

2023/2532

16.11.2023

BESLUIT (EU) 2023/2532 VAN DE EUROPESE CENTRALE BANK

van 9 november 2023

**tot wijziging van Besluit (EU) 2022/911 betreffende de voorwaarden van TARGET-ECB
(ECB/2022/22) (ECB/2023/27)**

DE DIRECTIE VAN DE EUROPESE CENTRALE BANK,

Gezien het Verdrag betreffende de werking van de Europese Unie, en met name artikel 127, lid 2, eerste en vierde streepje,

Gezien de statuten van het Europees Stelsel van centrale banken en van de Europese Centrale Bank, en met name artikel 3.1 en de artikelen 17, 22 en 23,

Overwegende hetgeen volgt:

- (1) Op 24 februari 2022 heeft de Raad van bestuur Richtsnoer (EU) 2022/912 van de Europese Centrale Bank (ECB/2022/8) ⁽¹⁾ vastgesteld, dat voorziet in de start van de exploitatie van een nieuwe generatie geautomatiseerd trans-Europees realtime-brutoverevening-express-betalingssysteem (TARGET).
- (2) Op 7 september 2023 heeft de Raad van bestuur Richtsnoer (EU) 2023/2415 van de Europese Centrale Bank (ECB/2023/22) ⁽²⁾ vastgesteld, waarbij Richtsnoer (EU) 2022/912 (ECB/2022/8) wordt gewijzigd. Het doel van de wijzigingen was om: a) bepaalde aspecten met betrekking tot het gebruik van handelsmerken in verband met TARGET-diensten te verduidelijken, b) het vereiste dat geen andere rekeningen dan TARGET-rekeningen worden geopend voor deelnemers die in aanmerking komen voor deelname aan TARGET met het oog op het verlenen van diensten die binnen het toepassingsgebied van dat richtsnoer vallen verder uit te werken; c) maatregelen te introduceren om de gevolgen van een falende aansluiting op TARGET te beperken; d) het verplicht gebruik van de noodoplossing met ingang van 21 maart 2025 in te stellen voor alle aan TARGET deelnemende houders van specifieke geldrekeningen voor realtime-brutoverevening en aangesloten systemen; e) verduidelijkingen op te nemen met betrekking tot adresseerbare partijen die zijn aangewezen door de aangesloten systemen die TARGET Instant Payment Settlement (TIPS) gebruiken, en g) bepaalde redactionele wijzigingen aan te brengen.
- (3) De in Richtsnoer (EU) 2022/912 (ECB/2022/8) doorgevoerde wijzigingen die van invloed zijn op de voorwaarden van TARGET2-ECB moeten tot uiting komen in Besluit ECB/2022/911 van de Europese Centrale Bank (ECB/2022/22) ⁽³⁾.
- (4) Om samenhang met de bepalingen van Richtsnoer (EU) 2023/2415 (ECB/2023/22) te waarborgen, moet dit besluit op 20 november 2023 in werking treden.
- (5) Derhalve moet Besluit (EU) 2022/911 (ECB/2022/22) dienovereenkomstig worden gewijzigd,

HEEFT HET VOLGENDE BESLUIT VASTGESTELD:

Artikel 1

Wijzigingen

Besluit (EU) 2022/911 (ECB/2022/22) wordt als volgt gewijzigd:

- 1) in artikel 3 wordt lid 2 vervangen door:

⁽¹⁾ Richtsnoer (EU) 2022/912 van de Europese Centrale Bank van 24 februari 2022 betreffende een nieuwe generatie geautomatiseerd trans-Europees realtime-brutoverevening-express-betalingssysteem (TARGET) en tot intrekking van Richtsnoer ECB/2012/27 (ECB/2022/8) (PB L 163 van 17.6.2022, blz. 84).

⁽²⁾ Richtsnoer (EU) 2023/2415 van de Europese Centrale Bank van 7 september 2023 tot wijziging van Richtsnoer (EU) 2022/912 betreffende een nieuwe generatie geautomatiseerd trans-Europees realtime-brutoverevening-express-betalingssysteem (TARGET) (ECB/2022/8) (ECB/2023/22) (PB L 2023/2415) van 27.10.2023, ELI: <https://eur-lex.europa.eu/eli/guideline/2023/2415/oj>.

