



AD 2022-49

ADMINISTRATIVE DIRECTOR

**DECISION ADOPTING A NEW EUROJUST CODE OF GOOD ADMINISTRATIVE BEHAVIOUR
AND REPEALING DECISION AD 2017-27**

THE ADMINISTRATIVE DIRECTOR OF EUROJUST,

Having regard to the Treaty on European Union (EU Treaty), and in particular Article 10(3) thereof;

Having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Articles 24 and 228 thereof;

Having regard to the Charter of Fundamental Rights of the European Union, and in particular Articles 41 and 43 thereof;

Having regard to Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA, as amended,¹ hereinafter referred to as the “Eurojust Regulation”,² and in particular Articles 26 and 74 thereof;

Having regard to the Decision of the Administrative Director 2017-27 of 1 June 2017 adopting the Eurojust Code of Good Administrative Behaviour, hereinafter referred to as the “Code”;

After consulting the Staff Committee,

Whereas:

- (1) The EU Treaty provides for an ever closer Union in which decisions are taken as openly as possible and as closely as possible to the citizen.
- (2) The Charter of Fundamental Rights of the European Union sets out as fundamental rights the right to good administration and the right to complain to the European Ombudsman against maladministration.
- (3) It is desirable to establish a code governing the principles of good administrative behaviour which staff members of Eurojust shall respect in their relations with the public, and to make this code publicly available.
- (4) A Code, containing the principles of good administrative behaviour for staff members of Eurojust when dealing with the public, was adopted by the Decision of the Administrative Director 2017-27 in order to bring the administration closer to the citizens and to guarantee a better quality of administration.

¹ OJ L 148, 31.5.2022, p. 1–5.

² OJ 295, 21.11.2018, p. 138.



(5) Some of the provisions of the Code require clarification and alignment with the currently applicable legal framework,

HAS DECIDED AS FOLLOWS:

Article 1

Adoption

The new Eurojust Code of Good Administrative Behaviour annexed to this decision is hereby adopted.

Article 2

Repeal

The Decision of the Administrative Director 2017-27 of 1 June 2017 adopting the Eurojust Code of Good Administrative Behaviour is hereby repealed.

Article 3

Entry into force and publication

1. This decision shall enter into force on the day of its adoption.
2. Eurojust shall make the Eurojust Code of Good Administrative Behaviour publicly available.

Done at The Hague, on 28 November 2022

Nikolaos Panagiotopoulos
The Administrative Director



Code of Good Administrative Behaviour of EUROJUST

CHAPTER I – GENERAL PROVISIONS

Article 1 – Purpose

1. EUROJUST has a duty to serve the European Union interest and, in so doing, the public interest.
2. 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.

Article 2 – Scope

1. The Code is binding on all EUROJUST staff members covered by the Staff Regulations and the CEOS (hereinafter referred to as “the Staff Regulations”).
2. The Code also applies to other persons working for EUROJUST, such as interim agents, contractors and consultants, seconded national experts (SNEs),¹ and interns.
3. This Code contains general principles of good administrative behavior, which apply to all relations of EUROJUST with the public, unless they are governed by specific provisions.
4. The principles set out in this Code do not apply to the relations between EUROJUST and its staff members or with other persons working for EUROJUST, as defined in Article 2.2. Those relations are governed exclusively by the Staff Regulations.
5. 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.

CHAPTER II – PRINCIPLES OF GOOD ADMINISTRATION

Article 3 - Lawfulness

Staff members shall act in accordance with the law and apply the rules and procedures laid down in EU legislation. Staff members 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 - Non-discrimination and equal treatment

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 similar manner.
2. Should there be differences in treatment of similar cases, they must be specifically warranted, and justified, by the objective relevant features of the particular case in hand.

¹ Article 8(1) of the College Decision 2021-11 of 9 November 2021 laying down rules on the secondment of national experts to EUROJUST

3. Staff members shall in particular avoid any unjustified discrimination between members of the public based on nationality, sex, race, color, 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. The staff member 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, the staff member shall respect the fair balance between the interests of private persons and the general public interest.

Article 6 - 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 the law or which are not motivated by any public interest.

Article 7 - Impartiality, independence and fairness

1. The staff member shall act impartially, fairly, reasonably and independently. 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 member shall not take part in a decision in which she or he, or any close member of his or her family, has any perceived or actual personal interest, financial or otherwise.

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, consistency, and advice

1. The staff member shall be consistent in his or her administrative behaviour as well as with the administrative action of the institution. The staff member shall follow EUROJUST'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. The staff member shall respect the legitimate and reasonable expectations that members of the public have in light of how EUROJUST has acted in the past.
3. The staff member shall, where necessary, advise the public on how a matter which comes within his or her remit is to be pursued and how to proceed in dealing with the matter.

Article 10 - Courtesy

1. The staff member shall be service-minded, correct, courteous and accessible in relations with the public. When answering correspondence, telephone calls, and emails, the staff member

shall try to be as helpful as possible and shall 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.
3. If an error occurs which negatively affects the rights or interests of a member of the public, the staff member shall apologise for it and endeavour to correct the negative effect resulting from his or her error in the most expedient way and inform the member of the public of any rights to complain in accordance with Article 20 of this Code.

