# Comparative Studies on the Administrative Convergence Revealed by National Strategies of Administrative Reform in Some South-Eastern European States [1]

**Prof. Dr. Lucica MATEI**
**Prof. Dr. Ani MATEI**
**Diana-Cătălina ZANOSCHI, PhD candidate**
**Oana STOIAN, PhD candidate**

[1] A research developed within the Jean Monnet programme "South-Eastern European Developments on the Administrative Convergence and Enlargement of the European Administrative Space in Balkan States"

# TABLE OF CONTENTS

## INTRODUCTION

The evolution of the European Union construction and enlargement introduces new concepts to the specific terminology. These concepts systematically describe and bring together the institutional and normative mechanisms aimed to sustain this extensive process.

Government and public administration take quickly the pathway, not without obstacles, from concept to reality. The pathway characteristics refer both to the European and to national elements, permanently merging and its complexity is superior to many processes and phenomena specific to a United Europe.

Concretely referring to the European administration, it might be seen as a system of European level institutions and structures. This approach is currently restrictive since the European administration actually describes a growing process aiming at unanimously accepted as European set of values and standards. This process's philosophy embodies the so called "Europeanization" of the national administrations[2].

Therefore, European administration will be structured as a combined multipolar system and its subsystems will be national administrations and their connections are founded, on the one hand, on the European Community law, and on the other, respecting the sovereignty, the specificity, the traditions and the national experiences.

The exact details of this process are hard to define since in the public administration domain there is no acquis communautaire. Therefore, there is no law transposed into domestic legal provisions within the EU Member States, with some exceptions concerning the European funds management, public procurement etc. In this context, national administrations are evaluated according to expressed criteria of "administrative and juridical capacity to put in practice the acquis communautaire". This creates serious difficulties due to diverse national specificities of the European Union states'

[2] We can find a synthesis of the "European administration" sphere and content in Nedergaard (2007, 7-29) and Matei and Matei (2010, 11-18)

administrations and to the lack of a model or of some guiding criteria for the public administrations reforms in the candidate states.

Treaties and other European documents contain a number of provisions aimed to promote and sustain the good governance and European administration, underlining the right for a good administration, the compliance with subsidiarity and proportionality principle in order to establish the European Union competences.

Some concepts have greater frequency in specific literature and analysis. Among them we mention: *European Administrative Space*, European administrative *convergence* and *administrative dynamics*, as well as the "old" public administration, the New Public Management (NPM) and *Europeanization*, without which we won't be able to understand the mechanisms and the connections of the European administration evolution.

At a first glance, the *administrative convergence* is a clear, agreed upon and understandable concept, but the convergence towards a common model implies a variability and disparities reduction in the administrative agreements (Pollitt, 2002, 472).

Noting the complexity of this mechanism, without which the *European administrative space* operationalization is not possible, Pollitt (2002) draws attention on the difficulties concerning the approach and introduction in the public administrations of similar practices, given the sustainable differentiation conditions in the public management reform. Continuing these ideas, Olsen (2003) discusses two types of hypothesis that influence the convergence towards *European Administrative Space*. These hypotheses are competing or complementary and are identified by: "global convergence" versus "institutional strength" (Olsen, 2003, 1).

These approaches are valid for a general convergence model. When we talk about European administrative convergence, we can mention other arguments derived from construction and enlargement process of the European Union.

In order to maintain the general context, recent evolutions highlight for the public administration development two generic models that can interpret its current

development: the "classic" or weberian one and the "New Public Management" (Matei, 2001, 62-64, 139-153) that, a favorable can associate a paradigm of change from "old public administration to NPM (Dunleavy and Hood, 1994, 9-10). Regardless the standard, NPM is in contrast with the idea of a unique European *administrative convergence*. Otherwise, NPM states that this convergence is global or at least common to many countries. NPM implies "a rather inevitable change in time and this change represents the progress towards a more advanced administration"(Osborne and Gaebler, 1992, 328).

In this new framework, it can be said that the vision concerning the *global convergence* definitely competes or, in the most favorable case is supplemented by the *institutional strength*[3]. The fundamental assumption is that two probable phenomena, such as enlargement and convergence speed in Europe and the rest of the world, shall continue being accompanied by a variety of administrative models. Moreover, both models, the classic and NPM one, describe the administration as a mean for an objective goal: a branch of government controlled by legislative and juridical institutions or by external circumstances.

Quite the opposite, the hypothesis of institutional strength assumes that the administrative institutions are strong actors, through the promotion of their own public policies and the administrative change. Furthermore, public administration is a collection of institutions, generally autonomous, with their own identity, traditions and changes.

In conclusion, *global convergence* is interested in whether the administration, in a free context, is a technical activity with the best solutions, and if its global environment is constantly dominant. *European administrative convergence* tracks if the most important context is the European one, dominant both within the administration, but also within its environment.

[3] J.G. March and J.P. Olsen can be considered its promoters through their works on institutional rediscovery, democratic government or institutional dynamics, published at New York, Free Press between 1989-1998. Moreover, N. Flynn and F. Strehl also approached this subject in their work concerning public sector management in Europe published in 1996 at Prentice Hall.

Unlike that, the *institutional strength* interferes when the context is not dominant and the administration, different from other environments or other established agreements, has the same autonomy level.

An important problem for the convergence distinguishes between attractiveness, in which case the convergence appears in the conditions of a model existence, a broad model considered to be superior, and constraints where the model is preferred by a winning coalition or dictated by others.

*Europeanization* represents a process specific to the European integration. It captures, among others, its impact on national administrations. Peters (2000) and Page (1995) talk about the connection between the Europeanization process and the general tendency in the administration to switch from the traditional *government* model to the *governance* one, where the authority is vague and the agencies claim a multiple role, especially in the public policy domain.

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

The White Book of European Government defines governance as "rules, processes and behaviors affecting how powers are exercised at European level, particularly referring to the openness, participation, responsibility, effectiveness and coherence" (Schout and Jordan, 2004, 3).

The impossibility to exactly translate into Romanian the meaning of the two concepts determined us to use solely the term government assigning to it one of the meanings, according to the context.

Specialized literature and analyses claim that, through Europeanization, are being created the foundations for a systematic institutional framework that allows an analysis of the EU political-administrative structure's opportunity (Kaeding, 2004,8).

Kassim (2000) analyzes the coordination of the utilization and implementation strategies of the EU policies within ten Member States. Other authors (Peters and Pierre, 2007) use the neoinstitutionalism concepts, referring to the sociological approaches and rational choice. Their results can be convergence or divergence towards a *national transposed model*, resulted from the adaptation and "gradual socialization of the EU system's norms and practices" (Harmsen, 1999, 84).

Sociological approach anticipates an *administrative structure of opportunity* in the national administration that brings close the national transposed model. Convergence is accomplished due to "the institutions that frequently interact or are exposed to development in time, to similarities within the organizational structure: processes, managerial philosophy, resources' allocation principles and substantive reforms" (Olsen, 1997, 161).

Rational choice approach, a *political structure of opportunity* of the EU Member States might affect the national transposed model. In conclusion, according to a consequential logic, Member States are expected to converge to a unique transposed model. The anticipated result is "a gradual convergence of national practices to more efficient measures […] on common problems" (Harmsen, 1999, 84). At this point, performance standards depend directly on the political structure of opportunity.

*Administrative dynamic*, through its content, tries to capture as close to reality as possible, the processes and social phenomena evolution in the public administration space, as well as the adjacent ones referring to strategic management, legislative process and the connections with all the other society subsystems.

Public administration itself, regardless the country, is hard to change. The structural, content or attitude changes can be convergent, if we admit the existence of a certain, not necessarily unique, model. In the situation of public administration traditional values abandonment or of replacement with other inadaptable to the realities or a country's social physiognomy ones, we can't talk about convergence.

In the transition period that characterizes Central and Eastern European states, the conceptions upon public administration are being changed and substantially redefined. "Traditional teachings become heresies: the administrative virtues are being reordered, the expertise is being reconsidered and new types of knowledge, abilities and training are being requested. The trust in institutions disappears or is in danger. Organizational structures, roles and cultures are considered illegitimate and new organizations are legitimized. Due to over time resistant tensions, any idea based on hegemonic aspirations and universality of certain concepts, highlights the critical notes refocusing the forces and searches for a new institutional equilibrium. In order to theorize, the administrative dynamics requests to all the other equilibriums to be sensitive and that, in reality, the administrations have political determinations" (Kaufman, 1956, 1059).

In the reform context that animated and still animate national administrations in the process of European integration, the political determinations are being transposed in the national reform strategies. They represent the general, normative and pragmatic evolution framework of the national public administrations towards values and quasi unanimous accepted standards in the European Union.

The present paper develops and describes through significant selected examples from older or recent EU Member States, the actual situation of the previously mentioned processes, focusing on administrative convergence.

The debate on this topic will go on long time from now, the European administration, as a finality of the convergence and other progressive administrative processes. At least for the moment it appears as a "curious hybrid resulted form the continuous interaction between supranational and national" (Kassim, 2003, 142).

## Chapter 1 Reform, convergence and other adjacent European processes

### I.1. Concepts' delineation

The term "convergence" comes from the French "convergence" and refers to: heading to the same point, figuratively, to the same goal[4]; focusing towards the same goal; the merging trend[5].

The convergence is a dynamic process which is based on the application of socio-economic policies designed to reduce the disparities between regions and countries in a given space. It is completed mainly by applying some structural policies in order to obtain certain economic or social growth parameters emphasized in peripheral regions (named as such due to factors' endowment and the economic performance resulted after their use and not because of the geographic location). These peripheral regions passed through economic decline or fail to achieve the economic performance of the area they belong to[6].

Another convergence definition is the one related to the increasing similarities and economic performance of regional and national economies within a given space.

Frequently, the convergence is seen as a precondition for integration. As long as the structures of creation and implementation of policies converge, the integration process, its strategies and the creation of common, functional institutions are easier achieved.

The term "reform" comes from the French "réforme" and defines "the change made on a system (or organization) with the aim of improving"[7]. In a broader sense, "reform" can be defined as the limited "political, economic, social, cultural transformation or structure of

[4] Romanian Academy, 1998, Explanatory Dictionary of Romanian language (in Romanian), „Iorgu Iordan" Linguistic Institute, Bucureşti: Univers Enciclopedic.
[5] International Letter, 2004, The New Explanatory Dictionary of Romanian language (in Romanian), Bucureşti: Litera Internaţional
[6] Funar, S., Luţaş, M., 2005, *Corporate Governance – element of convergence in the Romania's EU accession process* (in Romanian), Romania in the European Union. The convergence potential, Supplement to the Theoretical and Applied Economics journal
[7] Source: Dictionary of Contemporary English, third edition, Longman, 2001.

a work status, to achieve improvement or progress; change within a society (which does not change its overall structure)[8]. Therefore, the term refers to "change", a change for the better, and a desirable change. Generally, a reform requires remodeling something that stops working; it involves a higher or lower level of radicalism[9] and the use of certain methods in order to achieve objectives.

Public administration reform or the administrative reform includes: reorganization of the public sector issues, such as institutional structure (the way the ministries, agencies and organizations are managed), the relationships established within the administrative system and the public sector activities, their organization and coordination. Public administration reform is based on empowering local communities' autonomy through decision-making autonomy, as well as through financial and property one, at the same time as the actual decentralization process activation and the compliance with subsidiarity principle.

Our research associates concepts such as: *Europeanization* and *integration*. The concept of "Europeanization" knew a wide approach in the context of EU integration studies. One of the first (and frequently quoted) Europeanization definitions belongs to R. Ladrech[10]. According to him, the *Europeanization* is an incremental process, focused on the Community economic and political dynamics integration to the national logic of public policy generation. The author explains through the key phrase "incremental process" the changes in time of the EU membership costs.

Europeanization defines the change occurred on the national political system due to European influence ("national" refers to the European Union Member State and

[8] Source: Online Dictionary, http://www.dictionare-online.ro/reforma.htm

[9] J. Halligan, New public sector models: reforms in Australia and New Zealand, 1997, p. 17-46, in J.-E. Lane, Public sector reform: rationale trends and problems, London, Sage. Halligan argues that there are several levels of reform: first rank reforms that adapt and adjust accepted practices; second rank ones adopt certain methods, the third rank ones refer to ideas exchange which includes general objectives that guide the action.

[10] Ladrech, R. 1994. „The Europeanization of Domestic Politics and Institutions: The Case of France", Journal of Common Market Studies 32 (1), p. 69.

"European" to the Community)[11]. Therefore, when speaking about Europeanization we bear in mind the national change caused by European integration.

"Integration" refers to the economic and political relational process between Member States within the Union, under the pressure of the EU rules creating a supranational decision center, based on delegation of authority[12]. V. Schmidt[13] suggests that while European integration includes the design and formulation of the European policies at Community level through interactions between national and infra-national actors, the Europeanization involves the study of the impact of EU policies on internal structures of a state. Furthermore, S.S. Andersen[14] considers integration as the amount of processes of creating Community's institutions and policies, whereas the Europeanization as the differential variation of the national impact of integration.

European integration must not be confused with the state's accession to the European Union. If the accession occurs at a pre-established and determined moment and embodies the achievement of the official membership status, the integration stands for a long process based on the networking with other Member States and the Community institutions and structures. We can then speak of the market economy existence, of creating a stable economic and monetary environment and of adjusting administrative structures.

[11] Vink, M., 2002, What is Europeanization? and Other Questions on a New Research Agenda, Paper for the Second YEN Research Meeting on Europeanization, University of Bocconi, Milan;

[12] L. Lindberg 1963 and E. Haas 1968 in Bomberg, E. / Peterson, J. 2000. Policy Transfer and Europeanization: Passing the Heineken Test?, paper for the 50th Annual Conference of Political Studies Association – UK, April 2000, Bărbulescu, I. Gh. 2005. European Union. From economic to politic (in Romanian), Bucureşti: Tritonic, p.35; Dinu, M. et al. 2005. European model of integration (in Romanian), Bucureşti: Editura Economică, pp.7-8; Dinu, M. et al. 2006. Fundament and coordinating economic policies in European Union, Bucureşti: Editura Economică, p.28; Andersen, S.S. / Sitter, N. 2006. „Differentiated Integration: What is it and How Much Can the EU Accommodate?", European Integration, Vol.28, nr. 4, Routledge, pp.315-318.

[13] Schmidt, V. 2003. „Europeanization of National Democracies: The Differential Impact on Simple and Compound Polities", School of Public Policy Working Paper Series, WP4, University College, London.

[14] Andersen, S.S. 2004. The Mosaic of Europeanization. An Organizational Perspective on National Recontextualization. ARENA Working Papers, WP 04/11, Oslo: Centre for European Studies.

The concept of Europeanization may be associated with the public policies' transfer one[15]. This association raises certain issues regarding the concept of Europeanization because it assumes the clear distinction between the influence of European integration / European decisions and those sent to national level. Such a link between Europeanization and policy transfer helps to identify the trades not necessarily in linear diffusion of EU rules but rather in a complex process of exchanges and transactions determined by institutional and political constraints at national level. Such a perspective aims to determine the main instruments used by actors in order to prevent the implementation of Community decisions. Thus, European integration indirectly fostered the development and institutionalization of new veto players that prevent or transform the transposition and application of Community law juridical processes.

## I.2. European integration – an important factor for administrative convergence

Specialized works on convergence or its lack initially starts from an analysis of the level of conformity between European law and their national transpositions. The directives and regulations were considered relatively apolitical and the transposition effectiveness was considered in terms of administrative organization and legislative procedures. Works on convergence insist on the adaptation differences between domestic political systems. These differences have become a dependent variable when the research began to consider the means of mediation between national and European regulations. Studies in this regard start from the assumption that the compatibility level between a European measure and the corresponding public policy depends on the political structures at national level. The longer these structures (included in the historical, institutional, economic, social and cultural mechanisms) and national regulations are similar to those imposed by the Community level, the adjustment is easier. In contrast, the greater the difference is, the more a non-convergence is to be observed.

[15] Sabine Saurugger, Yves Surel, 2009, Au-delà de la convergence: instruments de résistance dans l'Union européenne, Manuscrit auteur, publié in 10e Congrès de l'Association française de science politique (AFSP), Grenoble: France.

Initially, convergence studies have focused on the transposition of directives, hence on infringement procedure, procedure applied for the failure to transpose EU rules situation[16].

A more systematic research of the compliance in the European Union was conducted by Gerda Falkner and her team.[17] Authors underline that if three conditions are necessary for successful implementation of a European Standard (namely, the implementation capacity, the ability to exert pressures, information availability), two pathways can lead to lack of implementation: inertia (the implementation structure is paralyzed, associated to an absence of social activism) and obstruction (in which case there is a strong opposition and where it notes the existence of strong veto points.

Falkner's study shows that the lack of convergence occurs in the following situations:

| **Non-convergence** | |
|---|---|
| *Opposition (intended)* | *Incapacity (unintended)* |
| Opposition to certain contents; | Different interpretation; |
| Opposition to Community method of decision (qualified majority, social dialogue); | Administrative problems; |
| Opposition to national decision-making mode or method of transposition: parliament, social or regional partners; inter- or intra-ministerial conflicts. | Political instability; |

Surel and Saurugger identify in the above quoted work, based on this study, four mechanisms that can occur when it comes to transposing phase: the legislative one, the national policy one, the dead letters and negligence one.

[16] This category includes authors such as: La Spina et Sciorino 1993, Pridham et Cini 1994, Börzel 2000, Duina 1997, Knill et Lenschow 1997, Kassim 2001;
[17] Gerda Falkner, Oliver Treib, Miriam Hartlapp and Simone Leiber, 2005, Complying with Europe, EU Harmonization and Soft Law in the Member States, Cambridge University Press, New York;

Many studies show that EU membership entails certain political-institutional changes and that these changes tend slowly to a certain convergence, towards a common model, in response to the Union challenges. Such convergence can be observed in the field of regionalization, flexibility, sector boundary, administrative coordination and the parliamentary influence reduction[18].

In contrast to the convergence theme, other studies have highlighted the persistence of traditions and national constitutional structures[19]. It has been demonstrated that national implementation of EU legislation depends on the level of perceived pressure to adapt in each Member State. Adaptation pressure increases if the EU rules affect institutional arrangements that are closely linked to national administrative traditions, specific to each state[20]. EU's impact on national administrations is only one of the factors influencing institutional change, other factors being underestimated and neglected by studies focusing on Europeanization.

This difference of opinions raises a certain question about the existence of this convergence, namely: do the candidate countries converge to a particular practice, a common model or is the Union influencing national structures and if yes, to what extent?

It is easy to develop an argument in favor of creating an institutional convergence in the accession process. Firstly, the democratic transition in former socialist block countries involved copying models of institutions in countries of Western Europe. Secondly, candidate countries have relatively little time to redefine local institutions under increasing pressure caused by the attempt to follow the rules imposed by the Union and to assimilate, in the same time, the influence of international agencies and other similar bodies. Thirdly, since the states are more interested about the accession than the Union,

---

[18] Rometsch, Dietrich, and Wessels W., 1996, The European Union and Member States: Towards Institutional Fusion? European policy research unit series, Manchester: Manchester University Press in Martin Brusis, 2001, Between EU Eligibility Requirements, Competitive Politics and National Traditions: Re-creating regions in the Accession Countries of Central and Eastern Europe, Paper for the Bi-annual Conference of ECSA, Madison 30 May-2 June 2001, Panel on Europeanization and Domestic Change in Central And Eastern Europe, p.4;

[19] Schwarze, J., 2000, Die Entstehung einer europaische Verfassungsordnung. Das Ineinandergreifen von nationalem und europaischem Verfassungsrecht. Baden-Baden: Nomos, in Martin Brusis, op. cit., p.4;

[20] Knill, C., 1998, European Policies: The Impact of National and Administrative Traditions. Journal of Public Policy, 18 (1): 1-28;

the Union has a strong negotiating position, being able to establish unilaterally rules and procedures. Preparing for accession means to compulsory adopt the entire set of European norms without the State's ability to influence this set of rules that they must adapt to.

EU governments have adapted to the decisional process model proposed by the EU mainly through the Phare program mechanism, which generated a convergence of institutional structures. Another perspective concerns the political cohesion fostered by European integration. The emergence of regions as political or economic actors is easily argued to represent a consequence of Community influence, although we still can not speak about the existence of such a situation except for Member States. Candidate countries are not yet affected by this aspect of administrative reform. Regional changes for the countries of Central and Eastern Europe have occurred only in the late '90s. A cause of this phenomenon is the strong influence of political criteria, the deficit of professionalism, administrative bodies' limited autonomy together with the lack of detailed laws and rules and the discretionary application of existing ones. All these are traces of previous regimes.

Therefore, the integration is different from one state to another, being influenced by internal structures and their flexibility. This differentiated integration is widely examined in the literature[21] and is considered an anomaly from a federalist perspective[22]. Thus, it is considered that those who remain behind with the integration process will eventually reach the level of other states. This would be a matter of time. From the same perspective, the permanent exceptions caused by lack of political will or other reasons have no place in the process of gradual federalization of Europe.

[21] Phillippart, E, Sei Dhian HO, M., 2000, The Pros and Cons of „Closer Cooperation" within the EU. The Hague: Scientific Council for Government Policy, and Schrauwen, A. A. M., 1999. Flexibility in Constitutions: Forms of Closer Cooperation in Federal and Non-Federal Settings. Amsterdam: Hogendorp Centre for European Constitutional Studies.

[22] Pinder, J., 1986, European Community and Nation-State: A case for Neo-Federlism?, International Affairs, 62 (1), pp. 41-54, in Sepos, A., 2005, Differentiated Integration in the EU: The Position of Small Member States, European University Institute, Robert Schuman Centre for Advanced Studies, EUI Working Papers, No. 2005/17, Badia Fiesolana, San Domenico de Fiesole (FI);

From a neo-functionalist perspective, the differentiated integration appears as a "failure of integration", an indicator of "gear" insufficiency and of the consensus absence among national elites[23].

Similarly, but more recently, Curtin (1995) considers differentiated integration as an attack on the European constitutional order in view of recent exceptions that were granted as a result of deliberate policy choice rather than as a consequence of the failure to achieve socio-economic criteria (e.g. UK and Denmark have not adopted the euro) [24].

From a liberal-intergovernmental perspective, differentiated integration is regarded as a mean to pursue national interest, taking in the same time into account any other decision taken at European level[25]. Thus, differentiated integration refers to establishing a center of Europe, while Member States with a particular position may develop their hegemony. Therefore, one can easily explain why a Member State would not allow others to lead the integration process to aims which it does not support and uses for this purpose, the veto right, a procedure against which has fought a deliberate eradication battle.

From the theory of goods perspective, the integration progress in some areas of the Member States can be explained by a combination of three factors: a) the initial intention of the actors, b) flexibility of institutions, c) the area in question, from the perspective of public goods theory. According to Kölliker, while the first two factors- initial political preferences of Member States and the legal possibilities of differentiation-explain why some countries overcome others in terms of integration, the public goods theory helps to understand (and perhaps anticipate) the fact that some Member States from outside come into position to join some flexible arrangements and not others[26].

---

[23] Haas, E., !975, The Obsolence of Regional Integration Theory. Berkeley CA: University of California Press, in Sepos, A., op. cit..

[24] Curtin, D., 1995, The Shaping of a European Constitution and the 1996 ICG: Flexibility as a Key Paradigm, Aussenwirtschaft, 50, pp. 237-252, in Sepos, A., op. cit..

[25] Moravcsik, A., 1993, „Preferences and Power in the European Community: A Liberal Intergornamentalist Approach", Journal of Common Market Studies, 31 (4), pp. 473-524.

[26] Kölliker, A., 2001, „Bringing together or driving apart the Union?, Towards a Theory of Differentiated Integration", West European Politics, 24 (4), p. 126.

Differentiated integration was one of the issues discussed at the Intergovernmental Conference in 1996-1997. However, the issue was present among Member States prior to that date, given the differentiated objectives that exist between Member States or between specific regions within them. For this reason the treaties provide the possibility of certain differences in the way the rules are applied. Thus, special protocols have been attached to treaties, special provisions were added to certain acts or under the form of variations of directives' implementation, and delays were accepted for the implementation deadline[27].

Another debate focused on the integration difference aimed at the Economic and Monetary Union. In this case the assumption was that all Member States should strive to achieve a certain performance and policy convergence. When it became clear that not all Member States were capable or willing to obtain such convergence, alternative measures have been taken to support the project. Thus the exchange rate mechanism was launched and European monetary system with full participation of the strongest economies, except UK. The Treaty on European Union specifies the conditions of creation of the Economic and Monetary Union with fewer members than the EU members.

Moreover, differentiated integration has been associated with Germany's position as a European power and with the special relationship it has with France, the two forming the so-called "axis" or "engine" of integration. It is known that the two countries have coordinated their policies over time in order to hasten the integration agenda[28], although they never intended to create a formal governing centre. Together with enlargement and increase of Member States' number, the problem reappeared with the suggestion of building a multi-layer system, under the form of concentric centers around the governments interested about integration. The discussion became more intense in light of the establishment of the Europe of 27 states, when the fears of creating a larger but weaker EU with institutions unable to function under the weight of membership widened. In this context, several initiative groups have been created. They have become more

[27] Elhermann, C. D., 1984, „How flexible is Community Law? An unusual approach to the concept of „Two Speeds", Michigan Law Review, 82, pp. 1274-1293.
[28] Hendriks, G., 2001, The Franco-German Axis in European Integration, Cheltenham: Edward Elgar.

attractive and received more legitimacy bearing in mind the argument that it will be possible both an extension as well as a deepening of the integration process.

Differentiated integration has been defined in different ways over time, under the impact of several criteria. Stubb[29] categorizes into three distinct forms the differentiated integration: *multi-speed*, *variable geometry* and *à la carte,* forms that differ in terms of consistency, time, space and domain.

Multi-speed integration is defined as the integration method in which pursuing common objectives is made by a powerful group of Member States which are both able and also willing to go as far as possible with the implementation status of certain policies. The assumption is that other states will "catch up" too. In other words, the perspective of multi-speed integration means that integration in which the member countries agree to pursue the same policies and actions implementation, not at the same time, but at different moments, periods. Transition periods and temporary exemptions, often given at the same time with the conclusion of accession agreements, are the clearest examples of this mode of differentiated integration. These times are very long, sometimes up to ten years, but they are never unlimited.

Integration that takes into account variable geometry (space) model refers to differences within the same integrative structure, differences that allow permanent and irreversible separation between more powerful and the less developed states. The variable geometry integration type illustrates situations where Member States opt for a deeper integration than for that obtained within the borders of acquis communautaire. One example in that sense is the Schengen agreement, where a conglomerate of states aims to achieve a deeper level of integration within a separate integrative unit.

The third form of differentiated integration, *à la carte,* allows each Member State to choose the area they would like to be involved in, while maintaining a minimum number of common objectives. This perspective focuses on the subject, on specific policies' areas. All countries may firstly choose a suitable area on which to make a substantial

[29] Stubb, A., 1996, „A categorization of differentiated integration", Journal of Common Market Studies, 34 (2), pp. 283-295.

contribution, be it social, monetary or the defense policy. This comes in contrast with multi-speed version that defines common objectives for Member States that they strive to accomplish, according to their capacities, and also in contrast with variable geometry that institutionalizes the differences between Member States as if they seek to build a space between different integrative units or forms of integration[30]. À la carte examples of integration can be found in the terms set by the Maastricht Treaty. Both Denmark and UK have received concessions from their partners in Economic and Monetary Union. These clauses were not temporary exemptions but they gave both countries the right to remain permanently outside the EMU. Other examples of situations where states have opted to keep outside a policy established at EU level are the Social Protocol offices of Great Britain (Protocol 14). Member States agreed on social policy by signing a special protocol among them, given the British position regarding national sovereignty in areas such as social policy. This was when the Community has sought a fragmented solution, à la carte, for a whole range of regulatory social policy[31].

The issue of differentiated integration and of differences between states concerned the Member States since 1996-1997, since the intergovernmental conference, where several countries, especially small ones, opposed to Union fragmentation on grounds of integration skills, and to the idea of inequality creation and institutionalized differences between the EU member states [32]. These concerns were resumed also at the intergovernmental conference in 2000 together with the negotiations accomplishment for the Treaty of Nice; and also in 2003 during negotiations for the draft Treaty establishing a Constitution. Integration differentiates very much from the perspective of the three pillars also. Thus, if under the first pillar, the Member States are somehow equal, given the strong influence of Community institutions, under the other two pillars things are slightly different, since institutions do not have the same impact on the strengthened cooperation initiatives and this does not favor at all the position of small states. As part of

[30] Sepos, A., 2005, Differentiated Integration in the EU: The Position of Small Member States, European University Institute, Robert Schuman Centre for Advanced Studies, EUI Working Papers, No. 2005/17, Badia Fiesolana, San Domenico de Fiesole (FI);
[31] Stubb, A., 1996, „A categorization of differentiated integration", Journal of Common Market Studies, 34 (2), pp. 283-295
[32] See the White Book on the 1996 Intergovernmental Conference, Volume II: Summary of position on EU member states in terms of the 1996 Intergovernmental Conference, European Parliament, March 29, 1996.

the second pillar, the small states situation is the most alarming because the institutions have less influence. Thus, the interested states may submit a request to the European Council to authorize cooperation. Commission expresses its opinion primarily on the compliance of cooperation proposal with the EU policies. Unlike the first pillar where the Commission can propose legislation, the Parliament consents. And contrary to the third pillar, where the Commission may be involved in submitting a proposal, the Parliament can be consulted. In the second pillar, the Commission and the Parliament should only be informed of how the cooperation proposal evolves. This transforms small states into ordinary observers facing the strengthened cooperation initiatives undertaken by large states.

Thus, creating directorates, power groups at the second pillar level it is probably the biggest threat to small states[33]. Keukeleire suggests that foreign policy belongs, by its nature, to a limited number of decision makers at national level. This aspect is maintained at Community level also. In addition, major countries like France, Germany have a different status at international level in comparison with small states in terms of economic, financial and especially military power, and in terms of influence within international forums such as the UN Security Council, NATO and others. The actions from the defense policy level, the contact group in Bosnia in the years 1993-1994, as well as the diplomatic action to stop building nuclear weapons program in 2003 represented precise moments in which the power poles within the Union showed up, namely France, Germany and Great Britain. Of course, these three do not form and will not officially form an official powerhouse within the Union. They often adopt different positions and have different perspectives on some common situations. The idea of convergence has been much discussed and quoted in the literature despite evidence of national differences. Does the concept of convergence have an intrinsic value? Could its value exist regardless the administrative practices and regardless the reforms that actually took place?

[33] Keukeleire, S., 2003, „The Case of a «Directorate» in the CESDP", in A. Pijpers, (ed.), „On Cores and Coalitions in the European Union: The Position of Some Smaller Member States". The Hague: Netherlands Institute of International Relations, „Clingendael".

Progressively, the intention to reduce spatial disparities constituted the essence of European regional policy. The emergence of European Development Fund in 1975 and the reform of regional policy are clear evidences of European intention to reduce the differences between regions. And the actual course can be translated into European policies committed to developing regions in difficulty.

European integration has inevitably raised the question of development and modernization of the state. This dynamics of development is very important in terms of full adoption of the acquis communautaire and in terms of adapting to the demands imposed by the management of European funds.

The difficulty and the slowness with which East European public authorities have promoted the status of civil servant and civil function can be explained by the fact that the Union does not provide explicit support on this matter to new member. Although the criterion of good governance appears in 2000 Agenda under the same title as the common market or democracy, the Union has never provided more than just guidelines, requirements in terms of predictability, transparency, accountability and effectiveness. Therefore, the absence of a precise framework, the national and local authorities had every incentive not to change their own structure[34].

## I.3. The European Administrative Space – reforms' standard for national public administrations

At European level there were not settled implementation rules at the level of Member States with regard to public administration. We only have instructions, directions to follow, principles that guide national authorities towards administrative convergence. Common principles of public administration between Member States of the European Union constitute the conditions of a *European Administrative Space*.

[34] Bafoil, F., Union Europeenne: Adapter la politique de cohesion, „La France et la Pologne dans l'Union Européenne. Saurons-nous faire avancer l'Europe ensemble ?", Warsaw, 8 September 2004;

The legal-administrative field, the *space* continues to be perceived as a metaphor for European integration, and thus of international interaction. For example, in 1991, C. Bennett identifies at the Community level, the states' tendency to compare through cross-national dialogue the institutional models and to cooperate for legislative harmonization[35]. One year later, from the Single European Act (1986) and its effects perspective, T. Toonen projects the image of a "Europe of government", a space that exploits pluralism and diversity[36]. In a strictly legal approach, C. Nizzo notes that the state administrative structures have exceeded their limits imposed by traditional valences of sovereign territory and became "communicating realities" in a "common space"[37]. Following the same line, H. Hofmann[38] talks about the un-territorializing the public power exercise of the Member States and about the vertical and horizontal opening of national legal systems towards EU influence "in a space of interaction". R. Nickel proposes the concept of integrated governance in a common administrative space[39], and Trond J. alleges the existence of interconnected European Administrative Spaces[40].

European Administrative Space includes a set of standards for common action within public administration as defined by law and reinforced by practices and responsible mechanisms. Candidate countries should consider these standards in the process of developing public administrations. Although the European administrative space is not part of the acquis communautaire, it should nevertheless serve as a guide to candidate countries' reform of government. In European Union Member States, these standards, together with the principles established by the Constitution, are required or submitted by

[35] Bennett, C. 1991. „What is Policy Convergence and What Causes It?", British Journal of Political Science, vol.21, nr.2, pp.215-233.
[36] Toonen, T.A.J. 1992. „Europe of the Administrations: The Challenges of '92 (And beyond)", Public Administration Review, Vol.52, no.2, pp.108-115.
[37] Nizzo, C. 2000. National Public Administrations and European Integration. SIGMA Paper, p.2. According to the principles of subsidiary and cooperation, Member States' administrations are asked to apply EU rules, acting therefore as a genuine European administrative system. For more details please see the Deutsche Milchkontor (205/82 - 215/82 [1983] ECR, p. 2633) and Scheer (30/70 [1970] ECR, p. 1197) cases.
[38] Hofmann, H. 2006. Mapping the European Administrative Space, paper presented at the Connex Thematic Conference "Towards a European Administrative Space", London, 16-18 , November 2006.
[39] Nickel, R. 2006. "Participatory Governance and European Administrative Law: New Legal Benchmarks for the New European Public Order", EUI Working Papers Law nr.2006/26, European University Institute, Florence
[40] Trondal, J. 2007. "The Public Administration turn in Integration Research", ARENA Working Papers nr.7, p.9 et seq.

a number of administrative laws such as administrative procedural acts, freedom of access to information or public service laws.

Defined by the European Court of Justice, the most important principles of government, common to Western Europe, comprise the following groups: 1) trust and predictability (legal certainty), 2) openness and transparency, 3) responsibility, 4) efficiency and effectiveness.

Regarding the first set of principles, the law implies a changing mechanism for trust and predictability. This assumes the "government by law." In essence, the law provides that the government must carry out their responsibilities under legislation in force. Public authorities arrive at certain decisions respecting the rules and general principles, applied impartially to any addressing with a request person. The problem occurs in terms of neutrality and generality of application (non-discrimination principle).

Another issue related to legislation notion is that of legal competence. Public authorities may decide only on matters under their legal jurisdiction. In this context, competence means the power to decide, legally and expressive, on an issue rose by the public interest. This not only authorizes the respective person to decide, but it also obliges it to take responsibility for this. A competent public authority can not give up this responsibility. The notion of competence is strictly defined, so that an unauthorized person decision (located outside the legal jurisdiction) is invalid and will be invalidated by any court[41].

A principle that calls for trust and predictability is the legal principle of *proportionality*. This means that administrative proceedings should result proportionally to the process and its legal completion, not depriving the citizens of any of the aspects that facilitate achieving the proposed and legally correct aim. Proportionality is closely related to what is reasonable. Moreover, it also means that it is illegal to apply the law only when it creates an advantage, unintentionally omitted by law.

[41] SIGMA - Support for improved governance and management in the countries of Central and Eastern Europe, SIGMA-OECD 2 rue Andre Pascal 75775 Paris Cedex 16, France, on: http://www.oecd.org/dataoecd/22/44/39560474.pdf , accessed on 29.12.2009.

A principle that calls for "government by law" is that of procedural fairness[42]. This means procedures to enforce the law clearly and impartially, to pay attention to social values such as respect for people and their dignity protection. A practical application of procedural fairness is the principle which states that no man shall be deprived of his fundamental rights without having been notified in advance and heard in an appropriate manner.

Deadline is one of the factors that support trust and predictability in government. Delays in taking decisions or in finalizing administrative procedures may generate real frustrations, injustices or might negatively affect both public and private interests. Delays may result from some inadequate resources or from the lack of a possible political settlement.

With regard to *openness and transparency*, openness suggests that the administration is willing to accept a poll from outside, while transparency means the openness degree in case of an election or a check.

Openness and transparency in public administration serve two targets. Firstly, they respect the public interest insofar as limited by the mal-administration[43] and corruption. Secondly, they are crucial for individual rights consideration to the extent necessary to provide reasons for administrative decisions, and therefore help stakeholders to exercise their right to request appeal.

An administrative document or a decision must be accompanied by a motivation. From this must follow the reasons which led to the final decision and also must show the correlation between those required and the legislation. Consequently, this reasoning should include facts and their record, as well as a legal justification. This document is very important in cases where a request of an interested party is rejected. In such a case, the motivation must clearly show why the records or arguments presented by the applicant could not be accepted.

[42] This principle is recognized by European Community law. For more details please see: Essays in honor of Henrz G. Schermers (in Romanian), vol. II, Dordrecht, Boston, London, 1994, pg. 487 ff.
[43]In the European Union is supposed that Ombudsman counteracts mismanagement.

As far as the *responsibility* is concerned, there is a distinction between responsibility and accountability. Thus, *accountability* means that a person or an authority must explain and justify their own actions. In the public administration law this means that any administrative body should be responsible for his acts before another administrative, legislative or juridical authority.

Responsibility implies also that no authority should be exempted from elections or verifications from other authority. This can be done by several different mechanisms, including the courts of justice, appealing to higher administrative bodies, by an official responsible for public opinion inspection. The inspection is made by a special committee or parliamentary committee elections. *Responsibility* is a tool helping to demonstrate if principles such as respect for law, openness, transparency, impartiality and equality before the law are respected. Responsibility is essential to strengthen values such as efficiency, reliability and predictability in public administration. A specific dimension of responsibility refers to efficiency in public administration performance. Recognizing efficiency as an important value for public service is relatively recent. As the state became the producer of public services the concept of productivity in government was introduced. Today, due to fiscal constraints in many countries, effective and efficient performance of public administration in providing public services to society is pursued more and more. Efficiency is characterized as a value consisting in maintaining a good reasoning between inputs and outputs.

A value that automatically derives is effectiveness. It consists in the safety that performance of public administration is moving towards the settled goals, solving legally public problems. Mainly, it consists in analyzing and evaluating specific public policies and ensuring that they are properly implemented by public administration and by civil servants.

In the more recent Western European constitutions, like that of Spain (1978), the efficiency and effectiveness of public administration have been reported as constitutional principles, together with other classical principles such as respect for law, transparency and impartiality. Also, public administration law often refers to economy, efficiency,

effectiveness (known as the "three E") and compliance with law as the principles that should preside over public administration and the activities and decisions of public officials. EU law also provides for the need for efficient administration[44], having in mind especially the Community directives and regulations. This has forced several Member States to make changes in their domestic organization, in their administrative structures and decision-making arrangements, in order to effectively and efficiently support European legislation and also to ensure an effective cooperation between the European Community institutions.

The principles listed above can be found in public administration laws from all European countries. Although the public administrations of these countries are very old structures, they have continuously adapted to modern conditions, including joining the European Union, which itself requires an evolution.

Constant contact between officials of EU Member States and the Commission, the request to develop and implement the acquis at the reliable equivalent standards throughout the Union, the need for a unique system of administrative justice for Europe and the sharing of principles and values of public administration led to some convergence between national administrations. *This convergence has been described as European Administrative Space*[45].

It must be taken into account that EU integration is a process of evolution (the principle of progression in the EU construction). This means that a country must demonstrate a sufficient degree of progress in order to satisfactory compare itself with the development level of Member States. Convergence level in 1986 (when Portugal and Spain joined the EU) changed in 1995 (when Austria, Finland and Sweden joined) and of course with other accessions too.

[44] European Court of Justice, Case 68/81, Commission vs. Belgium (1982), ECR.153.
[45] SIGMA Papers, nr. 23, Preparing Public Administration for the European Administrative Space, OECD, Paris, 1998.

## Chapter II Administrative convergence in the South-Eastern Europe

### II. 1 Convergence and reform – a causal relation

The EU accession does not involve clear action about the public administration because the acquis communautaire is not mapped in terms of administration. Due to the lack in specific methodological procedures, the accession generally involved the compliance of the three Copenhagen criteria.

In addition to the three accession criteria established in 1993 by Copenhagen Council (to demonstrate the ability to comply with the acquis communautaire, the ability to create a market economy and to respect some basic political principles such as the rule of law or democracy), the Madrid European Council (December 1995) brings the strong stance of the Community towards enlargement and highlights the need to create conditions for a gradual and smooth integration of candidate countries, through: development of a market economy, creating an economic and monetary stable environment and adjusting the administrative structures. The last reference mentioned above becomes, for doctrine, the fourth condition of membership, known as enhanced administrative capacity criterion[46].

It should be noted that the consolidated government is essential for the Union members. Quoting from SIGMA: "the link between European integration and public administration reform is strengthened when the enlargement approaches. Similarly, the European Commission put special emphasis on the ability of Member States' administrations to implement on time the European standards body (acquis communautaire), although such a requirement was never a matter of interest for previous enlargements"[47].

As mentioned before, sharing the principles and values of public administration led to some convergence between national administrations. Countries that joined the Union

[46] Diana-Camelia Iancu, "Europeanisation of public administration in Romania" (in Romanian), PhD thesis, Bucureşti, 2008.
[47] SIGMA. 1998. Preparing Public Administration for the European Administrative Space. SIGMA paper no. 23, CCNM/SIGMA/PUMA (98) 39, Paris: OCDE.

went through an extensive process of reform; the administration was also one of the areas subject to transformation.

Public administration reform has generally focused on:

- developing the capacity of public authorities and institutions to formulate and implement national and local policies compatible with the Community ones and to function on performance standards of the national administrations of other EU Member States,
- clearly defining the role of each structure within the administrative system, in order to determine a coherent institutional mechanism and to streamline decision making and the implementation of European standards.

By applying this strategy, the public administration should identify within the inter-institutional relations, as well as within the relationship with citizens, through the following strengths: dynamism, expertise, professionalism, impartiality, incorruptibility, transparency and stability.

Priority directions of action should be:

- The proper application of the acquis communautaire, in parallel with the development of national and local policies, consistent with the Community ones;
- Increased attention to areas covered by the negotiated transition periods and training the institutions responsible for full implementation of the acquis communautaire, after periods of transition;
- Continue to implement the general principles of European Administrative Space on the legality, legal competence, predictability, openness and transparency, responsibility and accountability, efficiency and effectiveness in order to increase the quality of administrative act;
- Develop training action for civil servants in European affairs;
- Institutionalization of regular dialogue between the central government with regional and local ones in order to transfer best practice in implementing EU policies;

- Increasing the visibility of regional and local authorities in the European associations of regional and local collectivities.

The subject of administrative reform has become a constant for almost three decades in political discourse and each year brings new changes and new tasks for national services in trying to adapt them to Community's requirements[48]. The impact of integration on the administrative system of a Member State is somewhat limited because, as previously mentioned, the Union has no direct competences in this area. Nevertheless, although the administrative organization of Member States is upon their competences, there are ways to influence states that wish to become members of the Union.

The public function remained less affected by European integration since no Treaty mentions any Community competence in the field of national public positions. It is difficult to give a description and a definition of public administration in Europe[49].

We can say with certainty that at the Union level there are two types of public positions, two systems: the career type of civil service (closed), when the civil servant enjoys stability, and the lucrative system of the job type (open), when the valuable elements are the qualification level, ability and level of remuneration[50]. However, no Member State rigorously applies one of these systems of public positions.

The principles we have previously described establish, as mentioned before, a certain convergence among Member States as they serve as standards for measuring the degree of compatibility between national administrations. Therefore, their compliance may be considered as a precondition for accession but also as a way of measuring the administrative capacity of the state.

[48] Alexandru, I., "Administration and political power"(in Romanian), Public Law Magazine, no.2, Bucureşti: All Beck, 2003, p. 1;
[49] Gf Braibant, G. „Existe-t-il un systeme europeen de fonction publique?", Revue Francaise d Administration Publique nr. 55, 1990, pp. 601- 618;
[50] Savenco, I., Les Systèmes traditionnels concernant la fonction publique dans l'Union Européennee, p. 1.

The initial hypothesis is that the level at which these general principles inspire the activity of national public actors indicates a country's ability to adopt and implement the unvoiced acquis communautaire.

It seems that, for membership, candidate countries must meet the standards required by the European Union which implies updating, at acceptable levels, the administrative principles that relate to trust, predictability, responsibility, transparency, and efficiency.

As for the application and disclosing method of the OECD principles, the activity of the administrative authorities of the acceding states were constantly exposed to assessment by the European Commission.

The tendency to create a model of government was reveled also by the approval of White Charta of European Governance[51]. It outlined several principles which are essential and desirable to be applied in administrative work. They are: openness, participation, efficiency and coherence. In another opinion, governance structures should be based on four key principles: accountability, participation, predictability and transparency [52].

## II.2 Administrative reforms in South-Eastern Europe

Many countries in Central and Eastern Europe rebuild their levels of public administration. Generally, this happens in connection with the preparation of EU membership and with the achievement of the necessary administrative capacity to implement Union law. Basically, the trend is to create regional administrative bodies empowered to participate in the management of structural funds. These bodies subsequently become the main tool for economic assistance when a candidate becomes a member.

[51] COM, 2001 (428) – White Paper on European Governance;
[52] Ahrens, J. 2001. "Governance, Conditionality and Transformation in Post-socialist Countries", in Hoen, H. W. (ed): Good Governance in Central and Eastern Europe: The Puzzle of Capitalism by Design. Cheltenham: Edward Elgar, pp. 54 – 90.

From this perspective, resizing the regional level is an essential part of the Europeanization process by which the State administration is going. Meanwhile, their existence is necessary to establish an intermediate administrative level that links central autonomous government with local one. Both are subject to democratization process characteristic for political transition of the early 90s.

The issue of administrative reform in the countries of Central and Eastern Europe is reinforced by the fact that most countries in this area faced with socialist regimes and have strengthened administrative traditions. Generally they are expressed by a politicized bureaucracy, by the lack of a link between central and local government. Accordingly, the Union is directly interested in providing directions for policies guidance to such Member States that joined during previous enlargements.

Inefficiency, lack of expertise and corruption are just some of the old regime legacies in the countries of Central and Eastern Europe. Economic weaknesses have undermined the economic recovery in the region and often led to tense relations with the EU both in terms of incomplete implementation of the provisions and also in terms of delays in absorbing available EU funds. Administrative reform was thus a crucial factor for successful accession of candidate countries in terms of harmonizing national legislation with EU acquis and strengthening, therefore, administrative structures.

The transition process characteristic for Central and Eastern European States since 1989 focused around two axes:

- Emphasizing certain economic values such as *competition*, *efficiency* and *budget constraints.*
- Power delegation by changing the limits of central power: *non-majority leadership*.

In the private sector the reform was made through privatization or at least by corporate government business and thus by reducing the role of government structures in economic system. This was materialized through independent central banks, financial markets, utilities and independent professions such as lawyer, pharmacist etc.

In the public sector three major trends can be recognized:

- Civil service reform measured by the numerous changes at the level of government officials and of the rules to which they obey;
- Creating agencies that took over, by delegation, certain functions of ministries. Agencies are not legally or financially assigned to ministries;
- A decentralization of broad public services for local and regional elected authorities[53].

Other drivers of reform were twinning programs and the takeover of good management models introduced according to benchmarking.

Administrative reform has progressed differently in each country. An important constraint and condition of reform envisages that all candidate countries must be unitary. Another feature of reform in the concerned countries has been fiscal decentralization. Fiscal autonomy of regional and local authorities requires significant resources and the Commission makes no statement/specific request, but legal autonomy established by law is explicitly mentioned by the Commission. It is necessary to have local leadership and its autonomy from the central power, a consequence of the subsidiarity principle. As for the relationship between state and local government, the Commission does not necessarily suggest a transfer of power from state government to local or regional one, but often requires a clear distribution of powers. As far as the administrative-territorial division is concerned, the Commission expects that candidate countries have a good separation of the regions, without being clear whether this involves a change in territorial-administrative structures.

[53] Beblavy, M., Public administration reform in Slovakia and other Central European countries and its implications for Ukraine, April, 2005.

However, administrative reform varied from state to state, a contribution in this respect is represented by historical legacies, by political approaches, by politicians and experts who that each state has. Thus, in 1997, the Commission specified that Hungary, Czech Republic, Estonia and Poland have the administrative capacity necessary to implement cohesion policy on a medium term, while Bulgaria and Slovakia were in need of significant reform. In 1998 and 1999, Slovakia received an improved notice, unlike Bulgaria that maintained its position.

## Chapter III The analysis of administrative convergence in terms of four examples: Greece, Slovakia, Bulgaria and Romania

### III.1 Greece

Greece, although an EU member since 1981, still faces many shortcomings in the public administration domain. A positive aspect is the fact that Greece is the country with most stable institutions and rules on transparency, followed by Romania and Bulgaria.

The reform in Greece has grown, just as in other states, under the pressure of external factors. Joining the European Union played an important role in this context.

Although Greece has moved slower on the reforms path, they know an acceleration process with the mid 1990s, both at economic and administrative level.

In April, 2000, the Greek Prime Minister said that his government would introduce policies designed to create a mentality at the public service level that implements decentralization and allows redefinition of the relationship between administration, civil society and market. Greece has faced administrative traditions and legislative obstacles in reforms implementation.

For example, Greece is one of the countries where the close relationship between high levels of public administration and political parties contributed to the formation of hierarchical structures that concentrate decision-making power at the highest level, reducing flexibility and officials' accountability at lower levels of administration. Greece also faced a weak public sector performance due to competition with the private sector, to weak salary motivation and to discouragement of good practices.

Another important issue faced by Greece in administrative reform envisages legislative inflation, a phenomenon called polynomie[54]. Greece's legal system is similar to the French one, it is adapted from it. Thus, it consists of many instruments such as laws (arranged in codes), presidential decrees, ministerial decisions, circulars and local

[54] OECD, Regulatory Reform in Greece, OECD Reviews of Regulatory Reform, Paris, 2001, p. 135.

regulations. The legal instruments at the EU level add a new layer to legal system. Legislative inflation can be seen like a growing trend of the number of laws, a trend for a relatively short period of time. Thus, the legislation of the '90s was eight times larger than in the ‘70s. Each law also generates a number of presidential decrees and ministerial decisions.

This increase in law’ number has important consequences for transparency, which is reduced due to confusion arising when implementing. And also for investments, the foreign companies were disinterested because of rules and procedures inconsistency and because of differences between them that can be found at different administrative levels. Of course, not only the legislation quantity but also the quality and effectiveness of each law matter as they affect social welfare and economic development.

Preparation for accession led to a significant number of reforms aiming to increase the efficiency of public administration. Privatization and liberalization of state owned enterprises were among the financial reforms that have preceded the administrative ones and affected services such as transport, energy, and communications.

It aimed to increase professionalism, transparency and accountability in the use of legislative instruments, for competition and to reduce favoritism when employing in the public sector by introducing centralized and standardized procedures for filling positions and the free movement of personnel. Another priority was the increasing public service neutrality. In 1994, Greece has introduced a new policy for recruitment and selection of civil servants in order to reduce favoritism. Policy was based on three main elements: strict controls on new positions, creating an independent agency to handle recruitment and developing transparent procedures for promotion.

To coordinate recruitment and promotions at ministerial level a high-level committee has been introduced. It is known as the Tripartite Committee that decides, every month, for all government, on the distribution of vacancies. The Committee consists of representatives of Ministry of Interior, Public Administration and Decentralization,

Minister of Finance and General Secretary of the Prime Minister's Office. Committee decisions are submitted to independent recruitment agencies.

Recruitment agency, ASEP, acts as an independent agency designed to handle the civil service recruitment. To ensure its independence, the leadership is appointed by Parliament. Its main role is to manage recruitment based on written examination. ASEP has been successful in de-politicization of public service and in reducing favoritism. This led to increased confidence in public service, although recruitment has become more rigid as a result of the reform. Finding qualified staff for the technical functions becomes more difficult.

Another measure that accompanied the recruitment policy aims to reduce public sector size. In 1998 the government introduced a policy called "1 for 5" which means that for every five vacant positions only one position is replaced. However, due to numerous exceptions, this had little impact.

The reform continued with the adoption of numerous laws on decentralization, the ministers' attributions, on strengthening the independence and transparency, on restructuring certain services, etc. An important law is that of 1994 when all government's responsibilities without a national character are being delegated. The actual transfer of powers was, however, over time, in subsequent years.

The program was known as Ioannis Kapodistrias and had a significant impact on public administration. The identified problem was that there were many small local authorities lacking adequate political representation and that were not able to provide necessary services to the community. This led to stagnation of local and regional development process.

The program continued through the adoption of the Law 2539/1997, which defined the powers of local authorities, it established new financial arrangements to enable the provision of certain services and the necessary personnel to provide those services, but also their monitoring mechanisms. The program resulted in 5775 jurisdictions that existed before 1997 in 1033 municipalities and communes. The first elections for mayor were

held in 1998. Moreover, 139 of competences have been transferred to the 13 created regions and other attributions to local authorities.

There was also a staff transfer from central to local authorities. Through the personnel transfer, the program affected also the quality of services at different levels of public administration. In addition, the visible effect of the program was that the central government began to focus on developing strategies and policies rather than on fulfilling duties, as happened before. A law was also adopted in 1994 considering reform of the electoral process. The prefect, previously appointed by the central government, it is now elected together with a council of the prefecture. Together, these reforms embodied by the laws of 1994 and 1997, and by the imposed measures led to orienting administration towards the citizens' needs and to government's consolidation. The law 2647/98 transfers responsibilities to regions, to local authorities. Greek public administration secured therefore the degree of decentralization requested at European level.

Another direction that the reform knew it was the one represented by the new public management program, called "Quality for the Citizen", a program initiated in 1998 in order to improve services provided to citizens by public administration. The program included several initiatives as:

- Publication of information materials for citizens that show the services provided to citizens by the government. This initiative resulted in the development and publication every two years of a citizen's guide and in editing a weekly magazine to provide public sector vacancies.

- Simplification of administrative procedures such as acquiring driving license where the number of documents required was reduced to seven.
- Creation of an Office of Citizens in all prefectures and municipalities in order to inform citizens. Information is also made through electronic media and through information kiosks provided at the sites of 39 prefectures. It is also possible online filling out of forms and authorizations.

- Since 1998 a call center for citizens was set up where they can apply to receive certificates at home. These are birth certificates, passports or they can simply call for information. It seems that the service was good once over 88% of users were satisfied according to a survey conducted by the Ministry of Interior, Public Administration and Decentralization.

In 2000, these initiatives were brought together in a complex program called "Politeia" which aimed to improve the quality of public services. Among its main objectives it was included the recruitment of qualified personnel to assist in implementing the reform, to develop new technologies and to adopt modern techniques of administrative controls in order to increase transparency and to eliminate corruption, to adopt financial management measures based on cost-benefit analysis and on measurement of service and employees effectiveness.

In 1999 were adopted the Code of Administrative Procedure and a new Code of Civil Servants. The Administrative Procedure Code sets new limits and procedures to address requests from citizens. It also requires civil servants to give explanations for delays and to provide details on procedures for accessing administrative documents. It defines the terms of contracts between public and private sector and determines the methods of how to access the mechanisms of administrative appeals.

The Code of Civil Servants establishes detailed procedures for recruitment and anti-corruption mechanisms. The latter ones include constant updating of the income statement that officials are obliged to provide, the obligation to mention considerable goods acquired by the civil servant or his family members, provides the ability to investigate a situation of uncertainty, in which the civil servant's assets had an unjustified grown compared to his salary and allows disciplinary penalty when appropriate.

The correct implementation of these codes is sufficient to ensure a significant increase of transparency and public confidence in administrative institutions by reducing corrupt

practices and abuses. Another aspect of their implementation would be the change of bureaucratic culture to a more open decision-making style, and closer to citizen.

An important factor contributing to the implementation of administrative reform in Greece was the transposition of Community legislation. Transposition of directives had a positive influence on Greek administrative system, allowing the implementation of laws in some areas such as liberalization of electricity or telecommunications services. The implementation would have been difficult in other circumstances. However, transposition of the acquis communautaire has proved to be difficult in terms of speed and content. Greece was not sufficiently open to the European single market, thereby depriving its advantages. In some areas, Greece has sought to obtain waivers and extensions of the deadlines for implementation, which slowed down the reform process.

A challenge for the implementation of administrative reform was the fact that Greece decision-making system is centralized, closed, controlled. You can not talk of openness to innovation, alternative instruments of governance, visionary politics. There is a tradition of legal and administrative procedures that hinder the consideration of alternative procedural or decisional methods.

All these measures are steps taken by Greece to the reforming administrative convergence specific to candidate or Member States of the Union. The sustained effort to delegate powers to local authorities, to increase transparency and responsibility of public institutions, to depoliticize civil service and the new public management initiatives show that Greek administrative system was aware of its limitations, including its administrative limits and undergone the need of continuous reform.

### III.2 Slovakia

Public administration reform in Slovakia gave from the beginning priority to territorial reform and reform of certain public institutions. In Slovakia, year 1996 meant the establishment of a new administrative-territorial division. There were formed eight

regions and the districts' number has been doubled from 38 to 79. At first glance it seems that Slovakia passed quicker than Czech Republic over difficulties arising from territorial reform. However, the Slovak model appears, at a closer look, to have negative results.

Slovakia has changed in recent years many governments, each government proposing another agenda for public administration reform, sometimes incompatible with previous ones, leading inevitably to a delay in the reform process.

Slovakia faced during EU accession in 2004 a set of changes at administrative level, changes observed in Country Reports elaborated by European Commission during pre-accession period. Thus, during 1998-2002 numerous legislative and institutional changes took place. In 1999 the European Commission[55] makes the first official statement on the principles of decentralization and local autonomy. The adoption of Public Administration Reform and Decentralization Strategy is welcomed, but it needs to be developed in order to provide a realistic approach to reform implementation. It mentions that Slovakia signed the European Charter of Local Self-government but it was not ratified[56]. In 2000 it was ratified the European Charter of Local Autonomy. Since 2001, several laws were adopted in the context of government reorganization. The law concerning competences'[57] delegation led to implementation of the decentralization principle through the transfer of attributions from central to regional and local levels by establishing legal requirements for fiscal decentralization. The Commission Report from 2002 states that local autonomy is the key element for the public administration reform implementation.

With regard to openness and transparency, the 1998 and 1999 reports were not favorable, the lack of transparency being associated with the privatization process and the manifestation of corruption. In 2000 it was adopted a law on free access to information[58]

[55] European Commission's Regular Report on Slovakia's Progress towards Accession, 1999, p.14.
[56] Iancu, Diana-Camelia, Klimovsky, D., 2008, Thinking outside the box: Local government and the preference-holders' participation to policy making processes in Slovakia and Romania, NISPAcee annual conference, p. 10.
[57] Law no 416/2001 Coll. of Laws on Some Competences Devolution from the State Administration Bodies on the Communities and Superior Territorial Units adopted by National Council of Slovak Republic.
[58] Law no. 211/2000 Coll. of Laws on Free Access to Information and on Changes and Completion of Some Other Acts adopted by the National Council of Slovak Republic..

which results in increasing transparency, citizen participation in decision making and combats corruption[59]. The results of law implementation are felt since 2002.

Another issue that concerned the Commission in the accession of Slovakia to the European Union context refers to the rights of minorities, particularly Roma minority and how they are followed. In 1999 it is adopted the Law on use of minority languages in official documents, thus allowing citizens of different ethnicity to address in the ethnic minority language before administrative bodies when a minority represents 20% of the total population of the area. Implementation of the law was, however, difficult. This determined the Commission to draw attention, through the report in 2000, on this issue, on the living conditions of Roma minority. The Commission's opinion was upheld in 2001 too.

Proportionally with the decentralization process it increases the discrimination phenomenon because, in the new context, local authorities had new competences and attributions, allowing segregation and isolation of Roma population in certain areas of the country[60].

In 2001 a law was adopted on civil service[61], law which, unfortunately, maintained political tensions. The administrative system remained politicized and deprived of the application of certain principles such as responsibility, professionalism and integrity. To this law it was added the civil service law which placed particular emphasis on creating a depoliticized civil service system based on neutrality, impartiality, professionalism, as it was recognized by the Commission in the 2001 report.

The law entered into force in 2002 and in the same year was adopted a code of ethical conduct for civil servants and the government employees, as well as for the elected representatives of local institutions. The implementation coincided with an alignment of different payment systems existing in the public sector and was going to provide the necessary stability and professionalism required to implement administrative reform. The

[59] European Commission's Regular Report on Slovakia's Progress towards Accession, 2000, p.18.
[60] Iancu, Diana-Camelia, Klimovsky, D., op. cit., p.12.
[61] Law no. 312/2001 Coll. on Laws on the Civil Service and on Changes and Completion of Some Other Acts adopted by National Council of Slovak Republic.

Civil Service Law makes provision for mobility, recruitment, training, transfer and the right to continuous learning[62].

A reform of the judiciary system was also started, since courts of justice are negatively viewed and we can not speak of the existence of administrative courts. There were set up control mechanisms such as Control Division of the Office of the Government which intends to verify administrative complaints and the administrative system. Supreme Audit Office has the role to check funds from the state budget, to investigate cases suspected of fraud and corruption. An equivalent of the Ombudsman, "the Public Defender of Rights" was appointed in March 2002, its mandate involving mal-administration. A considerable effort was made to improve legislation on conflict of interest for public officials, the corruption still being a widespread problem.

Certainly the legal system knows the progress. Every measure adopted is accompanied by an addendum that sets out the grounds, necessity and budgetary impact of the act to be adopted. Thus, it can exercise quality control over the adopted legislation, although a lot of legislation was passed to the approval during the adoption of the acquis communautaire.

### III.3 Bulgaria

Like any other candidate country, Bulgaria had to meet the three criteria established in Copenhagen in 1993, and the fourth one, the administrative capacity, established by Council in Madrid in 1995.

In 1997, the European Commission said that Bulgaria should develop a coherent plan of administrative reform. The Commission has outlined some important points in establishing the necessary administrative capacity to implement the acquis.

[62]SIGMA, Slovakia, public service and the administrative framework assessment, 2002, Summary, p.1.

The first point which has been considered concerns the central government's role in European affairs management and the independence of civil servants involved in this activity. Another important point mentioned by the Commission considered launching appropriate and necessary training courses to better train civil servants.

The Commission noted that in Bulgaria there are considerable payment differences between public and private sector. This could stand in the way of performance training. However, the acquis implementation does not represent a problem that directly relates to the administrative personnel's training. Often it is just the lack of institutional framework necessary for Community's policies[63] implementation.

A question raised by the central government in Bulgaria concerns the fact that public administration reform is not a specific topic of the acquis communautaire. There isn't a clear, specific Community directive that takes account of public management rules. Thus, national governments are responsible for the national government. However, the Union influences the way the Member States are governed, even in the absence of direct power.

Like all candidate countries, Bulgaria was imposed some results that had to be achieved. And the means of achieving these results is upon state's choice which is free to organize public administration as it seeks to achieve more efficiently and appropriate the results.

An important feature of the administrative capacity considers the consistency establishment between EU and national policies. The Community ones should become more and more national.

In the prospect of EU membership, Bulgaria's government confronted with a major transformation: a national administrative structure, originally created to implement the European Agreement was gradually transformed into structures designed to conduct business with EU in the pre-accession phase. Thus, the Bulgarian administration has

[63] Borissova, Olga, Public administration reform in Bulgaria, Central and Eastern Europe on the Way into the European Union: Reforms of Regional Administration in Bulgaria, the Czech Republic, Estonia, Hungary, Poland and Slovakia, Centre for Applied Policy Research, Munich, 1999.

become much more aware of the Union internal policies and how they are run. Thus, EU policies are considered domestic rather than external.

Like any other country that went through a communist period, Bulgaria has experienced a centralized administration that has overwhelmed administration and government and rule based on Party policy law. Decisions were taken at central level, the leaders sought to ensure political interests rather than those regional. Municipal and regional budgets were generally allocated.

During 1990-1997, the political situation was characterized by numerous changes of government. Public administration reform has been identified as a priority for Phare assistance in 1993-1994. In September 1995 there were created two related structures intended for administrative reform management: an inter-ministerial working group to deal with administrative reform and a Department of Administrative Reform within the Council of Ministers. In March 1996 it was adopted the "New Strategy of Public Administration Reform in Bulgaria", which focused on central and local government reform. However, the economic crisis that hit Bulgaria in 1996 and the resignation of Videnov government in December 1996 led to the postponement of administrative reform. In 1997 the interim government closed the department for administrative reform and with the election of a new government, it has become a priority, although the responsible institutions have been dissolved and the strategy rejected.

A new strategy was prepared at the new government level, a strategy that at least apparently seams to be a first step to develop the status of civil servants. The strategy was to create a vision of administrative reform, to shape the rules and procedures that were to be used in administrative structures and to introduce new technologies in the services offered to citizens in order to increase transparency and to be sure that the citizens' right to information is fulfilled.

While developing legislation on civil service, the tool necessary for the implementation of administrative reform is delayed by the constant change of governments. The situation activation is triggered together with the preparation for accession to the Union.

The main objectives of reform aimed at:

- Increasing the prestige of the state administration by strictly following the principle of powers' separation.
- Reform of relations between society and state institutions so that the state is relieved of its extrinsic functions.
- Creating favorable conditions for citizens to develop initiatives and activities.
- Building a modern structure of the state administration - modern in terms of organization, efficiency, tools and results.
- Introduction of new technologies and new administrative and information culture as an important condition to achieve transparency of the state administration.

Reforming the State focuses on establishing the state's position and the role of public services, especially by reference to private operators, the awareness of the citizens needs, the role of central government re-examination, the responsibilities delegation, the public management re-sizing.

Two important laws were drawn: one for administration, the other for civil servant. Both were followed by additional acts, secondary legislation, including procedure codes.

The acts are an important step in establishing the necessary legislative framework in order to reform Bulgarian civil servant position in the context of EU accession. Both make explicit reference to principles such as openness, political neutrality, impartiality, accountability, responsibility, loyalty, legality, integrity. Putting down these norms was one indicator of the political elite to build the necessary legal bases for administrative reform.

After the Bulgaria accession to the EU, together with Romania, its administration faces other challenges such as development and successful implementation of projects within the operational programs. A key role in strengthening administrative capacity had even from the outset, the Ministry of State Administration and Administrative Reform, which focuses on the operational program "Administrative capacity" to establish a more modern, efficient and transparent administration.

Particular attention was given to the principles of integrity and transparency appliance. In this regard Bulgaria took part at the European Initiative for Transparency and approved the *Green Paper on Transparency* which aims to increase civil participation in decision making. Therefore, it was adopted a strategy for transparent governance, for preventing and combating corruption and a program for transparency in central government and high ranked officials activity.

As for the legislation, outside the Statute of civil servants it was adopted in 2005 a Code of Ethics of Highly Ranked Officials, which came as recognition of compliance with the principles of transparency, responsibility and integrity in public administration. Moreover, in 2006 there were developed the Standards for administrative ethics. They represent the main rules that underpin public office employment.

Regarding the dialogue with the press, a number of measures were taken including that of ensuring maximum publicity for the forums in which important decisions are taken, of transforming media into a constant partner through the organization of press conferences and the regular updating of official websites.

When we talk about the training we should mention the Institute of Public Administration and European Integration, a body that considerably enlarged the range of training courses offered in public administration, including in their curricula topics such as preventing and fighting corruption. According to a Report on the activity of Public Administration and Administrative Reform[64], in 2006, over 50,000 officials completed a course in preventing corruption. In fact, the training was a part of a wider program "Preventing and combating corruption in public administration by improving its officials" program that sought to strengthen values such as honesty and integrity and applying best practices to reduce corruption in government.

Therefore, Bulgaria's priorities, as a Member State can be summarized to strengthening administrative capacity and preventing and fighting corruption. The European

[64] Report in the Activity of State Administration and Administrative Reform, August 2005-December 2006, available on the official website of the Government of Bulgaria, www.mdaar.government.bg and accessed on 03.01.2010.

Commission's report from 2006 stated that Bulgaria registered "important progress in public administration and it is about to have an efficient administration if the current reform line is maintained".

### III.4 Romania

Like other countries in Central and Eastern Europe, Romania faced the democratization process with fall of the communist regime in 1989. The Romanian transition period from a communist state to one marked by democratic institutions, by liberalization, by protecting the rights and freedoms of citizens and their inclusion in the government was sufficiently long and marked by a considerable development with the establishment of contacts between Romania and the European Union. In 1997 Romania becomes a candidate and, therefore, undergoes a process of Europeanization. The main challenge is to fulfill all the criteria imposed by the EU, including the one about strengthening the administrative capacity.

It should be noted that the period after 1989 is marked, at administrative level, by an excessive politicization, something noted in specialized papers[65]. This is characterized by the fact that civil servants receive a position based on political criteria, and the Parliament does not properly exercise its legislative and parliamentary control function. Thus, the administration is based on centralization and hierarchy.

First contact with the European Union dates from 1990 when a trade agreement was concluded with the CEE and CEEA[66]. In 1993, Romania's intentions to become a member of the Communities become official by signing the Association Agreement[67]. The agreement mentions the need to create appropriate institutions to enable the gradual integration of Romania into the Union.

[65] Alexandru, I., Public Administration. Theories, realities, perspectives, Bucureşti: Lumina Lex, 2002.
[66] Luxemburg Agreement in 22.10.1990, published in the Official Gazette no.51/15.03.1991.
[67] Ratified by Law no. 20/1993 and published in the Official Gazette no.73/12.04.1993. The Association Agreement enters into force partly since 1993 and totally in 1995.

The next step is the year of 1997 when the Commission agrees to issue regular reports on Romania's situation, reports to be submitted to the Council. It is recognized that Romania fulfilled at that time the political criteria but failed to respect the other three, namely that of having a functional market economy, that of the acquis communautaire implementation and that of strengthening the administrative capacity. Romania's monitoring period by the Commission was to begin in the late 1998[68].

The Pre-Accession Strategy called for more leverage in order to implement the mandatory criteria. Thus, we can mention the Accession Partnerships, documents that unilaterally impose conditions for the candidate state, conditions that serve Community interests and policies[69], twinning programs of national administrations that ensure the personnel and resources exchange between Member States and candidate countries, an effective mean of taking the best practices and pre-accession funds: PHARE, SAPARD and ISPA. European Council in Helsinki in 1999 decided to start accession negotiations with Romania[70]. Since 2000, Romania takes position by adopting the necessary documents for each chapter of the acquis communautaire. These documents are intended to present the position of Romania to EU about the acquis communautaire in a particular field, the country's legal status at the time in question, the existing administrative institutions necessary for implementation and the reasons for any requested exceptions.

Negotiating chapters were opened on in the following years. The chapters closed in 2004 and 2005 when is being signed the Accession Treaty of Romania at the European Union. The Treaty will enter into force in 2007, at 1st of January, when following ratification by the Member States, Romania, alongside Bulgaria become member of the European Union.

However, it should be noted, that administrative convergence process has deeper roots than those required when Romania submitted application to the Union. Romania took steps towards democratization and thus to strengthen administrative structures even after

[68] As settled within the Luxemburg European Council in 1997.
[69] Idu, N. (coord.) 2001. Comparative analysis of the status of negotiations for accession to the European Union of candidate countries of Central and Eastern Europe (in Romanian), Bucureşti: European Institute in Romania, p. 9.
[70] Conclusions of European Council Presidency from Helsinki, point I-10.

the fall of the old regime. The contact with the Community was an effective mean of accelerating the acquisition of standards and reaching a quality level within a short period of time.

The complex process of standardizing the rules, the structures and the internal practices with those in European Union countries occurs before the pre-accession period. Romania joined the modernizing line by changing legislative conditions. A new regime needed a new legislation. Constitution, with subsequent amendments and the whole set of laws that came to govern the post-1989 democratic regime are the key elements to our standardization process under observation.

The first major moment is the year 1991 when it's settled the legal context for democratization by adopting the Constitution. Romania becomes a democratic and social[71] state by the rule of law. Undoubtedly, it is not necessary to argument the importance of the relationship between political regime and administrative organization of a state. A democratic state ensures an administrative system based on free elections, freedom of speech, freedom of association, and access to information, rights guaranteed by law and by international treaties to which Romania starts to be a part.

Fundamental for the development of the public administration is to mention the principles of local autonomy and decentralization within the Constitution[72]. Their application has led to better management of local interests and represents a step towards administrative convergence. In addition to decentralization there are established the principles of openness and transparency through the Law no.69/1991. This law speaks also about certain aspects of the organization and functioning of local public administration such as the eligibility of local public authorities, the fact that the prefect is the representative of the government in the territory, the responsibility of mayors, of county council's presidents, of advisers and civil servants for acts committed during their service. This law also underlines essential principles of administrative reform such as effectiveness and efficiency of public services: "good functioning" of communal services, local

[71] The Constitution of Romania, art.1.3, in the initial form from 1991, published in Official Gazette no.233/21.11.1991.
[72] Article 1.1 and 1.2 from Constitution.

transportation and utility network (Article 21.2.1). As mentioned earlier one of the axes around which the administrative reform focused was this public sector borrowing of values from management and private sector.

In addition, the Law also contains other principles such as partnership and cooperation, non-discrimination, rule of law, guarantees of citizens' rights, standards for the proper functioning of public administration. All these principles are reflected in separate laws in the coming years[73]. Visible progress is noted in particular in the period after 1997, when Romania becomes official an EU candidate state. Certainly, the most important legal norm for the administrative system in this period is the Law on Civil Servants Statute, originally published in Official Gazette no.600/08.12.1999, amended, completed and republished in the Official Gazette no. 251/22.03.2001 and no.365/29.05.2007. These emphasize the civil servants delineation of responsibilities and their improvement. In addition, we mention the Law 215/2001 of local government, the Law 161/2003 on measures to ensure transparency in the exercise of public dignities, public positions and in business, to prevent and punish corruption, the Law 339/2004, a framework law on decentralization, the Law 7 / 2004 on the Code of Conduct for Civil Servants, the Law 477 / 2004 concerning the Code of Conduct for contractual staff of public authorities and institutions. Providing the necessary legal context for the reform it is indeed important for the proper conduct of administrative reform. But it is only one of the conditions necessary to achieve the final objectives.

The year 2001 was the one in which public administration reform has taken a strong outline through a series of measures designed to accelerate its implementation[74]. Among these we mention that it was adoption the Governmental Decision 1006/2001, the Strategy for accelerating public administration reform. The main objective of this strategy is to create a new legislative framework for the provision of services by public administration and new institutional structures, to increase the efficiency of civil servants, to modify the organizational mentality and behavior. And last but not least to create an

[73] For instance the local autonomy is underlined by Law 27/1994 on taxes.
[74]Ministry of Interior and Administrative Reform, The Operational Program for Development of the Administrative Capacity 2007-2013, September 2007, p.11.

administration citizen oriented. In September 2001 it was established the Government Council for Monitoring Public Administration Reform and it was composed by eight ministers from the representative Ministries and was headed by the Prime Minister. This body has the task of overseeing the whole process of reform in public administration from the political level. Following the reorganization of central government authorities[75], this body was reorganized[76] itself in order to increase the coherence of its action, the efficiency and flexibility.

In 2001 it was also created the National Institute of Administration (NIA) as specialized institution in training civil servants and elected representatives. National Agency of Civil Servants (ANFP) is responsible for the management of public positions and for the development of normative acts on public positions. ANFP works in close cooperation with INA.

In May 2002 it was established within the Ministry of Interior and Administrative Reform (known at that time as the Ministry of Public Administration), the Central Unit for Public Administration Reform (UCRAP), in order to ensure the implementation of decisions of the Government Council.

During 2004-2006, according to the 2004-2006 revised strategy to accelerate public administration reform and then the 2005-2008 Government Program, the decentralization process has been considered a priority for public administration reform. The Government's commitment is well reflected in the legislative package adopted in 2006 package that includes: decentralization framework law 195/2006, Law on Local Public Finance 273/2006, Law 286/2006 amending and supplementing the Law on local government, 215/2001, Law 251/2006 amending and supplementing the Law on the Statute of civil servants 188/1999 and Government Emergency Ordinance 179/2005 on the prefect institution.

[75] According to the Parliament's Decision 16/18.06.2003 and to Emergency Governmental Ordinance 64/29.06.2003.
[76] Through the Government's Decision 925/2003.

Under the recently adopted legal framework, ministries consider more decentralized competences, as reflected in their projects for sector strategy. The major objectives of decentralization strategies aimed at new skills and at improving the quality of public services already decentralized. To achieve these goals, the strategies have within the action plans the appropriate procedures and implementation mechanisms for both central and for the local government[77].

In the pre-accession period when Romania had the candidate country status, the European Commission, through the constant reports, contributes to a proper direction of administrative reform. Romania has had major problems in public administration domain, problems exposed many times over the pre-accession process by monitoring reports. A critical problem is given by the existence of an administration characterized by centralization and bureaucracy, by lack of transparency and limited capacity of implementing policies.

*Decentralization* is one of the principles of good governance. The aim is to strengthen regional and local authorities that they are able to satisfy the citizens' interests and to respond to external environment changes.

In the 1999 report, the Commission mentions the necessity of financial decentralization and the need to establish a clear mean transferring from central to local authorities. The subject is repeated in subsequent years and the Commission suggests the need to establish the legal context for decentralization. Thus, the Law from 2001 of public administration local government fulfils this need. It defines the local authorities' competences and outlines the relationship between central and local government and promotes the principle of local autonomy. Developing the law was not, however, sufficient to solve the problem of decentralization. This was repeated in 2003 and 2004 when the Commission's attention was directed to the lack of transparency of financial transfers from county to

[77]Ministry of Interior and Administrative Reform, , The Operational Program for Development of the Administrative Capacity 2007-2013, September 2007, p.13.

local level and on the transfer of responsibilities from central to local level, without a proper financial transfers' support[78].

As far as the *openness* is concerned, adopting in 1998 the National Strategy for Computerization and Rapid Implementation of the Information Society is appreciated by the Commission, but Romania is still confronted with problems of proper dissemination of information, problems of citizens' involvement in decision making, particularly of Roma community. The 2001 Law on free access to information improves the situation[79].

*Transparency*, however, is considered almost nonexistent. In 2001, developing the legislation on e-government[80] was a noteworthy step for the principle of transparency at the administrative system level. However, a law in this respect was lacking, this lack being constantly mentioned by the Commission reports in 2000, 2001 and 2002.

The year 2003 is the year when Romania adopted the Law 52/2003 on decisional transparency, a measure welcomed by the European Commission report for that year.

Citizen involvement in the decision making process together with parties directly concerned and the economic and social actors is regulated by the Economic and Social Committee development. Citizens' rights are also highly considered by the Ombudsman institution, the institution which excoriates the administrative authorities when citizens' rights are violated. Its activity reveals thus the principle of *responsibility* at the public administration level.

As previously mentioned, we speak about administrative reform when we aim to apply two specific principles of public management: *efficiency* and *effectiveness*. The Commission repeatedly underlines the need to apply these principles when speaking about the justice and foreign affairs reform, about the management of certain services, about the strengthening the effectiveness of the Ministry of Finance, about the coordination of public policies or about the way local authorities manage their own

[78] The 2003 Country Report, p.17 and the 2004 Country Report, p. 18.
[79] Law 544/2001, published in Official Gazette 663/23.10.2001, subsequently modified and completed.
[80] Government's Decision 1006/2001, published in Official Gazette 660/19.10.2001.

resources. These principles relate mainly to public services and the principle of subsidiary. Its enforcement implicitly leads to increased efficiency and effectiveness.

Another aspect considered by the Commission was that of delimitation between legislative and executive power (an emphasis on *rule of law*, which, despite the political dimension, has in this case a particular relevance by reporting to the executive power). Essentially, it was concerned the legislative activity of the Government that had to be lowered (high number of ordinances led to inefficiency, the slow legislative process to difficulties in implementation and in obtaining the act's results.

Other issues related to administrative reform can be found at procedural level, the decisions taken without following the internal procedures, without proper consultation, without a sufficient assessment of their impact is an example in this sense. The result is the existence of legislative proposals insufficiently developed.

There are difficulties in performing the duties of the National Agency of Civil Servants due to the lack of legal instruments of authority and resources. As for the human resources there are highlighted the problems related to limited training, to high turnover among public officials and to the minor progress made in areas such as: salary, career tracking and development of public responsibility.

In addition, we can mention: insufficient financial resources for professional development of civil servants, the lack of coherent training policies, the high degree of fluctuation, the lack of a unitary payment system for civil servants, the lack of coherent policies on programs aligning public services to the requirements of the acquis communautaire, the lack of a secured electronic communication system that streamlines the movement of documents/information, insufficient or unsubstantiated allocated human resources.

Thus, through the obligation to meet the accession criteria, Romania is subject to a process of administrative reform, like other candidate states, in the general trend prevailing in Central and Eastern Europe. To resume, the most important measures taken during the pre-accession led to:

- implementation of priority programs in the field;
- creation of structures compatible with the EU ones in areas pertaining to: individual records, developing specific legislation, introducing electronic identity card and also its operation;
- creating and developing the framework for staff training;
- implementation of electronic projects, to bring administration closer to citizens, reducing bureaucracy, for example – 'e-Administration';
- beginning the civil service reform process.

An innovative program, funded by the European Union was the Youth Officials Program, the Young Professionals Scheme (YPS), which is preparing new generations of public officials both locally and nationally in line with European values and principles of public management[81].

The post-accession period is also characterized by an attempt to reform. The European Union is a dynamic organization, subject to many factors of influence. Romania now must face a context based on the interdependence characteristic to Member States, on an integration process based on a deeper Europeanization, on practices acquisition and Community standards implementation. Romania's strategic objective for 2007-2013 is the convergence with EU member states in terms of welfare, general attributes of society and citizens. This, of course, includes the administrative convergence at the level of positions, services and public activities.

Deepening at national level the integration process aims to: strengthen the capacity of central and local government; to complete the reforms in justice with sustainable and tangible results in fighting corruption; to strengthen the reforms of internal affairs; to enhance the national information campaign on European values and the integration benefits and costs for the Romanian society.

[81] Central Unit for Public Administration Reform (CUPAR), Answers to the Questionnaire for the Recording of the Existing Situation on the field of the Institutional Renewal in BSEC Member States, Romania, 2006.

Public administration reform strategy developed in 2001 was supposed to be updated before accession and its key points were[82]:

- developing the capacity of public authorities and institutions to formulate and implement national and local policies, consistent with community ones and to work at the performance standards of the national administrations of other EU Member States;
- clearly define the role of each structure within the administrative system in order to determine a coherent institutional mechanism and to have an efficient decision making and implementation process of European norms.

The priority action directions to implement the strategy are:

- The proper application of the acquis communautaire, in parallel with the development of national and local public policies, consistent with the Community ones;
- Increased attention to areas covered by the negotiated transition periods and training institutions responsible for full implementation of the acquis communautaire, after transitional periods expires;
- Continue to implement the general principles of European administrative space on the legality, legal competence, predictability, openness and transparency, responsibility and accountability, efficiency and effectiveness in order to increase the quality of administrative act;
- Develop action training for civil servants in European affairs;
- Institutionalization of a regular dialogue between the central government with local and regional ones for the transfer of best practice in implementing EU policies;
- Increasing the visibility of regional and local authorities in Romania in the European associations of regional and local communities.

[82] Post-accession Strategy 2007-2013, 13.12.2006, available on Romanian Government Official Website , http://www.gov.ro/upload/articles/100071/strategie-post-aderare2a.pdf, on 13.02.2010.

In relation to public administration reform in 2007-2013 is also the objective of fighting corruption. This can be achieved by improvement and rigorously application of the regulatory framework, through stability and consistency of laws and institutional strengthening of agencies with responsibilities in the field. It will be especially considered: the identification of areas vulnerable to corruption and the adoption of measures, the increase of transparency of public institutions, the increase of integrity and resistance to corruption level in public administration.

# Chapter IV CONCLUSIONS

## IV.1 Generalities

The analysis exposed in the three chapters of the present paper offer us a brief image of the interdependence between reform processes and convergence in some EU states, especially in the South-Eastern Europe. Including Slovakia in the analysis confirms the fact that the analyzed topic is wider and has European dimensions.

The most relevant conclusions can be summarized as follows:

- The administrative convergence processes have multiple and profound determinations and are always very visible in the practical sphere. The most employed mechanisms and instruments are comprised in the national reform strategies that focused, due to European authorities' incentive, on some pillars such as: decentralization, public position and public policies.
- The most generous broad framework of the administrative convergence is offered, at least from a theoretical perspective, by the European Administrative Space. The concept was born from the necessity to monitor and direct the administrative reforms in the EU candidate states. European Administrative Space gained virtues specific to a proved European model of public administration. The period that our research takes place into corresponds to an ample process of internalization in the national public administrations of the European Administrative Space (EAS)' values and principles. From this perspective, the perceptions upon the level of integration process differ as well as the manifestations of the public administrations.

### IV.2 The social perception on the internalization of EAS principles

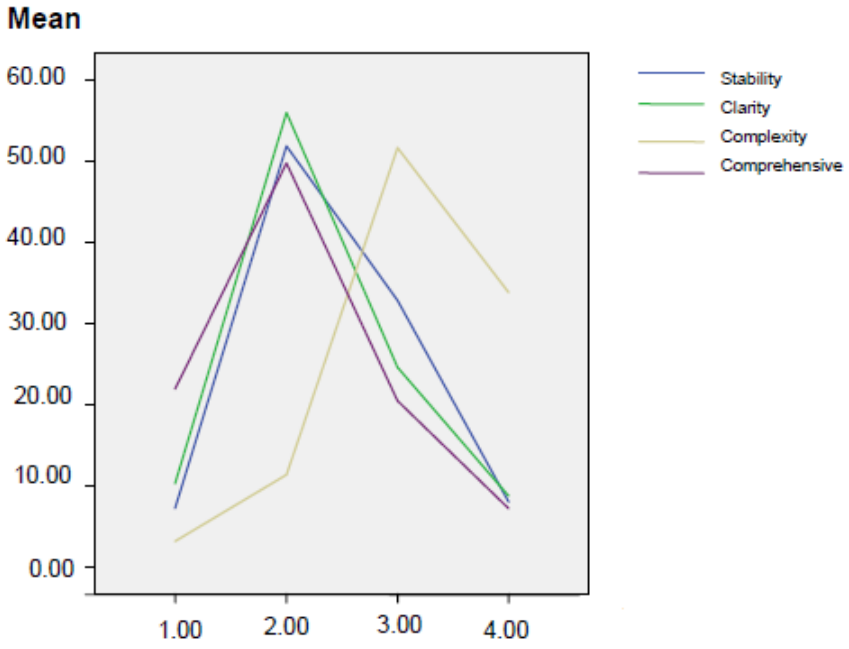
Matei and Matei (2008, 45-49) achieved an interesting analysis from the previously announced perspective. The below data were extracted from a study achieved by a research team of the Faculty of Public Administration of NSPSPA on a sample of 727 civil servants, having a similar structure with that of the corps of civil servants in Romania. The period for data collecting is January – February 2007. The questionnaire comprised three dependent variables: administration through law, openness of administration, administration as itself.

From the thematic perspective of this paper, we mention only some items concerning the three variables deriving from EAS principles.

#### IV.2.1 Administration through law

The social perception was directed towards the four independent variables concerning: stability, clarity, complexity, comprehensiveness. The evolution on a scale from 1 to 4 concerning their social perception is presented in Figure 1.

**Figure 1 - Social perception on the characteristics of administration through law**



The four characteristics of the legislative system specific for public administration have recorded approximately the same perception with a remarkable difference for complexity, for which 51.66 state that it is rather complex, and 33.85% state that it is complex.

We obtain a more detailed quantitative image calculating Pearson correlation coefficient for the four variables. Table 1 presents a powerful positive correlation between the perception on stability, clarity and comprehensiveness and a negative one, smaller as intensity on the complexity related to the other variables.

**Table 1 - Correlation of the variables for administration through law**

| | | Stability | Clarity | Comple-xity | Comprehen-siveness |
|---|---|---|---|---|---|
| Stability | Pearson Correlation | 1 | .966(*) | .057 | .855 |
| | Sig. (2-tailed) | | .034 | .943 | .145 |
| | N | 4 | 4 | 4 | 4 |
| Clarity | Pearson Correlation | .966(*) | 1 | -.177 | .938 |
| | Sig. (2-tailed) | .034 | | .823 | .062 |
| | N | 4 | 4 | 4 | 4 |
| Complexity | Pearson Correlation | .057 | -.177 | 1 | -.464 |
| | Sig. (2-tailed) | .943 | .823 | | .536 |
| | N | 4 | 4 | 4 | 4 |
| Comprehensive | Pearson Correlation | .855 | .938 | -.464 | 1 |
| | Sig. (2-tailed) | .145 | .062 | .536 | |
| | N | 4 | 4 | 4 | 4 |

### IV.2.2. Openness of administration

In order to describe this dependant variable, 3 variables have been determined:

Q1: administration for the citizen;

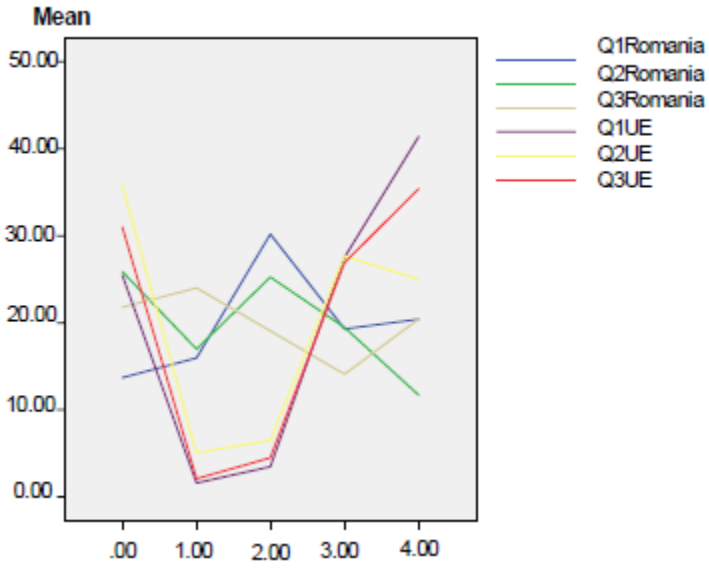
Q2: citizen non-discrimination in his/her relations with public administration;

Q3: equality before law.

The description about the perception of the three independent variables has been designed on two levels: national (Romania) and European (EU).

Figure 2 presents the results obtained in the two above-presented situations. The perceptions are different essentially between the national and European level. Thus, on national level, on average, 35% appreciate the evolution of the mentioned variables with marks of 3 and 4, while on European level, we record a percentage of 61%.

**Figure 2 - Social perception Romania - EU concerning openness of administration**




We obtain a clearer quantitative image determining the correlations between the three variables on national and European level, as well as related with their averages (Mean Q Romania, respectively Mean Q EU). We may formulate the following important remarks:

- on national level, the inter-variables correlations are negative on a large extent, unlike the European level where these correlations are positive, having a large intensity.
- in line with the characterization from the current study, for openness of administration, up to the time being, the social perception reveals negative correlations, negative results for the averages of the variables.
- on national level, the intensity of correlation between the variables and their average is smaller than that on European level, which reaches 1, in some situations.

**Table 2 - Correlation of the variables for openness of administration on national and European level**

| | | Q1Romania | Q2Romania | Q3Romania | Q1UE | Q2UE | Q3UE | MeanQ Romania | MeanQUE |
|---|---|---|---|---|---|---|---|---|---|
| Q1Romania | Pearson Correlation | 1 | .172 | -.343 | -.293 | -.526 | -.392 | .671 | -.408 |
| | Sig. (1-tailed) | | .391 | .286 | .316 | .181 | .257 | .108 | .248 |
| | N | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| Q2Romania | Pearson Correlation | .172 | 1 | -.084 | -.449 | .065 | -.257 | .740 | -.241 |
| | Sig. (1-tailed) | .391 | | .447 | .224 | .459 | .338 | .076 | .348 |
| | N | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| Q3Romania | Pearson Correlation | -.343 | -.084 | 1 | -.327 | -.307 | -.307 | .115 | -.325 |
| | Sig. (1-tailed) | .286 | .447 | | .296 | .308 | .308 | .427 | .297 |
| | N | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| Q1UE | Pearson Correlation | -.293 | -.449 | -.327 | 1 | .811(*) | .972(**) | -.633 | .966(**) |
| | Sig. (1-tailed) | .316 | .224 | .296 | | .048 | .003 | .126 | .004 |
| | N | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |

| | | Q1Romania | Q2Romania | Q3Romania | Q1UE | Q2UE | Q3UE | MeanQ Romania | MeanQ UE |
|---|---|---|---|---|---|---|---|---|---|
| Q2UE | Pearson Correlation | -.526 | .065 | -.307 | .811(*) | 1 | .923(*) | -.451 | .934(**) |
| | Sig. (1-tailed) | .181 | .459 | .308 | .048 | | .013 | .223 | .010 |
| | N | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| Q3UE | Pearson Correlation | -.392 | -.257 | -.307 | .972(**) | .923(*) | 1 | -.569 | .999(**) |
| | Sig. (1-tailed) | .257 | .338 | .308 | .003 | .013 | | .159 | .000 |
| | N | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| MeanQRomania | Pearson Correlation | .671 | .740 | .115 | -.633 | -.451 | -.569 | 1 | -.576 |
| | Sig. (1-tailed) | .108 | .076 | .427 | .126 | .223 | .159 | | .155 |
| | N | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| MeanQ UE | Pearson Correlation | -.408 | -.241 | -.325 | .966(**) | .934(**) | .999(**) | -.576 | 1 |
| | Sig. (1-tailed) | .248 | .348 | .297 | .004 | .010 | .000 | .155 | |
| | N | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |

* Correlation is significant at 0.05 level (1-tailed).

** Correlation is significant at 0.01 level (1-tailed).

### IV.2.3. Correlation: legality – openness

Using aggregated variables, legal administration for the first dependent presented variable as well as the averages on national and European level, for openness, we obtain significant correlations, as we can remark from Table 3.

**Table 3 - Correlation: legality – openness**

| | | Legal adminis-tration | Openness Romania | Openness EU |
|---|---|---|---|---|
| Legal administratio | Pearson Correlation | 1 | .686 | -.156 |
| | Sig. (1-tailed) | | .157 | .422 |
| | N | 4 | 4 | 4 |
| Openness Romania | Pearson Correlation | .686 | 1 | -.680 |
| | Sig. (1-tailed) | .157 | | .160 |
| | N | 4 | 4 | 4 |
| Openness El | Pearson Correlation | -.156 | -.680 | 1 |
| | Sig. (1-tailed) | .422 | .160 | |
| | N | 4 | 4 | 4 |

As in the previous analysis, we remark a distinct separation between correlations of the variables on national level, respectively on European level, as follows:

- an average correlation between evolution, on national level of the processes concerning legality and openness in public administration;
- negative correlations between the two emphasized levels.

***Remarks***

Without going further with the arguments in favor of administrative convergence, restricting the analysis to the level of the national public administrations, Bossaert and Demmke (2003, 71-88) state that the subsidiary fields of administrative convergence are the following ones:

- the convergence of the national administrations, by implementing and applying the European legislation;
- the Europeanization of the public service, through a *negotiation*, *decision making* and *implementation* process at European and national level;
- the convergence of the national administrations and public service, by administrative cooperation;
- the Europeanization of the legislation regarding the public service and of the national personnel policies, through the European Court of Justice jurisprudence and by building networks.

According to European legislation for the broader framework of Europeanization, the Treaty of Lisbon concerning the EU reform narrows the above analysis, making distinguishing between:

- The Europeanization of the basic principles ("democracy", "citizenship", "efficiency", "effectiveness", "rule of law") and the development of the general principles of the public administration ("good governance", "openness", "the fight against the poor administration", etc.);
- The Europeanization of the national public service, taking into account the narrow interpretation of the principles of the free movement of workers and the restriction regarding the employment in the public service (according to Art. 39.4 EC);
- The Europeanization by implementing and enforcing the secondary legislation (the equality provisions in Art. 137 and Art. 141 EC etc.);
- The Europeanization due to the strict interpretation of Art. 10 EC and of the European Court jurisprudence;
- The Europeanization due to the impact of the competition rules in Art. 86 EC and of the privatization of the former public services and enterprises.

The above topics present interest for some known authors that approach this subject convergence and of Europeanization of the public administration, considering that "the public administration Europeanization theory certainly represents an important interest domain" (Bossaert and Demmke, 2003, 56).

## References


Alexandru, I., 2002. *Public administration. Theories, realities, perspectives* (in Romanian), (3rd edition) Bucureşti: Editura Lumina Lex.

Alexandru, I., 2003, *Administration and political power* (in Romanian), Revista de Drept Public, nr.2, Bucureşti, Editura All Beck.

Andersen, S.S., 2004. *The Mosaic of Europeanization. An Organizational Perspective on National Recontextualization,* ARENA Working Papers, WP 04/11, Oslo: Centre for European Studies.

Andersen, S.S. / Sitter, N. 2006, *Differentiated Integration: What is it and How Much Can the EU Accommodate?,* European Integration, Vol.28, no. 4, Routledge, pp.315-318.

Bafoil, F., 2004, *Union Europeenne: Adapter la politique de cohesion*, „La France et la Pologne dans l'Union Européenne. Saurons-nous faire avancer l'Europe ensemble?", Warsaw.

Bărbulescu, I. Gh. 2005. *European Union. From economic to politic (in Romanian),* Bucureşti: Tritonic

Beblavy, M., 2005, *Public administration reform in Slovakia and other Central European countries and its implications for Ukraine*, April, 2005.

Bennett, C., 1991. *What is Policy Convergence and What Causes It?*, British Journal of Political Science, vol.21, nr.2, pp.215-233.

Borissova, O., 1999, *Public administration reform in Bulgaria, Central and Eastern Europe on the Way into the European Union: Reforms of Regional Administration*

*in Bulgaria, the Czech Republic, Estonia, Hungary, Poland and Slovakia,* Centre for Applied Policy Research, Munchen.

Bossaert, D., Demmke, C., 2003, *Civil Services in the Accession States: New Trends and the Impact of the Integration Process*, European Institute of Public Administration (EIPA), Maastricht.

Braibant, G., 1990, *Existe-t-il un systeme europeen de fonction publique?,* Revue Francaise d'Administration Publique no. 55, pp. 601- 618;

Brusis, M., 2001, *Between EU Eligibility Requirements, Competitive Politics and National Traditions: Re-creating regions in the Accession Countries of Central and Eastern Europe*, Paper for the Bi-annual Conference of ECSA, Madison, Panel on Europenisation and Domestic Change in Central And Eastern Europe.

Elhermann, C. D., 1984, *How flexible is Community Law? An unusual approach to the concept of „Two Speeds*", Michigan Law Review, 82, pp. 1274-1293.

Dunleavy, P., Hood, C., 1994, *From Old Public Administration to New Public Management*. Public Money & Management, July-September, pp.9-16.

Falkner, G., Treib, O., Hartlapp, M., and Leiber, S., Complying with Europe, 2005, *EU Harmonisation and Soft Law in the Member States*, Cambridge University Press, New York.

Funar, S., Luţaş, M., 2005, *Corporate Governance – element of convergence in the Romania's EU accession process* (in Romanian), Romania in the European Union. The convergence potential, Supplement to the Theoretical and Applied Economics Harmsen, R., 1999, *The Europeanization of National Administrations: A Comparative Study of France and the Netherlands*, Governance 12(1)

Hendriks, G., 2001, *The Franco-German Axis in European Integration*, Cheltenham: Edward Elgar.

Hoen, H. W. (ed), 2001, Good *Governance in Central and Eastern Europe: The Puzzle of Capitalism by Design*. Cheltenham: Edward Elgar, pp. 54 – 90.

Iancu, D.C., 2008, *Europeanization of public administration in Romania* (in Romanian), PhD thesis, Bucureşti.

Iancu, D.C., Klimovsky, D., 2008, *Thinking outside the box: Local government and the preference-holders' participation to policy making processes in Slovakia and Romania,* NISPAcee annual conference.

Idu, N. (coord.) 2001, *A comparative analysis of the status of negotiations for accession to the European Union of candidate countries of Central and Eastern Europe* (in Romanian), Bucureşti: European Institute in Romania.

Kaeding, M., 2004, *National Administrative Structures to Transpose EU Directives. Convergence to a Common Institutional Model?*, in Politicologenetmaal, 27-28 May, Antwerp.

Kassim, H., 2003, *The European Administration: Between Europeanization and Domestication*, in Governing Europe, Oxford University Press, pp 139-161

Kassim, H., 2000, The National *Coordination of EU Policy: Must Europeanization mean Convergence?*, in Cahiers Européens de Sciences Po, No. 5.

Kaufman. H., 1956, *Emerging conflicts in the doctrines of public administration*, in American Political Science Review, No. 50, pp 1057-1073.

Knill, C., 1998, *European Policies: The Impact of National and Administrative Traditions*. Journal of Public Policy, 18 (1): 1-28.

Kölliker, A., 2001, *Bringing together or driving apart the Union?, Towards a Theory of Differentiated Integration,* West European Politics, 24 (4).

Ladrech, R. 1994., *The Europeanization of Domestic Politics and Institutions: The Case of France*, Journal of Common Market Studies 32 (1), p. 69.

Matei, A., Matei, L., 2010, *European Administration. Normative Fundaments and system models ,* available at SSRN: http:// ssrn.com/abstract=1651782

Matei, L., 2001, *Public Management* (in Romanian), Economica Publishing House, Bucharest.

Matei, L., 2009, *Romanian Public Management Reform. Theoretical and Empirical Studies,* vol.1, Administration and Public Services, Economica Publishing House, Bucharest.

Matei, L./ Iancu, D.C., 2007, *Theoretical boundaries: the Europeanization of public administration and its institutional levers in Theoretical and Applied Economics - extract* („Romania's Integration in the European Union. Opportunities and threats, vol.1) (in Romanian), April 2007, Bucureşti, pp.93-112.

Matei L., Iancu D.C., 2009, *Europenizarea administraţiei şi funcţiei publice*, [Europeanization of Administration and civil service], Volume 1: Procese fundamentale ale europenizarii administratiei publice [Fundamental processes of public administration Europeanization], Economica Publishing House, Bucharest.

Matei, L., Matei, A., 2008, *Globalization and Europeanization - A Projection on a European Model of Public Administration*, Theoretical and Applied Economics, vol.4, no.4, pp 33-52, available at SSRN: http://ssrn.com/abstract=130129.

Nedergaard, P., 2007, *European Union Administration*: *Legitimacy and Efficiency*, Martinus Nijhoff Publishers, Leiden, Boston

OECD, 2001, *Regulatory Reform in Greece*, OECD Reviews of Regulatory Reform, Paris.

Olsen, J.P., 1997, *European Challenges to the Nation State*. in Steunenberg, B, Van Vught, Fr. (eds.), "Political Institutions and Public Policy", Kluwer Academic Publishers, Amsterdam.

Olsen, J.P., 2003, *Towards a European Administrative Space,* ARENA Working Papers, WP02/26.

Osborne, D., Gaebler, T., 1992, *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector*, Reading MA: Addison-Wesley.

Page, E.C., 1995, *Administering Europe,* in Hayward, J., Page, E.C. (EDS.), "Governing the new Europe", Polity Press, Cambridge.

Peters, B.G., 2000, *Explaining Success in Administrative Reform,* in Wollmann, H. and Schroter, E. (eds), "Comparing Public Sector Reform in Britain and Germany. Key Traditions and Trends of Modernization", Ashgate, Aldershot.

Peters, B.G., Pierre, J., 2007, *Handbook Of Public Administration*

Phillippart, E, Sei Dhian HO, M., 2000, *The Pros and Cons of „Closer Cooperation" within the EU, The* Hague: Scientific Council for Government Policy.

Pijpers, A.,(ed.), 2000, *On Cores and Coalitions in the European Union: The Position of Some Smaller Member States*, The Hague: Netherlands Institute of International Relations, „Clingendael".

Pollitt, C., 2002, *Clarifying Convergence. Striking Similarities and Durable Differences in Public Management Reform*. Public Management Review, 4(1), pp 471-492.

Saurugger, S., Surel Y., 2009, *Au-delà de la convergence : instruments de résistance dans l'Union Européenne*, Manuscrit auteur, publié dans 10e Congrès de l'Association française de science politique (AFSP), Grenoble: France (2009).

Schaout, A., Jordan, A., 2004, CSERGE Working Papers EDM 03-14, University of East England, Norwich, UK.

Schmidt, V. 2003., *Europeanization of National Democracies: The Differential Impact on Simple and Compound Polities*, School of Public Policy Working Paper Series, WP4, University College, London.

Schrauwen, A. A. M., 1999, *Flexibility in Constitutions: Forms of Closer Cooperation in Federal and Non-Federal Setting,.* Amsterdam: Hogendorp Centre for European Constitutional Studies.

Sepos, A., 2005, *Differentiated Integration in the EU: The Position of Small Member States,* European University Institute, Robert Schuman Centre for Advanced Studies, EUI Working Papers, No. 2005/17, Badia Fiesolana, San Domenico de Fiesole.

SIGMA, 2002, *Slovakia, public service and the administrative framework assessment*, summary.

Stubb, A., 1996, *A categorization of differentiated integration*, Journal of Common Market Studies, 34 (2), pp. 283-295.

Vink, M., 2002, *What is Europeanization? And Other Questions on a New Research Agenda*, Paper for the Second YEN Research Meeting on Europeanization, University of Bocconi, Milan.

Savenco, I., Les Systèmes traditionnels concernant la fonction publique dans l'Union Européennee, p.