

ReNEUAL Model Rules on EU Administrative Procedure
2026 Revisions for Automated Procedures

Introduction to the 2026 Revisions /
Book I – General Provisions

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Book I – General Provisions

A. Introduction to the 2026 Revisions for Automated Procedures

- (1) At the time of publication (2014), Books I to IV of the ReNEUAL Model Rules on EU Administrative procedure contained only a **few provisions** relating to the use of electronic means by individuals and public administration (including the requirement to create specific centralised websites). At that time, this was intended to facilitate communication and overcome the limitations of postal mail, strengthen administrative transparency and increase citizen participation in rulemaking and wide-ranging decision-making procedures.¹ Automation of administrative action was primarily addressed in Book VI – Administrative Information Management, given that much of the exchange of information between authorities occurred also at that time by way of automated data processing systems.
- (2) With the evolution of the power and use of automated data processing and, above all, of the development of **artificial intelligence** (AI) systems, especially systems of generative AI (including large language models, LLMs), the ReNEUAL Steering Committee decided to revise the provisions of the ReNEUAL Model Rules to review specific questions of automation of administrative procedures and data processing therein. These revisions include adaptations of existing rules, and, only where strictly necessary, the inclusion of additional rules that specifically address the legal challenges prompted by technological innovations and the evolution of automated procedures. The objective of the careful review is to ensure that existing model rules, which can be applied to automated procedures, remain intact and to demonstrate that a simple, principle-based approach to the regulation of automation is possible.

¹ See Articles II-4(2), III-4, III-5(3)(e), III-6(1), III-8(1)(b), III-10(2)(b), III-25, III-32, IV-7, IV-11(3), IV-18(2), IV-21, IV-24(1), IV-39, V-2(2), and VI-12(4) of the initial version of the ReNEUAL Model Rules.

- (3) In its legislative resolution of 22 November 2023² the European Parliament requested “the Commission to urgently submit a legislative proposal, on the basis of Article 298 TFEU, for a regulation on an open, efficient and independent European Union administration” whereby “[taking] into account the advancement of digitalisation and its impact on the Union’s administration and administrative procedure”. The resolution refers to “the proposal for a regulation annexed to its resolution of 9 June 2016”³ as a point of departure and provides recommendations for adapting the proposal of 2016 to the challenges posed by digitalisation. In the resolution, the European Parliament “[c]onsiders that the requested proposal must take into account the progress made in the field of digitalisation and its impact on the administrative procedures of the Union’s administration [as well as] that the requested proposal must be consonant with the Union’s approach to the digital transformation, fully respect both fundamental rights - including data protection rules and equal treatment - and principles such as technological and network neutrality and inclusiveness, but must also bolster digital skills and competences and promote a high-performing digital education ecosystem”. We underline that the resolution refers to the “consultations with academia, practitioners and the legal community [...] undertaken by the Parliament in preparation of its 2016 resolution for an open, efficient and independent European Union administration” as well as to the European Law Institute’s report with Model Rules on Impact Assessment of Algorithmic Decision-Making Systems Used by Public Administration. In his response of 27 February 2024 to the Resolution,⁴ Commission Vice-President Maroš Šefčovič wrote that “the Commission welcomes the [...] focus on developments in the field of digitalization” and mentioned actions taken in the last years in this respect, including “[t]he recently adopted Commission AI strategy [which] is a clear commitment to applying the principles of the future AI Act already now to its own operations, with a strict focus on human-centricity and agency”.

² See the REPORT with recommendations to the Commission on Digitalisation and Administrative Law 26.10.2023 - (2021/2161(INL)); see also the European added value assessment, Digitalisation and administrative law, European Parliamentary Research Service, European Added Value Unit, PE 730.350 – November 2022.

³ European Parliament Resolution of 9 June 2016 for an open, efficient and independent European Union administration and the proposal for a regulation of the European Parliament and of the Council for an open, efficient and independent European Union administration (TA-8-2016-0279_EN).

⁴ The letter has been published by the European Parliament: [https://www.europarl.europa.eu/RegData/courrier_officiel/arrivee/2024/EP-PE_LTA\(2024\)001208_FULL_EN.pdf](https://www.europarl.europa.eu/RegData/courrier_officiel/arrivee/2024/EP-PE_LTA(2024)001208_FULL_EN.pdf).

- (4) These additional model rules take into account evolving CJEU case law as well as that of Member State courts and the fast-evolving landscape of relevant EU regulatory instruments. Of the generally applicable norms, beyond policy-specific provisions, the relevant EU regulatory framework includes *inter alia* **Article 22 of the General Data Protection Regulation (GDPR)**,⁵ the parallel **Article 24 of Regulation (EU) 2018/1725**⁶ and the **EU Artificial Intelligence Act (AI Act)**.⁷ These provisions set out important legal requirements relating to automated administrative action and the development and use of AI systems by Member States and EU public authorities. The intensive scholarly debate that has taken place in recent years on the topic of AI has also been taken into account.
- (5) The ReNEUAL Steering Committee limited the revisions to rules that are *necessary* to adapt to these developments. The current revisions constitute an urgently needed and critical first-cut to stimulate further discussion and adaptation.
- (6) This revision of the 2014 Model Rules **only relates to Books I to IV**, while a revision of Books V and VI on administrative assistance and data management is still ongoing. Provisions added to the 2014 version of the ReNEUAL Model Rules in Books I, II, III and IV are highlighted. We only include explanations regarding these new provisions in the revised version we now publish. Explanations to the original Model Rules can be found in the pre-existing 2014 version of the ReNEUAL Model Rules.⁸
- (7) The general approach we adopted in formulating the 2026 revisions is based on the following principal precepts.

⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

⁶ Regulation (EU) 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 data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

⁷ Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act).

⁸ We have based our work on the English version of the Model Rules published by Oxford University Press in 2017, which includes some minor changes compared with the version originally published online in 2014.

- (8) First, we consider it necessary to **propose binding rules** on the subject matter, rather than formulating soft law provisions. Legal certainty and the adequate protection of citizens' rights have to be given the necessary regulatory backing and should be enforceable and protected in the courts.
- (9) Second, it is necessary to regulate the revised subject matter grounded on the traditional and established **principles of administrative procedure**. The provisions contained in Article 22 of the GDPR and Article 24 of Regulation (EU) 2018/1725 regarding the EU institutions, bodies, offices and agencies are very relevant, but they only partially resolve the problems raised by the use of automated systems and AI in the context of administrative procedures. In addition to the fact that they were not designed for this purpose, they are necessarily incomplete and only apply, respectively, to automated (administrative) decisions affecting natural persons (the only ones protected by personal data protection regulations) and not legal persons (also deserving of protection). Similar considerations apply to the AI Act, which addresses the development and use of certain high-risk AI systems or the AI systems envisaged in Article 50 AI Act, not the use of other automated systems in administrative procedures, which also pose significant risks for individual rights as well as for the effective implementation of public policies in accordance with democratic legislation. These specific risks and the impact of automated administrative procedures are addressed in the new Article III-3a and in the new wording of Article II-3(1)(b) of these Model Rules.
- (10) Administrative procedure is and must remain a **fundamental instrument** for protecting citizens, businesses and other legal entities, as well as for ensuring the quality of public decision-making, as a central element of the public interest in administrative decision-making. The principles and rights on administrative procedure are particularly important in EU law, starting with Article 41 of the Charter of Fundamental Rights on the right to good administration, and the CJEU's case law. It is therefore crucial to flesh out the guarantees contained in regulations such as the GDPR and the AI Act within the logic of administrative procedure, supplementing them where necessary. This will not only provide better protection for individuals, but will also facilitate and improve administrative action itself.
- (11) Third, any legal reform must be based on the principle that it is **technology that must conform** to existing legal limitations and rights, and not the other way round. The principles and rights of administrative procedure established over the years by

legislators and in case law (such as the rights to a hearing and access to the file, or the duties of giving reasons, impartiality and careful investigation) express profound values of our democratic societies, many of a constitutional nature. These public values cannot be sacrificed for the sake of alleged greater administrative effectiveness and efficiency, instead they should be used as starting points for the development of innovative data processing technology. Revisions of the Model Rules aim to better protect these values against the significant threat they may face from new technological tools that are provided to public administration and its officials by private companies with (commercial) interests, which may not be generally aligned with the public good.

- (12) Fourth, this revision strives for **proportionate regulation**, containing only provisions that are strictly necessary to safeguard European democratic values while harnessing the vast potential of automated procedures, when designed properly, to achieve the goals of public administration. The aim is to strengthen, not undermine, the dual mission of administrative law as an instrument for guaranteeing individual rights *and* attributing the administrative powers necessary for the implementation of public interests.
- (13) Fifth, upon reviewing the 2014 version of the ReNEUAL Model Rules from this perspective the drafting team concluded that relatively **few revisions** needed to be made to achieve this fundamental balance.
- (14) Finally, we have considered it appropriate **not to restrict** this 2026 revision to the use of **AI systems**,⁹ but to extend it to **any automated data processing system** that may be used by public authorities in the context of an administrative procedure. The rationale for the inclusion of the latter is that such systems **adopt** the decision, rule or contract in question **without human intervention** (fully-automated procedure) or **materially influence** the human completion of the procedure (semi-automated procedure). The rapid advancement of AI technology in recent years has complicated legal definitions of application of specific

⁹ In the terms defined by Art 3(1) AI Act, which are also those of the OECD (OECD, Recommendation of the Council on Artificial Intelligence, OECD/LEGAL/0449, as amended on 8 November 2023) and very similar to those of the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (No. 225) done at Vilnius (Lithuania) on 5 September 2024, Art 2. For further details, see the Commission Guidelines on the definition of an artificial intelligence system established by Regulation (EU) 2024/1689 (AI Act) [C(2025) 5053 final, 29 July 2025].

technologies and the future viability of such definitions. Moreover, other advanced algorithmic technologies used in fully or semi-automated procedures can pose similar issues to transparent administrative decision-making and human oversight as AI technology. What we consider to be decisive is not the specific technology used, but the fact that it either completely replaces or materially conditions the human decision-making that has traditionally characterised administrative procedures.

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B. Model Rules¹⁰

Preamble

Public authorities are bound in administrative procedures by the rule of law, the right to good administration and other related principles of EU administrative law.

In the interpretation and development of these model rules, regard should be had especially to equal treatment and non-discrimination, legal certainty, fairness, objectivity and impartiality, participation, proportionality, protection of legitimate expectations, transparency, and due access to effective remedies.

Public authorities shall have regard to efficiency, effectiveness and service orientation.

Within European administrative procedures due respect must be given to the principles of subsidiarity, sincere cooperation, and clear allocation of responsibilities.

Procedural obligations and rights provided in these model rules shall not be compromised in fully- or semi-automated procedures.

I-1 Scope of application

- (1) These model rules are applicable to all EU authorities when they are implementing Union law through administrative action.
- (2) These model rules do not apply to Member State authorities unless sector-specific EU law renders them applicable.
- (3) The model rules of Books V and VI are applicable to Member State authorities as defined in Articles V-1 and VI-1.

¹⁰ Provisions added to the [2014/2017 version of ReNEUAL Model Rules Book I](#) are highlighted. We have based our work on the English version of the Model Rules published by Oxford University Press in 2017, which includes some minor changes compared with the version originally published online in 2014.

I-2 Relation to specific procedural rules of the European Union

- (1) These model rules shall apply where no specific procedural rules exist in EU law.
- (2) Specific procedural rules in EU law shall be interpreted in coherence with and may be complemented by these model rules.

I-3 Relation to Member State law

Member State authorities may use these model rules as guidance when they are implementing EU law in accordance with their national procedural laws.

I-4 Definitions

For the purpose of these model rules the following definitions apply to all Books:

- (1) `Administrative action` means activity of a public authority as defined in paragraph (7) that results in:
 - (a) a legally binding non-legislative act of general application as defined in Book II,
 - (b) a decision as defined in Book III,
 - (c) a contract as defined in Book IV,
 - (d) mutual assistance as defined in Book V,
 - (e) information management activities as defined in Book VI.
- (2) `Administrative procedure` means the process by which a public authority prepares and formulates administrative action as defined in paragraph (1) lit. a. to c.
- (3) `Competent authority` means the public authority in the sense of paragraph (7) which is responsible for performing administrative action according to the applicable law.
- (4) `Composite procedure` means an administrative procedure where EU authorities and the authorities of a Member State or of different Member States have distinct functions which are inter-dependent. A composite procedure may also mean the combination of two administrative procedures that are directly linked.
- (5) `EU authority` means an institution, body, office or agency of the Union. Other bodies are also to be considered as EU authorities when they are entrusted with administrative action on behalf of the EU.

(6) 'Person' means any natural or legal person. Other associations, organizations or groups may be considered as a person on the basis of sector-specific EU law or the case law of the Court of Justice of the European Union.

(7) 'Public authorities' means EU authorities according to paragraph (5) and Member State authorities, insofar as these model rules apply to them.

(8) 'Automated procedure' means an administrative procedure in which the administrative action is taken by an automated data processing system (fully-automated procedure) or is materially influenced by such a system (semi-automated procedure).

(9) 'Automated decision-making system' means an automated data processing system that adopts a decision without prior human intervention (fully-automated decision) or materially influences human decision-making (semi-automated decision).

C. Explanations of the 2026 Revisions for Automated Procedures¹¹

Preamble

- (1) The only addition to the 2014 preamble is the last sentence “Procedural obligations and rights provided in these model rules shall not be compromised in fully- or semi-automated procedures”. As outlined in the introduction, new technologies used in administrative procedures must comply with existing legal principles of administrative procedure and procedural rights, and not the other way round. This basic ratio derived from the rule of law informs the 2026 revision of all books of the ReNEUAL Model Rules. It is therefore highlighted not only in specific articles of the various books,¹² but also as a new general paragraph in the preamble.

I-4 Definitions

New paragraph 8

- (2) The first amendment made to the operative part of Book I consists of the addition of a **new general definition** of what is meant by “**automated procedure**”. This is an **important definition** in the context of these revisions, reflecting the general approach that inspired them. The term “automated procedure” is used throughout the revised Model Rules of Books III and IV.¹³ The definition refers to the term “administrative procedure” as defined in Article I-4(2), capturing the processes by which a public authority prepares and formulates administrative action as defined in Article I-4(1) lit. a. to c., i.e. rulemaking, single case decision-making, contracting.
- (3) In line with the general approach adopted in these revised Model Rules – outlined in the introduction and also adopted in other academic projects¹⁴ – the revision is not limited to a specific digital technology such as AI but includes any kind of

¹¹ Only explanations regarding new provisions are published here. Other explanations remain in the 2014 version of ReNEUAL Model Rules Book I.

¹² Arts III-3(1)2, IV-7(3), IV-10(3)1, IV-21(2).

¹³ Arts III-3(1)2, III-7(2), III-22(6); IV-7(3), IV-21(2); see also Art III-10(1a) “non-automated procedure” and Art IV-10(3)1 “automated competitive award procedure”.

¹⁴ See European Law Institute (2022), Art 2(1) of the [Model Rules on Impact Assessment of Algorithmic Decision-Making Systems Used by Public Administration](#).

automated (i.e. algorithmic) data processing. The definition therefore uses the comprehensive and self-explaining term “**automated data processing system**”.¹⁵ Such systems may be AI systems – as currently defined in the AI Act – or of any other type. These are systems that automatically process the personal and non-personal data that constitute the subject matter of any administrative procedure are what is included.

- (4) According to Article 1-4(8) “automated procedures” comprise not only fully automated but also semi-automated procedures. The need to regulate **fully automated procedures** follows from the absence of traditional human decision-making in administrative procedures, although in simple cases of mass administration fully automated decision-making may pose limited risks if the automated decision-making system is steered by non-complex algorithms. The model rules are flexible enough to adapt to such circumstances.
- (5) More complex is the inclusion of **semi-automated procedures**, as this term, if used uncritically, could be caricaturised to potentially capture a very wide range of unproblematic procedures, even including cases such as the use of simple calculators by public officials. Inspired by **Article 6(3) AI Act** the definition therefore requires that the administrative action is “**materially influenced**” by an automated data processing system. The aim is to address possible **automation biases**, especially when humans lack the capacity to critically review the output of automated data processing. The requirement “materially influenced” will need further specification in individual cases. As in the case of Article 6(3) AI Act that will be done on a case-by-case basis by public bodies and the competent courts, taking account of criteria such as those set out in Article 6(3) and in Recital 53 of the AI Act.¹⁶

¹⁵ Alternative, and similar generic terms discussed by the drafting team are “machine-based system” (cf. Art 3(1) AI Act; Art 2 CoE AI Framework Convention 2024) or “computational process” (cf. Art 2(1) ELI Model Rules 2022).

¹⁶ According to this provision and recital there is no material influence where the automated system is intended to perform a narrow procedural task (such as a system that transforms unstructured data into structured data, a system that classifies incoming documents into categories or a system that is used to detect duplicates among a large number of applications); to improve the result of a previously completed human activity (such as systems that are intended to improve the language used in previously drafted documents); to detect decision-making patterns or deviations from prior decision-making patterns and is not meant to replace or influence the previously completed human assessment, without proper human review (such as a system used to check ex post whether the public authority may have deviated from the amount of administrative penalties set in similar cases so as to flag potential inconsistencies or anomalies); or to perform a preparatory task to an assessment (this covers, inter alia, smart solutions for file handling, which include various

- (6) Given the similarity of the challenges and the reality of multi-step and composite procedures, the revisions apply virtually the **same rules** to fully automated and semi-automated procedures.

New paragraph 9

- (7) Paragraph 9 defines the closely related term “**automated decision-making system**”. It is used in Book III on administrative decision-making¹⁷ as well as in Book IV¹⁸ in line with the general approach taken in Book IV to differentiate between the conclusion of a contract and the *decision* by the authority to conclude a contract.¹⁹ According to our definition, “automated decision-making systems” are a specific type of automated data processing systems. The latter generic term has been already discussed concerning paragraph 8 and is also used in some rules of Books II and III.²⁰ Paragraph 9 differentiates in parallel to paragraph 8 between fully- and semi-automated decisions.

functions from indexing, searching, text and speech processing or linking data to other data sources, or AI systems used for translation of initial documents).

¹⁷ Arts III-3a, III-10(1a)1, III-29(3).

¹⁸ Art IV-20(1); see also the references in Arts IV-7(1), IV-21(1), IV-39(1).

¹⁹ See Art IV-7(1).

²⁰ See Arts II-2(d), II-3(1)(b)1, II-5(1a); Arts III-5(5), III-8(1)(g).