Outdated

Conseil de protection des déposants et des investisseurs

In case of discrepancies between the French and the English text, the French text shall prevail.

Luxembourg, 23 July 2018

To the members of the *Fonds de garantie des dépôts Luxembourg*

CIRCULAR CSSF-CPDI 18/12

Re: Survey on the amount of covered deposits held on 30 June 2018

Ladies and Gentlemen,

1. The aim of this circular is to carry out a survey on deposits, and more particularly on covered deposits, as held by credit institutions incorporated under Luxembourg law, the *POST Luxembourg* for its provision of postal financial services, and Luxembourg branches of credit institutions having their head office in a third country (hereinafter, referred to as "institutions") as at **30 June 2018**.

2. We remind the members of the Luxembourg deposit guarantee fund ("FGDL") that the data collection is done on a quarterly basis in order to identify throughout the year trends and changes in indicators relevant to the deposit guarantee. The aim of this circular is thus similar to the one of Circular CSSF-CPDI 18/11, Circular CSSF-CPDI 17/10 and its predecessors.

3. A definition of "covered deposits" and "eligible deposits" can be found in Article 163 of the amended law of 18 December 2015 on the failure of credit institutions and certain investment firms. The provisions of Circular CSSF-CPDI 16/02 shall be taken into account, in particular with regard to the exclusions of structures assimilated to financial institutions, as well as the treatment of omnibus or fiduciary accounts, i.e. accounts which holders are not absolutely entitled to. We remind you that persons who are absolutely entitled shall be covered by the guarantee provided that they have been identified or are identifiable before the guarantee is triggered.

Persons are deemed identifiable if the holder of the account has informed the FGDL member institution who holds the deposits, that he acts on behalf of third parties, that he has communicated the number of persons who are absolutely entitled and the amount owed to each of them and that he is able to provide the institution who holds the deposits or the CPDI with the identity of the persons who are absolutely entitled, upon request of the CPDI in case of the institutions' failure. In order to allow the CPDI to follow the use of omnibus or fiduciary accounts and prepare the FGDL for their reimbursement, the volume of eligible and covered deposits in such accounts and the number of persons who are absolutely entitled are to be reported through specific rows in the annexed table.

4. FGDL members are requested to provide the data at the level of their legal entity, comprising branches located within other Member States, by **31 August 2018**. The requested data shall be reported with utmost care, as it constitutes the basis to determine the contribution to the Resolution Fund.

5. In order to transmit the data, institutions are kindly requested to complete the table attached to this circular, which is also available on the CSSF's website at: http://www.cssf.lu/fileadmin/files/ESPREP-Bxxxx-yyyy-mm-DCO.xls.

The format of the table has not changed with regard to Circular CSSF-CPDI 18/11. It is absolutely necessary to respect the integrity of the file, i.e. not to modify the structure of the table and to input information and data in yellow fields exclusively. The filename of the completed document shall comply with the file naming convention for special enquiries, as defined by Circular CSSF 08/344. The string "xxxx" shall be replaced by the 4 digits identification number of the institution and the string "yyyy" and "mm" shall be replaced by "2018" and "06", respectively.

The completed document shall be transmitted via one of the secured channels (E-File or SOFiE). The relevant document must be in ".xls" or ".xlsx" format. Any other format will not be accepted. Please take note, that the document shall be completed in any cases. If you consider that there is no amount to be reported, the transmission to the CSSF remains nevertheless mandatory and value "0" (= zero) must be indicated in the corresponding table. Detailed instructions are provided for each table field in Annex 2. Documents which include error messages will be considered as void.

6. Given the importance of this survey, a member of the authorised management, in this case the member in charge of the membership of the FGDL in accordance with section C of Circular CSSF 13/555, must review and approve the document prior to its transmission to the CSSF.

For any questions regarding this circular, please contact Mr. Michael Rademacher (e-mail: michael.rademacher@cssf.lu).

