

COMPLAINT ON INFRINGEMENT OF THE CODE OF CONDUCT AND RIGHT TO RECTIFICATION

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III. LEGAL FRAMEWORK.

Code of Conduct for high-level European Central Bank Officials.

(1) As an institution of the European Union (EU), the European Central Bank (ECB) is required to serve the public interest and ensure the highest standards of integrity. Therefore the ECB places accountability, transparency and the highest standards of ethics at the centre of its approach to corporate governance. Adherence to these principles is a key element of the ECB's credibility and vital to securing the trust of European citizens.

(2) Professional ethics and the high standard of conduct that third parties are entitled to expect from the ECB and its high-level officials have been recognised since its establishment as key prerequisites for safeguarding the reputation of the ECB.

(9) In endorsing this Code, the Governing Council aims to implement the highest standards of professional ethics, thereby ensuring that the members of its high-level bodies lead by example and inspire employees across the Eurosystem, the ESCB and the SSM also to uphold such standards in their discharge of duty.

Art. 1. Scope of application – 1.2, *in fine*. For the purposes of this Code, 'high-level ECB bodies' shall mean the Governing Council of the ECB, the Executive Board of the ECB [...].

Standards of ethical conduct – Basic principles – [...] Art. 3.2. In carrying out their duties and responsibilities, members and alternates shall observe the highest standards of ethical conduct and integrity. They are expected to act honestly, independently, impartially, with discretion and without regard to self-interest. They shall be mindful of the importance of their duties and

responsibilities, shall take into account the public character of their functions and shall conduct themselves in a way that inspires ethical conduct within the Eurosystem, the European System of Central Banks (ESCB) and the SSM, and maintains and promotes public trust in the ECB [...].

Art. 6. Principle of independence – Bearing in mind Article 130 of the Treaty on the Functioning of the European Union, Article 7 of the Statute of the ESCB and Article 19(1) of Council Regulation (UE) No 1024/2013, members and alternates, when exercising the powers and carrying out the duties and responsibilities conferred upon them, shall act independently and objectively in the interest of the Union as a whole, regardless of national or personal interest, and shall not seek or take instructions from EU institutions, bodies, offices or agencies, from any government of a Member State or from any other body.

Art. 7. Private activities and official mandates – 7.1. Members and alternates shall ensure that any private activities, whether remunerated or not, do not have a negative impact on their obligations and will not damage the reputation of the ECB. For the purposes of this Code, ‘private activities’ shall mean any other activity undertaken by a member or alternate not in an official capacity.

7.2. Members and alternates may undertake private activities in public or international organisations or non-profit organisations as well as teaching and scholarly activities, provided that these are not activities that raise conflict of interest concerns, for example, activities related to supervised entities or counterparts to the Eurosystem in monetary policy or foreign exchange operations.

7.4. Members and alternates shall abstain from official mandates which may hinder their independence and shall resign from any such official mandate that they hold. For the purposes of this Code, ‘official mandates’ mean any external activities performed by a member or alternate in an official capacity, i.e. as part of their duties and responsibilities.

7.5. Members and alternates shall notify the Ethics Committee in writing of any private activities which they intend to perform. They shall also provide it with an annual update of their ongoing private activities and official mandates.

Art. 8. Relations with interest groups – [...] [M]embers and alternates shall at all times, and in particular in their interactions with interest groups, be mindful of their independence, their professional secrecy obligations, and the basic principles established in this Code. [...] [A]nd shall exercise particular prudence and apply appropriate safeguards when participating in closed events or when accepting individual invitations.

Art. 10. Declaration of Interests – 10.1. Each member shall on an annual basis submit to the Ethics Committee, for assessment and onward submission to the President, a signed Declaration of Interests which shall include information about the member's previous occupational activity, private activities, official mandates and financial interests, as well as about the gainful occupational activity of their spouse or partner, that may raise conflict of interest concerns (hereinafter the 'Declaration of Interests'). The Declaration of Interests submitted by each member shall be published on the ECB's website and shall be without prejudice to any requirement to submit a wealth declaration under applicable national rules or contractual obligations.

