



Code of Good Administrative Behaviour for Staff of EUROJUST in their Relations with the Public

(Adopted by the Administrative Director of EUROJUST on 26 March 2003
and entered into force from 1 April 2003)

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Quality service

EUROJUST and its staff have a duty to serve the European Union 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 EUROJUST and its staff to be courteous, objective and impartial.

Purpose

In order to enable EUROJUST to meet its obligations of good administrative behaviour and in particular in the dealings that EUROJUST has with the public, EUROJUST undertakes to observe the standards of good administrative behaviour set out in this Code and to be guided by these in its daily work.

Scope

The Code is binding on all staff covered by the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the European Communities (hereinafter: the "Staff Regulations") and the other



provisions on relations between EUROJUST and its staff that are applicable to officials and other servants of the European Communities. However, persons employed under private law contracts, experts on secondment from national civil services and trainees, etc. working for EUROJUST shall also be guided by it in their daily work.

Relations between EUROJUST and its staff are governed exclusively by the Staff Regulations.

1. GENERAL PRINCIPLES OF GOOD ADMINISTRATION

EUROJUST respects the following general principles in its relations with the public.

Lawfulness

EUROJUST acts in accordance with the law and applies the rules and procedures laid down in Community legislation.

Non-discrimination and equal treatment

EUROJUST respects the principle of non-discrimination and in particular, guarantees equal treatment for members of the public irrespective of nationality, gender, racial or ethnic origin, religion or beliefs, disability, age or sexual orientation. Thus, differences in treatment of similar cases must be specifically warranted by the relevant features of the particular case in hand.

Proportionality

EUROJUST ensures that the measures taken are proportional to the aim pursued. In particular, EUROJUST will ensure that the application of this Code never leads to the imposition of administrative or budgetary burdens out of proportion to the benefit expected.

Consistency

EUROJUST shall be consistent in its administrative behaviour and shall follow its normal practice. Any exceptions to this principle must be duly justified.



2. GUIDELINES FOR GOOD ADMINISTRATIVE BEHAVIOUR

Objectivity and impartiality

Staff shall always act objectively and impartially, in the interest of the European Union and for the public good. They shall act independently within the framework of the policy fixed by EUROJUST and their conduct shall never be guided by personal or national interest or political pressure.

Information on administrative procedures

Where a member of the public requires information relating to a EUROJUST administrative procedure, staff shall ensure that this information is provided within the deadline fixed for the relevant procedure.

3. INFORMATION ON THE RIGHTS OF INTERESTED PARTIES

Listening to all parties with a direct interest

Where Community law provides that interested parties should be heard, staff shall ensure that an opportunity is given to them to make their views known.

Duty to justify decisions

A EUROJUST decision should clearly state the reasons on which it is based and should be communicated to the persons and parties concerned. As a general rule, full justification for decisions should be given. However, where it may not be possible, for example because of the large number of persons concerned by similar decisions, to communicate in detail the grounds of individual decisions, standard replies may be given. These standard replies should include the principal reasons justifying the decision taken. Furthermore, an interested party who expressly requests a detailed justification shall be provided with it.

Duty to state arrangements for appeals

Where Community law so provides, decisions notified shall clearly state that an appeal is possible and describe how to submit it, (the name and office address of the person or department with whom the appeal must be lodged and the deadline for lodging it). Where appropriate, decisions should refer to the possibility of starting judicial proceedings and/or of lodging a complaint with the European Ombudsman in accordance with Article 230 or 195 of the Treaty establishing the European Community.



4. DEALING WITH ENQUIRIES

EUROJUST undertakes to answer enquiries in the most appropriate manner and as quickly as possible.

Requests for documents

If a document has already been published, the person making the enquiry should be directed to the sales agents of the Publications Office of the European Communities or to the documentation or information centres which provide free access to documents, such as Info-points, European documentation centres, etc. Many documents are also easily accessible in electronic form. The rules on access to documents will be laid down in a specific measure.

