

## **Reserves Reporting Regulation (ResV; Reservenmeldungsverordnung)**

### **Full title**

Regulation of the Financial Market Authority (FMA) regarding the reserves of credit institutions (ResV; Reservenmeldungsverordnung)

**Original Version:** Federal Law Gazette No. 970/1994

**Amendments (in Federal Law Gazette II unless otherwise stated):** 395/1998; 385/2001; 469/2006; 297/2010

### **Preamble / Promulgation Clause**

On the basis of Article 70 para. 1 no. 1 in conjunction with Article 44 para. 1 of the Banking Act (BWG; Bankwesengesetz), published in Federal Law Gazette no. 532/1993, in the version of the corrigendum in Federal Law Gazette No. 639/1993 following consultation with the Oesterreichische Nationalbank the following shall be determined by means of a Regulation:

### **Note for the following provision**

Shall first apply to financial years which end after 30 December 2010 (cf. Article 4 para. 6).

### **Text**

**Article 1** Credit institutions shall report their undisclosed reserves and losses separately and regardless of their amount as of the reporting date of the most recently drawn up balance sheet in the format contained in the **Annex** to this Regulation within six months of the balance sheet being drawn up. The report shall be made to the Oesterreichische Nationalbank by means of an electronic submission.

### **Note for the following provision**

Shall first apply to financial years which end after 30 December 2010 (cf. Article 4 para. 6).

**Article 2** (1) The following are to be reported as undisclosed reserves and losses.

1. The amount of the difference between the market price and the book value in the case of exchange-listed debt securities and exchange-listed other fixed-yield securities, in the case of exchange-listed shares and other variable-yield securities as well as in the case of participations in and units in connected entities. In the event of particular circumstances prevailing then a lower value than the market price shall be applied. There particular circumstances must be explained in position III of the Annex to this Regulation.
2. The amount of the difference between the fair market value and the book value in the case of non-exchange-listed participations and units in connected entities, in the case of non-exchange-listed securities and investment certificates as well as land and buildings;
3. Post-tax reserves or losses in receivables, provided that they are not already required to be reported pursuant to no. 1 or 2.

(2) *(Note: repealed in Federal Law Gazette II No. 297/2010)*

(3) A deficit between the pension provisioning requirement in accordance with actuarial bases and the pension provisions established and a shortfall of the severance provisioning shall mitigate to this extent the undisclosed reserves, until the deficit amounts have been addressed.

(4) Where there are no undisclosed reserves or losses then the credit institution shall advise of this fact in position III of the Annex to this Regulation.

**Article 3** Reports with a reporting date prior to 1 January 1995 shall be made in accordance with the Reserves Reporting Regulation (Reservenmeldungsverordnung) published in Federal Law Gazette No. 797/1993 in the version published in Federal Law Gazette No. 917/1993.

All English translation of the authentic German text is unofficial and serves merely information purposes. The official wording in German can be found in the Austrian Federal Law Gazette (Bundesgesetzblatt; BGBl.). All translations have been prepared with great care, but linguistic compromises had to be made. The reader should also bear in mind that some provisions of these laws will remain unclear without certain background knowledge of the Austrian legal and political system. Please note that these laws may be amended in the future and check occasionally for updates.



**Article 4** (1) This Regulation shall enter into force on 1 January 1995. The Reserves Reporting Regulation (Reservenmeldungsverordnung) published in Federal Law Gazette No. 797/1993, shall expire following the entry into force of this Regulation.

(2) Article 1 para. 1 in the version of the Regulation amended in Federal Law Gazette II No. 395/1998 shall enter into force on 01 July 1999 and shall apply to reporting for financial years ending after 30 June 1999.

(3) The Annex in the version of the Regulation amended in in Federal Law Gazette II No. 395/1998 shall enter into force on 1 January 1999 and shall apply to reporting for financial years ending after 31 December 1998.

(4) This Regulation (note: in the version published in Federal Law Gazette II No. 385/2001) shall enter into force on 1 January 2002 and shall apply to reporting for financial years ending after 31 December 2001.

(5) Article 1 para. 1 in the version of the Regulation amended in Federal Law Gazette II No. 469/2006 shall enter into force on 01 July 1999 and shall apply to reporting for financial years ending after 31 December 2007.

(6) Article 1, Article 2 and the **Annex** in the version of the Regulation amended in Federal Law Gazette II No. 297/2010 and shall first apply to reporting for financial years ending after 30 December 2010.



**Note for the following provision**

Shall first apply to financial years which end after 30 December 2010 (cf. Article 4 para. 6).

**Annex to the Reserves Reporting Regulation**

Amounts in Euro 000s		Reporting Year (Balance Sheet Date)	
		Undisclosed reserves	Undisclosed losses
I.	Undisclosed reserves/losses in balance sheet items		
1.	Debt instruments of public sector entities (PSEs)		
1a.	Debt securities including fixed-income securities, exchange-listed		
2.	Shares and other variable-yield securities, exchange-listed		
3.	Securities and investment certificates, non-exchange-listed		
4.	Participations and shares in affiliated entities, exchange-listed		
5.	Participations and shares in affiliated entities, non-exchange-listed		
6.	Land and buildings		
7.	Post-tax reserves and losses in receivables		
8.	<b>TOTAL</b> (Items 1 to 7)		
9.	Shortfall of provisioning for severance and pensions		
10.	<b>TOTAL</b> (Item 8 minus item 9)		

II.	<b>Structure of the undisclosed reserves and undisclosed losses</b>		
1.	Post-tax undisclosed reserves and losses, shown in the income statement		
2.	Pre-tax undisclosed reserves and losses, shown in the income statement		
3.	Pre-tax undisclosed reserves and losses, not shown in the income statement		
4.	<b>TOTAL</b> (Items 1 to 3)		

**Page for comments for the reporting of reserves and losses**

(Pursuant to Point III of the Annex for Reporting of Reserves and Losses<sup>1</sup>)

(Text field)
--------------

**<sup>1)</sup> III. Explanation to the Reporting of undisclosed reserves and losses**

1. Particular circumstances as defined in Article 2 para. 1 no. 1
2. Details pursuant to Article 2 para 3