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## Code of Good Administrative Behaviour

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**EUROPEAN COMMISSION**



**CODE OF GOOD  
ADMINISTRATIVE  
BEHAVIOUR**

**Relations with the public**



The White Paper on Administrative Reform that was adopted by the Commission on 1 March 2000 stressed the key principles of a European public administration which focuses on service, independence, responsibility, accountability, efficiency and transparency.



The Commission took an important practical step towards advancing those principles by adopting a code of good administrative behaviour on 13 September 2000. It provides a useful guide for Commission staff in their relations with the public.<sup>1</sup>

Of course, many Commission officials already strive to provide good service in their contacts with the public. The aim of this code therefore is to add to those efforts by guaranteeing a high-quality service in all circumstances and informing the public of the standards of conduct that they have a right to expect in their dealings with the Commission.

To do this, the Code lays down the principles on which relations between the Commission and the public should be based: lawfulness, non-discrimination, proportionality of measures to the aim pursued, and consistency in administrative behaviour.

The correct application of the code by the Commission's staff has been continuously monitored since 1 November 2000 when the code came into force. Any citizens who consider that they have not been treated according to these rules can lodge a complaint. The Commission will also draw up regular monitoring reports highlighting both successes and shortcomings in the application of the code.

I welcome the inclusion of a "right to good administration" in the Charter of Fundamental Rights, formally proclaimed by the Heads of State and Government at the Nice European Council. A code of good administrative conduct is, consequently, essential in order to ensure that the right to good administration, laid down in the Charter, is respected.

The adoption of the Code of Good Administrative Behaviour - together with other Reform White Paper proposals like simplifying administrative procedures and fostering individual accountability - will provide usable means of putting the principles of good administration into practice in day-to-day work. It will benefit staff and strengthen public understanding and appreciation of the Commission as an essential institution dedicated to good European Service.

Neil KINNOCK  
*Vice-Président*  
*Réforme Administrative*

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1 Published in the Official Journal of the European Communities: OJ L 267, 20.10.2000.



## Quality service

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The Commission and its staff have a duty to serve the Community interest and, in so doing, the public interest.

The public legitimately expects quality service and an administration that is open, accessible and properly run.

Quality service calls for the Commission and its staff to be courteous, objective and impartial.

## Purpose

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In order to enable the Commission to meet its obligations of good administrative behaviour and in particular in the dealings that the Commission has with the public, the Commission undertakes to observe the standards of good administrative behaviour set out in this Code and to be guided by these in its daily work.

## Scope

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The Code is binding on all staff covered by the Staff Regulations and the other legal provisions on relations between the Commission and its staff that are applicable to officials and other servants of the European Communities. However, persons employed under private law contracts, experts on secondment from national civil services and trainees etc. working for the Commission should also be guided by it in their daily work.

Relations between the Commission and its staff are governed exclusively by the Staff Regulations and the Rules applicable to other servants of the European Communities.

## 1. GENERAL PRINCIPLES OF GOOD ADMINISTRATION

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The Commission respects the following general principles in its relations with the public.

### **- Lawfulness -**

The Commission acts in accordance with the law and applies the rules and procedures laid down in Community legislation.

**- Non-discrimination and equal treatment-**

The Commission respects the principle of non-discrimination and in particular, guarantees equal treatment for members of the public irrespective of nationality, gender, racial or ethnic origin, religion or beliefs, disability, age or sexual orientation. Thus, differences in treatment of similar cases must be specifically warranted by the relevant features of the particular case in hand.

**- Proportionality –**

The Commission ensures that the measures taken are proportional to the aim pursued.

In particular, the Commission will ensure that the application of this Code never leads to the imposition of administrative or budgetary burdens out of proportion to the benefit expected.

**-Consistency –**

The Commission shall be consistent in its administrative behaviour and shall follow its normal practice. Any exceptions to this principle must be duly justified.

**2 GUIDELINES FOR GOOD ADMINISTRATIVE BEHAVIOUR**

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**- Objectivity and impartiality –**

Staff shall always act objectively and impartially, in the Community interest and for the public good. They shall act independently within the framework of the policy fixed by the Commission and their conduct shall never be guided by personal or national interest or political pressure.

**- Information on administrative procedures -**

Where a member of the public requires information relating to a Commission administrative procedure, staff shall ensure that this information is provided within the deadline fixed for the procedure in question.

**3 INFORMATION ON THE RIGHTS OF INTERESTED PARTIES**

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**- Listening to all parties with a direct interest –**

Where Community law provides that interested parties should be heard, staff shall ensure that an opportunity is given to them to make their views known.

**- Duty to justify decisions -**

A Commission decision should clearly state the reasons on which it is based and should be communicated to the persons and parties concerned.

