

General Framework of Administrative Convergence Provided by the Reforms of National Public Administrations in South Eastern Europe States

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Introduction

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

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

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

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

The exact coordinates of this process are hard to establish, especially since in the area of public administration, there is no *acquis communautaire*, so there is no law to transpose in the legal systems of the EU member states (there are few exceptions in the field of the management of European funds and of public procurement). In this context, the national administrations of the states that want to

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join the European Union are evaluated under the criteria expressed in the “judicial and administrative capacity to implement the *acquis communautaire*”. This creates serious difficulties since there is more than one national administration in the EU and there is no model or guiding criteria for reforming the national public administrations of the candidate countries.

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

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

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

The present paper focuses on administrative convergence as an internal process with catalyzing features for the national public administration evolution in the broader context of European integration process. Studies’ focus is on the public administrations reforms in the South-East European states as a support for the administrative convergence processes that engage other states.

The general convergence framework is offered by the European Administrative Space (EAS) itself constituted in an informal *acquis communautaire* that helps monitoring the administrative reforms progresses in the EU member states or acceding ones.

I. Administrative convergence

I.1. General features

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

Pollitt (2002) argues upon the complexity of this mechanism that makes possible the operationalisation of the EAS, and points out towards the difficulty of introducing similar administrative practices when several durable differences in the public management reform occur. Continuing these ideas, Olsen (2002, 951) discusses two competing, or supplementing, hypotheses: a “global convergence” hypothesis and an “institutional robustness” hypothesis.

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

Still in the general context, recent developments in public administration have been interpreted by means of two generic models: the “classical” or weberian public administration and the “New Public Management” (NPM) (Matei, 2001, 62-64, 139-153). A favorite diagnosis has been a paradigmatic shift “from Old Public Administration” to “New Public Management” (Dunleavy and Hood, 1994). Regardless the standards, NPM stands in contrast to the idea of a unique European convergence. It actually suggests that convergence is global, or at least common to several countries. It also assumes an “inevitable shift rather than a temporary fad and that the change represents progress toward a more advanced administration” (Osborne and Gaebler, 1993, 328).

The vision of a global convergence supplements or may compete with the so-called institutional robustness hypothesis¹. Here the basic assumption is that the two others overestimate the likelihood, extent and speed of convergence, and that Europe and the rest of the world are likely to continue with a variety of administrative models. Furthermore, both models – the classic one and the NPM

¹ Their promoters are J.G. March and J.P. Olsen, in their papers regarding the institutional rediscovery, the democratic governance or institutional dynamics, published in New York, Free Press, between 1989-1998, and N. Flynn and F. Strehl, in their paper referring to the public sector management in Europe, published in 1996, at Prentice Hall.

portray the administration as a tool for an external principal - a branch of government controlled by the legislative and judicial branches, or by shifting external circumstances. In contrast, the robustness hypothesis assumes that the administrative institutions are powerful actors in public policy making and administrative change. Likewise, public administration is a collection of partly autonomous institutions with identities, traditions and dynamics of their own (Matei and Dogaru, 2010).

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

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

The study of the convergence has to describe how the various factors and economic social and political mechanisms act or compete at mitigation of some differences between these entities. While there is a broad consensus on the definition of convergence as the tendency of societies to grow more alike, to develop similarities in structures, processes, and performances (Kerr, 1983, 3), the empirical and theoretical assessment of policy convergence is generally hampered by the use of different, partially overlapping concepts. Convergence is discussed in terms of match between EU level principles and rules and national institutions, in terms of game playing or competitive selection (Knill and Lehmkuhl 1998, Scharpf 1996), and it could be looked at from different points of view.

At root, the meaning of convergence is that countries at a similar stage of economic growth appear to be convergent or as Wilensky (1975, 12) says “whatever their political economies, whatever their unique cultures and histories the affluent societies become more alike in both social structure and ideology”. Different administrations develop along the same path in a way that produces more homogeneity and coherence among formerly distinct administrations.

On the other hand, from a “Brussels” perspective, convergence is defined as the gradual process of constitutional, institutional, procedural, organizational and behavioral innovations and adaptations to EU decision in the integration process. Page and Wouters (1995) argue that the power in Brussels

provide a transfer mechanism both for national administrative best practice, thus influencing by Europeanization, the national administrative policies.

In the intergovernmental perspective the convergence effects of EU decision and legislations at national level were linked to pre-acceptance by national decision-makers (Moravcsik 1993, 1998). But, the convergence would imply not only common and shared legal rules, but also increasingly similar institutional, organizational, procedural and behavioral arrangements (Rometsch and Wessels, 1996, Meny et al., 1996). Wessels and Rometsch also, have argued that a “fusion” of national and EU administrations has taken place. The end of this process is the convergence that may be expressed by the common characteristics of the administrative models (Rometsch and Wessels, 1996, Matei, 2010, 7-9).

National administrations are also the most important instruments of the governments for pursuing national strategies in relation to the EU. Wallace (2001) represents a more open empirical approach to the issue of convergence. Each country has a set of characteristics deriving from national political and judicial traditions, which imprint national adaptation and practices. To achieve convergence the trend is to incorporate the impact of European legislation and the principles of jurisprudence in family routine of internal policies.

It could say that when core ideas, competence, resources and institutional arrangements match, or fit, the likelihood for convergence is high. When mismatch is strong, we can expect little or no convergence, or even divergence (Cowles et al 2001).

Debates and discusses about the hypothesis of the convergence have made, also in the context of the Europeanization and comparative policy analysis, and the idea of convergence occupies a central place in comparative public administration studies and it is very close to the recent studies about policy transfer process. Many scholars have showed considerable interest in cross-national policy transfer. By the 1960s a key focus of policy studies is upon comparative policy analysis. A sub-field of this studies is the examination of the process called policy transfer. The increase in the number and role of international organizations and think tanks, combined with the globalization of information and knowledge have accelerated the production of studies regarding issues of policy transfer; idea very close to the recent developed concept of convergence.

Generally speaking, two schools of thought on the extent and mechanisms of policy convergence can be distinguished. On the one hand, sociological institutionalism theory claims that organizations tend to become similar as they struggle to become more isomorphic with their operating environment (Meyer and Rowan, 1977). Historical institutional theory, on the other hand, stresses the resilience of national policies and institutions against outside pressures. These arrangements are deeply rooted in national history; in fact this is the sense of permanence that makes them legitimate in the eyes of national actors (March and Olsen, 1989). Policy convergence is equated with related notions, such as isomorphism, policy transfer or policy diffusion.

Other authors (Hall and Taylor, 1998, 936-955) use the concepts of the neo-institutionalism, making reference to the sociological approaches and rational choice theory. Their result could be convergence or divergence towards a transposed national model, obtained by means of adaptation and “gradual socialization of the norms and practices inside the EU system” (Harmsen, 1999, 84).

The most essential principles and values that are the basis of the administrative convergence can be generalized in the following way: 1) democracy and supremacy of law; 2) objectivity and neutrality; 3) awareness and transparency; 4) reliability; 5) independent and professional administrative services. From a consequentiality point of view, the member states are expected to converge towards a unique transposed model. Similar developments are expected for the organizations placed in the institutional environment and under a common pressure (Matei, 2010, 9-12).

The researches show few signs of convergence between national administrative systems (Bulmer and Burch, 1998, Olsen, 2003).

I.2. A typology of convergence

Maor and Jones (1999) synthesize different “varieties of administrative convergence” for EU member states, substantiating an analysis framework for convergence features. It was aimed to facilitate the appropriate understanding of the “puzzles” generated by the pressures of the new Public Management (NPM) and European Union (EU). These pressures seem to push the national administrations towards opposite directions, ignoring this way a possible unique model of public administration.

Still, the above mentioned authors underline the fact that both NPM and the EU sustain firm actions of the governments in order to have administrative reform done, opposing the inertial and even hostile forces of the conservative bureaucrats that are eager to keep their traditional status.

A certain realization of the European administrative systems, from the efficiency and efficacy point of view, seems to be true. But to the question concerning the resemblance between them, the answer is not very simple and can not be framed in a bivalent logic. “With the inspect of NPM the answer must be «more than they used to», but as a trend toward a common administration, «no». With the impact of the EU the answer must be «yes and no», depending on which aspect of an administrative system is being external” (Maor and Jones, 1999, 501).

This second perspective is also being analyzed by Kaeding (2007) when referring to “an assessment of the European Commission’s best practices for transposition of EU legislation”. Kaeding’s study (2007) is based on some European states respondents’ opinions – from France, Germany, Sweden, Italy and Greece. “The study finds new evidence for converging tendencies toward the recommended administrative model in the EU. Since 2004, developments in member states show that national coordination model for transposition have been adjusted, coordination mechanism seated, and special processes and procedures in line with the Commission’s recommended best practices established” (Kaeding, 2007, 426). Still, the transposition process does not generate an alert rhythm. The data analyzed by the author for the period of 1995-2006 determines exactly the opposite, which leads to even greater aspects after the adoption of Lisbon Strategy.

In a more general context depicted by the analysis of literature, it can come off the existence of three specific types of convergence (Matei and Dogaru, 2010, 3).

- Real convergence applied in the fields of real economic development using indicators of level of development (performance in time) of economic entities studied (GDP or per person income). In this case the convergence highlights the tendency of approaching or even equalization of the level of development;
- Nominal convergence applied in the monetary and financial field for observing the levels of economic stability through rates of inflation, budget deficit, public borrowing rate, exchange rate tendency;

- Institutional and administrative convergence applied in the field of compatibility up to unify of the structures of the administrative - economic institutions from different countries to ensure an efficient operation of them and good communication between countries and regions in order to achieve common objectives.

From another perspective we see three other types - which we have called interactive convergence, autonomous convergence and deviant convergence (Andersen, 2004, 203-224).

