

DECISION No 19/2025

**OF THE ADMINISTRATIVE BOARD OF THE EUROPEAN UNION AGENCY FOR
THE COOPERATION OF ENERGY REGULATORS**

of 12 December 2025

on the code of good administrative behaviour for ACER's staff

THE ADMINISTRATIVE BOARD OF THE EUROPEAN UNION AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

Having regard to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators¹, and, in particular, Articles 19(1)(d) and 19(1)(l) thereof,

Whereas:

- (1) A central principle of the Agency's mission, as set out in Article 1(3) of Regulation (EU) 2019/942, is to act independently, objectively, and in the interest of the Union, when carrying out its tasks, and to take its decisions autonomously, independently of private and corporate interests.
- (2) Article 41 of the Charter of Fundamental Rights of the European Union provides for a right to good administration of every person when dealing with the institutions, bodies, offices and agencies of the Union.
- (3) The European Code of Good Administrative Behaviour adopted by the European Ombudsman defines guiding principles for sound, impartial and transparent administration within the Union institutions and bodies. The European Ombudsman has pointed to the need for EU bodies to adopt and maintain internal ethical frameworks aligned with the principles of good administration.
- (4) The Agency is committed to ensuring that its staff carry out its duties in accordance with the highest standards of good administration. To that end, the principles of transparency, lawfulness, proportionality, independence and objectivity form an essential basis for the trust placed in the Agency by EU citizens, Member States, market participants and stakeholders.
- (5) Establishing a code of good administrative behaviour for the Agency's staff, comprising the principles set out in the model code of good administrative behaviour adopted by the

¹ OJ L 158, 14.6.2019, p. 22–53.

European Ombudsman, will facilitate a better quality of administration when the Agency carries out its tasks, thereby bringing the Agency closer to the citizens.

(6) It is therefore appropriate to adopt a code of good administrative behaviour, providing a clear, coherent and accessible framework of the basic principles of good administrative behaviour for the Agency's staff when dealing with the public, thereby ensuring that the Agency carries out its mission and performs the tasks assigned to it in accordance with Regulation (EU) 2019/942,

HAS ADOPTED THIS DECISION:

Article 1

The code of good administrative behaviour for ACER's staff set out in Annex I is hereby adopted.

Article 2

The Director of the Agency is hereby mandated to adopt further measures necessary to implement the code of good administrative behaviour for ACER's staff.

Article 3

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

Done at Ljubljana, on 12 December 2025.

For the Administrative Board

The Chair

E. HERCZOG

ANNEX I

Code of Good Administrative Behaviour for ACER's staff

Article 1

General provision

In their relations with the public, ACER staff members shall respect the principles which are laid down in this Code of Good Administrative Behaviour (“the Code of Good Administration”).

Article 2

Personal scope of application

- (1) The Code of Good Administration shall apply to all ACER staff members to whom the Staff Regulations/CEOS apply, in their relations with the public.
- (2) ACER will take the necessary measures to ensure that the provisions set out in this Code of Good Administration also apply to ACER's non-statutory staff members, such as persons employed under private law contracts, experts on secondment, trainees and other relevant persons.
- (3) For the purpose of this Code of Good Administration, “ACER staff member” shall mean both, statutory and non-statutory staff members.
- (4) The term “public” refers to natural and legal persons, whether they reside or have their registered office in a Member State or not.

Article 3

Material scope of application

- (1) This Code of Good Administration contains the general principles of good administrative behaviour, which apply to all relations of ACER staff member with the public, unless they are governed by specific provisions.
- (2) The principles set out in this Code of Good Administration do not apply to the relations between ACER and its staff members. Relations with statutory staff members are governed by the Staff Regulations/CEOS. Relations with non-statutory staff members are governed by the relevant applicable laws and the private law contracts.

Article 4

Lawfulness

The ACER staff member shall act according to law and apply the rules and procedures laid down in EU legislation. The ACER staff member shall in particular take care to ensure that decisions which affect the rights or interests of individuals have a basis in law and that their content complies with the law.

Article 5

Absence of discrimination

- (1) In dealing with requests from the public and in taking decisions, the ACER staff member shall ensure that the principle of equality of treatment is respected. Members of the public who are in the same situation shall be treated in a similar manner.
- (2) If any difference in treatment is made, the ACER staff member shall ensure that it is justified by the objective relevant features of the particular case.
- (3) The ACER staff member shall in particular avoid any unjustified discrimination between members of the public based on nationality, sex, racial, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation.

