



FMA Regulation on the Incoming Platform

(FMA-Incoming-Plattformverordnung - FMA-IPV)

Full title

Regulation of the Financial Market Authority (FMA) on Electronic Submission (FMA Regulation on the Incoming Platform – FMA-IPV; FMA-Incoming-Plattformverordnung)

Original version: Federal Law Gazette II No. 184/2010.

Amendments:

Federal Law Gazette II Nos. 274/2011, 384/2012, 319/2013, 238/2015, 52/2017, 391/2017, 219/2018, 334/2018.

Preamble/Promulgation clause

Based on:

1. Article 28 para. 3 of the Savings Banks Act (SpG; Sparkassengesetz), published in Federal Law Gazette No. 64/1979, last amended by Federal Act in Federal Law Gazette I No. 107/2017;
2. Article 153 para. 1 of the Investment Fund Act 2011 (InvFG 2011, Investmentfondsgesetz 2011), published in Federal Law Gazette I No. 77/2011, last amended by Federal Act in Federal Law Gazette I No. 67/2018;
3. Article 94 para. 11 of the Payment Services Act 2018 (ZaDiG 2018; Zahlungsdienstegesetz 2018), published in Federal Law Gazette I No. 17/2018, last amended by Federal Act in Federal Law Gazette I No. 37/2018;
4. Article 26 para. 12 of the Electronic Money Act 2010 (EGeldG, E-Geldgesetz 2010), published in Federal Law Gazette I No. 107/2010, last amended by the federal act in Federal Law Gazette I No. 37/2018;
5. Article 36a of the Pensionskassen Act (PKG; Pensionskassengesetz), published in Federal Law Gazette No. 281/1990, last amended by the federal act in Federal Law Gazette I No. 68/2015;
6. Article 91 of the Securities Supervision Act 2018 (WAG 2018; Wertpapieraufsichtsgesetz 2018), published in Federal Law Gazette I No. 107/2017, last amended by Federal Act in Federal Law Gazette I No. 37/2018;
7. Article 22 para. 9 and Article 58 of the Alternative Investment Fund Manager Act (AIFMG; Alternative Investmentfonds Manager-Gesetz), published in Federal Law Gazette I No. 135/2013, last amended by Federal Act in Federal Law Gazette I No. 67/2018;
8. Article 73a of the Banking Act (BWG; Bankwesengesetz), published in Federal Law Gazette No. 532/1993, last amended by Federal Act in Federal Law Gazette I No. 37/2018;
9. Article 116 para. 3 and Article 269 of the Insurance Supervision Act 2016 (VAG 2016; Versicherungsaufsichtsgesetz 2016), published in Federal Law Gazette I No. 34/2015, last amended by Federal Act in Federal Law Gazette I No. 51/2018;
10. Article 22 para. 5a of the Financial Market Authority Act (FMABG; Finanzmarktaufsichtsbehördengesetz) published in Federal Law Gazette I No. 97/2001, last amended by Federal Act in Federal Law Gazette I No. 37/2018;
11. Article 34a of the Deposit Guarantee Scheme and Investor Compensation Act (ESAEG; Einlagensicherungs- und Anlegerentschädigungsgesetz) published in Federal Law Gazette I 117/2015 last amended by Federal Act in Federal Law Gazette I No.37/2018;

the following shall be determined by regulation:



Text

Submission exclusively by electronic means

Article 1. (1) Any notification, communication, information, apprising of and submission pursuant to the following provisions shall be made or provided electronically by way of the FMA's Incoming Platform:

1. Article 9 para. 5, Article 10 paras. 2, 5 and 6, Article 20 para. 3, Article 25 para. 5, Article 28a para. 4, Article 44 para. 1 first sentence and para. 4, Article 63 para. 1, Article 70a para. 5, Article 73 para. 1 nos. 1 to 17, Article 73 paras. 2 to 5 BWG, as well as Article 2 para. 2 of the Regulation on the Protection of Money Held in Trust (Mündelsicherheitsverordnung), published in Federal Law Gazette No. 650/1993 in the version of the Regulation amended in Federal Law Gazette II No. 219/2003;
- 1a. Article 143(4), Article 312(1) and (3), Article 363(3), Article 366(5) and Article 396(1) of Regulation (EU) No 575/2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 646/2012, OJ L 176, 27.06.2013, p. 1;
2. Article 2 para. 1, Article 5 paras. 1 and 7, Article 12 para. 5, Article 13 para. 4, Article 16 para. 10, Article 18 para. 1, Article 22 para. 4, Article 26 para. 2, Article 27a paras. 3 and 6, Article 39 para. 2 SpG, as well as Article 11 of the Annex to Article 24 of the Audit Code for Savings Banks (Prüfungsordnung für Sparkassen), published in Federal Law Gazette No. 64/1979 in the version amended by Federal Act in Federal Law Gazette I No. 107/2017;
3. Article 151 nos. 1 to 12, Article 152 of the Investment Fund Act 2011 (InvFG 2011; Investmentfondsgesetz 2011), published in Federal Law Gazette I No. 77/2011, in the version amended by Federal Act in Federal Law Gazette I No. 67/2017;
4. *(repealed – Amendment in Federal Law Gazette II No. 219/2018)*
5. Article 13 para. 4, Article 14 para. 1, Article 21 para. 3, Article 22 para. 1 and Article 25 para. 7, Article 28 para. 1 and Article 86 para. 1 of the Payment Services Act 2018 (ZaDiG 2018; Zahlungsdienstegesetz 2018), published in Federal Law Gazette I No. 17/2018 in the version of the Federal Act published in Federal Law Gazette I No. 37/2018;
6. Article 6 para. 3, Article 7, Article 10 of the Electronic Money Act 2010 (E-GeldG; E-Geldgesetz) in the version amended by Federal Act in Federal Law Gazette I No. 118/2016; in conjunction with Article 28 para. 1 ZaDiG 2018, Article 15 E-GeldG in conjunction with Article 21 para. 3 and Article 22 para. 1 ZaDiG 2018 and Article 14 para. 7 E-GeldG;
7. Article 6a paras. 1 and 2, Article 7 para. 7, Article 11f para. 3, Article 11h para. 4, Article 12 para. 5, Article 12a para. 1 no. 6, Article 21e para. 5, Article 22a para. 4, Article 26 para. 1, Article 30a paras. 1 and 1a, Article 31 para. 2, Article 33b paras. 1 and 2 as well as Article 36 paras. 1 and 2 of the Pensionskassen Act (PKG; Pensionskassengesetz), published in Federal Law Gazette No. 281/1990, in the version amended by Federal Act in Federal Law Gazette I No. 81/2018;
8. Article 7 of the Securities Supervision Act 2018 (WAG 2018; Wertpapieraufsichtsgesetz 2018), published in Federal Law Gazette I No. 107/2017 as amended by Federal Act in Federal Law Gazette I No. 37/2018, in conjunction with Article 73 para. 1 nos. 1 to 8 and 11 BWG, Article 12 para. 8, Article 14 para. 4 no. 1, Article 18 paras. 1 and 3 to 5, Article 20 paras. 1, 6 and 7, Article 44, Article 71 para. 2 and Article 72 para. 2 WAG 2018;
9. Article 1 para. 5 nos. 4, 5 and 5a, Article 8 para. 1, Article 18 para. 1 no. 1, Article 22 paras. 1 to 5 and 7, Article 25 para. 1, Article 29 para. 2, Article 30 paras. 2 and 6, Article 32 paras. 2, 3 and 6, Article 38 paras. 2, 6 and 7 and Article 48 para. 6 of the Alternative Investment Fund Managers Act (AIFMG; Alternative Investmentfonds Manager-Gesetz), published in Federal Law Gazette I No. 135/2013, last amended by Federal Act in Federal Law Gazette I No. 67/2018;
10. Article 12 para. 1 and Article 21 para. 1 of the Bank Recovery and Resolution Act (BaSAG; Bundesgesetz über die Sanierung und Abwicklung von Banken), as published in Federal Law Gazette I No. 98/2014, in the version amended by Federal Act in Federal Law Gazette I No. 37/2018;
11. Article 11 para. 2, Article 21 para. 1, Article 23 paras. 1 and 5, Article 24 paras. 1 and 2, Article 63 para. 5, Article 65 para. 3, Article 66 para. 3 no. 4, Article 79 para. 3, Article 85 para. 2, Article 86 paras. 1, 4 and 5, Article 87 para. 4, Article 92 paras. 1, 2 and 5, Article 100 para. 4,



Article 102 para. 1, Article 109 paras. 2 and 4, Article 115 paras. 2 and 4, Article 116 para. 3, Article 122 paras. 1 and 3, Article 123 paras. 3 and 4, Article 127 para. 1 to 3, Article 176 para. 1, Article 185 para. 2, Article 193 para. 3, Article 194 paras. 2 and 3, Article 196 para. 3, Article 202 para. 4, Article 203 paras. 2 and 3, Article 220 para. 1, Article 221 paras. 1 and 3, Article 224 para. 2, Article 225 para. 1 in conjunction with Article 122 paras. 1 and 3, Article 225 para. 2, Article 248 paras. 2 to 6, Article 250 paras. 1 and 2, Article 260 para. 1, Article 265 para. 1, Article 272 para. 2, Article 273 para. 4, Article 278 para. 1, Article 279 para. 1, Article 280 paras. 1 and 3, Article 300 para. 3, Article 305 para. 1 no. 3 and para. 6, Article 306 para. 1 and Article 309 para. 1 of the Insurance Supervision Act 2016 (VAG 2016; Versicherungsaufsichtsgesetz 2016) published in Federal Law Gazette I No. 34/2015 in the version amended by Federal Act in Federal Law Gazette I No. 51/2018;

