

Law of 16 July 2019 on the operationalisation of European regulations in the area of financial services

Law of 16 July 2019

- 1. implementing Regulation (EU) No 345/2013 of the European Parliament and of the Council of 17 April 2013 on European venture capital funds;**
- 2. implementing Regulation (EU) No 346/2013 of the European Parliament and of the Council of 17 April 2013 on European social entrepreneurship funds;**
- 3. implementing Regulation (EU) 2015/760 of the European Parliament and of the Council of 29 April 2015 on European long-term investment funds;**
- 4. implementing Regulation (EU) 2017/1131 of the European Parliament and of the Council of 14 June 2017 on money market funds;**
- 5. implementing Regulation (EU) 2017/2402 of the European Parliament and of the Council of 12 December 2017 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation, and amending Directives 2009/65/EC, 2009/138/EC and 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012;**
- 6. amending the Law of 5 April 1993 on the financial sector, as amended;**
- 7. amending the Law of 23 July 2016 on reserved alternative investment funds**

(Mém. A 2019, No 514)

as amended by:

- the Law of 25 February 2022¹ amending:
 - 1° the Law of 17 December 2010 relating to undertakings for collective investment, as amended;
 - 2° the Law of 17 April 2018 on key information documents for packaged retail and insurance-based investment products, as amended;
 - 3° the Law of 16 July 2019 implementing the Regulations on EuVECA, EuSEF, MMF, ELTIF and STS securitisation;
with a view to transposing Directive (EU) 2021/2261 of the European Parliament and of the Council of 15 December 2021 amending Directive 2009/65/EC as regards the use of key information documents by management companies of undertakings for collective investment in transferable securities (UCITS), and implementing:
 - 1° Regulation (EU) 2019/1238 of the European Parliament and of the Council of 20 June 2019 on a pan-European Personal Pension Product (PEPP);
 - 2° Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainability-related disclosures in the financial services sector;
 - 3° Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088;
 - 4° Regulation (EU) 2021/557 of the European Parliament and of the Council of 31 March 2021 amending Regulation (EU) 2017/2402 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation to help the recovery from the COVID-19 crisis;
 - 5° Regulation (EU) 2021/2259 of the European Parliament and of the Council of 15 December 2021 amending Regulation (EU) No 1286/2014 as regards the extension of the transitional arrangement for management companies, investment companies and persons advising on, or selling, units of undertakings for collective investment in transferable securities (UCITS) and non-UCITS;

(Mém. A 2022, No 82)

¹ Hereinafter referred to as "Law of 25 February 2022 - No 82".

- the Law of 25 February 2022²
 - 1° amending the Law of 22 March 2004 on securitisation, as amended, and amending:
 - the Law of 5 April 1993 on the financial sector, as amended;
 - the Law of 23 December 1998 establishing a financial sector supervisory commission ("Commission de surveillance du secteur financier"), as amended;
 - the Law of 27 July 2003 on trusts and fiduciary contracts;
 - the Law of 4 December 1967 on income tax, as amended;
 - the Law of 16 October 1934 on wealth tax, as amended;
 - the Law of 12 February 1979 on value added tax, as amended;
 - 2° amending the Law of 23 December 1998 establishing a financial sector supervisory commission ("Commission de surveillance du secteur financier"), as amended;
 - 3° amending the Law of 19 December 2002 on the trade and companies register and the accounting practices and annual accounts of undertakings, as amended;
 - 4° amending the Law of 16 July 2019 implementing the Regulations on EuVECA, EuSEF, MMF, ELTIF and STS securitisation;
 - 5° implementing Regulation (EU) 2020/1503 of the European Parliament and of the Council of 7 October 2020 on European crowdfunding service providers for business, and amending Regulation (EU) 2017/1129 and Directive (EU) 2019/1937;

(Mém. A 2022, No 84)

- the Law of 1 July 2024 amending:
 - 1° the Law of 5 April 1993 on the financial sector, as amended;
 - 2° the Law of 13 July 2005 on institutions for occupational retirement provision in the form of SEPCAVs and ASSEPs, as amended;
 - 3° the Law of 10 November 2009 on payment services, as amended;
 - 4° the Law of 17 December 2010 relating to undertakings for collective investment, as amended;
 - 5° the Law of 12 July 2013 on alternative investment fund managers, as amended;
 - 6° the Law of 7 December 2015 on the insurance sector, as amended;
 - 7° the Law of 18 December 2015 on the failure of credit institutions and certain investment firms, as amended;
 - 8° the Law of 30 May 2018 on markets in financial instruments, as amended;
 - 9° the Law of 16 July 2019 on the operationalisation of European regulations in the area of financial services, as amended,

with a view to implementing Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011 and to transpose Directive (EU) 2022/2556 of the European Parliament and of the Council of 14 December 2022 amending Directives 2009/65/EC, 2009/138/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU, 2014/65/EU, (EU) 2015/2366 and (EU) 2016/2341 as regards digital operational resilience for the financial sector;

(Mém. A 2024, No 271)

- the Law of 6 February 2025:
 - 1° implementing Regulation (EU) 2023/606 of the European Parliament and of the Council of 15 March 2023 amending Regulation (EU) 2015/760 as regards the requirements pertaining to the investment policies and operating conditions of European long-term investment funds and the scope of eligible investment assets, the portfolio composition and diversification requirements and the borrowing of cash and other fund rules;
 - 2° implementing Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937;
 - 3° implementing Regulation (EU) 2023/1113 of the European Parliament and of the Council of 31 May 2023 on information accompanying transfers of funds and certain crypto-assets and amending Directive (EU) 2015/849;
 - 4° transposing Article 38 of Regulation (EU) 2023/1113 of the European Parliament and of the Council of 31 May 2023 on information accompanying transfers of funds and certain crypto-assets and amending Directive (EU) 2015/849;
 - 5° implementing Regulation (EU) 2023/2631 of the European Parliament and of the Council of 22 November 2023 on European Green Bonds and optional disclosures for bonds marketed as environmentally sustainable and for sustainability-linked bonds
 - 6° amending:
 - (a) the Law of 16 July 2019 on the operationalisation of European regulations in the area of financial services, as amended;

² Hereinafter referred to as "Law of 25 February 2022 - No 84".

- (b) the Law of 5 April 1993 on the financial sector, as amended;
- (c) the Law of 23 December 1998 establishing a financial sector supervisory commission (“Commission de surveillance du secteur financier”), as amended;
- (d) the Law of 12 November 2004 on the fight against money laundering and terrorist financing, as amended;
- (e) the Law of 10 November 2009 on payment services, as amended;
- (f) the Law of 7 December 2015 on the insurance sector, as amended.

(Mém. A 2025, No 38)

Chapter 1 - Implementation of Regulation (EU) No 345/2013 of the European Parliament and of the Council of 17 April 2013 on European venture capital funds and Regulation (EU) No 346/2013 of the European Parliament and of the Council of 17 April 2013 on European social entrepreneurship funds

Article 1. Competent authority in Luxembourg

The Commission de Surveillance du Secteur Financier, hereinafter referred to as the "CSSF", shall be the competent authority responsible for ensuring the application of this chapter, of Regulation (EU) No 345/2013 of the European Parliament and of the Council of 17 April 2013 on European venture capital funds, hereinafter referred to as "Regulation (EU) No 345/2013" and of Regulation (EU) No 346/2013 of the European Parliament and of the Council of 17 April 2013 on European social entrepreneurship funds, hereinafter referred to as "Regulation (EU) No 346/2013".

Article 2. Powers of the CSSF

1. For the purposes of the application of this chapter, of Regulation (EU) No 345/2013 and of Regulation (EU) No 346/2013, the CSSF shall be given all supervisory and investigatory powers that are necessary for the exercise of its functions.
2. Without prejudice to Article 21a of Regulation (EU) No 345/2013 and of Article 22a of Regulation (EU) No 346/2013, the powers of the CSSF shall be the following:
 - (1) to access any document and any data in any form whatsoever, and to receive or take a copy of it;
 - (2) to require the manager of a qualifying venture capital fund or the manager of a qualifying social entrepreneurship fund to provide information without delay;
 - (3) to require information from any person related to the activity of the manager of a qualifying venture capital fund or the qualifying venture capital fund, and any person related to the activities of the manager of a qualifying social entrepreneurship fund or the qualifying social entrepreneurship fund;
 - (4) to carry out on-site inspections of the persons subject to its supervision;
 - (5) to take appropriate measures to ensure that a manager of a qualifying venture capital fund or a manager of a qualifying social entrepreneurship fund continues to comply with Regulation (EU) No 345/2013 or with Regulation (EU) No 346/3013, respectively, and with their implementing measures;
 - (6) to order a manager of a qualifying venture capital fund or a manager of a qualifying social entrepreneurship fund to comply with Regulation (EU) No 345/2013 or Regulation (EU) No 346/2013, respectively, and with their implementing measures and to desist from a repetition of any conduct that constitutes an infringement of these regulations or their implementing measures;
 - (7) to refer information to the State Prosecutor for criminal prosecution.

Article 3. Administrative sanctions

1. The CSSF shall have the power to impose the following administrative sanctions and other administrative measures in the case of an infringement of Articles 4 to 14a and 15 of Regulation (EU) No 345/2013 or Articles 4 to 15a and 16 of Regulation (EU) No 346/2013:
 - (1) a public statement identifying the person responsible and the nature of the infringement;
 - (2) a temporary ban preventing a person exercising management functions or any other natural person held responsible for such infringement from exercising management functions;
 - (3) an administrative fine of up to three times the amount of the profits gained or losses avoided because of the infringement, insofar as they can be determined, even if the amounts of these sanctions are higher than the amounts referred to in points (4) and (5);
 - (4) in the case of a natural person, an administrative fine of up to EUR 1,000,000;

- (5) in the case of a legal person, an administrative fine of up to EUR 5,000,000, or up to 10% of the total annual turnover of that legal person according to the last available accounts approved by the management body. Where the legal person is a parent undertaking or a subsidiary of the parent undertaking which has to prepare consolidated financial accounts in accordance with Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC, hereinafter referred to as "Directive 2013/34/EU", the relevant total annual turnover shall be the total annual turnover according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking.
2. The CSSF may impose an administrative fine of EUR 250 up to EUR 250,000 on those that obstruct the exercise of its supervisory and investigatory powers, who do not follow up on its orders given pursuant to point (6) of Article 2(2), or who have knowingly given it inaccurate or incomplete information following requests based on points (1) to (4) of Article 2(2).
3. The CSSF, when determining the type and level of an administrative sanction or measure, shall take into account the extent to which the infringement is intentional or results from negligence as well as all other relevant circumstances, including, where appropriate:
 - (1) the materiality, the gravity and the duration of the infringement;
 - (2) the degree of responsibility of the natural or legal person responsible for the infringement;
 - (3) the financial strength of the natural or legal person responsible for the infringement;
 - (4) the importance of profits gained or losses avoided by the natural or legal person responsible for the infringement, insofar as they can be determined;
 - (5) the losses for third parties caused by the infringement, insofar as they can be determined;
 - (6) the level of cooperation of the natural or legal person responsible for the infringement with the CSSF, without prejudice to the need to ensure disgorgement of profits gained or losses avoided by that person;
 - (7) previous infringements committed by the natural or legal person responsible for the infringement.

Article 4. Remedies

The decisions taken by the CSSF pursuant to this chapter, to Regulation (EU) No 345/2013 or to Regulation (EU) No 346/2013 may be referred to the *Tribunal administratif* (Administrative Tribunal) which deals with the merits of the case. The case shall be filed within one month, or else shall be time-barred.

Article 5. Publication of decisions

1. The CSSF shall publish on its website the decisions against which there has been no action and which impose an administrative sanction or measure due to an infringement of Articles 4 to 14a and 15 of Regulation (EU) No 345/2013 or Articles 4 to 15a and 16 of Regulation (EU) No 346/2013, without undue delay, after the person subject to that decision has been notified thereof. The publication shall include at least information on the type and nature of the infringement and the identity of the persons responsible. Such obligation shall not apply to decisions imposing measures that are of an investigatory nature.

However, where the publication of the identity of the legal persons or of the personal data of the natural persons is considered by the CSSF to be disproportionate following a case-by-case assessment conducted on the proportionality of the publication of such data, or where the publication jeopardises the stability of the financial markets or an ongoing investigation, the CSSF shall:

- (1) defer the publication of the decision to impose the sanction or measure until the reasons for the non-publication cease to exist;
- (2) publish the decision to impose the sanction or measure on an anonymous basis in a manner which complies with the applicable legislation, if such anonymous publication ensures effective protection of the personal data concerned; or
- (3) not publish the decision to impose a sanction or measure in the event that the options provided for in points (1) and (2) are considered to be insufficient to ensure:
 - (a) that the stability of the financial markets would not be put in jeopardy; or
 - (b) the proportionality of the publication of such decisions with regard to measures which are deemed to be of minor importance.

