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Providing Integrated Public Services to Citizens at the National and Pan-European level with the use of Emerging Semantic Web Technologies
(SemanticGov)

WP02 – Requirements analysis for national and
pan-European e-Government services

D2.2 – Legislative, Institutional and EU Policy
Related Requirements

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Abstract: The necessity for public semantic web services at the pan-European level depends on the effective level of inter-state administrative interaction. Deliverable 2.2 covers the legislative, institutional, and policy requirements for administrative interoperability. It examines the administrative profiles of all 25 EU member states and briefly reviews the literature on the European administrative models and the European Administrative Space. A comprehensive bi-dimensional (Normative, Operational) classification scheme for PA is presented and the administrative convergence processes discussed. The main conclusions are that: (i) member states follow two contradictory administrative models that don't facilitate collaboration (ii) convergence and cooperation are, therefore, poor, (ii) interoperability problems are not of a legal but rather of cultural nature (iii) ICT solutions must generate non-existent interstate administrative processes through a "procedural translation" approach (iv) institutionalization and monitoring of the technologically established processes are necessary (v) PEGS must be established according to four criteria: specification, specialization, institutionalization, adaptation.

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Executive Summary

The present document serves as deliverable 2.2 Legislative, Institutional and EU Policy Related Requirements of the SemanticGov project. It has been prepared under Work Package 2 (Requirements analysis for national and Pan-European e-Government services), and is related to task 4.1 (PA Domain Ontology) and task 2.2 (Identify technical, procedural, and semantic requirements – with focus on the later – for NEGS and PEGS provision.) of the project.

In the first section deliverable 2.2 classifies the administrative profiles of the EU member states according to six dimensions:

1. the general politico-administrative status;
2. the decision making system;
3. the policy implementation system;
4. the judicial system;
5. the decentralised structure; and
6. the civil service main features

concluding that European institutional diversity creates a non favourable environment for inter-state administrative cooperation.

In the following sections the literature on the European administrative models and the European Administrative Space is briefly examined in order to define similarities and divergences between MS administrative apparatuses.

A comprehensive bi-dimensional (Normative, Operational) classification scheme for PA is then presented and the administrative convergence processes discussed.

The numerous bipolar or multi-polar categorizations according to different criteria which are presented above could converge into two main paradigms according to the following formula: Centralized, parliamentary (legal decision making), administrative law, clientelistic plus former planned economy parameters form the normative model, while decentralized, consociational, weberian, common law plus Westminster parliamentarianism (policy decision making) form the operational model. This means that countries with one or more of the following profiles:

- (a) Napoleonic/ centralized,
- (b) Southern/ Catholic, Orthodox,
- (c) Civil / Public law based,
- (d) Parliamentarian with rule -making orientation,
- (e) Clientelistic, and
- (f) Planned economy past,

are expected to be prominently normative, while countries with one or more of the following features:

- (a) Non Napoleonic,
- (b) Nordic/ reformist,
- (c) Consociational,
- (d) Parliamentarian with result oriented policy -making (Westminster model),
- (e) Weberian,

(f) Strongly market oriented will probably belong to the operational tradition.

Communication and interoperability seems to be easy within each block (e.g. between normative and/ or operational countries) and problematic among them. Administrative convergence seems therefore, to be poor at both structural and procedural levels. Interoperability problems are not of a legal but rather of structural, procedural and cultural nature.

IT solutions could therefore fill-up the gap by “translating” between institutional and procedural systems and linking distinctive national processes while respecting relevant political and administrative traditions. ICT solutions must generate non existent interstate administrative processes through a “procedural translation” approach

“Procedural translation” signifies the standardized and digitalized mutual recognition of dissimilar components (documentation, authorization etc.) of parallel, homologous but differentiated national courses of administrative action.

Instead of aiming at digitalizing loosely linked or parallel national administrative processes, European interoperability projects should create such processes from scratch by proposing user friendly e-solutions. Institutionalization and monitoring of the technologically established processes will be necessary.

Within the above framework PEGS should be established according to the following four criteria: specification, specialization, institutionalization and adaptation

1 Introduction

According to the SemanticGov's technical description the deliverable 2.2 is part of the WP2 broader output. This output also includes deliverables 2.1 and 2.3:

- Deliverable 2.1 will produce a generic requirements analysis and conceptual systems architecture for semantic e-Government services at the National and Pan-European level
- Deliverable 2.2 will analyze legislative, institutional, and EU policy related requirements and
- Deliverable 2.3 will proceed with the identification and selection and subsequent specific requirements analysis of the SemanticGov concrete showcases

More precisely D.2.2 is a direct result of task 2.2 aiming to identify technical, procedural, and semantic requirements for PEGS delivery.

The legislative, institutional and EU policy related requirements that will be documented by the present report are dimensions of the *procedural component* of the above mentioned Task. This report is, therefore, going to focus on administrative procedures for PEGS delivery including their legislative, institutional and policy facets.

An accurate knowledge of such facets is a vital prerequisite of the overall SemanticGov endeavor as far as it permits a better understanding of the macro-level for PEGS implementation. While business, semantic and technical requirements analysis delivered through the 2.1 and 2.3 output cover the micro-level of functional and technical requirements, the 2.2 output focuses on the big picture: the global European Administrative Environment.

From an institutional point of view PEGS are not just a technically up to date way for interstate administrative cooperation. Pan European administrative services will directly contribute to engendering a Common Administrative Space, and, thus, will add an important input to the development of the European Union.

A SemanticGov showcase must be a pilot PEGS characterized by two main features. It has to be:

- technically effective and
- administratively operational

The criteria for technically effective PEGS are going to be defined through D.2.1 which will propose a technical/ semantic methodological framework.

The criteria for administratively operational PEGS are going to be defined through D.2.2, which will propose a technical/ semantic methodological framework.

Both inputs will then permit the selection of the appropriate inter-state administrative procedures (D.2.3.) that can properly showcase the SemanticGov approach and added value.

The relations between the deliverables 2.1, 2.2. and 2.3 are reflected in the following figure:

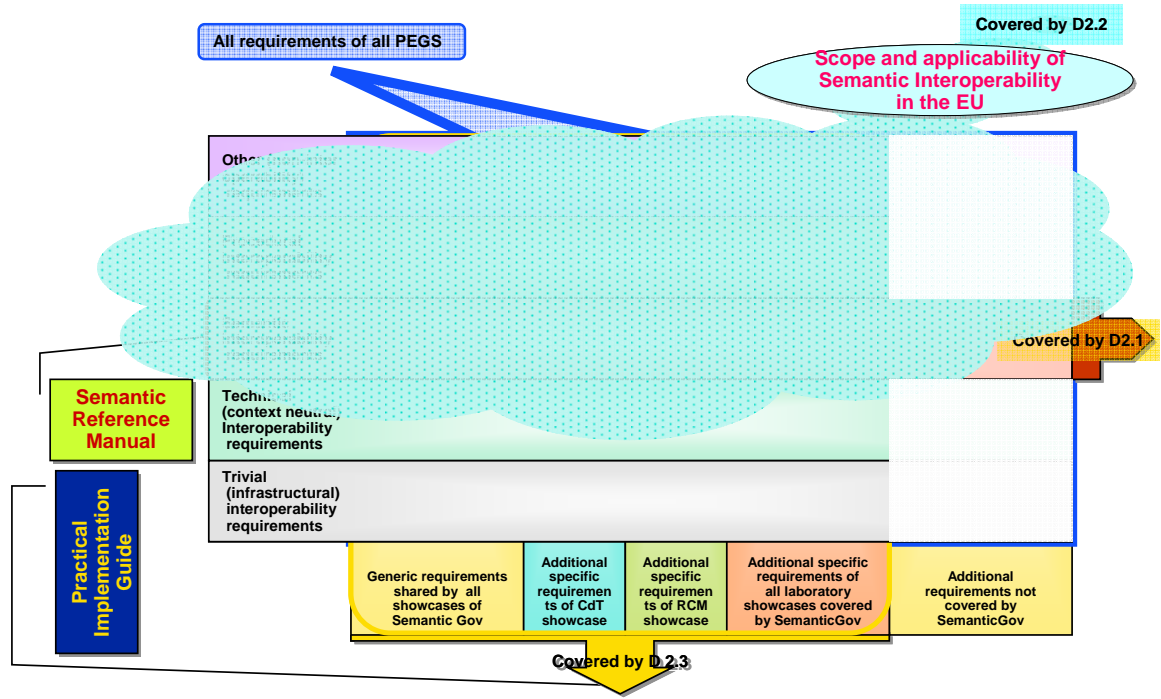


Figure 1: Relations between deliverables in WP2

2 Basic Administrative Features Classification

PEGS directly depend on the procedural compatibility of the cooperating national administrative systems. On the other hand cooperation capacity is heavily influenced by the respective institutional frameworks. A glimpse on the complexity of the “institutional geography” of the European administrative area will elucidate the importance of the institutional parameters for properly choosing PEGS.

