



Conseil de Protection des
Déposants et des Investisseurs

Circular CSSF-CPDI 23/36

Amendment to Circular CSSF
13/555

Circular CSSF-CPDI 23/36

Re : Amendment to Circular CSSF 13/555

Luxembourg, 22 May 2023

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

Ladies and Gentlemen,

The objective of this circular is to amend Circular CSSF 13/555 on the implementation of the decision made by the Board of Directors of the Association pour la Garantie des Dépôts, Luxembourg (AGDL) to introduce a "Single Customer View" file within the framework of the deposit guarantee in order to add a new field to the SCV file which shall record the depositors' national identification number. Further clarifications concern the need to identify the beneficiaries of omnibus accounts and the requirement that the SCV procedures be in scope of the internal audit function.

The introduction of the Law of 18 December 2015 on the failure of credit institutions and certain investment firms (Law of 2015) requires updating the use of obsolete terms such as AGDL by referring to either the Fonds de garantie des dépôts Luxembourg (FGDL) or the Conseil de protection des déposants et des investisseurs (CPDI). However, the principles and practices of Circular CSSF 13/555 have been maintained as far as possible.

All modifications are presented in the amended version of Circular CSSF 13/555 as "track changes". All amendments, except for addition of a 17th column to the SCV file, will enter into force on the date of publication of this circular. The addition of the 17th column to the SCV file shall enter into force on 1 September 2023.

Yours faithfully,

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

On behalf of the CPDI
Claude WAMPACH
Chair of the CPDI

Annex:

Luxembourg, 8 January 2013

To the institutions which are ~~FGDL~~AGDL members ~~authorised to carry out business of taking deposits or other repayable funds from the public~~ (banks, Luxembourg branches having their registered office in a third country, ~~Entreprise des postes et télécommunications~~POST Luxembourg)

CIRCULAR CSSF 13/555

Re: Requirement of members of the Fonds de garantie des dépôts Luxembourg to implement and maintain a Single Customer View file ~~Implementation of the decision made by the board of directors of the Association pour la Garantie des Dépôts, Luxembourg (AGDL) to introduce a "Single Customer View" file within the framework of the deposit guarantee~~

Ladies and Gentlemen,

This circular is intended for credit institutions governed by Luxembourg law, Luxembourg branches of credit institutions having their registered office in a third country, as well as ~~the~~ ~~Entreprise des postes et télécommunications~~POST Luxembourg, due to the financial postal services it provides (hereinafter "credit institutions" or "banks"), all members of the ~~Association pour la Garantie des Dépôts, Luxembourg~~Fonds de garantie des dépôts Luxembourg ("AFGDL") for the purpose of guaranteeing the deposits made with them by natural or legal persons.

~~The AGDL played a key role in the compensation of retail depositors with credit institutions which had to be liquidated or had to find a purchaser during 2008 and 2009. While noting the success of its interventions to date, the AGDL believes, however, that an improvement of the processes, procedures and rules under which it acts, is not just possible but also required.~~

The purpose of this circular is to inform the banks on the requirement to implement and to update a scheme which enables to create, at any time, a "Single Customer View" (SCV) file ~~(SCV)~~ as ~~decided by the board of directors of the AGDL~~ required by Article 169 of the Law of 18 December 2015 on the

failure of credit institutions and certain investment firms ("Law of 2015"). Each institution which is a member of the AGDLFGDL for the purpose of guaranteeing deposits shall have a sound SCV scheme by 31 December 2013 at the latest. The SCV file itself, as well as the technical specifications and other comments relating to its content as decided by the AGDL-Conseil de protection des déposants et des investisseurs (CPDI) are attached hereto.

A. Basis of the decision of the board of directors of the AGDL Scope and legal basis

1. In accordance with Aarticle 154(2) of the Law of 2015, the FGDL is the deposit guarantee scheme, within the meaning of Article 4(1) of Directive 2014/49/EU, in Luxembourg and its main purpose is to ensure compensation of depositors in case of unavailability of their deposits.

