EUROOPAN KESKUSPANKIN PÄÄTÖS (EU) 2019/1848,

annettu 29 päivänä lokakuuta 2019,

TARGET2-ECB-osajärjestelmän säännöistä tehdyn päätöksen EKP/2007/7 muuttamisesta (EKP/2019/32)

EUROOPAN KESKUSPANKIN JOHTOKUNTA, joka

ottaa huomioon Euroopan unionin toiminnasta tehdyn sopimuksen ja erityisesti sen 127 artiklan 2 kohdan ensimmäisen ja neljännen luetelmakohdan,

ottaa huomioon Euroopan keskuspankkijärjestelmän ja Euroopan keskuspankin perussäännön ja erityisesti sen 11.6, 17, 22 ja 23 artiklan,

sekä katsoo seuraavaa:

(1) EKP:n neuvosto muutti ([1]) suuntaviivat EKP/2012/27 ([2]) 4 päivänä lokakuuta 2019 a) ottaakseen SSP:ssä käyttöön uuden toiminnon, jonka avulla voidaan käsitellä erittäin tärkeitä ja tärkeitä maksuja häiriötilanteessa ja johon eurojärjestelmän keskuspankkien on liityttävä, b) selkiyttääkseen edellytyksiä, joiden täyttyessä sijoituspalveluyritykset voivat osallistua TARGET2-järjestelmään, mukaan lukien vaatimus, joka koskee oikeudellista lausuntoa sijoituspalveluyrityksistä, jotka on perustettu Euroopan talousalueen (ETA) ulkopuolella ja jotka hakevat suoraa osallistumista TARGET2-järjestelmän osajärjestelmään, c) selventääkseen, että TARGET2-järjestelmän osajärjestelmien osallistujien on noudatettava itse antamaansa todistusta ja TARGET2-järjestelmän verkkopalvelujen tarjoajien päätelaitteita koskevia tietoturvavaatimuksia sekä ilmoitettava asianomaiselle eurojärjestelmän keskuspankille kaikista kriisinehkäisy- tai kriisinhallintatoimista, joita niihin kohdistetaan, sekä d) selkiyttääkseen ja ajantasaistaakseen suuntaviivoja EKP/2012/27 tietyiltä muilta osin.

(2) TARGET2-ECB-osajärjestelmän sääntöihin vaikuttavat suuntaviivoihin EKP/2012/27 tehdyt muutokset pitäisi ottaa huomioon päätöksessä EKP/2007/7 ([3]).

(3) Päätös EKP/2007/7 pitäisi näin ollen muuttaa vastaavasti,

ON HYVÄKSYNYT TÄMÄN PÄÄTÖKSEN:

1 artikla

Muutokset

Muutetaan päätöksen EKP/2007/7 liitteet I, II ja III tämän päätöksen liitteen mukaisesti.

([1]) Suuntaviivat (EU) 2019/[1849, annettu 4 päivänä lokakuuta 2019, Euroopan laajuisesta automatisoidusta reaaliaikaisesta bruttomaksujärjestelmästä (TARGET2) annettujen suuntaviivojen EKP/2012/27 muuttamisesta (EKP/2019/30), Ks. tämän virallisen lehden sivu 64

([2]) Suuntaviivat EKP/2012/27, annettu 5 päivänä joulukuuta 2012, Euroopan laajuisesta automatisoidusta reaaliaikaisesta bruttomaksujärjestelmästä (TARGET2) (EUVL L 30, 30.1.2013, p. 1).

([3]) Päätös EKP/2007/7, tehty 24 päivänä heinäkuuta 2007, TARGET2-EKP-osajärjestelmän säännöistä (EUVL L 237, 8.9.2007, s. 71).

2 artikla

Loppusäännökset

Tämä päätös tulee voimaan seuraavana päivänä sen jälkeen, kun se on julkaistu *Euroopan unionin virallisessa lehdessä*.

Sitä sovelletaan 17 päivästä marraskuuta 2019.

Tehty Frankfurt am Mainissa 29 päivänä lokakuuta 2019.

