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I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 1162/2008

of 24 November 2008

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 November 2008.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 November 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	25,7
	MA	64,7
	TR	76,0
	ZZ	55,5
0707 00 05	EG	188,1
	JO	178,8
	MA	61,0
	TR	83,8
	ZZ	127,9
0709 90 70	MA	66,3
	TR	115,1
	ZZ	90,7
0805 20 10	MA	67,3
	ZZ	67,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	56,5
	HR	50,0
	IL	69,9
	TR	60,9
	ZZ	59,3
0805 50 10	MA	65,5
	TR	68,8
	ZA	71,5
	ZZ	68,6
0808 10 80	CA	88,7
	CL	67,1
	MK	37,6
	US	108,6
	ZA	109,6
	ZZ	82,3
0808 20 50	CN	71,0
	KR	112,1
	TR	106,0
	ZZ	96,4

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1163/2008**of 24 November 2008****amending Council Regulation (EC) No 40/2008 as regards catch limits for certain stocks of Norway pout, whiting and haddock**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 40/2008 of 16 January 2008 fixing for 2008 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required ⁽¹⁾, and in particular Articles 5(5) and 5(7) thereof:

Whereas:

- (1) Preliminary catch limits for the stock of Norway pout in ICES zone IIIa and in EC waters of ICES zones IIa and IV are laid down in Annex IA to Regulation (EC) No 40/2008.
- (2) Pursuant to Article 5(5) of that Regulation, the Commission may revise those catch limits in the light of scientific information collected during the first half of 2008.
- (3) Taking into account information collected during the first half of 2008, the final catch limits for Norway pout in the zones concerned should be fixed.
- (4) The Scientific, Technical and Economic Committee for Fisheries advises that catches in 2008 of up to 148 000 tonnes would correspond to a fishing mortality of 0,6 and are expected to maintain the stock above precautionary limits.
- (5) Norway pout is a North Sea stock which is shared with Norway but which is currently not managed jointly by the two Parties. The measures provided for in this Regulation should be in accordance with consultations held with Norway pursuant to the provisions of the Agreed Record of conclusions of fisheries consultations between the European Community and Norway of 26 November 2007.
- (6) In consequence, the Community share of the total allowable catches (TAC) of Norway pout in ICES zone IIIa and in EC waters of ICES zones IIa and IV should be fixed at 75 % of 148 000 tonnes.
- (7) Pursuant to Article 5(7) of Regulation (EC) No 40/2008 the catch limits for the stock of whiting in ICES zone IIIa, the stock of whiting in ICES zone IV and EC waters of ICES zone IIa, the stock of haddock in ICES zone IIIa and EC waters of ICES zones IIIb, IIIc and IIId, and the stock of haddock in ICES zone IV and EC waters of ICES zone IIa may be revised by the Commission as a consequence of a revision of the catch limits for the stock of Norway pout in accordance with Article 5(5) of that Regulation, to take into account industrial by-catches of those stocks in the Norway pout fishery.
- (8) In view of the limited fisheries for Norway pout in ICES zone IIIa and EC waters of ICES zones IIIb, IIIc and IIId, and in the absence of any new forecasts of the by-catches of haddock and whiting in other industrial fisheries operating in those zones, the catch limits for the stocks of whiting and haddock in ICES zone IIIa and EC waters of ICES zones IIIb, IIIc and IIId should remain unchanged for the remainder of 2008.
- (9) Taking into account the fixing of the final catch limits for Norway pout in ICES zone IIIa and in EC waters of ICES zones IIa and IV, the catch limits for whiting and haddock in ICES zone IV and in EC waters of ICES zone IIa should be revised.
- (10) Norway pout is a short-lived species. Consequently the catch limitations should be implemented as soon as possible, in order to avoid delays which could lead to overfishing of the stock.
- (11) Annex IA to Regulation (EC) No 40/2008 should therefore be amended accordingly.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

⁽¹⁾ OJ L 19, 23.1.2008, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Annex IA to Regulation (EC) No 40/2008 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 November 2008.

For the Commission

Joe BORG

Member of the Commission

ANNEX

Annex IA to Regulation (EC) No 40/2008 is amended as follows:

1. The entry concerning the stock of Norway pout in zones ICES zone IIIa and in EC waters of ICES zones IIa and IV is replaced by the following:

Species: Norway pout <i>Trisopterus esmarki</i>		Zone: IIIa; EC waters of IIa and IV NOP/2A3A4.
Denmark	109 898	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
Germany	21 ⁽¹⁾	
The Netherlands	81 ⁽¹⁾	
EC	110 000	
Norway	1 000 ⁽²⁾	
TAC	Not relevant	

⁽¹⁾ Quota may be fished in EC waters of ICES zones IIa, IIIa and IV only.

