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⁽¹⁾ Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/576

of 14 April 2016

amending Regulation (EU) No 37/2010 as regards the substance 'rafoxanide'

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and the Council ⁽¹⁾, and in particular Article 14 in conjunction with Article 17 thereof,

Having regard to the opinion of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

- (1) Article 17 of Regulation (EC) No 470/2009 requires that the maximum residue limit (hereinafter 'MRL') for pharmacologically active substances intended for use in the Union in veterinary medicinal products for food-producing animals or in biocidal products used in animal husbandry is established in a Regulation.
- (2) Table 1 of the Annex to Commission Regulation (EU) No 37/2010 ⁽²⁾ sets out the pharmacologically active substances and their classification regarding MRLs in foodstuffs of animal origin.
- (3) Rafoxanide is currently included in that table as an allowed substance, for bovine and ovine species, applicable to muscle, fat, liver, kidney and milk. The provisional maximum residue limits for that substance set out for bovine and ovine milk expired on 31 December 2015.
- (4) An application for the extension of the time period applying to the provisional MRL for rafoxanide in bovine and ovine milk has been submitted to the European Medicines Agency (hereinafter 'EMA').
- (5) The EMA, based on the opinion of the Committee for Medicinal Products for Veterinary Use has considered that an extension of the existing provisional MRL for rafoxanide in bovine and ovine milk would allow completion of scientific studies in progress and has therefore recommended the extension of the provisional MRL until 31 December 2017.
- (6) Regulation (EU) No 37/2010 should therefore be amended accordingly.

⁽¹⁾ OJ L 152, 16.6.2009, p. 11.

⁽²⁾ Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin (OJ L 15, 20.1.2010, p. 1).

- (7) Since the provisional MRL for rafoxanide in bovine and ovine milk expired on 31 December 2015 and in order to protect the legitimate expectations of market operators regarding the use of that substance, the extension of the provisional MRL should enter into force as a matter of urgency and should apply with effect from 1 January 2016.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 37/2010 is amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2016.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 April 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Table 1 of the Annex to Regulation (EU) No 37/2010, the entry for the substance 'rafoxanide' is replaced by the following:

Pharmacologically active Substance	Marker residue	Animal Species	MRL	Target Tissues	Other Provisions (according to Article 14(7) of Regulation (EC) No 470/2009)	Therapeutic Classification
'Rafoxanide	Rafoxanide	Bovine	30 µg/kg 30 µg/kg 10 µg/kg 40 µg/kg	Muscle Fat Liver Kidney	NO ENTRY	Antiparasitic agents/Agents against endoparasites'
		Ovine	100 µg/kg 250 µg/kg 150 µg/kg 150 µg/kg	Muscle Fat Liver Kidney		
		Bovine, ovine	10 µg/kg	Milk	Provisional MRL shall expire on 31 December 2017	

COMMISSION IMPLEMENTING REGULATION (EU) 2016/577**of 14 April 2016****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 April 2016.

*For the Commission,
On behalf of the President,
Jerzy PLEWA*

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)			
CN code	Third country code ⁽¹⁾	Standard import value	
0702 00 00	IL	180,1	
	MA	94,9	
	SN	58,8	
	TR	96,3	
	ZZ	107,5	
0707 00 05	MA	80,6	
	TR	114,2	
	ZZ	97,4	
0709 93 10	MA	94,0	
	TR	138,8	
	ZZ	116,4	
0805 10 20	EG	49,1	
	IL	76,7	
	MA	57,8	
	TR	40,8	
	ZZ	56,1	
0808 10 80	AR	93,6	
	BR	99,0	
	CL	116,4	
	CN	102,3	
	US	148,8	
	ZA	84,6	
	ZZ	107,5	
	0808 30 90	AR	104,6
		CL	108,5
CN		110,0	
ZA		103,7	
ZZ		106,7	

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2016/578

of 11 April 2016

establishing the Work Programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 281 thereof,

Whereas:

- (1) Article 280 of Regulation (EU) No 952/2013 laying down the Union Customs Code (hereinafter 'Code') provides that the Commission is to draw up a work programme relating to the development and deployment of the electronic systems (hereafter 'Work Programme'). The first Work Programme was adopted by Commission Implementing Decision 2014/255/EU ⁽²⁾. It is necessary to update that programme. Given the number of changes that are necessary to Implementing Decision 2014/255/EU and for reasons of clarity it is appropriate to replace and repeal that Decision.
- (2) The Work Programme is in particular important for the establishment of the transitional measures related to the electronic systems and the time limit for the deployment of the systems that are not yet operational by the date of application of the Code — 1 May 2016. Therefore, the Work Programme is necessary to establish the transitional periods related to the electronic systems laid down in Commission Delegated Regulation (EU) 2015/2446 ⁽³⁾, Commission Delegated Regulation (EU) 2016/341 ⁽⁴⁾ and the Commission Implementing Regulation (EU) 2015/2447 ⁽⁵⁾.
- (3) The Code provides that all exchange of information between customs authorities and between economic operators and customs authorities and storage of such information is to be made using electronic data processing techniques and that information and communication systems are to offer the same facilities to economic operators in all Member States. The Work Programme should therefore set out an extensive plan for the implementation of electronic systems in order to ensure the correct application of the Code.
- (4) Accordingly, the Work Programme should contain a list of the electronic systems which should be prepared and developed by the Member States ('national systems') or by the Member States in cooperation with the Commission ('trans-European systems') in order for the Code to become applicable in practice. That list should be based on the existing planning document related to all IT related customs projects, called the multi-annual strategic plan ('MASP'), which is drawn up in accordance with Decision No 70/2008/EC of the European

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Commission Implementing Decision 2014/255/EU of 29 April 2014 establishing the Work Programme for the Union Customs Code (OJ L 134, 7.5.2014, p. 46).

⁽³⁾ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

⁽⁴⁾ Commission Delegated Regulation (EU) 2016/341 of 17 December 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational and amending Delegated Regulation (EU) 2015/2446, (OJ L 69, 15.3.2016, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, (OJ L 343, 29.12.2015, p. 558).

Parliament and of the Council ⁽¹⁾ and in particular Article 4 and Article 8(2) thereof. The electronic systems referred to in the Work Programme should be subject to the same project management approach and prepared and developed as established in the MASP.

