

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

Luxembourg, 23 November 2016

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

CIRCULAR CSSF-CPDI 16/04

Re : Survey on the amount of covered deposits held quarterly during 2016

Ladies and Gentlemen,

1. The aim of this circular is to carry out a survey on deposits, and more particularly on covered deposits, as held by credit institutions incorporated under Luxembourg law, the *Entreprise des postes et télécommunications*, and Luxembourg branches of credit institutions having their head office in a third country (hereinafter, referred to as “institutions”) as at 31 March 2016, 30 June 2016, 30 September 2016 and 31 December 2016. The collected data shall enable the *Conseil de protection des déposants et des investisseurs* (“CPDI”) to establish the *Fonds de garantie des dépôts Luxembourg’s* (“FGDL”) annual target level for 2017.
2. Pursuant to Article 16, paragraph 1, of the Commission delegated regulation (EU) 2015/63 of 21 October 2014 supplementing Directive 2014/59/EU, the average amount of covered deposits calculated quarterly will be transmitted to the Single Resolution Board by 31 January 2017 and will be used to determine the Single Resolution Fund’s annual target level for 2017.
3. To allow the FGDL to fulfill its cooperation duties within the European Union, as set out under Article 183, paragraph 2, of the law of 18 December 2015 on the failure of credit institutions and certain investment firms (hereinafter, the “2015 Law”) and in line with the European Banking Authority (“EBA”) Guidelines on cooperation between deposit guarantee schemes under Directive 2014/49/EU, FGDL members are requested to provide the data

- at the level of their legal entity, comprising branches located within other Member States, for the **18 January 2017** at the latest; as well as
- for each and any branch located within other Member States separately, by **28 February 2017**.

The data referred to in the first indent shall be reported with utmost care.

4. For the reasons set out in paragraph 3, FGDL members should as of 28 February 2017 be able to create a Single Customer View file (“SCV”) as foreseen by Circular CSSF 13/555 for their legal entity without foreign branches, as well as for each and any branch located within an Member State separately.

5. A definition of “covered deposits” and “eligible deposits” can be found in Article 163 of the 2015 Law. The provisions of Circular CSSF-CPDI 16/02 shall be taken into account, in particular with regard to the exclusions of some structures such as Soparfis or certain foundations, as well as the treatment of omnibus accounts. For this specific survey, temporary high balances, as referred to in Article 171(2), shall be treated as normal deposits with a limited guaranteed amount of EUR 100,000.

6. In order to transmit the data, institutions are kindly requested to complete the table attached to this circular, which is also available on the CSSF’s website at : <https://www.cssf.lu/en/document/quarterly-survey-of-covered-deposits-fgdl/>. Please note that the format of the document has changed with regard to Circular CSSF 15/630. The filename of the completed document shall comply with the file naming convention for special enquiries, as defined by Circular CSSF 08/344. The string “xxxx” shall be replaced by the 4 digits identification number of the institution and the string “yyyy” and “mm” shall be replaced by “2016” and “12”, respectively. The completed document shall be transmitted via one of the secured channels (E-File or SOFiE). The relevant document must be in “.xls” or “.xlsx” format. Any other format will not be accepted. The document shall be completed in any cases. If you consider that there is no amount to be reported, the transmission to the CSSF remains nevertheless mandatory and value “0” (= zero) must be indicated in the corresponding table. Detailed instructions are provided for each table field in Annex 2. Documents which include error messages will be considered as void.

7. Given the importance of this survey, a member of the authorised management, in this case the member in charge of the membership of the FGDL in accordance with section C of Circular CSSF 13/555, must review and approve the document prior to its transmission to the CSSF. In view of the deadline imposed by the Commission Delegated Regulation (EU) 2015/63, any measures must be taken to ensure a communication within the deadlines fixed by the CSSF.

For any questions regarding this circular, please contact Mr. Laurent Goergen (laurent.goergen@cssf.lu).

