment requires legal and accounting expertise in the interpretation of compliance with the Core Principles, these legal and accounting interpretations must be in relation to the legislative and accounting structure of the relevant country. The assessment must be comprehensive and in sufficient depth to allow a judgment on whether criteria are fulfilled in practice, not just in theory. Similarly, laws and regulations need to be sufficient in scope and depth. There also must be effective enforcement of and compliance with those laws and regulations on the part of regulators and supervisors and the deposit insurer. Finally, the assessment of compliance with the core principles will build upon any recent work in similar areas such as the FSAPs.

## **Definitions of key terms used in methodology**

The term "deposit insurer" is used in this methodology to refer to the specific legal entity responsible for providing deposit insurance, deposit guarantees or similar deposit protection arrangements. In some jurisdictions this function may be assigned to another participant in the financial safety net. The term "deposit insurance system" refers to the deposit insurer and its relationships with the financial system safety-net participants that support deposit insurance functions and resolution processes. The "financial system safety net" is defined to include the functions of prudential regulation and supervision, resolution authority, a lender of last resort and deposit insurance. In many countries, a department of government (generally a Ministry of Finance or Treasury) is responsible for financial sector policy and is included in the financial system safety net.

The public policy objectives of the deposit insurance system refer to the objectives or goals the system is expected to achieve. The mandate of the deposit insurer refers to the set of official instructions describing its roles and responsibilities. There is no single mandate or set of mandates suitable for all deposit insurers. Assigning a mandate to a deposit insurer must take country specific circumstances into account. Existing deposit insurers have mandates ranging from narrow, so-called “paybox” systems to those with broader responsibilities, such as preventive action and loss or risk-minimisation/management, with a variety of combinations in between.

## Compliance assessment

The primary objective of an assessment should be to evaluate compliance with the Core Principles for Effective Deposit Insurance Systems after taking into account the structural, legal and institutional features of each national deposit insurance system. The assessment should review the functions inherent in providing effective deposit insurance systems as opposed to an assessment of just the deposit insurer. In so doing the assessment will identify the strength(s) of the deposit insurance system, and the nature and extent of any weaknesses. Importantly, the assessment is a means to an end, not an objective in itself. The assessment process should help the deposit insurer and policymakers benchmark their deposit insurance system against the Core Principles to judge how well the system is meeting its public policy objectives. The assessment, in turn, can also aid the deposit insurer and policymakers in making improvements to the deposit insurance system and financial safety net, as necessary.

The Methodology proposes a set of essential and additional criteria for each Core Principle. The essential criteria are the only elements on which to gauge full compliance with a Core Principle. The additional criteria are aspirational in nature and comprise suggested good practices. The essential criteria and to a significant degree the additional criteria, are drawn from the Core Principles document and related background papers prepared by IADI and BCBS. Although the additional criteria will not be used for assessing compliance with a Core Principle, a country, or deposit insurer in the case of a self-assessment, could choose to be assessed against the additional criteria in order to identify areas in which improvements to the deposit insurance system could be made.

Assessments by external parties follow a five-grade scale as follows:<sup>2</sup>

- **Compliant:** When the essential criteria are met without any significant deficiencies.<sup>3</sup>
- **Largely compliant:** When only minor shortcomings are observed and the authorities are able to achieve full compliance within a prescribed time frame.
- **Materially non-compliant:** Severe shortcomings which cannot be rectified easily.
- **Non-compliant:** No substantive implementation of the Core Principle.

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<sup>2</sup> This scale is used for external assessments in the Basel Committee's Core Principles Methodology (Banking Supervision), available at [www.bis.org/publ/bcbs130.htm](http://www.bis.org/publ/bcbs130.htm).

<sup>3</sup> In order to achieve a “Compliant” grade it is not always necessary to achieve compliance on all essential criteria for each Core Principle. For example, if a deposit insurance system is compliant with eight out of nine essential criteria for a specific Core Principle but is not compliant in a relatively minor area, then the overall compliance rating could be designated “Compliant”. Assessors must exercise judgment in these situations.

- **Not applicable:** Not considered given the structural, legal and institutional features of the deposit insurance system.

Grading is not an exact science and the Core Principles can be met in different ways. The assessment criteria should not be seen as a checklist approach to compliance but as a qualitative exercise. The number of criteria receiving a compliance grade and the commentary that should accompany each grade will be weighed in the scoring process for each Core Principle, however, not all criteria will carry equal weight. It is critical for the assessors to receive training on consistent application of the methodology. The Core Principles are benchmarks for effective deposit insurance practice. In implementing them, deposit insurers and policymakers will need to take into account country specific factors.

Assessors should pay close attention to the adequacy of preconditions and include their opinion on gaps and weaknesses in the preconditions and actions that policymakers could take to mitigate those weaknesses. The assessment of compliance with individual Core Principles could flag the Core Principles which are likely to be primarily affected by preconditions considered to be weak, after factoring in specific country circumstances, mandate and structures of the deposit insurance system (see Annex 3 for further details). However, assessors should not undertake to assess compliance with preconditions themselves. Instead, assessors should rely on the results of recent IMF/WB FSAP reports wherever possible. If a report has not been conducted recently, assessors should request from the authorities that they be provided with updates on any changes since the previous FSAP report. If no such reports on preconditions are available assessors should assign an “Insufficient Information” to the precondition review. Recommendations with regard to the preconditions should not be part of the action plan associated with the Core Principles assessment, but should be included in other general recommendations for strengthening the deposit insurance system.

In order to assist assessors in interpreting the methodology and identifying Core Principles that may or may not be applicable in all types of arrangements of deposit insurance systems, a “Guide for Assessors” document will be developed. This document will include supporting guidance to assist assessors in applying the criteria to specific country settings and structures. It is intended that the Guide be developed and updated over time to take into account the experiences and lessons learned in conducting compliance assessments.

## Practical considerations in conducting an assessment

Annex I to this document presents a format for conducting an assessment and preparing a report. It is based on the format developed by the IMF and the World Bank for conducting assessments of compliance with the Basel Committee’s Core Principles for Effective Banking Supervision (BCP).

Certain practical considerations should be made when conducting an assessment.

1. The assessor must have access to a range of information and interested parties. This may include, but not be limited to published information (such as relevant laws, regulations and policies) and more sensitive information (such as previously completed self-assessments, information on the health of insured institutions such as supervisory examination results, and operational guidelines for the deposit

insurer). This information should be provided as long as it does not violate legal requirements for the deposit insurer to hold such information confidential.<sup>4</sup> The assessor will also need to meet with a range of individuals and organisations, including other financial system safety-net participants and relevant government ministries, commercial bankers and auditors. Special note should be made of instances when any required information is not provided, as well as of what effect this might have on the accuracy of the assessment.

Assessors should set out the range of information required from the authorities involved and explain in the opening meeting to the individuals involved how the assessment will proceed. This should include the process to be followed in the assessment for the review of preconditions.

2. The assessment of compliance with each Core Principle requires the evaluation of a chain of related requirements, such as law, prudential regulation and supervisory guidelines, among other things. The assessment must ensure that the requirements are or can be put into practice. For example, policymakers must ensure that the deposit insurer has the necessary operational autonomy, skills and resources.
3. In addition to identifying deficiencies, the assessment should also highlight positive features and specific achievements.
4. Cooperation and information sharing among safety-net participants is necessary for the effectiveness of the deposit insurance system. The assessor should be able to judge whether such information sharing occurs to the extent needed. Depending on the extent of cross-border banking, it is also important that the assessor is able to judge whether information sharing between and among deposit insurers and other safety-net participants in different countries occurs to the extent needed.

