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La mise en œuvre à double voie de la stratégie européenne pour l'emploi: un monstre de papier après l'élargissement?[1]

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Résumé

Les actions de l'Union européenne en matière d'emploi suivent deux voies différentes. D'un côté, il y a la Stratégie européenne pour l'emploi (SEE), incarnée dans le titre sur l'emploi qui a été incorporé dans le Traité d'Amsterdam en 1997 et élaborée plus avant lors du Sommet européen extraordinaire de Luxembourg plus tard cette même année. D'autre part, de nombreuses actions communautaires destinées à soutenir l'emploi sont prises dans le cadre des Fonds structurels.

Cet article s'attache à répondre aux questions suivantes:

- Dans quelle mesure ces deux approches sont-elles des pistes doubles d'une même stratégie européenne en matière d'emploi?
- Quels sont les problèmes posés par l'interaction entre ces différents instruments et approches aux divers niveaux auxquels ils interagissent?
- Quelle sera l'incidence de l'élargissement de l'UE jusqu'à 25 Etats membres ou plus pour le maintien de cette difficile combinaison d'instruments différents de la gouvernance européenne?

L'un des traits fondamentaux qui contribuent à la notion bien connue de l'Union européenne (UE) en tant que système *sui generis* est le fait que le processus d'élaboration des politiques européennes est régi par une série de procédures différentes. L'une des innovations les plus récentes sur le terrain des procédures est ce que le Conseil de Lisbonne a appelé la "méthode de coordination ouverte". Cette méthode de travail s'appuie sur la coordination des politiques et la fixation de points de repères plutôt que sur des actes juridiquement contraignants. On considère qu'elle est utilisée lorsqu'il s'avère impossible de recourir à l'harmonisation, mais qu'il pourrait être trop risqué de recourir à la reconnaissance mutuelle et à la concurrence réglementaire qui en résulte. La stratégie européenne pour l'emploi (SEE) est l'un des principaux secteurs à appliquer la méthode de coordination ouverte. En utilisant cette méthode dans la politique de l'emploi, terrain sur lequel les Etats membres se sont montrés réticents à opter pour une compétence communautaire, il semblait possible de concilier les pressions réclamant une action accrue au niveau de l'UE avec une pression en sens inverse contre une expansion de la compétence de l'UE. Cependant, la mise en œuvre de la stratégie européenne pour l'emploi ne se fait pas uniquement à l'aide de la méthode de coordination ouverte, mais aussi au moyen d'un instrument communautaire, à savoir les Fonds structurels. Cette mise en œuvre à double voie de la stratégie européenne pour l'emploi repose sur les deux processus suivants[2]:

1. la méthode de coordination ouverte (comprenant les plans d'action nationaux (PAN) qui incorporent les orientations européennes en matière d'emploi et sont établis par chaque Etat membre dans une perspective pluriannuelle). La mise en œuvre des PAN par les Etats membres est soumise à une procédure de surveillance multilatérale[3]; et
2. les Fonds structurels, y compris les plans de développement régionaux ou nationaux, les cadres communautaires d'appui (CCA) et les programmes opérationnels. Cette procédure s'inscrit dans la sphère supranationale de l'UE.

Les liens entre ces deux voies existent à plusieurs niveaux: au (1) niveau juridique, (2) au niveau stratégique et au (3) niveau administratif. Si le premier peut poser des problèmes juridiques particuliers, il est difficile de se faire une idée précise des deux derniers, ce qui risque de poser des problèmes par rapport à la transparence et à la légitimité. Nous analysons ci-dessous l'interaction entre ces deux voies à ces trois niveaux, de manière à pouvoir identifier les défis potentiels qui se poseront à cette mise en œuvre binaire après l'élargissement. Dans une Union européenne de 25 membres ou plus, cette modalité de mise en œuvre de la stratégie européenne pour l'emploi possède-t-elle le potentiel nécessaire pour répondre aux appels réclamant une action accrue à l'échelon de l'UE, alors que d'autres pressions en sens inverse s'opposent à une extension de la compétence de l'UE?

La base juridique de cette double voie

Le Traité d'Amsterdam ne stipule pas une mise en œuvre binaire de la stratégie européenne pour l'emploi, et on n'en trouve non plus nulle trace dans le chapitre sur l'emploi, ni dans les dispositions régissant la politique

de cohésion de l'UE qui ne font aucune référence explicite à l'autre voie respective de la SEE. Cependant, le traité contient implicitement un lien. L'Article 3 TCE inclut parmi les compétences communautaires la coordination des politiques de l'emploi afin d'arriver à un niveau d'emploi et de protection sociale élevé recherché par le Fonds social européen (FSE), et l'Article 127 TCE stipule que toutes les politiques communautaires doivent contribuer aux objectifs formulés dans le cadre de la SEE. La législation dérivée sur le FSE est plus explicite dès lors que l'article 1 du règlement du FSE précise que "... le Fonds contribue aux actions entreprises en application de la stratégie européenne pour l'emploi et des lignes directrices annuelles pour l'emploi".[4]

Au niveau juridique, le lien entre les deux voies est ténu et relativement vague. Il ne prévoit pas une mission bien définie et ne précise pas non plus les procédures à suivre, ce qui est peut-être dû en grande partie au fait que le processus des plans d'action nationaux n'est pas régi par des actes juridiques, mais par des documents de type recommandations qui ne sont pas contraignants juridiquement. Le manque de clarté juridique qui en résulte sur la façon de coordonner la mise en œuvre des deux voies laisse aux autorités impliquées dans ces deux processus une flexibilité considérable.

Coordination au niveau stratégique: Bruxelles et les Etats membres ont-ils accordé leurs violons?

Le cycle des Fonds structurels suit une période de programmation pluriannuelle. L'ancienne période de programmation couvrait la période allant de 1994 à 1999 et la programmation actuelle couvre la période 2000-2006. Puisque la stratégie européenne pour l'emploi (SEE) n'a été établie qu'en 1998, on ne pouvait pas s'attendre d'emblée à une bonne coordination avec les fonds structurels. Ainsi, on ne procéda qu'à quelques ajustements mineurs pour satisfaire aux objectifs de la SEE, notamment à une réaffectation des fonds à des actions préventives.[5] A une plus grande échelle, uniquement pour la période de programmation 2000-2006, les fonds structurels devraient jouer un rôle stratégique en soutien des objectifs de la SEE.

Dans ses orientations pour les programmes pour la période de 2000-2006, la Commission européenne a souligné que ces "… plans, établis sur la base des lignes directrices communes pour l'emploi adoptées par le Conseil, serviront de cadre général aux actions relevant des Fonds structurels, en particulier, le Fonds social européen, pour soutenir les politiques de l'emploi...".[6] Le FSE joue même un rôle plus prononcé que les autres fonds structurels dans le soutien qu'il apporte au FSE: "Le FSE est le principal instrument financier au niveau de l'UE qui aide les Etats membres à développer et mettre en œuvre les orientations pour l'emploi au titre de la stratégie européenne pour l'emploi." (Ibid: 22). En conséquence, la Commission estime qu'il est nécessaire qu'il y ait une compatibilité entre les priorités de la SEE et celles du FSE. Cette compatibilité doit ressortir à la fois au niveau des stratégies et au cours de la phase de mise en œuvre. Le suivi ainsi que les évaluations doivent apprécier le degré de cohérence entre le FSE et les PAN.[7]

Dans de nombreux cas, les déclarations stratégiques de la Commission sur la mise en œuvre des Fonds structurels qui contiennent une référence aux PAN prennent la forme de lignes directrices. Or, bien que celles-ci ne soient pas contraignantes juridiquement, la Commission craint que les Etats membres ne s'attachent à les suivre dans toute la mesure du possible. Dans sa première évaluation du processus de programmation pour l'Objectif 1, la Commission arrive à une conclusion globale positive sur la disponibilité et la volonté des Etats membres à suivre les orientations de la Commission et constate que certains Etats membres, comme la Suède, la Finlande, l'Allemagne, l'Irlande et le Royaume-Uni ont bien pris compte des orientations de la Commission, c'est-à-dire également des dispositions sur la politique de l'emploi.[8]

Le Fonds social européen joue même un rôle plus prononcé que les autres fonds structurels dans le soutien qu'il apporte au fonds social européen

Plus spécifiquement, s'agissant de la contribution du soutien du FSE à la SEE sous l'Objectif 1 et l'Objectif 3[9], la Commission conclut que "avec cet ensemble de mesures, une base solide sera établie pour soutenir aussi bien la Stratégie européenne pour l'emploi que les engagements stratégiques pris au cours du Conseil européen de Lisbonne."[10] Le FSE soutient fermement les quatre piliers de la SEE, à savoir l'employabilité, l'adaptabilité, l'esprit d'entreprise et l'égalité des chances. La part du lion va au pilier employabilité (près de 60% du budget FSE ou 34 milliards d'euros), suivi par les piliers adaptabilité (11 milliards d'euros), esprit d'entreprise (8 milliards d'euros) et égalité des chances (4 milliards d'euros). Le montant total affecté au FSE dans ces deux Objectifs correspond à 35% de l'enveloppe totale du FSE allouée aux deux Objectifs. Dans l'ensemble, ces chiffres indiquent un rôle majeur du FSE pour soutenir les objectifs de la stratégie européenne pour l'emploi. En fait, tous les plans d'action nationaux contiennent des informations sur la façon dont le FSE est utilisé pour soutenir la SEE. Cependant, la contribution des autres Fonds au soutien des objectifs de la SEE n'est pas rendue "suffisamment explicite, et seuls quelques pays y font allusion".[11]

Le Conseil, pour sa part, a été moins cohérent dans le lien qu'il a établi entre le FSE ou les fonds structurels et le processus de plans d'action nationaux. Si la résolution du Conseil relative aux lignes de conduite

pour l'emploi 1998 ne contient aucune référence à aucun des fonds structurels, la résolution et la décision relatives aux lignes de conduite pour 1999 et 2000 font elles référence à la contribution positive du FSE à la stratégie européenne pour l'emploi. La décision relative aux lignes directrices pour 2001 va même plus loin, dès lors qu'elle mentionne également les autres fonds structurels et non pas uniquement le FSE. Une année plus tard, la situation est de nouveau différente et la décision relative aux lignes directrices pour 2002 ne contient aucune référence aux fonds structurels.[12] Cette importance moindre accordée aux fonds structurels en 2002 pourrait s'expliquer par le fait qu'en 2000 et en 2001 les négociations des documents de programmation des fonds structurels en étaient à leur point culminant. Par voie de conséquence, le Conseil était pleinement conscient des liens étroits entre les fonds structurels et la SEE, et cela aussi parce que la Commission avait insisté sur la nécessité de rattacher les documents de programmation des fonds structurels à la stratégie européenne pour l'emploi. Ces documents ont été adoptés en 2002 et il appartient à présent aux Etats membres de les mettre en œuvre.

Cette hésitation ressentie du Conseil à vouloir rattacher le FSE aux plans d'action nationaux est une nouvelle fois apparue clairement lors de la réunion du Conseil européen de Barcelone. A Barcelone, les chefs d'Etat ou de gouvernement ont reconnu les difficultés des différents calendriers des lignes directrices stratégiques d'une part, et le "paquet emploi" annuel d'autre part, et ont décidé de les synchroniser. On rencontre des problèmes de timing similaires avec le FSE, dus au fait que le calendrier fixé pour l'élaboration des plans d'action nationaux n'est pas compatible avec la programmation financière annuelle du FSE.[13] Les Etats membres ne sont informés des nouvelles lignes directrices et des recommandations du Conseil pour l'année suivante qu'au mois de novembre de l'année en cours, ce qui leur laisse très peu de temps (de novembre à janvier) pour adapter – si nécessaire – les interventions du FSE à ces recommandations. Toutefois, le Conseil européen ne s'est pas penché sur ce problème et ne l'a même pas évoqué dans les conclusions de la Présidence. Cet aspect a trait au troisième niveau de la mise en œuvre à double voie qui n'a retenu que très peu l'attention jusqu'ici, aussi bien dans l'arène politique que dans le débat académique: à savoir la dimension administrative. La législation et les stratégies offrent le cadre qui sert de base aux administrations pour la mise en œuvre de cette politique. Comme on l'a vu plus haut, ni au niveau juridique ni au niveau stratégique il n'y a eu une approche claire et cohérente par rapport aux modalités d'interaction de ces deux voies de la stratégie européenne pour l'emploi.

Mise en réseau administrative: compétences floues ou mise en réseau ciblée?

Egalement au niveau de l'administration, la Commission semble être l'acteur le plus désireux de combler le fossé entre ces deux voies. Pour ce faire, elle utilise les structures institutionnelles mises en place aussi bien dans le cadre du Fonds social européen (p.ex. le comité FSE) que dans le cadre de la stratégie européenne pour l'emploi (comme le comité de l'Emploi).[14] Tout au moins dans le cas du comité de l'emploi, la Commission a élargi les attributions initiales du comité que le Conseil avait voulues pour assurer la cohérence entre les lignes directrices pour l'emploi et les lignes directrices stratégiques, mais les fonds structurels n'ont pas été mentionnés.[15] Au sein de la Commission, le groupe interservices sur l'emploi est l'instrument clé pour le développement et la mise en œuvre de la stratégie européenne pour l'emploi. S'agissant des travaux de ce groupe, la Cour des Comptes a fait remarquer de manière critique que "l'impact du développement régional (soutenu par le FEDER) sur l'emploi pourrait être approfondi".[16]

Au niveau des autorités des Etats membres chargées de gérer les fonds struc-turels, la mise en œuvre à double voie a nécessité une très grande adaptation et flexibilité. Etant donné la structure de gestion échafaudée pour les fonds structurels, il a fallu accorder une très grande attention à la mise en place de la coordination interministérielle. S'agissant des régions Objectif 1, dans aucun Etat membre l'Autorité de gestion du Cadre communautaire d'appui (CCA) n'est située au sein du ministère de l'Emploi ou du Travail, cette responsabilité étant la plupart du temps confiée au ministère des Finances, de la Planification ou des Affaires économiques. La coordination interministérielle entre l'Autorité de gestion et le service chargé du FSE au ministère du Travail est nécessaire afin de coordonner la mise en œuvre des aspects rattachés au FSE dans le contexte du cadre communautaire d'appui et des plans d'action nationaux relevant de l'Objectif 1. Du côté des plans d'action nationaux, il semble que jusqu'ici la responsabilité de la supervision de leur mise en œuvre n'incombe pas au même service que celle du FSE. On observe une situation tout aussi segmentée au niveau des programmes opérationnels (PO). Dans le cas des programmes opérationnels régionaux (POR), la principale responsabilité pour leur élaboration et leur gestion n'est généralement pas attribuée au ministère du Travail, mais par exemple au ministère des Affaires

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économiques. En revanche, pour les programmes opérationnels sectoriels (POS) sur le développement des ressources humaines, dans lesquels le FSE est le principal fonds en termes financiers, l'Autorité de gestion est effectivement située la plupart du temps au sein du ministère de l'Emploi ou du Travail.

Par ailleurs, l'élaboration des plans d'action nationaux a nécessité une coordination entre différents ministères. En Suède, par exemple, le ministère de l'Emploi et de la Communication a partagé cette tâche avec le ministère de l'Industrie et le ministère des Finances, où cette tâche est confiée à un fonctionnaire responsable dans chacun de ces ministères. La principale responsabilité pour la mise en œuvre des plans d'action nationaux appartient généralement au ministère de l'Emploi. A première vue, cette situation semble autoriser une coordination constructive pour la mise en œuvre des PAN et des programmes opérationnels sectoriels sur le développement des ressources humaines. Cependant, à la suite d'interviews réalisées dans une sélection d'Etats membres, on a pu constater que la responsabilité en matière de supervision de la mise en œuvre des PAN n'incombe généralement pas au même service que celui dont relève l'Autorité de gestion chargée du programme opérationnel. Peu d'Etats membres ont fait état de recoupements au niveau des responsabilités en matière de PAN et de FSE.

Cette fragmentation de la structure de gestion du FSE et des PAN ressort aussi dans les compléments de programmation.[17] Si les programmes opérationnels sectoriels et les programmes opérationnels régionaux contiennent des références à la façon de contribuer aux objectifs de la stratégie européenne pour l'emploi, les compléments de programmation donnent eux une image différente. Dans l'ensemble, on trouve deux types de références à la SEE: celles qui tendent vers une compatibilité matérielle entre les interventions du Fonds social européen et les plans d'action nationaux, et celles qui décrivent les modalités à suivre pour réaliser et vérifier la réalisation des objectifs quantifiés stipulés dans les PAN. Cependant, elles ne mentionnent pas la coordination administrative entre les autorités impliquées dans ces deux instruments. Eu égard à la finalité du complément de programmation, qui contient un aperçu de la structure administrative pour gérer les fonds structurels, cet accent mis sur la coordination avec les PAN nous amène à conclure que les Etats membres ont en effet une interprétation plutôt étroite de la mise en œuvre binaire. La coordination semble être acceptée sous l'angle de la définition d'objectifs stratégiques et du contrôle de leur réalisation; en revanche, elle ne semble pas être acceptée lorsqu'il s'agit d'établir une structure de gestion cohérente. La Commission se montre très critique par rapport à cette voie compartimentée de la mise en œuvre: "les négociations du nouveau cycle de programmes du Fonds social européen ont montré que, dans la plupart des Etats membres, il y avait eu peu d'échanges entre les autorités nationales chargées de la préparation des plans d'action nationaux et celles gérant les interventions du FSE".[18] Il "ne suffit pas que les programmes du FSE intègrent les priorités de la SEE si les plans d'action nationaux ne tiennent pas pleinement compte de la contribution du FSE et des autres Fonds structurels à la stratégie européenne pour l'emploi".[19] La Cour des Comptes émet des critiques encore plus explicites et invite les Etats membres à améliorer la coordination entre le FEDER/FSE d'une part et la SEE/PAN de l'autre. [20]

Au niveau des autorités des Etats membres chargées de gérer les fonds structurels, la mise en œuvre à double voie a nécessité une très grande adaptation et flexibilité

Outre les nouvelles exigences qui pèsent sur la coordination interministérielle, la mise en œuvre binaire remet aussi en cause l'interprétation du principe de partenariat, c'est-à-dire l'implication d'un large éventail d'acteurs dans le cycle des Fonds structurels. Après avoir été introduit comme l'un des principes fondamentaux dans les Fonds structurels en 1988, ce principe a été progressivement étendu aux autorités régionales et locales, aux partenaires sociaux, ainsi qu'aux représentants de la société civile. Jusqu'ici, le processus de plans d'action nationaux n'a pas permis de constater une notion aussi vaste du partenariat et l'implication limitée des partenaires régionaux et locaux a été critiquée.[21] Le Conseil, quant à lui, reconnaît l'importance de la dimension locale dans ses recommandations pour les politiques de l'emploi des Etats membres: "l'action locale pour l'emploi contribue dans une large mesure à la réalisation des objectifs de la SEE … La mise en place de partenariats à tous les niveaux appropriés est essentielle".[22] Vu le système de gouvernance à niveaux multiples et à couches multiples mis en place par la mise en œuvre à double voie, il est difficile de créer une dimension territoriale, étant donné la dimension territoriale traditionnelle de l'administration publique qui identifie clairement une unité administrative à un certain territoire.[23]

Parmi les autres grands défis que doivent relever les administrations, il faut signaler que les Etats membres doivent aussi réaffecter les ressources déjà minces dont ils disposent pour pouvoir mettre en œuvre les plans d'action nationaux. Les réponses des Etats membres donnent à penser que la politique européenne de l'emploi n'a pas entraîné un glissement accru des ressources vers le processus de PAN, les Etats membres ayant eu tendance à adapter la structure institutionnelle existante. Bien que les PAN n'aient pas conduit à une grande réaffectation des fonds ou des tâches au sein des

ministères, on fait cependant observer que le processus de plans d'action nationaux a contribué à améliorer la consultation et la coordination entre les ministères, les départements et les agences. Toutefois, force est de constater que cette coordination se limite aux PAN et ne s'étend pas nécessairement aux Fonds structurels. Sur ce point, la Belgique constitue une exception notable; en effet, ce pays a créé une institution spécialement conçue pour coordonner la mise en œuvre du FSE et des PAN, appelée "Cellule d'évaluation de l'impact du FSE" (ENIAC). Créée à l'initiative de la Commission et financée par le FSE, le but de cette cellule est de garantir la cohérence entre les PAN et le FSE, de mettre au point des indicateurs à la fois pour les PAN et les programmes opérationnels et d'élaborer une méthodologie qui permette d'évaluer l'impact du Fonds social européen sur les programmes d'action nationaux.

