



European Administration

Erzsébet CSATLÓS, PhD

Institute of Public Law

Csatlos.e@juris.u-szeged.hu

The image features a dark blue background on the left with a map of Europe and twelve yellow stars, representing the European Union flag. On the right, there is a grey circular diagram with arrows indicating a process flow. The main title 'EUROPEAN ADMINISTRATION' is written in bold white capital letters.

EUROPEAN ADMINISTRATION

Chapter III Direct administration of the EU

The slideshow is designed to help the understanding of the reading material of 4x45 minutes of studying!



I. Organisation of direct administrative level

- 1.1. The main actor of direct administration: the European Commission
- 1.2. The tasks of direct administration
- 1.3. The agencies

II. Civil service of direct administration

- 2.1. Basic recruitment of officials
- 2.2. Type of positions

III. Procedure of direct administration

- 3.1. Definition of administrative procedure and administrative procedural law
- 3.2. Administrative procedural law of direct level of the EU



I. ORGANISATION OF DIRECT ADMINISTRATION COMMISSION & AGENCIES

The Commission as the head of administration

1. Draft and initiate legislation

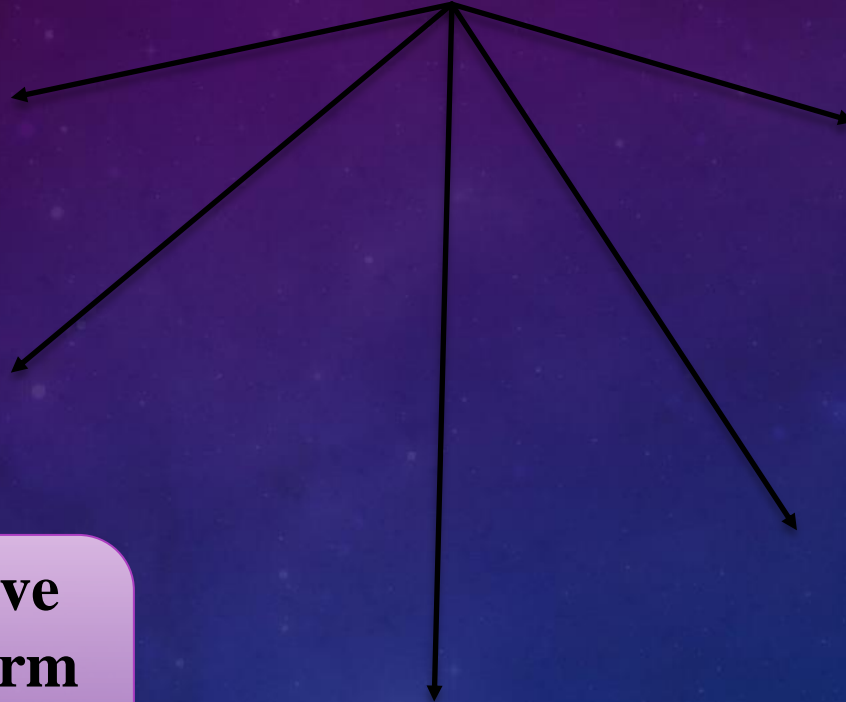
2. Issue executive norms for uniform implementation of EU legislation

3. Tasks related to the enforcement of EU law

5. Budget administration

4. Organisation management tasks

Background – self-preservation





A New Push for European Democracy

1. THE COMMISSION IS DRAFTING EU LEGISLATION



Prepare impact assessments

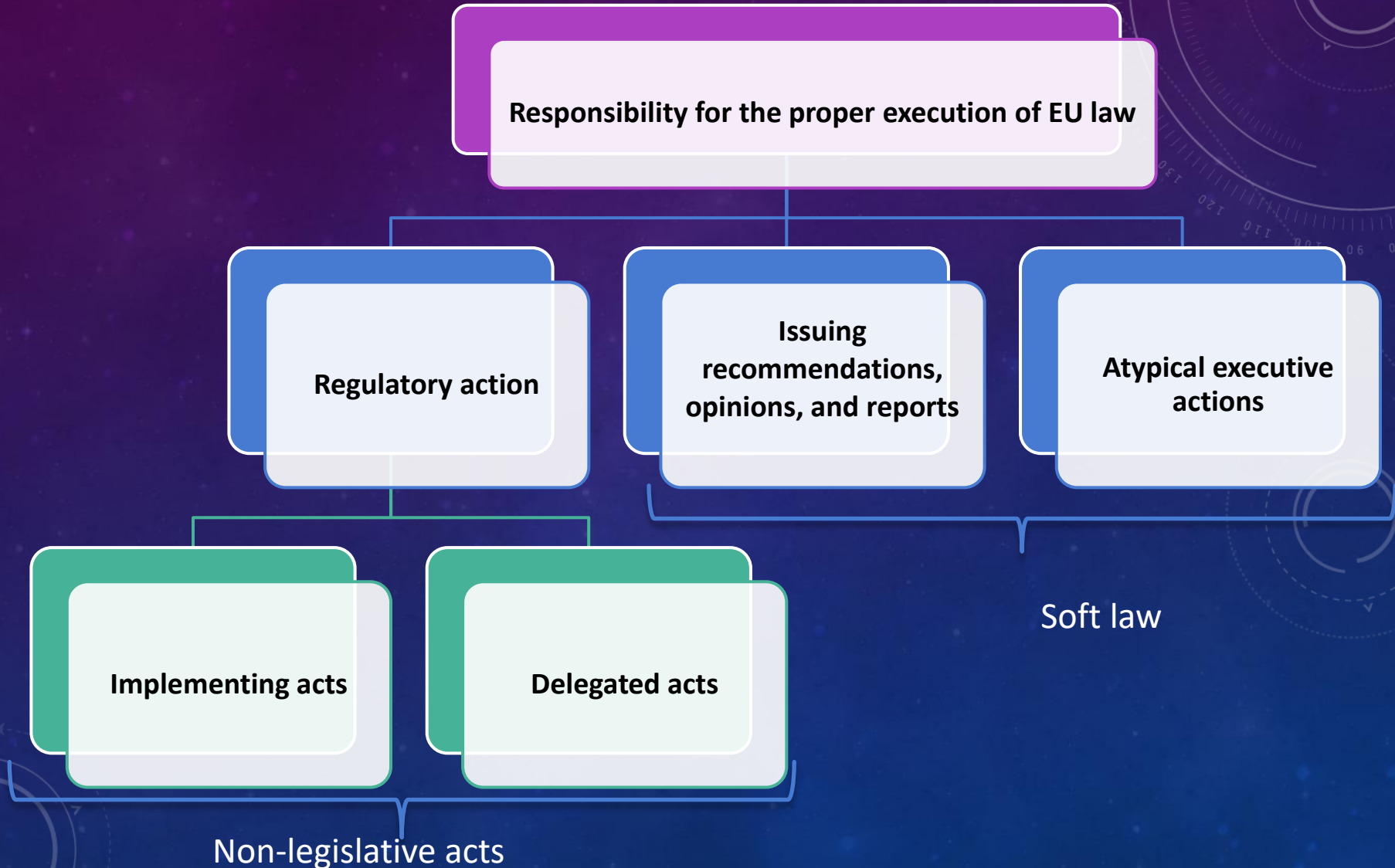
Consults interested parties
(non-governmental organisations, local authorities
and representatives of industry and civil society)