⁽²⁾ This quota may be fished in Division VIa, north of 56°30'N.

2. The entry concerning the stock of whiting in ICES zone IV and EC waters of ICES zone IIa is replaced by the following:

Species: Whiting <i>Merlangius merlangus</i>		Zone: IV; EC waters of IIa WHG/2AC4.
Belgium	367	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
Denmark	1 587	
Germany	413	
France	2 385	
The Netherlands	917	
Sweden	3	
United Kingdom	9 330	
EC	15 002 ⁽¹⁾	
Norway	1 785 ⁽²⁾	
TAC	17 850	

⁽¹⁾ Excluding an estimate of 1 063 tonnes of industrial by-catches.

⁽²⁾ May be taken in EC waters. Catches taken within this quota are to be deducted from Norway's share of the TAC.

Special conditions

Within the limits of the above-mentioned quotas, no more than the quantities given below may be taken in the ICES zones specified:

	Norwegian waters of IV (WHG/*04N-)
EC	10 884'

3. The entry concerning the stock of haddock in ICES zone IV and EC waters of ICES zone IIa is replaced by the following:

Species: Haddock <i>Melanogrammus aeglefinus</i>		Zone: IV; EC waters of IIa HAD/2AC4.
Belgium	279	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
Denmark	1 920	
Germany	1 222	
France	2 129	
The Netherlands	209	
Sweden	193	
United Kingdom	31 664	
EC	37 616 ⁽¹⁾	
Norway	8 082	
TAC	46 444	

⁽¹⁾ Excluding an estimate of 746 tonnes of industrial by-catches.

Special conditions

Within the limits of the above-mentioned quotas, no more than the quantities given below may be taken in the zones specified:

	Norwegian waters of IV (HAD/*04N-)
EC	28 535'

COMMISSION REGULATION (EC) No 1164/2008**of 24 November 2008****laying down rules for the management and distribution of textile quotas established for the year 2009 under Council Regulation (EC) No 517/94**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules⁽¹⁾, and in particular Article 17(3) and (6) and Article 21(2) thereof,

Whereas:

- (1) Regulation (EC) No 517/94 established quantitative restrictions on imports of certain textile products originating in certain third countries to be allocated on a first come, first served basis.
- (2) Under that Regulation it is possible, in certain circumstances, to use other allocation methods, to divide quotas into tranches, or to reserve a proportion of a specific quantitative limit exclusively for applications which are supported by evidence of the results of past import performance.
- (3) Rules for management of the quotas established for 2009 should be adopted before the quota year begins so that the continuity of trade flows is not affected unduly.
- (4) The measures adopted in previous years, such as those in Commission Regulation (EC) No 1402/2007 of 28 November 2007 laying down rules for the management and distribution of textile quotas established for the year 2008 under Council Regulation (EC) No 517/94⁽²⁾, proved to be satisfactory and it is therefore appropriate to adopt similar rules for 2009.
- (5) In order to satisfy the greatest possible number of operators it is appropriate to make the 'first come, first served' allocation method more flexible by placing a ceiling on the quantities which can be allocated to each operator by that method.
- (6) To guarantee a degree of continuity in trade and efficient quota administration, operators should be allowed to make their initial import authorisation application for 2009 equivalent to the quantity which they imported in 2008.
- (7) To achieve optimum use of the quantities, an operator who has used up at least one half of the amount already authorised should be permitted to apply for a further amount, provided that quantities are available in the quotas.
- (8) For the sake of sound administration, import authorisations should be valid for nine months from the date of issue but only until the end of the year at the latest. Member States should issue licences only after being notified by the Commission that quantities are available and only if an operator can prove the existence of a contract and can certify, in the absence of a specific provision to the contrary, that he has not already been allocated a Community import authorisation under this Regulation for the categories and countries concerned. The competent national authorities should, however, be authorised, in response to importers' applications, to extend by three months and up to 31 March 2010 licences of which at least one half has been used by the application date.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee established by Article 25 of Regulation (EC) No 517/94,

HAS ADOPTED THIS REGULATION:

Article 1

The purpose of this Regulation is to lay down rules on the management of quantitative quotas for imports of certain textile products set out in Annex IV to Regulation (EC) No 517/94 for the year 2009.

