

# Decision of the Executive Director of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA, hereinafter referred to as “the Agency” or “eu-LISA”)

## Subject: Establishment of the Transparency Register of eu-LISA

HAVING REGARD to Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011<sup>1</sup> (hereinafter referred to as the "eu-LISA Regulation"), and in particular Articles 24 and 34 thereof;

HAVING REGARD to 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<sup>2</sup> (hereinafter referred to as the “Data Protection Regulation”);

HAVING REGARD to 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<sup>3</sup> (hereinafter referred to as the “Regulation (EC) No 1049/2001”);

HAVING REGARD to the Decision of the Management Board No 2019-198 REV1 of 28 August 2019 establishing the Financial Rules of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (hereinafter referred to as “Agency’s Financial Rules”), and in particular Chapter 8 thereof;

HAVING REGARD to the Decision No 2020-405 of 23.12.2020 the Management Board of eu-LISA on the implementing rules on the prevention and management of conflicts of interest of the staff members (hereinafter referred to as the “Decision No 2020-405”), and in particular Article 4 thereof;

HAVING REGARD to the Decision of the Executive Director of the Agency of 21 October 2021 on the Selection of industry presentations for the eu-LISA Industry Roundtable events<sup>4</sup> (hereinafter referred to as the “Decision of 21 October 2021”),

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<sup>1</sup> OJ L 295, 21.11.2018, p. 99–137.

<sup>2</sup> OJ L 295, 21.11.2018, p. 39-98.

<sup>3</sup> OJ L 145, 31.5.2001. p. 43-48.

<sup>4</sup> Ref. Ares (2021) 6489410-21/10/2021.

WHEREAS:

- (1) Pursuant to Article 15 of the Treaty on the Functioning of the European Union (TFEU)<sup>5</sup>, in order to promote the good governance and ensure the participation of civil society, the Union's bodies, institutions and agencies shall ensure that its proceedings are transparent.
- (2) According to Article 24(3)(c) of the eu-LISA Regulation, the Executive Director is responsible for the implementation of the tasks assigned to the Agency, in particular, those referred to the day-to-day administration of eu-LISA.
- (3) According to Article 34(4) of the eu-LISA Regulation, the Agency shall exercise the relevant communication activities following the applicable legal bases within its field of competence.
- (4) Pursuant to Article 42 of the Agency's Financial Rules, in case of any conflict of interests with the financial actors and other persons, they shall take the appropriate actions in order to prevent conflict of interest from arising in the functions under their responsibility and to address situations which may objectively be perceived as a conflict of interest. Where there is a risk of a conflict of interest, the person in question shall refer the matter to the competent authority.
- (5) Pursuant to Article 4 of the Decision No 2020-045, the Executive Director shall act impartially, avoiding any situation liable to give rise to a potential conflict of interests.
- (6) In order to implement its mandate, eu-LISA is engaged in contacts and discussions with Economic Operators, either via dedicated events or bilateral/multilateral meetings and contacts.
- (7) eu-LISA is committed to guarantee transparency, proportionality, equal treatment and non-discrimination towards all perspective Economic Operators it enters into contact with.
- (8) eu-LISA is committed to guarantee transparency on the contacts between its representatives and Economic Operators in all matters concerning the Agency's activities. Thus, a Transparency Register needs to be implemented.
- (9) The Agency does not release information about future procurement procedures to perspective Economic Operators including parts or full documentation of future tender procedures.
- (10) This decision does affect citizens right to have access to documents of the Agency as provided for in the Regulation (EC) No 1049/2001 and the obligations deriving from the Agency's Financial Rules.
- (11) eu-LISA shall handle the information according to the applicable security rules of the Agency.

THE EXECUTIVE DIRECTOR HAS DECIDED AS FOLLOWS:

**Article 1**

**Purpose and scope**

1. A public Transparency Register is established within the Agency to promote transparency on all meetings/contacts between eu-LISA representatives and Economic Operators, as defined in Article

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<sup>5</sup> OJ L 326, 26.10.2012, p.1-390.

- 2, having the potential to affect the regular implementation of the general principles of good administration and specifically of proportionality, equal treatment and non-discrimination.
2. For the purpose of the implementation of the present Decision, the following meetings/contacts are excluded from the scope:
- a. meetings/contacts with Economic Operators which have been already awarded a contract by eu-LISA or another contracting authority granting contract use to eu-LISA, insofar as the meeting/contact pertains to contract management activities only;
  - b. meetings/contacts concerning market studies, as foreseen by eu-LISA Procurement Guidelines<sup>6</sup>;
  - c. unsolicited submission of offerings of products or services, unless these are followed up by eu-LISA with further meetings/contacts;
  - d. unplanned meetings/contacts occurring in the context of approved outside activities, unless these are followed up by eu-LISA with further contacts;
  - e. unplanned meetings/contacts occurring during general awareness activities, such as participation in trade fairs or conferences or other events, unless these are followed up by eu-LISA representatives with further meetings/contacts;
  - f. meetings/contacts with any national, international and EU institutions, bodies or agencies without the participation of Economic Operators;
  - g. meetings/contacts with non-profit organisations with public interests.