This section presents a comprehensive classification of the different administrative profiles of the EU member states [12] according to six dimensions:

- The general politico-administrative status
- The decision making system
- The policy implementation system
- The judicial system
- The decentralised structure and
- The civil service main features

<u>General status</u>	<u>Presidential Republic</u> Austria Cyprus Czech Republic Estonia Finland France Germany Greece Hungary Ireland Italy Latvia Lithuania Malta Poland Portugal Slovakia Slovenia	<u>Constitutional Monarchy</u> Belgium Denmark Luxembourg Netherlands Spain Sweden United Kingdom
<u>Decision making system</u>	<u>Unicameral</u> Cyprus Denmark Estonia Finland Greece Hungary Latvia Lithuania Luxembourg Malta Portugal Slovakia Sweden	<u>Bicameral</u> Austria Belgium Czech Republic France Germany Ireland Italy Netherlands Poland Slovenia Spain United Kingdom
<u>Policy implementation system</u>	<u>President centric</u> Cyprus	<u>Prime-Minister Centric</u> Austria

	France Poland	Belgium Czech Republic Denmark Estonia Finland Germany Greece Hungary Ireland Italy Latvia Lithuania Luxembourg Malta Netherlands Portugal Slovakia Slovenia Spain Sweden United Kingdom
<u>Judicial system</u>	<u>Civil Law</u> Austria Belgium Czech Republic Denmark Estonia Finland France Germany Greece Hungary Italy Latvia Lithuania Luxembourg Netherlands Poland Portugal Slovakia Slovenia Spain Sweden	<u>Common Law</u> Cyprus Ireland Malta United Kingdom
<u>Decentralisation</u>	<u>Unitary</u> Cyprus Czech Republic Denmark Estonia Finland France Greece Hungary Ireland Italy Latvia Lithuania Luxembourg Malta Netherlands	<u>Federal/Enhanced local autonomy</u> Austria Belgium Germany Spain United Kingdom

	Poland Portugal Slovakia Slovenia Sweden	
<u>Civil service</u>	<u>Career system</u> Austria Belgium Cyprus Czech Republic Denmark Estonia France Germany Greece Hungary Ireland Italy Latvia Lithuania Luxembourg Malta Poland Portugal Slovakia Slovenia Spain United Kingdom	<u>Position System</u> Finland Netherlands Sweden

Table 1: Administrative profiles of the EU Member States

Concluding, one can say that European institutional diversity poses several obstacles as to inter-state administrative cooperation.

3 Convergence Dynamics

3.1 Taxonomies of National Administrative Systems: The European Administrative Diversity

Institutional diversity combined with differentiated cultural backgrounds creates some obstacles to pan-European administrative interoperability. Despite the fact that European states share common political traditions, the structural and functional transcription of this common heritage at the administrative level generates public organization paradigms of a great diversity. Many scholars of European PA are discussing the phenomenon of lack of administrative uniformity in Europe and more precisely between the EU member-states.

Theo A.J. Toonen with Jos C.N. Raadschelders, of Leiden's University Department of Public Administration, in a paper produced in the context of a comparative research project on public sector reform in Central, Eastern and in Western Europe (directed by Joachim Jens Hesse), are focusing on the fundamental and historically deeply rooted institutional variation of the national administrative systems in Europe [13].

According to Toonen and Raadschelders there is a multitude of state traditions and, thus, styles of Governance in Europe. The authors organize European politico-administrative differences according to the following six bi-polar divisions:

- East-west division
- North-south division
- Napoleonic and non-Napoleonic systems
- Westminster vs. Consociational democracies
- Public Law vs. Common Law traditions
- Weberian vs. Clientelistic traditions

Finally, we present some additional classification schemes proposed in the literature.

3.1.1 East-West division

Western European governance reforms in the 20th century occur within a tradition of Renaissance, Reformation and Enlightenment produced in Western Europe a societal system based on:

- secularisation of governance.
- individualism,
- ownership
- entrepreneurship
- capitalism,
- rationalism and
- democracy
- urbanism.

3.1.2 North-South division

There is a major difference between Northern (protestant) and Southern (catholic) Europe. Protestantism in whatever form struck root in regions with a tradition of local self-government (Anglicanism in England, Lutherism in the northern parts of the German territories and the Nordic countries, Calvinism in the Dutch Republic). Reformation and rationalism jointly promoted capitalism. The protestant churches were organised and governed in local chapters.

Catholic territories maintained a tradition of strong central government with deconcentrated units in the periphery.

These legacies still influence public organization. In the centralised countries of catholic tradition, recent reforms focused on the region, while in the protestant countries with self-government tradition, reforms focused on local government.

3.1.3 Napoleonic and non-Napoleonic Systems

The administrative reforms in the period from 1780 to 1820 under the influence of Napoleon intensified the North-South distinction. In the Napoleonic countries central government was strengthened, while in the non-Napoleonic countries the reforms ultimately led to elaboration of the role of local government. In non-Napoleonic countries such as the Netherlands various 'Napoleonic' reforms were upheld, and after some time 'balanced' with the more German organic tradition¹.

3.1.4 Westminster vs. Consociational democracies

Regarding democratic representativeness, two basic systems were developed:

- In the Westminster-democracy parliament is sovereign and the source of all legitimate, strongly and nationally legislated, government activity.
- In the Consociational democracies, parliament shares governance with a variety of public, semi-public elected bodies and private associations as well. Local government plays an important role in the overall system of public service delivery while participation became considered as the capstone of the development toward democracy. Both private and community bodies (the church) and government provide services at the lowest possible level. The production of public services and the implementation of programs and regulations by non-governmental, not-for-profit, organisations is deeply rooted in many continental state systems. In that sense the principles of subsidiarity and of 'social entrepreneurship' existed as a principle of governance, for centuries in the societies of Western Europe.

3.1.5 Public Law vs. Common Law Traditions

Legal framework was also cradled in two different traditions:

¹ By *organic tradition* the authors refer to a horizontal/ peer kind of spatial integration and policy coordination, contrasting with the Napoleonic centralized and hierarchical integration model. Balancing Napoleonic and organic traditions means to combine elements from both organizational and – mainly – cultural modes. Centralization, of course, is not an invention of the Napoleonic era but attained its highest - until then - point after the French Revolution as an attempt to ensure the “liberté, égalité et fraternité”, triptych, and mostly the second component, by homogenizing a given area. The Marxian (in Marx’s personal writings, not the broader Marxist theory of his disciples) critique of the “égalité” focuses on the highly formalistic nature of legal equality (equity) while equality is related to the sameness of the material conditions of human living. Rawls refers to a substantive equality of opportunities. The question remains, anyway, tightly related to subjective values and, thus, highly ideological.

- In Anglo-Saxon Westminster models, the common law is the tradition where the legislator tries to directly determine operational action by detailed, instrumental and enforceable legislation
- Continental-European state systems are characterised by a Rechtsstaat/public law-tradition of statutory regulation by means of broad authorisations and framework-laws that may shape outcomes, but not determine them

3.1.6 Weberian vs. Clientelistic Traditions

In Northern countries, the development of strong bureaucracies and administrative elites kept 'political interference' at an arms length, preventing clientelistic spoils systems to develop.

In countries like Italy, Spain, Portugal and Greece, but also Belgium the bureaucracy traditionally has had a low status. And political clientelism is widespread throughout the public service

3.1.7 Other classification schemes

Edward Page [14] in a more condensed classification observes the following five patterns of civil service systems in Western Europe. The characteristics of each pattern are presented below:

1. Southern European pattern: bureaucracy has low status, widespread patronage, legalistic culture, extensive national intervention in local government possible (Italy, Spain, Portugal, Greece, and - to some degree - Belgium);
2. Scandinavian pattern: professional, non-politicized civil service, bureaucracy has high status, much less national interference in sub-national government, segmented civil service (Denmark, Norway, Sweden, and - to some degree - Finland and the Netherlands);
3. Germanic pattern: high status for civil servants, civil servants are lawyers, segmented civil service, higher levels of civil service are politicised, limited federal control in sub-national government (Austria, Germany, Switzerland);
4. British and Irish pattern: least politicised senior civil service, high status, not segmented but a government-wide civil service;
5. French pattern: high status for civil servants, senior level is politicised, segmented according to the *Grand Corps*.

Ferrel Heady [15] distinguishes between:

1. the "classical" weberian continental model of France and Germany
2. the anglo-saxon paradigm of public participation,

Guy Peters and Jon Pierre [16] studying the complex relations between political and administrative sub-systems of the statal apparatus classify separately:

1. Anglo-saxon systems
2. Continental systems
3. Scandinavian systems

Finally, Dunleavy and Hood [17] differentiate:

1. The continental Old Public Administration of civil law
2. The anglo-saxon common law model and more precisely its New Public Management version promoting businesslike public services.

3.2 European diversity in change management

The management of change constitutes a critical feature of any administrative model.

Not only policy-making and day-to-day operations vary but, most important, change is perceived, aimed and managed in totally differentiated manners by the diverse national administrative systems.

Wright [18] says that reforms are not dictated by generic tendencies but are system-sensitive. As an example he mentions the following cases:

- there was no radical privatisation in Sweden and the Netherlands since an extensive system of public (industrial) enterprises did not exist;
- the decentralisation potential in countries such as Britain, Portugal, Greece and France is substantial since these systems had less a tradition of local self-government than for instance Denmark and Germany;
- Sweden and Denmark did not follow the creation of the Next Steps autonomous agencies since they already had them;
- Germany, Denmark and the Netherlands have not delegated administrative activities to third sector bodies since they already had that.

