

COMMISSION DECISION

of 23 March 2012

on the conclusion, on behalf of the European Union, of the Monetary Agreement between the European Union and the Republic of San Marino

(2012/C 317/04)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/904/EC of 26 November 2009 on the position to be taken by the European Community regarding the renegotiation of the Monetary Agreement with the Republic of San Marino ⁽¹⁾, and in particular Article 4 thereof,

Whereas:

- (1) On 29 November 2000, the Monetary Agreement between the Italian Republic, on behalf of the European Community, and the Republic of San Marino ⁽²⁾ 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 Monaco, San Marino and Vatican ⁽³⁾ that the Monetary Agreement needed 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) In accordance with Council Decision of 26 November 2009, the Monetary Agreement with San Marino was renegotiated on behalf of the Union by the Commission and the Italian Republic. 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) Neither the ECB nor the EFC is of the opinion that the agreement should be submitted to the Council,

HAS DECIDED AS FOLLOWS:

Article 1

The Monetary Agreement between the European Union and the Republic of San Marino (hereafter 'the Agreement') is hereby approved.

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

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, and to make the declaration set out in the Annex on behalf of the European Union.

Article 3

After the signature of the Agreement, the Secretariat-General shall proceed to the notification provided for in Article 13 of the Agreement ⁽⁴⁾.

Article 4

This Decision shall enter into force on the date of its adoption. It shall be published in the *Official Journal of the European Union*.

Done at Brussels, 23 March 2012.

For the Commission
The President

José Manuel BARROSO

⁽¹⁾ OJ L 322, 9.12.2009, p. 12.

⁽²⁾ OJ C 209, 27.7.2001, p. 1.

⁽³⁾ COM(2009) 359 final; Communication from the Commission to the Council: Report on the functioning of the Monetary Agreements with Monaco, San Marino and Vatican.

⁽⁴⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union*.

ANNEX

MONETARY AGREEMENT**between the European Union and the Republic of San Marino**

THE EUROPEAN UNION,

and

THE REPUBLIC OF SAN MARINO,

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 Italy, pursuant to Council Regulation (EC) No 974/98 ⁽¹⁾ of 3 May 1998.
- (2) Before the introduction of the euro, Italy and the Republic of San Marino had concluded bilateral agreements on monetary matters, and lastly the *Convenzione monetaria tra la Repubblica Italiana e la Repubblica di San Marino*, concluded on 21 December 1991.
- (3) The Declaration No 6 annexed to the Final Act of the Treaty on European Union stated that the Community should facilitate the renegotiation of existing arrangements with the Republic of San Marino as might become necessary as a result of the introduction of the single currency.
- (4) The Italian Republic concluded on 29 November 2000, on behalf of the European Community, a Monetary Agreement with the Republic of San Marino ⁽²⁾.
- (5) In accordance with this Monetary Agreement, the Republic of San Marino uses the euro as its official currency and grants legal tender status to euro banknotes and coins. It should ensure that European Union (EU) rules on banknotes and coins denominated in euro — including those related to its protection against counterfeiting — are applicable within its territory. The Republic of San Marino shall undertake all the necessary measures to combat counterfeiting and to cooperate with the European Commission, the European Central Bank (ECB) and Europol. Until a cooperation agreement between Europol and the Republic of San Marino is signed, the Republic of San Marino shall cooperate with Europol via the competent Italian authorities in this area.
- (6) The Republic of San Marino should take particular account of the recommendations of the Financial Action Task Force (FATF), notably FATF calls to its members and FATF-style regional body members to apply necessary countermeasures against identified high risk jurisdictions. The Republic of San Marino, which is represented in the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism, takes duly account of the recommendations made or to be made in the Republic of San Marino mutual evaluation reports so as to enhance its response to money laundering threats.
- (7) This Agreement does not impose any obligation on the ECB and national central banks to include the financial instruments of the Republic of San Marino in the list(s) of assets eligible for monetary policy operations of the European System of Central Banks.
- (8) The Republic of San Marino has a banking sector which expects to operate in closer connection with that of the euro area. Relevant EU banking and financial legislation, legislation concerning the prevention of money laundering, the prevention of fraud and counterfeiting of non-cash means of payment and statistical reporting requirements should therefore be made progressively applicable to the Republic of San Marino with a view to ensuring a more level playing field.
- (9) A Joint Committee composed of representatives of the Republic of San Marino, the Italian Republic, the Commission and the ECB should be established in order to examine the application of this Agreement, decide the annual ceiling for coin issuance and assess the measures taken by the Republic of San Marino for implementing relevant EU legislation.

