



2024/3082

5.12.2024

COMMISSION DECISION (EU) 2024/3082

of 4 December 2024

on transparency measures concerning meetings held between Commission staff holding management functions and interest representatives, and repealing Decision 2014/838/EU, Euratom

THE EUROPEAN COMMISSION,

Having regard to the Treaty on European Union,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 249 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a 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 and are required to maintain an open, transparent and regular dialogue with representative associations and civil society. Furthermore, in accordance with Article 2 of Protocol No 2 on the application of the principles of subsidiarity and proportionality, and with Article 11(3) of the TEU, the Commission has to consult widely before proposing legislative acts.
- (2) Pursuant to 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) In order to maintain the trust of Union citizens in the legitimacy of the political, legislative and administrative processes of the Union, contacts with interest representatives should be carried out in a transparent manner. To that effect, the Commission is committed to promoting ethical and transparent interest representation by means of the mandatory transparency register ⁽¹⁾.
- (4) On 4 December 2024 the Commission adopted Decision (EU) 2024/3081 ⁽²⁾ setting out transparency measures concerning meetings held between Members of the Commission and their members of Cabinet with interest representatives. Commission staff holding management functions may also have meetings with interest representatives for similar purposes as the meetings referred to in that Decision. It is therefore appropriate to apply similar transparency requirements for such meetings.
- (5) In view of the positive experience with the publication of information on meetings held between Directors-General of the Commission with interest representatives on issues relating to decision-making and policy implementation in the Union, the practice of making public information on such meetings should be maintained and extended to all Commission staff holding management functions. While there is no need for further measures with regard to the participation of Directors-General of the Commission or other Commission staff holding management functions in public events, since such information is already in the public domain, all Commission staff holding management functions should make public information on all meetings held by them with interest representatives.

⁽¹⁾ Interinstitutional Agreement of 20 May 2021 between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register (OJ L 207, 11.6.2021, p.1) ('the Interinstitutional Agreement').

⁽²⁾ Commission Decision (EU) 2024/3081 of 4 December 2024 on transparency measures concerning meetings held between Members of the Commission and interest representatives, and repealing Decision 2014/839/EU, Euratom (OJ L 2024/3081, 5.12.2024, ELI: <http://data.europa.eu/eli/dec/2024/3081/oj>).

- (6) While pursuant to Article 7(1) of Commission Decision C/2018/0700 on a Code of Conduct for the Members of the European Commission ⁽³⁾, the Members of the Commission and their members of Cabinet already meet only those interest representatives which are registered in the transparency register inasmuch as they fall under the scope of the Interinstitutional Agreement, that measure should apply to all Commission staff holding management functions to ensure a consistent approach and high standard of transparency.
- (7) Meetings that do not take place in the framework of covered activities, as defined in Articles 3 and 4 of the Interinstitutional Agreement, should not be covered by this Decision. In particular, meetings with representatives of other Union institutions or bodies, which reflect the ordinary course of interinstitutional relations, should not be covered by this Decision. Meetings with representatives of public authorities of Member States, including their permanent representations and embassies, at national and subnational level, should not be covered by this Decision as those authorities pursue the general interest and contribute to the work of the Commission under the principle of sincere cooperation. Meetings with associations and networks of public authorities at Union, national or subnational level, should not be covered by this Decision, on condition that those associations and networks act exclusively on behalf of the relevant public authorities. In order to protect the international relations of the Union, meetings with representatives of public authorities of third countries, including their diplomatic missions and embassies, or intergovernmental organisations, including agencies and bodies emanating from them, should not be covered by this Decision.
- (8) In order to respect the specific character of the dialogue with the social partners, provided for in Article 154 of the TFEU, as well as the specific character of the dialogue with churches and religious associations or communities or philosophical and non-confessional organisations referred to in Article 17 of the TFEU, meetings taking place in those contexts should not be covered by this Decision.
- (9) In view of the specific role of political parties recognised by Article 10(4) of the TEU, meetings with representatives of political parties should also not be covered by this Decision.
- (10) In line with the Interinstitutional Agreement, spontaneous meetings, meetings of a purely private or social character and meetings taking place in the context of an administrative procedure established by the TEU or TFEU or legal acts of the Union should not be covered by this Decision. In addition, this Decision should not cover contacts with natural persons acting in a strictly personal capacity and not in association with others.
- (11) Meetings that take place in the framework of the provision of legal and other professional advice should not be covered by this Decision. Meetings organised for the purposes of making submissions as a party or a third party in the framework of a legal or administrative procedure established by Union law or by international law applicable to the Union, or submissions based on a contractual relationship with any of the signatory institutions or based on a grant agreement financed by Union funds, or submissions in response to direct and specific requests from any of the Union institutions, their representatives or staff, for factual information, data or expertise, should not be covered by this Decision.
- (12) In order to further enhance transparency concerning interest representation and allow citizens to be aware of the content of the exchanges held between the Commission and interest representatives, Commission staff holding management functions should make public minutes of all meetings held by them with interest representatives.

⁽³⁾ OJ C 65, 21.2.2018, p. 7.