Les risques et le potentiel de l'approche binaire après l'élargissement

L'analyse a révélé une disproportion frappante entre les trois dimensions de la mise en œuvre de la stratégie européenne pour l'emploi, à savoir le niveau juridique, le niveau stratégique et le niveau administratif. C'est au niveau stratégique que la double voie de la SEE est la plus développée. La Commission souligne de manière cohérente dans le temps le lien entre les deux voies de la SEE. Les Etats membres semblent également être disposés à adhérer à une stratégie qui relie les deux voies, même s'ils ne sont pas aussi enthousiastes. Contrairement au niveau stratégique, les niveaux juridique et administratif de la double voie ont révélé une situation ambivalente. Le Traité n'établit pas de lien clair entre les deux procédures, mais quand bien même vague, il existe bel et bien un lien entre les règlements des Fonds structurels et la SEE. Les documents du Conseil adoptés dans le processus de plan d'action national révèlent une incohérence dans le temps dans la manière d'établir un lien avec les Fonds structurels. C'est sans aucun doute la dimension administrative qui a affiché le niveau le plus élevé de dynamique et d'incertitude, en révélant que les Etats membres sont encore à la recherche d'une solution convenable.

Mais pourquoi cette situation devrait-elle présenter davantage qu'un intérêt purement académique? Pourquoi risque-t-elle potentiellement de causer des problèmes lorsqu'il s'agit de l'élargissement? Pourquoi cette structure double telle qu'elle s'est développée dans le temps doit-elle être restructurée de manière prudente? Pourquoi ne faut-il pas la garder telle quelle? Un problème potentiel d'envergure a trait à la question des objectifs. On a assisté ces dernières années à un net glissement vers des objectifs quantifiés dans la réalisation des objectifs des politiques. S'agissant du FSE, les objectifs quantifiés correspondent dans de nombreux cas à ceux fixés par le Conseil européen de Lisbonne. Dans l'actuelle période de programmation, la non-réalisation de ces objectifs risque de pénaliser une région donnée, qui dans ce cas ne bénéficiera pas de la réserve de performance, c'est-à-dire de 4% des fonds à affecter à mi-parcours de la période de programmation. Actuellement la réserve de performance est répartie à l'intérieur d'un même Etat membre. Cependant, après l'élargissement, lorsque la concurrence pour l'octroi des fonds se fera plus rude entre les Etats membres et les régions, la prochaine réforme des Fonds structurels pourrait peut-être reconnaître la nécessité de rechercher des critères plus stricts pour la répartition des fonds. Etant donné la récente discussion sur la mauvaise utilisation des fonds, on peut s'attendre à ce que les critères soient non seulement rattachés au développement économique d'une région, mais aussi à la nécessité d'une gestion efficace de ces fonds. La réserve[24] de performance, un instrument introduit par l'Agenda 2000, pourrait s'avérer un outil indiqué à cette fin. A l'heure actuelle, elle stipule d'affecter 4% des fonds à mi-parcours à l'intérieur d'un Etat membre en fonction de la performance démontrée par celui-ci dans la gestion des fonds. Pour que cet instrument puisse devenir un instrument puissant après l'élargissement, il y a lieu de le réviser de manière à autoriser une affectation transfrontalière des fonds. L'affectation doit être fondée sur des critères, autrement dit sur la réalisation d'objectifs quantifiés. Les objectifs définis dans un mécanisme de coopération intergouvernementale (plans d'action nationaux) pourraient donc être inclus dans les instruments communautaires (les programmes opérationnels) qui sont dotés de tous les moyens juridiques de la Communauté. Bien qu'un mécanisme de ce type puisse renforcer la prise de conscience et l'importance des objectifs, et partant encourager une utilisation efficace des fonds, ce mécanisme pourrait par ailleurs aussi entraîner une sérieuse opposition, voire une hostilité à l'encontre de la stratégie européenne pour l'emploi, en particulier parce que la SEE bénéficie d'une moins grande attention dans le débat public national et est donc perçue comme étant beaucoup moins transparente que les Fonds structurels. Qui plus est, cette tendance à une intergouvernementalisation d'un instrument communautaire pourrait remettre en cause les principes fondamentaux des Fonds structurels (p.ex. le principe de partenariat) ainsi que la nature juridique de la Communauté. C'est pourquoi, il n'est pas certain aujourd'hui que les Etats membres soient disposés à accepter ce lien conditionnel. Cependant, étant donné les ressources financières de plus en plus faibles ont on dispose et l'imminence de l'élargissement d'une part, et la pression croissante réclamant l'obtention de résultats tangibles dans la lutte contre le chômage d'autre part, il est nécessaire de mettre au point des moyens à la fois

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adéquats et objectifs pour redistribuer les fonds. La mise en œuvre binaire possède les qualités requises pour devenir un outil indiqué pour la réaffectation des fonds, tout en respectant la souveraineté nationale dans un domaine sectoriel aussi sensible que celui de la politique de l'emploi. Cependant, tant qu'une mise en œuvre binaire de la SEE se préoccupera plus de la collaboration que de la constitution de synergies, les plans d'action nationaux seront ressentis comme étant plutôt un ajout aux Fonds structurels qu'une partie intégrante d'un processus européen définissant des objectifs, des stratégies et des critères pour la politique européenne de l'emploi.

NOTES

1 Cet article est le résultat d'une recherche encore en cours menée dans le cadre du projet de recherche Govecor financé par le cinquième programme-cadre de recherche de l'UE. Une version plus élaborée de cet article sera publiée dans: Edward Best & Danielle Bossaert (eds.), *From Luxembourg to Lisbon and beyond: Making the Employment Strategy Work*, Maastricht: European Institute of Public Administration 2002.

2 Commission européenne, *Communication concernant l'agenda pour la politique sociale*, COM 379 final, Bruxelles 28.6.2000, p. 16. Keller, Berndt, "Aktuelle Entwicklungen "europäischer" Beschäftigungspolitik: Vom Weissbuch zum Beschäftigungskapitel", *Sozialer Fortschritt*, No. 6/1999, p. 146.

3 Bien que le traité rejette explicitement l'idée d'une harmonisation des politiques de l'emploi des Etats membres, la SEE comprend également des techniques telles que le benchmarking et l'examen par les pairs qui visent à favoriser une convergence entre les politiques européennes de l'emploi. (Tronti 1999, ÖSB/INBAS 2001).

4 Règlement FSE n° 1784/1999, article 1.

5 Commission européenne, *Rapport conjoint sur l'emploi 2000*, COM 551 final, Vol. I, Bruxelles 6.9.2000, p. 81.

6 Commission européenne, *Communication de la Commission concernant les fonds et leur coordination avec le fonds de cohésion – Orientations pour les programmes de la période 2000-2006*, COM 344 final, Bruxelles 1.7.1999, p. 2.

7 Commission européenne, *Orientations pour des dispositifs de suivi et d'évaluation des interventions du FSE pour la période 2000-2006*, Bruxelles, juillet 1999, p. 10.

8 Commission européenne, *Communication concernant les résultats de la programmation des fonds structurels pour la période 2000/2006 (objectif 1)*, COM 378 final, Bruxelles, 5.7.2001, p. 12.

9 Les informations relatives à l'Objectif 2 n'étaient pas encore disponibles étant donné que tous les programmes opérationnels pour l'Objectif 2 n'avaient pas été adoptés au moment de mettre la dernière main à la communication.

10 Commission européenne, *Communication concernant le soutien du fonds social européen à la stratégie européenne pour l'emploi*, COM 16 final/2, Bruxelles, 23.1.2001, p. 2.

11 Ibid, p. 9.

12 Conseil, *Décision du Conseil du 18 février 2002 sur les lignes directrices pour les politiques de l'emploi des États membres en 2002*, JO L 60/60, 1.3.2002.

13 Cour des Comptes européenne, *Rapport spécial No 2/200 relatif à certaines interventions structurelles en faveur de l'emploi: impact sur l'emploi des aides FEDER et mesures du FSE contre le chômage de longue durée, accompagné des* réponses de la Commission, JO C 334/1, 28.11.2001, p. 4.

14 Commission européenne, *Communication concernant le renforcement de la dimension locale de la stratégie européenne pour l'emploi*, COM 629 final, Bruxelles, 6.11.2001, p. 9.

15 Conseil, *Décision du Conseil du 24 janvier 2000 instituant le comité de l'emploi*, JO L 29/21, 4.2.2000, article 1.

16 Cour des Comptes européenne, *Rapport spécial No 2/200 relatif à certaines interventions structurelles en faveur de l'emploi: impact sur l'emploi des aides FEDER et mesures du FSE contre le chômage de longue durée, accompagné des réponses de la Commission*, JO C 334/1, 28.11.2001, p. 11.

17 Le complément de programmation est un nouveau document de programmation inclus dans le cycle de programmation des Fonds structurels par les réformes de l'Agenda 2000. Les Etats membres le préparent dans un délai de 3 mois après l'adoption du cadre communautaire d'appui et des programmes opérationnels et le soumettent à la Commission pour information.

18 Commission européenne, *Rapport conjoint sur l'emploi 2000*, COM 551 final, Vol. I, Bruxelles, 6.9.2000, p. 73.

19 Commission européenne, *Communication concernant le soutien du fonds social européen à la stratégie européenne pour l'emploi*, COM 16 final/2, Bruxelles 23.1.2001, p. 14.

20 Cour des Comptes européenne, *Rapport spécial No 2/200 relatif à certaines interventions structurelles en faveur de l'emploi: impact sur l'emploi des aides FEDER et mesures du FSE contre le chômage de longue durée, accompagné des réponses de la Commission*, JO C 334/1, 28.11.2001, p. 6.

21 Commission européenne, Proposition de décision du Conseil sur les lignes directrices pour les politiques de l'emploi des États membres en 2000, COM 712 final, Bruxelles, 14.12.1999, p. 4.

22 Conseil, *Décision du Conseil du 13 mars 2000 sur les lignes directrices pour les politiques de l'emploi des États membres en 2000* (2000/228/CE), préambule, points 18 + 19.

23 Goetz, Klaus H., "Verwaltungswandel – ein analytisches Gerüst", Edgar Grande & Rainer Prätorius (eds.), *Modernisierung des Staates?*, Baden-Baden: Nomos Verlag 1997, p. 190

24 On retrouve par exemple une telle approche dans un instrument de politique de l'emploi aux Etats-Unis qui possède un certain nombre de similarités avec les Fonds structurels sous l'angle des principes fondamentaux. En vertu de la loi américaine sur l'investissement dans les ressources humaines (*U.S. Workforce Investment Act*), la dotation financière au profit de chaque Etat est fonction de la réalisation des objectifs de l'emploi. Cette disposition a contribué à renforcer la prise de conscience de l'importance et de la signification des objectifs. Hartwig, Ines, *Multilevel Governance in U.S. Workforce Development- the case of the Workforce Investment Act*, Washington D.C.: American Institute for Contemporary German Studies 2002.❑

Undefined Boundaries and Grey Areas: The Evolving Interaction Between the EU and National Public Services

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Abstract

Cooperation in Public Administration is of an informal nature because the Treaties of the European Union do not foresee community powers regarding the organisation of the Public Administrations, and for existing substantial differences in national personnel policies and administrative systems of the Member States. However, the impact of community law and administrative cooperation is increasingly affecting the administrative, organisational, legal and political structures of the Member States. Some experts even argue that this form of Europeanisation is leading to a *European administrative space* or a *European model of Public Service* in the long run. This article is discussing the how and why the integration process is affecting the national public services despite the limited competence of the EU. A special emphasis will be placed on the question whether the current development may produce – in the future – a convergence of the national public services.

1. The Europeanisation of national administrations

Studying the term "*Europeanisation*" of national law, policies, administrations and economies is "popular", but at the same time difficult. A search on the Internet results in 10,700 hits (June 2002). There are currently countless studies and publications on the Europeanisation of the nation state; national parliaments; national environmental policies; immigration, research and industrial policies; development aid; regional and spatial planning; national private, criminal, administrative and constitutional law; national institutions; trade unions; accession countries; etc. In general, most studies examine the consequences and meaning of the European integration process for existing national law, policies and economies, as well as for processes and structures. Moreover, in recent years, the role of the Member States in EU decision-making processes has increasingly been subsumed under the term Europeanisation. In fact, the term Europeanisation is far more often defined as a process which has certain political, economic, legal and cultural effects in the Member States. Only in exceptional cases is it described as a "convergence process" in the sense of harmonisation and approximation.

In fact, nobody can say for sure where the influence of the EU on national administrations starts and where it ends.

Furthermore, it is becoming clear that different research angles in different subject areas (law, politics, economics, and institutions) lead to different outcomes. Particularly in the legal field, there is hardly an area that escapes the European influence.[1] This influence lessens the more political the subject matter is and the more implementation, administrative and organisational issues are involved.

Europeanisation can be defined as the process of "progressively influencing and transforming a field of law through European law and through the legal thinking within European law".[2] Through the transposition of European law into national law, national legal systems have been Europeanised over the years; this applies to national public law, administrative law, planning law, coordination obligations, as well as to information management systems and reporting obligations, to which all authorities at national level are subject.

Although the EU is in principle a legal and economic community, this form of Europeanisation is not limited to the impact of EU law on the Member States; it also represents the interplay of effects and influences of the national level "in Brussels" and of EU policies in the Member States. Therefore, Europeanisation stands both for "giving" and "taking" between European policy and law and national policies, administration and law.[3] Today, concepts of administrative cooperation have developed into (different forms of) network concepts.[4] A clear example is the proposal of the European Commission on the externalisation of the management of Community programmes of 2000.[5] This proposal, like the Commission's White Paper on European Governance, does however among other things aim at reducing the management deficit of the European Commission. Both documents actually contain extensive and very different proposals for administrative cooperation and networking. It is remarkable within this

framework that the concept of *partnership* (which originally stems from *structural policy* and has since then also been applied in other sectors), has increasingly been substituted by the more complex and flexible term "network". Controversial questions are however whether through non-hierarchical networks a European administrative space can be built, how it should develop and what shape of integration it should take. In addition, it is still completely unknown what types of administrative cooperation and integration arise from different network concepts and whether they are more efficient and effective than traditional cooperation procedures.

Both the theory of the Europeanisation of public administration and public services and the emergence of a European Administrative Space are certainly of great intellectual interest. Today, it is a real challenge for scholars to do research in an area where the EU competence is not clearly defined or does not even exist ("Integration without competence"). Because of this, the question as to the impact of the integration process on national administrations and public services has – despite different views on the subject – basically been left unanswered. In fact, nobody can say for sure where the influence of the EU on national administrations starts and where it ends. One reason for this is that neither the EU, the national governments nor the public administrations are static concepts. The traditional concept of the public service is closely linked to the concept of the nation state. This implies that a changing role of the nation state will also affect the role of the national civil services. Today it seems that the nation state is undergoing dramatic changes although there are no signs that it is about to disappear. Furthermore, it seems that "Government will likely neither expand nor contract a great deal but it will certainly change".[6] In fact, today, globalisation and internationalisation trends can be observed, but not the development of a world state. The EU is in itself a dynamic concept but not one that is moving towards a nation state and the traditional nation state is being challenged from "above" (globalisation and EU integration) and from "below" (decentralisation, delegation, agencification, privatisation). So the question is not only how will "Government" and "Governance" change – the question is much more radical: what will the sense and role of the traditional (national) civil service be in a changing world?

What is certain though is that answering the question about the impact of the EU on the national administrations and public services is becoming increasingly urgent and is of growing practical interest in view of the growing "grey area" where Community and national competence overlap. In addition,

- The Candidate Countries will have to "Europeanise" their civil services, build "capacities for integration" and adapt their civil service laws to the requirements of EU law and the case law of the European Court of Justice. Thus, it is becoming urgent to define exactly what the impact of the integration process on the national administrations and civil services is and – vice versa – the fields and areas where the EU is not allowed to act.
- The national administrations themselves are becoming more and more eager to learn about what others do. The Directors-General of Public Service of the Member States of the EU have set as one of their objectives to compare the different national experiences. Nowa days, the term "best practices" has also reached the area of public services. Because of this, it is also becoming more important to analyse, to compare and to look for similarities (and also differences) in those areas which fall under national competence.
- Indeed, generally the competence for implementing Community law has stayed with the Member States. In addition, the principles of subsidiarity and proportionality (Art. 5.2 ECT) apply, as well as the principle of enumerated competence (Art. 5.1 ECT) and institutional autonomy of the Member States. A clear area of tension particularly exists between the principle of institutional autonomy of the Member States and the obligations of national administrations arising from Art. 10 EC (the so-called Loyalty principle). Moreover, the impact of the EU on the national public administrations, public services and even national personnel policies is increasing. In addition, there are hardly any EU regulations or directives that do not place certain demands on the structure and organisation of public administration. However, at national level, there is too little awareness of this development. The consequence is a growing number of infringement procedures in the area of free movement of workers and in the area of social policy (e.g. Art. 137 ECT and Art. 141 ECT). In the future this is likely to continue if the Member States do not anticipate this development.

The term "Europeanisation" has a different meaning than the theory of the "Emergence of a European Administrative Space".

Considering this "grey area" between EU and national competence, it is becoming increasingly important to systematically establish (e.g. by making a detailed analysis of a policy area) what demands the integration process places on public administrations. This concerns administrative and organisational structures, legal and political processes, as well as civil service law and national personnel policies. An analysis of the effects of European integration on national administrations (e.g. on the public service in the environmental area) firstly requires however a distinction to be made between common developments which arise

from general reform and modernisation processes and developments that result from the integration process. Furthermore, "convergence processes" (in the sense of harmonisation of structures) should be distinguished from processes which display certain similar trends. Finally, a distinction should be made between "Europeanisation" processes in fields which come under Community competence and areas which – despite the fact that the Community treaties do not provide for competence there – are "Europeanised".

The term "Europeanisation" has a different meaning than the theory of the "Emergence of a European Administrative Space". The first is about a process of growing impact whereas the second is about a convergence process. In addition, the paper proposes to differentiate between the impact of the EU on national administrations, national civil service law and national personnel policies. At the end of this analysis it should be possible to say something about whether, how and in which fields of public administration, public services and personnel policies have a European dimension – or not! This paper will reject the theory of the emergence of a European Administrative Space since it presupposes that competences are delegated to the EU and that harmonisation trends can be observed although – when looking into the subject more specifically – this is not the case.

2. Europe, between Unity and Diversity

Europe was never "one" and it is likely that it never will be. The notion of a *United Europe* is a contradiction in itself. Even under the Roman Empire, the reign of Charlemagne or *Napoleon*, Europe was never unified. Much more than this, Europe is and has always been a symbol of "Unity and Diversity", and it was always the existence of plurality, different identities, languages, treaties and constitutions that marked the identity of the continent. The values of Christianity and the idea of humanity, enlightenment, the separation of powers and democracy are all based on the common idea of tolerance. European thinking and modernity is what Popper called a constant "falsification process" in the search for a better solution but never one *truth*. As such, this concept stands in sharp contrast to all other ideologies.