Public consultations

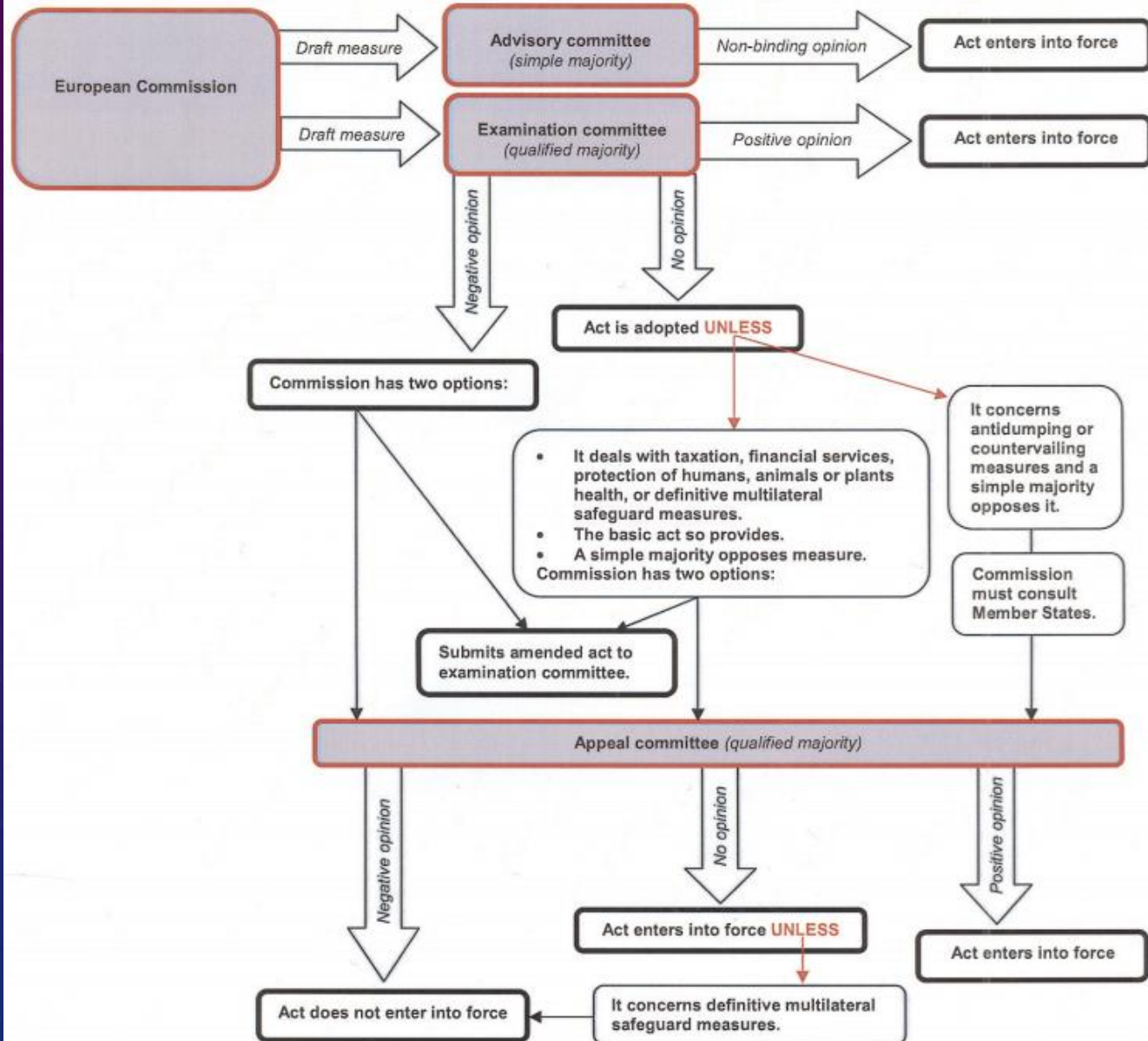
National parliaments

**The
Commission
proposes new
initiatives**

2. The Commission issues executive norms for uniform implementation of EU legislation



IMPLEMENTING ACTS (ARTICLE 291 TFEU)



- (i) general scope
- (ii) potentially significant impact

COMITOLOGY COMMITTEES

= ASSIST THE COMMISSION IN EXECUTING ITS IMPLEMENTING POWERS BY GIVING AN OPINION ON DRAFT IMPLEMENTING MEASURES BEFORE THEY ARE ADOPTED

Commission departments submit draft implementing acts to the "**comitology committees**" in order to obtain their opinion

they are set up on the basis of regulations, directives or decisions by the EU legislator (EP&C)

Members: representatives from all EU Member States chaired by a Commission official + adopts its own rules of procedure

2 types

TABLE I — TOTAL NUMBER OF COMMITTEES

Policy sector	2017	2018
AGRI (Agriculture and Rural Development)	12	11
BUDG (Budget)	2	2
CLIMA (Climate Action)	5	5
CNECT (Communications Networks, Content and Technology)	7	7
DEVCO (International Cooperation and Development)	5	5
DIGIT (Informatics)	1	1
EAC (Education and Culture)	2	2
ECFIN (Economic and Financial Affairs)	1	1
ECHO (Humanitarian Aid and Civil Protection)	2	2
EMPL (Employment, Social Affairs and Inclusion)	5	5
ENER (Energy)	13	13
ENV (Environment)	30	30
ESTAT (Eurostat)	4	4
FISMA (Financial Stability, Financial Services and Capital markets Union)	8	8
FPI (Service for Foreign Policy Instruments)	4	4
GROW (Internal Market, Industry, Entrepreneurship and SMEs)	42	44
HOME (Migration and Home Affairs)	13	13
JUST (Justice and Consumers)	23	25
MARE (Maritime Affairs and Fisheries)	3	3
MOVE (Mobility and Transport)	31	31
NEAR (Neighbourhood and Enlargement Negotiations)	3	3
OLAF (European Anti-Fraud Office)	1	1
REGIO (Regional and Urban Policy)	1	1
RTD (Research and Innovation)	5	7
SANTE (Health and Food Safety)	17	17
SG (Secretariat-General)	3*	3*
TAXUD (Taxation and Customs Union)	11	13
TRADE (Trade)	13	14
TOTAL:	267	275

* Including the appeal committee (for the needs of the comitology register, the appeal committee is registered as a committee under the responsibility of the Secretariat-General; in practice, it is managed by all services concerned).

TABLE IV — NUMBER OF OPINIONS AND IMPLEMENTING ACTS/MEASURES ADOPTED

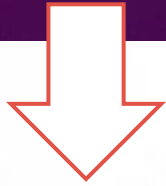
	Opinions ¹⁵		Implementing Acts adopted		Regulatory procedure with scrutiny - measures adopted	
	2017	2018	2017	2018	2017	2018
AGRI	142	146	137	145	0	5
BUDG	7	4	5	6	0	0
CLIMA	11	14	3	14	4	1
CNECT	19	19	18	15	0	0
DEVCO	53	67	54	66	0	0
DIGIT	1	1	1	1	0	0
EAC	5	6	4	6	0	0
ECFIN	3	2	3	2	0	0
ECHO	7	6	6	7	0	0
EMPL	7	4	5	5	1	0
ENER	8	7	7	4	0	0
ENV	31	31	16	14	18	11
ESTAT	9	9	4	8	6	3
FISMA	22	18	7	5	0	6
FPI	4	5	2	5	0	0
GROW	104	77	83	53	24	15
HOME	76	74	68	61	0	0
JUST	10	10	6	8	0	0
MARE	20	17	17	15	0	0
MOVE	59	61	50	57	4	11
NEAR	74	86	74	86	0	0
OLAF	0	0	0	0	0	0
REGIO	2	4	0	2	0	0
RTD	248	225	176	159	0	0
SANTE	803	629	753	603	56	38
SG*	16	12	17	11	0	0
TAXUD	79	56	85	57	0	0
TRADE	86	59	86	52	0	0
TOTAL:	1906	1633	1687	1456	113	90

* Including opinions delivered by the appeal committee and adopted acts.

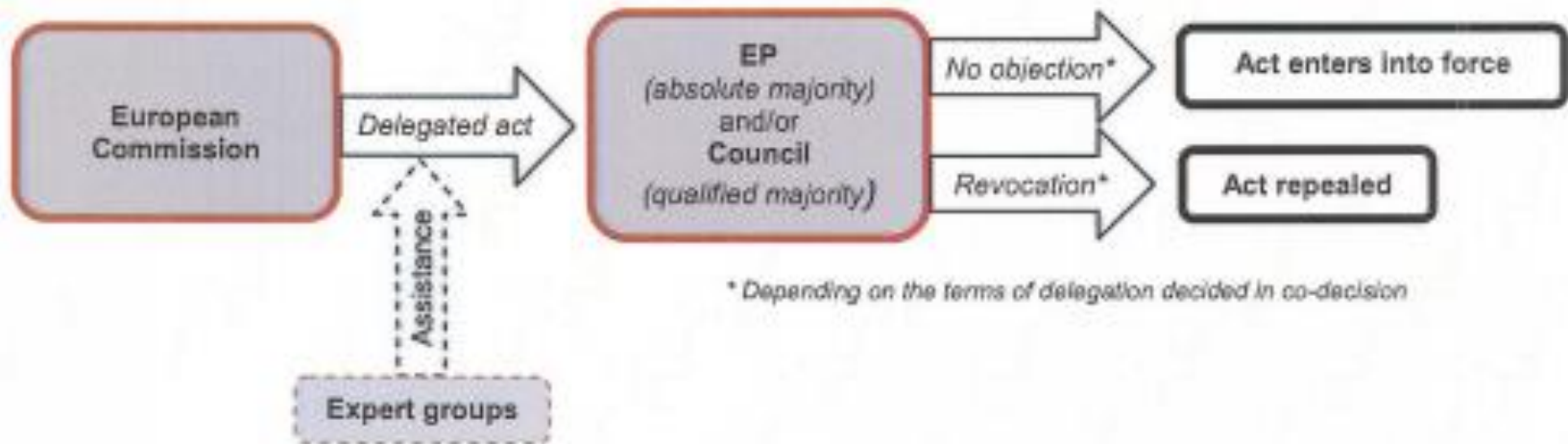
TABLE V — NUMBER OF MEASURES ADOPTED ACCORDING TO THE REGULATORY PROCEDURE WITH SCRUTINY

