



Dennis Kunschke

Partner

dennis.kunschke@dlapiper.com

Frankfurt

T: +49 69 271 33 191

F: +49 69 271 33 100

M: +49 172 73 19 584

German English

Dennis Kunschke (International Co-Lead Financial Services Regulatory) has vast experience in financial supervisory law. His particular focus is on banking supervisory and investment law/asset management. He also covers the FinTech / Crypto sector, the Eurozone law of monetary policy and central banks as well as payment services law.

The banking supervisory advice encompasses product structuring and classification under the CRR II, BRRD II, SRMR II, strategic financial group planning as well as the establishment, acquisition and restructuring of credit institutions and investment firms. In the field of investment law and asset management, besides transaction structuring, there is a strong focus on fundamental industry issues and structural planning (e.g. platform solutions) as well as the prudential classification of investments by insurance undertakings and pension funds (Solvency II, German Investment Ordinance - AnIV).

Dennis Kunschke jointly leads the Fund and Market Regulation Committee of the German Alternative Investments Association (BAI). In addition, he is lecturer for the "Digital Legal Officer" course at the University of Liechtenstein and represents DLA Piper in the German asset management association Bundesverband Investment und Asset Management e.V. (BVI), in working groups of the digital industry body Global Digital Finance (GDF), as well as in the International Token Standardization Association (ITSA). He occasionally lectures at the George Washington University.

LANGUAGES SPOKEN

- German
- English

- Advising several UK and international retail and wholesale banking and asset management groups on the business impacts of Brexit and EEA access options, including the licensing procedures for several new German-based subsidiaries
- Regularly advising regulated institutions on licensing, internal governance and compliance issues including review of the entire structural set-up of business operations as well as SREP assistance for large German institutions

- Advising on the classification of investment structures under the AIFMD and re-structuring to fall outside the collective investment regime
- Advising a vast number of asset managers (Kapitalverwaltungsgesellschaften) on fundamental regulatory questions and fund structuring all asset classes including loan funds and alternative real estate re-packagings
- Advising E-Money and mobile / alternative payment solutions companies on innovative business models using new structures under PSD II
- Various clients on prospective ICOs and structuring of FinTech business models

The above list includes matters completed whilst Dennis was in his previous employ.

CREDENTIALS

Prior Experience

Before Dennis joined DLA Piper, he worked for another international law firm based in Frankfurt am Main as Counsel from 2013 until 2018. Prior to that, he was a desk officer at the German Federal Financial Supervisory Authority (BaFin) and also worked in the monetary policy department of the European Central Bank.

Education

- Higher Regional Court of Schleswig-Holstein, Second State Examination, 2007
- University of Hamburg, First State Examination, 2004
- University of Edinburgh, 2002

INSIGHTS

Publications

Germany Introduces New Investment Fund Category of Development Promotion Funds

10 August 2021

In order to strengthen Germany as a fund location the German legislator has enacted the Fund Location Act (Fondsstandortgesetz – FoStoG) which, for the most part, came into force on 2 August 2021.

EBA launches public consultation on draft regulatory technical standards (RTS) to identify shadow banking entities for the purposes of reporting large exposures

9 August 2021

On 26 July 2021, the European Banking Authority (EBA) launched a public consultation on regulatory technical standards (RTS) to set out several criteria to identify shadow banking entities for the purposes of reporting large exposures^[1]. The consultation runs until 26 October 2021.

[Read more](#)

ECB and Eurosystem launch the digital euro project

22 July 2021

On 14 July, the European Central Bank (ECB) announced that the Governing Council of the ECB has decided to launch the investigation

phase of a digital euro project. The President of the Eurogroup expressed his full support for the project.

[Read more](#)

ECB to take over supervision of systemic investment firms

8 July 2021

On 25 June 2021, the European Central Bank (ECB) communicated that it will take over supervision of systemic investment firms under the new EU legislation, which applies as of 26 June 2021.

