

Decision of the European Ombudsman on on own initiative inquiry OI/1/98/OV on a Code of Good Administrative Behaviour

Decision

Case OI/1/98/OV - Opened on 11/11/1998 - Decision on 05/02/2002

Strasbourg, 5 February 2002

On 11 November 1998, the European Ombudsman started an own initiative inquiry into the existence and public accessibility, in the different Community institutions and bodies, of a Code of good administrative behaviour for the officials in their relations with the public.

The Ombudsman made draft recommendations, respectively on 28 July 1999 to the Commission, on 29 July 1999 to the Parliament and the Council, and on 13 September 1999 to the other institutions, bodies and decentralised agencies. The Ombudsman annexed to his draft recommendations a draft Code of good administrative behaviour established by his office and containing, in a list of 28 Articles, provisions on both substantive and procedural principles, as well as on the good functioning of the administration. The Ombudsman stated that the institutions and bodies could take guidance from this draft Code in drafting their own Codes.

In April 2000, following an in-depth analysis of the opinions received from the various institutions and bodies on the draft recommendations, the Ombudsman submitted a Special Report to the European Parliament, in conformity with Article 3 (7) of the Statute of the European Ombudsman. In this Special Report, the Ombudsman made the following recommendation to the Parliament: *"In order to achieve rules of good administrative behaviour which apply equally to all Community institutions and bodies in their relations with the public, the Ombudsman recommends the enactment of a European administrative law, applicable to all the Community institutions and bodies. This law could take the form of a Regulation"*. The Ombudsman annexed his draft Code to the Special Report.

On 27 June 2001, the European Parliament's Committee on Petitions adopted a [report \[Link\]](#) (reference A5-0245/2001) in which it endorsed the Ombudsman's Special Report. The [report \[Link\]](#) was drafted by Roy Perry MEP.

On 6 September 2001, the European Parliament adopted [Resolution \[Link\]](#) C5-0438/2000 - 2000/2212 (COS) approving, with some modifications, the Code of Good Administrative



Behaviour as proposed by the Ombudsman in his draft recommendations and Special Report. The [Resolution \[Link\]](#) also called on the European Commission to submit a proposal for a Regulation containing the Code of Good Administrative Behaviour, to be based on Article 308 of the Treaty establishing the European Community.

Given that the European Parliament has now completed its examination of the Special Report and has endorsed its conclusions, the Ombudsman closes the file.

Jacob SÖDERMAN