	Regulatory procedure with scrutiny - measures adopted	European Parliament opposed adoption of draft measures	Council opposed adoption of draft measures
AGRI	5	0	0
BUDG	0	0	0
CLIMA	1	0	0
CNECT	0	0	0
DEVCO	0	0	0
DIGIT	0	0	0
EAC	0	0	0
ECFIN	0	0	0
ECHO	0	0	0
EMPL	0	0	0
ENER	0	0	0
ENV	11	0	0
ESTAT	3	0	0
FISMA	6	0	0
FPI	0	0	0
GROW	15	0	0
HOME	0	0	0
JUST	0	0	0
MARE	0	0	0
MOVE	11	0	0
NEAR	0	0	0
OLAF	0	0	0
REGIO	0	0	0
RTD	0	0	0
SANTE	38	1	0
SG	0	0	0
TAXUD	0	0	0
TRADE	0	0	0
TOTAL:	90	1	0

Commission's powers are delegated (limited) by the legislators



DELEGATED ACTS (ARTICLE 290 TFEU)













- o Type A - individuals appointed in a personal capacity, acting independently and expressing their own personal views.
- o Type B - **individuals** appointed to represent a common interest organisations. They may be proposed by stakeholder organisations.
- o Type C - **organisations** (companies, associations, NGOs, trade unions, universities, research institutes, law firms and consultancies)
- o Type D - Member States' authorities
- o Type E - **other public entities**, such as authorities from non-EU countries (incl.candidate countries), EU bodies, offices or agencies, and international organisations.

2016

- [Opinion 03/2016 on the evaluation and review of the ePrivacy Directive](#)  (971 kB)  - WP 240
- [Opinion 02/2016 on the publication of Personal Data for Transparency purposes in the Public Sector](#)  (426 kB)  - WP 239
- [Opinion 01/2016 on the EU – U.S. Privacy Shield draft adequacy decision](#)  (613 kB)  - WP 238
- [Working Document 01/2016 on the justification of interferences with the fundamental rights to privacy and data protection through surveillance measures when transferring personal data \(European Essential Guarantees\)](#)  (408 kB)  - WP 237
- [Statement on the 2016 action plan for the implementation of the General Data Protection Regulation \(GDPR\)](#)  (182 kB)  - WP 236
- [Work Programme 2016-2018](#)  (252 kB)  - WP 235

2015

- [Update of Opinion 8/2010 on applicable law in light of the CJEU judgement in Google Spain](#)  (343 kB) - WP 179 update
- [Guidelines for Member States on the criteria to ensure compliance with data protection requirements in the context of the automatic exchange of personal data for tax purposes](#)  (444 kB)  - WP 234
- [Opinion 03/2015 on the draft directive on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data](#)  (382 kB)  - WP 233
- [Statement on the implementation of the judgement of the Court of Justice of the European Union of 6 October 2015 in the Maximilian Schrems v Data Protection Commissioner case \(C-362-14\)](#)  (74 kB)
- [Opinion 02/2015 on C-SIG Code of Conduct on Cloud Computing](#)  (349 kB)  - WP 232
- [Opinion 01/2015 on Privacy and Data Protection Issues relating to the Utilisation of Drones](#)  (456 kB)  - WP 231

https://ec.europa.eu/justice/article-29/documentation/opinion-recommendation/index_en.htm

The Commission
issues
recommendations
, opinions, and
reports, etc.

<https://ec.europa.eu/newsroom/article29/news-overview.cfm>

Atypical executive actions

Voluntary based harmonisation

standardisation

- CEN- European Committee for Standardisation
- Cenelec - European Committee for Electrotechnical Standardisation,
- ETSI- European Telecommunications Standards Institute

Self-regulation

3. Tasks related to the enforcement of EU law



```
graph TD; A[3. Tasks related to the enforcement of EU law] --- B[„Guardian of the Treaties“]; B --- C[a) Single case decision-making]; B --- D[b) Coordination of cooperation]; B --- E[c) Supervision of enforcement];
```




„Guardian of the Treaties“

a) Single case decision-making

b) Coordination of cooperation

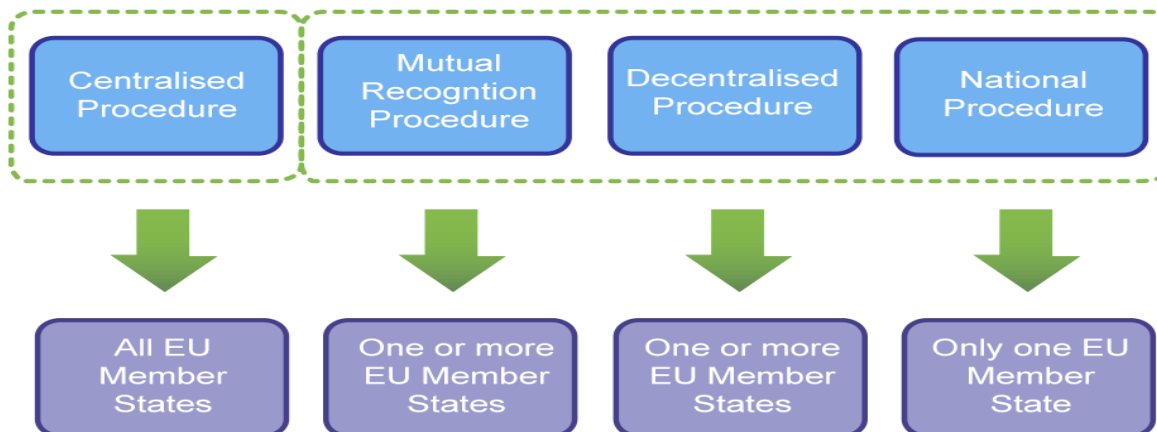
c) Supervision of enforcement

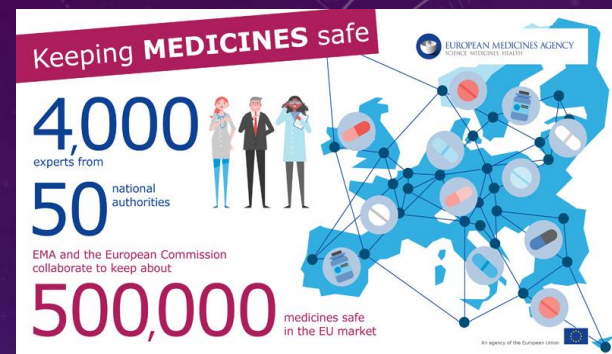
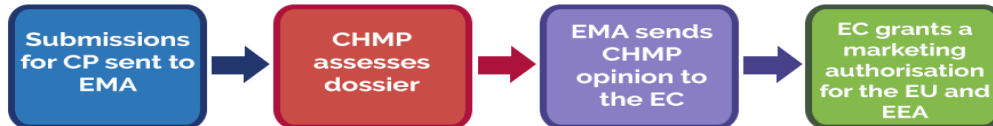
a) Single case decision-making

Antitrust Policy	Merger Control	State Aid Control
		
<ul style="list-style-type: none">• Preventing cartels and other anticompetitive agreements• Preventing abuses of dominant position	<ul style="list-style-type: none">• Preventing anticompetitive mergers and acquisitions	<ul style="list-style-type: none">• Limiting distortions to competition and trade resulting from state subsidies; allowing aid when it is in the common (EU) interest

