Latvijas Banka

Regulation No. 242

Adopted 19 June 2023

**Regulations for Collecting and Providing Information on the Guaranteed Compensation**

*Issued pursuant to*

*Section 11, Clause 3 of the Deposit Guarantee Law*

1. The Regulation prescribes the procedures pursuant to which the deposit taker collects and provides to Latvijas Banka information on the guaranteed compensation and the time period thereof.

2. The deposit taker shall collect the following information on the guaranteed compensation:

2.1. on all depositors of the deposit taker, including the depositors to whom the guaranteed compensation is not to be disbursed, the depositors with the balance of their deposits equal to or below zero, and the depositors with a closed account and the balance of their deposits above zero:

2.1.1. a unique identifier (a unique combination of characters used by the deposit taker in its information system to identify the customer) of the depositor;

2.1.2. where the depositor is a natural person:

2.1.2.1. given name and surname;

2.1.2.2. personal identity number if the natural person is a resident or a non-resident having been assigned such a number;

2.1.2.3. number of the personal identification document or the birth certificate;

2.1.2.4. date of birth;

2.1.2.5. address of the declared or permanent place of residence;

2.1.2.6. code of the country of the permanent place of residence according to standard LVS EN ISO 3166-1;

2.1.2.7. phone number and e-mail (if such information is at the disposal of the deposit taker);

2.1.3. where the depositor is a legal person:

2.1.3.1. name;

2.1.3.2. uniform registration number if the legal person is a resident or registration number if the legal person is a non-resident;

2.1.3.3. legal address and the country code according to standard LVS EN ISO 3166-1;

2.1.4. total amount of the deposit, amount of the eligible deposit, and amount of the covered deposit of each depositor;

2.1.5. amount of the guaranteed compensation available to each depositor (the amount of the covered deposit on which no restrictions on the disbursement of deposits have been imposed in accordance with laws and regulations (including no restrictions by a sworn bailiff, tax administration, law enforcement authority or no other restrictions established by laws and regulations) or for which the disbursement of the guaranteed compensation is not deferred);

2.1.6. amount of the deposit on which restrictions on the disbursement of deposits have been imposed in accordance with laws and regulations (including restrictions by a sworn bailiff, tax administration, law enforcement authority or other restrictions established by laws and regulations) or for which the disbursement of the guaranteed compensation is deferred;

2.1.7. classification code of the deposit for which the guaranteed compensation is not disbursed, on which restrictions on the disbursement of deposits have been imposed in accordance with laws and regulations (including restrictions by a sworn bailiff, tax administration, law enforcement authority or other restrictions established by laws and regulations) or for which the disbursement of the guaranteed compensation is deferred pursuant to the Annex to this Regulation. The deposit taker shall provide to Latvijas Banka the explanation of the classification code “19 – other” upon request;

2.1.8. country code of the branch according to standard LVS EN ISO 3166-1 if the depositor is the customer of the branch of the deposit taker;

2.2. on the person with the right to represent the depositor to whom the guaranteed compensation is to be disbursed:

2.2.1. the given name and surname;

2.2.2. personal identity number;

2.2.3. date of birth;

2.2.4. number of the personal identification document;

2.2.5. phone number and e-mail (if such information is at the disposal of the deposit taker).

3. The deposit taker shall collect the information referred to in Paragraph 2 of this Regulation in files corresponding to the file structure and format published on Latvijas Banka’s official website (https://www.bank.lv), compiling the following lists:

3.1. information on all depositors;

3.2. information on the person with the right to represent the depositor to whom the guaranteed compensation is to be disbursed.

4. The deposit taker shall ensure that at the end of each day its accounting register or information system reflects the current and historical, for at least five previous working days, information collected on the depositor and stipulated in this Regulation.

5. The deposit taker shall indicate one unique identifier for each depositor in each list. The unique identifier may not contain any personal identification data of the depositor.

6. The deposit taker shall convert the deposit in foreign currency into euro according to the foreign exchange rate used in accounting on the day the deposits become unavailable or at the end of 31 May when submitting the information once a year or at the end of the day indicated in Latvijas Banka’s request if Latvijas Banka has requested information on the guaranteed compensation.

7. The deposit taker shall aggregate several deposits or several shares of a joint deposit, irrespective of the currency and type of the deposit, for each depositor as a single eligible deposit and indicate them in a single row of the list.

