

COMMISSION DECISION**of 28 November 2011****on the conclusion, on behalf of the European Union of the Monetary Agreement between the European Union and the Principality of Monaco**

(2012/C 23/07)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision of 25 February 2011 on the arrangements for the renegotiation of the Monetary Agreement between the Government of the French Republic, on behalf of the European Community, and the Government of His Serene Highness the Prince of Monaco ⁽¹⁾, and in particular Article 4 thereof,

Whereas:

- (1) On 26 December 2001 the Monetary Agreement between the Government of the French Republic, on behalf of the European Community, and the Government of His Serene Highness the Prince of Monaco ⁽²⁾ (hereinafter 'the Agreement') was concluded.
- (2) In its conclusion of 10 February 2009 the Council invited the Commission to review the functioning of the existing Monetary Agreements and to consider possible increases in the ceilings for coin issuance.
- (3) The Commission concluded in the Communication on the functioning of the Monetary Agreements with the Principality of Monaco (hereinafter 'Monaco'), San Marino and the Vatican that the Agreement in its present form needs to be amended with a view to ensuring a more consistent approach in the relations between the Union and the countries having signed a monetary agreement.
- (4) Following the Council Decision of 25 February 2011 and, in particular, Article 4 thereof, the Agreement with Monaco was successfully renegotiated by France and the Commission on behalf of the Union. The European Central Bank (ECB) was fully associated with the negotiations and its agreement was given on issues falling within its field of competence.

(5) The Commission submitted the draft renegotiated Agreement to the Economic and Financial Committee (EFC) for opinion.

(6) Neither the ECB nor the EFC are of the opinion that the agreement should be submitted to the Council,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Union and the Principality of Monaco is hereby approved.

The text of the Agreement is set out in the Annex I.

Article 2

The Vice-President responsible for Economic and Monetary Affairs and the Euro is hereby authorised to sign the Agreement in order to bind the European Union.

Article 3

The Agreement shall enter into force on 1 December 2011. It shall be published in the *Official Journal of the European Union*.

Article 4

This Decision shall enter into force on 28 November 2011.

Done at Brussels, 28 November 2011.

For the Commission

Olli REHN

Vice-President

⁽¹⁾ OJ L 81, 29.3.2011, p. 3.

⁽²⁾ OJ L 142, 31.5.2002, p. 59.

ANNEX

MONETARY AGREEMENT**between the European Union and the Principality of Monaco**

THE EUROPEAN UNION, represented by the French Republic and the European Commission,

and

THE PRINCIPALITY OF MONACO,

Whereas:

- (1) On 1 January 1999, the euro replaced the currency of each Member State participating in the third stage of Economic and Monetary Union, among which France, pursuant to Council Regulation (EC) No 974/98 of 3 May 1998.
- (2) The French Republic and the Principality of Monaco were linked before the creation of the euro by bilateral agreements in the monetary and banking fields, most notably through the Franco-Monegasque Agreement of 14 April 1945 concerning foreign exchange control and by the Neighbourhood Agreement of 18 May 1963.
- (3) The Principality of Monaco has been authorised to use the euro as its official currency since 1 January 1999 by virtue of the Council Decision of 31 December 1998 ⁽¹⁾.
- (4) The European Union, represented by the French Republic in association with the European Commission and the ECB, concluded, on 24 December 2001, a Monetary Agreement with the Principality of Monaco. Said Agreement resulted in an amendment of the previously established Neighbourhood Agreement between the French Republic and the Principality of Monaco.
- (5) In accordance with the present Monetary Agreement, the Principality of Monaco has the right to continue using the euro as its official currency and to grant legal tender status to euro banknotes and euro coins. The rules of the European Union listed in Annex to the present Agreement shall be applied within the territory of the Principality of Monaco under the conditions and within the limitations foreseen under the present Agreement.
- (6) The Principality of Monaco should ensure that European Union rules on banknotes and coins denominated in euros are applicable within its territory; these coins and banknotes shall be appropriately protected against counterfeiting; it is important that the Principality of Monaco undertakes all measures necessary to combat counterfeiting and cooperates with the European Commission, the ECB, the French Republic and the European Police Office (Europol) in this domain.
- (7) The present Agreement shall not confer any right upon credit institutions or, where appropriate, any other financial institutions authorised to carry out their activities in the territory of the Principality of Monaco in matters related to the freedom of establishment or the provision of services in the European Union. The present Agreement shall not confer any right upon credit institutions or, where appropriate, any other financial institutions authorised to carry out their activities in the territory of the European Union in matters related to the freedom of establishment or the provision of services in the Principality of Monaco.
- (8) This Agreement does not impose any obligation on the ECB or national central banks to include the financial instruments of the Principality of Monaco in the list(s) of securities eligible for monetary policy operations of the European System of Central Banks.
- (9) Without prejudice to Article 11, paragraph six of this Agreement, the Principality of Monaco maintains certain institutions exclusively involved in portfolio management for third parties or in the transmission of instructions within its territory, whose services are exclusively regulated by Monegasque legislation. These institutions shall not have access to the payment and securities settlement systems.
- (10) In the interest of maintaining the historical links existing between the French Republic and the Principality of Monaco and the principles set forth on the Monetary Agreement of 24 December 2001, the European Union and the Principality of Monaco shall cooperate in good faith to ensure the effective implementation of the present Agreement in its entirety.

⁽¹⁾ OJ L 30, 4.2.1999, p. 31.

- (11) A Joint Committee composed of representatives of the Principality of Monaco, the French Republic, the European Commission and the ECB has been established in order to examine the application of this Agreement; decide, under the conditions presented in Article 3, the annual ceiling for coin issuance; examine the adequacy of the minimum proportion of coins to be introduced at the face value; and assess the measures taken by the Principality of Monaco for implementing relevant EU legislation.
- (12) The Court of Justice of the European Union shall be the body in charge of settling any disputes which may arise from the application of this Agreement, in cases in which no agreement has been reached by the parties to this Agreement,

HAVE AGREED AS FOLLOWS:

Article 1

The Principality of Monaco shall be entitled to use the euro as its official currency in accordance with Regulations (EC) No 1103/97 and (EC) No 974/98 as amended. The Principality of Monaco shall grant legal tender status to euro banknotes and coins.

Article 2

The Principality of Monaco shall issue neither banknotes nor coins, as long as the conditions for issuance have not been agreed to with the European Union. The conditions for issuing euro coins as from 1 January 2011 are laid down in the following Articles.

Article 3

1. The annual ceiling (in value terms) for the issuance of euro coins by the Principality of Monaco shall include:

a fixed part, whose initial amount for 2011 is set at EUR 2 340 000;

a variable part, corresponding in value terms to the average per capita coin issuance of the French Republic in the year n-1 multiplied by the number of inhabitants of the Principality of Monaco.

The Joint Committee may revise annually the fixed part with a view to taking into account both inflation — on the basis of HICP inflation of France in the year n-1 — and possible significant trends affecting the euro coins collector market.

2. The Principality of Monaco may also issue a special commemorative coin and/or collector coins to commemorate special or important events for the Principality. In case this special issuance brings the overall issuance above the ceiling laid down in paragraph 1, the value of that issuance shall be accounted for using the remaining part of the ceiling of the previous year and/or deducted from the ceiling of the following year.

Article 4

1. Euro coins issued by the Principality of Monaco shall be identical to those issued by the Member States of the European Union which have adopted the euro as far as the face value, legal tender status, technical characteristics, artistic features of the common side and shared artistic features of the national side are concerned.

2. The Principality of Monaco shall communicate, in advance, a draft of the national sides of its euro coins to the European Commission, which shall check their compliance with the EU rules.