- Authority power – only competent authority
- Decision-making in single case
- Obligatory and enforceable decision

EU marketing authorisation procedures





- **Submission of eligibility request** (At the earliest 18 months and at the latest 7 months in advance of submission.)
- **Notification of intention to submit an application** (Approx. 7 months in advance of submission.)
- **Appointment of rapporteurs** (Approx. 7 months in advance of submission.)
- **Pre-submission meeting** (Approx. 7 months in advance of submission.)
- **Submission of the application**
- **Scientific evaluation.** (210 days of assessment.)
- **CHMP scientific opinion**
- **European Commission decision on the marketing authorisation**

b) Coordination of cooperation



the activity which organise the harmonious functioning of parts for effective results



**NO! hierarchical
management tools**

information management



generating or gathering of information serving
a range of purposes

c) Supervision of enforcement

```
graph TD; A[c) Supervision of enforcement] --> B[„Guardian of the Treaties“]; B --> C[Administrative]; B --> D[Political]; B --> E[Judicial];
```

„Guardian of
the Treaties”

Administrative

Political

Judicial

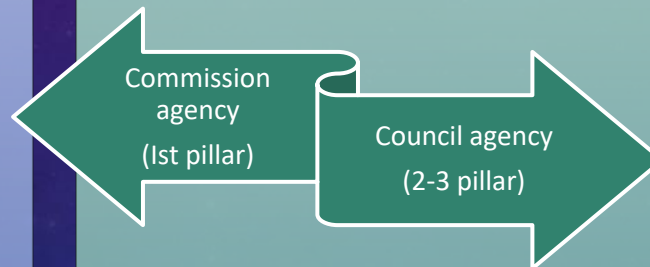
The agencies

Specialised bodies

- Established by secondary legislation
- exercise public authority
- institutionally separate from the EU institutions
- legal personality
- No de iure regulatory power

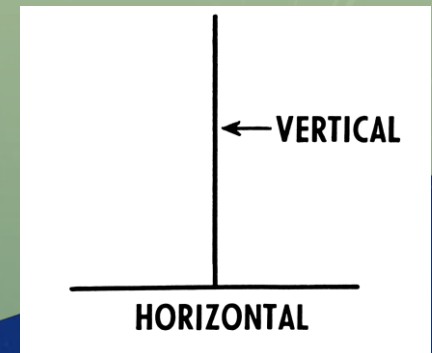
No model

- Since 1975
- Until Lisbon:

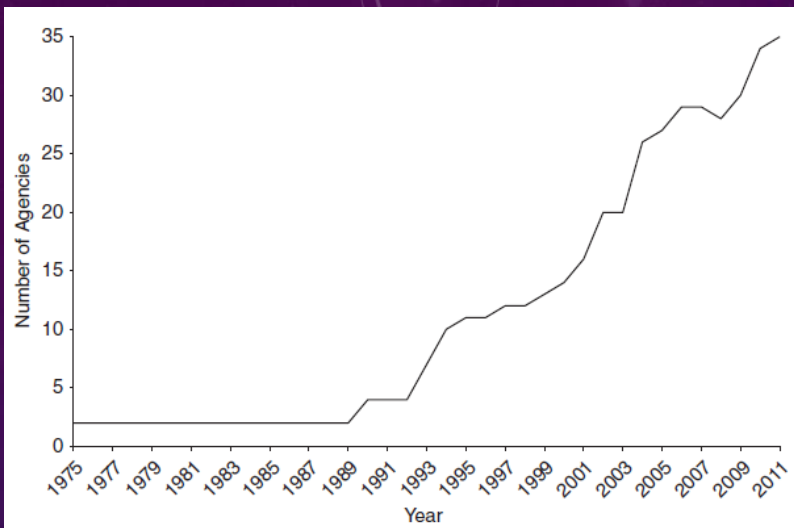


Not autonomous and independent

- integrate national administrative bodies into their operations



European regulatory agencies



„agentification“

advanced expertise as that their decisions are based on purely technical considerations of very high quality and are not influenced by political considerations

Types of agencies

Impossible to draw exclusive categories!

a) Decision-making agency

b) Quasy-regulatory agency

c) Information and coordination agencies

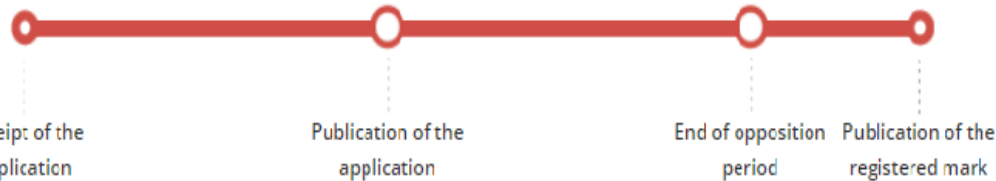
a) Decision-making agency

power to make individualized decisions that are binding on third parties => p. ex. register a trademark (signs used in trade to identify products.)



EUIPO
EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE

Examination period Opposition period Registration



Trade marks examples

Word mark:

ADIDAS

EUTM 002288355

PHILIPS

EUTM 000205871

LEVI'S

EUTM 000033159

VOLVO

EUTM 002361087

Herbalife

EUTM 000333234

JUST DO IT

EUTM 000514984

Figurative mark



EUTM 000000456



EUTM 000198548



EUTM 000271598

Figurative mark containing word elements *



EUTM 000097358

FUJITSU

EUTM 002309298



EUTM 011028477

Trade marks basics

- Trade mark definition
- Trade marks examples
- Trade marks in the European Union
- What can be an EU trade mark?

Route to registration
Trade marks once registered

Tools & documents

- FAQs
- Print this page
- Share this page
- Add to Quick Links

Shape mark:



EUTM 000146758



EUTM 010532653



EUTM 012492393

The Office accepts the following file formats: JPEG, OBJ, STL, X3D

Shape mark containing word elements*



EUTM 000493391



EUTM 000001336



EUTM 014141113

The Office accepts the following file formats: JPEG, OBJ, STL, X3D

Position mark:



EUTM 001027767



EUTM 001180231



EUTM 000858689

The Office accepts the following file format: JPEG

Pattern mark:



EUTM 000377380



EUTM 000001562



EUTM 000360754

The Office accepts the following file format: JPEG

<p>A Word mark</p> <p>A word mark consists exclusively of words or letters, numerals, other standard typographic characters or a combination thereof that can be typed</p> <p>View examples</p>	<p>Figurative mark</p> <p>It is a trade mark where non-standard characters, stylisation or layout, or a graphic feature or a colour are used, including marks that consist exclusively of figurative elements</p> <p>View examples</p>	<p>Figurative mark containing word elements*</p> <p>A figurative mark consisting of a combination of verbal and figurative elements</p> <p>View examples</p>
<p>Shape mark</p> <p>A shape mark consists of, or extends to, a three-dimensional shape. It can include containers, packaging, the product itself or its appearance.</p> <p>View examples</p>	<p>Shape mark containing word elements*</p> <p>A shape mark that contains verbal elements.</p> <p>View examples</p>	<p>Position mark</p> <p>A position mark consists of the specific way in which the mark is placed or affixed to the product.</p> <p>View examples</p>
<p>Pattern mark</p> <p>A pattern mark consists exclusively of a set of elements which are repeated regularly.</p> <p>View examples</p>	<p>Colour (single) mark</p> <p>A colour single mark is just that – a trade mark which consists exclusively of a single colour (without contours).</p> <p>View examples</p>	<p>Colour (combination) mark</p> <p>A trade mark which consists exclusively of a combination of colours (without contours)</p> <p>View examples</p>
<p>Sound mark</p> <p>A sound mark consists exclusively of a sound or a combination of sounds.</p> <p>View examples</p>	<p>Motion mark</p> <p>A trade mark consisting of, or extends to, a movement or a change in the position of the elements of a mark.</p> <p>View examples</p>	<p>Multimedia mark</p> <p>It consists, or extends to, the combination of images and sound.</p> <p>View examples</p>
<p>Hologram mark</p> <p>This is a new category of trade mark (as of and from 1 October 2017). Hologram marks consist of</p>		

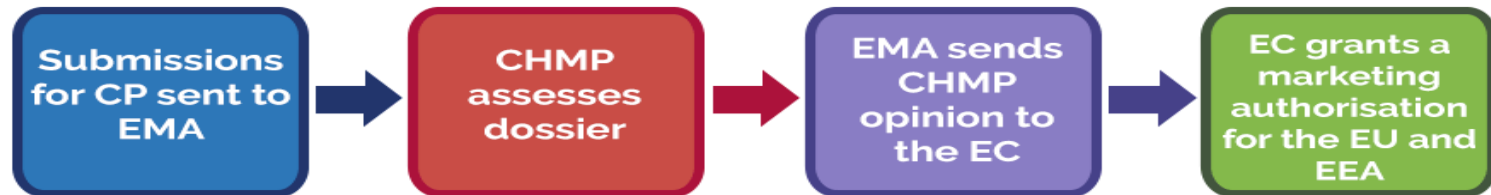
b) Quasy-regulatory agency



**strong
recommendatory
power**

European Union judicial power extends on the review of,

- ✓ 1: the formal legality of the agency's scientific opinion and,
- ✓ 2: the Commission's exercise of its discretion', in deciding whether to accept that opinion (Artegoda case)



CP = Central Procedure
EMA = European Medicines Agency
CHMP = Committee for Medicinal Products for Human Use
EC = European Commission

- ✓ Committee for Medicinal Products for Human Use (CHMP)
- ✓ Pharmacovigilance Risk Assessment Committee (PRAC)
- ✓ Committee for Medicinal Products for Veterinary Use (CVMP)
 - ✓ Committee for Orphan Medicinal Products (COMP)
 - ✓ Committee on Herbal Medicinal Products (HMPC)
 - ✓ Committee for Advanced Therapies (CAT)
 - ✓ Paediatric Committee (PDCO)

c) Information and coordination agencies



principal function



Central intelligence agency:
The Hague



European Police Office

1970's
Trevi group by
European
Communities' interior
and justice minister



1993
Europol Drugs Unit



1995/1998
Europol Convention

Information hub for
counter terrorism

Operational support,
coordination and expertise

Fighting terrorist &
violent online content

Strategic support
capability

● Scenario & threat assessment

Direct and immediate on-the-spot support

- Emergency Response Team (EMRT)
- Live investigation support
- Incident response and coordination

The European Union's Judicial Cooperation Unit

College of Eurojust:
The Hague

EUROJUST

Direct cooperation of judges,
prosecutors or police officer of
Member States

Execution of international mutual
legal assistance

European arrest warrant
~ extraditions



Decentralised agency



FRONTEX

Seat: Warsaw

European Agency for the Management of
Operational Cooperation at the External Borders of
the Member States of the EU

Frontex: promotes, coordinates and
develops European border
management in line with the EU
fundamental rights charter applying
the concept of Integrated Border
Management.



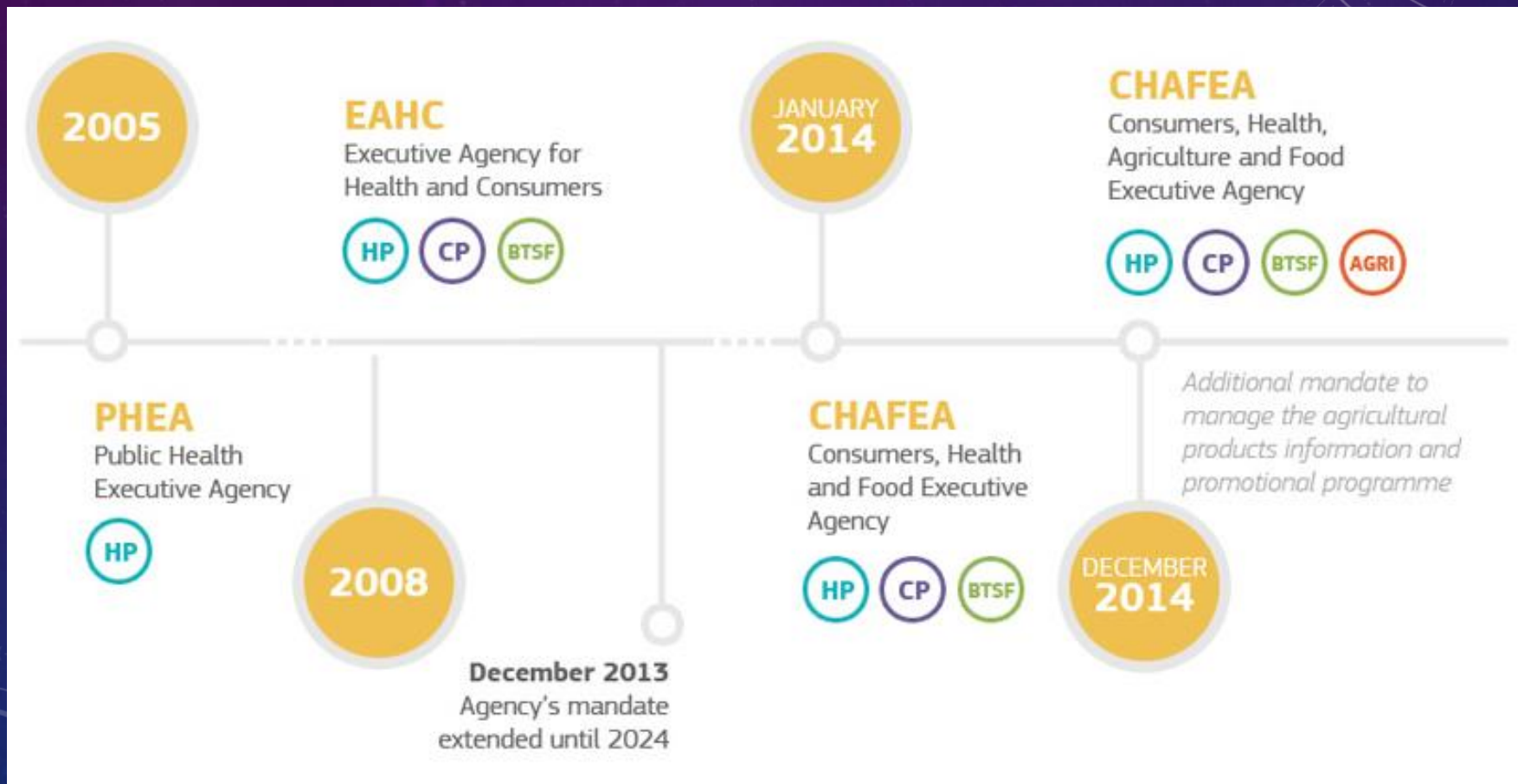
National border authorities:
act according to Frontex
guidance & execute EU border
policy



Information and coordination agencies -

special form: **Executive agency** - mandate extends until 2024

Consumers, Health, Agriculture and Food Executive Agency (CHAFEA) - Luxembourg





II. CIVIL SERVICE OF DIRECT ADMINISTRATION

European



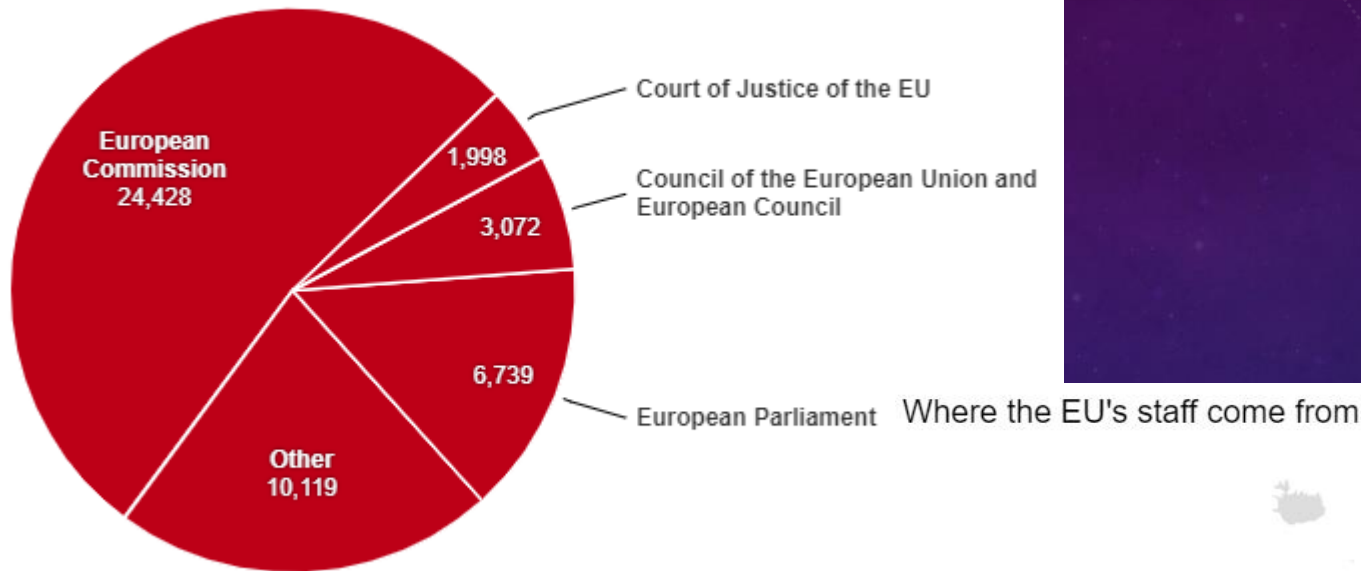
bureaucrat



'Eurocrat'