EKP:n puheenjohtaja
Mario DRAGHI

LIITE

Päätöksen EKP/2007/7 liitteet I, II ja III muutetaan seuraavasti:

1. Muutetaan liite I seuraavasti:

a) kumotaan 1 artiklassa oleva käsitteen ”Contingency Module” määritelmä;

b) korvataan 1 artiklassa oleva käsitteen “Information and Control Module (ICM)” määritelmä seuraavasti:

“—“Information and Control Module (ICM)” means the SSP module that allows PM account holders to obtain online information and gives them the possibility to submit liquidity transfer orders, manage liquidity and, if applicable, initiate backup payment orders or payment orders to the Contingency Solution in a contingency,”;

c) lisätään 1 artiklaan seuraava määritelmä:

“—“Contingency Solution” means the SSP functionality that processes very critical and critical payments in contingency,”;

d) korvataan 9 artiklan 8 kohta seuraavasti:

“8. Participants shall immediately inform the ECB if an event of default occurs in relation to themselves or if they are subject to crisis prevention measures or crisis management measures within the meaning of Directive 2014/59/EU of the European Parliament and of the Council (*) or any other equivalent applicable legislation.

(*) Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).”;

e) korvataan 21 artikla seuraavasti:

”Article 21

Business continuity and contingency procedures

1. In the event of an abnormal external event or any other event which affects the operation of the SSP, the business continuity and contingency procedures described in Appendix IV shall apply.

2. The Eurosystem provides a Contingency Solution if the events described in paragraph 1 occur. Connection to and use of the Contingency Solution shall be mandatory for participants considered by the ECB to be critical. Other participants may, on request, connect to the Contingency Solution.”;

f) muutetaan 22 artikla seuraavasti:

i) korvataan 3 kohta seuraavasti:

“3. The ECB may impose additional security requirements, in particular with regard to cybersecurity or the prevention of fraud, on all participants and/or on participants that are considered critical by the ECB.”;

ii) lisätään 4 kohta seuraavasti:

“4. Participants shall provide the ECB with their TARGET2 self-certification and their attestation of adherence to the TARGET2 network service provider’s endpoint security requirements. In the event of non-adherence to the latter, participants shall provide a document describing alternative mitigating measures to the satisfaction of the ECB.”;

g) korvataan 23 artiklan 1 kohdan c alakohta seuraavasti:

“c) allows participants to initiate backup liquidity redistribution and backup contingency payments or payment orders to the Contingency Solution in the event of a failure of the participant’s payment infrastructure.”;

h) korvataan 32 artiklan 2 kohdan c alakohta seuraavasti:

"c) supervisory, resolution and oversight authorities of Member States and the Union, including CBs, to the extent that this is necessary for the performance of their public tasks, and provided in all such cases that the disclosure is not in conflict with the applicable law.";

i) muutetaan lisäys I seuraavasti:

i) korvataan 2 kohdan 1 alakohdan taulukossa viides rivi seuraavasti:

"MT 202COV	Mandatory	Cover payment"

ii) korvataan 8 kohdan 7 alakohta seuraavasti:

"If a participant has technical problems and is unable to submit any payment order, it may generate preformatted backup liquidity redistribution and backup contingency payments by using the ICM. The ECB shall open such functionality upon request of the participant";

j) korvataan lisäyksessä III otsikon "Terms of reference for country opinions for non-EEA participants in TARGET2" alla oleva 3.2 kohta, jonka otsikkona on "General insolvency issues", seuraavasti:

"3.2 **General insolvency and crisis management issues**

3.2.a. *Types of insolvency and crisis managementproceedings*

The only types of insolvency proceedings (including composition or rehabilitation) which, for the purpose of this Opinion, shall include all proceedings in respect of the Participant's assets or any branch it may have in [jurisdiction] to which the Participant may become subject in [jurisdiction], are the following: [list proceedings in original language and English translation] (together collectively referred to as 'Insolvency Proceedings').

In addition to Insolvency Proceedings, the Participant, any of its assets, or any branch it may have in [jurisdiction] may become subject in [jurisdiction] to [list any applicable moratorium, receivership, or any other proceedings as a result of which payments to and/or from the Participant may be suspended, or limitations can be imposed in relation to such payments, or similar proceedings, including crisis prevention and crisis management measures equivalent to those defined in Directive 2014/59/EU, in original language and English translation] (hereinafter collectively referred to as 'Proceedings').

