



EU law for an open independent and efficient European administration

Summary report
of the public
consultation

STUDY

EPRS | European Parliamentary Research Service

Author: Tatjana Evas
European Added Value Unit
PE 621.830 – July 2018

EN

AUTHOR

Dr Tatjana Evas, European Added Value Unit

European Added Value Unit, European Parliamentary Research Service.

This study is part of a project that includes also an [Impact Assessment](#) of possible actions at EU level for an open, efficient and independent European Union administration commissioned by the Ex-Ante Impact Assessment Unit of the Directorate for Impact Assessment and European Added Value, within the Directorate-General for Parliamentary Research Services.

To contact the authors, please email: eprs@ep.europa.eu

LINGUISTIC VERSIONS

Original: EN

Manuscript completed in July 2018.

DISCLAIMER AND COPYRIGHT

This document is prepared for, and addressed to, the Members and staff of the European Parliament as background material to assist them in their parliamentary work. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of the Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

Brussels © European Union, 2018.

PE: 621.830

ISBN: 978-92-846-3110-0

doi:10.2861/304988

CAT: QA-03-18-026-EN-N

eprs@ep.europa.eu

<http://www.eprs.ep.parl.union.eu> (intranet)

<http://www.europarl.europa.eu/thinktank> (internet)

<http://epthinktank.eu> (blog)

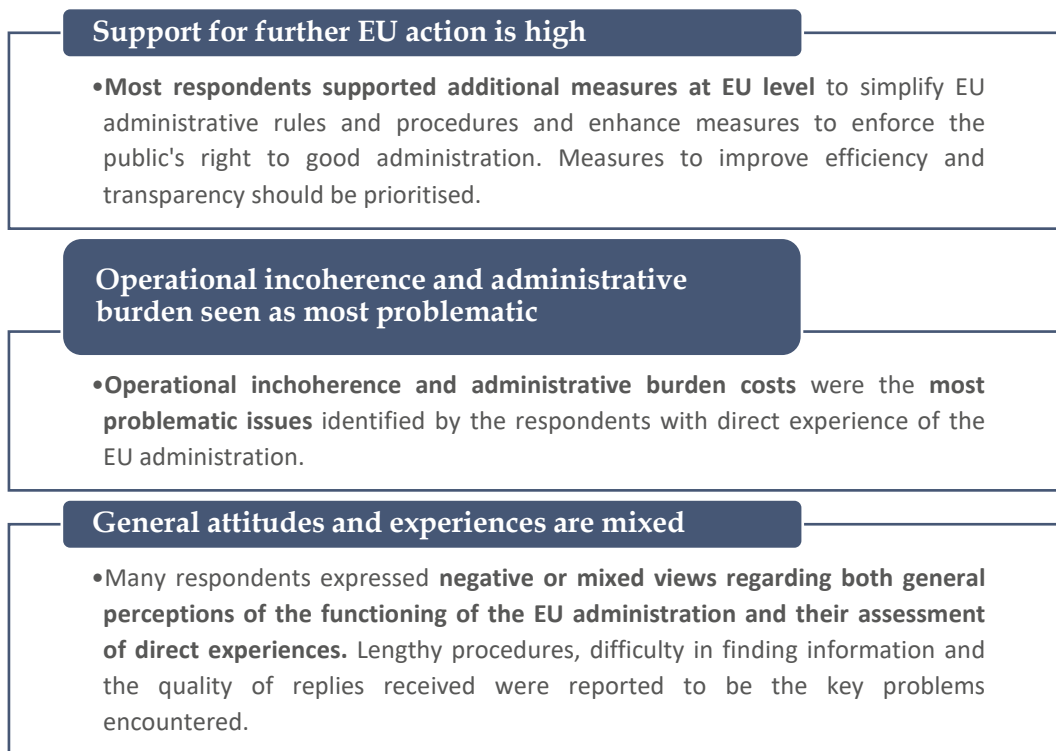
Executive summary

As a follow-up to the European Parliament resolution of 9 June 2016 calling for an open, efficient and independent European Union administration – 2016/2610(RSP), rapporteur: Heidi Hautala (Greens/EFA, Finland) – the Parliament's Committee on Legal Affairs (JURI) asked the European Parliamentary Research Service's European Added Value Unit to carry out a public consultation. The aim of the consultation was to survey public opinion, first, on general perceptions and attitudes towards the EU administration; second, on personal experience in dealing with the EU institutions; and, third, on further action that the EU should take in the area of EU administrative law to address the shortcomings identified.

In response to the consultation, the Parliament received 166 fully completed online responses from 20 EU Member States. Incomplete responses were not taken into consideration for analysis but not for statistical purposes. Among the 166 completed responses, 155 contributions came from individuals and 11 from organisations.

The key findings of the public consultations are summarised in figure 1 below:

Figure 1: Key findings



Specific trends:

General perceptions of the EU administration were mixed: 52 % had a positive perception while 36 % had a negative perception of the functioning of the EU institutions. Professional interests, direct experience and media were three main sources of information underpinning the opinions formed by respondents regarding the EU administration. Perceived general awareness of what services the EU institutions provided for the public and companies was high: 73.5 % of respondents indicated that they knew what services were provided by the EU institutions. At the same time, only 45.8 % of all respondents indicated that they were familiar with their right to submit a petition to the European Parliament.

Experiences with the EU institutions were also mixed: 24 % of respondents had a negative experience, 30 % mixed and 46 % positive. The European Commission, European Parliament and EU agencies were the administrations with which respondents had had most direct contact. Access to documents (46 %); requests for general information (44 %) and EPSO competitions (31 %) were the top three reasons for respondents having had contact with the EU administration. The three main problems contributing to negative experiences included the length of the procedure (42 %), difficulty in finding information (37 %), and the quality of the reply received (30 %).

There was a high level of support from the respondents (76 %) for **additional measures at EU level to reinforce EU administrative procedures**. The two main reasons why respondents would like the EU to take action were: to improve efficiency (57 %), and to improve the transparency (50 %) of the EU administration. In response to the question on how the EU should best reinforce the functioning of the EU administration, 82 % of respondents were in favour of adopting a new law (52 % supported a new law setting out minimum standards, while 30 % supported a new law with full harmonisation). The proportion of respondents who supported the adoption of a non-binding code of conduct was low (7 %). While not in favour of a new law, 23% of respondents would prefer the EU to improve existing legislation; similarly, 23 % did not support a new law but would rather see measures focusing on technical ways to simplify public access to the EU administration.¹

¹ See section 3.4 below for details. As respondents could choose more than one option; total does not correspond to 100 %.

Table of contents

1. Introduction: EU fundamental right to good administration	7
2. EU Policy context: Law of administrative procedure	9
2.1. EU administrative procedural rules are fragmented and incoherent and thus difficult to access	9
2.2. Significant volume of EU administrative proceedings	10
2.3. European Parliament positions and repeated calls for action to address the problem	13
2.3.1. 2001 Resolution: Approval of the European Code of Good Administrative Behaviour	15
2.3.2. 2013 Resolution: Call and recommendations for a legally binding and horizontally applicable EU administrative procedure law	15
2.3.3. 2016 Resolution: proposal for an EU regulation on EU administrative law	17
2.4. Conclusions: Unanswered EP calls for action and divergent EU institutions' positions against the growing fragmentation and complexity of EU administrative procedure	20
3. The public consultation – surveying public opinion	21
3.1. Structure and design of the survey – measuring experiences, perceptions and support for further actions at EU level	21
3.2. Number of responses and key indicators – responses from 20 EU Member States and various socio-demographic profiles	24
3.3. Experiences are strongly mixed	24
3.3.1. Access to documents and requests for general information are the main reasons to contact the EU institutions	25
3.3.2. Marked difference of experience between various EU institutions, bodies and agencies	28
3.3.3. Operational incoherence and accessibility of the EU administration are respondents' two main concerns	31
3.3.4. Transparency, impartiality, independence and objectivity – key principles requiring further reinforcement	35
3.4. General attitudes	37
3.4.1. Slightly over half of respondents have positive attitudes regarding the EU administration	37
3.4.2. A high degree of confusion and misconceptions among respondents regarding current applicable rules and procedures.	39
3.4.3. Perceived differences between EU institutions, bodies and agencies	42
3.5. Further steps	42
3.5.1. Strong support for additional measures at EU level	43

4. Conclusions – Citizens call for EU measures, and adoption of a legally binding framework on the EU administrative procedure	45
Annex 1: Statistical tables	47
Distribution of respondents by nationality	47
Distribution of respondents by type of organisation	47
Distribution of respondents by experience	48
Distribution of respondents by data protection choice	48
Age Distribution	49
Gender Distribution	49
Level of Education Distribution	50
Occupational Distribution	50
Annex 2: Questionnaire	51

Table of figures

Figure 1: Key findings	I
Figure 2: Structure of the proposed draft regulation	19
Figure 3: Justification for not contacting the EU administration	26
Figure 4: Institutions and frequency of contact	27
Figure 5: Reasons for contacting the EU administration	27
Figure 6: General level of satisfaction and degree of perceived fragmentation	28
Figure 7: Level of satisfaction per institution	29
Figure 8: Justifications for positive and negative experiences by category	32
Figure 9: Justifications for positive and negative experiences by specific rights/issues	33
Figure 10: Costs (by type)	34
Figure 11: Stages of administrative proceedings (easy/difficult)	35
Figure 12: General impression and perceived changes in the last five years	37
Figure 13: Sources of information	38
Figure 14: Perceived difficulty in accessing the EU administration	38
Figure 15: Perceived knowledge (general)	39
Figure 16: Perceived knowledge (by specific right)	40
Figure 17: Perceived knowledge (by administrative action)	41
Figure 18: Understanding of current regulation on EU administrative law and procedures	42
Figure 19: Potential additional measures (by level of support)	43
Figure 20: Potential additional measures (by type of regulatory action)	44

Table of tables

Table 1: Number of requests for access to documents received by the European Commission, European Parliament and Council in 2016 _____	11
Table 2: Number of requests for access to documents received by selected EU agencies _____	11
Table 3: Main positions and action of the European Parliament since 2001 _____	14
Table 4: Justifications for the need to adopt a legally binding instrument _____	17
Table 5: Structure and design of the survey _____	22
Table 6: Distribution of respondents by direct experience _____	25
Table 7: Experience with the EU administration – quality framework/evaluation criteria _____	31
Table 8: Support for further action/reinforcement of EU rights and principles _____	35
Table 9: Procedural rights (by type and level of support)/'top 6' _____	36
Table 10: Experiences – Key findings _____	36
Table 11: Key administrative procedure principles (by importance) _____	39
Table 12: Attitudes and perceptions – key findings _____	42
Table 13: Further steps – Key findings _____	44
Table 14: Distribution by nationality of individual respondents _____	47
Table 15: Distribution and type of organisation _____	47
Table 16: Distribution of all respondents based on the direct experience with EU administration	48
Table 17: Data protection choices _____	48
Table 18: Distribution by age _____	49
Table 19: Distribution by gender _____	49
Table 20: Distribution by Education of individual respondent _____	50
Table 21: Distribution by Occupation of individual respondent _____	50

1. Introduction: EU fundamental right to good administration

Every person in the European Union has a legally enforceable right to good administration in its relations with the EU institutions, bodies and agencies.² This EU fundamental right covers a series of procedural guarantees, as for example, the right to be heard, the right to have access to one's file, and the administration's obligation to give reasons for its decisions.³ The clearly defined, developed and enforced procedural rights, together with an open, efficient and independent EU administration are essential elements of democracy and the rule of law. As the European Parliament has put it, 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.'⁴

Since the end of the 1980s, there is an ongoing academic and policy debate on the procedural rules related to the EU administration.⁵ The new phase of this debate, specifically focusing on the mechanisms for practical realisation of a principle of good administration, emerged in the beginning of the 2000s and intensified with the adoption of the Lisbon Treaty.⁶ In 2008, summarising the main points of this debate, Advocate General Trstenjak pointed to the absence of a legally binding document that implements the rights stemming from Article 41 of the Charter of Fundamental Rights resulting in a number of difficulties related to the application, enforceability and precise content definition of the right to good administration.⁷ Ten years after the opinion of the Advocate

² Article 41, EU Charter of Fundamental Rights. See the discussion on the development of this fundamental right in the EU law, in the Opinion of AG Trstenjak, Case C-308/07 P paragraph 91: "the main source of inspiration in drafting Article 41 of the Charter of Fundamental Rights, which has now refined the principle of sound administration into a fundamental right of the individual, has from the beginning been the case-law of the Court of Justice,'" and footnote 54 of the case for the references to the case law of the Court of Justice of the European Union and legal doctrine.

³ 'According to the predominant view in legal doctrine, the principle of sound administration [...] is not an individual principle of administrative law, but a combination of several principles, or a kind of collective term for some or all the principles of administrative law. Sometimes it is used as a synonym for those principles which make up administrative procedure based on the rule of law. For example, the principle of sound administration requires that the authorities repair faults or omissions, that proceedings are conducted impartially and objectively and that a decision is taken within a reasonable period. In addition, it implies a comprehensive duty of care and regard for welfare on the part of the authorities, and the right to a fair hearing, that is the obligation on officials, before taking a decision, to place those affected in a position in which they may make known their views, and the obligation to state reasons for the decision.' Paragraph 89, Opinion of AG Trstenjak, Case C-308/07 P.

⁴ European Parliament resolution on an open, efficient and independent European Union administration, preamble.

⁵ As a result, an extensive body of literature has emerged. For a well-documented sources and contributions to the debate see e.g. Oriol Mir-Puigpelat '[Arguments in favour of a general codification of the procedure applicable to EU administration](#)' in European Parliament, Workshop on EU Administrative Law: State of Play and Future Prospects, 2011.

⁶ The Court of Justice of the European Union, through a series of cases continuously contributes to the development of the principle of good administration that, with the entry into force of the EU Charter of Fundamental Rights, became a fundamental right. From 1995, the office of the European Ombudsman has a mandate to address cases of maladministration in the European Union. To this extent, under the initiative of the European Ombudsman, a non-binding European Code of Good Administrative Behaviour has been adopted and endorsed in 2001 by the European Union institutions, bodies and agencies.

⁷ Paragraph 90, Opinion of AG Trstenjak, Case C-308/07 P. Trstenjak '... which principles may actually be subsumed under the notion "principle of sound administration" varies and cannot always be defined precisely. In addition, it is difficult to establish whether it encompasses principles which the administration merely has to take into account or in fact rights which accord the individual a subjective right to demand a specific action or omission from the administration'.

General, her analysis is still valid. As discussed in section 2 below, in order to remedy this situation the European Parliament has repeatedly called on the European Commission to take action and to adopt a legally binding instrument to implement rights stemming from Article 41 of the Charter and the case law of the Court of Justice of the European Union.⁸

Most recently, in 2016 the European Parliament adopted a resolution on an open, efficient and independent European Union administration (the European Parliament resolution on the EU administrative law). The resolution provides a detailed proposal for an EU regulation. Specifically, as discussed in more detail in section 2.1 below, the proposed draft regulation aims to lay down minimum procedural rules, which shall govern the administrative activities of the Union's administration to increase clarity and coherence in the interpretation of existing rules for the benefit of citizens, businesses, the EU administration and its officials. In the 2016 resolution the European Parliament invited the Commission to consider the proposal for a draft regulation and to come up with a legislative proposal. However, the European Commission has not presented a proposal to date.

Against this background, in 2016 Parliament's Committee on Legal Affairs (JURI) decided to hold a public consultation on an EU law for an open independent and efficient European administration (the public consultation).⁹ The public consultation was open to any respondents worldwide from 15 December 2017 to 9 March 2018 and available in all official EU languages.

A synopsis report of this consultation was published in May 2018, providing preliminary key messages and overall trends.¹⁰ The present study provides a detailed analysis of the responses received. The study has two main parts. Section 2 provides a policy context related to the public consultations. This section provides an overview of the current state of play in the regulation of EU administrative procedure, the estimated volume of administrative proceedings, an outline of the European Parliament actions and position on the EU administrative law including an overview of the 2016 European Parliament resolution on the EU administrative law. Section 3 provides a detailed analysis of the results of the public consultation. Within Section 3, firstly the general methodology and structure of the survey is explained; secondly, the results are discussed focusing on respondents' personal direct experience in dealing with EU institutions, on general perceptions and attitudes toward the EU administration and on respondents' positions on further actions that the EU should take in the area of EU administrative law. The full text of the questionnaire is provided in Annex I to this report.

This report does not represent the official position of the European Parliament and does not bind the European Parliament in any way.

⁸ For the European Parliament position, see 'Section 2: Policy Context' below.

⁹ The Legal Affairs Committee (JURI) requested the European Parliamentary Research Service (EPRS) to prepare a study to evaluate potential impacts of the 2016 Parliament resolution. The results of the public consultation will feed into the forthcoming study on impacts.

¹⁰ Evas, Tatjana, [Synopsis report on the results of a public consultation on an EU law for an open independent and efficient European administration](#), EPRS, European Parliament, April 2018.

2. EU Policy context: Law of administrative procedure

Law of administrative procedure at the national level, in general, includes a set of procedural rights and guarantees that apply to the interactions between citizens and business on the one hand and public administration on the other. EU administrative tasks, similar to those of national administrations, include procedures that involve direct communication between public services and citizens or companies. In the EU context, this includes, for example, competition law, public procurement, research funding proceedings, requests for authorisation of medicines, as well as internal administrative proceedings related to personnel matters.¹¹

The EU law of administrative procedure as it stands today is a body of regulatory legally binding and soft law instruments, as well as case law of the CJEU.¹² The written, legally binding sources include:

- (1) Article 41 of the Charter of Fundamental Rights (codifying jurisprudence of the CJEU);¹³
- (2) General principles of administrative procedure (developed through the case-law of the CJEU);
- (3) Sectoral regulations (i.e. in the area of EU competition law or structural funds); and
- (4) Regulations on specific rights of the administrative procedure (i.e. right to access documents, right to protection of personal data).