How many people work for the EU

Total: 46,356



2015 figures

Source: [Eu 2016 general budget](#) [Get the data](#)

Labour law

regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community. [1st January 1962]

% of EU staff



Source: [European Commission](#) [Get the data](#)

STAFF REGULATIONS SHALL APPLY TO OFFICIALS OF THE EU

any person who has been appointed to an established post on the staff of one of the institutions of the EU by an instrument issued by the Appointing Authority of that institution

persons appointed by EU bodies to whom these Staff Regulations apply under the Union acts establishing them (‘agencies’)



- *European External Action Service,
- *European Economic and Social Committee,
- *Committee of the Regions,
- *European Ombudsman,
- *European Data Protection Supervisor

European Personnel Selection Office (2003-)

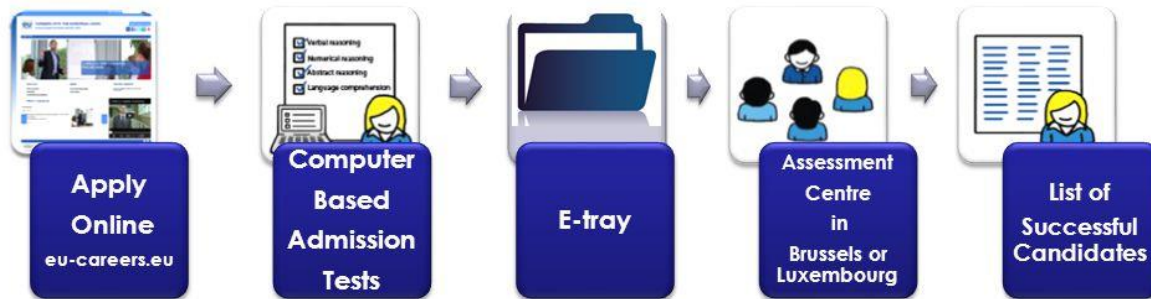
- to set competitive examinations for recruiting staff to work in all the EU institution

European School of Administration (2005-)

- provide training in specific areas for members of EU staff

EPSO's Selection Procedure

General overview



1 ————— Number of months —————> 9

Basic
recruitment of
officials

open competitions
published on the EPSO
website

[Home](#) > [Job opportunities](#) > [Upcoming opportunities](#)

Upcoming opportunities

This information is indicative. EPSO reserves the right to change the information shown at any time, and regularly publishes updates.

Keyword(s)

Type of contract

- Any -

Grade

- Any -

Institution/Agency

- Any -

Search

Job title	Grade	Location(s)	Institution/Agency	Type of contract	Open for application
Danish-Language (DA) Lawyer-Linguists	AD 7	Luxembourg (Luxembourg)	Court of Justice	Permanent official	Winter 2019/2020 (indicative)
Greek-Language (EL) Lawyer-Linguists	AD 7	Luxembourg (Luxembourg)	Court of Justice	Permanent official	Winter 2019/2020 (indicative)
French-Language (FR) Lawyer-Linguists	AD 7	Luxembourg (Luxembourg)	Court of Justice	Permanent official	Winter 2019/2020 (indicative)
Croatian-Language (HR) Lawyer-Linguists	AD 7	Luxembourg (Luxembourg)	Court of Justice	Permanent official	Winter 2019/2020 (indicative)
Polish-Language (PL) Lawyer-Linguists	AD 7	Luxembourg (Luxembourg)	Court of Justice	Permanent official	Winter 2019/2020 (indicative)
Administrators in the field of European Law	AD 5, AD 7		Council of the European Union, European External Action Service	Permanent official	Spring 2020 (indicative)

Procedure

www.eu-careers.eu

Selection procedure

1

- **computer-based**
- comprise ***aptitude and ability psychometric exercises***

2

- Applicant is called to an ***assessment centre*** where he/she will be expected to complete a number of ***work-related exercises*** in a group environment and before at least two assessors
- analysis and problem-solving, communicating, delivering quality and results, learning and development, prioritising and organising, resilience, working with others and in the case of graduates, leadership

3

reserve list from which the institutions draw recruits as and when they need them (1 year)

4

- ***job interview***

takes 5-9 months

Types of employment

Permanent officials

Administrators (AD)

Assistants (AST)

Secretaries/Clerk (AST/SC)

Contract staff

Temporary staff

Trainees

Seconded national experts (SNEs)

Special categories

- Interim staff
- Interim consultants
- Parliamentary Assistants
- Freelance linguists
- Junior Professionals in Delegation
- EU experts
- Maintenance and canteen staff

PERMANENT OFFICIALS

Type	Activity	Salary grade	Minimum qualification
administrator (AD)	engaged in drafting policies and implementing EU law, analysing and advising	AD 5-AD 16 (12 grades) up to €16,000	University degree
assistant (AST)	employed in an executive and technical role	AST 1 to AST 11 (11 grades) From €4 500	Completed secondary education
assistant-secretaries /secretaries and clerks (AST/SC)	office management and administrative support role	AST/SC1 to AST/SC6 (6 grades) from €2 300	completed secondary education

1. Function group AD

Director-General	AD 15 - AD 16
Director	AD 14 - AD 15
Adviser or equivalent	AD 13- AD 14
Head of unit or equivalent	AD 9 - AD 14
Administrator	AD 5 - AD 12

2. Function group AST

Senior assistant Carrying out administrative, technical or training activities requiring a high degree of autonomy and carrying significant responsibilities in terms of staff management, budget implementation or political coordination	AST 10 – AST 11
Assistant Carrying out administrative, technical or training activities requiring a certain degree of autonomy, in particular with regard to the implementation of rules and regulations or general instructions or as personal assistant of a Member of the institution, of the Head of a Member's private office or of a (Deputy) Director-General or an equivalent senior manager	AST 1 – AST 9

Basic monthly salaries are for each grade and step in function groups AD and AST as provided in the following table:

1.7.2010	STEP				
GRADE	1	2	3	4	5
16	16 919,04	17 630,00	18 370,84		
15	14 953,61	15 581,98	16 236,75	16 688,49	16 919,04
14	13 216,49	13 771,87	14 350,58	14 749,83	14 953,61
13	11 681,17	12 172,03	12 683,51	13 036,39	13 216,49
12	10 324,20	10 758,04	11 210,11	11 521,99	11 681,17
11	9 124,87	9 508,31	9 907,86	10 183,52	10 324,20
10	8 064,86	8 403,76	8 756,90	9 000,53	9 124,87
9	7 127,99	7 427,52	7 739,63	7 954,96	8 064,86
8	6 299,95	6 564,69	6 840,54	7 030,86	7 127,99
7	5 568,11	5 802,09	6 045,90	6 214,10	6 299,95
6	4 921,28	5 128,07	5 343,56	5 492,23	5 568,11
5	4 349,59	4 532,36	4 722,82	4 854,21	4 921,28
4	3 844,31	4 005,85	4 174,18	4 290,31	4 349,59
3	3 397,73	3 540,50	3 689,28	3 791,92	3 844,31
2	3 003,02	3 129,21	3 260,71	3 351,42	3 397,73
1	2 654,17	2 765,70	2 881,92	2 962,10	3 003,02

3. Function group AST/SC

Secretary/Clerk

SC 1 – SC 6

Carrying out clerical and secretarial tasks, office management and other equivalent tasks requiring a certain degree of autonomy (*)

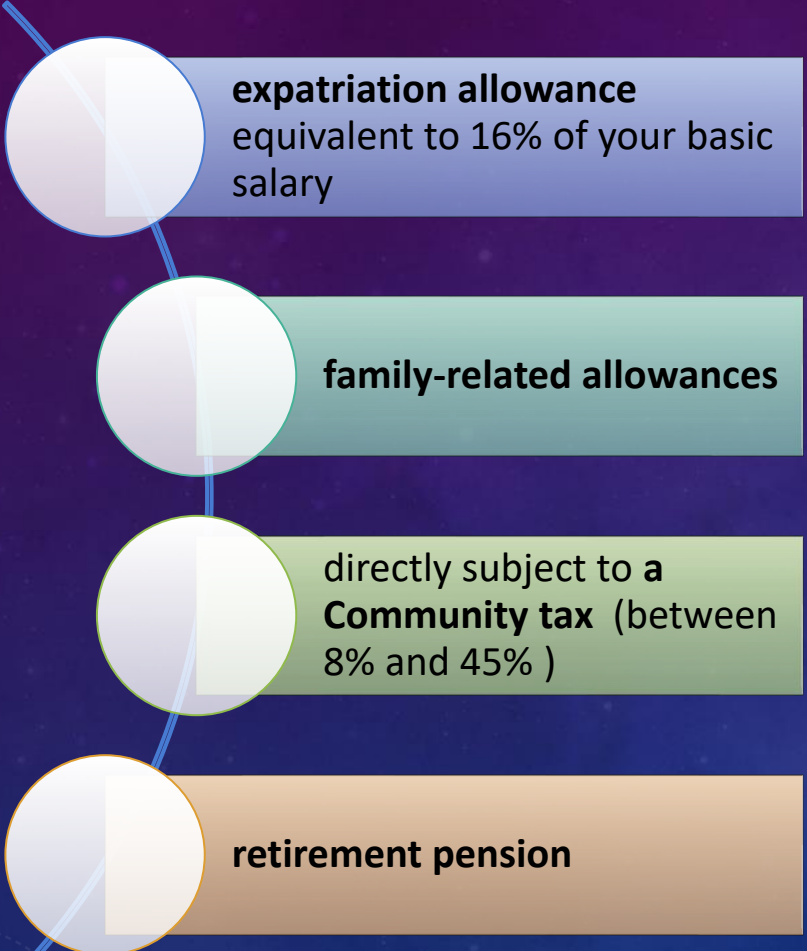
(*) The number of posts of Parliamentary ushers in the European Parliament shall not exceed 85.



Basic monthly salaries are for each grade and step in function group AST/SC as provided in the following table:

Grade	Step				
	1	2	3	4	5
SC 6	4 349,59	4 532,36	4 722,82	4 854,21	4 921,28
SC 5	3 844,31	4 005,85	4 174,78	4 290,31	4 349,59
SC 4	3 397,73	3 540,50	3 689,28	3 791,92	3 844,31
SC 3	3 003,02	3 129,21	3 260,71	3 351,42	3 397,73
SC 2	2 654,17	2 765,70	2 881,92	2 962,10	3 003,02
SC 1	2 345,84	2 444,41	2 547,14	2 617,99	2 654,17

Benefits of officials



expatriation allowance
equivalent to 16% of your basic salary

family-related allowances

directly subject to a
Community tax (between
8% and 45%)

retirement pension

Officials with 20 or more years' service on 1 May 2004 shall become entitled to a retirement pension when they reach the age of **60**.


- ☐ Officials aged 35 years or more on 1 May 2014 and who entered the service before 1 January 2014 shall become entitled to a retirement pension at the age between 62 years 6 months and 64 years 8 months, depending on their age on 1 May 2014.
- ☐ Officials aged less than 35 years on 1 May 2014 shall become entitled to a retirement pension at the age of 65 years.
- ☐ Officials aged 45 years or more on 1 May 2014 who entered the service between 1 May 2004 and 31 December 2013, the pensionable age shall remain 63 years.

Other types of employment

Position	Activity	
Contract staff (6-12 months) €1 847,76 to 6 599,06.	➤ I. manual and administrative support-service tasks	➤ 1-3
	➤ II. clerical or secretarial tasks, office management and other equivalent tasks	➤ 4-7
	➤ III. executive tasks, drafting, accountancy and other equivalent technical tasks	➤ 8-12
	➤ IV. administrative, advisory, linguistic and equivalent technical tasks	➤ 13-18
Temporary staff	highly specialised or temporary tasks 3 months -5/6 years	
Trainees	➤ young university graduates, each lasting 3-5 months ➤ have completed their first university degree, and so receive tasks similar to those of the lower AD grade officials	
Seconded national experts (SNEs)	national or international civil servants or persons employed in the public sector who are working temporarily for an EU Institution	

Special categories of employment

Type	Feature
Interim staff	<ul style="list-style-type: none">▪ 6 months▪ on a temporary basis, mainly for secretarial work, on short term contracts through temping agencies
Interim consultants	directly through tendering procedures
Parliamentary Assistants	The EP and the Political Groups have their own recruitment procedures
Freelance linguists	<ul style="list-style-type: none">▪ translators and interpreters▪ The Commission, the Court of Justice and the EP have their own calls
Junior Professionals in Delegation	<ul style="list-style-type: none">▪ up to 18 months▪ talented and promising university post-graduates
EU experts	<ul style="list-style-type: none">▪ upon self-registration▪ experts' database
Maintenance and canteen staff	<ul style="list-style-type: none">▪ via external contracting companies▪ through open tender procedures.



PROCEDURAL LAW OF DIRECT ADMINISTRATION

Definition of administrative procedure and administrative procedural law

administrative procedure

- is the formal path, established in legislation, which an administrative action should follow

Guarantee of individual rights

administrative procedural law

- legal norm that governs the administrative procedure

Efficiency and order in the protection of the public interest (transparency)

Legal framework of the administrative procedural law of direct level of the EU

Treaty based provisions

EU Charter

Case-law

Secondary sources

*The institutions, bodies, offices and agencies of the EU shall have the support of an **open, efficient and independent European administration***

*The European Parliament, the Council and the Commission shall consult each other and by common agreement make **arrangements for their cooperation.***
(TFEU 298)



Charter of fundamental
rights

Rights for
citizens of
the EU



Procedural
rights of
administration



Obligation
for officials
of the EU

2001

RIGHT TO GOOD ADMINISTRATION

ARTICLE 41 OF THE
CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION

2009

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. This right includes:

a. the right of every person to be heard, before any individual measure which would affect him or her adversely is taken


b. the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy

c. the obligation of the administration to give reasons for its decisions



Right to effective
remedy (Article 47 of EU
Charter)

(3) Every person has the right to have the Union **make good any damage caused by its institutions** or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States. *[Also guaranteed by Article 340 TFEU]*



(4) Every person may **write to the institutions** of the Union in one of the languages of the Treaties and **must have an answer** in the same language. *[Also guaranteed by Article 20(2)(d) and Article 25 TFEU]*

The right to access to documents

Articles 42 of the Charter
and 15 of the TFEU

Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of **access to documents** of the institutions, bodies, offices and agencies of the Union, whatever their medium.