Yours faithfully,

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

On behalf of the CPDI
Claude SIMON
Chair of the CPDI

Annex : 1. Table for the survey
2. Specifications for filling in the data collection template

Information about deposits

Name of the institution: _____
 CSSF identification number: _____
 Member of the authorised management who has validated the table: _____
 Contact person: Name _____
 Phone _____
 Email address _____

Amounts in euro

Field ID	Field	As at 31 March	Automatic checks	As at 30 June	Automatic checks	As at 30 September	Automatic checks	As at 31 December	Automatic checks
0100	Total amount of deposits (0110+0115), including where applicable deposits at branches established in another Member State.	0.00		0.00		0.00		0.00	
0110	physical persons	0.00		0.00		0.00		0.00	
0115	legal persons	0.00		0.00		0.00		0.00	
0200	Eligible deposits (after exclusions of Article 172 of the 2015 law and of Circular CSSF-CPDI 16/02)								
0201	Total amount of eligible deposits (0210+0215+220+225)	0.00		0.00		0.00		0.00	
0210	≤ 100 000 EUR; natural persons	0.00		0.00		0.00		0.00	
0215	≤ 100 000 EUR; legal persons	0.00		0.00		0.00		0.00	
0220	> 100 000 EUR; natural persons	0.00		0.00		0.00		0.00	
0225	> 100 000 EUR; legal persons	0.00		0.00		0.00		0.00	
0230	Number of claims (0235+0240+0245+0250)	0.00		0.00		0.00		0.00	
0235	≤ 100 000 EUR; natural persons	0		0		0		0	
0240	≤ 100 000 EUR; legal persons	0		0		0		0	
0245	> 100 000 EUR; natural persons	0		0		0		0	
0250	> 100 000 EUR; legal persons	0		0		0		0	
0300	Total amount of covered deposits (0310+0315+0320+0325)	0.00		0.00		0.00		0.00	
0310	≤ 100 000 EUR; natural persons	0.00		0.00		0.00		0.00	
0315	≤ 100 000 EUR; legal persons	0.00		0.00		0.00		0.00	
0320	> 100 000 EUR; natural persons	0.00		0.00		0.00		0.00	
0325	> 100 000 EUR; legal persons	0.00		0.00		0.00		0.00	
0400	Total amount of clipping (0201-0300)	0.00		0.00		0.00		0.00	

Annex 2 to Circular CSSF-CPDI 16/04

Specifications for filling in the data collection template

ID	Field	Type	Explanations
	General instructions		<ul style="list-style-type: none"> • Abbreviations used : <ul style="list-style-type: none"> - « Delegated regulation » or « DR » : the Commission delegated regulation (EU) 2015/63 of 21 October 2014 ; - « law of 2015 » : amended law of 18 December 2015 on the failure of credit institutions and certain investment firms. • Pursuant to Article 16(1) of the Delegated regulation, the average amount of covered deposits calculated quarterly shall be transmitted to the CSSF in its role as national resolution authority and subsequently to the Single Resolution Board by 31 January 2017. • Amounts of deposits, eligible deposits and covered deposits shall be reported in units of euros, with two digits after the decimal point. The number of claims shall be reported in units. Deposits held in another currency than euro shall be converted to euro using the European Central Bank's exchange rate, as published in the Official Journal of the European Union, applicable at the end of each quarter. All fields in the table have predefined values that shall be modified in a consistent manner. In case a field is not applicable or its value is zero, please keep the value 0. • For the definition of the term « deposit » and the identification of liabilities to be taken into account for the guarantee, we refer to Article 163, point 6, of the law of 2015. • For the purpose of this survey, and by way of derogation from Article 175, no set-off between credit and debit balances shall be made. Only credit balances shall be taken into account. • Data shall at first include deposits made at branches established in Member States. In a second stage, deposits at Member State branches shall be reported with as many separate templates as there are EU branches. Deposits at branches

