



DECISION OF THE COLLEGE OF THE EUROPEAN PUBLIC PROSECUTOR'S OFFICE OF 7 APRIL 2021

ON THE CODE OF GOOD ADMINISTRATIVE BEHAVIOUR

The College of the European Public Prosecutor's Office (EPPO),

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('EPPO') (hereinafter referred to as 'the EPPO Regulation')¹,

Having regard to the Staff Regulations of Officials of the European Communities (hereinafter referred to as "Staff Regulations") and the Conditions of Employment of Other Servants of the European Communities (hereinafter referred to as "CEOS") laid down by the Council Regulation (EEC, Euratom, ESCS) No 259/68,

Having regard to the Decision of the College on the European Public Prosecutor's Office of 24 March 2021 on the Internal Control Framework;

Whereas:

The EPPO is dedicated to the values of service, independence, responsibility, accountability, efficiency and transparency. These values are reflected in this Code of Good Administrative Behaviour.

The EPPO and its staff have a duty to serve the EU's interests and, in doing so, the public interest.

The EPPO's Code of Good Administrative Behaviour is a vital tool examining whether there is maladministration. In addition, the Code serves as a useful guide and a resource for staff, encouraging the highest standards of administration.

The right to good administration by EU institutions and bodies is a fundamental right, according to Article 41 of the EU Charter of Fundamental Rights.

Has decided as follows:

¹ OJ L 283, 31.10.2017, p. 1–71.



Article 1

Adoption of the EPPO's Code of Good Administrative Behaviour

The EPPO's Code of Good Administrative Behaviour is laid down in the Annex, which forms an integral part of this Decision.

Article 2

Scope and definition

1. This Decision shall apply to the European Chief Prosecutor and the European Prosecutors, the Administrative Director and the staff of the EPPO, in the meaning of Article 96 of the EPPO Regulation, and to seconded national experts, of which the EPPO may make use in accordance with Article 98 of the EPPO Regulation.
2. For the purpose of this Decision, the categories of personnel mentioned in paragraph 1 are referred to as "staff members".

Article 3

Entry into force

This Decision shall enter into force on the day following its adoption.

Done at Luxembourg, on 7 April 2021.

On behalf of the College,

Laura Codruța KÖVESI
European Chief Prosecutor





ANNEX: Code of Good Administrative Behaviour

Article 1

General provision

In their relations with the public, the staff of the EPPO (hereafter also referred to as the "Office") shall uphold the principles laid down in this Code of good administrative behaviour, hereafter referred to as "the Code".

Article 2

Personal scope of application

1. The Code shall apply to all staff members, as defined in Article 2 of the College Decision on the Code of Good Administrative Behaviour, to whom the Staff Regulations or the Conditions of Employment of Other Servants² apply, as appropriate, in their relations with the public.
2. The EPPO will take the necessary measures to ensure that the provisions set out in this Code also apply to other persons working for them, such as persons employed under private law contracts and trainees.
3. The public refers to natural and legal persons, whether or not they reside or have their registered office in a Member State of the European Union.

Article 3

Material scope of application

1. This Code contains the general principles of good administrative behaviour which apply to all relations of the Office with the public in an administrative context. This Code however does not apply, where a dedicated policy or other legal framework applies, nor does this Code provide additional rights or obligations in relation to those areas, such as the applicable data protection framework, the activities of the EPPO in the performance of its core tasks or operational activity.
2. The principles set out in this Code do not apply to the relations between the Office and its staff members. Those relations are governed by the Staff Regulations, the Conditions of Employment of Other Servants, as appropriate.

² The Staff Regulations of Officials of the European Communities (hereinafter referred to as "Staff Regulations") and the Conditions of Employment of Other Servants of the European Communities (hereinafter referred to as "CEOS") laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68.



Article 4

Lawfulness

The staff member shall act according to law and apply the rules and procedures laid down in Community legislation. The staff member shall in particular take care 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

Absence of discrimination

1. In dealing with requests from the public and in taking decisions, the staff member shall ensure that the principle of equality of treatment is respected.
2. If any difference in treatment is made, the staff member shall ensure that it is justified by the objective relevant features of the particular case.
3. The staff member 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 6

Proportionality

1. When taking decisions, the staff member 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 7

Absence of 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 8

Impartiality and independence

1. The staff member shall be impartial and independent in the performance of his or her duties. The staff member shall abstain from any arbitrary action adversely affecting members of the public, as well as from any preferential treatment.
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 he or she, or any close member of his or her family, has a financial interest.
3. EPPO staff members shall not accept, within or outside work activities, either for their selves or on behalf of others, gifts or other benefits that might influence, are intended to influence or could be perceived as influencing their work.

Article 9

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 10

Legitimate expectations, consistency and advice

1. The staff member shall be consistent in his or her own administrative behaviour as well as with the administrative action of the Office. The staff member shall follow the Office's normal administrative practices, unless there are legitimate grounds for departing from those practices in an individual case; these grounds shall be recorded in writing.
2. The staff member shall respect the legitimate and reasonable expectations that members of the public have in the light of how the Office 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 11

Fairness

The staff member shall act impartially, fairly and reasonably.