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**

all agencies of the Union should apply these principles



register of documents open to the public and to give direct access to it in electronic form



easiest possible exercise of this right are accompanied by detailed procedural rules on how to get access to documents



Shorter time limits (15 days)



Irish citizen asked the **European Medicines Agency (EMA)** for access to documents containing details of all suspected serious adverse reactions relating to an anti-acne drug

EMA refused his request, arguing that the EU rules on access to documents did not apply to reports concerning suspected serious adverse reactions to drugs

Ombudsman After investigating the complaint, the Ombudsman concluded that the **EU rules on access to documents apply** to all documents held by the EMA



The right to access to documents

Right to protection of personal data (Art. 16 TFEU)



- processing of personal data must be done **fairly and lawfully**
- Collection of data must be for **specified, explicit and legitimate purposes** and in a way that is not excessive in relation to the purposes for which they are collected.

origin of the right to protection of personal data in secondary legislation and not in the ECJ case-law

General Data Protection Regulation, adopted in April 2016, will supersede the Data Protection Directive and will be enforceable starting on 25 May 2018

the right to protection of personal data does not apply only to EU Administration, but also to Member States when they implement EU law

The European Ombudsman's opinion on procedural rights



Public service principles for the EU civil service 2012

The European Code of Good Administrative Behaviour (approved by EP in 2001)

- ✓ Lawfulness
- ✓ Absence of discrimination
- ✓ Proportionality
- ✓ Absence of abuse of power
- ✓ Impartiality and independence
- ✓ Objectivity
- ✓ Legitimate expectations, consistency, and advice
- ✓ Fairness
- ✓ Courtesy
- ✓ Reply to letters in the language of the citizen
- ✓ Acknowledgement of receipt and indication of the competent official
- ✓ Obligation to transfer to the competent service of the institution
- ✓ Right to be heard and to make statements
- ✓ Reasonable time-limit for taking decisions
- ✓ Duty to state the grounds of decisions
- ✓ Indication of appeal possibilities
- ✓ Data protection
- ✓ Requests for information
- ✓ Requests for public access to documents
- ✓ Right to complain to the European Ombudsman

Commitment to the EU and its citizens

- exist in order to serve the interests of the EU and of its citizens

Integrity

- Civil servants should be guided by a sense of propriety and conduct themselves at all times in a manner that would bear the closest public scrutiny.

Objectivity

- Civil servants should be **impartial, open -minded**, guided by **evidence**, and willing to hear different viewpoints

Respect

- Civil servants should act respectfully to each other and to citizens

Transparency

- Civil servants should be **willing to explain their activities** and to give reasons for their actions

The EP's requirements and its constant efforts for a code

Since the 2013 Berlinguer Report

de minimis
rule where
no *lex*
specialis
exists

Principles of administrative procedures

- Principle of lawfulness
- Principle of non-discrimination and equal treatment
- Principle of proportionality
- Principle of impartiality
- Principle of consistency and legitimate expectations
- Principle of respect for privacy
 - Principle of fairness
 - Principle of transparency
- Principle of efficiency and service

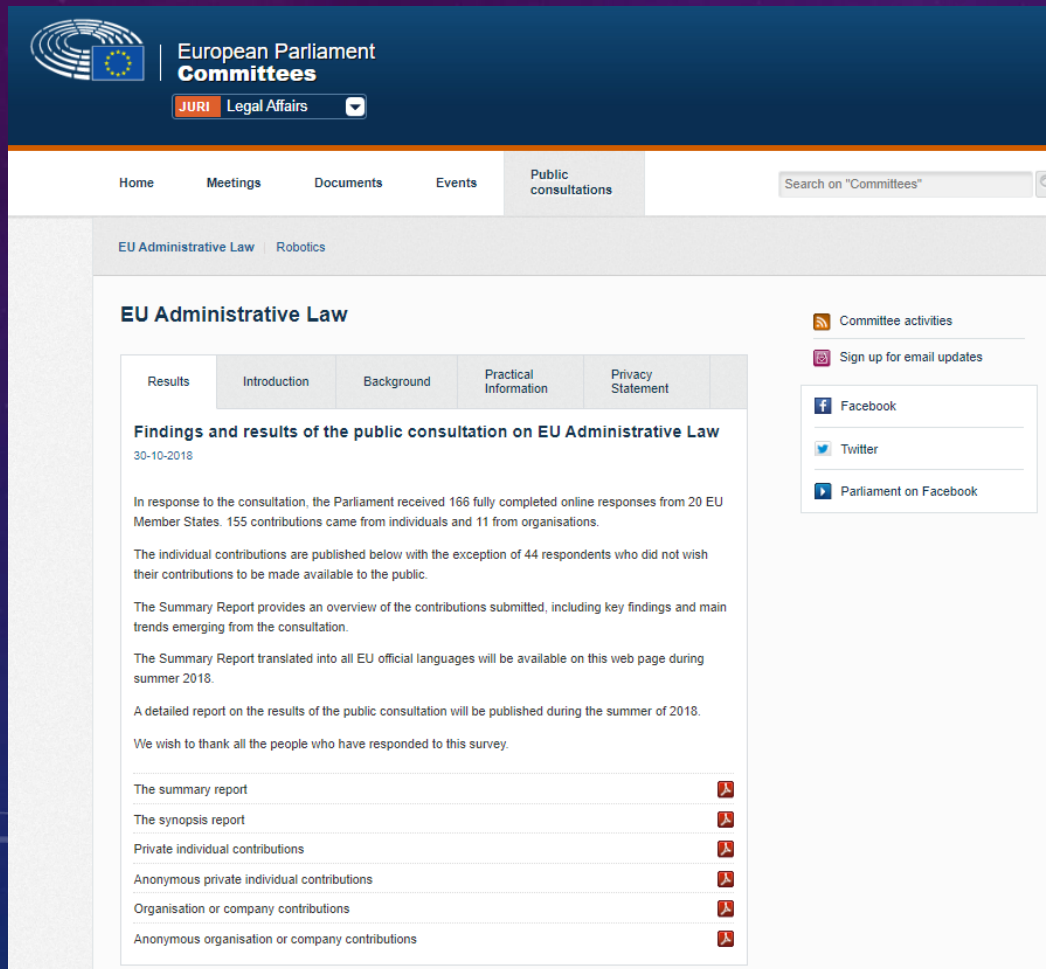
Recommendation on the rules governing administrative decisions

- Procedure: by own initiative or at the request of an interested party.
- requests for individual decisions shall be acknowledged in writing
 - possibility to correct a defective request
- financial interest and any conflict of interest shall be eliminated
- the rights of the defence must be respected at every stage of the procedure
- an interested party shall be granted full access to his or her file.
- decisions shall be taken within a reasonable time-limit
- decisions in writing and shall be worded in a clear, simple and understandable manner.
 - clearly state the reasons
 - notification in writing
 - legal remedy & possibility of correction
- a clear easily understandable regulation available for public (web)


Public consultation

open from 15.12.2017 to 09.03.2018

- aiming to obtain a better understanding of the interactions of businesses and citizens with the EU institutions;
- provide a basis to evaluate the implementation of existing EU rules
- identify possible shortcomings



The screenshot displays the European Parliament Committees website. The header includes the European Parliament logo and the text "European Parliament Committees". Below this, there is a navigation bar with links for "Home", "Meetings", "Documents", "Events", and "Public consultations". A search bar is also present. The main content area is titled "EU Administrative Law" and features a tabbed interface with "Results" selected. The "Results" tab shows the title "Findings and results of the public consultation on EU Administrative Law" dated 30-10-2018. The text describes the consultation process, mentioning 166 fully completed online responses from 20 EU Member States, with 155 contributions from individuals and 11 from organisations. It also mentions the availability of the Summary Report and the detailed report during the summer of 2018. A list of documents is provided at the bottom, including the summary report, synopsis report, private individual contributions, anonymous private individual contributions, organisation or company contributions, and anonymous organisation or company contributions, each with a download icon.



Most responders supported additional measures at EU level **to simplify EU administrative rules**. **Operational incoherence** and the **administrative burden costs** were identified as the most problematic issues.

<https://www.europarl.europa.eu/committees/en/juri/eu-administrative-law.html?tab=Results>

Academics on procedural rules: ReNEUAL Model Rules



draft proposal for
binding legislation -
Work of academics

Structure of ReNEUAL		
Book I	Introduction to the ReNEUAL Model Rules /– General Provisions	
Book II	Administrative Rule-Making	procedures are those conducted by EU institutions, bodies, offices and agencies
Book III	Single Case Decision-Making	
Book IV	Contracts	
Book V	Mutual Assistance	designed to be applicable also to implementation activity by Member States
Book VI	Administrative Information Management	

Administrative procedures of direct level



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graph TD; A[Administrative procedures of direct level] --> B[Direct authority procedure in individual cases]; A --> C[Comitology]; A --> D[Composite procedures];
```

Direct authority procedure in individual cases

Comitology

Composite procedures



Thank you very much for your kind attention!

Next chapter:
Indirect administration of the EU

This teaching material has been made at the University of Szeged, and supported by the European Union by the project nr. EFOP-3.6.2-16-2017-00007, titled Aspects on the development of intelligent, sustainable and inclusive society: social, technological, innovation networks in employment and digital economy. The project has been supported by the European Union, co-financed by the European Social Fund and the budget of Hungary.

Images are taken from google
Figures and charts are the work of the Author



„Vitam impendere vero”