

DECISION (EU) 2023/549 OF THE EUROPEAN CENTRAL BANK**of 6 March 2023****on access to and use of certain TARGET data and repealing Decision ECB/2010/9 (ECB/2023/3)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular to the first and fourth indents of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the first and fourth indents of Article 3.1 and Article 22 thereof,

Whereas:

- (1) The Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) is currently governed by Guideline ECB/2012/27 ⁽¹⁾. From 20 March 2023, TARGET2 will be replaced by TARGET, a third generation of payment systems in euro settling in central bank money. TARGET is governed by Guideline (EU) 2022/912 of the European Central Bank on a new-generation Trans-European Automated Real-time Gross Settlement Express Transfer system (TARGET) (ECB/2022/8) ⁽²⁾ and Guideline ECB/2012/27 is repealed with effect from 20 March 2023. TARGET component systems constitute the legal successors to the corresponding TARGET2 component systems.
- (2) As is the case for TARGET2, TARGET is structured as a multiplicity of real-time gross settlement systems, each of which is a component operated by a Eurosystem central bank (Eurosystem CB). Guideline (EU) 2022/912 (ECB/2022/8) harmonises the rules for the TARGET components to the greatest extent possible.
- (3) TARGET2 component systems owned and operated by Eurosystem CBs have been collectively identified as systemically important payment systems (SIPS) for the purposes of Regulation of the European Central Bank (EU) No 795/2014 (ECB/2014/28) ⁽³⁾. The respective TARGET component systems, as the payment systems replacing those TARGET2 component systems, are likewise expected to fall within the scope of Regulation (EU) No 795/2014 (ECB/2014/28) and to be required to comply with the oversight requirements laid down in that Regulation.
- (4) Article 28(1) of Part I of Annex I to Guideline (EU) 2022/912 (ECB/2022/8) imposes certain confidentiality obligations on each central bank (CB) to keep confidential payment information belonging to participants holding TARGET accounts with that CB.
- (5) Article 28(3) of Part I of Annex I to Guideline (EU) 2022/912 (ECB/2022/8) allows each CB to disclose payment information regarding the participant obtained in the course of the operation of the relevant TARGET component for certain purposes.
- (6) When the use of aggregate TARGET payment data is not sufficient for the CBs to ensure the effective functioning of TARGET, CBs should have access to transaction-level data extracted from TARGET of the participants in all TARGET components, including addressable BIC holders. Access by all CBs to such transaction-level data is also necessary for the performance of the public tasks of the Eurosystem as overseer of TARGET when the use of aggregate TARGET payment data does not suffice. In addition, access by all CBs to such transaction-level data is also necessary in order to carry out the analyses to support macroprudential oversight, financial stability, financial integration, market operations, resolution and monetary policy functions and the Single Supervisory Mechanism, in accordance with the separation principle.

⁽¹⁾ Guideline of the European Central Bank of 5 December 2012 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) (ECB/2012/27) (OJ L 30, 30.1.2013, p. 1).

⁽²⁾ Guideline (EU) 2022/912 of the European Central Bank of 24 February 2022 on a new-generation Trans-European Automated Real-time Gross Settlement Express Transfer system (TARGET) and repealing Guideline 2013/47/EU (ECB/2012/27) (ECB/2022/8) (OJ L 163, 17.6.2022, p. 84).

⁽³⁾ Regulation of the European Central Bank (EU) No 795/2014 of 3 July 2014 on oversight requirements for systemically important payment systems (ECB/2014/28) (OJ L 217, 23.7.2014, p. 16).

- (7) Access by CBs to transaction-level data of all participants should be limited to what is necessary to enable the CBs to conduct quantitative analyses of transaction flows between participants or to make numerical simulations of the settlement process of TARGET, in accordance with Article 28(3) of Part I of Annex I to Guideline (EU) 2022/912 (ECB/2022/8) and its implementing provisions, and such access should exclude all information on the participants' customers except where such customers are addressable BIC holders.
- (8) When conducted by CBs in their capacity as operators of TARGET, quantitative analyses and numerical simulations should serve in particular the purposes of ensuring the efficiency of the design of TARGET, supporting compliance with oversight expectations, analysing operational failures in TARGET, analysing payment patterns and liquidity levels, monitoring the effects of its pricing mechanisms, and making cost-benefit analyses of additional features and services. When conducted by CBs in their capacity as overseers of TARGET, these quantitative analyses and numerical simulations should serve in particular the purposes of analysing and monitoring risks in TARGET and supporting regular and ad-hoc oversight assessments against applicable standards. When conducted by CBs to support other key central bank functions, these quantitative analyses and numerical simulations should serve in particular the purposes of analysing money market developments, assessing financial integration in the euro area, monitoring central bank balances and liquidity distribution.
- (9) It is of the utmost importance to preserve the confidentiality of transaction-level data. For this purpose, access to and use of transaction-level data should be limited to a small group of designated staff members from the CBs. In addition to the rules on professional conduct and confidentiality applicable to CB staff members, the Market Infrastructure Board (MIB) should establish specific rules for access to and use of transaction-level data. CBs should ensure compliance with these rules by their designated staff members and the MIB should monitor such compliance.
- (10) The MIB should have the option to publish information derived from the use of transaction-level data, provided that this information does not make it possible to identify participants or participants' customers, whether directly or indirectly.
- (11) TARGET Analytical Environment allows the Eurosystem to perform quantitative analyses and numerical simulations using transaction-level data.
- (12) In addition to Article 28(3) of Part I of Annex I to Guideline (EU) 2022/912 (ECB/2022/8) which covers transaction-level data, Article 28(5) of Part I of Annex I to Guideline (EU) 2022/912 (ECB/2022/8) states that the CBs may use, disclose or publish payment information regarding the participant or the participant's customers for statistical, historical, scientific or other purposes in the exercise of its public functions or of functions of other public entities to which the information is disclosed, provided that it is not possible, whether directly or indirectly, to identify the participant or the participant's customers. Without prejudice to the ability of the CBs to use, disclose or publish such information under this Article, the MIB should coordinate the actions of the CBs.
- (13) The provisions of this Decision should be extended to apply to connected national central banks (NCBs) by means of an agreement between the connected NCBs and the Eurosystem CBs,