In the case the CSSF decides to publish a sanction or measure on an anonymous basis, the publication of the relevant data may be postponed for a reasonable period of time if it is envisaged that within that period the reasons for anonymous publication shall cease to exist.

2. The CSSF shall ensure that any decision that is published in accordance with this article shall remain accessible on its website for a period of five years after its publication.

Personal data contained in the publications referred to in the first subparagraph shall remain on the website for a period not exceeding 12 months.

Chapter 2 - Implementation of Regulation (EU) 2015/760 of the European Parliament and of the Council of 29 April 2015 on European long-term investment funds

Article 6. Competent authority in Luxembourg

The CSSF shall be the competent authority responsible for ensuring the application of this chapter and of Regulation (EU) 2015/760 of the European Parliament and of the Council of 29 April 2015 on European long-term investment funds, hereinafter referred to as "Regulation (EU) 2015/760".

Article 7. Powers of the CSSF

For the purposes of this chapter and of Articles 3 to 31 of Regulation (EU) 2015/760, the CSSF shall be given all the supervisory and investigatory powers provided for in Article 50 of the Law of 12 July 2013 on alternative investment fund managers, as amended, in respect of the persons referred to in Regulation (EU) 2015/760.

Article 8. Administrative sanctions

1. The CSSF shall have the power to impose the following administrative sanctions and other administrative measures in the case of an infringement of Article 3(1), Articles 4 and 7, Article 9(1) and (2), Articles 10 and 12, "Article 13(1) to (5)"³, Articles 14 to 17, "Article 18(1), (2) and (5)"⁴, "Article 19(1) to (4), Article 20"⁵, Article 21(1) and (2), Articles 22 to 24, Article 25(1) and (2), (...) "⁶, "Article 27"⁷, "Article 29(1), (2), (3) and (5) to (7)"⁸, "Article 30(1), (2) and (4) to (8), or Article 31"⁹(1) to (3) of Regulation (EU) 2015/760:
 - (1) a public statement identifying the person responsible and the nature of the infringement;
 - (2) a temporary ban preventing a person exercising management functions or any other natural person held responsible for such infringement from exercising management functions;
 - (3) an administrative fine of up to three times the amount of the profits gained or losses avoided because of the infringement, insofar as they can be determined, even if the

³ Law of 6 February 2025

⁴ Law of 6 February 2025

⁵ Law of 6 February 2025

⁶ Law of 6 February 2025

⁷ Law of 6 February 2025

⁸ Law of 6 February 2025

⁹ Law of 6 February 2025

amounts of these sanctions are higher than the amounts referred to in points (4) and (5);

- (4) in the case of a natural person, an administrative fine of up to EUR 1,000,000;
 - (5) in the case of a legal person, an administrative fine of up to EUR 5,000,000, or up to 10% of the total annual turnover of that legal person according to the last available accounts approved by the management body. Where the legal person is a parent undertaking or a subsidiary of the parent undertaking which has to prepare consolidated financial accounts in accordance with Directive 2013/34/EU, the relevant total annual turnover shall be the total annual turnover according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking.
2. The CSSF may impose an administrative fine of EUR 250 up to EUR 250,000 on those that obstruct the exercise of its supervisory and investigatory powers, who do not follow up on its orders given pursuant to Article 7, or who have knowingly given it inaccurate or incomplete information following requests based on Article 7 or who do not comply with its requirements based on Article 7.
 3. The CSSF, when determining the type and level of an administrative sanction or measure, shall take into account the extent to which the infringement is intentional or results from negligence as well as all other relevant circumstances, including, where appropriate:
 - (1) the materiality, the gravity and the duration of the infringement;
 - (2) the degree of responsibility of the natural or legal person responsible for the infringement;
 - (3) the financial strength of the natural or legal person responsible for the infringement;
 - (4) the importance of profits gained or losses avoided by the natural or legal person responsible for the infringement, insofar as they can be determined;
 - (5) the losses for third parties caused by the infringement, insofar as they can be determined;
 - (6) the level of cooperation of the natural or legal person responsible for the infringement with the CSSF, without prejudice to the need to ensure disgorgement of profits gained or losses avoided by that person;
 - (7) previous infringements committed by the natural or legal person responsible for the infringement.

Article 9. Remedies

The decisions taken by the CSSF pursuant to this chapter or to Regulation (EU) 2015/760 may be referred to the *Tribunal administratif* (Administrative Tribunal) which deals with the merits of the case. The case shall be filed within one month, or else shall be time-barred.

Article 10. Publication of decisions

1. The CSSF shall publish on its website the decisions against which there has been no action and which impose an administrative sanction or measure due to an infringement of Articles 3 to 31 of Regulation (EU) 2015/760, without undue delay, after the person subject to that decision has been notified thereof. The publication shall include at least information on the type and nature of the infringement and the identity of the persons responsible. Such obligation shall not apply to decisions imposing measures that are of an investigatory nature.

However, where the publication of the identity of the legal persons or of the personal data of the natural persons is considered by the CSSF to be disproportionate following a case-by-case assessment conducted on the proportionality of the publication of such data, or where the publication jeopardises the stability of the financial markets or an ongoing investigation, the CSSF shall:

- (1) defer the publication of the decision to impose the sanction or measure until the reasons for the non-publication cease to exist;

- (2) publish the decision to impose the sanction or measure on an anonymous basis in a manner which complies with the applicable legislation, if such anonymous publication ensures effective protection of the personal data concerned; or
- (3) not publish the decision to impose a sanction or measure in the event that the options provided for in points (1) and (2) are considered to be insufficient to ensure:
 - (a) that the stability of the financial markets would not be put in jeopardy; or
 - (b) the proportionality of the publication of such decisions with regard to measures which are deemed to be of minor importance.

In the case the CSSF decides to publish a sanction or measure on an anonymous basis, the publication of the relevant data may be postponed for a reasonable period of time if it is envisaged that within that period the reasons for anonymous publication shall cease to exist.

- 2. The CSSF shall ensure that any decision that is published in accordance with this article shall remain accessible on its website for a period of five years after its publication.

Personal data of natural persons contained in the publications referred to in the first subparagraph shall remain on the website for a period not exceeding 12 months.

Chapter 3 - Implementation of Regulation (EU) 2017/1131 of the European Parliament and of the Council of 14 June 2017 on money market funds

Article 11. Competent authority in Luxembourg

The CSSF shall be the competent authority responsible for ensuring the application of this chapter and of Regulation (EU) 2017/1131 of the European Parliament and of the Council of 14 June 2017 on money market funds, hereinafter referred to as "Regulation (EU) 2017/1131".

Article 12. Powers of the CSSF

- 1. For the purposes of this chapter and of Regulation (EU) 2017/1131, the CSSF shall be given supervisory and investigatory powers that are necessary for the exercise of its functions.
- 2. The powers of the CSSF shall be the following:
 - (1) to access any document and any data in any form whatsoever, and to receive or take a copy of it;
 - (2) to request a money market fund or the manager of a money market fund to provide information without delay;
 - (3) to require information from any person related to the activity of a money market fund or the manager of a money market fund;
 - (4) to carry out on-site inspections of the persons subject to its supervision;
 - (5) to take appropriate measures to ensure that a money market fund or the manager of a money market fund continues to comply with Regulation (EU) 2017/1131 and with its implementing measures;
 - (6) to order a money market fund or a manager of a money market fund to comply with Regulation (EU) 2017/1131 and with its implementing measures and to desist from a repetition of any conduct that constitutes an infringement of that regulation or its implementing measures;
 - (7) to refer information to the State Prosecutor for criminal prosecution.

Article 13. Administrative sanctions

- 1. The CSSF shall have the power to impose the following administrative sanctions and other administrative measures in the case of an infringement of Article 4(1), Article 6, Article 7(1) to (4), Article 9, Article 10(1) and (2), Article 11(1) to (3), Articles 12 to 14, Article 15(1) to (6), Article 16, Article 17(1) to (6), (8) and (9), Article 18(1), Articles 19 to 21, Article 23, Article 24(1) and (2), Articles 25 to 27, Article 28(1) to (5), Articles 29 to 36 or Article 37(1) to (3) of Regulation (EU) 2017/1131:

- (1) a public statement identifying the person responsible and the nature of the infringement;
 - (2) a temporary ban preventing a person exercising management functions or any other natural person held responsible for such infringement from exercising management functions;
 - (3) an administrative fine of up to three times the amount of the profits gained or losses avoided because of the infringement, insofar as they can be determined, even if the amounts of these sanctions are higher than the amounts referred to in points (4) and (5);
 - (4) in the case of a natural person, an administrative fine of up to EUR 1,000,000;
 - (5) in the case of a legal person, an administrative fine of up to EUR 5,000,000, or up to 10% of the total annual turnover of that legal person according to the last available accounts approved by the management body. Where the legal person is a parent undertaking or a subsidiary of the parent undertaking which has to prepare consolidated financial accounts in accordance with Directive 2013/34/EU, the relevant total annual turnover shall be the total annual turnover according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking.
2. The CSSF may impose an administrative fine of EUR 250 up to EUR 250,000 on those that obstruct the exercise of its supervisory and investigatory powers, who do not follow up on its orders given pursuant to point (6) of Article 12(2), or who have knowingly given it inaccurate or incomplete information following requests based on points (1) to (4) of Article 12(2).
 3. The CSSF, when determining the type and level of an administrative sanction or measure, shall take into account the extent to which the infringement is intentional or results from negligence as well as all other relevant circumstances, including, where appropriate:
 - (1) the materiality, the gravity and the duration of the infringement;
 - (2) the degree of responsibility of the natural or legal person responsible for the infringement;
 - (3) the financial strength of the natural or legal person responsible for the infringement;
 - (4) the importance of profits gained or losses avoided by the natural or legal person responsible for the infringement, insofar as they can be determined;
 - (5) the losses for third parties caused by the infringement, insofar as they can be determined;
 - (6) the level of cooperation of the natural or legal person responsible for the infringement with the CSSF, without prejudice to the need to ensure disgorgement of profits gained or losses avoided by that person;
 - (7) previous infringements committed by the natural or legal person responsible for the infringement.

Article 14. Remedies

The decisions taken by the CSSF pursuant to this chapter or to Regulation (EU) 2017/1131 may be referred to the *Tribunal administratif* (Administrative Tribunal) which deals with the merits of the case. The case shall be filed within one month, or else shall be time-barred.

Article 15. Publication of decisions

1. The CSSF shall publish on its website the decisions against which there has been no action and which impose an administrative sanction or measure due to an infringement of Articles 4 to 21 and Articles 23 to 37 of Regulation (EU) 2017/1131, without undue delay, after the person subject to that decision has been notified thereof. The publication shall include at least information on the type and nature of the infringement and the identity of the persons responsible. Such obligation shall not apply to decisions imposing measures that are of an investigatory nature.

However, where the publication of the identity of the legal persons or of the personal data of the natural persons is considered by the CSSF to be disproportionate following a case-by-case assessment conducted on the proportionality of the publication of such data, or where the publication jeopardises the stability of the financial markets or an ongoing investigation, the CSSF shall:

- (1) defer the publication of the decision to impose the sanction or measure until the reasons for the non-publication cease to exist;
- (2) publish the decision to impose the sanction or measure on an anonymous basis in a manner which complies with the applicable legislation, if such anonymous publication ensures effective protection of the personal data concerned; or
- (3) not publish the decision to impose a sanction or measure in the event that the options provided for in points (1) and (2) are considered to be insufficient to ensure:
 - (a) that the stability of the financial markets would not be put in jeopardy; or
 - (b) the proportionality of the publication of such decisions with regard to measures which are deemed to be of minor importance.

In the case the CSSF decides to publish a sanction or measure on an anonymous basis, the publication of the relevant data may be postponed for a reasonable period of time if it is envisaged that within that period the reasons for anonymous publication shall cease to exist.

2. The CSSF shall ensure that any decision that is published in accordance with this article shall remain accessible on its website for a period of five years after its publication.

Personal data contained in the publications referred to in the first subparagraph shall remain on the website for a period not exceeding 12 months.

