



Council of the
European Union

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AG 7
INST 33

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the regulation of contacts between the General Secretariat of the Council and interest representatives

COUNCIL DECISION (EU) 2021/...

of ...

**on the regulation of contacts
between the General Secretariat of the Council and interest representatives**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 240 thereof,

Whereas:

- (1) Article 11(1) of the Treaty on European Union (TEU) requires that Union institutions give citizens and representative associations, by appropriate means, the opportunity to make known, and publicly exchange, their views in all areas of Union action. Moreover, Article 11(2) requires Union institutions to maintain an open, transparent and regular dialogue with representative associations and civil society.
- (2) Article 15(1) of the Treaty on the Functioning of the European Union (TFEU) provides that, in order to promote good governance and ensure the participation of civil society, Union institutions, bodies, offices and agencies are to conduct their work as openly as possible.
- (3) In accordance with Article 298 TFEU, in carrying out their missions, Union institutions, bodies, offices and agencies are to have the support of an open, efficient and independent European administration.
- (4) In order for Union institutions, bodies, offices and agencies ('Union institutions') to work as openly as possible, stakeholders should be allowed to provide their views and expertise during the decision-making process so as to improve the quality of and the support for decisions that are being taken.

- (5) In order to maintain the trust in the Union political, legislative and administrative processes, contacts with interest representatives should be carried out in a transparent and ethical manner.
- (6) To this effect, the European Parliament, the Council of the European Union and the European Commission concluded an Interinstitutional Agreement on a mandatory transparency register¹⁺ ('the Interinstitutional Agreement').
- (7) The Council is committed to establishing a framework for the transparent and ethical contacts between interest representatives and the officials and agents ('staff') of its General Secretariat, by introducing a principle of conditionality. According to that principle, registration in the transparency register is a necessary precondition for interest representatives to be able to carry out certain activities covered by the Interinstitutional Agreement.
- (8) The Council considers that the establishment of a transparency register, common to the European Parliament, the Council and the Commission, and open to other Union institutions, is the most effective way to implement the principle of conditionality. The adherence to the code of conduct annexed to the Interinstitutional Agreement should be a precondition for the registration in the transparency register.

¹ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register (OJ ..., ..., p. ...).

⁺ OJ: please complete the corresponding footnote.

- (9) The organs of the transparency register should be empowered to adopt, also on behalf of the Council, individual decisions concerning applicants and registrants, in accordance with the Interinstitutional Agreement.
- (10) Nothing in this Decision should be interpreted as conferring on interest representatives registered in the transparency register a privileged right of access to documents held by the Council,

HAS ADOPTED THIS DECISION:

Article 1
Principle of conditionality

In the cases provided for in this Decision and in line with the Interinstitutional Agreement, registration in the transparency register shall be a necessary precondition for interest representatives to be able to carry out certain activities.

Article 2
Transparency register

1. The Interinstitutional Agreement defines the scope of the activities carried out by interest representatives which are subject to registration, as well as the conditions for the eligibility and registration of interest representatives in the transparency register.
2. The Council shall be represented in the Management Board of the transparency register by its Secretary-General. The Management Board shall decide by consensus and be assisted by a joint Secretariat under the conditions laid down in the Interinstitutional Agreement.
3. The Management Board and the Secretariat shall be empowered to adopt on behalf of the Council individual decisions concerning applicants and registrants, in accordance with the Interinstitutional Agreement.

Article 3

Meetings with staff of the General Secretariat of the Council

1. Meetings organised between interest representatives and the Secretary-General and Directors General of the General Secretariat of the Council shall be conditional upon prior registration of interest representatives in the transparency register.
2. When in contact with interest representatives, staff of the General Secretariat of the Council shall abide by the rules and standards of conduct set out in the Staff Regulations of Officials of the European Union and the Conditions of Employment of other Servants of the Union, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68¹, and the other pertinent internal rules of the General Secretariat of the Council. The Secretary-General of the Council shall adopt any additional instructions to staff that may be necessary to implement those rules and standards, in line with the principles set out in this Decision.
3. The Secretary-General of the Council shall take measures to raise awareness among staff on the rules applicable to contacts with interest representatives.

¹ OJ L 56, 4.3.1968, p. 1.

Article 4
Thematic briefings

The participation of interest representatives in thematic briefings, which are organised by the General Secretariat of the Council, where appropriate and after consulting the Presidency of the Council, shall be conditional upon their prior registration in the transparency register.

Article 5
Public events

The participation of interest representatives, in their professional capacity, as speakers in public events organised by the General Secretariat of the Council shall be conditional upon registration of such interest representatives in the transparency register.

Article 6
Access to Council premises

1. In order to undertake the activities referred to in Articles 3, 4 and 5, the General Secretariat of the Council shall grant interest representatives nominative badges giving them temporary access to Council premises, subject to prior registration in the transparency register and respect for Council security rules. Interest representatives shall not attend meetings of the Council or of its preparatory bodies, unless their presence is authorised in accordance with Council Decision 2009/937/EU¹ (the 'Council Rules of Procedure').
2. The General Secretariat of the Council shall determine the security and identity requirements for the issuance of badges to interest representatives.

Article 7
Access to documents

Access to Council documents by interest representatives shall be regulated by Regulation (EC) No 1049/2001 of the European Parliament and of the Council².

¹ Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).

² Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

Article 8
Implementation

The General Secretariat of the Council shall take the measures that are necessary to implement this Decision.

Article 9
Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at ...,

For the Council
The President
