ARTICLE		
CONTENT	**SUBTITLE**	**TITLE**
<ol class="crrNumList"> The following shall be the classes of instruments that satisfy the conditions laid down in point (l)(ii) of Article 94(1) of Directive 2013/36/EU: <ol class="crrCharList"> - classes of Additional Tier 1 instruments where those classes fulfil the conditions referred to in paragraph 2 and Article 2, and comply with Article 5(9) and point (c) of Article 5(13); - classes of Tier 2 instruments where those classes fulfil the conditions referred to in paragraph 2 and Article 3, and comply with Article 5; - classes of instruments which can be fully converted to Common Equity Tier 1 instruments or written down and which are neither Additional Tier 1 instruments nor Tier 2 instruments (Other Instruments) in the cases referred to in Article 4 where those classes fulfil the conditions referred to in paragraph 2 and comply with Article 5. The classes of instruments referred to in paragraph 1 shall fulfil the following conditions: <ol class="crrCharList"> - instruments shall not be secured or subject to a guarantee that enhances the seniority of the claims of the holder; - where the provisions governing an instrument allow its conversion, that instrument shall only be used for the purposes of awarding variable remuneration where the rate or range of conversion is set at a level that ensures that the value of the instrument into which the instrument initially awarded is converted is not higher than the value of the instrument initially awarded at the time it was awarded as variable remuneration; - the provisions governing convertible instruments which are used for the sole purpose of variable remuneration shall ensure that the value of the instrument into which the instrument initially awarded is converted is not higher than the value, at the time of that conversion, of the instrument initially awarded; - the provisions governing the instrument shall provide that any distributions are paid on at least an annual basis and are paid to the holder of the instrument; - instruments shall be priced at their value at the time the instrument is awarded, in accordance with the applicable accounting standard. The valuation shall take into account the credit quality of the institution and shall be subject to independent review; - the provisions governing the instruments issued for the sole purpose of variable remuneration shall require a valuation to be carried out in accordance with the applicable accounting standard in the event that the instrument is redeemed, called, repurchased or converted.	Classes of instruments that adequately reflect the credit quality of an institution as a going concern and are appropriate to be used for the purposes of variable remuneration	Article 1
<div class="crrArticle"> Classes of Additional Tier 1 instruments shall comply with the following conditions: <ol class="crrCharList"> - the provisions governing the instrument shall specify a trigger event for the purpose of point (n) of Article 52(1) of Regulation (EU) No 575/2013; - the trigger event referred to in point (a) occurs when the Common Equity Tier 1 capital ratio of the institution issuing the instrument, referred to in point (a) of Article 92(1) of Regulation (EU) No 575/2013, falls below either of the following: <ol class="crrRomanList"> 7 %; - a level higher than 7 %, where determined by the institution and specified in the provisions governing the instrument; - one of the following requirements is met: <ol class="crrRomanList"> - the instruments are issued for the sole purpose of being awarded as variable remuneration and the provisions governing the instrument ensure that any distributions are paid at a rate which is consistent with market rates for similar instruments issued by the institution or by institutions of comparable nature,		

		scale, complexity and credit quality and which in any case is, at the time the remuneration is awarded, no higher than 8 percentage points above the annual average rate of change for the Union published by the Commission (Eurostat) in its Harmonised Indices of Consumer Prices published pursuant to Article 11 of Council Regulation (EC) No 2494/95Council Regulation (EC) No 2494/95 of 23 October 1995 concerning harmonized indices of consumer prices (OJ L 257, 27.10.1995, p. 1).. Where the instruments are awarded to staff members who perform the predominant part of their professional activities outside the Union and the instruments are denominated in a currency issued by a third country, institutions may use a similar independently-calculated index of consumer prices produced in respect of that third country; - at the time of the award of the instruments as variable remuneration, at least 60 % of the instruments in issuance were issued other than as an award of variable remuneration and are not held by the following or by any undertaking that has close links with the following: <p>the institution or its subsidiaries,</p> <p>the parent undertaking of the institution or its subsidiaries,</p> <p>the parent financial holding company or its subsidiaries,</p> <p>the mixed activity holding company or its subsidiaries,</p> <p>the mixed financial holding company and its subsidiaries.</p> </div>	Conditions for classes of Additional Tier 1 instruments	Article 2