HAS ADOPTED THIS DECISION:

Article 1

Scope

This Decision governs access to, and use of, certain TARGET data as set out in Article 3 and for the purposes set out in Article 3.

*Article 2***Definitions**

For the purposes of this Decision, the definitions set out in Article 2 of Guideline (EU) 2022/912 (ECB/2022/8) apply.

*Article 3***Access to and use of certain TARGET data**

1. In accordance with Article 28(3) of Part I of Annex I to Guideline (EU) 2022/912 (ECB/2022/8), CBs may access and use for quantitative analyses and numerical simulations, to the extent necessary, transaction-level data extracted from TARGET from all participants of all TARGET components for the following purposes:

- (a) ensuring the efficient functioning of TARGET and its oversight;
- (b) carrying out the analyses necessary for macroprudential oversight, financial stability, financial integration, market operations, resolution and monetary policy functions;
- (c) carrying out the analyses necessary for the Single Supervisory Mechanism, in accordance with the separation principle.

2. Access to, and use of, the data referred to in paragraph 1 shall be limited to the following:

- (a) where ensuring efficient functioning and oversight of TARGET, five staff members dealing with the operation of TARGET and five staff members dealing with the oversight of TARGET, each group with separate access to the data;
- (b) for analyses referred to in paragraph 1, points (b) and (c), a group of up to 15 staff members conducting research, coordinated by the European System of Central Banks' heads of research.

3. CBs shall appoint the staff members referred to in paragraph 2. Where a member of staff from operations or research is appointed for the purposes of paragraph 2, that appointment shall be subject to approval by the Market Infrastructure Board (MIB). The appointment of staff members from oversight for the purposes of paragraph 2(a) shall be subject to approval by the Market Infrastructure and Payments Committee (MIPC). The procedures referred to in this Article shall also apply for their replacement, where relevant.

4. The MIB shall establish specific rules for guaranteeing the confidentiality of transaction-level data. CBs shall ensure compliance with these rules by their staff members appointed in accordance with paragraphs 2 and 3. In cases of non-compliance with those specific rules established by the MIB, CBs shall ensure that staff members appointed in accordance with paragraph 3 no longer have access to, or make use of, the data referred to in paragraph 1. The MIB shall monitor compliance with the provisions of this paragraph.

5. The Governing Council may also grant access to other users and shall set out the precise rules for such access. In such a case, the MIB shall monitor their use of the data and, in particular, their compliance with the rules of confidentiality, both as established by the MIB and as set out in Article 28 of Part I of Annex I to Guideline (EU) 2022/912 (ECB/2022/8).

*Article 4***TARGET Analytical Environment**

1. The TARGET Analytical Environment shall be established for the performance of the quantitative analyses and numerical simulations referred to in Article 3(1). It shall comprise the Analytical Environment and the Simulation Tool.

2. The Analytical Environment shall be developed and maintained by the ECB. Suomen Pankki shall develop and maintain the Simulation Tool. The Analytical Environment and the Simulation Tool shall comprise the necessary technical infrastructure, data extraction tools, simulation tool and analytical software.

3. The ECB and Suomen Pankki shall conclude with the Eurosystem CBs an agreement governing the services and technical specifications of the TARGET Analytical Environment. Such agreement shall include the connected NCBs.

Article 5

Publication and disclosure

1. The MIB may publish information derived from the use of transaction-level data, provided that it is not possible, whether directly or indirectly, to identify the participants or participants' customers.
2. The MIB shall coordinate the disclosure and publication by CBs of payment information in accordance with Article 28(5) of Part I of Annex I to Guideline (EU) 2022/912 (ECB/2022/8).

Article 6

Repeal

Decision ECB/2010/9 is repealed with effect from 20 March 2023.

Article 7

Entry into force

1. This Decision shall enter into force on the fifth day following that of its publication in the *Official Journal of the European Union*.
2. This Decision shall apply from 20 March 2023.

Done at Frankfurt am Main, 6 March 2023.

The President of the ECB
Christine LAGARDE
