

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

Luxembourg, 12 December 2019

To all credit institutions

CIRCULAR CSSF 19/731

Re: Documents to be submitted to the CSSF and to the European Central Bank on an annual basis

Ladies and Gentlemen,

The purpose of this circular is to amend Circular CSSF 19/710 on the documents to be submitted on an annual basis by credit institutions. It also abolishes, as regards the documents to be sent to the CSSF and listed below, the **transmission on paper and introduces the exclusive transmission in electronic form** via one of the secured channels e-file or SOFiE.

The documents received via electronic means must allow ad hoc search, cross-sectional analyses and comparison over time. Their format must thus be compatible with the office tools used at the CSSF and not prevent reading access, printing, text search and selection (copy). Therefore, the files must be sent in PDF format with the above actions enabled through the selection of the appropriate options in the "save as" window.

The content of the submitted electronic document must be identical to the signed paper version of the same document kept by the bank.

For the electronic transmission, the file name convention as described in the annex must be complied with.

1. Significant institutions

A) The following documents must be directly addressed to the ECB (to the addresses communicated by the ECB and in the format required by the ECB)¹:

1.A.1. Documents to be submitted two weeks before the ordinary general meeting:

- the **report of the *réviseur d'entreprises*** (statutory auditor's report, or **short form report**) on the annual accounts, including notably the opinion of the *réviseur d'entreprises*, annual accounts, relevant explanatory annexes, management report;
- the **report of the *réviseur d'entreprises*** (statutory auditor's report, or **short form report**) on the **consolidated** annual accounts, including notably the opinion of the *réviseur d'entreprises*, the annual accounts, the relevant explanatory notes, the management report;
- if the accounts are published under Lux-GAAP, a report on the **reconciliation** between the FINREP prudential reporting and the published annual accounts;
- the proposed **distribution of profits** (if not included in the short form report);
- the **list of the members of the Board of Directors** in office during the financial year.

1.A.2. Documents to be submitted by 31 March at the latest:

- the **ICAAP report** (in accordance with Circular CSSF 07/301, as amended);
- the **consolidated ICAAP report** (where applicable) (in accordance with Circular CSSF 07/301, as amended);
- the **ILAAP report**, where established separately from the ICAAP report (in accordance with Circular CSSF 07/301, as amended);
- the **consolidated ILAAP report** (where applicable), where established separately from the ICAAP report (in accordance with Circular CSSF 07/301, as amended);
- the summary report established by the **internal auditor** (in accordance with Circular CSSF 12/552, as amended);
- the summary report established by the **compliance officer** (in accordance with Circular CSSF 12/552, as amended);
- the summary report established by the **risk control function** (in accordance with Circular CSSF 12/552, as amended);

¹ Further information is available in the document "Guide to banking supervision" available at: <https://www.bankingsupervision.europa.eu/ecb/pub/pdf/ssmguidetobankingsupervision201409en.pdf>

- the **confirmation** by the authorised management of compliance with Circular CSSF **12/552**, as amended by Circulars CSSF 13/563 and CSSF 14/597 (central administration, internal governance and risk management), by way of a single written sentence followed by the signatures of all the members of the authorised management²;
- the **confirmation** by the authorised management of compliance with Circular CSSF **13/555** (Single Customer View) by way of a single written sentence followed by the signatures of all the members of the authorised management².

1.A.3. Documents to be submitted at the latest one month after the ordinary general meeting:

- the annual **long form** audit **report** established by the *réviseur d'entreprises* (in accordance with Circular CSSF 01/27, as amended). As the summary reports of the internal control functions are transmitted separately in accordance with point 1.A.2 above, it is not necessary to transmit them as an annex to the long form audit report;
- the management letter, if it is not included in the long form report.

1.A.4. Documents to be submitted three months after the ordinary general meeting at the latest (in accordance with Circular CSSF 01/27, as amended):

- the **consolidated** annual **long form** audit **report** established by the *réviseur d'entreprises* (in accordance with Circular CSSF 01/27, as amended);
- the management letter relating to the consolidated situation, if it is not included in the long form report;
- the **long form audit reports of the subsidiaries** included in the consolidated supervision;
- the **long form audit reports of some specific non-consolidated holdings**.

1.A.5. Document to be submitted in accordance with the submission planning of the ECB:

- Recovery Plan (according to Part IV of the Law of 18 December 2015 on the resolution, reorganisation and winding up measures of credit institutions and certain investment firms and on deposit guarantee and investor compensation schemes, as amended) and according to the submission dates communicated individually to every BRRD institution.

B) The following documents, concerning the areas for which the CSSF remains the competent authority, must be directly addressed to the latter in electronic format exclusively.

² Where due to non-compliance, the authorised management is not able to confirm full compliance with the circular, the aforementioned statement shall be made in the form of a reservation which outlines the non-compliance items by providing explanations on their cause.

