

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

**Book III – Single Case Decision-Making**

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## Book III – Single Case Decision-Making

### A. Introduction to the 2026 Revisions to Book III for Automated Procedures

- (1) The rationale for the 2026 revisions for automated procedures in Book III is already spelled out in the introduction to Book I. The general principle is laid down in the new second sentence of Article III-3(1) mirroring the amended preamble to the Model Rules: procedural obligations and rights provided in these model rules shall **not be compromised** in automated procedures. In accordance with this principle only a few substantive **amendments** have been made to clarify important details of existing procedural rights or obligations and to adapt them to specific challenges in automated procedures. Such specific amendments comprise **Articles III-3(1) and (6), III-4(2)(h), III-5(3)(d) and (5), III-7(2), III-8(1)(g)-(i), III-10(1a), III-22(6) and (7), III-25(4), III-29(3) and III-31(3).**
- (2) A more fundamental addition to Book III concerns the **completely new Article III-3a** providing an innovative mechanism of assessment and **authorization** before an **automated decision-making system** is deployed (for details see the explanations to Article III-3a).

## **B. Model Rules<sup>1</sup>**

### **Chapter 1: General provisions**

#### **III-1 Scope of application**

- (1) Book III applies to administrative procedures by which an EU authority prepares and adopts a decision as defined in Article III-2.
- (2) Book III applies to administrative procedures by which a Member State authority prepares and adopts a decision as defined in Article III-2 insofar as sector-specific EU law or the respective Member State law renders it applicable.

#### **III-2 Definitions**

- (1) `Decision` means administrative action addressed to one or more individualized public or private persons which is adopted unilaterally by an EU authority, or by a Member State authority when Article III-1(2) is applicable, to determine one or more concrete cases with legally binding effect.
- (2) `Public authority` for the purposes of Book III means an EU authority, and a Member State authority under the conditions specified in Article III-1(2).
- (3) `Party` means the addressee of the intended decision and other persons who are adversely affected by it and who request to be involved in the procedure. Sector-specific EU law may assign the status of party to persons not adversely affected.
- (4) `Interested public` for the purposes of Article III-25 means every natural or legal person and other associations, organizations or groups expressing an interest in the administrative procedure.
- (5) `Inspection` means an on-the-spot check for the purposes of information gathering.

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<sup>1</sup> 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.

(6) `Responsible official` means the official charged by the public authority with managing the administrative procedure.

(7) `Automated decision-making system` means an automated data processing system that adopts a decision (fully-automated decision) or materially influences human decision-making (semi-automated decision).

(8) `Automated procedure` means, in accord with Article I-4(8), 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).

## **Chapter 2: Initiation and Management of procedure**

### **III-3 General Duty of Fair Decision-making and impartiality**

(1) Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by public authorities as specified in these model rules. Procedural obligations and rights provided in these model rules shall not be compromised in automated procedures.

(2) The responsible official as set out in Article III-7 has a duty to communicate any financial or familial interest in a decision to his or her superior and shall not take part in that decision.

(3) The responsible official has a duty to communicate any other possible conflict of interest to his or her superior, who should exclude the official from participating in the decision where the impartial and objective exercise of the official's function is compromised.

(4) A party may request that a responsible official affected by a conflict of interest should not take part in the making of the decision. This request must be filed as soon as possible and should be reasoned and made in writing. The decision whether to exclude the official shall be made by his or her superior after hearing the official.

(5) Any other person involved in a decision on behalf of a public authority shall *mutatis mutandis* be bound by the obligations in paragraphs 2 to 4 above.

(6) Competent authorities remain responsible for fully- or semi-automated decisions. If the system is provided by a third party the competent authority must establish safeguards to comply with its obligations according to these model rules.

### **III-3a Deployment of automated decision-making systems**

(1) The deployment of an automated decision-making system must be explicitly authorised by the competent authority. The authorisation shall be made public according to Article III-4 and shall specify:

- (a) a clear description of the design and operation of the system, as well as of the data used in its configuration and learning, excluding information where publicity may jeopardise the purpose of the respective procedure or cybersecurity,
- (b) the authority responsible for maintenance, supervision, quality control and, where appropriate, auditing of the system.

(2) An automated decision-making system shall only be authorized after careful assessment, that the system:

- (a) achieves an appropriate level of accuracy, robustness, interoperability and cybersecurity,
- (b) complies with applicable substantive and procedural legal requirements,
- (c) is subject to adequate human oversight according to Articles III-7(2) and III-8(1)(i).

The authority should, where appropriate, hold a public consultation.

(3) The system shall be subject to adequate ex post evaluation.

(4) In the case of a high-risk system within the meaning of the EU Artificial Intelligence Act, its deployment shall be subject to the obligations imposed on public authorities by that Act. The deploying authority shall ensure that the provider of the high-risk system has complied with all its obligations under the EU Artificial Intelligence Act. The obligations set out in paragraphs 1 and 2 may be fulfilled, where appropriate, through the requirements of the EU Artificial Intelligence Act.

(5) The compliance of EU authorities with the previous paragraphs shall be supervised by an independent EU body.

### **III-4 Online information on existing procedures**

- (1) Public authorities shall promote the provision of general updated online information on the existing administrative procedures, wherever possible and reasonable. Priority shall be given to application procedures.
- (2) Such information may include, among other things:
  - (a) a link to the applicable legislation in its consolidated version,
  - (b) a brief explanation of the main legal requirements and its administrative interpretation,
  - (c) a description of the main procedural steps,
  - (d) the indication of the authority competent to adopt the final decision,
  - (e) the indication of the time-limit for the adoption of the decision,
  - (f) the indication of remedies available,
  - (g) a link to standard forms that may be used by parties in their communications with the public authority within the procedure,
  - (h) the indication, where this is the case, that the final decision is fully- or semi-automated, including the information referred to in Article III-3a(1) and a link to the database of high-risk systems established by the EU Artificial Intelligence Act when such a system is used.
- (3) The information shall be presented in a clear and simple way. Access shall be free of charge.
- (4) The European Commission shall foster the adoption of best practices in the provision of online information and may issue recommendations to that end.

### **III-5 Initiation**

- 1) Administrative procedures can be initiated ex-officio or by an application.
- (2) The initiation of an administrative procedure ex-officio shall be notified to the parties. The notification may take place at a later stage if it might jeopardise the investigation of the case. The notification may be omitted when an immediate decision is strictly necessary in the public interest, or because of the serious risk involved in delay.
- (3) The notification shall indicate:
  - (a) registration number,
  - (b) notice of the rationale for the initiation of the procedure,
  - (c) the name and contact details of the responsible official for the procedure,

- (d) information referred to in letters (c), (d), (e), (f) and (h) of Article III-4(2),
- (e) the address of the website mentioned in Article III-4 if such website exists.

(4) Once an administrative procedure is initiated, the competent authority shall adopt a final decision within the time-limit laid down in Article III-9.

(5) Procedures which may have an adverse effect on the parties may be initiated based on the outcome of an automated data processing system only if the system has been authorized in accordance with Article III-3a.

### **III-6 Special rules on application procedures**

(1) Applications shall not be subject to unnecessary formal and documentary requirements and may be submitted in writing to the competent authority in-person, by mail or by electronic means.

(2) Applications addressed or transmitted to a non-competent service shall be transferred without delay to the competent one if both of them belong to the same public authority. The service that originally received the application shall notify the applicant of this transfer and shall indicate the contact details of the service to which the file has been passed. In other cases, applications shall be returned and advice on the competent authority shall be given, wherever possible and reasonable.

(3) Applications shall be acknowledged in writing as quickly as possible. The acknowledgement of receipt shall indicate the information contained in letters (a), (c), (d) and (e) of Article III-5(3). In the event of a defective application, the acknowledgment shall specify the defects or missing documents and give an appropriate period for remedying or producing the missing documents. Pointless or manifestly unfounded applications may be rejected as inadmissible by means of a briefly reasoned acknowledgement of receipt. No acknowledgement of receipt needs to be sent in cases where successive applications submitted by the same applicant are abusive because such applications have a repetitive character.

(4) Where the number of applications to be granted is limited and a competitive award procedure is used the rules laid down in Book IV Chapter 2 Section 3 shall apply *mutatis mutandis*.

### **III-7 Responsible official**

(1) When an administrative procedure is initiated the public authority shall appoint a responsible official, who shall manage it subject to Article III-3(2)-(3), shall respect the rights in Article III-8(1) and shall keep an adequate file containing records of all information and documents produced.

(2) In automated procedures, the responsible official shall also support the parties with regard to the rights in Articles III-8(1)(i) and III-10(1a).

### **III-8 Management of procedures and procedural rights**

(1) The parties shall have the following rights related to the management of the procedure:

- (a) to be given information on all questions related to the procedure in a fast, clear and understandable manner;
- (b) to communicate and to complete, where possible and appropriate, all procedural formalities at a distance and by electronic means, including videoconferencing;
- (c) to use any of the official languages of the EU in accordance with Article III-31;
- (d) to be notified of all procedural steps and decisions that may affect them in accordance with Article III-33;
- (e) to be represented by a lawyer or some other person of their choice having legal capacity;
- (f) to pay only charges that are reasonable and proportionate to the cost of the procedure in question;
- (g) to be informed when interacting with an automated data processing system during the procedure, unless this is obvious;
- (h) to be informed in accordance with Article III-4(2)(h) when they are subject to a fully- or semi-automated decision;
- (i) to ask for human intervention on the part of the public authority in order to correct a fully-automated decision notwithstanding formal appeal or review procedures.

(2) Without prejudice to the existing legal remedies, the parties shall have the right to file a complaint against the responsible official, the deciding authority, or any other official who takes part in the procedure where they fail to comply with their obligations under these model rules, whether intentionally or through negligence.

(3) Where the number of persons adversely affected is large, and the adverse effect is the same or very similar, they may choose a representative or representatives from the affected group to be parties. If the affected group does not do so, the public authority may require them within a reasonable period to appoint a joint representative where otherwise the regular execution of administrative procedure would be impaired. If these persons do not comply within the period set, the authority may ex-officio appoint a joint representative.

(4) Sector-specific EU law may stipulate a particular number of persons adversely affected for the purposes of paragraph 3.

### **III-9 Time-limits for concluding procedures**

(1) The public authority shall adopt its decision within a reasonable time and without delay. The time-limits shall be fixed in the relevant sector-specific EU law. If no time-limit is established in the rules governing the specific procedure for the case at hand the time-limit for adopting the decision shall be three months.

(2) The period shall begin on the date of the receipt of a complete application, or on the date of initiation ex-officio.

(3) When complexity or other obstacles prevent examination of the case within the time-limit the parties shall be informed and the decision shall be adopted in the shortest possible time. The public authority shall inform the parties in writing, stating the reasons for the extension, and if possible the predicted time for adoption of the decision. This is without prejudice to any restrictions on the extension of duration of the procedures provided by sector-specific EU law.

(4) Sector-specific EU law shall stipulate the consequences for violation of the time-limit.

## Chapter 3: Gathering of information

### Section 1: General rules

#### III-10 Principle of investigation

(1) When taking decisions, the public authority shall investigate the case carefully and impartially. It shall take into consideration the relevant factors, including those favourable to the parties, and give each of them its proper weight in the decision, whilst excluding any irrelevant element from consideration. The public authority shall use such evidence as, after due consideration, it deems necessary in order to ascertain the facts of the case.

(1a) If a relevant factor cannot be taken into consideration due to the design of an automated decision-making system the public authority is obliged to change into a non-automated procedure. Any person affected can request a change to a non-automated procedure in that case.

(2) The public authority may under the conditions laid down in Article III-11 and Article III-12 or in other provisions of EU law:

- (a) gather information of all kinds,
- (b) hear the evidence of the parties, witnesses and experts or gather statements in writing or electronically from parties, experts and witnesses,
- (c) obtain documents and records, and
- (d) under the conditions of Article III-16 visit and inspect the premises involved.

(3) Article VI-21 to VI-22 apply to information provided by a public authority to another public authority.

### **III-11 Investigation by request**

(1) In order to fulfil investigatory duties under sector-specific EU law the public authority may request a party to be interviewed or to provide all necessary information.

(2) Notwithstanding the consequences laid down in sentence 3 and 4 in Article III-13(1), the party may refuse to comply with the request. If the party consents to be interviewed or to provide information, he or she may not supply incorrect or misleading information. Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incorrect or misleading.

(3) When sending a request for information to a party, the public authority shall state the legal basis and the purpose of the request, specify what information is required and fix the time-limit within which the information is to be provided, and indicate the penalties provided for in the relevant EU law for supplying incorrect or misleading information.

(4) An EU authority shall without delay forward a copy of the request to the competent authority of the Member State in whose territory the seat of the party is situated or the party resides and to the competent authorities of other Member States whose territory is affected by that request. In case of an interview the Member State in which the interview takes place may request that its officials assist the officials and other accompanying persons authorised by the EU authority to conduct the interview.

(5) The rules of paragraph 4 apply also in case of a request by a Member State authority if the addressee is situated in another Member State. The affected Member State may refuse the interview by authorities from another Member State, in which case the rules on mutual assistance of Book V become applicable.

(6) When sector-specific EU law grants to the public authority the power to interview a person who is not party, who consents to be interviewed for the purpose of collecting information relating to the subject-matter of an investigation, the procedural rules in this article apply *mutatis mutandis*.

### **III-12 Investigation by mandatory decision**

(1) When sector-specific EU law grants to the public authority the power to investigate by a mandatory decision, the procedural rules in this article are

applicable. The parties or their representatives shall supply the information requested. They may not supply incorrect or misleading information.

(2) The procedural rules laid down in Article III-11(2) sentence 3 to Article III-11(5) apply *mutatis mutandis*. In addition to the obligations laid down in Article III-11(3) the competent authority shall indicate the legal consequences for not responding to a mandatory decision.

### **III-13 Duties to cooperate of parties**

(1) The parties shall assist in ascertaining the facts of the case. In particular they shall state such facts and evidence as are known to them and which can be reasonably expected to be presented by them. If a participant fails to state such facts, the final decision shall be taken on the basis of the information available. The public authority is obliged to conduct additional investigations *ex officio* only if additional evidence or issues to be investigated are evident. A more extensive duty to assist in ascertaining the facts, and in particular the duty to appear personally or make a statement, shall exist only where the law specifically requires this.

(2) In application procedures according to Article III-6(3) the applicant supplies in an appropriate form the information specified in EU law. If the applicant so requests before submitting an application, the public authority shall give an opinion on the information to be supplied by the applicant. The public authority shall consult appropriate authorities in accordance with Articles III-26 and III-27 before it gives its opinion. The fact that the public authority has given an opinion under this paragraph shall not preclude it from subsequently requiring the applicant to submit further information. Any public authorities holding relevant information must make this information available to the applicant on his or her specific request and on the condition that the applicant cannot reasonably be expected to obtain this information on his or her own.

### **III-14 Privilege against self-incrimination and legal professional privilege**

(1) Where it is within the responsibility of public authorities to establish a violation of EU law and this violation may lead to an administrative sanction, they are under the obligation to respect a private party's privilege against self-incrimination as well as his or her legal professional privilege.

(2) Where the privilege against self-incrimination or the legal professional privilege referred to in paragraph 1 have been violated in the course of gathering information, the information must not be used as evidence in procedures by public

authorities if this violation of defense rights could have an impact on the content of the decision.

### **III-15 Witnesses and experts**

- (1) Witnesses and experts shall be obliged to make a statement or prepare opinions, when the law specifically requires this.
- (2) The parties may propose witnesses and experts.

## ***Section 2: Inspections***

### **III-16 Inspection powers of public authorities**

- (1) Without prejudice to on-the-spot-checks carried out by the Member States in accordance with their national law, EU authorities shall have the power to inspect premises
  - (a) where they have been provided with the necessary powers of inspection in the relevant legislative act, and
  - (b) where this is necessary, to fulfil their duties under EU law.
- (2) Where EU law establishes a power or a duty to inspect for a public authority, it should specify the ways in which the power or duty is exercised. A power or duty to inspect may *inter alia* entail the following powers:
  - (a) to enter any premises, land or means of transport, which can be inspected according to the basic act providing for inspection powers,
  - (b) to search for, examine and take or obtain copies or extracts of documents,
  - (c) to ask for explanations,
  - (d) to take samples,
  - (e) to exchange information gathered by an inspection under the conditions laid down in Book VI, and
  - (f) to seal premises or documents.
- (3) In order to allow the public authority to carry out inspections, it shall be granted access to relevant premises, land or means of transport. Those affected shall cooperate with the EU officials in their investigation.

### **III-17 Duties of inspecting officials**

- (1) Public authorities shall ensure that their inspectors act in accordance with EU law, and in particular respect the European Union Charter of Fundamental Rights and comply with EU and national provisions on the protection of personal data.
- (2) Inspectors and other authorized persons shall exercise their power only on production of a written authorization showing their identity and position, together with a notification according to Article III-5(3) or a copy thereof. Unless otherwise indicated in EU law, the inspectors must comply with relevant national procedural rules, provided that these are consistent with EU law.
- (3) Public authorities shall take all necessary steps to ensure the confidentiality of the information communicated or obtained in the course of an inspection.
- (4) Where public authorities decide to carry out inspections under EU law, they shall ensure that similar inspections are not being carried out at the same time in respect of the same facts by other EU or Member State officials.
- (5) Inspectors shall draw up a report with the results of the inspection, which shall be included in the file.

### **III-18 Duties of sincere cooperation during inspections by EU authorities**

- (1) Where an inspection by an EU authority is mandated or authorized by EU law the inspection shall be prepared and conducted in close cooperation with the authorities of the Member State concerned. To that end, the officials of the Member State concerned may participate in the inspection, unless the Member State itself is being inspected and participation of its officials would endanger the purpose of the inspection.
- (2) Before carrying out such an inspection in a Member State EU authorities shall inform the Member State authorities in good time of an inspection, unless the Member State itself is being inspected and notification would endanger the purpose of the investigation.
- (3) Where EU authorities conduct such an inspection they shall be required to inform the Member State authorities of the result of such inspections. Inspectors shall ensure that in drawing up their reports account is taken of the procedural requirements laid down in the national law of the Member State concerned. The

reports thus prepared shall constitute admissible evidence in administrative or judicial proceedings of the Member State in which they are used, in the same way and under the same conditions as reports drawn up by national administrative inspectors. Where an inspection is carried out jointly, pursuant to the paragraph 1, the national inspectors who took part in the operation shall be asked to countersign the report drawn up by the EU inspectors.

(4) Subject to the agreement of the Member State concerned, EU authorities may seek the assistance of officials from other Member States and call on outside bodies acting under their responsibility to provide technical assistance. The EU authorities shall ensure that these officials and bodies guarantee the necessary technical competence, independence, observance of professional secrecy and are subject to the same professional duties of impartiality as EU officials. Where they seek such outside assistance, EU authorities remain responsible for any misconduct or damage caused by these officials and bodies in the course of an inspection. The EU authorities shall inform the Member State concerned, in good time and in writing, of the identities of these officials and bodies.

(5) In accordance with the duty of sincere cooperation, the Member State on whose territory an inspection mandated or authorized by EU law takes place shall provide any assistance necessary, requesting where appropriate the assistance of the police or of an equivalent enforcement authority, so as to enable the EU authorities to conduct their inspection. If such assistance requires authorisation from a judicial authority according to the law of the Member State concerned, such authorisation shall be applied for. Such authorisation may also be applied for as a precautionary measure.

(6) Where authorization as referred to in paragraph 5 is applied for, the national judicial authority shall ensure that the authorization of the inspection is authentic and that the coercive measures envisaged are neither arbitrary nor excessive having regard to the subject matter of the inspection. In subjecting the coercive measures to proportionality control, the national judicial authority may ask the EU authorities, directly or through the Member State authority, for detailed explanations of: the grounds for suspecting a violation of EU law; the seriousness of the suspected infringement; and the nature of the involvement of the subject being inspected. However, the national judicial authority may not call into question the necessity for the inspection, nor demand that it be provided with the information in the assembled file.

### **III-19 Participation of EU authorities in Member State inspections**

EU officials may participate in an inspection conducted by and under the responsibility of officials of a Member State on the basis of an agreement with the respective Member State, or if so provided by sector-specific EU law. In this case they shall have access to the same premises and to the same documents as national officials. EU officials may only participate in Member State inspections where they are able to produce written authorization stating their identities and their functions. They may not, on their own initiative, use the powers of inspection conferred on national officials or be present at inspections based on national criminal law.

### **III-20 Joint inspections of Member State authorities**

(1) In cases where an inspection is necessary to fulfil the tasks of authorities from several Member States under EU law, inspectors of each Member State concerned may conduct a joint inspection on the basis of an agreement, or if so provided by sector-specific EU law. The authority in whose territory the inspections are conducted (the host authority) shall invite inspectors of each Member State (invited inspectors) to take part in the respective joint inspection. The host authority shall respond to the request of an authority from another Member State to participate in the operations without delay.

(2) A host authority may, in compliance with its own national law, and with the agreement of the invited inspector's authority, confer executive powers, including investigative powers on the invited inspector. The invited inspector may exercise executive powers only under the guidance and, as a rule, in the presence of inspectors from the host authority. The invited inspector shall be subject to the host authority's national law. The host authority shall assume responsibility for the actions of the invited inspector.

### **III-21 Relation to Book V**

At the request of an EU authority or an authority of another Member State, a Member State authority may conduct inspections in accordance with its national law and subject to the rules formulated in Book V. In such cases, the Member State authority undertakes the inspection on behalf of the requesting authority and not in its own interest.

## **Chapter 4: Right to a Hearing and inter-administrative consultations**

### *Section 1: Access to the File*

#### **III-22 Access to the File**

(1) Every party has a right of access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy.

(2) If documents contain confidential information or professional or business secrets, the public authority must, where possible, provide a non-confidential version or summary of the documents.

(3) Every party shall have the opportunity to examine all documents in his or her file, which may be relevant for its defence, including incriminating and exculpatory evidence, before the decision is taken.

(4) The way in which access to the file is provided is for the public authority to determine, and may be regulated through sector-specific EU law, provided that it does not undermine the substance of the right. Subject to this caveat, access to the file may be provided either through copies of documentation, or the opportunity to study the file in the office of the public authority, or a combination of both.

(5) The right of access to the file does not cover access to documentation that is irrelevant and bears no relation to the allegations of fact or law in the particular case.

(6) An electronic file must exist in automated procedures.

(7) The competent authority must adopt a coherent plan for the handling and management of electronic files, ensuring they remain accessible and functional.

## *Section 2: Hearing, participation and consultation*

### **III-23 Right to be heard by persons adversely affected**

(1) Every party has the right to be heard by a public authority before a decision, which would affect him or her adversely, is taken.

(2) The hearing prior to the taking of the individual decision may be omitted when an immediate decision is strictly necessary in the public interest or because of the serious risk involved in delay, but a hearing shall be provided after the decision was taken, unless there are very compelling reasons to the contrary. The public authority shall provide reasons as to why these conditions are applicable and has the burden of proof in relation to showing that the evidence supports the reasons given.

(3) Every party has the right to notice of the central issues that are to be decided by the public authority and the core arguments that inform its reasoning, in order that the party can effectively make known its views on the matter and can exercise its rights of defence.

(4) Every party must have adequate time in which to respond after notice in accord with paragraph 3 has been provided. The public authority should set clear time-limits within which the response is to occur.

(5) The public authority has discretion as to the form and content of the hearing. This includes the choice as to whether the hearing should be written or oral, and whether to allow cross-examination. In choosing how to exercise this discretion the public authority should take into account the objectives of the legislation, the legislative provisions, the importance of the person's interests, the importance of the additional procedural safeguards for protection of the person's interest, and the costs of granting such specific procedural safeguards.

### **III-24 Right to be heard in composite procedures**

(1) The right to be heard must be respected at all stages of a composite procedure between the EU and the Member States leading to a decision in the manner set out in this article. The application of the right to be heard will depend on the division of responsibility in the decision-making process.

(2) In a case of composite procedure, where an EU authority makes the decision it must comply with the procedural requirements in Article III-23. Where the decision is made by a Member State authority it must comply with the requirements of Article III-23 where sector-specific EU law renders the procedural rules in Book III applicable. In the absence of such sector-specific EU law, or any other EU law specifying applicable procedural requirements, the Member State authority will apply national rules of administrative procedure, which must comply with general principles of EU law concerning fair hearings.

(3) In a case of composite procedure, the form and content of the hearing provided pursuant to Article III-23(5) by the public authority that makes the decision will be affected by the extent to which the rights of the defence were adequately protected at a prior stage in the administrative proceedings by another public authority.

(4) In a case of composite procedure, where the public authority making the decision is legally bound by a recommendation made by an EU authority, then the right to be heard must be adequately protected before the EU authority that makes the recommendation, including through application of the principles in Article III-23(3)-(5). Where sector-specific EU law renders Book III applicable to Member States, the preceding obligation applies *mutatis mutandis* where a Member State authority makes the recommendation. In the absence of such an EU provision, or any other EU law specifying applicable procedural requirements, the Member State authority will apply national rules of administrative procedure, which must comply with general principles of EU law concerning fair hearings.

(5) In a case of composite procedure, where the EU authority's decision is predicated on a recommendation made by another public authority and where there was no opportunity for a hearing before such a public authority, the right to be heard before the decision is taken shall include knowledge of the recommendation and the ability to contest its findings. Where sector-specific EU law renders Book III applicable to Member States, the preceding obligation applies *mutatis mutandis* where a Member State authority makes the decision pursuant to a recommendation made by another public authority. In the absence of such an EU provision, or any other EU law specifying applicable procedural requirements, the Member State authority will apply national rules of administrative procedure, which must comply with general principles of EU law concerning fair hearings.

(6) For the avoidance of doubt, this article is also applicable to cases of composite procedure where EU law imposes legal obligations on Member State authorities to coordinate or co-operate action that leads to individual decisions.

### III-25 Consultation of the interested public

(1) An EU authority making the decision may give effect to the obligations in Article 11 TEU by consultation of the interested public in accordance with the following paragraphs. Where sector-specific EU law renders Book III applicable to a Member State authority making the decision it may give the interested public the opportunity to make known and publicly exchange their views by consultation. This is without prejudice to the obligation in Article III-23(1).

(2) The public authority may choose to consult through provision of a public hearing. This hearing must be notified through public announcement, which must be posted on an official website. The relevant documentation, including expert opinions, shall be available for inspection online prior to the hearing, unless excluded for legally defensible reasons. The notification must be given in sufficient time, which should not be less than two weeks, to enable those who wish to participate to be able to do so and to study the relevant documentation. The notification must be given and a public hearing must be held in sufficient time before the decision is made.

(3) If a public hearing pursuant to paragraph 2 is held it should be organized such that there is opportunity for those attending to express their views orally, subject to practical and organizational limits. Provision should be made for those who wish to express their views in writing, either prior to or instead of attendance at the public hearing. The written views should be available online in a clearly accessible part of the relevant website. The minutes of the public hearing should be available for public inspection online within a reasonable time after the end of the oral hearing, and there should be an opportunity for the persons involved to raise objections during two weeks thereafter about the alleged incompleteness or incorrectness of the minutes.

(4) The public authority may choose to conduct an online consultation exercise. This must be posted on an official website. The relevant documentation, including expert opinions, shall be available for inspection online, unless excluded for legally defensible reasons. The notification and documentation must be given in sufficient time to enable those who wish to participate to be able to do so. The notification must be given in sufficient time before the decision is made. **There must be proof that the participant is not an artificial device.**

(5) The website referred to in the previous paragraphs of this article must be clear, simple and easy to use. The website should be so designed as to enable users to see the views of those who have already offered written comments.

(6) If consultation is mandated by Union law which provides no indication as to the form of the consultation, then it will be for the public authority to decide whether to fulfil this obligation by provision of a public hearing or an online consultation exercise. The relevant provisions of this article will then apply accordingly.

### **III-26 Consultation with Member States**

When consultation with the Member States is required or permitted by EU law the EU authority shall inform without delay the Member States about initiation of any such consultation. It shall make available to the Member States all information that is required for the Member States to submit properly informed views on the subject-matter of the consultation exercise. The Member States must have adequate time in which to respond to the consultation.

### **III-27 Consultation with EU authorities**

(1) Consultation with EU authorities shall take place when it is required by the constituent treaties, general principles of EU law or sector-specific EU law, and the consultation shall be in accord with the source of the obligation where that is specified.

(2) Where the format for the consultation is not specified then the following principles should apply. The bodies taking part in the consultation shall be given all information that is required to enable them to express a properly informed view on the subject matter of the consultation exercise. The bodies must have adequate time in which to respond to the consultation.

## **Chapter 5: Conclusion of the procedure**

### **III-28 Duty to specify the decision**

A decision made by the public authority shall be clearly specified in order to enable the parties to understand their rights or duties.

### **III-29 Duty to give reasons**

(1) The public authority shall state the reasons for its decisions in a clear, simple and understandable manner. The statement of reasons must be appropriate to the decision and must disclose in a clear and unequivocal fashion the reasoning followed by the public authority which adopted the decision in such a way as to enable the parties to ascertain the reasons for the decision and to enable the competent court to exercise its powers of review.

(2) The duty to provide reasons in cases of composite procedures will be shaped by the respective roles of the EU and the Member State in making the decision, as set out in Article III-24.

(3) Where the decision is fully- or semi-automated, the authority must also provide a clear and meaningful explanation as to the role of the automated decision-making system and specify the principal factors on which it is based.

### **III-30 Duty to indicate available remedies**

(1) Decisions shall provide information to the addressee concerning:

- (a) the possibility of administrative appeal, where this exists, including cases where an appeal can be made to a public authority other than that which adopted the decision, and
- (b) the time-limit for making an appeal.

(2) Decisions shall also inform the addressee of the possibilities of judicial challenge, including the time-limits within which this can be brought, and of possible recourse to an Ombudsman.

### **III-31 Formal and language requirements**

(1) Decisions shall be in writing, shall be signed and identify the deciding authority.

(2) Where the decision is made by an EU authority it shall be written in the language chosen by the addressee, provided it is one of the official languages of the EU.

(3) An automated translation of a decision must be checked by a competent official.

### **III-32 Decisions in electronic form**

- (1) A decision in written form may be replaced by electronic form unless otherwise stipulated by a legal provision. In this event, it must be provided with a qualified signature.
- (2) If the addressee claims to be unable to process the electronic document communicated by the public authority, the latter shall send it again in a suitable electronic format or as a written document.

### **III-33 Notification of a decision**

- (1) Decisions shall be notified to the parties as soon as they are adopted. They shall take effect for a party upon notification.
- (2) A decision may be publicly promulgated where this is permitted by EU law.

### **III-34 Correction of obvious inaccuracies in a decision**

- (1) The public authority that adopted a decision may at any time correct typographical mistakes, errors in calculation and similar obvious inaccuracies in a decision.
- (2) Such corrections may be requested by the addressees of that decision. If the corrections are carried out ex-officio, the addressees shall be informed before any correction is implemented.

## **Chapter 6: Rectification and withdrawal of decisions**

### **III-35 Rectification and withdrawal of decisions that have an adverse effect**

- (1) The public authority may rectify or withdraw an unlawful decision which adversely affects a party. Rectification or withdrawal shall have retroactive effect.
- (2) The public authority may rectify or withdraw a lawful decision which adversely affects a party. Rectification or withdrawal shall have prospective effect.

(3) The public authority may exercise the power in paragraphs 1 and 2 ex-officio, or following a request by that party. The power may be exercised outside the time-limits for legal challenge.

(4) The public authority when exercising the power in this article shall take into account the effect of the rectification or withdrawal on other parties and on third parties.

(5) Rectification or withdrawal pursuant to this article constitutes an administrative procedure as defined in Article I-4(2).

### **III-36 Rectification and withdrawal of decisions that are beneficial**

(1) The public authority may rectify or withdraw an unlawful decision that is beneficial to a party. It may exercise this power ex-officio, or following a request by another party. This power may be exercised outside the time-limits for legal challenge.

(2) The public authority shall take into account the extent to which a party has a legitimate expectation that the decision was lawful and the extent to which a party has relied on it when deciding,

- (a) whether to exercise the power in paragraph 1,
- (b) whether, if the power to rectify or withdraw is exercised, it should have retroactive or prospective effect.

(3) The public authority may rectify or withdraw a lawful decision that is beneficial to a party. It may exercise this power ex-officio, or following a request by another party. This power may be exercised outside the time-limits for legal challenge in the following circumstances:

- (a) where it is permitted by sector-specific EU law,
- (b) where the party has not complied with an obligation specified in the decision, or has not done so within the time-limit set for compliance,
- (c) in order to prevent or eliminate serious harm. The public authority shall upon application make good the disadvantage to the party affected deriving from reliance on the continued existence of the decision to the extent that this merits protection.

(4) The public authority when exercising the power in this article shall take into account the effect of the rectification or withdrawal on other parties and on third parties.

(5) Rectification or withdrawal shall have retroactive effect only if it occurs within a reasonable time.

(6) Rectification or withdrawal pursuant to this article constitutes an administrative procedure as defined in Article I-4(2).

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## C. Explanations of the 2026 Revisions for Automated Procedures<sup>2</sup>

### Chapter 1: General provisions

#### III-2 Definitions

##### New paragraphs 7 and 8

- (1) The definitions in Book I of the terms “automated procedure” (**Article I-4(8)**) and “automated decision-making system” (**Article I-4(9)**) apply also to Book III. They have been **repeated** in Article 2 (new paragraphs 7 and 8) to highlight their importance. For details concerning these new definitions see the explanations to Article I-4 above.

### Chapter 2: Initiation and Management of procedure

#### III-3 General Duty of Fair Decision-making and impartiality

- (2) The revised version of Article III-3 introduces into **paragraph 1** a new second sentence mirroring the new paragraph added to the preamble and the general approach of the model rules that procedural rights and obligations **shall not be compromised** in automated procedures. For further details of this approach see the introduction to the revised version of Book I above.
- (3) In line with this general approach **accountability** is key. Consequently, the new **paragraph 6** to Article III-3 stipulates that competent authorities remain responsible for fully- or semi-automated decisions. The use of automated decision-making systems provides no shield for an authority deploying such a system. This is also the case if the system is not developed by the competent authority but provided by a **third party**. In order to secure the authority’s responsibility it must

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<sup>2</sup> Only explanations regarding new provisions are published here. Other explanations remain in the 2014 version of ReNEUAL Model Rules Book III.

establish safeguards to comply with its obligations under the model rules. Such safeguards must, for example, be implemented in contract documents for the procurement of an automated decision-making system. A very important issue concerns technical and business secrets of the system supplier and developer. Such secrets may – in general – not compromise the accountability of the responsible competent authority. These requirements are linked to the new Article III-29(3), which adapts the duty to give reasons to the challenges of automated decision-making including well-known black-box-phenomena.

### III-3a Deployment of automated decision-making systems

- (4) The most important amendment to Book III is the addition of a **new Article III-3a**, concerning the **requirements** that public authorities must meet before **putting into operation** and starting to use (“deploying”, according to the AI Act) an **automated decision-making system** in a specific type of administrative procedure.
- (5) In drafting this provision, particular attention has been paid to the need to strike the **right balance** between citizen **safeguards** and administrative **efficiency**, as referred to in the introduction to the revisions, seeking to **avoid disproportionate requirements** that prevent the advantages that new technological tools, when used properly, can bring to the public interest and to the individuals affected by administrative decisions.
- (6) For this reason, it has been decided to establish a **simple authorisation procedure** for the use of the automated system. The competent authority responsible for the decision-making procedure carries out this authorisation process, carefully verifying that the system is suitable for the correct performance of the administrative action to be automated (without errors and in strict compliance with the substantive and procedural requirements established by law).<sup>3</sup>

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<sup>3</sup> The approach is similar to the Spanish one, but more detailed. The Spanish regulation is contained in Ley 40/2015, de 1 de octubre, de Régimen Jurídico del Sector Público (BOE núm. 236, de 2.10.2015), modificada por última vez por la Ley Orgánica 2/2024, de 1 de agosto, de representación paritaria y presencia equilibrada de mujeres y hombres (BOE núm. 186, de 2.8.2024), Art 41, and Real Decreto 203/2021, de 30 de marzo, por el que se aprueba el Reglamento de actuación y funcionamiento del sector público por medios electrónicos (BOE núm. 77, de 31.3.2021), modificado por última vez por el Real Decreto 255/2025, de 1 de abril, por el que se regula el Documento Nacional de Identidad (BOE núm. 80, de 2.4.2025), Art 13.

- (7) The assumption is that the decision to use such systems lies within the public authority's **discretion** when determining the best way to implement the rules conferring its decision-making powers.<sup>4</sup>
- (8) The automated exercise of power may be enabled, conditioned or prohibited by the **legislative or non-legislative act of general application** that governs it. In such cases, the requirements of the act must be complied with, as with the other substantive and procedural requirements that it may impose on the administrative authority that is competent to adopt the decision in question. If the non-legislative act of general application that governs the power in question **provides** for the **use** of automated systems for its administrative implementation, a specific **impact assessment** must have been carried out during the rulemaking procedure, as required by the **new wording of Article II-3(1)(b)** (→ update of **Book II**).
- (9) The procedure set out in the new Article III-3a seeks to **prevent the spontaneous use** by public officials of automated systems that have **not** been previously **authorised**, a phenomenon known as “**shadow AI**”. This includes cases of clear administrative negligence, such as using publicly available generative AI systems for decision-making.
- (10) The procedure also aims to ensure **transparency** regarding the automated systems used by public authorities – an ongoing issue at EU and national administration levels. To this end, **paragraph 1** stipulates that the authorisation for the use of the automated system must be **published on the website** providing information on existing administrative procedures, as set out in **Article III-4** (→ explanation of the new wording of this provision). Some Member States have

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<sup>4</sup> Other models, such as the German or the Italian one, have been ruled out. Under the German model, fully automated adoption of administrative acts (single case decisions) is only permitted if a legal provision allows it and the public authority has no discretion or margin of appreciation when issuing the administrative act in question [Verwaltungsverfahrensgesetz in der Fassung der Bekanntmachung vom 23. Januar 2003 (BGBl. I S. 102), das zuletzt durch Artikel 2 des Gesetzes vom 15. Juli 2024 (BGBl. 2024 I Nr. 236) geändert worden ist, §35a, and equivalent acts of the Länder]. The Italian general legislation on AI (Legge 23 settembre 2025, n. 132. Disposizioni e deleghe al Governo in materia di intelligenza artificiale) is even more strict regarding AI systems, as the general rule (Art 14 para 2) is that such systems can only be used to support the activity, while respecting the autonomy and decision-making power of the officer in charge who remains solely responsible for the decisions and procedures in which artificial intelligence has been used.

established an obligation to publish information online about the use of algorithms for individual administrative decision-making.<sup>5</sup> National law has been used as a basis when specifying the information to be provided on this website.<sup>6</sup> The national provisions are supplemented by the requirement for the description of the design and operation of the system, and of the data used in its configuration and learning, to be “clear”; and the stipulation that any information whose disclosure may jeopardise the purpose of the corresponding procedure or cybersecurity must be excluded, in order to avoid the risks that excessive transparency may pose to the decision-making process itself (i.e. by making it possible to game the system).

- (11) The **parties** involved in the automated decision-making procedure must also receive this information on the automated system used (→ explanations to **Articles III-5, III-6 and III-8**).
- (12) The **authorisation procedure** is set out in a simple and informal manner in **paragraph 2**. It involves a “careful” assessment (in accordance with the high **duty of care** standard established by the CJEU) to ensure that the automated system achieves an adequate level of accuracy, robustness, cybersecurity (as defined in Article 15 AI Act in relation to high-risk AI systems) and interoperability (if the system must interact with others to perform its function correctly). It must also scrupulously comply with the applicable substantive and procedural legal requirements for the decision-making process in question. Such a careful assessment will usually require the **collaboration of technicians and lawyers** who can properly verify both legal and technical aspects. A careful assessment of compliance with legal requirements will often lead to the **exclusion of AI systems**. This will occur, for example, where the system produces discriminatory effects prohibited by law; where it is a black-box system that does not allow the decision taken to be duly reasoned (→ Article III-29); or where it is a machine-learning

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<sup>5</sup> The provisions set out in the French Code of Administrative Procedure of 2015 (Code des relations entre le public et l’administration, Art L312-1-3) were pioneering in this regard.

<sup>6</sup> In particular, the Spanish regulation contained in Real Decreto 203/2021, de 30 de marzo, por el que se aprueba el Reglamento de actuación y funcionamiento del sector público por medios electrónicos (BOE núm. 77, de 31.3.2021), modificado por última vez por el Real Decreto 255/2025, de 1 de abril, por el que se regula el Documento Nacional de Identidad (BOE núm. 80, de 2.4.2025), Art 11(1)(i) for letter (a) of para (1) and Ley 40/2015, de 1 de octubre, de Régimen Jurídico del Sector Público (BOE núm. 236, de 2.10.2015), modificada por última vez por la Ley Orgánica 2/2024, de 1 de agosto, de representación paritaria y presencia equilibrada de mujeres y hombres (BOE núm. 186, de 2.8.2024), Art 41(2) for letter (b) of para (1).

system that creates its own decision-making criteria rather than applying those laid down in the applicable legislation.

- (13) **Paragraph 2** also stipulates that verification is required to confirm whether the system allows for adequate **human oversight**, as set out in → Articles III-7(2) and III-8(1)(i), and whether a **public consultation** should be carried out before authorising its use. Public consultations on AI systems deployed by public authorities have been an important topic of academic discussion and were included in the European Parliament's amendments to the AI Act. However, this requirement may be unnecessarily burdensome in many cases and was not incorporated into the final version of Article 27 AI Act concerning the assessment of the impact on fundamental rights of high-risk AI systems in Annex III used by public authorities. For this reason, paragraph 2 leaves the decision on whether to hold such consultations at the discretion of the competent authority, depending on the potential impact of the automated system on citizens. This appears to be in line with Articles 16(2)(c) and 19 of the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law.<sup>7</sup>
- (14) **Paragraph 3** establishes that an adequate **ex post evaluation** of the system must be carried out once it begins to be used, to ensure that it continues to function correctly. The system should be taken out of use immediately if it is found to be malfunctioning.<sup>8</sup> The competent authority should also review any erroneous decisions it has made of its own accord, in accordance with the powers conferred by Articles III-35 and III-36 of the Model Rules (which have not been amended).
- (15) **Paragraph 4 coordinates** Article III-3a with the **AI Act's provisions for high-risk AI systems** used by public authorities. It states that, if an automated system is classified as high-risk under the AI Act, its deployment is subject to the obligations imposed by the AI Act. To avoid unnecessary duplication, compliance with the AI Act's requirements may also serve to comply with those of paragraphs 1 and 2 of Article III-3a, where appropriate (e.g. when carrying out the impact assessment of Article 27 AI Act, or registering the use of the system in the Commission's database in accordance with Articles 49 and 71 AI Act). In line with the new paragraph 6

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<sup>7</sup> 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.

<sup>8</sup> As set out in Arts 14(4)(e) and 26(5) AI Act in relation to high-risk AI systems.

added to → Article III-3, this paragraph also establishes that any public authority intending to deploy a high-risk AI system developed by an external provider must ensure that the provider has complied with the obligations imposed on them by the AI Act.

- (16) Finally, **paragraph 5** states that compliance with the preceding paragraphs by the Union authorities shall be **supervised** by an **independent EU body**. This could be the European Data Protection Supervisor (EDPS), the supervisory authority responsible for ensuring compliance with the AI Act by the Union administration in cases involving high-risk AI systems. However, the organisational option has not been predetermined, in order to avoid overloading the EDPS and to limit the requirement for the public authority itself to entrust such supervision to an independent body, either existing or created ad hoc.
- (17) This new Article III-3a is designed for automated decision-making systems, but **not exclusively**. As explained in relation to the new paragraph 5 added to **Article III-5**, compliance with Article III-3a is also required prior to using an automated system for **detecting fraud and illegalities** that merely issues an alert, as this may lead to proceedings with adverse consequences for the parties affected.

#### **III-4 Online information on existing procedures**

- (18) The original 2014 version of Article III-4 stipulated that public authorities should promote the provision of up-to-date online information on existing administrative procedures. In the revised version, a **new letter (h)** has been added to paragraph 2, which lists the type of online information that should be provided. To ensure **transparency** in the use of automated systems, the new letter (h) states that it should be indicated whether the **final decision** in the procedure is fully or semi-automated. Information should also be provided on the **specific automated system used**, as required by paragraph 1 of the → new Article III-3a. Finally, if the system used is one of the high-risk AI systems that must be registered in the **database** referred to in **Article 71 AI Act**, the website should also include a link to that database.
- (19) As will be seen below, this same information must also be communicated **individually** to the parties affected by the procedure.

### III-5 Initiation

- (20) There have been two amendments to Article III-5, which deals with the **ex officio initiation** of administrative procedures. The first amendment relates to **paragraph 3**, which covers the **notification** that the public authority must send to the parties when initiating a procedure. To ensure that the **parties** are **duly informed** of the automated nature of the procedure, a reference to the → new letter (h) of Article III-4(2) has been added to **letter (d)**. The duty to inform the parties is a fundamental requirement set out in some national legislation<sup>9</sup> and in **Article 26(11) of the AI Act**, although the latter only applies to natural persons in relation to high-risk AI systems. This will enable them to guard against errors that only machines can make and rule out errors that machines never produce. This information is also necessary in order for the parties to be able to request the human intervention to which they are entitled under the new wording of → Articles III-7(2), III-8(1)(i) and III-10(1a).
- (21) **Article III-6(3)** also guarantees that the **same information** is provided to the parties in procedures initiated by an **application**. As it refers to the aforementioned Article III-5(3)(d), this provision, which deals with the **acknowledgement of receipt** that the competent authority must send, has not required any amendment.
- (22) The second amendment made to Article III-5 consists of the addition of a **new paragraph 5**. Automated systems, particularly machine learning AI systems, are very useful for **detecting** all types of **fraud and illegalities**, such as those relating to taxation, social security, subsidies, public procurement, the stock market or tourist accommodation. Their ability to cross-reference and process vast amounts of data enables them to detect a multitude of irregularities, making them an essential tool for administrative inspection services when well designed. If such systems are limited to issuing an alert in the event of suspected fraud, which human investigators can then verify, if necessary, then they do not qualify as automated decision-making systems for the purposes of Book III. However, if they are poorly designed, they can lead to errors and serious discrimination, harming those who will be subject to human investigations triggered by their alerts. Therefore, it has been deemed necessary to extend the **requirements of** →

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<sup>9</sup> French Code of Administrative Procedure of 2015 (Code des relations entre le public et l'administration), Art L311-3-1.

**Article III-3a** to the deployment of such systems, when they may have adverse effects on natural or legal persons.

- (23) When applying Article III-3a to such systems, paragraph 1(a) of that provision takes on particular significance, as it stipulates that information whose disclosure could **jeopardise** the purpose of the respective procedure must be **excluded**. As with access to public information in general, transparency must not be exploited by fraudsters to circumvent the system and subsequent investigations and sanctions.

### **III-7 Responsible official**

- (24) In the 2014 rules, Article III-7 introduced the requirement to appoint a designated official to manage the procedure properly and prevent the dilution of responsibilities. The **new paragraph 2** makes it clear that such a responsible official must **also** be designated in **automated procedures**. Parties wishing to obtain the **human intervention** granted in → Articles III-8(1)(i) and III-10(1a) may address themselves to the responsible official. Such human intervention shall be carried out by the responsible official, or another person designated for this purpose, in accordance with the internal distribution of functions within the competent authority.
- (25) The new → Article III-3a(2)(c) stipulates that when an automated decision-making system is deployed, it must be verified that it can be adequately **supervised** by a **human being**. Supervision of the proper functioning of the system may be carried out periodically or ad hoc (e.g. at the request of a party who has detected an error) by the responsible official or by another person or persons within the organisation (e.g. a member of IT services). However, the responsible official must always be informed of any malfunction that may affect the procedure and must, in turn, inform the relevant parties and the person responsible for making the final administrative decision.
- (26) The requirement to designate a responsible official, even in automated procedures, aims to **mitigate** the risk of **dehumanisation** that accompanies the digitisation of administrative action. The greater efficiency, capacity and objectivity of automated administrative action should not come at the expense of the empathy and adaptability inherent in human action. Human intervention will not be necessary in

the vast majority of standard cases where the automated system is functioning correctly.

### **III-8 Management of procedures and procedural rights**

- (27) **Three new rights** have been added to the list of procedural rights set out in Article III-8(1). The **new letter (h)** enshrines the important **right to be duly informed** about the automated nature of the procedure. This right is given effect through the provisions set out in Articles III-3a(1), III-4(2)(h), III-5(3)(d) and III-6(3). Reference is made to the explanations of these articles.
- (28) The **new letter (g)**, taken from **Article 50(1) AI Act**, contains another right of information for the parties related to the above. This is intended to cover situations in which public authorities deal with the parties via **chatbots** and other types of virtual assistant, which are becoming increasingly common, capable and difficult to distinguish from human agents. While the provision does not prevent their use, it does require that parties be duly informed. However, if the automated system ends up resolving the procedure or materially influencing the decision, it will be considered an automated decision-making system for the purposes of Book III. In this case, it must be authorised in accordance with Article III-3a and comply with the other established safeguards.
- (29) A third important right is the right to **request human intervention** in automated procedures, as set out in the **new letter (i)**. This right derives from **Articles 22(3) GDPR and 24(3) of Regulation (EU) 2018/1725** in relation to fully automated individual decisions producing legal effects on natural persons (as administrative decisions of Book III). Articles 22(3) GDPR and 24(3) of Regulation (EU) 2018/1725 refer only to automated decisions permitted under points (a) and (c) of paragraph 2 of both provisions (those cases where the automated decision is necessary for the conclusion or performance of a contract or has the explicit consent of the data subject), but the Court of Justice of the EU has also extended it to the cases referred to in point (b) of the same paragraph 2, which allows for the adoption of automated decisions when they are authorised by Union or Member

State law.<sup>10</sup> As mentioned in the introduction to the revisions in Book I, including this guarantee in the general administrative procedure legislation is necessary for clarity, and to extend its benefits to legal persons, who are not protected by personal data protection regulations.

- (30) **Articles 14, 26(2) and 27(1)(e)** of the **AI Act** also stipulate the need for adequate human oversight of the proper functioning of high-risk AI systems, making it one of the main requirements to be observed by those responsible for their deployment.
- (31) The adopted **approach** is to enable parties to request a review and confirmation of the content of a fully automated decision by an official of the relevant administration when they consider that an error has occurred, **before** lodging the appropriate administrative or judicial **appeals**. This ensures that the official can confirm that the system has functioned correctly. If this is not the case, the decision can be corrected quickly, without the need to lodge a formal appeal. This is in line with Articles 22(3) GDPR and 24(3) of Regulation (EU) 2018/1725, and is also common practice in the private sector. It should be noted that administrative appeals are still exceptional at the level of the EU administration, and parties must normally turn to the CJEU (specifically its General Court) to obtain legal protection against its decisions. The purpose of the new Article III-8(1)(i) is to prevent parties from having to go directly to court to correct errors in fully automated decisions.
- (32) Article III-8(1)(i) **only** refers to **fully** automated decisions because, in the case of semi-automated decisions, control over the system's proper functioning is already (or should be) carried out by the human who makes the final decision based on the system's proposal.
- (33) The **time limits** for challenging decisions through formal appeals should be **suspended** until the public authority responds to the request for a human review submitted by the relevant party.
- (34) The right set out in general terms in Article III-8(1)(i) is significantly supplemented by the new → **Articles III-7(2) and III-10(1a)**.

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<sup>10</sup> It did so in the famous *Schufa* case: Judgment of the Court of Justice of 7 December 2023, *OQ v Land Hessen (Schufa)*, Case C-634/21, ECLI:EU:C:2023:957, para 66.

## Chapter 3: Gathering of information

### Section 1: *General rules*

#### III-10 Principle of investigation

- (35) The **duty of care**, as enshrined in Article III-10 of the Model Rules, is a general principle of Union law and an established feature of the Union's Courts on administrative procedure.<sup>11</sup> In accordance with the general principle of the 2026 revisions – highlighted in the amended preamble as well as in the new Article III-3(1)2 – this obligation shall not be compromised in automated procedures. Automated decision-making systems can effectuate the investigation of the case in question. However, in some cases this might not be true due to restrictions of digital data processing or limitations of the algorithms of the automated system used. In such circumstance the **new paragraph 1a**, which is inspired by a similar provision in national law,<sup>12</sup> provides an **obligation** for the competent authority to change into a non-automated procedure. The second sentence effectuates this obligation by clarifying that the person affected has a corresponding procedural **right**.

## Chapter 4: Right to a Hearing and inter-administrative consultations

### Section 1: *Access to the File*

#### III-22 Access to the File

- (36) As explained above, the new wording of Article III-3(1) makes it clear that the rights of the parties recognised in the Model Rules cannot be undermined by automated procedures. This means, in particular, that the **rights of defence** outlined by the CJEU must also be respected in such procedures. The most important rights of defence are the right to be heard and the right of access to the file set out in Articles

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<sup>11</sup> See Book III, paragraphs 46-47 of the explanations (2014).

<sup>12</sup> § 24(1)3 German APA [Verwaltungsverfahrensgesetz in der Fassung der Bekanntmachung vom 23. Januar 2003 (BGBl. I S. 102), das zuletzt durch Artikel 2 des Gesetzes vom 15. Juli 2024 (BGBl. 2024 I Nr. 236) geändert worden ist].

III-22, III-23 and III-24. We have deemed it unnecessary to amend the two provisions relating to the **right to be heard**. However, we did consider it appropriate to add two paragraphs to Article III-22 regarding **access to the file**.

- (37) The new **paragraph 6** of Article III-22 is to ensure that the right of access to the file remains a reality where the procedures are automated. The original version of the provision did not explicitly consider the possibility of an **electronic file**, which is **necessary** for automated procedures.
- (38) The new **paragraph 7** of Article III-22 places a positive obligation on the competent authority to develop a plan to manage electronic files, in order to ensure that they remain transparent and accessible. This requirement is set out in a separate paragraph because it applies to **all procedures** involving an electronic file, whether automated or not.

## *Section 2: Hearing, participation and consultation*

### **III-25 Consultation of the interested public**

- (39) The additional sentence included in **paragraph 4** embodies the precept that consultation/participation should be limited to **real people** – acting on their own behalf or on behalf of a legal entity – and should not extend to artificial devices. The aim is to introduce measures that prevent **bots** from participating in such consultations, since they are becoming increasingly sophisticated and can completely distort the process. The same requirement has been introduced in **Article II-4(4)** concerning public consultations carried out during **rulemaking** procedures.

## **Chapter 5: Conclusion of the procedure**

### **III-29 Duty to give reasons**

- (40) The duty to give reasons is central to administrative justice. The **new paragraph 3** of Article III-29 applies this precept in the context of automated or semi-automated decisions. It requires reasons concerning the **role** played by the **automated decision-making system** in reaching the decision, and the **factors**

on which it is based. This requirement is taken from **Article 86(1)** of the **AI Act**. Under this article, any person (natural or legal) who is significantly affected by the use of a high-risk AI system has the right to obtain clear and meaningful explanations from the deployer regarding “the role of the AI system in the decision-making procedure and the main elements of the decision taken”.

- (41) This means **adding** explanations relating to the automated system used to the requirement for a clear, simple and understandable statement of the reasons for the decision, as required by paragraph 1 of Article III-29 for all administrative procedures, whether automated or not. The aim is to provide a **comprehensible explanation in natural language** of how the automated system contributed to the final decision, indicating the main factors on which the system is based (e.g. data from the party or statistical data). Paragraph 3 of Article III-29 does not require the authority to provide the **algorithm** or the **source code** of the automated system.
- (42) As with reasoning in general, the ultimate objective of such explanations is to enable the parties to **understand** the reasons for the decision, and to allow the courts to **review** the decision if the parties challenge it in court. This was already stated in Article III-29(1), which is based on established CJEU case law.

### **III-31 Formal and language requirements**

- (43) The **new paragraph 3** demands that there should be a human in the loop, in the sense that the automated translation of a decision must be checked by a competent official. For reasons of efficiency, the use of machine translation is now unavoidable in the work of a multilingual administration such as the EU. However, this must not compromise **accuracy**, given the legal effects of its decisions and the fact that individuals may choose their preferred language from among the twenty-four official languages.