



**Decision No 5/2022  
of 15 March 2022  
of the Management Board  
adopting the Code of Good Administrative Behaviour**

THE MANAGEMENT BOARD OF THE EUROPEAN LABOUR AUTHORITY,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 228 thereof,

Having regard to the Charter on Fundamental Rights of the European Union, and in particular Article 41 thereof,

Having regard to Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344 (hereinafter “the founding Regulation” and “the Authority”),

Having regard to the Staff Regulations of Officials (“Staff Regulations”) and the Conditions of Employment of Other Servants (“CEOS”) of the European Union,

Whereas:

- 1) Good administration by the institutions, bodies, offices and agencies of the EU benefits all European citizens and residents and is of particular importance to persons who have direct dealings with the EU institutions;
- 2) Article 41 of the Charter on Fundamental Rights of the EU provides for the right of every person to have their affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union;
- 3) It is therefore desirable to establish a Code of Good Administrative Behaviour which helps citizens to know the administrative standards they can expect from the Authority;

HAS DECIDED AS FOLLOWS:

*Article 1*

The Code of Good Administrative Behaviour as included in the Annex is adopted.

*Article 2*

The decision shall take effect on the day following its adoption.

Done at Bratislava, 15 March 2022

For the Management Board

Tom Bevers  
Chair of the Management Board



## **Code of Good Administrative Behaviour**

### *Article 1*

#### *Purpose*

- 1) The Authority has a duty to serve the European Union interest and, in doing so, the public interest.
- 2) In order to enable the Authority to meet its obligations of good administrative behaviour and in particular in the dealings that the Authority has with the public, the Authority undertakes to observe the principles of good administrative behaviour set out in this Code of Good Administrative Behaviour (hereafter “the Code”).

### *Article 2*

#### *Scope*

- 1) The Code is binding on all staff members covered by the Staff Regulations and the Conditions of Employment of other Servants (“the Staff Regulations”) in their relations with the public. However, other persons working at the Authority, in particular Seconded National Experts, including National Liaison Officers, as well as interim workers, contractors, consultants and interns shall also be guided by it in their daily work.
- 2) This Code contains general principles of good administrative behaviour which apply to all relations of the Authority with the public unless they are governed by specific provisions.
- 3) The principles set out in this Code do not apply to the relations between the Authority and its staff members. Those relations are governed by the Staff Regulations.
- 4) For the purpose of this Code, the term “public” refers to natural and legal persons, whether they reside or have their registered office in a Member State or not.

### *Article 3*

#### *Lawfulness*

Staff members shall act according to law and apply the rules and procedures laid down in EU legislation. Staff members 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 4*

*Absence of discrimination*

- 1) In dealing with requests from the public and in taking decisions, staff members 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 staff member shall ensure that it is justified by the objective relevant features of the particular case.
- 3) The staff member shall in particular avoid any unjustified discrimination between members of the public based on nationality, gender, racial or ethnic origin, religion or belief, disability, age, or sexual orientation.

*Article 5*

*Proportionality*

- 1) When taking decisions, the staff member shall ensure that the measures taken are proportional to the aim pursued.
- 2) When taking decisions, the staff member shall respect a fair balance between the interests of private persons and the general public interest.

*Article 6*

*Absence of abuse of power*

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

*Article 7*

*Impartiality and independence*

- 1) The staff member shall be impartial and independent. The staff member 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 conduct of the staff member shall never be guided by personal, family, or national interest or by political pressure. The staff members shall not take part in a decision in which he or she, or any close member of his or her family, has a personal or financial interest.

*Article 8*

*Objectivity*

When taking decisions, the staff member 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 9*

*Legitimate expectations and consistency*

- 1) The staff member shall be consistent in his or her own administrative behaviour as well as with the administrative action of the Authority. The staff member shall follow the Authority's normal administrative practices, unless there are legitimate grounds for departing from those practices in an individual case.
- 2) The staff member shall respect the legitimate and reasonable expectations that members of the public have in the light of how the Authority has acted in the past.

*Article 10*

*Fairness*

The staff member shall act impartially, fairly and reasonably.