1.B.1. Document to be submitted by 1 March at the latest:

- The table and summary report introduced by Regulation CSSF N° 16-07 of 26 October 2016 relating to the out-of-court resolution of complaints, and Circular CSSF 17/671, as amended.

1.B.2. Documents to be submitted by 31 March at the latest:

- the summary report established by the **internal auditor** (in accordance with Circular CSSF 12/552, as amended);
- the summary report established by the **compliance officer** (in accordance with Circular CSSF 12/552, as amended).

1.B.3. Documents to be submitted one month after the ordinary general meeting at the latest:

- the annual **long form audit report** established by the *réviseur d'entreprises* (in accordance with Circular CSSF 01/27, as amended). As the summary reports of the internal control functions are transmitted separately to the CSSF in accordance with point 1.B.2 above, it is not necessary to transmit them as an annex to the long form audit report;
- the management letter, if it is not included in the long form report.

1.B.4. Document to be submitted two months after the closure of the financial statements of the depository at the latest:

- Annex 1 to Circular CSSF 18/697: Organisational arrangements applicable to fund depositaries which are not subject to Part I of the Law of 17 December 2010 relating to undertakings for collective investment.

1.B.5. Documents to be submitted three months after the ordinary general meeting at the latest (in accordance with Circular CSSF 01/27, as amended):

- the **consolidated annual long form audit report** established by the *réviseur d'entreprises* (in accordance with Circular CSSF 01/27, as amended);
- the management letter relating to the consolidated situation, if it is not included in the long form report;
- the **long form audit reports of the subsidiaries** included in the consolidated supervision;
- the **long form audit reports of some specific non-consolidated holdings**.

2. Less significant institutions

The following documents must be addressed to the CSSF in electronic format exclusively, as described at the beginning of this document:

2.1. Documents to be submitted two weeks before the ordinary general meeting:

- the **report of the *réviseur d'entreprises*** (statutory auditor's report, or **short form report**) on the annual accounts, including notably the opinion of the *réviseur*

d'entreprises, the annual accounts, the relevant explanatory annexes, the management report;

- the **report of the réviseur d'entreprises** (statutory auditor's report, or **short form report**) on the **consolidated** annual accounts, including notably the opinion of the *réviseur d'entreprises*, the annual accounts, the relevant explanatory notes, the management report;
- if the accounts are published under Lux-GAAP, a report on the **reconciliation** between the FINREP prudential reporting and the published annual accounts;
- the proposed **distribution of profits** (if not included in the short form report);
- the **list of the members of the Board of Directors** in office during the financial year.

2.2 Document to be submitted by 1 March at the latest:

- The table and the summary report introduced by Regulation CSSF N° 16-07 of 26 October 2016 relating to the out-of-court resolution of complaints, and Circular CSSF 17/671, as amended.

2.3. Documents to be submitted by 31 March at the latest:

- the **ICAAP report** (in accordance with Circular CSSF 07/301, as amended);
- the **consolidated ICAAP report** (where applicable) (in accordance with Circular CSSF 07/301, as amended);
- the **ILAAP report**, where established separately from the ICAAP report (in accordance with Circular CSSF 07/301, as amended);
- the **consolidated ILAAP report** (where applicable), where established separately from the ICAAP report (in accordance with Circular CSSF 07/301, as amended);
- the summary report established by the **internal auditor** (in accordance with Circular CSSF 12/552, as amended);
- the summary report established by the **compliance officer** (in accordance with Circular CSSF 12/552, as amended);
- the summary report established by the **risk control function** (in accordance with Circular CSSF 12/552, as amended);
- the **confirmation** by the authorised management of compliance with Circular CSSF 12/552, as amended by Circulars CSSF 13/563 and CSSF 14/597 (central administration, internal governance and risk management), by way of a single written sentence followed by the signatures of all the members of the authorised management³;
- the **confirmation** by the authorised management of compliance with Circular CSSF 13/555 (Single Customer View) by way of a single written sentence followed by the signatures of all the members of the authorised management³.

³ 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 cause.

2.4. Documents to be submitted one month after the ordinary general meeting at the latest:

- the annual **long form** audit **report** established by the *réviseur d'entreprises* (in accordance with Circular CSSF 01/27, as amended). As the summary reports of the internal control functions are transmitted separately in accordance with point 2.3 above, it is not necessary to transmit them as an annex to the long form audit report;
- the management letter, if it is not included in the long form report.

2.5 Document to be submitted two months after the closure of the financial statements of the depositary at the latest:

- Annex 1 to Circular CSSF 18/697: Organisational arrangements applicable to fund depositaries which are not subject to Part I of the Law of 17 December 2010 relating to undertakings for collective investment.

