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***Romanian Central Public  
Administration and the challenges  
of Europeanisation***

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# ***Romanian Central Public Administration and the challenges of Europeanisation***

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**Romania finds itself in the last stage before becoming a full member of the European Union. The European Commission's Monitoring Report, issued on the 25<sup>th</sup> of October, assessed the country's progress and, at the same time, underlined the efforts that still need to be made towards full preparation for accession. Public administration reform has been on the agenda of Romanian Governments since the late 1990's. The pressure coming from the EU has led to the establishment of a legislative and institutional framework compatible to that of the Western Member States. Is that enough to ensure the coherent functioning of Romanian central public administration and its interactions with the EU policy making mechanism? Can one speak of a genuine process of Europeanisation in this field, touching upon the essential features of the administrative capacity? And, finally, can the slow reform process of the public administration be identified as one of the main current obstacles in Romania's way towards EU accession?**

Public administration represents the backbone of any political system. Involved at all stages of the policy-making process, it also plays the role of an interface between citizens and the political system. Its role goes, thus, beyond that of a pure bureaucracy, into that of an efficient catalyst for the process of transferring political measures towards society.

Furthermore, in the context of the European Union, the national public administrations acquire an increasing relevance, as they become key players in the European policy-making mechanism. Their responsibilities, previously limited to the national level, are extended to the implementation of EU policies and legislation and, equally important, to the management of EU funds. However, unlike in the case of most political and socio-economic aspects, there is no *acquis* chapter on public administration. The European Union has chosen in this case not to resort to harmonization and to maximize, instead, the benefits coming from the coexistence of four traditional administration models in Europe (the Prussian-German, French, Anglo-Saxon and Scandinavian models).

From the perspective of the new Member States and the candidate countries, the majority of which have been undergoing a process of "double transformation" (from an authoritarian centralized state to a democracy governed by the rule of law on the one hand, and from a state-controlled economy to a free-market economy on the other hand), the accession to the European Union implies, at its very roots, a profound change in the administrative structures and processes. The success of the "integration story" depends largely on the successful europeanisation of public administration.

For Romania, set to join the EU in 2007, reforming the public administration is still on the working table, with many aspects still due to be tackled in a serious and responsible manner, especially with regard to implementation of the new provisions and the day-to-day performance of the new structures. Hence the importance of public administration reform for the Commission's evaluation of Romania's integration performance.

## **Background - Lights and shadows from the past**

The factors that determine the current situation are manifold. A brief analysis of the tradition of Romanian public administration reveals a mixed record of influences, due to the distinct historical background of the different regions; thus, French and German influences have been coexisting in the Romanian space, leaving specific traces on the administrative culture. Notwithstanding the relevance of this historical path, close attention has to be paid to the heritage of the communist public administration model, since it deeply marked the developments during the transition period. Although present in different versions throughout the Central and Eastern European block, this model was structured on the same main pillars in all countries.

The basic feature that characterizes the communist approach is the permeability (up to the point of disappearance) of the boundaries between politics and administration. The connections between the Communist party and public apparatus were extremely strong, transforming the latter into a mere mechanism used in order to implement the dominant party's will. Moreover, due to this obvious subordination relation, there was no clear separation of competences between the legislative and the administrative organs. The "nomenclature" system, as well as the "cadre policy", stands as a proof for the high degree of politicization in the public administration. As for the status of the civil servants, there was no special law regulating it, as well as no special requirements for recruitment or career patterns.

Dominating for almost half a century, these structures had a deep influence on public life and, at the same time, on the mindset of the entire society. Therefore, not surprisingly, once the communist regime fell apart, one of the most difficult reforms to be achieved was in the field of administration. The huge challenge was that of a total overhaul, from principles to practice. A brand new legislation and institutional structure had to be introduced, doubled by a transparent Human Resources policy. Beside all this, a right balance had to be ensured between elected and appointed officials, on the one hand, and career civil servants, on the other hand. All in all, there was an imperative need to separate the responsibilities and competences between the political and administrative spheres.

## **EU's strategy: monitoring and assistance**

Despite the fact that none of the *acquis* chapters deals explicitly with the public administration reform, this topic is practically included in every chapter. This comes as a clear proof of the relevance of this issue as a backbone for Romania's EU accession process.

