CSSF
*Commission de Surveillance
du Secteur Financier*

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

Luxembourg, 17 December 2018

To all payment services providers

CIRCULAR CSSF 18/704

Re: European Banking Authority Guidelines ("EBA") on major incident reporting under Directive (EU) 2015/2366 (PSD2), (EBA/GL/2017/10)

Ladies and Gentlemen,

The purpose of this circular is:

- to draw your attention to the Guidelines of the European Banking Authority (EBA) on the notification of major operational or security incidents (EBA/GL/2017/10 - "the Guidelines") with which the CSSF commits to comply ; and

- to provide details with regards to the reporting obligations of major operational or security incidents as provided by Article 105-2, paragraph (1) of the amended law of 10 November 2009 which provides that *"payment service providers shall report major operational or security incidents to the CSSF without undue delay"*; particularly concerning the notification process to the CSSF.

1. The Guidelines

The Guidelines specify, in particular, the criteria for the classification of major operational or security incidents by payment services providers (hereafter "PSP") as well as the format and procedures the latter should follow to communicate such incidents to the competent authority in the home Member State.

The Guidelines apply to all incidents included under the definition of "major operational or security incident" which covers both external and internal events that could be either malicious or accidental.

The Guidelines apply also where the major operational or security incident originates outside the European union and affects the payment services provided by a PSP located in the European union either directly or indirectly.

It is necessary to refer to the full text of the Guidelines concerning the definitions which are applicable, the classification of major operational or security incidents or any point related to the notification process.
Annex 1 of the Guidelines contains the standard reporting templates to be used by the PSP.

2. Technical instructions for the notification process to the CSSF

The detailed technical instructions for sending the data related to the major operational or security incidents to the CSSF are laid down in Annex 1 of the present circular.

3. The deadlines for the notification to the CSSF

PSP should submit an initial report to the CSSF within 4 hours from the moment the major operational or security incident was first detected.

PSP should submit intermediate reports every time they consider that there is a relevant status update and, as a minimum, by the date for the next update indicated in the previous report (either the initial report or the previous intermediate report).

PSP should deliver the final report to the CSSF within a maximum of 2 weeks after business is deemed back to normal.

Reference should be made to the full text of the Guidelines concerning the timelines of the notification process.

4. Delegation of reporting obligations to a third party

The delegation of reporting obligations of major operational or security incidents to a third party is not accepted.

5. Date of application

This circular, by which the CSSF adopts the Guidelines, applies with immediate effect.

The Guidelines are annexed to the present circular and available on the EBA website using the following link:

http://www.eba.europa.eu/documents/10180/1914076/Guidelines+on+incident+reporting+under+PSD2+%28EBA-GL-2017-10%29.pdf/3902c3db-c86d-40b7-b875-dd50eec87657

Yours faithfully,

COMMISSION de SURVEILLANCE du SECTEUR FINANCIER

Marco ZWICK	Jean-Pierre FABER	Françoise KAUTHEN
Director	Director	Director

Claude SIMON	Claude MARX
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Annexes

Annex 1: Technical instructions for sending the files

For the transmission of the data to the CSSF, reporting entities have to use the template available on the CSSF website at:

https://www.cssf.lu/en/document/major-incident-reporting/

Delivery instructions

The main incident report must be a duly filled copy of the above template in ".xlsx" format. The Excel file above is pre-formatted and **its structure shall not be changed in any way** by the reporting entities.

Annexes to the main report may be in typical "office" application formats (".pdf", ".docx", etc)

All production files must be sent to the CSSF via the file channel system introduced in circular CSSF 08/334. The naming convention to be used is the report type OTH and the file naming described below **must be fully respected to guarantee an automated processing**.

The mandatory structure of the file name is in general (see details below):

TYRDIR-ENNNN-MAJINCREP-YYYYMMDDHHMM-AAAA.extension

Examples:

OTHREP-B0999-MAJINCREP-201901301700-0000.xlsx

for the main report generated by Bank B999 in the version created on January 30th 2019 at 17:00

OTHREP-B0999-MAJINCREP-201901301700-0001.pdf

for an annex in PDF format giving additional information to the main report above

OTHREP-W0999-MAJINCREP-201901301700-0000.xlsx

for the main report generated by EMI W0999 in the version created on January 30th 2019 at 17:00

Remark: If a new, updated version of the CSSF incident template or one of the annexes has to be sent to reflect an evolution of the situation, the same annex number as before has to be reused.

These are the details of the file naming convention:

Code	Signification	Structure	Values authorized
TYR	Type of reporting	Char(3)	Constant 'OTH'
DIR	Direction	Char(3)	'REP' for Report → file to CSSF 'FBR' for feedback receipt → file returned, confirming reception by CSSF
-	Separator → DASH	Char(1)	Constant '-' (dash !)
E	Reporting entity	Char(1)	Any type of entity assigned by CSSF, e.g. 'B' for Banks, 'P' for PSFs, 'W' for EMIs (Electronic Money institutions), 'Z' for PIs (Payment institutions), …
NNNN	CSSF entity ID	Number(4)	0001…9999 An entity ID assigned by CSSF
-	Separator → DASH	Char(1)	Constant '-' (dash !)
TYPE	TYPE	Char(9)	The only value allowed is the report code 'MAJINCREP' which characterizes the Major Incident Reporting
-	Separator → DASH	Char(1)	Constant '-' (dash !)
TIMESTAMP	Creation date & time of the report	Number(12) in format YYYYMMDDHHMM	A timestamp representing the creation date & time of the report, e.g. '201901301700' for the report created on January 30th 2019 at 17h00. (**this timestamp will serve as a key / identifier of the incident** and be reused for all

			annexes of the report submission)
-	Separator → DASH	Char(1)	Constant '-' (dash !)
AAAA	Annex number	Number(4)	0001…9999 0000 must be used for the main Excel template, 0001 to 9999 may be used for any supplementary annexes
ext	Extension	Char(5)	For Annex 0000, the only extension value allowed is ".xlsx" For supplementary annexes, "office" extensions are allowed (".pdf", ".docx", etc.)