

FREEDOM TO PROVIDE SERVICES WITHIN THE EEA

Notification of the applicable provisions under Austrian law when exercising the freedom to provide services

CRR credit institutions from EEA member states providing services in Austria under the freedom to provide services must comply with the following provisions of Austrian law (including Article 9 (8) of the Austrian Banking Act (BWG)):

Austrian Banking Act (BWG; Bankwesengesetz) ¹	
Articles 31 to 32	Savings Deposits
Article 33	Special Provisions for Mortgage and Immovable Property Credit Agreements
Articles 34 to 37	Consumer Protection Provisions
Article 37a	Deposit Guarantee
Article 38	Banking Secrecy
Articles 39, 39a, 39e	Due Diligence and Reporting Obligations
Articles 66 to 68	Provisions regarding Cover Reserves pursuant to Article 216 ABGB

¹ Please refer to the text of the relevant legal provisions in their current version on the Federal Legal Information System (<https://www.ris.bka.gv.at/>). Courtesy translations in English can be found on the FMA website at <https://www.fma.gv.at/en/national/>.

Article 93 (1)	Information sharing for deposit guarantee and investor compensation purposes
Article 94	Protection of Designations
Article 95 (3) and (4)	Savings Associations and Employee Savings Plans

Depending on their business activities, credit institutions from member states must comply with the other federal laws and EU regulations² listed in Article 69 of the Austrian Banking Act (BWG), as well as the following provisions:

Payment Services Act 2018 (ZaDiG 2018; Zahlungsdiensteegesetz 2018)	
Articles 5 to 6	Access to payment infrastructure
Articles 32 to 87	Transparency of contract terms, information obligations for payment services; rights and obligations in the provision of payment services

Furthermore, all regulations and decisions issued pursuant to the aforementioned provisions must be complied with.

² Article 69 (1) of the Austrian Banking Act lists the following federal laws or EU regulations: the Savings Banks Act (SpG; Sparkassengesetz), the Building Societies Act (BSpG; Bausparkassengesetz), the Regulation to the Mortgage Bank and Mortgage Bond Act (Einführungsverordnung zum Hypothekenbank- und zum Pfandbriefgesetz), the Mortgage Bank Act (HypBG; Hypothekenbankgesetz), the Mortgage Bond Act (PfandbriefG; Pfandbriefgesetz), the Act on Funded Bank Bonds (FBSchVG; Bankschuldverschreibungsgesetz), the Investment Fund Act 2011 (InvFG 2011; Investmentfondsgesetz), the Securities Deposit Act (DepotG; Depotgesetz), the Act on Severance and Retirement Funds for Salaried Employees and Self-Employed Persons (BMSVG; Betriebliches Mitarbeiter- und Selbständigenvorsorgegesetz), the Real Estate Investment Fund Act (ImmoInvFG; Immobilien-Investmentfondsgesetz), the Financial Conglomerates Act (FKG; Finanzkonglomeratengesetz), the Deposit Guarantee and Investor Compensation Act (ESAEG; Einlagensicherungs- und Anlegerentschädigungsgesetz), Regulation (EU) No 575/2013, Title IV of Regulation (EU) No 909/2014, the Act on the Enforcement of Central Securities Depositories (ZvVG; Zentralverwahrer-Vollzugsgesetz), Federal Law Gazette No 69/2015, Regulation (EU) 2017/2402 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation, and amending Directives 2009/65/EC, 2009/138/EC and 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012, OJ L 347, 28.12.2017, p. 35, the STS Securitisation Enforcement Act (STS-VVG; STS-Verbriefungsvollzugsgesetz) published in Federal Law Gazette I No. 76/2018, the Pfandbriefe Act (PfandBG; Pfandbriefgesetz) published in Federal Law Gazette I No. 199/2021, as well as the technical standards relevant to banking supervision under Articles 10 to 15 of Regulation (EU) No 1093/2010 and Articles 10 to 15 of Regulation (EU) No 1095/2010.