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Circular 05/2019

Circular 05/2019 (A) – Minimum Requirements for Implementing a Bail-in (MaBail-in)

To all

- Institutions within the meaning of section 2 (1) of the SAG
- Entities within the meaning of section 1 no 3 of the SAG

in the Federal Republic of Germany, which do not fall within the area of responsibility of the SRB as the resolution authority within the meaning of Article 7(2), 4(b) and 5 of the SRMR.

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List of abbreviations

A

AT1 Additional Tier 1 in accordance with Article 51 of the CRR II.

B

BRRD Bank Recovery and Resolution Directive – 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 and amending Council Directive 82/891/EEC and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council.

C

CET1 Common Equity Tier 1 in accordance with Articles 26 and 27 of the CRR II.

CoRep Common Reporting – supervisory reporting obligations according to Commission Implementing Regulation (EU) No 680/2014 of 16 April 2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and the Council.

CRD IV Capital Requirements Directive – Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC.

CRR II Capital Requirements Regulation – Regulation (EU) No 575/2013 reflecting Regulation (EU) 2019/876 of the European Parliament and of the Council 20 May 2019 amending Regulation (EU) No 575/2013 as regards the leverage ratio, the net stable funding ratio, requirements for own funds and eligible liabilities, counterparty credit risk, market risk, exposures to central counterparties, exposures to collective investment undertakings, large exposures, reporting and disclosure requirements, and Regulation (EU) No 648/2012.

CSD Central securities depository within the meaning of Article 2 (1) no 1 of the CSDR.

CSDR Central Securities Depository Regulation – Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012.

E

EBA European Banking Authority.

EUR Euro(s).

EinSiG *Einlagensicherungsgesetz* (German Deposit Guarantee Act).

F	
FSB	Financial Stability Board.
FX	Foreign exchange.
G	
GDPR	General Data Protection Regulation – Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).
GL	Guideline.
G-SIB	Global systemically important bank.
H	
HGB	<i>Handelsgesetzbuch</i> (German Commercial Code).
I	
IFRS	International Financial Reporting Standard(s).
InsO	<i>Insolvenzordnung</i> (German Insolvency Code).
IRBA	Internal Ratings Based Approach within the meaning of Article 107 et seq. of the CRR II and Article 142 et seq. of the CRR II.
ISIN	International Securities Identification Number in accordance with ISO Standard 6166.
ISO	International Organization for Standardization.
K	
KWG	<i>Gesetz über das Kreditwesen</i> (German Banking Act).
L	
LDR	Liability Data Reporting
LEI	Legal Entity Identifier
M	
MiFID II	Markets in Financial Instruments Directive – Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU.
MTF	Multilateral Trading Facility within the meaning of Article 4 (22) of MiFID II.
N	
N/A	Not applicable
O	
OTF	Organised Trading Facility within the meaning of Article 4 (23) of MiFID II.

R

RechKredV

Verordnung über die Rechnungslegung der Kreditinstitute und Finanzdienstleistungsinstitute (Regulation on the Accounting of Banks and Financial Services Institutions).

S

SA

Credit risk standard approach: standardised approach within the meaning of Article 107 et seq. and Article 111 et seq. of the CRR II.

SAG

Gesetz zur Sanierung und Abwicklung von Instituten und Finanzgruppen (German Act on the Recovery and Resolution of Institutions and Financial Groups).

SRB

Single Resolution Board within the meaning of Article 1 of the SRMR.

SRMR

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.

T

T2

Tier 2 capital in accordance with Article 62 of the CRR II.

W

WDCCI

Write-down and conversion of capital instruments.

WpHG

Wertpapierhandelsgesetz (German Securities Trading Act).

In this Circular, terms that are listed in Annex I (Glossary) shall have the meaning assigned to them in Annex I.

1. Introduction

1.1. As part of resolution planning, the resolution authority shall assess the resolvability of institutions and groups (resolvability assessment), improve resolvability and, if necessary, remove impediments to resolvability. This includes an assessment of whether the selected resolution strategy is feasible and whether there are potential impediments to resolvability (Article 23(1)(c) in conjunction with Article 26 of Delegated Regulation (EU) 2016/1075¹). Among other things, the resolution authority shall assess whether the management information systems have the capacity at all times – even under rapidly changing conditions – to provide the information essential for the resolution of the institution (Article 29(1) of Delegated Regulation (EU) 2016/1075 in conjunction with no. 9 of Section C of the Annex to the BRRD), and whether the institution is capable of providing the information needed to determine the amount of the write-down and/or recapitalisation required (Article 29(3) of Delegated Regulation (EU) 2016/1075).

1.2. As part of its responsibility as the national resolution authority, in particular in the course of its participation in the resolution planning for institutions and groups within the meaning of Article 7(3) of the SRMR, BaFin will generally consider those aspects of resolvability mentioned under 1.1. with regard to the WDCCI power and the bail-in tool to be satisfied if the requirements set out in this Circular are met. This Circular shall not apply to institutions or groups for which the resolution authority concludes that it is feasible in accordance with Article 10 of the SRMR and sections 57 or 58 of the SAG to liquidate the institution or group under normal insolvency proceedings. In order to ensure a proportional approach, BaFin will inform the institutions within the scope of this Circular in the context of resolution planning that and at what point it will require their ability to comply with the requirements contained in this Circular.

1.3. This Circular sets out BaFin's expectations with regard to the target parameters that must be achieved by the institutions concerned in order to be considered as resolvable with regard to the WDCCI power and the bail-in tool. These target parameters create a uniform, comparable and transparent basis for resolution planning. The concrete implementation of the requirements of this Circular for achieving the target parameters and the point in time at which the target parameters must be achieved are determined within the scope of resolution planning specifically for each institution with regard to the current situation and the expected implementation effort.

1.4. To the extent that the term "resolvability" is used in the following, it shall refer exclusively to the requirements in this Circular regarding data availability in respect of the information to be provided and regarding technical and organisational resources for implementing the WDCCI power and the bail-in tool, taking into account paragraph 2.4. An assessment of whether all additional resolvability criteria of an institution or entity belonging to a group have been met is not affected and is not the subject of this Circular.

¹ Commission Delegated Regulation (EU) 2016/1075 of 23 March 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the content of recovery plans, resolution plans and group resolution plans, the minimum criteria that the competent authority is to assess as regards recovery plans and group recovery plans, the conditions for group financial support, the requirements for independent valuers, the contractual recognition of write-down and conversion powers, the procedures and contents of notification requirements and of notice of suspension and the operational functioning of the resolution colleges.

