

FICHE N°3
THE EVENTS MANAGERMENTS TOOL
(EMT)

Since January 2015, all DG FISMA officials receiving requests to meet with interest representatives or to attend conferences must use the EMT (Events Management Tools) data base managed by DG FISMA. This data base brings more transparency in the management of meetings. It avoids duplication of meetings, facilitates their registration, ex-post identification and the issuance of minutes.

1. CONDITIONS TO USE EMT

1.1. 'Meeting'

A meeting is defined as a *"bilateral encounter, including video-conference, with one or more organisations or individuals to discuss an issue related to policy-making and implementation, in or outside Commission premises, and initiated by the interest representative or by the Commission."*

Not included in this definition are expert group meetings, phone calls (phone calls are only covered if they are de facto a 'meeting' i.e. via a conference call), encounters of a purely private or social character or spontaneous encounters, e.g. receptions, casual encounters. However, a lunch or dinner to discuss policy is covered. Not covered either are meetings with visitor groups to explain our policies.

1.2. 'Interest representative'

Interest representatives are defined as *"all organisations and self-employed individuals, irrespective of their legal status, who aim to influence the formulation and implementation of policy, e.g. business associations, NGOs, companies, law firms, individuals engaged in lobbying, think tanks."*

Not included in this definition are representatives of other EU institutions or bodies, of the Member States, third countries, international organisations, the social partners in the context of the EU's Social Dialogue or political parties. However, a meeting organised by a public authority, but at which interest representatives are also present, is covered (concrete examples are given below in FAQ 1 to 6). 'Policy advisors' to the Commission (such as for instance EFRAG) are not covered to the extent that they are meeting us in the context of their advisory duties.

1.3. Registration in the Transparency register

Since 1st December 2014, Commissioners, members of Cabinets and Director Generals have to publish basic information on their respective web pages (date of the meeting, location, name of the Director General, name of the organisation or self-employed individual and subject of the meeting) about their meetings with interest representatives. They can only meet with registered organisations.

For meetings with other officials, prior registration of the interest representative in the Transparency Register is not yet mandatory. But staff members are expected to encourage interest representatives to register. Please consult:

<http://ec.europa.eu/transparencvregister/info/homePage.do?redir=false&locale=en>

1.4. Registration of the meeting in EMT

The request and the follow-up given to it must be registered in EMT. Officials receiving meetings requests should immediately find out whether the same organisation or individual is meeting other colleagues on the same topic. In principle, multiple meetings on the same issues but with colleagues at different levels (which many lobby groups like to organize) should be refused. EMT allows colleagues to be aware of these requests, provided requests are properly introduced in the system before the meeting takes place. Requests refused or cancelled must also be registered so that they become visible to all colleagues in the DG.

Besides being a meetings register, EMT is also a tool helping FISMA to satisfy possible 'access to documents' requests - which are quasi always about meetings with interest representatives. However, as confirmed by the SG, it is good administrative practice to keep record of all meetings with 'the outside world' and to register the minutes in Ares, whether or not meetings are with interest representatives. FISMA staff shall therefore draft minutes of all their meetings and use EMT to register systematically their meetings with interest representatives. They may also use EMT to register meetings with non interest representatives (e.g. with public authorities). A new function distinguishing meetings with interest representatives from meetings with other stakeholders will soon be added to EMT.

As part of this good administrative practice our DG and DDG register already all their meetings in EMT, although they are not –like everybody else in the DG- formally obliged to do so as regards non interest representatives.

2. MINUTES

2.1. Procedure

EMT makes it easy to list meetings and to produce minutes. Minutes may eventually be subject to a request for access to documents. EMT provides the tools to help staff writing minutes: identification of the note-taker, form to draft the minutes, small workflow for minutes approval by HoU and automatic transfer to ARES (for missions, see FAQ 7 below). Using EMT for minutes management provides additional value, like for example the possibility to create a single document with all minutes of meetings held with a given external stakeholder.

Approval of the minutes by the HoU is required in the data base.

The external stakeholder should be told that minutes will be prepared for the meeting and that these minutes might be disclosed following an access-to-documents request. If documents are handed over during the meeting, ask your interlocutor if the content of the document transmitted may be disclosed. The answer shall be recorded in the minutes of the meeting.

2.2. Content of the minutes

Minutes shall contain the main issues discussed. Where possible, minutes should be drafted as if they would have to be fully disclosed, i.e. without personal data or commercial secrets (see last enclosure for all the exceptions to the disclosure of the minutes). EMT offers Heads of unit the possibility to decide, with one click in a box, that the minutes may -or may not- be released integrally (i.e. without further adjustments) in case we receive a request to access them.

