



2024/3130

20.12.2024

GUIDELINE (EU) 2024/3130 OF THE EUROPEAN CENTRAL BANK

of 13 August 2024

amending Guideline (EU) 2015/510 on the implementation of the Eurosystem monetary policy framework (ECB/2014/60) (ECB/2024/23)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent 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 indent of Article 3.1, Articles 9.2, 12.1, 14.3 and 18.2 and the first paragraph of Article 20 thereof,

Whereas:

- (1) Achieving a single monetary policy entails defining the tools, instruments and procedures to be used by the Eurosystem, which consists of the European Central Bank (ECB) and the national central banks of those Member States whose currency is the euro (hereinafter the 'NCBs'), in order to implement such a policy in a uniform manner throughout the Member States whose currency is the euro.
- (2) In order to enhance the operational efficiency and transparency of Eurosystem procedures related to the mobilisation and management of collateral, NCBs should manage collateral mobilised by counterparties in Eurosystem credit operations in a harmonised manner, namely via standardised and operationally uniform processes, regardless of where the collateral or the counterparty is situated.
- (3) To this end, the Eurosystem has developed the Eurosystem Collateral Management System (ECMS) as a single Eurosystem platform that allows NCBs to manage eligible assets and cash mobilised as collateral by their counterparties. Consequently, the ECB has adopted Guideline (EU) 2024/3129 of the European Central Bank (ECB/2024/22) ⁽¹⁾. Guideline (EU) 2024/3129 (ECB/2024/22) complements the monetary policy implementation framework laid down in Guideline (EU) 2015/510 of the European Central Bank (ECB/2014/60) ⁽²⁾ and replaces collateral management provisions contained in that Guideline. Guideline (EU) 2024/3129 (ECB/2024/22) in particular lays down harmonised rules and arrangements for NCBs to manage collateral mobilised by counterparties on a domestic and cross-border basis for the purpose of collateralising Eurosystem credit operations and for certain other purposes.
- (4) In view of the adoption of Guideline (EU) 2024/3129 (ECB/2024/22) and in the interests of clarity and legal certainty, certain provisions of Guideline (EU) 2015/510 (ECB/2014/60) regarding the mobilisation and management of collateral have either become obsolete and should be deleted, or need to be amended.
- (5) In particular, following the adoption of Guideline (EU) 2024/3129 (ECB/2024/22) and on the operationalisation of the ECMS, (a) domestic pooling systems and earmarking systems used by NCBs to manage collateral will be discontinued and the associated rules should be deleted; (b) settlement procedures and rules governing the cross-border mobilisation of collateral should be adjusted; (c) eligibility criteria for the use of (i) securities settlement systems (SSSs), (ii) links between SSSs and (iii) triparty agents should be amended; (d) debt instruments should have a quantity expressed in face amount (FAMT) to be eligible as collateral and comply with market standards for the denomination of securities.
- (6) Following the expiry of the applicable transitional period, marketable debt instruments issued or guaranteed by non-financial corporations for which no appropriate credit assessment is available should no longer be accepted as Eurosystem collateral.

⁽¹⁾ Guideline (EU) 2024/3129 of the European Central Bank of 13 August 2024 on the management of collateral in Eurosystem credit operations (ECB/2024/22) (OJ L, 2024/3129, 20.12.2024, ELI: <http://data.europa.eu/eli/guideline/2024/3129/oj>).

⁽²⁾ Guideline (EU) 2015/510 of the European Central Bank of 19 December 2014 on the implementation of the Eurosystem monetary policy framework (General Documentation Guideline) (ECB/2014/60) (OJ L 91, 2.4.2015, p. 3).

- (7) It is necessary to provide greater clarity in the Eurosystem credit assessment framework (ECAF) with regard to the acceptance of local currency and foreign currency ratings from external credit assessment institutions (ECAIs).
- (8) In line with the Eurosystem's commitment to reducing its reliance on external ratings, ratings from in-house credit assessment systems (ICASSs) of NCBs, where they are available, are to be prioritised over ratings from other credit assessment systems for the determination of the eligibility of debtors and guarantors of credit claims, and of the applicable valuation haircuts.
- (9) In order to ensure legal certainty, it is necessary to align the date of application of this Guideline with that of Guideline (EU) 2024/3129 (ECB/2024/22). This Guideline should therefore apply from 18 November 2024.
- (10) Therefore, Guideline (EU) 2015/510 (ECB/2014/60) should be amended accordingly,

HAS ADOPTED THIS GUIDELINE:

Article 1

Amendments

Guideline (EU) 2015/510 (ECB/2014/60) is amended as follows:

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

‘1. This Guideline sets out uniform rules for the implementation of the single monetary policy by the Eurosystem throughout the Member States whose currency is the euro. Rules on the mobilisation and management of collateral are laid down in Guideline (EU) 2024/3129 of the European Central Bank (ECB/2024/22) (*).