2. Background and guidance

2.1. The resolution of an institution or a group of institutions requires the resolution authority to act quickly and in a targeted manner. To accomplish this, the resolution authority needs a wide variety of information within a short period of time. Institutions, or entities belonging to a group and designated as a resolution entity, have to provide all necessary information pursuant to Article 34(1) of the SRMR and section 78 (1) no. 1 of the SAG within a short timeframe. This includes, in particular, the information required for a decision on the write-down of **liabilities** and/or any necessary recapitalisations by converting liabilities. To enable the resolution entities to make this information available at short notice in a suitable form and quality, they shall establish corresponding **systems** and **processes** in the form of **technical** and **organisational resources**. In addition, the resolution entities must maintain systems and processes that enable the implementation of a write-down and/or conversion of liabilities. If such systems and processes are missing or if they are inadequate, this may constitute an impediment to resolution (cf. Article 29 of Delegated Regulation (EU) 2016/1075). In light of this, this Circular sets out the minimum requirements for information to be provided at short notice in the event of (imminent) resolution and for the technical and organisational resources needed to ensure the provision of information at short notice (see Article 29 of Delegated Regulation (EU) 2016/1075). Compliance with the requirements of this Circular serves to avoid the potential determination of impediments to resolvability and measures to remove impediments to resolvability. In order to ensure the effective and targeted implementation of a resolution action, the overall process shall ensure that the institutions concerned are in a position to

- provide all bail-in information pursuant to item 3.1. within 24 hours upon request of the resolution authority,
- analyse the internal effects of a potential bail-in within 12 hours upon separate request of the resolution authority (internal impact analysis pursuant to item 3.2.), and
- implement an ordered bail-in internally in the institution within 24 hours of the issue of the resolution order after all relevant information has been provided (implementation of the write-down and conversion in accordance with item 3.3.).

2.2. This Circular refers to the information requirements of BaFin's Liability Data Reporting (LDR). It supplements them, but does not replace them. Information from the BaFin LDR template and processes for its preparation can be used as a basis. However, the information from the BaFin LDR template must be supplemented, firstly because not all the necessary information relevant to decision-making with regard to WDCCI power and bail-in tool (bail-in information) is taken into account and secondly, in contrast to the BaFin LDR template, the bail-in information must be provided ad hoc and at short notice.

2.3. This Circular describes BaFin's expectations as regards the information to be provided and the necessary technical and organisational resources in the resolution entities. Under the terms of its responsibilities, BaFin may deviate from the stipulated requirements and may impose more extensive requirements if this is necessary in specific cases.

2.4. BaFin recognises that not all resolution entities are in a position to meet all the requirements of this Circular yet, and that establishing the systems and processes is associated with significant effort. In light of this, **in the first step** BaFin is **initially** confining itself to establishing minimum requirements only for parts of the information that the institution or group must be capable of providing at short notice in order for it to be resolvable under Article 29 of Delegated Regulation (EU) 2017/1075. The subject matter of this Circular therefore only extends to information requirements relating to the WDCCI power and the bail-in tool. With regard to the bail-in sequence within the meaning of Article 17(1) of the SRMR in conjunction with section 97 of the SAG, this Circular shall initially extend only to liabilities from relevant capital instruments and eligible liabilities with an insolvency rank up to and including the class of debt within the meaning of section 38 of the InsO in conjunction with section 46(f) (6) sentence 1 and (9) of the KWG ("non-preferred senior debt"). This is designed to give resolution entities a reasonable period to develop and

implement, if necessary, corresponding technical systems and organisational processes. BaFin reserves the right to extend the minimum requirements for additional liabilities, in particular insolvency liabilities within the meaning of section 38 of the InsO, in future. In this case, the Circular will be updated accordingly.

2.5. In specific cases, BaFin reserves the right to request further necessary information beyond that specified in this Circular.

2.6. Irrespective of the guidance above, BaFin reserves the right to exercise the power to impose measures to remove impediments to resolvability in accordance with the SRMR and the SAG.

2.7. BaFin reserves the right to amend this Circular.

3. General requirements

3.1. Bail-in information

3.1.1. In order to ensure that an institution or group can be considered as resolvable with regard to the WDCCI power and the bail-in tool, the resolution entity must be capable to provide the following to the resolution authority upon its request **within 24 hours** of the close of business of the resolution entity:

(a) **specific information** on **CET1 instruments** and **liabilities** referred to in item 3.1.6.

and

(b) **additional specific implementation-relevant information** within the meaning of item 3.1.7.

as at the date of the request.

Bail-in information is generally to be provided at the individual level. If the resolution entity is part of a resolution group, the bail-in information applicable to the group must also be provided. If this information is not applicable to the resolution entity or the resolution group, the request shall not apply to them.

3.1.2. When providing bail-in information, the resolution entity shall observe the existing EBA documents, in particular the Guidelines concerning the interrelationship between the BRRD sequence of write-down and/or conversion and CRR II/CRD IV (EBA/GL/2017/02).

3.1.3. “**Liabilities**” for the purposes of this Circular means

- liabilities arising from **relevant capital instruments**, irrespective of their insolvency rank,

and

- **eligible liabilities** with an insolvency rank up to and including the class of debt instruments within the meaning of section 38 of the InsO in conjunction with section 46(f) (6) sentence 1 and (9) of the KWG (“non-preferred senior debt”).

If the resolution entity is a holding company within the meaning of section 2 (4) nos 3, 4 or 5 of the SAG and if there is structural subordination within the meaning of point 11 (Priority) of the FSB TLAC Term Sheet, the liabilities shall also include other claims in accordance with section 38 of the InsO, unless they are excluded from the scope of the bail-in tool under Article 27 (3) of the SRMR and section 91 (2) of the SAG.

3.1.4. The **relevant capital instruments** within the meaning of 3.1.3. are all existing instruments issued by the resolution entity as at the request date that are recognised as

- **AT1 instruments** or
- **T2 instruments**

for the purposes of meeting the resolution entity's own funds requirements.

