

**DECISION OF THE MANAGEMENT BOARD
AMENDING DECISION MB/11/2008 - CODE OF GOOD ADMINISTRATIVE BEHAVIOUR FOR
THE STAFF OF THE EUROPEAN CHEMICALS AGENCY IN THEIR RELATIONS WITH THE PUBLIC**

THE MANAGEMENT BOARD OF THE EUROPEAN CHEMICALS AGENCY

Having regard to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community,

Whereas:

- (1) Following the entry into force of the Treaty of Lisbon and the subsequent changes in the numeration of the Articles of the Treaty as well as the transfer the legal personality of the European Community to the European Union, the Code of Good Administrative Behaviour should be amended to reflect these changes,
- (2) To better indicate the possibilities of appeal to the public, an explicit reference to the European Ombudsman should be added to Article 19 of the Code of Good Administrative Behaviour,

HAS DECIDED AS FOLLOWS:

Article 1

Decision of the Management Board MB/11/2008 of 14 February 2008 adopting the Code of Good Administrative Behaviour for the Staff of the European Chemicals Agency in their Relations with the Public is amended as follows.

- (1) The first paragraph in Article 3 is amended as follows:

“This Code contains the general principles of good administrative behaviour, which apply to all relations of the Agency’s staff with the public, unless they are governed by specific provisions of European Union law.”

- (2) Article 4 is amended as follows:

“The staff of the Agency shall act according to law and apply the rules and procedures laid down in European Union legislation. They shall in particular ensure that decisions which affect the rights of natural or legal persons have a basis in law and that their content complies with the law.”

- (3) Article 13 is amended as follows:

“Unless otherwise specified in the applicable rules, the staff shall ensure that any member of the public who writes to the Agency in one of the European Union official languages receives an answer in the same language unless the author of the request agrees on receiving an answer in an European Union language that had been agreed by and between him/her and the Agency.”

(4) Article 16 is amended as follows:

“Where European Union law provides that interested parties or other members of the public should be heard, staff shall ensure that an opportunity is provided to them to make their views known.”

(5) Article 17 is amended as follows:

“The staff shall endeavour to ensure that, in addition to the acknowledgement of receipt referred to in Article 14 of this Code, a reply on every letter from a member of the public to the Agency is taken within a reasonable time-limit and in any case no later than two months from the date of receipt, unless otherwise provided in the European Union legislation.

If the reply of the Agency cannot, because of the complexity of the matters which it raises, be decided upon within the above-mentioned time-limit, the staff shall inform the author thereof as soon as possible, unless otherwise provided in the European Union legislation. In that case, a definitive reply should be notified to the author in the shortest time.”

(6) Article 19 is amended as follows:

“Where European Union law so provides, a decision of the Agency which may adversely affect the rights of a natural or legal 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.

Where appropriate, decisions shall refer to the possibility of instituting judicial proceedings and/or of lodging a complaint with the European Ombudsman in accordance with Article 263 or 228 of the Treaty on the Functioning of the European Union.”

(7) The fourth paragraph in Article 22 is amended as follows:

“Further to requests for information on matters for which he has no responsibility, the staff member shall direct the person making the request to the competent person, unit or directorate and indicate necessary contact details. Further to requests for information concerning another European Union institution or body, the staff shall direct the person making the request to that institution or body.”

(8) The third paragraph in Article 26 is amended as follows:

“Members of the public are also entitled to lodge complaints with the European Ombudsman in accordance with Article 228 of the Treaty on the Functioning of the European Union and the Statute of the European Ombudsman.”

Article 2

This Decision shall enter into force on the day of its adoption.

Article 3

This Decision shall be published on the Agency's website.

Done at Helsinki, 20/06/2013

For the Management Board
The Chair

signed
Nina CROMNIER