12. Article 300 (2), Article 312, Article 368 and Article 373 of Commission Delegated Regulation (EU) No 35/2015 supplementing Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), OJ L 12, 17.01.2015, p.1;

13. Article 22 para. 5 of the Financial Market Authority Act (FMABG; Finanzmarktaufsichtsbehördengesetz) published in Federal Law Gazette I No. 97/2001 in the version amended by Federal Act in Federal Law Gazette I No. 37/2018;

14. Article 2 para. 6 first sentence, Article 31 para. 6 and Article 34 nos. 1 to 13 of the Deposit Guarantee Schemes and Investor Compensation Act (ESAEG; Einlagensicherungs- und Anlegerentschädigungsgesetz), published in Federal Law Gazette I No. 117/2015, in the version amended by Federal Act in Federal Law Gazette I No. 37/2018.

(2) The obligation to make an electronic submission through the FMA's Incoming Platform pursuant to para. 1 shall not exist, if

1. a submission is to be made pursuant to Article 21 para. 1 BaSAG by means of another notification channel on the basis of a Regulation issued by the FMA; or
2. a notification obligation is to be fulfilled pursuant to Article 24 paras. 1 and 2 VAG 2016, which neither involves an undertaking pursuant to Article 1 para. 1 VAG 2016 incorporated in Austria, nor a credit institution pursuant to Article 1 para. 1 BWG, nor a Pensionskasse pursuant to Article 1 para. 1 PKG, nor an investment firm pursuant to Article 1 no. 1 WAG 2018 incorporated in Austria or an investment services provider pursuant to Article 4 WAG 2018, nor an AIFM pursuant to Article 2 para. 1 no. 2 AIFMG; or
3. a notification obligation is to be fulfilled pursuant to Article 6a paras. 1 and 2 PKG, which does not involve any of the legal entities listed in no. 2.

Incoming Platform

Article 2. The Incoming Platform is a web-based application by the FMA and the OeNB, which can be accessed via the OeNB's and FMA's websites and which, to the extent specified by law, serves the purpose of simultaneous transmission of data, reports and documents to both institutions exclusively by electronic means. A multi-level source code audit completed as part of the certification procedure ensures its high level of security.

Entry into force

Article 3. (1) This Regulation shall enter into force on 1 July 2010.

(2) Article 1 nos. 3, 5 and 6 as amended by Federal Law Gazette II No. 274/2011 shall enter into force on 1 September 2011.

(3) Article 1 no. 7 and Article 2 first sentence as amended by Federal Law Gazette II No. 384/2012 shall enter into force on 1 January 2013. Article 1 no. 8 as amended by Federal Law Gazette II No. 384/2012 shall enter into force on 1 July 2013.

(4) Article 1 nos. 1, 1a, 7, 8 and 9 as amended by Federal Law Gazette II No. 319/2013 shall enter into force on 1 January 2014.

(5) Article 1 para. 1 no. 10 and para. 2 no. 1 as amended by Federal Law Gazette II No. 238/2015 shall enter into force on 1 September 2015. Article 1 para. 1 no. 11 and para. 2 nos. 2 and 3 as amended by Federal Law Gazette II No. 238/2015 shall enter into force on 1 January 2016.



(6) Article 1 para. 1 nos. 1 to 13 and para. 2 as amended by Federal Law Gazette II No. 52/2017 shall enter into force on 1 April 2017.

(7) Article 1 para. 1 nos. 1, 8, 13 and 14 and para. 2 no. 2 in the version of the Regulation amended in Federal Law Gazette II No. 391/2017 shall enter into force on 3 January 2018.

(8) Article 1 para. 1 nos. 2 and 3, 5 to 11, 13 and 14 in the version of the Regulation amended in Federal Law Gazette II No. 219/2018 shall enter into force on 1 September 2018. Article 1 para. 1 no. 4 shall expire at the end of 31 August 2018.

(9) Article 1 para. 1 no. 7 in the version of the Regulation amended in Federal Law Gazette II No. 334/2018 shall enter into force on 1 January 2019.