



Regulation of the Financial Market Authority (FMA) on the Annex to the Audit Report (AP-VO)

Regulation on the Annex to the Audit Report (AP-VO)

Original Version: Federal Law Gazette II No. 305/2005

Amended by (Federal Law Gazette II unless stated otherwise): 269/2007; 310/2008; 336/2009; 183/2010; 298/2010; 344/2011; 239/2014; 343/2015; 95/2017; 196/2018; 306/2019; 413/2021; 380/2022; 143/2026

Based on Article 63 para. 5 of the Banking Act (BWG; *Bankwesengesetz*) as published in Federal Law Gazette No. 532/1993, last amended by Federal Act in Federal Law Gazette I No. 59/2005, the following shall be determined by Regulation:

TEXT

Note for the following provision

Para. 1 shall first apply for financial years which end after 30 December 2014 (cf. Article 5 para. 11).

Article 1. The outcome of the audit pursuant to Article 63 paras. 4, 4a and 6 BWG shall be presented in an Annex to the Audit Report on the Annual Financial Statement or in an Annex to the Audit Report pursuant to Article 63 para. 7 BWG in accordance with the format prescribed in the Annex to this Regulation, and its correctness shall be confirmed by means of the auditor's signature. In addition to the obligation for submission to the FMA pursuant to Article 44 para. 1 BWG submission shall occur in a standardised format by means of electronic data transmission to the *Oesterreichische Nationalbank*. It shall be submitted to the FMA as determined by the FMA Incoming Platform Regulation (FMA-IPV).

Article 2. (*repealed*)

Note for the following provision

Shall first apply to financial years which end after 30 December 2014 (cf. Article 5 para. 11).

FORMAT

Article 3. (1) The findings shall be presented in the Annex, regardless of whether the shortcomings or breaches of provisions have been remedied prior to the conclusion of the audit, in each instance citing the relevant legal reference in the specially marked fields. This shall also apply to the listing of significant details, provided that they can be attributed to a relevant legal provision.

(2) Where audit modules contained in the Annex do not apply to a credit institution, a branch of a credit institution pursuant to Article 9 para. 1 BWG or a CRR financial institution pursuant to Article 11 para. 1 BWG or Article 13 Abs. 1 BWG by virtue of exemptions from the legal provisions listed in the Annex or as a result of a lack of transactions, this circumstance shall be reflected in the audit module in questions as being "not applicable" ("*nicht anwendbar*"), or there being "no transactions" ("*keine Geschäftsfälle*") or a comparable remark, and duly explained.

DEADLINE FOR SUBMISSION

Article 4. The Annex to the Audit Report of the Annual Financial Statement pursuant to Article 63 para. 5 BWG or the Annex to the Audit Report pursuant to Article 63 para. 7 BWG shall be submitted to the FMA and the *Oesterreichische Nationalbank* as the outcome of the audit pursuant to Article 63 para. 6 BWG within the deadlines stipulated in Article 44 paras. 1 and 4 BWG.

ENTRY INTO FORCE

Article 5. (1) This regulation shall enter into force on 29 September 2005 and shall apply for the first time for financial years that begin after 29 September 2005.

(2) Where the financial year also includes months prior to November 2007, then Part I Item 9 of the Annex in the version of the Regulation published in Federal Law Gazette II No. 305/2005 shall continue to apply for the months prior to November 2007. In that case

1. Part I Item 9.1. in the version of the Regulation published in Federal Law Gazette II no. 305/2005 shall be answered together with Part I Item 9.1.,
2. Part I Item 9.2. in the version of the Regulation published in Federal Law Gazette II no. 305/2005 shall be answered together with Part I Item 9.2.,
3. Part I Item 9.3. in the version of the Regulation published in Federal Law Gazette II no. 305/2005 shall be answered together with Part I Item 9.3.,
4. Part I Item 9.4. in the version of the Regulation published in Federal Law Gazette II no. 305/2005 shall be answered together with Part I Item 9.4.,
5. Part I Item 9.5. in the version of the Regulation published in Federal Law Gazette II no. 305/2005 shall be answered together with Part I Item 9.5.,
6. Part I Item 9.6. in the version of the Regulation published in Federal Law Gazette II no. 305/2005 shall be answered together with Part I Item 9.6.,
7. Part I Item 9.7. in the version of the Regulation published in Federal Law Gazette II no. 305/2005 shall be answered together with Part I Item 9.7. and 8. Part I Item 9.8. in the version of the Regulation published in Federal Law Gazette II no. 305/2005 shall be answered together with Part I Item 9.8.

(3) Para. 2 shall not apply to branches of investment firms; If a financial year of a branch of an investment firm also includes months prior to November 2007, then an audit report for that financial year shall only be submitted for the months prior to November 2007. Article 2, Article 4 and the Annex shall apply in the version published in Federal Law Gazette II no. 305/2005.

(4) Article 2 and Article 4 last sentence shall be repealed on 31 October 2007.

(5) The Annex with the exception of Part I Item 9 of the Annex and Article 1 in the version of the Regulation as published in Federal Law Gazette II No. 269/2007 shall enter into force on 30 December 2007 and shall first apply to financial years ending after 30 December 2007. Part I Item 9 of the Annex and Article 5 in the version of the Regulation as amended in Federal Law Gazette II No. 269/2007 shall enter into force on 1 November 2007 and shall first apply to financial years ending after 31 October 2007.

(6) The Annex in the version of the Regulation as published in Federal Law Gazette II No. 310/2008 shall enter into force on 30 December 2008 and shall first apply to financial years ending after 30 December 2008.

(7) The Annex in the version of the Regulation as published in Federal Law Gazette II No. 336/2009 shall enter into force on 30 December 2009 and shall first apply to financial years ending after 30 December 2009.

- (8) The final sentence of Article 1 shall enter into force on 1 July 2010 and shall apply for the first time for financial years that end after 30 June 2010. The cover sheet of the Annex shall apply for the first time for financial years that end after 30 December 2010.
- (9) Article 3 and the Annex in the version of the Regulation as published in Federal Law Gazette II No 298/2010 shall first apply to financial years that end after 30 December 2010.
- (10) The Annex in the version of the Regulation as published in Federal Law Gazette II No 344/2011 shall first apply to financial years that end after 30 December 2011.
- (11) Article 1 para. 1, Article 3 and the Annex in the version of the Regulation as published in Federal Law Gazette II No 239/2014 shall first apply to financial years that end after 30 December 2014.
- (12) The Annex in the version of the Regulation as published in Federal Law Gazette II No 343/2015 shall first apply to financial years that end after 30 December 2015.
- (13) The Annex in the version of the Regulation as published in Federal Law Gazette II No 95/2017 shall first apply to financial years that end after 30 December 2017.
- (14) The Annex in the version of the Regulation as published in Federal Law Gazette II No 196/2018 shall first apply to financial years that end after 30 December 2018.
- (15) The Annex in the version of the Regulation as published in Federal Law Gazette II No 306/2019 shall first apply to financial years that end after 30 December 2019.
- (16) The Annex in the version of the Regulation as published in Federal Law Gazette II No 413/2021 shall first apply to financial years that end after 30 December 2021.
- (17) The Annex in the version of the Regulation as published in Federal Law Gazette II No 380/2022 shall first apply to financial years that end after 30 December 2022.
- (18) The Annex in the version of the Regulation as published in Federal Law Gazette II No 143/2026 shall first apply to financial years that end after 30 December 2026.

REPEAL

Article 6. The Regulation of the Federal Minister of Finance on the prudential report, published in Federal Law Gazette no. 119/1994, most recently amended by Federal Law Gazette II No. 410/2004, shall be repealed on 30 September 2005; it shall, however, continue to apply to financial years that end prior to 30 September 2005.

ANNEX PURSUANT TO ART. 63 PARAS. 5 AND 7 BWG CONCERNING THE AUDIT REPORT (AZP; ANLAGE ZUM PRÜFUNGSBERICHT)

Note for the following provision

Shall first apply to financial years which end after 30 December 2026 (cf. Article 5 para. 18).

