



CEDEFOP

European Centre for the Development
of Vocational Training

EN

DECISION ON CODE OF GOOD ADMINISTRATIVE BEHAVIOUR



The European Centre for the Development of Vocational Training (Cedefop) is the European Union's reference centre for vocational education and training. We provide information on and analyses of vocational education and training systems, policies, research and practice. Cedefop was established in 1975 by Council Regulation (EEC) No 337/75.

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It can be accessed through the Europa server (<http://europa.eu>).

Cataloguing data can be found at the end of this publication.

Luxembourg:
Publications Office of the European Union, 2011

ISBN 978-92-896-0722-3

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Designed by Fotone - Greece
Printed in the European Union

Introduction

On 6 September 2001, the European Parliament adopted a resolution approving a code of good administrative behaviour which European Union institutions and bodies, their administrations and their officials should respect in their relations with the public.

The code takes account of the principles of European administrative law contained in the case law of the Court of Justice and also draws inspiration from national laws.

The status of the code

The charter of fundamental rights of the European Union was proclaimed at the Nice summit in December 2000 and has now become Part II of the Treaty establishing a constitution for Europe.

The charter includes as fundamental rights of Union citizenship the right to good administration (Art. 41) and the right to complain to the European ombudsman against maladministration by the Union's institutions and bodies (Art. 43).

This code is intended to explain in more detail what the charter's right to good administration should mean in practice.

The code of good administrative behaviour for staff of Cedefop

(a) Quality service

Cedefop 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 staff of the Centre to be courteous, objective and impartial.

(b) Purpose

To enable Cedefop to meet its obligations of good administrative behaviour and in particular in its relations with the public, the Centre undertakes to observe the standards of good administrative behaviour set out in this code and to be guided by these in its daily work aiming at improving the service provided to European citizens.

(c) Scope:

The code is binding on all staff covered by the Staff Regulations and the conditions of employment of other servants. However, persons employed under private law contracts, experts on secondment from national services, trainees, etc. working for Cedefop shall also be guided by it in their daily work.

Relations between Cedefop and its staff are governed exclusively by the Staff Regulations and the rules applicable to other servants.

Code of good administration behaviour

Article 1

General provision

In their relations with the public, staff of Cedefop shall respect the principles which are laid down in this Decision and which constitute the Code of good administrative behaviour, hereafter referred to as “the Code”.

Article 2

Personal scope of application

1. The Code shall apply to all officials and other servants to whom the Staff Regulations and the Conditions of employment of other servants apply, in their relations with the public. Hereafter the term official refers to both the officials and the other servants.
2. Cedefop will take the necessary measures to ensure that the provisions set out in this Code also apply to other persons working for it, such as persons employed under private law contracts, experts on secondment from national civil services and trainees.
3. The public refers to natural and legal persons, whether they reside or have their registered office in a Member State or not.

Article 3

Material scope of application

1. This Code contains the general principles of good administrative behaviour which apply to all relations of the officials with the public, unless they are governed by specific provisions.
2. The principles set out in this Code do not apply to the relations between the Institution and its officials. Those relations are governed by the Staff Regulations and the Conditions of employment of other servants of the European Communities.

Article 4

Lawfulness

The official shall act according to law and apply the rules and procedures laid down in Community legislation. The official shall in particular take care that decisions which affect the rights or interests of individuals have a basis in law and that their content complies with the law.

Article 5

Absence of discrimination

1. In dealing with requests from the public and in taking decisions, the official shall ensure that the principle of equality of treatment is respected. Members of the public who are in the same situation shall be treated in a similar manner.
2. If any difference in treatment is made, the official shall ensure that it is justified by the objective relevant features of the particular case.
3. The official shall in particular avoid any unjustified discrimination between members of the public based on nationality, sex, racial or ethnic origin, religion or belief, disability, age, or sexual orientation.

Article 6

Proportionality

1. When taking decisions, the official shall ensure that the measures taken are proportional to the aim pursued. The official shall in particular avoid restricting the rights of the citizens or imposing charges on them, when those restrictions or charges are not in a reasonable relation with the purpose of the action pursued.
2. When taking decisions, the official shall strike a fair balance between the interests of private persons and the general public interest.

