

Strasbourg, 8 October 2004

CJ-DA-GT (2004) 6

WORKING PARTY OF THE PROJECT GROUP
ON ADMINISTRATIVE LAW
(CJ-DA-GT)

1st meeting
Strasbourg, 29 September – 1 October 2004

MEETING REPORT

FOREWORD

At this meeting the CJ-DA-GT inter alia:

- a. decided on the methods of implementation of the CJ-DA's terms of reference for 2004-2005;
- b. drew up a list of principles of good administration;
- c. instructed its scientific expert to prepare a preliminary draft report on the feasibility and desirability of preparing a recommendation on good administration and/or a consolidated model code of good administration.

Secretariat Memorandum
prepared by the Directorate General of Legal Affairs

TABLE OF CONTENTS

	Page
I. INTRODUCTION	3
II. IMPLEMENTATION OF THE REVISED SPECIFIC TERMS OF REFERENCE OF THE CJ-DA	3
III. DRAFT REPORT ON THE FEASIBILITY AND DESIRABILITY OF PREPARING A RECOMMENDATION IN THIS FIELD AND A CONSOLIDATED MODEL CODE OF GOOD ADMINISTRATION	4
IV. DATES OF THE NEXT MEETINGS	5
 <u>APPENDICES</u>	
APPENDIX I : LIST OF PARTICIPANTS	6
APPENDIX II : AGENDA	9
ANNEXE III : REVISED SPECIFIC TERMS OF REFERENCE OF THE PROJECT GROUP ON ADMINISTRATIVE LAW (CJ-DA) FOR 2005	11
APPENDIX IV : PRINCIPLES OF GOOD ADMINISTRATION IN COUNCIL OF EUROPE MEMBER STATES	13

I. INTRODUCTION

1. The Working Party of the Project Group on Administrative Law (CJ-DA-GT) held its first meeting at Council of Europe headquarters (Strasbourg) from 29 September to 1 October 2004, with Mr Vittorio RAGONESI (Italy) in the chair. The list of participants is set out in Appendix I to this report.
2. The CJ-DA-GT examined and adopted the draft agenda as set out in Appendix II.
3. It noted that the draft recommendation on the judicial review of administrative acts had been approved by the European Committee on Legal Co-operation (CDCJ) and was currently being examined by the Rapporteur Group of the Ministers' Deputies on Legal Co-operation (GR-J) with a view to its being referred to the Committee of Ministers for adoption.
4. The Secretariat pointed out that the work that the CJ-DA-GT was charged with carrying out in 2004-2005, as detailed in the specific terms of reference of the CJ-DA (see Appendix III to this report), originated in the Committee of Ministers' reply to Parliamentary Assembly Recommendation 1615 on the institution of ombudsman (see doc. CJ-DA-GT (2004) 2).
5. The Chair welcomed the representatives of the Commissioner for Human Rights, the Venice Commission and the Steering Committee for Human Rights (CDDH), who had been instructed by the Committee of Ministers to take part in the work of the CJ-DA during its implementation of its specific terms of reference for 2004-2005. He also welcomed Mr Cyril CLEMENT, the scientific expert commissioned by the CJ-DA for the work to be carried out.

II. METHODS OF IMPLEMENTATION OF THE CJ-DA'S REVISED SPECIFIC TERMS OF REFERENCE

6. Under its terms of reference, the CJ-DA is expected, in 2004 and 2005, "to carry out a study on the means of strengthening the legal framework of good administration as an essential element of good governance and, in particular, to study what improvements should be made to administrative decision making.
7. On the basis of this study, the CJ-DA shall indicate the feasibility and desirability of preparing a recommendation in this field and/or a consolidated model code of good administration as envisaged in Parliamentary Assembly Recommendation 1615 (2003)."
8. The CJ-DA-GT delegations held an exchange of views on the methods of implementation of these terms of reference.
9. The Chair proposed two possible approaches to be used to determine which type of instrument should be proposed at the end of the CJ-DA's work:
 - an examination of existing instruments, which might result in a proposal to prepare a model code of good administration, based for the most part on those instruments;
 - the pinpointing of shortcomings in existing instruments, which might result in a proposal to prepare a recommendation on good administration.

10. After these discussions, the delegations decided to proceed in three stages, as follows:

- i. draw up a list of principles of good administration;
- ii. check whether these principles were already included in international instruments.

11. For this purpose, the CJ-DA-GT drew on existing international and national instruments and texts on the subject (see docs. CJ-DA-GT (2004) 3, 4 and 5), then attempted to identify principles that were not contained in existing texts so as to draw up as complete a list as possible of principles of good administration. The list of principles identified by the CJ-DA-GT, containing reference texts, is set out in Appendix IV to this report. It is not exhaustive and will be added to where appropriate at the next CJ-DA-GT meeting.

iii. instruct the scientific expert to prepare a preliminary draft report on the feasibility and desirability of preparing a recommendation on good administration and/or a consolidated model code of good administration.

12. This preliminary draft report should be prepared on the basis of the discussions held at the meeting, the available documents, particularly the meeting report, and the expert's own research. On the other hand, it was not considered necessary at this stage to send a questionnaire to the member States. However, basing itself on the assumption that each country has its own schemes to improve the efficiency of its administration, one of the delegations proposed that each member of the CJ-DA-GT should examine the laws of his or her own country to see whether there were provisions which it would be worth using to illustrate the preliminary draft report.

13. The preliminary draft report would be sent to the Secretariat at the end of October then passed on to the Chair and Vice-Chair of the CJ-DA for comment. The scientific expert would amend the preliminary draft report if need be in the light of the Chair's and Vice-Chair's comments, before submitting it to the CJ-DA-GT for discussion at its next meeting.

14. The CJ-DA-GT noted that the Swedish Agency for Public Management was to hold a conference in Stockholm on 6 and 7 December 2004 on the theme of "Administrative Law for the European Union". It felt that the conclusions of this conference should be taken into account by the Working Party as it continued its work.

III. PREPARATION OF THE REPORT ON THE FEASIBILITY AND DESIRABILITY OF PREPARING A RECOMMENDATION ON GOOD ADMINISTRATION AND/OR A CONSOLIDATED MODEL CODE OF GOOD ADMINISTRATION

15. The CJ-DA-GT delegations held an exchange of views on the structure and content of the report to be drawn up in accordance with the CJ-DA's terms of reference.