As a general rule full justification for decisions should be given. However, where it may not be possible, for example because of the large number of persons concerned by similar decisions, to communicate in detail the grounds of individual decisions, standard replies may be given. These standard replies should include the principal reasons justifying the decision taken. Furthermore, an interested party who expressly requests a detailed justification shall be provided with it.

**- Duty to state arrangements for appeals –**

Where Community law so provides, measures notified to an interested party should clearly state that an appeal is possible and describe how to submit it, (the name and office address of the person or department with whom the appeal must be lodged and the deadline for lodging it).

Where appropriate, decisions should refer to the possibility of starting judicial proceedings and/or of lodging a complaint with the European Ombudsman in accordance with Article 230 or 195 of the Treaty establishing the European Community.

**4 DEALING WITH ENQUIRIES**

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The Commission is committed to answering enquiries in the most appropriate manner and as quickly as possible.

**- Requests for documents -**

If a document has already been published, the person making the enquiry will be directed to the Publications Office's (OPOCE) sales agents or to the documentation or information centres which provide free access to documents such as Info-points, European documentation centres, etc. Many documents are also easily accessible in electronic form.

The rules on access to documents are laid down in a specific measure.

**- Correspondence -**

In accordance with Article 21 of the Treaty establishing the European Community, members of the public who write to the Commission shall receive a reply in the language of their initial letter, provided that it was written in one of the official languages of the European Union.

A reply to a letter addressed to the Commission shall be sent within fifteen working days from the date of receipt of the letter by the respon-

sible Commission department. The reply should identify the person responsible for the matter and state how he or she may be contacted.

If a reply cannot be sent within the deadline mentioned above, and in all cases where the reply requires other work on it, such as interdepartmental consultation or translation, the member of staff responsible should send a holding reply, indicating a date by which the addressee may expect to be sent a reply in the light of this additional work, taking into account the relative urgency and complexity of the matter.

If the reply is to be drawn up by a department other than the one to which the initial correspondence is addressed, the person making the enquiry should be informed of the name and address of the person to whom the letter has been passed.

These rules do not apply to correspondence which can reasonably be regarded as improper, for example, because it is repetitive, abusive and/or pointless. Then the Commission reserves the right to discontinue any such exchanges of correspondence.

#### **- Telephone communication -**

When answering the telephone, staff shall identify themselves or their department. They shall return telephone calls as promptly as possible.

Staff replying to enquiries shall provide information on subjects for which they have direct responsibility and should direct the caller to the specific appropriate source in other cases. If necessary, they should refer callers to their superior or consult him or her before giving the information.

Where enquiries concern areas for which staff are directly responsible, they shall establish the identity of the caller and check whether the information has already been made public before giving it out. If this is not the case, the member of staff may consider that it is not in the Community interest for the information to be disclosed. In this case he or she should explain why they are unable to disclose it and refer in appropriate cases to the obligation to exercise discretion as laid down in Article 17 of the Staff Regulations.

When appropriate, staff should request confirmation in writing of the enquiries made by telephone.

#### **- Electronic mail -**

Staff shall reply to e-mail messages promptly following the guidelines described in the section on telephone communication.

However, where the e-mail message is, by its nature, the equivalent of

a letter, it shall be handled according to the guidelines for handling correspondence and shall be subject to the same deadlines.

**- Requests from the media -**

The Press and Communication Service, is responsible for contacts with the media. However, when requests for information concern technical subjects falling within their specific areas of responsibility, staff may answer them.

## **5 PROTECTION OF PERSONAL DATA AND CONFIDENTIAL INFORMATION**

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The Commission and its staff shall respect, in particular:

- the rules on the protection of personal privacy and personal data;
- the obligations set out in Article 287 of the Treaty and in particular those which relate to the protection of professional secrecy;
- the rules on the protection of secrecy of criminal investigations;
- the confidentiality of matters falling within the ambit of the various committees provided for in Article 9 and Annexes II and III of the Staff Regulations.

## **6 COMPLAINTS**

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**- The European Commission -**

Members of the public may lodge complaints concerning a possible breach of the principles set out in this Code directly with the Secretariat-General<sup>1</sup> of the European Commission, which will forward it to the relevant department.

The Director-General or Head of Department will reply to the complainant in writing, within two months. The complainant then has one month in which to apply to the Secretary-General of the Commission to review the outcome of the complaint. The Secretary-General will reply to the request for a review within one month.

**- The European Ombudsman<sup>2</sup> –**

Members of the public are also entitled to lodge complaints with the European Ombudsman in accordance with Article 195 of the Treaty establishing the European Community and the Statute of the European Ombudsman.<sup>3</sup>

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2 Website:  
<http://www.euro-ombudsman.eu.int>

3 By mail:  
The European Ombudsman  
1 avenue du Président Robert Schuman  
B.P. 403  
F-67001 Strasbourg Cedex