8. The deposit taker shall indicate the amount of the guaranteed compensation in the list, excluding the personal income tax payable on the deposit interest income and the commission payable on the services provided by the deposit taker.

9. The deposit taker shall submit the information on the guaranteed compensation to Latvijas Banka electronically pursuant to the regulation governing electronic information exchange with Latvijas Banka via the advanced security system.

10. The deposit taker shall submit the information on the guaranteed compensation to Latvijas Banka within the following time frame:

10.1. the information to be submitted once a year on the situation as at the end of 31 May – until the end of the next working day;

10.2. the information on the situation as at the end of the day indicated in the request if Latvijas Banka has requested the information on the guaranteed compensation – within one working day;

10.3. in case the deposits become unavailable:

10.3.1. the information on the situation as at the day the deposits become unavailable – no later than on the next day following the day the deposits became unavailable;

10.3.2. the current information on the situation as at the last day of the month – once a month until the 5th date of the next month.

11. Where the deposit taker establishes that, in case the deposits become unavailable, the information submitted to Latvijas Banka on the guaranteed compensation should be clarified, it shall without delay inform Latvijas Banka and submit the clarified information, including only data on the depositors whose information has been clarified or newly added.

12. Where Latvijas Banka establishes that the information provided by the deposit taker on the guaranteed compensation fails to reflect the actual situation as at the end of the day the deposits became unavailable or of the day indicated in Latvijas Banka’s request, Latvijas Banka shall notify the deposit taker to this effect and it shall provide clarified information to Latvijas Banka within one day.

13. The Financial and Capital Market Commission’s Regulation No. 1 of 5 January 2021, Regulations for Collecting and Providing Information on the Guaranteed Compensation (*Latvijas Vēstnesis*, 2021, No. 7), is repealed.

14. The deposit taker whose deposits have become unavailable by the day of coming into force of this Regulation shall continue to collect and provide to Latvijas Banka information on the guaranteed compensation pursuant to the requirements for collecting and providing information on the guaranteed compensation in force on the day the deposits of the respective deposit taker became unavailable.

15. The Regulation shall come into force on 1 January 2024.

Governor of Latvijas Banka M. Kazāks

**Annex**

Latvijas Banka’s Regulation No. 242

19 June 2023

**Classification Codes for the Deposits for which the Guaranteed Compensation is not Disbursed, on which Restrictions on the Disbursement of Deposits are Imposed in Accordance with Laws and Regulations or for which the Disbursement of the Guaranteed Compensation is Deferred**

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| **No.** | **Classification code** | **Explanation** |
| 1. | 01 | deposits of credit institutions and credit unions |
| 2. | 02 | deposits of financial institutions |
| 3. | 03 | deposits of local governments the annual budget of which exceeds EUR 500 000 and of institutions of direct administration as well as deposits of consular and diplomatic missions of Latvia and other countries |
| 4. | 04 | deposits related to money laundering or recognised as proceeds from crime if a court judgement of conviction has entered into effect |
| 5. | 05 | deposits the depositor of which has not been identified as a customer in accordance with the provisions of the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing |
| 6. | 06 | deposits which, in accordance with Article 62 of Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012, constitute own funds of the deposit taker, including the amortised part thereof in accordance with Article 64 of the abovementioned Regulation |
| 7. | 07 | deposits of insurance and reinsurance companies |
| 8. | 08 | deposits of investment firms |
| 9. | 09 | deposits of investment management companies |
| 10. | 10 | deposits of private pension funds |
| 11. | 11 | deposits of alternative investment fund managers |
| 12. | 12 | debt securities issued by a credit institution and also liabilities arising from promissory notes thereof, including bills of exchange |
| 13. | 13 | deposits in which no transactions have been made over the last two years from the day the deposits have become unavailable and the value of which is less than EUR 10 |
| 14. | 14 | there is a legal dispute regarding the rights of the person to the deposit or the rights to the guaranteed compensation |
| 15. | 15 | the conformity with the requirements laid down in the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing, including if the depositor requires or has not completed the measures of customer due diligence or transaction monitoring |
| 16. | 16 | restrictions have been imposed on the disbursement of deposits in accordance with laws and regulations (including restrictions by a sworn bailiff, tax administration, law enforcement authority or other restrictions established by laws and regulations) |
| 17. | 17 | criminal proceedings have been initiated against the person regarding money laundering and a court judgement of conviction has not entered into effect |
| 18. | 18 | third-party holdings, including funds in escrow accounts |
| 19. | 19 | other |

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