The soft law, not legally binding sources include the European Code of Good Administrative Behaviour and other procedural codes adopted by various institutions and bodies.¹⁴

2.1. EU administrative procedural rules are fragmented and incoherent and thus difficult to access

Numerous in-depth analyses of the gaps and shortcomings of the current system indicate, inter alia, that

- a) 'A comprehensive definition of "good administration" is lacking in the EU';¹⁵
- b) 'There are still significant gaps in the various areas in which the Union is involved (in relation, for example, to time-limits for deciding on proceedings, rules on impartiality of officers, position of interested third parties, rules on electronic communications, indication of appeals that may be lodged, termination of proceeding by agreement, etc.);¹⁶ and that

¹¹ For the discussion on the nature of EU administration and its difficulties and similarities in relation to national public administration, see e.g. Harlow, C and Rawlings, R, 'A Fragmented Framework. In search of EU administration', in *Process and Procedure in EU Administration*, Oxford, Hart Publishing, 2004, pp. 9-16.

¹² For detailed discussion and analysis of regulatory sources of the procedure applicable to EU administration see e.g. Oriol Mir-Puigpelat '[Arguments in favour of a general codification of the procedure applicable to EU administration](#)' in *Workshop on EU Administrative Law: State of Play and Future Prospects*, Policy Department for Legal and Parliamentary Affairs, European Parliament, 2011, PE 453.215; see also European Parliament, *European Added Value Assessment*, [Law of Administrative Procedure of the European Union](#), 2012.

¹³ Also, for example, Article 42 (access to documents), Article 47 (access to justice), Article 8 (data protection).

¹⁴ The EU has over 40 agencies, each of which has its own general rules of procedure.

¹⁵ See also Helena Jaederblom 'From Fragmentation to Increased Coherence: A user-friendly EU Administrative Law' in *European Parliament, Workshop on EU Administrative Law: State of Play and Future Prospects*, 2011.

¹⁶ Oriol Mir-Puigpelat, p. 65 see footnote 12.

- c) 'Regulation in secondary legislation in particular policy sectors is uneven'.¹⁷

Consequently, 'such fragmentation of applicable rules affects not only the coherence of the applicable standards but also their accessibility from the point of view of the citizens that might have an interest in invoking them'.¹⁸

2.2. Significant volume of EU administrative proceedings

The online platform AskTheEU.org identifies **138 public authorities to which the EU public can submit requests for information within the meaning of Regulation 1049/2001** regarding access to European Parliament, Council and Commission documents.¹⁹ However, no empirical data estimating the number of the administrative procedures in the EU institutions, agencies, bodies and offices exists.

The most accurate statistical data on the number of requests from the public is available in relation to the right to access documents. Therefore, as a first step towards estimating the number of administrative procedures in the EU, the data on the number of formal requests to access documents is collected. The right to access documents is specifically provided in legally binding secondary legislation – Regulation 1049/2001. According to Article 17 (1) of this regulation, 'Each institution shall publish annually a report for the preceding year including the number of cases in which the institution refused to grant access to documents, the reasons for such refusals and the number of sensitive documents not recorded in the register.' The **data on the number of requests for documents** (see table 1 below) **based on Regulation 1049/2001 submitted to three EU institutions** (European Commission, European Parliament and European Council) **in 2016** only indicates that there are **over 9 200 applications annually**.²⁰

¹⁷ P. Leino-Sandberg 'Minding the gap in European administrative law: on lacunae, fragmentation and the prospect of a brighter future' in [Workshop on EU Administrative Law: State of Play and Future Prospects](#), Policy Department for Legal and Parliamentary Affairs, European Parliament, 2011, PE 453.215, p. 254.

¹⁸ Ibid, p. 254.

¹⁹ AskTheEU.org is a non-official online platform that aims to streamline and make it easier for individuals and companies to send requests for access to documents on the basis of Regulation 1049/2001. This platform is developed and run by civil society organisations. More information on this platform is available at <https://www.asktheeu.org/en/help/about>.

²⁰ The figures are based on the overview provided in the 2016 annual reports of the three institutions under Regulation 1049/2001 only. The table 1 figures are based on the following reports: European Commission, Report on the application in 2016 of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents [COM/2017/0738 final](#), European Commission; European Parliament: 2016 Annual Report on public access to documents, [PE 605.750/BUR/ANN., European Parliament](#); Council: Sixteenth annual report on the implementation of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, [8689/18](#), Council of the European Union.

Table 1: Number of requests for access to documents received by the European Commission, European Parliament and Council in 2016

Institution	No of initial applications registered	No of confirmatory applications ²¹
European Commission	6 077	295
European Parliament	499	3
Council/European Council ²²	2 342	24
Total	8 918	322
Total initial + confirmatory (institutions)	9 240	

Source: EPRS, based on 2016 Annual Report of the Institutions.

The number of requests submitted to the EU agencies is also significant, as the example of three EU agencies below suggests.

Table 2: Number of requests for access to documents received by selected EU agencies

	No of initial applications registered	No of confirmatory applications
European Medicines Agency ²³	817	6
European Food Safety Authority ²⁴	130	(info not available)
Europol	50	1
Total	997	7
Total initial + confirmatory	1 004	

Source: EPRS, based on the agencies' 2016 Annual Reports.

Requests for access to documents received by these three EU institutions and three selected EU agencies amount to over 10 200 requests per year. This number does not cover all institutions, bodies and agencies of the EU, and provides only a partial estimate on the scale of the issue and annual number of requests for access to documents received. Based on this data, a moderate estimate on the total number (i.e. all institutions, bodies and agencies) of requests for access to

²¹ According to Article 7 of the Regulation 1049/2001 – an applicant may make a confirmatory application asking the institution to reconsider its position if their request to access to documents has been totally or partially refused, or if an institution failed to reply with the prescribed time-limit.

²² The Council provided that it took 16 days on average to reply to the initial request and 38 days to reply to confirmatory applications. Other institutions did not provide data on the average number of days required to handle information requests. According to Regulation 1049/2001, institutions must reply within 15 working days. In justified cases, subject to notification of the reasons to the applicant, this time limit can be further extended by 15 working days.

²³ [2017 Annual Report](#), European Medicines Agency, p. 94.

²⁴ [2016 Annual Report](#), European Food Safety Authority, p.35.

documents handled by the EU institutions, bodies, agencies **is at least 11 000–12 000 requests on an annual basis.**²⁵

Requests for access to documents represent only a small part of more general requests for information addressed to the EU administrations. As a second step, to estimate the number of administrative proceedings in the EU, the number of requests for information is considered. For example, statistical data from the European Medicines Agency indicates that in 2017, this agency received 844 initial applications to request access to documents and 6 735 requests for information.²⁶ This suggests that there are almost eight times more requests for information than requests for documents. This indicator of the number of requests for information in relation to requests for documents is taken as a proxy. Thus, multiplying the estimated number of requests for documents (11 000–12 000) by eight, it can be estimated that the **total volume of requests for information from the public to EU institutions, bodies and agencies could be in the range of 88 000 to 96 000 annually.**²⁷

This number does not cover other administrative rights and procedures, as for example, administrative procedures related to competition law, staff related matters, or public procurement. **1 381 notices for public procurement were published by the European Commission, European Parliament and Council** jointly in year 2016 only, according to the TED database.²⁸

The European Ombudsman is the main non-judicial office 'empowered to receive complaints from any citizen of the Union or any natural or legal person residing or having its registered office in a Member State concerning instances of maladministration in the activities of the Union institutions, bodies, offices or agencies'.²⁹ In recent years, **the Ombudsman received about 700 complaints per year related to the maladministration falling within the scope of her competence on average.** Similarly, the European Parliament Committee on Petitions (PETI) receives around 1 500 petitions annually.³⁰

As highlighted above, the lack of statistical data on the number and type of administrative procedures in the EU institutions makes it difficult to map the total number of the administrative proceedings handled by the EU administration precisely. The lack of empirical analysis on EU administrative procedures could however be in itself an indication of the high complexity of the current system, characterised not only by a growing number of EU institutions, bodies and agencies, but also by a growing number of interactions between citizens and the EU administration. However, even based on partial and roughly aggregated data, the volume of the EU administrative procedures is significant.

²⁵ As of June 2018, [34 judgments](#) of the Court of Justice of the European Union related to the implementation and application of Regulation 1049/2001.

²⁶ [European Medicines Agency](#) 2017 Annual Report, p. 94.

²⁷ The responses to the public consultation suggest that access to documents and requests for general information are the two most frequent reasons why individuals and businesses contact EU administrations, for analysis see section 3.3.1.

²⁸ Tenders electronic daily (TED), Public procurement notices from Europe and the EU institutions, available at www.ted.europa.eu. On EU public procurement see also European Court of Auditors Special Report No 17/2016 'The EU institutions can do more to facilitate access to their public procurement'. For all EU institutions, bodies and agencies, the number of public procurement notices in the TED database for 2016 is 5 169.

²⁹ Article 228 Treaty on the Functioning of the European Union.

³⁰ Some 1 569 petitions were received in 2016 by the Committee on Petitions, see European Parliament resolution of 14 December 2017 on the deliberations of the Committee on Petitions during 2016 ([2017/2222\(INI\)](#)).

The impact assessment of possible action at EU level for an open, efficient and independent EU administration by European Parliamentary Research Service requested by the JURI Committee provides more detailed analysis and empirical estimates.³¹

In the context of the highly complex current regulation of the EU administrative procedural rights and scale of the problem, the European Parliament and the European Ombudsman, as well as the academic community, have repeatedly called for the adoption of an EU law on administrative procedure. This latter would be necessary 'for the purpose of filling the gaps in the legislation and at the same time making the legislation understandable to citizens'.³²

2.3. European Parliament positions and repeated calls for action to address the problem

The European Parliament is an active player in defending individuals' right to good administration. Table 3 below provides a short overview of the main actions undertaken by the European Parliament in this context.

³¹ [Impact Assessment of possible action at EU level for an open, efficient and independent EU administration, EPRS, European Parliament, June 2018.](#)

³² Helena Jaederblom, see footnote 15., p. 274.

Table 3: Main positions and action of the European Parliament since 2001

Year	Parliament position/action	Call for action to the Commission
2001 ³³	<p>EP resolution of 6 September 2001</p> <p>d) EP approved, with amendments, the European Code of Good Administrative behaviour</p>	EP called on the Commission to submit a proposal for a regulation containing a code of Good Administrative Behaviour
2010	<p>EP Working Group on EU administrative law (coordinator Luigi Berlinguer (S&D, Italy))</p> <p>Aims: To review the existing EU legislative provisions and to propose legislative action on the basis of Article 298 TFEU</p> <p>Results: A working document suggesting preparation of a legislative initiative for a horizontal EU administrative law that would provide minimum procedural rights for citizens and businesses in dealing with the EU administration</p>	
2012	<p>European Added Value Assessment (EAVA)³⁴</p> <p>The EAVA outlined the added value of introducing the EU regulation including: clearer rights and more legal certainty for citizens and business as well as more efficient EU administration through better management of resources and cost savings.</p>	
2013	<p>EP resolution of 15 January 2013 (rapporteur Luigi Berlinguer)</p>	EP called on the Commission to propose, on the basis of Article 289 TFEU, a regulation on a law of administrative procedure of the European Union
2015	<p>EP Working Group on Administrative Law (coordinator Heidi Hautala (Greens/EFA, Finland))</p>	
2016	<p>EP resolution of 9 June 2016 (rapporteur Heidi Hautala)</p>	EP calls on the Commission to propose a regulation. The EP resolution provides a detailed proposal for a regulation of the European Parliament and of the Council for an open, efficient and independent European Union administration.

³³ Also prior to 2001, the EP repeatedly stressed the need to draw up an EU code of good administrative behaviour, see e.g. the EP resolutions on the annual reports of the activities of the European Ombudsman in 1997 (OJ 1998, C 292/168) and in 1998 (OJ 1999, C219/456).

³⁴ At the request of the JURI Committee, the European Added Value Unit, carried out a European Added Value Assessment, 1/2012 'Law of Administrative Procedure of the European Union'.

2.3.1. 2001 Resolution: Approval of the European Code of Good Administrative Behaviour

The 2001 resolution provided foundational premises outlining the position of the European Parliament.³⁵ The European Parliament had come forward with the number of modifications related to the Ombudsman's proposal. The EP strongly insisted on the legally binding nature of the EU administrative procedural rules and horizontal applicability to all EU institutions, bodies and agencies.³⁶ The report of the Committee on Petitions (PETI), on which the EP 2001 resolution is based stated:

*'This existing situation of legal variety stresses nevertheless the very need for a formal Commission proposal [...] so that this Code applies in a uniform manner to all European officials including the EU bodies: the Economic and Social Committee, the Committee of the Regions, the European Investment Bank and the European Central Bank, which all have "their Code". The same applies to the European Institutions [...] which all have adopted different Codes! This situation neither contributes to legal clarity nor to administrative transparency and does not facilitate the exercise of the Right of the citizen to good administration.'*³⁷

The report concludes that by adopting Parliament's amendments to the Ombudsman's proposal, specifically making the Ombudsman Code binding, 'the concept of openness, fairness, lawfulness and the absence of the abuse of power will be the leading principles for the European public service in its relations with the Citizens'.³⁸

2.3.2. 2013 Resolution: Call and recommendations for a legally binding and horizontally applicable EU administrative procedure law

The EU institutions, bodies and agencies endorsed the Ombudsman's Code of Good Administrative Behaviour. However, it never became legally binding and horizontally applicable. Therefore, the European Parliament called once again for a code of EU administrative procedure that is legally binding and horizontally applicable to all EU institutions, bodies and agencies.

In 2010, the EP established a working group on EU administrative law. The work and results of this working group prepared a ground for Parliament's 2013 resolution.³⁹ Following the EP position expressed in 2001, in the 2013 resolution, the Parliament once again called on the Commission to adopt a legally binding regulation on a law of administrative procedure of the European Union.⁴⁰ Furthermore, the resolution included six detailed recommendations on the content of the proposed draft regulation. Specifically, the recommendations covered the following issues:

- a) objective and scope of the regulation to be adopted (Recital 1);
- b) relationship between the regulation and sectoral instruments (Recital 2);

³⁵ European Parliament resolution on the European Ombudsman's Special [Report on the European Ombudsman's Special Report to the European Parliament following the own-initiative inquiry into the existence and the public accessibility, in the different Community institutions and bodies, of a Code of Good Administrative Behaviour](#) (C5-0438/2000 - 2000/2212 (COS)).

³⁶ For the detailed discussion see Ombudsman's Special Report, see footnote 38.

³⁷ Ombudsman's Special Report, see footnote 38.

³⁸ [Report on the European Ombudsman's Special Report to the European Parliament following the own-initiative inquiry into the existence and the public accessibility, in the different Community institutions and bodies, of a Code of Good Administrative Behaviour](#) (C5-0438/2000 - 2000/2212 (COS)).

³⁹ [European Parliament resolution of 15 January 2013 with recommendations to the Commission on a Law of Administrative Procedure of the European Union \(2012/2024\(INL\)\)](#).

⁴⁰ The 2001 resolution was linked to the Ombudsman's proposal for the Code of Good Administrative Behaviour. The 2013 resolution, while acknowledging the European Ombudsman's important contribution, was not specifically linked to the Code of Good Administrative Behaviour.

- c) general principles which should govern the administration (Recital 3);
- d) rules governing administrative decisions (Recital 4);
- e) initiation of the administrative procedure (Recital 4.1.);
- f) acknowledgment of receipt (Recital 4.2);
- g) impartiality of administrative decisions (Recital 4.3);
- h) right to be heard (Recital 4.4.);
- i) right to have access to one's file (Recital 4.5);
- j) time-limits (Recital 4.6);
- k) form of administrative decisions (Recital 4.7);
- l) duty to state reasons (Recital 4.8);
- m) notification of administrative decisions (Recital 4.9);
- n) indication of remedies available (Recital 4.10);
- o) review and correction of own decisions (Recital 5);
- p) form and publicity to be given to the regulation (Recital 6).

In reply to the Parliament resolution, the Commission promised to undertake an intensive review of the current legislation in order to evaluate the need for further action.⁴¹ The Commission did not submit a legislative proposal following the 2013 EP resolution.

In 2016, the JURI committee asked the Commission to report on the progress achieved so far.

*'Has the Commission analysed the suggestion for a regulation so as to be in a position to reply to its content? What are the reasons that have prevented the Commission from putting forward a proposal such as the suggested regulation, and when can a proposal be expected?'*⁴²

Commissioner Jyrki Katainen, on behalf of the European Commission, replied that:

*'The Commission has analysed your suggestion for a regulation for an open, efficient and independent European Union administration against these existing horizontal and sectoral rules, principles and practices. [...] While we see that the Parliament wants a 'one-size-fits-all' rule for EU administration, the Commission rather thinks that we best serve citizens if we have administrative rules that are tailor-made and can maximise the effect in each field of concern. We will continue to monitor our rules and practices in this spirit and, as always, are open to examine input by citizens and stakeholders that point our attention to specific needs for improvements.'*⁴³

⁴¹ 'Given the complexity of this subject and the importance of ensuring high administrative standards, the Commission will now launch a detailed stocktaking exercise. It will assess the current situation – for all EU institutions – and against this background examine whether there are examples of maladministration resulting from gaps or weaknesses in the existing legal framework and, if so, how such instances could be most effectively avoided in the future, either generally or through more specific action in one or the other institution. As part of this exercise, the Commission will assess the approaches taken to these issues in the Member States and will consult academia, practitioners and the legal community in order to carry out an in-depth analysis of all aspects of the issue. The Commission will consider all options to reinforce the open, efficient and independent EU administration. In doing so, the Commission will take full account of Parliament's recommendations and draw on the knowledge of the Ombudsman and of Parliament itself. In addition, the Commission will bring together the existing EU administrative law corpus in one central place on its website.' Follow up to the European Parliament resolution with recommendations to the Commission on a law of administrative procedure of the European Union, adopted by the Commission on 24 April 2013, [SP\(2013\)251](#).

⁴² On 17 May 2016, Members of the European Parliament, Pavel Svoboda and Heidi Hautala – on behalf of the JURI Committee – submitted a question for oral answer to the Commission.

⁴³ The European Parliament plenary debate of 8 June 2016.

