

## LĒMUMI

## EIROPAS CENTRĀLĀS BANKAS LĒMUMS

(2011. gada 15. novembris),

ar ko groza Lēmumu ECB/2007/7 par TARGET2-ECB noteikumiem un nosacījumiem

(ECB/2011/19)

(2011/749/ES)

EIROPAS CENTRĀLĀS BANKAS VALDE,

ņemot vērā Līgumu par Eiropas Savienības darbību un jo īpaši tā 127. panta 2. punktu,

ņemot vērā Eiropas Centrālo banku sistēmas un Eiropas Centrālās bankas Statūtus un jo īpaši to 11.6. pantu, kā arī 17., 22. un 23. pantu,

ņemot vērā 2007. gada 26. aprīļa Pamatnostādni ECB/2007/2 par Eiropas automatizēto reālā laika bruto norēķinu sistēmu (TARGET2) <sup>(1)</sup> un jo īpaši tās 6. panta 2. punktu,

tā kā:

- (1) Pamatnostādne ECB/2007/2 grozīta ar 2011. gada 14. oktobra Pamatnostādni ECB/2011/15, ar ko groza Pamatnostādni ECB/2007/2 par Eiropas automatizēto reālā laika bruto norēķinu sistēmu (TARGET2) <sup>(2)</sup>, lai a) iekļautu "piesardzības apsvērumus" tajos kritērijos, uz kuru pamata var noraidīt pieteikumu dalībai TARGET2 un var bloķēt, ierobežot vai izbeigt dalībnieka dalību TARGET2 vai tā piekļuvi dienas kredītam; un b) atspoguļotu jaunās prasības TARGET2 dalībniekiem, kas saistītas ar administratīvajiem un ierobežojošajiem pasākumiem, kuri ieviesti saskaņā ar Līguma 75. un 215. pantu.

- (2) Tādēļ jāgroza 2007. gada 24. jūlija Lēmuma ECB/2007/7 par TARGET2-ECB noteikumiem un nosacījumiem <sup>(3)</sup> pielikums, lai dažus Pamatnostādnes ECB/2011/15 elementus iekļautu TARGET2-ECB noteikumos un nosacījumos,

IR PIENĒMUSI ŠO LĒMUMU.

## 1. pants

**Grozījumi TARGET2-ECB noteikumos un nosacījumos**

Lēmuma ECB/2007/7 pielikumu, kurā iekļauti TARGET2-ECB noteikumi un nosacījumi, groza saskaņā ar šā lēmuma pielikumu.

## 2. pants

**Stāšanās spēkā**

Šis lēmums stājas spēkā 2011. gada 21. novembrī.

Frankfurtē pie Mainas, 2011. gada 15. novembrī

ECB prezidents

Mario DRAGHI

<sup>(1)</sup> OV L 237, 8.9.2007., 1. lpp.

<sup>(2)</sup> OV L 279, 26.10.2011., 5. lpp.

<sup>(3)</sup> OV L 237, 8.9.2007., 71. lpp.

## PIELIKUMS

Lēmuma ECB/2007/7 pielikumu groza šādi:

1) pielikuma 1. pantā tiek aizstātas šādas definīcijas:

— “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) ar šādu apakšpunktu aizstāj 6. panta 4. punkta c) apakšpunktu:

“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) ar šādiem apakšpunktiem aizstāj 28. panta 2. punkta e) un f) apakšpunktu:

“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) šādi groza 33. pantu:

a) virsrakstu “Data protection, prevention of money laundering and related issues” aizstāj ar “Data protection, prevention of money laundering, administrative or restrictive measures and related issues”;

b) pievieno šādu 3. punktu:

“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.”

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