

**COMMISSION de SURVEILLANCE  
du SECTEUR FINANCIER**

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

Luxembourg, 11 October 2011

To all Luxembourg credit institutions  
and branches of non-EU credit  
institutions

**CIRCULAR CSSF 11/521**

**Re: Professional obligations as regards conduct of business rules: amendment of certain provisions of Circular CSSF 01/27 relating to practical rules concerning the role of *réviseurs d'entreprises agréés* (approved statutory auditors), as amended by Circulars CSSF 08/340 and CSSF 10/484**

Ladies and Gentlemen,

The purpose of this circular is to supplement Circular CSSF 01/27 relating to the practical rules concerning the role of *réviseurs d'entreprises agréés* (approved statutory auditors) by including the assessment of the professional obligations to be observed as regards the conduct of business rules, following the introduction of the law of 10 November 2009 on payment services (the "law on payment services").

In Article 58(1), the law on payment services confers on the Commission de Surveillance du Secteur Financier (CSSF) the task of ensuring compliance with Titles III and IV of this law by payment service providers referred to in Article 1, point (37) i) to iv) and authorised in Luxembourg, by persons benefiting from the waiver under Article 48 as well as by Luxembourg branches of payment service providers where the home Member State is a Member State other than Luxembourg and by agents established in Luxembourg which these payment service providers engage.

Titles III and IV of the law on payment services concern the transparency of the conditions and information requirements for payment services and the rights and obligations in relation to the provision and use of payment services, respectively.

This circular also replaces the references to Circular CSSF 2000/15 relating to the rules of conduct which was repealed by Circular CSSF 07/307 (MiFID).

This circular amends certain provisions of Circular CSSF 01/27 relating to the practical rules concerning the role of *réviseurs d'entreprises agréés*, as amended.

I. Amendment to Chapter I "Mandate":

- The second paragraph of point 3. shall be replaced by the following:

"verify compliance with Article 37 of the law on the financial sector and the principles laid down in Circular CSSF 07/307 (MiFID) concerning the conduct of business rules in the financial sector, as well as the fair application of internal procedures for the application of the conduct of business rules."

- A new third paragraph is inserted in point 3.:

"verify compliance with the provisions of Titles III and IV of the law on payment services."

II. Amendment to Chapter III.B. "Schema of the long form report":

- Point 11. shall be replaced by the following:

"Professional obligations as regards the conduct of business rules and provisions of Titles III and IV of the law on payment services."

III. Amendment to Chapter III.C. "Comments relating to the long form report schema":

- Point 11. shall be replaced by the following:

"Professional obligations as regards the conduct of business rules and provisions of Titles III and IV of the law on payment services."

- The first paragraph of point 11. shall be replaced by the following:

"The long form report shall describe and assess compliance with Article 37 of the law on the financial sector and with the principles laid down in Circular CSSF 07/307 (MiFID) concerning the conduct of business rules in the financial sector, as well as the fair application of internal procedures for the application of the conduct of business rules."

- The second paragraph of point 11. shall be replaced by the following:

"This point shall present the outcome of the assessments carried out in order to verify compliance with the conduct of business rules set out in Circular CSSF 07/307 (MiFID) in the annexe concerning the **summary schedule** of IRE "Compliance with Circular CSSF 07/307 (MiFID) concerning the conduct of business rules in the financial sector". This IRE schedule, which shall be completed with the comments "yes", "no" and "n/a" (not applicable), shall be completed, where applicable, by figures or supplementary explanations. The *réviseur* (auditor) may also refer to the outcome of these assessments in other sections of the long form report."

- A new third paragraph is added to point 11.:

"The long form report shall also describe and assess compliance with the provisions of Titles III and IV of the law on payment services. The long form report of the *réviseur d'entreprises agréé* shall explicitly mention if:

- the payment service provider complied with the information requirements governing payment services such as provided for in Title III of the law on payment services;
- the payment service provider complied with the execution of payment transactions requirements such as provided for in Title IV, Chapter 3 of the law on payment services."

IV. Amendment to Chapter VII. "Annexes"

- Point 1.1. of Annexe 1 shall be replaced by the following:

"Compliance with Circular CSSF 07/307 (MiFID) concerning the conduct of business rules in the financial sector."

This circular comes into force with immediate effect.

Yours faithfully,

COMMISSION DE SURVEILLANCE DU SECTEUR FINANCIER

Claude SIMON  
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