Article 7

Absence of abuse of power

Powers shall be exercised solely for the purposes for which they have been conferred by the relevant provisions. The official shall in particular avoid using those powers for purposes which have no basis in the law or which are not motivated by any public interest.

Article 8

Impartiality and independence

1. The official shall be impartial and independent. The official shall abstain from any arbitrary action adversely affecting members of the public, as well as from any preferential treatment on any grounds whatsoever.
2. The official shall not be guided by any outside influences of whatever kind, including political influences, or by personal interests.
3. The official shall abstain from being involved in the taking of a decision on a matter concerning his or her own interests, or those of his or her family, relatives, friends and acquaintances.

Article 9

Objectivity

When taking decisions, the official shall take into consideration the relevant factors and give each of them its proper weight in the decision, whilst excluding any irrelevant element from consideration.

Article 10

Legitimate expectations and consistency

1. The official shall be consistent in his own administrative behaviour as well as with the administrative action of Cedefop. The official shall follow Cedefop's normal administrative practices, unless there are legitimate grounds for departing from those practices in an individual case.

2. The official shall respect the legitimate and reasonable expectations that members of the public have in the light of how Cedefop has acted in the past.

Article 11

Fairness

The official shall act fairly and reasonably.

Article 12

Courtesy

1. The official shall be service-minded, correct, courteous and accessible in relations with the public. When answering correspondence, telephone calls and e-mails, the official shall try as much as possible to be helpful and to reply to the questions which are asked in line with the professional obligations as staff member.
2. If the official is not responsible for the matter concerned, he shall direct the citizen to the appropriate official.
3. If an error occurs which negatively affects the rights or interests of a member of the public, the official shall apologise for it.

Article 13

Reply to letters in the language of the citizen

The official shall ensure that every citizen of the Union or any member of the public who writes to the Institution in one of the Treaty languages receives an answer in the same language.

Article 14

Acknowledgement of receipt and indication of the competent official

1. Every letter or complaint to the Centre shall receive an acknowledgement of receipt within a period of 15 working days, except if a substantive reply can be sent within that period.

2. The reply or acknowledgement of receipt shall indicate the name and the telephone number of the official who is dealing with the matter, as well as the service to which he or she belongs.
3. No acknowledgement of receipt and no reply need be sent in cases where letters or complaints are abusive because of their excessive number or because of their repetitive or pointless character.

Article 15

Obligation to transfer to the competent service of the Institution

1. If a letter or a complaint to the Centre is addressed or transmitted to a Department or Unit which has no competence to deal with it, its services shall ensure that the file is transferred without delay to the competent service of Cedefop.
2. The service which originally received the letter or complaint shall notify the author of this transfer and shall indicate the name and the telephone number of the official to whom the file has been passed.

Article 16

Right to be heard and to make statements

1. In cases where the rights or interests of individuals are involved, the official shall ensure that, at every stage in the decision making procedure, the rights of defence are respected
2. Every member of the public shall have the right, in cases where a decision affecting his rights or interests has to be taken, to submit written comments and, when needed, to present oral observations before the decision is taken.

Article 17

Reasonable time-limit for taking decisions

1. The official shall ensure that a decision on every request or complaint to Cedefop is taken within a reasonable time-limit, without delay, and in any case no later than two months from the date of receipt. The same rule shall apply for answering letters from members of the public.
2. If a request or a complaint to the Centre cannot, because of the complexity of the matters which it raises, be decided upon within the above mentioned time-limit, the official shall inform the author thereof as soon as possible. In that case, a definitive decision should be notified to the author in the shortest time.

Article 18

Duty to state the grounds of decisions

1. Every decision of the Centre which may adversely affect the rights or interests of a private person shall state the grounds on which it is based by indicating clearly the relevant facts and the legal basis of the decision.
2. The official shall avoid making decisions which are based on briefer vague grounds or which do not contain individual reasoning.
3. If it is not possible, because of the large number of persons concerned by similar decisions, to communicate in detail the grounds of the decision and where standard replies are therefore made, the official shall guarantee that he subsequently provides the citizen who expressly requests it with an individual reasoning.