16. To marshal all the ideas discussed by the Working Party, one of the delegations proposed dividing the principles listed (see paragraph 11 above) into the following four categories: improving public participation in administrative decisions, enhancing the procedural protection of citizens in dealings with the administrative authorities, providing citizens with more information about administrative activities, and the role of the state in organising administrative services. The CJ-DA-GT agreed that there was a need to identify criteria by which the principles could be categorised, and decided to come back to this question at a later date.

17. It was agreed that the concept of good administration was linked to that of good governance, so the preliminary draft report should contain an introduction on the two concepts. This introduction should be followed by a reminder of the principles of good administration already referred to in existing international texts (see Appendix IV of the current report) and a presentation of the principles established in the context of other activities (cf. the European Conference on the right to good administration, Warsaw, December 2003, and the European Ombudsman's Code of Good Administrative Behaviour), together with those contained in national legislation (cf. doc. CJ-DA-GT (2004) 5). The preliminary draft report would categorise these principles according to criteria to be decided on, flesh them out and put forward its conclusions as to how they could contribute to good governance, considering this question from three different viewpoints, that of the authorities, that of the civil servant and that of the citizen.

18. The CJ-DA-GT also pointed to certain aspects of good administration which were not covered by existing texts and should be dealt with in the preliminary draft report (see Appendix IV of this report).

19. The CJ-DA-GT delegations considered that the preliminary draft report should state the reasons why it was desirable to draw up a model code of good administration which would apply to national civil servants, and should outline the content thereof.

IV. DATES OF THE NEXT MEETINGS

20. The CJ-DA-GT would hold its 2nd meeting from 8 to 10 December 2004 in Strasbourg.

21. The CJ-DA would then meet again in Strasbourg from 28 February to 2 March 2005.

APPENDIX I**WORKING PARTY OF THE PROJECT GROUP ON ADMINISTRATIVE LAW/
GROUPE DE TRAVAIL DU GROUPE DE PROJET SUR LE DROIT ADMINISTRATIF
(CJ-DA-GT)****1st meeting / 1^{ère} réunion****Strasbourg, 29 September/septembre – 1 October/octobre 2004****LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS****MEMBER STATES / ETATS MEMBRES****CJ-DA-GT Members / Membres du CJ-DA-GT****BELGIUM / BELGIQUE**

Mme Hrisanti PRASMAN, Conseiller Adjoint, Service de Coordination et d'Appui, Service Juridique, BRUXELLES

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE not represented / non représentée

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Mrs Taisia ČEBIŠOVÁ, Associate Professor, Faculty of Law, Administrative Law Department, Charles University, PRAHA

FINLAND / FINLANDE

Mr Matti NIEMIVUO, Deputy Director General, Ministry of Justice, HELSINKI

GREECE / GRECE

M. Théodore FORTSAKIS, Professeur de Droit Public, Université d'Athènes, ATHENES

IRELAND / IRLANDE

Mrs Caroline DALY, Advisory Counsel, Office of the Attorney General, Government Buildings, DUBLIN
(Chair of the CJ-DA / Présidente du CJ-DA)

ITALY / ITALIE

Mr Vittorio RAGONESI, Judge of the Supreme Court of Cassation, Corte di Cassazione, ROME
(Chair of the CJ-DA-GT / Président du CJ-DA-GT)

LATVIA / LETTONIE

Mrs Jautrite BRIEDE, Judge, Supreme Court, Administrative Department, RIGA

NETHERLANDS / PAYS-BAS

Mr Theo SIMONS, Senior Vice-President of the Administrative Court of Appeal, UTRECHT

PORTUGAL

M. Mário AROSO de ALMEIDA, Professeur universitaire de droit administratif, PORTO

ROMANIA / ROUMANIE

Mme Violeta Eugenia BELEGANTE, Conseiller juridique, Direction de l'élaboration des actes normatifs, des études et de la documentation, Ministère de la Justice, BUCAREST

SWITZERLAND / SUISSE

M. Philippe GERBER, Collaborateur scientifique, Division I de la Législation, Office Fédéral de la Justice, Département Fédéral de Justice et Police, BERNE
(Vice-Chair of the CJ-DA / Vice-Président du CJ-DA)

Others / Autres**ANDORRA / ANDORRE**

M. Pierre PASTOR VILANOVA, Juge, Batllia d'Andorra, Avda de Tarragona, ANDORRA LA VELLA

LIECHTENSTEIN - Apologised/Excusé

MALTA – Apologised/Excusé

SWEDEN / SUEDE

Mrs Maria HELLBERG, Deputy Director, Division for Constitutional Law, Ministry of Justice, STOCKHOLM

SCIENTIFIC EXPERT / EXPERT SCIENTIFIQUE

M. Cyril CLEMENT, Maître de Conférences en droit public, Université de Paris 8, Avocat à la Cour, PARIS

EUROPEAN COMMISSION / COMMISSION EUROPEENNE

not represented / non représentée

COUNCIL OF THE EUROPEAN UNION / CONSEIL DE L'UNION EUROPEENNE

not represented / non représenté

COMMISSIONER FOR HUMAN RIGHTS / COMMISSAIRE AUX DROITS DE L'HOMME

Mr Ali Riza GUDER, Legal Officer, Office of the Commissioner for Human Rights, Council of Europe, STRASBOURG

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (Venice Commission) /**COMMISSION EUROPEENNE POUR LA DEMOCRATIE PAR LE DROIT (Commission de Venise)**

Mr Nedim OSMANAGIC, Administrator, Secretariat of the Venice Commission, Council of Europe, STRASBOURG

**STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH) /
COMITE DIRECTEUR POUR LES DROITS DE L'HOMME (CDDH)**

M. Alfonso DE SALAS, Head of the Human Rights Intergovernmental Cooperation Division/Chef de la Division de la coopération intergouvernementale en matière de droits de l'homme, Council of Europe, STRASBOURG

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**CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE /
CONGRES DES POUVOIRS LOCAUX ET REGIONAUX DU CONSEIL DE L'EUROPE**

Apologised/excusé

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OBSERVATEURS AUPRES DU CONSEIL DE L'EUROPE**

CANADA – not represented / non représenté

HOLY SEE / SAINT-SIEGE - Apologised / excusé

JAPAN / JAPON - not represented / non représenté

MEXICO / MEXIQUE – not represented / non représenté

UNITED STATES OF AMERICA / ETATS-UNIS D'AMERIQUE - not represented / non représentés

OBSERVERS WITH THE CJ-DA / OBSERVATEURS AUPRES DU CJ-DA

**ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD) /
ORGANISATION DE COOPERATION ET DE DEVELOPPEMENT ECONOMIQUE (OCDE)**
not represented / non représentée

UNITED NATIONS / NATIONS UNIES - not represented / non représentés

**INTERNATIONAL COMMISSION ON CIVIL STATUS /
COMMISSION INTERNATIONALE DE L'ETAT CIVIL (CIEC)** - Apologised/Excusée

**EUROPEAN PUBLIC LAW CENTRE /
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**EUROPEAN FEDERATION OF ADMINISTRATIVE JUDGES /
FEDERATION EUROPEENNE DES JUGES ADMINISTRATIFS**

M. Pierre VINCENT, President of the European Federation of Administrative Judges, Vice-Président du Tribunal Administratif de Strasbourg, STRASBOURG

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APPENDIX II

WORKING PARTY OF THE PROJECT GROUP ON ADMINISTRATIVE LAW/ GROUPE DE TRAVAIL DU GROUPE DE PROJET SUR LE DROIT ADMINISTRATIF (CJ -DA-GT)

1st Meeting/1ère réunion

Strasbourg, 29 September/septembre - 1 October/octobre 2004

AGENDA / ORDRE DU JOUR

1. Opening of the meeting / *Ouverture de la réunion*
2. Adoption of the agenda / *Adoption de l'ordre du jour*
3. Information by the Secretariat / *Informations par le Secrétariat*
4. Exchange of views on the methods of implementation of the revised specific terms of reference of the CJ-DA / *Echange de vues sur les modalités de mise en oeuvre du mandat spécifique révisé du CJ-DA*

Background documents / Documents de référence

Revised specific terms of reference of the CJ-DA/*Mandat spécifique révisé du CJ-DA*

CJ-DA (2004) 11 rev.

5. Exchange of views on the relevant aspects of administrative decision-making with a view to the preparation of a draft report on the feasibility and desirability of preparing a recommendation in this field and a consolidated model code of good administration / *Echange de vues sur les aspects pertinents de la prise des décisions administratives en vue de l'élaboration d'un projet de rapport sur la faisabilité et l'opportunité de préparer une recommandation dans ce domaine et un code modèle consolidé de bonne administration*

Background documents / Documents de référence

Report of the 16th meeting of the Project Group on Administrative Law (CJ-DA) (Strasbourg, 3-5 March 2004) / *Rapport de la 16^{ème} réunion du Groupe de projet sur le droit administratif (CJ-DA) (Strasbourg, les 3-5 mars 2004)*

CJ-DA (2004) 9

Parliamentary Assembly Recommendation 1615 (2003) on the institution of ombudsman and its explanatory memorandum / *Recommandation 1615 (2003) de l'Assemblée Parlementaire sur l'institution du médiateur et son exposé des motifs*

CJ-DA-GT (2004) 1

Reply by the Committee of Ministers to Parliamentary Assembly Recommendation 1615 (2003) on the institution of ombudsman / *Réponse du Comité des Ministres à la Recommandation 1615 (2003) de l'Assemblée Parlementaire sur l'institution du médiateur*

CJ-DA-GT (2004) 2

Council of Europe instruments relevant to the preparation of a draft opinion on the feasibility of preparing a consolidated model code of good administration / *Instruments du Conseil de l'Europe pertinents pour l'élaboration d'un projet d'avis sur la faisabilité de l'élaboration d'un code modèle consolidé de bonne administration*

CJ-DA-GT (2004) 3

The European Code of Good Administrative Behaviour of the European Ombudsman / *Le code européen de bonne conduite administrative du Médiateur européen*

CJ-DA-GT (2004) 4

Proceedings of the European Conference on "The right to good administration" (Warsaw, 4-5 December 2003) / *Actes de la Conférence européenne sur "Droit à une bonne administration" (Varsovie, 4-5 décembre 2003)*

Conf. DA (2003) 1

Information note on the principle of good administration in the member states of the Council of Europe / *Note d'information sur le principe de bonne administration dans les Etats membres du Conseil de l'Europe*

CJ-DA-GT(2004)5

6. Dates of the future meetings of the CJ-DA-GT / *Dates des futures réunions du CJ-DA-GT*
7. Any other business / *Divers*

APPENDIX III

SPECIFIC TERMS OF REFERENCE OF THE PROJECT GROUP ON ADMINISTRATIVE LAW (CJ-DA) FOR 2005

approved by the Committee of Ministers
at the 890th meeting of the Ministers' Deputies (30 June 2004)

- 1. Name of Committee:** Project Group on Administrative Law (CJ-DA)
- 2. Type of Committee:** Committee of experts
- 3. Source of terms:** European Committee on Legal Co-operation (CDCJ)
- 4. Terms of Reference:**

Under the authority of the European Committee on Legal Co-operation (CDCJ), taking into account its revised specific terms of reference for 2004 and having regard to Parliamentary Assembly Recommendation 1615 (2003) on the institution of ombudsman, the CJ-DA is instructed:

a. to carry out a study on the means of strengthening the legal framework of good administration as an essential element of good governance and, in particular, to study what improvements should be made to administrative decision making.

On the basis of this study, the CJ-DA shall indicate the feasibility and desirability of preparing a recommendation in this field and/or a consolidated model code of good administration as envisaged in Parliamentary Assembly Recommendation 1615 (2003).

b. to carry out any other activity with which the CDCJ might entrust it in execution of its own terms of reference or in implementing the priorities identified by the Committee of Ministers.

5. Membership of the Committee:

a. The governments of all member States are entitled to appoint members with the following desirable qualifications: senior officials having responsibilities as regards administrative law and administrative justice.

