

EIPASCOPE

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The Impact Reform of the Staff Regulations in Making the Commission a More Modern and Efficient Organisation: An Insider's Perspective

Janet Coull and Charlie Lewis

*"The perspective of insiders in the Kinnock Cabinet"**

The slow path of reform before the fall of the Santer Commission

The European Commission is an administratively well-established organisation, starting as it did in 1957 with the involvement of just six Member States and now looking towards its fifth accession wave in May 2004, which will take it to 25 Member States. Unlike most domestic administrations the Commission has grown massively both in terms of size and responsibilities over the past five decades. The volume of financial transactions in which the Commission has been involved, for example, increased from a few thousand per year in the 1960s, to 60,000 by the late 1980s, to 620,000 by the late 1990s, and now easily surpasses 1,000,000 transactions per year. However, despite the scale of change, the Commission's organisational systems underwent very few changes over the years, and human resource policies, developed in the 1950s and 1960s for a much smaller institution, hardly altered.

The early period of the Commission was characterised by a tight, centralised administration under the strong leadership of Secretary General Emile Noël. Mr Noël began his three-decade reign with just 3,000 staff (a fraction of today's level), highly motivated individuals driven by a certain genius idealism required to establish the fledgling operation. The human resources system was based largely on the French civil service system, which required high entry standards and then conducted career progression on the basis of seniority.

The growth of the administration continued relatively unevaluated until 1979 and the publication of the Spierenburg Report, the first major review of the internal workings of the Commission. Ambassador Spierenburg was asked by the Jenkins Commission to lead a team of independent experts studying the organisational structure, activities and employment resources of the Commission. The report recommended streamlining the organisation, identifying the lack of a management culture and little merit-motivation as causes for concern. The subsequent changes focussed on reform of DG structures, portfolios and organogrammes rather than on radical changes to the human resources regime. Commissioner Henning Christophersen**, in his role as Vice President for Personnel and Administration, attempted a structural modernisation programme in 1985, but this too failed to have a fundamental impact.

It was not until the Santer Commission that reform was again given its appropriate prominence, with the

publication of 'Tomorrow's Commission' in April 1998. This established the Sound and Efficient Management 2000 (SEM) reforms (first launched in 1995) and the Modernisation of Administration and Personnel Policy 2000 (MAP) as the financial management and personnel lynchpins for radical administrative reform. Most relevant was part III of the report 'What role for Commission officials?' which paved the way for a genuine discussion on the Staff Regulations. For the first time the link between the Commission's tasks and resources available was thoroughly analysed. Rather than focussing simply on the modernisation of structures, the Commission sought to evaluate the management skills possessed by its workforce, and ultimately address the alteration of the career structure along merit lines.

Those making the first, tentative and sensitive steps towards a possible reform of the Staff Regulations, such as Commissioner Liikanen, were nearly blown off course by the leaking of the confidential Caston Report and its subsequent publication by the Commission in April 1998. The suggestions that the career structure should be simplified to reduce the four existing staff categories to two and to the introduction of the merit principle were poorly received by staff unions. The inevitable consequence of the mis-communication and apparent secrecy was a well-attended strike later that month. In an attempt to bring staff on board the Director General, David Williamson, was tasked with consulting widely with staff and unions on the way forward through his 'Reflection Group on Personnel Policy'. The Williamson Report, published in November 1998, still did not rule out the possibility that the Staff Regulations could be amended, although the bulk of the suggestions focussed on reform that could be internally executed, such as greater training and more concours. One official summed up his approach as "if it ain't broke don't fix it"; however, his fresh view was widely appreciated. Complementing this spirit of openness on reform, the Commission made efforts to publicise a 'screening' procedure known by its French acronym DECODE, or 'Designing Tomorrow's Commission,' to take stock of the operation of all its DGs and Services (which later reported in May 1999).

The new landscape of reform following the fall of the Santer Commission

A momentum of positive dialogue on reform was beginning to build, with the recognition from all sides (staff, Commissioners, the Council and unions) that

there was a need for a modernisation of the Commission's human resources policy. However, the landscape changed entirely with the European Parliament's decision in December 1998 not to discharge the 1996 budget, calling for a Committee of Independent Experts (CIE) to look into various infamous allegations against the Commission – now widely known by the catch-all phrase 'the Cresson affair'. With the publication of the 'First Report on Allegations regarding Fraud, Mismanagement and Nepotism in the European Commission' from the Committee of Independent Experts on 15th March 1999 the death knell of the Santer Commission sounded and the Commission fell. A caretaker Commission sat in place until the autumn, at which time the CIE's second report was published. Not only did the report conclude that there was a "displacement of responsibility" with regard to the ex-ante controls and internal audit function within DGs, it also recommended a deep modernisation of staffing policy, including the formal introduction of the merit principle.

The new Commission wasted no time in seizing the opportunity and embracing the mandate. Just four days after the publication of the second CIE report, on 14th September 1999, a 'Task Force for Administrative Reform' was entrusted with generating the policy building blocks of a proposed White Paper on reform. Soon after, on 16th November, the Commission adopted what it called a number of 'Strategic Orientations' for reform, and then published its 'Strategic Options Paper' on reform the next month. Vice President Kinnock, now Commissioner for Administration and Reform under the new Commission, proposed a three-pronged strategy for reform. It would cover: i) prioritisation and allocation of resources; ii) audit financial management and control; and iii) human resources. Priority setting included the sensible introduction of modern Activity Based Budgeting (ABB) and a review of where the Commission could best externalise its activities and where it should concentrate resources on core tasks. The aims of the reform of Audit, Management and Control were to protect the financial interests of the Union, for example, by overhauling internal audit practices and improving financial control by clearly defining responsibilities of authorising officers and line managers. These are both substantial elements of the ongoing reform and, in the light of the Eurostat affair, remain high profile. This article focuses on the third dimension – the reform of human resources. Here the aims were to ensure: that the Commission builds an appropriately trained workforce; that career development becomes based on merit; and that the rights and obligations of staff are clear and the business reflects the modern social and ethical context in which it is conducted. These considerations would, it was suggested, require changes to the Staff Regulations.

Once these principles were established the ball of far-reaching reform was set in motion. A consultative document was adopted the following January, and the College adopted the White Paper on 1st March 2000, only around six months after the new Commission its task force had been set to work. The human resources

elements of reform were now clearly spelt out, and topics covered in detail ranged from revised discipline and whistle-blowing procedures to a more linear career structure. Consultation with other Institutions such as the Council and Parliament (so far four Parliamentary reports have been devoted to the subject) followed, and the Commission set about gathering best practice examples from other organisations and Member States. The next step came with the drafting of the consultation paper, published in October 2000. The Commission then proceeded to undertake a massive round of consultations with staff and unions – a communication effort never before witnessed in the Commission. In February 2001 the Commission adopted a series of decisions on human resources policy that did not require the consent of other Institutions, and this led to the later submission to Council under the Spanish Presidency of the proposal to amend the Staff Regulations in April 2002. The Commission has since reached a crucial stage in the amendment of the Staff Regulations with political agreement on the proposed package of reform being reached at the General Affairs Council in May 2003. This political agreement was preceded by relatively poorly attended industrial action as the unions attempted to lobby both the Council and the Commission on the package being proposed.

It is from this point – following political agreement and prior to the envisaged entering into force of the new Regulations on 1st May 2004 – that we in this paper will consider the possible impacts of the reform of the Staff Regulations.

The Impact of Reform: Career deal, pay, promotion & appraisal

At the heart of "the reform" lies the modernisation of human resources towards a performance-based career system – the simple notion that advancement, reward and respect stem firstly from proven merit and not just seniority or experience. Acceptance of this concept, particularly its implications for clear and objective appraisal, represents a significant modernising shift for the Commission.

It is worth noting that many of the benefits of the new career system could have been accessed under the original statut, and reform of the staff regulations was not therefore explicitly necessary. But Kinnock's team were keen for the Commission to demonstrate its ambition. For them, it was not just about changing the legal mechanics, it was about cultural change and to deliver that would require the radical break of a new statut.

A linear Career structure – of sorts

The original career system was introduced in 1962 and reflected what was then the traditional civil service structure in many Member States, a structure which itself had dated back for centuries. It divided staff into four categories (A to D), each with up to eight grades. Each grade had eight steps, and automatically officials moved up one step (with an accompanying salary increase) every two years.

A typical fault of this system was that staff would

often face career bottlenecks. The tendency was for officials to reach the highest grade they could reasonably expect to achieve (A4, B1, C1 or D1) at around 50 years of age, assuming they did not join the European Civil Service very late in their careers. After that they could look forward to an automatic increase in step every two years over a maximum of sixteen years. With promotion improbable and an automatic system of rewards effectively regardless of performance, the organisation failed to provide these staff with the right incentives to ensure they remained motivated.

A related problem of this rigid career structure was that it was very difficult to move between categories – an official was often effectively branded as say a C grade on entry and that was that. A culture with parallels, as one senior official put it, to the Grandes Academies, which relied on ensuring that recruitment deliberately selected the best, and the need for monitoring and measurement of performance was deemed either inefficient, ineffective or unnecessary¹. Yet in an age of life-long learning and where the investment in and development of staff is not just expected it is demanded such a rigid structure appears outdated. Moreover, the advance of IT has made the traditional categories C and D largely superfluous and, the Commission itself argues, “today’s staff in these categories are much more highly qualified than their predecessors were 30 years ago”².

So a new, more continuous, career structure was designed, based on two basic categories: administrator (“AD”) equivalent to the old A grade, and assistant (“AST”) replacing categories B and C; category D would be phased out. Alongside the categories is a linear grading system for all staff ranging from one to sixteen. Assistants can be at grades 1-11 and administrators grades 5-16. With less steps in each grade and faster mean progress anticipated through the grades, the system is genuinely more continuous and removes many of the automatic bottlenecks of the old system. The outcome should be that an official recruited at a low grade in the new system can, through proven merit, reach a much higher level of pay and responsibility than under the old. The knock-on incentives for lifelong learning and personal development are tangible.

What this radical reform has not done is create a totally linear system. However great the level of recognised merit by assistants in order to become an administrator, they will need to pass an oral and written examination; furthermore the number of such progressions is limited to a maximum of 20% of newly appointed AD officials each year. For one official this bottleneck was “important so as not to create the impression that academic education has no significance anymore”. For the less conservative, including VP Kinnock, there appear regrets that the system was not fully linear:

“I would have made the system fully linear top to bottom, instead of having this linear-ish half and half system, which represents a massive stride forward. But I would have liked the job completed. Why couldn't we have a fully linear system? Because of the innate and immovable conservatism of the

system, that isn't an excuse it's a reason. That meant they could not envisage the idea that someone could come in at 21 as a secretary and by the age of 47 be a director. There is absolutely no reason in the world logically why that couldn't happen, with someone that is very diligent, immensely hard working, prepared to qualify with an external degree ...I just wanted a system that could accommodate that for reasons of institutionality.”

Rewarded on Merit – pay under the new system

The new career system does, however, concretely reward merit through the new pay system. The New Pay Structure (Table 1) represents not just a simplified linear pay scale compared to the old structure (Table 2), but creates financial incentives for excellent performance ahead of time served. At no stage under the new system is an individual paid less after being promoted, as the highest step (5) of any grade is paid no more than the first step of the next highest grade. Under the old system it was different – for example an A6 official on step 4 of seniority in that grade received more than an official at step 1 of the higher grade A5. By step 8 of this scale the differences were even more extreme – a C3 official in step 8 would actually earn more than an official starting at C1, two grades his senior.

The clear incentive of the new pay structure is to gain promotion, and to be promoted as rapidly as possible given that the earlier you are promoted the greater your pay rise. As such the new system encourages better performance and aligns pay rewards with the prestige and demands of higher grades. A clear stride forward.

In the negotiations building up to May 19th 2003 General Affairs Council, where political agreement for reform of the Staff Regulations was agreed, much focus was devoted to rewards, but the pay system was not the most controversial. Perhaps partly because those holding the purse strings in the Council would not want to oppose a system that encouraged a better performing European Civil Service. The issues that proved more high-profile and controversial were reform of “the Method”³ and especially reform of pensions. In the context of the need for reform of many Member States’ pension regimes, it was unsurprising that several Member States wished to see some equivalent movement from the European Civil Service’s pension system – they after all provided two-thirds of the funding for this. Whilst these decisions may have grabbed the headlines, beyond perhaps encouraging so-called active ageing, the concessions were more about achieving political agreement than any fundamental modernisation of the Staff Regulations.

A New system of appraisal

Central to a career system that rewards demonstrated merit is an objective appraisal system. Without a fair and respected method for appraising performance the progress in reforming the career system would be undermined. Yet the existing system needed to be improved to achieve this. One official characterised the

Table 1: The New Pay Structure (euros per month)

Grade	Step				
	1	2	3	4	5
16	13 917.93	14 502.78	15 112.21		
15	12 301.13	12 818.04	13 356.67	13 728.27	13 917.93
14	10 872.14	11 329.00	11 805.06	12 133.50	12 301.13
13	9 609.16	10 012.95	10 433.70	10 723.99	10 872.14
12	8 492.89	8 849.77	9 221.65	9 478.21	9 609.16
11	7 506.29	7 821.72	8 150.40	8 377.16	8 492.89
10	6 634.31	6 913.09	7 203.59	7 404.01	7 506.29
9	5 863.62	6 110.02	6 366.77	6 543.90	6 634.31
8	5 182.46	5 400.24	5 627.16	5 783.72	5 863.62
7	4 580.43	4 772.91	4 973.47	5 111.84	5 182.46
6	4 048.34	4 218.45	4 395.72	4 518.01	4 580.43
5	3 578.05	3 728.41	3 885.08	3 993.17	4 048.34
4	3 162.40	3 295.29	3 433.76	3 529.29	3 578.05
3	2 795.03	2 912.48	3 034.87	3 119.31	3 162.40
2	2 470.34	2 574.15	2 682.32	2 756.95	2 795.03
1	2 183.37	2 275.12	2 370.72	2 436.68	2 470.34

prevailing reality:

“We are in a world where you are all permanent officials, since you can't fire people. In the old system you just sat there and didn't work anymore, which is bad because work is put on the high performers whilst the others are sitting there. When it came to appraisal there was normally no real differentiation.”

The new staff appraisal system, known as the Career Development Review (CDR), sets to change this culture and provide proper appraisal. A starting point for this is the introduction of job descriptions for everyone – many officials simply did not have one under the old system. Under the CDR, each individual is assessed against 3 criteria: performance relative to objectives; demonstration of abilities; and conduct. Each year, after a full reporting process involving performance review discussions, a number of merit points (up to a total of 20) are awarded to each member of staff. These points accumulate over time and when a certain threshold is reached, promotion is secured. The process also identifies agreed objectives and training needs for the coming year. A target average of 14/20 is set for each Directorate General (DG) so as to ensure consistency between DGs; this should also avoid automatic “merit point inflation” (where everyone is given high marks) as high scores will need to be offset by low scores.

The CDR sets out an improved process for dealing with inadequate performance. The new system's application is actually outside the Staff Regulations and has not yet been finalised. It is likely to provide a support system to allow re-training, alternative posts and other support to those staff identified as underperforming. The ambition at a political level is to replace “the Byzantine old system” of dealing with incompetence, which placed such enormous burdens on managers

that only one member of staff has ever been formally sacked by the Commission for poor performance – on that occasion it took over 9 years to end legal debate which went all the way to the European Court of Justice, and where both sides were funded by the European Union.

On paper the CDR process should be commended as a clear improvement – formal reporting structures ensure real engagement on the management chain; objectives and performance can more objectively and clearly be measured; and the early identification of inadequate performance is supported. It is perhaps questionable that all DGs should have the same target average for merit points – it is not improbable that some DGs (e.g. DG Relex) may be perceived as more glamorous and therefore attract greater competition for posts and higher quality staff than some other DGs, yet the total number of points distributed cannot be systematically higher. But whether it is a success in reality will not be clear for at least a decade. The introduction of the performance review system will challenge the Commission's internal culture and successful cultural change will be a long-term process.

A major challenge for the Commission will be entrenching a culture of promotion based on merit whilst the nationality of senior officials remains both a politically important issue and an explicit factor in senior personnel decisions. Whilst, it is true that no geographical quotas exist, geographical balance is important and high-level political lobbying from Member States is far from unheard of. More positively, reform is countering the establishment of national fiefdoms, as staff can normally only be in a post for a maximum of 5 years. But so long as Member States view senior posts in the Commission as advantageous, fully embedding a meritocratic system both in perception and reality will be troublesome.

Table 2: The Old Pay Structure (figures from 2001 presentation)

Grades	STEPS/ECHELONS								
	1	2	3	4	5	6	7	8	
CAT. A	A1	11492,16	12102,64	12713,12	13323,60	13934,08	14544,56		
	A2	10198,34	10780,87	11363,40	11945,93	12528,46	13110,99		
	A3	8446,08	8955,63	9465,18	9974,73	10484,28	10993,83	11503,38	12012,93
	A4	7095,60	7493,32	7891,04	8288,76	8686,48	9084,20	9481,92	9879,64
	A5	5849,97	6196,54	6543,11	6889,68	7236,25	7582,82	7929,39	8275,96
	A6	5055,47	5331,30	5607,13	5882,96	6158,79	6434,62	6710,45	6986,28
	A7	4351,74	4568,27	4784,80	5001,33	5217,86	5434,39		
	A8	3848,72	4003,93						
CAT. B	B1	5055,47	5331,30	5607,13	5882,96	6158,79	6434,62	6710,45	6986,28
	B2	4380,18	4585,53	4790,88	4996,23	5201,58	5406,93	5612,28	5817,63
	B3	3674,05	3844,80	4015,55	4186,30	4357,05	4527,80	4698,55	4869,30
	B4	3177,73	3325,81	3473,89	3621,97	3770,05	3918,13	4066,21	4214,29
	B5	2840,47	2960,30	3080,13	3199,96				
CAT. C	C1	3241,15	3371,85	3502,55	3633,25	3763,95	3894,65	4025,35	4156,05
	C2	2819,12	2938,89	3058,66	3178,43	3298,20	3417,97	3537,74	3657,51
	C3	2629,71	2732,33	2834,95	2937,57	3040,19	3142,81	3245,43	3348,05
	C4	2376,14	2472,39	2568,64	2664,89	2761,14	2857,39	2953,64	3049,89
	C5	2190,95	2280,73	2370,51	2460,29				
CAT. D	D1	2476,10	2584,37	2692,64	2800,91	2909,18	3017,45	3125,72	3233,99
	D2	2257,73	2353,89	2450,05	2546,21	2642,37	2738,53	2834,69	2930,85
	D3	2101,35	2191,29	2281,23	2371,17	2461,11	2551,05	2640,99	2730,93
	D4	1981,29	2062,54	2143,79	2225,04				

A Modern employer

One of the main goals of Neil Kinnock's reform of the Staff Regulations is to drag the Commission into the 21st Century by turning the Institution into a truly modern employer. Due to historical inertia surrounding personnel reform in the Commission little regard had been paid previously to the need to reflect contemporary expectations – and even morals – in the HR policy. The Commission was not seen as particularly supportive of 'family-friendly' working practices and incentives, for example. Neither was it considered to have a clear and transparent whistle-blowing policy, as the deficiencies of the handling of Schmidt-Brown, Andreasen and Van Buitenen's cases tended to highlight, if only in the eyes of the media. It was a startling contradiction that the Commission appeared not to want to take its own medicine that it was happy to dole out to Member States, particularly in terms of equality policy – an unconscious double standard, it seemed to observers. As such, the Commission decided to drive forward a policy position heavily based on the principle of explicitly stated rights and responsibilities for employees. Such modernisation was seen as an essential requirement to ensure that the highest calibre of staff could continue to be recruited and retained. Although the Staff Regulations were negotiated as a package during the rounds of Group Statut, Coreper, and the General Affairs Council, these parts of the package generally faced relatively little resistance or opposition, and were some of the quickest areas on which consensus was achieved (with some very specific exemptions mentioned below). The same can be said of their discussion in the reports so far of the European Parliament, thus indicating a broad welcoming of the principle of this modernisation of employment protections and obligations.

Here we discuss in further detail the three major elements that make up the 'modern employer' provisions of the revised Staff Regulations: whistle-blowing; family-friendly policies and allowances and equal opportunities policy.

Whistle-blowing: Protecting the official and the institution

An example of a policy that sits squarely under the 'rights and responsibilities' banner is that of whistle-blowing, where procedures were previously put in place in the Staff Regulations to allow officials of the Commission to raise serious matters of wrong-doing through defined channels, for their own protection and that of the Institution. Whilst many closely involved in this area within the Commission felt that the provisions on whistle-blowing in the Staff Regulations were well set out, it became apparent that many outside those circles did not have a grasp of the rules. This has led to a number of high profile cases – both of people who could easily be defined as whistle-blowers and so-called non-whistle-blowers – taking an explosive and unconventional course, often played out in full view of the world's media. Despite many of those involved in these high profile cases not being defined strictly as whistle-blowers (i.e. not raising concerns through official channels), there was a recognised ambiguity in the system. The Commission therefore laid out a number of revisions to the provisions on whistle-blowing, aimed at giving more and fully transparent lines of complaint to people raising concerns, and at the same time specifying the sanctions for those who damage the Commission by not following agreed procedures.

Whistle-blowing, according to one official, was one of the areas of 'modern employer' policy that saw the

most movement and negotiation at Group Statut level. Each Member State administration brought to the table their own codes on whistle-blowing, and these varied from total and unfiltered disclosure – including to the media – in some Nordic countries to more conservative approaches in southern Member States. Under the existing Regulations staff are allowed to report concerns to OLAF, the independent anti-fraud body, or to their own hierarchies, up to the level of Secretary General. The new proposal includes an option for staff to report concerns also to the President of other Institutions, such as the Court of Auditors, the European Parliament and the Council, or to the Ombudsman, if OLAF or the hierarchy fail to take appropriate action in a reasonable amount of time. This will effectively allow officials additional channels and a second bite at the cherry if they are concerned about how their complaint is being dealt with. Political actors have been keen to provide a channel for whistle-blowing which provides all involved with total security – both in terms of the employment status of the individual and for the Institution against unauthorised disclosure or false allegation – yet to also maintain a spirit of healthy and active debate about policies and procedures.

***Family-friendly policies and allowances:
An emphasis on supporting the family unit***

The second major plank of the ‘modern employer’ policy is that focussing on family-friendly work practices and allowances that are aimed at reflecting the moral and social climate of modern-day European societies. The original Staff Regulations had been drafted at a time when single-income families were the norm and the importance of work-life balance had not been recognised. With an increasingly diverse workforce the Commission needed to catch-up with practices that had already become well-established in many Member States, particularly those of part-time working and job-sharing. The revised Staff Regulations propose new rights for staff to work part-time if they have children under the age of nine or if they have responsibilities caring for a sick or disabled dependent. Officials will also have the right to work reduced hours (minimum 80 per cent) if they have children between nine and twelve years of age. For those aged between 55 and 60 the right to work part-time will be awarded regardless of dependants. Officials choosing to work part-time will also be able to opt to keep their full-time pension contributions, although this will not be an option for job-sharers. Previously any staff member would only be granted half-time rights in exceptional circumstances, and only after an official application in writing had been submitted.

Long-overdue catching up was also required in the area of maternity and paternity leave. Whilst many Member States had long since introduced generous maternity leave and pay and some paternity leave, the Commission had what could be described as only basic provision for its officials. Under the new Staff Regulations maternity leave on full pay will be increased from 16 to 20 weeks, with an increase to 24 weeks in the case of

multiple or premature births. Paternity leave will be increased to 10 days and adoptive leave of up to 20 weeks will be granted to staff with newly adopted children. Where the Commission attempted to go much further than many Member States is on the issue of parental leave, with the introduction of a total of six months’ partially paid leave during the first twelve years of childhood. Officials will receive a basic monthly allowance of EUR 1000 during the first three months and for the remaining three months they will receive EUR 750 plus social security, plus acquired non-contributory pension rights. Parents will also be able to opt for part-time working on this basis for twelve months, whereby the allowance is, of course, halved. Other forms of leave will also be introduced or extended in scope. For example, officials will be able to take up to nine months compassionate leave to look after sick relatives, under a similar allowances and social security system to that of parental leave. Special leave of up to five days to care for a seriously ill child will also be available, formalising what has previously been an informal entitlement in many parts of the Commission.

The allowance system, although not explicitly a function of family-friendly policy, can be mentioned in this context as the politically agreed reform of allowances does emphasise the role of the family. The allowances regime was debated at the political level (in Group Statut, Coreper and GAC levels) as part of the overall remuneration package, including the pensions regime and linearisation of the career structure (discussed in The Career deal, pay, promotion & appraisal). As such the great victory for the Commission was the retention of the expatriation allowance for officials (unchanged at 16 per cent). However, the decision to increase the dependent child allowance from EUR 237.38 to EUR 312.64 over a period of six years, together with the introduction of a pre-school allowance of EUR 76.37 per child and the reimbursement of school fees and transport costs, mark a shift towards supporting the family unit through the allowances system.

Equal opportunities policy: A step change in gender and sex-equality rights for officials

Some of the most progressive step changes in the proposed Staff Regulations in terms of becoming a modern employer concern an emboldening of the already well-established equal opportunity provisions. As with the whistle-blowing policy referred to above, the revised harassment policy that was agreed at the political level in May 2003 aims to protect the interests of staff with concerns about the way business is conducted in the Commission. The principles surrounding protection against harassment have long been in operation within the Commission; however, it was thought that by incorporating them into the Staff Regulations they would be given a firmer legal footing. Psychological and sexual harassment will now be defined and concomitantly prohibited by the revised Staff Regulations. Sexual harassment will be considered a form of discrimination – gender discrimination – and as such will come under

revised proposals to reverse the burden of proof (placing it on the employer) in cases of alleged discrimination. This burden of proof reversal will also apply more widely to any implementing aspect of the Staff Regulations. So, for example, if an employee were of the opinion that they had been passed over for promotion because of their gender the burden would fall on the employer to prove that there had been no breach of equal treatment provisions. This is consistent with practice in some Member States and much of the USA, but can still be considered a bold, pro-active move.

Perhaps the most striking and one of the more controversial proposed changes to the Staff Regulations is the suggestion that same-sex partnerships that do not have access to legal marriage in their respective Member States will be treated as if they were married couples. These couples will, therefore, have access to the same benefits and social security as married couples. This subject was hotly debated at Group Statut level, with opinion divided broadly along lines consistent with the religious make-up of various Member States, but with objections also being raised on a practical level by traditionally liberal Member States. How, for example, will non-marital couples be able to register their partnership if not at their Member State level? Will there be a qualifying period or other criteria? These and many other issues will be fleshed out when drafting the legal translation, and will involve negotiation with union representatives, the European Parliament and, ultimately, a second sign-off from the Council.

