

Mario DRAGHI

President

Dr. Fišer

State Prosecutor General of the Republic of Slovenia
Office of the State Prosecutor General of the Republic of Slovenia
Trg OF 13
1000 Ljubljana
Republic of Slovenia

Frankfurt, 6 July 2016

L/MD/16/345

Seizure of ECB information on 6 July 2016

Dear Mr Fišer,

I was informed by Mr Jazbec, the Governor of Banka Slovenije, that Slovenian authorities searched the premises of Banka Slovenije on 6 July 2016 and seized ECB information held by Banka Slovenije, in particular information stored on the internal network of Banka Slovenije and on IT hardware used by the Governor, a former Deputy Governor and some staff members in the course of a pre-criminal investigation procedure.

Seizure of information owned or held by the ECB, irrespective of where the information is located and whether it is classified or not, infringes the Protocol on the Privileges and Immunities of the European Union (Article 2 in conjunction with Article 22(1)).

I formally protest against such unlawful seizure of ECB information and call upon the Slovenian authorities to remedy this infringement. In addition, the ECB will also explore possible appropriate legal remedies under Slovenian law.

Furthermore, the ECB was informed that the relevant Slovenian authorities were made aware that the seized equipment contains ECB information and that such information is protected under directly applicable primary EU law. Therefore, the ECB deplores that there was no attempt to find a solution reconciling the conduct of the pre-criminal investigations with the ECB's privilege on inviolability of its archives. In this context, the ECB affirms its consistent stance not to interfere with national (pre-) criminal investigations.

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The ECB also regrets that the actions of the Slovenian Police risk putting into question the fulfilment of Banka Slovenije's tasks as a member of the Eurosystem, as well as that of its Governor in his personal capacity as a member of the Governing Council of the ECB.

Finally, I will inform Mr Jean-Claude Juncker, the President of the European Commission of the incident with a view to take any necessary follow-up steps.

Yours sincerely,

[signed]

Mario Draghi

Cc. Mr. Jean-Claude Juncker, President of the European Commission
Office of the Specialised State Prosecutor mag. Harij Furlan

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