3.1.5. Unless excluded by Article 27(3) of the SRMR and section 91 (2) of the SAG from the scope of the bail-in tool, **eligible liabilities** within the meaning of 3.1.3. are all of the liabilities existing as at the date of the request falling under the following categories:

- contractually subordinated claims pursuant to section 39 (2) of the InsO which are not own funds pursuant to Part 2 of the CRR II,
- statutorily subordinated claims pursuant to section 39 (1) of the InsO,
- contractually subordinated claims pursuant to section 39 (2) of the InsO that are not own funds in accordance with Part 2 of the CRR II and which rank senior to statutorily subordinated claims by virtue of a specific contractual agreement in accordance with section 39 (1) of the InsO, and
- debt instruments section 38 of the InsO in conjunction with section 46 f (6) sentence 1 and (9) of the KWG ("non-preferred senior debt").

3.1.6. The resolution entity must be able to provide the **specific information** described in item 4.1. for all CET1 instruments and liabilities as defined in 3.1.3. as at the request date.

3.1.7. The resolution entity must be able to provide **additional specific information relevant to implementation**. This shall include in particular:

- material **balance sheet** and **profit and loss account** items in accordance with the applicable accounting rules, taking into account the results of the valuation for the purposes of resolution provided by the resolution authority (as at the request date),
- **own funds** in accordance with Part 2 of the CRR II and the **total risk exposure amount** pursuant to Article 92(3) of the CRR II, taking into account the results of the valuation for the purposes of resolution provided by the resolution authority (as at the request date), and taking into account 4.2.,
- descriptions of the **key policies, assumptions and estimates** used by the resolution entity to prepare the balance sheet and profit and loss account, and to calculate own funds and the total risk exposure amount pursuant to Article 92(3) of the CRR II, taking into account 4.2.

3.1.8. The **request date** is the effective date for the provision of bail-in information by the resolution entity. The request date is the close of business at the resolution entity on the business day determined by the resolution authority and notified to the resolution entity in the request. The close of business shall be determined by the resolution entity itself. If the request date falls after the request of the resolution authority to provide the data, the timeframe for providing the data shall commence with the close of business on the request date.

3.1.9. If the bail-in information involves monetary amounts in a foreign currency, they shall additionally be translated into euros using the euro reference exchange rate. The **euro reference exchange rate** is the latest available reference exchange rate of the European Central Bank available on the request date. In the case of foreign currencies for which no euro reference exchange rate is available, a different market

reference rate shall be used. If other reference exchange rates customary in the market are used, a uniform source shall be used wherever possible and indicated in the data provided.

3.1.10. To the extent that it is not possible to comply with statutory or other regulatory requirements due to the period of time available when preparing the balance sheet, profit and loss account, the total risk exposure amount pursuant to Article 92(3) of the CRR II and own funds calculation pursuant to Part 2 of the CRR II, **estimates** may be used for the relevant line item provided that they are calculated in a comprehensible, appropriate and prudent manner taking into account the information available and the uncertainty. The resolution entity shall demonstrate any deviations in the description of the key policies, assumptions and estimates, coordinate them with the resolution authority and document them.

3.2. Internal impact analysis

3.2.1. In order to ensure that an institution or group can be considered as resolvable, the resolution entity must be capable of performing an **internal impact analysis within 12 hours** upon a separate request by the resolution authority and to make its results available to the resolution authority. This shall include in particular:

- the calculation of the **asset and liability items** in accordance with the applicable accounting rules and the adjustment of the balance sheet previously updated to the request date,
- the calculation of the **changes in balance sheet equity** in accordance with the applicable accounting regulations and the adjustment of the profit and loss account previously updated to the request date,
- the determination of the impact on the elements of the **total risk exposure amount** in accordance with Article 92(3) of the CRR II previously updated to the request date and on **own funds** in accordance with Part 2 of the CRR II taking into account 4.2.

and taking into account the results of the valuation for the purposes of resolution provided by the resolution authority and the intended write-down and/or conversion of liabilities. Paragraph 3.1.10. shall apply respectively.

Internal impact analyses must generally be provided at the individual level. If the resolution entity is part of a resolution group, the internal impact analyses shall also be provided for the group. If components of the internal impact analyses are not applicable to the resolution entity or the resolution group, the requirement with regard to these components shall not apply.

3.2.2. As part of the resolution planning, the question of whether and, if so, which additional calculations the resolution entity shall be capable of performing in the course of the internal impact analysis and how the results are to be provided by the resolution entity shall be agreed with the resolution authority so that the institution or group can be considered as resolvable.

3.3. Implementation of write-down and conversion

3.3.1. In order to ensure that an institution or group can be considered as resolvable, the resolution entity must be capable to implement the write-down and/or the conversion of the liabilities concerned after issuing the resolution order pursuant to section 137 of the SAG. This shall include in particular:

- supporting **external implementation** by financial market infrastructures **within 12 hours**, i.e. preparing the external execution of the write-down and/or conversion as well as the issue of new shares, and

- **internal implementation**, i.e. the technical and accounting recording of the write-down and conversion based on a resolution order and incorporating the calculations under 3.2. in the balance sheet and the profit and loss account **within 24 hours** of receipt of all relevant information.

3.3.2. As part of the resolution planning, the question of whether and, if so, which additional measures the resolution entity shall be capable of performing in order to implement the write-down and/or conversion shall be agreed with the resolution authority so that the institution or group can be considered to be resolvable.

3.4. Technical and organisational resources

3.4.1. In order to ensure that an institution or group can be considered as resolvable, the resolution entity shall maintain **processes, associated systems** and **technical** and **human resources** to ensure compliance with the requirements set out in items 3.1. to 3.3.

3.4.2. The resolution entity shall ensure that these processes, associated systems and technical and human resources are operational at all times. The resolution entity shall ensure that all information provided to the resolution authority is **complete, accurate** and **consistent** with regard to facts and content and that it has been **allocated correctly** in terms of **timeframe** and **legal obligations**, taking into account the requirements set out in item 3.1.10. of this Circular.

3.4.3. The resolution entity shall ensure that compliance with the requirements of this Circular is regularly verified by **suitable internal processes** within the institution or group. The basic requirement is the complete documentation of all processes, associated systems and technical and human resources required to meet the requirements of this Circular. In addition, the resolution entity must regularly review compliance with the requirements in consultation with the resolution authority and, if necessary, on a case-by-case basis.

3.4.4. The **data submission format**, the **communication channel** and the corresponding **contact persons** must be coordinated and recorded with the resolution authority as part of resolution planning.