Unlike in the case of previous enlargement waves, where public administration did not play such a specific role, as far as the Eastern (and most numerous) enlargement is concerned, the European Union modified to a certain extent its pre-accession strategy. Enhancing the administrative capacities of the new member states is now regarded as a top priority. This approach can be mainly explained by the current developments in the EU system, where more and more responsibility regarding the implementation of European policies is given to the national authorities.

However, the EU did not choose to reach this goal by imposing on the candidate countries specific indicators and targets. Instead, some guidelines and general expectations were put forward, leaving to the national level the power to decide by which means these criteria can

be better fulfilled. One of the main instruments that states have at their disposal are the *twinning arrangements*, i.e. the secondment of officials from an EU member state's administration to the respective counterpart of a candidate country in order to support the process of europeanisation on the practical level. This arrangement allows the candidate countries to choose the administrative model that they feel closer to and try to emulate it by creating their own structures; for this, they receive support from the partner EU members. This mechanism ensures that the specific needs of each state are met, thus enhancing the chances of the reform process to succeed.

Romania benefited from EU's assistance in the public administration field since 1992, long before becoming an official EU candidate country. Nevertheless, the support was strengthened after 1998, when Romania started being monitored by the European Commission, through its annual Regular Reports. Monitoring and assistance appear, thus, as the two sides of the same coin: the EU pre-accession strategy.

The total financial support granted by the EU to the Romanian public administration sector since 1992 is around 42 MEURO. The 2004-2006 multi-annual PHARE programme will add 35.88 MEURO. The main objectives are to achieve European standards of transparency, predictability, accountability, adaptability and efficiency. Some of the most important initiatives in this field in the last years were: 1998 PHARE Programme for Romania "Support to designing and implementing Public Administration Reform", PHARE 2001 Programme "Strengthening the administrative capacity" (dealing mainly with the central component), 2002 PHARE National Programme "Strengthening the Romanian administrative capacity to manage, monitor and assess EU financed programmes", PHARE 2003 National Programme. All this projects cover a large range of activities, among which the twinning component plays a very active and relevant role. The main partner country of Romania in its twinning agreements in the field of public administration reform is France, followed by the Netherlands, Italy and Spain.

The success of all these initiatives cannot be denied. They have encouraged and supported the reform process, leading it towards the right direction. However, in order to reach its efficiency peak, external assistance has to be paralleled by internal efforts to achieve European standards and prepare to be a well functioning future EU member.

## **Public Administration Reform: between pressured achievements and on-going duties**

The public administration reform in Romania was launched and developed in strong connection with the country's process of accession to the European Union. Consequently, it was designed to fulfill the European standards and to enable the Romanian system to face the challenges of being an EU Member state.

The reform can, thus, be analyzed in the broader context of the evolution of Romania-EU relations, from obtaining the "candidate country" status in 1997 to the signing of the Treaty in April 2005 and most recent steps undertaken in view of accession in 2007. Throughout this period, one of the main priorities on the dialogue agenda was the public administration reform, considered as a milestone in achieving progress on the way towards EU membership.

## ***Fresh laws, new institutions***

As the administrative principles and structures had to be virtually rebuilt, efforts were put into drafting appropriate *legislation*, on the grounds of which the new administration would function properly. The new legal framework is compatible with the similar provisions in other EU member states and constitutes the premise for an efficient functioning of the administration system.

The “Civil Servants’ Statute” (November 1999), The Law on the Liability of the Ministers (1999), the Law on the Organization and Functioning of the Government (February 2001) and the regularly revisited Strategies for Public Administration Reform (2001, 2003, 2004) are a few examples of documents issued with the aim of building a comprehensive and updated legal background for the reform process.

Nevertheless, the reshaping of the legislative framework is a necessary, but not sufficient condition for a successful change of the system. The most relevant aspect is the implementation of the new laws in order to reach the expected result of a professional and efficient administration. Unfortunately, despite being ranked among every Government’s top priorities, an important part of the legislation has not yet been fully implemented. The causes can be traced back to the lack of resources (material as well as human), characteristic for a transition economy, but also to the *path dependency* within society and within the political system, that needs more than official legal documents to be changed. Moreover, the secondary legislation, aimed as a catalyst for the implementation, was, to a big extent, focused on minor issues, while avoiding (deliberately or not) the most sensitive and relevant ones, such as, for instance, public accountability or career structure.

