

EMSA Rules on transparency

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1. Introduction

To maintain public trust and align with Union principles of transparency and good administration, EMSA establishes the following rules and procedures setting out the transparency requirements for meetings held with EMSA management and governing the involvement of third entities in the preparation of reports, studies, or other technical outputs published by the Agency on its website, in particular those concerning such third entities.

2. Definitions

For the purposes of these rules the following definitions apply:

‘EMSA staff holding management functions’ means EMSA staff members in management roles (Executive Director, Heads of Department, Heads of Unit).

‘Third entities’ means any natural or legal person, or formal or informal group, association or network, that provides input to in reports, studies, or other technical outputs published by the Agency on its website.

‘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 Union institutions, bodies, offices and agencies, including EMSA.

‘Meeting’ means an encounter organised at the initiative of an interest representative or EMSA staff holding management functions to discuss an issue related to EMSA’s mandate, including the formulation or implementation of policy or legislation in the Union.

3. Scope

These rules apply to:

- a) meetings between EMSA staff holding management functions and interest representatives;
- b) involvement of third entities in reports, studies, or other technical outputs published by the Agency on its website.

The following are excluded:

- a) Meetings with representatives of other Union institutions or bodies reflecting the ordinary course of interinstitutional relations.
- b) Meetings with public authorities of Member States (including permanent representations and embassies) at national or subnational level, and associations or networks acting exclusively on behalf of public authorities.
- c) Meetings with intergovernmental organisations, including agencies or bodies emanating from them, and public authorities of third countries (including diplomatic missions and embassies).
- d) Meetings held in the framework of the provision of legal or other professional advice; in the context of legal/administrative procedures; in the context of contractual relationships or grants; in the context of direct and specific requests for factual information, data or expertise (e.g. market research under the EMSA procurement rules).
- e) Meetings with representatives of political parties.
- f) Meetings with social partners in the context of social dialogue, and with churches, religious associations or communities, or philosophical and non-confessional organisations, as referred to in Article 17 TFEU.
- g) Meetings held with natural persons acting in a strictly personal capacity.
- h) Spontaneous meetings, meetings of a purely private or social character, and meetings taking place in the context of an administrative procedure established by Union law.

4. Meetings

4.1 Information to be made public

EMSA shall make public information on all meetings held by EMSA staff holding management functions with interest representatives. The information shall consist of:

- Date of the meeting;
- Location of the meeting;
- Name(s) of the organisation of the interest representative(s);
- Subject matter of the meeting.

4.2 Minutes of meetings

Minutes shall be drawn up for all covered meetings. The minutes shall include:

- The information set out in point 4.1;
- Name(s) of the interest representative(s);
- Main points discussed;
- Conclusions from the meeting, where applicable.

4.3 Publication timeline and format

The information set out in point 4.1 shall be published in a standardised format on the official EMSA website within two weeks following the meeting.

4.4 Personal data of individuals attending meetings

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

5. Procedure for meetings

5.1 Before the meeting

- Verify that the interest representative is either registered in the EU Transparency Register established by the Interinstitutional Agreement of 20 May 2021¹ or otherwise representative of their sector (i.e. unless justified, avoid meetings with individual companies acting solely in their own interest).
- Prepare and approve a brief agenda and identify EMSA participants.
- Communicate necessary disclosures (e.g., purpose, subject matter, Guidelines in Annex I) to the interest representative.

5.2 During the meeting

- Conduct the meeting professionally, focusing on EMSA's mandate and technical subject matter.

5.3 After the meeting

- Draft minutes capturing the points set out in Article 4.2.
- Publish the information in line with point 4.3.

5.4 Roles and Responsibilities

Executive Director:

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).

- Overall responsibility for implementation and oversight. The Executive Director will report on the implementation of these Rules in the Consolidated Annual Activity Report.

Heads of Department / Heads of Unit:

- Ensure compliance with these rules; draw up agendas; designate participants; designate minute-taker;

Executive Office

- Registration of the minutes and meeting records in Ares; and ensure standardised format.
- Send information to be published to the Communications team.

Head of Executive Office

- Review minutes.

Communications team:

- Publish information online within the prescribed timeframe stipulated in section 4.3; maintain the publication workflow and the online register of meetings.

6. Reports, studies, and other technical outputs

EMSA shall ensure that all reports, studies, and other technical outputs are prepared in an impartial, transparent, and objective manner. The involvement of third entities shall be transparent to safeguard the integrity and independence of EMSA's outputs.

EMSA shall maintain a record of third entities involved in document preparation.

Any third entities providing input shall be clearly identified and transparently acknowledged in the final document.

EMSA shall ensure that these rules are also adhered to when the output is prepared or coordinated by one of EMSA's contractors.

7. Data Protection and Access to Documents

This procedure is without prejudice to the right of access to documents pursuant to Regulation (EC) No 1049/2001 and the rights of data subjects pursuant to Regulation (EU) 2018/1725. EMSA shall apply these frameworks in handling meeting records and publications.

Annex 1 – Guidelines for Interest Representatives

By engaging with EMSA, interest representatives commit to:

- Identify themselves by name and the entity(ies) they represent;
- Provide accurate, complete and up-to-date information;
- Refrain from seeking preferential treatment or exerting undue influence;
- Respect confidentiality of non-public information;
- Comply with the EU Transparency Register Code of Conduct, if they are registered in the EU Transparency Register.

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