



## Decision of the Executive Director No 16/2023

### on the code of good administrative behaviour and public service principles

#### THE EXECUTIVE DIRECTOR,

HAVING REGARD to Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum<sup>1</sup> (hereinafter ‘the EUAA Regulation’), and in particular Article 47(5) thereof,

After consulting the Staff Committee,

#### WHEREAS:

- 1) Article 41 of the Charter of Fundamental Rights of the European Union<sup>2</sup> (hereinafter ‘the EU Charter of Fundamental Rights’) establishes that citizens of the European Union have a fundamental right to good administration. As a Union body, the European Union Agency for Asylum (hereinafter ‘the EUAA’ or ‘the Agency’) must provide good administration, centred on every person’s right to have their affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union.
- 2) The European Ombudsman established The European Code of Good Administrative Behaviour<sup>3</sup>, which was approved by the European Parliament on 6 September 2001 and subsequently updated in 2015 (hereinafter ‘the Code’), with the objective of providing an instrument for putting the principle of good administration into practice, helping individual citizens to understand and obtain their rights, and promoting the public interest in an open, efficient, and independent European administration. The Code helps citizens to know what administrative standards they are entitled to expect from the EU institutions and bodies. It also serves as a useful guide for civil servants in their relations with the public. By making the principle of good administration more concrete, the Code helps to encourage the highest standards of administration.
- 3) The full and correct application of the Code, of the EU Charter of Fundamental Rights, and of EU law in general, depends on the existence of an administrative culture of service, in which civil servants understand and internalise the principles of good administration. Moreover, ethical standards constitute a vital component of the culture of service. In this context, in June 2012, the European Ombudsman published a high-level distillation of the ethical standards to which the EU public administration adheres in the form of five public service principles<sup>4</sup>.

---

<sup>1</sup> Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, (OJ L 468, 30.12.2021, p. 1).

<sup>2</sup> OJ C 326, 26.10.2012, p.391.

<sup>3</sup> <https://www.ombudsman.europa.eu/pdf/en/3510>.

<sup>4</sup> *Idem*, pp. 9-11.





- 4) Principle 1, set out in Annex 1 of the Agency's Internal Control Framework<sup>5</sup>, and in particular characteristic 1.2 thereof, requires the Agency to set out expectations on integrity and ethical values in standards of conduct which shall be understood by all levels of the Agency, as well as by entrusted bodies, outsourced service providers and beneficiaries.
- 5) As several Union agencies, including most of the Justice and Home Affairs agencies, have publicly embraced the Code and a number of them are also promoting the public service principles, the Agency should equally demonstrate its commitment to good administration as a European public service body.
- 6) In order to adequately take into account the particularities of the EUAA as an EU decentralised agency of the Union, a limited number of deviations (in substance) from the Code should be observed in this Decision however,

**HAS DECIDED AS FOLLOWS:**

**Article 1**  
**Code on good administrative behaviour and public service principles**

The code on good administrative behaviour and the public service principles, as set out in Annexes 1 and 2 to this Decision, are hereby adopted.

**Article 2**  
**Transparency**

This Decision shall be communicated within the Agency and made public on the EUAA's website.

**Article 3**  
**Personal scope of application**

1. Annexes 1 and 2 to this Decision shall apply to all statutory staff to whom the Staff Regulations of Officials and the conditions of Employment of Other Servants of the European Union<sup>6</sup> (hereinafter 'staff members') are applicable, in their relations with the public.

---

<sup>5</sup> Management Board Decision No 42 of 21 December 2018 On the Internal Control Framework of EASO.

<sup>6</sup> Staff Regulations of Officials of the European Union, and the Conditions of Employment of Other Servants of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, (OJ L 56, 4.3.1968, p. 1), as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, (OJ L 287, 29.10.2013 p. 15).



2. Other personnel engaged by the Agency, such as persons employed under private law contracts<sup>7</sup>, seconded national experts<sup>8</sup> and trainees<sup>9</sup> shall also be guided by Annexes 1 and 2 to this Decision, in their relations with the public (where applicable).

