



**Council of the European Union**  
General Secretariat  
The Secretary-General

**GSC INTERNAL NOTE**  
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## **NOTE TO DIRECTORS-GENERAL AND DEPUTY DIRECTORS-GENERAL**

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**Subject: Guidelines on the occasional attendance of third parties, including interest representatives, at meetings of the Council or its preparatory bodies**

### **Introduction**

The meetings of the Council and of its preparatory bodies are organised for the representatives of the Member States to discuss and eventually agree, approve or adopt positions or acts in the exercise, by the Council, of its legislative, budgetary or policy-making and -coordinating functions as laid down in the Treaties.

The Comments on the Council's Rules of Procedure consolidate the framework applicable to the occasional presence of third parties at meetings of the Council or of its preparatory bodies.

In order to streamline practices within the General Secretariat of the Council (the 'GSC'), and bearing in mind the need to protect the decision-making autonomy of the Council, these guidelines recall this framework and set out the approach that should be followed each time consideration is given to inviting a third party, including an interest representative, to attend a meeting of the Council or its preparatory bodies.

For the purpose of these guidelines:

- 'third party' means any representative of an EU institution (other than the Commission or the ECB), representatives of EU bodies, offices or agencies, representatives of third States or of international organisations, or other guests, who may sometimes be invited to attend certain Council meetings or meetings of Council preparatory bodies on an ad hoc basis and for one (or more) specific agenda item(s);

- '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 EU, commonly referred to as lobbying activities.

These guidelines concern the meetings of the Council or its preparatory bodies<sup>1</sup>. Informal meetings or gatherings in the margin of the meetings of the Council or its preparatory bodies should not be used to circumvent the principles and requirements set by these guidelines.

### **Framework applicable to the occasional presence of third parties**

The decision-making autonomy of the Council requires that participation in Council proceedings, in the sense of taking, shaping or influencing decisions, be reserved for Council members only (with the exception of the Commission and the European Central Bank, under the conditions laid down in Article 5 of the Council's Rules of Procedure). The reason for this is that the mere presence of a third party in meetings of the Council or of its preparatory bodies risks undermining the Council's decision-making autonomy, notably by altering the direction of deliberations between Council members or by inhibiting them from expressing their views freely. Furthermore, under Article 6(1) of the Council's Rules of Procedure, the deliberations of the Council are covered by the obligation of professional secrecy.

However, third parties may be invited to attend parts of meetings of the Council in exceptional and duly justified cases where this is in the interest of the Council. An example of such a case might be one in which third parties can share with the Council information or assessments not otherwise readily available to delegations. For the presence of third parties in such cases to be compatible with the decision-making autonomy of the Council and the confidentiality of proceedings, the GSC service responsible should aim to ensure that the guidelines listed below are respected, in particular by advising the Presidency accordingly.

- i. Decisions regarding the occasional attendance of third parties should be taken on a case-by-case basis and such attendance should only be permitted for one (or more) specific item(s) on the agenda.
- ii. A meeting of a Council preparatory body should not be planned if its sole or predominant purpose is to listen to interventions by third parties.
- iii. Prior attendance in connection with a particular subject does not set a precedent as regards presence at future meetings on that subject.

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<sup>1</sup> For meetings organised between interest representatives and the Secretary-General and Directors-General and for interaction between interest representatives and the GSC more generally, see Staff note CP 35/21 of 1 July 2021.

- iv. Whether the presence of a third party is in the Council's interest should be evaluated before any invitation is extended.
- v. If the Presidency<sup>2</sup> intends to invite a third party to a certain meeting/for one (or more) specific agenda item(s) delegations should be informed sufficiently in advance so as to allow any concerns to be voiced before the meeting takes place.
- vi. Coreper should be informed in advance of such invitations and give its prior approval<sup>3</sup> for any such attendance, in accordance with its responsibilities under the Council's Rules of Procedure.
- vii. The fact that a third party will be invited for one (or more) specific agenda item(s) should be mentioned in the provisional agenda. The provisional agenda, as well as the agenda, should identify<sup>4</sup> the third party concerned.
- viii. The meeting should be organised in such a way as to fully protect the decision-making autonomy of the Council. The invited third party should enter the meeting room for one (or more) specific item(s) clearly identified on the agenda. The third party may state their view or give information about the issue at stake, exchange views with delegations or answer questions. They should leave the meeting when the Council or its preparatory bodies deliberate. These organisational measures should be clearly indicated in advance to the third party concerned.
- ix. The Presidency remains responsible at all times for ensuring that the decision-making autonomy of the Council is preserved and that the requirements of professional secrecy covering the Council's deliberations are respected.

Moreover, the additional guidelines below should be followed as regards interest representatives.

- i. Where several (sometimes competing or opposing) interests are involved, particular attention should be paid to ensuring a balance of representation so as to avoid bias in the information shared with the Council.
- ii. As a rule, invitations to interest representatives should be conditional on the latter being registered in the transparency register, and their registration number should be recorded on the provisional agenda.

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<sup>2</sup> This applies regardless of the chairing arrangement, whether rotating, elected or stable/permanent.

<sup>3</sup> In practice, this could be done orally (and then recorded in the minutes) or Coreper could be informed of the matter by way of an I-item note, the voting rule for its approval being simple majority.

<sup>4</sup> If the third party concerned is an entity, its name should be given, and if it is an individual, this identification should be limited to their quality for data protection reasons.

- iii. Documents circulated to delegations containing presentations made by interest representatives should be issued and made public by the GSC via the public register of Council documents as ST documents with the acronym 'INTER-REP', and should include in their cover page the following disclaimer: *'This document contains a presentation by an external stakeholder and the views expressed therein are solely those of the third party it originates from. This document cannot be regarded as stating an official position of the Council. It does not reflect the views of the Council or of its members.'* The interest representative should be informed and agree in advance to the public release of such documents upon their circulation.
  
- iv. The Council's annual report on access to documents will include relevant information about the attendance of interest representatives at meetings of the Council or its preparatory bodies.



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