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## TEXTS ADOPTED

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### **P8\_TA(2016)0279**

## **A regulation for an open, efficient and independent European Union administration**

### **European Parliament resolution of 9 June 2016 for an open, efficient and independent European Union administration (2016/2610(RSP))**

*The European Parliament,*

- having regard to Article 225 of the Treaty on the Functioning of the European Union,
  - having regard to Article 298 of the Treaty on the Functioning of the European Union,
  - having regard to Article 41 of the Charter of Fundamental Rights of the European Union, which provides that the right to good administration is a fundamental right,
  - having regard to the question to the Commission on an open, efficient and independent European Union administration (O-000079/2016 – B8-0705/2016),
  - having regard to its resolution of 15 January 2013 with recommendations to the Commission on a Law of Administrative Procedure of the European Union<sup>1</sup>,
  - having regard to Rules 128(5), 123(2) and 46(6) of its Rules of Procedure,
1. Recalls that, in its resolution of 15 January 2013, Parliament called pursuant to Article 225 of the Treaty on the Functioning of the European Union (TFEU) for the adoption of a regulation on an open, efficient and independent European Union administration under Article 298 TFEU, but despite the fact that the resolution was adopted by an overwhelming majority (572 in favour, 16 against, 12 abstentions), Parliament's request was not followed up by a Commission proposal;
  2. Invites the Commission to consider the annexed proposal for a regulation;
  3. Calls on the Commission to come forward with a legislative proposal to be included in its work programme for the year 2017;
  4. Instructs its President to forward this resolution to the Commission.

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<sup>1</sup> OJ C 440, 30.12.2015, p. 17.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**for an open, efficient and independent European Union administration**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 298 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) With the development of the competences of the European Union, citizens are increasingly confronted with the Union's institutions, bodies, offices and agencies, without always having their procedural rights adequately protected.
- (2) In a Union under the rule of law it is necessary to ensure that procedural rights and obligations are always adequately defined, developed and complied with. Citizens are entitled to expect a high level of transparency, efficiency, swift execution and responsiveness from the Union's institutions, bodies, offices and agencies. Citizens are also entitled to receive adequate information regarding possibility to take any further action in the matter.
- (3) The existing rules and principles on good administration are scattered across a wide variety of sources: primary law, secondary law, case-law of the Court of Justice of the European Union, soft law and unilateral commitments by the Union's institutions.
- (4) Over the years, the Union has developed an extensive number of sectoral administrative procedures, in the form of both binding provisions and soft law, without necessarily taking into account the overall coherence of the system. This complex variety of procedures has resulted in gaps and inconsistencies in these procedures.
- (5) The fact that the Union lacks a coherent and comprehensive set of codified rules of administrative law makes it difficult for citizens to understand their administrative rights under Union law.
- (6) In April 2000, the European Ombudsman proposed to the institutions a Code of Good Administrative Behaviour in the belief that the same code should apply to all Union institutions, bodies, offices and agencies.

- (7) In its resolution of 6 September 2001, Parliament approved the European Ombudsman's draft code with modifications and called on the Commission to submit a proposal for a regulation containing a Code of Good Administrative Behaviour based on Article 308 of the Treaty establishing the European Community.
- (8) The existing internal codes of conduct subsequently adopted by the different institutions, mostly based on that Ombudsman's Code, have a limited effect, differ from one another and are not legally binding.
- (9) The entry into force of the Treaty of Lisbon has provided the Union with the legal basis for the adoption of an Administrative Procedure Regulation. Article 298 of the Treaty on the Functioning of the European Union (TFEU) provides for the adoption of regulations to assure that in carrying out their mission, the institutions, bodies, offices and agencies of the Union have the support of an open, efficient and independent European administration. The entry into force of the Treaty of Lisbon also gave the Charter of Fundamental Rights of the European Union ("the Charter") the same legal value as the Treaties.
- (10) Title V ("Citizens' Rights") of the Charter enshrines the right to good administration in Article 41, which provides that every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union. Article 41 of the Charter further indicates, in a non-exhaustive way, some of the elements included in the definition of the right to good administration such as the right to be heard, the right of every person to have access to their file, the right to be given reasons for a decision of the administration and the possibility of claiming damages caused by the institutions and its servants in the performance of their duties, and language rights.
- (11) An efficient Union administration is essential for the public interest. An excess as well as a lack of rules and procedures can lead to maladministration, which may also result from the existence of contradictory, inconsistent or unclear rules and procedures.
- (12) Properly structured and consistent administrative procedures support both an efficient administration and a proper enforcement of the right to good administration guaranteed as a general principle of Union law and under Article 41 of the Charter.
- (13) In its Resolution of 15 January 2013 the European Parliament called for the adoption of a regulation on a European Law of Administrative Procedure to guarantee the right to good administration by means of an open, efficient and independent European administration. Establishing a common set of rules of administrative procedure at the level of the Union's institutions, bodies, offices and agencies should enhance legal certainty, fill gaps in the Union legal system and should thereby contribute to compliance with the rule of law.

- (14) The purpose of this Regulation is to establish a set of procedural rules which the Union's administration should comply with when carrying out its administrative activities. These procedural rules aim at assuring both an open, efficient and independent administration and a proper enforcement of the right to good administration.
- (15) In line with Article 298 TFEU this Regulation should not apply to the Member States' administrations. Furthermore, this Regulation should not apply to legislative procedures, judicial proceedings and procedures leading to the adoption of non-legislative acts directly based on the Treaties, delegated acts or implementing acts.
- (16) This Regulation should apply to the Union's administration without prejudice to other Union's legal acts which provide for specific procedural administrative rules. However, sector-specific administrative procedures are not fully coherent and complete. With a view to ensuring overall coherence in the administrative activities of the Union's administration and full respect of the right to a good administration, legal acts providing for specific administrative procedural rules should, therefore, be interpreted in compliance with this Regulation and their gaps should be filled by the relevant provisions of this Regulation. This Regulation establishes rights and obligations as a default rule for all administrative procedures under Union law and therefore reduces the fragmentation of applicable procedural rules, which result from sector-specific legislation.
- (17) The procedural administrative rules laid down in this Regulation aim at implementing the principles on good administration established in a large variety of legal sources in light of the case law of the Court of Justice of the European Union. Those principles are set out here below and their formulation should inspire the interpretation of the provisions of this Regulation.
- (18) The principle of the rule of law, as recalled in Article 2 of the Treaty on European Union (TEU), is the heart and soul of the Union's values. In accordance with that principle, any action of the Union has to be based on the Treaties in compliance with the principle of conferral. Furthermore, the principle of legality, as a corollary to the rule of law, requires that activities of the Union's administration are carried out in full accordance with the law.
- (19) Any legal act of Union law has to comply with the principle of proportionality. This requires any measure of the Union's administration to be appropriate and necessary for meeting the objectives legitimately pursued by the measure in question: where there is a choice among several potentially appropriate measures, the least burdensome option has to be taken and any charges imposed by the administration not be disproportionate to the aims pursued.

