



CSSF FAQ National reporting B4.5 and B4.6

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Context

From 2 January 2024, the CSSF requires that credit institutions transmit their national reports B4.5 (Analysis of shareholdings) and B4.6 (Persons responsible for certain functions and activities) using one of the two following methods:

- A dedicated eDesk approach accessible via the [eDesk Portal](#);
- An API solution based on the submission of a structured exchange file (json format) via the S3 protocol ("simple storage service").

Historical national reportings "B4.5 - Analysis of shareholdings" (Circular CSSF 12/553) and "B4.6 - Persons responsible of certain functions and activities" (Circular CSSF 13/576) are merged into a single eDesk procedure National Banking Reporting.

Following the dedicated [communication](#) and the start of the reporting campaign, the CSSF has received several questions from supervised entities (SEs). As some of the questions may be of interest for other SEs as well, the CSSF has decided to make these questions and answers public. These FAQs aim at clarifying certain elements of the new procedure.

The FAQs will be regularly updated when required.

Please note that the list of requested functions and activities for section B4.6 is available in the annex of the FAQ.

The corresponding user guide is also available on eDesk, detailing the procedures for completing, validating and submitting these B4.5 and B4.6 national reports.

Useful links

Circular 12/552 on Central administration, internal governance and risk management as amended

https://www.cssf.lu/wp-content/uploads/cssf12_552eng.pdf

Circular 12/553 Update of table B 4.5 as amended

https://www.cssf.lu/wp-content/uploads/cssf12_553eng.pdf

Circular 13/576 Update of table B 4.6

https://www.cssf.lu/wp-content/uploads/cssf13_576eng.pdf

Circular 14/593 on Supervisory reporting requirements applicable to credit institutions as amended

https://www.cssf.lu/wp-content/uploads/cssf14_593eng.pdf

Reporting requirements for credit institutions [handbook](#)

CSSF FAQs

Q1 Is it possible to send the reports in OTHREP format via historical channels SOFiE/E-file or MFT?

No. As communicated by the CSSF on [21/12/2023](#) the former transmission channels are no longer available.

If your entity does not have an e-desk user account yet, a new user account needs to be created. For more information how to create user account please refer to [the e-desk user guide](#).

Q2 What is the reporting frequency?

As mentioned in the user guide, the SEs are required to submit at least yearly with data reflecting the situation as of 31 December of the reference year by the 20th of January of the following year. This submission is mandatory even in the absence of change during the reference year.

In addition, in case of signaleptic modifications during the year, SEs are required to provide an update and to proceed to an additional submission.

Q3 As a branch of an EU credit institution we have never submitted a B4.5 report. Now that both reports are merged into one procedure, should we report the data?

No. As mentioned in the user guide, B4.5 reporting with the analysis of shareholdings does not apply to Luxembourg branches of EU credit institutions. Consequently, you cannot fill in this part which is greyed out in the questionnaire.

Q4 What is the reference period for the reporting?

For annual submissions the reference period is the year preceding the reporting deadline. For the reporting due by 20/01/2024 the data should reflect the situation as of 31/12/2023. The reporting period is predefined for each reporting campaign and cannot be changed. Exceptionally, for reference date 31/12/2023 the predefined reference period is 01/01/2024-20/01/2024.

Q5 How should the new fields "starting date" and "ending date" be filled in?

For the first submission you will need to reflect the situation as at the reference date 31/12/2023.

The starting date to provide for the shareholders must be the date when the shares acquisition effectively occurred.

The starting date to provide for the persons responsible for certain functions must be the start date of their mandate.

As long as the shareholding or function is valid the ending date should be left empty.

Q6 How should a function which is not currently occupied be reported?

As mentioned within the reporting "procedure (section B4.6)", where a function is not currently occupied or where there is no dedicated person in charge, please report "01/01/1800" for the Starting Date and "N/A" for the Name and Function.

Q7 Is it possible to correct errors once the report has been submitted?

As mentioned in the user guide, if some data requires changes, you need to reopen the procedure. You will then be able to correct the data and resubmit it.

Q8 How to report changes occurring during the year?

In case there is a change during the year in the shareholding or in the governance structure, the change must be reported accordingly.

There is no need to create a new draft of the reporting, i.e., you can reopen the latest existing one.

For the shareholder or the person responsible for certain function which is no longer valid the ending date must be filled in with the date when the link/mandate ended.

New shareholders or dedicated persons will then have to be added with their starting date.

When submitting a change during the year, please change the submission type to "Additional submission (change during the year)". The drop-down list is available at the bottom of the "Information on the institution" section.

Submission type

Additional submission (change during the year)

Annual mandatory submission (ref. date 31/12/N-1)

Additional submission (change during the year)

Q9 How to report if there are no changes compared to the previous submission?

SEs will nevertheless have to generate and submit the reporting as part of the annual mandatory submission. There is a roll-forward function that will resume the answers from the previous submission avoiding the submitter to fill in the same answers again. The user has to check and correct, if necessary, the data before submission.

Q10 What is the correct sequence numbering for B4.5 Analysis of shareholding?

The SE itself doesn't have a sequence number. The first direct shareholder bears the sequence number 1. In case of multiple shareholders, the highest sequence number corresponds to the ultimate shareholder, direct or indirect.

Example (already included as a tooltip within section B4.5 of the procedure):

How should the shareholding structure be reported?

Hypothesis :

Since 01/05/2013, Shareholder 1 holds 60% of the capital of the reporting bank (the latter do not have a sequence number)

Since 01/05/2013, Shareholder 2 holds 40% of the capital of the reporting bank (the latter do not have a sequence number).

Since 01/01/2018, Shareholder 3 holds 100% of the capital of Shareholder 1.

Since 01/01/2018, Shareholder 4 holds 100% of the capital of Shareholder 2.

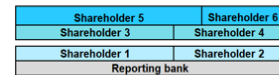
Since 01/01/2018, Shareholder 5 holds 100% of the capital of Shareholder 3 and 35% of the capital of Shareholder 4.

Since 01/01/2018, Shareholder 6 holds 65% of the capital of Shareholder 4.

For simplification reasons, percentages of capital are the same as percentages of voting rights.

Amounts of the participation in the issued capital are randomly chosen in this example and do not correspond to the size of the "bars" representing shareholders in the below structure.

Shareholding structure



Expected submission

Direct shareholder

Sequence number of shareholder	Shareholder name	Starting validity	Ending validity	Country of residence	Percentage of capital	Percentage of voting rights	Amount of the participation in the issued capital
1	Shareholder 1	01/05/2013		BE	0,6 (60%)	0,6 (60%)	600 000 000
2	Shareholder 2	01/05/2013		FR	0,4 (40%)	0,4 (40%)	400 000 000

Indirect shareholder

Sequence number of shareholder	Sequence number of the entity held	Shareholder name	Starting validity	Ending validity	Country of residence	Percentage of capital	Percentage of voting rights	Amount of the participation in the issued capital
3	1	Shareholder 3	01/01/2018		BE	1 (100%)	1 (100%)	1 000 000 000
4	2	Shareholder 4	01/01/2018		FR	1 (100%)	1 (100%)	2 000 000 000
5	3	Shareholder 5	01/01/2018		LU	1 (100%)	1 (100%)	5 000 000 000
5	4	Shareholder 5	01/01/2018		LU	0,35 (35%)	0,35 (35%)	1 050 000 000
6	4	Shareholder 6	01/01/2018		LU	0,65 (65%)	0,65 (65%)	1 950 000 000

Annex: list of requested functions and activities for B4.6

1. Member of the authorised management in charge of the market activity (Circular IML 93/101, point II, paragraph 5)
2. Member of the authorised management in charge of the processing of the customer complaints (Circular CSSF 17/671, page 3, point 2)
3. Member of the authorised management in charge of the correct application of the policy defined by the consolidating entity (Circular IML 96/125, point III.1.6, 3rd indent)
4. Member of the authorised management in charge of coordinating the information flow with the subsidiaries (Circular IML 96/125, point III.1.6, 6th indent)
5. Member of the authorised management in charge of the domiciliation (Circular CSSF 01/29, page 2, point II)
6. Member of the authorised management in charge of the conduct of business rules in the financial sector (Circular CSSF 07/307, point 15)
7. Member of the authorised management in charge of the administrative, accounting and IT organisation (Circular CSSF 12/552, point 65, paragraph 1)
8. Member of the authorised management in charge of the internal audit function (Circular CSSF 12/552, point 65, paragraph 2)
9. Chief Internal Auditor (Circular CSSF 12/552, point 118 and 119)
10. External expert (outsourcing of the internal audit activities) (Circular CSSF 12/552, points 120, 121 and 122)
11. Member of the authorised management in charge of the compliance function (Circular CSSF 12/552, point 65, paragraph 2)
12. Chief Compliance Officer (Circular CSSF 12/552, point 118 and 119)
13. Member of the authorised management in charge of the risk control function (Circular CSSF 12/552, point 65, paragraph 2, point 137 and circular CSSF 07/301)
14. Chief Risk Officer (Circular CSSF 12/552, points 118 and 119)
15. IT Officer (Circular CSSF 20/750 and paragraph 3.2.1, point 2 of Guidelines EBA/GL/2019/04)
16. Controlling function of the ICT and security risks (Circular CSSF 20/750 and paragraph 3.3.1, point 11 of Guidelines EBA/GL/2019/04)
17. Member of the authorised management in charge of the Single Customer View mechanism in the framework of the deposit guarantee scheme (Circular CSSF 13/555, point 13)
18. Person in charge of the questions related to the protection of the client assets (Grand-ducal Regulation of 30 May 2018, Article 6)

19. Member of the authorised management in charge of monitoring the implementation of the provisions of the European Securities and Markets Authority ("ESMA") guidelines relating to the assessment of knowledge and skills and of Circular CSSF 17/665, point 3.a) 5th paragraph
20. Member of the authorised management or of the Board of Directors in charge of the compliance with AML/CFT professional obligations (CSSF Regulation No 12-02 of 14 December 2012, Article 40(1))
21. Person in charge of the control of compliance with AML/CFT professional obligations (CSSF Regulation No 12-02 of 14 December 2012, Article 40(1))
22. Chief Financial Officer of the significant institutions (Circular CSSF 12/552, point 82)



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