The Council of Europe's budget bears travelling and subsistence expenses for one expert per member State.

b. The Commissioner for Human Rights, the European Commission for Democracy through Law (Venice Commission), the Steering Committee for Human Rights (CDDH) and the Congress of Local and Regional Authorities of the Council of Europe, may send one representative to the meetings of the Group.

c. The European Commission and the General Secretariat of the Council of the European Union may send one representative to the meetings of the Group without the right to vote or defrayal of expenses.

d. The following observers with the Council of Europe may send representatives to meetings of the Group without the right to vote or defrayal of expenses:

- Canada,
- Holy See,
- Japan,
- Mexico,
- United States of America.

e. The following observers with the Group may send representatives to meetings of the Group, without the right to vote or defrayal of expenses:

- OECD,
- UN and its specialised organs,
- the International Commission on Civil Status (CIEC),
- the European Public Law Centre and
- the European Federation of Administrative Judges.

6. Working structures and methods:

The CJ-DA may set up working parties, use consultants and organise hearings and consultations.

7. Duration: These terms of reference shall be reviewed before 31 December 2005.

APPENDIX IV**PRINCIPLES OF GOOD ADMINISTRATION
IN COUNCIL OF EUROPE MEMBER STATES**

	PRINCIPLES	TEXTS OF REFERENCE
1	<p>Lawfulness</p> <p>Obligation for the administration to carry out the Law in cases provided by the Law</p>	<p><u>Recommendation Rec(2000)10</u> <i>Article 4</i></p> <p>1. The public official should carry out his or her duties in accordance with the law, and with those lawful instructions and ethical standards which relate to his or her functions. 2. The public official should act in a politically neutral manner and should not attempt to frustrate the lawful policies, decisions or actions of the public authorities.</p> <p><i>Article 7</i></p> <p>In decision making the public official should act lawfully and exercise his or her discretionary powers impartially, taking into account only relevant matters.</p> <p><u>Recommendation R(80)2</u> An administrative authority, when exercising a discretionary power: 1. does not pursue a purpose other than that for which the power has been conferred;</p> <p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> <i>Article 4</i> Lawfulness The official shall act according to law and apply the rules and procedures laid down in Community legislation. The official 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.</p> <p><u>Handbook « The administration and you »</u> <u>Principles of administrative law concerning the relations between administrative authorities and private persons</u> Chapter 2, I – Lawfulness (page 13)</p>
2	<p>Absence of discrimination</p> <p>Prohibition of arbitrariness/ arbitrary behaviour</p> <p>Equality</p>	<p><u>Recommendation Rec(2000)10</u> <i>Article 6</i></p> <p>In the performance of his or her duties, the public official should not act arbitrarily to the detriment of any person, group or body and should have due regard for the rights, duties and proper interests of all others.</p> <p><u>Recommendation R(97)7</u> <i>2. Local public services should ensure the principle of equality for users in a complete and practical way and they should respect the principles of non-discrimination and neutrality.</i></p> <p>Local services should observe the general principles of public services: equality, neutrality, non-discrimination and continuity, and they are charged with looking after the public interest and ensuring a rational balance between resources and expenditure. In order to do this, they should resort to all forms of inter-municipal co-operation which might allow them to improve their performance.</p> <p>Their goal is to ensure genuine and complete equality among users, and this may require differential treatment (rates, assistance, conditions of access, etc.) in appropriate cases in order to take account of <i>de facto</i> differences in the situation of users or candidates for the use of a service.</p> <p>They respect the principles of neutrality and non-discrimination in respect of users, freedom of opinion and the whole range of public freedoms which they are under a duty to guarantee and promote.</p>

		<p><u>Recommendation R(80)2</u> 3. observes the principle of equality before the law by avoiding unfair discrimination ;</p> <p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> Article 5 Absence of discrimination 1. In dealing with requests from the public and in taking decisions, the official 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.</p> <p>2. If any difference in treatment is made, the official shall ensure that it is justified by the objective relevant features of the particular case.</p> <p>3. The official 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.</p> <p><u>Handbook « The administration and you »</u> <u>Principles of administrative law concerning the relations between administrative authorities and private persons</u> Chapter 2, II– Equality before the law (page 14) Chapter 2, III – Conformity to statutory aim (page 16)</p>
3	Proportionality	<p><u>Recommendation R(80)2</u> 4. maintains a proper balance between any adverse effects which its decision may have on the rights, liberties or interests of persons and the purpose which it pursues ;</p> <p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> Article 6 Proportionality 1. When taking decisions, the official shall ensure that the measures taken are proportional to the aim pursued. The official 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.</p> <p>2. When taking decisions, the official shall respect the fair balance between the interests of private persons and the general public interest.</p> <p><u>Handbook « The administration and you »</u> <u>Principles of administrative law concerning the relations between administrative authorities and private persons</u> Chapter 2, IV– Proportionality (page 16)</p>
4	Prohibition of abuse of power	<p><u>Recommendation R(80)2</u> 1. does not pursue a purpose other than that for which the power has been conferred ;</p> <p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> 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 official 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.</p>

5
**Impartiality
 Objectivity**
**Neutrality
 of public officials
 and of administration**

Recommendation Rec(2000)10

Article 4

1. The public official should carry out his or her duties in accordance with the law, and with those lawful instructions and ethical standards which relate to his or her functions.
2. The public official should act in a politically neutral manner and should not attempt to frustrate the lawful policies, decisions or actions of the public authorities.

Article 5

2. The public official is expected to be honest, impartial and efficient and to perform his or her duties to the best of his or her ability with skill, fairness and understanding, having regard only for the public interest and the relevant circumstances of the case.

Article 7

In decision making the public official should act lawfully and exercise his or her discretionary powers impartially, taking into account only relevant matters.

Article 8

1. The public official should not allow his or her private interest to conflict with his or her public position. It is his or her responsibility to avoid such conflicts of interest, whether real, potential or apparent.
2. The public official should never take undue advantage of his or her position for his or her private interest.

Article 9

The public official has a duty always to conduct himself or herself in a way that the public's confidence and trust in the integrity, impartiality and effectiveness of the public service are preserved and enhanced.

