



Regulation of the Financial Market Authority (FMA) on Reporting by Deposit Guarantee Schemes (SiEi-MV; Sicherungseinrichtungen-Meldeverordnung)

Deposit Guarantee Schemes Reporting Regulation

Consolidated version - Federal Law Gazette II No. 144/2024

Based on Article 33 para. 2 of the Deposit Guarantee Schemes and Investor Compensation Act (ESAEG, Einlagensicherungs- und Anlegerentschädigungsgesetz) as published in Federal Law Gazette I No. 117/2015 last amended by Federal Act in Federal Law Gazette I No. 237/2022, the following shall be ordered by means of a Regulation:

TEXT

FORM OF REPORTS

Article 1. Deposit guarantee schemes shall list the details required pursuant to Article 33 para. 1 ESAEG in accordance with the **Annex** (see annexes).

QUALIFICATION OF AVAILABLE FINANCIAL MEANS

Article 1a. (1) For the purposes of the Regulation 'qualified available financial means' are cash, deposits and low-risk assets of a deposit guarantee scheme which can be liquidated within a period not exceeding that referred to in Article 13 para. 1 ESAEG and payment commitments up to the upper limit set out in Article 21 para. 3 ESAEG. Where these conditions are not fulfilled, for the purpose of this Regulation they are then considered other available financial means.

(2) For the purpose of this Regulation, approaches for the qualification of available financial means following the treatment of recoveries shall be:

1. Approach A, and
2. Approach B.

(3) Under Approach A:

1. incoming recoveries are to be allocated to other available financial means, if at that point in time the other available financial means are lower than the outstanding liabilities, until the other available financial means are equal to the outstanding liabilities,
2. incoming recoveries are to be allocated to qualified available financial means, if at that point of time the other available financial means are equal to or greater than the outstanding liabilities, and
3. at any other time reallocate other available financial means that are greater than the outstanding liabilities, to the qualified available financial means.

(4) Under Approach B:

1. the borrowing ratio used in when the deposit guarantee scheme intervened, which is the ratio of the total liability incurred by that deposit guarantee scheme for the purpose of that intervention by the deposit guarantee scheme, divided by the total amount of funds used in that intervention by the deposit guarantee scheme,
2. the aggregate figure of recoveries received from the insolvency in question since the outset of the intervention by the deposit guarantee scheme, and
3. the aggregate figure of repayments made of the related liability since the outset of the intervention by the deposit guarantee scheme

should be recorded. The 'intervention-specific other available financial means' with regard to that deposit guarantee scheme intervention shall be determined by multiplying aggregate amount of recoveries pursuant to no. 2 by the most up-to-date borrowing ratio pursuant to no. 1 and then to subtract the aggregate repayments pursuant to no. 3. Where the result is negative, a value of zero

shall be applied. Then, the other available financial means of the deposit guarantee scheme shall be set as an amount, that is equal to the total of ‘intervention-specific other available financial means’ for every deposit guarantee scheme intervention.

TECHNICAL REPORTING PROVISIONS

Article 2. (1) Unless stated otherwise, amounts shall be stated that are accurate to the cent.

(2) Positions held in foreign currencies shall be converted into euro using the euro reference rate of the European Central Bank (ECB) for the reporting date. Where no ECB euro reference rate is available for a currency, then the mean rates of exchange for the reporting date shall apply.

(3) The reports shall be made in standardised form by means of electronic transmission within the timeframe stated in Article 33 para. 1 ESAEG to the *Oesterreichische Nationalbank*. This transmission must meet certain minimum requirements to be defined by the FMA after consultation with the *Oesterreichische Nationalbank*.

ENTRY INTO FORCE

Article 3. (1) This regulation enters into force on 31 December 2015 and shall first apply to reports with a reporting date of 31 December 2015.

(2) Article 2 paras. 1 and 3 as well as the **Annex** in the version published in Federal Law Gazette II No. 257/2016 shall enter effect on the day following publication and shall first apply to reports with a reporting date of 31 December 2016.

(3) Article 1a including heading and the **Annex** in the version of the Regulation amended by the Regulation published in Federal Law Gazette II No. 359/2022 shall enter into force on 01 October 2022 and shall first apply to reports with a reporting date of 31 December 2022.

(4) The **Annex** in the version of the Regulation amended by the Regulation published in Federal Law Gazette II 144/2024 shall first apply to reports with a reporting date of 31 December 2024.