Article 169 of the Law of 2015 requires banks to mark eligible deposits in a way that allows an immediate identification of such deposits. To this end, members of the FGDL shall put in place and keep up to date a system for creating at any time the SCV file, i.e. a file that provides a single and consistent overview of the eligible deposits of each depositor. The law of 28 April 2011 completing, among others, the transposition of Directive 2009/14/EC of the European Parliament and of the Council of 11 March 2009 amending Directive 94/19/EC on deposit guarantee schemes as regards the coverage level and the payout delay, brought the payout delay provided for in Article 62-3(1) of the law of 5 April 1993 on the financial sector (hereinafter "LFS") from three (3) months to twenty (20) working days. The delay in question may, in some cases, be extended by a maximum of ten working days. In other words, the LFS requires that the deposit guarantee scheme (AGDL) is able to compensate the depositors within twenty (20) working days as from the default of an institution. The AGDL carried out the required amendment of its Statutes during an extraordinary general meeting on 17 December 2010. It is more than likely that the payout delay will be further reduced; the proposal for a directive of the European Commission of 12 July 2010 on deposit guarantee schemes (recast) provides for a delay of one week.

2. In order to comply with this shortened payout delay the time limit of seven working days to repay the depositors' covered deposits referred to in Article 176(1) of the Law of 2015, the credit institutions shall be able to communicate the aggregate amount of deposits constituted by a given eligible depositor SCV file as soon as possible and in any case before midnight of the third working day following the day on which the AGDL-CPDI requested it. The AGDL took the decision via its board of directors to require the implementation by its institutions which are members of a scheme allowing the production of a "Single Customer View" file ("SCV").

3. Article 168(1) of the Law of 2015 requires members to disclose to the CPDI, at any time and upon request, all information necessary to prepare for a repayment of depositors, determine the potential liabilities of the FGDL or prepare for stress tests, including (i) markings under Article 169 of the Law of 2015, (ii) information on deposits and depositors necessary for the repayment of the repayable amount

without any prior request from the depositor being required and (iii) aggregated amount of eligible deposits of every depositor on an anonymous basis. In case of unavailability of deposits in accordance with Article 170 of the Law of 2015, members provide to the CPDI the amount of eligible deposits of every depositor by name as at the date of unavailability determined by the CPDI.

~~The LFS imposes on the CSSF to ensure the implementation and recognition in Luxembourg of at least one deposit guarantee scheme complying with the conditions of Part IVa of the LFS. The same law requires that the deposit guarantee schemes test, on a regular basis, the procedures in place in order to fulfil their mission of compensation of the depositors. Within this context, the CSSF considers that the global operation of the deposit guarantee scheme is dependent upon the provision of the file SCV by the credit institutions and its communication to the AGDL in case of its intervention.~~

B. Layout of the file "Single Customer View" ("SCV") SCV file

~~4. In simple terms, we may define "Single Customer View"~~The SCV file is defined as a single and consistent global overview ~~on~~f the ~~aggregate-eligible~~ deposits with a given credit institution of an ~~eligible~~ depositor to be covered by the deposit guarantee. –This section deals with the content of the SCV file.

However, it should be noted that the ~~AGDL-CPDI~~ establishes ~~in fine the single customer view~~the aggregated amount of deposits and the amount of the compensation via the data transmitted by the bank. The data itself, or in other words, the content of the SCV file, are the responsibility of the bank.

~~5. For the overall presentation of the legal requirements relating to the schemes to guarantee deposits with the credit institutions as well as the AGDL, reference is made to Part IVa of the LFS and/or the AGDL Statutes, as approved by the extraordinary general meeting of 17 December 2010 ("AGDL Statutes"). For certain more relevant definitions in this context, and in particular that of "deposit", reference is made to Article 163 of the Law of 2015. For the exclusions of any compensation under the deposit guarantee and the scope and limits of the guarantee, reference is made to Articles 171 and 172 of the Law of 2015. Article 62-1(2) of the LFS and Article 6 of the AGDL Statutes and Article 6-1 and Article 8, respectively of these Statutes~~

6. The institutions which are members of ~~AGDL~~the FGDL are responsible for ensuring that the regulations applicable in this regard are understood and applied as required. In other words, the management of the rules on the eligibility, identification, marking and validity of the information required for the creation of the database which shall enable the output of the SCV file are the responsibility of each bank.

~~7. Before generating the SCV file, a failing FGDL member institution shall apply and book the set-off of each depositors' deposits and debts towards itself, to the extent legally and contractually permitted, provided the debts have fallen due on or before the date of unavailability of deposits, in application of Article 175 of the Law of 2015. The balances reported in the SCV file are then net of countervailable debts of depositors towards the member institution. When drawing up the content of the SCV file, the credit institution shall take into consideration the compensation which takes place ipso jure.~~

~~Nevertheless, if the bank is unable to apply and book the set-off before the generation of the SCV file for operational reasons, it shall include the credit institution includes in the SCV file both the accounts with a credit balance deposits and the debts that have fallen due on or before the date of unavailability of deposits in favour of one single customer and the accounts with a debit balance if the set-off is possible under the legal and contractual provisions governing the contract between the bank and the depositor pursuant to the legal and contractual provisions in force at the credit institution, the repayment of this debit balance becomes due on the date of declaration of the insolvency of the credit institution. The CPDI will then apply the set-off when determining the amount of the reimbursement.~~

In order to facilitate the drawing up of the SCV file content and for the sole purpose of this circular, the credit institution may consider as "due" any debit balance of a current account, short-term account or term account and whose indebtedness results from the sole use of overdraft facilities, payment or credit cards or other cash transactions. When drawing up the SCV file content, the credit institution shall therefore ensure that it does not include the accounts under a credit account agreement or term loan agreement in respect of which the mere occurrence of the insolvency of the credit institution does not entail the forfeiture of the term agreed in favour of the customer.

~~The AGDL is in charge, as part of its mission of compensation for depositors, of determining in the event of the insolvency of a credit institution the extent to which it may impose compensation by extinction of mutual debts on the relevant customers.~~

8. The reference date of the data, when the intervention of the ~~AGDL-FGDL~~ is triggered, ~~is the day when deposits have become unavailable in accordance with Article 170 of the Law of 2015. Article 62-3(1) of the LFS is the day on which the affected bank is declared bankrupt.~~ Interests due but not credited on the date of ~~insolvency-unavailability of deposits~~ shall be reimbursed insofar as the level of the guarantee is not exceeded, and are therefore to be included in the data.

9. The format for the "Single Customer View" file must be the "comma-separated values" (CSV) format (the separator to be used is the semi-colon ";"). The SCV file includes a line ~~for each~~ by-affected account and ~~by-for each~~ holder. Consequently, it is possible and likely that one single depositor appears several times in the SCV file. ~~FGDL members shall ensure that the name, forename, date of birth, address, email address and national identification number are identical in all the lines related to a single depositor.~~ Details on the file are provided in the annexe hereto.

~~10. The SCV scheme must be deployed by 31 December 2013 at the latest. From that moment on, when the intervention of the AGDL is triggered in accordance with Article 62-3(1) of the LFS, the credit institution in default~~ A bank whose deposits have become unavailable shall be able to provide the AGDL CPDI with the SCV file before midnight of the third working day following the day on which the AGDL CPDI requested it. In order to ensure the proper and safe receipt and management of the file, the relevant bank should use ~~the a~~ secure means of communication in accordance with the standards in force. Details in this respect will be provided by the AGDL CPDI in due time.

C. Responsibility of the board of directors and the authorised management of the credit institution

11. The board of directors which has the overall responsibility of the institution, ensures the compliance with the provisions of the ~~Law of 2015 LFS on the membership of a deposit-guarantee scheme, the AGDL Statutes~~ as well as this circular. For this purpose, the board of directors approves, after having heard the authorised management, the SCV scheme. Within the scope of its supervisory mission, the board of directors shall make sure, on a regular basis, that the institution has appropriate policies and procedures in place. These procedures shall fall within the scope of the institution's internal audit function.

12. The authorised management implements through the written internal policies and procedures all the strategies and guiding principles of the SCV scheme. It informs the board of directors on the implementation and adequacy of the SCV scheme on a regular basis and at least once a year. Once a year, the authorised management shall confirm compliance with this circular to the CSSF as well as the AGDL FGDL by way of a single written sentence followed by the signatures of all the members of the authorised management. Where due to non-compliance, the authorised management is not able to confirm full compliance with the circular, the aforementioned statement takes the form of a reservation which outlines the non-compliance items by providing explanations on their *raison d'être*.

The information to be provided to the CSSF pursuant to the first subparagraph of this ~~item-point~~ shall be submitted to the CSSF together with the annual accounts to be published. ~~The first communication shall be made with the accounts of the financial year closing on 31 December 2013.~~

13. Notwithstanding the collective responsibility of the members of the authorised management ~~(cf. point 72)~~, it shall designate at least one of its members to be in charge of the membership of the AGDL FGDL and who shall assume responsibility for implementing the policy and rules that the bank has established in the context of this circular. The credit institution transmits the name of the member of the authorised management to the CSSF as well as to the AGDL FGDL ~~prior to 31 March 2013~~ as well as any subsequent change relating thereto.

~~D. Link with the annual-quarterly survey on the amount of covered deposits~~Annual survey by the CSSF of deposits and claims (instruments and monies) guaranteed by the Association pour la Garantie des Dépôts, Luxembourg (Luxembourg deposit guarantee scheme; AGDL)"

14. In principle, this circular does not interfere in any way with the quarterly data collection as at 31 December of each year, as dealt with in various CSSF-CPDI an annual CSSF circulars concerning the on "Annual survey by the CSSF of deposits and claims (instruments and monies) guaranteed by the Association pour la Garantie des Dépôts, Luxembourg (Luxembourg deposit guarantee scheme; AGDL) survey on the amount of covered deposits". However, for the purpose of such surveys, the reported amount of covered deposits shall account for the entitlement of each beneficiary in so-called omnibus accounts whereas the SCV file merely reports the total balance of such omnibus accounts.

Any specific question concerning this circular shall be sent to the following email address: info@agdl.lu cpdi@cssf.lu. Recurrent or overall questions ~~are may be included by the AGDL FGDL~~ in an FAQ document available on www.cssf.lu.

This circular comes into force with immediate effect, except for the addition of the depositors' national identification number as a new column in the SCV file, which enters into force on 1 September 2023.

Yours faithfully,

COMMISSION de SURVEILLANCE du SECTEUR FINANCIER

Claude SIMON
Director

Andrée BILLON
Director

Simone DELCOURT
Director

Jean GUILL
Director General

Annex:

Field ID	Field Identifier	Field Description	Data Type	Length	Example/Convention
1	Indicator "Account ready for indemnification"	This field indicates if the account is ready for indemnification or not	Numeric	1	E.g. 1 0 if No 1 if Yes
2	Indicator "Individual / Company"	This field indicates if the customer is an individual or a company	Text	1	E.g. I I if Individual C if Company
3	Customer surname [or company name]	Surname of the account holder or company name	Text	100	E.g. 'Dupont' or 'Company Name'
4	Customer forename	For individuals : First name of the customer When the customer is not an individual, this field should be left blank	Text	50	E.g. Martin
5	Date of birth	For individuals : Date of birth For companies : Date of incorporation of the company	Text	8	E.g. 09031970 The format should be the following : ddmmyyyy
6	House number	House number	Text	7	E.g. 155
7	Street	Local road address	Text	100	E.g. rue du stade
8	Post Code	Post code	Text	30	E.g. 2520
9	City	City	Text	30	E.g. Luxembourg
10	Country	Country	Text	2	E.g. Code ISO 2
11	Email Address	Email address of the customer	Text	50	E.g : martin.dupont@yahoo.com
12	Account Number (IBAN or other)	Number of the account allocated to the customer in IBAN format, if such a format is assigned to that account or by default the usual number, in any other format	Text	34	E.g. LU11 1111 1111 1111 1111
13	Indicator "Omnibus"	Indicates if the account is an Omnibus account, i.e. the depositor is different from the persons absolutely entitled (" <u>the beneficiaries</u> "), and if the <u>conditions of Article 8(9)a) of the AGDL Statutes are fulfilled and apply to the customer</u> <u>latter are identifiable or not</u>	Numeric	1	E.g. 0 0 No it is not an omnibus account 1 Yes it is an omnibus account but the rules described in article 8 (9) a) of the AGDL statutes are not fulfilled <u>the beneficiaries have not been or cannot be identified before the date of unavailability</u> 2 Yes it is an omnibus account and the rules described in article 8 (9) a) of the AGDL Statutes are

					<u>fulfilled for which beneficiaries have been or can be identified before the date of unavailability</u>
14	Number of holders linked to this account	This field applies to joint or multiple accounts. It indicates the number of holders of this account	Numeric	2	E.g. 2
15	Account Currency	Currency of the account	Text	3	Code ISO 3: e.g: EUR
16	Account Balance	Balance of the account (positive or negative) inclusive the interests	Numeric	15,2	E.g. + or -15000.00 Includes the decimal point and 2 decimal places.
<u>17</u>	<u>National identification number (NIN)</u>	<u>This field indicates the NIN of the individual or legal person</u>	<u>Text</u>	<u>20</u>	<u>The NIN shall be provided in accordance with the definition of the competent authority of the respective State.</u> <u>The NIN for Spanish citizens follows NNNNNNNNA format for natural persons and ANNNNNNNNA for legal persons, where N is a digit character (0-9) and A an alpha character (A-Z).</u>

Comments:

The SCV file does not have a header line. The first line of the SCV file therefore contains the data of the first depositor. The semicolon is not permitted as a character within the fields as it serves as field separator.

There are no optional fields in the SCV file; all 17 data fields must be filled in accurately with information that is up-to-date, if the member institution is in possession of the information. Inexistence of data may only occur for fields 4, 6, 8, 11 and 17.

UTF-8 shall be used as the standard for encoding characters in the SCV file. Allowed Unicode characters are specified below for individual fields. Editing an SCV file manually with a tabulator (e.g. Excel) is not recommended as inadvertent modifications (e.g. to the date format) may occur.

Ad field 1: This field indicates whether the account - or the file, respectively, where several accounts are concerned - is ready for compensation according to the standard electronic procedure (straight-through processing) within ~~20~~ seven working days or whether an element of the account/file implies that it will be processed manually. In the second case, the account will be assigned the value 0. This concerns the accounts with any type of peculiarities requiring a more detailed analysis or maybe even a legal opinion. This might be the case in case of dormant accounts, pledge accounts, blocked accounts as a result of a succession, accounts subject to a blocking order from the FIU, accounts subject to (civil or criminal) forfeiture, sequestered accounts, minors' accounts, joint accounts ~~with multiple holders but~~ for which the bank announces a non-~~proportional~~ equal distribution of the assets among the holders. This is also the case for omnibus accounts as well as any account whose holder is not identical to the beneficial owner (as for example notaries' third-party accounts). ~~The accounts of legal persons governed by the law of one of the EEA Member States whose compensation is not certain, depending on the three criteria to draw up an abridged balance sheet pursuant to Article 6(2) of the AGDL Statutes will also be assigned the value 0.~~ This list is not exhaustive.