Another aspect that had to be tackled in the first stage, together with the legislation, is the *institutional setup*. Deriving from the new laws, specific institutions were established with the purpose of conducting the reform process and gradually putting into place a stable new administrative structure.

Some of these institutions had a temporary mandate, directly linked to the reform coordination –the Department for Central Public Administration Reform (1998), the Central Unit for Public Administration Reform (2002) etc–, while others were set up on a permanent basis –the Civil Service Ministry (1999), the National Agency for Civil Servants (2000), the National Institute for Public Administration (2001)–, having functions that ranged between executive and educational.

However, the mere establishment of an institutional framework is just a first (necessary but again, far from sufficient) step in rebuilding public administration. Like in the case of legislation, the inflation of units and departments was seldom doubled by the attribution of real authority. Even though they are aimed at bringing about the long-expected change, the new structures too often lack a clearly defined role and an efficient control or/and decision making mandate (like in the case of the Civil Service Ministry). Their integration in the public sphere is not yet completed, resulting in the limited influence that they can exert in relation to other bodies (for instance the case of the National Agency for Civil Servants, which still has limited power to manage the human resources of the public service). Adding up to all this, the resources they are allocated are much below their needs, and this becomes a real problem, for instance, for the National Institute for Public Administration, thus endangering its training capacity, the very basis of a professionalized administration.

## ***Government restructuring***

Parallel with the issuing of new legislation and the establishment of new institutions, another measure required for completion of the administration reform is the reshuffling of the Governmental structures. This implies the creation of a coherent, well functioning mechanism which enables a more efficient decision-making process.

This idea has been on the table for most of the last decade. Various Governments favored various patterns: different number of ministries (mostly decreasing), agencies, newly designed positions and departments. The main impulse behind all this was the pressure coming from the European Commission aimed at increasing the efficiency of the central public administration.

From 1998 to 2004, four “restructuring” sessions took place, each bringing about innovative elements or reinforcing already existing structures. New positions were introduced, such as, for instance, that of Minister Delegate (2003) or Minister of State –deputy Prime Minister, without portfolio– (2004), as well as new departments: National Control Authority (2003) and the Chancellery of the Prime Minister (2004), with the main functions of supervising and coordinating the activity of the Government. Moreover, a special emphasis was constantly put on developing and increasing the competencies of the structures responsible for managing the EU accession process.

At a first look, these measures appear to be in line with the aim of reaching compatibility with European standards. And, to a certain extent, they are. However, upon an objective analysis, several shortcomings can be identified throughout the development of the process.

First of all, and probably most important, looking at the totality of changes witnessed by the Romanian Government in the past seven years, one cannot grasp a coherent strategy that constituted the root of the central administration reform. Too many times, measures were determined by the change of power rather than by the idea of following certain principles that stand above political interests. For instance, the big number of governmental agencies was first put under the authority of the Prime Minister (in 1998), then subordinated to the respective ministries (in 2001, after the change of political colour of the Government), just to come back under the direct control of the chief of Government (in 2003). Too often, this lack of strategy resulted in contradictory actions that slowed down or rendered the reform process irrelevant.

Secondly, despite the fact that the institutional premises were created, as described above, the coordination among various Government departments is still lagging behind, communication channels being unclear and insufficiently developed and the structures still too intricate to enable an efficient and transparent cooperation. The division of labour between the various actors in charge of policy coordination (the Chancellery of the Prime Minister, the General Secretariat of the Government, the Public Policy Unit) continues to be unclear as their activities sometimes duplicate each other. These are some basic issues that have to be tackled in order to achieve the desired result of a cohesive and well functioning central administration.

## ***Civil servants' status and Human Resources management***

The core aspect of the public administration reform, greatly involved in both issues discussed above, is the concept of “civil servant”, with all the related topics, ranging from the legal status to Human Resources policies.

Adopted in the end of 1999, the “Civil Servants’ Status” (one of the short-term EU accession priorities) underlines the main principles governing the civil service: open and competitive access, a performance-related Human Resources management, together with the establishment of a Civil Servant’s Agency. In a moment when the main European tendency is that of restricting the “civil servant” concept to the central administration, the Romanian law proposes a broad definition, including both the central and the local levels. The Status underwent a comprehensive revision in 2003, the main focus being the reform of recruitment mechanisms and the re-enforcement of the National Agency’s competences.