Yours faithfully,

COMMISSION DE SURVEILLANCE DU SECTEUR FINANCIER
Conseil de protection des déposants et des investisseurs

On behalf of the CPDI
Claude SIMON
Chair of the CPDI

Appendices: 1. Table for the survey
2. Specifications for filling in the data collection template

Information about deposits

Name of the institution:
CSSF identification number:
Type of institution:
Member of the authorised management who has validated the table:

Contact person: **Name**
Phone
Email address

Amounts in euro

Field ID	Field	30/06/2018	Automatic checks
0100	**Total amount of deposits** (0110+0115), including where applicable deposits at branches established in another Member State.	**0,00**	
0110	physical persons	0,00	
0115	legal persons	0,00	
0200	**Eligible deposits** (after exclusions of Article 172 of the 2015 law and of Circular CSSF-CPDI 16/02)		
0201	**Total amount of eligible deposits** (0210+0215+220+225)	**0,00**	
0210	≤ 100 000 EUR; natural persons	0,00	
0215	≤ 100 000 EUR; legal persons	0,00	
0220	> 100 000 EUR; natural persons	0,00	
0225	> 100 000 EUR; legal persons	0,00	
0226	***Amount of eligible deposits held in omnibus or fiduciary accounts***	0,00	
0230	**Number of claims** (0235+0240+0245+0250)	**0,00**	
0235	≤ 100 000 EUR; natural persons	0	
0240	≤ 100 000 EUR; legal persons	0	
0245	> 100 000 EUR; natural persons	0	
0250	> 100 000 EUR; legal persons	0	
0255	***Number of persons absolutely entitled to omnibus or fiduciary accounts***	0	
0300	**Total amount of covered deposits** (0310+0315+0320+0325)	**0,00**	
0310	≤ 100 000 EUR; natural persons	0,00	
0315	≤ 100 000 EUR; legal persons	0,00	
0320	> 100 000 EUR; natural persons	0,00	
0325	> 100 000 EUR; legal persons	0,00	
0330	***Amount of covered deposits held in omnibus or fiduciary accounts***	0,00	
0400	**Total amount of clipping** (0201-0300)	**0,00**	

Appendix 2 to Circular CSSF-CPDI 18/12

Specifications for filling in the data collection template

ID	Field	Type	Explanations
	General instructions		• Abbreviations used : o « Delegated regulation » or « DR » : the Commission delegated regulation (EU) 2015/63 of 21 October 2014 ; o « law of 2015 » : amended law of 18 December 2015 on the failure of credit institutions and certain investment firms. • **Amounts of deposits**, eligible deposits and covered deposits shall be reported in **units of euros**, with two digits after the decimal point. The **number of claims** shall be reported in units. Deposits held in another currency than euro shall be converted to euro using the European Central Bank's **exchange rate**, as published in the Official Journal of the European Union, applicable at the end of the quarter in question. All fields in the table have predefined values that shall be modified in a consistent manner. In case a field is not applicable or its value is zero, please keep the value 0. • For the definition of the term « **deposit** » and the identification of liabilities to be take in to account for the guarantee, we refer to Article 163, point 6, of the law of 2015. • For the purpose of this survey, and by way of derogation from Article 175, no set-off between credit and debit balances shall be made. Only credit balances shall be taken into account. Depositors having a debit account (negative) and no credit account (positive) shall not be taken into account for determining the number of claims in fields 230 to 250. • The provisions of Circular CSSF-CPDI 16/02 shall be taken into account, in particular with regard to the exclusions of some structures such as Soparfis or certain foundations, as well as the treatment of omnibus accounts. • For this specific survey, temporary high balances, as referred to in Article 171(2), shall be treated as normal deposits with a limited guaranteed amount of EUR 100,000.
	CSSF identification number		Please indicate the identification code assigned by the CSSF, starting with "B" (or with "P" for the POST Luxembourg) and followed by a number between 1 and 400.
	Type of institution		Institutions governed by Luxembourg law shall report a template with the code "Etablissement de crédit de droit luxembourgeois, ou POST Luxembourg". The data reported in the template with this code includes branches established in other Member states, where