⁽³⁾ Besluit (EU) 2022/911 van de Europese Centrale Bank van 19 april 2022 betreffende de voorwaarden van TARGET-ECB en tot intrekking van Besluit ECB/2007/7 (ECB/2022/22) (PB L 163 van 17.6.2022, blz. 1).

“2. Overeenkomstig artikel 9, lid 2, van Richtsnoer (EU) 2022/912 (ECB/2022/8) opent de ECB met ingang van de datum waarop het onderpandbeheersysteem van het Eurosysteem (*Eurosystem Collateral Management System — ECMS*) operationeel wordt, geen andere rekeningen dan TARGET-rekeningen voor deelnemers die in aanmerking komen voor deelname aan TARGET met het oog het verlenen van diensten die binnen het toepassingsgebied van Richtsnoer (EU) 2022/912 (ECB/2022/8) vallen, met uitzondering van rekeningen die gebruikt worden voor het aanhouden van in beslag genomen middelen of aan derde-schuldeisers in pand gegeven middelen of middelen als bedoeld in artikel 3, lid 1, punt d), van Verordening (EU) nr. 2021/378 van de Europese Centrale Bank (ECB/2021/1) (*).

(*) Verordening (EU) 2021/378 van de Europese Centrale Bank van 22 januari 2021 betreffende de toepassing van minimumreserveverplichtingen (ECB/2021/1) (PB L 73 van 3.3.2021, blz. 1).”;

- 2) Bijlage I bij Richtsnoer (EU) 2022/911 (ECB/2022/22) wordt overeenkomstig bijlage I bij dit besluit gewijzigd;
- 3) Bijlage II bij Richtsnoer (EU) 2022/911 (ECB/2022/22) wordt overeenkomstig Bijlage II bij dit besluit gewijzigd;
- 4) Bijlage III bij Richtsnoer (EU) 2022/911 (ECB/2022/22) wordt overeenkomstig Bijlage III bij dit besluit gewijzigd.

Artikel 2

Inwerkingtreding

Dit besluit treedt in werking op 20 november 2023.

Gedaan te Frankfurt am Main, 9 november 2023.

De president van de ECB
Christine LAGARDE

BIJLAGE I

Bijlage I bij Besluit (EU) 2022/911 (ECB/2022/22) wordt als volgt gewijzigd:

1) Deel I wordt als volgt gewijzigd:

(a) in artikel 18 wordt lid 4 vervangen door:

“4. The Eurosystem provides a Contingency Solution for use if the events described in paragraph 1 occur. Connection to and use of the Contingency Solution may be made on request by a participant, and shall be mandatory in the following cases:

- (a) for participants considered by the ECB to be critical and for participants that settle very critical transactions as set out in Appendix IV;
- (b) with effect from 21 March 2025, for all AS and for all RTGS DCA holders.”;

(b) artikel 23 wordt vervangen door:

“Article 23

Duration and ordinary termination of participation and closure of accounts

1. Without prejudice to Article 24, participation in TARGET-ECB shall be for an indefinite period of time.

2. A participant may terminate any of the following at any time giving 14 business days’ notice thereof, unless it agrees a shorter notice period with the ECB:

- (a) its entire participation in TARGET-ECB;
- (b) one or more of its DCAs, RTGS AS technical accounts and/or TIPS AS technical accounts;
- (c) one or more of its MCAs, except where the participant is an institution falling within the scope of Article 1 of Regulation (EU) 2021/378 (ECB/2021/1), in which case the participant shall continue to hold at least one MCA for the purpose of complying with the applicable minimum reserve requirements, provided that the participant continues to comply with Articles 4 and 5.

