

Decision (EU) 2020/139 of the European Central Bank of 22 January 2020 laying down the terms and conditions for transfers of the European Central Bank's capital shares between the national central banks and for the adjustment of the paid-up capital and repealing Decision (EU) 2019/45 (ECB/2020/5)

DECISION (EU) 2020/139 OF THE EUROPEAN CENTRAL BANK

of 22 January 2020

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THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

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

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 28.5 thereof,

Whereas:

- (1) On 29 March 2017, the United Kingdom of Great Britain and Northern Ireland (the 'United Kingdom') submitted the notification of its intention to withdraw from the European Union pursuant to Article 50 of the Treaty on European Union. The Treaty on European Union and the Treaty on the Functioning of the European Union will cease to apply to the United Kingdom from the date following the date referred to in Article 1(1) of Decision (EU) 2019/1810 of the European Council⁽¹⁾. Upon the withdrawal of the United Kingdom from the European Union, the Bank of England (BoE) ceases to be a national central bank of a Member State and therefore of the European System of Central Banks. Decision (EU) 2020/137 of the European Central Bank (ECB/2020/3)⁽²⁾ provides for the adjustment of the weightings assigned to the national central banks (NCBs) in the key for subscription to the European Central Bank's (ECB's) capital (hereinafter the 'capital key weightings' and the 'capital key' respectively). This adjustment requires the Governing Council to determine the terms and conditions for transfers of capital shares between the NCBs that are members of the European System of Central Banks on 31 January 2020, in order to ensure that the distribution of these shares corresponds to the adjustments made. Accordingly, the adoption of a new decision is required to repeal Decision (EU) 2019/45 of the European Central Bank (ECB/2018/29)⁽³⁾ with effect from 1 February 2020.
- (2) Decision (EU) 2020/138 of the European Central Bank (ECB/2020/4)⁽⁴⁾ determines how and to what extent the NCBs of the Member States whose currency is the euro (hereinafter 'euro area NCBs') are under an obligation to pay up the ECB's capital in view of the adjusted capital key. Decision (EU) 2020/136 of the European Central Bank (ECB/2020/2)⁽⁵⁾ determines the percentage that the NCBs of the Member States whose currency is not the euro (hereinafter 'non-euro area NCBs') are under an obligation to pay up with effect from 1 February 2020 in view of the adjusted capital key.

Changes to legislation: There are currently no known outstanding effects for the Decision (EU) 2020/139 of the European Central Bank. (See end of Document for details)

- (3) Given that each euro area NCB has already paid up its full share in the ECB's subscribed capital as applicable until 31 January 2020 under Decision (EU) 2019/44 of the European Central Bank (ECB/2018/28)⁽⁶⁾, under Decision (EU) 2020/138 (ECB/2020/4) each euro area NCB should transfer additional amounts to the ECB in order to arrive by 2022 at the amounts shown in the table in Article 1 of that Decision.
- (4) Likewise, given that the non-euro area NCBs have already paid up a percentage of their shares in the ECB's subscribed capital as applicable until 31 January 2020 under Decision (EU) 2019/48 of the European Central Bank (ECB/2018/32)⁽⁷⁾, under Decision (EU) 2020/136 (ECB/2020/2) each remaining non-euro area NCB should transfer an additional amount to the ECB in order to arrive at the amounts shown in the third column of the table in Article 1 of that Decision,

HAS ADOPTED THIS DECISION:

Article 1

Transfer of capital shares

Given the share in the ECB's capital that each NCB will have subscribed to on 31 January 2020, and the share in the ECB's capital that each NCB shall subscribe to with effect from 1 February 2020 as a consequence of adjusting the capital key weightings as laid down in Article 2 of Decision (EU) 2020/137 (ECB/2020/3), the NCBs shall transfer capital shares among themselves via transfers to and from the ECB to ensure that the distribution of capital shares with effect from 1 February 2020 corresponds to the adjusted weightings. To this effect, each NCB shall, by virtue of this Article and without the need for any further formality or act, be deemed to have either transferred or received with effect from 1 February 2020 the share in the ECB's subscribed capital shown next to its name in the fourth column of the table in Annex I to this Decision, whereby '+' shall refer to a capital share that the ECB shall transfer to the NCB and '-' to a capital share that the NCB shall transfer to the ECB.