The European Integration process is first of all a transformation process. Stability, diversity and change are important integral parts of the integration process. Because of this, the Treaty on European Union obliges the Community to "contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore" (Art. 151 EC). However, the transformation process does not mean that the Union is entirely built on the principle of diversity. In contrast to this, Art. 6 EU states that the "union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States". As Siedentopf shows, despite differences in the details, the public services of the Member States do rely on the same principles.[7]

The principles of "Diversity and Unity" are fundamental when it comes to understanding the integration process. However, looking from the very beginnings of the integration process (since 1951), it seems that the process of European Integration has gradually led to greater unity and less diversity. As regards the effect of EC law on the national public service, three general forms of influence can be identified:

- harmonisation of national law;
- approximation of national law;
- exertion of influence on national law through general legal principles (fundamental freedoms, Community fundamental rights, principles of law, requirements for administrative cooperation) and regulatory instruments.

Moreover, it is true that in some fields the integration process has not only brought with it forms of legal harmonisation but even some elements of political and administrative convergence. This is especially the case for those areas where the European Union has the power to act very widely. For example, in the agricultural sector, some legal instruments require the establishment of a specific agency to carry out certain tasks.[8]

In other sectors, the so-called principle of institutional autonomy of the Member States applies, since the Member States are responsible for the implementation and enforcement of community law. However, in reality, there is no clear dividing line between Member States's competence and EU interference, as in the case of the Water Framework Directive (e.g. Art. 3.2 of the Directive 2000/60/EC requires the Member States to identify an "appropriate competent authority" with certain tasks). As regards the case of the candidate countries, Siedentopf/Speer[9] show that during the accession negotiations the European Commission exerted tremendous pressure on the accession states to reform their national public services and to decide upon a modern civil service law. Because of this, it would be misleading to talk about the institutional autonomy of the Member States.

3. Public Management Reform and Convergence?

Because of the great importance of the integration process in general, it is easy to overstate convergence, but it should not be underestimated either. Also in the field of public management reform, recent public management theories suggest that even public management reforms are travelling the same road. Some claim that partial convergence exists whereas others are of the opinion that even among the most similar countries, convergence has been exaggerated. "These differing views may be founded partly on the sheer difficulty of doing large-scale comparative research on administrative change" due to the huge amount of material and linguistic barriers etc.[10] In his paper "Clarifying convergence", Pollitt proposes a distinction between

- Discursive convergence – more and more people are taking about the same concepts.

- Decisional convergence – the authorities decide to adopt a particular form, policy or technique.
- Practical convergence – public sector organisations begin to work in similar ways.
- Results convergence – reforms produce similar or the same results and effects.[11]

Research about these different stages is obviously more difficult for 'Practical convergence" and "Results convergence". In addition, "convergence at one stage does not necessarily mean convergence at the next"[12] – far from it. According to Pollitt, the "hypothesis proposed is that the extent of convergence declines rapidly as one moves through the four stages".[13] Within the OECD countries there is considerable evidence of discursive convergence and also some form of decisional convergence. There is, however, limited information on practice or results convergence.

The public service is perhaps the section of the politico-administrative system of each Member State that is the most heavily marked by its respective national traditions and history, and has been the least affected by European integration for the longest. As a result, none of the treaties have envisaged the competence of the Union to regulate the public service. The Treaty of Nice did not change this tradition either. Article 39.4 EC on the principle of free movement of workers with the exception clause to employment in the public service for example is one of the few articles which has not been amended with the integration process. To put it another way: the European Union does not have competence to regulate the public service, to reform the public administrations or to reorganise the administrative and organisational structures of the Member States.

This conclusion from EIPA's publication on this topic (Bossaert, D./Demmke, C./Nomden, K./Polet, R., "Civil Services in the Europe of 15 – Trends and Perspectives", Maastricht 2001) is in clear contrast to the theory of the establishment of the European administrative space, which was first popularised by the OECD in 1998[14] as well as theories on the "Europeanisation of public administration" and of the "public services" including Wessels' fusion theory on European and national administrations.[15] What is most important is the focus of the study: while EIPA's study deals primarily with civil service law, all the other studies have a much wider frame of reference and deal with public administration in the wider sense.

4. Community law and its contribution to the development of a European concept of public service and public administration

European integration has *de facto* nothing to do with the public service – but still a great deal. To understand this strained relationship, a distinction should be made which takes account of the heterogeneity of the concept of "public service". In this respect a distinction can be made between:

- the Europeanisation of national administrations through the implementation and enforcement of *EC law*;
- the Europeanisation of national civil servants through the *negotiation, decision-making and implementation process* at EU and national level;
- the Europeanisation of national administrations and the public service through *administrative cooperation*;
- the Europeanisation of national civil service law and personnel policies through the *case law of the European Court of Justice and through the building of networks*.

The fact that in the future the EU will probably still have no competence to regulate the public service and civil service law does not mean that at European level there is no possibility of stronger forms of administrative cooperation between public services *and* public administrations.[16] Moreover, EC law affects public services and national civil service law. In this context, a distinction can be made between:

- the Europeanisation of basic principles ("democracy, citizenship, efficiency and effectiveness, rule of law, market economy")[17] and the development of general principles for public administration ("good governance", "openness", the "fight against maladministration", etc.);
- the Europeanisation of national civil services because of the narrowly interpreted principle of free movement of workers and the public employment restriction in Art. 39.4 EC;
- Europeanisation through the implementation and enforcement of secondary legislation (of the equality provisions in Art. 137 and Art. 141 EC);
- Europeanisation because of the strict interpretation of Art. 10 EC and the case law of the European Court of Justice;
- Europeanisation because of the impact of the competition rules of Art. 86 EC and the privatisation of formerly public services and public undertakings (postal services, rail services, etc.).

Therefore, the fact that the Community has no competences to regulate the public service does not mean that European integration has no effects on national public services. On the contrary: almost through the backdoor, national public services are being increasingly influenced by the European integration process, and national administrative law is also increasingly being affected by the case law of the European Court of Justice. In addition, the legal and administrative systems of the Member States are subject to a permanent adaptation process to fulfil the requirements in transposing and implementing EC law. On the other hand, adaptation processes do not necessarily imply the development of a common administrative space.

5. Towards a European Administrative Space?

As far as the complexity of the topic is concerned, it is surprising that an OECD study conducted in 1998 reached the conclusion that a European administrative space already existed. The study was however kept

general and did not provide any concrete arguments as to where, how and why an administrative space is developing. Obviously, the theory itself has been provocative enough to become a fixed item on the agenda of many committees, institutions and research projects.

In 1999, the OECD published a second study,[18] in which it is argued that as a result of the case law of the European Court of Justice on the implementation of Art 39.4 EC, a Europeanisation of administrative law can be seen[19] and general legal principles ("rule of law", "openness", "accountability") are becoming accepted throughout Europe. This theory reminds us of the earlier work of Jürgen Schwarze on European administrative law,[20] which produced comparable results on the (partial) convergence of national administrative law and constitutional law.

Similar conclusions were also reached by Nizzo in a study for OECD-SIGMA,[21] in which he argues that the narrow interpretation of Art. 39.4 EC and the concept of "public sector" of the Court of Justice will lead to the development of an administrative space in the Member States. This theory is undoubtedly also important from a political viewpoint, because it presupposes that pressure to harmonise is exerted on public services through the interpretation of certain legal principles and of EU secondary law. This inevitably raises the question of whether these effects will also lead to the development of a European administrative space in the accession countries. Current research leaves this question unanswered: a study by Grabbe[22] concludes that the integration process will cause certain institutional changes in the candidate countries, but the situation in the Member States shows that the integration process has only to a very limited extent led to the Europeanisation of a certain type of administration. In another study, Goetz concludes[23] that the theory about the development of a European administrative model is completely plausible. However – says Goetz – nothing definite can be said about this yet.

During the Spanish Presidency, the Ministers responsible for public administration stated in a (so far rather unnoticed but remarkable) resolution (on 27 May 2002): Although the Treaties of the European Union do not make express reference to the Public Administrations of the Member States, the " free movement of people and the exchanging of ideas and experiences is leading to a (…) gradual convergence (…) of the administrative cultures and systems (…) across the enlarged European Union…". It is not explained – however – how this (converging) process is possible if the Treaties of the EU do not provide for competence in the area of public administration and public services.

In the meantime, Bossaert et al. rejected the theory about the development of a European administrative space in 2001.[24] However, EIPA's publication does demonstrate that the integration process is having an increasing and significant effect on the structures of national public services.

The authors' main point of criticism concerns the following arguments:

- Firstly, an analytical distinction should be made between the theory of "Europeanisation" (in the sense of general political or legal effects of the integration process) and the theory about the development of an administrative space, which presupposes a "convergence development".
- Secondly, it has still not been possible to establish in a methodological way how "Europeanisation" takes place. Is it a consequence and manifestation of a general (global) modernisation and internationalisation process? Or are there real Europeanisation processes in the public service which only take place in the EU as a result of the integration process?
- Thirdly, it is true that quite similar trends can be seen in the framework of administrative reforms in the Member States (e.g. the "agencification" trend). EIPA's study on the public service in the Europe of fifteen shows however that these trends prove to be very different when looking at them more carefully. For instance, in Sweden the concept of agency is completely different from that in the United Kingdom or Germany. An article written by Jacques Ziller[25] in 2001 therefore warns against the temptation, in the framework of the best-practice theory, to compare concepts which in national terminology are understood and used in an entirely different way.
- Fourthly: the by far most important argument disproving the development of a European administrative space is however provided by the question: to what extent does a European administrative model, which would be capable of "Europeanising" national models, actually exist. In a study on "European administration" (1986) the administrative judge Cassese[26] concluded that in Europe there are three dominant administrative models: the English model, the French model and the German model. None of these three models has so far emerged as the "winner". On the contrary, in the European institutions all three of them can be found. In his article "European Models of Governance: Towards a Patchwork with Missing Pieces" (2001),[27] Ziller took up this theory again and elaborated it. Ziller argues that mainly four models predominate in the EU: the Westminster model, the Napoleonic model, the Weberian model and the Swedish model. According to Ziller, the Swedish model, in particular with its principles of openness, its ombudsman and its independent agencies etc., has had a very important influence in the European integration process over the past years.
- Finally, the fact that by now many civil servants know their European colleagues just as well as their national colleagues does not mean that the negotiating officials change "loyalties" (as a result of the negotiation process).[28] Also, the regular and informal meetings of the Directors-General of the Public Service, the informal meetings of the national Ministers of the Public Service and the setting up of

various working groups in the area of public service and human resource management do not (necessarily) produce a common "output". A study of the University of Oslo and the European Institute of Public Administration shows that national officials do not "shed" their primarily nationally oriented interests, although the influence of European committees on individual national behaviour is quite significant.[29] What is also important is that in many different ways the daily work of national senior officials is determined by the European agenda.[30] This applies however far less to local implementing officials.

6. Tentative conclusions: the changing role of the national civil service and the impact of the EU

The changing character of the national civil services can only partly be explained by the impact of the European integration process. In the coming years, the European Union will – probably with good reason – not be given a specific competence to regulate the civil service law and personnel policies of the Member States. This means that in the near future there will only be informal meetings of the Council of Ministers of the Public Service. In addition, there will be no approximation of pay, staff evaluation, recruitment, promotion and pension systems. In this respect, only certain reforms in national civil service law can be attributed to the regulatory competence at EU level and be regarded as a direct effect of primary or secondary EC law (e.g. concerning the equality principle). Other developments in the field of national civil service law or personnel law originated in modernisation and reform processes which followed on from the new public management theory and are global developments. Where reform and change processes were brought on by the integration process and where they originated in a modernisation process can only be determined with great difficulty by carrying out in-depth analyses. In addition, several other reasons can be given as to why a European Administrative Space is unlikely to emerge.

- Particularly in countries with a traditional career system, the special status of civil servants was and is justified partly by the special nature of their tasks. The exercise of official powers is to be reserved for civil servants; this involves measures aimed at protecting society, keeping public order and protecting citizens. However, the classic question of what tasks civil servants (and not public employees with a private contract) should perform could never be definitively settled. Hence, to date, the question of what functions should be reserved for civil servants has remained a highly controversial one and is therefore mostly left to the discretion of the respective countries themselves.
- Still, at the beginning of the 21st century the civil service status is under discussion together with the concept of the traditional bureaucratic state: as the classic model of the "civil service state" is directly linked to the idea of the nation state and national citizenship, major challenges to the traditional concept of the civil service status and its capacity for reform are posed by globalisation and internationalisation trends, the influence of European law (particularly Art. 39(4), Art. 141 EEC) and the change of the role and function of the state ("governance") (on account of the changed definition of the concept of nationality, the growing multicultural dimension of society, the decentralisation of administrations, privatisation, agencification and externalisation of responsibilities, etc.). However, these challenges present themselves in different ways to the national civil services.
- Indeed, in many countries the reforms of the national civil services are leading to alignment with the private sector and resulting in partial abandonment of traditional principles of civil service law. At the beginning of the 21st century, there seems to be increasing agreement on the fact that treatment and status different from that in the private sector can often no longer be justified. Furthermore, social situations, client orientation, mobility wishes and requirements, training, motivation as well as recruitment of staff are becoming aligned, just as the problems faced by the public and the private sector are. However, from these developments we cannot infer that the reform results produce convergence.
- On the basis of the unclarified concept of "official" powers and the different roles of the state and society, different civil service systems have developed in Europe. However, different paradoxes have also developed according to the type of administration which – depending on the model – have little to offer as a model or example for the candidate countries. Germany has *Beamte* (civil servants), *Angestellte* (contractual staff) and *Arbeiter* (employees) working in the public service. However, all groups may perform tasks which are related to the exercise of official powers (although the German Constitution (*Grundgesetz*) stipulates differently in Art. 33 GG). In the various job categories, tasks are carried out which are also performed in the private sector. Precisely because of this inconsistency in the allocation of tasks the question keeps cropping up as to why these differences between *Beamte* and *Angestellte* actually exist and what the meaning is of the concept of "function connected with the exercise of official powers", if *Angestellte* can perform these functions just as well (or badly). In some other countries (e.g. the Netherlands and, to some extent, Finland) the majority of people working in the public service have employment relationships governed by public law. However, in these countries the employment relationships in the public sector have mostly been aligned with those in the private sector, though the public service performs functions which traditionally involve the exercise of official powers. This basically raises the question of the legitimacy of the employment relationship governed

by public law, when the differences left on account of specific features are only few. In the French civil service there are practically only civil servants with public law status, whose employment relationship is fundamentally different from that in the private sector. Here, the question is rather why nearly all employment relationships are governed by public law while most of the tasks are not connected with the exercise of official powers and can just as well be regulated by employment contracts modelled on the private sector. Finally, in Sweden, there are hardly any differences left between employment relationships. The following question can therefore be asked: what is the point or purpose of the public sector as an alternative sector to the private sector?

- The issue of what tasks should be performed by a) the general public service and b) civil servants, is regulated differently throughout the world. There is no best practice model here either. The reason is that in all public services many technical tasks are carried out which are in no way different from the activities in the private sector and are therefore also regulated "privately" in many countries. Even the distinction (for instance) between the tasks carried out by the national police and private security services is becoming increasingly unclear. A growing number of different employment relationships can also be seen in the health sector and the teaching profession. For instance, in Malta teachers at state schools are usually civil servants, but this does not apply to teachers at other educational establishments and schools. Moreover, while certain staff in hospitals are governed by public service law, employees in special medical institutions and other hospitals are not. The definition of a job in the health sector is not standard either (see e.g. Malta). Reason: the treatment of a sick person in a state hospital is subject to exactly the same rules as in a "private" clinic. Nevertheless, in some Member States hospitals are public while in others they are "private". If tasks are performed by public and private institutions in the same way, i.e. if the required knowledge and level of qualification are the same, the demands on the staff in the public service are no different from those in the private sector. In some areas things are different again: in the environmental field, municipal waterworks need in no way be different from private waterworks from a technical perspective. As a result staff also have to meet mostly the same requirements. The call for privatisation of the water management has therefore been getting louder and louder – especially after the privatisation wave in the United Kingdom in the eighties and nineties. On the other hand, municipal/state waterworks are not merely motivated by and focused on efficiency (and even less on profit maximisation), but first and foremost on provisions for public health, the ability to withstand crises and reasonable prices. However, this conclusion does not imply that private waterworks might not be able to meet these requirements just as well or even better. Water is moreover the most important human "foodstuff", which is why some Member States see water as "a public responsibility".
- Furthermore, on the one hand the definition by Community law (and following the developments in the Third Pillar) of the traditional function connected with the exercise of official powers is increasingly being "Europeanised" and structured. Nevertheless there is no uniform approach here either: for instance, many positions in the police are classified as "connected with the exercise of official powers" and can only be held by nationals. On the other hand, terrorism, crime and immigration have for a long time been treated as international phenomena with responsibilities coming under the Third Pillar of the EU. In addition, an increasing number of police authorities take on foreign police officers to facilitate contacts with foreigners in society.

The answer to the question as to the point and purpose of the special civil service law and the development of the public service might however well come from the candidate countries.

The public service in Europe is not a static structure. An example or model cannot be discerned. On the other hand, the public service is subject to crisis-like circumstances and is being criticised from all sides. The answer to the question as to the point and purpose of the special civil service law and the development of the public service might however well come from the candidate countries: the fact that there is an express wish on the part of the candidate countries to set up a public service (with civil servants) makes clear that the public service is still necessary and that no state can function without a public administration. The urgent necessary debate on the need for the public service in the 21st century could therefore be initiated by the candidate countries.

The only thing that seems sure is that a European public service model will not develop – if at all desirable – and that there will even be an increasingly strong differentiation of certain aspects of civil service law in Europe. However, parallel to these differentiation developments, there will also be strong Europeanisation and approximation trends as a result of general internationalisation, modernisation efforts, best practices and the growing importance of the integration process. Both processes are not mutually exclusive. However, it would be an illusion to believe that

administrative systems are converging, since precisely concepts such as “decentralisation”, “implementation and enforcement”, ”openness” or “transparency” or – in the field of personnel policies – “performance-related pay systems”, “personnel appraisal systems” or “decentralisation of human resource management responsibilities” are applied in completely different ways at the national level. On the other hand, it is conceivable that important institutional, legal or political structures can be “exported” or “imported”.

The significance of national administrative traditions should therefore not be underestimated. This conclusion is all the more important since it presupposes a critical view of the possibility of comparing administrative reform theories (“New Public Management”) at the international level. Conversely, this view presupposes that national administrative cultures only change in the long term.

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Reform of EC Competition Policy: A Significant but Risky Project[1]

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Abstract

The regulation that applies the anti-trust provisions of the EC Treaty was adopted in 1962. Since then, it has been largely left unchanged. This regulation confers to the European Commission the exclusive right to exempt agreements between companies from the prohibition contained in the anti-trust rules. The regulation will soon be repealed. If member states agree, its place will be taken by a new regulation that will allow national competition authorities and national courts to exempt agreements between companies. Since this new system of competition enforcement has never before been tried in the EU, it is not clear how it will affect companies and their operations and how national authorities and courts will work together to ensure effective enforcement of competition rules. This article examines the main provisions of the proposed new regulation and considers their likely impact on the effectiveness of competition enforcement in an enlarged European Union.

The significance of the proposed reform of competition policy[3]

Consider the following questions:

Which policy applies to all sectors of the economy? Which policy has extra-territorial application and may penalise companies based in countries far away from the European Union? In which policy can the European Commission enter and search the premises of any company anywhere in the EU and eventually impose fines on them of up to 10% of their world-wide turnover? In which policy does the EC Treaty empower the Commission to issue decisions or directives to member states without prior approval of the Council or Parliament? In which policy must the member states ask for authorisation by the Commission before implementing national measures? In which policy does the Commission have to deal with more than 1,300 cases per year? Which policy is enforced directly by the Commission? Which policy is enforced with an implementing regulation that dates back to the very early years of the Community and has not changed yet?