As the bank auditor(s) of (company name of the credit institution) I (we) hereby submit the following Annex to the Audit Report for the financial year of the credit institution/the branch of a credit institution pursuant to Article 9 BWG/the branch of a CRR financial institution pursuant to Article 11 para. 1 BWG/pursuant to Article 13 para. 13 BWG for the financial year from xx.xx.xxxx until xx.xx.xxxx as well as the annual financial statement for this financial year/information pursuant to Article 44 para. 4 BWG of xx.xx.xxxx.

Signature:

(Date)

(Bank Auditor(s))

PART I

Name, telephone number and e-mail address of the official in charge:

Duration of audit process (in person days):

Brief summary of the overall situation of the credit institution (in particular in relation to the development of business, risk situation, earnings situation, assets situation and refinancing situation):

(For findings, a legal reference must be supplied in any case)

1. Consolidation and Derogations		
<i>Audit activities carried out by the bank auditor:</i>		
<i>Result of the audit by the bank auditor in connection with consolidation regulations pursuant to Article 30 BWG in conjunction with Article 18 of Regulation (EU) No 575/2013, OJ L 176, 27.06.2013, p. 1, and Article 30a BWG including with supervisory obligations in this regard:</i>		
<i>Findings:</i>		Legal Reference
1.1.		
<i>Result of the audit by the bank auditor in connection with regulations covering exemptions pursuant to Article 30b and 30c BWG including with supervisory obligations in this regard:</i>		
<i>Findings:</i>		Legal Reference
1.2.		

2. Requirements for central institutions in institutional protection schemes		
<i>Audit activities carried out by the bank auditor:</i>		
<i>Result of the audit of the bank auditor in connection with the consolidated balance sheet or the extended aggregated calculation pursuant to point a sub-point iv of Article 49 (3) of Regulation (EU) No 575/2013 for institutional protection schemes, which apply Article 49 (3) of Regulation (EU) No 575/2013:</i>		
<i>Findings:</i>		Legal Reference
2.1.		
<i>Result of the audit of the bank auditor in connection with the report pursuant to point e of Article 113 (7) of Regulation (EU) No 575/2013:</i>		
<i>Findings:</i>		Legal Reference
2.2.		

3. Own funds requirements	
<i>Audit activities carried out by the bank auditor:</i>	
<i>Result of the audit of the bank auditor in connection with the regulations on large exposures pursuant to Article 92 of Regulation (EU) No 575/2013:</i>	
<i>Findings:</i>	Legal Reference
3.1.	

4. Large exposures	
<i>Audit activities carried out by the bank auditor:</i>	
<i>Result of the audit of the bank auditor in connection with the regulations on large exposures pursuant to Article 395 in conjunction with Article 4(1) point 39 of Regulation (EU) No 575/2013:</i>	
<i>Findings:</i>	Legal Reference
4.1.	

5. Liquidity	
<i>Audit activities carried out by the bank auditor:</i>	
<i>Result of the audit of the bank auditor in connection with the liquidity requirements pursuant to Articles 412 and 413 of Regulation (EU) No 575/2013:</i>	
<i>Findings:</i>	Legal Reference
5.1.	
<i>Result of the audit by the bank auditor in connection with regulations about the liquidity association pursuant to Article 27a BWG:</i>	

<i>Findings:</i>		Legal Reference
5.2.		

6. Due Diligence Obligations		
<i>Audit activities carried out by the bank auditor:</i>		
<i>Result of the audit by the bank auditor in connection with the due diligence obligations pursuant to Article 39 BWG, including the rules set out in the Regulation pursuant to Article 39 para. 4 BWG:</i>		
<i>Findings:</i>		Legal Reference
6.1.		

7. Due Diligence Obligations for the Combatting of Money Laundering and of Terrorist Financing		
<i>Audit activities carried out by the bank auditor:</i>		
<i>Result of the audit by the bank auditor in connection with the due diligence obligations for combatting money laundering and terrorist financing pursuant to Articles 4 to 17, Article 19 para. 2, Articles 20 to 24, Article 29 and Article 40 para. 1 of the Financial Markets Anti-Money Laundering Act (FM-GwG), published in Federal Law Gazette as well as pursuant to Article 41 BWG:</i>		
<i>Findings:</i>		Legal Reference
7.1.		
<i>Number of suspicious activity reports:</i>		
7.2.		