Interactive convergence relies on mutually reinforcing interaction between EU level pressures and national level interests. *Autonomous convergence* is a quite common type of local re-contextualization. Adaptation and transformation in organizational and behavioral level takes place within a context of normative, cognitive and legal convergence. EU-level decisions and rules represent general and idealized description of problems. The demands for the member states' adaptation are often expressed as flexible standards and procedures or ambiguous outcomes. Sometimes demands are formulated in very detailed and absolute ways (such as environmental standards), but most often not. It is not uncommon those decisions and rules represent general norms and standards to be implemented through the so-called Open Method of Co-ordination (Jacobsson and Schmid, 2002). The open method of co-ordination is a mechanism that allows autonomous convergence. The last type we may call deviant convergence. In such situations there is tight coupling with respect to normative, cognitive and practical arrangements, but at the same time strong pressures towards national de-coupling. It is important to say that such cases are not so common.

Also, the other authors have to distinguish between attractiveness, where convergence emerge because one model is generally seen as superior, and imposition, where a model is preferred by a winning coalition and dictated to others (Olsen, 2003, 506-531).

Attractiveness signifies learning and voluntary imitation of a superior model. The receivers copy an organizational form because of its perceived functionality, utility or legitimacy. Likewise, a common model can emerge through joint deliberation, or each country facing the same challenges can independently develop similar solutions. Convergence as attractiveness is likely if a single administrative prescription is generally viewed as superior to other ways of organizing the public administration, globally or in the European context. Imposition signifies convergence based on the

use of authority or power. A single model penetrates the territory and weakens or eliminates established institutions. The classical theories of EU integration represent a special case, what it may be called imposed convergence. This type combines tight coupling between EU level and national level, with respect to both normative/cognitive and practical organizational and behavioral requirements, on the one hand, with weak pressures for de-coupling, on the other hand.

The specialized studies (Bennett, 1991) emphasize four general mechanisms which may induce national policies to converge:

- Emulation, characterized by „the utilization of evidence about a program or programs from overseas and a drawing of lessons from that experience” (Bennett, 1991, 221).
- Elite networking, characterized by „the existence of shared ideas amongst a relatively coherent and enduring network of elites engaging in regular interaction at the transnational level... Unlike emulation, the policy community engages in a shared experience of learning about the problem” (Bennett, 1991, 224).
- Harmonization „driven by a recognition of interdependence” (Bennett, 1991, 225) and characterized by „the coincident recognition and resolution of a common problem through the pre-existing structures and processes of an international regime” (Bennett, 1991, 227).
- Penetration, „in which states are forced to conform to actions taken elsewhere by external actors” (Bennett, 1991, 227).

I.3. Balkan area states’ specific administrative convergence

EU enlargement eastward brought up the capacity of the Balkan states to adapt their administrative structures to the standards and patterns promoted by the EU. These debates have as foundation the traditions, economic values, social, cultural, administrative of the states in the Balkans in relation to those promoted in Western countries and the EU. Appealing to cultural connotations, we emphasize that in 1918, in an article in the New York Times it is used the term Balkanization; it designates the process of fragmentation of some large state entities, as a consequence of historical events in Balkans.

Throughout the Cold War period, the geographers included the Balkan countries into two separate areas: Southern or Mediterranean Europe (Greece, Spain, Portugal, and Italy) and Eastern Europe (Yugoslavia, Albania, Bulgaria, Romania, Poland, Hungary, Czech and Slovakia). After the Second World War, Eastern Europe was identified with communism and the domination of the Soviet Union. If we have a look at the evolution of the Communist in these countries, we can easily identify more differences: Bulgaria was the most loyal friend of Moscow, Romania started its communist period faithfully to the Kremlin's leader and later manifested a certain independent attitude in the 60's (Jelavich, 2000, 302).

Comparative with Western European countries, Eastern European countries, and especially the Balkan ones, remain less urban and less industrialized than Western countries. The Romance and Germanic languages characterize Western Europe whereas in the East we can find Slavic languages. Catholicism, Protestantism and Judaism are present in this area, but so are Islam and Eastern Orthodox Christianity throughout Europe.

All this complex system influenced administrative systems in Balkan states, the reason for that we consider the existence of a certain level of administrative convergence, which has its roots in the Balkan model, and which is amplified through the process of Europeanization.

The European Union like others polities struggles with reconciling unity and diversity. The Europeanization affects national political and administrative systems, domestic politics and policies. Even if, it is appreciated that at the European level there is a space proper for unifying public policies, there are not applied the same, the diversity being determined by realities of European states, their cultures and traditions, different, unequal levels of economic development, own resources, instruments and mechanisms promoted within the national public policies and the legal and administrative systems of European member states are pressured by a permanent adaptation process in order to correspond requests regarding the transposition and application of European legislation (Matei, 2007, 4).

The European context has several characteristics that could promote administrative convergence and a European Administrative Space, but also a number of properties that could counteract this trend. Analyses of how national administrative systems and styles respond to EU integration and

Europeanization processes are focusing on three possibilities regarding how Europeanization might affect the differences between national administrative systems (Knill, 2001, 49).

- The possibility of administrative convergence; which is defined by the extent to which domestic styles and structures reveal similar characteristics because the influence of European policies.
- The administrative divergence situation; this imply the fact that administrative differences across member states are increasing.
- The possibility of persistence of administrative differences across member states.

In this paper the attention is focused upon administrative convergence, considering that it is impossible to conceive a strong European construction without the existence of an effective public administration at the both levels, national and European.

II. European Administrative Space as a support for administrative convergence processes

II.1.General aspects

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

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

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

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

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

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

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

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

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

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

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

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

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

Matei and Savulescu offer us a systemic view on the EAS (2010). They underline the EAS capacity to embody and interiorize the administrative convergence and dynamic processes, as well as the public administration Europeanization one, in a broader manner.

Theories and good practices, evolving simultaneously with the processes of deepening the European integration or Europeanization of public administration, have been developed for the concept of the European Administrative Space (EAS). Although, for the time being, EAS expresses pre-eminently as a dynamic system, revealing the development of own self-adjustment mechanisms, we witness a few preoccupations concerning the systemic substantiation. The self-adjustment mechanisms of EAS are based on legislative harmonization, transfer of good practices, as well as strategies of the administrative reform. The national, infra-national and European administrations represent the organizing pillar of EAS.

This reality leads to the hypothesis of organizing EAS as a multi-polar system, with mixed architecture. The relative recent occurrence of EAS justifies its development on principles similar to those of New Public Management. The enlargement processes of EAS, the administrative convergence and dynamics are emergent and express systemic effects, encompassing the robustness of the administrative institutions, national or regional traditions, organizational culture or geopolitical aspects.

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

More specifically, we can talk of a set of common principles of administrative law steaming from the Western European countries, organized by a prestigious group of specialists and academics² (within the SIGMA project – OECD, 1999, 8) in:

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

a) Reliability and predictability. These attributes derive from the essence of the rule of law which affirms the law supremacy as “multi-sided mechanism for reliability and predictability” (OECD, 1999, 2). As an EAS principle, it may be rephrased as “administration through law”, a principle meant to assure the legal certainty or juridical security of the public administration actions and public decisions.

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

Exercising the discretionary power is limited by the principles of administrative law by means of which the public administration is forced into acting in good trust, follow the public interest, use fair procedures for equal and non-discriminatory treatment and respect the legal principle of proportionality³.

b) Openness and transparency impose themselves following the reality that public administration is the resonator of the society, assuring the interface with the citizen, the user of its services. The development of different social phenomena, such as the corruption or mal-administration, must be controlled by the society. This urges the administration to become available and to offer sufficient

² The mentioned Group was formed of: Prof. Denis Galligan, Director of the Centre for Socio-Legal Studies, University of Oxford, United Kingdom, Prof. Jacques Ziller of the Law Department at the European University, Institute in Florence, Italy, Prof. Jürgen Schwarze, Director of the Institute of Public Law at Albert-Ludwigs University in Freiburg, Germany, and Mr. Jacques Fournier, member of the Conseil supérieur de la Magistrature, France.

³ Arguments, who state that discretionary legality cannot operate without the general principles of administrative law, are specifically offered by the European Court of Justice (see Case of Technique University of Munchen, 1991, ECR-I-5469).

information to the exterior. As such, the openness and transparency refer to these exact attitudes and constitute the necessary instruments for achieving the supremacy of law and the equality before the law and its representatives. Assuring the openness and transparency, we protect both the public and individual interests.

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

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

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

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

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

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

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

In this context, efficiency becomes a managerial value that points towards maintaining the optimum equilibrium between the allocated resources and the obtained results, while efficacy – a connected value that makes sure that the activity of the public administration achieves the intended objectives and solves the public problems recognized by law and the governance process as in its duties.

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

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

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

II.2. Convergence by Europeanization

Europeanization is a process closely linked to the European integration, and it intercepts the impact of the latter on the national administrations. Peters (1997) and Page (1998) discuss the link between the Europeanization process and the general tendency of the administration to transit from the traditional model of government to the model of governance, where the authority is diffuse and agencies claim a multiple role, especially in the area of public policies.

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

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

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

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

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

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

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

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

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

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

The *sociological approach* anticipates the *opportunistic administrative structure* within the national administration, able to determine the transposed national model. Convergence thus is realized, in the framework of “the institutions that frequently interact or are exposed to timely development, of the similarities in the organizational structure, processes, managerial philosophy, resource allocation principles and sound reforms” (Olsen, in Steunenberg and Van Vught, 1997, 161). We should also mention that the real situation presents institutionally or culturally unified or fragmented administrations. This is why we talk of gradual adaptation, understood, in the case of national administrations as norms, ideas and beliefs that help into achieving “*the emergence of the similar*

individual growth for national processes and structures” (Harmsen, 1999, 84). In this case, as pointed out by March and Olsen (1989), the mechanism is the imitation or the act of copying mechanisms and characteristics of other organizations for the benefit of increasing your own organizational efficiency.