Internal motivation versus external triggers: what drove the reform of the Staff Regulations?

The course of events prior to the fall of the Santer Commission can arguably be characterised as an internal process of evolution of the need to reform the human resources policy of the European Commission. By the late 1990s the Commission as an organisation had grown into an unwieldy management system, with poorly defined – and motivated – career progression. The Staff Regulations, designed to govern, guide and protect a relatively small set of civil servants, were now somewhat *depassé*, failing to take into account the more complex management structures and, indeed, the social, ethical and moral requirements of the modern-day Commission. The Commission had been producing high quality policy for decades – groundbreaking work on Economic and Monetary Union, for example – but the organisation was highly functioning in spite of its structure, rather than because of it. It would be hyperbolic to portray the Institution as dysfunctional, but it was clear that successful policy tended to emerge from informal channels rather than due to any clear priority setting and management. Management itself was not regarded as an essential skill at that time, and training had no premium. What was needed was a change of culture, and it was believed that the only way to effect this cultural change was to initiate a structural, systemic change. With enlargement looming large around the corner the imperative for reform was clear.

The fall of the Santer Commission can be charac-

terised as an external trigger which instilled a greater sense of urgency in the newly blooming reform. Without the fall of the Commission the speed and the intensity of the reform effort would not have been so great, according to some officials' views. What the events of 1999 did was provide a mandate for root and branch reform, rather than piecemeal change, and this was made evident in the appointment of a Vice-President for reform, Neil Kinnock. Outside interest in the workings of the Commission was indeed stirred by the internal deficiencies of the last Commission's outdated customs, or "barnacles" as one Commissioner described them. However, the importance of this trigger should not be overplayed. Both at the official and political level opinion is firmly grounded in the fact that the motivation for reform (both of the Staff Regulations and more widely) was primarily internally generated and driven. As one political figure described it: "It was not a matter of clean-up - it was a matter of catch-up; the Commission is not fundamentally a dirty place." Moreover, it is widely believed within the Commission that had the events of 1999 not taken place the need for reform would have been just as acute, but instead with Member States taking the lead in calling for action. In sum, it could be argued that a groundswell of internal motivation was triggered and intensified by the fall of the Santer Commission and all that entailed.

Conclusions

Once finally agreed and fully implemented, the reform of the staff regulations should make the Commission both a better place to work and a more modern, efficient organisation. It can provide staff with more appropriate incentives to perform well both through a new system of rewards and the support of a more understanding "modern employer". These reforms will benefit the institution and, without meaning to being glib, the Member States and citizens of the European Union. More concretely the entire reform has been achieved at a net cost saving in excess of 1 billion Euros. This was both an impressive effort by the reformers, but one driven by the political necessity of successfully getting the agreement through the Council.

Current perceptions of winners and losers of the reform may be driven by the negotiations up to the May 2003 GAC. As discussed previously, the pensions question was inevitably raised in this political negotiation. Yes, the Council secured some financial concessions, but on balance the staff, including future staff to be recruited under the new system, will benefit greatly from the reform package. The pensions issue prompted what were relatively poorly attended strikes and in truth the Unions remained peripheral to the negotiating process – one official speculated that they were expecting to be asked to step in and negotiate directly with the Council as was witnessed during the Delors Commission, when the method was secured. If so, that was hopelessly naive.

Could the reform have gone further?

That the reform of the Staff Regulations will make the

Commission more modern and efficient is difficult to dispute, the toughest question is whether it should have gone further? The most obvious area is not establishing a fully linear Career, as well as pay, structure and this is regretted by Vice President Kinnock. Were the Commission right to keep the elitist Concours admission system? The conclusion at official level was that if “it ain’t broke don’t fix it” and moreover the recruitment system was perceived as promoting high standards. The more radical alternative of a promotion to post system was considered by officials, but was thought to require a very reliable system for getting jobs and perhaps is not have been consistent with the challenges of the Commission’s unique multi-cultural environment. The continuation of the expatriation allowance in a modern, global workplace has also to be questioned. The potential list of missed opportunities goes on.

It is crucial to remember, as any reformer will relate, including those at an official and political level in the Commission, that reform is not an event it is a process. And whilst it is only sensible that an organisation that has gone through a serious period of introspection and reform is careful not to get too self-obsessed, it is most

likely that the process of modernisation is a continuing phenomenon.

NOTES

- * Editors’ Note: Mr N. Kinnock has been awarded EIPA’s Alexis de Tocqueville Prize 2003, which will be presented to him on 11 December 2003 in Maastricht, see pp. 43-44.
- ** Editors’ Note: Mr Henning Christophersen is the Chairman of EIPA’s Board of Governors.
- ¹ The Commission has decided to stick with one element of this approach, the Concours system, and rightly argues that a system ensuring high quality of recruitment can only be to the benefit of the organisation.
- ² “An Administration at the Service of half a billion Europeans”
- ³ Since 1981 the salaries of EU officials have been adjusted annually in line with changes in the purchasing power of remuneration of the Member States’ public services in accordance with a legally binding formula which is known as the ‘Method’. As part of the agreement it is to be legally incorporated into the new staff regulations. □

EIPA’s Alexis de Tocqueville Prize 2003 has been awarded to Rt. Hon. Neil KINNOCK, Vice-President of the European Commission and Prof. Geert BOUCKAERT, Professor at the Public Management Institute, Catholic University of Leuven. The award ceremony will be held in Maastricht on 11 December 2003.



Rt. Hon. Neil KINNOCK



Professor Geert BOUCKAERT

The Convention on the Future of the EU

The European Commission and Treaty Reform

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Abstract

Treaty reform has become an almost constant feature in the European Union. This article challenges the traditional intergovernmentalist assumption that state representatives are the only significant actors in this process by looking in some detail at the role played by the European Commission. The article first sets out the institutional framework within which the Commission participates in the negotiations. It then demonstrates that the Commission's influence – even though limited in the actual decision-making – is evident with respect to agenda-setting and legitimation of treaty reform. Finally, we look at the impact of the convention method on the nature of treaty reform.

1. Introduction

An article on the Commission's role in EU Treaty reform may require some justification. Treaty reform, most commonly pursued through Intergovernmental Conferences, is perceived to be *intergovernmental*, the preserve of Member State representatives. The Commission, itself the creation of the EU's founding treaties, is working within an institutional framework that changes with every instance of Treaty reform. As such it is generally regarded as the *object*, not the *subject* of Treaty reform.

There is, however, much more to the Commission and Treaty reform, as this article seeks to demonstrate. The Commission lacks formal powers to play a full role in IGCs – it is clearly *nota* 16th Member State – but that does not mean that it is absent from these proceedings. Proper analysis of Treaty reform requires a focus on supranational actors, and with it a study of the Commission's activity in this arena.¹

More importantly for the purposes of this article, studying the Commission's involvement in EU Treaty reform provides us with new insights into the way in which the Commission may extend its prerogatives and participate in an area of EU politics which has tended to be dominated by the projection of Member State interests.

The Commission's practice of extending the limits of its influence in the EU policy-process are now fairly well established. Throughout the history of the EU, the Commission has pursued strategies of policy-entrepreneurship, utilising a variety of unique resources at its proposal, and thus managing to expand the EU's range of competences and thus its own place in the heart of the

Union.² While there is ample evidence of such policy-entrepreneurship, it has occurred on the whole in areas of EU politics which privileged the Commission, such as environmental policy, social policy or research policy, where Member States were willing to accept its leadership and ultimately sanctioned the gradual extension of EU competences. There remains a stark contrast between, on the one hand, the Commission's role – and its traditional ability to extend that role – in the EU policy process, and, on the other hand, its involvement in what can be seen as the constitutional politics of EU Treaty reform.

Before going into the details of the Commission's involvement in this area, a preliminary comment on the current phase of integration needs to be made. The Commission is widely regarded as being at a low point in its ability to shape EU politics.³ Three years of turmoil after the forced resignation of the Santer Commission

have weakened some parts of the Commission, sapped staff morale more generally and distracted the Commission from its traditional role of providing strategic leadership together with the European

Council. Internal reforms, intended to generate efficiency and legitimacy gains in the long run, remain unfinished and have turned out to be more cumbersome and complex than initially anticipated (Metcalf 2001). In the meantime, the ongoing changes have caused as much confusion and disruption as they may have helped the Commission to become more responsive and accountable.

Thus we are witnessing a period in the EU's evolution where neither Treaty reform nor the Commission's activities are following traditional patterns. More than

Proper analysis of Treaty reform requires a focus on supranational actors, and with it a study of the Commission's activity in this arena.

ever, the EU and its institutions present moving targets to the analyst. The political scene has changed considerably – even since Nice – and the Commission now struggles to find Member States willing to defend its position in the institutional framework. Former allies such as the Italian and German Governments have taken a more intergovernmentalist position. This article will therefore combine an analysis of past developments in this area with the (re)conceptualisation of the Commission's changing role and an outlook towards the future evolution.

The article starts by discussing the formal and informal arrangements of Treaty reform, with a view to positioning the Commission within a wider institutional structure that provides it with a voice, if not a vote, in the reform process. On the basis of such a re-conceptualisation, which takes issue with some of the general assumptions about the structure of Treaty reform, the subsequent section then address the key questions arising from the Commission's role in this field, such as: how does the Commission organise its internal machinery to manage its participation in Treaty reform, and how effective are these internal arrangements? How does the Commission seek to influence the various stages of EU Treaty reform (agenda-setting, decision-making, ratification/legitimation)? In which ways is the Commission's role in Treaty reform changing as the EU is turning to new modes of reforming the EU such as the Constitutional Convention? Taken together, the answers to these question provide a novel perspective on the evolving role of the Commission in the constitutional politics of the European Union.

2. Re-conceptualising Treaty reform:

The role of supranational actors

As indicated above – indeed, as implied in having a article of this kind in the first place – Treaty reform can and should be seen as more than simply the meeting place of Member State interests and the bargaining among state representatives.

It is worth emphasising that over the past decade Treaty reform has become a constant and key item on the EU's agenda. From rare incidences of reform in the past, Treaty reform has been turned into an almost continuous process, where one stage of reform directly feeds into the next stage, as evidenced by the post-Nice process following on almost seamlessly from the completion of the IGC 2000. Thus, Treaty reform has become a policy-arena, with the appendages of a policy-making community, technical experts, the need for institutional memory

and an element of path-dependency in the deliberations about reform.⁴ It remains, of course, the key arena for constitutional choice in the EU, and an area to which Member States attach the highest importance. But it should be noted that it is also an area which has developed in a way that provides new and interesting perspectives for the study of the involvement of supranational actors, and in particular of the Commission and Council Secretariat, in the field of Treaty reform.

The key observation here is that Treaty reform is more than the highly publicised and politicised bargaining of the summit meeting concluding an Intergovernmental Conference (IGC). Any such summit is indeed an important – perhaps even *the* important – event in the course of any IGC. But the IGC is much more than that, comprising of different phases which in turn, as discussed below, provide actors with different opportunities and constraints. IGCs have tended to last at least a year, and the agenda setting, and ratification processes which add

further periods of negotiation before and after that.

To mention agenda-setting and ratification is to raise questions about the way in which the business of an IGC links to other events and decisions surrounding it: how is the IGC agenda set? How is the 'need' for an IGC established? How does the IGC

relate to the 'everyday' business of the EU? How are its results presented to the wider public, and how are these accepted? How are unresolved issues dealt with? The answers to these questions all point to the continuity of EU Treaty reform. The need for EU reform, for example, arises from an assessment of the way in which EU institutions perform, or do not perform, within the current legal framework, especially in the perspective of an ever increasing number of EU Member States. If governments believe that they can improve the effectiveness of the EU through changes in the Treaty provision, a case for an IGC will be made. Battles over the IGC agenda will be fought among both state and non-state actors in the EU, but the past performance of the existing legal framework will inevitably have to be part of this assessment. Treaty reform thus depends on the existing policies and institutions – just as the results of Treaty reform may change the dynamics of policy-making, the policy-process itself informs the decisions made in the course of Treaty reform. IGCs and EU policy-process are closely intertwined.

One of these is the question of the 'institutional memory' of Treaty reform. If IGCs are connected to previous instances of Treaty reform – and indeed linked to the day-to-day policy-process – then it matters whether

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actors are able to provide the memory of how past decisions have been reached, how they were meant to be interpreted, how certain issues may be resolved and which compromise solutions have, in the past, worked, and which have not. This involves both procedural questions and substantive issues that are the subject of IGC negotiations.

Together with the Council Secretariat,⁵ the Commission is well-placed to play that role. The Presidency, formally charged with chairing meetings, and expected to act as a broker in the negotiations, is unlikely to have performed the same tasks in a previous IGC, given how rarely Member States occupy this position. And in any Member State, whether holding the Presidency or not, electoral and political changes as well as fluctuation within the diplomatic service is usually much greater than the continuity in personnel terms which both the Commission and Council Secretariat bring to the table of negotiations. Many of those involved in the Commission have been key officials in previous Treaty negotiations.

The Commission also brings a particular kind of 'technical' expertise to the negotiations. Due to its role in implementing, or monitoring the implementation of, Treaty provisions, it has a pivotal role in advising IGC participants on which decisions would constitute workable solutions and which ones would not. While individual Member State delegations have particular interests in specific Treaty provisions, the Commission has over-arching responsibility for the application of EU law, and with this responsibility comes an information advantage vis-à-vis national administrations that provides the Commission with an authority with respect to the technical advice it contributes to the negotiations.

Implicit in this assessment is a recognition of the different levels on which IGC negotiations are being conducted.⁶ A distinction can be drawn between the political level – usually sub-divided into ministerial level (the meeting of foreign ministers) and the Heads of State level (the European Council meetings which launch and conclude IGCs) – and the administrative level. The latter is constituted by the regular meetings, and indeed the constant inter-action, of the 'personal representatives' of the Heads of State or Foreign Ministers. It is at this administrative level that much of the technical detail is discussed and issues are being decided. The Commission, with resources such as its institutional memory and its technical expertise, can play an effective part in the negotiations, which may be in contrast to the limelight of the endgame, where the Commission's role is much more limited.

All this points to the recognition that the crucial

factor with respect to the Commission involvement in IGC negotiations is its cooperation with other actors, namely the Presidency and the Council Secretariat. Each of these three roles, acting in the defence of the common interest of the Union, makes a distinctive contribution to the IGC, but their ultimate influence depends on their ability and willingness to co-operate and to pool their resources. Thus, a Presidency that is willing to involve the Council Secretariat and Commission in its search for compromise is more likely to lead the negotiations effectively. In the same vein, a Commission that is prepared to concentrate on the 'low

politics' of detailed legal provisions rather than on the grand political battles is more likely to get its way. And the Council Secretariat and Commission, who have been opposing forces with respect to a number of IGC decisions in the

foreign policy field, can work together on other issues in order to lead the IGC towards supranational rather than intergovernmental solutions.⁷

The crucial factor with respect to the Commission involvement in IGC negotiations is its cooperation with other actors, namely the Presidency and the Council Secretariat.

3. The Organisation of the Commission's Participation in Treaty Reform Negotiations

The European Commission is both a political actor and a technical advisor in the context of the IGC process. This means that the contributions of the Commission vary between political contributions adopted by the full College and technical clarifications submitted directly to the conference by the services of the Commission.

The initial contribution of the Commission normally attempts to set the political framework for the IGC and more often than not calls on the IGC to adopt a more ambitious agenda. This paper has tended to come before the formal opinion that the Commission submits to the Conference. These have always been approved by the Commission and have led to extensive debate in Heads of Cabinet and full Commission meetings.

The College also adopts the official opinion submitted by the Commission before the start of the IGC. This has traditionally been a short political text, a good example being the opinion presented before the Single European Act that was issued on 22 July 1985 although this approach was changed for Nice as the Commission felt it should adopt a detailed set of proposals following the limited Presidency reform submitted to the Helsinki European Council in December 1999. During the negotiations, a range of specific contributions are forwarded to the Conference. Each of the main proposals are always approved by the College. These can range from proposals on the hierarchy of norms (1991), the co-decision procedure (1996) to issues such as the European Prosecutor (2000) or a framework for the new provisions on freedom, security and justice (1996).

The dynamics of an IGC with its daily negotiating and intense schedule of meetings mean that the College can only really provide political guidance on the general approach to be taken in the negotiations. It is therefore left to the Commissioner (or in the case of the Convention on the Future of Europe, Commissioners Barnier and Vitorino) to take the political responsibility for the positions taken in the negotiations. As in the present case, this has occasionally led to conflict with other Commissioners who would prefer a different position to be taken. Other parts of the Commission are involved in the process with the appointment of special correspondents in each Directorate General, but these are normally limited in their influence on proceedings as they are only consulted on their specific area of competence.

For the most recent Intergovernmental Conferences, a special Steering Group has been convened to oversee the work of the IGC team and ensure that the Commission negotiators take an agreed line at each meeting. The Steering Group is normally composed of the key actors on institutional affairs in the Commission. The vast majority of contributions, non-papers and background notes that are submitted by the IGC negotiators of the Commission are approved by the Steering Group under the political authority of the respective Commissioner. The proposed briefing for IGC meetings is prepared by the IGC team and submitted to the Steering Group which normally meets a couple of days before an IGC meeting. The line to take is rarely altered, but it is an important opportunity for strategic decisions and a choice of options to be taken. As the negotiations reach their conclusion, the Steering Group tends to take on more significance.

The IGC negotiating team of the Commission has become a complex animal to analyse. The reality is that, as with all delegations, it rarely acts as a single entity. It is not unusual to have a situation whereby slightly different emphasis is placed on an individual point by each of those present at the negotiating table, or in the seats at the back of the negotiating room.

Over time, the problem of internal co-ordination has become acute for the Commission. With the steady increase in the number of Commissioners, institutional reform, which was once the preserve of the President, has now also become the responsibility of a specific Commissioner. In the case of the preparations for IGC 2004, President Prodi and Commissioners Barnier and Vitorino are involved while there is also a formal role for the Secretary General and Director of the institutional affairs team. At the negotiating table, in addition to the President and Commissioners, the Commission normally

has space for 4-5 officials.

This situation ensures there is quite a complex structure of reporting for the IGC team. The Head of the IGC Task Force or unit normally falls under the administrative responsibility of the Secretary General. However, the main day-to-day political authority is exercised by the Cabinets of the President and the Commissioner(s). This is actually relatively simple in terms of structure, but not always as easy when it comes to coordinating a series of competing viewpoints. The IGC team has always been one of the most sought after

and dynamic posts within the Commission. The team is normally hand-picked, and the majority of those chosen are senior officials with a wealth of previous experience on institutional affairs. There is always an emphasis placed on continuity. Since the Single European Act,

the choice of members for the team has always ensured that experience of the previous IGC is present. The size (and name) of the team has varied. For the Single European Act, Maastricht and Nice the team was extremely small with a select group of 3-4 officials, most of which were already members of the institutional team in the General Secretariat. For Amsterdam and the preparation for IGC 2004, the institutional team of the General Secretariat has been reinforced into a Task Force of 8-10 officials. As with the Council Secretariat, but unlike Member State delegations, this experience ensures the institutional memory of the Conference. Of the vast array of issues being debated by the Convention, nearly all have been debated previously by the Commission and the IGC team has prepared extensive briefing papers and through the assistance of the Commission's Legal Service, legal advice on each of the options.

4. The Commission's Role in the Treaty Reform Process

For these reasons it is impossible to look at the Commission as one single entity in the negotiations. It is also incorrect to portray the influence of the Commission within one set of negotiations based on the assessment of the Commission's political leadership alone. An example of this is the focus on the weakness of President Santer at Amsterdam and President Prodi at Nice which has coloured the actual analysis of the role and influence of the Commission in these negotiations. The reality is that each set of negotiations is unique in terms of their own dynamics, circumstances and personalities. The same is true of the amount of influence that the Commission can exercise on the negotiations. A better way of assessing the role of the Commission is

The Commission has tended to be rather effective in setting the agendas of each set of negotiations, especially in the preparatory groups that have met to define the agenda and have a first review of Member State positions.

to look at the different stages of the negotiations and compare the differences in each with the recent sets of negotiations.

4.1 The agenda-setting phase

The Commission normally has three opportunities to influence the agenda-setting phase. First, as do all delegations, the Commission regularly tries to define the agenda of the next stage of Treaty reform during the final phase of negotiations of the Treaty. Second, the Commission has always been present in the preparatory or reflection groups that have been convened to discuss the IGC agenda. This has been either in the context of representatives or in the Secretariat of the group in question. And, third, the Commission seeks to influence the debate through its official opinion to the IGC in accordance with Article 48 TEU.

Towards the end of an IGC negotiation, attention tends to turn towards whether further Treaty changes are necessary and more importantly whether a next “rendezvous” should be stated in the Treaty. In Maastricht (Article N(2)), Amsterdam (Protocol 7 on the institutions with the prospect of enlargement and declaration N° 32 of Belgium, France and Italy), and Nice (Protocol on the institutions in the perspective of enlargement) a rough agenda was already envisaged. The Treaties of Maastricht and Nice even fixed a specific date for the next negotiations. The Commission has always supported these calls, partly because of its viewpoint that Maastricht, Amsterdam and Nice have not met the requirements of an enlarged Union. The Commission has also sought, and often succeeded in influencing the drafting of these clauses.

During the lead-up to the Single European Act, the Commission had both a member on the Dooge Committee and an official placed in the Secretariat. Before Maastricht, Jacques Delors chaired the ‘Wise Group’ on Monetary Union but the political union element was not covered by a preparatory group. For Amsterdam, the Reflection Group chaired by Carlos Westendorp set much of the agenda for the IGC and Commissioner Oreja had very good links with his Spanish counterparts even if his influence within the Group was more limited. During the preparation for the Treaty of Nice, the Commission struggled to influence the debate during the German and Finnish Presidencies, partly because the preparation was undertaken by an extension of Coreper 2 (EC Ambassadors). The Commission even resorted to the establishment of a Group of Wise Men headed by Jean-Luc Dehaene in an attempt to raise a number of

issues it felt it could not itself propose. For the Convention on the Future of Europe, the Commission has been able to appoint two Commissioners and both sit on the Praesidium which does the bulk of the preparation for the meetings of the Convention. However, the strong leadership of Valéry Giscard d’Estaing, the personalities involved and the general shift of positions by a number of key Member States has meant that the Commission has struggled to gain a foothold in these negotiations.

The only formal right that the Commission has in the IGC process is to submit an opinion before an IGC is convened (Article 48 TEU). That said, an interesting legal question exists on whether an IGC could begin without a Commission – or for that matter European Parliament – opinion being received. The Commission has tended to vary its approach to this opportunity in recent years. For the Single European Act the Commission issued a short political opinion (22 July 1985) setting out the key political lines for the institutional frame-

work for adoption by the forthcoming IGC. For Maastricht the Commission issued an extremely detailed opinion (21 August 1990) which set out the framework for the Treaty provisions on economic and monetary union and then followed this up with a formal opinion on the establishment of a political union (21 October 1990). For

**The relative decline in influence
of the President of the Commission
in the European Council is
most clearly demonstrated by
the lack of impact on the
Amsterdam and Nice negotiations
in the final European Council.**

Amsterdam, the Commission adopted a detailed report on the operation of the European Union (10 May 1995) and then adopted a short political text as its formal opinion (28 February 1996). At Nice, the Commission did the reverse, adopting a short political statement on 10 November 1999 and then a detailed technical formal opinion on 26 January 2000. These reports and opinions have varied in quality and in influence on the process. The Commission has always defended the need for an ambitious approach to Treaty reform. In the Dooge, Delors, Westendorp, IGC 2000 representatives group and the Convention on the future of Europe, the representatives of the Commission have tended to call for the IGC agenda to be widened and the level of ambition to be increased. This in essence is the role of the Commission and inevitably the final result tends to be less than what the Commission has demanded.

4.2 The decision-making phase

It is difficult to describe accurately the decision-making process in an Intergovernmental Conference. Indeed, it is rare for participants to even pinpoint exactly when a specific decision was decided or finally agreed. This is in part due to the reality that in the negotiations “nothing is agreed until everything is agreed”. The opaque nature

of negotiations and the multiple layers of decision-making also add to the difficulty in explaining how decisions were taken. Each delegation produces a different set of minutes and different nuances and interpretations of what was discussed and agreed.

Trying to analyse the influence of any one delegation must be set against this background. Even ignoring the limits of confidentiality imposed on those involved in the negotiations, tracing an individual proposal from formation to inclusion in the final Treaty demonstrates that it is extremely rare for a Member State or the Commission's proposal to be adopted without debate or amendment. The one exception being the declarations submitted by delegations at the end of the Conference which are often annexed to the Treaty.

The Commission has achieved varying degrees of success when it has presented proposals or sought to influence the decision-making process. This has very much depended on the specific dynamics of the different negotiations, the personalities involved and the policy area being discussed. As an Intergovernmental Conference normally meets at four levels: Heads of State and Government, Foreign Ministers, Personal Representatives and "Friends of the Presidency" the influence of the Commission is also different.

The Commission has been most effective when the discussions have concentrated on the Community area of policies as in the Single European Act, Maastricht (IGConEMU) or Amsterdam (employment, environment, social policy, public health, consumer protection). The Commission has tended to struggle to influence debates on common foreign and security policy, not least because it is not able to use previous experience in the area to justify change. However, the proposals of the Commission at Amsterdam on the transfer of sections of the Justice and Home Affairs pillar to the Community area do demonstrate that the Commission can still exercise influence on classical *intergovernmental* matters.

On the issues of power such as the size of the Commission, the number of votes in the Council and number of members of the European Parliament, the Commission cannot claim to have seriously affected the final outcome of negotiations. In particular this has been the case at Maastricht and Nice and in the debates of the Constitutional Convention. However, the Commission has still had a notable impact on general institutional questions like the rationale behind the extension of the co-decision procedure (Amsterdam) and the framework and justification for the extension of qualified majority voting (all recent IGCs).

When the negotiations have taken place at the level of the Personal Representatives or the various Friends of the Presidency groups on specific issues (e.g. Court of Justice during the negotiations at Nice) or indeed in the working groups of the Convention on the Future of Europe, the Commission has tended to be more effective. This is partly due to its knowledge of the issues and the ability of its representatives to provide the technical detail on the development of policies and how decisions have been taken.

In recent years, the Foreign Ministers level of the IGC proceedings has been unable to exercise effective influence over the negotiations. This is in part due to its undefined role between the Personal representatives and Heads of State and Government levels. At these meetings the Commission is normally represented by the President and Commissioner(s) responsible for the IGC negotiations.

