

Annex II

Options and discretions

List of templates

- [Part 1](#) Options and discretions set out in Directive 2013/36/EU, Regulation (EU) N° 575/2013 and LCR Delegated Regulation (EU) 2015/61
- [Part 2](#) Transitional options and discretions set out in Directive 2013/36/EU and Regulation (EU) N° 575/2013
- [Part 3](#) Variable elements of remuneration (Article 94 of Directive 2013/36/EU)

Part 2 Transitional options and discretions set out in Directive 2013/36/EU and Regulation (EU) No 648/2013											
Directive 2013/36/EU	Regulation (EU) No 648/2013	Addressed	Scope	Denomination	Description of the option or discretion	Year (if application and the value is # available)	Exercised (Y/N/NA)	National text	References	Available in EN (Y/N)	Details / Comments
001	Article 140(6)	Member States	Credit Institutions and Investment firms	Exemptions or partial exemptions to large exposures limits	Member States may impose a shorter transitional period for capital buffers than that specified in paragraph 1 to 4 of Article 140. Such a shorter transitional period shall not exceed 12 months from the date of application of the Directive.	(Year)	N	2016(2020)		N	
012	Article 493(3)(A)	Member States	Credit Institutions and Investment firms	Exemptions or partial exemptions to large exposures limits	Competent authorities may fully or partially exempt exposures to large exposures limits of Member States which are covered by the terms of Article 126(1), (3) and (6).	2017 90%-80%-50%	Y	Bank of Bay's Circular 285	Part Two, Chapter 10, Section II	N	Please correct the description under column H. It should be Member States and not Competent Authorities
013	Article 493(3)(B)	Member States	Credit Institutions and Investment firms	Exemptions or partial exemptions to large exposures limits	Competent authorities may fully or partially exempt exposures to large exposures limits of Member States which are covered by the terms of Article 126(1), (3) and (6).	2017 80%	Y	Bank of Bay's Circular 285	Part Two, Chapter 10, Section II	N	Please correct the description under column H. It should be Member States and not Competent Authorities
014	Article 493(3)(C)	Member States	Credit Institutions and Investment firms	Exemptions or partial exemptions to large exposures limits	Competent authorities may fully or partially exempt exposures to large exposures limits of Member States which are covered by the terms of Article 126(1), (3) and (6).	2017 100%	Y	Bank of Bay's Circular 285	Part Two, Chapter 10, Section II	N	Please note that under national law this discretion is valid only for exposures of an institution to its parent undertaking, or to other subsidiaries of that parent undertaking, in so far as those exposures are covered by the supervision on a consolidated basis in a Member State. There is no recognition of equivalent standards in a third country. Please correct the description under column H. It should be Member States and not Competent Authorities
015	Article 493(3)(D)	Member States	Credit Institutions and Investment firms	Exemptions or partial exemptions to large exposures limits	Competent authorities may fully or partially exempt exposures to large exposures limits of Member States which are covered by the terms of Article 126(1), (3) and (6).	2017 80%	Y	Bank of Bay's Circular 285	Part Two, Chapter 10, Section II	N	Please correct the description under column H. It should be Member States and not Competent Authorities
016	Article 493(3)(E)	Member States	Credit Institutions and Investment firms	Exemptions or partial exemptions to large exposures limits	Competent authorities may fully or partially exempt exposures to large exposures limits of Member States which are covered by the terms of Article 126(1), (3) and (6).	2017 100%	Y	Bank of Bay's Circular 285	Part Two, Chapter 10, Section II	N	Please note that under national law this discretion is valid only for exposures of an institution to its parent undertaking, or to other subsidiaries of that parent undertaking, in so far as those exposures are covered by the supervision on a consolidated basis in a Member State. There is no recognition of equivalent standards in a third country. Please correct the description under column H. It should be Member States and not Competent Authorities
017	Article 493(3)(F)	Member States	Credit Institutions and Investment firms	Exemptions or partial exemptions to large exposures limits	Competent authorities may fully or partially exempt exposures to large exposures limits of Member States which are covered by the terms of Article 126(1), (3) and (6).	2017 100%	Y	Bank of Bay's Circular 285	Part Two, Chapter 10, Section II	N	Please correct the description under column H. It should be Member States and not Competent Authorities
018	Article 493(3)(G)	Member States	Credit Institutions and Investment firms	Exemptions or partial exemptions to large exposures limits	Competent authorities may fully or partially exempt exposures to large exposures limits of Member States which are covered by the terms of Article 126(1), (3) and (6).	2017 100%	Y	Bank of Bay's Circular 285	Part Two, Chapter 10, Section II	N	Please correct the description under column H. It should be Member States and not Competent Authorities