2.6 Documents to be submitted three months after the ordinary general meeting at the latest (in accordance with Circular CSSF 01/27, as amended):

- the **consolidated** annual **long form** audit **report** established by the *réviseur d'entreprises* (in accordance with Circular CSSF 01/27, as amended);
- the management letter relating to the consolidated situation, if it is not included in the long form report;
- the **long form audit reports of the subsidiaries** included in the consolidated supervision;
- the **long form audit reports of some specific non-consolidated holdings**.

2.7. Document to be submitted in accordance with the individual submission planning communicated by the CSSF:

- Recovery Plan (according to Part IV of the Law of 18 December 2015 on the resolution, reorganisation and winding up measures of credit institutions and certain investment firms and on deposit guarantee and investor compensation schemes, as amended) and according to the submission dates communicated individually to every BRRD institution by the CSSF.

3. Branches of credit institutions authorised in another Member State

The following documents must be addressed to the CSSF in electronic format exclusively, as described at the beginning of this document:

3.1. Document to be submitted by 1 March at the latest:

- The table and the summary report introduced by Regulation CSSF N° 16-07 of 26 October 2016 relating to the out-of-court resolution of complaints, and Circular CSSF 17/671, as amended.

3.2. Documents to be submitted by 31 March at the latest:

- the summary report established by the **internal auditor of the branch or the internal audit report of the head office** covering, at the level of the branch, the areas for which the CSSF retains an oversight responsibility as host authority;

- the summary report established by the **compliance officer of the branch or the report of the compliance function of the head office** covering, at the level of the branch, the areas for which the CSSF retains an oversight responsibility as host authority.

The report to provide annually to the CSSF by the compliance function covers its functioning and all the activities and events related to the areas concerned, i.e. the main recommendations issued, significant (existing or emerging) deficiencies, irregularities and problems, the corrective and preventive measures implemented, as well as a list of significant deficiencies, irregularities and problems that have not yet been subject to appropriate corrective measures. Moreover, the report shall address the general state of its control area and the adequacy of the available human and technical resources.

As host authority of a branch of a credit institution authorised in another Member State, the CSSF retains the responsibility for the supervision regarding the **fight against money laundering and terrorist financing** as well as **conduct of business rules when providing investment services** and the **sectoral provisions to be complied with by Luxembourg UCI depositaries**.

In accordance with Circular CSSF 12/552, as amended, branches of credit institutions authorised in another Member State must put in place governance and internal control arrangements (including the relevant reporting mechanisms) comparable to the ones in place in Luxembourg credit institutions.

3.3. Document to be submitted by 30 June at the latest:

- the report of the *réviseur d'entreprises* relating to the specific areas for which the CSSF retains an oversight responsibility as host authority, notably compliance with the rules designed to prevent **money laundering** and compliance with the **conduct of business rules** when providing investment services to customers (in accordance with the provisions of Circular CSSF 07/325).

For the purpose of drawing up its report, the *réviseur d'entreprises* shall apply *mutatis mutandis* the provisions applicable for the establishment of the annual long form audit report with respect to the professional obligations as regards the fight against money laundering and terrorist financing and the conduct of business rules when providing investment services. The report of the *réviseur d'entreprises* includes a description of the procedures and controls in place within the branch as well as an appraisal by the *réviseur d'entreprises*. The descriptive parts of the reports shall be made available to the *réviseur d'entreprises* by the branches.

3.4. Document to be submitted two months after the closure of accounts of the depositary at the latest:

- Annex 1 to Circular CSSF 18/697: Organisational arrangements applicable to fund depositaries which are not subject to Part I of the Law of 17 December 2010 relating to undertakings for collective investment.

4. Branches of third-country credit institutions

The following documents must be addressed to the CSSF in electronic format exclusively, as described at the beginning of this document:

4.1 Document to be submitted by 1 March at the latest:

- The table and the summary report introduced by Regulation CSSF N° 16-07 of 26 October 2016 relating to the out-of-court resolution of complaints, and Circular CSSF 17/671, as amended.

4.2. Documents to be submitted by 31 March at the latest:

- the **ICAAP report** (in accordance with Circular CSSF 07/301, as amended);
- the **ILAAP report**, where established separately from the ICAAP report (in accordance with Circular CSSF 07/301, as amended);
- the summary report established by the **internal auditor** (in accordance with Circular CSSF 12/552, as amended);
- the summary report established by the **compliance officer** (in accordance with Circular CSSF 12/552, as amended);
- the summary report established by the **risk control function** (in accordance with Circular CSSF 12/552, as amended);
- the **confirmation** by the authorised management of compliance with Circular CSSF 12/552, as amended by Circulars CSSF 13/563 and CSSF 14/597 (central administration, internal governance and risk management), by way of a single written sentence followed by the signatures of all the members of the authorised management⁴;
- the **confirmation** by the authorised management of compliance with Circular CSSF 13/555 (Single Customer View) through a single written sentence followed by the signatures of all the members of the authorised management⁴.