3. The ECB may terminate any of the following at any time giving three months’ notice thereof, unless it agrees a different notice period with the relevant participant:

- (a) a participant’s entire participation in TARGET-ECB;
- (b) one or more of a participant’s DCAs, RTGS AS technical accounts or TIPS AS technical accounts;
- (c) one or more of a participant’s MCAs, provided that the participant continues to hold at least one MCA.

4. On termination of participation, the confidentiality duties laid down in Article 27 shall remain in force for a period of five years starting on the date of termination.

5. On termination of participation, the ECB shall close all TARGET accounts of the participant concerned in accordance with Article 25.”;

(c) in artikel 30 wordt het volgende lid 1a ingevoegd:

“1a From 21 March 2026, participants that are considered critical by the ECB shall, in addition to the technical connection referred to in paragraph 1, establish a second technical connection for contingency purposes to TARGET-ECB through a second NSP in accordance with the modalities set out in paragraph 1. The second technical connection may be via the second NSP’s low volume user to application (U2A) access.”;

2) Deel II wordt als volgt gewijzigd:

a) in artikel 2 wordt lid 3 vervangen door:

“3. An MCA holder acting as co-manager shall fulfil the obligations of the MCA holder of the co-managed MCA under Part I, Article 5(1), point (a), Part I, Article 10(4), and Part I, Article 30(1) and (1a).”;

b) in artikel 2 wordt lid 4 vervangen door:

“4. De MCA-houder van een gezamenlijk beheerde MCA voldoet aan de verplichtingen van een deelnemer uit hoofde van deel I en deel II met betrekking tot de gezamenlijk beheerde MCA. In the event that the MCA holder does not have a direct technical connection to TARGET, Part I, Article 5(1), point (a), Part I, Article 10(4), and Part I, Article 30(1) and (1a) shall not apply.”;

3) Deel VII wordt als volgt gewijzigd:

a) in artikel 1 wordt lid 5 vervangen door:

“5. Een aangesloten systeem kan directebetalingsoopdrachten en naar aanleiding van een intrekkingverzoek geïnitieerde betalingsoopdrachten aan elke TIPS DCA-houder of TIPS AS-technische rekeninghouder verzenden. Een aangesloten systeem ontvangt en verwerkt directebetalingsoopdrachten, intrekkingverzoeken en naar aanleiding van een intrekkingverzoek geïnitieerde betalingsoopdrachten van elke TIPS DCA-houder of TIPS AS-technische rekeninghouder.”;

b) in artikel 7 wordt lid 1 vervangen door:

“1. A TIPS AS technical account holder may designate one or more reachable parties. Reachable parties shall have adhered to the SCT Inst scheme signing the SEPA Instant Credit Transfer Adherence Agreement and, if they are addressable in TARGET as RTGS DCA holders, addressable BIC holders or as entities referred to in Part III, Article 3(1), point (a) of Guideline (EU) 2022/911 ECB/2022/8, having been authorised to use an RTGS DCA by way of multi-addressee access, they shall hold a TIPS DCA or be reachable via a TIPS DCA.”;

4) in Appendix VI, wordt afdeling 6 (FEES FOR TIPS DCA HOLDERS) vervangen door:

“6. VERGOEDINGEN VOOR TIPS DCA-HOUDERS

1. Until 31 December 2023, the following fees apply:

a) Fees for the operation of TIPS DCAs shall be charged to the party indicated as shown in the following table:

Item	Rule applied	Fee per item (EUR)
Settled instant payment order	Party to be charged: the owner of the TIPS DCA to be debited	0,002
Unsettled instant payment order	Party to be charged: the owner of the TIPS DCA to be debited	0,002
Settled positive recall answer	Party to be charged: the owner of the TIPS DCA to be credited	0,002
Unsettled positive recall answer	Party to be charged: the owner of the TIPS DCA to be credited	0,002

b) Liquidity transfer orders from TIPS DCAs to: MCAs; RTGS DCAs; sub-accounts; overnight deposit accounts; TIPS AS technical accounts; and T2S DCAs shall be free of charge.

