



Press release No. 15/2012

Ombudsman: ECB letter did not suggest changes to Spanish Constitution

31 July 2012

The European Ombudsman investigates complaints about maladministration in the EU institutions and bodies. Any EU citizen, resident, or an enterprise or association in a Member State, can lodge a complaint with the Ombudsman. The Ombudsman offers a fast, flexible and free means of solving problems with the EU administration.

For more information:
www.ombudsman.europa.eu

Contact:
Gundi Gadesmann,
Media and External
Relations Officer,

T. +32 2 284 26 09

gundi.gadesmann@ombudsman.europa.eu

Twitter:
[@GundiGadesmann](https://twitter.com/GundiGadesmann)

The European Ombudsman, P. Nikiforos Diamandouros, helped the European Central Bank (ECB) to settle a public access case involving a letter the ECB sent to the Spanish government in August 2011. A Spanish lawyer asked for access to the letter because he wanted to know whether the ECB had suggested an amendment of the Spanish Constitution. When the ECB refused, he complained to the Ombudsman. After inspecting the letter, the Ombudsman agreed that the ECB should not have to disclose it to the public. However, with the consent of the ECB, he confirmed to the complainant that the letter did not suggest any amendments to the Spanish Constitution.

Refusal to give a Spanish lawyer access to an ECB letter to the Spanish government was justified

In September 2011, the Spanish Constitution was amended with the aim of limiting public debt. Shortly before this amendment, in August 2011, the President of the ECB sent a confidential letter to the Spanish Prime Minister, expressing the bank's concerns about the extremely difficult situation of the Spanish economy and the need for swift action.

In September 2011, a Spanish lawyer asked for public access to this letter. He was particularly interested in whether the ECB requested an amendment to the Spanish Constitution. The ECB refused access, arguing that such disclosure would jeopardise the public interest as regards the economic and monetary policy of the EU or a Member State.

During the Ombudsman's investigation, the ECB submitted a detailed description of the content of the letter and its purpose, as well as the reasons

for its refusal to disclose it. The Ombudsman also inspected the relevant ECB files and concluded that disclosure of the letter would indeed risk harming the public interests at stake. However, with the consent of the ECB President, he confirmed to the complainant that the letter did not suggest any amendments to the Spanish Constitution. The lawyer was satisfied with this outcome.

In a further remark, the Ombudsman called on the ECB to continue to view transparency not only as a legal obligation, but also as an opportunity to enhance its legitimacy in the eyes of the European citizens.

The full text of the decision is available at:
<http://www.ombudsman.europa.eu/en/cases/decision.faces/en/11770/html.bookmark>