

PRESS RELEASE 12/21

■ USE OF CREDIT RATINGS

The CSSF reminds that all entities supervised by the CSSF referred to in Article 4(1) of Regulation (EC) No 1060/2009 on credit rating agencies shall ensure that only credit ratings issued or backed by credit rating agencies registered or certified in the EU be used for regulatory purposes (e.g. calculation of solvency ratio). An updated list of credit rating agencies registered or certified in the EU is available on the website of the European Securities and Markets Authority (ESMA) at: <http://www.esma.europa.eu/page/List-registered-and-certified-CRAs>.

A credit rating agency registered in the EU may back a credit rating issued in a third jurisdiction only if all the conditions provided in Article 4(3) of the above-mentioned regulation are complied with.

Since 30 April 2012, the end of the transitional period, the list of jurisdictions, whose regulatory framework applicable to credit rating activities is at least as stringent as the EU regulatory framework (Article 4(3)(b)), to the satisfaction of ESMA, is of utmost importance.

The list of jurisdictions includes already Japan (whose regime was deemed equivalent to the EU regime through the decision of the European Commission of 28 September 2010 (2010/578/EU)), Australia, Argentina, Brazil, Canada, United States, Hong Kong, Mexico and Singapore (cf. relevant ESMA's press releases and particularly: <http://www.esma.europa.eu/system/files/2012-158.pdf>). The supervised entities are requested to regularly inform themselves on ESMA's website (<http://www.esma.europa.eu>) in order to keep up-to-date with the developments in this matter.

Finally, the CSSF reminds that Article 4(1) of Regulation (EC) No 1060/2009 on credit rating agencies also provides that:

"Where a prospectus published under Directive 2003/71/EC and Regulation (EC) No 809/2004 contains a reference to a credit rating or credit ratings, the issuer, offeror, or person asking for admission to trading on a regulated market shall ensure that the prospectus also includes clear and prominent information stating whether or not such credit ratings are issued by a credit rating agency established in the Community and registered under this Regulation."

The issuers will find additional information in this respect in the document Frequently Asked Questions on prospectuses (question 76) available on ESMA's website at: http://www.esma.europa.eu/system/files/11_85.pdf.

Luxembourg, 10 May 2012