



DECISION NO 2018/013
OF THE EXECUTIVE DIRECTOR
OF THE EUROPEAN FISHERIES CONTROL AGENCY

of 26 JUN. 2018

**on the publication of information on meetings with organisations or
self-employed individuals**

European Fisheries Control Agency

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THE EXECUTIVE DIRECTOR OF THE EUROPEAN FISHERIES CONTROL AGENCY,

Having regard to Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a European Fisheries Control Agency (hereinafter referred to as 'the Agency'), and in particular Articles 29(3)(b) thereof,

Whereas:

- (1) In accordance with Article 11(1) and (2) of the Treaty on European Union (TEU), the institutions must, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action. They are also required to maintain an open, transparent and regular dialogue with representative associations and civil society. Further, in accordance with Article 32 of Regulation (EC) No 768/2005, the Agency shall ensure in particular that the public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its work.
- (2) In accordance with Article 298 of the Treaty on the Functioning of the European Union (TFEU), in carrying out their missions, the institutions, bodies, offices and agencies of the Union must have the support of an open, efficient and independent European administration.
- (3) The Agency is committed to enhance transparency on contacts between the Agency's Executive Director and staff and organisations or self-employed individuals.
- (4) Citizens have already a right of access to documents of the institutions as provided for in Regulation (EC) No 1049/2001 of the European Parliament and of the Council¹. This Decision does not concern access to documents nor the application of Regulation (EC) No 1049/2001.
- (5) Following paragraph 35 of the Inter-institutional Agreement between the European Parliament and the European Commission of 16 April 2014 on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation², agencies are encouraged to use the framework created by this agreement themselves as a reference instrument for their own interaction with organisations and self-employed individuals engaged in EU policy-making and policy implementation. The Agency intends to use the framework as such reference instrument.
- (6) The Agency's Executive Director and staff may have meetings with organisations or self-employed individuals engaged in EU policy-making and policy implementation. It is therefore appropriate to establish transparency requirements for such meetings.
- (7) The Agency should therefore make public information on meetings held by the Executive Director and staff with organisations or self-employed individuals engaged in EU policy-making and policy implementation.

¹ 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).

² OJ L 277, 19.9.2014, p. 11.

- (8) Meetings with the Agency's Advisory Board³ and with representatives of other Union institutions or bodies, which reflect the ordinary course of interinstitutional relations, are not covered by this Decision. Meetings with representatives of public authorities of the Member States are not covered by this Decision, as those authorities pursue the general interest and contribute to the work of the Agency under the principle of sincere cooperation. In order to protect the international relations of the Union, meetings with representatives of public authorities of third countries and of international organisations or Regional Fisheries Management Organisations are not covered by the present Decision.
- (9) In view of the specific role of political parties recognised by Article 10(4) TEU, and given that the Inter-institutional Agreement between the European Parliament and the European Commission of 16 April 2014 on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation provides that the register does not apply to political parties, meetings with representatives of political parties should also not be covered by this Decision.
- (10) Since in certain specific cases public information on a meeting may undermine the protection of the life, the integrity or privacy of an individual, the financial, monetary or economic policy of the Union, the market stability or sensitive commercial information, the proper conduct of court proceedings or inspections, investigations, audits or other administrative procedures, or the protection of any other important public interest recognised at Union level, the publication of such information should be withheld in such cases.
- (11) In accordance with Article 5(a) of Regulation (EC) No 45/2001 of the European Parliament and of the Council⁴, the names of representatives of organisations attending the meetings are published if the individuals have unambiguously given their consent. As appropriate, requests for personal data transfers may be evaluated by the Agency also in accordance with relevant case law.
- (12) This Decision is without prejudice to enhanced transparency requirements or commitments resulting from Union legislation or international agreements concluded by the Union,

HAS ADOPTED THIS DECISION:

Article 1

- 1. The Agency shall make public information on all meetings held by the Executive Director and staff with organisations or self-employed individuals engaged in EU policy-making and policy implementation, in accordance with the provisions of this Decision.
- 2. The information to be made public shall consist of the date of the meeting, the location, the name of the organisation(s) or self-employed individual(s) and the subject of the meeting.

³ Decision No II-07-10(1) of the Administrative Board of the Community Fisheries Control Agency of 17 October 2007 concerning the Rules of Procedure to be applied to the Advisory Board of the Community Fisheries Control Agency.

⁴ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

Article 2

For the purpose of this Decision the following definitions shall apply:

- (a) 'meeting' means a bilateral encounter organised at the initiative of an organisation or self-employed individual or of the Agency, to discuss an issue related to the activities of the Agency and which takes place at the presence of the Executive Director and/ or staff. Conferences, workshops, events, seminars or other similar events with a wider participation are excluded from this notion. Encounters taking place in the context of an administrative procedure established by the Treaties or Union acts, which fall under the direct responsibility of the Executive Director, as well as encounters of a purely private or social character or spontaneous encounters are also excluded from this notion;
- (b) 'organisation or self-employed individual' means any organisation or individual, irrespective of their legal status, engaged in activities carried out with the objective of directly or indirectly influencing the implementation of policy by the Agency, irrespective of where these activities are undertaken and of the channel or medium of communication used.

This notion does not include the Agency's Advisory Board, representatives of other Union institutions or bodies, national, regional and local authorities of Member States and of third countries or international organisations. However, it covers any association or network created to represent regions or other sub-national public authorities collectively.

Article 3

This Decision shall not apply to meetings held with representatives of political parties and to meetings with social partners at Union level in the context of the Social Dialogue.

Article 4

1. The information set out in Article 1(2) shall be published in a standardised format on the Agency's website within a period of two weeks following the meeting.
2. The publication of the information may be withheld where such publication could undermine the protection of one of the interests referred to in Article 4(1), (2) and (3) of Regulation (EC) No 1049/2001, in particular the life, the integrity or privacy of an individual, the financial, monetary or economic policy of the Union, the market stability or sensitive commercial information, the proper conduct of court proceedings or inspections, investigations, audits or other administrative procedures; or the protection of any other important public interest recognised at Union level.

Article 5

The names of individuals (acting on behalf of organisations or self-employed individuals) attending meetings shall not be made public unless the individuals have unambiguously given their consent.

Article 6

The organisations or self-employed individuals shall be informed of the fact that the information set out in Article 1(2) will be made public.

Article 7

This Decision shall enter into force on the date of its adoption.

Done at Vigo on **26 JUN. 2018**

A handwritten signature in black ink, consisting of a large, stylized loop followed by a vertical line and a horizontal stroke.

Pascal Savouret
Executive Director