The role of the Commission President in the European Council (and Commissioners) receives the most focus in the different assessments of the influence of the Commission on Treaty reform. This is in part due to the controversy that has surrounded the role of President Delors in the negotiations for the Single European Act and the Maastricht Treaty. The relative decline in influence of the President of the Commission in the European Council is most clearly demonstrated by the lack of impact on the Amsterdam and Nice negotiations in the final European Council. However, this picture is still too simplistic. It is not possible to gauge the influence of the Commission at the final European Council as many of its proposals are also supported by other delegations. It is often collective pressure that provokes the final compromise and all delegations have varying degrees of impact on the final text. It should also be noted that although it is argued that the Commission is at its weakest in an IGC context in the final European Council, the Commission is the only delegation apart from the Council Secretariat which is entitled to have officials present in the negotiating room. This leads to a reporting position and to the dependence of other delegations, which in itself can have an influence on the nuances of the final compromise texts.

4.3 Ratification and legitimation

The Commission has no formal role during the ratification of a Treaty stemming from an Intergovernmental Conference. However, it has become almost expected that the Commission will support the outcome of the negotiations and make public pronouncements in support of ratification. This can leave the Commission in a difficult position in a number of ways.

Firstly, the Commission is expected to support the final compromise even though it does not have a final vote on its content. Within an hour after the end of negotiations, the Commission together with the Presidency then gives a press conference at the end of the European Council. The President of the Commission must, after quickly consulting with his advisors, make an immediate comment on the final text and the prognosis of the Commission in terms of ratification. This does not cause significant difficulties if the new Treaty is perceived to have further increased integration, but this is not always as clear-cut. The situation was particularly difficult for the Commission at the Nice European Council where only two hours previously the Commission had seriously considered rejecting the compromise on the negotiating table. The outcome of the Convention seems to put the Commission President in a similarly awkward position.

If on the other hand, the Commission is too fulsome in its praise for the Treaty and its ratification, it can lead to accusations of attempting to influence the ratification process. Criticism was made of President Delors during the ratification of the Maastricht Treaty and President Prodi during the ratification of Nice. In addition, during the ratification of the Treaty of Amsterdam, the Commission was threatened with legal proceedings by the “no campaign” in Ireland due to the distribution of a brochure on the Treaty.

In fact, the Commission has a responsibility to publish material on the working of the European Union and the changes made when the founded treaties are amended. This ensures that the Commission must be involved in a small way in the general information provided during a ratification process. However, the onus must be on the Member States to explain the Treaty to their citizens and justify their actions during the negotiations, not least to ensure that the new Treaty is not seen as being imposed by Brussels. Unfortunately, much still remains to be done on this final point.

Finally, it is worth noting that the Commission also has an influence – whether inadvertently or not – over the fate of the ratification of a Treaty revision through controversial decisions it may take (or decide not to take) in the policy-process, or even more statements made in other contexts. A case in point was the negative assessment made by the Commission of Irish economic policy in the context of the EMU stability pact, and the impact that this is considered to have had on the initial ‘no’ vote in the first referendum on the Nice Treaty in Ireland. To the extent to which the Commission will want to ensure a safe passage of ratification instruments, it will be well advised – and presumably is under much pressure – to avoid ‘rocking the boat’ during such a sensitive period. Thus, the positive influence of the Commission on ratification may by definition not be visible to the outside observer.

5. IGC 2004 and beyond: the changing nature of Treaty reform

At the Nice European Council in December 2000, the Member States not only agreed on changing the EU’s Treaty base, but also agreed a ‘post-Nice process’ which was to lay the foundation for further, and more far-reaching, Treaty changes in the foreseeable future. The most important innovation in this respect has been the creation of a European Convention charged with preparing the work of the subsequent IGC. This new ‘convention approach’ to Treaty reform has led to a much wider public debate in the media, a debate that crucially has taken place *before* the IGC itself has commenced. In other words, the position of national governments on EU reform are now exposed to public

scrutiny before decisions are made and a new Treaty is signed, rather than leaving such scrutiny and debate to the aftermath and the ratification of an already agreed Treaty.

The wider significance of the Convention method remains to be seen. However, based on the experience so far, some valuable observations with regard to its impact on the role of the Commission in the process can already be made. First a more detailed look at the Commission’s involvement in the Convention is required. Among the 102 members of the Convention were two Commission representatives (which may not seem to be a strong representation in such a deliberative forum), but these two Commissioners were also members of the 12-strong Praesidium, which is where most of the key decisions affecting the work of the Convention have been made. Furthermore, the Convention Secretariat, which has had an influential role behind the scenes in assisting the Convention President, Valéry Giscard d’Estaing, to prepare meeting agendas and draft articles of the proposed Draft Treaty for a Constitution, was staffed with Commission and European Parliament as well as Council Secretariat officials – in contrast to the practice

of recent IGCs where the Council Secretariat had been solely responsible for assisting the Presidency.

The Commission, like Member State representatives, did not have a strong role within the plenary of

the Convention as it was not able to coordinate and influence the debate in the same way that the European Parliament nominees were able to do. In this context, the Commission’s reliance on its technical expertise is of little use in a forum that has opted for far-reaching strategic bargaining over substantive outcomes rather than limit itself to more technical preparations for the IGC. In such a politicised context the Commission had a difficulty in overcoming the self-imposed limitations resulting from internal divisions within the College, and its lack of resources in the political game of Treaty reform.

Within the Praesidium the Commission should have been a major force – not least in that on paper the majority of members of the Praesidium indicated their preference for a strengthening of the Community method. This was not borne out in practice. The President of the Convention and the Convention Secretariat attempted to isolate the Commission. This was relatively successful, partly due to the lack of support from other members of the Praesidium who were themselves undermined by the approach of the President of the Convention. The negotiating style of Giscard d’Estaing meant that the Praesidium members were, on various occasions, not able to amend texts which they were then forced to defend as the common position of the Praesidium. This left the two Commissioners in a difficult

The position of national governments on EU reform are now exposed to public scrutiny before decisions are made and a new Treaty is signed.

situation, not least with the rest of the Commission College. Towards the end of the Convention discussions some within the Commission negotiating team even indicated that they would rather have some of the sensitive issues dealt with by the IGC rather than the Convention due to the attempts to marginalise the Commission on institutional and external relations issues.

The Convention therefore causes a broader dilemma for the Commission representatives: should they provide support for the more abstract idea of the Convention format or should they concentrate on the parochial representation of specific Commission interests. The Commission must decide whether to support the final text of the Convention as it is generally acknowledged that only with broad support will the Convention text have a chance of adoption by the IGC. However, to do so may mean to set aside particular interests of the Commission on specific issues under discussion. The Commission may well decide in its opinion and negotiating positions in the IGC to attempt to re-open the outcome of the Convention on articles which attempt to undermine its institutional role and policy objectives.

There has been little influence of the Commission in the Convention as a result, both in the debates in the plenary and in the work of the Praesidium. In addition, there has been only a limited opportunity for influencing the proceedings of the working groups set up to prepare specific aspects of the Treaty. Given that the Commission lacked representation in many of these working groups, it was unable to participate in negotiations across the board of the agenda. This in turn hampered its ability for issue-linkage – a capacity that had traditionally been a major asset in the Commission's conduct of the negotiations.

While the influence of the Commission has waned, the role of the European Parliament and national Parliaments has increased. They have partly taken over the role of the Commission as the source of accountability from a European standpoint for the Treaty negotiations. The Commission will need to reconsider its role within the Convention and particularly its position in the secretariat, the plenary, the Praesidium and a number of working groups. It may in the future have to decide whether it seeks to portray itself more as the technical advisor or more the political impetus behind the Convention approach as such.

Obviously it is early days for the Convention method, and an ultimate judgement will depend on the outcome of the IGC and the further evolution of the Convention format beyond 2004. But on current evidence, it appears that the Convention method does not particularly favour the Commission: the greater degree of politicisation diminishes its ability to rely on technical expertise in influencing the course of negotiations; the greater openness of the forum towards non-state actors and parliamentarians detracts from its traditional role of representing the European interest in Treaty reform; and the explicit focus on constitutional issues makes it more difficult to link Treaty reform to the EU policy-process in which the Commission has such a pivotal role.

Such a development, if borne out by the evolution of the Convention, may spell a further stage in the Commission's decline as an actor in the treaty reform process. It mirrors the broader development in the EU where the Commission has lost much influence in the wake of the fall of the Santer Commission and the shift of leadership in the Union to key Member States. The days in which the Commission, led by Jacques Delors, could determine the direction of Treaty change are surely distant history

at this point. Then again, the prospect of a new Treaty establishing a constitution enshrining the Community method, the rule of law and the role of the supranational institutions in the EU doubtlessly

constitutes a victory for the Commission and its desire to strengthen the supranational element in the European Union.

In conclusion, it must be recognised that the Convention method, assuming that it is here to stay, has fundamentally changed the business of treaty reform. It does provide more openings for non-state actors to influence the outcome of Treaty reform, and also has potential for the Commission to play a more effective role in this respect in the future. On the other hand, the size and the dynamics of the Convention places greater emphasis on agency, and individual actors such as the Convention President have significant scope for influencing the outcome and, in the process, side-lining the Commission both as a participant in, and an object of, Treaty reform negotiations. Future instances of Treaty reform following the Convention model will show whether the Commission can adapt to these changed circumstances and play a more effective role in Treaty reform than it has done recently.

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BIBLIOGRAPHY

- Beach, D. (2004) 'The unseen hand in treaty reform negotiations: the role and influence of the Council Secretariat', forthcoming in *Journal of European Public Policy*.
- Christiansen, T. (2001) 'Inter-institutional Relations and Intra-institutional Politics in the EU: Towards coherent governance?', *Journal of European Public Policy*, Vol.8, No.5, pp.747-769
- Christiansen, T. (2002) 'The Role of Supranational Institutions in EU Treaty Reform', *Journal of European Public Policy*, Vol.9, No.1, pp.33-53
- Christiansen, T. (2003), 'Out of the Shadows: The General Secretariat of the Council of Ministers', in R.M. van Schendelen and R. Scully (eds), *The Unseen Hand: Unelected Legislators in the EU* (London, Frank Cass, 2003).
- Corbett, R. (1992) 'The Intergovernmental Conference on Political Union', *Journal of Common Market Studies*, Vol 30, No.3, pp.271-298
- Cram, L. (1993) 'Calling the Tune without Paying the Piper? Social policy regulation: the role of the Commission in European Community social policy', *Politics and Policy*, Vol.21, No.3, pp.135-146
- Cram, L. (1994) 'The European Commission as a multi-organization: social policy and IT policy in the EU', *Journal of European Public Policy*, Vol.1, No.2, pp.194-217
- Ehlermann, C.D. (1987) 'The Internal Market following the Single European Act', *Common Market Law Review*, Vol 24, pp.361-409
- Galloway, D. (2001) *The Treaty of Nice and Beyond: Realities and Illusions of Power in the EU* (Sheffield, Sheffield Academic Press)
- Gray, M. (2000) 'Negotiating EU Treaties: The Case for a New Approach', in Best, Gray and Stubb. (eds), pp.263-280
- Hooghe, L. (1996) 'The Politics of the European Commission under the Structural Funds', in L. Hooghe (ed.), *Cohesion Policy and European Integration: Building Multilevel Governance* (Oxford: Oxford University Press)
- Gray, H. and A. Stubb. (2001) 'The Treaty of Nice', in W. Wessels and Wiessala (ed.), *JCMS Annual Review* (Oxford: Blackwell).
- McDonagh, B. (1998) *Original Sin in a Brave New World* (Dublin, Institute for European Affairs)
- Metcalfe, L. (2001) 'Reforming the Commission', *Journal of Common Market Studies*, Vol.38, No.5, pp.817-842
- Mazey and J. Richardson, S. (1996) 'La Commission Européenne: une bourse pour les idées et les intérêts', *Revue Française de Science Politique*, Vol.46, No.3, pp.409-430
- Peterson, J. (2003), 'The European Commission: Plateau? Permanent Decline?', *Collegium*, No. 26, Spring 2003
- Reh, C. and W. Wessels (2002), 'Towards an Innovative Mode of Treaty reform? Three Sets of Expectations for the Convention', *Collegium*, No. 24, Summer 2002

NOTES

- ¹ See Christiansen (2002) for a more detailed argument of this point.
- ² There is ample literature on his subject. See for example Cram (1993, 1994), Hooghe (1996) or Mazey and Richardson (1996).
- ³ See Peterson (2003) for a discussion of the uncertain prospects facing the Commission.
- ⁴ See the detailed arguments and empirical evidence provided in the contributions to the 2002 special issue 'Theorising Treaty Reform' of the *Journal of European Public Policy*, edited by Gerda Falkner.
- ⁵ See Christiansen (2003) and Beach (2003) for discussions of the role of the Council Secretariat in Treaty reform negotiations.
- ⁶ The different levels of IGC negotiation are discussed in Gray and Stubb (2001).
- ⁷ See Christiansen (2001) for an examination of Commission-Council Secretariat relations, including the running of IGC negotiations. □

Elusive Solidarity in an Enlarged European Union



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Abstract

As the EU enlarges it faces a dilemma. As it grows larger and more diverse it will need to strengthen solidarity between Member States. However, solidarity is an expression of kinship. As such, it depends on shared beliefs and acceptance of the political nature of the process of European integration. The growing diversity of the EU will make it more difficult to develop a perception of commonality. In this article we argue that the EU can build solidarity by providing more European “merit” goods and other means of mutual support. In addition, there is a need for an explicit discussion of what may unite EU citizens beyond abstract values.

Why should we be concerned about solidarity?

Accession of the new Member States will make the European Union larger and more diverse. A larger market will offer more opportunities. Diversity will also be a source of economic prosperity. Countries trade and invest in each other because they have different resources and technological endowments.

However, a larger and more diverse Union is also less homogeneous. That could fuel scepticism about the political and more indirect gains to be derived from membership. For one thing, the significance and influence of any single Member State will decline. Perhaps more importantly, the feeling of kinship between the peoples of the Union may wither. As the Union expands it may become necessary to strengthen the bonds between the Member States and do it in a way that is visible to their citizens.

One of the essential elements that creates and deepens bonds among people and between people and countries is solidarity. Solidarity is also seen as a “corollary of the mutual trust between Member States”.¹

The problem is that it is not obvious what solidarity could mean in the context of the EU. It is clear that solidarity is not only expressed through the cohesion principle and its instruments; i.e. the Structural Funds and the Cohesion Fund. Solidarity has also been evoked with view to sharing costs; e.g. of asylum seekers and of external border controls. Solidarity of the EU with the US was expressed in the aftermath of the events of 11 September 2001. The floods in central Europe about a year ago prompted repeated calls for solidarity between the existing and prospective members of the Union. In the context of the Convention on the Future of Europe, the Convention President Giscard d’Estaing and Commission President Romano Prodi called for greater solidarity.

The purpose of this paper is to explore the different dimensions of solidarity and the ways through which solidarity may be put into practice in the EU. We begin

with a review of the various definitions of solidarity and then identify the possible options and dilemmas of the EU in strengthening solidarity.

Concepts of solidarity in the European Union:

Many generalities, few specifics

The European integration process is based on a set of core values. Solidarity is one of these values along with democracy and the rule of law.² The presidency conclusions of the Laeken European Council place solidarity on centre stage. “The European Union is a success story. For over half a century now, Europe has been at peace. As a result of mutual solidarity and fair distribution of the benefits of economic development, moreover, the standard of living in the Union’s weaker regions has increased enormously and they have made good much of the disadvantage they were at”. Not only is solidarity perceived as a guiding principle for the integration process, it is also a principle which distinguishes the EU and its members from other parts of the world and international organisations. The Laeken European Council considered Europe to be a “the continent of solidarity”.

Despite the significance attributed to solidarity, it is surprising that the Treaties do not shed much light on the concept of this principle. The Treaty on the European Union confers to the Union the task to “organise, in a manner demonstrating consistency and solidarity, relations between the Member States and between their peoples” [Article 1 TEU]. However, the TEU only mentions solidarity once in passing in Article 23 which refers to the Common Foreign and Security Policy. Within the European Community, solidarity is given a more prominent role. “Promoting economic and social cohesion and solidarity among Member States” is defined as one of the fundamental tasks of the EC [Article 2 TEC]. Although economic and social cohesion is also identified as one of the policies and activities of the Community [Article 3(k)] and a separate title is

devoted to it [Title XVII, Articles 158-162], solidarity is never mentioned again in the Community Treaty.

This silence on solidarity was supposed to come to an end with the Convention on the future of Europe which intended to spell out its meaning.

Expressions of solidarity in the Convention and in the Draft Constitution

The mandate given to the Convention by the Laeken European Council refers to solidarity in the context of equality between the Member States. Adjusting the division of competencies between the Union and the Member States “can lead both to restoring tasks to the Member States and to assigning new missions to the Union, or to the extension of existing powers. It should however not endanger the equality of the Member States and their mutual solidarity”.

While the issue of equality between Member States was discussed in the context of institutional and procedural reforms, there was no attempt to elaborate the principle of solidarity. Even more puzzling, although solidarity figured prominently in the pronouncements of virtually all working groups and the plenary, no group had any special responsibility for it. By May 2003 the Convention had produced more than 200 documents, speeches and contributions which included the word solidarity (taking into account all EU languages).³ The

draft constitution presented by the Convention on 17 July mentions the word solidarity twenty times: once in the preamble, nine times in the first part, twice in the charter on fundamental rights, and eight times in the third part.⁴

When we look at the speeches that have a reference to solidarity, it is perhaps revealing that the vast majority comes from acceding or candidate countries. A smaller number of contributions comes from representatives of cohesion countries, from Commissioners, and Giscard d’Estaing. Only a handful of speeches mentioning the word solidarity come from the other EU Member States. Therefore, it seems to us that solidarity was used for the purpose of supporting other aims. But, what aims?

By examining the context in which solidarity was mentioned, three main aims or intentions can be identified. The first refers to solidarity as a fundamental value overarching and guiding the integration process. In particular at the beginning of the Convention process, between March and May 2002, speakers often referred to solidarity as “one of the most important [principles] for the process of our continent’s unification” (Edmund Wittbrodt, 15/4/2002). At that early stage of the Convention, the principle was not linked to concrete policy options or instruments. Solidarity was used as a moral

objective and normative guide for the reform process. This understanding of solidarity continued to be the reference point throughout the remainder of the Convention, although not as explicitly as at the beginning.

From mid 2002 onwards, solidarity was being mentioned in the working group results mainly in relation to two other policy aims: security and crisis intervention. As regards the security dimension, solidarity seemed to be closely linked to the perception of shared problems and interests. Most Convention members favoured this type of solidarity as an expression of Member States’ “intention to support each other in times of crisis”. (Peter Hain, 20/12/2002). Solidarity also appeared as mutual support in the event of natural or humanitarian disasters or with view to burden sharing. Since these kinds of crises are reasonably broad, every Member State would expect to be in need of solidarity or mutual support, sooner or later. This type of solidarity is strongly motivated by the feeling of reciprocity. In the longer run, solidarity generates a win-win situation for all Member States. Therefore, the broad support for this understanding of solidarity is not surprising. It was eventually expressed in Articles 42 and 231 of the Draft

Constitution [their text is reproduced in the Annex at the end of this paper].

The third dimension of solidarity as discussed in the Convention refers to economic disparities at national, regional, and local level and at the level of individual

citizens. In his speech opening the Convention, Giscard d’Estaing clearly underlined this dimension: “So let us dream of Europe! ... A space clearly identified by the way in which it successfully distils the dynamism of creation, the need for solidarity and protection of the poorest and the weakest.” Also Commission President Romano Prodi at the opening of the Convention refers to the economic dimension of solidarity. “As Europeans, we must also defend a balanced model of society able to reconcile economic prosperity and solidarity.” This understanding of solidarity was, however, much more contested among Convention members than the security dimension.

The discussion on the economic dimension of solidarity also revealed that Member States clearly distinguished between economic prosperity on the one hand and security and stability on the other. This has not always been the case. The Schuman declaration of 9 May 1950 refers to solidarity as a core element of the cooperation between the then six states. “Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity.... The solidarity in production thus established will make it plain that any war between France and Germany becomes not merely unthinkable,

Although solidarity figured prominently in the pronouncements of virtually all working groups and the plenary, no group had any special responsibility for it.

but materially impossible.” Economic solidarity did not form an independent pillar of the integration process next to security. But economic solidarity was a precondition for ensuring stability and security. In the Convention, this link between economic and security issues remained unnoticed.

The draft Constitution reflects the consensus expressed in the Convention on the different understandings of solidarity. Out of its twenty references to solidarity, the draft Constitution explicitly mentions economic solidarity only once.⁵ Three references concern solidarity as a fundamental value of the EU.⁶ The remaining sixteen references to the term solidarity relate to security and stability.⁷ This prevalence of solidarity in security issues may hint at a perceived imminent threat after the September 11 events and the Iraq war. Even though this preoccupation with security is understandable, it is still puzzling that the economic dimension is the dimension which is the least defined in the draft Constitution. This is even more surprising in the light of the fact that many calls for more solidarity implicitly refer to the economic dimension.

Since the Convention members have left the task of defining economic solidarity after enlargement to the EU institutions when adopting individual legislative acts, there is a risk of ad-hoc solutions which are being determined by the short-term objectives and bargaining powers of different Member States.

In order to identify possible understanding of economic solidarity in the EU the next section explores the evolution of the concept of economic solidarity.

Towards a broader understanding of solidarity and its foundations

The emergence of solidarity in modern times can be traced back to the call of the French revolution for liberty, equality and fraternity. Solidarity is generally understood to signify an interdependent relationship between individuals and a certain group. Solidarity claims a commitment of an individual to an association, group, community, polity or humanity as a whole.⁸ Solidarity evokes sacrifices and is thus directly opposed to the sense of disengagement or individualism that is unconcerned about the members of the group or community who suffer (think of the Polish Solidarity that was founded in September 1980).

This expression of unity or fraternity is founded on moral precepts. It is a principle of communities governed by similar values and norms.⁹ It has a moral object and is affirmed on moral grounds. In this view solidarity is based on a feeling of “natural” kinship between members of a community.¹⁰

Historically, this perception of solidarity has sometimes included the notion of obligation where the beneficiary of public assistance has to do something in exchange or has to deserve what he or she receives.¹¹ This conception carries the risk of discrimination. To avoid that risk, liberal political philosophy has complemented solidarity with the idea of fairness which rests on a notion of reciprocity.¹² “All who are engaged

in cooperation and who do their part as the rules and procedures require, are to benefit in an appropriate way as assessed by a suitable benchmark of comparison.”¹³ Yet, John Rawls does not reduce solidarity to mutual advantage. Rather he bases it on an overlapping consensus which is predicated “not merely on accepting certain authorities or on complying with certain institutional arrangements, founded on a convergence of self- or group interests. All those who affirm the political conception start from within their own comprehensive view and draw on the religious, philosophical and moral grounds it provides.”¹⁴

Against this morally-based reasoning, a rational understanding of solidarity emerged in the workers movement. Friedrich Engels based the principle of solidarity on the existence of shared interests. He claims that “the simple feeling of solidarity based on the understanding of the identity of class position suffices to create and to hold together one and the same great party of the proletariat among the workers of all countries and tongues.”¹⁵ Solidarity does not only stem from the perception of shared interests. It can also be motivated by the perception of shared problems. In this view, solidarity is predominantly a feeling of relatedness based on a “latent reciprocity”.¹⁶ Although solidarity has thus rational motives it also needs a moral ground and a certain level of commitment and sacrifices of the group members.¹⁷ It rests in particular on a shared understanding of fairness.

Although these conceptions of solidarity are very different, they nevertheless share certain fundamental features. First, solidarity imposes certain responsibilities on the members of the community. A community based on solidarity means providing support in particular – but not only – in times of need or crises.¹⁸ Second, solidarity is contextual and limited.¹⁹ This means that it has boundaries in terms of material support as well as geographical scope. Third, solidarity is based on the perception of a “we-perspective” – a commonality – among the members of a community.²⁰

If indeed the existence of a “we-feeling” is an essential prerequisite for solidarity to evolve, then it poses an uncomfortable question for the enlarged and enlarging EU. How can it foster this feeling? After all, the EU aims to create “... an ever closer union between the peoples of Europe” [Article 1 EU].

Unlike nation states, the EU cannot draw upon a common heritage such as glorious historical events, masterpieces of literature or even sporting achievements in order to nurture commonality. And, it is questionable whether European elites, let alone European peoples, share a common understanding of values relating to kinship or fairness. In such a heterogeneous system as the EU, fairness cannot simply be equated with equality.²¹ Is it possible, therefore, to follow Juergen Habermas’s line of thought and try to engender the “we-perspective” without having a pre-existing consensus on its constituent elements? Can an institutionalised process arrive at a common understanding and definition of solidarity.²² Some scholars have suggested that

strengthening social and structural policy instruments would contribute to achieving this “we-perspective”.²³ However, no definite answers have been given to these questions.

We are now at an impasse. If solidarity presupposes the existence of certain common values, and if such values are not well-developed at the European level, is there any chance of developing solidarity on the basis of mutuality of narrower interests? In other words, is there an evolutionary path that will eventually lead from economic solidarity to political solidarity? After all, the EU has its roots in steel, coal and the Economic Community. To answer that question we need to explore in more detail the meaning of economic solidarity and whether it has the potential to lay the foundations for a consensus on a broader understanding of solidarity.

Towards economic solidarity?

We begin by investigating national systems of solidarity because we want to consider, first, whether the EU can adopt similar arrangements and, second, to determine whether they can develop into a political or broader form of solidarity.

Within countries economic solidarity may be broadly defined as “mutual support” and can be expressed in different ways. Above all, it is a form of “insurance”. Society usually undertakes to support those who become unemployed, fall ill, are incapacitated or for some other reason

cannot work. In most European countries, retirement benefits and pensions are also a form of “social insurance”, as those currently in work pay for those who have retired. These benefits are contingency-based, in the sense that special conditions must hold, and are universal in that they are available to anyone who qualifies. Nonetheless, they go beyond normal forms of cooperation whereby anyone who participates obtains benefits at the same time. With solidarity as a form of insurance, benefits are restricted only to those who satisfy the criteria of eligibility.

Solidarity is also expressed in terms of public provision of “merit goods”. Merit goods are different from public goods which are supplied on a collective basis because their consumption cannot be restricted to those who pay [e.g. “clean air”]. Merit goods are those goods whose consumption is regarded to be a “right” or to be beneficial for society [e.g. education, affordable access to telecommunications and postal services]. Merit goods are supplied at standard terms and prices, irrespective of how much one “consumes” of them. They are often subsidised by tax payers.

The financing of social insurance, public goods and

merit goods also includes elements of solidarity. To the extent that a proportion of their costs is covered by transfers from public funds, then it is taxpayers who are the ultimate source of that financing. But in all European countries, taxes are levied according to the “ability to pay”. There are elements of solidarity, therefore, in “progressive” tax systems.

We can, then, attach three specific meanings to the economic definition of solidarity as mutual support: it is contingent assistance to those in need, it is the provision of “social” goods that all members of society deserve or have the right to have, and it is contribution to the common finances according to the ability to pay.

What options for the EU?

Which of these three kinds of economic solidarity should the EU adopt? Just because modern societies promote economic solidarity between their citizens, it does not necessarily follow that the EU should do the same. Countries do not have the same needs as persons. Conversely, countries are not as vulnerable as individuals. Sovereign countries can impose taxes, mobilise

resources, changes policies, borrow against the income of future generations and, as a last resort, print money²⁴ and default on their debts. Nonetheless, while countries do not retire or lose their jobs, they can still suffer from man-made and natural calamities, as the events of the past year have shown. At suffi-

ciently large scale, these calamities can overwhelm the capacity of any modern state to respond. Since it is a form of insurance, the EU should indeed promote solidarity to mitigate the economic and social dislocation from such natural catastrophes and unforeseen economic events that can defeat the defences of any single country.

The cost of providing insurance cover against unforeseen events declines as it is spread over a large number of persons. This is because not all persons are exposed to the same risks at the same time. Similarly, the growing number and diversity of the members of the EU should make Community actions to deal with this kind of events relatively cheaper and more beneficial for all. Solidarity makes more sense as the EU enlarges.

Should the EU promote the consumption of merit goods? Again, care must be taken not to generalise on false premises from the actions of nation states. The needs of persons are not the same as the needs of states. In theory, merit goods address basic needs and make those who consume them better persons and better members of society. What, then, are those goods whose consumption would make the members of the EU “better”? And, “better” in what sense?

If solidarity presupposes the existence of certain common values, and if such values are not well-developed at the European level, is there any chance of developing solidarity on the basis of mutuality of narrower interests?

In contrast to contingent action where it is obvious that the EU has a significant role to play to support Member States, since Member States are unable to act effectively, in the case of merit goods it is not at all obvious why the EU should act instead of the Member States. It has long been advocated in the literature on European integration that the EU should confine itself to providing and funding European public goods which generate Community-wide externalities.²⁵ The list of such goods would include the functioning of EU institutions, actions to guarantee the openness of the internal market, policies with strong cross-border spillovers such as research and environmental protection and common external actions ranging from the management of trade policy to coordinated foreign aid. If existence of externalities is the guiding criterion, then that list would exclude such "holy cows" as agriculture, but would include actions to strengthen, for example, controls at the external borders of the Community. Even though measures to stem the flow of illegal migrants and drugs would be undertaken primarily by national administrations, a case can be made for their funding by the EU budget on the grounds that they benefit all Member States, and especially the richer ones who attract economic migrants.

In relation to merit goods, it follows that, apart from information about the EU and what services it can offer to European citizens, it is difficult to think of other goods which the EU can provide more efficiently or effectively than the Member States. So the case for European merit goods remains to be proven.

Solidarity, in the meaning of fairness, is also expressed in terms of financing common activities according to each member's ability to pay. This is already done in the way that Member States' contributions to the EU budget are calculated. The "traditional" own resources of the EU include sources of funding that have either little to do with ability to pay [e.g. customs duties] or are "regressive" in nature [i.e. depend on consumption rather than income, such as VAT receipts]. However, the share of the "GNP-related" resource has been steadily increasing and now accounts for about 50% of the EU's budgetary receipts. Also the VAT-related contributions have been capped, so their regressive element has been removed. While it can be argued that customs duties rightfully belong to the EU [customs policy is completely harmonised and is one of the very few policies that belongs exclusively to the Community], the same cannot be said about VAT receipts. Complete reliance on GNP would make the system more transparent and fairer in principle.

The other side of payments into the budget is that of receipts from the budget. Solidarity can operate here as well according to need. The EC Treaty stipulates "economic and social cohesion" to be a task of the Community. The Treaty says that the purpose of structural funds is to promote "overall harmonious development", strengthen "economic and social cohesion", "reduce disparities" and "improve opportunities". Since these policy objectives reflect economic and social needs,

structural funds can indeed be rationalised as the main expression of solidarity on the expenditure side of the EU budget.

What else? We have argued that the analogy between intra-country solidarity and intra-Community solidarity does not provide a foolproof means of determining what the EU should do to strengthen economic solidarity between its members because countries do not have the same needs as persons. So we have to ask whether there may be other reasons for which a Community concept of economic solidarity should be developed?

The primary candidate is the argument that the EU should compensate those members who suffer from Community measures. Although seemingly simple and self-obvious, this is a dangerous argument. Intra-EU integration has progressed to such depth and breadth that it is not simple at all to unravel the effects of any single measure on any single country or region. Moreover, it would be a recipe for disaster because Member States would demand compensation for those measures they do not like, while ignoring that previous agreements and deals were made possible precisely because they were made in the form of packages containing both positive and negative elements. And who would provide such compensation? All countries would find something which they would claim is bad for them. How would the EU treat candidate countries which have undertaken massive and costly reform in order to qualify for membership? Member States would not strengthen solidarity in view of enlargement, they would simply abandon both of them. The EU has been built on the fundamental tenet that voluntary agreements are generally beneficial for all members and that tenet should be retained. It is therefore doubtful that disadvantages caused by the process of integration process can justify economic solidarity.

In conclusion, even though the motive of mutual assistance can certainly give rise to the realisation of economic solidarity at the European level, it cannot in itself provide much justification for other forms of solidarity.

Conclusions:

The European dilemma

As the EU enlarges, it needs to consider how to promote solidarity between its members. On the one hand, it makes sense for it to strengthen solidarity because it will grow larger and more diverse and will, consequently, have to galvanise support for its system, principles and policies. This does not mean that the EU should duplicate national solidarity measures. The needs of nation states are different from those of persons. Yet, countries can still benefit by extending mutual support to each other.

On the other hand, solidarity is an expression of kinship. As such, it depends on shared beliefs and acceptance of the political nature of the process of European integration. The growing diversity of the EU will make it more difficult for it to develop a perception of commonality and "we-feeling". Consequently, strengthened solidarity at EU-level entails the

development or reform of policies or instruments which are either based on an already existing “we-feeling” or which are likely to create the “we-feeling”. European merit goods are a case in point.

So far and although the EU has been discussing reform of policies, including economic and social cohesion, it is still not taking up the challenge of defining EU solidarity and what may unite EU citizens beyond abstract values.

Annex:

Solidarity in the Draft Constitution

Article 42: Solidarity clause

1. The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the victim of terrorist attack or natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to:
 - (a). - prevent the terrorist threat in the territory of the Member States;
- protect democratic institutions and the civilian population from any terrorist attack;
- assist a Member State in its territory at the request of its political authorities in the event of a terrorist attack;
 - (b). assist a Member State in its territory at the request of its political authorities in the event

- of a disaster.
2. The detailed arrangements for implementing this provision are at Article III-231.

Implementation of the solidarity clause:

Article III-231

1. Acting on a joint proposal by the Commission and the Union Minister for Foreign Affairs, the Council of Ministers shall adopt a European decision defining the arrangements for the implementation of the solidarity clause referred to in Article I-42. The European Parliament shall be informed.
2. Should a Member State fall victim to a terrorist attack or a natural or man-made disaster, the other Member States shall assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council of Ministers.
3. For the purposes of this Article, the Council of Ministers shall be assisted by the Political and Security Committee, with the support of the structures developed in the context of the common security and defence policy, and by the Committee provided for in Article III-162, which shall, if necessary, submit joint opinions.
4. The European Council shall regularly assess the threats facing the Union in order to enable the Union to take effective action.

NOTES

¹ European Commission, *Communication on the development of a common policy on illegal immigration, smuggling, and trafficking of human beings, external borders and the return of illegal immigrants*, COM(2003)323 final, 3.6.2003, p. 17

² See for instance Speech of Romano Prodi at the second cohesion forum in May 2001. Speech of representative of the Dutch government Mr van Mierlo at the Convention on 16.4.02 at: <http://european-convention.eu.int/docs/speeches/345.pdf>. Contribution submitted by Mr Michael Frendo, “A solidarity clause in the European Constitution”, CONV 557/03, 17.2.2003.

³ The Convention members could submit their contributions in their mother language. Only official documents of the presidium were translated in all languages; individual contributions were not.

⁴ This is about twice as many times as mentioning another fundamental principle of the integration process, i.e. the subsidiarity principle. The latter one is only mentioned eleven times excluding the protocol on subsidiarity and nineteen times including the protocol.

⁵ See Article I-3 of the draft constitution.

⁶ See the preamble of part I and II, Article I-2,

⁷ Security includes external dimension in the EU’s common foreign and security policy as well as an internal dimension in the area of freedom, security and justice

⁸ H. Tristram Engelhardt, Jr., “Solidarity: Post-Modern Perspectives”, in: Giuseppe Orsi et.al. (eds.), *Solidarität*, Frankfurt/M. 1995, p. 52.

⁹ Adrian Reinert, “Solidarität als bedingter Altruismus”, in: Georgios Chatzimarkakis & Holger Hintze (eds.), *Brücken*

- zwischen Freiheit und Gemeinsinn, Bonn 1999, p. 48.
- ¹⁰ Markus Daniel Zürcher, *Solidarität, Anerkennung und Gemeinschaft: Zur Phänomenologie, Theorie und Kritik der Solidarität*, Tübingen 1998, p. 175.
- ¹¹ Karl H. Metz, "Solidarität und Geschichte", in: Giuseppe Orsi et.al. (eds.), *Solidarität*, Frankfurt/M. 1995, p. 27.
- ¹² John Rawls, *Justice as Fairness*, *The Journal of Philosophy*, 1957, pp. 653-662.
- ¹³ John Rawls, *Political Liberalism*, New York 1993, p. 16.
- ¹⁴ *Ibid.*, p. 147.
- ¹⁵ Friedrich Engels, *Selected Works*, Vol. 3, Progress Publishers, Moscow 1970, p. 233.
- ¹⁶ Karl Otto Hondrich/Claudia Koch-Arzberger, *Solidarität in der modernen Gesellschaft*, Frankfurt/M. 1992, p. 14.
- ¹⁷ Andreas Wildt, Bemerkungen zur Begriffs- und Ideengeschichte von Solidarität und ein Definitionsvorschlag für diesen Begriff heute", in: Giuseppe Orsi et.al. (eds.), *Solidarität*, Frankfurt/M. 1995, p. 45.
- ¹⁸ John Kenneth Galbraith, *The Good Society*, Boston/New York 1996.
- ¹⁹ Gerhard Kleinhenz, "Subsidiarität und Solidarität bei der sozialen Integration in Europa", in: Gerhard Kleinhenz (ed), *Soziale Integration in Europa II*, Berlin 1996, p. 19.
- ²⁰ Juergen Habermas, "Reconciling through the Public Use of Reason: Remarks on John Rawls's Political Liberalism", *Journal of Philosophy*, March 1995.
- ²¹ Ewald Nowotny, "Perspektiven einer europäischen Finanzverfassung", in: Heiner Heseler et.al., *Gegen die Markt-Orthodoxie: Perspektiven einer demokratischen und solidarischen Wirtschaft*, Hamburg 2002, p. 143.
- ²² Juergen Habermas, "Gerechtigkeit und Solidarität", in: Gertrud Nummer-Winkler (ed.), *Weibliche Moral: Die Kontroverse um eine geschlechtsspezifische Ethik*, Frankfurt/M. 1991, p. 232.
- ²³ Gerhard Kleinhenz, "Subsidiarität und Solidarität bei der sozialen Integration in Europa", in: Gerhard Kleinhenz (ed), *Soziale Integration in Europa II*, Berlin 1996, p. 22.
- ²⁴ However, since 1999, this option is no longer open to those Member States which are also members of the Economic and Monetary Union.
- ²⁵ For a recent restatement of the theory, see Horst Siebert, "Europe - Quo Vadis? Reflections on the Future Institutional Framework of the EU", *World Economy*, 2002, vol. 25(1), pp. 1-32. □

Improving Implementation by National Regulatory Authorities



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Abstract

National regulatory authorities (NRAs) in the liberalised utility markets have a significant role in policy making and policy enforcement. Much of the debate about them has revolved around their independence from Member State governments, yet independence alone is not sufficient to ensure effective regulation across the internal market. Poor co-operation procedures among NRAs, lack of regulatory impact assessment procedures and weak decision-making procedures between an NRA and the Commission may seriously hamper the functioning of the internal market for telecom and electricity. By bringing the NRAs together and establishing a veto rule, the Commission is on the right track concerning the telecom sector. Yet further improvements can be made by setting general EU regulatory principles in close relation with common transparency obligations in NRA decision-making.

Introduction

Following the adoption of several EU directives that liberalised important sectors such as telecommunications, postal services, transport and electricity, regulation by national regulatory authorities (NRAs) is 'rapidly becoming the most important mode of regulation, indeed the leading edge of public policy-making in Europe'.¹

This article will discuss whether the EU regulatory governance structure of the telecommunications and electricity sector provides for sufficient instruments to assure effective implementation of EU policy.

Independence from governmental interference has been regarded as the main concern and has been described and analysed extensively.² Yet independence is not sufficient to ensure effective regulation in the internal market. The EU rules should not only require that NRAs are independent but should also facilitate co-operation among them and insist on more transparency of national regulatory decision-making.

Liberalisation

Since the EU has been granted the responsibility to liberalise the movement of capital, goods, services and workers across Member States, its main policy objective has been to improve the functioning of the internal market and to boost competition. It considers monopolies as harming for the internal market and ensures for that reason that EU competition rules apply, even to public undertakings. Frequently, these monopolies have been formed in the network industries like telecommunications, transport and energy.

In order to be able to apply the competition rules in these sectors, the Commission makes a distinction between network infrastructure and services provided over that infrastructure. It considers it possible and desirable to create competitive conditions in respect to services and has thus initiated legislation to liberalise, among others, the telecom and electricity sector. The Commission has based its liberalisation directives on this concept of separating the network infrastructure from the commercial activities. Since Member State governments often have a stake in the commercial activities of these network companies, the directives require Member States to separate their regulatory function from their ownership function in order to avoid conflicts of interests. If governments want to hold on to their stake in these companies – and since almost all governments do – they have to establish an independent regulatory authority to regulate the network.

The directives require Member States to separate their regulatory function from their ownership function.

Implementation

Although it may be beneficial for the EU Member States to agree on liberalisation of their domestic utility markets, each individual Member State has an incentive to interpret the rules in such a way that is advantageous for its own market structure.³ This is because adjustment to a different – albeit common – regulatory structure involves costs. Therefore, a Member State has an incentive to structure and monitor its NRA so as to ensure that its regulations serve its narrow national interest. This will raise costs for those companies wishing

to deliver services in more than one Member State because they have to adapt to different regulatory structures. For this reason, the debate surrounding the creation of NRAs revolved around institutional independence and the monitoring of these NRAs.

Since the Commission acts as Guardian of the Treaty, it is its task to monitor transposition of EU law and supervise the functioning of the internal market. Yet Member States have 'institutional autonomy' regarding the designing and monitoring of organisations such as NRAs, that have been delegated the task to implement the liberalisation policy. This makes the EU regulatory governance structure rather complex and can create problems for the Commission to assure effective implementation of the policy. As Yatanagas⁴

notes; "...there is an institutional vacuum between EU legislators and the implementation of European laws by the national authorities at the Member State level. The absence of adequate features of conflict resolution and an unequal expertise and independence of the national regulator further undermines the efficiency of the system." Different national institutional settings and monitoring of NRAs, lack of cross-country regulatory impact assessment procedures and weak decision-making procedure between NRA and Commission may impede effective application of EU law or may even lead to possible 'regulatory divergence'. Somehow the Commission has to advocate NRA independence and create appropriate regulatory decision-making procedures between NRAs, Member States and itself and among all sectoral NRAs in the EU to avoid any conflict while respecting the individual Member States' institutional autonomy.

Telecommunications and electricity sector

Both telecom and electricity industries are constructed around extensive and expensive infrastructure. Telecommunication requires (often) wires and cables to transport information. Electricity requires generators and power grids for transport. This infrastructure is necessary to deliver services to end-users but gives the owner of it a strategic asset to control the whole industry, which represents its monopoly characteristic. Despite these similarities, the networks differ in important technicalities. First, the electricity network is normally divided into three systems: generation, transport and distribution, all requiring expensive grids. Furthermore, economically feasible alternatives for cable and wire in the telecom network exist, like mobile telephony and wireless internet, to an extent that does not exist in the electricity network. Moreover, electricity transportation is sensitive to distance. Distance increases electricity losses. Finally, electricity operators must invest for the supply at peak capacity while operating only parts of

this generation capacity under normal demand. These characteristics would suggest that competition in the telecom sector will be more easily achieved than in the electricity sector. Nonetheless, both industries have become the subject of EU liberalisation.

The Single European Act gave the Commission the power to liberalise the Member States' telecom market. At that time, the provisions for telecommunications were entrusted to national telecom operators in almost all EU Member States, often organised as a ministerial unit or as a publicly owned company. They incorporated

the roles of policy-maker, service provider and market regulator at the same time. External and internal pressures led the Commission to initiate legislation to restructure the Member States' telecom

markets however. It accepted in first instance the exclusive rights for the telecom operators, giving them a dominant position in their domestic market, except in the case of cross-border trade. Nonetheless, they had to be subject to the condition that a regulator independent from all public and private undertakings would monitor them. Subsequent legislation in the early '90s removed the exclusive and special rights, granted more responsibilities to the NRAs and put certain obligations on telecom operators. By 1 January 1998, the national telecom markets in the EU have been fully liberalised. Based on a review of the telecom legislation, the EU has adopted a regulatory framework package incorporating all directives in 2002. The package's Framework Directive focuses solely on NRAs. This directive guarantees their independence, lays down a large set of tasks and regulates the relation between the NRA and the Commission.

The electricity industry was deliberately not mentioned in the Single European Act however. Nevertheless, the Commission was keen to liberalise this market too. Its overall plan was to gradually abolish or change the existing monopolies for the import and export of electricity and gas and then move on to production, transmission and distribution, within an EU-wide regulatory framework. The first electricity (and gas) directive set up a regime with multiple options for the Member States to liberalise and regulate their domestic markets. Yet experience demonstrated that this situation lead to distortion of competition in the internal market. The new electricity directive as adopted in June 2003 nullifies to a large extent the deficiencies of the previous directives. It abolishes the choice for network access, lays down the principle of reciprocity concerning market opening and obliges Member States to legally separate the transmission and distribution network operators from other parts of business. In addition, all Member States have to establish a regulatory authority with a minimum set of regulatory powers.

Somehow the Commission has to advocate NRA independence and create appropriate regulatory decision-making procedures.

Table 1: National Telecommunications and Electricity Regulatory Authorities

<i>Member State</i>	<i>Telecom NRA</i>	<i>Electricity NRA</i>
<i>Austria</i>	<i>Telekom-Control-Kommission (TCK)</i>	<i>Energie-Control GmbH (E-Control)</i>
<i>Belgium</i>	<i>Institut Belge des Services Postaux et de Télécommunications (BIPT)</i>	<i>Commission de Régulation de l'Electricité et du Gaz (CREG)</i>
<i>Denmark (NITA)</i>	<i>National IT and Telecom Agency (DERA)</i>	<i>Danish Energy Regulatory Authority</i>
<i>Finland</i>	<i>Finish Communications Regulatory Authority (FIORCA)</i>	<i>Energy Market Authority (EMV)</i>
<i>France</i>	<i>Autorité de Régulation de Télécommunications</i>	<i>Commission de Régulation de l'Energie (CRE)</i>
<i>Germany</i>	<i>Regulierungsbehoerde für Telekommunikation und Post (Reg TP)</i>	–
<i>Greece</i>	<i>National Telecommunications and Post Commission (EETT)</i>	<i>Regulatory Authority of Energy (RAE)</i>
<i>Ireland</i>	<i>Commission for Communications Regulation (ComReg)</i>	<i>Commission for Energy Regulation (CER)</i>
<i>Italy</i>	<i>Autorità per le Garanzie nelle Comunicazioni (AGCOM)</i>	<i>Autorità per l'Energia Elettrica e il Gas (AEEG)</i>
<i>Luxembourg</i>	<i>Institut Luxembourgeois de Régulation (ILR)</i>	
<i>The Netherlands</i>	<i>Onafhankelijke Post en Telecommunicatie Autoriteit (OPTA)</i>	<i>Dienst uitvoering en toezicht Energie (DTe)</i>
<i>Portugal</i>	<i>Autoridade Nacional de Comunicações (ANACOM)</i>	<i>Entidade Reguladora dos Serviços Energéticos (ERSE)</i>
<i>Spain</i>	<i>Comisión del Mercado de las Telecomunicaciones (CMT)</i>	<i>Comisión Nacional de Energía (CNE)</i>
<i>Sweden</i>	<i>National Post and Telecom Agency (PTS)</i>	<i>Swedish National Energy Agency (STEM)</i>
<i>United Kingdom</i>	<i>Office of Telecommunications (OFTEL) Markets (OFGEM)</i>	<i>Office of Gas and Electricity</i>

NRA independence and monitoring

It is vital for utility markets that regulation comes from an organisation independent from all interested parties. Since most Member State governments still have a share in their incumbent utility company, EU law does not consider them as independent. Recent EU telecom legislation therefore requires them to establish a legally and functional independent regulatory organisation and delegate certain powers to it. The telecom framework directive even states that those Member States that retain ownership or control over a telecom company have to ensure effective separation of its regulatory function from its ownership or control function.

The majority of the EU Member States had already opted to establish a regulatory authority in the telecom sector before the Framework Directive comes into force. These national regulatory authorities are organisationally separate from the central government and operate independently from the ministry responsible for their

sectoral policy. Some regulators in the electricity resemble more ministerial agencies though, realising the requirements in the present legislation but lacking the decision-making discretion telecom NRAs have. The new electricity directive obliges them to establish regulatory authorities similar to those in the telecom sector. Table 1 shows the NRAs by Member State in both sectors.

Luxembourg has a single institution endowed with regulatory powers for the telecommunications, post, electricity and gas markets. Germany has not established a regulatory authority for electricity. Its approach is based on general instead of sector specific regulations. Issues like prices and access to the electricity network can be brought before the German Federal Cartel Office. The system is supplemented by voluntary agreements among electricity companies. North-Ireland has its own electricity NRA but is not incorporated in the list.

Analysis from national legislation shows that all

telecom NRAs have sufficient statutory independence either provided by specific or general laws, except perhaps the Belgian BIPT.⁵ Regarding the monitoring instruments, they are rather similar across the NRAs. The authorities are almost all financed by fees paid by market companies they regulate, although some are still partly or fully financed by the state budget. The head or college members of the NRAs are most of the time appointed by the national government for a period longer than four years and sometimes even indefinite. Nonetheless, the German Reg TP, for example, has to cooperate with a *Beirat* consisting of MPs appointed by the government. Reg TP is obliged to respond to proposals of the *Beirat*. And in Italy, the procedure to elect AGCOM commission members is rather politicised with each House of Parliament electing four commissioners.

Co-operation among national regulatory authorities

Sufficient independence says little about the other problems mentioned above by Yatanagas. Of course, each NRA focuses on regulating its domestic market yet they also have to support the development of the internal market. In order to do so they need to know how other NRAs regulate in order to be able to take account of each other's decisions.

The Framework Directive is quite unambiguous about it. In cases concerning market definition, market analysis procedure and regulations affecting trade between Member States, a NRA has to inform and state its arguments about its draft regulation to the Commission and the other NRAs so they can make comments about the draft. However, national telecom legislation mentions only in a few cases co-operation with foreign NRAs. Consequently, the Commission has sought to institutionalise this co-operation obligation into a formal network of telecom NRAs. The NRAs already established the informal Independent Regulators Group (IRG), including those of the EFTA countries, in 1997 to coordinate and to develop an integrated information system. The voluntary activities of the IRG have now been formalised with the Commission decision to establish the European Regulators Group (ERG). The Group will act as an interface between the NRAs and the Commission. Its main tasks are to give advice to the Commission and to organise the consultation procedure regarding the above mentioned topics. The Commission is represented at appropriate levels and will possibly give secretarial support. What is exceptional about the ERG is that it is a European group of national representatives who do not represent the Member State, but the national regulatory authorities instead.

Similar actions have occurred among the electricity NRAs. They have established the informal Council for European Energy Regulators (CEER) in 2000. Its aim is

also to exchange information, experience, and views and to establish common policies among its members towards the electricity and gas market. Representatives of the Commission may attend the CEER's meeting.

An additional advantage of these EU network organisations, other than co-operation, is that they provide peer group review. They evaluate each other's functioning by means of best practice reports. The IRG/ERG has conducted several studies in the form of a 'principles of implementation and best practices'. The CEER has carried out similar studies. These networks can improve the functioning of the internal market for electricity and telecom.

European Commission

In order to prevent possible deadlock between an NRA and the Commission, or even regulatory divergence, some form of a hierarchical relation is considered necessary. Although it is legally possible for the Commission to centralise regulatory decision-making in the telecom sector by establishing a European Regulatory Authority for telecommunications, it has abstained from doing so. A single European authority is politically too sensitive and bureaucratically too cumbersome.⁶ It would simply lose the current flexibility to include national market circumstances in its regulations. Nonetheless, some active involvement of the Commission in national regulatory decision-making is desired.

Early telecom directives simply stated that the NRAs should co-operate with the Commission. The Framework Directive gives more comprehensive provisions to settle any conflicts between a NRA and the Commission though.

Effective implementation of the EU regulatory policy can still be improved in both sectors.

If the latter considers that an NRA draft regulation concerning market definition, market analysis procedure or trade would create a barrier to the internal market or if it has doubts about its compatibility with Community policy objectives, regulatory principles or law, then it can suspend the draft regulation for a period of two months. Subsequently the Commission may take a decision in accordance with the necessary committee procedure requiring the NRA to withdraw its draft regulation. In other words, the Commission can veto a NRA when it regards a draft measure incompatible with internal market rules. And if necessary, it can choose to open its own investigation under the Treaty's competition rules.