Recommendation R(97)7

2. Local public services should ensure the principle of equality for users in a complete and practical way and they should respect the principles of non-discrimination and neutrality.

Local services should observe the general principles of public services: equality, neutrality, non-discrimination and continuity, and they are charged with looking after the public interest and ensuring a rational balance between resources and expenditure. In order to do this, they should resort to all forms of inter-municipal co-operation which might allow them to improve their performance.

Their goal is to ensure genuine and complete equality among users, and this may require differential treatment (rates, assistance, conditions of access, etc.) in appropriate cases in order to take account of *de facto* differences in the situation of users or candidates for the use of a service.

They respect the principles of neutrality and non-discrimination in respect of users, freedom of opinion and the whole range of public freedoms which they are under a duty to guarantee and promote.

Recommendation R(80)2

- 2. observes objectivity and impartiality, taking into account only the factors relevant to the particular case ;**

The European Code of Good Administrative Behaviour of the European Ombudsman

Article 8

Impartiality and independence

1. The official shall be impartial and independent. The official shall abstain from any arbitrary action adversely affecting members of the public, as well as from any preferential treatment on any grounds whatsoever.

		<p>2. The conduct of the official shall never be guided by personal, family or national interest or by political pressure. The official 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</p> <p>Article 9 Objectivity When taking decisions, the official 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.</p> <p>Article 11 Fairness The official shall act impartially, fairly and reasonably.</p> <p><u>Handbook « The administration and you »</u> <u>Principles of administrative law concerning the relations between administrative authorities and private persons</u> Chapter 2, V– Objectivity and impartiality (page 17)</p>
6	Legitimate expectations and consistency	<p><u>Recommendation Rec(2000)10</u> <i>Article 9</i> The public official has a duty always to conduct himself or herself in a way that the public's confidence and trust in the integrity, impartiality and effectiveness of the public service are preserved and enhanced.</p> <p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> Article 10 Legitimate expectations, consistency and advice 1. The official shall be consistent in his own administrative behaviour as well as with the administrative action of the Institution. The official shall follow the Institution'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.</p> <p>2. The official shall respect the legitimate and reasonable expectations that members of the public have in the light of how the Institution has acted in the past.</p> <p>3. The official 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.</p> <p><u>Handbook « The administration and you »</u> <u>Principles of administrative law concerning the relations between administrative authorities and private persons</u> Chapter 2, VI– Protection of legitimate trust and vested rights (page 17)</p>
7	Advice / informations	
8	Respect for fairness	<p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> Article 11 Fairness The official shall act impartially, fairly and reasonably.</p>
9	Courtesy	<p><u>Recommendation Rec(2000)10</u> <i>Article 5</i> 3. The public official should be courteous both in his or her relations with the citizens he or she serves, as well as in his or her relations with his or her superiors, colleagues and subordinate staff.</p>

		<p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> Article 12 Courtesy 1. The official shall be service-minded, correct, courteous and accessible in relations with the public. When answering correspondence, telephone calls and e-mails, the official shall try to be as helpful as possible and shall reply as completely and accurately as possible to questions which are asked.</p> <p>2. If the official is not responsible for the matter concerned, he shall direct the citizen to the appropriate official.</p> <p>3. If an error occurs which negatively affects the rights or interests of a member of the public, the official 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.</p>
10	<p>Use of simple, clear and comprehensible language</p>	<p><u>Recommendation R(97)7</u> <i>9. In general, the establishment of uniform and clear rules, valid for all local public services, as well as the use of administrative and legal language which is comprehensible for users, should be encouraged.</i></p> <p>The increasing complexity of the management of modern societies is a constant which has to be both accepted and overcome. In this sense, it would seem sensible to comply with a few very modest rules of conduct.</p> <p>Administrative and legal language, despite the need for accuracy, should be conceived as a means of facilitating relations within society. It should therefore be adapted to modern culture, with a view to being comprehensible to the greatest possible number.</p> <p>As far as possible, emphasis should be placed on making rules clear, consistent and applicable to the entire range of local public services, so that all users are able to understand, comply with and rely on them.</p> <p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> Article 13 Reply to letters in the language of the citizen The official shall ensure that every citizen of the Union or any member of the public who writes to the Institution 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.</p>
11	<p>Acknowledgement of receipt and indication of the competent official</p>	<p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> Article 14 Acknowledgement of receipt and indication of the competent official 1. Every letter or complaint to the Institution shall receive an acknowledgement of receipt within a period of two weeks, except if a substantive reply can be sent within that period.</p> <p>2. The reply or acknowledgement of receipt shall indicate the name and the telephone number of the official who is dealing with the matter, as well as the service to which he or she belongs.</p> <p>3. No acknowledgement of receipt and no reply need be sent in cases where letters or complaints are abusive because of their excessive number or because of their repetitive or pointless character.</p> <p><u>Handbook « The administration and you »</u> <u>Principles of administrative law concerning the relations between administrative authorities and private persons</u> Chapter 3, I– Access to public services (page 21)</p>

