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Part 1

Transposition of Directive 2013/36/EU

	Transposition of provisions of Directive 2013/36/EU	Provisions of Directive 2013/36/EU	Links to national text ⁽¹⁾	Reference(s) to national provisions ⁽²⁾	Available in EN (Y/N)
010	Date of the last update of information in this template		19.09.2023		
020	I. Subject matter, scope and definitions	Articles 1 to 3	Austrian Banking Act (BWG)	Articles 1 to 3 BWG	Y
030	II. Competent authorities	Articles 4 to 7	BWG	Articles 9 to 19, 30 BWG	Y
040	III. Requirements for access to the activity of credit institutions	Articles 8 to 27			
050	1. General requirements for access to the activity of credit institutions	Articles 8 to 21	BWG	Articles 1, 4 to 8, 70 BWG	Y
060	2. Qualifying holding in a credit institution	Articles 22 to 27	BWG	Articles 20, 20a, 20b, 21 BWG	Y
070	IV. Initial capital of investment firms	Articles 28 to 32	Securities Supervision Act 2018 (WAG)	Articles 3 and 4 WAG	Y
080	V. Provisions concerning the freedom of establishment and the freedom to provide services	Articles 33 to 46			
090	1. General principles	Articles 33 to 34	BWG	Articles 9 et seq. BWG	Y
100	2. The right of establishment of credit institutions	Articles 35 to 38	BWG	Articles 9 to 19 BWG	Y
110	3. Exercise of the freedom to provide services	Article 39	BWG	Articles 9, 10, 13a, 14 BWG	Y
120	4. Powers of the competent authorities of the host Member State	Articles 40 to 46	BWG	Articles 9, 11, 13, 15, 18 BWG	Y
130	VI. Relations with third countries	Articles 47 to 48	BWG	Articles 8, 77 et seq. BWG	Y
140	VII. Prudential supervision	Articles 49 to 142			
150	1. Principles of prudential supervision	Articles 49 to 72			
160	1.1 Competence and duties of home and host Member States	Articles 49 to 52	BWG	Articles 9 to 19 BWG	Y
170	1.2 Exchange of information and professional secrecy	Articles 53 to 62	BWG: https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10004827 B-VG (only in German): https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000138	Articles 38, 77 et seq. BWG, Article 20 Federal Constitution Law (B-VG)	BWG: Y B-VG: N
180	1.3 Duty of persons responsible for the legal control of annual and consolidated accounts	Article 63	BWG	Article 63 BWG	Y
190	1.4 Supervisory powers, powers to impose penalties and right of appeal	Articles 64 to 72	BWG	Articles 5, 6, 20, 70, 96 et seq. BWG	Y
200	2. Review processes	Articles 73 to 110			
210	2.1 Internal capital adequacy assessment process	Article 73	BWG	Article 39a BWG	Y
220	2.2 Arrangements, processes and mechanisms of institutions	Articles 74 to 96	BWG	Articles 39, 39a, 39b, 39c BWG	Y
230	2.3 Supervisory review and evaluation process	Articles 97 to 101	BWG	Articles 69, 70 BWG	Y
240	2.4 Supervisory measures and powers	Articles 102 to 107	BWG	Articles 70 BWG	Y
250	2.5 Level of application	Articles 108 to 110	BWG	Article 39a BWG	Y
260	3. Supervision on a consolidated basis	Articles 111 to 127			
270	3.1 Principles for conducting supervision on a consolidated basis	Articles 111 to 118	BWG	Articles 7b, 18, 30, 30d, 77, 77b, 77c BWG	Y
280	3.2 Financial holding companies, mixed financial holding companies and mixed-activity holding companies	Articles 119 to 127	BWG	Articles 7b, 30d, 69 BWG	Y
290	4. Capital buffers	Articles 128 to 142			
300	4.1 Buffers	Articles 128 to 134	BWG	Articles 22 et seq. BWG	Y
310	4.2 Setting and calculating countercyclical capital buffers	Articles 135 to 140	BWG	Article 23a, 23b BWG	Y
320	4.3 Capital conservation measures	Articles 141 to 142	BWG	Articles 24, 24a, 24c BWG	Y
330	VIII. Disclosure by competent authorities	Articles 143 to 144	BWG	Article 69b BWG	Y
340	IX. Amendments of Directive 2002/87/EC	Article 150	N/A	N/A	N/A
350	X. Transitional and final provisions	Articles 151 to 165			

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360	1. Transitional provisions on the supervision of institutions exercising the freedom of establishment and the freedom to provide services	Articles 151 to 159	BWG	Articles 9 et seq., 70, 77, 103q BWG	Y
370	2. Transitional provisions for capital buffers	Article 160	BWG	Article 103q BWG	Y
380	3. Final provisions	Articles 161 to 165	BWG	N/A	N/A

(1) Hyperlink(s) to the website containing the national text transposing the Union provision in question.

(2) Detailed references to the national provisions, such as relevant Title, Chapter, paragraph etc.