Article 5

The French Republic shall place the Hôtel de la Monnaie de Paris at the disposal of the Principality of Monaco to conduct the minting of coins by the Principality of Monaco, in accordance with Article 18 of the Neighbourhood Agreement established between the French Republic and the Principality of Monaco on 18 May 1963.

Article 6

1. The volume of euro coins issued by the Principality of Monaco shall be added to the total volume of euro coins issued by the French Republic for the purposes of approval by the European Central Bank of the total volume issued by the French Republic, in accordance with Article 128(2) of the Treaty on the Functioning of the European Union.

2. No later than 1 September each year, the Principality of Monaco shall notify the French Republic of the total volume and face value of the euro coins that it intends to issue during the following year. The Principality of Monaco shall also inform the Commission of the intended conditions of issuance of these coins.

3. The Principality of Monaco shall communicate the information referred to in paragraph 2 for the year 2011 as of the signing of this Agreement.

4. Without prejudice to the issuance of collector coins, at least 80 % of euro coins intended for circulation shall be put into circulation at face value each year by the Principality of Monaco. The Joint Committee shall evaluate the adequacy of this proportion every five years and may decide to increase this proportion.

Article 7

1. The Principality of Monaco may issue euro collector coins. These coins shall be included in the annual ceiling stipulated in Article 3. The issuance of euro collector coins by the Principality of Monaco shall be in accordance with the European Union guidelines laid down for euro collector coins, which, inter alia, require the adoption of technical characteristics, artistic features and denominations that enable euro collector coins to be distinguished from coins intended for circulation.

2. Collector coins issued by the Principality of Monaco shall not be legal tender in the European Union.

Article 8

The Principality of Monaco shall take all necessary measures to combat the counterfeiting of euro banknotes and coins and cooperate with the European Commission, the ECB, the French Republic and the European Police Office (Europol) in this domain.

Article 9

The Principality of Monaco shall undertake to:

- (a) apply all appropriate EU legal acts or rules listed in Annex A relevant to the application of Article 11(2), including those which are directly applied by the French Republic or those measures taken by the French Republic for the transposition of the relevant legal acts or rules in accordance with the modalities set out in Articles 11(2) and 11(3);
- (b) adopt measures to comply with the legal acts or rules listed in Annex B, which are either directly applied or transposed by the Member States, in accordance with the modalities set out in Articles 11(4), 11(5), and 11(6) of this Agreement, in the following fields:
 - banking and financial legislation, as well as the prevention of money laundering in the domains and in accordance with the modalities set out in Article 11,
 - prevention of fraud and counterfeiting of cash and non-cash means of payment, medals and tokens;
- (c) apply directly on its territory all legal acts and rules of the European Union related to euro banknotes and coins, as well as those measures necessary for the use of the euro as a single currency adopted under Article 133 of the Treaty on the Functioning of the European Union, except in those cases for which this Agreement foresees different rules. The European Commission, via the Joint Committee, shall keep the Monegasque authorities informed of legal acts or rules relevant hereto.

Article 10

1. Credit institutions and, where appropriate, other financial institutions authorised to carry out their activities in the territory of the Principality of Monaco may, under the conditions stipulated in Article 11, participate in the interbank settlement and payment and securities settlement systems of the European Union under the same terms and conditions as credit institutions and, where relevant, other financial institutions established in the territory of the French Republic, under the proviso that said institutions fulfil the conditions required for access to those systems.

2. Credit institutions and, where appropriate, other financial institutions located in the territory of the Principality of Monaco are subject, under the conditions stipulated in Article 11, to the same measures adopted by the Banque de France in implementation of ECB provisions laying down the monetary policy instruments and procedures as those credit institutions and other financial institutions located in the territory of the French Republic.

Article 11

1. The legal acts adopted by the Council for the application of Article 129(4) of the Treaty on the Functioning of the European Union, in conjunction with Articles 5(4), 19(1) or 34(3) of the Statutes of the European System of Central Banks and the European Central Bank (hereinafter: the Statutes), by the ECB in application of the abovementioned legal acts adopted by the Council or pursuant to Articles 5, 16, 18, 19, 20, 22 or 34(3) of the Statutes, or by the Banque de France for the purpose of implementing the legal acts adopted by the ECB, shall apply to the territory of the Principality of Monaco. This shall also apply to all possible amendments of these acts.