- (5) The Work Programme should identify the electronic systems as well as the related legal basis, the key milestones and the envisaged dates for starting operations. The dates referred to as 'start dates of deployment' should be the earliest dates as of which Member States are able to start operating the new electronic system. In addition, the Work Programme should define 'end dates of deployment' as the latest dates by which all Member States and all economic operators start using the new or upgraded electronic system as required under the Code. These time windows are necessary for the implementation of the deployment of the system at Union level. The duration of the time windows should take into account the deployment needs of each system.
- (6) The time limits for the deployment of trans-European systems should be established either by means of specific dates or, where necessary, by means of time windows. Those time windows should be limited to what is necessary for the migration of the current system used by Member States and economic operators to the new system. The Member States should be allowed to decide within those time windows when to start and end the migration of their own systems and for the economic operators to use and to connect to the new systems. The end date laid down by each Member State should constitute the end date of the validity of the period related to the transitional rules for the relevant electronic systems laid down in Delegated Regulation (EU) 2015/2446, Delegated Regulation (EU) 2016/341 and Implementing Regulation (EU) 2015/2447.
- (7) The time limits for the deployment and migration of national systems should be set in accordance with the national project and migration plans of Member States given that those systems belong to specific national IT environments and circumstances. The end date laid down by each Member State should constitute the end date of the transitional period related to the relevant electronic systems laid down in Delegated Regulation (EU) 2015/2446, Delegated Regulation (EU) 2016/341 and the Implementing Regulation (EU) 2015/2447. For reasons of transparency, and pursuant to Article 56(2) of Delegated Regulation (EU) 2016/341, Member States should submit their national planning to the Commission and the Commission should publish that planning on the Europa website. In addition, the Member States should ensure, in a timely manner, the transmission to the economic operators of the technical information necessary to enable the economic operators to update where necessary their own systems and connect to the new or upgraded systems and apply the new rules and data requirements, whilst applying the recommendations provided by Member States in their national guides of good IT practices.
- (8) The electronic systems referred to in the Work Programme should be selected in view of their expected impact in terms of the priorities defined in the Code. One of the main priorities in this regard is to be able to offer economic operators a wide range of electronic customs services throughout the customs territory of the Union. Furthermore, the electronic systems should aim at enhancing the efficiency, effectiveness and harmonisation of customs processes across the Union. The order of and the timetable for the deployment of the systems included in the Work Programme should be based on practical and project management considerations such as the spreading of efforts and resources, the interconnection between the projects, the specific prerequisites of each system and the project maturity. The Work Programme should organise the development of the electronic systems in different stages. In view of the substantial number of systems and interfaces to be developed, deployed and maintained and the high costs involved to fully implement the Work Programme by the year 2020, a close follow up and monitoring should be ensured.
- (9) As the electronic systems referred to in Article 16(1) of the Code are to be developed, deployed and maintained by the Member States, in cooperation with the Commission, the Commission and the Member States should work together to ensure that the preparation and implementation of the electronic systems are managed in line with the Work Programme and that appropriate measures are taken to plan, design, develop and deploy the systems identified in a coordinated and timely manner.
- (10) In order to ensure synchronicity between the Work Programme and the MASP, the Work Programme should be updated at the same time as MASP and should be aligned with MASP. In establishing future updates of the Work Programme it will be necessary to pay particular attention to progress achieved annually in meeting the agreed targets set, given the ambitious and challenging nature of the electronic systems to be finalised in the years 2019 and 2020 as well as the currently planned concentration of work in the years 2019 and 2020.

⁽¹⁾ Decision No 70/2008/EC of the European Parliament and of the Council of 15 January 2008 on a paperless environment for customs and trade (OJ L 23, 26.1.2008, p. 21).

(11) The measures provided for in this Decision are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

Article 1

The work programme

The work programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code (hereinafter 'Work Programme'), as set out in the Annex, is adopted.

Article 2

Implementation

1. The Commission and the Member States shall cooperate in the implementation of the Work Programme.
2. The Member States shall develop and deploy the relevant electronic systems by the end dates of the relevant deployment windows laid down in the Work Programme.
3. The projects specified in the Work Programme and the preparation and implementation of the related electronic systems shall be managed in a manner consistent with the Work Programme and the multi-annual strategic plan ('MASP').
4. The Commission shall undertake to search for a common understanding and agreement with the Member States on the project scope, design, requirements and architecture of the electronic systems in order to initiate the projects of the Work Programme. Where relevant, the Commission shall also consult and take into account the views of the economic operators.

Article 3

Updates

1. The Work Programme shall be subject to regular updates in order to ensure its alignment and adjustment with the latest developments in the implementation of Regulation (EU) No 952/2013, and to take into account the actual progress made in the preparation and development of the electronic systems, in particular as regards the availability of commonly agreed specifications and the realisation of the entering into operation of the electronic systems.
2. In order to ensure synchronicity between the Work Programme and the MASP, the Work Programme shall be updated at least every year.

Article 4

Communication and Governance

1. The Commission and the Member States shall share the information on planning and progress on implementation of each of the systems.

2. 6 months before the planned date of deployment for a given IT system at the latest Member States shall submit to the Commission national project and migration plans. Those plans shall include the following information:
 - the date of publication of the technical specifications for the external communication of the electronic system,
 - the period of conformance testing with economic operators,
 - the dates of deployment of the electronic system, including the start of the operations, and, where applicable, the period during which the economic operators are allowed to carry out migration.
3. Member States shall inform the Commission of any updates of national project and migration plans.
4. The Commission shall publish national project and migration plans on its website.
5. Member States shall make available to the economic operators the technical specifications related to the external communication of the national electronic system in a timely manner.

Article 5

Repeal

1. Implementing Decision 2014/255/EU is repealed.
2. References to the repealed Decision shall be construed as references to this Decision.

Article 6

Entry into force

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 11 April 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

The work programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code

I. INTRODUCTION TO THE WORK PROGRAMME

1. The Work Programme provides an instrument to support the application of the Code relating to the development and deployment of the electronic systems envisaged therein.
2. The purpose of the Work Programme is also to specify periods during which the transitional measures are applicable until the deployment of the new or upgraded electronic systems as referred to in Delegated Regulation (EU) 2015/2446, Delegated Regulation (EU) 2016/341 and Implementing Regulation (EU) 2015/2447.
3. The 'key milestone' in terms of target date of the technical specifications, shall be understood as the date by which a stable version of the technical specifications is made available. For the national systems or components, this date will be communicated as part of the published national project planning.
4. The Work Programme establishes the following 'dates of the deployment' of the trans-European and national systems:
 - (a) the start date of the deployment window for the electronic systems, to be understood as the earliest date to start operations of the electronic system;
 - (b) the end date of the deployment window for the electronic systems, to be understood as
 - the latest date by which the systems need to be operated by all Member States and used by all economic operators, and as well as
 - the end date of the validity of the transitional period.

For the purposes of point (b), the date will be the same as the start date in case no actual (deployment or migration) time-window is envisaged.

5. For purely national systems or specific national components of a wider Union project, the Member States may decide on the 'dates of deployment' as well as on the start date and on the end date of a deployment window in accordance with their national project planning.

The following national systems or specific national components are covered by the first paragraph:

- (a) UCC AES Component 2 (National Export Systems upgrade) (point 10 of Part II);
 - (b) UCC Special Procedures (SP IMP/SP EXP) (point 12 of Part II);
 - (c) UCC Arrival Notification, Presentation Notification, Temporary Storage (point 13 of Part II);
 - (d) UCC National Import Systems upgrade (point 14 of Part II);
 - (e) UCC Guarantee Management (GUM) — Component 2 (point 16 of Part II).
6. For trans-European systems with an actual deployment window without a single implementation date, the Member States may start the deployment at an appropriate date within this window and may allow a time-period for the economic operators to migrate within this deployment window, where such time-period is deemed appropriate. The start and end dates shall be communicated to the Commission. Careful examination of the common domain aspects will need to be considered.

The following trans-European systems are covered by the first paragraph:

- (a) UCC Proof of Union Status (PoUS) (point 8 of Part II);
- (b) UCC NCTS upgrade (point 9 of Part II);
- (c) UCC AES (Component 1) (point 10 of Part II).

7. In view of the implementation of the Work Programme, the Commission and the Member States will need to manage carefully the complexity in terms of dependencies, variables and assumptions. The principles set out in the MASP will be used to manage the planning.

The projects will be rolled out in different phases from elaboration to construction, testing and migration to final operation. The role of the Commission and the Member States in these different phases will depend on the nature and architecture of the systems and its components or services, as described in the detailed project fiches of the MASP. Where appropriate, common technical specifications will be defined by the Commission, in close cooperation with and subject to review with the Member States, with a view to provide them 24 months prior to the target date of deployment of the electronic system. Technical specifications drawn up nationally for the national systems or components need to be made available, at least concerning the parts related to the external communication with the economic operators, in a timely manner in order to enable the economic operators to plan and adjust their systems and interfaces accordingly.

The Member States and, where appropriate, the Commission will engage in the development and deployment of the systems in line with the defined system architecture and specifications. The activities will be carried out in respect of the milestones and dates stated in the Work Programme. The Commission and the Member States will also collaborate with the economic operators and other stakeholders.

The economic operators will have to take the necessary steps to be able to make use of the systems once in place and at the latest by the end dates defined in this Work Programme or, where applicable, defined by the Member States as part of their national plan.