Correspondence

A reply to a letter addressed to EUROJUST shall be sent within fifteen working days from the date of receipt of the letter by the responsible EUROJUST department. The reply should identify the person responsible for the matter and state how he or she may be contacted. In accordance with Art. 31 (1) of the Council Decision of 28 February 2002 the official linguistic arrangements of the Union shall apply to Eurojust proceedings. The main working language of Eurojust is English.

If a reply cannot be sent within fifteen working days, and in all cases where the reply requires other work on it, such as interdepartmental consultation or translation, the member of staff responsible should send a holding reply, indicating a date by which the addressee may expect to be sent a reply in the light of this additional work, taking into account the relative urgency and complexity of the matter.

If the reply is to be drawn up by a department other than the one to which the initial correspondence is addressed, the person making the enquiry should be informed of the name and office address of the person to whom the letter has been passed.

These rules do not apply to correspondence which can reasonably be regarded as improper, for example, because it is repetitive, abusive and/or pointless. Then EUROJUST reserves the right to discontinue any such exchanges of correspondence.



Telephone communication

When answering the telephone, staff shall identify themselves or their department. They shall return telephone calls as promptly as possible.

Staff replying to enquiries shall provide information on subjects for which they have direct responsibility and should direct the caller to the specific appropriate source in other cases. If necessary, they should refer callers to their superior or consult him or her before giving the information.

Where enquiries concern areas for which staff are directly responsible, they shall establish the identity of the caller and check whether the information has already been made public before giving it out. If this is not the case, the member of staff may consider that it is not in the interest of EUROJUST for the information to be disclosed. In this case he or she should explain why they are unable to disclose it and refer in appropriate cases to the obligation to exercise discretion as laid down in Article 17 of the Staff Regulations.

When appropriate, staff should request confirmation in writing of the enquiries made by telephone.

Electronic mail

Staff shall reply to e-mail messages promptly. However, where the e-mail message is, by its nature, the equivalent of a letter, it shall be handled according to the guidelines for handling correspondence and shall be subject to the same deadlines.

Requests from the media

The Administrative Director or who deputises him in his absence is responsible for contacts with the media. However, when requests for information concern technical subjects falling within their specific areas of responsibility, staff may answer them.

5. PROTECTION OF PERSONAL DATA AND CONFIDENTIAL INFORMATION

EUROJUST and its staff shall respect, in particular:

- the rules on the protection of personal privacy and personal data;
- the obligations set out in Article 287 of the Treaty establishing the European Community and in particular those which relate to professional secrecy;



- the rules on secrecy in criminal investigations;
- the confidentiality of matters falling within the ambit of the various committees and bodies provided for in Article 9 and Annexes II and III of the Staff Regulations.

6. COMPLAINTS

EUROJUST

Complaints may be lodged concerning a possible breach of the principles set out in this Code directly with the Human Resources Department of EUROJUST.

The Human Resources Department shall reply to the complainant in writing, within two months. The complainant then has one month in which to apply to the Administrative Director of EUROJUST to review the outcome of the complaint. The Administrative Director shall reply to the request for a review within one month.

The European Ombudsman

Complaints may also be lodged with the European Ombudsman in accordance with Article 195 of the Treaty establishing the European Community and the Statute of the European Ombudsman.

7. Annexes

Annex 1 and Annex 2 to this code of conduct are integral parts of it.



Annex 1

EUROJUST Guidance on Confidentiality and Discretion

EUROJUST is a public body of the European Union. It has been entrusted with the important duty of smoothing judicial cooperation to fight against organised crime. Staff members, must treat information on the Agency's work with the utmost discretion and confidentiality

EUROJUST faces potentially conflicting obligations of public access to documents and transparency and the need to respect confidentiality of information that the Agency holds in its role.

Since its creation in 2002 a significant amount of information has been made available through the Official Publications of the European Communities. Further transparency measures will be gradually introduced, in particular a Decision of the Administrative Director on rules on access to documents.

This access to information, however, is balanced by the rules of professional secrecy for EUROJUST staff and the obligation to respect European and international laws on the protection of data.



