

Luxembourg, 15 November 2016

To all credit institutions subject to Regulation (EU)  
No 806/2014 of the European Parliament and of the  
Council <sup>1</sup>

**CIRCULAR CSSF-CODERES 16/02**

**Re: Single Resolution Fund – Information request by the Single Resolution Board for the calculation of the 2017 *ex-ante* contributions according to Articles 4 and 14 of the Commission Delegated Regulation (EU) 2015/63**

Ladies and Gentlemen,

The purpose of this circular is to collect data for the calculation of the 2017 *ex-ante* contributions to the Single Resolution Fund.

Article 100 of Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms (hereinafter “BRRD”), requires Member States of the European Union to establish one or more national resolution financing arrangements for the purpose of ensuring the effective application by the resolution authority of the resolution tools and powers. In accordance with Article 103(1) of the BRRD *ex-ante* contributions shall be raised at least annually from all institutions incorporated under Luxembourg law. However, branches established in Luxembourg by institutions which have their head office outside the Union are not targeted by the present circular as they will be covered by the Luxembourg Resolution Fund.<sup>2</sup>

Article 67 of Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (hereinafter “SRMR”) establishes a **Single Resolution Fund** (hereinafter “SRF”) under the responsibility of the **Single Resolution Board** (hereinafter “SRB”) from 1 January 2016 onwards<sup>3</sup> for Member States participating in the SSM. Commission Delegated Regulation (EU) 2015/63 of

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<sup>1</sup> All credit institutions established in Luxembourg with the exception of the branches established in Luxembourg by a credit institution which has its head office outside the EU. Branches established in Luxembourg by a credit institution having its head office in another Member State, participating or not participating, are covered by their head office.

<sup>2</sup> See [Article 108\(1\) of the Law of 18 December 2015 on the failure of credit institutions and certain investment firms](#) and [CSSF Regulation N° 16-06](#).

<sup>3</sup> Or from the date on which Art. 69(1) SRMR becomes applicable pursuant to Art. 99(6) SRMR (i.e. ratification of the IGA)

21 October 2014 supplementing Directive 2014/59/EU with regard to *ex-ante* contributions to resolution financing arrangements (hereinafter "DR") and Council Implementing Regulation (EU) 2015/81 of 19 December 2014 specifying uniform conditions of application of Regulation (EU) No 806/2014 of the European Parliament and of the Council with regard to *ex-ante* contributions to the Single Resolution Fund (hereinafter "CR") specify together the methodology for the calculation of this contribution and the obligations of the credit institutions as regards the necessary information to be provided in a Single Resolution Mechanism context.

In order to determine, in accordance with the provisions of the DR and CR, the annual contribution to be paid by each credit institution in 2017, the SRB needs to obtain a certain amount of information as expressed in its introduction letter (Annex 1). For the purpose of gathering these data the attached template (Annex 2) has been developed by the SRB together with information/instructions on how it has to be filled in. Additional guidance elaborated by the SRB is available on the CSSF's website [www.cssf.lu](http://www.cssf.lu) under: EU/International > Banking Union > Single Resolution Mechanism (SRM) > Calculation of contributions > Annexes to Circular CSSF-CODERES 16/02 (direct link: <http://www.cssf.lu/en/eu-international/banking-union/srm/calculation-of-contributions/>).

### **Changes to data collection for 2016 *ex-ante* contributions**

The data required are nearly identical to the data requested for the 2016 *ex-ante* contributions in Circular CSSF 15/626. The main differences for this year are the following:

- some fields could not be pre-filled (in particular field 1A6 "RIAD MFI code of the institution" and section C. "Identification of possible specificities for the calculation of the individual annual contribution"),
- Luxembourg specific guidance is given in the worksheet "5. Definitions and guidance" of the template (Annex 2),
- the Excel file (Annex 2) has a slightly different structure and has to be in format .xlsx (instead of .xls),
- the name of and the way to return the duly completed template (Annex 2) to the CSSF has changed (see file naming convention below),
- the requirements for and contents of additional assurance documents have changed (see below),
- the CSSF will send the data via a new, XBRL-based portal to the SRB which will perform additional validation checks.

