



Institut für Europäische Politik
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Jean-Monnet-Lehrstuhl für
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Faculty of Social Sciences, University
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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

Europeanisation of public administration in Central and Eastern Europe. The Case of Slovenia.

University of Ljubljana,
Faculty of Social Sciences
Senate room
(New Building - First floor)
5th July 2002

9.30 – 10.15

Welcome and introduction by the organisers

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

Prof. Dr. Marko Lah, *Vice Dean of the Faculty of Social Sciences, University of Ljubljana*

Dr. Barbara Lippert, *Deputy-Director of the Institut für Europäische Politik, Berlin*

Gaby Umbach *Jean-Monnet-Chair of Political Sciences Prof. W. Wessels, University of Cologne*

10.15 – 12.00

I. General aspects of the Europeanisation and transformation of the political system and public administration in Slovenia

Chair: Prof. Dr. Wolfgang Wessels, *Jean-Monnet-Chair of Political Sciences, University of Cologne*

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

- Dr. Grega Virant, *State Secretary, Head of the Directorate for the organisation and development of Administration*
- Prof. Dr. Bojko Bucar, *Head of the Department of Political Science, Faculty of Social Sciences, University of Ljubljana*

- Zlatka Plostajner, Ph.D., *Contemporary Administrative Systems, Public Administration Management, Faculty of Social Sciences, University of Ljubljana*
- Prof. Dr. Gordana Zurga, *Head of the Quality Committee, Ministry for Interior and Professor of Public Administration, Faculty of Social Sciences, University of Ljubljana*

Discussion

12.05 – 13.35 **II. The management of the accession process and negotiations - EU related decision-making structures in Slovenia**

Chair: Dr. Mathias Jopp, *Director of the Institut für Europäische Politik, Berlin*

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

- Dr. Rado Genorio, *State Secretary, Government Office for European Affairs – National structures for the Preparation of accession negotiations*
- Erwan Fouéré, *Head of Delegation, EC Delegation to Slovenia – Overview on Negotiation Process between the EU and Slovenia*
- Dragoljuba Bencina, *Head of the Department for European Integration and Economic Relations, Ministry for Foreign Affairs - The coordination of the management of the accession in the Ministry of Foreign Affairs*
- Dr. Matjaž Nahtigal, *Director, Government Office for Legislation – Aspects of legal harmonisation and coordination*
- Prof. Dr. Anton Kramberger, *Associate Professor, Faculty of Social Sciences, University of Ljubljana - The management of the accession process in Slovenia – Assessment*

Discussion

13.35– 14.35 **Lunch**

14.40 - 17.00 **III. Europeanisation of civil servants: EU-membership and administrative capacity building – The Slovene experience**

Chair: Prof. Dr. Marjan Svetlicic, *International Relations Research Centre (IRRC), Institute of Social Science, Faculty of Social Sciences, University of Ljubljana*

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

- Nevenka Crešnar-Pergar, *Ministerial Counsellor in charge of the 'Anti-bureaucratic Programme', Office of the Prime Minister - Administrative reforms and enhancing regulatory capacities in Slovenia in view of EU accession*
- Prof. Dr. Bojan Bugaric, *State Secretary, Head of the Directorate for Administrative Internal Affairs, Ministry of the Interior and Professor at the Law Faculty, University of Ljubljana*
- Dr. iur. Slobodan Dujic, *Director of the Academy for Administration, Ministry of the Interior*

- Prof. Dr. Rajko Pirnat, *Research Institute for Public Administration, Law Faculty, University of Ljubljana, Core Group responsible for the Reform of the Public Administration in Slovenia, Institute for Public Administration, Law Faculty University of Ljubljana*
- Irena Brinar, *Department of Political Science, Faculty of Social Sciences, University of Ljubljana*

Discussion

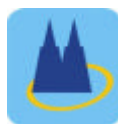
Conclusions

Prof. Dr. Wolfgang Wessels, *Jean-Monnet-Chair of Political Sciences, University of Cologne*

17.00 **End of the workshop**



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List of participants

Name	Position
Dragoljuba Bencina	Head of the Department for European Integration and Economic Relations, Ministry for Foreign Affairs - The coordination of the management of the accession in the Ministry of Foreign Affairs
Tomaz Boh	Faculty of Social Sciences, University of Ljubljana
Irena Brinar	Department of Political Science, Faculty of Social Sciences, University of Ljubljana
Prof. Dr. Bojko Bucar	Head of the Department of Political Science, Faculty of Social Sciences, University of Ljubljana
Prof. Dr. Bojan Bugaric	State Secretary, Head of the Directorate for Administrative Internal Affairs, Ministry of the Interior and Associate Professor at the Law School in Ljubljana
Nevenka Crešnar Pergar	Ministerial Counsellor in charge of 'anti-bureaucratic programme' Office of the Prime Minister
Dr. iur. Slobodan Dujic, M.A.	Director of the Academy for Administration, Ministry of the Interior
Erwan Fouere	Head of Delegation, EC Delegation to Slovenia
Dr. Ales Gnamus	Counsellor to the Government, National Contact Point "Energy, Environment and Sustainable Development", Ministry of Education, Science and Sport Counsellor to the Government, Ministry of Education and Science
Dr. Mathias Jopp	Director of the Institut für Europäische Politik, Berlin
Prof. Dr. Anton Kramberger	Associate Professor at the Faculty of Social Sciences, University of Ljubljana
Simona Kustec Lipicer, M.A.	Faculty of Social Sciences, University of Ljubljana
Prof. Dr. Marko Lah	Vice Dean of the Faculty of Social Sciences, University of Ljubljana
Dr. Barbara Lippert	Deputy-Director of the Institut für Europäische Politik, Berlin
Dr. Matjaž Nahtigal	Director, Government Office for Legislation
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Prof. Dr. Zlatka Plostajner	Contemporary Administrative Systems, Public Administration Management, Faculty of Social Sciences, University of Ljubljana
Dorota Pyszna	Trans European Policy Studies Association, Brussels
Prof. Dr. Marjan	Head of the International Relations Research Centre (IRRC), Institute

Name	Position
Svetlicic	of Social Science, Faculty of Social Sciences, University of Ljubljana
Gaby Umbach	Jean-Monnet-Chair of Political Sciences Prof. W. Wessels, University of Cologne
Dr Gregor Virant	State Secretary, Head of the Directorate for the organisation and development of Administration, Ministry of the Interior
Prof. Dr. Wolfgang Wessels	Jean-Monnet-Chair of Political Sciences, University of Cologne
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Prof. Dr. Gordana Zurga	Head of the Quality Committee, Ministry of the Interior and Professor of Public Administration, Faculty of Social Sciences, University of Ljubljana



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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

Minutes of the Workshop

**Europeanisation of public administration in Central and
Eastern Europe. The Case of Slovenia.**

Prepared by Gaby Umbach

University of Ljubljana,
Faculty of Social Sciences
Senate room
(New Building - First floor)
5th July 2002

Welcome and introduction by the organisers

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

Chair: Prof. Dr. Marjan Svetlicic, Faculty of Social Sciences, University of Ljubljana

Prof. Dr. Marko Lah, Vice Dean of the Faculty of Social Sciences, University of Ljubljana

Dr. Barbara Lippert, Institut für Europäische Politik, Berlin

Gaby Umbach, University of Cologne

After thanking the organisers of the workshop **Prof. Dr. M. Svetlicic** emphasised the relevance of the subject, because of the growing importance of analysis of the impact of EU accession for Slovenia and of the implications the transformation of the political system and of the public administration in Slovenia has on for the accession of the country to the EU.