II. LIST OF PROJECTS RELATED TO THE DEVELOPMENT AND DEPLOYMENT OF ELECTRONIC SYSTEMS

A. Full list

‘UCC Projects and related Electronic Systems’ List of projects related to the development and deployment of electronic systems required for the application of the Code	Legal base	Key milestone	Dates of deployment of the electronic systems	
			Start date of the deployment window of the electronic system ⁽¹⁾	End date of the deployment window of the electronic system ⁽²⁾ = End date of the transitional period
<p>1. UCC Registered Exporter System (REX)</p> <p>The project aims to make available up-to-date information on Registered Exporters established in GSP countries exporting goods to the Union. The system will be a trans-European system and also include data about EU economic operators for the purpose of supporting exports to GSP countries. The required data will be inserted in the system in a gradual manner until 31 December 2017.</p>	<p>Article 6(1), Articles 16 and 64 of Regulation (EU) No 952/2013</p>	<p>Target date of technical specifications = Q1 2015</p>	<p>1.1.2017</p>	<p>1.1.2017</p>
<p>2. UCC Binding Tariff Information (BTI)</p> <p>The project aims at providing an upgrade of the existing trans-European EBTI-3 system and Surveillance 2 system to ensure the following:</p> <p>(a) alignment of the EBTI-3 system to the UCC requirements;</p> <p>(b) extension of under-surveillance-required declaration data;</p> <p>(c) monitoring of the compulsory BTI usage;</p> <p>(d) monitoring and management of BTI extended usage.</p> <p>The project will be implemented in two phases.</p> <p>The first phase will, firstly, provide the functionality to receive the UCC required declaration dataset (i.e. step 1) as of 1 March 2017 in a gradual manner until the implementation of the projects listed in points 10 and 14 hereof (and at the latest by 31 December 2020), and, secondly, fulfil the obligation of BTI usage control on the basis of the newly required declaration dataset and the alignment to the customs decisions process (i.e. step 2).</p> <p>The second phase will implement the electronic form of the BTI application and decision and provide for the economic operators an EU harmonised trader interface to submit the BTI application and receive the BTI decision electronically.</p>	<p>Article 6(1), Articles 16, 22, 23 26, 27, 28, 33 and 34 of Regulation (EU) No 952/2013</p>	<p>Target date of technical specifications = Q2 2016 (phase 1)</p> <p>Target date of technical specifications = Q3 2016 (phase 2)</p>	<p>1.3.2017 (phase 1 — step 1)</p> <p>1.10.2017 (phase 1 — step 2)</p> <p>1.10.2018 (phase 2)</p>	<p>1.3.2017 (phase 1 — step 1)</p> <p>1.10.2017 (phase 1 — step 2)</p> <p>1.10.2018 (phase 2)</p>

<p>'UCC Projects and related Electronic Systems'</p> <p>List of projects related to the development and deployment of electronic systems required for the application of the Code</p>	<p>Legal base</p>	<p>Key milestone</p>	<p>Dates of deployment of the electronic systems</p>	
			<p>Start date of the deployment window of the electronic system (1)</p>	<p>End date of the deployment window of the electronic system (2) = End date of the transitional period</p>
<p>3. UCC Customs Decisions</p> <p>The project aims at harmonising the processes related to the application for a customs decision, the decision-taking and the decision management through standardisation and electronic management of application and decision/authorisation data across the Union. The project relates to national and multi-Member State decisions defined by the Code and will cover system components developed centrally at Union level and cover integration with national components where opted for by Member States. This trans-European system will facilitate consultations during the decision taking period and the management of the authorisations process.</p> <p>This trans-European system consists of an EU trader portal, a customs decisions management system and a customer reference system.</p>	<p>Article 6(1), Articles 16, 22, 23, 26, 27 and 28 of Regulation (EU) No 952/2013</p>	<p>Target date of technical specifications = Q4 2015</p>	<p>2.10.2017</p>	<p>2.10.2017</p>
<p>4. Direct trader access to the European Information Systems (Uniform User Management & Digital Signature)</p> <p>The goal of this project is to provide working solutions for a direct and EU-harmonised trader access as a service for user-to-system interfaces to be integrated in the electronic customs systems as defined in the specific UCC projects. The Uniform User Management and Digital Signature will be integrated in the portals of the concerned systems and includes support for identity, access and user management compliant with the necessary security policies.</p> <p>The first deployment is foreseen together with the UCC Customs Decisions system.</p> <p>Afterwards, this technical enabler for authentication and user management will be made available for usage in other UCC projects such as the UCC BTI, UCC AEO upgrade UCC Proof of Union Status system and potentially also the UCC Information Sheets (INF) for Special Procedures system. See the different projects for the dates of deployment.</p>	<p>Article 6(1) and Article 16 of Regulation (EU) No 952/2013</p>	<p>Target date of technical specifications = Q4 2015</p>	<p>2.10.2017</p>	<p>2.10.2017</p>

‘UCC Projects and related Electronic Systems’ List of projects related to the development and deployment of electronic systems required for the application of the Code	Legal base	Key milestone	Dates of deployment of the electronic systems	
			Start date of the deployment window of the electronic system (1)	End date of the deployment window of the electronic system (2) = End date of the transitional period
<p>5. UCC Authorised Economic Operators (AEO) upgrade</p> <p>The project aims to improve the business processes related to AEO applications and authorisations taking into account the changes of the legal provisions of the UCC.</p> <p>In the first phase, the project aims at implementing the major enhancements to the AEO system in view of the harmonisation to the customs decision taking procedure.</p> <p>In the second phase, the project will implement the electronic form of the AEO application and decision and provide for the economic operators an EU harmonised interface to submit the AEO application and receive the AEO decision electronically.</p>	<p>Article 6(1), Articles 16, 22, 23, 26, 27, 28, 38 and 39 of Regulation (EU) No 952/2013</p>	<p>Target date of technical specifications = Q1 2016</p> <p>Target date of technical specifications = Q3 2017</p>	<p>1.3.2018 (phase 1)</p> <p>1.10.2019 (phase 2)</p>	<p>1.3.2018 (phase 1)</p> <p>1.10.2019 (phase 2)</p>
<p>6. UCC Economic Operator Registration and Identification System upgrade (EORI 2)</p> <p>This project aims at providing a minor upgrade of the existing trans-European EORI system that enables the registration and identification of economic operators of the Union and third country operators and persons other than economic operators that are active on customs matters in the Union.</p>	<p>Article 6(1) and Article 9 of Regulation (EU) No 952/2013 laying down the Union Customs Code</p>	<p>Target date of technical specifications = Q2 2016</p>	<p>1.3.2018</p>	<p>1.3.2018</p>
<p>7. UCC Surveillance 3</p> <p>This project aims at providing an upgrade of the Surveillance 2+ system to ensure its alignment to the UCC requirements such as the standard exchange of information by electronic data-processing techniques and the establishment of adequate functionalities needed for processing and analysing the full surveillance dataset obtained from Member States.</p> <p>Therefore it will include further data mining capabilities and reporting functionalities to be made available to Commission and Member States.</p>	<p>Article 6(1), Articles 16 and 56(5) of Regulation (EU) No 952/2013</p>	<p>Target date of technical specifications = Q3 2016</p>	<p>1.10.2018</p>	<p>1.10.2018</p>