A direct consequence of these legislative developments should be the stability of the civil servants’ positions in the context of democratic political change. Unfortunately, this is more difficult to achieve in practice, partly due to the heavy burden of the communist administration heritage and partly due to ambitions of the Romanian political actors, irrespective of their colour.

Although reaching a fair balance between politically appointees and career civil servants was, always, theoretically, one of the top reform priorities, the overall noticed tendency was to increase the number of Secretaries of State (belonging to a certain political group) to the disadvantage of the Directors General (professional civil servants), thus blurring the legitimacy patterns of the two categories and the aims of their representation in the central administration.

Moreover, every time a new party came to power, the civil servants in leading positions had to give up their places in favour of politically involved officials, loyal to the new Government. This “tradition” transforms the civil service into a mere “stake” for the political competition, making its proclaimed independence seem just an idealistic, non-binding provision.

Beside this major problem that undermines the very founding principles of the administration reform, there is need for an in-depth analysis of the Human Resources (HR) mechanisms which have an extremely relevant role in building a new professional civil service system.

As the European Commission’s regular country report from 2002 warns, the HR management in the Romanian public administration is limited, has no horizontal overview and no strategic plan. Not surprisingly, the EU roadmap for Romania, published in the end of 2002, pays special attention to this aspect, making specific recommendations. The main issues to be considered are: recruitment, remuneration and career path, and training.

Firstly, the recruitment process is not transparent enough, starting with job advertising and continuing with competition tests and procedures. This casts doubt on the selection criteria and their compatibility with the aim of professionalizing the public administration. Another important aspect is the deficit of civil servants, leaving certain ministries understaffed. Romania has the lowest number of civil servants per inhabitant in Eastern Europe (over four times less than the Czech Republic, for example). The number of “Euro civil servants”, for instance, a category with special status, linked directly to the objective of EU accession, is now 600, while the necessary number provided for is 2300. One can see here a real dilemma, as the International Monetary Fund (IMF) has been requiring a four percent decrease in the number of civil servants, on the purpose of reducing the budget deficit, while the EU is demanding exactly the opposite: reinforced recruitments, according to an annual plan.

Moreover, the eleven conditions that have to be fulfilled in order to avoid the activation of the safeguard clause (and the postponing of accession) specifically mention accelerating recruitments especially in the fields of police, border control and justice. The Government is thus in a very delicate situation, having to balance the need for a stable economic situation with that of an efficient public administration.

Secondly, concerning remuneration, the system is still too rigid and not stimulating enough. A periodic evaluation (according to clear targets set a priori) combined with a clear career structure, including rewarding the best performances, might succeed in motivating the civil servants and, thus, inherently improving the quality of public administration. The new remuneration plan, set to be finalized in 2005, can be a starting point for adopting and implementing a modern approach in civil service HR management.

Thirdly, the training of present and future civil servants is of great relevance for ensuring professionalism and efficiency. The National Institute for Public Administration, established in 2001, is functioning since 2002-2003. It offers intensive training for new recruits as well as continuous training for persons who already work in the system. The Institute is part of a large group of similar institutions in Europe, together with which it organizes regular exchanges and events. Unfortunately, like in many cases discussed above, its goals cannot be entirely fulfilled due to lack of sufficient resources. A special initiative, the EDIS programme, was aimed at training the Romanian civil servants to work with European funds. It is interesting to notice, however, that the stronger the connection with the use of EU resources, the more politicized the system gets. The most exposed units are those subordinated to the Ministry of Finance and the Ministry of the Environment, whose activities are closely related to managing EU funds. For instance, following the last general elections, the criteria for nominating the directors of the Environment Protection Agencies were of a more political than meritocratic nature.

A last point to be mentioned, in relation to the ones already analysed, is the need for accountability and incorruptibility. Even though a Code of Ethics for the civil servants was issued in 2004, this goal is difficult to achieve. What we notice in the case of Romania is a “citizen-oriented” concept of administration still struggling to defeat the old mentality dating back from the communist times, characterized by a lack of service and administration culture. As a direct result, public confidence in central institutions has been constantly lagging at a very low level. The final success of the reform process depends to a great extent on this change of perspective which, unfortunately, is also the most difficult to achieve.

