

OTSUSED

EUROOPA KESKPANGA OTSUS,

15. november 2011,

millega muudetakse otsust EKP/2007/7 TARGET2-ECB tingimuste kohta

(EKP/2011/19)

(2011/749/EL)

EUROOPA KESKPANGA JUHATUS,

võttes arvesse Euroopa Liidu toimimise lepingut, eelkõige selle artikli 127 lõiget 2,

võttes arvesse Euroopa Keskpankade Süsteemi ja Euroopa Keskpanga põhikirja, eelkõige selle artikleid 11.6, 17, 22 ja 23,

võttes arvesse 26. aprilli 2007. aasta suunist EKP/2007/2 üleeuroopalise automatiseeritud reaalaajalise brutoarvelduste kiirülekanandesüsteemi (TARGET2) kohta, ⁽¹⁾ eelkõige selle artikli 6 lõiget 2,

ning arvestades järgmist:

- (1) Suunist EKP/2007/2 on muudetud 14. oktoobri 2011. aasta suunisega EKP/2011/15, millega muudetakse suunist EKP/2007/2 üleeuroopalise automatiseeritud reaalaajalise brutoarvelduste kiirülekanandesüsteemi (TARGET2) kohta, ⁽²⁾ muu hulgas selleks, et a) võtta arvesse vajadust lisada usaldusnõuded TARGET2s osalemise avalduse tagasilükkamise ja osaleja TARGET2s osalemise peatamise, piiramise või lõpetamise, või päevasisesele laenule juurdepääsu kriteeriumide hulka ning b) et kajastada uusi nõudeid TARGET2 osalejale seoses haldusmeetmete ja piirangutega, mis on sätestatud lepingu artiklites 75 ja 215.

- (2) Seetõttu tuleb 24. juuli 2007. aasta otsuse EKP/2007/7 (TARGET2-ECB tingimuste kohta) ⁽³⁾ lisa muuta ja TARGET2-ECB tingimustes arvesse võtta teatavaid suunise EKP/2011/15 osi,

ON VASTU VÕTNUD KÄESOLEVA OTSUSE:

Artikkel 1

TARGET2-ECB tingimuste muutmine

Otsuse EKP/2007/7 lisa, mis sätestab TARGET2-ECB tingimused, muudetakse kooskõlas käesoleva otsuse lisaga.

Artikkel 2

Jõustumine

Käesolev otsus jõustub 21. novembril 2011.

Frankfurt Maini ääres, 15. november 2011

EKP president
Mario DRAGHI

⁽¹⁾ ELT L 237, 8.9.2007, lk 1.

⁽²⁾ ELT L 279, 26.10.2011, lk 5.

⁽³⁾ ELT L 237, 8.9.2007, lk 71.

LISA

Otsuse EKP/2007/7 lisa muudetakse järgmiselt.

1. Artiklis 1 asendatakse järgmised mõisted:

„— „payee”, except where used in Article 33, means a TARGET2 participant whose PM account will be credited as a result of a payment order being settled,

— „payer”, except where used in Article 33, means a TARGET2 participant whose PM account will be debited as a result of a payment order being settled.”.

2. Artikli 6 lõike 4 asendatakse järgmisega:

„c) in the ECB's assessment, such participation would endanger the overall stability, soundness and safety of TARGET2-ECB or of any other TARGET2 component system, would jeopardise the ECB's performance of its tasks as described in the Statute of the European System of Central Banks and of the European Central Bank, or poses risks on the grounds of prudence.”.

3. Artikli 28 lõike 2 punktid e ja f asendatakse järgmisega:

„e) any other participant-related event occurs which, in the ECB's assessment, would threaten the overall stability, soundness and safety of TARGET2-ECB or of any other TARGET2 component system, which would jeopardise the ECB's performance of its tasks as described in the Statute of the European System of Central Banks and of the European Central Bank, or poses risks on the grounds of prudence;

f) the ECB suspends, limits or terminates the participant's access to intraday credit pursuant to paragraph 12 of Annex III to Guideline ECB/2007/2.”.

4. Artiklit 33 muudetakse järgmiselt:

a) pealkiri „Data protection, prevention of money laundering and related issues” asendatakse järgmisega: „Data protection, prevention of money laundering, administrative or restrictive measures and related issues”;

b) lisatakse järgmine lõige 3:

„3. Participants, when acting as the payment service provider of a payer or payee, shall comply with all requirements resulting from administrative or restrictive measures imposed pursuant to Articles 75 or 215 of the Treaty on the Functioning of the European Union, including with respect to notification and/or obtaining consent from a competent authority in relation to the processing of transactions. In addition:

a) when the ECB is the payment service provider of a participant that is a payer:

i) the participant shall make the required notification or obtain consent on behalf of the central bank that is primarily required to make notification or obtain consent, and shall provide the ECB with evidence of having made a notification or having received consent; and

ii) the participant shall not enter any credit transfer order into TARGET2 until it has obtained confirmation from the ECB that the required notification has been made or the consent has been obtained by or on behalf of the payment service provider of the payee;

b) when the ECB is a payment service provider of a participant that is a payee, the participant shall make the required notification or obtain consent on behalf of the central bank that is primarily required to make notification or obtain consent, and shall provide the ECB with evidence of having made a notification or having received consent.

For the purposes of this paragraph, the terms „payment service provider”, „payer” and „payee” shall have the meanings given to them in the applicable administrative or restrictive measures.”.