If information on a depositor is sufficient to make a documented decision as regards the depositor's eligibility, and the account presents no peculiarities, the account shall be recorded as ready for indemnification (1 in field 1). This should be the case for most deposits.

Where information on a depositor is not sufficient to make a duly documented decision, the accounts of the depositor shall be recorded in the SCV file as not ready for indemnification (0 in field 1). In that case, the member of the FGDL has the responsibility to take adequate steps to collect missing information in a timely manner.

It is noted that the accounts of persons excluded from the benefit of the guarantee in accordance with Article 172 of the Law of 2015 ~~Article 6 1(1), (2) and (4) may~~ shall be excluded from the SCV file. ~~Such an exclusion may also be applied to the accounts of legal persons not governed by the law of one of the EEA Member States (cf. Article 6(2) of the AGDL Statutes).~~

- Ad field 2: This field indicates the type of customer: either a ~~physical-natural~~ person, or a legal person respectively a structure assimilated to a legal person. ~~respectively, within the meaning of Article 8(7) (a) of the AGDL Statutes, as an association or group of persons without legal personality~~The marking C shall be used for entities established by a deed of incorporation with legal personality, such as trusts or foundations, non-commercial entities, or certain groups without legal personality of natural and/or legal persons within the meaning of Article 173(2) of the Law of 2015.
- If a self-employed individual holds private deposits as well as deposits deriving from a professional activity, both types of deposits are marked as I.
- ~~There will be as many I lines (Individual) as holders being individuals in the account. There will be as many C lines (Company) as holders being legal persons or similar entities in the account.~~
- Ad field 3: Last name of the customer being an individual or the name of the legal person or similar.
- Accepted Unicode characters for natural persons are: space [0020], ‘ [0027], ([0028],) [0029], “,” [002C], - [002D], . [002E], A to Z [0041 to 005A], a to z [0061 to 007A], Å to Ö [00C0 to 00D6], Ø to ö [00D8 to 00F6], ø to ÿ [00F8 to 00FF], Ā to ĩ [0100 to 017F].
- Accepted Unicode characters for legal persons are: space to ~ [0020 to 007E] except ; [003B], j to § [00A1 to 00A7], © [00A9], ª [00AA], ® [00AE], ° [00B0], ± [00B1], ² [00B2], ³ [00B3], ´ [00B4], µ [00B5], · [00B7], ¹ [00B9], º [00BA], ¼ to ÿ [00BC to 00FF], Ā to ĩ [0100 to 017F].
- The member of the FGDL shall ensure that the spelling of the legal name of the corporate entity is in line with official records.
- Ad field 4: First name of the customer being a natural person. The same Unicode characters as for the customer surname should be used for natural persons.
- In the case of a customer being a legal person or similar, this field will remain blank.
- Ad field 5: Date of birth of the customer being an individual or the date of incorporation of the legal person or similar. The number of characters corresponds to 8 positions in the SCV file under .csv format which correspond to the day, the month and the year (ddmmyyyy). For the first nine days of a month, the day number must be prefixed by a zero; the same for the first nine months (p. ex.: 1 February 2019 will become 01022019).
- Accepted Unicode characters are: 0 to 9 [0030 and 0039].
- Please be mindful that opening a “.csv” file with Excel may remove the leading zero or transform the date format into an invalid format.
- Ad fields ~~6 to~~ 10: ___ Data relating to the address of the residence of the customer being an individual or box address. This field will be filled in even if the customer had concluded a “*poste restante*” agreement with the insolvent bank. For legal persons, this is the information relating to the registered office. ~~For field 10, the country will be indicated with the Code ISO 2.~~

For field 6 accepted Unicode characters are: space [0020], - [002D], / [002F], . [002E], 0 to 9 [0030 and 0039], A to Z [0041 to 005A], a to z [0061 to 007A], ° [00B0].

