



# Regulation of the Financial Market Authority (FMA) on Electronic Submission (FMA Regulation on the Incoming Platform – FMA-IPV; *FMA-Incoming-Plattformverordnung*)

## FMA Incoming Platform Regulation (FMA-IPV)

Federal Law Gazette II No. 123/2024

Stand: 01.06.2024

## PREAMBLE/PROMULGATION CLAUSE

Based on:

1. Article 73a of the Banking Act (BWG; *Bankwesengesetz*), published in Federal Law Gazette No. 532/1993, last amended by Federal Act in Federal Law Gazette I No. 106/2023;
2. Article 153 para. 1 of the Investment Fund Act 2011 (InvFG 2011, *Investmentfondsgesetz* 2011), published in Federal Law Gazette I No. 77/2011, last amended by Federal Act in Federal Law Gazette I No. 111/2023;
3. Article 94 para. 11 of the Payment Services Act 2018 (ZaDiG 2018; *Zahlungsdienstegesetz* 2018), published in Federal Law Gazette I No. 17/2018, last amended by Federal Act in Federal Law Gazette I No. 33/2023;
4. Article 26 para. 12 of the Electronic Money Act 2010 (EGeldG, *E-Geldgesetz* 2010), published in Federal Law Gazette I No. 107/2010, last amended by the federal act in Federal Law Gazette I No. 33/2023;
5. Article 36a of the *Pensionskassen* Act (PKG; *Pensionskassengesetz*), published in Federal Law Gazette No. 281/1990, last amended by the federal act in Federal Law Gazette I No. 36/2022;
6. Article 91 of the Securities Supervision Act 2018 (WAG 2018; *Wertpapieraufsichtsgesetz* 2018), published in Federal Law Gazette I No. 107/2017, last amended by Federal Act in Federal Law Gazette I No. 63/2023;
7. Article 22 para. 9 and Article 58 of the Alternative Investment Fund Manager Act (AIFMG; *Alternative Investmentfonds Manager-Gesetz*), published in Federal Law Gazette I No. 135/2013, last amended by Federal Act in Federal Law Gazette I No. 111/2023;
8. Article 116 para. 3 and Article 269 of the Insurance Supervision Act 2016 (VAG 2016; *Versicherungsaufsichtsgesetz* 2016), published in Federal Law Gazette I No. 34/2015, last amended by Federal Act in Federal Law Gazette I No. 129/2023;
9. Article 22 para. 5a of the Financial Market Authority Act (FMABG; *Finanzmarktaufsichtsbehördengesetz*) published in Federal Law Gazette I No. 97/2001, last amended by Federal Act in Federal Law Gazette I No. 111/2023;
10. Article 34a of the Deposit Guarantee Scheme and Investor Compensation Act (ESAEG; *Einlagensicherungs- und Anlegerentschädigungsgesetz*) published in Federal Law Gazette I 117/2015 last amended by Federal Act in Federal Law Gazette I No. 237/2022;

the following shall be determined by Regulation:

## TEXT OF THE REGULATION

### SUBMISSION EXCLUSIVELY BY ELECTRONIC MEANS

**Article 1.** (1) Any notification, communication, information, apprising of and submission pursuant to the following provisions shall be made or provided electronically by way of the FMA's Incoming Platform:

1. Article 9 para. 5, Article 10 paras. 2, 5 and 6, Article 20 para. 3, Article 25 para. 5, Article 28a para. 4, Article 44 para. 1 first sentence and para. 4, Article 63 para. 1, Article 70a para. 5, Article 73 para. 1 nos. 1 to 18 as well as paras. 1a, 1b and 2 to 5 of that Article of the Banking Act (BWG; *Bankwesengesetz*) published in Federal Law Gazette No. 532/1993 in the version of the Federal Act amended in Federal Law Gazette I No. 106/2023 as well as Article 2 para. 2 of the Regulation on the Protection of Money Held in Trust (*Mündelsicherheitsverordnung*), published in Federal Law Gazette No. 650/1993 in the version of the Regulation amended in Federal Law Gazette II No. 219/2003, provided that submission is not ordered to be made using the Information Management System Portal (IMAS Portal) of the Single Supervisory Mechanism pursuant to Article 6 of Regulation (EU) No 1024/2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions, OJ L 287 of 29.10.2013, p. 63 in the version of the corrigendum published in OJ L 218, 19.08.2015, p. 82;
- 1a. Article 143(4), Article 312(1) and (3), Article 363(3), Article 366(5) and Article 396(1) of Regulation (EU) No 575/2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 646/2012, OJ L 176, 27.06.2013, p. 1, most recently amended by Regulation (EU) 2023/2869, OJ L 2023/2869 of 20.12.2023;
2. Article 2 para. 1, Article 5 paras. 1 and 7, Article 12 para. 5, Article 13 para. 4, Article 16 para. 10, Article 18 para. 1, Article 22 para. 4, Article 26 para. 2, Article 27a paras. 3 and 6, Article 39 para. 2 SpG, as well as Article 11 of the Annex to Article 24 of the Audit Code for Savings Banks (*Prüfungsordnung für Sparkassen*), published in Federal Law Gazette No. 64/1979 in the version amended by Federal Act in Federal Law Gazette I No. 107/2017;
3. Article 151 nos. 1 to 12, Article 152 of the Investment Fund Act 2011 (InvFG 2011; *Investmentfondsgesetz* 2011), published in Federal Law Gazette I No. 77/2011, in the version amended by Federal Act in Federal Law Gazette I No. 111/2023;
4. (repealed – Amendment in Federal Law Gazette II No. 219/2018)
5. Article 13 para. 4, Article 14 para. 1, Article 21 para. 3, Article 22 para. 1 and Article 25 para. 7, Article 28 para. 1 and Article 86 para. 1 of the Payment Services Act 2018 (ZaDiG 2018; *Zahlungsdienstegesetz* 2018), published in Federal Law Gazette I No. 17/2018 in the version amended by Federal Act in Federal Law Gazette I No. 33/2023;
6. Article 6 para. 3, Article 7, Article 10 of the Electronic Money Act 2010 (E-GeldG; *E-Geldgesetz*) in the version amended by Federal Act in Federal Law Gazette I No. 33/2023; in conjunction