7a. Outsourcing		
<i>Audit activities carried out by the bank auditor:</i>		

<i>Result of the audit by the bank auditor in connection with the requirements for outsourcings pursuant to Article 25 BWG in conjunction with the Annex to Article 25 BWG:</i>	
<i>Findings:</i>	Legal Reference
7a.1.	

8. Internal Capital Adequacy	
<i>Audit activities carried out by the bank auditor:</i>	
<i>Result of the audit by the bank auditor in connection with the Internal Capital Adequacy Assessment Process pursuant to Article 39a BWG:</i>	
<i>Findings:</i>	Legal Reference
8.1.	

9. Internal Audit	
<i>Audit activities carried out by the bank auditor:</i>	
<i>Result of the audit by the bank auditor in connection with internal audit rules pursuant to Article 42 BWG:</i>	
<i>Findings:</i>	Legal Reference
9.1.	

10. Holdings outside the Financial Sector	
<i>Audit activities carried out by the bank auditor:</i>	
<i>Result of the audit by the bank auditor in connection with the risk weighting of qualifying holdings from outside the financial sector pursuant to Articles 89, 90 and 91 of Regulation (EU) No 575/2013</i>	

<i>in conjunction with Article 3 of the CRR Supplementary Regulation 2021 published in Federal Law Gazette II no. 542/2021:</i>		
<i>Findings:</i>		Legal Reference
10.1.		
<i>Result of the audit of the bank auditor in connection with the credit risk of a securitisation position pursuant to Article 6 of Regulation (EU) 2017/2402, OJ L 347, 28.12.2017, p. 35:</i>		
<i>Findings:</i>		Legal Reference
10.2.		

11. Recovery Plan Indicators		
<i>Audit activities carried out by the bank auditor:</i>		
<i>Result of the audit by the bank auditor in connection with the indicators defined in the recovery plan pursuant to Article 10 paras. 1 and 2 of the Bank Recovery and Resolution Act (BaSAG), published in Federal Law Gazette I No 98/2014, and notification requirements pursuant to Article 10 para. 4 BaSAG:</i>		
<i>Findings:</i>		Legal Reference
11.1.		

12. Trading book		
<i>Audit activities carried out by the bank auditor:</i>		
<i>Result of the audit by the bank auditor in connection with the assignment of positions to the trading book as well as any transfers in accordance with internal criteria for inclusion in the trading book;</i>		
<i>Findings:</i>		Legal Reference

12.1.		
<i>Result of the audit of the bank auditor in connection with Part Three Title 1 Chapter 3 of Regulation (EU) No 575/2013;</i>		
<i>Findings in connection with the procedure for determining market prices under consideration of Article 105 of Regulation (EU) No 575/2013,</i>		Legal Reference
12.2.		
<i>Findings in connection with the option pricing approach, especially the definition of volatilities and other parameters used to calculate the delta factor pursuant to Article 329 (1) of Regulation (EU) No 575/2013;</i>		Legal Reference
12.3.		
<i>Findings in conjunction with the determination of other risks associated with options pursuant to Article 329 (2) of Regulation (EU) No 575/2013;</i>		Legal Reference
12.4.		

14. Conduct in relation to Securities Transactions		
<i>Audit activities carried out by the bank auditor:</i>		
<i>Result of the audit by the bank auditor in connection with the observance</i>		
<i>1. of Chapter 2 “Organisational Requirements” of the Securities Supervision Act 2018, published in Federal Law Gazette I No. 107/2017 (WAG 2018) and Section 3 of Chapter II as well as Chapter III of Delegated Regulation (EU) 2017/565, OJ L 87, 31.03.2017, p. 1,</i>		
<i>2. of Title II “Transparency for trading venues”, of Title III “Transparency for systematic internalisers and investment firms trading OTC” and of Title IV “Transaction reporting” of Regulation (EU) No 600/2014, OJ L 173, 12.06.2014 p. 84, and</i>		
<i>3. of Section 3 on multilateral trading facilities and Section 4 on Systematic internalisers of Chapter 1 of the Stock Exchange Act 2018 (BörseG 2018), published in Federal Law Gazette I No. 107/2017:</i>		
<i>Findings:</i>		Legal Reference
14.1.		