Article 12

Courtesy

1. The staff member shall be service-minded, correct, courteous and accessible in relations with the public. When answering correspondence, telephone calls and e-mails, the staff member shall try to be as helpful as possible and shall reply as completely and accurately 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 service of the EPPO.
3. If an error occurs which negatively affects the rights or interests of a member of the public, the EPPO shall apologise for it and endeavour to correct the negative effects resulting from his or her error in the most expedient way and inform the member of the public of any rights of appeal in accordance with Article 19 of the Code.

Article 13

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 the Office in one of the Treaty languages receives an answer in the same language. The same shall apply as far as possible to legal persons such as associations (NGOs) and companies.

Article 14

Acknowledgement of receipt and indication of the competent service

1. Every letter or complaint to the Office shall receive an acknowledgement of receipt within a period of two weeks, except if a substantive reply can be sent within that period.
2. The reply or acknowledgement of receipt shall indicate the service, which is dealing with the matter.
3. No acknowledgement of receipt and no reply need to be sent in cases where letters or complaints are abusive because of their excessive number or because of their repetitive or pointless character.

Article 15

Obligation to transfer to the competent service of the Office

1. If a letter or a complaint to the Office is addressed or transmitted to a unit that has no competence to deal with it, its services shall ensure that the file is transferred without delay to the Administrative Director.
2. The unit that originally received the letter or complaint shall notify the author of this transfer and shall indicate the service to whom 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.

Article 16

Right to be heard and to make statements

1. Whenever, in the relations between the EPPO staff and the public on administrative matters, the rights or interests of individuals are involved, the staff member shall ensure that, at every stage in the decision-making procedure, the rights of defense of the individual are respected.

2. Every member of the public shall have the right, in cases where an administrative 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 17

Reasonable time-limit for taking decisions

1. The staff member shall ensure that a decision on every request or complaint to the Office is taken within a reasonable time-limit and in any case no later than two months from the date of receipt.

2. If a request or a complaint to the Office 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 thereof as soon as possible. In that case, a definitive decision should be notified to the author in the shortest time.

Article 18

Duty to state the grounds of decisions

1. Every decision of the Office that 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. The staff member shall avoid making decisions which are based on brief or vague grounds or which do not contain 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 made, the staff member shall guarantee that he subsequently provides the citizen who expressly requests it with an individual reasoning.



Article 19

Indication of the possibilities of appeal

1. A decision of the Office 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, as well as the time-limits for exercising them.

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

Article 20

Notification of the decision

1. The staff member shall ensure that when decisions affect the rights or interests of citizens, the person or persons concerned are notified in writing, as soon as the decision has been taken.

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

Article 21

Data protection

The EPPO and its staff members shall process personal data in compliance with the respectively applicable legal framework for processing of personal data by the EPPO.

Article 22

Requests for information

1. The staff member shall, when he or she has responsibility for the matter concerned, provide members of the public with the information that they request. When appropriate, the staff member shall give advice on how to initiate an administrative procedure within his field of competence. The staff member shall take care that the information communicated is clear and understandable.

2. If an oral request for information is too complicated or too comprehensive to be dealt with, the staff member shall advise the person concerned to formulate the request in writing.

3. If, because of its confidentiality, a staff member may not disclose the information requested, he or she shall, in accordance with article 18 of this Code, indicate to the person concerned the reasons why the information cannot be communicated.



4. Further to requests for information on matters for which he has no responsibility, the staff member shall direct the requester to the competent service. Further to requests for information concerning another Community institution or body, the staff member shall direct the requester to that institution or body.

5. Where appropriate, the staff member shall, depending on the subject of the request, direct the person seeking information to the service of the Office responsible for providing information to the public.

Article 23

Requests for public access to documents

1. The staff member shall deal with requests for access to documents in accordance with the rules adopted by the Office and in accordance with the general principles and limits laid down in Regulation (EC) No 1049/2001³.

2. If the staff member cannot comply with an oral request for access to documents, the citizen shall be advised to formulate the request in writing.

Article 24

Keeping of adequate records

The Office's administration shall keep adequate records of its incoming and outgoing mail, of the documents it receives, and of the measures it takes.

Article 25

Publicity for the Code

The Office shall take effective measures to inform the public of the rights they enjoy under this Code. If possible, it shall make the text available in electronic form on its website.

Article 26

Right to complain to the European Ombudsman

Any failure of the Office or a staff member 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 195 of the Treaty establishing the European Community and the Statute of the European Ombudsman⁴.

³ [OJ L 145/43, 31.5.2001.](#)

⁴ Decision of the European Parliament on the Regulations and General Conditions governing the performance of the Ombudsman's duties, OJ L 113/15, 4.5.1994.



Article 27

Review

The Office shall review its implementation of the Code after two years of operation and shall inform the European Ombudsman of the results of its review.