

EUROPÄISCHE ZENTRALBANK

BESCHLUSS DER EUROPÄISCHEN ZENTRALBANK

vom 19. März 2009

über die Einrichtung des TARGET2-Securities-Programmvorstands (TARGET2-Securities Programme Board)

(EZB/2009/6)

(2009/338/EG)

DER EZB-RAT —

gestützt auf die Satzung des Europäischen Systems der Zentralbanken und der Europäischen Zentralbank (nachfolgend „ESZB-Satzung“), insbesondere auf die Artikel 3.1, 12.1 und 12.3 sowie die Artikel 17, 18 und 22,

in Erwägung nachstehender Gründe:

(1) In seiner Sitzung am 6. Juli 2006 beschloss der EZB-Rat, in Zusammenarbeit mit Zentralverwahrern und anderen Marktteilnehmern die Möglichkeit der Einrichtung eines neuen Dienstes des Eurosystems für die Wertpapierabwicklung zu untersuchen, der als TARGET2-Securities (T2S) bezeichnet werden soll. Als Teil seiner Aufgaben gemäß Artikel 17, 18 und 22 der ESZB-Satzung sieht das Eurosystem vor, dass T2S ein auf einer einzigen Plattform basierender Dienst sein wird, der eine grundlegende, neutrale und grenzenlose europaweite Zahlungs- und Wertpapierabwicklung gewährleistet, die den Zentralverwahrern angeboten wird, um ihnen zu ermöglichen, ihre Kunden mit harmonisierten und standardisierten Wertpapierabwicklungsdienstleistungen gegen Zahlung in Zentralbankgeld in einem integrierten technischen Umfeld zu versorgen.

(2) Am 17. Juli 2008 beschloss der EZB-Rat, T2S zu errichten und die notwendigen Mittel bis zu dessen Abschluss zur Verfügung zu stellen. Auf der Grundlage eines Angebots der Deutschen Bundesbank, der Banco de España, der Banque de France und der Banca d'Italia beschloss der EZB-Rat ferner, dass T2S von diesen vier nationalen Zentralbanken (NZBen) entwickelt und betrieben wird.

(3) Die effektive und effiziente Organisation von T2S, die sowohl interne als auch externe Interessengruppen einbezieht, erfordert die Einrichtung eines straff organisierten Leitungsorgans, welches Vorschläge für den EZB-Rat hinsichtlich strategischer Schlüsselfragen erarbeitet und Aufgaben rein technischer Natur ausführt (im Folgenden: „T2S-Programmvorstand“).

(4) Nach dem in Artikel 12.1 der ESZB-Satzung festgelegten Grundsatz der Dezentralisierung führen die NZBen Geschäfte durch, die zu den Aufgaben des Eurosystems gehören, soweit dies möglich und sachgerecht erscheint. Die Zentralbanken des Eurosystems werden daher den T2S-Programmvorstand mit der Umsetzung bestimmter Aufgaben betrauen, damit er in vollem Umfang und für das gesamte Eurosystem tätig werden kann. Der Ausschuss für Zahlungsverkehrs- und Abrechnungssysteme („Payment and Settlement Systems Committee“, PSSC) wird seine beratende Funktion gegenüber den Beschlussorganen der EZB beibehalten —

HAT FOLGENDEN BESCHLUSS GEFASST:

Artikel 1

T2S-Programmvorstand

(1) Der T2S-Programmvorstand wird als ein straff organisiertes Leitungsorgan innerhalb des Eurosystems mit der Aufgabe eingerichtet, Vorschläge für den EZB-Rat hinsichtlich strategischer Schlüsselfragen zu erarbeiten und Aufgaben rein technischer Natur in Verbindung mit T2S auszuführen.

(2) Der Auftrag des T2S-Programmvorstands einschließlich seiner Ziele, Zuständigkeiten, Aufgaben, Zusammensetzung, Arbeitsabläufe und seines Haushalts ergibt sich aus dem Anhang des vorliegenden Beschlusses.

(3) Die Namen und Lebensläufe der Kandidaten, die für die Ernennung als Mitglieder des T2S-Programmvorstands in Betracht gezogen werden, sind dem EZB-Direktorium von den Mitgliedern des EZB-Rats auf eine Weise zu übermitteln, dass sie dem EZB-Direktorium bis zum 8. April 2009 zugehen. Auf der Grundlage dieser Vorschläge ernennt der EZB-Rat am 23. April 2009 die Mitglieder des T2S-Programmvorstands.

(4) Der T2S-Programmvorstand nimmt Mitte Mai 2009 seine Arbeit auf.