## Deadlines

The duly filled-in template (Annex 2) has to be sent to the CSSF **at the latest by 13 January 2017 at 24:00 h.** In case not all required information is transmitted correctly by that date, the SRB shall use estimates or its own assumptions for the calculation of the 2017 contribution of the concerned credit institution to the SRF (Article 17 (1) DR). In specific cases, the SRB may assign the credit institution concerned to the highest risk adjusting multiplier, for the calculation of the institution's contribution to the SRF (Article 17 (2) DR).

For the transmission of the data to the CSSF, credit institutions must use the attached electronic template (Annex 2). Said template is available on CSSF website at:

[http://www.cssf.lu/fileadmin/files/Lois\\_reglements/Circulaires/CSSF\\_CODERES/OTHREP-B0NNN-LUB00NNN\\_LU\\_SRF20103\\_EACIND\\_2017-01-31\\_yyyymmddhhmmssnnn.xlsx](http://www.cssf.lu/fileadmin/files/Lois_reglements/Circulaires/CSSF_CODERES/OTHREP-B0NNN-LUB00NNN_LU_SRF20103_EACIND_2017-01-31_yyyymmddhhmmssnnn.xlsx)

Some credit institutions will be contacted directly by the CSSF in the next 10 working days in order to provide more specific guidance reflecting their situation.

## Delivery instructions

Any file submitted must be in “.xlsx” format; any other format (for example “.xls”, “.doc”, “.pdf”, etc.) will not be accepted. All required data fields of the file shall be completed (for details see Annex 2 sheet “Read me” point B). The Excel file is pre-formatted and **its structure shall not be changed in any way** by the credit institutions. Information which generates error messages will be considered as void.

All production files must be sent to CSSF via the channel system according to 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-LUBnnnnn\_LU\_VERSION\_TYPE\_DEADLINE\_TIMESTAMP.xlsx

For the 2017 submission, the resulting name structure will thus be: OTHREP- BNNNN-LUBnnnnn\_LU\_SRF20103\_EACIND\_ 2017 - 01- 31\_yyyymmddhhmmssnnn.xlsx

Example:

OTHREP-B0999-LUB00999\_LU\_SRF20103\_EACIND\_2017-01-31\_20170105140531000.xlsx

for a file generated by Bank B999 in the version created on 5 January 2017 at 14:05:31

These are the details of the file naming convention:

Code	Signification	Structure	Authorised values
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)	Types of entity for Banks 'B'
NNNN	CSSF bank ID	Number(4)	0001...9999
-	Separator → DASH	Char(1)	Constant '-' (dash !)
LUBnnnnn	MFICode	LUBnnnnn	Bank MFI code as published by the ECB, e.g. 'LUB00999' for a Bank with CSSF ID 999
_	Separator → UNDERSCORE	Char(1)	Constant '_' (underscore !)
LU	Country code	Char(2)	Originating country code, must be 'LU'
_	Separator → UNDERSCORE	Char(1)	Constant '_' (underscore !)
VERSION	VERSION	'SRF'number(n)	The VERSION code describes the version of the taxonomy set and has the general structure 'SRFnnnnn' (number of 'n' values could change in the future, e.g. 'SRFnnnnnn'). For the remittance 2017 the value expected is 'SRF20103'
_	Separator → UNDERSCORE	Char(1)	Constant '_' (underscore !)
TYPE	TYPE	Char(n)	The only value allowed is the report code 'EACIND'
_	Separator → UNDERSCORE	Char(1)	Constant '_' (underscore !)
DEADLINE	DEADLINE	yyyy-mm-dd	The remittance deadline is the last day in January of the submission year, so for the 2017 remittance the value expected is '2017-

