



Regulation of the Financial Market Authority (FMA) on the determining and recognition of the capital buffer requirements for the countercyclical capital buffer, for systemically important institutions and for the systemic risk buffer (KP-V 2025; *Kapitalpuffer-Verordnung 2025*)

Capital Buffer Regulation 2025 (KP-V 2025)

Federal Law Gazette II No. 112/2025

Based on Article 23a para. 3, Article 23d para. 7 and Article 23e para. 3 of the Banking Act (BWG; *Bankwesengesetz*), published in Federal Law Gazette No. 532/1993, last amended in Federal Law Gazette I No. 6/2025, the following shall be determined by Regulation with the consent of the Federal Minister of Finance:

TEXT

SECTION 1 GENERAL PROVISIONS

PURPOSE

Article 1. The purpose of this regulation is the determination and recognition of the capital buffer requirements for the countercyclical capital buffer pursuant to Article 23a para. 3 BWG, for systemically important institutions pursuant to Article 23d para. 7 BWG and for the systemic risk buffer pursuant to Article 23e para. 3 BWG. The Regulation implements the recommendations of the Financial Market Stability Board (FMSG; *Finanzmarktstabilitätsgremium*) and taking the expert opinions of the *Oesterreichische Nationalbank* (OeNB) into account.

SCOPE OF APPLICATION

Article 2. (1) Section two (capital buffer requirement for the countercyclical capital buffer) shall apply to credit institutions pursuant to Article 1 para. 1 BWG, inasmuch as these have not been excluded from observance of Article 23a BWG pursuant to Article 3 BWG or Article 30a para. 6 BWG in conjunction with Article 10 of Regulation (EU) No 575/2013.

(2) Section three (capital buffer requirements for systemically important institutions) shall be applied to the credit institutions listed in Article 6 of this Regulation.

(3) Without prejudice to rules to the contrary stated in the provisions in section four (capital buffer requirement for the systemic risk buffer) section four shall apply to credit institutions pursuant to Article 1 para. 1 BWG, inasmuch as these have not been excluded from observance of Article 23e BWG pursuant to Article 3 BWG or Article 30a para. 6 BWG in conjunction with Article 10 of Regulation (EU) No 575/2013.

DEFINITIONS

Article 3. The following definitions shall apply for the purposes of this Regulation:

1. systemic risk: systemic risk pursuant to Article 2 no. 41 BWG;
2. commercial real estate exposure: an exposure towards a legal person or partnership that satisfies all the following criteria:
 - a. the principal activity of the legal person or partnership is allocated to a classification of one of the economic activities listed under Section F Divisions 41 (Construction of buildings) and 43 (Specialised construction activities), and Section M Division 68 (Real estate activities) of the ÖNACE 2025 classification of economic activities pursuant to Article 4 para. 5 of the Federal Statistics Act 2000 (BStatG; *Bundesstatistikgesetz 2000*) that is available for consultation at Statistics Austria (*Bundesanstalt Statistik Österreich*) and which is published on the Statistics Austria website, or which substantively

- corresponds to one of the listed economic activities where such a classification has not been allocated;
- b. the legal person or partnership is not a public interest housing association pursuant to Article 1 in conjunction with Article 34 of the Limited Profit Housing Act (*Wohnungsgemeinnützigkeitgesetz*) and
 - c. the exposure is situated in Austria.
3. buffer rate applicable for the total risk exposure of a credit institution: the buffer rate applicable for the total risk exposure of a credit institution (r_T), to be applied for calculating the capital buffer requirement for the systemic risk buffer pursuant to point 1 of the Annex to Article 23e BWG.

SECTION 2 CAPITAL BUFFER REQUIREMENT FOR THE COUNTERCYCLICAL CAPITAL BUFFER

Article 4. (1) For the purposes of Article 23a para. 3 no. 1 BWG, the capital buffer rate for domestically-located relevant credit exposures shall be 0%.

(2) If the competent supervisory authority of another Member State or a third country determines a rate of more than 2.5% for its Member State or its third country, a rate of 2.5% shall be applied for relevant credit exposures in this Member State or third country for the purpose of Article 23a para. 3 no. 2 BWG.