3.4.5. The resolution entity shall ensure that, where relevant, certain information is encrypted when the information is transmitted.²

² Corresponding data protection regulations, in particular the requirements of the GDPR, must be observed.

4. Specific requirements

4.1. Specific information

4.1.1. In order to ensure that an institution or group can be considered as resolvable, the resolution entity must be able to provide for the CET1 instruments and liabilities the **minimum information** set out in the following table (table items 1.1 to 1.25) and, if relevant for the specific CET1 instrument or liability, **the additional information** (table items 2.1 to 2.36) upon request by the resolution authority. If a data point is not applicable to a CET1 instrument or liability, it shall be identified by the entry "N/A".

4.1.2. The data requirements listed in the table do not represent an exhaustive list, but describe the **minimum information to be provided**, which shall be expanded as necessary in consultation with the resolution authority. Information shall be provided on the data points shown in the table at the level of the individual CET1 instrument or individual liability. Annex II contains an overview of potential values for the individual data points.

4.1.3. If **institution-specific identifiers** and/or **institution-specific designations** are assigned for the data points, the resolution entity must still be able to provide an appropriate **glossary** explaining the values used in sufficient detail.

Data point ID	Description of data point	Data point value
Minimum information		
1.1	Legal entity (resolution entity)	[LEI/Name]
1.2	Unique (internal) identifier of the instrument/liability	[ISIN/specific ID]
1.3	Instrument or liability within the resolution group	[Yes/No]
1.4	Unique identifier known to the counterparty	[ISIN/specific ID]
1.5	Original amount issued in EUR	[Amount in EUR]
1.6	Original amount issued in foreign currency, if relevant	[Amount in FX]
1.7	Currency in which the instrument or liability was issued	[ISO 4217 currency code]
1.8	Outstanding principal amount	[Amount in EUR]
1.9	Proportion of instrument or liability held by the resolution entity as assets plus accrued interest and fees and charges (if applicable)	[Amount in EUR]
1.10	Accrued interest	[Amount in EUR]
1.11	Applicable fees and charges	[Amount in EUR]
1.12	Outstanding amount	[Amount in EUR]
1.13	Reason for partial non-inclusion (see Annex II, item 1.13)	[Attributes in accordance with Article 27 (3) of the SRMR and section 91 (2) of the SAG]
1.14	Relevant amount	[Amount in EUR]
1.15	Difference between item 1.12 (outstanding amount) and 1.14 (relevant amount)	[Amount in EUR]
1.16	Rank in the bail-in sequence ³ (classification according to Annex II, item 1.16)	[Rank as number and letter, if applicable]
1.17	BaFin LDR category (classification according to Annex II, item 1.17)	[corresponding BaFin LDR Annex]

³ The bail-in sequence including further examples for the respective classes is available on the BaFin website: https://www.bafin.de/SharedDocs/Veroeffentlichungen/DE/Merkblatt/BA/mb_haftungs_kaskade_banke_nabwicklung.html

Data point ID	Description of data point	Data point value
1.18	Earliest redemption date (by creditor)	[YYYY-MM-DD]
1.19	Legal maturity	[YYYY-MM-DD]
1.20	Carrying amount (HGB) ⁴	[Amount in EUR]
1.21	Carrying amount (IFRS) ⁵	[Amount in EUR]
1.22	Balance sheet line item at the level of the resolution entity pursuant to section 2 of the RechKredV (Form 1) (see Annex II, item 1.22)	[Line item in accordance with the RechKredV]
1.23	IFRS balance sheet line item at resolution group level (see Annex II, item 1.23)	[IFRS line item]
1.24	Type of instrument or liability (see Annex II, item 1.24)	[Short description]
1.25	Jurisdiction to which the contract of the instrument or liability is subject	[ISO 3166-1 alpha 2 country code and, if applicable, ISO 3166-2 code]
Additional information		
... if the liability is contractually or legally subordinated within the meaning of section 39 of the InsO:		
2.1	Ranking of the liability within the class of subordinated liabilities pursuant to section 39 of the InsO	[Rank as letter]
... if issued in denominations:		
2.2	Denomination	[Amount in EUR]
2.3	Number of securities outstanding (without securities held by the resolution entity)	[Quantity]
2.4	Number of securities outstanding held by the resolution entity	[Quantity]
2.5	Accrued interest per security	[Amount in EUR]
2.6	Fees per security	[Amount in EUR]
2.7	Nominal amount of the global note	[Amount in EUR]
... if own funds component:		
2.8	Type of own funds at the level of the resolution entity (see Annex II, item 2.8)	[corresponding BaFin LDR guidance]
2.9	Eligible amount for own funds at the level of the resolution entity	[Amount in EUR]
2.10	If the instrument or liability is attributed to more than one own funds component at the level of the resolution entity, the second own funds component shall be disclosed in addition to item 2.8.	[AT1/T2]
2.11	Eligible amount for own funds component according to item 2.10	[Amount in EUR]
2.12	Type of own funds at the level of the resolution group (see Annex II, item 2.12)	[corresponding BaFin LDR guidance]
2.13	Eligible amount for own funds at the level of the resolution group	[Amount in EUR]
2.14	If the instrument or liability at resolution group level is attributed to more than one own funds component, the second own funds component shall be disclosed in addition to item 2.12	[AT1/T2]
2.15	Eligible amount for own funds component according to item 2.14	[Amount in EUR]
2.16	Premium (agio) on the instrument or liability	[Amount in EUR]
... if administered via a register or CSD and/or admitted to trading:		
2.17	Central securities depository	[LEI/Name]

⁴ Estimated values may be supplied for this data point in compliance with item 3.1.10.

⁵ Estimated values may be supplied for this data point in compliance with item 3.1.10.