⁽¹⁾ OJ L 139, 11.5.1998, p. 1.

⁽²⁾ OJ C 209, 27.7.2001, p. 1.

- (10) The Court of Justice of the European Union should be the judicial body in charge of settling any disputes which may arise from the application of the Agreement,

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of San Marino shall be entitled to use the euro as its official currency in accordance with Council Regulation (EC) No 1103/97 of 17 June 1997 on certain provisions relating to the introduction of the euro ⁽¹⁾ and Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro. The Republic of San Marino shall grant legal tender status to euro banknotes and coins.

Article 2

The Republic of San Marino shall not issue any banknotes, coins or monetary surrogates of any kind unless the conditions for such issuance have been agreed with the European Union. The conditions for issuing euro coins as from the entry into force of this Agreement are laid down in the following articles.

Article 3

The annual ceiling (in value terms) for the issuance of euro coins by the Republic of San Marino shall be calculated by the Joint Committee established by the present Agreement as the sum of:

- a fixed part, whose initial amount for the first year following the entry into force of this Agreement is set at EUR 2 600 000. The Joint Committee may revise annually the fixed part with a view to taking into account both inflation — on the basis of the HICP inflation of Italy in the last 12 months for which the data are available at the moment of the calculation — and the possible significant trends affecting the euro coins collector market,
- a variable part, corresponding to the average per capita coin issuance of the Italian Republic in the last 12 months for which the data are available multiplied by the number of inhabitants of San Marino.

Article 4

1. Euro coins issued by the Republic of San Marino 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 Republic of San Marino shall notify in advance the draft national sides of its euro coins to the European Commission, which shall check their compliance with the EU rules.

⁽¹⁾ OJ L 162, 19.6.1997, p. 1.

Article 5

1. Euro coins issued by the Republic of San Marino shall be minted by the Istituto Poligrafico e Zecca dello Stato of the Italian Republic.

2. By derogation to paragraph 1, San Marino may have its coins minted by an EU mint striking euro coins other than the one mentioned in paragraph 1, with the agreement of the Joint Committee.

3. At least 70 % of euro coins intended for circulation shall be put into circulation at face value as of the year following the entry into force of this Agreement. This proportion shall reach 80 % after three years. Thereafter, the Joint Committee will regularly review the adequacy of this proportion.

4. The Republic of San Marino may issue euro collector coins. They shall be included in the annual ceiling referred to in Article 3. The issuance of euro collector coins by the Republic of San Marino 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.

Article 6

1. The volume of euro coins issued by the Republic of San Marino shall be added to the volume of coins issued by Italy for the purposes of European Central Bank approval of the total volume of the issue by the Italian 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 Republic of San Marino shall notify the European Commission and the Italian Republic of the volume and the face value of the euro coins that it intends to issue during the following year. It shall also inform the European Commission about the intended conditions of issuance of these coins, in particular the proportion of collector coins and the detailed arrangements for the introduction of circulation coins.

3. Upon the signature of this Agreement, the Republic of San Marino shall communicate the information as mentioned in paragraph 2 for the year following the date of entry into force of the Agreement.

Article 7

1. This Agreement does not prejudice the right of the Republic of San Marino to continue issuing gold coins denominated in scudi.

2. Collector coins and gold coins denominated in scudi issued by the Republic of San Marino shall not be legal tender in the European Union.

