

The European Central Bank's (ECB) refusal to grant public access to documents concerning contingency and preparedness measures related to the Russian invasion of Ukraine [your reference LS/CL/2022/189]

Correspondence - 18/07/2022

Case 1327/2022/SF - Opened on 18/07/2022 - Decision on 12/09/2022 - Institution concerned European Central Bank (No maladministration found) |

Dear Mr X,

The Ombudsman has received a complaint from Mr Heiko Stamer against the European Central Bank. She has asked me to deal with the case on her behalf.

The complainant asked for public access to documents concerning the contingency and preparedness measures related to the conflict in Ukraine.

In its confirmatory decision of 13 July 2022, the ECB identified two documents as falling within the scope of the complainant's request. It refused access to both documents in their entirety, arguing that (partial) disclosure would undermine the protection of the public interest as regards (i) the confidentiality of the proceedings of ECB decision-making bodies, (ii) the financial, monetary or economic policy of the Union, and (iii) international financial relations. [1] Furthermore, the ECB considered that disclosure would undermine its decision-making process and that the complainant has not put forward an overriding public interest that would outweigh the harm caused by disclosure. [2]

We have decided to open an inquiry into the ECB's decision to refuse access to the requested documents under the applicable rules on public access to European Central Bank documents. [3]

The ECB's rules state that applications for access should be handled promptly. [4] It is in line with this principle that the Ombudsman also seeks to deal with cases such as this as quickly as possible.

As a first step, we consider it necessary to review the documents at issue in the complainant's request. We would therefore be grateful if the ECB could provide us with copies of the two documents, preferably in electronic format through encrypted e-mail, [5] by 22 July 2022.



The documents subject to the public access request will be treated confidentially, along with any other material the ECB chooses to share with us that it marks confidential. Documents of this kind will be handled and stored in line with this confidential status and will be deleted from the Ombudsman's files shortly after the inquiry has ended.

The ECB's position has been set out in its confirmatory reply of 13 July 2022. However, should the ECB wish to provide additional views, to be taken into account by the European Ombudsman during this inquiry, we would be grateful if they could be provided to us by 5 September 2022.

The inquiries officer responsible for the case, Ms Y, can be reached at the following telephone number: 000.

Yours sincerely,

Rosita Hickey

Director of Inquiries

Strasbourg, 18/07/2022

[1] Article 4(1)(a) first, second and sixth indent of Decision ECB/2004/3.

[2] Article 4(3) of Decision ECB/2004/3.

[3] Decision of the European Central Bank of 4 March 2002 on public access to European Central Bank documents (ECB/2004/3);
[https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004D0003\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004D0003(01)&from=EN)
[Link]

[4] Article 7 of Decision ECB/2004/3.

[5] Encrypted emails can be sent to our dedicated mailbox.