Transparency

Another instrument the Commission can use is enhancement of transparency in regulatory decision-making. Transparency obligations will force a NRA to make its arguments public. Undue reasoning or even government influence will be easier to detect. Moreover, transparency is already a deterrent enough to prevent governments to try to sway outcomes in their own

benefit. Consequently, more transparency reduces the uncertainty for market companies. The Commission has followed this course from the beginning of the liberalisation processes. Each directive contained provisions that the NRA has to proceed in decision-making process in an 'objective, non-discriminatory and transparent' manner. The Framework Directive states that the NRAs have to establish a consultation procedure to give interested parties the opportunity to comment and to publish regulations and outcomes of dispute resolutions. The electricity directive is less outspoken about transparency procedures. Both directives are silent about how the NRAs organise their regulatory decision-making procedure though.

Conclusions and policy implications

The EU is on the right track as regards the telecom sector with the Framework Directive. It sets out a clear obligation for the Member States to establish an organisationally independent regulatory authority, it institutionalises NRA co-operation and it gives the Commission the possibility to veto a NRA decisions. The Electricity Directives is not that far yet partly due to the fact that national ministries still play the most significant role in regulating and the later start of the liberalisation process.

Yet effective implementation of the EU regulatory policy can still be improved in both sectors. Analogous to the American Regulatory Planning and Review Order, the Commission should set general regulatory principles. Although the Framework Directive outlines regulatory principles, these principles concentrate on sectoral regulations instead on general regulations. Such general regulatory principles should include determination of the market failure that the regulator wants to address, regulatory impact assessments and regulatory planning.

These regulatory principles are in the American regulatory governance system closely linked to the Administrative Procedure Act. This Act lays down clear transparency obligations concerning decision-making,

publication and consultation procedures for all federal agencies. Similar European legislation would help to provide consistent transparent regulatory decision-making of NRAs in all Member States and provide companies with more certainty. Strong NRA independence, the establishment of network arrangements and enhanced transparency will diminish the role of the Member States and strengthen the direct link between Commission and NRA in the EU regulatory governance structure. Ultimately, new relations between national regulatory authorities, Member State governments and European Commission will emerge.

NOTES

* Arjan Geveke was a trainee at EIPA in 2002-3. In addition, he undertook research for the completion of his Masters thesis. This article is an excerpt from that thesis.

¹ Majone, G. (ed.) (1996), *Regulating Europe*, London: Routledge, p. 47.

² See Gilardi, F. (2002), 'Policy Credibility and Delegation to Independent Regulatory Agencies: A Comparative Empirical Analysis', *Journal of European Public Policy* 9, pp. 873-893, Organization for Economic Cooperation and Development (2000), *Telecommunications Regulations: Institutional Structures and Responsibilities*, Paris: OECD, or International Energy Agency & Organization for Economic Cooperation and Development (2001), *Regulatory Institutions in Liberalised Electricity Markets*, Paris: IEA Publications.

³ See Ph. Nicolaides et al. (2003), *Improving Policy Implementation in an Enlarged European Union*, Maastricht: EIPA.

⁴ Yatanagas, X.A. (2001), *Delegation of Regulatory Authority in the European Union*, Jean Monnet Working Paper 3/01, p. 35.

⁵ See footnote 2.

⁶ Eurostrategies and Cullen International (1999), *Final Report on the Possible Added Value of a European Regulatory Authority for Telecommunications*, Brussels: Eurostrategies/Cullen International. □

Defusing the Pension Time Bomb

Increasing Employment Rates – A Key Policy Measure for Maintaining Sustainable Pensions in Europe



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Abstract

Demographic changes and pressure on public finances are the main driving forces for reforms of welfare and pension systems in Europe. There are high-pitched calls – particularly from countries such as Austria, Italy, France, Germany and the United Kingdom – for attention to be re-focused on basic facts, arguments and interests. Reforming pension systems is one of the priorities of the current Italian Presidency. This article seeks to provide an introduction to the debate currently taking place in numerous current and future EU Member States. After a description of the main financing methods of pension systems, the role of the EU institutions in the pension reform process will be analysed. Further on, some light will be thrown on the need to reconsider the financial, social and employment implications of pension systems in Europe. Particular attention is given to the work-retirement process, i.e. the initiative to boost employment rates in order to increase contributions to social protection systems and to reduce public expenditure.

I. Introduction

It is common knowledge that it is not biology, but culture that defines when people retire. When the German Chancellor Bismarck introduced a retirement age of 70 in 1889, it was both cultural and social factors which shaped his political decision.¹ At that time, average life expectancy was less than 45 years.² The large majority of people died before they reached retirement age. But times have changed. Today's generation is the most prosperous and healthiest ever, with a much higher life and health expectancy. European citizens enjoy retirement almost as a "second life" which can go on for 20 to 30 years. The Welfare State, however, seems to be overburdened. The large increases in expenditure on public pensions projected for most European countries constitute a "time bomb" situation. Acquired rights are called into question because it is simply not clear whether social security systems can afford to fulfil pension claims. Within the EU, the number of contributors per pensioner within the statutory pension system is diminishing. Faced with low birth rates, the EU will move from having four to only two persons of working age for every retired person.³ The Central and Eastern European countries are not being spared this demographic shift towards ageing. Although populations in Eastern Europe are still younger on average than in the EU, they are ageing even more rapidly, because of their – in some cases – extremely low birth rates.⁴ In response to increasing pressures on public finances, Member States have undertaken several reforms aimed at ensuring adequate incomes for older people and combating poverty after retirement. The time for substantial reforms is "ticking away"; if reforms are not undertaken, the situation will call for large increases in taxation and/or

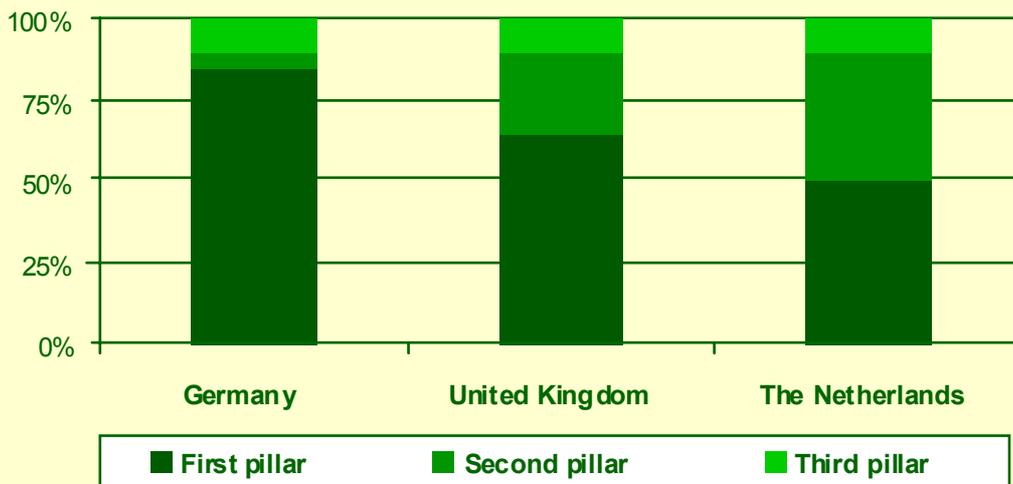
large cuts in public services, either of which would be quite unpopular in European countries.

II. Distribution versus Funding

There are two principal financing methods for pensions: distribution and funding. Financing pensions by *distribution* means that state-based public pensions ("first pillar pensions") are based on the principle of solidarity between generations. Within these "pay-as-you-go" systems, current contributions are paying current pensions. Countries like "Bismarckland" Germany, France, Greece, Italy and Spain mainly have first pillar pension systems. Financing pensions by *funding*, however, means that, instead of instant distribution to the benefit of the retiree, private actors provide contributions for later retirement benefits. People save while working to accumulate a fund that will buy them an annuity at retirement. Occupational pension schemes, to which the employee and eventually also the employer contribute, are financed by funding. They constitute the "second pillar" of the pension system. Pension schemes funded by the individual, for instance by a life insurance or a private investment fund, constitute "third pillar" pensions. Within the EU Member States, there are great differences in how these pensions schemes are composed to build an aggregated retirement income (see graph 1 comparing three Member States).

In the majority of Member States, public pensions are the main source of income for older people and this is likely to remain the case, even though occupational and private pension provisions are expected to become more important. However, one of the main reform trends underway is promoting more financially-sustainable pension systems by increasing space for contributions

Graph 1: Importance of the 3 Pension Pillars for the Retirement Income



to occupational and private pension arrangements. In particular, countries with a Bismarckian philosophy are trying to convert their monolithic public insurance systems into multi-pillar systems with stronger occupational and private pension schemes. Coverage of occupational pension schemes is, however, satisfactory only in The Netherlands and Sweden, where ca. 90% of the workforce have occupational pension schemes. In Italy, for example, only 5% of the workforce have occupational pension plans. The overall trend is evident: the downsizing of statutory social security pensions will further increase the role of employer-sponsored pension plans. In the long run, some responsibility must be transferred from the State to the individual. In summary, experts agree that distribution and funding schemes are complementary.⁵ Public pensions should not be replaced, but supplemented by occupational and private pension schemes.

III. The EU Pensions Process

According to the principle of subsidiarity, the primary responsibility for political decisions on reforming pension systems lies with the Member States. The European institutions have, however, an increasing role to play. Article 2 of the EC Treaty states that the Community's core tasks are to promote a "high level of social protection" and "social cohesion".⁶ Maintaining a high level of social security will remain an important objective, since forthcoming reforms of pension systems might trigger the risk that some parts of the population (such as women with interrupted careers due to child care) will have less retirement income than they would

have if they retired today.⁷ At the Lisbon summit in March 2000, the European Council mandated the Member States to analyse the long-term future of their social protection systems. The European integration process will thus compel European countries to reform their welfare systems. The growth and stability pact imposes on governments drastic limits on inflation and public budget deficits. Ministers of Finance can no

longer manipulate exchange rates; consequently, the room for manoeuvre to stimulate the economy for the sake of necessary reforms is substantially curtailed. Moreover, the rapid integration of the world economy accelerates competition between national economies. The

threat of the exodus of local industry further reduces the possibility of governments' raising tax in order to ensure sustainable social expenditure.

A "Maastricht for Pensions"?

The Italian Presidency of the Council of the European Union has identified the reform of social security systems as one of its priorities during its tenure – from July to December 2003.⁸ The Roman government's idea is to synchronise social policies with economic and employment policies. It has launched a plan for a new "Maastricht for welfare" referring to the EC Treaty limiting public deficits to three percent of gross domestic product. Prime Minister Silvio Berlusconi dared to speak even of a "Maastricht for pensions". According to the principle of subsidiarity, however, the EU has no competence to define common standards for pension systems in EU Member States. The route to achieving sustainability of pension schemes will vary from Member State to Member

Public and private pension schemes are complementary: public pensions should not be replaced, but supplemented by occupational and private pension plans.

State. Thus, the “Maastricht for pensions” initiative is really a means of launching a homogeneous classification system for accounting for social costs at EU level by the end of 2005.⁹

The Joint Pensions Report

The EU institutions have undertaken several measures with regard to pension systems. One important measure at the EU level is the “Joint Report by the Commission and the Council on adequate and sustainable pensions” adopted by the European Council on 3 March 2003.¹⁰ For the first time, the EU institutions have analysed national pension systems and their ability to face the challenge resulting from demographic and financial pressures. Earlier in 2002, the Member States provided National Strategy Reports on their pension reforms to the institutions in Brussels. Member States will have to ensure that their pension systems respond to changing societal needs, such as increasing the labour market participation of women and the growing share of part-time, self-employed and temporary workers. The Joint Pensions Report and cooperation between the Member States is based on the open method of coordination.¹¹ At the Laeken summit in December 2001, Member States agreed on 11 common objectives designed to secure the future of their pension systems. Two of these objectives, raising employment levels and extending working lives, are examined in more detail below.

The Pension Funds Directive

Another important measure concerns the Single Market for the provision of pensions. The EU ensures the smooth functioning of the Single Market. The free movement of workers, capital and the freedom to provide services¹² are, however, not fully achieved yet with regard to pension provisions. This is in particular the case for work-related pension schemes. The communication from the Commission “Implementing the framework for financial markets: action plan” identified a series of actions that are needed in order to complete the Internal Market for financial services. At the Lisbon summit in March 2000 it was decided that a framework Directive should pave the way for enhanced cross-border provision of pension services. On 13 May 2003, the Directive concerning the promotion of occupational retirement provisions was adopted.¹³ The Directive applies to second pillar pension schemes and provides a legal framework for institutions that intend to offer pension funds across borders. Once the EU framework is transposed, a pension fund provider will be allowed to distribute his fund services in other Member States after approval by his home country. After 13 years of negotiations, the Directive is a compromise between security and flexibility concerning how pension funds are allowed to invest contributors’ money. The clock is now ticking for the countries to implement the Directive

within two years; only then will pan-European pension funds be able to make full use of the Single Market. A common framework for occupational pension services would have clear cost benefits: the oil company BP, for instance, estimates the yearly costs for managing pension funds for its employees all over Europe at 40 million Euros.¹⁴

Initiatives in Favour of the Integration of Pension Markets

Taxation issues are, however, excluded from the scope of the Pension Funds Directive. To legislate an EU-level compromise is not conceivable at this stage, as the tax systems are too different. The functioning of tax regimes frequently results, however, in discrimination between residents and non-residents or between domestic and foreign pension providers. These conflicts may create obstacles to cross-border movements within the Single Market and, consequently, might become a matter for the European Court of Justice (ECJ).¹⁵ The recent judgement in the “Danner Case”, for instance, represents an important step paving the way towards the setting up of a more efficient system of co-ordination between tax authorities in the different Member States.¹⁶ The ECJ ruling helped to remove one important obstacle to the free provision of pension services within the Single Market. In 2003, the European Commission initiated infringement procedures against Belgium, Denmark, France, Italy, Portugal and Spain with regard to eliminating tax obstacles to the cross-border provision of occupational pension schemes that are contrary to European Community law.

IV. How to Boost Employment Rates

Pension systems in most European countries must be adapted to longer lives and better health of the workforce. Does it make sense for individuals to retire five to 10 years earlier than their parents did, when they are in far better health and are likely to live six to nine years longer? Policy makers can long debate the design of pension schemes or social equity and distribution. It would be useless, however, if there are not enough people to pay into the system. Thus, one of the main conclusions of the Joint Pensions Report is the need to raise employment. The more people are in employment, the more people contribute to the financing of pensioners’ income. Increasing employment rates is the key strategy for maintaining sustainable pensions. The rationale for this measure is its mitigating effect on developments in the relation between contributors and beneficiaries. Drastic cuts in future pension levels can be averted by raising the retirement age, in particular of workers older than 55 years. Thus, there is room for improvement since the EU has low employment rates compared, for instance, to the U.S. and Japan.

According to a projection undertaken by the

The Single Market for pension provisions has not yet been achieved.

European Commission, a one-year increase in the effective retirement age would absorb about 20% to 30% of the average expected increase in pension expenditures in 2050. In view of the target set at the Barcelona European Council in March 2002, namely to raise the average age of withdrawal from the labour market by five years by the year 2010, it might be sufficient if most people stay in the labour market until the statutory retirement age, which in most countries is 65. While raising the retirement age seems attractive from an economic point of view, it faces big problems in public opinion which, in turn, will make reform campaigns difficult for politicians. According to a Eurostat survey (Eurobarometer October 2001), only 23% of European citizens are in favour of this strategy, while 40% express strong and 29% slight disagreement.

Early Retirement and Gradual Retirement

Retirement behaviour of people is often problematic. Early retirement seems to be the “original sin” in a lot of European countries. Policies allowing employees an early exit from work have been used to create jobs, in particular for the younger generation, but this strategy has usually failed. Most jobs done by elderly employees are not interchangeable with jobs for the younger. It is not simply a matter of the younger filling the shoes of the older staff member. Instead, the overall volume of work has to be increased. Early retirement policies with their enormous costly effects made it too easy for employers, unions and workers to shift labour market problems onto pension schemes. Instead of adjusting unemployment statistics in the short term, it seems better to address the causes of the problem in the long term. However, “success stories” of countries such as The Netherlands, Denmark and Sweden show that this trend can be reversed.¹⁷ To conclude, there will continue to be a need for social protection schemes which allow people to retire early under certain circumstances, for instance in the event of long-term illness. But early retirement must be an exception to the rule.

The need to combat early retirement policies is complementary to the need for gradual progressive retirement, e.g. to combine a partial pension with part-time work according to one’s own preferences and physical abilities. Retirement is normally an abrupt process, whereas gerontologists have long praised the concept of gradual retirement as helping workers to avoid the “pensions shock”. Research has shown that “cliff-edge” retirement, i.e. going from full-time to zero work, can be problematic for both employees and employers. There is much advocacy by the academic world for the merits of a gradual withdrawal from working life both for employees and for employers. There is evidence that employees perform with higher job satisfaction, whereas employers benefit from a higher retention of the workforce and of the skills of experienced

workers. However, when it comes to new forms of retirement, attitudes matter. Altering the expectations of older workers will require that they be offered better opportunities to stay in working life. Gradual retirement is still a limited phenomenon in practice.¹⁸ Many companies are reluctant to let their employees retire gradually. Part-time work is still “ghettoised”: it is largely perceived as a special form of employment which employers do not wish to accommodate. Government policies promoting more gradual retirement have largely failed, because the schemes have been overcomplicated or because they have been swamped by programmes that offer full early retirement.

Early retirement is the “original sin” in a lot of European countries.

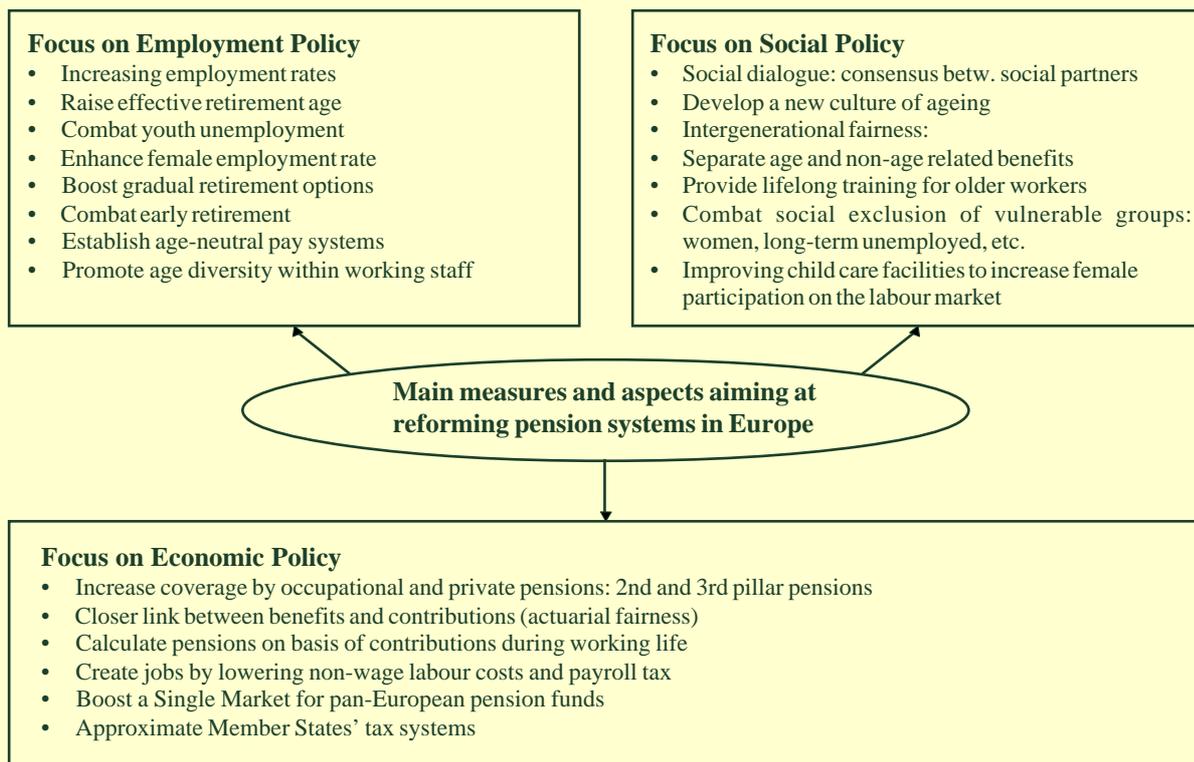
With regard to retirement patterns, little change has been observed. Positive incentives for older workers to remain in employment might not be large enough to induce them to leave the labour market later. The incentives originating from the tax or social security systems need to be substantial in order to have an impact on the worker’s decision to retire or to combine work and pension.¹⁹ As a comparison,²⁰ if a worker has the choice between working 35 hours a week and 40 hours a week with an unchanged weekly wage, it is evident that he will opt for the 35 hour week. In contrast, offered a choice between a 35 hour week and a 40 hour week with five hours more wages paid in the latter case, it would not be surprising if the majority chose the 40 hour week. As a result, reforms extending working lives would obtain support if there were clearly communicated and substantial incentives for employees to work longer.

Social Dialogue and a New Culture of Ageing

Social dialogue aimed at seeking full participation of the social partners is of the utmost importance. Changing employer and union practices in transition from work to retirement will require a major effort in close co-operation between social partners, as shown by “best practices” in countries such as Sweden and The Netherlands. The broad acceptance of a reform is a precondition for its long-term sustainability. The burden imposed by the demographic changes must, therefore, be distributed equally among generations. Reform measures should be implemented gradually; there will be no “big bang” reforms. The measures must be announced well in advance and need a strategy which reaches beyond the next election. The precondition for this is a broad consensus.

With regard to general attitudes and expectations of every citizen, a “new culture of ageing” seems to be needed. The capacities of older people represent a great reservoir of resources, which has been insufficiently recognised and mobilised. There is a potential to facilitate greater contributions from people in the second half of their lives. The definitions for “retirement” and the question “who is old?” should be reconsidered. In France, for example, 88% of staff aged 65 consider themselves “not old” in the sense of not suffering from

Graph 2: Reform Measures



any physical incapacities. In their mid sixties, people are generally healthy. That people live longer in good health implies that the potential for extending working life has grown markedly. It is, however, crucial to reduce working time at the end of the career. In summary, living longer means that people's second stage of life, i.e. their potential working life, has become longer. Raising the effective retirement age is therefore in line with increased life and health expectancy.

V. Conclusions

The main conclusions for maintaining adequate pensions sustainable are the following:

- Responsibility for pensions is continuously and irreversibly shifting away from governments towards individuals and private corporations.
- When discussing a reconstruction of the 'three pillar pension system', policy makers should focus more on changing labour market conditions.
- Increasing the employment rate is the logical answer to demographic ageing and budget deficits.
- Delaying retirement has almost become the holy grail of numerous social security reform proposals, since this would ease the burden on public finances

When discussing the financial architecture of the pension pillars, decision makers should focus more on changing labour market conditions.

substantially.

- Priority must be given to reversing the paradox of early retirement combined with increasing life expectancy.
 - Retiring more gradually is the right way to secure the maximum degree of self-determination and self-responsibility for employees.
 - The incentives to work longer must be both clearly communicated and substantial, if employment rates are to be increased substantially.
- In most countries, successful reforms have only been achieved by extensive social dialogue.

Room for manoeuvre between benefit levels and contribution rates may become slimmer with every month by which necessary reforms are delayed. There is, however, nothing inevitable about the ticking "pensions time bomb". Policy processes can determine to a large extent whether or not societies can maintain sustainable pensions, if they achieve a balance between the European social model and a competitive economy. Real reforms depend on economic growth and on social consensus. However reluctant people are to see the retirement schemes change, change is a must in most European pension systems.



NOTES

- ¹ Germany was the first country in the world to introduce the disability pension – and later the old age pension – for people aged 70. It was in 1913, when the old age pension was contributed to all employees aged 65.
- ² Taking infant mortality into account, in 1881-1890 life expectancy was even lower: for men it was 37 and for women 40 years. Axel H. Börsch-Supan, Christina B. Wilke, The German Public Pension System: How it Was and Will Be, Mannheim Research Institute for the Economics of Ageing, Discussion paper no. 34-03, at www.mea.uni-mannheim.de.
- ³ Economic Policy Committee report Budgetary challenges posed by ageing populations from 24 October 2001, pp. 12-18 (EPC/ECFIN/630-EN). It is noticeable that the “old-age dependency ratio” indicates that the ratio of people over 65 to people of working age will double between now and the year 2050. This ratio does not show the balance between economically active and inactive persons.
- ⁴ Deutsche Bank Research, EU Enlargement Monitor, No. 9, 15 October 2002.
- ⁵ Giovanni Tamburi, The future of pensions and retirement (2002), pp.14ff, The Geneva Association, an international association for the study of insurance economics, Geneva (CH).
- ⁶ The EC Treaty also foresees, in Article 3 (1 k), Community activities seeking to strengthen social cohesion. Further social policy provisions are laid down in Articles 136ff.
- ⁷ According to an OECD report, pension reforms might entail the risk of inadequate income for some vulnerable groups. In the future, the “social time bomb” may tick for groups such as the long-term unemployed, employees moving cross-border within the EU, employees moving in and out of self-employment, single older women with a weak labour-market attachment, or widows benefiting from low survivors’ pensions; Organisation for Economic Co-operation and Development (OECD), Ageing and Income – Financial Resources and Retirement in 9 OECD Countries, 2001, p.14-15.
- ⁸ The programme of the Italian Presidency is published at <http://www.ueitalia2003.it/EN/LaPresidenzaInforma/Programma/>
- ⁹ Ettore Greco, Vice-Director of the Roman Istituto Affari Internazionali, Priorità der italienischen EU-Präsidentschaft, Integration, Zeitschrift des Instituts für Europäische Politik in Zusammenarbeit mit dem Arbeitskreis Europäische Integration, p.195.
- ¹⁰ See at http://www.europa.eu.int/comm/employment_social/soc-prot/pensions/2003jpr_en.pdf.
- ¹¹ The Lisbon Council proposed that work on social protection should be facilitated by applying “a new open method of coordination”. This was introduced “as a means of spreading best practice and achieving greater convergence towards the main EU goals” in areas where Community powers are limited. See also: Philippe Pochet, Social Benchmarking, Policy Making and New Governance in the EU, Journal of European Social Policy 2001: 291-307.
- ¹² Article 39, 56 and 49 EC Treaty.
- ¹³ Directive of the European Parliament and of the Council of 3 June 2003 on the activities and supervision of institutions for occupational retirement provision (2003/41/EC), Official Journal L 235, 23/09/2003 p.10-21.
- ¹⁴ Also the European Commission has quoted this figure several times recently.
- ¹⁵ The Communication from the Commission and the Council, the European Parliament and the Economic and Social Committee, The Elimination of Tax Obstacles to the Cross-border Provisions of Occupational Pensions, COM(2001) 214, enhanced the scope to eliminate taxation-induced obstacles to cross-frontier portability of pensions. See also: Report No. 45 from the Centre for European Policy Studies (CEPS) Task Force on Cross-Border Portability of Pension Rights, Cross-Border Portability of Pension Rights: An Important Condition for an Integrated Market for Pension Provision, April 2003: 12-19.
- ¹⁶ Case C-136/00, Rolf Dieter Danner v Finish Government (judgment of 3 October 2002).
- ¹⁷ Per K. Madsen: 243-266, Frans Pennings: 285-311, ed. Hedva Sarfati & Giuliano Bonoli, Labour Market and Social Protection Reforms in International Perspective: Parallel or converging tracks? Abingdon, (Ashgate 2002).
- ¹⁸ In the late 90s, the share of an age cohort that changes from full-time to part-time working was only around 3% in most industrial countries, according to Eurostat and national labour force surveys. See also: Organisation for Economic Co-operation and Development (OECD), Reforms for an Ageing Society, 2000, p.91-92.
- ¹⁹ Delsen, L. (2003), Tax and social protection systems incentives and disincentives to be active in the labour market, ed. M. Jepsen, D. Foden and M. Hutsebaut, Active Ageing: what strategies to develop?, Brussels: European Trade Union Institute.
- ²⁰ Pierre Pestieau, Raising the Age of Retirement to Censure a Better Retirement, 2003, at <http://www.issa.int/eng/reunion/2003/anvers/2anvers.htm> and <http://www.issa.int/eng/homef.htm>. □



eGovernment in Europe: The State of Affairs



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This article outlines the state of affairs in eGovernment in Europe in the light of both an EIPA study¹ and the 2003 eGovernment Conference in Como 7-8 July², jointly organised by the Italian Presidency and the European Commission, at which the study was presented. The 2003 eEurope Awards for eGovernment, managed by EIPA, were presented at the Conference.³

A turning point

The results of the conference⁴ appear to confirm that eGovernment has reached a turning point in Europe: The question is no longer simply whether to be online or not. The socio-technical and institutional transformations which future eGovernment solutions will both enable and entail go far beyond serving citizens and the economy by merely offering online services. Data-sharing and back office integration will yield substantial benefits. The major issues identified in Como are not technical, but concern human resources, i.e. (re-)training of staff, the legal framework, and changes in approaches to management, the content of tasks and practices.