Chapter 4 - Implementation of Regulation (EU) 2017/2402 of the European Parliament and of the Council of 12 December 2017 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation, and amending Directives 2009/65/EC, 2009/138/EC and 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012

Article 16. Competent authority in Luxembourg

1. The CSSF shall be the competent authority in Luxembourg to ensure compliance with the obligations provided for in Articles 6 to 9 of Regulation (EU) 2017/2402 of the European Parliament and of the Council of 12 December 2017 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation, and amending Directives 2009/65/EC, 2009/138/EC and 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012, hereinafter referred to as "Regulation (EU) 2017/2402", by originators, original lenders and securitisation special purpose entities, hereinafter referred to as "SSPEs", established in Luxembourg, without prejudice to Article 29(3) of Regulation (EU) 2017/2402.

By derogation from the first subparagraph, the Commissariat aux assurances, hereinafter referred to as the "CAA", shall be the competent authority in Luxembourg to ensure compliance with the obligations provided for in Articles 6 to 9 of Regulation (EU) 2017/2402 by originators, original lenders and SSPEs established in Luxembourg and subject to its supervision.

2. The CSSF shall also be the competent authority in Luxembourg to ensure, in accordance with Article 29(5) of Regulation (EU) 2017/2402, compliance with Articles 18 to 27 of that regulation by originators, sponsors and SSPEs and compliance with Article 28 of Regulation (EU) 2017/2402 by third parties referred to in Article 27(2) of that regulation.

Article 17. Powers of the CSSF and of the CAA

1. For the purposes of application of Regulation (EU) 2017/2402 and of this chapter, the CSSF and the CAA shall be given supervisory and investigatory powers that are necessary for the exercise of their respective duties within the limits set in that regulation.
2. The relevant powers shall be:

- (1) to access any document and any data in any form whatsoever, and to receive or take a copy of it;
- (2) to request information from any person and, if necessary, to summon and question any person;
- (3) to carry out on-site inspections or investigations with respect to persons subject to their respective supervision;
- (4) to order compliance with the provisions of Regulation (EU) 2017/2402 and with their implementing measures and to desist from a repetition of any conduct that constitutes an infringement of that regulation or its implementing measures;
- (5) to adopt any measure necessary to ensure that the persons subject to their supervision continue to comply with the requirements of Regulation (EU) No 2017/2402, of this chapter and of their implementing measures;
- (6) to refer information to the State Prosecutor for criminal prosecution.

Article 18. Administrative sanctions

1. The CSSF and the CAA, as competent authorities designated pursuant to Article 29(1) to (3) of Regulation (EU) 2017/2402 and Article 16 of this Law, shall have the power to impose administrative sanctions and other administrative measures referred to in paragraph 2 in the event that:
 - (1) an originator, sponsor or original lender has failed to meet the requirements provided for in Article 6 of Regulation (EU) 2017/2402;
 - (2) an originator, sponsor or SSPE has failed to meet the requirements provided for in Article 7 of Regulation (EU) 2017/2402;
 - (3) an originator, sponsor or original lender has failed to meet the criteria provided for in Article 9 of Regulation (EU) 2017/2402;
 - (4) an originator, sponsor or SSPE has failed to meet the requirements provided for in Article 18 of Regulation (EU) 2017/2402;
 - (5) a securitisation is designated as simple, transparent and standardised and an originator, sponsor or SSPE of that securitisation has failed to meet the requirements provided for in Articles 19 to 22 or Articles 23 to 26 "or Articles 26a to 26e"¹⁰ of Regulation (EU) 2017/2402;
 - (6) an originator or sponsor makes a misleading notification pursuant to Article 27(1) of Regulation (EU) 2017/2402;
 - (7) an originator or sponsor has failed to meet the requirements provided for in Article 27(4) of Regulation (EU) 2017/2402; or
 - (8) a third party authorised pursuant to Article 28 of Regulation (EU) 2017/2402 has failed to notify material changes to the information provided in accordance with Article 28(1) of that regulation, or any other changes that could reasonably be considered to affect the assessment of the CSSF or the CAA.

Where the provisions referred to in the first subparagraph apply to legal persons, the CSSF and the CAA shall have the power to impose administrative sanctions and other administrative measures referred to in paragraph 2 on members of the management body.

2. In the cases referred to in paragraph 1, the CSSF and the CAA may, within the limits of their respective competences:
 - (1) issue a public statement which indicates the identity of the natural or legal person and the nature of the infringement in accordance with Article 37 of Regulation (EU) 2017/2402;

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- (2) impose a temporary ban preventing any member of the originator's, sponsor's or SSPE's management body from exercising management functions in such undertakings;
- (3) impose maximum administrative fines of twice the amount of the benefit derived from the infringement where that benefit can be determined, even if that exceeds the maximum amounts in points (4) and (5);
- (4) in the case of a natural person, impose an administrative fine of up to EUR 5,000,000;
- (5) in the case of a legal person, impose an administrative fine of up to EUR 5,000,000, or up to 10% of the total annual net turnover of that legal person according to the last available accounts approved by the management body. Where the legal person is a parent undertaking or a subsidiary of the parent undertaking which has to prepare consolidated financial accounts in accordance with Directive 2013/34/EU, the relevant total annual net turnover shall be the total annual turnover according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking.

The CSSF and the CAA may impose, within the limits of their respective competences, an administrative fine of EUR 250 up to EUR 250,000 on those that obstruct application of their supervisory and investigatory powers, who do not follow up on their orders given pursuant to point (4) of Article 17(2), or who have knowingly given them inaccurate or incomplete information following requests based on points (1) to (3) of Article 17(2).

- 3. Moreover, the CSSF may impose a temporary ban preventing the originator and sponsor from notifying under Article 27(1) of Regulation (EU) 2017/2402 that a securitisation meets the requirements set out in Articles 19 to 22 or Articles 23 to 26 "or Articles 26a to 26e"¹¹ of that regulation, in the case of an infringement referred to in points (5) and (6) of the first subparagraph of paragraph 1 of this Law and impose a temporary withdrawal of the authorisation referred to in Article 28 of Regulation 2017/2402, in the case of an infringement referred to in point (8) of the first subparagraph of paragraph 1 of this Law.

Article 19. Remedies

The decisions taken by the CSSF or the CAA pursuant to this chapter or to Regulation (EU) 2017/2402 may be referred to the *Tribunal administratif* (Administrative Tribunal) which deals with the merits of the case. The case shall be filed within one month, or else shall be time-barred.

Article 20. Publication of decisions

- 1. The CSSF and the CAA shall publish on their respective websites, in accordance with the arrangements laid down in Article 37 of Regulation (EU) 2017/2402, any decision to impose an administrative sanction against which there has been no action and which has been imposed due to an infringement of Article 6, 7, 9 or 27(1) of Regulation (EU) 2017/2402, without undue delay, after the person subject to that decision has been notified thereof.
- 2. Where the publication of the identity, in the case of legal persons, or of the identity and personal data, in the case of natural persons, is considered by the CSSF or the CAA to be disproportionate following a case-by-case assessment, or where the CSSF or the CAA considers that the publication jeopardises the stability of the financial markets or an on-going criminal investigation, or where the publication would cause, insofar as the CSSF or the CAA can determine, disproportionate damages to the person involved, the CSSF and the CAA may:
 - (1) defer the publication of the decision imposing the administrative sanction until the moment where the reasons for non-publication cease to exist;
 - (2) publish the decision imposing the administrative sanction on an anonymous basis; or
 - (3) not publish at all the decision to impose the administrative sanction in the event that the options set out in points (1) and (2) are considered to be insufficient to ensure:
 - (a) that the stability of the financial markets would not be put in jeopardy; or

¹¹ Law of 25 February 2022 - No 82

- (b) the proportionality of the publication of such decisions with regard to measures which are deemed to be of minor importance.

(Law of 25 February 2022 – No 82)

“Chapter 4a - Implementation of Regulation (EU) 2019/1238 of the European Parliament and of the Council of 20 June 2019 on a pan-European Personal Pension Product (PEPP)”

Article 20-1. Definitions

The terms used in this chapter shall have the same meaning as in Regulation (EU) 2019/1238 of the European Parliament and of the Council of 20 June 2019 on a pan-European Personal Pension Product (PEPP), hereinafter referred to as “Regulation (EU) 2019/1238”.

Article 20-2. Competent authority in Luxembourg

1. The CSSF shall be the competent authority responsible for ensuring the application of this chapter and of Regulation (EU) 2019/1238 by PEPP providers and PEPP distributors subject to the CSSF’s supervision.

The CSSF shall be the competent authority of the host Member State for PEPP providers and PEPP distributors established in another Member State that provide and distribute pan-European Personal Pension Products, hereinafter referred to as “PEPPs”, in Luxembourg and that would be subject to the CSSF’s supervision if they were established in Luxembourg.

2. The CAA shall be the competent authority responsible for ensuring the application of this chapter and of Regulation (EU) 2019/1238 by PEPP providers and PEPP distributors subject to the CAA’s supervision.

The CAA shall be the competent authority of the host Member State for PEPP providers and PEPP distributors established in another Member State that provide and distribute PEPPs in Luxembourg and that would be subject to the CAA’s supervision if they were established in Luxembourg.

3. The CSSF shall be the competent authority of the host Member State for the provision and distribution of PEPPs in Luxembourg by institutions for occupational retirement provision established in another Member State and referred to in point (c) of Article 6(1) of Regulation (EU) 2019/1238.

Article 20-3. Powers of the CSSF and of the CAA

1. For the purposes of application of this chapter, Regulation (EU) 2019/1238 and their implementing measures, the CSSF and the CAA shall be given supervisory and investigatory powers that are necessary for the exercise of their duties within the limits set in that regulation.

2. The powers of the CSSF and of the CAA shall be the following:

- (1) to access any document and any data in any form whatsoever, and to receive or take a copy of it;
- (2) to require the PEPP provider or the PEPP distributor to provide information without delay;
- (3) to require information from any person related to the activity of the PEPP provider and any person related to the activity of the PEPP distributor;
- (4) to carry out on-site inspections with respect to persons subject to their respective supervision;
- (5) to take appropriate measures to ensure that a PEPP provider or PEPP distributor continues to comply with the provisions of Regulation (EU) 2019/1238 and with its implementing measures;
- (6) to order a PEPP provider or a PEPP distributor to comply with the provisions of Regulation (EU) 2019/1238 and its implementing measures and to desist from a repetition of any conduct that constitutes an infringement of these provisions;
- (7) to refer information to the State Prosecutor for criminal prosecution.

Article 20-4. Administrative sanctions

1. The CSSF and the CAA shall have the power to impose the administrative sanctions and other administrative measures referred to in paragraph 2:
 - (1) in case of infringement of Article 4, Article 5(1), paragraphs 1, 2 and the second subparagraph of paragraph 6 of Article 6, Article 7(3), Article 8(5), Article 9, Article 14, Article 15(1) and (5), Article 18, Article 19, Article 20(1) and (4), Article 21(1), (2) and (6), Article 22, Article 23(1), Article 24, Article 25(1), Article 26, Article 27, Article 28(1) to (4), Article 29, Article 30(1), Article 33(1) and (2), Article 34, Article 35, Article 36(1), Article 37(1), Article 38, Article 39, paragraphs 1, 3 and 4, the first subparagraph of paragraph 5 and paragraphs 6 and 8 of Article 40, Article 41(1), Article 42(2) and (3), Article 44, Article 45(1) and (2), Article 46(1), Article 48(1), Article 49(3), Article 50(1) to (5), Article 52, Article 53, Article 54(3) and (4), Article 55(1), Article 56, Article 59 and Article 60 of Regulation (EU) 2019/1238;
 - (2) on any person that provides or distributes products bearing the designation "pan-European Personal Pension Product" or "PEPP" without the required registration;
 - (3) on a depositary that failed to fulfil its oversight duties under Article 48 of Regulation (EU) 2019/1238;
 - (4) on those that obstruct the exercise of their supervisory and investigatory powers, that do not follow up on their orders given pursuant to points (5) and (6) of Article 20-3(2), or that have knowingly given them inaccurate or incomplete information following requests based on points (1) to (4) of Article 20-3(2).
2. In the cases referred to in paragraph 1, the CSSF and the CAA may impose, within the limits of their respective competences, on the persons subject to their respective supervision, the members of their management body and on any other person responsible for an infringement:
 - (1) a public statement, which indicates the identity of the natural or legal person and the nature of the infringement;
 - (2) an order requiring the natural or legal person to cease the conduct and to desist from a repetition of that conduct;
 - (3) a temporary ban on any member of the legal person's management, supervisory or administrative body who is held responsible, from exercising management functions in these legal persons or on any other natural person who is held responsible;
 - (4) in the case of a legal person, maximum administrative fines of EUR 5,000,000;
 - (5) in the case of a legal person, the maximum administrative fines referred to in point (4) may be up to 10 per cent of the total annual turnover according to the latest available accounts approved by the management, supervisory or administrative body. Where the legal person is a parent undertaking or a subsidiary of the parent undertaking which has to prepare consolidated financial accounts in accordance with Directive 2013/34/EU, the relevant total annual turnover shall be the total annual turnover according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking.
 - (6) in the case of a natural person, maximum administrative fines of EUR 700,000;
 - (7) maximum administrative fines of twice the amount of the benefit derived from the infringement or losses avoided where those can be determined, even if that amount exceeds the maximum amounts in points (4), (5) or (6), respectively.