Data point ID	Description of data point	Data point value
2.18	Mandated paying agent for listed instrument and/or listed liability	[LEI/Name]
2.19	Trading venue (including regulated unofficial market – Freiverkehr – if known) where the instrument or liability is admitted to trading	[LEI/Name]
2.20	Securities settlement system	[LEI/Name]
2.21	Trustee	[LEI/Name]
2.22	Register for information about creditors/holders	[LEI/Name]
2.23	National Numbering Agency	[LEI/Name]
... if counterparty is known:		
2.24	Counterparty	[LEI/Name]
2.25	Internal identifier of the counterparty	[Specific ID]
2.26	Sector or industry classification of the counterparty (see Annex II, item 2.26)	[Sector and customer classification key]
2.27	Home state of the counterparty	[ISO 3166-1 alpha 2 country code]
... if secured by a third party:		
2.28	Security interest provider	[LEI/Name]
2.29	Amount of security interest provided	[Amount in EUR]
2.30	Type of security interest (see Annex II, item 2.30)	[short description]
... if instrument/liability is/are governed by the law of a third country:		
2.31	Contractual agreement: Contractual recognition of resolution powers of the resolution authority by creditors in third countries in accordance with section 55 of the SAG	[Yes/No]
2.32	Legal opinion in accordance with section 55 (2) of the SAG is available	[Yes/No]
...if deposit:		
2.33	Deposit excluded from protection in accordance with section 6 of the EinSiG	[Yes/No]
2.34	Preferred eligible deposit pursuant to section 46(f) (4) no. 2 of the KWG in conjunction with section 2 (4) and section 6 of the EinSiG	[Yes/No]
2.35	Non-preferred eligible deposit that falls within the scope of section 46(f) (6) sentence 1 and (9) of the KWG in conjunction with section 2 (4) and section 6 of the EinSiG	[Yes/No]
2.36	Covered share of eligible deposit pursuant to section 8 of the EinSiG ⁶	[Amount in EUR]

4.2. Additional specific information relevant to implementation

4.2.1. The resolution entity shall be able to provide, upon request of the resolution authority, for the **own funds** referred to in Part 2 of the CRR II and the **total risk exposure amount** referred to in Article 92(3) of the CRR II, the minimum information described below in particular:

- CET1 items pursuant to Articles 26 to 31 of the CRR II as well as other instruments recognised as CET1 pursuant to Article 484(3) of the CRR II,

⁶ For the classification of the covered portion, see also the BaFin guidance notice in the insolvency law treatment of certain liabilities of CRR II institutions (*Insolvenzrechtliche Behandlung bestimmter Verbindlichkeiten von CRR II-Instituten*).

- AT1 items pursuant to Articles 51 to 55 of the CRR II as well as other items recognised as AT1 pursuant to Article 484(4) of the CRR II,
- T2 items pursuant to Articles 62 to 65 of the CRR II and other instruments recognised as T2 pursuant to Article 484(5) of the CRR II,
- Deductions pursuant to Article 36 et seq., Article 56 et seq. and Article 66 et seq. of the CRR II,
- Prudential filters pursuant to Articles 32 to 35 of the CRR II and
- Elements of the total risk exposure amount pursuant to points (a) to (f) of Article 92(3) of the CRR II, taking into account the requirements of Article 92(4) of the CRR II.

Paragraph 3.1.10. shall apply respectively.

4.2.2. The resolution entity must be capable to transfer the information relevant for the purposes of item 4.2.1. to the relevant **CoRep templates** CA1 to CA5 by the request date and provide it to the resolution authority. Paragraph 3.1.10. shall apply respectively.

4.2.3. The resolution entity must be capable to provide the following minimum information on the **key policies, assumptions** and **estimates** for preparing the balance sheet, the profit and loss account and the calculation of own funds in accordance with Part 2 of the CRR II and the total risk exposure amount in accordance with Article 92(3) of the CRR II upon request by the resolution authority:

Information on accounting methods

- Definition of the IFRS scope of consolidation and the consolidation methods,
- Allocation of financial instruments to measurement categories,
- Fair value measurement of financial instruments,
- Definition of the IFRS fair value measurement hierarchy,
- Recognised offsetting of assets and liabilities,
- Recognition and measurement of structured products.
- Hedge accounting and measurement of hedging transactions,
- Accounting for financial guarantees and contingent liabilities,
- Recognition of credit risk provisions (e.g. valuation allowances),
- Recognition of provisions (e.g. for pensions and similar obligations) and
- Tax-related aspects (e.g. tax groups).

Information on the method used to determine own fund requirements

- Scope of prudential consolidation pursuant to Article 19 et seq. of the CRR II,
- Interpretation and application of regulatory requirements (e.g. derogations pursuant to Article 7 et seq. and Article 15 et seq. of the CRR II),

- Explanations of credit risk measurement methods and credit risk mitigation techniques pursuant to Article 111 et seq. of the CRR II and Article 151 et seq. and Chapter 4 of the CRR II,
- Treatment of securitised exposures pursuant to Article 109 of the CRR II and Article 242 et seq. of the CRR II and
- Information about the (non-)application of transitional arrangements for regulatory requirements.

If methods, assumptions, estimates and processes for providing the information required under 4.2. have already been agreed with the resolution authority as part of resolution planning, the resolution entity shall only be required to present procedures that deviate from these in the specific case.

Annex I – Glossary

Accrued interest	Proportionate interest accrued but unpaid as at the request date, irrespective of whether and to what extent the maturity has already been reached at the request date.
AT1 instruments	Additional Tier 1 instruments within the meaning of Article 52 of the CRR II. Additional Tier 1 instruments also include instruments pursuant to Article 484 (4) of the CRR II.
At individual level	At the level of the resolution entity.
BaFin LDR	BaFin Liability Data Reporting in accordance with the current requirements, as periodically amended; available at: https://www.bafin.de/DE/Aufsicht/Abwicklung/Abwicklungsplanung/Abwicklungsplanung_2019/Abwicklungsplanung_2019_artikel.html
BaFin LDR guidance	BaFin LDR guidance for completion in accordance with the current requirements, as periodically amended; available at: https://www.bafin.de/SharedDocs/Downloads/DE/Formular/dl_2019_Liability_Data_Report_LDR_Ausfuellhinweise.html;jsessionid=5191B0FF5842BABC439B8BC4812AECF4.2_cid290?nn=10435930
BaFin LDR Annex	LDR Annex 1 – Insolvency ranking in the countries of the Banking Union, available at https://www.bafin.de/SharedDocs/Downloads/DE/Formular/dl_Anhang_1_zu_2019_Meldebogen_Liability_Data_Report_LDR_Insolvenzrangfolge.html;jsessionid=5191B0FF5842BABC439B8BC4812AECF4.2_cid290?nn=10435930
BaFin LDR template	LDR template in accordance with the current requirements, as periodically amended; available at: https://www.bafin.de/SharedDocs/Downloads/DE/Formular/dl_2019_Meldebogen_Liability_Data_Report_LDR_mit_Deckblatt.html;jsessionid=5191B0FF5842BABC439B8BC4812AECF4.2_cid290?nn=10435930
Bail-in information	Specific information about CET1 instruments and liabilities and additional specific information relevant to implementation, as described in item 3.1.
Bail-in tool	Bail-in tool within the meaning of Article 27 of the SRMR and/or section 90 of the SAG.