2.3.3. 2016 Resolution: proposal for an EU regulation on EU administrative law

To reinforce its position, the European Parliament again called for action and adopted another resolution in 2016. The 2016 resolution builds on the 2001, and most importantly the 2013, resolutions. The substantive scope of the 2016 resolution closely follows the main recommendations included in the previous one. However, it goes one step further and already provides a draft text for a regulation.

2.3.3.1 The rationale for a legally binding instrument

The 2016 EP resolution provides seven main justifications for the need to adopt a legally binding instrument for an open, efficient and independent European Union administration.

Table 4: Justifications for the need to adopt a legally binding instrument

1	Citizens have more frequent contact with the EU administrations.	'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 based on rule of law, citizens are entitled to a high level of protection of their procedural rights vis-à-vis the Union's institutions, bodies, offices and agencies.	'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 current rules and principles are scattered.	'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	This renders the current system incoherent and is problematic for citizens.	'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.' '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.'
5	Existing attempts to provide a coherent set of rules, i.e. the Ombudsman's Code, have only limited effect.	'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.'
6	EU primary law provides for a legal basis for the adoption of the coherent, legally binding rules to give effect and practical realisation of a fundamental right to good administration enshrined in Article 41 of the Charter of Fundamental Rights of the EU.	'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. '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.'
7	An efficient EU administration is essential for the public interest.	'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. '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.'

Source: EPRS, based on the text of the 2016 EP resolution.

2.3.3.2 Scope: Main rights and principles covered

The proposed draft regulation aims to lay down the procedural rules, which shall govern the activities of the Union's administration⁴⁴ and apply to the administrative activities of the Union's institutions, bodies, offices and agencies.⁴⁵ As explained in the preamble, '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.**' The draft regulation is structured in four substantive blocks, corresponding to the stages of procedure: Chapter II of the draft regulation provides rules related to the initiation; chapter III focuses on the management; chapter IV on the conclusion of the administrative procedure; and, finally chapter V addresses those rights related to the rectification and withdrawal of acts.

⁴⁴ Art. 1.1.

⁴⁵ Art. 2.1, see also Para 15, preamble '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.'

Figure 2: Structure of the proposed draft regulation

CHAPTER I GENERAL PROVISIONS	
• Article 1	Subject matter and objective
• Article 2	Scope
• Article 3	Relationship between this regulation and other legal acts of the Union
• Article 4	Definitions
CHAPTER II INITIATION OF THE ADMINISTRATIVE PROCEDURE	
• Article 5	Initiation of the administrative procedure
• Article 6	Initiation by the Union's administration
• Article 7	Initiation by application
CHAPTER III MANAGEMENT OF THE ADMINISTRATIVE PROCEDURE	
• Article 8	Procedural rights
• Article 9	Duty of careful and impartial investigation
• Article 10	Duty to cooperate
• Article 11	Witnesses and experts
• Article 12	Inspections
• Article 13	Conflict of interests
• Article 14	Right to be heard
• Article 15	Right of access to the file
• Article 16	Duty to keep records
• Article 17	Time-limits
CHAPTER IV CONCLUSION OF THE ADMINISTRATIVE PROCEDURE	
• Article 18	Form of administrative acts
• Article 19	Duty to state reasons
• Article 20	Remedies
• Article 21	Notification of administrative acts
CHAPTER V RECTIFICATION AND WITHDRAWAL OF ACTS	
• Article 22	Correction of errors in administrative acts
• Article 23	Rectification or withdrawal of administrative acts which adversely affect a party
• Article 24	Rectification or withdrawal of administrative acts which are beneficial to a party
• Article 25	Management of corrections of errors, rectification and withdrawal
CHAPTER VI ADMINISTRATIVE ACTS OF GENERAL SCOPE	
• Article 26	Respect for procedural rights
• Article 27	Legal basis, statement of reasons and publication
• Article 28	Online information on rules on administrative procedures
• Article 29	Evaluation
• Article 30	Entry into force

Source: EPRS.

2.1.3.3 Reply from the European Commission

On 4 October 2016, the European Commission adopted a follow up to the European Parliament's 2016 resolution.⁴⁶ The Commission, firstly pointed out that there are a number of 'a well-established set of horizontal rules which govern its administrative behaviour'.⁴⁷ With the reference to the Commission's European eGovernment action plan 2016-2020, the European Commission also underlined the potential of 'eGovernment services to reduce administrative burden and increase

⁴⁶ Follow up to the European Parliament resolution for an open, efficient and independent European Union administration, adopted by the Commission on 4 October 2016, [SP\(2016\)613](#).

⁴⁷ *Ibid.* [SP\(2016\)613](#).

the effectiveness of public administrations'.⁴⁸ Furthermore, 'As the EU administers a range of diverse, mostly highly specialised activities, its administration also relies on sector-specific rules. Citizens and businesses concerned by such specialised activities are guaranteed specific administrative rights.'⁴⁹ Based on the above, the Commission concluded that, at this stage, it was 'not convinced that the benefits of using a legislative instrument that would codify administrative law would outweigh the costs.'⁵⁰ Accordingly, 'Instead of engaging in a highly complex exercise of codification, with uncertain added-value, the Commission is of the opinion that we should continue to address concrete problems where they arise, analyse the root causes and then take the sort of action that is needed.'⁵¹

2.4. Conclusions: Unanswered EP calls for action and divergent EU institutions' positions against the growing fragmentation and complexity of EU administrative procedure

The body of EU law, including EU primary law, secondary law, case law and soft law instruments, provide a very complex landscape of the rules and principles applicable to administrative proceedings in the EU. This complexity of norms undermines the accessibility of those norms to natural and legal persons, as well as negatively affecting trust towards the EU administration. The exact number of EU administrative proceedings is difficult to estimate. However, as previously mentioned, the number of requests for access to documents (about 11 000 to 12 000), the number of general requests for information (about 88 000–96 000), number of public procurement notices issued by EU institutions (around 1 381), number of petitions to the European Parliament Petitions Committee (circa 1 500), as well as a number of complaints received by the European Ombudsman (around 700), provide a proxy for the possible number of administrative proceedings. Based on this number, it can be estimated that the yearly volume of **administrative proceedings** (excluding competition and staff/personnel related matters) **being handled by the EU institutions, bodies and agencies** is in the range of **about 102 000**.⁵²

Generally, all institutions have expressed support regarding the need for an open, independent and efficient EU administration. The European Parliament has a long-standing position that this can only be achieved by adopting a legally binding EU regulation, stipulating a coherent set of minimum rules related to the EU administrative law applicable to all EU institutions, bodies and agencies. This regulation, should establish minimum procedural rules, and by no means provide a total harmonisation of procedural rules and rights. The technical solutions to enhance the transparency, accessibility and efficiency of EU rules and procedures should be encouraged and supported. Technological solutions by themselves, however, are not sufficient to remedy the existing gaps, nor to provide the minimum set of rules necessary to address the existing fragmentation of norms. The European Commission prefers a sector specific and, specific rights approach accompanied by the adoption of e-solutions. The minimum harmonisation of existing rules, is considered by the European Commission as difficult, inefficient and unnecessary.

⁴⁸ Ibid. [SP\(2016\)613](#).

⁴⁹ Ibid. [SP\(2016\)613](#).

⁵⁰ Ibid. [SP\(2016\)613](#).

⁵¹ Ibid. [SP\(2016\)613](#).

⁵² Those administrative proceedings of course differ in complexity and scope. The large bulk of administrative interactions between citizens and EU administrators relates to the general request for information and can probably be classified as easy. The more complex administrative proceedings could probably be estimated in the range of 5–7 000 per year (not including requests to access documents).

3. The public consultation – surveying public opinion

The EU administrative procedural law directly affects citizens and stakeholders. However, there is no clear systemic evidence on the reasons for, intensity of, and citizens' and businesses' experiences in contacting the EU administration.⁵³ EU institutions, as outlined above, have divergent opinions on the need and necessity for taking EU action to streamline and simplify the current regulatory framework. In this context, the JURI committee requested that EPRS carry out a public consultation **to survey public opinion**.⁵⁴

3.1. Structure and design of the survey – measuring experiences, perceptions and support for further actions at EU level

The public consultation was open to any respondent, worldwide, from 15 December 2017 to 9 March 2018. It was available in all official EU languages and conducted through as an online survey via a technical platform provided by the Publications Office of the European Union (OPOCE). The survey included multiple choice and open-ended questions. Based on the review of the academic and policy-related literature, the methodological design of the survey was three-fold:⁵⁵ first, a set of questions related to personal experience; second, questions on general perceptions and attitudes; and third, those related to support for EU action. The survey also included standard socio-demographic questions (Q1-18), including questions on age, gender, occupation, nationality and level of education, to contextualise and better understand the responses.

⁵³ The only available EU-wide empirical survey on citizens' awareness and their satisfaction with the EU administration is a 2011 Special Eurobarometer. [Special Eurobarometer 75.1: The European Ombudsman and Citizens' Rights](#), June 2011. See also, G. Tridimas and T. Tridimas, 'Public Awareness of EU Rights and the Functions of the European Ombudsman: Some Unpleasant Findings' in Ziller J. & Herwig C. H. (eds.), *Accountability in the EU*, 2017. The Role of the European Ombudsman, Edward Elgar Publishing, pp.74-93. as well as [European Added Value Assessment on Law of Administrative Procedure](#), EPRS, European Parliament, 2012.

⁵⁴ The survey is an opportunity for the EU public to express their positions and feedback on the topic. The input and views provided by the respondents contribute to the evidence base for a policy initiative in general and for the Parliament position more specifically. Public consultation as a method of surveying public opinion cannot be considered as scientifically fully representative. Nevertheless, it is one of the established methods for stakeholder consultation that help to provide the necessary and supplementary evidence underpinning a policy initiative.

⁵⁵ The design of the public consultation, inter alia, followed and respected guidelines included in the European Commission Better Regulation Guidelines and Toolbox. Additionally, in accordance with the European Parliament Resolution of 14 June 2012 on public consultations and their availability in all EU languages (2012/2676(RSP)), the survey was translated and made available in all official EU languages. The survey was also subject to review and approval by the European Parliament Data Protection Officer.

Table 5: Structure and design of the survey

	What do we want to measure, why and how?	Questions
I. Personal experience/knowledge about current EU rules/procedures ⁵⁶	<p>personal experience (i.e. fact based/testing performance) (contrary to the general belief/ attitude).</p> <p>what? Citizens' personal experience with EU administrative law issues/citizens' problems and knowledge about EU administrative law issues/problems.</p> <p>why? Helps to understand what type of aspects citizens find most problematic; which institutions citizens contact most frequently and why, and to evaluate the satisfaction with the services received/interaction with the EU public administration.</p> <p>How? Specific questions related to personal experience and specific questions related to knowledge of the current situation related to the EU framework on administrative law.</p>	Q 19-43
II. General attitudes/perceptions	<p>Perceptions (i.e. general attitudes not necessarily based on personal experience/testing perceptions).</p> <p>What? citizens' perceptions/attitudes on the functioning of EU administrative law</p> <p>Why? Helps to understand citizens' general attitude (i.e. perceived (subjective) feelings) toward EU administration.</p> <p>How? Specific questions related to personal experience.</p>	Q 44-54
III. Further action/suggestions as to how to improve public administration	<p>EU regulatory action [to test the degree of citizens'/companies' support for further action, the type of actions that should be taken, as well as expected/perceived added value of these measures].</p> <p>What? Citizens' and companies' attitudes/opinions on the necessity and type of further EU action required and expectations as regards possible added value it may bring.</p> <p>Why? Helps to understand the extent of public support for possible EU measures and the direction of this action at EU level, as well as to justify the 'rationale' (added value) of the measures.</p> <p>How? Set of specific questions related to the necessity for regulatory action and specific questions on various policy options (i.e. enhanced substantive coherence of rule (EP); technical solutions (EC); institutional redesign)</p>	Q 55-61

Section I of the survey on **direct personal experiences**, firstly, included a series of general questions on the institutions, agencies and bodies contacted (Q21), reasons for the contact (Q24), and number of contacts respondents had with the EU administration (Q20). This series of questions helps to understand why citizens contact the EU administration. Secondly, the survey included a series of questions on the direct experience with the EU administration overall (Q10) and experience with specific EU institutions (Q21). These questions aimed at assessing respondents' direct experience and possible differences/similarities between respondents in contacting various EU institutions. Thirdly, to understand if and to what degree current complex and scattered procedural

⁵⁶ Approach/cross-checked with Eurobarometer on general/specific knowledge about the EU – see standard Eurobarometer questions on knowledge of the EU.

rules are problematic for respondents, the survey included a series of questions related to the quality of service provided by the EU administration (Q29 and Q31), the stages of the procedure (Q34), and associated costs (Q33).

Key quality indicators for public service provision (Q29 and Q31) were structured in four main blocks: accessibility, responsiveness, reliability and satisfaction. The respondents were asked to evaluate 22 statements related to the procedures themselves, and to the institutional quality of the administrative process in general. Furthermore, a 'free text option' was available to add other substantive or quality elements of the procedure (Q30/Q32). To capture both positive and negative experiences, the 22 statements were worded negatively (Q29) and positively (Q31). This design allowed respondents to comment both on positive and negative aspects of their experience. The accessibility of rights and the institutional quality of the administrative process, as well as the costs related to the proceedings, are important elements that could impact private persons' and businesses' experience. Accordingly, respondents were asked (Q33) to evaluate what type of costs they found least/most problematic. The section concluded with questions related to the further actions at the EU level (Q36 and Q38). Based on their experience, respondents were asked to indicate their general level of support for further EU measures and specific rights or principles that they find most problematic and thus in need of further reinforcement.

Section II aimed to survey **general perceptions and attitudes** (Q44-Q54) towards the EU administration. Experience in dealing with the EU institutions was not necessary to answer these questions. Specifically, this section aimed to assess whether and to what degree respondents perceive difficulties in understanding and exercising their administrative law rights in the EU. The general tendencies towards the EU administrations were assessed through a set of questions focusing on the perceived (not based on direct experience) general functioning of the EU (Q45); perceived degree of ease in contacting the EU administration and, perceived changes in the last five years (Q49). Questions (Q47) and (Q53) aimed to evaluate the fragmentation among different administrative procedures. Question 47 focused on the general perceived view of the existence of divergences among EU administrations, while question Q53 was more specific and aimed at assessing fragmentation through a set of more targeted statements related to the current system and rules. While all rights and principles regarding good administration are important, Q48 nevertheless aimed at gathering public opinion on the degree of importance of eleven key administrative law rights and principals.

To understand how respondents form their general views towards the EU administration, the survey included questions on sources of information (Q44). The set of questions on general attitudes and perceptions also included questions assessing the respondents' perceived knowledge of the existing rules and principles. Question 50 therefore asked respondents about their knowledge of the services that the EU administration provides to citizens and companies. Questions 52 and 53 specifically assessed respondents' perceived knowledge of existing procedural rights on good administration, i.e. the right of public access to documents, the right to submit a petition to the EP, and the right to lodge a complaint with the European Ombudsman.

Section III aimed at collecting feedback from respondents on **further measures that the EU should take** in the area of EU administrative law (Q55-Q61). This section again addressed all respondents, irrespective of whether they had experience or not in dealing with the EU administration. The aim of this section was to map respondents' preferences for further action at EU level (Q55). Respondents were asked to indicate their preferences in relation to the type of additional measures that EU should take (Q56); type of possible EU regulation (Q57), and justifications for supporting measures at EU level (Q59).

3.2. Number of responses and key indicators – responses from 20 EU Member States and various socio-demographic profiles

In response to the consultation, the Parliament received 166 fully completed online responses from 20 EU Member States.⁵⁷ Incomplete responses were not taken into consideration. Some 155 contributions came from individuals, and 11 from organisations. A majority of responses were received from Dutch, Spanish and Italian nationals. No responses were received from nationals of Austria, Cyprus, Czech Republic, Denmark, Estonia, Lithuania, Luxembourg, Malta and Slovakia. Eleven contributions were received from organisations from five EU Member States including Belgium (three), Finland (one), Germany (three), Poland (one) and Spain (three). Of the organisations which responded to the survey, 55 % are registered in the EU transparency register, while 45 % are not.

The respondents were almost equally divided in terms of their direct experience with the EU administration. Almost half (48 %) of them had direct experience with the EU public administration. The clear majority of respondents were aged between 25 and 54 years (60 %). Only 9 % were aged between 15-24 years, and very few (5 %) were 65 years of age and older. Most of the respondents (62.6 %) identified as male, while 35.6 % identified as female, and 1.9 % did not wish to indicate a gender. The majority of respondents declared their educational level to correspond with a master's degree or above (62.3 %).

According to the data protection rules, the respondents had the opportunity to decide how their data was to be used. They replied as follows: 33 % agreed to publication of their responses including their personal data; 40 % agreed to the anonymous publication of their responses, and 27 % did not give permission to publish their responses. While respecting the respondents' choice, all fully completed responses have been used for analytical and statistical purposes. However, only contributions with explicit consent to public availability were published on the web page of the European Parliament Legal Affairs Committee.⁵⁸

3.3. Experiences are strongly mixed

Firstly, the survey aimed to assess **personal experience** of dealing with the EU administration (Q19-43). This set of questions was addressed only to people and organisations with experience of direct contact with the EU administration. The main objective of this section was to better understand the reasons for contacting EU bodies and practical issues related to the exercise of a right to good administration.

More specifically this section aimed at:

1. understanding in why, and how often citizens and business contact EU administrations,
2. assessing the perceived degree and reasons explaining any divergences in administrative practices,
3. understanding the strengths and problems of the existing system and associated costs and,
4. measuring the degree of support for reinforcement of specific procedural rights.

⁵⁷ See Annex I for detailed statistics.

⁵⁸ The results of public consultation are available at the web page of the [European Parliament Committee on Legal Affairs](#).

3.3.1. Access to documents and requests for general information are the main reasons to contact the EU institutions

No comprehensive 'catalogue' of services is provided by the EU administration directly to citizens or businesses. Therefore, to understand in what way, why and how often citizens and businesses contact the EU administrations, the survey included general questions on institutions, the reasons for, and frequency of contact.