Dr. B. Lippert thanked Prof. Svetlicic, the Faculty of Social Sciences of the University of Ljubljana and all participants for the possibility to hold this workshop in Ljubljana and emphasised the excellent possibility to talk with eminent key players about the implications of accession negotiations on the Slovenian 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.

Dr. Lippert introduced the concept of Europeanisation as defined as a shift of attention of national institutions and the growing participation in EU decision-making. Thus, 'EU-Europeanisation' is about the resources in time, personnel and money directed towards the EU-level.

An analytical distinction is necessary between Europeanisation in general and specific 'EU-Europeanisation'. EU-membership is special, because national administrations are affected by a huge diversity of modes of governance, which exert adaptation pressure already during the accession process.

Furthermore it has to be taken into consideration that the candidates tackle EU-Europeanisation in the context of systemic transformation and consolidation, making it difficult to distinguish between processes are caused by, and connected to, EU integration and those related to democratic consolidation and marketisation.

As guiding assumptions of the research project Dr. Lippert presented the following questions and hypotheses:

(1) Adaptation pressure on would be members

The administrative reform in candidate countries is linked to anticipated EU-membership, because EU membership is a main incentive for administrative state reform. The multi-level-character of the EU implies special demands on national public administrations and the adoption of the '*acquis communautaire*' has great impact on all areas of public life, not only on the political system, but especially for the public administrations.

(2) No convergence or simple institutional transfer The EU rather offers a vague administrative target zone instead of a precise one; no model of national administration exists and thus no convergence to one single uniform model can be and will be observed. The transformation of public administration is an incremental process connected to a trial and error approach of reform rather and a straightforward development in a certain direction.

The main question arising from this assumption is how candidate countries cope with the necessity for changes of their political and administrative systems and whether they will be – by the time of accession – administratively fit for the EU.

(3) Bureaucratisation through Europeanisation? Membership negotiations can be characterised as the "hour of the executive", in which the role of civil servants in political process is strengthened at the expense of political actors. Will this lead to a technocratisation and marginalisation of other actors of the political system and its subsystems?

(4) After accession - toward normality?

Will we witness a path dependent development or a new ball game after accession? Will the public administrations in CEE become efficient multi-level-players or will they remain permanent special cases not able to compete with the current EU member states? Given these guiding assumptions of the overall research project, the focus of today's workshop should thus reflect the case of Slovenia and the most recent developments within the country.

G. Umbach introduced some aspects and results of the research project related to the different panels of the workshop. With a view to the first panel the following guiding theses and questions were presented:

(1) Slovenia has experienced an institutional consolidation of its political system. Nevertheless, the stability of the political system is mainly caused by the continuity of leading political actors than by a stable administrative set-up.

As the European Commission stated in its 2001 progress report on Slovenia, the country "...has made considerable progress in further consolidating and deepening the stability of its institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. Over the past year, further efforts have been made in this direction."¹ Thus, Slovenia fulfils the Copenhagen political criteria.

Ever since gaining independence in 1991 Slovenia has further advanced its political transformation from a socialist state based on planned market economy to a democratic republic and within this process developed stable political institutions of a pluralist democracy. Today, Slovenia is a democratic republic with a directly elected president as head of the unitary state. The political system can be classified as a parliamentary democracy with a strong bicameral parliament and a relatively weak president with largely representative functions. The prime minister is elected by the parliament and builds the political centre of the executive. A constructive vote of no confidence against the prime minister, modelled on the German example, is foreseen by the constitution.

A system of checks and balances has been established and is well functioning. Political actors accept the rules of the democratic game and none of these actors uses resources outside those sanctioned by the democratic process, as the good marks of the Commission on anti-corruption measures in its 2001 progress report on Slovenia clearly show.

Alteration in power exists, but due to the limited personal alternation in government, which creates a high level of personal continuity, the only recently established legal framework for the public administration and the frequent reconstruction of ministries one could come to the conclusion, that the overall stability and consolidation of the political system is far more influenced by the personal continuity than by a stable administrative set-up.

(2) The rather instable and fragmented party system of Slovenia could hinder the further Europeanisation in Slovenia after accession.

The Slovenian party system is rather instable and shows a considerable degree of fragmentation with currently 10 political groups in parliament. The stability of government was mostly provided by the continuity in the person of the prime minister who held office in different constellations for more than ten years. Continuity of a small number of political parties within the government was not the case.

An example for the weak impact of political parties might be, that party changes in government has not caused major changes in Slovenian EU-related positions and policies. These positions thus do not seem to be largely affected by the changing political constellations of the government.

Nevertheless after accession this cross-party consent could break up and lead to a strong differentiation of party positions related to special EU policies. Such a differentiation could lead to major changes of the Slovenian EU-related policies caused by a discontinuity of national positions after government changes and might bring about conflicts and disruption in an enlarged EU.

(3) Rapprochement with the EU has a much stronger impact on the reform of the Slovenian public administration than on the overall transformation of the political system.

¹ Commission of the European Communities (2001), Regular reports on Slovenia's progress towards accession, 13.11.2001, SEC(2001) 1755, Brussels.

EU-membership has become a powerful incentive for state modernisation, even though rapprochement with the EU has a much stronger impact on the reform of the Slovenian public administration than on the overall transformation of the political system. The administrative set-up is developed closely alongside the prerequisites of the *acquis*, while the political system is less affected by any membership related obligation.

As questions related to these theses the workshop panel should take a closer look at the following questions:

(1) Is the Slovenian democratic consolidation completed? Or does it still have to be taken into consideration when analysing the further development of the political system?

Is the ongoing process of transformation and consolidation of the political system in Slovenia still an intervening variable for an academic analysis of the Europeanisation of the public administration or can it be seen more as an antecedent variable?

(2) In comparison to other system variables, does the successful transformation of the public administration play a prominent role in the process of consolidation and Europeanisation of the Slovenian political system or is it just one variable among others?

Are other variables, like the party system, the economic subsystem, cleavages within society, etc. of equivalent or even higher importance?

(3) What kind of external and internal factors are most important for the political transformation and consolidation in Slovenia?

EU-membership, international and regional cooperation, economic performance, cleavages, party system, civil society, security aspects, etc?

The other aspects served as input for the discussion within the framework of the other panels.