Bail-in sequence

Sequence pursuant to Article 21(10) in conjunction with Article 17 of the SRMR and/or section 97 (1) of the SAG in which CET1 instruments, relevant capital instruments and eligible liabilities are used for the WDCI power and the bail-in tool. The following sequence applies (see ranking of the insolvency hierarchy as defined in the LDR Annex):

1. Shares and other CET1 instruments
2. Additional Tier 1 instruments
3. Tier 2 instruments
4. Eligible liabilities corresponding to their ranking as insolvency claims in accordance with national insolvency law.

The bail-in sequence including further examples for the respective classes is available on the BaFin website:

https://www.bafin.de/SharedDocs/Veroeffentlichungen/DE/Merkblatt/BA/mb_haftungskaskade_bankenabwicklung.html

(possible values shown in Annex II, item 1.16)

Balance sheet line item pursuant to the HGB

Allocation of the liability to the balance sheet line item corresponding to relevant classes in section 2 of the RechKredV and Form 1.

(possible values shown in Annex II, item 1.22)

Balance sheet line item pursuant to the IFRS

Allocation of the liability to the IFRS balance sheet line item.

(possible values shown in Annex II, item 1.23)

Central securities depository

Operator of a securities settlement system within the meaning of Article 2(1) no. 1 of the CSDR. The central securities depository is responsible for the physical and/or electronic safekeeping of securities and the settlement of securities transactions on the financial markets. In the case of multiple references, the CSD through which the security was issued (issuer CSD) shall be identified.

CET1 instruments

CET1 instruments within the meaning of Article 28 et seq. of the CRR II. CET1 instruments also include instruments pursuant to Article 484(3) of the CRR II.

CoRep reporting form

Templates according to Annex 1 of the Commission Implementing Regulation (EU) No 680/2014 of 16 April 2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council.

Eligible liabilities

Eligible liabilities within the meaning of Article 3(1) no. 49 of the SRMR and/or section 91 (1) of the SAG with an insolvency rank up to and including the class of debt instruments within the meaning of section 38 of the InsO in conjunction with section 46(f) (6) sentence 1 and (9) of the KWG ("non-preferred senior debt").

Entity belonging to a group	Entity within the meaning of section 1 no 3 of the SAG.
FSB TLAC term sheet	Principles on Loss-absorbing and Recapitalisation Capacity of G-SIBs in Resolution, Total Loss-absorbing Capacity (TLAC) Term Sheet, FSB, 9 November 2015.
Implementation of write-down and conversion	The technical and accounting recording of the write-down and/or conversion of liabilities and support for external implementation by financial market infrastructures, as described in item 3.3.
Institution	A CRR credit institution or CRR investment firm that falls within the scope of section 1 of the SAG.
Internal impact analysis	The performance of calculations as described in paragraph 3.2.
Legal Entity Identifier (LEI)	Unique company identifier for legal entities in the financial market in accordance with the requirements of the Global Legal Identifier Foundation. The LEI is a 20-character alphanumeric entity identifier that complies with ISO 17442. Each LEI is only assigned once and allows global allocation to a specific entity.
Legal maturity	The date on which the liability reaches the maturity agreed in the contract.

Liability

“**Liabilities**” for the purposes of this Circular means

- (i) Liabilities arising from **relevant capital instruments**, irrespective of their insolvency rank, and
- (ii) **eligible liabilities** with an insolvency rank up to and including the class of debt instruments within the meaning of section 38 of the InsO in conjunction with section 46(f) (6) sentence 1 and (9) of the KWG (“non-preferred senior debt”). These are, unless they are excluded from the scope of the bail-in tool under Article 27(3) of the SRMR and/or section 91 (2) of the SAG:
 - contractually subordinated claims pursuant to section 39 (2) of the InsO which are not own funds pursuant to Part 2 of the CRR II,
 - statutorily subordinated claims pursuant to section 39 (1) of the InsO,
 - contractually subordinated claims pursuant to section 39 (2) of the InsO that are not own funds in accordance with Part 2 of the CRR II and which rank senior to legally subordinated claims by virtue of a specific contractual agreement in accordance with section 39 (1) of the InsO, and
 - debt instruments section 38 of the InsO in conjunction with section 46(f) (6) sentence 1 and (9) of the KWG (“non-preferred senior debt”).

If the resolution entity is a holding company within the meaning of section 2 (4) nos. 3, 4 or 5 of the SAG and if there is structural subordination within the meaning of point 11 (Priority) of the FSB TLAC Term Sheet, the liabilities shall also include other claims pursuant to section 38 of the InsO, unless they are excluded from the scope of the bail-in tool under Article 27(3) of the SRMR and/or section 91 (2) of the SAG.

Mandated paying agent for listed tool/listed liability	Entity or part of an entity that is responsible for executing payments to investors (e.g. dividend or interest) on behalf of the issuer.
Multilateral system	In accordance with Article 4 (20) of MiFID II and section 2 (20) of the WpHG, this means a system or facility in which multiple third-party buying and selling trading interests in financial instruments are able to interact in the system.
Name	Full name in accordance with the commercial register under which transactions within the meaning of section 17 of the HGB are conducted.
National Numbering Agency	The National Numbering Agency for securities identification numbers and ISINs. In Germany, this agency is WM Datenservice (<i>Herausbergemeinschaft WERTPAPIER- MITTEILUNGEN</i> Keppler, Lehmann GmbH & Co. KG).
Nominal amount of the global note	Current nominal value actually in circulation according to the global note on the request date.

