

Queen's Papers on Europeanisation
No 4/2002

Europeanisation and the Administration of the EU: a Comparative Perspective.

Anne Stevens
(Aston University)

Despite early aspirations towards a European civil service there is no clear model for European public administration and weak administrative reform capacity within the European Commission's services. The tensions arising from the co-existence of varied interpretations of the administrative functions and roles are illustrated through the trajectory of the managerial reform programme.

The process of 'Europeanisation' has increasingly been discerned in a variety of policy fields. Kassim and Stevens conceptualise 'Europeanisation' as 'the development or expansion of competences at the European level and the impact of Community action on the member states' (Kassim & Stevens, forthcoming, introduction) while adding the projection of an external identity. Kassim and Stevens' definition has the benefit of emphasising the interactive nature of Europeanisation (see also Laffan, O'Donnell and Smith 2000; 84). Claudio Radaelli's definition is more complex and wide ranging, since he sees Europeanisation as 'processes of (a) construction (b) diffusion and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles 'ways of doing things' and shared beliefs and norms, which are first defined and consolidated in the making of EU public policy and politics, and then incorporated in the logic of domestic discourse, identities, political structures and public policies' (Radaelli, 2000, p. 4) Europeanisation, he stresses, is not convergence, nor harmonisation, not even political integration. Radaelli's definition allows for an interactive and two-way process though his subsequent discussion of the phenomenon is couched largely in terms of impact upon the member states.

Page and Wouters (1995) argued that Brussels might provide a mechanism for the transfer of national 'best practice' in administration and hence exercise a Europeanising influence on national policy relating to public administrations. However, Radaelli's review of the abundant literature led him to conclude that Europeanisation had produced a much more profound effect on the content of public policy than on structures and procedures. This observation is supported by Christoph Knill's (2002) detailed examination of the adaptation of domestic administrative structures and styles in Germany and the UK to pressures and demands arising from European policy. 'There can hardly be said to be a European model or ideal type of public service on which the administrative systems of the European Union countries are converging' (Claisse & Meininger, 1995, p. 441).

Rometsch and Wessels (1995) discerned a process of 'fusion' between national and EU administrations. They were concerned primarily with processes, not structures, pointing out that national and EU officials are now jointly implicated in the preparation and implementation of EU policy decisions. From a functional perspective the EU bureaucracy could be held to extend well beyond those officials employed under the *statut du personnel* (p.139). They acknowledge that this does not necessarily facilitate administration. German officials 'are faced with somewhat different administrative cultures and by highly trained administrators some of whom enjoy greater levels of political support' (p.140 my translation). Their discussion does not, however, specify how and in what directions this process may be expected to lead to organisational changes. Nevertheless such a process might be expected to lead to interactive pressures, in public administration as elsewhere. The salience of public administration policy has risen over the past two decades with the emergence of the concept of 'modernisation', which, although a relatively recent arrival, carries positive connotations (Claisse & Meininger, 1995, p. 441). 'Public sector reform is in fashion, and no self-respecting government can afford to ignore it' (Wright, 1997, p. 8). However, this paper will seek to argue that the adoption of this fashion by the EU has been slow and hesitant, despite the administrative crisis of 1999. Even though administrative problems seemed to be at the heart of problems of legitimacy and scope, it is still the case, as Page and Wouters stated in 1995, that there is no clear or distinctive EU model for public administration. In the area of 'administrative policy' (Knill, 2002, p. 36) there has as yet been no convincing process of construction, and hence not of diffusion, of a European Union model. Ironically,

but logically, the explanations can, it is argued, be found in those factors which Knill identifies as crucial to the adaptation of national structures to EU policy. There is weak administrative reform capacity within the EU, linked, as in national structures (Knill, 2002, p. 85), to the general strength of executive leadership, to institutional entrenchment of structures and procedures, and to the influence of the existing bureaucracy on policy-making and implementation in these areas. In this area, then, Europeanisation has not advanced, either through the influence of exogenous factors to produce a definitive model constructed at EU level, or by the diffusion of such a model.

This paper therefore explores the tensions within one part of the EU institutions - the administrative services- engendered by potentially conflicting models, discourses and rationales, which themselves (often only implicitly) reflect the ambiguities and uncertainties of the debate about the nature of the institutions and their place within whatever the EU is becoming. It seeks to argue that there is no evident or simple outcome to these tensions, not least because they spring from deep roots within very diverse political systems.

Origins and Early Expectations: a European Civil Service?

Discussions on the processes of reciprocal Europeanisation are unlikely to proceed fruitfully without an underpinning of detailed empirical work on the EU as it is now. It is striking how little straw of this sort was, over a long period, provided for the building of the many bricks that make up current literature on the EU. Institutions matter, and even when we define them rather broadly we miss important explanatory factors if we ignore their internal operations and dynamics. Yet for nearly 30 years from David Coombes' pioneering study (1970) until the mid 1990s we had virtually nothing on the structures and working of the Commission - a gap only now filled by Edwards and Spence (1997), Page (1997), Cini (1996), Nugent (1997) and Hooghe (2002). Further illumination has been provided by the work of the anthropologists reported in various publications by Abelès and Bellier (for example (1996) although Cris Shore's analysis (1999) of European officials as a developing, Europeanising elite adopts a surprisingly monolithic approach. We have only two institutional studies of the Council of Ministers – Westlake (1995) and Hayes-Renshaw and Wallace (1997), and difficult though it is to do, given its rather inaccessible nature, we sorely need another in the aftermath of the incorporation of the Schengen Secretariat and the new structures under Solana and de Boissieu.

