



EUROPEAN DEFENCE AGENCY

DECISION N° 18/21

of 20 June 2018

adopting a Code of Good Administrative Behaviour for EDA personnel in its relations with the public

THE CHIEF EXECUTIVE,

Having regard to Council Decision (CFSP) 2015/1835 of 12 October 2015 defining the statute, seat and operational rules of the European Defence Agency (hereinafter referred to as “the Council Decision”),¹ notably Articles 10 and 11 thereof,

Having regard to Council Decision (EU) 2016/1351 of 4 August 2016 concerning the Staff Regulations of the European Defence Agency, and repealing Decision 2004/676/EC (hereinafter referred to as “the Staff Regulations”)², and in particular to Articles 11 and 13 thereof,

Having regard to Council Decision (EU) 2016/1352 of 4 August 2016 concerning the rules applicable to national experts seconded to the European Defence Agency, and repealing Decision 2004/677/EC (hereinafter referred to as “the SNE rules”)³, and in particular to Article 8 thereof,

Whereas:

- (1) pursuant to Article 41.1 of the Charter of Fundamental Rights of the European Union, “*Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union*”;
- (2) although not legally binding, a Code of Good Administrative Behaviour helps putting the principle of good administration into practice and helping individual citizens to understand and obtain their rights, thereby promoting the public interest in an open, efficient, and independent European administration;
- (3) it is necessary to update Decision No.11/07 adopting the Code of Good Administrative Behaviour for the Agency, adopted in 2011 to provide EDA Staff with clear guidance in relations with the public.

HAS DECIDED AS FOLLOWS:

Article 1 **Adoption of the Code of Good Administrative Behaviour**

¹ OJ L 266, 13.10.2015, p.55.

² OJ L 219, 12.08.2016, p.1.

³ OJ L 219, 12.08.2016, p.82.

The European Defence Agency Code of Good Administrative Behaviour in Annex to this Decision is hereby adopted.

Article 2
Repeal and entry into force

The present Decision repeals and replaces Decision No. 11/04 and shall enter into force on the date of its adoption.

Done at Brussels, on *20th June 2018*

A handwritten signature in blue ink, appearing to read 'Jorge Domecq', is written in a cursive style.

Jorge Domecq

Chief Executive



EDA CODE OF GOOD ADMINISTRATIVE BEHAVIOUR

Article 1 General Provisions

1. In its relations with the public, the staff of the European Defence Agency, hereinafter called "the Agency", shall observe the principles set out in this Decision, which constitutes the Agency's code of good administrative behaviour, hereinafter called "the Code".
2. The "public" shall mean any citizen of the Union or any natural or legal person residing or having its registered office either in a Member State or in a State in which the Agency carries out its activities.

Article 2 Personnel to whom this Code applies

1. This Code shall apply to Agency staff, as well as to Seconded National Experts, interim staff and trainees (jointly referred to as "Agency personnel").
2. The Code shall also apply to persons working at the Agency as service providers, insofar as this is stipulated in the contract on which their employment at the Agency is based.

Article 3 Field of application

1. The Code lays down the general principles of good administrative behaviour applicable to Agency personnel in all their relations with the public, except where these are governed by specific provisions, in particular the rules concerning access to documents.
2. The principles set out in this Code shall not apply either to relations between the Agency and its staff or SNEs or contractors or to any other relations of a professional nature.

Article 4 Lawfulness

1. Agency personnel shall act in accordance with the law and apply the rules and procedures laid down in EU legislation.
2. Agency personnel shall 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 5 Non-discrimination

1. In dealing with requests from the public and in taking decisions, Agency personnel shall ensure that

the principle of equal treatment is observed. Members of the public in the same situation shall be treated in the same manner.

2. In the event of unequal treatment, Agency personnel shall ensure that this is justified by the objective relevant features of the particular case.
3. Agency personnel shall avoid all forms of unjustified discrimination between members of the public.

Article 6
Non-abuse of powers

In accordance with their obligations, Agency personnel shall not exceed the powers conferred upon them in the performance of their duties.

Article 7
Fairness and loyalty

1. Agency personnel shall act in a fair, impartial and reasonable manner.
2. In their relations with the public and in accordance with their obligations, Agency personnel shall in all circumstances act in the interests of the Agency and not allow themselves to be influenced by personal considerations or relations.

Article 8
Legitimate expectations and consistency

1. Agency personnel shall comply with the Agency's administrative rules and practices, unless there are legitimate grounds for departing from those practices in an individual case.
2. They shall meet the legitimate and reasonable expectations formed by the public on the basis of the Agency's previous conduct.

Article 9
Courtesy

1. Agency personnel shall act in a service-minded, correct, courteous and approachable manner in relations with the public. In replying to correspondence, telephone calls and e-mails, Agency personnel shall endeavour to be as helpful as possible and to answer enquiries.
2. If an enquiry does not fall within their area of responsibility, Agency personnel shall direct members of the public to the appropriate Directorate and/or Unit.
3. If an error occurs which negatively affects the rights or interest of a member of public, the Agency personnel shall apologise for it and endeavour to correct the negative effect resulting from that error in the most expedient way and inform the member of the public of his/her rights under Article 16 of the Code.

Article 10
Requests for information

1. Where they are competent to deal with the request concerned, Agency personnel shall provide members of the public with the information requested. They shall ensure that the information furnished is clear and comprehensible.
2. In the event that an oral request for information is too complicated or complex to deal with, the Agency

personnel approached shall ask the member of the public concerned to formulate his/her request in writing.

3. If, for reasons of confidentiality, Agency personnel is unable to divulge the information requested, he/she shall give the reasons why such information cannot be provided.

Article 11

Replying to letters in the language used by the citizen

Agency personnel shall ensure that, as far as possible, all citizens writing to the Agency in one of the languages of the Treaty receive a reply in the same language.

Article 12

Acknowledgement of receipt

1. Receipt of all letters and requests addressed to the Agency shall be acknowledged within two weeks of their delivery to the competent department, except where a substantive reply can be sent within that period.
2. In the event that a letter or request is delivered to the wrong person within the Agency, the Agency personnel who receives it shall forward it to the competent person without delay for handling by the latter.
3. The acknowledgement of receipt shall indicate the name of the Unit/Directorate and Agency personnel in charge of the matter.
4. No acknowledgement of receipt and no reply need be sent in cases where the letter or complaints are abusive because of their excessive number or because of their repetitive or pointless character.

Article 13

Reasoned replies and their deadlines

1. Agency personnel shall ensure that a reply to all requests and complaints addressed to the Agency is provided within an acceptable period, without delay, and in any event no later than two months following receipt.
2. Where, on account of the complexity of the issues raised, a reply cannot be provided within the abovementioned period, the Agency personnel responsible shall inform the correspondent thereof without delay. In this event, the correspondent shall be furnished with a definitive reply as soon as possible.
3. All replies to requests and complaints must be reasoned in such way that the person concerned is precisely informed of the grounds and arguments on which they are based.
4. Where it is impossible, because of the large number of persons concerned by similar replies, to communicate in detail the reasoning underlying the reply, and where standard replies are therefore provided, the member of staff in charge of the matter shall ensure that citizens who expressly request an individual reasoned reply are subsequently furnished with one.

Article 14

Records

The Agency shall ensure it keeps adequate records of incoming and outgoing mail, of documents received, and measures taken.

Article 15
Data protection

1. Agency personnel handling a citizen's personal data shall observe the principles set out in applicable EU law regarding the protection of personal data.
2. In accordance with their obligations, Agency personnel shall especially refrain from processing personal data for non-legitimate purposes or transmitting such data to unauthorised third parties.

Article 16
Complaints

1. Agency personnel shall act with respect for the public's rights. However, if a person considers that the replies given violate his/her rights or interests, such person shall be entitled to lodge a complaint.
2. All complaints must be made in accordance with Decision No.17/06.⁴
3. Furthermore, in accordance with Article 228 of the Treaty on the Functioning of the European Union and the Statute of the European Ombudsman, any citizen of the Union or any natural or legal person residing or having its registered office in a Member State shall be entitled to lodge a complaint with the European Ombudsman.

Article 17
Public access to the Code

The Agency shall take the necessary measures to ensure that this Code is publicised as widely as possible and, where possible, make the text available in electronic form on its website.

⁴ Decision No.17/06 of 11 July 2017 adopting general procedures for the handling of requests and complaints.