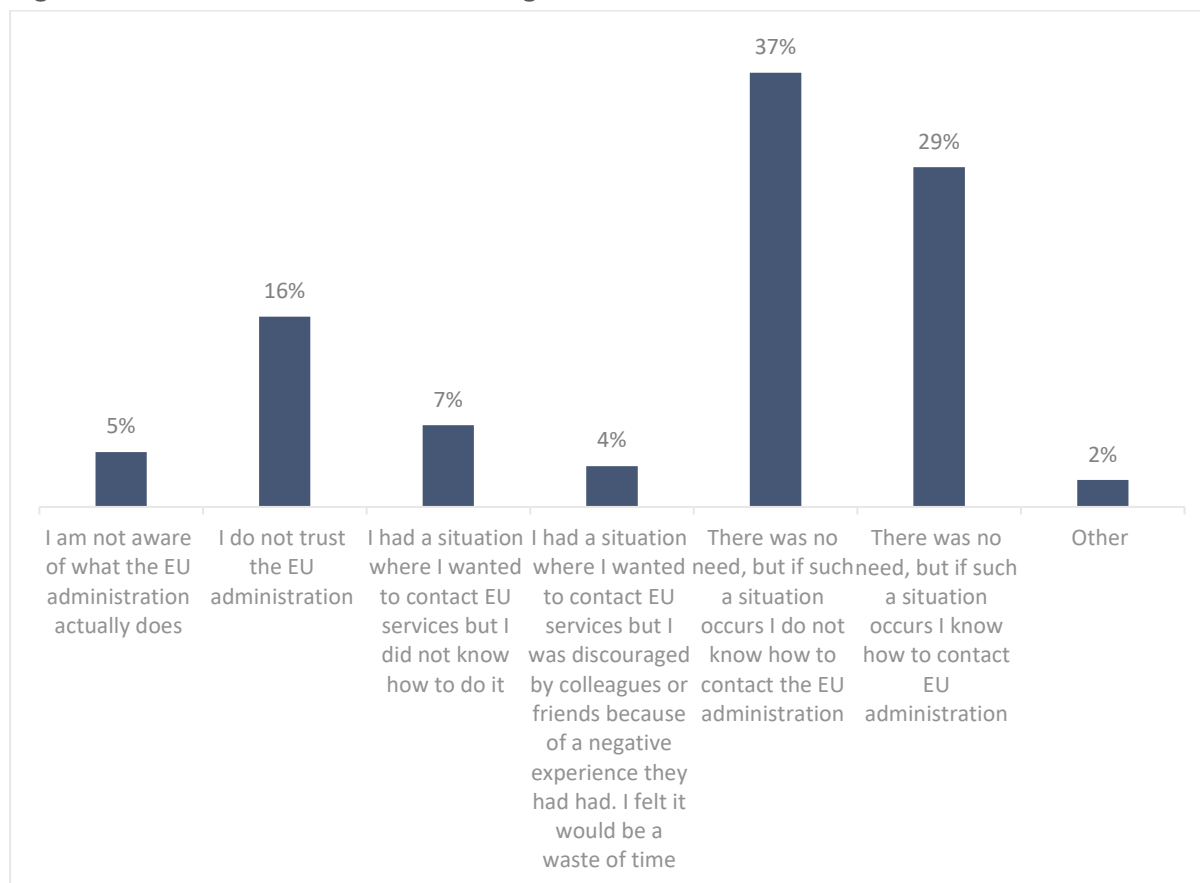
Among all respondents to the survey, 48 % had direct experience with the EU.

Table 6: Distribution of respondents by direct experience

Q10. Have you or your organisation had direct experience of dealing with the administration of the European Union?	
Yes, I (or my organisation) has had direct experience of dealing with the EU administration	48.2 % (80)
No, I (or my organisation) has no direct experience of dealing with the EU administration	51.8 % (86)

Respondents who had no direct experience were asked to explain why they did not contact the EU administration (Q41). The main reason some respondents gave for not contacting the EU administration was lack of need. However, 37 % stated that they had no need, but if such a situation occurred, they would not know how to contact the EU administration. Additionally, 7 % indicated that they experienced a situation in which they wanted to contact the EU administration, but did not know how to proceed, and 5 % stated that they were not aware of what the EU administration does.

Figure 3: Justification for not contacting the EU administration

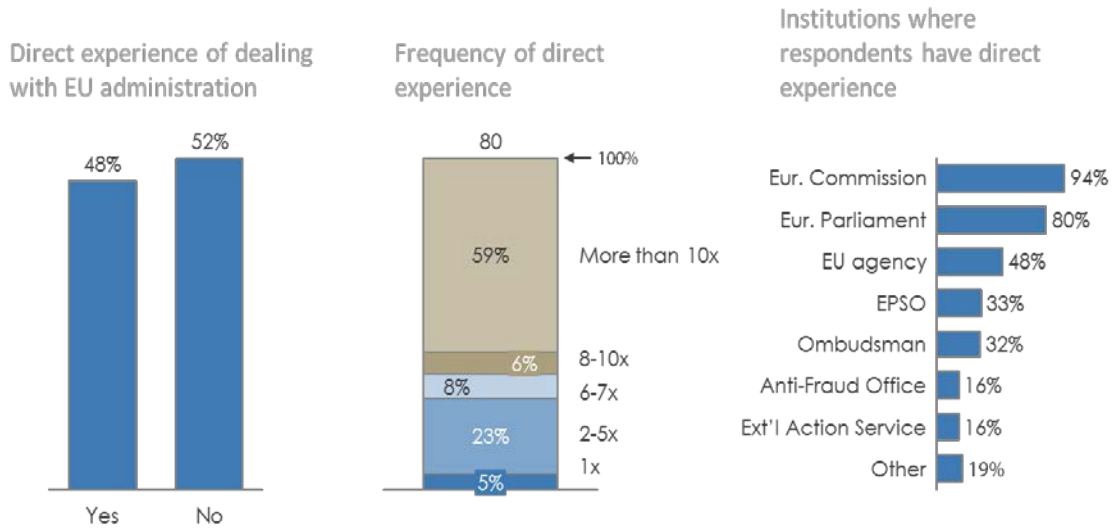


Source: EPRS.

1. Institutions

The results of the public consultation suggest that the **European Commission is the most frequently contacted institution** (94 % of respondents), followed by the European Parliament (80 %) and the EU agencies (48 %). The European Commission also leads in the number of complaints received by the European Ombudsman, as well as in the number of requests for access to documents. In both cases, the European Commission is the institution that most frequently interacts with citizens and companies.

Figure 4: Institutions and frequency of contact



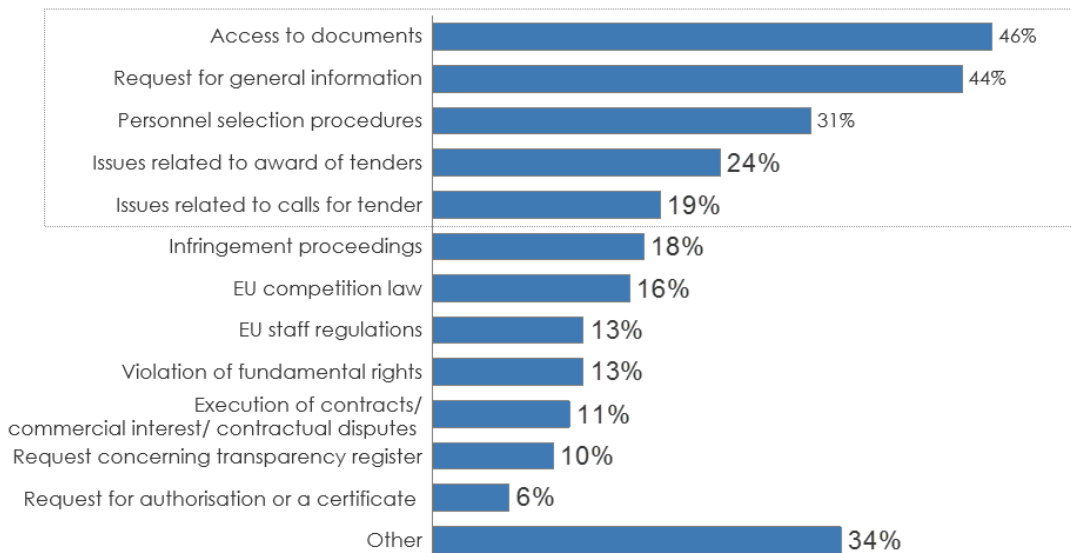
Source: EPRS.

2. Reasons

One of the objectives of the public consultation was to understand why individuals interact with the EU administration. The results suggest that **access to documents (46 %)** and requests for **general information (44 %)** are the main reasons for contacting the EU institutions, followed by personnel related matters (44 %) and issues related to public procurement (43 %). Research related activities was the most frequent reply among 'other' reasons (34 %).⁵⁹

One possible explanation for access to documents being the main reason for contacting the EU administration is that this right and procedure are specifically provided for in EU Regulation 1049/2001. This arguably makes it easier for the public to contact the EU administration.

Figure 5: Reasons for contacting the EU administration



Source: EPRS.

⁵⁹ More than one option/response was possible.

3. Frequency

A large majority of the respondents who had direct experience (95 %) had more than one contact with the EU administration, with 59 % having more than 10 direct experiences.

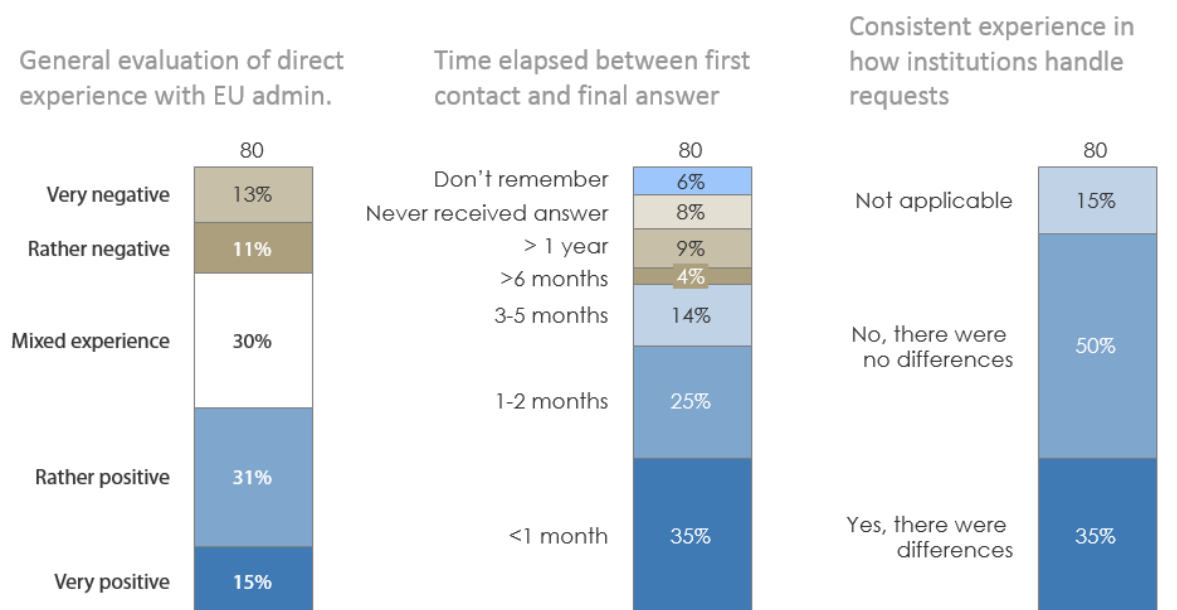
3.3.2. Marked difference of experience between various EU institutions, bodies and agencies

One of the key issues the survey aimed to assess was whether citizens and business experienced differences in the ways in which various EU institutions, bodies and agencies handled their administrative requests. To assess overall experiences, as well as the perceived degree of divergence in administrative practices, the survey included a set of general and specific questions, as well as a number of open-ended questions where citizens could provide reasons and explain their position.

1. General evaluation of direct experience with the EU administration

Respondents' experience with the EU administration (Q28) is mixed: 46 % evaluate their overall experience as positive or very positive; 30 % as mixed and 24 % as negative or very negative. To the question regarding the differences in administrative practices in various EU bodies, 50 % replied that they did not experience any substantial differences in how various EU bodies handle citizens' or companies' requests, while 35 % of the respondents experienced differences, and 15 % had contact with only one EU institution, body or agency.

Figure 6: General level of satisfaction and degree of perceived fragmentation



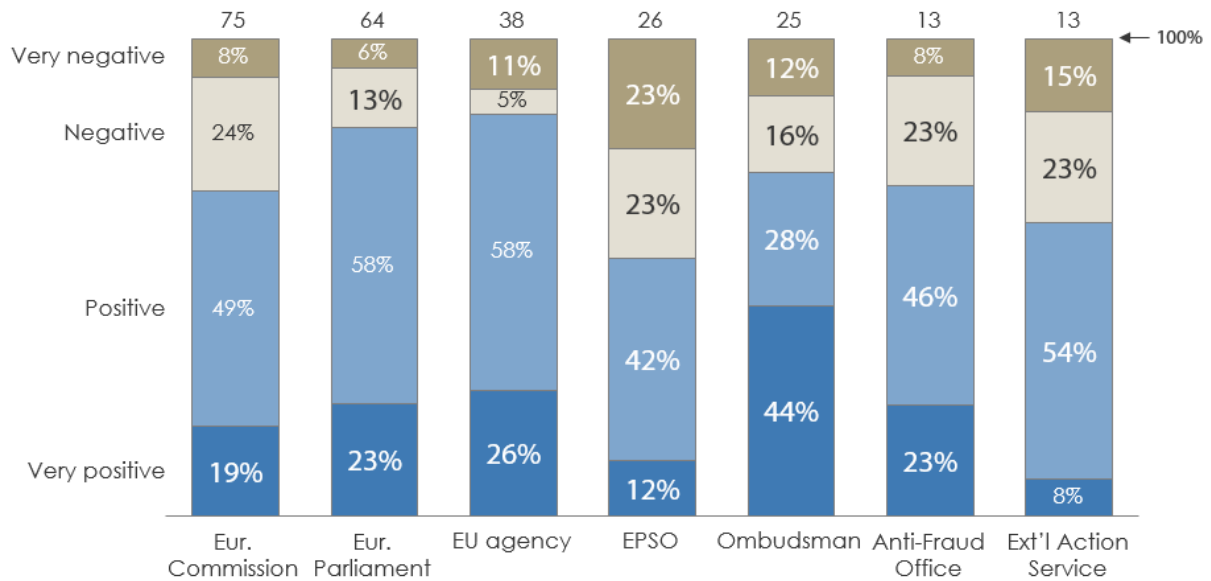
Source: EPRS.

2. Evaluation of direct experiences with specific EU institutions, bodies and agencies

Following a question on the overall evolution of respondents' direct experience with the EU administration, respondents were asked to also evaluate their experiences with the specific EU institutions, bodies or agencies. The proportion of negative and very negative evaluations was high,

ranging from 16 % to 46 %.⁶⁰ The European Personnel Selection Office (EPSO) received the most negative evaluation, 46 % of respondents had a negative or very negative experience, which is considerably above the average (24 % have a generally negative experience with the EU administration – see figure 6 above). The External Action Service (38 %), European Commission (32 %), Anti-Fraud Office (31 %) and European Ombudsman (28 %) also rank above the general level of negative experience. The respondents only evaluated the European Parliament (19 %) and the EU agencies (16 %) more positively. The substantial differences in evaluation of respondents' experience indirectly suggests that a great variation in the quality of institutional practices indeed exists, at least if the overall level of satisfaction with the EU administration is taken as a proxy.

Figure 7: Level of satisfaction per institution



Source: EPRS.

2. Explaining perceived differences

For greater understanding of the kind of differences respondents experienced in dealing with various EU administrations, the survey provided an open-ended question (Q23). The individual replies can be clustered in three main categories: (1) differences in bureaucratic cultures among institutions; (2) inconsistent practices within one institution; and (3) inconsistencies in the quality of services provided.

Commenting on the differences in how the EU administration handles requests, respondents pointed to differences in **bureaucratic cultures and administrative approaches**

'Different bureaucratic traditions apply in different institutions. Some are more defensive than others.'
(German male 25-39 year age bracket)

Based on their personal experiences, some respondents found the European Parliament to be more open than the Council or the European Commission:

'The Parliament is always more open. The Council remains an opaque and inaccessible body. For the Commission, things are more complex because behaviour is differentiated by DGs!' (Greek male 55-64 year age bracket, original version in Greek).

⁶⁰ Negative experience, at least partly, may be explained by reasons provided by the respondents and include, but are not limited to: inconsistent practices between and within the EU administration, as well as inconsistencies in the quality of public services provided.

'The main difference is the way they approach the request or complaint: The Commission has a more technocratic approach while parliamentarians use their political skills. However, both have the tendency to lose contact with the citizens (bubble-effect).' (German female 25-39 year age bracket.)

'Considerably more support and help from Parliament' (Spanish male 65+ age bracket, original in Spanish)

'The Ombudsman and Parliament were very open and responsive. The Commission was difficult to navigate, but once you had the right person they too were also very responsive.' (British female, 40-54 year age bracket.)

However, others find interaction with the European Commission to be the most efficient:

'Commission more efficient.' (Slovenian, 25-39 years.)

'The Commission worked more efficiently than the Parliament.' (German male, 40-54 years.)

Others shared negative experiences with a number of institutions:

'Parliament does not respond at all, the Commission (DG Justice) does not answer clearly to the question, so it gives an answer but without answering. The EU Ombudsman when facing problems buries her head in the sand.' (Dutch male 55-64 years, original in Dutch).

'Most of my contacts have been requests for information. Some of them were promptly replied to, others not at all, some after a substantial delay and many reminders. I have a Court case pending against the Parliament concerning the application of Regulation 1049/2001 and a number of complaints with the European Ombudsman.' (Finnish female, 40-54 years).

Some respondents were disappointed by **inconsistent practices within the EU administration** (i.e. different DGs in the Commission):

'In the EU Commission there are also differences between DG's and services. The main difference is in the precision and individualisation of responses.' (French male, 65+);

'Not only differences in request, but also in online information and accessibility.' (Italian female, 40-54 years.);

Respondents also reported **inconsistencies in the quality of services provided** by the EU administration:

'It concerns the bureaucracy, the arbitrary application of rules and the absence of accountability.' (Dutch male, 40-54 years, original in Dutch).

