



Code of conduct and Access to documents in DG SANTE

Presentation to Newcomers

SANTE/A1.001



EU staff members' daily mission is to provide a good administration in the service of EU citizens

*The **Staff Regulations** govern the relations between the Commission and its staff*

whereas

*the **Code of Conduct** concern the relations between Commission staff and the public*



Code of good administrative behaviour

□ *Commission Decision 2000/633*

- **Aim: to guarantee a high-quality service to the public**
- **Staff shall observe standards of conduct that citizens have a right to expect in their dealings with the Commission**

Code of good administrative behaviour

- ❑ **Objectivity** and **impartiality**
- ❑ Information on the rights of interested parties
 - ❑ Duty to **justify decisions**
- ❑ Dealing with enquiries
 - ❑ Correspondence
 - ❑ Telephone
 - ❑ Electronic mail
- ❑ Complaints (Sec Gen and OMBUDSMAN)

Code of good administrative behaviour

Correspondence

- All correspondence containing a request must be given a reply
- The deadline for the reply is **15 working days**
- If not possible to reply within deadline, write a **holding reply**
- The reply should be given **in the language used by the applicant** (in one of the official EU languages)

Code of good administrative behaviour in DG SANTE

- ❑ **Unit A1:** Coordination of complaints (Ombudsman)
- ❑ **Unit A2:** Coordination of complaints (SG – CHAP)
- ❑ **Unit A1.001: Support and advice**
 - ❑ How to deal with repetitive, abusive and/or pointless correspondence



Public access to documents: citizens' right to information

- ❑ Commission information service **Europe Direct**
free phone number 00 800 6 7 8 9 10 11
- ❑ DGs and services **mailboxes**
- ❑ DG SANTE **electronic form** on Europa Health
and Food Safety web pages
 - ❑ Unit 02-Communication: answers to
thousands of written requests for information
and/or documentation per year



Public access to documents: citizens' right to information

Publications

- One of the [EU information centres](#)
- Under the [political topics](#) on Europa
- [Publications portal](#)
- [EUR-Lex](#) : Legal documents

Published documents

- On websites
- In online services and databases

Public access to documents

- ❑ *The Commission has committed itself to a policy of **openness and transparency***
- ❑ *Regulation EC (No) 1049/2001* on **public access** to European Parliament, Council and Commission **documents**
 - ❑ **The public should have the widest possible access to EU documents, subject to public or private interests being protected**

Public access to documents

❑ **Exceptions to the right of access (Article 4):**

- ❑ Article 4.1.(a) Protection of the public interest (ex. international relations, public security, ...)
- ❑ Article 4.1.(b) Protection of the privacy and integrity of the persons (personal data)
- ❑ 4.2. 1- Protection of commercial interests
- ❑ 4.2. 2- Protection of legal advice and court proceedings
- ❑ 4.2. 3- Protection of inspections, investigations and audits
- ❑ 4.3. Protection of the Institutions' decision-making process

Public access to documents

- ❑ **Exceptions to the right of access (Article 4):**
- ❑ Special care to:
 - ❑ personal data; in such cases one should also look at **data protection rules**
 - ❑ specific **security rules** apply for the handling of classified documents depending on the sensitivity of their content
 - ❑ respect of the duty to exercise **discretion**

Public access to documents

- Deadline for reply : **15 working days**
- Send a **holding reply** if the deadline cannot be matched (translation, long research, coordination with other services, consultation of 3rd parties, etc...)
- Reply in the **language** used by the applicant in the request (one of the official EU languages)
- If the reply is sent by e-mail:
 - CC to SANTE ACCESS TO DOCUMENTS mailbox
 - ask for the read/receipt acknowledgement

Public access to documents

- ❑ Negative and partial replies must be:
 - ❑ *justified* including reference to the relevant exception(s) provided for in article 4 of Regulation (EC) No 1049/2001
 - ❑ *checked* by Unit A2 and A4.001
 - ❑ *signed by the Director General*

Attention: for partial access, ensure proper electronic or manual erasing of data on the documents!

Public access to documents: complaints by legal and private persons

- ❑ 1st stage: an applicant may appeal against a refusal to give access to a document by making a **confirmatory application** to the SG
- ❑ 2nd stage: an applicant who was denied access after a confirmatory application, may **appeal** against this refusal
 - ❑ to the Court of First Instance



Public access to documents: complaints by legal and private persons

- ❑ At all stages: an applicant may lodge a ***complaint to the Ombudsman*** for maladministration in the dealing with the request
- ❑ Ombudsman complaint form:
<http://www.ombudsman.europa.eu/home/en/default.htm>

Public access to documents in DG SANTE

☐ Unit A2

- ☐ Checking of negative / Partial access replies (legal advice on reasoning)
- ☐ Coordination of actions to the Court of First Instance

☐ Unit A1

- ☐ Coordination of complaints to the Ombudsman

Public access to documents in DG SANTE

- ❑ Unit A1.001
 - ❑ Coordination of initial requests for DG SANTE and of confirmatory applications
 - ❑ Monitoring of deadlines
 - ❑ Checking of replies (rules of procedure)
 - ❑ Advice on procedure and how to deal with difficult requests

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SANTE ACCESS TO DOCUMENTS



For more information...

*DG SANTE Access to Documents page on **mySANTE** intranet:
[mySANTE – Procedures & guidelines – Access to documents](#)*

*Visit the SG Access to documents website on **myIntracomm**:
<https://myintracomm.ec.europa.eu/sg/docinter/Pages/index.aspx>*

*Standard letters in all languages:
<https://myintracomm.ec.europa.eu/sg/docinter/Pages/tools.aspx>*

*Transparency & Access to documents website on Europa:
http://ec.europa.eu/transparency/access_documents/index_en.htm*