The common answer to all these questions is "competition policy". This policy, whose objectives and enforcement procedures have remained virtually unchanged since the inception of the European Community, is now being modernised and decentralised. The Commission has proposed a new Regulation[4] for the application of Articles 81 & 82 of the Treaty to replace the old Regulation 17/62.

The proposed Regulation is significant for several reasons:

(a) For the first time in the history of the EC, it empowers national authorities, including national courts, to apply the anti-trust exemption in Article 81(3) together with the prohibitions in Articles 81(1) & 82. Granting exemptions has always been the prerogative of the Commission.
(b) For the first time, national authorities are required to apply Community law instead of national law whenever cross-border trade is affected.
(c) For the first time, national authorities are required to consult the Commission before making any decisions.
(d) For the first time, national courts have to submit copies of their rulings to the Commission.
(e) The Commission will have the right to appear before national courts.
(f) And, the 40-year "prior notification" regime will end. Under the current Regulation 17/62, companies that want to benefit from the exception in Article 81(3) must first notify their agreements with other companies to the Commission for approval. Otherwise, if these agreements are found to contravene Article 81(1), they are automatically null and void.

Why is reform necessary?

Although the market economy is believed to rely on "individualistic competition" it is in fact founded on an elaborate network of agreements between companies, their suppliers, distributors and customers. These agreements are useful only if they are enforceable in courts of law. Legally binding agreements are, therefore, the bedrock of modern economy.

Yet, almost any agreement between companies may fall foul of the competition rules of the EC Treaty. This Article bans all agreements that restrict competition and affect cross-border trade in the Community. Since, by definition, an agreement does restrict the freedom of action of the parties involved, many corporate

agreements fall within the scope of the prohibition of Article 81(1).

Because the Community system of competition imposes a blanket ban on restrictive agreements, it also provides for an exception of those agreements that either do not distort competition or whatever distortions they may cause are outweighed by their beneficial effects. This arrangement is embodied in the principle of "exemption by authorisation". In effect, companies must notify their agreements to the Commission and ask for exemption even when it is obvious that they do not cause any distortions to competition.

The European Commission will soon lose its exclusive right to exempt agreements between companies from the anti-trust prohibitions

This system suffers from a number of structural weaknesses:

(a) Notifications do not catch "hard-core"[5] cartels (apparently only nine prohibitions have resulted from notifications without any subsequent complaint).[6]
(b) National authorities are prevented from granting exemptions, resulting in heavier workload for the Commission. This state of affairs is not sustainable after enlargement of the EU.
(c) Having to process notifications distracts the Commission from its real task of uncovering and prosecuting hard-core cartels.
(d) Business bears excessive compliance costs.
(e) Agreements that fall within Article 81(1) are not legally secure or enforceable in a court of law unless first notified to the Commission.
(f) Yet, due to excessive workload generated by the many notifications, the Commission issues only informal (administrative) "comfort" letters[7] whose legality in national courts is a matter of dispute.

With respect to the usefulness of the notification system, it has been argued by its proponents (mostly business representatives) that its main purpose is not to catch cartels but to provide a "service" to business. Although they also acknowledge that the law advances mostly through "negative" (i.e. prohibitive) decisions which interpret the prohibitions in Articles 81 and 82 and through the various guidelines and explanatory notices, they also believe that notifications offer to the Commission an important picture of the types of agreements concluded among undertakings and enable it to draw implications about clarifications on competition policy that may be necessary. This, they argue, facilitates a pro-active role in enforcement on the part of the Commission.

It seems that the issue is not how or whether to relieve the Commission by shifting the burden of enforcement to national competition authorities. After all, for the Community as a whole, it makes little difference whether Community or national resources are expended in enforcement. The real issue is whether such re-allocation of tasks will raise the efficiency of enforcement by either enabling the Commission to catch more cartels or empowering national authorities to do a better job. It is not obvious how the draft Regulation contributes towards these two goals.[8]

In addition, it has been argued that the notification system has grown to such, unmanageable[9], extent because the Commission has interpreted very widely the prohibition of Article 81(1). Exemptions and "negative clearance"[10] are sought by business because almost everything is illegal. If the Commission had given more weight to the economic effects of agreements, there would be less need for notifications. Yet it would have been very difficult to enforce competition policy on the basis of such a "rule of reason" at the initial stages of the Community when there was little experience with competition policy and the concepts of competition in the Treaty were yet underdeveloped.

Aims, means and expected results of reform

The proposed reform primarily seeks to:

(a) create a "directly applicable exception system" where no prior authorisation by the Commission is necessary;
(b) apportion the responsibility of enforcement of Articles 81(1) and 82 and assessment of the applicability of Article 81(3) between the Commission and national authorities, with much of the enforcement being undertaken by national authorities while the Commission concentrates on major, multi-country, infringements and policy development.

These aims are to be achieved by multiple means. The main instruments of reform are:

(a) amendment of implementing regulations (Regulation 17/62 and the various regulations applying competition rules to transport);
(b) introduction of a new rule about the conditions under which EC law and national laws are applicable (EC law is to be applied whenever cross-border or intra-Community trade is affected);
(c) establishment of new cooperation procedures between the Commission and national authorities (information exchange, sharing of responsibility and tasks, consultation).

If the proposed Regulation is approved, the regulatory environment for business should improve. There should be less bureaucracy, more efficient use of public resources and fewer distortions of competition, which hurt both companies and consumers alike. More

specifically, benefits will be realised from:

(a) a larger number of enforcers of EC competition law;
(b) a more efficient use of Commission resources;
(c) an increase in the powers of investigation of the Commission [it has asked for powers to search the homes of business executives];
(d) a levelled playing-field brought about by application of EC law to more cases; less parallel application of national and EC law; clearer delineation of tasks between national authorities;
(e) no submission of notifications to the Commission and therefore less bureaucratic procedures to be complied with by business;
(f) higher certainty for business in contractual relations.

However, as mentioned earlier, the new policy which is outlined in the draft Regulation also has a downside. The next section examines the most serious drawbacks of the reform in relation to the main provisions of the draft Regulation.

The risks of the reform in relation to the main provisions of the proposed new Regulation

Article 1: Direct applicability: *Practices*[11] *caught by Article 81(1), which do not satisfy Article 81(3), and Article 82, are prohibited.*[12]

This is one of the most important innovations introduced by the draft Regulation. In addition to Articles 81(1) & 82, Article 81(3) is now also directly applicable. This means that Article 81(1) must be considered in conjunction with Article 81(3). Since prior notification will not be required, it is up to undertakings themselves to assess, first, whether their agreements generate the positive effects mentioned in Article 81(3), second, whether those positive effects are sufficient to justify application of Article 81(3) and, third, that their agreements do not retain any hard-core practices that are always prohibited.

There is concern that legal uncertainty will increase rather than decrease because undertakings will not be able to obtain either a formal exemption or a negative clearance. This is because no one will know for certain whether their agreements are truly compatible with the EC rules of competition until someone complains or takes them to court and loses the case.

Article 3: Relationship between Articles 81 & 82 and national competition laws: Where a practice infringing Article 81 or Article 82 may affect trade between Member States, Community competition law applies to the exclusion of national competition laws.

Since it is relatively easy to prove that cross-border trade is affected, most competition authorities will in reality apply EC law. Parallel application of EC and national law will be rare.

An issue that has been raised by some commentators is that this Article appears to preclude application of national laws with more restrictive provisions than EC law. The question is how likely that is in practice.

Another criticism that has been made, is that this Article refers to trade effects with no mention of restriction of competition. It has been argued that this would prevent national law from applying in those situations where Community law would be inapplicable because of no restriction of competition. However, it seems to me that this is an unfounded argument. If there is no restriction of competition then Article 81 would not apply. With respect to Article 82, there is no reference to restriction of competition because abuse of dominance is a distortion of competition. Therefore, if Article 81 is inapplicable because not all of its conditions are satisfied, then national law would apply, while for Article 82 what matters is the existence or not of abuse of dominance.

A point that has not been made by other commentators is that national authorities may also have to apply competition rules to undertakings which have special or exclusive rights conferred to them by the state. In comparable situations, the Commission would also apply Article 86(1) in conjunction with Article 81 or Article 82 to the actions of member states. What will happen, however, when an undertaking claims that its actions are justified under Article 86(2)? In the case-law it is recognised that the assessment needed under Article 86(2) is a task for the Commission. But the case-law refers to the tasks of the Commission as opposed to the tasks of the member states. Does it prevent national competition authorities from acting on their own initiative?

Article 5: Powers of the competition authorities of the Member States: The competition authorities of the Member States shall have the power in individual cases to apply the prohibition in Article 81(1), where the conditions of Article 81(3) are not fulfilled, and the prohibition in Article 82. Where the conditions for prohibition are not met, they may decide not to take action.

This is one of the most significant provisions of the draft Regulation. National authorities may not grant exemptions, as can the Commission at present. But they may refrain from prohibiting an agreement under Article 81(1) if Article 81(3) applies. The decisions of the national authorities will be binding only in their own territory. It is hoped that there will be no "competition among national systems of rules".

Companies fear that the Community will become a less predictable place in which to do business

When the Commission first unveiled its ideas in a White Paper, there was concern about "forum shopping" – that firms would petition the national authority which would be perceived to be the most favourably predisposed towards their case. The fact that decisions will be valid only in the territory of each authority and that they will be able to enforce the prohibitive part of Article 81 (rather than

grant exemptions) have dispelled fears about a "race to the bottom", where the norms of the least strict authority would prevail across the EU. However, there is still concern that undertakings will be exposed to multiple jeopardy, that costs of defence and prosecution will rise and that the law will not be applied homogeneously, as some authorities decide to ban a practice while others decide otherwise.

The future enforcement of competition rules will have to rely on close cooperation between national authorities and the European Commission

Indeed, the same practice may be subject to decisions by more than one authority. A defendant may end up being involved in multiple suits in several member states. This will increase costs. By implication, a plaintiff may have to lodge proceedings in several member states to bring an end to a practice across the EU. A possibility that cannot be completely discounted is that firms that want decisions to have EU-wide coverage may still have to complain to the Commission. As a result, the workload of the Commission may not be lightened as much as it hopes.

Article 6: Powers of the national courts: *National courts before which the prohibition in Article 81(1) is invoked shall also have jurisdiction to apply Article 81(3).*

Some observers have voiced a concern that through the exercise of the economic judgement which is necessary for the application of the full Article 81, the application of EC law will diverge across the EU.

It has also been questioned whether the courts have the requisite knowledge to carry out the economic balancing act required by Article 81(3). There are two answers to this question. First, the plaintiffs will assist the courts with arguments and analysis. Second, the Commission does not really carry out a proper economic cost-benefit test, balancing costs of reduction of competition against the potential benefits of cooperation. In effect it examines whether Article 81(1) applies, then considers whether the conditions of Article 81(3) are met and then declares Article 81(1) inapplicable. The occasions where conditions are attached to a decision so as to reduce the negative effects of an agreement are rare.

Article 11: Cooperation between the Commission and the competition authorities of the Member States: *The Commission and national competition authorities shall apply the Community competition rules in close cooperation. The Commission shall transmit to competition authorities copies of the most important documents relating to its intended decisions. National authorities shall inform the Commission accordingly at the outset of their own proceedings. Where competition authorities intend to adopt a decision requiring that an infringement be brought to an end, accepting commitments or withdrawing the benefit of a block exemption regulation, they shall first consult the Commission. No later than one month before adopting the decision, they shall provide the Commission with a summary of the case and with copies of the most important documents. At the Commission's request, they shall provide it with a copy of any other document relating to the case. They may also consult the Commission on any other case involving application of Community law. The initiation by the Commission of proceedings shall relieve competition authorities of their competence to apply Articles 81 and 82.*

Consultation may reduce the possibility of uneven enforcement and prevent a race to the bottom. However, national authorities cannot be forced to take action by opening investigations. Under Article 5, national authorities may only take negative decisions (i.e. finding of infringement). Since they cannot grant exemption when the conditions of Article 81(3) apply, they will simply have to decide that there are no grounds for action on their part (i.e. reject complaints). In these cases they are not required to consult the Commission. Will the act of informing the Commission of initiation of proceedings be enough in cases where national authorities decide there are no grounds for further action? More broadly, will summaries of cases suffice when the issue at hand, for example, is the method of collection of data?

When the Commission disagrees with a national authority it will be able to withdraw the case from that authority. This means that in a system of 16 enforcement authorities (or 29 [=15+1+13] in the near future), the Commission's view will prevail and will stifle experimentation and innovation by the authorities best placed to assess the impact of competition law and anti-competitive practices.

Article 13: Suspension or termination of proceedings: *Where competition authorities of two or more Member States are acting against the same practice, the fact that one authority is dealing with the case shall be sufficient grounds for the others to suspend the proceedings before them or to reject the complaint. The Commission may likewise reject a complaint. Where national competition authorities or the Commission receive a complaint against a practice which has already been dealt by another authority, it may reject it.*

It has been argued that since there is no stipulation of mandatory suspension of proceedings or rejection of complaints, undertakings will be exposed to the risk of both multiple simultaneous proceedings and sequential proceedings. But even if the wording of Article 13 is interpreted to mean an unequivocal requirement for suspension of proceedings, the same cannot be said for rejection of complaints. Moreover, the requirement for suspension refers to simultaneous cases. National

authorities may re-open old cases on their own initiative.

These possibilities have led some commentators to the conclusion that there will be a tendency towards stricter enforcement (since national authorities will be able to issue only negative decisions) with a disintegrating effect on the internal market. While it is true that national authorities will be able mostly to enforce prohibitions, it is not clear why they will tend to focus on the negative effects on their markets and ignore the positive effects in other markets. If they apply EC law they will have to consider the totality of the effects across the EU. More importantly, the defendants will point them out. It is also worth noting that in this case, EC practice favours defendants because it is mostly sufficient to identify any non-insignificant positive effects of cooperation in order to secure inapplicability of Article 81(1) (provided the cooperation in question does not contain hard-core restrictions).

Article 16: Uniform application of Community competition law: *National courts and competition authorities shall use every effort to avoid any decision that conflicts with decisions adopted by the Commission.*

Uniform application of EC law also depends on an important group of "outsiders": the corporate lawyers and the academics. They learn and keep themselves up to date by reading and analysing Commission decisions and rulings of the EU courts. In a decentralised system where most decisions will be taken by national authorities and courts, it is not clear how they can maintain access to decisions and rulings across the various member states. The lawyers and the academics also contribute to the development of competition policy through their research and writings. If they do not have access to the various national decisions to compare and evaluate, policy development and adjustment may also suffer.

In the future, EU courts will be able to rule on competition issues not in the context of appeals against Commission decisions [the most frequent way by which the courts expound on competition] but through requests for preliminary rulings from national courts. One wonders, in this respect, how effective the preliminary rulings will be in shedding light on broad issues of competition that cut across member states.

Concluding remarks

There is no doubt that the reform is significant and that it will have a non-negligible effect on business and national competition authorities. What is not certain is whether the positive effects of the reform will outweigh the negative ones. Companies fear that the Community will become a less predictable place in which to do business. They will not be able to obtain exemptions from the Commission while they will be vulnerable to actions by 16 different authorities. Even though the substantive rules will be the same, companies will still have to cope with up to 16 different sets of procedural law. Not surprisingly, some companies and many corporate lawyers would prefer the existing Community system.

Whether indeed the legal environment in which companies operate will become less predictable will very much depend on the actions of national competition authorities and on the extent and quality of cooperation among these authorities and between them and the Commission. The precise form and procedures of cooperation are not yet known. The only thing which is certain at this point in time is that the final chapter on the reform will be written much after the proposed Regulation is adopted by the Council.

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NOTES

[1] This article continues the analysis of the proposed reform of competition policy that appeared in *Eipascope*, 2001, No. 2, pp. 16-22. My colleagues Peter Goldschmidt and Christoph Lanz, in their article "Maybe Definitely – Definitely Maybe", examined the proposals from a legal perspective. The present article considers the necessity of the reform and the expected benefits together with the risks involved for businesses and enforcement authorities.

[2] Professor, European Institute of Public Administration. I am indebted to Christoph Demmke and Veerle Deckmyn for comments and suggestions on an earlier version. I am solely responsible for the contents of this article.

[3] This article draws on a conference that was held at EIPA in December 2001 to examine the merits of reform of EC competition policy. The conference was organised in cooperation with the Hamburg Institute of International Economics, HWWA. The papers that were presented at the conference have been published in the January 2002 issue of the HWWA journal *Intereconomics*, vol. 37(1).

[4] COM(2000) 582 final, 27/9/2000.

[5] A "hard-core" cartel is an agreement to raise prices, reduce output or share markets among the members of the cartel.

[6] See the preamble of COM(2000) 582 final, 27/9/2000.

[7] The "comfort" letters are not formal Commission decisions. They are administrative acts that express the view of the Commission, in the form of a letter, that on the basis of the information submitted by the parties concerned, the Commission found no apparent infringements of competition rules. National courts may take these letters into account, but they are not bound by them since they are not Community acts.

[8] See P. Nicolaides, Development of a System for Decentralised Enforcement of Competition Policy, *Intereconomics*, 2002, vol. 37(1).

[9] Some practitioners believe that the 250 or so notifications per year do not impose an excessive burden on the Commission. If, as the Commission claims, they hardly raise any important issues, the Commission should have little difficulty to process them quickly.

[10] An agreement is "exempted" when it falls within Article 81(1) but can satisfy the conditions for exemption under Article 81(3). By contrast, an agreement receives negative clearance when it does not fall within Article 81(1).

[11] For simplicity, the term "practices" in this paper refers to actions by individual undertakings, agreements between undertakings, decisions by associations of undertakings and concerted practices in the meaning of Articles 81 & 82.

[12] In italics are the main provisions of each article of the draft Regulation. ❑

Création d'un Observatoire international de l'informatique publique

Bruno della Gala
Chargé de cours, représentant italien au sein de la faculté de l'IEAP

En mai dernier, un consortium temporaire constitué de la RSO S.p.A. (*Knowledge company italiana specializzata per la consulenza e la formazione del settore pubblico e privato*) (Société italienne de consultation et de formation du secteur public et privé) et de l'IEAP a remporté un appel d'offres lancé par l'AIPA – *Autorità per l'informatica nella pubblica amministrazione (italiana*) (Autorité pour l'informatique dans l'administration publique (italienne) en vue de la création d'un Observatoire international de l'informatique publique.

Depuis plusieurs années on entend dire de plus en plus que l'administration électronique et les technologies de l'information sont des instruments indispensables pour garantir la qualité et l'homogénéité des services publics. Dans pratiquement tous les programmes gouvernementaux des Etats membres de l'UE, le recours aux nouvelles technologies est un cheval de bataille, car désormais les occasions d'un débat sur ce thème sont nombreuses et périodiques (à titre d'exemple citons la récente conférence sur l'administration électronique (E-governement) pour le développement qui s'est tenue à Palerme les 10 et 11 avril 2002 – www.Palermo conference2002-ong).

On constate dans ce domaine une situation fort contrastée en Europe ; il suffit de songer, sans trop aller vers le Sud de l'Europe, au cas de la France et de la Finlande. Si la première est encore en marche vers un usage linéaire des nouvelles technologies, la Finlande introduisait dès 1999 l'utilisation de la carte à puce. Il ne s'agit donc pas en général uniquement de "moderniser" pour garder intacte la philosophie de base, mais plutôt de transformer les lourdes structures administratives pour en faire des instruments susceptibles de fournir des services et des informations de manière souple et dans des délais raisonnables. C'est pourquoi, l'Aipa, l'autorité chargée de ce secteur en Italie, a voulu promouvoir le lancement d'un observatoire dont la tâche consistera à analyser la situation dans huit pays européens (France, Allemagne, Royaume-Uni, Espagne, Belgique, Pays-Bas, Autriche et Finlande) afin de comparer, évaluer et communiquer les données et les méthodes d'intervention. Le choix de ces pays s'est fait en raison de leurs caractéristiques spécifiques en la matière. Cette étude fournira aussi des indices sur l'état des systèmes informatiques sous l'angle de la disponibilité, du volume des usagers bénéficiant des services informatisés, du flux d'informations et, dans la mesure du possible, des évaluations visant une analyse de l'efficacité des résultats obtenus.