12	Obligation of transfer to the competent service of the institution	<p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> Article 15 Obligation of transfer to the competent service of the institution</p> <p>1. If a letter or a complaint to the Institution is addressed or transmitted to a Directorate General, Directorate or Unit which has no competence to deal with it, its services shall ensure that the file is transferred without delay to the competent service of the Institution.</p> <p>2. The service which originally received the letter or complaint shall notify the author of this transfer and shall indicate the name and the telephone number of the official to whom the file has been passed.</p> <p>3. The official shall alert the member of the public or organisation to any errors or omissions in documents and provide an opportunity to rectify them.</p>
13	Right to be heard and to make statements	<p><u>Recommendation R (91)10</u> 6.2 Where the storage of the personal data in a file accessible to third parties is not obligatory, the data subject should be informed before or at the time of the collection of his rights:</p> <ol style="list-style-type: none"> a) not to have his data stored in a file accessible to third parties; or b) to have his data stored in such a file and communicated without however their being processed by third parties; or c) to object to his data continuing to be processed by third parties; or d) have his data deleted at any time. <p><u>Recommendation R(87)16</u></p> <p style="text-align: center;">IV</p> <p>Having regard to the object and effects of the proposed administrative act, the interests at stake, the status or number of the persons concerned or the need to ensure efficient administration, the competent authority should decide that the participation procedure continue under one or more of the following forms:</p> <ol style="list-style-type: none"> a. written observations; b. private or public hearing; c. representation in an advisory body of the competent authority. <p>Where the procedure chosen is that of representation of the persons concerned in an advisory body, persons of the first category and, subject to such representation arrangements as may be imposed on them in conformity with Principle II, persons of the second category should also have the right to put forward facts and arguments and, in appropriate cases, present evidence.</p> <p><u>Resolution (77)31</u></p> <p style="text-align: center;">I</p> <p style="text-align: center;"><i>Right to be heard</i></p> <ol style="list-style-type: none"> 1. In respect of any administrative act of such nature as is likely to affect adversely his rights, liberties or interests, the person concerned may put forward facts and arguments and, in appropriate cases, call evidence which will be taken into account by the administrative authority. 2. In appropriate cases the person concerned is informed, in due time and in a manner appropriate to the case, of the rights stated in the preceding paragraph. <p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> Article 16 Right to be heard and to make statements</p> <ol style="list-style-type: none"> 1. In cases where the rights or interests of individuals are involved, the official shall ensure that, at every stage in the decision making procedure, the rights of defence are respected. 2. Every member of the public shall have the right, in cases where a decision affecting his rights or interests has to be taken, to submit written comments and, when needed, to present oral observations before the decision is taken.

		<p><u>Handbook « The administration and you »</u> <u>Principles of administrative law concerning the relations between administrative authorities and private persons</u> Chapter 3, II – right to be heard (page 23)</p>
14	<p>Reasonable time-limit for taking administrative decisions</p>	<p><u>Recommendation R(91)1</u> 2. When administrative authorities have set in motion a procedure capable of resulting in the imposition of an administrative sanction, they shall act with reasonable speed in the circumstances.</p> <p><u>Recommendation R(80)2</u> 5. takes its decision within a time which is reasonable having regard to the matter at stake;</p> <p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> Article 17 Reasonable time-limit for taking decisions 1. The official shall ensure that a decision on every request or complaint to the Institution is taken within a reasonable time-limit, without delay, and in any case no later than two months from the date of receipt. The same rule shall apply for answering letters from members of the public and for answers to administrative notes which the official has sent to his superiors requesting instructions regarding the decisions to be taken.</p> <p>2. If a request or a complaint to the Institution cannot, because of the complexity of the matters which it raises, be decided upon within the above mentioned time-limit, the official 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.</p> <p><u>Handbook « The administration and you »</u> <u>Principles of administrative law concerning the relations between administrative authorities and private persons</u> Chapter 3, IV – time-limits (page 26)</p>
15	<p>Duty to state the grounds of administrative decisions</p>	<p><u>Recommendation R(91)1</u> v. An administrative act imposing a sanction shall contain the reasons on which it is based.</p> <p><u>Recommendation R(87)16</u></p> <p style="text-align: center;">VI</p> <p>The administrative act should be notified to the public. Without prejudice to any other way of communication, a public notification should specify, to the extent that it does not itself contain the information, how the persons concerned may gain access to the following:</p> <ul style="list-style-type: none"> — the main conclusions emerging from the procedure; — the reasons on which the administrative act is based; — information on normal remedies against the administrative act and the time-limit within which they must be utilised. <p>Persons of the first category should be personally informed of the administrative act and of the reasons on which it is based. The reasons may be included in the act itself or be communicated to these persons in writing, at their request, within a reasonable time. An indication of the</p> <p>normal remedies against the act, as well as of the time-limit for their utilisation should also be given to the said persons.</p> <p><u>Resolution (77)31</u></p> <p style="text-align: center;">IV</p> <p style="text-align: center;"><i>Statement of reasons</i></p> <p>Where an administrative act is of such nature as adversely to affect his rights, liberties or interests, the person concerned is informed of the reasons on which it is based. This is done either by stating the reasons in the act, or by communicating them, at his request, to the person concerned in writing within a reasonable time.</p>

		<p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> Article 18 Duty to state the grounds of decisions</p> <p>1. Every decision of the Institution which 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.</p> <p>2. The official shall avoid making decisions which are based on brief or vague grounds or which do not contain individual reasoning.</p> <p>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 official shall guarantee that he subsequently provides the citizen who expressly requests it with an individual reasoning.</p> <p><u>Handbook « The administration and you »</u> <u>Principles of administrative law concerning the relations between administrative authorities and private persons</u> Chapter 3, V – Notification, statement of reasons and indication of remedies (page 26)</p>
16	Indication of remedies	<p><u>Recommendation R(87)16</u> VI. (see above)</p> <p><u>Resolution (77)31</u></p> <p style="text-align: center;">v</p> <p style="text-align: center;"><i>Indication of remedies</i></p> <p style="text-align: center;">Where an administrative act which is given in written form adversely affects the rights, liberties or interests of the person concerned, it indicates the normal remedies against it, as well as the time-limits for their utilisation.</p> <p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> Article 19 Indication of the possibilities of appeal</p> <p>1. A decision of the Institution 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.</p> <p>2. Decisions shall in particular refer to the possibility of judicial proceedings and complaints to the Ombudsman under the conditions specified in, respectively, Articles 230 and 195 of the Treaty establishing the European Community.</p> <p><u>Handbook « The administration and you »</u> <u>Principles of administrative law concerning the relations between administrative authorities and private persons</u> Chapter 3, V – Notification, statement of reasons and indication of remedies (page 26)</p>
17	Notification of the decision	<p><u>Recommendation R(87)16</u> VI. (see above)</p> <p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> Article 20 Notification of the decision</p> <p>1. The official shall ensure that decisions which affect the rights or interests of individual persons are notified in writing, as soon as the decision has been taken, to the person or persons concerned.</p>

