

## NOTICES FROM MEMBER STATES

**Extract from the Decision concerning Kaupthing Bank Luxembourg S.A. pursuant to Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding-up of credit institutions**

(2009/C 170/06)

**EXTENSION OF THE MISSIONS OF THE ADMINISTRATORS OF KAUPTHING BANK LUXEMBOURG S.A.**

By judgment rendered on 22 June 2009, the *Tribunal d'Arrondissement de et à Luxembourg*, second chamber, (District Court) sitting in commercial matters, ruling in public audience, following the hearing in council chamber of the administrators, the representative of the *société anonyme* Kaupthing Bank Luxembourg S.A., the representatives of the *Commission de Surveillance du Secteur Financier* ('CSSF') and the representative of the Public Prosecutor, completes the judgments rendered by the *Tribunal d'Arrondissement de et à Luxembourg* on 9 and 31 October 2008, 2 April 2009, and the judgment rendered by the *Cour d'appel de Luxembourg* (Luxembourg Appeal Court) on 28 January 2009, as follows:

- the administrators have the power to ascertain the realisation of the underlying conditions for the restructuring plan,
- the administrators have the right to approve technical amendments to the agreements which are part of the restructuring plan and the Terms and Conditions of the notes or to correct obvious errors (*erreurs manifestes*) which are exclusively material,
- until the vote on the demerger of the Bank, the administrators have the right to finalise the negotiations on the legal structure of the SPV KI Securities which have not yet been finalised in the submitted restructuring plan, particularly as to the allocation of the rights and obligations under the SPV KI Securities to one of the two companies that will result from the demerger of the Bank,
- once homologated by the Court the restructuring plan shall only benefit to the Bank, and any pledgors, guarantors and third parties having granted security of any type in favour of the restructured creditors in relation to all or any part of its restructured debt cannot take advantage of the restructuring plan, appoints as escrow agent PricewaterhouseCoopers *société à responsabilité limitée*, represented by Mrs. Emmanuelle CARUEL-HENNIAUX, and Maître Franz FAYOT, with the mission to open an account with a bank in Luxembourg, on a fiduciary basis, on which the funds from the State and the AGDL will be wired, and determine the modalities of the functioning of the above mentioned account with the State and the AGDL; ascertains the suspension of payments regime will be lifted by the approval of the demerger of the Bank by its shareholders resulting in the dissolution without winding-up of the Bank.'

No application may be brought by any of the parties or by any third party to set aside the judgment.

The Administrators

PricewaterhouseCoopers S.à.r.l. represented by Mrs Emmanuelle Caruel-Henniaux, and Me Franz Fayot

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