- (20) The right to good administration requires that administrative acts be taken by the Union's administration pursuant to administrative procedures which guarantee impartiality, fairness and timeliness.
- (21) The right to good administration requires that any decision to initiate an administrative procedure be notified to the parties and provide the necessary information enabling them to exercise their rights during the administrative procedure. In duly justified and exceptional cases where the public interest so requires, the Union's administration may delay or omit the notification.
- (22) When the administrative procedure is initiated upon application by a party, the right to good administration imposes a duty on the Union's administration to acknowledge receipt of the application in writing. The acknowledgment of receipt should indicate the necessary information enabling the party to exercise his or her rights of defence during the administrative procedure. However, the Union's administration should be entitled to reject pointless or abusive applications as they might jeopardize administrative efficiency.
- (23) For the purposes of legal certainty an administrative procedure should be initiated within a reasonable time after the event has occurred. Therefore, this Regulation should include provisions on a period of limitation.
- (24) The right to good administration requires that the Union's administration exercise a duty of care, which obliges the administration to establish and review in a careful and impartial manner all the relevant factual and legal elements of a case taking into account all pertinent interests, at every stage of the procedure. To that end, the Union's administration should be empowered to hear the evidence of parties, witnesses and experts, request documents and records and carry out visits or inspections. When choosing experts, the Union's administration should ensure that they are technically competent and not affected by a conflict of interest.
- (25) During the investigation carried out by the Union's administration the parties should have a duty to cooperate by assisting the administration in ascertaining the facts and circumstances of the case. When requesting the parties to cooperate, the Union's administration should give them a reasonable time-limit to reply and should remind them of the right against self-incrimination where the administrative procedure may lead to a penalty.
- (26) The right to be treated impartially by the Union's administration is a corollary of the fundamental right to good administration and implies staff members' duty to abstain from taking part in an administrative procedure where they have, directly or indirectly, a personal interest, including, in particular, any family or financial interest, such as to impair their impartiality.

- (27) The right to good administration might require that, under certain circumstances inspections be carried out by the administration, where this is necessary to fulfil a duty or achieve an objective under Union law. Those inspections should respect certain conditions and procedures in order to safeguard the rights of the parties.
- (28) The right to be heard should be complied with in all proceedings initiated against a person which are liable to conclude in a measure adversely affecting that person. It should not be excluded or restricted by any legislative measure. The right to be heard requires that the person concerned receive an exact and complete statement of the claims or objections raised and is given the opportunity to submit comments on the truth and relevance of the facts and on the documents used.
- (29) The right to good administration includes the right of a party to the administrative procedure to have access to its own file, which is also an essential requirement in order to enjoy the right to be heard. When the protection of the legitimate interests of confidentiality and of professional and business secrecy does not allow full access to a file, the party should at least be provided with an adequate summary of the content of the file. With a view to facilitating access to one's files and thus ensuring transparent information management, the Union's administration should keep records of its incoming and outgoing mail, of the documents it receives and measures it takes, and establish an index of the recorded files.
- (30) The Union's administration should adopt administrative acts within a reasonable time-limit. Slow administration is bad administration. Any delay in adopting an administrative act should be justified and the party to the administrative procedure should be duly informed thereof and provided with an estimate of the expected date of the adoption of the administrative act.
- (31) The right to good administration imposes a duty on the Union's administration to state clearly the reasons on which its administrative acts are based. The statement of reasons should indicate the legal basis of the act, the general situation which led to its adoption and the general objectives which it intends to achieve. It should disclose clearly and unequivocally the reasoning of the competent authority which adopted the act in such a way as to enable the parties concerned to decide if they wish to defend their rights by an application for judicial review.
- (32) In accordance with the right to an effective remedy, neither the Union nor Member States can render virtually impossible or excessively difficult the exercise of rights conferred by Union law. Instead, they are obliged to guarantee real and effective judicial protection and are barred from applying any rule or procedure which might prevent, even temporarily, Union law from having full force and effect.
- (33) In order to facilitate the exercise of the right to an effective remedy, the Union's administration should indicate in its administrative acts the remedies that are available to the parties whose rights and interests are affected by those acts. In addition to the

possibility of bringing judicial proceedings or lodging a complaint with the European Ombudsman, the party should be granted the right to request an administrative review and should be provided with information about the procedure and the time-limit for submitting such a request.