If part of Europeanisation is, as Radaelli suggests, the creation and diffusion of models and approaches that are both distinctively European and generally applicable, then a European civil service model might be particularly relevant. For it could potentially have three impacts. First, it might act as a template for national systems in ways that would facilitate interaction and in particular allow much easier movement of persons into public employment in other member states. Public employment has been - still is - one of the bastions of protectionism.

Secondly, a model for European public administration which fused elements of many European models and provided a more general template could potentially facilitate the diffusion of European policy and the process of Europeanisation. Such a model might provide an example of acceptable ways in which administrations could be adapted to the most demanding of European policies – those which entail changes to the core of the national administrative system and are consequently likely to be resisted (Knill, 2002, p. 214).

Thirdly, the development of a 'European' model of public administration might be one of the early signals of the emergence of a European polity: Max Weber argued that the emergence of a 'bureaucratic' administration was both the sign and necessary condition of the emergence of a modern western state. While Françoise Dreyfus (2000) emphasizes that it was the reverse – the type of state and political tensions within it resulted in the emergence of an administration that can be described as bureaucratic – the intense reciprocal interaction between state development and public administration is generally admitted.

This interaction was certainly in the minds of the originators of the EU administration. As it stands today it can trace a direct inheritance from that created for the European Coal and Steel Community. The initial arrangements for that administration were made at great speed. An interim committee was established to sort out administrative matters, and at an 'epic' conference in Paris on 23 July 1952 a number of important decisions were made (Conrad, 1989, p. 29) including the language policy to be

adopted, and the location in Luxembourg of the Community's offices. The High Authority was installed in office on 10 August 1952. It was not until the beginning of October that Monnet called a meeting to begin to sort out how the High Authority should organise the necessary work. Monnet did not want a heavy or hierarchical organisation. He resisted organisational definition, even when it led to overlap or conversely, lack of co-ordination. His model for the European public servant seems to have been akin to the myth of the French *haut fonctionnaire* – an independent-minded high-flying expert policy-maker, devoted to the pursuit of the general (or rather, European) interest and agenda above and beyond any narrower, sectional (and especially national) considerations. He was apprehensive about the emergence of administrative rigidities and dragged his feet over the establishment of definitive terms and conditions of service. These had to wait until after he had departed.

By 1958, however, with the creation of the EEC and Euratom, circumstances had changed. In part the accretion of tasks rendered ill-defined structures unacceptable. As employment in the institutions increased, lack of clarity about terms and conditions was bound to be unsustainable. Moreover, Monnet's pioneers were supplemented by personnel drawn, to a substantial extent, from the national administrations, who brought with them expectations about the nature of their relationship to their employer. This generation were 'instrumental in the bureaucratization, professionalization and compartmentalization of the Commission' (Hooghe, 2002, p. 154) referring to Coombes 1970). But it is also possible to trace, from the mid -1950s onward, a number of indications of a consciousness that what might be emerging might be a 'European civil service' with all the connotations for integration and state building that would carry with it.

First, the Treaty of Paris had provided for a Committee of the presidents of the four institutions (the High Authority, the Court of Justice, the Council of Ministers and the Parliamentary Assembly) to take decisions on the numbers of officials and their terms and conditions. One of its first decisions was to set up an inter-institutional committee to draw up staff regulations (a *statut du personnel*) but its main area of work was budgetary. A draft was in fact produced quite quickly, and applied from 1 July 1953 as a 'provisional regulation' for the staff of the Court and the Assembly. A full *statut* was applied to all the institutions under René Mayer's presidency in 1956. The presidents of the four institutions seem to have been conscious that they were at the start of a long and possibly far-reaching process, which could lead to the establishment of a 'European civil service'. The fact that the Schuman plan was followed so speedily by detailed, if eventually unsuccessful, plans and a (never ratified) Treaty to create a European Defence Community (EDC) supported such a view. They were anxious that the staffing provisions for both ECSC and EDC should be consistent.

Second, the EEC was provided from the start with much more structured services. After an initial period between January and March 1958 when the only staff in the Commission were those of the Commissioner's *cabinets* and a handful of others, mostly Belgian, charged essentially with housekeeping duties, nine well defined Directorates General were established, divided into 32 directorates. Hallstein, the first President, brought with him the hierarchical traditions of his substantial experience in German administration.

Third, it was at this period that crucial decisions - as much implicit as explicit - were taken. The Communities, as a new type of 'supranational' body should have a staff that was not simply an international secretariat like those that had served the Congresses and Conferences of the Concert of Europe in the nineteenth century, the League of Nations and the United Nations, or even regional bodies such as the International Commission for the Rhine. As early as 1964 Jean Siotis noted that any notion that the services constituted a secretariat, or had anything in common with 'traditional' international institutions was quite forcefully rejected (Siotis, 1964, p. 228 and 244). Instead the view was taken that, since the European Community was destined to be an evolving institution moving towards integration, it should be endowed with an administrative service, analogous to those which had served the cause of national integration in many of the member states, comprising permanent officials, not persons on secondment or temporary contracts. Already in 1953 Jacques Rueff, then a judge at the ECSC Court of Justice with special responsibility for managing its budgetary and administrative questions, had said 'We have, rather blindly, chosen the option of a statutory framework (a *statut*) by analogy, because we want to create a situation closer to that of national administrations than that of international organisations. We felt that supranational civil servants (*un corps de fonctionnaires supranationaux*) were, in fact, almost national civil servants, whose nationality was supranationality' (quoted in (Conrad, 1992, p. 64 my translation). And Hallstein, according to Emile Noël, wanted the

administration of the EEC to be 'a great administration' whose senior officials would command equal status with the very top ranks of the national administrations. (Noel, 1992, p. 150).

