

# **CODE OF GOOD ADMINISTRATIVE PRACTICE FOR THE STAFF OF THE EUROPEAN AVIATION SAFETY AGENCY IN THEIR RELATIONS WITH THE PUBLIC**

## **ARTICLE 1 - GENERAL PROVISION**

In their relations with the public, Staff Members of the Agency shall respect the principles which are laid down in this Code of good administrative practice, hereafter referred to as "the Code".

## **ARTICLE 2 - PERSONAL SCOPE OF APPLICATION**

1. This Code shall apply to all Staff members of the Agency to whom the Staff Regulations and the Conditions of employment of other servants apply, in their relations with the public.
2. The Agency shall take the necessary measures to ensure that the provisions of the Code apply to other persons working for the Agency, such as persons employed under private law contracts, experts on secondment from national civil services and trainees.
3. Everybody who is covered by the scope of this Code is hereafter referred to as "Staff" or "Staff Member".
4. The "public" and "individuals" refer to both 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 practice which apply to all relations of the Agency's Staff with the public, unless they are governed by specific provisions.
2. This Code is supplementary to the obligations put on Staff Members by the Staff Regulations and the Rules applicable to other servants of the European Communities.
3. This Code does not apply to the relations between the Agency and its Staff. Those relations are governed by the Staff Regulations.
4. References to physical documents shall include any content whatever its medium, written on paper or stored in electronic form or as a sound, visual or audiovisual recording.

## **ARTICLE 4 - LAWFULNESS**

The Staff Member shall act according to law and apply the rules laid down in applicable law and procedures. The Staff Member shall in particular 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 - ABSENCE OF ABUSE OF POWER**

The Staff Member shall exercise his or her powers 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 6 – 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. Members of the public who are in the same situation shall be treated in a similar manner.
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 7 - 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 individuals 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 individuals and the general public interest.

**ARTICLE 8 - IMPARTIALITY AND INDEPENDENCE**

1. The Staff Member shall be impartial and independent. 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 Staff Member shall not be guided by personal or national interest, or any outside influences of whatever kind, including political pressure or influences.
3. The Staff Member shall abstain from handling matters which involve his or her own interest, or those of his or her family, relatives, friends and acquaintances.

**ARTICLE 9 - OBJECTIVITY**

When taking decisions, the Staff Member shall take into consideration all relevant factors and give each of them its proper weight in the decision, whilst excluding any irrelevant element from consideration.

**ARTICLE 10 - LEGITIMATE EXPECTATIONS AND CONSISTENCY**

1. The Staff Member shall respect the legitimate and reasonable expectations that members of the public have in the light of how the Agency has acted in the past.
2. The Staff Member shall be consistent in his or her own administrative practice as well as with the administrative action of the Agency. The Staff Member shall follow the Agency'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.

**ARTICLE 11 - FAIRNESS**

The Staff Member shall act impartially, fairly and reasonably.

**ARTICLE 12 – COURTESY AND CORRECTION OF ERRORS**

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. The Staff Member shall, where appropriate, 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.
3. If the Staff Member is not responsible for the matter concerned, he or she shall direct the concerned individual to the appropriate Staff Member or service. Further to requests for information concerning another Community institution or body, the Staff Member shall direct the requester to that institution or body.
4. The Staff Member shall alert the individual to any errors or omissions in documents provided by them to the Agency and offer an opportunity to rectify them.
5. If an error occurs which negatively affects the rights or interests of an individual, the Staff Member shall apologise for it and shall endeavour to correct the error as well as the negative effects resulting from it, to the extent that the circumstances and legal framework permit. When doing so, the Staff Member shall also inform the individual of any rights to complain according to Article 27 of this Code.

**ARTICLE 13 – TELEPHONE COMMUNICATION**

When answering the telephone, Staff Members shall identify themselves and their department. Telephone calls shall be returned as promptly as possible.

**ARTICLE 14 – OBLIGATORY MEASURES WHEN ABSENT FROM OFFICE**

When a Staff Member is absent from office, he or she shall take appropriate measures to ensure that all incoming communications are properly monitored and that the continuity of operations is ensured.

**ARTICLE 15 - REPLY TO LETTERS IN THE LANGUAGE OF THE CITIZEN**

The Staff Member shall ensure that every citizen of the Union who writes to the Agency in one of the Treaty languages receives an answer in the same language, unless a different arrangement has been agreed with the citizen concerned. The same shall apply as far as possible to legal persons.

**ARTICLE 16 - ACKNOWLEDGEMENT OF RECEIPT AND INDICATION OF THE RESPONSIBLE STAFF MEMBER**

1. Every letter or complaint to the Agency shall receive an acknowledgement of receipt within a period of two weeks, except if a substantive reply can be sent within that period. This also applies to e-mail, where the e-mail is, by its nature, the equivalent of a letter.
2. The reply or acknowledgement of receipt shall indicate the name, telephone number and e-mail address of the Staff Member who is dealing with the matter, as well as the Directorate and Department to which he or she belongs.
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 17 - OBLIGATION TO TRANSFER FILES TO THE COMPETENT DIRECTORATE OR DEPARTMENT OF THE AGENCY**

1. If a letter or a complaint is addressed or transmitted to the Agency, it shall ensure that the file is transferred without delay to the competent Department of the Agency.
2. The competent Department shall notify the author of the letter or complaint of this transfer in the acknowledgement of receipt by indicating the contacts of the Directorate and Department to whom the file has been passed.
3. In case of complaint the competent Department is the nominated Department as stated in Article 27.