#### **Article 4** **Entry into force**

This Decision enters into force on the date of its signature.

Done at Valletta Harbour, on 27 January 2023.

*Signature on file*

Nina Gregori  
Executive Director

**Annexes:**      Annex 1: Code of good administrative behaviour  
                     Annex 2: Public service principles

---

<sup>7</sup> Including, *inter alia*, temporary agency workers within the meaning of Article 3(1)(c) of Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work, (OJ L 327, 5.12.2008, p. 9).

<sup>8</sup> Within the meaning of Article 1 of Management Board Decision No 1 of 25 November 2010 laying down rules on the secondment of national experts (SNE) to the European Asylum Support Office (with ref. number EASO/MB/2010/3).

<sup>9</sup> Who are either engaged under a traineeship programme organised by the EUAA or assigned to the EUAA under the official traineeship scheme of the European Commission (blue-book trainees).



## **Annex 1**

### **Code of good administrative behaviour<sup>10</sup>**

#### **Article 1**

##### **General provisions**

1. In its relations with the public, the EUAA and its staff members shall respect the principles which are laid down in this code of good administrative behaviour (hereinafter ‘the Code’).
2. The term ‘public’ refers to natural and legal persons, whether they reside or have their registered office in an EU Member State or not.

#### **Article 2**

##### **Material scope of application**

1. This Code contains the general principles of good administrative behaviour which apply to all relations of the EUAA and its administration with the public, unless they are governed by specific provisions.
2. The principles set out in the Code do not apply to the relations between the EUAA and its staff members, which are governed by the Staff Regulations and the CEOS.

#### **Article 3**

##### **Lawfulness**

Staff members shall act according to law and apply the rules and procedures laid down in EU legislation. They shall in particular take care to ensure 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, staff members shall ensure that it is justified by the objective relevant features of the particular case.

---

<sup>10</sup> Based on ‘The European Code of Good Administrative Behaviour’, European Ombudsman, 2015.



3. Staff members shall in particular avoid any unjustified discrimination between members of the public based on nationality, sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation.

### **Article 5**

#### **Proportionality**

1. When taking decisions, staff members shall ensure that the measures taken are proportional to the aim pursued. They 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, staff members shall respect the 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. Staff members 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 7**

#### **Impartiality and independence**

1. Staff members shall be impartial and independent. They 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 staff members shall never be guided by personal, family, or national interest or by political pressure. They shall not take part in a decision in which they, or any close member of their family, have a financial interest.

### **Article 8**

#### **Objectivity**

When taking decisions, staff members 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, consistency, and advice**

1. Staff members shall be consistent in their own administrative behaviour as well as with the administrative action of the EUAA. They shall follow the Agency's normal administrative practices, unless there are legitimate grounds for departing from those practices in an individual case. Where such grounds exist, they shall be recorded in writing.
2. Staff members shall respect the legitimate and reasonable expectations that members of the public have in light of how the EUAA has acted in the past.
3. Staff members shall, where necessary, advise the public on how a matter which comes within their remit is to be pursued and how to proceed in dealing with the matter.

### **Article 10**

#### **Fairness**

Staff members shall act impartially, fairly, and reasonably.

### **Article 11**

#### **Courtesy**

1. Staff members shall be service-minded, correct, courteous, and accessible in relations with the public. When answering correspondence, telephone calls, and e-mails, they shall try to be as helpful as possible and shall reply as completely and accurately as possible to questions which are asked.
2. If staff members are not responsible for the matter concerned, they shall direct the citizen to the competent service.
3. If an error occurs which negatively affects the rights or interests of a member of the public, staff members shall apologise for it and endeavour to correct the negative effects resulting from their error in the most expedient way and inform the member of the public of any rights of appeal in accordance with Article 18 of the Code.