019	Article 493(3)(H)	Member States	Credit Institutions and Investment firms	Exemptions or partial exemptions to large exposures limits	Competent authorities may fully or partially exempt exposures to large exposures limits of Member States which are covered by the terms of Article 126(1), (3) and (6).	2017 100%	Y	Bank of Bay's Circular 285	Part Two, Chapter 10, Section II	N	Please correct the description under column H. It should be Member States and not Competent Authorities
020	Article 493(3)(I)	Member States	Credit Institutions and Investment firms	Exemptions or partial exemptions to large exposures limits	Competent authorities may fully or partially exempt exposures to large exposures limits of Member States which are covered by the terms of Article 126(1), (3) and (6).	2017 50%	Y	Bank of Bay's Circular 285	Part Two, Chapter 10, Section II	N	Please correct the description under column H. It should be Member States and not Competent Authorities
021	Article 493(3)(J)	Member States	Credit Institutions and Investment firms	Exemptions or partial exemptions to large exposures limits	Competent authorities may fully or partially exempt exposures to large exposures limits of Member States which are covered by the terms of Article 126(1), (3) and (6).	2017 100%	Y	Bank of Bay's Circular 285	Part Two, Chapter 10, Section II	N	Please correct the description under column H. It should be Member States and not Competent Authorities
022	Article 493(3)(K)	Member States	Credit Institutions and Investment firms	Exemptions or partial exemptions to large exposures limits	Competent authorities may fully or partially exempt exposures to large exposures limits of Member States which are covered by the terms of Article 126(1), (3) and (6).	2017 100%	Y	Bank of Bay's Circular 285	Part Two, Chapter 10, Section II	N	Please correct the description under column H. It should be Member States and not Competent Authorities
023	Article 412(5)	Member States	Credit Institutions	Liquidity coverage requirement	Member States may maintain or introduce national provisions in the area of liquidity requirements before binding minimum standards for liquidity coverage requirements are specified and fully introduced in the Union in accordance with Article 412(5).	NA	N				
024	Article 412(5)	Member States or Competent Authorities	Credit Institutions	Liquidity coverage requirement	Member States or competent authorities may require domestic authorised institutions, or a subset of those institutions, to maintain a higher liquidity coverage requirement up to 100% until the binding minimum standard is fully introduced at a rate of 100% in accordance with Article 412(5).	NA	N				
025	Article 413(3)	Member States	Credit Institutions	Stable funding requirement	Member States may maintain or introduce national provisions in the area of stable funding requirements before binding minimum standards for stable funding requirements are specified and fully introduced in the Union in accordance with Article 413(3).	NA	N				
026	Article 415(3)	Competent Authorities	Credit Institutions	Liquidity reporting requirements	Competent authorities may continue to collect information through monitoring back for the purpose of monitoring compliance with national liquidity standards, until the full introduction of binding liquidity requirements.	NA	N				
027	Article 467(7)	Competent Authorities	Credit Institutions and Investment firms	Transitional treatment of unrealised losses measured at fair value	By way of derogation from paragraph 7 of Article 467 the competent authorities may, in cases where such treatment was applied before 1 January 2014, allow institutions to include in respect of one fund unrealised gains or losses in exposures to central governments classified in the "Available for Sale" category.	NA	N/A				
028	Article 467(7)	Competent Authorities	Credit Institutions and Investment firms	Transitional treatment of unrealised losses measured at fair value	By way of derogation from paragraph 7 of Article 467 the competent authorities may, in cases where such treatment was applied before 1 January 2014, allow institutions to include in respect of one fund unrealised gains or losses in exposures to central governments classified in the "Available for Sale" category.	2014 (20%) 2015 (40%) 2016 (60%) 2017 (80%)	Y	Bank of Bay's Circular 285	Part II, Chapter 14, Section II	N	Please correct the description under column H. It should be Member States and not Competent Authorities
029	Article 468(2) 2nd subparagraph	Competent Authorities	Credit Institutions and Investment firms	Transitional treatment of unrealised gains measured at fair value	Competent authorities may permit institutions to include in the calculation of their Common Equity Tier 1 capital 100% of their unrealised gains at fair value where under Article 468 institutions are required to include their unrealised losses measured at fair value in the calculation of Common Equity Tier 1 capital.	N					Ch. Part I
