

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

CSSF Regulation N° 16-04 on voluntary reciprocity for macroprudential policy measures

(Mémorial A – No. 182 of 5 September 2016)

Having regard to Article 108a of the Constitution;

Having regard to the Law of 23 December 1998 establishing a financial sector supervisory commission ("Commission de surveillance du secteur financier"), and in particular Article 9(2) thereof;

Having regard to the Law of 5 April 1993 on the financial sector ("LFS") and in particular Article 59-12 thereof;

Having regard to the Recommendation of the European Systemic Risk Board ("ESRB") of 15 December 2015 on the assessment of cross-border effects of and voluntary reciprocity for macroprudential policy measures (ESRB/2015/2), as amended, and in particular recommendation C(1), recommending relevant authorities to reciprocate the macroprudential policy measures adopted by other relevant authorities and recommended for reciprocation by the ESRB;

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 ("CRR"), and notably Article 458(5) authorising the recognition of the measures set in accordance with Article 458 and their application to domestically authorised branches located in the Member State authorised to apply the measures;

Having regard to the measure taken by the National Bank of Belgium in accordance with Article 458 of the CRR, and notified on 21 January 2016 to the ESRB, to impose on credit institutions using the internal ratings based approach a 5-percentage-point risk-weight add-on applied to exposures secured by residential property located in Belgium;

Having regard to the Recommendation of the Systemic Risk Board (CRS/2016/005) of 25 July 2016 on the reciprocity of the measure taken by the National Bank of Belgium;

Having regard to the opinion of the Consultative Committee for Prudential Regulation;

The Executive Board of the Commission de Surveillance du Secteur Financier,

Decides:

Article 1

Recognition and application of the measures taken in accordance with Article 458 of the CRR to Belgian branches of Luxembourg credit institutions using the internal ratings-based approach

The measure taken by the National Bank of Belgium in accordance with Article 458 of the CRR to impose on credit institutions using the internal ratings-based approach a 5-percentage-point risk-weight add-on applied to Belgian retail mortgage loan exposures (non-SME) secured by residential property located in Belgium is recognised in Luxembourg under Article 458(5) of the CRR and applies, as a consequence, with immediate effect to Belgian branches of Luxembourg credit institutions that apply the internal ratings-based approach.

Article 2

Publication

This regulation shall be published in the Mémorial and on the website of the Commission de Surveillance du Secteur Financier.

Luxembourg, 30 August 2016

COMMISSION DE SURVEILLANCE DU SECTEUR FINANCIER

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