- (34) The request for administrative review does not prejudice the party's right to a judicial remedy. For the purpose of the time-limit for an application for judicial review, an administrative act is to be considered final if the party does not submit a request for administrative review within the relevant time-limit or, if the party submits a request for administrative review, the final administrative act is the act which concludes that administrative review.
- (35) In accordance with the principles of transparency and legal certainty, parties to an administrative procedure should be able to clearly understand their rights and duties that derive from an administrative act addressed to them. For these purposes, the Union's administration should ensure that its administrative acts are drafted in a clear, simple and understandable language and take effect upon notification to the parties. When carrying out that obligation it is necessary for the Union's administration to make proper use of information and communication technologies and to adapt to their development.
- (36) For the purposes of transparency and administrative efficiency, the Union's administration should ensure that clerical, arithmetic or similar errors in its administrative acts are corrected by the competent authority.
- (37) The principle of legality, as a corollary to the rule of law, imposes a duty on the Union's administration to rectify or withdraw unlawful administrative acts. However, considering that any rectification or withdrawal of an administrative act may conflict with the protection of legitimate expectations and the principle of legal certainty, the Union's administration should carefully and impartially assess the effects of the rectification or withdrawal on other parties and include the conclusions of such an assessment in the reasons of the rectifying or withdrawing act.
- (38) Citizens of the Union have the right to write to the Union's institutions, bodies, offices and agencies in one of the languages of the Treaties and to have an answer in the same language. The Union's administration should respect the language rights of the parties by ensuring that the administrative procedure is carried out in one of the languages of the Treaties chosen by the party. In the case of an administrative procedure initiated by the Union's administration, the first notification should be drafted in one of the languages of the Treaty corresponding to the Member State in which the party is located.
- (39) The principle of transparency and the right of access to documents have a particular importance under an administrative procedure without prejudice of the legislative acts adopted under Article 15(3) TFEU. Any limitation of those principles should be narrowly construed to comply with the criteria set out in Article 52(1) of the Charter

and therefore should be provided for by law and should respect the essence of the rights and freedoms and be subject to the principle of proportionality.

- (40) The right to protection of personal data implies that without prejudice of the legislative acts adopted under Article 16 TFEU, data used by the Union's administration should be accurate, up-to-date and lawfully recorded.
- (41) The principle of protection of legitimate expectations derives from the rule of law and implies that actions of public bodies should not interfere with vested rights and final legal situations except where it is imperatively necessary in the public interest. Legitimate expectations should be duly taken into account where an administrative act is rectified or withdrawn.
- (42) The principle of legal certainty requires Union rules to be clear and precise. That principle aims at ensuring that situations and legal relationships governed by Union law remain foreseeable in that individuals should be able to ascertain unequivocally what their rights and obligations are and be able to take steps accordingly. In accordance with the principle of legal certainty, retroactive measures should not be taken except in legally justified circumstances.
- (43) With a view to ensuring overall coherence in the activities of the Union's administration, administrative acts of general scope should comply with the principles of good administration referred to in this Regulation.
- (44) In the interpretation of this Regulation, regard should be had especially to equal treatment and non-discrimination, which apply to administrative activities as a prominent corollary to the rule of law and the principles of an efficient and independent European administration,

HAVE ADOPTED THIS REGULATION:

## **CHAPTER I**

### **GENERAL PROVISIONS**

#### *Article 1*

#### *Subject matter and objective*

1. This Regulation lays down the procedural rules which shall govern the administrative activities of the Union's administration.
2. The objective of this Regulation is to guarantee the right to good administration enshrined in Article 41 of the Charter of Fundamental Rights of the European



Union by means of an open, efficient and independent administration.

## *Article 2*

### *Scope*

1. This Regulation applies to the administrative activities of the Union's institutions, bodies, offices and agencies.
2. This Regulation shall not apply to the activities of the Union's administration in the course of:
  - (a) legislative procedures;
  - (b) judicial proceedings;
  - (c) procedures leading to the adoption of non-legislative acts directly based on the Treaties, delegated acts or implementing acts.
3. This Regulation shall not apply to the administration of the Member States.

## *Article 3*

### *Relationship between this Regulation and other legal acts of the Union*

This Regulation shall apply without prejudice to other legal acts of the Union providing for specific administrative procedural rules. This Regulation shall supplement such legal acts of the Union, which shall be interpreted in coherence with its relevant provisions.

## *Article 4*

### *Definitions*

For the purposes of this Regulation, the following definitions apply:

- (a) 'Union's administration' means the administration of the Union's institutions, bodies, offices and agencies;
- (b) 'administrative activities' means those carried out by the Union's administration for the implementation of Union law, with the exception of the procedures referred to Article 2(2);
- (c) 'administrative procedure' means the process by which the Union's administration prepares, adopts, implements and enforces administrative acts;

- (d) ‘member of staff’ means an official within the meaning of Article 1a of the Staff Regulations and a servant as defined in indents 1 to 3 of Article 1 of the Conditions of Employment of Other Servants of the European Union.
- (e) ‘competent authority’ means the Union institution, body, office or agency or the entity therein or the holder of a position within the Union’s administration which according to the applicable law is responsible for the administrative procedure;
- (f) ‘party’ means any natural or legal person whose legal position may be affected by the outcome of an administrative procedure.

## **CHAPTER II**

### **INITIATION OF THE ADMINISTRATIVE PROCEDURE**

#### *Article 5*

##### *Initiation of the administrative procedure*

Administrative procedures may be initiated by the Union’s administration on its own initiative or by an application of a party.

#### *Article 6*

##### *Initiation by the Union’s administration*

1. Administrative procedures may be initiated by the Union’s administration on its own initiative, pursuant to a decision of the competent authority. The competent authority shall examine the particular circumstances of the case before taking the decision whether to initiate the procedure.
2. The decision to initiate an administrative procedure shall be notified to the parties. The decision shall not be made public before the notification has taken place.
3. The notification may be delayed or omitted only when it is strictly necessary in the public interest. The decision to delay or to omit the notification shall be duly reasoned.
4. The decision to initiate an administrative procedure shall indicate:
  - (a) a reference number and the date;
  - (b) the subject matter and purpose of the procedure;
  - (c) the description of the main procedural steps;

- (d) the name and contact details of the responsible member of staff;
  - (e) the competent authority;
  - (f) the time-limit for the adoption of the administrative act and the consequences of any failure to adopt the administrative act within the time-limit;
  - (g) the remedies available;
  - (h) the address of the website referred to in Article 28, if such a website exists.
5. The decision to initiate an administrative procedure shall be drafted in the languages of the Treaties corresponding to the Member States in which the parties are located.
6. An administrative procedure shall be initiated within a reasonable time after the date of the event that would be the basis of the procedure. It shall in no case be initiated later than 10 years after the date of that event.

### *Article 7*

#### *Initiation by application*

1. Administrative procedures may be initiated by a party.
2. Applications shall not be subject to unnecessary formal requirements. They shall clearly indicate the name of the party, an address for notification, the object of the application, the relevant facts and reasons for the application, a date and place and the competent authority to which they are addressed. They shall be submitted in writing, either on paper or by electronic means. They shall be drafted in one of the languages of the Treaties.
3. Applications shall be acknowledged in writing. The acknowledgement of receipt shall be drafted in the language of the application and shall indicate:
  - (a) a reference number and the date;
  - (b) the date of receipt of the application;
  - (c) a description of the main procedural steps;
  - (d) the name and contact details of the responsible member of staff;
  - (e) the time-limit for the adoption of the administrative act and the consequences of any failure to adopt the administrative act within the time-limit;

- (f) the address of the website referred to in Article 28, if such a website exists.
- 4. Where an application does not comply with the one or more of requirements set out in paragraph (2), the acknowledgment of receipt shall indicate a reasonable deadline for remedying the error or producing any missing document. Pointless or manifestly unfounded applications may be rejected as inadmissible by means of a briefly reasoned acknowledgement of receipt. No acknowledgement of receipt shall be sent in cases where successive applications are abusively submitted by the same applicant.
- 5. If the application is addressed to an authority which is not competent to deal with it, that authority shall transmit it to the competent authority and shall indicate in the acknowledgment of receipt the competent authority to which the request has been transmitted or that the matter does not fall within the competence of the Union's administration.
- 6. When the competent authority proceeds with an administrative procedure, Article 6(2) to (4) shall apply where appropriate.