'The Commission appears to have developed maybe due to an overload of tasks, a certain disregard for procedural rights of individuals. One quite drastic example is access to documents.' (German male, 40-54 years).

'Response times, procedural rights, motivation (quantity and quality).' (French female 65+, original in French).

'Institutions significantly differ regarding timeframes, attitude, service-mindedness, etc., hence, a unified procedural framework is highly required.' (Slovenian female, 40-54 years).

'You never know how long administrative procedures take and nobody ever seems to be able to tell. - Answers/Responses are often sent anonymously so you cannot contact the person responsible for the response/answer. Services are often structured in a way that no one has responsibility or to face consequences in the event of handling procedures wrongly or just being rude/unfriendly.' (German male, 25-39 years).

3.3.3. Operational incoherence and accessibility of the EU administration are respondents' two main concerns

Citizens' and businesses' overall satisfaction with various EU institutions, bodies and agencies provides a general picture. To understand what elements contribute to the positive and negative experiences of the respondents in more detail, the survey included a series of questions related to the specific elements of service provisions including, (1) key quality criteria, (2) associated costs, and (3) stages of the procedure.

1. Key dimensions of service quality

Based on the OECD framework for measuring quality of public services to citizens, the survey included 22 statements (Q29 and Q31) related to the four key dimension of public service quality: accessibility, responsiveness, reliability and satisfaction.⁶¹

Table 7: Experience with the EU administration – quality framework/evaluation criteria

Accessibility	'Accessibility' refers to five statements related to (1) accessibility of information about the service responsible; (2) accessibility of the service responsible; (3) complexity to understand and identify the correct procedural steps necessary to solve a concern; (4) accessibility and availability of information in an EU language; (5) accessibility of electronic services.
Responsiveness	'Responsiveness' refers to four statements related to (1) timeliness of the replies; (2) justification for the replies received; (3) ability to answer specific questions; and (4) timeliness of the overall procedure
Reliability	'Reliability' refers to seven statements related to the professionalism, integrity and competence of the administration, including (1) respect for procedural rights; (2) objectivity, (3) impartiality, (4) competency, (5) consistence, (6) informativeness, and (7) duty to provide reasons.
Satisfaction	'Satisfaction' refers to seven statements related to the overall quality of the services provided including (1) courtesy of the administration; (2) the transparency of the procedural steps; (3) assistance in identifying the correct service; (4) communication in the language of the respondent; (5) acknowledgement of receipt; and (6) information on the procedure for appeal.

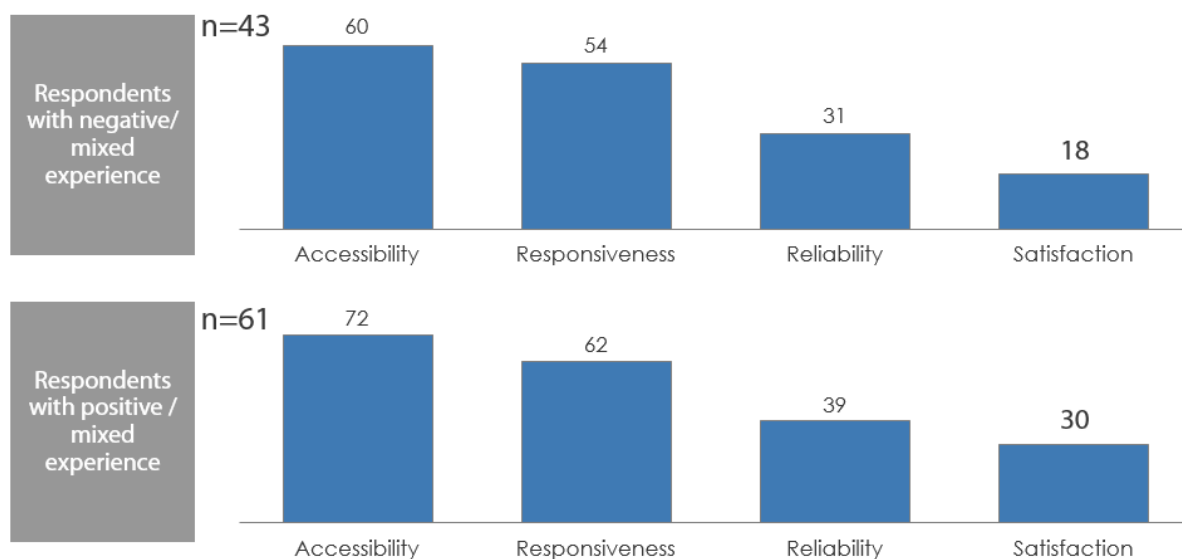
Source: EPRS.

Accessibility is an essential enabler of access to services. Responsiveness is a driver of trust. Reliability is a crucial dimension of professionalism, integrity and competence. Satisfaction is a measure of quality of services provided. All four elements contribute to the overall perception of trust and public service efficiency.

When asked to identify the reasons explaining their positive experiences, most respondents identified the accessibility⁶² of the EU administration and its services as most positive. This is followed by responsiveness, reliability and satisfaction. Accessibility also contributed to the negative experiences with the EU administration.

⁶¹ OECD, Government at a Glance 2015, OECD Publishing, 2015, pp. 168-169.

⁶² 'Accessibility' refers to five statements related to (1) accessibility of information about the service responsible; (2) accessibility of the service responsible; (3) complexity in understanding and identifying the correct procedural steps necessary to solve a concern; (4) accessibility and availability of information in an EU language; (5) accessibility of electronic services.

Figure 8: Justifications for positive and negative experiences by category⁶³

Source: EPRS.

In terms of the **accessibility of the EU administration and its services**, the most positive statement was 'I could easily reach the service responsible and/or find contact data for my type of concern' (31.1 %), followed by the statement 'I had no difficulty with access to electronic services' (26.2 %). The most problematic statement in the category accessibility was 'I had difficulty in finding information' (37.2 %), followed by 'I could only find very general information and I could not easily understand the correct procedural steps that I need to take and whom to contact in order to solve my issues or concerns' (30.2 %).

Access to information and the ability to **identify and understand the correct administrative procedural steps** to follow are the **two main concerns of respondents**. **Access to electronic services and ease in reaching the service responsible** are the **two main positive points related to the accessibility** of the EU administration and its services.

In terms of the **responsiveness** of the EU administration, among the respondents who had negative or mixed experience, **the main issue identified is the length of the procedure**. Some 41.9 % of the respondents with a negative evaluation of the experience with the EU administration agreed with the statement 'The procedure was too long'. However, among the respondents who had positive or mixed experience, 31 % of respondents agreed to the statement 'The procedure was concluded within a reasonable time'.

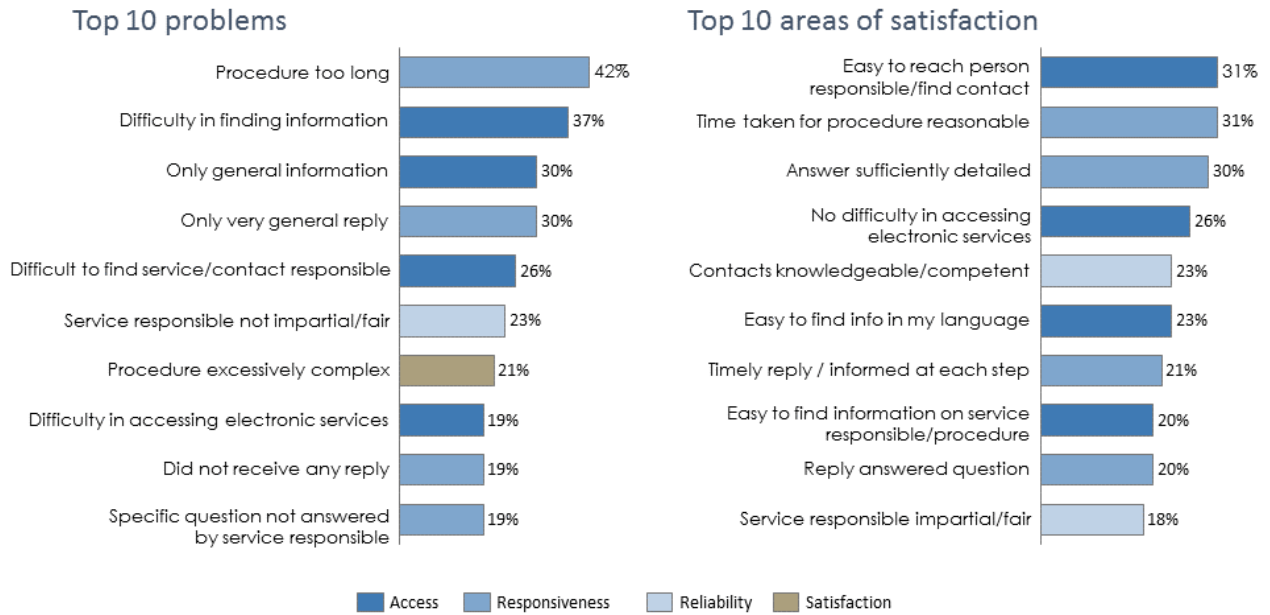
Therefore, the length of the administrative procedure has a considerable impact on both the positive and negative evaluation of the overall experience.

The **reliability** of the EU administration and the overall **satisfaction with the communication** provided by the EU administration were less frequently selected among the main issues of negative or positive evaluation of experiences. Within those two categories, the perceived **competence of the service dealing with the request had a most positive impact** on the evaluation respondents

⁶³ The number of points indicated in Figure 8 is a compound score of all responses per category. The higher score the more frequently issues in this category have been identified by the respondents as one of their 4 most positive/negative issues.

with positive or mixed experience (23 %), **while the lack of impartiality and fairness was a main negative issue** identified by the respondents with negative or mixed experience.

Figure 9: Justifications for positive and negative experiences by specific rights/issues



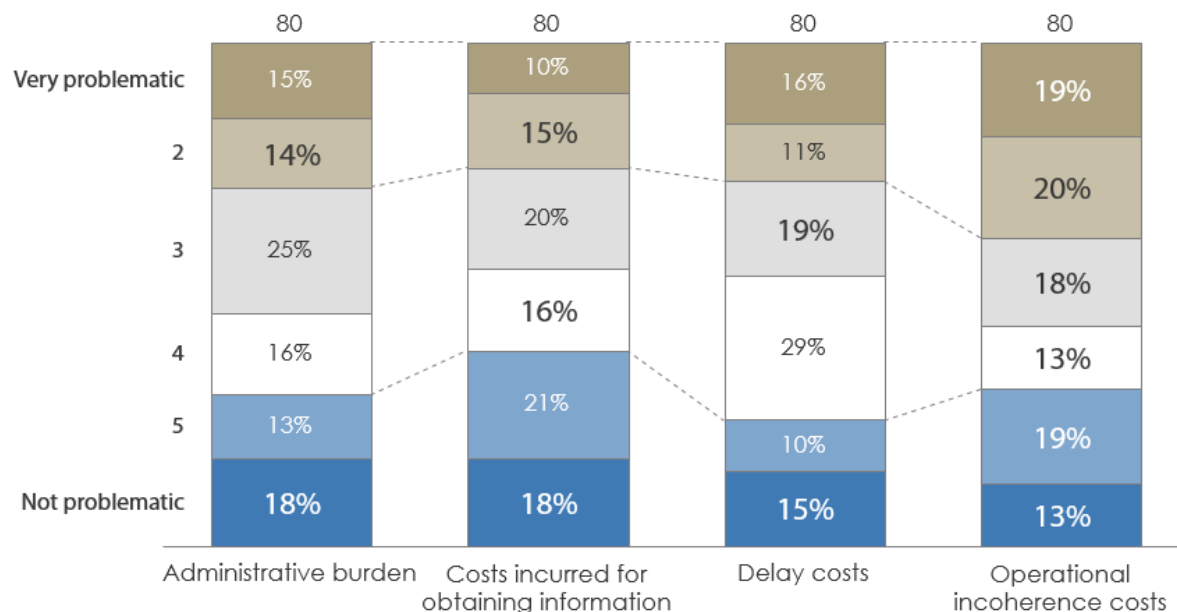
Source: EPRS.

To summarise, based on the analysis of the responses, respondents had positive experiences with the EU administration if the service responsible could be easily identified, including possibly through electronic means, the administrative procedure is completed with professional competence, in a reasonable time and, the administrative decision was justified in detail. On the other hand, long administrative procedures resulting in a very general reply, as well as difficulties in finding necessary, detailed information and the service responsible, are elements identified by respondents with a negative experience.

2. Costs

Administrative procedures, as any other type of regulation, generates various types of costs. The survey included a question on four categories of costs related the current system of administrative procedure. The respondents were asked to evaluate the administrative burden, information, delay and operational incoherence costs. The results suggest that 39% of respondents find **operational incoherence costs**, defined as costs for citizens or companies related to the operational or regulatory inefficiencies of the EU administration in providing a service, problematic or very problematic. The operational incoherence costs were evaluated by the respondents as most problematic costs among four categories of costs. The information cost on the other hand was considered as unproblematic by 39 % of respondents.

Figure 10: Costs (by type)

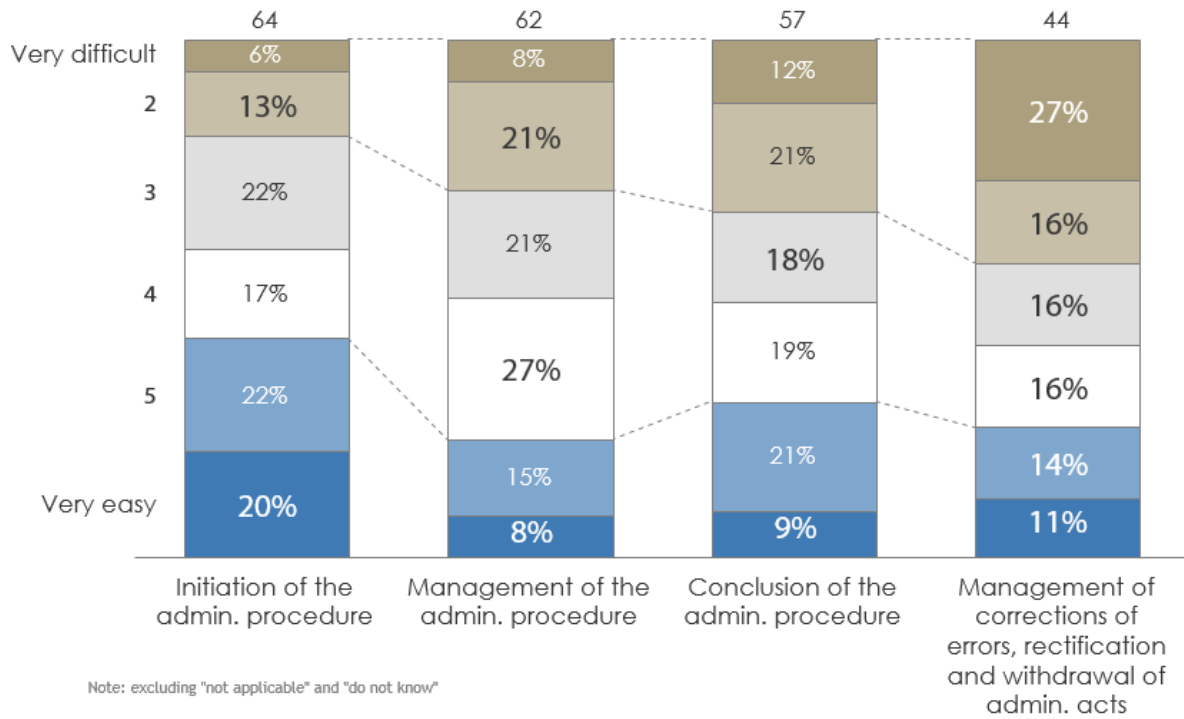


Source: EPRS.

3. Stages of the procedure

In addition to key quality criteria and associated costs, respondents were also asked to assess their experience related to the four stages of the administrative procedure including: initiation, management, conclusion and correction of errors in the administrative proceedings. The results suggest that the initiation of an administrative procedure is considered to be relatively easy (44 % of respondents found it easy or very easy), while the management and correction of errors is most difficult (43 % of respondents found it difficult or very difficult). For all four stages of the proceeding a substantial proportion of the respondents find initiation of an administrative procedure difficult or very difficult.

Figure 11: Stages of administrative proceedings (easy/difficult)



Source: EPRS.

3.3.4. Transparency, impartiality, independence and objectivity – key principles requiring further reinforcement

As a final step in the evaluation of direct experience in dealing with the EU administration, respondents were asked whether they considered it necessary to reinforce certain rights and principles at EU level (Q36 and Q38)

Table 8: Support for further action/reinforcement of EU rights and principles

Q36 Based on your experience, do you see any problems/shortcomings related to the functioning of the EU administration and/or application/enforcement of EU rights and principles?	%
Yes, I think certain right(s) or principle(s) require further reinforcement at EU level	76.2 %
No, I do not see any issues with the current functioning of the EU administration, and therefore nothing needs to be reinforced	13.8 %
Other	10.0 %

Source: EPRS.

The results (Q36) suggest that, based on their experience, **76 % of the respondents see problems or shortcomings related to the functioning of the EU administration and/or application or enforcement of EU rights and principles** and therefore support further EU action. To assess what specific rights or principles need further reinforcement on the EU level, the respondents have been asked to indicate five most important rights or principles that, in their opinion, require further reinforcement at the EU level.

Table 9: Procedural rights (by type and level of support)/'top 6'

Q38 A number of EU legal acts and policy documents guarantee certain procedural rights to citizens and companies in EU administrative proceedings. Based on your experience, please mark the most important rights or principles that, in your opinion, require further reinforcement at the EU level (maximum five issues).	%
Obligation to be proactively transparent in EU decision-making	50.8 %
Obligation on impartiality, independence and objectivity	42.6 %
Obligation to give reasons for decisions	39.3 %
Obligation to deal properly with issues related to lobbying	21.3 %
Obligation to deal properly with requests for information	21.3 %
Obligation to deal properly with requests for public access to documents	21.3 %

Source: EPRS.

