



Commission de Surveillance  
du Secteur Financier

## Circular CSSF 22/819

Requests for the obtaining of account information under Article 14 of Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters

## Circular CSSF 22/819

**Re:** Requests for the obtaining of account information under Article 14 of Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters

Luxembourg, 1 August 2022

Ladies and Gentlemen,

**To all the banks**

The purpose of this circular is to:

1. inform the banks that as of 1 September 2022, the CSSF will transmit the requests for the obtaining of account information under Article 14 of Regulation (EU) No 655/2014<sup>1</sup> (hereinafter “EAPO<sup>2</sup> requests”) via its **digital portal eDesk** and
2. provide details concerning EAPO requests.

### 1. EAPO requests via the CSSF digital portal eDesk

The CSSF, in its function as information authority within the meaning of Regulation (EU) No 655/2014, informs the banks that as of 1 September 2022, the CSSF will transmit the new EAPO requests via its **digital portal eDesk**.

The banks’ responses to the EAPO requests will also need to be submitted to the CSSF via eDesk.

In terms of logistics, this implies that the banks must have an eDesk account, which requires a LuxTrust authentication.

In order to avoid any connection issues, the CSSF invites all the banks to ensure that they have an eDesk account. Further information is available in the “Authentication and user account management” user guide in the dedicated section of the [eDesk portal homepage](#).

The banks will need to adapt their internal procedures to take into account this change of communication process relating to EAPO requests, in order to ensure a true answer to the CSSF within the time limit stated in the request.

<sup>1</sup> Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters: [EUR-Lex - 32014R0655 - EN - EUR-Lex \(europa.eu\)](#)

<sup>2</sup> EAPO: European Account Preservation Order

## 2. Details regarding the EAPO requests

The Law of 17 May 2017 on the application of Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters, amending the New Code of Civil Procedure and the Law of 23 December 1998 establishing a financial sector supervisory commission (“Commission de surveillance du secteur financier”), as amended, designates the CSSF to carry out the functions of information authority within the meaning of Article 14 of Regulation (EU) No 655/2014.

Article 14(1) of Regulation (EU) No 655/2014 provides for the following intervention conditions for the CSSF:

*“Where the creditor has obtained in a Member State an enforceable judgment, court settlement or authentic instrument which requires the debtor to pay the creditor’s claim and the creditor has reasons to believe that the debtor holds one or more accounts with a bank in a specific Member State, but knows neither the name and/or address of the bank nor the IBAN, BIC or another bank number allowing the bank to be identified, he may request the court with which the application for the Preservation Order is lodged to request that the information authority of the Member State of enforcement obtain the information necessary to allow the bank or banks and the debtor’s account or accounts to be identified. [...]”*

In order to allow the CSSF to fulfil its function as information authority, the Law of 17 May 2017 provides that the CSSF uses the method for obtaining information referred to in Article 14(5)(a) of Regulation (EU) No 655/2014, namely the **obligation for all banks in the Luxembourg territory to disclose to the CSSF whether a certain debtor holds an account with it.**

The CSSF wishes to draw the attention of the banks to the obligation resulting from the provisions of Article 14(8) of Regulation (EU) No 655/2014 under which:

*“Where under this Article the information authority is provided with information by a bank [...] **the notification of the debtor of the disclosure of his personal data shall be deferred for 30 days**, in order to prevent an early notification from jeopardising the effect of the Preservation Order.”*



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