FREQUENTLY ASKED QUESTIONS

I. Definition of an interest representative

(1) Who is covered?

The definition covers all organisations and self-employed individuals, irrespective of their legal status, engaged in activities carried out with the objective of directly or indirectly influencing the formulation or implementation of policy and the decision-making process of the EU institutions, e.g. business associations, NGOs, companies, law firms, individuals engaged in lobbying, think-tanks. The focus of the definition is on the objective of the activity carried out and not on the legal status of the organisation or individual.

Member States' governments, third country governments, international intergovernmental organisations as well as their diplomatic missions are not covered. Staff may however voluntarily use EMT to register also their 'other meetings' (e.g. with public authorities).

(2) Are there "special rules" that apply to churches, religious communities, philosophical organisations, local, regional and municipal authorities?

While meetings with these organisations/individuals do not have to be registered in the Events Management Tool, meetings with their representative offices or legal entities, offices and networks created to represent them in their dealings with the EU institutions, as well as their associations, should be registered.

Example: A meeting with the City of Barcelona does not have to be registered. However, a meeting with the interest representative 'Eurocities', of which Barcelona is a member, should be registered.

(3) Is an official from a Permanent Representation or a third country an "interest representative"?

No. He/she represents a Member State or a third country and is therefore not covered by the definition of 'interest representative'. However, if he/she brings along 'interest representatives' to the meeting, the meeting should be registered in the Events Management Tool and minutes drawn up.

(4) Is a member of a national Parliament in a Member State an interest representative?

No. And the same is true for members of regional and local parliaments. However, if the Member of Parliament brings along interest representatives to the meeting, the meeting should be registered in the EMT and minutes drawn up.

(5) Is a 'think tank' an 'interest representative'?

Usually no. But if the 'think tank' representatives seek to influence the formulation and implementation of policy, it should be considered as an interest representative.

(6) What about meetings with a large number of stakeholders?

As regards minutes of a meeting with a lot of participants, it is possible to put in EMT only the names of all companies/organisations invited plus one person by company/organisation and include the complete list as an attached document.

II. Missions

(1) What about meetings during missions?

Meetings during missions that meet the criteria of a meeting for the purposes of registration in EMT should also be registered in EMT and minutes should be prepared, in the same way as for other meetings. In order to avoid duplication, you may choose to use the (multiple) meeting report(s) as your mission report, i.e. to copy-paste the meeting report(s) into the mission report, subject to approval by your line manager.

If the only content of the mission was the meeting, the meeting report and the mission report can be the same, subject to approval by your line manager. In this case, please use the meeting reports template.

III. Minutes

(1) How to proceed when the HoU is the only person attending the meeting and s/he has to prepare minutes? Should these minutes be validated by the Director?

HoU are the meetings validators. When only a HoU is attending a meeting and preparing minutes, these minutes should not be validated by the Director.

(2) Should minutes of the meeting be submitted to our interlocutor?

No, these minutes are drafted for our own purposes. They are documents of the Commission and shall not be vetted by/communicated to the interest representative, except of course in the context of a relevant access to document request.

(3) Protection of personal data

If a document contains personal data, the principle (Regulations 1049/2001 and 45/2001) is to refuse to give access to these data in the documents drafted by us or received by our DG.

Personal data are all data linked to the private life of a person (name, title, function, phone, email, address and all elements which could allow recognizing this person). Data linked to a company are not personal data but could be protected by the exception linked to commercial interests. Inside the Commission, the personal data (names, title function) of the senior management (above HoU) are considered to be public whereas, below this level, the names of the persons must be protected.

Minutes of meetings : list of exceptions in Regulation 1049/2001

Article 4

Exceptions

1. *The institutions shall refuse access to a document where disclosure would undermine the protection of:*

(a) the public interest as regards:

- public security,*
- defence and military matters,*
- international relations,*
- the financial, monetary or economic policy of the Community or a Member State;*

(b) privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data.

2. *The institutions shall refuse access to a document where disclosure would undermine the protection of:*

- commercial interests of a natural or legal person, including intellectual property,*
 - court proceedings and legal advice,*
 - the purpose of inspections, investigations and audits,*
- unless there is an overriding public interest in disclosure.*

3. *Access to a document, drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been taken by the institution, shall be refused if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.*

Access to a document containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned shall be refused even after the decision has been taken if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.

QUESTIONS:

Consult Unit FISMA/02, [REDACTED]