Duty of confidentiality

The respect of confidentiality is an essential part of the relationship between EUROJUST, EU institutions, Member States and requesting parties. EUROJUST recognises that its staff have access to confidential information. Staff is required to respect their obligations of confidentiality in all cases, whether in the work place or in a public place.

Article 25 of Council Decision creating EUROJUST also sets out a life-long duty of confidentiality for EUROJUST staff. Article 17 of the Regulations and Rules applicable to officials and other servants of the European Communities (Staff Regulations) binds staff members to exercise the greatest discretion even after leaving the service of EUROJUST.

EUROJUST staff members are subject to a general duty of confidentiality under the Staff Regulations. The attention of new members of staff is drawn to the provisions contained in the Staff Regulations. They acknowledge in writing that they have read and understood the relevant articles, on the confidentiality provisions in the Staff Regulations and the disciplinary measures. Staff members are also required to repeat this acknowledgement on renewal of contact and on separation from EUROJUST they sign a letter of undertaking regarding confidentiality and discretion.

Interim staffs, trainees, national experts on secondment, visiting experts, working with EUROJUST, are all required to sign a confidentiality undertaking.

EUROJUST staff and other are advised to exercise care when answering questions so as not to supply confidential information where this information is



not public. Discretion should be exercised when discussing professional work with third parties including family and friends and with colleagues or third parties in a public place e.g. public transport. The provenance of the party putting a question should always be ascertained and questions should be put in writing where possible. Common sense must be applied regarding indirect questions seeking to obtain information.

Where there is doubt about the provision of information EUROJUST staff members should seek guidance from their hierarchical superior.

Continuing duty of confidentiality

Members of the staff have a life-long duty of confidentiality even after they have ceased their relationship with EUROJUST. This covers all information of the kind covered by the obligation of professional secrecy.

Members of staff are required to behave with integrity and discretion after leaving the Agency. In addition, in line with Staff Regulations and current commercial practices, EUROJUST is entitled to impose restrictions on employment after members of staff leave EUROJUST. Staff leaving EUROJUST will, of course, be free to use the skills acquired in the course of their employment at EUROJUST so long as such use does not interfere with their obligation of confidentiality. This is, in particular, intended to prevent breaches of confidentiality that would be detrimental to the interests of the Agency or EU Institutions, Member States, or other public national institutions.

The former staff member is required to write to the Head of Administration with the required information regarding any occupation gainful or not during the three year period following the end of their employment with EUROJUST.



Public right of access

There also exists a public right of access to documents that will be enforced through a decision of the Administrative Director on rules on access to documents of EUROJUST. These rules will set out classification of documents as public, restricted or confidential and the reasons for which access to documents may be denied by EUROJUST. Documents classified restricted or confidential may not be released to the public.

Once a document or information has been made public, the duty of confidentiality ceases only to the extent of the information released into the public domain.

Cooperation with the European Anti-Fraud Office (OLAF)

Eurojust is in the process of arranging agreements in order to cooperate with OLAF. This chapter will be completed as soon as the agreement is reached.



Annex 2

EUROJUST Guidance for Staff on Invitations and Gifts

Article 11 of the Staff Regulations requires EUROJUST staff members to seek permission before accepting any honour, decoration, favour, gift, or payment of any kind whatever, except for services rendered prior to appointment to EUROJUST or during special leave for military or other national service and related to that service.

In principle invitations are to be treated like gifts, since an invitation might influence one because it is of value (whether or not of a monetary value), or give the impression to the world that EUROJUST is partisan or being influenced or open to influence.

Members of staff are advised to be very careful about accepting gifts or invitations offered to them in the course of their official duties. As a rule, they should discourage gifts of anything more than symbolic value. Where they are unable to refuse a gift without causing offence, they must ask the Appointing Authority for authorisation to accept it.

The source of the gift or invitation is the defining factor for its acceptability.

Invitations to events

Invitations to events where leisure is predominant, e.g. sports, concerts, holiday or weekends, may not be accepted from any source.