The results suggest that transparency, impartiality, independence and objectivity, as well as the obligation to give reasons for decisions, remain issues that, in the opinion of respondents, require further action at EU level. More than 50 % of respondents indicated 'obligation to be proactively transparent in EU decision-making' as the most important principle requiring further reinforcement on the EU level.

In conclusion, the responses to section I, highlight a number of issues and concerns.

Table 10: Experiences – Key findings

Experiences: Key findings:
(1) The European Commission is the EU institution most frequently contacted by citizens and businesses. Access to documents and access to information are the two main reasons to contact the EU administration.
(2) A large degree in perceived differences in administrative practices exists among EU institutions, bodies and agencies. The degree of respondents with negative or mixed experiences overall is very high. Furthermore, in comparative terms, there are large differences in perceived negative experiences by institution.
(3) Length of procedure, difficulties in finding information and the quality of the reply received rank among the top three problems contributing to negative experiences. Operational incoherence costs, defined as costs for citizens or companies related to the operational or regulatory inefficiencies of the EU administration, are most problematic. The correction of errors is considered the most difficult stage of administrative proceedings.
(4) There is a high degree of support (76 %) for further action on EU level. Respondents have indicated transparency, impartiality, independence and objectivity, as well as the obligation to give reasons for decisions, as the key principles requiring further reinforcement at EU level.

Source: EPRS.

3.4. General attitudes

The survey aimed at understanding general attitudes and perceptions towards the EU administration, and perceived knowledge of the EU existing administrative procedural rights and principles.

More specifically this section aimed at:

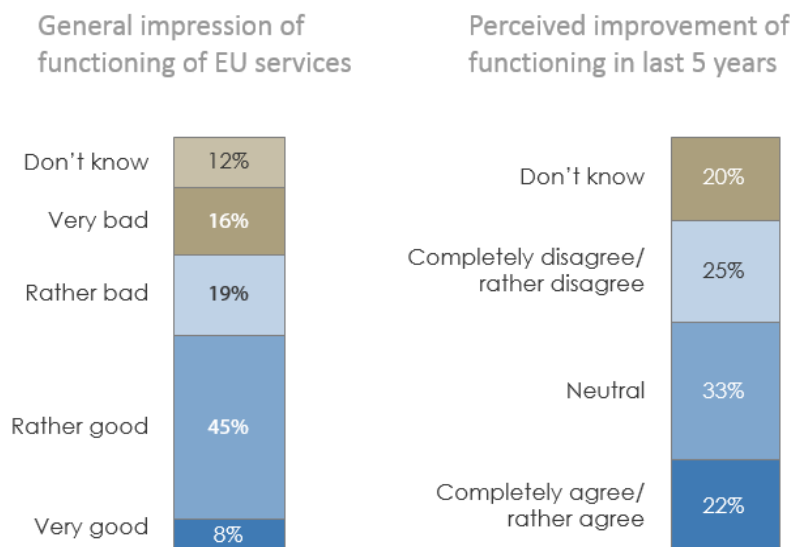
1. assessing general attitudes and perceptions, on the accessibility of the EU administration and perceived changes in the functioning of the EU administration in the last five years;
2. understanding perceived knowledge of the existing rules and principles; and
3. identifying if there are perceived differences in the rules on good administration among various EU institutions, bodies and agencies

3.4.1. Slightly over half of respondents have positive attitudes regarding the EU administration

The general tendencies towards the EU administration were assessed through a set of questions focusing on the perceived general functioning of the EU (Q45); perceived degree of ease in contacting the EU administration (Q46); and perceived changes in the last five years (Q49).

1. General attitudes and perceptions

Figure 12: General impression and perceived changes in the last five years



Source: EPRS.

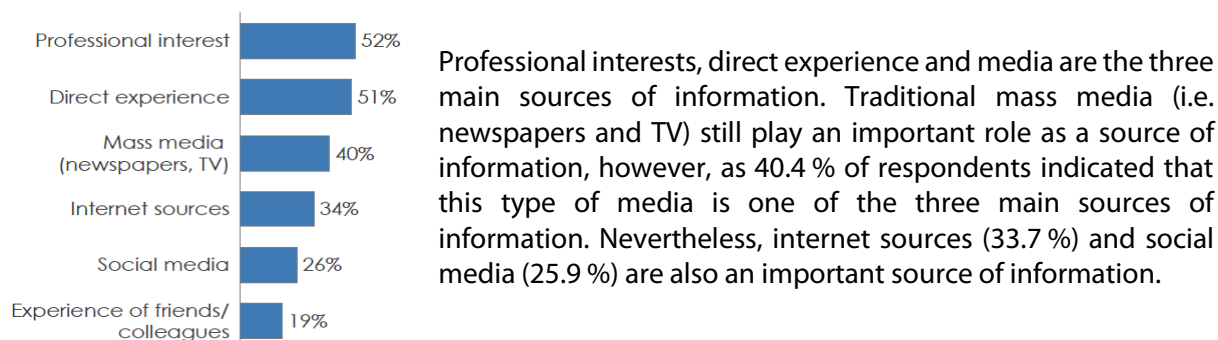
Slightly over half of the respondents (52.4 %) have a generally good impression of the functioning of the EU services/administration, while more than one third of respondents (35.6 %) have a bad impression.

Opinions as to whether the functioning of the EU administration has improved in the last five years are divided. Approximately one in five respondents (22.3 %) agreed to the statement that the functioning of the EU administration has improved in the last five years. At the same time, almost a quarter (24.7 %) of the respondents disagreed, and a third of the respondents (33.1 %) saw no change in the functioning of the EU administration in the last five years.

2. Sources of information

The survey also included a question on the sources of information used, to understand the basis upon which respondents formed their opinion (Q44).

Figure 13: Sources of information

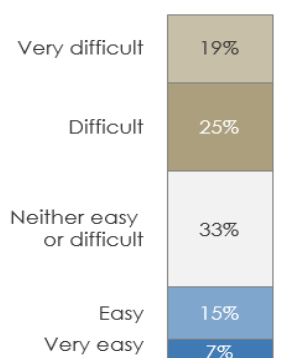


Source: EPRS.

3. Perceived difficulty in accessing the EU administration

Figure 14: Perceived difficulty in accessing the EU administration

Ease to contact and receive information from EU admin



While slightly over half of the respondents have a generally positive impression of the functioning of the EU administration, many respondents (44 %) consider contacting and receiving information from the EU administration to be difficult or very difficult. Only 23 % consider it easy or very easy, and 33 % find it neither easy nor difficult. The EU administration's accessibility is therefore perceived as difficult. This perception is corroborated by responses to Q29 on experience, where 37 % of the respondents indicated that they find it difficult to find information and 30 % indicated that they had difficulty understanding procedural steps.

Source: EPRS.

4. Most important rights and principles

While all rights and principles of good administration are important, Q48 aimed nevertheless at gathering public opinion on the degree of importance of eleven key administrative procedural rights and principles. The three principles that received the highest score, i.e. were ranked the

highest by the respondents, were **respect for fundamental rights, transparency and accountability**.

Table 11: Key administrative procedure principles (by importance)

Overall rank	Item	Score
1	Respect for fundamental rights	1 429
2	Transparency	1 364
3	Accountability	1 156

Source: EPRS.

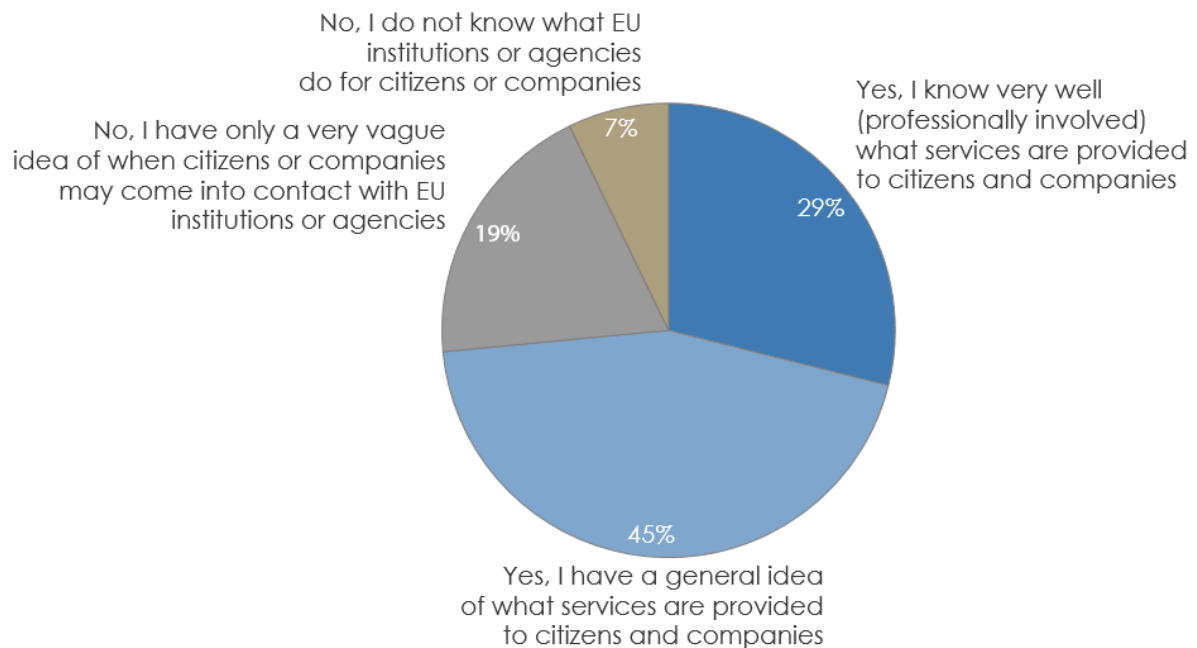
The responses to this question again point to the value and a certain degree of expectation on the part of the respondents regarding issues of transparency and accountability.

3.4.2. A high degree of confusion and misconceptions among respondents regarding current applicable rules and procedures.

In addition to general attitudes, the survey also aimed at measuring perceived knowledge of the existing EU administrative laws and procedures. In general, Q50 enquired as to whether respondents were aware of the direct services provided by the EU administration.

Figure 15: Perceived knowledge (general)

Q50 In general, do you know what services the administration of EU institutions and agencies provide to citizens and companies?



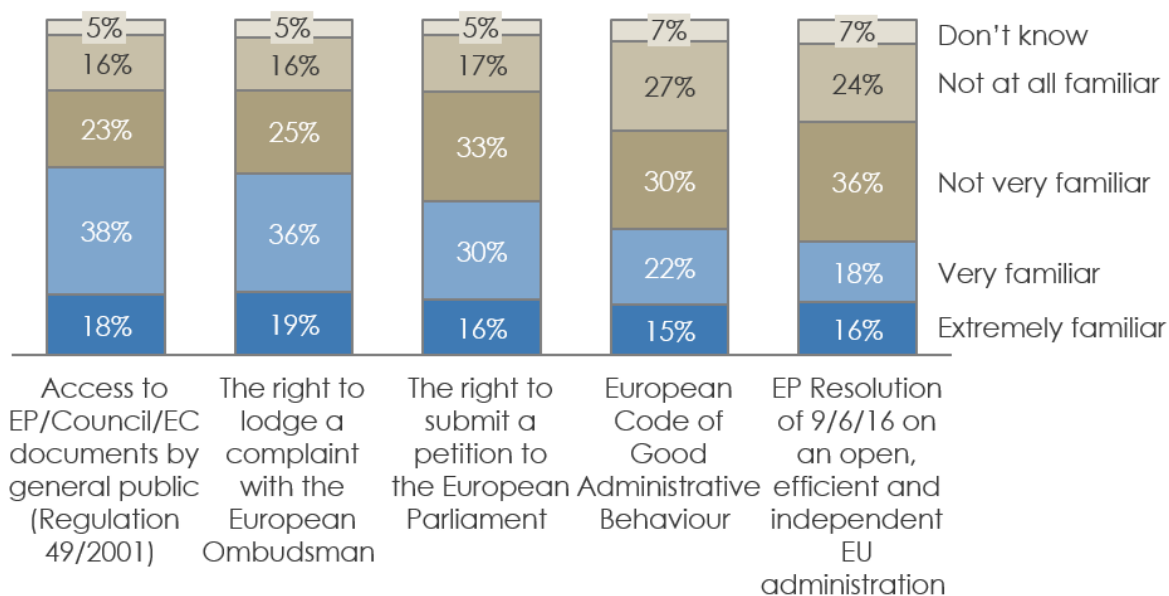
Source: EPRS.

The answers suggest that **26 % of the respondents do not know what services the EU administration provides** and 45 % have only a general idea as to what services are provided. Only 29 % are aware of the services the EU administration provides.

The survey further asked respondents to indicate how familiar they were with the existing procedural rights on good administration, i.e. a right to public access to documents, a right to submit a petition to the Parliament, a right to lodge a complaint with the European Ombudsman.

Figure 16: Perceived knowledge (by specific right)

Q52 In general, how familiar do you feel with each of the following instruments and rights related to the EU administrative procedure?



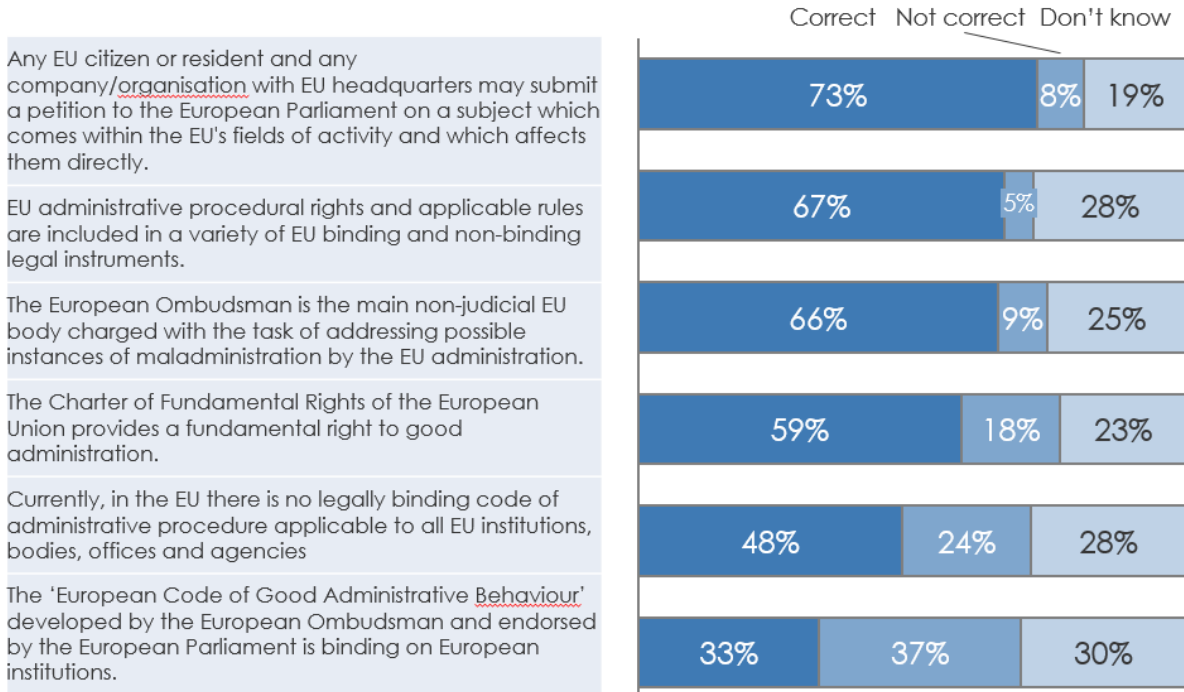
Source: EPRS.

The respondents are most familiar with Regulation 49/2001 on the right to access documents, where 56 % of respondents indicated that they are familiar with this right. Similarly, 55 % of respondents indicated that they are familiar with the right to lodge a complaint with the European Ombudsman. Familiarity with the European Code of Good Administrative Behaviour is however lower. Only 37 % of the respondents indicated that they are familiar or very familiar with this instrument, with 27 % suggesting that they are not at all familiar with the Code.

To assess perceived knowledge on the existing rules and procedures further, Q53 asked respondents to indicate whether six statements related to the EU administrative procedure, were correct or not. The aim of this set of questions was to understand the perceived knowledge of respondents on the topic of EU administrative procedure.

Figure 17: Perceived knowledge (by administrative action)

Q53 Please read the statements below related to the EU administration and EU administrative procedure and, based on your knowledge, indicate whether you think it is correct or not correct, if you do not know please mark accordingly.



Source: EPRS.

Responses to this question provide mixed messages on the overall perceived knowledge of the EU administrative procedure among the respondents. The span of 'don't know' responses ranges from 19 % on the right to submit petition to the European Parliament to 30 % on the legally binding force of the European Code of Administrative Behaviour. Generally, the responses suggest that respondents are most aware of their right to submit a petition to the European Parliament. The responses indicate that there is a degree of confusion among respondents regarding current applicable rules and procedures:

- **28 % of respondents don't know whether or not there is a legally binding code of administrative procedure** applicable to all EU institutions and **24 % incorrectly think that one exists**. This means that more than half of the respondents are not fully aware of the current framework applicable to the EU administrative procedure.
- Similarly, **23 % of respondents do not know that the Charter of Fundamental Rights of the European Union provides a fundamental right to good administration** and 18 % (wrongly) think that this is not the case.⁶⁴
- Likewise, **33 % of respondents indicated that they think that European Code of Good Administrative Behaviour is binding on all EU institutions**, which is incorrect, and 30 % did not know whether this was the case or not.⁶⁵

⁶⁴ The fundamental right to good administration is provided in Article 41 of the Charter.

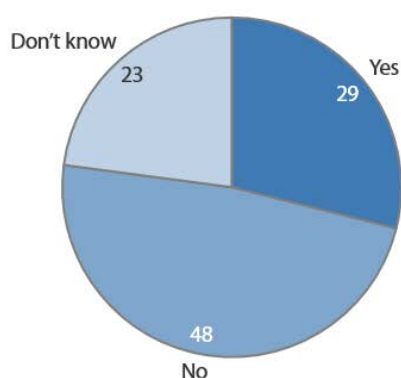
⁶⁵ The European Code of Good Administrative Behaviour is not a legally binding document.