		<p>2. The official shall abstain from communicating the decision to other sources until the person or persons concerned have been informed.</p> <p><u>Handbook « The administration and you »</u> <u>Principles of administrative law concerning the relations between administrative authorities and private persons</u> Chapter 3, V – notification, statement of reasons and indication of remedies (page 26)</p>
18	Data protection – respect for privacy	<p><u>Recommendation R(91)10</u></p> <p>2. Respect for privacy and data protection principles</p> <p>2.1 The communication, in particular by electronic means, of personal data or personal data files by public bodies to third parties should be accompanied by safeguards and guarantees designed to ensure that the privacy of the data subject is not unduly prejudiced.</p> <p>In particular, the communication of personal data or personal data files to third parties should not take place unless:</p> <ol style="list-style-type: none"> a specific law so provides; or the public has access thereto under legal provisions governing access to public-sector information; or the communication is in conformity with domestic legislation on data protection; or the data subject has given his free and informed consent. <p>2.2 Unless domestic law provides appropriate safeguards and guarantees for the data subject, personal data or personal data files may not be communicated to third parties for purposes incompatible with those for which the data were collected.</p> <p>2.3 Domestic legislation on data protection should apply to the processing by a third party of personal data communicated to him by public bodies.</p> <p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> Article 21 Data protection</p> <p>1. The official who deals with personal data concerning a citizen 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.</p> <p>2. The official shall in particular avoid processing personal data for non-legitimate purposes or the transmission of such data to non authorised persons.</p> <p><u>Handbook « The administration and you »</u> <u>Principles of administrative law concerning the relations between administrative authorities and private persons</u> Chapter 4, III – Protection of personal data (page 32)</p>
19	Requests for information – respect of confidentiality	<p><u>Recommendation Rec(2000)10</u></p> <p>Article 11</p> <p>Having due regard for the right of access to official information, the public official has a duty to treat appropriately, with all necessary confidentiality, all information and documents acquired by him or her in the course of, or as a result of, his or her employment.</p> <p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> Article 22 Requests for information</p> <p>1. The official shall, when he has responsibility for the matter concerned, provide members of the public with the information that they request. When appropriate, the official shall give advice on how to initiate an administrative procedure within his field of competence. The official shall take care that the information communicated is clear and understandable.</p> <p>2. If an oral request for information is too complicated or too comprehensive to be dealt with, the official shall advise the person concerned to formulate his demand in writing.</p>

		<p>3. If, because of its confidentiality, an official 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 he cannot communicate the information.</p> <p>4. Further to requests for information on matters for which he has no responsibility, the official shall direct the requester to the competent person and indicate his name and telephone number. Further to requests for information concerning another Community institution or body, the official shall direct the requester to that institution or body.</p> <p>5. Where appropriate, the official shall, depending on the subject of the request, direct the person seeking information to the service of the Institution responsible for providing information to the public.</p>
20	Request for public access to documents	<p><u>Recommendation Rec(2002) 2</u></p> <p><u>Recommendation R(87)16</u></p> <p style="text-align: center;">III</p> <p>At their request, persons of the first category and, subject to such representation arrangements as may be imposed on them in conformity with Principle II, persons of the other categories should have access in such manner as may be appropriate to all the available factors relevant to the taking of the act.</p> <p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> Article 23 Request for public access to documents</p> <p>1. The official shall deal with requests for access to documents in accordance with the rules adopted by the Institution and in accordance with the general principles and limits laid down in Regulation (EC) No 1049/2001.</p> <p>2. If the official cannot comply with an oral request for access to documents, the citizen shall be advised to formulate it in writing.</p> <p><u>Handbook « The administration and you »</u> <u>Principles of administrative law concerning the relations between administrative authorities and private persons</u> Chapter 2, VII – Openness (page 18)</p>
21	Keeping of adequate records	<p><u>Recommendation R(87)16</u></p> <p style="text-align: center;">III</p> <p>At their request, persons of the first category and, subject to such representation arrangements as may be imposed on them in conformity with Principle II, persons of the other categories should have access in such manner as may be appropriate to all the available factors relevant to the taking of the act.</p> <p><u>The European Code of Good Administrative Behaviour of the European Ombudsman</u> Article 24 Keeping of adequate records</p> <p>The Institution's departments shall keep adequate records of their incoming and outgoing mail, of the documents they receive, and of the measures they take.</p>
22	Legal certainty Protection of vested rights	<p><u>Handbook « The administration and you »</u> <u>Principles of administrative law concerning the relations between administrative authorities and private persons</u> Chapter 2, VI – Protection of legitimate trust and vested rights (page 17)</p>

23	The right to appeal against administrative decisions	<p><u>Handbook « The administration and you »</u> <u>Principles of administrative law concerning the relations between administrative authorities and private persons</u> Chapter 5, control of the effective application of the substantive and procedural principles (page 37)</p>
24	Accessibility of the administrative authority and public services E-governance Use of e-mails	Draft Recommendation on electronic governance (“e-governance”)
25	Flexibility of the administrative authorities’ working practices	
26	Efficiency Continuity of administrative services Completion of administrative work in a productive way	<p><u>Finnish Administrative Procedure Act No. 434/2003</u> <u>Section 7 – Service principle and appropriateness of service</u> Service and the consideration of matters by an authority should be arranged so that the customer of the administration receives appropriate service and that the authority can perform its tasks productively.</p> <p><u>Recommendation Rec(2002)2</u> XI. Information made public at the initiative of the public authorities A public authority should, at its own initiative and where appropriate, take the necessary measures to make public information which it holds when the provision of such information is in the interest of promoting the transparency of public administration and efficiency within administrations or will encourage informed participation by the public in matters of public interest.</p> <p><u>Recommendation R(97)7</u> 3. Local public services should guarantee the continuity of essential services for the population within the limits of economic and budgetary constraints In keeping with the principle of continuity, they should guarantee the non-interruption of the provision of essential services to the population, within the limits of economic and budgetary constraints.</p> <p>Permanence and continuity are inherent in many local public services: the supply of drinking water, gas and electricity, fire-fighting, household refuse collection, the provision of district heating systems, education, etc. These principles must be reconciled with the rights of the staff of the service, including those staff employed by a contractor providing a service on behalf of a local authority. It is, therefore, necessary to regulate the situation of the whole of the public services at national/regional level by means of legislation or agreements between employees and employers.</p> <p>According to priority to the protection of the great majority of the population's interests may lead to the drawing up of a list of the services where a total stoppage, even a temporary one, is unacceptable. In such cases prior notice should be given of unavoidable stoppage of work and/or a minimum service should be provided.</p> <p>National and regional regulations should be complemented where appropriate by local agreements setting out the arrangements for avoiding the total closure of these services on special occasions, such as holidays and extended or long weekends, with a view to avoiding the total closure of such services for periods of time which are incompatible with the interests they are meant to protect.</p> <p>The principle of continuity and the principle of equality coincide when it is necessary to maintain certain public services even in places where the low density of population makes them unprofitable, particularly in rural areas. In those cases, the closing down of a public service should be the result of a decision supported by stated reasons which demonstrate that alternative solutions such as regrouping of services, multiple services access desks or use of modern technologies, are not viable.</p>

