



European Union Administration: Legitimacy and Efficiency

Peter Nedergaard



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By
Peter Nedergaard

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List of Abbreviations

ACP countries	African, Caribbean, and Pacific states.
AD	Category of staff, which contains administrators with typically an academic education.
AST	Category of staff in the EU's system, which contains assistant staff.
Benelux	Belgium, the Netherlands and Luxembourg.
CAP	Common Agricultural Policy.
CFSP	Common Foreign and Security Policy.
Coreper	Comité des Représentatives Permanente; Committee of the Permanent Representatives.
CREST	Crest is a committee for scientific and technical research, which is composed of high officials selected by the European Union's Member States, states applying for membership, and EEA-countries.
CSA	Comité Speciale Agriculture; Special Committee for Agriculture.
DG	General Directorates; Directorate General.
EAGGF	European Agricultural Guidance and Guarantee Fund.
EC	European Community; now known as the European Union (EU).
ECB	European Central Bank.
ECJ	Court of Justice.
EcoFin	Economic and Financial Affairs Council.
ECOSOC	The Economic and Social Committee, whose main function is to coordinate the UN's system of activities on the economic, developmental, and social area.
ECSC	European Coal and Steel Community.
EEA	European Economic Area. It allows EFTA countries to participate in the internal market without having to join the EU.
EEC	European Economic Community.
EFTA	European Free Trade Association, which consists of Norway, Switzerland, Iceland, and Liechtenstein.
EMCO	Employment committee, which pre-negotiates questions of relevance to employment in advance of considerations in the Council for Ministers for Social and Employment issues. EMU Economic and Monetary Union

ESC	Economic and Social Committee.
ESF	European Social Fund.
ERDF	European Regional Development Fund.
FIFG	Financial Instrument for Fisheries Guidance.
EMU	Economic and Monetary Union
END	French abbreviation for “experts with national attachment”.
EPC	European Political Cooperation. Formally did the Maastricht Treaty dissolve EPS.
EU	European Union. The European Economic Community (EEC) got the name EU when the Treaty of Maastricht came into force.
Euratom	European Atomic Energy Community.
Europol	European Police Force.
Eurostat	The European Unions statistical department.
GAERC	General Affairs and External Relations Council.
GNP	Gross national product.
JET	Joint European Torus.
JHA	Justice and Home Affairs.
MEP	Member of European Parliament.
NATO	North Atlantic Treaty Organization.
NGO	Non-governmental Organization; i.e. youth, environment, consumer organizations etc.
OECD	Organization for Economic Cooperation and Development. The members are the European and Central Asian countries, the US, and Canada.
PR	Permanent Representations; Representations of the Member States in Brussels.
SEA	The Single European Act.
SCA	Special Committee on Agriculture.
SOP	Standard Operational Procedure.
TEC	Treaty on the European Community.
TEU	Treaty on the European Union.
QMV	Qualified-majority voting.
UN	United Nations.
UNCTAD	United Nations Conference on Trade and Development.
WEU	West European Union.
WTO	World Trade Organisation; WTO is an international organisation, which deals with trade rules between the Member States. WTO is the successor of General Agreement on Tariffs and Trade (GATT). There are 141 members of WTO.

Preface

This book addresses a theme which I think is not dealt with in sufficient length in the literature on European integration, namely the European integration process seen through administrative lenses. Of course, a book like this also has to analyse the institutions, policy-making procedures, and the legal context of the European integration process. However, the focus is kept on the implications for the administrative and the administrator's side of the story.

Besides being a book about the administration of Europe, the threads running through the book are the concepts of efficiency and legitimacy. The two concepts are used both to evaluate the functioning of the European administration and to contrast the European administration with the national administrations or civil services of the Member States. At the same, the practical side of the administration of European integration is at the forefront of the book.

In preparing the book I have received much help from many people. About the most important are Sebastian Volkers, the European Commission; Anders Buch Kristensen, former the Permanent Representation of Denmark to the European Union; Morten Espelund, the European Commission; J. Ørstrøm Møller, the Danish Ministry of Foreign Affairs; Emil Kirchner, University of Essex; Morten Kelstrup, Institute of Political Science, University of Copenhagen; Helle Thorning-Schmidt, member of the Danish Parliament; Thomas Horn, Kasper Lindskow, Emilie Ekeberg, and Monica Thurmond.

Last, but not least, this book would never have seen the light if it was not for my wife, Birgitte Olesen.

Originally, the idea to write this book came from Knud Erik Jørgensen, Institute of Political Science, University of Aarhus, on a night in May 2005 at the European Union Studies Association's conference in Austin, Texas. Thanks for that!