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

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

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

II.3. Administrative Dynamics

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

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

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

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

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

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

During transition, such as the one encountered in Central and Eastern European countries, conceptions of the administration are challenged and dramatically redefined. “*Conventional wisdom becomes heresy: administrative virtues are reorganized; expertise is scrapped and new types of knowledge, skills and training are demanded. Trust in institutions disappear or emerge. Organizational structures, roles and cultures are branded illegitimate and new ones are legitimized.*”

Because tensions are enduring rather than temporary, any prescription based on hegemonic aspirations and the universalization of a concern is likely to foster criticism, countervailing forces and search for a new balance between institutions. Theorizing administrative dynamics requires understanding how balances are struck and administrations find their place in a political order” (Kaufman, 1956, 1057-1073; March and Olsen, 1989).

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

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

III. National public administrations reforms

III.1. Public administration reform models

Specialized literature from the past two decades offers a great attention to public administration “reform”. If we add Webber’s preoccupations (1922) and the following evolutions of “weberianism”, we can portray almost an entire century of preoccupations concerning the public administration organization and evolution. The next short description intends to offer only the fundamental ideas and the alternatives that are the core point of the national public administrative reform strategies of the EU member or acceding countries.

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

III.1.1. Weberian perspectives

The image of public administration is associated with the organization and the power balance within the state. This representation did not face isolated evolutions, but in the dynamics of theories from the weberian bureaucratic model to the NPM and public governance. In this sense, it is worth mentioning the German sociologist and historian Max Weber's contributions (1922) that stated that "bureaucracy transcended the public and private frontiers; it penetrates the progress in the most diverse spheres, if the conditions characteristic to modernity are being fulfilled". The bureaucratic model is valid for both public administration and for "other types of enterprises sector".

This model defined by Weber is based on a "legal-rational" authority, being a model of "good structure" aimed by organizations. For the public administration organization, the conceptual elements specific for Weber's bureaucracy are transposed in jurisdictions, functions and specific tasks.

The elements of bureaucratic organization (Weber, 1922, 956-963):

1. *A rational-functional organization* in accordance with a rational principle of clear definition role in resolving the problems and achieving the objectives.
2. *A rule-based organization* where the authority is rule-driven and distributed in a stable way and is strictly delimited by rules.
3. *A hierarchical organization* with several levels of execution and management.

From the procedural point of view, the bureaucracy is:

1. *Impersonal or dehumanized.* Weber considered it the first quality ("special virtue") because emotional "irrational" elements are eliminated from the individual bureaucrats' or organization as a whole performance.
2. *Formal.* As long as bureaucracy does not depend on persons, but on functions, almost everything that represents structure and operation is written in a formal manner.
3. *Legal.* Bureaucracy operates according to formal rules that are public and written. Their role is to regulate a certain procedure and to assure the legality of the reports with the organization's external context.

4. *Ordered*. Individual bureaucrats must convey to bureaucratic rules, otherwise they might get sanctioned. These rules try to assure impersonality and to sustain the hierarchical authority.
5. *Efficient* because it activates continuously, rationally, ordered, concrete and in time.
6. *Powerful*. The power emerges especially from rationality, professionalism, trust and continuity. Weber says that a well developed bureaucracy can not be practically controlled from outside the organization; on the contrary, the society becomes depended of it sine it offers services and implies constraints. Hence, the organizational element (bureaucracy) tends to become the greatest force within a society.
7. *Expanding*. It assumes that bureaucratic expansion is not driven just from efficiency and power, but also from the qualitative and quantitative increase of the tasks requesting administrative organization within a complex society.

The period of 1940s is characterized in the public administration theory sphere by critical positions concerning the bureaucratic model of Merton, Gouldner, March, Simon and Crazier, highlighting the dysfunctional aspects of the weberian model application such as: discipline and behavior standardization, the existence of a “bureaucratic vicious circle”, the bureaucratic structures’ inefficacy (Matei, 2006, 68-71). Nevertheless, public administrations’ evolution confirms the dependency on the bureaucratic organization principles: hierarchy, specialization, formal procedures are features of today public organizations; state and administrative structures’ role reaffirmation (cultural, regional, local) as representative democracy legitimization (Politt and Bouckaert, 2004).

At the end of XX century a new theory is being proposed that aims to overcome the pure theory of Weber’s bureaucracy. It assumed changes of the rigid, hierarchical, bureaucratic forms of public administration with new flexible ones, a change of the government role in society, of the government-citizens relation (Osborne and Gaebler, 1993, 221). We switch from a formal structural organization, oriented towards law (government sustained by administrative law) to an efficient organization, an efficient management and an efficient allocation of public resources, based on the new role of the state defined from the economic point of view.

NPM with an extensive range of mechanisms, organization, the appliance of new institutional economy, market mechanisms employment (Bouckaert, Peters and Verhoest, 2010, 34-50; Pollitt and Bouckaert, 2004; Lapsley, 2009), introduces new concepts and roles in public actions (Hood, 1991, 4-5) and in government (Peters and Pierre, 1998).

“Governance refers to the development of governing styles in which boundaries between and within public and private sectors has become blurred. The essence of governance is its focus in mechanisms that do not rest on recourse to the authority and sanctions of government...Governance for (some) is about the potential for contracting, franchising and new forms of regulation. In short, it is about what (some) refer to as the NPM. However, governance...is more than a new set of managerial tools. It is also about more than achieving greater efficiency in the production of public services” (Stoker, 1998, 17-18).

This Neo-Weberian perspective appears to yield the following principles (Pollitt and Bouckaert, 2004, 99-100).

- **Centrality of the State.** This principle, taken for granted in the USA and other states with superpower status, would ensure that weak states have the political, organizational, and managerial capacity to deal with domestic and international problems surrounding globalization, environmental threats, demographic challenges, and technological innovation.
- **Reform and Enforcement of Administrative Law.** This principle would guarantee equality for all individuals and groups before the law, protect against arbitrary and unpredictable actions by state agencies, and provide for specialized state scrutiny of state actions.
- **Preservation of Public Service.** This principle would maintain the idea of a public service with a distinct status, culture, and terms and conditions of employment, characteristics which are often ignored or simply missing in post-socialist EU accession states, where civil servants are poorly paid, poorly educated, and subject to demotion and removal by political authorities.
- **Representative Democracy.** It is a basis for legitimating, controlling, and maintaining the stability and competence of the public bureaucracy. This principle, central to Weber’s concern with parliamentary control of bureaucracies, separated Western Europe from

Russia and then later the Soviet Union, where the bureaucracy was unstable, unreliable, inefficient, and “un-bureaucratic” (in Weber’s sense) because it could not maintain its neutrality in the face of external political control.

- External Orientation toward Citizens. This principle represents an outward shift away from internal bureaucratic rules toward the needs, values, and perceived opportunities of citizens. Similar to the “consumer-orientation” of NPM, external orientation is based primarily on a professional culture of quality and service, supplemented in some appropriate cases by market mechanisms.
- Supplemental Public Consultation and Direct Citizen Involvement. This principle, which supplements but does not replace representative democracy, provides for a range of procedures for public consultation as well as direct representation of citizen views. This is similar to citizen and community control under NPM.
- Results Orientation. This principle encourages a greater orientation toward the achievement of results, not only the consistent following of formal procedures. Virtually identical to that of NPM, a results orientation works ex-post as well as ex-ante, incorporating monitoring and evaluation as well as the special type of forecasting undertaken under procedures of Regulatory Impact Assessment (RIA).
- Management Professionalism. This principle governs the acquisition of professional knowledge and skills by civil servants, so that the “bureaucrat” becomes not simply an expert in the law relevant to his or her sphere of activity, but also a professional manager, oriented to meeting the needs of his or her citizen/users (Pollitt and Bouckaert, 2004, 99-100).

Table 1 - Characteristics of Weberianism, NPM, Neo-Weberianism and Public Governance (Cepiku and Mititelu, 2010)

Weberian characteristics	NPM characteristics	Neo-Weberian characteristics	Public Governance characteristics
Dominance of rule of law, focus on rules and policy systems	Inward focus on (private sector) management techniques	External orientation towards citizens needs	Outwards focus and a systematic approach
Central role for the bureaucracy in the	Input and output control	Central role of professional managers	Process and outcome control

policy making and implementation			
Unitary state	Fragmented state	Unitary state and collaboration	Plural and pluralist state (networks)
Public service ethos	Competition and market place	Public service ethos	Neo-corporatist
Representative democracy as the legitimating element	Client empowerment through redress and market mechanisms	Supplementation of democracy with consultation and participation	Participative decision making
Political-administration split within public organizations	Political-administration split within and between (agencification) organizations	Political-administration separation and emphasis on professionalization of the latter	Collaborative relations between politicians and managers

III.1.2. Contemporary premises for models of public administration reform

Ocampo (1998) evaluates *three models* of public administration reform (Ocampo, 1998):

- the “reinventing government” model (Osborne and Gaebler, 1993)
- the “business process reengineering” model (Hammer and Champy, 1993)
- the “New Public Management” model (Hood, 1995, 1996; Kickert et al., 1997).

The “reinventing government” model was a “(r)evolutionary change process” intended to design “a radically new way of doing business in the public sector” (Osborne and Gaebler, 1993, 18). Therefore, this model comprises “practices of those who have dealt with government problems in innovative ways” and it depicts a “paradigm shift” (Ocampo, 1998, 248).

Hammer and Champy’s “business process reengineering” model (BPR) “is the fundamental rethinking and radical redesign of business processes to achieve dramatic improvements in critical contemporary measures of performance, such as cost, quality, service, and speed” (Hammer and Champy, 1993, 32), and “it represents an effort to turn back the Industrial Revolution and reassemble the tasks and functions taken apart by the 19th century principles of the division of labor” (Fowler, 1997, 36-37). Therefore, this model is more introspective and the information technology plays an important role. Although it is broadly employed in the private area, it is rarely operated in the public one (Ocampo, 1998, 249).

In the 1970s, on the reform agenda of several OECD countries emerges a new “group of administrative doctrines”, “a new paradigm for public management” (Kickert, 1997, 733), namely, the New Public Management (NPM). Hence, the first dimension of NPM that comes into view is “active control of public organizations by visible top managers wielding discretionary power” (Hood, 1996, 268).

Since the 1980s, the ideas of New Public Management (NPM) become very popular worldwide, and “almost all national governments of developed countries have adopted ambitious policies of administrative reform or administrative modernization [...] more or less NPM-driven”. Moreover, “policy-makers from very different countries have selected elements or the whole of that NPM «toolkit» and transplanted/transposed them into their own public administration”(Cole and Eymeri-Douzans, 2010, 396). Nonetheless, NPM gives the impression of being the “latest legitimizing repertoire to be mobilized by the competitors involved in the long-running contests for domain and authority within central executives”(Cole and Eymeri-Douzans, 2010, 400).

The following table comprises the characteristics of the three above shortly presented models of public administration reform and management.

Table 2 – Characteristics of public administration reform models (adapted from Ocampo, 1998)

MODELS' CHARACTERISTICS		
“Reinventing government” model <i>(Osborne and Gaebler, 1993: 19-20)</i>	BPR model <i>(Fowler, 1997: 36-37)</i>	“NPM model <i>(Kickert, 1997: 733)</i>
<ul style="list-style-type: none"> • Most entrepreneurial governments promote competition between service providers. • They empower citizens by pushing control out of the bureaucracy, into the community. • They measure the performance of their agencies, focusing not on inputs but on outcomes. • They are driven by their goals—their missions—not 	<ul style="list-style-type: none"> • Separate, simple tasks are combined into skilled, multi-functional jobs. • The stages in a process are performed in their natural order. • Work is performed where it is best done. • The volume of checking and control of separate tasks is reduced. • There is total compatibility between processes, the nature of jobs and structure, 	<ul style="list-style-type: none"> • Strengthening steering functions at the center. • Devolving authority, providing flexibility. • Ensuring performance, control, accountability. • Improving the management of human resources. • Optimizing information technology. • Developing competition and choice. • Improving the quality of

<p>by their rules and regulations.</p> <ul style="list-style-type: none"> • They redefine their clients as customers and offer them choices. • They prevent problems before they emerge, rather than simply offering services afterward. • They put their energies into earning money, not simply spending it. • They decentralize authority, embracing participatory management. • They prefer market mechanisms to bureaucratic mechanisms. • They focus not simply on providing public services, but on catalyzing all sectors—public, private, and voluntary—into action to solve their community problems 	<p>management methods, and the organization’s values and beliefs.</p> <ul style="list-style-type: none"> • IT is recognized and exploited as offering many opportunities for the redesign of the work systems and the provision of information to enhance devolved decision-making. • Processes may have multiple versions to cope with varying circumstances. • Managerial hierarchies and organizational structures are flattened. • Rewards are given for the achievement of results, not simply for activity. • Work units change from functional units to become process teams. • Customers have a single point of contact with the organization. 	<p>regulation.</p> <ul style="list-style-type: none"> • Providing responsive service.
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When it comes to “disaggregation and delineation of public agency units, functions, and roles”, NPM model holds opposing views from the reengineering model, namely on the “recombining thrust” feature. (Ocampo, 1998).

When it comes to BPR model, it is more introspective and operates manly in the private area and the NPM model is “a reflection of the reinvention model”, highlighting “certain crucial areas more than the latter does” (Ocampo, 1998).

III.1.3. State restructuring and the reform of public administration

Public administrations have different ways of reorganizing, from “reclassification of ministerial departments, divisions and directorates-general, to the creation of agencies that splinter bureaucracy” (Cole and Eymeri-Douzans, 2010, 397).

As Cole and Eymeri-Douzans(2010) emphasize in a recent introductory chapter of the International Review of Administrative Sciences, the literature seems to have a great interest in the role of agencies and other forms of organizational decentralization, but much less on organizational and professional mergers within public administrations”. And it is emphasized the distinction between the “process of specialization” and “de-specialization”. In the first situation, the bureaucratic instruments are “more differentiated and fragmented”, while the second “imply a structural integration of formerly separated organizations” (Cole and Eymeri-Douzans, 2010, 396). Nevertheless, in practice, “specialization and de-specialization might be interpreted as two sides of the same coin” since both of them intend to offer “a strategic sense on organizational reforms and to resolve the increasing problems of coordination in contemporary government” (Cole and Eymeri-Douzans, 2010, 397).

Cole and Eymeri-Douzans identify a set of variable influencing state reforms in Europe, trough the lens of administrative mergers as follows:

- I. *Institutional legacies* - an “explicit factor of resilience of national administrative structures and inter-institutional configurations to cross-national neo-managerial pressures for change”.
- II. *Reform fashions* – policy fashions, cross-border benchmarking, international policy transfers that “lend the appearance of converging reform trajectories”.
- III. *Hybrid logics of institutional engineering* – agencification vs. administrative mergers.
- IV. *Interaction between collective strategies of involved institutions and groups* – “mergers or other forms of administrative re-engineering [...] take place in the context of «bureaucratic politics» power games between [...] institutional rationalities”
- V. *Multi-level dynamics* – observable especially in Spain, UK and Germany’s situations.

These variables “mediate the exogenous (international) and endogenous (localized) pressures for change”. In the case of Western democracies, state reforms “are not constructed on a *tabula rasa*”, due to their intricate context (Cole and Eymeri-Douzans, 2010, 398-400).

III.2. Context of the administrative reforms

III.2.1. South-Eastern European states and European integration

The accession to the EU and enlargement of the European integration process have determined profound reforms in the European countries area, reforms gravitating around the objective nucleus represented by observing the fundamental principles of democracy, separation of powers and respect for the rule of law.

Reform is considered as a fundamental part of a national effort to improve efficiency as diverse as Greece (Michalopoulos, 2003; Matei and Matei, 2010), increasing the competence and effectiveness of public administration, increasing the expertise, professionalism, knowledge and transparency (Slovenia, Romania, Bulgaria, Croatia).

The year 1990 represented the start of founding the decentralized system, marked by legislative, institutional, political, economic reforms. The states analyzed have represented the arena of the reforms in the administrative and judicial systems, some states have been interested to continue their preoccupations in view to implement the Community legislation into their domestic legislation, as well as to review and adapt to the specific European developments and requirements, while other states have been interested in the progress process in view of accession (Croatia) or in adopting a collection of laws, strategies and action plans for becoming EU and NATO members.

The public administrations in the South-Eastern Europe area are subjected to a reform process according to the requirements of the integration process in the EU structures (Andrei, Matei, Rosca, 2008). The process is defined as an ensemble of reform measures at the level of civil service, local government and achievement of decentralization.

Moreover, on the South Eastern European states, as well as on other countries, the economic and financial crisis exerts pressures influencing the mechanisms of the relationship between the two political and administrative levels, in all cases with implications related to financial constraints and effects on public service.

The reforms of state administration started some time before countries' accession to the EU (Bulgaria, Romania, and Slovenia).

The accession criteria of Copenhagen (1993), Madrid (1995) and Luxembourg impose to the candidate states *conditionality on guaranteeing democracy*, rule of law, human rights, protection of minorities, *economic conditionality* – functional market economy, *political conditionality* – adherence to the objectives of the political, economic, monetary Union of the EU, resulted from the membership obligations.

The above mentioned criteria are completed with supplementary clarifications of the European Council of Madrid, supporting the national reforms of the candidate states related to their capacity to reform the administrative and legal structures in order to implement the Community rules and procedures.

Membership means that each administrative field and economic sector of the candidate countries should respect *acquis communautaire* (Annex 1).

The national administrations are assessed according to criteria of „legal and administrative capacity to implement *acquis communautaire*”, fact creating serious difficulties due to diversity of the administrative systems, levels of institutionalization, values and resources required by changes.

The framework of the EU enlargement policy to Western Balkan states consists in the Stabilization and Association Process (SAP) in view to get closer the Western Balkan states to the EU, aiming three objectives:

- stabilization and transition to market economy;
- promoting the regional cooperation;
- perspective of accession to the European Union.

Additionally new instruments such as the European Partnerships were introduced by the Thessaloniki Agenda (High Level Summit in Thessaloniki, June 2003), or multi-country support projects, Pre-Accession Assistance instruments (Annex 2) sustaining the reform process in Western Balkan countries (Figure 1). The pre-accession strategy prepares the candidate countries for EU membership. It comprises framework programs and mechanisms.

Multi-country support sustains joint projects in regional cooperation, infrastructure, justice and home affairs, single market and trade, market economy, supporting the civil society, education, youth and research. Multi-country support objectives:

- regional cooperation between candidate and potential candidate countries;
- focus on common interests and needs, the general objective is to increase cohesion and regional economic standards;
- the actions support:
 - common interventions for the economic and social development;
 - reform of academic institutions and assistance of exchanges of students and professors by Tempus and Erasmus programs;
 - strengthening the administrative capacity and supporting the national bodies for enforcing *acquis communautaire*;
 - administrative and judicial reform, combating corruption and organized crime;
 - setting up the general strategy in view to reduce the risks of disasters in Western Balkans and Turkey.

Figure 1 - Components of pre-accession strategy



III.3. The public administration - reforms in South-East European states

III.3.1. General framework

The state administrative structure represents the result of an intensive development process, identifying “progressive agglomerations of territories, populations and languages” (Xavier, 1991, 17); the confirmation for enforcing the principle on separation of powers is provided by the three powers: legislative, executive and judicial power, also confirmed by the practical situation of the South-Eastern European states and their Constitutions.

For the EU Member States, candidates or potential candidates, the administrative reform is actual but shaped according to the status of the respective country.

The South-Eastern European states have most of the governance fields subjected to *acquis communautaire*, and the candidate states (Croatia and Macedonia, which has not yet started the negotiations for accession) or the potential candidate states should undertake, adapt to the legal specificity and implement the European legislation.

Every candidate country draws up a national program in view of adopting *acquis communautaire*.