(*) Guideline (EU) 2024/3129 of the European Central Bank of 13 August 2024 on the management of collateral in Eurosystem credit operations (ECB/2024/22) (OJ L, 2024/3129, 20.12.2024, ELI: <http://data.europa.eu/eli/guideline/2024/3129/oj>);

- (2) Article 2 is amended as follows:

- (a) in point (16), point (d) is deleted;

- (b) point (18) is deleted;

- (c) point (20) is deleted;

- (d) point (22a) is deleted;

- (e) in point (23), point (c) is replaced by the following:

- ‘(c) retail mortgage-backed debt instruments (RMBDs) issued by entities established in the Member State of its home NCB;’;

- (f) point (24) is deleted;

- (g) point (25a) is replaced by the following:

- ‘(25a) “eligible link” means an eligible link as defined in Article 2, point (26), of Guideline (EU) 2024/3129 (ECB/2024/22);’;

- (h) point (25b) is replaced by the following:

- ‘(25b) “eligible securities settlement system” (eligible SSS) means an eligible SSS as defined in Article 2, point (27), of Guideline (EU) 2024/3129 (ECB/2024/22);’;

- (i) point (54) is replaced by the following:

- ‘(54) “margin call” means a procedure relating to the application of variation margins, implying that if the value of the assets mobilised as collateral by a counterparty, as regularly measured, falls below a certain level (under-collateralisation), the Eurosystem requires the counterparty to supply additional eligible assets or cash;’;

- (j) the following point (72a) is inserted:

- ‘(72a) “pooling” means pooling as defined in Article 2, point (44), of Guideline (EU) 2024/3129 (ECB/2024/22);’;

- (k) point (73) is deleted;
- (l) point (76a) is deleted;
- (m) point (81) is deleted;
- (n) point (95) is deleted;
- (3) in Article 15(1), point (c) is replaced by the following:
 - ‘(c) when applicable as regards point (b), provide adequate collateralisation by way of corresponding margin calls by means of sufficient eligible assets or cash. The mobilisation of cash as collateral may also be initiated by an NCB in accordance with Article 11 of Guideline (EU) 2024/3129 (ECB/2024/22).’;
- (4) in Article 20, paragraph 1 is replaced by the following:
 - ‘1. The maturity of credit extended under the marginal lending facility shall be overnight. The credit shall be repaid on the next day on which TARGET is open.’;
- (5) in Article 49, paragraph 2 is replaced by the following:
 - ‘2. Payment orders relating to the participation in open market liquidity-providing operations or use of the marginal lending facility shall only be settled after the final transfer of the eligible assets as collateral to the operation.’;
- (6) in Article 50, paragraph 1 is replaced by the following:
 - ‘1. The Eurosystem shall endeavour to settle transactions related to its open market operations at the same time in all Member States whose currency is the euro with all counterparties that have provided sufficient eligible assets as collateral in accordance with the settlement procedures specified in Article 9 of Guideline (EU) 2024/3129 (ECB/2024/22). However, owing to operational constraints and technical features (e.g. of SSSs), the timing within the day of the settlement of open market operations may differ across the Member States whose currency is the euro.’;
- (7) in Article 51, paragraph 1 is replaced by the following:
 - ‘1. The Eurosystem shall endeavour to settle open market operations executed by means of standard tender procedures on the first day following the trade day on which TARGET is open.’;
- (8) Article 53 is amended as follows:
 - (a) paragraph 1 is replaced by the following:
 - ‘1. Without prejudice to the requirements laid down in this Chapter and in Guideline (EU) 2024/3129 (ECB/2024/22), additional provisions relating to settlement may be laid down in the contractual or regulatory arrangements applied by the NCBs, or the ECB, for the specific monetary policy instrument.’;
 - (b) paragraph 2 is replaced by the following:
 - ‘2. The end-of-day procedures are specified in the documentation relating to the TARGET framework and in Guideline (EU) 2024/3129 (ECB/2024/22).’;
- (9) Article 58 is amended as follows:
 - (a) paragraph 1 is replaced by the following:
 - ‘1. The Eurosystem shall apply a single framework for eligible assets common to all Eurosystem credit operations as laid down in this Guideline and shall manage such assets in accordance with Guideline (EU) 2024/3129 (ECB/2024/22).’;
 - (b) paragraph 4 is replaced by the following:
 - ‘4. Where counterparties provide eligible assets as collateral, the home NCB shall use pooling to maintain these assets in accordance with Article 3 of Guideline (EU) 2024/3129 (ECB/2024/22).’;
- (10) in Article 61, paragraph 1 is replaced by the following:
 - ‘1. The ECB shall publish an updated list of eligible marketable assets on its website, in accordance with the methodologies indicated on its website and shall update it every day on which TARGET is operational. Marketable assets included on the list of eligible marketable assets become eligible for use in Eurosystem credit operations upon their publication on the list. As an exception to this rule, in the specific case of debt instruments with same-day value settlement, the Eurosystem may grant eligibility from the date of issue.’;