- with Article 28 para. 1 ZaDiG 2018, Article 15 E-GeldG in conjunction with Article 21 para. 3 and Article 22 para. 1 ZaDiG 2018 and Article 14 para. 7 E-GeldG;
7. Article 6a paras. 1 and 2, Article 7 para. 7, Article 11f para. 3, Article 11h para. 4, Article 12 para. 5, Article 12a para. 1 no. 6, Article 21e para. 5, Article 22a para. 4, Article 26 para. 1, Article 30a paras. 1 and 1a, Article 31 para. 2, Article 33b paras. 1 and 2 as well as Article 36 paras. 1 and 2 of the *Pensionskassen Act* (PKG; *Pensionskassengesetz*), published in Federal Law Gazette No. 281/1990, in the version amended by Federal Act in Federal Law Gazette I No. 36/2022;
  8. Article 7 of the Securities Supervision Act 2018 (WAG 2018; *Wertpapieraufsichtsgesetz* 2018), published in Federal Law Gazette I No. 107/2017 in the version amended by Federal Act in Federal Law Gazette I No. 63/2023, in conjunction with Article 73 para. 1 nos. 1 to 7 and 11 BWG, Article 12 para. 8, Article 14 para. 4 no. 1, Article 18 paras. 1 and 3 to 5, Article 20 paras. 1, 6 and 7, Article 44, Article 71 para. 2 and Article 72 para. 2 WAG 2018;
  - 8a. Article 47 paras. 1 and 2 of the Investment Firms Act (WPF; *Wertpapierfirmengesetz*) published in Federal Law Gazette I No. 237/2022 in conjunction with the Investment Firms Static Data Reporting Regulation (WPF-StDMV; *Wertpapierfirmen-Stammdatenmeldeverordnung*) published in Federal Law Gazette II No. 17/2023.
  9. Article 1 para. 5 nos. 4, 5 and 5a, Article 8 para. 1, Article 18 para. 1 no. 1, Article 22 paras. 1 to 5 and 7, Article 25 para. 1, Article 29 para. 2, Article 30 paras. 2 and 6, Article 32 paras. 2, 3 and 6, Article 38 paras. 2, 6 and 7 and Article 48 para. 6 of the Alternative Investment Fund Managers Act (AIFMG; *Alternative Investmentfonds Manager-Gesetz*), published in Federal Law Gazette I No. 135/2013, last amended by Federal Act in Federal Law Gazette I No. 111/2023;
  - 9a. Article 4 para. 2, Article 12 para. 2, Article 13, Article 15 paras. 4 to 6, Article 17 para. 5 and 7 and Article 19 para. 2 of the Venture Capital Funds Act (WKFG; *Wagniskapitalfondsgesetz*) published in Federal Law Gazette I No. 111/2023;
  10. Article 12 para. 1 and Article 21 para. 1 of the Bank Recovery and Resolution Act (BaSAG; *Bundesgesetz über die Sanierung und Abwicklung von Banken*), as published in Federal Law Gazette I No. 98/2014, in the version amended by Federal Act in Federal Law Gazette I No. 237/2022;
  11. Article 11 para. 2, Article 21 para. 1, Article 23 paras. 1 and 5, Article 24 paras. 1 to 3, Article 63 para. 5, Article 65 para. 3, Article 66 para. 3 no. 4, Article 79 para. 3, Article 85 para. 2, Article 86 paras. 1, 4 and 5, Article 87 para. 4, Article 92 para. 1, 2 and 5, Article 100 para. 4, Article 102 para. 1, Article 109 paras. 2 and 4, Article 115 paras. 2 and 4, Article 116 para. 3, Article 122 paras. 1 and 3, Article 123 paras. 3 and 4, Article 127 paras. 1 to 3, Article 176 para. 1, Article 185 para. 2, Article 193 para. 3, Article 194 paras. 2 and 3, Article 196 para. 3, Article 202 para. 4, Article 203 paras. 2 and 3, Article 220 para. 1, Article 221 paras. 1 and 3, Article 224 para. 2, Article 225 para. 1 in conjunction with Article 122 paras. 1 and 3, Article 225 para. 2, Article 248 paras. 2 to 6 and 8, Article 250 paras. 1 and 2, Article 260 para. 1, Article 265 para. 1, Article 272 para. 2, Article 273 para. 4, Article 278 para. 1, Article 279 para. 1, Article 280