Le projet

Le projet qui a remporté l'appel d'offres proposé par le groupement temporaire d'entreprises IEAP – RSO devrait voir le jour prochainement et se terminera en 2003.

Le modèle d'enquête proposé ne prévoit pas un seul niveau, mais deux niveaux qui seront nécessaires pour créer des catégories de données homogènes :

- **le premier niveau** est celui des activités d'auto-administration (par exemple, gestion du personnel, gestion des biens, etc.) ;
- **le deuxième niveau** est celui des activités et des services liés à la mission institutionnelle. Dans ce cas, il y a fort à parier que les données seront hétérogènes, étant donné leur spécificité et la variété des services offerts. Plus particulièrement, du point de vue méthodologique, le programme d'action s'articule autour de trois phases.

1ère phase:

Cette phase est destinée à collecter les données qui serviront de base aux élaborations statistiques ultérieures. Dans ce cadre, il importera tout particulièrement de réaliser une identification optimale des sources d'information qui permettront de combiner des éléments quantitatifs avec des éléments qualitatifs fiables afin de donner une image réelle de la situation et de minimaliser les risques d'approximation. Dans cette phase, l'IEAP jouera un rôle déterminant grâce au réseau de contacts qu'il possède depuis plus de vingt ans dans tous les pays européens et grâce à son expérience de travail dans le domaine des architectures administratives des pays de l'UE.

Les activités de recherche porteront en particulier sur:

- Les processus de planification et de contrôle des systèmes informatiques.
- Les programmes de modernisation des administrations publiques.
- Les activités institutionnelles de collecte des données concernant l'informatique publique au niveau national.
- Les activités institutionnelles de collecte des données concernant l'informatique publique au niveau supranational.
- Un rapport sur l'état de l'informatisation.

Une fois que ces sources auront été identifiées, on procédera à la sélection des données nécessaires pour l'analyse.

Il y aura donc l'élaboration des structures de l'administration publique (pour chacun des haut pays faisant l'objet de l'étude), une description des processus de planification et la rédaction du rapport sur les activités d'identification. Cette phase prévoit une réunion à Maastricht avec les correspondants des huit pays pour discuter avec eux de la grille d'information proposée. En dernier lieu, on procédera à la mise au point d'un modèle général de l'observatoire permanent.

2ème phase:
Evaluation, élaboration et approfondissement sectoriel des informations obtenues.

Dans le cadre de cette phase, on prévoit les activités suivantes :

- Définition du modèle d'interprétation, pour permettre une comparaison des données et de dégager des indices synthétiques pour la représentation.
- Evaluation et élaboration des données pour la rédaction des rapports et des statistiques plus importantes.
- Approfondissements sectoriels. Ceux-ci pourraient être, par exemple, dans des domaines tels que: démarches fiscales ; démarches de sécurité sociale; véhicules automobiles et permis de conduire; services relatifs au marché du travail.

En tout cas, l'IEAP garantira la conformité du modèle grâce aux lignes de conduite qui ont été suivies lors de précédentes expériences de collecte de données et de benchmarking, et en mettant à disposition toute l'expérience qu'il a accumulée dans de nombreux projets analogues. L'un des principaux objectifs du modèle consistera à faciliter la comparabilité des données avec celles relatives à la situation italienne.

3ème phase:
Les activités qui seront déployées durant la 3ème phase sont les suivantes:

- Conception du schéma logique du site Web pour la publication sur Internet des données et des parcours d'accès et de recherche des informations.
- Colloque de clôture pour la dissémination des résultats du projet et la présentation du schéma du site Web.

Du point de vue opérationnel, lors de la conception du site Web, sur lequel seront publiées les informations et les statistiques élaborées, on tiendra compte à la fois de la partie "*front end*", c'est-à-dire des utilisateurs externes, et de la partie "*back office*", soit des instruments qui permettront dans un deuxième temps à l'AIPA de gérer et de publier les contenus du site Web.

Une fois atteint le rythme de croisière, le système devrait permettre de mettre en réseau :

- Les correspondants du projet qui auront été chargés de fournir les données nécessaires à la collecte et qui pourront accéder aux rapports (le rapport de collaboration sera en effet à double sens afin d'impliquer le plus grand nombre possible de correspondants.
- L'IEAP-RSO qui pourront accéder au système pour effectuer l'analyse des données et générer les rapports des informations contenues dans le système.
- L'AIPA qui pourra visualiser les rapports disponibles dans le système.

Enfin, on prévoit une rencontre de clôture à Milan au siège du CEFASS, le Centre européen de formation dans les affaires sociales et de santé publique, l'Antenne de l'IEAP à Milan, ou au siège de la RSO.

L'une des finalités de ce projet est de créer un système d'informations à la fois fiable et transparent (à partir des acteurs impliqués, dans ce cas, et je le répète, les huit pays sélectionnés) afin de pouvoir créer une communauté qui puisse continuer à échanger des données et des informations dans le temps. La réussite de cette initiative louable lancée par l'AIPA dépendra surtout du niveau d'interactivité atteint dans le cadre de ce projet. ❑

Second Conference on *Brave New e-World*: Where Are We Now? – Launch of the e-Europe Awards for Innovation in e-Government

Dr Christine Leitner and Alexander Heichlinger
Senior Lecturer / Lecturer

Conference Summary

Following last year's successful launch of the annual ***Brave New e-World* Conference Series** in Maastricht (NL), the European Institute of Public Administration (EIPA) and the European Centre for the Regions (ECR) held their second annual Conference on 24 and 25 June 2002 in Maastricht. With this platform for discussion EIPA envisages to bring together senior officials from all levels of administrations, and academics and representatives from the IT industry in the EU Member States and candidate countries to look at recent trends and state-of-the-art developments in e-government across Europe.

The Conference speakers highlighted the concept of e-government in the current debates on European governance and the future of Europe, looking at the differences between policies and the reality (practices) in administrations and at the challenges governments are facing throughout Europe in the process of transforming into e-administrations. E-government promises to make governments more efficient, responsive, transparent, and to some extent "legitimate", and is also creating a rapidly growing market of goods and services, with a variety of new business opportunities. It has, however, become an acknowledged fact that new technologies account for only 20% of the total effort of realising e-government projects, while the remaining 80% relate to the re-engineering of government processes as such. Within Europe, public authorities at all levels are taking very similar initiatives in the field of e-government, which in most countries has been declared a political priority. However, the degree of implementation, practical application and acceptance of these projects varies at the national, regional and local level. With regard to conducting transactions, most projects are still in a pilot stage. This is also reflected in the results of the three surveys EIPA conducted for the meetings of the Directors-General of the Public Service of the EU Members States during the French, Swedish and Belgian Presidencies. The results of these surveys were briefly presented and discussed at the Conference.[1]

European countries are engaged in a comparison and benchmarking exercise within the e-Europe and e-Europe+ initiatives. The Conference addressed the question of how the European Union will further promote e-government under the new e-Europe 2005 Action Plan, adopted by the Seville European Council in June, and under the new priority areas and instruments of the 6th Framework Programme for Research and Technology Development. In this context, emphasis was placed on the importance of e-government working groups and of platforms for the exchange of best practices, and on the relevance of similar structural conditions for transferring them from one country to another and from one administrative unit to another. There is wide consensus that cooperation across all levels of administrations is a pre-condition for the successful implementation of e-government, which has been stressed as a priority issue for the forthcoming Danish Presidency. Conference participants acknowledged the necessity of cooperation, which in many administrations will require a re-think and modernisation of the public service system as such.

In the course of the Conference, various e-government platform initiatives were presented:

- At the European level, the *e-Forum*[2] brings together public administrations and industry to shape the development of e-government, and the *e-Government Observatory* stimulates the emergence of pan-European strategies by supporting the identification and assessment of initiatives and best practices in the field of e-government;[3]
- At the national level, the *International IT Observatory for Public Administration* project, an Italian initiative of the central government, identifies best practices in public service provision;
- and at the regional and local level, the Dutch VNG (Association of Netherland's Municipalities) is an example of a network and cooperation between national, regional and local actors benefiting from each other when implementing the "e" in their authorities.[4]

As a further key initiative in its effort to promote e-government in Europe, EIPA has taken on the responsibility to support the European Commission in organising the *e-Europe Awards for Innovation in e-Government.*

Green Light for the e-Europe Awards for Innovation in e-Government

Erik Liikanen, Commissioner for Information Society, announced the launch of the *"e-Europe Awards for Innovation in e-Government"* at the Ministerial e-Government Conference entitled "From Policy to Practice" held on 29-30 November 2001 and jointly organised by the Belgian Presidency and the European

Commission.[5] The *e-Europe Awards* scheme is based on the experience of, and along the lines of, the e-government label awarded at last year's Ministerial Conference to 60 administrations.[6] The Commissioner has now given the green light to the first award ceremonies (in 2003). For the coming year, two award competitions are scheduled, one within the framework of the e-health conference in spring and the second at the follow-up Ministerial Conference, jointly organised by the Italian Presidency and the European Commission. EIPA has been entrusted with running the *e-Europe Awards* competition for the European Commission.

Within the framework of the objectives set out in the e-Europe and e-Europe+ Action Plans, the overall aim of the *e-Europe Awards* is to draw attention to and recognise exemplary practices in governments and to provide a platform where public sector innovators can disseminate their achievements. The awards will recognise innovative initiatives in public administration within the European Union and the candidate countries. Applications from all levels of administrations, i.e. local, regional and central, in the EU Member States and the candidate countries will be eligible for the award.

The initiative aims at highlighting, disseminating and promoting the efforts made by national, regional and local administrations in the EU Member States and the candidate countries in using Information Society Technologies (IST) to improve the quality and accessibility of their public services and to support the mutual recognition and adoption of best practices. The *e-Europe Awards* will provide concrete evidence that governments across Europe can work to improve the quality of life for their citizens and to increase the public trust in government.

EIPA will be the neutral platform organising the *e-Europe Awards for Innovation in e-Government* scheme and will serve as the hub for a network of individuals dedicated to excellence in government and public administration. More details on the *e-Europe Awards* will be published in the next EIPASCOPE edition. A special *e-Europe Awards* web site will be launched shortly.

Christine Leitner, Senior Lecturer at EIPA Maastricht, is Head of the e-Europe Awards Project Management Secretariat (PMS).

Alexander Heichlinger, Lecturer at EIPA-ECR in Barcelona, is Deputy Head of PMS.

More information can be obtained from EIPA: Ann Stoffels, Information Officer, a.stoffels@eipa-nl.com

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NOTES

1 Copies of the surveys can be obtained from EIPA.

2 Based on the Ministerial Declaration on e-government adopted in Brussels, 29 November 2001. See also http://www.eu-forum.org.

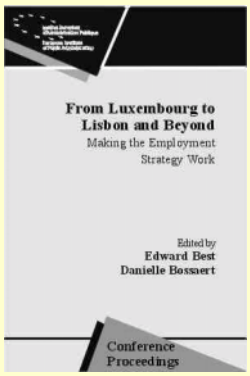
3 Initiative within the framework of the IDA (Interchange of Data between Administrations) Programme. See also http://europea.eu.int/ISPO/ida.

4 The presentations delivered by the speakers will be published on EIPA's web site http//:www.eipa.nl, subject to approval of the authors.

5 For details see http://europa.eu.int/eEurope

6 See also http:// europa.eu.int/eEurope: Final Report "From Policy to Practice", Ministerial Conference, Brussels 29-30 November 2001. ❑

From Luxembourg to Lisbon and Beyond: Making the Employment Strategy Work*



How well is the European Employment Strategy working? How can we improve it for the future?

Five years after it was created at Amsterdam and Luxembourg, and two years after it inspired the Open Method of Coordination at Lisbon, fundamental questions are now being asked about this new kind of non-binding policy coordination.

This approach has allowed the EU to move ahead gradually in sensitive areas through mutual learning and the convergence of national policies around common guidelines rather than by legal harmonisation. And it seems to have contributed to some improvement in the employment performance of labour markets.

Yet there are concerns and doubts. How can the procedure and the guidelines be simplified? Can benchmarking and peer review achieve effective convergence or policy learning? How can one enhance the participation of the social partners and the host of interested actors at national, regional and local levels? Should there not be a role for the European Parliament?

Both the achievements and the problems are presented in this new book, which brings together leading practitioners and academic specialists to reflect on the challenges which must be faced if the enlarging Union is to make this new form of governance work.

"With the arrival of the single currency, it is all the more necessary to place the question of employment high on the European agenda. Even if the European Employment Strategy has succeeded in stimulating job creation by applying 'convergence stress' on the Member States, it must be recognised that the results of the strategy are still mediocre. Against this background, this book is a very timely contribution to an in-depth and open discussion of the Luxembourg process."
Jean-Claude Juncker, Prime Minister of Luxembourg

* Edward Best and Danielle Bossaert (eds), EIPA 2002, approx. 140 pages, ISBN 90-6779-170-9: € 27.20
Only available in English

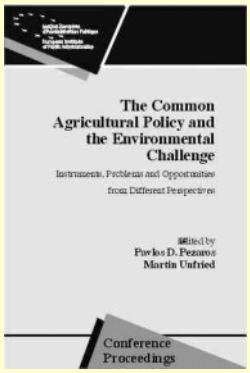
Increasing Transparency in the European Union?*

The concept of transparency played a considerable role during negotiations leading towards the ratification of the Maastricht Treaty, and has never been absent from the European political scene since.

The EU institutions and the Member States have often expressed their intention to render the decision-making process more open and more understandable for citizens and to provide systematic access to all available EU information. Following the Treaty of Amsterdam, a regulation on access to EU documents was adopted in 2001, providing new guidelines on the matter. This book is the result of a conference organised shortly afterwards by the European Institute of Public Administration – the second conference organised by EIPA on the theme of transparency in the EU. It takes stock of all developments in recent years concerning openness, transparency and access to documents. The contributions to this book, written by academics, European civil servants and journalists, provide a complete survey of the state of the art and provide insights into likely future developments.

* Veerle Deckmyn (ed.), EIPA 2002, 287 pages, ISBN 90-6779-168-7: € 31.75
Only available in English

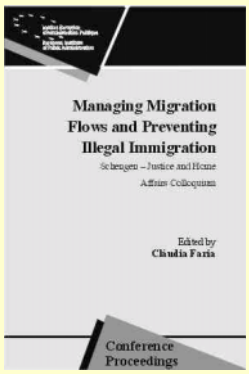
The Common Agricultural Policy and the Environmental Challenge: Instruments, Problems and Opportunities from Different Perspectives*



In recent years, the EU's Common Agricultural Policy, together with the agricultural policies applied within Member States and Candidate Countries, have been faced with the growing demands of the public to take account of environmental concerns as well as the conservation of nature and the countryside. One instrument to address these demands is the legal obligation included in the EC Treaty (Maastricht) – Article 6. This obliges the integration of environmental considerations into the definition and implementation of all Community Policies. This legal requirement was taken up by the European Heads of State and Government who, at their Summit in Cardiff in 1998, invited the Agriculture Council to formulate its own strategy for integrating the environment into the CAP. Since then, the Agriculture Council has been working on a "comprehensive strategy". The book gives an overview of the different aspects of and recent discussions on environmental policy integration in the agricultural sector. It also includes views from different actors involved.

* Pavlos D. Pezaros and Martin Unfried (eds.), EIPA 2002, 251 pages, ISBN 90-6779-166-0: € 31.75
Only available in English

Managing Migration Flows and Preventing Illegal Immigration: Schengen – Justice and Home Affairs Colloquium*



The creation of an area of freedom, security and justice, called for in the Amsterdam Treaty, is a goal further developed by the so-called "Tampere milestones", which include a common European asylum and migration policy, and a Union-wide fight against organised crime. Also, the tendency towards a global integrated approach has been confirmed by the need for stronger external action and partnerships with countries of origin.

This book gathers together contributions on these issues from politicians, civil servants, practitioners and academics, discussed at the Ninth Schengen and Justice and Home Affairs Colloquium organised by the European Institute of Public Administration in Maastricht, in October 2001. Other issues include the prevention of illegal immigration and people smuggling, the carriers' point of view on liability, the conclusion of readmission agreements, reinforced police cooperation at EU level, the role of Europol in the fight against crime, the particular situation of victims of trafficking in human beings and of asylum seekers in particular, and the latest developments in the implementation of Schengen in the Nordic countries.

This publication thus provides both an assessment of the progress made and measures taken, as well as an insight into new problems and challenges.

* Cláudia Faria (ed.), EIPA 2002, 97 pages, ISBN 90-6779-169-5: € 21.00
Mixed texts in English and French

MASTER OF EUROPEAN LEGAL STUDIES / *MASTER EN ETUDES JURIDIQUES EUROPEENNES*

EIPA – Antenna Luxembourg, European Centre for Judges and Lawyers /
IEAP – Antenne Luxembourg Centre européen de la Magistrature et des professions juridiques

Luxembourg, 2002-2004

EIPA's Antenna Luxembourg, the European Centre for Judges and Lawyers, is offering in co-operation with its Partner Universities (Universities of Nancy 2 and Thessaloniki), a postgraduate programme leading to a Master's Degree in European Legal Studies (MELS).

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- E-Commerce in EC Law
- External Relations of the EC and the EU
- Common Foreign and Security Policy (CFSP) and the European Security and Defence Policy (ESDP)

Location: Luxembourg

Tution fee: 3.000 EUR

Working languages: English and French

Timetable: Lectures – 11 October 2002 to 12 July 2003 (Friday afternoons and Saturday mornings) Exams – Autumn 2003 Master thesis – due in January 2004.

L'Antenne de l'IEAP à Luxembourg, le Centre européen de la Magistrature et des professions juridiques, organise en coopération avec ses universités partenaires (Universités de Nancy 2 et de Thessalonique), un programme post-universitaire sanctionné par un Master en études juridiques européennes (M.E.J.E.).

***Public visé**:*
- *Fonctionnaires des Etats membres de l'UE*
- *Fonctionnaires de l'Union européenne*
- *Avocats, juges, autres juristes*
- *Professionnels, diplômés ayant des intérêts dans le droit communautaire.*

Intervenants:
Universitaires et praticiens (avocats, juges et autres juristes des Institutions européennes)

Programme:
- *Introduction aux notions juridiques de l'intégration européenne*
- *Information européenne*
- *Le système constitutionnel et judiciaire de l'UE*
- *Les droits de l'homme et les droits fondamentaux au sein de l'Union européenne et en dehors*
- *Les libertés fondamentales et le marché intérieur*
- *Justice et affaires intérieures*
- *Droit de la concurrence*
- *Droit social*
- *Droit de la consommation*
- *Droit international privé européen*
- *Droit de l'environnement*
- *Droit de la propriété intellectuelle*
- *E-commerce en droit communautaire*
- *Les relations extérieures de la CE et de l'UE*
- *La Politique étrangère et de sécurité commune (PESC) et la Politique européenne en matière de sécurité et de défense (PESD)*

***Lieu:** Luxembourg*

***Droits d'inscription:** 3.000 euros*

***Langues de travail:** anglais et français*

***Duree de l'information:** Les cours se dérouleront du 11 octobre 2002 au 12 juillet 2003 (les vendredis après-midi et les samedis matin), les examens auront lieu en automne 2003, et les candidats devront remettre un mémoire en janvier 2004.*

Information / *Renseignements:*
Ms Juliette BOUSSUGE, EIPA Antenna Luxembourg
European Centre for Judges and Lawyers / Centre européen de la Magistrature et des professions juridiques
2, Circuit de la Foire Internationale, L – 1347 LUXEMBOURG
Tel: +352 426 230 304; Fax: +352 426 237; E-mail: j.boussuge@eipa.net
Web site: http://www.eipa.nl

Deadline (for applications) / Date limite des candidatures: 13 September 2002 / 13 septembre 2002

Seminar / Séminaire

Managing EU External Relations: When Khaki Meets Pinstripe

Gérer les relations extérieures de l'Union européenne: rencontre entre militaires et civils

Maastricht,
16-17 September 2002 / *les 16 et 17 septembre 2002*

The management of EU external relations is becoming more and more complex. Issues of consistency are not new, but the need to address them in a forthright manner are particularly apparent since the events of 11 September 2001. It was these tragic events that illustrated that effective external relations, including the security aspects, increasingly involve close coordination between the three pillars of the Union, as well as with the Member States.

