

EUROPEAN CENTRAL BANK

LS/03/719

LEGAL COMMITTEE

30 July 003

Aide-Mémoire 52/03 FINAL

15 July 2003 - <u>Extended composition</u> -

The list of attendees is enclosed (Annex I).

0. Approval of the agenda



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

Issue:

Following the LEGCO meeting in May 2003, the texts of the Constitutional Treaty were agreed upon by the Convention on the Future of Europe on 13 June 2003. The new text of the Constitutional Treaty foresees that all institutions, agencies and bodies, thus including the ECB, lay down specific provisions for public access to documents. In the light of these new constitutional provisions and on the basis of written information submitted by the members of LEGCO containing descriptions of the national rules governing the access to NCB and ECB documents as currently applied, the matter was re-submitted for further discussion during the LEGCO meeting in July.

Summary of discussion

There was agreement amongst the LEGCO members that a revision of the current ECB Decision is necessary indeed, especially in view of the currently envisaged text of the Constitutional Treaty. However, it was agreed amongst the majority of the members to postpone the further work until the final text of the said Treaty (I-49 and III-301) known and the judgment of the Court of First Instance has been rendered in the Pitsiorlas case. In view of the EU enlargement next May 2004, the committee considered also adequate to first collect and consider the situation in the acceding countries. Already at this point in time, some LEGCO members mentioned that it would constitute a problem under national laws to simply forward requests of access to ECB documents to the ECB. However, since the decision depends on the categorisation of confidentiality of the documents in question, a subsequent consultation of the ECB would not endanger the consistency in treatment of ECB documents throughout the 15 Member States. Another member of LEGCO mentioned that there is a need to address the method of categorisation of confidential documents.

Follow-up

The members of LEGCO are requested, where necessary, to update and correct the table on national provisions by way of written comments by no later than Friday 25 July 2003. The observers will receive a separate request to submit information on their national laws within this field.







- 6 -



The Chairman ended the meeting by wishing everybody present a nice summer period.

Annex I

List of participants Legal Committee on 15/07/2003 in CII from 14:30 to 18:00