Referring to public administration, we could not discuss about a specific *acquis* but we may confirm the existence of clear principles of national public administration, with different legislative traditions and different government systems. The Law on public administration autonomy represents *acquis communautaire*, whose compatibility degree with specific regulations corresponding at European level is checked by the European Commission, within the accession process of the candidate countries (OECD, 1998).

The common administrative principles, pillar for modernization of public administration and civil service in the European states (Cardona, 2009) and implicitly found as fundamental values of the reforms of public administration and civil service in South Eastern European countries, discussed previously on a large extent, are as follows:

- rule of law;
- openness and transparency;

- accountability;
- efficiency and effectiveness.

The impact of EU legislation (after 1997) on the institutional reforms in Romania, Bulgaria, and Slovenia has been visible positive in view of improving the administrative, political, economic, institutional frameworks (Dimitrova, 2002, 178).

Since 1990, all states analyzed were concerned to adopt the Constitution, to systemise, unify and update the whole legislation, comprising all the fields of the economic-social life (Annex 3). At the EU Member States level, the harmonization process according to *acquis communautaire* has continued, taking into consideration both the recommendations of the European Commission and the domestic market operators' requirements, for instance in the tax field in view of improving the domestic tax laws, capital market, internal public audit (Romania, Bulgaria, Slovenia).

Since 2003, Bulgaria following the adoption of key legislation and reforms in various spheres of the administration undertaken general European trends and good practices, given that at the European level there is no single strategy for strengthening the capacity of the state administration nor is there a unified model for its most effective functioning.

As a remark, comparing the evolution of the legislative initiatives of the Government of Romania in 2007 and 2008, it is worth to mention the balanced evolution of the drafts for normative deeds, registering in 2008 a decrease of the number of those proposals from 216 to 191. Matei (2008b) emphasizes in a report the decrease of the number of legislative drafts in justice, internal affairs, public administration, defense, education, agriculture, environment and sustainable development while other fields (economy and finance, transportation, labor, culture, communications) registered an increase in the number of legislative initiatives by 75%.

The administrative reforms may be complex, including changes as a result of pre-accession, accession processes, Europeanization and recently the effects of the world economic and financial crisis. We speak about a transformation of the national public administrations in line with the developments of the administrations of the „European Administrative Space”.

III.3.2. Comparative analyses

III.3.2.1. Democratic processes

The systemic transformation at the level of the states analysed, reflects the size of the interrelations between executive and legislative, taking into consideration the background of „renewing” the political elites (Agh, 1998, 70; Mendelski, 2008, 28) and developing democracy (Table 3).

Table 3 - Evolution of the “Democracy Score”

Year / Country	1999/2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Democracy Score										
BELARUS	6.25	6.38	6.38	6.46	6.54	6.64	6.71	6.68	6.71	6.57
BULGARIA	3.58	3.42	3.33	3.38	3.25	3.18	2.93	2.89	2.86	3.04
CROATIA	4.46	3.54	3.54	3.79	3.83	3.75	3.71	3.75	3.64	3.71
MACEDONIA	3.83	4.04	4.46	4.29	4.00	3.89	3.82	3.82	3.86	3.86
MOLDOVA	4.25	4.29	4.50	4.71	4.88	5.07	4.96	4.96	5.00	5.07
MONTENEGRO	5.67	5.04	4.00	3.88	3.83	3.79	3.89	3.93	3.79	3.79
ROMANIA	3.54	3.67	3.71	3.63	3.58	3.39	3.39	3.29	3.36	3.36
SLOVENIA	1.88	1.88	1.83	1.79	1.75	1.68	1.75	1.82	1.86	1.93
UKRAINE	6.63	4.71	4.92	4.71	4.88	4.50	4.21	4.25	4.25	4.39

Source of data: “Nations in Transit 2009”, Freedom House

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

The public administration has strong political, social, economic, cultural pillars, as action of the executive power (Vedel and Delvolvé, 1988, 56), as intervention of the public power in public action, in guiding the public affairs, achieving and implementing the public policy.

A "model" of administrative reforms in the South-Eastern European countries can not exist, but we may speak about „models”, „asymmetric models”, as entitled by Marcou and Wollman (2008, 133) and institutional „experiments” on public administration in those states, which have passed into a reforming process since the 1990s.

A statistic analysis (Annex 4) of the outcomes mentioned in Table 3 provides an eloquent image on the correlated evolution of “the democratic score” in the states analyzed.

Introducing a new variable which calculates the average of the scores obtained for the sample chosen, we shall find out that, related to it, the Pearson statistic correlations describe several categories:

- states powerful correlated in relation to the general trend of the sample (Bulgaria (0.854); Croatia (0.795); Montenegro (0.878); Ukraine (0.986)).
- states that are average and low correlated in relation to the general trend of the sample (Romania (0.508); Slovenia (0.280); Macedonia (0.014); Belarus (-0.880); Moldova (-0.811)).

The explanations for such a situation are profound and have a direct connection with the overall political evolution in the respective states. Analyzing from area perspective, we remark that for the Western Balkan states, the calculations are positive, being comprised between 0.280-0.878 in relation to the general average of the sample. However, also inside the group of the Western Balkan states, the most eloquent examples are provided by Macedonia, which has negative correlations with all the other states. For the states that belonged to the former Soviet Union, the evolutions are contradictory. Related to the general trend of the sample, Belarus and Moldova have high negative correlations and Ukraine has a high positive correlation (0.986). That situation imposes the conclusion concerning non-correlation between the first two states, Belarus and Moldova, and Ukraine.

As recent European Union Member States, Romania and Bulgaria have similar evolutions, Bulgaria having more powerful correlation related to the average.

III.3.2.2. Public administration

The main priority of the reform of the administration is its optimization at central and local levels through modernization and organizational development. The creation of new administrations, the restructuring of existing ones, closing down of ineffective structures and units, their optimization as

well as their organizational development are not aimed at achieving a larger but a better organized, more effective and politically neutral administration.

A common feature of public administration in the studied states consists in highlighting the common principles (Marcou, 2007) of organization and operation, namely: principle of local self-government (in Constitution and law), the character of local powers, the functions and (regulation, supervision etc.) powers of the local authorities (stipulated by law) or procedures for protecting local self-government.

The territorial size of public administration, which represents the basis for dividing the central public authorities (government, ministries, central government agencies), territorial and local public authorities (municipalities, communes) is represented in all countries studied, observing the traditional model, conceived on two levels, local council – first tier and the superior one, the central tier, Greece, Romania, Bulgaria, Croatia, Montenegro, Macedonia), and in some cases with interim tier, Belarus (three tiers: regional, district and village). Concerned about their performance, the national governments of the EU Member States, according to EAS principles enforcement – effectiveness and efficiency – subsidiarity, local autonomy and decentralization, are resizing the intergovernmental relations with the local tier (Matei,, 2008a).

Each territorial structure has its own local administrative authority (Marcou, 2007), administrating the structure, respecting and acknowledging the principle of local democracy.

The administrative organization composed of two or three tiers, is stipulated in the state's Constitution, special laws on local government, law on administrative decentralization and local autonomy, (Annex 3), confirming the application and compliance to EAS principles, *trust* and *predictability*.

For example:

- Croatia's internal territory has been divided into 20 Zupanijas (counties), 120 cities, and 420 municipalities based only partially on territorial and demographic logic.
- In Ukraine, the administrative territorial structure is considered non-realist, according to Sushko and Prystayko (2009) as the structure is not related to the number of citizens,

division of competences between the central and local levels. Ukraine has an administrative territorial structure represented by: the Autonomous Republic of Crimea and 24 oblasts, raions (oblast districts) and cities with raion status, cities and villages and townships (Sushko and Prystayko, 2009, 555-556).

- The administrative organization of Romania is represented by (2851) communes, (216) towns, (103) municipalities and (42) counties, with the possibility to declare some towns as municipalities (Article 3(3), Constitution of Romania, 2003).
- In Belarus 1.700 local governments exist, subdivided into three levels: regional (*voblasts*), district (*raion*), and village or (in urban areas) township.
- Macedonia has only two tiers of governance, with no intermediary level between the municipalities and the central government.

The territorial administrative organization is established by special laws, supplementing the provisions of the Constitution.

III.3.2.3. Governance

The pragmatic approach to administrative reforms reflects the size of democratic governance (see the approach of United Nations Development Program, indicators of the World Bank), whose main component is the public administration.

The governance indicators reflect the effects of stabilization and association processes, of pre-accession or accession to the EU in the dynamics of the stages ranging from pre-accession to accession, for Bulgaria, Romania, Slovenia or negotiation stages, the case of Croatia, candidate country or Former Yugoslav Republic of Macedonia (candidate country since December 2005, the negotiations for accession have not yet started) or Montenegro, potential candidate country (Table 4).

Table 4 - Evolution of the “Governance” indicator

Year / Country	1999/2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Governance										
BELARUS	6.25	6.25	6.50	6.50	6.50	6.75	7.00	7.00	7.00	6.75
BULGARIA	3.75	3.50	3.50	3.75	3.75	3.50	3.00	3.00	3.00	3.25
CROATIA	4.00	3.50	3.50	3.75	3.75	3.50	3.50	3.50	3.25	3.50
MACEDONIA	3.00	3.75	4.25	4.50	4.0	4.00	3.75	3.75	4.00	4.00
MOLDOVA	4.50	4.50	4.75	5.25	5.50	5.75	5.75	5.75	5.75	5.75
MONTENEGRO	5.50	5.25	4.25	4.25	4.00	4.50	4.50	4.50	4.25	4.25
ROMANIA	3.50	3.75	3.75	3.75	3.75	3.50	3.50	3.50	3.75	3.75
SLOVENIA	2.25	2.50	2.25	2.25	2.00	2.00	2.00	2.00	2.00	2.00
UKRAINE	4.75	4.75	5.00	5.00	5.25	5.00	4.50	4.75	4.75	5.00

Source of data: “Nations in Transit 2009”, Freedom House

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

The statistic analysis (Annex 5) of the scores concerning the “governance” indicator presented in Table 4, is leading to conclusions with general character.