030	Article 468(3)	Competent Authorities	Credit Institutions and Investment firms	Transitional treatment of unrealised gains measured at fair value	Competent authorities may permit institutions to include in the calculation of their Common Equity Tier 1 capital 100% of their unrealised gains at fair value where under Article 468 institutions are required to include their unrealised losses measured at fair value in the calculation of Common Equity Tier 1 capital.	2015 (60%) 2016 (40%) 2017 (20%)	Y	Bank of Bay's Circular 285	Part II, Chapter 14, Section II	N	
031	Article 471(1)	Competent Authorities	Credit Institutions and Investment firms	Exemption from deduction of equity holding in insurance companies from CET1 base	By way of derogation from Article 471(1), during the period from 1 January 2014 to 31 December 2017, competent authorities may permit institutions to not deduct equity holding in insurance companies from the CET1 base provided that the conditions set out in paragraph 1 of Article 471 are fulfilled.	(Year)	Y	Bank of Bay's Circular 285	Part II, Chapter 14, Section II	N	Ch. Part I
032	Article 471(1)	Competent Authorities	Credit Institutions and Investment firms	Introduction of amendments to IAS 19	By way of derogation from Article 471(1), during the period from 1 January 2014 to 31 December 2017, competent authorities may permit institutions that prepare consolidated financial statements in accordance with paragraph 1 of Article 471 to apply the amendments to IAS 19 in accordance with the procedure laid down in Article 471(2) of Regulation (EU) No 1060/2009 to add to their Common Equity Tier 1 capital the applicable amount in accordance with paragraph 2 or 3 of Article 471, as applicable, multiplied by the factor specified in paragraph 2 of that Article.	2014-2018	Y	Bank of Bay's Circular 285	Part II, Chapter 14, Section II	N	
033	Article 478(2)	Credit Institutions and Investment firms	Credit Institutions and Investment firms	Deduction from Common Equity Tier 1 base for deferred tax assets that existed prior to 1 January 2014	Applicable percentage if the alternative applies (percentage in the ranges specified in paragraph 2 of Article 478)	2014 (0%) 2015 (10%) 2016 (20%) 2017 (30%) 2018 (80%) 2019 (100%)	Y	Bank of Bay's Circular 285	Part II, Chapter 14, Section II	N	The percentages change in some circumstances, in accordance with ECB Guidelines 2017/087 (Annex)
034	Article 478(3)(A)	Credit Institutions and Investment firms	Credit Institutions and Investment firms	Transitional deductions from Common Equity Tier 1, Additional Tier 1 and Tier 2 items	Competent authorities shall determine and publish an applicable percentage in the ranges specified in paragraphs 1 and 2 of Article 478 (b) for the individual categories of deferred tax assets that exist on 1 January 2014, excluding deferred tax assets that exist on 1 January 2014 and arise from temporary differences.	2014 (20% to 100%) 2015 (40% to 100%) 2016 (60% to 100%) 2017 (80% to 100%)	Y	Bank of Bay's Circular 285	Part II, Chapter 14, Section II	N	No single percentage available
035	Article 478(3)(B)	Credit Institutions and Investment firms	Credit Institutions and Investment firms	Transitional deductions from Common Equity Tier 1, Additional Tier 1 and Tier 2 items	Competent authorities shall determine and publish an applicable percentage in the ranges specified in paragraphs 1 and 2 of Article 478 (b) for the aggregate amount of deferred tax assets that exist on 1 January 2014, excluding temporary differences and the items referred to in point (c) of Article 361(3) that are required to be deducted pursuant to Article 48.	2014 (20%) 2015 (40%) 2016 (60%) 2017 (80%)	Y	Bank of Bay's Circular 285	Part II, Chapter 14, Section II	N	No single percentage available
036	Article 478(3)(C)	Credit Institutions and Investment firms	Credit Institutions and Investment firms	Transitional deductions from Common Equity Tier 1, Additional Tier 1 and Tier 2 items	Competent authorities shall determine and publish an applicable percentage in the ranges specified in paragraphs 1 and 2 of Article 478 (b) for each deduction required pursuant to points (a) to (d) of Article 56.	2014 (20% to 100%) 2015 (40% to 100%) 2016 (60% to 100%) 2017 (80% to 100%)	Y	Bank of Bay's Circular 285	Part II, Chapter 14, Section II	N	No single percentage available
037	Article 478(3)(D)	Credit Institutions and Investment firms	Credit Institutions and Investment firms	Transitional deductions from Common Equity Tier 1, Additional Tier 1 and Tier 2 items	Competent authorities shall determine and publish an applicable percentage in the ranges specified in paragraphs 1 and 2 of Article 478 (b) for each deduction required pursuant to points (a) to (d) of Article 66.	2014 (100%) 2015 (100%) 2016 (100%) 2017 (100%)	Y	Bank of Bay's Circular 285	Part II, Chapter 14, Section II	N	No single percentage available
038	Article 479(4)	Credit Institutions and Investment firms	Credit Institutions and Investment firms	Transitional recognition in consolidated Common Equity Tier 1 capital of instruments and items that do not qualify as minority interests	Competent authorities shall determine and publish the applicable percentage in the ranges specified in paragraph 3 of Article 479.	2014 (0% to 80%) 2015 (0% to 60%) 2016 (0% to 40%) 2017 (0% to 20%)	Y	Bank of Bay's Circular 285	Part II, Chapter 14, Section II	N	No single percentage available
