

Unofficial English translation – For information purposes only

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

BANQUE CENTRALE DU LUXEMBOURG

**Regulation of the “Banque centrale du Luxembourg” 2011/No.8 of 29 April 2011
concerning the collection of statistics from companies which grant loans or
issue debt securities or derivative instruments to affiliates**

Area: Balance of payments and International investment position

The Board of Directors of the Banque centrale du Luxembourg;

Having regard to the Treaty on the functioning of the European Union and in particular to Article 127(2);

Having regard to Article 5.1 of the statute of the European System of Central Banks and the European Central Bank (hereafter the “ECB”);

Having regard to Guideline ECB/2004/15 of the ECB of 16 July 2004 on the statistical reporting requirements of the European Central Bank in the field of balance of payments and international investment position statistics, and the international reserves template;

Having regard to article 108*bis* of the Constitution;

Having regard to the law of 23 December 1998 on the monetary statute and on the Central Bank of Luxembourg as amended by the law of 24 October 2008, and in particular Articles 2 (1), 32 and 34 (1);

Having regard to the law of 28 June 2000 amending the grand-ducal order, as amended, of 10 November 1944 on exchange controls, and in particular Article 1*bis* paragraph 2, whereby the Central Bank of Luxembourg is authorised to use data collected for statistical purposes;

Considering that:

- (1) Within the framework of its tasks, the Central Bank of Luxembourg has to transmit comprehensive and reliable statistics on the balance of payments and the international investment position to the ECB.
- (2) The Central Bank of Luxembourg has consulted the Statec on this matter.

Art.1. Definitions

For the purposes of the present regulation, the following meanings apply:

1. “Central Bank of Luxembourg 's statistical reporting requirements”: the statistical information which respondents are required to provide and which is necessary to the performance of the tasks of the Eurosystem;
2. “balance of payments”: a statistical statement that sets out cross-border transactions during the period under review, with the appropriate breakdowns;
3. “international position”: the balance sheet of cross-border financial assets and liabilities;
4. “company which grants loans or issues debt securities or derivative instruments to affiliates” (hereafter the “issuing company”): any company which principal activity is to grant loans or issue debt securities or derivative instruments which are sold by public offer or by private investment, in order to finance the activities of its affiliated companies;
5. “resident”: any Luxembourg legal person, as regards the activities of its registered office, its subsidiaries, its affiliated companies, and its offices and branches established in Luxembourg or any foreign legal person, as regards the activities of its branches and its offices established in Luxembourg;
6. “reporting agent”: for the purposes of this regulation, all issuing companies;
7. “calendar days”: all the days of the calendar;
8. “working days”: all the days of the calendar, except for Sundays and legal holidays as defined in article L. 232-2 of the “Code du travail”.

Art. 2. Statistical reporting obligations to the Central Bank of Luxembourg

1. Any issuing company, which issues or plans to issue debt securities, shall inform the Central Bank of Luxembourg within one month after the publication of the present regulation or after its incorporation date.
2. Any issuing company shall transmit a quarterly balance sheet, in line with the Central Bank of Luxembourg accounting standards, at the dates detailed in the article 7 paragraph 2 of the present regulation. This balance sheet shall be completed by monthly data. Annexes 1 to 10 of the present regulation specify the information which shall be submitted to the Central Bank of Luxembourg.

Art. 3. Exemptions

1. In the interest of good administrative practice and in respect of equal treatment, the Central Bank of Luxembourg may exempt, entirely or partially, one or several reporting agents from their reporting obligations by a motivated decision.
2. The Central Bank of Luxembourg may impose particular statistical reporting requirements to issuing companies which are exempted in the sense of paragraph 1.

Art. 4. Modalities of transmission

1. Issuing companies shall transmit complementary information at the Central Bank of Luxembourg's request. Issuing companies shall have fifteen working days to transmit the requested information starting from the day on which the request has been formulated.
2. Issuing companies shall use one of the electronic transmission channels described in annexes 3, 6 and 9.

Art. 5. Data usage

The collected data shall be used for the purpose of fulfilling the tasks attributed to the Central Bank of Luxembourg.

Art. 6. Entry into force

This regulation shall enter into force on the day of its publication. The first transmission of the information defined in Article 2, paragraph 2 and referring to September 2011 shall be transmitted by October 21st, 2011.

Art. 7. Publication

1. This regulation shall be published on the Central Bank of Luxembourg's website (www.bcl.lu). It shall also be published in the Mémorial.
2. The Central Bank of Luxembourg shall publish on its website (www.bcl.lu) the exact dates on which the statistical reports are to be delivered.
3. The present regulation is supplemented by ten annexes regularly updated and published on the Central Bank of Luxembourg's website (www.bcl.lu).
 - Annex 1 : Definitions and concepts for the statistical reporting of issuing companies
 - Annex 2 : Instructions for report S 2.16 "Quarterly statistical balance sheet of issuing companies"
 - Annex 3 : Manual of electronic transmission for report S 2.16 "Quarterly statistical balance sheet of issuing companies"
 - Annex 4 : Compendium of verification rules for report S 2.16 "Quarterly statistical balance sheet of issuing companies"
 - Annex 5 : Instructions for report S 2.17 "Quarterly information on transactions of issuing companies"
 - Annex 6 : Manual of electronic transmission for report S 2.17 "Quarterly information on transactions of issuing companies"
 - Annex 7 : Compendium of verification rules for report S 2.17 "Quarterly information on transactions of issuing companies"
 - Annex 8 : Monthly security by security reporting of issuing companies
 - Annex 9 : Manual of electronic transmission for the monthly security by security reporting of issuing companies
 - Annex 10 : Compendium of verification rules for the monthly security by security reporting of issuing companies

BANQUE CENTRALE DU LUXEMBOURG

La Direction