(5) Der T2S-Programmvorstand übermittelt den Mitgliedern des PSSC seine Tagesordnung, eine Zusammenfassung seiner

Sitzungen und die entsprechenden Unterlagen im Zusammenhang mit seinen Sitzungen, um diesem zu ermöglichen, Beiträge an den T2S-Programmvorstand zu leisten.

Artikel 2

Schlussbestimmung

Dieser Beschluss tritt am 20. März 2009 in Kraft.

Geschehen zu Frankfurt am Main am 19. März 2009.

Der Präsident der EZB

Jean-Claude TRICHET

ANHANG

MANDATE OF THE T2S PROGRAMME BOARD

In line with the Treaty and the Statute of the European System of Central Banks and of the European Central Bank, the Eurosystem aims to offer its T2S Services to CSDs in Europe no later than 2013. The T2S services will allow for the core, neutral and borderless, i.e. pan-European, settlement of securities transactions on a delivery-versus-payment (DVP) basis in central bank money, on a single technical platform integrated with the real-time gross settlement systems settling in central bank money of each participating currency.

In view of the provision of the T2S Services, the ECB Governing Council, as ultimate decision-making body of the Eurosystem, established the T2S Programme Board to assist the ECB decision-making bodies in ensuring the successful and timely completion of the T2S programme.

The T2S Programme Board is also based on a T2S Protocol signed by the Eurosystem central banks. Without prejudice to the ultimate decision-making powers of the ECB decision-making bodies, the T2S Programme Board is entrusted with the autonomous performance of clearly defined executive tasks related to the T2S programme. The T2S Programme Board will report directly to the Governing Council regularly. The advisory functions of ESCB committees, in particular the PSSC, LEGCO and the EISC, are not affected by the establishment of the T2S Programme Board. The T2S Programme Board may seek and receive guidance from the Governing Council on T2S related issues in case of uncertainty or doubt.

If and when new issues related to T2S arise, the T2S Programme Board may be assigned further clearly defined executive tasks. In light of the Governing Council's final competence in T2S issues, any tasks performed by the T2S Programme Board may be addressed by the Governing Council.

OBJECTIVES

Based on this mandate, the T2S Programme Board ensures that the T2S programme is implemented:

- in accordance with market expectations, as reflected in the user requirement document (URD) dated 21 May 2008, as amended from time to time,
- within the budget defined by the Governing Council,
- no later than June 2013.

RESPONSIBILITIES

In view of meeting its objectives, the T2S Programme Board is responsible for:

- submitting proposals to the ECB decision-making bodies on T2S issues that are of a strategic nature and might have an impact on the timely and successful implementation of the T2S programme within the agreed parameters,
- managing the T2S programme on a daily basis,
- managing the relations with T2S clients and external stakeholders,
- reporting on the T2S programme to the ECB decision-making bodies on a regular and structured basis,
- interacting with the 4CB.

TASKS

In view of fulfilling its responsibilities, the following executive tasks are assigned to the T2S Programme Board:

1. Elaboration of proposals for ultimate decision by the Governing Council

The T2S Programme Board elaborates proposals in the following fields:

- T2S governance,

- T2S finances, including:
 - timely proposals on issues related to the compliance with the stated T2S objective of full cost recovery (e.g. in case T2S does not attract sufficient volume) and the possible resulting financial risk, the Eurosystem may be exposed to,
 - proposals in light of the outcome of the T2S Programme Board's negotiations with the 4CB regarding the 'conditional fixed price offer' (including the payment schedule),
 - proposals on the annual budget managed by the T2S Programme Board,
 - proposals concerning the T2S cost methodology, and
 - proposals regarding the T2S pricing policy,
- overall T2S programme planning,
- any contract to be signed between the Eurosystem and external stakeholders,
- T2S risk management framework (and acceptance of remaining risks),
- service level agreements (SLAs) to be established with the CSDs and NCBs and the 4CB,
- T2S migration strategy,
- crisis management strategy.

2. Programme management

The T2S Programme Board:

- performs the overall management of the T2S programme,
- establishes a detailed plan, on the basis of the overall T2S programme plan, as approved by the Governing Council,
- assesses, validates and accepts the 4CB deliverables, according to pre-agreed quality standards, and in particular ensures that they are consistent with the URD,
- validates proposals from the 4CB, in particular on IT strategy, network provision and capacity planning strictly related to T2S,
- approves payment of instalments to the 4CB, according to an agreed schedule approved by the Governing Council (conditional fixed price offer), once the 4CB deliveries have been accepted by the T2S Programme Board,
- coordinates proper change management (URD),
- establishes test scenarios and later coordinates tests between the various stakeholders,
- implements the T2S risk management framework within the parameters set by the Governing Council,
- implements the T2S migration strategy within the parameters set by the Governing Council,
- implements the T2S crisis management strategy within the parameters set by the Governing Council,
- ensures compliance of the T2S service with regulatory requirements.