At the Como conference, European Commissioner Erkki Liikanen and Minister Lucio Stanca stressed eGovernment's crucial role in European competitiveness in helping to remove the bureaucratic red tape that is hampering European business. Investment in the reorganisation of the public sector and in the skills of its employees will ultimately pay off for citizens, businesses and governments alike. Moreover, eGovernment is considered a key enabler for citizen-centric, cooperative, "seamless" and polycentric modern government. However, in order to truly become a meaningful agent of modernisation for public service delivery and modern governance, the current technology bias must be replaced by a focus on socio-cultural transformations.

Issues at stake

European decision-makers, academics and industry representatives identified the need to address the following issues:⁵ (1) The mismatch between supply and demand in ePublic services requires monitoring of user's needs and expectations and tailoring of systems to suit these; (2) Interoperability and standardisation⁶ are key requirements for multi-level, pan-European and cross border services; much remains to be done with regard to the exchange of experiences and best practice at a European level; (3) Re-engineering of back offices

will increase productivity and allow universal services at affordable cost; (4) The use of common platforms enhanced by sound technology and a robust security layer can reduce costs through partnership and information sharing. To safeguard security, trust and privacy is considered a matter of priority.

The EIPA study⁷, "eGovernment in Europe: The State of Affairs", presented in Como, outlines the following principal trends: (1) eGovernment is becoming a meaningful agent of transformation; (2) its real potential lies in enabling *qualitative gains* in work processes, results and efficiency; (3) if implemented properly, it will help consolidate *principles of good governance*, such as democratisation, coherence, effectiveness, transparency and accountability; (4) a *new architecture of service management and delivery* is emerging, which separates customer-centred front offices from back offices, building on seamless connections between organisations with different traditions. Progress has been demonstrated in horizontal and vertical integration of services as well as in cooperation among administrations, agencies and with the private sector⁸.

Critical factors for eGovernment implementation

Key elements are service quality, effectiveness and efficiency, whereby a balance has to be found in sharing administrative tasks among the stakeholders. Multi-channel interaction systems with administrations are required. Putting people first is a precondition for success: the interests, expectations, fears and dangers which eGovernment solutions give rise to must be addressed proactively.

We have identified five critical factors for eGovernment implementation⁹: (1) adequate use of tailor-made IST¹⁰ resulting from cooperative processes involving vendors and users; (2) sufficient funding, possibly requiring public-private partnerships; (3) strategic frameworks based on cost/benefit analyses and demand; (4) a well suited legal and regulatory framework; and (5) adequate change management schemes anticipating psychological resistance and factual obstacles.

Main challenges

The cases submitted for the 2003 eEurope Awards for eGovernment¹¹ are indicative of far-reaching changes in governance, but does eEurope 2005 provide sufficient guidance?

Given the above developments, the concept of eGovernment has to be broadened to embrace the full potential of IST and the entire spectrum of public governance and public sector activities. Commission initiatives, e.g. the actions proposed in the recent Commission Communication on eGovernment¹², the planned EIF¹³ and specific EU programmes¹⁴, as well as the actions set out in the Como Ministerial Declaration¹⁵ will certainly contribute to meeting some of the challenges ahead. Cooperation among stakeholders, including at the European level, is a prerequisite in this process. eGovernment must not be confined to information processing within the modernisation of administrations, but should be geared towards knowledge management and good governance. Naturally, in this process of transformation public service ethics must be revitalised. While government may learn a lot from business management, work organisation and personnel practices, its difference also needs to be recognised.

In our study, we consider the main challenges to be the following: (1) planning beyond short term objectives and leadership; (2) developing the capacity to cooperatively mobilise administrations, industry and academic research; (3) understanding the diversity of political and administrative cultures; (4) ensuring interoperability of systems and standards while avoiding brutal standardisation; (5) learning from each other within an effective and sustainable framework for the exchange of experience and best practice at all levels of administration.¹⁶

It has been widely acknowledged that, without a vision, eGovernment is “mission impossible”. *Integrated Government* is a vision which will help eGovernment achieve its full potential for innovative change.¹⁷ Comprehensive and fully integrated eGovernment solutions must target user needs and be linked with management and back office reorganisation. The time has come to stop navigating blindly and to learn from past mistakes, to review and share experience to create a space whereby limits can be acknowledged. To this end, governments must drop the “e” and build solid,

comprehensive and well integrated strategies for reform, based on the prerequisite principles of good governance.

NOTES

- ¹ “eGovernment in Europe: The State of Affairs”, Editor: Christine Leitner, Head of eEurope Project Management Secretariat, EIPA (European Institute of Public Administration, NL); Authors: Jean-Michel Eymeri, Klaus Lenk, Morten Meyerhoff Nielsen, Roland Traunmüller. The full text of the study is available on <http://e-europeawards.org> (“Results” section).
- ² At the Como conference, 65 best practices were presented, selected from the 357 cases submitted for the 2003 eEurope Awards for eGovernment. Three applications received the eEurope Awards for eGovernment. The eEurope Awards programme is an IST accompanying measure.
- ³ For details on the winners see also the eEurope Awards News Update in this EIPASCOPE edition.
- ⁴ See http://europa.eu.int/information_society/
- ⁵ This summary is based on the reports of the conference rapporteurs.
- ⁶ Related to data, processes, and technologies.
- ⁷ See note 1.
- ⁸ In the 2003 Awards exercise 26.67% of the cases referred to vertical, 27.02 to horizontal integration, and 27.68% to government private cooperation respectively. 11.76% dealt with pan-European issues. For more details, see EIPA study, chapter 6.
- ⁹ For details see EIPA Study, chapter 3.
- ¹⁰ Information Society Technologies.
- ¹¹ 357 cases were submitted under three themes, half of which came under theme 2 – “A Better life for European Citizens”. An analysis is given in the EIPA study, Part II, chapter 6.
- ¹² The role of eGovernment for Europe’s Future, COM(2003) 567 final, adopted on 26 September 2003.
- ¹³ European Interoperability Framework, see http://europa.eu.int/information_society/
- ¹⁴ e.g. IDA, IST, eTen, MODINIS (to be adopted shortly), etc.
- ¹⁵ See http://europa.eu.int/information_society/
- ¹⁶ See also EIPA study, Part I.
- ¹⁷ See also EIPA Study, chapter 4. □

eEurope Awards News Update

Final Results of the 2003 eEurope Awards for eGovernment

The three prize winners for the 2003 eEurope awards for eGovernment were announced by European Commissioner Erkki Liikanen, in a formal ceremony held in the presence of Italian Prime Minister Silvio Berlusconi and Lucio Stanca, Italian Minister for Innovation and Technology. This ceremony was attended by some 30 Ministers participating in the European eGovernment Conference at Villa Erba, beside Lake Como in Italy, from 7-8 July 2003.

As reported in our previous EIPASCOPE edition, 65 applications representing “the best practices of public administrations in Europe” had been selected for exhibition at the EU’s Ministerial Conference eGovernment. All 65 best practices that had already been selected by an independent panel of experts from 357 applications to exhibit at the conference, received a “Finalist” certificate. The best practice cases provided evidence of the changes that public administrations need to make in their own organisation and in skills of employees in order for eGovernment to deliver its full

potential. Municipal, regional and national administrations from 14 Member States, from 12 Accession Countries, from Switzerland and from Norway responded to the call.

The winners are:

- *Bremen On-line Services*, Senator for Finances – Department for New Media and eGovernment, Germany (Theme 1).
- *HELP – virtual guide to Austrian authorities and institutions*, Federal Chancellery, Austria (Theme 2).
- *Tax information between public administrations*, Agencia Tributaria, Departamento de Informática Tributaria, Spain (Theme 3).

In addition to the winners, five Honourable Mentions were awarded. Full details of these, winners and nominees are available at the www.e-europeawards.org website together with the Exhibition Catalogue and State of the Art Research Report. □



eEurope Award Winner: HELP – virtual guide to Austrian authorities and institutions, Dr. Elisabeth Dearing.



*EIPA eEurope Awards Team.
From left to right: Morten Meyerhoff Nielsen, David Huysman, Christine Leitner, Alexander Heichlinger and Niels Karssen.*

Conference Proceedings

Does Devolution Add Value?



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During a couple of days in June 2003, around 50 academics, politicians and journalists gathered together in Barcelona to discuss issues on the theme of “Parties, Elections and Representation: Does Devolution Add Value?”¹ on the occasion of a seminar run jointly by the ESCR Devolution Programme² and the British Council³ in collaboration with the European Centre for the Regions (EIPA-ECR). This was the second meeting in a series on “Identity and Representation” led by the ESCR.

The topics addressed on this occasion were: identities in multinational states; voters and elections; elected representatives; parties campaigning in a single region; parties campaigning nationwide; regional issues; and the media. The experiences and cases addressed were those of the United Kingdom, Spain, Austria and Italy; different models, with different degrees of political decentralisation and various durations of the experiences. The issues dealt with were the different degrees in strength of the territorial identities, the differences between regions regarding preferences for particular parties or particular kinds of policy, the degree to which political parties adapt their programmes to the needs of different regions, the perceptions in the roles of elected representatives at both regional and national levels, and communication through the regional media to the voters on political issues.

Hence, the central question of the event was: *Do we have a clear understanding of how representation works in multilevel governments, where regional elections provide additional but also competitive channels for expressing political views often different from those provided by national elections?*

Out of the several cases addressed during the meeting, two could be clearly identified as representing a strong relationship between identity and a constitutional framework guided towards political decentralisation, namely Spain and the United Kingdom, and they were therefore looked at more closely by the participants in the discussions. However, the differences are sizable.

The first big difference relates to the time frame. In Spain, the current model of decentralisation was put in place by the Constitution of 1978, and its implementation began in 1979. In the UK, the process of the devolution of power to Scotland, Wales, Northern Ireland, London and other English regions started in 1997. The time perspective for analysis therefore varies considerably from one case to another.

Furthermore, the system was extended to the whole territory in the Spanish case whereas in the UK – for the time being – devolution affected the “nationalist” areas. The first two autonomous communities to develop their autonomy in Spain were Catalonia and the Basque Country, in 1979. Currently, there are 17 autonomous communities with a similar status. The entire territory has been decentralised. In contrast, in the UK, only Scotland, Wales and Northern Ireland have a devolved status.

A third big difference between the two cases relates to the model of decentralisation, namely institutions, fields of competence, political capacity, party and electoral systems. These all vary between the UK and the Spanish cases.

Within this context, the issues of identity, party systems, electoral analysis, and media behaviour are very difficult to compare. Nonetheless, some general conclusions can be drawn.

The starting point for the discussion was the 2003 elections in Scotland and Wales, and their comparisons with the Westminster elections. There is a tendency, depending on the type of election, to vote for one party in state parliament elections and for another party in regional/national parliament elections. This differentiation is also clearly marked in the Catalan case. The elections to the state parliament have traditionally resulted in the victory of the Socialist Party in Catalonia. However, the main nationalist party in Catalonia called “Convergència i Unió” has won all the elections to the regional/national parliament since 1979. Nevertheless, in the Spanish case, in the autonomous communities without a strong nationalist party and without a strong

**There is a tendency, depending
on the type of election,
to vote for one party in state
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another party in regional/national
parliament elections.**

sense of identity, the voters have voted in a similar way in the two different kinds of elections.

In the Catalan case, the campaigns and the topics addressed are shaped by every party depending on whether the election is for the state parliament or the regional/national parliament. This differentiation also exists in the case of Scotland and Wales. However, in both cases (Spain and the UK), it is more difficult for statewide parties to develop a particular programme and speech when they are contesting regional/national elections than it is for the regional/nationalist parties. In the first case, the regional branch of a statewide party is dependent on the statewide party position and in some cases basic contradictions can arise. This is the case for the Catalan Socialist Party, which is federated with the Spanish Socialist Party. Although some tendencies within the Catalan Socialist Party could be more regional/nationalist, they clash on occasion with the mainstream lines of the Spanish Socialist Party. When this occurs, the position of the Catalan Socialist Party has to be either tamed or changed by the regional leaders.

A similar situation can also be observed in Austria, although there are no regional parties particularly contesting regional and national elections. Nonetheless, it is difficult for the 9 regions to have their specific concerns and topics considered in a nationwide party programme in national elections. Other means (e.g. cross-border collaboration arises in certain issues such as the traffic problem in Tirol in Austria, Bavaria in Germany and South-Tirol in Italy) have to be envisaged.

Taking this into account, the voters' perception of the differences between different kinds of elections is difficult to determine. In some occasions, there is confusion about who is actually the running candidate. In the Catalan case, there is a tendency to identify the party leader with the candidate, whatever the scope of the election –statewide, regional/national or local. Furthermore, the perceived proximity to the candidate or elected representatives is very low in all cases after the electoral period. In contrast, in Scotland, and probably because of the different electoral system, the proximity to the candidates is higher, which sometimes adds to the confusion. For example, a member of the Scottish Parliament may be approached by someone whose concern is about a matter for Westminster.

These days, identity is everywhere and nowhere. The decline of clear-cut ideologies, the increasing distinction in the meaning of nation and state and of nationality and citizenship define the politics of identity in the 21st century. So far, there has been a very close identification between nation and state. However, this

strong connection is now in crisis. The acknowledgement of the existence of different “nations” (a particular cultural and political community) within a state is more and more evident and accepted. This brings a problem to the traditional notion of national identity. The feeling of a single identity no longer exists, rather a multi-level identity is now growing: one can feel Catalan, Spanish, European, or even a global citizen, with various degrees of intensity and even choosing different identities depending on the context.

This trend also brings a rediscovery of the link between identity and politics, exemplified in terms of nationality versus citizenship. In this regard, surveys have been conducted in Catalonia and Scotland showing that, in Scotland, there is a tendency to place the Scottish identity above the British, whereas in Catalonia more

people place at the same level the Catalan identity and the Spanish identity.

However, any self-identity is related not only to a personal definition of being Scottish or being Catalan but also to the definition of being British or Spanish. British identity is something of a new trend; UK citizens usually define themselves as English, Welsh, Scottish or Northern Irish. Conversely, Spanish identity is something more defined over time and which carries a heavier political weight. Defining oneself as Spanish or Catalan carries a strong political message and may therefore be a more meaningful form of self-identity.

Another dimension should be added to these discussions: the European Union context. By pure coincidence, but with perfect timing, the conference took place on the same day the Thessaloniki Summit was being closed (19 June 2003). This historical event under the Greek presidency taking place at the same moment of the meeting in Barcelona opened the door and invited contributions to make a political analysis of the successes and failures of the regions during the last months of discussions in the Convention on the Future of Europe. In a nutshell, the regional claims had failed to find their way to success. This was confirmed by the participants.

On the other hand, the European Union is gradually being given a federal structure. The governments should therefore prepare the infrastructure for this new form of multilevel governance. The regions with legislative powers have been defending their special status since the post-Nice process. This has conflicted with other regions that did not view the claim for a special status with such great sympathy.

As a consequence, the divisions in strategies and positions among the regions have not facilitated the

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dialogue between them.

The regions with legislative powers consider themselves to be very useful for the European Integration process. They are not satisfied with the results of the Convention. For example, some of the Spanish regions blame the Spanish Government for not having defended adequately their interests. Neither the composition of the Spanish representatives in the Convention, nor the representation of those interests by those present has been satisfactory.

The classical demands of the regions – consultation at the pre-legislative stage, control and direct defence of the principle of subsidiarity, participation in the Council of Ministers, and the institutionalisation of the Committee of the Regions – all failed during the Convention.

It is true that the Committee of the Regions has gained more power in the control of subsidiarity (access to the ECJ), but otherwise the other concessions are merely symbolic. The Convention recognises the regional and local levels only in the first articles of the draft Treaty. In this context, Wales and Scotland produced a paper just at the right moment. The paper was presented and accepted by the national government, the Foreign Office, who brought it into the Convention debate. In fact, the regions in the United Kingdom have timed their claims well, bringing them onto the Convention floor.

On the other hand, this is the second attempt to achieve what the Maastricht Treaty aimed at: “no implementation without consultation”. The political debate around the participation of the Spanish regions in European affairs seems not to be evolving. Since the political debate is not prospering, some of the strongest regions in Spain have stated that they will have to look for other ways to be put on the map.

All the previous discussions and findings were brought into the framework of the last topic “Devolution and the Media.” The media plays a key role as a tool, not only on the occasion of political campaigns but also in the definition of identities. In this sense, the existence or non-existence of regional/national media has an impact both in the development of political campaigns for a given election as well as in the definition of identity. In general, the regional media pays more attention to devolution issues than to the central issue. However, the fact that there is still no cohesive media arena at the regional level was a common factor within

the different experiences presented. On the other hand, the media can be a very powerful tool in creating identity and/or changing geography.

This was one of the main reasons why one of the priorities of the first Catalan government was the development of an independent TV channel that would broadcast all sorts of programmes entirely in Catalan. There are currently several channels, both public and private, that broadcast in Catalan. In terms of the use of Catalan, the radio stations legally have to broadcast in Catalan for more than 50% of the time. The media – in this context – contributes greatly to the spread of Catalan and is very much oriented towards the Catalan society and territory.

In Scotland – in contrast – the media is relatively young and underdeveloped. Following devolution, the press coverage was initially characterised by hostility towards the new institutions. It is clear that there is still room for improvement in this domain, but progress is expected in the near future, since awareness of the importance of public spaces for identity-building needs to be brought into the political debate.

In conclusion, all agreed that devolution does add value. Nonetheless, this is a learning process, to which forums like the one organised in Barcelona may – on a modest scale – contribute some valuable thoughts and findings. The next seminar in the series is to be organised in a new Member State of the EU, in Poland, at the end of 2003.

NOTES

- ¹ For further information on programme and speakers, please consult our website www.eipa.nl.
- ² The Devolution and Constitutional Change Research Programme was set up by the ESCR (Economic and Social Research Council) in 2000. It was formed to explore the series of devolution reforms, which have established new political institutions in Scotland, Wales, Northern Ireland, London and the other English regions since 1997. Its work is focused around three themes, Nationalism and National Identity, Governance and Constitutional Matters, and Economic and Social Policy. The programme aims to provide a fuller understanding of the devolution dynamic and its implications for the UK (www.devolution.ac.uk).
- ³ www.britishcouncil.org □

Prix Alexis de Tocqueville 2003

L'année 2003 marque la neuvième édition du Prix Alexis de Tocqueville de l'Institut européen d'administration publique (IEAP).

Tous les deux ans, l'IEAP décerne ce Prix qui porte le nom du Comte Alexis de Tocqueville (1805-1859), à une ou plusieurs personnalités, voire à un groupe de personnes, qui se sont distinguées par leur travail et leur engagement particuliers dans le domaine de l'amélioration de l'administration publique en Europe.

Le premier Prix Alexis de Tocqueville (lancé en 1987) fut décerné le 24 février 1988 à Lord RAYNER qui reçut cette distinction pour avoir introduit une méthode de modernisation particulière dans l'administration centrale et le *Civil Service* au Royaume-Uni, méthode qui pouvait être également utile à toutes les administrations publiques dans la Communauté européenne.

Le 12 octobre 1989, le deuxième Prix Alexis de Tocqueville fut attribué à S.E. Otto VON DER GABLENTZ pour ses idées et contributions innovantes, tant dans ses publications que dans ses activités, en faveur de la modernisation du fonctionnement du corps diplomatique dans le cadre des relations bilatérales entre les Etats membres de la CE.

En 1991, lors de la troisième édition du Prix Alexis de Tocqueville, le Prix récompensa un groupe de huit hauts fonctionnaires français, dont quatre avaient rédigé le rapport de la Commission sur le 10ème Plan sur l'efficacité de l'Etat, et les quatre autres avaient eu une influence déterminante sur le renouveau du service public en France. Ce groupe se composait de: M. François DE CLOSETS, M. Hubert PRÉVOT, M. Robert FRAISSE, M. Gérard METOUDI, Mme Sylvie FRANÇOIS, M. Bernard PÊCHEUR, M. Philippe BÉLAVAL et M. Serge VALLEMONT.

En 1993, le Prix, qui en était à sa quatrième édition, fut décerné à M. Hans A.P.M. PONT (Directeur général de la gestion et de la politique du personnel du service public au ministère néerlandais de l'Intérieur) pour sa contribution personnelle à la réforme de la structure des relations professionnelles dans la fonction publique aux Pays-Bas. Cette évolution, qui se caractérise par une "normalisation" des relations professionnelles, implique l'abolition du statut juridique spécial des fonctionnaires. Un pas important sur la voie du processus de modernisation fut réalisé en février 1993 par l'introduction d'un nouveau système de consultation pour la fixation des conditions de travail dans la fonction publique néerlandaise.

A la suite de l'adhésion de l'Autriche, de la Finlande et de la Suède à l'Union européenne, le Conseil d'administration et le Conseil scientifique de l'IEAP ont souhaité décerner en 1995 le cinquième Prix Alexis de Tocqueville à trois personnalités de ces pays qui ont contribué activement à l'adhésion de leur pays respectif à l'UE. Les lauréats du Prix Alexis de Tocqueville 1995 étaient, pour l'Autriche, Dr Gerhart HOLZINGER, Directeur de la section Service constitutionnel à la Chancellerie fédérale. M. Holzinger s'est distingué par son engagement en faveur de l'adhésion de l'Autriche à l'UE et, en particulier, par sa précieuse contribution dans la préparation de l'administration publique autrichienne à l'adhésion à l'UE. Pour la Finlande, M. Juhani KIVELÄ, Sous-secrétaire d'Etat permanent au Ministère des Finances. M. Kivelä a joué un rôle important dans la modernisation de la fonction publique finlandaise et s'est montré particulièrement actif pour l'établissement de relations avec des institutions de développement et de recherche administratifs dans les Etats membres de l'UE. Pour la Suède, M. Bo RIDDARSTRÖM, en sa capacité d'ancien Sous-secrétaire pour l'Administration publique au Ministère des Finances. M. Riddarström a travaillé depuis 1989 à des réformes dans le domaine de la gestion financière et de la gestion publique. Ses travaux ont été d'une grande importance pour le renouveau en

cours de l'administration publique suédoise et pour la préparation de la Suède à son adhésion à l'UE.

En 1997, le Prix, qui en était à sa sixième édition, fut décerné au Professeur Sabino CASSESE (I) sur la base d'un accord unanime s'expliquant par une appréciation extrêmement élevée pour ses capacités scientifiques et professionnelles. Le Professeur Cassese est considéré comme étant l'un des scientifiques les plus renommés dans le domaine de l'administration publique et un éminent spécialiste en droit public administratif. En outre, il a apporté d'importantes contributions à l'amélioration de l'administration publique européenne et pendant la période où il exerça la fonction de ministre (sans portefeuille), il fut l'un des principaux artisans de la réforme de l'administration publique italienne et opéra des changements fondamentaux. En bref, on peut dire que le Professeur Cassese est un scientifique et un praticien de dimension européenne, et il faut souligner que ses qualités sont reconnues également aux Etats-Unis où il a réalisé à de nombreuses reprises des travaux scientifiques fort appréciés.

En 1999, le septième Prix Alexis de Tocqueville fut décerné au Professeur Eduardo GARCÍA DE ENTERRÍA (E). Ce choix s'expliquait par une appréciation extrêmement élevée pour les capacités scientifiques et professionnelles du Professeur García de Enterría qui est considéré comme une des personnalités scientifiques les plus dynamiques du monde universitaire européen et, en même temps, la figure la plus marquante du droit public en langue espagnole depuis l'adoption de la Constitution espagnole. En outre, il est un expert incontesté du droit public et du droit administratif et il a livré une importante contribution dans le domaine de l'administration publique européenne et du droit communautaire et a publié de très nombreux ouvrages et articles dans ces domaines. Par ailleurs, il a reçu plusieurs distinctions honorifiques de la part de plusieurs universités en Espagne, en Europe et en Amérique latine, notamment l'Université de Paris I – Panthéon Sorbonne et l'Université de Bologne.