## **Institutional setting for the EU-Romania relations**

Maybe the most visible transformation that took place in the Romanian public administration system, being strongly conditioned by the EU accession process, is the establishment within its structures of various units and bodies having a clear mandate of dealing with European integration issues. Their number and competencies increased directly proportional with the evolution of EU-Romania relations.

If in 1997, when the European Union decided upon the enlargement process (including its opinion about Romania’s membership), the main European nucleus in the Government was the understaffed Department of European Integration, directly subordinated to the Prime Minister, later on, an entire net of EU-related departments and institutions was established, both at central and local level.



After the beginning of negotiations, in 2000, the Ministry of European Integration was set up (2001), as a specialized organ of the central public administration, with the aim of coordinating the preparation process of Romania's EU accession and conducting the negotiations.

Moreover, EU units were created in almost every Ministry, as well as an inter-ministerial working group dealing with the preparation of each negotiation chapter (2001). These initiatives were necessary for ensuring that the EU integration topics are tackled in a professional manner, irrespective of the policy field. Beside this, the new departments are attributed complex functions: on the one hand coordinating the EU-related policies within the Government, across ministries, and on the other hand communicating and cooperating in a constant manner with the European institutions in Brussels. They are well integrated in the entire administrative system and make a noteworthy contribution towards the process of policy formulation and implementation.

The EU-Romania dialogue was and still is largely dependent on the well functioning and efficient interaction of these specialized structures. They are responsible for the fluidity of relations between the two parties as well as for the fair and open process of cooperation.

## Conclusions

As the above analysis shows, the reform of the central public administration, strongly connected to and conditioning Romania's accession to the EU, is a complex process that has to be perceived in its duality of lights and shadows.

As a first concluding remark, it can be observed that a *Europeanisation* process is indeed taking place, encompassing various fields of the public sphere. In the central administration, it has been representing the driving force towards the goals of reform and modernization. At the constant pressure of the EU institutions, Romania developed, especially in the last seven years, an adequate legal framework and an institutional setup designed as a first step and as a ground for the reform process. Moreover, the Governmental structures have undergone various changes, in an attempt to improve their efficiency and coordination. New specialized units were established with the mandate of managing the EU-Romania dialogue as well as the negotiation process. Last but not least, the very relevant but sensitive issues related to civil servant's status and HR policies were tackled with the purpose of professionalizing civil service by creating clear milestones in the recruitment and evaluation processes. All this was achieved under the auspices of the EU pre-accession strategy that emphasized the importance of enhancing the administrative capacity of the candidate countries. A combination of monitoring (through Regular Reports of the European Commission) and assistance (through PHARE programmes with twinning components) was used in order to encourage and facilitate the public administration reform.

However, although the *Europeanisation* is visible as far as *structures* are concerned, when it comes to the *essence*, the process of adopting European values and standards is more cumbersome. Laws are not completely implemented (with secondary legislation lagging behind), the new institutions still lack a clear mandate and appropriate resources, Government structures are in need of a coherent coordination strategy, while the Human Resources management in the civil service sector is characterized by important gaps between well-designed patterns and practice, still in need of essential improvements.

Secondly, even though not mentioned in a separate chapter during and after the negotiations, it is obvious that the public administration reform represents a “thorny” issue on the EU-Romania dialogue agenda. It strongly influences the various aspects of the accession process. A well functioning public administration is a guarantee that the country will be able to act responsibly and bring added value to the making and implementation of European policies. On the contrary, the message sent to Brussels by a central mechanism that has not yet freed itself completely from political interference and continuously delays putting into practice its own rules, is a mixed one, casting doubts on the potential of the country to play correctly, in a professional and efficient manner in the European arena and, in this specific case, on the capacity to absorb and use the EU structural funds. Thus, unless the administration reform will finally find its way from theory into practice, alongside with the fulfillment of the other requirements, Romania risks losing its credibility acquired thanks to its recent progress.

Consequently, the *européanisation* process in the field of public administration, started during the pre-accession period, will have to be continued and reinforced after Romania's accession, enabling the country to perform the concrete tasks implied by full EU membership.