Article 2

The quotas referred to in Article 1 shall be allocated according to the chronological order of receipt by the Commission of Member States' notifications of applications from individual operators, for amounts not exceeding the maximum quantities per operator set out in Annex I.

⁽¹⁾ OJ L 67, 10.3.1994, p. 1.

⁽²⁾ OJ L 311, 29.11.2007, p. 27.

The maximum quantities shall not, however, apply to operators able to prove to the competent national authorities, when making their first application for 2009, that, in respect of given categories and given third countries, they imported more than the maximum quantities specified for each category pursuant to import licences granted to them for 2008.

In the case of such operators, the competent authorities may authorise imports not exceeding the quantities imported in 2008 from given third countries and in given categories, provided that enough quota capacity is available.

Article 3

Any importer who has already used up 50 % or more of the amount allocated to him under this Regulation may make a further application, in respect of the same category and country of origin, for amounts not exceeding the maximum quantities laid down in Annex I.

Article 4

1. The competent national authorities listed in Annex II may, from 10.00 on 7 January 2009, notify the Commission of the amounts covered by requests for import authorisations.

The time fixed in the first subparagraph shall be understood as Brussels time.

2. The competent national authorities shall issue authorisations only after being notified by the Commission pursuant to Article 17(2) of Regulation (EC) No 517/94 that quantities are available for importation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 November 2008.

They shall issue authorisations only if an operator:

- (a) proves the existence of a contract relating to the provision of the goods; and
- (b) certifies in writing that, in respect of the categories and countries concerned:
 - (i) he has not already been allocated an authorisation under this Regulation; or
 - (ii) he has been allocated an authorisation under this Regulation but has used up at least 50 % of it.

3. Import authorisations shall be valid for nine months from the date of issue, but until 31 December 2009 at the latest.

The competent national authorities may, however, at the importer's request, grant a three-month extension for authorisations which are at least 50 % used up at the time of the request. Such extension shall in no circumstances expire later than 31 March 2010.

Article 5

This Regulation shall enter into force on 1 January 2009.

For the Commission

Catherine ASHTON

Member of the Commission

ANNEX I

Maximum amounts referred to in Articles 2 and 3

Country concerned	Category	Unit	Maximum amount
North Korea	1	kilograms	10 000
	2	kilograms	10 000
	3	kilograms	10 000
	4	pieces	10 000
	5	pieces	10 000
	6	pieces	10 000
	7	pieces	10 000
	8	pieces	10 000
	9	kilograms	10 000
	12	pairs	10 000
	13	pieces	10 000
	14	pieces	10 000
	15	pieces	10 000
	16	pieces	10 000
	17	pieces	10 000
	18	kilograms	10 000
	19	pieces	10 000
	20	kilograms	10 000
	21	pieces	10 000
	24	pieces	10 000
	26	pieces	10 000
	27	pieces	10 000
	28	pieces	10 000
	29	pieces	10 000
	31	pieces	10 000
	36	kilograms	10 000
	37	kilograms	10 000
	39	kilograms	10 000
	59	kilograms	10 000
	61	kilograms	10 000
	68	kilograms	10 000
	69	pieces	10 000
	70	pairs	10 000
	73	pieces	10 000
	74	pieces	10 000
	75	pieces	10 000
	76	kilograms	10 000
	77	kilograms	5 000
	78	kilograms	5 000
	83	kilograms	10 000
	87	kilograms	10 000
	109	kilograms	10 000
	117	kilograms	10 000
	118	kilograms	10 000
	142	kilograms	10 000
	151A	kilograms	10 000
	151B	kilograms	10 000
	161	kilograms	10 000