- paras. 1 and 3, Article 300 para. 3, Article 305 para. 1 no. 3 and para. 6, Article 306 para. 1 and Article 309 para. 1 of the Insurance Supervision Act 2016 (VAG 2016; *Versicherungsaufsichtsgesetz 2016*), published in Federal Legal Gazette I no. 34/2015, in the version of the Federal Act amended by Federal Law Gazette I No. 129/2023;
12. Article 300 (2), Article 312, Article 362, Article 368 and Article 373 of Commission Delegated Regulation (EU) No 35/2015 supplementing Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), OJ L 12, 17.01.2015, p.1, most recently amended by Delegated Regulation (EU) 2021/1256, OJ L 277, 02.08.2021, p. 14, in the version of the corrigendum published in OJ L 245, 22.09.2022, p. 72;
  13. Article 22 para.5 of the Financial Market Authority Act (FMABG; *Finanzmarktaufsichtsbehördengesetz*) published in Federal Law Gazette I No. 97/2001 in the version amended by Federal Act in Federal Law Gazette I No. 111/2023;
  14. Article 2 para. 6 first sentence, Article 31 para. 6 and Article 34 nos. 1 to 13 of the Deposit Guarantee Schemes and Investor Compensation Act (ESAEG; *Einlagensicherungs- und Anlegerentschädigungsgesetz*), published in Federal Law Gazette I No. 117/2015, in the version amended by Federal Act in Federal Law Gazette I No. 237/2022.
  15. Article 13 paras. 2 and 3 of the pan-European Personal Pension Product Enforcement Act (*PEPP-Vollzugsgesetz*), published in Federal Law Gazette I No. 74/2022 BGBl. I Nr. 74/2022, and pursuant to Article 6, point a of Article 8 (1) and Article 21 of Regulation (EU) 2019/1238 on a pan-European Personal Pension Product (PEPP), OJ L 198, 25.07.2019, p. 1;
  16. Article 29 para. 1 nos. 3, 4, 8 and 11 of the *Pfandbrief* Act (PfandBG; *Pfandbriefgesetz*), published in Federal Law Gazette I No. 199/2021.
- (1a) Notifications, submissions, disclosures, and information and presentations pursuant to the following provisions shall be required to occur in electronic form via the IMAS Portal:
1. Article 28a para. 4 and Article 73 para. 1 nos. 3, 8, 11, Article 73 para. 1a and para. 1b nos. 1 and 2 BWG, provided they relate to submissions in relation to the changes in person at a significant supervised entity pursuant to Article 2 (16) of Regulation (EU) No 468/2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities (SSM Framework Regulation) (ECB/2014/17), OJ L 141 of 14.05.2014 p. 1, in the version of the corrigendum in OJ L 65 of 08.03.2018 p. 49;
  2. Article 9 para. 5, Article 10 paras. 2, 5 and 6, as well as Article 25 para. 5 BWG, where the notification requirement relates to a significant supervised entity pursuant to Article 2 No. 16 of Regulation (EU) no. 468/2014.
- (2) The obligation to make an electronic submission through the FMA's Incoming Platform pursuant to para. 1 as well as using the IMAS Portal of the Single Supervisory Mechanism (SSM) pursuant to para. 1a shall not exist, if
1. in the case where a submission pursuant to Article 21 para. 1 BaSAG

- a. is required to be submitted via another notification channel based on a Regulation issued by the FMA, or
  - b. is required to be made by a legal entity, for which the Single Resolution Board (SRB) is competent, pursuant to Article 7 (2) of Regulation (EU) No 806/2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010, published in OJ L 225 of 30.07.2014, p. 1, in the version amended by Regulation (EU) 2021/23, OJ L 22 of 22.01.2021, p. 1, or
2. a notification obligation is to be fulfilled pursuant to Article 24 paras. 1 and 2 VAG 2016, which neither involves an undertaking pursuant to Article 1 para. 1 VAG 2016 incorporated in Austria, nor a credit institution pursuant to Article 1 para. 1 BWG, nor a *Pensionskasse* pursuant to Article 1 para. 1 PKG, nor an investment firm pursuant to Article 1 no. 1 WAG 2018 incorporated in Austria or an investment services provider pursuant to Article 4 WAG 2018, nor an AIFM pursuant to Article 2 para. 1 no. 2 AIFMG; or
  3. a notification obligation is to be fulfilled pursuant to Article 6a paras. 1 and 2 PKG, which does not involve any of the legal entities listed in no. 2; or
  4. a notification obligation is to be fulfilled pursuant to Article 73 para. 1 no. 18 BWG, where the notification obligation relates to a significant supervised entity pursuant to Article 2 No. 16 of Regulation (EU) No. 468/2014.

## INCOMING PLATFORM

**Article 2.** The Incoming Platform is a web-based application by the FMA and the OeNB, which can be accessed via the OeNB's and FMA's websites and which, to the extent specified by law, serves the purpose of simultaneous transmission of data, reports and documents to both institutions exclusively by electronic means. A multi-level source code audit completed as part of the certification procedure ensures its high level of security.