Article 6

Proportionality

- (1) When taking decisions, the ACER staff member shall ensure that the measures taken are proportional to the aim pursued. The ACER staff member shall in particular avoid restricting the rights of the citizens or imposing charges on them, when those restrictions or charges are not in a reasonable relation with the purpose of the action pursued.
- (2) When taking decisions, the ACER staff member shall respect the fair balance between the interests of private persons and the general public interest.

Article 7

Absence of abuse of power

Powers shall be exercised solely for the purposes for which they have been conferred by the relevant provisions. The ACER staff member shall in particular avoid using those powers for purposes which have no basis in the law or which are not motivated by any public interest.

Article 8

Impartiality and independence

- (1) The ACER staff member shall be impartial and independent. The ACER staff member shall abstain from any arbitrary action adversely affecting members of the public, as well as from any preferential treatment on any grounds whatsoever.
- (2) The conduct of the ACER staff member shall never be guided by personal, family, or national interest or by political pressure. The official shall not take part in a decision in which he or she, or any close member of his or her family, has a financial interest.

Article 9

Objectivity

When taking decisions, the ACER staff member shall take into consideration the relevant factors and give each of them its proper weight in the decision, whilst excluding any irrelevant element from consideration.

Article 10

Legitimate expectations, consistency, and advice

- (1) The ACER staff member shall be consistent in his or her own administrative behaviour as well as with the administrative action of ACER. The ACER staff member shall follow ACER's normal administrative practices, unless there are legitimate grounds for departing from those practices in an individual case. Where such grounds exist, they shall be recorded in writing.
- (2) The ACER staff member shall respect the legitimate and reasonable expectations that members of the public have in light of how ACER has acted in the past.
- (3) The ACER staff member shall, where necessary, advise the public on how a matter which comes within his or her remit is to be pursued and how to proceed in dealing with the matter.

Article 11

Fairness

The ACER staff member shall act impartially, fairly, and reasonably.

Article 12

Courtesy

- (1) The ACER staff member shall be service-minded, correct, courteous, and accessible in relations with the public. When answering correspondence, telephone calls, and e-mails, the ACER staff member shall try to be as helpful as possible and shall reply as completely and accurately as possible to questions which are asked.
- (2) If the ACER staff member is not responsible for the matter concerned, he or she shall direct the citizen to the appropriate ACER staff member.
- (3) If an error occurs which negatively affects the rights or interest of a member of the public, the ACER staff member shall apologise for it and endeavour to correct the negative effects resulting from his or her error in the most expedient way and inform the member of the public of any rights of appeal in accordance with Article 19 of the Code of Good Administration.

Article 13

Reply to letters in the language of the citizen

The ACER staff member shall ensure that every citizen of the Union or any member of the public who writes to ACER in one of the Treaty languages receives an answer in the same language. The same shall apply as far as possible to legal persons such as associations (NGOs) and companies.

Article 14

Acknowledgement of receipt and indication of the competent official

- (1) Every letter or complaint to ACER shall receive an acknowledgement of receipt within a period of two weeks, except if a substantive reply can be sent within that period.
- (2) The reply or acknowledgement of receipt shall indicate the name and the telephone number of the ACER staff member who is dealing with the matter, as well as the department to which he or she belongs.
- (3) No acknowledgement of receipt and no reply need be sent in cases where letters or complaints are abusive because of their excessive number or because of their repetitive or pointless character.

Article 15

Obligation to transfer to the competent department of ACER

- (1) If a letter or a complaint to ACER is addressed or transmitted to a department which has no competence to deal with it, the file shall be transferred without delay to the competent department of ACER.
- (2) The department which originally received the letter or complaint shall inform the author of this transfer and shall indicate the name and the telephone number of the ACER staff member to whom the file has been passed.
- (3) The ACER staff member shall alert the member of the public or organisation to any errors or omissions in documents and provide an opportunity to rectify them.

Article 16

Right to be heard and to make statements

- (1) In cases where the rights or interests of individuals are involved, the ACER staff member shall ensure that, at every stage in the decision-making procedure, the rights of defence are respected, as set out in EU law.
- (2) Every member of the public shall have the right, as set out in EU law, in cases where a decision affecting his or her rights or interests has to be taken, to submit written comments and, when needed, to present oral observations before the decision is taken.