ANNEX II

List of licensing offices referred to in Article 4

1. Austria Bundesministerium für Wirtschaft und Arbeit Außenwirtschaftsadministration Abteilung C2/2 Stubenring 1 A-1011 Wien Tel. (43-1) 711 00-0 Fax (43-1) 711 00-8386	2. Belgium FOD Economie, KMO, Middenstand en Energie Economisch Potentieel KBO-Beheerscel — Vergunningen Leuvenseweg 44 B-1000 Brussel Tel. +32 (0) 2 277 67 13 Fax +32 (0) 2 277 50 63	SPF Économie, PME, Classes moyennes et Énergie Potentiel économique Cellule de gestion BCE — Licences Rue de Louvain 44 B-1000 Bruxelles Tél. +32 (0) 2 277 67 13 Fax +32 (0) 2 277 50 63
3. Bulgaria Министерство на икономиката и енергетиката Дирекция 'Регистриране, лицензиране и контрол' ул. 'Славянска' № 8 BG-1052 София Република България Тел. (359-2) 940 70 08/(359-2) 940 76 73/ (359-2) 940 78 00 Факс (359-2) 981 50 41/(359-2) 980 47 10/ (359-2) 988 36 54	4. Cyprus Ministry of Commerce, Industry and Tourism Trade Department 6 Andrea Araouzou Str. CY-1421 Nicosia Tel: ++357 2 867100 Fax: ++357 2 375120	
5. Czech Republic Ministerstvo průmyslu a obchodu Licenční správa Na Františku 32 CZ-110 15 Praha 1 Tel.: (420) 224 90 71 11 Fax: (420) 224 21 21 33	6. Denmark Erhvervs- og Byggestyrelsen Økonomi- og Erhvervsministeriet Langelinje Allé 17 DK-2100 København Ø Tlf. (45) 35 46 60 30 Fax (45) 35 46 60 29	
7. Estonia Majandus- ja Kommunikatsiooniministeerium Harju 11 EE-15072 Tallinn Estonia Tel.: (372) 625 6400 Faks: (372) 631 3660	8. Finland Tullihallitus PL 512 FI-00101 Helsinki Puhelin: (358-9) 61 41 Faksi: (358-20) 492 28 52	Tullstyrelsen PB 512 FI-00101 Helsingfors Faksi: (358-20) 492 28 52
9. France Ministère de l'Economie, de l'Industrie et de l'Emploi Direction générale des entreprises Service des industries manufacturières et des activités postales Bureau «Textile Importations» Le Bervil 12, rue Villiot F-75572 Paris Cedex 12 Tél. (33) 153 44 96 60 Fax (33) 153 44 91 81	10. Germany Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA) Frankfurter Str. 29—35 D-65760 Eschborn Tel.: (49 61 96) 908-0 Fax: (49 61 96) 908 800	

11. Greece Υπουργείο Οικονομίας & Οικονομικών Γενική Διεύθυνση Διεθνούς Οικονομικής Πολιτικής Διεύθυνση Καθεστώτων Εισαγωγών-Εξαγωγών, Εμπορικής Άμυνας Κορνάρου 1 GR-105 63 Αθήνα Τηλ. (30210) 328 6021-22 Φαξ: 210 328 60 94	12. Hungary Magyar Kereskedelmi Engedélyezési Hivatal Margit krt. 85. H-1024 Budapest Postafiók: 1537 Budapest Pf. 345. Tel.: (36-1) 336 73 00 Fax: (36-1) 336 73 02
13. Ireland Department of Enterprise, Trade and Employment Internal Market Kildare Street IRL-Dublin 2 Tel. (353-1) 631 21 21 Fax (353-1) 631 28 26	14. Italy Ministero dello Sviluppo Economico Direzione Generale per la Politica Commerciale DIV. III Viale America 341 I-00144 Roma Tel. (39 06) 59 64 75 17, 59 93 24 71, 59 93 22 45, 59 93 22 60 Fax (39 06) 59 93 26 36 E-mail: polcom3@mincomes.it
15. Latvia Ekonomikas ministrija Brīvības iela 55 LV-1519 Rīga Tel.: 00 371 670 132 99 / 00 371 670 132 48 Fakss: 00 371 672 808 82	16. Lithuania Lietuvos Respublikos ūkio ministerija Gedimino pr. 38/2 LT-01104 Vilnius Tel.: 00 370 5 262 87 50 / 00 370 5 261 94 88 Fax: 00 370 5 262 39 74
17. Luxembourg Ministère de l'économie et du commerce Office des licences Boîte postale 113 L-2011 Luxembourg Tél. (352) 47 82 371 Fax (352) 46 61 38	18. Malta Ministry for Competitiveness and Communication Commerce Division, Trade Services Directorate Lascaris Valletta CMR02 Malta Tel: 00 356 21 237 112 Fax: 00 356 21 237 900
19. Netherlands Belastingdienst/Douane Centrale dienst voor in- en uitvoer Engelse Kamp 2 Postbus 30003 NL-9700 RD Groningen Tel. (31 50) 523 26 00 Fax (31 50) 523 22 10	20. Poland Ministerstwo Gospodarki pl. Trzech Krzyży 3/5 PL-00-950 Warszawa Tel.: (48 22) 693-55-53 Faks: (48 22) 693-40-21
21. Portugal Ministério das Finanças e da Administração Pública Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o Consumo Rua Terreiro do Trigo Edifício da Alfândega P-1149-060 LISBOA Tel.: (351) 218 81 42 63 Fax: (351) 218 81 42 61 E-mail: dsl@dgaiec.min-financas.pt	22. Romania Ministerul pentru Întreprinderi Mici și Mijlocii, Comerț, Turism și Profesii Liberale Direcția Generală Politici Comerciale Str. Ion Câmpineanu nr. 16 București, sector 1 Cod poștal 010036 Tel. +40 21 315 00 81 Fax +40 21 315 04 54 E-mail: clc@dce.gov.ro

