



Commission de Surveillance
du Secteur Financier

Circular CSSF 24/862

amending Circular CSSF 24/859 on the replacement of the secured exchange channel for the notification and enforcement of court orders and repeal of Circular CSSF 13/566

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

Circular CSSF 24/862

amending Circular CSSF 24/859 on the replacement of the secured exchange channel for the notification and enforcement of court orders and repeal of Circular CSSF 13/566

To all credit institutions

Luxembourg, 9 September 2024

Ladies and Gentlemen,

This Circular amends two points in Circular CSSF 24/859:

- The date of implementation of the new secured exchange channel for the notification and enforcement of court orders, i.e. **6 November 2024**;
- Addition to Annex 1: Technical user guide, i.e. the steps to be taken (point 1. Creation of a MyGuichet business eSpace; point 2. Certification of a MyGuichet business eSpace; point 3. Receipt of court orders in the certified business eSpace).

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Director

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Annex: Circular CSSF 24/859 as amended by Circular CSSF 24/862



Circular CSSF 24/859 as amended by Circular CSSF 24/862

Replacement of the secured
exchange channel for the
notification and enforcement
of court orders and repeal of
Circular CSSF 13/566

Circular CSSF 24/859

as amended by Circular CSSF 24/862

Replacement of the secured exchange channel for the notification and enforcement of court orders and repeal of Circular CSSF 13/566

To all credit institutions,

Luxembourg, 9 September 2024

Ladies and Gentlemen,

We inform you that the secured electronic transmission channel "e-file" for the notification and the enforcement of court orders, as provided for in Circular CSSF 13/566 of 6 June 2013¹, will be replaced by a "MyGuichet" procedure.

This replacement concerns the court orders issued by the investigating judges (*juges d'instruction*) of the *Tribunaux d'arrondissement* (district courts) of Luxembourg and Diekirch under Articles 66-2, 66-3, 66-4 and 66-5 of the Code of Criminal Procedure (hereinafter "CCP") and the Law of 1 August 2018 1° transposing Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters, 2° amending the Code of Criminal Procedure, 3° amending the amended Law of 8 August 2000 on international mutual judicial assistance in criminal matters.

As part of the programme to digitalise the court administration and to secure exchanged data, it was decided to take advantage of this new project by extending the scope of application of the orders processed via the application JUPER to type 66-4 orders as referred to in the CCP (first, only for international mutual assistance cases).

Reference is made to the technical note attached hereto, which includes technical details and steps to be taken in order to subscribe to this new secured system of information transmission on the electronic platform "MyGuichet" and which will be operational as from **6 November 2024**.

It is recalled that in accordance with Article 66-2(1) of the CCP, the investigating judge may, on an exceptional basis, if the criminal proceedings are related to facts carrying a criminal or a correctional penalty the maximum of which is equal to or greater than two years' imprisonment, order credit institutions s/he designates to inform him/her whether or not the person under investigation holds, controls or has power of attorney over one or more accounts of any kind or has held, controlled or had power of attorney over such an account.

Moreover, reference is made to Articles 66-3 to 66-5 of the CCP governing the request to monitor banking transactions, the request for information on the execution of banking transactions and procedural questions relating to the various requests.

In accordance with these provisions, and more particularly paragraph 2 of Article 66-5 of the CCP, compliance with the procedure set out in the technical note in the annex is required in order to ensure the proper enforcement of court orders.

¹https://www.cssf.lu/wp-content/uploads/cssf13_566eng.pdf

In the event of an internal change within your institution which may, where applicable, have an impact on the transmission of the required information, we request you to inform forthwith the competent authorities and to update the relevant data.

Please note that the contact persons are Mr. Claude Berens, claude.berens@police.etat.lu and Mr. Ben Wanderscheid, ben.wanderscheid@police.etat.lu from the International Mutual Judicial Assistance Department at the Judicial Police. You may also send any question to the email address of the Luxembourg *Cabinet d'Instruction* (Luxembourg Office of the investigating judge): cabinet.lux@justice.etat.lu.

This Circular repeals Circular CSSF 13/566 of 6 June 2013.

Yours faithfully.