The European Community was not the only institution emerging in the 1950s and 1960s. The others were on the whole smaller and less prominent, but in many cases equally clear that they were also an integral part of 'the construction of Europe', as is evident from the adoption, in 1955 by the Council of Europe, of the European Flag which the EU also adopted 30 years later in 1985. A European Civil Service could be seen as an analogous symbol. It was not until the early 1980s that the Parliamentary Assembly of the Council of Europe, through its Sub Committee for a European Civil Service, began urging upon its member states the desirability of creating a European Civil Service (recommendations 944 (1982) and 1000 (1984)) with 'a progressive approximation of the employment conditions' of the staffs of the European Communities and the Council of Europe. However, the member states have shown no enthusiasm for the institutional development of a 'European civil service' of this type.

The aspirations clearly existed and to some extent persist. A European civil service was to be created, to be both the outward and visible sign and the agent of 'the construction of Europe'. These aspirations may have been particularly strong in what one official cited by de la Guérvivière (1993) called 'the heroic age when building Europe was the business of a few enthusiasts'. One of Maryon McDonald's respondents said of the younger generations of staff 'we had a European ideal and now they have to go to management courses to learn motivation' (McDonald, 1998). These aspirations provide a useful form of rhetorical defence when acquired benefits are threatened. But Liesbet Hooghe's detailed work has shown that even the 'sense of commitment to the European ideal' (Page, 1997, p. 136) (Bulmer, 1998, p. 375) which is widely shared by top officials may take contending forms. As a group, top officials of the Commission are slightly inclined to supranationalism' - that is the promotion by the European Union of ever-closer union - 'but one out of four supports an intergovernmental design ...perceiv[ing] European integration as a means of reducing transaction costs of international co-operation' (Hooghe, 1999, p. 346).

Structures and Tensions

The autonomous model

It is not straightforward to find a plausible theoretical framework from which possible explanations for the failure of the EU administration to fulfil its aspirations may be derived. Work on the emergence of bureaucracies has tended to see convergence towards a Weberian ideal-type as one of the indicators of state modernisation, but the explanatory power of this theory relates to the processes of evolution from a personalised or possibly tribal, customary, patronage-based system. Where creation *ex nihilo* has occurred - as in ex-colonial regimes - it has largely taken the form of a more or less wholesale transplantation of an existing national system - Whitehall and Westminster in Africa for example. As Knill points out (p.15), comparative public administration theory tends to assume little variation and to be rather static. However, from a broadly historical institutionalist perspective it is possible to suggest two hypotheses.

First, and very briefly, one reason for the failure of the EU administration to act a plausible and legitimate point of reference in an interactive Europeanisation process is simply that it is still 'adolescent' (Page & Wouters, 1995). Through processes perhaps analogous to the innate conservatism of the child, who cannot envisage change because she has never known anything different, and also as a consequence of the early development of a practice of recourse to the ECJ, the EU administrative structures quite quickly became crystallised and juridified rather than being slowly laid down by a more steady and incremental process of institutional development. And the process of softening, overlaying and moulding the initially jagged contours is an inevitably very slow one.

Second, the EU administrative structures are contested. As they have evolved those who have shaped them have brought to the task their own experience of administrative systems, both positive and negative, and this has a major influence both on what is adopted and on what is discarded. It may be argued that a number of potentially conflicting assumptions have emerged within the administrative services as a result of the juxtaposition of national traditions and habits. Most crucially, that juxtaposition actually brings together major and contrasting administrative cultures. One of them is the model which Pierre (Pierre, 1995, p. 8) calls a public law Weberian *Rechtstaat* model. Ziller points out

that it was Napoleon's administration which perhaps came closest to Weber's ideal type, although he remarks that there is a distinction between the two concepts. Weber's model is an ideal-type, while the Napoleonic model is simply a convenient shorthand - he calls it a myth - for a collection of observed characteristics (Ziller, 1993, pp. 71-72). Pierre sees it as constituting one of the two globally dominant models, the other being the 'Anglo-Saxon' model. Sabino Cassese (Cassese, 1987, p. 12) on the other hand, identifies three models: the German model 'dominated by legalism, rigidity and administrative planning', the French characterised by 'the rigidity of the structures and the flexibility of the bureaucracy, and the English model by the flexibility of both'.

The juxtaposition of these models has important consequences. What is essentially in conflict within the EU administration are two modes of legitimacy. The first is a legitimacy which is derived from constitutionally embedded and legally based structures designed to embed the administration within society and allow it to fulfil certain key social functions. This results in a relatively autonomous administration. The second is a procedural legitimacy, based upon outcomes, responsiveness, effectiveness and accountability. This administrative model is an essentially instrumental one (Knill, 2002, p. 107). The reform programme currently being attempted in the European Commission is a crucial site for the clash between these modes, which are discussed in greater length below.