2. With effect from 1 January 2024, fees for the operation of TIPS DCAs shall be charged as follows:

a) For each TIPS DCA a monthly fixed fee of EUR 800 shall be charged to the holder of the TIPS DCA;

- b) For each reachable party designated by the TIPS DCA holder, up to a maximum of 50 reachable parties, a monthly fixed fee of EUR 20 shall be charged to the designating TIPS DCA holder. No fee shall be charged for the fifty-first or any subsequent reachable party;
- c) For each instant payment order or positive recall answer accepted by the [insert name of CB] as set out in Part I, Article 17, a fee of 0.001 EUR shall be charged to both the holder of the TIPS DCA to be debited and to the holder of the TIPS DCA or TIPS AS technical account to be credited, whether or not the instant payment order or positive recall answer settles;
- d) No fee shall be charged for liquidity transfer orders from TIPS DCAs to MCAs, RTGS DCAs, sub-accounts, overnight deposit accounts, TIPS AS technical accounts or T2S DCAs.;

5) In Appendix VI, wordt afdeling 7 (*FEES FOR AS USING TIPS AS SETTLEMENT PROCEDURE*) vervangen door:

“7. FEES FOR AS USING TIPS AS SETTLEMENT PROCEDURE

1. Until 31 December 2023, the following fees apply:

- a) Fees for the use by an AS of the TIPS AS settlement procedure shall be charged to the party indicated as shown in the following table:

Item	Rule applied	Fee per item (EUR)
Settled instant payment order	Party to be charged: the owner of the TIPS AS technical account to be debited	0,002
Unsettled instant payment order	Party to be charged: the owner of the TIPS AS technical account to be debited	0,002
Settled positive recall answer	Party to be charged: the owner of the TIPS AS technical account to be credited	0,002
Unsettled positive recall answer	Party to be charged: the owner of the TIPS AS technical account to be credited	0,002

- b) Liquidity transfer orders from TIPS AS technical accounts to TIPS DCAs shall be free of charge;
- c) In addition to the fees set out above, each AS shall be subject to a monthly fee based on the gross underlying volume of instant payments, near instant payments and positive recall answers settled in the AS's own platform and enabled by the pre-funded positions on the TIPS AS technical account. The fee shall be EUR 0,0005 per settled instant payment, near instant payment or settled positive recall answer. For each month, each AS shall report the gross underlying volume of its settled instant payments, near instant payments and settled positive recall answers rounded down to the nearest ten thousand, at the latest by the third business day of the following month. The reported gross underlying volume shall be applied by the ECB to calculate the fee for the following month.

2. With effect from 1 January 2024, fees for the use by an AS of the TIPS AS settlement procedure shall be charged as follows:

- a) For each TIPS AS technical account a monthly fixed fee of EUR 3 000 shall be charged to the holder of the TIPS AS technical account;
- b) For each reachable party designated by the TIPS AS technical account holder, up to a maximum of 50 reachable parties, a monthly fixed fee of EUR 20 shall be charged to the designating TIPS AS technical account holder. No fee shall be charged for the fifty-first or any subsequent reachable party;

- c) For each instant payment order or positive recall answer accepted by the [insert name of CB] as set out in Part I, Article 17, a fee of 0,001 EUR shall be charged to both the holder of the TIPS AS technical account to be debited and to the holder of the TIPS AS technical account or TIPS DCA to be credited, whether or not the instant payment order or positive recall answer settles;
- d) No fee shall be charged for liquidity transfer orders from TIPS AS technical accounts to TIPS DCAs;
- e) In addition to the fees set out above, each AS shall be subject to a monthly fee based on the gross underlying volume of instant payments, near instant payments and positive recall answers settled in the AS's own platform and enabled by the pre-funded positions on the TIPS AS technical account. For each month, each AS shall report the gross underlying volume of its settled instant payments, near instant payments and settled positive recall answers, rounded down to the nearest ten thousand, at the latest by the third business day of the following month. The reported gross underlying volume shall be applied by the ECB to calculate the unit fee per settled instant payment, near instant payment or settled positive recall answer for the previous month according to the following table:

Reported gross underlying volume		
From	To	Unit Fee
0	10 000 000	0,00040
10 000 001	25 000 000	0,00030
25 000 001	100 000 000	0,00020
100 000 001		0,00015"