### **Article 12**

#### **Reply to letters in the language of the citizen**

Unless otherwise specified in the applicable rules, staff members shall ensure that every citizen of the Union or any member of the public who writes to the EUAA in one of the Treaty languages receives an



answer in the same language<sup>11</sup>, or unless the author of the request agrees on receiving an answer in a European Union language that had been agreed by and between him/her and the Agency. The same shall apply as far as possible to legal persons such as associations (non-governmental organisations) and companies.

### **Article 13**

#### **Acknowledgement of receipt and indication of the competent service of the EUAA**

1. Every letter or complaint to the EUAA should receive an acknowledgement of receipt within a period of two weeks, except if a substantive reply can be sent within that period.
2. Where deemed necessary and appropriate, the reply or acknowledgement of receipt shall indicate the competent service of the EUAA which is dealing with the matter and its contact details.
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 14**

#### **Obligation to transfer to the competent service of the EUAA**

1. If a letter or a complaint to the EUAA is addressed or transmitted to a centre, unit, sector or office 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 EUAA.
2. The service which originally received the letter or complaint shall inform the author of this transfer and, where deemed necessary and appropriate, shall indicate the contact details of the competent service of the EUAA to which the file has been passed.
3. The staff members of the competent service of the EUAA to which the file has passed shall alert the member of the public or organisation to any errors or omissions in documents and provide an opportunity to rectify them.

### **Article 15**

#### **Right to be heard and to make statements**

1. In cases where the rights or interests of individuals are involved, staff members shall ensure that, at every stage in the decision-making procedure, the rights of defence are respected.

---

<sup>11</sup> Without prejudice to Council Regulation No 1 of 15 April 1958 determining the languages to be used in the European Economic Community, (OJ 17, 6.10.1958, p. 385.), which is applicable to the Agency pursuant to Article 62(1) of the EUAA Regulation.



2. Every member of the public shall have the right, in cases where a decision affecting his or her rights or interests has to be taken, to submit written comments and, when needed, to present oral observations before the decision is taken.

#### **Article 16** **Reasonable time-limit for taking decisions**

1. Without prejudice to specific time-limits which apply to certain categories of requests or complaints in line with applicable EU or national legislation, staff members shall ensure that a decision on every request or complaint to the EUAA is taken within a reasonable time-limit, without delay, indicatively no later than two months from the date of receipt. The same rule shall apply for answering letters from members of the public and for answers to administrative notes which the staff members have sent to their superiors requesting instructions regarding the decisions to be taken.
2. If a request or a complaint to the EUAA cannot, because of the complexity of the matters which it raises, be decided upon within the above-mentioned time-limits, the staff members should inform the author as soon as possible. In such a case, a definitive decision should be communicated to the author in the shortest possible time.

#### **Article 17** **Duty to state the grounds of decisions**

1. Every decision of the EUAA 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. Staff members shall avoid making decisions which are based on brief or vague grounds, or which do not contain an 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 sent, the staff member shall subsequently provide the citizen who expressly requests it with an individual reasoning.

#### **Article 18** **Indication of appeal possibilities**

1. A decision of the EUAA 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, and the time-limits for exercising them.





2. Decisions shall in particular refer to the possibility of judicial proceedings and complaints to the European Ombudsman under the conditions specified in, respectively, Articles 263 and 228 of the Treaty on the Functioning of the European Union.

### **Article 19**

#### **Notification of the decision**

1. Staff members 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. Staff members shall abstain from communicating the decision to other sources until the person or persons concerned have been informed.

### **Article 20**

#### **Data protection**

1. Staff members who deal with personal data concerning a citizen shall respect the privacy and the integrity of the individual in accordance with the provisions of 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>12</sup>.
2. Staff members shall in particular avoid processing personal data for non-legitimate purposes or the transmission of such data to non-authorised persons.