Article 2

Adjustment of the paid-up capital

1 Given the amount of the ECB's capital that each euro area NCB has paid up as of 1 January 2019, and the amount of the ECB's capital that each euro area NCB shall pay up pursuant to Article 1 and Article 2(1) of Decision (EU) 2020/138 (ECB/2020/4), on the first operating day of the Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) following 1 February 2020 each euro area NCB shall, with respect to the first capital instalment, transfer or receive the net amount shown next to its name in the fourth column of the table in Annex II to this Decision, whereby '+' shall refer to an amount that the NCB shall transfer to the ECB and '-' to an amount that the ECB shall transfer to that NCB. Each euro area NCB shall make two further instalments two business days before the last operating day of TARGET2 of 2021 and 2022 respectively by transferring the net amount shown next to its name in the sixth and eighth columns, respectively, of the table in Annex II to this Decision.

2 Given the amount of the ECB's capital that each non-euro area NCB has paid up as of 1 January 2019 and the amount of the ECB's capital that each non-euro area NCB shall pay up with

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effect from 1 February 2020 pursuant to Article 1 of Decision (EU) 2020/136 (ECB/2020/2), on the first operating day of TARGET2 following 1 February 2020 each NCB shall transfer the net amount shown next to its name in the fourth column of the table in Annex II to this Decision.

3 On the first operating day of TARGET2 following 1 February 2020, the ECB and the euro area NCBs that are under an obligation to transfer, as a first instalment, an amount under paragraph 1, and the non-euro area NCBs that are under an obligation to transfer an amount under paragraph 2, shall each separately transfer any interest on the respective amounts due accruing over the period from 1 February 2020 until the date of the transfer. The transferors and recipients of this interest shall be the same as the transferors and recipients of the amounts on which the interest accrues.

Article 3

General provisions

- 1 The transfers described in Article 2 shall take place through TARGET2.
- 2 Where an NCB does not have access to TARGET2, the amounts described in Article 2 shall be transferred by crediting an account that the ECB or NCB shall nominate in due time.
- 3 Any interest accruing under Article 2(3) shall be calculated on a daily basis, using the actual-over-360-day method of calculation, at a rate equal to the latest available marginal interest rate used by the Eurosystem in its tenders for main refinancing operations.
- 4 The ECB and the NCBs that are under an obligation to make a transfer under Article 2 shall, in due course, give the necessary instructions for duly executing such transfer on time.

Article 4

Entry into force and repeal

- 1 This Decision shall enter into force on 1 February 2020.
- 2 Decision (EU) 2019/45 (ECB/2018/29) is repealed with effect from 1 February 2020.
- 3 References to Decision (EU) 2019/45 (ECB/2018/29) shall be construed as references to this Decision.

Done at Frankfurt am Main, 22 January 2020.

The President of the ECB

Christine LAGARDE

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ANNEX I

NCBs' SUBSCRIBED CAPITAL

<i>(EUR)</i>			
	Share subscribed on 31 January 2020	Share subscribed from 1 February 2020	Share to be transferred
Euro area NCBs			
Nationale Bank van België/Banque Nationale de Belgique	273 656 178,72	320 744 959,47	+47 088 780,75
Deutsche Bundesbank	1 988 229 048,48	2 320 816 565,68	+332 587 517,2
Eesti Pank	21 303 613,91	24 800 091,2	+3 496 477,29
Central Bank of Ireland	127 237 133,1	149 081 997,36	+21 844 864,26
Bank of Greece	187 186 022,25	217 766 667,22	+30 580 644,97
Banco de España	902 708 164,54	1 049 820 010,62	+147 111 846,08
Banque de France	1 537 811 329,32	1 798 120 274,32	+260 308 945,0
Banca d'Italia	1 277 599 809,38	1 495 637 101,77	+218 037 292,39
Central Bank of Cyprus	16 269 985,63	18 943 762,37	+2 673 776,74
Latvijas Banka	29 563 094,31	34 304 447,4	+4 741 353,09
Lietuvos bankas	43 938 703,7	50 953 308,28	+7 014 604,58
Banque centrale du Luxembourg	24 572 766,05	29 000 193,94	+4 427 427,89
Central Bank of Malta	7 923 905,17	9 233 731,03	+1 309 825,86
De Nederlandsche Bank	440 328 812,57	515 941 486,95	+75 612 674,38
Oesterreichische Nationalbank	220 018 268,69	257 678 468,28	+37 660 199,59
Banco de Portugal	177 172 890,71	206 054 009,57	+28 881 118,86
Banka Slovenije	36 382 848,76	42 390 727,68	+6 007 878,92
Národná banka Slovenska	86 643 356,59	100 824 115,85	+14 180 759,26
Suomen Pankki	137 564 189,84	161 714 780,61	+24 150 590,77

a Due to rounding, totals may not correspond to the sum of all figures shown.