			01-31' (CAUTION: separation here by dashes, not by underscores).
_	Separator → UNDERSCORE	Char(1)	Constant '_' (underscore !)
TIMESTAMP	TIMESTAMP	Number(17)	File creation timestamps; every timestamp may only be used once and has the format:  yyyymmddhhmssnnn
.ext	Extension	Char(5)	For 'REP' files : .xlsx  Pour 'FBR' return files : '.xml'

### **Testing of XBRL format**

Reporting entities should be aware that for the 2018 *ex-ante* contribution the CSSF plans to exclusively accept templates in XBRL format. The taxonomy version that will be used will be issued by the SRB on its website (<http://srb.europa.eu>) in December 2016<sup>4</sup>.

For testing purposes only, already in 2017 XBRL instances may be submitted to the CSSF (in addition to the mandatory PRODUCTION version in .xlsx format described above). The banks will then receive the usual CSSF return file (COFFBX) as well as potential comments on errors from CSSF and may thus prepare their 2018 XBRL remittance.

The file naming convention to be used for XBRL test instances is COF as described in the relevant chapter of the CSSF file naming convention:

[http://www.cssf.lu/fileadmin/files/Reporting\\_legal/transport\\_securisation\\_reporting/Convention\\_de\\_nom.pdf](http://www.cssf.lu/fileadmin/files/Reporting_legal/transport_securisation_reporting/Convention_de_nom.pdf)

The resulting file name structure of the .zip file will thus be:

COFREP-B00000nnn- yyyy-mm-SEACXX-00-c-D--.zip

The resulting file name structure of the .xbrl file will thus be:

COFREP-B00000nnn-yyyy-mm-SEACXX-00-c-D---SEACXX.xbrl

Both names must be composed in full respect of the following indications:

- 1) In XBRL instances that respect the SRB Filing Rules, all data have to refer to a single reference date. The reference date to be used in the context of the XBRL instance must be the same as the date used in (the only data cell in) table f\_01.e of the XBRL taxonomy. The reference period used as yyyy-mm in the CSSF file naming convention is the corresponding month of that reference date.

<sup>4</sup> Due to the evolution of that taxonomy it might change slightly for 2018.

- 2) The code 'c' used above must have the adequate value as defined by:
  - 'N' for entities with branches
  - 'L' for entities without branches
- 3) Only audited, final figures are allowed, which means that 'D' has to be used in the naming conventions above as a "final" code (value 'N' is not allowed).

### **Additional assurance documents**

In addition, each credit institution that directly or as part of a group falls under direct ECB supervision (see Annex 3), unless it is subject to the lump-sum payment, must make available additional assurance documents to the resolution department of the CSSF, which will ensure transmission to the SRB. This can be either:

- Agreed Upon Procedures (AUP) where an external auditor confirms specific data (see Annex 4) or
- a Sign-off form where at least one of the members of the banks' authorised management certifies that the submitted template complies with the general instructions (see Annex 5).

The documents have to be sent to the CSSF at the **latest by 15 February 2017**, by mailing a signed hard copy to CSSF, Resolution Department, L-2991 Luxembourg. Banks which do not appear on the list in Annex 3 do not have to send in any assurance documents.

For any questions concerning this circular please contact Mr. Klaus Söllner (e-mail: [klaus.sollner@cssf.lu](mailto:klaus.sollner@cssf.lu)), Mr. François Basso (e-mail: [francois.basso@cssf.lu](mailto:francois.basso@cssf.lu)) or Mr. Bertrand Toulmonde (e-mail: [bertrand.toulmonde@cssf.lu](mailto:bertrand.toulmonde@cssf.lu)).

Yours faithfully,

COMMISSION DE SURVEILLANCE DU SECTEUR FINANCIER  
For the Resolution Board



Romain STROCK  
Chairman of  
the Resolution Board

Annexes:

1. Introduction letter of SRB:  
[http://www.cssf.lu/fileadmin/files/Lois\\_reglements/Circulaires/CSSF\\_CODERES/CSSF-CODERES\\_16\\_02\\_Annex\\_1\\_Introduction\\_letter\\_of\\_SRB.pdf](http://www.cssf.lu/fileadmin/files/Lois_reglements/Circulaires/CSSF_CODERES/CSSF-CODERES_16_02_Annex_1_Introduction_letter_of_SRB.pdf)
2. Template for the calculation of 2017 contribution to the Single Resolution Fund:  
[http://www.cssf.lu/fileadmin/files/Lois\\_reglements/Circulaires/CSSF\\_CODERES/OTHREP-B0NNN-LUB00NNN\\_LU\\_SRF20103\\_EACIND\\_2017-01-31\\_yyyymmddhhmmssnnn.xlsx](http://www.cssf.lu/fileadmin/files/Lois_reglements/Circulaires/CSSF_CODERES/OTHREP-B0NNN-LUB00NNN_LU_SRF20103_EACIND_2017-01-31_yyyymmddhhmmssnnn.xlsx)
3. List of credit institutions that directly or as part of a group fall under direct ECB supervision:  
[http://www.cssf.lu/fileadmin/files/Lois\\_reglements/Circulaires/CSSF\\_CODERES/CSSF-CODERES\\_16\\_02\\_Annex\\_3\\_List\\_of\\_credit\\_institutions\\_under\\_direct\\_ECB\\_supervision.pdf](http://www.cssf.lu/fileadmin/files/Lois_reglements/Circulaires/CSSF_CODERES/CSSF-CODERES_16_02_Annex_3_List_of_credit_institutions_under_direct_ECB_supervision.pdf)
4. Instruction concerning Agreed Upon Procedures (AUP):  
[http://www.cssf.lu/fileadmin/files/Lois\\_reglements/Circulaires/CSSF\\_CODERES/CSSF-CODERES\\_16\\_02\\_Annex\\_4\\_Instruction\\_concerning\\_Agreed\\_Upon\\_Procedures\\_\(AUP\).pdf](http://www.cssf.lu/fileadmin/files/Lois_reglements/Circulaires/CSSF_CODERES/CSSF-CODERES_16_02_Annex_4_Instruction_concerning_Agreed_Upon_Procedures_(AUP).pdf)
5. Sign-off by management:  
[http://www.cssf.lu/fileadmin/files/Lois\\_reglements/Circulaires/CSSF\\_CODERES/CSSF-CODERES\\_16\\_02\\_Annex\\_5\\_Sign\\_off\\_by\\_management.pdf](http://www.cssf.lu/fileadmin/files/Lois_reglements/Circulaires/CSSF_CODERES/CSSF-CODERES_16_02_Annex_5_Sign_off_by_management.pdf)
6. Additional Guidance – *ex-ante* reporting form:  
[http://www.cssf.lu/fileadmin/files/Lois\\_reglements/Circulaires/CSSF\\_CODERES/CSSF-CODERES\\_16\\_02\\_Annex\\_6\\_2017\\_Additional\\_Guidance-ExAnte\\_Reporting\\_Form.pdf](http://www.cssf.lu/fileadmin/files/Lois_reglements/Circulaires/CSSF_CODERES/CSSF-CODERES_16_02_Annex_6_2017_Additional_Guidance-ExAnte_Reporting_Form.pdf)
7. Additional Guidance – slides to present reporting form:  
[http://www.cssf.lu/fileadmin/files/Lois\\_reglements/Circulaires/CSSF\\_CODERES/CSSF-CODERES\\_16\\_02\\_Annex\\_7\\_2017\\_Additional\\_Guidance-slidedeck\\_to\\_present\\_Reporting\\_Form.pdf](http://www.cssf.lu/fileadmin/files/Lois_reglements/Circulaires/CSSF_CODERES/CSSF-CODERES_16_02_Annex_7_2017_Additional_Guidance-slidedeck_to_present_Reporting_Form.pdf)