Organised market (regulated market)	A multilateral system within the meaning of Article 4 (21) of MiFID II and section 2 (11) of the WpHG that is operated and/or managed by a market operator which brings together or facilitates the bringing together of multiple third-party buying and selling interests in financial instruments admitted to trading there – in the system and in accordance with its non-discretionary rules – in a way that results in a contract to buy those financial instruments.
Outstanding amount	The amount is the aggregate of the outstanding principal amount plus, if applicable, interest accrued up to the request date and fees and charges, irrespective of whether and to what extent the relevant principal, interest or fees and charges liability was already due as at the request date and whether it is required to be recognised as an item of liabilities in the balance sheet of the resolution entity prepared in accordance with the applicable accounting principles.
Outstanding principal amount	Outstanding principal amount of liabilities. Liability in this sense means the obligation of the resolution entity towards a third party. The outstanding nominal value may be lower than the original issue amount, e.g. due to repayments, or higher, e.g. due to credit restructuring measures. Premiums/discounts are not part of the outstanding nominal value.
Own funds – eligible amount	Eligible amount of the respective own funds component taking into account Article 484 et seq. of the CRR II for that instrument.
Own funds – type of own funds	Concrete classification as own funds component in accordance with the CRR II. (possible values shown in Annex II, items 2.8, 2.10, 2.12 and 2.14)
Reason for partial non-inclusion	Designation of the applicable exemption from the WDCCI power or bail-in tool pursuant to Article 27(3) of the SRMR or section 91 (2) of the SAG. (possible values shown in Annex II, item 1.13)
Register for information about creditors/holders	The entity that is responsible for registering liabilities and for information about their holders.
Relevant amount	The outstanding amount of the liability less existing components subject to statutory exemption pursuant to Article 27(3) of the SRMR and/or section 91 (2) of the SAG.
Relevant capital instruments	Relevant capital instruments within the meaning of Article 3(1) no. 51 of the SRMR and/or section 2 (2) of the SAG.
Resolution authority	Federal Financial Supervisory Authority (BaFin) as resolution authority pursuant to section 3 (1) of the SAG.

Resolution entity	<ul style="list-style-type: none"> (i) An institution or entity belonging to a group that is defined by the resolution authority as the entity in respect of which the group resolution plan provides for the application of resolution actions, or (ii) An institution within the meaning of section 2 (1) of the SAG that is not part of a group that is subject to supervision on a consolidated basis in accordance with Articles 111 and 112 of CRD IV and in respect of which the resolution plan provides for resolution actions.
Resolution group	<p>A resolution entity and its subsidiaries that are neither</p> <ul style="list-style-type: none"> (i) themselves resolution entities nor (ii) subsidiaries of other resolution entities nor <p>undertakings that are established in a third country and that are not part of the resolution group in accordance with the resolution plan, nor their subsidiaries.</p>
Resolvability assessment	Evaluation of resolvability within the meaning of Article 10 of the SRMR and/or section 58 of the SAG.
Securities settlement system	As a financial market infrastructure within the meaning of section 2 (3) no 22 of the SAG, a system for settling securities trading and trades on stock exchanges.
Trading venue	A trading venue in accordance with Article 4 (24) of MiFID II and section 2 (11) of the WpHG means a regulated market, an MTF and an OTF. For the purposes of this document, it also includes trading venues of the regulated unofficial market (<i>Freiverkehr</i>), where known.
Trustee	The entity that holds and monitors, in the interests of investors, the security interests for financial instruments issued by the resolution entity.
Type of liability	<p>Allocation of the liability to a product group by internal classification standards.</p> <p>(possible values shown in Annex II, item 1.24)</p>
T2 instruments	Tier 2 instruments within the meaning of Article 63 of the CRR II. Tier 2 instruments also include instruments pursuant to Article 484 (5) of the CRR II.
Unique (internal) identifier (ID)	Specific ID assigned by the resolution entity to a liability that enables its unique classification.

Unique identifier known to the counterparty

ID provided by the resolution entity for a liability (e.g. contract number, account number, ISIN in the case of securities), based on which the counterparty can unequivocally determine that it will be affected if the information is published, without external third parties being able to identify the creditor. If an ISIN has been assigned for a liability, it should always be stated under 1.4 (data point). Other identifiers should only be provided in the absence of an ISIN.

Valuation for the purposes of resolution

Valuation within the meaning of Article 20 of the SRMR and/or sections 69 to 75 of the SAG. This includes neither the assessment of resolvability nor internal valuation methods.

WDCCI power

Power to write-down and convert of relevant capital instruments in accordance with Article 21 of the SRMR and section 89 of the SAG.

Annex II – Values for individual data points

The data point ID and the data point expression listed in the table below refer to the information requirements described under item 4.1. If the data point value contains references to legal provisions or references to the BaFin LDR Annex or the BaFin LDR completion instructions, these references are binding. The features listed under “Explanations/Examples” specify the technical characteristics and are in some cases presented as examples.

Data point ID	Data point value	Explanations/Examples
1.13	[Attributes in accordance with Article 27 (3) of the SRMR and section 91 (2) of the SAG]	<p>Reason for partial non-inclusion</p> <p><u>Where relevant, one of the following features shall be selected:</u></p> <ol style="list-style-type: none"> 1 Covered deposits, 2 Secured liabilities, 3 Customer liability, if protected in the event of insolvency, 4 Trust liability, if protected in the event of insolvency, 5 Liabilities to credit institutions with an original maturity of less than seven days, 6 Liabilities with a remaining maturity of less than seven days to systems or system operators, 7 Liabilities to employees, 8 Liabilities to business or trading creditors that are material to day-to-day operations, 9 Liabilities to deposit guarantee schemes.