The administrative sanctions and other administrative measures shall be effective, proportionate and dissuasive. When determining the type of administrative sanctions or other administrative measures and the level of administrative fines, the CSSF or the CAA shall take into account all circumstances laid down in Article 68(2) of Regulation (EU) 2019/1238.

Article 20-5. Remedies

The decisions taken by the CSSF or the CAA pursuant to this chapter or to Regulation (EU) 2019/1238 may be referred to the *Tribunal administratif* (Administrative Tribunal) which deals with the merits of the case. The case shall be filed within one month, or else shall be time-barred.

Article 20-6. Publication of decisions

1. The CSSF and the CAA shall publish on their respective websites, in accordance with the arrangements laid down in Article 69 of Regulation (EU) 2019/1238, any decision to impose an administrative sanction or measure due to an infringement referred to in points (1) to (3) of Article 20-4(1), without undue delay, after the person subject to that decision has been notified thereof.
2. The CSSF and the CAA shall ensure that any decision that is published in accordance with this article and with Article 69 of Regulation (EU) No 2019/1238 shall remain accessible on their respective websites for a period of five years after its publication.

Personal data of natural persons contained in the publications referred to in the first subparagraph shall remain on their websites for a period not exceeding 12 months.

Chapter 4b - Implementation of Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainability-related disclosures in the financial services sector and Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088

Article 20-7. Definitions

The terms used in this chapter shall have the same meaning as in Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainability-related disclosures in the financial services sector, hereinafter referred to as "Regulation (EU) 2019/2088", or in Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088, hereinafter referred to as "Regulation (EU) 2020/852".

Article 20-8. Competent authority in Luxembourg

1. The CSSF shall be the competent authority responsible for ensuring the application of this chapter, of Regulation (EU) 2019/2088 and of Regulation (EU) 2020/852 by financial market participants and financial advisers subject to its supervision.
2. The CAA shall be the competent authority responsible for ensuring the application of this chapter, of Regulation (EU) 2019/2088 and of Regulation (EU) 2020/852 by financial market participants and financial advisers subject to its supervision.

Article 20-9. Powers of the CSSF and of the CAA

1. For the purposes of application of this chapter, Regulation (EU) 2019/2088 and Regulation (EU) 2020/852 and their implementing measures, the CSSF and the CAA shall be given supervisory and investigatory powers that are necessary for the exercise of their duties within the limits set in these regulations.
2. The powers of the CSSF and of the CAA shall be the following:
 - (1) to access any document and any data in any form whatsoever, and to receive or take a copy of it;
 - (2) to require a financial market participant or a financial adviser to provide information without delay;
 - (3) to require information from any person related to the activity of a financial market participant or a financial adviser;
 - (4) to carry out on-site inspections with respect to persons subject to their respective supervision;

- (5) to take appropriate measures to ensure that a financial market participant or a financial adviser continues to comply with the provisions of Regulation (EU) 2019/2088, Regulation (EU) 2020/852 and with their implementing measures;
- (6) to order a financial market participant or a financial adviser to comply with the provisions of Regulation (EU) 2019/2088, Regulation (EU) 2020/852 and their implementing measures and to desist from a repetition of any conduct that constitutes an infringement of these provisions;
- (7) to order a financial market participant or a financial adviser to publish information to be disclosed in accordance with Regulation (EU) 2019/2088 and Regulation (EU) 2020/852 on their websites, in the pre-contractual disclosures or in the periodic reports, or to amend or delete false or misleading information published in order to comply with the criteria laid down by Regulations (EU) 2019/2088 and (EU) 2020/852 and their implementing measures and to require the publication of a corrective statement;
- (8) to refer information to the State Prosecutor for criminal prosecution;
- (9) to instruct *réviseurs d'entreprises agréés* (approved statutory auditors) or experts to carry out verifications or investigations;

Article 20-10. Administrative sanctions

1. The CSSF and the CAA shall have the power to impose the administrative sanctions and other administrative measures referred to in paragraph 2:
 - (1) in case of infringement of Article 3, Article 4(1) to (5), Article 5, Article 6, Article 7, Article 8(1) to (2a), Article 9(1) to (4a), Article 10(1), Article 11(1) to (3), Article 12 and Article 13(1) of Regulation (EU) 2019/2088;
 - (2) in case of infringement of Article 5, Article 6 and Article 7 of Regulation (EU) 2020/852;
 - (3) on those that obstruct the exercise of their supervisory and investigatory powers, that do not follow up on their orders given pursuant to points (6) and (7) of Article 20-9(2), or that have knowingly given them inaccurate or incomplete information following requests based on points (1) to (4) of Article 20-9(2).
2. In the cases referred to in paragraph 1, the CSSF and the CAA may impose, within the limits of their respective competences, on the persons subject to their respective supervision, the members of their management body and on any other person responsible for an infringement:
 - (1) a public statement indicating the identity of the person responsible and the nature of the infringement;
 - (2) a temporary ban preventing a person exercising management functions or any other natural person held responsible for such infringement from exercising management functions;
 - (3) an administrative fine of EUR 250 up to EUR 250,000.

The administrative sanctions and other administrative measures shall be effective, proportionate and dissuasive.
3. The CSSF and the CAA, when determining the type and level of an administrative sanction or measure, shall take into account the extent to which the infringement is intentional or results from negligence as well as all other relevant circumstances, including, where appropriate:
 - (1) the materiality, the gravity and the duration of the infringement;
 - (2) the degree of responsibility of the natural or legal person responsible for the infringement;
 - (3) the financial strength of the natural or legal person responsible for the infringement;
 - (4) the importance of profits gained or losses avoided by the natural or legal person responsible for the infringement, insofar as they can be determined;
 - (5) the losses for third parties caused by the infringement, insofar as they can be determined;

- (6) the level of cooperation of the natural or legal person responsible for the infringement with the CSSF or the CAA, without prejudice to the need to ensure disgorgement of profits gained or losses avoided by that person;
- (7) previous infringements committed by the natural or legal person responsible for the infringement;
- (8) measures taken by the person responsible for the infringement to prevent its repetition.

Article 20-11. Remedies

The decisions taken by the CSSF or the CAA pursuant to this chapter, to Regulation (EU) 2019/2088 or to Regulation (EU) 2020/852 may be referred to the *Tribunal administratif* (Administrative Tribunal) which deals with the merits of the case. The case shall be filed within one month, or else shall be time-barred.

Article 20-12. Publication of decisions

1. The CSSF and the CAA shall publish on their respective websites the decisions against which there has been no action and which impose an administrative sanction or measure due to an infringement referred to in points (1) and (2) of Article 20-10(1), without undue delay, after the person subject to that decision has been notified thereof. The publication shall include at least information on the type and nature of the infringement and the identity of the persons responsible. Such obligation shall not apply to decisions imposing measures that are of an investigatory nature.

However, where the publication of the identity of the legal persons or of the personal data of the natural persons is considered by the CSSF or the CAA to be disproportionate following a case-by-case assessment conducted on the proportionality of the publication of such data, or where the publication jeopardises the stability of the financial markets or an ongoing investigation, the CSSF and the CAA shall:

- (1) defer the publication of the decision to impose the sanction or measure until the reasons for the non-publication cease to exist;
- (2) publish the decision to impose the sanction or measure on an anonymous basis in a manner which complies with the applicable legislation, if such anonymous publication ensures effective protection of the personal data concerned; or
- (3) not publish the decision to impose a sanction or measure in the event that the options provided for in points (1) and (2) are considered to be insufficient to ensure:
 - (a) that the stability of the financial markets would not be put in jeopardy; or
 - (b) the proportionality of the publication of such decisions with regard to measures which are deemed to be of minor importance.

In the case the CSSF or the CAA decides to publish a sanction or measure on an anonymous basis, the publication of the relevant data may be postponed for a reasonable period of time if it is envisaged that within that period the reasons for anonymous publication shall cease to exist.

2. The CSSF and the CAA shall ensure that any decision that is published in accordance with this article shall remain accessible on their respective websites for a period of five years after its publication.

Personal data of natural persons contained in the publications referred to in the first subparagraph shall remain on their websites for a period not exceeding 12 months.”

“Chapter 4c - Implementation of Regulation (EU) 2020/1503 of the European Parliament and of the Council of 7 October 2020 on European crowdfunding service providers for business, and amending Regulation (EU) 2017/1129 and Directive (EU) 2019/1937

Article 20-13. Definitions

The terms used in this chapter shall have the same meaning as in Regulation (EU) 2020/1503 of the European Parliament and of the Council of 7 October 2020 on European crowdfunding service providers for business, and amending Regulation (EU) 2017/1129 and Directive (EU) 2019/1937, hereinafter referred to as “Regulation (EU) 2020/1503”.

Article 20-14. Funds received by project owners

The funds of investors received by project owners in respect of loans facilitated by a crowdfunding service provider shall not constitute deposits or other repayable funds within the meaning of Article 2(3) of the Law of 5 April 1993 on the financial sector, as amended.

Article 20-15. Competent authority in Luxembourg

The CSSF shall be the competent authority responsible for ensuring the application of Regulation (EU) 2020/1503 and of this chapter.

Article 20-16. Powers of the CSSF

1. For the purposes of application of Regulation (EU) No 2020/1503, of this chapter and of their implementing measures, the CSSF shall be given supervisory and investigatory powers that are necessary for the exercise of its duties within the limits set in that regulation and in this chapter.
2. The powers of the CSSF shall be the following:
 - (1) to require crowdfunding service providers, third parties designated to perform functions in relation to the provision of crowdfunding services, and the natural or legal persons that control them or are controlled by them, and project owners to provide information and documents;
 - (2) to require *réviseurs d'entreprises* (statutory auditors) and managers of the crowdfunding service providers, and of third parties designated to perform functions in relation to the provision of crowdfunding services, to provide information;
 - (3) to summon the managers of crowdfunding service providers and to hear them in order to obtain information;
 - (4) to carry out, in respect of the persons subject to its prudential supervision, on-site inspections or investigations at sites other than the private residences of natural persons, and for that purpose to enter premises in order to access documents and other data in any form;
 - (5) to appoint *réviseurs d'entreprises* (statutory auditors) or experts to carry out the investigation or on-site inspection in respect of the persons referred to in point (4);
 - (6) to suspend a crowdfunding offer for a maximum of 10 consecutive working days on any single occasion where there are reasonable grounds for suspecting that Regulation (EU) 2020/1503 has been infringed;
 - (7) to prohibit or suspend marketing communications, or to require a crowdfunding service provider or a third party designated to perform functions in relation to the provision of crowdfunding services to cease or suspend marketing communications, for a maximum of 10 consecutive working days on any single occasion where there are reasonable grounds for believing that Regulation (EU) 2020/1503 has been infringed;
 - (8) to prohibit a crowdfunding offer in case of infringement of Regulation (EU) 2020/1503 or where there are reasonable grounds for suspecting that Regulation (EU) 2020/1503 would be infringed;
 - (9) to suspend, or to require a crowdfunding service provider to suspend, the provision of crowdfunding services for a maximum of 10 consecutive working days on any single

occasion where there are reasonable grounds for believing that Regulation (EU) 2020/1503 has been infringed;

- (10) to prohibit the provision of crowdfunding services in case of infringement of Regulation (EU) 2020/1503;
- (11) to make public the fact that a crowdfunding service provider or a third party designated to perform functions in relation to the provision of crowdfunding services is failing to comply with its obligations;
- (12) to disclose, or to require a crowdfunding service provider or a third party designated to perform functions in relation to the provision of crowdfunding services to disclose, all material information which may have an effect on the provision of the crowdfunding service in order to ensure investor protection or the smooth operation of the market;
- (13) to suspend, or to require a crowdfunding service provider or a third party designated to perform functions in relation to the provision of crowdfunding services to suspend, the provision of crowdfunding services where it considers that the crowdfunding service provider's situation is such that the provision of the crowdfunding service would be detrimental to investors' interests;
- (14) to transfer existing contracts to another crowdfunding service provider in cases where a crowdfunding service provider's authorisation is withdrawn in accordance with point (c) of the first subparagraph of Article 17(1) of Regulation (EU) 2020/1503, subject to the agreement of the clients and the receiving crowdfunding service provider;
- (15) to refer information to the State Prosecutor for criminal prosecution.