SECTION 3 CAPITAL BUFFER REQUIREMENTS FOR SYSTEMICALLY IMPORTANT INSTITUTIONS

IDENTIFICATION OF THE CAPITAL BUFFER REQUIREMENT FOR SYSTEMICALLY IMPORTANT INSTITUTIONS

Article 5. For the purposes of Article 23d para. 7 BWG, the capital buffer requirement for systemically important institutions shall be:

1. identified on a consolidated basis for the institutions listed in Article 6 para. 1, and shall be calculated by multiplying the rate determined in Article 6 para. 1 for the respective named credit institution by the total risk exposure calculated pursuant to Article 92 (3) of Regulation (EU) No 575/2013;
2. identified on an individual basis for the institutions listed in Article 6 para. 2, and shall be calculated by multiplying the rate determined in Article 6 para. 2 for the respective named credit institution by the total risk exposure calculated pursuant to Article 92 (3) of Regulation (EU) No 575/2013;

Institutions that are listed in both Article 6 para. 1 and Article 6 para. 2, shall be required to satisfy the capital buffer requirement for systemically important institutions on a consolidated basis pursuant to no. 1 and on an individual basis pursuant to no. 2.

RATE OF THE CAPITAL BUFFER REQUIREMENT FOR SYSTEMICALLY IMPORTANT INSTITUTIONS

Article 6. (1) The capital buffer rate for systemically important institutions in accordance with Article 131 of Directive 2013/36/EU on a consolidated basis shall be:

1. 1.75% for Erste Group Bank AG;
2. 1.75% for Raiffeisen Bank International AG;
3. 1.75% for UniCredit Bank Austria AG;
4. 0.9% for BAWAG P.S.K. Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse Aktiengesellschaft based on BAWAG Group AG's consolidated position;
5. 0.9% for RAIFFEISEN-HOLDING NIEDERÖSTERREICH-WIEN registrierte Genossenschaft mit beschränkter Haftung;
6. 0.9% for Raiffeisenlandesbank Oberösterreich Aktiengesellschaft based on Raiffeisenbankengruppe OÖ Verbund eGen's consolidated position;
7. 0.45% for VOLKSBANK WIEN AG in its function as the central body pursuant to Article 30a BWG based on Volksbanken-Verbund's consolidated position.

(2) The capital buffer rate for systemically important institutions in accordance with Article 131 of Directive 2013/36/EU on an individual basis shall be:

1. 1.75% for Erste Group Bank AG;
2. 1.75% for Raiffeisen Bank International AG;
3. 1.75% for UniCredit Bank Austria AG;
4. 0.9% for BAWAG P.S.K. Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse Aktiengesellschaft;
5. 0.9% for RAIFFEISENLANDESBANK NIEDERÖSTERREICH-WIEN AG;
6. 0.9% for Raiffeisenlandesbank Oberösterreich Aktiengesellschaft;
7. 0.9% for Erste Bank der oesterreichischen Sparkassen AG;
8. 0.45% for Steiermärkische Bank und Sparkassen AG.

SECTION 4 CAPITAL BUFFER REQUIREMENTS FOR THE SYSTEMIC RISK BUFFER**IDENTIFICATION OF THE CAPITAL BUFFER REQUIREMENT FOR THE SYSTEMIC RISK BUFFER**

Article 7. (1) For the purposes of Article 23e para. 3 BWG the capital buffer requirement for the systemic risk buffer shall be calculated based on the Annex to Article 23e BWG, in accordance with the parameters pursuant to paras. 2 and 3.

(2) The buffer rate for the total of risk weighted exposure measurements of commercial real estate exposures (r_i) shall be 1% and to be satisfied based on the consolidated situation as well as on an individual basis.

(3) The applicable buffer rate for a credit institution total risk exposure is to be satisfied in addition to the buffer rate pursuant to para. 2 and corresponds to

1. the rate determined in Article 8 para. 1 based on the consolidated situation for the respective named credit institution for institutions listed in Article 8 para. 1;
2. the rate determined in Article 8 para. 2 on an individual basis for the respective named credit institution for institutions listed in Article 8 para. 2.

Institutions listed in both Article 8 para. 1 and Article 8 para. 2 shall be required to satisfy the applicable buffer rate for the total risk exposure of a credit institution based on the consolidated situation pursuant to no. 1 and pursuant to no. 2 on an individual basis.