A law-based system

The embedding within a solid legal framework of the conditions, rights and guarantees of officials stems, in part, from national traditions that seek to identify the administration with a durable state, and not a particular ruler. Dreyfus (2000, p. 172) refers to the entrenching in the 19th century of the fundamental idea that public officials are the servants of the state, not the 'prince' and quotes Vivien from 1859 'Officials (*fonctionnaires*) at every level are the servants of the state. The service of the public interest is their dominant and exclusive consideration'. The administration of the EU is a law-based system. The key legal texts are the *statut du personnel*, contained since the merger treaty in Regulation 259/68 of 29 February 1968, and frequently amended thereafter, and the Financial Regulation, in its current form since 21 December 1977, but equally frequently amended thereafter. The *statut* now contains nine titles and 11 annexes, and provides a formal basis in law for all the relationships between the EU institutions and their staff. They are moreover supplemented by the substantial jurisprudence arising from extensive litigation before the ECJ - litigation now handled by the CFI. Since the texts are Regulations adopted by the Council of Ministers, amendment entails laborious procedures involving, in the case of the personnel regulation, consultation first with staff representatives and then with the inter-institutional staff regulations committee, before a proposal can be put to the Council of Ministers, which itself may take many months to reach agreement. Currently (early 2002), attempts to reform the Financial Regulation to permit the adoption of procedures that will place accountability firmly in the hands of managers are being delayed by the hesitation of some member states (notably Spain) about the removal at EU level of a system (the *ex ante visa*) that is entrenched within their national procedures. For reformers the Regulations and their associated jurisprudence are a stumbling block. They can be - and are - used to protect acquired positions and to discourage uncomfortable change. To its defenders the *statut* and its associated jurisprudence exists to protect staff from arbitrary decisions or the abuse of management procedures governing such matters as recruitment, promotion, deployment and pay. But it is also a symbol which can be - and is - deployed to support an insistence that there is a 'European' interest over and above that of the various national 'princes' and that the EU officials, for whom its service is, in Vivien's phrase, the 'dominant and exclusive consideration', are its first and foremost defenders. Any attack on the *statut* can all too easily be represented as hostility to the idea of a 'European public service' and hence to the idea of a European interest at all.

A role in society

Within the essentially Napoleonic perspective the administration's ability to defend a general interest was not based solely upon its legal framework but also on its provision, through its scope, its expertise and its technical competence, of a counterweight to political forces. The bureaucracy provides continuity and stability. In its rhetoric the French administration, for example, derives its legitimacy from representing the general interest of the French citizens. In practice, senior civil servants tend to maintain that they, and only they, have the intellectual and technical capacity to know what the nation needs. It is the traces of this approach within the EU administration that Cris Shore (1999) is discerning and condemning. However, Liesbet Hooghe's survey of 106 top Commission officials between 1995 and 1997 found that most of them 'believe that the era of benevolent technocracy in the tradition of

Jean Monnet has come to a close' (Hooghe, 1999, p. 358). There is nevertheless a widespread sense that the role of the administration is to 'construct Europe', if necessary over against the reticences and national reflexes of the member states. Even an official whose approach could be described as 'intergovernmental' told Hooghe 'I am an official servant of the European construction' (Hooghe, 1999, p. 358).

Secondly, some commentators (Rouban, 1998) have seen the administration as a mechanism for social stability. By offering relatively disadvantaged families the prospect of meritocratic entry to a guaranteed career and an enhanced social standing for their offspring it channelled aspirations and frustrations which, without some hope of an outlet, would have spilt over into social disturbance and instability. The guarantee of regular advancement is hence an important feature of the career of officials. The administrative services of the European Union are so tiny that the ascription to them of a role of this kind would be ludicrous. However, traces of these approaches can be found in the *stagiaire* system which brings young people into the administrative services for brief periods at the start of their careers and hence develops a link, in the notion that officials enjoy a specific and protected status, and in their resistance to performance based career progression.

Procedural Legitimacy

The model of administration outlined above has not, however, been sufficiently successful in either ideational or procedural terms to establish the legitimacy which it seeks. It has failed to produce widespread recognition of the place of a 'European Public Service' as a key element in the integration process. It is interesting to recall that Maryon McDonald was told in 1993 'we are still the ones making history' and by 1998 was being warned 'hurry up, the Commission may not be around much longer'. This was notably prescient, given the fall of the Santer college in 1999.

The contending model of public administration is based upon the notion of procedural legitimacy. A key criterion for a legitimate administration is the notion of performance (Page & Wright, 1999, p. 272; Pollitt & Bouckaert, 2000, p. 58). This stems from an even deeper sense that the function of the administration is to serve the political authorities and to provide services to the citizens who are the ultimate source of both power and resources. To do so effectively the administration will need to be economical, efficient, responsive and accountable. The administration is judged by the extent to which it succeeds in delivering the outputs which the politicians have promised and the citizens expect. While in the short term it is the politicians whose fate – at the next election – depends upon these outputs, in a broader perspective support by society for the administrative system is also conditional upon ability to deliver. This 'anglo-saxon' model of administration has, in recent decades, been a turbulent and militant one, for the price of dependence upon delivery is the risk of recurrent reform, which, as Pollitt and Bouckaert point out (2000, p. 6) has symbolic and legitimacy benefits. These benefits can accrue both to the politicians who are seen to be 'doing something' and to senior officials who have the interesting task of implementing them. Such reform is accompanied by a rhetoric which vaunts the superiority of the reforming model and hence the backwardness of the Napoleonic model (Pollitt & Bouckaert, 2000, p. 59). The interactivity of Europeanisation and the diffusion of the 'the current wave of public management reform ...[which] has taken on an explicitly international dimension' (Pollitt & Bouckaert, 2000, p. 189) has ensured that pressures for change and reform underpinned by an essentially output-oriented model of legitimacy have, within the EU administration collided with the norms of alternative models..