German financial regulator BaFin issues principles on big data and artificial intelligence

22 June 2021

The German Federal Financial Supervisory Authority has issued a guidance paper on supervisory principles for the use of big data and artificial intelligence (BDAI) in decision-making processes by financial institutions.

Introduction of Electronic Fund Shares in Germany

4 February 2021

Introduction of Electronic Fund Shares in Germany on 16 December 2020

Investigations in the financial sector

26 November 2020

DLA Piper is your reliable partner when dealing with regulatory and enforcement risks. We see ourselves as a strategic advisor who can help you navigate even the most challenging situations you face in connection with increasing supervision and investigations by prudential supervisors such as the Federal Financial Supervisory Authority (BaFin) ..

The EU stimulus package

17 August 2020

Implementation of next generation EU & reinforcement of multiannual financial framework 2021-2027 in reaction to the COVID-19-pandemic and its economic and social impacts.

Dennis regularly acts as publisher and author of academic standard reference works in the field of financial supervisory law.

Selected Publications:

- Kunschke D. / Kestler A. (2021), Section 240 German Investment Code (financing of real estate companies), author in: Beckmann/Scholtz/Vollmer, Investment, loose-leaf service, Erich Schmidt publishing
- Kunschke D. / Kestler A. (2021), Section 252 German Investment Code (use of proceeds), author in: Beckmann/Scholtz/Vollmer,

Investment, loose-leaf service, Erich Schmidt publishing

- Kunschke D. (2021), Section 260 a et. seqq. German Investment Code (Infrastructure Funds), author in: Beckmann/Scholtz/Vollmer, Investment, loose-leaf service, Erich Schmidt publishing
- Kunschke D. / Bachmann E. (2019), Section 1 German Investment Code (definitions), author in: Beckmann/Scholtz/Vollmer, Investment, loose-leaf service, Erich Schmidt publishing
- Kunschke D. / Bachmann E. (2019), Section 30 German Investment Code (liquidity management), author in: Beckmann/Scholtz/Vollmer, Investment, loose-leaf service, Erich Schmidt publishing
- Kunschke D. / Bachmann E. (2019), Section 31 German Investment Code (prime broker), author in: Beckmann/Scholtz/Vollmer, Investment, loose-leaf service, Erich Schmidt publishing
- Kunschke / Herring (2019), "Hedgefonds als Assetklasse" in: Frankfurter Kommentar zum Kapitalanlagerecht: Band 3: Recht der Assetklassen, p. 427 et seq.
- Kunschke D. / Bachmann E. (2019), Section 168 German Investment Code (valuation), author in: Beckmann/Scholtz/Vollmer, Investment, loose-leaf service, Erich Schmidt publishing
- Kunschke D. / Bachmann E. (2018), Legal handbook on the German Capital Investment Code, Assmann/Wallach/Zetzsche, (Dr. Otto Schmidt Publishing), Commenting the depositary regime for AIFs and UCITS
- Kunschke, D. / Pfeffler, R. (2019), "Current Issues Relating to Digitalisation of Financial Institutions and Markets from a Regulatory Perspective", in: Journal of International Banking Law and Regulation Volume 34 Issue 1, p. 23 et seq.
- Kunschke D. / Schoder F. (2018), Legal Analyses "New German Regulatory Requirements for IT in Financial Institutions Issued by German Regulator BaFin" in: Journal of International Banking Law and Regulation Volume 33 Issue 11, p. 423 et seq.
- Henkelmann S. / Kunschke D. (2018), "Finanzmarktregulierung in Zeiten des Umbruchs"; in: Die Bank 8/2018, pages 12 et seq.
- Kunschke D. / Henkelmann S. (2018), Chapter "Germany" in: Blockchain & Cryptocurrency Regulation 2019, 1st ed. 2018, Global Legal Insights
- Kunschke D. / Bachmann E. (2018), Section 165 German Investment Code (minimum content of prospectus), author in: Beckmann/Scholtz/Vollmer, Investment, loose-leaf service, Erich Schmidt publishing
- Kunschke D. (2018), Section 164 German Investment Code (issuance of prospectus and key investor information), author in: Beckmann/Scholtz/Vollmer, Investment, loose-leaf service, Erich Schmidt publishing
- Holman D. / Stettner B. / Kunschke D (et al.) (2018), Co-Author: Contribution of German crypto aspects to „The International Comparative Legal Guide to Anti-Money Laundering“ – Chapter "Anti-Money Laundering Regulation of Cryptocurrency: U.S. and Global Approaches", ICLG
- Bachmann E. / Kunschke D. (2018), Section 162 German Investment Code (terms of investment) as well as Kunschke D., Sections 299 and 300 German Investment Code (transparency requirements for AIFs), author in: Beckmann/Scholtz/Vollmer, Investment, loose-leaf service, Erich Schmidt publishing
- Kunschke D. (2018), Sections 297 and 298 German Investment Code (distribution material and information obligations as well as on-going information requirements related to UCITS), author in: Beckmann/Scholtz/Vollmer, Investment, loose-leaf service, Erich Schmidt publishing
- Co-Publisher of Kunschke/Schaffelhuber, FinTech - Grundlagen - Regulierung - Finanzierung - Case Studies, Erich Schmidt publishing (2018)
- Herring F. / Kunschke D. / Bachmann E. (2018), „Lizenzleihe und Robo-Advice“, author in Kunschke/Schaffelhuber, FinTech, Erich Schmidt publishing, p. 93 et seq.
- Kunschke D. (2017), Chapter "Germany" in: The International Capital Markets Review, 7th ed. 2017, Law Business Research Ltd.