3.2.b. *Insolvency treaties*

[jurisdiction] or certain political subdivisions within [jurisdiction], as specified, is/are party to the following insolvency treaties: [specify, if applicable which have or may have an impact on this Opinion].";

k) muutetaan lisäyksessä IV 6 kohta seuraavasti:

i) korvataan a ja b alakohta seuraavasti:

"a) If the ECB deems it necessary to do so, it shall initiate the contingency processing of payment orders using the Contingency Solution of the SSP. In such cases, only a minimum service level shall be provided to participants. The ECB shall inform its participants of the start of contingency processing by any available means of communication.

b) In contingency processing, payment orders shall be submitted by the participants and authorised by the ECB. In addition, the participants may submit files containing payment instructions, which may be uploaded into the Contingency Solution by the ECB.";

ii) korvataan d ja e alakohta seuraavasti:

"d) Payments required to avoid systemic risk shall be considered as 'critical' and the ECB may decide to initiate contingency processing in relation to them.

e) Participants shall submit payment orders for contingency processing directly into the Contingency Solution and information to payees shall be provided through encrypted and authenticated sähköposti:, as well as via authenticated fax. Participants shall submit files which contain payment instructions to the ECB for uploading into the Contingency Solution and which authorise the ECB to do so. The ECB may, exceptionally, also manually input payments on behalf of participants. Information concerning account balances and debit and credit entries may be obtained via the ECB.";

l) korvataan lisäyksessä IV 7 kohdan a ja b alakohta seuraavasti:

"a) In the event that a participant has a problem that prevents it from settling payments in TARGET2 it shall be its responsibility to resolve the problem. In particular, a participant may use in-house solutions or the ICM functionality, i.e. backup liquidity redistribution and backup contingency payments (e.g. CLS, EURO1).

b) If a participant decides to use the ICM functionality for making backup liquidity redistribution, the ECB shall, if the participant so requests, open this functionality via the ICM. If the participant so requests, the ECB shall transmit an ICM broadcast message to inform other participants about the participant's use of backup liquidity redistribution. The participant shall be responsible for sending such backup liquidity redistribution exclusively to other participants with which it has bilaterally agreed on the use of such payments and for any further steps in relation to such payments.";

m) korvataan lisäyksessä VI 5 kohdan taulukon kolmas ja neljäs rivi seuraavasti:

"T2S DCA to T2S DCA liquidity transfer orders	14,1	per transfer
Intra-balance movement (i.e. blocking, unblocking, reservation of liquidity etc.)	9,4	per transaction"

2. Muutetaan liite II seuraavasti:

a) muutetaan 1 artikla seuraavasti:

i) korvataan käsitteen "Information and Control Module (ICM)" määritelmä seuraavasti:

"—"Information and Control Module (ICM)" means the SSP module that allows PM account holders to obtain online information and gives them the possibility to submit liquidity transfer orders, manage liquidity and, if applicable, initiate backup payment orders or payment orders to the Contingency Solution in a contingency,";

ii) lisätään seuraava määritelmä:

"—"Contingency Solution" means the SSP functionality that processes very critical and critical payments in contingency,";

b) korvataan 10 artiklan 9 kohta seuraavasti:

"9. T2S DCA holders shall immediately inform the ECB if an event of default occurs in relation to themselves or if they are subject to crisis prevention measures or crisis management measures within the meaning of Directive 2014/59/EU or any other equivalent applicable legislation.";

c) korvtaan 18 artiklan 3 kohta seuraavasti:

"3. The ECB may impose additional security requirements, in particular with regard to cybersecurity or the prevention of fraud, on all T2S DCA holders and/or on T2S DCA holders that are considered critical by the ECB.";

d) korvataan 27 artiklan 2 kohdan c alakohta seuraavasti:

"c) supervisory, resolution and oversight authorities of Member States and the Union, including CBs, to the extent that this is necessary for the performance of their public tasks, and provided in all such cases that the disclosure is not in conflict with the applicable law.";

e) korvataan lisäyksessä III otsikon "Terms of reference for country opinions for non-EEA T2S DCA holders in TARGET2" alla oleva 3.2 kohta, jonka otsikkona on "General insolvency issues". seuraavasti:

"3.2 **General insolvency and crisis management issues**

3.2.a. *Types of insolvency and crisis management proceedings*

The only types of insolvency proceedings (including composition or rehabilitation) which, for the purpose of this Opinion, shall include all proceedings in respect of the T2S DCA holder's assets or any branch it may have in [jurisdiction] to which the T2S DCA holder may become subject in [jurisdiction], are the following: [list proceedings in original language and English translation] (together collectively referred to as 'Insolvency Proceedings').