15. Requirement of deductions for institutional protection schemes		
<i>Audit activities carried out by the bank auditor:</i>		
<i>Result of the audit by the bank auditor in connection with compliance with conditions pursuant to point a sub-point v of Article 49 (3) of Regulation (EU) No 575/2013:</i>		
<i>Findings:</i>		Legal Reference
15.1.		

16. Netting agreements		
<i>Audit activities carried out by the bank auditor:</i>		
<i>Results of the audit by the bank auditor in connection with the eligibility and accuracy of netting agreements as well as the fulfilment of the requirements pursuant to Article 296 (3) of Regulation (EU) No 575/2013;</i>		
<i>Findings:</i>		Legal Reference
16.1.		

17. Investment Funds Act 2011 (InvFG 2011; Investmentfondsgesetz 2011)		
<i>Audit activities carried out by the bank auditor:</i>		
<i>Results of the audit by the bank auditor in connection with compliance with Articles 8 to 35, Articles 39 to 45, Articles 66 to 92 and Articles 128 to 138 of the Investment Funds Act 2011 (InvFG 2011), published in Federal Law Gazette I no. 77/2011:</i>		
<i>Findings:</i>		Legal Reference
17.1.		

18. Real Estate Investment Fund Act (ImmoInvFG; Immobilien-Investmentfondsgesetz)		
<i>Audit activities carried out by the bank auditor:</i>		
<i>Results of the audit by the bank auditor in connection with compliance with Articles 2 to 9 as well as Articles 21 to 36 of the Real Estate Investment Fund Act (ImmoInvFG), published in Federal Law Gazette I No. 80/2003:</i>		
<i>Findings:</i>		Legal Reference
18.1.		

19. Act on Severance and Retirement Funds for Salaried Employees and Self-Employed Persons (BMSVG; Betriebliches Mitarbeiter- und Selbständigenvorsorgegesetz)		
<i>Audit activities carried out by the bank auditor:</i>		
<i>Results of the audit by the bank auditor in connection with compliance with Articles 18 to 45a of the Act on Severance and Retirement Funds for Salaried Employees and Self-Employed Persons (BMSVG), published in Federal Law Gazette I No. 100/2002:</i>		
<i>Findings:</i>		Legal Reference
19.1.		

PART II

20. Granting of Licences (Article 4 and Article 5 BWG)		
<i>Observations by the bank auditor in connection with the licences granted to the credit institution (e.g. does the licence granted match the business model, are the conditions set out in Article 5a BWG met):</i>		Legal Reference
20.1.		

21. Ownership Provisions (Articles 20, 20a and 20b BWG)		
<i>Observations by the bank auditor in connection with the legal provisions on ownership pursuant to Articles 20, 20a and 20b BWG:</i>		Legal Reference
21.1.		

22. Particular circumstances in relation to loans		
<i>Observations by the bank auditor in connection with loans which exhibit special characteristics with regard to amount, nature of the collateral, processing or a deviation from the credit institution's usual core business areas:</i>		Legal Reference
22.1.		