The Nature of Conflict

Within the EU member states whose administrative traditions incorporate these contrasting forms of legitimacy are juxtaposed. Page and Wright characterise the United Kingdom (and perhaps Ireland should be added), Denmark and the Netherlands as maintaining a 'service provision' conception of the senior bureaucracy while Austria, Belgium, Greece, Italy and to a lesser extent France, Spain and (perhaps surprisingly) Sweden operate within a 'public authority' conception (Page & Wright, 1999, p. 273). And within the EU administration officials with backgrounds in these traditions work side by side. It is important to stress that statements about conflicting traditions should not be interpreted as implying conflicts between individuals, nor that nationality *in itself* produces cleavages within the EU administration. Officials affirm, sometimes vehemently, that they value the multicultural nature of the

services within which they work, and will assert that they are not influenced in their working relationships by the nationality of their collaborators. The nature and consequences of the co-existence of many different types of interpretation within a single organisation can be illustrated with reference to two aspects of the EU administration: the failures and successes of managerial reform, and the nature of political control.

Managerial Reform

A sense that managerial reform was required surfaced quite early in the history of the Commission. The late 1970s perception of failing dynamism within the Commission coincided with the beginnings, in the English-speaking world, of the phase of managerial reform that came to be lumped under the generic term 'new public management'. Moreover the 1973 enlargement had brought into the Commission British, Irish and Danish officials. Virginia Willis (Willis, 1982) found amongst them a number of criticisms of the systems which they encountered, and certainly some of the unspoken assumptions of the previous system were opened up. Whether or not the two reports that were undertaken in 1979 were exonerations for general lack of political progress, or substitutes for more decisive action, their diagnoses were perceptive and pertinent (Spierenburg, 1979; Biesheuvel, Dell & Marjolin, 1979). Over the subsequent decade and a half, however, action to remedy the problems identified was minimal. Amongst the many factors that explain this inaction (Stevens & Stevens, 1997) two are perhaps particularly relevant in the current context. First, challenges to administrative legitimacy were less likely in a period of almost frenetic activity, and any that arose could readily be dismissed as a Eurosceptic assault upon the whole project, and secondly, the administration remained notably sheltered from the winds of reform which were blowing, albeit at markedly different strengths (Knill, 2002, p. 6 fn3), through the member states.

Jacques Santer, when he took on the presidency of the Commission in 1995, did so in a changing climate. He was not in a position to adopt so activist a programme in other areas as to conceal the lack of progress in reform. Criticism of the methods adopted to arrive at the EU's achievements was growing (for example (House of Lords, 1988; Grant, 1994). Santer's Commissioner for Personnel and Administration (Erki Liikanen) was an energetic Finn from a country which, if cautiously and consensually, had been discussing and implementing budgetary and human resources management reforms since the mid 1980s (Pollitt & Bouckaert, 2000, pp. 220-222). The Sound and Efficient Management (SEM 2000) and Modernisation of Administration and Personnel (MAP 2000) programmes were introduced over the next three years. The third reform element, introduced in 1998, was DECODE (*Désigner la Commission de Demain* – Designing tomorrow's Commission) which aimed to 'screen' the resources available and attempt to redistribute them according to need. At the end of March 1998, following the advice of external consultants, the Commission had decided to bring all its reform plans together under the umbrella of a broad programme called 'To-morrow's Commission' (Stevens & Stevens, 2001).

The key elements of this reform programme were the strengthening and 'fraud proofing' of financial management, with a greater emphasis on checking control systems and evaluation, and decentralisation and simplification of a number of personnel management functions. The programme was, in comparison with some of the reforms implemented in some of the EU member states, rather modest. Nevertheless, it made slow progress. A number of reasons can be suggested for this. They include poor communication with both unions and management, exacerbated by a lack of clear and determined leadership from the top. But underlying these difficulties was the tension between the two different models of administrative legitimacy. The public authority model could be deployed in the discourse of that substantial group of senior managers who were reluctant to take on the relatively unrewarding management burdens which the MAP decentralisation involved, even if growing numbers of them did eventually, voluntarily, begin to implement the changes. For them management was a question of the application of the procedures and provisions set out in the regulations, a function for which the Personnel and Administration Directorate General existed; their own priority was the formulation of policy and legislation. Similarly the SEM and subsequent financial management reforms, which place much more emphasis on outcomes and responsibility, had to begin within the framework of the rigid and cumbersome Financial Regulation. Intended as a guarantor of probity, this framework in fact exempted individuals for taking responsibility for anything beyond the application of the rules. As it turned out, the procedures were no substitute for judgment and integrity, but the amendment of the Regulation has been a painfully slow process.