- (13) This Decision is without prejudice to the exercise of the right of access to documents of the institutions pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council ^(*), and the exercise of the rights of the data subject pursuant to Regulation (EU) 2018/1725 of the European Parliament and of the Council ^(†). It is also without prejudice to more enhanced transparency requirements or commitments resulting from Union legislation or international agreements concluded by the Union,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

This Decision establishes measures concerning the transparency of meetings that Commission staff holding management functions hold with interest representatives.

Article 2

Definitions

For the purposes of this Decision, the following definitions apply:

- (a) ‘Commission staff holding management functions’ means a Commission staff member holding a post corresponding to the type of post of Secretary-General, Director-General, Deputy Secretary-General or Deputy Director-General, Director or equivalent, Head of Unit or equivalent in the sense of Commission Decision C(2013)8979 of 16 December 2013 on types of post and post titles;
- (b) ‘interest representative’ means any natural or legal person, or formal or informal group, association or network, that engages in activities carried out with the objective of influencing the formulation or implementation of policy or legislation, or the decision-making processes of the Union institutions, bodies, offices and agencies;
- (c) ‘meeting’ means an encounter organised at the initiative of an interest representative or Commission staff holding management functions to discuss an issue related to the formulation or implementation of policy or legislation in the Union, without prejudice to Article 3.

Article 3

Exemptions

This Decision shall not cover the following meetings:

- (a) spontaneous meetings, meetings of a purely private or social character and meetings taking place in the context of an administrative procedure established by the TEU or TFEU or legal acts of the Union;
- (b) meetings held with:
 - (i) social partners acting as participants in social dialogue pursuant to Article 154 of the TFEU;
 - (ii) natural persons acting in a strictly personal capacity and not in association with others;
 - (iii) public authorities of Member States, including their permanent representations and embassies, at national and subnational level;

^(*) 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).

^(†) 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 (OJ L 295, 21.11.2018, p. 39).

- (iv) associations and networks of public authorities at Union, national or subnational level, on condition that they act exclusively on behalf of the relevant public authorities;
 - (v) intergovernmental organisations, including agencies and bodies emanating from them;
 - (vi) public authorities of third countries, including their diplomatic missions and embassies, except where such authorities are represented by legal entities, offices or networks without diplomatic status or are represented by an intermediary, as defined in point (e) of Article 2 of the Interinstitutional Agreement;
 - (vii) political parties, with the exception of any organisations created by or affiliated with political parties;
 - (viii) churches and religious associations or communities as well as philosophical and non-confessional organisations referred to in Article 17 of the TFEU, with the exception of offices, legal entities, or networks created to represent churches, religious communities or philosophical and non-confessional organisations in their relations with the Union institutions, as well as their associations;
- (c) meetings held in the framework of the provision of legal and other professional advice, where:
- (i) it consists of representing clients in the context of a conciliation or mediation procedure aimed at preventing a dispute from being brought before a judicial or administrative body;
 - (ii) the advice is given to clients to help them ensure that their activities comply with the existing legal framework;
 - (iii) it consists of representing clients and safeguarding their fundamental or procedural rights, such as the right to be heard, the right to a fair trial, and the right of defence in administrative proceedings, and includes activities carried out by lawyers or by any other professionals involved in representing clients and safeguarding their fundamental or procedural rights;
- (d) meetings organised for the purposes of making submissions:
- (i) as a party or a third party in the framework of a legal or administrative procedure established by Union law or by international law applicable to the Union;
 - (ii) based on a contractual relationship with the Commission or based on a grant agreement financed by Union funds;
 - (iii) in response to direct and specific requests from the Commission, its representatives or staff, for factual information, data or expertise.

Article 4

Conditionality of meetings

Commission staff holding management functions shall meet only those interest representatives, which are registered in the transparency register in as much as they fall under the scope of the Interinstitutional Agreement.

Article 5

Information on meetings

1. Commission staff holding management functions shall make public information on all meetings that they hold with interest representatives, in accordance with the provisions of this Decision.
2. The information to be made public shall consist of:
 - (a) the date of the meeting;
 - (b) the location of the meeting;
 - (c) the name and function of the Commission staff holding management functions;

- (d) the name(s) of the interest representative(s);
- (e) the subject matter of the meeting.

Article 6

Minutes of meetings

1. Minutes shall be taken of all meetings that Commission staff holding management functions hold with interest representatives.
2. Commission staff holding management functions shall make public the minutes of meetings, in accordance with the provisions of this Decision.
3. The minutes of a meeting shall be drawn up as a single document including:
 - (a) the information set out in Article 5(2);
 - (b) main points raised and positions expressed at the meeting;
 - (c) conclusions from the meeting, where applicable.

Article 7

Publication

Without prejudice to Article 8, the information set out in Article 5(2) and a document drawn up in accordance with Article 6(3) shall be published in a standardised format on the official website of the respective Commission department within a period of 2 weeks following the meeting.

Article 8

Personal data of individuals attending meetings

The personal data of individuals (acting on behalf of interest representatives) or Commission staff (other than Commission staff holding management functions) attending meetings shall not be made public.

Article 9

Final provisions

1. This Decision shall replace Commission Decision 2014/838/EU, Euratom, the effects of which shall cease to apply from the date of entry into force of this Decision.
2. This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.
3. It shall apply from 1 January 2025.

Done at Brussels, 4 December 2024.

For the Commission
The President
Ursula VON DER LEYEN