Toonen and Raadschelders are also stressing the fact that a number of cultural and institutional factors differentiate the change process and management:

- National fundamental differences in the structure and functioning of the state and administrative system that often go back for centuries, reflecting deeply rooted state traditions, seem to explain large parts of the variation in strategy of reform. Some avenues for reform were open in one system but not in another, and the other way around.
- Institutional structures affect public sector reform in various ways. They determine which actors are of importance in reform processes, and the strategies and modes of reform.
- The 'neo-corporatist' consociational (Dutch and Scandinavian) model developed a different approach to the public sector reform than the Anglo-Saxon model of parliamentary sovereignty and non-negotiable policy. Organised social interests have been systematically incorporated in designing reform strategies. 'Administrative agreements', a legal novelty, between cabinet and various governmental partners is the new way of operating in central-local relations.
- Diversity in public sector reform patterns, also regards the role of local governments. In some systems local governments have been key players and prime carriers of the overall reform of the system. (Scandinavian countries and the Netherlands). In other systems, local government is the only part of the system where - thus far - reform takes place. (Germany and France). Finally there are systems where local governments largely have been the victims of reform, be it victims which show a capacity for resilience. (England).
- Central governments in unitary states seem to be more able to carry out institutional reforms of the public sector

Diversity in change and innovation management seems to be a decisive factor in the European administrative reform process. Trying to impose the alignment of national systems to common European administrative standards could be risky. As a SIGMA study [19] underlines, candidate countries governments under pressure to bring their regulatory systems into line with the *acquis communautaire*, while addressing many other problems, run the risk of introducing sub-optimal laws and regulations

This can mean that legal norms:

- cannot be implemented because institutional capacities are not up to the task, or sufficient
- budget funds are not available;
- impose unnecessary costs on society or the economy leading to loss of competitiveness;
- are not judicable because of the quality of legal drafting or the capacity of the justice system;
- open up opportunities for abuse and corruption;
- introduce bias in favour of certain actors;
- do not achieve their goals.

3.3 A Comprehensive Classification Scheme for European Administrative Systems: The Normative – Operational Models

Based on the above analyses we can now formulate a series of *classification hypotheses* through which we will endeavour to present a comprehensive grid for better understanding the administrative environment of the potential technical interoperability solutions.

Napoleonic/ centralized tradition	non Napoleonic/ decentralized tradition
Greece, France, Cyprus, Spain, Poland, Italy, Portugal, UK, Belgium, Luxembourg, Ireland, Malta	Germany, Estonia, Latvia, Lithuania, Austria, Hungary, Slovenia, Czech Republic, Slovakia, Denmark, Sweden, Finland, The Netherlands

Table 2: Napoleonic/centralized and non Napoleonic/non centralized countries

Parliamentarian model	Consociational model
Greece, France, Cyprus, Spain, Poland, Italy, Portugal, UK, Belgium, Luxembourg, Ireland, Malta, Germany, Austria, Hungary, Slovenia, Czech Republic, Slovakia	Estonia, Latvia, Lithuania, Denmark, Sweden, Finland, The Netherlands

Table 3: Parliamentarian and consociational countries

Clientelistic tradition	Weberian tradition
Greece, Cyprus, Spain, Poland, Italy, Portugal, Belgium,	Estonia, Latvia, Lithuania, Denmark, Sweden, Finland, The Netherlands, France, UK, Luxembourg, Ireland, Malta, Germany, Austria, Hungary, Slovenia, Czech Republic, Slovakia

Table 4: Clientelistic and Weberian countries

3.3.1 Two ideal-type administrative models: the “Normative” and the “Operational”

Through the above three classification hypotheses the numerous bipolar or multi-polar categorizations according to different criteria presented above could converge into two main

paradigms according to the following formula: Centralized, parliamentarian (legal decision making), administrative law, clientelistic plus former planned economy parameters form the normative model, while decentralized, consociational, weberian, common law plus Westminster parliamentarianism (policy decision making) form the operational model. That means that countries with one or more of the following profiles:

- Napoleonic/ centralized
- Southern/ Catholic, Orthodox
- Civil / Public law based
- Parliamentarian with rule -making orientation
- Clientelistic
- Planned economy past

are expected to be prominently normative, while countries with one or more of the following features

- Non Napoleonic
- Nordic/ reformist
- Consociational
- Parliamentarian with result oriented policy -making (Westminster model)
- Weberian
- Strongly market oriented

will probably belong to the operational tradition.

While a given country can be classified in opposite groups according to different criteria one or more predominant factors can permit to label ultimately each and every member-state into one of the two ideal-type (in the weberian sense) models

1. The first, that is termed “normative model”, covers the Napoleonic and civil law continental countries, mostly France, and other influenced by the French administrative tradition “latin” and Mediterranean countries (Italy, Spain, Portugal, Greece), but also Belgium and Luxemburg, as well as countries with rule-oriented Germanic tradition such as Germany, Austria and other Mitteleuropa states (Czech Republic, Slovakia, Hungary, Poland and Slovenia)
2. The second-one labeled “operational model” gathers countries of anglo-saxon common law and Westminster tradition such as the United Kingdom, Ireland, Cyprus and Malta but also countries with “reformistic” culture such as the Netherlands and the Nordic (Sweden, Denmark and Finland) and the Nordic/Germanic-influenced countries (Baltic states)

<i>Normative model</i>	<i>Operational model</i>
Greece, Cyprus, Spain, Poland, Italy, Portugal, Belgium, France, Hungary, Slovenia, Czech Republic, Slovakia, Malta , Luxembour, Germany, Austria	Estonia, Latvia, Lithuania, Denmark, Sweden, Finland, The Netherlands, UK, Ireland,

Table 5: The normative and operational models

Communication and interoperability is expected to be easy within each block and problematic among them. The “operational model” facilitates interoperability in general –by coordination

through results- while the “normative” one constitutes an obstacle per-se –by requiring coordination through formal rules.

The normative model is characterized by increased interest for legal formality. A distinctive type of law, public law, governs the functioning of the state as well as the relations between public entities and civil society. Drafting and implementing formal rules and regulations becomes the main content of the day-to-day administrative operations, the law turns out to be the most important tool for administrative work, while legal knowledge its major cognitive framework. Such public administrations are rule oriented mechanisms.

The ideal-type features of the “operational model” are totally opposite to those of the previous, “normative” one. Legal tools, though not ignored, cease to be the core means for administrative action. Quantitative methods based on the use of performance indicators, strategic and operational planning, cost-benefit analysis and other similar techniques, mostly borrowed from business management, are the backbone of administrative working methodologies. “Operational” administrative systems are result-oriented mechanisms.

The following table summarizes the main features of the two models.

Administrative dimensions	“Normative” model	“Operational” model
Mission	Guaranteeing public interest	Producing public utilities
Public action deliverables	Administrative/ legal acts	Policies, measurable results, services, customer satisfaction.
Recipients of public action deliverables	Administrated subjects liable to legal obligations.	Customers, beneficiaries, entitled to rights and claims
Legality	Dominant element	Part of a broader administrative toolset
Administrative timing	Indicative (“reasonable period of time”), flexible deadlines.	Strict deadlines. Time is a major quality and effectiveness factor and a cost variable to be minimized
Control	Conformity with rules and regulations	Multidimensional monitoring of organizational, regulatory, financial, procedural and human factors.
Evaluation	Legality	Efficiency, effectiveness, quality
Change	Exceptional, time-consuming, formal, top-down	Regular, prompt, operational, participatory
Human resources management	Mostly career systems. Personnel management: Formal qualifications, ranking and promoting by seniority, disciplinary controls	Mostly position systems. HR development: Skills, advancement based on new application for a higher ranking post, result producing capacities, multidimensional evaluation
Financial management	Respecting legality through checks and balances	Optimizing cost-benefit relations

Table 6: Main features of the two models

Even if no pure form of the above mentioned ideal-type models can be detected in real life (for example there is always a kind of strategic prioritization and long term planning, even implicit, in every type of administration) they have a heuristic value for defining the most probable administrative behavior in given conditions .

The main lesson learned hitherto from the multiple efforts of administrative cooperation within EU, is that administrative diversity constitutes a main obstacle for common policy-making. The necessity of a unified European Administrative Space as a way to overcome planning inconsistencies and implementation disparities becomes, therefore, emergent. How advanced seems EU to be in this path?

4 Interstate Co-operation

4.1 Introductory remarks

As a political system [20] the EU is characterized by the complex intermeshing and interpenetration of the European and the National. The EU is a creation and a creature of the State. In other words the state confers competencies and suffer/encounter the outcome of the exercise of EU power. European level institutions and structures are penetrated by national officials, who are present at all levels of the policy process, and dependent on national administrations for the implementation of EU policies.

National Public Administrations are both active subjects of the EU policy process, as participants, and objects, as national actors affected by the outcomes of the process of European Integration

4.2 The political system of the EU

4.2.1 Main characteristics [21]

1. The demarcation of competencies and powers between the EU and member-states is blurred.

The EU government is collective, there is no clear separation of the National and the European and there is no authoritative division of responsibilities between the two levels.

2. The EU is “fluid”, and “always in the process of becoming”

The EU is fluid, ambiguous and hybrid and there is no common vision or project for the future Europe.

Institutions and policies evolve constantly.

Membership, rules governing the relationships between institutions, competencies and functions evolve continuously.

The EU is not based on a single Treaty, a unitary structure (pillars) or a single centre of authority and power. The formal/official description of the EU as a unified system-three pillars within a single institutional framework- is misleading in view of the differential allocation of decision-making power to the institutions, the differences in structure and the procedures that apply in each pillar.

3. Institutional Fragmentation

Power is shared between various institutions. Legislative power is shared by two institutions (two chamber legislature) the Council & the European Parliament. Executive power (political & administrative) is spread between member states, the European Council, the Council of Ministers and the Commission.

Each institution is internally differentiated and has its own methods, procedures and culture, exercises varying degrees of power and commands different resources, eg. the internal structure of the Commission (the political level of the College of Commissioners and their cabinets in their relations with the administrative level- the Commission services) and the Council (its tripartite structure- working groups, COREPER and ministerial meetings - is differentiated along sectoral lines, the various bodies operate according to different norms and with the decline of the General Affairs Council as coordinator there is a strong tendency towards fragmentation – weak horizontal co-ordination etc).

4. Complexity of the EU policy process

Policy process is unusually open and policy agenda (agenda setting) come from a variety of sources. Decision-making involves a multiplicity of actors (public/private, National/European) with their own interests and policy preferences.

No single actor controls the process and the decision is the result of continuous negotiations couched in coalitions. Coalition building is unpredictable, time consuming, sector specific and cross-cutting.

