Request for public access to ECB documents

Dear Mr Benett,

On 26 October 2018 the European Central Bank received your application for access to documents containing quarterly or yearly data on the composition of the Joint Supervisory Teams (JSTs) (namely the number of members coming from the ECB, the home national competent authority (NCA), and other NCAs respectively) for each significant bank since November 2014.

General information on the composition of JSTs

The ECB’s banking supervision website\(^1\) provides some general information on the composition of the JSTs. All JSTs are composed of staff from the ECB and the home NCA. The JSTs supervising institutions with subsidiaries or branches in other countries of the Single Supervisory Mechanism (SSM) area may also include staff from the NCAs of these countries.

Assessment of your request for access to ECB documents

Following a thorough examination of your application in accordance with Decision ECB/2004/3 on public access to European Central Bank documents\(^2\), we regret to inform you that the requested documents cannot be released since they are protected from disclosure under Article 4.1 (a) eighth indent of the Decision (“the Union’s or a Member State’s policy relating to the prudential supervision of credit institutions and other financial institutions”). By disclosing the requested data, the ECB would reveal information on the size and developments in the composition of individual JSTs. This information may lead to speculation, among market participants, credit institutions and other parties, about the ECB’s supervisory strategy, priorities and procedures. Moreover, taken out of context or seen in isolation, developments in the composition of the JST allocated to a certain supervised entity could potentially create a wrong impression or lead to a wrong interpretation about developments regarding such entity.

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\(^2\) OJ L 80, 18.3.2004, p. 42, as last amended by OJ L 84, 28.3.2015, p. 64
Against this background, the ECB holds the view that disclosure of the requested data in the manner you have requested could compromise the effective conduct of its banking supervision. As such, it would interfere with the ECB’s responsibility to ensure the safety and soundness of the European banking system and to contribute to the integration and stability of the financial system within the Union.

While data regarding the composition of individual JSTs cannot be disclosed, data on the average JST staffing per cluster can be provided. To facilitate the allocation of ECB staff to the JSTs, the ECB has assigned supervised institutions to various clusters – reflecting their riskiness, complexity and size – and has allocated staff resources accordingly. The clusters are ordered from higher complexity to lower complexity (1-5), with banks having headquarters outside the SSM area assigned to a separate cluster (6).

We hope the below information may be useful for your purposes:

<table>
<thead>
<tr>
<th>Cluster</th>
<th>ECB</th>
<th>Home NCAs</th>
<th>Other NCAs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>11.8</td>
<td>21.3</td>
<td>9.7</td>
</tr>
<tr>
<td>2</td>
<td>7.6</td>
<td>14.4</td>
<td>3.5</td>
</tr>
<tr>
<td>3</td>
<td>4.9</td>
<td>8.0</td>
<td>1.4</td>
</tr>
<tr>
<td>4</td>
<td>2.9</td>
<td>4.0</td>
<td>0.9</td>
</tr>
<tr>
<td>5</td>
<td>2.6</td>
<td>3.0</td>
<td>0.3</td>
</tr>
<tr>
<td>6 (host banks)</td>
<td>2.2</td>
<td>2.8</td>
<td>2.3</td>
</tr>
</tbody>
</table>

Final remarks

For the sake of good order, we would like to inform you 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 FCR’s reply, make a confirmatory application asking the ECB’s Executive Board to reconsider its position”.

Yours sincerely,

Pedro Gustavo Teixeira
Director General Secretariat

Marguerite-Louise Karydi
Head of the Compliance and Governance Division