In addition to Insolvency Proceedings, the T2S DCA holder, any of its assets, or any branch it may have in [jurisdiction] may become subject in [jurisdiction] to [list any applicable moratorium, receivership, or any other proceedings as a result of which payment orders to and/or from the T2S DCA holder may be suspended, or limitations can be imposed in relation to such payment orders, or similar proceedings, including crisis prevention and crisis management measures equivalent to those defined in Directive 2014/59/EU, in original language and English translation] (hereinafter collectively referred to as 'Proceedings').

3.2.b. *Insolvency treaties*

[jurisdiction] or certain political subdivisions within [jurisdiction], as specified, is/are party to the following insolvency treaties: [specify, if applicable which have or may have an impact on this Opinion].";

f) korvataan lisäyksessä VI taulukon kolmas ja neljäs rivi seuraavasti:

"T2S DCA to T2S DCA liquidity transfer orders	14,1 euro cent	per transfer
Intra-balance movement (i.e. blocking, unblocking, reservation of liquidity etc.)	9,4 euro cent	per transaction"

3. Korvataan liite III seuraavasti:

a) korvataan 14 artiklan 8 kohta seuraavasti:

"8. TIPS DCA holders shall immediately inform the ECB if an event of default occurs in relation to themselves or if they are subject to crisis prevention measures or crisis management measures within the meaning of Directive 2014/59/EU or any other equivalent applicable legislation.";

b) muutetaan 21 artikla seuraavasti:

i) korvataan 5 kohta seuraavasti:

"5. The ECB may impose additional security requirements, in particular with regard to cybersecurity or the prevention of fraud, on all TIPS DCA holders.";

ii) lisätään 6 kohta seuraavasti:

"6. TIPS DCA holders using instructing parties in line with Article 7(2) or (3), or allowing access to their TIPS DCA as set out in Article 8(1), shall be deemed to have addressed the risk stemming from such use or access in accordance with the additional security requirements imposed upon them."

c) korvataan 26 artiklan 4 kohta seuraavasti:

"4. In the event that the ECB suspends or terminates a TIPS DCA holder's participation in TARGET2-ECB under paragraph 1 or 2, the ECB shall immediately inform, by means of a ICM broadcast message, other CBs and PM account holders in all of the TARGET2 component systems of such suspension or termination. Such message shall be deemed to have been issued by the home CB of the PM account holder that received the message.

Linked PM account holders shall have the responsibility to inform their Linked TIPS DCA holders of the suspension or termination of any TIPS DCA holder's participation in TARGET2-ECB.

In the event that the suspension or termination of a TIPS DCA holder's participation in TARGET2-ECB occurs during the technical maintenance window, the ICM broadcast message shall be sent after the start of daytime processing on the next TARGET2 business day.";

d) korvataan 29 artiklan 3 kohdan c alakohta seuraavasti:

"c) supervisory, resolution and oversight authorities of Member States and the Union, including CBs, to the extent that this is necessary for the performance of their public tasks, and provided in all such cases that the disclosure is not in conflict with the applicable law."

e) korvataan lisäyksessä II otsikon "Terms of reference for country opinions for non-EEA TIPS DCA holders in TARGET2" alla oleva 3.2 kohta, jonka otsikkona on "General insolvency issues", seuraavasti:

"3.2 **General insolvency and crisis management issues**

3.2.a. *Types of insolvency and crisis management proceedings*

The only types of insolvency proceedings (including composition or rehabilitation) which, for the purpose of this Opinion, shall include all proceedings in respect of the TIPS DCA holder's assets or any branch it may have in [jurisdiction] to which the TIPS DCA holder may become subject in [jurisdiction], are the following: [list proceedings in original language and English translation] (together collectively referred to as 'Insolvency Proceedings').

In addition to Insolvency Proceedings, the TIPS DCA holder, any of its assets, or any branch it may have in [jurisdiction] may become subject in [jurisdiction] to [list any applicable moratorium, receivership, or any other proceedings as a result of which payment orders to and/or from the TIPS DCA holder may be suspended, or limitations can be imposed in relation to such payment orders, or similar proceedings, including crisis prevention and crisis management measures equivalent to those defined in Directive 2014/59/EU, in original language and English translation] (hereinafter collectively referred to as "Proceedings").

3.2.b. *Insolvency treaties*

[jurisdiction] or certain political subdivisions within [jurisdiction], as specified, is/are party to the following insolvency treaties: [specify, if applicable which have or may have an impact on this Opinion].".