



Circular CSSF-CODERES 23/17

Single Resolution Fund –
Information request by the
Single Resolution Board for the
calculation of the 2024 ex-ante
contribution according to
Articles 4 and 14 of
Commission Delegated
Regulation (EU) 2015/63

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Single Resolution Fund – Information request by the Single Resolution Board for the calculation of the 2024 ex-ante contribution according to Articles 4 and 14 of Commission Delegated Regulation (EU) 2015/63

To all credit institutions subject to Regulation (EU) No 806/2014 of the European Parliament and of the Council

Luxembourg, 12 October 2023

Ladies and Gentlemen,

The purpose of this circular is to collect data for the calculation of the 2024 *ex-ante* contribution to the Single Resolution Fund.

Article 67 of Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 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 (hereinafter "SRMR") establishes a **Single Resolution Fund** (hereinafter "SRF") under the responsibility of the **Single Resolution Board** (hereinafter "SRB") for Member States participating in the SSM. Commission Delegated Regulation (EU) 2015/63 of 21 October 2014 supplementing Directive 2014/59/EU with regard to *ex-ante* contributions to resolution financing arrangements (hereinafter "DR") and Council Implementing Regulation (EU) 2015/81 of 19 December 2014 specifying uniform conditions of application of Regulation (EU) No 806/2014 of the European Parliament and of the Council with regard to *ex-ante* contributions to the Single Resolution Fund (hereinafter "CR") specify together the methodology for the calculation of this contribution and the obligations of the credit institutions¹ as regards the necessary information to be provided in a Single Resolution Mechanism context.

The Initial Period for the constitution of the SRF is expected to end on 31 December 2023. Article 69(4) of the SRMR, read in conjunction with Article 69(1) of that Regulation, requires the raising of contributions to the SRF after the end of the Initial Period, where the amount of available financial means in the SRF diminishes below 1% of the amount of covered deposits of all credit institutions authorised in all of the Member States participating in the Banking Union (hereinafter "BU")².

Branches established in Luxembourg by institutions which have their head office outside the European Union are not targeted by this circular as they will be covered by the Luxembourg Resolution Fund³.

¹ In accordance with Article 4(1)(1) of Regulation (EU) 575/2013 credit institution means an undertaking the business of which is to take deposits or other repayable funds from the public and to grant credits for its own account.

² This means for Luxembourg: All credit institutions established in Luxembourg with the exception of the branches established in Luxembourg by a credit institution which has its head office outside the EU. Branches established in Luxembourg by a credit institution having its head office in another Member State, participating or not participating, are covered by their head office.

³ See Article 108(1) of the Law of 18 December 2015 on the failure of credit institutions and certain investment firms and CSSF Regulation No 16-06.

As explained in the 2024 kick-off letter (see Annex 1), the SRB will verify in early 2024 whether the available financial means in the SRF are equal to at least 1% of covered deposits held in the BU. Based on the outcome of that verification exercise, the SRB will decide whether *ex-ante* contributions to the SRF will be calculated and collected in the 2024 contribution period. The SRB needs, therefore, a certain amount of information as expressed in the kick-off letter (see Annex 1) and its decision dated 13 September 2023 on data formats etc. (see Annex 2).

The purpose of this circular is to launch this data collection exercise, which is done as in the previous year in XBRL format⁴.

In order to properly complete the required XBRL file, the SRB has provided the data reporting form along with guidance (see Annexes 3a, 3b and 4).

This information is also made available on the CSSF's website (www.cssf.lu) under:

Entity types > Credit institutions/Investment firms > Resolution > Circulars > Circular CSSF-CODERES 23/17 > Details and related documents (direct link: <https://www.cssf.lu/en/document/circular-cssf-coderes-23-17/>).

Deadlines

The duly completed XBRL file has to be sent to the CSSF at the **latest by 12 January 2024 at 24:00 CET**⁵. In case not all required information is transmitted correctly by that date, the SRB shall use estimates or its own assumptions for the calculation of the 2024 contribution of the concerned credit institution to the SRF (Article 17(1) DR). In specific cases, the SRB may assign the credit institution concerned to the highest risk adjusting multiplier, for the calculation of the institution's contribution to the SRF (Article 17(2) DR).

Delivery instructions

The transmission of data has to be performed **via XBRL either through the API solution (S3 technology) or the eDesk digital portal**, from the credit institutions to the CSSF, as detailed in the "User Guide *Ex-ante* Contribution Reporting" (see Annex 5). The CSSF will then send the data via a XBRL-based portal to the SRB which will perform additional validation checks.

Additional assurance documents for the 2024 collection period

In addition, each credit institution that directly or as part of a group falls under direct ECB supervision (see Annex 6), unless it is subject to the lump-sum payment, must make available to the **resolution department of the CSSF additional assurance documents (hereinafter "AA")**, which will be transmitted to the SRB. Please, note that, **as last year**, upon instructions from the SRB, **only Agreed Upon Procedures (hereinafter "AUP")** where an external auditor confirms specific data (see Annex 7a and 7b) is accepted.

In case a finding has been identified, the AA should report explicitly the field concerned and the amount that the institution should have reported in order to avoid the delivery of a new AA when submitting the restatement.

⁴ Except for restatements up to 2022 which are still in Excel format.

⁵ Additional guidance is given in Annex 6.

The documents have to be sent to the CSSF at the **latest by 23 February 2024**, by mailing a signed hard copy to: CSSF, Resolution Department, L-2991 Luxembourg. Banks which do not appear on the list in Annex 6 do not have to send in any AA⁶.

Restatements

In case restatements for the previous years must be taken into account, please inform or re-inform proactively the persons listed below of your intention to send these files and of the collection years concerned by 30 November 2023. The format to be used is the one that was relevant for the contribution period (i.e. XBRL for 2023 data collection exercise and Excel for the previous exercises).

For restatements as well, each credit institution that directly or as part of a group falls under direct ECB supervision (see Annex 6), unless it is subject to the lump-sum payment, must make available to the **resolution department of the CSSF an AA** within the above mentioned deadline.

However, by way of exception⁷, a (new) AUP report from an auditor on the restated data point is not required under the following conditions:

- the restatement is due following an auditor's report in a previous cycle where the erroneous data point was identified,
- the same auditor's report expressly mentioned the former figure and the new value that should be resubmitted for the purpose of calculating the restatement, and

For any questions concerning this circular please contact Mr. Klaus Söllner (e-mail: klaus.sollner@cssf.lu), Mr. Bertrand Toulmonde (e-mail: bertrand.toulmonde@cssf.lu), Mr. François Basso (e-mail: francois.basso@cssf.lu).

Yours faithfully,

For the Resolution Board

Romain STROCK

Chairman of the Resolution Board

- Annexes
- [Annex 1 – 2024 Kick off letter](#)
 - [Annex 2 – Decision on the Data Reporting Form and Additional Assurance](#)
 - [Annex 3a – Data reporting form \(PDF version\)](#)
 - [Annex 3b – Data reporting form \(Excel version\)](#)
 - [Annex 4 – 2024 Guidance](#)
 - [Annex 5 – User Guide - Ex-ante Contributions Reporting - Version 1.2](#)
 - [Annex 6 – List of credit institutions under direct ECB supervision](#)
 - [Annex 7a – Additional Assurance requirements 2024 \(PDF version\)](#)
 - [Annex 7b – Additional Assurance requirements 2024 \(Word version\)](#)

All annexes are accessible via the links at the end of this circular (direct link: <https://www.cssf.lu/en/document/circular-cssf-coderes-23-17/>).

⁶ According to Article 18 DR the resolution authorities may impose administrative penalties and other administrative measures referred to in Article 110 of Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms to the persons or entities responsible for breaches of DR.

⁷ See Annexes 7a and 7b page 2.