		<p>Local public services should contribute to social cohesion, either by providing solidarity services established by law thus contributing to the implementation of social aid policies covering the national community as a whole; or by using their own powers to supplement and build upon these policies, according to the needs and resources existing at the local level.</p> <p>Their concern is to strengthen local community cohesion to avoid rips in the social fabric and to maintain solidarity between local communities, thanks to the quality of the services they deliver to the population, and in particular to the disadvantaged categories. They aim at maintaining a harmonious community life by fostering economic progress, without which there can be no sustainable social progress.</p>
27	<p>Transparency of administrative actions</p> <p>Active information policy</p>	<p><u>Recommendation Rec(2002)2</u> XI. Information made public at the initiative of the public authorities A public authority should, at its own initiative and where appropriate, take the necessary measures to make public information which it holds when the provision of such information is in the interest of promoting the transparency of public administration and efficiency within administrations or will encourage informed participation by the public in matters of public interest.</p> <p><u>Recommendation R(97)7</u> 16. Each major local public service should be subject to a periodic evaluation concerning its efficiency and quality, and the results made public All important services should be subject to a periodic evaluation of user satisfaction, measured in terms of a few simple indicators (number of subscribers or subscription cancellations, rates of usage, prices, receipts, number of disputed claims, etc). The findings could be discussed in a public forum.</p> <p>17. Local public services should be endowed with an accounting system which allows for adequate cost assessment, ensures transparency and the proper balancing of finances, and reinforces the responsibility of managers Local public services should be endowed with an accounting system which facilitates the evaluation of costs, ensures transparency of finances and supports the responsibility of managers and the interests of correctly informed citizens and users.</p>
28	<p>Access to information:</p> <ul style="list-style-type: none"> - right of personal access to files - right of a general access to documents - right to written material 	<p><u>Recommendation R(81)19</u></p> <p><u>Recommendation (2000)10</u> Article 11 Having due regard for the right of access to official information, the public official has a duty to treat appropriately, with all necessary confidentiality, all information and documents acquired by him or her in the course of, or as a result of, his or her employment.</p> <p><u>Recommendation R(87)16</u></p> <p style="text-align: center;">III</p> <p style="text-align: center;">At their request, persons of the first category and, subject to such representation arrangements as may be imposed on them in conformity with Principle II, persons of the other categories should have access in</p> <p>such manner as may be appropriate to all the available factors relevant to the taking of the act.</p> <p><u>Resolution (77)31</u></p> <p style="text-align: center;">II</p> <p style="text-align: center;"><i>Access to information</i></p> <p style="text-align: center;">At his request, the person concerned is informed, before an administrative act is taken, by appropriate means, of all available factors relevant to the taking of that act.</p>

		<p><u>Handbook « The administration and you »</u> <u>Principles of administrative law concerning the relations between administratives authorities and private persons</u> Chapter 2, Openness (page 18)</p>
29	<p>Simplicity - simple organisation of the administration - simple coordination of procedures</p> <p>Simplification of administrative procedures and of documents</p> <p>Principle to reduce the number of required documents</p>	<p><u>Recommendation R(97)7</u> <i>9. In general, the establishment of uniform and clear rules, valid for all local public services, as well as the use of administrative and legal language which is comprehensible for users, should be encouraged</i></p> <p>The increasing complexity of the management of modern societies is a constant which has to be both accepted and overcome. In this sense, it would seem sensible to comply with a few very modest rules of conduct.</p> <p>Administrative and legal language, despite the need for accuracy, should be conceived as a means of facilitating relations within society. It should therefore be adapted to modern culture, with a view to being comprehensible to the greatest possible number.</p> <p>As far as possible, emphasis should be placed on making rules clear, consistent and applicable to the entire range of local public services, so that all users are able to understand, comply with and rely on them.</p>
30	<p>Principle to act with diligence</p>	<p><u>Recommendation R(97)7</u> <i>1. Local public services contribute to the exercise of the powers of local authorities which are responsible for them, in the framework of the relevant national or regional legislation.</i></p> <p>The creation and management of local public services follows from the principle of self-government and contributes to the implementation of local authorities' powers. Local authorities, in the framework of the relevant national or regional legislation, are responsible for their services and organise them in such a way as to respond efficiently to the needs of the population living in their territory and to keep pace with trends in social demand and in general policy priorities, the requirements of sound economic management and technological change.</p> <p>Local authorities' freedom to choose between different legal or financial organisational models for services is greater or lesser, depending on the interests that the State intends to protect (equality, protection of public finances, transparency in delegating services to the private sector, etc).</p> <p>Local public services nevertheless adhere to certain principles particularly necessary in present-day circumstances, which are already widely recognised in the Council of Europe's member States.</p>
31	<p>Care</p>	
32	<p>Better internal rules of the administration</p>	
33	<p>Maintenance/defence/safeguard of public ownership</p>	
34	<p>Training of public officials</p>	<p><u>Recommendation R(97)7</u> <i>11. The staff of local public services should be specially trained in their tasks and made aware of the rights of the users</i></p> <p>For users, the public service is first and foremost comprised of staff with whom they have direct contacts and who provide or refuse the services they request. It is therefore essential that the staff of these services be trained in these tasks and are fully aware of their assignments and the rights of the users for whom they are providing a service. In particular, staff should be provided with increased personal responsibility.</p>

35	Respect of the budgetary requirements	
36	Rationalization of the organisation of the administration	