			appropriate. Luxembourg branches of credit institutions established in a third country chose the code "Succursale luxembourgeoise d'un établissement de crédit ayant son siège dans un pays tiers". EU branches of Luxembourg credit institutions shall chose the code "Succursale d'un établissement de crédit luxembourgeois établie dans un autre Etat member"
0100	**Total amount of deposits**	20,2N	This field reports the total amount of all deposits in the sense of Art. 163, point 6, of the law of 2015 (eligible and non-eligible for the deposit guarantee). Deposits include the balance and the accrued interest, even when it is not yet due (Art. 171(5) law of 2015). The field contains the automatically calculated sum of the amounts reported in the fields 0110 and 0115.
0110	Natural persons	20,2N	Please report the sum of all deposits whose depositors / persons who are absolutely entitled are natural persons. Absolutely entitled persons of unknown legal status shall be treated as physical persons.
0115	Legal persons	20,2N	Please report the sum of all deposits whose depositors / persons who are absolutely entitled are legal persons.
0201	**Total amount of eligible deposits**	20,2N	This field reports the total amount of eligible deposits after application of the exclusions of Article 172 of the law of 2015. The clarifications regarding the exclusion of structures considered as financial institutions and of life insurance products made by Circular CSSF-CPDI 16/02 shall be respected. We stress that the size of a company is no longer a reason for exclusion. If the depositor is not absolutely entitled to the sum held in an account, the eligibility depends on the person who is absolutely entitled and on the fact that the person is identifiable in accordance with Article 174 of the law of 2015. The field contains the automatically calculated sum of the amounts reported in the fields 0210, 215, 220 and 0225.

0210	≤ 100 000 EUR ; natural persons	20,2N	Please report the sum of all credit balances where the sum per depositor / person who is absolutely entitled is less than or equal to EUR 100 000 and where no exclusion criterion (see explanations about field 201) is satisfied. Depositors / persons absolutely entitled are natural persons.
0215	≤ 100 000 EUR ; legal persons	20,2N	Please report the sum of all credit balances where the sum per depositor / person who is absolutely entitled is less than or equal to EUR 100 000 and where no exclusion criterion (see explanations about field 201) is satisfied. Depositors / persons absolutely entitled are legal persons.
0220	> 100 000 EUR ; natural persons	20,2N	Please report the sum of all credit balances where the sum per depositor / person who is absolutely entitled is larger than EUR 100 000 and where no exclusion criterion (see explanations about field 201) is satisfied. Depositors / persons absolutely entitled are natural persons.
0225	> 100 000 EUR ; legal persons	20,2N	Please report the sum of all credit balances where the sum per depositor / person who is absolutely entitled is larger than EUR 100 000 and where no exclusion criterion (see explanations about field 201) is satisfied. Depositors / persons absolutely entitled are legal persons
0226	Amount of eligible deposits held in omnibus or fiduciary accounts	20,2N	Please report the amount of eligible deposits where the depositor is not absolutely entitled to the sums held in an account. This amount is part of the sum of the amounts reported under fields 210 to 225.
0230	**Number of claims**	10N	By number of claims we mean the number of depositors, of co-holders in the case of joint accounts or of persons who are absolutely entitled and identifiable in the case of “omnibus” or fiduciary accounts. This field is the sum of fields 0235, 0240, 0245 and 250.
0235	≤ 100 000 EUR ; natural persons	10N	Please report the number of claims pertaining to the amount reported in field 0210.
0240	≤ 100 000 EUR ; legal persons	10N	Please report the number of claims pertaining to the amount reported in field 0215.
0245	> 100 000 EUR ; natural persons	10N	Please report the number of claims pertaining to the amount reported in field 0220.
0250	> 100 000 EUR ; legal	10N	Please report the number of claims pertaining to the amount reported in field 0225.

	persons		
0255	Number of persons absolutely entitled to omnibus or fiduciary accounts	10N	Please report the number of persons that are absolutely entitled to accounts which the holder is not absolutely entitled to. This is the number of claims pertaining to the amount reported in field 0226.
0300	**Total amount of covered deposits**	20,2N	This field reports the total amount of covered deposits, that is the part of eligible deposits (field 201) that does not exceed the guarantee's limit set to EUR 100 000 per person. The reported amount must not exceed the product of field 0230 and EUR 100.000. The field contains the automatically calculated sum of fields 0310, 0315, 0320 and 0325. Regarding the cases provided for by Article 171(2) **(temporary high balances),** a limit of EUR 100 000 is applied for the purpose of the data survey.
0310 to 325		20,2N	These fields are automatically calculated based on the amounts of eligible deposits where the sum per depositor / person absolutely entitled is less than or equal to EUR 100 000, or on the number of claims pertaining to deposits exceeding EUR 100 000, respectively.
0330	Amount of covered deposits held in omnibus or fiduciary accounts	20,2N	Please report the covered part of eligible deposits reported in field 0226. This amount must not exceed the product of field 0255 and EUR 100.000.
0400	**Total amount of clipping**	20,2N	Result of the difference of fields 0201 and 0300.