Thus, we may find out that due to the complexity of the indicator, the degree of correlation with the average of the sample is lower than for the “democratic score” indicator. Also the correlations described in Annex 5 observe generally the previous correlations, confirming the direct connections between the democracy evolution and governance performance.

Related to the general trend of the sample, we shall identify the following categories:

- states powerful and average correlated: Ukraine (0.743); Macedonia (0.675); Bulgaria (0.495).
- states low correlated: Romania (0.361); Moldova (0.271); Croatia (0.180).
- state inverse correlated: Montenegro (-0.519); Belarus (-0.122) and Slovenia (-0.116).

The area characteristics are also changing. Thus, for the Western Balkan states, the evolutions in relation to the general trend of the sample are positive for Macedonia and Croatia and negative for Montenegro and Slovenia. It is interesting Macedonia’s evolution, with negative correlations in

relation to all the Western Balkan states and positive correlation in relation to the average of the sample.

The states which belonged to the former Soviet Union are also changing their behavior, derived from the perspective of the indicator analyzed. Thus, Belarus will have negative correlations, close to zero, Ukraine having the other positive correlations (0.743).

The behavior related to the other states in that sub-group is atypical also for Belarus which has average negative correlations in relation to Ukraine.

The evolutions for Bulgaria and Romania are similar related to the average of the sample but the inter-states correlations are low (0.238), demonstrating practically, a lack of correlation of the governance policies.

The decentralization process is highlighting the local self-government (Croatia, Slovenia, Romania, Bulgaria), the local level represented by municipalities and communes (in the Republic of Croatia there are 429 municipalities, 126 towns, 20 counties and the City of Zagreb) or the development of a level that does not belong to the administrative-territorial structure, that of the development regions (Romania). Local governments in Belarus are consolidated within the presidential vertical of power. By law, heads of regional administrations are appointed by and responsible to the president. Popularly elected local councils have no control over the executive bodies (Silitski, 2009, 120). Local governance in Ukraine is represented by a dual system of authorities: state administration and a self-governance council.

The new criteria of organization and operation of the public administration, emphasized in enforcing the new laws passed by the state (Annex 3), or in the states' new institutional architecture, validate the thesis that public administration is subject to the functional logic in a new context of transition from the centralized to decentralized system in a European Administrative Space.

The Croatian governance system is characterized by democratic attributes, in view of people representation (Dorić, 2009). If the local governance in some South Eastern European countries was centralized before 1990, controlled by the political center, in the last twenty years we assist at local

governance reconfiguration, at the change of central-local relationships concerning the governance levels.

The study „Nations in Transit 2009” of Freedom House, emphasizes the fact that the indicator of „local democratic governance” registers values in 2009 (Table 5), ranging from 6.75 (Belarus) to 1.5 (Slovenia), values reflecting the governments’ capacity to apply the principles of accountability, participation, transparency in the local governance, transferring the boundaries of central government toward the local level, groups of local communities or citizens.

Table 5 - Evolution of the “Local Democratic Governance” indicator

<i>Year / Country</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Local Democratic Governance					
BELARUS	6.50	6.50	6.50	6.75	6.75
BULGARIA	3.50	3.00	3.00	3.00	3.00
CROATIA	3.75	3.75	3.75	3.75	3.75
MACEDONIA	4.00	3.75	3.75	3.75	3.75
MOLDOVA	5.75	5.75	5.75	5.75	5.75
MONTENEGRO	3.50	3.50	3.25	3.25	3.25
ROMANIA	3.00	3.00	3.00	3.00	3.00
SLOVENIA	1.50	1.50	1.50	1.50	1.50
UKRAINE	5.25	5.25	5.25	5.25	5.25

Source of data: “Nations in Transit 2009”, Freedom House

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

The distributive focus on the competences of government spheres between the central and local level, is expressed in different actions, specific to every country. For example:

- For Macedonia, the transfer of competences from the central to local – municipal level has represented a priority, being the topic of Ohrid Agreement, even since 2001, or recently of Law on regional development (2008), thus according to Freedom House rating (2009) is situated on 3.75 level (Table 6) (Daskalovsky, 2009, 357).
- The laws and rules in Moldova clarify and share the competences of the central and local authorities, sometimes being situations of overlapping or non-regulation related to some areas.

- The new Constitution of Slovenia, passed in 1993, „made provision for self-government at both the local and regional level, but it was not until the passage of the 1993 Law on Local Self-Government when the path was cleared for establishment of local self-governments at the municipal-level” (Hughes et al., 2004, 55). In Slovenia there are 58 state administrative units whose jurisdiction may extend over several municipalities depending on the specific competences (Lajh, 2009).
- In Croatia, the delimitation of competences between the central and local levels is supported by the territorial administrative structure, emphasizing the enforcement of the decentralization principle.
- For Bulgaria, the process of the transfer of functions from the central to the municipal administration continued, for example in the areas of registration of agricultural and forest equipment, administration of local taxes and fees, homes for bringing up children deprived by parental care (Report on the State of Administration, 2006).

III.3.2.4. Integrity and corruption

Openness and transparency in public administrations are instruments necessary to observe the law, for equality before law and for responsibility. In this respect, our analysis emphasizes the preoccupations of countries to pass a collection of laws supporting transparency (Law on conflict of interests, Bulgaria, Romania, Slovenia, Croatia, Moldova, and Belarus) and access to information, associated with those for the fight against corruption – national strategies, laws. For instance:

- In Slovenia there were passed The Law on Prevention of Corruption (2003), Slovenian Anticorruption Strategy (2004), documents stipulating the elimination of conditions for occurrence of corruption in public domain, state administration, investigation, bodies of Prosecutor Office, judicial bodies, businesses etc.
- Collection of laws and strategies were updated on the fight against corruption, i.e. Bulgaria. Moldovan authorities undertook important legal reforms by adopting the Law on Conflict of Interest and a new Law on Preventing and Fighting Corruption; however, the latter was adopted with a three-year delay. The Civil Monitoring Council of the Center for Combating Corruption and Economic Crimes—Moldova’s first citizen oversight of a law enforcement body—was established during the year (Vițu, 2009, 370).

- Governmental bodies were created with the responsibility to fight against corruption – in most countries analyzed, regional councils – i.e. Bulgaria, Regional Public Councils for Counteracting Corruption have been functioning in all regional administrations, or National Integrity Systems comprise “key institutions, laws and practices (the pillars) that contribute to integrity, transparency and accountability in a society”, i.e. Romania, (Matei, 2006). In Montenegro, the Coordination Body for Reform of Local Government adopted an action plan for reform of local government and action plans to combat corruption at the local level (McLean, 2009, 385).

Transparency International studies concerning the corruption index for 2008 (Table 6), situates for example, Macedonia on 72nd rank from 180 countries, emphasizing its improvement. The improvement was also noted by European Commission in its 2008 Progress report on Macedonia.

The report called for the government to continue with reforms, especially in implementing anticorruption legislation and reform of judiciary (Daskalovski, 2009). At the same time, Moldova recorded in 2008 an increase of the corruption perception index by 0.1 related to 2007, respectively 2.9, or Slovenia, situated on 26th rank from a total of 180 countries. The index gives Slovenia a score of 6.7 on a 1-10 scale, where 10 is the best possible score (perceived as least corrupt), classifying it as comparatively less corrupt than Czech Republic, Hungary, Slovakia and Poland (Lajh, 2009, 485).

Table 6 - Evolution of the “Corruption” indicator

<i>Year / Country</i>	<i>1999/2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Corruption										
BELARUS	5.25	5.25	5.25	5.50	5.75	6.00	6.25	6.25	6.25	6.00
BULGARIA	4.75	4.75	4.50	4.25	4.25	4.00	3.75	3.75	3.50	4.00
CROATIA	5.25	4.50	4.50	4.75	4.75	4.75	4.75	4.75	4.50	4.50
MACEDONIA	5.00	5.00	5.50	5.50	5.00	5.00	4.75	4.75	4.50	4.25
MOLDOVA	6.00	6.00	6.25	6.25	6.25	6.25	6.00	6.00	6.00	6.00
MONTENEGRO	6.25	6.25	5.25	5.00	5.25	5.25	5.25	5.50	5.25	5.00
ROMANIA	4.25	4.50	4.75	4.50	4.50	4.25	4.25	4.00	4.00	4.00
SLOVENIA	2.00	2.00	2.00	2.00	2.00	2.00	2.25	2.25	2.25	2.50
UKRAINE	6.00	6.00	6.00	5.75	5.75	5.75	5.75	5.75	5.75	5.75

Source of data: “Nations in Transit 2009”, Freedom House

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

The public administrations of the analyzed states have relative stable structures on the background of the transformations of the national administration “at governance”.

As previously emphasized, we can discuss neither about the existence of a European model of public administration, nor about a model of civil service; the European Union impose, through the establishment of standards, to the Member States to respect them in organizing the civil service, observing their national and regional diversity. The distribution of legislative and executive competences, the organizational structure, the structure and size of public administration remain at the discretion of the EU Member States.

III.3.3. Civil service

III.3.3.1. European values

Civil services are components of national governance systems. The governance quality depends on the quality of civil servants’ services. Democratic governance depends on the public administration, the main mechanism of the connection between state and civil society and private sector.

Democratic governance in terms of civil service involves the separation between political and administrative levels, action which differs from a country to another (determined by historical and cultural traditions of a country, legislative framework and democracy of its institutions).

That requirement is present in the administrative reforms of the countries studied, where the interest in achieving a balance between political neutrality and professionalism, continuity of public service reflects more or less the balance between political and administrative sphere.

On the background of individualization and diversification of the legal traditions and governing systems, the states have developed a common corps of doctrine, accepting the general consensus on the principles or common values of public administration, acknowledged also in the civil service.

In a democracy, the modern constitutional civil service is possible only if it meets a set of conditions:

- Separation between the public and the private sphere;
- Separation between politics and administration;
- Developing the individual accountability of civil servants through joint decision-making processes. It imposes well trained and educated public managers;
- Labor protection, stability, payroll, well defined rights and tasks for civil servants;
- Recruitment and promotion based on merit.

