



EUROPEAN CENTRAL BANK

SEC/GovC/04/5/11

24 February 2004

THE EXECUTIVE BOARD

PUBLIC ACCESS TO ECB DOCUMENTS

At its meeting on 22 January 2004 the Governing Council endorsed in principle the draft Decision on public access to ECB documents and took note that the points raised by the members of the Governing Council during the meeting would be checked and followed up. The formal adoption of the revised Decision would take place following the approval by the Governing Council of the revised Rules of Procedure of the ECB.

An assessment of the points raised by the members of the Governing Council is provided in document SEC/GovC/04/5/11a. Following the revision of the Rules of Procedure of the ECB (*ECB/2004/2*) on 19 February 2004, a revised draft ECB Decision on public access (*SEC/GovC/04/5/11b*) in line with the above assessment, is herewith submitted for adoption.

With regard to requests received by the ECB for NCB documents ('third-party documents'), the Executive Board deems it useful to agree on a time limit for the reply by the respective NCB to the ECB in order to meet the deadline vis-à-vis the applicant. In line with the practice followed by other EU institutions, a time-limit for the reply of 5 working days could be applied. The same time-limit for reply shall apply to the ECB when consulted by an NCB. Furthermore, it should be agreed that such consultations should be in writing. It is suggested not to incorporate this agreement into the ECB Decision but to reflect it as a "common understanding" in the minutes of the Governing Council.

The Governing Council is invited to:

- (a) take note of document SEC/GovC/04/5/11a assessing the points raised by the members of the Governing Council;**
- (b) adopt the ECB Decision on public access to ECB documents (SEC/GovC/04/5/11b);**
- (c) agree that a time-limit of 5 working days will be applied for consultations between the ECB and NCBs;**
- (d) take note that the President would bring the Decision on public access to ECB documents, as adopted, to the attention of the members of the General Council at their forthcoming meeting, in order to clarify the relevant obligations for the non-euro area NCBs and to seek an explicit endorsement by the relevant NCB Governors to ensure ESCB-wide application.**