2. The Principality of Monaco shall apply the same rules as those established in the French Republic for the purposes of transposing European Union legal acts concerning the activities and prudential regulation of credit institutions and the prevention of systemic risks to payment and securities settlement systems contained in Annex A. To that effect, the Principality of Monaco shall apply, firstly, the provisions of the French Monetary and Financial Code relative to the activities and monitoring of credit institutions, in addition to implementing regulations in accordance with the Franco-Monegasque Agreement of 14 April 1945 concerning foreign exchange control and to the Exchanges of Letters between the Government of the French Republic and the Government of His Serene Highness the Prince of Monaco of 18 May 1963, 10 May 2001, 8 November 2005 and 20 October 2010, concerning banking regulations, and, secondly, the provisions of the French Monetary and Financial Code concerning the prevention of systemic risks to payment and securities settlement systems.

3. The list of texts contained in Annex A shall be amended by the Commission upon amendment of any relevant texts and also each time a new text is adopted by the European Union, taking into account the date of entry into force and of transposition of the texts. The legal acts and rules enumerated in Annex A shall be applied by the Principality of Monaco as of the date of their inclusion in French law, pursuant to the provisions mentioned in paragraph 2. At the time of each amendment, the Commission shall publish the updated list of texts in the *Official Journal of the European Union* (OJEU).

4. The Principality of Monaco shall adopt measures equivalent to those adopted by the Member States to apply the legal acts of the European Union enumerated in Annex B necessary for the implementation of this Agreement. The Joint Committee referred to in Article 13, via a procedure to be defined by the Joint Committee, shall examine the equivalence between the measures adopted by the Principality of Monaco and those adopted by Member States in the application of the abovementioned acts.

5. Notwithstanding the procedure foreseen in paragraph 9 of this Article, the list of texts contained in Annex B shall be amended by a decision of the Joint Committee. To this effect, the Commission shall inform the Principality of Monaco as soon as it adopts a new piece of legislation in one of the domains covered by this Agreement and if it determines that said legislation should be included in the list of acts contained in Annex B. The Principality of Monaco will receive a copy of

the proposals made by the institutions of the European Union during the various stages of the legislative process. The Commission shall publish the updated Annex B in the *Official Journal of the European Union* (OJEU).

The Joint Committee shall also decide on appropriate and reasonable deadlines for implementation, by the Principality of Monaco, of new legal acts and rules added in Annex B.

6. The Principality of Monaco shall adopt measures equivalent in effect to the Directives of the European Union contained in Annex B in relation to the combat of money laundering pursuant to the recommendations of the Financial Action Task Force (FATF). The Joint Committee shall decide, on a case-by-case basis, whether regulations of the European Union related to the combat of money laundering should be included in Annex B. The financial intelligence unit of the Principality of Monaco and those of the Member States of the European Union should actively pursue and coordinate their efforts to combat money laundering.

7. Credit institutions and, where appropriate, other financial institutions and reporting agents located within the territory of the Principality of Monaco shall be subject to sanctions and disciplinary procedures in case of infringement of the legal acts and rules referred to in the preceding paragraphs. The Principality of Monaco shall oversee the enforcement of sanctions imposed by the competent authorities, in accordance with the provisions of the present Article.

8. The legal acts referred to in the first paragraph of this Article shall enter into force in the Principality of Monaco on the same day as in the European Union for those acts published in the OJEU, and on the same day as in France for those acts that are published in the Official Journal of the French Republic (OJFR). The legal acts of general application referred to in the first paragraph of the present Article and not published in the OJEU or of the OJFR shall enter into force as of communication to the relevant Monegasque authorities. The legal acts of an individual nature referred to in the first paragraph of the present Article shall apply as of the date of notification to the party concerned.

