



CENTRE DE TRADUCTION
DES ORGANES DE
L'UNION EUROPEENNE

CODE OF GOOD ADMINISTRATIVE BEHAVIOUR

TRANSLATION CENTRE FOR THE BODIES
OF THE EUROPEAN UNION
DECISION of 10 February 2000
ON A CODE OF GOOD ADMINISTRATIVE BEHAVIOUR

THE TRANSLATION CENTRE FOR THE BODIES OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 2965/94 of 28 November 1994 setting up a Translation Centre for the bodies of the European Union¹, hereafter referred to as "the Centre",

Having regard to the provisions on openness in the Amsterdam Treaty, and in particular Article 1 of the Treaty on European Union and Article 21 of the EC Treaty,

Having regard to the own initiative inquiry of the European Ombudsman into the existence and the public accessibility, in the different Community institutions and bodies, of a Code of good administrative behaviour for officials in their relations with the public,

Having regard to the existing rules for access to Translation Centre documents,²

Whereas the Amsterdam Treaty has explicitly introduced the concept of openness into the Treaty on European Union, by stating that it marks a new stage in the process of creating an ever closer union in which decisions are taken as openly as possible and as closely as possible to the citizen,

Whereas, in order to bring the administration closer to the citizens and to guarantee a better quality of administration, a Code should be adopted which contains the basic principles of good administrative behaviour for officials and other servants when dealing with the public,

Whereas such a Code is useful for both the officials and other servants, as it will inform them in a detailed manner of the rules they have to follow when dealing with the public, and the citizens, as it will provide them with information on the standard of conduct they are entitled to expect in dealings with the Community administrations,

Considering it therefore desirable to establish a Code governing the principles of good administrative behaviour which the staff of the Translation Centre should respect in their relations with the public, and to make this Code publicly available,

HAS DECIDED AS FOLLOWS:

¹ OJ N° L 314, 7.12.1994 p. 1

² OJ N° C 46, 11.2.1998, p. 5

Article 1
General provision

In their relations with the public, staff of the Centre 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

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.

The Centre 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.

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

This Code contains the general principles of good administrative behaviour which apply to all relations of the Centre's officials with the public, unless they are governed by specific provisions.

The principles set out in this Code do not apply to the relations between the Centre and its officials. Those relations are governed by the Staff Regulations.

Article 4
Lawfulness

The official shall act according to law and apply the rules and procedures laid down in Community legislation. The official of the Centre 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

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.

If any difference in treatment is made, the official of the Centre shall ensure that it is justified by the objective relevant features of the particular case.

The official of the Centre 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

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.

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 of the Centre 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

The official of the Centre 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.

The official of the Centre shall not be guided by any outside influences of whatever kind, including political influences, or by personal interests.

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

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

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

Article 11
Fairness

The official of the Centre shall act fairly and reasonably.

Article 12
Courtesy

The official of the Centre 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.

If the official is not responsible for the matter concerned, he shall direct the citizen to the appropriate official.

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

Article 14
Acknowledgement of receipt and indication of the competent official

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

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.

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 Centre

If a letter or a complaint to the Centre is addressed or transmitted to a Department or Section which has no competence to deal with it, its services shall ensure that the file is transferred without delay to the competent service of the Centre.

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

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.

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

The official shall ensure that a decision on every request or complaint to the Centre 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.

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

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.

The official shall avoid making decisions which are based on brief or vague grounds or which do not contain individual reasoning.

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 of appeal

A decision of the Centre 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.

Article 20

Notification of the decision

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.

The official shall abstain from communicating the decision to other sources until the persons or persons concerned have been informed.

Article 21

Data protection

The official who deals with personal data concerning a citizen shall respect the principles laid down in the Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and the free movement of such data.

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

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.

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.

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.

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.

Where appropriate, the official shall, depending on the subject of the request, direct the person seeking information to the service of the Centre responsible for providing information to the public.

Article 23

Requests for public access to documents

Further to requests for access to documents of the Centre, the official shall give access to these documents in accordance with the rules for access to the Centre documents.

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

The Centre's Departments and Sections 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

The Centre will take the necessary measures in order to ensure that this Code enjoys the widest possible publicity amongst the citizens. It will in particular make it available on its Internet site and 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 195 of the Treaty establishing the European Community and the Statute of the European Ombudsman.

Article 27
Revision

Within two years of entry into force of this Decision, the Director shall submit to the European Ombudsman a report on the implementation of this Decision.

Article 28
Entry into force

This Decision will take effect from 31 March 2000 and will be published on the Centre's Internet site.

Done at Luxembourg, 10 February 2000

For the Centre

Francisco de Vicente
Director

A handwritten signature in black ink, appearing to read 'Francisco de Vicente', written in a cursive style.