Article 8

1. The Republic of San Marino shall undertake to adopt all appropriate measures, through direct transposition or possibly equivalent actions, with a view to implementing the EU legal acts and rules listed in the Annex to this Agreement, in the field of:

- (a) euro banknotes and coins;
 - (b) banking and financial law, in particular in relation to the activity and supervision of the institutions concerned;
 - (c) prevention of money laundering, prevention of fraud and counterfeiting of cash and non-cash means of payment, medals and tokens and statistical reporting requirements. Regarding legislation on the collection of statistical information, the detailed rules of implementation and the technical adaptations (including the appropriate derogations taking into account the specific status of San Marino) shall be agreed with the European Central Bank not later than 18 months before the required start of the statistical reporting;
 - (d) the 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.
2. The legal acts and rules referred to in paragraph 1 shall be implemented by the Republic of San Marino in accordance with the deadlines specified in the Annex, which run as of the entry into force of this Agreement.
3. The ceiling referred to in Article 3:
- (a) shall be automatically and temporarily cut by 1/3 if and when a deadline specified in the Annex is not met, for as long as the EU legal acts or rules concerned have not been adopted;
 - (b) may be temporarily cut by 1/2 on a decision of the Council acting by qualified majority on a proposal from the Commission and after having heard representatives of the Republic of San Marino if and when the Republic of San Marino fails during more than two years to comply with one or several EU legal acts or rules listed in the Annex, that it has adopted within the agreed deadline.

The ceiling shall be restored to its normal level using the same procedure as soon as the Republic of San Marino has adopted the appropriate measures to address the issues at the origin of the temporary cut.

4. The Republic of San Marino may request technical assistance of the entities constituting the delegation of the European Union in order to facilitate implementation of relevant EU legislation.

5. The Annex shall be amended by the Commission once a year or more often if deemed appropriate, with a view to taking into account the new relevant EU legal acts and rules and the amendments to the existing ones. The Joint Committee shall thereafter decide on appropriate and reasonable deadlines for the implementation by the Republic of San Marino of the new legal acts and rules added to the Annex.

6. The Joint Committee may, in exceptional cases, revise an existing deadline specified in the Annex.

7. The updated Annex shall be published in the *Official Journal of the European Union*.

Article 9

Credit institutions and, where appropriate, other financial institutions authorised to carry out their activities in the territory of the Republic of San Marino may have access to interbank settlement and payment and securities settlement systems in the euro area under appropriate terms and conditions to be determined by the Bank of Italy, in agreement with the European Central Bank.

Article 10

1. The Court of Justice of the European Union shall have exclusive competence for settling any dispute between the parties which may arise from the application of this Agreement and which have not been solved within the Joint Committee.

2. If the European Union, represented by the European Commission and acting on a recommendation by the EU delegation in the Joint Committee, or the Republic of San Marino considers that the other party has not fulfilled an obligation under this Agreement, it may bring the matter before the Court of Justice. 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.

Article 11

1. A Joint Committee shall be established. It shall be composed of representatives of the Republic of San Marino and of the European Union. The Joint Committee shall adopt its Rules of Procedure by consensus. The delegation of the European Union shall be composed of representatives of the European Commission and of the Italian Republic, together with the representatives of the European Central Bank.

2. The Joint Committee shall meet at least once a year. The Chair shall rotate on an annual basis between a representative of the European Union and a representative of the Republic of San Marino. The Joint Committee shall adopt its decisions unanimously.

3. The Joint Committee shall exchange views and information and adopt the decisions referred to in Articles 3, 5 and 8. It shall examine the measures taken by the Republic of San Marino and shall endeavour to solve any disputes resulting from the implementation of this Agreement.

4. The European Union shall be the first to chair the Joint Committee upon the entry into force of this Agreement, as laid down in Article 13.

Article 12

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

Article 13

This Agreement shall enter into force on the first day of the month following the date on which the Parties have notified each other that their ratification, conclusion or adoption procedures have been completed in accordance with the rules applicable to each Party.

Article 14

The Monetary Agreement of 29 November 2000 shall be repealed from the date of entry into force of the present Agreement. References to the Agreement of 29 November 2000 shall be understood as references to the present Agreement.

Done at Brussels on 27 March 2012 in two originals in the English language.

