

DECISION (EU) 2020/1100 OF THE EUROPEAN CENTRAL BANK**of 17 July 2020****amending Decision (EU) 2015/32 concerning derogations that may be granted under Regulation (EU) No 1073/2013 (ECB/2020/33)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to Regulation (EU) No 1073/2013 of the European Central Bank of 18 October 2013 concerning statistics on the assets and liabilities of investment funds (ECB/2013/38) ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Article 8(2) of Regulation (EU) No 1073/2013 (ECB/2013/38) provides that derogations from statistical reporting requirements may be granted to investment funds (IFs) that are subject to national accounting rules which allow the valuation of their assets less frequently than quarterly. It further provides that the IF categories to which the national central banks (NCBs) have the discretion to grant derogations are to be decided by the Governing Council. The list of those IF categories is contained in a Decision adopted by the Governing Council.
- (2) In the course of the review prescribed by Article 1 of Decision (EU) 2015/32 of the European Central Bank (ECB/2014/62) ⁽²⁾, the Governing Council determined that it is necessary to include further investment fund categories for which derogations may be granted under Article 8(2) of Regulation (EU) No 1073/2013 (ECB/2013/38) for Austria, Latvia, Lithuania and Portugal, remove investment fund categories for France that no longer apply, and make minor amendments resulting from changes to certain national legal acts.
- (3) Therefore, Decision (EU) 2015/32 (ECB/2014/62) should be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1***Amendment**

The Annex to Decision (EU) 2015/32 (ECB/2014/62) is replaced by the Annex to this Decision.

*Article 2***Taking effect**

This Decision shall take effect on the day of its notification to the addressees.

*Article 3***Addressees**

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

Done at Frankfurt am Main, 17 July 2020.

The President of the ECB

Christine LAGARDE

⁽¹⁾ OJ L 297, 7.11.2013, p. 73.

⁽²⁾ Decision (EU) 2015/32 of the European Central Bank of 29 December 2014 concerning derogations that may be granted under Regulation (EU) No 1073/2013 concerning statistics on the assets and liabilities of investment funds (ECB/2013/38) (ECB/2014/62) (OJ L 5, 9.1.2015, p. 17).

The Annex to Decision (EU) 2015/32 (ECB/2014/62) is replaced by the following:

'ANNEX

INVESTMENT FUND CATEGORIES FOR WHICH DEROGATIONS MAY BE GRANTED UNDER ARTICLE 8(2) OF REGULATION (EU) No 1073/2013 (ECB/2013/38)

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	
Austria	<i>Alternative Investmentfonds</i> (Alternative investment funds for professional investors)	<i>Alternative Investmentfonds Manager-Gesetz – AIFMG 2013</i> (Law on alternative investment fund management companies)	BGBI. I Nr. 135/2013	AIFMG 2013 § 2 <u>and not</u> subject to AIFMG § 48	<i>Alternative Investmentfonds Manager-Gesetz – AIFMG 2013</i> (Law on alternative investment fund management companies)	BGBI. I Nr. 135/2013	AIFMG 2013 §17 (3)	Annual
Austria	<i>Immobilienfonds</i> (Real estate investment funds)	<i>Immobilien-Investmentfondsgesetz – ImmoInvFG 2003</i> (Law on real estate investment funds)	BGBI. I Nr. 80/2003	ImmoInvFG 2003 § 1	<i>Immobilien-Investmentfondsgesetz – ImmoInvFG 2003</i> (Law on real estate investment funds)	BGBI. I Nr. 80/2003	ImmoInvFG 2003 § 29 (2)	Annual
France	<i>Fonds commun de placement à risque</i> (Venture capital mutual funds)	<i>Code monétaire et financier</i> (Monetary and Financial Code)		Chapter IV, Section 2, Paragraph 2, L214-28 to L214-32	<i>Règlement général de l'Autorité des Marchés Financiers</i> (General Regulation of the Financial Markets Authority)		Book IV, Title II, Article 422-120-13	Biannual
Italy	<i>Fondi chiusi</i> (Closed funds)	<i>Decreto legislativo – Testo unico delle disposizioni in materia di intermediazione finanziaria</i> (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	<i>Provvedimento della Banca d'Italia – Regolamento sulla gestione collettiva del risparmio</i> (Act of the Banca d'Italia – Regulation on the collective management of savings)	23 December 2016	Title V, Chapter 1, Section II, paragraph 4.6	Annual

		<i>Decreto ministeriale – Regolamento attuativo dell'articolo 37 del Decreto legislativo di 24 febbraio 1998, nr. 58</i> (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				
Latvia	<i>Alternatīvo ieguldījumu fondi</i> (Alternative Investment Funds)	<i>Alternatīvo ieguldījumu fondu un to pārvaldnieku likums</i> (Law on Alternative Investment Funds and Managers Thereof)	<i>Law of 9 July 2013</i>	<i>Chapter III, Part 6 of Section 27</i>	<i>Alternatīvo ieguldījumu fondu un to pārvaldnieku likums</i> (Law on Alternative Investment Funds and Managers Thereof)	<i>Law of 9 July 2013</i>	Chapter III, Part 6 of Section 27	Annual
Lithuania	<i>Informuotiesiems investuojams skirti kolektyvinio investavimo subjektai</i> (Collective investment undertakings intended for informed investors)	<i>Informuotiesiems investuojams skirtų kolektyvinio investavimo subjektų įstatymas</i> (Law on Collective Investment Undertakings Intended for Informed Investors)	No XII-376 of 18 June 2013 (As last amended on 12 December 2019)	Article 2(5)	<i>Informuotiesiems investuojams skirtų kolektyvinio investavimo subjektų įstatymas</i> (Law on Collective Investment Undertakings Intended for Informed Investors)	No XII-376 of 18 June 2013 (As last amended on 12 December 2019)	Article 42(2)	Biannual/annual
Lithuania	<i>Alternatyvieji kolektyvinio investavimo subjektai</i> (Alternative collective investment undertakings)	<i>Alternatyviųjų kolektyvinio investavimo subjektų valdytojų įstatymas</i> (Law on Managers of Alternative Collective Investment Undertakings)	No XII-1467 of 18 December 2014 (As last amended on 12 December 2019)	Article 3(13)	<i>Alternatyviųjų kolektyvinio investavimo subjektų valdytojų įstatymas</i> (Law on Managers of Alternative Collective Investment Undertakings)	No XII-1467 of 18 December 2014 (As last amended on 12 December 2019)	Article 16(1)	Biannual/annual

Portugal	<i>Fundos de capital de risco</i> (Private equity and Venture capital funds)	<i>Lei</i> (Law)	No 18/2015 of 4 March 2015	Article 1 and 3	<i>Regulamento da Comissão do Mercado de Valores Mobiliários</i> (Securities Market Commission Regulation) <i>Instrução da Comissão do Mercado de Valores Mobiliários</i> (Securities Market Commission Guideline)	No 3/2015 of 3 November 2015 No 7/2016 of 29 November 2016	Articles 2 and 15§1 Rule 2	Biannual
Portugal	<i>Fundos de empreendedorismo social</i> (Social entrepreneurship Funds) <i>Organismos de investimento alternativo especializado</i> (Specialised alternative investment funds)	<i>Lei</i> (Law)	No 18/2015 of 4 March 2015	Article 1 and 4 Article 1 and 5	<i>Regulamento da Comissão do Mercado de Valores Mobiliários</i> (Securities Market Commission Regulation)	No 3/2015 of 3 November 2015	Articles 2 and 15 §2	Annual'