Claude WAMPACH
Director

Marco ZWICK
Director

Jean-Pierre FABER
Director

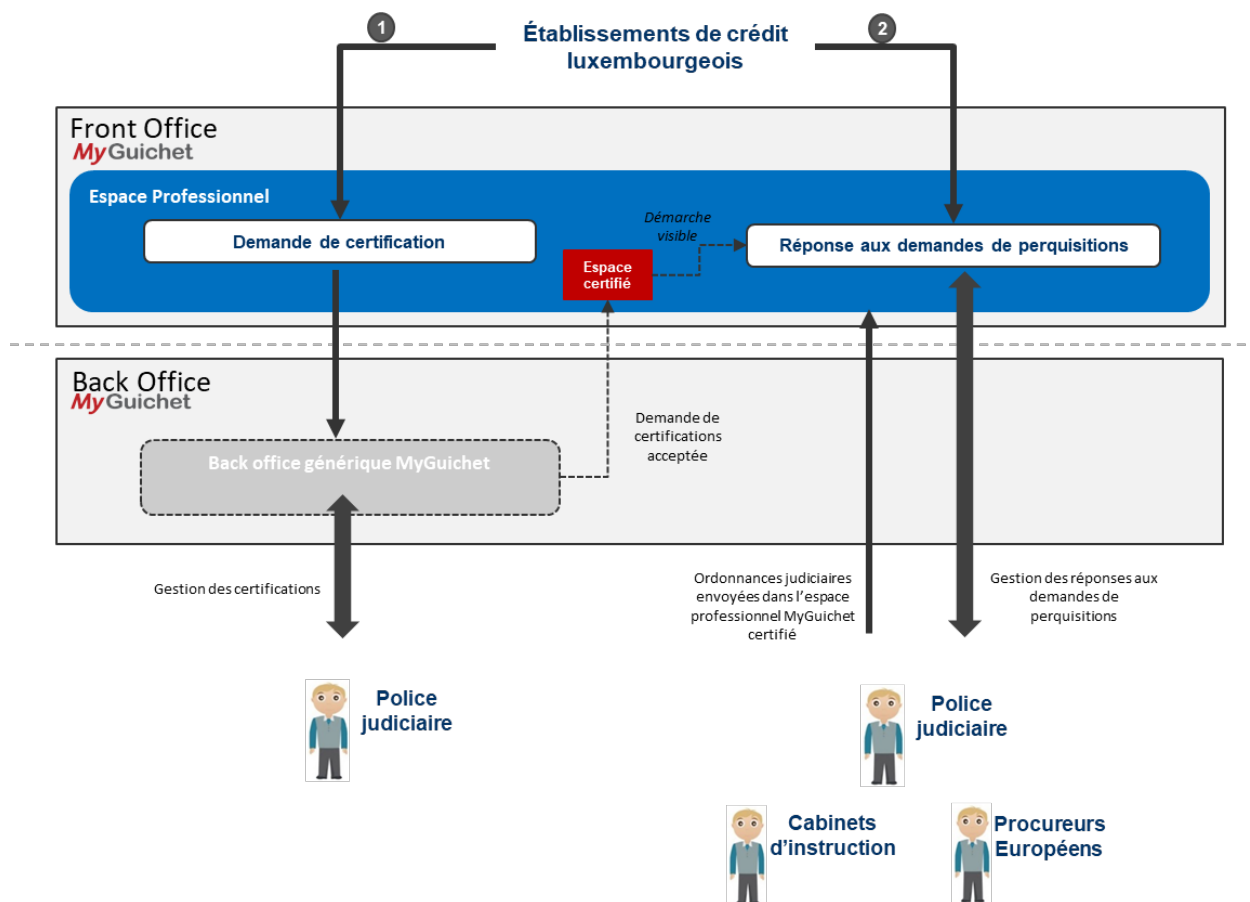
Françoise KAUTHEN
Director

Claude MARX
Director General

Annexes Annex 1: Technical user guide
 Annex 2: Extract from the Code of Criminal Procedure

Annex 1: Technical user guide

Application schema



Description

Credit institutions log into their MyGuichet business eSpaces using a LuxTrust product, create and file a certification procedure.

This certification procedure will allow recognising the credit institution in order to provide it with court orders.

Once the application for certification has been accepted, the business eSpace of the credit institution will be certified, and it will be able to receive, via messages, court orders to be enforced.

The response to these court orders is provided via the response procedure whereby the credit institution will transmit the information ordered by the investigating judge via a form.


Depending on the type of order and its content, the credit institution may attach documents to its procedure.

The response procedure filed by the credit institution will be received, in a dedicated Backoffice, by the Judicial Police which will follow up on the deadlines and responses as well as consolidate the documents received from the institutions in order to hand them over to the investigating offices.

Steps to be taken


1. Creation of a MyGuichet business eSpace


1.1. Visit <https://guichet.public.lu/>


1.2. Log in using a LuxTrust product 


1.3. Accept the general terms and conditions of use by ticking the box provided and click on “valider” (confirm)


Conditions générales d'utilisation

I. Conditions générales d'utilisation (CGU) du site Guichet.lu 


II. Conditions d'utilisation propres au service MyGuichet.lu 


III. Conditions d'utilisation propres à l'application mobile MyGuichet.lu 

IV. Protection des données à caractère personnel 

V. Présence sur les réseaux sociaux 

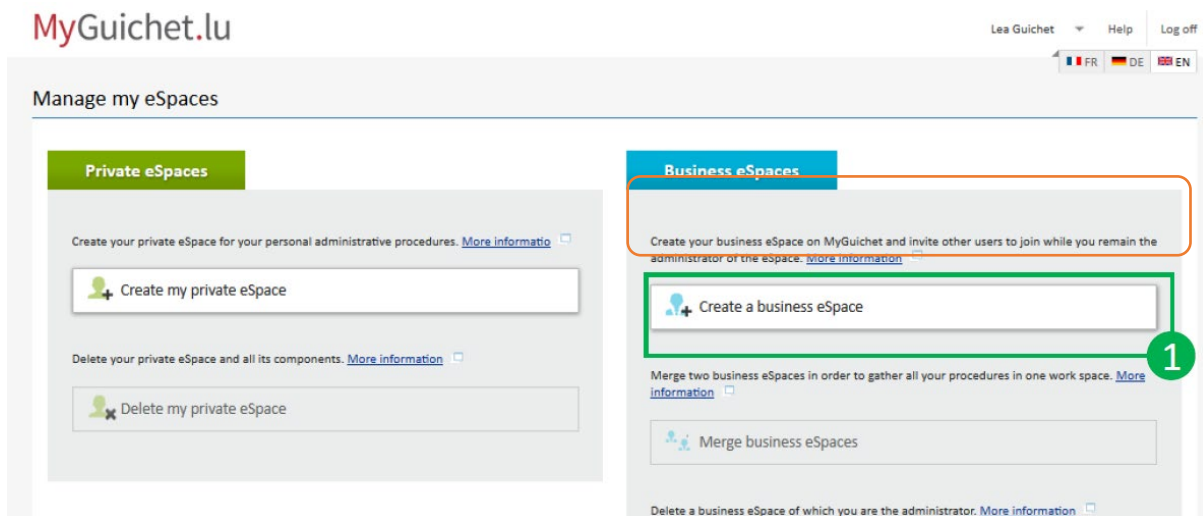
Accepter les CGU





- I. General terms and conditions of use (Ts&Cs) of Guichet.lu
- II. Special terms and conditions of use applicable to MyGuichet.lu
- III. Specific conditions of use applicable to the MyGuichet.lu mobile app
- IV. Protection of personal data
- V. Guichet.lu on social networks

1.4. Create a dedicated business eSpace for the enforcement of court orders



MyGuichet.lu


Lea Guichet Help Log off

FR DE EN

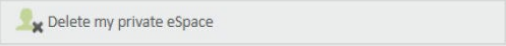
Manage my eSpaces

Private eSpaces

Create your private eSpace for your personal administrative procedures. [More information](#)

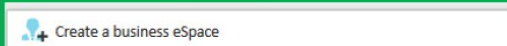


Delete your private eSpace and all its components. [More information](#)

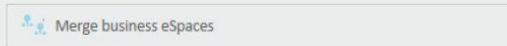


Business eSpaces

Create your business eSpace on MyGuichet and invite other users to join while you remain the administrator of the eSpace. [More information](#)

 1

Merge two business eSpaces in order to gather all your procedures in one work space. [More information](#)



Delete a business eSpace of which you are the administrator. [More information](#)

1.5. Fill in the information required and save The business eSpace will be created.

2. Certification of a MyGuichet business eSpace

In the business eSpace, creation of the procedure by filling in the information required and then transmitting it.