		<div class="crrArticle"> <p>Classes of Tier 2 instruments shall comply with the following conditions:</p> <ol class="crrCharList"> - at the time of the award of the instruments as variable remuneration, the remaining period before maturity of the instruments shall be equal to or exceed the sum of the deferral periods and retention periods that apply to variable remuneration in respect of the award of those instruments; - the provisions governing the instrument provide that, upon the occurrence of a trigger event the principal amount of the instruments shall be written down on a permanent or temporary basis or the instrument shall be converted to Common Equity Tier 1 instruments; - the trigger event referred to in point (b) occurs where the Common Equity Tier 1 capital ratio of the institution issuing the instrument, referred to in point (a) of Article 92(1) of Regulation (EU) No 575/2013, falls below either of the following: <ol class="crrRomanList"> 7 %; - a level higher than 7 %, where determined by the institution and specified in the provisions governing the instrument; - one of the requirements in point (c) of Article 2 is met. </div>	Conditions for classes of Tier 2 instruments	Article 3
		<ol class="crrNumList"> Under the conditions laid down in point (c) of Article 1(1), Other Instruments satisfy the conditions laid down in point (l)(ii) of Article 94(1) of Directive 2013/36/EU in each of the following cases: <ol class="crrCharList"> - the Other Instruments fulfil the conditions referred to in paragraph 2; - the Other Instruments are linked to an Additional Tier 1 instrument or Tier 2 instrument and fulfil the conditions referred to in paragraph 3; - the Other Instruments are linked to an instrument which would be an Additional Tier 1 instrument or Tier 2 instrument but for the fact that it is issued by a parent undertaking of the institution which is outside the scope of consolidation pursuant to Chapter 2 of Title II of Part One of Regulation (EU) No 575/2013 and the Other Instruments fulfil the conditions in paragraph 4. The conditions referred to in point (a) of paragraph 1 are the following: <ol class="crrCharList"> - the Other Instruments shall be issued directly or through an entity included within the group consolidation pursuant to Chapter 2 of Title II of Part One of Regulation (EU) No 575/2013, provided that a change to the credit quality of the issuer of the instrument can		

DOCUMENT	**SECTION**	reasonably be expected to lead to a similar change to the credit quality of the institution using the Other Instruments for the purpose of variable remuneration; - the provisions governing the Other Instruments do not give the holder the right to accelerate the scheduled payment of distributions or principal other than in the case of the insolvency or liquidation of the institution; - at the time of the award of the Other Instruments as variable remuneration the remaining period before maturity of the Other Instruments is equal to or exceeds the sum of the deferral periods and retention periods that apply in respect of the award of those instruments; - the provisions governing the instrument provide that, upon the occurrence of a trigger event the principal amount of the instruments shall be written down on a permanent or temporary basis or the instrument shall be converted to Common Equity Tier 1 instruments; - the trigger event referred to in point (d) occurs when the Common Equity Tier 1 capital ratio of the institution issuing the instrument referred to in point (a) of Article 92(1) of Regulation (EU) No 575/2013 falls below either of the following: <ol class="crrRomanList"> 7 %; - a level higher than 7 %, where determined by the institution and specified in the provisions governing the instrument; - one of the requirements in point (c) of Article 2 is met. The conditions referred to in point (b) of paragraph 1 are the following: <ol class="crrCharList"> - the Other Instruments fulfil the conditions in points (a) to (e) of paragraph 2; - the Other Instruments are linked to an Additional Tier 1 or Tier 2 instrument issued through an entity included within the group consolidation pursuant to Chapter 2 of Title II of Part One of Regulation (EU) No 575/2013 (the reference instrument); - the reference instrument fulfils the conditions of points (c) and (f) of paragraph 2 at the time that the instrument is awarded as variable remuneration; - the value of an Other Instrument is linked to the reference instrument such that it is at no time more than the value of the reference instrument; - the value of any distributions paid after the Other Instrument has vested is linked to the reference instrument such that distributions paid are at no time more than the value of any distributions paid under the reference instrument; - the provisions governing the Other Instruments provide that if the reference instrument is called, converted, repurchased or redeemed within the deferral or retention period the Other Instruments shall be linked to an equivalent reference instrument which fulfils the conditions in this Article such that the total value of the Other Instruments does not increase. The conditions referred to in point (c) of paragraph 1 are the following: <ol class="crrCharList"> - the competent authorities have determined for the purpose of Article 127 of Directive 2013/36/EU that the institution that issues the instrument to which the other instruments are linked is subject to consolidated supervision by a third-country supervisory authority which is equivalent to that governed by the principles set out in that Directive and the requirements of Chapter 2 of Title II of Part One of Regulation (EU) No 575/2013; - the Other Instruments fulfil the conditions referred to in points (a) and points (c) to (f) of paragraph 3.	Conditions for classes of Other Instruments	Article 4
		<ol class="crrNumList"> For the purpose of point (b) of Article 3 and point (d) of Article 4(2) the provisions governing Tier 2 instruments and Other Instruments shall comply with the procedures and timing laid down in paragraphs 2 to 14 for calculating the Common Equity Tier 1 capital ratio and the amounts to be written down, written up or converted. The provisions governing Additional Tier 1 instruments shall comply with the procedures laid down in		