A related discourse could be found within the Unions. They were on the whole prompt to portray the statutory guarantees, career structures and emoluments of EU officials as intrinsic to their special status as guardians of the European project. They were thus strongly opposed to reforms which could be presented as the project of Commission management that was both high-handed and knuckling under to member states whose sole concern was to reduce expenditure.

From the reformers' point of view the programme was a necessary response to the requirements of a 'service provision' legitimacy. Those responsible for the reforms were aware of the language of reform being disseminated, in particular, through the OECD's public administration (PUMA) programme, and, as was with hindsight admitted (interview 1999), unaware of the very limited acceptance within the EU administration of its underlying rationale.

The reactions to the leaking of the Caston Report in the Spring of 1998 epitomised these conflicts. Prepared by a British official within DG IX (Personnel) as a discussion 'issues' paper on personnel policy it started explicitly from some of the assumptions derivable from a service provision model of administration, for example that staff supported by modern training and career development policies should, at management level, have an at least partial linkage of pay and performance. Equally cost effectiveness, benchmarked to national administrations, should be an objective. New policies should 'add value to the service that European Institutions give to the member states' (Directorate General IX European Commission, 1998, p. 7). This is not the language of a 'supranational', 'public authority' Europeanising administration. One contributor to the debate which ensued on the Commission intranet forum commented on the clash between 'northern and southern cultures' and another specifically discerned a hidden agenda to destroy 'the independence of the Commission's *fonction publique*' (personal communication). Although the Commission promptly withdrew the paper the report had exacerbated the situation which was already tense following the Commission's announcement of its intention to publish a wide-ranging 'Tomorrow's Commission' document. A strike was called on 30 April 1998, was quite widely supported, and the Commission effectively capitulated, setting up a working group under former Secretary General David Williamson, with equal union and management representation to propose reforms.

In their model of public management reform Pollitt and Bouckaert accord a key role to one element which 'operates outside' other factors including the elements that arise from within the administrative system (2000, p. 26 and 33). This is the element of 'chance events such as scandals...'. The resignation of the Commission in March 1999 as a consequence of the damning report of the European Parliament Committee of Independent Experts into the way in which the Commission had managed affairs was just such an event. Reform leapt briefly to the top of the agenda. However, it has not proved possible to sustain a very rapid pace, and as in 1999 it proved necessary to set up a joint body between management and unions to consider the proposed reforms, this time under the chairmanship of Nils Ersbøll, former Council Secretary General. The first fundamental principle on which they agreed was the need to maintain the 'competence, *independence* and permanence' (emphasis added) of the 'European public service' (Ersbøll, 2001, p. Annex 1 paragraph 2), asserting thereby core 'public authority' values. These values, however, are being restated in the midst of a reform process which, when set out in Commissioner Kinnock's major White Paper in 2000, focussed around efficiency, accountability, service and transparency, four terms which feature strongly in the vocabulary of the New Public Management which has been so clearly predicated on the 'service provision' model of public service.

The process of reform and reshaping in the European Commission has consequently been conflictual and 'sticky' (Pollitt & Bouckaert, 2000, p. 53). Two very different modes of discourse, rationale and legitimation have to be accommodated and there is as yet no sign of the emergence of a successful synthesis. The Kinnock reforms are an 'episode in the ongoing battle between the proponents of a principal Commission and supporters of an administrative and managerial Commission' (Hooghe, 2002, p. 155) Their progress and the process of interactive Europeanisation in relation to management reform has thus been notably slow.

Political Control

The same tension between those who see the Commission and its services as essentially the agent of the member states – a primarily administrative and managerial body - and those for whom it should be

a 'principal', with real scope for autonomy and independence, is reflected in the problems of political control within the Commission. The Commission is a very fractured and divided body. Its officials arrive from very diverse backgrounds, and are then compartmentalised further by the structure and working methods of the directorates general. This is not conducive to 'a homogenous and single-purpose service' (Hooghe, 2002, p. 23).

There is lack of overall and unified political purpose by which administrative action can be oriented and guided. The intergovernmental levels of the EU and the Commission itself are grand coalitions, and consequently have no overarching ideological or partisan vision. Their objectives are all relatively content-free. The Commission is enjoined to serve the Community interest, but the definition of the nature of that interest is more procedural than political: it may not go very much further than ensuring that the voices of all the parties to the Union are heard. As Page emphasises (1997, p. 119) 'Commissioners are not commissioned by anyone to do anything in particular'. Their annual work programme is hence an exercise in prioritising and scheduling, not informed by a shared underlying ideology. Indeed where such an ideology is an important factor in determining priorities it is underplayed or concealed. Even under Jacques Delors too overt and specific a statement of an intention to 'organise Europe' along particular lines would have been unacceptable to some of his colleagues within the college as well as exacerbating conflict with the member states, against whose veto major progress could not be made.

Administrative performance cannot, for these reasons, readily be checked against an overall statement of purpose. The EU's administrative services consequently lack one of the most pervasive, if invisible, instruments available to governments; the self control that civil servants exercise by measuring their actions and ideas against the likely response of the political leader, which can be forecast from known ideological preference (Page, 1997, p. 160). Even those bureaucracies which are most confident in their position within the social and political structure recognise the pre-eminence of democratic political orientation.