CHAPTER III – RELATIONS WITH THE PUBLIC

Article 11 - Acknowledgement of receipt and indication of the competent department

1. Every letter, request or complaint to EUROJUST shall receive an acknowledgement of receipt within a period of two weeks, except if a substantive reply can be sent within that period. This obligation is without prejudice to other provisions which impose a different deadline.
2. The reply or acknowledgment of receipt shall indicate the department dealing with the matter, including a telephone number.
3. No acknowledgement of receipt and no reply need be sent in cases where letters, requests or complaints are abusive because of their excessive number or because of their repetitive or pointless character.

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 EUROJUST in one of the official languages of the European Union receives a reply in the same language. The same shall apply as far as possible to legal persons such as associations (NGOs) and companies.

Article 13 - Obligation to transfer to the competent organisational entity of EUROJUST

1. If a letter, request or complaint to EUROJUST is addressed or transmitted to an entity which has no competences to deal with it, the latter shall ensure that the file is transferred without delay to the competent department.
2. The entity that originally received the letter, request or complaint shall inform the author of this transfer and shall indicate the name and the telephone number of the service to which the file has been passed.
3. The staff member shall alert the member of the public or organisation to any errors or omissions in documents and provide an opportunity to rectify them within reasonable and/or existing deadlines.

Article 14 - Requests for information

1. EUROJUST shall provide members of the public with the information they request. The information provided to the members of the public shall be clear and understandable.
2. Requests for information are to be submitted in writing through the general contact form available on EUROJUST's website.

3. A reply to a request for information shall be sent within fifteen working days from the date of receipt of the request by the responsible EUROJUST entity. If a reply cannot be sent within this time-limit, EUROJUST shall send a holding reply.
4. The time-limit provided for in paragraph 3 may be extended by fifteen working days.
5. If the information cannot be disclosed because of its confidential nature, EUROJUST shall indicate to the person concerned the reasons preventing the communication of the information requested.
6. Where a member of the public requires information relating to a EUROJUST administrative procedure, staff members shall ensure that this information is provided within the deadline prescribed for the relevant procedure.
7. If the request for information concerns another EU institution/body/agency, EUROJUST shall direct the requester to that institution/body/agency.

Article 15 - Requests for public access to documents

Requests for access to documents shall be handled pursuant to College Decision 2021 -12 of 7 December 2021 on the adoption of rules for implementing Regulation (EC) No 1049/2001 on public access to documents at EUROJUST.

CHAPTER IV – INFORMATION ON THE RIGHTS OF INTERESTED PARTIES

Article 16 - Right to be heard and to make comments

1. In cases where the rights or interests of individuals are involved, EUROJUST shall ensure that, at every stage in the decision making process, the right of defence is respected.
2. Every natural and legal person shall have the right to be heard, before any individual measure which would affect him/her adversely is taken.

Article 17- Reasonable time-limit for taking decisions

1. Staff members shall ensure that a decision on every request or complaint sent to EUROJUST is taken within a reasonable time-limit, without delay, and in any case no later than two months from the date of receipt, unless such requests or complaints are governed by other specific provisions. The same rule shall apply for answering letters from members of the public and for answers to administrative notes which the staff member has sent to his or her superiors requesting instructions regarding decisions to be taken.
2. If a request or a complaint submitted before EUROJUST 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 such a case, a definitive decision should be communicated to the author in the shortest possible time.

Article 18 - Duty to justify decisions

1. Every decision of EUROJUST, which may adversely affect the rights or the interests of the persons and parties concerned, shall clearly state the grounds on which it is based by indicating the relevant facts and legal basis of the decision.
2. EUROJUST 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, EUROJUST shall subsequently provide the person concerned, who expressly requests it with an individual reasoning.
4. Every decision of EUROJUST shall be communicated in writing to the persons and parties concerned within the deadline prescribed for the relevant procedure. EUROJUST shall abstain from communicating the decision to other sources until the person/party concerned has been informed.

Article 19 - Duty to indicate means of redress

1. A EUROJUST decision which may adversely affect the rights or interests of a person or party 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. Where appropriate, decisions shall refer to the possibility of starting judicial proceedings and/or lodging a complaint with the European Ombudsman under the conditions specified in, respectively, Articles 263 and 228 of the Treaty on Functioning of the European Union.

Article 20 - Right to complain against instances of maladministration

Any failure of EUROJUST 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, Article 43 of the Charter of Fundamental Rights of the European Union and the Statute of the European Ombudsman.

Article 21 - Data Protection

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

CHAPTER V – FINAL PROVISIONS

Article 22 - Keeping of adequate record

EUROJUST shall keep adequate records of its incoming and outgoing mail, of the documents it receives, and of the measures it takes.

Article 23 - Public access to the Code

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

Article 24 - Conclusion

1. In accordance with Article 41 of the Charter of Fundamental Rights of the European Union, every person has the right to good administrative behaviour. The attainment of this right requires EUROJUST staff members' highest commitment to the values, principles and



standards set forth in this Code. They are thus expected to take a positive and active approach in upholding them.

2. Respect for these values, principles and standards assure that EUROJUST will continue to effectively fulfil its responsibilities and meet the aspirations of the members of the public.