

**Table: List of French and German Options and National Discretion (ONDs) within the Single Supervisory Mechanism**

Article	Provision	Description of the option or discretion	Germany	France
<b>Article 9(2) CRDIV</b>	Exception to the prohibition against persons or undertakings other than credit institutions from taking deposits or other repayable funds from the public	The prohibition against persons or undertakings other than credit institutions from carrying out the business of taking deposits or other repayable funds from the public shall not apply to a Member State, a Member State's regional or local authorities, a public international bodies of which one or more Member States are members, or to cases expressly covered by national or union law, provided that those activities are subject to regulations and controls intended to protect depositors and investors.	Option exercised, Section 2 (1) - (4) of the German Banking Act (KWG)	Option exercised, Monetary and Financial Code article L518-1
<b>Article 12(3) CRDIV</b>	Initial capital	Member States may decide that credit institutions which do not fulfil the requirements to hold separate own funds and which were in existence on 15 December 1979 may continue to carry out their business.	Not exercised	Not exercised
<b>Article 12(3) CRDIV</b>	Initial capital	Credit Institutions for which Member States have decided that they can continue to carry out their business according to Article 12(3) of Directive 2013/36/EU may be exempted by MS from complying with the requirements contained in	No data available	Not exercised

		the first subparagraph of Article 13(1) of Directive 2013/36/EU.		
<b>Article 12(4) CRDIV</b>	Initial capital	Member States may grant authorisation to particular categories of credit institutions the initial capital of which is less than EUR 5 million, provided that the initial capital is not less than EUR 1 million and the Member State concerned notifies the Commission and EBA of its reasons for exercising that option.	Not exercised	Nont exercised
<b>Article 133(18) CRDIV</b>	Requirement to maintain a systemic risk buffer	Member States may apply a systemic risk buffer to all exposures.	Option exercised, Section 10e(1) sentence 2 KWG	Option exercised, Ministerial order on Capital Buffers, article 50
<b>Article 134(1) CRDVI</b>	Recognition of a systemic risk buffer rate	Other Member States may recognise the systemic risk buffer rate set according to Article 133 and may apply that buffer rate to domestically authorised institutions for the exposures located in the Member State setting that buffer rate.	Option exercised, Section 10e(8) sentence 2 KWG	Option exercised, Ministerial order on Capital Buffers, chapter 2
<b>Article 152 first paragraph CRDIV</b>	Reporting requirements to host competent authorities	The competent authorities of host Member States may, for statistical purposes, require that all credit institutions having branches within their territories shall report to them periodically on their activities in those host Member States.	Not exercised	Option exercised, Monetary and Financial Code, article L613-33
<b>Article 152 second paragraph</b>	Reporting requirements to host competent authorities	Host Member States may require that branches of credit institutions from other Member States provide the same	Not exercised	Option exercised, Monetary and Financial Code, article L613-33

<b>CRDIV</b>		information as they require from national credit institutions for that purpose.		
<b>Article 4(2)CRR</b>	Treatment of indirect holdings in real estate	Member States or their competent authorities may allow shares constituting an equivalent indirect holding of immovable property to be treated as a direct holding of immovable property provided that such indirect holding is specifically regulated in the national law of the Member State and, when pledged as collateral, provides equivalent protection to creditors.	Not exercised	Not exercised

Sources: European Central Bank, BaFin, Bundesbank, Banque de France. Thanks to Farida Valieva who collected this data.