(11) in Article 62, the following paragraph 4 is added:

‘4. In order to be eligible, debt instruments shall have a quantity expressed in face amount (FAMT).’;

(12) Article 66 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. In order to be eligible, debt instruments shall be issued in the EEA with a CSD operating (i) an eligible SSS or (ii) an SSS with an eligible link to an eligible SSS.’;

(b) paragraph 2 is deleted;

(c) in paragraph 3, point (a) is replaced by the following:

‘(a) International debt instruments issued in global bearer form shall be issued in the form of new global notes (NGNs) and shall be deposited with a common safekeeper which is an ICSD or a CSD that operates (i) an eligible SSS or (ii) an SSS with an eligible link to an eligible SSS. This requirement shall not apply to international debt instruments issued in global bearer form issued in the form of classical global notes prior to 1 January 2007 and fungible tap issuances of such notes issued under the same ISIN irrespective of the date of the tap issuance.’;

(13) Article 67 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The settlement procedures applicable to the mobilisation of marketable assets as collateral are specified in Guideline (EU) 2024/3129 (ECB/2024/22). In order to be eligible, debt instruments shall be transferable in book-entry form and settled under the law of a Member State whose currency is the euro such that the perfection and realisation of collateral is subject to the law of a Member State whose currency is the euro.’;

(b) paragraph 1a is deleted;

(c) paragraph 2 is deleted;

(14) Article 70 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

‘1. In order to be eligible, debt instruments shall be issued by an issuer established in the EEA or in a non-EEA G10 country, subject to the exceptions in paragraphs 3a to 6 of this Article and in paragraph 4 of Article 81a. For marketable assets with more than one issuer, this requirement shall apply to each issuer.

2. In order to be eligible, guarantors of debt instruments shall be established in the EEA, unless a guarantee is not used to establish the compliance of that debt instrument with the credit quality requirements for specific debt instruments, subject to the exceptions laid down in paragraphs 3a and 4. The possibility to use an ECAI guarantor rating to establish compliance with the relevant credit quality requirements for specific debt instruments is laid down in Article 84.’;

(b) paragraph 3 is deleted;

(15) Article 86 is replaced by the following:

‘Article 86

Local and foreign currency ratings

For the purpose of ECAI issuer and guarantor ratings, foreign currency ratings shall be acceptable. If the asset is denominated in the domestic currency of the issuer, the local currency issuer rating shall also be acceptable. If the asset is denominated in the domestic currency of the guarantor, the local currency guarantor rating shall also be acceptable.’;

(16) Article 87 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. In the absence of an appropriate credit assessment provided by an accepted ECAI for the issue, issuer or guarantor, as would be applicable pursuant to Article 84, point (a) or point (b), an implicit credit assessment of marketable assets (with the exception of ABSs) shall be derived by the Eurosystem in accordance with the rules laid down in paragraph 2. This implicit credit assessment is required to comply with the Eurosystem’s credit quality requirements.’;

(b) paragraph 3 is deleted;

(17) Article 98 is replaced by the following:

‘Article 98

Handling procedures

Credit claims shall be handled in accordance with the Eurosystem procedures laid down in the relevant national documentation of the NCBs, where applicable, in accordance with Guideline (EU) 2024/3129 (ECB/2024/22).’;

(18) Article 109 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The Eurosystem shall assess the credit quality of credit claims on the basis of the credit quality of the debtors or guarantors provided by the credit assessment systems or sources as determined in accordance with Article 110.’;

(b) paragraph 3 is replaced by the following:

‘3. Counterparties shall be responsible for ensuring that they use the most recent credit quality assessment available from their credit assessment systems or sources, as determined in accordance with Article 110, for the debtors or guarantors of credit claims mobilised as collateral.’;

(19) Article 110 is amended as follows:

(a) the title is replaced by the following:

‘Determination of the credit assessment system or source’;

(b) the following paragraph -1 is inserted:

‘-1. NCBs’ in-house credit assessment systems (ICASs) accepted by the Eurosystem in accordance with the general acceptance criteria in Title V of Part Four shall be used as the primary credit assessment source for the assessment of the credit quality of debtors and guarantors of credit claims mobilised as collateral where a credit assessment by an accepted ICAS is available, from the home NCB or from any other NCB.’;

(c) paragraphs 1 to 3 are replaced by the following:

‘1. Counterparties mobilising credit claims as collateral may select one additional credit assessment system or source from one of the other credit assessment sources accepted by the Eurosystem in accordance with the general acceptance criteria in Title V of Part Four. The credit assessment system or source selected under this paragraph shall be referred to as the counterparty’s secondary credit assessment system or source. The secondary credit assessment system or source may be used only where no credit assessment for the relevant debtor or guarantor, respectively, by an accepted NCB ICAS is available.

2. The home NCB may allow its counterparties to use more than two credit assessment systems or sources upon submission of a reasoned request to the home NCB supported by an adequate business case based on the lack of sufficient coverage of the primary and the secondary credit assessment sources or systems.

3. In cases where a counterparty is allowed to use more than two credit assessment systems or credit assessment sources in accordance with paragraph 2, the counterparty's secondary credit assessment system or source is expected to be the one providing the credit quality assessment of the largest number of debtors from the credit claims mobilised as collateral among the counterparty's credit assessment systems or sources selected in accordance with paragraphs 1 and 2 in addition to the primary credit assessment source. If credit assessments exist from multiple credit assessment systems or sources accepted for the counterparty, the credit assessment used to determine the eligibility of the debtor or guarantor, respectively, and the valuation haircuts applicable to the relevant credit claim shall be, in accordance with paragraphs 1 to 3: (a) the primary credit assessment source, or in the absence thereof, (b) the secondary credit assessment system or source where selected by the counterparty, or in the absence thereof, (c) the additional credit assessment systems or sources referred to in paragraph 2 where selected by the counterparty.;

(d) paragraph 6 is replaced by the following:

'6. In certain circumstances and particularly when a counterparty phases-in its IRB system or begins using credit claims as collateral, upon submission of a reasoned request, the home NCB may exceptionally grant a derogation to a counterparty with respect to the 12-month minimum period restriction specified in paragraph 4 and allow the counterparty to change its selected credit assessment system or source within that period.;

(e) paragraph 7 is replaced by the following:

'7. If the counterparty has chosen the ECAI credit assessment source, an ECAI debtor or ECAI guarantor rating may be used. If multiple ECAI debtor and/or ECAI guarantor ratings are available for the same credit claim, then the first-best available ECAI credit assessment from among all accepted ECAs shall be used, in accordance with paragraphs 1 to 3.;

(20) Article 111 is amended as follows:

(a) in paragraph 1, point (a) is replaced by the following:

'(a) If a credit assessment from the systems or sources determined in accordance with Article 110 exists, the Eurosystem shall use it to establish whether the public sector entity acting as debtor or guarantor meets the Eurosystem's credit quality requirements for non-marketable assets laid down in Article 108.;

(b) paragraph 2 is replaced by the following:

'2. The Eurosystem shall assess the credit quality of credit claims with non-financial corporations as debtors or guarantors as follows: the credit assessment provided by the credit assessment systems or sources, as determined in accordance with Article 110, shall meet the Eurosystem's credit quality requirements for non-marketable assets laid down in Article 108.;

(21) in Article 112a, paragraphs 1 and 2 are replaced by the following:

'1. DECCs shall not be required to be assessed by one of the credit assessment sources accepted by the Eurosystem in accordance with the general acceptance criteria in Title V of Part Four.