‘UCC Projects and related Electronic Systems’ List of projects related to the development and deployment of electronic systems required for the application of the Code	Legal base	Key milestone	Dates of deployment of the electronic systems	
			Start date of the deployment window of the electronic system (1)	End date of the deployment window of the electronic system (2) = End date of the transitional period
<p>8. UCC Proof of Union Status (PoUS)</p> <p>The project aims at the creation of a new trans-European system to store, manage and retrieve the following electronic Proofs of Union Status: T2L/F and the customs goods manifest (issued by a non-authorised issuer).</p>	Article 6(1), Articles 16 and 153 of Regulation (EU) No 952/2013	Target date of technical specifications = Q1 2017	1.3.2019	1.10.2019
<p>9. UCC New Computerised Transit System (NCTS) upgrade</p> <p>The aim of this project is to align the existing trans-European NCTS system to the new UCC requirements such as the registration of ‘en route’ events and the alignment of information exchanges to UCC data requirements and the upgrade and development of interfaces with other systems.</p>	Article 6(1), Articles 16 and 226-236 of Regulation (EU) No 952/2013	Target date of technical specifications = Q3 2017	1.10.2019	2.3.2020
<p>10. UCC Automated Export System (AES)</p> <p>This project aims to implement the UCC requirements for export and exit.</p> <p><i>Component 1 — ‘Trans-European AES’:</i> The aim of the project is to further develop the existing trans-European Export Control System in order to implement a full AES that would cover the business requirements for processes and data brought about by the UCC, inter alia the coverage of simplified procedures, split exit consignments and centralised clearance for export. It is also envisaged to cover the development of harmonised interfaces with Excise Movement System (EMCS) and NCTS. As such, AES will enable the full automation of export procedures and exit formalities. AES covers parts to be developed centrally and nationally.</p> <p><i>Component 2 — ‘National Export Systems upgrade’:</i> In addition, not being part of the scope of AES but closely linked, separate national systems are to be upgraded for specific national elements related to export and/or exit formalities. As far as these elements do not have an impact on the common domain for AES, they can be covered under this component.</p>	Article 6(1), Articles 16, 179 and 263-276 of Regulation (EU) No 952/2013	<p>Target date of technical specifications = Q3 2017 (component 1)</p> <p>Target date of technical specifications = to be defined by MS (component 2)</p>	<p>1.10.2019 (component 1)</p> <p>1.3.2017 (component 2)</p>	<p>2.3.2020 (component 1)</p> <p>2.3.2020 (component 2)</p>

‘UCC Projects and related Electronic Systems’ List of projects related to the development and deployment of electronic systems required for the application of the Code	Legal base	Key milestone	Dates of deployment of the electronic systems	
			Start date of the deployment window of the electronic system (1)	End date of the deployment window of the electronic system (2) = End date of the transitional period
<p>11. UCC Information Sheets (INF) for Special Procedures</p> <p>The aim of this project is to develop a new trans-European system to support and streamline the processes of INF data management and the electronic handling of INF data in the domain of Special Procedures.</p>	Article 6(1), Articles 16, 215, 237-242 and 250-262 of Regulation (EU) No 952/2013	Target date of technical specifications = Q1 2018	2.3.2020	2.3.2020
<p>12. UCC Special Procedures</p> <p>This project aims at accelerating, facilitating and harmonising Special Procedures across the Union by means of providing common business process models. The national systems will implement all UCC changes required for customs warehousing, end-use, temporary admission, inward and outward processing.</p> <p>This project will be implemented in two parts.</p> <p><i>Component 1</i> — ‘National SP EXP’: provide the required national electronic solutions for the export related special procedures activities.</p> <p><i>Component 2</i> — ‘National SP IMP’: provide the required national electronic solutions for the import related special procedures activities.</p> <p>The implementation of these projects will occur through the projects listed in points 10 and 14 hereof.</p>	Article 6(1), Articles 16, 215, 237-242 and 250-262 of Regulation (EU) No 952/2013	Target date of technical specifications = to be defined by MS (for component 1 and 2)	1.3.2017 (component 1) To be defined by MS as part of the national plan (component 2)	2.3.2020 (component 1) To be defined by MS as part of the national plan (component 2)
<p>13. UCC Notification of Arrival, Presentation Notification and Temporary Storage</p> <p>The goal of this project is to define the processes for Notification of Arrival of the means of transport, Presentation of the goods (Presentation Notification) and Declaration for Temporary Storage as described in the UCC and to support harmonisation in this respect across the Member States as regards the data exchange between trade and customs.</p> <p>The project covers the automation of processes at national level.</p>	Article 6(1), Articles 16 and 133-152 of Regulation (EU) No 952/2013	Target date of technical specifications = to be defined by MS	To be defined by MS as part of the national plan	To be defined by MS as part of the national plan

‘UCC Projects and related Electronic Systems’ List of projects related to the development and deployment of electronic systems required for the application of the Code	Legal base	Key milestone	Dates of deployment of the electronic systems	
			Start date of the deployment window of the electronic system (1)	End date of the deployment window of the electronic system (2) = End date of the transitional period
<p>14. UCC National Import Systems upgrade</p> <p>The project aims at implementing all process and data requirements deriving from the UCC which relate to the import domain (and which are not covered by one of the other projects defined in the Work Programme). It relates mainly to the changes for the ‘Release for free circulation’ procedure (standard procedure + simplifications), but covers also the impact arising from other system migrations. This project relates to the national import domain covering the national customs declarations processing systems as well as other systems such as national accountancy and payment systems.</p>	<p>Article 6(1), Article 16(1) and Articles 53, 56, 77-80, 83-87, 101-105, 108-109, 158-187, 194-195 of Regulation (EU) No 952/2013</p>	<p>Target date of technical specifications = to be defined by MS</p>	<p>To be defined by MS as part of the national plan</p>	<p>To be defined by MS as part of the national plan</p>
<p>15. UCC Centralised Clearance for Import (CCI)</p> <p>This project aims to allow for goods to be placed under a customs procedure using centralised clearance, allowing economic operators to centralise their business from a customs viewpoint. The processing of the customs declaration and the physical release of the goods should be coordinated between the related customs offices. It concerns a trans-European system containing components developed centrally and nationally.</p>	<p>Article 6(1), Articles 16 and 179 of Regulation (EU) No 952/2013</p>	<p>Target date of technical specifications = Q2 2018</p>	<p>1.10.2020</p>	<p>Roll-out plan to be defined as part of the CCI project documentation</p>
<p>16. UCC Guarantee Management (GUM)</p> <p>This project aims to assure the effective and efficient management of the different types of guarantees.</p> <p><i>Component 1</i> — ‘GUM’: The trans-European system will cover the management of the comprehensive guarantees that may be used in more than one Member State and the monitoring of the reference amount for each customs declaration, supplementary declaration or an appropriate information of the particulars needed for the entry in the accounts for the existing customs debts for all customs procedures as provided for in the Union Customs Code, except Transit which is handled as part of the NCTS project.</p> <p><i>Component 2</i> — ‘National Guarantee Management’: In addition, the electronic systems existing at national level to manage the guarantees valid in one Member State are to be upgraded.</p>	<p>Article 6(1), Articles 16 and 89-100 of Regulation (EU) No 952/2013</p>	<p>Target date of technical specifications = Q2 2018 (component 1)</p> <p>Target date of technical specifications = to be defined by MS (component 2)</p>	<p>1.10.2020 (component 1)</p> <p>To be defined by MS as part of the national plan (component 2)</p>	<p>1.10.2020 (component 1)</p> <p>To be defined by MS as part of the national plan (component 2)</p>

UCC Projects related to electronic systems	Dates of deployment/Deployment windows	S1 2016	S2 2016	S1 2017	S2 2017	S1 2018	S2 2018	S1 2019	S2 2019	S1 2020	S2 2020
4. Direct trader access to European Information Systems (Uniform user management & digital signature)	2.10.2017										
5. UCC Authorised Economic Operators System (AEO) upgrade	1.3.2018 (phase 1) 1.10.2019 (phase 2)					Phase 1			Phase 2		
6. UCC Economic Operator Registration and Identification System upgrade (EORI 2)	1.3.2018										
7. UCC Surveillance 3	1.10.2018										
8. UCC Proof of Union Status (PoUS)	1.3.2019-1.10.2019										
9. UCC New Computerised Transit System (NCTS) upgrade	1.10.2019-2.3.2020										
10. UCC Automated Export System (AES) — Component 1: Trans-European AES	1.10.2019-2.3.2020										
10. UCC Automated Export System (AES) — Component 2: National Export Systems upgrade	1.3.2017-2.3.2020										
11. UCC Information Sheets (INF) for Special Procedures	2.3.2020										
12. UCC Special Procedures — Component 1: National SP EXP	national planning 1.3.2017-2.3.2020 — see also project 10										