9. Before granting authorisation to investment firms seeking to establish themselves in the territory of the Principality of Monaco for the purposes of offering investment services other than investment management for third parties and the transmission of orders, and without prejudice to the obligations laid down in paragraph 6 of the present Article, the Principality of Monaco shall undertake measures equivalent in effect to existing European Union legal acts governing these services. By way of derogation from the procedure laid down in paragraph 5 of the present Article, these acts shall be integrated into the list of acts contained in Annex B by the Commission.

Article 12

1. The Court of Justice of the European Union shall have exclusive competence for settling any dispute between the parties of this Agreement which may arise from any infringement of this Agreement, and which has not been

solved within the Joint Committee. The parties to this Agreement commit to do whatever is necessary to first resolve any dispute within the confines of the Joint Committee.

2. If no amicable conclusion can be reached, the European Union — acting on a recommendation from the Commission, after consultation with the French Republic and the ECB on matters falling within its field of competence — or the Principality of Monaco may bring the matter before the Court of Justice, if the Joint Committee determines that one of the parties has not fulfilled an obligation or provision under the present Agreement. The judgment of the Court shall be binding on the Parties, which shall take the necessary measures to comply with the judgment within a period to be decided by the Court in its judgment.

3. In the event that the European Union or the Principality of Monaco fails to take the necessary measures to comply with the judgment within the specified period, the other Party may immediately terminate the Agreement.

4. All questions concerning the validity of decisions of the institutions or bodies of the European Union implemented by virtue of this Agreement shall fall within the exclusive competence of the Court of Justice. In particular, any natural or legal person domiciled in the territory of the Principality of Monaco may exercise any right of appeal available to any natural or legal person located in the territory of the French Republic against legal acts addressed to them, whatever their form or nature.

Article 13

1. The Joint Committee shall be composed of representatives of the Principality of Monaco and of the European Union. It shall exchange views and information and adopt decisions under Articles 3, 6 and 11. It shall similarly examine the measures taken by the Principality of Monaco and try to resolve any disputes arising from the application of this Agreement. It shall adopt its own Rules of Procedure.

2. The delegation of the European Union shall be composed of representatives of the French Republic (holding the chairmanship), the European Commission, together with representatives of the European Central Bank. The delegation of the European Union shall adopt its rules and procedures by consensus.

3. The Monegasque delegation shall be composed of representatives designated by the Ministry of State and shall be presided by the Counsellor of Government for Finance and the Economy or his/her representative.

4. The Joint Committee shall meet at least once a year, as well as at such time as one of the members determines a meeting is necessary to ensure the functioning of the present Agreement, notably taking into account the relevant European, French, or Monegasque legislative developments. The chair of the Joint Committee shall rotate on an annual basis between the

chair of the delegation of the European Union and the chair of the delegation of Monaco. The Joint Committee shall adopt its decisions unanimously.

5. The Secretariat of the Joint Committee shall be composed of two persons appointed, one by the chair of the delegation of Monaco, and the other by the chair of the delegation of the European Union. The Secretariat shall also participate in meetings of the Joint Committee.

Article 14

Each Party may terminate this Agreement subject to one year's notice.

Article 15

This Agreement shall be concluded and signed in French and, where necessary, may be translated into other languages of the European Union. Only the French version shall be considered authentic.

Article 16

The present Monetary Agreement shall enter into force on 1 December 2011.

Article 17

The Monetary Agreement of 24 December 2001 shall be repealed on the date on which this Agreement enters into force. References to the Agreement of 24 December 2001 shall be understood as meaning references to this Agreement.

Done at Brussels on 29 November 2011 in three originals in French.