For the European Union

Olli REHN

*Vice-President of the European Commission in charge of
Economic and Monetary Affairs and the Euro*

For the Republic of San Marino

Antonella MULARONI

Minister of Foreign Affairs

ANNEX

LEGAL PROVISIONS TO BE IMPLEMENTED	DEADLINE FOR IMPLEMENTATION (APPLICABLE SINCE THE ENTRY INTO FORCE OF THE AGREEMENT)
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) 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) 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: Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime (OJ L 332, 18.12.2007, p. 103) 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) Corrigendum to 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) (OJ L 323, 8.12.2007, p. 59) 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) Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1)	1 year

Council Decision 2000/642/JHA of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information (OJ L 271, 24.10.2000, p. 4)	1 year
Prevention of fraud and counterfeiting	
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)	1 year
Council Decision 2003/861/EC of 8 December 2003 concerning analysis and cooperation with regard to counterfeit euro coins (OJ L 325, 12.12.2003, p. 44)	1 year
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)	1 year
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)	1 year
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)	1 year
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)	1 year
Rules on euro banknotes and coins	
Council Regulation (EC) No 975/98 of 3 May 1998 on denominations and technical specifications of euro coins intended for circulation (OJ L 139, 11.5.1998, p. 6) Amended by: Council Regulation (EC) No 423/1999 of 22 February 1999 amending Regulation (EC) No 975/98 on denominations and technical specifications of euro coins intended for circulation (OJ L 52, 27.2.1999, p. 2)	1 year
Council conclusions of 10 May 1999 on the quality management system for euro coins	1 year
Council conclusions of 23 November 1998 and of 5 November 2002 on collector coins	1 year

Commission Recommendation 2009/23/EC of 19 December 2008 on common guidelines for the national sides and the issuance of euro coins intended for circulation (C(2008) 8625) (OJ L 9, 14.1.2009, p. 52)	1 year
Communication from the Commission 2001/C 318/03 of 22 October 2001 on copyright protection of the common face design of the euro coins (C(2001) 600 final) (OJ C 318, 13.11.2001, p. 3)	1 year
Regulation (EU) No 1210/2010 of the European Parliament and of the Council of 15 December 2010 concerning authentication of euro coins and handling of euro coins unfit for circulation (OJ L 339, 22.12.2010, p. 1)	1 year
Guideline of the European Central Bank ECB/2003/5 of 20 March 2003 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (OJ L 78, 25.3.2003, p. 20)	1 year
Decision of the European Central Bank ECB/2003/4 of 20 March 2003 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (OJ L 78, 25.3.2003, p. 16)	1 year
Council Regulation (EC) No 2532/98 of 23 November 1998 concerning the powers of the European Central Bank to impose sanctions (OJ L 318, 27.11.1998, pp. 4-7)	1 year
Decision of the European Central Bank ECB/2010/14 of 16 September 2010 on the authenticity and fitness checking and recirculation of euro banknotes (OJ L 267, 9.10.2010, p. 1)	1 year
Banking and financial legislation	
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, pp. 26-58)	6 years
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, pp. 1-25)	6 years
Directive 97/5/EC of the European Parliament and of the Council of 27 January 1997 on cross-border credit transfers (OJ L 43, 14.2.1997, pp. 25-30)	6 years
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) (OJ L 177, 30.6.2006, p. 201)	4 years
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 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)

4 years

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)

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)

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 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)	4 years
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) 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)	4 years
Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions (OJ L 372, 31.12.1986, p. 1) Corrigendum to Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions (OJ L 60, 3.3.1987, p. 17) 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)	4 years
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)	4 years

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 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)	6 years
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)	6 years
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)	6 years
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, 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 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)	6 years

Directive 2010/78/EU of the European Parliament and of the Council 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 2006/73/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) 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)	
Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 (OJ L 266, 9.10.2009, p. 11)	6 years
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)	6 years
Commission Recommendation 97/489/EC of 30 July 1997 concerning transactions by electronic payment instruments and in particular the relationship between issuer and holder (OJ L 208, 2.8.1997, p. 52)	6 years
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)	6 years
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)	6 years

