

Working Group V

Working document 13

Working group V « Complementary Competencies »

Subject : Note by Mrs Hjelm-Wallen on "Good administration, efficiency and openness"

Following our discussion regarding principles on good administration on 17 July, and in line with Mr. Christophersen's request, I submit the following considerations for future work in the group.

1) As stated in the Laeken declaration the European project derives legitimacy from democratic, transparent and efficient institutions. The Convention has taken on the challenge of how to improve the democratic legitimacy and transparency of the EU institutions.

A part of this challenge consists of improvements in administrative principles, efficiency and openness of the institutions. Further steps in this direction would contribute to increasing the citizens' confidence in the work of the Union and the legitimacy of its decision-making procedures.

There is a need for a coherent and comprehensive structure of rules for the internal work of the institutions, reflecting national and international experiences of good administrative culture. Such rules would apply to all decision-making processes, including the legislative process and the exercise of administrative authority.

It should be considered how the citizens' right to good administration, as expressed in Article 41 of the Charter of Fundamental Rights of the European Union, could be better reflected in the Treaty and whether there is a need for specific legal bases to facilitate the adoption of appropriate rules in this regard. The experience and work of the Commission and the Parliamentary Ombudsman should be taken into account.

Based on these considerations and discussions in the group after the summer-break, the following aspects could be considered for inclusion in the future Treaty.

- Emphasizing the need for the safeguarding of good administrative culture of the EU institutions in order to increase the efficiency and legitimacy of the decision-making and thereby the citizens' confidence in the work of the Union.

- Highlighting basic principles for good administration of the work of the EU institutions. These could include *inter alia* service obligations, means to safeguard objectivity and impartiality, increased openness, procedures for consultation, improved anti-corruption measures etc.
- Indicating a specific legal base to adopt EU rules to this effect. In this respect, a new exclusive competence may be introduced.

Further deliberations in the group could include questions as:

- To what extent can the administrative culture of the EU institutions contribute to increasing the legitimacy of the decision-making and thereby the citizens' confidence in the work of the Union?
- What principles for good administration should rule the work of the EU institutions? Should there be different principles for different kinds of policy- and decision-making?
- To what extent and how are principles of good administration manifested in the existing system? Should there be a homogenous set of legally binding rules in order to ensure implementation of these principles by the institutions? What Treaty revisions may be necessary in order to adopt rules to implement these principles.
- How can openness of the EU institutions be enhanced? What measures should be considered in order to increase public access to documents and to meetings of the institutions? How can the freedom of expression for officials of the institutions be improved?

2) Secondly, I note that Mr. Christophersen has suggested that the group also consider the introduction of a complementary competence for the EU enabling Member States to receive from it assistance in establishing and promoting good administrative procedures in order to see to proper implementation of EU rules at national level.

Discussions in this respect could deal with a possible legal framework for such measures, assessment of the likely need and demand for such assistance and costs.

I agree that Mr. Christophersen's suggestion and my own – which concerns the EU institutions – both address the efficiency of actions taken by the EU, albeit in different respects.

Thus, I welcome that they be discussed in parallel, in particular since they would imply the addition of competencies, although of a different character.

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