## ENTRY INTO FORCE

**Article 3.** (1) This Regulation shall enter into force on 1 July 2010.

(2) Article 1 nos. 3, 5 and 6 as amended by Federal Law Gazette II No. 274/2011 shall enter into force on 1 September 2011.

(3) Article 1 no. 7 and Article 2 first sentence as amended by Federal Law Gazette II No. 384/2012 shall enter into force on 1 January 2013. Article 1 no. 8 as amended by Federal Law Gazette II No. 384/2012 shall enter into force on 1 July 2013.

(4) Article 1 nos. 1, 1a, 7, 8 and 9 as amended by Federal Law Gazette II No. 319/2013 shall enter into force on 1 January 2014.

- (5) Article 1 para. 1 no. 10 and para. 2 no. 1 as amended by Federal Law Gazette II No. 238/2015 shall enter into force on 1 September 2015. Article 1 para. 1 no. 11 and para. 2 nos. 2 and 3 as amended by Federal Law Gazette II No. 238/2015 shall enter into force on 1 January 2016.
- (6) Article 1 para. 1 nos. 1 to 13 and para. 2 as amended by Federal Law Gazette II No. 52/2017 shall enter into force on 1 April 2017.
- (7) Article 1 para. 1 nos. 1, 8, 13 and 14 and para. 2 no. 2 in the version of the Regulation amended in Federal Law Gazette II No. 391/2017 shall enter into force on 3 January 2018.
- (8) Article 1 para. 1 nos. 2 and 3, 5 to 11, 13 and 14 in the version of the Regulation amended in Federal Law Gazette II No. 219/2018 shall enter into force on 1 September 2018. Article 1 para. 1 no. 4 shall expire at the end of 31 August 2018.
- (9) Article 1 para. 1 no. 7 in the version of the Regulation amended in Federal Law Gazette II No. 334/2018 shall enter into force on 1 January 2019.
- (10) Article 1 para. 1 no. 11 in the version of the Regulation published in Federal Law Gazette II No. 411/2019 shall first apply to reports with the reporting date of 1 January 2020.
- (11) Article 1 para. 1 nos. 1a, 11 and 12 in the version of the Regulation amended in Federal Law Gazette II No. 585/2020 shall enter into force on 1 January 2021. Article 1 para. 1 no. 1, para. 1a and para. 2 in the version of the Regulation amended in Federal Law Gazette II No. 585/2020 shall enter into force on 27 January 2021.
- (12) Article 1 para. 1 nos. 1, 10 and 13, para. 1a as well as para. 2 no. 1 in the version of the Regulation amended in Federal Law Gazette II No. 403/2021 shall enter into force on 27 September 2021.
- (13) Article 1 para. 1 nos. 14, 15 and 16 as well as Article 1 para. 1a no. 2 in the version of the Regulation amended in Federal Law Gazette II No. 334/2022 shall enter into force on the day after publication. Article 1 para. 1a no. 2 shall apply from the point in time announced by the European Central Bank of the technical availability and the IMAS Portal module becoming operational regarding notifications about the intended outsourcing of material tasks in relation to banking operations pursuant to Article 25 para. 5 BWG, but in any case, from 1 January 2023.
- (14) Article 1 para. 1 no. 8a in the version of the Regulation amended in Federal Law Gazette II No. 17/2023 shall enter into force on 1 February 2023.
- (15) Article 1 para. 1 nos. 1, 1a, 3, 5 to 9, 9a, 10 to 14 and para. 2 nos. 3 and 4 in the version of the Regulation amended in Federal Law Gazette II No. 123/2024 shall enter into force on 1 June 2024; Article 1 para. 1 no. 1 in this version shall only apply to notifications pursuant to Article 73 para. 1a from 1 October 2024.