*Article 11*

*Courtesy*

- 1) The staff member shall be service-minded, correct, courteous and accessible in relations with the public. When answering correspondence, telephone calls and e-mails, the staff member shall try to be as helpful as possible and reply as completely and accurate as possible to questions which are asked.
- 2) If the staff member is not responsible for the matter concerned, he or she shall direct the citizen to the appropriate staff member.

*Article 12*

*Reply to letters in the language of the citizen*

The staff member 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 13*

*Acknowledgement of receipt and indication of the competent staff member*

- 1) Every letter or complaint to the Authority shall receive an acknowledgement of receipt within a period of two weeks, except if a substantive reply can be sent within that period.
- 2) The reply or acknowledgement of receipt shall indicate the contact details of the staff member who is responsible to deal with the matter, as well as the relevant Unit.
- 3) No acknowledgement of receipt and no reply need to be sent in cases where letters or complaints are abusive because of their excessive number or because of their repetitive or pointless character.

*Article 14*

*Obligation to transfer to the competent service of the Authority*

- 1) If a letter or a complaint to the Authority is addressed or transmitted to a Unit which has no competence to deal with it, the recipient shall ensure that the file is transferred without delay to the competent Unit of the Authority.
- 2) The Unit which originally received the letter or complaint shall notify the author of this transfer and shall indicate the necessary contact details of the Unit to whom the file has been passed.

*Article 15*

*Listening to all parties with a direct interest*

Where European Union law provides that interested parties or other members of the public should be heard, staff shall ensure that an opportunity is provided to them to make their views known.

*Article 16*

*Reasonable time-limit for taking decisions*

- 1) The staff member shall ensure that a decision on every request or complaint to the Authority 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 Authority cannot, because of the complexity of the matters which it raises, be decided upon within the above-mentioned time-limit, the staff member shall inform the author as soon as possible. In that case, a definitive decision will be communicated to the author in the shortest possible time.

*Article 17*

*Duty to state the grounds of decisions*

- 1) Every decision of the Authority 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) 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 staff member shall guarantee that he or she subsequently provides the citizen who expressly requests it with an individual reasoning.

*Article 18*

*Indication of the possibilities of appeal*

- 1) Where European Union law so provides, a decision of the Authority which may adversely affect the rights of a natural or legal 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/or complaints to the Ombudsman under the conditions specified in, respectively, Articles 263 and 228 of the Treaty on the Functioning of the Union.

#### *Article 19*

##### *Notification of the decision*

- 1) The staff member shall ensure that persons whose rights or interests are affected by a decision are informed of that decision in writing, as soon as it is taken.
- 2) The staff member shall abstain from communicating the decision to other sources until the persons or persons concerned have been informed.

#### *Article 20*

##### *Data protection*

The Authority and its staff members shall respect the rules on the protection of personal privacy and personal data in accordance with the relevant provisions on data protection applicable to the Authority.

#### *Article 21*

##### *Requests for information*

- 1) The staff member shall, when he or she has responsibility for the matter concerned, provide members of the public with the information that they request. The staff member 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 or if otherwise needed, the staff member shall advise the person concerned to formulate his or her demand in writing.
- 3) If, because of its confidential nature, a staff member may not disclose the information requested, he or she shall, in accordance with Article 17 of this Code, indicate to the person concerned the reasons why he or she cannot communicate the information.
- 4) Further to requests for information on matters for which he or she has no responsibility, the staff member shall direct the enquirer to the competent person and indicate his or her name and telephone number. Further to requests for information concerning another EU institution or body, the staff member shall direct the enquirer to that institution or body.
- 5) Where appropriate, the staff member shall, depending on the subject of the request, direct the person seeking information to the entity of the Authority responsible for providing information to the public.

*Article 22*

*Requests for public access to documents*

Requests for public access to documents shall be handled under the provisions of the Decision No 8/2020 of 24 April 2020 of the Management Board laying down the rules for applying Regulation (EC) 1049/2001 with regard to European Labour Authority documents.

*Article 23*

*Keeping of adequate records*

The Authority shall keep adequate records of its incoming and outgoing mail, of the documents they receive, and of the measures it takes

*Article 24*

*Public access to the Code*

The Authority will take the necessary measures to inform the public of the rights they enjoy under this Code. The electronic format of the Code will be available on the Authority's website.

*Article 25*

*Right to complain to the European Ombudsman*

Any failure of a staff member 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.