I. General aspects of the Europeanisation and transformation of the political system and public administration in Slovenia

THESES

- **Slovenia has experienced an institutional consolidation of its political system. Nevertheless, the stability of the political system is mainly caused by the continuity of leading political actors than by a stable administrative set-up.**
- **The rather instable and fragmented party system of Slovenia could hinder the further Europeanisation in Slovenia after accession.**
- **Rapprochement with the EU has a much stronger impact on the reform of the Slovenian public administration than on the overall transformation of the political system.**

I. General aspects of the Europeanisation and transformation of the political system and public administration in Slovenia

MAIN QUESTIONS

- **Is the Slovenian democratic consolidation completed? Or does it still have to be taken into consideration when analysing the further development of the political system?**
- **In comparison to other system variables, does the successful transformation of the public administration play a prominent role in the process of consolidation and Europeanisation of the Slovenian political system or is it just one variable among others?**
- **What kind of external and internal factors are most important for the political transformation in Slovenia?**

II. The management of the accession process and negotiations – EU-related decision-making structures in Slovenia

THESES

- **With its particular structure of EU-related decision-making Slovenia constitutes a special case within the candidate countries in Central and Eastern Europe.**
- **Given the good record of the Slovenian EU-related decision-making structure the creation of a special EU Ministry will again become a topic of discussion after accession.**
- **The predominant role of public administration in the accession process leads to an overall bureaucratisation of the political process in this area at the expense of the role of political actors.**

II. The management of the accession process and negotiations – EU-related decision-making structures in Slovenia

MAIN QUESTIONS

- **Are there special reasons for the Government Office for European Affairs to hold a stronger position than the Prime Minister and the Ministry of Foreign Affairs?**
 - **Are there tension in terms of competencies and functions between the Slovenian Government Office for European Affairs and the Ministry of Foreign Affairs within the negotiation process?**
- **To what extent will the accession to the EU influence the existing EU-related decision-making structures in Slovenia?**
- **How is the relationship between the ministerial actors and the political leadership shaped within the framework of accession negotiations?**
 - **Do national administrative actors that play a prominent role in the negotiations at the EU level also have a strong standing in the national political arena?**

III. Europeanisation of civil servants: EU-membership and administrative capacity building – The Slovene experience

THESES

- **The reforms of the public administration in Slovenia can be understood as results of anticipated EU-membership.**
- **If Slovenia does not manage to further improve its administrative capacity and to strengthen the level of qualified staff the public administration will strongly be affected by the phenomenon of ‘brain-drain’ to the Brussels arena after accession.**
- **Given the most recent progress of adoption of the legal framework for the civil service Slovenia can by the time of accession to the EU effectively fulfil the obligations of EU-membership.**

III. Europeanisation of civil servants: EU-membership and administrative capacity building – The Slovene experience

MAIN QUESTIONS

- **Can phases of transformation of public administration in Slovenia clearly be identified?**
 - **Which impact did Twinning and PHARE programme activities have on the overall set up of the public administration in Slovenia?**
- **Will there be sufficient and qualified personnel resources to staff the multitude of EU-committees and working-groups?**
 - **Will Slovenian civil servants by the time of accession be efficient multi-level players able to negotiate and impose Slovenian positions within the multi-level system of the European Union?**
- **Is the Public Administration Reform Package adopted in June 2002 a sufficient framework to create a europeanised civil service in Slovenia?**

Following the introductions by Dr. Lippert and G. Umbach, **Prof. Dr. Marko Lah** welcomed the participants in the name of his faculty and wished everybody a fruitful and intensive exchange on the subject and on the further development of the Slovenian political system.

General aspects of the Europeanisation and transformation of the political system and public administration in Slovenia

Panel (followed by a question and answer session):

Chair: Prof. Dr. Wolfgang Wessels, University of Cologne

Dr. Gregor Virant, State Secretary, Head of the Directorate for the organisation and development of Administration

Prof. Dr. Bojko Bucar, Head of the Department of Political Science, Faculty of Social Sciences, University of Ljubljana

Zlatka Plostajner, Ph.D., Contemporary Administrative Systems, Public Administration Management, Faculty of Social Sciences, University of Ljubljana

Prof. Dr. Gordana Zurga, Head of the Quality Committee, Ministry for Interior and Professor of Public Administration, Faculty of Social Sciences, University of Ljubljana

Introducing the subject of the first panel **Prof. W. Wessels** sketched public administrations as extremely important for the political system of each state. Therefore, public administrations are important also for EU membership and for the accession negotiations and at the same time very resistant to changes and reforms. Civil servants are actors within the political system and partners of politicians within the political cycle. As Max Weber put it: politicians are amateurs and civil servants professionals within the political process.

The **first presentation** of the panel was given on the recently adopted legal framework of the public administration (PA) in Slovenia and on the overall reform activities. Given the overall goal of PA reform the main reform task was and still is to change not only existing public administration rules, laws and provisions, but by doing so to change the country itself.

Thus in the beginning, Slovenian PA reform was strongly focused on the creation of the PA of an independent state ready to cope with systemic transformation and consolidation as well as the pre-accession process.

This **reform follows two different approaches**: (1) **vertical approach** related to the building of administrative capacities across the PA, (2) a **horizontal approach** focused on the Europeanisation of PA to meet the political Copenhagen criteria and the preparation of the Slovenian PA for the European administrative space.

As the current stage of PA reform is more about modernisation than about reform in a strict sense, the overall aims of the current efforts are strengthening the capacity to meet the 'classical' standards of a PA, which are the rule of law, political neutrality and impartiality; the orientation towards the needs of users; openness and transparency as well as efficiency and effectiveness.

The **main pillars of modernisation** and reform are the reform of the legislative framework (achieved mainly in June 2002) and the human resources management; the development of new standards of administrative service delivery; the implementation of quality systems and models; the so called 'Anti-Bureaucratic' Programme, measures to

enhance openness and transparency, better regulation and efforts to promote e-government and other technological aspects of the reforms.

As to the main achievements so far, the reform of the legislative framework has to be highlighted even if it is not the most important part of the reforms, as stated the first participant.

The **Law on Central Administration** presents the legal framework for the Transfer of powers in the field of organisation of the PA from the parliament directly to the government; establishes new principles of leadership and management on the ministries and agencies; strengthens the separation of political and professional (administrative and managerial) positions and end underlines the professional and managerial autonomy and accountability of agencies.

The **Law on Civil Service** and the **Law on the Salary System in the Public Sector** introduced a new division of decision-making powers between the central and decentralised human resources management services. They offer a transparent system of recruitment, selection and promotion as well as a fair and open competition with the possibility of appeal and a special regime for the top management (DG's) in PA. Moreover they regulate incompatibilities in order to avoid conflicts of interests and establish the basis for performance related pay in PA.

The **new standards of administrative service delivery** translate good practice into obligatory standards for the PA performance in Slovenia. They improve standards of official hours, on an annual basis evaluate users' satisfaction, and provide for information desks on a high quality level and standards of information about procedures and services based on life events. Additionally it supports the simplification of payment of administrative services.

The **so called 'Anti-Bureaucratic' Programme or Programme for eliminating administrative barriers** standardises and simplifies procedures with PA, deregulates and abolishes unnecessary procedures and allows the exchange of data between agencies and connects data bases for speeding up service supply to the customers and provides the basis for the initiative 'one-stop-shops', which simplifies the setting up of business and thus strengthens entrepreneurship in Slovenia.

The enhance openness and transparency in PA, the Freedom of Information Act was introduced and the project on 'better regulation' in the public sector was launched recently including the participation of citizens and the regulatory impact assessment of public actions.

As to the use of it in order to modernise processes, to improve the quality of services and to make the PA more efficient and effective, the necessary legal regulations (Law on e-business and e-signature, amendments to the Law on Administrative Procedure) for the **e-government approach** is already by now adopted. First services are available on the level of two-way interaction. E-mail communication is functioning; the connection of databases is well underway, enabling direct access to different databases by state officials. Moreover, the government is still holding e-sessions.

As to every big modernisation and reform also the Slovenian PA modernisation might be endangered by resistances within the PA, lack of motivation of civil servants, lack of political will and the huge requirement for a change of political and working culture of the PA itself.

The **second speaker** of the panel highlighted the **relevance of the PA** for the different parts of society and the different subsystems of the Slovenian political system. Thus, he saw the good performance of the Slovenian economy also caused by the good performance of the PA.

The two main aspects that exert a considerable influence on the reform of PA in Slovenia he underlined EU-accession and the 'intrinsic' factor of the Slovenian society, which is the strong individualism.

As to the **political system** he characterised the party system and the trade unions as stable, with no extremist party and a considerable trend towards the political centre. The civil society is strongly influenced by the accession to the EU, as the aforementioned is strongly supported by the EU. The Slovenian government would not be as supportive as the EU. The division of powers is working sufficiently even if some rivalries exist within the political day-to-day business. Some problems have to be located within the judiciary in terms of delays of cases, understaffing and lacks in the imposition of laws, which as the speaker stated is also based on problems of the political culture in Slovenia.

The **perception of the PA by the public** is rather critical, as the PA is perceived rather than a closed circle than a 'public service' and as rather 'ruling' than 'serving'. Here, also activities like the e-government approach can hardly change the public attitude towards the PA. It is more a structural problem of changing and amending laws and administrative procedure, which could improve also the public perception of the PA.

As to the impact of the EU and of 'Europeanisation' on the PA reform, the speaker stated, that the EU is often misused even by state authorities and blamed for problems and delays in state modernisation and PA reform.

Concerning potential cures for the diagnosed problems in PA modernisation the speaker emphasised the duty of universities to contribute to teaching and training related to PA and reform strategies, even if civil servants show a considerable resistance to training because it is perceived as an additional duty rather than an additional opportunity and advantage.

The **third panellist** emphasised that the **reform of PA** is not only about reform, but **also about 'forming' and shaping personnel**, which is an important aspect in this regard. One of the main problems of the current situation is that the nature of the PA profession is not discussed in Slovenia, which might cause problems for overcoming mental and cultural borders.

Generally PA reform is discussed too much from the **management point of view**, which under-emphasises the social responsibility of the PA. Furthermore, the service orientation approach is still missing, even if considerable efforts are undertaken.

As to the general influence of the EU accession on the transformation of the Slovene PA the lower levels of administration has to be integrated more strongly into training measures, because **education and training** of all levels of state administration are crucial in order to successfully reform the PA. Nevertheless, not enough organised efforts have been undertaken in this regard and additionally the EU dimension is strongly missing in university and secondary education. Thus, generally knowledge on the EU system is very weakly developed.

The **fourth speaker** stressed that concerning the transformation of PA functions in Slovenia the EU is not the only driving force, because the continued **development of state administration is crucial** for every nation state to be competitive.

Most **important aspects** of the PA reform in Slovenia are the **quality and functioning of services**, the **creation of new services**, the **establishment of new ways of service delivery** and the **overall increase of efficiency**.

The approach behind these changes is mainly influenced by the perception that public management is becoming a public good and that therefore three aspects are of vital importance for the overall development: **Customer orientation**, **processes** and **result orientation**.

Customer orientation is strongly influenced by the target group of customers and thus private customers have to be distinguished from 'organisational' ones or from other parts of PA.

As to the processes a simplification, efficiency and effectiveness are key words of reform efforts. Responsibilities have to be defined and individual duties have to be allocated. Generally the communication strategy has to be improved.

Result orientation of public acts is extremely important with a view to an effective output, even if it seems rather difficult to measure the results.

Discussion:

Questions and answers:

What is special about the Slovenian administrative culture / mentality?

As regards the Slovenian administrative culture / mentality two different types of actors have to be distinguished: policy makers who make decisions and civil servants who implement the decisions. Nevertheless, the basic attitude of the PA carries traces of a landlord style (ruling, not serving).

In addition to the before mentioned distinction, a certain bureaucratic culture has to be separated from a democratic one. The bureaucratic culture is characterised by a strong resistance to changes as well as to training and education deriving from a certain type of socialisation. It sees the citizen more as a beggar and less as a customer. The citizen finds it difficult to identify the responsibilities for decisions and thus sanctions as rather difficult to take.

The democratic tradition pays attention to the room for implementation within the scope of the laws. It includes the citizen and sets itself high service standards. These efforts are supported by the integration of customer evaluation in the reform process.

What are special patterns of resistance to reforms and what causes the lack of motivation within the Slovenian PA?

Training of civil servants is an important measure to overcome those resistances. Special programmes have been set up including both the educational and the vocational branches of training.

One reason for the problem of resistance and motivation might be that civil servants have not really contributed to PA reform. To improve this aspect policy makers and civil servants have to be more open for participation. This would also lead to increase the orientation and transparency of the politico-administrative processes, which would be crucial for further improvements,

Concerning the salary system one has to state that salaries in Slovenian public service are not too bad compared to the private sector. Public services have steadily been growing. Nevertheless it is still necessary to promote a good professional approach and training to further enhance service quality and motivation. From 1996-2002 salaries in public sectors rose 23% more than in the private sector (15% increase). The general difference of salaries in public and private sector lies around 20%.

Is there a lack of political will versus political pressure exerted by the EU?

The EU as well as the Slovene culture is perceived as used and misused in this context. The EU is seen as the main force and therefore the main source of problems for state modernisation (pushed forward since 1995) and adaptation pressure. As to the Slovene culture, there is a certain resistance to implement laws properly. Currently Slovenia faces legislative problems because of the huge number of laws and their quality. Thus, the

reason for the poor quality of laws lies within the irregularity of the legislative procedure under which they are produced: fast-track procedures leave too small room for exhaustive discussion of the subject. The resistance within the population might thus be caused by the poor quality of the laws.

From 2000 on the coalition government acted on the basis of a strong political consensus for state modernisation and thus the political will shifted from EU inspired to an original governmental political aim.

The further improve the government output the government introduced RIA (Regulatory Impact Assessment) from 2003.

Are Slovenian politics more consensus oriented than others?

This question was perceived as difficult to answer. Given that own ideas and personal aims prevail in Slovene society. This fact poses a problem to negotiations and agreement reaching.

Does the recently adopted legal framework support a work overload after the intended streamlining of PA?

Even if such an overload might be the case, structural changes and reforms are of vital importance for the overall performance of the Slovenian PA in the future. Even if an internal reconstruction of the PA is necessary and intended by the new legislative framework, this framework will not cause an institutional shock.

Why did the adaptation of the legal framework did take place only in 2002 and not earlier?

The creation of the legal framework for PA was not the main problem in Slovenia, but added value to the reform of the human resources management efforts. The late adoption was caused by the lack of political consensus on the scope of the law (inclusion of the salary system or not) rather than by the disagreement on the overall content and necessity of such a legal framework.

The management of the accession process and negotiations - EU related decision making structures in Slovenia

Panel (followed by a question and answer session):

Chair: Dr. Mathias Jopp, Institut für Europäische Politik, Berlin

Dr. Rado Genorio, State Secretary, Government Office for European Affairs – National structures for the Preparation of accession negotiations

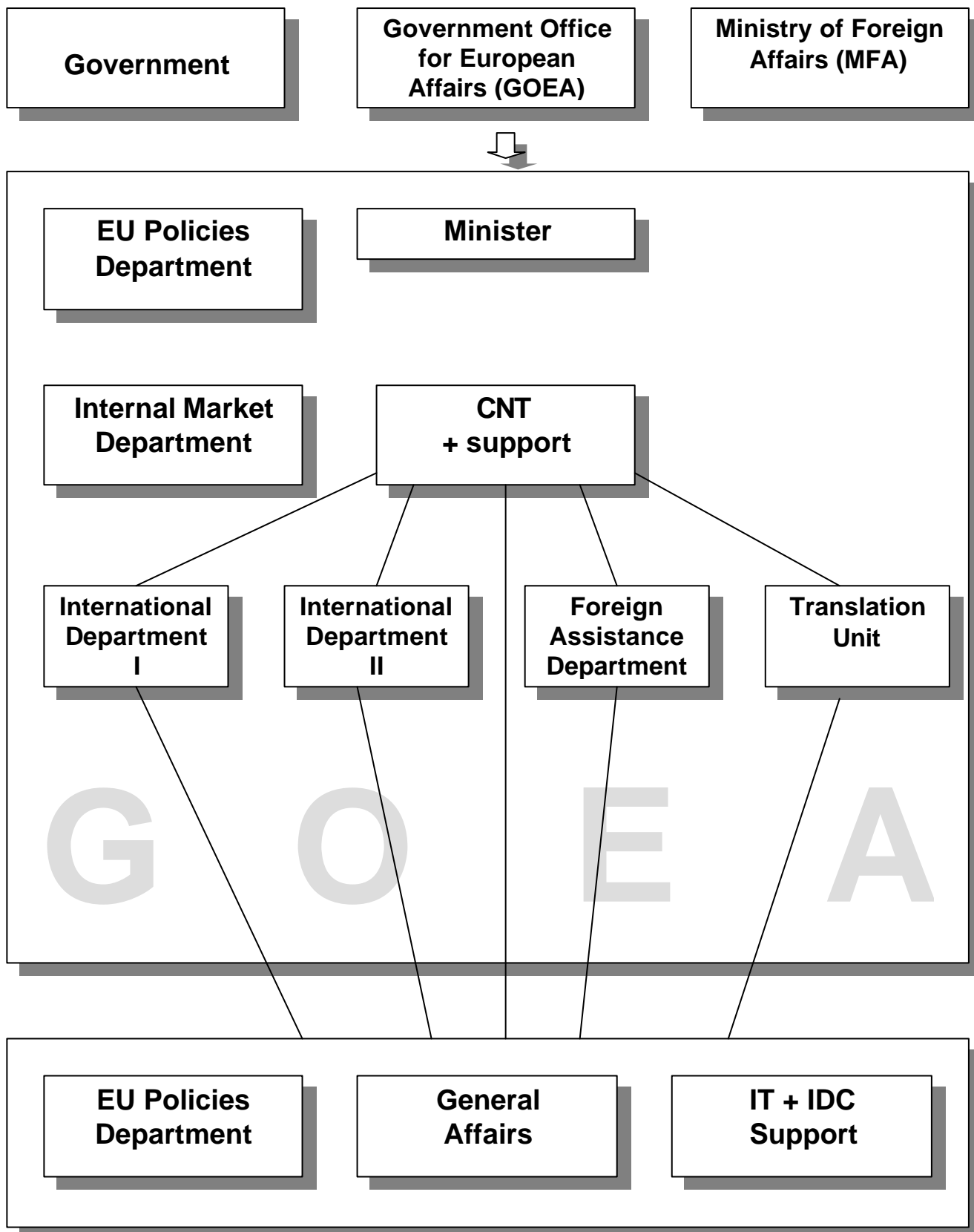
Erwan Fouéré, Ambassador, Head of Delegation, EC Delegation to Slovenia –Overview on Negotiation Process between the EU and Slovenia

Dragoljuba Bencina, Head of the Department for European Integration and Economic Relations, Ministry for Foreign Affairs - The coordination of the management of the accession in the Ministry of Foreign Affairs

Dr. Matjaž Nahtigal, Director, Government Office for Legislation – Aspects of legal harmonisation and coordination

Prof. Dr. Anton Kramberger, Associate Professor, Faculty of Social Sciences, University of Ljubljana - The management of the accession process in Slovenia – Assessment

The **first speaker** gave a presentation on the Slovenian structure for the preparation of the accession negotiations, which existed since 1997.

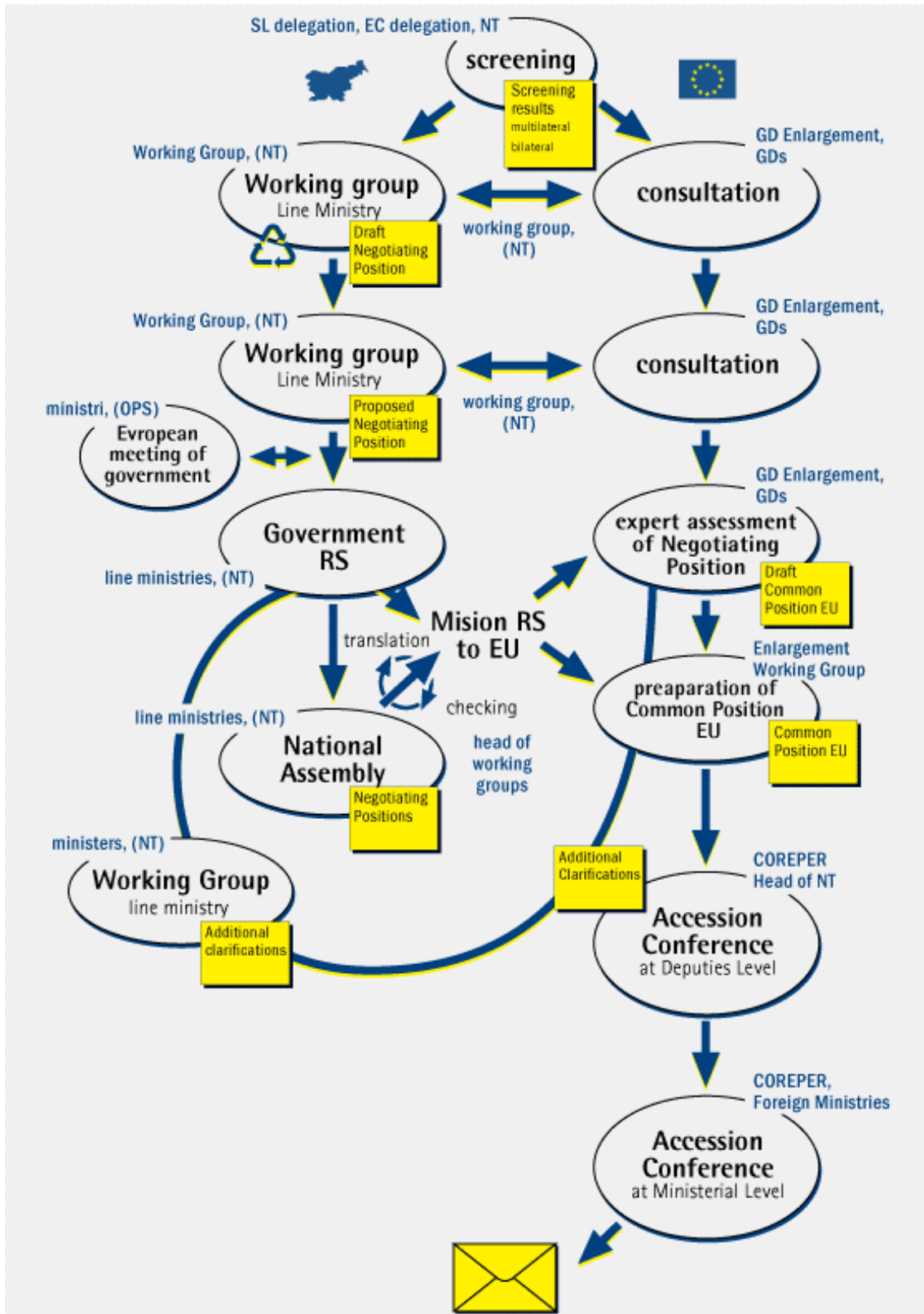


140 civil servants and administrative staff staff the structure. A Minister heads the GOEA without portfolio for European Affairs assisted by two Deputy Ministers.

As to the development of this structure, the **Commission questionnaire** in 1996 was a real **shock** for the Slovenian PA, because it became clear, how many efforts would have to be invested in the reform of state administration. During the screening phase in 1998/99 about 2000 Slovenian civil servants participated in the screening exercises,

getting in closer contact to the EU bureaucracy of the Commission. At that time the number of EU experts was very limited. The PHARE programme activities helped very much improve this situation. From 1998/99 onwards, more efforts were invested into PA reform.

As to the negotiation process itself, the following structure has been developed.



Source: <http://www.gov.si/ops/ang/organizacija/shema.html>

The draft negotiation positions are developed and prepared within the responsible working groups and then discussed with civil society actors. The speaker identified the most difficult part of the negotiations as those at home, where positions have to be shaped and agreed.

Concerning twinning projects, all EU member states besides Luxembourg are actively involved, with Germany being the most important partner.

The **second panel speaker** provided insight into the state of the play of Slovenia's negotiations with the EU and into the **EU opinion on Slovenia** and the EU's perception of the countries' reform activities.

He especially characterised the Slovenian reform progress as enormous. Given the huge acquis and requirements one should always keep in mind, that both are bigger and more numerous than at any other accession round. Slovenia made this huge progress also because it was one of the first candidate countries to adopt legislation in the relevant chapters, and also made considerable and expeditious efforts in building up the necessary administrative structure.

The **remaining issues for accession negotiations** at the present stage include some of the most challenging negotiation chapter: **regional policy, agriculture and financial and budgetary provisions**.

On **regional policy**, thanks to the constantly high growth rates from the beginning of the 1990ies, Slovenia's GDP per capita reached 68% of the EU average in 1999. This poses the problem that Slovenia could be phased out from the most important part of the structural funds, the Objective 1. At the same time, there are regions in Slovenia, (Eastern part) which only reach 58% of the EU average. Slovenia has therefore tried to make the case that it should be subdivided in three NUTS 2 regions (Ljubljana, Eastern Slovenia, Western Slovenia).

Compared to other EU members states with traditional regions Slovenia is too small to be subdivided into three regions (one region = min. 3 mio. Population). A possible solution would be for Slovenia to be classified as one region up to 2006 with one single programming document for the use of structural funds.

As to **agriculture**, Slovenia wants the most recent years as reference years. Only in most recent years, Slovenia's agriculture has come to the same production levels as before the economic shock which was caused by the dissolution of Yugoslavia. Another important topic for the negotiations is rural development, an area where Slovenia is again in a relatively comfortable situation because it is very advanced in setting up the necessary administrative structure, and it has already developed its own national rural development programmes. The main discussion is on the allocation of EU funds, whether it should be based more on criteria such as number of farmers and agricultural surface, or the demonstrated absorption capacity of each countries. On the biggest current stumbling block, direct payments, Slovenia has adopted a much more pragmatic approach than other candidates. They suggest, that a good treatment on rural development could make up, at least partly, for a full participation in direct payment already from accession.

On **financial and budgetary provisions** there are still differences on the technicalities of this chapter, but agreement between the Commission and Slovenia on the general principle, that Slovenia will not enter the EU as a net contributor to the budget. Slovenia wants to achieve a better financial position after enlargement than before, even taking into account the substantial pre-accession assistance.

As to the **accession negotiation**, the Commission has an extremely positive impression of the Slovenian negotiation team. It is well co-ordinated, proposals for transition periods are limited and well justified.

The **third panellist** gave an interesting view inside the Ministry of Foreign Affairs concerning the management of EU affairs.

The Department for European Integration and Economic Relations is the main unit dealing with European integration and economic relations/cooperation. 12 officials staff it and its head is member on the Core Negotiation Group.

Because of the high relevance to national sovereignty CFSP and GASP matters are also located within this department and will always remain within the core competencies of the MFA.

Currently the transformation of the Slovenian Mission to Brussels into a real Permanent Representation is discussed very intensively. 12 diplomat and 3 administrative staff members currently staff the Mission. In 2002 10 more officials (4 from the MFA and 6 from other ministries) and in 2003 again 10 more officials will be send to Brussels.

By the time of accession the Mission should be staffed by 56 officials (40 A-level officials).

The **fourth speaker** introduced aspects of the Slovenia legal adaptation process on its way to EU membership.

The Slovenian PA went through a large scale of transformation and has shown a huge capacity to adapt to and to implement the requirements of the EU and the *acquis*.

Nevertheless, as to all the reforms necessary to reach the membership goal, the problem of '**legal transplants**' is very relevant in Slovenia. To reach the overall goal to join the EU the Slovenian side was not too innovative and creative and took over elements and aspects from other systems, which can thus be regarded as legal transplants (the company law e.g. was taken from the German experience from the 1960ies).

Even if these legal transplants are taken from a different legal and cultural framework, they work quite well in the Slovenian context.

The Slovenian academia was very much involved in the restructuring of the state structure and the transposition of EU laws. Different models were analysed and pieces of these model were taken over.

As one result of these reforms the PA is flexible and autonomous enough to compete with the international arena.

Finally, the **fifth participant** of the panel claimed that given all the reforms of the past years, there were far **too many changes** to create a stable PA. The solution to some problems should thus be postponed in order to make choices and set priorities of reform.

Within the context of the current debate on the further reform and modernisation of the Slovenian PA the discussion of the traditions and the future goals seems to be missing completely. By taking these aspects into account, the reforms might be more sustainable for EU membership.

Discussion:

Questions and answers:

The Slovenian accession negotiation structure is rather special compared to other candidate countries. Are there special reasons for this?

The establishment of the GOEA was mainly influenced by the huge tasks of the screening exercise in 1998/99. A simple organisational structure, which should mirror the EU Commission structure, was thus created after the Luxembourg European Council summit. Furthermore the accession negotiations and the adoption of the *acquis* needed one strong institution with a strong horizontal character. The most important aspect was that the system had to be efficient. The accession negotiations and the implementation of the

Europe Agreement need to be co-ordinated by one authority because they are extremely interlinked.

Slovenia followed in this context the French model (like Finland or Sweden did too) and established this strong structure for European Affairs. Nevertheless, formally the Minister of Foreign Affairs still leads the negotiations with the EU and represents Slovenia in joint meetings of the Luxembourg group.

Are there tensions deriving from this special structure? Between the MFA and the GOEA?

Tensions are not perceived, because the relation between the institutions is very close and the style of interaction is considerate and friendly.

Nevertheless, clashes exist, because officials of the MFA are of the opinion that the MFA is and should be the main actor regarding the EU and European integration.

What will become of the GOEA after accession?

This is not yet clear. A working group was set up to discuss options for the further development, but so far three different proposals are to be drafted (centralised solution under the PM, integration into the MFA or own Europe Ministry).

The MFA strongly favours the solution of the incorporation of the GOEA into the MFA structures.

A similar approach to the current one might also be likely: the head of the GOEA as a member of cabinet for European Affairs.

Is there a public support within the current EU member states on Slovenia's accession to the EU?

The main problem of the public support for EU enlargement in the EU itself is of course the ignorance by the EU population. Enormous efforts are undertaken even in the EU to inform the people on enlargement.

To get a clearer profile Slovenia already by now will have to determine what it will bring into the EU ('bridge to the Balkans') and has to 'sell' this to EU member states

Will accession create a new shock because of the multitude of committees and working groups that have to be attended?

Of course this will cause additional problems of staffing as immediately after accession about 100 officials will be send to the relevant EU institutions.

Europeanisation of civil servants: EU-membership and administrative capacity building – The Slovene experience

Panel (followed by a question and answer session):

Chair: Prof. Dr. Marjan Svetlicic, Faculty of Social Sciences, University of Ljubljana

Nevenka Crešnar-Pergar, Ministerial Counsellor in charge of the 'Anti-bureaucratic Programme', Office of the Prime Minister

Prof. Dr. Bojan Bugaric, State Secretary, Head of the Directorate for Administrative Internal Affairs, Ministry of the Interior and Professor at the Law Faculty, University of Ljubljana

Dr. iur. Slobodan Dujic, Director of the Academy for Administration, Ministry of the Interior

Prof. Dr. Rajko Pirnat, Research Institute for Public Administration, Law Faculty, University of Ljubljana, Core Group responsible for the Reform of the Public Administration in Slovenia, Institute for Public Administration, Law Faculty University of Ljubljana
Irena Brinar, Department of Political Science, Faculty of Social Sciences, University of Ljubljana

The **first speaker** introduced the **anti-bureaucratic programme** of the Slovenian government as well as the **administrative reforms and enhancing regulatory capacities in Slovenia** in view of the accession to the EU.

The adoption of the programme was accompanied and supported by a high political consensus among the coalition parties within the **coalition agreement in 2000** where it is emphasised that one of the main aims of the government will be to liberalise the economy and reform the state to make its work transparent and free of unnecessary administrative barriers. Service thus should be accessible and administration effective. Cooperation with non-governmental organisations should be the rule and no exception.

The basic programme goals of the Slovenian government in running a stable, development-oriented macro fiscal policy thus includes also the establishment of a more efficient, people-friendly state administration.

As to the **PA reform** itself, the simplification and burden reduction within the PA is part of the comprehensive modernisation of the public administration, which also encompasses legislative changes to the organisation and work of the PA, raising the overall quality of state administration, introducing e-gov (e-delivery of public services, access to public information, e-democracy) and training and education of employees.

The programme aims at increasing performance and decreasing costs. Thus, efficient and effective administration, high quality of service delivery, openness, transparency, reduction of the public share in GDP and citizen-oriented state administration are of major importance.

For the **implementation** of the reform a **government committee** was set up in April 2001. Its main tasks include the simplification of the PA procedures, the abolition of unnecessary procedures, consolidation of procedures, less frequent renewal of requirements, improvement of the regulatory quality and better regulations, organisational changes, as well as changes of values and culture of public servants.

The focus as policy areas are concerned is mainly on economic and business related policies like setting up companies and sole traders, land and site development, expatriates work permit and employment regulations.

With a view to the citizens the **'proposals with reasons' project** has been introduced as part of the PA reform to improve the cooperation of citizens and state administration employees.

The **aim** of the project is to actively include citizens and state employees in the process of designing an efficient, open and citizen oriented PA. In order to achieve this goal three campaigns have been initiated a January 15th 2002: Collecting proposals from employees in the state administration, selecting the friendliest employee and collecting proposals from citizens.

The **further aims for 2002** are the continuation of activities started earlier (interventions in the environment, employment, setting up companies, reducing required documentation in procedures), the introduction of Regulatory Impact Assessment (RIA), introduction of performance measure for the civil servants, launching the one stop shop project 'VEM', relieving companies of 'piles of paper' and introducing e-communication with state bodies (e.g. tax administration, customs administration, Health Insurance Institute and employment agencies).

The **mayor plans for 2002** include the simplification of procedures in public procurement and the introduction e-public procurement as well as the continuation of the project on electronic exchange of data among PA institutions and holders of public authorities.

Concluding the presentation the speaker emphasised that the government is strongly dedicated to further simplify the administrative environment and to remove the burdens to make Slovenia globally a preferred place for investments, to cooperate with NGOs and the private sector as a rule of procedure, to improve efficient horizontally co-ordination as a precondition for reform success and to perceive modernisation of PA not as a short-term exercise, but as a journey rather than a destination.

The **second panellist** emphasised that the **influence of lawyers** on the current reform process is far too strong. Other experts and other disciplines like social science, political science and economy should be further integrated in the elaboration of reform concepts in order to achieve greater sustainability of results. Thus, a stronger emphasis on the analysis of other aspects than the legal once could have been integrated into the reforms. A closer relation with other sciences could also support the impact assessments of laws and a stronger involvement of the citizens.

With a view to the **legal framework** adopted in June 2002 the speaker stressed that it inherited too strong a legalist ideology, the law on the civil servants is too rigid and too strict in some areas. Especially as deregulation is concerned, the government could have gone further, even if NPM should not be to overall reform aim. Nevertheless, new human resource management needs to be introduced and promoted. Moreover, the attractiveness of the service has to strengthened.

The **third participant** of the panel introduced the **Slovenian strategy for the training of civil servants in EU affairs**, which was agreed upon already in 2000.

The participants of this training measure are distinguished in five different categories:

- (1) 'Fast streamers': younger civil servants, who are likely to go to Brussels to join the Commission staff after accession
 - special training programme, which lasts three years
- (2) Top civil servants (about 1000) including under-secretaries and counsellors. The most important civil servants of the accession process
 - special contracts with the Civil Service College in London and the EIPA in Maastricht, the Academy of Administration in Luxembourg and the Federal Academy of Administration in Vienna have been agreed to train the civil servants especially in negotiations, transposition of EU laws and EU comitology
- (3) Functionaries including state secretaries and minister
 - special contracts with the Civil Service College in London and the EIPA in Maastricht, the Academy of Administration in Luxembourg and the Federal Academy of Administration in Vienna have been agreed to train the civil servants especially in negotiations, transposition of EU laws and EU comitology
- (4) Practitioners which are to gain basic knowledge of the EU system
 - special training programmes for two days have been developed; courses are conducted e.g. by officials of the GOEA and the CNT
- (5) Trainees which are to gain basic knowledge of the EU system

Until 2002 3.000 civil servants have been trained at the Academy for Administration within the Ministry of the Interior.

These training activities have gained from numerous input from EU member states such as Germany. In 2001 50-60 people have been trained under these activities.

The Academy of Administration offers a huge variety of courses and thus in 2001 6.209 civil servants participated in different training measures. 1.800 of them was trained in EU affairs.

The **fourth speaker** analysed the new law on the civil servants in a critical way. The main problem of the law was – according to his opinion – the rather wide scope. In former version the law applied only to state officials. Now in its adopted version it applies to the whole public sector.

Furthermore, as there are two kinds of PA entities (entities which perform public services and public organs) also the salary system can only partly be applied to the whole civil service, as does the new law.

Generally, the law is too ambitious, as the salary system should have better be kept out of this legal framework. The law contains about 200 articles out of which only 21 are applicable to the whole public sector. Thus the law has more impact on public officials than on the whole public sector.

Concluding the panel the **fifth participant** emphasised the importance of education for the future development of the PA in Slovenia, as civil servants will have to turn from law adoption to policy formulation.

Not only vocational training should take this into account, but also universities should adapt further to this requirements. Thus, the educational system should be reformed and internationalised by strengthening the cooperation between universities across Europe and by providing more courses in English/French.

Discussion:

Questions and answers:

Are the reform of the Pa and the EU-related decision-making sufficiently linked?

As both tasks are horizontal tasks they are perceived as sufficiently linked by the horizontal coordination structure within the Slovenian PA.

With a view to the training of civil servants: are the Categories 1 to 3 generally younger than 4 and 5?

Category 1 was thought to integrate mostly younger civil servants, but after the first selection procedures it became clear, that this would not always and not in the majority of cases be the case.

Thus, the second wave of civil servants in 2002 includes also older civil servants in category 1.

Categories 2 and 3 have to go also through basic training and EU affairs training (simulation and role games) while in categories 4 and 5 everybody can be trained.

How does the Academy of Administration evaluate the training programme and the graduates?

Under PHARE a system of evaluation was introduced:

- trainers are evaluated by the participants and employees of the Academy

- the performance of the Academy staff is evaluated by the trainers
- an ex-post evaluation is carried out on the impact of the training (colleagues and heads evaluate civil servants trained).

Additional the subcontracting training institutions are evaluated very intensively.

Does the training only cover civil servants in central state administration or does it cover also the local administration?

Both levels are trained. 2.500 to 3.000 civil servants of the first level of state administration. For 2002 a special training on structural funds is planned for the local level of Slovenian administration.

As to one participant, the incentives for civil servants to be trained should be strengthened. It should be made obligatory to have obtained certain certificates for further promotion.

Conclusions

Prof. Dr. Wolfgang Wessels, Jean-Monnet-Chair of Political Sciences, University of Cologne

Prof. Wessels identified **seven aspects** as most relevant for the discussion of the workshop and thanked all the participants and especially the speakers for their very interesting and comprehensive contributions.

(1) Stages of Europeanisation

The most interesting question in this context was to discuss where Slovenia currently is.

Slovenia experienced a strong mobilisation from 1997 onwards throughout the pre-accession phase accompanied by a clear progress in mobilising forces for EU membership.

The EU-related administrative staffs are very experienced in EU affairs because of their long time in office. The knowledge of the EU system, procedures and actors is thus very well developed.

(2) Modernisation of PA

Modernisation as could be learned from the discussion within the workshop was an ongoing process with an increased need to change the dynamics of the law to make PA more attractive.

The workshop shed light on different PA approaches such as service orientation, e-government and other currently introduced in Slovenia. Nevertheless, one has to keep in mind that all these approaches mainly depend on the budget capacities.

(3) Traditions and legacies

Traditions and legacies very much contribute to the national identities and peculiarities in the context of PA development in general and in Slovenia. Thus, the Austro-Hungarian as well as the Yugoslavian experiences is of main importance for the future development of the PA.

(4) Modernisation due to EU accession

As the PA development is concerned, EU accession exerts a special pressure and provides certain incentives for candidate countries.

Thus, the Slovenian PA very much gained in terms of concentrating modernisation efforts from the integration into the evolving European administrative space.

(5) After accession

After accession to EU the bureaucratisation of the Slovenia policy-making process and overall political system might increase even more providing the danger of de-parliamentarisation of the political process. Civil servants will become increasingly important within the national but also within the Brussels arena, because of the high degree of legislation done and implemented by them directly.

More ministries will be involved; the scope of policies affected will be enlarged. There will be increasingly less policy areas strictly reserved for national policy making.

(6) Practical conclusions

In view of the research project, practical conclusions for the research agenda have to be drawn from the results of the workshop.

(7) Operational agenda

What kinds of desiderata exist for forming good and capable civil servants? This aspect should be elaborated in the future.