Copenhagen, July 2006

Peter Nedergaard

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Chapter One

Introduction

1.1. PROBLEMS

The purpose of this book is to contribute to a more thorough understanding of the EU administration. The unique way in which the EU administration is organized is a result of the special character of the European Union. In some regards, it looks most like an ordinary international organization while, in others, it resembles a federal state. The fact that the European Union has both intergovernmental and federal characteristics influences the framework for the Union and the workings of the administration. In the EU administration, the national public servants are in a system that encompasses a range of federal characteristics and, at the same time, are superior in some areas to the national administration or civil service. However, simultaneously, the game of power politics in the EU administration in many ways resembles what is usually seen in a national administration.

The book is fundamentally written with a wish to provide answers to both how 'federal relations' and 'confederal relations' affect the organization of the European Union seen from the perspective of the public servant. How and to what extent is the EU organized as 'federalist' or 'confederalist', and what is the significance for the legitimacy and effectiveness of the administration? These are the questions that are sought answered in this book.

In answering these questions, the primary focus is on the decision-making process. What is meant by decision-making process is the process that begins with the preparatory work on a case or an initiative and ends with a final decision being made. The focus is, in other words, primarily on the political-administrative upstream process as opposed to the downstream process in which the decisions are implemented.

The implementation, or downstream perspective, that is the other important part of the purpose of the administration is only included to the extent that it contributes to the understanding of the political decision-making process in the institutions and administration of the European Union. The basis for this line of demarcation of the analysis is both a result of practical concerns, such as the number of pages allowed in a book, and the author's personal interests and preferred theoretical approaches.

1.2. THE STRUCTURE OF THE BOOK AND INSTRUCTIONS FOR READING

The book is divided in two main parts. Part I provides general characteristics of the cooperation in the European Union as well as its historical origins, and it presents a range of concepts and theoretical elements which are used in the analysis of the administration of the EU. Chapter 2 in part I discusses the position of the EU administration as a hybrid between international organizations such as the UN and national administrations such as the French or the British. A range of concepts is presented which is useful when one wishes to categorize and compare the EU administration with other forms of administrations. In addition, the influence of the surroundings and the Eurocrats (a term used for officials in the European Commission) in the hybrid administration of the EU is discussed.

Chapter 3 deals with theories and concepts that are relevant for the analysis of the EU administration in an organizational perspective and an integration perspective. Furthermore, the importance of organizational structures, organizational processes and organizational cultures as well as legitimacy and efficiency is discussed.

Chapter 4 briefly touches upon the historical development and context of the EU as it is seen from both a legal and political perspective. In the legal perspective, the focus is on the effect of the treaty basis of the EU and the legal acts used in administrative and political decision-making. In the political perspective, the focus is on the institutional division of power between the EU and the Member State and between the institutions at the EU level.

Part II analyses the EU administration in its historical context and hybrid character using the concepts and theoretical elements presented in part I. The question that the analysis ultimately seeks to answer is how the special character of the EU administration influences the legitimacy and efficiency of the EU. Part II begins with an overall analysis of the working conditions for the Eurocrats (chapter 5). Afterwards, the administration in the Commission (chapter 6) and the Council (chapter 7) is analysed from a structural, procedural and cultural perspective.

Finally, some perspectives are drawn in chapter 8.

1.3. METHODOLOGICAL CONSIDERATIONS

The aim of the book is to provide an empirically founded and theoretically framed analysis of how decisions are made in the EU from the perspective of the officials. Accordingly, great weight has been attached to gathering information and data from relevant and reliable sources. The area of research is characterized by an almost endless stream of new literature and new documents of greater or smaller significance to the mission of the book. An important task is, in this regard, to discover what leads to real changes and what does not.

The book is also based on interviews. The interviews are so-called exemplifying or representative interviews in which the chosen respondents are expected to provide knowledge of entire fields of actors. One might question whether the statements of individuals are expected to provide insights that are representative and allow for generalisations. This question can only be answered by double-checking the information provided by interviews using alternative sources such as written material. In the cases where double-checking has not been possible, interviews have only been used as sources when they have appeared credible and thoroughly consistent.

Last, but not least, a note on terminology about the concept of EU administrations. The concept of the EU administration may be defined in a broader and narrower sense. In the former case, the EU administration may be regarded as all administrations that participate in the decision-making process of the European Union, i.e. national and all supranational administrative units of the EU. The EU's administration in the narrow sense of the word is the administration in Brussels that is permanently employed by the Commission.

In this book, the latter definition (the *EU's administration*) is used when it comes to the Commission's administration. The other administrations at the EU level are the General Secretariat of the Council of Ministers and the relatively small administrations of the European Parliament and the Court of Justice, as well as all aspects of the Member States' administrations participating in EU's decision-making process. When I include these institutions of the European Union administration in my analysis, I use the term the *EU administration*.

Part I

Concepts, Theories, and Context of the
EU administration