## Article 2

### Definition

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

- a. **“eu-LISA representatives”** means the Executive Director, Deputy Executive Director and the Heads of Departments of eu-LISA;
- b. **“meetings/contacts”** means any bilateral or multilateral planned interaction, organised at the initiative of an Economic Operator or by eu-LISA, either in person or online, when the eu-LISA representatives are acting in their official capacity, with the exception of the meeting/contacts listed under Article 1.2;
- c. **“Economic Operator”** means any natural or legal person who offer to supply products or immovable properties, execute work or provide services and any association or network created and/or operating to represent market participants;
- d. **“Reporting Form”** means an internal document (Annex I) used to register details of the meetings/contacts as described above;
- e. **“Transparency Register”** means a public document containing information on meetings/contacts as defined above between eu-LISA representatives and Economic Operators. The Transparency Register will contain the date and location of the meeting/contact, the name of the eu-LISA representative and the name of the Economic Operator.

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<sup>6</sup> Decision of the Executive Director of eu-LISA of 17 June 2021 on the Adoption of the Practical guidelines on Procurement Actions (Ref. Ares(2021)3955283 – 17/06/2021) – Annex - Chapter 3.4.

### Article 3

#### Recording of meetings or contacts

1. When planning a meeting/contact, the Economic Operator will be informed by the eu-LISA representative of the existence of the Transparency Register and of the Privacy Statement available on the eu-LISA website and reminded that failure to agree with the publication on the Transparency Register may result in the cancellation of the meeting/contact.
2. Within five (5) working days from the meeting/contact, the relevant eu-LISA representative shall complete -in full- the Reporting Form as detailed in Annex I and send it by email to the Internal Audit Capability (hereinafter also referred to as "IAC") of the Agency<sup>7</sup>.
3. The IAC shall complete the form assigning an ID number to the case and forward to the Communication Sector of the Agency only the information to be included in the Transparency Register (Annex II).

### Article 4

#### Publication

Within five (5) working days from having received the information, the Communication Sector shall publish it on the Transparency Register on the eu-LISA website using the template in Annex II.

### Article 5

#### Data Protection

1. The personal data collected in the Reporting Form for the purpose of keeping a Transparency Register shall be managed by the IAC. The Reporting Form shall be stored in accordance with the data retention period and modalities specified in the Privacy Statement of eu-LISA for this case<sup>8</sup>.
2. The Transparency Register published on eu-LISA website shall only contain the Record ID, the date, location and type of the meeting/contact, the role of the eu-LISA representative, the name of the economic operator (legal person name only) and role of the Economic Operator (if known). The information on the Transparency Register will remain published and stored in accordance with the data retention period and modalities specified in the Privacy Statement of eu-LISA for this case<sup>9</sup>.
3. Prior to the collection of the personal data, the Economic Operators shall be informed by making available the Privacy Statement published on the eu-LISA website<sup>10</sup> and in line with Article 3 of this Decision.

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<sup>7</sup> Email address of the IAC: [IAC@eulisa.europa.eu](mailto:IAC@eulisa.europa.eu).

<sup>8</sup> Available on eu-LISA's public website at: <https://www.eulisa.europa.eu/Activities/Data-Protection/privacy-notice> or <https://www.eulisa.europa.eu>

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

## Article 6

### Final provisions

This Decision shall enter into force on 1<sup>st</sup> of September 2022.

Done in Tallinn

**Krum GARKOV**

Executive Director

Annexes:

- Annex I: Reporting form of meetings/contacts between eu-LISA representatives and Economic Operators;
- Annex II: Transparency Register of meetings/contacts between eu-LISA representatives and Economic Operators.

## Annex I

### REPORTING FORM

#### of meetings/contacts between eu-LISA representatives and Economic Operators

<b>Record ID</b>	<i>To be assigned by IAC upon reception of the Reporting Form</i>
<b>Name of Reporting Form creator</b>	<i>Name of eu-LISA staff who compiled the Reporting Form <u>Not to be included in the Transparency Register</u></i>
<b>Date of creation of the Reporting Form</b>	<i>Date of creation of the <u>Not to be included in the Transparency Register</u></i>
<b>Type of meeting/contact</b>	<i>Meeting (online/in presence) or contact (email/mail/phone call)</i>
<b>Date of the meeting/contact</b>	<i>Date of the meeting/contact</i>
<b>Location of the meeting/contact</b>	<i>Location of the meeting/contact (online or other venue)</i>
<b>Requestor of the meeting/contact</b>	<i>eu-LISA representative or economic operator <u>Not to be included in the Transparency Register</u></i>
<b>Role of eu-LISA representative</b>	<i>ED, DED, HoCSD, HoOD</i>
<b>Name of the Economic Operator</b>	<i>Name of the legal person (e.g. IMB, BAUCIS)</i>
<b>Role of participating Economic Operator</b>	<i>Roles of the external participants (if known) <u>Not to be included in the Transparency Register</u></i>
<b>Names of participants</b>	<i>Names of all participants in the meeting/contact. <u>Not to be included in the Transparency Register</u></i>

Please fill in within five (5) working days from the meeting/contact and send it to:

[IAC@eulisa.europa.eu](mailto:IAC@eulisa.europa.eu)



## ANNEX II

### TRANSPARENCY REGISTER

#### of meetings/contacts between eu-LISA representatives and Economic Operators

<b>Record ID</b>	<b>Date of meeting/contact</b>	<b>Type of meeting/contact</b>	<b>Location of meeting/contact</b>	<b>eu-LISA representative (role)</b>	<b>Name of the Economic Operator</b>
<i>2022-01</i>	<i>14/4/2022</i>	<i>Bilateral meeting</i>	<i>Tallinn/online</i>	<i>ED</i>	<i>IMB</i>

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