## Preconditions

A deposit insurance system will be most effective if a number of external elements or preconditions are in place. Although these elements are mostly outside the jurisdiction of the deposit insurance system, they can have a direct effect on the deposit insurer's ability to fulfil its mandate. In choosing to implement a deposit insurance system, a number of interrelated components of the national financial system should be considered: the condition of the economy and banking system; the sound governance of agencies comprising the safety net; whether there is strong prudential regulation and supervision; and whether there is a well-developed legal framework and accounting and disclosure regime. Any assessment of the effectiveness of a deposit insurance system should begin with an assessment of these preconditions. The views of the public and their expectations regarding deposit protection are also important factors to be considered.

It is important to identify where existing preconditions are not ideal. If actions are necessary to address any deficiencies, they can be taken with the adoption or reform of a deposit insurance system.

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<sup>4</sup> Assessments of Core Principles of Banking Supervision have shown that secrecy issues can often be solved through ad hoc arrangements between the assessor and the assessed institution. See Core Principles Methodology (Banking Supervision), p. 4.



## **Assessment of the economy and banking system**

To be effective, policymakers should seek to ensure that the deposit insurance system is instituted, consistent with both the country's economic and institutional settings and aligned with the public-policy objectives they are attempting to achieve. The establishment or reform of a deposit insurance system is more difficult if underlying issues relating to the health and stability of the economy and the banking system have not been addressed. Although conditions are unlikely to be perfect, it is important to determine how the economic and institutional structure of the country may impact on the deposit insurance system.

Policymakers should therefore undertake a situational analysis of the economic environment in order to identify conditions that could adversely affect the economy of the banking system and evaluate whether a deposit insurance system can be effective operating in such an environment. Key elements for review are:

1. Conditions that could adversely affect the economy or the banking system are to be identified and an evaluation is made whether a deposit insurance system can be effective operating in such an environment.
2. If actions are necessary, they are taken before or in concert with the adoption or reform of a deposit insurance system.

## **Macroeconomic stability**

Macroeconomic instability hampers the functioning of markets and can distort financial intermediation. It is more difficult for banks and their clients to judge different types of risks in times of deteriorating economic growth, high inflation, and extreme exchange rate volatility.

The introduction or reform of a deposit insurance system will not on its own be sufficient to restore macroeconomic stability. As an element of the financial safety net, the deposit insurance system complements the prudential regulation and the lender of last resort functions. When macroeconomic conditions are unstable the introduction or reform of a deposit insurance system will be less effective. Key element for review is:

Conditions and factors affecting the banking system and influencing the effectiveness of a deposit insurance system should be analyzed before the introduction or reform of the system. These may include: an assessment of the level of economic activity; current monetary and fiscal policies; consumer price and asset inflation as well as the condition of financial markets.

## **Sound banking system**

In looking at the financial system, the issue is not just whether there are unsound institutions in the system but whether the banking system in its entirety is sound. The assessment should look at both the financial health and structure of the banking sector. Key elements for review are:

1. An assessment of the health of the banking system and other deposit taking institutions which includes a detailed evaluation of capital adequacy, liquidity, credit quality, risk-management policies and practices, and the extent of any problems. When problems exist, an assessment is made as to whether they are confined to individual deposit taking institutions or are systemic in nature.

2. The structure of the banking system in terms of the number, type and characteristics of deposit taking institutions as these will have design implications for a deposit insurance system. Policymakers also may need to examine the extent of interconnectedness, competition, concentration, and the ownership of institutions.<sup>5</sup>
3. Any pre-existing depositor protection arrangements (eg depositor preference) and how these arrangements would interact with the introduction or reform of a deposit insurance system.

### **Sound governance of agencies comprising the financial safety-net**

The sound governance of agencies comprising the safety-net strengthens the financial system's architecture and contributes directly to financial system stability. Governance generally refers to the processes, structures and information used for directing and overseeing the management of an organisation. Importantly, governance also pertains to the relationship between the organisation and the authority from which it receives its mandate or other authority to which it is ultimately held accountable. Sound governance is comprised of independence, accountability, transparency and disclosure, and integrity. Key elements for review are:

1. Each safety-net participant is operationally independent. The organisation(s) have the ability to use the powers and means assigned to them without undue influence from external parties. The deposit insurer and other safety-net participants should be aligned in their objectives in the financial safety net in order to achieve them without compromise.
2. In support of the deposit insurance system, the other safety-net participants should be provided with all powers necessary to fulfil their mandates.

### **Strong prudential regulation and supervision**

The strength of prudential regulation and supervision will have direct implications for the effectiveness of a deposit insurance system. Strong prudential regulation and supervision should allow only viable banks to operate and be members of the deposit insurance system. Banks should be well-capitalised and follow sound-and-prudent risk management, governance and other business practices. The supervisory authority should have an effective licensing or chartering regime for new banks, conduct regular and thorough examinations of individual banks and have a troubled bank resolution framework that includes early detection and timely intervention. Key element for review is:

The system of prudential regulation and supervision is in compliance with the Basel Core Principles for Effective Banking Supervision.

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<sup>5</sup> In situations where resource distribution and credit decisions are directed mainly by the state, the state is viewed as being responsible for the results of such operations. Deposits in such systems generally are perceived as having a full government guarantee.

## Well-developed legal framework

Deposit insurance systems cannot be effective if relevant laws do not exist or if the legal regime is characterised by inconsistencies. A well-developed legal framework should include a system of business laws, including: corporate, insolvency processes, contract, consumer protection, anti-corruption/fraud and private property laws. Furthermore, the legal framework must enable the deposit insurance system to compel member banks to comply with their obligations to the deposit insurer.<sup>6</sup> Key elements for review are:

1. The legal system is well-developed with clear property rights.
2. Laws are in place under which the banking system and the deposit insurer can operate.
3. A legal framework exists for handling a bank failure that includes a method for effective failure resolution in a timely manner. Policymakers have determined whether the failure resolution framework should be governed by bankruptcy/insolvency laws or by a special resolution regime.
4. Banking laws and regulations are updated as necessary to ensure that they remain effective and relevant to a changing industry.
5. Information exchange between the deposit insurance system participants and the supervisor is legally protected for all measures necessary in order to protect the deposits and to enable safety-net participants to intervene in case a bank is at risk.
6. Appropriate participants in the financial safety net are entitled to protect depositors through a number of options including transferring deposits from the troubled bank to a healthy bank.
7. The deposit insurance system participants, or other relevant authority, can take legal action against the management of a failing bank.

## Sound accounting and disclosure regime

Sound accounting and disclosure regimes are necessary for an effective deposit insurance system. Accurate, reliable and timely information provided by these regimes can be used by management, depositors, the marketplace, and authorities to make decisions regarding the risk profile of a bank, and thereby increase market, regulatory and supervisory discipline. A sound accounting and disclosure regime should include comprehensive and well-defined accounting principles and rules that command wide international acceptance. A system of independent audits is needed for companies of significant size, including banks, to ensure that users of financial statements have independent assurance that the accounts provide a true and fair view of the financial position of the company and are prepared according to established accounting principles, with auditors held accountable for their work. In cases where there are signs that a bank is at risk and the deposit insurer does not otherwise have access to information about that bank from another safety-net participant, the deposit insurer must be entitled to obtain/receive the necessary information in a timely manner. Key elements that assessors need to focus their review on are:

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<sup>6</sup> The term "bank" is used to denote financial institutions which accept insured deposits.