23. Slovakia Ministerstvo hospodárstva SR Oddelenie licencií Mierová 19 827 15 Bratislava Slovensko Tel.: (421-2) 48 54 20 21/(421-2) 48 54 71 19 Fax: (421-2) 43 42 39 19	24. Slovenia Ministrstvo za finance Carinska uprava Republike Slovenije Carinski urad Jesenice Center za TARIC in kvote Spodnji Plavž 6c SLO-4270 Jesenice Slovenija Tel: +386(0)4 297 44 70 Fax: +386(0)4 297 44 72 E-mail: taric.cuje@gov.si
25. Spain Ministerio de Industria, Turismo y Comercio Secretaría General de Comercio Exterior Paseo de la Castellana nº 162 E-28046 Madrid Tel. (34) 913 49 38 17, 913 49 37 48 Fax (34) 915 63 18 23, 913 49 38 31	26. Sweden National Board of Trade (Kommerskollegium) Box 6803 S-113 86 Stockholm Tfn (46-8) 690 48 00 Fax (46-8) 30 67 59
27. United Kingdom Department of Trade and Industry Import Licensing Branch Queensway House West Precinct Billingham TS23 2NF United Kingdom Tel.: (44 1642) 36 43 33, 36 43 34 Fax: (44 1642) 53 35 57	

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

EUROPEAN PARLIAMENT AND COUNCIL

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 22 October 2008

on the mobilisation of the EU Solidarity Fund in accordance with point 26 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management

(2008/879/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 26 thereof,

Having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund ⁽²⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) The European Union has created a European Union Solidarity Fund (the Fund) to show solidarity with the population of regions struck by disasters.
- (2) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the Fund within the annual ceiling of EUR 1 billion.
- (3) Regulation (EC) No 2012/2002 contains the provisions whereby the Fund may be mobilised.

- (4) France has submitted an application to mobilise the Fund, concerning a disaster caused by hurricane 'Dean' in August 2007,

HAVE DECIDED AS FOLLOWS:

Article 1

For the general budget of the European Union for the financial year 2008, the European Union Solidarity Fund shall be mobilised to provide the sum of EUR 12 780 000 in commitment and payment appropriations.

Article 2

This Decision shall be published in the *Official Journal of the European Union*.

Done at Strasbourg, 22 October 2008.

For the European Parliament
The President
H.-G. PÖTTERING

For the Council
The President
J.-P. JOUYET

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 311, 14.11.2002, p. 3.

GUIDELINES

EUROPEAN CENTRAL BANK

GUIDELINE OF THE EUROPEAN CENTRAL BANK

of 21 November 2008

on temporary changes to the rules relating to eligibility of collateral

(ECB/2008/18)

(2008/880/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

HAS ADOPTED THIS GUIDELINE:

Having regard to the Treaty establishing the European Community and in particular to the first indent of Article 105(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank and in particular Article 12.1 and Article 14.3, in conjunction with the first indent of Article 3.1 and Article 18.2 and the first paragraph of Article 20 thereof,

Whereas:

(1) To enhance on a temporary basis the provision of liquidity to counterparties for Eurosystem monetary policy operations, the criteria determining the eligibility of collateral that counterparties for Eurosystem monetary policy operations provide to the Eurosystem to obtain liquidity should be widened. The criteria determining the eligibility of collateral are laid down in Guideline ECB/2000/7 of 31 August 2000 on monetary policy instruments and procedures of the Eurosystem ⁽¹⁾.

(2) The Governing Council of the European Central Bank (ECB) decided on 15 October 2008 to widen temporarily the rules relating to the eligibility of collateral for the operations of the Eurosystem. The Governing Council furthermore decided that the date of entry into force of its decision as well as any further measures regarding such widened eligibility criteria would be communicated as soon as possible,

*Article 1***Widening of certain eligibility criteria for collateral**

1. The eligibility criteria for collateral laid down in Annex I to Guideline ECB/2000/7 (hereinafter the 'General Documentation') shall be widened in accordance with Articles 2 to 7.

