



DECISION ECSEL-ED 2014-014 OF THE EXECUTIVE DIRECTOR

Adopting a Code of good administrative behaviour for staff of the ECSEL Joint Undertaking in their relations with the public

THE EXECUTIVE DIRECTOR OF THE ECSEL JOINT UNDERTAKING,

Having regard to Council Regulation (EU) No 561/2014 establishing the ECSEL Joint Undertaking and in particular Article 9 of the Statutes,

Having regard to Decision ECSEL-GB-2014.15 of the Governing Board of adopting internal control standards, and in particular ICS 2 on ethical and organisational values,

Having regard to the “Practical Guide to Staff Ethics and Conduct”, adopted by the Commission;

HAS DECIDED AS FOLLOWS:

Article 1

The code of good administrative behaviour (annex 1) applicable to the staff of ECSEL JU in their relations with the public, is hereby adopted.

The Code will be communicated to each staff member who is requested to sign a declaration acknowledging having received a version (annex 2).

Article 2

This decision shall enter into force immediately and will be published on the ECSEL JU website.

Done in Brussels, on 15 December 2015,

(signed)
Andreas WILD
Executive Director

Annex 1: Code of good administrative behaviour applicable to the staff of ECSEL JU in their relations with the public

1. Quality service

The staff has a duty to serve the purpose of ECSEL JU as expressed in Council Regulation (EC) no 561/2014 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 the staff to be courteous, objective, impartial and fair.

2. Purpose

The purpose of the Code is intended to guide the staff of ECSEL JU in their relations with the public and to inform the public of the standard of conduct they are entitled to expect in dealings with the ECSEL JU.

3. General provision

In their relations with the public, any agent and other servant of ECSEL JU shall respect the principles which are laid down in this Decision and constitute the Code of good administrative behaviour, hereafter referred to as “the Code”.

4. Scope

The Code shall apply to all agents and other servants to whom the Staff Regulations and the Conditions of employment of other servants apply, in their relations with the public.

The provisions set out in this Code also apply to other persons working for it, such as persons employed under private law contracts, experts on secondment from national civil services and trainees. Everybody who is covered by the scope of the Code is hereafter referred to as “agent”.

Individual refers to natural and legal persons, whether they reside or have their registered office in a Member State or not.

This Code contains the general principles of good administrative behaviour, which apply to all relations of ECSEL JU’s staff with anybody, unless they are governed by specific provisions.

This Code does not apply to relations between ECSEL JU and its staff. Those relations are governed by the Staff Regulations and the Rules applicable to other servants of the European Communities.

5. Lawfulness

The agent shall act according to law and apply the rules and procedures laid down in applicable law. The agent shall in particular ensure that decisions which affect the rights or interests of anybody have a basis in law and that their content complies with the law.

6. Principle of non-discrimination

In dealing with requests from anybody and in taking decisions, the agent shall ensure that the principle of equality of treatment is respected. Anybody who is in the same situation shall be treated in an equal manner.

If any difference in treatment is made, the agent shall ensure that it is justified by a difference made in the applicable law or by an objective relevant difference of the particular case within the limited scope of discretion given to the agent.

The agent shall in particular avoid any unjustified discrimination between individuals based on nationality, sex, racial or ethnic origin, religion or belief, disability, age, residence or sexual orientation.

7. Proportionality

When taking decisions, the agent shall ensure that the measures taken are proportional to the aim pursued. The agent shall in particular avoid restricting the rights of individuals or imposing duties on them, when those restrictions or duties are not in a reasonable relation with the purpose of the action pursued.

When taking decisions, the agent shall strike a fair balance between the interests of members of the public and the general public interest.

8. Absence of abuse of power

Powers shall be exercised solely for the purposes for which they have been conferred by the relevant provisions. The agent 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.

9. Impartiality and independence

The agent shall be impartial and independent. The agent shall abstain from any arbitrary action adversely affecting anybody, as well as from any preferential treatment on any grounds whatsoever.

The agent shall not be guided by any outside influences of whatever kind, including political influences, or by personal interests.

The agent shall abstain from being involved in the taking of a decision on a matter concerning his or her own interests, or those of his or her family, relatives, friends and acquaintances.

10. Objectivity

When taking decisions, the agent 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. The conduct of agents shall never be guided by personal or national interest or political pressure.

11. Legitimate expectations and consistency

The agent shall be consistent in his own administrative behaviour as well as with the administrative action of ECSEL JU. The official shall follow the ECSEL JU's past administrative practices, unless there are legitimate grounds for departing from those practices in an individual case.

12. Fairness

The agent shall act fairly and reasonably.

13. Courtesy

The agent shall be service-minded, correct, courteous and accessible in relations with others. When answering correspondence, telephone calls and e-mails, the agent shall try as much as possible to be helpful and to reply to the questions which are asked.

If the agent is not responsible for the matter concerned, he shall direct the concerned individual to the appropriate agent or other servant.

If an error occurs which negatively affects the rights or interests of an individual, the agent shall apologise for it.

14. Obligation to transfer to the competent service of the JU

If a request or a complaint to ECSEL JU is addressed or transmitted to a department or sector which has no competence to deal with it, its services shall ensure that the file is transferred without delay to the competent service of ECSEL JU.

The service which originally received the request or complaint shall notify the author of this transfer and shall indicate the name and the telephone number of the agent to whom the file has been passed.

15. Right to be heard and to make statements

In cases where the rights or interests of individuals are involved, the agent shall ensure that, at every stage in the decision-making procedure, the concerned individual is heard.

Every member of the public shall have the right, in cases where a decision affecting his rights or interests has to be taken, to submit written comments before the decision is taken.