UCC Projects related to electronic systems	Dates of deployment/Deployment windows	S1 2016	S2 2016	S1 2017	S2 2017	S1 2018	S2 2018	S1 2019	S2 2019	S1 2020	S2 2020
12. UCC Special Procedures — Component 2: National SP IMP	national planning for SP IMP — see also project 14	SP IMP	SP IMP	SP IMP	SP IMP	SP IMP	SP IMP	SP IMP	SP IMP	SP IMP	SP IMP
13. UCC Notification of arrival, presentation notification and temporary storage	national planning										
14. UCC National Import Systems upgrade	national planning										
15. UCC Centralised Clearance for Import (CCI)	1.10.2020 — rollout plan										
16. UCC Guarantee Management (GUM) — Component 1: Trans-European GUM	1.10.2020 — 1.10.2020										
16. UCC Guarantee Management System (GUM) — Component 2: National Guarantee Management	national planning										
17. UCC Import Control System upgrade (ICS 2)	1.10.2020 — rollout plan										

GUIDELINES

GUIDELINE (EU) 2016/579 OF THE EUROPEAN CENTRAL BANK

of 16 March 2016

amending Guideline ECB/2012/27 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) (ECB/2016/6)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular 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 Article 3.1 and Articles 17, 18 and 22 thereof,

Whereas:

- (1) On 2 April 2015, the Governing Council adopted Guideline (EU) 2015/930 of the European Central Bank (ECB/2015/15) ⁽¹⁾, which amended Guideline ECB/2012/27 ⁽²⁾ to reflect the fact that euro area national central banks (NCBs) provide auto-collateralisation services and settlement in central bank money in TARGET2-Securities (T2S).
- (2) Experience with the application of the Guideline ECB/2012/27 has brought to light a number of issues where clarification would be desirable, in particular with regard to the NCBs' provision of auto-collateralisation services and settlement in central bank money.
- (3) The Governing Council is the owner of TARGET2, via its Level 1 powers, and may establish advisory bodies to support the Governing Council in the exercise of its tasks in connection with the management and operation of TARGET2.
- (4) Moreover, technical and operational management tasks related to TARGET2 should be entrusted to a body established by the Governing Council.
- (5) Therefore, Guideline ECB/2012/27 should be amended accordingly,

HAS ADOPTED THIS GUIDELINE:

Article 1

Amendments

Guideline ECB/2012/27 is amended as follows:

1. the following Article 1a is inserted:

'Article 1a

TARGET2 transactions

The national central banks (NCBs) shall always use TARGET2 accounts for the following transactions:

- (a) open market monetary policy operations within the meaning of Guideline (EU) 2015/510 of the European Central Bank (ECB/2014/60) (*);

⁽¹⁾ Guideline (EU) 2015/930 of the European Central Bank of 2 April 2015 amending Guideline ECB/2012/27 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) (ECB/2015/15) (OJ L 155, 19.6.2015, p. 38).

⁽²⁾ Guideline ECB/2012/27 of 5 December 2012 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) (OJ L 30, 30.1.2013, p. 1).

- (b) settlement of transactions with ancillary systems;
- (c) payments between credit institutions.

(*) Guideline (EU) 2015/510 of the European Central Bank of 19 December 2014 on the implementation of the Eurosystem monetary policy framework (ECB/2014/60) (OJ L 91, 2.4.2015, p. 3) (General Documentation Guideline).;

2. in Article 2, point (25) is replaced by the following:

‘(25) “available liquidity” means a credit balance on a participant’s account and, if applicable, any intraday credit line granted on the PM account by the relevant euro area NCB in relation to such account but not yet drawn upon, or if applicable, decreased by the amount of any processed reservations of liquidity on the PM account or blocking of funds on the DCA;’;

3. Article 7 is replaced by the following:

Article 7

Governance levels

1. Without prejudice to Article 8 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the “Statute of the ESCB”), the management of TARGET2 shall be based on a three-level governance scheme. The tasks assigned to the Governing Council (Level 1), a Level 2 technical and operational management body and the SSP-providing NCBs (Level 3) are laid down in Annex I.

2. The Governing Council shall be responsible for the direction, management and control of TARGET2. The tasks assigned to Level 1 fall within the exclusive competence of the Governing Council. The ESCB’s Payment and Settlement Systems Committee (PSSC) shall assist Level 1 in matters relating to TARGET2.

3. In accordance with the third paragraph of Article 12.1 of the Statute of the ESCB, the Eurosystem CBs shall be responsible for the tasks assigned to Level 2, within the general framework defined by the Governing Council. A Level 2 body shall be established by the Governing Council which the Eurosystem CBs shall entrust with certain technical and operational management tasks related to TARGET2.

4. The Eurosystem CBs shall organise themselves through the conclusion of appropriate agreements.

5. In accordance with the third paragraph of Article 12.1 of the Statute of the ESCB, the SSP-providing NCBs shall be responsible for the tasks assigned to Level 3, within the general framework defined by the Governing Council.

6. The SSP-providing NCBs shall conclude an agreement with the Eurosystem CBs governing the services to be provided by the former to the latter. Such agreement shall also include, where appropriate, the connected NCBs.

7. The Eurosystem, as provider of T2S services, and the Eurosystem CBs as operators of their respective national TARGET2 component systems shall conclude an agreement governing the services to be provided by the former to the latter in respect of the operation of the Dedicated Cash Accounts. Such agreement shall also be entered into, where appropriate, by the connected NCBs;’;

4. Article 8 is amended as follows:

- (a) the heading is replaced by the following:

‘Harmonised Conditions for the Opening and Operation of a PM account or a DCA in TARGET2’;

- (b) the first sentence of paragraph 1 is replaced by the following:

‘Each euro area NCB shall adopt arrangements implementing the Harmonised Conditions for the Opening and Operation of a PM account in TARGET2 as laid down in Annex II.’;

5. in Article 9(1), points (b) and (c) are deleted;
6. Annexes I, II, IIa, III, IIIa, IV and V are amended in accordance with the Annex to this Guideline.

Article 2

Taking effect and implementation

1. This Guideline shall take effect on the day of its notification to the national central banks of the Member States whose currency is the euro.
2. The national central banks of the Member States whose currency is the euro shall take the necessary measures to comply with this Guideline and apply them from 15 April 2016. They shall notify the European Central Bank (ECB) of the texts and means relating to those measures by 1 April 2016 at the latest.

Article 3

Addressees

This Guideline is addressed to all Eurosystem central banks.

Done at Frankfurt am Main, 16 March 2016.