En 2001, le Conseil d'administration de l'IEAP a choisi de décerner le huitième Prix Alexis de Tocqueville à M. Jacob SÖDERMAN, Médiateur européen. De nationalité finlandaise, M. Söderman a exercé depuis 1995 cette fonction et a notamment œuvré inlassablement pour développer l'accès des citoyens européens aux documents administratifs, la transparence dans le fonctionnement des institutions de l'Union européenne et plus généralement la prise en considération des droits des personnes dans leurs relations avec l'administration publique européenne. Il a également contribué à améliorer la connaissance de cette administration, et ses rapports constituent aujourd'hui un élément majeur de la science administrative européenne.

En 2003, le neuvième Prix a été attribué à deux personnalités, l'une politique, l'autre universitaire. M. Neil KINNOCK, Vice-Président de la Commission européenne, a ainsi été distingué par le Conseil d'administration au titre de l'importante réforme de la politique du personnel à la Commission qu'il conduit depuis 2001, et qui modifiera profondément la structure de carrière des fonctionnaires, les dispositifs de formation, les règles relatives à la mobilité ou encore les mécanismes d'évaluation et de promotion. Professeur à l'Université Catholique de Louvain, Geert BOUCKAERT est un spécialiste internationalement reconnu de la gestion publique, expert de l'OCDE et qui a été appelé à conseiller les autorités politiques en Belgique, tant au niveau fédéral que régional, sur la modernisation de l'administration publique. Ses travaux font notamment autorité sur la nouvelle gestion publique ("new public management").

La cérémonie de remise aura lieu à Maastricht le 11 décembre 2003. □

Alexis de Tocqueville Prize 2003

2003 marks the ninth edition of the Alexis de Tocqueville Prize of the European Institute of Public Administration (EIPA).

Every two years EIPA awards this prize, named after Count Alexis de Tocqueville (1805-1859), to one or more, or even to a group of persons, whose work and commitment have made a considerable contribution to improving public administration in Europe.

The first Alexis de Tocqueville Prize (introduced in 1987) was awarded on 24 February 1988 to Lord RAYNER. He received this distinction for having introduced a special method of modernizing the central government and Civil Service of the United Kingdom, but a method which could also be of use to public administrations within the European Community.

On 12 October 1989 the Prize was awarded for *the second time* to H.E. Otto VON DER GABLENTZ for his innovatory ideas and contributions, both in his published works and activities, to the modernization of the operations of the diplomatic corps within the framework of bilateral relations between EC Member States.

In 1991, *the third Alexis de Tocqueville Prize* went to a group of eight French officials, four of whom were charged with drafting the report of the Commission on the “*10ème Plan sur l’efficacité de l’Etat*”, while the others exerted determining influence on the reorganization of the public service in France. This group consisted of the following people: Mr François DE CLOSETS; Mr Hubert PRÉVOT; Mr Robert FRAISSE; Mr Gérard METOUDI; Ms Sylvie FRANÇOIS; Mr Bernard PÊCHEUR; Mr Philippe BÉLAVAL and Mr Serge VALLEMONT.

In 1993, the Prize was awarded for *the fourth time* to Mr Hans A.P.M. PONT (Director-General for Management and Personnel Policies for the Civil Service at the Ministry for Home Affairs of The Netherlands) for his personal contribution to the modernization of industrial relations in the civil service in The Netherlands. This development which can be characterized as “standardization” entails the abolition of the special legal position of civil servants. An important step in the modernization process was made in February 1993 when a revised consultation system for the conditions of employment in the civil service was introduced.

In 1995, it was the wish of EIPA’s Board of Governors and Scientific Council – in the light of the accession of Austria, Finland and Sweden to the European Union – to award *the fifth Alexis de Tocqueville Prize* to persons, one from each of the three new Member States, who have been active in the accession of their countries to the EU, this being for Austria: Dr Gerhart HOLZINGER, Head of the Constitutional Service Department in the Federal Chancellery. Mr Holzinger had distinguished himself by his committed work for Austria’s accession to the EU and in particular by his extremely valuable contribution towards preparing Austria’s public administration for EU membership. For Finland: Mr Juhani KIVELÄ, Permanent Under-Secretary of State at the Ministry of Finance. Mr Kivelä had been prominent in the modernization of the Finnish civil service and had been active in establishing relations with administrative development and research institutions in the Member States of the EU.

For Sweden: Mr Bo RIDDARSTRÖM in his former capacity as Under-Secretary for Public Administration in the Ministry of Finance. Mr Riddarström had been working since

1989 on reforms in the field of financial management as well as public management. This work has been important for the ongoing renewal of Swedish public administration and the preparation for EU membership.

In 1997, *the sixth Alexis de Tocqueville Prize* was awarded to Professor Sabino CASSESE in view of the extremely high regard held overall for his scientific and professional capacities. He was considered to be one of the most highly respected scholars in the field of public administration and an outstanding scholar in public and administrative law. Furthermore, he had made important contributions in the field of European public administration and during the period that he was Minister (without portfolio) he was involved in the reform of public administration in Italy, carrying out sweeping changes. In short: he was considered to be a scientist and practitioner of European character who had, moreover, successfully carried out research in the United States on numerous occasions.

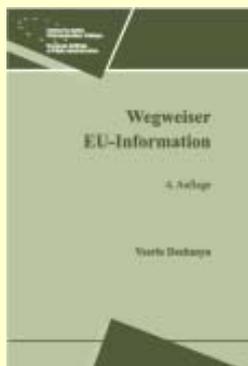
In 1999 there has been unanimous agreement to award *the seventh Alexis de Tocqueville Prize* to Professor Eduardo GARCÍA DE ENTERRÍA who is considered to be one of the most notable academics in Europe and one of the most outstanding experts in public law in the Spanish-speaking world since the adoption of the Spanish Constitution. In addition he is an outstanding scholar in public and administrative law who has made important contributions in the field of European public administration and European law and who has published extensively in all these fields. Furthermore, he is holding an honorary degree from several universities in Spain, Europe and South America, including those of Paris I – Panthéon Sorbonne and Bologna.

In 2001, EIPA’s Board of Governors chose to award *the eighth Alexis de Tocqueville Prize* to Mr Jacob Söderman, European Ombudsman. A Finnish national, Mr Söderman has held this post since 1995 and has in particular worked tirelessly to improve the access of European Citizens to administrative documents as well as to increase transparency in the functioning of the EU institutions and – more generally – for greater consideration of people’s rights in their relations with the European public administration. He has also contributed to improving the knowledge of this administration, and his reports now constitute a major element of European administrative science.

In 2003, the ninth Prize has been awarded to two figures, one political, the other academic. Mr Neil KINNOCK, Vice-President of the European Commission, has thus been singled out for an honour by the Board of Governors for the important reform of the Commission’s personnel policy that he has been carrying out since 2001, which profoundly changes the career structure for officials as well as training measures, the rules relating to mobility, and evaluation and promotion mechanisms. Professor at the Catholic University of Louvain, Geert BOUCKAERT is a public management specialist of international renown and OECD expert who has been called upon to advise the Belgian public authorities, both at federal and regional level, on the modernisation of the public administration. His works are regarded as the authority on new public management.

The award ceremony will be held in Maastricht on 11 December 2003. □

Wegweiser EU-Information 4. Auflage *



Dieser Wegweiser führt die Leserinnen und Leser durch die Vielzahl an Informationen, die von der Europäischen Union veröffentlicht werden.

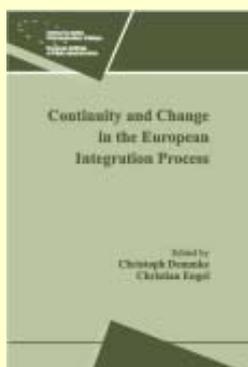
Der Wegweiser konzentriert sich dabei auf die „primären“ Informationsquellen der EU-Institutionen. Er enthält einen Abschnitt über Online-Informationen, einen Überblick über die Entscheidungsverfahren und die in Verbindung mit ihnen relevanten Informationsquellen, Hinweise zur Zitierweise von Dokumenten sowie eine Liste nützlicher Kontaktadressen.

Der Wegweiser richtet sich an all diejenigen, die mit europäischer Information arbeiten.

- * Veerle Deckmyn, EIPA 2003, 79 pages
ISBN 90-6779-177-6: € 20.00
Auch in Englisch und in Französisch erhältlich

Continuity and Change in the European Integration Process

Essays in honour of Günther F. Schäfer (EIPA 1984-2003) *



This collection of essays contains essays of friends and colleagues in honour of Günther Schäfer, who retired in 2003.

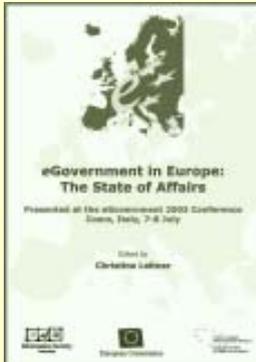
The political change in Europe between 1985 and 2003 has been dramatic, as has the political change in the integration process, when considering the successive enlargements of the present Union and the amendments introduced by the Single European Act (1986) up to the Nice Treaty.

The contributions in this collection cover various topics. Some of the contributions directly concern institutional issues and comitology (Christine Neuhold, Alexander Türk and Torbjörn Larsson), while others deal with economic issues and the relationship between the European Union and Switzerland (Klaus Gretschmann and Dieter Freiburghaus). The contribution of Heinrich Siedentopf represents the long-standing cooperation between EIPA and the *Deutsche Hochschule für Verwaltungswissenschaften* in Speyer in the organisation of training in European affairs for German *Länder* officials. The other contributions (Christoph Demmke, Christian Engel and Gaston

Stronck) reflect the EU's development in the field of (foreign) policy as well as the effects of the integration process on the public administrations of the Member States and the implementation of Community law. Finally, Robert Polet briefly describes the history and development of the European Institute of Public Administration.

- * Christoph Demmke and Christian Engel (eds), EIPA 2003, 273 pages
ISBN 90-6779-181-4: € 31.75
Texts in English, French and German

eGovernment in Europe: The State of Affairs *



A turning point

The *nineties eHype* is over and it is time to assess what has actually been done. The issue is no longer *why* government should be on-line but *how* and with *what consequences*. eGovernment has reached a turning point, an uncomfortable transitional period, in which practitioners have more questions than answers: Why aren't citizens leaping into online dealings with government? What return has there been on the investment in eGovernment projects? What is the best way to respond to the real social and economic demands? Is it feasible and realistic to create a seamless one-stop-government office when such seeming unity is dependent on cooperation between all the different actors in the back office? You name it – there is no shortage of questions.

“Drop the *e* and dance with the customer”

Comprehensive and fully integrated eGovernment solutions must target user needs and be linked to management and back office reorganisation. The time has come to stop navigating blindly and to learn from past mistakes, to review and share experience to create a space whereby limits can be acknowledged. To this end, governments must abandon mantras, drop the “*e*” and build solid, comprehensive and well-integrated strategies for reform based on the prerequisite principles of good governance.

Going beyond Lisbon

In a mid-term perspective, the potential benefits of eGovernment to society will go far beyond the targets set by the 2000 Lisbon Summit, but to use the full potential, more ambitious goals must be set, and burning questions need to be answered.

- * Christine Leitner (ed.), EIPA 2003, 63 pages
Research Paper presented at the eGovernment 2003 Conference – Como, Italy, 7-8 July
ISBN 90-6779-182-2
 - An electronic version can be found on line (<http://www.eipa.nl/home/eipa.htm>).

Forthcoming seminars in the field of European Information 2004

Training Course

“Europe on the Internet”

5-6 April & 18-19 October 2004

This practical training course aims to help those who in their work need to find information about the institutions and policies of the European Union and the wider Europe. The course will demonstrate how to quickly and efficiently find useful information on the internet, from official and non-unofficial sources, and will be combined with hands-on exercises.

Seminar

“Who’s Afraid of European Information?”

24-25 May 2004

The aim of this seminar is to provide those working in the field of European affairs on a daily or occasional basis, with the skills to trace and use European documents, by offering them a complete overview of major European information sources, and methods of gaining access to it.

Conference

“Keep Ahead with European Information”

22-23 November 2004

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

Seminar

“The European Union – Know the Essentials and Find Information” –

A seminar for translators

December 2004

This seminar is primarily aimed at translators with German as a source or target language, who in their work are faced with texts for which they have to acquire an understanding of the European Union and its decision-making processes, or who would like to get some training in this area of translation.

In addition, customised versions of **Europe on the Internet** and **Who’s Afraid of European Information?** can be held at your organisation to suit your particular needs.

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

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Tel.: +31 43 3296 357; Fax: +31 43 3296 296

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1st European Public Managers Forum

Special Programme for Top Executives

Objectives & Methods

This exclusive programme consists of four 2-day seminars, which can be attended as a set or individually.

Each seminar will give participants the opportunity to look *outwards* at European developments involving European partners and institutions as well as *inwards* at domestic management challenges arising from EU developments.

Through workshops, discussions of case studies and/or simulations, participants will gain:

- knowledge about Europe, new developments and their concrete impact at the national, regional and local level, which translates into practical know-how that they can use after the seminars;
- hands-on experience, which will enable them to reflect on potential organisational and procedural changes;
- broader access to professional Europe-wide networks.

The programme will *not* go into detail on any *specific* European policy but will address horizontal European issues that need to be fully understood by top executives, even if they do not take part in the “nuts and bolts” of the day-to-day dealings with Brussels.

Four Seminars

1. Maastricht (NL), 11-12 December 2003 – “**European Policy Management**”
The European Dimension of Public Administration; National Administration in EU Decision Making; Coordinating EU Policies at National and EU Level; Public Management Reforms: Practices and Tools.
2. Luxembourg (L), 26-27 February 2004 – “**EU Law Monitoring & Better Regulation**”
The Role of the European Court of Justice; Key Case-Law Developments; Getting the Right Information; Better Regulation in Practice; Risk and Impact Assessment of Legislation.
3. Milan (I), 13-14 May 2004 – “**The EU Social Agenda, Social Dialogue & PPPs**”
The European Social Agenda; Public Health, Social Protection and Pensions; Social Dialogue Practices at National and EU Level; Public-Private Partnerships in the Social Field.
4. Barcelona (E), 7-8 October 2004 – “**Multi-Level Governance & Coordination**”
Multi-Level Governance (MLG) since the Commission’s White Paper 2001; Multi-Level General Interest and Subsidiarity; Coordination Challenges; The MLG Practices of Regional and Local Executive Managers.

The first seminar of this programme is linked to the presentation of the Alexis de Tocqueville Prize, which is awarded by EIPA every two years to eminent administrative scientists/managers who have significantly contributed to the development of public administration in their country and/or in Europe as a whole (further information can be found in a separate article in this issue of Eipascope or on our web site). The Alexis de Tocqueville Prize 2003 is being awarded to **Rt. Hon. Neil Kinnock**, Vice-President of the European Commission and **Prof. Geert Bouckaert**, Professor at the Public Management Institute of the Catholic University of Leuven. Participants to in the first seminar are welcome to join this unique ceremony.

Target Group

The EPMF is specifically designed for **top executive managers** in public administration, either in central government (ministries or agencies) or in regional or local government, who – with their staff – deal with European affairs.

In particular, the programme is aimed at top executives who work in their home administrations, managing resources (personnel, finances, ICT, etc.), and who nevertheless are expected to have a full understanding of what many of their colleagues with a closer relationship to the EU are doing.

Participants will have the opportunity not only to meet their peers from other European countries and to share interests, professional concerns and solutions, but also to experience cultural diversity – and surprising similarities – first-hand, through interaction between the different nationalities represented at the seminars in various locations: **Maastricht (NL)**, **Luxembourg (L)**, **Milan (I)** and **Barcelona (E)**.

To ensure the best conditions for networking and exchanging views and experience, each seminar will be limited to 40 participants, with priority given to those who register to for the full programme.

We therefore strongly encourage you to register as early as possible to secure your place in the programme (deadline for registration for the whole programme: 21 November 2003).

The registration fee: 1 150 EUR per seminar; 3 800 EUR for the whole forum.

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

For more information and registration forms, please contact:

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1^{er} Forum européen des managers publics

Un programme spécial pour Cadres dirigeants

Objectifs et méthodologie

Ce programme exclusif consiste en quatre séminaires de deux jours, à suivre séparément ou collectivement.

Chaque séminaire donnera aux participants l'occasion de considérer, sous l'angle *extérieur*, les développements européens impliquant les institutions et partenaires européens, mais aussi d'examiner – sur le plan *intérieur* – les défis nationaux en matière de gestion liés aux développements de l'Union européenne.

A travers les ateliers, études de cas et/ou simulations, les participants pourront:

- approfondir leurs connaissances sur l'Europe, les nouveaux développements et leurs conséquences au niveau national, régional et local, développant ainsi un savoir-faire pratique qu'ils pourront utiliser après les séminaires;
- acquérir une expérience pratique, qui leur permettra de réfléchir aux changements possibles de l'organisation ou des procédures;
- élargir leurs possibilités d'accès aux réseaux professionnels au niveau européen.

L'objectif du programme *n'est pas* d'analyser en détail des politiques européennes *spécifiques*, mais d'aborder des questions européennes *horizontales* que les fonctionnaires dirigeants doivent parfaitement maîtriser, même s'ils n'interviennent pas dans les "détails pratiques" des relations quotidiennes avec Bruxelles.

Quatre séminaires

1. Maastricht (NL), 11-12 décembre 2003 – "**La gestion des politiques européennes**"
La dimension européenne de l'administration publique; L'administration nationale dans le processus décisionnel de l'UE; La coordination des politiques de l'UE au niveau national et européen; Les réformes de gestion publique: pratiques et instruments.
2. Luxembourg (L), 26-27 février 2004 – "**Le contrôle de l'application du droit européen et l'amélioration de la réglementation**"
Le rôle de la Cour de justice européenne; Evolutions marquantes de la jurisprudence; Trouver la bonne information; Mieux réglementer en pratique; Evaluation des risques et des incidences de la législation.
3. Milan (I), 13-14 mai 2004 – "**L'agenda social européen, le dialogue social et les PPP**"
L'agenda social européen; La santé publique, la protection sociale et les pensions; Les pratiques de dialogue social au niveau national et européen; Les partenariats public-privé (PPP) dans le domaine social.
4. Barcelone (E), 7-8 oct. 2004 – "**La gouvernance à plusieurs niveaux et la coordination**"
La gouvernance à plusieurs niveaux (GPN) depuis le Livre blanc de la Commission de 2001; L'intérêt général à plusieurs niveaux et la subsidiarité; Les défis en matière de coordination; Les pratiques de GPN par les dirigeants régionaux et locaux.

Le premier séminaire du programme est associé à la remise du Prix Alexis de Tocqueville, un prix que l'IEAP décerne tous les deux ans à d'éminents experts/cadres administratifs qui ont contribué de manière significative au développement de l'administration publique dans leur pays et/ou en Europe (pour plus d'informations, consultez l'article dans cette édition ou notre site Internet). Le Prix Alexis de Tocqueville 2003 sera remis à **Rt. Hon. Neil Kinnock**, Vice-président de la Commission européenne, et au **Prof. Geert Bouckaert**, Professeur à l'Institut de gestion publique, Université catholique de Louvain (Leuven). Les participants au premier séminaire pourront, s'ils le souhaitent, prendre part à cet événement unique.

Groupe cible

Le FEMP est spécialement destiné aux **cadres dirigeants** de l'administration publique qui, avec l'aide de leur personnel, traitent des affaires européennes – tant au niveau des pouvoirs centraux (ministères ou agences) qu'au niveau des autorités régionales ou locales.

Le programme s'adresse en particulier aux cadres dirigeants qui sont chargés de la gestion des ressources (personnel, finances, TIC, etc.) au sein de leur administration nationale, mais qui doivent néanmoins avoir une bonne compréhension des activités de leurs collègues travaillant en étroite relation avec l'UE.

Les participants auront l'occasion de rencontrer des collègues venant d'autres pays européens, de discuter ainsi de leurs intérêts et de partager leurs réflexions et solutions professionnelles, mais aussi de côtoyer d'autres cultures – et de découvrir d'étonnantes similitudes – à travers l'interaction entre les diverses nationalités représentées aux séminaires qui se tiendront à **Maastricht (NL)**, **Luxembourg (L)**, **Milan (I)** et **Barcelone (E)**.

Dans le but de garantir les meilleures conditions pour la constitution d'un réseau et l'échange de vues et d'expériences, le nombre de participants sera limité à 40, avec priorité accordée à ceux qui s'inscrivent au cycle complet.

Nous vous recommandons de vous inscrire le plus rapidement possible afin de vous assurer une place lors de ce Forum (date limite pour le cycle complet: 21 novembre 2003).

Les droits d'inscription s'élèvent à 1.150 euros par séminaire et à 3.800 euros pour le Forum complet.

Le Forum sera organisé en anglais et français avec interprétation simultanée.

Pour toute demande d'information ou inscription, adressez-vous à:

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Workshop to prepare for the

Concours of the European Institutions: Main Developments in European Integration and Community Policies

Maastricht (NL)
17-21 November 2003

The European Institute of Public Administration (EIPA) will hold a five-day activity in preparation for multiple-choice questions of the pre-selection test of the “*Concours for the European Institutions on Main Developments in European Integration and Community Policies*”, at the institute’s premises in Maastricht, the Netherlands, on 17-21 November 2003.

Objectives

The activity is designed primarily to help prepare candidates from the Accession Countries for the Concours for the European Institutions. The target audience is mainly those who have applied for ‘A grade’ competitions, although those who have applied to the ‘C grade’ competition are also welcome. There are 37,908 candidates from the Accession countries for the forthcoming concours competitions. There are 1,340 A-grade posts available and 1,620 C-grade posts and, within these general figures, quotas for each accession country in the different areas. However, most of the recruitment will be in the area ‘public administration’. You will therefore need an extremely thorough knowledge of the EU and its institutions, as well as other skills. The objective is simple – to help you prepare effectively for the general concours. Remember, the concours not only tests your general knowledge, it also serves to reduce applicant numbers!

Methodology and structure

The course will be conducted by EIPA’s scientific staff who have prior experience in conducting such preparation and who are specialists in the relevant fields covered. The course will consist of lectures and discussion as well as mock Multiple Choice Question tests, background reading material, relevant websites, factsheets on the main topics, as well as references for further reading.

Prior to the commencement of the activity participants will receive background readings. During the activity itself, participants will sit multiple-choice question (MCQ) tests in each of the general and specialised areas. The specially developed MCQs will help participants assess their areas of weakness and strength. Participants will also receive detailed lectures in each of the areas listed below from EIPA specialists. Following each lecture participants will receive references for further reading.

Areas covered include

History	Justice and Home Affairs
Internal Market	Environmental Policy
Trade & External Economic Relations	CFSP
Common Agricultural Policy	Community Policies
Institutions	Decision-making

The seminar will be conducted in English.

For more information and registration forms, please contact:

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Conference

Keep Ahead with European Information

Maastricht (NL), 20-21 November 2003

The European Institute of Public Administration (EIPA) and the European Information Association (EIA) are jointly organising the sixth annual conference “*Keep Ahead with European Information*” to be held at EIPA, Maastricht, on 20-21 November 2003.

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

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

The working language of the conference will be English.

For more information and registration forms, please contact:

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Seminar

Die Europäische Union Verstehen und Gezielt Recherchieren

Ein Seminar für Übersetzerinnen und Übersetzer

Maastricht (NL), 10. - 12. Dezember 2003

Das Europäische Institut für öffentliche Verwaltung (EIPA) in Maastricht wird vom 10. - 12. Dezember 2003 unter dem Titel „Die Europäische Union verstehen und gezielt recherchieren“ erneut ein Einführungsseminar zum Thema Europäische Union für Übersetzerinnen und Übersetzer mit Deutsch als Arbeitssprache veranstalten.

Das Seminar soll helfen, ein umfassendes Grundwissen über die Europäische Union zu erwerben, mit dessen Hilfe europabezogene Texte verstanden und eingeordnet werden können. Daneben werden die elektronischen Werkzeuge –Rechts- und Terminologiedatenbanken– erläutert, die über das Internet ein Auffinden authentischer Übersetzungen offizieller Dokumente sowie den Erhalt der korrekten Terminologie ermöglichen.

Die Teilnahmegebühr beträgt EUR 695 und beinhaltet die Dokumentation, drei Mittagessen und ein Abendessen.

Weitere Informationen und/oder Anmeldeformulare sind erhältlich bei:

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Seminar

An Insight into the Primary Care Sector: Spain, France, Italy and the UK

Milan (I)

27-28 November 2003

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

Description

The primary care sector can be considered as the main service within community care. It can substantially influence hospital admission rates as well as prescription rates and medicine use. This sector is therefore worth special attention, also because it occupies a strategic position within care and social services provision. The seminar will focus on three countries, i.e. Spain, France, Italy and the UK, and especially on the regional level. Their health care systems are organised quite differently and have gone through very different historical developments. The seminar will focus on the provision of primary care services and on experiences that have characterised the primary care sector in the abovementioned four countries as regards the organisation of these services and the challenges faced.

Target Group

Civil servants and persons working in the health care sector responsible for the organisation and provision of health care (e.g. health care administrators, health care managers, general practitioners).

Objectives

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

Method

Combination of presentations and discussions between speakers and participants.

Working Languages

English and Italian (simultaneous interpretation will be provided).

For further information and registration forms, please contact:

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Seminar

Organic Farming and GMOs: Chances or Risks through Co-Existence?

Maastricht (NL), 1-2 December 2003

Background

Over the past few years, politicians have supported the development of organic farming at European and national level as an element that contributes to change in traditional agricultural policy. In this context, several Member States, e.g. Austria, have achieved impressive growth rates in organic farming. At the same time, there is a common understanding within the EU that conventional farming practices also have to be modified in order to meet stricter environmental standards. The last CAP reforms tried to develop instruments for such a development.

In view of the agricultural crises over recent years, European consumers find the aspect of credibility very important, particularly where it concerns labelling. This places increasing demands on appropriate inspection and sanction procedures.

The issue of credibility has gained in importance due to the new European legislative package on GMOs, which has led to the lifting of the former GMO moratorium. The European Commission supports the approach allowing for the 'co-existence' of GMOs and conventional crops. However, there are many open questions concerning the implications for conventional and organic farming as well as for nature conservation.

Besides the technical issue of how to prevent GM contamination, the approach being followed, allowing for the co-existence of GM and non-GM products, raises the question of the impact on organic farming:

- Does the labelling threshold of 0.9% undermine organic products aiming at stricter standards?
- Will consumers lose confidence in organic food due to the problems of labelling, contamination and traceability?
- What label can effectively support organic products?
- Besides these risks, will there also be opportunities for strong and credible GMO-free brands that meet the consumer demand for GMO-free products?
- Will there also be room for GMO-free conventional farming products?

Objectives of the seminar

The current situation is characterised by a large degree of insecurity on the part of the organic farming sector where it concerns the potential impact of co-existence on its market share, by consumer concerns and by divergent national approaches to tackling co-existence in practice.