### **CHAPTER III**

#### **MANAGEMENT OF THE ADMINISTRATIVE PROCEDURE**

##### *Article 8*

##### *Procedural rights*

The parties shall have the following rights related to the management of the procedure:

- (a) to be given all relevant information related to the procedure in a clear and understandable manner;
- (b) to communicate and to complete, where possible and appropriate, all procedural formalities at a distance and by electronic means;
- (c) to use any of the languages of the Treaties and to be addressed in the language of the Treaties of their choice;
- (d) to be notified of all procedural steps and decisions that may affect them;
- (e) to be represented by a lawyer or some other person of their choice;
- (f) to pay only charges that are reasonable and proportionate to the cost of the procedure in question.

## *Article 9*

### *Duty of careful and impartial investigation*

1. The competent authority shall investigate the case carefully and impartially. It shall take into consideration all relevant factors and gather all necessary information to adopt a decision.
2. With the purpose of gathering the necessary information, the competent authority may, where relevant:
  - (a) hear the evidence of parties, witnesses and experts,
  - (b) request documents and records,
  - (c) carry out visits and inspections.
3. Parties may produce evidence that they deem appropriate.

## *Article 10*

### *Duty to cooperate*

1. The parties shall assist the competent authority in ascertaining the facts and circumstances of the case.
2. The parties shall be given a reasonable time-limit to reply to any request of cooperation, taking into account the length and complexity of the request and the requirements of the investigation.
3. Where the administrative procedure may lead to a penalty, the parties shall be reminded of the right against self-incrimination.

## *Article 11*

### *Witnesses and experts*

Witnesses and experts may be heard at the initiative of the competent authority or proposed by the parties. The competent authority shall ensure that it chooses experts that are technically competent and not affected by a conflict of interest.

## *Article 12*

### *Inspections*

1. Inspections may be carried out where a legislative act of the Union establishes a power to inspect and where this is necessary to fulfil a duty or achieve an objective under Union law.

2. The inspections shall be carried out in accordance with the specifications laid down and within the limits set by the act that mandates or authorises the inspection as regards the measures that can be taken and the premises which can be searched. Inspectors shall exercise their power only on production of a written authorisation showing their identity and position.
3. The authority responsible for the inspection shall give notice to the party subject to the inspection of the date and starting time of that inspection. That party shall have the right to be present during the inspection and to express opinions and ask questions related to the inspection. Where it is strictly necessary in the public interest, the authority responsible for the inspection may delay or omit such notification on duly reasoned grounds.
4. During the inspection, parties present shall be informed, insofar as possible, of the subject matter and purpose of the inspection, the procedure and rules governing the inspection and the follow-up measures and possible consequences of the inspection. The inspection shall be carried out without causing undue inconvenience to the object of the inspection or the person possessing it.
5. Inspectors shall draw up without delay a report of the inspection, summarising the contribution of the inspection to achieving the purpose of the investigation and noting the essential observations made. The authority responsible for the inspection shall send a copy of that inspection report to the parties entitled to be present during the inspection.
6. The authority responsible for the inspection shall prepare and conduct the inspection in close cooperation with the competent authorities of the Member State in which the inspection takes place, unless the Member State itself is the subject of the inspection, or this would endanger the purpose of the inspection.
7. In carrying out an inspection and when drawing up the inspection report, the authority responsible for the inspection shall take account of any procedural requirements laid down in the national law of the Member State concerned which specify the admissible evidence in administrative or judicial proceedings of the Member State in which the inspection report is intended to be used.

### *Article 13*

#### *Conflict of interests*

1. A member of staff shall not take part in an administrative procedure, in which he or she has, directly or indirectly, a personal interest, including, in particular, any family or financial interest, such as to impair his or her impartiality.

2. Any conflict of interests shall be communicated by the member of staff concerned to the competent authority, which shall take the decision whether to exclude such person from the administrative procedure, having regard to the particular circumstances of the case.
3. Any party may request that a member of staff be excluded from taking part in an administrative procedure on the ground of conflict of interests. A reasoned request to that effect shall be submitted in writing to the competent authority, which shall take a decision after hearing the member of staff concerned.

#### *Article 14*

##### *Right to be heard*

1. The parties shall have the right to be heard before any individual measure which would adversely affect them is taken.
2. The parties shall receive sufficient information and they shall be given adequate time to prepare their case.
3. The parties shall be given the opportunity to express their views in writing or orally, if necessary, and if they so choose, with the assistance of a person of their choice.

#### *Article 15*

##### *Right of access to the file*

1. The parties concerned shall be granted full access to the file, while respecting the legitimate interests of confidentiality and of professional and business secrecy. Any limitation to this right shall be duly reasoned.
2. Where no full access to the entire file can be granted, the parties shall be given an adequate summary of the content of those documents.

#### *Article 16*

##### *Duty to keep records*

1. For each file, the Union's administration shall keep records of its incoming and outgoing mail, of the documents it receives and of the measures it takes. It shall establish an index of the files it keeps.
2. Records shall be kept with full respect to the right to data protection.

## *Article 17*

### *Time-limits*

1. Administrative acts shall be adopted and administrative procedures shall be concluded within a reasonable time-limit and without undue delay. The time-limit for the adoption of an administrative act shall not exceed three months from the date of:
  - (a) the notification of the decision to initiate the administrative procedure if it was initiated by the Union's administration, or
  - (b) the acknowledgment of receipt of the application if the administrative procedure was initiated by application.
2. If no administrative act can be adopted within the relevant time-limit, the parties concerned shall be informed thereof and of the reasons justifying the delay and they shall be provided with an estimate of the expected date of adoption of the administrative act. Upon request, the competent authority shall respond to questions concerning the progress of the consideration of the matter.
3. If the Union's administration does not acknowledge receipt of the application within three months, the application shall be deemed to be rejected.
4. Time-limits shall be calculated in accordance with Regulation (EEC, Euratom) No 1182/71 of the Council<sup>1</sup>.

## **CHAPTER IV**

### **CONCLUSION OF THE ADMINISTRATIVE PROCEDURE**

## *Article 18*

### *Form of administrative acts*

Administrative acts shall be in writing and shall be signed by the competent authority. They shall be drafted in a clear, simple and understandable manner.

## *Article 19*

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<sup>1</sup> Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ L 124, 8.6.1971, p. 1).



### *Duty to state reasons*

1. Administrative acts shall clearly state the reasons on which they are based.
2. Administrative acts shall indicate their legal basis, the relevant facts and the way in which the different relevant interests have been taken into account.
3. Administrative acts shall contain an individual statement of reasons relevant to the parties' situation. If that is not possible due to the fact that a large number of persons are concerned, a general statement of reasons shall be sufficient. In that case, however, any party who expressly requests an individual statement of reasons shall be provided with it.

### *Article 20*

#### *Remedies*

1. Administrative acts shall clearly state that an administrative review is possible.
2. Parties shall have the right to request an administrative review against administrative acts adversely affecting their rights and interests. Requests for administrative reviews shall be submitted to the hierarchical superior authority and, where that is not possible, to the same authority which adopted the administrative act.
3. Administrative acts shall describe the procedure to be followed for the submission of a request for administrative review, as well as the name and office address of the competent authority or the responsible member of staff with whom the request for review has to be submitted. The act shall also indicate the time-limit for submitting such request. If no request is submitted within the time-limit, the administrative act shall be deemed final.
4. Administrative acts shall clearly refer, where Union law so provides, to the possibility of bringing judicial proceedings or lodging a complaint with the European Ombudsman.

### *Article 21*

#### *Notification of administrative acts*

Administrative acts which affect the rights and interests of the parties shall be notified in writing to them as soon as they are adopted. Administrative acts shall take effect for a

party upon notification to that party.

## **CHAPTER V**

### **RECTIFICATION AND WITHDRAWAL OF ACTS**

#### *Article 22*

##### *Correction of errors in administrative acts*

1. Clerical, arithmetic or similar errors shall be corrected by the competent authority on its own initiative or following a request by the party concerned.
2. The parties shall be informed before any correction is implemented and the correction shall take effect upon notification. If this is not possible due to the large number of parties concerned, the necessary measures shall be taken to ensure that all parties are informed without undue delay.