4.3. Documents to be submitted by 30 June at the latest:

- the **annual report** of the **parent company**;
- the **report of the *réviseur d'entreprises*** (statutory auditor's report, or **short form report**) on the annual accounts of the **branch**, including notably the opinion of the *réviseur d'entreprises*, the annual accounts, the relevant explanatory notes, the management report;
- the annual **long form audit report of the branch** established by the *réviseur d'entreprises* (in accordance with Circular CSSF 01/27, as amended). As the summary reports of the internal control functions are transmitted separately in accordance with point 4.2. above, it is not necessary to transmit them as an annex to the long form audit report;

⁴ 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 cause.

- the management letter, if it is not included in the long form report.

Various provisions and entry into force

This circular replaces and repeals Circulars CSSF 19/710, CSSF 15/624, CSSF 15/602 and CSSF 10/457.

COMMISSION de SURVEILLANCE du SECTEUR FINANCIER

Claude WAMPACH

Director

Marco ZWICK

Director

Jean-Pierre FABER

Director

Françoise KAUTHEN

Director

Claude MARX

Director General

Annex: File name convention to comply with for electronic transmission

Annex: File name convention to comply with for electronic transmission

The file names of the different reportings are described in the [name convention](#) of the CSSF which is available on the CSSF website under Supervision, Legal reporting, File transport and data protection.

The format to comply with is:

TYRDIR-ENNNNNNNN-CCCCCCCC-PPPP-YYYY-MM-DD-DO-LL-III.ext

Meaning of the different codes and authorised values for the documents to be transmitted in the framework of this circular:

Code	Meaning	Structure	Authorised values
TYR	Reporting type	Char(3)	'DOC' for 'Non-structured documents'
DIR	Management	Char(3)	'REP' for 'Report' file sent to the CSSF 'FBR' for 'Feedback on Reception' the acknowledgement of receipt sent by the CSSF
E	Entity type	Char(1)	'B' for 'Banks'
NNNNNNNN	Identification number	Number(8)	00000001...99999999 CSSF identifier of the Bank
CCCCCCCC	Compartment number	Number(8)	Constant '00000000'
PPPP	Unit type	Number(4)	Constant '0000'
YYYY	Year	Number(4)	Year
MM	Month	Number(2)	Month
DD	Day	Number(2)	Day
DO	Document type	Char(2)	'AR' for <i>Annual Report</i> 'AS' for <i>Consolidated Annual Report</i>

			<p>‘CO’ for <i>Compliance Report</i></p> <p>‘GR’ for <i>Governance Respect</i></p> <p>‘IA’ for <i>Internal Audit Report</i></p> <p>‘IC’ for <i>ICAAP</i></p> <p>‘ID’ for <i>consolidated ICAAP</i></p> <p>‘LF’ for <i>Long Form Report</i></p> <p>‘LC’ for <i>consolidated Long Form</i></p> <p>‘LD’ for <i>Long Form subsidiaries or specific holdings</i></p> <p>‘ML’ for <i>Management Letter</i></p> <p>‘MC’ for <i>consolidated Management Letter</i></p> <p>‘RC’ for <i>Risk Control Report</i></p> <p>‘RP’ for <i>Recovery Plan</i></p> <p>‘SC’ for <i>Single Customer View</i></p> <p>‘LG’ for <i>Lux-GAAP FINREP reconciliation</i></p> <p>‘RR’ for <i>Distribution of profits</i></p> <p>‘BD’ for <i>list of members of the Board of Directors</i></p> <p>‘IL’ for <i>ILAAP</i></p> <p>‘IM’ for <i>consolidated ILAAP</i></p> <p>‘AC’ for <i>the report of the réviseur on AML/CTF</i></p> <p>‘MF’ for <i>the report of the réviseur on compliance with conduct of business rules</i></p> <p>‘MM’ for <i>annual report of the parent company</i></p> <p>‘RE’ for <i>summary report relating to the out-of-court resolution of complaints</i></p>
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			<p>'TR' for <i>table relating to the out-of-court resolution of complaints</i></p> <p>'AD' for <i>Annex 1 to Circular CSSF 18/697 (fund depositaries)</i></p>
LL	Document language	Char(2)	<p>Language code ISO 639-1 (alpha-2)</p> <p>e.g. EN=English, FR=Français, DE=Deutsch, LB=Luxembourgeois</p>
III	Number Annex	Number(4)	<p>'0000' – Main document</p> <p>'nnnn' – Annex number nnnn</p>
.ext	Extension	Char(5)	'pdf' (PDF)