



JACOB SÖDERMAN

Strasbourg, 18 -09- 2002

Rt. Hon Neil Kinnock
Vice-President
European Commission
B-1049 Brussels
Belgium

Dear Neil,

Thank you very much for your letter of 10 September 2002 where you outline your views on the question of freedom of speech for officials and a possible law on good administration for the European Union, in reply to my letter of 10 July 2002.

The main point in my letter was that officials should be encouraged to write about their work, as this would contribute to a constructive public debate based on accurate information about the Institutions' activities. You refer to a case in which the Court of First Instance mentioned the permanent need to balance the guarantee of the exercise of the fundamental right of freedom of expression and the protection of a legitimate aim of general interest. The Commission, as you know, lost the case concerned, both in the Court of First Instance and on appeal to the Court of Justice. The legislative process for amendment of the Staff Regulations offers a new opportunity for you to get the balance right. I do not believe that the few officials who want to publish unfair and inaccurate criticisms will be deterred by the requirement of prior approval. The system you propose is more likely to deter some of the great majority who would write in an accurate and positive way.

I supported my arguments by reference to the situation in the Member States where only UK and Greece appeared to have the kind of limitations that appear in the EU Staff Regulations. The Ambassador of the Hellenic Republic has since informed me that this kind of restriction on officials' use of their freedom of expression does not exist in Greece and I can only regret that I gave wrong information on this issue previously.

The proposal to make the Code of good administrative behaviour, which was finally adopted in the European Parliament in September 2001, into a European law is based on the idea that citizens should have the same rights to good

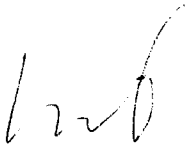
administration whichever Community institution or body they deal with. I have acknowledged the Commission's code on the same matter as a good step forward in this field. I can also confirm that the Commission in its dealings with complaints has accepted the principles of good administration contained in the Code adopted by the Parliament. Therefore it seems logical to me to take a further step and to enhance the relations to the EU citizens by enacting a law. This would also be in line with the fact that almost all Member States have adopted this kind of law to underline their commitment to good administration in their relations to their citizens.

Once again, I would like to thank you for your letter which I have studied with great interest. It has surely contributed to greater knowledge of the thinking in the Commission in these matters.

I have to underline that I made my proposals solely because I believe that they are reasonable and would demonstrate a true willingness by the Union's institutions to put into practice the principles of respect for citizens and trust in their own staff.

I do still hope that this will happen in the near future.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'J. Söderman', written in a cursive style.

Jacob Söderman