1. Accounting and disclosure regimes support the ability of the supervisor and deposit insurer to adequately evaluate the health of individual banks and the banking system as a whole.
2. Accounting and disclosure regimes support the accurate and timely identification of information on depositor accounts for the purposes of prompt reimbursements.
3. Accounting and disclosure regimes support the use of risk-adjusted differential premium systems if adopted by the deposit insurer.
4. The deposit insurer has the right to seek, or request the supervisor or other safety-net participant, to carry out or provide for an audit or inspection of a member bank in a timely manner if evidence shows that deposits may be at risk.

# Core Principles Methodology Assessment Criteria

## Setting objectives

### Principle 1 – Public policy objectives

The first step in adopting a deposit insurance system or reforming an existing system is to specify appropriate public policy objectives that it is expected to achieve. These objectives should be formally specified and well integrated into the design of the deposit insurance system. The principal objectives for deposit insurance systems are to contribute to the stability of the financial system and protect depositors.

#### *Essential criteria*

1. The public policy objectives of the deposit insurance system are clearly defined and formally specified, for example, through legislation or documents accompanying legislation.<sup>7</sup>
2. The public policy objectives of the deposit insurance system are publically disclosed.
3. There is a review of the extent to which a deposit insurance system is meeting its public policy objectives on a regular basis (eg between two to five years or on a more frequent basis as deemed necessary). This review takes into consideration the views of stakeholders.

### Principle 2 – Mitigating moral hazard

Moral hazard should be mitigated by ensuring that the deposit insurance system contains appropriate design features and through other elements of the financial system safety net (see Core Principles for Effective Deposit Insurance Systems “Preconditions” paragraph 16).

#### *Essential criteria*

1. The design of the deposit insurance system recognises the existence of moral hazard and mitigates it as much as possible in-line with public policy objectives. Specific design features that mitigate the risk of moral hazard may include: limited deposit insurance coverage and scope; where appropriate, deposit insurance premiums that are assessed on a differential or risk-adjusted basis; and, minimising the risk of loss through timely intervention and resolution by the deposit insurer or other participants in the safety net with such powers.
2. The financial safety net creates and supports appropriate incentives to mitigate moral hazard. These may include: the promotion of good corporate governance and

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<sup>7</sup> The public policy objectives of the deposit insurance system refer to the objectives or goals the system is expected to achieve. The mandate of the deposit insurer refers to the set of official instructions or statement of purpose describing its roles and responsibilities. There is no single mandate or set of mandates suitable for all deposit insurers. Existing deposit insurers have mandates ranging from narrow, so-called “paybox” systems to those with broader powers or responsibilities, such as preventive action and loss or risk-minimisation/management, with a variety of combinations in between.

sound risk management of individual banks, effective market discipline and frameworks for, and enforcement of, strong prudential regulation, supervision and laws and regulations (to be assessed through a review of “Preconditions”, see pages 8-9.).

## **Mandates and powers**

### **Principle 3 – Mandate**

It is critical that the mandate selected for a deposit insurer is clearly and formally specified and that there is consistency between the stated public policy objectives and the powers and responsibilities given to the deposit insurer.

#### ***Essential criteria***

1. The deposit insurer has a mandate that is clearly defined and formally specified, for example, through legislation or documents accompanying legislation. The mandate clarifies the role and responsibilities of the deposit insurer within the financial safety net.
2. The mandate is consistent with the stated public policy objectives and the powers, roles and responsibilities given to the deposit insurer.

### **Principle 4 – Powers**

A deposit insurer should have all powers necessary to fulfil its mandate and these should be formally specified. All deposit insurers require the power to finance reimbursements, enter into contracts, set internal operating budgets and procedures, and access timely and accurate information to ensure that they can meet their obligations to depositors promptly.

#### ***Essential criteria***

1. The powers (legal authority) of the deposit insurance system are clearly defined and formally specified in law or regulation (including approved self-regulation in the context of private or public deposit insurance systems).
2. The powers of the deposit insurer are aligned to its mandate and public policy objectives.
3. The deposit insurer has the following minimum powers:
  - (a) compel member banks to comply with their obligations to the deposit insurer, or request that the supervisor or another safety-net participant do so on behalf of the deposit insurer;
  - (b) have the legal authority and capability to reimburse depositors;
  - (c) enter into contracts (eg agreements/transactions to obtain goods and services/insurance);
  - (d) set internal operating budgets and internal policies and procedures (eg in areas such as human resources and information technology);

- (e) access timely and accurate information to promptly meet their obligations to depositors;
  - (f) share information with other safety-net participants;
  - (g) engage in information sharing and coordination agreements with deposit insurers in other jurisdictions (subject to confidentiality when required); and
  - (h) engage in contingency planning.
4. In support of the deposit insurance system, the other participants in the financial safety net are provided with all powers necessary to fulfill their mandates (see Preconditions).

## **Governance**

### **Principle 5 – Governance**

The deposit insurer should be operationally independent, transparent, accountable and insulated from undue political and industry influence.

#### ***Essential criteria***

1. The deposit insurer is able to use the powers and means assigned to it without undue influence from external parties. There is in practice no significant evidence of government or industry interference in the operational independence of the deposit insurer and its ability to obtain and deploy the resources needed to carry out its mandate.
2. The operational funding of the deposit insurer is provided in a manner that does not undermine its autonomy or independence and permits it to fulfill its mandate. Examples include:
  - (a) Salary scales that allow it to attract and retain qualified staff;
  - (b) The ability to hire outside experts to deal with special situations, subject to appropriate confidentiality restrictions;
  - (c) A training budget and programme that provides appropriate training opportunities for staff;
  - (d) A budget for computers and other equipment sufficient to equip its staff with tools needed to fulfil its mandate; and
  - (e) A travel budget that allows appropriate on-site work.
3. The governing statute, internal policies of the deposit insurer or other relevant laws or policies specify:
  - (a) the governing body and management are fit and proper persons and have the requisite knowledge or experience;
  - (b) members of the governing body (with the exception of ex-officio appointees) and the head of the deposit insurer are subject to limitations on their term of appointment; and

- (c) members of the governing body can be removed from office during their term only for reasons specified or defined in law or rules of professional conduct, and not without cause.
- 4. The members of the governing body (eg directors or officers) and management of the deposit insurer are held accountable to a higher authority, whether public or private, through a transparent framework for the discharge of the system's duties in relation to its objectives and mandate.
- 5. The deposit insurer operates in a transparent and responsible manner. It discloses and publishes on a regular basis appropriate information on its activities, governance practices, structure and financial results.
- 6. The deposit insurer is structured such that the potential for conflicts of interest for or between members of the governing body and management is minimised and that they are subjected to appropriate codes of conduct/ethics.
- 7. The deposit insurer takes into consideration the views of stakeholders.
- 8. Where decision making is delegated by the governing body of the deposit insurer to its employees, the governing body has appropriate procedures to oversee the exercise of delegation.
- 9. The deposit insurer is subjected to regular external audits with reports provided to the authority to which it is accountable.
- 10. The deposit insurer has a governing body approved strategic plan in place.<sup>8</sup>
- 11. Regular board meetings are held (eg on a quarterly basis or more frequently as deemed necessary).

#### ***Additional criterion***

- 1. The deposit insurer adheres to best practices in corporate governance, such as:
  - (a) Regular assessments of the extent to which the governing body is meeting its objectives are carried out. Systems and practices are in place to facilitate assessments of its effectiveness; and
  - (b) The governing body has a well-defined charter that outlines the specific powers reserved for the board and those delegated to management.

## **Relationships with other safety-net participants and cross-border issues**

### **Principle 6 – Relationships with other safety-net participants.**

A framework should be in place for the close coordination and information sharing, on a routine basis as well as in relation to particular banks, among the deposit insurer and other

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<sup>8</sup> The term "strategic plan" refers to a document which sets out an organisation's goals and how it plans to achieve them.



financial system safety-net participants. Such information should be accurate and timely (subject to confidentiality when required). Information-sharing and coordination arrangements should be formalised.

### ***Essential criteria***

1. A framework for timely information sharing and the coordination of actions among the deposit insurer and other safety-net participants, on a routine basis as well as in relation to particular banks, is explicit and formalised through legislation, regulation, memoranda of understanding, legal agreements or a combination of these instruments.
2. Planning and operations of safety-net participants, both individually and together, not only cover past and ongoing circumstances but also consider plausible future scenarios.
3. All deposit insurers are provided with information on a timely basis to be able to reimburse depositors' claims promptly including information on the amount of insured deposits held by individual depositors.
4. Rules regarding confidentiality of information apply to all safety-net participants and the exchange of information among them.
5. The safety-net participants make information on banks that are in financial difficulty or are expected to be in financial difficulty available to the deposit insurer in advance and, where confidentiality requirements prevent this, or where the information is not available from other safety-net participants, the deposit insurer has the power to collect information directly from such banks.

### ***Additional criterion***

1. A deposit insurer with a broader mandate, such as "loss-" or "risk-minimisation", has access to timely and accurate information so that it can assess the financial condition of individual banks, as well as the banking industry. These deposit insurers may also need access to information regarding the value of the bank's assets and the expected time frame for the liquidation process, given that the value of a bank's assets depends, in part, on the time necessary to liquidate them.

## **Principle 7 – Cross-border issues**

Provided confidentiality is ensured, all relevant information should be exchanged between deposit insurers in different jurisdictions and possibly between deposit insurers and other foreign safety-net participants when appropriate. In circumstances where more than one deposit insurer will be responsible for coverage, it is important to determine which deposit insurer or insurers will be responsible for the reimbursement process. The deposit insurance already provided by the home country system should be recognised in the determination of levies and premiums.

### ***Essential criteria***

1. Appropriate cross-border bilateral/multilateral agreements are in place in circumstances where, due to the presence of cross-border banking operations, coverage for deposits in foreign branches is provided by the deposit insurer in

another jurisdiction or by a combination of deposit insurers in different jurisdictions. For example, where the home country system provides coverage for the branches of its domestic bank, banks in the host countries and/or the host country system provides supplementary coverage for foreign bank branches.

- (a) The agreements involve appropriate home and host deposit insurers as well as other appropriate financial safety-net participants when appropriate, including in circumstances where one deposit insurer will be solely responsible for coverage.
  - (b) The agreements provide for ongoing close coordination and information sharing between home/host deposit insurers and possibly other safety-net participants, as well as in relation to particular banks when necessary.
  - (c) The agreements specify which deposit insurer or insurers will be responsible for reimbursement as well as premium assessment, cost sharing, and the deposit insurance public awareness issues raised by cross-border banking.
2. Depositors in the jurisdictions affected by cross-border banking arrangements are provided with clear and easily understandable information on the existence and identification of the deposit insurance system legally responsible for reimbursement and the limits and scope of coverage. Information on the deposit insurance system's source of funding and standard claims procedures and reimbursement options is also available to affected depositors (eg such as on the deposit insurer's website, through printed materials or similar means).

#### ***Additional criterion***

1. Where a deposit insurer perceives a real risk that it may be required to protect depositors in another jurisdiction, its contingency planning allows for cross-border arrangements or agreements. For example, it has an agreement with the deposit insurer in that jurisdiction to provide for insured depositor reimbursements.

## **Membership and coverage**

### **Principle 8 – Compulsory membership**

Membership in the deposit insurance system should be compulsory for all financial institutions accepting deposits from those deemed most in need of protection (eg retail and small business depositors) to avoid adverse selection.

#### ***Essential criteria***

1. Membership in a deposit insurance system is compulsory for all financial institutions accepting deposits from those deemed most in need of protection (eg retail or individual depositors and small business depositors).
2. Policymakers determine whether eligible banks will be given membership as a part of the licensing process or upon application to the deposit insurer.
3. Criteria for membership that detail the conditions, process and time frame for attaining membership are explicitly stated and transparent.

4. If the deposit insurer does not control membership (ie cannot refuse membership), the law or administrative procedures describe a clear time frame in which the deposit insurer is consulted about or informed in advance of “newly licensed” banks.
5. When deposit insurance membership is terminated by the deposit insurer, arrangements are in place that provide for coordination in withdrawing the bank’s operating license by the relevant authority. If relevant, an appropriate general notice is given to depositors (eg on the deposit insurer’s website) to inform them that any new deposits issued will not receive deposit protection.
6. All financial institutions accepting deposits are subject to strong prudential regulation and supervision and are financially viable when they become members of a deposit insurance system.<sup>9</sup>

## **Principle 9 – Coverage**

Polymakers should define clearly in law, prudential regulations or by-laws what is an insurable deposit. The level of coverage should be limited but credible and be capable of being quickly determined. It should cover adequately the large majority of depositors to meet the public policy objectives of the system and be internally consistent with other deposit insurance system design features.

### ***Essential criteria***

1. Insured deposits are clearly and publicly defined. This comprises the level and scope of coverage. If certain depositors are ineligible for deposit protection, the criteria are clearly defined.
2. The definition of “insured deposit” reflects the public policy objectives of protecting depositors and promoting public confidence and financial stability (eg protect small transaction accounts).
3. The level of coverage is limited but credible (eg the level of coverage is high enough to maintain confidence, but limited to maintain market discipline). The level of coverage is consistent with the deposit insurer’s public policy objectives.
4. Depositors have sufficient information readily available to determine the amount of coverage for their individual deposits.
5. The coverage limit applies equally to all banks in a deposit insurance system.
6. The deposit insurance system does not incorporate co-insurance, where depositors absorb some portion of the loss under the coverage limit in the event of bank failure.<sup>10</sup>

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<sup>9</sup> See discussion “Preconditions” pages 2, 6 and 8.

<sup>10</sup> Although the use of co-insurance can encourage depositors to monitor bank risk taking, it presents a number of serious problems. In order to provide effective market discipline it assumes that depositors will have access to the necessary financial information and that most retail/individual depositors can accurately assess risk. And, even when depositors are in a position to make such determinations, co-insurance provides strong incentives for depositors to run on a bank to avoid even a small loss of their funds.

7. Deposit insurance coverage is reviewed periodically to ensure that it can meet the public policy objectives of the deposit insurance system.

#### ***Additional criteria***

1. If set-off is utilised by a deposit insurance system, it is consistent with the prevailing legal framework.
2. In the event of a merger of separate banks that are members of the deposit insurance system, depositors of the merged banks enjoy separate coverage (up to the maximum coverage limit) for each of the banks for a limited but publicly stated period in which case the merging banks must be held responsible for notification of affected depositors, including the date at which time the separate coverage will expire.

### **Principle 10 – Transitioning from a blanket guarantee to a limited coverage deposit insurance system**

When a country decides to transition from a blanket guarantee to a limited coverage deposit insurance system, or to change a given blanket guarantee, the transition should be as rapid as a country's circumstances permit.<sup>11</sup> Blanket guarantees can have a number of adverse effects if retained too long, notably moral hazard. Policymakers should pay particular attention to public attitudes and expectations during the transition period.

#### ***Essential criteria***

1. A situational analysis of the economic environment as it affects the banking system is conducted before a country begins a transition from a blanket guarantee to limited coverage.
2. The situational analysis assesses structure and soundness of the banking system including an evaluation of the condition of banks' capital, liquidity, credit quality, risk management policies and practices, and the extent of any problems; and an evaluation of the number, type and characteristics of banks.
3. The situational analysis assesses the strength of prudential regulation and supervision, the effectiveness of the legal framework, and the soundness of the accounting and disclosure regimes.
4. The pace of the transition to limited coverage is consistent with the state of the banking industry, prudential regulation and supervision, legal framework and accounting and disclosure regimes.

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<sup>11</sup> A "blanket guarantee" is a declaration by authorities that in addition to the protection provided by limited coverage deposit insurance or other arrangements, certain deposits and perhaps other financial instruments will be protected. A wide range of factors need to be considered when introducing blanket guarantees, including decisions on the scope of the guarantee (eg the type of institutions, products and term maturities covered) and whether the banks utilising the guarantees will be required to contribute in some manner to the costs of providing the guarantees.

5. Policymakers are aware of the tradeoff between the length of time it takes for the transition to the limited coverage system and the degree of moral hazard in the system, and have planned the transition accordingly.
6. Policymakers are aware of and anticipate the reaction of the public to a reduction in coverage levels. Policymakers develop effective communication strategies to mitigate adverse public reaction to the transition.
7. Where there is a high level of capital mobility, and/or a regional integration policy, the decision to lower coverage levels (and/or scope) considers the effects of different countries' protection levels and related policies.
8. The new limited-coverage deposit insurance system has access to adequate funding during and after the transition. Policymakers consider the capacity of the banking system to fund a limited-coverage deposit insurance scheme. If the banking system is unable to fund the cost of the blanket guarantee, government funding may be needed.

## **Funding**

### **Principle 11 – Funding**

A deposit insurance system should have available all funding mechanisms necessary to ensure the prompt reimbursement of depositors' claims including a means of obtaining supplementary back-up funding for liquidity purposes when required. Primary responsibility for paying the cost of deposit insurance should be borne by banks since they and their clients directly benefit from having an effective deposit insurance system.

For deposit insurance systems (whether ex-ante, ex-post or hybrid) utilising risk-adjusted differential premium systems, the criteria used in the risk-adjusted differential premium system should be transparent to all participants. As well, all necessary resources should be in place to administer the risk-adjusted differential premium system appropriately.

### ***Essential criteria***

1. Funding arrangements for the deposit insurance system are provided on an ex-ante or an ex-post basis or some (hybrid) combination of these and are clearly defined and established in law or regulation.
2. Funding arrangements for the deposit insurance system ensure the prompt reimbursement of depositors' claims and include a pre-arranged and assured source(s) of back-up funding for liquidity purposes. Such sources may include a funding agreement with the central bank, a line of credit with the government treasury, or another type of public fund or market borrowing. If market borrowing is used by the deposit insurer it should not be the sole source of back-up funding. The deposit insurer should not be overly dependent on a line of credit from any single private source.
3. Primary responsibility for funding the deposit insurance system is borne by member banks and is enforceable by the deposit insurer.
4. If an ex-ante deposit insurance fund is established the size of the fund (eg the fund reserve ratio) is defined on the basis of clear, consistent and well-developed criteria

that aim at meeting the public policy objectives. If an ex-post funding arrangement is used the main source of funding is credible and readily available.

5. The deposit insurance fund has sound investment policies and procedures, internal controls and disclosure and reporting systems. These are approved by the deposit insurer's governing body and subjected to regular review by an independent party. Investment policies emphasise the need to ensure the preservation of fund capital and liquidity.
6. For deposit insurers that use risk-adjusted differential premium systems:
  - (a) the system for calculating premiums is transparent to all participants;
  - (b) the ratings and rankings resulting from the system pertaining to individual member banks are kept confidential; and
  - (c) policymakers ensure that the deposit insurer has the necessary authority, resources and information in place to carry out its responsibilities with regard to the operation of such systems.
7. In so far as the funds of the deposit insurer may be used by other members of the safety net for the purposes of depositor protection and/or bank resolution, those circumstances are clearly stated and public and known to member banks. The deposit insurer has adequate information to:
  - (a) understand the use of the funds;
  - (b) seek reimbursement for the estate of the failed bank or participate in recoveries from the bank;
  - (c) restrict the resolution or depositor reimbursement amount to the costs the deposit insurer would otherwise have incurred without such intervention or resolution.

## **Public awareness**

### **Principle 12 – Public awareness**

In order for a deposit insurance system to be effective it is essential that the public be informed on an ongoing basis about the benefits and limitations of the deposit insurance system.

#### ***Essential criteria***

1. The deposit insurer is responsible for promoting public awareness of the deposit insurance system and how the system works, including its benefits and limitations, on an on-going basis.
2. The objectives of the public awareness programme are clearly defined and consistent with the public policy objectives and mandate of the deposit insurance system.
3. The public awareness programme or activities convey information about the following:

- (a) which financial instruments are covered by deposit insurance and which are not (eg whether the system covers foreign deposits);
  - (b) which financial institutions offer insured deposits and how they can be identified;
  - (c) deposit insurance coverage limits and the potential for losses on deposits in excess of those limits; and
  - (d) the reimbursement process – how, when and where depositors may file claims and receive reimbursements in the event of a bank failure.
4. There is an effective contingency planning process for public awareness and communication that addresses plausible future scenarios and that involves the cooperation and coordination of other safety-net participants as appropriate.
  5. The deposit insurer works closely with member banks and other safety-net participants to ensure consistency in the information provided and to maximise awareness on an ongoing basis.
  6. The deposit insurer receives or conducts a regular evaluation of the effectiveness of its public awareness programme or activities.

#### ***Additional criterion***

1. The public awareness program is tailored to the needs of clearly defined target audience and utilises a variety of communication tools. The desired level of visibility and awareness among the target audiences is a primary factor in determining the budget for the public awareness programme.

## **Selected legal issues**

### **Principle 13 – Legal protection**

The deposit insurer and individuals working for the deposit insurer should be protected against lawsuits for their decisions and actions taken in “good faith” while discharging their mandates. However, individuals must be required to follow appropriate conflict-of-interest rules and codes of conduct to ensure they remain accountable. Legal protection should be defined in legislation and administrative procedures, and under appropriate circumstances, cover legal costs for those indemnified.

#### ***Essential criteria***

1. The deposit insurer and individuals working for the deposit insurer are protected against lawsuits for their decisions and actions taken in “good faith” while discharging their mandates.
2. Individuals are required to follow appropriate conflict-of-interest rules and codes of conduct to ensure they remain accountable.
3. Legal protection is defined in legislation and administrative procedures, and under appropriate circumstances, cover legal costs for those indemnified.

### ***Additional criterion***

1. Legal protections do not prevent depositors or other individual claimants, or member banks from making legitimate challenges to the acts or omissions of the deposit insurer in public or administrative review (eg civil action) procedures.

### **Principle 14 – Dealing with parties at fault in a bank failure**

A deposit insurer, or other relevant authority, should be provided with the power to seek legal redress against those parties at fault in a bank failure.

### ***Essential criteria***

1. The conduct of parties responsible for or who contributed to the failure of a bank (eg officers, directors, managers, auditors, asset appraisers and related parties of the failed bank) are subject to investigation by the deposit insurer or other relevant national authority. The investigation of the conduct of such parties may be carried out by one or more of the following: the deposit insurer, supervisor or regulatory authority, criminal or investigative authorities, or a professional or disciplinary body, as applicable.
2. If identified as culpable for the failure of a bank, such parties are subject to sanction and/or redress. Sanction or redress may include personal or professional disciplinary measures (including fines or penalties), criminal prosecution, and civil proceedings for damages

### **Failure resolution**

The deposit insurer may, but often does not, perform many or most of the roles identified in Core Principles 15 and 16. However, it is essential that one or more of the financial safety-net participants performs these roles.

### **Principle 15 – Early detection and timely intervention and resolution**

The deposit insurer should be part of a framework within the financial system safety net that provides for the early detection and timely intervention and resolution of troubled banks. The determination and recognition of when a bank is or is expected to be in serious financial difficulty should be made early and on the basis of well defined criteria by safety-net participants with the operational independence and power to act.

### ***Essential criteria***

1. The deposit insurer is part of a framework within the financial system safety net that provides for the early detection and timely intervention and resolution of troubled banks (failure resolution framework).
2. The failure resolution framework is established by law or regulation, and is effective at the early detection and timely intervention and resolution of troubled banks. The failure resolution framework is insulated against legal actions that aim at the reversal of early and timely decisions related to corrective procedures, interventions and resolutions of troubled banks.



3. The safety-net participants have the operational independence and power to perform their respective roles in the failure resolution framework and a clearly defined early intervention mechanism exists (including resolution tools) to ensure that appropriate action is taken (to allow the orderly resolution of a troubled bank) by the responsible party without delay.
4. The failure resolution framework includes a set of criteria that are used to identify banks that are or are expected to be in serious financial difficulty and are used as a basis to initiate some form of early intervention or corrective action to reduce the likelihood that a resolution would be necessary. Such action should minimise losses to the deposit insurance fund.
  - (a) The criteria are clearly defined in law or regulation and are well understood by banks and their stakeholders; and
  - (b) The criteria will be country specific and may reflect concerns about a bank's capital, liquidity, and asset quality, among other factors.

#### ***Additional criterion***

1. A mechanism exists to review decisions taken with respect to the early detection and timely intervention and resolution of troubled banks.

### **Principle 16 – Effective resolution processes**

Effective failure-resolution processes should: facilitate the ability of the deposit insurer to meet its obligations including reimbursement of depositors promptly and accurately and on an equitable basis; minimise resolution costs and disruption of markets; maximise recoveries on assets; and, reinforce discipline through legal actions in cases of negligence or other wrongdoings. In addition, the deposit insurer or other relevant financial system safety-net participant should have the authority to establish a flexible mechanism to help preserve critical banking functions by facilitating the acquisition by an appropriate body of the assets and the assumption of the liabilities of a failed bank (eg providing depositors with continuous access to their funds and maintaining clearing and settlement activities).

#### ***Essential criteria***

1. The overall national legal framework ensures the effective and timely functioning of the failure resolution framework, permitting the orderly liquidation of the bank, the payout or transfer of insured deposits and the intervention by a receiver to carry out the resolution functions.
2. The mandate of the deposit insurer or other safety-net participants allows for the effective resolution of banks of all sizes.
3. Bank resolution and depositor protection procedures are not limited to depositor reimbursement. The deposit insurer or other safety-net participant has effective resolution tools designed to help preserve critical bank functions, to achieve a transfer of accounts or assets/businesses and/or maintain continuity of banking services.
4. Where no single authority is responsible for all resolution processes, the mandate, roles and responsibilities of each safety-net participant is clearly defined and formally specified.

5. One or more of the resolution procedures allows the flexibility for resolution at a lesser cost than otherwise likely on a depositor reimbursement in a liquidation.
6. A clear and well-sustained methodology is available to the deposit insurer or other safety-net participant to provide for the transfer of insured deposits to stronger banks.
7. Resolution procedures clearly ensure that bank shareholders take first losses.

### **Principle 17 – Reimbursing depositors**

The deposit insurance system should give depositors prompt access to their insured funds. Therefore, the deposit insurer should be notified or informed sufficiently in advance of the conditions under which a reimbursement may be required and be provided with access to depositor information in advance. Depositors should have a legal right to reimbursement up to the coverage limit and should know when and under what conditions the deposit insurer will start the payment process, the time frame over which payments will take place, whether any advance or interim payments will be made as well as the applicable coverage limits.

#### ***Essential criteria***

1. The deposit insurer is able to reimburse depositors promptly after the deposit insurance system is triggered by law, contract or the relevant authority.<sup>12</sup>
2. The time frame for accomplishing the reimbursement process is prompt and clearly stated to meet the public policy objectives of protecting depositors and promoting public confidence and financial stability of the deposit insurance system . The time frame is made public.
  - (a) Depositors are provided information after the failure on when and under what conditions the deposit insurer will start the reimbursement process and when the process is expected to be completed;
  - (b) Information on coverage limits, scope of coverage and whether advance or interim payments will be made is provided; and
  - (c) If there is an interest-bearing account, the deposit insurer shall reimburse depositors for interest as provided by contract, law or regulation up until at least the date the deposit insurance obligation is triggered.
3. In order to promptly reimburse depositors, the deposit insurer has:
  - (a) Access to necessary data, including deposit account records, to prepare for reimbursing depositors as soon as the supervisor is aware of a likelihood of failure.
  - (b) The power to review in advance by itself (or by request from the supervisory authority) the way depositor records are kept by banks to ensure the reliability of records, to reduce the time needed for calculation and verification of depositors' claims;

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<sup>12</sup> A prompt reimbursement is defined to be when depositors are reimbursed within a time frame that does not undermine financial stability and the proper functioning of payment systems.

- (c) A range of payment methods for reimbursing depositors; and
  - (d) Access to adequate and credible sources of funding (eg reserve fund, Ministry of Finance, central bank) to meet its obligations under the established time frames.
- 4. The deposit insurer has the capacity to carry out the reimbursement process in a timely manner, including:
  - (a) Adequate information technology; and
  - (b) Adequate personnel (in-house or contractor).
- 5. In situations where there may be extended delays in reimbursements, the deposit insurer can make advance, interim or emergency partial payments.

#### ***Additional criteria***

- 1. The deposit insurer has contingency plans as well as regularly scheduled tests of its systems.
- 2. The reimbursement process is audited by an independent auditor or authority.

### **Principle 18 – Recoveries**

The deposit insurer should share in the proceeds of recoveries from the estate of the failed bank. The management of the assets of the failed bank and the recovery process (by the deposit insurer or other party carrying out this role) should be guided by commercial considerations and their economic merits.

#### ***Essential criteria***

- 1. If the deposit insurer plays a role in the recovery process, its role is clearly defined in law or regulation and the deposit insurer maximises recoveries to the extent that it can from the failed bank on a commercial or economic basis.
- 2. The deposit insurer shares in the proceeds of the recoveries arising from the failure of its member banks. The deposit insurer is clearly recognised as a creditor of the failed bank for the reimbursement of losses and costs it incurs; and receives recoveries from the estate of the failed bank directly.
- 3. The deposit insurer has at least the same or comparable creditor rights or status as a depositor in the conduct of the estate of the failed bank, and has access to information to make and pursue its recovery claim against the estate and to exercise the appropriate degree of influence on the conduct of the estate.
- 4. If, in addition to creditor status, the deposit insurer is the receiver/liquidator/conservator of the failed bank or of only some assets of the failed bank, then:
  - (a) the role played by the deposit insurer for asset management and recovery is clearly defined in law or regulation; and

- (b) its asset management and recovery approaches are guided by such factors as: the quality of the assets, market conditions, expert advice, and any legal requirements.<sup>13</sup>
- 5. In determining the asset management and recovery approaches, the interests of all creditors are given appropriate weight and decisions on asset disposal are made using concepts such as net present value to balance the competing goals of securing maximum value and early disposal.

***Additional criterion***

- 1. The deposit insurer is entitled or authorised to be a member of the committee of creditors to follow the liquidation process of the failed bank as it is usually subrogated to the rights of the insured depositors.

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<sup>13</sup> In some circumstances the deposit insurer may seek to pursue the parties responsible for fraud or misconduct even though costs may exceed recoveries.

# Annex 1

## Evaluation of compliance with Core Principles for Effective Deposit Insurance Systems

This Annex presents guidance and a format for the organisation and methodology of the assessment reports that draws on the format used in the Basel Committee's Core Principles Methodology (Banking Supervision).<sup>14</sup>

The assessment report should include the following:

- A general section that provides background information on the assessment conducted, including information on the organisation being assessed and the context in which the assessment is being conducted.
- A section on the information and methodology used for the assessment.
- Overview of the institutional and macroeconomic setting and market structure.
- Review of the preconditions for effective deposit insurance systems.
- A detailed Principle-by-Principle assessment, providing a description of the system with regard to a particular Principle, a grading or "assessment," and a "comments" section (Table 1).
- A compliance table, summarising the assessment results (Table 2).
- A recommended action plan providing Principle-by-Principle recommendations for actions and measures to improve the deposit insurance system and practices (Table 3).

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<sup>14</sup> That format was recommended by the IMF and the World Bank for use by assessors in the context of Financial Sector Assessment Program (FSAP) or Offshore Financial Center Program (OFC) missions. In order to maintain comparability and consistency, this format was also recommended for standalone assessments or self-assessments by a country. See Core Principles Methodology (Banking Supervision) Annex.

## Assessment and Summary Tables

<b>Table 1</b> <b>Core Principles for Effective Deposit Insurance Systems</b> <b>Assessment Summary Table</b>	
<b>Core Principle 1:</b> (repeat verbatim text of Core Principle 1)	
Description	
Assessment	C, LC, MNC, NC, NA <sup>15</sup>
Comments	
<b>Core Principle 2:</b> (repeat verbatim text of Core Principle 2)	
Description	
Assessment	C, LC, MNC, NC, NA
Comments	
Repeating for all 18 Core Principles	

<b>Table 2</b> <b>Summary Compliance with the BCBS-IADI Core Principles for Effective</b> <b>Deposit Insurance Systems</b> <b>Detailed Assessments</b>
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Core Principle	Grade	Comments
Reference Core Principle 1	C, LC, MNC, NC, NA	
Repeat for all Core Principles	C, LC, MNC, NC, NA	

<sup>15</sup> Compliant (C), Largely Compliant (LC), Materially Non-Compliant (MNC), Non-Compliant (NC), Not Applicable (NA)

<b>Table 3</b> <b>Recommended Action Plan to Improve Compliance with the BCBS-IADI Core Principles for Effective Deposit Insurance Systems</b>	
<b>Reference Principle</b>	<b>Recommended Action</b>
Core Principle a	Description of deficiency Suggested course of action
Core Principle b	Description of deficiency Suggested course of action
Etc.	Etc.

## Annex 2

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## **Annex 3**

### **Recommended assessment process for review of the preconditions for effective deposit insurance systems**

This section should provide an overview of the preconditions for effective deposit insurance, as described in the Basel/IAI Core Principles document. These preconditions include:

- an ongoing assessment of the economy and banking system;
- sound governance of agencies comprising the financial system safety net;
- strong prudential regulation and supervision; and
- a well-developed legal framework and accounting and disclosure regime.

Assessors should pay close attention to the adequacy of preconditions. This section requires a succinct and well structured factual review of preconditions, as experience has shown that insufficient implementation of the preconditions can have a direct effect on the deposit insurer's ability to fulfil its mandate. It is important that the reader of the assessment report is able to properly interpret the grading of the individual Principles in light of the way in which the preconditions are met. The review of the preconditions should strictly follow the headings indicated above, and provide the necessary factual information to give a clear view to the reader of the assessment of the Core Principles. The assessment of compliance with individual Principles could flag the Principles which are likely to be primarily affected by preconditions considered to be weak, after factoring in specific country circumstances, mandate and structures of the deposit insurance system. However, standards assessors should not undertake to assess preconditions themselves. The review normally should take up no more than one or two paragraphs for each type of precondition.

#### **Ongoing assessment of the economy and banking system**

In particular with regard to the presence of an ongoing assessment of the economy and banking system, the review of the preconditions should be descriptive, including the frequency with which policy makers conduct an analysis of the macroeconomic environment in the country (including current monetary and fiscal policy, and the soundness of the banking system), and should not express an opinion on the adequacy of policies in these areas, other than through reference to the analysis and recommendations in existing IMF and World Bank documents, such as Article IV, FSAs, FSSAs and other Bank and Fund program-related reports.

Also with regard to other components of the preconditions, the reviewers should rely to the greatest extent possible on official Fund and Bank documents and seek to ensure that the description and possible recommendations are consistent with other Fund and Bank positions on these issues.

When relevant, the assessors should attempt to include in their analysis the linkages between these factors and the ability of the deposit insurance system to achieve its objectives.

## **Sound governance of agencies comprising the financial system safety-net**

A review of sound governance of agencies comprising the financial safety-net should focus on elements relevant to the deposit insurance system and, where appropriate, rely on the assessment made on other safety-net participants by other specialists on the mission and the Fund/Bank country teams. This part of the review of the preconditions should be combined with an analysis of: (i) coordination; (ii) formal arrangements (ie MOUs) to ensure timely information sharing and cooperation; (iii) alignment of mandates with the institutional settings and public-policy objectives; and (iv) consistency of integrity and transparency policies of safety-net participants.