039	Article 480(7)	Credit Institutions and Investment firms	Credit Institutions and Investment firms	Transitional recognition of minority interests and qualifying Additional Tier 1 and Tier 2 capital	Competent authorities shall determine and publish the value of the applicable factor in the ranges specified in paragraph 7 of Article 480.	2014 (0.2) 2015 (0.4) 2016 (0.6) 2017 (0.8)	Y	Bank of Bay's Circular 285	Part II, Chapter 14, Section II	N	No single percentage available
040	Article 481(1)	Credit Institutions and Investment firms	Credit Institutions and Investment firms	Applicable percentage if a single percentage applies (percentage in the ranges specified in paragraph 3 of Article 481)	Applicable percentage if a single percentage applies (percentage in the ranges specified in paragraph 3 of Article 481)	2014 (80%) 2015 (60%) 2016 (40%) 2017 (20%)	Y	Bank of Bay's Circular 285	Part II, Chapter 14, Section II	N	No single percentage available
041	Article 481(5)	Credit Institutions and Investment firms	Credit Institutions and Investment firms	Additional transitional filters and deductions	For each filter or deduction referred to in paragraphs 1 and 2 of Article 481, competent authorities shall determine and publish the applicable percentage in the ranges specified in paragraphs 1 and 2 of that Article.	2014 2015 2016 2017	Y	Bank of Bay's Circular 285	Part II, Chapter 14, Section II	N	The percentages are applicable pursuant to Art. 481, par. 1, 3, and 5 and 80% (2014), 60% (2015), 40% (2016), 20% (2017).
042	Article 486(6)	Credit Institutions and Investment firms	Credit Institutions and Investment firms	Limits for grandfathering of items within Common Equity Tier 1, Additional Tier 1 and Tier 2 items	Applicable percentage for determining the limits for grandfathering of items within Common Equity Tier 1, Additional Tier 1 and Tier 2 items pursuant to paragraph 6 of Article 486 (percentage in the ranges specified in paragraph 5 of that Article)	2014 (80%) 2015 (70%) 2016 (60%) 2017 (50%) 2018 (40%) 2019 (30%) 2020 (20%) 2021 (10%)	Y	Bank of Bay's Circular 285	Part II, Chapter 14, Section II	N	
043	Article 486(6)	Credit Institutions and Investment firms	Credit Institutions and Investment firms	Limits for grandfathering of items within Common Equity Tier 1, Additional Tier 1 and Tier 2 items	Applicable percentage for determining the limits for grandfathering of items within Common Equity Tier 1, Additional Tier 1 and Tier 2 items pursuant to paragraph 6 of Article 486 (percentage in the ranges specified in paragraph 5 of that Article)	2014 (80%) 2015 (70%) 2016 (60%) 2017 (50%) 2018 (40%) 2019 (30%) 2020 (20%) 2021 (10%)	Y	Bank of Bay's Circular 285	Part II, Chapter 14, Section II	N	
044	Article 495(1)	Credit Institutions and Investment firms	Credit Institutions and Investment firms	Transitional provision on the calculation of own funds requirements for exposures in the form of covered bonds	By way of derogation from Chapter 3 of Part Three, until 31 December 2017, the competent authorities may exempt from the 90% treatment certain categories of equity exposures held by institutions and for subsidiaries of institutions in that Member State which are covered by the terms of Article 126(1), (3) and (6) of the Directive and which are equivalent to French Fonds Commun de Garantie set down in Article 126(1), provided that the conditions specified in points (a) and (b) of Article 495(1) are fulfilled.	2014 - 2017	Y	Bank of Bay's Circular 285	Part II, Chapter 14, Section II	N	

Annex II

Part 3									
Variable elements of remuneration (Article 94 of Directive 2013/36 EU)									
	Directive 2013/36/EU	Addressee	Scope	Provisions	Information to disclose	Exercised (Y/N/NA)	References	Available in EN (Y/N)	Details / Comments
010	<i>Date of the last update of information in this template</i>				(30/06/2020)				
020	Article 94(1)(g)(i)	Member States or Competent Authorities	Credit Institutions and Investment firms	Maximum ratio between the variable and fixed components of remuneration (% set in national law calculated as variable component divided by fixed component of remuneration)	100%	N			
030	Article 94(1)(g)(ii)	Member States or Competent Authorities	Credit Institutions and Investment firms	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)	200%	Y	Bank of Italy Circular no. 285/2013, Part One, Title IV, Chapter 2	N	
040	Article 94(1)(g)(iii)	Member States or Competent Authorities	Credit Institutions and Investment firms	Maximum part of the total variable remuneration to which the discount rate may be applied (% of the total variable remuneration)	NA	N			
050	Article 94(1)(l)	Member States or Competent Authorities	Credit Institutions and Investment firms	Description of any restriction on the types and designs or prohibitions of instruments that can be used for the purposes of awarding variable remuneration	NA	N			