It may occur that for a given address, a house number does not exist. In that case the field must be left blank. Field 6 carries exclusively data that correspond to the house number; any other data shall be put in field 7 Street name. The house number may also be left blank and integrated into field 7. If separator “§” is used in field 7, the house number must be left blank and integrated into field 7.

Ad field 7: Accepted Unicode characters are: space [0020], # [0023], & [0026], ‘ [0027], ([0028],) [0029], “,” [002C], - [002D], . [002E], / [002F], 0 to 9 [0030 and 0039], A to Z [0041 to 005A], a to z [0061 to 007A], § [00A7], ° [00B0], À to Ö [00C0 to 00D6], Ø to ö [00D8 to 00F6], ø to ÿ [00F8 to 00FF], Ā to ĩ [0100 to 017F].

The text shall not start with a special character such as # [0023], & [0026], ‘ [0027], ([0028],) [0029], - [002D], . [002E], / [002F], § [00A7], or ° [00B0].

Additional address elements such as “house or building name”, “floor number”, “apartment number” and similar should be inserted in this field. These elements and the street name should be separated by using § [00A7] as separator. A maximum of two separators is allowed in field 7.

Ad field 8: Accepted Unicode characters are: space [0020], - [002D], / [002F], 0 to 9 [0030 and 0039], A to Z [0041 to 005A], a to z [0061 to 007A].

A post code that consists of nothing else than one or several zeros [0030] is not accepted. However, in certain countries, post codes do not exist, and the field should stay blank. A post box (“PO”) should not be added to the post code, but to the street name field by using § as separator.

Ad field 9: Accepted Unicode characters are: space [0020], ‘ [0027], ([0028],) [0029], “,” [002C], - [002D], . [002E], / [002F], 0 to 9 [0030 and 0039], A to Z [0041 to 005A], a to z [0061 to 007A], À to Ö [00C0 to 00D6], Ø to ö [00D8 to 00F6], ø to ÿ [00F8 to 00FF], Ā to ĩ [0100 to 017F].

A city name that contains only figures is not accepted. Numbers are accepted only if they are part of a text (e.g. Paris 14e).

Ad field 10: Accepted Unicode characters are: A to Z [0041 to 005A]. Only ISO 2 (i.e. alpha-2) country codes are accepted.

Ad field 11: This ~~optional~~ field indicates the email address of the customer. Only one active email address shall be indicated per depositor. Members of the FGDL shall actively collect the depositors’ email addresses and add the email addresses to the SCV file, when available.

Ad field 12: This field indicates the account number (IBAN or not). Accepted characters are all characters that are part of a valid account number at the member of the FGDL.

Ad field 13: Accepted Unicode characters are 0 [0030], 1 [0031] and 2 [0032].

This field enables to distinguish between the omnibus accounts for which the persons entitled to the sums in the account (“beneficiaries”)-owners are identifiable before the declaration of insolvency date of unavailability of deposits, and those for which this is not the case. It has one of the three following values:

- value "0" it is not an omnibus account;
- value "1" if it is an omnibus account for which beneficiaries are not identifiable before the guarantee is triggered- Article 8(9) (a) of the AGDL Statutes does not apply; no look-through is made in order to identify and reimburse the beneficiaries. Unless considerations on temporary high balances prevail, indemnification for an omnibus account of this type is limited to a maximum of EUR 100,000.
- value "2" if it is an omnibus account for which beneficiaries have been identified or are identifiable before the guarantee is triggered and Article 174 of the Law of 2015 applies. and that Article 8(9) (a) of AGDL Statutes apply (In this case, where the entity in the name of which the omnibus account is open informed the bank, prior to the date of -unavailability declaration of insolvency of the latter, about the fact that this account is a third-party account, and the bank shall take reasonable measures to regularly obtain the number of beneficiaries-owners having a right of claim and the share attributable to each beneficiary-owner in the account).