The legislative procedures are long and complex and with the Council applying different decision rules (almost 24) in different policy sectors and sub-sectors. According to which procedure is used there is a differentiation in power distribution between institutions, creating variations in inter-institutional balance, encouraging different strategies and imposing different ‘bargaining requirements and privileging certain outcomes over others.

Finally the EU policy and decision-making is consensual.

5. Sectorization

The EC/EU has developed along sectoral lines. Sectoral specialization is a response to the problem of complexity faced by all modern systems of government. On the other hand, the structure of delegation of powers upon which the EU is based displays sectoral characteristics.

The EU exercises the powers conferred upon it by the member states but the intensity and the scope of delegation vary across sectors. For example, the Constitutional Treaty signed in October 2004 identifies no less than five existing types of powers: exclusive powers (e.g. customs union, competition, monetary policy, trade policy), shared powers (e.g. single market, consumer protection, energy, transport, justice and home affairs), supporting action (e.g. industry, culture, tourism, education), co-ordination of economic and employment policy, and CFSP (Common Foreign and Security Policy)

Sectors and sub-sectors are further differentiated in terms of how responsibility is shared between EU institutions, which decision rule and legislative procedure apply, and the number and type of actors that are involved (eg external relations, economic/political)

The European Community’s (first pillar) central policy activity is rather regulatory than distributional or redistributive [22]. Since the 1980’s the EC’s regulatory role has grown rapidly as part of a general trend towards the ‘regulatory state’. The EC has extended its activities in new policy areas and deepened its role in its existing policy domains. The forms that EC’s regulatory activity takes, is threefold:

- a. Hard/legally binding regulation
- b. Non-binding forms of regulation (soft law),
- c. The “Open Method of Coordination”

FORMS	CONTENT
1. Hard/legally binding regulation	Treaties, secondary legislation: regulation directive decision
2. Non-binding forms of regulation (soft law),	Declarations, recommendations, codes of conduct, frameworks, resolutions, communications, declarations, guidance notes, and circulars: State aid regime environment etc
3. The “Open Method of Coordination”	A mean to develop European norms and standards of behaviour by encouraging policy learning, as policy coordination and the development of epistemic and policy communities (eg. Employment policy, social security, education, R & D etc).

Table 7: EC’s regulatory activity tasks

4.2.2 Institutional settings

National Administrations are omnipresent at the EU level, at all levels of the decision making and all stages of the policy cycle.

- The Council of Ministers [23]

National officials are key participants in the CM pyramidal structure, particularly in Council working groups, composed of officials from the EUREP or civil servants from national capitals, where Commission proposals are first debated (about 300, nbr of meetings 1958/302, 1987/1828, 1996/2596)

When deliberation is completed the dossier passes up the line to the COREPER. COREPER is the filter through which all business pass before discussion by ministers. COREPER minimize ministerial workload, connects EU to the national administrations and its members act as senior policy makers at both EU and national level.

- The National Permanent Representation [24]

Composition: Headed by (a) the permanent representative and his/her deputy and (b) seconded national officials (about 40% diplomats, 60% line dep.)

4.2.3 Functions

A. Upstream functions

- A postbox
- Providing an official contact between government, EU institutions and other member states
- Providing a base for national negotiators
- Providing the main negotiators at working-group level
- A source of information and an antenna
- A mechanism for sensitizing EU Institutions to national policy stances
- A point of contact for national in the EU institutions
- Interacting directly with representations of other member-states
- Conducting negotiations in Council working groups and COREPER
- Maintaining contacts with private interests

- Maintaining links with the press

B. Downstream Functions

- Reporting back to the appropriate national bodies
- Advising the national capital
- Participating in domestic co-ordination
 - The European Commission [25]

National influence extends also to the Commission by various means: e.g the unwritten rule of national quotas in senior posts, the so called “geographical balance” (Prodi reform)

Detached national experts and the practice of “parachutage”

Mobilize networks of nationals within the institution.

The role of the cabinets as “mini-Councils within the Commission”

National administrations act as lobbyists of the Commission through their EUREP (detect Commission activity in early stages of the decision making process given the fact that 80% of an original proposal is likely to remain in the text that is finally adopted by the Council).

- The European Parliament [26]

Since the introduction of co-decision the EP has been targeted by national administration. Member states pursue various methods and practices, eg. Liaison officers in the EUREP to maintain contact with MEPs (Fr., UK, Neth., Irl). Germany’s REP requires all desk officers to keep contact with MEPs. Sweden and Greece regard contact with MEPs as low priority.

4.3 National Administrations in EU policy making

4.3.1 Pressures for reform [27]

Membership of the EU entails a number of challenges for domestic administrations. First, an increasing number of sections of the domestic *central* government apparatus are involved in the management of EU-related business. Second, *sub-national authorities* are increasingly involved in the conduct of EU-related business. Third, in *procedural* terms the nature of ‘EU business’ differs radically from traditional international affairs in that it transcends the boundaries between ministerial domains. Indeed, it permeates and affects almost every aspect of the state’s operation. Fourth, in substantive terms, the ‘product’ of this process is legally binding and supersedes domestic legislation, thus significantly affecting the operational capacity of the state and its agents. Furthermore, this product (EU policies) is frequently premised on policy ideas, public philosophies and frames of reference that differ significantly from those that prevail in the domestic arena.

The issue of the pressures that national administrations face as a result of the membership of the EU is not new. One can identify a number of sources of pressure for administrative reform at the national level. They are all inextricably linked to membership of the EU and are, therefore, to be distinguished from the pressures for reform generated by other international organizations.

The first indication of pressure for reform stems from the formulation stage of the EU policy process because of the intensive involvement of national civil servants therein. In quantitative terms, this type of pressure is demonstrated by the growth (by 22.8%) of the number of

sessions that these officials attended between 1975 and 1985 – i.e. even before the relaunch of the single European market project and the intensive legislative activity that followed it - in the context of the Council of Ministers. In qualitative terms, this pressure generates two types of functional imperatives: *the recruitment and training imperative* and the *co-ordination imperative*. Both are permeated by the idea that failure to influence the content of EU policies will generate increased adaptation costs, not least because of the legally binding nature of EU law.

The recruitment and training imperative

Unlike in the domestic arena, where key administrative actors share the same frame of reference and policy style, the role of national civil servants in the context of the EU is more complex not least because of the language barrier and the different - and frequently competing - national policy traditions and frames of reference. This added complexity highlights three types of needs in terms of the training that national civil servants should receive. First, there is an increased need for language training. Second, the nature of the EU decision making process - in particular the involvement of a variable number of actors and its unpredictable pace - highlights the need for (a) knowledge of the policy styles that prevail in other member states, (b) advanced negotiation skills and techniques and (c) thorough knowledge of 'Community procedures'. Indeed, the last of these is further highlighted by the increasing use of qualified majority voting (QMV): on the one hand, QMV undermines the capacity of individual member states to shape the course of negotiations; on the other hand, it highlights the need for 'coalition-building'. Third, the EU is a law-intensive organization. Indeed, the operation of EU institutions relies on an increasingly complex web of EU-specific legal provisions, e.g. Treaties, directives, regulations, decisions, the jurisprudence of the European Court of Justice (ECJ), in addition to domestic legislation. Knowledge of the domain-specific EU (and, ideally, national) legislation and the relevant jurisprudence of the ECJ is an inherent part of the profile of the 'perfect national administrator' who is involved in the management of EU business.

The 'co-ordination imperative'

The need for such knowledge stems from the expansion of the number of national ministries and sub-national state actors that are involved in the EU policy process, including the implementation of EU policies. This imperative has a horizontal as well as a vertical dimension. The horizontal dimension concerns the co-ordinated activity of administrative actors at the same level of (usually central) government that is required to promote a coherent, specific and workable set of policy 'preferences' expressed in a timely manner both in the various levels of the Council of Ministers and in the preparatory meetings organized by the Commission (i.e. in the agenda-setting stage of the EU policy process).

The vertical dimension of co-ordination refers to the need for the central administrations of the member states to be aware of potential and actual problems regarding the implementation of EU policy at street level and to (a) provide the necessary means for corrective action (in implementation) or (b) devise flexible and pragmatic policies (in policy formulation). This need is enhanced by the attitude of the Commission that promotes the involvement of sub-national authorities in the formulation and, naturally, the implementation of national plans for regional development. Finally, the system of rotating presidencies and the increasing frequency of intergovernmental conferences place additional burdens on national administrations.

4.3.2 Similarities between National Systems [28]

1. Heads of government have at their disposal specialist expertise and institutional support to enable them to carry out the role they perform in EU decision making (European Council)

2. Foreign affairs ministries continue to occupy a central role in national processes, though they face challenges from several directions.
3. The establishment of new mechanisms or the adaptation of existing structures, to manage EU policy co-ordination.
4. Adaptation by individual ministries. Government departments have reorganized their internal operation and structures, introduced new procedures and adjusted their personnel policies.
5. National Parliaments play a limited role in the formulation and implementation of EU policy (Deparliamentarization / executive dominance)
6. The presence and status of a junior minister for European affaires, a post created in virtually all member state governments.

4.3.3 Differences between National Systems

1. The MFA plays a different role in each country
2. The role of individual ministries in the process of co-ordination (interministerial)
3. The internal division of responsibilities (intraministerial)
4. Co-ordination ambitions (strategic/selective, directive/procedural, or just information circulation to the interested parties) with its own organizational implications and dependent on different kind and amount of resources

4.3.4 Informal administrative cooperation at the EU level

The EU has no competence on administrative issues (structures and personnel). The impact of the EU on national Public Administrations is indirect through the various sectoral policies (eg. internal market).

Horizontal issues of PA are treated through an informal network, the so called “EUROPEAN PUBLIC ADMINISTRATION NETWORK” (EPAN).

The EPAN consists of a multilayered (multilevel) informal structure, parallel to the Council of Ministers:

1. The meeting of member states Public Administration Ministers (twice a year) with the participation of the Commissioner responsible for Administrative Reform
2. The meeting of the Directors-General responsible for Public Administrations in the EU Member States (twice per semester), with the participation of the Director General of DG Administration.
3. The regular meetings of the Directors of National Schools and Institutes for Public Administration (the European Institute for Public Administration – EIPA Maastricht- is the only permanent structure of the network)

The effective working level of the network consists of four Working Groups, under the responsibility of the Directors-General:

IPSG- Innovative Public Services Group

This working group discusses ways to improve the quality of public services. In this capacity it is responsible for developing new tools and activities which support this goal. Important IPSG products and activities are:

- the Quality Conferences for Public Administrations in the EU

- the Common Assessment Framework (CAF)
- facilitating self-assessments on the basis of CAF
- benchmarking by means of exchanging good practices

E-Government Group

The overall objective of the e-Government Working Group is to facilitate and undertake the exchange of views, experiences and good practices among the Member States in the field of e-Government, in particular with regard to public administration aspects of e-Government. The e-Government working group liaises with the European Commission, with regard to various e-Government initiatives at EU level. The e-Government working group is covering issues related to three prioritised themes: inter & intra governmental collaboration and interoperability; organisational changes skills and the role of leadership required by e-government; and monitoring and evaluation of e-Government performance and benefits. Recent reports include: Central-Local relationship in EU in the field of electronic government, Key Principals of an Interoperability Architecture, and Does e-Government pay off? The working group meets twice a semester.

HR- Human Resources Group

The Human Resource Management Group is the oldest working party of the network in existence since 1987. It discusses virtually all issues related to the personnel policies of the Public Service and some general administrative matters concerning Reform programmes. It implies a great persity in subjects that have been treated in the past two decennia. During the Irish and Dutch presidencies:

- a common EU reference document on integrity was produced, also to be communicated over the other members of the public service; and
- the Sustainability of pension systems was studied being a Lisbon priority. The aim is to spread good practice on ethics and to monitor and benchmark progress in pension reform.

BR - Better Regulation Group

The objective of the Directors of Better Regulation (DBR) Group is twofold. One core task is to facilitate the exchange of good practices and experiences between member states, inter alia through benchmarking projects with volunteer member states. Lately these projects have mainly focused on regulatory impact assessments, but work was also done on indicators of regulatory quality, on national implementation of EU regulation, and on measuring administrative burdens. The other core task is to provide a forum for strategic discussions on the EU better regulation agenda. In this the DBR wants to be complementary to and not duplicate the work that is being done in the several formal Council formations (Competitiveness Council, Ecofin, and General Affairs Council) and their working groups. For both tasks it is particularly important that the DBR maintains its informal networking character. The Group generally meets twice per year, and is not necessarily hosted and presided by the acting EU Presidency.

5 The European Administrative Space

The first attempt to comprehend and define a common administrative space was made through a legal approach. In an article [29] prepared by a group of prominent law scholars, (Prof. Denis Galligan, Director of the Centre for Socio-Legal Studies at Wolfson College, University of Oxford, United Kingdom, Prof. Jacques Ziller of the Law Department at the European University Institute in Florence, Italy, Prof. Jürgen Schwarze, Director of the Institute of Public Law at Albert-Ludwigs University in Freiburg, Germany, and Mr. Jacques Fournier, former member of the *Conseil d'Etat* and current member of the *Conseil supérieur de la Magistrature*, France) and authored by Mr. Francisco Cardona, Advisor on Public Service Management. The main points of this discussion are the following:

1. No *acquis communautaire* exists for setting standards of horizontal systems of governance or national public administrations. Targets and orientations for public administration reform in the perspective of EU accession are therefore less distinct. However, over time a general consensus on key components of good governance has emerged among democratic states. These components include :
 - the rule of law
 - principles of reliability, predictability, accountability and transparency,
 - technical and managerial competence,
 - organisational capacity and
 - citizens' participation.

Despite the lack of an *acquis communautaire*, this consensus has established principles for public administration shared by EU Member States with different legal traditions and different systems of governance. Over the course of time these principles have been defined and refined through the jurisprudence of national courts and, subsequently, the jurisprudence of the European Court of Justice.

The relation of the above mentioned components of good European governance, according to the discussed SIGMA paper authors, to the SemanticGov principles is portrayed in the following table:

EU components of good governance	SemanticGov principles
Rule of law	Four freedoms, Legal appeal Identity Management
Reliability,	Trust, Identity Management Performance, Perennity, Stability, Consistency
Predictability,	Transparency, Stability,
Accountability	Performance, Transparency,
Transparency,	Transparency,
Technical competence,	Performance, Common ontology, Identity Management
Managerial competence	Performance, One stop shopping
Organisational capacity	Subsidiarity, Common ontology, Multiple velocity
Citizens' participation	One stop shopping Multilingualism,

Table 8: Mapping the EU components of good governance to the SemanticGov principles

It appears that SemanticGov

- Covers all good governance principles
- Gives a special attention to reliability, technical and organizational capacity and the rule of law

while transparency, included in the SemanticGov principles, is a high priority for European good governance. Common ontologies seem to be the base for both organizational and technical capacity.

2. Shared principles of public administration among EU Member States constitute the conditions of a “European Administrative Space” (EAS). The EAS includes a set of common standards for action within public administration which are defined by law and enforced in practice through procedures and accountability mechanisms. Although the EAS does not constitute an agreed part of the *acquis communautaire*, it should nevertheless serve to guide public administration reforms in candidate countries.
3. In EU Member States these standards, together with principles established by the constitution, are usually embedded in or transmitted by a set of administrative laws, such as administrative procedures acts, administrative process acts, freedom of information acts and civil service laws. The extent to which a given country shares these public administration principles and adheres to the standards of the EAS gives an indication of the capacity of its national public administration to effectively implement the *acquis communautaire*.
4. The lack of general EC legislation applicable in the domains of public administration and administrative law poses a problem. Administrative systems and public administration institutions have to be capable of transposing, implementing and enforcing the *acquis* according to the principle of “obligatory results” (“*obligation de résultat*”). It is in this context the European Administrative Space (EAS) as a specific part of EC law. The EAS is a metaphor with practical implications for Member States and embodying, *inter alia*, administrative law principles as a set of criteria to be applied by candidate countries in their efforts to attain the administrative capacity required for EU Membership. The EAS represents an evolving process of increasing convergence between national administrative legal orders and administrative practices of Member States. This convergence is influenced by several driving forces, such as economic pressures from individuals and firms, regular and continuous contacts between public officials of Member States and finally and especially, the jurisprudence of the European Court of Justice.
5. The concepts of administrative law (*Verwaltungsrecht, droit administratif*) differ from one national system to another, but it is possible to agree upon a common definition of administrative law as being the set of principles and rules applying to the organisation and management of public administration and to the relations between administration and citizens¹. The *rule of law* (*Rechtsstaat, État de droit*) is a multi-sided mechanism for reliability and predictability. It assumes the principle of “administration through law”.
6. The main administrative law principles common to western European countries, we could distinguish the following groups:
 - reliability and predictability (legal certainty);
 - openness and transparency;
 - accountability and
 - efficiency and effectiveness.

7. A related application of the rule of law is the notion of legal competence. Public authorities can only decide on matters for which they have legal jurisdiction. Competency within this context means an expressly and legally bestowed power to decide on a given matter or issue of public interest, which legally enables the public authority not only to take decisions on the matter but also obligates it to take responsibility. A competent public authority cannot abdicate this responsibility. In this sense jurisdiction (or competency) is equal to responsibility. The notion of competency is strictly applied so that a decision made by an authority without legal jurisdiction is void and will be declared void by the courts.
8. Reliability and predictability of public administration are not necessarily at odds with administrative discretion. Discretion and arbitrariness are not the same thing. Discretionary decisions refer to matters where, within a legal framework, some degree of choice is left to the decision-maker. Discretionary decisions are necessary as the law cannot foresee every circumstance that may arise in future situations.
9. Public authorities may be expressly allowed by the law to make discretionary decisions. Courts have elaborated a legal doctrine of administrative discretion, which contains various principles governing and constraining the exercise of discretion. Among these principles are those compelling the administration to:
 - act in good faith,
 - to pursue the public interest in a reasonable way,
 - to follow fair procedures,
 - to uphold the requirement of equal treatment, and
 - to respect the notion of proportionality.
10. The legal principle of *proportionality*, means that administrative action should be proportionate to the end pursued by the law, without depriving citizens of more than is strictly necessary for achieving that end. Proportionality is likened to reasonableness. It also means that it is against the law to apply the law strictly when, by doing so, an outcome unintended by the law may appear. This can constitute abuse of administrative powers. Proportionality is particularly relevant in cases of compulsory purchasing orders (or expropriations) through which individuals are deprived of property rights for the sake of the public interest.
11. The principle of procedural fairness means procedures safeguarding accurate and impartial application of the law, and attention to social values, such as respect for persons and protection of their dignity. One concrete application of procedural fairness is the legal principle that nobody will be affected in his rights and interests without having been acquainted with the facts and issues at stake and heard in a suitable procedure. Giving notice of administrative action to interested parties is also intrinsic to fairness.
12. *Timeliness* in the action of public administration strongly supports the principles of predictability and reliability. Delay of public administration in making decisions and taking action can cause frustration, injustice or severe harm for both the public interest and for private interests. Delay can result from inadequate resources or lack of political resolve. But often it is associated with inefficiency and incompetence of civil servants. Legal rules can help to alleviate the problem by setting out clear time limits within which things must be done.
13. *Professionalism* and professional *integrity* in the civil service clearly buttress the notions of reliability and predictability of public administration. *Professional integrity* of civil service relies upon the notions of impartiality and professional independence. Impartiality refers to the absence inclination in favour of a particular outcome in

assessing a given situation, causing as a consequence an unjustified or unfair detriment to the general interest or to the right of other interested parties.

14. *Openness* suggests that the administration is available for outside scrutiny, while *transparency* suggests that, when examined closely, it can be “seen through” for the purpose of scrutiny and supervision. Openness and transparency allow, on the one hand, anyone affected by an administrative action to know its basis, and on the other, they render outside scrutiny of administrative action by supervisory institutions easier. Openness and transparency are also necessary instruments for the rule of law, equality before the law, and accountability.
15. *Accountability* means that one person or authority has to explain and justify its actions to another. So in administrative law it means that any administrative body should be answerable for its actions to other administrative, legislative or judicial authorities. Accountability also requires that no authority should be exempt from scrutiny or review by others. It can be effected through many different mechanisms, including review by the courts, appeal to a superior administrative body, investigation by an ombudsman, inspection by a special board or commission, and scrutiny by a parliamentary committee, among many others. There is not an abstract accountability but very concrete and legally defined matters to account for, through a set of very specific procedures. Supervision is needed to make public administration accountable. Supervisory institutions and mechanisms may take various forms: courts, prosecutor, ombudsman, internal and external audit, inspectorates, standard-setting authorities, parliamentary committees, the media, etc.
16. Efficiency is characteristically a managerial value consisting in essence of maintaining a good ratio between resources employed and results attained. A related value is effectiveness, which basically consists of ensuring that the performance of public administration is successful in achieving the goals and solving the public problems set for it by law and government. It mainly calls for analysing and evaluating the public policies in place, and for assessing how well they are being implemented by public administration and civil servants. Efficiency as a managerial value might seem to conflict with the rule of law and due procedure as a political/democratic value. European Community law also calls for efficient administration, particularly with regard to the application of Community directives and regulations. This has obliged several Member countries to modify some of their domestic organisational and administrative structures and decision-making arrangements in order to be able to efficiently and effectively enforce European legislation and, in general, to ensure effective co-operation with Community institutions.
17. The four liberties embedded in the Treaty of Rome, i.e. free movement of goods, services, people, and capital, means that national public administrations of the Member States, as key elements for ensuring and implementing that freedom, directly derived from the Treaties, have to work in a way that renders effective the implementation of those Treaties in all their respects.
18. The notion of a European administrative space is taken from the more common notions of European economic and social spaces, widely debated upon in EU constitutional negotiations. It also relates to an EU-wide system of judicial co-operation, which includes mutual assistance in law enforcement and some approximation in the relevant field of law. A common administrative space, properly speaking, is possible when a set of administrative principles, rules, and regulations are uniformly enforced in a given territory covered by a national constitution. It is obvious that the main constitutional legal texts of the European Union (the Treaty of Rome, the Single European Act, the Maastricht, Amsterdam and Nice Treaties), do not provide a model of public administration to be implemented by EU Member

countries. Once the democratic nature of their political regime has been assessed, matters of governance and public administration are purposely left to the discretion of Member countries. Thus from a formal legal standpoint, Member countries have a great deal of administrative autonomy. The absence of a formal legal body regulating public administration, its procedural rules, and its institutional arrangements does not mean that European supranational administrative law is meaningless or unknown to EU Member States. There exists a common *acquis* made up of administrative law principles, which could be referred to as a “non-formalised *acquis communautaire*” in the sense that there is no formal convention. It could, however, represent a common European general administrative law.

From our point of view the above mentioned by Cardonna et al. principles cannot be implemented and mainstreamed through purely legal tools. Public management methodologies and techniques including strategic planning and evaluation, participative decision making, process standardization, cost-benefit analysis, quality assurance etc. etc. will be necessary in order to ensure efficiency, effectiveness and accountability.

An observer of administrative reality could become sceptical about such a legalistic optimism. The most concrete output of the legal approach of PA, besides laws drafts and court decisions are administrative codes. Such codes systematize generic standards like rights and obligations and principles of administrative deontology. The problem is to go further and analyse an administrative reality situated far beyond legal texts. Such a reality includes processes, job descriptions, collective and individual behaviours, incentives, conflicts, learning processes, cost-benefit balances etc. etc.

Procedures are conceived as law implementing mechanisms (law = respect of legality-procedure = conformity with generic legal provisions). Still no legal text gives technical details or describes concretely the outputs and outcomes of an administrative action plan, in quantitative and qualitative terms. Concrete results are depending although, on such technical details.

On the contrary less legalistic approaches conceive EAS in a less structured and more sceptical manner

Johan P. Olsen [29] points out that there are a limited number of systematic studies of European administrative convergence, a fact that invites tentative rather than firm conclusions. There are also few references to an EAS in Union documents and in speeches by European political leaders. The concept is mostly found in studies of public law and reports from OECD/Sigma in conjunction with the enlargement of the Union. Furthermore, there is no consensus in the literature on the extent of convergence on a common European model. On average, studies in administrative law report more convergence than studies by empirical social scientists.

According to Olsen:

1. The European context has several characteristics that could be expected to promote administrative convergence and a European Administrative Space, but also a number of properties that could counteract this trend. The European order is characterized by strong varied institutional histories, with different state- and nation-building routes. As a result, public administration varies among member states and that creates variations in capability for institutional convergence.
2. The Treaties do not stipulate a specific model of administration and there is no *acquis communautaire* for public administration. The EU has presupposed that a variety of national administrative systems are legitimate and compatible with membership, and that different arrangements can do equally well in implementing EU legislation. The Union has limited powers in administrative matters and has given weak attention and low priority to administrative issues. Still, the Union has not developed an explicit and coherent administrative policy.

3. The distribution of administrative competence has been linked to the general separation of powers in the Union. Member states have been reluctant to grant general organizational, supervisory and enforcement competence to European institutions. Agreements give the Commission direct administrative responsibilities only in specified domains. Administrative instruments that leave discretion to member states have been more popular than those imposing specific administrative solutions.
4. The Commissions administrative capacities in terms of staffs and budgets are modest compared to its tasks. Implementation takes place through national administration and outside contractors such as firms and organizations. The growth in specialized autonomous European agencies has also been combined with a reluctance to give them discretion while they are governed through national representatives.
5. As a result, it has been suggested that the idea of an administration ‘serving some common higher ‘authority’ cannot be upheld in a non-unitary, non-state pluralist polity’ such as the EU. The conditions make the idea of a single ‘Principal’ controlling administrative convergence less plausible.
6. On the other hand member states’ preference for administrative autonomy had to be balanced against the Union’s need for effective and uniform implementation. A high level of interaction and exposure to each others administrative thinking and solutions could also be expected to contribute to an EAS. European administrations have for centuries studied and copied each other in administrative matters and they share important characteristics. Nevertheless, increased economic and political integration, interdependency and interaction have created a qualitative new situation. Because institution building and policymaking in the Union have been unevenly developed across institutional spheres and policy areas, the adaptive pressure on national administrations is, however, likely to vary.
7. *In sum*, the European context suggests that administrative convergence is more likely to follow from attractiveness than from imposition. Convergence is also more likely to be an artifact of substantive policies than the result of a coherent European administrative policy. If so, convergence could be expected to be incremental and putting constraints on national administrative solutions, rather than generating a full-scale exemplary model. Mutually acceptable administrative solutions have reduced variance and may in the long run accumulate into an EAS. Yet, no unitary model has been imposed or has emerged.

Calliope Spanou [30] draws attention to the fact that europeanisation has multiple meanings. Similar to other terms –such as convergence- it tries to describe the adjustments that national political-administrative systems need to undergo in order to be part of the European integration process.

Her paper argues that:

1. Europeanisation is a descriptive term, deprived of conceptual depth and designed to cover a wide scope and a multitude of processes contributing to European integration.
2. This descriptive character is not a drawback but an advantage, since it leaves enough scope for the diversity of situations; europeanisation appears then as the visible tip of an invisible –for the rest- iceberg. Structures, policy goals, policy content, policy instruments and processes may be affected by it. It does not preclude the terms and conditions of adjustments to integration requirements.
3. What matters above all, are results to achieve within a common economic space and – even more- predictability in the way political-administrative systems operate.

Claudio Radaelli [31] defines Europeanisation not as convergence, harmonization, or integration but as a complex process of:

- construction
- diffusion and
- institutionalization

of formal and informal:

- rules,
- procedures,
- policy paradigms,
- styles of doing things
- shared beliefs and norms,

which are first defined and consolidated in the making of EU public policy and politics, and then incorporated in the logic of domestic discourse, identities, political structures and public policies’.

Knill and Lehmkuhl [32] identify different patterns of Europeanisation. Depending on the degree of precision and the compulsory nature of European norms in different policy fields, they suggest three distinct models at the institutional, procedural and cultural levels:

- Europeanization by Institutional compliance,
- Europeanization by changing domestic structures
- Europeanization by framing domestic beliefs

Knill also argues [33] that in the area of ‘administrative policy’ there has been no convincing process of construction, and diffusion, of a European Union model. The explanations can, be found in internal factors which Knill identifies as crucial to the adaptation of national structures to EU policy:

- weak administrative reform capacity ,
- insufficient strength of executive leadership,
- institutional entrenchment of structures and procedures,
- influence of the existing bureaucracy on policy-making and resistance to policies which entail changes to the core of the national administrative system

Anne Stevens [34], finally, suggests that there is no evidence that the (Page and Wouters’) scenario of a fusion of best practices within a European model administration is being played out. Nor is there evidence either for a homogenous ‘European nation-building’ bureaucracy or for the emergence of an innovative ‘network management’ civil service.

6 Conclusions

Concluding one could say that EAS is far from being established. Converging administrative practices are quite present but still occasional and dispersed. Depending on concrete national and policy environments elements of functional similarity and divergence coexist.

Therefore the most realistic version of EAS is what Fournier [35] terms as a model of “variable geometry”.

The diverging “normative” and “operational” models seem to have major difficulties not only to merge but even to cooperate. Individual administrative systems interpret opportunities, challenges as well as formal obligations in a very different manner inscribing them in the internal policy agenda according to their own national and sectoral priorities. What results is that a single European input can generate a multitude of different national responses.

Based on the above we can formulate the following wrapping up remarks

1. National administrative systems in Europe are deeply differentiated in many respects and in a great variety of dimensions.
2. On the other hand, the unified European Administrative Space is not yet sufficiently developed.
3. Therefore serious communication and cooperation obstacles and difficulties occur between different administrative models at the operational and cultural levels.
4. Unified administrative practices and European standardized processes do not exist and it is not obvious that they are going to emerge in the near future.
5. The mutual acceptance of the different administrative traditions, styles and practices seems for the time being as a major prerequisite for the European integration.
6. The “procedural interoperability” problems do not depend on legal matters but have deep historical and cultural roots. “Semantic interoperability” cases are more likely to be found within smaller groups of Member States that happen to have a shared or similar tradition in a policy field.
7. Simple legal harmonization becomes very complicated, practically impossible to achieve at an horizontal/ generic level, and cannot resolve the problem.
8. IT solutions could therefore fill-up the gap by “translating” between institutional and procedural systems and linking distinctive national processes while respecting relevant political and administrative traditions.
9. “*Procedural translation*” signifies the standardized and digitalized mutual recognition of dissimilar components (documentation, authorization etc.) of parallel, homologous but differentiated national courses of administrative action.
10. Instead of aiming at digitalizing loose or even practically inexistent common administrative processes European interoperability projects should create such processes from scratch by proposing user friendly e-solutions.
11. User friendliness doesn’t concern only the end users (communities, citizens, businesses) but also -and essentially- the internal users, namely, the implementing national agencies. Friendliness in this case means more than procedural simplicity: it means cultural compatibility.
12. Cultural compatibility will be generated by a new digital environment that will permit joint action and common results through different national processes. Exactly like people fully communicating in real time while speaking their own language, and with no interposed interpreter. By this way PEGS will be compatible with all involved

national administrative cultures, making them also (as well as their corresponding working methodologies) automatically mutual compatible, at least at a specific field.

13. Procedural compatibility although, from a convinced pro-European point of view, has to be considered as a step towards “procedural fitness”, a stage more advanced, compared to the current maladroit attempts of “harmonization of results”, and less bulky than the (potentially unnecessary) “structural homogenization” .

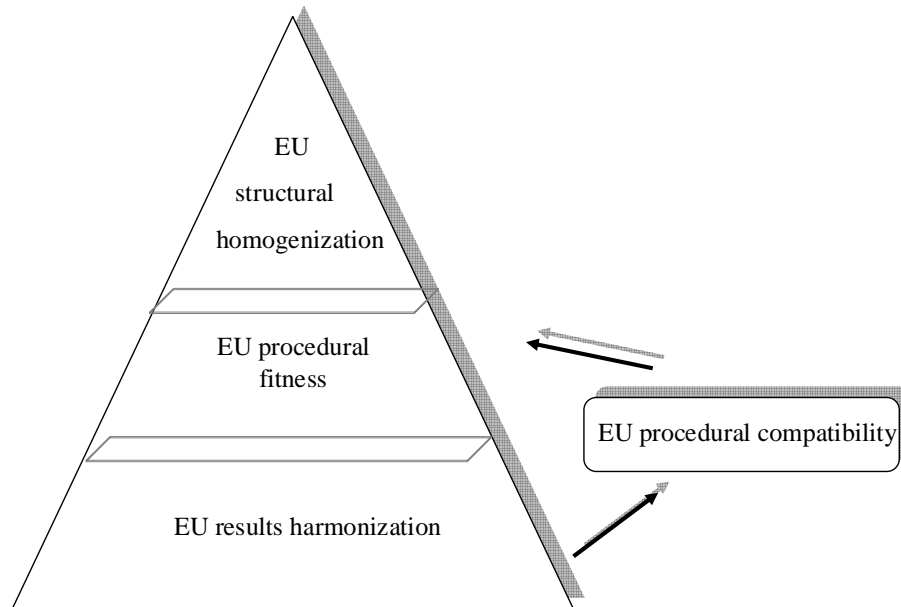


Figure 2: EU procedural compatibility

14. Four principles elucidate the general institutional requirements for pan-European e-service delivery:
 1. Specification
 2. Specialization
 3. Institutionalization
 4. Adaptation

The following table summarizes the content of the above-mentioned principles:

1. Specification	Generic/ universal PEGS are not conceivable. Even if, from a technical point of view, an integrated architecture is required, the concrete outputs of such an integrated design will not only be sector specific but, even more, process specific.
2. Specialization	The design of PEGS needs specialized knowledge. A multidisciplinary approach will normally require four types of expertise: (i) field expertise, (ii) legal expertise, (iii) process expertise, (iv) IT expertise
3. Institutionalization	In the majority of potential PEGS cases, standardized procedures (waiting for digitalization) do not exist. A complex compilation of bi-lateral or multi-lateral agreements, or even ad-hoc informal practices, govern interstate administrative cooperation. Mutual on-going informal adaptation is possible only within non-digital working environments. That is not the PEGS case, of course. Thus, as a rule, each PEGS or group of PEGS in order to be standardized must be institutionalized from the very beginning. Such institutionalization has to go through one of the following procedures: (i) EU legislation (less probable), (ii) interstate multilateral agreements ratified according to national constitutional provisions (best solution in order to mutually accept different national procedures), (iii) parallel national legislations.
4. Adaptation	PEGS cannot escape from the basic process of legal adaptation and evolution. No rule or regulation can remain effective without adaptation to a changing environment. Adaptation takes place through administrative and juridical interpretation. Normative texts get feedback from application on individual cases. At the national level adaptation is the result of complex interactions between administrators, users and the judicial system. At the Pan-European level with high standardization requirements a more structured and prompt adaptation procedure is needed. Therefore, for each PEGS or rather group of PEGS a permanent monitoring board (all -participating?-member states plus Commission) with similar functions to those of the quality assurance methodology of “quality circles”, will be necessary.

Table 9: The four principles of pan-European e-Services delivery

Through this work two distinctive conceptual models for PEGS selection can be drafted. The first, that we are going to term *Model A*, is based on the hypothesis that standardized interstate procedures of a generic nature pre-exist. Therefore, the SemanticGov selection task is limited to the identification of the appropriate procedures and their semantic and technical integration. This concept appears in the following figure:

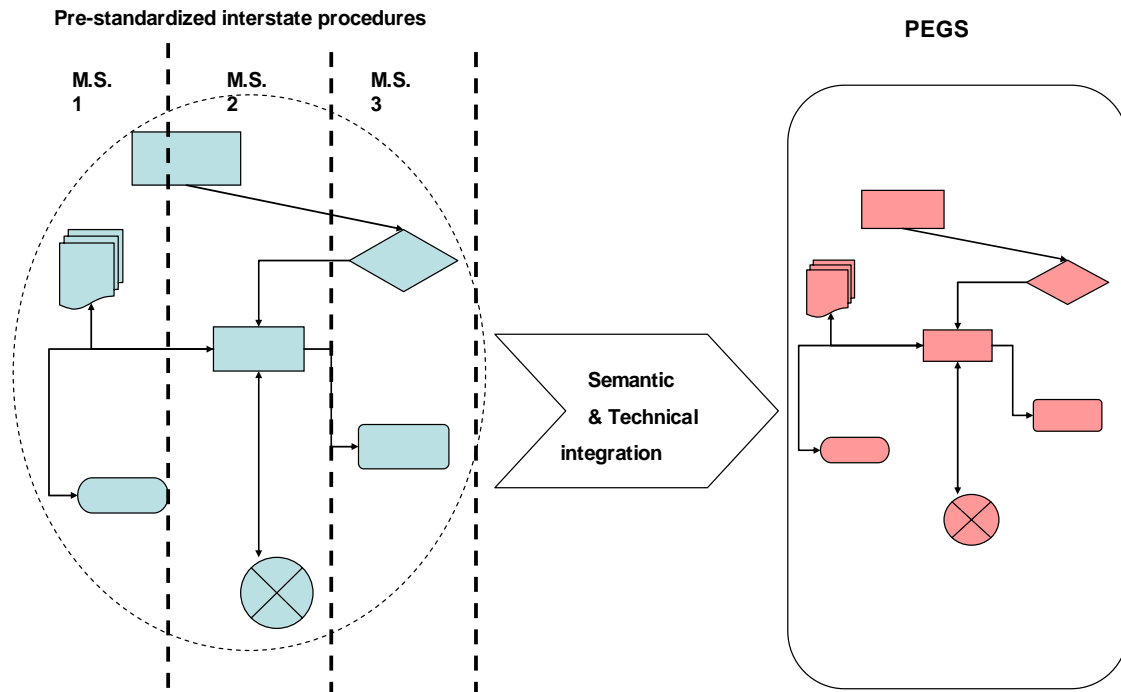


Figure 3: Conceptual Model A

The second approach, termed *Model B*, without excluding the possibility of existence of standardized interstate procedures somewhere in the administrative kaleidoscope of the different EU MS, underlines the fact that no generic administrative procedures exist and that all processes are policy-field specific. The most probable scenario is that the MS operate in the same policy fields parallel differentiated and loosely interconnected procedures. Such procedures have to be selected and homogenized at all semantic, legal procedural and technical levels. The following figure illustrates this case:

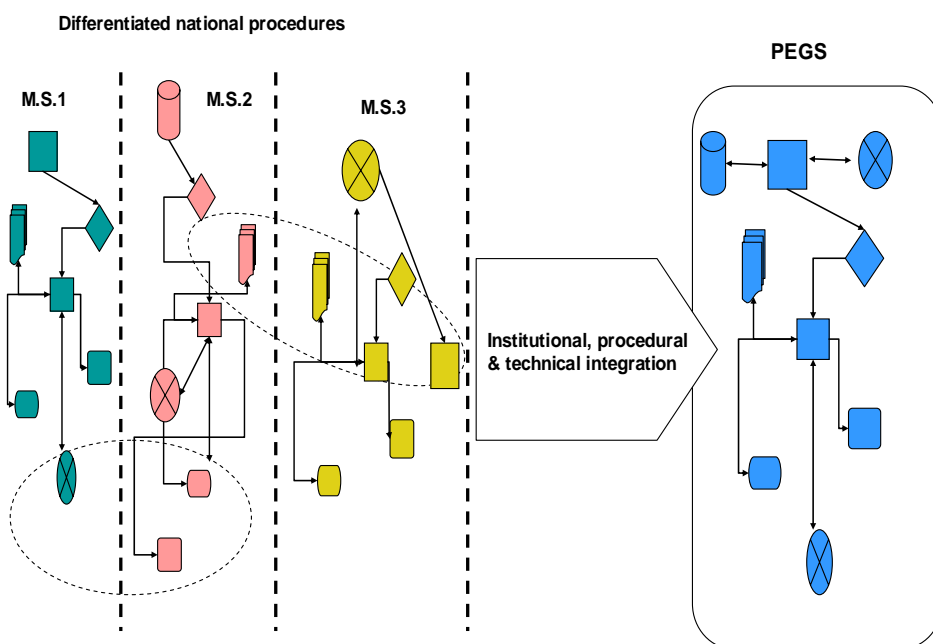


Figure 4: Conceptual Model B

Therefore “pilot” PEGS cannot be selected just logically or on pure legal criteria. A more comprehensive approach will be necessary, including:

1. Selection of specific policy fields by common decision of all SemanticGov consortium members according to their common areas of interest
2. Definition within selected policy fields of detailed procedures, following jointly legal, administrative, semantic and technical criteria.

This approach is illustrated in the following figure:

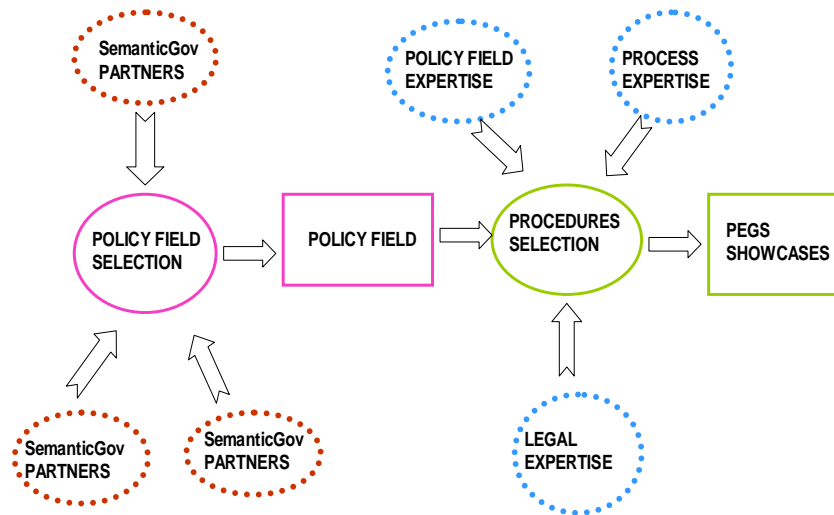


Figure 5: The PEGS selection process

References

1. Council of the European Union, *Council Conclusions on e Government for all Europeans*, 2735th TRANSPORT, TELECOMMUNICATIONS and ENERGY Council meeting, Luxembourg, 8-9 June 2006
2. COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, *i2010 eGovernment Action Plan: Accelerating eGovernment in Europe for the Benefit of All*, COM(2006) 173 Brussels, 25.04.2006
3. COMMUNICATION FROM THE COMMISSION TO THE COUNCIL & THE EUROPEAN PARLIAMENT, *Interoperability for Pan-European e Government Services*, COM(2006) 45, Brussels, 13.2.2006
4. MINISTERIAL DECLARATION , 24 November 2005, Manchester, United Kingdom
5. COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS *e-Accessibility*, COM(2005)425, Brussels, 13.9.2005 .
6. DECISION 2004/387/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 April 2004 on *interoperable delivery of pan-European eGovernment services to public administrations, businesses and citizens (IDABC)*
7. DIRECTIVE 2002/58/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, of 12 July 2002, concerning the processing of personal data and the protection of privacy in the electronic communications, sector (*Directive on privacy and electronic communications*)
8. COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, *HELPING SMES TO "GO DIGITAL"* COM(2001)136 final Brussels, 13.3.2001
9. DIRECTIVE 1999/93/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, of 13 December 1999, on a Community framework for electronic signatures.
10. Decision No 1336/97/EC of the European Parliament and of the Council of 17 June 1997 on a series of Guidelines for trans-European telecommunications networks. Official Journal No L 183 , 11/07/1997 P. 0012 - 0020
11. Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data
12. *UNPAN PA database*, available at <http://unpan1.un.org/intradoc/groups/public/documents>, *The World Factbook*, available at <https://www.cia.gov/cia/publications/factbook/index.html>, *OSCE – Legislationline*, available at www.legislationline.org, *SIGMA - Public Service and the Administrative Framework (2002)*, available at <http://www.sigmaweb.org/dataoecd/38/25/34963238.pdf>, *The European Union – Information on the Structure of the civil and Public service of the EU Member States and Applicant States (2005)*, available at www.eupan.org/cms/repository/document/05_DG_EVENT_9June05_StructureCivilServices_en.pdf
13. T.A.J. Toonen, J.C.N. Raadschelders, (1997), *Public Sector Reform in Western Europe*, Background paper for the, Conference on Comparative Civil Service Systems, School of Public and Environmental Affairs (SPEA), Indiana University.
14. E C. Page, (1995), ‘Administering Europe’. In Jack Hayward, Edward C. Page (eds.), *Governing the New Europe*. Cambridge: Polity Press, 257-285
15. F. Heady (1984), *Public Administration. A comparative perspective*, Marcel Dekker

16. B. Guy Peters, J. Peer (2001), Civil Servants and politicians: the changing balance, pp. 1-10, in B. Guy Peters (ed.), *Politicians Bureaucrats and Administrative Reform*, Routledge
17. P. Dunleavy, C. Hood, (1994) 'From old public administration to new public management', *Public Money & Management*, July-September, p.p. 9-16
18. Vincent Wright, (1994). 'Reshaping the State: The Implications for Public Administration', in *West-European Politics*, vol.17 no.3, p.p.102-137
19. *Improving policy through impact assessment*, SIGMA Paper: No. 31, 2001
20. S. Hix (1999), *The Political System of the European Union*, Basingstoke: Macmillan
21. H. Kassim (2003), The European Administration: Between Europeanization and Domestication, pp. 139-161, in J. Hayward and A. Menon (eds) *Governing Europe*, Oxford: Oxford University Press
22. M. Thatser, (2006), European Regulation, in J. Richardson (ed.) (2006), *European Union. Power and Policy making*, London: Routledge, pp. 311-327.
23. Hayes-Renshaw, Fiona and Wallace Hellene (1997), *The Council of Ministers'*, London: Macmillan Press.
24. Kassim, Hussein-Menon, Anand-Peters B. Guy and Wright Vincent (ed.) (2001), *The National Co-ordination of EU Policy. The European Level'*, Oxford: Oxford University Press
25. M. Cini (1996), *The European Commission*, Manchester: Manchester University Press
26. F. Jacobs, R. Corbett, M. Shackleton (eds) (2000), *The European Parliament*, London: John Harper.
27. Dimitrakopoulos, Dionyssi and Passas, Argyris, (2003), International Organisations and Domestic Administrative Reform, in Guy Peters and John Pierre (eds), *Handbook of Public Administration*, Sage, London, pp. 440-450.
28. Kassim, H., Peters, B. G, Wright, V. (eds) (2000), *The National Co-ordination of EU Policy. The Domestic Level*, Oxford University Press.
29. J.P. Olsen., (2003), 'Towards a European administrative space?' *Journal of European Public Policy* 10 (4) p.p.. 506-531
30. C. Spanou (2004) 'Europeanization: The tip of an iceberg ?' *EGPA Annual Conference*
31. C. M. Radaelli, (2000). 'Whither Europeanization: Concept stretching and substantive change' *European Integration online Papers (EIoP)*, vol. 4, no. 8, 28 January 2002. available at <http://eiop.or.at/eiop/texte/2000-008.htm>.
32. C. Knill, D. Lehmkuhl, (2002), 'The National Impact of European Union Regulatory Policy: Three Europeanization Mechanisms', in *European Journal of Political Research*, 41, pp. 255-280
33. C. Knill, (2002), *The Europeanisation of National Administrations*, Cambridge University Press.
34. A. Stevens (2002) Europeanisation and the Administration of the EU: a Comparative Perspective, *Queen's Papers on Europeanisation*, No 4/2002
35. J. Fournier, (1998), 'Administrative Reform in the Commission. Opinions Concerning the Accession of the Central and Eastern European Countries', in SIGMA (ed.) *Preparing Public Administrations for the European Administrative Space*, SIGMA Papers No. 23