RATE OF THE CAPITAL BUFFER REQUIREMENT FOR THE SYSTEMIC RISK BUFFER

Article 8. (1) In accordance with Article 133 of Directive 2013/36/EU, the buffer rate applicable for the total risk exposure of a credit institution on a consolidated basis shall be:

1. 0.5% for BAWAG P.S.K. Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse Aktiengesellschaft based on BAWAG Group AG's consolidated position;
2. 1% for Erste Group Bank AG;
3. 0.5% for HYPO NOE Landesbank für Niederösterreich und Wien AG;
4. 0.5% for HYPO TIROL BANK AG;
5. 0.5% for Oberösterreichische Landesbank Aktiengesellschaft;
6. 1% for Raiffeisen Bank International AG;
7. 0.5% for RAIFFEISEN-HOLDING NIEDERÖSTERREICH-WIEN registrierte Genossenschaft mit beschränkter Haftung;
8. 0.5% for Raiffeisenlandesbank Oberösterreich Aktiengesellschaft based on Raiffeisenbankengruppe OÖ Verbund eGen's consolidated position;
9. 0.5% for UniCredit Bank Austria AG;
10. 0.5% for Hypo Vorarlberg Bank AG;
11. 0.5% for VOLKSBANK WIEN AG in its function as the central body pursuant to Article 30a BWG based on Volksbanken-Verbund's consolidated position.
12. 0.5% for Addiko Bank AG;

(2) In accordance with Article 133 of Directive 2013/36/EU, the buffer rate applicable for the total risk exposure of a credit institution on an individual basis shall be:

1. 0.5% for Erste Group Bank AG;
2. 0.5% for Raiffeisen Bank International AG;
3. 0.5% for RAIFFEISENLANDESBANK NIEDERÖSTERREICH-WIEN AG;
4. 0.5% for Raiffeisenlandesbank Oberösterreich Aktiengesellschaft;
5. 0.5% for UniCredit Bank Austria AG;
6. 0.5% for BAWAG P.S.K. Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse Aktiengesellschaft;
7. 0.5% for HYPO NOE Landesbank für Niederösterreich und Wien AG;
8. 0.5% for Oberösterreichische Landesbank Aktiengesellschaft;
9. 0.5% for HYPO TIROL BANK AG;

10. 0.5% for Hypo Vorarlberg Bank AG;
11. 0.5% for Erste Bank der oesterreichischen Sparkassen AG.

SECTION 5 FINAL PROVISIONS

REFERENCES

Article 9. The following shall apply to references to legal acts in this Regulation:

1. where reference is made to provisions in the Austrian Banking Act (BWG; *Bankwesengesetz*), published in Federal Law Gazette no. 532/1993, the version amended by Federal Act in Federal Law Gazette I No. 6/2025 shall apply;
2. where reference is made to provisions in Regulation (EU) No 575/2013, this relates to Regulation (EU) no. 575/2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012, OJ L 176, 27.06.2013, p. 1, in the version amended by Regulation (EU) 2024/2987, OJ L 2024/2987, 04.12.2024;
3. where reference is made to provisions in the Federal Statistics Act 2000 (BStatG 2020; *Bundesstatistikgesetz 2000*) published in Federal Law Gazette I no. 163/1999, the version amended by Federal Act in Federal Law Gazette I No. 125/2024 shall apply;
4. where reference is made to provisions in the Limited Profit Housing Act (WGG; *Wohnungsgemeinnützigkeitgesetz*), published in Federal Law Gazette no. 139/1979, the version amended by Federal Act in Federal Law Gazette I No. 12/2025 shall apply;
5. where reference is made to provisions in Directive 2013/36/EU, this relates to Directive 2013/36/EU on access to the activity of credit institutions and the prudential supervision of credit institutions, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC, OJ L 176, 27.06.2013, p. 338, in the version of the Directive (EU) 2024/2994, OJ L 2024/2994, 04.12.2024.

ENTRY INTO FORCE AND REPEAL

Article 10. (1) This Regulation shall enter into force on 1 July 2025. The Capital Buffer Regulation 2021 (KP-V 2021; *Kapitalpuffer-Verordnung 2021*), published in Federal Law Gazette II No. 245/2021, most recently amended by means of Regulation in Federal Law Gazette II No. 389/2024, shall be repealed at the end of 30 June 2025.