Article 20-17. Administrative sanctions and other administrative measures

1. The CSSF shall have the power to impose the administrative sanctions and other administrative measures referred to in paragraph 2:
 - (1) in case of infringement of Articles 3 to 5, Article 6(1) to (6), Article 7(1) to (4), Article 8(1) to (6), Article 9(1) and (2), Article 10, Article 11, Article 12(1) and (11), Article 13(2), Article 15(2) and (3), Article 16(1), Article 18(1) and (4), Article 19(1) to (6), Article 20(1) and (2), Article 21(1) to (7), Article 22, Article 23(1) to (13), Articles 24 to 26 and Article 27(1) to (3) of Regulation (EU) 2020/1503;
 - (2) in case of failure to cooperate or comply in an investigation, with an inspection or a request in accordance with points (1) to (4) of Article 20-16(2).
2. In the cases referred to in paragraph 1, the CSSF may impose:
 - (1) a public statement indicating the natural or legal person responsible for, and the nature of, the infringement in accordance with Article 42 of Regulation (EU) No 2020/1503;
 - (2) an order requiring the natural or legal person to cease the conduct constituting the infringement and to desist from a repetition of that conduct;
 - (3) an occupational prohibition for up to 5 years preventing any member of the management body of the legal person responsible for the infringement, or any other natural person held responsible for the infringement, from exercising management functions in crowdfunding service providers;
 - (4) maximum administrative fines of twice the amount of the benefit derived from the infringement where that benefit can be determined, even if it exceeds the maximum amounts set out in point (5);
 - (5) in the case of a legal person, maximum administrative fines of EUR 500,000 or up to 5 per cent of the total annual turnover of that legal person according to the last available financial statements approved by the management body. Where the legal person is a parent undertaking or a subsidiary of a parent undertaking which is required to prepare consolidated financial statements in accordance with Directive 2013/34/EU, the relevant total annual turnover shall be the total annual turnover or the corresponding type of income in accordance with the relevant European Union law in the area of accounting

according to the last available consolidated financial statements approved by the management body of the ultimate parent undertaking;

(6) in the case of a natural person, maximum administrative fines of EUR 500,000.

3. The CSSF may impose an administrative fine of EUR 250 up to EUR 250,000 on those that obstruct the exercise of its supervisory and investigatory powers, that do not follow up on its orders given pursuant to point (2) of paragraph 2, or that have knowingly given it inaccurate or incomplete information following requests based on points (1) to (4) of Article 20-16(2).

Article 20-18. Responsibility related to the key investment information sheet

1. The responsibility for the information given in a key investment information sheet referred to in Article 23(9) of Regulation (EU) 2020/1503 shall lie with the project owner or its administrative, management or supervisory bodies.
2. In accordance with Article 23(10) of Regulation (EU) 2020/1503, no responsibility may rest with the natural and legal persons responsible for the information given in a key investment information sheet, including any translation thereof, unless:
 - (1) the information is misleading or inaccurate; or
 - (2) the key investment information sheet omits key information needed to aid investors when considering whether to finance the crowdfunding project.

Article 20-19. Responsibility related to the key investment information sheet at platform level

1. The responsibility for the information given in a key investment information sheet at platform level referred to in Article 24(4) of Regulation (EU) 2020/1503 shall lie with the crowdfunding service provider.
2. In accordance with Article 24(5) of Regulation (EU) 2020/1503, no responsibility may rest with the natural and legal persons responsible for the information given in a key investment information sheet at platform level, including any translation thereof, unless:
 - (1) the information is misleading or inaccurate; or
 - (2) the key investment information sheet at platform level omits key information needed to aid investors when considering whether to invest through individual portfolio management of loans.

Article 20-20. Remedies

The decisions taken by the CSSF pursuant to Regulation (EU) No 2020/1503 or to this chapter may be referred to the *Tribunal administratif* (Administrative Tribunal) which deals with the merits of the case. The case shall be filed within one month, or else shall be time-barred."

(Law of 1 July 2024)

"Chapter 4d - Implementation of Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011

Article 20-21. Definitions

The terms used in this chapter shall have the same meaning as in Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011, hereinafter "Regulation (EU) 2022/2554".

Article 20-22. Competent authorities in Luxembourg

The CSSF and the CAA shall be the competent authorities in Luxembourg referred to in Article 46 of Regulation (EU) 2022/2554 responsible for ensuring the application of that regulation and of this chapter by the persons referred to in Regulation (EU) 2022/2554 and subject to their respective supervision.

The CSSF and the CAA shall be the relevant competent authorities referred to in Article 32(5) of Regulation (EU) 2022/2554.

Article 20-23. Powers of the CSSF and of the CAA

1. For the purposes of applying Regulation (EU) 2022/2554, this chapter and their implementing measures, the CSSF and the CAA shall be the given supervisory and investigatory powers that are necessary for the exercise of their duties, within the limits set in that regulation.
2. The CSSF and the CAA shall have the power to:
 - (1) have access to any document or data in any form whatsoever, and to receive or take a copy of it;
 - (2) carry out on-site inspections or investigations of persons subject to their respective supervision;
 - (3) summon representatives of the financial entities for oral or written explanations on facts or documents relating to the subject matter and purpose of the investigation referred to in point (2), and to record their answers;
 - (4) interview any other natural or legal person who consents to be interviewed for the purpose of collecting information relating to the subject matter of an investigation referred to in point (2);
 - (5) subject to the judicial authorisation provided for in paragraph 3, require data traffic records held by providers of electronic communication services and public communication networks operators, where there are grounds for suspecting an infringement and where such records may be useful to ascertaining the truth in the context of an investigation with respect to infringements of the provisions referred to in Article 20-24(1);
 - (6) impose administrative sanctions and other administrative measures in accordance with Article 20-24;
 - (7) refer information to the State Prosecutor for criminal prosecution.
3. The CSSF shall exercise the powers laid down in point (5) of paragraph 2 only after prior authorisation by order of the *juge d'instruction* (investigating judge) of the *Tribunal d'arrondissement de et à Luxembourg* (Luxembourg District Court). The order shall be given upon reasoned request by the CSSF. The *juge d'instruction directeur* (chief investigating judge), or, should the latter not be available, the magistrate replacing him/her, shall appoint, for each request by the CSSF, the judge who shall be in charge.

The *juge d'instruction* shall verify that the reasoned request submitted by the CSSF is justified and proportionate to the aim pursued. The request shall include all elements of information that justify the requested authorisation.

The order referred to in the first subparagraph may be subject to the same remedies as the ones regarding orders of the *juge d'instruction*. The remedies shall not be suspensive.

Article 20-24. Administrative sanctions and other administrative measures

1. The CSSF and the CAA shall have the power to impose the following administrative sanctions and other administrative measures referred to in paragraph 2 in the case of an infringement of Article 4(1) and (2), Article 5, Article 6(1) to (8) and the second sentence of paragraph 10, Articles 7 to 10, Article 11(1) to (10), Articles 12 to 14, the second subparagraph of Article 16(1) and Article 16(2), Article 17, Article 18(1) and (2), the first, third, fourth and fifth subparagraphs of Article 19(1), Article 19(3) to Article 19(5), second sentence, Articles 23 to 25, Article 26(1) to (3), (5) and (6), the second sentence of Article 26(7) and the first and second subparagraphs of Article 26(8), Article 27, Article 28(1) to (8), Article 29, Article 30(1) to (4), Article 31(12), the second subparagraph of Article 42(3), and Article 45 of Regulation (EU) 2022/2554.

Where the provisions referred to in the first subparagraph apply to legal persons, the CSSF and the CAA shall have, within the limits of their respective competences, the power to impose administrative sanctions and other administrative measures referred to in paragraph 2 on the members of the management body and on any other individual who is responsible for the infringement.

2. The CSSF and the CAA may, within the limits of their respective competences, for the cases referred to in paragraph 1:
 - (1) issue an order requiring the person responsible for the infringement to cease the conduct and to desist from a repetition of that conduct;
 - (2) require the temporary or permanent cessation of any practice that the competent authority considers to be contrary to the provisions of Regulation (EU) 2022/2554;
 - (3) impose, in the case of a natural person, an administrative fine of up to EUR 5,000,000;
 - (4) impose, in the case of a legal person, an administrative fine of up to EUR 5,000,000, or up to 10% of the total annual turnover according to the last available accounts approved by the management, supervisory or administrative body. Where the legal person is a parent undertaking or a subsidiary of a parent undertaking which has to prepare consolidated financial accounts in accordance with Directive 2013/34/EU, the relevant total annual turnover shall be the total annual turnover according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking;
 - (5) issue a public statement indicating the person responsible and the nature of the infringement in accordance with Article 54 of Regulation (EU) 2022/2554;
 against the persons subject to their respective supervision.
3. The CSSF and the CAA may impose an administrative fine of EUR 250 up to EUR 250,000 on those that obstruct the exercise of their supervisory and investigatory powers, that do not follow up on their orders given pursuant to point (1) of paragraph 2 or that have knowingly given them inaccurate or incomplete information following requests based on points (1) to (4) of Article 20-23(2).
4. The decisions taken by the CSSF and the CAA in the exercise of their powers to impose sanctions shall be substantiated.

Article 20-25. Remedies

The decisions taken by the CSSF or the CAA pursuant to this chapter or to Regulation (EU) 2022/2554 may be referred to the *Tribunal administratif* (Administrative Tribunal) which deals with the merits of the case. The case shall be filed within one month, or else shall be time-barred.”.

(Law of 6 February 2025)

“Chapter 4e - Implementation of Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937

Article 20-26. Definitions

The terms used in this chapter shall have the same meaning as in Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937, hereinafter “Regulation (EU) 2023/1114”.

Article 20-27. Competent authority in Luxembourg

The CSSF shall be the competent authority responsible for ensuring the application of Regulation (EU) 2023/1114, its implementing measures and this chapter.

Article 20-28. Powers of the CSSF

1. For the purposes of application of Titles II to VI of Regulation (EU) 2023/1114, their implementing measures and this chapter, the CSSF shall be given the supervisory and investigative powers that are necessary for the exercise of its duties within the limits set in that regulation and in this chapter.

The powers referred to in the first subparagraph shall be the following:

- (1) to require any person to provide information and documents which the CSSF considers could be relevant for the performance of its duties;

- (2) to suspend, or to require a crypto-asset service provider to suspend, the provision of one or more crypto-asset services for a maximum of 30 consecutive working days on any single occasion where there are reasonable grounds for suspecting that Regulation (EU) 2023/1114 has been infringed;
- (3) to prohibit the provision of one or more crypto-asset services where the CSSF finds that Regulation (EU) 2023/1114 has been infringed;
- (4) to disclose, or to require a crypto-asset service provider to disclose, all material information which might have an effect on the provision of the crypto-asset services concerned, in order to ensure the protection of the interests of clients, in particular retail holders, or the smooth operation of the market;
- (5) to make public the fact that a crypto-asset service provider does not comply with its obligations;
- (6) to suspend, or to require a crypto-asset service provider to suspend, the provision of one or more crypto-asset services where the CSSF considers that the crypto-asset service provider's situation is such that the provision of the crypto-asset service(s) would be detrimental to the interests of clients, in particular retail holders;
- (7) to require the transfer of existing contracts to another crypto-asset service provider in cases where a crypto-asset service provider's authorisation is withdrawn in accordance with Article 64 of Regulation (EU) 2023/1114, subject to the agreement of the clients and the crypto-asset service provider to which the contracts are to be transferred;
- (8) where there is a reason to assume that a person is providing one or more crypto-asset services without authorisation, to order the immediate cessation of the activity without prior warning or imposition of a deadline;
- (9) to require offerors, persons seeking admission to trading of crypto-assets, or issuers of asset-referenced tokens or e-money tokens to amend their crypto-asset white paper or further amend their modified crypto-asset white paper, where the CSSF finds that the crypto-asset white paper or the modified crypto-asset white paper does not contain the information required by Article 6, 19 or 51 of Regulation (EU) 2023/1114;
- (10) to require offerors, persons seeking admission to trading of crypto-assets, or issuers of asset-referenced tokens or e-money tokens, to amend their marketing communications, where the CSSF finds that the marketing communications do not comply with the requirements set out in Article 7, 29 or 53 of Regulation (EU) 2023/1114;
- (11) to require offerors, persons seeking admission to trading of crypto-assets, or issuers of asset-referenced tokens or e-money tokens, to include additional information in their crypto-asset white papers, where necessary for financial stability or the protection of the interests of the holders of crypto-assets, in particular retail holders;
- (12) to suspend an offer to the public or an admission to trading of crypto-assets for a maximum of 30 consecutive working days on any single occasion where there are reasonable grounds for suspecting that Regulation (EU) 2023/1114 has been infringed;
- (13) to prohibit an offer to the public or an admission to trading of crypto-assets where the CSSF finds that Regulation (EU) 2023/1114 has been infringed or where there are reasonable grounds for suspecting that it will be infringed;
- (14) to suspend, or require a crypto-asset service provider operating a trading platform for crypto-assets to suspend, trading of the crypto-assets for a maximum of 30 consecutive working days on any single occasion where there are reasonable grounds for suspecting that Regulation (EU) 2023/1114 has been infringed;
- (15) to prohibit trading of crypto-assets on a trading platform for crypto-assets where the CSSF finds that Regulation (EU) 2023/1114 has been infringed or where there are reasonable grounds for suspecting that it will be infringed;
- (16) to suspend or prohibit marketing communications where there are reasonable grounds for suspecting that Regulation (EU) 2023/1114 has been infringed;
- (17) to require offerors, persons seeking admission to trading of crypto-assets, issuers of asset-referenced tokens or e-money tokens or relevant crypto-asset service providers to cease or suspend marketing communications for a maximum of 30 consecutive working days on any single occasion where there are reasonable grounds for suspecting that Regulation (EU) 2023/1114 has been infringed;