The events of 11 September were however merely a catalyst for change that had in fact been underway for several years. It is apparent that the traditional division between external economic and trade (Community) aspects of external relations and the political aspects (CFSP) has become increasingly artificial. The rapid growth of the crisis management dimensions of CFSP, alongside conflict prevention, promises to make the EU a more comprehensive international actor. There are however a number of challenges that have to be addressed, ranging from issues of consistency, the development of a 'security culture', questions of legitimacy and legal identity.

It is also true that the EU was never an island when it came to external relations. In this regard the establishment of effective and non-duplicative relations between the Union and other significant actors, such as the UN, NATO, OSCE or countries such as Russia, the Ukraine or the United States, will be paramount. Another highly important aspect of EU external relations that demands serious attention is the growing gap between rhetoric and resources within CESDP.

The object of the two-day seminar is to examine these issues in a multinational environment and one that will hopefully combine the perspectives of civilian and military practitioners who are involved in CFSP, as well as academics. The emphasis of the meeting will be upon interactive dialogue and participants will therefore be asked to take part in one of a number of workshops considering specific challenges facing the EU.

If there is sufficient interest, interpretation into French will be provided.

La gestion des relations extérieures de l'Union européenne se révèle de plus en plus complexe. Si les problèmes de cohérence ne datent pas d'hier, les attentats du 11 septembre 2001 ont cruellement fait ressortir la nécessité d'y remédier sans attendre. Ces événements tragiques ont montré que pour avoir des relations extérieures efficaces, y compris les aspects sécuritaires, il est primordial d'établir une étroite coordination entre les trois piliers de l'Union mais aussi entre les Etats membres.

Cependant, ces événements n'ont fait qu'accélérer un processus de changement qui était déjà en marche depuis quelques années. Il est clair que la distinction traditionnelle entre le volet (communautaire) économique et commercial des relations extérieures et le volet politique (PESC – Politique étrangère et de sécurité commune) n'a plus guère de raison d'être. Le développement rapide de la dimension "gestion de crise" de la PESC, parallèlement à la prévention de conflit, assure à l'Union européenne un rôle plus vaste sur la scène internationale. Toutefois, il subsiste une série de défis auxquels il faut faire face, tels que les problèmes de cohérence, la mise en place d'une "culture de sécurité", les questions de légitimité et d'identité juridique.

Certes l'Union européenne n'a jamais été isolée lorsqu'il était question de relations extérieures. A cet égard, l'établissement de relations efficaces, visant à éviter les chevauchements d'activités entre l'Union et d'autres acteurs importants comme l'ONU, l'OTAN, l'OSCE, ou des pays comme la Russie, l'Ukraine et les Etats-Unis, revêt une importance cruciale. Autre aspect essentiel des relations extérieures de l'UE qui mérite toute notre attention, le décalage croissant entre le discours et les ressources disponibles de la Politique européenne commune en matière de sécurité et de défense (PECSD).

Ce séminaire de deux jours cherche à examiner toutes ces questions dans un cadre multinational, en combinant si possible les perspectives des praticiens civils et militaires travaillant dans le domaine de la PESC, ainsi que celles des universitaires. Cette formation mettra l'accent sur un dialogue interactif et les participants seront invités à participer aux ateliers consacrés aux défis spécifiques qui se posent à l'Union européenne.

La traduction simultanée en français sera assurée à condition qu'il y ait un nombre minimum de participants souhaitant la traduction.

For more information and registration forms, please contact /
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Topical Seminar

The Mid-Term Review of the Common Agricultural Policy – Implications for the Future

Maastricht, 16-17 September 2002

The European Institute of Public Administration (EIPA) is pleased to announce a two-day seminar entitled "The Mid-Term Review of the Common Agricultural Policy – Implications for the Future", which will take place in Maastricht (NL) on 16-17 September 2002.

Background
The Commission's Mid-Term Review (MTR) will be published in summer. Even though a thorough reform of CAP will not be realised within the recently established budgetary framework, this Review will serve as a basis to concretise reform needs.

Content
The seminar will examine the results of the MTR as regards the characteristics and nature of the future role of CAP. This future role will be analysed in the context of agricultural sustainability:

- economically, as regards efficiency and international competitiveness;
- socially, with regard to the development of rural areas;
- ecologically and quality-wise, with regard to environmentally friendly methods of agricultural production of safe and high-quality products.

This debate on the future role of CAP cannot take place in isolation but needs to take place in the light of two main events that influence the necessity, scope and restrictions of reforms: enlargement and the ongoing WTO negotiations.

Thus, the present commitments and scope regarding agricultural sustainability within the WTO framework will be examined and the controversies among Member States and candidate countries will be addressed during panel discussions with national representatives.

Objectives of the seminar
The seminar will provide an international forum to analyse the results of the MTR and to draw conclusions in the context of the challenges to be faced.

Target groups

- Public officials from national, subnational and local authorities of the Member States, the candidate countries and third countries;
- Representatives of agricultural associations (farmer associations, consumer associations, specific sectoral associations);
- Representatives of the food retail trade and the food processing sector;
- Researchers and experts dealing with agricultural policy, WTO and enlargement.

The working language of the seminar will be English.

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Seminar

Sustainable Development and Environmental Policy Integration in Europe: Progress or Deadlock?

The implications of policies, instruments and current developments for the regions

Barcelona, 19-20 September 2002

After the Swedish and the Belgian Presidencies expectations were high: The year 2002 was supposed to bring ambitious initiatives of the European Union concerning sustainable development and environmental policy integration, preparing the EU for the World Summit in South Africa. However, in the course of this year these expectations have not always been met. After the Barcelona Summit, insiders were disappointed because sustainable development and the integration of the environment into economic and sectoral policies had been sidelined and the environmental dimension had not been placed as a serious item on the socio-economic agenda of the Lisbon Process. What has actually been done at European level with respect to sustainable development and environmental policy integration over the last few months and what are the implications for the regions in the European Union and the candidate countries? Furthermore, what has happened since Seville?

First of all, the seminar will give an insight into the highly complex current developments at EU level as regards the following processes:

- the EU sustainable development strategy;
- the further implementation of environmental integration strategies by the various Councils (the so-called Cardiff process);
- the integration of environmental and sustainability indicators in the Lisbon Process;
- the 6th Environmental Action Programme and "best practices" of environmental or sustainability planning at regional level;
- the debate on the implementation of related directives and instruments (e.g. the Strategic Environmental Impact Assessment Directive);
- environmental integration in relation to the Structural Funds and the Cohesion Fund.

Secondly, the seminar will take a practical approach to dealing with the challenges for the administrations of the regions. In workshops, the participants will have the opportunity to exchange their experiences, in particular as regards the recent developments in the field of planning, environmental assessment and the greening of the Structural Funds.

The seminar is intended for officials from regional administrations of Member States and Candidate Countries who deal with questions related to sustainable development, environmental planning and the implementation of related directives.

The working languages will be Spanish and English, with simultaneous interpretation. The number of participants is limited.

For more information please contact:
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Seminars on Public Procurement/ Public Private Partnerships (PPPs) in 2002

The European Institute of Public Administration (EIPA) is planning to organise three seminars in the field of public procurement and public private partnerships in 2002, which will take place at EIPA in Maastricht, the Netherlands.

Legal Seminar: Public Procurement Law – Legislative Developments and Recent Case Law of the European Court of Justice

19-20 September 2002

Objectives and Contents:
This *legal seminar* aims to present and discuss the reform and legislative developments at EC level in the field of the classical sector and the utilities, the relevant case law of the European Court of Justice (ECJ), and the significance of national case law in public procurement. This will be placed in the context of the growing significance and impact of the case law of the ECJ on European public procurement policy and legislation.

The seminar will address the legislative reforms from a legal perspective and examine recent trends in the ECJ's case law in the field of procurement, also including remedies. In addition, it will analyse selected national case law which is of European interest.

Target Group:
The seminar should be of interest mainly to the legal profession (lawyers, judges) as well as to policy makers, public officials, and academics.

The working language of the seminar will be English.

For further information, please contact:
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Seminar: Public-Private Partnerships

30-31 October 2002

Objectives and Contents:
Partnerships between the private sector and the public sector, at all levels of government, are proliferating. However, whenever public authorities act in the economy they must comply with the obligations of Member States as specified in the EU Treaties and secondary legislation. The purpose of the seminar is to explore how the aims of public-private partnerships (PPPs) can be achieved while the obligations of the Member States are fulfilled.

In addition, experience has indicated that in certain situations EU rules prevent public authorities from acting in a way that would maximise the efficiency and effectiveness of PPPs. Therefore, the seminar also aims to explore how prevailing EU rules may need to be adjusted so as to facilitate the growth and usefulness of PPPs.

Target Group:
The seminar is aimed at the needs of managers in the public sector who design or oversee or intend to develop such partnerships and who are not necessarily familiar with the relevant EU rules or face difficulties in establishing such partnerships because of EU rules. It is also aimed at policy makers in the Member States and the Community institutions in so far as it will examine how EU rules may be adjusted so as to accommodate PPPs.

The working language of the seminar will be English.

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Topical Seminar: Implementing the Legislative Package

planned for 12-13 December 2002

For further information, please consult our web site

For background information on public procurement in Europe and EIPA activities related to public procurement, please consult: http://www.eipa-nl.com/public/Topics/TopicsMenu.htm

Seminar

Managing Gender Equality: Policies, Tools and Best Practices in Europe

Organised by
the European Institute of Public Administration (EIPA), Maastricht (NL) and
the European Centre for the Regions (EIPA-ECR), Barcelona (E)

Maastricht, 23-24 September 2002 / Barcelona, 11-12 November 2002

The European Institute of Public Administration and the European Centre for the Regions are pleased to announce the seminar *"Managing Gender Equality: Policies, Tools and Best Practices in Europe"*. This event will be held in Maastricht on 23-24 September 2002 and repeated in Barcelona on 11-12 November 2002.

Gender equality is high on the European agenda at the moment. The Member States, the European Institutions and social actors are currently working together to develop a variety of new mechanisms and approaches to achieving this goal. Mainstreaming means that the perspective of gender equality must be introduced into all policy areas. This is creating multiple new challenges for policy-makers and for all those involved in implementation.

This seminar will therefore bring together policy-makers, public managers from all levels of administration and representatives of economic and social organisations to exchange best practices with regard to the formulation and implementation of equality policies; to review latest developments in the EU; and to debate specific issues of particular concern such as gender-related violence or equal-opportunities policies in the labour market.

The working languages of the seminars will be English and French for the programme in Maastricht, and English and Spanish for the programme in Barcelona.

For further information and registration forms, please contact:
Seminar in Maastricht, 23-24 September 2002
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Seminar in Barcelona, 11-12 November 2002
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Seminars / Séminaires

Understanding Decision-Making in the European Union: Principles, Procedures, Practice

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Comprendre le processus décisionnel de l'Union européenne : Principes, procédures et pratique

Maastricht,
26-27 September 2002 / 21-22 November 2002 /
les 26 et 27 septembre 2002 / les 21 et 22 novembre 2002

The European Union encompasses cooperation in an ever greater number of policy areas. This cooperation is taking place in an ever greater number of different ways, and involves more and more different actors. To understand EU decision-making processes, one cannot only think of a "Community method" in some fields and "intergovernmentalism" elsewhere, nor limit attention to European law. The Open Method of Coordination and other forms of soft law are increasingly employed in the social sphere. At the same time, the Union is consolidating cooperation in Justice and Home Affairs and rapidly developing new external capabilities through the common European Security and Defence Policy. In this context, it is increasingly difficult as well as important to be aware of how European cooperation works in the different fields.

These two-day seminars are intended for all those interested in obtaining a broader understanding not only of how the European Institutions are evolving but also of how different types of policy are now being managed. They will be particularly useful for junior public officials and representatives of organisations involved in European programmes, who will be helped to develop rapidly in their specialisation while having a good feel for the bigger picture.

The courses start by presenting the functioning of the European institutions and their interaction in the classic policy cycle, which remains an essential starting point for understanding the Union. The sessions on decision-making in the Community legislative process include a simulation of a Council working party, and a case study illustrating the operation of the co-decision procedure. Some of the new methods of cooperation will then be illustrated by discussing recent cases in Employment and Social Affairs. Finally, the evolution and operation of the Second and Third Pillars will be examined, including a case study on the European Union's crisis-management capabilities.

La coopération au sein de l'Union européenne touche des domaines de plus en plus nombreux. Réunissant des acteurs très différents, cette coopération se traduit aujourd'hui sous diverses formes. Pour bien comprendre les processus décisionnels européens, on ne peut se contenter de considérer la " méthode communautaire " dans certains domaines et la " méthode intergouvernementale " dans d'autres, ni limiter son attention au droit européen. On voit émerger la méthode ouverte de coordination et d'autres formes de droit non contraignant sur le terrain social. Dans le même temps, l'Union est en train de consolider la coopération dans les domaines de la justice et des affaires intérieures et de développer rapidement de nouvelles capacités externes à travers la politique européenne commune en matière de sécurité et de défense. Dans ce contexte, il s'avère donc de plus en plus difficile mais nécessaire d'appréhender le fonctionnement de la coopération européenne dans les différentes sphères.

Ces séminaires de deux jours s'adressent à tous ceux qui veulent acquérir une meilleure compréhension des institutions européennes et de leur évolution, et de la façon dont les différentes politiques communautaires sont gérées à l'heure actuelle. Ils seront particulièrement enrichissants pour les jeunes fonctionnaires et représentants d'organisations participant à des programmes européens, qui pourront ainsi bénéficier d'un soutien pour évoluer rapidement dans leur domaine de spécialisation tout en disposant d'une vision plus large.

Les séminaires débuteront par une présentation des institutions européennes et de leur interaction dans le cycle politique classique, point de départ essentiel pour comprendre l'Union. Les sessions consacrées à la prise de décisions dans le processus législatif communautaire comporteront une simulation d'une réunion d'un groupe de travail du Conseil, de même qu'une étude de cas illustrant le fonctionnement de la procédure de codécision. L'on cherchera également à éclairer certaines nouvelles méthodes de coopération en examinant plusieurs affaires récentes dans le domaine de l'emploi et des affaires sociales. Enfin, les séminaires s'intéresseront à l'évolution et au fonctionnement du deuxième et du troisième pilier, notamment à partir d'une étude de cas sur les capacités européennes de gestion des crises.

The seminars will be held in English with simultaneous translation in French.

Les séminaires se tiendront en langue anglaise, avec traduction simultanée en français.

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Seminar

Committees and Comitology in the Political Process of the European Community

Maastricht, 30 September – 2 October 2002

Committees play a significant role in the various phases of the political process in the European Community. They participate in designing, deciding and implementing EC policy: expert or advisory committees help the Commission in the process of drafting legislation; Council working parties or committees prepare decisions of the ministers; and in the process of implementation, so-called 'Comitology' committees supervise the implementation of EC law.

The seminar is designed to help civil servants from the Member States and the Community institutions to gain a better understanding of the role these committees play in the policy process both from a theoretical and from a practical point of view. In the first part of the seminar a typology of committees – based on their function in decision-making – will be developed, followed by simulations and case studies of the various types of committees designed to illustrate the role they play in the policy process and the way they operate.

Particular emphasis will be placed on the new rules for Comitology committees as laid down by Council Decision 1999/468 of June 1999.

The combination of theoretical discussions and interactive learning will give participants the opportunity to improve their theoretical and practical knowledge of the work of committees in all aspects of Community policy-making and implementation.

The seminar will be conducted in English. There will be simultaneous interpretation into French and/or German, provided that there are enough participants requiring each language.

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Seminar – Séminaire – Seminar

EU Consumer Law and the Development of European Civil Law

Le droit européen de la consommation et le développement d'un droit civil européen?

EU-Verbraucherschutzrecht und die Entwicklung eines europäischen Zivilrechts

Luxembourg, 30 September – 1 October 2002 / *30 septembre – 1er octobre 2002* / 30 September – 1 Oktober 2002

EU Consumer law is as widespread as it is far-reaching. A number of these rules (e.g., on doorstep selling, unfair terms and consumer sales and associated guarantees) make important incursions into national civil law with the effect of a certain harmonisation of such national law. However, these rules not only involve minimum harmonisation. They also embody a patchwork of legislative compromises that are not always consistent. Thus, the existing regulatory framework results in differentiation (between EU Member States) as well as in segmentation in the different sectors of EU consumer law. This can go against harmonisation and even call it into question altogether.

This seminar will focus on the link between EU Consumer law and Civil law, and will deal with the issue of minimum harmonisation and the inherent danger of 'going minimalist'. This will be illustrated on the basis of experiences of implementing three EC Consumer law directives which represent different generations of law making in this area and which can be seen as potential cornerstones of an eventual European Civil Code. The seminar will aim at seeking to answer the question of whether or not EU Consumer law will be able to provide such a foundation.

This seminar is aimed at judges, lawyers, national and EU civil servants (in particular from consumer and ombudsman bodies), representatives of independent consumer organisations, academics, and more generally at other persons interested in EU consumer law.

The seminar will be held – depending on the majority preferences of the participants – in at least 2 out of 3 languages (English, French, German).

Le droit européen de la consommation est un domaine à la fois vaste et important. Une grande partie des réglementations en la matière (par ex. sur le démarchage à domicile, les clauses abusives et la vente et les garanties des biens de consommation) font des incursions considérables en droit civil national, conduisant ainsi à une certaine harmonisation de ce droit. Cependant, ces réglementations sont fondées sur une harmonisation minimale; en outre, elles représentent un ensemble de compromis législatifs qui ne sont pas toujours cohérents. En conséquence, le cadre réglementaire existant entraîne une différentiation (entre les Etats membres de l'UE) et une segmentation parmi les divers secteurs du droit européen de la consommation, qui peuvent aller à l'encontre de l'harmonisation, ou même la remettre totalement en question.

Ce séminaire vise à examiner le lien entre le droit européen de la consommation et le droit civil. Plus particulièrement, il abordera la question de l'harmonisation minimale ainsi que les dangers inhérents à une approche minimaliste. Pour illustrer ce phénomène, il s'appuiera sur l'expérience de mise en œuvre de trois directives communautaires en matière de droit européen de la consommation, représentant différentes générations d'activité législative dans ce domaine et que l'on peut considérer comme fondements possibles d'un éventuel code civil européen. Le séminaire cherchera à savoir si le droit européen de la consommation peut ou non servir de base à un code civil européen.

Le séminaire s'adresse aux juges, aux avocats, aux fonctionnaires nationaux et communautaires (issus notamment des organismes de défense des consommateurs et de médiation), aux représentants d'organisations indépendantes de consommateurs, aux universitaires et, plus généralement, à tous ceux qui s'intéressent au droit européen de la consommation.

Le séminaire se déroulera – compte tenu des préférences exprimées par la majorité des participants – dans au moins deux des trois langues proposées (anglais, français, allemand).

