Decision (EU) 2020/628 of the European Central Bank of 4 May 2020 amending Decision ECB/2008/17 laying down the framework for joint Eurosystem procurement (ECB/2020/27)

DECISION (EU) 2020/628 OF THE EUROPEAN CENTRAL BANK

of 4 May 2020

amending Decision ECB/2008/17 laying down the framework for joint Eurosystem procurement (ECB/2020/27)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 127 and 128 thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 12.1 in conjunction with Article 3.1 and Articles 5, 16 and 24 thereof,

Whereas:

(1) On 26 April 2019, based on the positive experience with joint procurement of goods and services, the Governing Council decided that the Eurosystem Procurement Coordination Office (EPCO) should be considered as permanent, while the hosting central bank will continue to be appointed in five-year intervals. The Banque centrale du Luxembourg is the current hosting central bank, from 1 January 2020 until 31 December 2024.

(2) The rules governing the laying down of Eurosystem committees' mandates, the appointment of their chairpersons and the provision to them of secretarial assistance are set out in Article 9.5 of Decision ECB/2004/2[(1)] and further specified with regard to individual Eurosystem committees by specific decisions of the Governing Council. This legal framework applies to the European System of Central Banks Committee that is allocated the responsibility to steer Eurosystem joint procurement.

(3) It is important to be able to take advantage of opportunities for joint procurement that may arise in specific defined areas and within specified limits in the course of the year following the approval of the annual procurement plan by the Governing Council.

(4) In accordance with Article 7 of Guideline (EU) 2015/280 of the European Central Bank (ECB/2014/44)[(2)], national central banks (NCBs) that use in-house printing works to produce euro banknotes must consider establishing appropriate forms of cooperation, including joint purchasing, in order to improve cost-efficiency. On 21 November 2017 the Governing Council envisaged the possibility for such NCBs that use in-house printing works to participate in joint procurement directly via EPCO as a way to facilitate their cooperation to fulfil their public task of banknote production in the best possible way. In order to ensure a level playing field with in-house printing works which are fully integrated in central banks, it should be possible for an in-house printing works

Changes to legislation: *There are currently no known outstanding effects for the Decision (EU) 2020/628 of the European Central Bank. (See end of Document for details)*

which is a separate legal person but has a close connection to a central bank to participate in joint procurement directly via EPCO.

(5) Therefore, Decision ECB/2008/17 of the European Central Bank[3] should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendments to Decision ECB/2008/17

Decision ECB/2008/17 is amended as follows:

(1) point (f) of Article 1 is replaced by the following:

(f) "EPCO Steering Committee" means the steering committee set up by the Governing Council to steer the activities of EPCO. The EPCO Steering Committee shall be composed of one member from each central bank, to be selected from among staff members at senior level with knowledge and expertise in organisational and strategic issues within their respective institutions and procurement experts. The EPCO Steering Committee shall report via the Executive Board to the Governing Council;;

(2) Article 3 is amended as follows:

(a) in paragraph 1, the following point (f) is added:

(f) support the central banks in contract management activities.;

(b) the following paragraph 1a is inserted:

1a. EPCO shall be hosted by a central bank. The Governing Council shall appoint the hosting central bank every five years.;

(c) paragraph 7 is replaced by the following:

7. The EPCO Steering Committee shall conduct an effectiveness and efficiency evaluation of EPCO's activities in due course before the end of each five-year period referred to in paragraph 1a. Based on this evaluation, and taking into account the interest of other central banks in hosting EPCO, the Governing Council shall decide if it is necessary to conduct a selection procedure to choose a new hosting central bank.;

(3) in Article 4, paragraph 3 is replaced by the following:

3. Each year EPCO shall submit an updated procurement plan for joint tender procedures, including the names of the leading central banks, to the Governing Council for approval. The updated procurement plan submitted by EPCO may include an indication of areas in which, within specified limits, additional opportunities for joint procurement may be pursued prior to the next update. The Governing Council shall decide on the procurement plan and its implementation following consultation with the EPCO Steering Committee.;

(4) Article 5 is replaced by the following: