



STUDY PROGRAMME

EG

ACADEMIC YEAR

2019 - 2020

SEMESTER

2

COURSE TITLE

Good Administration : The Principle, the Right and the Practice

COURSE PROFESSOR

Nikiforos Diamandouros, Fergal O'Regan

COURSE ASSISTANT

Yana Brovdiy

NATURE OF COURSE (COMPULSORY, OPTIONAL)

Optional

LANGUAGE OF INSTRUCTION

English

ECTS CREDITS

POL: 4 ECTS, POL/EPPA: 3.5 ECTS, ECO/(ELEA, EPPA, EEIB): 3 ECTS, LAW: 3 ECTS, LAW/ELEA: 2 ECTS.

1. **COURSE OBJECTIVE**

At the end of the course, the student will master the concept of “good administration” and understand how it relates to the concepts of democracy, rule of law, fairness and legitimacy. The student will be able to analyse public institutions, primarily in the context of the EU, to verify if they meet the standards of good administration. The student will understand how those concepts translate into rights and obligations. The student will also be able to analyse different models of ombudsman and will have a thorough understanding of the European Ombudsman. Through active participation in a simulation game, the student will also obtain a practical understanding of how these concepts and these rights and obligations are applied in practice. At the end of the course, the diligent student will have a greater capacity to operate in and with public institutions, primarily in the context of the EU.

2. **LEARNING OUTCOMES**

- The student will be expected to have a clear understanding of and be able to assess the concept of good administration and how it is implemented by the EU administration.
- Upon the completion of the course, the student is expected to have an in-depth and practical knowledge of the procedures of the European Ombudsman and the principle areas in which (s)he works.
- The student will also develop a strategic and critical understanding of how to identify where change is needed and how to induce change in the European institutions, for the benefit of EU citizens.



3. COURSE CONTENTS

An overarching concept is proposed that links good administration to the rule of law and to the quality of democracy. The course then focuses on the institutional characteristics of the ombudsman institution in general and the European Ombudsman in particular. Case studies examine how the concept of good administration is elaborated in the practice of the European Ombudsman in different contexts, including the relationship between good administration as a fundamental right and other fundamental rights. The course concludes with an assessment of the relationship between good administration and the citizenship of the Union.

4. TEACHING METHOD(S)

The course is taught by two professors simultaneously. It involves the presentation of key concepts and information, followed by active debate with intense student participation. Students are encouraged to question the views put forward and to develop a thorough understanding of key concepts. The professors draw on their wide professional and academic experience to put forward examples for debate. The course commences by building a strong conceptual foundation for good administration and then proceeds to explore key areas in greater depth. The course also places great emphasis on a simulation game, in which students work in teams to apply the knowledge they have obtained.

5. COURSE MATERIAL

1) The analytical framework and the broader institutional context of the Ombudsman (3h)

Required reading:

- 1.1 Speech by the European Ombudsman “Leaving the national arena – adapting the recipe to the supranational level” available at <https://www.ombudsman.europa.eu/mt/speech/en/4112>
- 1.2 Bovens, ‘New Forms of Accountability and EU-Governance’, *Comparative European Politics*, vol. 5, 2007, pp. 104-120.
- 1.3 Ian Harden, chapter 27 in Erik Jones, Anand Menon and Stephen Weatherill (eds.) *The Oxford Handbook of the European Union*, Oxford University Press, 2012.
- 1.4 Carol Harlow and Richard Rawlings, ‘Promoting accountability in multi-level governance: a network approach’, *European Law Journal*, vol.13, 2007, pp. 542-562.
- 1.5 Vivien A. Schmidt, *Democracy and Legitimacy in the European Union*, The Oxford Handbook of the European Union, 2012.
- 1.6 P. Nikiforos Diamandouros, ‘The European Ombudsman and good administration post-Lisbon’ in D Ashiagbor, N. Countouris and I Lianos (eds.) *The European Union after the Treaty of Lisbon*, Cambridge University Press, 2012, pp. 210-226.
- 1.7 Paul Magnette, ‘Between parliamentary control and the rule of law: the political role of the Ombudsman in the European Union’, *Journal of European Public Policy*, no. 10, 2003, pp. 677–694.