Das EU-Verbraucherschutzrecht ist so weitverzweigt wie weitreichend. Eine Reihe dieser Regelungen (z. B. betreffend Haustürgeschäfte, unfaire Klauseln sowie Verbrauchsgüterkauf und Garantien) bedeuten erhebliche Einschnitte ins nationale Zivilrecht und bewirken so eine gewisse Harmonisierung der nationalen Rechte. Diese Regelungen basieren jedoch nicht nur zu einem großen Teil auf Mindestharmonisierung. Sie verkörpern auch ein Patchwork legislativer Minimalkompromisse ohne Konsistenz. Daher bringt der existierende rechtliche Rahmen sowohl eine Differenzierung (zwischen den EU-Mitgliedstaaten) als auch eine Segmentierung innerhalb verschiedener Sektoren des EU-Verbraucherschutzrechts mit sich, was der Harmonisierung zuwiderlaufen und diese sogar als Ganzes in Frage stellen kann.

Dieses Seminar bestimmt das Bindeglied zwischen EU-Verbraucherschutzrecht und Zivilrecht und beschäftigt sich mit dem Thema der Mindestharmonisierung und der ihr innewohnenden Gefahr minimalistisch zu werden. Dies soll anhand der Umsetzungserfahrungen mit drei EG-Verbraucherschutzrechts-Richtlinen illustriert werden, die für unterschiedliche Generationen der Gesetzgebung in diesem Bereich stehen und als potentielle Ecksteine eines etwaigen Europäischen Zivilgesetzbuches gesehen werden können. Das Seminar wird versuchen, eine Antwort auf die Frage zu geben, ob das EU-Verbraucherschutzrecht dafür eine geeignete Grundlage darstellt.

Das Seminar richtet sich an Richter, Rechtsanwälte, nationale und EU-Beamte, besonders von Verbraucherschutz- und Ombudsmanneinrichtungen, Vertreter unabhängiger Verbraucherorganisationen, Akademiker und im Allgemeinen an jedermann mit Interesse am EU-Verbraucherschutzrecht.

Das Seminar wird – abhängig von der Mehrheitspräferenz der Teilnehmer – in mindestens 2 von 3 Sprachen (Englisch, Französisch, Deutsch) abgehalten.

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Seminar

The Presidency Challenge

The Practicalities of Chairing Council Working Groups

Maastricht, 3-4 October 2002

The European Institute of Public Administration (EIPA) in Maastricht (NL) is pleased to inform you that it is organising a seminar entitled "**The Presidency Challenge**". This seminar will take place in Maastricht on **3-4 October 2002**.

Objective:
The Presidency of the Council of the European Union presents Member States with a number of important challenges. During a period of six months the country holding the Presidency is responsible for the management of the day-to-day business of the EU, provides leadership, negotiates compromises, and acts as the EU's spokesperson. Its roles entail a high degree of visibility and many officials and politicians depend on how the chair organises and handles the meetings. Ensuring effectiveness and efficiency is therefore the key to a successful Presidency.

This seminar addresses the preparation phases from the perspective of the chair and highlights the practical challenges chairpersons are confronted with. It provides an analysis of the roles of chairpersons and national delegates and addresses the practical details involved in managing Council working parties. It moreover discusses the relationships between the Presidency and the EU Institutions and provides a forum for informed debates with representatives of the Institutions and national officials with experience in chairing working party meetings. The seminar is deliberately interactive and consists of a mixture of simulations, workshops, case studies and lectures.

Target Group:
The seminar is intended for future working party chairpersons, members of the teams of chairpersons and national delegates in particular in Greece, Italy, Ireland and the Netherlands. The seminar aims to contribute to an exchange of experience and foster connections between consecutive Presidencies. To ensure an interactive working environment we have limited the number of participants to 25.

The working language of the seminar will be English.

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Seminar / Séminaire

European Negotiations

Négociations européennes

Maastricht,
7-11 October, 25-29 November 2002 /
du 7 au 11 octobre; du 25 au 29 novembre 2002

This is a practical programme which aims to explore and define the strategies and tactics inherent in negotiations at the European Union level. This programme adopts a twofold approach. On the one hand, progressive simulation exercises will enable the participants to experience genuinely recreated negotiations and transform them into a laboratory to reflect on ways and means of optimising the experience of European negotiations. This programme obviously aims to help participants to improve their negotiation abilities and therefore places emphasis on practical skills development. For this particular purpose, individual performance cards will be drawn up and made available by the trainers. On the other hand, sessions in which debriefing of the simulations will take place will present both theoretical and empirical research on the factors which influence negotiations. Such factors include good preparation, particular techniques of negotiation, cultural patterns, communication skills and personal style. Similarly, the EU context is presented highlighting *inter alia* the institutional intricacies, Council rules of procedure, and the roles of the Presidency, the European Commission and the Parliament in negotiations. Finally, the multinational composition of the group should also offer participants an opportunity to discover together the special dynamics of the European negotiations in this intensive and highly participatory programme.

Ce séminaire, à caractère pratique, vise à explorer et à définir les stratégies et tactiques inhérentes aux négociations à l'échelle de l'Union européenne. La méthode du programme est double. D'une part, des exercices de simulation progressifs permettent aux participants de recréer plusieurs situations authentiques de négociations et de les transformer en un laboratoire où ils pourront réfléchir sur la façon d'optimiser l'expérience des négociations européennes. Ce séminaire est avant tout conçu pour aider les participants à perfectionner leurs talents de négociateurs, et met donc l'accent sur le développement des aptitudes pratiques. A cette fin, des fiches d'action personnalisées seront préparées et distribuées par les formateurs. D'autre part, des sessions d'évaluation des simulations présentent à la fois des recherches théoriques et empiriques sur les facteurs qui influent sur la négociation: la bonne préparation, les techniques particulières de négociation, les traits culturels, les canaux de la communication et le style personnel. Le contexte de l'Union européenne est lui aussi présenté, et en particulier les rouages institutionnels, les règles de procédure au sein du Conseil ou encore le rôle de la Présidence, de la Commission et du Parlement européen dans les négociations. Enfin, la composition multinationale du groupe devrait offrir aux participants une occasion unique de découvrir ensemble la dynamique particulière des négociations européennes dans ce programme intensif et fortement participatif.

The working languages are English and French. Simultaneous translation will be provided.

Langues de travail: anglais et français (l'interprétation simultanée étant assurée).

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Seminar

Adapting to European Integration: How to effectively coordinate EU policy making at central and regional level

Maastricht, 10-11 October 2002

The *effective* coordination of EU policy making is a key issue for the successful administrative adaptation of EU Member States to increasing European integration. On the one hand, the creation of well-functioning coordination systems at national and subnational level is a key factor for the development of a coherent national position in the EU policy cycle and on the other hand, it is a prerequisite for the timely and adequate transposition of EU directives into national law. However, the *question of effectiveness* also raises some tricky questions such as: is a centralised system more effective than a decentralised coordination system? What is the best way to mediate conflicting interests at intra- and interministerial level? What is the best way to integrate the European dimension into the different departments of the ministries? etc.

The coordination systems put in place by the different national governments vary considerably: we can distinguish between centralised versus decentralised systems, strongly institutionalised versus ad hoc systems, formalised versus more informal systems. The main objective of this seminar is to compare and evaluate different forms of coordination and to discuss the prerequisites for setting up a coherent coordination system with effective problem-solving and arbitration mechanisms. The seminar will also look at the procedures of cooperation and consultation with the regional level and with the national parliaments.

The conference will be conducted in English and German.

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Practical Training Courses on European Information

Europe on the Internet

Maastricht, 10-11 October 2002

A new practical training course to help those who have a need in their work to find information about the institutions and policies of the European Union and the wider Europe. The course will demonstrate that it is possible to find quickly and efficiently much useful information on the internet both from official and non-official sources. Areas covered will include: legislation; case-law; keeping up-to-date; policies; contact information; sources of finance; bibliographical information; country information; searching techniques.

The course will consist of a number of detailed talks and demonstrations of the most useful websites followed by opportunities for participants to develop hands-on expertise. As an optional part of the course, on the second day participants will have the opportunity to compile a list of key information sources on the web in a subject relevant to their work or interests under the guidance of the conference trainers.

The training course will be conducted in English.

Mastering the CELEX Database

European Law in One Single Database

Maastricht, 7-8 November 2002

The European Institute of Public Administration (EIPA) is organising a training course entitled "*Mastering the CELEX Database*", which will take place in Maastricht (NL) on 7 and 8 November 2002.

CELEX is a multilingual, comprehensive, authoritative database on European Union Law.

Target group:
The course is intended for those working in the field of European Affairs, Community officials, legal experts, information specialists and information officers from the Member States of the EU and the candidate countries, who wish to familiarise themselves with the value-added services and powerful search functions of *Celex Menu search* and *Celex Expert search.*

Objectives:
The primary aim of the training course is to present and explain the coverage, structure and search facilities of CELEX in a simple and accessible way. The course is a combination of presentations, hands-on exercises, as well as question and answer sessions.

The training course will aim to provide those working in the field of European affairs on a daily or occasional basis with the skills to trace and use European Information, by offering them a complete overview of the strengths of the CELEX database.

At the end of the course, the participants should have a clear understanding of how to fully exploit the database's rich legal data through flexible search and display modules.

The language of the training course will be English, and the places will be limited to a maximum number of 25 participants.

For more information and/or registration forms, please contact:
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http://www.eipa.nl

Institut Européen d'Administration Publique
European Institute of Public Administration

Colloquium / Colloque

EurActiv.com
EU News, Policy Positions and *EU Actors* online

The Debate on the Future of Europe: a Convention, a Constitution, a Consensus?

Le débat sur l'avenir de l'Europe: Convention, Constitution ou Consensus?

'Statenzaal', Provincial Government House / *"Statenzaal", Siège des Etats Provinciaux*
Maastricht, 14-15 October 2002 / *Maastricht, 14-15 octobre 2002*

The European Union, after five decades of exploration beyond the nation state, is on the verge of a formal constitutional settlement and is going about it in a remarkable new way. A *Convention on the Future of Europe* was established at the Laeken European Council in December 2001. Composed of representatives of the governments and parliaments of both Member States and candidate countries, as well as the European Commission and European Parliament, it has the mandate to deliberate on the fundamental missions and constitutional forms of the Union in advance of the next Intergovernmental Conference.

This Convention affords an unprecedented means and opportunity to reach clear and public agreement as to the principles according to which the Union should be organised and evolve, and the role which the EU as such should play in the world.

This Colloquium offers a privileged forum in which to discuss first-hand with members of the Praesidium and other leading figures how the Convention operates and where it may be leading. It also aims to look at the Convention and the issues it is addressing in a broader light, and to make a direct contribution to this vital debate on the future of the Union.

Parallel working groups will then deal with three fundamental questions:

a) *subsidiarity and diversity:* what are the principles and practical realities which will shape the interaction between territorial actors in the EU's reality of multi-level governance, and how can these be most appropriately reflected in new constitutional forms?
b) *accountability and participation*: what are the potentials and limits in the EU context of parliamentary procedures, non-majoritarian mechanisms and direct participation, and what principles should shape their formalisation in new institutional arrangements?
c) *global security*: what common capabilities can we agree that the Union should be given in order to protect and project EU interests, as well as to be able to contribute to good global governance, and what implications would this have for the commitment of the Member States?

The Colloquium will be held in the historic *'Statenzaal'* of the Provincial Government of Limburg where the Maastricht Treaty was agreed.

The Colloquium will be conducted in English and French, with simultaneous interpretation.

Après cinq décennies d'exploration par-delà les limites de l'Etat-nation, l'Union européenne est sur le point de se doter d'un dispositif constitutionnel et s'engage dans cette voie d'une manière à la fois novatrice et originale. En décembre 2001, le Conseil européen de Laeken créait une Convention sur l'avenir de l'Europe réunissant des représentants des gouvernements et des parlements des Etats membres et des pays candidats, ainsi que des représentants de la Commission européenne et du Parlement européen. Afin de préparer la prochaine Conférence intergouvernementale, cette Convention a reçu mandat de débattre des formes constitutionnelles envisageables pour l'Union et des missions fondamentales qu'elle aura à remplir.

La Convention constitue à la fois un outil et une occasion sans précédent de dégager un consensus public clair à propos, d'une part, des principes qui doivent guider l'organisation et l'évolution de l'Union et, d'autre part, de la définition du rôle qu'on entend lui voir tenir au plan mondial.

Ce colloque propose un forum privilégié d'échange direct avec des membres du Praesidium et d'autres personnalités de premier plan sur le thème du fonctionnement de la Convention et les résultats que l'on peut en attendre. Il permettra également de jeter un éclairage plus général sur la Convention elle-même, comme sur les thèmes qu'elle aborde, et de contribuer ainsi directement à ce débat capital sur l'avenir de l'Union.

Des groupes de travail se réuniront en sessions parallèles afin d'aborder trois questions essentielles:

a) subsidiarité et diversité: Quels sont les principes et les réalités pratiques qui façonneront les relations entre acteurs territoriaux dans une réalité européenne définie par une gouvernance multi-niveaux? Comment refléter au mieux ces principes et ces réalités dans de nouvelles formes constitutionnelles?
b) responsabilité et participation: Dans le contexte de l'Union européenne, quels sont le potentiel et les limites de la procédure parlementaire, des mécanismes non majoritaires et de la participation directe? Quels principes doivent guider leur formalisation dans le nouveau dispositif constitutionnel?
c) sécurité globale: De quelles capacités communes l'Union devrait-elle disposer pour défendre et promouvoir ses intérêts à l'extérieur et être en mesure de contribuer à une bonne gouvernance globale? Quelles seraient les implications de cette délégation en termes d'engagement des Etats membres?

Le colloque se tiendra dans la "Statenzaal" du Siège des Etats Provinciaux de la province du Limbourg, lieu historique de la signature du Traité de Maastricht.

Les langues de travail de ce colloque seront l'anglais et le français, la traduction simultanée étant assurée.

For more information and registration forms, please contact / *Renseignements et inscriptions auprès de*:
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Workshop on

State Aid Policy and Practice in the European Community: An Integrative and Interactive Approach

Maastricht, 24-25 October 2002

The European Institute of Public Administration (EIPA) would like to announce a new Workshop on "State Aid Policy and Practice in the European Community". The two-day Workshop will take place in Maastricht, the Netherlands, on 24-25 October 2002.

One of the foundations of the European Community is "a system ensuring that competition in the internal market is not distorted" (Art. 3 of the EC Treaty). However, competition can be distorted both by restrictive practices of companies and by subsidies granted by central and local governments of the Member States. Therefore, the European Community has developed an elaborate system of rules and procedures to prevent public authorities from using state aid to support inefficient industries and offer unfair incentives to attract mobile capital.

The purpose of the Workshop is to examine in depth the interpretation and application of the Treaty rules and of the frameworks, guidelines and notices that have been developed by the Commission over the years. Main Commission decisions are analysed so that participants obtain a better understanding of the factors that shape those decisions. The Workshop also provides a forum to compare national experiences in granting state aid.

The workshop uses a mixture of training tools such as lectures, cases, analysis and working groups. It emphasises the acquisition of knowledge which is immediately relevant to the work of officials dealing with state aid.

The target group of the Workshop consists of middle managers and senior officials from all levels of government and local authorities, officials from public enterprises, academics, representatives of business and trade associations and other practitioners.

EIPA, which is organising and hosting the Workshop, has extensive experience and a well-established track record in this kinds of professional training activities. Last year, it organised more than 300 conferences, seminars, workshops and round-table discussions, spanning the whole range of EU institutions, decision-making procedures, policies and the EU legal system. The Workshop also represents a continuation of the research and seminars of the Institute in the broader area of competition policy.

The working language of the Workshop will be English.

For more information and/or registration forms, please contact:
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http://www.eipa.nl

Seminar

The Implementation of European Environmental Legislation: The Water Framework Directive

Maastricht, 14-15 November 2002

On 23 October 2000, Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy, or, in short, the **EU Water Framework Directive**, was adopted. The process of transposition and implementation poses a number of shared technical challenges to the Member States, the Commission, the candidate countries and other stakeholders, and the first deadlines will expire soon. Against the background of the different deadlines set by the Directive the seminar will present and discuss current activities at national, regional and European level.

As opposed to other implementation processes, the Member States, Norway and the Commission agreed on a **Common Implementation Strategy** for the Water Framework Directive, which had already been developed in 2001. The key activities of this strategy are information sharing, developing guidance on technical issues, information and data management, and application, testing and validation. The seminar will discuss these key activities and study developments in fields such as heavily modified water bodies, economic analysis, monitoring, etc. What are the experiences of officials who are involved in the different preparatory activities? What has happened in the Member States until now? What is the view of the Commission on the first results of the strategy? What about the participation of the regions and how do candidate countries feel about the process?

The seminar is intended for officials from the national, regional and European level who deal with water policy and questions of implementation of European legislation.

The working language will be English.

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Conference

Keep Ahead with European Information

Maastricht, 28-29 November 2002

The European Institute of Public Administration (EIPA) and the European Information Association (EIA) are jointly organising the fifth annual conference "*Keep Ahead with European Information*" to be held at EIPA, Maastricht, on 28 and 29 November 2002.

The conference is aimed at experienced European information professionals. It will look at new and important issues, products and services of interest to those who work daily with European information.

The conference is open to officials working in the EU and other European and international organisations, information professionals working with EU information as well as related organisations, and anyone else interested in the issues to be discussed.

The working language of the conference will be English.

For more information and/or registration forms, please contact:
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Seminar

Insight into the Primary Care Sector: Bayern (D), Östergötland (S) and Veneto (I)

Milan, 28-29 November 2002

The European Training Centre for Social Affairs and Public Health Care (CEFASS), EIPA's Antenna in Milan, is organising a seminar on public health care, focusing on the primary care sector.

During the last decade, the primary care sector has been faced with new financial and economic constraints. However, there has been little attention for the changes that have been taking place in order to manage these constraints (e.g. the introduction of the budget). The seminar will look into three European health care systems (Germany, Sweden and Italy) and study three regions more closely, i.e. Bayern in Germany, Östergötland in Sweden and Veneto in Italy. The focus will be on the provision of primary care services and on the experiences that have characterised the primary care sector in the three abovementioned countries as regards the organisation of the services and the challenges faced.

Target Group:
Staff responsible for the organisation and provision of health care (e.g. health administrators, health care managers, general practitioners).

Objectives:
The seminar will offer the participants the opportunity to broaden their knowledge about the way primary care services are provided in the abovementioned European countries and will allow them to compare and discuss their experiences.

The working language of the seminar will be English.

For further information and registration forms, please contact:
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Conference

The Europeanisation of Civil Services and Personnel Policies: Myths and Reality

Maastricht, 2-3 December 2002

The fact that the Community has no competence to regulate the national public services does not mean that European integration has no effect on national public services. On the contrary: national public services are increasingly being influenced by the European integration process practically by the backdoor.

The question regarding the impact of the integration process on national administrations and public services has – despite different views – been basically left unanswered. In fact, nobody can say for sure where the influence of the EU on national civil services and personnel policies starts or ends.

There are however some common developments that result from general internationalisation and modernisation efforts in several areas. The following trends can be seen:

Traditional career models such as those in the Federal Republic of Germany and France are not developing in the direction of traditional position systems (the Netherlands and Sweden). Conversely, it cannot be said that the latter systems are developing into traditional career systems. Nevertheless, both systems show clear trends of "flexibilisation" (in working hours, employment contracts, holidays, etc.) and "opening up" (of careers, more mobility between public and private sector, reform of recruitment systems).

In terms of civil service law, the biggest differences can be seen in *pay and pension schemes*. However, it is exactly in these areas that reforms have taken place everywhere and these reforms are very similar in terms of objectives and choice of instruments. As regards pension schemes, there is a gradual approximation with traditional social security systems. Furthermore, private insurance schemes are being introduced – where they do not already exist – and calculation bases are being changed to the disadvantage of civil servants (e.g. pensions calculated on the basis of average income instead of final pay, etc.). Europe-wide trends towards more flexibility can also be seen in pay schemes (e.g. performance-related pay schemes). As regards the *social dialogue*, there has been a notable trend towards decentralisation of the dialogue in some countries.

