

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

Luxembourg, 6 June 2001

To all banks and PFS

CIRCULAR CSSF 01/28

Ladies and Gentlemen,

In accordance with the law of 31 May 1999 on the domiciliation of companies, the companies establishing a seat with a third party in Luxembourg must resort to an authorised domiciliation agent and sign a written domiciliation agreement with the latter. The requirements arising from the law of 31 May 1999 also apply to companies which are already domiciled in Luxembourg at the moment of its entry into force.

Only the following persons and undertakings established in the Grand Duchy of Luxembourg are authorised to act as domiciliation agents:

- credit institutions and other professionals of the financial sector (PFS) (including the domiciliation agents according to Article 28-1 of the law of 5 April 1993 on the financial sector, as amended)
- directors of reinsurance undertakings
- the registered members of the regulated legal, external audit and accountancy professions.

In its press release of 22 February 2001, the CSSF drew to the attention of companies domiciled in Luxembourg and of domiciliation agents of companies that it will undertake a systematic review of this sector and that it will denounce, where applicable, any infringements to the State Prosecutor's Office of Luxembourg.

As part of their professional obligation of identification arising from article 39(1) of the law of 5 April 1993 and Circular IML 94/112¹ on combating money laundering and preventing the use of the financial sector for the purpose of money laundering, the professionals of the financial sector must, when entering into a relation with a company, enquire whether the latter is a company domiciled in Luxembourg and, if it is the case, whom it is domiciled with. This obligation also applies to companies which are currently clients of professionals of the financial sector.

Where the entity is a foreign company with a domicile in Luxembourg, the banks and other professionals of the financial sector shall also obtain clear and precise information on the jurisdiction in which the company is incorporated or organised, and, where applicable, the address of its main seat abroad.

In the light of the above, you are requested to review your relations with companies domiciled in Luxembourg and which are your clients. You are also requested to inform us about any company which you noticed is not domiciled with an authorised person, as mentioned above, as well as the name of that company and the address where it is domiciled.

The lists of the persons authorised to domicile companies may be viewed on the following websites:

- credit institutions and other professionals of the financial sector (including the domiciliation agents according to article 28-1 of the law of 5 April 1993 on the financial sector, as amended): <http://www.cssf.lu>
- directors of reinsurance undertakings: <http://www.commassu.lu>
- lawyers: <http://www.barreau.lu>
- external auditors: <http://www.ire.lu>
- accountants: <http://www.oec.lu>.

Please report the results of your review of the existing clients on 30 September 2001 at the latest, and keep us informed afterwards of any new contact with a client likely to fall within the scope of this circular.

Yours faithfully,

COMMISSION DE SURVEILLANCE DU SECTEUR FINANCIER

Arthur PHILIPPE
Director

Jean-Nicolas SCHAUS
Director General

¹ Amended by Circular CSSF 08/387