



EUROPEAN CENTRAL BANK
BANKING SUPERVISION

Danièle NOUY

Chair of the Supervisory Board

COURTESY TRANSLATION

Mr Miguel Viegas
Member of the European Parliament
European Parliament
60, rue Wiertz
B-1047 Brussels

Frankfurt, 25 April 2016

Re: Your letter (QZ-035)

Honourable Member of the European Parliament, dear Mr Viegas,

Thank you for your letter, which was passed on to me by Mr Roberto Gualtieri, Chairman of the Committee on Economic and Monetary Affairs, accompanied by a cover letter dated 5 April 2016. You requested all information, documents, technical opinions and conclusions concerning the monitoring and oversight of the Portuguese banking system.

Article 27(1) of the SSM Regulation provides that the ECB is subject to the professional secrecy requirements set out in Article 37 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank and in the relevant acts of Union law. Article 27(2) of the SSM Regulation furthermore stipulates that, “for the purpose of carrying out the tasks conferred on it by this Regulation, the ECB shall be authorised, within the limits and under the conditions set out in the relevant Union law, to exchange information with national or Union authorities and bodies in the cases where the relevant Union law allows national competent authorities to disclose information to those entities or where Member States may provide for such disclosure under the relevant Union law.”

Therefore, the European Central Bank can exchange confidential supervisory information only if provided for in the relevant provisions of the Capital Requirements Directive (CRD IV), in particular its Articles 53 to 62. Moreover, the protection of personal data imposes further limits on the exchange of confidential information. Individual requests for disclosure or access to confidential supervisory information by Members of the European Parliament do not fall under the exceptions set out in CRDIV and hence there is no legal basis for disclosing confidential supervisory data in response to your request..

Finally, a request regarding access to the documents you refer to could be assessed under the Decision of the European Central Bank of 4 March 2004 on public access to ECB documents (ECB/2004/3) if it were made in line with the Decision. This would entail the scope of the request being specifically defined (e.g. not extensive in terms of time period and subject matter) so as to allow the ECB to assess it within the time limits

foreseen in the Decision. Moreover, such an approach means that, once disclosed by the ECB under its legal framework for public access to documents, the documents would also be released to anyone else requesting access to them.

Yours sincerely,

[signed]

Danièle Nouy