2. In the event of any discrepancy between this Guideline and the General Documentation, as implemented at national level by the NCBs, the former shall prevail. The NCBs shall continue to apply all provisions of the General Documentation unaltered unless otherwise provided for in this Guideline.

*Article 2***Admission of collateral denominated in US dollars, pounds sterling or Japanese yen as eligible collateral**

1. Marketable debt instruments as described in Chapter 6.2.1 of the General Documentation, if denominated in US dollars, pounds sterling or Japanese yen, shall constitute eligible collateral for the purposes of Eurosystem monetary policy operations, provided that: (i) they are issued and held/settled in the euro area; and (ii) the issuer is established in the European Economic Area.

2. An additional haircut of 8 % shall be imposed by the Eurosystem on all such marketable debt instruments.

*Article 3***Admission of syndicated loans as eligible collateral**

1. Syndicated loans shall only constitute eligible collateral for the purposes of Eurosystem monetary policy operations provided that they comply with Chapters 6.2.2 and 6.3.3 and Appendix 7 of the General Documentation.

⁽¹⁾ OJ L 310, 11.12.2000, p. 1.

2. Without prejudice to paragraph 1, syndicated loans governed by the laws of England and Wales which have been accepted by 30 November 2008 in accordance with the requirements laid down in Decision ECB/2008/15 of 14 November 2008 on the implementation of Regulation ECB/2008/11 of 23 October 2008 on temporary changes to the rules relating to eligibility of collateral ⁽¹⁾ for the purposes of Eurosystem monetary policy operations shall remain eligible collateral for the duration of the Eurosystem monetary policy operation for which they have been accepted as eligible collateral.

Article 4

Admission of debt instruments issued by credit institutions, which are traded on certain non-regulated markets as eligible collateral

1. Debt instruments issued by credit institutions, which are traded on certain non-regulated markets as specified by the ECB, shall constitute eligible collateral for the purposes of Eurosystem monetary policy operations.

2. An additional haircut of 5 % shall be imposed by the Eurosystem on all such debt instruments.

Article 5

Admission of collateral with a 'BBB-' credit assessment and above as eligible collateral

1. The Eurosystem's minimum requirement for the assessment of the credit standard of assets eligible as collateral for the purposes of Eurosystem monetary policy operations shall be a 'BBB-' equivalent credit assessment. This change to the credit assessment requirement shall apply to both marketable and non-marketable assets, with the exception of asset-backed securities as described in Chapter 6.3 of the General Documentation, for which the requirement for high credit standards shall remain unchanged.

2. An additional haircut of 5 % shall be imposed by the Eurosystem on all eligible assets with a credit assessment below 'A-'.

Article 6

Admission of subordinated assets with adequate guarantees as eligible collateral

1. The requirement of non-subordination relating to the eligibility of marketable assets as collateral for the purposes of Eurosystem monetary policy operations as described in Chapter 6.2.1 of the General Documentation shall not apply when a financially sound guarantor provides an unconditional

and irrevocable guarantee payable on first demand on these assets, as further defined in Chapter 6.3.2 of the General Documentation.

2. An additional haircut of 10 % shall be imposed by the Eurosystem on all such assets, with a further 5 % valuation markdown in the event of a theoretical valuation.

Article 7

Admission of fixed-term deposits as eligible collateral

Fixed-term deposits as described in Chapter 3.5 of the General Documentation from eligible counterparties shall be eligible as collateral for all refinancing operations of the Eurosystem.

Article 8

Further implementation measures

The Governing Council has delegated the competence to take any further decisions which are necessary to implement its decision of 15 October 2008 to the Executive Board.

Article 9

Verification

The NCBs shall forward to the ECB by 25 November 2008 at the latest details of the texts and means by which they intend to comply with this Guideline.

Article 10

Final provisions

1. This Guideline shall enter into force on 25 November 2008.

2. This Guideline shall apply from 1 December 2008 until 31 December 2009.

Article 11

Addressees

This Guideline is addressed to the NCBs of participating Member States.

Done at Frankfurt am Main, 21 November 2008.

For the Governing Council of the ECB
The President of the ECB
Jean-Claude TRICHET

⁽¹⁾ OJ L 309, 20.11.2008, p. 8.

NOTE TO THE READER

The institutions have decided no longer to quote in their texts the last amendment to cited acts.

Unless otherwise indicated, references to acts in the texts published here are to the version of those acts currently in force.