## **Review of prudential regulation and supervision**

An overview assessment of the strength or robustness of the prudential regulation and bank supervision (fundamentally relying on assessment reports prepared by the IMF/WB missions and peer group exercises) should focus on issues that could have direct implication for the effectiveness of the deposit insurance. The overview assessment should also cover the following elements: an analysis of the functions of the key entities involved such as the Central Bank, supervisory authority and the deposit insurer. Any duplicative or overlapping functions should be noted as well as any apparent gaps in the responsibilities. This should be followed by a review of the existence of a well-defined and documented process for dealing with the situation of a failing/failed financial institution.

## **Assessment of the legal framework and accounting and disclosure regime**

On the basis of Reports on the Observance of Standards and Codes (ROSCs), FSSAs, FSAs and other reports by the IMF/WB or other international institutions, the assessor would form an opinion on the existence of proper legal framework by focusing on issues such as rules on corporate governance; protection of shareholders' rights; availability of market and consumer information; consumer protection laws; privacy and disclosure laws; professional liability laws to enable legal actions against bank directors and managers; indemnification laws to protect supervisory/regulatory staff; legal framework for mergers, takeovers and acquisition of equity interests; laws governing foreign entry into the market; bankruptcy laws; contract laws; general property rights; mechanisms for fair dispute resolution; and disclosure of government ownership and influence in financial institutions.

Relying on the sources discussed above the review of the existing accounting and disclosure regime could include: presence of reliable and well trained accounting and auditing professions; financial sector regulations; efficient payment, clearing and settlement systems; transparency and public disclosures of financial statements; and adherence to generally accepted accounting and auditing standards.

## Annex 4

### **Role of deposit insurance system in crisis preparedness and a systemic crisis**

This section describes certain activities generally outside the deposit insurance system's purview. It also deals with the desired coordination between the deposit insurance system and other safety-net participants during a systemic crisis.

The objectives of deposit insurance systems are relatively simple; consisting of protecting depositors and contributing to financial stability. In normal times, an adequately funded deposit insurance system should be able to promptly reimburse a large number of insured depositors for a reasonable quantity of small bank failures, thus helping to preserve confidence in the rest of the banking system.

However, a deposit insurance system has a number of limitations during systemic crises. Most deposit insurance systems lack the mandate and powers to deal with a systemic crisis.<sup>16</sup> As with virtually all insurance endeavours, a deposit insurance system, by design, can absorb only a few losses among its insured pool. During systemic crises, when a large segment, or even all, of the banking sector is at risk of failure, a deposit insurance system lacks the resources to address the problem on its own. Unless other safety-net participants provide resources for crisis resolution, the deposit insurance system's key objective of promoting confidence to market participants will be undermined.

Various countries are taking steps to ensure adequate preparedness to deal with systemic crises, primarily by adopting contingency planning for crisis preparedness. This is evaluated in FSAPs under the Financial Safety Nets section, along with lender-of-last-resort (LOLR) facilities, the legal and regulatory framework for effective problem bank resolution, and the role of the deposit insurance system. In brief, crisis preparedness is usually led by the Ministry of Finance or equivalent and includes the other safety net members (MOF should lead since the other safety-net participants are usually politically independent).

While positive, the adoption of crisis management arrangements is in some cases introducing areas of potential conflict between the deposit insurance system and the crisis management committee. For instance, in some cases the deposit insurance system funds are included as part of the funds available to deal with a systemic crisis. By law, most deposit insurance system funds are dedicated to reimburse insured depositors in case of bank failure, unless its use was already permitted by law, or was closely connected to the protection of depositors (such that costs did not exceed what the deposit insurer might otherwise have been called on to meet). If a government were to decide to use deposit insurance system funds for other uses, such as to recapitalise a bank, such use should only be at the government's direction and carry a government guarantee that the deposit insurance system will be repaid.

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<sup>16</sup> For example, a deposit insurer provided with a wide mandate may have the power to resolve a bank, but be limited by a "least-cost" test; while the need for speed and/or systemic stability may preclude implementing the "least-cost" test.

Furthermore, the deposit insurer as a safety-net participant is sometimes not represented in crisis management during a systemic crisis. Generally, a crisis management committee will develop a coordinated communications strategy. This is an area where the crisis management committee could benefit from the deposit insurer's experience in designing a message to promote confidence during normal times. Advance preparation of public communications is critical during a "normal" bank closing (eg Where/when will deposits be repaid? Must I continue making loan payments?); and it is even more critical to prepare in advance the most positive messages to respond to a crisis (eg Is my deposit safe?). A deposit insurer's experience in promoting public confidence via effective public awareness campaigns can usefully contribute to the crisis management committee's coordinated communication program; however, the deposit insurer should not unilaterally decide to handle communications during a crisis.<sup>17</sup>

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<sup>17</sup> Some deposit insurers, with wider mandates and accompanying powers, have played additional roles in a systemic crisis such as through the administration of blanket guarantees.

## 存款保險叢書一覽

編號	書名	作者	出版日期	售價(元)
1	各國存款保險制度之比較研究	樓偉亮等 三人	79.9	250
2	我國現行法規對處理問題金融機構時效性之研究	樓偉亮等 六人	81.6	150
3	金融機構報表稽核之研究	黃阿彩等 四人	81.6	150
4	金融自由化與金融秩序之維持	陳俊堅	81.6	150
5	問題金融機構之監督與管理	孫致中等 四人	81.6	200
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14	日本金融機關之存款保險制度、相互援助制度	陳俊堅	82.5	100
15	美國全國信用合作社管理局、聯邦住宅貸款銀行理事會之存款保險制度	蘇財源	82.5	100
16	日本之金融監理制度與金融檢查	周鴻明	82.5	100
17	信用合作社經營管理新理念之研究	林輝雄等 六人	83.5	150
18	美國金融業風險性資產管理之研究	趙美蘭	83.5	50
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37	中央存款保險公司十周年回顧及展望紀念專輯	中央存款 保險公司	85.5	150



38	金融自由化所衍生之銀行監理問題探討：美、日經驗對我國之啓示	曾國烈等 十人	85.5	100
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41	加拿大金融業風險性資產管理	蘇財源	85.5	50
42	中央存款保險公司出國考察報告彙編（一）	呂東英等 三人	85.5	50
43	建立金融機構預警系統之研究	陳聯一等 九人	85.5	250
44	中央存款保險公司出國考察報告彙編（二）	林莉蕙等 三人	86.6	100
45	日本金融機構合併改制及相互援助制度	陳俊堅	86.6	100
46	我國存款保險制度實施以風險為基準之差別費率可行性研究	楊泉源等 四人	86.6	250
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49	金融機構安全與健全經營標準之研究（上）（下）	樓偉亮等 五人	86.6	500
50	國際清算銀行金融監理規章暨歐盟存款保證制度及金融監理研習報告	楊泉源	86.6	50

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52	中央存款保險公司出國考察報告彙編（三）	林維義等三人	87.6	100
53	落實問題農、漁會信用部輔導與監督之研究（上）（下）	蘇財源	87.6	500
54	配合強制投保強化我國存款保險制度功能之研究（上）（下）	徐梁心漪等四人	87.6	500
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