			established in third countries by Luxembourg banks shall not be reported.
0100	Total amount of deposits	20,2N	<p>This field reports the total amount of all deposits in the sense of Art. 163, point 6, of the law of 2015 (eligible and non-eligible for the deposit guarantee).</p> <p>Deposits include the balance and the accrued interest, even when it is not yet due (Art. 171(5) law of 2015).</p> <p>The field contains the automatically calculated sum of the amounts reported in the fields 0110 and 0115.</p>
0110	Natural persons	20,2N	Please report the sum of all deposits whose depositors / persons who are absolutely entitled are natural persons. Absolutely entitled persons of unknown legal status shall be treated as physical persons.
0115	Legal persons	20,2N	Please report the sum of all deposits whose depositors / persons who are absolutely entitled are legal persons.
0201	Total amount of eligible deposits	20,2N	<p>This field reports the total amount of eligible deposits after application of the exclusions of Article 172 of the law of 2015. The clarifications regarding the exclusion of structures considered as financial institutions and of life insurance products made by Circular CSSF-CPDI 16/02 shall be respected. We stress that the size of a company is no longer a reason for exclusion. If the depositor is not absolutely entitled to the sum held in an account, the eligibility depends on the person who is absolutely entitled and on the fact that the person is identifiable in accordance with Article 174 of the law of 2015.</p> <p>The field contains the automatically calculated sum of the amounts reported in the fields 0210, 215, 220 and 0225.</p>
0210	≤ 100 000 EUR ; natural persons	20,2N	Please report the sum of all credit balances where the sum per depositor / person who is absolutely entitled is less than or equal to EUR 100 000 and where no exclusion criterion (see explanations about field 201) is satisfied. Depositors / persons absolutely entitled are natural persons.
0215	≤ 100 000 EUR ; legal persons	20,2N	Please report the sum of all credit balances where the sum per depositor / person who is absolutely entitled is less than or equal to EUR 100 000 and where no

			exclusion criterion (see explanations about field 201) is satisfied. Depositors / persons absolutely entitled are legal persons.
0220	> 100 000 EUR ; natural persons	20,2N	Please report the sum of all credit balances where the sum per depositor / person who is absolutely entitled is larger than EUR 100 000 and where no exclusion criterion (see explanations about field 201) is satisfied. Depositors / persons absolutely entitled are natural persons.
0225	> 100 000 EUR ; legal persons	20,2N	Please report the sum of all credit balances where the sum per depositor / person who is absolutely entitled is larger than EUR 100 000 and where no exclusion criterion (see explanations about field 201) is satisfied. Depositors / persons absolutely entitled are legal persons
0230	Number of claims	10N	By number of claims we mean the number of depositors, of co-holders in the case of joint accounts or of persons who are absolutely entitled and identifiable in the case of “omnibus” or fiduciary accounts.
0235	≤ 100 000 EUR ; natural persons	10N	Please report the number of claims pertaining to the amount reported in field 0210.
0240	≤ 100 000 EUR ; legal persons	10N	Please report the number of claims pertaining to the amount reported in field 0215.
0245	> 100 000 EUR ; natural persons	10N	Please report the number of claims pertaining to the amount reported in field 0220.
0250	> 100 000 EUR ; legal persons	10N	Please report the number of claims pertaining to the amount reported in field 0225.
0300	Total amount of covered deposits	20,2N	<p>This field reports the total amount of covered deposits, that is the part of eligible deposits (field 201) that does not exceed the guarantee’s limit set to EUR 100 000 per person. The reported amount cannot exceed the product of field 0230 and EUR 100.000.</p> <p>The field contains the automatically calculated sum of fields 0310, 0315, 0320 and 0325.</p> <p>Regarding the cases provided for by Article 171(2) (temporary high balances), a limit of EUR 100 000 is applied for the purpose of the data survey.</p>

0310 to 325		20,2N	These fields are automatically calculated based on the amounts of eligible deposits where the sum per depositor / person absolutely entitled is less than or equal to EUR 100 000, or on the number of claims pertaining to deposits exceeding EUR 100 000, respectively.
0400	Total amount of clipping	20,2N	Result of the difference of fields 0201 and 0300.