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)	4 years
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)	4 years
Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84)	4 years
Regulation (EU) No 1092/2010 of the European Parliament and of the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board (OJ L 331, 15.12.2010, p. 1)	4 years
Council Regulation (EU) No 1096/2010 of 17 November 2010 conferring specific tasks upon the European Central Bank concerning the functioning of the European Systemic Risk Board (OJ L 331, 15.12.2010, p. 162)	4 years
Legislation on collection of statistical information (Article 6.1 of the mandate)	
Regulation (EC) No 25/2009 of the European Central Bank of 19 December 2008 concerning the balance sheet of the monetary financial institutions sector (Recast) (ECB/2008/32) (OJ L 15, 20.1.2009, p. 14) Amended by: Regulation (EU) No 883/2011 of 25 August 2011 amending Regulation (EC) No 25/2009 concerning the balance sheet of the monetary financial institutions sector (Recast) (ECB/2008/32) (OJ L 228, 3.9.2011, p. 13)	4 years
Regulation (EC) No 63/2002 of the European Central Bank of 20 December 2001 concerning statistics on interest rates applied by monetary financial institutions to deposits and loans vis-à-vis households and non-financial corporations (ECB/2001/18) (OJ L 10, 12.1.2002, p. 24) Amended by: Regulation (EU) No 674/2010 of the European Central Bank of 23 July 2010 amending Regulation (EC) No 63/2002 (ECB/2001/18) concerning statistics on interest rates applied by monetary financial institutions to deposits and loans vis-à-vis households and non-financial corporations (ECB/2010/7) (OJ L 196, 28.7.2010, p. 23) Regulation (EC) No 290/2009 of the European Central Bank of 31 March 2009 amending Regulation (EC) No 63/2002 (ECB/2001/18) concerning statistics on interest rates applied by monetary financial institutions to deposits and loans vis-à-vis households and non-financial corporations (ECB/2009/7) (OJ L 94, 8.4.2009, p. 75) Regulation (EC) No 2181/2004 of the European Central Bank of 16 December 2004 amending Regulation (EC) No 2423/2001 (ECB/2001/13) concerning the consolidated balance sheet of the monetary financial institutions sector and Regulation (EC) No 63/2002 (ECB/2001/18) concerning statistics on interest rates applied by monetary financial institutions to deposits and loans vis-à-vis households and non-financial corporations (ECB/2004/21) (OJ L 371, 18.12.2004, p. 42)	4 years
Guideline of the European Central Bank ECB/2007/9 of 1 August 2007 on monetary, financial institutions and markets statistics (recast) (OJ L 341, 27.12.2007, p. 1)	4 years

Corrigendum to the Guideline of the European Central Bank ECB/2007/9 of 1 August 2007 on monetary, financial institutions and markets statistics (recast) (OJ L 84, 26.3.2008, p. 393) Amended by: Guideline of the European Central Bank ECB/2008/31 of 19 December 2008 amending Guideline ECB/2007/9 on monetary, financial institutions and markets statistics (recast) (OJ L 53, 26.2.2009, p. 76) Guideline of the European Central Bank ECB/2009/23 of 4 December 2009 amending Guideline ECB/2007/9 on monetary, financial institutions and markets statistics (OJ L 16, 21.1.2010, p. 6) Guideline of the European Central Bank ECB/2011/13 of 25 August 2011 amending Guideline ECB/2007/9 on monetary, financial institutions and markets statistics (OJ L 228, 3.9.2011, p. 37)	
Guideline of the European Central Bank ECB/2002/7 of 21 November 2002 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 334, 11.12.2002, p. 24) Amended by: Guideline of the European Central Bank ECB/2005/13 of 17 November 2005 amending Guideline ECB/2002/7 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 30, 2.2.2006, p. 1) Guideline of the European Central Bank ECB/2006/6 of 20 April 2006 amending Guideline ECB/2002/7 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 115, 28.4.2006, p. 46) Guideline of the European Central Bank ECB/2007/13 of 15 November 2007 amending Guideline ECB/2002/7 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 311, 29.11.2007, p. 47) Guideline of the European Central Bank ECB/2008/6 of 26 August 2008 amending Guideline ECB/2002/7 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 259, 27.9.2008, p. 12)	4 years

Declaration from the EU delegation

When assessing the respect of the obligations established in Article 8(3), the EU will pay particular attention to the adoption of and good compliance with EU rules on money laundering.

Declaration from the San Marino delegation

San Marino confirms its continuing commitment towards transparency and the fight against money laundering and terrorism financing in close cooperation with and under the monitoring of the relevant international bodies.

With regard to Article 9, San Marino expects that its financial institutions can access the European interbank settlement and payment and securities settlement systems, taking into account its relevance for the stability of the domestic financial sector.

Moreover, in consideration of the alignment process to all relevant EU directives, San Marino underlines the importance of having access to the refinancing operations of the Eurosystem (also through special agreements with European central banks) in order to provide emergency liquidity facilities to San Marino financial institutions.
