DECISIONS

DECISION OF THE EUROPEAN CENTRAL BANK

of 7 December 2012

amending Decision ECB/2009/4 concerning derogations that may be granted under Regulation (EC) No 958/2007 concerning statistics on the assets and liabilities of investment funds (ECB/2007/8)

(ECB/2012/28)

(2013/20/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to Regulation (EC) No 958/2007 of the European Central Bank of 27 July 2007 concerning statistics on the assets and liabilities of investment funds (ECB/2007/8) [1], and in particular Article 3(2) thereof,

Whereas:

(1) The investment fund (IF) categories for which the national central banks (NCBs) have the discretion to grant derogations pursuant to Article 3(2) of Regulation (EC) No 958/2007 are laid down in the Annex to Decision ECB/2009/4 of 6 March 2009 concerning derogations that may be granted under Regulation (EC) No 958/2007 concerning statistics on the assets and liabilities of investment funds (ECB/2007/8) [2].

(2) While the IF categories laid down in the Annex to Decision ECB/2009/4 remain unchanged, the Annex should be amended to update certain references to national legislation,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision ECB/2009/4 is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the NCBs of the Member States whose currency is the euro.

Done at Frankfurt am Main, 7 December 2012.

The President of the ECB

Mario DRAGHI

[1] OJ L 211, 11.8.2007, p. 8.
[2] OJ L 72, 18.3.2009, p. 21.

ANNEX

'ANNEX

Investment fund categories for which derogations may be granted under article 3(2) of Regulation (EC) No 958/2007

Member State	Name of IF category	Legal act relating to the category			Legal act determining the frequency of valuation			Frequency of valuation under national legislation
		Title of legal act	Number/date of legal act	Relevant provisions	Title of legal act	Number/date of legal act	Relevant provisions	
Greece	*Εταιρίες επενδύσεων σε ακίνητη περιουσία* (Real estate investment companies)	*Αμοιβαία Κεφάλαια Ακίνητης Περιουσίας – Εταιρίες Επενδύσεων σε Ακίνητη Περιουσία και άλλες διατάξεις* *(Law on real estate mutual funds – real estate investment companies and other legal provisions)*	No 2778 of 30 December 1999	Article 21	*Αμοιβαία Κεφάλαια Ακίνητης Περιουσίας – Εταιρίες Επενδύσεων σε Ακίνητη Περιουσία και άλλες διατάξεις* *(Law on real estate mutual funds – real estate investment companies and other legal provisions)*	No 2778 of 30 December 1999	Articles 22(7) and 27(3) and (4)	Annual
France	*Fonds commun de placement à risque* (Venture capital mutual funds)	*Code monétaire et financier* (Monetary and Financial Code)		Chapter IV, Section 1, sub-section 2, L214-28 to L214-32	*Règlement général de l'Autorité des Marchés Financiers* (General regulation of the Financial Markets Authority)		Book IV, Article 412-42	Biannual
France	*Sociétés civiles de placement immobilier* (Real estate investment companies)	*Code monétaire et financier*		Chapter IV, Section 3 L214-50 to L214-84	*Règlement général de l'Autorité des Marchés Financiers*		Book IV, Article 422-44	Annual
France	*Organismes de placement collectif immobilier* (Real estate collective investment undertakings)	*Code monétaire et financier*		Chapter IV, Section 5, L214-89 to L214-146	*Règlement général de l'Autorité des Marchés Financiers*		Book IV, Article 424-66	Biannual

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Italy	*Fondi chiusi* (Closed funds)	*Decreto legislativo – Testo unico delle disposizioni in materia di intermediazione finanziaria* (Legislative decree – all provisions in the field of financial intermediation)	No 58 of 24 February 1998	Part I, Article 1 Part II, Articles 36, 37 and 39	*Provvedimento della Banca d'Italia – Regolamento sulla gestione collettiva del risparmio* (Act of the Banca d'Italia – Regulation on the collective management of savings)	8 May 2012	Title V, Chapter 1, Section II, paragraph 4.6	Biannual
		Decreto ministeriale – Regolamento attuativo dell'articolo 37 del Decreto legislativo di 24 febbraio 1998, nr. 58 (Ministerial decree – Regulation implementing Article 37 of Legislative decree No 58 of 24 February 1998)	No 228 of 24 May 1999	Chapter II, Article 12				
Portugal	*Fundos de capital de risco* (Risk capital funds)	*Decreto-Lei* (Decree Law)	No 375/2007 of 8 November 2007	Article 18	*Regulamento da Comissão do Mercado de Valores Mobiliários* (Securities Market Commission Regulation)	No 1/2008 of 14 February 2008	Articles 4 and 11	Biannual'