Equal treatment of men and women. All Member States have enshrined the equality principle in their constitutions. In addition, Art. 137 and Art. 141 of the EC Treaty (and secondary legislation) require that changes be made in national law so that the demands of the integration process can be met. However, in practice there are still major differences where it concerns the share of women in top positions, equal pay, access to the public sector, equality provisions, etc.

In all Member States, instruments to increase geographical, occupational and intraministerial *mobility* are being introduced. In addition, recruitment procedures are being modernised and made more flexible in order to attract qualified applicants from the private sector.

The seminar is targeted at public officials from all Member States and the candidate countries, especially those working in the field of human resource management. The purpose of the Conference is to shed some light on the relation between the EU integration process and the ongoing process of reforms in national civil services and human resource management. The Conference will also provide ample opportunity to exchange experiences and to network. Speakers from all over Europe will be invited.

The Conference will be held in English.

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Colloquium / Kolloquium

The Mutual Recognition of Diplomas

A quest for a more effective/efficient operation

Die gegenseitige Anerkennung von Berufsabschlüssen

Auf der Suche nach einer effizienteren Vorgehensweise

Maastricht, 2-4 December 2002 / *2. - 4. Dezember 2002*

This colloquium is an updated repetition of the one held in June of this year, the response to which exceeded our capacity; this time it will be held in English and German.

It aims to review and improve the understanding of the Community framework of the recognition of diplomas and to address remaining problems by bringing together experts and practitioners. It provides an opportunity for officials and professionals who deal with this subject on a daily basis to meet and discuss the operation of the various national systems. The systems and approaches used by Member States will be reviewed and the upcoming reforms will be discussed. The European Commission is expected to announce reform proposals soon and these will also be examined. Through this comparative review ideas can be developed to improve the system used, also making it possible to eliminate minor problems in a pragmatic and unbureaucratic manner. There will be ample opportunity to exchange experiences and discuss ideas. Discussions will focus mainly on measures taken at European level, but national actions will also be covered. These discussions will involve officials who manage the respective systems. It is thus the perfect occasion to seek clarifications and discuss ideas on improvements, as well as an opportunity for 'troubleshooting'.

This colloquium is designed to address the needs of a wide spectrum of officials, professionals and other interested persons, although it is primarily aimed at officials who are involved in the process of recognition of foreign diplomas and qualifications. However, the colloquium will also be useful to policy makers and advisers on EU issues, academics who teach EU law and policies and, of course, to those responsible for granting diplomas and developing the corresponding curricula.

The working language of this seminar will be English and German (simultaneous interpretation will be provided).

Dieses Kolloquium ist die Wiederholung eines Kolloquiums vom Juni 2002, bei dem das Echo unsere Kapazität übertraf. Diesmal wird das Kolloquium auf Englisch und Deutsch abgehalten.

Ziel des Kolloquiums ist eine Verbesserung des Verständnisses und der Handhabung des EU-Systems zur Anerkennung von Diplomen und Berufsabschlüssen. Erreicht werden soll dieses Ziel durch einen intensiven Austausch von Erfahrungen und Ideen, die in mehreren Ländern entstanden sind. Durch das Zusammenbringen von Experten und Betroffenen können die verbleibenden Probleme beleuchtet und in der Folge durch praktische Maßnahmen verringert werden. Das Kolloquium bietet daher eine Gelegenheit für Beamte und alle diejenigen, die täglich mit dieser Materie befasst sind, sich zu treffen, die unterschiedlichen Wege, die die Staaten eingeschlagen haben, kennen zu lernen und ihre Arbeitsweise vergleichend zu erörtern. Die anstehenden Reformen werden ebenfalls behandelt, insbesondere die Vorschläge der Europäischen Kommission. Durch diesen vergleichenden Über- und Rückblick können Ideen zur Verbesserung des Systems entwickelt werden sowie kleinere Probleme durch pragmatische und unbürokratische Schritte aus der Welt geschafft werden. Die Gespräche werden mit Beamten geführt, die die entsprechenden Systeme verwalten, und das Kolloquium ist daher eine ideale Möglichkeit, um Klärungen zu erhalten, Verbesserungsvorschläge zu erörtern sowie generell Problembeseitigung zu betreiben.

Das Kolloquium richtet sich dementsprechend an ein weites Spektrum von Personen: Beamte, Berufsberater und andere interessierte Kreise, die sich mit der Anerkennung ausländischer Abschlüsse befassen. Es ist darüber hinaus für Entscheidungsträger und Berater in EU-Angelegenheiten, Spezialisten und Dozenten auf dem Gebiet des EU-Rechts und natürlich diejenigen, die Diplome ausstellen und Lehrpläne erstellen, nützlich.

Die Arbeitsprachen sind Deutsch und Englisch. (Eine Simultanübersetzung wird zur Verfügung stehen.)

For more information and registration forms, please contact:

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Seminar

Pension Systems – Defusing a Time Bomb

The Economic, Budgetary and Social Implications and Strategies for Future Reforms

Milan, 5-6 December 2002

The European Training Centre for Social Affairs and Public Health Care (CEFASS), the Antenna of EIPA in Milan, is organising a seminar on the pension systems of the EU Member States. Particular attention will be paid to the impact of current reforms on the Single Market and on supplementary pensions.

Target group:
Staff of pension funds and insurance companies, as well as civil servants from the Member States and the candidate countries who work in the field of the cross-border provision of pensions.

Description:
Pensions in the EU need to be modernised urgently; this involves both the private and the public sector. Industry and consumers can look forward to the benefits of the Euro and to greater financial integration. However, the segmentation of the pension market remains significant. The issue of ageing has been placed on the European and national political agendas. In July 2002, the Member States will submit the first national strategy reports on their pension reforms to the Council and the Commission. The following questions will be dealt with:

- What is the impact of ageing on public finance and the financial markets?
- What can people working with pensions learn from Member States that have already achieved something in this field?
- Assessment of ongoing reforms in the Member States: will they last?

Objectives:
At the seminar, participants will gain insight into pension policies in the EU, and best practices in reforms undertaken by nearly all Member States will be discussed.

The working language of the seminar will be English.

For further information and registration forms, please contact:
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Institutional News

*** At their meeting of 26-27 June 2002, EIPA's Board of Governors approved the following nominations/ appointments:**

MEMBER STATES / CO-OPTED MEMBER

Belgium
Mr Désiré DE SAEDELEER, Director-General, *Chargé de mission*, Federal Civil Service Department "Personnel and Organisation", taking the place of Mr George MONARD, Chairman of the Management Committee of the Federal Civil Service Department "Personnel and Organisation".

Ireland
Mr Edmond SULLIVAN, Secretary-General, Public Service Management and Development, succeeding Mr Tom CONSIDINE who has been appointed Secretary-General of the Department of Finance.

Sweden
Mr Göran RODIN, Director, Personnel Policy Division, replacing Mrs Margareta HAMMARBERG, Deputy Director in the same division.

Co-opted Member
In March 2002, the members of the Board of Governors formalised/approved – by written procedure – the nomination of Mr Julian PRIESTLEY, Secretary-General of the European Parliament, who has agreed to join the Board of Governors as Co-opted Member in a personal capacity.

CHAIRMAN
At the meeting of 26-27 June, the members approved the renewal of the (third) mandate of its Chairman, Mr Henning CHRISTOPHERSEN, for a period of three years.

MEMBERS REPRESENTING THE COUNTRIES ASSOCIATED WITH EIPA THROUGH A COOPERATION AGREEMENT
As a result of the dissolution of EIPA's Scientific Council, the associated countries were asked to propose representatives who would participate in the Board meetings as associated members without voting rights.
At the meeting of 26-27 June 2002, the following nominations were approved:

B	Prof. George MANLIEV, Executive Director Institute of Public Finance and European Integration;
CY	Prof. George PAPAGEORGIOU, Director of Public Administration and Personnel Service, Ministry of Finance;
H	Dr Éva PERGER, Director-General, Hungarian Institute of Public Administration;
M	Mrs Joanna GENOVESE, Director, Staff Development Organisation, Management and Personnel Office;
N	N.N.
PL	Mr Jacek CZAPUTOWICZ, Deputy Head, Office of Civil Service;
SL	Mr Grega VIRANT, State Secretary, Directorate for Organisation and Development of Administration, Ministry of the Interior.
CH	–

EIPA'S SCIENTIFIC ADVISORY COMMITTEE
The members of EIPA's Board of Governors also approved the composition of the newly established Scientific Advisory Committee:

- Professor Jacques PELKMANS (NL) – Community Law and Policies
- Professor Jolyon HOWORTH (UK) – Foreign and Security Policy and European Defence Policy
- Professor Carlo Curti GIALDINO (I) – Justice and Home Affairs
- Mr Bjorn BECKMAN (S) – Public Management
- Professor Gérard TIMSIT (F) – Comparative Public Administration

EuroMed

Programme régional pour la promotion des instruments et mécanismes du Marché euro-méditerranéen

L'Antenne de l'Institut européen d'administration publique à Barcelone, le Centre européen des régions (CER), a été désignée par l'Office de coopération EuropeAid de la Commission européenne pour être l'Unité de gestion du programme sur la "coopération industrielle et Marché intérieur" dans le cadre de la politique euro-méditerranéenne de l'UE. Ce programme est financé au titre du programme MEDA de l'UE.

La conférence introductive a pu compter sur la participation des délégations des partenaires méditerranéens ainsi que de plusieurs Etats membres de l'UE, composées des membres du Groupe de travail sur la coopération industrielle et des coordinateurs nationaux des partenaires euro-méditérranéens. Cette manifestation s'est tenue à Barcelone les 17 et 18 juin 2002 en présence de plusieurs personnalités représentant la Présidence espagnole du Conseil de l'UE, la Commission européenne, les Etats membres de l'UE et les pays méditerranéens.

Ce programme de coopération industrielle de la Commission européenne (CE) de portée régionale pour l'ensemble des 27 Partenaires euro-méditerranéens (15 EM de l'UE + 12 PM) et d'une durée de 3 ans, s'inscrit dans le volet 2 de la Déclaration de Barcelone, de novembre 1995, visant la création dans le bassin méditerranéen d'une zone de libre-échange à l'horizon 2010.

Dans ce programme régional, une série de **8 domaines prioritaires** relatifs au **Marché unique** ont été définis:

- la libre circulation des marchandises
- les douanes, la fiscalité et les règles d'origine
- les marchés publics
- les services financiers
- les droits de propriété intellectuelle (DPI)
- la protection des données personnelles et le commerce électronique
- l'audit et la comptabilité
- les règles de concurrence.

Le programme comportera **deux phases**:

- La **1ère phase d'information**, d'une durée de 12 mois, prévoyant 2 conférences et les 8 ateliers susmentionnés, sur la situation dans l'UE et les pays méditerranéens dans ces domaines, et
- La **2ème phase de formation et établissement de réseau**, d'une durée de 24 mois, moyennant des visites d'études, assistance technique ciblée, actions de formation sur mesure, de formation de formateurs, de jumelages à la demande des PM, création de réseaux, et la 3ème conférence de clôture.

  Ces deux phases s'articulent autour de **trois axes**: information et échange d'expériences; formation et assistance technique ciblée aux PM; réseau de coopération entre les administrations.

Pour tout renseignement concernant ce programme, prière de s'adresser aux membres de l'Unité de gestion du programme au CER à Barcelone, téléphone: 00 34 93 56 72 400; télécopieur: 00 34 93 56 72 399.

EIPA Staff News

* Newcomers

Maastricht:

- Joerg HOFREITER (A), joined EIPA on 1 July 2002 as an Expert.
- Manuel SZAPIRO (F), will join EIPA on 1 September 2002 as a Senior Lecturer.

Luxembourg:

- Ide NI RIAGAIN DURO (IRL), joined EIPA on 8 April 2002 as a Researcher.

Barcelona:

- Salvador FONT (E), joined EIPA on 17 June as a Senior Lecturer.
- Susana EL KUM MOLINA (E), joined EIPA on 17 June as a Lecturer.

Visitors to EIPA

* EUROLIB meets at EIPA Maastricht

The European Community and Associated Institutions Library Co-operation Group

The EUROLIB co-operation group was established on the initiative of the Secretary-General of the European Parliament and met for the first time in *June 1988. It since then meets on average twice a year in one of the seats of the participating libraires.*

EUROLIB aims to promote a wider awareness of the contribution libraries make to the work of the institutions they serve. It seeks to enhance the professional performance of the staff of the institutional libraries through developing inter-library contacts of all kinds, staff exchanges, etc. It endeavours to help participating libraries achieve economies of investment in technology and acquisitions through network and other partnerships promoting comprehensive bibliographic control and library and document delivery services.

EUROLIB's particular vocation to support European integration gives it a special interest in all issues affecting the provision of an access to historic and contemporary collections, including conservation and copyright.

For more information please visit: http://www.eurolib.net

Meeting of the EUROLIB Group at EIPA Maastricht on 22 and 23 April 2002.

EIPA Publications

*** FORTHCOMING ***

Regionale Verwaltungen auf dem Weg nach Europa:
Eine Studie zu den Instrumenten und Praktiken des Managements von "Europa" in ausgesuchten Regionen
Christian Engel und Alexander Heichlinger
EIPA 2002, 239 pages: € 27.20
(Nur auf Deutsch erhältlich)

From Luxembourg to Lisbon and Beyond:
Making the Employment Strategy Work
(Conference Proceedings)
Edward Best and Danielle Bossaert (eds)
EIPA 2002, approx. 140 pages: € 27.20
(Only available in English)

*** NEW PUBLICATIONS ***

Increasing Transparency in the European Union?
(Conference Proceedings)
Veerle Deckmyn (ed.)
EIPA 2002, 287 pages: € 31.75
(Only available in English)

The Common Agricultural Policy and the Environmental Challenge:
Instruments, Problems and Opportunities from Different Perspectives
(Conference Proceedings)
Pavlos D. Pezaros and Martin Unfried (eds.)
EIPA 2002, 251 pages: € 31.75
(Only available in English)

Managing Migration Flows and Preventing Illegal Immigration:
Schengen – Justice and Home Affairs Colloquium *
(Conference Proceedings)
Cláudia Faria (ed.)
EIPA 2002, 97 pages: € 21.00
(Mixed texts in English and French)

*** RECENT ***

From Graphite to Diamond:
The Importance of Institutional Structure in Establishing Capacity for Effective and Credible Application of EU Rules
(Current European Issue)
Phedon Nicolaides
EIPA 2002, 45 pages: € 15.90
(Only available in English)

Organised Crime: A Catalyst in the Europeanisation of National Police and Prosecution Agencies?
Monica den Boer (ed.)
EIPA 2002, 559 pages: € 38.55
(Only available in English)

The EU and Crisis Management:
Development and Prospects
Simon Duke
EIPA 2002, 230 pages: € 27.20
(Only available in English)

The Dublin Convention on Asylum:
Between Reality and Aspirations
Cláudia Faria (ed.)
EIPA 2001, 384 pages: € 11.35
(Mixed texts in English and French)

Pouvoir politique et haute administration:
Une comparaison européenne
Jean-Michel Eymeri
IEAP 2001, 157 pages: € 27.20
(Disponible en français uniquement)

Civil Services in the Europe of Fifteen:
Trends and New Developments
Danielle Bossaert, Christoph Demmke, Koen Nomden, Robert Polet
EIPA 2001, 342 pages: € 36.30
(Also available in French and German)

Asylum, Immigration and Schengen Post-Amsterdam:
A First Assessment *
(Conference Proceedings)
Clotilde Marinho (ed.)
EIPA 2001, 130 pages: € 27.20
(Mixed texts in English and French)

Meeting of the Representatives of the Public Administrations of the Euro-Mediterranean Partners in the Framework of the Euro-Mediterranean Partnership
Proceedings of the Meeting; Barcelona, 7-8 February 2000
Eduard Sánchez Monjo (ed.)
EIPA 2001, 313 pages: € 36.30
(Also available in French)

Finland's Journey to the European Union
Antti Kuosmanen (with a contribution by Frank Bollen and Phedon Nicolaides)
EIPA 2001, 319 pages: € 31.75
(Only available in English)

Capacity Building for Integration

* **European Environmental Policy: The Administrative Challenge for the Member States**
Christoph Demmke and Martin Unfried
EIPA 2001, 309 pages: € 36.30
(Only available in English)

* **Managing EU Structural Funds: Effective Capacity for Implementation as a Prerequisite**
Frank Bollen
EIPA 2000, 44 pages: € 11.35
(Only available in English)

* **Organisational Analysis of the Europeanisation Activities of the Ministry of Economic Affairs: A Dutch Experience**
Adriaan Schout
EIPA 2000, 55 pages: € 15.90
(Only available in English)

* **Effective Implementation of the Common Agricultural Policy: The Case of the Milk Quota Regime and the Greek Experience in Applying It**
Pavlos D. Pezaros
EIPA 2001, 72 pages: € 15.90
(Only available in English)

* **Enlargement of the European Union and Effective Implementation of its Rules (with a Case Study on Telecommunications)**
Phedon Nicolaides
EIPA 2000, 86 pages: € 18.15
(Only available in English)

* Details of all previous Schengen publications can be found on EIPA's web site http://www.eipa.nl

All prices are subject to change without notice.
A complete list of EIPA's publications and working papers is available on http://www.eipa.nl

About EIPASCOPE

EIPASCOPE is the Bulletin of the European Institute of Public Administration and is published three times a year. The articles in EIPASCOPE are written by EIPA faculty members and associate members and are directly related to the Institute's fields of work. Through its Bulletin, the Institute aims to increase public awareness of current European issues and to provide information about the work carried out at the Institute. Most of the contributions are of a general character and are intended to make issues of common interest accessible to the general public. Their objective is to present, discuss and analyze policy and institutional developments, legal issues and administrative questions that shape the process of European integration.

In addition to articles, EIPASCOPE keeps its audience informed about the activities EIPA organizes and in particular about its open seminars and conferences, for which any interested person can register. Information about EIPA's activities carried out under contract (usually with EU institutions or the public administrations of the Member States) is also provided in order to give an overview of the subject areas in which EIPA is working and indicate the possibilities on offer for tailor-made programmes.

Institutional information is given on members of the Board of Governors as well as on changes, including those relating to staff members, at EIPA Maastricht, Luxembourg, Barcelona and Milan.

The full text of current and back issues of EIPASCOPE is also available on line. It can be found at: http://www.eipa.nl

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EIPASCOPE dans les grandes lignes

EIPASCOPE est le Bulletin de l'Institut européen d'administration publique et est publié trois fois par an. Les articles publiés dans EIPASCOPE sont rédigés par les membres de la faculté de l'IEAP ou des membres associés et portent directement sur les domaines de travail de l'IEAP. A travers son Bulletin, l'Institut entend sensibiliser le public aux questions européennes d'actualité et lui fournir des informations sur les activités réalisées à l'Institut. La plupart des articles sont de nature générale et visent à rendre des questions d'intérêt commun accessibles pour le grand public. Leur objectif est de présenter, discuter et analyser des développements politiques et institutionnels, ainsi que des questions juridiques et administratives qui façonnent le processus d'intégration européenne.

En dehors des articles, EIPASCOPE contient également des informations sur les activités organisées par l'IEAP et, plus particulièrement, ses séminaires et conférences ouverts qui sont accessibles à toute personne intéressée. Notre bulletin fournit aussi des renseignements sur les activités de l'IEAP qui sont réalisées dans le cadre d'un contrat (généralement avec les institutions de l'UE ou les administrations publiques des Etats membres) afin de donner un aperçu des domaines d'activité de l'IEAP et des possibilités qu'il offre pour la réalisation de programmes sur mesure adaptés aux besoins spécifiques de la partie contractuelle.

Il fournit également des informations institutionnelles sur les membres du Conseil d'administration ainsi que sur les mouvements de personnel à l'IEAP Maastricht, Luxembourg, Barcelone et Milan.

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