



Institut für Europäische Politik  
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Jean-Monnet-Lehrstuhl für  
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Universität zu Köln  
Gottfried-Keller-Straße 6  
D-50931 Köln



Nerudova 3  
118 50 Praha 1 – Malá Strana

Research Project

## "Europeanization of public administrations in Central and Eastern Europe in the process of transformation and integration"

funded by the Volkswagen Foundation

### Programme

#### Europeanization of public administration in Central and Eastern Europe. The Case of the Czech Republic.

Institute of International Relations  
Nerudova 3  
118 50 Praha 1 – Malá Strana  
Friday, 11<sup>th</sup> October 2002

**10.00 – 10.30**      **Welcome and introduction by the organisers**  
**Europeanization and transformation of public administration in EU candidate countries. State of the project**  
Dr. Jirí Šedivý, *Director, Institute of International Relations*  
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*

**10.30 – 11.30**      **I. General aspects of the Europeanization and transformation of the political system and public administration in the Czech Republic**  
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:

- Vladimír Handl, *Institute of International Relations, Prague*
- Ms Katharina von Schnurbein, *EC Delegation to the Czech Republic, Prague*
- Lukáš Macek, *Senát, assistant to J. Zieleniec (US)*
- Karel Zeman, *Senior Researcher, Institute of integration of the Czech Republic in the European and World Economy, Prague School of*

### **Discussion**

**11.30 – 13.30**

#### **II. The management of the accession process and the negotiations - EU related decision-making structures and procedures in the Czech Republic**

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

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

- Ralf Dreyer, *First Counsellor, EC Delegation to the Czech Republic*
- Jirí Havlík, *Director, Department of Co-ordination of Relations with the EU, European Integration Section (OKEU), Ministry for Foreign Affairs*
- Jan Žižka, *EURO*
- Dr. Jirí Zemanek, *Senior Lecture, Jean-Monnet-Chair of European Law, Faculty of Law, Charles University, Prague*

### **Discussion**

**13.30– 14.30**

**Lunch**

**14.30 - 17.00**

#### **III. Europeanization of civil servants: EU-membership and administrative capacity building – The Czech experience**

Chair: Petr Drulák, *Deputy Director, Institute of International Relations*

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

- Doc.JUDr. Olga Vidláková, CSc., *Institute of Legal Education and Information, Head of Public Administration Section*
- Ms Eija-Leena Linkola, *Ministry of Interior (Twinning Expert), Finland*
- Pavel Cernoch, *Working Party on Public Administration Reform, European Policy Forum, Prague*

### **Discussion**

#### **Conclusions**

**Prof. Dr. Wolfgang Wessels**, *Jean-Monnet-Chair of Political Sciences, University of Cologne* and **Dr. Mathias Jopp**, *Director of the Institut für Europäische Politik, Berlin*

**17.00**

**End of the workshop**



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### **Europeanization of public administration in Central and Eastern Europe. The Case of the Czech Republic.**

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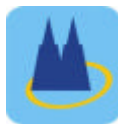
## Participants

Name	Position
<b>Pavel Cernoch,</b>	Working Party on Public Administration Reform, European Policy Forum, Prague
<b>Ralf Dreyer</b>	EC Delegation to the Czech Republic
<b>Petr Drulák</b>	Deputy Director, Institute of International Relations
<b>Vladimír Handl</b>	Researcher, Institute of International Relations
<b>Jirí Havlík</b>	Director, Department of Co-ordination of Relations with the EU, European Integration Section (OKEU), Ministry for Foreign Affairs, Prague
<b>Dr. Mathias Jopp</b>	Director of the Institut für Europäische Politik, Berlin
<b>Eija-Leena Linkola</b>	Ministry of Interior (Twinning Expert), Finland
<b>Dr. Barbara Lippert</b>	Deputy-Director of the Institut für Europäische Politik, Berlin
<b>Lukáš Macek</b>	Senát, assistant to J. Zieleniec (US )
<b>Dr. Jirí Šedivý</b>	Director, Institute of International Relations, Prague