All those conditions, to a large extent, contribute to defining the nature and values of a professional civil service. The civil service is governed by principles established both by constitutional aspects and aspects of administrative law (Table 7). We could assert that those are legal aspects. It does not mean that they are ethical values. The ethical values are guidelines derived from a social approach. The legal values, if they are broken, have legal consequences stipulated by the disciplinary provisions of the civil service. The civil servants are the subjects of the administrative principles specified by law.

Table 7 - Principles of national civil service

No.	State	Principles of civil service	Principles of European Administrative Space
1	Romania	a) legality, impartiality and objectivity; b) transparency; c) efficiency and effectiveness; d) responsibility, in accordance with the laws; e) citizen oriented; f) stability in the exercise of civil service position; g) hierarchical subordination effectiveness in public administration	- rule of law; - openness and
2	Republic of Moldova	a) legality b) impartiality c) independence; d) professionalism;	- transparency; - responsibility;
3	Bulgaria	a) lawfulness, b) loyalty, c) responsibility, d) stability, e) political neutrality f) hierarchic subordination.	- efficiency and effectiveness in public administration
4	Republic of Macedonia	a) legality, b) equality, c) transparency, d) predictability e) fairness.	

Analyzing the principles of civil service at the national level for each of the countries studied, we notice that they embrace the principles of the European administrative space.

III.3.3.2. Career

On European level, two civil service systems (Bossaert et al, 2002) are known, “post” type and “career” type (Bulgaria, Romania, Republic of Moldova, Slovenia). Most European states have chosen the career model, linked to tradition, a certain political system, way of thinking and culture of the national civil service.

The argument for choosing that model consists in reducing genuinely the influence of the political factor on the professional career in the public system and creating the premises in view to introduce the permanent evaluation system of civil servants, promotion based on performance criterion and

merit (Matei, 2006). In practice, the two systems cannot be found in a “pure” form, they are subject to reforms of “contractual flexibility, mobility in the middle of career between the public and the private sector, open competition for the top positions, reform of recruitment procedures, harmonization of pension systems, introducing a performance management system and remuneration reform”.

The increase of accountability, delegation of authority, professional training and perspectives of career development within the (financial) limits of public administration may be instruments for developing the corps of professionals in the public administration.

The studies reveal that the public service could be motivational when the society is perceiving it as honest, fair, non-politicized, supporting the general interest, thus “an oriented public service” (Perry and Wise, 1990).

III.3.3.3. Professionalism and integrity

Professionalism and integrity in public service lead to trust and predictability in public administration.

The legal procedures may solve the problems, drawing up clear deadlines in view to solve a recruitment and promotion scheme based on merit, not on political patronage or alliances of different types. The respect for professional standards and legal aspects contributes to achieving the balance between the concept of (professional) independence and the concept of loyalty.

Civil service in the analyzed states presents on one hand common characteristics and on the other hand, specific characteristics, individualizing the states.

In the first category it is worth to mention:

1. existence of the legislative, regulatory framework of civil service (Annex 6), statuses of civil servants, acknowledging the attributes framed in public law, such as civil service law, other public laws or government regulations or in labor law (when we talk about collective contracts).

Table 8 - Aspects of the content of civil service laws

No.	State	Job duties & responsibilities	Tenure & security	Disciplinary arrangements	Rewards & wage	Assessment of civil servants
1.	Bulgaria	x	x	x	x	x
2.	Romania	x	x	x	x	x
3.	Republic of Moldova	x	x	x	x	x
4.	Republic of Macedonia	x		x	x	x

Source: "The Scope of the Civil Service in OECD and Selected CEE Countries"

Civil Service Law, defining the responsibilities, tasks, protects professional quality and ensures continuity of public service in the context of political changes or instability.

2. mixture of three criteria for delimitating the civil service, criteria also in practice in Central and Eastern European countries: a) office in state; b) qualifications required by civil service; c) separation between politics and administration, that is political positions and professional positions (Cardona, 2000);
3. civil servants' recruitment and career, by procedures based on merit, competition and transparent procedures;
4. regulatory constraints on political membership of the civil servant;
5. policy on salaries, remuneration and assessment - transparent procedures.

The second category empowers us to assert:

1. there is the practice of adopting simultaneously specific laws for certain civil service positions for police, border police agents, teachers, doctors, custom officers as well as for civil service positions at local level. (Romania)
2. degree of centralization/decentralization of activities specific for civil service management (training, assessment, recruitment, promotion etc.)
3. responsibilities and institutional character concerning human resource management in the public sector.

Conclusions

The achieved analysis presents only sequentially some of the most important aspects that have characterized and characterize the public administration reforms in some South-Eastern European states.

The authors have intended to obtain an eloquent image on the diversity characterizing the above reforms. That diversity derives from the cultural and organizational traditions of the states analyzed, different processes and stages of reform as well as the specific aims defined in relation to a common objective, of accession and integration to the European Union.

The aim of research was regarded in the context of enlarging the European Administrative Space, and even if it does not always represent a well delimited area, it constitutes a standard of assessing the progress of the administrative reforms. In our opinion, the lack of *acquis communautaire* concerning public administration substantiates the above presented approach.

Focused especially on the analysis of the context of administrative reforms, on their aim related to the principles of the European Administrative Space as well as on the characteristics of civil service development, the analysis triggers some relevant conclusions.

- Geopolitical specificity of the public administration reforms determines directly their level, thoroughness and characteristics. The analyzed target group comprises states belonging to Western Balkans (Slovenia, Croatia, Montenegro and Macedonia) or the former Soviet Union (Belarus, Ukraine and Moldova) as well as two recent European Union Member States (Romania and Bulgaria). For every country, conclusions were drawn aiming the evolutions on national level and especially the comparative ones. The endemic characteristics of each group of states trigger the conclusion of emergent national administrations that are self-determining and whose evolutions should consider the historical and geopolitical context.
- The regulatory and legislative fundamental issues of the reforms are based, in all states, on constitutional provisions as well as laws and adjacent documents, describing concrete aspects of designing and implementing the reforms. The pace and thoroughness of the

reforms are different in every state and correlated with the overall development of the social reform.

- Generally, the reform strategies have similar structures concerning their fundamental aspects. Thus, in most cases analyzed, the aspects on decentralization, civil service and mechanisms for making and implementing the public policies represent pillars of the administrative reforms.
- The principles of European Administrative Space find an adequate reflection in the reform strategies as well as in the mechanisms and good practices necessary to make them operational.
- Related to the stage of the accession process to the European Union, for every state, the reform strategies were correlated with accession documents and strategies and the outcomes are expressed in country reports, annually presented, in most cases by the European Commission.
- For all analyzed states and for other states in South-Eastern Europe, the European Administrative Space remains often a metaphor, an aim requiring further major efforts in view to make it operational.

Annex 1. Thematic chapters of *acquis communautaire* (European legislation)

1. Free movement of goods
2. Free movement of persons
3. Freedom to provide services
4. Free movement of capital
5. Company law
6. Competition policy
7. Agriculture
8. Fisheries
9. Transport policy
10. Taxation
11. Economic and Monetary Union
12. Statistics
13. Social
14. Energy
15. Industrial policy
16. Sees
17. Science and research
18. Education and training
19. Telecommunications and Info
20. Culture and audiovisual policy
21. Regional policy and coordination
22. Environment
23. Consumers and Health Protection
24. Justice and Home Affairs
25. Customs Union
26. External relations
27. Common and Foreign Security Policy
28. Financial control
29. Finance and budgetary provisions
30. Institutions
31. Other

Annex 2. EU financial assistance under IPA in 2007 – 2012, in €million

State

Croatia	Pre-accession Assistance Strategy strengthening the institutions, cross-border cooperation, common agricultural policy, cohesion policy	910.2
Macedonia	Reform of public administration, judiciary and police, improving the local infrastructure, cohesion policy, policy of rural development, adopting and implementing EU legislation and standards.	507.3
Montenegro		201.4
Serbia		1183.6

Source: European Commission, 2009

IPA Instruments for Pre-Accession Assistance – A new focus to EU assistance for enlargement

Annex 3. Laws on public administration reform in some states in Central and Eastern Europe

No.	State	Laws
	Romania	<p>Constitution of 1991 (revised in 2003), Law on ministerial accountability no.115/1999 Law on public administration 215/2001; Law no. 90 of 26 March 2001 on organization and functioning of the Government of Romania and ministries Law no. 544/2001 on free access to public interest information Law on public finances no. 500/2002 Government Ordinance no. 24/2002 on collecting the local taxes and charges by electronic means Law no. 52/2003 on decisional transparency in public administration Government Decision no. 1019/2003 on organization and functioning of prefectures Law no. 315/2004 on development regions Law framework on decentralization no. 195/2006; Law no. 51/2006 on community services of public utilities</p>
	Bulgaria	<p>Constitution of the Republic of Bulgaria, 1991 Law on the Local Government and Local Administration, valid from Sept. 17th 1991 Regional Development Act, publ. SG, No. 26, 1999 Administrative-territorial System of the Republic of Bulgaria Act (ASRBA), publ. SG, No. 63, 1995, last amended - SG, No. 57, 2000 Local self-government and Local Administration Act (LSLAA), publ. SG, No. 77 from September 1991, last amended—SG, No. 1, 2001 Local Elections Act, publ. SG, No. 66, 1995, last amended—SG, No. 24, 2001 Access to Public Information Act, publ., SG, No. 55, 2000, last amended SG, No. 1, 2002 Administrative Procedure Code, 2006 Public Administration Act, Renewed SG issue130 dated Nov 5th 1998, SG issue 78 dated Sept 28th 2007 Law on e-Government, May 2007</p>
	Republic of Moldova	<p>Law on Government no. 64-XII, 31.05.90 Constitution of Republic of Moldova of 1994 Law of Republic of Moldova on local public administration no. 186-XIV of 6 November 1998 Law on Republic of Moldova on the normative deeds of the Government and other central and local government authorities, No.317-XV, 18.07.2003 Law on regional development in Republic of Moldova no. 438-XVI, 28.12.2006 Law on transparency in decision-making process no. 239-XVI, 13.11.2008</p>
	Republic of Macedonia	<p>Public Administration Act, 1990 Act for Election and Recall of National and Local Assemblies' Representatives, 1990 Constitution of the Republic of Macedonia, 1991</p>