In consequence within the EU's services political influence and control is asserted from a number of different directions and runs through a variety of more or less official channels (Stevens & Stevens, 2001). In the absence of a clear sense of the purpose of the organisation against which the utility of structures and procedures can be judged it is scarcely surprising that neither executive leadership, nor pressures from outside have succeeded in creating an agreed model that can serve as a reference point within processes of administrative europeanisation.

An Alternative Legitimacy: the EU Administration as Networker and Facilitator?

Metcalf (1992, 2000) has argued that the Commission's administrative problems cannot be solved by processes of reform or even the achievement of some form of synthesis between the juxtaposed models. He argues that '[d]ealing with the management deficit raises issues of effectiveness and governance that go well beyond the current agenda of reform' (Metcalf, 2000). Indeed he fears that improving efficiency and effectiveness without fundamental reshaping 'might reinforce the structural bias of the Commission towards taking on more than it can deliver' (p.824). Drawing on concepts developed in part in the context of policy formulation and delivery within highly complex and consociational coalition polities such as the Netherlands (Kooiman,1990) he takes the view that the Commission must reinvent itself as a 'network organisation with a capacity-building mission' (Metcalf, 2000, p. 825). Metcalf's normative and prescriptive approach starts with the assumption that clarity in structures and procedures is a pre-requisite and that the current reform programme is a necessary but not sufficient condition of the institutional development he advocates. His overall argument is hence essentially a challenge to the nature of the environment within which the EU officials work: he is advocating an administration which moves away from both the 'autonomous' and the 'service provision' models of legitimacy towards a less hierarchical, partnership-based, network-management relationship between administration and society.

The development of a legitimacy of the type which Metcalf advocates would involve a substantial reshaping of the mentalities of officials at both national and EU levels, and a considerable re-thinking of the nature of democratic control. Not only are there no models for such a reshaping (Metcalf, 2000,

p. 237) but 'both the available theories and the available authority could easily be inadequate for a such a task.... each member of the network being its own master in the matter of management change' (Pollitt & Bouckaert, 2000, p. 37). Metcalfe's model does indeed implicitly reject the notion of fusion proposed by Wessels and suggest that national administrations would 'maintain their own identities' (p. 825). It is an argument against, not for, the notion of a European public service model.

Conclusion

The multi-national and multicultural nature of the Commission staff is clearly in many respects an asset. As one official closely associated with the reform process pointed out, it is important that different nationalities are represented at every level because the system needs 'translators' who can explain national differences (personal comment November 2001). But Anthony Caston, in his rapidly suppressed report, shrewdly observed 'The first shock of many staff recruited into the European institutions is to find that many of their underlying assumptions about behaviour, often barely made explicit in their own country since they seem so obvious, are not necessarily shared by colleagues....' (Directorate General IX European Commission, 1998, p. 8). This observation of day-to-day phenomena can be echoed at more general policy levels. There is as yet no evidence that Page and Wouters' (1995) scenario of a fusion of best practice within a model administration is being played out. Nor is there evidence either for a homogenous 'nation-building' bureaucracy of the type hypothesised by Shore (1999) or for the emergence, despite Metcalfe's advocacy, of a new and innovative 'network-management' civil service. Kinnock's reform programme is certainly inspired by the modernisation reforms of administrations across Europe, but the process is painful and difficult, and in this instance the notion of Europeanisation has indeed to be seen as an interactive process, flowing perhaps most strongly from the member states to Brussels rather than as in other cases, from Brussels outwards.

References

- Abélès, Marc and Irène Bellier, 1996. 'La Commission Européenne, du compromis culturel à la culture du compromis.' *Revue française de Science Politique*, vol. 46, no. 3(June), 431 - 456.
- Biesheuvel, Barend, Edmund Dell and Robert Marjolin, 1979. *The Three Wise Men Report: Report on the Operation of the Community Institutions*. Brussels: Official Publications Office of the European Community.
- Bulmer, Simon, 1998. 'New Institutionalism and the governance of the Single European Market.' *Journal of European Public Policy*, vol. 5, no. 3, 365 - 386.
- Cassese, Sabino, 1987. 'Divided Powers: European Administration and National Administrations.' In *The European Administration*. Sabino Cassese, ed. . Brussels: International Institute of Administrative Sciences, pp. 8-20.
- Cini, Michelle, 1996. *The European Commission; Leadership, Organisation and Culture in the EU Administration*. Manchester: Manchester University Press.
- Claisse, Alain and Marie Christine Meininger, 1995. 'Des Fonctions Publiques à l'épreuve de la modernisation.' *Revue Française d'Administration Publique*, no. 75(juillet-septembre), 441 - 448.
- Conrad, Yves, 1992. 'La Communauté Européenne du charbon et de l'acier et la situation de ses agents. Du régime contractuel au régime statutaire (1952-1958).' *Jahrbuch für Europäische Verwaltungsgeschichte*, vol. 4 (Die Anfänge de Verwaltung de Europäischen Gemeinschaft), 59 - 74.
- Coombes, David, 1970. *Politics and Bureaucracy in the European Community*. London: Allen and Unwin.
- Directorate General IX European Commission, 1998. 'Personnel Policy in the European Institutions - Towards the Future: an issues paper.' Brussels, Personal communication P 25.
- Dreyfus, Françoise, 2000. *L'Invention de la Bureaucratie*. Paris: La Découverte.
- Edwards, Geoffrey and David Spence, 1997. *The European Commission*, 2nd. London: Cartermill.
- Ersbøll, Nils, Chair, 2001. *Report of the High-Level Negotiation Body*, European Commission, 28 June.
- Grant, Charles, 1994. *Delors: Inside the House That Jacques Built*. London: Nicholas Brealey.
- Guérivière, Jean de la, 1993. *Voyage À l'Intérieure de l'Eurocratie*, nouvelle édition. Paris: Le Monde éditions, coll. 'actualité.
- Hayes-Renshaw, Fiona and Helen Wallace, 1997. *The Council of Ministers*. London: Macmillan.
- Hooghe, Liesbet, 1999. 'Images of Europe: Orientations to European Integration among Senior Officials of the Commission.' *British Journal of Political Science*, vol. 29, 345 -367.