**ARTICLE 18 - RIGHT TO BE HEARD AND TO MAKE STATEMENTS**

1. In cases where the rights or interests of individuals are involved, the Staff Member shall ensure that, at every stage in the decision making procedure, the concerned individual is heard.
2. Every individual shall have the right, in cases where a decision affecting his or her rights or interests has to be taken, to be informed about the envisaged action and invited to submit comments before the decision is taken, unless the legal framework prescribes a different procedure.
3. When urgent safety concerns mandate immediate action the right to be heard shall be guaranteed in a way that does not impede the safety objective.

**ARTICLE 19 - REASONABLE TIME-LIMIT FOR TAKING DECISIONS**

1. The Staff Member shall ensure that a decision on every request or complaint to the Agency is taken within a reasonable time-limit, without delay, and in the

normal case no later than two months from the date of receipt. The same rule shall apply for answering letters from members of the public.

2. If a request or a complaint to the Agency cannot be decided upon within the above mentioned time-limit, because of the complexity of the matters which it raises or because established and published procedures clearly specify a longer lead-time, the Staff Member shall ensure that the author thereof is duly informed. In that case, a definitive decision should be notified to the author in the shortest time.

#### **ARTICLE 20 - DUTY TO STATE THE GROUNDS OF DECISIONS**

1. Every decision of the Agency which may adversely affect the rights or interests of individuals 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 individuals 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 or she subsequently provides the individual who expressly requests it with an individual reasoning.

#### **ARTICLE 21 - INDICATION OF THE POSSIBILITIES OF APPEAL**

A decision which may adversely affect the rights or interests of an individual shall contain an indication of the possibilities available for challenging the decision. The responsible Staff Member 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.

#### **ARTICLE 22 - NOTIFICATION OF DECISIONS**

1. The Staff Member shall ensure that decisions which affect the rights or interests of individuals are notified in writing, as soon as the decision has been taken, to the individuals concerned.
2. When urgent safety concerns mandate immediate action by the Agency, any other immediate and effective means of notification may be used in combination with notification in writing.
3. The Staff Member shall abstain from communicating the decision in any way to other sources until the individual or individuals concerned have been informed.

#### **ARTICLE 23 - DATA PROTECTION**

1. The Staff Member who deals with personal data concerning an individual shall respect the privacy and the integrity of the individual in accordance with the provisions of [Regulation \(EC\) No 45/2001 of the European Parliament and of the Council of 18 December 2000 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.](#)<sup>1</sup>

2. The Staff Member shall in particular avoid processing personal data for non-legitimate purposes or the transmission of such data to non authorised persons.

#### **ARTICLE 24 - REQUESTS FOR INFORMATION**

1. The Staff Member shall, when he or she has responsibility for the matter concerned, provide individuals with the information that they request in accordance with Agency procedures. When appropriate, the Staff Member shall give advice on how to initiate an administrative procedure within his or her field of competence. The Staff Member shall ensure 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 individual concerned to formulate the demand 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 20 of this Code, indicate to the individual concerned the reasons why the information cannot be communicated.
4. Where appropriate, the Staff Member shall, depending on the subject of the request, direct the person seeking information to the service of the Agency or another Institution responsible for providing information to the public.

#### **ARTICLE 25 - REQUESTS FOR PUBLIC ACCESS TO DOCUMENTS**

1. The Staff Member shall deal with requests for access to documents in accordance with the Agency's Public Access to EASA Documents procedure, including related forms, and in accordance with the general principles and limits laid down in [Regulation \(EC\) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents](#)<sup>2</sup> as implemented by the [Decision EASA MB/1/04 of the Management Board of 3 February 2004 concerning the arrangements to be applied by the Agency for public access to documents](#).
2. If the Staff Member cannot comply with an oral request for access to documents, the individual shall be advised to formulate it in writing.

#### **ARTICLE 26 - KEEPING OF ADEQUATE RECORDS**

The Staff Member shall ensure that his or her incoming and outgoing mail, documents received, and measures taken, are properly recorded in accordance with the Agency procedures.

#### **ARTICLE 27 - COMPLAINTS**

1. Any alleged breach of the rules and principles set out in this Code may be subject of a complaint by members of the public to the Agency.

---

<sup>1</sup> OJ L 8, 12.01.2001, p. 1.

<sup>2</sup> OJ L 145, 31.05.2001, p. 43.

2. The Executive Director shall nominate and make known to the public the department responsible for coordinating the complaints and keeping a register of complaints.

3. Members of the public should send their complaints to the nominated department by using the [on-line complaint form of the Agency](#).

Any other department or Staff Member that receives a complaint shall forward it without delay to the nominated department for proper registration and coordination.

4. The Agency shall reply to the complainant in writing within two months from receiving the complaint and shall in the reply inform the complainant of the one month deadline to ask the Executive Director for a second review of the outcome of the complaint. A copy of the reply shall be sent to the Executive Directors office.

5. If the complainant is not satisfied with the Agency's reply, the complainant may within one month from receiving the reply apply the Executive Director for a review of the outcome of the complaint. The Executive Director shall reply to the complainant within one month from receiving the request for review and shall send a copy of the reply to the responsible Director.

6. Members of the public are also entitled to lodge those complaints with the European Ombudsman in accordance with [Article 195 of the Treaty establishing the European Community](#)<sup>3</sup> and [the Statute of the European Ombudsman](#)<sup>4</sup>.

---

---

<sup>3</sup> OJ C 325, 24.12.2002, p. 1.

<sup>4</sup> OJ L 113, 04.05.1994, p. 15; OJ L 92, 09.04.2002, p. 13; OJ L 189, 17.07.2008, p. 25.