		Decree on General Principles for Internal Organization of the Administrative Organs, 1991 Law on Access to Information, 2008
Republic of Belarus		Law on Local Self-government, 1991 Constitution of the Republic of Belarus of 1994 (with amendments adopted at the republican referendums of November 24, 1996 and of October 17, 2004)
Greece		The Constitution of Greece, 1975 Law of the Public Administration Inspectorate, 1997 Law no 2690 Ratification of the Administrative Procedure Code and other provisions, 1999
Republic of Croatia		Constitution of the Republic of Croatia, December 22, 1990 Law on the System of State Administration Law on the Government of the Republic of Croatia Law on the Organization and Competence of Ministries State Administrative Organizations Law on Local and Regional Self-Government, 2001 Law on the Right of Access to Public Information, 2003 Law on Administrative Inspection, 2008 Law on General Administrative Procedures, 2009
Republic of Slovenia		The Constitution of the Republic of Slovenia, 1990 General Administrative Procedure Act, 1999 Public Administration Act, No. 020-05/01-22/3 Ljubljana, May 31st 2002 Public Agencies Act, No. 020-05/00-21/4 Ljubljana, May 31st 2002 Inspection Act, 2002 Decree on the procedure of filling a vacancy in state administration and judicial bodies, Uradhi list RS, No 22/04 Act on access to public information, published on March 22nd, 2003 together with changes and additions of the Act, 2005 Decree on the provision of public information, 2005 The Program of Measures for Reduction of Administration Burdens, 10 November 2005 Elections and Referendum Campaign Act (ZVRK), No. 004-01/92-8/35, Ljubljana, 26 April 2007, EPA 1187-IV e-Government Strategy of the Republic of Slovenia for the period 2006 to 2010 (SEP-2010) “e-Government for effective public administration”
Montenegro		Law on State administration, 2003 The Constitution of Montenegro and the Constitutional Law for the Implementation of the Constitution of Montenegro, 2007 Public Administration Act, 2009
Ukraine		The Law of Ukraine on Access to Public Information, 1992 Constitution of Ukraine, 1996 Law on Local Self-Government in Ukraine, 1997 The Law of Ukraine On Local State Administrations, 1999 The Code of Administrative Proceedings of Ukraine, 2005

Annex 4. Correlations concerning "Democracy score"

	BELARUS	BULGARIA	CROATIA	MACEDON	MOLDOVA	MONTENEG	ROMANIA	SLOVENIA	UKRAINE	MEDIA
BELARUS	1	-.942(**)	-.446	-.471	.911(**)	-.771(**)	-.787(**)	-.390	-.826(**)	-.880(**)
		.000	.197	.169	.000	.009	.007	.266	.003	.001
	10	10	10	10	10	10	10	10	10	10
BULGARIA	-.942(**)	1	.456	.468	-.833(**)	.701(*)	.812(**)	.110	.793(**)	.854(**)
	.000		.185	.173	.003	.024	.004	.763	.006	.002
	10	10	10	10	10	10	10	10	10	10
CROATIA	-.446	.456	1	-.353	-.338	.623	-.036	.089	.843(**)	.795(**)
	.197	.185		.317	.339	.054	.922	.807	.002	.006
	10	10	10	10	10	10	10	10	10	10
MACEDON	-.471	.468	-.353	1	-.395	-.110	.806(**)	-.035	.056	.094
	.169	.173	.317		.258	.763	.005	.923	.877	.796
	10	10	10	10	10	10	10	10	10	10
MOLDOVA	.911(**)	-.833(**)	-.338	-.395	1	-.860(**)	-.762(*)	-.382	-.734(*)	-.811(**)
	.000	.003	.339	.258		.001	.010	.276	.016	.004
	10	10	10	10	10	10	10	10	10	10
MONTENEG	-.771(**)	.701(*)	.623	-.110	-.860(**)	1	.381	.427	.820(**)	.878(**)
	.009	.024	.054	.763	.001		.278	.218	.004	.001
	10	10	10	10	10	10	10	10	10	10
ROMANIA	-.787(**)	.812(**)	-.036	.806(**)	-.762(*)	.381	1	.069	.436	.508
	.007	.004	.922	.005	.010	.278		.850	.208	.134
	10	10	10	10	10	10	10	10	10	10
SLOVENIA	-.390	.110	.089	-.035	-.382	.427	.069	1	.242	.280
	.266	.763	.807	.923	.276	.218	.850		.500	.433
	10	10	10	10	10	10	10	10	10	10
UKRAINE	-.826(**)	.793(**)	.843(**)	.056	-.734(*)	.820(**)	.436	.242	1	.986(**)
	.003	.006	.002	.877	.016	.004	.208	.500		.000
	10	10	10	10	10	10	10	10	10	10
MEDIA	-.880(**)	.854(**)	.795(**)	.094	-.811(**)	.878(**)	.508	.280	.986(**)	1
	.001	.002	.006	.796	.004	.001	.134	.433	.000	
	10	10	10	10	10	10	10	10	10	10

** Correlation is significant at the 0.01 level (2-tailed).

* Correlation is significant at the 0.05 level (2-tailed).

Annex 5. Correlations concerning the "Governance" Indicator

	BELARUS	BULGARIA	CROATIA	MACEDON	MOLDOVA	MONTENEG	ROMANIA	SLOVENIA	UKRAINE	MEDIA
BELARUS										
Pearson Correlation	1									
Sig. (2-tailed)										
N	10									
BULGARIA										
Pearson Correlation										
Sig. (2-tailed)										
N	10									
CROATIA										
Pearson Correlation										
Sig. (2-tailed)										
N	10									
MACEDON										
Pearson Correlation										
Sig. (2-tailed)										
N	10									
MOLDOVA										
Pearson Correlation										
Sig. (2-tailed)										
N	10									
MONTENEG										
Pearson Correlation										
Sig. (2-tailed)										
N	10									
ROMANIA										
Pearson Correlation										
Sig. (2-tailed)										
N	10									
SLOVENIA										
Pearson Correlation										
Sig. (2-tailed)										
N	10									
UKRAINE										
Pearson Correlation										
Sig. (2-tailed)										
N	10									
MEDIA										
Pearson Correlation										
Sig. (2-tailed)										
N	10									

** Correlation is significant at the 0.01 level (2-tailed).

* Correlation is significant at the 0.05 level (2-tailed).

Annex 6. Laws on civil services and civil servants in some states in Central and Eastern Europe

No.	State	Laws
	Romania	Status of Civil Servants, Law of 1999 Law no. 161/2003 on some measures ensuring transparency in exercising civil service positions and businesses, preventing and sanctioning corruption Deontological Code for Civil Servants of 2004 Law no. 340 / 2004 on Prefect and Prefect institution Government Decision no. 522/2007 on the civil servants' professional record Emergency Ordinance no. 56 / 2004 on creating the special status of the civil servant, called public manager Decision no. 1344 / 2007 on the rules of organization and operation of the discipline committees Decision no. 611 / 2008 for approving the rules on organization and development of civil servants' career Government Decision no. 553/2009 on measures concerning the registry of civil service positions and civil servants Law framework no. 330/2009 on unitary remuneration of the staff paid from public funds Order of NACS President no. 547/ 14.04.2010 on professional examination of civil servants from the reserve corps of civil servants
	Bulgaria	Civil Servant's Code of Conduct, December 2000 Civil Servant Act, publ., SG, No. 67 1999, last amended—SG, No. 110 2001 Regulation for the Administrative Service (mod. – SG, issue 47/2008, valid from June 1st 2008), approved by a Government decree № 246 from Sept. 13th 2006. (mod. SG, is. 78/26.09.2006, ann. is. 47/20.05.2008)
	Republic of Moldova	Law on civil service and status of civil servants no. 158-XVI, 04.07.2008 Law on conflict of interests no. 16-XVI , 15.02.2008 Law on Code of Conduct of the civil servant no. 25-XVI, 22.02.2008
	Republic of Macedonia	Law on Civil Servants, 2000 Codes of Ethics for Civil Servants of 2002 Regulation of June 25, 2004 on Means and Procedure of Evaluation of Civil Servants Regulation of October 4, 2005 on the Criteria and Standards Procedure for the Selection and Employment of Civil Servants Law on the Civil Service
	Republic of Belarus	Law on Civil Service, 2003
	Greece	Code of Civil Servants, Law 2683/1999
	Republic of Croatia	Act on Civil Servants and Civil Service Employees from 2001 Civil Servants Act, 2005 Civil Service Training Plan, 2008 Law on Civil Service Employees in Local and Regional Self-governments, 2008

		Code of Ethics for Civil Servants Law on Civil Servants and Employees and on the Salaries Regulation on job titles and complexity coefficients in the civil service Regulation on jobs and special working conditions in the civil service Collective Agreement for Civil Servants and Civil Service Employees Draft Proposal of the Act on the Salaries of Civil Servants
	Republic of Slovenia	Code of Conduct for Civil Servants, 2001 Public Sector Wage System Act, No. 430-03/02-17/3 Ljubljana, 26 April 2002-06-29 Civil Servants Act, No. 020-05/98-20/8 Ljubljana, 11th June 2002
	Montenegro	Law on Civil Service and State Employees, 2004 Regulation on Allowances and Other Incomes of Civil Servants and State Employees (adopted in 2005) Amendments to the Law on Salaries of Civil Service and State Employees (adopted in December 2007) Law on Preventing Conflict of Interest, 2008 Regulation on Supplements to the Salary of Civil Servants and State Employees
	Ukraine	Law on Civil Service, 1993

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