		paragraph 9 and point (c) of paragraph 13 in respect of amounts to be written down, written up or converted. Where the provisions governing Tier 2 and Other Instruments require the instruments to be converted into Common Equity Tier 1 instruments upon the occurrence of a trigger event, those provisions shall specify either of the following: <ol class="crrCharList"> - the rate of that conversion and a limit on the permitted amount of conversion; - a range within which the instruments will convert into Common Equity Tier 1 instruments. Where the provisions governing the instruments provide that their principal amount shall be written down upon the occurrence of a trigger event, the write-down shall permanently or temporarily reduce all the following: <ol class="crrCharList"> - the claim of the holder of the instrument in the insolvency or liquidation of the institution; - the amount to be paid in the event of the call or redemption of the instrument; - the distributions made on the instrument. - Any distributions payable after a write-down shall be based on the reduced amount of the principal. - Write-down or conversion of the instruments shall, under the applicable accounting framework, generate items that qualify as Common Equity Tier 1 items. - Where the institution has established that the Common Equity Tier 1 ratio has fallen below the level that activates conversion or write-down of the instrument the management body or any other relevant body of the institution shall be required to determine without delay that a trigger event has occurred and there shall be an irrevocable obligation to write-down or convert the instrument. The aggregate amount of instruments that is required to be written down or converted upon the occurrence of a trigger event shall be no less than the lower of the following: <ol class="crrCharList"> - the amount required to fully restore the Common Equity Tier 1 ratio of the institution to the percentage set as the trigger event in the provisions governing the instrument; - the full principal amount of the instrument. Where a trigger event occurs, institutions shall be required to do the following: <ol class="crrCharList"> - inform the staff members who have been awarded the instruments as variable remuneration and the persons who continue to hold such instruments; - write down the principal amount of the instruments, or convert the instruments into Common Equity Tier 1 instruments as soon as possible and within a maximum period of one month in accordance with the requirements laid down in this Article. - Where Additional Tier 1 instruments, Tier 2 instruments and Other Instruments include an identical trigger level, the principal amount shall be written down or converted on a pro rata basis to all holders of such instruments which are used for the purposes of variable remuneration. - The amount of the instrument to be written down or converted shall be subject to independent review. That review shall be completed as soon as possible and shall not create impediments for the institution to write-down or convert the instrument. - An institution issuing instruments that convert to Common Equity Tier 1 on the occurrence of a trigger event shall be required to ensure that its authorised share capital is at all times sufficient to convert all such convertible instruments into shares if a trigger event occurs. The institution shall be required to maintain at all times the necessary prior authorisation to issue the Common Equity Tier 1 instruments into which such instruments would convert upon the occurrence of a trigger event. - An institution issuing instruments that convert to Common Equity Tier 1 on the occurrence of a trigger event shall be required to ensure that there are no procedural impediments to that conversion by virtue of its incorporation or statutes or contractual arrangements.	Write down, write up and conversion procedures	Article 5

		In order for the write-down of an instrument to be considered temporary, all of the following conditions shall be met: <ol class="crrCharList"> - write-ups shall be based on profits after the issuer of the instrument has taken a formal decision confirming the final profits; - any write-up of the instrument or payment of coupons on the reduced amount of the principal shall be operated at the full discretion of the institution subject to the constraints arising from points (c), (d) and (e) and the institution shall not be obliged to operate or accelerate a write-up under specific circumstances; - a write-up shall be operated on a pro rata basis among Additional Tier 1 instruments, Tier 2 instruments and Other Instruments used for the purpose of variable remuneration that have been subject to a write-down; - the maximum amount to be attributed to the sum of the write-up of Tier 2 and Other Instruments together with the payment of coupons on the reduced amount of the principal shall be equal to the profit of the institution multiplied by the amount obtained by dividing the amount determined in point (i) by the amount determined in point (ii): <ol class="crrRomanList"> - the sum of the nominal amount of all Tier 2 instruments and other instruments of the institution before write-down that have been subject to a write-down; - the sum of own funds and of the nominal amount of Other Instruments used for the purpose of variable remuneration of the institution; - the sum of any write-up amounts and payments of coupons on the reduced amount of the principal shall be treated as a payment that results in a reduction of Common Equity Tier 1 and shall be subject, together with other distributions on Common Equity Tier 1 instruments, to the restrictions relating to the Maximum Distributable Amount as laid down in Article 141(2) of Directive 2013/36/EU. - For the purposes of point (d) of paragraph 13, the calculation shall be made at the moment when the write-up is operated.		
		<div class="crrArticle">This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</div>		Article 6