

Table: French and German Options and National Discretion (ONDs) for NCAs implemented by national legislation

	Provision	Description	Implementation in France	Implementation in Germany
CRDIV art. 21(1)	Waiver for credit institutions permanently affiliated to a central body	Based on Article 21(1) CRD IV, Competent Authorities may waive certain authorisation requirements with regard to credit institutions permanently affiliated to a central body in according with the conditions set out in art. 10 CRR. Requirements that may be waived are: <ul style="list-style-type: none"> • Need for a programme of operations and structural organisation • Minimum initial capital • Management board of at least two persons The applicable conditions according to Art. 10 CRR are: <ul style="list-style-type: none"> • Central body and affiliates share commitments jointly and certain commitments of the affiliates are guaranteed by the central body • Solvency and liquidity of central body and affiliates are monitored on a consolidated basis • Central body management is empowered to give instructions to the management of the affiliates. The policy recommendation is to exercise the OND.	Option transposed into national law (Option exercised in practice) Monetary and Financial Code ; Decree of 4 December 2017 Articles R511-3, R512-40, R 515-1	Option not transposed into national law
CRD IV art. 103(1)	Application of Pillar II measures to institutions with similar risk profiles (Horizontal Pillar 2)	Flexibility to apply supervisory measures on the basis of Art. 103 CRDIV and Art. 16 SSMR. The policy recommendation is to exercise on a case by case basis.	Option transposed into national law (Option not exercised in practice)	Option transposed into national law (Option not exercised in practice)
CRDIV art. 142 (1) à (4)	Capital Conservation Plan - 4 ONDs	Defines the supervisory discretions of competent authorities in the context of capital conservation plans: <ul style="list-style-type: none"> * with regard to the timeline for banks to submit the capital conservation plan (142(1)). The policy recommendation is to not exercise the option. * the possibility for competent authorities to ask for additional information (142(2)). The policy recommendation is to exercise on a case by case basis. * the period in which the institution needs to restore its capital position (142(3)). The policy recommendation is to exercise on a case by case basis. * the use of supervisory measures in case the competent authority does not approve the capital conservation plan (142(4)). The policy recommendation is to exercise on a case by case basis. 	Option transposed into national law (Option not exercised in practice)	Option transposed into national law (Option not exercised in practice)

Source: 2020, own aggregation of data available from the ECB, and from annexes II of national Overviews of options and discretions set out in Directive 2013/36/EU and Regulation (EU) No 575/2013 as updated in July 2019. Thanks to Farida Valieva who collected this data.