2) Competences and Procedures: the classical of Ombudsman model (3 hours)

Required reading:

- 2.1 Statute of the European Ombudsman
<http://www.ombudsman.europa.eu/resources/statute.faces>
- 2.2 Implementing Provisions of the Statute of the European Ombudsman
<http://www.ombudsman.europa.eu/resources/provisions.faces>

3) Principles of Good administration (3 hours)

Required reading:

- P. Nikiforos Diamandouros, 'The relationship between the principle of good administration and legal obligations', in Carl Baudenbacher, Claus Gulmann, Koen Lenaerts, Emmanuel Coulon and Eric Barbier de la Serre, (eds.), *Liber Amicorum en l'honneur de/in honour of Bo Vesterdorf*, Bruylant, Brussels, 2007, pp. 315-341.

4) The search for legitimacy through transparency (3 hours)

Required reading:

- 4.1 Regulation 1049/2001, http://www.europarl.europa.eu/RegData/PDF/r1049_en.pdf
- 4.2 Joined Cases C-39/05 P and C-52/05 P Kingdom of Sweden and Maurizio Turco v Council of the European Union, <http://curia.europa.eu/juris/liste.jsf?num=C-39/05&language=en>
- 4.3 Trilogues decision of the European Ombudsman,
<http://www.ombudsman.europa.eu/en/activities/calendarevent.faces/en/1001...>
- 4.4 D. Curtin and P. Leino, 'In search of transparency for EU law-making: Trilogues on the cusp of dawn', *Common Market Law Review*, no. 54, 2017, pp. 1–40.

5) Integrity, conflicts of interests, revolving doors and the search for an independent civil service (3 hours)

Required reading:

- 5.1 Ad hoc ethical committee case 297-2013-(RA)FOR
<http://www.ombudsman.europa.eu/en/cases/decision.faces/en/52934/html.bo...>
- 5.2 Letter of the Ombudsman to President Juncker
<https://www.ombudsman.europa.eu/mt/correspondence/en/70847>

Further reading:

- The EU Integrity System, Transparency International, https://transparency.eu/wp-content/uploads/2016/10/EU_Integrity_System_Report.pdf
- Management of conflict of interest in selected EU Agencies, Special Report by European Court of Auditors (2012),
https://www.eca.europa.eu/Lists/ECADocuments/SR12_15/SR12_15_EN.PDF



OECD Guidelines on Conflicts of Interest
<http://www.oecd.org/governance/ethics/48994419.pdf>

6) Practical session (3 hours)

7) Administrative due process and the Ombudsman (3 hours)

Required reading:

7.1. Decision of the European Ombudsman closing his own-initiative inquiry into case OI/3/2008/FOR against the European Commission,
<http://www.ombudsman.europa.eu/cases/decision.faces/en/11731/html.bookmark>

Further reading:

Workshop on EU administrative law: state of play and future prospects
[http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL-JURI_DV\(2011\)453215](http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL-JURI_DV(2011)453215)

8) Where to Ombudsman?: perspectives, possibilities and challenges in the search for a "Citizen's Europe" (3 hours)

Required reading:

8.1. P Nikiforos Diamandouros, 'From Maladministration to Good Administration: Retrospective Reflections on a Ten-Year Journey', in Herwig C.H. Hoffmann and Jacques Ziller (eds.), *Accountability in the EU. The Role of the European Ombudsman*, Edward Elgar: Cheltenham, UK, 2017, pp. 217-58.

6. EVALUATION

Students are evaluated on the basis of three criteria:

- active class participation (20%),
- the presentation of a paper on a subject falling within the scope of the course (30%),
- an open book oral examination (50%).