



EUROPEAN CENTRAL BANK
EUROSYSTEM

Directorate General Secretariat

ECB-UNRESTRICTED

Mr Gavin Sheridan

ask+request-1341-2df2cab7@asktheeu.org

17 June 2014

LS/PvdH/14/26

Dear Mr Sheridan,

Request for public access to ECB documents

On 12 May 2014 the European Central Bank (ECB) received your request for access to all “*letters exchanged between the ECB and a) the Irish Department of Finance, b) the Department of the Taoiseach between January 2007 and December 2008*”¹.

Having thoroughly examined your request, we have identified the following letters of relevance (please see the Annex for detailed information):

- (i) a letter, dated 8 May 2008, from the ECB’s Directorate General International to the Irish Department of Finance relating to organisational aspects of the Eurogroup meeting of 2 June 2008, in which a registration form was enclosed;
- (ii) a letter, dated 26 May 2008, from Mr Stark, member of the ECB Executive Board, to, inter alia, the Irish member of the Economic and Financial Committee relating to the celebrations to mark the 10th anniversary of the ECB on 2 June 2008;
- (iii) a letter from the ECB President to the Irish Minister of Finance, dated 16 April, accompanying the transmission of the ECB’s Annual Report 2007 (available on the ECB’s website²);
- (iv) a letter from the ECB President to the Taoiseach, dated 16 April, accompanying the transmission of the ECB’s Annual Report 2007;
- (v) a letter from the Office of the Taoiseach to the ECB President, dated 21 April 2008, acknowledging receipt of the letter mentioned under (iv);

¹ Point c) of your request will be replied to separately.

² <http://www.ecb.europa.eu/pub/pdf/annrep/ar2007en.pdf>

- (vi) three letters from the Irish Department of Finance relating to four consultations on draft Irish legal acts³ (letters including draft provisions and explanatory memorandums); two letters from the ECB President to the requesting authority acknowledging receipt of the consultation; four letters from the ECB President to the requesting authority notifying it about the issuance of the Opinion, which was enclosed⁴;
- (vii) a letter from the ECB President to the Department of the Taoiseach, dated 16 October 2008, relating to the Credit Institutions (Financial Support) Scheme 2008;
- (viii) a letter from the Department of the Taoiseach to the ECB President, dated 30 October 2008, acknowledging receipt of the letter mentioned under (vi);
- (ix) a letter from the Irish Minister of Finance to the ECB President, dated 14 November 2008, relating to the Credit Institutions (Financial Support) Scheme 2008.

Following a thorough assessment of your request and having duly consulted the Irish Department of Finance, in line with the requirements established by Decision ECB/2004/3 on public access to ECB documents⁵ (hereinafter Decision ECB/2004/3), the ECB considers that, as regards the documents referred to under points (i) to (ix), none of the exceptions listed in Article 4 of Decision ECB/2004/3 applies. Therefore, these 17 letters can be disclosed to you (please see attachments).

Where applicable, the above-mentioned documents have been anonymised and personal data of staff members or third parties have been deleted, together with any information that would make the data subjects identifiable, since their personal data are protected by Article 4(1)(b) of Decision ECB/2004/3 in conjunction with Article 8 of Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions and bodies and on the free movement of such data⁶.

One of the conditions stipulated by Article 8(b) of Regulation No 45/2001 for the transfer of personal data to recipients, other than Union institutions and bodies, subject to Directive 95/46/EC, is that the necessity of having such personal data transferred is established. Given that you have not established the necessity of transferring such data to you, and in line with the above provisions, such personal data have been removed.

We would like to draw your attention to Article 10 of Decision ECB/2004/3, which states that “documents released [...] shall not be reproduced or exploited for commercial purposes without the ECB’s prior specific authorisation. The ECB may withhold such authorisation without stating reasons”.

³ In line with Council Decision 98/145/EC.

⁴ The ECB Opinions are publicly available at <http://www.ecb.europa.eu/ecb/legal/opinions/html/index.en.html>

⁵ Official Journal of the European Union (OJ) L 80, 18 March 2004, p. 42; as amended by Decision ECB/2011/6 of 9 May 2011 (OJ L 158, 16 June 2011, p. 37).

⁶ OJ L 8, 12 January 2001, p. 1.

ECB-UNRESTRICTED

For the sake of good order, please note that Article 7(2) of Decision ECB/2004/3 provides that *“in the event of total or partial refusal, the applicant may, within 20 working days of receiving the ECB’s reply, make a confirmatory application asking the ECB’s Executive Board to reconsider its position”*.

Yours sincerely,

A handwritten signature in blue ink, consisting of a stylized 'P' followed by a long horizontal stroke that tapers to a point.

Pierre van der Haegen
Director General

A handwritten signature in blue ink, appearing to be 'R. Schremser' with a flourish at the end.

Roman Schremser
Senior Adviser

ECB-UNRESTRICTED

Annex

	Date	Subject	
1.	23/01/2007	Letter from the Department of Finance to the ECB President requesting an Opinion on a draft Asset Covered Securities (Amendment) Bill 2007	ECB Opinion CON/2007/3
2.	31/01/2007	Letter from the ECB President to the Minister of Finance acknowledging receipt of the consultation	
3.	16/02/2007	Letter from the ECB President to the Minister of Finance notifying the Minister of the ECB Opinion CON/2007/3 (enclosing the Opinion)	
4.	1/10/2008	Letter from the Department of Finance to the ECB President requesting an Opinion on a draft Credit Institutions (Financial Support) Bill 2008, enclosing the draft law and an explanatory memorandum	ECB Opinion CON/2008/44
5.	3/10/2008	Letter from the ECB President to the Minister of Finance notifying the Minister of the ECB Opinion CON/2008/44 (enclosing the Opinion)	
6.	10/10/2008	Letter from the Minister of Finance to the ECB President requesting an Opinion on a draft Credit Institutions (Financial Support) Scheme 2008, attached to which were two draft pieces of legislation and an explanatory memorandum	
7.	15/10/2008	Letter from the ECB President to the Minister of Finance notifying the Minister of the ECB Opinion CON/2008/48 (enclosing the Opinion)	ECB Opinion CON/2008/48
8.	16/10/2008	Letter from the ECB President to the Department of the Taoiseach relating to the Credit Institutions (Financial Support) Scheme 2008	
9.	30/10/2008	Letter from the Department of the Taoiseach to the ECB President acknowledging receipt of the letter mentioned in 8.	
10.	14/11/2008	Letter from the Minister of Finance to the ECB President relating to a communication of the ECB President to the Taoiseach on the ECB Opinion CON/2008/48	
11.	5/11/2008	Letter from the ECB President to the Minister of Finance acknowledging receipt of the consultation	
12.	17/11/2008	Letter from the ECB President to the Minister of Finance notifying the Minister of the ECB Opinion CON/2008/69 (enclosing the Opinion)	ECB Opinion CON/2008/69
13.	8/05/2008	Letter from the ECB DG International to the Ministry of Finance relating to organisational aspects of the Eurogroup meeting of 2 June 2008, in which a registration form was enclosed	

ECB-UNRESTRICTED

14.	26/05/2008	Letter from Mr Stark to the EFC members relating to the celebrations to mark the ECB's 10th anniversary on 2 June 2008	
15.	16/04/2008	Letter from the ECB President to the Minister of Finance, accompanying the transmission of the ECB's Annual Report 2007	
16.	16/04/2008	Letter from the ECB President to the Taoiseach, accompanying the transmission of the ECB's Annual Report 2007	
17.	21/04/2008	Letter from the Office of the Taoiseach to the ECB President, acknowledging receipt of the letter of 16/04/2008	