



DEC/DIR/2019/16

**Decision of the Director of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) on the Interaction of EMCDDA staff with interest representatives**

THE DIRECTOR OF THE EMCDDA,

Having regard to Regulation (EC) No 1920/2006 of the European Parliament and of the Council of 12 December 2006 on the EMCDDA (recast)<sup>1</sup>, and in particular to Article 11 thereof,

Whereas it is opportune for the EMCDDA to provide guidelines on the staff behaviour in case of interaction with interest representatives,

HAS DECIDED AS FOLLOWS:

The Code of conduct and practical recommendations/guidelines annexed to this decision shall apply to all staff members of the EMCDDA in their relations with the public.

Done in Lisbon, on 26 July 2019.

Alexis Goosdeel

Director

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<sup>1</sup> O.J. N° L 376/1 of 27.12.96



## Interaction of EMCDDA staff with interest representatives

### Code of conduct and practical recommendations/guidelines

#### 1. Principles and definitions

In accordance with Article 11(1) and (2) of the Treaty on European Union (TEU), **EU institutions must, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of the Union's action.** They are also required to maintain an open, transparent and regular dialogue with representative associations and civil society.

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.**

With regard to the above and on the basis of the guidelines and recommendations developed by the European Commission and by the European Ombudsman on this matter, this document lays down a code of conduct and practical recommendations/guidelines for the interaction of the EMCDDA staff with interest representatives.

The latter may be **organisations or individuals who, irrespective of their legal status, are engaged in activities carried out with the objective of directly or indirectly influencing the formulation or implementation of policy and the decision-making processes of the EU institutions and bodies**, irrespective of where these activities are undertaken and of the channel or medium of communication used. This notion does not include representatives of other EU 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.

In this context lobbying covers any activity whose goal is to influence the formulation and implementation of policies at the various stages of the EU's decision-making process, wherever these activities are carried out and whatever the channel or means of communication used.

Such influence may be direct or indirect. Direct influence means any direct contact or communication with the EU institutions and any action carried out in follow-up to such activities. Indirect influence means influence exerted through intermediary channels, such as the media, public opinion, conferences, or any other social event targeting the European institutions (for example: sub-contracting, media, service contracts with professional intermediaries, think tanks, platforms, forums, campaigns and citizen initiatives).

All organisations and persons conducting lobbying activities are considered to be lobbyists or representatives of interest groups, whatever their legal status.

#### 2. Practical recommendations/guidelines

In interacting with interest representatives, the EMCDDA's staff should aim at **preserving and maintaining the EMCDDA's independence, impartiality and transparency.**

For this purpose it is generally recommended to always check the credentials of a given interest representative. Furthermore, where meetings with interest group representatives are considered appropriate, these should be held, as much as possible, at the EMCDDA premises and in the presence of another colleague, and in a professionally correct manner, i.e. in a way that does not give rise to any reputational issues. In this context staff should inform their hierarchy in advance and also afterwards about the outcome of the meeting. A written record/report of such meetings should be submitted and filed.

In more detail, the following **practical recommendations/guidelines** should apply:



DO	DON'T
<p>1 Check whether interest representatives have to be registered in the EU Transparency Register before meeting them or accepting an invitation to an event.</p> <p>2 Prepare well and conduct basic research to check what interests they represent and who is funding them. Ask for further information, if needed.</p> <p>3 Ensure that they disclose, in advance and in writing, the purpose/objective and the expected result of the meeting/visit, the issues to be addressed/discussed, the names of participants, their job title/professional role, the entity they work for and the organisations and/or clients on whose behalf they act, as well as any other relevant information.</p> <p>4 Assess and avoid any risk of conflicts between your private interests and the public interest and think about how your interaction might be perceived.</p> <p>5 Stop and reflect on how to proceed, if you are in doubt. If necessary, consult your management and if it is decided that you should go ahead, add a note to the file explaining why. In any case inform your line manager.</p> <p>6 Be aware that not all interest representation takes place in a formal setting. Lobbying can also take place during casual encounters and in social settings. Remain professional at all times.</p> <p>7 Maintain good record of such events, in particular by means of minutes that state the meeting's date/location, names of participants, organisations and/or clients represented, meeting's purpose and scope, and issues discussed. Use your organisation's official file management system. Inform participants that this information will be made public on the EMCDDA website, without prejudice to the provisions on protection of persona data</p> <p>8 Respect the applicable disclosure requirements. In particular the names of individuals (acting on behalf of organisations or self-employed individuals) or EMCDDA staff attending meetings shall not be made public unless they have unambiguously given their consent.</p> <p>9 Report lobbying practices considered unacceptable in particular in light of the EU Transparency Register's Code of Conduct for interest representatives.</p> <p>10 Familiarise yourself, for example via dedicated training/information sessions, with specific rules that may apply on the matter at stake. Whenever these specific rules diverge from these practical recommendations the former should normally take precedence.</p>	<p>1 Meet interest representatives not registered in the EU Transparency Register or who refuse to provide information about their role, the interests they represent and who is funding them.</p> <p>2 Overlook the motives of those who seek meetings or invite you to events. Lobbying is done by a range of organisations, including consultancies, law firms, NGOs, think-tanks, grassroots campaigns, ...</p> <p>3 Interact with a particular interest representative without considering offering other groups a similar opportunity.</p> <p>4 Accept any invitations to meetings or events, which could put your organisation in a compromising situation.</p> <p>5 Forget to debrief relevant colleagues and your management after meetings and events.</p> <p>6 Accept or arrange meetings outside office hours and official premises. If you do, consider informing your management and involve another colleague.</p> <p>7 Do or say anything that could be viewed as granting an interest representative preferential treatment.</p> <p>8 Give the impression to an interest representative that any particular advice, idea or information could or will be decisive in the decision-making process.</p> <p>9 Share information you are not authorised to share or misuse confidential information.</p> <p>10 Accept hospitality from an interest representative without careful consideration and unless it is in line with the applicable rules. Where necessary, report information on any gifts and hospitality received.</p>



### 3. Process

In case of possible interaction of EMCDDA staff with interest representatives, the following **standard operating process** should apply:

1. The EMCDDA staff member addressed (e.g. with a request for visit/meeting from interest representatives) or concerned (by an invitation to attend a meeting or event organised by interest representatives) has to **inform as soon as possible his/her HoU** about the situation. The latter addresses this information, along with his/her possible considerations, **to the EXO HoU to initiate the process aimed at timely ensuring/organising the necessary preventive assessment at corporate level**. This information and assessment should be provided and carried out in writing and in advance to the envisaged visit/meeting/event. They should encompass, in particular:
  - a. Some basic research to check what interests the concerned interest representatives represent, who is funding them and whether they have been registered in the EU Transparency Register;
  - b. The purpose/objective and the expected result of the visit/meeting/event, the issues to be addressed/discussed in this context, the names of participants, their job title/professional role, the entity they work for and the organisations and/or clients on whose behalf they act, as well as any other relevant information.
2. On the basis of the assessment carried out, the **EMCDDA Director decides on the possible "green light" to the envisaged visit/meeting/event**. This decision may encompass specific instructions about the modus operandi to be applied for the required follow up and the EMCDDA staff members to be involved for this purpose. The concerned staff members are duly informed of this decision.
3. In case of **negative decision (no green light)**, the staff members in charge of the necessary follow up inform accordingly the interest representatives.
4. In case of **positive decision (green light)**, and without prejudice to the application of the above referred practical recommendations and guidelines, the staff members in charge of the necessary follow up:
  - a. Before the acceptance of the request for a visit/meeting or the acceptance of the invitation to attend a meeting or event, **inform the interest representatives concerned that some information will be made public via publication on the EMCDDA website and/or via disclosure to the EMCDDA governing bodies** (the date and location of the visit/meeting/event, the names of the interest representatives and of EMCDDA participants, the organisations and/or individuals/clients represented by the interest representatives, the subject/purpose/scope of the visit/meeting/event and the issues addressed), without prejudice to the application of the rules on protection of personal data. Pursuant to the latter the names of the interest representatives and of the EMCDDA staff members involved shall not be made public, unless the concerned persons have unambiguously given their consent. Furthermore the above referred publication may be withheld where it could undermine the protection of one of the interests defined by the aforementioned rules on protection of personal data, such as, 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.



- b. After the visit/meeting/event, **draw up a written report of the latter to record some key information**, such as, in particular, the date and location of the visit/meeting/event, the names of the interest representatives and of EMCDDA participants, the organisations and/or individuals/clients represented by the interest representatives, the purpose and scope of the visit/meeting/event and the issues addressed/discussed in this context. This report has to be brought to the attention of the EMCDDA Director and filed in a folder managed by EXO unit.