- (18) to make public the fact that an offeror, a person seeking admission to trading of a crypto-asset or an issuer of an asset-referenced token or e-money token, fails to fulfil its obligations under Regulation (EU) 2023/1114;
 - (19) to disclose, or to require the offeror, the person seeking admission to trading of a crypto-asset or the issuer of the asset-referenced token or e-money token, to disclose all material information which may have an effect on the assessment of the crypto-asset offered to the public or admitted to trading in order to ensure the protection of the interests of holders of crypto-assets, in particular retail holders, or the smooth operation of the market;
 - (20) to suspend, or require the relevant crypto-asset service provider operating the trading platform for crypto-assets to suspend, the crypto-assets from trading where the CSSF considers that the situation of the offeror, the person seeking admission to trading of a crypto-asset or the issuer of an asset-referenced token or an e-money token is such that trading would be detrimental to the interests of the holders of crypto-assets, in particular retail holders;
 - (21) where there is a reason to assume that a person is issuing asset-referenced tokens or e-money tokens without authorisation or a person is offering or seeking admission to trading of crypto-assets other than asset-referenced tokens or e-money tokens without a crypto-asset white paper notified in accordance with Article 8 of Regulation (EU) 2023/1114, to order the immediate cessation of the activity without prior warning or imposition of a deadline;
 - (22) to take any type of measure to ensure that an offeror or a person seeking admission to trading of crypto-assets, an issuer of an asset-referenced token or an e-money token or a crypto-asset service provider comply with Regulation (EU) 2023/1114 including to require the cessation of any practice or conduct that the CSSF considers contrary to Regulation (EU) 2023/1114;
 - (23) to carry out, at the persons subject to its prudential supervision, on-site inspections or investigations at sites other than the private residences of natural persons, and for that purpose to enter premises in order to access documents and other data in any form, and, subject to judicial authorisation under Article 20-29, with any other natural or legal person;
 - (24) to appoint *réviseurs d'entreprises* (statutory auditors) or experts to carry out the investigation or on-site inspection at the persons subject to its prudential supervision;
 - (25) to require the removal of a natural person from the management body of an issuer of an asset-referenced token, of an e-money token or of a crypto-asset service provider;
 - (26) to request any person to take steps to reduce the size of their position or exposure to crypto-assets;
 - (27) where no other effective means are available to bring about the cessation of the infringement of Regulation (EU) 2023/1114 and in order to avoid the risk of serious harm to the interests of clients or holders of crypto-assets to take all necessary measures, including by requesting a third party or a public authority to implement such measures, to:
 - (a) remove content or restrict access to an online interface or to order the explicit display of a warning to clients and holders of crypto-assets when they access an online interface;
 - (b) order a hosting service provider to remove, disable or restrict access to an online interface; or
 - (c) order domain registries or registrars to delete a fully qualified domain name and allow the CSSF to register it;
 - (28) to require an issuer of an asset-referenced token or e-money token, in accordance with Article 23(4), Article 24(3) or Article 58(3) of Regulation (EU) 2023/1114, to introduce a minimum denomination amount or to limit the amount issued.
2. Without prejudice to paragraph 1 and for the purposes of application of Title VI of Regulation (EU) 2023/1114, their implementing measures and this chapter, the CSSF shall be given the following supervisory and investigative powers that are necessary for the exercise of its duties within the limits set in that regulation and in this chapter.
- (1) to access any document and data in any form, and to receive or take a copy thereof;

- (2) to require or demand information from any person, including those who are successively involved in the transmission of orders or conduct of the operations concerned, as well as their principals, and if necessary, to summon and question any such person with a view to obtain information;
 - (3) subject to the judicial authorisation provided for in Article 20-29, to enter the premises of any natural and legal person in order to seize documents and data in any form where a reasonable suspicion exists that documents or data relating to the subject matter of the inspection or investigation might be relevant to prove a case of insider dealing or market manipulation;
 - (4) to refer information to the State Prosecutor for criminal prosecution;
 - (5) subject to the judicial authorisation provided for in Article 20-29, to require data traffic records held by providers of electronic communication services and public communication networks operators, where there are grounds for suspecting an infringement and where such records may be relevant to an investigation of an infringement of Articles 88 to 91 of Regulation (EU) 2023/1114;
 - (6) to request the freezing or sequestration of assets, or both, with the President of the *Tribunal d'arrondissement de et à Luxembourg* (Luxembourg District Court), acting upon request;
 - (7) to impose a temporary prohibition on the persons subject to its prudential supervision, as well as on the members of the management body and employees of these persons from exercising a professional activity;
 - (8) to take all necessary measures to ensure that the public is correctly informed, inter alia, by correcting false or misleading disclosed information, including by requiring an offeror, a person seeking admission to trading of crypto-assets, an issuer of an asset-referenced token or of an e-money token, or any other person who has published or disseminated false or misleading information to publish a corrective statement.
3. Pursuant to Article 88(3) of Regulation (EU) 2023/1114, the record of the explanation as laid down in that paragraph is to be provided only upon the request of the CSSF.
 4. The CSSF may request crypto-asset service providers to provide it with the records of the orders and transactions kept pursuant to Article 68(9) of Regulation (EU) 2023/1114, and it may request crypto-asset service providers operating a trading platform for crypto-assets to provide the data recorded pursuant to Article 76(15) of Regulation (EU) 2023/1114, on a regular basis and in the format defined by it.

Article 20-29. Authorisation from a court

1. Without prejudice to Article 20-30(1), first subparagraph, the CSSF exercises the powers laid down in Article 20-28(1), point (23), and Article 20-28(2), point (3), on the persons who are not subject to the prudential supervision of the CSSF and the power laid down in Article 20-28(2), point (5), only after prior authorisation by order of the *juge d'instruction* (investigating judge) of the *Tribunal d'arrondissement de et à Luxembourg* (Luxembourg District Court). The order shall be given upon reasoned request by the CSSF. The *juge d'instruction directeur* (chief investigating judge), or, should the latter not be available, the magistrate replacing him/her, shall appoint, for each request by the CSSF, the judge who shall be in charge.
2. The *juge d'instruction* shall verify that the reasoned request submitted by the CSSF is justified and proportionate to the aim pursued. The request shall include all elements of information that justify the requested authorisation. As regards on-site inspections, the *juge d'instruction* (investigating judge) appoints one or several members of the *Service de police judiciaire* (criminal investigation police), among which at least one member has to be an *officier de police judiciaire* (criminal investigation police officer), in charge of assisting the CSSF agents during the on-site inspection.
3. The order referred to in paragraph 1 may be subject to the same remedies as the ones regarding orders of the *juge d'instruction*. The remedies shall not be suspensive.

Article 20-30. On-site inspections

1. The on-site inspections by the CSSF at the premises of persons that are not subject to the prudential supervision of the CSSF may not be carried out without the express consent of the

person at whose premises the inspection shall take place, except in case of prior judicial authorisation in accordance with Article 20-29.

The on-site inspections at the premises of persons that are not subject to the prudential supervision of the CSSF and for which no express consent has been given shall be carried out in accordance with the provisions of this article.

2. The person concerned by the on-site inspection of the CSSF and their counsel may attend the on-site inspection. They shall receive notification thereof the day before, at the latest, with the indication, on pain of nullity, of the object and aim of the inspection. Exceptionally, where there is a reason to fear that elements, whose certification and analysis seem useful to ascertaining the truth, might imminently be concealed, the CSSF agents and the members of the *Service de police judiciaire* (criminal investigation police) in charge of assisting them shall initiate immediately these operations without prior notification to the persons concerned being required. They shall draw up a report on their operations. Where, due to the urgency of the matter, the persons concerned have not been notified, the reason thereof shall be mentioned in the report.
3. The on-site inspections shall be carried out wherever there may be objects whose discovery would be useful to ascertaining the truth. The *juge d'instruction* shall give prior notice thereof to the State Prosecutor. On-site inspections may not commence before 6.30 a.m. or after 8.00 p.m.; failure to do so shall render the inspection void.

During the on-site inspection, the CSSF agents and the members of the *Service de police judiciaire* in charge of assisting them shall ensure compliance with the legal provisions on criminal proceedings applicable to searches and seizures and the application of the legal rules governing the instruction and inspection measures as set out in the profession's own law.

4. The documents, electronic files and other things seized shall be listed in the report. If an on-site inventory is difficult to carry out, the documents, files and other things seized shall be sealed off until they are inventoried, in presence of the persons that attended the on-site inspection. The CSSF shall immediately receive a copy or, where appropriate, make a copy of all the documents and electronic files seized. The original documents, electronic files and other things seized are deposited at the *greffe* (registry) or entrusted to a *gardien de saisie* (judicial custodian) or the CSSF. The provisions of the criminal proceedings relating to seizures shall apply.
5. The on-site inspection report shall be signed by the person with whom the inspection was carried out and by the persons who attended the inspection. Any refusal to sign shall be mentioned in the report. A copy of the report shall be provided to them. A copy of the report shall be provided to the *juge d'instruction* who delivered the order and to the person concerned by the inspection.