Name	Position
<b>Gaby Umbach</b>	Researcher, Jean-Monnet-Chair of Political Sciences, University of Cologne
<b>Katharina von Schnurbein</b>	EC Delegation to the Czech Republic, Prague
<b>Doc.JUDr. Olga Vidlakova, CSc.</b>	Institute of Legal Education and Information, Head of Public Administration Section
<b>Prof. Dr. Wolfgang Wessels</b>	Jean-Monnet-Chair of Political Sciences, University of Cologne
<b>Karel Zeman</b>	Senior Researcher, Institute of integration of the Czech Republic in the European and World Economy, Prague School of Economics and Member of the Board of the Association for the Study of international Relations, Prague
<b>Dr. Jirí Zemanek</b>	Senior Lecture, Jean-Monnet-Chair of European Law, Faculty of Law, Charles University, Prague
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## "Europeanization of public administrations in Central and Eastern Europe in the process of transformation and integration"

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### Minutes of the Workshop

## Europeanization of public administration in Central and Eastern Europe. The Case of the Czech Republic.

Prepared by Gaby Umbach

Institute of International Relations  
Nerudova 3  
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Friday, 11<sup>th</sup> October 2002

### Welcome and introduction by the organisers

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

**Dr. Jirí Šedivý**, *Director, Institute of International Relations*

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

After thanking the organisers of the workshop **Dr. J. Šedivý** emphasised the relevance of the modernisation and Europeanization of public administrations as topic of state reforms, but also of scientific research, as also the Institute of International Relations deals with the subject in its research project on changes in attitudes of civil servants in the Czech Republic. Furthermore the subject would be enormously relevant for the analysis of the implications of the Czech accession to the EU on the modernisation and transformation of the political system and of the public administration in the Czech Republic.

**Dr. B. Lippert** thanked **Dr. J. Šedivý**, the Institute of International Relations and all participants for the opportunity to hold this workshop in Prague and emphasised the

excellent possibility to exchange views with political key actors and academic experts about the implications of accession negotiations on the Czech public administration.

She furthermore introduced the research project on the "Europeanization of public administrations in Central and Eastern Europe in the process of transformation and integration" funded by the Volkswagen Foundation.

Given the theoretical approach of "Europeanization" the project was very closely linked to the general impact of the EU accession on the modernisation and transformation of national public administration. **Dr. Lippert** introduced the concept of Europeanization defined as a shift of attention of national institutions and the growing participation in EU decision-making. Thus, 'EU-Europeanization' is about the resources in time, personnel and money directed towards the EU-level.

Nevertheless, an analytical distinction would be necessary between Europeanization in general and specific 'EU-Europeanization'. 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 acceding countries tackle EU-Europeanization 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 questions and theses:

**(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 especially on public administrations.

**(2) No convergence or simple institutional transfer** The EU does not offer a precise administrative target zone; no model of public administration exists and thus no convergence to one single uniform model will be observed. The main question arising from this assumption is how candidate countries cope with the requirements for changes and whether they will be – by the time of accession – administratively fit for the EU.

**(3) 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?

With a view to the different stages of Europeanization, **Dr. Lippert** more closely introduced the first guiding thesis: the pressure of the EU on the candidate countries increases according to the intensification of relations from association to negotiations. Therefore stages and critical junctures of Europeanization would emerge.

In the course of the past years five partly overlapping stages of Europeanization can be identified from the first contacts and the association agreements up to accession negotiations and the upcoming membership period:

- (1) PHARE Project**
- (2) Europe Agreements**
- (3) Pre-accession Strategy**
- (4) Accession Negotiations**
- (5) Observatory status and EU-Membership**

Throughout the different stages adaptation pressure increased on the acceding countries and the impact on the Europeanization of the public administrations became more concrete.

In the *first stage* the CEEC-5 established contacts with the EC/EU individually in the context of liberalisation and system change in former Warsaw Pact/CMEA countries. This led to formal bilateral relations with the conclusion of trade and cooperation agreements that had besides the elimination of trade barriers little institutional or administrative impact in the CEEC-5. However, for administering assistance and aid measures under the PHARE programme the CEEC-5 had to establish a minimum administrative structure.

During the *second stage* the Europe Agreements provided for joint institutions with the EU on a bilateral basis and introduced corresponding processes of deliberate and anticipatory adaptation.

This stage was followed by a *third stage* in which interaction, notably between the European Commission and the national administrations of the CEEC-5 intensified.

The moment of opening membership negotiations in the *fourth stage* and the initial screening process, underlined the need to dispose of an effective decision-making system at home. Structures established in the second stage under the Europe Agreements became involved in these pre-accession and negotiation efforts.

EU-membership will introduce a *fifth stage* of Europeanization. From the day of signature of the accession treaties the CEEC-5 will have to have all skilled officials in place to serve institutions in the whole of the EU policy cycle. The reality test will show whether the degree of Europeanization will be sufficient and capacities appropriate to act as a fully-fledged player.

## **Panel 1: General aspects of the Europeanization and transformation of the political system and public administration in the Czech Republic**

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

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

**Panellists:** Vladimír Handl, *Institute of International Relations, Prague*

Katharina von Schnurbein, *EC Delegation to the Czech Republic, Prague*

Lukáš Macek, *Senát, assistant to J. Zieleniec (US)*

Karel Zeman, *Senior Researcher, Institute of integration of the Czech Republic in the European and World Economy, Prague School of Economics and Member of the Board of the Association for the Study of international Relations*

**G. Umbach** presented the guiding theses as well as some results of the research project related to the first panel of the workshop.

With a view to its political system a functioning system of checks and balances has been established. Today, the Czech Republic, as the only country in central Europe to remain a democracy until 1938, is a sovereign and democratic state governed by law, based on respect for the rights and freedom of the individual and the citizen. It is constituted as a democratic republic and parliamentary democracy, with its constitution in force since 1 January, 1993. The constitution, which became valid on the day of the birth of the new state, explicitly defined civil rights, the relationship between the executive and legislative branches of power, and the independence of the judiciary.

The legislative power is vested in the Parliament, which consists of two chambers: the Chamber of Deputies, which is elected for a period of four years and the Senate, which is elected for a term of six years.

The executive power is vested in the President of the Republic and in the Government of the Czech Republic.

The judicial power is exercised on behalf of the Republic by independent courts and is formed by the Constitutional Court and a system of common courts.

The Czech political system is based on the free and voluntary foundation and free competition of political parties respecting fundamental democratic principles and rejecting force as a mean for asserting their interests. Although the Czech political system formally does not differ from political systems in EU member countries and other developed countries, the influence of the big political parties is perhaps too strong and at the expense of smaller political parties and also at the expense of other elements of the civil society. The Czech party system is stable, low fragmented and bipolar. The stability of government was mostly provided by the alteration in power of the two biggest political parties, the ODS and the CSSD, for almost ten years. A tendency of big political parties to have indirect control over the economic sphere, the media and also the public administration can be observed.

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 Czech public administration than on the overall transformation of the political system of the Czech Republic. The administrative set-up is developed very closely linked to the necessities of the *acquis*, while the political system is less/not affected.

As the European Commission stated in its 2001 (and also its earlier) progress report on the Czech Republic, the country

- "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"
- "has achieved stability of institutions guaranteeing democracy and the rule of law."
- "*The structure and functioning* of the government and administration is in general stable and some improvements in effectiveness have been achieved. However, the outstanding reform agenda remains long and has only just begun to be tackled in key areas."
- "The government has also taken steps to improve the functioning of the central and regional administration. However, it is regrettable that the Czech Republic continues to lack a Civil Service Act for its public administration; this is essential for establishing independence, professionalism and stability.
- "In particular, the Czech Republic still does not have a specific legal framework for its civil servants. "

Thus, the Czech Republic continues to fulfil the Copenhagen political criteria.

In its 2002 report the Commission stated, that the Czech Republic "has achieved stability of institutions guaranteeing democracy and the rule of law." Furthermore, the "government has taken further steps to improve the functioning of the central administration."

Moreover, "...progress has been achieved in the establishment of an independent, professional, stable and accountable public administration at central level. An important step forward was taken with the adoption of the Civil Service Act in May 2002 after difficult discussions and a close vote in Parliament. The Act creates a specific and comprehensive

legal framework for the central public administration and reforms the existing arrangements in a number of key areas.”

As theses **G. Umbach** presented the following aspects, which structure and guide the analysis in the field and should thus also serve to structure the debate of the first panel:

### **Theses**

**The Czech Republic has experienced an institutional consolidation of its political system**

**Nevertheless, the stability of the political system is mainly caused by the continuity of the two leading political parties rather than by a stable and settled administrative set-up**

**Does the bipolarity of the Czech party system guarantee or hinder the stability of Czech EU-related positions and policies?**

**Can this constellation support the further Europeanization of public discourse in the Czech Republic after accession?**

**Rapprochement with the EU has a much stronger impact on the reform of the Czech public administration than on the overall transformation of the political system**

Related to these theses, several questions were introduced to get additional input from the panellists and from the discussion:

### **Questions**

**Where do you see positive factors and constraints of the evolving political system and political culture in the Czech Republic in view of “Europeanization”?**

**Is the Czech democratic consolidation completed? Or does this aspect still have to be taken into consideration when analysing the further development of the political system?**

**Does the successful transformation of the public administration play a prominent role in the process of**

## consolidation and Europeanization of the Czech political system?

### What kind of external and internal factors are most important for the political transformation in the Czech Republic?

The **first panellist** underlined the stability of the Czech political system over the past decade, even if an administrative court would not yet have been established. The party system is still in a state of transformation and reform and thus cannot be regarded as entirely stable. The system itself is increasingly less capable to create majorities, even if the communist party does not present a real alternative. Moreover and fortunately the extreme right failed to enter parliament and thus both poles of the party system do not present alternatives to centre-right and centre-left parties.

Almost all Czech political parties would be rather pro-European, with the communist party somehow undecided yet. Nevertheless, concerning the Czech positions within the European Convention the political parties did not reach agreement on their positions. Further reforms were envisaged as far as the election of the President and the electoral law are concerned. Regarding the Czech regional structure, the regions were still in the process of defining their concrete role.

According to the speaker, the EU has to be regarded as an important external factor for state reforms, as accession to the EU structures the reforms and the role of different national actors.

The **second panel speaker** highlighted the relevance and importance of the twinning projects for the development in the CEEC-5 and also in the Czech Republic. Given the establishment of administrative structures the introduction of 'non-official working structures' and direct non official working contacts would now be of enormous importance for future pragmatic problem solving. This aspect would of course include an increase of flexibility of civil servants at all levels of the hierarchy, a positive attitude towards new technologies, like video conferences or the 'paper-free' office.

The **third panellist** laid emphasis on the fact, that the political system in view of its executive power would not be as stable as outlined earlier. The most important proof for this would be the weak majorities governments would depend on. This fact would go hand in hand with a lack of political leadership creating a problem of acceptance of government decisions.

As external factors the EU supported and guaranteed a certain pace of reforms. The impact of the EU as a point of reference to transformation also allowed to overcome the difficult political heritage. Nevertheless, one can also identify limits of the EU impact, especially with a view to the (late) adoption of the law on civil service and e.g. the law on central banks.

As to the consolidation of the political parties one important aspect of their Europeanization would be their affiliation to European political party families. While some parties, like the CSSD already were clearly affiliated, others, like the ODS did not decide yet to which party family they belonged. These decisions (for an affiliation or for no affiliation) were also a clear sign for the success for their transformation towards 'western style' political parties. While CSSD succeeded in its transformation, the ODS was so far unable to transform itself. This fact was thus still blocking the consolidation of the political party system.

The **fourth speaker** stressed, that Europeanization was a long term process and a problem not only for the acceding countries, but also for the current EU member states. With a view to the Czech Republic the basic contents of Europeanization was foremost to fulfil the Copenhagen criteria and to cope with the single market pressure. He highlighted the pressure from the EU side as a positive factor having achieved the stability of the Czech political system. Also in areas such as the continuation of social dialogue between the government and the social partners.

Nevertheless the speaker also identified constraints to Europeanization such as the slow development of the civic sphere.

As key external factors he identified the European Community financial support for administrative reforms, but also for public information campaigns in order to create public support for accession.

## **Discussion**

*Is the Czech party system really still influenced by a bipolarity problem as the party positions are getting closer and differences might be declining?*

The stability of the Czech political party system would mainly derive for the antagonism of the two big political parties. Nevertheless, the ODS as one of the poles of the system due to splitting is not the same strong party as 5 years ago. Contrary to this, the CSSD has not gone through major changes and thus experienced a certain continuity, even if huge differences can be discerned between leading party figures and wings. Moreover, the CSSD, as left pole of the spectrum – is under pressure because of the communist party gaining votes on their costs.

In addition to this, the conservative-liberal pole of the system would be in a change and centre-parties are redefining their positions.

*What role do the Czech regions play as the Czech Republic is rather centralised? Will the regions have any foreign budgetary rights?*

Czech regions would not be comparable to German *Länder*. As far as their 'foreign cooperation potential' is concerned, the cooperation with Austrian *Länder* opens the way for more dynamics of own cross boarder activities.

*Role of the Parliament within the accession process?*

Generally, the Parliament has no strong role in the political debate on accession. This aspect thus has to be reinforced and the role of the Czech parliament has to be strengthened in order to counteract a bureaucratisation of the political process.

## **Panel 2: II. The management of the accession process and the negotiations - EU related decision-making structures and procedures in the Czech Republic**

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

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

**Panellists:** Ralf Dreyer, First Counsellor, EC Delegation to the Czech Republic

Jirí Havlík, Director, Department of Co-ordination of Relations with the EU, European Integration Section (OKEU), Ministry for Foreign Affairs

Jan Zížka, EURO

**Dr. Jirí Zemanek**, Senior Lecture, Jean-Monnet-Chair of European Law, Faculty of Law, Charles University, Prague

**G. Umbach** again introduced key aspects of the research as well as guiding theses and questions for the discussion.

Regarding the management of the accession process, the Ministry of Foreign Affairs coordinates the accession negotiations with the European Union. Within the MFA the Section of European Integration (SEI) has been established. In 2000, a new Department of the Communication Strategy (OKS) was established in the MFA. The Director General of the SEI is now in charge of both the Department for the Coordination of Relations with EU (OKEU) and OKS.

The Director General of SEI is the deputy of the State Secretary for European Affairs (the first deputy minister who is in charge of matters concerning the European integration) and he is also methodically supervising the Department of European Integration (OEI) of the Office of the Government of CR (the Prime Minister's Office).

Inside the MFA the Department of the Countries of Western Europe (OZE) merged with the Department of Political Relations with EU (OPEU) and the new department is called Department of the European Union and Western Europe (EUZE).

Both SEI (OKEU, OKS) and the section of the Political Director (EUZE, OBP) are subordinated to the State Secretary for European Affairs.

After accession the creation of an EU Ministry will become a topic of discussion. This especially due to the success in accession negotiations and the existence of the State Secretary for European Affairs, who at the same time is 1. Deputy MFA and Head of the CR Delegation for negotiations on the Accession Agreement (JUDr. Pavel Telicka). This also in order to create a stronger co-ordination centre given the often insufficient size of the EU-units in the different ministries. Another point in case might be the proposal under the Spanish presidency (Aznar) to transform the General Council into a Council of EU specialised national actors/EU Ministers.

## **Theses**

**With its structure of EU-related decision-making the Czech Republic provides a good example of a strong Foreign Ministry centred structure of EU accession management**

**After accession the creation of an EU Ministry will become a topic of discussion**

**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**

## Questions

**What was the major impetus to build up the structures for EU policy-making in the CR?**

**Were there specific problems to be addressed and how?**

**Where is the centre of EU policy-making located in the CR?**

**Is there a competition between the Foreign Ministry and the Czech Government Council for European Integration with a view to preparation and conduct of accession negotiations?**

**Which structures for horizontal coordination between and vertical coordination in the ministries exist with regard to EU policy-making?**

**Do you expect or recommend a re-shaping of existing EU-related decision-making structures for the post-accession period?**

The **first panel speaker** reiterated the history of the Czech EU-related decision-making structure. In 1996 the decision for the current centralised small structure under the Ministry of Foreign Affairs (MFA) was taken after contact with several EU member states, such as Austria, Finland and Sweden. This structure was also chosen to avoid duplications of work or overlaps of competences, which often occur in larger institutions and structures.

Regarding the EU-related coordination structure, within the negotiation process, the line ministries are responsible for their relevant chapters. The Council of European Integration (horizontal coordination body) has the political overview on problems and separates the administrative level from the political level. It is a centre of political decision-making, while the Working Committee for European Integration is amore technically oriented problem-solving centre.

With a view to the future structure different options are currently discussed and further developed under consultation with EU member states. One option is the integration of the coordination structure within the government office, while another option is its integration into the MFA, as this would be the body with the largest expertise in the field. Moreover, the creation of a separate EU ministry was a proposal issued before the parliamentary elections in June 2002, but is no real topic of discussion.

The **second panellist** emphasised that the structure and working methods of the EU units within the ministries had improved substantially over the years. Also the Council for European Integration had more power to take decision then some years before. The Government Office now place a decisive role, when (technical) decisions were to be taken.

As to the Parliament, a EU committee and several legislative committees are in charge of the adoption of the EU acquis. Moreover an informal submission procedure for draft proposals between the House of Deputies and the government has been established and a fast-track procedure exists, even if it is not frequently used.

With a view to the future, the most important aspect would be the training of civil servants and the integration of young, university educated and skilled professionals in leading positions. Thus, the attractiveness of the public administration has to be increased. With a view to training activities especially languages training, training in EU institutions and policy-making processes would be important fields.

An area for further enhancement is also the inner-ministerial coordination, which would need substantial improvement in order to be guarantee quick reporting and decision-making. Furthermore, the inter-ministerial communication needs to be improved and accelerated.

Regarding the EU units within the ministries the speaker emphasised that it would not be enough to have those units. EU-expertise has to be spread throughout all units avoiding 'island of expertise' in the ministries.

The **third expert** identified changes in the core group of persons involved in EU accession. In the beginning only experts and civil servants were really involved in the process. Later on, as also politicians became increasingly involved in the accession process, tensions arose between them and the experts/officials. While the experts concentrated more on the technical aspects, the politicians strongly focused on the perception of EU accession in the public. They were thus widening the scope of issues to be discussed publicly. In the course of the negotiations nevertheless, interactions increased and the gap between the two groups diminished.

With a view to the administrative capacity of the Czech Republic, the most sensitive question would be the quality of staff. This aspect would even be more sensitive than the restructuring of the EU-related decision-making structure after accession. This restructuring should be subject to a longer adaptation process in the observatory and membership phase.

The **fourth speaker** concentrated on the Czech parliament highlighting the improvement of relation between the Chamber of Deputies and the government related to EU accession. This relation will further improve after accession, when the Czech Republic will become a real actor within the European policy-making process. The Parliament will gain from these changes, but on the other hand new problems will arise from the involvement of the Parliament, as the government is obliged by the constitution to inform both Chamber of the Parliament regularly and in advance on the obligations arising from membership. This might result in a slow down of the policy-making process after accession.

Furthermore, certain procedural problems might arise, such as the concrete definition of the 'scope of information', the assessment of the subsidiarity principle by the Parliament or to the involvement of both chamber vs. only one chamber as the constitution does not make explicit reference to these aspects. Additionally, the form of participation of the Czech parliament within the EU policy-making process is rather unclear yet.

## **Discussion**

### *What would be reasons for keeping the EU-related decision-making structures as it currently is?*

One of the main reasons would be to keep the structure simple without simplifying things too much. With a view to the future structure accession negotiations have to be

distinguished from EU membership as they do not cover the whole policy cycle. After accession the role of the line ministries will substantially increase.

*Problem within the civil service corps and in the civil society:*

Lack of spreading information and lack of EU-related knowledge and language capacity combined with low salaries and low degree of attractiveness of civil service. Furthermore there is a great reluctance for supporting the creation of a public opinion and a lack of professionalism of journalists to follow and explain European and Czech developments.

*What are the most important weaknesses of the Czech civil service?*

The most important weaknesses would be the:

- lack of horizontal coordination (, which is a problem to nearly all existing public administration models and which does not necessarily need to be bad after accession)
- lack of vertical coordination (, which will badly impact on membership)
- lack of language knowledge and capacity
- lack of ICT knowledge
- low salaries

One of the reasons for the lack of coordination might be that the process of capacity building, which started in the 1990ies, was initially understood as the need to staff up ministries, to build more departments and to increase the number of deputy ministers (to 6-7) in line ministries. Training of civil servants started already in 1992 and concentrated on language and ICT knowledge. One of the main problems of sustainability of training measures was the fact that those trained, left public administration to enter private companies.

*Does a Czech culture of informal exchange (like the Irish 'Pub Culture') exist in the Czech Republic?*

The Czech administrative coordination would resemble more the formal way of coordination rather than the Finish 'Sauna' or the Swedish 'Breakfast coordination culture'.

### **Panel 3: Europeanization of civil servants: EU-membership and administrative capacity building – The Czech experience**

**Chair:** Petr Drulák, Deputy Director, Institute of International Relations

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

**Panellists:** Doc.JUDr. Olga Vidláková, CSc., Institute of Legal Education and Information, Head of Public Administration Section

Eija-Leena Linkola, Ministry of Interior (Twinning Expert), Finland

Pavel Cernoch, Working Party on Public Administration Reform, European Policy Forum, Prague

As in the previous panel, **G. Umbach** presented major results of the research project in the respective field and introduced the guiding theses and questions.

Related to the subject of the panel, it has to be acknowledged, that enormous efforts of re-organisation after the fall of communism. Abolishment or merger of branch ministries (e.g. the ministry of metallurgy and heavy machinery, of fuels and energetic, of

electrotechnic industry, of light industry, of internal trade). Frequent reorganisations and adaptations.

Because the EU requires so many special administrative arrangements to cope effectively with the *acquis* the Czech Republic has established that there seems to be less room for 'manoeuvre' in terms of 'institutional creativity'.

Nevertheless, the Commission report 2001 stated, that "the reform of the public administration has not advanced significantly and therefore the short term priority of the Accession Partnership in this field has not been met. The reform of the judiciary is equally a short term priority of the Accession Partnership. Whilst progress has been made, it is regrettable that certain key parts of the reform have not yet been adopted. Administrative and judicial reform are both essential for effective enforcement of the *acquis* and improved good governance. Thus efforts must be pursued in these fields, in line with the medium term priorities of the Accession Partnership."

The most serious shortcomings are in particular:

- Unclear delineation of the sphere of action of individual sections;
- Insufficient horizontal co-ordination of the execution of the state administration, also caused by the non-harmonized organisational structures of the ministries and other central administration authorities;
- Low level of the management of the CSA in particular the insufficient focus of the ministries on the results of their activities;
- Lack of human resources stabilisation and excessive political involvement of the CSA.

In its 2001 progress report on the Czech Republic the Commission stated that "... some positive steps have been taken by the government. Thus, a Department for the Civil Service has been established within the Office of the Government, with the task of coordinating civil service reform. Also, a Code of Ethics for civil servants has been established."

In its 2002 report the Commission stated, that with the adoption of the Civil Service Act "... progress has been achieved in the establishment of an independent, professional, stable and accountable public administration at central level.

Personnel policy is to be depoliticised by the creation of a General Directorate for the Civil Service which is to be responsible for the application of unified human resources management throughout the administration, in coordination with senior officials in the Ministries and other bodies.

The allocation of human resources throughout the administration is to be rationalised through a process of "systematisation" which aims to determine the number of civil servant posts and the funds earmarked for salaries in the Ministries and other bodies. Professional standards are to be improved in a number of ways. There will be increased use of competitive exams for recruitment and filling of vacancies. Existing state employees will also be required, during a transition phase, to pass an exam in order to be appointed as civil servants under the Act. Also, there is provision for more systematic assessment of civil servants' performance as well as clearer criteria for promotion.

The system of remuneration is clarified and standardized. The remuneration system under the Civil Service Act is designed to overall improve the salaries of civil servants. Thus the scope of the Act appears ambitious and comprehensive. Nonetheless, for the Act to have a significant impact it will need to be implemented in a constructive and cooperative spirit, on the basis of a wide political consensus."

## Theses

**The reforms of the public administration in the Czech Republic can be understood as results of anticipated EU-membership**

**If the Czech Republic does not further improve its administrative capacity and 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 slow and only recent progress in the adoption of the legal framework for the civil service the Czech Republic will, by the time of accession to the EU, face difficulties to effectively fulfil the obligations of EU-membership**

## Questions

**Why did the adoption of a legal framework for the civil service take so long?**

**Can phases of transformation of public administration in the Czech Republic clearly be identified?**

**Which impact did Twinning and PHARE programme activities have on the overall set up of the public administration in the Czech Republic?**

**Will there be sufficient and qualified personnel resources to staff the multitude of EU-committees and working-groups?**

**Will Czech civil servants by the time of accession be efficient multi-level players able to negotiate and impose Czech positions within the multi-level system of the European Union?**

The **first panellist** agreed with the first guiding thesis of the project, which emphasises, that different phases of reform and Europeanization can be identified in the Czech Republic.