For the Governing Council of the ECB
The President of the ECB
Mario DRAGHI

ANNEX

Annexes I, II, IIa, III, IIIa, IV and V to Guideline ECB/2012/27 are amended as follows:

1. Annex I is replaced by the following:

'ANNEX I

TARGET2 GOVERNANCE ARRANGEMENTS

Level 1 — Governing Council	Level 2 — Technical and operational management body	Level 3 — SSP-providing NCBS
0. General provisions		
Level 1 has final competence in relation to domestic and cross-border TARGET2 issues and is responsible for safeguarding the public function of TARGET2	Level 2 conducts technical and operational management tasks in relation to TARGET2.	Level 3 takes decisions on the daily running of the Single Shared Platform (SSP) on the basis of the service levels defined in the agreement referred to in Article 7(6) of this Guideline
1. Cost and pricing policy		
<ul style="list-style-type: none"> — Deciding on common cost methodology — Deciding on single price structure 	<ul style="list-style-type: none"> — Deciding on pricing of additional services and/or modules 	(Not applicable)
2. Service level		
<ul style="list-style-type: none"> — Deciding on core services 	<ul style="list-style-type: none"> — Deciding on additional services and/or modules 	<ul style="list-style-type: none"> — Delivering input according to Level 1/Level 2 needs
3. Risk management		
<ul style="list-style-type: none"> — Deciding on the general framework for risk management and acceptance of remaining risks 	<ul style="list-style-type: none"> — Conducting the actual risk management — Conducting risk analysis and follow-up 	<ul style="list-style-type: none"> — Providing the necessary information for risk analysis according to Level 1/Level 2 requests
4. Governance and financing		
<ul style="list-style-type: none"> — Defining rules for decision-making and financing of the SSP — Establishing and ensuring adequate implementation of the European System of Central Bank's legal framework for TARGET2 	<ul style="list-style-type: none"> — Drawing up the rules on governance and financing decided at Level 1 — Drawing up the budget, its approval and implementation — Having control of the application — Collecting funds and remuneration of services 	<ul style="list-style-type: none"> — Providing cost figures to Level 2 for the service provision

Level 1 — Governing Council	Level 2 — Technical and operational management body	Level 3 — SSP-providing NCBs
5. Development		
<ul style="list-style-type: none"> — Being consulted by Level 2 on the location of the SSP — Approving the overall project plan 	<ul style="list-style-type: none"> — Deciding on the initial design and development of the SSP — Deciding on establishing from scratch against establishing on the basis of an existing platform — Deciding on the choice of the SSP operator — Establishing, in agreement with Level 3, the service levels of the SSP — Deciding on the location of the SSP after consultation of Level 1 — Approving the specification process methodology and the “deliverables” of Level 3 deemed appropriate in order to specify and, later on, test and accept the product (in particular general and detailed user specifications) — Establishing a milestone project plan — Evaluating and accepting the deliverables — Establishing test scenarios — Central banks’ and users’ test coordination, in close cooperation with Level 3 	<ul style="list-style-type: none"> — Proposing the initial design of the SSP — Proposing whether to establish from scratch or establish on the basis of an existing platform — Proposing the location of the SSP — Drafting the general and the detailed functional specifications (internal detailed functional specifications and user detailed functional specifications) — Drafting the detailed technical specifications — Providing initial and ongoing input for milestone project planning and control — Technical and operational support for tests (performing tests on the SSP, input on SSP-related test scenarios, supporting Eurosystem CBs in their SSP test activities)
6. Implementation and migration		
<ul style="list-style-type: none"> — Deciding on the migration strategy 	<ul style="list-style-type: none"> — Preparing and coordinating migration to the SSP, in close cooperation with Level 3 	<ul style="list-style-type: none"> — Providing input on migration issues in accordance with Level 2 requests — Performing SSP-related migration work; additional support for joining NCBs
7. Operation		
<ul style="list-style-type: none"> — Managing severe crisis situations — Authorising establishment and operation of TARGET2 Simulator — Appointing certification authorities for internet-based access 	<ul style="list-style-type: none"> — Maintaining contacts with users at European level (subject to the sole responsibility of Eurosystem CBs for the business relationship with their customers) and monitoring daily user activity from a business perspective (Eurosystem CB task) 	<ul style="list-style-type: none"> — Managing the system on the basis of the agreement referred to in Article 7(6) of this Guideline’

Level 1 — Governing Council	Level 2 — Technical and operational management body	Level 3 — SSP-providing NCBs
<ul style="list-style-type: none"> — Specifying security policies, requirements and controls for the SSP — Specifying principles applicable to security of certificates used for internet-based access 	<ul style="list-style-type: none"> — Monitoring business developments — Budgeting, financing, invoicing (Eurosystem CB task) and other administrative tasks 	

2. Annex II is amended as follows:

(a) in Article 1, the definition of ‘direct debit authorisation’ is replaced by the following:

‘— “direct debit authorisation” means a general instruction by a payer to its CB entitling and obliging that CB to debit the payer’s account upon receipt of a valid direct debit instruction from a payee.’;

(b) Article 7 is amended as follows:

(i) paragraph 3 is replaced by the following:

‘3. A PM account holder accepting its PM account to be designated as the Main PM account defined in Annex IIa shall be bound by any invoices related to the opening and operation of each Dedicated Cash Account linked to that PM account, as set out in Appendix VI to this Annex, regardless of the content of, or any non-compliance with, the contractual or other arrangements between that PM account holder and the DCA holder.’;

(ii) the following paragraph 5 is inserted:

‘5. A PM account holder that also holds a DCA used for auto-collateralisation shall be liable for any penalties levied in accordance with paragraph 9(d) of Annex IIIa.’;

(c) Article 34 is amended as follows:

(i) the following sentence is added at the end of paragraph 1:

‘For the purposes of this paragraph, the taking of resolution action within the meaning of Directive 2014/59/EU of the European Parliament and of the Council (*) against a PM account holder shall not automatically qualify as the opening of insolvency proceedings.’

(*) 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).;

(ii) paragraph 4(a) is replaced by the following:

‘(a) In the event that the [insert name of CB] suspends or terminates a PM account holder’s participation in TARGET2-[insert CB/country reference] under paragraph 1 or 2, the [insert name of CB] shall immediately inform, by means of an ICM broadcast message or a T2S broadcast message, that PM account holder, other CBs and PM account holders and DCA 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 and DCA holder that receives the message’;

(iii) paragraph 4(b) is deleted;

(d) in Article 38, paragraph 1 is replaced by the following:

'1. The [insert name of CB] shall keep confidential all sensitive or secret information, including when such information relates to payment, technical or organisational information belonging to the participant, participants from the same group or the participant's customers, unless the participant or its customer has given its written consent to disclose [insert the following phrase if applicable under national law: or such disclosure is permitted or required under [insert adjective relating to country name] law].';

(e) in Appendix II, paragraph 3(a)(ii) is replaced by the following:

'(ii) interest compensation shall be determined by applying a reference rate to be fixed from day to day. This reference rate shall be the lower of the euro overnight index average (EONIA) rate and the marginal lending rate. The reference rate shall be applied to the amount of the payment order not settled as a result of the technical malfunction of TARGET2 for each day in the period from the date of the actual or, in relation to payment orders referred to in paragraph 2(b)(ii), intended submission of the payment order until the date on which the payment order was or could have been successfully settled. Any interest or charges resulting from the placing of any non-settled payment orders on deposit with the Eurosystem shall be deducted from, or charged to, the amount of any compensation, as the case may be; and';

(f) in Appendix IV, paragraph 4 is amended as follows:

(i) point (b) is replaced by the following:

'(b) In the event that the operation of the SSP or the T2S Platform is relocated from one region (Region 1) to another region (Region 2), the participants shall endeavour to reconcile their positions up to the point of the failure or the occurrence of the abnormal external events and provide to the [insert name of CB] all relevant information in this respect.';

(ii) the following point (c) is inserted:

'(c) Where a PM to DCA liquidity transfer order is debited on the participant's PM account on the SSP in Region 1, but, after reconciliation, is not shown as debited on the SSP in Region 2, the CB responsible for the participant shall debit the participant's PM account in Region 2 to return the participant's PM account balance to the level it had prior to the relocation.';

(g) in Appendix IV, paragraph 6(d)(iii) is replaced by the following:

'(iii) DCA to PM liquidity transfer orders.';

(h) in Appendix IV, paragraph 8(c) is replaced by the following:

'(c) The [insert name of CB] may require that the participants participate in regular or ad hoc testing of business continuity and contingency processing measures, training or any other preventative arrangements, as deemed necessary by the [insert name of CB]. Any costs incurred by the participants as a result of such testing or other arrangements shall be borne solely by the participants.';

3. Annex IIa is amended as follows:

(a) in Article 1, the definition of 'auto collateralisation' is replaced by the following:

'— "auto-collateralisation" means intraday credit granted by the euro area national central bank (NCB) in central bank money triggered when a DCA holder has insufficient funds to settle securities transactions, whereby such intraday credit is collateralised either with the securities being purchased (collateral on flow), or with securities already held by the DCA holder (collateral on stock). An auto collateralisation transaction consists of two distinct transactions, one for the granting of auto-collateralisation and one for its reimbursement. It may also include a third transaction for any eventual relocation of collateral. For the purposes of Article 16, all three transactions are deemed to have been entered into the system and deemed to be irrevocable at the same time as the transaction for the granting of the auto-collateralisation.';

(b) in Article 1, the definition of 'Main PM account' is replaced by the following:

'— "Main PM account" means the PM Account to which a DCA is linked and to which any remaining balance will be automatically repatriated at the end of the day.';

- (c) in Article 16(3), the introductory paragraph is replaced by the following:

‘An agreement is to be signed between the Eurosystem CBs and the connected NCBs, on the one hand, and all CSDs participating in T2S, on the other hand, on the exchange of information in the event of the insolvency of a participant, and the liability of each of the signatories to the agreement. Two weeks after the ECB has confirmed to all of the agreement’s signatories that procedures for the exchange of the abovementioned information have been established and approved by all parties thereto, the rules provided for in paragraph 2 shall be replaced by the following:’;

- (d) in Article 24(1), the following sentence is added at the end:

‘For the purposes of this paragraph, the taking of resolution action within the meaning of Directive 2014/59/EU against a DCA holder shall not automatically qualify as the opening of insolvency proceedings.’;

- (e) Article 24(4) is amended as follows:

- (i) point (a) is replaced by the following:

‘(a) In the event that the [insert name of CB] suspends or terminates a DCA holder’s participation in TARGET2-[insert CB/country reference] under paragraph 1 or 2, the [insert name of CB] shall immediately inform, by means of an ICM broadcast message or a T2S broadcast message, that DCA holder, other CBs and DCA holders 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 DCA holder and PM account holder that receives the message.’;

- (ii) point (b) is deleted;

- (f) in Appendix II, paragraph 3(a)(ii) is replaced by the following:

‘(ii) interest compensation shall be determined by applying a reference rate to be fixed from day to day. This reference rate shall be the lower of the euro overnight index average (EONIA) rate and the marginal lending rate. The reference rate shall be applied to the amount of the payment order not settled as a result of the technical malfunction of TARGET2 for each day in the period from the date of the actual or, in relation to payment orders referred to in paragraph 2(b)(ii), intended submission of the payment order until the date on which the payment order was or could have been successfully settled. Any interest or charges resulting from the placing of any non-settled payment orders on deposit with the Eurosystem shall be deducted from, or charged to, the amount of any compensation, as the case may be; and’;

- (g) in Appendix IV, paragraph 7(b) is replaced by the following:

‘(b) The [insert name of CB] may require that the DCA holders participate in regular or ad hoc testing of business continuity and contingency processing measures, training or any other preventative arrangements, as deemed necessary by the [insert name of CB]. Any costs incurred by the DCA holders as a result of such testing or other arrangements shall be borne solely by the DCA holders.’;

- (h) Appendix VI is replaced by the following:

‘Appendix VI

FEE SCHEDULE

Fees for T2S services

The following fees for T2S services connected with DCAs shall be charged to the Main PM account holders:

Tariff items	Price	Explanation
Settlement services		
DCA to DCA liquidity transfer orders	9 euro cent	per transfer
Intra-balance movement (i.e. blocking, un-blocking, reservation of liquidity etc.)	6 euro cent	per transaction

Tariff items	Price	Explanation
Information services		
A2A reports	0,4 euro cent	Per business item in any A2A report generated
A2A queries	0,7 euro cent	Per queried business item in any A2A query generated
U2A queries	10 euro cent	Per executed search function
U2A queries downloaded	0,7 euro cent	Per queried business item in any U2A query generated and downloaded
Messages bundled into a file	0,4 euro cent	Per message in a file
Transmissions	1,2 euro cent	Per transmission'

4. Annex III is amended as follows:

- (a) point (7) in the 'Definitions' section is replaced by the following:

'(7) "close links" means close links within the meaning of Article 138 of Guideline (EU) 2015/510 (ECB/2014/60);'

- (b) paragraph 1 is replaced by the following:

'1. Each euro area NCB shall provide intraday credit to credit institutions established in the EEA that are eligible counterparties for Eurosystem monetary policy operations, have access to the marginal lending facility and have an account with the relevant euro area NCB, including when those credit institutions act through a branch established in the EEA and including branches established in the EEA of credit institutions that are established outside the EEA, provided that such branches are established in the same country as the relevant euro area NCB. No intraday credit may be provided to entities that are subject to restrictive measures adopted by the Council of the European Union or Member States pursuant to Article 65(1)(b), Article 75 or Article 215 of the Treaty, the implementation of which, in the view of [CB/country reference] after informing the ECB, is incompatible with the smooth functioning of TARGET2.';

- (c) paragraph 2 is replaced by the following:

'2. Intraday credit may also be granted to the following entities:

- (a) deleted;
- (b) credit institutions established in the EEA that are not eligible counterparties for Eurosystem monetary policy operations and/or do not have access to the marginal lending facility, including when they act through a branch established in the EEA and including branches established in the EEA of credit institutions that are established outside the EEA;
- (c) treasury departments of central or regional governments of Member States active in the money markets and public sector bodies of Member States authorised to hold accounts for customers;
- (d) investment firms established in the EEA provided that they have concluded an arrangement with a Eurosystem monetary policy counterparty to ensure that any residual debit position at the end of the relevant day is covered; and
- (e) entities other than those falling within point (b) that manage ancillary systems and act in that capacity, provided that the arrangements for granting intraday credit to such entities have been submitted to the Governing Council in advance and have been approved by the Governing Council,

provided that in the cases specified in points (b) to (e) the entity receiving intraday credit is established in the same jurisdiction as the NCB providing the intraday credit.

All overnight credit granted to eligible central counterparties shall be subject to the terms of this Annex (including the provisions in relation to eligible collateral).

The sanctions provided for in paragraphs 10 and 11 shall apply when eligible central counterparties fail to reimburse the overnight credit extended to them by their NCB.;

(d) paragraph 3 is replaced by the following:

- ‘3. For the entities mentioned in paragraph 2(b) to (e), and in accordance with Article 19 of Guideline (EU) 2015/510 (ECB/2014/60), intraday credit shall be limited to the day in question and no extension to overnight credit shall be possible.

By way of derogation, the Governing Council may decide, by means of a reasoned prior decision, to provide access to the marginal lending facility to certain eligible central counterparties (CCPs), within the scope of Article 139(2)(c) of the Treaty in conjunction with Articles 18 and 42 of the Statute of the ESCB and Article 1(1) of Guideline (EU) 2015/510 (ECB/2014/60). Such eligible CCPs are those that, at all relevant times:

- (a) are eligible entities for the purposes of paragraph 2(e), provided also that those eligible entities are authorised as CCPs in accordance with the applicable Union or national legislation;
- (b) are established in the euro area;
- (c) are subject to supervision and/or oversight by competent authorities;
- (d) comply with the oversight requirements for the location of infrastructures offering services in euro, as amended from time to time and published on the ECB’s website (*);
- (e) have accounts in the Payments Module (PM) of TARGET2;
- (f) have access to intraday credit.

