

Annex II

Part 3
Variable elements of remuneration (Article 94 of Directive 2013/36/EU)

	Directive 2013/36/EU	Addressee	Provisions	Information to disclose	Exercised (Y/N/NA)	References	Available in EN (Y/N)	Details / Comments
010		Date of the last update of information in this template		(28/06/2024)				
020	Article 94(1), point (g)(i)	Member States or Competent Authorities	Member States may set a lower maximum ratio between the variable and fixed components of remuneration (% set in national law calculated as variable component divided by fixed component of remuneration) ⁽⁵⁾		N			The percentage was not lowered, thus was fixed at 100% (see Annex to Article 39b BWG, No 8a: Credit institutions shall ensure that there is an appropriate balance between fixed and variable components of overall remuneration. The amount of variable remuneration components must not exceed the amount of fixed remuneration components.)
030	Article 94(1), point (g)(ii)	Member States or Competent Authorities	Member States may set a lower maximum level of the ratio between the variable and fixed components of remuneration which may be approved by shareholders or owners or members of the institution (% set in national law calculated as variable component divided by fixed component of remuneration) ⁽⁵⁾	200%	Y	Annex to Article 39b BWG, No 8b	Y	The variable remuneration components may be increased by means of a resolution adopted by shareholders or other members to up to 200% of the fixed remuneration components, provided that conditions are fulfilled.
040	Article 94(1), point (g)(iii)	Member States or Competent Authorities	Member States may set a lower maximum part of the total variable remuneration to which the discount rate may be applied (% of		N			
050	Article 94(1), point(l)	Member States or Competent Authorities	Description of any restriction on the types and designs or prohibitions of instruments that can be used for the purposes of awarding variable remuneration	50%	Y	Annex to Article 39b BWG, No 11	Y	A substantial portion, which amounts to at least 50% of the variable remuneration components, shall consist of an appropriate balance of: a) shares or dependent on the legal form of the credit institution concerned, equivalent ownership interests or share-linked instruments or, dependent on the legal form of the credit institution concerned, equivalent non-cash instruments provided that the instruments listed were issued and they have been securitised and are transferable. b) capital instruments that comply with the criteria of Article 52 or Article 63 of Regulation (EU) No 575/2013 or other instruments that can be fully converted into capital instruments pursuant to Article 28 of Regulation (EU) No 575/2013 or can be written down and that adequately reflect the credit institution's credit rating and can be used as variable remuneration instruments. The aforementioned instruments shall be subject to an appropriate retention policy designed to align incentives with the longer-term interests of the credit institution concerned. The FMA may place restrictions on the types and designs of those instruments or prohibit certain instruments as appropriate. The aforementioned principles shall be applied to both the portion of the variable remuneration deferred in accordance with no. 12 and the portion of the variable remuneration not deferred.
060	Article 94(4)	Member States	By way of derogation from point (a) of paragraph 3, a Member State may lower or increase the threshold referred to therein, provided that: (a)the institution in relation to which the Member State makes use of this provision is not a large institution as defined in point (146) of Article 4(1) of Regulation (EU) No 575/2013 and, where the threshold is increased: (i)the institution meets the criteria set out in points (145)(c), (d) and (e) of Article 4(1) of Regulation (EU) No 575/2013; and (ii)the threshold does not exceed EUR 15 billion; (b)it is appropriate to modify the threshold in accordance with this paragraph taking into account the institution's nature, scope and complexity of its activities, its internal organisation or, if applicable, the characteristics of the group to which it	total assets > EUR 5 bn (max. EUR 15 bn)	Y	Annex to Article 39b BWG, No 13 point (a) subpoint (bb)	Y	The principles listed in no. 11, the introduction of no. 12 as well as in the second and third sentence of no. 12 lit. b) shall not apply to: a) credit institutions that are not large CRR institutions pursuant to point 146 of Article 4 (1) of Regulation (EU) No 575/2013 for which total assets on an individual basis on average over the last four years immediately preceding the current financial year aa) stood at a maximum of EUR 5 billion, or bb) stood at more than EUR 5 billion, however a maximum of EUR 15 billion, and the credit institution meets the conditions pursuant to Article 4 (1) 145) lits. c, d and e of Regulation (EU) No 575/2013; [...]
070	Article 94(5)	Member States	Member States may decide that staff members entitled to annual variable remuneration below the threshold and share referred to in that point shall not be subject to the exemption set out therein because of national market specificities in terms of remuneration practices or because of the nature of the responsibilities and job profile of those staff members.		N			
080	Article 109 (6)	Member States	Member States may apply Articles 92, 94 and 95 on a consolidated basis to a broader scope of subsidiary undertakings and their staff.		N			

(5) If Member States have not exercised the discretion to reduce these default maximum percentages to figures (i) below 100% for the bonus cap, (ii) to between 100 – 200% bonus cap with shareholders' approval or (iii) to a discount rate of below 25% then they shall disclose 'No' instead of 'Yes'.