



Institut für Europäische Politik
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Gottfried-Keller-Straße 6
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College of Europe
ul. Nowoursynowska 84
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Research Project
"Europeanisation of public administrations in Central and Eastern Europe in the
process of transformation and integration"
funded by the
Volkswagen Foundation

Programme of the Workshop on

**Europeanisation of Public administration in Central and Eastern Europe. The case of
Poland.**

College of Europe Natolin
11 January 2002

Prepared by Gaby Umbach and Dorota Pyszna

- 10.45 – 11.00** **Welcome and Introduction by the organisers**
**Europeanisation and transformation of PA in EU candidate
countries. State of the project**
Dr. Barbara Lippert, Institut für Europäische Politik, Berlin
Dr. Piotr Nowina-Konopka, Vice-Rector of the College of Europe
Prof. Wolfgang Wessels, University of Cologne
- 11.00 – 11.20** **Presentation of the EU-related decision-making process and
structures in Poland**
Dorota Pyszna, Trans European Policy Studies Association, Brussels
- 11.20 – 13.30** **First session: The management of the accession process in
Poland (EU related decision-making)**
Chair: Prof. Alan Mayhew

Panel (followed by a question and answer session) with the participation:

- Ministry of Foreign Affairs - *Jan Truszczyński, Chief Negotiator*

- EC Delegation to Poland – *John O’Rourke, First Counsellor*
- *Jacek Saryusz-Wolski, Former Secretary of the Committee for European Integration*

13.30– 14.30 **Lunch in the student’s restaurant of the College of Europe**

14.30 - 16.45 **Second session: Europeanisation of Polish civil servants**
Chair: Prof. Dr. Wolfgang Wessels

Panel (followed by a question and answer session) with the participation of:

- Office of Civil Service – *Jacek Czaputowicz, Deputy Head of Civil Service*
- Office of the Committee for European Integration – *Marian Stasiak, Director of Department for European Training*
- National School of Public Administration (KSAP) – *Maria Gintowt-Jankowicz, Director*

Conclusion by Dr. Barbara Lippert

16.45 **End of the workshop**



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List of participants

CHORAZY Grzegorz	Office of Civil Service
CZAPUTOWICZ Jacek	Deputy Head of Civil Service, Office of Civil Service
DROBNIAK Piotr	Department of European Training, The Office of the Committee for European Integration
GINTOWT-JANKOWICZ Maria	Director of National School of Public Administration
KAPUSCINSKA Paulina	Ministry of Foreign Affairs
KULAKOWSKI Jan	Committee for European Integration
LIPPERT Barbara	Institut für Europäische Politik, Berlin
MAYHEW Alan	Professor at University of Sussex and College of Europe
NOWINA-KONOPKA Piotr	Vice Rector of College of Europe
O'ROURKE John	First Counsellor, Delegation of the European Commission in Poland
PAVLIK Petr	Institute of International Relations, Prague

PYSZNA Dorota	Trans European Policy Studies Association, Brussels
ROSA Jacek	Ministry of Foreign Affairs
SARYUSZ-WOLSKI Jacek	Former Secretary of Committee for European Integration
SOBÓTKA Kazimierz	Director General of European Institute in Lodz
STASIAK Marian	Director of Department of European Training, Office of Committee for European Integration
STRITOF-BRUS Mojca	University of Ljubljana
TRUSZCZYNKI Jan	Chief Negotiator, Ministry of Foreign Affairs
UMBACH Gaby	University of Cologne
VIKS Külli	University of Tartu
WESSELS Wolfgang	Professor at University of Cologne and College of Europe



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Welcome and Introduction by the organisers

**Europeanisation and transformation of public administrations in EU candidate
countries. State of the project**

Dr. Barbara Lippert, Institut für Europäische Politik, Berlin

Dr. Piotr Nowina-Konopka, Vice-Rector of the College of Europe

Prof. Wolfgang Wessels, University of Cologne

After thanking the organisers of the workshop **Prof. P. Nowina-Konopka** emphasised the relevance of the subject and the need to have more of these workshops in the candidate countries, because of the growing importance of the issue when the pre-accession process will become a membership process.

After introducing **Prof. W. Wessels** and **Dr. B. Lippert** **Prof. Nowina-Konopka** welcomed the participants of the workshop. He especially introduced and thanked Mr **Jan Truszczyński**, present Polish Chief Negotiator for the accession to the EU, Mr **Jacek Saryusz-Wolski**, former Secretary of the Committee for European Integration, Ms **Maria Gintowt-Jankowicz**, Director of the National School of Public Administration (KSAP), Mr **Jacek Czaputowicz**, Deputy Head of Civil Service (Office of Civil Service), Mr **Marian Stasiak**, Director of Department for European Training Office of the Committee for European

Integration, **Prof. Alan Mayhew**, associate Professor at the College of Europe/Natolin, Mr **Kazimierz Sobótka**, Director General of European Institute in Lodz and all the participating students of both the College of Europe Bruges and Natolin for their attendance.

Dr. B. Lippert thanked Prof. Nowina-Konokpa, the College of Europe and all participants for the possibility to hold this workshop in Natolin and emphasised the excellent possibility to talk with eminent key players about the implications of accession negotiations on the Polish public administration.

She introduced the research project on the "Europeanisation of public administrations in Central and Eastern Europe in the process of transformation and integration" funded by the Volkswagen Foundation: Under the catchphrase "Europeanisation" the general impact of the accession to the EU on the transformation of national public administrations is analysed. Special emphasis is thereby laid on the influence of the EU on the developments in five candidate countries (CC) using a special double comparative approach to look at the influence of the relations between the EU member states (EU MS) and the CC and on those between the CC themselves.

Today the focus of the workshop will reflect the case of Poland and the paper of the Polish research correspondent, Dorota Pyszna (Trans European Policy Studies Association, TEPSA Brussels).

Prof. W. Wessels welcomed all participants and sketched the EU as an multilevel space, in which civil servants are key important actors in a multilevel system. The EU as a matter of European, national and regional actors offers two different areas, where civil servants are engaged in and confronted with EU matters: the policy and the implementation side. In these two areas civil servants are actors within the political system, partners of politicians within the political cycle and therefore clearly important. As Max Weber put it: politicians are amateurs and civil servants professionals within the political process.

In view of adaptation requirements of the CC to the present EU-system, **Prof. Wessels** emphasised these needs also to be valid for the current MS. Therefore and also because of the non-existence of a single European administrative model a simple export of administrative models from the MS to the CC can't be a solution for the current situation of the CC. No simple lessons can be drawn from the MS examples. The best way to adapt might then be to look at the best practices within the EU to be able to take also the national and regional level into account to negotiate well in the daily EU business.

Within the framework of the research project it is therefore important to look at the political cultures and administrative traditions in the CC, which will be important for the development of the EU after enlargement. With regard to this aspect the EU must ensure a good integration level of the CC administrations to guarantee that the CC won't become permanent veto players.

Presentation of the EU-related decision-making process and structures in Poland

Dorota Pyszna, Trans European Policy Studies Association, Brussels

After these introductory remarks by the organizers **Dorota Pyszna** presented her paper on the "Management of accession to the European Union – EU-related decision and policy making in Poland: Public administration reforms: prepared to get into the European Administrative Space?" to look – as Prof. Nowina-Konokpa put it while introducing Ms Pyszna – 'directly into the mirror'.

EU RELATED DECISION- MAKING AND STRUCTURES IN POLAND

- Institutional framework
(development of structures)
- Actors involved

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Workshop on transformation of
public administration in CEECs

The 'double focus' of the presentation was laid on the structures of Polish EU-related decision-making and on the actors involved.

As to the structures, Poland faced remarkable developments since the beginning of contacts with the EU. An ever-increasing number of civil servants got involved in EU-related decision-making and an increasingly developed division of powers emerged.

Since the accession negotiations started, a good administrative set up is in place, with two cases to be distinguished. On the one hand the 'central co-ordination with a strong Prime Minister' was a major feature of the Polish EU-related central state administrative structure until Oct./Nov. 2001. With the change of government in autumn 2001 the new model of the 'central co-ordination with a strong Ministry of Foreign Affairs' was introduced, leading to a stronger role of this Ministry in the accession process and diminishing to some extent the role of the Prime Minister in the EU-related decision-making process.

INSTITUTIONAL FRAMEWORK FOR EU RELATED DECISION- MAKING

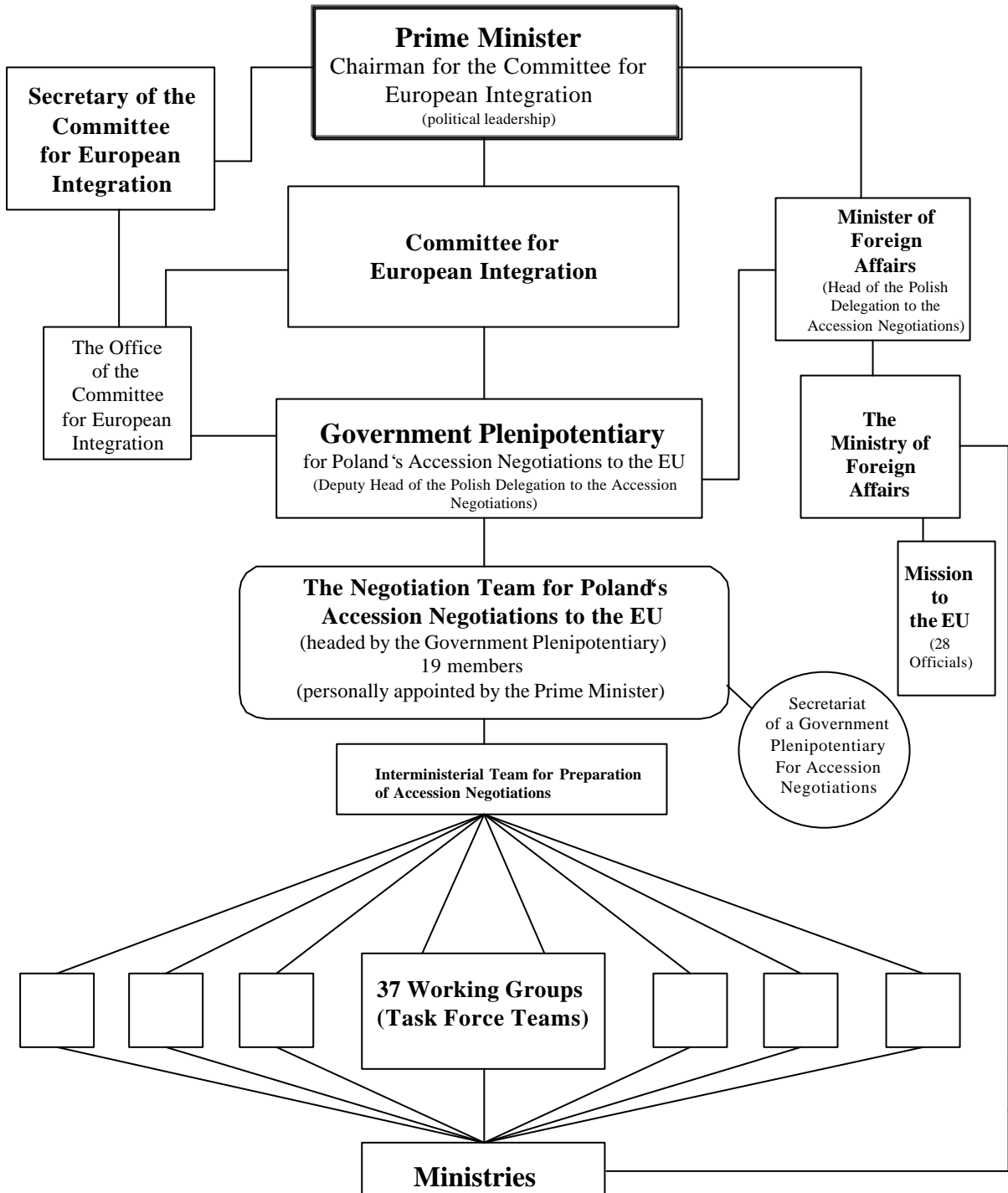
- Case 1: Central coordination with a
strong Prime Minister
- Case 2: Central coordination with a
strong Minister of Foreign Affairs

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Graph 1

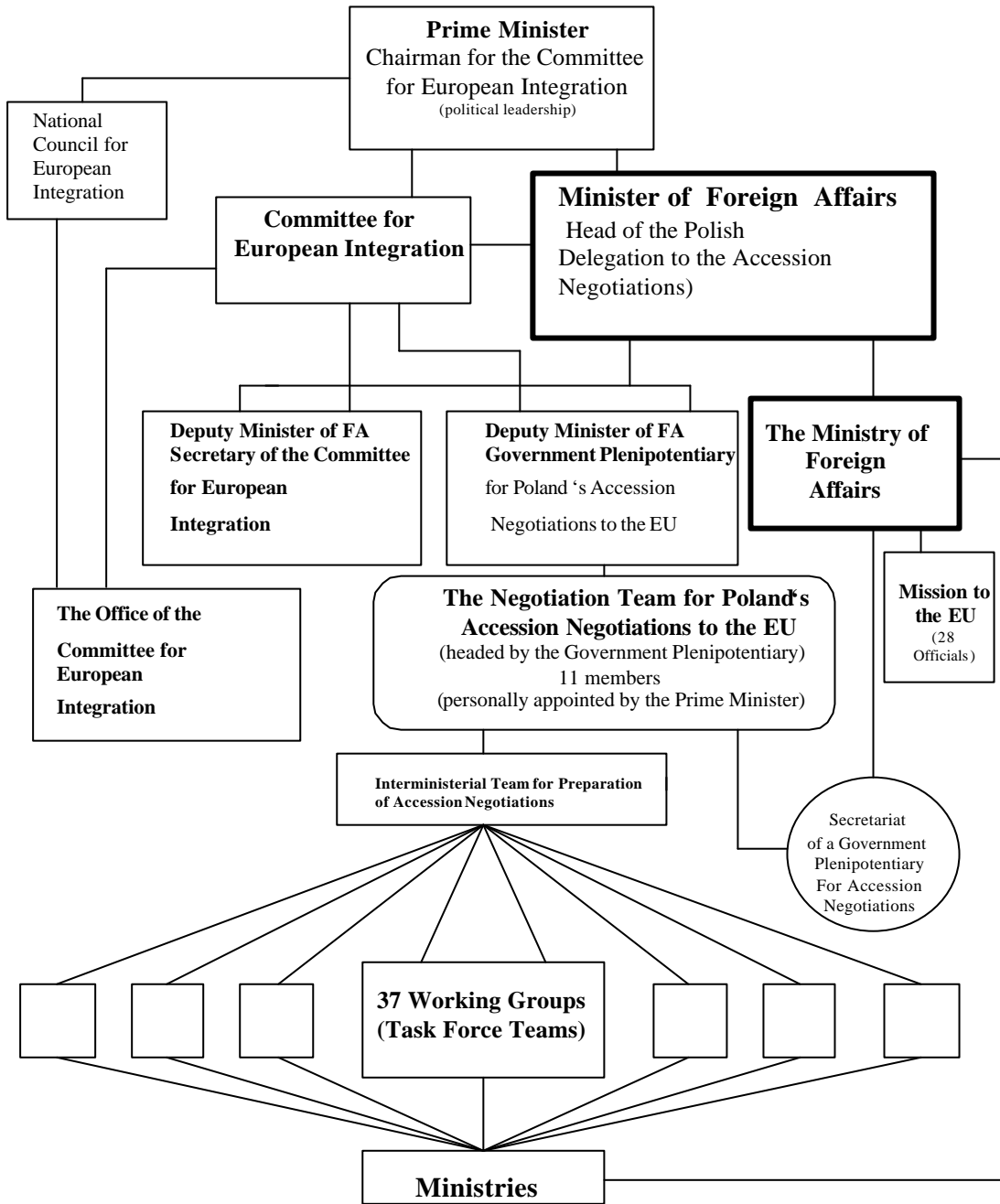
Model of central co-ordination with a strong PRIME MINISTER (Example Poland)
March 2001



Source: Own presentation based on information provided by Krzysztof Wygoda (University of Wrocław)

Graph 2

Model of central co-ordination with a strong Minister of Foreign Affairs (Example Poland)
November 2001



Source: Own presentation DP

ROLE OF ACTORS IN THE COORDINATION OF EU RELATED DECISION-MAKING

- Political cooperation is assured through a core group of experts
- Accession negotiations affect involvement of civil servants in line-ministries
- Interactions with Brussels as an added value for Polish civil servants

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As main aspects concerning the actors involved the continuity of the core group of actors in EU-related decision-making from the negotiation of the Europe Agreement until today, the small number of key players with a high centralisation of decision-making competences, their academic - and not political – background and the limited class of civil servants who remain in office, independently of the changes of government, are very important.

ACTORS/CIVIL SERVICE

- Civil service reform from 1999
- Its importance for EU related decision-making
- Remaining obstacles to 'Europeanisation'
 - Training
 - Languages
 - Financial incentives

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Workshop on transformation of public administration in CEECs

With the civil service reform of 1999 at least theoretically, one can state the end of transformation of the Polish governmental administration, from a strongly political apparatus to an impartial and effective civil servants corpus, acting in the name of public interest. This development of the Polish civil service benefits strongly from the examples that can be drawn from the different administrative models in the current EU MS, even though no uniform model exists within the EU.

The most important aspect of the reform is the improvement of human resources with nevertheless remaining obstacles such as the need to guarantee sufficient training in EU-affairs and languages, the creation of financial incentives to join the public administration, the contra-balancing of the underestimation of civil service in the Polish society and solving the problem of a considerable 'brain-drain' to Brussels after the accession of Poland to the EU.

HOW WILL EU ACCESSION AFFECT POLISH PUBLIC ADMINISTRATION?

- Brain-Drain to EU institutions
- Possible clash of political cultures
- Need of a deeper involvement in EU affairs at medium level of civil servants
- Disparities EU-Poland in terms of reward will remain significant

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Workshop on transformation of
public administration in CEECs

As main affects of the EU membership to Poland a 'brain-drain', which has to be expected with a large number of Polish civil servants to be sent to European institutions, the clash of the Polish political culture with the Western European political cultures of the EU, the need for a deeper involvement of medium level civil servants in EU-affairs and the disparities, which will evolve within the civil service itself have to be compensated.

As conclusions **Dorota Pyszna** emphasised that Poland not only well-developed stable democratic institutions, but also a stable public administration. EU-related policy co-ordination became stronger with the political influence slightly diminishing.

The management of the accession process in Poland (EU related decision-making)

Panel (followed by a question and answer session):

Chair: **Prof. Alan Mayhew**

Ministry of Foreign Affairs: **Jan Trzuszczynski**, Chief Negotiator

EC Delegation to Poland – **John O'Rourke**, First Counsellor

Jacek Saryusz-Wolski, Former Secretary of the Committee for European Integration

Prof. A. Mayhew introduced the participants of the panel as the 'three stars' of Poland's accession to the EU: Mr **Jan Trzuszczynski**, present Chief Negotiator of Poland's accession to the EU; Mr **Jacek Saryusz-Wolski**, former Secretary of the Committee for European Integration, former Vice-Rector of the College of Europe in Natolin and until recently Secretary of the Committee for European Integration, who created the Office of European Integration and Foreign Assistance and could without exaggeration be called 'Mr Continuity' of the Polish accession process; and Mr **John O'Rourke**, First Counsellor and Director of the Delegation of the European Commission to Poland in Warsaw, who not only due to his perfect knowledge of the Polish language, but also because of his perfect knowledge about the country is predestined for his position.

Thematically the panel concentrated on the negotiation process and the Polish administration involved in the preparation of the negotiations.

According to the first speaker, the role and tasks of the Polish chief negotiator for the EU accession according to one participant could be defined as relatively easy, because Poland was not starting from the scratch and due to the huge progress achieved during the past period of rapprochement to the EU.

Poland can within the negotiation process rely on a large group of well-prepared and qualified medium level civil servants on the director or undersecretary of state level within line ministries, who are responsible for the preparation of the national negotiation positions.

With direct regard to the accession negotiations it could be emphasised that since the Copenhagen European Council everybody knew what needs to be implemented and reformed within the Polish public administration. Therefore, as a next step forward, in the week of January 14th 2002 the timetable of the further negotiation process would be approved.

The preparation of the national negotiation positions and the negotiation process involves three levels of the Polish public administration: the level of the directors and undersecretaries of State in the ministries, who prepare the draft national positions and present them to the Ministers and the inter-ministerial team for the preparation of accession negotiations to adopt them. The adopted positions can still be changed after their adoption by the inter-ministerial team. As third level the Negotiation Team and the Mission of Poland to the EU in Brussels are involved in the negotiation process as main Polish actors at the Brussels level. The contacts with EU institutions in Brussels are strongly characterised by their rules of procedures and the strict timetable that always has to be taken into consideration. Besides this institutionalised process much of the work for the preparation of the national negotiation positions at the national level additionally needs the integration of intermediate groups in the preparation of positions and the sufficient circulation of information in the civil society.

Regarding the accession negotiations Poland ran into a delay of progress by the second half of last year resulting from the impossibility of the Polish public administration to cope properly with the necessities of the negotiation process and from shortcomings in the preparation of national negotiation positions.

The participant characterised the Polish EU-related decision-making structure at the central state level as a 'well-oiled' one and the staff as well-trained in EU-affairs. The question remaining will nevertheless be, whether this machinery will also efficiently work after accession and how many of the civil servants today involved in the negotiation process will remain in Poland after accession. Those remaining will because of their knowledge and experience become central figures of the Polish central state administration in EU-affairs.

For the post-accession shape of the administrative set up of the central EU-related decision making the creation of a special post of an EU-Secretary is currently discussed. At the same time the MFA and the UKIE should – as a reflection of the present experience with the present personal union of the Deputy Minister of Foreign Affairs/Secretary of the Committee for European Integration Ms Danuta Hübner be interlinked further. For the future set up an amalgamation of the MFA and the Committee of European Integration therefore seems to be likely.

Another participant opened his statement with comments on the short presentation of Dorota Pyszna. He missed a clear definition of 'Europeanisation', such as given by Wessels/Rometsch. As main features of the 'Europeanisation' of the public administration, which in Poland started very early, he later in his statement identified the strong sectoralisation and low parliamentarisation of the political process.

Additionally, specific characteristics of the adaptation process of the CC such as the enormous size of the *acquis communautaire* and the non-existence of a single EU model of public administration to copy, should be taken into consideration.

As specific aspects of the Polish case in contrast to other CC the unique creation of a special EU-related administrative structure at central state level and the special attention Poland pays to the development of human resources (with such institutions as the College of Europe/Natolin and others) should be analysed further and emphasised more.

Concerning the two graphs of the paper he remarked, that the changes from the first model (central co-ordination with a strong PM) to the second model (central co-ordination with a strong Minister of Foreign Affairs) affected more the political aspects of the overall set up than the structural ones influencing mostly the distribution of legislative functions between the institutions. He furthermore proposed to integrate all the different substructures of the MFA graphically under the 'roof' of the MFA.

The changes related to the Polish special EU-related administrative structure at central state level were caused by two kinds of factors. The first one were *internal factors*, which in the first phase of the relation between Poland and the EU led to an 'adjustment led process' while in the later phase *external factors* influenced the 'negotiation led process' of structural adaptations. As one can easily learn from these different factors, there is a certain dynamic of incentives for structural changes, which have led to a 'revolution without revolution' as he put it.

Additionally he suggested to integrate a *model 0* reflecting the structure as it was in the beginning of the relations between Poland and the EU. This model was then characterised by the delegation of the constitutional powers in EU-related decision making to only one person: the Government Plenipotentiary for European Integration and Foreign Assistance in the rank of an undersecretary of state. Later (in the model 1) his powers were delegated to the Committee of European Integration, which thus gained decision-making powers of its own.

Regarding EU-related decision-making structures the participant generally identified three possible models of distribution of constitutional powers. The first is to have a strong Prime Minister (PM). This option was chosen for Poland (even though after Nov. 2001 some changes occurred with regard to the powers of the PM). The second model is the strengthening of the Ministry of Foreign Affairs in EU-affairs and the third is characterised by the creation of a special Ministry of European Affairs.

As important examples for the structural changes under the former government the increased role of the Parliament (with its Committee for European Integration) in EU decision-making was emphasised, which should be taken into account to draw the whole institutional picture. One third of the work of the Parliament is now related to EU-decision making. Additionally special consultative bodies such as National Council for European Integration were set up and established a high level of co-operation between the different groups of political actors and civil society on the 'all-party'/national issue of integration into the EU.

As strengths of the chosen administrative set up at central state level the speaker underlined that in 1991 the structure was designed in an academic discourse without having to copy, take up or meliorate any existing structures. This fact can be seen as quite unique, because there was no resistance from existing institutions to be overcome. Three models were discussed in 1991: the central co-ordination with a strong PM, the central co-ordination with a strong MFA or to locate the administrative structure responsible for the relations with the EU at the Ministry of External Economic Relations. Due to the strong arbitration and adjustment requirements of the preparation for accession to the EU the PM model was chosen.

As to the current options to shape EU-related administrative structures of the central state administration after accession he stressed the need for stronger centralised co-ordination mechanisms to be able to counter fight inner-/inter-ministerial conflicts between civil servants. Points of references within the current member state might thus be the French, the British, the Danish and the Spain model rather than the Greek, Belgium, Italian, Irish and Portuguese ones. The advantages of the solution to integrate EU-related administrative structures into the MFA are evident: it assures coherence and clarity of design and avoids a visible overlap of competences. The disadvantages of the model are that the EU can not be regarded as a foreign policy; that the MFA is not empowered to act as arbiter between the different ministries in case of inter-ministerial conflicts; that the PM is thus still needed as arbiter, as one can clearly learn from the examples of the current EU MS; the possible overlapping interests with different foreign affairs; and that it runs against the current EU trends such as ideas of Delors, the European Movement and the Pires report to create a special European Affairs Council (with special Ministers of European Affairs) besides the General Council of Foreign Ministers.

As to Poland a high centralisation of the political EU-related process and a weak involvement of NGO's can be identified, which the speaker identified as a 'low socialisation' of this process. The present system represents a mixture of models, which has been developed as a result of the historic process to get the Polish EU-related decision-making structures more effective.

As crucial for the future of the Polish public administration (also after accession) he emphasised the further development of human resources at national, regional and sub-regional level to eliminate the deficit in EU-related knowledge and skills. Universities and especially post-graduate studies are essential in this regard.

In the post accession period the current structures will be especially necessary because of their role in the creation of policies in the EU multilevel context, but they are at the same time functionally endangered by the possibility of considerable 'brain-drain' towards Brussels. The public administration is thus an important factors of the political system to ensure the success of the Polish EU membership.

The third speaker of the panel opened his statement by introducing two fundamental aspects of public administrations: the functional and the 'constitutional' (concerning the organisation of the public administration) aspect.

The preparation for the accession to the EU focuses directly on the functions of the public administration and vehicles a certain EU model of public administration and concrete changes in the constitution/organisation of the Polish public administration.

He emphasised the process of 'Europeanisation' as especially difficult for this wave of enlargement, because their administrative traditions being so different from the current member states ones and because of the big size of the *acquis* to be adopted by the CC. The rapid rate of harmonisation of Polish legislation with EU legislation thus creates requirements for Polish institutions and for their interactions with other institutions (*deontological* requirements; e.g. the independence of the Polish National Bank from other state institutions).

As to the work of Polish civil servants the participant stressed the strong influence of the European legislation in terms of a considerable specification of their work in the national arena. Nearly all policies are affected by EU legislation, which means that especially in areas like regional policy and structural funds, financing of public infrastructure, state aid, environmental impact assessments, statistics, budget reporting and multi-annual programming the work of Polish civil servants is determined by European legislation.

As to the transformation of administration systems he emphasised the importance of the integration of a partnership approach by twinning projects for the development of the institutional, structural and procedural framework of a well-functioning public administration in Poland. For the time being, 55 long term pre-accession advisors work in nearly all Polish ministries, marshals offices, etc (except for the Ministry of Defence) and help transpose the *esprit de loi* (in the sense of Montesquieu).

He identified several difficulties concerning the modernisation of the Polish public administration and its prestige in civil society that are mainly linked to the different traditions arising from the communist past of the country. In communist times the public administration was perceived as an arm of the government and the government as arm of the communist party. Certain reflexes from this perception still remain until today. Public administration is first of all seen as an entity, which has to be controlled for extensively bringing new competences under its authority and because it is still perceived as a club, that defends the power of its members taking advantage of the citizens. So, control of the public administration is one of the most important public concerns regarding the modernisation of state administration in Poland.

In contrast to this perception public administration can, in a different model, be understood as counterbalancing certain political tendencies and therefore seen as an element of stability within the political system and as part of a system of checks and balances against the political powers. According to this model the public administration should be reinforced in its independence as an apolitical power and defended as a counterweight to political tension within the political systems.

Concerning the Commission's evaluation of the Polish civil service some recent developments, which the Commission is worried about, have underlined. Among these the questioning of the independence of the Polish Central bank and the suspension of the law on civil service as examples on how difficult 'Europeanisation' of public administration still is.

Prof. A. Mayhew summarised the panel by stating that institutions need a long time to gain credibility in a often complex process. Concerning the deep involvement of the PM in EU-affairs in Poland he emphasised the supportive role of the PM, which is very important in terms of political agenda setting. Furthermore the aspect of the integration of NGO's into the EU-related political process is very important in terms of strengthening the overall public support for EU accession and also good in view of the preparation of a referendum on the accession in Poland. As to the transformation and modernisation of the Polish public administration the key role of human resources and training of staff became evident through

out all presentations. Even though Poland started very early to train its civil servants in EU-matters, the problem of insufficiently qualified middle management still remains albeit those gaps become increasingly filled.

Discussion after the panel presentations:

Question:

How is Poland fighting corruption?

Answer:

One has to be fully aware of the fact that transformation carries its own temptations and that corruption often is not that visible and easy to be fought against.

Question:

Would privatisation of several tasks of the public administration in Poland be a solution for a slimmer civil service and a decrease of persons employed in the civil service?

Answer:

The Polish civil service is far too small for the country and therefore there are no plans for the reduction of tasks and staff by the means of privatisation.

Answer:

Concerning the privatisation of public tasks, one has to consider, that the creation of public goods has to be handled in a different way than e.g. economic production. In Poland the public administration with its 100.000 civil servants and employees is fairly small given that this is one state employee/civil servants per 400 citizens.

Questions:

What were the main reasons for the reduction of the size of the negotiation team by the new government?

Did the restructuring of the central state EU-related administrative structure lead to an increase in powers of the MFA?

Will the reduction of the team lead to closer, even personnel links between the Polish Mission to Brussels and the negotiation team?

Answers:

Already the processor of the present chief negotiator had the idea to reduce the size of the team in order to make the work more efficient, given that a large number of actors involved does not necessarily guarantee efficiency. One main aspect of the reduction of the team was to have representatives of the key line ministries (and therefore key sectoral interests) represented in the team and to thus concentrate on the expertise of those line ministries. So, the reduction of the team was more due to functional reasons.

As to a possible strengthening of the MFA the restructuring of late 2001 was not about to give the MFA more influence, but to make the overall structure more functional, to streamline the process and the 'get things under one roof'. The main aim was to reduce the bureaucratic structure in order to increase its effectiveness. All in all, the changes were not as revolutionary as intended in the beginning in terms of functional aspects and given that structures are only as good as the people working within them, the aspect of human resources has also a high impact in this regard.

Concerning links between the Polish Mission and the negotiation team those links were well developed and no closer links between the Mission and the negotiation team were planned. Nevertheless, the closer Poland gets to the accession date, the further these links have to be developed, also in view of the post-accession process. The Mission is especially responsible for horizontal links to experts in the line ministries in the framework of the preparation process for national negotiation positions.

Answer:

The changes of the EU-related administrative structure were purely politically inspired and no functional reconstruction of or changes within the institutions involved took place. Before the changes, the Committee for European Integration held legislative functions and met very frequently. Now, the frequency of meetings reduced considerably.

Questions:

What will the role of the Office of the Committee of European Integration be after accession?
Will the Polish Mission to Brussels be adapted to the Hungarian example?

Answer:

Some models for the future tasks and the future role of the Office of the Committee of European Integration already exist, taking into account the French, British and Danish model, even though some functions will no longer be necessary after accession. Parts of the pre-accession structures will nevertheless remain to manage structural funds.

Concerning legislation after accession, some other co-ordinatory body will be established together with a special body to represent Poland before the ECJ. However, large parts of the structure will have to continue their functions even if the UKIE will no longer exist.

Concerning the Hungarian model, the existence of such a model was questioned. As to its own Mission, Poland won't copy anything from other CC even though there still is some work to be done to prepare the Mission to function as a Permanent Representation after accession.

Europeanisation of Polish civil servants

Panel (followed by a question and answer session):

Chair: **Prof. Dr. Wolfgang Wessels**

Office of Civil Service: **Jacek Czaputowicz**, Deputy Head of Civil Service

Office of the Committee for European Integration: **Marian Stasiak**, Director of Department for European Training

National School of Public Administration (KSAP): **Maria Gintowt-Jankowicz**, Director

Conclusion: **Dr. Barbara Lippert**

Prof. W. Wessels underlined, that the relevance of the issue of the afternoon panel became once again clear this morning, when the relevance of human resources was highlighted.

'Europeanisation' of public administrations consisted – according to the first speaker of the afternoon panel - of a two-sided process: on the one hand it is about adjusting the public administration to the expectations formulated by the EU and on the other hand additionally other areas of modernisation have to be identified.

Nevertheless, the transformation and Europeanisation efforts of the Polish administration will be really put to the test after accession.

As to the successful transformation of any civil service institutional as well as aspects of credibility must not be underestimated. However, the aspect of human resources is even more important in terms of increasing the knowledge, skills and reliability of civil servants.

In order to increase the education level of civil servants and public employees, the National School for Public Administration (KSAP), directly subordinated to the PM, was founded in 1990. Its main duties are to train apolitical civil servants. Candidates with universities degrees from all disciplines have to pass an open competitive procedure to be accepted as students. Studies last 1 and a half year and comprise interdisciplinary studies as well as special computer courses ('e-government') with mostly practitioners as teachers and foreign administrative internship of the candidates in administrations of the EU MS as part of the practical experience. The good knowledge of at least two EU languages is a prerequisite for being accepted as student. The central mission of the KSAP is to 'prepare' responsible personnel capable of working in an international and internationalised arena. Therefore special ethics workshops for forming appropriate attitudes are very important.

The second participant integrated aspects of the whole civil service – including the regional, sub regional and local level – into his presentation on the training of civil servants.

The overall 'Europeanisation' process already started in the nineties when Poland negotiated the Association Agreement. Those negotiations were accompanied by first considerations of the stabilisation of a certain system of formation for people working within EU-affairs and were followed by support for the establishment of post-graduate studies at universities and special schools for public administration as well as by the initiation of internships for civil servants and the specialisation of civil service trainings. After the conclusion of the Europe Agreement the Polish government and public administration had to prepare for the accession negotiations, facing especially the problem of training specialists within the ministries to be able to prepare the negotiation positions and the negotiations. Special support was herein given by the European Communities via TEMPUS, *action Jean-Monnet* and SOKRATES. Especially the *action Jean-Monnet* helped to integrate EU studies in the curricula of a large number of Polish universities. 46 Polish universities developed regular EU integration studies as M.A. studies. In 40 of 42 voivodships EU-studies are offered. Additionally, also the College of Europe in Natolin is an important instrument for the stimulation of integrating EU-integration issues in the universities curricula of especially post-graduate studies.

As to the financial aspects of training programme, especially PHARE, twinning projects and support from EU MS have to be mentioned. Nevertheless, due to the declining support from EU MS some training programmes are endangered, given that also PHARE increasingly focuses on the regional, sub regional and local level.

As future tasks in relation to the training of civil servants the relevance of the establishment of further permanent structures for training in EU matters, the further support of existing training programmes and the development of new programmes, the increased use of modern teaching instruments such as online modules have to be highlighted.

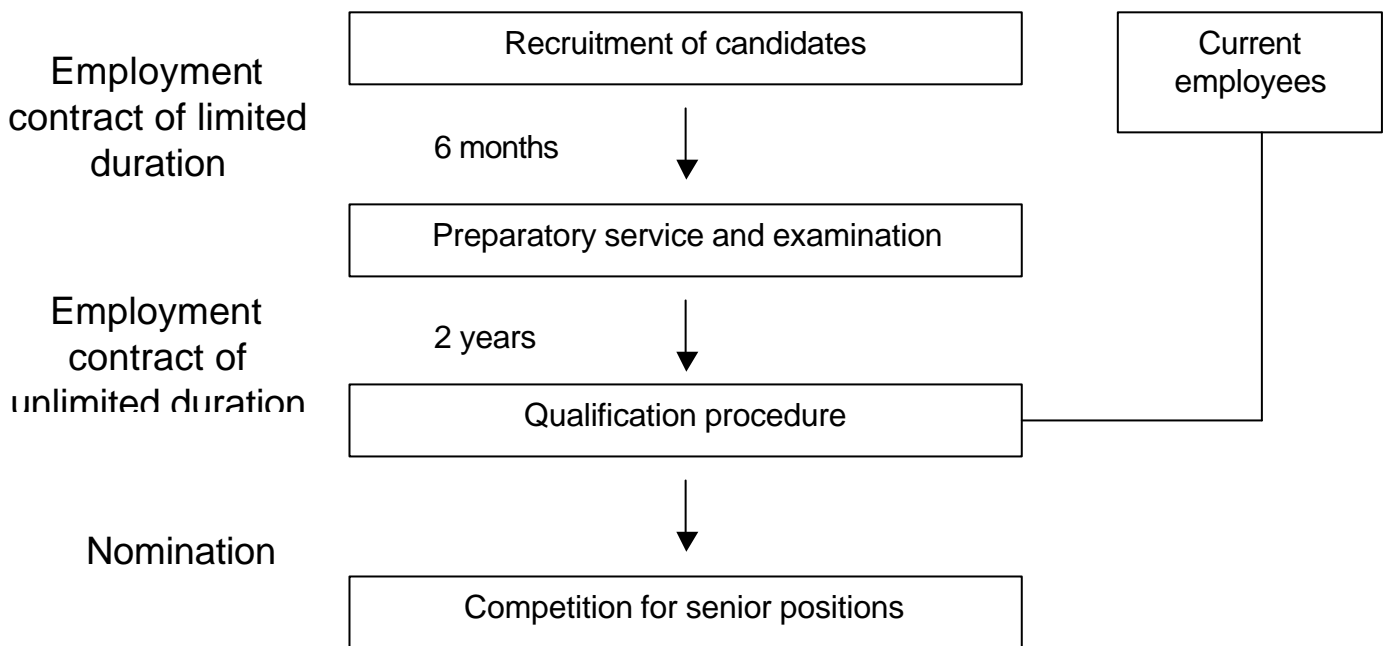
The third speaker presented several models of public administration in order to locate the Polish case more precisely inside this theoretical framework and concentrated within his presentation on the questions of which model of public administration existed in Poland, of the different issues of 'Europeanisation', of the co-operation between EU MS and CC and EU MS in public administration and on the expectations of the European Commission.

First he located public administration and civil service within the sovereignty of the state (even in the EU). Thus every states shapes his own public administration despite evident tendencies of 'Europeanisation' such as thematic links between the public administrations of the EU MS, standardisation, unitary principles and procedures and certain convergence of the MS towards a European Public Space.

The co-operation of the EU MS and the CC in public administration matters is generally informal in character and constituted since 1999 by meetings of the Ministries responsible for public administration on the level of directors general in order to adapt the CC to EU standards. In the case of Poland additionally a special co-operation with the European Institute for Public Administration (EIPA) in Maastricht was initiated in 2000.

Concerning the models of public administration two models can be described: The first one was the career or closed model of public administration with different pay level and the bottom up filling of levels. The disadvantages of this system are a lack of competition, motivation, high costs and low adaptability of post flow. The second model is characterised as position or open model. Candidates are recruited for different post at different levels of civil service. The system has a flat hierarchical structure and management skills are more important than success in the service itself. One of the major disadvantages is, that it is quite open the market and thus can be influenced by this.

As to the polish system he introduced the following scheme:



This Polish system of public administration is characterised by the mixture of aspects of the open and of the closed public administration model. The *recruitment of candidates* and the *competition for senior positions* belong to the open model of public administration, because both stages include competition for all posts of each stage. On the other hand the *preparatory service and examination* is depending on the performance in office and obligatory for becoming a civil servant. A university degree and the knowledge of at least two foreign languages are required. This stage can therefore be interpreted as part of the closed model.

Discussion after the panel presentations:

Question:

Why do only few civil servants in the visa department speak English?

Answer:

The visa problems mainly derive from not being an EU MS.

Answer:

Studying abroad, all Polish students have to get visa as well, but it should be obvious, that (younger) people working in the visa departments should know foreign languages.

Question:

What is done to rise the attractiveness for young people to work in the public administration in Poland?

Answer:

The problem of not attracting young people to work in the public administration is perceived as such, but at the same time a problem of not being able to find and recruit sufficiently educated and qualified staff exists.

Answer:

Some years ago, the Polish public administration had problems to recruit young personnel, but nowadays the system of recruitment is quite open.

Question:

Has an official system for the evaluation and accreditation of EU-studies been considered?

Answer:

The level of differentiation between these studies is growing, but is generally good. The 'market offers' should indeed be evaluated and proved. Therefore the official curricula are put into the Internet to be available for everybody interested to compare special offers with the official one. The establishment of a permanent system of civil service training might be useful in this regard.

Question:

What is done for the majority of people already working for a longer period in the public administration?

Answer:

The European training track has been introduced to each member of the public administration, who works in EU-affairs. Traineeships in the European Commission (20 places for younger civil servants no older than 35 years; requirements: postgraduate studies, knowledge of English or French) are offered in this context as well as traineeships in France, Germany and the Netherlands (without age limits).

Training of civil servants is strongly related to the posts and is in many places obligatory.

Training course normally last 3-4 days.

Additionally co-operations are in place with the Netherlands, Germany and France to train civil servants and the courses of the College of Natolin and the Warsaw School of Economics add to this training facilities.

Question:

How do you deal with the career patterns / payment requirements of civil servants going to Brussels after accession and then returning to Warsaw after some time?

Answer:

At the moment it is more important how to get to Brussels and being qualified to work in European institutions. This aspect especially touches the problem of resources in terms of sufficient payment. Additionally many of the Polish officials in European institutions are expected to be recruited from the private sector rather than from within the public administration.

Question:

Does a code of ethics exist? How can Polish civil servants be made accountable for their actions?

Answer:

The Buzek government decided not to sign this code before the election even though the code was ready by then. Nevertheless a high commission for ethical questions exists.

Question:

Does the Europeanisation of attitudes in public administration differ from their internationalisation?

Answer:

From the very beginning of the KSAP, these aspects were equally important. A lot of inspiration is taken from current EU MS in the areas of teaching methods and also the foreign internships add to this dimension.

Question:

Which model of school for public administration has been adopted?

Answer:

The KSAP co-operates closely with the French *Ecole Nationale d'Administration* (ENA) and is organised in a similar way then the ENA. But unlike the French model no posts in the public administration are exclusively reserved for the graduates of the KSAP. The KSAP has additionally benefited very much from British, American and Canadian support in terms of the transfer of courses and training models already some 10 years ago.

Question:

How does the Polish public administration deal with the lack of openness towards the public?

Answer:

The new law on access to public administration decisions/information (with the exception of restricted information) is expected to meliorate the contacts between the Polish public administration and the public.

Answer:

This aspect overall touches the question of culture of the Polish public administration. The act on access to information on public administration from January 1, 2002 will support the further development in this area. Additionally civil servants are increasingly trained and encouraged to treat citizens as citizens.

Question:

Concerning the Commissions' critique on the strengthening of the Office of Civil Service "as its key functions of the Office within the governmental structure are perhaps not fully understood or appreciated" have there already by now been foreseen any measures to react on this critique?

Answer:

He welcomed the report in this aspect, but no measures have been taken so far.

Conclusions by Dr. Lippert:

Not only the academia, but also the practitioners accumulated 10 years of experience with a lot of changes in the Polish public administration to be analysed. The ground for transformation was already laid in 1991. Especially the White Paper of the European Commission affected the set up of the Polish public administration and as a major milestone the start of the negotiations certainly influences the speed of reforms.

As to the structure of the Polish public administration one always has to remember that the shape is not only influenced by the decision for one or the other model, but is largely due to the openness of developments. Thus the building up of structures for EU-related decision-making is part of the political process of alignment with the EU and the accession to the EU therefore is an instrument to join political forces and streamline political structures.

With regard to the aspect of *time* the workshop concentrated on the post accession period and on Poland as an efficient multilevel player within the enlarged EU. The question remains, if Poland will be able to resolve problems like the internal institutional reforms of the EU, which will in any case refer back to the national EU-related structures.

Still the demand for skilled civil servants is increasing with the coming closer of the accession date and Poland then becoming part of the permanent negotiation system of the EU.

With regard to the overall pro-European political consensus within the Polish society one has to admit, that this could change after accession, creating new and different problems for the Polish state.

The EU has to be regarded as the incentive and background for the modernisation of the Polish public administration with the Commission (in its reports) concentrating strongly on the implementation capacities.

A convergence of national administrative structure is to be expected at the micro level, because of the uniform challenges the EU presents to the national systems.

As an overall conclusion a rather optimistic view on the reform of the Polish public administration could be permitted, seeing that a lot is on the track.

Thanks and conclusion of the workshop by Prof. Nowina-Konopka:

'Europeanisation' has to be an overwhelming process including all subsystems of the national political systems.

As to public administration one has to differentiate clearly between *public administration*, *public services* and *public authorities*, because of their different approaches towards service orientation of civil servants and towards the relation with the public. Our present understanding of public administration is more this of a public service than this of public authorities, even though many young civil servants in Poland still have taken over the attitudes of public authorities rather than those of public service. Changes in this attitudes will certainly take generations and require a lot of training in order to strengthen and combine the enthusiasm of public servants with a critical attitude on the public.