Deposits held on behalf of other persons such as deposits opened by trusts or fiduciaries (including but not limited to trusts that fall under the Law of 27 July 2003 on Trusts and Fiduciary contracts) are assimilated to omnibus accounts, and SCV data must be determined accordingly.

For the omnibus accounts being assigned the value 2 in field 13, an amended-additional SCV file specific to this omnibus account should be presented either by the bank or by the holder. The amendment relates The additional SCV file to- shall contain exactly one line for each beneficiary, its field 12 shall contain the account number of the omnibus account and field 16 shall contain the amount due to the beneficiary in the currency reported in field 15. where the number of the account held by the final customer may be provided in a free format provided that it complies with the rule of 34 text characters and that they are left-aligned, the rest of the field remaining blank. -The repayments relating to this account will not be processed electronically but manually in a second phase outside the time period of 20seven working days, given that the names of the beneficial owners of the omnibus account shall be reconciled with the names of the holders of the accounts being natural persons in order to avoid undue payments of the guarantee.

The amended SCV file for each omnibus account shall be provided to the CPDI no later than one month following the unavailability of deposits at the member of the FGDL.

Since the members of the FGDL are obliged to identify the beneficial owners of deposits based on the provisions of the amended Law of 12 November 2004 on the fight against money laundering and terrorist financing, as well as Circular CSSF 21/782, omnibus accounts marked with value 1 should remain exceptional, and the reasons for the

impossibility to obtain access to information about the beneficiaries' identities shall be duly documented and made available to the CSSF on demand.

Ad field 14: This field covers the case of accounts with multiple holders such as joint accounts. It indicates the number of holders linked to this account.

The accepted numbers of account holders per account are 1 to 99. In case of a single account holder or in case of an omnibus account, the value of this field must be 1. In case of a joint account, the number of account holders may range from 2 to 99. If the bank is aware of an unequal split among co-holders of the entitlement to the balance in the account, the joint account must be marked as "not ready for indemnification" in field 1.

No confusion must be made between deposits that are held by a (formalised) group of individuals with or without legal personality that act as one single depositor (in accordance with Article 173(2) of the Law of 2015) and a joint account held by several individuals that can each operate the account alone (active solidarity). Collective accounts requiring the joint signature of all holders – apart from a proxy given to a single person – devoid of active solidarity among holders are deemed to be held in undivided ownership (*indivision*) and must be reported only once in the SCV file, in accordance with Article 173(2) of the Law of 2015. The holder, as reported in the SCV file, of such an account shall be distinct from the various undivided owners.

For joint accounts with active solidarity, the SCV file must contain as many I lines (Individual) as holders being natural persons in the account, respectively as many C lines as holders being legal persons (or assimilated to legal persons).

The accepted Unicode characters are: 0 to 9 [0030 to 0039].

Ad field 15: This field indicates the currency of the account. The currency is to be expressed using the Code ISO 3.

The accepted Unicode characters are: A to Z [0041 to 005A].

Ad field 16: This field indicates the total balance of the account in question. This balance may be positive (+) or negative (-). It includes necessarily the accrued interests up to the date of unavailability of deposits day on which the insolvency is declared and which have not yet been credited. Negative balances shall exist only as an exception, cf. paragraph 7 of this circular.

No currency exchange rates shall be applied by the institution.

In case of a joint account, the total balance (100%) shall be reported.

The accepted Unicode characters for field 16 are: 0 to 9 [0030 and 0039], . [002E] and - [002D].

Ad field 17: This field indicates the national identification number (NIN) of depositors, if available. It should follow the definition of the State authority that is competent.

For FGDL member institutions operating branches in Spain, the provision of the natural and legal persons' NIN is mandatory.



Conseil de protection des
déposants et des investisseurs

For Spanish citizens the NIN has 9 characters, for any other customer the field should be limited to 20 characters.



Conseil de protection des déposants et des investisseurs

283, route d'Arlon

L-2991 Luxembourg (+352) 26 25 1-1

cpdi@cssf.lu

www.cssf.lu