### **Article 21**

#### **Requests for information**

1. Staff members shall, when they have responsibility for the matter concerned, strive to provide members of the public with the information that they request. When appropriate, they shall give advice on how to initiate an administrative procedure within their field of competence. They shall take care that the information communicated is clear and understandable.
2. If an oral request for information is too complicated or too extensive to be dealt with, staff members shall advise the person concerned to formulate his or her demand in writing.
3. If staff members may not disclose the information requested because of its confidential nature, they shall, in accordance with Article 17 of this Code, indicate to the person concerned the reasons why they cannot communicate the information.

---

<sup>12</sup> OJ L 295, 21.11.2018, p. 39.



4. Further to requests for information on matters for which they have no responsibility, staff members shall direct the requestor to the competent service of the EUAA and indicate its contact details. Further to requests for information concerning an EU institution, body or office or another EU agency, staff members shall direct the requestor to that institution, body, office or agency.
5. Where appropriate, staff members shall, depending on the subject of the request, direct the person seeking information to the service of the EUAA responsible for providing information to the public.

### **Article 22**

#### **Requests for public access to documents**

1. Staff members shall deal with requests for access to documents in accordance with the rules adopted by the EUAA and in accordance with the general principles and limits laid down in Regulation (EC) 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>13</sup>.
2. If staff members cannot comply with an oral request for access to documents, the citizen shall be advised to formulate it in writing.

### **Article 23**

#### **Keeping of adequate records**

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

### **Article 24**

#### **Publicity for the Code**

The Agency shall take the necessary measures in order to ensure that this Code enjoys the widest possible publicity amongst the public. It shall, in particular, make it available on its website and shall provide a copy of this Code to any member of the public who requests it.

---

<sup>13</sup> OJ L 145, 31.5.2001, p. 43.



## **Article 25**

### **Right to complain to the European Ombudsman**

Any failure of the EUAA or its staff members to comply with the principles set out in the 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<sup>14</sup>.

---

<sup>14</sup> Regulation (EU, Euratom) 2021/1163 of the European Parliament of 24 June 2021 laying down the regulations and general conditions governing the performance of the Ombudsman's duties (Statute of the European Ombudsman) and repealing Decision 94/262/ECSC, EC, Euratom, (OJ L 253, 16.7.2021, p. 1).



## Annex 2

### Public service principles<sup>15</sup>

#### 1. Commitment to the European Union and its citizens

Staff members of the EUAA should be conscious that the Union's institutions, bodies, offices and agencies exist in order to serve the interests of the Union and of its citizens in fulfilling the objectives of the Treaties. They should make recommendations and decisions only to serve these interests.

Staff members should carry out their functions to the best of their abilities and strive to meet the highest professional standards at all times. They should be mindful of their position of public trust and set a good example to others.

#### 2. Integrity

Staff members should be guided by a sense of propriety and conduct themselves at all times in a manner that would bear the closest public scrutiny. This obligation is not fully discharged merely by acting within the law.

Staff members should not place themselves under any financial or other obligation that might influence them in the performance of their functions, including by the receipt of gifts. They should promptly declare any private interests relating to their functions.

Staff members should take steps to avoid conflicts of interest and the appearance of such conflicts. They should take swift action to resolve any conflict that arises. This obligation continues after leaving office.

#### 3. Objectivity

Staff members should be impartial, open-minded, guided by evidence, and willing to hear different viewpoints. They should be ready to acknowledge and correct mistakes.

In procedures involving comparative evaluations, staff members should base recommendations and decisions only on merit and any other factors expressly prescribed by law.

Staff members should not discriminate or allow the fact that they like, or dislike, a particular person to influence their professional conduct.

---

<sup>15</sup> Based on 'Public service principles for the EU civil service', European Ombudsman, 2012, available at <https://www.ombudsman.europa.eu/en/publication/en/11650>.



#### **4. Respect for others**

Staff members should act respectfully to each other and to citizens. They should be polite, helpful, timely, and co-operative.

They should make genuine efforts to understand what others are saying and express themselves clearly, using plain language.

#### **5. Transparency**

Staff members should be willing to explain their activities and to give reasons for their actions.

They should keep proper records and welcome public scrutiny of their conduct, including their compliance with these public service principles.