The Seminar aims at identifying the main difficulties of co-existence and the main divergences between stakeholders as well as at finding ways to bridge the gaps.

National case studies will reveal different approaches and attitudes to co-existence.

The perspectives of relevant stakeholders will highlight both the difficulties and the opportunities there are at each stage of the food chain.

In this way the seminar will provide an international forum for all actors in the food chain. The discussions will focus on the question of whether and how co-existence can be a real option as well as what the impact on the organic food sector will be.

Target Groups

- Public officials from national, regional and local authorities involved in organic farming (ministries, consultancy and inspection bodies);
- Consumers' and farmers' associations;
- Organic farmers' associations;
- Representatives of the processing industry and the wholesale and retail trade;
- People working in marketing and communication;
- Researchers and experts in the area of food marketing.

For more information and registration forms, please contact:

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Seminar

Is Private Sector HRM right for the Public Sector?

Maastricht (NL)
4-5 December 2003

Many of the national civil services of the EU Member States have started to apply practices in the public sector that have been used for years in the private sector. The aim is to transform rigid and monolithic bureaucracies with uniform personnel administration into flexible and responsive organisations with the kind of individualistic and performance-based personnel management that is characteristic of the private sector. This shift can be noted when looking at the trends in current employment conditions and career development in some states. For example, in many states remuneration and terms of employment are no longer determined at a central level but have been decentralised to departmental or agency level. Furthermore, the high level of job security has been reduced – sometimes dramatically – in several Member States. Another new trend is the questioning of the seniority principle and the introduction of more performance and/or competency-based selection criteria that better reward individual merit and competences.

Against this background, the aim of this seminar is:

- To highlight, with examples from different EU Member States and the European Commission, major human resource management initiatives which aim at introducing more flexible and performance-based personnel management into the public sector.
- To analyse the impact and effects of these initiatives on the attractiveness, efficiency, effectiveness and general ethics of public employment.
- On the one hand to discuss the lessons we can learn from the private sector and on the other to touch upon the limits to the privatization of public employment.

The seminar is mainly targeted at civil service departments in the EU Member States and Accession Countries dealing with personnel, staff training and administrative reform, as well as at civil servants examining how to effectively adapt to change.

The conference will be conducted in English.

For more information and registration forms, please contact:

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Seminar

**Competition Policy in the
Electronic Communications Sector
“The New Regulatory Framework
and Cooperation Procedures”**

Maastricht (NL)
22-23 January 2004

On 7 March 2002, a new Regulatory Framework for electronic communication networks and services was adopted by the Council and the Parliament. According to the Commission, the primary aim of this legislative package is to provide a comprehensive and technology-neutral framework based on competition law principles, limiting thus the scope of ex-ante regulation and rendering the regulatory process as transparent as possible. The transposition of this package into the national laws of the Member States was due on 24 July 2003 for the key four Directives (Access, Authorisation, Framework and Universal Service Directives), whereas the fifth Directive on Privacy is due to be implemented on 31 October 2003. This implementation will have a significant impact on the competitive situation of markets and businesses in the telecommunication's industry.

The seminar aims primarily to assess the key issues of the Regulatory Framework in light of its implementation by the Member States. In addition, it will identify difficulties that have occurred in the implementation process and explore solutions. Further, it will offer an excellent opportunity for speakers and participants to exchange and learn from each others' experiences regarding the implementation.

The speakers are from different backgrounds, so as to provide a variety of views and perspectives. Commission officials, practitioners and academics are among them. Each speaker will prepare comprehensive documentation for distribution to the participants.

The seminar will benefit national officials in competition and regulatory authorities, judges dealing with relevant competition issues, as well as practitioners, academics and company executives.

EIPA will provide the participants with the relevant background material and documentation required for the seminar. In addition, it will forward to the participants the minutes of the seminar following its conclusion.

The seminar will be conducted in English.

For more information and registration forms, please contact:

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The Mutual Recognition of Diplomas

A quest for a more effective/efficient operation

Die gegenseitige Anerkennung von Berufsabschlüssen

Auf der Suche nach einer effizienteren Vorgehensweise

Maastricht (NL)

26-27 January 2004 / 26./27. Januar 2004

This colloquium is the next in EIPA's successful series of colloquia on the issue of recognising foreign diplomas and qualifications, which even after 10 years of internal market is still a problematic area for the free movement of professionals and professional services. In this colloquium, the situation of Accountants and Bookkeepers will be examined more closely.

The event aims to review and improve the understanding of the Community framework of the recognition of diplomas and to address the remaining problems in the application of this system by bringing together experts and practitioners. It will provide an opportunity for officials and professionals who deal with this subject on a daily basis to meet and to discuss the operation of the various national systems. The approaches and systems used by Member States will be reviewed and the upcoming reforms, such as the proposed new European directive in this field, will be discussed. Through this comparative review ideas can be developed to improve the system used, also making it possible to eliminate remaining problems in a pragmatic and unbureaucratic manner. There will be ample opportunity to exchange experiences and discuss ideas. Discussions will focus mainly on the European system and the national actions taken to implement it as well as on the practical steps that can be taken to make the system run more smoothly and efficiently. These discussions will involve officials who manage the respective systems. It will thus be the perfect occasion to seek clarifications and discuss ideas on improvements, as well as an opportunity for 'troubleshooting'.

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

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

Dieses Kolloquium ist die neueste Ausgabe in der erfolgreichen Serie von Kolloquien des EIPA über die Anerkennung ausländischer Diplome und Berufsabschlüsse, einem auch nach 10 Jahren des Binnenmarktes problematischen Feld für die Freizügigkeit von Personen und den freien Dienstleistungsverkehr. In diesem Kolloquium wird die Lage der Lehrer näher beleuchtet.

Ziel des Kolloquiums ist eine Verbesserung des Verständnisses und der Handhabung des EU-Systems zur Anerkennung von Diplomen und Berufsabschlüssen sowie die Lösung bestehender Probleme bei der Anwendung dieses Systems. Das Kolloquium bietet eine Gelegenheit für Beamte und alle diejenigen, die täglich mit dieser Materie befasst sind, sich zu treffen, die unterschiedlichen Wege, die die Staaten eingeschlagen haben, kennen zu lernen und ihre Arbeitsweise vergleichend zu erörtern. Die von den Mitgliedstaaten verwendeten Systeme und Methoden und die anstehenden Reformen, wie zum Beispiel der Vorschlag für eine neue europäische Richtlinie, werden ebenfalls behandelt. Erreicht werden soll die Zielsetzung des Kolloquiums durch einen intensiven Austausch von Erfahrungen und Ideen, die in mehreren Ländern entstanden sind. Durch das Zusammenbringen von Experten und Betroffenen können die verbleibenden Probleme beleuchtet und in der Folge durch praktische Maßnahmen verringert werden. Durch diesen vergleichenden Über- und Rückblick können Ideen zur Verbesserung des Systems entwickelt sowie verbleibende Probleme durch pragmatische und unbürokratische Schritte aus der Welt geschafft werden. Besonderes Augenmerk gilt dem europäischen System und den nationalen Maßnahmen, um dieses umzusetzen, sowie den praktischen Schritten, das System zu erleichtern und effizienter zu gestalten. Die Diskussionen werden mit Beamten geführt, die die entsprechenden Systeme verwalten, und das Kolloquium ist daher eine ideale Möglichkeit, um Klärungen zu erhalten, Verbesserungsvorschläge zu erörtern sowie generell Problembeseitigung zu betreiben.

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

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

For more information and registration forms, please contact /

Zum Erhalt weiterer Informationen und von Anmeldeformularen wenden Sie sich bitte an:

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Seminar / Séminaire

**EU Food Law:
What's In, What's Out, What's in a Name**

***Le droit alimentaire européen:
Quelle est sa portée? Quelle est sa signification?***

Luxembourg (L)

26-27 January 2004 / 26-27 janvier 2004

Description

Food and food security are at the very core of consumers' concerns.

A series of food scares and crises (BSE, dioxin, foot and mouth disease) have seriously undermined public confidence in food producers and operators and their capacity to produce safe food. As a result, food and food safety have become a top priority of the European legislative authorities. The Commission's White Paper on Food Safety of 12 January 2000 and Regulation No 178/2002 of the European Parliament and the Council of 28 January 2002 establishing the European Food Safety Authority and a new framework for EU food law are proof of the importance of this new legislative area.

This seminar will focus on the main principles and components of this new legal body of law established by the Regulation (precautionary principle, rules on food safety, responsibility of food business operators, rapid alert system and crisis management) and other matters of relevance such as food labelling, GMOs, novel foods, and EU food law and international standards.

Method

The seminar will offer a balanced combination of presentations, question & answer sessions and discussions.

Objectives

The objective of this seminar is to provide a forum where recent developments in this EU legal area can be presented and discussed.

Target Group

Lawyers, national civil servants and EU officials, in particular from consumer and Ombudsman bodies, representatives of independent consumer organisations, academics, and professionals interested in European food law.

Working languages

English and French

Participation Fee

EUR 650

Description

L'alimentation et la sécurité alimentaire sont désormais au centre des préoccupations des consommateurs.

Une série d'alertes à l'intoxication alimentaire et de crises dans le secteur alimentaire (ESB, dioxine, fièvre aphteuse) ont considérablement entamé la confiance du public par rapport aux producteurs, aux exploitants du secteur alimentaire et à leur capacité à fournir une nourriture sans danger. En conséquence, l'alimentation et la sécurité alimentaire sont devenues une des priorités des législateurs européens. Le Livre blanc de la Commission sur la sécurité alimentaire du 12 janvier 2000 et le Règlement du Parlement européen et du Conseil n° 178/2002 du 28 janvier 2002 instituant l'Autorité européenne de sécurité des aliments ainsi que le nouveau cadre de la législation alimentaire de l'UE témoignent de l'importance de ce nouveau domaine législatif.

Ce séminaire sera centré sur l'examen des principes généraux et des principales composantes de ce nouveau corpus défini par le Règlement (principe de précaution, règles en matière de sécurité alimentaire, responsabilité des exploitants du secteur agro-alimentaire, système d'alerte rapide et gestion des crises). Des questions connexes comme l'étiquetage des aliments, les OGM et les nouveaux aliments ainsi que la législation alimentaire de l'UE et les normes internationales seront également abordées.

Méthode

Le séminaire alternera de façon équilibrée les présentations, les séances de questions-réponses et les discussions.

Objectifs

Le séminaire propose un forum permettant de présenter et de débattre des évolutions récentes de la législation européenne dans ce domaine.

Groupe ciblé

Avocats, fonctionnaires nationaux et communautaires (issus notamment des organismes de défense des consommateurs et de médiation), représentants d'organisations indépendantes de consommateurs, universitaires et, plus généralement, tous ceux qui s'intéressent au droit alimentaire européen.

Langues de travail

anglais et français

Droits d'inscription

650 euros

For more information, please contact / Pour de plus amples informations, veuillez contacter:

Ms Juliette Boussuge, Programme Organiser, EIPA Antenna Luxembourg

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Website: <http://www.eipa.nl>

Seminar

The Enforcement of National Rules/Standards on Foreign Service Providers

Maastricht (NL)

28-29 January 2004

After 10 years of the internal market, there is a close interaction between Member States that has hardly left an area untouched. Nevertheless, beginners' mistakes are regularly made in this area, even in the 'original' Member States. If one looks at the rulings from the European Court of Justice or recent actions by the European Commission, it seems that internal market rules have not yet really entered into the consciousness of the public administration of Member States. Whether this is due to neglect or a lack of knowledge, it is a dangerous state of affairs for the administration or authority concerned – whether at the national, regional or local level, or even a private association – because it risks having to pay compensation to any individual that suffers as a result.

This seminar therefore reviews and analyses the basic rules governing how national bodies can regulate matters concerning the free movement of professionals and their freedom to provide services everywhere in the EU. The area of consumer protection is an example. However, the exception in the Treaties allowing national action here does not constitute a 'blank cheque' for such national initiatives. Instead, the national officials concerned are required to balance the EU interest against that of the consumer. This results in some formidable challenges when it comes to the content, application and enforcement of the resulting rules, standards and decisions. It is the aim of this seminar to make the participants aware of these requirements and to present various methods, also of a practical nature, to tackle these challenges. One example is via cooperation with corresponding foreign authorities.

This seminar is designed to address the needs of a wide spectrum of officials, professionals and other interested persons – in fact anyone entrusted with powers to influence and control the provision of services by others. The seminar will also be useful for policy makers, advisers on EU issues and academics in the field of EU law and policies. It is designed for participants from all over Europe with their travelling requirements in mind.

The activity will be conducted in English and simultaneous interpretation into German will be provided (please note that interpretation will be subject to a minimum number of participants requiring translation).

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Seminar

The New Common Fisheries Policy (CFP): Towards Sustainable Management and a Profitable Fisheries Sector?

Maastricht (NL)
2-3 February 2004

The new Common Fisheries Policy (CFP) entered into force on 1 January 2003. The framework regulation is in place, but several main elements have still not been finally decided, others have not yet been presented in a final draft.

The European Institute of Public Administration is therefore organising a 2-day seminar on this subject, at a time when the dynamic process still is to be completed. The seminar will take place at the Institute in Maastricht, the Netherlands, on 2-3 February 2004.

Objectives

The prime aim of the seminar is to present the main elements of the New CFP, which constitute the fundamental basis for a well functioning common policy in this area. The seminar will focus on the new elements, especially the challenges ahead to assure effective implementation and compliance. Most importantly, the seminar will offer an excellent opportunity for participants to discuss and exchange experiences and views on how the overall objectives of the Common Policy best can be achieved – with combined and co-ordinated efforts from Member States and the Commission.

Target Group

The seminar is intended for those involved in and/or interested in a well functioning CFP: policy makers, public officials from European, national or regional authorities, from old and particularly from Accession and Candidate Countries. The seminar is also intended for Fisheries Associations and other NGOs – as well as researchers and experts in the area of fisheries policy.

The working language will be English.

For more information and registration forms, please contact:

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Seminar

Anti-Money Laundering Efforts

Maastricht (NL)

5-6 February 2004

The European Institute of Public Administration (EIPA) is pleased to announce a second seminar on anti-money laundering efforts. It is one of a series of seminars related to financial services initiated by EIPA in 2001. In view of recent developments in the final completion of the Financial Services Action Plan, and as a response to an increased need to be informed about issues related to the wider financial sector, the seminars address issues relevant both to the private and the public arenas.

Money laundering is the process by which one conceals the existence, illegal source or illegal application of income, and then disguises that income to make it appear legitimate. Laundering of criminally derived proceeds has become a lucrative and sophisticated business, and is an indispensable element of organised criminal activities. The launderers are using increasingly sophisticated techniques to blur the divide between legal and illegal or criminal business. Legitimate enterprises are used to obscure the sources and provenance of criminally derived money. "Clean" money appears in the form of new investments, or other financial instruments, and can be used for a myriad of purposes. However, since the terrorist attack of 11 September 2001, attention has also been drawn to the illegitimate financing – but with possibly legitimate funds – of terrorism throughout the world.

The 2nd Anti Money-Laundering Seminar will address recent and existing cooperative efforts to combat money laundering. This includes forms of cooperation and exchanges of information between the public and the private sectors and between countries. Furthermore, it will focus on recent developments in European legislation, on enforcement and on current policies. Also, the US Patriot Act will be scrutinised as will the impact of the recently revised 40 Financial Action Task Force (FATF) Recommendations.

It is envisaged that the following topics will be covered:

- what money laundering is and the scale of the problem;
- how to fight the financing of terrorism;
- enforcement and regulatory resources to tackle money laundering;
- increasing investigation and prosecution of money-laundering organisations and systems;
- increasing public-private cooperation and improving the exchange of information;
- increasing coordination of law enforcement;
- the role of multilateral initiatives, and cooperation through the Egmont group;
- the role of financial institutions (banks), and efforts to improve corporate governance standards.

The seminar is aimed at those involved in anti-money laundering efforts: in the private sphere, those responsible for compliance and reporting within financial institutions; and in the public sphere, those responsible for the enforcement and implementation of regulations.

The seminar will be held in English.

For more information and registration forms, please contact:

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Seminar for Practitioners

Appraisal, Monitoring and Impact Assessment Techniques for EU Structural Funds

Maastricht (NL)
9-10 February 2004

The aim of this seminar is to help managers and economic actors with the essential practical tasks involved in evaluating Structural Funds actions. The seminar covers the 3 principle stages of evaluation: ex-ante appraisals, monitoring procedures, and ex-post impact assessment studies.

The seminar will bring together local, regional, national and European Community officials, as well as expert consultants, in order to address important tasks and issues such as:

- Ex-ante appraisals of development plans and operational programmes;
- Ex-ante project appraisal techniques;
- Monitoring responsibilities and procedures for programmes and projects;
- The Commission's approach to evaluation;
- Mid-term evaluations;
- Ex-post impact assessment techniques;
- Evaluation issues.

Emphasis will be placed on the presentation of concrete cases, on rigorous analysis and on the informal exchange of information and experience.

For more information and registration forms, please contact:

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Introductory & Practitioners Seminar

European Public Procurement Rules, Policy and Practice

Maastricht (NL)
11-13 February 2004

The European Institute of Public Administration is organising a 3-day *Introductory & Practitioners Seminar* on “*European Public Procurement Rules, Policy and Practice*”, which will take place at the European Institute of Public Administration in Maastricht, the Netherlands, on 11-13 February 2004.

Objectives

The primary aim of this combined *Introductory & Practitioners Seminar* is to present and explain the EC directives on public procurement in a simple and accessible way and to enhance awareness of professional procurement practices so as to increase the efficiency of the procurement process in a manner consistent with EC rules and principles. The seminar will also update participants on legislative reforms, and specific exercises and cases concerning actual procurement practice will be examined. Most importantly, the seminar will offer an excellent platform for participants to exchange experiences and concerns in dealing with public procurement, and will present ways to perfect their purchasing activities.

Target Group

The seminar is intended for public officials from national, subnational and local authorities and other public bodies of the EU Member States and associated countries who wish to familiarise themselves with European public procurement rules, policy and practice, as well as for other interested persons working in this field.

Contents

- European Public Procurement in the Context of the Internal Market
- EC Rules and Case Law
- EC Rules in Utilities and Case Law
- Enforcement of the Procurement Regime: Remedies Directives and Case Law
- The Procurement Process
- The Procurement Process: Cases and Exercises
- Cases on Procurement Practices in the Member States and EC Rules
- Reforming the European Public Procurement System: The Legislative Package and Recent Developments
- International Aspects of European Public Procurement and Sources of Information.

The seminar will be conducted in English.

For background information on public procurement in Europe and EIPA activities related to public procurement, please consult: <http://www.eipa.nl/Topics/Procurement/procure.htm>

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Refresher Seminar for European Policy Makers

Tools and Skills for Policy Making

Maastricht (NL)
16-18 February 2004

Objective

Successful policy formulation and implementation requires a combination of experience and theoretical insight. For this reason, the *Refresher Seminar for European Policy Makers* has a twofold purpose. Firstly, it aims to familiarise participants with policy-making tools, such as impact assessment, that are increasingly used in different policy fields. Secondly, it will help participants understand how they can apply such tools in the context of the European Union. Seminar participants will be able to update their knowledge of how the Union functions and improve their skills in negotiating within EU policy committees.

Method

The *Refresher Seminar for European Policy Makers* is based on an interactive and interdisciplinary approach. Formal lectures will be supplemented with case studies and simulations, thus enabling participants to gain a thorough understanding of how the various policy tools can be used to maximum effect. There will also be discussion sessions where participants can learn from each other's experience.

Target audience

Refresher Seminar for European Policy Makers is intended for middle and senior-level policy makers and managers from across the European Union and its partner countries. Not only will they benefit by learning about policy problems and solutions in other countries, but they will also appreciate the difficulties in finding common solutions to policy problems.

For more information and registration forms, please contact:

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Workshop

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

Maastricht (NL)
25-26 March 2004

The European Institute of Public Administration (EIPA) would like to announce a new Workshop on “*State Aid Policy and Practice in the European Community*”. The two-day Workshop will take place in Maastricht, the Netherlands, on 25-26 March 2004.

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

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

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

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

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

The working language of the Workshop will be English.

For more information and registration forms, please contact:

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EIPA Staff News

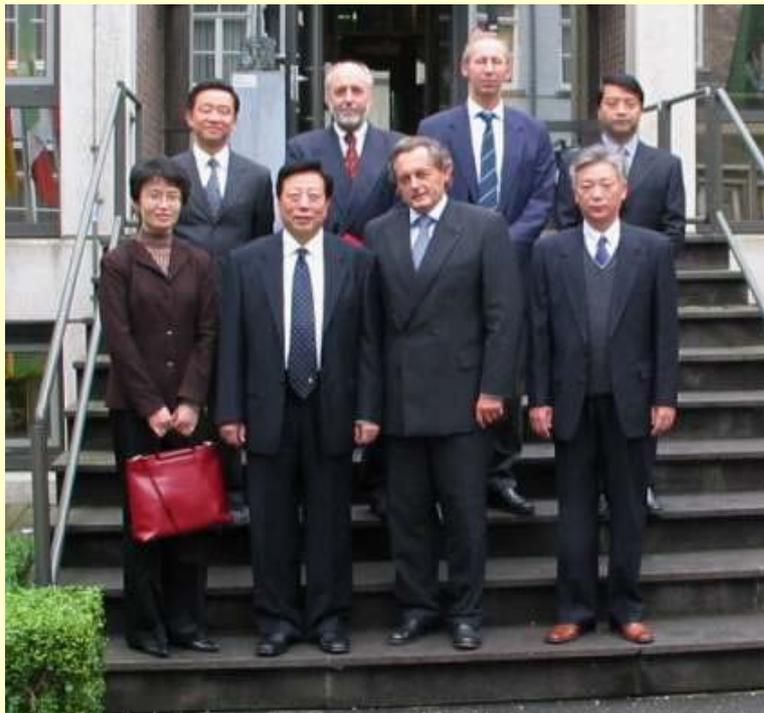
* Newcomers

Maastricht

- Micheal KEKELEKIS (GR), joined EIPA in September 2003.
- Nicole BAYER (A), joined EIPA in October 2003.
- Michel MANGENOT (F), joined EIPA in October 2003.
- Nancy XENAKI (GR), joined EIPA in October 2003.

Visitors to EIPA

Photograph taken on the occasion of the visit of the Vice-President of the National School of Administration of the People's Republic of China to EIPA Maastricht on 9 October 2003.



First row, from left to right:

Mrs ZHANG Xinwei, (Interpreter, Office of International Exchange and Co-operation, CNSA), Mr TANG Tiehan (Vice-President, CNSA), Mr Gérard DRUESNE (Director-General, EIPA), Mr LI Zenchi (Director, Publishing House, CNSA)

Second row, from left to right:

Mr LU Linxiang (Director-General, Office of International Exchange and Co-operation, CNSA), Mr Harry LIST (Expert, EIPA), Mr Toon THEUNISSEN (Director of Finance and Organisation, EIPA), Mr LI Dengfeng (Deputy Division Director, General Office, CNSA)

EIPA Forthcoming and New Publications

NEW PUBLICATIONS

Wegweiser EU-Information – 4. Auflage
Veerle Deckmyn
EIPA 2003, 79 pages: € 20.00
(Auch in Englisch und in Französisch erhältlich)

**Continuity and Change in the European
Integration Process**
Essays in honour of Günther F. Schäfer
(EIPA 1984-2003)
Christoph Demmke and Christian Engel
EIPA 2003, 273 pages: € 31.75
(Texts in English, French and German)

**eGovernment in Europe:
The State of Affairs**
Christinme Leitner
EIPA 2003, 63 pages:
• An electronic version can be found on line
(<http://www.eipa.nl/home/eipa.htm>).

EIPA Recent Publications

**Guide de l'information sur l'Union européenne –
4e édition**
Veerle Deckmyn
EIPA 2003, 77 pages: € 20.00
(Disponible également en anglais et en allemand)

The Case for eHealth
Denise Silber
EIPA 2003, 32 pages:
• An electronic version can be found on line
(<http://www.eipa.nl/home/eipa.htm>), for
hardcopies, postage costs will be charged.

**Beyond the Chapter:
Enlargement Challenges for CFSP and ESDP**
(Current European Issues Series)
Simon Duke
EIPA 2003, 111 pages: € 21.00
(Also available in German)

**Quality Management Tools in CEE Candidate
Countries:
Current Practice, Needs and Expectations**
(Current European Issues Series)
Christian Engel
EIPA 2003, 104 pages: € 21.00
(Only available in English)

**Guide to European Union Information –
4th Edition**
Veerle Deckmyn
EIPA 2003, 75 pages: € 20.00
(Also available in French and German)

**Civil Services in the Accession States:
New Trends and the Impact of the Integration
Process**
Danielle Bossaert and Christoph Demmke
EIPA 2003, 107 pages: € 21.00
(Also available in German)

**Improving Policy Implementation in an
Enlarged European Union:
The Case of National Regulatory Authorities**
(Current European Issues)
*Phedon Nicolaides with Arjan Geveke and
Anne-Mieke den Teuling*
EIPA 2003, 117 pages: € 21.00
(Only available in English)

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

**From Luxembourg to Lisbon and Beyond:
Making the Employment Strategy Work**
(Conference Proceedings)
Edward Best and Danielle Bossaert (eds)
EIPA 2002, 127 pages: € 27.20
(Only available in English)

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

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

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

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

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

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

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

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

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

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

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

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

Capacity Building for Integration

- * **European Environmental Policy:
The Administrative Challenge for the Member States**
Christoph Demmke and Martin Unfried
EIPA 2001, 309 pages: € 36.30
(Only available in English)
- * **Managing EU Structural Funds:
Effective Capacity for Implementation as a Prerequisite**
Frank Bollen
EIPA 2000, 44 pages: € 11.35
(Only available in English)
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A Dutch Experience**
Adriaan Schout
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(Only available in English)
- * **Effective Implementation of the Common Agricultural Policy:
The Case of the Milk Quota Regime and the Greek Experience in Applying It**
Pavlos D. Pezaros
EIPA 2001, 72 pages: € 15.90
(Only available in English)
- * **Enlargement of the European Union and Effective Implementation of its Rules (with a Case Study on Telecommunications)**
Phedon Nicolaidis
EIPA 2000, 86 pages: € 18.15
(Only available in English)

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

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

About EIPASCOPE

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

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

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

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

EIPASCOPE dans les grandes lignes

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

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

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

EIPASCOPE est aussi accessible en ligne et en texte intégral sur le site suivant: <http://www.eipa.nl>

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