BIJLAGE II

Bijlage II bij Besluit (EU) 2022/911 (ECB/2022/22) wordt vervangen door:

“ANNEX II

TARGET GOVERNANCE ARRANGEMENTS

Level 1 — Governing Council	Level 2 — Technical and operational management body	Level 3 — Level 3 NCBs
1. General provisions		
Final competence in relation to all TARGET issues, in particular the rules for the decision making in TARGET, and responsible for safeguarding the public function of TARGET	— Conducting technical, functional, operational and financial management tasks in relation to TARGET and implementing the rules on governance decided by Level 1	— Taking decisions on the daily running of TARGET based on the service levels defined in the agreement referred to in Article 7(6) of Guideline ECB/2022/8
2. Pricing policy		
— Deciding on pricing structure/pricing policy — Deciding on the pricing envelopes	— Regular review of pricing structure/ pricing policy — Drafting and monitoring of pricing envelopes	(Not applicable)
3. Financing		
— Deciding on rules for the financial regime of TARGET — Deciding on the financial envelopes	— Drafting proposals for the main features of the financial regime as decided by Level 1. — Drafting and monitoring of financial envelopes — Approval and/or initiation of instalments paid by Eurosystem CBs to Level 3 for provision of services — Approval and/or initiation of reimbursement of fees to the Eurosystem CBs	— Providing cost figures to Level 2 for the service provision
4. Service level		
Deciding on the level of service	Verifying that the service was delivered in accordance with the agreed Service level	— Delivering the service in accordance with the agreed Service level
5. Operation		
	— Deciding on the rules applicable to incidents and crisis situations — Monitoring business developments	— Managing TARGET based on the agreement referred to in Article 7(6) of Guideline ECB/2022/8
6. Change and release management		
Deciding in case of escalation	— Approving the Change requests — Approving the release scoping — Approving the release plan and its execution	— Assessing the Change Requests — Implementing the Change requests in line with the agreed plan

Level 1 — Governing Council	Level 2 — Technical and operational management body	Level 3 — Level 3 NCBs
7. Risk management		
— approving the TARGET Risk Management Framework and the risk tolerance for TARGET as well as accepting remaining risks — assuming ultimate responsibility for the activities of the first and second lines of defence — establishing the organisational structure for roles and responsibilities related to risk and control	— Conducting the risk management following the roles defined in the applicable risk management frameworks — Conducting risk analysis and follow-up according to the allocated risk ownership — ensuring that all risk management arrangements are maintained and kept-up-to-date — approving and reviewing the business continuity plan as outlined in the relevant operational documentation	— Conducting the risk management following the roles defined in the applicable risk management frameworks and related to Level 3 activities — Conducting risk analysis and follow-up according to the allocated risk ownership — Providing the necessary information for risk analysis according to Level 1/Level 2 requests and the risk management frameworks in place
8. System rules		
— Establishing and ensuring adequate implementation of the European System of Central Banks' legal framework for TARGET including the Harmonised Conditions for participation in TARGET	(Not applicable)	(Not applicable)"

BIJLAGE III

Bijlage III bij Besluit (EU) 2022/911 (ECB/2022/22) wordt als volgt gewijzigd:

1. punt 28 wordt vervangen door:

“(28) **“European Payments Council’s SEPA Instant Credit Transfer (SCT Inst) scheme” or “SCT Inst scheme”** means an automated, open standards scheme providing a set of interbank rules to be complied with by SCT Inst scheme participants, allowing payment services providers in the Single Euro Payments Area (SEPA) to offer an automated SEPA-wide euro instant credit transfer product;”;

2. punt 54 wordt vervangen door:

“54) **“intrekkingsverzoek”** (recall request): een bericht van een RTGS DCA-houder, een TIPS DCA-houder of een TIPS AS-technische rekeninghouder waarin wordt verzocht om terugbetaling van respectievelijk een afgewikkelde betalingsopdracht of een directe betalingsopdracht;”.