Article 17

Reasonable time-limit for taking decisions

- (1) The ACER staff member shall ensure that a decision on every request or complaint submitted to ACER is taken within a reasonable time-limit, subject to any specific time-limits set out in EU law. The same rule shall apply for answering letters from members of the public.
- (2) If a request or a complaint to ACER cannot, because of the complexity of the matters which it raises, be decided upon within the above mentioned time-limit, the ACER staff member shall inform the author thereof as soon as possible. In such a case, a definitive decision should be communicated to the author in the shortest possible time.

Article 18

Duty to state the grounds of decisions

- (1) Every decision of ACER which may adversely affect the rights or interests of a private person shall state the grounds on which it is based by indicating clearly the relevant facts and the legal basis of the decision.
- (2) The ACER staff member shall avoid making decisions which are based on brief or vague grounds, or which do not contain an individual reasoning.
- (3) If it is not possible, because of the large number of persons concerned by similar decisions, to communicate in detail the grounds of the decision and where standard replies are therefore sent, the ACER staff member shall subsequently provide the citizen who expressly requests it with an individual reasoning.

Article 19

Indication of appeal possibilities

A decision of ACER which may adversely affect the rights or interests of a private person shall contain an indication of the appeal possibilities available for challenging the decision. It shall in particular indicate the nature of the remedies, the bodies before which they can be exercised, and the time-limits for exercising them.

Article 20

Notification of the decision

- (1) The ACER staff member shall ensure that persons whose rights or interests are affected by a decision are informed of that decision in writing, as soon as it is taken.
- (2) The ACER staff member shall abstain from communicating the decision to other sources until the person or persons concerned have been informed.

Article 21

Data protection

- (1) The ACER staff member who deals with personal data concerning a citizen shall respect the privacy and the integrity of the individual in accordance with the provisions of Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data².

² OJ L 295, 21.11.2018, pp. 39–98

(2) The ACER staff member shall in particular avoid processing personal data for non-legitimate purposes or the transmission of such data to non-authorised persons.

Article 22

Requests for information

- (1) The ACER staff member shall, when he or she has responsibility for the matter concerned, provide members of the public with the information that they request. When appropriate, the ACER staff member shall give advice on how to initiate an administrative procedure within his or her field of competence. The ACER staff member shall take care that the information communicated is clear and understandable.
- (2) If an oral request for information is too complicated or too extensive to be dealt with, the ACER staff member shall advise the person concerned to formulate his or her demand in writing.
- (3) If an ACER staff member may not disclose the information requested because of its confidential nature, he or she shall, in accordance with Article 18 of this Code of Good Administration, indicate to the person concerned the reasons why he or she cannot communicate the information.
- (4) Further to requests for information on matters for which he or she has no responsibility, the ACER staff member shall direct the requester to the competent person and indicate his or her name and telephone number. Further to requests for information concerning another EU institution or body, the ACER staff member shall direct the requester to that institution or body.
- (5) Where appropriate, the ACER staff member shall, depending on the subject of the request, direct the person seeking information to the department or team responsible for providing information to the public.

Article 23

Requests for public access to documents

- (1) The ACER staff member shall deal with requests for access to documents in accordance with the rules adopted by ACER and in accordance with the general principles and limits laid down in Regulation (EC) 1049/2001³.
- (2) If the ACER staff member cannot comply with an oral request for access to documents, the citizen shall be advised to formulate it in writing.

³ OJ L 145/43, 31.5.2001

Article 24

Keeping of adequate records

ACER's departments shall keep adequate records of their incoming and outgoing mail, of the documents they receive, and of the measures they take.

Article 25

Publicity for the Code of Good Administration

ACER shall take effective measures to inform the public of the rights they enjoy under this Code of Good Administration. The text shall be available in electronic form on its website.

Article 26

Right to complain to the European Ombudsman

Any failure of ACER or an ACER staff member to comply with the principles set out in this Code of Good Administration may be the subject of a complaint to the European Ombudsman in accordance with Article 228 of the Treaty on the Functioning of the European Union and the Statute of the European Ombudsman⁴.

Article 27

Review of operation

This Code of Good Administration shall be reviewed five years after its adoption.

⁴ Regulation (EU, Euratom) 2021/1163 of the European Parliament of 24 June 2021 laying down the regulations and general conditions governing the performance of the Ombudsman's duties (Statute of the European Ombudsman), OJ L 253, 16.7.2021, pp. 1–10.