



European Ombudsman

Emily O'Reilly
European Ombudsman

Ms Danièle Nouy
Chair of the Supervisory Board
European Central Bank
60640 Frankfurt am Main
ALLEMAGNE

Strasbourg, 05/10/2016

Re: Follow-up to meeting on the Supervisory Review and Evaluation Process

Dear Madam Chair,

I would like to thank you for welcoming representatives of my office to Frankfurt on 19 September and for taking the time to discuss the transparency of the Supervisory Review and Evaluation Process (SREP) with them. This was the third time that my services have met with the ECB, since my meeting with President Draghi of 6 May 2014, to exchange views on matters on which we have relevant experience and expertise¹.

The meetings my staff held with you and your staff allowed them to fully appreciate the extent of the changes that you have overseen in the area of European banking supervision and this in a rather short space of time. As regards the transparency context in which you operate, I agree that often great care must be taken in the area of banking supervision to allow for frank and complete discussions to take place. For the Single Supervisory Mechanism (SSM) to be able to fulfil its role as a tough but fair supervisor, there must be sufficient guarantees of confidentiality.

I am sure that the ECB is anticipating, if not already experiencing, an increasing number of requests for public access to documents in the area of banking supervision. This should be welcomed as an opportunity to demonstrate that the ECB takes a balanced and appropriate view on the need to inform the public about the important role it performs in banking supervision.

We were, for example, particularly pleased to learn that, for the SREP in 2016, the ECB has clarified that it *"does not prevent nor dissuade institutions to*

¹ The first exchange of views took place in the context of the review of the ECB's Ethics Framework and the second on the ECB's rules on public access to documents.



disclose MDA-relevant capital requirements".² This constitutes a positive and welcome departure from the approach adopted for SREP 2015 and is in line with a December 2015 Opinion produced on this issue by the European Banking Authority.

I understand that the issue of disclosure of further information from individual SREP letters is largely regulated at national level. What the SSM can examine further, however, is the potential for greater transparency around how the SREP is conducted, beyond the February 2016 publication of the SSM SREP Methodology Booklet. One possibility would be to examine the scope to make public elements of the SSM supervisory manual.³

A more ambitious measure could entail disclosing individual SREP letters after a certain point in time, when - due to the passage of time - commercial interests and the public interest in ensuring a resilient banking system will no longer be undermined by full or partial disclosure of the information. Such a nuanced approach can only be of benefit to the ECB, to its stakeholders and to the wider public. Prior consultation with the concerned credit institution would of course play an important role in building the necessary predictability, trust and confidence.

I thank you for engaging on issues of mutual interest and look forward to meeting you in due course to pursue these important discussions.

With kind regards,

Emily O'Reilly

cc: Mr Mario Draghi, ECB President

² See document added to ECB website on 14 September 2016 at: <https://www.bankingsupervision.europa.eu/banking/srep/2016/html/index.en.html>

³ By way of example, following an Ombudsman inquiry into the European Commission's refusal to grant public access to DG Competition's Antitrust Manual of Procedures, the Commission agreed to prepare a version of the Antitrust ManProc for public disclosure. See: <http://www.ombudsman.europa.eu/cases/decision.faces/en/10879/html.bookmark>