2.1. Creation of the certification procedure

The screenshot shows the MyGuichet business eSpace interface. At the top, there is a navigation bar with the MyGuichet logo, a mobile status indicator, and language options (FR, DE, EN). Below the navigation bar, there are tabs for 'Mes démarches', 'Mes données professionnelles', and 'Mes communications'. The main content area is titled 'Mon espace professionnel Gestion perquisitions test' and includes a user profile for 'Rym Laribi'. A section titled 'Mes démarches' contains a '+ Nouvelle démarche' button, which is highlighted with an orange box and a blue arrow pointing down to a specific procedure card. The procedure card is titled 'AJUD : Demande de certification de l'espace professionnel à l'exécution des ordonnances judiciaires' and features a 'Créer' button, also highlighted with an orange box.

2.2. Fill in all the information required for the certification

- Data of the applicant;
- Data of the credit institution;
- Data of the contact point in the credit institution;
- Data of the main contact person in the credit institution.

2.3. Transmit the certification procedure

The certification procedure must be signed before its transmission.

The screenshot shows a confirmation dialog titled 'Confirmer la transmission de la démarche'. The dialog contains the text: 'Votre démarche est prête à être transmise à l'organisme. Si, vous souhaitez ajouter des documents (pièces jointes) avant de transmettre cliquez sur "Ajouter des pièces jointes", sinon cliquez sur "Transmettre".' At the bottom of the dialog, there are three buttons: 'Ajouter des pièces jointes', 'Transmettre plus tard', and 'Transmettre'. The 'Transmettre' button is highlighted with an orange box.

The banking institution will be notified by email when its certification procedure is accepted. Its business eSpace will thus be certified.

3. Receipt of court orders in the certified business eSpace

In the certified business eSpace, in the Section « Communication », the credit institution will receive the court orders to be enforced.

Out of this communication, it will be able to create a response procedure specific to this seizure order by providing the requested information.

The complementary information requests relating to a response will be transmitted via messages sent by the judicial police in the certified MyGuichet business eSpace.

The credit institutions will be notified by email of any communications received and/or any change of status of their procedures.

Annex 2: Extract from the Code of Criminal Procedure

Article 66-2 (L. 27 October 2010) (L. of 1 August 2018)

(1) If the preparatory investigation so requires and where the ordinary means of investigation turns out to be ineffective due to the nature of the facts and the special circumstances of the case, the investigating judge dealing with the case may, by way of exception, if the criminal proceedings are related to an offence carrying a criminal or a correctional penalty the maximum of which is equal to or greater than two years' imprisonment, order the credit institutions s/he designates to inform him/her whether the person under investigation holds, controls or has power of attorney over one or more accounts of any kind whatsoever, or has held, controlled or had power of attorney over such an account.

(2) If the response is affirmative, the credit institution shall communicate the account number and the balance and shall provide the investigating judge with the identification details of the account, and in particular the account opening documents.

(3) The decision is added to the case file upon completion of the proceedings.

Article 66-3 (L. 27 October 2010) (L. of 1 August 2018)

(1) If the preparatory investigation so requires and where the ordinary means of investigation prove ineffective due to the nature of the facts and the special circumstances of the case, the investigating judge dealing with the case may, by way of exception, if the criminal proceedings are related to an offence carrying a criminal or a correctional penalty the maximum of which is equal to or greater than two years' imprisonment, order a credit institution to inform him/her, for a specified period, of any transaction to be executed or planned to be executed in connection with the account of the person under investigation specified by the investigating judge.

(2) The measure is ordered for a period specified in the order. It shall automatically lapse one month from the date of the order. It may, however, be extended each time for one month, without the total duration exceeding three months.

(3) The decision is added to the case file upon completion of the proceedings.

Article 66-4 (L. 27 October 2010)

Where deemed useful to establish the truth, the investigating judge may order a credit institution to provide him/her with information or documents concerning accounts or transactions carried out during a given period on one or more accounts specified by the investigating judge.

Article 66-5 (L. 27 October 2010)

(1) The order provided for in Articles 66-2, 66-3 and 66-4 shall be brought to the attention of the credit institution concerned by the notification made either by a law-enforcement officer, or by registered letter with acknowledgement of receipt, or by fax, or by e-mail.

(2) The credit institution notified of the order shall communicate the information or documents requested by electronic mail to the investigating judge within the time limit specified in the order. The investigating judge shall acknowledge receipt by electronic mail.

(3) Refusal to provide assistance in the enforcement of orders based on Articles 66-2 and 66-3 shall be punishable by a fine of between EUR 1,250 and EUR 125,000.