

DEĊIŻJONIJIET

DEĊIŻJONI TAL-BANK ĊENTRALI EWROPEW

tal-15 ta' Novembru 2011

li temenda d-Deċiżjoni BĊE/2007/7 dwar il-kundizzjonijiet tat-TARGET2-BĊE

(BĊE/2011/19)

(2011/749/UE)

IL-BORD EŻEKUTTIV TAL-BANK ĊENTRALI EWROPEW,

Wara li kkunsidra t-Trattat dwar il-Funzjonament tal-Unjoni Ewropea, u b'mod partikolari l-Artikolu 127(2) tiegħu,

Wara li kkunsidra l-Istatut tas-Sistema Ewropea tal-Banek Ċentrali u tal-Bank Ċentrali Ewropew, u b'mod partikolari l-Artikolu 11.6 u l-Artikoli 17, 22 u l-Artikolu 23 tiegħu,

Wara li kkunsidra l-Linja Gwida BĊE/2007/2 tas-26 t'April 2007 dwar sistema Trans-European Automated Real-time Gross settlement Express Transfer (TARGET2) ⁽¹⁾, u b'mod partikolari l-Artikolu 6(2) tiegħu;

Billi:

- (1) Il-Linja Gwida BĊE/2007/2 giet emendata mil-Linja Gwida BĊE/2011/15 tal-14 ta' Ottubru 2011 li temenda l-Linja Gwida BĊE/2007/2 dwar sistema Trans-European Automated Real-time Gross settlement Express Transfer (TARGET2) ⁽²⁾, sabiex: *inter alia* (a) tinkludi r-“raġunijiet ta' prudenza” fost il-kriterji li abbażi tagħhom għandha tiġi miċhuda applikazzjoni għall-partecipazzjoni fit-TARGET2, u l-partecipazzjoni ta' partecipant fit-TARGET2 jew l-aċċess tiegħu għall-kreditu intraday jista' jiġi sospiż, limitat jew mitmum; u (b) biex jiġu riflessi htigijiet godda għall-partecipanti tat-TARGET2 marbutin mal-miżuri amministrattivi u restrittivi introdotti taht l-Artikoli 75 u 215 tat-Trattat.

- (2) Għalhekk, huwa neċessarju li l-anness tad-Deċiżjoni BĊE/2007/7 tal-24 ta' Lulju 2007 dwar il-kundizzjonijiet tat-TARGET2-BĊE ⁽³⁾ li jinkorpora ċerti elementi mil-Linja Gwida BĊE/2011/15 fit-termini u l-kundizzjonijiet tat-TARGET2-BĊE,

ADOTTA DIN ID-DEĊIŻJONI:

Artikolu 1

Emenda tat-termini u l-kundizzjonijiet tat-TARGET2-BĊE

L-Anness tad-Deċiżjoni BĊE/2007/7 li fiha it-termini u l-kundizzjonijiet tat-TARGET2-BĊE huwa emendat skont l-Anness ta' din id-Deċiżjoni.

Artikolu 2

Dhul fis-sehh

Din id-Deċiżjoni għandha tidhol fis-sehh fil-21 ta' Novembru 2011.

Magħmul fi Frankfurt am Main, il-15 ta' Novembru 2011.

Il-President tal-BĊE

Mario DRAGHI

⁽¹⁾ ĠU L 237, 8.9.2007, p. 1.

⁽²⁾ ĠU L 279, 26.10.2011, p. 5.

⁽³⁾ ĠU L 237, 8.9.2007, p. 71.

ANNEX

L-Anness tad-Deċizjoni BĊE/2007/7 huwa emendat kif ġej:

1. Fl-Artikolu 1 id-definizzjonijiet li ġejjin huma mibdul:

— ‘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. L-Artikolu 6(4)(c) huwa mibdul b’li ġej:

“(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. L-Artikolu 28(2)(e) u (f) huwa mibdul b’li ġej:

“(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. L-Artiklu 33 huwa emendat kif ġej:

(a) it-titolu “Data protection, prevention of money laundering and related issues” huwa mibdul minn “Data protection, prevention of money laundering, administrative or restrictive measures and related issues”

(b) Il-paragrafu 3 li ġej qed jiżdied:

“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.”.