Staff should try to avoid anything where the price category is not appropriate, e.g. luxury hotels or very expensive restaurants.

Staff should normally pay themselves for refreshments or meals in the course of a meeting or on mission, and should not accept invitations.

A spouse or partner may attend events with the staff member if invited, provided they pay in full all the additional costs involved. Discretion must be exercised as to the possible impression on third parties or the public.

Advance permission should be requested where possible and if this is not possible the invitation should be declared on the mission claim where relevant. The 'relevant authority' to ask for authorisation to accept invitations is the supervisor, and in his absence the Head of Unit or Sector.

Invitations to refreshments, lunch, dinner etc.

Invitations to meals or refreshments of a normal value may be accepted from a public body or a not-for-profit organisation. As a rule, invitations from industry or suppliers are not acceptable. Exceptionally meals with little or moderate value may be acceptable on single occasions.

This Guidance is primarily intended for EUROJUST staff members, but also applies to interns and to visiting experts by analogy as appropriate.

The following relates to invitations received in the course of duty and not to personal relationships, e.g. invitation to a birthday party of a friend working in a company or institution that has a professional relationship with EUROJUST.



However, also for invitations resulting from personal relationships staff are bound to confidentiality, must maintain dignity as EUROJUST employees, and must exercise discretion and judgement regarding the possible impression on third parties or the general public.

Invitations to publish, give speeches or lectures

Staff wishing to publish a text, give a speech or lecture on a subject relating to the work of EUROJUST or the European Union must first obtain permission in advance from the Appointing Authority. Permission will usually be granted unless the publication, speech or lecture would not be in the interests of EUROJUST and/or the European Union.

Staff must also obtain advance permission concerning the acceptance of any payment for the publication, speech or lecture. Payment for publications, speeches or lectures directly relating to the activities of EUROJUST is not permitted.

Permission will not be granted if networking or gaining influence must be assumed to be the major objective of the organiser when issuing the invitation to speak or publish.

The source of the invitation is the defining factor for acceptability of invitations. Where it is not possible to clear a presentation or statement in advance, e.g. answers to questions in a panel discussion, it is advisable to give a disclaimer (e.g. that the views presented are those of the individual and may not be understood or quoted as to be made on behalf of EUROJUST or to reflect the position of EUROJUST).



If permission is refused for an invitation to speak, publish or to participate at a meeting, conference or to represent EUROJUST, it is not acceptable to attend during a weekend or by taking leave.

Fees and honorarium

For invitations to speak (for which permission to attend has been granted) it is acceptable that the participation fee is waived and/or travel expenses are paid for by the inviting organisation.

However, no honorarium may be accepted for publications, speeches or lectures in the course of duty.

In the special case of a private publication, provided that the publication is written using free time and advance permission has been obtained, the fee for publication (declared in advance) may be accepted by the staff member. The rules regarding avoiding conflict with work at EUROJUST and publishing nothing that would be against the interests of the Community apply.

Staff members have full time occupations and must seek permission for external activities, whether gainful or not. The issue is whether the activity would impair the staff member's independence or be detrimental to the work of EUROJUST.



Honours or decorations

If a staff member is offered an honour or decoration, permission to accept must be obtained in advance from the Administrative Director.

Gift and Favours

The policy of EUROJUST is that staff members should not accept gifts or favours made by third parties that have a working relationship with EUROJUST.

Small gifts of nominal value may be accepted where the nature of the gift allows it to be shared openly with colleagues, e.g. chocolates, cake. Where refusing the gift would cause offence, it may be accepted and where the gift is not of nominal value the staff member's Head of Sector or Unit should be informed. EUROJUST Code of Conduct gives guidance regarding the value of gifts.

Any gift of a personal nature must be returned. A gift sent to a home address may not be accepted and must be returned and the Agency notified. A standard letter will be made available for staff members to use in these circumstances.

Where a staff member has any doubt regarding a gift or favour the advice of a Head of Unit or Sector should be sought.