3.4.3. Perceived differences between EU institutions, bodies and agencies

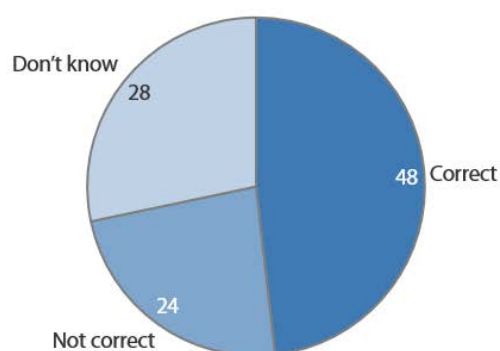
Finally, the survey focused on the perceived differences in handling of administrative proceedings between EU institutions, bodies and agencies. Almost half of the respondents (48 %) indicated that they think that citizens/companies do not have the same or similar standards of protection of rights and administrative procedural guarantees in the EU across all EU institutions.

Figure 18: Understanding of current regulation on EU administrative law and procedures

In your opinion, do citizens/companies have same/ similar standards of protection of rights and admin procedural guarantees across all EU institutions



Based on your knowledge, indicate whether it is correct that there is no legally binding code of admin procedure applicable to all EU institutions



Source: EPRS.

Table 12: Attitudes and perceptions – key findings

Attitudes and perceptions Key findings:

- (1) **General perception of the EU administration is mixed:** 52 % have positive, and 36 % negative perception of the functioning of the EU institutions, bodies and agencies.
- (2) **EU administration accessibility is perceived as difficult.** 44 % consider it difficult or very difficult to contact and receive information from the EU administration.
- (3) A **high degree of confusion and misconception exists among respondents regarding current applicable rules and procedures**, where 52 % of respondents either do not know or wrongly think that there is a legally binding code of EU administrative procedure applicable to all EU institutions, bodies and agencies. Similarly, more than 40 % are either unaware or wrongly think that the right to good administration is not provided in the EU Charter of Fundamental Rights.

3.5. Further steps

Finally, the survey aimed to receive feedback from respondents **on the measures that the EU should take** in EU administrative law (Q55-61). This third part of the survey was again addressed to all respondents, irrespective of whether they had experience or not in dealing with the EU administration.

More specifically this section aimed at:

1. mapping respondents' preferences for further measures at EU level in general, and understanding the main reasons for which respondents think that action might be necessary or not;
2. understanding what type of measure respondents support.

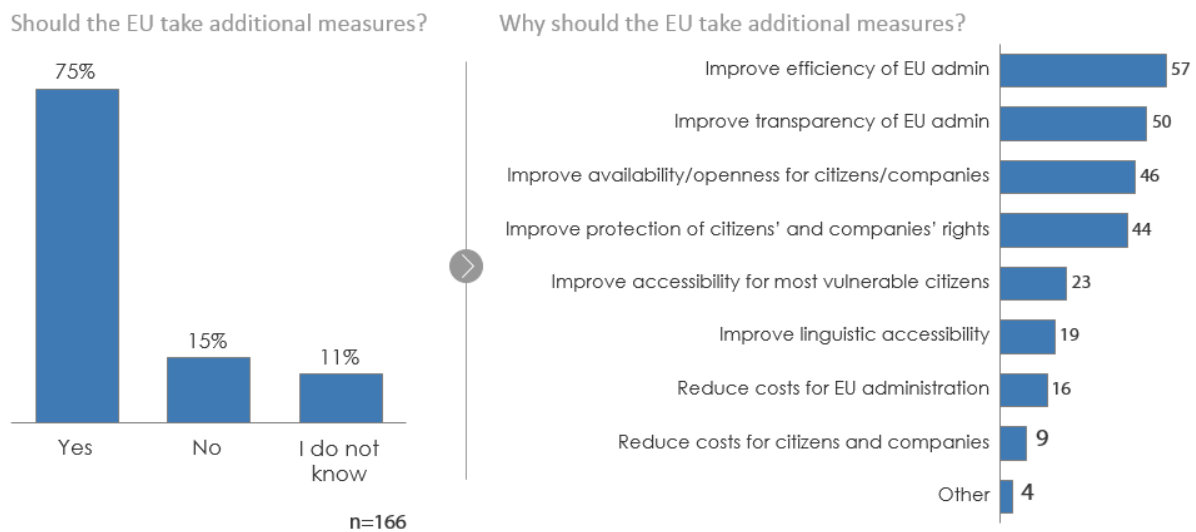
3.5.1. Strong support for additional measures at EU level

One of the objectives of the survey was to map the degree of support among respondents for additional measures at EU level and the justification for supporting this action. The survey included questions to measure the general level of support for further actions, objectives and types of possible EU measure, as well as the reasons for which respondents consider action necessary, or unnecessary.

1. General support for EU measures

There was a high level of support from the respondents (76 %) for additional measures at EU level to reinforce the EU administrative procedure. The two **main reasons why respondents would like the EU to act** were **to improve efficiency** (57 %) and **to improve transparency** (50 %) of the EU administration.

Figure 19: Potential additional measures (by level of support)



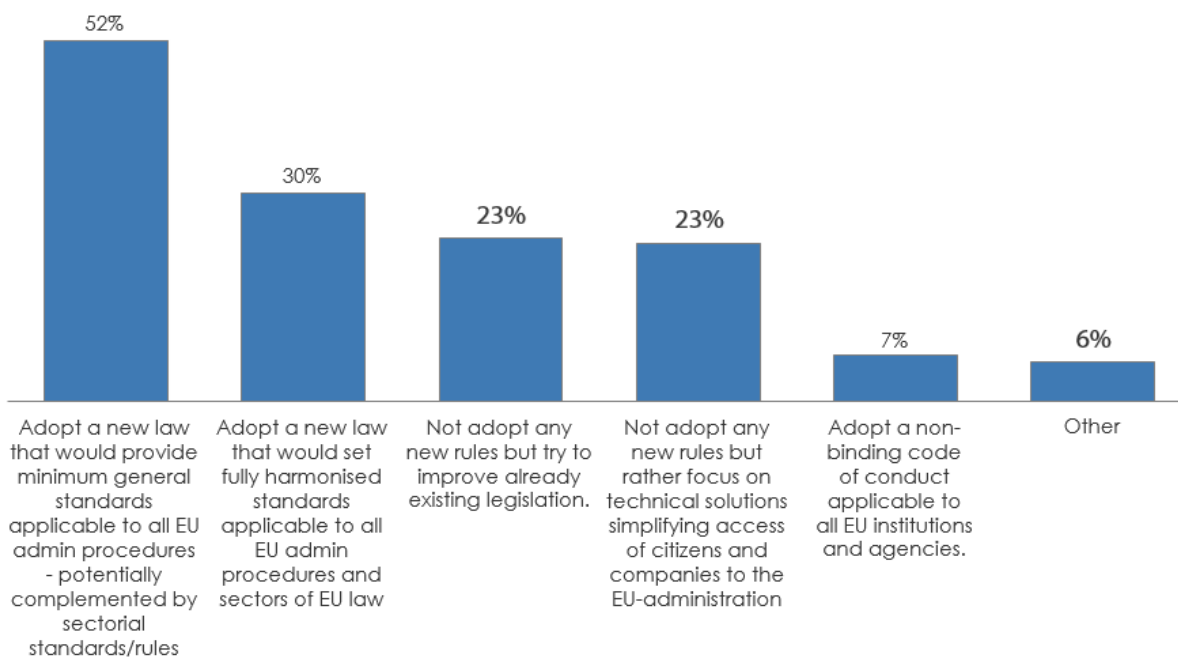
Source: EPRS.

2. Type of additional measures

In response to the question as to how the EU should best reinforce the functioning of the EU administration, **82 % of respondents were in favour of adopting a new law** (52 % supported a new law on minimum standards, while 30 % supported a new law on full harmonisation). The proportion of respondents who supported the adoption of a non-binding code of conduct was low (7 %), and 23 % of respondents were not in favour of a new law, but would prefer the EU to improve existing legislation. Similarly, 23 % did not support a new law, but would prefer to see measures focusing on technical ways to simplify public access to the EU administration.⁶⁶

⁶⁶ More than one choice was possible, therefore total of responses do not equal 100 %.

Figure 20: Potential additional measures (by type of regulatory action)



Source: EPRS.

Table 13: Further steps – Key findings

Further measures at EU level: Key findings
(1) Strong support (76 %) for additional measures at EU level to reinforce the EU administrative procedure.
(2) Measures to improve the efficiency (57 % support) and transparency of EU administration receive the greatest support.
(3) There is strong support for the adoption of a legally binding regulation (82 %).

4. Conclusions – Citizens call for EU measures, and adoption of a legally binding framework on the EU administrative procedure

In the academic literature, it is argued that the scattered and incoherent body of EU administrative procedural norms can negatively impact citizens' opinion of the legitimacy of the EU institutions, and more broadly undermine the EU-based rule of law. For this reason, the European Parliament has repeatedly called for the adoption of a legally binding and horizontally applicable EU administrative procedure law. The 2016 European Parliament resolution provides seven main justifications as to why action at EU level is necessary.⁶⁷ This resolution, among other things, argues that

- (1) the current system of procedural rules is incoherent and makes it difficult for citizens to understand their administrative rights under Union law;
- (2) the existing attempts to provide a coherent set of rules, through non-binding instruments have only limited effects;
- (3) further EU action to give effect to and lead to the practical realisation of the fundamental right to good administration enshrined in Article 41 of the EU Charter of Fundamental Rights is needed.

The public consultation underpinning this paper, aimed at surveying public opinion, first regarding personal experiences in dealing with the EU institutions; second, on general perceptions and attitudes towards the EU administration; and third, on further measures that the EU should take in the area of EU administrative law.

The results of the public consultation generally confirm that citizens and businesses find it difficult to exercise their right to good administration.

Transparency in the administrative process and access to information remain problematic. Respondents find it difficult to manage and navigate through the EU administrative process. Review and correction of errors in administrative proceedings are considered the most difficult parts of the administrative proceedings. Similarly, responses to questions on attitudes suggest that that EU administration accessibility is perceived as difficult by the respondents to the consultation. Moreover, there is a large degree of confusion and misconceptions among respondents regarding current applicable rules and procedures.

Experiences with the EU institutions and general perceptions of the EU administration **are mixed**. The survey questions on experiences revealed that a high percentage of negative or mixed experiences is associated with the EU administration. The highest costs identified by respondents are operational incoherence costs, defined as costs for citizens or companies related to the operational or regulatory inefficiencies of the EU administration in providing a service.

The **support for further EU action is very high**. Respondents support the **adoption of EU legally binding legislation** on the **EU administrative procedure**. The two main reasons for which respondents would like the EU to take action were: to improve efficiency and to improve the transparency of the EU administration.

The volume and complexity of interaction between citizens and business is likely to increase. This could potentially lead to even more incoherence in the current regime. Incoherence could potentially lead not only to an important loss of legal certainty in the EU legal system, but also to

⁶⁷ See Section 2 above.

decreased trust in the EU institutions on the part of citizens and businesses. Moreover, incoherence leads to substantial economic costs.

Annex I: Statistical tables

Distribution of respondents by nationality

Table 14: Distribution by nationality of individual respondents

	%	Count						
Belgian	4.5%	7	Finnish	8.4%	13	Polish	1.9%	3
British	5.2%	8	French	7.1%	11	Portuguese	1.3%	2
Bulgarian	0.6%	1	German	12.9%	20	Romanian	1.3%	2
Croatian	0.6%	1	Greek	1.9%	3	Slovenian	1.3%	2
Czech	1.9%	3	Hungarian	1.9%	3	Spanish	15.5%	24
Dutch	15.5%	24	Irish	0.6%	1	Swedish	0.6%	1
			Italian	14.8%	23	Other	1.3%	2
			Latvian	0.6%	1	Total		155

Source: EPRS.

Distribution of respondents by type of organisation

Table 15: Distribution and type of organisation

	Percentage	Count
Private company	9.1%	1
National, regional or local public authority	9.1%	1
Non-governmental organisation	27.3%	3
Academic institution	9.1%	1
Consumer organisation/ industry association/ trade union	9.1%	1
Consultancy/law firm/ think tank	9.1%	1
Other, please specify	27.3%	3
Total		11

Source: EPRS.

Distribution of respondents by experience

Table 16: Distribution of all respondents based on the direct experience with EU administration

	Percentage	Count
Yes, I (or my organisation) has had direct experience(s) of dealing with the EU administration	48.2%	80
No, I (or my organisation) has never had direct experience of dealing with the EU administration	51.8%	86
	Totals	166

Source: EPRS.

Distribution of respondents by data protection choice

Table 17: Data protection choices

	Percentage	Count
My/our contribution can be published directly with my personal/organisation information (I consent to publication of all information in my contribution in whole or in part including my name/the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication). Note that your answers may be subject to a request for public access to documents under Regulation (EC) No 1049/2001.	33.1%	55
My/our contribution can be published directly provided that I/my organisation remain(s) anonymous (I consent to publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that this is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication. I am aware that I am solely responsible if my answer accidentally reveals my identity.	40.4%	67
My/our contribution cannot be published directly but may be included within statistical data (I understand that my contribution will not be published directly, but that my anonymised responses may be included in published statistical data, for example, to show general trends in the response to this consultation).	26.5%	44

Source: EPRS.

Age Distribution

Table 18: Distribution by age

	Percentage	Count	Value	Percentage
15-24	9.0%	14	15-24	9.0%
25-39	23.2%	36	25-39	23.2%
40-54	36.8%	57	40-54	36.8%
55-64	25.8%	40	55-64	25.8%
65+	5.2%	8	65+	5.2%
Total		155		

Source: EPRS.

Gender Distribution

Table 19: Distribution by gender

	Percentage	Count
Male	62.6%	97
Female	35.5%	55
Other/ prefer not to indicate	1.9%	3
Total		155

Source: EPRS.

Level of Education Distribution

Table 20: Distribution by Education of individual respondent

	Percent	Count
Below secondary school	2.6%	4
Secondary school	12.3%	19
Non-university tertiary education / vocational school	3.9%	6
Bachelor's degree	11.7%	18
Masters or Ph.D.	62.3%	96
Graduate or professional degree from vocational school	3.9%	6
Prefer not to indicate	3.2%	5
Total		154

Source: EPRS.

Occupational Distribution

Table 21: Distribution by Occupation of individual respondent

	Percent	Count
Student	10.4%	16
Employed in national public sector/ civil servant	10.4%	16
Employed in private sector	13.0%	20
Employed in the non-governmental sector	1.3%	2
Employed in academic/research institution	32.5%	50
Employed or work for an EU institution or agency	7.8%	12
Employed by international organisation (other than EU)	1.9%	3
Self employed	9.1%	14
Unemployed or temporarily not working	5.8%	9
Unable to work	1.3%	2
Retired	6.5%	10
	Totals	154

Source: EPRS.

Annex 2: Questionnaire



European Parliament
At your service

Administrative law | European Parliament

Information about the respondent

1. You are replying: *

- As a private individual
- On behalf of an organisation

2. How old are you? *

- 15-24
- 25-39
- 40-54
- 55-64
- 65+

3. What is your gender? *

- Male
- Female
- Other/ prefer not to indicate

4. What is your nationality *



A vertical scrollable list of nationalities. The list is contained within a rectangular box with a vertical scrollbar on the right side. The text is left-aligned and includes the following items: Austrian, Belgian, British, Bulgarian, Croatian, Cypriot, Czech, Danish, Dutch, Estonian, Finnish, French, German, Greek, Hungarian, Icelandic, Irish, Italian, Latvian, Lichtensteiner, Lithuanian, Luxembourgish, Maltese, Norwegian, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish, and Other.

- Austrian
- Belgian
- British
- Bulgarian
- Croatian
- Cypriot
- Czech
- Danish
- Dutch
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Icelandic
- Irish
- Italian
- Latvian
- Lichtensteiner
- Lithuanian
- Luxembourgish
- Maltese
- Norwegian
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish
- Other

5. What is your highest level of education? *

- Below secondary school
- Secondary school
- Non-university tertiary education / vocational school
- Bachelor's degree
- Masters or Ph.D.
- Graduate or professional degree from vocational school
- Prefer not to indicate

6. What is your current occupation? *

- Student
- Employed in national public sector/ civil servant
- Employed in private sector
- Employed in the non-governmental sector
- Employed in academic/research institution
- Employed or work for an EU institution or agency
- Employed by international organisation (other than EU)
- Self employed
- Unemployed or temporarily not working
- Unable to work
- Retired

7. Have you studied, worked or lived in an EU Member State other than your country of origin? *

Yes

*

No

8. e-mail address (optional) *(if you give your consent to receive the results of the consultation, and/or to be contacted)*

9. Full name (optional)

10. How many employees does your organisation have? *

- 1-9
- 10-49
- 50-249
- 250-499
- 500 or more

11. Please indicate the type of organisation *

- Private company
- National, regional or local public authority
- International or European public authority
- Non-governmental organisation
- Academic institution
- Media
- Consumer organisation/ industry association/ trade union
- Consultancy/law firm/ think tank
- Other private body
- Other public body
- Other, please specify

*

12. Where is your organisation primarily based? *

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- United Kingdom
- Non EU

13. Does your organisation operate in more than one country? *

- Yes
- No

14. Is your organisation included in the Transparency Register? *

- Yes
- No

15. Field of activity or sector (optional)

16. e-mail address (optional) *(if you give your consent to receive the results of the public consultation, and/or to be contacted)*

17. Name of the organisation (optional)

18. Please choose from one of the following options concerning the use of your contribution: *

- My/our contribution can be published directly with my personal/organisation information (I consent to publication of all information in my contribution in whole or in part including my name/the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication). Note that your answers may be subject to a request for public access to documents under Regulation (EC) No 1049/2001.
- My/our contribution can be published directly provided that I/my organisation remain(s) anonymous (I consent to publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that this is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication. I am aware that I am solely responsible if my answer accidentally reveals my identity.
- My/our contribution cannot be published directly but may be included within statistical data (I understand that my contribution will not be published directly, but that my anonymised responses may be included in published statistical data, for example, to show general trends in the response to this consultation).