Article 20-31. Administrative penalties and other administrative measures

1. The CSSF shall have the power to impose the administrative penalties and other administrative measures referred to in paragraph 2:
 - (1) in case of infringement of Article 4(1) and Article 4(3), third subparagraph, Article 4(6) and (8), Article 5(1) to (3), Article 6(1) to (10), Article 7(1) and (2), Article 8(1), (2), (4), (5) and (6), first subparagraph, Article 9, Article 10, Article 11(1), Article 12(1) to (4) and (6) to (9), Article 13, and Article 14(1), first subparagraph, and Article 14(2) and (3) of Regulation (EU) 2023/1114;
 - (2) in case of infringement of Article 16(1) and (2), second subparagraph, Article 17(1) and (2), second sentence, and Article 17(3), third subparagraph, Article 19(1) to (9), Article 22(1), first subparagraph, Article 22(2) and (3), Article 23(1) and (4), Article 25(1) and (2), first and second subparagraphs, and Article 25(4), Article 27, Article 28, Article 29(1) to (3), and Article 29(5) and (6), Article 30, Article 31(1) to (4), Article 32(1) to (4), Article 33, Article 34(1) to (12), Article 35(1) to (5), Article 36(1) to (3), and Article 36(5) to (12), Article 37, Article 38(1) to (4), Article 39, Article 40, Article 41(1) and (2), Article 46(1) to (3), and Article 47(1) to (3), of Regulation (EU) 2023/1114;
 - (3) in case of infringement of Article 48(1), (6) and (7), Article 49, Article 50, Article 51(1) to (9), Article 51(11), first subparagraph, and Article 51(12), (13) and (14), first

sentence of the first subparagraph, Article 53, Article 54, and Article 55, of Regulation (EU) 2023/1114;

- (4) in case of infringement of Article 59(1) to (5), Article 59(8), Article 60(1) to (7), Article 60(8), third subparagraph, Article 60(9), Article 64(8), Article 65(1) and (4), Article 66(1) to (5), Article 67, Article 68(1) to (9), Article 69, Article 70(1) to (4), Article 71(1) to (4), Article 72(1) to (4), Article 73, Article 74, Article 75, Article 76(1) to (15), Article 77, Article 78, Article 79, Article 80, Article 81(1) to (14), Article 82(1), and Article 83(1) and (2), of Regulation (EU) 2023/1114;
 - (5) in case of failure to cooperate or to comply with an investigation, with an inspection or with a request in accordance with Article 20-28(2), points (1), (2), (3), (5), (7) and (8).
2. For the cases referred to in paragraph 1, the CSSF may issue:
- (1) a warning;
 - (2) a reprimand;
 - (3) a public statement indicating the identity of the natural or legal person responsible for the infringement and the nature of the infringement, in accordance with Article 114 of Regulation (EU) No 2023/1114;
 - (4) an order requiring the natural or legal person responsible to cease the conduct constituting the infringement and to desist from a repetition of that conduct;
 - (5) maximum administrative fines of twice the profits gained from the infringement or losses avoided because of the infringement where those can be determined, even if this amount exceeds the maximum amount set out in point (6), as regards natural persons, or the maximum amounts set out in point (7) as regards legal persons;
 - (6) in the case of a natural person, administrative fines of up to EUR 700,000;
 - (7) in the case of a legal person, administrative fines of up to:
 - (a) EUR 5,000,000, in the cases referred to in paragraph 1, points (1) to (5);
 - (b) 3 % of the total annual turnover of the legal person according to the last available financial statements approved by the management body, for the cases referred to in paragraph 1, point (1);
 - (c) 5 % of the total annual turnover of the legal person according to the last available financial statements approved by the management body, for the cases referred to in paragraph 1, point (4);
 - (d) 12.5 % of the total annual turnover of the legal person according to the last available financial statements approved by the management body, for the cases referred to in paragraph 1, points (2) and (3).

Where the legal person referred to in point (7) is a parent undertaking or a subsidiary of a parent undertaking which is required to prepare consolidated financial statements in accordance with Directive 2013/34/EU, the relevant total annual turnover shall be the total annual turnover or the corresponding type of income in accordance with the relevant European Union law in the field of accounting according to the last available consolidated financial statements approved by the management body of the ultimate parent undertaking.

3. The CSSF may impose, for the cases referred to in paragraph 1, point (4), a temporary ban of any member of the management body of the crypto-asset service provider, or any other natural person who is held responsible for the infringement, from exercising management functions in a crypto-asset service provider for a maximum of five years.
4. Without prejudice to Article 20-32, the CSSF shall have the power to impose the administrative penalties and other administrative measures referred to in paragraph 5 in the case of an infringement of Article 88(1) to (3), Articles 89 to 91 and Article 92(1), first subparagraph, of Regulation (EU) 2023/1114:
5. For the cases referred to in paragraph 4, the CSSF may issue:
 - (1) a warning;
 - (2) a reprimand;
 - (3) a public statement indicating the identity of the natural or legal person responsible for the infringement and the nature of the infringement, in accordance with Article 114 of Regulation (EU) No 2023/1114;

- (4) an order requiring the natural or legal person responsible to cease the conduct constituting the infringement and to desist from a repetition of that conduct;
- (5) the disgorgement of the profits gained or losses avoided due to the infringement in so far as they can be determined;
- (6) withdrawal or suspension of the authorisation of a crypto-asset service provider;
- (7) a temporary ban of any member of the management body of the crypto-asset service provider, or any other natural person who is held responsible for the infringement, from exercising management functions in crypto-asset service providers for a maximum of five years;
- (8) in the event of a repeated infringement of Article 88(1) to (3), Articles 89 to 91 or Article 92(1), first subparagraph, of Regulation (EU) 2023/1114, a ban of 10 years for any member of the management body of a crypto-asset service provider, or any other natural person who is held responsible for the infringement, from exercising management functions in a crypto-asset service provider;
- (9) a temporary ban of any member of the management body of the crypto-asset service provider or any other natural person who is held responsible for the infringement, from dealing on own account for a maximum of five years;
- (10) maximum administrative fines of three times the amount of the profits gained or losses avoided because of the infringement, where those can be determined, even if the amount exceeds the maximum amounts set out in point (11) or (12);
- (11) in the case of a natural person, administrative fines of up to:
 - (a) EUR 1,000,000 for infringements of Article 88(1) to (3) of Regulation (EU) 2023/1114;
 - (b) EUR 5,000,000 for infringements of Article 89, 90, 91 or Article 92(1), first subparagraph, of Regulation (EU) 2023/1114;
- (12) in the case of a legal person, administrative fines of up to:
 - (a) EUR 2,500,000 or 2% of the total annual turnover of the legal person according to the last available accounts approved by the management body for infringements of Article 88(1) to (3) of Regulation (EU) 2023/1114.
 - (b) EUR 15,000,000 or 15% of the total annual turnover of the legal person according to the last available accounts approved by the management body for infringements of Article 88(1) to (3), Articles 89 to 91 or Article 92(1), first subparagraph, of Regulation (EU) 2023/1114.

Where the legal person is a parent undertaking or a subsidiary of a parent undertaking which is required to prepare consolidated financial statements in accordance with Directive 2013/34/EU, the relevant total annual turnover shall be the total annual turnover or the corresponding type of income in accordance with the relevant European Union law in the field of accounting according to the last available consolidated financial statements approved by the management body of the ultimate parent undertaking.

6. The CSSF may impose an administrative fine of EUR 250 up to EUR 250,000 on those that obstruct the exercise of its supervisory and investigatory powers, that do not follow up on its orders given pursuant to point (4) of paragraph 2, and point (4) of paragraph 5, or that have knowingly given it inaccurate or incomplete information following requests based on Article 20-28(1), second subparagraph, points (1) and (23), and Article 20-28(2), points (1) and (2).

Article 20-32. Criminal penalties

The person who knowingly engaged in insider dealing as laid down in Article 89, who unlawfully disclosed inside information as laid down in Article 90 or who engaged in market manipulation as laid down in Article 91 of Regulation (EU) 2023/1114, with the intention to obtain for themselves or a third person, by any fraudulent means, an illicit profit, even indirect, shall incur, in the case of a natural person, a term of imprisonment of between 3 months and 4 years and a fine of between EUR 251 and EUR 5,000,000, or only one of these sanctions, or, in the case of a legal person, a fine of between EUR 500 to EUR 15,000,000.

Article 20-33. Cooperation between the CSSF and the State Prosecutor

1. The CSSF shall cooperate with the State Prosecutor for administrative or criminal enforcement of infringements of the provisions of Regulation (EU) 2023/1114 and its implementing measures or the implementing measures of this law. To this end, the CSSF, the State

Prosecutor and the *Service de police judiciaire* (criminal investigation police) may exchange any information they deem useful or necessary.

2. Where there are indications that might substantiate the opening of administrative proceedings by the CSSF liable to result in an administrative penalty for the infringement of Article 89, 90 or 91 of Regulation (EU) 2023/1114, the CSSF shall inform the State Prosecutor thereof. The State Prosecutor shall decide within two weeks from the receipt of this information whether prosecution is initiated and shall inform the CSSF of its decision.

If the State Prosecutor decides to prosecute, the CSSF shall refrain from proceeding. In case of a negative decision or in the absence of a reply by the State Prosecutor after the period of two weeks, the CSSF shall proceed.

Where, during the proceedings, the CSSF notices that there are indications of a possible infringement of Article 20-32 by the persons suspected, it shall relinquish the file and transmit it to the State Prosecutor to carry on with the proceedings.

If, during the course of their investigation and before summoning to appear, the State Prosecutor deems that the conditions provided for in Article 20-32 are not fulfilled, but that Article 20-31 might be applicable, they shall transmit the file to the CSSF to carry on with the proceedings.

- (3) Where the State Prosecutor is referred to based on a complaint of facts liable to constitute an infringement of Article 20-32, and they decide to prosecute, they shall inform the CSSF thereof. In this case, the CSSF refrains from proceeding. If the State Prosecutor decides not to prosecute, the CSSF shall proceed.

If, during the course of their investigation and before summoning to appear, the State Prosecutor deems that the conditions provided for in Article 20-32 are not fulfilled, but that Article 20-31 might be applicable, they shall forward the file to the CSSF for carrying on with the proceedings.

Article 20-34. Assessment of acquisitions

When performing the assessment referred to in Article 41(4) and Article 83(4) of Regulation (EU) 2023/1114, the CSSF shall not examine the proposed acquisition in terms of the economic needs of the market.

Article 20-35. Providing advice on crypto-assets

The CSSF shall publish on its website the criteria to be used for assessing the knowledge and competence in providing advice on crypto-assets referred to in Article 81(7) of Regulation (EU) 2023/1114.

Article 20-36. Right of appeal

The decisions taken by the CSSF pursuant to this chapter or to Regulation (EU) 2023/1114 may be referred to the *Tribunal administratif* (Administrative Tribunal) which deals with the merits of the case. The case shall be filed within one month, or else shall be time-barred.”

(Law of 6 February 2025)

“Chapter 4f - Implementation of Regulation (EU) 2023/1113 of the European Parliament and of the Council of 31 May 2023 on information accompanying transfers of funds and certain crypto-assets and amending Directive (EU) 2015/849

Article 20-37. Definitions

The terms used in this chapter shall have the same meaning as in Regulation (EU) 2023/1113 of the European Parliament and of the Council of 31 May 2023 on information accompanying transfers of funds and certain crypto-assets and amending Directive (EU) 2015/849, hereinafter “Regulation (EU) 2023/1113”.

Article 20-38. Competent authority in Luxembourg

The CSSF shall be the competent authority responsible for ensuring the application of Regulation (EU) 2023/1113 and of this chapter.

Article 20-39. Conditions for derogation

Pursuant to Article 2(5) of Regulation (EU) 2023/1113, Regulation (EU) 2023/1113 shall not apply to transfers of funds carried out in Luxembourg to a payee's payment account permitting payment exclusively for the provision of goods or services if all of the following conditions are met:

- (1) the payment service provider of the payee is subject to Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC;
- (2) the payment service provider of the payee is able to trace back the transfer of funds, through the payee, by means of a unique transaction identifier, to the person who has an agreement with the payee for the provision of goods or services;
- (3) the amount of the transfer of funds does not exceed EUR 1,000.

Article 20-40. Powers of the CSSF

1. For the purposes of application of Regulation (EU) No 2023/1113 and this chapter, the CSSF shall be given the supervisory and investigatory powers that are necessary for the exercise of its functions within the limits set in the above-mentioned regulation and in this chapter.

The powers of the CSSF referred to in the first subparagraph shall be the following:

- (1) to access any document in any form whatsoever, and to receive or take a copy of it;
 - (2) request information from any person and, if necessary, to summon and question any person subject to Regulation (EU) 2023/1113 with a view to obtaining information;
 - (3) carry out on-site inspections or investigations, including the seizing of any document, electronic file or other things that seem useful to ascertaining the truth, at the persons subject to Regulation (EU) 2023/1113;
 - (4) require existing telephone recordings, electronic communications or data traffic records held by the persons subject to Regulation (EU) 2023/1113;
 - (5) order the persons subject to Regulation (EU) 2023/1113 to cease any practice that is contrary to the provisions referred to in Article 20-41(1) and (2) and to desist from repetition of that conduct within such period as it may prescribe;
 - (6) to request the freezing or sequestration of assets with the President of the *Tribunal d'arrondissement de et à Luxembourg* (Luxembourg District Court) acting upon request;
 - (7) impose temporary prohibition on the persons subject to Regulation (EU) 2023/1113 and to its prudential supervision, as well as members of the management body, employees and tied agents linked to these persons from carrying out a professional activity for a period not exceeding five years;
 - (8) require *réviseurs d'entreprises* (statutory auditors) and *réviseurs d'entreprises agréés* (approved statutory auditors) of the persons subject to Regulation (EU) 2023/1113 to provide information;
 - (9) require *réviseurs d'entreprises* (statutory auditors), *réviseurs d'entreprises agréés* (approved statutory auditors) or experts to carry out on-site verifications at or investigations of the persons subject to Regulation (EU) 2023/1113. These verifications and investigations shall be carried out at the expense of the person concerned;
 - (10) refer information to the State Prosecutor for criminal prosecution.
2. Where the CSSF issues the injunction provided for in paragraph 1, second subparagraph, point (5), it may impose a coercive fine upon the person concerned by this measure in order to compel this person to act upon the injunction. The amount of this coercive fine, on the grounds of an observed failure to perform, may not be greater than EUR 1,250 per day, while the total amount imposed due to an observed failure to perform may not exceed EUR 25,000.
 3. If, by the end of the period prescribed by the CSSF pursuant to paragraph 1, second subparagraph, point (5), the situation in question has not been remedied, the CSSF may:
 - (1) suspend the members of the management body or any other persons who, by their actions, negligence or lack of prudence brought about the situation found to exist and

whose continued exercise of functions may prejudice the implementation of recovery or reorganisation measures;

- (2) suspend the exercise of voting rights attached to shares or units held by shareholders or members whose influence is likely to operate to the detriment of the prudent and sound management of the person concerned or who are held responsible for the practice that is contrary to the provisions referred to in Article 20-41(1) and (2);
- (3) suspend the pursuit of business of the person concerned.