- Hooghe, Liesbet, 2002. *The European Commission and the Integration of Europe*. Cambridge: Cambridge University Press.
- House of Lords, 1988. *Staffing of Community Institutions: 11th Report of the Select Committee on the European Communities*, HLP 66, 1987-88. London: HMSO.
- Kassim, Hussein and Handley Stevens, forthcoming. *The Liberalisation of Air Transport*. London: Palgrave.
- Knill, Christoph, 2002. *The Europeanisation of National Administrations*. Cambridge: Cambridge University Press.
- McDonald, Maryon, 1998. *Anthropological Study of the European Commission*. Brussels: Unpublished report for The European Commission.
- Metcalf, Les, 1992. 'After 1992: Can the Commission manage Europe?' *Australian Journal of Public Administration*, vol. 51, no. 1(March), 117 - 130.
- Metcalf, Les, 2000. 'Reforming the Commission.' *Journal of Common Market Studies*, vol. 38, no. 5(December), 817 - 841.
- Kooiman, Jan, (ed.), 1990. *Modern Governance: New Government-Society Interactions*, London: Sage.
- Noel, Emile, 1992. 'Témoignage: l'administration de la Communauté européenne dans la rétrospection d'un ancien haut fonctionnaire.' *Jahrbuch für Europäische Verwaltungsgeschichte*, vol. 4 (Die Anfänge de Verwaltung de Europäischen Gemeinschaft), 145 - 158.
- Nugent, Neill, editor, 1997. *At the Heart of the Union : Studies of the European Union*. London: Macmillan.
- Page, Edward, 1997. *People Who Run Europe*. Oxford: Oxford University Press.
- Page, Edward and Linda Wouters, 1995. 'The Europeanization of the national bureaucracies.' In *Bureaucracy in the Modern State: An Introduction to Comparative Public Administration*. Jon Pierre, ed. . Aldershot: Edward Elgar, pp. 185 - 204.
- Page, Edward and Vincent Wright, 1999. 'Conclusion: senior officials in Western Europe.' In *Bureaucratic Elites in Western European States: A Comparative Analysis of Top Officials*. Vincent Wright and Edward Page, ed. . Oxford: Oxford University Press, pp. 266 - 279.
- Pierre, Jon, 1995. 'Comparative Public Administration: the state of the art.' In *Bureaucracy in the Modern State: An Introduction to Comparative Public Administration*. Jon Pierre, ed. . Aldershot: Edward Elgar, pp. 1 - 17.
- Pollitt, Chris and Geert Bouckaert, 2000. *Public Management Reform: A Comparative Analysis*. Oxford: Oxford University Press.
- Radaelli, Claudio M., 2000. 'Whither Europeanization: Concept stretching and substantive change'<http://eiop.or.at/eiop/texte/2000-008.htm>. *European Integration online Papers (EIoP)*, vol. 4, no. 8, 28 January 2002.
- Rouban, Luc, 1998. *The French Civil Service*, trans. Anne Stevens and Mary Stevens. Paris: La Documentation Française.
- Shore, Cris, 1999. *Building Europe*. London: Routledge.
- Siotis, Jean, 1964. 'Some problems of European secretariats.' *Journal of Common Market Studies*, vol. II, no. 3, 222 - 250.
- Spierenburg, Dirk, chairman, 1979. *Proposals for Reform of the Commission of the European Communities and Its Services. Report by an Independent Review Body Under the Chairmanship of Mr Dirk Spierenburg*. Brussels: Official Publication of the European Union.
- Stevens, Anne and Handley Stevens, 1997. 'Le non-management de l'Europe.' *Politiques et management public*, vol. 15, no. 1(March), 33 - 52.
- Stevens, Anne and Handley Stevens, 2001. *Brussels Bureaucrats? The Administration of the European Union*. London: Palgrave.
- Wessels, Wolfgang and Dietrich Rometsch, 1995. 'L'interaction administrative allemande et l'Union Européenne.' Yves Mény, Pierre Muller and Jean - Louis Quermonne, ed. . Paris: L'Harmattan, pp. 125 - 142.
- Westlake, Martin, 1995. *The Council of the European Union*. London: Cartermill Publishing.
- Willis, Virginia, 1982. *Britons in Brussels: Officials in the European Commission and Council Secretariat*, Studies in European Policy, vol. 7. London: Policy Studies Institute (European centre for Political Studies) and the Royal Institute for Public Administration.
- Wright, Vincent, 1997. 'The paradoxes of administrative reform.' Walter Kickert, ed. . Cheltenham: Edward Elgar, pp. 7 - 13.
- Ziller, Jacques, 1993. *Administrations Comparées*. Paris: Montchrestien.