Administrative law | European Parliament

19. Have you or your organisation had direct experience of dealing with the administration of the European Union? *

- Yes, I (or my organisation) has had direct experience(s) of dealing with the EU administration
- No, I (or my organisation) has never had direct experience of dealing with the EU administration

20. How many times have you (or your organisation) dealt directly with the EU administration? *

- 1
- 2-5
- 6-7
- 8-10
- more than 10 times

21. Please indicate with which EU institutions, bodies or agencies you had contact(s) and what is your general evaluation of this specific direct experience?

*(More than one choice of institution is possible; please indicate, however, only institutions with which you have had direct experience. If you have not had direct experience, please mark 'No direct experience') **

	Very positive	Positive	Negative	Very Negative	No direct experience
Council of the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
European Anti-Fraud Office	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
European Commission	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
European External Action Service	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
European Ombudsman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
European Parliament	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
European Personnel Selection Office	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
EU Agency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="text" value="Enter another option"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

22. If you have had contact with the administration of more than one EU institution, body or agency, did you experience any substantial differences in how different institutions handle citizens' / companies' requests (including timeframe, procedural rights, etc.)? *

- Not applicable, I have had contact with only one institution
- No, there were no differences in how different institutions dealt with requests/complaints
- Yes, there were differences in how different institutions dealt with requests/complaints

23. If yes, please explain

24. Why did you contact an EU institution, body, office or agency? *

- Access to documents
- EU competition law including state aid, cartels, mergers or any other anticompetitive behaviour of undertakings
- EU Staff Regulations
- Execution of contracts/ commercial interest/ contractual disputes
- Infringement proceedings (other than competition law)
- Issues related to the award and implementation of tenders or grants
- Issues related to calls for tender
- Personnel selection procedures, including EPSO competitions
- Request concerning transparency register
- Request for authorisation or a certificate
- Request for general information
- Violation of fundamental rights
- Other

25. If other, please specify *

26. Please specify the EU policy area concerned by your contact with the EU institution (e.g. environment, health and food safety, consumer protection, agriculture, budget).

27. In general, how long did it take from the first contact with the EU administration until you received a final answer? *

- Less than 1 month
- Between 1-2 months
- 3-5 months
- More than 6 months
- More than 1 year
- I have never received an answer
- I do not remember

28. How would you in general evaluate your direct experience with the EU administration? *

- Very positive
- Rather positive
- Experience is mixed
- Rather negative
- Very negative
- I don't know

29. You have indicated that you have had contact with the EU administration but your experience was negative or mixed. Why? What were the main problem(s) you directly experienced? (max. 5 choices)

- I could only find very general information and I could not easily understand the correct procedural steps that I needed to take and whom to contact in order to solve my issues or concerns
- I could not find or easily locate information in my language or there were language inconsistencies
- I had difficulties in identifying the service responsible
- I had difficulty in finding information
- I had difficulty in reaching the responsible service and/or finding contact data for my type of concern
- I had difficulty with the access to electronic services (outdated web pages/ broken links/ wrong re-direction/ etc.)
- I did not receive any reply
- I felt that my specific questions were not answered by the responsible service
- I received only a very general reply which did not answer my question/request/concern
- The procedure was too long
- I felt that my right to be heard was not respected by the responsible service handling the case
- I felt that the responsible service dealing with my issue was not knowledgeable/ competent
- I felt that the responsible service dealing with my issues was not impartial and fair
- I felt that the whole procedure was not objective because I received inconsistent information and advice from a responsible service
- I have received conflicting information from different services dealing with my file
- I was not sufficiently informed about each procedural step and the timeframe for handling my file
- The grounds for the decision regarding my request/complaint were not clearly explained by the responsible EU service. Therefore, I could not understand the reasons and the legal grounds for the reply I received.
- I did not receive an acknowledgement of receipt and indication of the responsible service which would deal with my request.
- I did not receive any information on the possibilities of appealing the decision received.
- I did not receive a reply to my request in the EU language of my choice.
- I felt that communication with the responsible service was not easy or polite.
- I find the procedure applicable to my request/ concern/ issue excessively complex. For example, too many procedural steps, too many documents required, etc.
- I received a reply that my request/complaint was sent to the wrong EU administration, but I did not receive any information as to which service is competent to deal with my issue, nor was my request/complaint automatically transferred to the competent service/institution.
- Other

30. If other, please specify *

31. You have indicated that you have had direct contact with the EU administration and your experience was positive or mixed (max. 5 choices). *

- I could easily find information about the responsible service and the procedural steps to take.
- I could easily reach the responsible service and/or find contact data for my type of concern.
- I could easily understand the correct procedural steps I needed to take and whom to contact in order to solve my issues or concern.
- I could easily find information in my language.
- I had no difficulty with access to electronic services (outdated web pages / broken links/ wrong re-direction/ etc.)
- I received a timely reply and was informed about each procedural step.
- I received a sufficiently detailed answer to my question/request/concern.
- The reply I received answered the specific questions I had asked and/or provided the specific information I had requested.
- The procedure was concluded within a reasonable time.
- I felt that my procedural rights were fully respected by the responsible service handling the case.
- I felt that the procedure was objective because I received detailed information and advice from the responsible service.
- I felt that the service dealing with my issue was impartial and fair.
- I felt that the service(s) dealing with my issue was knowledgeable/ competent.
- I received clear and consistent information from different services dealing with my file.
- I was sufficiently informed about each procedural step and the approximate timeframe for handling my file.
- The grounds for the decision regarding my request/complaint were clearly stated by the responsible EU service. Therefore, I could fully understand the reasons and legal grounds for the reply I received.
- I felt that communication with the responsible service(s) dealing with my issue was easy and polite.
- I found the procedure applicable to my request/ concern/ issue simple and well explained.
- I received a reply that my request/complaint had been sent to the wrong EU service and I received information about which service was competent to deal with my issue.
- I received a reply to my request in the EU official language of my choice
- I received an acknowledgement of receipt and indication of the responsible service that would deal with my request.
- I received information on the possibilities of appealing the decision received.
- Other

32. If other, please specify *

33. Based on your direct experience how would you evaluate on a scale of 1 (very problematic) to 6 (not problematic) the following elements of the provision of services by the EU administration? *

	1	2	3	4	5	6
Administrative burden: costs for citizens or companies to obtain the service (i.e. number of procedural steps, time spend by a person on the total procedure)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Costs incurred for obtaining information: costs for citizens or companies related to obtaining information concerning the procedure necessary to obtain the service (i.e. time spent on searching the information or hiring help for finding the correct information)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Delay costs: costs for citizens or companies related to the length or delay in providing an administrative service	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Operational incoherence costs: costs for citizens or companies related to the operational or regulatory inefficiencies of EU administration in providing the service (i.e. multiple agencies, institutions or bodies responsible for the same/similar type of inquiry that provide potential conflicting outcomes; necessity to submit the same/similar documents/ papers numerous times)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

34. Based on your direct experience, on the scale 1 to 6 (1 very difficult - 6 very easy) How easy/difficult were the following 4 stages of the EU's administrative proceedings?

Please mark each stage on the scale of 1 to 6. If your interaction did not cover all four stages of administrative proceedings please mark, 'not applicable'. *

	1	2	3	4	5	6	Not applicable	Do not know
Initiation of the administrative procedure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Management of the administrative procedure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conclusion of the administrative procedure (including remedies)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Management of corrections of errors, rectification and withdrawal of the administrative acts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

35. Optional: please explain or provide additional details about your direct experience at the different stages of administrative proceedings.

36. A number of EU legal acts and policy documents guarantee certain procedural rights to citizens and companies in EU administrative proceedings. Based on your experience, do you see any problems/shortcomings related to the functioning of the EU administration and/or application/enforcement of EU rights and principles? *

- Yes, I think certain right(s) or principle(s) requires further reinforcement at EU level
- No, I do not see any issues with the current functioning of the EU administration, and therefore nothing needs to be reinforced
- Other

37. If other, please specify *

38. A number of EU legal acts and policy documents guarantee certain procedural rights to citizens and companies in EU administrative proceedings. Based on your experience, please mark the most important rights or principles that, in your opinion, require further reinforcement at the EU level (max. 5 issues). *

- Anti-discrimination
- Data protection rules (including the obligation to grant access to one's file)
- Impartiality, independence and objectivity
- Obligation to act with objectivity
- Obligation to be proactively transparent in EU decision making
- Obligation to comply with contractual rights
- Obligation to deal properly with issues related to lobbying
- Obligation to deal properly with requests for information
- Obligation to deal properly with requests for public access to documents
- Obligation to give reasons for decisions
- Obligation to make an appeal available
- Obligation to make full and timely payments
- Obligation to properly deal with revolving door situations
- Obligation to properly deal with whistleblowing situations
- Obligation to properly deal with issues of conflicts of interest
- Obligation to protect rights of persons with disabilities
- Obligation to respect language rights
- Obligation to respect legitimate expectations
- Obligation to respect other rights and duties resulting from the Charter of Fundamental Rights and not covered by the above list
- Obligation to respect other rights and duties resulting from the Staff Regulations and not covered by the above list
- Obligation to respect the right to be heard
- Obligation to take a timely decision
- Obligation to transfer to the competent service
- Obligation to transmit a decision to interested parties
- Respect of courtesy
- Respect of fairness
- Respect for the principle of proportionality
- Other

39. If other, please specify *

40. Optional - Please explain why in your opinion those issues require reinforcement?

41. You have indicated that you have had no contact with the EU administration. Why? *

- I am not aware of what the EU administration actually does
- I do not trust the EU administration
- I had a situation where I wanted to contact EU services but I did not know how to do it
- I had a situation where I wanted to contact EU services but I was discouraged by colleagues or friends because of a negative experience they had had. I felt it would be a waste of time
- There was no need, but if such a situation occurs I do not know how to contact the EU administration
- There was no need, but if such a situation occurs I know how to contact EU administration
- Other

42. If other, please specify *

43. Optional: This is the end of section I on direct experience.

If you would like to share any further details or observations on your direct experience with the EU services or provide more detailed explanations to the answers to the questions above, please provide it here

44. Based on what sources of information do you form your opinion regarding EU services/administration? (max. 3 options) *

- Direct experience
- Experience of friends or colleagues
- Information from mass media (newspapers, TV, etc.)
- Information from social media
- Information from various internet sources
- Professional interests (i.e. I work for the EU institutions; I am an academic studying EU institutions; I work for an organisation that closely follows the work of the EU institutions)
- Other

*

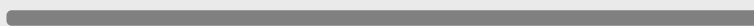
45. Generally speaking, what is your impression of the functioning of the EU services/administration in relation to the provision of services to citizens and companies? *

- Very good
- Rather good
- Rather bad
- Very bad
- Don't know

46. In your opinion, how easy or difficult is it to contact and receive information from the EU administration?

Scale (1 very difficult; 2 difficult; 3 neither difficult nor easy; 4 easy; 5 very easy) *

1 very difficult



5 very easy

47. In your opinion, do citizens and companies have the same/similar standards of protection of rights and administrative procedural guarantees (for example, time limits to request information or submit a complaint; right to access to the file, type of remedies available) across all EU institutions/agencies? *

- Yes, I think all EU institutions and agencies have similar standards and procedural guarantees
- No, I think each EU institution and agency has established different standards and procedural guarantees
- I do not know

48. Based on your view on how the EU administration should work, please rank in the order of importance the following 11 rights and principles

(1 most important - 11 less important) *

Drag items from the left-hand list into the right-hand list to order them.

- Accountability 
- Culture of service 
- Ethics 
- Good management of personnel issues, including recruitment 
- Proper use of discretion (including in infringement procedures) 
- Public participation in EU decision-making 
- Respect for fundamental rights 
- Respect for procedural rights, such as, for example the duty to state grounds for a decision 
- Responsiveness 
- Sound financial management 
- Transparency 

49. In your opinion, has the function of the EU administration improved in the last 5 years? *

- Completely disagree/ rather disagree
 Neutral
 Completely agree/ rather agree
 I do not know

50. In general, do you know what services the administration of EU institutions and agencies provide to citizens and companies? *

- Yes, I know very well (professionally involved) what services are provided to citizens and companies
 Yes, I have a general idea of what services are provided to citizens and companies
 No, I have only a very vague idea of when citizens or companies may come into contact with EU institutions or agencies
 No, I do not know what EU institutions or agencies do for citizens or companies
 Other

51. If other, please specify *

52. In general, how familiar do you feel with each of the following instruments and rights related to the EU administrative procedure? *

	extremely familiar	very familiar	not very familiar	not at all familiar	don't know
Access to European Parliament, Council and Commission documents by the general public (Regulation 49/2001)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
European Code of Good Administrative Behaviour	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
European Parliament Resolution of 9 June 2016 on an open, efficient and independent European Union administration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The right to lodge a complaint with the European Ombudsman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The right to submit a petition to the European Parliament	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

53. Please read the statements below related to the EU administration and EU administrative procedure and, based on your knowledge, indicate whether you think it is correct or not correct. If you do not know, please mark accordingly. *

	Correct	Not correct	Don't know
Any citizen or resident of the European Union, as well as any company, organisation or association with its headquarters in the European Union may submit a petition to the European Parliament on a subject which comes within the European Union's fields of activity and which affects them directly.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Currently, in the EU there is no legally binding code of administrative procedure applicable to all EU institutions, bodies, offices and agencies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
EU administrative procedural rights and applicable rules are included in a variety of EU binding and non-binding legal instruments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The 'European Code of Good Administrative Behaviour' developed by the European Ombudsman and endorsed by the European Parliament is binding on European institutions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Charter of Fundamental Rights of the European Union provides a fundamental right to good administration.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The European Ombudsman is the main non-judicial EU body charged with the task of addressing possible instances of maladministration by the EU administration.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

54. Optional: This is the end of section II on general attitudes, perceptions and knowledge about EU administrative law and procedures. Please provide here any other observations, comments or suggestions or explain in more detail the answers you gave to the questions in this section.

55. Generally speaking, do you think that the EU should take additional measures to reinforce EU admin procedure? *

- Yes, the EU should take further measures in the area of EU administrative procedure
- No, the EU should not take any further measures in the area of EU administrative procedure
- I do not know

56. You have indicated that you support further additional measures in the area of EU administrative law. In your opinion, what additional measures should be taken by the EU to help citizens and organisations? *

	Yes	No	I do not know
Measures to enforce citizens' right to good administration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Measures to guarantee minimum procedural standards equally applicable across all EU institutions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Measures to simplify EU administrative rules and procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="text" value="Enter another option"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

57. In your opinion, how can the EU best reinforce the functioning of the EU administration? *

- The EU should adopt a new law that would provide minimum general standards applicable to all EU administrative procedures. Those general standards may be complemented by sectorial standards/rules as and when needed (for example, in the area of competition law or public procurement).
- The EU should adopt a new law that would set fully harmonised standards applicable to all EU administrative procedures and sectors of EU law.
- The EU should adopt a non-binding code of conduct applicable to all EU institutions and agencies.
- The EU should not adopt any new rules but rather focus on technical solutions simplifying access of citizens and companies to the EU-administration, i.e. for example introduce more e-services.
- The EU should not adopt any new rules but try to improve already existing legislation.
- Other

58. If other, please specify *

59. Why do you think the EU should take action in the area of EU administrative law? *(Please select max. 3 issues that you consider most urgent/ important) **

- To improve accessibility of the EU administration for the most vulnerable groups of citizens (i.e. citizens with reduced mobility, citizens with impaired hearing or vision, older people).
- To improve availability and openness of the EU administration for citizens and companies (for example, to have clear information on which EU agency/institution/ service need to be contacted and how this agency could be contacted; the type of services provided by the EU agency/institution/ service).
- To improve linguistic accessibility of the EU administration for citizens and companies (to receive a reply or information in one of the EU official languages).
- To improve the efficiency of the EU administration (time limits, quality of answers, etc.) in providing services to citizens and companies.
- To improve the level of protection of citizens' and companies' rights, including rights related to access to information and enforcement rights.
- To improve transparency of the EU administration (for example, clarity of the basis on which a decision by an EU institution is adopted, or of the procedural steps necessary to obtain information or submit a complaint) in the context of contacts between citizens/companies and EU institutions in the provision of services.
- To reduce the costs (monetary and non-monetary) for citizens and companies to request information from, or to submit a complaint to, the EU administration.
- To reduce the costs for EU administration (for example simplify procedures, introduce more e-services and advanced technological solutions).
- Other

60. If other, please specify *

61. Optional: This is the end of section III on possible actions by the EU.

If you would like to share any further details, observations, recommendations or suggestions on the actions or policy options that the EU should adopt to improve EU administrative law, please provide them here. Here you could also provide any other comments, recommendations, references to publications or other material related to the problems and solutions concerning the EU administrative procedure.

The responses to the public consultation on EU law for an open independent and efficient European administration generally support the statement that fragmentation of the current EU system is problematic for European citizens. Respondents who had direct experience of contacts with the EU administration point to difficulties in finding information (37 %) and in costs of operational incoherence (39 %) as their major concerns. Similarly, 44 % of all respondents generally believe that it is difficult or very difficult to receive information from the EU administration, while only 7 % of respondents consider that it is very easy to receive such information. Against this background, there is a high level of support from respondents (76 %) for additional measures at the EU level to reinforce the fundamental right to good administration, as provided for in Article 41 of the Charter of Fundamental Rights of European Union.

In order to provide for the practical realisation of the EU fundamental right to good administration, the majority of respondents are in favour of a new legally binding EU legislative instrument setting out minimum standards of administrative procedure.

This is a publication of the European Added Value Unit
EPRS | European Parliamentary Research Service

This document is prepared for, and addressed to, the Members and staff of the European Parliament as background material to assist them in their parliamentary work. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of the Parliament.



PDF ISBN 978-92-846-3110-0 | doi:10.2861/304988 | QA-03-18-026-EN-N