Art. 11. General principle of conflicts of interest – 11.1. Members and alternates shall avoid any situation which may raise conflict of interest concerns. A conflict of interest concern arises where a member or alternate has personal interests that may influence, or may be perceived as influencing, the impartial and objective carrying out of their duties and responsibilities and also extends to, but is not limited to, their direct family members (any parent, child, brother or sister), spouses or partners of the member or the alternate. In particular, members and alternates may not use their involvement in a decision-making process, or the professional information they possess, to gain personal advantage of any kind.

11.2. Members and alternates shall disclose in writing, without undue delay, to the President or Chair of the relevant high-level ECB body and to the Ethics Committee any situation that may raise conflict of interest concerns. In particular, they shall recuse themselves from taking part in any discussions, deliberations or votes in relation to any such situation and shall not be provided with any related documentation.

Art. 18. Non-compliance – Without prejudice to applicable national rules, in the event of non-compliance by a member or alternate with the provisions of this Code, the Ethics Committee shall first address the matter with the individual concerned.

Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27 April 2016, on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Art. 16. Right to rectification – The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data [...]. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

Regulation (EU) 2018/1725 of the European Parliament and of the Council, of 23 October 2018, on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

IV. BREACH OF THE CODE OF CONDUCT. INCOMPLETE PERSONAL DATA.

According to Spanish law ⁽¹⁾, the legal name of the ECB Vice-President is Luis de Guindos Jurado ⁽²⁾.

In his Declarations of Interest submitted on 16 December 2019, 10 December 2020 and 22 February 2022, the paragraph 'Private activities' is blank, but however, Mr De Guindos belongs to the organization 'Prelatura del Opus Dei' ⁽³⁾ as supernumerary member ⁽⁴⁾. On this point, the declarations of the other Governing Council members inform about their 'private activities' up twenty years before ⁽⁵⁾.

The silence regarding such membership could give rise to well-founded fears of conflict of interest, that would harm the example from an Executive Board member to the employees across the Eurosystem and undermine the public confidence, in particular where Opus Dei sect is involved ^(6, 7).

1. Law of 8 June 1957 on the Civil Registry, Art. 53. 'The persons are named by their name and the surname corresponding to both parents, which the Law protects against everyone'.

2. Royal Decree 103/2018, of 7 March, which provides for the cessation of Mr Luis de Guindos Jurado as Minister of Economy, Industry and Competitiveness. Official Journal No 59 of 8 March 2018, p. 28061. <https://www.boe.es/boe/dias/2018/03/08/pdfs/BOE-A-2018-3233.pdf>

3. Danilo Albin, 'The 74 Most Influential Faces of the Opus Dei', Diario Público, 26.02.2017. <https://www.publico.es/sociedad/74-rostros-influyentes-opus-dei.html>

4. Statutes of the Opus Dei 1982, Arts. 7, 11 and concordant provisions. https://www.opus-info.org/images/7/7a/1982_Statutes_of_Opus_Dei.doc

5. 'Private activities' declared by the Governing Council members.

6. Chamber of Representatives Belgium, ordinary session 1996-1997, 4.28.1997, 'Parliamentary Inquiry for Developing a Policy to Fight Against the Illegal Practices of Sects and Your Danger to Society and People, Particularly Minors', Parts I and II. <https://www.dekamer.be/FLWB/pdf/49/0313/49K0313007.pdf> <https://www.lachambre.be/FLWB/PDF/49/0313/49K0313008.pdf> (See synoptic table p. 261).

7. <https://www.dw.com/en/the-secrets-of-opus-dei-faith-power-manipulation/av-62292230>

V. REQUEST.

That it is agreed to rectify the personal data concerning Mr Luis de Guindos Jurado, Vice-President of the European Central Bank, within one month of receipt of this request, and that I should be notified in writing on the result.

That it is agreed that if the rectification request is not applicable in whole or in part, I should be notified in writing so that, if applicable, I may complain to the appropriate supervision authority.

Data on which I request the right of rectification:

- Complete the legal name Luis de Guindos Jurado.

- Complete his Declarations of Interest submitted on 16 December 2019, 10 December 2020 and 22 February 2022, paragraph ‘Private activities’, informing about the membership as a supernumerary member to the Opus Dei Prelature.

, 7 July 2022

Magí Ribas Alegret