Article 20-41. Administrative sanctions and other administrative measures

1. In case of infringement of the provisions of Article 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 or 22, of Article 23, first subparagraph, Article 24, Article 25(2) or (3), Article 26(1) or (2), first sentence, or Article 32(2) of Regulation (EU) 2023/1113, the CSSF has the power to impose on the persons subject to that regulation, as well as on the members of their management bodies, their effective directors or the persons responsible for the infringement an administrative fine of between EUR 125 and EUR 12,500.
2. By way of derogation from paragraph 1, the CSSF may impose administrative sanctions and other administrative measures provided for in paragraph 3 on the persons referred to in this paragraph, as well as on the members of their management bodies, their effective directors or the persons responsible for the breach, in the event of:
 - (1) repeated or systematic failure by a payment service provider to accompany the transfer of funds with the required information on the payer or the payee, in breach of Article 4, 5 or 6 of Regulation (EU) 2023/1113, or by a crypto-asset service provider to accompany the transfer of crypto-assets with the required information on the originator and beneficiary, in breach of Article 14 or 15 of Regulation (EU) 2023/1113;
 - (2) repeated, systematic or serious failure by a payment service provider or crypto-asset service provider to retain records, in breach of Article 26 of Regulation (EU) 2023/1113;
 - (3) failure by a payment service provider to implement effective risk-based procedures, in breach of Article 8 or 12 of Regulation (EU) 2023/1113, or by a crypto-asset service provider to implement effective risk-based procedures, in breach of Article 17 of Regulation (EU) 2023/1113;
 - (4) serious failure by an intermediary payment service provider to comply with Article 11 or 12 of Regulation (EU) 2023/1113 or by an intermediary crypto-asset service provider to comply with Article 19, 20 or 21 of Regulation (EU) 2023/1113.
3. For the cases referred to in paragraph 2, the CSSF may issue:
 - (1) a warning;
 - (2) a reprimand;
 - (3) a public statement indicating the identity of the natural or legal person and the nature of the infringement;
 - (4) withdrawal or suspension of the authorisation of a payment service provider or of a crypto-asset service provider;
 - (5) a temporary ban for a period not exceeding five years:
 - (a) to carry out a professional activity in the financial sector or to carry out one or several transactions referred to in Regulation (EU) 2023/1113; or
 - (b) to carry out management functions within the persons referred to in paragraph 2, with respect to any person discharging managerial responsibilities within such person or any other natural person held liable for the infringement;
 - (6) maximum administrative fines of twice the amount of the benefit derived from the infringement, where that benefit can be determined, or EUR 1,000,000 at the most.

Where the person referred to in paragraph 2 is a credit institution, the maximum administrative fines amount to EUR 5,000,000 or 10% of the total annual turnover according to the last available accounts approved by the management body. Where the legal person is a parent undertaking or a subsidiary of the parent undertaking which has to prepare consolidated financial accounts in accordance with Article 22 of Directive 2013/34/EU, the

relevant total annual turnover shall be the total annual turnover or the corresponding type of income in accordance with the relevant accounting directives according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking.

4. The CSSF may impose an administrative fine of EUR 250 up to EUR 250,000 on those who obstruct the exercise of its investigatory and supervisory powers, who do not follow up on its orders given pursuant to Article 20-40(1), second subparagraph, point (5), or who have knowingly given it documents or other information requested based on Article 20-40(1), second subparagraph, points (1) and (2), that prove to be incomplete, incorrect or false.

Article 20-42. Remedies

The decisions taken by the CSSF pursuant to Regulation (EU) 2023/1113 or to this chapter may be referred to the *Tribunal administratif* (Administrative Tribunal) which deals with the merits of the case. The case shall be filed within one month, or else shall be time-barred.

Article 20-43. Publication of decisions

The CSSF shall publish the decisions made pursuant to Article 20-41 in accordance with Article 8-6 of the Law of 12 November 2004 on the fight against money laundering and terrorist financing, as amended.

Article 20-44. Reporting of infringements to the CSSF

The CSSF shall establish effective mechanisms to encourage the reporting to the CSSF of infringements of Regulation (EU) 2023/1113, in accordance with the arrangements laid down in Article 8-3(1) and (2), of the Law of 12 November 2004 on the fight against money laundering and terrorist financing, as amended.”

(Law of 6 February 2025)

“Chapter 4g – Implementation of Regulation (EU) 2023/2631 of the European Parliament and of the Council of 22 November 2023 on European Green Bonds and optional disclosures for bonds marketed as environmentally sustainable and for sustainability-linked bonds

Article 20-45. Definitions

The terms used in this chapter shall have the same meaning as in Regulation (EU) 2023/2631 of the European Parliament and of the Council of 22 November 2023 on European Green Bonds and optional disclosures for bonds marketed as environmentally sustainable and for sustainability-linked bonds, hereinafter “Regulation (EU) 2023/2631”.

Article 20-46. Competent authority in Luxembourg

The CSSF shall be the competent authority responsible for ensuring the application of Regulation (EU) 2023/2631, its implementing measures and this chapter.

Article 20-47. Powers of the CSSF

1. For the purposes of application of the missions conferred on it pursuant to Regulation (EU) 2023/2631, their implementing measures and this chapter, the CSSF shall be given the supervisory and investigative powers that are necessary for the exercise of its duties within the limits set in that regulation.
2. The powers of the CSSF shall be the following:
 - (1) to require issuers to publish the European Green Bond factsheets referred to in Article 10 of Regulation (EU) 2023/2631 or to include in those factsheets the information referred to in Annex I of that Regulation;
 - (2) to require issuers to publish reviews and assessments;
 - (3) to require issuers to publish annual allocation reports or include in annual allocation reports the information referred to in Annex II of Regulation (EU) 2023/2631;
 - (4) to require issuers to publish an impact report or include in the impact report the information referred to in Annex III of Regulation (EU) 2023/2631;
 - (5) to require issuers to notify the CSSF of the publication in accordance with Article 15(4) of Regulation (EU) 2023/2631;

- (6) where issuers use the common templates provided for in Article 21 of Regulation (EU) 2023/2631, to require those issuers to include the elements referred to therein in their periodic post-issuance disclosures;
- (7) to require issuers, auditors and the senior management of the issuer to provide relevant information and documents;
- (8) to suspend an offer or admission to trading on a regulated market of European Green Bonds for a maximum of 10 consecutive working days on any single occasion where there are reasonable grounds for suspecting that the issuer has failed to comply with an obligation pursuant to Title II, Chapter 2, or Article 18 or 19 of Regulation (EU) 2023/2631;
- (9) to prohibit an offer or admission to trading on a regulated market of European Green Bonds where there are reasonable grounds for suspecting that the issuer continues to fail to comply with an obligation pursuant to Title II, Chapter 2, or Article 18 or 19 of Regulation (EU) 2023/2631;
- (10) to suspend advertisements for a maximum of 10 consecutive working days, or require issuers of European Green Bonds or financial intermediaries concerned to suspend advertisements for a maximum of 10 consecutive working days on any single occasion where there are reasonable grounds for suspecting that the issuer has failed to comply with an obligation pursuant to Title II, Chapter 2, or Article 18 or 19 of Regulation (EU) 2023/2631;
- (11) to prohibit advertisements, or require issuers of European Green Bonds or financial intermediaries concerned to cease advertisements where there are reasonable grounds for suspecting that the issuer continues to fail to comply with an obligation pursuant to Title II, Chapter 2, or Article 18 or 19 of Regulation (EU) 2023/2631;
- (12) to make public the fact that an issuer of European Green Bonds fails to comply with Regulation (EU) 2023/2631, and to require that issuer to publish that information on its website;
- (13) to prohibit an issuer from issuing European Green Bonds for a period not exceeding one year in the event that an issuer has repeatedly and severely infringed Title II, Chapter 2, or Article 18 or 19 of Regulation (EU) 2023/2631;
- (14) following a three-month period after the requirement referred to in point (12), to make public the fact that the issuer of European Green Bonds no longer complies with Article 3 of Regulation (EU) 2023/2631 as regards the use of the designation 'European Green Bond' or 'EuGB', and to require that issuer to publish that information on its website;
- (15) to carry out, at the persons subject to its prudential supervision, on-site inspections or investigations at sites other than the private residences of natural persons, and for that purpose to enter premises in order to access documents and other data in any form, where a reasonable suspicion exists that documents and other data related to the subject matter of the inspection or investigation may be relevant to prove an infringement of Regulation (EU) 2023/2631;
- (16) to refer information to the State Prosecutor for criminal prosecution.

In the case of a securitisation bond, a reference to the issuer in the first subparagraph shall be construed as a reference to the originator or the securitisation special purpose entity.

Article 20-48. Administrative penalties and other administrative measures

1. The CSSF shall have the power to impose the administrative penalties and other administrative measures referred to in paragraph 2:
 - (1) in case of infringement of Article 3, of Article 10(1) and (3), Article 11(1), (2), and (4) to (8), Article 12(1) and (3), second sentence, Articles 13 to 15, Articles 18 and 19, and Article 21(1), second subparagraph, and Article 21(2) and (3) of Regulation (EU) 2023/2631;
 - (2) in case of failure to cooperate or comply with an investigation, with an inspection or with a requirement under Article 20-47(2).
2. For the cases referred to in paragraph 1, the CSSF may issue:

- (1) a public statement indicating the identity of the natural or legal person responsible and the nature of the infringement in accordance with Article 20-47(2), first subparagraph, point (12);
 - (2) an order requiring the natural or legal person responsible to cease the conduct constituting the infringement;
 - (3) an order prohibiting the natural or legal person responsible from issuing European Green Bonds for a period not exceeding one year;
 - (4) maximum administrative fines of twice the amount of the profits gained or losses avoided because of the infringement where those can be determined;
 - (5) in the case of a legal person, maximum administrative fines of EUR 500,000 or up to 0.5% of the total annual turnover of that legal person according to the most recent available financial statements approved by the management body. Where the legal person is a parent undertaking or a subsidiary of a parent undertaking which is required to prepare consolidated financial statements in accordance with Directive 2013/34/EU, the relevant total annual turnover shall be the total annual turnover or the corresponding type of income in accordance with the applicable European Union law in the field of accounting according to the most recent available consolidated accounts approved by the management body of the ultimate parent undertaking.
 - (6) in the case of a natural person, maximum administrative fines of EUR 50,000.
3. The CSSF may impose an administrative fine of EUR 250 up to EUR 250,000 on those that obstruct the exercise of its supervisory and investigatory powers, that do not follow up on its orders given pursuant to points (2) and (3) of paragraph 2, or that have knowingly given it inaccurate or incomplete information following requests based on Article 20-47(2), first subparagraph, points (7) to (15).
 4. The decisions taken by the CSSF in the exercise of its powers to impose sanctions shall be substantiated.

Article 20-49. Right of appeal

The decisions taken by the CSSF pursuant to this chapter or to Regulation (EU) 2023/2631 may be referred to the *Tribunal administratif* (Administrative Tribunal) which deals with the merits of the case. The case shall be filed within one month, or else shall be time-barred."

Chapter 5 - Amendment of the Law of 5 April 1993 on the financial sector, as amended

[The amendments have been integrated in the consolidated version of the law]

Chapter 6 - Amendment of the Law of 23 July 2016 on reserved alternative investment funds

[The amendments have been integrated in the consolidated version of the law]

Chapter 7 - Final provisions

"Article 25. Citation title

Reference to this Law shall be made as follows:

"Law of 16 July 2019 on the operationalisation of European regulations in the area of financial services".¹²

¹² Law of 25 February 2022 – No 84