

**Regulation of the “Banque centrale du Luxembourg” 2011/N°8 of 29 April 2011  
concerning the collection of statistics from financial companies, following the  
Regulation 2014/N°17 of 21 July 2014  
(consolidated version)**

**Unofficial English translation – For information purposes only**

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

**BANQUE CENTRALE DU LUXEMBOURG**

**Regulation of the “Banque centrale du Luxembourg” 2011/N°8 of 29 April 2011  
concerning the collection of statistics from financial companies**

**Area: Balance of payments and International investment position**

The “Direction” of the “Banque centrale du Luxembourg”;

Having regard to the Treaty on the functioning of the European Union and notably to article 127(2);

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

Having regard to Guideline ECB/2011/23 of 9 December 2011 on the statistical reporting requirements of the [ECB] in the field of external statistics, as amended, repealing, from 1<sup>st</sup> June 2014, Guideline ECB/2004/15 of 16 July 2014 on the statistical reporting requirements of the [ECB] 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 concerning the monetary status and the “Banque centrale du Luxembourg”, as amended, and in particular to articles 2 (1), 32 and 34 (1);

Having regard to the law of 28 June 2000 amending the Grand ducal decree of 10 November 1944 on exchange controls, as amended, and in particular to article 1bis paragraph 2, whereby the “Banque centrale du Luxembourg” is authorised to use data collected for statistical purposes;

Considering that:

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

### **Art.1. Definitions**

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

1. “Banque centrale du Luxembourg’s statistical reporting requirements”: the statistical information that reporting agents are required to provide, which are necessary for 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 breakdown;
3. “international position”: the balance sheet of cross-border financial assets and liabilities;
4. “external statistics”: statistical report incorporating the balance of payments and the international investment position;”
5. “financial company”: every company whose object includes at least one of the elements detailed below:
  - The investment in any society for any kind of investment
  - The acquisition by subscription, purchase, exchange or in any other way, of securities, shares and other equity investments, bonds, receivables, certificates of deposits and other debt instruments and in general all financial instruments issued by a public or private entity ;
  - To invest directly or indirectly in the acquisition and management of a real estate portfolio, of patents or other intellectual property rights whatever the nature or the origin;

- To borrow in any form ;
  - To lend funds to his shareholders, subsidiaries, affiliated companies, and/or any other entity.
6. “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;
  7. “reporting agent”: for the purposes of this regulation, all financial companies whose balance sheet total is above the threshold defined in appendix 1;
  8. “calendar days”: all the days of the calendar;
  9. “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 “Banque centrale du Luxembourg”**

1. Every financial company, whose quarterly balance sheet total exceeds the threshold defined in appendix 1 shall inform the “Banque centrale du Luxembourg” within one month of overrun of the aforementioned threshold.
2. Any financial company shall transmit a quarterly balance sheet, in line with the “Banque centrale du Luxembourg” accounting standards, at the dates detailed in article 7 paragraph 2 of this regulation. This balance sheet shall be completed by monthly data. Annexes 1 to 10 of this regulation specify the information which shall be reported to the “Banque centrale du Luxembourg”.

## **Art. 3. Exemptions**

1. In the interest of sound administration and in accordance with the principle of equal treatment, the “Banque centrale du Luxembourg” may exempt, entirely or partially, one or several reporting agents from their reporting obligations by a reasoned decision.
2. In particular, are exempted notably the financial companies which are currently subject to the data collection that covers the inherent needs in external statistics such as credit institutions, collective investment undertakings, venture capital firms (SICAR), securitisation vehicles and insurance and reinsurance companies.

3. The “Banque centrale du Luxembourg” may impose specific statistical reporting requirements to financial companies which are exempted in the sense of paragraph 1.

#### **Art. 4. Modalities of transmission**

1. Financial companies shall report complementary information upon request of the “Banque centrale du Luxembourg”. Financial companies shall have fifteen working days from the day on which the request has been formulated, to transmit the requested information.
2. Financial 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 “Banque centrale du Luxembourg”.

#### **Art. 6. Entry into force and transitory period**

Reporting agents, subject to the obligations of this regulation applicable until 30 November 2014 included, must provide the first transmission of information defined in article 2 paragraph 2 relating to the period from December 2014 to 21 January 2015.

Reporting agents that were not subject to the obligations of this regulation, applicable until 30 November 2014, benefit from an additional 6-month period to provide the first reports; the reports from December 2014 to Mai 2015 must be transmitted by 26 June 2015 at the latest.

#### **Art. 7. Publication**

1. This regulation is published on the “Banque centrale du Luxembourg’s” website ([www.bcl.lu](http://www.bcl.lu)). It is also published in the *Mémorial*.
2. The “Banque centrale du Luxembourg” publishes on its website ([www.bcl.lu](http://www.bcl.lu)) the exact dates on which the statistical reports are to be provided.
3. The present regulation is supplemented by ten annexes regularly updated and published on the “Banque centrale du Luxembourg’s” website ([www.bcl.lu](http://www.bcl.lu)).

- Annex 1: Definitions and concepts for the statistical reporting of financial companies
- Annex 2: Instructions for report S 2.16 “Quarterly statistical balance sheet of financial companies”
- Annex 3: Manual of electronic transmission for report S 2.16 “Quarterly statistical balance sheet of financial companies”
- Annex 4: Compendium of verification rules for report S 2.16 “Quarterly statistical balance sheet of financial companies”
- Annex 5: Instructions for report S 2.17 “Quarterly information on transactions of financial companies”
- Annex 6: Manual of electronic transmission for report S 2.17 “Quarterly information on transactions of financial companies”
- Annex 7: Compendium of verification rules for report S 2.17 “Quarterly information on transactions of financial companies”
- Annex 8: Monthly security by security reporting of financial companies
- Annex 9: Manual of electronic transmission for the monthly security by security reporting of financial companies
- Annex 10: Compendium of verification rules for the monthly security by security reporting of financial companies

BANQUE CENTRALE DU LUXEMBOURG

La Direction