



EUROPEAN CENTRAL BANK

EUROSYSTEM

Directorate General Secretariat

ECB-UNRESTRICTED

Mr Gavin Sheridan

[ask+request-1201-cae56764@asktheeu.org](mailto:ask+request-1201-cae56764@asktheeu.org)

17 March 2014

LS/PvdH/14/12

Dear Mr Sheridan,

### Request for public access to ECB documents

On 18 February 2014 the European Central Bank (ECB) received your request for access to “*all letters sent by the ECB President to the Slovenian Finance Minister and Ministry and to the Slovenian President and ii) all letters received by the ECB from the Slovenian Finance Minister*” in 2012 and 2013.

Having thoroughly examined your request, we have identified (i) 25 letters from the Slovenian Finance Ministry relating to 15 consultations on draft Slovenian legal acts<sup>1</sup> (letters including draft provisions, requests to hold or withdraw the consultation, and letters informing the ECB about the final adoption of the legal act) and nine notification letters from the President of the ECB to the requesting authority, which enclosed the ECB’s Opinions<sup>2</sup> (please see the Annex for detailed information); and (ii) one letter from the Slovenian Finance Minister to the Vice-President of the ECB, dated 13 February 2012, relating to employment issues concerning an ECB staff member.

Following a thorough assessment of your request and having duly consulted the Slovenian Ministry of Finance, in line with the requirements established by Decision ECB/2004/3 on public access to ECB documents<sup>3</sup> (hereinafter Decision ECB/2004/3), the ECB considers that, as regards the documents referred to under point (i), none of the exceptions listed in Article 4 of Decision ECB/2004/3 applies. Therefore the 33 letters relating to consultation requests from the Slovenian Finance Ministry to the ECB 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

<sup>1</sup> In line with Council Decision 98/145/EC.

<sup>2</sup> The Opinions are publicly available at <http://www.ecb.europa.eu/ecb/legal/opinions/html/index.en.html>

<sup>3</sup> 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).

ECB-UNRESTRICTED

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 data<sup>4</sup>.

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”*.

The remaining document that is of relevance to your request and referred to under point (ii) above cannot be disclosed, even in part, as it is protected under Article 4(1)(b) (*the privacy and the integrity of the individual, in particular in accordance with Union legislation regarding the protection of personal data*) for the same reasons as above.

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,



Pierre van der Haegen  
Director General



Roman Schremser  
Senior Adviser

---

<sup>4</sup> OJ L 8, 12 January 2001, p. 1.

ECB-UNRESTRICTED

Annex

Subject	Date	Reference	Opinion
1. Request for a consultation on the Decree on the implementation of measures to strengthen the stability of banks (+ draft law and two annexes)	25.11.2013	IPP 007-853/2013	Opinion on measures to strengthen bank stability (CON/2013/86)
2. Notification letter	09.12.2013		
3. Notification letter	06.11.2013		Opinion on financial restructuring of companies (CON/2013/75)
4. Request for a consultation on draft provisions of the Act amending the Banking Act (+ draft law)	19.09.2013	IPP 007-646/2013/4	Opinion on measures for bank reorganisation (CON/2013/73)
5. Updated draft provisions of the Act amending the Banking Act (+ draft law)	03.10.2013	IPP 007-646/2013/34	
6. Notification letter	16.10.2013		
7. Adoption letter	15.11.2013	IPP 007-646/2013	
8. Request for a consultation on the law on the macro-prudential mandate of national authorities	24.01.2013	IPP 007-91/2013/4	Opinion on the establishment of a Financial Stability Board and the macro-prudential mandate of national authorities (CON/2013/70)
9. Request to hold a consultation	12.02.2013	IPP 007-91/2013/13	
10. Request for a consultation on the Act on the macro-prudential supervision of the financial system (+ draft law)	26.08.2013	IPP 007-91/2013	
11. Notification letter	19.09.2013		
12. Adoption letter	12.12.2013	IPP 007-91/2013	

ECB-UNRESTRICTED

13. Request for a consultation on the regulation concerning the implementation of measures to enhance the stability of banks	16.01.2013	IPP 007-34/2013/1	No opinion
14. Cancellation of the request for a consultation on the regulation concerning the implementation of measures to enhance the stability of banks	24.01.2013	IPP 007-34/2013/18	
15. Request for a consultation on the Regulation Amending the Regulation on the implementation of measures to enhance the stability of banks (+draft legal acts)	04.07.2013	IPP 007-406/2013/11	Opinion on measures to strengthen bank stability (CON/2013/67)
16. Notification letter	02.09.2013		
17. Consultation request – “Posvetovanje z Evropsko centralno banko glede Zakona o spremembah in dopolnitvah Zakona o opravljanju placilnih storitev za proračunske uporabnike” <sup>5</sup>	01.07.2013	007-282/2013/12	Opinion on the provision of payment services by Banka Slovenije for budget users (CON/2013/62)
18. Request for a consultation on the Regulation on the implementation of measures to enhance the stability of banks <sup>6</sup>	07.03.2013	IPP 007-34/2013/	Opinion on the measures for strengthening bank stability (CON/2013/21)
19. Mnenje ECB o ukrepih za krepitev stabilnosti bank (CON/2013/21)	22.3. 2013	IPP 007-91/2013/25	
20. Adoption letter	04.07.2013	IPP 007-406/2013/11	

<sup>5</sup> Notification letter signed by the Vice-President

<sup>6</sup> Notification letter signed by the Vice-President

**ECB-UNRESTRICTED**

21. Request for a consultation on the Act amending the Banking Act (+ draft legal act and explanatory memorandum)	09.11.2012	007-724/2012/39	Opinion on the Law on banking (CON/2012/101)
22. Notification letter	11.12.2012		
23. Adoption letter	18.12.2012	IPP 007-724/2012/32	
24. Request for a consultation on draft proposals for a tax on financial services act and an act amending the Balance sheet tax Act (+ draft legal act)	08.11.2012	007-720/2012 and 007-735/2012	Opinion on a tax on financial services and on a tax on the total value of a bank's balance sheet (CON/2012/93)
25. Notification letter	27.11.2012		
26. Request for a consultation on measures of the Republic of Slovenia to strengthen the Stability of banks Act (+ draft legal act)	11.09.2012	IPP 007-712/2012	Opinion on strengthening bank stability (CON/2012/71)
27. Notification letter	19.09.2012		
28. Request for a consultation on draft provisions of the Slovenian Sovereign Holding Act (+ draft legal act) <sup>7</sup>	13.07.2012	IPP 007-557/2012/	Opinion on the Slovenia Sovereign Holding (CON/2012/57)
29. Request for a consultation on the Act amending the Banking Act (+ draft legal act) <sup>8</sup>	01.07.2012	007-369/2012/10	Opinion on bank recapitalisation (CON/2012/48)
30. Request for a consultation bill on the prevention of late payments (+ draft legal act)	18.05.2012	IPP 007-350/2012/5	Opinion on the prevention of late payments (CON/2012/47)
31. Notification letter	19.06.2012		

<sup>7</sup> Notification letter signed by the Vice-President

<sup>8</sup> Notification letter signed by the Vice-President

ECB-UNRESTRICTED

32. Consultation on the draft bill amending the Financial Instruments Market Act	6.3.2012	IPP 007-794/2011/25	
33. Zahteva za mnenje Evropske centralne banke o predlogu zakona o spremembah in dopolnitvah Zakona o trgu finančnih instrumentov	28. 3. 2012	IPP 007-794/2011/29	No opinion