



2023/2796

14.12.2023

**DECISION (EU) 2023/2796 OF THE EUROPEAN CENTRAL BANK
of 4 December 2023**

**amending Decision (EU) 2022/1981 on the use of services of the European System of Central Banks
by competent authorities (ECB/2022/33) (ECB/2023/30)**

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(6) and Article 132 thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 34 thereof,

Having regard to Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions ⁽¹⁾, and in particular Article 6(1) in conjunction with Article 6(7) thereof,

Whereas:

- (1) Pursuant to Decision (EU) 2022/1982 of the European Central Bank (ECB/2022/34) ⁽²⁾, competent authorities may use services of the European System of Central Banks (ESCB) for the purpose of cooperating with the ESCB and with each other in order to carry out their tasks within the Single Supervisory Mechanism (SSM), established pursuant to Council Regulation (EU) No 1024/2013 ⁽³⁾.
- (2) Pursuant to Decision (EU) 2022/1981 of the European Central Bank (ECB/2022/33) ⁽⁴⁾, competent authorities must or may use ESCB services under the conditions provided therein.
- (3) Decision (EU) 2022/1981 (ECB/2022/33) applies to the ESCB services that are contained in the exhaustive lists either of Annex I, which covers ESCB services that all competent authorities should be required to use in carrying out their tasks within the SSM, or Annex II, which covers ESCB services that competent authorities may, on a voluntary basis, decide to use in carrying out their tasks within the SSM.
- (4) ESCB services are provided to ESCB central banks to indirectly support the performance of their tasks. Statistical ESCB services are developed, run and maintained by one or more ESCB central banks and steered by the ESCB's Statistics Committee. To ensure the smooth, effective and consistent functioning of the SSM the practical arrangements for the cooperation between the European Central Bank and the national competent authorities (NCAs) within the SSM should include arrangements for the use by those NCAs of certain statistical ESCB services in order to carry out their tasks under Regulation (EU) No 1024/2013. Therefore, the list of ESCB services that competent authorities are required to use should be extended to include AnaCredit, the Centralised Securities Database (CSDB), the Register of Institutions and Affiliates Database (RIAD) and the Securities Holdings Statistics Database (SHSDB).
- (5) Competent authorities that use ESCB services are to contribute to the costs of developing and operating the ESCB services according to a defined reimbursement framework based on a cost allocation key. In the light of the significant administrative burden of calculating the reimbursement by competent authorities for past costs in particular, competent authorities that use the SHSDB or the CSDB should only be required to contribute to the costs of developing and operating the respective ESCB service arisen on or after 1 July 2023 for the SHSDB and on or after 1 January 2024 for the CSDB. The existing financial arrangements should therefore be specified further.

⁽¹⁾ OJ L 287, 29.10.2013, p. 63.

⁽²⁾ Decision (EU) 2022/1982 of the European Central Bank of 10 October 2022 on the use of services of the European System of Central Banks by competent authorities and by cooperating authorities, and amending Decision ECB/2013/1 (ECB/2022/34) (OJ L 272, 20.10.2022, p. 29).

⁽³⁾ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63).

⁽⁴⁾ Decision (EU) 2022/1981 of the European Central Bank of 10 October 2022 on the use of services of the European System of Central Banks by competent authorities (ECB/2022/33) (OJ L 272, 20.10.2022, p. 22).

- (6) The use of ESCB services may involve the processing of personal data. The data processing operations related to the different ESCB services may vary and may therefore require different qualifications of the entities involved in such processing. Decision (EU) 2022/1981 (ECB/2022/33) should be amended to allow for the different possible qualifications of controllership from a data protection perspective.
- (7) Therefore, Decision (EU) 2022/1981 (ECB/2022/33) should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendments

Decision (EU) 2022/1981 (ECB/2022/33) is amended as follows:

- 1) Article 3 is replaced by the following:

‘Article 3

Financial arrangements

1. Competent authorities that use ESCB services shall contribute to the costs of developing and operating the respective ESCB service in accordance with a defined reimbursement framework, which is based on a cost allocation key, as further specified in the respective financial envelopes following the applicable reimbursement rules.
2. By derogation from paragraph 1, competent authorities that use the Centralised Securities Database (CSDB) and/or the Securities Holdings Statistics Database (SHSDB) shall not be required to contribute to the costs of developing and operating the CSDB and/or the SHSDB, as applicable, where those costs are incurred before 1 July 2023 for the SHSDB and before 1 January 2024 for the CSDB, respectively.’;
- 2) Annex I is replaced by Annex I to this Decision;
- 3) Annex III is amended in accordance with Annex II to this Decision.

Article 2

Entry into force

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

Done at Frankfurt am Main, 4 December 2023.

The President of the ECB
Christine LAGARDE

ANNEX I

Annex I to Decision (EU) 2022/1981 (ECB/2022/33) is replaced by the following:

‘ANNEX I

ESCB services that competent authorities are required to use

- AnaCredit (Anacredit)
 - Centralised Securities Database (CSDB)
 - CoreNet
 - Enterprise Service Bus (ESB)
 - Identity and Access Management Service (IAM)
 - Register of Institutions and Affiliates Database (RIAD)
 - Securities Holdings Statistics Database (SHSDB).’
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ANNEX II

In Annex III to Decision (EU) 2022/1981 (ECB/2022/33), point (10) is replaced by the following:

- ‘(10) In the case that the usage of the ESCB service involves the processing of personal data by the competent authority, the competent authority must comply with the applicable data protection legislation.’
