

SPRENDIMAI

EUROPOS CENTRINIO BANKO SPRENDIMAS

2011 m. lapkričio 15 d.

kuriuo iš dalies keičiamas Sprendimas ECB/2007/7 dėl TARGET2-ECB sąlygų

(ECB/2011/19)

(2011/749/ES)

EUROPOS CENTRINIO BANKO VYKDOMOJI VALDYBA,

atsižvelgdama į Sutartį dėl Europos Sąjungos veikimo, ypač į jos 127 straipsnio 2 dalį,

atsižvelgdama į Europos centrinių bankų sistemos ir Europos Centrinio Banko statutą, ypač į jo 11 straipsnio 6 dalį ir 17, 22 bei 23 straipsnius,

atsižvelgdama į 2007 m. balandžio 26 d. Gaires ECB/2007/2 dėl Transeuropinės automatizuotos realaus laiko atskirųjų atsiskaitymų skubių pervedimų sistemos (TARGET2) ⁽¹⁾, ypač į jų 6 straipsnio 2 dalį,

kadangi:

- (1) Gairės ECB/2007/2 buvo iš dalies pakeistos 2011 m. spalio 14 d. Gairėmis ECB/2011/15, kuriomis iš dalies keičiamos Gairės ECB/2007/2 dėl Transeuropinės automatizuotos realaus laiko atskirųjų atsiskaitymų skubių pervedimų sistemos (TARGET2) ⁽²⁾, *inter alia*: a) įtraukiant „atsargumo sumetimus“ kaip vieną iš kriterijų, kurių pagrindu atmetamas prašymas dalyvauti TARGET2, ir dalyvio dalyvavimas TARGET2 arba dienos paskolos paslauga jam gali būti sustabdyta, apribota arba nutraukta; ir b) siekiant atspindėti naujus reikalavimus TARGET2 dalyviams, susijusius su administracinėmis ir ribojančiomis priemonėmis, nustatytomis Sutarties 75 ir 215 straipsniuose;

- (2) todėl būtina iš dalies pakeisti 2007 m. liepos 24 d. Sprendimo ECB/2007/7 dėl TARGET2-ECB sąlygų ⁽³⁾ priedą, kad tam tikri Gairių ECB/2011/15 elementai būtų įtraukti į TARGET2-ECB sąlygas,

PRIĖMĖ ŠĮ SPRENDIMĄ:

1 straipsnis

TARGET2-ECB sąlygų dalinis pakeitimas

Sprendimo ECB/2007/7 priedas, kuriame įtvirtintos TARGET2-ECB sąlygos, iš dalies keičiamas pagal šio sprendimo priedą.

2 straipsnis

Įsigaliojimas

Šis sprendimas įsigalioja 2011 m. lapkričio 21 d.

Priimta Frankfurte prie Maino 2011 m. lapkričio 15 d.

ECB pirmininkas

Mario DRAGHI

⁽¹⁾ OL L 237, 2007 9 8, p. 1.

⁽²⁾ OL L 279, 2011 10 26, p. 5.

⁽³⁾ OL L 237, 2007 9 8, p. 71.

PRIEDAS

Sprendimo ECB/2007/7 priedas iš dalies keičiamas taip:

1. 1 straipsnyje pakeičiamos šios apibrėžtys:

„— „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. 6 straipsnio 4 dalies c punktą pakeičiamas taip:

„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. 28 straipsnio 2 dalies e ir f punktai pakeičiami taip:

„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. 33 straipsnis iš dalies keičiamas taip:

a) antraštė „Data protection, prevention of money laundering and related issues“ pakeičiama antrašte „Data protection, prevention of money laundering, administrative or restrictive measures and related issues“;

b) pridedama ši 3 dalis:

„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.“