For the European Union

Olli REHN
Vice-President

François BAROIN
*Minister of Economic Affairs,
Finance and Industry for the
French Republic*

For the Principality of Monaco

Michel ROGER
Minister of State

ANNEX A

Banking and financial legislation

Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions: as regards the provisions applicable to the credit institutions, OJ L 372, 31.12.1986, p. 1,

amended by:

Directive 2001/65/EC of the European Parliament and of the Council of 27 September 2001 amending Directives 78/660/EEC, 83/349/EEC and 86/635/EEC as regards the valuation rules for the annual and consolidated accounts of certain types of companies as well as of banks and other financial institutions, OJ L 283, 27.10.2001, p. 28;

Directive 2003/51/EC of the European Parliament and of the Council of 18 June 2003 amending Directives 78/660/EEC, 83/349/EEC, 86/635/EEC and 91/674/EEC on the annual and consolidated accounts of certain types of companies, banks and other financial institutions and insurance undertakings, OJ L 178, 17.7.2003, p. 16;

Directive 2006/46/EC of the European Parliament and of the Council of 14 June 2006 amending Council Directives 78/660/EEC on the annual accounts of certain types of companies, 83/349/EEC on consolidated accounts, 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions and 91/674/EEC on the annual accounts and consolidated accounts of insurance undertakings, OJ L 224, 16.8.2006, p. 1;

Council Directive 89/117/EEC of 13 February 1989 on the obligations of branches established in a Member State of credit institutions and financial institutions having their head offices outside that Member State regarding the publication of annual accounting documents, OJ L 44, 16.2.1989, p. 40.

Directive 2006/49/EC of the European Parliament and of the Council of 14 June 2006 on the capital adequacy of investment firms and credit institutions (recast): as regards the provisions applicable to the credit institutions, OJ L 177, 30.6.2006, p. 201,

amended by:

Directive 2008/23/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2006/49/EC on the capital adequacy of investment firms and credit institutions, as regards the implementing powers conferred on the Commission, OJ L 76, 19.3.2008, p. 54;

Commission Directive 2009/27/EC of 7 April 2009 amending certain Annexes to Directive 2006/49/EC of the European Parliament and of the Council as regards technical provisions concerning risk management, OJ L 94, 8.4.2009, p. 97;

Directive 2009/111/EC of the European Parliament and of the Council of 16 September 2009 amending Directives 2006/48/EC, 2006/49/EC and 2007/64/EC as regards banks affiliated to central institutions, certain own funds items, large exposures, supervisory arrangements, and crisis management, OJ L 302, 17.11.2009, p. 97;

Directive 2010/76/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 2006/48/EC and 2006/49/EC as regards capital requirements for the trading book and for re-securitisations, and the supervisory review of remuneration policies, OJ L 329, 14.12.2010, p. 3;

Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority), OJ L 331, 15.12.2010, p. 120.

Directive 94/19/EC of the European Parliament and of the Council of 30 May 1994 on deposit-guarantee schemes, OJ L 135, 31.5.1994, p. 5,

amended by:

Directive 2005/1/EC of the European Parliament and of the Council of 9 March 2005 amending Council Directives 73/239/EEC, 85/611/EEC, 91/675/EEC, 92/49/EEC and 93/6/EEC and Directives 94/19/EC, 98/78/EC, 2000/12/EC, 2001/34/EC, 2002/83/EC and 2002/87/EC in order to establish a new organisational structure for financial services committees, OJ L 79, 24.3.2005, p. 9;

Directive 2009/14/EC of the European Parliament and of the Council of 11 March 2009 amending Directive 94/19/EC on deposit-guarantee schemes as regards the coverage level and the payout delay, OJ L 68, 13.3.2009, p. 3.

Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems, OJ L 166, 11.6.1998, p. 45,

amended by:

Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims, OJ L 146, 10.6.2009, p. 37;

Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority), OJ L 331, 15.12.2010, p. 120.

Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions (recast), OJ L 177, 30.6.2006, p. 1,

amended by:

Commission Directive 2007/18/EC of 27 March 2007 amending Directive 2006/48/EC of the European Parliament and of the Council as regards the exclusion or inclusion of certain institutions from its scope of application and the treatment of exposures to multilateral development banks, OJ L 87, 28.3.2007, p. 9;

Directive 2007/44/EC of the European Parliament and of the Council of 5 September 2007 amending Council Directive 92/49/EEC and Directives 2002/83/EC, 2004/39/EC, 2005/68/EC and 2006/48/EC as regards procedural rules and evaluation criteria for the prudential assessment of acquisitions and increase of holdings in the financial sector, OJ L 247, 21.9.2007, p. 1;

Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC, OJ L 319, 5.12.2007, p. 1, concerning the provisions of Titles I and II of the Directive 2007/64/EC;

Directive 2008/24/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2006/48/EC relating to the taking up and pursuit of the business of credit institutions, as regards the implementing powers conferred on the Commission, OJ L 81, 20.3.2008, p. 38;

Commission Directive 2009/83/EC of 27 July 2009 amending certain Annexes to Directive 2006/48/EC of the European Parliament and of the Council as regards technical provisions concerning risk management, OJ L 196, 28.7.2009, p. 14.

Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC, OJ L 267, 10.10.2009, p. 7, with the exceptions of Titles III of the Directive 2009/110/EC;

Directive 2009/111/EC of the European Parliament and of the Council of 16 September 2009 amending Directives 2006/48/EC, 2006/49/EC and 2007/64/EC as regards banks affiliated to central institutions, certain own funds items, large exposures, supervisory arrangements, and crisis management, OJ L 302, 17.11.2009, p. 97;

Commission Directive 2010/16/EU of 9 March 2010 amending Directive 2006/48/EC of the European Parliament and of the Council as regards the exclusion of a certain institution from the scope of application, OJ L 60, 10.3.2010, p. 15;

Directive 2010/76/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 2006/48/EC and 2006/49/EC as regards capital requirements for the trading book and for re-securitisations, and the supervisory review of remuneration policies, OJ L 329, 14.12.2010, p. 3;

Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority), OJ L 331, 15.12.2010, p. 120.

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, OJ L 125, 5.5.2001, p. 15.

Directive 2002/47/EC of the European Parliament and of the Council of 6 June 2002 on financial collateral arrangements, OJ L 168, 27.6.2002, p. 43,

amended by:

Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims, OJ L 146, 10.6.2009, p. 37.

Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council, OJ L 35, 11.2.2003, p. 1,

amended by:

Directive 2005/1/EC of the European Parliament and of the Council of 9 March 2005 amending Council Directives 73/239/EEC, 85/611/EEC, 91/675/EEC, 92/49/EEC and 93/6/EEC and Directives 94/19/EC, 98/78/EC, 2000/12/EC, 2001/34/EC, 2002/83/EC and 2002/87/EC in order to establish a new organisational structure for financial services committees, OJ L 79, 24.3.2005, p. 9;

Directive 2008/25/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2002/87/EC on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate, as regards the implementing powers conferred on the Commission, OJ L 81, 20.3.2008, p. 40;

Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority), OJ L 331, 15.12.2010, p. 120.

Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC, for the provisions applicable to credit institutions and with the exception of the Articles 15, 31 to 33 and Title III, OJ L 145, 30.4.2004, p. 1.

Corrigendum to Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ L 145, 30.4.2004), OJ L 45, 16.2.2005, p. 18,

amended by:

Directive 2006/31/EC of the European Parliament and of the Council of 5 April 2006 amending Directive 2004/39/EC on markets in financial instruments, as regards certain deadlines, OJ L 114, 27.4.2006, p. 60;

Directive 2007/44/EC of the European Parliament and of the Council of 5 September 2007 amending Council Directive 92/49/EEC and Directives 2002/83/EC, 2004/39/EC, 2005/68/EC and 2006/48/EC as regards procedural rules and evaluation criteria for the prudential assessment of acquisitions and increase of holdings in the financial sector, OJ L 247, 21.9.2007, p. 1;

Directive 2008/10/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2004/39/EC on markets in financial instruments, as regards the implementing powers conferred on the Commission, OJ L 76, 19.3.2008, p. 33;

Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority), OJ L 331, 15.12.2010, p. 120,

supplemented by:

Commission Regulation (EC) No 1287/2006 of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards record-keeping obligations for investment firms, transaction reporting, market transparency, admission of financial instruments to trading, and defined terms for the purposes of that Directive, OJ L 241, 2.9.2006, p. 1;

Commission Directive 2006/73/EC of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive, OJ L 241, 2.9.2006, p. 26.

Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC, OJ L 267, 10.10.2009, p. 7, with the exception of Title III of the Directive 2009/110/EC.

Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC: concerning the provisions of Titles I and II of Directive 2007/64/EC, OJ L 319, 5.12.2007, p. 1.

Corrigendum to Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC (OJ L 319, 5.12.2007), OJ L 187, 18.7.2009, p. 5,

amended by:

Directive 2009/111/EC of the European Parliament and of the Council of 16 September 2009 amending Directives 2006/48/EC, 2006/49/EC and 2007/64/EC as regards banks affiliated to central institutions, certain own funds items, large exposures, supervisory arrangements, and crisis management, OJ L 302, 17.11.2009, p. 97.

Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC, OJ L 331, 15.12.2010, p. 12.

ANNEX B

Prevention of money laundering

Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, OJ L 309, 25.11.2005, p. 15,

amended by:

Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC, OJ L 319, 5.12.2007, p. 1, concerning the provisions of Titles I and II of Directive 2007/64/EC;

Directive 2008/20/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, as regards the implementing powers conferred on the Commission, OJ L 76, 19.3.2008, p. 46;

Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC, OJ L 267, 10.10.2009, p. 7, with the exception of Title III of Directive 2009/110/EC;

Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority), OJ L 331, 15.12.2010, p. 120,

supplemented by:

Commission Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of politically exposed person and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis, OJ L 214, 4.8.2006, p. 29;

Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds, OJ L 345, 8.12.2006, p. 1;

Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community, OJ L 309, 25.11.2005, p. 9.

Prevention of fraud and counterfeiting

Council Framework Decision 2001/413/JHA of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment, OJ L 149, 2.6.2001, p. 1.

Council Regulation (EC) No 2182/2004 of 6 December 2004 concerning medals and tokens similar to euro coins, OJ L 373, 21.12.2004, p. 1,

amended by:

Council Regulation (EC) No 46/2009 of 18 December 2008 amending Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins, OJ L 17, 22.1.2009, p. 5.

Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting, OJ L 181, 4.7.2001, p. 6,

amended by:

Council Regulation (EC) No 44/2009 of 18 December 2008 amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting, OJ L 17, 22.1.2009, p. 1.

Council Framework Decision 2000/383/JHA of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro, OJ L 140, 14.6.2000, p. 1,

amended by:

Council Framework Decision 2001/888/JHA of 6 December 2001 amending Framework Decision 2000/383/JHA on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro, OJ L 329, 14.12.2001, p. 3.

Council Decision 2001/887/JHA of 6 December 2001 on the protection of the euro against counterfeiting, OJ L 329, 14.12.2001, p. 1.

Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol), OJ L 121, 15.5.2009, p. 37.

Council Decision 2001/923/EC of 17 December 2001 establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles' programme), OJ L 339, 21.12.2001, p. 50,

amended by:

Council Decision 2006/75/EC of 30 January 2006 amending and extending Decision 2001/923/EC establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles' programme), OJ L 36, 8.2.2006, p. 40;

Council Decision 2006/849/EC of 20 November 2006 amending and extending Decision 2001/923/EC establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles' programme), OJ L 330, 28.11.2006, p. 28.

Banking and financial legislation

Directive 97/9/EC of the European Parliament and of the Council of 3 March 1997 on investment compensation schemes OJ L 84, 26.3.1997, p. 22.