Data point ID	Data point value	Explanations/Examples
1.16	[rank as number and, if applicable, letter]	<p>Rank in the bail-in sequence</p> <p><u>Select one of the following attributes:</u></p> <p>1 (instruments that are fully or partially recognised as CET1 instruments at the level of the resolution entity; see data points 2.8 and 2.10)</p> <p>2 (instruments that are fully or partially recognised as AT1 instruments at the level of the resolution entity, unless included in rank 1; see data points 2.8 and 2.10)</p> <p>3 (instruments which are fully or partially recognised as T2 instruments at the level of the resolution entity, unless included in rank 1 or 2; see data points 2.8 and 2.10)</p> <p>4a to 4z (insolvency ranking in accordance with data point 2.1 for eligible liabilities which are subordinated in accordance with section 39 of the InsO, unless included in rank 1, 2 or 3)</p> <p>5 (debt instruments with an insolvency rank in accordance with section 38 of the InsO in conjunction with section 46(f) (6) sentence 1 and (9) of the KWG (“non-preferred senior debt”))</p> <p>6 (liabilities with an insolvency rank in accordance with section 38 of the InsO, where</p> <ul style="list-style-type: none"> - the resolution entity is subject to the scope of the FSB TLAC Term Sheet; and - the liabilities meet the criteria of point 11 of the FSB TLAC Term Sheet; and - the liabilities are not included in ranks 1 to 5.) <p>For rank 4, add the letter in accordance with data point 2.1 (insolvency rank) (see explanations in Annex II to data point 2.1). Ranks 5 and 6 correspond to the BaFin LDR categories (data point 1.17) 11 and 12, respectively. The data field entry should only contain the category as number and possibly letter, but not the explanations in brackets.</p> <p>The bail-in sequence including further examples for the respective classes is available on the BaFin website: https://www.bafin.de/SharedDocs/Veroeffentlichungen/DE/Merkblatt/BA/mb_haftungskaskade_bankenabwicklung.html</p>
1.17	[corresponding BaFin LDR Annex]	<p>BaFin LDR category</p> <p>The BaFin LDR category must be selected as a number in accordance with the BaFin LDR Annex⁷.</p> <p>For liabilities with an insolvency ranking pursuant to section 38 of the InsO, this is only relevant if</p> <ul style="list-style-type: none"> - the resolution entity is subject to the scope of the FSB TLAC Term Sheet; and - the liabilities meet the criteria of point 11 of the FSB TLAC Term Sheet; and - the liabilities include no own funds instruments, no subordinated claims pursuant to section 39 of the InsO and no debt instruments pursuant to section 38 of the InsO in conjunction with section 46(f) (6) sentence 1 and (9) of the KWG (“non-preferred senior debt”). <p>If a liability in the BaFin LDR is to be divided into several categories, only the lowest category for the entire liability is to be indicated here.</p>

⁷ In accordance with the current requirements, available at:
https://www.bafin.de/SharedDocs/Downloads/DE/Formular/dl_Anhang_1_zu_2019_Meldebogen_Liability_Data_Report_LDR_Insolvenzrangfolge.html;jsessionid=5191B0FF5842BABC439B8BC4812AECF4.2_cid290?nn=10435930.

Data point ID	Data point value	Explanations/Examples
1.22	[Line item in accordance with the RechKredV]	<p>Balance sheet line item at the level of the resolution entity</p> <p><u>Select one of the following attributes. Items to be selected on the equity and liability side pursuant to section 2 of the RechKredV and Form 1, shall include:</u></p> <ul style="list-style-type: none"> • Liabilities to credit institutions, • Liabilities to customers, • Securitised liabilities, • Trading liabilities, • Other liabilities, • Subordinated liabilities, • Profit participation capital, • Other. <p>If "Other" is selected, the applicable position must be described in a separate data field in accordance with RechKredV and Form 1.</p>
1.23	[IFRS line item]	<p>Balance sheet line item at the level of the resolution group</p> <p><u>Select one of the following attributes. Items to be selected on the equity and liability side in accordance with IFRS shall include:</u></p> <ul style="list-style-type: none"> • Liabilities to credit institutions, • Liabilities to customers, • Securitised liabilities, • Other liabilities, • Liabilities held for trading • Subordinated capital, • Other. <p>If "Other" is selected, the applicable item must be described in a separate data field in accordance with IFRS.</p>

Data point ID	Data point value	Explanations/Examples
1.24	[Short description]	<p>Type of liability</p> <p><u>Select one of the following attributes:</u></p> <ul style="list-style-type: none"> • Covered Bond, • Secured Bond, • Certificate of Deposit, • Structured registered bonds (strukturierte Namensschuldverschreibung) (within the meaning of section 46(f) (7) of the KWG), • Unstructured registered bonds (nicht strukturierte Namensschuldverschreibung), • Structured borrower’s note loans (strukturiertes Schuldscheindarlehen) (within the meaning of section 46(f) (7) of the KWG), • Unstructured borrower’s note loans (nicht strukturiertes Schuldscheindarlehen), • Structured bearer bonds (within the meaning of section 46(f) (7) of the KWG), • Unstructured bearer bonds, • Structured registered bonds (within the meaning of section 46(f) (7) of the KWG), • Unstructured registered bonds, • Silent partnership contribution, • Profit participation certificate, • Other. <p>If “Other” is selected, the applicable type of liability shall be described in a separate data field.</p>
2.1	[Rank as letter]	<p>Ranking of the liability within the class of subordinated liabilities pursuant to section 39 of the InsO</p> <p>Insofar as a liability is contractually or statutorily subordinated within the meaning of section 39 of the InsO, the ranking of the liability under insolvency law in relation to all other liabilities pursuant to section 39 of the InsO shall additionally be indicated as a letter in this data field, taking into account the respective contractual (section 39 (2) of the InsO) and statutory (section 39 (1) of the InsO) provisions.</p> <p>Letter (a) shall be assigned to the lowest rank (i.e. the last rank that would be satisfied in the context of insolvency) within all liabilities pursuant to section 39 of the InsO, the next highest rank shall be assigned alphabetically. The assignment shall be made on an institution-specific basis in compliance with the respective contractual (section 39 (2) of the InsO) and statutory (section 39 (1) of the InsO) provisions.</p> <p>A list of the institution-specific hierarchy with explanations of the institution-specific classification of the ranks shall be included when the data are delivered. The disclosure report may also be used as a reference if it is sufficiently detailed with regard to the institution-specific classification of ranks.</p>

Data point ID	Data point value	Explanations/Examples
2.8 2.10 2.12 2.14	[corresponding BaFin LDR guidance]	<p>Type of own funds</p> <p><u>Where relevant, one of the following features shall be selected:</u></p> <ul style="list-style-type: none"> • CET1 in full compliance with the requirements, • CET1 with grandfathering, • CET1 in phase-out, • AT1 in full compliance with the requirements, • AT1 with grandfathering, • AT1 in phase-out, • T2 in full compliance with the requirements, • T2 with grandfathering, • T2 in phase-out.
2.26	[Sector and customer classification key]	<p>Sector or industry classification of the counterparty</p> <p>Sector classification shall be made in accordance with the sectoral breakdown of the European System of Accounts and by stating the customer classification key taking into consideration the latest version of the Deutsche Bundesbank's Special Statistical Publication 2 (banking statistics, customer classification).</p>
2.30	[short description]	<p>Type of security interest</p> <p><u>Where relevant, one of the following features shall be selected:</u></p> <ul style="list-style-type: none"> • Lien, • Guarantee, • Surety, • Guarantee obligation (Gewährträgerhaftung), • Other. <p>If "Other" is selected, the applicable type of security interest shall be described in a separate data field.</p>