Events

Previous

Frankfurt Financial Regulatory Update

29 April 2021

Webinar

International Financial Services Regulation: What will be big in 2021?

28 October 2020
Webinar

COVID-19 and financial services – a European perspective

27 March 2020

NEWS

DLA Piper advises EQT Ventures on funding round in online platform Timeless

8 December 2021

DLA Piper has advised EQT Ventures on its investment in Berlin-based online platform Timeless, which enables the sale and trade of fractional luxury goods and memorabilia, on a EUR12 million funding round alongside Porsche Ventures, C3 EOS VC (FinLab EOS VC Fund), and La Roca Capital.

DLA Piper advises Heliad Equity Partners on participation in EUR20m financing round of MODIFI

20 September 2021

DLA Piper has advised Heliad Equity Partners GmbH & Co. KGaA as lead investor on its participation in MODIFI's EUR20 million Series B financing round. Heliad Equity Partners is investing a single-digit million amount as part of the financing round. Other investors who participated significantly in the round include Neva, the venture capital arm of Italy's banking group Intesa San Paolo, and existing investors including Global Founders Capital, Maersk Growth and Picus Capital.

DLA Piper advises DIC Asset AG on acquisition of two major properties in Munich for about EUR635 million

10 June 2021

DLA Piper has advised DIC Asset AG, one of Germany's leading listed property companies, on the acquisition of two office properties within the framework of an off-market deal. The acquisition includes the "Uptown Munich" high-rise, a 37-storey office building with a lettable area of around 52,300 sqm, and the fully occupied multi-tenant office property "Campus C" with a lettable area of around 9,200 sqm.

DLA Piper advises PROJECT Immobilien on the sale of the new office and commercial building MACHWERK74

10 March 2021

DLA Piper has advised PROJECT Immobilien Gewerbe AG on the sale of the new office and commercial building "MACHWERK74" in Berlin.

DLA Piper advises lenders on the refinancing of the Warnow Tunnel in Germany

26 February 2021

DLA Piper has advised the lenders on the EUR115 million refinancing of the Warnow Tunnel in Rostock (Germany), also known as the Warnow River Crossing (Warnowquerung).