2. Each underlying credit claim in the cover pool of DECCs shall have a credit assessment provided by one of the credit assessment sources accepted by the Eurosystem in accordance with the general acceptance criteria in Title V of Part Four. In addition, the credit assessment system or source used shall be the same system or source selected by the originator in accordance with Article 110. The rules on the Eurosystem's credit quality requirements for the underlying credit claims laid down in Section 1 shall be applicable.;

(22) in Article 118(1), point (b) is deleted;

(23) in Article 128(1), point (b) is replaced by the following:

'(b) variation margins (marking-to-market):

the Eurosystem requires the haircut-adjusted market value of the eligible assets used in its liquidity-providing reverse transactions to be maintained over time. If the value of the eligible assets, which are measured on a daily basis, falls below a certain level (under-collateralisation), the home NCB shall require the counterparty to supply additional assets or cash by way of a margin call in accordance with Article 136. Similarly, if the value of the eligible assets exceeds a certain level following their revaluation, the NCB shall return the excess cash.;

- (24) in Article 134, point (d) is deleted;
- (25) Article 136 is amended as follows:
- (a) paragraph 1 is replaced by the following:

‘1. Assets mobilised as collateral for Eurosystem credit operations shall be subject to daily valuation by NCBs, in accordance with the valuation rules laid down in Articles 134 and 135.’;
 - (b) paragraph 2 is replaced by the following:

‘2. If, after valuation and haircuts, the mobilised assets do not match the requirements as calculated on that day, margin calls shall be performed in accordance with the procedures laid down in Article 11 of Guideline (EU) 2024/3129 (ECB/2024/22). If the value of the eligible assets mobilised as collateral by a counterparty, following their revaluation, exceeds the amount owed by the counterparty plus, where relevant, the variation margin, the NCB shall return any excess cash that the counterparty has provided for a margin call.’;
 - (c) paragraph 3 is deleted;
- (26) Article 144a is amended as follows:
- (a) paragraph 1 is replaced by the following:

‘1. NCBs shall provide that a counterparty shall remain liable for the timely payment of any amount of negative cash flows related to eligible assets submitted or used by it as collateral and managed pursuant to Guideline (EU) 2024/3129 (ECB/2024/22).’;
 - (b) paragraph 2 is replaced by the following:

‘2. If a counterparty fails to effect timely payment pursuant to paragraph 1, the Eurosystem may, but is not obliged to, discharge the relevant payment.’;
 - (c) paragraph 3 is replaced by the following:

‘3. Any amount paid by the Eurosystem under paragraph 2 shall be considered as a credit from the Eurosystem, for which a sanction is applicable in accordance with Article 154.’;
- (27) Article 148 is replaced by the following:
- ‘Article 148
- Cross-border mobilisation of eligible assets**
- Counterparties may use eligible assets on a cross-border basis throughout the euro area for all types of Eurosystem credit operations in accordance with the procedures applicable to the mobilisation of eligible assets as collateral specified in Guideline (EU) 2024/3129 (ECB/2024/22).’;
- (28) Article 149 is deleted;
- (29) Article 150 is deleted;
- (30) Article 151 is deleted;
- (31) Article 152 is deleted;
- (32) Annex VI is deleted;
- (33) Annex VIa is deleted;
- (34) Annex XII is amended as follows:
- (a) in the ‘List of examples’, ‘Example 6 Risk control measures’ is deleted;
 - (b) Section VI, entitled ‘EXAMPLE 6: RISK CONTROL MEASURES’, is deleted.

*Article 2***Taking effect and implementation**

1. This Guideline shall take effect on the day of its notification to the NCBs.
2. The NCBs shall take the necessary measures to comply with this Guideline and apply them from 18 November 2024. They shall notify the ECB of the texts and means relating to those measures by 11 October 2024 at the latest.

*Article 3***Addressees**

This Guideline is addressed to all Eurosystem central banks.

Done at Frankfurt am Main, 13 August 2024.

For the Governing Council of the ECB
The President of the ECB
Christine LAGARDE