#### *Article 23*

##### *Rectification or withdrawal of administrative acts which adversely affect a party*

1. The competent authority shall rectify or withdraw, on its own initiative or following a request by the party concerned, an unlawful administrative act which adversely affects a party. Rectification or withdrawal shall have retroactive effect.
2. The competent authority shall rectify or withdraw, on its own initiative or following a request by the party concerned, a lawful administrative act which adversely affects a party if the reasons that led to the adoption of that specific act no longer exist. Rectification or withdrawal shall not have retroactive effect.
3. Rectification or withdrawal shall take effect upon notification to the party.
4. Where an administrative act adversely affects a party and at the same time is beneficial to other parties, an assessment of the possible impact upon all the parties shall be drawn up and the conclusions included in the reasons of the rectifying or withdrawing act.

#### *Article 24*

##### *Rectification or withdrawal of administrative acts which are beneficial to a party*

1. The competent authority shall, on its own initiative or following a request by another party, rectify or withdraw an unlawful administrative act which is beneficial

to a party.

2. Due account shall be taken of the consequences of the rectification or withdrawal on parties who legitimately could expect the act to be lawful. If such parties would incur losses due to reliance on the lawfulness of the decision, the competent authority shall evaluate if those parties are entitled to compensation.
3. Rectification or withdrawal shall have retroactive effect only if done within a reasonable time. If a party could legitimately expect the act to be lawful and has argued that it should be upheld, the rectification or withdrawal shall not have retroactive effect with regard to that party.
4. The competent authority may rectify or withdraw a lawful administrative act which is beneficial to a party on its own initiative or following a request by another party if the reasons that lead to the specific act no longer exist. Due account shall be taken of legitimate expectations of other parties.
5. Rectification or withdrawal shall take effect upon notification to the party.

#### *Article 25*

#### *Management of corrections of errors, rectification and withdrawal*

The relevant provisions in Chapters III, IV and VI of this Regulation shall also apply to the correction of errors, rectification and withdrawal of administrative acts.

### **CHAPTER VI**

#### **ADMINISTRATIVE ACTS OF GENERAL SCOPE**

#### *Article 26*

#### *Respect for procedural rights*

Administrative acts of general scope adopted by the Union's administration shall comply with the procedural rights provided for in this Regulation.

#### *Article 27*

#### *Legal basis, statement of reasons and publication*

1. Administrative acts of general scope adopted by the Union's administration shall indicate their legal basis and shall clearly state the reasons on which they are based.
2. They shall enter into force as from the date of publication by means directly accessible to those concerned.

**CHAPTER VII**  
**INFORMATION AND FINAL PROVISIONS**

*Article 28*

*Online information on rules on administrative procedures*

1. The Union's administration shall promote the provision of updated online information on the existing administrative procedures in an ad-hoc website, wherever possible and reasonable. Priority shall be given to application procedures.
2. The online information shall include:
  - (a) a link to the applicable legislation,
  - (b) a brief explanation of the main legal requirements and their administrative interpretation,
  - (c) a description of the main procedural steps,
  - (d) the indication of the authority competent to adopt the final act,
  - (e) the indication of the time-limit for the adoption of the act,
  - (f) the indication of remedies available,
  - (g) a link to standard forms that may be used by parties in their communications with the Union's administration within the procedure.
3. The online information set out in paragraph (2) shall be presented in a clear and simple way. Access to that information shall be free of charge.

*Article 29*

*Evaluation*

The Commission shall submit a report on the evaluation of the functioning of this Regulation to the European Parliament and the Council before [xx years after the entry into force].

*Article 30*

*Entry into force*

This Regulation shall enter into force on the twentieth day following that of its publication in

the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety.

Done at,

*For the European Parliament*

*The President*

*For the Council*

*The President*