16. Reasonable time-limit for taking decisions

The agent shall ensure that a decision on every request or complaint to ECSEL JU is taken within a reasonable time limit, without delay, and in any case no later than two months from the date of receipt.

If a request or a complaint to ECSEL JU cannot, because of the complexity of the matters which it raises, be decided upon within the above-mentioned time-limit, the agent or other servant shall inform the author thereof as soon as possible. In that case, a definitive decision should be notified to the author in the shortest time.

17. Duty to state the grounds of decisions

Every decision or recommendation of ECSEL JU 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.

The agent shall avoid making decisions which are based on brief or vague grounds or which do not contain individual reasoning.

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 agent shall guarantee that he subsequently provides the citizen who expressly requests it with an individual reasoning.

18. Indication of the possibilities of appeal

A decision or recommendation of ECSEL JU 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 or recommendation. 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.

19. Notification of the decision or recommendation

The agent shall ensure that decisions or recommendations which affect the rights or interests of individual persons are notified in writing, as soon as the decision has been taken, to the person or persons concerned.

The agent shall abstain from communicating the decision to other sources until the person or persons concerned have been informed.

20. Requests for documents

If a document has already been published, the person making the enquiry will be directed to the documentation or information centres which provide free access to documents. Many documents are also easily accessible in electronic form. The rules on access to documents are laid down in a specific measure.

21. Correspondence

The agent shall ensure, if possible, that anybody who writes to ECSEL JU in one of the Treaty languages receives an answer in the same language.

A reply to a letter addressed to ECSEL JU shall be sent within fifteen working days from the date of receipt of the letter by the responsible department. The reply should identify the person responsible for the matter and state how he or she may be contacted.

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 ECSEL JU reserves the right to discontinue any such exchanges of correspondence.

22. 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 Community or ECSEL members' interest 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 Art 17 of the Staff Regulations applicable to ECSEL JU staff.

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

23. Electronic mail

Staff shall reply to e-mail messages promptly following the guidelines described in the section on telephone conversation.

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.

24. Requests from the media

The Communication Department 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.

25. Data protection

The agent who deals with personal data concerning a citizen shall comply with Regulation 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

The agent shall in particular avoid processing personal data for non-legitimate purposes or the transmission of such data to non-authorized persons.

26. Complaints

Any breach of the rules and principles set out in this Code may be subject of a complaint to ECSEL JU.

Members of the public may address their complaints to the department of ECSEL JU concerned or to the Executive Director of ECSEL JU, who will forward it to the relevant department. The Head of Department will reply to the complainant in writing, within two months. If the complainant is not satisfied with the reply he or she may apply within one month to the Executive Director of ECSEL JU to review the outcome of the complaint.

Members of the public are also entitled to lodge those complaints with the European Ombudsman in accordance with Art 195 of the Treaty establishing the European Community and the Statute of the European Ombudsman.

27. Ethical principles

Staff conduct shall be guided by the following principles:

- **Independence** – staff conduct and decision-making should be determined by the need to serve the common good and the public interest, and never by any other interests whether private or otherwise or as a result, for example, of political pressure.
- **Impartiality** - in any decisions staff are called upon to make, their approach should be unbiased.
- **Objectivity** – when drawing conclusions, these should be balanced and based on a thorough analysis of the facts and the legal background.
- **Loyalty** – loyalty towards the ECSEL JU is essential for maintaining its independence and achieving its mission. It is also necessary for the functioning of each service.

Putting these principles into practice requires:

- **Circumspection** – stopping and reflecting on the possible consequences and implications of potential actions, showing a proper degree of moderation and conducting oneself at all times with a due sense of proportion.
- **A sense of responsibility** - carrying out those tasks entrusted to you as dutifully as possible and looking for solutions, when difficulties are encountered. Knowing and respecting the legal obligations and administrative rules and procedures in force.
- **Transparency and accountability** – bearing in mind that as civil servants staff must act in a transparent manner and be ready to justify the reasons for particular actions and the context in which they have been taken.

Golden Rules of Staff Conduct

In order to adhere to the essential elements of staff ethical conduct, staff should:

- Serve exclusively the public interest, by acting with integrity and being objective and impartial in their work;
- Be loyal to the ECSEL JU;
- Provide citizens and others with the quality service they would expect themselves;
- Remember that they are the human face of the ECSEL JU and that others will judge the ECSEL JU on the basis of what they see and experience;
- Carry out the assigned tasks with responsibility and to the best of their ability;
- Treat colleagues with respect;
- Make sure their conduct is beyond reproach, by not knowingly being a party to an activity that could bring the ECSEL JU into disrepute or could cause staff impartiality to be questioned;
- Ensure an awareness of the relevant legal obligations, rules and procedures;

- In case of doubts about whether something staff do or are asked to do is ethical, staff should consult the relevant information and if in doubt, ask their superior or the ethics correspondent in their local human resources unit.

Annex 2: NOTE FOR THE ATTENTION OF ALL STAFF MEMBERS

**Subject: Code of Good Administrative Behaviour for Staff of ECSEL
JU in their Relations with the Public**

You will find enclosed a consolidated version of the ECSEL JU's Internal control implementation plan-Code of good behaviour

I would like to ask you to read very carefully the Code and acknowledge the receipt (see below).

Many thanks for your co-operation.

Marc Jeuniaux
Head of Administration

Ann.: 1

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ACKNOWLEDGE OF RECEIPT

to be sent back to Head of Administration

I herewith acknowledge that I have received the Internal control implementation plan-Code of good behaviour of ECSEL JU

Date:

Name: