

## The development of the European administration: fundamental concepts and approaches

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## **Title: The Development of the European Administration. Fundamental Concepts and Approaches**

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### **Abstract**

The study approaches in an unitary manner, the fundamental concepts of the theoretical and practical accomplishment of an European public administration: the European Administrative Space, the convergence and the administrative dynamics and the Europeanization. In the absence of a specific *acquis communautaire*, the European administration includes all the experiences and evolutions with relevant impact at national level, connected to the principles of a responsible and transparent administration, founded on the grounds of efficiency and efficacy. Particularly agreed upon within the constituent treaties of the European Union, these principles might form the general standards not only for the process of acceding to the European Union, but also for the convergence towards an European model of public administration. The efforts of analysts and specialists to describe the real evolution process of national administrations are with no doubt, extremely important, even though at some point, contradictory. The model of European administration makes use of the systemic analysis and offers the conceptual framework needed for covering the diverse problematic it encompasses.

**Keywords:** *Europeanisation, public administration, administrative adaptation, acquis communautaire, European law, standardisation, Nation state, rule of law, transparency, EU-East-Central Europe.*

### **I. Introductory notes**

The development of the construction and enlargement of the European Union processes introduces new concepts to the specific terminology. Within a systemic framework, these concepts describe and summon the institutional and normative mechanisms sustained by this generous investigation.

European governance and administration overcome, in an accelerated manner, the obstacle-route between concept and reality; a route specific to the European and national elements –as complex in their entanglement, as to overcome the processes and phenomena which characterize the building of a Unified Europe.

Making now the reference to the European administration, we should note that it can be understood as a system of institutions and structures situated at European level. Such an approach is, at present, restrictive, the European administration describing, in fact, a process that evolves towards a series of values and standards that are unanimously accepted as European; a process with a philosophy that includes the so called Europeanization of the national administrations.

As such, the European administration will be structured as a system having a mixed architecture, several subsystems – the national administrations and connections that point to the norms of the Communitarian law and to the respect for sovereignty and national traditions and experiences.

The exact coordinates of this process are hard to establish, especially since in the area of public administration, there is no *acquis communautaire*, so there is no law to transpose in the legal systems of the EU member states (there are few exceptions in the field of the management of European funds and that of public procurement). In this context, the national administrations of the states that want to join the European Union are evaluated under the criteria expressed in the “judicial and administrative capacity to implement the *acquis communautaire*”. This creates serious difficulties since there is more than one national administration in the EU and there is no model or guiding criteria for reforming the national public administrations of the candidate countries.

The Lisbon Treaty brings out new regulations meant to promote and sustain the good governance and European administration, thus underlining the right to good administration, the necessity of the administrative cooperation, strengthening of the administrative capacity for implementing the communitarian law and the respect of the principles of subsidiarity and proportionality in establishing the competencies of the European Union.

In this context, the European Administration obtains a new and clearer content, to the evolution of which we will further focus on.

Several concepts frequently appear in the doctrine: the European Administrative Space, the European convergence located next to the administrative dynamics, “the old” public administration and the new public management, and the Europeanization; analyzing them means comprehending the mechanisms and connections that lead to the evolution of European administration.

## **II. The European Administrative Space**

The conceptualization and transformation of the “European Administrative Space” (EAS) into an instrument for evaluating the public administration reforms in the CEE countries was developed by SIGMA with the support of the PHARE projects, in response to the European Council’s requests regarding the process of accession to the EU, formulated at Copenhagen, Madrid or Luxemburg.

The entire effort to build the EAS took into consideration the reality of the constitutional and administrative law principles as key factors for democratic governance and development and elements of an “informal *acquis communautaire*” (OECD, 1999:5), meant to inspire the public administrations reforms in achieving the enlargement criteria.

In this context, the study already mentioned set the objective of:

- Formulating criteria capable to stir the public administration reforms;
- Offering standards to measure the progress of the reforms.

Later on, to these objectives it was added that of technical assistance for supporting the national public administration reforms.

Can one talk of the EAS when there is an European Legal Space (ELS)? In this case, the EAS appear as a specific part of the ELS, territorially limited at being “a geographic region where the administrative law is uniformly implemented” (OECD, 1999:9).

It is obvious that until recently, this administrative space was limited by the national borders of the sovereign states and was the product of the national legislation. The evolutions that followed (gravely marked by the creation and enlargement of the European Union that determined the development of the national administrative spaces towards supranational dimensions) lead to the dissolution of the traditional boundaries of sovereignty.

In conclusion, the EAS “is a metaphor with practical implications for Member States and embodying, *inter alia*, administrative law principles as a set of criteria to be applied by candidate countries in their efforts to attain the administrative capacity required for EU Membership” (OECD, 1999:9).

The existence of an European Administrative Space implies that the national public administrations are ruled based on common European principles, norms and regulations, uniformly implemented within a relevant territory (Cardona, 1999:15).

The evolution towards the European Administrative Space understands convergence on a common European model and may be seen as a normative program, an accomplished fact, or a hypothesis. Another important question is to be raised: What is “convergence” and what criteria can be used to decide whether an EAS exists (Olsen, 2003:1)?

The development in question is not a simple process. Quite recent analyses show some other possible contradictory evolutions.

Thus, it is stated that “a development of the EAS may be in contrast to the national administrative systems, where the structure of the public administration structure reflects the identity, history and the specific states of the societies” (Nizzo, 2001:2).

Still, as the processes of European integration deepen and enlarge, the EAS develops and evolves pointing out the values expressed by standards and good practices specific to public administrations situated closer to the citizens.

## *II.1. Principles*

The current analyses and studies operate, in different national systems, with distinct concepts of the administrative law. Still, “it is possible to agree upon a common definition of administrative law as being the set of principles and rules applying to the organization and management of public administration and to the relations between administration and citizens” [Ziller (1993) in OECD (1999:11)].

More specifically, we can talk of a set of common principles of administrative law steaming from the Western European countries, organized by a prestigious group of specialists and academics<sup>1</sup> [within the SIGMA project – OECD (1999:8)] in:

- reliability and predictability;
- openness and transparency;
- accountability;
- efficiency and effectiveness.

a) Reliability and predictability. These attributes derive from the essence of the rule of law which affirms the law supremacy as “multi-sided mechanism for reliability and predictability” (OECD (1999:12)). As an EAS principle, it may be rephrased as “administration through law”, a principle meant to assure the legal certainty or juridical security of the public administration actions and public decisions.

Other connotations of this principle may be observed when we refer to the opposition of the law supremacy in regard to the arbitrary power, cronyism or other deviations of the latter that should not be seen as similar to the discretionary power applicable in cases when, within the legal framework, a certain degree of decisional freedom is allowed.

Exercising the discretionary power is limited by the principles of administrative law by means of which the public administration is forced into acting in good trust, follow the public interest, use fair procedures for equal and non-discriminatory treatment and respect the legal principle of proportionality<sup>2</sup>.

b) Openness and transparency impose themselves following the reality that public administration is the resonator of the society, assuring the interface with the citizen, the user of its services. The development of different social phenomena, such as the corruption or mal-administration, must be controlled by the society. This urges the administration to become available and to offer sufficient information to the exterior. As such, the openness and transparency refer to these exact attitudes and constitute the necessary instruments for achieving the supremacy of law and the equality before the law

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<sup>1</sup> The mentioned Group was formed of: Prof. Denis Galligan, Director of the Centre for Socio-Legal Studies, University of Oxford, United Kingdom, Prof. Jacques Ziller of the Law Department at the European University, Institute in Florence, Italy, Prof. Jürgen Schwarze, Director of the Institute of Public Law at Albert-Ludwigs University in Freiburg, Germany, and Mr. Jacques Fournier, member of the Conseil supérieur de la Magistrature, France.

<sup>2</sup> Arguments who state that discretionary legality cannot operate without the general principles of administrative law, are specifically offered by the European Court of Justice (see Case of Technique University of Munchen, 1991, ECR-I-5469).

and its representatives. Assuring the openness and transparency, we protect both the public and individual interests.

As in the case above, the openness and transparency are supported by the administrative law. We refer here to practices imposed by the administrative principles, like in the case of administrative actions being accompanied by statements of reasons, etc. To this, we may add the necessity to grant the access to public recordings, the restrictions placed for the civil servants and the necessity for the chosen authorities to exactly represent the public interest.

The Lisbon Treaty sets out a more stable institutional system, and advocates in this respect for a more democratic, responsible and transparent governance.

It should be noted that openness gained new characteristics once the public administration was considered to be a public service. In this context, openness becomes acquisitiveness to the citizens or other authorities' initiatives regarding the improvement of public services and their getting closer to the citizen. A new concept emerges – the open administration (OECD/CPAP, 2002).

c) **Accountability.** It is one of the instruments showing that principles like the rule of law, openness, transparency, impartiality, and equality before the law are respected; it is essential to ensuring values such as efficiency, effectiveness, reliability, and predictability of public administration. As it is described by the authors of the EAS, accountability means that any administrative authority or institution as well as civil servants or public employees should be answerable for its actions to other administrative, legislative or judicial authorities.

Furthermore, accountability also requires that no authority should be exempt from scrutiny or review by others, which means that, simultaneously or priority, mechanisms for implementation are created.

These mechanisms contain a complex of formal procedures that give a concrete form to the accountability act, as well as supervision procedures that aim to ensure the administrative principle of “administration through law”, as it is essential to protect both the public interest and the rights of individuals as well.

d) **Efficiency and Efficacy.** The introduction for the public sector and public administration of the efficiency and efficacy as important values is relatively recent. This is to be understood since today, when serious fiscal constraints and development of the goods and services are in place, talking of an economic optimum for the public sector is possible (Matei, 2004: chapter VI).

In this context, efficiency becomes a managerial value that points towards maintaining the optimum equilibrium between the allocated resources and the obtained results, while efficacy – a connected value that makes sure that the activity of the public administration

achieves the intended objectives and solves the public problems recognized by law and the governance process as in its duties.

The analyses in the field show that it is possible to discuss of contradictory developments between assuring efficiency and the rule of law. The European Commission has already intervened, by creating legal institutional solutions – directives to prevent these developments. European Community law also calls for efficient administration, particularly with regard to the application of Community directives and regulations.

Relevant to this end we may note the reinforcement, under the Lisbon Treaty, of the Protocol on the application of the principles of subsidiarity and proportionality, where for the Commission, it is stated that “any legislative proposal should contain a detailed statement [...] which [...] should contain some assessment of the proposal's financial impact and, in the case of a framework law, of its implications for the rules to be put in place by Member States, including, where necessary, the regional legislation” (article 4).

The above principles are not only theoretical in value. They constitute the base for an unitary application of the principles of the administrative law within the national administrations and the construction and enlargement of the EAS. These principles may not function on the basis of a simple knowledge; in turn, they assume a gradual, daily effort for interiorizing the EAS' principles as inherent to the administration, by means of institutional and legal mechanisms. The European Administrative Space appears as the closure for a large process that implies convergence, Europeanization and administrative dynamics.

### **III. Administrative convergence**

“Administrative convergence” is a concept that at first glance is clear, agreed upon and understood; yet convergence towards a common model imply a reduction of the variability and disparities in the administrative agreements (Pollitt, 2002: 471-492).

Pollitt (2002) argues upon the complexity of this mechanism that makes possible the operationalisation of the EAS, and points out towards the difficulty of introducing similar administrative practices when several durable differences in the public management reform occur. Continuing these ideas, Olsen (2002:1) discusses two competing, or supplementing, hypotheses: a “global convergence” hypothesis and an “institutional robustness” hypothesis.

These approaches are valid for a general model of convergence; when discussing the European administrative convergence several arguments that derive from the process of creation and enlargement of the European Union may be brought into debate.

Still in the general context, recent developments in public administration have been interpreted by means of two generic models: the “classical” or weberian public administration and the “New Public Management” (NPM) (Matei, 2001:62-64; 139-153). A favorite diagnosis has been a paradigmatic shift “from Old Public Administration” to

“New Public Management” (Dunleavy/Hood, 1994: 9-16). Regardless the standards, NPM stands in contrast to the idea of a unique European convergence. It actually suggests that convergence is global, or at least common to several countries. It also assumes an “inevitable shift rather than a temporary fad and that the change represents progress toward a more advanced administration” (Osborne/Gaebler, 1992:328).

The vision of a global convergence supplements or may compete with the so-called institutional robustness hypothesis<sup>3</sup>. Here the basic assumption is that the two others overestimate the likelihood, extent and speed of convergence, and that Europe and the rest of the world are likely to continue with a variety of administrative models. Furthermore, both models – the classic one and the NPM portray the administration as a tool for an external principal - a branch of government controlled by the legislative and judicial branches, or by shifting external circumstances. In contrast, the robustness hypothesis assumes that the administrative institutions are powerful actors in public policy making and administrative change. Likewise, public administration is a collection of partly autonomous institutions with identities, traditions and dynamics of their own.

Global convergence then can follow if administration is a context-free, technical activity with a single best solution, and if the global environment is currently dominant. European convergence can follow if the most important context in the matter is the European one, dominant both within the administration and outside it.

Differently, the institutional robustness appears if context is dominant, and the administration has the same degree of autonomy as other different environments and established arrangements.

An important issue regarding the convergence is the distinction between *attractiveness*, where convergence emerge because one model is generally seen as superior, and *imposition*, where a model is preferred by a winning coalition and dictated to others.

### ***III.1. Convergence by Europeanization***

*Europeanization* is a process closely linked to the European integration, and it intercepts the impact of the latter on the national administrations. Peters (1998) and Page (1998) discuss the link between the Europeanization process and the general tendency of the administration to transit from the traditional model of government to the model of governance, where the authority is diffuse and agencies claim a multiple role, especially in the area of public policies.

Governance is generally seen as an alternative to the monolithic and hierarchic concept of government. Governance is orientated towards horizontal networks. In the context of international cooperation, governance is a reaction to the lack of traditional hierarchy.

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<sup>3</sup> Their promoters are J.G. March and J.P. Olsen, in their papers regarding the institutional rediscovery, the democratic governance or institutional dynamics, published in New York, Free Press, between 1989-1998, and N. Flynn and F. Strehl, in their paper referring to the public sector management in Europe, published in 1996, at Prentice Hall.



The White Paper of Governance defines governance as “rules, processes and behaviors that affect the process where powers are exercised particularly at European level, and make reference to *openness, participation, accountability, effectiveness and coherence*” (Schout/Jordan, 2004:3).

Stevens (2002:1) conceptualizes the Europeanization as “the development and extension of the competencies at European level and the impact of the Community’s action on the member states.

For Radaelli (2000:4), Europeanization is a process that draws in three important elements: construction, diffusion and institutionalization of “formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’ and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies”. Europeanization is not convergence, harmonization or equal political integration, but stress, concludes the same author. Radaelli’s definition takes into account the interactivity of several waiting processes, subsequent to the discussion of the phenomenon of Europeanization and expressed, largely, in terms of impact upon member states.

Page and Wouters (1995) argue that the power in Brussels provide a transfer mechanism both for national administrative best practice, thus influencing by Europeanization, the national administrative policies.

Wessels and Rometsch (1995) also, have argued that a “fusion” of national and EU administrations has taken place. The end of this process is the convergence that may be expressed by the common characteristics of the administrative models. “When we will finally say there is an European model or an ideal type of public service, then, the administrative systems of the EU countries are convergent” (Claisse/Meininger, 1995:441).

Most of the studies regarding the way the process of Europeanization affects the national institutions and the political approaches draw back to the institutionalist perspective. A clear definition of the Europeanization is presented by Wessels et al. (2003:6): “incremental process re-orienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making”.

The relevant studies of the matter in debate insist on that fact that the Europeanization process is built on the bases of an institutional systematic framework that allow an analysis of the opportunity of the political and administrative structures of the European Union (Keading, 2004:8).

Kassim et al. (2000) analyze the existing coordination between the use and implementation strategies of the EU policies in ten countries of the European Union. Differences we have already explored came out of that study.

Other authors [Hall/Taylor (1998)] use the concepts of the neoinstitutionalism, making reference to the sociological approaches and rational choice theory. Their result could be convergence or divergence towards a *transposed national model*, obtained by means of adaptation and “*gradual socialization of the norms and practices inside the EU system*” (Harmsen, 1999:84).

*The sociological approach anticipates the opportunistic administrative structure* within the national administration, able to determine the transposed national model. Convergence thus is realised, in the framework of “*the institutions that frequently interact or are exposed to timely development, of the similarities in the organisational structure, processes, managerial philosophy, resource allocation principles and sound reforms*” [Olsen, in Steunenberg/Van Vught (1997:161)]. We should also mention that the real situation presents institutionally or culturally unified or fragmented administrations. This is why we talk of gradual adaptation, understood, in the case of national administrations as norms, ideas and beliefs that help into achieving “*the emergence of the similar individual growth for national processes and structures*” (Harmsen, 1999:84). In this case, as pointed out by March and Olsen (1989), the mechanism is the *imitation* or the act of copying mechanisms and characteristics of other organizations for the benefit of increasing your own organizational efficiency.

The sound national adaptation manages to reflect different administrative cultures namely, the enlargement of the set of values and practices and the conditioned administrative behaviour. The process is lead by a logic of allocation, of reflection of the pre-existent beliefs or legitimate or appropriate political forms.

In the rational choice approach, *the opportunistic political structure* of the EU member states may affect the transposed national model. The basic structure of a country, with no regard to the federal (Germany, Belgium or Spain), unitary (France, Greece, Great Britain) or somewhere in between organization (The Netherlands), the fundamental intermediary interest no matter their pluralist (Great Britain), corporatist (Germany) or consensualist (The Netherlands) nature, the structure of the executive bodies – collegial as in The Netherlands or Italy, unified as in Great Britain or bicephalous as in France and the nature of the political system (dominant, with a small or large number of ideologically different parties, or dominant with a small or large number of parties with a *feeble* discipline), horizontally describe the political system. Higher decentralization, with several tiers and bureaucratic actors is involved in the transposition process, a more difficult and hard process. From a consequentialist point of view, the member states are expected to converge towards a unique transposed model. Similar developments are expected for the organizations placed in the institutional environment and under a common pressure, likely to adopt the agreements proven to be more efficient (Kassim/Peters/Wright, 2000:27).

The anticipated outcome is “*a gradual convergence of the national practices towards more effective solutions [...] for common problems*” (Harmsen, 1999:84). Here, performance standards are a direct function of the opportunistic political structure.

### ***III.2. Administrative Dynamics***

In its content, *the administrative dynamics* tries to catch as vivid as possible, the evolution of the social processes and phenomena in the public administration space, as well as those adjacent, such as strategic management, legislative process and connections with other subsystems of the society.

“Administrative dynamics is governed by legislators or announced and enforced by the courts” (Weber, 1978: Chapter nine).

Some of the stages of this dynamics were briefly described in the above subchapter dedicated to convergence.

Regardless the country, public administration in itself, is hard to change. It is possible to admit convergent structural, content or behavioural transformations, if accepting the existence of a certain yet not necessarily unique or divergent model, when leaving aside the traditional national values or replacing them with ones not really configured to the social realities and physiognomy of a country.

It is for this reason that we believe there is no *acquis communautaire* in the case of public administration. Its existence would assume, *a priori*, the existence of an European model.

In contemporary democracies administrative environments are not, however, so simple, coherent and imperative. Older or more recent analyses show that “*they seldom provide public administration with clear competences, rules, objectives and incentives. On the contrary, the administration operates in a complex ecology of institutions, actors, goals, rules, interests, powers, principles, values, beliefs and cleavages. Politicians, judges, experts, organized groups, mass media and individual citizens are likely to hold different and changing – not coherent and stable - concepts of ‘good administration’ and ‘good governance’*” (Olsen, 2002:3).

During transition, such as the one encountered in Central and Eastern European countries, conceptions of the administration are challenged and dramatically redefined. “*Conventional wisdom becomes heresy: administrative virtues are reorganized; expertise is scrapped and new types of knowledge, skills and training are demanded. Trust in institutions disappear or emerge. Organizational structures, roles and cultures are branded illegitimate and new ones are legitimized. Because tensions are enduring rather than temporary, any prescription based on hegemonic aspirations and the universalization of a concern is likely to foster criticism, countervailing forces and search for a new balance between institutions. Theorizing administrative dynamics requires understanding how balances are struck and administrations find their place in a political order.*” [Kaufman (1956:1057-1073); March/Olsen (1989)]

Such institutional balancing acts are usually constitutional and political and are necessarily accompanied by adequate managerial techniques. Organizing public administration involves a power aspect. “*The lifeblood of administration is power*” (Long, 1949:257) and Weber (1978) observed that “*The political masters could easily become dilettantes facing a professional administration*”.

Finally, administrative dynamics assumes the dynamics of the public administration concept that should imply, *a priori*, relations between the specific authority and power (Bossaert/ Demmke/ Nomden/Polet, 2001:17). As such, it will determine an analysis in terms of *realpolitik*<sup>4</sup> of the evolution each administration faced, in different contexts, identities and power and autonomy balancing.

#### **IV. European Administration – from a concept towards reality**

##### ***IV.1. A systemic approach***

The European administration comprises European and national elements that create a multi-polar system having a complex architecture<sup>5</sup>, which is ideally and legally represented by the EAS. From this perspective, the European administration is more and more a reality as the European integration and construction process deepens and extends. Still, the above characterization is not enough since the European administration is currently “*a curious hybrid, a result of the continuous interaction between supranational and national*” [Kassim in Hayward/Menon, 2003:12)].

As a system, the European administration has three important characteristics: it is complex, open and cybernetic. It is however possible to add a few more. These continue and develop the specifics of the EAS, thus operationalizing the concepts, principles and beliefs that lay down on the basis of the EAS’ construction.

For better understanding the above characteristics, here are three arguments (Kassim, 2002):

- the existence of several interconnections between EU *administration – political system*; the administration is determined by the nature of the EU’s political system, and vice-versa, with reference to the impact of the EU’s political system on the European administration;
- the consolidation of the national administrations in the bureaucratic system of the EU has lead to important consequences for its functioning;

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<sup>4</sup> The “*realpolitik*” rhetoric and the administrative reform assume that the administration is simply one self-interested part of a political struggle among contending interest, building coalitions and alliances. Details regarding this concept may be found in J.G. March, J.P. Olsen, “Organizing Political Life: What Administrative Reorganization Tells Us About Government” in “*American Political Science Review*”, 1983, 77, p. 281-297.

<sup>5</sup> Such an attempt for the mentioned architecture is to be found, in an approach using the conceptual interoperability of the national public services at European level, by creating UEN (Unitary European Network), in K.Tarabanis, V. Peristeras, A. Koumpis, “*Providing e-government services at the European level*” in “*European Journal of Information Systems*”, 2000, p. 9.

- the national administrations were influenced, yet not transformed by the EU's development.

As a cybernetic system, the European administration has its own regulatory system that comprises three tiers: national, regional and European.

These connections of the European administration with the EU's political system or intra-system rely heavily on the system's elements. Thus we can discuss of hard connections (at the level of national administrations) and weak ones (between the latter and the regional and European level).

All the other principles for organising the cybernetic systems have relevant interpretations or expressions. Even though we do not focus here on the systemic organisation of the European public administration, two interpretations are worth mentioning. One of them is the necessary variation law, which in the framework of the European administration development assumes the decrease of the ratio of national forms of organization and functioning of the administration, and the acceptance of new sets of norms, values and good practices, belonging to a possible European model of public administration.

The outlet or systemic synergy principle refers to administrative convergence, the complexity of which was described in the chapters above.

The systemic effects are more and more present in the field of European administration as the progress is measured by common standards and criteria.

#### ***IV.2. Characteristics of the European administration***

The idea of the European administration appears explicitly and implicitly in the EU documents. One of the most recent is the Lisbon Treaty where it is stated that "*in carrying their missions, the institutions, bodies, offices and agencies of the Union shall have the support of an open, efficient and independent European administration*" (Article 254a).

Otherwise, the same document discusses the promotion of the *good governance* (article 16 A).

We should add that so far, the main constitutional legal texts of the European Union, namely the Treaty of Rome (1957) and the Maastricht Treaty (1992), do not provide a model of public administration to be implemented by EU Member countries.

Still, important administrative law principles are stated in the Treaty of Rome, such as the right to judicial review of administrative decisions issued by EC institutions (article 173) or the obligation to give reasons for EC administrative decisions (article 190). Adding to these are sectoral administrative law provisions, which constitutes what is known as the *acquis communautaire*.

A certain administrative system may be evaluated by researching the limits of the application of the EAS' principles; we can as such see how these principles serve as generic standards, and to what degree we can speak of compatibility between different administrative systems.

The European administration is a system with many characteristics described in many reference papers of the literature (Kassim, 2002:140-142). With the correct adaptation of the context, the above may be formulated as follows:

- a) Lack of an agreed demarcation of competencies and powers between the European Union and the national administrations; we add to this that EU as a unified system has a complex structure, based on three pillars with different decisional powers, structures and procedures.
- b) Fluidity. Many studies have described the Union as a “fluid, ambiguous and hybrid” since “there is no shared vision or project or common understanding of the legitimate basis of a future Europe” (Olsen, 1997:165) . Of course, these remarks are previous to the Constitution of Europe, yet they are still at least partially, pertinent. It can not be argued upon the fact that EU is in a constant becoming step, in which its membership, rules, relationships, authorities and institutions are constantly evolving and its competencies and functions ever-changing.
- c) Institutional fragmentation, by means of which the power at the European level is shared between several institutions, and there is no single authoritative legislator. Legislative power is shared by two institutions – the Council and the European Parliament – that form a “classic two-chamber legislature” (Olsen, 1999:56) and executive authority is spread between the member states (individually and collectively) and the Commission.
- d) The complexity of the EU policy process is a consequence of the fact that the decision making into EU involves a multiplicity of actors, including, besides the member states the EU institutions and other European bodies and agencies, representatives of the regional and local authorities and lobby groups. Each is at once an actor with its own interests, an institution with its own rules, code of conduct and operating style.
- e) Sectorialization, which show a specific logic for the construction of the EU. A broad distinction is to be made between constitutional matters, such as treaty negotiations, institutional reform, and enlargement, which involve heads of the state and government and foreign ministries – and routine policy of regulatory, redistributive or distributive nature.

Of course, all the above do have a close connection to the political system of the EU, yet specific connotations for the European administration. With all these characteristics, the European administration is unique and creates a complex system, not fully developed.

### *IV.3. Auto-regulation in the European administration*

Keeping the systemic analysis language, we can note some of the elements that shape the auto-regulatory process within the European administration, by looking to the developmental environment of the European administration.

The partial and legal regulation of the European administration' system is actually one of the characteristics of the administrative systems. This is do to the fact that the European administration has a multi-polar nature and many of the European practices and standards are not imposed by specific regulations, but accepted by the member states.

As such, the auto-regulatory process that characterizes the European administration has, amongst the law some other mechanisms, both formal and informal. A clear example in this case is the Europeanization, more generally analyzed in the above sub-chapters.

As a regulatory mechanism, the Europeanization is a synthesis of the connections present between national administrations and the European level of the European administration. From this perspective, we can point out that the national administrations have a pertinent and complex influence upon the EU's decisional process, being important participants to all the decisional levels and involved in all the steps of the policy cycle.

The influence we are referring to becomes concrete once we analyze the institutional presence, seen from the viewpoint of the permanent representations bodies or lobby groups, present both at the European Commission and the Parliament level and at that of other institutions.

We should note that the national administrations are extremely important to the increase in visibility of the European building and enlargement process, and European identity. There are at least three ways in which EU has influenced the national administrations, thus creating a new form of the Europeanization process.

- a) National administrations, next to their national mission, have assumed a new role as implementation agencies of the EU norms. As part of the European administration, the implementation and obligation to respect the EU legislation may lead to further actions, use of new instruments, not completely familiar and recruit and training of personnel.
- b) As a consequence of the EU's legislative or judicial decisions, national administrations are determined into modifying or abandoning the existent policies, change or ignore the traditional instruments or reorganize structures and procedures. This fact may lead into diminishing or increase of the administrative capacity or change of the public and private actors' relationships.
- c) Adaptation of national administrations to European standards as a consequence of the governmental practical implication in European decision making and the assumption of the above.

National administrations have been encouraged in developing support mechanisms for participation and coordination of actions for their representatives at EU level. Undoubtedly, these auto-regulatory aspects may be found in the entire elaboration process of the EU policies.

In the general context of administrative dynamics, an evaluation of the auto-regulatory process and its dynamics is necessary.

This dynamics is also influenced by many factors, amongst which the nature of the political system, the centralization degree or the fragmentation of the national administrations dedicated to the integration process, etc.

As such, a conclusion with regard to the European administration stems from its unique character, direct consequence of the EU's unique political system.

Being unique, the European administration offers a complex image, marked by national and European interpretations and interrelation.

National administrations have reached the EU's decisional bodies; they are present in every European area and determine the functioning of every European institution.

In the same time, the national civil services acknowledge adaptations in their structures and practices.

We may add to this, the specific character of the coordination mechanisms at EU institutional level, and, with direct link to the national administrations, mechanisms that are permanently articulated and are formally, increasingly consolidated, thus ensuring the foundation for an European public administration.

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