23. Compliance with other legal provisions		
<i>Observations by the banking auditor in connection with prudential banking supervision rules (e.g. the Banking Act (BWG), published in Federal Law Gazette no. 532/1993; Regulation (EU) No 575/2013 (CRR), the Savings Bank Act (SpG), published in Federal Law Gazette No. 64/1979; The Building Society Act (BSpG), published in Federal Law Gazette no. 532/1993; the Securities Deposit Act (Depotgesetz), published in Federal Law Gazette no. 424/1969, The Pfandbriefe Act (PfandBG; Pfandbriefgesetz), published in Federal Law Gazette I No. 199/2021, including observations pursuant to Article 39 PfandBG in conjunction with the Mortgage Bond Act (PfandbriefG; Pfandbriefgesetz), published in the Legal Gazette of the German Reich I p. 492/1927, the Mortgage Bank Act (HypBG; Hypothekenbankgesetz), published in the Reich Legal Gazette p. 375/1899 the Act on Funded Bank Bonds (FBSchVG; Bankschuldverschreibungsgesetz), published in the Reich Law Gazette, No. 213/1905; The E-Money Act 2010 (E-Geldgesetz), published in Federal Law Gazette I No. 107/2010):</i>		Legal Reference
23.1.		
<i>Observations by the bank auditor in connection with laws that are relevant for securities supervision: (e.g. Regulation (EU) 2015/2365 in connection with the SFT Enforcement Act (SFT-Vollzugsgesetz), published in Federal Law Gazette I No. 73/2016; Regulation (EU) 2020/852; the Alternative Investment</i>		Legal Reference

	<p><i>Fund Managers Act (AIFMG) published in Federal Law Gazette I no. 135/2013; Regulation (EU) No. 1286/2014 in connection with the PRIIPs Enforcement Act (PRIIP-Vollzugsgesetz), published in Federal Law Gazette I No. 15/2018; Regulation (EU) 2016/1011 in connection with the Benchmarking Enforcement Act (RW-VG; Referenzwerte-Vollzugsgesetz), published in Federal Law Gazette I No. 93/2017):</i></p>	
23.2.		

PART III: REPORTING CONCERNING PARTICULAR INCIDENTS OR FACTS

1. Are there non-stock exchange-listed investments in the form of credit exposures, subordinated exposures, profit participation certificates, contingent or convertible capital (e.g. recapitalisation capital) or equity capital in foundations or special purpose vehicles in "off-shore financial centres" or off-balance sheet transactions with such institutions?

Name/Liability/Collateral

2. Have significant losses occurred during the year from open positions from derivatives, for which no valuation units have been formed?

Information about the amount of the loss

3. Have guarantees, recapitalisation capital etc. been provided, received or drawn, for the purpose of compliance with legal provisions relating to regulatory standards by the owners through associated entities as well as through foundations or similar legal institutions or third parties in general?

Information about names and amounts

PART IV: SIGNIFICANT ONE-OFF EFFECTS DURING THE REPORTING PERIOD

Type of one-off effect	Volume in EUR 000s	Income statement effectively booked in EUR 000s	generated undisclosed losses in EUR 000s
Check individual accounts (UGB)			
Securities as Fixed Assets			
Alterations to balance sheet and valuation methods			
Reclassification			
Accounting profits from the sales of securities held as fixed			
Accounting losses from the sales of securities held as fixed			
Holdings and shares in affiliated entities			
Accounting profits from sale			
Accounting losses from sale			
Special distributions			
Unscheduled write-downs			
Write-ups			
Land and buildings held as fixed assets			
Accounting profits from sale			
Accounting losses from sale			
Unscheduled write-downs			
Write-ups			
Other measures			
(Shareholder) contributions, through the income statement			
Changes in fund for general banking risks			
Changes in undervaluation pursuant to Article 57 para. 1 BWG			
Other one-off effects (increasing profits)			
Other one-off effects (reducing profits)			
Total of measures			

Description of significant one-off effects
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Where Article 24 (2) of Regulation (EU) No 575/2013 (IFRS valuation) applies:

1. *Explanation of the significant one-off effects from the UGB financial statement stated in the Annex to the Audit Report regarding their effects on income statement reporting and the statement of comprehensive income in accordance with templates F 02.00 and F 03.00 of Annex III Part 1 of Implementing Regulation (EU) 2021/451 laying down implementing technical standards for the application of Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to supervisory reporting of institutions and repealing Implementing Regulation (EU) No 680/2014, OJ L 97, 19.03.2021, p. 1, including stating the amounts and the corresponding reporting items:*

2. *Explanation of the significant one-off effects in the income statement and the statement of comprehensive income in the reports under reporting templates F 02.00 and F 03.00 of Annex III Part 1 of Implementing Regulation (EU) 2021/451, that do not lead to significant one-off effects in the UGB financial statement, including stating the amounts and the corresponding reporting items:*