3. Relations with external stakeholders

The T2S Programme Board:

- ensures that the T2S service meets the market needs,
- maintains close relations with the CSDs (jointly with the Eurosystem central banks) and non-euro area NCBs. The chairperson of the T2S Programme Board chairs the T2S Advisory Group or its successor body,
- negotiates with CSDs (jointly with the Eurosystem central banks) and NCBs, including contracts for development and operational phases (to be endorsed by the Governing Council),
- performs, with the help of the central bank expert network, a central role in the communication on T2S vis-à-vis market participants and public authorities,
- conducts all T2S related harmonisation work,
- closely cooperates with all relevant public authorities or private bodies (e.g. the EU Commission and the European Parliament, securities regulators), on relevant initiatives in the field of securities clearing and settlement,
- ensures transparency through the timely and consistent publication of relevant documentation.

4. Reporting

The T2S Programme Board:

- prepares quarterly reports to the Governing Council. In the spirit of full transparency, these reports are sent to the PSSC and to the EISC for comments before they are submitted to the Executive Board and the Governing Council,
- shares the agendas, the summaries and the relevant documentation of its meetings with the members of the PSSC to allow such members to provide input to the T2S Programme Board in exceptional cases,
- may consult any ESCB committees in case of need.

COMPOSITION

The T2S Programme Board is composed of eight members. The mandate of a T2S Programme Board member lasts for eighteen months and may be renewed. Members of the Governing Council and the Governors of central banks that have committed to settle their national currency via T2S may present candidates for the T2S Programme Board.

The Governing Council will appoint the members of the T2S Programme Board upon the proposal of the Executive Board of the ECB. In addition to the abovementioned members, the Governing Council may nominate alternates for each of the NCB members. These alternates will receive all T2S Programme Board documentation, will replace the incumbent in case of absence and may attend meetings of the T2S Programme Board as observers.

WORKING PROCEDURES

- T2S Programme Board members do not represent their central bank of origin, but act in the general interest of the Eurosystem,
- in case of an equal number of votes in the T2S Programme Board, its chairperson will have a casting vote,
- members of the T2S Programme Board will not vote when they are in a situation of conflict of interest. This applies in particular to the members of Deutsche Bundesbank, Banque de France, Banca d'Italia and Banco de España, if the T2S Programme Board decides on the validation of the 4CB deliveries,

- the chairperson of the T2S Programme Board works full time on the T2S project; the independent members at least 30 % and the other members at least 10 %,
- members of the T2S Programme Board may not, at the same time, be members of the ECB decision-making bodies nor of the PSSC, nor of the EISC,
- the T2S Programme Board is supported by a T2S project team which may also be composed of staff seconded by ESCB central banks. The team may also hire consultants,
- the T2S Programme Board function is subject to the reviews of the Internal Auditors Committee of the Eurosystem,
- the T2S Programme Board generally meets once every month, or on an ad-hoc basis, at the invitation of the Chairperson,
- details of the working procedures are to be addressed in the Rules of Procedure of the T2S Programme Board.

BUDGET

The T2S Programme Board has its own budget, adopted by the Governing Council and subject to the BUCOM procedures. This budget comprises exclusively expenses which will be recovered by the T2S CSDs and, ultimately, by the T2S users. All such expenses are in the T2S budget. The PSSC, the EISC, the BUCOM and the T2S Advisory Group are consulted before the budget proposal is sent to the Governing Council.

As much as possible and appropriate, the T2S Programme Board follows the procedures of the ECB, and the support functions of the ECB. Related expenses are reimbursed to the ECB.

TRANSITORY MEASURES

Transitory measures aim at allowing the T2S Programme Board to be fully operational on 1 August 2009.

Members of the Governing Council and Governors of non-euro central banks which have committed to settle their national currencies via T2S are invited to propose candidates for membership of the T2S Programme Board by 8 April 2009, in view of their appointment by the Governing Council on 23 April 2009.

ECB staff members of the T2S division are assigned to the T2S programme as from 1 August 2009.

The T2S Programme Board will, inter alia, prepare proposals for the meeting of the Governing Council of 16 July 2009, on the following topics:

- a budget for 2009,
 - Rules of Procedure for the T2S Programme Board,
 - a note clarifying the working relations between the ECB services and the T2S Programme Board.
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