The first phase lasted from 1990 until 1992. Main priorities of this first phase were the 'de-etatisation' and de-centralisation of the public administration. It included the first democratic elections, the abolition of the soviet type state committees, the establishment of district offices in 72 districts and the adoption of a new constitution.

The second phase from 1993 to 1997 experienced two successful right-wing coalitions. The priorities of the public administration reforms in this period the establishment of local self-government, the draft of the civil service act and the establishment of the office for legislation and public administration reform headed by the first deputy Prime Minister entrusted with the public administration reform. Nevertheless, this phase could be described as a phase of economic transformation and lack of public administration reform.

The third phase then lasted from 1998 to 2002 and witnessed the implementation of the constitutional act on higher territorial self-government units in 1997, the adaptation of the new act on district offices, the approval of the draft law on civil service in January 2000, the real creation of Czech regions and the implementation of a new training system in public administration.

The fourth phase began with the adoption of the new law on civil service in June 2002 and lasts until effective EU membership. It includes the realisation of the second phase of the territorial district office reform with the transfer of competences to the 205 municipalities, the realisation of the e-government approach, the modernisation of the public administration and the further increase of administrative capacities.

The new law on civil service can be regarded as a critical juncture within the process of Europeanization of the public administration. It will enter into force in 2004. Its long missing adaptation resulted in the general reluctance to accept the relevance of such a law. Even if the law is now adopted, the general fear, that the law might go through several amendments, is not yet eliminated as it already has been criticised by trade unions and politicians.

The **second speaker** gave an insight into the twinning measures concerning the enhancement of administrative capacities in the Czech Republic. Foreign experts were thus sent to support the improvement of structures and the overall organisational principle of the Czech administration and to introduce institutional mechanisms e.g. for human resource management. New management tools (strategic management) were introduced and training activities were carried out.

From 2001 to march 2003 30 expert from France and Finland will be involved in different aspects of the Czech public administration reform. Twinning is generally regarded as a good concept to help acceding countries to increase their administrative capacities. The contacts established under the twinning activities will furthermore facilitate the integration of Czech officials into the EU policy-making process after accession as many contacts have been established between the officials of different nations by this exercise.

The **third panel speaker** highlighted the fact that the human resource basis of the Czech civil service is still influenced by the country's communist past as many officials who have worked under the communist regime have not been kick out of office during the transformation process. Thus, with the recruitment of a new generation of civil servants a gap arose between old and new ideas, attitudes and working styles.

The speaker identified the civil service law as a political issue, as by this means the political class could influence the civil service. Thus, the new law will create more room for political appointments even at the lower levels of public administration. Nevertheless, it will also add security for civil servants.

One of the most important problems of the post-accession period will, according to the speaker, be a 'brain-drain' to the Brussels arena and thus the aspect of loss of personal will influence the capacity of the Czech public administration to become a real multi-level player.

## **Discussion**

### *Why did the adoption of the civil service law take so long?*

The longitude of the adaptation process mainly ruts in the communist past and the misfit of the administrative systems. The drafting of the civil service law presented some sort of 'shock' as it became clear, that certain compensation measure in terms of higher pension, full payment in the case of illness etc., which were never subject of debate under communism had to be integrated into the act. Thus, it became obvious, that the civil service class would be partly privileged in the future. Moreover, neutrality was to be emphasised more strongly and a general directorate for the public administration was to be created, which should deal with recruitment. Thus, the ministries could no longer influence personnel policy. All these aspects represented fundamental changes, which were not undisputed.

### *Where the Commission reports an incentive to push reforms?*

The Commission reports were perceived as welcome help to get additional input for reforms. Especially in 2000 the Commission report stimulated reforms as it presented a rather negative assessment of the Czech administrative capacity. In contrast to that, the 2002 report was perceived too diplomatic and thus was no strong stimulation this time.

### *Are Czech civil servants already by now multi-level players?*

So far not all civil servants have enough expertise in EU affairs, but positive changes and the success of training measure as well as the integration of younger people into the public administration are points of reference for a positive development of the administrative capacity in the future.