SKLEP EVROPSKE CENTRALNE BANKE

z dne 2. novembra 2010

o spremembah Sklepa ECB/2007/7 o pogojih za sistem TARGET2-ECB

(ECB/2010/19)

(2010/673/EU)

IZVRŠILNI ODBOR EVROPSKE CENTRALNE BANKE JE –

ob upoštevanju Pogodbe o delovanju Evropske skupnosti in zlasti člena 127(2) Pogodbe,

ob upoštevanju Statuta Evropskega sistema centralnih bank in Evropske centralne banke ter zlasti člena 11.6 ter členov 17, 22 in 23 Statuta,

ob upoštevanju Smernice ECB/2007/2 z dne 26. aprila 2007 o transevropskem sistemu bruto poravnave v realnem času (TARGET2) ([1]),

ob upoštevanju Sklepa ECB/2007/7 z dne 24. julija 2007 o pogojih za sistem TARGET2-ECB ([2]),

ob upoštevanju naslednjega:

(1) Svet Evropske centralne banke (ECB) je dne 15. septembra 2010 sprejel Smernico ECB/2010/12 o spremembah Smernice ECB/2007/2 transevropskem sistemu bruto poravnave v realnem času (TARGET2) ([3]), da bi se med drugim (a) upoštevale posodobitve za verzijo 4.0 sistema TARGET2, zlasti da se udeležencem omogoči dostop do enega ali več PM računov z uporabo internetnega dostopa; in (b) odrazile številne tehnične spremembe zaradi začetka veljavnosti Pogodbe o delovanju Evropske unije in razjasnila nekatera vprašanja.

(2) Sklep ECB/2007/7 je treba ustrezno spremeniti, da bi se v pogojih za sistem TARGET2-ECB izvedli nekateri elementi Smernice ECB/2010/12 –

SPREJEL NASLEDNJI SKLEP:

Člen 1

Spremembe pogojev za sistem TARGET2-ECB

Priloga k Sklepu ECB/2007/7, ki vsebuje pogoje za sistem TARGET2-ECB, se spremeni v skladu s Prilogo k temu sklepu.

Člen 2

Začetek veljavnosti

Ta sklep začne veljati dan po objavi v *Uradnem listu Evropske unije*.

V Frankfurtu na Majni, 2. novembra 2010

Predsednik ECB

Jean-Claude TRICHET

([1]) UL L 237, 8.9.2007, str. 1.
([2]) UL L 237, 8.9.2007, str. 71.
([3]) UL L 261, 5.10.2010, str. 6.

PRILOGA

Pogoji za sistem TARGET2-ECB se spremenijo:

1. Člen 1 se spremeni:

   (a) naslednje opredelitve se nadomestijo, kot sledi:

   „— ‚addressable BIC holder' means an entity which: (a) holds a Business Identifier Code (BIC); (b) is not recognised as an indirect participant; and (c) is a correspondent or customer of a direct participant or a branch of a direct or indirect participant, and is able to submit payment orders to and receive payments from a TARGET2 component system via the direct participant,"

   „— „credit institution' means either: (a) a credit institution within the meaning of §1(1) of the KWG that is subject to supervision by a competent authority; or (b) another credit institution within the meaning of Article 123(2) of the Treaty on the Functioning of the European Union that is subject to scrutiny of a standard comparable to supervision by a competent authority,"

   „— ‚public sector body' means an entity within the „public sector", the latter term as defined in Article 3 of Council Regulation (EC) No 3603/93 of 13 December 1993 specifying definitions for the application of the prohibitions referred to in Articles 104 and 104b(1) of the Treaty (*),

   (*) OJ L 332, 31.12.1993, p. 1.";

   (b) opredelitev „— ‚Bank Identifier Code (BIC)' means a code as defined by ISO Standard No 9362," se nadomesti z naslednjim: „— ‚Business Identifier Code (BIC)' means a code as defined by ISO Standard No 9362,";

   (c) v opredelitvi „technical malfunction of TARGET2" se pika nadomesti z vejico;

   (d) doda se naslednja opredelitev:

   „— ‚User Detailed Functional Specifications (UDFS)' means the most up-to-date version of the UDFS, which is the technical documentation that details how a participant interacts with TARGET2.".

2. Člen 28(2) se nadomesti:

   (a) v točki (d) se besedi „and/or" črtata in dodata na koncu točke (e);

   (b) doda se naslednja točka (f):

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

3. V členu 32(2) se izraz „Community" nadomesti z izrazom „Union".

4. Člen 33(1) se nadomesti z naslednjim:

   „1. Participants shall be deemed to be aware of, and shall comply with, all obligations on them relating to legislation on data protection, prevention of money laundering, the financing of terrorism, proliferation-sensitive nuclear activities and the development of nuclear weapons delivery systems, in particular in terms of implementing appropriate measures concerning any payments debited or credited on their PM accounts. Participants shall also acquaint themselves with the network service provider's data retrieval policy prior to entering into the contractual relationship with the network service provider.".

5. V členu 34(1) se izraz „SWIFT" nadomesti z izrazom „BIC".

6. Člen 38(2) se nadomesti z naslednjim:

   „2. Without prejudice to the competence of the Court of Justice of the European Union, any dispute arising from a matter relating to the relationship referred to in paragraph 1 falls under the exclusive competence of the courts of Frankfurt am Main.".

7. V Dodatku I se zadnje tri vrstice v tabeli v odstavku 2(1) nadomestijo z naslednjim:

„MT 900	Optional	Confirmation of Debit/Credit line change
MT 910	Optional	Confirmation of Credit/Credit line change
MT 940/950	Optional	(Customer) Statement Message“

8. V Dodatku V se zadnja vrstica v tabeli v odstavku 3 nadomesti z naslednjim:

„1.00-7.00	Settlement procedure of night-time ancillary system operations (only for ancillary system settlement procedure 6)“