



EUROPEAN CENTRAL BANK

LS/03/537

LEGAL COMMITTEE

6 June 2003

Aide-Mémoire 50/03

FINAL

26 May 2003

- Extended composition -

[Redacted text block]

The list of attendees is enclosed (Annex I).

0. Approval of the agenda

The agenda was approved.

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6. Public Access to ECB Documents – a revised ECB policy

Issue:

Article 23 of the ECB Rules of Procedure and the ECB Decision of 3 November 1998 concerning public access to documentation and the archives of the European Central Bank (ECB/1998/12) govern the ECB's regime on access to ECB documentation and archives. In view of the ongoing pro-transparency trend in the Community the current ECB regime was suggested to be revised in order to bring it more in line with the principles and limits of the new Community policy. The members of LEGCO were invited to discuss and comment on the explanatory memorandum together with the draft decision on access to ECB documents.

Summary of discussion

Several members of LEGCO welcomed the project although some stressed that a better balance was needed between the principles of transparency and confidentiality, as laid down in Article 23 in the Rules of Procedure (RoP). Others, however, indicated a possible clash with national legislation and saw no need to revise the existing ECB Decision concerning public access to ECB documents. The Chairman stressed that classified documents would be covered by the exceptions listed in Article 4 of the draft Decision. An ECB representative explained that the current ECB Decision may not stand in its totality before court. One case was pending before the ECJ. It was admitted that there is no obligation for the ECB to align its procedures with the new general Community policy on transparency but that it would be better already now to hedge any legal risk that may exist. Adopting the draft decision may require a change in the RoP. This would demand awaiting the right moment for reviewing the RoP.

Follow-up

The members of LEGCO are requested within 14 days to submit a description of the national rules governing the access to NCB and ECB documents as currently applied. The matter will be re-discussed during the LEGCO meeting in July.

27 May 2003

- Extended composition, continued -

The list of attendees is enclosed (Annex I).



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8. [REDACTED]

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27 May 2003, continued
- Standard composition -

The list of attendees is enclosed (Annex II).

0. Approval of the agenda

The agenda was approved.

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