(*) The Eurosystem’s current policy for the location of infrastructure is set out in the following statements, which are all available on the ECB’s website at www.ecb.europa.eu: (a) the Policy statement on euro payment and settlement systems located outside the euro area of 3 November 1998; (b) The Eurosystem’s policy line with regard to consolidation in central counterparty clearing of 27 September 2001; (c) The Eurosystem policy principles on the location and operation of infrastructures settling in euro-denominated payment transactions of 19 July 2007; (d) The Eurosystem policy principles on the location and operation of infrastructures settling euro-denominated payment transactions: specification of “legally and operationally located in the euro area” of 20 November 2008; (e) The Eurosystem oversight policy framework of July 2011, subject to the judgment of 4 March 2015, *United Kingdom v European Central Bank*, T-496/11, ECLI:EU:T:2015:496.;

(e) paragraph 4 is replaced by the following:

- ‘4. Intraday credit shall be based on eligible collateral and granted by means of collateralised intraday overdrafts and/or intraday repurchase transactions in compliance with the additional minimum common features (including the events of default therein listed, as well as their respective consequences) that the Governing Council specifies with respect to Eurosystem monetary policy operations. Eligible collateral shall consist of the same assets as eligible for use in Eurosystem monetary policy operations, and shall be subject to the same valuation and risk control rules as those laid down in Part Four of Guideline (EU) 2015/510 (ECB/2014/60).

Intraday credit shall only be granted once the eligible assets provided as collateral have been finally transferred or pledged. For this purpose, counterparties shall pre-deposit or shall pledge the eligible assets with the relevant NCB or shall settle the eligible assets with the relevant NCB on a delivery-versus-payment basis.;

(f) paragraph 5 is replaced by the following:

- ‘5. Debt instruments issued or guaranteed by the entity, or by any other third party with which the entity has close links, may only be accepted as eligible collateral in the situations laid down in Part Four of Guideline (EU) 2015/510 (ECB/2014/60).’;

(g) in paragraph 12, point (c) is replaced by the following:

‘(c) If the Eurosystem decides to suspend, limit or exclude counterparties’ access to monetary policy instruments on the grounds of prudence or otherwise in accordance with Article 158 of Guideline (EU) 2015/510 (ECB/2014/60), euro area NCBs shall implement that decision in respect of access to intraday credit pursuant to provisions in the contractual or regulatory arrangements applied by the respective NCBs.’;

5. Annex IIIa is amended as follows:

(a) point (1) in the ‘Definitions’ section is replaced by the following:

‘(1) “auto-collateralisation” means intraday credit granted by the euro area NCB in central bank money triggered when a DCA holder has insufficient funds to settle securities transactions, whereby such intraday credit is collateralised either with the securities being purchased (collateral on flow), or with securities already held by the DCA holder (collateral on stock). An auto collateralisation transaction consists of two distinct transactions, one for the granting of auto-collateralisation and one for its reimbursement. It may also include a third transaction for any eventual relocation of collateral. For the purposes of Article 16 of Annex IIa, all three transactions are deemed to have been entered into the system and deemed to be irrevocable at the same time as the transaction for the granting of the auto-collateralisation.’;

(b) point (6) in the ‘Definitions’ section is replaced by the following:

‘(6) “close links” means close links within the meaning of Article 138 of Guideline (EU) 2015/510 (ECB/2014/60).’;

(c) the first subparagraph of paragraph 3 is replaced by the following:

‘3. Auto-collateralisation shall be based on eligible collateral. Eligible collateral shall consist of the same assets as eligible for use in Eurosystem monetary policy operations, and shall be subject to the same valuation and risk control rules as those laid down in Part Four of Guideline (EU) 2015/510 (ECB/2014/60).’;

(d) paragraph 4 is replaced by the following:

‘4. Debt instruments issued or guaranteed by the entity, or by any other third party with which the entity has close links, may only be accepted as eligible collateral in the situations laid down in Part Four of Guideline (EU) 2015/510 (ECB/2014/60).’;

(e) in paragraph 9, point (d) is replaced by the following:

‘(d) The [insert name of CB] shall apply a penalty fee of EUR 1 000 for each business day where one or more recourses to collateral relocation under point (c) occur. The penalty fee shall be debited from the relevant PM account of the DCA holder referred to in point (c).’;

(f) in point 10(c) the first sentence is replaced by the following:

‘The Eurosystem may decide to suspend, limit or exclude counterparties’ access to monetary policy instruments on the grounds of prudence or otherwise in accordance with Article 158 of Guideline (EU) 2015/510 (ECB/2014/60).’;

(g) in paragraphs 1 and 13, the words ‘6 February’ are replaced by the words ‘18 September’;

6. paragraph 18(1) of Annex IV is replaced by the following:

‘18. Fee schedule and invoicing

(1) An ancillary system using the ASI or the Participant Interface, irrespective of the number of any accounts it may hold with the ASCB and/or the SCB, shall be subject to a fee schedule consisting of the following elements.

(a) A fixed monthly fee of EUR 1 000 to be charged to each ancillary system (Fixed Fee I).

- (b) A second monthly fixed fee of between EUR 417 and EUR 8 334, in proportion to the underlying gross value of the ancillary system's euro cash settlement transactions (Fixed Fee II):

Band	From (EUR million/day)	To (EUR million/day)	Annual fee	Monthly fee
1	0	below 1 000	EUR 5 000	EUR 417
2	1 000	below 2 500	EUR 10 000	EUR 833
3	2 500	below 5 000	EUR 20 000	EUR 1 667
4	5 000	below 10 000	EUR 30 000	EUR 2 500
5	10 000	below 50 000	EUR 40 000	EUR 3 333
6	50 000	below 500 000	EUR 50 000	EUR 4 167
7	Above 500 000	—	EUR 100 000	EUR 8 334

The gross value of the ancillary system's euro cash settlement transactions shall be calculated by the ASCB once a year on the basis of such gross value during the previous year and the calculated gross value shall be applied for calculating the fee from 1 January of each calendar year. The gross value shall exclude transactions settled on DCAs.

- (c) A transaction fee calculated on the same basis as the schedule established for PM account holders in Appendix VI to Annex II. The ancillary system may choose one of the two options: either to pay a flat EUR 0,80 fee per payment instruction (Option A) or to pay a fee calculated on a degressive basis (Option B), subject to the following modifications:
- (i) for Option B, the limits of the bands relating to volume of payment instructions are divided by two; and
 - (ii) a monthly fixed fee of EUR 150 (under Option A) or EUR 1 875 (under Option B) shall be charged in addition to Fixed Fee I and Fixed Fee II.
- (d) In addition to the fees set out in (a) to (c), an ancillary system using the ASI or the Participant Interface shall also be subject to the following fees:
- (i) if the ancillary system makes use of the TARGET2 value-added services for T2S, the monthly fee for the use of the value added services shall be EUR 50 for those systems that have chosen option A and EUR 625 for those systems that have chosen option B. This fee shall be charged for each account held by the ancillary system that uses the services;
 - (ii) if the ancillary system holds a Main PM account linked to one or more DCAs, the monthly fee shall be EUR 250 for each linked DCA; and
 - (iii) the ancillary system as Main PM account holder shall be charged the following fees for T2S services connected with the linked DCA(s). These items shall be billed separately:

Tariff items	Price	Explanation
Settlement services		
DCA to DCA liquidity transfer orders	9 euro cent	per transfer
Intra-balance movement (i.e. blocking, unblocking, reservation of liquidity etc.)	6 euro cent	per transaction

Tariff items	Price	Explanation
Information services		
A2A reports	0,4 euro cent	Per business item in any A2A report generated
A2A queries	0,7 euro cent	Per queried business item in any A2A query generated
U2A queries	10 euro cent	Per executed search function
U2A queries downloaded	0,7 euro cent	Per queried business item in any U2A query generated and downloaded
Messages bundled into a file	0,4 euro cent	Per message in a file
Transmissions	1,2 euro cent	Per transmission'

7. in Annex V, paragraph 3 of Appendix IIA is replaced by the following:

3. The [insert name of CB] shall issue and maintain up to five active certificates per participant for each PM account free of charge. The [insert name of CB] shall charge a fee of EUR 120 for the issuance of a sixth and for each subsequent active certificate. The [insert name of CB] shall charge an annual maintenance fee of EUR 30 for the sixth and for each subsequent active certificate. Active certificates shall be valid for five years.'

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