Article 19

Indication of the possibilities

1. A decision of Cedefop which may adversely affect the rights or interests of a private person shall contain an indication of the appeal possibilities available for challenging the decision. It shall in particular indicate the nature of the remedies, the bodies before which they can be exercised, as well as the time-limits for exercising them.
2. Decisions shall in particular refer to the possibility of judicial proceedings and complaints to the Ombudsman under the conditions specified in, respectively, Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Article 20

Notification of the decision

1. The official shall ensure that decisions which affect the rights or interests of individual persons are notified in writing, as soon as the decision has been taken, to the person or persons concerned.
2. The official shall abstain from communicating the decision to other sources until the persons or persons concerned have been informed.

Article 21

Data protection

1. The official who deals with personal data concerning a citizen shall respect the principles laid down in the Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and the free movement of such data.
2. The official shall in particular avoid processing personal data for non-legitimate purposes or the transmission of such data to non-authorised persons.

Article 22

Requests for information

1. The official shall, when he has responsibility for the matter concerned, provide members of the public with the information that they request. The official shall take care that the information communicated is clear and understandable.
2. If an oral request for information is too complicated or too comprehensive to be dealt with, the official shall advise the person concerned to formulate his demand in writing.
3. If, because of its confidentiality, an official may not disclose the information requested, he or she shall, in accordance with Article 18 of this Code, indicate to the person concerned the reasons why he cannot communicate the information.
4. Further to requests for information on matters for which he has no responsibility, the official shall direct the requester to the competent person and indicate his name and telephone number. Further to requests for information concerning another Community institution or body, the official shall direct the requester to that institution or body.
5. Where appropriate, the official shall, depending on the subject of the request, direct the person seeking information to the service of Cedefop responsible for providing information to the public.

Article 23

Requests for public access to documents

1. Further to requests for access to documents, the official shall give access to these documents in accordance with the general principles and limits laid down in Regulation (EC) No 1049/2001 of the European Parliament and of the Council.
2. If the official cannot comply with an oral request for access to documents, the citizen shall be advised to formulate it in writing.

Article 24

Keeping of adequate records

Cedefop's areas shall keep adequate records of their incoming and outgoing mail, of the documents they receive, and of the measures they take.

Article 25

Public access to the Code

1. Cedefop will take the necessary measures in order to ensure that this Code enjoys the widest possible publicity amongst the citizens. It will in particular ensure the spreading of a relevant leaflet which will contain a presentation of this Code and which will include its full text in an annex.
2. Cedefop will provide a copy of this Code to any citizen who requests it.

Article 26

Right to complain to the European Ombudsman

Any failure of an official to comply with the principles set out in this Code may be the subject of a complaint to the European Ombudsman in accordance with Article 228 of the Treaty on the Functioning of the European Union and the Statute of the European Ombudsman ⁽¹⁾.

Article 27

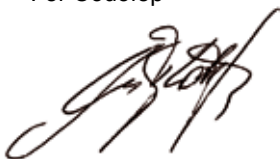
Entry into force

This Decision will take effect from 01.07.2011 and supersedes the previous decisions and the code of good administrative behaviour as published in 2005. It will be published in the Official Journal of the European Union.

⁽¹⁾ Decision 94/262/ECSC, EC, of the European Parliament on the Regulations and General Conditions governing the performance of the Ombudsman's duties, OJ 1994, L1 13/1.

Thessaloniki, 22 of June 2011

For Cedefop

A handwritten signature in black ink, appearing to read 'C. Lettmayr', written in a cursive style.

Christian F. Lettmayr
Acting Director

A handwritten signature in black ink, appearing to read 'Tarja Riihimäki', written in a cursive style.

Tarja Riihimäki
Chair of the Governing Board



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Publications Office of the European Union

2011 – VI, 16 pp. – 10 x 21 cm

ISBN 978-92-896-0722-3

Cat. No: TI-32-11-764-EN-C

Free of charge

No of publication: 8601 EN



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Free of charge. On request from Cedefop



Publications Office

ISBN 978-92-896-0722-3



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